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Contents

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

REGULATIONS

Commission Regulation (EC) No 343/2009 of 24 April 2009 establishing the standard import values for determining the entry price of certain fruit and vegetables 1

★ **Commission Regulation (EC) No 344/2009 of 24 April 2009 amending for the 106th time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban** 3

★ **Commission Regulation (EC) No 345/2009 of 20 April 2009 establishing a prohibition of fishing for turbot in the Black Sea by vessels flying the flag of Bulgaria** 5

Commission Regulation (EC) No 346/2009 of 24 April 2009 on the issue of licences for importing rice under the tariff quotas opened for the April 2009 subperiod by Regulation (EC) No 327/98.... 7

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

DECISIONS

Commission

2009/343/EC:

- ★ **Commission Decision of 21 April 2009 amending Decision 2007/131/EC on allowing the use of the radio spectrum for equipment using ultra-wideband technology in a harmonised manner in the Community** (notified under document number C(2009) 2787) ⁽¹⁾ 9

2009/344/EC:

- ★ **Commission Decision of 22 April 2009 authorising the placing on the market of Ice Structuring Protein type III HPLC 12 as a novel food ingredient under Regulation (EC) No 258/97 of the European Parliament and of the Council** (notified under document number C(2009) 2929) 14

2009/345/EC:

- ★ **Commission Decision of 22 April 2009 authorising the placing on the market of Vitamin K2 (menaquinone) from *Bacillus subtilis natto* as a novel food ingredient under Regulation (EC) No 258/97 of the European Parliament and of the Council** (notified under document number C(2009) 2935) 16

III Acts adopted under the EU Treaty

ACTS ADOPTED UNDER TITLE VI OF THE EU TREATY

2009/346/EC:

- ★ **Decision of the Management Board of Europol of 9 April 2009 agreeing to the conditions and procedures laid down by Europol adapting the amounts mentioned in the Appendix to the Decision of the Europol Management Board of 16 November 1999 regarding taxes applicable to salaries and emoluments paid to Europol staff members for the benefit of Europol** 18



⁽¹⁾ Text with EEA relevance

I

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

REGULATIONS

COMMISSION REGULATION (EC) No 343/2009**of 24 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 25 April 2009.

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

Done at Brussels, 24 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	MA	72,3
	TN	139,0
	TR	98,7
	ZZ	103,3
0707 00 05	JO	155,5
	MA	37,3
	TR	144,6
	ZZ	112,5
0709 90 70	TR	114,9
	ZZ	114,9
0805 10 20	EG	44,6
	IL	58,8
	MA	51,8
	TN	64,9
	TR	51,6
	US	49,7
	ZZ	53,6
0805 50 10	TR	62,7
	ZA	64,0
	ZZ	63,4
0808 10 80	AR	78,9
	BR	77,2
	CL	74,7
	CN	87,6
	MK	22,1
	NZ	115,4
	US	131,1
	UY	70,5
	ZA	81,2
	ZZ	82,1
0808 20 50	AR	83,3
	CL	78,0
	CN	45,7
	ZA	91,8
	ZZ	74,7

⁽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 344/2009**of 24 April 2009****amending for the 106th time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 881/2002 of 27 May 2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, and repealing Council Regulation (EC) No 467/2001 prohibiting the export of certain goods and services to Afghanistan, strengthening the flight ban and extending the freeze of funds and other financial resources in respect of the Taliban of Afghanistan,⁽¹⁾ and in particular the first indent of Article 7(1) thereof,

Whereas:

- (1) Annex I to Regulation (EC) No 881/2002 lists the persons, groups and entities covered by the freezing of funds and economic resources under that Regulation.
- (2) On 4 February 2009, the Sanctions Committee of the United Nations Security Council decided to amend the list of natural and legal persons, groups and entities to whom the freezing of funds and economic resources should apply, adding one natural person to the list given the information related to their association with Al-Qaida. The statement of reasons regarding the amendments has been provided to the Commission.

(3) The Sanctions Committee amended the identifying data on 15 April 2009.

(4) Annex I should be amended accordingly.

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

(6) Since the UN list does not provide the current address for the natural person concerned, a notice should be published in the Official Journal so that the person concerned can contact the Commission and that the Commission can subsequently communicate the grounds on which this Regulation is based to the natural person concerned, provide him with the opportunity to comment on these grounds and review this Regulation in view of the comments and possible available additional information,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 881/2002 is hereby amended as set out in 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, 24 April 2009.

For the Commission

Eneko LANDÁBURU

Director-General for External Relations

⁽¹⁾ OJ L 139, 29.5.2002, p. 9.

ANNEX

Annex I to Regulation (EC) No 881/2002 is amended as follows:

The following entry shall be added under the heading 'Natural persons':

'Abdul **Haq** (*alias* (a) Maimaitiming Maimaiti, (b) Abdul Heq, (c) Abuduhake, (d) Abdulheq Jundullah, (e) 'Abd Al-Haq, (f) Memetiming Memeti, (g) Memetiming Aximu, (h) Memetiming Qekeman, (i) Maiumaitimin Maimaiti, (j) Abdul Saimaiti, (k) Muhammad Ahmed Khaliq, (l) Maimaiti Iman, (m) Muhelisi, (n) Qerman, (o) Saifuding). Date of birth: 10.10.1971. Place of birth: Chele County, Khuttan Area, Xinjiang Uighur Autonomous Region, China. Nationality: Chinese. National identification No: 653225197110100533 (Chinese identity card). Date of designation referred to in Article 2a(4)(b): 15.4.2009. Other information: located in Pakistan as at April 2009.'

COMMISSION REGULATION (EC) No 345/2009**of 20 April 2009****establishing a prohibition of fishing for turbot in the Black Sea by vessels flying the flag of Bulgaria**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy ⁽¹⁾, and in particular Article 26(4) thereof,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to common fisheries policy ⁽²⁾, and in particular Article 21(3) thereof,

Whereas:

- (1) Council Regulation (EC) No 1139/2008 of 10 November 2008 fixing the fishing opportunities and the conditions relating thereto for certain fish stocks applicable in the Black Sea for 2009 ⁽³⁾, lays down quotas for 2009.
- (2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2009.

- (3) It is therefore necessary to prohibit fishing for that stock and its retention on board, transhipment and landing,

HAS ADOPTED THIS REGULATION:

*Article 1***Quota exhaustion**

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2009 shall be deemed to be exhausted from the date set out in that Annex.

*Article 2***Prohibitions**

Fishing for the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein shall be prohibited from the date set out in that Annex. It shall be prohibited to retain on board, tranship or land such stock caught by those vessels after that date.

*Article 3***Entry into force**

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

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

Done at Brussels, 20 April 2009.

For the Commission

Fokion FOTIADIS

Director-General for Maritime Affairs and Fisheries

⁽¹⁾ OJ L 358, 31.12.2002, p. 59.

⁽²⁾ OJ L 261, 20.10.1993, p. 1.

⁽³⁾ OJ L 308, 19.11.2008, p. 3.

ANNEX

No	01/MED
Member State	BGR
Stock	TUR/F3742C
Species	Turbot (<i>Psetta maxima</i>)
Zone	Black Sea
Date	1.4.2009

COMMISSION REGULATION (EC) No 346/2009**of 24 April 2009****on the issue of licences for importing rice under the tariff quotas opened for the April 2009 subperiod by Regulation (EC) No 327/98**

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 327/98 of 10 February 1998 opening and providing for the administration of certain tariff quotas for imports of rice and broken rice ⁽³⁾, and in particular the first paragraph of Article 5 thereof,

Whereas:

- (1) Regulation (EC) No 327/98 opened and provided for the administration of certain import tariff quotas for rice and broken rice, broken down by country of origin and split into several subperiods in accordance with Annex IX to that Regulation.
- (2) April is the second subperiod for the quotas provided for in Article 1(1)(a) of Regulation (EC) No 327/98.
- (3) The notification sent in accordance with Article 8(a) of Regulation (EC) No 327/98 shows that, for the quota with order number 09.4130, the applications lodged in

the first 10 working days of April 2009 under Article 4(1) of that Regulation relate to a quantity greater than that available. The extent to which import licences may be issued should therefore be determined and the allocation coefficient to be applied to the quantities applied for under the quota concerned should be laid down.

- (4) The notification also shows that, for the quotas with order numbers 09.4127 – 09.4128 – 09.4129, the applications lodged in the first 10 working days of April 2009 in accordance with Article 4(1) of the Regulation relate to a quantity less than that available.
- (5) For the quotas with order numbers 09.4127 – 09.4128 – 09.4129 – 09.4130 the total quantities available for the following subperiod should therefore be set, in accordance with the first paragraph of Article 5 of Regulation (EC) No 327/98,

HAS ADOPTED THIS REGULATION:

Article 1

1. For import licence applications for rice under the quotas with order number 09.4130 referred to in Regulation (EC) No 327/98 lodged in the first 10 working days of April 2009, licences shall be issued for the quantities requested, multiplied by the allocation coefficient set out in the Annex to this Regulation.
2. The total quantities available for the following subperiod under the quotas with order numbers 09.4127 – 09.4128 – 09.4129 – 09.4130, referred to in Regulation (EC) No 327/98, are set out in 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*.

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 238, 1.9.2006, p. 13.

⁽³⁾ OJ L 37, 11.2.1998, p. 5.

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

Done at Brussels, 24 April 2009.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

ANNEX

**Quantities to be allocated for the April 2009 subperiod and quantities available for the following subperiod
under Regulation (EC) No 327/98**

Quota of wholly milled or semi-milled rice falling within CN code 1006 30 provided for in Article 1(1)(a) of Regulation (EC) No 327/98:

Origin	Order number	Allocation coefficient for the April 2009 subperiod	Total quantities available for the July 2009 (kg)
United States of America	09.4127	— ⁽¹⁾	17 894 173
Thailand	09.4128	— ⁽¹⁾	6 901 936
Australia	09.4129	— ⁽¹⁾	834 000
Other origins	09.4130	0,919426 %	0

⁽¹⁾ Applications cover quantities less than or equal to the quantities available: all applications are therefore acceptable.

II

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

DECISIONS

COMMISSION

COMMISSION DECISION

of 21 April 2009

amending Decision 2007/131/EC on allowing the use of the radio spectrum for equipment using ultra-wideband technology in a harmonised manner in the Community

(notified under document number C(2009) 2787)

(Text with EEA relevance)

(2009/343/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Decision No 676/2002/EC of the European Parliament and of the Council of 7 March 2002 on a regulatory framework for radio spectrum policy in the European Community (Radio Spectrum Decision) ⁽¹⁾, and in particular Article 4(3) thereof,

Whereas:

- (1) Commission Decision 2007/131/EC of 21 February 2007 on allowing the use of the radio spectrum for equipment using ultra-wideband technology in a harmonised manner in the Community ⁽²⁾ harmonises the technical conditions for radio equipment using ultra-wideband technology in the Community, ensuring that the radio spectrum is available across the European Community pursuant to harmonised conditions, eliminating barriers to the uptake of ultra-wideband technology and creating an effective single market for such systems with consequent economies of scale and benefits to the consumer.
- (2) Rapid changes in technology and in the use of the radio spectrum need to be adequately reflected in the regulation of ultra-wide band technology, in order for European society to benefit from the introduction of

innovative applications based on this technology, whilst ensuring that other spectrum users are not adversely affected. Decision 2007/131/EC should therefore be amended accordingly.

- (3) For this reason, the Commission issued additional mandates pursuant to Decision No 676/2002/EC to the European Conference of Postal and Telecommunications Administrations (CEPT), to undertake further compatibility studies of ultra-wideband technology with radio-communication services.
- (4) In its reports submitted in response to these mandates, the CEPT advised the Commission to amend a number of technical aspects in Decision 2007/131/EC.
- (5) The additional studies by CEPT clarified the technical conditions under which specific mitigation techniques, notably detect and avoid (DAA) and low duty cycle (LDC), enable ultra-wide band equipment to be operated with higher transmission powers while offering equivalent protection comparable to the existing ultra-wide band generic limits.
- (6) The CEPT studies also demonstrated that ultra-wide band equipment may be used under more stringent conditions than the generic limits in automotive and railway vehicles. Such conditions may be relaxed as long as mitigation techniques, such as those mentioned above, are used in these vehicles.

⁽¹⁾ OJ L 108, 24.4.2002, p. 1.

⁽²⁾ OJ L 55, 23.2.2007, p. 33.

- (7) Building material analysis (BMA) imaging systems can provide a host of innovative applications in detecting or taking images of pipes, wires and of other intra-wall structures in residential or commercial constructions. A common set of spectrum-access conditions for BMA equipment should assist those undertakings which want to provide related professional services using these applications across borders in the Community.
- (8) CEPT has advised the Commission that more relaxed conditions of use than the generic limits are to be feasible for BMA systems, given that their modes of operation, combined with their very low deployment densities and activity factors, further mitigate the possibility of harmful interference to radio-communication services.
- (9) The CEPT technical studies under the Commission mandates on BMA applications assume use in structures that are dense and thick enough to absorb most signals transmitted by the imaging system. These compatibility studies include, *inter alia*, the presumption that BMA equipment should cease transmission within ten seconds of the interruption of normal operation. Furthermore, although BMA devices may be sold as a consumer product, a maximum density of 6,7 BMA units/km² are assumed to be used in the aggregate interference studies.
- (10) Pursuant to Directive 1999/5/EC of the European Parliament and of the Council of 9 March 1999 on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity ⁽¹⁾ (the R & TTE Directive), the Commission has given mandates (M/329 and M/407) to the European standardisation organisations to establish a set of harmonised standards covering ultra-wideband applications to be recognised under this Directive, and resulting in a presumption of conformity with its requirements. In response to mandates M/329 and M/407 from the EC, the ETSI has developed harmonised standard EN 302 065 on generic UWB equipment, harmonised standard EN 302 500 for UWB location tracking equipment and harmonised standard EN 302 435 on BMA equipment.
- (11) These respective harmonised standards describe in detail how equipment operating in frequency bands allocated

by this Decision should operate and how this equipment can be tested for compliance with the limits stated in the harmonised standards.

- (12) The measures provided for in this Decision are in accordance with the opinion of the Radio Spectrum Committee,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2007/131/EC is amended as follows:

1. The Annex to Decision 2007/131/EC is replaced by the Annex to this Decision.
2. In Article 2, the following points 10 and 11 are added:
 - ‘10. “building material analysis” (BMA) means a field disturbance sensor that is designed to detect the location of objects within a building structure or to determine the physical properties of a building material;
 11. “radiated into the air” means those parts of the signal emitted by specific applications of ultra-wideband technology which are not absorbed by their shielding or by the material under investigation.’.

Article 2

This Decision shall apply from 30 June 2009.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 21 April 2009.

For the Commission

Viviane REDING

Member of the Commission

⁽¹⁾ OJ L 91, 7.4.1999, p. 10.

ANNEX

‘ANNEX

Maximum e.i.r.p. densities and appropriate mitigation techniques

1. GENERIC UWB USAGE

1.1. **Maximum e.i.r.p. densities**

Frequency range (GHz)	Maximum mean e.i.r.p. density (dBm/MHz)	Maximum peak e.i.r.p. density (dBm/50MHz)
Below 1,6	– 90,0	– 50,0
1,6 to 2,7	– 85,0	– 45,0
2,7 to 3,4	– 70,0	– 36,0
3,4 to 3,8	– 80,0	– 40,0
3,8 to 4,2	– 70,0	– 30,0
4,2 to 4,8	– 41,3 (until 31 December 2010)	0,0 (until 31 December 2010)
	– 70,0 (beyond 31 December 2010)	– 30,0 (beyond 31 December 2010)
4,8 to 6,0	– 70,0	– 30,0
6,0 to 8,5	– 41,3	0,0
8,5 to 10,6	– 65,0	– 25,0
Above 10,6	– 85,0	– 45,0

1.2. **Appropriate mitigation techniques**

Equipment using ultra-wideband technology shall also be allowed to use the radio spectrum with higher e.i.r.p. limits than mentioned in the table in section 1.1 when applying additional mitigation techniques as described in the relevant harmonised standards adopted under Directive 1999/5/EC or other mitigation techniques on condition that it achieves at least an equivalent level of protection as provided by the limits in the table in section 1.1. The following mitigation techniques are presumed to provide such protection:

1.2.1. *“Low duty cycle” (LDC) mitigation*

A maximum mean e.i.r.p. density of – 41,3 dBm/MHz and a maximum peak e.i.r.p. of 0 dBm measured in 50 MHz shall be allowed in the 3,1-4,8 GHz bands provided that a low duty cycle restriction is applied in which the sum of all transmitted signals is less than 5 % of the time each second and less than 0,5 % of the time each hour, and provided that each transmitted signal does not exceed 5 ms.

1.2.2. *“Detect and avoid” (DAA) mitigation*

A maximum mean e.i.r.p. density of – 41,3 dBm/MHz and a maximum peak e.i.r.p. of 0 dBm measured in 50 MHz shall be allowed in the 3,1-4,8 GHz and 8,5-9,0 GHz bands provided that a detect and avoid (DAA) mitigation technique as described in the relevant harmonised standards adopted under Directive 1999/5/EC is used.

1.3. **Operation of equipment using ultra-wideband technology in automotive and railway vehicles**

In derogation to Article 3 of this Decision, use of ultra-wideband equipment shall also be allowed in automotive and railway vehicles when in accordance with the following parameters.

1.3.1. Maximum e.i.r.p. densities for operation of ultra-wideband technology in automotive and railway vehicles

Equipment using ultra-wideband technology in automotive and railway vehicles shall be allowed to use the radio spectrum with the e.i.r.p. limits given in section 1.1 provided that for the bands 4,2–4,8 GHz and 6,0–8,5 GHz the following parameters are applied:

Frequency range (GHz)		Maximum mean e.i.r.p. density (dBm/MHz)
4,2 to 4,8	until 31 December 2010	– 41,3 provided that techniques to mitigate aggregate interference are applied that provide at least equivalent performance to the techniques described in harmonised standards adopted under Directive 1999/5/EC must be used. These require a transmitter power control (TPC) range of at least 12 dB. – 53,3 (otherwise)
	beyond 31 December 2010	– 70,0
6,0 to 8,5		– 41,3 provided that techniques to mitigate aggregate interference are applied that provide at least equivalent performance to the techniques described in harmonised standards adopted under Directive 1999/5/EC must be used. These require a transmitter power control (TPC) range of at least 12 dB. – 53,3 (otherwise)

1.3.2. Appropriate mitigation techniques in automotive and railway vehicles

Operation of equipment using ultra-wideband technology in automotive and railway vehicles shall also be allowed with other e.i.r.p. limits than mentioned in section 1.3.1 when applying additional mitigation techniques as described in the relevant harmonised standards adopted under Directive 1999/5/EC or other mitigation techniques on condition that it achieves at least an equivalent level of protection as provided by the limits in the previous tables. The following mitigation techniques are presumed to provide such protection:

1.3.2.1. "Low duty cycle" (LDC) mitigation

The operation of equipment using ultra-wideband technology in automotive and railway vehicles which applies the LDC mitigation technique in the 3,1–4,8 GHz band as described in section 1.2.1, shall be allowed with the same e.i.r.p. limits as described in that section 1.2.1. The e.i.r.p. limits mentioned in section 1.1 shall apply for the other frequency ranges.

1.3.2.2. "Detect and avoid" (DAA) mitigation

The operation of equipment using ultra-wideband technology in automotive and railway vehicles which applies the DAA mitigation technique in the 3,1–4,8 GHz and 8,5–9,0 GHz bands shall be allowed with an e.i.r.p. limit of – 41,3 dBm/MHz provided that techniques to mitigate interference are applied that provide at least equivalent performance to the techniques described in harmonised standards adopted under Directive 1999/5/EC. These require a transmitter power control (TPC) range of at least 12 dB. In other cases an e.i.r.p. limit of – 53,3 dBm/MHz applies.

2. SPECIFIC UWB USAGE

Signals that are radiated into the air that do not exceed the limits in the table below shall be allowed.

2.1. Building material analysis (BMA)

Frequency range (MHz)	Maximum mean e.i.r.p. density (dBm/MHz)	Maximum peak e.i.r.p. density (dBm/50 MHz)
Below 1 730	– 85	– 45
1 730 to 2 200	– 65	– 25

Frequency range (MHz)	Maximum mean e.i.r.p. density (dBm/MHz)	Maximum peak e.i.r.p. density (dBm/50 MHz)
2 200 to 2 500	– 50	– 10
2 500 to 2 690	– 65	– 25
2 690 to 2 700	– 55	– 15
2 700 to 3 400	– 82	– 42
3 400 to 4 800	– 50	– 10
4 800 to 5 000	– 55	– 15
5 000 to 8 000	– 50	– 10
8 000 to 8 500	– 70	– 30
Above 8 500	– 85	– 45

BMA equipment using mitigation techniques that provide at least equivalent performance to the techniques described in the relevant harmonised standards adopted under Directive 1999/5/EC, is permitted to operate in frequency ranges 1,215 to 1,73 GHz, with a maximum mean e.i.r.p. density of – 70 dBm/MHz, and in the frequency ranges 2,5 to 2,69 GHz and 2,7 to 3,4 GHz, with a maximum mean e.i.r.p. density of – 50 dBm/MHz on condition that at least an equivalent level of protection as provided by the limits in the above table is achieved.

In order to protect Radio Astronomy Services; in the frequency range 2,69 GHz to 2,70 GHz and in the frequency range 4,8 to 5 GHz; the total radiated power density has to be below – 65 dBm/MHz as described in the relevant harmonised standards adopted under Directive 1999/5/EC.'

COMMISSION DECISION

of 22 April 2009

authorising the placing on the market of Ice Structuring Protein type III HPLC 12 as a novel food ingredient under Regulation (EC) No 258/97 of the European Parliament and of the Council*(notified under document number C(2009) 2929)***(Only the English text is authentic)**

(2009/344/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 258/97 of the European Parliament and of the Council of 27 January 1997 concerning novel foods and novel food ingredients ⁽¹⁾, and in particular Article 7 thereof,

Whereas:

(1) On 8 June 2006 Unilever made a request to the competent authorities of the United Kingdom to place the Ice Structuring Protein type III HPLC 12 on the market as a novel food ingredient.

(2) The Ice Structuring Protein (ISP) type III HPLC 12 is produced using a genetically modified yeast as a processing aid. Pursuant to recital 16 of Regulation (EC) No 1829/2003 of the European Parliament and of the Council ⁽²⁾, food and feed which are manufactured with the help of a genetically modified processing aid are not included in the scope of that Regulation. The Report from the Commission to the Council and the European Parliament on the implementation of that Regulation ⁽³⁾ has clarified that the authorisation and labelling requirements set out in the Regulation are not applicable to food or feed produced by fermentation using genetically modified micro-organisms.

(3) On 27 July 2007 the competent food assessment body of the United Kingdom issued its initial assessment report. In that report it came to the conclusion that the use of the Ice Structuring Protein as a food ingredient was acceptable.

(4) The Commission forwarded the initial assessment report to all Member States on 1 August 2007.

(5) Within the 60-day period laid down in Article 6(4) of Regulation (EC) No 258/97 reasoned objections to the marketing of the product were raised in accordance with that provision.

(6) Therefore the European Food Safety Authority (EFSA) was consulted on 25 February 2008.

(7) On 9 July 2008, following a request from the Commission, the Panel on Dietetic Products, Nutrition and Allergies of EFSA adopted a Scientific Opinion on the safety of Ice Structuring Protein (ISP) type III HPLC 12 as a food ingredient. That Opinion was also adopted by the Panel on Genetically Modified Organisms on 2 July 2008. In the Opinion EFSA concluded that the use of the Ice Structuring Protein (ISP) type III HPLC 12 in edible ices is safe.

(8) On the basis of the scientific assessment, it is established that the Ice Structuring Protein (ISP) type III HPLC 12 complies with the criteria laid down in Article 3(1) of Regulation (EC) No 258/97.

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

HAS ADOPTED THIS DECISION:

Article 1

Ice Structuring Protein type III HPLC 12 as specified in the Annex may be placed on the market in the Community as a novel food ingredient for the preparation of edible ices.

The content of the Ice Structuring Protein type III HPLC 12 in edible ices shall not exceed 0,01 %.

Article 2

The designation of the novel food ingredient authorised by this Decision on the labelling of the foodstuff containing it shall be 'Ice Structuring Protein'.

⁽¹⁾ OJ L 43, 14.2.1997, p. 1.

⁽²⁾ OJ L 268, 18.10.2003, p. 1.

⁽³⁾ COM(2006) 626 final.

Article 3

This Decision is addressed to Unilever UK, Walton Court, Station Avenue, Walton-on-Thames KT12 1NT, Surrey, United Kingdom.

Done at Brussels, 22 April 2009.

For the Commission

Androulla VASSILIOU

Member of the Commission

*ANNEX***Specifications of Ice Structuring Protein type III HPLC 12**

The Ice Structuring Protein (ISP) preparation is a light-brown liquid produced by submerged fermentation of a genetically-modified strain of food-grade baker's yeast (*Saccharomyces cerevisiae*) in which a synthetic gene for the ISP has been inserted into the yeast's genome. The protein is expressed and secreted into the growth medium where it is separated from the yeast cells by micro-filtration and concentrated by ultra-filtration. As a result, the yeast cells are not transferred into the ISP preparation as such or under an altered form. The ISP preparation consists of native ISP, glycosylated ISP and proteins and peptides from the yeast and sugars as well as acids and salts commonly found in food. The concentrate is stabilised with 10 mM citric acid buffer.

Assay	Not less than 5 g/l active ISP
pH	2,5 to 3,5
Ash	Not more than 2 %
DNA	Not detectable

COMMISSION DECISION

of 22 April 2009

authorising the placing on the market of Vitamin K2 (menaquinone) from *Bacillus subtilis natto* as a novel food ingredient under Regulation (EC) No 258/97 of the European Parliament and of the Council

(notified under document number C(2009) 2935)

(Only the English text is authentic)

(2009/345/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 258/97 of the European Parliament and of the Council of 27 January 1997 concerning novel foods and novel food ingredients⁽¹⁾, and in particular Article 7 thereof,

Whereas:

- (1) On 20 December 2006 the company NattoPharma made a request to the competent authorities of Ireland to place Vitamin K 2 (menaquinone) from *Bacillus subtilis natto* on the market as a novel food ingredient to be used in foods for particular nutritional uses and in foods to which vitamins and minerals are added.
- (2) On 22 January 2007 the competent food assessment body of Ireland issued its initial assessment report. In that report it came to the conclusion that an additional assessment was required.
- (3) The Commission informed all Member States about this request on 27 February 2007. EFSA was requested to carry out the assessment on 8 March 2007.
- (4) On 2 October 2008, following a request from the Commission, the Scientific Panel on dietetic Products, Nutrition and Allergies of EFSA adopted an opinion on the safety of Vitamin K2. In the opinion EFSA concluded that menaquinone extracted from *Bacillus subtilis natto* is a safe source of Vitamin K.
- (5) Vitamin K2 should be used in compliance with Council Directive 89/398/EEC of 3 May 1989 on the approximation of the laws of the Member States relating to foodstuffs intended for particular nutritional uses⁽²⁾, Commission Directive 2001/15/EC of 15 February

2001 on substances that may be added for specific nutritional purposes in foods for particular nutritional uses⁽³⁾ and/or Regulation (EC) No 1925/2006 of the European Parliament and of the Council of 20 December 2006 on the addition of vitamins and minerals and of certain other substances to foods⁽⁴⁾. On the basis of the scientific assessment, it is established that Menaquinone complies with the criteria laid down in Article 3(1) of Regulation (EC) No 258/97.

- (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

Vitamin K2 (menaquinone) as a source of Vitamin K as specified in the Annex may be placed on the market in the Community as a novel food ingredient to be used in compliance with Directive 2001/15/EC and/or Regulation (EC) No 1925/2006.

Article 2

The designation of the novel food ingredient authorised by this Decision on the labelling of the foodstuff containing it shall be 'Menaquinone' or 'Vitamin K'.

Article 3

This Decision is addressed to NattoParma, Dammensveien 40, PO Box 2896 Solli, N-0230 Oslo, Norway.

Done at Brussels, 22 April 2009.

For the Commission

Androulla VASSILIOU

Member of the Commission

⁽¹⁾ OJ L 43, 14.2.1997, p. 1.

⁽²⁾ OJ L 186, 30.6.1989, p. 27.

⁽³⁾ OJ L 52, 22.2.2001, p. 19.

⁽⁴⁾ OJ L 404, 30.12.2006, p. 26.

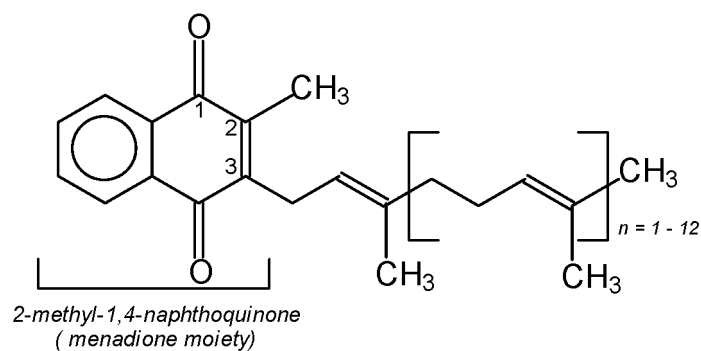
ANNEX

Specifications of Vitamin K 2 (menaquinone)

DESCRIPTION

Vitamin K 2 (2-methyl-3-*all-trans*-polyprenyl-1,4-naphthoquinones), or the menaquinone series, is a group of prenylated naphthoquinone derivatives. The number of isoprene residues, where 1 isoprene unit consists of 5 carbons comprising the side chain, is used to characterise the menaquinone homologues. It is presented in an oil suspension that primarily contains MK-7, and MK-6 to a smaller extent.

STRUCTURAL FORMULA



Vitamin K (menaquinone) series with menaquinone-7 (MK-7)($n = 6$) being $C_{46}H_{64}O_2$, menaquinone-6 (MK-6)($n = 5$) being $C_{41}H_{56}O_2$ and menaquinone-4 (MK-4)($n = 3$) being $C_{31}H_{40}O_2$.

III

(Acts adopted under the EU Treaty)

ACTS ADOPTED UNDER TITLE VI OF THE EU TREATY

DECISION OF THE MANAGEMENT BOARD OF EUROPOL

of 9 April 2009

agreeing to the conditions and procedures laid down by Europol adapting the amounts mentioned in the Appendix to the Decision of the Europol Management Board of 16 November 1999 regarding taxes applicable to salaries and emoluments paid to Europol staff members for the benefit of Europol

(2009/346/EC)

THE MANAGEMENT BOARD OF EUROPOL,

Having regard to the Protocol drawn up on the basis of Article K.3 of the Treaty on European Union and Article 41(3) of the Europol Convention, on the privileges and immunities of Europol, the members of its organs, the deputy directors and employees of Europol ⁽¹⁾, and in particular Article 10 thereof,

Whereas:

- (1) The Council decided on 6 April 2009 to adapt the salaries and emoluments for Europol officials with 1,7 % with retroactive effect as of 1 July 2007.
- (2) The Management Board decided on 9 April 2009 to effect an increase in the amounts mentioned in Article 4 of the Appendix to the Decision of the Management Board of 16 November 1999 ⁽²⁾ by the same percentage and as of the same date as determined by the Council Decision of 6 April 2009 mentioned under point 1.
- (3) In accordance with the same decision of the Management Board of 9 April 2009, the values thus established should be published in the *Official Journal of the European Union*,

HAS DECIDED AS FOLLOWS:

Article 1

With effect from 1 July 2007:

1. the value mentioned in the first sentence of Article 4 of the Appendix to the Decision of the Europol Management Board of 16 November 1999 shall be replaced by EUR 115,61;

2. the values in euro units of the table included in Article 4 of the Appendix to the Decision of the Europol Management Board of 16 November 1999 shall be replaced by the following:

8 % to amounts between EUR 115,61 and EUR 2 036,45

10 % to amounts between EUR 2 036,46 and EUR 2 804,90

12,5 % to amounts between EUR 2 804,91 and EUR 3 214,56

15 % to amounts between EUR 3 214,57 and EUR 3 650,62

17,5 % to amounts between EUR 3 650,63 and EUR 4 060,32

20 % to amounts between EUR 4 060,33 and EUR 4 457,42

22,5 % to amounts between EUR 4 457,43 and EUR 4 867,09

25 % to amounts between EUR 4 867,10 and EUR 5 264,21

27,5 % to amounts between EUR 5 264,22 and EUR 5 673,87

30 % to amounts between EUR 5 673,88 and EUR 6 070,99

32,5 % to amounts between EUR 6 071,00 and EUR 6 480,66

35 % to amounts between EUR 6 480,67 and EUR 6 878,40

40 % to amounts between EUR 6 878,41 and EUR 7 288,09

45 % to amounts above EUR 7 288,10.

⁽¹⁾ OJ C 221, 19.7.1997, p. 2.

⁽²⁾ OJ C 65, 28.2.2001, p. 6.

Article 2

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

Article 3

This Decision shall enter into force the day following its adoption.

Done at The Hague, 9 April 2009.

Viktor ČECH
Chairman of the Management Board

CORRIGENDA

Corrigendum to Commission Decision 2008/97/EC of 30 January 2008 amending Decision 93/52/EEC as regards the declaration that certain administrative regions of Italy are officially free of brucellosis (*B. melitensis*) and Decision 2003/467/EC as regards the declaration that certain administrative regions of Italy are officially free of bovine tuberculosis and bovine brucellosis and that certain administrative regions of Poland are officially free of enzootic bovine leucosis

(Official Journal of the European Union L 32 of 6 February 2008)

On page 28, in Annex II, point 2:

for:

'CHAPTER 2**Officially brucellosis-free regions of Member States**

In Italy:

- Region Abruzzo: Province of Pescara.
- Region Emilia-Romagna: Provinces of Bologna, Ferrara, Forli-Cesena, Modena, Parma, Piacenza, Ravenna, Reggio Emilia, Rimini.
- Region Friuli Venezia Giulia.
- Region Lazio: Province of Rieti.
- Region Liguria: Provinces of Imperia, Savona.
- Region Lombardia: Provinces of Bergamo, Brescia, Como, Cremona, Lecco, Lodi, Mantova, Milano, Pavia, Sondrio, Varese.
- Region Marche: Province of Ascoli Piceno.
- Region Piemonte: Provinces of Alessandria, Asti, Biella, Novara, Torino, Verbania, Vercelli.
- Region Puglia: Province of Brindisi.
- Region Sardinia: Provinces of Cagliari, Nuoro, Oristano, Sassari.
- Region Toscana.
- Region Trentino-Alto Adige: Provinces of Bolzano, Trento.
- Region Umbria: Provinces of Perugia, Terni.
- Region Veneto.',

read:

'CHAPTER 2**Officially brucellosis-free regions of Member States**

In Italy:

- Region Abruzzo: Province of Pescara.
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 - Region Sardinia: Provinces of Cagliari, Nuoro, Oristano, Sassari.
 - Region Toscana.
 - Region Trentino-Alto Adige: Provinces of Bolzano, Trento.
 - Region Umbria: Provinces of Perugia, Terni.
 - Region Veneto.
- In Portugal:
- Autonomous Region of Azores: Islands of Pico, Graciosa, Flores, Corvo.
- In the United Kingdom:
- Great Britain: England, Scotland, Wales.’.
-

Corrigendum to Commission Regulation (EC) No 334/2009 of 23 April 2009 fixing the maximum export refund for butter in the framework of the standing invitation to tender provided for in Regulation (EC) No 619/2008

(Official Journal of the European Union L 104 of 24 April 2009)

On page 8, recital 3:

for: ‘The Management Committee for the Common Organisation of Agricultural Markets has not delivered an opinion within the time limit set by its Chair,’.

read: ‘The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets.’.

Corrigenda

★ Corrigendum to Commission Decision 2008/97/EC of 30 January 2008 amending Decision 93/52/EEC as regards the declaration that certain administrative regions of Italy are officially free of brucellosis (<i>B. melitensis</i>) and Decision 2003/467/EC as regards the declaration that certain administrative regions of Italy are officially free of bovine tuberculosis and bovine brucellosis and that certain administrative regions of Poland are officially free of enzootic bovine leucosis (OJ L 32, 6.2.2008)	20
Corrigendum to Commission Regulation (EC) No 334/2009 of 23 April 2009 fixing the maximum export refund for butter in the framework of the standing invitation to tender provided for in Regulation (EC) No 619/2008 (OJ L 104, 24.4.2009)	21

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