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⁽¹⁾ Text with EEA relevance

I

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

REGULATIONS

COUNCIL REGULATION (EC) No 160/2009

of 23 February 2009

amending the Conditions of Employment of Other Servants of the European Communities

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 283 thereof,

Having regard to the Protocol on the Privileges and Immunities of the European Communities, and in particular Article 13 thereof,

Having regard to the proposal presented by the Commission after consulting the Staff Regulations Committee,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Having regard to the opinion of the Court of Justice,

Having regard to the opinion of the opinion of the Court of Auditors,

Whereas:

(2) At present, Members of the European Parliament employ all their staff directly under contracts subject to national law, while recovering the costs incurred from the European Parliament, subject to a fixed maximum amount.

(3) On 9 July 2008, the Bureau of the European Parliament adopted implementing measures for the Statute for Members of the European Parliament. Pursuant to Article 34 of those implementing measures, Members shall make use of:

(a) 'accredited parliamentary assistants', employed at one of the European Parliament's three places of work under the specific legal arrangements adopted on the basis of Article 283 of the Treaty and whose contracts are concluded and administered directly by the European Parliament, and

(b) natural persons who are to assist Members in their Member States of election and who have concluded an employment or service contract with them in keeping with applicable national law, in accordance with the conditions laid down in the aforementioned implementing measures, hereinafter referred to as 'local assistants'.

(1) In accordance with Article 21 of Decision 2005/684/EC, Euratom of the European Parliament of 28 September 2005 adopting the Statute for Members of the European Parliament ⁽²⁾, Members are entitled to assistance from personal staff whom they may freely choose.

(4) In contrast to local assistants, accredited parliamentary assistants are, as a general rule, expatriates. They work in the premises of the European Parliament in a European, multilingual and multicultural environment and undertake tasks which are directly linked to the work carried out by one or several Members of the European Parliament in the exercise of their functions as Members of the European Parliament.

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

⁽²⁾ OJ L 262, 7.10.2005, p. 1.

- (5) For these reasons, and with a view to ensuring transparency and legal certainty through common rules, it is appropriate to provide for accredited parliamentary assistants to be employed by way of direct contracts with the European Parliament. However, local assistants, including those working for Members elected in one of the Member States in which the European Parliament's three places of work are located, should continue to be employed, in accordance with the implementing measures for the Statute for Members of the European Parliament, by Members of the European Parliament under contracts concluded under the applicable national law in the Member State in which they are elected.
- (6) It is therefore appropriate for accredited parliamentary assistants to be subject to the Conditions of employment of other servants of the European Communities, laid down by Regulation (EEC, Euratom, ECSC) No 259/68 of the Council ⁽¹⁾ in such a way as to take account of their particular circumstances, the particular tasks they are called on to perform and the specific duties and obligations they have to fulfil vis-à-vis the Members of the European Parliament for whom they are called on to work.
- (7) The introduction of this specific category of servants does not affect Article 29 of the Staff Regulations of Officials of the European Communities, laid down by Regulation (EEC, Euratom, ECSC) No 259/68, hereinafter referred to as the 'Staff Regulations', which provides that internal competitions are only open to officials and temporary staff, and no provision of this Regulation may be construed as giving accredited parliamentary assistants privileged or direct access to posts of officials or other categories of servants of the European Communities or to internal competitions for such posts.
- (8) As is the case for contract staff, Articles 27 to 34 of the Staff Regulations should not apply to accredited parliamentary assistants.
- (9) Accredited parliamentary assistants should thus constitute a category of other servants specific to the European Parliament, in particular with regard to the fact that they provide, under the direction and authority of one or several Members of the European Parliament and in a relationship of mutual trust, direct assistance to that Member or those Members in the exercise of their functions as Members of the European Parliament.
- (10) Accordingly, it is necessary to amend the Conditions of employment of other servants of the European Communities in order to incorporate this new category of other servants, taking account, on the one hand, of the specific nature of the duties, functions and responsibilities of accredited parliamentary assistants, which are designed to allow them to provide direct assistance to Members of the European Parliament in the exercise of their functions as Members of the European Parliament, under their direction and authority, and, on the other, of the contractual relationship between those accredited parliamentary assistants and the European Parliament.
- (11) Where provisions of the Conditions of employment of other servants of the European Communities apply to accredited parliamentary assistants, directly or by analogy, these factors should be taken into account, having strict regard, in particular, to the mutual trust which has to characterise the working relationship between the accredited parliamentary assistants and the Member or Members of the European Parliament whom they assist.
- (12) In the light of the nature of the duties of accredited parliamentary assistants, it is necessary to provide for only one category of accredited parliamentary assistants, but divided into grades, to which such assistants should be assigned by indication of the Members concerned in accordance with the implementing measures adopted by internal decision of the European Parliament.
- (13) The contracts of accredited parliamentary assistants concluded between them and the European Parliament should be based on mutual trust between the accredited parliamentary assistant and the Member or Members whom he assists. The duration of such contracts should be directly linked to the duration of the mandate of the Members concerned.
- (14) Accredited parliamentary assistants should have statutory representation outside the system that applies to officials and other staff of the European Parliament. Their representatives should act as interlocutor vis-à-vis the competent authority of the European Parliament, taking into account that a formal link should be established between the statutory representation of staff and the autonomous representation of assistants.
- (15) The principle of budgetary neutrality should be observed in respect of the introduction of this new category of staff.
- (16) The implementing measures laid down by internal decision of the European Parliament should include further rules for the implementation of this Regulation, based on the principle of sound financial management as set out in Title II of Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽²⁾.

⁽¹⁾ OJ L 56, 4.3.1968, p. 1.

⁽²⁾ OJ L 248, 16.9.2002, p. 1.

(17) The entry into force of these new provisions should coincide with the entry into force of the Statute for Members of the European Parliament,

of the annual budgetary procedure, cover all the costs directly associated with Members' assistants, be they accredited parliamentary assistants or local assistants.

HAS ADOPTED THIS REGULATION:

Article 1

The Conditions of employment of other servants of the European Communities are hereby amended as set out in the Annex.

Article 2

The appropriations entered in the European Parliament section of the general budget of the European Communities and earmarked to cover parliamentary assistance, the annual amounts of which will be determined within the framework

Article 3

The European Parliament shall, no later than 31 December 2011, present a report on the application of this Regulation in order to examine the possible need to adapt the rules applying to parliamentary assistants.

On the basis of this report, the Commission may make any proposals it deems appropriate to this effect.

Article 4

This Regulation shall enter into force on the first day of the European Parliament parliamentary term beginning in 2009.

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

Done at Brussels, 23 February 2009.

For the Council

The President

A. VONDRA

ANNEX

The Conditions of Employment of other servants of the European Communities are hereby amended as follows:

1. in Article 1, the following indent shall be inserted after '— special advisers;':

‘— accredited parliamentary assistants;’

2. the following Article shall be inserted after Article 5:

‘Article 5a

For the purposes of these Conditions of employment, “accredited parliamentary assistants” means persons chosen by one or more Members and engaged by way of direct contract by the European Parliament to provide direct assistance, in the premises of the European Parliament at one of its three places of work, to the Member or Members in the exercise of their functions as Members of the European Parliament, under their direction and authority and in a relationship of mutual trust deriving from the freedom of choice referred to in Article 21 of Decision 2005/684/EC, Euratom of the European Parliament of 28 September 2005 adopting the Statute for Members of the European Parliament (*).

(*) OJ L 262, 7.10.2005, p. 1.;

3. Titles VII and VIII with Articles 125 to 127 become Titles VIII and IX with Articles 140 to 142. A new Title VII shall be inserted:

‘TITLE VII

PARLIAMENTARY ASSISTANTS

CHAPTER 1

General provisions

Article 125

1. The European Parliament shall adopt implementing measures by internal decision for the purposes of the application of this Title.

2. Accredited parliamentary assistants shall not be assigned to a post included in the list of posts appended to the section of the budget relating to the European Parliament. Their remuneration shall be financed under the appropriate budget heading and they shall be paid from the appropriations allocated to the section of the budget relating to the European Parliament.

Article 126

1. The accredited parliamentary assistant shall be classified by grade in accordance with the indication given by the Member or Members whom the assistant will support, in accordance with the implementing measures referred to in Article 125(1). In order to be classified in grades 14 to 19, as set out in Article 133, accredited parliamentary assistants shall be required, as a minimum, to have a university degree or equivalent professional experience.

2. Article 1e of the Staff Regulations, on measures of a social nature and working conditions, shall apply by analogy, provided that such measures are compatible with the particular nature of the tasks and responsibilities taken on by accredited parliamentary assistants.

By way of derogation from Article 7, the arrangements relating to the autonomous representation of accredited parliamentary assistants shall be laid down by the implementing measures referred to in Article 125(1) taking into account that a formal link shall be established between the statutory representation of staff and the autonomous representation of assistants.

CHAPTER 2

Rights and obligations*Article 127*

Articles 11 to 26a of the Staff Regulations shall apply by analogy. Having strict regard, in particular, to the specific nature of the functions and duties of accredited parliamentary assistants and the mutual trust which has to characterise the working relationship between them and the Member or Members of the European Parliament whom they assist, the implementing measures relating to this area, adopted pursuant to Article 125(1), shall take account of the specific nature of the working relationship between Members and their accredited parliamentary assistants.

CHAPTER 3

Conditions of engagement*Article 128*

1. Article 1d of the Staff Regulations shall apply by analogy, taking into account the relationship of mutual trust between the Member of the European Parliament and his accredited parliamentary assistant or assistants, it being understood that Members of the European Parliament may base their selection of accredited parliamentary assistants also on political affinity.

2. An accredited parliamentary assistant shall be selected by the Member or Members of the European Parliament whom he is to assist. Without prejudice to any additional requirements which may be laid down in the implementing measures referred to in Article 125(1), the assistant may be engaged only on condition that he:

- (a) is a national of one of the Member States of the Communities, unless an exception is authorised by the authority referred to in the first paragraph of Article 6, and enjoys his full rights as a citizen;
- (b) has fulfilled any obligations imposed on him by the laws concerning military service;
- (c) produces the appropriate character references as to his suitability for the performance of his duties;
- (d) is physically fit to perform his duties;
- (e) has a thorough knowledge of one of the languages of the Community and a satisfactory knowledge of another Community language to the extent necessary for the performance of his duties; and
- (f) has completed:
 - (i) a level of post-secondary education attested by a diploma;
 - (ii) a level of secondary education attested by a diploma giving access to post-secondary education, and appropriate professional experience of at least three years; or
 - (iii) where justified in the interest of the service, professional training or professional experience of an equivalent level.

Article 129

1. An accredited parliamentary assistant shall provide evidence of physical fitness to the European Parliament's medical service in order that the European Parliament may be satisfied that he fulfils the requirements of Article 128(2)(d).

2. Where a negative medical opinion is given as a result of the medical examination provided for in paragraph 1, the candidate may, within 20 days of being notified of this opinion by the institution, request that his case be submitted for the opinion of a medical committee composed of three doctors chosen by the authority referred to in the first paragraph of Article 6 from among the institutions' medical officers. The medical officer responsible for the initial negative opinion shall be heard by the medical committee. The candidate may refer the opinion of a doctor of his choice to the medical committee. Where the opinion of the medical committee confirms the conclusions of the medical examination provided for in paragraph 1, the candidate shall pay 50 % of the fees and of the incidental costs.

Article 130

1. The contracts of accredited parliamentary assistants shall be concluded for a fixed period and shall specify the grade in which the assistant is classified. A contract shall not be extended more than twice during a parliamentary term. Unless otherwise specified in the contract itself and without prejudice to Article 139(1)(c), the contract shall terminate at the end of the parliamentary term during which it was concluded.

2. The implementing measures referred to in Article 125(1) shall set out a transparent framework for classification taking account of Article 128(2)(f).

3. Where an accredited parliamentary assistant concludes a new contract, a new decision concerning his grading shall be taken.

CHAPTER 4

Working conditions

Article 131

1. Accredited parliamentary assistants shall be engaged to perform either part-time or full-time duties.
2. The weekly working hours of an accredited parliamentary assistant shall be set by the Member, but in normal circumstances may not exceed 42 hours per week.
3. Accredited parliamentary assistants may not be required to work overtime except in the event of an emergency or exceptional workload. Article 56, first subparagraph, of the Staff Regulations shall apply by analogy. The implementing measures referred to in Article 125(1) may lay down rules in this regard.
4. However, overtime worked by accredited parliamentary assistants shall carry no right to compensation or remuneration.
5. Articles 42a, 42b, 55a and 57 to 61 of the Staff Regulations (leave, hours of work and public holidays) and Articles 16(2) to (4) and Article 18 of the present Conditions of employment shall apply by analogy. Special leave, parental leave and family leave shall not extend beyond the term of the contract.

CHAPTER 5

Remuneration and expenses

Article 132

Save as otherwise provided in Articles 133 and 134, Article 19, Article 20(1) to (3) and Article 21 of these Conditions of employment and Article 16 of Annex VII to the Staff Regulations (remuneration and expenses) shall apply by analogy. The arrangements for reimbursement of mission expenses shall be laid down in the implementing measures referred to in Article 125(1).

Article 133

The scale of basic salaries shall be as provided for in the following table:

Grade	1	2	3	4	5	6	7
Full-time basic salary	1 619,17	1 886,33	2 045,18	2 217,41	2 404,14	2 606,59	2 826,09
Grade	8	9	10	11	12	13	14
Full-time basic salary	3 064,08	3 322,11	3 601,87	3 905,18	4 234,04	4 590,59	4 977,17
Grade	15	16	17	18	19		
Full-time basic salary	5 396,30	5 850,73	6 343,42	6 877,61	7 456,78		

Article 134

By way of derogation from the last subparagraph of Article 4(1) of Annex VII to the Staff Regulations, the expatriation allowance shall not be less than EUR 350.

*CHAPTER 6****Social security benefits****Article 135*

Save as otherwise provided in Article 136, Articles 95 to 115 (social security) shall apply by analogy.

Article 136

1. By way of derogation from the second subparagraph of Article 96(3) and without prejudice to the other provisions of that Article, the amounts calculated under that provision may neither be less than EUR 850 nor exceed EUR 2 000.

2. By way of derogation from Articles 77 and 80 of the Staff Regulations and Articles 101 and 105 of these Conditions of employment, the minimum amounts used for the purpose of calculating pension and invalidity benefits shall correspond to the basic salary of an accredited parliamentary assistant in grade 1.

3. Article 112 shall only apply to contracts concluded for a period not exceeding one year.

*CHAPTER 7****Recovery of undue payment****Article 137*

The provisions of Article 85 of the Staff Regulations on the recovery of undue payment shall apply *mutatis mutandis*.

*CHAPTER 8****Appeals****Article 138*

The provisions of Title VII of the Staff Regulations on appeals shall apply by analogy. The implementing measures referred to in Article 125(1) may lay down complementary rules on the internal procedures.

CHAPTER 9

Termination of employment*Article 139*

1. Apart from cessation on death, the employment of the accredited parliamentary assistant shall cease:
 - (a) on the date stated in the contract as provided for in Article 130(1);
 - (b) at the end of the month in which the accredited parliamentary assistant reaches the age of 65;
 - (c) in the case of an assistant engaged to assist only one Member of the European Parliament pursuant to Article 128(2), at the end of the month in which that Member's term of office ends, whether by death or resignation or for any other reason;
 - (d) taking into account the fact that trust is the basis of the working relationship between the Member and his accredited parliamentary assistant, at the end of the period of notice specified in the contract, which shall give the accredited parliamentary assistant or the European Parliament, acting at the request of the Member or Members of the European Parliament whom the accredited parliamentary assistant was taken on to assist, the right to terminate the contract before its expiry. The period of notice shall not be less than one month per year of service, subject to a minimum of one month and a maximum of three months. The period of notice shall not, however, start to run during maternity leave or sick leave, provided such sick leave does not exceed three months. It shall, moreover, be suspended during maternity or sick leave subject to these limits;
 - (e) where the accredited parliamentary assistant no longer satisfies the conditions laid down in Article 128(2)(a), subject to any authorisation of an exception pursuant to that provision. Should an exception not be authorised, the period of notice referred to in point (d) shall apply.
 2. Where the contract ceases pursuant to paragraph 1(c), the accredited parliamentary assistant shall be entitled to compensation equal to one third of his basic salary for the period between the date when his duties end and the date when his contract expires, subject however to a maximum of three months' basic salary.
 3. Without prejudice to Articles 48 and 50 which are applicable by analogy, the employment of an accredited parliamentary assistant may be terminated without notice in serious cases of failure to comply with his obligations, whether intentionally or through negligence on his part. A reasoned decision shall be taken by the authority referred to in the first paragraph of Article 6, after the person concerned has had an opportunity to submit his defence.

Specific provisions relating to the disciplinary procedure shall be laid down in the implementing measures referred to in Article 125(1).
 4. Periods of employment as an accredited parliamentary assistant shall not be regarded as constituting "years of service" for the purposes of Article 29(3) and (4) of the Staff Regulations.;
 4. in Article 126, the words 'subject to Article 127' shall be replaced by the words 'subject to Article 142'.
-

COMMISSION REGULATION (EC) No 161/2009**of 26 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) ⁽¹⁾,

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

Whereas:

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 27 February 2009.

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

Done at Brussels, 26 February 2009.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 350, 31.12.2007, p. 1.

ANNEX

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

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	MA	60,0
	SN	127,1
	TN	111,3
	TR	85,4
	ZZ	96,0
0707 00 05	MA	102,4
	MK	143,3
	TR	163,9
	ZZ	136,5
0709 90 70	MA	59,9
	TR	62,9
	ZZ	61,4
0709 90 80	EG	102,8
	ZZ	102,8
0805 10 20	EG	43,7
	IL	49,2
	MA	51,8
	TN	45,8
	TR	60,4
	ZZ	50,2
0805 20 10	IL	144,7
	MA	87,4
	TR	71,0
	ZZ	101,0
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	IL	105,6
	JM	95,1
	MA	138,6
	PK	51,7
	TR	64,9
	ZZ	91,2
0805 50 10	EG	52,8
	MA	55,8
	TR	61,8
	ZZ	56,8
0808 10 80	CA	89,6
	CN	94,6
	MK	25,7
	US	108,6
	ZZ	79,6
0808 20 50	AR	97,1
	CL	73,7
	CN	44,7
	US	106,6
	ZA	114,0
	ZZ	87,2

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

COMMISSION REGULATION (EC) No 162/2009**of 26 February 2009****amending Annexes III and X 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 ⁽¹⁾, and in particular the third subparagraph of Article 5(3) and the first paragraph of Article 23 thereof,

Whereas:

- (1) Regulation (EC) No 999/2001 lays down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies (TSEs) in animals. It provides that each Member State is to carry out an annual monitoring programme for TSEs based on active and passive surveillance.
- (2) Regulation (EC) No 1774/2002 of the European Parliament and of the Council of 3 October 2002, laying down health rules concerning animal by-products not intended for human consumption ⁽²⁾ lays down the animal and public health rules for the collection, transport, storage, handling, processing and use or disposal of animal by-products, to prevent these products from presenting a risk to animal or public health.
- (3) Article 4(2) of Regulation (EC) No 1774/2002 sets out the means of disposing of Category 1 material, as defined in Article 2(1)(b) of that Regulation.
- (4) Part I of Chapter A of Annex III to Regulation (EC) No 999/2001 lays down rules for the monitoring in bovine animals as well as measures to be applied following testing of the animals.
- (5) According to those rules, all parts of the body of an animal tested for bovine spongiform encephalopathy (BSE), including the hide, are to be retained under official control until a negative result to the rapid test has been obtained, unless they are disposed of in accordance with two of the means set out in

Article 4(2) of Regulation (EC) No 1774/2002. Also, all parts of the body of an animal found positive or inconclusive to a rapid test including the hide are to be disposed of in accordance with the same means of disposal.

- (6) Regulation (EC) No 1774/2002 provides for the possibility of additional means of disposal to be approved for Category 1 material, in the light of developments in scientific knowledge. Such alternative means are approved and laid down in Commission Regulation (EC) No 92/2005 ⁽³⁾.
- (7) In the interest of consistency of Community legislation, points 6.3 and 6.4 of Part I of Chapter A of Annex III to Regulation (EC) No 999/2001 should be amended to cover also those additional means of disposal.
- (8) Chapter C of Annex X to Regulation (EC) No 999/2001 lays down rules for the sampling and laboratory testing for the presence of TSEs.
- (9) According to those rules, the first diagnostic method to be used for the confirmation of a clinical suspect case of BSE is based on histopathological examination, which is the method recommended in an earlier edition of the Manual for diagnostic tests and vaccines for terrestrial animals of the World Organisation for Animal Health (OIE) ('the Manual').
- (10) In the latest edition of the Manual, adopted in May 2008, histopathological examination is no longer considered as the reference diagnostic method for investigation of animals suspected of being infected by BSE. According to the Manual, immunohistochemical and immunochemical methods, including rapid tests, may now be used for that purpose. The Community reference laboratory for TSEs considers that applying the same approach for the investigation of ovine and caprine animals suspected of being infected by a TSE is relevant and scientifically robust.
- (11) The methods and protocols to be used for the BSE active surveillance in bovine animals should therefore be amended to reflect the recent modification of the Manual.

⁽¹⁾ OJ L 147, 31.5.2001, p. 1.

⁽²⁾ OJ L 273, 10.10.2002, p. 1.

⁽³⁾ OJ L 19, 21.1.2005, p. 27.

- (12) Point 3.2(c) of Chapter C of Annex X to Regulation (EC) No 999/2001 provides for further examination of positive scrapie cases in ovine and caprine animals in order to investigate the possible presence of BSE.
- (13) In its opinion on classification of atypical Transmissible Spongiform Encephalopathy (TSE) cases in small ruminants⁽¹⁾, of 26 October 2005, the European Food Safety Authority states that atypical scrapie cases are clearly distinguishable from BSE. In addition, in its guidelines⁽²⁾, the Community reference laboratory for TSEs considers that if a TSE is confirmed as an atypical scrapie case, no further testing is required.
- (14) Diagnosed atypical scrapie cases should therefore be exempted from the requirement of further examination set out in point 3.2(c) of Chapter C of Annex X to Regulation (EC) No 999/2001.
- (15) Point 4 of Chapter C of Annex X to Regulation (EC) No 999/2001 sets out a list of rapid tests approved for the monitoring of TSEs in bovine, ovine and caprine animals.
- (16) The commercial denomination of some currently approved TSE tests has recently changed. For the sake of transparency, these changes should be reflected in Point 4 of Chapter C of Annex X.
- (17) In addition, the companies manufacturing certain rapid tests do not exist anymore. Other companies producing rapid tests have not submitted the details of their quality system to the Community reference laboratory for review. Certain other rapid tests have been withdrawn from the market.
- (18) It is therefore appropriate to amend accordingly the lists of rapid tests approved for the monitoring of BSE and TSEs, set out in point 4 of Chapter C of Annex X to Regulation (EC) No 999/2001.
- (19) In the interest of clarity and legal certainty, the wording of the heading of point 3.2(c) of Annex X, Chapter C, should be amended to be consistent with the general scope of paragraph 3.2 of Annex X, Chapter C which is related to laboratory testing for the presence of TSE in ovine and caprine animals.
- (20) Regulation (EC) No 999/2001 should therefore be amended accordingly.
- (21) 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 III and X 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 twentieth day following that of its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 26 February 2009.

For the Commission
Androulla VASSILOU
Member of the Commission

⁽¹⁾ The EFSA Journal (2005) 276, pp. 1-30.

⁽²⁾ http://www.defra.gov.uk/vla/science/docs/sci_tse_rl_handbookv2mar07.pdf

ANNEX

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

1. in Part I of Chapter A of Annex III, points 6.3 and 6.4 are replaced by the following:

- ‘6.3. All parts of the body of an animal tested for BSE including the hide shall be retained under official control until a negative result to the rapid test has been obtained, unless they are disposed of in accordance with Article 4(2)(a), (b) or (e) of Regulation (EC) No 1774/2002 of the European Parliament and of the Council.
- 6.4. All parts of the body of an animal found positive or inconclusive to the rapid test including the hide shall be disposed of in accordance with Article 4(2)(a), (b) or (e) of Regulation (EC) No 1774/2002, apart from material to be retained in conjunction with the records provided for in Chapter B(III).’;

2. in Annex X, Chapter C is amended as follows:

(a) In Point 3.1, points (a) and (b) are replaced by the following:

‘(a) *Suspect cases*

Samples from bovine animals sent for laboratory testing pursuant to the provisions of Article 12(2) shall immediately be subjected to confirmatory examinations using at least one of the following methods and protocols laid down in the latest edition of the Manual:

- (i) the immunohistochemical (IHC) method;
- (ii) SAF-immunoblot or OIE approved alternative;
- (iii) the demonstration of characteristic fibrils by electron microscopy;
- (iv) the histopathological examination;
- (v) the combination of rapid tests as laid down in the third subparagraph.

In case the histopathological examination is inconclusive or negative, the tissues shall be submitted to a further examination by one of the other confirmatory methods and protocols.

Rapid tests may be used for both primary screening of suspect cases and, if inconclusive or positive, for subsequent confirmation, according to the guidelines from the Community reference laboratory and provided that:

- (i) the confirmation is carried out in a national reference laboratory for TSEs; and
- (ii) one of the two rapid tests is a Western blot; and
- (iii) the second rapid test used:
 - includes a negative tissue control and a bovine BSE sample as positive tissue control,
 - is of a different type than the test used for the primary screening; and
- (iv) if a rapid Western blot is used as the first test, the result of that test must be documented and submitted to the national reference laboratory for TSEs; and
- (v) where the result of the primary screening is not confirmed by the subsequent rapid test, the sample must be subjected to an examination by one of the other confirmatory methods; in case the histopathological examination is used for that purpose but proves to be inconclusive or negative, the tissues must be submitted to a further examination by one of the other confirmatory methods and protocols.

If the result of one of the confirmatory examinations referred to in points (i) to (v) of the first subparagraph is positive, the animals shall be regarded as positive BSE cases.

(b) *BSE monitoring*

Samples from bovine animals sent for laboratory testing pursuant to the provisions of Annex III, Chapter A, Part I shall be examined by a rapid test.

When the result of the rapid test is inconclusive or positive, the sample shall immediately be subjected to confirmatory examinations using at least one of the following methods and protocols laid down in the latest edition of the Manual:

- (i) the immunohistochemical (IHC) method;
- (ii) SAF-immunoblot or OIE approved alternative;
- (iii) the demonstration of characteristic fibrils by electron microscopy;
- (iv) the histopathological examination;
- (v) the combination of rapid tests as laid down in the fourth subparagraph.

In case the histopathological examination is inconclusive or negative, the tissues shall be submitted to a further examination by one of the other confirmatory methods and protocols.

Rapid tests may be used for both primary screening and, if inconclusive or positive, for subsequent confirmation, according to the guidelines from the Community reference laboratory and provided that:

- (i) the confirmation is carried out in a national reference laboratory for TSEs; and
- (ii) one of the two rapid tests is a Western blot; and
- (iii) the second rapid test used:
 - includes a negative tissue control and a bovine BSE sample as positive tissue control,
 - is of a different type than the test used for the primary screening; and
- (iv) if a rapid Western blot is used as the first test, the result of that test must be documented and submitted to the national reference laboratory for TSEs; and
- (v) where the result of the primary screening is not confirmed by the subsequent rapid test, the sample must be subjected to an examination by one of the other confirmatory methods; in case the histopathological examination is used for that purpose but proves to be inconclusive or negative, the tissues must be submitted to a further examination by one of the other confirmatory methods and protocols.

An animal shall be regarded a positive BSE case if the result of the rapid test is inconclusive or positive, and at least one of the confirmatory examinations referred to in points (i) to (v) of the first subparagraph is positive.;

(b) in Point 3.2, point (a) is replaced by the following:

‘(a) *Suspect cases*

Samples from ovine and caprine animals sent for laboratory testing pursuant to the provisions of Article 12(2) shall immediately be subjected to confirmatory examinations using at least one of the following methods and protocols laid down in the latest edition of the Manual:

- (i) the immunohistochemical (IHC) method;
- (ii) SAF-immunoblot or OIE approved alternative;
- (iii) the demonstration of characteristic fibrils by electron microscopy;
- (iv) the histopathological examination.

In case the histopathological examination is inconclusive or negative, the tissues shall be submitted to a further examination by one of the other confirmatory methods and protocols.

Rapid tests may be used for primary screening of suspect cases. Such tests may not be used for subsequent confirmation.

Where the result of the rapid test used for primary screening of suspect cases is positive or inconclusive, the sample shall be subjected to an examination by one of the confirmatory examinations referred to in points (i) to (iv) of the first subparagraph. In case the histopathological examination is used for that purpose but proves to be inconclusive or negative, the tissues shall be submitted to a further examination by one of the other confirmatory methods and protocols.

If the result of one of the confirmatory examinations referred to in point (i) to (iv) of the first subparagraph is positive, the animals shall be regarded positive TSE cases and further examination as referred to in point (c) shall be performed.;

(c) in point 3.2, the heading of point (c) is replaced by the following:

‘(c) Further examination of positive TSE cases’;

(d) in point 3.2, point (c)(i) is replaced by the following:

‘(i) Primary molecular testing with a discriminatory immuno-blotting

Samples from clinical suspect cases and from animals tested in accordance with Annex III, Chapter A, Part II, points 2 and 3 which are regarded as positive TSE cases but which are not atypical scrapie cases, following the examinations referred to in points (a) or (b), or which display characteristics which are deemed by the testing laboratory to merit investigation, shall be forwarded for further examination by a primary molecular typing method to:

- Agence Française de Sécurité Sanitaire des Aliments, Laboratoire de pathologie bovine, 31 avenue Tony Garnier, BP 7033, F-69342, Lyon Cedex, France,
- Veterinary Laboratories Agency, Woodham Lane, New Haw, Addlestone, Surrey KT15 3NB, United Kingdom, or
- to a laboratory, appointed by the competent authority, which has participated successfully in proficiency testing organised by the Community reference laboratory for the use of a molecular typing method.;

(e) in point 3.2(c)(ii), the word ‘scrapie’ is replaced by ‘TSE’;

(f) point 4 is replaced by the following:

‘4. Rapid tests

For the purposes of carrying out the rapid tests in accordance with Articles 5(3) and 6(1), the following methods shall be used as rapid tests for the monitoring of BSE in bovine animals:

- the immuno-blotting test based on a Western blotting procedure for the detection of the Proteinase K-resistant fragment PrP^{Res} (Prionics-Check Western test),
- the chemiluminescent ELISA test involving an extraction procedure and an ELISA technique, using an enhanced chemiluminescent reagent (Enfer test & Enfer TSE Kit version 2.0, automated sample preparation),
- the microplate-based immunoassay for the detection of PrP^{Sc} (Enfer TSE Version 3),
- the sandwich immunoassay for PrP^{Res} detection with the TeSeE SAP Detection kit carried out following denaturation and concentration steps with the TeSeE Purification kit (Bio-Rad TeSeE rapid test),
- the microplate-based immunoassay (ELISA) which detects Proteinase K-resistant PrP^{Res} with monoclonal antibodies (Prionics-Check LIA test),

- the immunoassay using a chemical polymer for selective PrP^{Sc} capture and a monoclonal detection antibody directed against conserved regions of the PrP molecule (IDEXX HerdChek BSE Antigen Test Kit, EIA),
- the lateral-flow immunoassay using two different monoclonal antibodies to detect Proteinase K-resistant PrP fractions (Prionics Check PrioSTRIP),
- the two-sided immunoassay using two different monoclonal antibodies directed against two epitopes presented in a highly unfolded state of bovine PrP^{Sc} (Roboscreen Beta Prion BSE EIA Test Kit),
- the sandwich ELISA for the detection of Proteinase K-resistant PrP^{Sc} (Roche Applied Science PrionScreen).

For the purposes of carrying out the rapid tests in accordance with Articles 5(3) and 6(1), the following methods shall be used as rapid tests for the monitoring of TSE in ovine and caprine animals:

- the sandwich immunoassay for PrP^{Res} detection with the TeSeE SAP Detection kit carried out following denaturation and concentration steps with the TeSeE Purification kit (Bio-Rad TeSeE rapid test),
- the sandwich immunoassay for PrP^{Res} detection with the TeSeE Sheep/Goat Detection kit carried out following denaturation and concentration steps with the TeSeE Sheep/Goat Purification kit (Bio-Rad TeSeE Sheep/Goat rapid test),
- the chemiluminescent ELISA test involving an extraction procedure and an ELISA technique, using an enhanced chemiluminescent reagent (Enfer TSE Kit version 2.0),
- the microplate-based immunoassay for the detection of PrP^{Sc} (Enfer TSE Version 3),
- the immunoassay using a chemical polymer for selective PrP^{Sc} capture and a monoclonal detection antibody directed against conserved regions of the PrP molecule (IDEXX HerdChek BSE-Scrapie Antigen Test Kit, EIA),
- the immuno-blotting test based on a Western blotting procedure for the detection of the Proteinase K-resistant fragment PrP^{Res} (Prionics-Check Western Small Ruminant test),
- the microplate-based chemiluminescent immunoassay for the detection of Proteinase K-resistant PrP^{Sc} (Prionics Check LIA Small Ruminants).

In all tests, sample tissue on which the test must be applied must comply with the manufacturer's instructions for use.

Producers of rapid tests must have a quality assurance system in place that has been approved by the Community reference laboratory and ensures that the test performance does not change. Producers must provide the Community reference laboratory with the test protocols.

Changes to rapid tests and to test protocols may only be made after prior notification to the Community reference laboratory and provided that the Community reference laboratory finds that the change does not alter the sensitivity, specificity or reliability of the rapid test. That finding shall be communicated to the Commission and to the national reference laboratories.'

COMMISSION REGULATION (EC) No 163/2009**of 26 February 2009****amending Annex IV 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,

amounts of constituents of animal origin in feedingstuffs using the analytical method as described in Directive 2003/126/EC.

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 ⁽¹⁾, 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 and in certain specific cases to exports thereof.

(2) Article 7(1) and (2) of Regulation (EC) No 999/2001 provide that the feeding to ruminants and other animals of animal proteins is prohibited. Annex IV to that Regulation sets out derogations from that prohibition.

(3) Commission Directive 2003/126/EC of 23 December 2003 on the analytical method for the determination of constituents of animal origin for the official control of feedingstuffs ⁽²⁾ provides that official analysis of feedingstuffs with a view to officially controlling the presence, identification and/or estimation of the amount of constituents of animal origin in feedingstuffs is to be carried out in accordance with that Directive.

(4) For these purposes, the Community Reference Laboratory for the detection of animal proteins in feed (CRA-W) carried out proficiency testing of laboratories as part of its annual work programme, which have demonstrated the good performance of laboratories for detecting small

(5) That improvement in laboratory performance has resulted in the detection of the adventitious presence of bone spicules, particularly in tuber and root crops. Pursuant to Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules ⁽³⁾, appropriate measures are to be taken in case of non-compliance, which may include the destruction of the consignment.

(6) Point A(d) of Part II of Annex IV to Regulation (EC) No 999/2001 provides for a derogation from the prohibition laid down in Article 7(1) and (2) of that Regulation so that the feeding to farmed animals of tuber and root crops and feedingstuffs containing such products following the detection of bone may be permitted by the Member States if there has been a favourable risk assessment.

(7) It has been demonstrated that environmental contamination during harvesting of feed materials of plant origin by for example bone spicules cannot be avoided. Accordingly, the derogation set out in point A(d) of Part II of Annex IV to Regulation (EC) No 999/2001 concerning tuber and root crops should be extended to cover all feed materials of plant origin under certain conditions.

(8) Regulation (EC) No 999/2001 should therefore be amended accordingly.

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

⁽¹⁾ OJ L 147, 31.5.2001, p. 1.

⁽²⁾ OJ L 339, 24.12.2003, p. 78.

⁽³⁾ OJ L 165, 30.4.2004, p. 1, as corrected by OJ L 191, 28.5.2004, p. 1.

HAS ADOPTED THIS REGULATION:

Article 1

In Part II of Annex IV to Regulation (EC) No 999/2001, point A(d) is replaced by the following:

‘(d) the feeding to farmed animals of feed materials of plant origin and feedingstuffs containing such products following the detection of insignificant amounts of bone spicules may

be permitted by the Member States if there has been a favourable risk assessment. The risk assessment shall take into account at least the amount and possible source of contamination and the final destination of the consignment’.

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, 26 February 2009.

For the Commission

Androulla VASSILOU

Member of the Commission

COMMISSION REGULATION (EC) No 164/2009**of 26 February 2009****amending Regulation (EC) No 951/2006 in respect of proofs of arrival at destination for out-of-quota exports in the sugar sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾, and in particular Article 192(2) in conjunction with Article 4 thereof,

Whereas:

(1) Commission Regulation (EC) No 951/2006 of 30 June 2006 laying down detailed rules for the implementation of Council Regulation (EC) No 318/2006 as regards trade with third countries in the sugar sector ⁽²⁾ also lays down detailed rules for out-of-quota exports in the sugar sector.

(2) In order to minimise the risk of fraud and to prevent any abuse associated with the reimport or reintroduction into the Community of out-of-quota sugar or isoglucose, Commission Regulation (EC) No 924/2008 of 19 September 2008 fixing the quantitative limit for the exports of out-of-quota sugar and isoglucose until the end of the 2008/09 marketing year ⁽³⁾ excludes certain close destinations from the eligible destinations.

(3) Article 4c of Regulation (EC) No 951/2006 mentions the documents that can be presented as proofs of arrival at destination in the case where certain destinations are excluded from exports of out-of-quota sugar and/or isoglucose. However, that Article does not permit the acceptance of customs documents referred to in Article 16(1) of Commission Regulation (EC) No 800/1999 of 15 April 1999 laying down common detailed rules for the application of the system of export refunds on agricultural products ⁽⁴⁾, or a certificate of unloading which should be the principle documents to be submitted as proofs for importation into a third country. The documents listed in Article 4c of Regulation (EC) No 951/2006 should be accepted only where exporters cannot obtain the standard customs documents referred to in Article 16(1) of Regulation (EC) No 800/1999.

(4) Sugar exports for humanitarian aid purposes continue to be an important trade activity for some Community sugar exporters. It is often the case with such exports that the standard customs documents cannot be obtained and the documents referred to in Article 4c of Regulation (EC) No 951/2006 are difficult to be provided. It is therefore necessary to permit a statement of acceptance of delivery issued by an approved international organisation or a humanitarian organisation be accepted as a proof of arrival at destination in accordance with Article 16(2)(f) of Regulation (EC) No 800/1999.

(5) The communication of Member States on issued export licences as requested by Article 17 of Regulation (EC) No 951/2006 should also include the quantities of quota sugar and/or isoglucose exported without refund.

(6) Quantities of sugar imported under the inward processing arrangements should be monitored closely. Therefore, the communication of Member States on the relevant quantities should take place on a monthly basis.

(7) Regulation (EC) No 951/2006 should therefore be amended accordingly.

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 951/2006 is amended as follows:

1. Article 4c is replaced by the following:

*'Article 4c***Proofs of arrival at destination**

1. If certain destinations are not eligible for exports of out-of-quota sugar and/or isoglucose, proof that customs formalities for importation into eligible destinations have been completed shall be furnished by presenting one of the documents referred to in Article 16(1) of Regulation (EC) No 800/1999.

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 178, 1.7.2006, p. 24.

⁽³⁾ OJ L 252, 20.9.2008, p. 7.

⁽⁴⁾ OJ L 102, 17.4.1999, p. 11.

2. Where the exporter cannot obtain the documents referred to in paragraph 1 of this Article even after taking the appropriate steps, products shall be deemed to have been imported into a third country on the presentation of the following three documents:

- (a) a copy of the transport document;
- (b) a declaration that the product has been unloaded, drawn up by an official authority of the third country in question, by the official authorities of a Member State established in the country of destination, or by an international supervisory agency approved under Articles 16a to 16f of Regulation (EC) No 800/1999, certifying that the product has left the unloading site or at least that, to the knowledge of the authority or agency issuing the declaration, the product has not subsequently been reloaded with a view to being re-exported;
- (c) a bank document issued by approved intermediaries established in the Community certifying that payment corresponding to the export in question has been credited to the account of the exporter opened with them, or proof of payment.

3. In case of exports of out-of-quota sugar and/or isoglucose as food aid for an international organisation or for a humanitarian organisation the products shall be deemed to have been imported into a third country on the

presentation of a statement of acceptance of delivery issued either by an international organisation or a humanitarian organisation approved by the Member State of exportation, where the goods constitute food aid.'

2. In Article 17, the following point is added:

'(d) the quantities for which licences have been issued pursuant to Article 7, broken down between sugar and isoglucose.'

3. In Article 19, point 3 is replaced by the following:

'3. the quantities of sugar imported from third countries and exported as compensating products under the inward processing arrangements referred to in Article 116 of Regulation (EEC) No 2913/92; the notification shall refer to each month; it shall be submitted no later than the end of the second calendar month following the month in question.'

Article 2

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

Point 1 of Article 1 shall be applicable as of 1 October 2008.

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

Done at Brussels, 26 February 2009.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

II

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

DECISIONS

COUNCIL

COUNCIL DECISION

of 25 September 2008

approving on behalf of the Community Annex 8 to the International Convention on the Harmonisation of Frontier Controls of Goods

(2009/161/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133, in conjunction with the second subparagraph of Article 300(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) The International Convention on the Harmonization of Frontier Controls of Goods, 1982 ('the Convention') was approved by Council Regulation (EEC) No 1262/84 ⁽¹⁾.

(2) Article 22 of the Convention, in conjunction with its Annex 7, provides that the Administrative Committee for the Convention can propose and adopt amendments to the Convention. These amendments are to be accepted unless a Contracting Party objects within 12 months of the communication by the United Nations of the proposed amendment to the Contracting Parties.

(3) The United Nations Economic Commission for Europe (UN/ECE) Inland Transport Committee decided at its February 1999 session that the Convention should be revised to include provisions to facilitate the border crossing of vehicles.

(4) The UN/ECE Working Party on Customs Questions affecting Transport subsequently produced draft proposals to add a new Annex 8 to the Convention in order to complement the existing provisions.

(5) That Annex was adopted by the Administrative Committee for the Convention in October 2007 and as no objections were raised, the Annex took effect from 20 May 2008.

(6) The purpose of Annex 8 to the Convention is to facilitate international trade by reducing, harmonising and coordinating procedures and paperwork in connection with the border control of goods, in particular live animals and perishable goods. Annex 8 also aims at improving the operation of border crossing points, as well as technical matters relating to the mutual recognition of international vehicle inspection and weight certificates.

(7) The facilitation of international trade and the removal of technical obstacles to trade is an objective of the common commercial policy and thus falls under the exclusive competence of the Community.

(8) The Community position concerning the proposed amendment of the Convention was approved on July 2005.

(9) Therefore, the amendment to the Convention should be approved,

⁽¹⁾ OJ L 126, 12.5.1984, p. 1.

HAS DECIDED AS FOLLOWS:

Article 1

Annex 8 to the International Convention on the Harmonization of Frontier Controls of Goods is hereby approved on behalf of the Community.

The text of that Annex is attached to this Decision.

Article 2

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

Done at Brussels, 25 September 2008.

For the Council

The President

L. CHATEL

ANNEX 8 TO THE INTERNATIONAL CONVENTION ON THE HARMONISATION OF FRONTIER CONTROLS OF GOODS

FACILITATION OF BORDER CROSSING PROCEDURES FOR INTERNATIONAL ROAD TRANSPORT

Article 1

Principles

Complementing the provisions of the Convention and in particular those provided in Annex 1, the present Annex intends to define the measures that need to be implemented in order to facilitate border crossing procedures for international road transport.

Article 2

Facilitation of visa procedures for professional drivers

1. The Contracting Parties should endeavour to facilitate the procedures for the granting of visas for professional drivers engaged in international road transport in accordance with national best practice for all visa applicants and national immigration rules as well as international commitments.
2. The Contracting Parties agree to regularly exchange information on best practices with regard to the facilitation of visa procedures for professional drivers.

Article 3

International road transport operations

1. In order to facilitate the international movement of goods, the Contracting Parties shall regularly inform all parties involved in international transport operations in a harmonised and coordinated manner on border control requirements for international road transport operations in force or planned as well as on the actual situation at borders.
2. Contracting Parties shall endeavour to transfer, to the extent possible and not only for transit traffic, all necessary control procedures to the places of departure and destination of the goods transported by road so as to alleviate congestion at the border crossing points.
3. Referring in particular to Article 7 of this Convention, priority shall be given to urgent consignments, e.g. live animals and perishable goods. In particular, the competent services at border crossing points:
 - (i) shall take the necessary measures to minimise waiting times for ATP-approved vehicles transporting perishable foodstuffs or for vehicles transporting live animals, as from their time of arrival at the frontier until their regulatory, administrative, Customs and sanitary controls;
 - (ii) shall ensure that the required controls mentioned under (i) are carried out as quickly as possible;
 - (iii) shall allow, as far as possible, the operation of the necessary refrigerating units of vehicles carrying perishable foodstuffs during the time of crossing the border, unless this is impossible as a result of the required control procedure;
 - (iv) shall cooperate, in particular through advance information exchange, with their counterparts in other Contracting Parties in order to accelerate border crossing procedures for perishable foodstuffs and live animals, in case these loads are subject to sanitary inspections.

Article 4

Vehicle inspection

1. The Contracting Parties, not yet Parties to the Agreement Concerning the Adoption of Uniform Conditions for Periodical Technical Inspections of Wheeled Vehicles and the Reciprocal Recognition of such Inspections (1997), should endeavour, in line with relevant national and international laws and regulations, to facilitate the crossing of road vehicles across borders by accepting the International Technical Inspection Certificate as provided for in this Agreement. The Technical Inspection Certificate, as contained in the Agreement as of 1 January 2004, is contained in Appendix 1 to this Annex.

2. With a view to identifying ATP-approved vehicles carrying perishable foodstuffs, the Contracting Parties may utilise the distinguishing marks affixed to the relevant equipment and the ATP certificate or plate of approval provided for in the Agreement on the International Carriage of Perishable Foodstuffs and the Special Equipment to be used for such Carriage (1970).

Article 5

International Vehicle Weight Certificate

1. In order to accelerate border crossings, the Contracting Parties, in line with relevant national and international laws and regulations, should endeavour to avoid repetitive vehicle weighing procedures at border crossings by accepting and mutually recognising the International Vehicle Weight Certificate as contained in Appendix 2 to this Annex. In case the Contracting Parties accept such certificates, no further weight measurements shall be carried out apart from random checks and controls in the case of supposed irregularities. Vehicle weight measurements recorded in such certificates shall take place only in the country of origin of international transport operations. The results of such measurements shall be duly reflected and certified in such certificates.

2. Each Contracting Party, accepting the International Vehicle Weight Certificate, shall publish a list of all weighing stations in their country authorised in accordance with international principles as well as any modification thereto. This list as well as any modification thereto shall be transmitted to the Executive Secretary of the Economic Commission for Europe of the United Nations (UNECE) for distribution to each Contracting Party and to the international organisations referred to in Annex 7, Article 2 to this Convention.

3. The minimum requirements for authorised weighing stations, the principles of authorisation and the basic features of weighing procedures to be applied are contained in Appendix 2 to this Annex.

Article 6

Border crossing points

In order to ensure that the required formalities at border crossing points are streamlined and accelerated, the Contracting Parties shall meet, as far as possible, the following minimum requirements for border crossing points open for international goods traffic:

- (i) facilities enabling joint controls between neighbouring States (one-stop technology), 24 hours a day, whenever justified by trade needs and in line with road traffic regulations;
- (ii) separation of traffic for different types of traffic on both sides of the border allowing to give preference to vehicles under the cover of valid international Customs transit documents or carrying live animals or perishable foodstuffs;
- (iii) off-lane control areas for random cargo and vehicle checks;
- (iv) appropriate parking and terminal facilities;
- (v) proper hygiene, social and telecommunications facilities for drivers;
- (vi) encourage forwarding agents to establish adequate facilities at border crossings with the intention that they can offer services to transport operators on a competitive basis.

Article 7

Reporting mechanism

With regard to Articles 1 to 6 of this Annex, the Executive Secretary of the Economic Commission for Europe of the United Nations (UNECE) shall carry out, every second year, a survey among Contracting Parties on progress made to improve border crossing procedures in their countries.

*Appendix 1 to Annex 8 to the Convention***INTERNATIONAL TECHNICAL INSPECTION CERTIFICATE ⁽¹⁾**

In accordance with the Agreement Concerning the Adoption of Uniform Conditions for Periodical Technical Inspections of Wheeled Vehicles and the Reciprocal Recognition of such Inspections (1997), entered into force on 27 January 2001.

1. Accredited Technical Inspection Centres are responsible for conducting the inspection tests, granting the approval of compliance with the inspection requirements of the relevant rule(s) annexed to the 1997 Vienna Agreement, and specifying the latest date of next inspection to be indicated in line No 12.5 of the International Technical Inspection Certificate, the model of which is reproduced hereafter.
2. The International Technical Inspection Certificate shall contain the information indicated hereafter. It may be a booklet in format A6 (148 × 105 mm), with a green cover and white inside pages, or a sheet of green or white paper of format A4 (210 × 197) folded to format A6 in such a way that the section containing the distinguishing sign of the State or of the United Nations forms the top of the folded certificate.
3. Items of the certificate and their content shall be printed in the national language of the issuing Contracting Party by maintaining the numbering.
4. The periodical inspection reports which are in use in the Contracting Parties to the Agreement may be used as an alternative. A sample of them shall be transmitted to the Secretary-General of the United Nations for information to the Contracting Parties.
5. Handwritten, typed or computer generated entries on the International Technical Inspection Certificate to be made exclusively by the competent authorities, shall be in Latin characters.

⁽¹⁾ As of 1 January 2004.

CONTENT OF THE
INTERNATIONAL TECHNICAL INSPECTION CERTIFICATE

Space for the
distinguishing
sign of the State
or of the UN

.....
(Administrative Authority responsible for technical inspection)

..... (1)

CERTIFICAT INTERNATIONAL DE CONTROLE TECHNIQUE (2)

(1) Title 'INTERNATIONAL TECHNICAL INSPECTION CERTIFICATE' in national language.

(2) Title in French.

INTERNATIONAL TECHNICAL INSPECTION CERTIFICATE

1. Licence plate (Registration) No
2. Vehicle identification No
3. First registration after the manufacture (State, Authority) ⁽¹⁾
4. Date of first registration after the manufacture
5. Date of the technical inspection

CERTIFICATE OF COMPLIANCE

6. This certificate is issued for the vehicle identified under No 1 and 2 which complies at the date under No 5 with the rule(s) annexed to the 1997 Agreement on the Adoption of Uniform Conditions for Periodical Technical Inspections of Wheeled Vehicles and the Reciprocal Recognition of such Inspections.
7. The vehicle has to undergo its next technical inspection according to the rule(s) under No 6 not later than:

Date: (month/year)
8. Issued by
9. At (place)
10. Date
11. Signature ⁽²⁾

⁽¹⁾ If available, authority and state where the vehicle was registered for the first time after its manufacture.

⁽²⁾ Seal or stamp of the authority issuing the certificate.

12. Subsequent periodical technical inspection(s) ⁽¹⁾
12.1. Done by (Technical Inspection Centre) ⁽²⁾
12.2. (stamp)
12.3. Date
12.4. Signature
12.5. Next inspection due not later than: (month/year)

⁽¹⁾ Items 12.1 to 12.5 to be repeated if the certificate is to be used for subsequent annual periodical technical inspections.

⁽²⁾ Name, Address, State of the Technical Inspection Centre accredited by the competent Authority.

*Appendix 2 to Annex 8 to the Convention***INTERNATIONAL VEHICLE WEIGHT CERTIFICATE**

1. The objective of the International Vehicle Weight Certificate (IVWC) is to facilitate border crossing procedures and, in particular, to avoid repetitive weight measurements of goods road vehicles en route in the Contracting Parties. Duly filled-in certificates, accepted by the Contracting Parties, shall be accepted as bearing valid weight measurements by the competent authorities of Contracting Parties. Competent authorities shall refrain from requiring additional weight measurements apart from random checks and controls in the case of supposed irregularities.
2. The International Vehicle Weight Certificate, which shall conform to the model reproduced below in this Appendix, shall be issued and used under the supervision of a designated Governmental authority in each Contracting Party accepting such certificates in line with the procedure described in the annexed certificate.
3. The use of the certificate by transport operators is optional.
4. The Contracting Parties, accepting such certificates, shall approve authorised weighing stations to fill in, together with the operator/driver of the goods road vehicle, the International Vehicle Weight Certificate in accordance with the following minimum requirements:
 - (a) Weighing stations shall be equipped with certified weighing instruments. For performing the weight measurements, the Contracting Parties accepting such certificates may select the method and instruments they consider appropriate. The Contracting Party accepting such certificates shall ensure the competence of the weighing stations by, for example, an accreditation or assessment process and shall ensure to use of appropriate weighing instruments, the deployment of qualified personnel, and the existence of properly documented quality control systems and testing procedures.
 - (b) The weighing stations and their instruments shall be well maintained. The instruments shall be regularly verified and sealed by the relevant authorities responsible for weights and measures. The weighing instruments, their maximum permissible errors and usage shall comply with the Recommendations established by the International Organisation for Legal Metrology (OIML).
 - (c) Weighing stations shall be equipped with weighing instruments corresponding to either:
 - OIML Recommendation R 76 'Non-automatic weighing instruments' accuracy Class III or better,
 - OIML Recommendation R 134 'Automatic instruments for weighing road vehicles in motion', accuracy Classes 2, or better, higher error values may apply in case of individual axle weight measurements.
5. In exceptional cases and, particularly when irregularities are suspected, or at the demand of the transport operator/driver of the respective road vehicle, the competent authorities may re-weigh the vehicle. In case a weighing station produces several mistaken measurements, observed by the control authorities in a Contracting Party accepting such certificates, the competent authorities of the country of the weighing station shall take appropriate measures in order to ensure that such events will not occur again.
6. The model of the certificate may be reproduced in any of the languages of the Contracting Parties accepting such certificates provided that the layout of the certificate and the placing of the items therein are not modified.
7. Each Contracting Party accepting such certificates, shall publish a list of all weighing stations in their countries authorised in accordance with international principles as well as any modifications thereto. This list as well as any modification thereto shall be transmitted to the Executive Secretary of the Economic Commission for Europe of the United Nations (UNECE) for distribution to each Contracting Party and to the international organisations referred to in Annex 7, Article 2 to this Convention.
8. (Transitional provision) Since only very few weighing stations are equipped at present with weighing instruments able to provide individual axle weight or axle group measurements, the Contracting Parties, accepting such certificates agree that, during a transitional period, expiring 12 months following the entry into force of this Annex, gross vehicle weight measurements as provided for under item 7.3 in the International Vehicle Weight Certificate shall be sufficient and shall be accepted by the competent national authorities.

 UNITED NATIONS ECONOMIC COMMISSION FOR EUROPE UNECE		INTERNATIONAL VEHICLE WEIGHT CERTIFICATE (IVWC) In accordance with the provisions of Annex 8 — Facilitation of Border Crossing Procedures for International Road Transport — to the International Convention on the Harmonisation of Frontier Controls of Goods, 1982 Valid for international road transport of goods			
To be filled in by the transport operator(s)/driver(s) of the goods road vehicle <i>BEFORE</i> weighing the vehicle					
1. Transport operator/company (name and address; inc. country)				Tel. No	
				Fax No	
				E-mail	
2. Transport contract No ⁽¹⁾			TIR Carnet No (if applicable) ⁽²⁾		
3. Details of goods road vehicle					
3.1. Registration number of		Road tractor/lorry		Semi-trailer/trailer	
3.2. Suspension system of		Road tractor/lorry ☐ Air ☐ Mechanical ☐ Other		Semi-trailer/trailer ☐ Air ☐ Mechanical ☐ Other	
To be filled in by the operator of the authorised weighing station					
4. Authorised weighing station (name and address; inc. country) Accuracy class of the weighing instrument ⁽⁴⁾ ☐ Class II ☐ Class III and/or ☐ < 0,5 ☐ 1 ☐ 2				5. Vehicle weight measurement No ⁽³⁾	
				6. Date of issue (day, month, year)	
4.2. Date of last calibration					
7. Weight measurements of goods road vehicles (original and official record of the weighing station shall be affixed to this certificate)					
7.1. Type of goods road vehicle ⁽⁵⁾					
7.2. Axle weight measurements, in kg					
	<i>Driven</i>	<i>Non-driven</i>	<i>Single</i>	<i>Tandem</i>	<i>Triple</i>
First axle					
Second axle					
Third axle					
Fourth axle					
Fifth axle					
Sixth axle ⁽⁶⁾					
7.3. Gross vehicle weight measurements, in kg		Road tractor/lorry	Semi-trailer/trailer	Total gross vehicle weight	

8. Special weight characteristics 8.1. Tank(s) connected to the engine Capacity filled to ☐ ¼ ☐ ½ ☐ ¾ ☐ 1/1 8.2. Additional tank(s) (for cooling devices, etc.) Capacity filled to ☐ ¼ ☐ ½ ☐ ¾ ☐ 1/1		8.3. No of spare tyres	
		8.4. No of person(s) on board while weighing	
		8.5. Lifiable axle ☐ Yes ☐ No	
I declare that the above weight measurements taken have been duly performed by the undersigned at an authorised weighing station			Stamp
Name of operator of weighing station		Signature	

(¹) For instance: CMR Consignment Note Number.

(²) In accordance with the TIR Convention, 1975.

(³) See Notes on page 2.

(⁴) In accordance with OIML Recommendation R 76 and/or Recommendation R 134.

(⁵) Vehicle type code as contained in the attached sketches, for example: A₂ or A₂S₂.

(⁶) If more than six axles, indicate in box 'Remarks', on page 2.

To be filled in by the transport operator(s)/driver(s) of the goods road vehicle <i>AFTER</i> weighing the vehicle		
I declare that: (a) the weight measurements stated overleaf have been performed by the above mentioned weighing station, (b) the information (1) to (8) has been duly filled in and (c) no load has been added to the goods road vehicle following its weighing at the above mentioned weighing station.		
Date	Name of transport operator(s)/driver(s) of goods road vehicle	Signature(s)
Remarks (if any)		
Notes		
The vehicle weight measurement number shall consist of three data elements linked by hyphens: (1) Country code (in accordance with the UN Convention on Road Traffic, 1968). (2) Two-digit code allowing identification of national weighing station. (3) Five-digit code (at least) allowing identification of individual weight measurement taken. Examples: GR-01-23456 or RO-14-000510. This serial number shall correspond to that applied in the books of the weighing station.		

INTERNATIONAL VEHICLE WEIGHT CERTIFICATE (IVWC)**LEGAL BASIS**

The International Vehicle Weight Certificate has been drawn up in accordance with the provisions of Annex 8 — Facilitation of Border Crossing Procedures for International Road Transport — to the International Convention on the Harmonization of Frontier Controls of Goods, 1982.

OBJECTIVE

The International Vehicle Weight Certificate is designed to avoid repetitive weight measurements of goods road vehicles en route in international transport, particularly at border crossings. The use of this certificate by transport operators is optional.

PROCEDURE

If Contracting Parties accept the International Vehicle Weight Certificate duly filled in by (a) the operator of an approved weighing station and (b) the transport operator(s)/goods road vehicle driver(s), it shall be accepted and recognised as bearing valid weight measurements by the competent authorities of the Contracting Parties. As a general rule, competent authorities shall accept the information contained in this Certificate as valid and shall refrain from requiring additional weight measurements. To prevent abuse, the competent authorities may however, in exceptional cases, and particularly when irregularities are suspected, carry out an examination of the vehicle weight in accordance with national regulations.

Weight measurements in order to establish this certificate shall be made, upon the request of the transport operator(s)/goods road vehicle driver(s) whose vehicle is registered in one of the Contracting Parties accepting such certificates, by approved weighing stations at costs which shall be limited to the services rendered.

For the purposes of this certificate, approved weighing stations shall be equipped with weighing instruments corresponding to either:

- OIML Recommendation R 76 'Non-automatic weighing instruments' accuracy Class III or better; or
- OIML Recommendation R 134 'Automatic instruments for weighing road vehicles in motion', accuracy Classes 2, or better, higher error values may apply in case of individual axle weight measurements.

SANCTIONS

Transport operator(s)/goods road vehicles driver(s) are subject to the national legislation for any false declaration made in the International Vehicle Weight Certificate.

In determining the legal value of the weight measurement(s), an estimation of the possible weighing error must be made for each weighing system. This error value, consisting of the intrinsic error of the weighing equipment and the error due to external factors, must be deducted from the measured weight in order to ensure that a possible overweight measurement is not caused by the inaccuracy of the weighing equipment and/or the weighing procedure used.

As a consequence, fines shall not be imposed on transport operators utilising this certificate unless the weight measurement(s) inscribed in this certificate minus the maximum possible weighing error (i.e. 2 per cent maximum or 800 kg in case of a 40 tonne vehicle) exceed(s) the maximum permissible weight(s) as prescribed by the national legislation.

ATTACHMENT
to the INTERNATIONAL VEHICLE WEIGHT CERTIFICATE (IVWC)
Sketches of types of goods road vehicles as required under item 7.1 of the IVWC

No	Goods road vehicles	Vehicle Type * means first alternative axle configuration ** means second alternative axle configuration	Distance between axles (m) ⁽¹⁾ ⁽¹⁾ No specification is given if not relevant
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I. RIGID VEHICLES

1		A ₂	D < 4.0
2		A ₂ *	D ≥ 4.0
3		A ₃	
4		A ₄	

No	Goods road vehicles	Vehicle Type * means first alternative axle configuration ** means second alternative axle configuration	Distance between axles (m) ⁽¹⁾ (¹) No specification is given if not relevant
5		A ₃ *	
6		A ₄ *	
7		A ₅	

II. COMBINATION OF VEHICLES

(coupled vehicles according to the Convention on Road Traffic (1968), Chapter I, Article 1 (t))

1		A ₂ T ₂	
2		A ₂ T ₃	
3		A ₃ T ₂	

No	Goods road vehicles	Vehicle Type * means first alternative axle configuration ** means second alternative axle configuration	Distance between axles (m) ⁽¹⁾ ⁽¹⁾ No specification is given if not relevant
4		A ₃ T ₃	
5		A ₃ T ₃ *	
6		A ₂ C ₂	
7		A ₂ C ₃	
8		A ₃ C ₂	
9		A ₃ C ₃	

No	Goods road vehicles	Vehicle Type * means first alternative axle configuration ** means second alternative axle configuration	Distance between axles (m) ⁽¹⁾ (¹) No specification is given if not relevant
10		A ₂ C ₁	
11		A ₃ C ₁	

III. ARTICULATED VEHICLES

1	with 3 axles		A ₂ S ₁	
2	with 4 axles (single or tandem)		A ₂ S ₂	D ≤ 2.0
			A ₂ S ₂ *	D > 2.0
			A ₃ S ₁	

No	Goods road vehicles		Vehicle Type * means first alternative axle configuration ** means second alternative axle configuration	Distance between axles (m) ⁽¹⁾ (1) No specification is given if not relevant
3	With 5 or 6 axles (single, tandem, triple)		A ₂ S ₃	
			A ₂ S ₃ *	
			A ₂ S ₃ **	
			A ₃ S ₂	D ≤ 2.0
			A ₃ S ₂ *	D > 2.0
			A ₃ S ₃	

No	Goods road vehicles		Vehicle Type * means first alternative axle configuration ** means second alternative axle configuration	Distance between axles (m) ⁽¹⁾ (¹) No specification is given if not relevant
			A ₃ S ₃ *	
			A ₃ S ₃ **	
		Without sketch	A _n S _n	

COMMISSION

COMMISSION DECISION

of 26 February 2009

amending Decision 2005/51/EC as regards the period during which soil contaminated by pesticides or persistent organic pollutants may be introduced into the Community for decontamination purposes

(notified under document number C(2009) 1174)

(2009/162/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community⁽¹⁾, and in particular Article 15(1) thereof,

Whereas:

- (1) By way of derogation from Directive 2000/29/EC, Commission Decision 2005/51/EC of 21 January 2005 authorising Member States temporarily to provide for derogations from certain provisions of Council Directive 2000/29/EC in respect of the importation of soil contaminated by pesticides or persistent organic pollutants for decontamination purposes⁽²⁾ authorises, for a limited period, Member States participating in the United Nations Food and Agriculture Organisation (FAO) programme on prevention and disposal of obsolete and unwanted pesticides to permit the introduction of soil contaminated by such pesticides into the Community for treatment in dedicated hazardous waste incinerators.
- (2) Since the implementation of that programme has been delayed, the period during which contaminated soil may

be introduced under the authorisation granted by Decision 2005/51/EC should further be extended.

- (3) Decision 2005/51/EC should therefore be amended accordingly.
- (4) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DECISION:

Article 1

In the second paragraph of Article 1 of Decision 2005/51/EC the words '28 February 2009' are replaced by the words '29 February 2012'.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 26 February 2009.

For the Commission
Androulla VASSILIOU
Member of the Commission

⁽¹⁾ OJ L 169, 10.7.2000, p. 1.

⁽²⁾ OJ L 21, 25.1.2005, p. 21.

COMMISSION DECISION

of 26 February 2009

amending Decision 1999/217/EC as regards the register of flavouring substances used in or on foodstuffs*(notified under document number C(2009) 1222)***(Text with EEA relevance)**

(2009/163/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 2232/96 of the European Parliament and of the Council of 28 October 1996 laying down a Community procedure for flavouring substances used or intended for use in or on foodstuffs ⁽¹⁾, and in particular Article 3(2) thereof,

Whereas:

(1) Regulation (EC) No 2232/96 lays down the procedure for the establishment of rules in respect of flavouring substances used or intended to be used in foodstuffs. That Regulation provides for the adoption of a register of flavouring substances (the register) following notification by the Member States of a list of the flavouring substances which may be used in or in on foodstuffs marketed in their territory and on the basis of scrutiny by the Commission of that notification.

(2) In addition, Regulation (EC) No 2232/96 provides for a programme of evaluation of the flavouring substances contained in the register (the evaluation programme) in order to check if those substances comply within the general criteria for their use set out in the Annex to that Regulation. Regulation (EC) No 2232/96 provides that the persons responsible for placing the flavouring substances on the market are to forward data necessary for their evaluation to the Commission. That Regulation also provides that following completion of the evaluation programme, the list of flavouring substances the use of which is to be authorised to the exclusion of others, is to be adopted.

(3) By Decision 1999/217/EC ⁽²⁾ the Commission adopted, pursuant to Regulation (EC) No 2232/96, a register of flavouring substances used in or on foodstuffs.

(4) Commission Regulation (EC) No 1565/2000 of 18 July 2000 laying down the measures necessary for the adoption of an evaluation programme in application of Regulation (EC) No 2232/96 of the European Parliament and of the Council ⁽³⁾, provides for certain information to be submitted by the person responsible for placing certain flavouring substances contained in the register on the market in order to enable the evaluation of the substance to be carried out.

(5) For 148 substances no information has been submitted nor has the Commission been informed about any intention to still submit information. Therefore, those substances cannot be evaluated in respect of their compliance with the general criteria for the use of flavouring substances set out in Regulation (EC) No 2232/96. Accordingly, it is appropriate to delete those substances from the register.

(6) In application of Regulation (EC) No 2232/96 and Commission Recommendation 98/282/EC of 21 April 1998 on the ways in which the Member States and the signatory States to the Agreement on the European Economic Area should protect intellectual property in connection with the development and manufacture of flavouring substances referred to in Regulation (EC) No 2232/96 of the European Parliament and of the Council ⁽⁴⁾, for a number of substances, the notifying Member States requested that they should be registered in such a way as to protect the intellectual property rights of the manufacturer.

(7) Protection for those substances, listed in Part B of the register, is limited to a maximum period of five years following the date of receipt of the notification. That period has now expired for the four remaining substances which should consequently be transferred to Part A of the register.

(8) Decision 1999/217/EC should therefore be amended accordingly.

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

⁽¹⁾ OJ L 299, 23.11.1996, p. 1.

⁽²⁾ OJ L 84, 27.3.1999, p. 1.

⁽³⁾ OJ L 180, 19.7.2000, p. 8.

⁽⁴⁾ OJ L 127, 29.4.1998, p. 32.

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 1999/217/EC is amended in accordance with the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 26 February 2009.

For the Commission
Androulla VASSILIOU
Member of the Commission

ANNEX

1. The first paragraph of the Annex to Decision 1999/217/EC, which reads as follows, should be deleted:

'The register of chemically defined flavouring substances has been divided into two distinct parts. Part A lists the substances according to their FL numbers. Part B lists those substances for which confidentiality has been requested by a Member State in order to protect the intellectual property rights of the manufacturer.'

2. Part A of the Annex to Decision 1999/217/EC is amended as follows:

- (a) The rows set out in the table for the substances attributed with the following FL numbers are deleted:

01.025	01.062	01.068	01.069	01.071	01.072	01.073	01.074
01.075	01.076	02.053	02.068	02.118	02.129	02.130	02.151
02.163	02.199	02.215	02.232	02.237	02.238	02.244	03.018
03.021	04.060	04.071	04.081	04.083	05.054	05.133	05.135
05.176	05.177	05.200	05.207	05.209	05.210	05.212	05.213
05.214	05.215	06.060	06.068	06.099	06.108	06.113	07.143
07.144	07.145	07.163	07.173	07.174	07.192	07.216	07.241
07.245	07.246	07.252	08.110	08.111	08.126	08.128	09.311
09.384	09.576	09.635	09.654	09.817	09.845	09.853	09.881
09.887	09.896	09.903	09.914	10.041	10.046	10.065	10.071
11.011	11.012	11.013	11.019	11.022	11.024	12.110	12.115
12.186	12.245	12.246	12.247	12.248	12.250	12.260	12.261
12.263	13.036	13.104	13.110	13.121	13.131	13.147	13.156
13.158	13.159	13.164	13.181	13.187	14.090	14.151	14.153
14.156	14.157	14.158	14.162	14.165	14.166	15.041	15.046
15.053	15.059	15.065	15.073	15.075	15.095	15.100	15.101
15.104	15.105	15.117	15.121	15.122	15.123	15.124	16.050
16.064	16.065	16.066	16.067	16.068	16.069	16.070	16.078
16.079	16.084	16.085	17.009				

- (b) The following rows are inserted in the table:

FL No	Chemical group	CAS	Name	Fema	CoE	Einecs	FL No	Synonyms	Systematic name	Comments
09.929	8	220621-22-7	L-Monomenthyl glutarate	4006			09.929			
03.023	16	1608-72-6	1-Ethoxyethyl-acetate	4069			03.023			
16.083	30	446-71-9	2-(4-Hydroxy-3-methoxyphenyl)-5,7-dihydroxy chromanone				16.083			
07.250	5	3916-64-1	3,5-Heptadien-2-one				07.250			

3. Part B of the Annex to Decision 1999/217/EC is deleted.

III

(Acts adopted under the EU Treaty)

ACTS ADOPTED UNDER TITLE V OF THE EU TREATY

COUNCIL COMMON POSITION 2009/164/CFSP

of 26 February 2009

renewing measures in support of the effective implementation of the mandate of the International Criminal Tribunal for the former Yugoslavia (ICTY)

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS COMMON POSITION:

Article 1

Having regard to the Treaty on European Union, and in particular Article 15 thereof,

Common Position 2004/293/CFSP shall be extended until 16 March 2010.

Article 2

Whereas:

This Common Position shall take effect on the date of its adoption.

Article 3

(1) On 30 March 2004, the Council adopted Common Position 2004/293/CFSP renewing measures in support of the effective implementation of the mandate of the International Criminal Tribunal for the former Yugoslavia (ICTY) ⁽¹⁾. These measures were renewed again by Common Position 2008/223/CFSP ⁽²⁾ until 16 March 2009.

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

Done at Brussels, 26 February 2009.

(2) The measures imposed by Common Position 2004/293/CFSP should be renewed for a further period of 12 months,

For the Council
The President
I. LANGER

⁽¹⁾ OJ L 94, 31.3.2004, p. 65.

⁽²⁾ OJ L 70, 14.3.2008, p. 22.

CORRIGENDA**Corrigendum to Commission Regulation (EC) No 142/2009 of 19 February 2009 fixing the maximum export refund for skimmed milk powder in the framework of the standing invitation to tender provided for in Regulation (EC) No 619/2008**

(Official Journal of the European Union L 49 of 20 February 2009)

On page 9, Article 1 should read as follows:

'Article 1

For the standing invitation to tender opened by Regulation (EC) No 619/2008, for the tendering period ending on 17 February 2009, the maximum amount of refund for the product and destinations referred to in Article 1(c) and in Article 2 of that Regulation shall be EUR 21,98/100 kg.'

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.