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⁽¹⁾ Text with EEA relevance

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I

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

REGULATIONS

COMMISSION REGULATION (EC) No 224/2009**of 19 March 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 20 March 2009.

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

Done at Brussels, 19 March 2009.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 350, 31.12.2007, p. 1.

ANNEX

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

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	IL	173,6
	JO	80,4
	MA	40,1
	TN	132,6
	TR	93,3
	ZZ	104,0
0707 00 05	EG	139,2
	MA	87,9
	MK	118,9
	TR	158,0
	ZZ	126,0
0709 90 70	MA	49,7
	TR	129,1
	ZZ	89,4
0709 90 80	EG	66,1
	ZZ	66,1
0805 10 20	EG	44,2
	IL	57,3
	MA	48,5
	TN	49,8
	TR	63,4
	ZZ	52,6
0805 50 10	TR	64,6
	ZZ	64,6
0808 10 80	AR	90,9
	BR	76,5
	CA	110,4
	CL	79,0
	CN	82,9
	MK	23,7
	US	112,7
	UY	64,5
	ZA	88,2
0808 20 50	ZZ	81,0
	AR	81,4
	CL	132,6
	CN	66,7
	ZA	90,0
	ZZ	92,7

⁽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 225/2009**of 19 March 2009****on the issue of import licences for applications lodged during the first seven days of March 2009
under the tariff quotas opened by Regulation (EC) No 533/2007 for poultrymeat**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Whereas:

Having regard to the Treaty establishing the European Community,

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 20 March 2009.

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

Done at Brussels, 19 March 2009.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 238, 1.9.2006, p. 13.

⁽³⁾ OJ L 125, 15.5.2007, p. 9.

ANNEX

Group No	Order No	Allocation coefficient for import licence applications lodged for the subperiod from 1.4.2009-30.6.2009 (%)
P1	09.4067	2,196645
P2	09.4068	5,952116
P3	09.4069	0,838911
P4	09.4070	(¹)

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

COMMISSION REGULATION (EC) No 226/2009**of 19 March 2009****on the issue of import licences for applications lodged during the first seven days of March 2009 under the tariff quotas opened by Regulation (EC) No 539/2007 for certain products in the egg sector and for egg albumin**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

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

Whereas:

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 20 March 2009.

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

Done at Brussels, 19 March 2009.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 238, 1.9.2006, p. 13.

⁽³⁾ OJ L 128, 16.5.2007, p. 19.

ANNEX

Group No	Order No	Allocation coefficient for import licence applications lodged for the subperiod from 1.4.2009-30.6.2009 (%)
E1	09.4015	(¹)
E2	09.4401	38,158844
E3	09.4402	(²)

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

(²) Not applicable: the applications do not cover the total quantity available.

COMMISSION REGULATION (EC) No 227/2009**of 19 March 2009****on the issue of import licences for applications lodged during the first seven days of March 2009
under the tariff quota opened by Regulation (EC) No 1385/2007 for poultrymeat**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

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

Whereas:

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

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

- (2) The applications for import licences lodged during the first seven days of March 2009 for the subperiod from 1 April to 30 June 2009 do not, for some quotas, cover the total quantity available. The quantities for which applications have not been lodged should therefore be determined, and these should be added to the quantity fixed for the following quota subperiod,

HAS ADOPTED THIS REGULATION:

Article 1

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

2. The quantities for which applications have not been lodged, to be added to the quantity fixed for the subperiod from 1 July to 30 September 2009, are set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 20 March 2009.

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

Done at Brussels, 19 March 2009.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 238, 1.9.2006, p. 13.

⁽³⁾ OJ L 309, 27.11.2007, p. 47.

ANNEX

Group No	Order No	Allocation coefficient for import licence appli- cations lodged for the subperiod from 1.4.2009-30.6.2009 (%)	Quantities not applied for, to be added to the quantity for the subperiod from 1.7.2009-30.9.2009 (kg)
1	09.4410	0,597613	—
2	09.4411	(¹)	2 550 000
3	09.4412	0,633719	—
4	09.4420	1,033551	—
5	09.4421	6,135039	—
6	09.4422	1,160906	—

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

COMMISSION REGULATION (EC) No 228/2009**of 19 March 2009****on the issue of import licences for applications lodged during the first seven days of March 2009 under the tariff quota opened by Regulation (EC) No 1384/2007 for poultrymeat originating in Israel**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

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

Whereas:

The applications for import licences lodged during the first seven days of March 2009 for the subperiod from 1 April to 30 June 2009 do not cover the quantities available. The quantities for which applications have not been lodged should therefore be determined, and these should be added to the quantity fixed for the following quota subperiod,

HAS ADOPTED THIS REGULATION:

Article 1

The quantities for which applications have not been lodged, to be added to the quantity fixed for the subperiod from 1 July to 30 September 2009, are set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 20 March 2009.

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

Done at Brussels, 19 March 2009.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 238, 1.9.2006, p. 13.

⁽³⁾ OJ L 309, 27.11.2007, p. 40.

ANNEX

Group No	Order No	Allocation coefficient for import licence applications lodged for the subperiod from 1.4.2009-30.6.2009 (%)	Quantities not applied for, to be added to the quantity for the subperiod from 1.7.2009-30.9.2009 (kg)
IL1	09.4092	(¹)	570 600
IL2	09.4091	(²)	280 000

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

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

COMMISSION REGULATION (EC) No 229/2009**of 19 March 2009****on the issue of import licences for applications lodged during the first seven days of March 2009 under the tariff quota opened by Regulation (EC) No 1383/2007 for poultrymeat originating in Turkey**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

- (2) The applications for import licences lodged during the first seven days of March 2009 for the subperiod from 1 April to 30 June 2009 do not cover the quantities available. The quantities for which applications have not been lodged should therefore be determined and these should be added to the quantity fixed for the following quota subperiod,

HAS ADOPTED THIS REGULATION:

Article 1

The quantities for which import licence applications pursuant to Regulation (EC) No 1383/2007 under the quota with order number 09.4103 have not been lodged, to be added to the subperiod from 1 July to 30 September 2009, shall be 500 000 kg.

Article 2

This Regulation shall enter into force on 20 March 2009.

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

Done at Brussels, 19 March 2009.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 309, 27.11.2007, p. 34.

COMMISSION REGULATION (EC) No 230/2009**of 19 March 2009****amending Regulation (EC) No 382/2005 laying down detailed rules for the application of Council Regulation (EC) No 1786/2003 on the common organisation of the market in dried fodder**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1782/2003 of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and amending Regulations (EEC) No 2019/93, (EC) No 1452/2001, (EC) No 1453/2001, (EC) No 1454/2001, (EC) No 1868/94, (EC) No 1251/1999, (EC) No 1254/1999, (EC) No 1673/2000, (EEC) No 2358/71 and (EC) No 2529/2001 ⁽¹⁾ and in particular Article (71)(2) second subparagraph thereof,

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) ⁽²⁾ and in particular Article 90, in conjunction with Article 4 thereof,

Whereas:

- (1) In accordance with the Article 18 of Commission Regulation (EC) No 382/2005 ⁽³⁾, the time period for lodging applications for the aid for processing in respect of the products of the dried fodder sector referred to in Article 86 of Regulation (EC) No 1234/2007 during the last month of each marketing year, which ends on

March 31, is only 15 days, while for the other months of the marketing year it is 45 days. In view of administrative problems reported as a result of that short time period, an extension until 30 April should be introduced.

- (2) Regulation (EC) No 382/2005 should therefore be amended accordingly.

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

HAS ADOPTED THIS REGULATION:

Article 1

In Article 18 of Regulation (EC) No 382/2005, paragraph 3 is replaced by the following:

‘3. By way of derogation from paragraph 1, no aid applications for a marketing year may be submitted after 30 April following the end of the marketing year in question, except in cases of *force majeure* or exceptional circumstances.’

Article 2

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

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

Done at Brussels, 19 March 2009.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 1.

⁽²⁾ OJ L 299, 16.11.2007, p. 1.

⁽³⁾ OJ L 61, 8.3.2005, p. 4.

COMMISSION REGULATION (EC) No 231/2009**of 19 March 2009****derogating from Regulation (EC) No 800/1999 as regards the determination of the refund rate for sugar in the case of supplies referred to in Articles 36 and 44 of that Regulation and carried out from 1 to 25 September 2008**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾, and in particular Article 167(7) in conjunction with Article 4 thereof,

Whereas:

- (1) As from 26 September 2008, in accordance with Commission Regulation (EC) No 947/2008 of 25 September 2008 suspending the export refunds on white and raw sugar exported without further processing ⁽²⁾, export refund is no longer available for sugar, including sugar supplied in accordance with Articles 36 and 44 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 ⁽³⁾.
- (2) In accordance with Article 37 of Regulation (EC) No 800/1999, Member States may authorise exporters to use, for products loaded each month, the last day of the month to determine the rate of refund applicable to supplies referred to in Articles 36 and 44 of that Regulation. It is therefore not possible to determine the rate of refund applicable to supplies of sugar products carried out under that procedure from 1 to 25 September 2008.

- (3) Entitlement to the refund on supplies carried out under the procedure provided for in Article 37 of Regulation (EC) No 800/1999, before the date of the entry into force of Regulation (EC) No 947/2008, should not be affected. In order to determine that refund, it is therefore necessary to set the date to be used for that purpose, by way of derogation from Article 37(2) of Regulation (EC) No 800/1999.

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

HAS ADOPTED THIS REGULATION:

Article 1

By way of derogation from Article 37(2) of Regulation (EC) No 800/1999, the date 25 September 2008 shall be used to determine the rate of refund applicable to sugar supplied in accordance with Article 36(1)(a) and (c) and Article 44(1)(a) and (b) of that Regulation during the period from 1 to 25 September 2008.

Article 2

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

It shall apply from 1 September 2008.

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

Done at Brussels, 19 March 2009.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 258, 26.9.2008, p. 60.

⁽³⁾ OJ L 102, 17.4.1999, p. 11.

COMMISSION REGULATION (EC) No 232/2009

of 19 March 2009

concerning the authorisation of a new use of *saccharomyces cerevisiae* NCYC Sc47 as a feed additive for dairy buffaloes (holder of the authorisation Société Industrielle Lesaffre)

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition⁽¹⁾, and in particular Article 9(2) thereof,

Whereas:

- (1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition and for the grounds and procedures for granting such authorisation.
- (2) In accordance with Article 7 of Regulation (EC) No 1831/2003, an application was submitted for the authorisation of the preparation set out in the Annex. That application was accompanied by the particulars and documents required under Article 7(3) of that Regulation.
- (3) The application concerns the authorisation of a new use of the preparation of *Saccharomyces cerevisiae* NCYC Sc47 as a feed additive for dairy buffaloes, to be classified in the additive category 'zootechnical additives'.
- (4) The use of the preparation of *Saccharomyces cerevisiae* NCYC Sc47 was authorised for dairy cows by Commission Regulation (EC) No 1811/2005⁽²⁾, for cattle for fattening by Commission Regulation (EC) No 316/2003⁽³⁾, for piglets (weaned) by Commission Regu-

lation (EC) No 2148/2004⁽⁴⁾, for sows by Commission Regulation (EC) No 1288/2004⁽⁵⁾, for rabbits for fattening by Commission Regulation (EC) No 600/2005⁽⁶⁾, for horses by Commission Regulation (EC) No 186/2007⁽⁷⁾, for dairy goats and dairy sheep by Commission Regulation (EC) No 188/2007⁽⁸⁾, for lambs for fattening by Commission Regulation (EC) No 1447/2006⁽⁹⁾ and for pigs for fattening by Commission Regulation (EC) No 209/2008⁽¹⁰⁾.

- (5) New data were submitted in support of an application for authorisation for dairy buffaloes. The European Food Safety Authority (hereinafter the Authority) concludes in its opinion of 21 October 2008⁽¹¹⁾ that *Saccharomyces cerevisiae* NCYC Sc47, as produced by the applicant Société Industrielle Lesaffre, can be presumed safe for the target species, consumers and the wider environment. In addition, it concludes that its use with dairy buffaloes is not expected to introduce any additional hazards for users. According to that opinion, that preparation can produce a significant effect on increasing milk protein content and its use does not have any treatment-related adverse effects on this additional animal category. The Authority does not consider that there is a need for specific requirements of post market monitoring. It also verified the report on the method of analysis of the feed additive in feed submitted by the Community Reference Laboratory set up by Regulation (EC) No 1831/2003.
- (6) The assessment of that preparation shows that the conditions for authorisation, provided for in Article 5 of Regulation (EC) No 1831/2003, are satisfied. Accordingly, the use of that preparation should be authorised, as specified in the Annex to this Regulation.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

⁽¹⁾ OJ L 268, 18.10.2003, p. 29.

⁽²⁾ OJ L 291, 5.11.2005, p. 12.

⁽³⁾ OJ L 46, 20.2.2003, p. 15.

⁽⁴⁾ OJ L 370, 17.12.2004, p. 24.

⁽⁵⁾ OJ L 243, 15.7.2004, p. 10.

⁽⁶⁾ OJ L 99, 19.4.2005, p. 5.

⁽⁷⁾ OJ L 63, 1.3.2007, p. 6.

⁽⁸⁾ OJ L 57, 24.2.2007, p. 3.

⁽⁹⁾ OJ L 271, 30.9.2006, p. 28.

⁽¹⁰⁾ OJ L 63, 7.3.2008, p. 3.

⁽¹¹⁾ Scientific Opinion of the Panel on Additives and Products or Substances used in Animal Feed on the safety and efficacy of Biosaf Sc47 (*Saccharomyces cerevisiae* NCYC Sc47) as feed additive for dairy buffaloes. *The EFSA Journal* (2008) 837, 1-10.

HAS ADOPTED THIS REGULATION:

animal nutrition subject to the conditions laid down in that Annex.

Article 1

The preparation specified in the Annex, belonging to the additive category 'zootechnical additives' and to the functional group 'gut flora stabilisers', is authorised as an additive in

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, 19 March 2009.

For the Commission

Androulla VASSILIOU

Member of the Commission

ANNEX

Identification number of the additive	Name of the holder of authorisation	Additive	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
						CFU/kg of complete feedingsstuff with a moisture content of 12 %			
Category of zootechnical additives. Functional group: gut flora stabilisers.									
4b1702	Société Industrielle Lesaffre	<i>Saccharomyces cerevisiae</i> NCYC Sc47	Additive composition: Preparation of <i>Saccharomyces cerevisiae</i> NCYC Sc47 containing a minimum of 5×10^9 CFU/g Characterisation of active substance: <i>Saccharomyces cerevisiae</i> NCYC Sc47 Analytical methods (*): Pour plate method using a chloramphenicol yeast extract agar based on the ISO 7954 method Polymerase chain reaction (PCR)	Dairy buffaloes	—	$5,0 \times 10^8$	$1,4 \times 10^9$	In the directions for use of the additive and premixture, indicate the storage temperature, storage life and stability to pelleting	8 April 2019

(*) Details of the analytical methods are available at the following address of the Community Reference Laboratory: www.irmm.jrc.be/crl-feed-additives

COMMISSION REGULATION (EC) No 233/2009
of 19 March 2009
fixing the export refunds on milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 20 March 2009.

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

Done at Brussels, 19 March 2009.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 218, 6.8.1998, p. 46.

⁽³⁾ OJ L 218, 6.8.1998, p. 45.

⁽⁴⁾ OJ L 234, 29.8.2006, p. 4.

ANNEX

Export refunds on milk and milk products applicable from 20 March 2009

Product code	Destination	Unit of measurement	Refunds	Product code	Destination	Unit of measurement	Refunds
0401 30 31 9100	L20	EUR/100 kg	10,43	0402 29 19 9900	L20	EUR/100 kg	29,00
0401 30 31 9400	L20	EUR/100 kg	16,34	0402 29 99 9100	L20	EUR/100 kg	29,16
0401 30 31 9700	L20	EUR/100 kg	18,02	0402 29 99 9500	L20	EUR/100 kg	30,99
0401 30 39 9100	L20	EUR/100 kg	10,43	0402 91 10 9370	L20	EUR/100 kg	2,88
0401 30 39 9400	L20	EUR/100 kg	16,34	0402 91 30 9300	L20	EUR/100 kg	3,41
0401 30 39 9700	L20	EUR/100 kg	18,02	0402 91 99 9000	L20	EUR/100 kg	20,56
0401 30 91 9100	L20	EUR/100 kg	20,56	0402 99 10 9350	L20	EUR/100 kg	7,41
0401 30 99 9100	L20	EUR/100 kg	20,56	0402 99 31 9300	L20	EUR/100 kg	10,43
0401 30 99 9500	L20	EUR/100 kg	30,26	0403 90 11 9000	L20	EUR/100 kg	19,00
0402 10 11 9000	L20	EUR/100 kg	19,00	0403 90 13 9200	L20	EUR/100 kg	19,00
0402 10 19 9000	L20	EUR/100 kg	19,00	0403 90 13 9300	L20	EUR/100 kg	26,35
0402 10 99 9000	L20	EUR/100 kg	19,00	0403 90 13 9500	L20	EUR/100 kg	27,36
0402 21 11 9200	L20	EUR/100 kg	19,00	0403 90 13 9900	L20	EUR/100 kg	29,00
0402 21 11 9300	L20	EUR/100 kg	26,35	0403 90 33 9400	L20	EUR/100 kg	26,35
0402 21 11 9500	L20	EUR/100 kg	27,36	0403 90 59 9310	L20	EUR/100 kg	10,43
0402 21 11 9900	L20	EUR/100 kg	29,00	0403 90 59 9340	L20	EUR/100 kg	16,34
0402 21 17 9000	L20	EUR/100 kg	19,00	0403 90 59 9370	L20	EUR/100 kg	18,02
0402 21 19 9300	L20	EUR/100 kg	26,35	0404 90 21 9120	L20	EUR/100 kg	16,21
0402 21 19 9500	L20	EUR/100 kg	27,36	0404 90 21 9160	L20	EUR/100 kg	19,00
0402 21 19 9900	L20	EUR/100 kg	29,00	0404 90 23 9120	L20	EUR/100 kg	19,00
0402 21 91 9100	L20	EUR/100 kg	29,16	0404 90 23 9130	L20	EUR/100 kg	26,35
0402 21 91 9200	L20	EUR/100 kg	29,32	0404 90 23 9140	L20	EUR/100 kg	27,36
0402 21 91 9350	L20	EUR/100 kg	29,59	0404 90 23 9150	L20	EUR/100 kg	29,00
0402 21 99 9100	L20	EUR/100 kg	29,16	0404 90 81 9100	L20	EUR/100 kg	19,00
0402 21 99 9200	L20	EUR/100 kg	29,32	0404 90 83 9110	L20	EUR/100 kg	19,00
0402 21 99 9300	L20	EUR/100 kg	29,59	0404 90 83 9130	L20	EUR/100 kg	26,35
0402 21 99 9400	L20	EUR/100 kg	30,99	0404 90 83 9150	L20	EUR/100 kg	27,36
0402 21 99 9500	L20	EUR/100 kg	31,49	0404 90 83 9170	L20	EUR/100 kg	29,00
0402 21 99 9600	L20	EUR/100 kg	33,46	0405 10 11 9500	L20	EUR/100 kg	53,66
0402 21 99 9700	L20	EUR/100 kg	34,55	0405 10 11 9700	L20	EUR/100 kg	55,00
0402 29 15 9200	L20	EUR/100 kg	19,00				
0402 29 15 9300	L20	EUR/100 kg	26,35				
0402 29 15 9500	L20	EUR/100 kg	27,36				
0402 29 19 9300	L20	EUR/100 kg	26,35				
0402 29 19 9500	L20	EUR/100 kg	27,36				

Product code	Destination	Unit of measurement	Refunds	Product code	Destination	Unit of measurement	Refunds
0405 10 19 9500	L20	EUR/100 kg	53,66	0406 30 39 9500	L04	EUR/100 kg	4,62
0405 10 19 9700	L20	EUR/100 kg	55,00		L40	EUR/100 kg	5,77
0405 10 30 9100	L20	EUR/100 kg	53,66	0406 30 39 9700	L04	EUR/100 kg	4,96
0405 10 30 9300	L20	EUR/100 kg	55,00		L40	EUR/100 kg	6,20
0405 10 30 9700	L20	EUR/100 kg	55,00	0406 30 39 9930	L04	EUR/100 kg	5,31
0405 10 50 9500	L20	EUR/100 kg	53,66		L40	EUR/100 kg	6,64
0405 10 50 9700	L20	EUR/100 kg	55,00	0406 30 39 9950	L04	EUR/100 kg	5,11
0405 10 90 9000	L20	EUR/100 kg	57,01		L40	EUR/100 kg	6,39
0405 20 90 9500	L20	EUR/100 kg	50,30	0406 40 50 9000	L04	EUR/100 kg	12,47
0405 20 90 9700	L20	EUR/100 kg	52,32		L40	EUR/100 kg	15,59
0405 90 10 9000	L20	EUR/100 kg	66,60	0406 40 90 9000	L04	EUR/100 kg	13,82
0405 90 90 9000	L20	EUR/100 kg	55,00		L40	EUR/100 kg	17,28
0406 10 20 9640	L04	EUR/100 kg	11,78	0406 90 13 9000	L04	EUR/100 kg	17,58
	L40	EUR/100 kg	14,72		L40	EUR/100 kg	21,98
0406 10 20 9650	L04	EUR/100 kg	9,82	0406 90 15 9100	L04	EUR/100 kg	18,17
	L40	EUR/100 kg	12,27		L40	EUR/100 kg	22,71
0406 10 20 9830	L04	EUR/100 kg	7,03	0406 90 17 9100	L04	EUR/100 kg	18,17
	L40	EUR/100 kg	8,79		L40	EUR/100 kg	22,71
0406 10 20 9850	L04	EUR/100 kg	6,85	0406 90 21 9900	L04	EUR/100 kg	17,60
	L40	EUR/100 kg	8,56		L40	EUR/100 kg	22,00
0406 20 90 9913	L04	EUR/100 kg	8,54	0406 90 23 9900	L04	EUR/100 kg	15,93
	L40	EUR/100 kg	10,68		L40	EUR/100 kg	19,91
0406 20 90 9915	L04	EUR/100 kg	11,61	0406 90 25 9900	L04	EUR/100 kg	15,53
	L40	EUR/100 kg	14,51		L40	EUR/100 kg	19,41
0406 20 90 9917	L04	EUR/100 kg	12,34	0406 90 27 9900	L04	EUR/100 kg	14,06
	L40	EUR/100 kg	15,42		L40	EUR/100 kg	17,58
0406 20 90 9919	L04	EUR/100 kg	13,79	0406 90 32 9119	L04	EUR/100 kg	13,02
	L40	EUR/100 kg	17,24		L40	EUR/100 kg	16,28
0406 30 31 9730	L04	EUR/100 kg	5,29	0406 90 35 9190	L04	EUR/100 kg	18,63
	L40	EUR/100 kg	6,61		L40	EUR/100 kg	23,29
0406 30 31 9930	L04	EUR/100 kg	5,69	0406 90 35 9990	L04	EUR/100 kg	18,63
	L40	EUR/100 kg	7,11		L40	EUR/100 kg	23,29
0406 30 31 9950	L04	EUR/100 kg	5,17	0406 90 37 9000	L04	EUR/100 kg	17,58
	L40	EUR/100 kg	6,46		L40	EUR/100 kg	21,98
				0406 90 61 9000	L04	EUR/100 kg	20,31
					L40	EUR/100 kg	25,39

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

The destinations are defined as follows:

L20: All destinations with the exception of:

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

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

L40: All destinations with the exception of:

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

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

COMMISSION REGULATION (EC) No 234/2009**of 19 March 2009****fixing the maximum export refund for butter in the framework of the standing invitation to tender
provided for in Regulation (EC) No 619/2008**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

the invitation to tender, it is appropriate to fix a maximum export refund for the tendering period ending on 17 March 2009.

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

HAS ADOPTED THIS REGULATION:

Article 1

For the standing invitation to tender opened by Regulation (EC) No 619/2008, for the tendering period ending on 17 March 2009, the maximum amount of refund for the products and destinations referred to in Article 1(a) and (b) and in Article 2 respectively of that Regulation shall be as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 20 March 2009.

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

Done at Brussels, 19 March 2009.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 168, 28.6.2008, p. 20.

⁽³⁾ OJ L 325, 11.12.2007, p. 69.

ANNEX

(EUR/100 kg)

Product	Export refund Code	Maximum amount of export refund for exports to the destinations referred to in Article 2 of Regulation (EC) No 619/2008
Butter	ex 0405 10 19 9700	60,00
Butteroil	ex 0405 90 10 9000	73,00

COMMISSION REGULATION (EC) No 235/2009**of 19 March 2009****fixing the maximum export refund for skimmed milk powder in the framework of the standing invitation to tender provided for in Regulation (EC) No 619/2008**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

refunds for certain agricultural products ⁽³⁾ and following an examination of the tenders submitted in response to the invitation to tender, it is appropriate to fix a maximum export refund for the tendering period ending on 17 March 2009.

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

HAS ADOPTED THIS REGULATION:

Article 1

For the standing invitation to tender opened by Regulation (EC) No 619/2008, for the tendering period ending on 17 March 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 22,00/100 kg.

Article 2

This Regulation shall enter into force on 20 March 2009.

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

Done at Brussels, 19 March 2009.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 168, 28.6.2008, p. 20.

⁽³⁾ OJ L 325, 11.12.2007, p. 69.

COMMISSION REGULATION (EC) No 236/2009**of 19 March 2009****fixing representative prices in the poultrymeat and egg sectors and for egg albumin, and amending Regulation (EC) No 1484/95**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

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

Done at Brussels, 19 March 2009.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 145, 29.6.1995, p. 47.

ANNEX

**to the Commission Regulation of 19 March 2009 fixing representative prices in the poultrymeat and egg sectors
and for egg albumin, and amending Regulation (EC) No 1484/95**

‘ANNEX I

CN code	Description of goods	Representative price (EUR/100 kg)	Security under Article 3(3) (EUR/100 kg)	Origin ⁽¹⁾
0207 12 10	Fowls of the species <i>Gallus domesticus</i> , not cut in pieces, presented as “70 % chickens”, frozen	114,6	0	BR
		106,9	0	AR
0207 12 90	Fowls of the species <i>Gallus domesticus</i> , not cut in pieces, presented as “65 % chickens”, frozen	124,5	0	BR
		127,2	0	AR
0207 14 10	Fowls of the species <i>Gallus domesticus</i> , boneless cuts, frozen	204,4	29	BR
		229,8	21	AR
		270,3	9	CL
0207 14 50	Fowls of the species <i>Gallus domesticus</i> , breasts, frozen	192,6	6	BR
		146,3	20	AR
0207 14 60	Fowl of the species <i>Gallus domesticus</i> , legs, frozen	115,5	8	BR
0207 25 10	Turkeys, not cut in pieces, presented as “80 % turkeys”, frozen	213,5	0	BR
0207 27 10	Turkeys, boneless cuts, frozen	265,9	9	BR
		262,5	10	CL
0408 11 80	Egg yolks	383,8	0	AR
0408 91 80	Eggs, not in shell, dried	378,3	0	AR
1602 32 11	Preparations of fowls of the species <i>Gallus domesticus</i> , uncooked	211,6	23	BR
3502 11 90	Egg albumin, dried	563,1	0	AR

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

COMMISSION REGULATION (EC) No 237/2009**of 19 March 2009****fixing the rates of the refunds applicable to milk and milk products exported in the form of goods not covered by Annex I to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

(4) Article 11 of the Agreement on Agriculture concluded under the Uruguay Round lays down that the export refund for a product contained in a good may not exceed the refund applicable to that product when exported without further processing.

(5) However, in the case of certain milk products exported in the form of goods not covered by Annex I to the Treaty, there is a danger that, if high refund rates are fixed in advance, the commitments entered into in relation to those refunds may be jeopardised. In order to avert that danger, it is therefore necessary to take appropriate precautionary measures, but without precluding the conclusion of long-term contracts. The fixing of specific refund rates for the advance fixing of refunds in respect of those products should enable those two objectives to be met.

(1) Article 162(1)b of Regulation (EC) No 1234/2007 provides that the difference between prices in international trade for the products referred to in Article 1(1)(p) and listed in Part XVI of Annex I to that Regulation and prices within the Community may be covered by an export refund where these goods are exported in the form of goods listed in Part IV of Annex XX to that Regulation.

(6) Article 15(2) of Regulation (EC) No 1043/2005 provides that, when the rate of the refund is being fixed, account is to be taken, where appropriate, of production refunds, aids or other measures having equivalent effect applicable in all Member States in accordance with the Regulation on the common organisation of the agricultural markets to the basic products listed in Annex I to Regulation (EC) No 1043/2005 or to assimilated products.

(2) Commission Regulation (EC) No 1043/2005 of 30 June 2005 implementing Council Regulation (EC) No 3448/93 as regards the system of granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds ⁽²⁾, specifies the products for which a rate of refund is to be fixed, to be applied where these products are exported in the form of goods listed in Part IV of Annex XX to Regulation (EC) No 1234/2007.

(7) Article 100(1) of Regulation (EC) No 1234/2007 provides for the payment of aid for Community-produced skimmed milk processed into casein if such milk and the casein manufactured from it fulfil certain conditions.

(3) In accordance with the second paragraph, subparagraph (a) of Article 14 of Regulation (EC) No 1043/2005, the rate of the refund per 100 kilograms for each of the basic products in question is to be fixed for a period of the same duration as that for which refunds are fixed for the same products exported unprocessed.

(8) Commission Regulation (EC) No 1898/2005 of 9 November 2005 laying down detailed rules for implementing Council Regulation (EC) No 1255/1999 as regards measures for the disposal of cream, butter and concentrated butter ⁽³⁾, lays down that butter and cream at reduced prices should be made available to industries which manufacture certain goods.

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 172, 5.7.2005, p. 24.

⁽³⁾ OJ L 308, 25.11.2005, p. 1.

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 20 March 2009.

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

Done at Brussels, 19 March 2009.

For the Commission

Heinz ZOUREK

Director-General Enterprise and Industry

ANNEX

Rates of the refunds applicable from 20 March 2009 to certain milk products exported in the form of goods not covered by Annex I to the Treaty ⁽¹⁾

(EUR/100 kg)

CN code	Description	Rate of refund	
		In case of advance fixing of refunds	Other
ex 0402 10 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content not exceeding 1,5 % by weight (PG 2):		
	(a) on exportation of goods of CN code 3501	—	—
	(b) on exportation of other goods	19,00	19,00
ex 0402 21 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content of 26 % by weight (PG 3):		
	(a) where goods incorporating, in the form of products assimilated to PG 3, reduced-price butter or cream obtained pursuant to Regulation (EC) No 1898/2005 are exported	31,50	31,50
	(b) on exportation of other goods	29,00	29,00
ex 0405 10	Butter, with a fat content by weight of 82 % (PG 6):		
	(a) where goods containing reduced-price butter or cream which have been manufactured in accordance with the conditions provided for in Regulation (EC) No 1898/2005 are exported	55,00	55,00
	(b) on exportation of goods of CN code 2106 90 98 containing 40 % or more by weight of milk fat	56,28	56,28
	(c) on exportation of other goods	55,00	55,00

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

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

COMMISSION REGULATION (EC) No 238/2009**of 19 March 2009****fixing the maximum buying-in price for butter for the first individual invitation to tender within the tendering procedure opened by Regulation (EC) No 186/2009**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

For the first individual invitation to tender for the buying-in of butter within the tendering procedure opened by Regulation (EC) No 186/2009, in respect of which the time limit for the submission of tenders expired on 17 March 2009, the maximum buying-in price shall be EUR 220,00/100 kg.

Article 2

This Regulation shall enter into force on 20 March 2009.

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

Done at Brussels, 19 March 2009.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 64, 10.3.2009, p. 3.

⁽³⁾ OJ L 32, 6.2.2008, p. 3.

II

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

DECISIONS

COUNCIL

COUNCIL DECISION

of 16 March 2009

appointing the Chairperson of the European Statistical Governance Advisory Board

(2009/249/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Article 2

Having regard to Decision No 235/2008/EC of the European Parliament and of the Council of 11 March 2008 establishing the European Statistical Governance Advisory Board ⁽¹⁾, and in particular Article 3 thereof,

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

Having regard to the opinion of the Commission,

Having regard to the approval of the European Parliament,

Done at Brussels, 16 March 2009.

HAS DECIDED AS FOLLOWS:

Article 1

Mr Johnny ÅKERHOLM is hereby appointed Chairperson of the European Statistical Governance Advisory Board for a period of three years.

For the Council
The President
A. VONDRA

⁽¹⁾ OJ L 73, 15.3.2008, p. 17.

COUNCIL DECISION**of 16 March 2009****appointing three members of the European Statistical Governance Advisory Board**

(2009/250/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Decision No 235/2008/EC of the European Parliament and of the Council of 11 March 2008 establishing the European Statistical Governance Advisory Board ⁽¹⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Commission,

HAS DECIDED AS FOLLOWS:

Article 1

The following are hereby appointed as the members representing the Council in the European Statistical Governance Advisory Board for a period of three years:

— Sir Tony ATKINSON, Senior Research Fellow, Nuffield College, Oxford, United Kingdom,

— Johann HAHLEN, Former President of the Federal Statistical Office, Germany,

— Edvard OUTRATA, Former President of the Czech Statistical Office, Czech Republic.

Article 2

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

Done at Brussels, 16 March 2009.

For the Council

The President

A. VONDRA

⁽¹⁾ OJ L 73, 15.3.2008, p. 17.

COMMISSION

COMMISSION DECISION

of 17 March 2009

requiring Member States to ensure that products containing the biocide dimethylfumarate are not placed or made available on the market

(notified under document number C(2009) 1723)

(Text with EEA relevance)

(2009/251/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2001/95/EC of the European Parliament and of the Council of 3 December 2001 on general product safety ⁽¹⁾, and in particular Article 13 thereof,

Having consulted the Member States,

Whereas:

(1) Pursuant to Directive 2001/95/EC producers are obliged to place only safe consumer products on the market.

(2) Furniture and footwear available on the market in several Member States have been identified as the cause of damage to the health of consumers in France, Poland, Finland, Sweden and the UK.

(3) According to clinical tests the health damage was caused by the chemical dimethylfumarate (DMF), a biocide preventing moulds that may deteriorate leather furniture or footwear during storage or transport in a humid climate.

(4) DMF was most often contained in little pouches fixed inside the furniture or added to the footwear boxes. It thus evaporated and impregnated the product, protecting it from moulds. However, it then also affected consumers who were in contact with the products. DMF penetrated through the clothes onto consumers' skin ⁽²⁾ where it caused painful skin contact dermatitis, including itching, irritation, redness, and burns; in some cases, acute respiratory troubles were reported. The dermatitis was particularly difficult to treat. The presence of DMF is thus a serious risk.

(5) Under Article 13 of Directive 2001/95/EC, if the European Commission becomes aware that certain products present a serious risk to the health and safety of consumers, it may, subject to certain conditions, adopt a decision requiring Member States to take measures intended in particular to restrict or make subject to specific conditions the availability on the market of such products.

(6) Such a decision may be adopted if (a) Member States differ significantly on the approach adopted or to be adopted to deal with the risk concerned; (b) the risk cannot, in view of the nature of the safety issue, be dealt with in a manner compatible with the degree of urgency of the case under other procedures laid down by the specific Community legislation applicable to the product concerned; and (c) the risk can be eliminated effectively only by adopting appropriate measures applicable at Community level, in order to ensure a consistent and high level of protection of the health and safety of consumers and the proper functioning of the internal market.

⁽¹⁾ OJ L 11, 15.1.2002, p. 4.

⁽²⁾ Williams J.D.L., et al. (2008), 'An outbreak of furniture dermatitis in the UK', *British Journal of Dermatology* 159: p. 233-234.

- (7) A clinical study on humans ⁽¹⁾ (patch tests) with leather furniture and patches of pure DMF showed strong reactions in the most severe case down to 1 mg/kg. On the basis of this study, France adopted a decree ⁽²⁾ which bans the importation and placing on the market of seating and footwear containing DMF. The French decree also requires the recall of all seating and footwear which visibly contains, or the packaging of which visibly contains, DMF. The duration of the decree is limited to 1 year. Belgium issued a decree ⁽³⁾, on the basis of the same study, which bans the placing on the market of all articles and products containing DMF. Spain issued measures ⁽⁴⁾ banning DMF in all consumer products coming into contact with the skin.
- (8) Belgium, Spain and France are the only Member States having adopted specific regulatory measures to address the serious risk to consumer health from the biocide DMF.
- (9) Under Article 2(1)(a) of Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market (the Biocides Directive) ⁽⁵⁾, biocidal products are defined as active substances and preparations containing one or more active substances, which are intended to destroy, deter, render harmless, prevent the action of, or otherwise exert a controlling effect on any harmful organism by chemical or biological means. Article 3(1) of the Biocides Directive requires Member States to prescribe that a biocidal product shall not be placed on the market and used in their territory unless it has been authorised in accordance with the Directive; and Article 5(1)(b)(iii) of the Directive provides that Member States shall authorise a biocidal product only if, amongst other things, it has no unacceptable effects itself or as a result of its residues, on human health, directly or indirectly. Thus, very high safety standards have to be fulfilled before a biocidal product can be authorised.
- (10) Biocidal products containing DMF are not authorised in the Community in accordance with the Biocides Directive. Thus, biocidal products containing DMF are not legally available in the Community for the treatment of products against moulds, and thus no product manufactured in the EU can legally contain DMF. However, there is no restriction when DMF is present in products (or raw materials of products) that are imported into the Community.
- (11) Any restriction of DMF to be put in place under Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC ⁽⁶⁾ would be impossible in the short term and would thus not suffice with regard to the urgency of the present risk management need.
- (12) In these circumstances, Member States should be required to ensure that no products containing DMF are placed or made available on the market, in order to prevent the serious risk posed by these products to consumers, until a permanent solution becomes available.
- (13) The presence of DMF in products should be determined against the maximum limit of 0,1 mg DMF per kg of product or part of the product. This is considered to be sufficiently below the concentration of 1 mg/kg which showed a strong reaction in the patch tests mentioned above. The maximum limit of 0,1 mg/kg thus appropriately addresses the serious risk from DMF in products.
- (14) Accordingly, the analytical method employed should be able to reliably quantify 0,1 mg DMF per kg of product or part of the product. This means that the method's quantification limit should be 0,1 mg/kg or less.
- (15) Member States must carry out market surveillance and enforcement activities to prevent risks posed by unsafe products to the health and safety of consumers.
- ⁽¹⁾ Rantanen T. (2008), 'The cause of the Chinese sofa/chair dermatitis epidemic is likely to be contact allergy to dimethylfumarate, a novel potent contact sensitizer.' Concise communication, *British Journal of Dermatology* 159: p. 218-221.
- ⁽²⁾ Ministry for the Economy, Industry and Employment, Decree of 4 December 2008 suspending the placing on the market of seats and footwear containing DMF from the market. JORF (French Official Journal), 10 December 2008, Text 17 of 108.
- ⁽³⁾ The Minister for Public Health and the Minister for Consumer Protection, Ministerial Decree concerning the prohibition of placing articles and products containing DMF on the market. *Belgisch Staatsblad/Moniteur belge* (Belgian Official Journal), 12 January 2009.
- ⁽⁴⁾ Resolution of 22 December 2008 of the National Consumer Institute BOE (Spanish Official Journal) No 18, 21 January 2009, Sec. V-B, p. 5474.
- ⁽⁵⁾ OJ L 123, 24.4.1998, p. 1.
- ⁽⁶⁾ OJ L 396, 30.12.2006, p. 1, as corrected by OJ L 136, 29.5.2007, p. 3.

- (16) A short transition period is necessary in the interests of both the Member States, who must ensure that this Decision will be applied, and producers and distributors who are subject to the obligation to make available on the market only safe products. The shortest possible transition period is appropriate, consistent with the need to prevent further incidents of serious damage to the health and safety of consumers and to ensure proportionality.
- (17) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 15 of Directive 2001/95/EC,

HAS ADOPTED THIS DECISION:

Article 1

Definitions

For the purposes of this Decision the following definitions shall apply:

- (a) 'DMF' means the chemical dimethylfumarate, with the IUPAC name Dimethyl (E)-butenedioate, the CAS No 624-49-7 and the Eines No 210-849-0;
- (b) 'product' means any product as defined in Article 2(a) of Directive 2001/95/EC;
- (c) 'product containing DMF' means any product or any part of a product where either:
- (i) the presence of DMF is declared, such as on one or more pouches; or
 - (ii) the concentration of DMF is greater than 0,1 mg/kg of the weight of the product or part of the product;
- (d) 'placing on the market' means the first making available of a product on the Community market;
- (e) 'made available on the market' means supplied for distribution, consumption or use on the Community market in the course of a commercial activity, whether in return for payment or free of charge.

Article 2

Implementation

1. As of 1 May 2009 Member States shall ensure that products containing DMF are prohibited from being placed or made available on the market.
2. As of 1 May 2009 Member States shall ensure that products containing DMF and already placed or made available on the market are withdrawn from the market and recalled from consumers, and that consumers are adequately informed of the risk posed by such products.
3. Member States shall inform the Commission without delay of the measures taken under this Article in accordance with Article 12 of Directive 2001/95/EC.

Article 3

Information

Member States shall take the necessary measures to comply with this Decision, publish those measures and inform the Commission thereof accordingly.

Article 4

Period of application

This Decision shall be applicable until 15 March 2010.

Article 5

Addressees

This Decision is addressed to the Member States.

Done at Brussels, 17 March 2009.

For the Commission

Meglana KUNEVA

Member of the Commission

CORRIGENDA**Corrigendum to Council Decision 2009/242/EC of 16 March 2009 appointing one Italian member of the Committee of the Regions**

(Official Journal of the European Union L 72 of 18 March 2009)

On page five in the closing formula, the signature:

for: 'L. CHATEL',

read: 'A. VONDRA'.
