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Price: EUR 7

<sup>(1)</sup> Text with EEA relevance

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<sup>(1)</sup> Text with EEA relevance

## I

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

## REGULATIONS

## COMMISSION REGULATION (EC) No 1158/2009

of 30 November 2009

**establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 1 December 2009.

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

Done at Brussels, 30 November 2009.

*For the Commission*

Jean-Luc DEMARTY

*Director-General for Agriculture and  
Rural Development*

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

<sup>(2)</sup> OJ L 350, 31.12.2007, p. 1.

## ANNEX

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

(EUR/100 kg)

CN code	Third country code <sup>(1)</sup>	Standard import value
0702 00 00	LA	36,8
	MA	36,7
	MK	52,7
	TR	63,0
	ZZ	47,3
0707 00 05	MA	59,4
	TR	80,0
	ZZ	69,7
0709 90 70	MA	34,1
	TR	128,4
	ZZ	81,3
0805 20 10	MA	72,6
	ZZ	72,6
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	CN	49,3
	HR	39,1
	MA	63,0
	TR	78,0
	ZZ	57,4
0805 50 10	AR	64,7
	MA	61,1
	TR	70,7
	ZZ	65,5
0808 10 80	AU	142,2
	CA	70,1
	CN	108,9
	MK	22,6
	US	100,5
	ZA	125,2
	ZZ	94,9
0808 20 50	CN	39,2
	TR	91,0
	US	258,9
	ZZ	129,7

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

**COMMISSION REGULATION (EC) No 1159/2009****of 30 November 2009****fixing the import duties in the cereals sector applicable from 1 December 2009**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) <sup>(1)</sup>,Having regard to Commission Regulation (EC) No 1249/96 of 28 June 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 in respect of import duties in the cereals sector <sup>(2)</sup>, and in particular Article 2(1) thereof,

Whereas:

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

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

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

(4) Import duties should be fixed for the period from 1 December 2009 and should apply until new import duties are fixed and enter into force,

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 1 December 2009.

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

Done at Brussels, 30 November 2009.

*For the Commission*

Jean-Luc DEMARTY

*Director-General for Agriculture and  
Rural Development*

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

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

## ANNEX I

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

CN code	Description	Import duties <sup>(1)</sup> (EUR/t)
1001 10 00	Durum wheat, high quality	0,00
	medium quality	0,00
	low quality	14,17
1001 90 91	Common wheat seed	0,00
ex 1001 90 99	High quality common wheat, other than for sowing	0,00
1002 00 00	Rye	37,85
1005 10 90	Maize seed other than hybrid	17,53
1005 90 00	Maize, other than seed <sup>(2)</sup>	17,53
1007 00 90	Grain sorghum other than hybrids for sowing	37,85

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

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

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

## ANNEX II

## Factors for calculating the duties laid down in Annex I

13.11.2009-27.11.2009

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

	(EUR/t)					
	Common wheat <sup>(1)</sup>	Maize	Durum wheat, high quality	Durum wheat, medium quality <sup>(2)</sup>	Durum wheat, low quality <sup>(3)</sup>	Barley
Exchange	Minneapolis	Chicago	—	—	—	—
Quotation	152,42	103,68	—	—	—	—
Fob price USA	—	—	128,00	118,00	98,00	75,75
Gulf of Mexico premium	—	14,49	—	—	—	—
Great Lakes premium	13,89	—	—	—	—	—

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

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

Freight costs: Gulf of Mexico–Rotterdam: 22,76 EUR/t

Freight costs: Great Lakes–Rotterdam: 44,86 EUR/t

**COMMISSION REGULATION (EC) No 1160/2009****of 30 November 2009****amending the representative prices and additional import duties for certain products in the sugar sector fixed by Regulation (EC) No 877/2009 for the 2009/10 marketing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

for the 2009/10 marketing year are fixed by Commission Regulation (EC) No 877/2009 <sup>(3)</sup>. These prices and duties have been last amended by Commission Regulation (EC) No 1146/2009 <sup>(4)</sup>.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The representative prices and additional duties applicable to imports of the products referred to in Article 36 of Regulation (EC) No 951/2006, as fixed by Regulation (EC) No 877/2009 for the 2009/10, marketing year, are hereby amended as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 December 2009.

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

Done at Brussels, 30 November 2009.

*For the Commission*

Jean-Luc DEMARTY

*Director-General for Agriculture and  
Rural Development*

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

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

<sup>(3)</sup> OJ L 253, 25.9.2009, p. 3.

<sup>(4)</sup> OJ L 312, 27.11.2009, p. 40.

## ANNEX

**Amended representative prices and additional import duties applicable to white sugar, raw sugar and products covered by CN code 1702 90 95 from 1 December 2009**

(EUR)

CN code	Representative price per 100 kg net of the product concerned	Additional duty per 100 kg net of the product concerned
1701 11 10 <sup>(1)</sup>	35,70	0,58
1701 11 90 <sup>(1)</sup>	35,70	4,19
1701 12 10 <sup>(1)</sup>	35,70	0,44
1701 12 90 <sup>(1)</sup>	35,70	3,90
1701 91 00 <sup>(2)</sup>	40,56	5,30
1701 99 10 <sup>(2)</sup>	40,56	2,17
1701 99 90 <sup>(2)</sup>	40,56	2,17
1702 90 95 <sup>(3)</sup>	0,41	0,27

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

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

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

**COMMISSION REGULATION (EC) No 1161/2009****of 30 November 2009****amending Annex II to Regulation (EC) No 853/2004 of the European Parliament and of the Council as regards food chain information to be provided to food business operators operating slaughterhouses****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin <sup>(1)</sup>, and in particular Article 10(1) thereof,

Whereas:

- (1) Regulation (EC) No 853/2004 lays down specific rules concerning the hygiene of food of animal origin. In particular, Section III of Annex II to that Regulation requires food business operators operating slaughterhouses to request, receive, check and act upon food chain information for all animals, other than wild game, sent or intended to be sent to the slaughterhouse.
- (2) Point 2 of that Section provides that those operators are to be provided with the food chain information no less than 24 hours before the arrival of animals at the slaughterhouse, except in the circumstances referred to in point 7 of that Section. Point 7 provides that where the competent authority so permits, that information may accompany certain animals specified in that point to the slaughterhouse, rather than arriving at least 24 hours in advance of their arrival.
- (3) As the provision of food chain information is a new requirement for food business operators introduced by Regulation (EC) No 853/2004, a transitional period for the full implementation of that requirement is laid down by Commission Regulation (EC) No 2076/2005 of 5 December 2005 laying down transitional arrangements for the implementation of Regulations (EC) No 853/2004, (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council <sup>(2)</sup>.
- (4) The smooth flow of the food chain information from the farm to the slaughterhouse is, in particular, facilitated by Article 8(2) of Regulation (EC) No 2076/2005 which provides for a derogation from the requirement laid down in point 2 of Section III of Annex II to Regulation (EC) No 853/2004 to supply the food chain information 24 hours in advance of the animals' arrival at the slaughterhouse, if the competent authority so permits and where this does not jeopardise the objectives of that Regulation.
- (5) Experience has shown that enabling the competent authorities to broaden on a case-by-case basis the situations where the food chain information may be sent to the slaughterhouse together with the animals to which it refers, rather than arriving 24 hours in advance, has led to a smooth implementation of the food chain information requirements. Accordingly, it is appropriate to make that transitional arrangement permanent.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

*Article 1*

Annex II to Regulation (EC) No 853/2004 is amended in accordance with the Annex to this Regulation.

*Article 2*

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

It shall apply from 1 January 2010.

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

Done at Brussels, 30 November 2009.

*For the Commission*  
Androulla VASSILOU  
*Member of the Commission*

<sup>(1)</sup> OJ L 139, 30.4.2004, p. 55.

<sup>(2)</sup> OJ L 338, 22.12.2005, p. 83.

## ANNEX

In Annex II to Regulation (EC) No 853/2004, Section III, point 7 is replaced by the following:

- '7. If the competent authority so permits and provided it does not jeopardise the objectives of this Regulation, food chain information may arrive less than 24 hours before the arrival of the animals of all species to which it relates at the slaughterhouse or accompany these animals to the slaughterhouse.

However, any item of food chain information, knowledge of which may result in serious disruption of the slaughterhouse activity, is to be made available to the food business operator operating the slaughterhouse in sufficient time before the animals arrive at the slaughterhouse, in order for that food business operator to plan the slaughterhouse activity accordingly.

The food business operator operating the slaughterhouse must evaluate the relevant information and must submit the food chain information received to the official veterinarian. The slaughter or dressing of the animals may not take place until the official veterinarian so permits.'

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**COMMISSION REGULATION (EC) No 1162/2009****of 30 November 2009****laying down transitional measures for the implementation of Regulations (EC) No 853/2004, (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin <sup>(1)</sup>, and in particular Article 9(1) thereof,Having regard to Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption <sup>(2)</sup>, and in particular Article 16(1) thereof,Having regard to Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules <sup>(3)</sup>, and in particular the first subparagraph and point (b) of the second subparagraph of Article 63(1) thereof,

Whereas:

(1) Regulations (EC) No 852/2004 <sup>(4)</sup>, (EC) No 853/2004, (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council provide for significant changes to the rules and procedures to be followed by food business operators and the competent authorities of the Member States. Those Regulations apply from 1 January 2006. However, the application of a number of these measures with immediate effect from that date would have presented practical difficulties in certain cases.

(2) Accordingly, Commission Regulation (EC) No 2076/2005 of 5 December 2005 laying down transitional arrangements for the implementation of Regulations (EC) No 853/2004, (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council <sup>(5)</sup> provides for certain transitional arrangements

for a transitional period ending on 31 December 2009, in order to permit a smooth transition to the full implementation of the new rules and procedures. The duration of the transitional period was fixed taking into account the review of this regulatory framework on hygiene.

(3) Regulations (EC) No 852/2004, (EC) No 853/2004 and (EC) No 854/2004 provide that the Commission is to submit a report to the European Parliament and to the Council reviewing the experience gained from the implementation of the new regulatory framework on hygiene before 20 May 2009.

(4) The report was transmitted in July 2009. However, the report does not suggest any detailed solutions to the difficulties reported and is, therefore, not accompanied by proposals. On the basis of the difficulties identified, the Commission will consider the need for any proposals to improve the food hygiene Regulations.

(5) Meanwhile, based on the information received from the Food and Veterinary Office, the competent authorities in the Member States and relevant European food business sectors, certain transitional arrangements provided for in Regulation (EC) No 2076/2005 should be maintained pending the completion of the review process.

(6) Provision should therefore be made for a further transitional period during which certain transitional arrangements provided for in Regulation (EC) No 2076/2005 should continue to apply. With a view to a harmonised approach, that transitional period should in principle last four years but could, where justified, be shorter.

(7) Regulation (EC) No 853/2004 excludes from its scope the direct supply by the producer of small quantities of meat from poultry and lagomorphs slaughtered on the farm to the final consumer or to local retail establishments supplying directly the final consumer as fresh meat. However, limiting this provision to fresh meat before the end of the review exercise would be an additional burden for small producers. Accordingly, Regulation (EC) No 2076/2005 provides for a derogation from the general requirements of Regulation (EC) No 853/2004 for the direct supply of such commodities under certain conditions, without limiting it to fresh meat. That possibility should be maintained during the additional transitional period provided for in this Regulation.

<sup>(1)</sup> OJ L 226, 25.6.2004, p. 22.

<sup>(2)</sup> OJ L 226, 25.6.2004, p. 83.

<sup>(3)</sup> OJ L 191, 28.5.2004, p. 1.

<sup>(4)</sup> OJ L 226, 25.6.2004, p. 3.

<sup>(5)</sup> OJ L 338, 22.12.2005, p. 83.

(8) Regulations (EC) No 853/2004 and (EC) No 854/2004 lay down certain rules for imports into the Community of products of animal origin and food containing both products of plant origin and processed products of animal origin. Regulation (EC) No 2076/2005 provides for transitional arrangements derogating from certain of those rules for certain imports for which the public health conditions for their importation into the Community have not yet been harmonised at Community level. Those conditions will not be completely harmonised before 31 December 2009. Accordingly, pending future harmonisation of Community legislation, it is necessary to provide for derogations during the additional transitional period laid down in this Regulation.

(9) Regulation (EC) No 853/2004 lays down certain requirements concerning the raw material used to prepare minced meat and labelling. However, Regulation (EC) No 2076/2005 provides for transitional arrangements derogating from certain of those requirements for a transitional period during which the composition criteria of minced meat regarding, in particular, the content of fat and the connective tissue-meat protein ratio were to be assessed. Based on the assessment, these criteria were included in the Commission proposal for a Regulation of the European Parliament and of the Council on the provision of food information to consumers<sup>(1)</sup>. This proposal was adopted on 30 January 2008 by the Commission and transmitted to the European Parliament and to the Council. Pending the outcome of the proposal, it is appropriate to maintain such derogations from certain requirements concerning minced meat during the additional transitional period provided for in this Regulation.

(10) Regulation (EC) No 882/2004 requires laboratories carrying out analysis of samples taken during official controls to be accredited. Regulation (EC) No 2076/2005 provides for a transitional arrangement derogating from that requirement for certain laboratories which were not required under previous Community legislation to be accredited. Experience has shown that laboratories carrying out official testing for *Trichinella* and located in slaughterhouses or game handling establishments require additional time to obtain full accreditation, since accreditation is a complex and laborious process. Accordingly, this Regulation should provide for further transitional measures for those laboratories subject to certain conditions.

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

HAS ADOPTED THIS REGULATION:

#### CHAPTER I

#### GENERAL PROVISION

##### Article 1

#### The transitional period

This Regulation lays down transitional measures for the implementation of Regulations (EC) No 853/2004, (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and the Council for a transitional period from 1 January 2010 to 31 December 2013 (the transitional period).

#### CHAPTER II

#### TRANSITIONAL MEASURES FOR THE IMPLEMENTATION OF REGULATION (EC) No 853/2004

##### Article 2

#### Direct supply of small quantities of meat from poultry and lagomorphs

By way of derogation from Article 1(3)(d) and without prejudice to Article 1(4) of Regulation (EC) No 853/2004, the provisions laid down in that Regulation shall not apply to the direct supply, by the producer, of small quantities of meat from poultry and lagomorphs slaughtered on the farm to the final consumer or to local retail establishments directly supplying such meat to the final consumer.

##### Article 3

#### Health import conditions

1. Article 6(1) of Regulation (EC) No 853/2004 shall not apply to imports of food of animal origin for which no harmonised public health import conditions have been established, including lists of third countries and parts of third countries and of establishments from which imports are permitted.

Imports of those products shall comply with the public health import conditions of the Member State concerned.

2. By way of derogation from Article 6(4) of Regulation (EC) No 853/2004, food business operators importing food containing both products of plant origin and processed products of animal origin shall be exempt from the obligation provided for in that Article.

Imports of such products shall comply with the harmonised Community rules, where applicable, and with the national rules implemented by the Member States in other cases.

<sup>(1)</sup> COM(2008) 40 final.

## Article 4

**Composition criteria and labelling requirements for minced meat**

1. By way of derogation from the requirements laid down in Chapter II(1) of Section V of Annex III to Regulation (EC) No 853/2004, the food business operator must check the raw materials entering the establishment to ensure compliance with the name of the product in the table below in respect of the final product.

Table

**Composition criteria checked on the basis of a daily average**

	Fat content	Connective tissue: meat protein ratio
lean minced meat	≤ 7 %	≤ 12
minced pure beef	≤ 20 %	≤ 15
minced meat containing pigmeat	≤ 30 %	≤ 18
minced meat of other species	≤ 25 %	≤ 15

2. By way of derogation from the requirements laid down in Chapter IV of Section V of Annex III to Regulation (EC) No 853/2004, the labelling must also display the following words:

- ‘percentage of fat under...’;
- ‘connective tissue: meat protein ratio under...’.

3. The Member States may allow the placing on their national market of minced meat which does not comply with these criteria under a national mark that cannot be confused with the marks provided for in Article 5(1) of Regulation (EC) No 853/2004.

## CHAPTER III

**TRANSITIONAL MEASURES FOR THE IMPLEMENTATION OF REGULATION (EC) No 854/2004**

## Article 5

**Health import conditions**

Chapter III of Regulation (EC) No 854/2004 shall not apply to imports of food of animal origin for which no harmonised

public health import conditions have been established, including lists of third countries and parts of third countries and of establishments from which imports are permitted.

Imports of such products shall comply with the public health import conditions of the Member State concerned.

## CHAPTER IV

**TRANSITIONAL MEASURES FOR THE IMPLEMENTATION OF REGULATION (EC) No 882/2004**

## Article 6

**Accreditation of official laboratories conducting *Trichinella* testing**

By way of derogation from Article 12(2) of Regulation (EC) No 882/2004, the competent authority may designate a laboratory carrying out official testing for *Trichinella* and located in a slaughterhouse or a game handling establishment provided that, although not accredited, the laboratory:

- (a) demonstrates that it has initiated and is pursuing the necessary accreditation procedures in accordance with Regulation (EC) No 882/2004;
- (b) provides the competent authority with satisfactory guarantees that quality control schemes for the analyses it conducts for the purpose of official controls are in place.

Member States applying this transitional measure shall report to the Commission on the progress in accrediting any such designated laboratories at the end of each year.

## CHAPTER V

**FINAL PROVISIONS**

## Article 7

Regulation (EC) No 2076/2005 is hereby repealed.

## Article 8

**Entry into force**

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

It shall apply from 1 January 2010 to 31 December 2013.

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

Done at Brussels, 30 November 2009.

For the Commission  
Androulla VASSILOU  
Member of the Commission

## COMMISSION REGULATION (EC) No 1163/2009

of 30 November 2009

## amending Regulation (EC) No 417/2002 of the European Parliament and of the Council on the accelerated phasing-in of double-hull or equivalent design requirements for single-hull oil tankers

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

*Article 1*

Regulation (EC) No 417/2002 is amended as follows:

Having regard to Regulation (EC) No 417/2002 of the European Parliament and of the Council of 18 February 2002 on the accelerated phasing-in of double-hull or equivalent design requirements for single-hull oil tankers<sup>(1)</sup>, and in particular Article 11 thereof,

1. Article 3 is replaced by the following:

*'Article 3***Definitions**

For the purpose of this Regulation, the following definitions shall apply:

Whereas:

(1) Regulation (EC) No 417/2002 refers to the definitions and standards set out in Annex I to the International Convention for the Prevention of Pollution from Ships (hereinafter Marpol).

(2) On 15 October 2004, the Marine Environment Protection Committee (MEPC) of the International Maritime Organisation (IMO) undertook a full revision, without changing the substance, of Annex I to Marpol. That revised Annex came into force on 1 January 2007.

(3) On 24 March 2006, the MEPC also amended the definition of heavy grades of oil in Regulation 21.2 of Annex I to Marpol. That amendment came into force on 1 August 2007.

(4) Regulation (EC) No 417/2002 must therefore be amended accordingly.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Committee on Safe Seas and the Prevention of Pollution from Ships,

1. "Marpol 73/78" means the International Convention for the Prevention of Pollution from Ships, 1973, as amended by the Protocol of 1978 relating thereto, in their up-to-date versions;

2. "oil tanker" means an oil tanker as defined in Regulation 1.5 of Annex I to Marpol 73/78;

3. "deadweight" means deadweight as defined in Regulation 1.23 of Annex I to Marpol 73/78;

4. "category 1 oil tanker" means an oil tanker of 20 000 tonnes deadweight or above and carrying crude oil, fuel oil, heavy diesel oil or lubricating oil as cargo or of 30 000 tonnes deadweight or above and carrying oil other than the above and which does not comply with the requirements in Regulations 18.1 to 18.9, 18.12 to 18.15, 30.4, 33.1, 33.2, 33.3, 35.1, 35.2 and 35.3 of Annex I to Marpol 73/78;

5. "category 2 oil tanker" means an oil tanker of 20 000 tonnes deadweight or above and carrying crude oil, fuel oil, heavy diesel oil or lubricating oil as cargo or of 30 000 tonnes deadweight or above and carrying oil other than the above and which complies with the requirements in Regulations 18.1 to 18.9, 18.12 to 18.15, 30.4, 33.1, 33.2, 33.3, 35.1, 35.2 and 35.3 of Annex I to Marpol 73/78 and is fitted with segregated ballast tanks protectively located (SBT/ PL);

<sup>(1)</sup> OJ L 64, 7.3.2002, p. 1.

6. "category 3 oil tanker" means an oil tanker of 5 000 tonnes deadweight or above but less than that specified in definitions 4 and 5;
7. "single-hull oil tanker" means an oil tanker which does not comply with the double-hull or equivalent design requirements in Regulations 19 and 28.6 of Annex I to Marpol 73/78;
8. "double-hull oil tanker" means an oil tanker:
- (a) of 5 000 tonnes deadweight or above, complying with the double-hull or equivalent design requirements in Regulations 19 and 28.6 of Annex I to Marpol 73/78 or the requirements in Regulation 20.1.3 thereof; or
- (b) of 600 tonnes deadweight or above but less than 5 000 tonnes deadweight, fitted with double-bottom tanks or spaces complying with Regulation 19.6.1 of Annex I to Marpol 73/78 and wing tanks or spaces arranged in accordance with Regulation 19.3.1 thereof and complying with the requirement as to distance *w* in Regulation 19.6.2 thereof;
9. "age" means the age of the ship, expressed in number of years from its date of delivery;
10. "heavy diesel oil" means diesel oil as defined in Regulation 20 of Annex I to Marpol 73/78;
11. "fuel oil" means heavy distillates of crude oil or residues therefrom or blends of such materials as defined in Regulation 20 of Annex I to Marpol 73/78;
12. "heavy grades of oil" means:
- (a) crude oils of a density at 15 °C of over 900 kg/m<sup>3</sup> (\*);
- (b) oils other than crude oils and of a density at 15 °C of over 900 kg/m<sup>3</sup> or a kinematic viscosity at 50 °C of over 180 mm<sup>2</sup>/s (\*\*);
- (c) bitumen and tar and emulsions thereof.
- (\*) Corresponding to an API grade of less than 25,7.  
(\*\*) Corresponding to a kinematic viscosity of over 180 cSt.;
2. in Article 4(2), the reference 'paragraph 1(c) of revised Regulation 13G of Annex I to MARPOL 73/78' is replaced by 'Regulation 20.1.3 of Annex I to Marpol 73/78';
3. in Article 7, the references 'paragraph 5 of revised Regulation 13G of Annex I to MARPOL 73/78' are replaced by 'Regulation 20.5 of Annex I to Marpol 73/78';
4. Article 9 is amended as follows:
- (a) in paragraph 2:
- (i) the reference 'the provisions of paragraph 5 of revised Regulation 13G of Annex I of MARPOL 73/78' is replaced by 'Regulation 20.5 of Annex I to Marpol 73/78';
- (ii) the reference 'paragraph 8(b) of revised Regulation 13G of Annex I of MARPOL 73/78' is replaced by 'Regulation 20.8.2 of Annex I to Marpol 73/78';
- (b) in paragraph 3, the reference 'paragraph 8(a) of revised Regulation 13G of Annex I of MARPOL 73/78' is replaced by 'Regulation 20.8.1 of Annex I to Marpol 73/78'.

#### Article 2

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

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

Done at Brussels, 30 November 2009.

For the Commission  
Antonio TAJANI  
Vice-President

## COMMISSION REGULATION (EC) No 1164/2009

of 27 November 2009

amending Regulation (EC) No 1126/2008 adopting certain international accounting standards in accordance with Regulation (EC) No 1606/2002 of the European Parliament and of the Council as regards International Financial Reporting Interpretations Committee's (IFRIC) Interpretation 18

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 1606/2002 of the European Parliament and of the Council of 19 July 2002 on the application of international accounting standards <sup>(1)</sup>, and in particular Article 3(1) thereof,

Whereas:

- (1) By Commission Regulation (EC) No 1126/2008 <sup>(2)</sup> certain international standards and interpretations that were in existence at 15 October 2008 were adopted.
- (2) On 29 January 2009, the International Financial Reporting Interpretations Committee (IFRIC) published IFRIC Interpretation 18 *Transfers of Assets from Customers*, hereinafter 'IFRIC 18'. IFRIC 18 is an interpretation that provides clarification and guidance on the accounting for transfers of items of property, plant and equipment from customers, or cash to acquire or construct an item of property, plant and equipment.
- (3) The consultation with the Technical Expert Group (TEG) of the European Financial Reporting Advisory Group (EFRAG) confirms that IFRIC 18 meets the technical criteria for adoption set out in Article 3(2) of Regulation (EC) No 1606/2002. In accordance with Commission Decision 2006/505/EC of 14 July 2006 setting up a Standards Advice Review Group to advise the Commission on the objectivity and neutrality of the European Financial Reporting Advisory Group's (EFRAG's) opinions <sup>(3)</sup>, the Standards Advice Review Group considered EFRAG's opinion on endorsement and advised the Commission that it is well-balanced and objective.

(4) The adoption of IFRIC 18 implies, by way of consequence, amendments to International Financial Reporting Standard (IFRS) 1 in order to facilitate the first time adoption of IFRS.

(5) Regulation (EC) No 1126/2008 should therefore be amended accordingly.

(6) The measures provided for in this Regulation are in accordance with the opinion of the Accounting Regulatory Committee,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Annex to Regulation (EC) No 1126/2008 is amended as follows:

1. International Financial Reporting Interpretations Committee's (IFRIC) Interpretation 18 *Transfers of Assets from Customers* is inserted as set out in the Annex to this Regulation;
2. International Financial Reporting Standard (IFRS) 1 is amended as set out in the Annex to this Regulation.

*Article 2*

Each company shall apply IFRIC 18 and the amendments to IFRS 1, as set out in the Annex to this Regulation, at the latest, as from the commencement date of its first financial year starting after 31 October 2009.

*Article 3*This Regulation shall enter into force on the third day following that of its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 27 November 2009.

For the Commission

Charlie McCREEVY

Member of the Commission

<sup>(1)</sup> OJ L 243, 11.9.2002, p. 1.

<sup>(2)</sup> OJ L 320, 29.11.2008, p. 1.

<sup>(3)</sup> OJ L 199, 21.7.2006, p. 33.

## ANNEX

## INTERNATIONAL ACCOUNTING STANDARDS

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IFRIC 18	IFRIC Interpretation 18 <i>Transfers of Assets from Customers</i>
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**IFRIC INTERPRETATION 18**  
***Transfers of Assets from Customers***

**REFERENCES**

- *Framework for the Preparation and Presentation of Financial Statements*
- IFRS 1 *First-time Adoption of International Financial Reporting Standards (as revised in 2008)*
- IAS 8 *Accounting Policies, Changes in Accounting Estimates and Errors*
- IAS 16 *Property, Plant and Equipment*
- IAS 18 *Revenue*
- IAS 20 *Accounting for Government Grants and Disclosure of Government Assistance*
- IFRIC 12 *Service Concession Arrangements*

**BACKGROUND**

- 1 In the utilities industry, an entity may receive from its customers items of property, plant and equipment that must be used to connect those customers to a network and provide them with ongoing access to a supply of commodities such as electricity, gas or water. Alternatively, an entity may receive cash from customers for the acquisition or construction of such items of property, plant and equipment. Typically, customers are required to pay additional amounts for the purchase of goods or services based on usage.
- 2 Transfers of assets from customers may also occur in industries other than utilities. For example, an entity outsourcing its information technology functions may transfer its existing items of property, plant and equipment to the outsourcing provider.
- 3 In some cases, the transferor of the asset may not be the entity that will eventually have ongoing access to the supply of goods or services and will be the recipient of those goods or services. However, for convenience this Interpretation refers to the entity transferring the asset as the customer.

**SCOPE**

- 4 This Interpretation applies to the accounting for transfers of items of property, plant and equipment by entities that receive such transfers from their customers.
- 5 Agreements within the scope of this Interpretation are agreements in which an entity receives from a customer an item of property, plant and equipment that the entity must then use either to connect the customer to a network or to provide the customer with ongoing access to a supply of goods or services, or to do both.
- 6 This Interpretation also applies to agreements in which an entity receives cash from a customer when that amount of cash must be used only to construct or acquire an item of property, plant and equipment and the entity must then use the item of property, plant and equipment either to connect the customer to a network or to provide the customer with ongoing access to a supply of goods or services, or to do both.
- 7 This Interpretation does not apply to agreements in which the transfer is either a government grant as defined in IAS 20 or infrastructure used in a service concession arrangement that is within the scope of IFRIC 12.

**ISSUES**

- 8 The Interpretation addresses the following issues:
  - (a) Is the definition of an asset met?
  - (b) If the definition of an asset is met, how should the transferred item of property, plant and equipment be measured on initial recognition?

- (c) If the item of property, plant and equipment is measured at fair value on initial recognition, how should the resulting credit be accounted for?
- (d) How should the entity account for a transfer of cash from its customer?

#### CONSENSUS

##### **Is the definition of an asset met?**

- 9 When an entity receives from a customer a transfer of an item of property, plant and equipment, it shall assess whether the transferred item meets the definition of an asset set out in the *Framework*. Paragraph 49(a) of the *Framework* states that 'an asset is a resource controlled by the entity as a result of past events and from which future economic benefits are expected to flow to the entity.' In most circumstances, the entity obtains the right of ownership of the transferred item of property, plant and equipment. However, in determining whether an asset exists, the right of ownership is not essential. Therefore, if the customer continues to control the transferred item, the asset definition would not be met despite a transfer of ownership.
- 10 An entity that controls an asset can generally deal with that asset as it pleases. For example, the entity can exchange that asset for other assets, employ it to produce goods or services, charge a price for others to use it, use it to settle liabilities, hold it, or distribute it to owners. The entity that receives from a customer a transfer of an item of property, plant and equipment shall consider all relevant facts and circumstances when assessing control of the transferred item. For example, although the entity must use the transferred item of property, plant and equipment to provide one or more services to the customer, it may have the ability to decide how the transferred item of property, plant and equipment is operated and maintained and when it is replaced. In this case, the entity would normally conclude that it controls the transferred item of property, plant and equipment.

##### **How should the transferred item of property, plant and equipment be measured on initial recognition?**

- 11 If the entity concludes that the definition of an asset is met, it shall recognise the transferred asset as an item of property, plant and equipment in accordance with paragraph 7 of IAS 16 and measure its cost on initial recognition at its fair value in accordance with paragraph 24 of that Standard.

##### **How should the credit be accounted for?**

- 12 The following discussion assumes that the entity receiving an item of property, plant and equipment has concluded that the transferred item should be recognised and measured in accordance with paragraphs 9–11.
- 13 Paragraph 12 of IAS 18 states that 'When goods are sold or services are rendered in exchange for dissimilar goods or services, the exchange is regarded as a transaction which generates revenue.' According to the terms of the agreements within the scope of this Interpretation, a transfer of an item of property, plant and equipment would be an exchange for dissimilar goods or services. Consequently, the entity shall recognise revenue in accordance with IAS 18.

##### **Identifying the separately identifiable services**

- 14 An entity may agree to deliver one or more services in exchange for the transferred item of property, plant and equipment, such as connecting the customer to a network, providing the customer with ongoing access to a supply of goods or services, or both. In accordance with paragraph 13 of IAS 18, the entity shall identify the separately identifiable services included in the agreement.
- 15 Features that indicate that connecting the customer to a network is a separately identifiable service include:
- (a) a service connection is delivered to the customer and represents stand-alone value for that customer;
  - (b) the fair value of the service connection can be measured reliably.
- 16 A feature that indicates that providing the customer with ongoing access to a supply of goods or services is a separately identifiable service is that, in the future, the customer making the transfer receives the ongoing access, the goods or services, or both at a price lower than would be charged without the transfer of the item of property, plant and equipment.
- 17 Conversely, a feature that indicates that the obligation to provide the customer with ongoing access to a supply of goods or services arises from the terms of the entity's operating licence or other regulation rather than from the agreement relating to the transfer of an item of property, plant and equipment is that customers that make a transfer pay the same price as those that do not for the ongoing access, or for the goods or services, or for both.

**Revenue recognition**

- 18 If only one service is identified, the entity shall recognise revenue when the service is performed in accordance with paragraph 20 of IAS 18.
- 19 If more than one separately identifiable service is identified, paragraph 13 of IAS 18 requires the fair value of the total consideration received or receivable for the agreement to be allocated to each service and the recognition criteria of IAS 18 are then applied to each service.
- 20 If an ongoing service is identified as part of the agreement, the period over which revenue shall be recognised for that service is generally determined by the terms of the agreement with the customer. If the agreement does not specify a period, the revenue shall be recognised over a period no longer than the useful life of the transferred asset used to provide the ongoing service.

**How should the entity account for a transfer of cash from its customer?**

- 21 When an entity receives a transfer of cash from a customer, it shall assess whether the agreement is within the scope of this Interpretation in accordance with paragraph 6. If it is, the entity shall assess whether the constructed or acquired item of property, plant and equipment meets the definition of an asset in accordance with paragraphs 9 and 10. If the definition of an asset is met, the entity shall recognise the item of property, plant and equipment at its cost in accordance with IAS 16 and shall recognise revenue in accordance with paragraphs 13–20 at the amount of cash received from the customer.

**EFFECTIVE DATE AND TRANSITION**

- 22 An entity shall apply this Interpretation prospectively to transfers of assets from customers received on or after 1 July 2009. Earlier application is permitted provided the valuations and other information needed to apply the Interpretation to past transfers were obtained at the time those transfers occurred. An entity shall disclose the date from which the Interpretation was applied.
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Appendix

**Amendment to IFRS 1**

***First-time Adoption of International Financial Reporting Standards (as revised in 2008)***

A1 In Appendix D paragraph D1 is amended as follows.

D1 An entity may elect to use one or more of the following exemptions:

- (a) share-based payment transactions (paragraphs D2 and D3);
- (m) financial assets or intangible assets accounted for in accordance with IFRIC 12 *Service Concession Arrangements* (paragraph D22);
- (n) borrowing costs (paragraph D23); and
- (o) transfers of assets from customers (paragraph D24).'

A2 After paragraph D23 a heading and paragraph D24 are added.

*Transfers of assets from customers*

D24 A first-time adopter may apply the transitional provisions set out in paragraph 22 of IFRIC 18 *Transfers of Assets from Customers*. In that paragraph, reference to the effective date shall be interpreted as 1 July 2009 or the date of transition to IFRSs, whichever is later. In addition, a first-time adopter may designate any date before the date of transition to IFRSs and apply IFRIC 18 to all transfers of assets from customers received on or after that date.'

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## COMMISSION REGULATION (EC) No 1165/2009

of 27 November 2009

amending Regulation (EC) No 1126/2008 adopting certain international accounting standards in accordance with Regulation (EC) No 1606/2002 of the European Parliament and of the Council as regards International Financial Reporting Standard (IFRS) 4 and IFRS 7

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 1606/2002 of the European Parliament and of the Council of 19 July 2002 on the application of international accounting standards<sup>(1)</sup>, and in particular Article 3(1) thereof,

Whereas:

- (1) By Commission Regulation (EC) No 1126/2008<sup>(2)</sup> certain international standards and interpretations that were in existence on 15 October 2008 were adopted.
- (2) On 5 March 2009, the International Accounting Standards Board (IASB) published amendments to International Financial Reporting Standard (IFRS) 4 *Insurance Contracts* and IFRS 7 *Financial Instruments: Disclosures* hereinafter 'amendments to IFRS 4 and 7'. The amendments to IFRS 4 and IFRS 7 aim at requiring enhanced disclosures about fair value measurements and liquidity risk associated with financial instruments.
- (3) The consultation with the Technical Expert Group (TEG) of the European Financial Reporting Advisory Group (EFRAG) confirms that the amendments to IFRS 4 and IFRS 7 meet the technical criteria for adoption set out in Article 3(2) of Regulation (EC) No 1606/2002. In accordance with Commission Decision 2006/505/EC of 14 July 2006 setting up a Standards Advice Review Group to advise the Commission on the objectivity and

neutrality of the European Financial Reporting Advisory Group's (EFRAG's) opinions<sup>(3)</sup>, the Standards Advice Review Group considered EFRAG's opinion on endorsement and advised the Commission that it is well-balanced and objective.

- (4) Regulation (EC) No 1126/2008 should therefore be amended accordingly.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Accounting Regulatory Committee,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Annex to Regulation (EC) No 1126/2008 is amended as follows:

1. International Financial Reporting Standard (IFRS) 4 is amended as set out in the Annex to this Regulation;
2. IFRS 7 is amended as set out in the Annex to this Regulation.

*Article 2*

Each company shall apply the amendments to IFRS 4 and IFRS 7, as set out in the Annex to this Regulation, at the latest, as from the commencement date of its first financial year starting after 31 December 2008.

*Article 3*

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

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

Done at Brussels, 27 November 2009.

For the Commission

Charlie McCREEVY

Member of the Commission

<sup>(1)</sup> OJ L 243, 11.9.2002, p. 1.

<sup>(2)</sup> OJ L 320, 29.11.2008, p. 1.

<sup>(3)</sup> OJ L 199, 21.7.2006, p. 33.

## ANNEX

## INTERNATIONAL ACCOUNTING STANDARDS

IFRS 4	Amendment to International Financial Reporting Standard 4 <i>Insurance Contracts</i>
IFRS 7	Amendments to International Financial Reporting Standard 7 <i>Financial Instruments: Disclosures</i>

**Amendments to International Financial Reporting Standard 7****Financial instruments: disclosures**

Paragraph 27 is amended. Paragraphs 27A and 27B are added.

## SIGNIFICANCE OF FINANCIAL INSTRUMENTS FOR FINANCIAL POSITION AND PERFORMANCE

**Other disclosures***Fair value*

- 27 An entity shall disclose for each class of financial instruments the methods and, when a valuation technique is used, the assumptions applied in determining fair values of each class of financial assets or financial liabilities. For example, if applicable, an entity discloses information about the assumptions relating to prepayment rates, rates of estimated credit losses, and interest rates or discount rates. If there has been a change in valuation technique, the entity shall disclose that change and the reasons for making it.
- 27A To make the disclosures required by paragraph 27B an entity shall classify fair value measurements using a fair value hierarchy that reflects the significance of the inputs used in making the measurements. The fair value hierarchy shall have the following levels:
- (a) quoted prices (unadjusted) in active markets for identical assets or liabilities (Level 1);
  - (b) inputs other than quoted prices included within Level 1 that are observable for the asset or liability, either directly (ie as prices) or indirectly (ie derived from prices) (Level 2); and
  - (c) inputs for the asset or liability that are not based on observable market data (unobservable inputs) (Level 3).

The level in the fair value hierarchy within which the fair value measurement is categorised in its entirety shall be determined on the basis of the lowest level input that is significant to the fair value measurement in its entirety. For this purpose, the significance of an input is assessed against the fair value measurement in its entirety. If a fair value measurement uses observable inputs that require significant adjustment based on unobservable inputs, that measurement is a Level 3 measurement. Assessing the significance of a particular input to the fair value measurement in its entirety requires judgement, considering factors specific to the asset or liability.

- 27B For fair value measurements recognised in the statement of financial position an entity shall disclose for each class of financial instruments:
- (a) the level in the fair value hierarchy into which the fair value measurements are categorised in their entirety, segregating fair value measurements in accordance with the levels defined in paragraph 27A.
  - (b) any significant transfers between Level 1 and Level 2 of the fair value hierarchy and the reasons for those transfers. Transfers into each level shall be disclosed and discussed separately from transfers out of each level. For this purpose, significance shall be judged with respect to profit or loss, and total assets or total liabilities.
  - (c) for fair value measurements in Level 3 of the fair value hierarchy, a reconciliation from the beginning balances to the ending balances, disclosing separately changes during the period attributable to the following:
    - (i) total gains or losses for the period recognised in profit or loss, and a description of where they are presented in the statement of comprehensive income or the separate income statement (if presented);
    - (ii) total gains or losses recognised in other comprehensive income;
    - (iii) purchases, sales, issues and settlements (each type of movement disclosed separately); and
    - (iv) transfers into or out of Level 3 (eg transfers attributable to changes in the observability of market data) and the reasons for those transfers. For significant transfers, transfers into Level 3 shall be disclosed and discussed separately from transfers out of Level 3.

- (d) the amount of total gains or losses for the period in (c)(i) above included in profit or loss that are attributable to gains or losses relating to those assets and liabilities held at the end of the reporting period and a description of where those gains or losses are presented in the statement of comprehensive income or the separate income statement (if presented).
- (e) for fair value measurements in Level 3, if changing one or more of the inputs to reasonably possible alternative assumptions would change fair value significantly, the entity shall state that fact and disclose the effect of those changes. The entity shall disclose how the effect of a change to a reasonably possible alternative assumption was calculated. For this purpose, significance shall be judged with respect to profit or loss, and total assets or total liabilities, or, when changes in fair value are recognised in other comprehensive income, total equity.

An entity shall present the quantitative disclosures required by this paragraph in tabular format unless another format is more appropriate.

*Paragraph 39 is amended. Paragraph 44G is added.*

#### *Liquidity risk*

39 An entity shall disclose:

- (a) a maturity analysis for non-derivative financial liabilities (including issued financial guarantee contracts) that shows the remaining contractual maturities.
- (b) a maturity analysis for derivative financial liabilities. The maturity analysis shall include the remaining contractual maturities for those derivative financial liabilities for which contractual maturities are essential for an understanding of the timing of the cash flows (see paragraph B11B).
- (c) a description of how it manages the liquidity risk inherent in (a) and (b).

#### EFFECTIVE DATE AND TRANSITION

44G *Improving Disclosures about Financial Instruments* (Amendments to IFRS 7), issued in March 2009, amended paragraphs 27, 39 and B11 and added paragraphs 27A, 27B, B10A and B11A–B11F. An entity shall apply those amendments for annual periods beginning on or after 1 January 2009. In the first year of application, an entity need not provide comparative information for the disclosures required by the amendments. Earlier application is permitted. If an entity applies the amendments for an earlier period, it shall disclose that fact.

#### *Appendix A*

##### **Defined terms**

*The following term is amended.*

liquidity risk

The risk that an entity will encounter difficulty in meeting obligations associated with financial liabilities that are settled by delivering cash or another financial asset.

#### *Appendix B*

##### **Application guidance**

*A heading and paragraph B11 are amended. Paragraphs B10A and B11A–B11F are added and paragraphs B12–B16 are deleted. Paragraphs B12 and B13 are replaced by paragraph B11C(a) and (b). Paragraphs B14 and B16 are replaced by paragraph B11D.*

#### **Nature and extent of risks arising from financial instruments (paragraphs 31–42)**

*Quantitative liquidity risk disclosures (paragraphs 34(a) and 39(a) and (b))*

B10A In accordance with paragraph 34(a) an entity discloses summary quantitative data about its exposure to liquidity risk on the basis of the information provided internally to key management personnel. An entity shall explain how those data are determined. If the outflows of cash (or another financial asset) included in those data could either:

- (a) occur significantly earlier than indicated in the data, or
- (b) be for significantly different amounts from those indicated in the data (eg for a derivative that is included in the data on a net settlement basis but for which the counterparty has the option to require gross settlement),

the entity shall state that fact and provide quantitative information that enables users of its financial statements to evaluate the extent of this risk unless that information is included in the contractual maturity analyses required by paragraph 39(a) or (b).

- B11 In preparing the maturity analyses required by paragraph 39(a) and (b) an entity uses its judgement to determine an appropriate number of time bands. For example, an entity might determine that the following time bands are appropriate:
- (a) not later than one month;
  - (b) later than one month and not later than three months;
  - (c) later than three months and not later than one year; and
  - (d) later than one year and not later than five years.
- B11A In complying with paragraph 39(a) and (b), an entity shall not separate an embedded derivative from a hybrid (combined) financial instrument. For such an instrument, an entity shall apply paragraph 39(a).
- B11B Paragraph 39(b) requires an entity to disclose a quantitative maturity analysis for derivative financial liabilities that shows remaining contractual maturities if the contractual maturities are essential for an understanding of the timing of the cash flows. For example, this would be the case for:
- (a) an interest rate swap with a remaining maturity of five years in a cash flow hedge of a variable rate financial asset or liability.
  - (b) all loan commitments.
- B11C Paragraph 39(a) and (b) requires an entity to disclose maturity analyses for financial liabilities that show the remaining contractual maturities for some financial liabilities. In this disclosure:
- (a) when a counterparty has a choice of when an amount is paid, the liability is allocated to the earliest period in which the entity can be required to pay. For example, financial liabilities that an entity can be required to repay on demand (eg demand deposits) are included in the earliest time band.
  - (b) when an entity is committed to make amounts available in instalments, each instalment is allocated to the earliest period in which the entity can be required to pay. For example, an undrawn loan commitment is included in the time band containing the earliest date it can be drawn down.
  - (c) for issued financial guarantee contracts the maximum amount of the guarantee is allocated to the earliest period in which the guarantee could be called.
- B11D The contractual amounts disclosed in the maturity analyses as required by paragraph 39(a) and (b) are the contractual undiscounted cash flows, for example:
- (a) gross finance lease obligations (before deducting finance charges);
  - (b) prices specified in forward agreements to purchase financial assets for cash;
  - (c) net amounts for pay-floating/receive-fixed interest rate swaps for which net cash flows are exchanged;
  - (d) contractual amounts to be exchanged in a derivative financial instrument (eg a currency swap) for which gross cash flows are exchanged; and
  - (e) gross loan commitments.

Such undiscounted cash flows differ from the amount included in the statement of financial position because the amount in that statement is based on discounted cash flows. When the amount payable is not fixed, the amount disclosed is determined by reference to the conditions existing at the end of the reporting period. For example, when the amount payable varies with changes in an index, the amount disclosed may be based on the level of the index at the end of the period.

- B11E Paragraph 39(c) requires an entity to describe how it manages the liquidity risk inherent in the items disclosed in the quantitative disclosures required in paragraph 39(a) and (b). An entity shall disclose a maturity analysis of financial assets it holds for managing liquidity risk (eg financial assets that are readily saleable or expected to generate cash inflows to meet cash outflows on financial liabilities), if that information is necessary to enable users of its financial statements to evaluate the nature and extent of liquidity risk.
- B11F Other factors that an entity might consider in providing the disclosure required in paragraph 39(c) include, but are not limited to, whether the entity:
- (a) has committed borrowing facilities (eg commercial paper facilities) or other lines of credit (eg stand-by credit facilities) that it can access to meet liquidity needs;
  - (b) holds deposits at central banks to meet liquidity needs;
  - (c) has very diverse funding sources;
  - (d) has significant concentrations of liquidity risk in either its assets or its funding sources;
  - (e) has internal control processes and contingency plans for managing liquidity risk;
  - (f) has instruments that include accelerated repayment terms (eg on the downgrade of the entity's credit rating);
  - (g) has instruments that could require the posting of collateral (eg margin calls for derivatives);
  - (h) has instruments that allows the entity to choose whether it settles its financial liabilities by delivering cash (or another financial asset) or by delivering its own shares; or
  - (i) has instruments that are subject to master netting agreements.

B12-B16 [Deleted]

#### **Amendment to International Financial Reporting Standard 4**

##### ***Insurance Contracts***

*Paragraph 39(d) is amended.*

#### DISCLOSURE

##### **Nature and extent of risks arising from insurance contracts**

- 39 (d) information about credit risk, liquidity risk and market risk that paragraphs 31–42 of IFRS 7 would require if the insurance contracts were within the scope of IFRS 7. However:
- (i) an insurer need not provide the maturity analyses required by paragraph 39(a) and (b) of IFRS 7 if it discloses information about the estimated timing of the net cash outflows resulting from recognised insurance liabilities instead. This may take the form of an analysis, by estimated timing, of the amounts recognised in the statement of financial position.
  - (ii) ...

## COMMISSION REGULATION (EC) No 1166/2009

of 30 November 2009

**amending and correcting Commission Regulation (EC) No 606/2009 laying down certain detailed rules for implementing Council Regulation (EC) No 479/2008 as regards the categories of grapevine products, oenological practices and the applicable restrictions**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) <sup>(1)</sup>, and in particular Article 113d(2) and the third and fourth subparagraphs of Article 121 thereof,

Whereas:

(1) The protected designations of origin 'Prosecco di Conegliano Valdobbiadene' and 'Montello e Colli Asolani' are referred to in Commission Regulation (EC) No 606/2009 <sup>(2)</sup>. These designations were replaced by the protected designations of origin 'Prosecco', 'Conegliano Valdobbiadene — Prosecco', 'Colli Asolani — Prosecco' and 'Asolo — Prosecco' following the Italian Decree of 17 July 2009 published in the Italian official gazette, *Gazzetta Ufficiale della Repubblica italiana* No 173 of 28 July 2009.

(2) In that Decree, the vine variety 'Prosecco' is now renamed 'Glera'. To prevent confusion between the name of the protected designation of origin 'Prosecco' and the name of the vine variety, the term 'Prosecco' should be replaced by 'Glera' when it refers to the vine variety in Regulation (EC) No 606/2009.

(3) The Italian authorities have officially indicated that the 'Prosecco/Glera' variety may not be cultivated in the Trentino-Alto Adige region; consequently Regulation (EC) No 606/2009 should no longer refer to that region as one where that variety may be produced.

(4) There is a typographical error in Annex IA, Appendix 7, to Regulation (EC) No 606/2009 in the requirements for electro dialysis treatment. The units for the maximum limit in the simulator should be expressed in µg/l and not in g/l.

(5) Regulation (EC) No 606/2009 should be amended and corrected accordingly.

(6) Regulation (EC) No 606/2009 became applicable on 1 August 2009. To make it consistent with the Italian national legislation and to guarantee identical oenological practices for the 2009 harvests, these amendments and corrections must be applied retroactively as of 1 August 2009.

(7) The measures provided for in this Regulation are in accordance with the opinion of the Regulatory Committee established by Article 195(3) of Regulation (EC) No 1234/2007,

HAS ADOPTED THIS REGULATION:

*Article 1*

**Amendment of Regulation (EC) No 606/2009**

Annex II to Regulation (EC) No 606/2009 is amended as follows:

1. in part B, paragraph 4(a), the second sentence is replaced by the following:

'However, quality aromatic sparkling wine may be produced in the traditional way by using, as constituents of the cuvée, wines obtained from grapes of the "Glera" variety harvested in the regions of Veneto and Friuli-Venezia Giulia';

2. part C is amended as follows:

(a) paragraph 2 is replaced by the following:

'2. However, the cuvées intended for the preparation of quality sparkling wines with the protected designations of origin "Prosecco", "Conegliano Valdobbiadene — Prosecco" and "Colli Asolani — Prosecco" or "Asolo — Prosecco" and prepared from a single vine variety may have a total alcoholic strength by volume of not less than 8,5 % vol.;

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

<sup>(2)</sup> OJ L 193, 24.7.2009, p. 1.

(b) in paragraph 9(a) the second sentence is replaced by the following:

'By derogation, a quality aromatic sparkling wine with a protected designation of origin may be produced by using, as constituents of the cuvée, wines obtained from grapes of the "Glera" vine variety harvested in the regions of the designations of origin "Prosecco", "Conegliano-Valdobbiadene — Prosecco", "Colli Asolani — Prosecco" and "Asolo — Prosecco";;

3. in Appendix 1, the term 'Glera' is inserted after the term 'Girò N' and the term 'Prosecco' is deleted.

#### Article 2

#### Correction of Regulation (EC) No 606/2009

In Annex IA to Regulation (EC) No 606/2009, Appendix 7, point 1.4, sixth subparagraph, the third sentence is replaced by the following:

'The content in the simulant of all the determined compounds must be less than 50 µg/l.'

#### Article 3

#### Entry into force and application

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

It shall apply from 1 August 2009.

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

Done at Brussels, 30 November 2009.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

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## COMMISSION REGULATION (EC) No 1167/2009

of 30 November 2009

**refusing to authorise certain health claims made on foods and referring to the reduction of disease risk and to children's development and health**

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods <sup>(1)</sup>, and in particular Article 17(3) thereof,

Whereas:

- (1) Pursuant to Regulation (EC) No 1924/2006 health claims made on food are prohibited unless they are authorised by the Commission in accordance with that Regulation and included in a list of permitted claims.
- (2) Regulation (EC) No 1924/2006 also provides that applications for authorisations of health claims may be submitted by food business operators to the national competent authority of a Member State. The national competent authority is to forward valid applications to the European Food Safety Authority (EFSA), hereinafter referred to as the Authority.
- (3) Following receipt of an application the Authority is to inform without delay the other Member States and the Commission of the application, and to deliver an opinion on a health claim concerned.
- (4) The Commission is to decide on the authorisation of health claims taking into account the opinion delivered by the Authority.
- (5) On 13 February 2009 the Commission and the Member States received four opinions on applications for health claim authorisation from the Authority. On 16 March 2009, the Commission and the Member States received one opinion on an application for health claim authorisation from the Authority.
- (6) Two opinions were related to applications for reduction of disease risk claim, as referred to in Article 14(1)(a) of Regulation (EC) No 1924/2006, and three opinions were

related to applications for health claims referring to children's development and health, as referred to in Article 14(1)(b) of Regulation (EC) No 1924/2006. Meanwhile one application for health claim authorisation will be subject to a further decision.

- (7) Following an application from the UNICER Bebidas de Portugal SGPS, submitted pursuant to Article 14(1)(a) of Regulation (EC) No 1924/2006, the Authority was required to deliver an opinion on a health claim related to the effects of Melgaço® mineral water on the reduction of glycaemia (Question No EFSA-Q-2008-219) <sup>(2)</sup>. The claim proposed by the applicant was worded as follows: 'The regular consumption of Melgaço mineral water reduces body hyperglycaemic levels'.
- (8) On the basis of the data presented, the Authority concluded that a cause and effect relationship had not been established between the consumption of Melgaço® mineral water and the claimed effect. Accordingly, as the claim does not comply with the requirements of Regulation (EC) No 1924/2006, it should not be authorised.
- (9) Following an application from the Ocean Spray International Services (UK) Ltd, submitted pursuant to Article 14(1)(a) of Regulation (EC) No 1924/2006, the Authority was required to deliver an opinion on a health claim related to the effects of Ocean Spray Cranberry Products® on urinary tract infection in women (Question No EFSA-Q-2008-117) <sup>(3)</sup>. The claim proposed by the applicant was worded as follows: 'Regular consumption of 2 servings per day of an Ocean Spray product each containing typically 80 mg cranberry proanthocyanidins helps reduce the risk of urinary tract infection in women by inhibiting the adhesion of certain bacteria in the urinary tract'.
- (10) On the basis of the data presented, the Authority concluded that a cause and effect relationship had not been established between the consumption of Ocean Spray Cranberry Products® and the claimed effect. Accordingly, as the claim does not comply with the requirements of Regulation (EC) No 1924/2006, it should not be authorised.

<sup>(1)</sup> OJ L 404, 30.12.2006, p. 9.

<sup>(2)</sup> *The EFSA Journal* (2009) 944, pp. 1-9.

<sup>(3)</sup> *The EFSA Journal* (2009) 943, pp. 1-16.

- (11) Following an application from Soremartec Italia SRL, submitted pursuant to Article 14(1)(b) of Regulation (EC) No 1924/2006, the Authority was required to deliver an opinion on a health claim related to the effects of Kinder Chocolate® on growth (Question No EFSA-Q-2008-283) <sup>(1)</sup>. The claim proposed by the applicant was worded as follows: 'Kinder Chocolate, the chocolate that helps to grow'.
- (12) On the basis of the data presented, the Authority concluded that a cause and effect relationship had not been established between the consumption of Kinder Chocolate® and the claimed effect. Accordingly, as the claim does not comply with the requirements of Regulation (EC) No 1924/2006, it should not be authorised.
- (13) Following an application from the Plada Industriale SRL, submitted pursuant to Article 14(1)(b) of Regulation (EC) No 1924/2006, the Authority was required to deliver an opinion on a health claim related to the effects of follow-on formulae with bioactive constituents on intestinal ailments (Question No EFSA-Q-2008-270) <sup>(2)</sup>. The claim proposed by the applicant was worded as follows: 'Aids minor intestinal ailments (as colic, constipation, digestive symptoms)'.
- (14) On the basis of the data presented, the Authority concluded that a cause and effect relationship had not been established between the consumption of follow-on formulae with a fixed combination of short-chain galacto-oligosaccharides, acidified milk, nucleotides and beta-palmitate and the claimed effect. Accordingly, as the claim does not comply with the requirements of Regulation (EC) No 1924/2006, it should not be authorised.
- (15) The comments from the applicants and the members of the public received by the Commission pursuant to Article 16(6) of Regulation (EC) No 1924/2006 have been considered when setting the measures provided for in this Regulation.
- (16) In accordance with Article 28(6) of Regulation (EC) No 1924/2006 health claims referred to in its Article 14(1)(b) and not authorised by a decision pursuant to Article 17(3) of Regulation (EC) No 1924/2006 may continue to be used for six months after the adoption of this Regulation. However, as the concerned applications were not made before 19 January 2008 the requirement provided for in Article 28(6)(b) is not fulfilled, and the transition period laid down in that Article is not applicable. Accordingly, a transition period of six months should be provided for, to enable food business operators to adapt to the requirements laid down in this Regulation.
- (17) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

*Article 1*

The health claims set out in the Annex to this Regulation shall not be included in the Community list of permitted claims as provided for in Article 14(1) of Regulation (EC) No 1924/2006.

However, the health claims as referred to in Article 14(1)(b) of Regulation (EC) No 1924/2006 and set out in the Annex to this Regulation may continue to be used for six months after the entry into force of this Regulation.

*Article 2*

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

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

Done at Brussels, 30 November 2009.

*For the Commission*  
Androulla VASSILIOU  
*Member of the Commission*

<sup>(1)</sup> *The EFSA Journal* (2009) 940, pp. 1-8.

<sup>(2)</sup> *The EFSA Journal* (2009) 939, pp. 1-10.

## ANNEX

## REJECTED HEALTH CLAIMS

Application — Relevant provisions of Regulation (EC) No 1924/2006	Nutrient, substance, food or food category	Claim	EFSA opinion reference
Article 14(1)(a) health claim referring to a reduction of a disease risk	Melgaço® mineral water	The regular consumption of Melgaço mineral water reduces body hyperglycaemic levels	Q-2008-219
Article 14(1)(a) health claim referring to a reduction of a disease risk	Ocean Spray Cranberry Products®	Regular consumption of 2 servings per day of an Ocean Spray product each containing typically 80 mg cranberry proanthocyanidins helps reduce the risk of urinary tract infection in women by inhibiting the adhesion of certain bacteria in the urinary tract	Q-2008-117
Article 14(1)(b) health claim referring to children's development and health	Kinder Chocolate®	Kinder Chocolate, the chocolate that helps to grow	Q-2008-283
Article 14(1)(b) health claim referring to children's development and health	Follow-on formulae with a fixed combination of short-chain galacto-oligosaccharides, acidified milk, nucleotides and beta-palmitate	Aids minor intestinal ailments (as colic, constipation, digestive symptoms)	Q-2008-270

**COMMISSION REGULATION (EC) No 1168/2009****of 30 November 2009****refusing to authorise a health claim made on foods, other than those referring to the reduction of disease risk and to children's development and health****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods <sup>(1)</sup>, and in particular Article 18(5) thereof,

Whereas:

- (1) Pursuant to Regulation (EC) No 1924/2006 health claims made on food are prohibited unless they are authorised by the Commission in accordance with that Regulation and included in a list of permitted claims.
- (2) Regulation (EC) No 1924/2006 also provides that applications for authorisations of health claims may be submitted by food business operators to the national competent authority of a Member State. The national competent authority is to forward valid applications to the European Food Safety Authority (EFSA), hereinafter referred to as the Authority.
- (3) Following receipt of an application the Authority is to inform without delay the other Member States and the Commission and to deliver an opinion on a health claim concerned.
- (4) The Commission is to decide on the authorisation of health claims taking into account the opinion delivered by the Authority.
- (5) Following an application from Brudy Technology SL, submitted on 9 October 2008 pursuant to Article 13(5) of Regulation (EC) No 1924/2006, the Authority was required to deliver an opinion on a

health claim related to the effects of Algatrium® on antioxidant response (Question No EFSA-Q-2008-705) <sup>(2)</sup>. The claim proposed by the applicant was worded as follows: 'Algatrium® promotes your antioxidant response: a singular nutritional substance that has scientifically demonstrated in humans a stimulation of the own cells antioxidant defences'.

- (6) On 16 March 2009, the Commission and the Member States received the scientific opinion from the Authority which concluded that on the basis of the data presented, a cause and effect relationship had not been established between the consumption of Algatrium® and the claimed effect. Accordingly, as the claim does not comply with the requirements of Regulation (EC) No 1924/2006, it should not be authorised.
- (7) The comments from the applicants and the members of the public received by the Commission, pursuant to Article 16(6) of Regulation (EC) No 1924/2006, have been considered when setting the measures provided for in this Regulation.
- (8) Health claims referred to in Article 13(1)(a) of Regulation (EC) No 1924/2006 are subject to the transition measures laid down in Article 28(5) of that Regulation. However, for the health claim 'Algatrium® promotes your antioxidant response: a singular nutritional substance that has scientifically demonstrated in humans a stimulation of the own cells antioxidant defences', the Authority concluded that a cause and effect relationship had not been established between the consumption of Algatrium® and the claimed effect. Therefore, the claim does not comply with Regulation (EC) No 1924/2006, and consequently the transition period foreseen in Article 28(5) of that Regulation is not applicable. A transition period of six months should be provided for, to enable food business operators to adapt to the requirements laid down in this Regulation.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

<sup>(1)</sup> OJ L 404, 30.12.2006, p. 9.

<sup>(2)</sup> *The EFSA Journal* (2009) 942, pp. 1-9.

HAS ADOPTED THIS REGULATION:

However, it may continue to be used for six months after the entry into force of this Regulation.

*Article 1*

The health claim set out in the Annex to this Regulation shall not be included in the Community list of permitted claims as provided for in Article 13(3) of Regulation (EC) No 1924/2006.

*Article 2*

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

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

Done at Brussels, 30 November 2009.

*For the Commission*  
Androulla VASSILIOU  
*Member of the Commission*

ANNEX

**REJECTED HEALTH CLAIM**

Application — Relevant provisions of Regulation (EC) No 1924/2006	Nutrient, substance, food or food category	Claim	EFSA opinion reference
Article 13(5) health claim based on newly developed scientific evidence and/or including a request for the protection of proprietary data	Algatrium®	Algatrium® promotes your antioxidant response: a singular nutritional substance that has scientifically demonstrated in humans a stimulation of the own cells antioxidant defences	Q-2008-705

## COMMISSION REGULATION (EC) No 1169/2009

of 30 November 2009

amending Regulation (EC) No 353/2008 establishing implementing rules for applications for authorisation of health claims as provided for in Article 15 of Regulation (EC) No 1924/2006 of the European Parliament and of the Council

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods <sup>(1)</sup>, and in particular Article 15(4) thereof,

Having consulted the European Food Safety Authority,

Whereas:

- (1) In order to ensure that for all categories of health claims made on foods, only health claims compliant with the general principles and the conditions set out in Regulation (EC) No 1924/2006 are submitted to the European Food Safety Authority (EFSA), hereinafter referred to as the Authority, and therefore subject to the authorisation procedure, it is necessary to lay down the conditions under which applications for authorisation of health claims may be considered valid and clarify the responsibility of the Member States in this respect in conformity with Article 15(2) and Article 18(3) of Regulation (EC) No 1924/2006.
- (2) Pursuant to Article 20 of Regulation (EC) No 1924/2006 the list of authorised as well as rejected claims has to be published in a register for transparency reasons. The purpose is, as explained in recital 31 of Regulation (EC) No 1924/2006, to avoid multiple applications in respect of claims which have already been assessed and subject to the authorisation procedure. Therefore, it is necessary to clarify among the modalities of presentation of an application, also the rules on withdrawals of applications as well as the time limits to submit a request for withdrawal.
- (3) The applicant should only be allowed to withdraw an application up to the moment the Authority adopts its opinion pursuant to Article 16(1) or Article 18(3) of Regulation (EC) No 1924/2006. Such time limit is necessary in order to preserve the usefulness of the Authority's evaluation of claims and the effectiveness of the procedure for authorisation and rejection of claims and to avoid the submission of applications on claims

which have already been assessed. In this respect, only withdrawals of applications submitted according to the conditions set out in the present Regulation can put an end to the authorisation procedure, which otherwise will continue after the Authority has issued its opinion.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Commission Regulation (EC) No 353/2008 <sup>(2)</sup> is amended as follows:

1. the following Article 7a is inserted after Article 7:

*'Article 7a***Verification of the validity of applications by the Member States**

1. In accordance with Article 15(2)(a) and Article 18(3) of Regulation (EC) No 1924/2006, Member States shall verify the validity of applications before making them available to the Authority.
2. For the purposes of paragraph 1, the national competent authority shall verify that applications submitted under Article 15 or 18 of Regulation (EC) No 1924/2006 include the data as referred to in Article 15(3) of that Regulation.
3. The national competent authority shall also verify that:
  - (i) for applications submitted under Article 15 of Regulation (EC) No 1924/2006 the health claim is a health claim concerning the reduction of disease risk claims or referring to children's development and health;
  - (ii) for applications submitted under Article 18 of Regulation (EC) No 1924/2006 the health claim is any health claim as referred to in Article 13(5) of that Regulation with the exception of health claims referring to children's development and health.;

<sup>(1)</sup> OJ L 404, 30.12.2006, p. 9.

<sup>(2)</sup> OJ L 109, 19.4.2008, p. 11.

2. the following Article 7b is inserted after Article 7a:

*‘Article 7b*

**Withdrawal of applications**

1. An application submitted under Article 15 or 18 of Regulation (EC) No 1924/2006 may be withdrawn by the applicant up to the moment the Authority adopts its opinion pursuant to Article 16(1) or Article 18(3) of Regulation (EC) No 1924/2006.

2. A request for withdrawal of an application must be submitted to the national competent authority of a Member State, to which the application was submitted in

accordance with Article 15(2) or Article 18(2) of Regulation (EC) No 1924/2006.

3. The national competent authority shall, without delay, inform the Authority, the Commission and the other Member States of the withdrawal. Only the withdrawal of the application under the conditions mentioned in paragraph 1 and in this paragraph puts an end to the procedure.’.

*Article 2*

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

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

Done at Brussels, 30 November 2009.

*For the Commission*  
Androulla VASSILIOU  
*Member of the Commission*

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**COMMISSION REGULATION (EC) No 1170/2009****of 30 November 2009****amending Directive 2002/46/EC of the European Parliament and of Council and Regulation (EC) No 1925/2006 of the European Parliament and of the Council as regards the lists of vitamin and minerals and their forms that can be added to foods, including food supplements****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2002/46/EC of the European Parliament and of the Council of 10 June 2002 on the approximation of the laws of the Member States relating to food supplements <sup>(1)</sup>, and in particular Article 4(5) thereof,Having regard to Regulation (EC) No 1925/2006 of the European Parliament and of the Council of 20 December 2006 on the addition of vitamins and minerals and of certain other substances to foods <sup>(2)</sup>, and in particular Article 3(3) thereof,

After consulting the European Food Safety Authority,

Whereas:

- (1) Annexes I and II to Directive 2002/46/EC establish the lists of vitamins and minerals, and for each of them the forms, that may be used for the manufacture of food supplements. Modifications to these lists are to be adopted in compliance with the requirements laid down in Article 4 of that Directive and in accordance with the procedure referred to in its Article 13(3).
- (2) Annexes I and II to Regulation (EC) No 1925/2006 establish the lists of vitamins and minerals, and for each of them the forms, that may be added to food. Modifications to these lists are to be adopted in compliance with the requirements laid down in Article 3 of that Regulation and in accordance with the procedure referred to in its Article 14(3).
- (3) New vitamin and mineral forms have been evaluated by the European Food Safety Authority. The substances which have received a favourable scientific opinion and

for which the requirements laid down in Directive 2002/46/EC and in Regulation (EC) No 1925/2006 are complied with should be added to the respective lists in those acts.

- (4) Interested parties were consulted and the provided comments were taken into consideration.
- (5) Following the scientific evaluation by the European Food Safety Authority, it is appropriate to introduce specifications for some vitamin and mineral substances for their identification.
- (6) Directive 2002/46/EC and Regulation (EC) No 1925/2006 should therefore be amended accordingly.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

*Article 1*

Annexes I and II to Directive 2002/46/EC are replaced respectively by the texts in Annex I and II to this Regulation.

*Article 2*

Regulation (EC) No 1925/2006 is amended as follows:

- 1) In Annex I, the word 'Boron' is added in the list in point 2.
- 2) Annex II is replaced by the text in Annex III to this Regulation.

*Article 3*This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 30 November 2009.

*For the Commission*

Androulla VASSILIOU

*Member of the Commission*<sup>(1)</sup> OJ L 183, 12.7.2002, p. 51.<sup>(2)</sup> OJ L 404, 30.12.2006, p. 26.

## ANNEX I

## ANNEX I

**Vitamins and minerals which may be used in the manufacture of food supplements****1. Vitamins**

Vitamin A ( $\mu\text{g RE}$ )  
Vitamin D ( $\mu\text{g}$ )  
Vitamin E (mg a-TE)  
Vitamin K ( $\mu\text{g}$ )  
Vitamin B1 (mg)  
Vitamin B2 (mg)  
Niacin (mg NE)  
Pantothenic acid (mg)  
Vitamin B6 (mg)  
Folic acid ( $\mu\text{g}$ ) (\*)  
Vitamin B12 ( $\mu\text{g}$ )  
Biotin ( $\mu\text{g}$ )  
Vitamin C (mg)

**2. Minerals**

Calcium (mg)  
Magnesium (mg)  
Iron (mg)  
Copper ( $\mu\text{g}$ )  
Iodine ( $\mu\text{g}$ )  
Zinc (mg)  
Manganese (mg)  
Sodium (mg)  
Potassium (mg)  
Selenium ( $\mu\text{g}$ )  
Chromium ( $\mu\text{g}$ )  
Molybdenum ( $\mu\text{g}$ )  
Fluoride (mg)  
Chloride (mg)  
Phosphorus (mg)  
Boron (mg)  
Silicon (mg)

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(\*) Folic acid is the term included in Annex I of Commission Directive 2008/100/EC of 28 October 2008 amending Council Directive 90/496/EEC on nutrition labelling for foodstuffs as regards recommended daily allowances, energy conversion factors and definitions for nutrition labelling purposes and covers all forms of folates.

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## ANNEX II

## ANNEX II

**Vitamin and mineral substances which may be used in the manufacture of food supplements****A. Vitamins**

- |                                       |  |
|---------------------------------------|--|
| 1. VITAMIN A                          | (c) inositol hexanicotinate (inositol hexaniacinate) |
| (a) retinol                           | 8. PANTOTHENIC ACID                                  |
| (b) retinyl acetate                   | (a) D-pantothenate, calcium                          |
| (c) retinyl palmitate                 | (b) D-pantothenate, sodium                           |
| (d) beta-carotene                     | (c) dexpanthenol                                     |
| 2. VITAMIN D                          | (d) pantethine                                       |
| (a) cholecalciferol                   | 9. VITAMIN B6  |
| (b) ergocalciferol                    | (a) pyridoxine hydrochloride                         |
| 3. VITAMIN E                          | (b) pyridoxine 5'-phosphate                          |
| (a) D-alpha-tocopherol                | (c) pyridoxal 5'-phosphate                           |
| (b) DL-alpha-tocopherol               | 10. FOLATE   |
| (c) D-alpha-tocopheryl acetate        | (a) pteroylmonoglutamic acid                         |
| (d) DL-alpha-tocopheryl acetate       | (b) calcium-L-methylfolate                           |
| (e) D-alpha-tocopheryl acid succinate | 11. VITAMIN B12                                      |
| (f) mixed tocopherols (*)             | (a) cyanocobalamin                                   |
| (g) tocotrienol tocopherol (**)       | (b) hydroxocobalamin                                 |
| 4. VITAMIN K                          | (c) 5'-deoxyadenosylcobalamin                        |
| (a) phylloquinone (phytomenadione)    | (d) methylcobalamin                                  |
| (b) menaquinone (***)                 | 12. BIOTIN   |
| 5. VITAMIN B1                         | (a) D-biotin   |
| (a) thiamin hydrochloride             | 13. VITAMIN C  |
| (b) thiamin mononitrate               | (a) L-ascorbic acid                                  |
| (c) thiamine monophosphate chloride   | (b) sodium-L-ascorbate                               |
| (d) thiamine pyrophosphate chloride   | (c) calcium-L-ascorbate (***)                        |
| 6. VITAMIN B2                         | (d) potassium-L-ascorbate                            |
| (a) riboflavin                        | (e) L-ascorbyl 6-palmitate                           |
| (b) riboflavin 5'-phosphate, sodium   | (f) magnesium L-ascorbate                            |
| 7. NIACIN                             | (g) zinc L-ascorbate                                 |
| (a) nicotinic acid                    | <b>B. Minerals</b>                                   |
| (b) nicotinamide                      | calcium acetate                                      |
|                                       | calcium L-ascorbate                                  |

calcium bisglycinate	ferric sodium diphosphate
calcium carbonate	ferrous lactate
calcium chloride	ferrous sulphate
calcium citrate malate	ferric diphosphate (ferric pyrophosphate)
calcium salts of citric acid	ferric saccharate
calcium gluconate	elemental iron (carbonyl + electrolytic + hydrogen reduced)
calcium glycerophosphate	ferrous bisglycinate
calcium lactate	ferrous L-pidolate
calcium pyruvate	ferrous phosphate
calcium salts of orthophosphoric acid	iron (II) taurate
calcium succinate	cupric carbonate
calcium hydroxide	cupric citrate
calcium L-lysinate	cupric gluconate
calcium malate	cupric sulphate
calcium oxide	copper L-aspartate
calcium L-pidolate	copper bisglycinate
calcium L-threonate	copper lysine complex
calcium sulphate	copper (II) oxide
magnesium acetate	sodium iodide
magnesium L-ascorbate	sodium iodate
magnesium bisglycinate	potassium iodide
magnesium carbonate	potassium iodate
magnesium chloride	zinc acetate
magnesium salts of citric acid	zinc L-ascorbate
magnesium gluconate	zinc L-aspartate
magnesium glycerophosphate	zinc bisglycinate
magnesium salts of orthophosphoric acid	zinc chloride
magnesium lactate	zinc citrate
magnesium L-lysinate	zinc gluconate
magnesium hydroxide	zinc lactate
magnesium malate	zinc L-lysinate
magnesium oxide	zinc malate
magnesium L-pidolate	zinc mono-L-methionine sulphate
magnesium potassium citrate	zinc oxide
magnesium pyruvate	zinc carbonate
magnesium succinate	zinc L-pidolate
magnesium sulphate	zinc picolinate
magnesium taurate	zinc sulphate
magnesium acetyl taurate	manganese ascorbate
ferrous carbonate	manganese L-aspartate
ferrous citrate	manganese bisglycinate
ferric ammonium citrate	manganese carbonate
ferrous gluconate	manganese chloride
ferrous fumarate	manganese citrate

manganese gluconate	L-selenomethionine
manganese glycerophosphate	selenium enriched yeast (*****)
manganese pidolate	selenious acid
manganese sulphate	sodium selenate
sodium bicarbonate	sodium hydrogen selenite
sodium carbonate	sodium selenite
sodium chloride	chromium (III) chloride
sodium citrate	chromium (III) lactate trihydrate
sodium gluconate	chromium nitrate
sodium lactate	chromium picolinate
sodium hydroxide	chromium (III) sulphate
sodium salts of orthophosphoric acid	ammonium molybdate (molybdenum (VI))
potassium bicarbonate	potassium molybdate (molybdenum (VI))
potassium carbonate	sodium molybdate (molybdenum (VI))
potassium chloride	calcium fluoride
potassium citrate	potassium fluoride
potassium gluconate	sodium fluoride
potassium glycerophosphate	sodium monofluorophosphate
potassium lactate	boric acid
potassium hydroxide	sodium borate
potassium L-pidolate	choline-stabilised orthosilicic acid
potassium malate	silicon dioxide
potassium salts of orthophosphoric acid	silicic acid (*****)

(\*) alpha-tocopherol < 20 %, beta-tocopherol < 10 %, gamma-tocopherol 50-70 % and delta-tocopherol 10-30 %

(\*\*) Typical levels of individual tocopherols and tocotrienols:

- 115 mg/g alpha-tocopherol (101 mg/g minimum),
- 5 mg/g beta-tocopherol (< 1 mg/g minimum),
- 45 mg/g gamma-tocopherol (25 mg/g minimum),
- 12 mg/g delta-tocopherol (3 mg/g minimum),
- 67 mg/g alpha-tocotrienol (30 mg/g minimum),
- < 1 mg/g beta-tocotrienol (< 1 mg/g minimum),
- 82 mg/g gamma-tocotrienol (45 mg/g minimum),
- 5 mg/g delta-tocotrienol (< 1 mg/g minimum),

(\*\*\*) Menaquinone occurring principally as menaquinone-7 and, to a minor extent, menaquinone-6.

(\*\*\*\*) May contain up to 2 % of threonate.

(\*\*\*\*\*) Selenium-enriched yeasts produced by culture in the presence of sodium selenite as selenium source and containing, in the dried form as marketed, not more than 2,5 mg Se/g. The predominant organic selenium species present in the yeast is selenomethionine (between 60 and 85 % of the total extracted selenium in the product). The content of other organic selenium compounds including selenocysteine shall not exceed 10 % of total extracted selenium. Levels of inorganic selenium normally shall not exceed 1 % of total extracted selenium.

(\*\*\*\*\*) In the form of gel.'

## ANNEX III

## ANNEX II

**Vitamin formulations and mineral substances which may be added to foods****1. Vitamin formulations**

## VITAMIN A

retinol

retinyl acetate

retinyl palmitate

beta-carotene

## VITAMIN D

cholecalciferol

ergocalciferol

## VITAMIN E

D-alpha-tocopherol

DL-alpha-tocopherol

D-alpha-tocopheryl acetate

DL-alpha-tocopheryl acetate

D-alpha-tocopheryl acid succinate

## VITAMIN K

phyloquinone (phytomenadione)

menaquinone (\*)

## VITAMIN B1

thiamin hydrochloride

thiamin mononitrate

## VITAMIN B2

riboflavin

riboflavin 5'-phosphate, sodium

## NIACIN

nicotinic acid

nicotinamide

## PANTOTHENIC ACID

D-pantothenate, calcium

D-pantothenate, sodium

dexpanthenol

## VITAMIN B6

pyridoxine hydrochloride

pyridoxine 5'-phosphate

pyridoxine dipalmitate

## FOLIC ACID

pteroylmonoglutamic acid

calcium-L-methylfolate

## VITAMIN B12

cyanocobalamin

hydroxocobalamin

## BIOTIN

D-biotin

## VITAMIN C

L-ascorbic acid

sodium-L-ascorbate

calcium-L-ascorbate

potassium-L-ascorbate

L-ascorbyl 6-palmitate

**2. Mineral substances**

calcium carbonate

calcium chloride

calcium citrate malate

calcium salts of citric acid

calcium gluconate

calcium glycerophosphate

calcium lactate

calcium salts of orthophosphoric acid

calcium hydroxide

calcium malate

calcium oxide

calcium sulphate

magnesium acetate

magnesium carbonate

magnesium chloride

magnesium salts of citric acid

magnesium gluconate

magnesium glycerophosphate

magnesium salts of orthophosphoric acid

magnesium lactate

magnesium hydroxide

magnesium oxide

magnesium potassium citrate

magnesium sulphate

ferrous bisglycinate

ferrous carbonate	manganese gluconate
ferrous citrate	manganese glycerophosphate
ferric ammonium citrate	manganese sulphate
ferrous gluconate	sodium bicarbonate
ferrous fumarate	sodium carbonate
ferric sodium diphosphate	sodium citrate
ferrous lactate	sodium gluconate
ferrous sulphate	sodium lactate
ferric diphosphate (ferric pyrophosphate)	sodium hydroxide
ferric saccharate	sodium salts of orthophosphoric acid
elemental iron (carbonyl + electrolytic + hydrogen reduced)	selenium enriched yeast (**)
cupric carbonate	sodium selenate
cupric citrate	sodium hydrogen selenite
cupric gluconate	sodium selenite
cupric sulphate	sodium fluoride
copper lysine complex	potassium fluoride
sodium iodide	potassium bicarbonate
sodium iodate	potassium carbonate
potassium iodide	potassium chloride
potassium iodate	potassium citrate
zinc acetate	potassium gluconate
zinc bisglycinate	potassium glycerophosphate
zinc chloride	potassium lactate
zinc citrate	potassium hydroxide
zinc gluconate	potassium salts of orthophosphoric acid
zinc lactate	chromium (III) chloride and its hexahydrate
zinc oxide	chromium (III) sulphate and its hexahydrate
zinc carbonate	ammonium molybdate (molybdenum (VI))
zinc sulphate	sodium molybdate (molybdenum (VI))
manganese carbonate	boric acid
manganese chloride	sodium borate
manganese citrate	

(\*) Menaquinone occurring principally as menaquinone-7 and, to a minor extent, menaquinone-6.

(\*\*) Selenium-enriched yeasts produced by culture in the presence of sodium selenite as selenium source and containing, in the dried form as marketed, not more than 2,5 mg Se/g. The predominant organic selenium species present in the yeast is selenomethionine (between 60 and 85 % of the total extracted selenium in the product). The content of other organic selenium compounds including selenocysteine shall not exceed 10 % of total extracted selenium. Levels of inorganic selenium normally shall not exceed 1 % of total extracted selenium.

## COMMISSION REGULATION (EC) No 1171/2009

of 30 November 2009

**amending Regulation (EC) No 1126/2008 adopting certain international accounting standards in accordance with Regulation (EC) No 1606/2002 of the European Parliament and of the Council as regards International Financial Reporting Interpretations Committee's (IFRIC) Interpretation 9 and International Accounting Standard (IAS) 39**

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 1606/2002 of the European Parliament and of the Council of 19 July 2002 on the application of international accounting standards <sup>(1)</sup>, and in particular Article 3(1) thereof,

Whereas:

(1) By Commission Regulation (EC) No 1126/2008 <sup>(2)</sup> certain international standards and interpretations that were in existence on 15 October 2008 were adopted.

(2) On 12 March 2009, the International Accounting Standard Board (IASB) published amendments to International Financial Reporting Interpretations Committee's (IFRIC) Interpretation 9 *Reassessment of Embedded Derivatives* and International Accounting Standard 39 *Financial Instruments: Recognition and Measurement* hereinafter 'amendments to IFRIC 9 and IAS 39'. The amendments to IFRIC 9 and IAS 39 clarify the treatment of derivative financial instruments embedded in other contracts when a hybrid financial asset is reclassified out of the fair value through profit or loss category.

(3) The consultation with the Technical Expert Group (TEG) of the European Financial Reporting Advisory Group (EFRAG) confirms that the amendments to IFRIC 9 and

IAS 39 meet the technical criteria for adoption set out in Article 3(2) of Regulation (EC) No 1606/2002. In accordance with Commission Decision 2006/505/EC of 14 July 2006 setting up a Standards Advice Review Group to advise the Commission on the objectivity and neutrality of the European Financial Reporting Advisory Group's (EFRAG's) opinions <sup>(3)</sup>, the Standards Advice Review Group considered EFRAG's opinion on endorsement and advised the Commission that it is well-balanced and objective.

(4) Regulation (EC) No 1126/2008 should therefore be amended accordingly.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

In the Annex to Regulation (EC) No 1126/2008 International Financial Reporting Interpretations Committee's (IFRIC) Interpretation 9 *Reassessment of Embedded Derivatives* and International Accounting Standard (IAS) 39 *Financial Instruments: Recognition and Measurement* are amended as set out in the Annex to this Regulation.

*Article 2*

Each company shall apply the amendments to IFRIC 9 and IAS 39, as set out in the Annex to this Regulation, at the latest, as from the commencement date of its first financial year starting after 31 December 2008.

<sup>(1)</sup> OJ L 243, 11.9.2002, p. 1.

<sup>(2)</sup> OJ L 320, 29.11.2008, p. 1.

<sup>(3)</sup> OJ L 199, 21.7.2006, p. 33.

*Article 3*

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

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

Done at Brussels, 30 November 2009.

*For the Commission*  
Charlie McCREEVY  
*Member of the Commission*

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## ANNEX

## INTERNATIONAL ACCOUNTING STANDARDS

IFRIC 9	Amendments to IFRIC Interpretation 9 <i>Reassessment of Embedded Derivatives</i>
IAS 39	Amendments to International Accounting Standard 39 <i>Financial Instruments: Recognition and Measurement</i>

**Amendments to IFRIC Interpretation 9*****Reassessment of Embedded Derivatives***

Paragraph 7 is amended. Paragraphs 7A and 10 are added.

**CONSENSUS**

- 7 An entity shall assess whether an embedded derivative is required to be separated from the host contract and accounted for as a derivative when the entity first becomes a party to the contract. Subsequent reassessment is prohibited unless there is either (a) a change in the terms of the contract that significantly modifies the cash flows that otherwise would be required under the contract or (b) a reclassification of a financial asset out of the fair value through profit or loss category, in which cases an assessment is required. An entity determines whether a modification to cash flows is significant by considering the extent to which the expected future cash flows associated with the embedded derivative, the host contract or both have changed and whether the change is significant relative to the previously expected cash flows on the contract.
- 7A The assessment whether an embedded derivative is required to be separated from the host contract and accounted for as a derivative on reclassification of a financial asset out of the fair value through profit or loss category in accordance with paragraph 7 shall be made on the basis of the circumstances that existed on the later date of:
- (a) when the entity first became a party to the contract; and
  - (b) a change in the terms of the contract that significantly modified the cash flows that otherwise would have been required under the contract.

For the purpose of this assessment paragraph 11(c) of IAS 39 shall not be applied (ie the hybrid (combined) contract shall be treated as if it had not been measured at fair value with changes in fair value recognised in profit or loss). If an entity is unable to make this assessment the hybrid (combined) contract shall remain classified as at fair value through profit or loss in its entirety.

**EFFECTIVE DATE AND TRANSITION**

- 10 *Embedded Derivatives* (Amendments to IFRIC 9 and IAS 39) issued in March 2009 amended paragraph 7 and added paragraph 7A. An entity shall apply those amendments for annual periods ending on or after 30 June 2009.

**Amendments to International Accounting Standard 39*****Financial Instruments: Recognition and Measurement***

Paragraph 12 is amended. Paragraph 103J is added.

**EMBEDDED DERIVATIVES**

- 12 If an entity is required by this Standard to separate an embedded derivative from its host contract, but is unable to measure the embedded derivative separately either at acquisition or at the end of a subsequent financial reporting period, it shall designate the entire hybrid (combined) contract as at fair value through profit or loss. Similarly, if an entity is unable to measure separately the embedded derivative that would have to be separated on reclassification of a hybrid (combined) contract out of the fair value through profit or loss category, that reclassification is prohibited. In such circumstances the hybrid (combined) contract remains classified as at fair value through profit or loss in its entirety.

**EFFECTIVE DATE AND TRANSITION**

- 103J An entity shall apply paragraph 12, as amended by *Embedded Derivatives* (Amendments to IFRIC 9 and IAS 39), issued in March 2009, for annual periods ending on or after 30 June 2009.

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## COMMISSION REGULATION (EC) No 1172/2009

of 30 November 2009

**apportioning, for the 2009/2010 marketing year, 5 000 tonnes of short flax fibre and hemp fibre as national guaranteed quantities between Denmark, Greece, Ireland, Italy and Luxembourg**

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 <sup>(1)</sup>, and in particular Article 95 in conjunction with Article 4 thereof,

Whereas:

- (1) Article 8(1) of Commission Regulation (EC) No 507/2008 of 6 June 2008 laying down detailed rules for the application of Council Regulation (EC) No 1673/2000 on the common organisation of the markets in flax and hemp grown for fibre <sup>(2)</sup> lays down that the apportioning of 5 000 tonnes of short flax fibre and hemp fibre as national guaranteed quantities, as provided for in Article 94 (1a), of Regulation (EC) No 1234/2007 for the marketing year 2009/2010, must be effected before 16 November of the marketing year in progress.
- (2) To that end, Denmark has sent the Commission information relating to areas covered by sale/purchase contracts, processing commitments and processing contracts, and estimated flax and hemp straw and fibre yields.
- (3) Conversely, no flax or hemp fibre will be produced for the 2009/2010 marketing year in Italy, Greece, Ireland or Luxembourg.

(4) On the basis of estimates of production resulting from the information provided, total production in the five Member States concerned will not reach the overall quantity of 5 000 tonnes allocated to them, and the national guaranteed quantities as set out below should be set.

(5) 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 2009/2010 marketing year, the apportionment in national guaranteed quantities provided for in Article 94 (1a) in conjunction with Annex XI A.II.(b) of Regulation (EC) No 1234/2007 shall be as follows:

— Denmark	95,2 tonnes,
— Ireland	0 tonnes,
— Greece	0 tonnes,
— Italy	0 tonnes,
— Luxembourg	0 tonnes.

*Article 2*

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

It shall apply from 16 November 2009.

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

Done at Brussels, 30 November 2009.

*For the Commission*

Mariann FISCHER BOEL

*Member of the Commission*

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

<sup>(2)</sup> OJ L 149, 7.6.2008, p. 38.

**COMMISSION REGULATION (EC) No 1173/2009**  
**of 30 November 2009**  
**designating intervention centres for durum wheat and rice**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation)<sup>(1)</sup>, and in particular Article 41 in conjunction with Article 4 thereof,

Whereas:

- (1) The Commission must designate the Member State intervention centres which meet the minimum standards set in Article 2 of Regulation (EC) No 670/2009 of 24 July 2009 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 as regards public intervention by invitation to tender for the purchase of durum wheat or paddy rice<sup>(2)</sup>.
- (2) In accordance with Article 23(1) of Regulation (EC) No 670/2009, the Member States have sent the Commission a list of intervention centres for actual designation and a list of the storage premises attached to those centres which they have approved as fulfilling the minimum standards required by Community legislation.
- (3) In order to ensure that the public intervention scheme works efficiently, the Commission should designate intervention centres on the basis of their geographical situation and publish a list of the storage premises attached thereto, together with all the information required by the operators involved in public intervention.

(4) Given the frequent changes which may occur in this connection, and in the interests of sound intervention management, the Commission should make a constant update of this information available to users and provide for the details of the list of storage premises, first, to be published in the *Official Journal of the European Union* (C Series) and, subsequently, to be updated in accordance with Article 23(3) of Regulation (EC) No 670/2009 by all appropriate technical means via the information systems put in place by the Commission, including publication on the Internet.

(5) 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 intervention centres referred to in Article 2 of Regulation (EC) No 670/2009 are designated in the Annex hereto.

The addresses of the storage premises attached to each intervention centre and the detailed information on those premises and on the intervention centres shall be notified to users by means of a Commission Communication in the *Official Journal of the European Union* (C Series).

This information shall be amended and updated in accordance with Article 23(3) of Regulation (EC) No 670/2009.

*Article 2*

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

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

Done at Brussels, 30 November 2009.

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

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

<sup>(2)</sup> OJ L 194, 25.7.2009, p. 22.

## ANNEX

**A: Intervention centres for durum wheat**

GREECE	Zamora	Aigues-Mortes
Θράκη	Albacete	Baziege
Ανατολική Μακεδονία	Ciudad real	Lespinasse
Κεντρική Μακεδονία	Cuenca	Sainte Christie
Κεντρική Ελλάδα	Guadalajara	L'Isle Jourdain
Στερεά Ελλάδα	Badajoz	Sete
	Caceres	Issoudun
SPAIN	Navarra	La Ville aux Dames
Cadiz		Mer
Cordoba	FRANCE	Artenay
Sevilla	Le Pouzin	La Creche
Huesca	Castelnaudary	Lavaur
Teruel	Angouleme	Beaumont de Lomagne
Zaragoza	Moulins-sur-Yevre	Fontenay le Comte
Burgos	Orgeres en Beauce	
Palencia	Saint Sauveur	
Salamanca	Toury	
Soria	Voves	PORTUGAL
Valladolid	Fourques	Beja

**B: Intervention centres for rice**

BULGARIA	Sevilla	FRANCE
Plovdiv	Zaragoza	Arles
	Albacete	Fourques
GREECE	Ciudad Real	Aigues-Mortes
Κεντρική Ελλάδα	Cuenca	
Μακεδονία	Lerida	ITALY
	Badajoz	Piemonte
SPAIN	Caceres	PORTUGAL
Cadiz	Navarra	Beja
Cordoba		

**COMMISSION REGULATION (EC) No 1174/2009****of 30 November 2009****laying down rules for the implementation of Articles 34a and 37 of Council Regulation (EC) No 1798/2003 as regards refunds of value added tax under Council Directive 2008/9/EC**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

for the purposes of applying Article 9(2) of Directive 2008/9/EC.

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1798/2003 of 7 October 2003 on administrative cooperation in the field of value added tax and repealing Regulation (EEC) No 218/92 <sup>(1)</sup> and in particular Articles 34a and 37 thereof,Having regard to Council Directive 2008/9/EC of 12 February 2008 laying down detailed rules for the refund of value added tax, provided for in Directive 2006/112/EC, to taxable persons not established in the Member State of refund but established in another Member State <sup>(2)</sup>, and in particular Article 11 thereof,

Whereas:

- (1) Article 9(2) of Directive 2008/9/EC provides that the Member State of refund may require the applicant to provide additional electronic coded information supplementing the codes set out in Article 9(1) of Directive 2008/9/EC, to the extent that such information is necessary due to any restrictions on the right of deduction under Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax <sup>(3)</sup>, or for the implementation of a derogation received by the Member State of refund under Articles 395 or 396 of that Directive.
- (2) Pursuant to Article 34a(2) of Regulation (EC) No 1798/2003, the competent authorities of the Member State of refund are to notify by electronic means the competent authorities of the other Member States of any information required by them under Article 9(2) of Directive 2008/9/EC.
- (3) For that purpose, the technical details for the transmission of the additional information required by Member States under Article 9(2) of Directive 2008/9/EC should be determined. In particular, the codes to be used for the transmission of this information should be specified. The codes set out in the Annex to this Regulation have been developed by the Standing Committee on Administrative Cooperation (SCAC) on the basis of the information required by Member States

- (4) Applicants may be required according to Article 11 of Directive 2008/9/EC to provide a description of their business activity using harmonised codes. For that purpose, the commonly used codes provided for in Article 2(1)(d) of Regulation (EC) No 1893/2006 of the European Parliament and of the Council of 20 December 2006 establishing the statistical classification of economic activities NACE Revision 2 and amending Council Regulation (EEC) No 3037/90 as well as certain EC Regulations on specific statistical domains <sup>(4)</sup> should be employed.
- (5) Article 14 of Regulation (EC) No 1798/2003 states that the requested authority shall, at the request of the requesting authority, notify the addressee of all instruments and decisions emanating from the administrative authorities and concerning the application of VAT legislation in the Member State in which the requesting authority is established.
- (6) Where a Member State of refund requests the Member State of establishment to notify the applicant of its decisions and instruments for the purposes of the application of Directive 2008/9/EC, for reasons of data protection, it should be possible that such notification be made via the common communication network/common system interface (CCN/CSI) as defined in Article 2(1)(19) of Regulation (EC) No 1798/2003.
- (7) This Regulation lays down rules implementing, inter alia, Article 34a inserted in Regulation (EC) No 1798/2003 by Article 1 of Council Regulation (EC) No 143/2008 of 12 February 2008 amending Regulation (EC) No 1798/2003 as regards the introduction of administrative cooperation and the exchange of information concerning the rules relating to the place of supply of services, the special schemes and the refund procedure for value added tax <sup>(5)</sup>. Therefore, this Regulation should enter into force on the same date that Article 1 of Regulation (EC) No 143/2008 becomes applicable.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Administrative Cooperation,

<sup>(1)</sup> OJ L 264, 15.10.2003, p. 1.<sup>(2)</sup> OJ L 44, 20.2.2008, p. 23.<sup>(3)</sup> OJ L 347, 11.12.2006, p. 1.<sup>(4)</sup> OJ L 393, 30.12.2006, p. 1.<sup>(5)</sup> OJ L 44, 20.2.2008, p. 1.

HAS ADOPTED THIS REGULATION:

*Article 1*

Where a Member State of refund notifies other Member States that it requires additional electronic coded information as provided for in Article 9(2) of Directive 2008/9/EC, the codes specified in the Annex to this Regulation shall be used for the purposes of transmitting this information.

*Article 2*

Where a Member State of refund requires a description of the applicants business activity as provided for in Article 11 of Directive 2008/9/EC, such information shall be given at the

fourth level of the NACE Rev. 2 codes, as provided for in Article 2(1)(d) of Regulation (EC) No 1893/2006.

*Article 3*

Where a Member State of refund requests a Member State of establishment of an addressee to notify the addressee of instruments and decisions relating to a refund under Directive 2008/9/EC, that notification request may be transmitted via the CCN/CSI network as defined in Article 2(1)(19) of Regulation (EC) No 1798/2003.

*Article 4*

This Regulation shall enter into force on 1 January 2010.

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

Done at Brussels, 30 November 2009.

*For the Commission*

László KOVÁCS

*Member of the Commission*

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## ANNEX

**Codes for use in the transmission of information under Article 34(a)(2) of Regulation (EC) No 1798/2003**

<b>Code 1. Fuel</b>	
1.1 Fuel for means of transport with a mass greater than 3 500 kg, other than means of transport for paying passengers	1.1.1 Petrol 1.1.2 Diesel 1.1.3 LPG 1.1.4 Natural Gas 1.1.5 Bio fuel
1.2 Fuel for means of transport with a mass less than or equal to 3 500 kg other than means of transport for paying passengers	1.2.1 Petrol 1.2.2 Diesel 1.2.3 LPG 1.2.4 Natural Gas 1.2.5 Bio fuel 1.2.6 PKW 1.2.7 LKW
1.3 Fuel for means of transport for paying passengers	1.3.1 Petrol 1.3.2 Diesel 1.3.3 LPG 1.3.4 Natural Gas 1.3.5 Bio fuel
1.4 Fuel used specifically for test vehicles	
1.5 Petroleum products used for lubrication of means of transport or engines	
1.6 Fuel purchased for resale	
1.7 Fuel for means of goods transport	
1.8 Fuel for passenger and multipurpose cars	1.8.1 Used exclusively for business purposes 1.8.2 Used partly for commercial passenger transport, driving instruction or rental purposes 1.8.3 Used partly for other than 1.8.2 purposes
1.9 Fuel for motorcycles, caravans and vessels for recreational or sports purposes, and aircraft with a mass less than 1 550 kg	1.9.1 Used for commercial passenger transport, driving instruction or rental purposes 1.9.2 Used for business purposes
1.10 Fuel for machines and agriculture tractors	1.10.1 Petrol 1.10.2 Diesel 1.10.3 LPG 1.10.4 Natural Gas 1.10.5 Bio fuel

1.11	Fuel for means of passenger transport with less than 9 spaces or a rental car	1.11.1 Petrol 1.11.2 Diesel 1.11.3 LPG 1.11.4 Natural Gas 1.11.5 Bio fuel
1.12	Fuel for means of passenger transport other than 1.8 and 1.9	
1.13	Fuel for means of transport for which there exists no restriction on the right to deduct	
1.14	Fuel for means of transport for which there exists a restriction on the right to deduct.	

## Code 2. Hiring of means of transport

2.1	Hiring of means of transport with a mass greater than 3 500 kg other than means of transport for paying passengers	
2.2	Hiring of means of transport with a mass less than or equal to 3 500 kg other than means of transport for paying passengers	2.2.1 For a continuous period exceeding 6 months 2.2.2 For a continuous period equal to or not exceeding 6 months 2.2.3 PKW 2.2.4 LKW
2.3	Hiring of means of transport for paying passengers	2.3.1 For a continuous period exceeding 6 months 2.3.2 For a continuous period equal to or not exceeding 6 months
2.4	Hiring of means of goods transport	
2.5	Hiring of passenger and multipurpose cars	2.5.1 Used exclusively for business purposes 2.5.2 Used partly for commercial passenger transport or driving instruction 2.5.3 Used partly for other than 2.5.2 purposes
2.6	Hiring of motorcycles, caravans and vessels for recreational or sports purposes, and aircraft with a mass less than 1 550 kg	2.6.1 Used for commercial passenger transport or driving instruction 2.6.2 Used for other business purposes
2.7	Hiring of passenger cars of the M1 category	
2.8	Hiring of means of passenger transport with more than 9 spaces	
2.9	Hiring of means of passenger transport with less than 9 spaces	2.9.1 Used for commercial operations 2.9.2 Used for other than commercial operations

2.10	Hiring of means of transport for which there exists no restriction on the right to deduct	
2.11	Hiring of a means of transport for which there exists a restriction on the right to deduct.	
2.12	Hiring of means of transport other than 2.5 and 2.6	

**Code 3. Expenditure relating to means of transport (other than goods and services referred to under codes 1 and 2)**

3.1	Expenditure relating to means of transport with a mass greater than 3 500 kg other than means of transport for paying passengers	3.1.1	Purchase of means of transport with a mass greater than 3 500 kg other than means of transport for paying passengers
		3.1.2	Maintenance of a means of transport with a mass greater than 3 500 kg other than means of transport for paying passengers
		3.1.3	Purchase and installation of accessories for a means of transport with a mass greater than 3 500 kg other than means of transport for paying passengers
		3.1.4	Garaging or parking of a means of transport with a mass greater than 3 500 kg other than means of transport for paying passengers
		3.1.5	Other expenditure relating to a means of transport with a mass greater than 3 500 kg other than means of transport for paying passengers
3.2	Expenditure relating to means of transport with a mass less than or equal to 3 500 kg other than means of transport for paying passengers	3.2.1	Purchase of means of transport with a mass less than or equal to 3 500 kg other than means of transport for paying passengers
		3.2.2	Maintenance of a means of transport with a mass less than or equal to 3 500 kg other than means of transport for paying passengers
		3.2.3	Purchase and installation of accessories for a means of transport with a mass less than or equal to 3 500 kg other than means of transport for paying passengers
		3.2.4	Garaging or parking of a means of transport with a mass less than or equal to 3 500 kg other than means of transport for paying passengers
		3.2.5	Other expenditure relating to a means of transport with a mass less than or equal to 3 500 kg other than means of transport for paying passengers
		3.2.6	PKW
		3.2.7	LKW
3.3	Expenditure relating to means of transport for paying passengers	3.3.1	Purchase of a means of transport for paying passengers
		3.3.2	Maintenance of a means of transport for paying passengers
		3.3.3	Purchase and installation of accessories for a means of transport for paying passengers
		3.3.4	Garaging or parking of a means of transport for paying passengers
		3.3.5	Other expenditure relating to a means of transport for paying passengers

3.4 Expenditure relating to means of goods transport	3.4.1 Purchase of a means of goods transport 3.4.2 Maintenance of a means of goods transport 3.4.3 Garaging or parking of a means of goods transport 3.4.4 Expenditure relating to means of goods transport other than 3.4.1, 3.4.2 and 3.4.3
3.5 Maintenance of passenger and multipurpose cars	3.5.1 Used exclusively for business purposes 3.5.2 Used partly for commercial passenger transport, driving instruction, or rental purposes 3.5.3 Used partly for business purposes other than 3.5.2
3.6 Maintenance, of motorcycles, caravans and vessels for recreational and sports purposes, and aircrafts with a mass greater than 1 550 kg	3.6.1 Used for commercial passenger transport, driving instruction, rental purposes 3.6.2 Used for other business purposes
3.7 Expenditure, other than maintenance, garaging and parking relating to passenger and multipurpose cars	3.7.1 Used exclusively for business purposes 3.7.2 Used partly for commercial passenger transport, driving instruction or rental purposes 3.7.3 Used partly for purposes other than 3.7.2
3.8 Expenditure, other than maintenance, garaging and parking relating to motorcycles, caravans and vessels for recreational and sports purposes, and aircrafts with a mass greater than 1 550 kg.	3.8.1 Used for commercial passenger transport, driving instruction, rental purposes or resale 3.8.2 Used for other business purposes
3.9 Purchase of passenger car of M1 category	
3.10 Purchase of accessories for passenger cars of M1 category, including their assembly and installation	
3.11 Expenditure relating to means of passenger transport with more than 9 places, or to means of goods transport	
3.12 Expenditure relating to means of passenger transport with less than 9 places used for commercial operations	
3.13 Expenditure relating to means of transport for which there exists no restriction on the right to deduct	
3.14 Expenditure relating to means of transport for which there exists a restriction on the right to deduct	
3.15 Maintenance of means of passenger transport other than passenger and multipurpose cars, motorcycles, caravans ad vessels for recreational and sports purposes, and aircraft with a mass greater than 1 550 kg.	

3.16	Garaging or parking of a means of passenger transport	
3.17	Expenditure, other than maintenance, garaging or parking relating to means of transport other than passenger and multipurpose cars, motorcycles, caravans and vessels for recreational and sports purposes, and aircraft with a mass greater than 1 550 kg	

**Code 4. Road tolls and road user charge**

4.1	Road tolls for means of transport with a mass greater than 3 500 kg other than means of transport for paying passengers	
4.2	Road tolls for vehicles with a mass less than or equal to 3 500 kg other than means of transport for paying passengers	4.2.1 PKW 4.2.2 LKW
4.3	Road tolls for means of transport for paying passengers	
4.4	Road tolls for any means of transport across the Great Belt Bridge	
4.5	Road tolls for any means of transport across the Öresund Bridge	
4.6	Road tolls for means of transport for paying passengers with more than 9 places	
4.7	Road tolls for means of transport for paying passengers with less than 9 places	
4.8	Road tolls for vehicles used in the context of a conference, fair, exhibition or congress	4.8.1 For the organiser of the event 4.8.2 For a participant in the event, where the expenditure is directly charged by the organiser

**Code 5. Travel expenses, such as taxi fares, public transport fares**

5.1	For the taxable person or an employee of the taxable person	
5.2	For someone other than the taxable person, or an employee of the taxable person	

5.3	For the taxable person or an employee of the taxable person in the context of a conference, fair, exhibition or congress	5.3.1	For the organiser of the event
		5.3.2	For a participant in the event, where the expenditure is directly charged by the organiser

**Code 6. Accommodation**

6.1	Expenditure on lodging and accommodation for the taxable person, or an employee of the taxable person		
6.2	Expenditure on lodging and accommodation for someone other than the taxable person or an employee of the taxable person		
6.3	Expenditure on lodging and accommodation for the taxable person or an employee of the taxable person attending qualifying conferences		
6.4	Expenditure on lodging and accommodation for the taxable person or an employee of the taxable person in the context of a conference, fair, exhibition or congress	6.4.1	For the organiser of the event
		6.4.2	For a participant in the event, where the expenditure is directly charged by the organiser
6.5	Expenditure on lodging and accommodation for an employee of the taxable person effecting supplies of goods or services		
6.6	Expenditure on lodging and accommodation for onward supply		
6.7	Expenditure on lodging other than 6.5 or 6.6		

**Code 7. Food, drink and restaurant services**

7.1	Food and drink provided by hotels, bars, restaurants and boarding houses, including breakfast	7.1.1	For the taxable person or an employee of the taxable person
		7.1.2	For someone other than the taxable person or an employee of the taxable person
7.2	Food and drink provided in the context of a conference, fair, exhibition or congress	7.2.1	For the organiser of the event
		7.2.2	For a participant in the event, where the expenditure is directly charged by the organiser
7.3	Food and drink for an employee of the taxable person effecting supplies of goods or services		
7.4	Restaurant services purchased for onward supply		
7.5	Purchase of food, drink or restaurant services other than 7.2, 7.3 and 7.4		

**Code 8. Admissions to fairs and exhibitions**

8.1	For the taxable person or an employee of the taxable person	
8.2	For someone other than the taxable person or an employee of the taxable person	

**Code 9. Expenditure on luxuries, amusements and entertainment**

9.1	Purchase of alcohol	
9.2	Purchase of manufactured tobacco	
9.3	Expenditure on receptions and entertainment.	9.3.1 For publicity purposes 9.3.2 Not for publicity purposes
9.4	Expenditure on maintenance of pleasure craft	
9.5	Expenditure on works of art, collectors items and antiques	
9.6	Expenditure on luxuries, amusements and entertainment for advertising	
9.7	Expenditure on luxuries, amusements and entertainment other than 9.1, 9.2 and 9.3	

**Code 10. Other**

10.1	Tools	
10.2	Repairs within a warranty period	
10.3	Services connected with education	
10.4	Work on property	10.4.1 Work on immovable property 10.4.2 Work on immovable property used as a dwelling 10.4.3 Work on moveable property other than code 3
10.5	Purchase or hiring of property	10.5.1 Purchase or hiring of immovable property 10.5.2 Purchase or hiring of immovable property used as a dwelling, or for recreational or leisure use. 10.5.3 Purchase or hiring of moveable property connected with or used in immovable property used as a dwelling, or for recreational or leisure use. 10.5.4 Purchase or hiring of moveable property other than code 2

10.6	Provision of water, gas or electricity through a distribution network	
10.7	Gifts of a small value	
10.8	Office expenses	
10.9	Participation in fairs and seminars, education or training	10.9.1 Fairs 10.9.2 Seminars 10.9.3 Education 10.9.4 Training
10.10	Flat rate additions on livestock and agricultural produce	
10.11	Expenditure on postage of mail to countries outside the EU	
10.12	Expenditure on fax and phone in connection with accommodation	
10.13	Goods and services acquired by a travel organiser for the direct benefit of the traveller	
10.14	Goods purchased for resale other than 1.6	
10.15	services purchased for resale other than 6.6 and 7.4	
10.16	Work on property	10.16.1 Work on immovable property used as a residence, recreational or leisure facility 10.16.2 Work on immovable property other than 10.16.1 10.16.3 Work on moveable property connected with or use of an immovable property in 10.16.1 10.16.4 Work on moveable property other than 10.16.3
10.17	Expenditure on property	10.17.1 Expenditure on immovable property used as a dwelling, or for recreational or leisure use. 10.17.2 Expenditure on immovable property other than 10.17.1

**COMMISSION REGULATION (EC) No 1175/2009****of 30 November 2009****entering a name in the register of protected designations of origin and protected geographical indications (Aglio Bianco Polesano (PDO))**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Pursuant to Article 6(2) of Regulation (EC) No 510/2006, Italy's application to register the name 'Aglio Bianco Polesano' was published in the *Official Journal of the European Union* <sup>(2)</sup>.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

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

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

Done at Brussels, 30 November 2009.

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

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

<sup>(2)</sup> OJ C 104, 6.5.2009, p. 16.

## ANNEX

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

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

ITALY

Aglio Bianco Polesano (PDO)

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**COMMISSION REGULATION (EC) No 1176/2009****of 30 November 2009****entering a name in the register of protected designations of origin and protected geographical indications (Redykołka (PDO))**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Pursuant to the first subparagraph of Article 6(2) of Regulation (EC) No 510/2006, Poland's application to register the name 'Redykołka' was published in the *Official Journal of the European Union* <sup>(2)</sup>.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

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

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

Done at Brussels, 30 November 2009.

*For the Commission*

Mariann FISCHER BOEL

*Member of the Commission*

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

<sup>(2)</sup> OJ C 103, 5.5.2009, p. 21.

## ANNEX

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

**Class 1.3. Cheeses**

POLAND

Redykołka (PDO)  
  

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## COMMISSION REGULATION (EC) No 1177/2009

of 30 November 2009

amending Directives 2004/17/EC, 2004/18/EC and 2009/81/EC of the European Parliament and of the Council in respect of their application thresholds for the procedures for the award of contracts

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2004/17/EC of the European Parliament and of the Council of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services<sup>(1)</sup>, and in particular Article 69 thereof,

Having regard to Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts<sup>(2)</sup>, and in particular Article 78 thereof,

Having regard to Directive 2009/81/EC of the European Parliament and of the Council of 13 July 2009 on the coordination of procedures for the award of certain works contracts, supply contracts and service contracts by contracting authorities or entities in the fields of defence and security, and amending Directives 2004/17/EC and 2004/18/EC<sup>(3)</sup>, and in particular Article 68 thereof,

After consultation of the Advisory Committee for Public Contracts,

Whereas:

(1) By Decision 94/800/EC of 22 December 1994 concerning the conclusion on behalf of the European Community, as regards matters within its competence, of the agreements reached in the Uruguay Round multilateral negotiations (1986 to 1994)<sup>(4)</sup> the Council concluded the Agreement on Government Procurement (hereinafter referred to as 'the Agreement'). The Agreement should be applied to any procurement contract with a value that reaches or exceeds the amounts (hereinafter referred to as 'thresholds') set in the Agreement and expressed as special drawing rights.

(2) One of the objectives of Directives 2004/17/EC and 2004/18/EC is to allow the contracting entities and the contracting authorities which apply those Directives to comply at the same time with the obligations laid

down in the Agreement. To achieve this, the thresholds laid down by those Directives for public contracts which are also covered by the Agreement should be aligned in order to ensure that they correspond to the euro equivalents, rounded down to the nearest thousand, of the thresholds set out in the Agreement.

- (3) For reasons of coherence, it is appropriate to align also those thresholds in Directives 2004/17/EC and 2004/18/EC which are not covered by the Agreement. At the same time, the thresholds laid down by Directive 2009/81/EC should be aligned to the revised thresholds laid down in Article 16 of Directive 2004/17/EC.
- (4) Directives 2004/17/EC, 2004/18/EC and 2009/81/EC should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

Directive 2004/17/EC is amended as follows:

1. Article 16 is amended as follows:

- (a) in point (a), the amount 'EUR 412 000' is replaced by 'EUR 387 000';
- (b) in point (b), the amount 'EUR 5 150 000' is replaced by 'EUR 4 845 000';

2. Article 61 is amended as follows:

- (a) in paragraph 1, the amount 'EUR 412 000' is replaced by 'EUR 387 000';
- (b) in paragraph 2, the amount 'EUR 412 000' is replaced by 'EUR 387 000'.

*Article 2*

Directive 2004/18/EC is amended as follows:

1. Article 7 is amended as follows:

- (a) in point (a), the amount 'EUR 133 000' is replaced by 'EUR 125 000';

<sup>(1)</sup> OJ L 134, 30.4.2004, p. 1.

<sup>(2)</sup> OJ L 134, 30.4.2004, p. 114.

<sup>(3)</sup> OJ L 216, 20.8.2009, p. 76.

<sup>(4)</sup> OJ L 336, 23.12.1994, p. 1.

- (b) in point (b), the amount 'EUR 206 000' is replaced by 'EUR 193 000';
- (c) in point (c), the amount 'EUR 5 150 000' is replaced by 'EUR 4 845 000';
2. the first paragraph of Article 8 is amended as follows:
- (a) in point (a), the amount 'EUR 5 150 000' is replaced by 'EUR 4 845 000';
- (b) in point (b), the amount 'EUR 206 000' is replaced by 'EUR 193 000';
3. in Article 56, the amount 'EUR 5 150 000' is replaced by 'EUR 4 845 000';
4. in the first subparagraph of Article 63(1), the amount 'EUR 5 150 000' is replaced by 'EUR 4 845 000';
5. Article 67(1) is amended as follows:

- (a) in point (a), the amount 'EUR 133 000' is replaced by 'EUR 125 000';
- (b) in point (b), the amount 'EUR 206 000' is replaced by 'EUR 193 000';
- (c) in point (c), the amount 'EUR 206 000' is replaced by 'EUR 193 000'.

*Article 3*

Article 8 of Directive 2009/81/EC is amended as follows:

1. in point (a), the amount 'EUR 412 000' is replaced by 'EUR 387 000';
2. in point (b), the amount 'EUR 5 150 000' is replaced by 'EUR 4 845 000'.

*Article 4*

This Regulation shall enter into force on 1 January 2010.

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

Done at Brussels, 30 November 2009.

*For the Commission*  
Charlie McCREEVY  
*Member of the Commission*

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## DIRECTIVES

## COMMISSION DIRECTIVE 2009/152/EC

of 30 November 2009

## amending Council Directive 91/414/EEC as regards the expiry date for inclusion in Annex I of the active substance carbendazim

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market<sup>(1)</sup>, and in particular the second indent of the second subparagraph of Article 6(1) thereof,

Whereas:

- (1) By Commission Directive 2006/135/EC<sup>(2)</sup> carbendazim was included as an active substance in Annex I to Directive 91/414/EEC. That inclusion expires on 31 December 2009.
- (2) On request the inclusion of an active substance may be renewed for a period not exceeding 10 years. On 6 August 2007 the Commission received such a request from the notifier regarding the renewal of the inclusion for this substance.
- (3) On 10 January 2008 the notifier submitted a technical dossier to the rapporteur Member State Germany in support of its request. Germany delivered its draft reassessment report on 27 July 2009. It is necessary that the European Food Safety Authority performs a peer review.
- (4) Since it is impossible to complete the renewal procedure before the date when the inclusion of carbendazim will expire and since the request for renewal was made in sufficient time, in accordance with Article 5(5) of Directive 91/414/EEC a renewal should be granted for the period necessary to complete that procedure.
- (5) It is therefore appropriate to amend Directive 91/414/EEC accordingly.
- (6) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DIRECTIVE:

*Article 1*

In Annex I to Directive 91/414/EEC, in row No 149 (carbendazim (unstated stereochemistry) CAS No 10605-21-7 CIPAC No 263), in the sixth column (expiration of inclusion), the words '31 December 2009' are replaced by the words '31 December 2010'.

*Article 2*

Member States shall adopt and publish by 31 December 2009 at the latest the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

They shall apply those provisions from 1 January 2010.

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

*Article 3*

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

*Article 4*

This Directive is addressed to the Member States.

Done at Brussels, 30 November 2009.

For the Commission  
Androulla VASSILIOU  
Member of the Commission

<sup>(1)</sup> OJ L 230, 19.8.1991, p. 1.

<sup>(2)</sup> OJ L 349, 12.12.2006, p. 37.

**COMMISSION DIRECTIVE 2009/153/EC****of 30 November 2009****amending Annex I to Council Directive 91/414/EEC as regards the common name and the purity of the active substance hydrolysed proteins****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market <sup>(1)</sup>, and in particular the second indent of the second subparagraph of Article 6(1) thereof,

Whereas:

- (1) Directive 91/414/EEC was amended by Commission Directive 2008/127/EC <sup>(2)</sup> to include certain hydrolysed proteins.
- (2) The rapporteur Member State has received additional information on hydrolysed proteins. It appears that hydrolysed proteins can be originated by many different organic compounds. It is therefore appropriate to refer to the common name and purity specifications, as set out in the review report on hydrolysed proteins.
- (3) Directive 91/414/EEC should therefore be amended accordingly.
- (4) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DIRECTIVE:

*Article 1*

Annex I to Directive 91/414/EEC is amended in accordance with the Annex to this Directive.

*Article 2*

Member States shall adopt and publish, by 28 February 2010 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

They shall apply those provisions from 1 March 2010.

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

*Article 3*

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

*Article 4*

This Directive is addressed to the Member States.

Done at Brussels, 30 November 2009.

*For the Commission*

Androulla VASSILIOU

*Member of the Commission*

<sup>(1)</sup> OJ L 230, 19.8.1991, p. 1.

<sup>(2)</sup> OJ L 344, 20.12.2008, p. 89.

## ANNEX

In Annex I to Directive 91/414/EEC, row No 240 is replaced by the following:

No	Common name, identification numbers	IUPAC name	Purity <sup>(1)</sup>	Entry into force	Expiration of inclusion	Specific provisions
240	Hydrolysed proteins CAS No: not allocated CIPAC No: not allocated	Not available	Review report (SANCO/2615/2008)	1 September 2009	31 August 2019	<p>PART A</p> <p>Only uses as attractant may be authorised. Hydrolysed proteins of animal origin must be in compliance with Regulation (EC) No 1774/2002.</p> <p>PART B</p> <p>For the implementation of the uniform principles of Annex VI, the conclusions of the review report on hydrolysed proteins (SANCO/2615/2008) and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health shall be taken into account.</p> <p>Conditions of use shall include, where appropriate, risk mitigation measures.'</p>

<sup>(1)</sup> Further details on identity and specification of active substances are provided in the review report.

**COMMISSION DIRECTIVE 2009/154/EC****of 30 November 2009****amending Council Directive 91/414/EEC to include cyflufenamid as active substance****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) In accordance with Article 6(2) of Directive 91/414/EEC the United Kingdom received on 17 March 2003 an application from Nisso Chemical Europe GmbH for the inclusion of the active substance cyflufenamid in Annex I to Directive 91/414/EEC. Commission Decision 2003/636/EC <sup>(2)</sup> confirmed that the dossier was complete in the sense that it could be considered as satisfying, in principle, the data and information requirements of Annexes II and III to Directive 91/414/EEC.
- (2) For that active substance, the effects on human health and the environment have been assessed, in accordance with the provisions of Article 6(2) and (4) of Directive 91/414/EEC, for the uses proposed by the applicant. The designated rapporteur Member State submitted a draft assessment report on 30 January 2006.
- (3) The assessment report was peer reviewed by the Member States and the EFSA and presented to the Commission in the format of the EFSA Scientific Report for cyflufenamid on 8 April 2009 <sup>(3)</sup>. This report was reviewed by the Member States and the Commission within the Standing Committee on the Food Chain and Animal Health and finalised on 2 October 2009 in the format of the Commission review report for cyflufenamid.
- (4) It has appeared from the various examinations made that plant protection products containing cyflufenamid may be expected to satisfy, in general, the requirements laid down in Article 5(1)(a) and (b) and Article 5(3) of Directive 91/414/EEC, in particular with regard to the uses which were examined and detailed in the Commission review report. It is therefore appropriate to include cyflufenamid in Annex I to that Directive, in

order to ensure that in all Member States the authorisations of plant protection products containing this active substance may be granted in accordance with the provisions of that Directive.

- (5) Without prejudice to the obligations defined by Directive 91/414/EEC as a consequence of including an active substance in Annex I, Member States should be allowed a period of six months after inclusion to review existing provisional authorisations of plant protection products containing cyflufenamid to ensure that the requirements laid down by Directive 91/414/EEC, in particular in its Article 13 and the relevant conditions set out in Annex I, are satisfied. Member States should transform existing provisional authorisations into full authorisations, amend them or withdraw them in accordance with the provisions of Directive 91/414/EEC. By derogation from the above deadline, a longer period should be provided for the submission and assessment of the complete Annex III dossier of each plant protection product for each intended use in accordance with the uniform principles laid down in Directive 91/414/EEC.
- (6) It is therefore appropriate to amend Directive 91/414/EEC accordingly.
- (7) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DIRECTIVE:

*Article 1*

Annex I to Directive 91/414/EEC is amended as set out in the Annex to this Directive.

*Article 2*

Member States shall adopt and publish by 30 September 2010 at the latest the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

They shall apply those provisions from 1 October 2010.

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

<sup>(1)</sup> OJ L 230, 19.8.1991, p. 1.

<sup>(2)</sup> OJ L 221, 4.9.2003, p. 42.

<sup>(3)</sup> Conclusion on pesticide peer review regarding the risk assessment of the active substance cyflufenamid. EFSA Scientific Report (2009) 258, pp. 1-99.

*Article 3*

1. Member States shall in accordance with Directive 91/414/EEC, where necessary, amend or withdraw existing authorisations for plant protection products containing cyflufenamid as active substance by 30 September 2010. By that date, they shall in particular verify that the conditions in Annex I to that Directive relating to cyflufenamid are met, with the exception of those identified in part B of the entry concerning the active substance, and that the holder of the authorisation has, or has access to, a dossier satisfying the requirements of Annex II to that Directive in accordance with the conditions of Article 13(2) of that Directive.

2. By way of derogation from paragraph 1, for each authorised plant protection product containing cyflufenamid as either the only active substance or as one of several active substances all of which were listed in Annex I to Directive 91/414/EEC by 31 March 2010 at the latest, Member States shall re-evaluate the product in accordance with the uniform principles provided for in Annex VI to Directive 91/414/EEC, on the basis of a dossier satisfying the requirements of Annex III to that Directive and taking into account part B of the entry in Annex I to that Directive concerning cyflufenamid. On the basis of that evaluation, they shall determine whether the product satisfies the conditions set out in Article 4(1)(b), (c), (d) and (e) of Directive 91/414/EEC.

Following that determination Member States shall:

- (a) in the case of a product containing cyflufenamid as the only active substance, where necessary, amend or withdraw the authorisation by 30 September 2011 at the latest; or
- (b) in the case of a product containing cyflufenamid as one of several active substances, where necessary, amend or withdraw the authorisation by 30 September 2011 or by the date fixed for such an amendment or withdrawal in the respective Directive or Directives which added the relevant substance or substances to Annex I to Directive 91/414/EEC, whichever is the latest.

*Article 4*

This Directive shall enter into force on 1 April 2010.

*Article 5*

This Directive is addressed to the Member States.

Done at Brussels, 30 November 2009.

*For the Commission*  
Androulla VASSILIOU  
*Member of the Commission*

## ANNEX

In Annex I to Directive 91/414/EEC, the following entry is added at the end of the table:

No	Common name, identification numbers	IUPAC name	Purity <sup>(1)</sup>	Entry into force	Expiration of inclusion	Specific provisions
'302	Cyflufenamid CAS No: 180409-60-3 CIPAC No: 759	(Z)-N-[ $\alpha$ -(cyclopropylmethoxyimino) – 2,3-difluoro-6-(trifluoromethyl)benzyl]-2-phenylacetamide	> 980 g/kg	1 April 2010	31 March 2020	<p>PART A</p> <p>Only uses as fungicide may be authorised.</p> <p>PART B</p> <p>For the implementation of the uniform principles of Annex VI, the conclusions of the review report on cyflufenamid, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 2 October 2009 shall be taken into account.</p> <p>In this overall assessment Member States must pay particular attention to the protection of groundwater, when the active substance is applied in regions with vulnerable soil and/or climatic conditions.</p> <p>Conditions of authorisation shall include risk mitigation measures, where appropriate.'</p>

<sup>(1)</sup> Further details on identity and specification of active substances are provided in the review report.

**COMMISSION DIRECTIVE 2009/155/EC**  
**of 30 November 2009**  
**amending Council Directive 91/414/EEC as regards the purity level required of the active substance**  
**metazachlor**

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market <sup>(1)</sup>, and in particular the second indent of the second subparagraph of Article 6(1) thereof,

Whereas:

- (1) After an examination in which the United Kingdom acted as rapporteur Member State, Commission Directive 2008/116/EC <sup>(2)</sup> included the active substance metazachlor in Annex I to Directive 91/414/EEC. With regard to that substance, Directive 2008/116/EC has set a maximum level of 0,01 % for toluene as a manufacturing impurity. That level was based on the specification submitted by the notifier.
- (2) The notifier has asked for an amendment to Directive 91/414/EEC raising that maximum level to 0,05 %. It submitted the necessary information in support of its request. On 2 February 2009 the rapporteur Member State presented an addendum <sup>(3)</sup> to the draft assessment report concluding that a maximum level of 0,05 % does not cause any risk in addition to the risks already taken into account in the Commission review report for that substance.
- (3) The maximum level of toluene as a manufacturing impurity of metazachlor should therefore be raised to 0,05 %.
- (4) It is therefore appropriate to amend Directive 91/414/EEC accordingly.
- (5) Since this Directive should start to apply on the same date as Directive 2008/116/EC, this Directive should enter into force as soon as possible.

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

HAS ADOPTED THIS DIRECTIVE:

*Article 1*

In row 223 (metazachlor) of Annex I to Directive 91/414/EEC, in column 4 (purity), '0,01 %' is replaced by '0,05 %'.

*Article 2*

Member States shall adopt and publish, by 31 January 2010 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

They shall apply those provisions from 1 February 2010.

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

*Article 3*

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

*Article 4*

This Directive is addressed to the Member States.

Done at Brussels, 30 November 2009.

*For the Commission*  
Androulla VASSILIOU  
*Member of the Commission*

<sup>(1)</sup> OJ L 230, 19.8.1991, p. 1.

<sup>(2)</sup> OJ L 337, 16.12.2008, p. 86.

<sup>(3)</sup> Addendum 2 — January 2009 — to Volume 4, Annex C to the report and proposed decision of the United Kingdom made to the European Commission under Article 8(1) of Directive 91/414/EEC.

## II

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

## DECISIONS

## COUNCIL

## COUNCIL DECISION

of 13 December 2007

**relating to the implementation of Article 9C(4) of the Treaty on European Union and Article 205(2) of the Treaty on the Functioning of the European Union between 1 November 2014 and 31 March 2017 on the one hand, and as from 1 April 2017 on the other**

(2009/857/EC)

THE COUNCIL OF THE EUROPEAN UNION,

(b) at least three quarters of the number of Member States;

Whereas:

(1) Provisions should be adopted allowing for a smooth transition from the system for decision-making in the Council by a qualified majority as defined in Article 3(3) of the Protocol on the transitional provisions, which will continue to apply until 31 October 2014, to the voting system provided for in Article 9C(4) of the Treaty on European Union and Article 205(2) of the Treaty on the Functioning of the European Union, which will apply with effect from 1 November 2014, including, during a transitional period until 31 March 2017, specific provisions laid down in Article 3(2) of that Protocol.

(2) It is recalled that it is the practice of the Council to devote every effort to strengthening the democratic legitimacy of decisions taken by a qualified majority,

HAS DECIDED AS FOLLOWS:

## SECTION 1

**PROVISIONS TO BE APPLIED FROM 1 NOVEMBER 2014 TO 31 MARCH 2017**

*Article 1*

From 1 November 2014 to 31 March 2017, if members of the Council, representing:

(a) at least three quarters of the population; or

necessary to constitute a blocking minority resulting from the application of Article 9C(4), first subparagraph, of the Treaty on European Union or Article 205(2) of the Treaty on the Functioning of the European Union, indicate their opposition to the Council adopting an act by a qualified majority, the Council shall discuss the issue.

*Article 2*

The Council shall, in the course of these discussions, do all in its power to reach, within a reasonable time and without prejudicing obligatory time limits laid down by Union law, a satisfactory solution to address concerns raised by the members of the Council referred to in Article 1.

*Article 3*

To this end, the President of the Council, with the assistance of the Commission and in compliance with the Rules of Procedure of the Council, shall undertake any initiative necessary to facilitate a wider basis of agreement in the Council. The members of the Council shall lend him or her their assistance.

## SECTION 2

**PROVISIONS TO BE APPLIED AS FROM 1 APRIL 2017**

*Article 4*

As from 1 April 2017, if members of the Council, representing:

(a) at least 55 % of the population; or

(b) at least 55 % of the number of Member States;

necessary to constitute a blocking minority resulting from the application of Article 9C(4), first subparagraph, of the Treaty on European Union or Article 205(2) of the Treaty on the Functioning of the European Union, indicate their opposition to the Council adopting an act by a qualified majority, the Council shall discuss the issue.

*Article 5*

The Council shall, in the course of these discussions, do all in its power to reach, within a reasonable time and without prejudicing obligatory time limits laid down by Union law, a satisfactory solution to address concerns raised by the members of the Council referred to in Article 4.

*Article 6*

To this end, the President of the Council, with the assistance of the Commission and in compliance with the Rules of Procedure

of the Council, shall undertake any initiative necessary to facilitate a wider basis of agreement in the Council. The members of the Council shall lend him or her their assistance.

SECTION 3

**ENTRY INTO FORCE**

*Article 7*

This Decision shall enter into force on the date of the entry into force of the Treaty of Lisbon.

Done at Brussels, 13 December 2007.

*For the Council*

*The President*

L. AMADO

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# COMMISSION

## COMMISSION DECISION

of 27 November 2009

**approving certain amended programmes for the eradication and monitoring of animal diseases and zoonoses for the year 2009 and amending Decision 2008/897/EC as regards the reallocation of the Community's financial contribution to certain Member States for programmes approved by that Decision and by Decision 2009/560/EC**

(notified under document C(2009) 9193)

(2009/858/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 2009/470/EC of 25 May 2009 on expenditure in the veterinary field <sup>(1)</sup>, and in particular Article 27(5) and (6) thereof,

Whereas:

(1) Decision 2009/470/EC lays down the procedures governing the Community's financial contribution for programmes for the eradication, control and monitoring of animal diseases and zoonoses.

(2) Commission Decision 2008/897/EC of 28 November 2008 approving annual and multi-annual programmes and the financial contribution from the Community for the eradication, control and monitoring of certain animal diseases and zoonoses presented by the Member States for 2009 and following years <sup>(2)</sup> approves certain national programmes and sets out the rate and maximum amount of the Community's financial contribution for each programme submitted by the Member States.

(3) Commission Decision 2009/560/EC of 22 July 2009 approving certain amended programmes for the eradication and monitoring of animal diseases and zoonoses for the year 2009 and amending Decision 2008/897/EC as regards the Community's financial contribution to certain Member States for programmes approved by that Decision <sup>(3)</sup> approves the amended versions of certain national programmes approved by Decision 2008/897/EC.

(4) The Commission has assessed the reports submitted by the Member States on the expenditures incurred for those programmes. The results of that assessment show that certain Member States will not utilise their full allocation for 2009 while others will spend in excess of the allocated amount.

(5) The Community's financial contribution for a number of those national programmes therefore needs to be adjusted. It is appropriate to reallocate funding from national programmes which will not use their full allocation to those that will exceed it. The reallocation should be based on the most recent information on expenditure actually incurred by the concerned Member States.

(6) In addition, Romania and Slovakia have submitted amended programmes for the eradication of rabies and Poland and Slovenia have submitted amended programmes for bluetongue.

(7) The Commission has assessed those amended programmes from both the veterinary and the financial point of view. Those programmes were found to comply with relevant Community veterinary legislation, and in particular with the criteria set out in Decision 2008/341/EC. The amended programmes for those four Member States should therefore be approved.

(8) Decision 2008/897/EC should therefore be amended accordingly.

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

<sup>(1)</sup> OJ L 155, 18.6.2009, p. 30.

<sup>(2)</sup> OJ L 322, 2.12.2008, p. 39.

<sup>(3)</sup> OJ L 194, 25.7.2009, p. 56.

HAS ADOPTED THIS DECISION:

*Article 1*

The amended programme for the monitoring and eradication of bluetongue submitted by Poland on 30 April 2009 is hereby approved for the period from 1 January 2009 to 31 December 2009.

*Article 2*

The amended programme for the monitoring and eradication of bluetongue submitted by Slovenia on 23 July 2009 is hereby approved for the period from 1 January 2009 to 31 December 2009.

*Article 3*

The amended programme for the eradication of rabies submitted by Romania on 20 August 2009 is hereby approved for the period from 1 January 2009 to 31 December 2009.

*Article 4*

The amended programme for the eradication of rabies submitted by Slovakia on 3 August 2009 is hereby approved for the period from 1 January 2009 to 31 December 2009.

*Article 5*

Decision 2008/897/EC is amended as follows:

1. in Article 1, paragraph (2) is amended as follows:

(a) points (a) and (b) are replaced by the following:

‘(a) EUR 1 400 000 for Ireland;

(b) EUR 2 500 000 for Spain;’

(b) in point (g) ‘EUR 2 000 000’ is replaced by ‘EUR 1 370 000’;

2. in Article 2, paragraph (2) is replaced by the following:

‘2. The financial contribution by the Community shall be at the rate of 50 % of the costs to be incurred by each Member State referred to in paragraph 1 for the costs of carrying out tuberculin and gamma-interferon tests and the compensation to owners for the value of their animals slaughtered subject to those programmes, and shall not exceed:

(a) EUR 14 000 000 for Ireland;

(b) EUR 9 100 000 for Spain;

(c) EUR 2 900 000 for Italy;

(d) EUR 120 000 for Poland;

(e) EUR 200 000 for Portugal.’;

3. in Article 3(2), point (b) is replaced by the following:

‘(b) EUR 3 600 000 for Spain.’;

4. in Article 4, paragraph (2) is amended as follows:

(a) points (e) to (g) are replaced by the following:

‘(e) EUR 16 650 000 for Germany;

(f) EUR 90 000 for Estonia;

(g) EUR 60 000 for Ireland.’;

(b) points (j) to (l) are replaced by the following:

‘(j) EUR 55 000 000 for France;

(k) EUR 2 000 000 for Italy;

(l) EUR 20 000 for Latvia.’;

(c) in point (o) ‘EUR 1 400 000’ is replaced by ‘EUR 300 000’;

- (d) points (r) to (u) are replaced by the following:
- '(r) EUR 3 550 000 for Austria;
  - (s) EUR 100 000 for Poland;
  - (t) EUR 2 700 000 for Portugal;
  - (u) EUR 100 000 for Romania;';
- (e) points (w) and (x) are replaced by the following:
- '(w) EUR 490 000 for Finland;
  - (x) EUR 1 600 000 for Sweden;';
5. in Article 5, paragraph (2) is amended as follows:
- (a) in point (c), 'EUR 1 400 000' is replaced by 'EUR 1 600 000';
  - (b) in point (d), 'EUR 75 000' is replaced by 'EUR 140 000';
  - (c) in point (f), 'EUR 600 000' is replaced by 'EUR 350 000';
  - (d) points (h) to (m) are replaced by the following:
    - '(h) EUR 700 000 for Greece;
    - (i) EUR 1 250 000 for Spain;
    - (j) EUR 1 450 000 for France;
    - (k) EUR 1 700 000 for Italy;
    - (l) EUR 100 000 for Cyprus;
    - (m) EUR 90 000 for Latvia;';
  - (e) in point (q), 'EUR 1 700 000' is replaced by 'EUR 2 350 000';
  - (f) points (s) to (u) are replaced by the following:
    - '(s) EUR 4 500 000 for Poland;
    - (t) EUR 650 000 for Portugal;
    - (u) EUR 50 000 for Romania;';
6. in Article 6(2), point (c) is replaced by the following:
- '(c) EUR 670 000 for France;';
7. in Article 8, paragraph (2) is amended as follows:
- (a) in point (e), 'EUR 500 000' is replaced by 'EUR 250 000';
  - (b) in point (k), 'EUR 550 000' is replaced by 'EUR 1 400 000';
  - (c) in point (s), 'EUR 50 000' is replaced by 'EUR 80 000';
  - (d) in point (v), 'EUR 400 000' is replaced by 'EUR 220 000';
8. in Article 9, paragraph (2) is amended as follows:
- (a) points (a) to (c) are replaced by the following:
    - '(a) EUR 1 400 000 for Belgium;
    - (b) EUR 350 000 for Bulgaria;
    - (c) EUR 1 050 000 for the Czech Republic;';
  - (b) points (g) to (k) are replaced by the following:
    - '(g) EUR 3 300 000 for Ireland;
    - (h) EUR 1 200 000 for Greece;
    - (i) EUR 5 400 000 for Spain;
    - (j) EUR 14 100 000 for France;
    - (k) EUR 5 350 000 for Italy;';
  - (c) in point (m), 'EUR 230 000' is replaced by 'EUR 250 000';
  - (d) in point (r), 'EUR 2 900 000' is replaced by 'EUR 2 600 000';
  - (e) points (t) to (v) are replaced by the following:
    - '(t) EUR 790 000 for Poland;
    - (u) EUR 1 530 000 for Portugal;
    - (v) EUR 580 000 for Romania;';
  - (f) points (x) and (y) are replaced by the following:
    - '(x) EUR 500 000 for Slovakia;
    - (y) EUR 500 000 for Finland;';
  - (g) in point (za) 'EUR 5 900 000' is replaced by 'EUR 4 600 000';

9. in Article 10, paragraph (2), is amended as follows:

(a) points (a) to (c) are replaced by the following:

‘(a) EUR 1 100 000 for Bulgaria;

(b) EUR 500 000 for Lithuania;

(c) EUR 880 000 for Hungary;’;

(b) in point (f) ‘EUR 500 000’ is replaced by ‘EUR 760 000’;

10. in Article 11(2) point (d) is replaced by the following:

‘(d) EUR 1 100 000 for Poland.’;

11. in Article 12(2) point (c) is replaced by the following:

‘(c) EUR 1 650 000 for Poland.’;

12. in Article 13(2) points (c) to (e) are replaced by the following:

‘(c) EUR 870 000 for Estonia;

(d) EUR 850 000 for Latvia;

(e) EUR 550 000 for Slovenia;’;

13. in Article 14(2), ‘EUR 175 000’ is replaced by ‘EUR 310 000’;

14. in Article 15(2), point (c), is replaced by the following:

‘(c) EUR 460 000 for Portugal.’;

15. in Article 15a(4), ‘EUR 5 400 000’ is replaced by ‘EUR 3 000 000’.

#### *Article 6*

This Decision is addressed to the Member States.

Done at Brussels, 27 November 2009.

*For the Commission*  
Androulla VASSILIOU  
*Member of the Commission*

## COMMISSION DECISION

of 30 November 2009

**concerning the non-inclusion of diphenylamine in Annex I to Council Directive 91/414/EEC and the withdrawal of authorisations for plant protection products containing that substance***(notified under document C(2009) 9262)***(Text with EEA relevance)**

(2009/859/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market <sup>(1)</sup>, and in particular the fourth subparagraph of Article 8(2) thereof,

Whereas:

- (1) Article 8(2) of Directive 91/414/EEC provides that a Member State may, during a period of 12 years following the notification of that Directive, authorise the placing on the market of plant protection products containing active substances not listed in Annex I to that Directive that are already on the market two years after the date of notification, while those substances are gradually being examined within the framework of a programme of work.
- (2) Commission Regulations (EC) No 451/2000 <sup>(2)</sup> and (EC) No 1490/2002 <sup>(3)</sup> lay down the detailed rules for the implementation of the third stage of the programme of work referred to in Article 8(2) of Directive 91/414/EEC and establish a list of active substances to be assessed with a view to their possible inclusion in Annex I to Directive 91/414/EEC. That list includes diphenylamine.
- (3) For diphenylamine the effects on human health and the environment have been assessed in accordance with the provisions laid down in Regulations (EC) No 451/2000 and (EC) No 1490/2002 for a range of uses proposed by the notifier. Moreover, those Regulations designate the rapporteur Member States which have to submit the relevant assessment reports and recommendations to the European Food Safety Authority (EFSA) in accordance with Article 10(1) of Regulation (EC) No 1490/2002. For diphenylamine the rapporteur Member State was Ireland and all relevant information was submitted on 20 June 2007.
- (4) The assessment report has been peer reviewed by the Member States and the EFSA within its Working Group

evaluation and presented to the Commission on 30 September 2008 in the format of the EFSA conclusion regarding the peer review of the pesticide risk assessment of the active substance diphenylamine <sup>(4)</sup>. This report has been reviewed by the Member States and the Commission within the Standing Committee on the Food Chain and Animal Health and finalised on 26 February 2009 in the format of the Commission review report for diphenylamine.

- (5) During the evaluation of this active substance, a number of concerns have been identified. In particular, it was not possible to perform a reliable consumer exposure assessment, as data are missing on the presence and toxicity of unidentified metabolites of the substance, as well as on the possible formation of nitrosamines during storage of the active substance and during processing of treated apples. Moreover, no data was available on the potential breakdown or reaction product of diphenylamine residues in processed commodities. Consequently, it was not possible to conclude on the basis of the information available that diphenylamine met the criteria for inclusion in Annex I to Directive 91/414/EEC.
- (6) The Commission invited the notifier to submit its comments on the results of the peer review and on its intention or not to further support the substance. The notifier submitted its comments which have been carefully examined. However, despite the arguments put forward by the notifier, the concerns identified could not be eliminated, and assessments made on the basis of the information submitted and evaluated during the EFSA expert meetings have not demonstrated that it may be expected that, under the proposed conditions of use, plant protection products containing diphenylamine satisfy in general the requirements laid down in Article 5(1)(a) and (b) of Directive 91/414/EEC.
- (7) Diphenylamine should therefore not be included in Annex I to Directive 91/414/EEC.
- (8) Measures should be taken to ensure that authorisations granted for plant protection products containing diphenylamine are withdrawn within a fixed period of time and are not renewed and that no new authorisations for such products are granted.

<sup>(1)</sup> OJ L 230, 19.8.1991, p. 1.

<sup>(2)</sup> OJ L 55, 29.2.2000, p. 25.

<sup>(3)</sup> OJ L 224, 21.8.2002, p. 23.

<sup>(4)</sup> EFSA Scientific Report (2008), 188. Conclusion on the peer review of diphenylamine (finalised 30 September 2008).

- (9) Any period of grace granted by a Member State for the disposal, storage, placing on the market and use of existing stocks of plant protection products containing diphenylamine should be limited to 12 months in order to allow existing stocks to be used in one further growing season, which ensures that plant protection products containing diphenylamine remain available to farmers for 18 months from the adoption of this Decision.
- (10) This Decision does not prejudice the submission of an application for diphenylamine according to the provisions of Article 6(2) of Directive 91/414/EEC, the detailed implementation rules of which have been laid down in Commission Regulation (EC) No 33/2008 of 17 January 2008 laying down detailed rules for the application of Council Directive 91/414/EEC as regards a regular and an accelerated procedure for the assessment of active substances which were part of the programme of work referred to in Article 8(2) of that Directive but have not been included into its Annex I<sup>(1)</sup>, in view of a possible inclusion in its Annex I.
- (11) The Standing Committee on the Food Chain and Animal Health did not deliver an opinion on the measures provided for in this Decision within the time limit laid down by its Chairman and the Commission therefore submitted to the Council a proposal relating to these measures. Since, on the expiry of the period laid down in the second subparagraph of Article 19(2) of Directive 91/414/EEC, the Council had neither adopted the proposed measures nor indicated its opposition to them, they should be adopted by the Commission,

HAS ADOPTED THIS DECISION:

*Article 1*

Diphenylamine shall not be included as an active substance in Annex I to Directive 91/414/EEC.

*Article 2*

Member States shall ensure that:

- (a) authorisations for plant protection products containing diphenylamine are withdrawn by 30 May 2010;
- (b) no authorisations for plant protection products containing diphenylamine are granted or renewed from the date of publication of this Decision.

*Article 3*

Any period of grace granted by Member States in accordance with the provisions of Article 4(6) of Directive 91/414/EEC, shall be as short as possible and shall expire on 30 May 2011 at the latest.

*Article 4*

This Decision is addressed to the Member States.

Done at Brussels, 30 November 2009.

*For the Commission*  
Androulla VASSILIOU  
*Member of the Commission*

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<sup>(1)</sup> OJ L 15, 18.1.2008, p. 5.

## COMMISSION DECISION

of 30 November 2009

**concerning the non-inclusion of triazoxide in Annex I to Council Directive 91/414/EEC and the withdrawal of authorisations for plant protection products containing that substance***(notified under document C(2009) 9271)***(Text with EEA relevance)**

(2009/860/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market<sup>(1)</sup>, and in particular the fourth subparagraph of Article 8(2) thereof,

Whereas:

(1) Article 8(2) of Directive 91/414/EEC provides that a Member State may, during a period of 12 years following the notification of that Directive, authorise the placing on the market of plant protection products containing active substances not listed in Annex I to that Directive that are already on the market two years after the date of notification, while those substances are gradually being examined within the framework of a programme of work.

(2) Commission Regulations (EC) No 451/2000<sup>(2)</sup> and (EC) No 1490/2002<sup>(3)</sup> lay down the detailed rules for the implementation of the third stage of the programme of work referred to in Article 8(2) of Directive 91/414/EEC and establish a list of active substances to be assessed with a view to their possible inclusion in Annex I to Directive 91/414/EEC. That list includes triazoxide.

(3) For triazoxide the effects on human health and the environment have been assessed in accordance with the provisions laid down in Regulations (EC) No 451/2000 and (EC) No 1490/2002 for a range of uses proposed by the notifier. Moreover, those Regulations designate the rapporteur Member States which have to submit the relevant assessment reports and recommendations to the European Food Safety Authority (EFSA) in accordance with Article 10(1) of Regulation (EC) No 1490/2002. For triazoxide the rapporteur Member State was the United Kingdom and all relevant information was submitted on 25 June 2007.

(4) The assessment report has been peer reviewed by the Member States and the EFSA within its Working Group evaluation and presented to the Commission on 30 September 2008 in the format of the EFSA conclusion regarding the peer review of the pesticide risk assessment of the active substance triazoxide<sup>(4)</sup>. This report has been reviewed by the Member States and the Commission within the Standing Committee on the Food Chain and Animal Health and finalised on 26 February 2009 in the format of the Commission review report for triazoxide.

(5) During the evaluation of this active substance, a number of concerns have been identified. In particular it was not possible to perform a reliable consumer risk assessment as data are missing to determine the nature of residues in plant commodities and the possible transfer of residues in animal products. Moreover, the available data did not demonstrate that the long-term risk to mammals, birds, fish and earthworms are acceptable. Consequently, it was not possible to conclude on the basis of the information available that triazoxide met the criteria for inclusion in Annex I to Directive 91/414/EEC.

(6) The Commission invited the notifier to submit its comments on the results of the peer review and on its intention or not to further support the substance. The notifier submitted its comments which have been carefully examined. However, despite the arguments put forward by the notifier, the concerns identified could not be eliminated, and assessments made on the basis of the information submitted and evaluated during the EFSA expert meetings have not demonstrated that it may be expected that, under the proposed conditions of use, plant protection products containing triazoxide satisfy in general the requirements laid down in Article 5(1)(a) and (b) of Directive 91/414/EEC.

(7) Triazoxide should therefore not be included in Annex I to Directive 91/414/EEC.

(8) Measures should be taken to ensure that authorisations granted for plant protection products containing triazoxide are withdrawn within a fixed period of time and are not renewed and that no new authorisations for such products are granted.

<sup>(1)</sup> OJ L 230, 19.8.1991, p. 1.

<sup>(2)</sup> OJ L 55, 29.2.2000, p. 25.

<sup>(3)</sup> OJ L 224, 21.8.2002, p. 23.

<sup>(4)</sup> EFSA *Scientific Report* (2008), 193. Conclusion regarding the peer review of the pesticide risk assessment of the active substance triazoxide (finalised 26 September 2008).

- (9) Any period of grace granted by a Member State for the disposal, storage, placing on the market and use of existing stocks of plant protection products containing triazoxide should be limited to 12 months in order to allow existing stocks to be used in one further growing season, which ensures that plant protection products containing triazoxide remain available to farmers for 18 months from the adoption of this Decision.
- (10) This Decision does not prejudice the submission of an application for triazoxide according to the provisions of Article 6(2) of Directive 91/414/EEC, the detailed implementation rules of which have been laid down in Commission Regulation (EC) No 33/2008 of 17 January 2008 laying down detailed rules for the application of Council Directive 91/414/EEC as regards a regular and an accelerated procedure for the assessment of active substances which were part of the programme of work referred to in Article 8(2) of that Directive but have not been included into its Annex I<sup>(1)</sup>, in view of a possible inclusion in its Annex I.
- (11) The Standing Committee on the Food Chain and Animal Health did not deliver an opinion on the measures provided for in this Decision within the time limit laid down by its Chairman and the Commission therefore submitted to the Council a proposal relating to these measures. Since, on the expiry of the period laid down in the second subparagraph of Article 19(2) of Directive 91/414/EEC, the Council had neither adopted the proposed measures nor indicated its opposition to them, they should be adopted by the Commission,

HAS ADOPTED THIS DECISION:

*Article 1*

Triazoxide shall not be included as an active substance in Annex I to Directive 91/414/EEC.

*Article 2*

Member States shall ensure that:

- (a) authorisations for plant protection products containing triazoxide are withdrawn by 30 May 2010;
- (b) no authorisations for plant protection products containing triazoxide are granted or renewed from the date of publication of this Decision.

*Article 3*

Any period of grace granted by Member States in accordance with the provisions of Article 4(6) of Directive 91/414/EEC, shall be as short as possible and shall expire on 30 May 2011 at the latest.

*Article 4*

This Decision is addressed to the Member States.

Done at Brussels, 30 November 2009.

*For the Commission*  
Androulla VASSILIOU  
*Member of the Commission*

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<sup>(1)</sup> OJ L 15, 18.1.2008, p. 5.

## COMMISSION DECISION

of 30 November 2009

**on transitional measures under Regulation (EC) No 853/2004 of the European Parliament and of the Council as regard the processing of non-compliant raw milk in certain milk processing establishments in Bulgaria***(notified under document C(2009) 9282)***(Text with EEA relevance)**

(2009/861/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin <sup>(1)</sup> and in particular Article 9 thereof,

Whereas:

- (1) Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs <sup>(2)</sup> lays down general rules for food business operators on the hygiene of foodstuffs based amongst others on the principles of hazard analysis and critical control points. It provides that food business operators are to comply with certain procedures based on those principles.
- (2) Regulation (EC) No 853/2004 lays down specific rules on the hygiene of food of animal origin for food business operators and supplements the rules laid down in Regulation (EC) No 852/2004. The rules laid down in Regulation (EC) No 853/2004 include hygiene requirements for raw milk and dairy products.
- (3) Pursuant to point (c) of Section B of Chapter 4 of Annex VI to the Act of Accession of Bulgaria and Romania (the Act of Accession), Bulgaria has been granted a transitional period, expiring on 31 December 2009, for compliance by certain milk processing establishments with those hygiene requirements.
- (4) Certain establishments which are authorised to process raw milk which does not comply with the requirements laid down in Regulation (EC) No 853/2004 (non-compliant milk) are listed in Chapter I of the Appendix to Annex VI to the Act of Accession. Certain establishments which are authorised to process both compliant and non-compliant milk, provided that such processing is carried out on separate production lines, are listed in Chapter II of that Appendix.
- (5) Milk production holdings that do not comply with the hygiene requirements laid down in Regulation (EC) No 853/2004 are spread over the whole territory of Bulgaria. The proportion of raw milk that complies with those requirements, delivered to milk processing establishments in Bulgaria, has only increased slightly during the last years.
- (6) Taking into account the current situation, it is appropriate to provide for a time-limited derogation from the hygiene requirements laid down in Regulation (EC) No 853/2004 with a view to permitting Bulgaria to bring its milk sector in compliance with those requirements.
- (7) In light of this situation, certain milk processing establishments listed in Annex I to this Decision should be allowed, by way of derogation from Regulation (EC) No 853/2004, to continue to process also after 31 December 2009 compliant and non-compliant milk provided that the processing is carried out on separate production lines. In addition, certain milk processing establishments listed in Annex II to this Decision should be allowed to continue to process non-compliant milk without separate production lines.
- (8) The marketing of dairy products derived from non-compliant milk should, however, be restricted to Bulgaria or used for further processing in the milk processing establishments covered by the derogation provided for in this Decision.
- (9) The transitional period granted by this Decision should be limited to 24 months from 1 January 2010. The situation in the milk sector in Bulgaria should be reviewed before the end of that period. Bulgaria should therefore submit annual reports to the Commission regarding progress in the upgrading of milk production holdings supplying raw milk to milk processing establishments in that Member State and the system for collecting and transporting non-compliant milk.

<sup>(1)</sup> OJ L 139, 30.4.2004, p. 55.

<sup>(2)</sup> OJ L 139, 30.4.2004, p. 1.

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

Such dairy products shall bear a health or identification mark which is different from the health or identification mark provided for in Article 5 of Regulation (EC) No 853/2004.

HAS ADOPTED THIS DECISION:

*Article 5*

*Article 1*

For the purposes of this Decision 'non-compliant milk' means raw milk which does not comply with the requirements set out in Annex III, Section IX, Chapter I, Subchapters II and III to Regulation (EC) No 853/2004.

Bulgaria shall submit annual reports to the Commission on progress made in bringing the following in compliance with Regulation (EC) No 853/2004:

- (a) production holdings producing non-compliant milk;
- (b) the system for collecting and transporting non-compliant milk;

*Article 2*

By way of derogation from the requirements set out in Annex III, Section IX, Chapter I, Subchapters II and III to Regulation (EC) No 853/2004, the milk processing establishments listed in Annex I to this Decision may continue to process, until 31 December 2011, compliant and non-compliant milk provided that the processing of the compliant and the non-compliant milk is carried out on separate production lines.

The first annual report shall be submitted to the Commission by 31 December 2010, at the latest, and the second annual report by 31 October 2011, at the latest.

The form set out in Annex III shall be used for those reports.

*Article 3*

By way of derogation from the requirements set out in Annex III, Section IX, Chapter I, Subchapters II and III to Regulation (EC) No 853/2004, the milk processing establishments listed in Annex II to this Decision may continue to process, until 31 December 2011, non-compliant milk without separate production lines.

*Article 6*

This Decision shall apply from 1 January 2010 to 31 December 2011.

*Article 7*

This Decision is addressed to the Member States.

*Article 4*

Dairy products derived from non-compliant milk shall only:

Done at Brussels, 30 November 2009.

- (a) be placed on the domestic market in Bulgaria; or
- (b) be used for further processing in the milk processing establishments in Bulgaria referred to in Articles 2 and 3.

*For the Commission*  
Androulla VASSILIOU  
*Member of the Commission*

## ANNEX I

**List of milk establishments permitted to process compliant and non-compliant milk as referred to in Article 2**

No	Veterinary No	Name of establishment	Town/Street or Village/Region
1	BG 0412010	'Bi Si Si Handel' OOD	gr. Elena ul. 'Treti mart' 19
2	BG 0512025	'El Bi Bulgarikum' EAD	gr. Vidin YUPZ
3	BG 0612027	'Mlechen ray — 99' EOOD	gr. Vratsa
4	BG 0612043	ET 'Zorov- 91 -Dimitar Zorov'	gr. Vratsa
5	BG 1912013	'ZHOSI' OOD	s. Chernolik
6	BG 2012020	'Yotovi' OOD	gr. Sliven kv. 'Rechitsa'
7	BG 2512020	'Mizia-Milk' OOD	gr. Targovishte Industrialna zona
8	BG 0812009	'Serdika — 90' AD	gr. Dobrich ul. '25 septemvri' 100
9	BG 2112001	'Rodopeya — Belev' EOOD	4700 town Smolyan, 'Traciya' 1 str.
10	BG 1212001	'S i S — 7' EOOD	gr. Montana 'Vrachansko shose' 1
11	BG 2812003	'Balgarski yogurt' OOD	s. Veselinovo, obl. Yambolska

## ANNEX II

## List of milk processing establishments permitted to process non-compliant milk as referred to in Article 3

No	Veterinary No	Name establishment	Town/Street or Village/Region
1	BG 1312002	„Milk Grup“ EOOD	s. Yunacite
2	0112014	ET „Veles — Kostadin Velev“	gr. Razlog ul. „Golak“ 14
3	2312041	„Danim — D. Stoyanov“ EOOD	gr. Elin Pelin m-st Mansarovo
4	2712010	„Kamadzhiev — milk“ EOOD	s. Kriva reka obsht. N. Kozlevo
5	BG 1212029	SD „Voynov i sie“	gr. Montana ul. „N.Yo. Vaptsarov“ 8
6	0712001	„Ben Invest“ OOD	s. Kostenkovtsi obsht. Gabrovo
7	1512012	ET „Ahmed Tatarla“	s. Dragash voyvoda, obsht. Nikopol
8	2212027	„Ekobalkan“ OOD	gr. Sofia bul „Evropa“ 138
9	2312030	ET „Favorit — D. Grigorov“	s. Aldomirovtsi
10	2312031	ET „Belite kamani“	s. Dragotintsi
11	BG 1512033	ET „Voynov — Ventsislav Hristakiev“	s. Milkovitsa obsht. Gulyantsi
12	BG 1612020	ET „Bor — Chvor“	s. Dalbok izvor obsht. Parvomay
13	BG 1512029	„Lavena“ OOD	s. Dolni Dabnik obl. Pleven
14	BG 1612028	ET „Slavka Todorova“	s. Trud obsht. Maritsa
15	BG 1612051	ET „Radev — Radko Radev“	s. Kurtovo Konare obl. Plovdiv
16	BG 1612066	„Lakti ko“ OOD	s. Bogdanitza
17	BG 2112029	ET „Karamfil Kasakliev“	gr. Dospat
18	BG 0912004	„Rodopchanka“ OOD	s. Byal izvor obsht. Ardino
19	0112003	ET „Vekir“	s. Godlevo
20	0112013	ET „Ivan Kondev“	gr. Razlog Stopanski dvor
21	0212028	„Vester“ OOD	s. Sigmen
22	0212037	„Megakomers“ OOD	s. Lyulyakovo obsht. Ruen
23	0512003	SD „LAF — Velizarov i sie“	s. Dabravka obsht. Belogradchik
24	0612035	OOD „Nivego“	s. Chiren
25	0612041	ET „Ekoprodukt — Megiya — Bogorodka Dobrilova“	gr. Vratsa ul. „Ilinden“ 3
26	0612042	ET „Mlechen puls — 95 — Tsvetelina Tomova“	gr. Krivodol ul. „Vasil Levski“
27	1012008	„Kentavar“ OOD	s. Konyavo obsht. Kyustendil

No	Veterinary No	Name establishment	Town/Street or Village/Region
28	1212022	„Milkkomm“ EOOD	gr. Lom ul. „Al. Stamboliyski“ 149
29	1212031	„ADL“ OOD	s. Vladimirovo obsht. Boychinovtsi
30	1512006	„Mandra“ OOD	s. Obnova obsht. Levski
31	1512008	ET „Petar Tonovski-Viola“	gr. Koynare ul. „Hr. Botev“ 14
32	1512010	ET „Militsa Lazarova — 90“	gr. Slavyanovo, ul. „Asen Zlatarev“ 2
33	1612024	SD „Kostovi — EMK“	gr. Saedinenie ul. „L. Karavelov“ 5
34	1612043	ET „Dimitar Bikov“	s. Karnare obsht. „Sopot“
35	1712046	ET „Stem — Tezdzhan Ali“	gr. Razgrad ul. „Knyaz Boris“ 23
36	2012012	ET „Olimp- P. Gurtsov“	gr. Sliven m — t „Matsulka“
37	2112003	„Milk — inzhenering“ OOD	gr. Smolyan ul. „Chervenka skala“ 21
38	2112027	„Keri“ OOD	s. Borino, obsht. Borino
39	2312023	„Mogila“ OOD	gr. Godech, ul. „Ruse“ 4
40	2512018	„Biomak“ EOOD	gr. Omurtag ul. „Rodopi“ 2
41	2712013	„Ekselans“ OOD	s. Osmar, obsht. V. Preslav
42	2812018	ET „Bulmilk — Nikolay Nikolov“	s. General Inzovo, obl. Yambolska
43	2812010	ET „Mladost — 2 — Yanko Yanev“	gr. Yambol, ul. „Yambolen“ 13
44	BG 1012020	ET „Petar Mitov-Universal“	s. Gorna Grashitsa obsht. Kyustendil
45	BG 1112016	Mandra „IPZHZ“	gr. Trojan ul. „V.Levski“ 281
46	BG 1712042	ET „Madar“	s. Terter
47	BG 2612042	„Bulmilk“ OOD	s. Konush obl. Haskovska
48	BG 0912011	ET „Alada — Mohamed Banashak“	s. Byal izvor obsht. Ardino
49	1112026	„ABLAMILK“ EOOD	gr. Lukovit, ul. „Yordan Yovkov“ 13
50	1312005	„Ravnogor“ OOD	s. Ravnogor
51	1712010	„Bulagrotreyd — chastna kompaniya“ EOOD	s. Yuper Industrialen kvartal
52	1712013	ET „Deniz“	s. Ezerche
53	2012011	ET „Ivan Gardev 52“	gr. Kermen ul. „Hadzhi Dimitar“ 2

No	Veterinary No	Name establishment	Town/Street or Village/Region
54	2012024	ET „Denyo Kalchev 53“	gr. Sliven ul. „Samuilovsko shose“ 17
55	2112015	OOD „Rozhen Milk“	s. Davidkovo, obsht. Banite
56	2112026	ET „Vladimir Karamitev“	s. Varbina obsht. Madan
57	2312007	ET „Agropromilk“	gr. Ihtiman, ul. „P.Slaveikov“ 19
58	2412041	„Mlechen svyat 2003“ OOD	s. Bratya Daskalovi obsht. Bratya Daskalovi
59	2612038	„Bul Milk“ EOOD	gr. Haskovo Sev. industr. zona
60	2612049	ET „Todorovi — 53“	gr. Topolovgrad ul. „Bulgaria“ 65

## ANNEX III

## Report form as referred to in Article 5

Region	Total number of dairy farms 31.12.2009	Number of dairy farms with non-compliant milk 31.12.2009	% of non-compliant dairy farms out of the total 31.12.2009	Total number of dairy farms 30.11.2010	Number of dairy farms with non-compliant milk 30.11.2010	% of non-compliant dairy farms out of the total 30.11.2010	Total number of dairy farms 30.9.2011	Number of dairy farms with non-compliant milk 30.9.2011	% of non-compliant dairy farms out of the total 30.9.2011
Summary BU									

Region	Total number of milk collection points 31.12.2009	Number of non-compliant milk collection points 31.12.2009	% of non-compliant collection points out of the total 31.12.2009	Total number of milk collection points 30.11.2010	Number of non-compliant milk collection points 30.11.2010	% of non-compliant collection points out of the total 30.11.2010	Total number of milk collection points 30.9.2011	Number of non-compliant milk collection points 30.9.2011	% of non-compliant collection points out of the total 30.9.2011
Summary BU									

**COMMISSION DECISION**  
**of 30 November 2009**  
**amending Decision 2008/866/EC as regards its period of application**  
(notified under document C(2009) 9326)  
(Text with EEA relevance)  
(2009/862/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety<sup>(1)</sup>, and in particular Article 53(1)(b)(i) thereof,

Whereas:

- (1) Commission Decision 2008/866/EC of 12 November 2008 on emergency measures suspending imports from Peru of certain bivalve molluscs intended for human consumption<sup>(2)</sup> was adopted as a result of contamination with the hepatitis A virus (HAV) of certain bivalve molluscs imported from Peru which were identified as being at the origin of an outbreak of hepatitis A in humans. That Decision initially applied until 31 March 2009 but this period of application was extended until 30 November 2009 by Commission Decision 2009/297/EC of 26 March 2009 amending Decision 2008/866/EC as regards its period of application<sup>(3)</sup>.
- (2) The Peruvian authorities have provided information concerning the corrective measures put in place to improve control of the production of bivalve molluscs intended for export to the Community.
- (3) A Commission inspection mission has been carried out from 7 to 18 September 2009 in order to evaluate the control systems in place governing the production of bivalve molluscs and fishery products intended for export to the European Union.
- (4) The inspection visit verified that the Peruvian authorities are putting in place the corrective measures contained in the information they provided after the outbreak of hepatitis A. They are, in particular, completely

reviewing the classification of the production areas and will also review the monitoring of the production areas as regards the sampling procedure and its frequency. These revisions are still ongoing.

- (5) In order to protect the health of consumers it is necessary to maintain the protective measures provided by Decision 2008/866/EC until the Peruvian authorities have completed the implementation of the corrective measures and the Commission has carried out a further inspection on the spot. It is therefore appropriate to extend the application of Decision 2008/866/EC until 30 November 2010, without prejudice of the power of the Commission to modify, repeal or extend those measures in the light of any new information related to the evolution of the situation in Peru and of the outcome of inspections by its services.
- (6) Decision 2008/866/EC should therefore be amended accordingly.
- (7) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

*Article 1*

In Article 5 of Decision 2008/866/EC, the date '30 November 2009' is replaced by the date '30 November 2010'.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 30 November 2009.

*For the Commission*  
Androulla VASSILIOU  
*Member of the Commission*

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

<sup>(2)</sup> OJ L 307, 18.11.2008, p. 9.

<sup>(3)</sup> OJ L 81, 27.3.2009, p. 22.

## COMMISSION DECISION

of 30 November 2009

as regards a Community financial contribution for the year 2010, to certain Community reference laboratories in the feed and food control area

(notified under document C(2009) 9343)

(Only the Danish, Dutch, English, French, German, Italian, Spanish and Swedish texts are authentic)

(2009/863/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules <sup>(1)</sup>, and in particular Article 32(7) thereof,

Whereas:

- (1) Community reference laboratories in the food and feed control area may be granted a Community financial contribution in accordance with Article 28 of Council Decision 2009/470/EC of 25 May 2009 on expenditure in the veterinary field <sup>(2)</sup>.
- (2) Commission Regulation (EC) No 1754/2006 of 28 November 2006 laying down detailed rules for the granting of Community financial assistance to Community reference laboratories for feed and food and the animal health sector <sup>(3)</sup> provides that the financial contribution from the Community is to be granted if the approved work programmes are efficiently carried out and that the beneficiaries supply all the necessary information within certain time limits.
- (3) In accordance with Article 2 of Regulation (EC) No 1754/2006 the relationship between the Commission and each Community reference laboratory is laid down in a partnership agreement which is supported by a multiannual work programme.
- (4) The Commission has assessed the work programmes and corresponding budget estimates submitted by the Community reference laboratories for the year 2010.

(5) Accordingly, a Community financial contribution should be granted to the Community reference laboratories designated in order to co-finance their activities to carry out the functions and duties provided for in Regulation (EC) No 882/2004. The Community's financial contribution should be at the rate of 100 % of eligible costs as defined in Regulation (EC) No 1754/2006.

(6) Regulation (EC) No 1754/2006 lays down eligibility rules for the workshops organised by the Community reference laboratories. It also limits the financial assistance to a maximum of 32 participants in workshops. Derogations to that limitation should be provided in accordance with Article 13(3) of Regulation (EC) No 1754/2006 to some Community reference laboratory that needs support for attendance by more than 32 participants in order to achieve the best outcome of its workshops. Derogations can be obtained in case a Community Reference Laboratory takes the leadership and responsibility when organising a workshop with another Community Reference Laboratory.

(7) In accordance with Article 3(2)(a) of Council Regulation (EC) No 1290/2005 of 21 June 2005 on the financing of the common agricultural policy <sup>(4)</sup>, animal disease eradication and control programmes (veterinary measures) shall be financed from the European Agricultural Guarantee Fund (EAGF). Furthermore, Article 13, second paragraph of that Regulation foresees that in duly justified exceptional cases, for measures and programmes covered by Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field <sup>(5)</sup>, expenditure relating to administrative and personnel costs incurred by Member States and beneficiaries of aid from the EAGF shall be borne by the Fund. For financial control purposes, Articles 9, 36 and 37 of Regulation (EC) No 1290/2005 are to apply.

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

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

<sup>(2)</sup> OJ L 155, 18.6.2009, p. 30.

<sup>(3)</sup> OJ L 331, 29.11.2006, p. 8.

<sup>(4)</sup> OJ L 209, 11.8.2005, p. 1.

<sup>(5)</sup> OJ L 224, 18.8.1990, p. 19.

HAS ADOPTED THIS DECISION:

#### Article 1

1. The Community grants financial aid to the Laboratoire d'Études et de Recherches sur la Qualité des Aliments et sur les Procédés Agroalimentaires (Lerqap), of the Agence Française de Sécurité Sanitaire des Aliments (AFSSA), Maisons-Alfort, France, to carry out the functions and duties provided for in Article 32 of Regulation (EC) No 882/2004, for the analysis and testing of milk and milk products.

For the period from 1 January 2010 to 31 December 2010, that financial aid shall not exceed EUR 302 000.

2. In addition to the maximum amount provided for in paragraph 1, the Community grants financial aid to the laboratory referred to in paragraph 1 for the organisation of workshops. That aid shall not exceed EUR 23 000.

#### Article 2

1. The Community grants financial aid to the Rijksinstituut voor Volksgezondheid en Milieu (RIVM), Bilthoven, the Netherlands, to carry out the functions and duties provided for in Article 32 of Regulation (EC) No 882/2004, for the analysis and testing of zoonoses (salmonella).

For the period from 1 January 2010 to 31 December 2010, that financial aid shall not exceed EUR 354 000.

2. In addition to the maximum amount provided for in paragraph 1, the Community grants financial aid to the laboratory referred to in paragraph 1 for the organisation of workshops. That aid shall not exceed EUR 30 000.

#### Article 3

1. The Community grants financial aid to the Laboratorio de Biotoxinas Marinas, Agencia Española de Seguridad Alimentaria (Ministerio de Sanidad y Consumo), Vigo, Spain, to carry out the functions and duties provided for in Article 32 of Regulation (EC) No 882/2004, for the monitoring of marine biotoxins.

For the period from 1 January 2010 to 31 December 2010, that financial aid shall not exceed EUR 260 000.

2. In addition to the maximum amount provided for in paragraph 1, the Community grants financial aid to the laboratory referred to in paragraph 1 for the organisation of workshops. That aid shall not exceed EUR 25 000.

#### Article 4

1. The Community grants financial aid to the laboratory of the Centre for Environment, Fisheries and Aquaculture Science, Weymouth, United Kingdom, to carry out the functions and

duties provided for in Article 32 of Regulation (EC) No 882/2004, for the monitoring of viral and bacteriological contamination of bivalve molluscs.

For the period from 1 January 2010 to 31 December 2010, that financial aid shall not exceed EUR 265 000.

2. In addition to the maximum amount provided for in paragraph 1, the Community grants financial aid to the laboratory referred to in paragraph 1 for the organisation of workshops. That aid shall not exceed EUR 35 000.

#### Article 5

1. The Community grants a financial contribution to the Laboratoire d'Études et de Recherches sur la Qualité des Aliments et sur les Procédés Agroalimentaires (Lerqap), of the Agence Française de Sécurité Sanitaire des Aliments (AFSSA), Maisons-Alfort, France, to carry out the functions and duties provided for in Article 32 of Regulation (EC) No 882/2004, for the analysis and testing of *Listeria monocytogenes*.

For the period from 1 January 2010 to 31 December 2010, that financial contribution shall not exceed EUR 309 000.

2. In addition to the maximum amount provided for in paragraph 1, the Community grants financial contribution to the laboratory referred to in paragraph 1 for the organisation of workshops. That contribution shall not exceed EUR 22 500.

#### Article 6

1. The Community grants financial aid to the Laboratoire d'Études et de Recherches sur la Qualité des Aliments et sur les Procédés Agroalimentaires (Lerqap), of the Agence Française de Sécurité Sanitaire des Aliments (AFSSA), Maisons-Alfort, France, to carry out the functions and duties provided for in Article 32 of Regulation (EC) No 882/2004, for the analysis and testing of Coagulase positive *Staphylococci*, including *Staphylococcus aureus*.

For the period from 1 January 2010 to 31 December 2010, that financial contribution shall not exceed EUR 291 000.

2. In addition to the maximum amount provided for in paragraph 1, the Community grants financial contribution to the laboratory referred to in paragraph 1 for the organisation of workshops. That contribution shall not exceed EUR 22 500.

#### Article 7

1. The Community grants financial contribution to the Istituto Superiore di Sanità (ISS), Rome, Italy, to carry out the functions and duties provided for in Article 32 of Regulation (EC) No 882/2004, for the analysis and testing of *Escherichia coli*, including Verotoxigenic *E. Coli* (VTEC).

For the period from 1 January 2010 to 31 December 2010, that financial contribution shall not exceed EUR 250 381.

2. In addition to the maximum amount provided for in paragraph 1, the Community grants financial contribution to the laboratory referred to in paragraph 1 for the organisation of workshops. That contribution shall not exceed EUR 20 000.

#### Article 8

1. The Community grants financial contribution to the Statens Veterinärmedicinska Anstalt (SVA), Uppsala, Sweden, to carry out the functions and duties provided for in Article 32 of Regulation (EC) No 882/2004, for the monitoring of *Campylobacter*.

For the period from 1 January 2010 to 31 December 2010, that financial contribution shall not exceed EUR 275 000.

2. In addition to the maximum amount provided for in paragraph 1, the Community grants financial contribution to the laboratory referred to in paragraph 1 for the organisation of workshops. That contribution shall not exceed EUR 30 000.

#### Article 9

1. The Community grants financial contribution to the Istituto Superiore di Sanità (ISS), Rome, Italy, to carry out the functions and duties provided for in Article 32 of Regulation (EC) No 882/2004, in respect of analysis and testing of parasites (in particular *Trichinella*, *Echinococcus* and *Anisakis*).

For the period from 1 January 2010 to 31 December 2010, that financial contribution shall not exceed EUR 312 000.

2. In addition to the maximum amount provided for in paragraph 1, the Community grants financial contribution to the laboratory referred to in paragraph 1 for the organisation of workshops. That contribution shall not exceed EUR 30 000.

#### Article 10

1. The Community grants financial contribution to the Fødevareinstituttet, Danmarks Tekniske Universitet (DTU), Copenhagen, Denmark, to carry out the functions and duties provided for in Article 32 of Regulation (EC) No 882/2004, for the monitoring of antimicrobial resistance.

For the period from 1 January 2010 to 31 December 2010, that financial contribution shall not exceed EUR 370 000.

2. In addition to the maximum amount provided for in paragraph 1, the Community grants financial contribution to the laboratory referred to in paragraph 1 for the organisation of workshops. That contribution shall not exceed EUR 27 000.

#### Article 11

1. The Community grants financial contribution to the Centre Wallon de Recherches agronomiques (CRA-W), Gembloux, Belgium, to carry out the functions and duties provided for in Article 32 of Regulation (EC) No 882/2004, for the analysis and testing of animal proteins in feedingstuffs.

For the period from 1 January 2010 to 31 December 2010, that financial contribution shall not exceed EUR 525 000.

2. In addition to the maximum amount provided for in paragraph 1, the Community grants financial contribution to the laboratory referred to in paragraph 1 for the organisation of workshops. That contribution shall not exceed EUR 30 000.

#### Article 12

1. The Community grants financial aid to the Rijksinstituut voor Volksgezondheid en Milieuhygiëne (RIVM), Bilthoven, the Netherlands, to carry out the functions and duties provided for in Article 32 of Regulation (EC) No 882/2004, for residues of certain substances listed in Annex I to Council Directive 96/23/EC<sup>(1)</sup> and referred to by Annex VII, Section I, point 12(a) to Regulation (EC) No 882/2004.

For the period from 1 January 2010 to 31 December 2010, that financial aid shall not exceed EUR 450 000.

2. In addition to the maximum amount provided for in paragraph 1, the Community grants financial aid to the laboratory referred to in paragraph 1 for the organisation of workshops. That aid shall not exceed EUR 25 000.

#### Article 13

1. The Community grants financial aid to the Laboratoire d'Études et de Recherches sur les Médicaments Vétérinaires et les Désinfectants de L'Agence Française de Sécurité Sanitaire des Aliments, Fougères, France, to carry out the functions and duties provided for in Article 32 of Regulation (EC) No 882/2004, for residues of certain substances listed in Annex I to Directive 96/23/EC and referred to by Annex VII, Section I, point 12(a) to Regulation (EC) No 882/2004.

For the period from 1 January 2010 to 31 December 2010, that financial aid shall not exceed EUR 450 000.

<sup>(1)</sup> OJ L 125, 23.5.1996, p. 10.

2. In addition to the maximum amount provided for in paragraph 1, the Community grants financial aid to the laboratory referred to in paragraph 1 for the organisation of workshops. That aid shall not exceed EUR 25 000.

#### Article 14

1. The Community grants financial aid to the Bundesamt für Verbraucherschutz und Lebensmittelsicherheit (BVL), Berlin, Germany, to carry out the functions and duties provided for in Article 32 of Regulation (EC) No 882/2004, for residues of certain substances listed in Annex I to Directive 96/23/EC and referred to by Annex VII, Section I, point 12(a) to Regulation (EC) No 882/2004.

For the period from 1 January 2010 to 31 December 2010, that financial aid shall not exceed EUR 450 000.

2. In addition to the maximum amount provided for in paragraph 1, the Community grants financial aid to the laboratory referred to in paragraph 1 for the organisation of workshops. That aid shall not exceed EUR 25 000.

#### Article 15

1. The Community grants financial aid to the Istituto Superiore di Sanità, Rome, Italy, to carry out the functions and duties provided for in Article 32 of Regulation (EC) No 882/2004, for residues of certain substances listed in Annex I to Directive 96/23/EC and referred to by Annex VII, Section I, point 12(a) to Regulation (EC) No 882/2004.

For the period from 1 January 2010 to 31 December 2010, that financial aid shall not exceed EUR 275 000.

2. In addition to the maximum amount provided for in paragraph 1, the Community grants financial aid to the laboratory referred to in paragraph 1 for the organisation of workshops. That aid shall not exceed EUR 25 000.

#### Article 16

1. The Community grants financial contribution to the Chemisches und Veterinäruntersuchungsamt (CVUA) Freiburg, Germany, to carry out the functions and duties provided for in Article 32 of Regulation (EC) No 882/2004, for the analysis and testing of residues of pesticides in food of animal origin and commodities with high fat content.

For the period from 1 January 2010 to 31 December 2010, that financial contribution shall not exceed EUR 198 900.

2. In addition to the maximum amount provided for in paragraph 1, the Community grants financial aid to the

laboratory referred to in paragraph 1 for the organisation of workshops. That aid shall not exceed EUR 25 000.

#### Article 17

1. The Community grants financial contribution to the Fødevarestyrelsen, Danmarks Tekniske Universitet (DTU), Copenhagen, Denmark, to carry out the functions and duties provided for in Article 32 of Regulation (EC) No 882/2004, for the analysis and testing of residues of pesticides in cereals and feedingstuffs.

For the period from 1 January 2010 to 31 December 2010, that financial contribution shall not exceed EUR 198 900.

2. In addition to the maximum amount provided for in paragraph 1, the Community grants financial contribution to the laboratory referred to in paragraph 1 for the organisation of workshops. That contribution shall not exceed EUR 25 000.

#### Article 18

1. The Community grants financial contribution to the Laboratorio Agrario de la Generalitat Valenciana (LAGV)/Grupo de Residuos de Plaguicidas de la Universidad de Almería (PRRG), Spain to carry out the functions and duties provided for in Article 32 of Regulation (EC) No 882/2004, for the analysis and testing of residues of pesticides in fruits and vegetables, including commodities with high water and high acid content.

For the period from 1 January 2010 to 31 December 2010, that financial contribution shall not exceed EUR 445 840.

2. In addition to the maximum amount provided for in paragraph 1, the Community grants financial contribution to the laboratory referred to in paragraph 1 for the organisation of workshops. That contribution shall not exceed EUR 45 000.

By way of derogation from Article 13(1) of Regulation (EC) No 1754/2006, the laboratory referred to in paragraph 1 shall be entitled to claim financial assistance for attendance by a maximum of 50 participants at one of its workshops referred to in paragraph 2 of this Article as it will organise a joint workshop.

#### Article 19

The Community grants financial contribution to the Chemisches und Veterinäruntersuchungsamt (CVUA) Stuttgart, Germany, to carry out the functions and duties provided for in Article 32 of Regulation (EC) No 882/2004, for the analysis and testing of residues of pesticides by single residue methods.

For the period from 1 January 2010 to 31 December 2010, that financial contribution shall not exceed EUR 352 000.

### Article 20

1. The Community grants financial contribution to the Chemisches und Veterinäruntersuchungsamt (CVUA) Freiburg, Germany, to carry out by the functions and duties provided for in Article 32 of Regulation (EC) No 882/2004, for the analysis and testing of dioxins and PCBs in feed and food.

For the period from 1 January 2010 to 31 December 2010, that financial contribution shall not exceed EUR 432 000.

2. In addition to the maximum amount provided for in paragraph 1, the Community grants financial contribution to the laboratory referred to in paragraph 1 for the organisation of workshops. That contribution shall not exceed EUR 55 410.

### Article 21

The Community's financial contribution referred to in Articles 1 to 21 shall be at the rate of 100 % of eligible costs as defined in Regulation (EC) No 1754/2006.

### Article 22

This Decision is addressed to the:

— for milk and milk products: Laboratoire d'Études et de Recherches sur la Qualité des Aliments et sur les Procédés Agroalimentaires (Lerqap), of the Agence Française de Sécurité Sanitaire des Aliments (AFSSA), 23 avenue du Général de Gaulle, 94700 Maisons-Alfort, France,

— for the analysis and testing of zoonoses (salmonella): Rijksinstituut voor Volksgezondheid en Milieu (RIVM), Postbus 1, Anthony van Leeuwenhoeklaan 9, 3720 BA Bilthoven, The Netherlands,

— for the monitoring of marine biotoxins: Laboratorio de Biotoxinas Marinas, Agencia Española de Seguridad Alimentaria (Ministerio de Sanidad y Consumo), Estacion Maritima, s/n, 36200 Vigo, Spain,

— for monitoring the viral and bacteriological contamination of bivalve molluscs: Laboratory of the Centre for Environment, Fisheries and Aquaculture Science (CEFAS), Weymouth laboratory, Barrack Road, The Nothe, Weymouth, Dorset, DT4 8UB, United Kingdom,

— for *Listeria monocytogenes*: Laboratoire d'Études et de Recherches sur la Qualité des Aliments et sur les Procédés Agroalimentaires (Lerqap), of the Agence Française de Sécurité Sanitaire des Aliments (AFSSA), 23 avenue du Général de Gaulle, 94700 Maisons-Alfort, France,

— for coagulase positive *Staphylococci*, including *Staphylococcus aureus*: Laboratoire d'Études et de Recherches sur la Qualité des Aliments et sur les Procédés Agroalimentaires (Lerqap), of the Agence Française de Sécurité Sanitaire des Aliments (AFSSA), 23 avenue du Général de Gaulle, 94700 Maisons-Alfort, France,

— for *Escherichia coli*, including *Verotoxigenic E. Coli* (VTEC): Istituto Superiore di Sanità (ISS), Viale Regina Elena 299, 00161 Roma, Italy,

— for *Campylobacter*: Statens Veterinärmedicinska Anstalt (SVA), Ulls väg 2 B, 751 89 Uppsala, Sweden,

— for parasites (in particular *Trichinella*, *Echinococcus* and *Anisakis*): Istituto Superiore di Sanità (ISS), Viale Regina Elena 299, 00161 Roma, Italy,

— for antimicrobial resistance: Fødevareinstituttet, Danmarks Tekniske Universitet (DTU), Bülowsvej 27, 1790 Copenhagen V, Denmark,

— for animal proteins in feedingstuffs: Centre Wallon de Recherches agronomiques (CRA-W), Chaussée de Namur 24, 5030 Gembloux, Belgium,

— for residues: Rijksinstituut voor Volksgezondheid en Milieu (RIVM), Postbus 1, Anthony van Leeuwenhoeklaan 9, 3720 BA Bilthoven, The Netherlands,

— for residues: Laboratoire d'Études et de Recherches sur les Médicaments Vétérinaires et les Désinfectants de L'Agence Française de Sécurité Sanitaire des Aliments (AFSSA), Site de Fougères, BP 90203, 35302 Fougères, France,

— for residues: Bundesamt für Verbraucherschutz und Lebensmittelsicherheit, Postfach 100214, Mauerstraße 39-42, 10562 Berlin, Germany,

— for residues: Istituto Superiore di Sanità (ISS), Viale Regina Elena 299, 00161 Roma, Italy,

— for the analysis and testing of residues of pesticides in food of animal origin: Chemisches und Veterinäruntersuchungsamt (CVUA), Postfach 100462, Bissierstraße 5, 79114 Freiburg, Germany,

— for the analysis and testing of residues of pesticides in cereals: Fødevareinstituttet, Danmarks Tekniske Universitet (DTU), Department of Food Chemistry, Moerkhoej Bygade 19, 2860 Soeborg, Denmark,

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- for the analysis and testing of residues of pesticides in fruits and vegetables: Laboratorio Agrario de la Generalitat Valenciana (LAGV)/Grupo de Residuos de Plaguicidas de la Universidad de Almería (PRRG), Ctra. Sacramento s/n, La Canada de San Urbano, 04120 Almeria, Spain,
- for the analysis and testing of dioxins and PCBs in feed and food: Chemisches und Veterinäruntersuchungsamt (CVUA), Postfach 100462, Bissierstraße 5, 79114 Freiburg, Germany.
- Done at Brussels, 30 November 2009.
- For the Commission*  
Androulla VASSILIOU  
*Member of the Commission*
-

## COMMISSION DECISION

of 30 November 2009

**amending Decision 2007/777/EC as regards imports into the Community of biltong from certain parts of South Africa and from Uruguay***(notified under document C(2009) 9362)***(Text with EEA relevance)**

(2009/864/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption<sup>(1)</sup>, and in particular the introductory phrase of Article 8, the first paragraph of point 1 of Article 8, point 4 of Article 8, and Article 9(2)(b) thereof,

Whereas:

(1) Commission Decision 2007/777/EC of 29 November 2007 laying down the animal and public health conditions and model certificates for imports of certain meat products and treated stomachs, bladders and intestines for human consumption from third countries<sup>(2)</sup> lays down rules on imports into the Community of consignments of certain meat products for human consumption. That Decision also lays down lists of third countries and parts thereof from which such imports are to be authorised and the model public and animal health certificates and the rules on the origin and treatments required for those products.

(2) Part 3 of Annex II to that Decision lays down a list of third countries and parts thereof from which imports into the Community of biltong/jerky and pasteurised meat products are authorised.

(3) Under Decision 2007/777/EC, imports of biltong obtained from meat of domestic bovine, ovine and caprine animals and farmed cloven-hoofed game (excluding swine) that has undergone a specific treatment are authorised into the Community from a region of South Africa that is free of foot-and-mouth disease.

(4) South Africa has requested the Commission to authorise imports into the Community of biltong obtained from wild cloven-hoofed game from the same region of South Africa already authorised for the domestic species.

(5) Several Community inspections carried out in South Africa have demonstrated that the competent veterinary authority of that third country provides appropriate guarantees as regards compliance with Community legislation, in accordance with the first subparagraph of point 1 of Article 8 of Directive 2002/99/EC.

(6) It is therefore appropriate to authorise imports into the Community of biltong obtained from wild cloven-hoofed game (excluding swine) from the South African region already authorised to export such products obtained from domestic animals, provided that the biltong has undergone the specific treatment 'E' set out in Part 4 of Annex II to Decision 2007/777/EC.

(7) In addition, Uruguay is currently listed in Part 2 of Annex II to Decision 2007/777/EC. Accordingly, imports of products obtained from meat of domestic bovine animals that has undergone a specific treatment are authorised into the Community from that third country.

(8) Uruguay has requested the Commission to also authorise imports into the Community of biltong from that third country obtained from meat of domestic bovine animals that has undergone the appropriate specific treatment.

(9) Taking into account the animal health situation in Uruguay, it is appropriate to authorise imports from that third country into the Community of biltong obtained from meat of domestic bovine animals that has undergone the specific treatment 'E' set out in Part 4 of Annex II to Decision 2007/777/EC.

(10) Decision 2007/777/EC should therefore be amended accordingly.

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

<sup>(1)</sup> OJ L 18, 23.1.2003, p. 11.

<sup>(2)</sup> OJ L 312, 30.11.2007, p. 49.

HAS ADOPTED THIS DECISION:

*Article 2*

This Decision shall apply from 1 January 2010.

*Article 1*

*Article 3*

Annex II to Decision 2007/777/EC is amended as follows:

This Decision is addressed to the Member States.

1. The entry 'Uruguay' in Part 2 is replaced by the following:  
'Uruguay <sup>(1)</sup>;

Done at Brussels, 30 November 2009.

2. Part 3 is replaced by the text in the Annex to this Decision.

*For the Commission*  
Androulla VASSILIOU  
*Member of the Commission*

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## PART 3

Third countries or parts thereof not authorised for certain species under the non-specific treatment regime (A) but from where imports into the Community of biltong/jerky and pasteurised meat products are authorised

ISO code	Country of origin or part thereof	1. Domestic bovine 2. Farmed cloven-hoofed game (excluding swine)	Domestic ovine/caprine	1. Domestic porcine 2. Farmed cloven-hoofed game (swine)	Domestic soliped	1. Poultry 2. Farmed feathered game	Ratites	Domestic rabbit and farmed leporidae	Wild cloven-hoofed game (excluding swine)	Wild swine	Wild soliped	Wild leporidae (rabbits and hares)	Wild game birds	Wild land mammalian game (excluding ungulates, solipeds and leporidae)
AR	Argentina — AR	F	F	XXX	XXX	XXX	XXX	A	XXX	XXX	XXX	A	XXX	XXX
NA	Namibia	XXX	XXX	XXX	XXX	E	E	A	XXX	XXX	A	A	E	XXX
	Namibia NA-1	E	E	XXX	XXX	E	E	A	XXX	XXX	A	A	E	
UY	Uruguay	E	XXX	XXX	XXX	XXX	XXX	XXX	XXX	XXX	XXX	XXX	XXX	XXX
ZA	South Africa	XXX	XXX	XXX	XXX	E	E	A	XXX	XXX	A	A	E	XXX
	South Africa ZA-1	E	E	XXX	XXX	E	E	A	E	XXX	A	A	E	
ZW	Zimbabwe	XXX	XXX	XXX	XXX	E	E	A	XXX	XXX	E	A	E	XXX

XXX No certificate laid down and imports into the Community of biltong/jerky and pasteurised meat products are not authorised unless the country is authorised in Part 2 for treatment "A" for the relevant species.'

## COMMISSION DECISION

of 30 November 2009

**allowing Member States to extend provisional authorisations granted for the new active substances  
metaflumizone and gamma-cyhalothrin**

(notified under document C(2009) 9366)

(Text with EEA relevance)

(2009/865/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market <sup>(1)</sup>, and in particular the fourth subparagraph of Article 8(1) thereof,

Whereas:

(1) In accordance with Article 6(2) of Directive 91/414/EEC, in March 2005 the United Kingdom received an application from BASF Agro S.A.S, France for the inclusion of the active substance metaflumizone in Annex I to Directive 91/414/EEC. Commission Decision 2006/517/EC <sup>(2)</sup> confirmed that the dossier was complete and could be considered as satisfying, in principle, the data and information requirements of Annex II and Annex III to that Directive.

(2) In August 2001 the United Kingdom received an application from Pytech Chemicals GmbH concerning gamma-cyhalothrin. Commission Decision 2004/686/EC <sup>(3)</sup> confirmed that the dossier was complete in the sense that it could be considered as satisfying, in principle, the data and information requirements of Annex II and Annex III to Directive 91/414/EEC.

(3) Confirmation of the completeness of the dossiers was necessary in order to allow them to be examined in detail and to allow Member States the possibility of granting provisional authorisations, for periods of up to three years, for plant protection products containing the active substances concerned, while complying with the conditions laid down in Article 8(1) of Directive 91/414/EEC and, in particular, the condition relating to the detailed assessment of the active substances and the plant protection products in the light of the requirements laid down by that Directive.

(4) For these active substances, the effects on human health and the environment have been assessed, in accordance with the provisions of Article 6(2) and (4) of Directive 91/414/EEC, for the uses proposed by the applicants. The rapporteur Member State submitted the respective draft assessment reports to the Commission on 15 April 2008 (metaflumizone) and on 25 January 2008 (gamma-cyhalothrin).

(5) Following submission of the draft assessment reports by the rapporteur Member State, in each case it has been found to be necessary to request further information from the applicants and to have the rapporteur Member State examine that information and submit its assessment. Therefore, the examination of the dossiers is still ongoing and it will not be possible to complete the evaluations before the expiry of the three-year period provided for in the first subparagraph of Article 8(1) of Directive 91/414/EEC.

(6) As the evaluations so far have not identified any reason for immediate concern, Member States should be given the possibility of prolonging provisional authorisations granted for plant protection products containing the active substance concerned for a period of 24 months in accordance with the provisions of Article 8 of Directive 91/414/EEC so as to enable the examination of the dossiers to continue. It is expected that the evaluation and decision-making process with respect to a decision on a possible Annex I inclusion for metaflumizone and gamma-cyhalothrin will have been completed within 24 months.

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

HAS ADOPTED THIS DECISION:

*Article 1*

Member States may extend provisional authorisations for plant protection products containing metaflumizone or gamma-cyhalothrin for a period not exceeding 24 months from the date of adoption of this Decision.

<sup>(1)</sup> OJ L 230, 19.8.1991, p. 1.

<sup>(2)</sup> OJ L 201, 25.7.2006, p. 34.

<sup>(3)</sup> OJ L 313, 12.10.2004, p. 21.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 30 November 2009.

*For the Commission*  
Androulla VASSILIOU  
*Member of the Commission*

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## COMMISSION DECISION

of 30 November 2009

authorising the placing on the market of products containing, consisting of, or produced from genetically modified maize MIR604 (SYN-IR604-5) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council

(notified under document C(2009) 9399)

(Only the French text is authentic)

(Text with EEA relevance)

(2009/866/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed<sup>(1)</sup>, and in particular Articles 7(3) and 19(3) thereof,

Whereas:

(1) On 23 December 2004, Syngenta Seeds S.A.S. submitted to the competent authority of the United Kingdom an application, in accordance with Articles 5 and 17 of Regulation (EC) No 1829/2003, for the placing on the market of foods, food ingredients, and feed containing, consisting of, or produced from MIR604 maize ('the application').

(2) The application also covers the placing on the market of other products containing or consisting of MIR604 maize for the same uses as any other maize with the exception of cultivation. Therefore, in accordance with Articles 5(5) and 17(5) of Regulation (EC) No 1829/2003, it includes the data and information required by Annexes III and IV to Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC<sup>(2)</sup> and information and conclusions about the risk assessment carried out in accordance with the principles set out in Annex II to Directive 2001/18/EC. It also includes a monitoring plan for environmental effects conforming with Annex VII to Directive 2001/18/EC.

(3) On 21 July 2009, the European Food Safety Authority ('EFSA') gave a favourable opinion in accordance with Articles 6 and 18 of Regulation (EC) No 1829/2003 and concluded that it is unlikely that the placing on the market of the products containing, consisting of, or produced from MIR604 maize as described in the application ('the products') will have any adverse effects on human or animal health or the environment in the context of their intended uses<sup>(3)</sup>. In its opinion, EFSA considered all the specific questions and concerns raised by the Member States in the context of the consultation of the national competent authorities as provided for by Articles 6(4) and 18(4) of that Regulation.

(4) In its opinion, EFSA also concluded that the environmental monitoring plan, consisting of a general surveillance plan, submitted by the applicant is in line with the intended use of the products.

(5) Taking into account those considerations, authorisation should be granted for the products.

(6) A unique identifier should be assigned to each GMO as provided for in Commission Regulation (EC) No 65/2004 of 14 January 2004 establishing a system for the development and assignment of unique identifiers for genetically modified organisms<sup>(4)</sup>.

(7) On the basis of the EFSA opinion, no specific labelling requirements other than those provided for in Articles 13(1) and 25(2) of Regulation (EC) No 1829/2003, appear to be necessary for foods, food ingredients and feed containing, consisting of, or produced from MIR604 maize. However, in order to ensure the use of the products within the limits of the authorisation provided for by this Decision, the labelling of feed containing or consisting of the GMO and other products than food and feed containing or consisting of the GMO for which authorisation is requested should be complemented by a clear indication that the products in question must not be used for cultivation.

<sup>(1)</sup> OJ L 268, 18.10.2003, p. 1.

<sup>(2)</sup> OJ L 106, 17.4.2001, p. 1.

<sup>(3)</sup> <http://registerofquestions.efsa.europa.eu/roqFrontend/questionLoader?question=EFSA-Q-2005-046>

<sup>(4)</sup> OJ L 10, 16.1.2004, p. 5.

(8) Similarly, the EFSA opinion does not justify the imposition of specific conditions or restrictions for the placing on the market and/or specific conditions or restrictions for the use and handling, including post-market monitoring requirements for the use of the food and feed, or of specific conditions for the protection of particular ecosystems/environment and/or geographical areas, as provided for in point (e) of Articles 6(5) and 18(5) of Regulation (EC) No 1829/2003.

(9) All relevant information on the authorisation of the products should be entered in the Community register of genetically modified food and feed, as provided for in Regulation (EC) No 1829/2003.

(10) Article 4(6) of Regulation (EC) No 1830/2003 of the European Parliament and of the Council of 22 September 2003 concerning the traceability and labelling of genetically modified organisms and the traceability of food and feed products produced from genetically modified organisms and amending Directive 2001/18/EC<sup>(1)</sup>, lays down labelling requirements for products consisting of, or containing GMOs.

(11) This Decision is to be notified through the Biosafety Clearing-House to the Parties to the Cartagena Protocol on Biosafety to the Convention on Biological Diversity, pursuant to Articles 9(1) and 15(2)(c) of Regulation (EC) No 1946/2003 of the European Parliament and of the Council of 15 July 2003 on transboundary movements of genetically modified organisms<sup>(2)</sup>.

(12) The applicant has been consulted on the measures provided for in this Decision.

(13) The Standing Committee on the Food Chain and Animal Health has not delivered an opinion within the time-limit laid down by its Chairman.

(14) At its meeting on 20 November 2009, the Council was unable to reach a decision by qualified majority either for or against the proposal. The Council indicated that its proceedings on this file were concluded. It is accordingly for the Commission to adopt the measures,

HAS ADOPTED THIS DECISION:

#### Article 1

##### Genetically modified organism and unique identifier

Genetically modified maize (*Zea mays* L.) MIR604, as specified in point (b) of the Annex to this Decision, is assigned the unique identifier SYN-IR6Ø4-5, as provided for in Regulation (EC) No 65/2004.

#### Article 2

##### Authorisation

The following products are authorised for the purposes of Articles 4(2) and 16(2) of Regulation (EC) No 1829/2003 in accordance with the conditions set out in this Decision:

(a) foods and food ingredients containing, consisting of, or produced from SYN-IR6Ø4-5 maize;

(b) feed containing, consisting of, or produced from SYN-IR6Ø4-5 maize;

(c) products other than food and feed containing or consisting of SYN-IR6Ø4-5 maize for the same uses as any other maize with the exception of cultivation.

#### Article 3

##### Labelling

1. For the purposes of the labelling requirements laid down in Articles 13(1) and 25(2) of Regulation (EC) No 1829/2003 and in Article 4(6) of Regulation (EC) No 1830/2003, the 'name of the organism' shall be 'maize'.

2. The words 'not for cultivation' shall appear on the label of and in documents accompanying products containing or consisting of SYN-IR6Ø4-5 maize referred to in Article 2(b) and (c).

#### Article 4

##### Monitoring for environmental effects

1. The authorisation holder shall ensure that the monitoring plan for environmental effects, as set out in point (h) of the Annex, is put in place and implemented.

<sup>(1)</sup> OJ L 268, 18.10.2003, p. 24.

<sup>(2)</sup> OJ L 287, 5.11.2003, p. 1.

2. The authorisation holder shall submit to the Commission annual reports on the implementation and the results of the activities set out in the monitoring plan.

*Article 5*

**Community register**

The information set out in the Annex to this Decision shall be entered in the Community register of genetically modified food and feed, as provided for in Article 28 of Regulation (EC) No 1829/2003.

*Article 6*

**Authorisation holder**

The authorisation holder shall be Syngenta Seeds S.A.S., France, representing Syngenta Crop Protection AG, Switzerland.

*Article 7*

**Validity**

This Decision shall apply for a period of 10 years from the date of its notification.

*Article 8*

**Addressee**

This Decision is addressed to Syngenta Seeds S.A.S., Chemin de l'Hobit 12, BP 27 — F-31790 Saint-Sauveur — France.

Done at Brussels, 30 November 2009.

*For the Commission*

Androulla VASSILIOU

*Member of the Commission*

## ANNEX

## (a) Applicant and Authorisation holder:

Name: Syngenta Seeds S.A.S.

Address: Chemin de l'Hobit 12, BP 27 — F-31790 Saint-Sauveur — France

On behalf of Syngenta Crop Protection AG — Schwarzwaldallee 215 — CH 4058 Basle — Switzerland.

## (b) Designation and specification of the products:

(1) Foods and food ingredients containing, consisting of, or produced from SYN-IR6Ø4-5 maize;

(2) Feed containing, consisting of, or produced from SYN-IR6Ø4-5 maize;

(3) Products other than food and feed containing or consisting of SYN-IR6Ø4-5 maize for the same uses as any other maize with the exception of cultivation.

The genetically modified SYN-IR6Ø4-5 maize, as described in the application, expresses a modified Cry3A protein which provides protection to certain coleopteran pests (*Diabrotica* spp.). A *pmi* gene, allowing transformed maize cells to utilise mannose as a sole carbon source, was used as a selectable marker in the genetic modification process.

## (c) Labelling:

(1) For the purposes of the specific labelling requirements laid down in Articles 13(1) and 25(2) of Regulation (EC) No 1829/2003, and in Article 4(6) of Regulation (EC) No 1830/2003, the 'name of the organism' shall be 'maize';

(2) The words 'not for cultivation' shall appear on the label of and in documents accompanying products containing or consisting of SYN-IR6Ø4-5 maize referred to in Article 2(b) and (c) of this Decision.

## (d) Method for detection:

— Event specific real-time PCR based method for the quantification of SYN-IR6Ø4-5 maize,

— Validated on seeds by the Community Reference Laboratory established under Regulation (EC) No 1829/2003, published at <http://gmo-crl.jrc.ec.europa.eu/statusof doss.htm>,

— Reference Material: ERM®-BF423 accessible via the Joint Research Centre (JRC) of the European Commission, the Institute of Reference Materials and Measurements (IRMM) at [http://www.irmm.jrc.be/html/reference\\_materials\\_catalogue/index.htm](http://www.irmm.jrc.be/html/reference_materials_catalogue/index.htm)

## (e) Unique identifier:

SYN-IR6Ø4-5.

## (f) Information required under Annex II to the Cartagena Protocol on Biosafety to the Convention on Biological Diversity:

Biosafety Clearing-House, Record ID: see [to be completed when notified].

## (g) Conditions or restrictions on the placing on the market, use or handling of the products:

Not required.

## (h) Monitoring plan:

Monitoring plan for environmental effects conforming with Annex VII to Directive 2001/18/EC.

[Link: plan published on the Internet]

## (i) Post market monitoring requirements for the use of the food for human consumption:

Not required.

Note: links to relevant documents may need to be modified over the time. Those modifications will be made available to the public via the updating of the Community register of genetically modified food and feed.

**COMMISSION DECISION****of 30 November 2009**

**granting certain parties an exemption from the extension to certain bicycle parts of the anti-dumping duty on bicycles originating in the People's Republic of China imposed by Council Regulation (EEC) No 2474/93, last maintained and amended by Regulation (EC) No 1095/2005, and lifting the suspension of the payment of the anti-dumping duty extended to certain bicycle parts originating in the People's Republic of China granted to certain parties pursuant to Commission Regulation (EC) No 88/97**

*(notified under document C(2009) 9406)*

*(2009/867/EC)*

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community <sup>(1)</sup> (the 'basic Regulation'),

Having regard to Council Regulation (EC) No 71/97 of 10 January 1997 extending the definitive anti-dumping duty imposed by Regulation (EEC) No 2474/93 on bicycles originating in the People's Republic of China to imports of certain bicycle parts from the People's Republic of China, and levying the extended duty on such imports registered under Regulation (EC) No 703/96 <sup>(2)</sup> (the 'extending Regulation'),

Having regard to Commission Regulation (EC) No 88/97 of 20 January 1997 on the authorisation of the exemption of imports of certain bicycle parts originating in the People's Republic of China from the extension by Council Regulation (EC) No 71/97 of the anti-dumping duty imposed by Council Regulation (EEC) No 2474/93 <sup>(3)</sup> (the 'exemption Regulation'), and in particular Article 7 thereof,

After consulting the Advisory Committee,

Whereas:

- (1) After the entry into force of the exemption Regulation, a number of bicycle assemblers submitted requests pursuant to Article 3 of that Regulation for exemption from the anti-dumping duty as extended to imports of certain bicycle parts from the People's Republic of China by Regulation (EC) No 71/97 (the 'extended anti-dumping duty'). The Commission has published in the Official Journal successive lists of bicycle assemblers <sup>(4)</sup> for which the payment of the extended anti-dumping duty in respect of their imports of essential bicycle parts declared for free circulation was suspended pursuant to Article 5(1) of the exemption Regulation.
- (2) Following the last publication of the list of parties under examination <sup>(5)</sup>, a period of examination has been selected. This period was defined as from 1 January 2007 to 31 May 2009. A questionnaire was sent to all parties under examination, requesting information on the assembly operations conducted during the relevant period of examination.

<sup>(1)</sup> OJ L 56, 6.3.1996, p. 1.

<sup>(2)</sup> OJ L 16, 18.1.1997, p. 55.

<sup>(3)</sup> OJ L 17, 21.1.1997, p. 17.

<sup>(4)</sup> OJ C 45, 13.2.1997, p. 3, OJ C 112, 10.4.1997, p. 9, OJ C 220, 19.7.1997, p. 6, OJ C 378, 13.12.1997, p. 2, OJ C 217, 11.7.1998, p. 9, OJ C 37, 11.2.1999, p. 3, OJ C 186, 2.7.1999, p. 6, OJ C 216, 28.7.2000, p. 8, OJ C 170, 14.6.2001, p. 5, OJ C 103, 30.4.2002, p. 2, OJ C 35, 14.2.2003, p. 3, OJ C 43, 22.2.2003, p. 5, OJ C 54, 2.3.2004, p. 2, OJ C 299, 4.12.2004, p. 4, OJ L 17, 21.1.2006, p. 16 and OJ L 313, 14.11.2006, p. 5., OJ L 81, 20.3.2008, p. 73., OJ C 310, 5.12.2008, p. 19., OJ L 19, 23.1.2009, p. 62.

<sup>(5)</sup> OJ L 19, 23.1.2009, p. 62.

## A. REQUESTS FOR EXEMPTION FOR WHICH SUSPENSION WAS PREVIOUSLY GRANTED

### A.1. Acceptablerequests for exemption

- (3) The Commission received from the parties listed in table 1 below all the information required for the determination of the admissibility of their requests. These parties had already received their suspension with effect from the day of arrival of a first complete application dossier at the Commission premises. The newly requested and provided information was examined and verified, where necessary, at the premises of the parties concerned. Based on this information, the Commission found that the requests submitted by the parties listed in table 1 below are admissible pursuant to Article 4(1) of the exemption Regulation.

Table 1

Name	Address	Country	TARIC additional code
MADIROM PROD SRL	Bucuresti, Sector 6, Splaiul Independentei no. 319, OB. 152	Romania	A896
Rose Versand GmbH	Schersweide 4, 46395 Bocholt	Germany	A897
Winora Staiger GmbH	Max-Planck-Strasse 6, 97526 Sennfeld	Germany	A894

- (4) The facts as finally ascertained by the Commission show that for all of these applicants' bicycle assembly operations, the value of the parts originating in the People's Republic of China which were used in their assembly operations was lower than 60 % of the total value of the parts used in these assembly operations, and they, therefore, fall outside the scope of Article 13(2) of the basic Regulation.
- (5) For this reason, and in accordance with Article 7(1) of the exemption Regulation, the parties listed in the above table should be exempted from the extended anti-dumping duty.
- (6) In accordance with Article 7(2) of the exemption Regulation, the exemption of the parties listed in table 1 from the extended anti-dumping duty should take effect as from the date of receipt of their requests. In addition, their customs debt in respect of the extended anti-dumping duty is to be considered void as from the date of receipt of their requests for exemption.

### A.2. Unacceptable request for exemption

- (7) The party listed in table 2 below also submitted a request for exemption from the extended anti-dumping duty.

Table 2

Name	Address	Country	TARIC additional code
CITIC – MARMES BICYCLE CZ, s.r.o.	Žichlínské Předměstí, Albrechtická 391, 56301 Lanškroun	Czech Republic	A891

- (8) This party did not submit a questionnaire reply.
- (9) Since the party listed in table 2 failed to meet the criteria for exemption set by Article 6(2) of the exemption Regulation, the Commission has to reject its request for exemption, in accordance with Article 7(3) of the Regulation. In the light of this, the suspension of the payment of the extended anti-dumping duty referred to in Article 5 of the exemption Regulation must be lifted and the extended anti-dumping duty must be collected as from the date of receipt of the request submitted by this party.

**B. REQUESTS FOR EXEMPTION FOR WHICH SUSPENSION WAS NOT PREVIOUSLY GRANTED****B.1. Admissible requests for exemption for which suspension should be granted**

- (10) Interested parties are hereby informed of the receipt of further requests for exemption, pursuant to Article 3 of the exemption Regulation, from parties listed in table 3. The suspension from the extended duty, following these requests, should take effect as shown in the column headed 'Date of effect':

Table 3

Name	Address	Country	Date of effect	TARIC additional code
Eddy Merckx Cycles N.V.	Birrebeekstraat 1, 1860 Meise	Belgium	30.4.2009	A954
Sektor SRL	Via Don Peruzzi 27/B, 36027 Rosa (VI)	Italy	27.5.2009	A956

HAS ADOPTED THIS DECISION:

*Article 1*

The parties listed below in table 1 are hereby exempted from the extension to imports of certain bicycle parts from the People's Republic of China by Regulation (EC) No 71/97 of the definitive anti-dumping duty on bicycles originating in the People's Republic of China imposed by Council Regulation (EEC) No 2474/93 <sup>(1)</sup>, as maintained by Regulation (EC) No 1524/2000 <sup>(2)</sup> and amended by Regulation (EC) No 1095/2005 <sup>(3)</sup>.

The exemption shall take effect in relation to each party as from the relevant date shown in the column headed 'Date of effect'.

Table 1

**List of parties to be exempted**

Name	Address	Country	Exemption pursuant to Regulation (EC) No 88/97	Date of effect	TARIC additional code
MADIROM PROD SRL	Bucuresti, Sector 6, Splaiul Independentei no. 319, OB. 152	Romania	Article 7	11.8.2008	A896
Rose Versand GmbH	Schersweide 4, 46395 Bocholt	Germany	Article 7	16.9.2008	A897
Winora Staiger GmbH	Max-Planck-Strasse 6, 97526 Sennfeld	Germany	Article 7	27.11.2008	A894

*Article 2*

The request for exemption from the extended anti-dumping duty submitted pursuant to Article 3 of Regulation (EC) No 88/97 by the party listed below in table 2 is hereby rejected.

The suspension of payment of the extended anti-dumping duty pursuant to Article 5 of Regulation (EC) No 88/97 is hereby lifted for the party concerned as from the relevant date shown in the column headed 'Date of effect'.

<sup>(1)</sup> OJ L 228, 9.9.1993, p. 1.

<sup>(2)</sup> OJ L 175, 14.7.2000, p. 39.

<sup>(3)</sup> OJ L 183, 14.7.2005, p. 1.

Table 2

**List of parties for which the suspension is to be lifted**

Name	Address	Country	Suspension pursuant to Regulation (EC) No 88/97	Date of effect	TARIC additional code
CITIC – MARMES BICYCLE CZ, s.r.o.	Žichlínské Předměstí, Albrechtická 391, 56301 Lanškroun	Czech Republic	Article 5	23.5.2008	A891

*Article 3*

The parties listed in table 3 below constitute the updated list of parties under examination pursuant to Article 3 of Regulation (EC) No 88/97. The suspension from the extended duty, following these requests, took effect from the relevant date in the column headed 'Date of effect' in Table 3.

Table 3

**List of parties under examination**

Name	Address	Country	Suspension pursuant to Regulation (EC) No 88/97	Date of effect	TARIC additional code
Eddy Merckx Cycles N.V.	Birrebeekstraat 1, 1860 Meise	Belgium	Article 5	30.4.2009	A954
Sektor SRL	Via Don Peruzzi 27/B, 36027 Rosa (VI)	Italy	Article 5	27.5.2009	A956

*Article 4*

This Decision is addressed to the Member States and to the parties listed in Article 1, 2 and 3.

Done at Brussels, 30 November 2009.

*For the Commission*  
Catherine ASHTON  
*Member of the Commission*



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