

Official Journal

of the European Union

L 24



English edition

Legislation

Volume 52

28 January 2009

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⁽¹⁾ Text with EEA relevance

I

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

REGULATIONS

COMMISSION REGULATION (EC) No 82/2009

of 27 January 2009

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 28 January 2009.

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

Done at Brussels, 27 January 2009.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 350, 31.12.2007, p. 1.

ANNEX

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

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	IL	138,6
	JO	78,3
	MA	47,2
	TN	134,4
	TR	93,1
	ZZ	98,3
0707 00 05	JO	167,2
	MA	116,0
	TR	162,2
	ZZ	148,5
0709 90 70	MA	164,2
	TR	168,5
	ZZ	166,4
0709 90 80	EG	88,5
	ZZ	88,5
0805 10 20	EG	48,4
	IL	56,2
	MA	63,5
	TN	58,1
	TR	62,0
	ZZ	57,6
0805 20 10	IL	144,6
	MA	83,3
	TR	54,0
	ZZ	94,0
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	CN	74,9
	EG	88,5
	IL	78,8
	JM	94,6
	PK	76,2
	TR	63,6
	ZZ	79,4
0805 50 10	EG	48,1
	MA	67,1
	TR	63,9
	ZZ	59,7
0808 10 80	CA	84,9
	CN	64,8
	MK	32,6
	US	106,1
	ZZ	72,1
0808 20 50	CN	49,8
	TR	99,0
	US	110,9
	ZA	93,2
	ZZ	88,2

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

COMMISSION REGULATION (EC) No 83/2009**of 27 January 2009****amending the representative prices and additional import duties for certain products in the sugar sector fixed by Regulation (EC) No 945/2008 for the 2008/09 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) ⁽¹⁾,

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 ⁽²⁾, and in particular Article 36(2), second subparagraph, second sentence thereof,

Whereas:

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

for the 2008/09 marketing year are fixed by Commission Regulation (EC) No 945/2008 ⁽³⁾. These prices and duties have been last amended by Commission Regulation (EC) No 50/2009 ⁽⁴⁾.

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

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and additional duties applicable to imports of the products referred to in Article 36 of Regulation (EC) No 951/2006, as fixed by Regulation (EC) No 945/2008 for the 2008/09, marketing year, are hereby amended as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 28 January 2009.

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

Done at Brussels, 27 January 2009.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 178, 1.7.2006, p. 24.

⁽³⁾ OJ L 258, 26.9.2008, p. 56.

⁽⁴⁾ OJ L 17, 22.1.2009, p. 15.

ANNEX

Amended representative prices and additional import duties applicable to white sugar, raw sugar and products covered by CN code 1702 90 95 from 28 January 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 ⁽¹⁾	24,73	3,93
1701 11 90 ⁽¹⁾	24,73	9,17
1701 12 10 ⁽¹⁾	24,73	3,74
1701 12 90 ⁽¹⁾	24,73	8,74
1701 91 00 ⁽²⁾	28,57	10,95
1701 99 10 ⁽²⁾	28,57	6,43
1701 99 90 ⁽²⁾	28,57	6,43
1702 90 95 ⁽³⁾	0,29	0,36

⁽¹⁾ For the standard quality defined in point III of Annex IV to Regulation (EC) No 1234/2007.⁽²⁾ For the standard quality defined in point II of Annex IV to Regulation (EC) No 1234/2007.⁽³⁾ Per 1 % sucrose content.

COMMISSION REGULATION (EC) No 84/2009**of 27 January 2009****amending Regulation (EC) No 1342/2003 laying down special detailed rules for the application of the system of import and export licences for cereals 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) ⁽¹⁾, and in particular Article 161(3) in conjunction with Article 4 thereof,

Whereas:

(1) Article 8 of Commission Regulation (EC) No 1342/2003 ⁽²⁾ establishes the time frames for issuing export licences. It stipulates, in this respect, that licences for exported products for which a refund has been fixed will normally be issued on the third working day following that on which the application is submitted, even where the refund is zero. However, that time frame can be too long where products need to be exported immediately. In order to simplify their administrative formalities, operators who find themselves in this situation should therefore be allowed, on request, to obtain an export licence without delay, that licence being issued to them on the day on which the application is submitted.

(2) However, reducing the time frame for issuing the licence should not have the result of giving the operators concerned an advantage over other operators, particularly where export tax should be fixed during the three days following the submission of the application. To this end, steps should be taken to ensure that, in such cases, entitlement to a refund is not conferred by issuing the export licence on the day on which the application is submitted and that, where tax should be fixed before the export declaration is accepted, that tax will apply to the products concerned.

(3) In this context, the term of validity of such licences and the securities to be lodged should also be specified.

(4) Regulation (EC) No 1342/2003 should be amended accordingly.

(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

Regulation (EC) No 1342/2003 is amended as follows:

1. Article 6(2) is replaced by the following:

‘2. Notwithstanding paragraph 1, the validity of export licences for products listed in Part II(A) of Annex II to Regulation (EC) No 376/2008 shall expire on the 60th day following their date of issue, as defined in Article 22(1) of the above-mentioned Regulation, where no refund has been fixed, whether or not in advance, or where these products are exported without a refund, in accordance with Article 8(3) hereof.’;

2. in Article 8, the following paragraph 3 is added:

‘3. Notwithstanding paragraph 1, export licences for products for which a refund has been fixed shall be issued, at the operator’s request, on the day on which the application is submitted, provided that the application specifies that the licence is issued without a refund and that, where an export tax is applicable upon acceptance of the export declaration, that tax applies to the products concerned. In such cases, box 20 of the application and the export licence issued must contain one of the entries shown in Annex Ia.’;

3. in Article 12(c), the following point (iii) is added:

‘(iii) EUR 3 per tonne for products to which Article 8(3) applies.’;

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 189, 29.7.2003, p. 12.

4. the text in the Annex to this Regulation is inserted after Annex I as Annex Ia.

Article 2

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

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

Done at Brussels, 27 January 2009.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

ANNEX

‘ANNEX Ia

ENTRIES REFERRED TO IN ARTICLE 8(3)

— in Bulgarian:	износ без възстановяване — приложими експортни такси — Регламент (ЕО) № 1342/2003, член 8, параграф 3
— in Spanish:	Exportación sin restitución — Gravámenes por exportación aplicables — Reglamento (CE) n.º 1342/2003, artículo 8, apartado 3
— in Czech:	Vývoz bez náhrady – platné vývozní poplatky – Nařízení (ES) č. 1342/2003, čl. 8 odst. 3
— in Danish:	Eksport uden restitution — Eksportafgifter gældende — Forordning (EF) nr. 1342/2003, artikel 8, stk. 3
— in German:	Ausfuhr ohne Erstattung — Ausfuhrabgaben finden Anwendung — Verordnung (EG) Nr. 1342/2003, Artikel 8 Absatz 3
— in Estonian:	Toetuseta eksport – kohaldatakse ekspordimakse – määruse (EÜ) nr 1342/2003 artikli 8 lõige 3
— in Greek:	Εξαγωγή χωρίς επιστροφή — Επιβαλλόμενοι φόροι κατά την εξαγωγή — Κανονισμός (ΕΚ) αριθ. 1342/2003 άρθρο 8 παράγραφος 3
— in English:	Export without refund — Export taxes applicable — Regulation (EC) No 1342/2003, Article 8(3)
— in French:	Exportation sans restitution — Taxes à l'exportation applicables — Règlement (CE) n.º 1342/2003, article 8, paragraphe 3
— in Irish:	Onnmhairiú gan aisíoc – cánacha onnmhairiúcháin infheidhme – Rialachán (CE) Uimh. 1342/2003, Airteagal 8, mír 3
— in Italian:	Esportazione senza restituzione — Tasse all'esportazione applicabili — Regolamento (CE) n. 1342/2003, articolo 8, paragrafo 3
— in Latvian:	Eksports bez kompensācijas – Piemērojamie izvedmuitas nodokļi – Regulas (EK) Nr. 1342/2003 8. panta 3. punkts
— in Lithuanian:	Eksportas be grąžinamosios išmokos – Eksportui taikytini mokesčiai – Reglamento (EB) Nr. 1342/2003 8 straipsnio 3 dalis
— in Hungarian:	Visszatérítés nélküli kivitel – Kiviteli vám alkalmazandó – Az 1342/2003/EK rendelet 8. cikkének (3) bekezdése
— in Maltese:	Esportazzjoni bla rifużjoni — Taxxi tal-esportazzjoni applikabbli — L-Artikolu 8(3) tar-Regolament (KE) Nru 1342/2003
— in Dutch:	Uitvoer zonder restitutie — Uitvoerbelasting van toepassing — Verordening (EG) nr. 1342/2003, artikel 8, lid 3
— in Polish:	Wywóz bez refundacji – Stosowane podatki wywozowe – art. 8 ust. 3 rozporządzenia (WE) nr 1342/2003
— in Portuguese:	Exportação sem restituição — Imposições de exportação aplicáveis — Regulamento (CE) n.º 1342/2003, artigo 8.º, n.º 3
— in Romanian:	Export fără restituire – Taxe la export aplicabile – Regulamentul (CE) nr. 1342/2003, articolul 8 alineatul (3)
— in Slovak:	Vývoz bez náhrady – Platné vývozné poplatky – Nariadenie (ES) č. 1342/2003 článok 8 ods. 3
— in Slovenian:	Izvoz brez nadomestila – Veljavne izvozne takse – Uredba (ES) št. 1342/2003, člen 8(3)
— in Swedish:	Export utan bidrag – Exportavgifter tillämpliga – Förordning (EG) nr 1342/2003, artikel 8.3
— in Finnish:	Vienti ilman vientitukea – Sovellettavat vientiverot – Asetuksen (EY) N:o 1342/2003 8 artiklan 3 kohta

RULES OF PROCEDURE

COURT OF JUSTICE

AMENDMENT TO THE RULES OF PROCEDURE OF THE COURT OF JUSTICE

THE COURT,

Having regard to the Treaty establishing the European Community, and in particular the sixth paragraph of Article 223 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular the sixth paragraph of Article 139 thereof,

Whereas it is necessary to clarify the number of ballots that may be held for the election of the President of the Court of Justice and the election of the Presidents of Chambers,

With the Council's approval given on 27 November 2008,

HAS ADOPTED THE FOLLOWING AMENDMENT TO ITS RULES OF PROCEDURE:

Article 1

The Rules of Procedure of the Court of Justice of the European Communities ⁽¹⁾ are hereby amended as follows:

Article 7(3) shall be replaced by the following:

'The elections provided for in this Article shall be by secret ballot. The Judge obtaining the votes of more than half the Judges composing the Court shall be elected. If no Judge obtains that majority, further ballots shall be held until that majority is attained.'

Article 2

This amendment to the Rules of Procedure, which is authentic in the languages referred to in Article 29(1) of these Rules, shall be published in the *Official Journal of the European Union* and shall enter into force on the first day of the second month following its publication.

Done at Luxembourg, 13 January 2009.

⁽¹⁾ OJ L 176, 4.7.1991, p. 7.

COURT OF FIRST INSTANCE

AMENDMENT TO THE RULES OF PROCEDURE OF THE COURT OF FIRST INSTANCE

THE COURT OF FIRST INSTANCE OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular the fifth paragraph of Article 224 thereof,

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

Having regard to Article 63 of the Protocol on the Statute of the Court of Justice,

Having regard to the agreement of the Court of Justice,

Having regard to the approval of the Council given on 27 November 2008,

HAS ADOPTED THE FOLLOWING AMENDMENT TO ITS RULES OF PROCEDURE:

Article 1

The Rules of Procedure of the Court of First Instance of the European Communities of 2 May 1991 (OJ L 136 of 30 May 1991, p. 1, with corrigendum OJ L 317 of 19 November 1991, p. 34), amended on 15 September 1994 (OJ L 249 of 24 September 1994, p. 17), 17 February 1995 (OJ L 44 of 28 February 1995, p. 64), 6 July 1995 (OJ L 172 of 22 July 1995, p. 3), 12 March 1997 (OJ L 103 of 19 April 1997, p. 6, with corrigendum OJ L 351 of 23 December 1997, p. 72), 17 May 1999 (OJ L 135 of 29 May 1999, p. 92), 6 December 2000 (OJ L 322 of 19 December 2000, p. 4), 21 May 2003 (OJ L 147 of 14 June 2003, p. 22), 19 April 2004 (OJ L 132 of 29 April 2004, p. 3), 21 April 2004 (OJ L 127 of 29 April 2004, p. 108), 12 October 2005 (OJ L 298 of 15 November 2005, p. 1), 18 December 2006 (OJ L 386 of 29 December 2006, p. 45) and 12 June 2008 (OJ L 179 of 8 July 2008, p. 12) are hereby amended as follows:

Article 7(3) shall be replaced by the following:

‘The elections provided for in this Article shall be by secret ballot. The Judge obtaining the votes of more than half the Judges composing the Court shall be elected. If no Judge obtains that majority, further ballots shall be held until that majority is attained.’

Article 2

This amendment to the Rules of Procedure, which is authentic in the languages referred to in Article 35(1) of these Rules, shall be published in the *Official Journal of the European Union* and shall enter into force on the first day of the second month following its publication.

Done at Luxembourg, 14 January 2009.

E. COULON
Registrar

M. JAEGER
President

EUROPEAN UNION CIVIL SERVICE TRIBUNAL

AMENDMENT TO THE RULES OF PROCEDURE OF THE EUROPEAN UNION CIVIL SERVICE TRIBUNAL

THE EUROPEAN UNION CIVIL SERVICE TRIBUNAL,

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

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

Having regard to the Protocol on the Statute of the Court of Justice of the European Communities, and in particular Annex I thereto,

Having regard to Council Decision 2004/752/EC, Euratom of 2 November 2004 establishing the European Union Civil Service Tribunal ⁽¹⁾,

Having regard to the agreement of the Court of Justice,

Having regard to the Council's approval given on 27 November 2008,

Whereas it is necessary to clarify the number of ballots that may be held for the election of the President of the European Union Civil Service Tribunal and the election of the Presidents of Chambers,

HAS ADOPTED THE FOLLOWING AMENDMENT TO ITS RULES OF PROCEDURE:

Article 1

The Rules of Procedure of the European Union Civil Service Tribunal ⁽²⁾ are hereby amended as follows:

Article 6(3) shall be replaced by the following:

'The elections provided for in this Article shall be by secret ballot. The Judge obtaining the votes of more than half the Judges composing the Tribunal shall be elected. If no Judge obtains that majority, further ballots shall be held until that majority is attained.'

Article 2

This amendment to the Rules of Procedure, which is authentic in the languages referred to in Article 35(1) of the Rules of Procedure of the Court of First Instance of the European Communities, applicable to the Tribunal by virtue of Article 7(2) of Annex I to the Statute of the Court of Justice, shall be published in the *Official Journal of the European Union* and shall enter into force on the first day of the second month following its publication.

Done at Luxembourg, 14 January 2009.

⁽¹⁾ OJ L 333, 9.11.2004, p. 7.

⁽²⁾ OJ L 225, 29.8.2007, p. 1.

II

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

DECISIONS

COUNCIL

COUNCIL DECISION

of 18 December 2008

appointing the members of the committee provided for in Article 3(3) of Annex I to the Protocol on the Statute of the Court of Justice

(2009/69/EC)

THE COUNCIL OF THE EUROPEAN UNION,

qualified majority on a recommendation by the President of the Court of Justice.

Having regard to the Treaty establishing the European Community,

(2) Furthermore, point 3 of the Annex to Decision 2005/49/EC, Euratom provides that the Council is to nominate the president of that committee.

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

(3) These provisions should be applied,

Having regard to the Protocol on the Statute of the Court of Justice, as amended by Council Decision 2004/752/EC, Euratom of 2 November 2004 establishing the European Union Civil Service Tribunal ⁽¹⁾, and in particular Article 3(3) of Annex I to the said Protocol,

HAS DECIDED AS FOLLOWS:

Article 1

For a period of four years from 10 November 2008, the following shall be appointed members of the committee provided for in Article 3(3) of Annex I to the Protocol on the Statute of the Court of Justice:

Having regard to Council Decision 2005/49/EC, Euratom of 18 January 2005 concerning the operating rules of the committee provided for in Article 3(3) of Annex I to the Protocol on the Statute of the Court of Justice ⁽²⁾, and in particular point 3 of the Annex to the said Decision,

Mr Günter HIRSCH, President

Having regard to the recommendation of the President of the Court of Justice of 19 November 2008,

Mr Rafael GARCÍA-VALDECASAS Y FERNÁNDEZ

Whereas:

Ms Csilla KOLLONAY LEHOCZKY

(1) Article 3(3) of Annex I to the Protocol on the Statute of the Court of Justice provides for the setting up of a committee comprising seven persons chosen from among former members of the Court of Justice and the Court of First Instance and lawyers of recognised competence. By virtue of Article 3(3), members of the committee are appointed by the Council, acting by a

Ms Fidelma O'KELLY MACKEN

Mr Romain SCHINTGEN

Ms Kateřina ŠIMÁČKOVÁ

⁽¹⁾ OJ L 333, 9.11.2004, p. 7.

⁽²⁾ OJ L 21, 25.1.2005, p. 13.

Mr Georges VANDERSANDEN.

Article 2

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

Done at Brussels, 18 December 2008.

For the Council
The President
M. BARNIER

COUNCIL DECISION
of 19 January 2009
appointing two German members of the European Economic and Social Committee
(2009/70/EC, Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Community, and in particular Article 259 thereof,

Article 1

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 167 thereof,

Ms Gabriela BISCHOFF, Bereichsleiterin Europapolitik im DGB, and Ms Michaela ROSENBERGER, Vorstandsmitglied Gewerkschaft Nahrung-Genuss-Gaststätten, are hereby appointed to the European Economic and Social Committee for the remainder of the current term of office, which runs until 20 September 2010.

Article 2

Having regard to Council Decision 2006/524/EC, Euratom of 11 July 2006 appointing Czech, German, Estonian, Spanish, French, Italian, Latvian, Lithuanian, Luxembourg, Hungarian, Maltese, Austrian, Slovenian and Slovak members of the European Economic and Social Committee ⁽¹⁾,

This Decision shall take effect on the day of its adoption.

Having regard to the proposal of the German Government,

Having regard to the opinion of the Commission,

Done at Brussels, 19 January 2009.

Whereas two members' seats on the European Economic and Social Committee have become vacant following the death of Ms Karin ALLEWELDT and the resignation of Ms Amelie BUNTENBACH,

For the Council
The President
P. GANDALOVIĆ

⁽¹⁾ OJ L 207, 28.7.2006, p. 30.

COUNCIL DECISION
of 19 January 2009
appointing a Spanish member of the European Economic and Social Committee
(2009/71/EC, Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Community, and in particular Article 259 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 167 thereof,

Having regard to Decision 2006/524/EC, Euratom of 11 July 2006 appointing Czech, German, Estonian, Spanish, French, Italian, Latvian, Lithuanian, Luxembourg, Hungarian, Maltese, Austrian, Slovenian and Slovak members of the European Economic and Social Committee ⁽¹⁾,

Having regard to the proposal of the Spanish Government,

Having regard to the opinion of the Commission,

Whereas a member's seat on the European Economic and Social Committee has become vacant following the resignation of Mr Francisco CEBALLO HERRERO,

Article 1

Mr Carlos TRÍAS PINTÓ, Asociación General de Consumidores (ASGECO), is hereby appointed a member of the European Economic and Social Committee for the remainder of the current term of office, which runs until 20 September 2010.

Article 2

This Decision shall take effect on the day of its adoption.

Done at Brussels, 19 January 2009.

For the Council
The President
P. GANDALOVIČ

⁽¹⁾ OJ L 207, 28.7.2006, p. 30.

COMMISSION

COMMISSION DECISION

of 15 December 2008

setting up a Payment Systems Market Expert Group

(2009/72/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Whereas:

(1) One of the main objectives of the Community is to ensure the proper functioning of the internal market, of which payment services are an essential part. In a context of rapid innovation and technological progress, it is important for the internal market to have sound, user-friendly, efficient and secure payment systems, for the benefit of service providers and users alike.

(2) In accordance with the better regulation principles, the Commission attaches great importance to properly consulting the different stakeholders, in particular payment service providers and users in developing the policy regarding payment systems. For this purpose, the Commission may need to call upon the expertise of specialists in an advisory body.

(3) It is therefore necessary to set up a group of experts in the field of payment systems and to define its tasks and its structure.

(4) As stated in its White Paper on Financial Services Policy 2005-2010, the Commission attaches a high importance to having a proportionate user representation. Therefore, the Group should help the Commission to benefit from the most adequate representation of interested parties.

(5) The Group should be composed of individuals with the requisite expertise in the area of payment systems. It should, however, be limited to representatives of private stakeholders, since public authorities and central banks have their own consultative group in the field of payment systems.

(6) The Group should assist the Commission in the preparation and in the implementation of the policy regarding payment systems.

(7) Rules on disclosure of information by members of the new group should be provided for, without prejudice to the rules on security annexed to the Commission's Rules of Procedure by Commission Decision 2001/844/EC, ECSC, Euratom ⁽¹⁾.

(8) Personal data relating to members of the Group should be processed in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data ⁽²⁾,

HAS DECIDED AS FOLLOWS:

Article 1

Payment Systems Market Expert Group

A Payment Systems Market Expert Group (hereinafter referred to as the Group) is hereby set up.

Article 2

Task

The task of the Group shall be:

(a) to assist the Commission in the preparation of legislative acts or policy initiatives regarding payment systems, including fraud prevention issues related to payment industry and users;

(b) to provide insight concerning the practical implementation of that policy;

(c) to exchange views on up-to-date best practices and ensure a monitoring of potential issues of concerns for the market.

⁽¹⁾ OJ L 317, 3.12.2001, p. 1.

⁽²⁾ OJ L 8, 12.1.2001, p. 1.

*Article 3***Consultation**

The Commission may consult the group on any matter regarding payment systems, including fraud prevention issues related to payment industry and users.

*Article 4***Membership — Appointment**

1. The Group shall be composed of a maximum of 50 members.

2. The Commission shall appoint members of the Group from experts in the area referred to in Article 2 following a call for expression of interest from any of the following:

- (a) representatives of the payment industry, including companies and associations;
- (b) representatives of payment users, including companies and associations;
- (c) representatives from private bodies closely involved in the prevention of payment fraud;
- (d) individuals with an academic background or recognised expertise in the area referred to in Article 2.

3. The members referred to in paragraph 2 shall express their interest in participating in the Group in writing.

4. The Commission shall assess the eligibility of individual experts against the following criteria:

- (a) relevant demonstrable knowledge and expertise in the area covered by the mandate of the Group;
- (b) recent practical expertise or experience;
- (c) proficiency in a language which is customary in the sphere of finance, to a level which allows the expert to participate in discussions and draft reports in that language.

Expressions of interest received shall include documentation demonstrating that the proposed expert meets the conditions set out in this paragraph.

5. The Commission shall appoint members taking into account the need to represent the interests of all stakeholders. In addition, the Commission shall ensure a proportionate user

representation, a broad geographical representation and a balanced gender composition from among the proposals received.

6. Proposed experts who have been deemed suitable but have not been appointed may be placed on a reserve list, which the Commission may use to appoint replacements.

7. The following provisions shall apply:

- (a) members proposed by the payment industry, by payment users or by the private bodies involved in the prevention of payment fraud shall be appointed as interested parties;
- (b) members with an academic background or recognised expertise shall be appointed in a personal capacity;
- (c) the mandate of the members of the Group shall start with the first meeting of the Group; members shall remain in office until they are replaced or until the end of their mandate;
- (d) members who are no longer able to contribute effectively to the Group's deliberations, who resign or who do not meet the conditions set out in this Article or in Article 287 of the Treaty may be replaced for the remainder of their term in office;
- (e) members appointed in a personal capacity shall each year sign an undertaking to act in the public interest and a declaration indicating the absence or existence of any interest which may undermine their objectivity;
- (f) the names of the members shall be published in the Register of Expert Groups of the European Commission and on the Internet site of DG Internal Market and Services; the names of members shall be collected, processed and published in accordance with Regulation (EC) No 45/2001.

*Article 5***Operation**

1. The Group shall be chaired by a representative of the Commission.

2. In agreement with the Commission, sub-groups may be set up to examine specific questions under terms of reference established by the Group; such sub-groups shall be disbanded as soon as they have completed their assignments.

3. The representative of the Commission may invite experts and observers with specific knowledge to participate in the work of the Group and of the sub-groups.

4. Information obtained by participating in the Group's or sub-group's deliberations may not be divulged where the Commission says that this relates to confidential matters.

5. The Group and its sub-groups shall usually meet at the Commission premises, in the form and according to the timetable determined by the Commission. The Secretariat of the Group shall be provided by the Commission. Commission officials with an interest in the area may attend meetings of the Group and its sub-groups.

6. The Group shall adopt its rules of procedure on the basis of the standard rules of procedure adopted by the Commission.

7. The Commission may publish on the Internet, in the original language of the document concerned, any summary, conclusion or partial conclusion or working document of the Group.

Article 6

Meeting expenses

1. The Commission shall reimburse travel and, where appropriate, subsistence expenses for members, experts and observers, in connection with the Commission's rules on the compensation of external experts.

2. The members, experts and observers, shall not be remunerated for their services.

3. Meeting expenses shall be reimbursed within the limits of the annual budget allocated to the Group by the responsible Commission services.

Done at Brussels, 15 December 2008.

For the Commission

Charlie McCREEVY

Member of the Commission

COMMISSION DECISION**of 17 December 2008****amending Decision 2007/589/EC as regards the inclusion of monitoring and reporting guidelines for emissions of nitrous oxide***(notified under document number C(2008) 8040)***(Text with EEA relevance)****(2009/73/EC)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC ⁽¹⁾, and in particular Articles 14(1) and 24(3) thereof,

Whereas:

- (1) The complete, consistent, transparent and accurate monitoring and reporting of nitrous oxide (N₂O) emissions in accordance with the guidelines laid down in this Decision are fundamental for the operation of the greenhouse gas emission allowance trading scheme (EU ETS) established by Directive 2003/87/EC in relation to installations included in the EU ETS pursuant to Article 24 of that Directive in respect of their emissions of N₂O.
- (2) The monitoring and reporting guidelines set out in the Commission Decision 2007/589/EC of 18 July 2007 establishing guidelines for the monitoring and reporting of greenhouse gas emissions pursuant to Directive 2003/87/EC of the European Parliament and of the Council ⁽²⁾ do not cover emissions of N₂O.
- (3) The Netherlands have applied to include N₂O emissions from nitric acid plants in the EU ETS for the period 2008-2012.
- (4) Specific guidelines for the determination of N₂O emissions by continuous emission measurement systems should therefore be added.
- (5) The global warming potential of 1 tonne of N₂O for emissions during the period 2008-2012 should be considered to be equivalent to 310 tonnes of carbon dioxide, which is the value provided in the Intergovernmental Panel on Climate Change's Second Assessment

Report (1995 IPCC GWP value). This value should be used in order for there to be absolute consistency between reports by installations and by Member States reporting their national emissions inventories under the United Nations Framework Convention on Climate Change (UNFCCC) and the Kyoto Protocol.

- (6) Decision 2007/589/EC should therefore be amended accordingly.
- (7) The measures provided for in this Decision are in accordance with the opinion of the Climate Change Committee,

HAS ADOPTED THIS DECISION:

*Article 1***Amendments to Decision 2007/589/EC**

Decision 2007/589/EC is amended as follows:

1. in Article 1, the first paragraph is replaced by the following:

'The guidelines for the monitoring and reporting of greenhouse gas emissions from the activities listed in Annex I to Directive 2003/87/EC, and of activities included pursuant to Article 24(1) of that Directive, are set out in the Annexes to this Decision.'

2. in the Table of Annexes, the following entry is added:

'Annex XIII: Activity-specific guidelines for determination of nitrous oxide (N₂O) emissions from nitric acid, adipic acid, caprolactam, glyoxal and glyoxylic acid production';

3. Annex I is amended as set out in Part A of the Annex to this Decision;
4. Annex XIII is added as set out in Part B of the Annex to this Decision.

⁽¹⁾ OJ L 275, 25.10.2003, p. 32.

⁽²⁾ OJ L 229, 31.8.2007, p. 1.

*Article 2***Application**

This Decision shall apply from 1 January 2008.

*Article 3***Addressees**

This Decision is addressed to the Member States.

Done at Brussels, 17 December 2008.

For the Commission

Stavros DIMAS

Member of the Commission

ANNEX

A. Annex I is amended as follows:

1. Section 2 is amended as follows:

(a) the introductory part is replaced by the following:

‘For the purposes of this Annex and Annexes II to XIII the definitions of Directive 2003/87/EC shall apply.’;

(b) in paragraph 1, point (g) is replaced by the following:

‘(g) “tier” means a specific element of a methodology for determining activity data, emission factors, annual emission, annual average hourly emission and oxidation or conversion factors’;

2. in Section 3, the second paragraph is replaced by the following:

‘*Completeness.* Monitoring and reporting for an installation shall cover all process and combustion emissions from all emission sources and source streams belonging to activities listed in Annex I to Directive 2003/87/EC and other relevant activities included pursuant to Article 24 of the Directive and of all greenhouse gases specified in relation to those activities while avoiding double-counting.’;

3. Section 4.3 is amended as follows:

(a) point (g) is replaced by the following:

‘(g) evidence demonstrating compliance with the uncertainty thresholds for activity data and other parameters (where applicable) for the applied tiers for each source stream and/or emission source’;

(b) point (m) is replaced by the following:

‘(m) a description of the procedures for data acquisition, handling activities and control activities as well as a description of the activities (see Section 10.1-3, and Annex XIII, Section 8)’;

4. Section 6 is amended as follows:

(a) in Section 6.1, the first paragraph is replaced by the following:

‘As set out in Section 4.2, greenhouse gas emissions may be determined by a measurement-based methodology using continuous emission measurement systems (CEMS) from all or selected emission sources using standardised or accepted methods once the operator has received approval from the competent authority before the reporting period that using a CEMS achieves greater accuracy than the calculation of emissions using the most accurate tier approach. Specific approaches for measurement-based methodologies are laid down in Annexes XII and XIII. Installations applying CEMS as part of their monitoring system are to be notified by Member States to the Commission pursuant to Article 21 of Directive 2003/87/EC.’;

(b) Section 6.2 is amended as follows:

(i) the first paragraph is replaced by the following:

‘The highest tier levels pursuant to Annexes XII and XIII shall be used by the operator of an installation for each emission source which is listed in the greenhouse gas emissions permit and for which relevant greenhouse gas emissions are determined by applying CEMS.’;

(ii) the third paragraph is replaced by the following:

‘For the reporting periods 2008–12 as a minimum Tier 2 in Annex XII for CO₂ emissions and the minimum tiers set out in Annex XIII for N₂O emissions shall be applied unless technically not feasible.’;

(c) Section 6.3 is amended as follows:

(i) point (a) is replaced by the following:

‘(a) **Sampling rates**

Hourly averages (a valid hour of data) shall be computed for all elements of the emission determination (as applicable) — as laid out in Annexes XII and XIII — by using all data points available for that specific hour. In case of equipment being out of control or out of operation for part of the hour, the hourly average shall be calculated pro rata to the remaining data points for that specific hour. In case a valid hour of data cannot be computed for an element of emission determination, as less than 50 % of the maximum number of hourly data points are available, the hour is lost. For each instance where a valid hour of data cannot be computed, values for substitution according to the provisions of this Section shall be calculated.’;

(ii) the introductory part of the first paragraph of point (c) is replaced by the following:

‘Parallel to emission determination by a measurement-based methodology in accordance with Annexes XII and XIII, annual emissions of each considered GHG shall be determined by calculation based on one of the following options:’;

(iii) the fourth paragraph of point (c) is replaced by the following:

‘Where comparison with results of the calculation approach clearly indicates that results of the measurement approach are not valid, the operator shall use substitution values as described under this Section (excluding for monitoring in accordance with Annex XIII).’;

5. in Section 7.2, the introductory part of the first paragraph is replaced by the following:

‘As set out in Section 4.2, an operator can justify the use of measurement-based methodology if it reliably results in a lower uncertainty than the relevant calculation-based methodology (compare Section 4.2) or he is required to use a measurement based method in accordance with Annex XIII. In order to provide this justification to the competent authority, the operator shall report the quantitative results of a more comprehensive uncertainty analysis considering the following sources of uncertainty taking into account EN 14181:’;

6. in Section 8, the 10th paragraph is replaced by the following:

‘Emissions shall be reported as rounded tonnes of CO₂ or CO_{2(e)} (for example 1 245 978 tonnes). Activity data, emission factors and oxidation or conversion factors shall be rounded to include only significant digits both for emission calculations and reporting purposes.’;

7. Section 13.5 is amended as follows:

(a) the heading is replaced by the following:

‘13.5. REQUIREMENTS FOR DETERMINATION OF FUEL AND MATERIAL PROPERTIES, AND CONTINUOUS EMISSIONS MEASUREMENT’;

(b) Section 13.5.1 is replaced by the following:

‘13.5.1. USE OF ACCREDITED LABORATORIES

The laboratory (including other service providers) used to determine the emission factor, net calorific value, oxidation factor, carbon content, the biomass fraction, composition data or to carry out calibrations and relevant equipment assessments for CEMS should be accredited according to EN ISO 17025:2005 (General requirements for the competence of testing and calibration laboratories).’.

8. in Section 14, the following table is added:

Emissions of Annex I activities — nitric acid, adipic acid etc.

[illegible]

B. The following Annex XIII is added:

'ANNEX XIII

Activity-specific guidelines for determination of nitrous oxide (N₂O) emissions from nitric acid, adipic acid, caprolactam, glyoxal and glyoxylic acid production

1. BOUNDARIES AND COMPLETENESS

The activity-specific guidelines contained in this Annex shall apply to monitoring N₂O emissions occurring from the production of nitric acid, adipic acid, caprolactam, glyoxal and glyoxylic acid within relevant installations included pursuant to Article 24 of Directive 2003/87/EC.

For each activity from which N₂O emissions result, all sources emitting N₂O from production processes shall be covered, including where N₂O emissions from production are channelled through any abatement equipment. This includes:

- nitric acid production — N₂O emissions from the catalytic oxidation of ammonia and/or from the NO_x/N₂O abatement units,
- adipic acid production — N₂O emissions, including from the oxidation reaction, any direct process venting and/or any emissions control equipment,
- glyoxal and glyoxylic acid production — N₂O emissions, including from the process reactions, any direct process venting and/or any emissions control equipment,
- caprolactam production — N₂O emissions, including from the process reactions, any direct process venting and/or any emissions control equipment.

These provisions are not applicable to any N₂O emissions from combustion of fuels.

Any relevant CO₂ emissions directly associated with the production process (and not already covered under the EU ETS) that are included in the installation's greenhouse gas emission permit shall be monitored and reported in accordance with these guidelines.

Annex I, Section 16 does not apply to the monitoring of N₂O emissions.

2. DETERMINATION OF CO_{2(e)} AND N₂O EMISSIONS

2.1. ANNUAL N₂O EMISSIONS

Emissions of N₂O from nitric acid production shall be measured using continuous emissions measurement (excluding for *de minimis* sources — Section 6.3).

Emissions of N₂O from adipic acid, caprolactam, glyoxal and glyoxylic acid production shall be monitored using continuous emissions measurement for abated emissions and the calculation method (based on a mass balance approach (Section 2.6)) for temporary occurrences of unabated emissions.

Total annual N₂O emissions from the installation are the sum of annual N₂O emissions from all its emission sources.

For each emission source where continuous emissions measurement is applied, the total annual emissions are the sum of all hourly emissions using the following formula:

$$\text{N}_2\text{O emissions}_{\text{annual}} [\text{t}] = \sum [\text{N}_2\text{O conc}_{\text{hourly}} [\text{mg}/\text{Nm}^3] \times \text{flue gas flow}_{\text{hourly}} [\text{Nm}^3/\text{h}]] \times 10^{-9}$$

Where:

N₂O emissions_{annual} = total annual emissions of N₂O from the emission source in tonnes N₂O

N_2O conc_{hourly} = hourly concentrations of N_2O in mg/Nm^3 in the flue gas flow measured during operation

Flue gas flow = flue gas flow as calculated below in Nm^3/h for each hourly concentration

2.2. HOURLY N_2O EMISSIONS

Annual average hourly N_2O emissions for each source where continuous emission measurement is applied shall be calculated using the following equation:

$$N_2O \text{ emissions}_{av \text{ hourly}} [kg/h] = \frac{\sum (N_2O \text{ conc}_{hourly} [mg/Nm^3] \times \text{flue gas flow} [Nm^3/h]) \times 10^{-6}}{\text{Hours of operation [h]}}$$

Where:

N_2O emissions_{av hourly} = annual average hourly N_2O emissions in kg/h from the source

N_2O conc_{hourly} = hourly concentrations of N_2O in mg/Nm^3 in the flue gas flow measured during operation

Flue gas flow = flue gas flow as calculated below in Nm^3/h for each hourly concentration

The total uncertainty of the annual hourly average emissions for each emission source must not exceed the tier values as set out below. The highest tier approach shall be used by all operators. Only if it is shown to the satisfaction of the competent authority that the highest tier is not technically feasible or will lead to unreasonably high costs, may a next lower tier be used. For the reporting period 2008–12 as a minimum Tier 2 shall be applied unless technically not feasible.

In cases for which it is technically not feasible or would lead to unreasonable costs to apply at least Tier 1 requirements for each emission source (except *de minimis* sources), the operator shall apply and demonstrate compliance with the appropriate tier for the total annual emission for the emission source as in Section 2, Annex XII. For the reporting period 2008–12 the minimum requirement is Tier 2, unless technically not feasible. Respective installations applying this approach are to be notified by Member States to the Commission pursuant to Article 21 of Directive 2003/87/EC.

Tier 1:

For each emission source a total uncertainty of annual average hourly emissions of less than $\pm 10\%$ shall be achieved.

Tier 2:

For each emission source a total uncertainty of annual average hourly emissions of less than $\pm 7,5\%$ shall be achieved.

Tier 3:

For each emission source a total uncertainty of annual average hourly emissions of less than $\pm 5\%$ shall be achieved.

2.3. HOURLY N_2O CONCENTRATIONS

Hourly N_2O concentrations [mg/Nm^3] in the flue gas from each emission source shall be determined by continuous measurement at a representative point, after the NO_x/N_2O abatement equipment (if abatement is used).

Suitable measuring techniques include IR Spectroscopy, but others can be used in accordance with paragraph 2 of Section 6.1 of Annex I, provided they achieve the required uncertainty level for the N_2O emissions. The used techniques must be capable of measuring N_2O concentrations of all emission sources during both abated and unabated conditions (for example during periods when abatement equipment fails and concentrations increase). If uncertainties increase during such periods, these must be taken into account in the uncertainty assessment.

All measurements shall be adjusted to a dry gas basis and be reported consistently.

2.4. DETERMINATION OF FLUE GAS FLOW

The methods for monitoring flue gas flow set out in Annex XII shall be used for measuring flue gas flow for N₂O emissions monitoring.

For nitric acid production, Method A shall be applied unless it is not technically feasible, in which case an alternative method, such as a mass balance approach based on significant parameters (such as ammonia input load) or determination of flow by continuous emissions flow measurement, can be used provided it is approved by the competent authority as part of the evaluation of the monitoring plan and the monitoring methodology therein.

For other activities, other methods for monitoring flue gas flow described in Annex XII can be used, provided they are approved by the competent authority as part of the evaluation of the monitoring plan and the monitoring methodology therein.

Method A — nitric acid production

The flue gas flow shall be calculated in accordance with the following formula:

$$V_{\text{flue gas flow}} [\text{Nm}^3/\text{h}] = V_{\text{air}} \times (1 - O_{2, \text{air}}) / (1 - O_{2, \text{flue gas}})$$

Where:

V_{air} = total input air flow in Nm³/h at standard conditions;

$O_{2, \text{air}}$ = volume fraction of O₂ in dry air [= 0,2095];

$O_{2, \text{flue gas}}$ = volume fraction of O₂ in flue gas.

The V_{air} shall be calculated as the sum of all air flows entering the nitric acid production unit.

The installation shall apply the following formula, unless stated otherwise in its monitoring plan:

$$V_{\text{air}} = V_{\text{prim}} + V_{\text{sec}} + V_{\text{seal}}$$

Where:

V_{prim} = Primary input air flow in Nm³/h at standard conditions;

V_{sec} = Secondary input air flow in Nm³/h at standard conditions;

V_{seal} = Seal input air flow in Nm³/h at standard conditions.

The V_{prim} is determined by continuous flow measurement before the mixing with ammonia takes place. The V_{sec} is determined by continuous flow measurement e.g. before the heat recovery unit. The V_{seal} is the purged airflow within the nitric acid production process (if relevant).

For input air streams accounting for cumulatively less than 2,5 % of the total air flow, the competent authority may accept estimation methods for determination of this air flow rate proposed by the operator based on industry best practices.

The operator shall provide evidence through measurements under normal operation conditions that the flue gas flow measured is sufficiently homogeneous to allow for the proposed measurement method. If non-homogeneous flow is confirmed through these measurements, this must be taken into account when determining appropriate monitoring methods and when calculating the uncertainty in the N₂O emissions.

All measurements shall be adjusted to a dry gas basis and be reported consistently.

2.5. OXYGEN (O₂)

Oxygen concentrations in the flue gas shall be measured if needed for calculating the flue gas flow according to Section 2.4. Requirements described for concentration measurements within Section 6 of Annex I shall apply. Suitable measurement techniques include: paramagnetic alternating pressure, magnetic torsion balance or zirconium dioxide probe. Uncertainty of O₂ concentration measurements shall be taken into account in determining the uncertainty in the N₂O emissions.

All measurements shall be adjusted to a dry gas basis and be reported consistently.

2.6. CALCULATION OF N₂O EMISSIONS

For specific periodic, unabated emissions of N₂O from adipic acid, caprolactam, glyoxal and glyoxylic acid production (such as unabated emissions from venting for safety reasons and/or when abatement plant fails) where continuous emissions monitoring of N₂O is not technically feasible, calculation of N₂O emissions using a mass balance approach can be applied. The calculation method shall be based on the maximum potential emission rate of N₂O from the chemical reaction taking place at the time and the period of the emission. The specific calculation approach shall be approved by the competent authority as part of the evaluation of the monitoring plan and the monitoring methodology therein.

The uncertainty in any calculated emissions for a specific emission source shall be taken into account in determining the annual average hourly uncertainty for the emission source. The same tiers as for emissions measured entirely with continuous emissions measurement shall be applied to calculated emissions, or where a combination of calculation and continuous measurement are used to determine N₂O emissions.

3. CALCULATION OF ANNUAL CO₂ EQUIVALENTS (CO_{2(e)})

The total annual N₂O emissions from all emissions sources (measured in tonnes to three decimal places) shall be converted to annual CO_{2(e)} emissions (rounded tonnes) using the following formula:

$$\text{CO}_{2(e)} [\text{t}] = \text{N}_2\text{O}_{\text{annual}} [\text{t}] \times \text{GWP}_{\text{N}_2\text{O}}$$

For emissions during the period 2008–12, the Global Warming Potential $\text{GWP}_{\text{N}_2\text{O}} = 310 \text{ t CO}_{2(e)}/\text{t N}_2\text{O}$ shall be used, which is the value provided in the Intergovernmental Panel on Climate Change's Second Assessment Report (1995 IPCC GWP value).

The total annual CO_{2(e)} generated by all emission sources and any direct CO₂ emissions from other emission sources (if included in the greenhouse gas permit) shall be added to the total annual CO₂ emissions generated by the installation and shall be used for reporting and surrendering allowances.

4. DETERMINATION OF ACTIVITY PRODUCTION RATES

Production rates shall be calculated using daily production reports and hours of operation.

5. MONITORING PLAN

In addition to requirements set out in Annex I, Section 4.3(a), (b), (c), (d), (j), (k), (m) and (n), monitoring plans for installations covered by this Annex shall contain the following information:

- (a) all relevant emissions points during typical operation, and during restrictive and transition phases (e.g. breakdown periods or commissioning phases) shown in a process diagram;
- (b) the method and parameters used to determine the quantity of materials (e.g. ammonia) used in the production process and the maximum quantity of material used at full capacity;
- (c) the method and parameters used to determine the quantity of product produced as an hourly load, expressed as nitric acid (100 %), adipic acid (100 %), glyoxal and glyoxylic acid and caprolactam per hour respectively;

- (d) the method and parameters used to determine the N₂O concentration in the flue gas from each emission source, its operating range, and its uncertainty, and details of any alternative methods to be applied if concentrations fall outside the operating range and the situations when this may occur;
- (e) the method used to determine the total flue gas flow rate (expressed in Nm³ per hour) from each emission source, its operating range and its uncertainty. If derived by calculation, details for each monitored flue gas stream shall be given;
- (f) the calculation method used to determine N₂O emissions from periodic, unabated sources in adipic acid, caprolactam, glyoxal and glyoxylic acid production;
- (g) the way in which or the extent to which the installation operates with variable loads, and the manner in which the operational management is carried out;
- (h) the method and any calculation formulae used to determine the annual N₂O emissions of each emission source;
- (i) the process conditions that deviate from normal operations, an indication of the potential frequency and the duration of such conditions, as well as an indication of the volume of the N₂O emissions during the deviating process conditions (such as abatement equipment malfunction);
- (j) the assessment used to show that the tier uncertainty requirements referred in Section 2 of this Annex are complied with and the tier achieved;
- (k) the value expressed in kg/N₂O per hour which has been determined in accordance with Annex I, Sections 6.3(a) and (b) in order to be used in case the measuring instrument fails or does not function properly;
- (l) Details of any deviations from the requirements of general standards such as EN 14181 and ISO 14956:2002.

In addition to the requirements in Annex I, Section 4.3, a substantial change to the monitoring methodology as part of the monitoring plan shall be subject to the approval of the competent authority if it concerns:

- significant changes in the functioning of the installation that affect the total level of N₂O emissions, the N₂O concentration, the flow rate or other parameters of the flue gas, especially if N₂O abatement measures are installed or replaced,
- changes in the methods used to determine N₂O emissions, including changes in the continuous measurement of concentrations, oxygen concentrations and flue gas flow, or calculation method which significantly affect the total uncertainty of the emissions,
- changes in the parameters used to determine annual emissions and/or production of nitric acid, adipic acid, caprolactam, glyoxal and glyoxylic acid,
- changes in uncertainty assessment.

6. GENERAL

6.1. SAMPLING RATES

Valid hourly averages shall be calculated in accordance with Section 6.3(a) of Annex I for:

- concentration of N₂O in the flue gas,
- total flue gas flow where this is measured directly and where required,
- all gas flows and oxygen concentrations necessary to determine the total flue gas flow indirectly.

6.2. MISSING DATA

Missing data shall be dealt with in accordance with Annex I, Section 6.3(a) and (b). If missing data occur during failure of abatement equipment, it shall be assumed that emissions for that whole hour were unabated and substitute values calculated accordingly.

The operator shall take all practical steps to ensure that continuous emissions monitoring equipment is not out of operation for more than one week in any calendar year. If this occurs, the operator shall inform the competent authority immediately.

6.3. DE MINIMIS SOURCES OF N₂O

'De minimis source streams' for N₂O emission sources means one or more minor, unabated source streams selected by the operator and jointly emitting 1 000 tonnes of CO_{2(e)} or less per year, or that emit less than 20 000 tonnes of CO_{2(e)} per year and contribute less than 2 % of the total annual emissions of CO_{2(e)} of that installation.

Subject to approval by the competent authority, the operator may apply approaches for monitoring and reporting using his own no-tier estimation method for *de minimis* source streams of N₂O.

6.4. CORROBORATING CALCULATION OF EMISSIONS

Annex I, Section 6.3(c) shall apply to corroborating reported emissions of N₂O (from continuous emissions measurement and calculation) and performed using production data, the 2006 IPCC Guidelines and the approach specified in Annex I, Section 10.3.3 "Horizontal approach".

7. UNCERTAINTY ASSESSMENTS

Uncertainty assessments required to demonstrate compliance with relevant tiers in Section 2 shall be determined by means of an error propagation calculation taking into account the uncertainty of all relevant elements of the emission calculation. For the continuous measurement the following sources of uncertainty should be assessed in accordance with EN 14181 and ISO 14956:2002:

- the specified uncertainty of continuous measurement equipment, including sampling,
- uncertainties associated to the calibration, and
- additional uncertainty connected to how the monitoring equipment is used in practice.

For the calculation of the total uncertainty to be used in Section 2.2, hourly N₂O concentrations as determined pursuant to Section 2.3 shall be used. For the purpose of uncertainty calculation only, hourly N₂O concentrations below 20 mg/Nm³ shall be substituted by a default value of 20 mg/Nm³.

The operator, via the quality assurance and control process, shall manage and reduce the remaining uncertainties of the emissions data in his emissions report. During the verification process, the verifier shall check the correct application of the approved monitoring methodology, and shall assess the management and reduction of remaining uncertainties via the operator's quality assurance and control procedures.

8. CONTROL AND VERIFICATION

8.1. CONTROL

In addition to the requirements in Annex I, Sections 10.1, 10.2 and 10.3, the following quality assurance procedures shall apply:

- quality assurance of the continuous measurements of the concentration of N₂O and oxygen shall take place in accordance with EN 14181,
- the installed measurement equipment shall be calibrated by means of parallel measurements once every three years,

- where emission limit values (ELVs) are typically used as the basis for calibration of continuous emissions monitors, and where no ELV exists for N₂O or O₂, then the annual average hourly concentration shall be used as a proxy for such ELVs,
- the QAL 2 should be done with suitable reference gases in addition to the sample gas, to ensure that a wide enough calibration range is assessed,
- the measurement equipment that measures the flue gas flow volume shall be calibrated annually or when the plant is maintained, whichever is sooner. Quality assurance of flue gas flow volume does not need to be performed in accordance with EN 14181,
- if internal audits find non-compliance with EN 14181 or that recalibration has to be performed, this shall be reported to the competent authority without undue delay.

8.2. VERIFICATION

In addition to the verification requirements set out in Section 10.4, the following will be checked:

- correctness of application of requirements of the standards named under Sections 7 and 8.1 of this Annex,
- calculation approaches and results where missing data has been substituted by calculated values,
- plausibility of calculated substitute values and measured values,
- any comparative assessments corroborating emissions results and calculation based methods and the reporting of activity data, emission factors and alike.

9. REPORTING

Total annual emissions of N₂O shall be reported in tonnes to three decimal places and as CO_{2(e)} to rounded tonnes.

In addition to the reporting requirements set out in Section 8 of Annex I, operators of installations covered by this Annex shall report the following information for installations:

- (a) annual process unit operating time and total plant operating time;
 - (b) production data for each unit and the method used to determine the quantity of product;
 - (c) measurement criteria used in the quantification of each parameter;
 - (d) the uncertainty for each measured and calculated parameter (including gas concentrations, flue gas flow, calculated emissions) and the resulting total uncertainty of the hourly load and/or annual emission figure;
 - (e) details of any equipment malfunctions that affected emissions and emissions/flue gas flow measurements and calculations, including number of occasions, hours affected, duration and dates of malfunctions;
 - (f) details of when Section 6.2 of this Annex needed to be applied, including number of occasions, hours affected, calculations and substitute values used;
 - (g) the input data used in any corroborating assessments in accordance with Annex I, Sections 6.3(c) and 4.3 to check the annual N₂O emissions.'
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ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

DECISION No 1/2008 OF THE EC-FAEROE ISLANDS JOINT COMMITTEE

of 17 June 2008

amending Decision No 1/2001 laying down provisions to implement the Protocol on veterinary matters supplementing the Agreement between the European Community, of the one part, and the Government of Denmark and the Home Government of the Faeroe Islands, of the other part

(2009/74/EC)

THE EC-FAEROE ISLANDS JOINT COMMITTEE,

Having regard to the Agreement in the form of an Exchange of Letters, between the European Community, of the one part, and the Government of Denmark and the Home Government of the Faeroe Islands, of the other part ⁽¹⁾,

Having regard to the Protocol on veterinary matters supplementing the Agreement ⁽²⁾, and in particular its Article 2, first sentence thereof,

Whereas:

(1) At the meeting of the veterinary subgroup of the EC-Faeroe Islands Joint Committee on 26 September 2005 in Brussels two requests from the Faeroe Islands were discussed. The first was to allow the import of registered equidae directly from Iceland, rather than via a border inspection post approved for that purpose in a Member State in accordance with Article 6 of Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries ⁽³⁾. The second was to allow the movement of registered equidae between the Faeroe Islands and the Member States in accordance with intra-Community movement rules.

(2) In accordance with Article 9 of Council Directive 90/426/EEC of 26 June 1990 on animal health conditions governing the movement and import from third countries of equidae ⁽⁴⁾, the rules laid down in Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market ⁽⁵⁾ shall apply.

(3) The Faeroe Islands committed themselves to transpose and apply the Community provisions set out in the Annex to this Decision and to establish at the approved border inspection post located at Tórshavn an inspection centre suitable for handling registered equidae, imported directly from Iceland in accordance with the construction and animal welfare requirements laid down in the Annex A to Directive 91/496/EEC before the date of adoption of this Decision.

(4) The Commission representatives and Member States experts agreed that the animal health situation in Faeroe Islands permitted the proposed amendment of Decision No 1/2001 of the EC-Faeroe Islands Joint Committee ⁽⁶⁾.

(5) Article 27 of Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules ⁽⁷⁾, sets down new principles for the collection of fees or charges to cover the costs occasioned by official controls.

Consequently, it appears appropriate to update references to the fees concerned within the Community in Decision No 1/2001.

(6) A new system of notification concerning imports of live animals and products of animal origin into the European Union and intra-Community movements of live animals named Traces has been introduced replacing ANIMO. Traces allows the electronic exchanges of data concerning import and intra-Community trade of live animals and products of animal origin between the competent authorities in charge of animal and public health control.

Consequently, it appears appropriate to update references to the information systems in Decision No 1/2001.

⁽¹⁾ OJ L 305, 30.11.1999, p. 25.

⁽²⁾ OJ L 305, 30.11.1999, p. 26.

⁽³⁾ OJ L 268, 24.9.1991, p. 56.

⁽⁴⁾ OJ L 224, 18.8.1990, p. 42.

⁽⁵⁾ OJ L 224, 18.8.1990, p. 29.

⁽⁶⁾ OJ L 46, 16.2.2001, p. 24.

⁽⁷⁾ OL L 165, 30.4.2004, p. 1. Corrected by OJ L 191, 28.5.2004, p. 1.

- (7) The veterinary subgroup therefore recommended that Decision No 1/2001 be amended accordingly,

HAS DECIDED AS FOLLOWS:

Article 1

Decision No 1/2001 is amended as follows:

1. Article 3 shall be replaced by the following:

‘Article 3

Checks on live animals coming from third countries

1. Checks on live animals coming from third countries and destined for the Faeroe Islands shall be carried out at border inspection posts in Member States by their veterinary services in the name and on behalf of the Faeroe Islands authorities.

2. In the cases provided for, the integrated computerised veterinary system (Traces) shall be used for all relevant notifications.

3. All imports of live animals into the Faeroe Islands shall be subject to veterinary checks as laid down in Council Directive 91/496/EEC (*), and its rules of application fixed in the relevant Commission Decisions.

If the results of the checks referred to in the first paragraph are satisfactory, the veterinary services shall issue a Common Veterinary Entry Document (CVED) for each consignment.

The Customs services shall ensure that the necessary sanitary fees as set down in Regulation (EC) No 882/2004 of the European Parliament and of the Council (**) are paid before the customs transit operations start.

(*) OJ L 268, 24.9.1991, p. 56.

(**) OJ L 165, 30.4.2004, p. 1. Corrected by OJ L 191, 28.5.2004, p. 1.;

2. Article 5 is replaced by the following:

‘Article 5

Financing of checks

The Faeroe Islands undertake to apply the provisions of Article 27 of Regulation (EC) No 882/2004 as regards fees for the following areas:

— In Annex IV, Chapter V for fishery products covered by Regulation (EC) No 853/2004 of the European Parliament and of the Council (*),

— In Annex IV, Chapter V to ensure that the controls provided for in Council Directive 96/23/EC (**) on aquaculture animals are carried out;

— In Annex V Chapters I (meat), II (fish) and III (other animal products) for animal products imported from third countries;

— In Annex V Chapter V for live animals imported from third countries;

— In Annex VI to cover the checks for the aquaculture animals, products of animal origin and live registered equidae covered by Directive 90/425/EEC.

(*) OJ L 139, 30.4.2004, p. 55.

(**) OJ L 125, 23.5.1996, p. 10.;

3. Article 7 shall be replaced by the following:

‘Article 7

Information systems

1. The Faeroe Islands shall use the integrated computerised veterinary system (Traces) to notify Member States of movements and trade of live animals or products of animal origin, where required under the Community provisions.

The practical arrangements for the Faeroe Islands participation in this system shall be settled between Commission and Faeroese officials.

2. The Faeroe Islands shall implement Council Directive 82/894/EEC (*) and they shall take part in the Animal Disease Notification System (ADNS).

The practical arrangements for the participation of the Faeroe Islands shall be settled between Commission and Faeroe Islands officials.

(*) OJ L 378, 31.12.1982, p. 58.;

4. The following Article shall be inserted:

'Article 12a

Imports and movements of registered equidae

1. The Faeroe Islands undertake to establish at the approved border inspection post located at Tórshavn an inspection centre suitable for handling registered equidae, imported directly from Iceland. The facilities at the inspection centre shall meet the construction and animal welfare requirements for approval laid down in Annex A to Directive 91/496/EEC.

Prior to constructing the premises, the competent authorities of the Faeroe Islands shall submit to the European Commission the draft plan of this centre for consideration and comment.

Once the agreed facility is constructed, the Faeroe Islands shall inform the Commission.

2. By way of derogation from Article 3(1), the checks of registered equidae imported directly from Iceland shall be carried out in accordance with Directive 91/496/EEC and its rules of application laid down in Commission Decision 97/794/EC (*) by the veterinary services of the Faeroe Islands at the inspection centre referred to in paragraph 1.

3. The movements of registered equidae between the Faeroe Islands and the Member States shall be carried out

on the basis of the rules laid down in Chapter II of Council Directive 90/426/EEC (**) and following the checks carried out in accordance with Directive 90/425/EEC.

(*) OJ L 323, 26.11.1997, p. 31.

(**) OJ L 224, 18.8.1990, p. 42.;

5. In Article 15, the following paragraph shall be added:

'4. The Faeroe Islands shall apply the Community provisions set out in the Annex to this Decision before 17 June 2008.

The Faeroe Islands shall inform the Commission by 11 February 2009 that they have taken the necessary steps to implement those provisions.;

6. The text appearing in the Annex to this Decision shall be added as Annex.

Article 2

Entry into force

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

Done at Tórshavn, 17 June 2008.

For the Joint Committee

The President

Herluf SIGVALDSSON

ANNEX

'ANNEX

Community provisions as referred to in Article 15(4):

- (1) Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market (OJ L 224, 18.8.1990, p. 29);
 - (2) Council Directive 90/426/EEC of 26 June 1990 on animal health conditions governing the movement and import from third countries of equidae (OJ L 224, 18.8.1990, p. 42);
 - (3) Council Directive 90/427/EEC of 26 June 1990 on the zootechnical and genealogical conditions governing intra-Community trade in equidae (OJ L 224, 18.8.1990, p. 55);
 - (4) Commission Decision 92/260/EEC of 10 April 1992 on animal health conditions and veterinary certification for temporary admission of registered horses (OJ L 130, 15.5.1992, p. 67);
 - (5) Commission Decision 93/195/EEC of 2 February 1993 on animal health conditions and veterinary certification for the re-entry of registered horses for racing, competition and cultural events after temporary export (OJ L 86, 6.4.1993, p. 1);
 - (6) Commission Decision 93/196/EEC of 5 February 1993 on animal health conditions and veterinary certification for imports of equidae for slaughter (OJ L 86, 6.4.1993, p. 7);
 - (7) Commission Decision 93/197/EEC of 5 February 1993 on animal health conditions and veterinary certification for imports of registered equidae and equidae for breeding and production (OJ L 86, 6.4.1993, p. 16);
 - (8) Commission Decision 93/623/EEC of 20 October 1993 establishing the identification document (passport) accompanying registered equidae (OJ L 298, 3.12.1993, p. 45);
 - (9) Commission Decision 2000/68/EC of 22 December 1999 amending Commission Decision 93/623/EEC and establishing the identification of equidae for breeding and production (OJ L 23, 28.1.2000, p. 72);
 - (10) Commission Decision 2004/211/EC of 6 January 2004 establishing the list of third countries and parts of territory thereof from which Member States authorise imports of live equidae and semen, ova and embryos of the equine species, and amending Decisions 93/195/EEC and 94/63/EC (OJ L 73, 11.3.2004, p. 1);
 - (11) Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97 (OJ L 3, 5.1.2005, p. 1).'
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CORRIGENDA**Corrigendum to Council Decision 2008/173/EC of 18 February 2008 on the tests of the second Schengen Information System (SIS II)***(Official Journal of the European Union L 57 of 1 March 2008)*

In the contents on the cover and in the title on page 14:

for: '2008/173/EC',

read: '2008/173/JHA'.

This Decision should be considered a published under Section L III, Title VI.

NOTE TO THE READER

The institutions have decided no longer to quote in their texts the last amendment to cited acts.

Unless otherwise indicated, references to acts in the texts published here are to the version of those acts currently in force.