

Official Journal

of the European Union

L 102



English edition

Legislation

Volume 52

22 April 2009

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I

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

REGULATIONS

COMMISSION REGULATION (EC) No 325/2009**of 21 April 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 22 April 2009.

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

Done at Brussels, 21 April 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	JO	93,2
	MA	73,6
	TN	139,0
	TR	106,9
	ZZ	103,2
0707 00 05	JO	155,5
	MA	46,5
	TR	135,2
	ZZ	112,4
0709 90 70	JO	220,7
	MA	28,1
	TR	112,4
	ZZ	120,4
0805 10 20	EG	44,9
	IL	61,2
	MA	44,3
	TN	53,7
	TR	56,6
	US	49,7
	ZZ	51,7
0805 50 10	TR	59,7
	ZA	76,0
	ZZ	67,9
0808 10 80	AR	83,3
	BR	73,5
	CA	124,7
	CL	76,5
	CN	73,0
	MK	22,6
	NZ	97,8
	US	124,2
	UY	62,9
	ZA	80,7
0808 20 50	ZZ	81,9
	AR	77,6
	CL	75,1
	CN	63,6
	ZA	94,5
	ZZ	77,7

⁽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 326/2009**of 21 April 2009****entering a name in the register of protected designations of origin and protected geographical indications (Andruty kaliskie (PGI))**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs ⁽¹⁾, and in particular Article 7(4) thereof,

Whereas:

- (1) Pursuant to Article 6(2) of Regulation (EC) No 510/2006, Poland's application to register the name 'Andruty kaliskie' has been published in the *Official Journal of the European Union* ⁽²⁾.

- (2) As no objection under Article 7 of Regulation (EC) No 510/2006 has been received by the Commission, this name should be entered in the register,

HAS ADOPTED THIS REGULATION:

Article 1

The name contained in the Annex to this Regulation is hereby entered in the register.

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, 21 April 2009.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 93, 31.3.2006, p. 12.

⁽²⁾ OJ C 233, 11.9.2008, p. 16.

ANNEX

Foodstuffs listed in Annex I to Regulation (EC) No 510/2006:

Class 2.4. Bread, pastry, cakes, confectionery, biscuits and other baker's wares

POLAND

Andruty kaliskie (PGI)

COMMISSION REGULATION (EC) No 327/2009**of 21 April 2009****on the issuing of import licences for applications lodged during the first seven days of April 2009
under tariff quotas opened by Regulation (EC) No 616/2007 for poultry meat**

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 616/2007 of 4 June 2007 opening and providing for the administration of Community tariff quotas for poultry meat originating in Brazil, Thailand and other third countries ⁽³⁾, and in particular Article 5(5) thereof,

Whereas:

- (1) Regulation (EC) No 616/2007 opened tariff quotas for imports of products in the poultry meat sector.
- (2) The applications for import licences lodged during the first seven days of April 2009 for the subperiod 1 July to 30 September 2009 and, for group 3, for the period 1 July 2009 to 30 June 2010 relate, for some quotas,

to quantities exceeding those available. The extent to which licences may be issued should therefore be determined and an allocation coefficient laid down to be applied to the quantities applied for.

- (3) The applications for import licences lodged during the first seven days of April 2009 for the subperiod 1 July to 30 September 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 pursuant to Regulation (EC) No 616/2007 for the subperiod 1 July to 30 September 2009 shall be multiplied by the allocation coefficients set out in the Annex to this Regulation.

2. The quantities for which import licence applications have not been lodged pursuant to Regulation (EC) No 616/2007, to be added to the subperiod 1 October to 31 December 2009, are set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 22 April 2009.

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

Done at Brussels, 21 April 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 142, 5.6.2007, p. 3.

ANNEX

Group No	Order No	Allocation coefficient for import licence applications lodged for the subperiod 1.7.2009-30.9.2009 (%)	Quantities not applied for to be added to the subperiod 1.10.2009-31.12.2009 (kg)
1	09.4211	0,477182	—
2	09.4212	(¹)	27 783 000
4	09.4214	46,661832	—
5	09.4215	37,082166	—
6	09.4216	(²)	1 267 610
7	09.4217	27,343152	—
8	09.4218	(¹)	3 478 800

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

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

Group No	Order No	Allocation coefficient for import licence applications lodged for the period 1.7.2009-30.6.2010 (%)
3	09.4213	1,692047

II

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

DECISIONS

COMMISSION

COMMISSION DECISION

of 20 April 2009

on the definition of the criteria for the classification of waste facilities in accordance with Annex III of Directive 2006/21/EC of the European Parliament and of the Council concerning the management of waste from extractive industries

(notified under document number C(2009) 2856)

(2009/337/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2006/21/EC of the European Parliament and of the Council of 15 March 2006 on the management of waste from extractive industries and amending Directive 2004/35/EC ⁽¹⁾, and in particular Article 22(1)(g) thereof,

Whereas:

(1) In order to ensure a common assessment of the criteria set out in Annex III to Directive 2006/21/EC, it is necessary to define a methodology and, where possible, to fix limit values, taking into account the different types of waste facilities, their behaviour in the short and long term as well as throughout their operating phase.

(2) It is appropriate from a technical point of view to exempt waste facilities containing only inert waste or unpolluted soil from the assessment of the criteria concerning the presence of dangerous substances or hazardous waste.

(3) The potential hazard posed by a waste facility may change significantly during the operational and closure

phases of the facility. Therefore, it is appropriate to review the classification of the facility as necessary and at least at the end of the operational phase.

(4) In order to assess the potential for loss of life and danger for human health in cases of loss of structural integrity, or incorrect operation, of a facility, the actual permanent presence of people in the potentially affected areas should be taken into account when assessing the significance of that potential loss of life or danger for human health.

(5) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 18 of Directive 2006/12/EC of the European Parliament and of the Council ⁽²⁾,

HAS ADOPTED THIS DECISION:

Article 1

1. A waste facility shall be classified under Category A in accordance with the first indent of Annex III of Directive 2006/21/EC if the predicted consequences in the short or the long term of a failure due to loss of structural integrity, or due to incorrect operation of a waste facility could lead to:

(a) non-negligible potential for loss of life;

⁽¹⁾ OJ L 102, 11.4.2006, p. 15.

⁽²⁾ OJ L 114, 27.4.2006, p. 9.

(b) serious danger to human health;

(c) serious danger to the environment.

2. For the purpose of the classification referred to in paragraph 1, the entire life-cycle of the facility, including the after-closure phase, shall be considered in the evaluation of the hazard potential of the facility.

Article 2

1. For the purpose of this Decision, structural integrity of a waste facility shall mean its ability to contain the waste within the boundaries of the facility in the manner for which it was designed.

2. The loss of structural integrity shall cover all possible failure mechanisms relevant to the structures of the waste facility concerned.

3. An evaluation of the consequences of the loss of structural integrity shall comprise the immediate impact of any material transported from the facility as a consequence of the failure and the resulting short and long term effects.

Article 3

1. For the purpose of this Decision, incorrect operation of the waste facility shall mean any operation which may give rise to a major accident, including the malfunction of environmental protection measures and faulty or insufficient design.

2. An assessment of the release of contaminants resulting from incorrect operation shall comprise the effects of short-term pulses as well as of the long-term release of contaminants. That assessment shall cover the operational period of the facility and as well as the long-term period following closure. It shall include an evaluation of the potential hazards constituted by facilities containing reactive waste, regardless of the classification of the waste as hazardous or non-hazardous under Council Directive 91/689/EEC ⁽¹⁾.

Article 4

1. Member States shall assess the consequences of a failure due to loss of structural integrity or incorrect operation of a waste facility in accordance with paragraphs 2, 3 and 4.

2. The potential for loss of life or danger to human health shall be considered to be negligible or not serious if people other than workers operating the facility that might be

affected are not expected to be present permanently or for prolonged periods in the potentially affected area. Injuries leading to disability or prolonged states of ill-health shall count as serious dangers to human health.

3. The potential danger for the environment shall be considered to be not serious if:

(a) the intensity of the potential contaminant source strength is decreasing significantly within a short time;

(b) the failure does not lead to any permanent or long-lasting environmental damage;

(c) the affected environment can be restored through minor clean-up and restoration efforts.

4. In establishing the potential for loss of life or danger to human health or to the environment, the specific evaluations of the extent of the potential impacts shall be considered in the context of the source-pathway-receptor chain.

Where there is no pathway between the source and the receptor, the facility concerned shall not be classified as Category A on the basis of failure due to loss of structural integrity or incorrect operation.

Article 5

1. In the case of loss of structural integrity for tailings dams, human lives shall be deemed to be threatened where water or slurry levels are at least 0,7 m above ground or where water or slurry velocities exceed 0,5 m/s.

2. The assessment of the potential for loss of life and danger to human health, shall comprise at least the following factors:

(a) the size and properties of the facility including its design;

(b) the quantity and quality including physical and chemical properties of the waste in the facility;

(c) the topography of the facility site, including damping features;

(d) the travel time of a potential flood-wave to areas where people are present;

(e) the propagation velocity of the flood-wave;

(f) the predicted water or slurry level;

⁽¹⁾ OJ L 377, 31.12.1991, p. 20.

- (g) the rising rate of water or slurry levels;
- (h) any relevant, site-specific factors that may influence the potential for loss- of- life or for danger to human health.

Article 6

1. In the case of waste heap slides any waste-mass in movement shall be deemed likely to threaten human lives if people are staying within range of the moving waste-mass.

2. The assessment of the potential for loss of life and danger to human health shall comprise at least the following factors:

- (a) the size and properties of the facility including its design;
- (b) the quantity and quality including physical and chemical properties of the waste in the facility;
- (c) slope angle of heap;
- (d) potential to build up internal groundwater within the heap;
- (e) underground stability;
- (f) topography;
- (g) proximity to water courses, constructions, buildings;
- (h) mine workings;
- (i) any other site-specific factors that may significantly contribute to the risk posed by the structure.

Article 7

1. The threshold referred to in the second indent of Annex III of Directive 2006/21/EC shall be determined, as the ratio of the weight on a dry matter basis of:

- (a) all waste classified as hazardous in accordance with Directive 91/689/EEC and expected to be present in the facility at the end of the planned period of operation, and
- (b) waste expected to be present in the facility at the end of the planned period of operation.

2. Where the ratio referred to in paragraph 1 exceeds 50 %, the facility shall be classified as Category A.

3. Where the ratio referred to paragraph 1 is between 5 % and 50 %, the facility shall be classified as Category A.

However, that facility may not be classified as Category A where it is justified on the basis of a site specific risk assessment, with specific focus on the effects of the hazardous waste, carried out as part of the classification based on the consequences of failure due to loss of integrity or incorrect operation, and demonstrating that the facility should not be classified as Category A on the basis of the contents of hazardous waste.

4. Where the ratio referred in paragraph 1 is less than 5 %, then the facility shall not be classified as Category A on the basis of the contents of hazardous waste.

Article 8

1. Member States shall assess whether the criterion set out in the third indent of Annex III of Directive 2006/21/EC is met in accordance with the considerations set out in paragraphs 2, 3, and 4.

2. For planned tailing ponds, the following methodology shall be used:

- (a) an inventory shall be carried out of the substances and preparations which are used in the processing and which are subsequently discharged with the tailings slurry to the tailings pond;
- (b) for each substance and preparation, the yearly quantities used in the process shall be estimated out for each year of the planned duration of operation;
- (c) for each substance and preparation, it shall be determined whether it is a dangerous substance or preparation within the meaning of Council Directive 67/548/EEC ⁽¹⁾ and of Directive 1999/45/EC of the European Parliament and of the Council ⁽²⁾;
- (d) for each year of planned operation, the yearly increase in stored water (ΔQ_i) within the tailings pond shall be calculated under steady state conditions according to the formula set out in Annex I;
- (e) for each dangerous substance or preparation identified in accordance with point (c), the maximum yearly concentration (C_{max}) in the aqueous phase shall be estimated according to the formula set out in Annex II.

⁽¹⁾ OJ 196, 16.8.1967, p. 1.

⁽²⁾ OJ L 200, 30.7.1999, p. 1.

If, on the basis of the estimation of the maximum yearly concentrations (C max), the aqueous phase is considered to be 'dangerous' within the meaning of Directives 1999/45/EC or 67/548/EEC, the facility shall be classified as a Category A facility.

3. For operating tailings ponds, the classification of the facility shall be based on the methodology set out in paragraph 2, or on direct chemical analysis of the water and solids contained in the facility. If the aqueous phase and its contents have to be considered as dangerous preparation within the meaning of Directive 1999/45/EC or 67/548/EEC, the facility shall be classified as a Category A facility.

4. For heap leaching facilities, where metals are extracted from ore heaps by percolating leach solutions, Member States shall undertake a screening for dangerous substances at closure based on an inventory of used leach chemicals and the residual concentrations of these leach chemicals in the drainage after washing has been finalised. If these leachates have to be considered as dangerous preparation within the meaning of Directives 1999/45/EC or 67/548/EEC, the facility shall be classified as a Category A facility.

Article 9

Article 7 and 8 of this Decision shall not apply to waste facilities containing inert waste or unpolluted soil only.

Article 10

A review of the classification shall be carried out by the competent authority within the meaning of Directive 2006/21/EC where the permit is substantially modified or the operational conditions have changed significantly.

That review shall be carried out at the latest at the end of the operational period of the facility.

Article 11

This Decision is addressed to the Member States.

Done at Brussels, 20 April 2009.

For the Commission

Stavros DIMAS

Member of the Commission

ANNEX I

Formula for the calculation of the average yearly increase in stored water within the tailings pond ΔQ as referred in Article 8 paragraph 2

$\Delta Q_i = (\Delta M_i/D) * P$, where:

ΔQ_i = yearly increase of stored water in the tailing pond (m^3 /year) during the year 'i'

ΔM_i = yearly mass of tailings discharged to pond (tonnes dry weight/year) during the year 'i'

D = average dry bulk density of the deposited tailings (tonnes/ m^3)

P = average porosity of the sedimented tailings (m^3/m^3) defined as the ratio of the volume of voids to the total volume of sedimented tailings

If exact data are not available, default values of 1,4 tonnes/ m^3 for the dry bulk density and 0,5 m^3/m^3 for the porosity should be used.

ANNEX II

Estimation of the maximum concentration in the aqueous phase C_{max} as referred in Article 8 paragraph 2

C_{max} = the maximum of the following value: $S_i/\Delta Q_i$, where:

S_i = yearly mass of each substance and preparation as identified under Article 8(2)(c), discharged into the pond during the year 'i'.

EUROPEAN CENTRAL BANK

DECISION OF THE EUROPEAN CENTRAL BANK

of 19 March 2009

on the establishment of the TARGET2-Securities Programme Board

(ECB/2009/6)

(2009/338/EC)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Banque de France and the Banca d'Italia, the Governing Council also decided that T2S would be developed and operated by these four national central banks (NCBs).

Having regard to the Statute of the European System of Central Banks and of the European Central Bank (hereinafter the 'Statute of the ESCB'), and in particular Articles 3.1, 12.1 and 12.3 and Articles 17, 18 and 22 thereof,

- (3) The effective and efficient organisation of T2S involving both internal and external stakeholders requires the establishment of a streamlined management body that will develop proposals for the Governing Council on key strategic issues and execute tasks of a purely technical nature (hereinafter the 'T2S Programme Board').

Whereas:

- (1) At its meeting of 6 July 2006, the Governing Council of the European Central Bank (ECB) decided to explore, in cooperation with central securities depositories (CSDs) and other market participants, the possibility of setting up a new Eurosystem service for securities settlement, to be called TARGET2-Securities (T2S). As part of its tasks in accordance with Articles 17, 18 and 22 of the Statute of the ESCB, the Eurosystem envisages that T2S will be a service based on a single platform allowing for core, neutral and borderless pan-European cash and securities settlement, which will be offered to CSDs to enable them to provide their customers with harmonised and commoditised delivery-versus-payment settlement services in central bank money in an integrated technical environment.

- (4) Under the principle of decentralisation laid down in Article 12.1 of the Statute of the ESCB, to the extent deemed possible and appropriate, NCBs carry out operations which form part of the tasks of the Eurosystem. The Eurosystem central banks will therefore entrust the T2S Programme Board with certain implementing tasks so that it can be fully operational and act on behalf of the whole Eurosystem. The Payment and Settlement Systems Committee (PSSC) will maintain its advisory role to the ECB's decision-making bodies,

HAS ADOPTED THIS DECISION:

Article 1

T2S Programme Board

- (2) On 17 July 2008, the Governing Council decided to launch T2S and to provide the resources required until its completion. On the basis of an offer made by the Deutsche Bundesbank, the Banco de España, the

1. The T2S Programme Board shall be established as a streamlined management body of the Eurosystem with the task of developing proposals for the Governing Council on key strategic issues and executing tasks of a purely technical nature in relation to T2S.

2. The mandate of the T2S Programme Board, including its objectives, responsibilities, tasks, composition, working procedures, and budget, shall be as set out in the Annex to this Decision.

3. The names and resumés of candidates to be considered for appointment to the T2S Programme Board members shall be sent by members of the Governing Council to the Executive Board so that they are received no later than 8 April 2009. On the basis of such proposals, the Governing Council shall appoint members of the T2S Programme Board on 23 April 2009.

4. The T2S Programme Board shall commence work from mid-May 2009.

5. The T2S Programme Board shall communicate its agenda, a summary of its meetings and relevant documentation in relation to its meetings to the members of the PSSC to allow the latter to provide input to the T2S Programme Board.

Article 2

Final provision

This Decision shall enter into force on 20 March 2009.

Done at Frankfurt am Main, 19 March 2009.

The President of the ECB

Jean-Claude TRICHET

ANNEX

MANDATE OF THE T2S PROGRAMME BOARD

In line with the Treaty and the Statute of the European System of Central Banks and of the European Central Bank, the Eurosystem aims to offer its T2S Services to CSDs in Europe no later than 2013. The T2S services will allow for the core, neutral and borderless, i.e. pan-European, settlement of securities transactions on a delivery-versus-payment (DVP) basis in central bank money, on a single technical platform integrated with the real-time gross settlement systems settling in central bank money of each participating currency.

In view of the provision of the T2S Services, the ECB Governing Council, as ultimate decision-making body of the Eurosystem, established the T2S Programme Board to assist the ECB decision-making bodies in ensuring the successful and timely completion of the T2S programme.

The T2S Programme Board is also based on a T2S Protocol signed by the Eurosystem central banks. Without prejudice to the ultimate decision-making powers of the ECB decision-making bodies, the T2S Programme Board is entrusted with the autonomous performance of clearly defined executive tasks related to the T2S programme. The T2S Programme Board will report directly to the Governing Council regularly. The advisory functions of ESCB committees, in particular the PSSC, LEGCO and the EISC, are not affected by the establishment of the T2S Programme Board. The T2S Programme Board may seek and receive guidance from the Governing Council on T2S related issues in case of uncertainty or doubt.

If and when new issues related to T2S arise, the T2S Programme Board may be assigned further clearly defined executive tasks. In light of the Governing Council's final competence in T2S issues, any tasks performed by the T2S Programme Board may be addressed by the Governing Council.

OBJECTIVES

Based on this mandate, the T2S Programme Board ensures that the T2S programme is implemented:

- in accordance with market expectations, as reflected in the user requirement document (URD) dated 21 May 2008, as amended from time to time,
- within the budget defined by the Governing Council,
- no later than June 2013.

RESPONSIBILITIES

In view of meeting its objectives, the T2S Programme Board is responsible for:

- submitting proposals to the ECB decision-making bodies on T2S issues that are of a strategic nature and might have an impact on the timely and successful implementation of the T2S programme within the agreed parameters,
- managing the T2S programme on a daily basis,
- managing the relations with T2S clients and external stakeholders,
- reporting on the T2S programme to the ECB decision-making bodies on a regular and structured basis,
- interacting with the 4CB.

TASKS

In view of fulfilling its responsibilities, the following executive tasks are assigned to the T2S Programme Board:

1. Elaboration of proposals for ultimate decision by the Governing Council

The T2S Programme Board elaborates proposals in the following fields:

- T2S governance,

- T2S finances, including:
 - timely proposals on issues related to the compliance with the stated T2S objective of full cost recovery (e.g. in case T2S does not attract sufficient volume) and the possible resulting financial risk, the Eurosystem may be exposed to,
 - proposals in light of the outcome of the T2S Programme Board's negotiations with the 4CB regarding the 'conditional fixed price offer' (including the payment schedule),
 - proposals on the annual budget managed by the T2S Programme Board,
 - proposals concerning the T2S cost methodology, and
 - proposals regarding the T2S pricing policy,
- overall T2S programme planning,
- any contract to be signed between the Eurosystem and external stakeholders,
- T2S risk management framework (and acceptance of remaining risks),
- service level agreements (SLAs) to be established with the CSDs and NCBs and the 4CB,
- T2S migration strategy,
- crisis management strategy.

2. Programme management

The T2S Programme Board:

- performs the overall management of the T2S programme,
- establishes a detailed plan, on the basis of the overall T2S programme plan, as approved by the Governing Council,
- assesses, validates and accepts the 4CB deliverables, according to pre-agreed quality standards, and in particular ensures that they are consistent with the URD,
- validates proposals from the 4CB, in particular on IT strategy, network provision and capacity planning strictly related to T2S,
- approves payment of instalments to the 4CB, according to an agreed schedule approved by the Governing Council (conditional fixed price offer), once the 4CB deliveries have been accepted by the T2S Programme Board,
- coordinates proper change management (URD),
- establishes test scenarios and later coordinates tests between the various stakeholders,
- implements the T2S risk management framework within the parameters set by the Governing Council,
- implements the T2S migration strategy within the parameters set by the Governing Council,
- implements the T2S crisis management strategy within the parameters set by the Governing Council,
- ensures compliance of the T2S service with regulatory requirements.

3. Relations with external stakeholders

The T2S Programme Board:

- ensures that the T2S service meets the market needs,
- maintains close relations with the CSDs (jointly with the Eurosystem central banks) and non-euro area NCBs. The chairperson of the T2S Programme Board chairs the T2S Advisory Group or its successor body,
- negotiates with CSDs (jointly with the Eurosystem central banks) and NCBs, including contracts for development and operational phases (to be endorsed by the Governing Council),
- performs, with the help of the central bank expert network, a central role in the communication on T2S vis-à-vis market participants and public authorities,
- conducts all T2S related harmonisation work,
- closely cooperates with all relevant public authorities or private bodies (e.g. the EU Commission and the European Parliament, securities regulators), on relevant initiatives in the field of securities clearing and settlement,
- ensures transparency through the timely and consistent publication of relevant documentation.

4. Reporting

The T2S Programme Board:

- prepares quarterly reports to the Governing Council. In the spirit of full transparency, these reports are sent to the PSSC and to the EISC for comments before they are submitted to the Executive Board and the Governing Council,
- shares the agendas, the summaries and the relevant documentation of its meetings with the members of the PSSC to allow such members to provide input to the T2S Programme Board in exceptional cases,
- may consult any ESCB committees in case of need.

COMPOSITION

The T2S Programme Board is composed of eight members. The mandate of a T2S Programme Board member lasts for eighteen months and may be renewed. Members of the Governing Council and the Governors of central banks that have committed to settle their national currency via T2S may present candidates for the T2S Programme Board.

The Governing Council will appoint the members of the T2S Programme Board upon the proposal of the Executive Board of the ECB. In addition to the abovementioned members, the Governing Council may nominate alternates for each of the NCB members. These alternates will receive all T2S Programme Board documentation, will replace the incumbent in case of absence and may attend meetings of the T2S Programme Board as observers.

WORKING PROCEDURES

- T2S Programme Board members do not represent their central bank of origin, but act in the general interest of the Eurosystem,
- in case of an equal number of votes in the T2S Programme Board, its chairperson will have a casting vote,
- members of the T2S Programme Board will not vote when they are in a situation of conflict of interest. This applies in particular to the members of Deutsche Bundesbank, Banque de France, Banca d'Italia and Banco de España, if the T2S Programme Board decides on the validation of the 4CB deliveries,

- the chairperson of the T2S Programme Board works full time on the T2S project; the independent members at least 30 % and the other members at least 10 %,
- members of the T2S Programme Board may not, at the same time, be members of the ECB decision-making bodies nor of the PSSC, nor of the EISC,
- the T2S Programme Board is supported by a T2S project team which may also be composed of staff seconded by ESCB central banks. The team may also hire consultants,
- the T2S Programme Board function is subject to the reviews of the Internal Auditors Committee of the Eurosystem,
- the T2S Programme Board generally meets once every month, or on an ad-hoc basis, at the invitation of the Chairperson,
- details of the working procedures are to be addressed in the Rules of Procedure of the T2S Programme Board.

BUDGET

The T2S Programme Board has its own budget, adopted by the Governing Council and subject to the BUCOM procedures. This budget comprises exclusively expenses which will be recovered by the T2S CSDs and, ultimately, by the T2S users. All such expenses are in the T2S budget. The PSSC, the EISC, the BUCOM and the T2S Advisory Group are consulted before the budget proposal is sent to the Governing Council.

As much as possible and appropriate, the T2S Programme Board follows the procedures of the ECB, and the support functions of the ECB. Related expenses are reimbursed to the ECB.

TRANSITORY MEASURES

Transitory measures aim at allowing the T2S Programme Board to be fully operational on 1 August 2009.

Members of the Governing Council and Governors of non-euro central banks which have committed to settle their national currencies via T2S are invited to propose candidates for membership of the T2S Programme Board by 8 April 2009, in view of their appointment by the Governing Council on 23 April 2009.

ECB staff members of the T2S division are assigned to the T2S programme as from 1 August 2009.

The T2S Programme Board will, inter alia, prepare proposals for the meeting of the Governing Council of 16 July 2009, on the following topics:

- a budget for 2009,
 - Rules of Procedure for the T2S Programme Board,
 - a note clarifying the working relations between the ECB services and the T2S Programme Board.
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