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## Contents

## I Acts adopted under the EC Treaty/Euratom Treaty whose publication is obligatory

## REGULATIONS

Commission Regulation (EC) No 99/2009 of 3 February 2009 establishing the standard import values for determining the entry price of certain fruit and vegetables ..... 1

Commission Regulation (EC) No 100/2009 of 3 February 2009 amending the representative prices and additional import duties for certain products in the sugar sector fixed by Regulation (EC) No 945/2008 for the 2008/2009 marketing year ..... 3

★ Commission Regulation (EC) No 101/2009 of 3 February 2009 amending Regulation (EC) No 1800/2004 as regards the terms of the authorisation of the feed additive Cycostat 66G <sup>(1)</sup> ..... 5

★ Commission Regulation (EC) No 102/2009 of 3 February 2009 concerning the permanent authorisation of an additive in feedingstuffs <sup>(1)</sup> ..... 8

★ Commission Regulation (EC) No 103/2009 of 3 February 2009 amending Annexes VII and IX to Regulation (EC) No 999/2001 of the European Parliament and of the Council laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies <sup>(1)</sup> ..... 11

★ **Commission Regulation (EC) No 104/2009 of 3 February 2009 approving non-minor amendments to the specification for a name entered in the register of protected designations of origin and protected geographical indications (Gorgonzola (PDO))** ..... 16

---

II *Acts adopted under the EC Treaty/Euratom Treaty whose publication is not obligatory*

DECISIONS

**Council**

2009/89/EC:

★ **Council Decision of 4 December 2008 on the signing, on behalf of the European Community, of the Protocol on Integrated Coastal Zone Management in the Mediterranean to the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean** ..... 17

**Protocol on Integrated Coastal Zone Management in the Mediterranean** ..... 19

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**Note to the reader** (see page 3 of the cover)



## I

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

## REGULATIONS

## COMMISSION REGULATION (EC) No 99/2009

of 3 February 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 4 February 2009.

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

Done at Brussels, 3 February 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                                        | JO                                | 73,2                  |
|                                                   | MA                                | 43,0                  |
|                                                   | TN                                | 134,4                 |
|                                                   | TR                                | 103,7                 |
|                                                   | ZZ                                | 88,6                  |
| 0707 00 05                                        | JO                                | 172,9                 |
|                                                   | MA                                | 126,0                 |
|                                                   | TR                                | 188,5                 |
|                                                   | ZZ                                | 162,5                 |
| 0709 90 70                                        | MA                                | 115,7                 |
|                                                   | TR                                | 177,8                 |
|                                                   | ZZ                                | 146,8                 |
| 0709 90 80                                        | EG                                | 84,3                  |
|                                                   | ZZ                                | 84,3                  |
| 0805 10 20                                        | EG                                | 58,1                  |
|                                                   | IL                                | 53,3                  |
|                                                   | MA                                | 66,7                  |
|                                                   | TN                                | 41,0                  |
|                                                   | TR                                | 58,3                  |
|                                                   | ZZ                                | 55,5                  |
| 0805 20 10                                        | IL                                | 180,3                 |
|                                                   | MA                                | 90,0                  |
|                                                   | TR                                | 63,0                  |
|                                                   | ZZ                                | 111,1                 |
| 0805 20 30, 0805 20 50, 0805 20 70,<br>0805 20 90 | CN                                | 70,2                  |
|                                                   | IL                                | 72,1                  |
|                                                   | JM                                | 75,5                  |
|                                                   | MA                                | 136,5                 |
|                                                   | PK                                | 73,9                  |
|                                                   | TR                                | 72,9                  |
|                                                   | ZZ                                | 83,5                  |
| 0805 50 10                                        | MA                                | 51,7                  |
|                                                   | TR                                | 50,6                  |
|                                                   | ZZ                                | 51,2                  |
| 0808 10 80                                        | CA                                | 86,3                  |
|                                                   | CL                                | 67,8                  |
|                                                   | CN                                | 67,8                  |
|                                                   | MK                                | 31,6                  |
|                                                   | US                                | 87,1                  |
|                                                   | ZZ                                | 68,1                  |
| 0808 20 50                                        | AR                                | 82,3                  |
|                                                   | CL                                | 73,7                  |
|                                                   | CN                                | 37,3                  |
|                                                   | TR                                | 40,0                  |
|                                                   | US                                | 104,1                 |
|                                                   | ZA                                | 135,1                 |
|                                                   | ZZ                                | 78,8                  |

<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 100/2009****of 3 February 2009****amending the representative prices and additional import duties for certain products in the sugar sector fixed by Regulation (EC) No 945/2008 for the 2008/2009 marketing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

for the 2008/2009 marketing year are fixed by Commission Regulation (EC) No 945/2008 <sup>(3)</sup>. These prices and duties have been last amended by Commission Regulation (EC) No 83/2009 <sup>(4)</sup>.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 4 February 2009.

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

Done at Brussels, 3 February 2009.

*For the Commission*

Jean-Luc DEMARTY

*Director-General for Agriculture and  
Rural Development*

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

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

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

<sup>(4)</sup> OJ L 24, 28.1.2009, p. 3.

## ANNEX

**Amended representative prices and additional import duties applicable to white sugar, raw sugar and products covered by CN code 1702 90 95 from 4 February 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> | 24,73                                                        | 3,93                                                    |
| 1701 11 90 <sup>(1)</sup> | 24,73                                                        | 9,17                                                    |
| 1701 12 10 <sup>(1)</sup> | 24,73                                                        | 3,74                                                    |
| 1701 12 90 <sup>(1)</sup> | 24,73                                                        | 8,74                                                    |
| 1701 91 00 <sup>(2)</sup> | 29,84                                                        | 10,31                                                   |
| 1701 99 10 <sup>(2)</sup> | 29,84                                                        | 5,79                                                    |
| 1701 99 90 <sup>(2)</sup> | 29,84                                                        | 5,79                                                    |
| 1702 90 95 <sup>(3)</sup> | 0,30                                                         | 0,35                                                    |

<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 101/2009****of 3 February 2009****amending Regulation (EC) No 1800/2004 as regards the terms of the authorisation of the feed additive Cycostat 66G****(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 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition<sup>(1)</sup>, and in particular Article 13(3) thereof,

Whereas:

(1) The additive robenidine hydrochloride 66 g/kg (Cycostat 66G), hereinafter referred to as Cycostat 66G, linked to the holder of authorisation, Alpharma (Belgium) BVBA, belonging to the group of coccidiostats and other medicinal substances, was authorised under certain conditions in accordance with Council Directive 70/524/EEC<sup>(2)</sup>. Commission Regulation (EC) No 1800/2004<sup>(3)</sup> authorised that additive for 10 years for use for chickens for fattening, turkeys and rabbits for fattening. That additive was notified as an existing product in accordance with Article 10 of Regulation (EC) No 1831/2003. Since all the information required under that provision was submitted, that additive was entered into the Community Register of Feed Additives.

(2) Regulation (EC) No 1831/2003 provides for the possibility of modifying the authorisation of an additive further to a request from the holder of the authorisation and an opinion of the European Food Safety Authority (the Authority). Alpharma (Belgium) BVBA, holder of the authorisation of Cycostat 66G, has submitted an application with which it proposes changing the conditions of the authorisation for chickens for fattening and for turkeys by introducing a maximum residue limit (MRL) and by modifying the withdrawal period, as evaluated by the Authority. At the same time it provided data to support that request.

(3) In its opinion adopted on 16 September 2008<sup>(4)</sup>, the Authority concluded that, based on safety considerations, there is no necessity for setting a withdrawal period for chickens for fattening and consequently for MRLs. It came to the same conclusions concerning turkeys. However, in case MRLs are required, it suggested values. It further proposed to maintain the five-day withdrawal period, to avoid off-flavours in edible tissues from poultry treated with Cycostat 66G.

(4) To ensure a high level of safety for the consumers and to improve the control of the correct use of Cycostat 66G, it is appropriate to establish MRLs as proposed by the Authority. To keep acceptable organoleptic properties of meat, the withdrawal period should be maintained at five days.

(5) Regulation (EC) No 1800/2004 should therefore be amended accordingly.

(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*

The Annex to Regulation (EC) No 1800/2004 is replaced by the Annex to this Regulation.

*Article 2*

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

<sup>(1)</sup> OJ L 268, 18.10.2003, p. 29.

<sup>(2)</sup> OJ L 270, 14.12.1970, p. 1.

<sup>(3)</sup> OJ L 317, 16.10.2004, p. 37.

<sup>(4)</sup> Scientific Opinion of the Panel on Additives and Products or Substances used in Animal Feed (FEEDAP) on a request from the European Commission on a proposal for Maximum Residue Limits and withdrawal period for Cycostat 66G for chickens for fattening and turkeys for fattening. *The EFSA Journal* (2008) 798, 1-15.

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

Done at Brussels, 3 February 2009.

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

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ANNEX

| Registration number of additive              | Name and registration number of person responsible for putting additive into circulation | Additive (Trade name)                           | Composition, chemical formula, description                                                                                                                                                                                                                                                                                                                                                                                                                                  | Species or category of animal | Maximum age | Minimum content | Maximum content | Other provisions                                    | End of period of authorisation | Maximum Residue Limits (MRLs) in the relevant foodstuffs of animal origin                                                                                                                                           |
|----------------------------------------------|------------------------------------------------------------------------------------------|-------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|-------------|-----------------|-----------------|-----------------------------------------------------|--------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Coccidiostats and other medicinal substances |                                                                                          |                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                               |             |                 |                 |                                                     |                                |                                                                                                                                                                                                                     |
| E 758                                        | Alpharma (Belgium) BVBA                                                                  | Robenidine hydrochloride 66 g/kg (Cycostat 66G) | Additive composition:<br>Robenidine hydrochloride: 66 g/kg<br>Lignosulfonate: 40 g/kg<br>Calcium sulfate dihydrate: 894 g/kg<br>Active substance:<br>Robenidine hydrochloride, C <sub>15</sub> H <sub>13</sub> Cl <sub>2</sub> N <sub>5</sub> · HCl, 1,3-bis[(p-chlorobenzylidene)amino]-guanidine hydrochloride,<br>CAS number: 25875-50-7,<br>Related impurities:<br>N,N',N''-Tris[(p-Cl-benzylidene)amino]guanidine: ≤ 0,5 %<br>Bis-[4-Cl-benzylidene]hydrazine: ≤ 0,5 % | Chickens for fattening        | —           | 30              | 36              | Use prohibited at least five days before slaughter. | 29.10.2014                     | 800 µg robenidine hydrochloride/kg of wet liver.<br>350 µg robenidine hydrochloride/kg of wet kidney.<br>200 µg robenidine hydrochloride/kg of wet muscle.<br>1 300 µg robenidine hydrochloride/kg of wet skin/fat. |
|                                              |                                                                                          |                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Turkeys                       | —           | 30              | 36              | Use prohibited at least five days before slaughter. | 29.10.2014                     | 400 µg robenidine hydrochloride/kg of skin/fat.<br>400 µg robenidine hydrochloride/kg of wet liver.<br>200 µg robenidine hydrochloride/kg of wet kidney.<br>200 µg robenidine hydrochloride/kg of wet muscle.       |
|                                              |                                                                                          |                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Rabbits for fattening         | —           | 50              | 66              | Use prohibited at least five days before slaughter. | 29.10.2014                     | —                                                                                                                                                                                                                   |

**COMMISSION REGULATION (EC) No 102/2009**  
**of 3 February 2009**  
**concerning the permanent authorisation of an additive in feedingstuffs**  
**(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 70/524/EEC of 23 November 1970 concerning additives in feedingstuffs<sup>(1)</sup>, and in particular Articles 3 and 9d(1) thereof,

Having regard to Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition<sup>(2)</sup>, and in particular Article 25 thereof,

Whereas:

(1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition.

(2) Article 25 of Regulation (EC) No 1831/2003 lays down transitional measures for applications for the authorisation of feed additives submitted in accordance with Directive 70/524/EEC before the date of application of Regulation (EC) No 1831/2003.

(3) The application for the authorisation of the additive set out in the Annex to this Regulation was submitted before the date of application of Regulation (EC) No 1831/2003.

(4) Initial comments on that application, as provided for in Article 4(4) of Directive 70/524/EEC, were forwarded to the Commission before the date of application of Regulation (EC) No 1831/2003. That application is therefore to continue to be treated in accordance with Article 4 of Directive 70/524/EEC.

(5) The use of the micro-organism preparation of *Enterococcus faecium* NCIMB 10415 was provisionally authorised for dogs and cats by Commission Regulation (EC) No 358/2005<sup>(3)</sup>. It was authorised without a time limit for calves by Commission Regulation (EC) No 1288/2004<sup>(4)</sup>, for chickens for fattening and pigs for fattening by Commission Regulation (EC) No 943/2005<sup>(5)</sup>, for sows by Commission Regulation (EC) No 1200/2005<sup>(6)</sup> and for piglets by Commission Regulation (EC) No 252/2006<sup>(7)</sup>.

(6) New data were submitted in support of an application for authorisation without a time limit of that micro-organism preparation for dogs and cats.

(7) The assessment shows that the conditions laid down in Article 3a of Directive 70/524/EEC for such authorisation are satisfied. Accordingly, the use of that micro-organism preparation, as specified in the Annex to this Regulation, should be authorised without a time limit.

(8) 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 preparation belonging to the group 'micro-organisms', as specified in the Annex, is authorised without a time limit as additive in animal nutrition under the conditions laid down in that Annex.

*Article 2*

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

<sup>(1)</sup> OJ L 270, 14.12.1970, p. 1.

<sup>(2)</sup> OJ L 268, 18.10.2003, p. 29.

<sup>(3)</sup> OJ L 57, 3.3.2005, p. 3.

<sup>(4)</sup> OJ L 243, 15.7.2004, p. 10.

<sup>(5)</sup> OJ L 159, 22.6.2005, p. 6.

<sup>(6)</sup> OJ L 195, 27.7.2005, p. 6.

<sup>(7)</sup> OJ L 44, 15.2.2006, p. 3.

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

Done at Brussels, 3 February 2009.

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

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ANNEX

| EC No           | Additive                            | Chemical formula, description                                                                             | Species or category of animal | Maximum age | Minimum content                  | Maximum content   | Other provisions                                                                                                                    | End of period of authorisation |
|-----------------|-------------------------------------|-----------------------------------------------------------------------------------------------------------|-------------------------------|-------------|----------------------------------|-------------------|-------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|
|                 |                                     |                                                                                                           |                               |             | CFU/kg of complete feedingsstuff |                   |                                                                                                                                     |                                |
| Micro-organisms |                                     |                                                                                                           |                               |             |                                  |                   |                                                                                                                                     |                                |
| E 1705          | Enterococcus faecium<br>NCIMB 10415 | Preparation of Enterococcus faecium containing a minimum of microencapsulated form: $5 \times 10^9$ CFU/g | Dogs                          | —           | $4,5 \times 10^6$                | $2,0 \times 10^9$ | In the directions for use of the additive and premixture, indicate the storage temperature, storage life and stability to pelleting | Without time limit             |
|                 |                                     |                                                                                                           | Cats                          |             | $5,0 \times 10^6$                | $8,0 \times 10^9$ | In the directions for use of the additive and premixture, indicate the storage temperature, storage life and stability to pelleting |                                |

**COMMISSION REGULATION (EC) No 103/2009****of 3 February 2009****amending Annexes VII and IX to Regulation (EC) No 999/2001 of the European Parliament and of the Council laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies****(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 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies <sup>(1)</sup>, and in particular the first paragraph of Article 23 thereof,

Whereas:

- (1) Regulation (EC) No 999/2001 lays down rules for the prevention, control and eradication of transmissible spongiform encephalopathies (TSEs) in animals. It applies to the production and placing on the market of live animals and products of animal origin.
- (2) Annex VII to Regulation (EC) No 999/2001 lays down the eradication measures to be carried out following the confirmation of a TSE in ovine and caprine animals.
- (3) Annex IX to Regulation (EC) No 999/2001 lays down rules for the importation into the Community of live animals, embryos, ova and products of animal origin.
- (4) On 6 November 2008 the European Food Safety Authority (EFSA) published an opinion on the human and animal exposure risk related to transmissible spongiform encephalopathies from milk and milk products derived from small ruminants <sup>(2)</sup>. In that opinion, EFSA concluded that classical scrapie can be transmitted from ewe to lamb via milk or colostrums. EFSA also stated that the use of milk and milk products from a flock with classical scrapie may carry a TSE exposure risk for humans and animals. Another conclusion of EFSA was that the breeding programmes for scrapie resistance in sheep can be expected to reduce human and animal exposure associated with small ruminants dairy products. As regards the atypical scrapie, EFSA further concluded that the apparent restricted dissemination of

the agent in the organism of affected individuals could limit the transmissibility through milk. As regards BSE, EFSA noted that no information is available concerning the presence of infectivity or PrP<sup>Sc</sup> in colostrum or milk from small ruminants affected with BSE. However, because of the early and progressive peripheral dissemination of the BSE agent in experimentally infected susceptible sheep, EFSA concluded that the occurrence of infectivity in colostrum and milk of BSE infected susceptible small ruminants would be likely.

- (5) In view of those new scientific elements and in particular the proven transmissibility of classical scrapie through milk from ewe to lamb, at this stage new protective measures in relation to milk and milk products coming from classical scrapie infected flocks should be adopted in due time in order to prevent the spread of classical scrapie to other ruminant flocks through feeding.
- (6) In order to ensure the same level of safety regarding imported milk and milk products of ovine and caprine origin, similar measures should apply to imports into the Community.
- (7) Regulation (EC) No 999/2001 should therefore be amended accordingly.
- (8) 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 VII and IX to Regulation (EC) No 999/2001 are amended in accordance with the Annex to 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*.

<sup>(1)</sup> OJ L 147, 31.5.2001, p. 1.

<sup>(2)</sup> The EFSA Journal (2008) 849, 1-47.

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

Done at Brussels, 3 February 2009.

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

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## ANNEX

Annexes VII and IX to Regulation (EC) No 999/2001 are amended as follows:

1. in Annex VII, Chapter A is amended as follows:

(a) point 2.2 is replaced by the following:

‘2.2. If a TSE is suspected in an ovine or caprine animal on a holding in a Member State and until the results of the confirmatory examinations are available, all other ovine and caprine animals from that holding shall be placed under an official movement restriction. If there is evidence that the holding where the animal was present when the TSE was suspected is unlikely to be the holding where the animal could have been exposed to the TSE, the competent authority may decide that other holdings or only the holding of exposure shall be placed under official control, depending on the epidemiological information available. The milk and the milk products derived from the ovine and caprine animals of the holding placed under official control, which are present on that holding from the date when the presence of the TSE is suspected until the results of the confirmatory examinations are available, shall only be used within that holding.’;

(b) point 2.3 is amended as follows:

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

‘(a) if BSE cannot be excluded after the results of a ring trial carried out in accordance with the procedure set out in Annex X, Chapter C, point 3.2(c), the killing and complete destruction of all animals, embryos and ova identified by the inquiry referred to in the second to fifth indents of point 1(b). The milk and the milk products derived from the animals to be destroyed, which were present on the holding between the date of confirmation that BSE cannot be excluded and the date of complete destruction of the animals, shall be destroyed.’;

(ii) in point (b), points (i) and (ii) are replaced by the following:

‘(i) the killing and complete destruction of all animals, embryos and ova identified by the inquiry referred to in the second and third indents of point 1(b). In case the confirmed TSE is classical scrapie, the milk and milk products derived from the animals to be destroyed and which were present on the holding between the date of confirmation of the classical scrapie case and the date of the complete destruction of the animals shall not be used for the feeding of ruminants, except for the feeding of ruminants within that holding. The placing on the market of such products as feed for non-ruminants shall be limited to the territory of the Member State concerned. The commercial document accompanying consignments of such products and any packaging containing such consignments must be clearly marked with the words: “shall not be fed to ruminants”. The use and the storage of feedingstuffs containing such products shall be prohibited on farms where ruminants are kept. Bulk feedingstuffs containing such products shall be transported by means of vehicles which do not transport feedingstuffs for ruminants at the same time. If such vehicles are subsequently used for the transport of feedingstuffs intended for ruminants, they shall be thoroughly cleaned in order to avoid cross-contamination, in accordance with a procedure approved by the competent authority.

The conditions set out in point 3 shall apply to the holding;

or

(ii) the killing and complete destruction of all animals, embryos and ova identified by the inquiry referred to in the second and third indents of point 1(b), with the exception of:

— breeding rams of the ARR/ARR genotype,

— breeding ewes carrying at least one ARR allele and no VRQ allele and, where such breeding ewes are pregnant at the time of the inquiry, the lambs subsequently born, if their genotype meets the requirements of this subparagraph,

— sheep carrying at least one ARR allele which are intended solely for slaughter,

- if the competent authority so decides, sheep and goats less than three months old which are intended solely for slaughter.

In case the confirmed TSE is classical scrapie, the milk and milk products derived from the animals to be destroyed and which were present on the holding between the date of confirmation of the classical scrapie case and the date of the complete destruction of the animals shall not be used for the feeding of ruminants, except for the feeding of ruminants within that holding. The placing on the market of such products as feed for non-ruminants shall be limited to the territory of the Member State concerned. The commercial document accompanying consignments of such products and any packaging containing such consignments must be clearly marked with the words: "shall not be fed to ruminants". The use and the storage of feedingstuffs containing such products shall be prohibited on farms where ruminants are kept. Bulk feedingstuffs containing such products shall be transported by means of vehicles which do not transport feedingstuffs for ruminants at the same time. If such vehicles are subsequently used for the transport of feedingstuffs intended for ruminants, they shall be thoroughly cleaned in order to avoid cross-contamination, in accordance with a procedure approved by the competent authority.

The conditions set out in point 3 shall apply to the holding;

(iii) point (f) is replaced by the following:

- '(f) where the frequency of the ARR allele within the breed or holding is low or absent, or where it is deemed necessary in order to avoid inbreeding, a Member State may decide to delay the destruction of the animals referred to in point 2.3 (b)(i) and (ii) for up to five breeding years provided that no breeding rams other than those of the ARR/ARR genotype are present on the holding.

However, in the case of ovine or caprine animals kept for the production of milk with a view to placing it on the market, the destruction of the animals may only be delayed for a maximum of 18 months;

2. in Chapter D of Annex IX, Section B is replaced by the following:

#### SECTION B

##### ***Health certificate requirements***

Imports of the animal by-products and processed products derived therefrom of bovine, ovine and caprine animal origin referred to in Section A of this Chapter shall be subject to the presentation of a health certificate which has been completed with the following attestation:

- (a) the animal by-product does not contain and is not derived from specified risk material as defined in Annex V or mechanically separated meat obtained from bones of bovine, ovine or caprine animals;
- (b) the animals from which this animal by-product is derived, have not been slaughtered after stunning by means of gas injected into the cranial cavity or killed by the same method or slaughtered by laceration of central nervous tissue by means of an elongated rod-shaped instrument introduced into the cranial cavity; or
- (c) the animal by-product does not contain and is not derived from bovine, ovine and caprine materials other than those derived from animals born, continuously reared and slaughtered in a country or region classified as posing a negligible BSE risk by a decision in accordance with Article 5(2).

In addition, imports of the animal by-products and processed products referred to in Section A of this Chapter and containing milk or milk products of ovine or caprine origin, shall be subject to the presentation of a health certificate which corresponds to the model laid down in Annex X, Chapter 2 to Regulation (EC) No 1774/2002 and which has been completed with the following attestation, added after point 6 of that certificate:

"7. as regards TSE:

- (2) either in case of animal by-products intended for feeding ruminants and containing milk or milk products of ovine or caprine origin, the ovine and caprine animals from which these products are derived have been kept continuously since birth or for the last three years on a holding where no official movement restriction is imposed due to a suspicion of TSE and which has satisfied the following requirements for the last three years:

- (i) it has been subject to regular official veterinary checks;

(ii) no classical scrapie case, as defined in point 2(g) of Annex I to Regulation (EC) No 999/2001, has been diagnosed or, following the confirmation of a classical scrapie case:

- all animals in which classical scrapie was confirmed have been killed and destroyed, and
- all goats and sheep on the holding have been killed and destroyed, except for breeding rams of the ARR/ARR genotype and breeding ewes carrying at least one ARR allele and no VRQ allele;

(iii) ovine and caprine animals, with the exception of sheep of the ARR/ARR prion protein genotype, are introduced into the holding only if they come from a holding which complies with the requirements set out in points (i) and (ii).

(<sup>2</sup>) or in case of animal by-products intended for feeding ruminants and containing milk or milk products of ovine or caprine origin, and destined to a Member State listed in the Annex to the Regulation (EC) No 546/2006, the ovine and caprine animals from which these products are derived have been kept continuously since birth or for the last seven years on a holding where no official movement restriction is imposed due to a suspicion of TSE and which has satisfied the following requirements for the last seven years:

(i) it has been subject to regular official veterinary checks;

(ii) no classical scrapie case, as defined in point 2(g) of Annex I to Regulation (EC) No 999/2001, has been diagnosed or, following the confirmation of a classical scrapie case:

- all animals in which classical scrapie was confirmed have been killed and destroyed, and
- all goats and sheep on the holding have been killed and destroyed, except for breeding rams of the ARR/ARR genotype and breeding ewes carrying at least one ARR allele and no VRQ allele;

(iii) ovine and caprine animals, with the exception of sheep of the ARR/ARR prion protein genotype, are introduced into the holding only if they come from a holding which complies with the requirements set out in points (i) and (ii).”

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**COMMISSION REGULATION (EC) No 104/2009****of 3 February 2009****approving non-minor amendments to the specification for a name entered in the register of protected designations of origin and protected geographical indications (Gorgonzola (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) In accordance with the first subparagraph of Article 9(1) and in application of Article 17(2) of Regulation (EC) No 510/2006, the Commission has examined Italy's application for the approval of amendments to the specification of the protected designation of origin 'Gorgonzola' registered on the basis of Commission Regulation (EC) No 1107/96 <sup>(2)</sup>.

- (2) Since the amendments in question are not minor within the meaning of Article 9 of Regulation (EC) No 510/2006, the Commission published the amendment application in the *Official Journal of the European Union* <sup>(3)</sup> as required by the first subparagraph of Article 6(2) of that Regulation. As no statement of objection within the meaning of Article 7 of Regulation (EC) No 510/2006 has been sent to the Commission, the amendments should be approved,

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

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

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

Done at Brussels, 3 February 2009.

*For the Commission*

Mariann FISCHER BOEL

*Member of the Commission*

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

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

<sup>(3)</sup> OJ C 111, 6.5.2008, p. 51.

## ANNEX

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

**Class 1.3. Cheeses**

ITALY

Gorgonzola (PDO)

## II

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

## DECISIONS

## COUNCIL

## COUNCIL DECISION

of 4 December 2008

**on the signing, on behalf of the European Community, of the Protocol on Integrated Coastal Zone Management in the Mediterranean to the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean**

(2009/89/EC)

THE COUNCIL OF THE EUROPEAN UNION,

of existing conventions with neighbouring countries, including non-Member States, in the same regional sea.

Having regard to the Treaty establishing the European Community, and in particular Article 175(1), in conjunction with the first sentence of the first paragraph of Article 300(2), thereof,

(4) The Community promotes integrated management on a larger scale by means of horizontal instruments, including in the field of environmental protection. These activities therefore contribute to integrated coastal zone management.

Having regard to the proposal from the Commission,

Whereas:

(5) Integrated Coastal Zone Management is one component of the EU Integrated Maritime Policy as endorsed by the European Council held in Lisbon on 13 and 14 December 2007.

(1) The Convention for the Protection of the Mediterranean Sea against Pollution, which was subsequently renamed as the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (hereinafter the Barcelona Convention) was concluded on behalf of the European Community by Council Decisions 77/585/EEC <sup>(1)</sup> and 1999/802/EC <sup>(2)</sup>.

(6) By virtue of a Council Decision of 27 November 2006, the Commission participated on behalf of the Community, in consultation with the representatives of the Member States, in the negotiations organised by the Barcelona Convention with a view to preparing a Protocol on Integrated Coastal Zone Management in the Mediterranean (hereinafter the ICZM Protocol).

(2) In accordance with Article 4.3(e) of the Barcelona Convention, the Contracting Parties shall commit themselves to promote the integrated management of the coastal zones, taking into account the protection of areas of ecological and landscape interest and the rational use of natural resources.

(7) As a result of those negotiations, the text of the ICZM Protocol was adopted by the Conference of Plenipotentiaries on 20 January 2008 and it will be open for signature until 20 January 2009.

(3) The Recommendation of the European Parliament and of the Council of 30 May 2002, concerning the implementation of Integrated Coastal Zone Management in Europe <sup>(3)</sup>, and in particular Chapter V thereof, encourages the implementation by the Member States of integrated coastal zone management in the context

(8) The Mediterranean coastal zones continue to experience high pressures on the environment and degradation of coastal resources. The ICZM Protocol provides a framework to stimulate a more concerted and integrated approach, involving public and private stakeholders including civil society and economic operators. Such an inclusive approach is required to address these problems more effectively and achieve a more sustainable development of the Mediterranean coastal zones.

<sup>(1)</sup> OJ L 240, 19.9.1977, p. 1.

<sup>(2)</sup> OJ L 322, 14.12.1999, p. 32.

<sup>(3)</sup> OJ L 148, 6.6.2002, p. 24.

- (9) The ICZM Protocol covers a broad range of provisions which will need to be implemented by different levels of administration taking the subsidiarity and proportionality principles into account. While it is appropriate for the Community to act in support of integrated coastal zone management, bearing in mind, *inter alia*, the cross-border nature of most environmental problems, the Member States and their relevant competent authorities will be responsible for the design and implementation on the coastal territory of certain detailed measures laid down in the ICZM Protocol, such as the establishment of zones where construction is not allowed.
- (10) It is appropriate that the ICZM Protocol be signed, on behalf of the Community, subject to its subsequent conclusion at a later date,

HAS DECIDED AS FOLLOWS:

*Article 1*

The signing of the Protocol on Integrated Coastal Zone Management in the Mediterranean to the Convention for the

Protection of the Marine Environment and the Coastal Region of the Mediterranean is hereby approved on behalf of the European Community, subject to its subsequent conclusion at a later date.

The text of the ICZM Protocol is attached to this Decision <sup>(1)</sup>.

*Article 2*

The President of the Council is hereby authorised to designate the person(s) empowered to sign the ICZM Protocol on behalf of the Community.

Done at Brussels, 4 December 2008.

*For the Council*

*The President*

N. KOSCIUSKO-MORIZET

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<sup>(1)</sup> See page 19 of this Official Journal.

**PROTOCOL**  
**on Integrated Coastal Zone Management in the Mediterranean**

THE CONTRACTING PARTIES TO THE PRESENT PROTOCOL,

BEING PARTIES to the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean, adopted at Barcelona on 16 February 1976, and amended on 10 June 1995,

DESIROUS of implementing the obligations set out in Article 4(3)(e) and (5), of the said Convention,

CONSIDERING that the coastal zones of the Mediterranean Sea are the common natural and cultural heritage of the peoples of the Mediterranean and that they should be preserved and used judiciously for the benefit of present and future generations,

CONCERNED at the increase in anthropic pressure on the coastal zones of the Mediterranean Sea which is threatening their fragile nature and desirous of halting and reversing the process of coastal zone degradation and of significantly reducing the loss of biodiversity of coastal ecosystems,

WORRIED by the risks threatening coastal zones due to climate change, which is likely to result, *inter alia*, in a rise in sea level, and aware of the need to adopt sustainable measures to reduce the negative impact of natural phenomena,

CONVINCED that, as an irreplaceable ecological, economic and social resource, the planning and management of coastal zones with a view to their preservation and sustainable development requires a specific integrated approach at the level of the Mediterranean basin as a whole and of its coastal States, taking into account their diversity and in particular the specific needs of islands related to geomorphological characteristics,

TAKING INTO ACCOUNT the United Nations Convention on the Law of the Sea, done at Montego Bay on 10 December 1982, the Convention on Wetlands of International Importance especially as Waterfowl Habitat, done at Ramsar on 2 February 1971, and the Convention on Biological Diversity, done at Rio de Janeiro on 5 June 1992, to which many Mediterranean coastal States and the European Community are Parties,

CONCERNED in particular to act in cooperation for the development of appropriate and integrated plans for coastal zone management pursuant to Article 4(1)(e), of the United Nations Framework Convention on Climate Change, done at New York on 9 May 1992,

DRAWING on existing experience with integrated coastal zone management and the work of various organisations, including the European institutions,

BASED UPON the recommendations and work of the Mediterranean Commission on Sustainable Development and the recommendations of the Meetings of the Contracting Parties held in Tunis in 1997, Monaco in 2001, Catania in 2003, and Portoroz in 2005, and the Mediterranean Strategy for Sustainable Development adopted in Portoroz in 2005,

RESOLVED to strengthen at the Mediterranean level the efforts made by coastal States to ensure integrated coastal zone management,

DETERMINED to stimulate national, regional and local initiatives through coordinated promotional action, cooperation and partnership with the various actors concerned with a view to promoting efficient governance for the purpose of integrated coastal zone management,

DESIROUS of ensuring that coherence is achieved with regard to integrated coastal zone management in the application of the Convention and its Protocols,

HAVE AGREED AS FOLLOWS:

PART I

**GENERAL PROVISIONS**

*Article 1*

**General obligations**

In conformity with the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean and its Protocols, the Parties shall establish a common framework for the integrated management of the Mediterranean coastal zone and shall take the necessary measures to strengthen regional cooperation for this purpose.

*Article 2*

**Definitions**

For the purposes of this Protocol:

- (a) 'Parties' means the Contracting Parties to this Protocol;
- (b) 'Convention' means the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean, done at Barcelona on 16 February 1976, as amended on 10 June 1995;
- (c) 'Organisation' means the body referred to in Article 17 of the Convention;
- (d) 'Centre' means the Priority Actions Programme Regional Activity Centre;
- (e) 'coastal zone' means the geomorphologic area either side of the seashore in which the interaction between the marine and land parts occurs in the form of complex ecological and resource systems made up of biotic and abiotic components coexisting and interacting with human communities and relevant socioeconomic activities;
- (f) 'integrated coastal zone management' means a dynamic process for the sustainable management and use of coastal zones, taking into account at the same time the fragility of coastal ecosystems and landscapes, the diversity of activities and uses, their interactions, the maritime orientation of certain activities and uses and their impact on both the marine and land parts.

*Article 3*

**Geographical coverage**

1. The area to which the Protocol applies shall be the Mediterranean Sea area as defined in Article 1 of the Convention. The area is also defined by:

- (a) the seaward limit of the coastal zone, which shall be the external limit of the territorial sea of Parties; and

- (b) the landward limit of the coastal zone, which shall be the limit of the competent coastal units as defined by the Parties.

2. If, within the limits of its sovereignty, a Party establishes limits different from those envisaged in paragraph 1 of this Article, it shall communicate a declaration to the Depositary at the time of the deposit of its instrument of ratification, acceptance, approval of, or accession to this Protocol, or at any other subsequent time, in so far as:

- (a) the seaward limit is less than the external limit of the territorial sea;
- (b) the landward limit is different, either more or less, from the limits of the territory of coastal units as defined above, in order to apply, *inter alia*, the ecosystem approach and economic and social criteria and to consider the specific needs of islands related to geomorphological characteristics and to take into account the negative effects of climate change.

3. Each Party shall adopt or promote at the appropriate institutional level adequate actions to inform populations and any relevant actor of the geographical coverage of the present Protocol.

*Article 4*

**Preservation of rights**

1. Nothing in this Protocol nor any act adopted on the basis of this Protocol shall prejudice the rights, the present and future claims or legal views of any Party relating to the Law of the Sea, in particular the nature and the extent of marine areas, the delimitation of marine areas between States with opposite or adjacent coasts, the right and modalities of passage through straits used for international navigation and the right of innocent passage in territorial seas, as well as the nature and extent of the jurisdiction of the coastal State, the flag State or the port State.

2. No act or activity undertaken on the basis of this Protocol shall constitute grounds for claiming, contending or disputing any claim to national sovereignty or jurisdiction.

3. The provisions of this Protocol shall be without prejudice to stricter provisions respecting the protection and management of the coastal zone contained in other existing or future national or international instruments or programmes.

4. Nothing in this Protocol shall prejudice national security and defence activities and facilities; however, each Party agrees that such activities and facilities should be operated or established, so far as is reasonable and practicable, in a manner consistent with this Protocol.

*Article 5***Objectives of integrated coastal zone management**

The objectives of integrated coastal zone management are to:

- (a) facilitate, through the rational planning of activities, the sustainable development of coastal zones by ensuring that the environment and landscapes are taken into account in harmony with economic, social and cultural development;
  - (b) preserve coastal zones for the benefit of current and future generations;
  - (c) ensure the sustainable use of natural resources, particularly with regard to water use;
  - (d) ensure preservation of the integrity of coastal ecosystems, landscapes and geomorphology;
  - (e) prevent and/or reduce the effects of natural hazards and in particular of climate change, which can be induced by natural or human activities;
  - (f) achieve coherence between public and private initiatives and between all decisions by the public authorities, at the national, regional and local levels, which affect the use of the coastal zone.
- (e) cross-sectorally organised institutional coordination of the various administrative services and regional and local authorities competent in coastal zones shall be required;
  - (f) the formulation of land use strategies, plans and programmes covering urban development and socio-economic activities, as well as other relevant sectoral policies, shall be required;
  - (g) the multiplicity and diversity of activities in coastal zones shall be taken into account, and priority shall be given, where necessary, to public services and activities requiring, in terms of use and location, the immediate proximity of the sea;
  - (h) the allocation of uses throughout the entire coastal zone should be balanced, and unnecessary concentration and urban sprawl should be avoided;
  - (i) preliminary assessments shall be made of the risks associated with the various human activities and infrastructure so as to prevent and reduce their negative impact on coastal zones;
  - (j) damage to the coastal environment shall be prevented and, where it occurs, appropriate restoration shall be effected.

*Article 6***General principles of integrated coastal zone management**

In implementing this Protocol, the Parties shall be guided by the following principles of integrated coastal zone management:

- (a) the biological wealth and the natural dynamics and functioning of the intertidal area and the complementary and interdependent nature of the marine part and the land part forming a single entity shall be taken particularly into account;
- (b) all elements relating to hydrological, geomorphological, climatic, ecological, socioeconomic and cultural systems shall be taken into account in an integrated manner, so as not to exceed the carrying capacity of the coastal zone and to prevent the negative effects of natural disasters and of development;
- (c) the ecosystems approach to coastal planning and management shall be applied so as to ensure the sustainable development of coastal zones;
- (d) appropriate governance allowing adequate and timely participation in a transparent decision-making process by local populations and stakeholders in civil society concerned with coastal zones shall be ensured;

*Article 7***Coordination**

1. For the purposes of integrated coastal zone management, the Parties shall:

- (a) ensure institutional coordination, where necessary through appropriate bodies or mechanisms, in order to avoid sectoral approaches and facilitate comprehensive approaches;
  - (b) organise appropriate coordination between the various authorities competent for both the marine and the land parts of coastal zones in the different administrative services, at the national, regional and local levels;
  - (c) organise close coordination between national authorities and regional and local bodies in the field of coastal strategies, plans and programmes and in relation to the various authorisations for activities that may be achieved through joint consultative bodies or joint decision-making procedures.
2. Competent national, regional and local coastal zone authorities shall, insofar as practicable, work together to strengthen the coherence and effectiveness of the coastal strategies, plans and programmes established.

## PART II

## ELEMENTS OF INTEGRATED COASTAL ZONE MANAGEMENT

## Article 8

**Protection and sustainable use of the coastal zone**

1. In conformity with the objectives and principles set out in Articles 5 and 6 of this Protocol, the Parties shall endeavour to ensure the sustainable use and management of coastal zones in order to preserve the coastal natural habitats, landscapes, natural resources and ecosystems, in compliance with international and regional legal instruments.

2. For this purpose, the Parties:

- (a) shall establish in coastal zones, as from the highest winter waterline, a zone where construction is not allowed. Taking into account, *inter alia*, the areas directly and negatively affected by climate change and natural risks, this zone may not be less than 100 meters in width, subject to the provisions of subparagraph (b) below. Stricter national measures determining this width shall continue to apply;
- (b) may adapt, in a manner consistent with the objectives and principles of this Protocol, the provisions mentioned above:

1. for projects of public interest,

2. in areas having particular geographical or other local constraints, especially related to population density or social needs, where individual housing, urbanisation or development are provided for by national legal instruments;

- (c) shall notify to the Organisation their national legal instruments providing for the above adaptations.

3. The Parties shall also endeavour to ensure that their national legal instruments include criteria for sustainable use of the coastal zone. Such criteria, taking into account specific local conditions, shall include, *inter alia*, the following:

- (a) identifying and delimiting, outside protected areas, open areas in which urban development and other activities are restricted or, where necessary, prohibited;
- (b) limiting the linear extension of urban development and the creation of new transport infrastructure along the coast;
- (c) ensuring that environmental concerns are integrated into the rules for the management and use of the public maritime domain;
- (d) providing for freedom of access by the public to the sea and along the shore;

- (e) restricting or, where necessary, prohibiting the movement and parking of land vehicles, as well as the movement and anchoring of marine vessels, in fragile natural areas on land or at sea, including beaches and dunes.

## Article 9

**Economic activities**

1. In conformity with the objectives and principles set forth in Articles 5 and 6 of this Protocol, and taking into account the relevant provisions of the Barcelona Convention and its Protocols, the Parties shall:

- (a) accord specific attention to economic activities that require immediate proximity to the sea;
- (b) ensure that the various economic activities minimise the use of natural resources and take into account the needs of future generations;
- (c) ensure respect for integrated water resources management and environmentally sound waste management;
- (d) ensure that the coastal and maritime economy is adapted to the fragile nature of coastal zones and that resources of the sea are protected from pollution;
- (e) define indicators of the development of economic activities to ensure sustainable use of coastal zones and reduce pressures that exceed their carrying capacity;
- (f) promote codes of good practice among public authorities, economic actors and non-governmental organisations.

2. In addition, with regard to the following economic activities, the Parties agree:

- (a) Agriculture and industry

to guarantee a high level of protection of the environment in the location and operation of agricultural and industrial activities so as to preserve coastal ecosystems and landscapes and prevent pollution of the sea, water, air and soil;

- (b) Fishing

- (i) to take into account the need to protect fishing areas in development projects;
- (ii) to ensure that fishing practices are compatible with sustainable use of natural marine resources;

- (c) Aquaculture

- (i) to take into account the need to protect aquaculture and shellfish areas in development projects;
- (ii) to regulate aquaculture by controlling the use of inputs and waste treatment;

## (d) Tourism, sporting and recreational activities

- (i) to encourage sustainable coastal tourism that preserves coastal ecosystems, natural resources, cultural heritage and landscapes;
- (ii) to promote specific forms of coastal tourism, including cultural, rural and ecotourism, while respecting the traditions of local populations;
- (iii) to regulate or, where necessary, prohibit the practice of various sporting and recreational activities, including recreational fishing and shellfish extraction;

## (e) Utilisation of specific natural resources

- (i) to subject to prior authorisation the excavation and extraction of minerals, including the use of seawater in desalination plants and stone exploitation;
- (ii) to regulate the extraction of sand, including on the seabed and river sediments or prohibit it where it is likely to adversely affect the equilibrium of coastal ecosystems;
- (iii) to monitor coastal aquifers and dynamic areas of contact or interface between fresh and salt water, which may be adversely affected by the extraction of underground water or by discharges into the natural environment;

## (f) Infrastructure, energy facilities, ports and maritime works and structures

to subject such infrastructure, facilities, works and structures to authorisation so that their negative impact on coastal ecosystems, landscapes and geomorphology is minimised or, where appropriate, compensated by non-financial measures;

## (g) Maritime activities

to conduct maritime activities in such a manner as to ensure the preservation of coastal ecosystems in conformity with the rules, standards and procedures of the relevant international conventions.

*Article 10***Specific coastal ecosystems**

The Parties shall take measures to protect the characteristics of certain specific coastal ecosystems, as follows:

## 1. Wetlands and estuaries

In addition to the creation of protected areas and with a view to preventing the disappearance of wetlands and estuaries, the Parties shall:

- (a) take into account in national coastal strategies and coastal plans and programmes and when issuing authorisations, the environmental, economic and social function of wetlands and estuaries;
- (b) take the necessary measures to regulate or, if necessary, prohibit activities that may have adverse effects on wetlands and estuaries;
- (c) undertake, to the extent possible, the restoration of degraded coastal wetlands with a view to reactivating their positive role in coastal environmental processes.

## 2. Marine habitats

The Parties, recognising the need to protect marine areas hosting habitats and species of high conservation value, irrespective of their classification as protected areas, shall:

- (a) adopt measures to ensure the protection and conservation, through legislation, planning and management of marine and coastal areas, in particular of those hosting habitats and species of high conservation value;
- (b) undertake to promote regional and international cooperation for the implementation of common programmes on the protection of marine habitats.

## 3. Coastal forests and woods

The Parties shall adopt measures intended to preserve or develop coastal forests and woods located, in particular, outside specially protected areas.

## 4. Dunes

The Parties undertake to preserve and, where possible, rehabilitate in a sustainable manner dunes and bars.

*Article 11***Coastal landscapes**

1. The Parties, recognising the specific aesthetic, natural and cultural value of coastal landscapes, irrespective of their classification as protected areas, shall adopt measures to ensure the protection of coastal landscapes through legislation, planning and management.

2. The Parties undertake to promote regional and international cooperation in the field of landscape protection, and in particular, the implementation, where appropriate, of joint actions for transboundary coastal landscapes.

#### Article 12

##### Islands

The Parties undertake to accord special protection to islands, including small islands, and for this purpose to:

- (a) promote environmentally friendly activities in such areas and take special measures to ensure the participation of the inhabitants in the protection of coastal ecosystems based on their local customs and knowledge;
- (b) take into account the specific characteristics of the island environment and the necessity to ensure interaction among islands in national coastal strategies, plans and programmes and management instruments, particularly in the fields of transport, tourism, fishing, waste and water.

#### Article 13

##### Cultural heritage

1. The Parties shall adopt, individually or collectively, all appropriate measures to preserve and protect the cultural, in particular archaeological and historical, heritage of coastal zones, including the underwater cultural heritage, in conformity with the applicable national and international instruments.
2. The Parties shall ensure that the preservation in situ of the cultural heritage of coastal zones is considered as the first option before any intervention directed at this heritage.
3. The Parties shall ensure in particular that elements of the underwater cultural heritage of coastal zones removed from the marine environment are conserved and managed in a manner safeguarding their long-term preservation and are not traded, sold, bought or bartered as commercial goods.

#### Article 14

##### Participation

1. With a view to ensuring efficient governance throughout the process of the integrated management of coastal zones, the Parties shall take the necessary measures to ensure the appropriate involvement in the phases of the formulation and implementation of coastal and marine strategies, plans and programmes or projects, as well as the issuing of the various authorisations, of the various stakeholders, including:

- the territorial communities and public entities concerned,
- economic operators,
- non-governmental organisations,
- social actors,
- the public concerned.

Such participation shall involve, *inter alia*, consultative bodies, inquiries or public hearings, and may extend to partnerships.

2. With a view to ensuring such participation, the Parties shall provide information in an adequate, timely and effective manner.

3. Mediation or conciliation procedures and a right of administrative or legal recourse should be available to any stakeholder challenging decisions, acts or omissions, subject to the participation provisions established by the Parties with respect to plans, programmes or projects concerning the coastal zone.

#### Article 15

##### Awareness-raising, training, education and research

1. The Parties undertake to carry out, at the national, regional or local level, awareness-raising activities on integrated coastal zone management and to develop educational programmes, training and public education on this subject.
2. The Parties shall organise, directly, multilaterally or bilaterally, or with the assistance of the Organisation, the Centre or the international organisations concerned, educational programmes, training and public education on integrated management of coastal zones with a view to ensuring their sustainable development.
3. The Parties shall provide for interdisciplinary scientific research on integrated coastal zone management and on the interaction between activities and their impacts on coastal zones. To this end, they should establish or support specialised research centres. The purpose of this research is, in particular, to further knowledge of integrated coastal zone management, to contribute to public information and to facilitate public and private decision-making.

#### PART III

##### INSTRUMENTS FOR INTEGRATED COASTAL ZONE MANAGEMENT

#### Article 16

##### Monitoring and observation mechanisms and networks

1. The Parties shall use and strengthen existing appropriate mechanisms for monitoring and observation, or create new ones if necessary. They shall also prepare and regularly update national inventories of coastal zones which should cover, to the extent possible, information on resources and activities, as well as on institutions, legislation and planning that may influence coastal zones.
2. In order to promote exchange of scientific experience, data and good practices, the Parties shall participate, at the appropriate administrative and scientific level, in a Mediterranean coastal zone network, in cooperation with the Organisation.

3. With a view to facilitating the regular observation of the state and evolution of coastal zones, the Parties shall set out an agreed reference format and process to collect appropriate data in national inventories.

4. The Parties shall take all necessary means to ensure public access to the information derived from monitoring and observation mechanisms and networks.

#### Article 17

##### **Mediterranean strategy for integrated coastal zone management**

The Parties undertake to cooperate for the promotion of sustainable development and integrated management of coastal zones, taking into account the Mediterranean Strategy for Sustainable Development and complementing it where necessary. To this end, the Parties shall define, with the assistance of the Centre, a common regional framework for integrated coastal zone management in the Mediterranean to be implemented by means of appropriate regional action plans and other operational instruments, as well as through their national strategies.

#### Article 18

##### **National coastal strategies, plans and programmes**

1. Each Party shall further strengthen or formulate a national strategy for integrated coastal zone management and coastal implementation plans and programmes consistent with the common regional framework and in conformity with the integrated management objectives and principles of this Protocol and shall inform the Organisation about the coordination mechanism in place for this strategy.

2. The national strategy, based on an analysis of the existing situation, shall set objectives, determine priorities with an indication of the reasons, identify coastal ecosystems needing management, as well as all relevant actors and processes, enumerate the measures to be taken and their cost as well as the institutional instruments and legal and financial means available, and set an implementation schedule.

3. Coastal plans and programmes, which may be self-standing or integrated in other plans and programmes, shall specify the orientations of the national strategy and implement it at an appropriate territorial level, determining, *inter alia*, and where appropriate, the carrying capacities and conditions for the allocation and use of the respective marine and land parts of coastal zones.

4. The Parties shall define appropriate indicators in order to evaluate the effectiveness of integrated coastal zone management strategies, plans and programmes, as well as the progress of implementation of the Protocol.

#### Article 19

##### **Environmental assessment**

1. Taking into account the fragility of coastal zones, the Parties shall ensure that the process and related studies of environmental impact assessment for public and private projects likely to have significant environmental effects on the coastal zones, and in particular on their ecosystems, take into consideration the specific sensitivity of the environment and the inter-relationships between the marine and terrestrial parts of the coastal zone.

2. In accordance with the same criteria, the Parties shall formulate, as appropriate, a strategic environmental assessment of plans and programmes affecting the coastal zone.

3. The environmental assessments should take into consideration the cumulative impacts on the coastal zones, paying due attention, *inter alia*, to their carrying capacities.

#### Article 20

##### **Land policy**

1. For the purpose of promoting integrated coastal zone management, reducing economic pressures, maintaining open areas and allowing public access to the sea and along the shore, Parties shall adopt appropriate land policy instruments and measures, including the process of planning.

2. To this end, and in order to ensure the sustainable management of public and private land of the coastal zones, Parties may, *inter alia*, adopt mechanisms for the acquisition, cession, donation or transfer of land to the public domain and institute easements on properties.

#### Article 21

##### **Economic, financial and fiscal instruments**

For the implementation of national coastal strategies and coastal plans and programmes, Parties may take appropriate measures to adopt relevant economic, financial and/or fiscal instruments intended to support local, regional and national initiatives for the integrated management of coastal zones.

#### PART IV

##### **RISKS AFFECTING THE COASTAL ZONE**

#### Article 22

##### **Natural hazards**

Within the framework of national strategies for integrated coastal zone management, the Parties shall develop policies for the prevention of natural hazards. To this end, they shall undertake vulnerability and hazard assessments of coastal zones and take prevention, mitigation and adaptation measures to address the effects of natural disasters, in particular of climate change.

*Article 23***Coastal erosion**

1. In conformity with the objectives and principles set out in Articles 5 and 6 of this Protocol, the Parties, with a view to preventing and mitigating the negative impact of coastal erosion more effectively, undertake to adopt the necessary measures to maintain or restore the natural capacity of the coast to adapt to changes, including those caused by the rise in sea levels.

2. The Parties, when considering new activities and works located in the coastal zone including marine structures and coastal defence works, shall take particular account of their negative effects on coastal erosion and the direct and indirect costs that may result. In respect of existing activities and structures, the Parties should adopt measures to minimise their effects on coastal erosion.

3. The Parties shall endeavour to anticipate the impacts of coastal erosion through the integrated management of activities, including adoption of special measures for coastal sediments and coastal works.

4. The Parties undertake to share scientific data that may improve knowledge on the state, development and impacts of coastal erosion.

*Article 24***Response to natural disasters**

1. The Parties undertake to promote international cooperation to respond to natural disasters, and to take all necessary measures to address in a timely manner their effects.

2. The Parties undertake to coordinate use of the equipment for detection, warning and communication at their disposal, making use of existing mechanisms and initiatives, to ensure the transmission as rapidly as possible of urgent information concerning major natural disasters. The Parties shall notify the Organisation which national authorities are competent to issue and receive such information in the context of relevant international mechanisms.

3. The Parties undertake to promote mutual cooperation and cooperation among national, regional and local authorities, non-governmental organisations and other competent organisations for the provision on an urgent basis of humanitarian assistance in response to natural disasters affecting the coastal zones of the Mediterranean Sea.

## PART V

**INTERNATIONAL COOPERATION***Article 25***Training and research**

1. The Parties undertake, directly or with the assistance of the Organisation or the competent international organisations,

to cooperate in the training of scientific, technical and administrative personnel in the field of integrated coastal zone management, particularly with a view to:

- (a) identifying and strengthening capacities;
- (b) developing scientific and technical research;
- (c) promoting centres specialised in integrated coastal zone management;
- (d) promoting training programmes for local professionals.

2. The Parties undertake, directly or with the assistance of the Organisation or the competent international organisations, to promote scientific and technical research into integrated coastal zone management, particularly through the exchange of scientific and technical information and the coordination of their research programmes on themes of common interest.

*Article 26***Scientific and technical assistance**

For the purposes of integrated coastal zone management, the Parties undertake, directly or with the assistance of the Organisation or the competent international organisations to cooperate for the provision of scientific and technical assistance, including access to environmentally sound technologies and their transfer, and other possible forms of assistance, to Parties requiring such assistance.

*Article 27***Exchange of information and activities of common interest**

1. The Parties undertake, directly or with the assistance of the Organisation or the competent international organisations, to cooperate in the exchange of information on the use of the best environmental practices.

2. With the support of the Organisation, the Parties shall in particular:

- (a) define coastal management indicators, taking into account existing ones, and cooperate in the use of such indicators;
- (b) establish and maintain up-to-date assessments of the use and management of coastal zones;
- (c) carry out activities of common interest, such as demonstration projects of integrated coastal zone management.

*Article 28***Transboundary cooperation**

The Parties shall endeavour, directly or with the assistance of the Organisation or the competent international organisations, bilaterally or multilaterally, to coordinate, where appropriate, their national coastal strategies, plans and programmes related to contiguous coastal zones. Relevant domestic administrative bodies shall be associated with such coordination.

*Article 29***Transboundary environmental assessment**

1. Within the framework of this Protocol, the Parties shall, before authorising or approving plans, programmes and projects that are likely to have a significant adverse effect on the coastal zones of other Parties, cooperate by means of notification, exchange of information and consultation in assessing the environmental impacts of such plans, programmes and projects, taking into account Article 19 of this Protocol and Article 4(3)(d) of the Convention.

2. To this end, the Parties undertake to cooperate in the formulation and adoption of appropriate guidelines for the determination of procedures for notification, exchange of information and consultation at all stages of the process.

3. The Parties may, where appropriate, enter into bilateral or multilateral agreements for the effective implementation of this Article.

## PART VI

**INSTITUTIONAL PROVISIONS***Article 30***Focal Points**

Each Party shall designate a Focal Point to serve as liaison with the Centre on the technical and scientific aspects of the implementation of this Protocol and to disseminate information at the national, regional and local level. The Focal Points shall meet periodically to carry out the functions deriving from this Protocol.

*Article 31***Reports**

The Parties shall submit to the ordinary meetings of the Contracting Parties, reports on the implementation of this Protocol, in such form and at such intervals as these Meetings may determine, including the measures taken, their effectiveness and the problems encountered in their implementation.

*Article 32***Institutional coordination**

1. The Organisation shall be responsible for coordinating the implementation of this Protocol. For this purpose, it shall

receive the support of the Centre, to which it may entrust the following functions:

- (a) to assist the Parties to define a common regional framework for integrated coastal zone management in the Mediterranean pursuant to Article 17;
- (b) to prepare a regular report on the state and development of integrated coastal zone management in the Mediterranean Sea with a view to facilitating implementation of the Protocol;
- (c) to exchange information and carry out activities of common interest pursuant to Article 27;
- (d) upon request, to assist the Parties:
  - to participate in a Mediterranean coastal zone network pursuant to Article 16,
  - to prepare and implement their national strategies for integrated coastal zone management pursuant to Article 18,
  - to cooperate in training activities and in scientific and technical research programmes pursuant to Article 25,
  - to coordinate, when appropriate, the management of transboundary coastal zones pursuant to Article 28;
- (e) to organise the meetings of the Focal Points pursuant to Article 30;
- (f) to carry out any other function assigned to it by the Parties.

2. For the purposes of implementing this Protocol, the Parties, the Organisation and the Centre may jointly establish cooperation with non-governmental organisations the activities of which are related to the Protocol.

*Article 33***Meetings of the Parties**

1. The ordinary meetings of the Parties to this Protocol shall be held in conjunction with the ordinary meetings of the Contracting Parties to the Convention held pursuant to Article 18 of the Convention. The Parties may also hold extraordinary meetings in conformity with that Article.

2. The functions of the meetings of the Parties to this Protocol shall be:

- (a) to keep under review the implementation of this Protocol;

- (b) to ensure that this Protocol is implemented in coordination and synergy with the other Protocols;
- (c) to oversee the work of the Organisation and of the Centre relating to the implementation of this Protocol and providing policy guidance for their activities;
- (d) to consider the efficiency of the measures adopted for integrated coastal zone management and the need for other measures, in particular in the form of annexes or amendments to this Protocol;
- (e) to make recommendations to the Parties on the measures to be adopted for the implementation of this Protocol;
- (f) to examine the proposals made by the meetings of Focal Points pursuant to Article 30 of this Protocol;
- (g) to consider reports transmitted by the Parties and making appropriate recommendations pursuant to Article 26 of the Convention;
- (h) to examine any other relevant information submitted through the Centre;
- (i) to examine any other matter relevant to this Protocol, as appropriate.

#### PART VII

#### FINAL PROVISIONS

##### Article 34

#### Relationship with the Convention

1. The provisions of the Convention relating to any Protocol shall apply with respect to this Protocol.
2. The rules of procedure and the financial rules adopted pursuant to Article 24 of the Convention shall apply with respect to this Protocol, unless the Parties to this Protocol agree otherwise.

##### Article 35

#### Relations with third parties

1. The Parties shall invite, where appropriate, States that are not Parties to this Protocol and international organisations to cooperate in the implementation of this Protocol.

2. The Parties undertake to adopt appropriate measures, consistent with international law, to ensure that no one engages in any activity contrary to the principles and objectives of this Protocol.

##### Article 36

#### Signature

This Protocol shall be open for signature at Madrid, Spain, from 21 January 2008 to 20 January 2009 by any Contracting Party to the Convention.

##### Article 37

#### Ratification, acceptance or approval

This Protocol shall be subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Government of Spain, which will assume the functions of Depositary.

##### Article 38

#### Accession

As from 21 January 2009 this Protocol shall be open for accession by any Party to the Convention.

##### Article 39

#### Entry into force

This Protocol shall enter into force on the 30th day following the deposit of at least six instruments of ratification, acceptance, approval or accession.

##### Article 40

#### Authentic texts

The original of this Protocol, of which the Arabic, English, French and Spanish texts are equally authentic, shall be deposited with the Depositary.

IN WITNESS WHEREOF the undersigned, being duly authorised thereto, have signed this Protocol.

DONE AT MADRID, SPAIN, this twenty-first day of January two thousand and eight.

#### **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.