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I

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

REGULATIONS

COMMISSION REGULATION (EC) No 239/2009**of 20 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 21 March 2009.

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

Done at Brussels, 20 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	91,9
	JO	80,4
	MA	46,6
	TN	132,6
	TR	94,5
	ZZ	89,2
0707 00 05	MA	87,9
	MK	118,9
	TR	165,6
	ZZ	124,1
0709 90 70	MA	51,5
	TR	116,1
	ZZ	83,8
0709 90 80	EG	74,5
	ZZ	74,5
0805 10 20	EG	43,6
	IL	56,1
	MA	48,4
	TN	59,3
	TR	64,1
	ZZ	54,3
0805 50 10	TR	51,9
	ZZ	51,9
0808 10 80	AR	98,4
	BR	79,4
	CA	110,4
	CL	81,1
	CN	71,5
	MK	23,7
	US	114,6
	UY	68,7
	ZA	85,5
	ZZ	81,5
0808 20 50	AR	80,7
	CL	132,0
	CN	66,7
	ZA	91,5
	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 240/2009**of 20 March 2009****amending Regulation (EC) No 1282/2006 as regards export licences and export refunds for 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 Articles 170 and 171 in conjunction with Article 4 thereof,

Whereas:

(1) Article 16 and Appendix 2 of Annex III to the Economic Partnership Agreement between the Cariforum States, of the one part, and the European Community and its Member States, of the other part ⁽²⁾, the signature and provisional application of which has been approved by Council Decision 2008/805/EC ⁽³⁾, provide for the tariff quota of milk powder previously contained in the Memorandum of Understanding between the European Community and the Dominican Republic on import protection for milk powder in the Dominican Republic ⁽⁴⁾, approved by Council Decision 98/486/EC ⁽⁵⁾. Article 29(1) of Commission Regulation (EC) No 1282/2006 ⁽⁶⁾ should be updated accordingly.

(2) Article 30(1)(b) of Regulation (EC) No 1282/2006 provides that applicants in the second part of the quota have to prove that they have been engaged in trade with third countries. It appears that this condition can be interpreted in different ways. It should therefore be clarified by specifying that trade with third countries has to be proven by presentation of the relevant customs documents.

(3) Article 30(3) of Regulation (EC) No 1282/2006 provides for a security of EUR 15 per 100 kilograms. With a view on harmonisation and simplification it is appropriate to align it to the general level, as provided for in Article 10 of that Regulation, which is also applicable for the management of the cheese quota referred to in Section 2 of Chapter III of that Regulation.

(4) Regulation (EC) No 1282/2006 should therefore be amended accordingly.

(5) It should be provided for that the amended provisions should not apply on licences that have been issued already.

(6) 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 1282/2006 is amended as follows:

1. Paragraph 1 of Article 29 is replaced by the following:

‘1. The presentation to the competent authorities of the Dominican Republic of a certified copy of the export licence issued in accordance with this Section and a duly endorsed copy of the export declaration for each consignment shall be required for exports to the Dominican Republic of milk powder under the quota provided for in Appendix 2 of Annex III to the Economic Partnership Agreement between the Cariforum States and the European Community and its Member States ^(*), the signature and provisional application of which has been approved by Council Decision 2008/805/EC ^(**).

^(*) OJ L 289, 30.10.2008, p. 3.

^(**) OJ L 289, 30.10.2008, p. 1.’

2. Article 30 is amended as follows:

(a) In paragraph 1 the following subparagraph is added:

‘Proof of trade, as provided for in point (b) of the first subparagraph, shall be furnished exclusively either by means of the customs documents of release for free circulation, duly endorsed by the customs authorities and containing a reference to the applicant concerned as being the consignee, or by means of the customs document of exportation duly endorsed by the customs authorities.’

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 289, 30.10.2008, p. 3.

⁽³⁾ OJ L 289, 30.10.2008, p. 1.

⁽⁴⁾ OJ L 218, 6.8.1998, p. 46.

⁽⁵⁾ OJ L 218, 6.8.1998, p. 45.

⁽⁶⁾ OJ L 234, 29.8.2006, p. 4.

(b) In the second subparagraph of paragraph 3, point (a) is replaced by the following:

‘(a) lodge a security in accordance with Article 10;’.

Article 2

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

It shall apply to licence applications lodged as from 1 April 2009.

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

Done at Brussels, 20 March 2009.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

COMMISSION REGULATION (EC) No 241/2009**of 20 March 2009**

initiating a 'new exporter' review of Council Regulation (EC) No 1911/2006 imposing a definitive anti-dumping duty on imports of solutions of urea and ammonium nitrate originating, *inter alia*, in Russia, repealing the duty with regard to imports from one exporter in this country and making these imports subject to registration

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community⁽¹⁾ (the basic Regulation) and in particular Article 11(4) thereof,

Whereas:

A. REQUEST FOR A REVIEW

- (1) The Commission has received an application for a 'new exporter' review pursuant to Article 11(4) of the basic Regulation. The application was lodged by Joint Stock Company Acron (the applicant), an exporting producer in Russia (the country concerned).

B. PRODUCT

- (2) The product under review is mixtures of urea and ammonium nitrate in aqueous or ammoniacal solution originating in Russia (the product concerned), currently classifiable within CN code 3102 80 00.

C. EXISTING MEASURES

- (3) The measures currently in force are a definitive anti-dumping duty imposed by Council Regulation (EC) No 1911/2006⁽²⁾ under which imports into the Community of the product concerned originating in Russia, and produced by the applicant, are subject to a definitive anti-dumping duty of EUR 20,11 per tonne with the exception of one company expressly mentioned which is subject to an individual duty.

D. GROUNDS FOR THE REVIEW

- (4) The applicant alleges that it did not export the product concerned to the Community during the period of investigation on which the anti-dumping measures were based, i.e., the period from 1 June 1998 to 31 May 1999 (the original investigation period) and that it is not related to any of the exporting producers of the product which are subject to the abovementioned anti-dumping measures.

- (5) The applicant further alleges that it began exporting the product concerned to the Community after the end of the original investigation period.

E. PROCEDURE

- (6) Community producers known to be concerned have been informed of the above application and have been given and opportunity to comment. No comments have been received.

- (7) Having examined the evidence available, the Commission concludes that there is sufficient evidence to justify the initiation of a 'new exporter' review, pursuant to Article 11(4) of the basic Regulation, with a view to determine the applicant's individual margin of dumping and, should dumping be found, the level of the duty to which their imports of the product concerned into the Community should be subject.

- (8) If it is determined that the applicant fulfils the requirements to have an individual duty established, it may be necessary to amend the rate of duty currently applicable to imports of the product concerned from companies not individually mentioned in Article 1(2) of Regulation (EC) No 1911/2006.

(a) Questionnaires

In order to obtain the information it deems necessary for its investigation, the Commission will send a questionnaire to the applicant.

(b) Collection of information and holding of hearings

All interested parties are hereby invited to make their views known in writing and to provide supporting evidence.

Furthermore, the Commission may hear interested parties, provided that they make a request in writing showing that there are particular reasons why they should be heard.

Attention is drawn to the fact that the exercise of most procedural rights set out in the basic Regulation depends on the parties making themselves known within the period provided for by the present Regulation.

⁽¹⁾ OJ L 56, 6.3.1996, p. 1.

⁽²⁾ OJ L 365, 21.12.2006, p. 26.

F. REPEAL OF THE DUTY IN FORCE AND REGISTRATION OF IMPORTS

- (9) Pursuant to Article 11(4) of the basic Regulation, the anti-dumping duty in force should be repealed with regard to imports of the product concerned which are produced and sold for export to the Community by the applicant. At the same time, such imports should be made subject to registration in accordance with Article 14(5) of the basic Regulation, in order to ensure that, should the review result in a finding of dumping in respect of the applicant, anti-dumping duties can be levied retroactively from the date of the initiation of this review. The amount of the applicant's possible future liabilities cannot be estimated at this stage of the proceeding.

G. TIME LIMITS

- (10) In the interest of sound administration, time limits should be stated within which:
- (a) interested parties may make themselves known to the Commission, present their views in writing and submit the replies to the questionnaire mentioned in recital 8(a) of this Regulation or provide any other information to be taken into account during the investigation;
- (b) interested parties may make a written request to be heard by the Commission.

H. NON-COOPERATION

- (11) In cases in which any interested party refuses access to or does not provide the necessary information within the time limits or significantly impedes the investigation, findings, affirmative or negative, may be made in accordance with Article 18 of the basic Regulation, on the basis of the facts available.
- (12) Where it is found that any interested party has supplied false or misleading information, the information shall be disregarded and use may be made, in accordance with Article 18 of the basic Regulation, of the facts available. If an interested party does not cooperate or cooperates only partially, and findings are therefore based on the facts available in accordance with Article 18 of the basic Regulation, the result may be less favourable to that party than if it had cooperated.

I. PROCESSING OF PERSONAL DATA

- (13) It is noted that any personal data collected in this investigation will be treated in accordance with Regulation (EC) No 45/2001 of the European Parliament and the Council on the protection of individuals with regard to

the processing of personal data by the Community institutions and bodies and on the free movement of such data ⁽¹⁾.

J. HEARING OFFICER

- (14) It is also noted that if interested parties consider that they are encountering difficulties in the exercise of their rights of defence, they may request the intervention of the Hearing Officer of DG Trade. He acts as an interface between the interested parties and the Commission services, offering, where necessary, mediation on procedural matters affecting the protection of their interests in this investigation, in particular with regard to issues concerning access to the file, confidentiality, extension of time limits and the treatment of written and/or oral submission of views. For further information and contact details, interested parties may consult the Hearing Officer's web pages on the website of DG Trade (<http://ec.europa.eu/trade>),

HAS ADOPTED THIS REGULATION:

Article 1

A review of Regulation (EC) No 1911/2006 is hereby initiated pursuant to Article 11(4) of Regulation (EC) No 384/96 in order to determine if and to what extent the imports of mixtures of urea and ammonium nitrate in aqueous or ammoniacal solution falling within CN code 3102 80 00, originating in Russia, produced and sold for export to the Community by Joint Stock Company Acron (TARIC additional code A 932) should be subject to the anti-dumping duty imposed by Regulation (EC) No 1911/2006.

Article 2

The anti-dumping duty imposed by Regulation (EC) No 1911/2006 is hereby repealed with regard to the imports identified in Article 1.

Article 3

The customs authorities are hereby directed, pursuant to Article 14(5) of Regulation (EC) No 384/96, to take the appropriate steps to register the imports identified in Article 1. Registration shall expire nine months following the date of entry into force of this Regulation.

Article 4

1. Interested parties, if their representations are to be taken into account during the investigation, must make themselves known to the Commission, present their views in writing and submit the replies to the questionnaire mentioned in recital 8(a) of this Regulation or any other information, unless otherwise specified, within 40 days of the entry into force of this Regulation. Interested parties may also apply in writing to be heard by the Commission within the same 40-day time limit.

⁽¹⁾ OJ L 8, 12.1.2001, p. 1.

2. All submissions and requests made by interested parties must be made in writing (not in electronic format, unless otherwise specified) and must indicate the name, address, e-mail address, telephone and fax numbers of the interested party. All written submissions, including the information requested in this Regulation, questionnaire replies and correspondence provided by interested parties on a confidential basis shall be labelled as 'Limited' ⁽¹⁾ and, in accordance with Article 19(2) of Regulation (EC) No 384/96, shall be accompanied by a non-confidential version, which will be labelled 'For inspection by interested parties'.

Any information relating to the matter and/or any request for a hearing should be sent to the following address:

European Commission
Directorate General for Trade
Directorate H
Office: N105 4/92
B-1049 Brussels
Fax (32 2) 295 65 05

Article 5

This Regulation shall enter into force on the 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, 20 March 2009.

For the Commission
Catherine ASHTON
Member of the Commission

⁽¹⁾ This means that the document is for internal use only. It is protected pursuant to Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council (OJ L 145, 31.5.2001, p. 43). It is a confidential document pursuant to Article 19 of Council Regulation (EC) No 384/96 (OJ L 56, 6.3.1996, p. 1) and Article 6 of the WTO Agreement on Implementation of Article VI of the GATT 1994 (Anti-dumping Agreement).

COMMISSION REGULATION (EC) No 242/2009**of 20 March 2009****amending Council Regulation (EC) No 1183/2005 imposing certain specific restrictive measures directed against persons acting in violation of the arms embargo with regard to the Democratic Republic of the Congo**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1183/2005 imposing certain specific restrictive measures directed against persons acting in violation of the arms embargo with regard to the Democratic Republic of the Congo ⁽¹⁾, and in particular Article 9(1)(a) thereof,

Whereas:

- (1) Annex I to Regulation (EC) No 1183/2005 lists the natural and legal persons, entities and bodies covered by the freezing of funds and economic resources under the Regulation.
- (2) On 7 November 2007, 26 November 2008 and 16 December 2008, the Sanctions Committee of the United Nations Security Council amended data concerning 19 individuals included in the list of

persons, entities and bodies to whom the freezing of funds and economic resources should apply. On 24 April 2008, the Committee removed one individual from the said list and on 3 March 2009 it decided to add four individuals to that list. Annex I should therefore be amended accordingly.

- (3) In order to ensure that the measures provided for in this Regulation are effective, this Regulation must enter into force immediately,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 1183/2005 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, 20 March 2009.

For the Commission

Eneko LANDÁBURU

Director-General for External Relations

⁽¹⁾ OJ L 193, 23.7.2005, p. 1.

ANNEX

‘ANNEX I

List of natural and legal persons, entities or bodies referred to in Article 2

A. *Natural persons*

- (1) Frank Kakolele **Bwambale** (*alias* (a) Frank Kakorere, (b) Frank Kakorere Bwambale). Other information: As of December 2008 resides in Kinshasa. Date of designation referred to in Article 5(1)(b): 10.11.2005.
- (2) Jérôme **Kakwavu Bukande** (*alias* (a) Jérôme Kakwavu, (b) Commandant Jérôme). Title: General. Nationality: Congolese. Other information: As of December 2008, remains in the armed forces of the DR of the Congo (FARDC), based in Kinshasa. Date of designation referred to in Article 5(1)(b): 10.11.2005.
- (3) Germain **Katanga**. Nationality: Congolese. Other information: Handed over by the Government of the DR of the Congo to the International Criminal Court (ICC) on 18.10.2007. Date of designation referred to in Article 5(1)(b): 10.11.2005.
- (4) Thomas **Lubanga**. Place of birth: Ituri, Democratic Republic of Congo. Nationality: Congolese. Other information: Transferred to the ICC by the Congolese authorities on 17.3.2006. Date of designation referred to in Article 5(1)(b): 10.11.2005.
- (5) Khawa Panga **Mandro** (*alias* (a) Kawa Panga, (b) Kawa Panga Mandro, (c) Kawa Mandro, (d) Yves Andoul Karim, (e) Chief Kahwa, (f) Kawa, (g) Mandro Panga Kahwa, (h) Yves Khawa Panga Mandro). Date of birth: 20.8.1973. Place of birth: Bunia, the DR of the Congo. Nationality: Congolese. Other information: Arrested by Congolese authorities in October 2005, acquitted by the Court of Appeal in Kisangani, subsequently transferred to the judicial authorities in Kinshasa on new charges. Date of designation referred to in Article 5(1)(b): 10.11.2005.
- (6) Callixte **Mbarushimana**. Date of birth: 24.7.1963. Place of birth: Ndusu/Ruhengeri, Northern Province, Rwanda. Nationality: Rwandan. Other information: Current location: Paris or Thaïs, France. Date of designation referred to in Article 5(1)(b): 21.3.2009.
- (7) Iruta Douglas **Mpamo** (*alias* (a) Mpano, (b) Douglas Iruta Mpamo). Address: Bld Kanyamuhanga 52, Goma, DRC. Date of birth: (a) 28.12.1965, (b) 29.12.1965. Place of birth: (a) Bashali, Masisi, the DR of the Congo (refers to date of birth (a)), (b) Goma, the DR of the Congo (refers to date of birth (b)). Nationality: Congolese. Other information: Based in Gisenyi, Rwanda. Date of designation referred to in Article 5(1)(b): 10.11.2005.
- (8) Sylvestre **Mudacumura** (*alias* (a) Radja, (b) Mupenzi Bernard, (c) General Major Mupenzi). Nationality: Rwandan. Other information: Based in Kibua, Masisi territory, the DR of the Congo. Date of designation referred to in Article 5(1)(b): 10.11.2005.
- (9) Leopold **Mujyambere** (*alias* (a) Musenyeri, (b) Achille, (c) Frere Petrus Ibrahim). Title: Colonel. Date of birth: (a) 17.3.1962, (b) 1966 (estimated). Place of birth: Kigali, Rwanda. Nationality: Rwandan. Other information: Current location: Mwenga, South Kivu, the DR of the Congo. Date of designation referred to in Article 5(1)(b): 21.3.2009.
- (10) Ignace **Murwanashyaka** (*alias* Ignace). Title: Dr. Date of birth: 14.5.1963. Place of birth: (a) Butera, Rwanda; (b) Ngoma, Butare, Rwanda. Nationality: Rwandan. Other information: Resident in Germany. Date of designation referred to in Article 5(1)(b): 10.11.2005.
- (11) Straton **Musoni** (*alias* I.O. Musoni). Date of birth: (a) 6.4.1961, (b) 4.6.1961. Place of birth: Mugambazi, Kigali, Rwanda. Other information: (a) Rwandan passport expired on 10.9.2004, (b) Resident in Neuffen, Germany. Date of designation referred to in Article 5(1)(b): 13.4.2007.
- (12) Jules **Mutebutsi** (*alias* (a) Jules Mutebusi, (b) Jules Mutebuzi, (c) Colonel Mutebutsi). Place of birth: South Kivu, the DR of the Congo. Nationality: Congolese. Other information: Arrested by the Rwandan authorities in December 2007. Reportedly he is currently “restrained”. Date of designation referred to in Article 5(1)(b): 10.11.2005.

- (13) Mathieu Chui **Ngudjolo** (*alias* Cui Ngudjolo). Other information: Known as “Colonel” or “General”. Arrested by MONUC in Bunia in October 2003. Surrendered by the Government of the DR of the Congo to the International Criminal Court on 7 February 2008. Date of designation referred to in Article 5(1)(b): 10.11.2005.
- (14) Floribert Ngabu **Njabu** (*alias* (a) Floribert **Njabu**, (b) Floribert **Ndjabu**, (c) Floribert **Ngabu**, (d) Ndjabu). Other information: Arrested and placed under house arrest in Kinshasa from March 2005. Date of designation referred to in Article 5(1)(b): 10.11.2005.
- (15) Laurent **Nkunda** (*alias* (a) Laurent Nkunda Bwatare, (b) Laurent Nkundabatware, (c) Laurent Nkunda Mahoro Batware, (d) Laurent Nkunda Batware, (e) General Nkunda, (f) Nkunda Mihigo Laurent). Date of birth: (a) 6.2.1967, (b) 2.2.1967. Place of birth: North Kivu/Rutshuru, the DR of the Congo (refers to date of birth (a)). Nationality: Congolese. Other information: (a) Known as “Chairman” and “Papa Six”, (b) used to reside in Tebero and Kitchanga, Masisi territory, the DR of the Congo. Date of designation referred to in Article 5(1)(b): 10.11.2005.
- (16) Pacifique **Ntawunguka** (*alias* (a) Colonel Omega, (b) Nzeri, (c) Israel, (d) Pacifique Ntawungula). Title: Colonel. Date of birth: 1.1.1964, est. 1964. Place of birth: Gaseke, Gisenyi Province, Rwanda. Nationality: Rwandan. Date of designation referred to in Article 5(1)(b): 21.3.2009.
- (17) James **Nyakuni**. Nationality: Ugandan. Date of designation referred to in Article 5(1)(b): 10.11.2005.
- (18) Stanislas **Nzeyimana** (*alias* (a) Deogratias Bigaruka Izabayo, (b) Bigaruka, (c) Bigurura, (d) Izabayo Deo). Title: Brigadier General. Date of birth: (a) 1.1.1966, (b) 1967 (estimated), (c) 28.8.1966. Place of birth: Mugusa (Butare), Rwanda. Nationality: Rwandan. Date of designation referred to in Article 5(1)(b): 21.3.2009.
- (19) Dieudonné **Ozia Mazio** (*alias* (a) Ozia Mazio, (b) Omari, (c) Mr Omari). Date of birth: 6.6.1949. Place of birth: Ariwara, DR of Congo. Nationality: Congolese. Other information: Deceased in Ariwara on 23 September 2008. Date of designation referred to in Article 5(1)(b): 10.11.2005.
- (20) Bosco **Taganda** (*alias* (a) Bosco Ntaganda, (b) Bosco Ntagenda, (c) General Taganda). Nationality: Congolese. Other information: (a) Known as “Terminator” and “Major”, (b) Based in Bunagana and Rutshuru. Date of designation referred to in Article 5(1)(b): 10.11.2005.

B. *Legal persons, entities and bodies*

- (1) Tous Pour la Paix et le développement (TPD). Address: Goma, North Kivu, the DR of the Congo. Other information: non-governmental organization. Date of designation referred to in Article 5(1)(b): 10.11.2005.
- (2) Butembo Airlines (*alias* BAL). Address: Butembo, DR of Congo. Other information: As of December 2008, BAL no longer holds an aircraft operating license in the DR of the Congo. Date of designation referred to in Article 5(1)(b): 13.4.2007.
- (3) Compagnie Aérienne des Grands Lacs (CAGL), (*alias* Great Lakes Business Company (GLBC)). Address: (a) CAGL: Avenue President Mobutu, Goma, (CAGL also has an office in Gisenyi, Rwanda); (b) GLBC: PO Box 315, Goma, the DR of the Congo (GLBC also has an office in Gisenyi, Rwanda). Date of designation referred to in Article 5(1)(b): 13.4.2007.
- (4) Machanga ltd. Address: Kampala, Uganda. Other information: Gold export company in Kampala (Directors: Mr Rajendra Kumar Vaya and Mr Hirendra M. Vaya). Date of designation referred to in Article 5(1)(b): 13.4.2007.
- (5) Uganda Commercial Impex (UCI) ltd. Address: (a) Kajoka Street, Kisemente, Kampala, Uganda. Alternate address: PO Box 22709, Kampala, Uganda. Other information: Gold export company in Kampala (Directors: Mr Kunal Lodhia and Mr J.V. Lodhia). Date of designation referred to in Article 5(1)(b): 13.4.2007.
- (6) Congocom Trading House. Address: Butembo, DR of Congo. Telephone No: +253 (0) 99 983 784. Other information: gold trading in Butembo. Date of designation referred to in Article 5(1)(b): 13.4.2007.
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II

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

DECISIONS

COMMISSION

COMMISSION DECISION

of 11 March 2009

concerning derogations from certain provisions of Regulation (EC) No 177/2008 of the European Parliament and of the Council establishing a common framework for business registers for statistical purposes

(notified under document number C(2009) 1568)

(Only the Danish, Dutch, English, Estonian, French, German, Greek, Latvian, Lithuanian, Maltese, Polish and Slovak texts are authentic)

(Text with EEA relevance)

(2009/252/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 177/2008 of the European Parliament and of the Council of 20 February 2008 establishing a common framework for business registers for statistical purposes and repealing Council Regulation (EEC) No 2186/93 ⁽¹⁾, and in particular Article 14 thereof,

Having regard to the requests made by the Kingdom of Belgium, the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, Ireland, the Hellenic Republic, the French Republic, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland and the Slovak Republic,

Whereas:

- (1) Regulation (EC) No 177/2008 established a new common framework for business registers exclusively for statistical purposes in order to maintain the development of business registers in a harmonised framework.

- (2) Article 14 of Regulation (EC) No 177/2008 provides that when business registers require a major overhaul, the Commission may grant a derogation at the request of a Member State for a transitional period that shall not exceed 25 March 2010. For agriculture, forestry and fishing, public administration and defence, and compulsory social security, and for the additional characteristics relating to enterprise groups, the Commission may grant a derogation at the request of a Member State for a transitional period that shall not exceed 25 March 2013.

- (3) Some Member States have requested such derogations to be granted.

- (4) It seems justified to grant those derogations, as the Member States' requests are based on a legitimate need to further adapt their national statistical systems,

HAS ADOPTED THIS DECISION:

Article 1

Derogations are hereby granted to the Member States listed in the Annex, under the conditions and subject to the limits set out therein, in order to enable those Member States to bring their respective national statistical systems into conformity with Regulation (EC) No 177/2008.

⁽¹⁾ OJ L 61, 5.3.2008, p. 6.

Article 2

This decision is addressed to the Kingdom of Belgium, the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, Ireland, the Hellenic Republic, the French Republic, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland and the Slovak Republic.

Done at Brussels, 11 March 2009.

For the Commission

Joaquín ALMUNIA

Member of the Commission

ANNEX

GRANTED DEROGATIONS

Member State	Granted derogation	End of derogation
Belgium	Characteristics 4.1, 4.2a, 4.3 to 4.7 and 4.9	25 March 2010
	Characteristics 1.8 to 1.12a, 1.13a, 3.12, 4.11, 4.12a and 4.13a	30 June 2011
Denmark	Coverage of enterprise groups	30 June 2009
	Coverage of enterprise groups not belonging to the largest MNEs transmitted by Eurostat	31 December 2009
Germany	Characteristic 3.11 and latter part of characteristic 1.7a (Reference to customs files or to the register of extra-Community operators)	25 March 2010
	Agriculture, forestry and fishing, public administration and defence, and compulsory social security	31 December 2012
Estonia	Characteristic 1.12a	25 March 2010
Ireland	Full derogation	31 December 2008
	Characteristic 1.3	31 December 2009
	Characteristic 3.11 Coverage of enterprise groups not belonging to the largest MNEs transmitted by Eurostat	25 March 2010
	Characteristics 1.8 to 1.12b, 1.13a, 3.12, 4.1, 4.2a, 4.5 to 4.7, 4.9, 4.13a	31 December 2012
	Agriculture, forestry and fishing, public administration and defence, and compulsory social security	25 March 2013
Greece	Enterprise groups and their characteristics	31 December 2008
	Coverage of enterprise groups not belonging to the largest MNEs transmitted by Eurostat	25 March 2010
	Agriculture, forestry and fishing, public administration and defence, and compulsory social security, and the additional characteristics relating to enterprise groups	25 March 2013
France	Agriculture, forestry and fishing	30 June 2012
Latvia	Multinational enterprise groups and their characteristics	31 December 2008
	Coverage of enterprise groups not belonging to the largest MNEs transmitted by Eurostat	5 March 2010
	The additional characteristics relating to enterprise groups	31 December 2010
Lithuania	Multinational enterprise groups and their characteristics	25 March 2010
	The additional characteristics relating to enterprise groups	25 March 2013

Member State	Granted derogation	End of derogation
Luxembourg	Enterprise groups and their characteristics	31 December 2008
	Coverage of enterprise groups not belonging to the largest MNEs transmitted by Eurostat	31 December 2009
	Agriculture, forestry and fishing, public administration and defence, and compulsory social security	31 December 2010
	The additional characteristics relating to enterprise groups	25 March 2013
Malta	Enterprise groups and their characteristics	31 December 2008
	Coverage of enterprise groups not belonging to the largest MNEs transmitted by Eurostat	25 March 2010
	The additional characteristics relating to enterprise groups	25 March 2013
Netherlands	Characteristics 1.12a, 1.13a, 3.11, 4.4, 4.11, 4.12a and 4.13a	25 March 2010
	Agriculture, forestry and fishing, public administration and defence, and compulsory social security, and the additional characteristics relating to enterprise groups	25 March 2013
Austria	Characteristic 3.11 concerning sub-sectors (public, national private, foreign controlled) of S.11, S.122, S.123, S.124 and S.125	25 March 2010
	Enterprise groups and their characteristics	
	Agriculture, forestry and fishing	31 December 2011
	Local units and their characteristics in public administration and defence and in compulsory social security	31 December 2012
Poland	Data on multinational enterprise groups and their transmission to Eurostat	31 March 2009
	Agriculture, forestry and fishing	31 December 2011
Slovakia	Additional characteristics relating to enterprise groups	30 June 2009

COMMISSION DECISION

of 19 March 2009

excluding from Community financing certain expenditure incurred by the Member States under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF) and under the European Agricultural Guarantee Fund (EAGF)

*(notified under document number C(2009) 1945)***(Only the Danish, Dutch, English, French, Greek, Italian, Slovenian and Spanish texts are authentic)**

(2009/253/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1258/1999 of 17 May 1999 on the financing of the common agricultural policy ⁽¹⁾, and in particular Article 7(4) thereof,

Having regard to Council Regulation (EC) No 1290/2005 of 21 June 2005 on the financing of the common agricultural policy ⁽²⁾, and in particular Article 31 thereof,

Having consulted the Committee on the Agricultural Funds,

Whereas:

(1) Under Article 7(4) of Regulation (EC) No 1258/1999, and Article 31 of Regulation (EC) No 1290/2005, the Commission is to carry out the necessary verifications, communicate to the Member States the results of these verifications, take note of the comments of the Member States, initiate a bilateral discussion so that an agreement may be reached with the Member States in question, and formally communicate its conclusions to them.

(2) The Member States have had an opportunity to request the launch of a conciliation procedure. That opportunity has been used in some cases and the report issued on the outcome has been examined by the Commission.

(3) Under Regulation (EC) No 1258/1999 and Regulation (EC) No 1290/2005, only agricultural expenditure which has been incurred in a way that has not infringed Community rules may be financed.

(4) In the light of the verifications carried out, the outcome of the bilateral discussions and the conciliation procedures, part of the expenditure declared by the Member States does not fulfil this requirement and cannot, therefore, be financed under the EAGGF Guarantee Section and the European Agricultural Guarantee Fund, hereinafter referred to as EAGF.

(5) The amounts that are not recognised as being chargeable to the EAGGF Guarantee Section and the EAGF should be indicated. Those amounts do not relate to expenditure incurred more than twenty-four months before the Commission's written notification of the results of the verifications to the Member States.

(6) As regards the cases covered by this Decision, the assessment of the amounts to be excluded on grounds of non-compliance with Community rules was notified by the Commission to the Member States in a summary report on the subject.

(7) This Decision is without prejudice to any financial conclusions that the Commission may draw from the judgments of the Court of Justice in cases pending on 6 January 2009 and relating to its content,

HAS ADOPTED THIS DECISION:

Article 1

The expenditure itemised in the Annex hereto that has been incurred by the Member States' accredited paying agencies and declared under the EAGGF Guarantee Section or under the EAGF shall be excluded from Community financing because it does not comply with Community rules.

⁽¹⁾ OJ L 160, 26.6.1999, p. 103.

⁽²⁾ OJ L 209, 11.8.2005, p. 1.

Article 2

This Decision is addressed to the Kingdom of Belgium, Kingdom of Denmark, Ireland, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Italian Republic, the Republic of Cyprus, the Republic of Slovenia and the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 19 March 2009.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

ANNEX

Budget item 6 7 0 1

MS	Measure	FY	Reason for correction	Type	%	Currency	Amount	Deductions already made	Financial impact
BE	Export refunds — Sugar and isoglucose	2004	Insufficient quantity of laboratory controls of sugar.	forfaitaire	2,00	EUR	- 2 752 373,87	0,00	- 2 752 373,87
BE	Export refunds — Sugar and isoglucose	2005	Insufficient quantity of laboratory controls of sugar.	forfaitaire	2,00	EUR	- 3 348 166,37	0,00	- 3 348 166,37
BE	Export refunds — Sugar and isoglucose	2006	Insufficient quantity of laboratory controls of sugar.	forfaitaire	2,00	EUR	- 1 096 253,86	0,00	- 1 096 253,86
BE	Fruit and Vegetables — Operational Programmes	2005	Ineligible expenditure comprising environmental packaging and VAT	ponctuelle		EUR	- 1 189 054,23	0,00	- 1 189 054,23
BE	Fruit and Vegetables — Operational Programmes	2006	Ineligible expenditure including environmental packaging and VAT	ponctuelle		EUR	- 535 735,88	0,00	- 535 735,88
						TOTAL BE	- 8 921 584,21	0,00	- 8 921 584,21
CY	Wine — Restructuring	2005	Overpayments of amounts to individual producers	ponctuelle		CYP	- 2 094,55	0,00	- 2 094,55
						TOTAL CY	- 2 094,55	0,00	- 2 094,55
DK	Arable Crops	2003	Weakness in the control of the compliance with set-aside areas	forfaitaire	5,00	DKK	- 16 820 597,23	0,00	- 16 820 597,23
DK	Arable Crops	2003	Weakness in the control of the compliance with set-aside areas	forfaitaire	10,00	DKK	- 48 235 864,52	0,00	- 48 235 864,52
DK	Arable Crops	2003	Weakness in the control of the compliance with set-aside areas	forfaitaire	5,00	DKK	- 180 971 473,05	0,00	- 180 971 473,05
DK	Arable Crops	2004	Weakness in key-control: remote sensing.	forfaitaire	2,00	DKK	- 6 594 611,09	0,00	- 6 594 611,09
DK	Arable Crops	2004	Weakness in the control of the compliance with set-aside areas	forfaitaire	5,00	DKK	- 199 488 578,07	0,00	- 199 488 578,07
DK	Arable Crops	2004	Weakness in the control of the compliance with set-aside areas	forfaitaire	10,00	DKK	- 48 736 215,92	0,00	- 48 736 215,92

MS	Measure	FY	Reason for correction	Type	%	Currency	Amount	Deductions already made	Financial impact
DK	Arable Crops	2005	Weakness in key-control: remote sensing.	forfaitaire	2,00	DKK	- 1 987 122,96	0,00	- 1 987 122,96
DK	Arable Crops	2005	Weakness in the control of the compliance with set-aside areas	forfaitaire	5,00	DKK	- 201 721 301,02	0,00	- 201 721 301,02
DK	Arable Crops	2005	Weakness in the control of the compliance with set-aside areas	forfaitaire	10,00	DKK	- 45 156 517,78	0,00	- 45 156 517,78
TOTAL DK							- 749 712 281,64	0,00	- 749 712 281,64
ES	Fruit and Vegetables — Citrus Processing	2005	Non-recognition of one of the producers' organisation criterion.	ponctuelle		EUR	- 78 111,82	0,00	- 78 111,82
ES	Fruit and Vegetables — Citrus Processing	2006	Non-recognition of one of the producers' organisation criterion.	ponctuelle		EUR	- 79 222,56	0,00	- 79 222,56
ES	Fruit and Vegetables — Citrus Processing	2007	Non-recognition of one of the producers' organisation criterion.	ponctuelle		EUR	- 39 411,30	0,00	- 39 411,30
ES	Meat Premiums — Ewe and Goats	2003	Updated calculation of correction based on the new financial data obtained	ponctuelle		EUR	- 2 415,00	0,00	- 2 415,00
ES	Meat Premiums — Ewe and Goats	2004	Updated calculation of correction based on the new financial data obtained	ponctuelle		EUR	- 102 075,02	0,00	- 102 075,02
ES	Meat Premiums — Ewe and Goats	2005	Updated calculation of correction based on the new financial data obtained	ponctuelle		EUR	- 95 914,93	0,00	- 95 914,93
TOTAL ES							- 397 150,63	0,00	- 397 150,63
FR	Irregularities		Reimbursement due to erroneous application of the 50/50 rule			EUR	265 473,73	0,00	265 473,73
FR	Food Aid within the Community	2005	Failure to meet payment deadlines. Absence of sanctions.	forfaitaire	2,00	EUR	- 959 937,85	0,00	- 959 937,85
FR	Food Aid within the Community	2005	Failure to meet payment deadlines. Absence of sanctions.	ponctuelle		EUR	- 148 951,85	0,00	- 148 951,85
FR	Food Aid within the Community	2006	Failure to meet payment deadlines. Absence of sanctions.	forfaitaire	2,00	EUR	- 838 194,08	0,00	- 838 194,08

MS	Measure	FY	Reason for correction	Type	%	Currency	Amount	Deductions already made	Financial impact
FR	Food Aid within the Community	2006	Failure to meet payment deadlines. Absence of sanctions.	ponctuelle		EUR	- 340 621,43	0,00	- 340 621,43
TOTAL FR									
							- 2 022 231,48	0,00	- 2 022 231,48
GB	Export Refunds	2003	Risk analysis not used properly — reduction of control rate not justified	forfaitaire	5,00	GBP	- 890 012,69	0,00	- 890 012,69
GB	Export Refunds	2004	Risk analysis not used properly — reduction of control rate not justified; Insufficient certification of exit from Community	forfaitaire	5,00	GBP	- 2 291 169,57	0,00	- 2 291 169,57
GB	Export Refunds	2004	Non-Annex I goods — insufficient verification of recipes	forfaitaire	10,00	GBP	- 43 131,68	0,00	- 43 131,68
GB	Export Refunds	2005	Risk analysis not used properly — reduction of control rate not justified; Insufficient certification of exit from Community	forfaitaire	5,00	GBP	- 3 395 655,55	0,00	- 3 395 655,55
GB	Export Refunds	2005	Non-Annex I goods — insufficient verification of recipes	forfaitaire	10,00	GBP	- 68 291,82	0,00	- 68 291,82
GB	Export Refunds	2006	Risk analysis not used properly — reduction of control rate not justified; Insufficient certification of exit from Community	forfaitaire	5,00	GBP	- 2 291 169,57	0,00	- 2 291 169,57
GB	Export Refunds	2006	Non-Annex I goods — insufficient verification of recipes	forfaitaire	10,00	GBP	- 68 291,82	0,00	- 68 291,82
GB	Export Refunds	2007	Risk analysis not used properly — reduction of control rate not justified	forfaitaire	5,00	GBP	- 247 225,73	0,00	- 247 225,73
TOTAL GB									
							- 9 294 948,43	0,00	- 9 294 948,43
GR	Export refunds — Non-Annex I	2004	Insufficient controls. Risk of ineligible payments. Unreliable data on quantities of sugar exported.	forfaitaire	10,00	EUR	- 160 378,12	0,00	- 160 378,12
GR	Export refunds — Non-Annex I	2005	Insufficient controls. Risk of ineligible payments. Unreliable data on quantities of sugar exported.	forfaitaire	10,00	EUR	- 104 574,50	0,00	- 104 574,50

MS	Measure	FY	Reason for correction	Type	%	Currency	Amount	Deductions already made	Financial impact
GR	Export refunds — Non-Annex I	2006	Insufficient controls. Risk of ineligible payments. Unreliable data on quantities of sugar exported.	forfaitaire	10,00	EUR	- 10 276,40	0,00	- 10 276,40
GR	Export refunds — Sugar and isoglucose	2004	Insufficient controls. Risk of ineligible payments. Unreliable data on quantities of sugar exported.	forfaitaire	10,00	EUR	- 838 787,30	0,00	- 838 787,30
GR	Export refunds — Sugar and isoglucose	2005	Insufficient controls. Risk of ineligible payments. Unreliable data on quantities of sugar exported.	forfaitaire	10,00	EUR	- 99 948,50	0,00	- 99 948,50
GR	Export refunds — Sugar and isoglucose	2006	Insufficient controls. Risk of ineligible payments. Unreliable data on quantities of sugar exported.	forfaitaire	10,00	EUR	- 69 462,90	0,00	- 69 462,90
TOTAL GR							- 1 283 427,72	0,00	- 1 283 427,72
IE	Export Refunds & Food Aid outside the UE	2003	Weaknesses in risk analysis. Insufficient quality and quantity of physical checks.	forfaitaire	2,00	EUR	- 824 680,26	0,00	- 824 680,26
IE	Export Refunds & Food Aid outside the UE	2004	Weaknesses in risk analysis. Insufficient quality and quantity of physical checks.	forfaitaire	2,00	EUR	- 916 724,78	0,00	- 916 724,78
IE	Export Refunds & Food Aid outside the UE	2005	Weaknesses in risk analysis. Insufficient quality and quantity of physical checks.	forfaitaire	2,00	EUR	- 653 050,12	0,00	- 653 050,12
IE	Export Refunds & Food Aid outside the UE	2006	Weaknesses in risk analysis. Insufficient quality and quantity of physical checks.	forfaitaire	2,00	EUR	- 46 017,73	0,00	- 46 017,73
TOTAL IE							- 2 440 472,89	0,00	- 2 440 472,89
IT	Other Direct Aid — Silk Worms	2004	Insufficient administrative controls of aid applications and not satisfactory control of minimum weight	forfaitaire	5,00	EUR	- 226,54	0,00	- 226,54
IT	Other Direct Aid — Silk Worms	2005	Insufficient administrative controls of aid applications and not satisfactory control of minimum weight	forfaitaire	5,00	EUR	- 1 632,44	0,00	- 1 632,44
IT	Other Direct Aid — Silk Worms	2006	Insufficient administrative controls of aid applications and not satisfactory control of minimum weight	forfaitaire	5,00	EUR	- 857,69	0,00	- 857,69

MS	Measure	FY	Reason for correction	Type	%	Currency	Amount	Deductions already made	Financial impact
IT	Other Direct Aid — Silk Worms	2007	Insufficient administrative controls of aid applications and not satisfactory control of minimum weight	forfaitaire	5,00	EUR	- 1 625,77	0,00	- 1 625,77
TOTAL IT							- 4 342,44	0,00	- 4 342,44
SI	Direct Payments	2005	Deficiencies in key-controls: incorrect control approach, technique and tools.	forfaitaire	5,00	SIT	- 175 559 567,33	0,00	- 175 559 567,33
SI	Direct Payments	2006	Deficiencies in key-controls: incorrect control approach, technique and tools.	forfaitaire	5,00	SIT	- 180 027 349,79	0,00	- 180 027 349,79
TOTAL SI							- 355 586 917,12	0,00	- 355 586 917,12

COMMISSION DECISION

of 20 March 2009

amending Decision 2008/855/EC as regards animal health control measures relating to classical swine fever in Germany*(notified under document number C(2009) 1668)***(Text with EEA relevance)**

(2009/254/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market ⁽¹⁾, and in particular Article 9(4) thereof,Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market ⁽²⁾, and in particular Article 10(4) thereof,

Whereas:

- (1) Commission Decision 2008/855/EC of 3 November 2008 concerning animal health control measures relating to classical swine fever in certain Member States ⁽³⁾ lays down certain control measures concerning classical swine fever in the Member States or regions thereof set out in the Annex to that Decision.
- (2) Germany has informed the Commission about the recent evolution of that disease in feral pigs in certain areas of the federal states of North Rhine-Westphalia and Rhineland-Palatinate.
- (3) That information indicates that classical swine fever in feral pigs has been eradicated in certain areas of those federal states. Accordingly, those areas where the situation improved should therefore be removed from the list in the Annex to Decision 2008/855/EC and the measures provided for in that Decision should no longer apply.
- (4) New cases of classical swine fever in feral pigs in a region on both sides of the border between North Rhine-West-

phalia and Rhineland-Palatinate which was free of the disease so far have been reported. Accordingly, those areas should be added to the list in the Annex to Decision 2008/855/EC and the measures provided for in that Decision should apply.

- (5) For the sake of transparency of Community legislation, the entire part of the list set out in the Annex to Decision 2008/855/EC which concerns Germany should be replaced by the text in the Annex to this Decision.
- (6) Decision 2008/855/EC should therefore be amended accordingly.
- (7) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

The part of the Annex to Decision 2008/855/EC which concerns Germany is replaced by the text in the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 20 March 2009.

For the Commission

Androulla VASSILIOU

Member of the Commission

⁽¹⁾ OJ L 395, 30.12.1989, p. 13.

⁽²⁾ OJ L 224, 18.8.1990, p. 29.

⁽³⁾ OJ L 302, 13.11.2008, p. 19.

ANNEX

1. Germany

A. In the federal state Rhineland-Palatinate:

- (a) in the Kreis Ahrweiler: the municipalities Adenau and Altenahr;
- (b) in the Landkreis Vulkaneifel: in the municipality Obere Kyll the localities Birgel, Esch, Feusdorf and Jünkerath, in the municipality Hillesheim the localities Berndorf, Dohm-Lammersdorf, Hillesheim, Kerpen, Nohn, Oberehe-Stroheich, Üxheim, Walsdorf and Wiesbaum, in the municipality Daun the locality Dreis-Brück, in the municipality Kelberg the localities Beinhausen, Bodenbach, Bongard, Borler, Boxberg, Brücktal, Drees, Gelenberg, Kelberg, Kirsbach, Neichen, Nitz, Reimerath and Welcherath;
- (c) the Kreise Altenkirchen and Neuwied;
- (d) in the Kreis Westerwald: the municipalities Bad Marienberg, Hachenburg, Ransbach-Baumbach, Rennerod, Selters, Wallmerod and Westerburg, the municipality Höhr-Grenzhausen north of the motorway A48, the municipality Montabaur north of the motorway A3 and the municipality Wirges north of the motorways A48 and A3.

B. In the federal state North Rhine-Westfalia:

- (a) in the Kreis Euskirchen: the city Bad Münstereifel, in the city of Mechernich the localities Antweiler, Harzheim, Holzheim, Lessenich, Rißdorf, Wachendorf and Weiler am Berge, in the city of Euskirchen the localities of Billig, Euenheim, Euskirchen, Flamersheim, Kirchheim, Kuchenheim, Kreuzweingarten, Niederkastenholz, Palmersheim, Rheder, Roitzheim, Schweinheim and Stotzheim, in the municipality of Nettersheim the localities Boudersath, Buir, Engelgau, Frohngau, Holzmühlheim, Pesch, Tondorf und Roderath, in the municipality Dahlem the locality Dahlem and the municipality Blankenheim, except the locality Blankenheimer Wald;
 - (b) in the Rhein-Sieg-Kreis: in the city of Meckenheim the localities Ersdorf and Altendorf, in the city of Rheinbach the localities Oberdrees, Niederdrees, Wormersdorf, Todenfeld, Hilberath, Merzbach, Irlenbusch, Queckenberg, Kleinschlebach, Großschlebach, Loch, Berscheidt, Eichen and Kurtenberg, in the municipality of Swisttal the localities Miel and Odendorf, the cities Bad Honnef, Königswinter, Hennef (Sieg), Sankt Augustin, Niederkassel, Troisdorf, Siegburg and Lohmar and the municipalities Neunkirchen-Seelscheid, Eitorf, Ruppichterath, Windeck and Much;
 - (c) in the Kreis Siegen-Wittgenstein in the municipality Kreuztal the localities Krombach, Eichen, Fellinghausen, Osthelden, Junkernhees and Mittelhees, in the city Siegen the localities Sohlbach, Dillnhütten, Geisweid, Birlenbach, Trupbach, Seelbach, Achenbach, Lindenberg, Rosterberg, Rödgen, Obersdorf, Eisern and Eiserfeld, the municipalities Freudenberg, Neunkirchen and Burbach, in the municipality Wilnsdorf the localities Rinsdorf and Wilden;
 - (d) in the Kreis Olpe in the city Drolshagen the localities Drolshagen, Lüdespert, Schlade, Hützemert, Feldmannshof, Gipperich, Benolpe, Wormberg, Gelsingen, Husten, Halbhusten, Iseringhausen, Brachtpe, Berlinghausen, Eichen, Heiderhof, Forth and Buchhagen, in the city of Olpe the localities Olpe, Rhode, Saßmicke, Dahl, Friedrichsthal, Thieringhausen, Günsen, Altenkleusheim, Rhonard, Stachelau, Lütringhausen and Rüblinghausen, the municipality Wenden;
 - (e) in the Märkische Kreis the cities Halver, Kierspe and Meinerzhagen;
 - (f) in the city Remscheid the localities Halle, Lusebusch, Hackenberg, Dörper Höhe, Niederlangenbach, Durchsholz, Nagelsberg, Kleeback, Niederfeldbach, Endringhausen, Lennep, Westerholt, Grenzwall, Birgden, Schneppendahl, Oberfeldbach, Hasenberg, Lüdorf, Engelsburg, Forsten, Oberlangenbach, Niederlangenbach, Karlsruhe, Sonnenschein, Buchholzen, Bornefeld and Bergisch Born;
 - (g) in the cities Köln and Bonn the municipalities on the right side of the river Rhine;
 - (h) the city Leverkusen;
 - (i) the Rheinisch-Bergische Kreis;
 - (j) the Oberbergische Kreis.'
-

COMMISSION DECISION

of 20 March 2009

amending Decision 2003/135/EC as regards the eradication and emergency vaccination plans for classical swine fever in feral pigs in certain areas of the Federal States of North Rhine-Westphalia and Rhineland-Palatinate (Germany)

(notified under document number C(2009) 1669)

(Only the French and German texts are authentic)

(2009/255/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2001/89/EC of 23 October 2001 on Community measures for the control of classical swine fever ⁽¹⁾, and in particular Article 16(1) and 20(2) thereof,

Whereas:

- (1) Commission Decision 2003/135/EC of 27 February 2003 on the approval of the plans for the eradication of classical swine fever and the emergency vaccination of feral pigs against classical swine fever in Germany, in the Federal States of Lower Saxony, North Rhine-Westphalia, Rhineland-Palatinate and Saarland ⁽²⁾ was adopted as one of a number of measures to combat classical swine fever.
- (2) Germany has informed the Commission about the recent evolution of that disease in feral pigs in certain areas of the Federal States of North Rhine-Westphalia and Rhineland-Palatinate.
- (3) That information indicates that classical swine fever in feral pigs has been eradicated in certain areas of those Federal States. Accordingly, the eradication and emergency vaccination plans for classical swine fever in feral pigs no longer need to be applied in those areas.
- (4) New cases of classical swine fever in feral pigs in a region on both sides of the border between North Rhine-West-

phalia and Rhineland-Palatinate which was free of the disease so far have been reported. Accordingly, the eradication and emergency vaccination plans for classical swine fever in feral pigs needs to be applied in those areas.

- (5) Decision 2003/135/EC should therefore be amended accordingly.

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

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 2003/135/EC is replaced by the text in the Annex to this Decision.

Article 2

This Decision is addressed to the Federal Republic of Germany and the French Republic.

Done at Brussels, 20 March 2009.

For the Commission
Androulla VASSILIOU
Member of the Commission

⁽¹⁾ OJ L 316, 1.12.2001, p. 5.

⁽²⁾ OJ L 53, 28.2.2003, p. 47.

ANNEX

‘ANNEX

1. AREAS WHERE ERADICATION PLANS ARE IN PLACE**A. In the Federal State Rhineland-Palatinate**

- (a) in the Kreis Ahrweiler: the municipalities Adenau and Altenahr;
- (b) in the Landkreis Vulkaneifel: in the municipality Obere Kyll the localities Birgel, Esch, Feusdorf and Jünkerath, in the municipality Hillesheim the localities Berndorf, Dohm-Lammersdorf, Hillesheim, Kerpen, Nohn, Oberehe-Stroheich, Üxheim, Walsdorf and Wiesbaum, in the municipality Daun the locality Dreis-Brück, in the municipality Kelberg the localities Beinhausen, Bodenbach, Bongard, Borler, Boxberg, Brücktal, Drees, Gelenberg, Kelberg, Kirsbach, Neichen, Nitz, Reimerath and Welcherath;
- (c) the Kreise Altenkirchen and Neuwied;
- (d) in the Kreis Westerwald: the municipalities Bad Marienberg, Hachenburg, Ransbach-Baumbach, Rennerod, Selters, Wallmerod and Westerburg, the municipality Höhr-Grenzhausen north of the motorway A48, the municipality Montabaur north of the motorway A3 and the municipality Wirges north of the motorways A48 and A3;
- (e) in the Landkreis Südwestpfalz: the municipality Kröppen southeast of the L 483, the municipality Vinningen southeast of the L 478 and L 484, the municipalities Schweix, Hilst, Trulben, Eppenbrunn, Ludwigswinkel, Fischbach bei Dahn, Schönau (Pfalz), Hirschthal, Rumbach, Bruchweiler-Bärenbach, Bundenthal, Niederschlettenbach, Nothweiler, Bobenthal and Erlenbach bei Dahn.

B. In the Federal State North Rhine-Westfalia

- (a) in the Kreis Euskirchen: the city Bad Münstereifel, in the city Mechernich the localities Antweiler, Harzheim, Holzheim, Lessenich, Rißdorf, Wachendorf and Weiler am Berge, in the city Euskirchen the localities of Billig, Euenheim, Euskirchen, Flamersheim, Kirchheim, Kuchenheim, Kreuzweingarten, Niederkastenholz, Palmersheim, Rheder, Roitzheim, Schweinheim and Stotzheim, in the municipality of Nettersheim the localities Boudersath, Buir, Engalgau, Frohngau, Holzmühlheim, Pesch, Tondorf und Roderath, in the municipality Dahlem the locality Dahlem and the municipality Blankenheim, except the locality Blankenheimer Wald;
- (b) in the Rhein-Sieg-Kreis: in the city Meckenheim the localities Erndorf and Altendorf, in the city Rheinbach the localities Oberdrees, Niederdrees, Wormersdorf, Todenfeld, Hilberath, Merzbach, Irlenbusch, Queckenberg, Kleinschlebach, Großschlebach, Loch, Berscheidt, Eichen and Kurtenberg, in the municipality of Swisttal the localities Miel and Odendorf, the cities Bad Honnef, Königswinter, Hennef (Sieg), Sankt Augustin, Niederkassel, Troisdorf, Siegburg and Lohmar and the municipalities Neunkirchen-Seelscheid, Eitorf, Ruppichterath, Windeck and Much;
- (c) in the Kreis Siegen-Wittgenstein in the municipality Kreuztal the localities Krombach, Eichen, Fellinghausen, Osthelden, Junkernhees and Mittelhees, in the city Siegen the localities Sohlbach, Dillnhütten, Geisweid, Birkenbach, Trupbach, Seelbach, Achenbach, Lindenberg, Rosterberg, Rödgen, Obersdorf, Eisern and Eiserfeld, the municipalities Freudenberg, Neunkirchen and Burbach, in the municipality Wilnsdorf the localities Rinsdorf and Wilden;
- (d) in the Kreis Olpe in the city Drolshagen the localities Drolshagen, Lüdespert, Schlade, Hützemert, Feldmannshof, Gipperich, Benolpe, Wormberg, Gelsing, Husten, Halbhusten, Iseringhausen, Brachtpe, Berlinhausen, Eichen, Heiderhof, Forth and Buchhagen, in the city Olpe the localities Olpe, Rhode, Saßmücke, Dahl, Friedrichsthal, Thieringhausen, Günsen, Altenkleusheim, Rhonard, Stachelau, Lüttringhausen and Rüblinghausen, the municipality Wenden;
- (e) in the Märkische Kreis the cities Halver, Kierspe and Meinerzhagen;
- (f) in the city Remscheid the localities Halle, Lusebusch, Hackenberg, Dörper Höhe, Niederlangenbach, Durchsholz, Nagelsberg, Kleeback, Niederfeldbach, Endringhausen, Lennep, Westerholt, Grenzwall, Birgden, Schneppendahl, Oberfeldbach, Hasenberg, Lüdorf, Engelsburg, Forsten, Oberlangenbach, Niederlangenbach, Karlsruhe, Sonnenschein, Buchholzen, Bornefeld and Bergisch Born;

- (g) in the cities Köln and Bonn the municipalities on the right side of the river Rhine;
- (h) the city Leverkusen;
- (i) the Rheinisch-Bergische Kreis;
- (j) the Oberbergische Kreis.

2. AREAS WHERE THE EMERGENCY VACCINATION IS APPLIED

A. In the Federal State Rhineland-Palatinate

- (a) in the Kreis Ahrweiler: the municipalities Adenau and Altenahr;
- (b) in the Landkreis Vulkaneifel: in the municipality Obere Kyll the localities Birgel, Esch, Feusdorf and Jünkerath, in the municipality Hillesheim the localities Berndorf, Dohm-Lammersdorf, Hillesheim, Kerpen, Nohn, Oberehe-Stroheich, Üxheim, Walsdorf and Wiesbaum, in the municipality Daun the locality Dreis-Brück, in the municipality Kelberg the localities Beinhausen, Bodenbach, Bongard, Borler, Boxberg, Brücktal, Drees, Gelenberg, Kelberg, Kirsbach, Neichen, Nitz, Reimerath and Welcherath;
- (c) the Kreise Altenkirchen and Neuwied;
- (d) in the Kreis Westerwald: the municipalities Bad Marienberg, Hachenburg, Ransbach-Baumbach, Rennerod, Selters, Wallmerod and Westerbürg, the municipality Höhr-Grenzhausen north of the motorway A48, the municipality Montabaur north of the motorway A3 and the municipality Würges north of the motorways A48 and A3;
- (e) in the Landkreis Südwestpfalz: the municipality Kröppen southeast of the L 483, the municipality Vinningen southeast of the L 478 and L 484, the municipalities Schweix, Hilst, Trulben, Eppenbrunn, Ludwigswinkel, Fischbach bei Dahn, Schönau (Pfalz), Hirschthal, Rumbach, Bruchweiler-Bärenbach, Bundenthal, Niederschlettenbach, Nothweiler, Bobenthal and Erlenbach bei Dahn.

B. In the Federal State North Rhine-Westphalia

- (a) in the Kreis Euskirchen: the city Bad Münstereifel, in the city Mechernich the localities Antweiler, Harzheim, Holzheim, Lessenich, Rißdorf, Wachendorf and Weiler am Berge, in the city Euskirchen the localities of Billig, Euenheim, Euskirchen, Flamersheim, Kirchheim, Kuchenheim, Kreuzweingarten, Niederkastenholz, Palmersheim, Rheder, Roitzheim, Schweinheim and Stotzheim, in the municipality of Nettersheim the localities Boudersath, Buir, Engalgau, Frohngau, Holzmühlheim, Pesch, Tondorf und Roderath, in the municipality Dahlem the locality Dahlem and the municipality Blankenheim, except the locality Blankenheimer Wald;
- (b) in the Rhein-Sieg-Kreis: in the city Meckenheim the localities Erndorf and Altendorf, in the city Rheinbach the localities Oberdrees, Niederdrees, Wormersdorf, Todenfeld, Hilberath, Merzbach, Irlenbusch, Queckenberg, Kleinschlehbach, Großschlehbach, Loch, Berscheidt, Eichen und Kurtenberg, in the municipality of Swisttal the localities Miel and Odendorf, the cities Bad Honnef, Königswinter, Hennef (Sieg), Sankt Augustin, Niederkassel, Troisdorf, Siegburg and Lohmar and the municipalities Neunkirchen-Seelscheid, Eitorf, Ruppichterath, Windeck and Much;
- (c) in the Kreis Siegen-Wittgenstein in the municipality Kreuztal the localities Krombach, Eichen, Fellinghausen, Osthelden, Junkernhees and Mittelhees, in the city Siegen the localities Sohlbach, Dillnhütten, Geisweid, Birlenbach, Trupbach, Seelbach, Achenbach, Lindenberg, Rosterberg, Rödgen, Obersdorf, Eisen und Eisfeld, the municipalities Freudenberg, Neunkirchen and Burbach, in the municipality Wilnsdorf the localities Rinsdorf and Wilden;
- (d) in the Kreis Olpe in the city Drolshagen the localities Drolshagen, Lüdespert, Schlade, Hützemert, Feldmannshof, Gipperich, Benolpe, Wormberg, Gelsingen, Husten, Halbhusten, Iseringhausen, Brachtpe, Berlinghausen, Eichen, Heiderhof, Forth und Buchhagen, in the city Olpe the localities Olpe, Rhode, Saßmicke, Dahl, Friedrichthal, Thieringhausen, Günsen, Altenkleusheim, Rhonard, Stachelau, Lütringhausen and Rüblinghausen, the municipality Wenden;

- (e) in the Märkische Kreis the cities Halver, Kierspe and Meinerzhagen;
 - (f) in the city Remscheid the localities Halle, Lusebusch, Hackenberg, Dörper Höhe, Niederlangenbach, Durchsholz, Nagelsberg, Kleebach, Niederfeldbach, Endringhausen, Lennep, Westerholt, Grenzwall, Birgden, Schneppendahl, Oberfeldbach, Hasenberg, Lüdorf, Engelsburg, Forsten, Oberlangenbach, Niederlangenbach, Karlsruhe, Sonnenschein, Buchholzen, Bornefeld and Bergisch Born;
 - (g) in the cities Köln and Bonn the municipalities on the right side of the river Rhine;
 - (h) the city Leverkusen;
 - (i) the Rheinisch-Bergische Kreis;
 - (j) the Oberbergische Kreis.'
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CORRIGENDA

Corrigendum to Commission Regulation (EC) No 77/2009 of 26 January 2009 amending Council Regulation (EC) No 314/2004 concerning certain restrictive measures in respect of Zimbabwe*(Official Journal of the European Union L 23 of 27 January 2009)*

On page 6, Annex, point 3 (Al Shanfari):

for: 'Oryz Natural Resources',

read: 'Oryx Natural Resources';

on page 7, Annex, point 22 (Chimedza):

for: 'President of the medical Association of Zimbabwe, Dr',

read: 'President of the Medical Association of Zimbabwe, Doctor,';

on page 9, Annex, point 45 (Gambe):

for: '27.1.2009',

read: '16.6.2005';

on page 10, Annex, point 49 (Goyo):

for: 'Goyo, Helen (*alias* Hellin) Mushanyuri',

read: 'Gono, Helen (*alias* Hellin) Mushanyuri';

on page 10, Annex, point 58 (Kachepa):

for: 'Member of Parliament elect for Mudzi North.',

read: 'Member of Parliament for Mudzi North.';

on page 11, Annex, point 69 (Kuruneri):

for: 'NB currently in remand. Former member of the Government with ongoing ties.',

read: 'former member of the Government with ongoing ties.';

on page 11, Annex, point 70 (Kwainona):

for: 'Assistant Commissioner.',

read: 'Assistant Commissioner, born 19.1.1953, passport AD001073.';

on page 15, Annex, point 122 (Mudonhi):

for: 'Assistant Zimbabwe Republic Police.',

read: 'Assistant Inspector Zimbabwe Republic Police.';

on page 15, Annex, point 123 (Mudzvova):

for: 'Sergent.',

read: 'Sergeant.'
