

Official Journal

of the European Union

L 132



English edition

Legislation

Volume 52

29 May 2009

Contents

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

REGULATIONS

Commission Regulation (EC) No 445/2009 of 28 May 2009 establishing the standard import values for determining the entry price of certain fruit and vegetables 1

★ **Commission Regulation (EC) No 446/2009 of 14 May 2009 concerning the classification of certain goods in the Combined Nomenclature** 3

★ **Commission Regulation (EC) No 447/2009 of 27 May 2009 concerning the classification of certain goods in the Combined Nomenclature** 5

Commission Regulation (EC) No 448/2009 of 28 May 2009 fixing an acceptance percentage for the issuing of export licences, rejecting export licence applications and suspending the lodging of export licence applications for out-of-quota sugar 7

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

DECISIONS

European Parliament and Council

2009/407/EC:

- ★ **Decision of the European Parliament and of the Council of 6 May 2009 amending the Inter-institutional Agreement of 17 May 2006 on budgetary discipline and sound financial management as regards the multiannual financial framework (2007 to 2013)** 8

2009/408/EC:

- ★ **Decision of the European Parliament and of the Council of 6 May 2009 on the mobilisation of the European Globalisation Adjustment Fund, in accordance with point 28 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management** 10

Council

2009/409/EC:

- ★ **Council Decision of 27 April 2009 establishing, in accordance with Article 104(8) of the Treaty, whether effective action has been taken by the United Kingdom in response to the Council Recommendation of 8 July 2008 pursuant to Article 104(7)** 11

2009/410/Euratom:

- ★ **Council Decision of 25 May 2009 on the adoption of a supplementary research programme to be implemented by the Joint Research Centre for the European Atomic Energy Community** 13

Commission

2009/411/EC:

- ★ **Commission Decision of 25 May 2009 amending Decision 2004/452/EC laying down a list of bodies whose researchers may access confidential data for scientific purposes (notified under document number C(2009) 3934) ⁽¹⁾**..... 16

I

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

REGULATIONS

COMMISSION REGULATION (EC) No 445/2009**of 28 May 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 29 May 2009.

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

Done at Brussels, 28 May 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	78,8
	MA	72,7
	MK	47,9
	TN	105,3
	TR	56,5
	ZZ	72,2
0707 00 05	JO	151,2
	MK	32,6
	TR	115,1
	ZZ	99,6
0709 90 70	JO	216,7
	TR	117,7
	ZZ	167,2
0805 10 20	EG	43,8
	IL	55,6
	MA	42,9
	TN	108,2
	TR	67,5
	US	43,9
	ZA	63,5
	ZZ	60,8
0805 50 10	AR	59,5
	TR	52,1
	ZA	57,6
	ZZ	56,4
0808 10 80	AR	68,0
	BR	80,4
	CL	79,8
	CN	73,6
	NZ	104,4
	US	102,8
	UY	71,7
	ZA	84,6
0809 20 95	ZZ	83,2
	US	272,9
	ZZ	272,9

⁽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 446/2009**of 14 May 2009****concerning the classification of certain goods in the Combined Nomenclature**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹⁾, and in particular Article 9(1)(a) thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific Community provisions, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to those general rules, the goods described in column 1 of the table set out in the Annex should be classified under the CN code indicated in column 2, by virtue of the reasons set out in column 3 of that table.

- (4) It is appropriate to provide that binding tariff information which has been issued by the customs authorities of Member States in respect of the classification of goods in the Combined Nomenclature but which is not in accordance with this Regulation can, for a period of three months, continue to be invoked by the holder, under Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code⁽²⁾.

- (5) The Customs Code Committee has not issued an opinion within the time limit set by its Chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column 1 of the table set out in the Annex shall be classified within the Combined Nomenclature under the CN code indicated in column 2 of that table.

Article 2

Binding tariff information issued by the customs authorities of Member States, which is not in accordance with this Regulation, can continue to be invoked for a period of three months under Article 12(6) of Regulation (EEC) No 2913/92.

Article 3

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

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

Done at Brussels, 14 May 2009.

For the Commission

László KOVÁCS

Member of the Commission

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.

⁽²⁾ OJ L 302, 19.10.1992, p. 1.

ANNEX

Description of goods	Classification (CN Code)	Reasons
(1)	(2)	(3)
White shelled and skinned groundnuts (blanched peanuts). The shelled groundnuts are blanched by passing through a gas oven with four heating zones, where the kernels are steamed by being sprayed with 88-93 °C hot water vapour, before being passed through two cooling zones. The gradual increase in temperature of the kernels causes them to expand and thereby loosen the red skin from the kernel. The skin is subsequently removed by mechanical means. The groundnuts, which have not been treated beyond the removal of the skin, are presented in bulk or in 'big bags' of approximately 1 000 kg.	1202 20 00	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature and the wording of CN codes 1202 and 1202 20 00. The blanching of the groundnuts is to be regarded as heat treatment designed mainly to remove the red skin from the kernel and thus facilitate their use. Such treatment does not alter the character of the groundnuts as natural products and does not make them suitable for a specific use rather than for general use (see also the Harmonized System Explanatory Notes to Chapter 12, General, second paragraph). The product is therefore to be classified under heading 1202.

COMMISSION REGULATION (EC) No 447/2009**of 27 May 2009****concerning the classification of certain goods in the Combined Nomenclature**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹⁾, and in particular Article 9(1)(a) thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific Community provisions, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to those general rules, the goods described in column 1 of the table set out in the Annex should be classified under the CN code indicated in column 2, by virtue of the reasons set out in column 3 of that table.

- (4) It is appropriate to provide that binding tariff information which has been issued by the customs authorities of Member States in respect of the classification of goods in the Combined Nomenclature but which is not in accordance with this Regulation can, for a period of three months, continue to be invoked by the holder, under Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code⁽²⁾.

- (5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column 1 of the table set out in the Annex shall be classified within the Combined Nomenclature under the CN code indicated in column 2 of that table.

Article 2

Binding tariff information issued by the customs authorities of Member States, which is not in accordance with this Regulation, can continue to be invoked for a period of three months under Article 12(6) of Regulation (EEC) No 2913/92.

Article 3

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

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

Done at Brussels, 27 May 2009.

For the Commission

László KOVÁCS

Member of the Commission

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.

⁽²⁾ OJ L 302, 19.10.1992, p. 1.

ANNEX

Description of goods	Classification (CN Code)	Reasons
(1)	(2)	(3)
Invert sugar syrup consisting of (% by weight): — sugar (expressed as sucrose) 66,5 — water 31 — propylene glycol 2,5 The product is used <i>inter alia</i> in the tobacco industry as a moistening substance and is presented in bulk.	1702 90 95	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature and the wording of CN codes 1702, 1702 90 and 1702 90 95. The addition of propylene glycol in the given amount does not alter the character of the product to such an extent that it is to be considered a chemical product of heading 3824. The product has the character of a sugar syrup of heading 1702.

COMMISSION REGULATION (EC) No 448/2009**of 28 May 2009****fixing an acceptance percentage for the issuing of export licences, rejecting export licence applications and suspending the lodging of export licence applications for out-of-quota sugar**

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 951/2006 of 30 June 2006 laying down detailed rules for the implementation of Council Regulation (EC) No 318/2006 as regards trade with third countries in the sugar sector ⁽²⁾, and in particular Article 7e in conjunction with Article 9(1) thereof,

Whereas:

- (1) According to Article 61, first subparagraph, point (d) of Regulation (EC) No 1234/2007 the sugar produced during the marketing year in excess of the quota referred to in Article 56 of that Regulation may be exported only within the quantitative limit fixed by the Commission.
- (2) Commission Regulation (EC) No 274/2009 of 2 April 2009 fixing the quantitative limit for the exports of out-of-quota sugar and isoglucose until the end of the 2009/2010 marketing year ⁽³⁾ sets the above mentioned limits. This Regulation will apply only from 1 October 2009 and therefore the quantitative limit for the exports of out-of-quota sugar and isoglucose until the end of the

2009/2010 marketing year will only be available from this date.

- (3) For the 2009/2010 marketing year an acceptance percentage should therefore be set at zero for quantities applied from 18 May 2009 to 22 May 2009 and the lodging of export licence applications for sugar should be suspended. For the 2009/2010 marketing year all export licence applications for sugar submitted on 25, 26, 27, 28 and 29 May 2009 should accordingly be rejected,

HAS ADOPTED THIS REGULATION:

Article 1

1. For 2009/2010 marketing year export licences for out-of-quota sugar for which applications were lodged from 18 May 2009 to 22 May 2009, shall be issued for the quantities applied for, multiplied by an acceptance percentage of 0 %.
2. For 2009/2010 marketing year applications for out-of-quota sugar export licences submitted on 25, 26, 27, 28 and 29 May 2009 are hereby rejected.
3. For 2009/2010 marketing year the lodging of applications for out-of-quota sugar export licences shall be suspended for the period 1 June 2009 to 30 September 2009.

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, 28 May 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 178, 1.7.2006, p. 24

⁽³⁾ OJ L 91, 3.4.2009, p. 16.

II

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

DECISIONS

EUROPEAN PARLIAMENT AND COUNCIL

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 6 May 2009

amending the Interinstitutional Agreement of 17 May 2006 on budgetary discipline and sound financial management as regards the multiannual financial framework (2007 to 2013)

(2009/407/EC)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Interinstitutional Agreement between the European Parliament, the Council and the Commission of 17 May 2006 on budgetary discipline and sound financial management ⁽¹⁾, and in particular to points 21, 22, first and second paragraphs, and 23 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) At the trilogue meeting of 2 April 2009 the European Parliament, the Council and the Commission have agreed on the financing, in the framework of the European Economic Recovery Plan for modernisation of infrastructures and energy solidarity, of projects in the field of energy and broadband Internet, as well as for strengthening operations related to the 'new challenges' defined in the context of the assessment of the 2003 mid-term reform of the common agricultural policy (Health Check). The financing requires, as a first step, a revision of the multiannual financial framework 2007-2013 in accordance with points 21, 22, and 23 of the Interinstitutional Agreement, so as to raise the ceiling for the year 2009 for commitment appropriations under subheading 1a by an amount of EUR 2 000 000 000 in current prices.

- (2) The increase of the ceiling for subheading 1a will be fully offset by decreasing the ceiling for commitment appropriations under heading 2 for the year 2009 by EUR 2 000 000 000.
- (3) In order to keep an appropriate relationship between commitments and payments, the annual ceilings for payment appropriations will be adjusted. The adjustment will be neutral.
- (4) Annex I to the Interinstitutional Agreement on budgetary discipline and sound financial management should therefore be amended accordingly ⁽²⁾.

HAVE DECIDED AS FOLLOWS:

Sole Article

Annex I to the Interinstitutional Agreement on budgetary discipline and sound financial management is replaced by the Annex to this Decision.

Done at Strasbourg, 6 May 2009.

For the European Parliament
The President
H.-G. PÖTTERING

For the Council
The President
J. KOHOUT

⁽¹⁾ OJ C 139, 14.6.2006, p. 1.

⁽²⁾ For that purpose, the figures resulting from the above agreement are converted into 2004 prices.

Financial framework 2007-2013 revised for European Economic Recovery Plan (constant 2004 prices)

(EUR million — constant 2004 prices)

Commitment appropriations	2007	2008	2009	2010	2011	2012	2013	Total 2007-2013
1. Sustainable growth	50 865	53 262	55 883	54 860	55 400	56 866	58 256	385 392
1a Competitiveness for growth and employment	8 404	9 595	12 021	11 000	11 306	12 122	12 914	77 362
1b Cohesion for growth and employment	42 461	43 667	43 862	43 860	44 094	44 744	45 342	308 030
2. Preservation and management of natural resources	51 962	54 685	52 205	53 379	52 528	51 901	51 284	367 944
of which: market-related expenditure and direct payments	43 120	42 697	42 279	41 864	41 453	41 047	40 645	293 105
3. Citizenship, freedom, security and justice	1 199	1 258	1 380	1 503	1 645	1 797	1 988	10 770
3a Freedom, Security and Justice	600	690	790	910	1 050	1 200	1 390	6 630
3b Citizenship	599	568	590	593	595	597	598	4 140
4. EU as a global player	6 199	6 469	6 739	7 009	7 339	7 679	8 029	49 463
5. Administration ⁽¹⁾	6 633	6 818	6 973	7 111	7 255	7 400	7 610	49 800
6. Compensation	419	191	190					800
Total commitment appropriations	117 277	122 683	123 370	123 862	124 167	125 643	127 167	864 169
as a percentage of GNI	1,08 %	1,09 %	1,07 %	1,05 %	1,03 %	1,02 %	1,01 %	1,048 %
Total payment appropriations	115 142	119 805	110 439	119 126	116 552	120 145	119 391	820 600
as a percentage of GNI	1,06 %	1,06 %	0,96 %	1,01 %	0,97 %	0,98 %	0,95 %	1,00 %
Margin available	0,18 %	0,18 %	0,28 %	0,23 %	0,27 %	0,26 %	0,29 %	0,24 %
Own resources ceiling as a percentage of GNI	1,24 %	1,24 %	1,24 %	1,24 %	1,24 %	1,24 %	1,24 %	1,24 %

⁽¹⁾ The expenditure on pensions included under the ceiling for this heading is calculated net of the staff contributions to the relevant scheme, within the limit of EUR 500 million at 2004 prices for the period 2007-2013.

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 6 May 2009

on the mobilisation of the European Globalisation Adjustment Fund, in accordance with point 28 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management

(2009/408/EC)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management ⁽¹⁾, and in particular point 28 thereof,

Having regard to Regulation (EC) No 1927/2006 of the European Parliament and of the Council of 20 December 2006 on establishing the European Globalisation Adjustment Fund ⁽²⁾, and in particular Article 12(3) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) The European Globalisation Adjustment Fund (the Fund) was established to provide additional support to redundant workers who suffer from the consequences of major structural changes in world trade patterns and to assist them with their reintegration into the labour market.
- (2) The Interinstitutional Agreement of 17 May 2006 allows the mobilisation of the Fund within the annual ceiling of EUR 500 million.
- (3) Spain submitted an application to mobilise the Fund, in respect of redundancies in the motor vehicle sector, on 29 December 2008. This application complies with the requirements for determining the financial contributions as laid down in Article 10 of Regulation (EC)

No 1927/2006. The Commission therefore proposes to deploy an amount of EUR 2 694 300.

- (4) Furthermore, the Commission proposes to deploy an amount of EUR 690 000 from the Fund for technical assistance in accordance with Article 8 of Regulation (EC) No 1927/2006.
- (5) The Fund should therefore be mobilised in order to provide a financial contribution for the application submitted by Spain as well as to address the need for technical assistance,

HAVE DECIDED AS FOLLOWS:

Article 1

For the general budget of the European Union for the financial year 2009, the European Globalisation Adjustment Fund shall be mobilised to provide the sum of EUR 3 384 300 in commitment and payment appropriations.

Article 2

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

Done at Strasbourg, 6 May 2009.

For the European Parliament
The President
H.-G. PÖTTERING

For the Council
The President
J. KOHOUT

⁽¹⁾ OJ C 139, 14.6.2006, p. 1.

⁽²⁾ OJ L 406, 30.12.2006, p. 1.

COUNCIL

COUNCIL DECISION

of 27 April 2009

establishing, in accordance with Article 104(8) of the Treaty, whether effective action has been taken by the United Kingdom in response to the Council Recommendation of 8 July 2008 pursuant to Article 104(7)

(2009/409/EC)

THE COUNCIL OF THE EUROPEAN UNION,

in order to further the prompt correction of excessive general government deficits.

Having regard to the Treaty establishing the European Community, and in particular Article 104(8) thereof,

Having regard to the Recommendation from the Commission,

Whereas:

(1) According to Article 104 of the Treaty, Member States are to avoid excessive government deficits.

(2) Pursuant to point 5 of the Protocol on certain provisions relating to the United Kingdom of Great Britain and Northern Ireland, the obligation in Article 104(1) of the Treaty to avoid excessive general government deficits does not apply to the United Kingdom unless it moves to the third stage of economic and monetary union⁽¹⁾. While in the second stage of economic and monetary union, the United Kingdom is required to endeavour to avoid excessive deficits, pursuant to Article 116(4) of the Treaty.

(3) The Stability and Growth Pact is based on the objective of sound government finances as a means of strengthening the conditions for price stability and for strong sustainable growth conducive to employment creation. The Stability and Growth Pact includes Council Regulation (EC) No 1467/97 of 7 July 1997 on speeding up and clarifying the implementation of the excessive deficit procedure⁽²⁾, which was adopted

(4) The 2005 reform of the Stability and Growth Pact sought to strengthen its effectiveness and economic underpinnings as well as to safeguard the sustainability of the public finances in the long run. It aimed at ensuring that in particular the economic and budgetary background was taken fully into account in all steps in the EDP. In this way, the Stability and Growth Pact provides the framework supporting government policies for a prompt return to sound budgetary positions taking account of the economic situation.

(5) By Decision 2008/713/EC⁽³⁾ the Council decided, in accordance with Article 104(6), that an excessive deficit existed in the United Kingdom.

(6) In accordance with Article 104(7) of the Treaty and Article 3(4) of Regulation (EC) No 1467/97, on 8 July 2008 the Council also, on the basis of a Commission recommendation, adopted a Recommendation⁽⁴⁾ to the UK authorities calling on them to put an end to the excessive deficit situation as soon as possible and by financial year 2009/2010 at the latest, by bringing the general government deficit below 3 % of GDP in a credible and sustainable manner. To that end, the Council recommended the authorities to ensure a structural improvement of at least 0,5 % of GDP in 2009/10 and established the deadline of 8 January 2008 for the UK government to take effective action.

(7) The assessment of the action taken by the United Kingdom to correct the excessive deficit by 2009/2010 in response to the Council Recommendation under Article 104(7) leads to the following conclusions:

⁽¹⁾ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:12006E/PRO/25:EN:HTML>

⁽²⁾ OJ L 209, 2.8.1997, p. 6.

⁽³⁾ OJ L 238, 5.9.2008, p. 5.

⁽⁴⁾ http://ec.europa.eu/economy_finance/publications/publication_12926_en.pdf

- (a) subsequent to the Article 104(7) Council Recommendation in July 2008, the UK authorities announced additional deficit-increasing discretionary measures. On 16 July 2008 the government announced the postponement of the inflation-linked increase in fuel excise duty that was scheduled to take place in October 2008, at an estimated cost of 0,05 % of GDP in foregone revenues in 2008/09. Additional deficit-increasing measures, equivalent to 0,1 % of GDP in 2009/10, were introduced in September 2008, including through higher spending on housing;
- (b) on 24 November 2008, the government presented its 2008 Pre-Budget Report (PBR). Due in major part to the unexpectedly strong negative fallout from the global financial crisis which unfolded from autumn 2007 onwards, the PBR presented a marked downward revision to the medium-term macroeconomic projections. Against this macroeconomic context, the government announced further discretionary fiscal loosening, aimed at supporting the economy, of around 1/2 % of GDP in 2008/09 and 1,0 % of GDP in 2009/10. The measures included a temporary reduction in the standard VAT rate, accounting for around half of the stimulus, and the frontloading of investment spending;
- (c) overall, the stimulus measures were in line with those envisaged in the European Economic Recovery Plan (EERP) that was agreed by the European Council on 11 December 2008;
- (d) the macroeconomic and fiscal projections in the 2008 update of the UK's convergence programme, submitted to the Commission on 18 December 2008, were identical to those in the 2008 PBR and projected a further increase in the deficit ratio in 2009/10 to 8,2 % of GDP. The greater part of the projected deterioration in public finances in 2009/10 over the preceding year reflects two, partly-interconnected factors: first, the overall contraction in GDP; and secondly, the sharp losses in tax revenue from two hitherto major sources, the financial sector and the housing market. Nevertheless, around one-third of the forecast increase in the deficit in 2009/10 reflects the adopted fiscal stimulus measures;
- (e) the 2008 convergence programme update also projects a government debt ratio in 2009/10 of around 60 % of GDP, sharply higher than the debt ratio of close to 46 % that was forecast by the UK authorities in March 2008;
- (f) the Commission services January 2009 interim forecast projects a deficit in 2009/10 of 9 1/2 % of GDP, 1 1/4 pp. higher than in the convergence programme, primarily on account of the significantly worse macroeconomic economic context foreseen in the Commission services' January 2009 forecast, with the level of nominal GDP about 5 % lower. Meanwhile, the public finances data that were published subsequent to the Commission services' January 2009 interim forecast indicate that the outcome for public finances in 2008/09 is likely to be worse than expected.
- (8) This leads to the conclusion that, in a context of progressively weakening economic conditions, the UK authorities have since July 2008 implemented additional deficit-increasing discretionary measures in line with the European Economic Recovery Plan (EERP). The combined effects of the strong economic downturn and the stimulus measures adopted by the UK authorities have led to the substantial deterioration in the UK's budgetary position projected for 2009/2010,
- HAS ADOPTED THIS DECISION:
- Article 1*
- The United Kingdom has not taken action in response to the Council Recommendation of 8 July 2008 within the period laid down in that Recommendation.
- Article 2*
- This Decision is addressed to the United Kingdom of Great Britain and Northern Ireland.
- Done at Luxembourg, 27 April 2009.
- For the Council*
The President
A. VONDRA

COUNCIL DECISION**of 25 May 2009****on the adoption of a supplementary research programme to be implemented by the Joint Research Centre for the European Atomic Energy Community**

(2009/410/Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

continue under this supplementary research programme until 2011.

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 7 thereof,

- (5) Due to their special interest in the continued operation of the HFR, Belgium, France and the Netherlands should, as indicated by them, finance this programme through financial contributions made to the general budget of the European Union by way of assigned revenue.

Having regard to the proposal from the Commission submitted after consultation of the Scientific and Technical Committee,

- (6) Part of the contributions under the present supplementary programme should also cover expenditure made during the year 2008,

Whereas:

HAS ADOPTED THIS DECISION:

- (1) Within the framework of the European Research Area, the high flux reactor at Petten (hereinafter HFR) has been, and continues to be, an important means available to the Community to contribute to materials sciences and testing, to nuclear medicine and to safety research in the field of nuclear energy.

Article 1

The supplementary research programme on the operation of the high flux reactor at Petten (HFR), (hereinafter the programme), the objectives of which are set out in Annex I, is adopted for a period of three years, starting on 1 January 2009.

- (2) The operation of the HFR has been supported by a series of supplementary research programmes the last of which, Council Decision 2007/773/Euratom of 26 November 2007 on a one year extension of the supplementary research programme to be implemented by the Joint Research Centre for the European Atomic Energy Community ⁽¹⁾ expired on 31 December 2007.

Article 2

The financial contribution estimated as necessary for the execution of the programme amounts to EUR 34,992 million. The breakdown of this amount is set out in Annex II. This contribution shall be considered as assigned revenue in accordance with Article 18(2) of Council Regulation (EC, Euratom) No 1605/2002 ⁽²⁾.

- (3) The operation of the HFR continued throughout 2008 without a supplementary research programme, while efforts were made to base its operation and exploitation on an independent and more durable legal regime. Since those efforts failed, it is necessary to provide for continued financial support under a new supplementary research programme.

Article 3

1. The Commission shall be in charge of the management of the programme. To this end, it shall call upon the services of the Joint Research Centre.

2. The Board of Governors of the Joint Research Centre shall be kept informed of the implementation of the programme.

- (4) Given the continued need for the HFR as an irreplaceable infrastructure for Community research in the fields of improvement of safety of existing nuclear reactors, of health including the development of medical isotopes to answer questions of medical research, of nuclear fusion, of fundamental research and of training and waste management including the possibility to study the safety behaviour of nuclear fuels for the new generation of reactor systems, its operation should

Article 4

The Commission shall each year, before 15 September, submit to the European Parliament and to the Council, a report on the implementation of this Decision.

⁽¹⁾ OJ L 312, 30.11.2007, p. 29.

⁽²⁾ Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities (OJ L 248, 16.9.2002, p. 1).

Article 5

This Decision shall enter into force on the day of its publication in the *Official Journal of the European Union*.
It shall apply from 1 January 2009.

Article 6

This Decision is addressed to the Member States.

Done at Brussels, 25 May 2009.

For the Council
The President
J. ŠEBESTA

ANNEX I**SCIENTIFIC AND TECHNICAL OBJECTIVES**

The main objectives of the programme are the following:

1. To ensure the safe and reliable operation of the high flux reactor at Petten (HFR), in order to guarantee the availability of the neutron flux for experimental purposes.
2. To allow an efficient use of HFR by research institutes in a broad range of disciplines: improvement of safety of existing nuclear reactors, health including the development of medical isotopes to answer questions of medical research, nuclear fusion, fundamental research and training and waste management including the possibility to study the safety behaviour of nuclear fuels for the new generation of reactor systems.

ANNEX II**BREAKDOWN OF THE CONTRIBUTIONS**

The contributions to the programme come from Belgium, France and the Netherlands.

The breakdown of those contributions is as follows:

Belgium: EUR 1,2 million

France: EUR 0,9 million

The Netherlands: EUR 32,892 million

Total: EUR 34,992 million.

Those contributions shall be made to the general budget of the European Union and shall be assigned to this programme. Part of the contributions under the present supplementary programme may also cover expenditure made to the operation of the HFR during the year 2008 in accordance with the work programme to be agreed upon among contributing countries and the Commission.

Those contributions are fixed and not revisable as regards the operational and maintenance cost variations.

COMMISSION

COMMISSION DECISION

of 25 May 2009

amending Decision 2004/452/EC laying down a list of bodies whose researchers may access confidential data for scientific purposes

(notified under document number C(2009) 3934)

(Text with EEA relevance)

(2009/411/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 322/97 of 17 February 1997 on Community statistics ⁽¹⁾, and in particular Article 20(1) thereof,

Whereas:

- (1) Commission Regulation (EC) No 831/2002 of 17 May 2002 implementing Council Regulation (EC) No 322/97 on Community Statistics, concerning access to confidential data for scientific purposes ⁽²⁾ establishes, for the purpose of enabling statistical conclusions to be drawn for scientific purposes, the conditions under which access to confidential data transmitted to the Community authority may be granted and the rules of cooperation between the Community and national authorities in order to facilitate such access.
- (2) Commission Decision 2004/452/EC ⁽³⁾ has laid down a list of bodies whose researchers may access confidential data for scientific purposes.
- (3) The Social Insurance Institution of Finland (*Kansaneläkelaitos — KELA*), Finland, the Hebrew University of Jerusalem (HUJI), Israel, and the Federal Public Service

Social Security, Belgium, have to be regarded as bodies fulfilling the required conditions and should therefore be added to the list of agencies, organisations and institutions referred to in Article 3(1)(e) of Regulation (EC) No 831/2002.

- (4) The measures provided for in this Decision are in accordance with the opinion of the Committee on Statistical Confidentiality,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 2004/452/EC is replaced by the text set out in the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 25 May 2009.

For the Commission

Joaquín ALMUNIA

Member of the Commission

⁽¹⁾ OJ L 52, 22.2.1997, p. 1.

⁽²⁾ OJ L 133, 18.5.2002, p. 7.

⁽³⁾ OJ L 156, 30.4.2004, p. 1, as corrected by OJ L 202, 7.6.2004, p. 1.

ANNEX

'ANNEX

Bodies whose researchers may access confidential data for scientific purposes

European Central Bank

Spanish Central Bank

Italian Central Bank

University of Cornell (New York State, United States of America)

Department of Political Science, Baruch College, New York City University (New York State, United States of America)

German Central Bank

Employment Analysis Unit, Directorate-General for Employment, social affairs and equal opportunities of the European Commission

University of Tel Aviv (Israel)

World Bank

Center of Health and Wellbeing (CHW) of the Woodrow Wilson School of Public and International Affairs at Princeton University, New Jersey, United States of America

The University of Chicago (UofC), Illinois, United States of America

Organisation for Economic Cooperation and Development (OECD)

Family and Labour Studies Division of Statistics Canada, Ottawa, Ontario, Canada

Econometrics and Statistical Support to Antifraud (ESAF) Unit, Directorate-General Joint Research Centre of the European Commission

Support to the European Research Area (SERA) Unit, Directorate-General Joint Research Centre of the European Commission

Canada Research Chair of the School of Social Science in the Atkinson Faculty of Liberal and Professional Studies at York University, Ontario, Canada

University of Illinois at Chicago (UIC), Chicago, USA

Rady School of Management at the University of California, San Diego, USA

Directorate for Research, Studies and Statistics (*Direction de l'Animation de la Recherche, des Études et des Statistiques — DARES*) in the Ministry of Labour, Labour Relations and Solidarity, Paris, France

The Research Foundation of State University of New York (RFSUNY), Albany, USA

Finnish Centre for Pensions, (*Eläketurvakeskus – ETK*), Finland

Directorate for Research, Studies, Assessment, and Statistics (*Direction de la Recherche, des Études, de l'Évaluation et des Statistiques — DREES*) in the Ministry of Labour, social dialogue and solidarity, the Ministry of Health, youth and sports and the Ministry of Budget, public accounts and state reform, Paris, France

Duke University (DUKE), North Carolina, USA

Social Insurance Institution of Finland (*Kansaneläkelaitos – KELA*), Finland

Hebrew University of Jerusalem (HUJI), Israel

Federal Public Service Social Security, Belgium'

III

(Acts adopted under the EU Treaty)

ACTS ADOPTED UNDER TITLE V OF THE EU TREATY

POLITICAL AND SECURITY COMMITTEE DECISION EUPOL COPPS/1/2009

of 27 May 2009

on the establishment of the Committee of Contributors for the European Union Police Mission for the Palestinian Territories (EUPOL COPPS)

(2009/412/CFSP)

THE POLITICAL AND SECURITY COMMITTEE,

control and strategic direction of the Mission, should take account of the views of the Committee of Contributors,

Having regard to the Treaty on European Union, and in particular the third paragraph of Article 25 thereof,

HAS DECIDED AS FOLLOWS:

Having regard to Council Joint Action 2005/797/CFSP of 14 November 2005 on the European Union Police Mission for the Palestinian Territories (EUPOL COPPS) ⁽¹⁾, and in particular Article 12(3) thereof,

*Article 1***Establishment**

A Committee of Contributors (CoC) for the European Union Police Mission for the Palestinian Territories (EUPOL COPPS) is hereby established.

Whereas:

(1) Under Article 12(3) of Joint Action 2005/797/CFSP, the Council authorised the Political and Security Committee (PSC) to take the relevant decision on the establishment of a Committee of Contributors for EUPOL COPPS.

*Article 2***Functions**

1. The CoC may express views. The PSC shall take such views into account and exercise the political control and strategic direction of the Mission.

(2) The European Council Conclusions of Göteborg of 15 and 16 June 2001 established guiding principles and modalities for third States' contributions to Police Missions. On 10 December 2002, the Council approved the document entitled 'Consultations and modalities for the contribution of non-EU States to EU civilian crisis management operations', which further developed the arrangements for the participation of third States in civilian crisis management operations, including the setting-up of a Committee of Contributors.

2. The CoC's terms of reference are laid down in the document entitled 'Consultations and modalities for the contribution of non-EU States to EU civilian crisis management operations'.

(3) The Committee of Contributors for the EUPOL COPPS should play a key role in the day-to-day management of the Mission. It should be the main forum for discussing all problems relating to the day-to-day management of the Mission. The PSC, which exercises the political

*Article 3***Composition**

1. All EU Member States shall be entitled to be present at the CoC's discussions. However, only contributing States shall take part in the day-to-day management of the Mission. Representatives of the third States participating in the Mission may attend the CoC's meetings. A representative of the Commission of the European Communities may also attend the CoC's meetings.

⁽¹⁾ OJ L 300, 17.11.2005, p. 65.

2. The CoC shall receive regular information from the Head of Mission.

Article 4

Chair

For EUPOL COPPS, the CoC shall be chaired, in accordance with the terms of reference referred to in Article 2(2), by a representative of the Secretary-General/High Representative, in close consultation with the Presidency.

Article 5

Meetings

1. The CoC shall be convened by the Chair on a regular basis. Where circumstances require, emergency meetings may be convened on the Chair's initiative or at the request of a representative of a participating State.

2. The Chair shall circulate in advance a provisional agenda and documents relating to the meeting. The Chairman shall be responsible for conveying the outcome of the CoC's discussions to the PSC.

Article 6

Confidentiality

1. In accordance with Council Decision 2001/264/EC of 19 March 2001 ⁽¹⁾, the Council's security regulations shall apply to the CoC's meetings and proceedings. In particular, representatives in the CoC shall possess adequate security clearance.

2. The deliberations of the CoC shall be covered by the obligation of professional secrecy.

Article 7

Taking effect

This Decision shall take effect on the day of its adoption.

Done at Brussels, 27 May 2009.

For the Political and Security Committee

The President

I. ŠRÁMEK

⁽¹⁾ OJ L 101, 11.4.2001, p. 1.

POLITICAL AND SECURITY COMMITTEE DECISION ATALANTA/4/2009**of 27 May 2009****on the appointment of an EU Operation Commander for the European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast (Atalanta)**

(2009/413/CFSP)

THE POLITICAL AND SECURITY COMMITTEE,

Having regard to the Treaty on European Union, and in particular the third subparagraph of Article 25 thereof,

Having regard to Council Joint Action 2008/851/CFSP of 10 November 2008 on a European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast ⁽¹⁾ (Atalanta), and in particular Article 6(1) thereof,

Whereas:

- (1) According to Article 3 of Joint Action 2008/851/CFSP Rear Admiral Philip Jones was appointed as EU Operation Commander for the European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast.
- (2) Pursuant to Article 6(1) of Joint Action 2008/851/CFSP the Council authorised the Political and Security Committee (PSC) to take decisions on the appointment of the EU Operation Commander.
- (3) The United Kingdom has announced the availability of Rear Admiral Peter HUDSON to replace Rear Admiral Philip JONES as EU Operation Commander.

- (4) The EU Military Committee has supported that nomination.

- (5) In accordance with Article 6 of the Protocol on the position of Denmark annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark does not participate in the elaboration and the implementation of decisions and actions of the European Union which have defence implications,

HAS DECIDED AS FOLLOWS:

Article 1

Rear Admiral Peter HUDSON is hereby appointed EU Operation Commander for the European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast.

Article 2

This Decision shall take effect on 3 June 2009.

Done at Brussels, 27 May 2009.

For the Political and Security Committee
The Chairman
I. ŠRÁMEK

⁽¹⁾ OJ L 301, 12.11.2008, p. 33.

III *Acts adopted under the EU Treaty*

ACTS ADOPTED UNDER TITLE V OF THE EU TREATY

2009/412/CFSP:

- ★ **Political and Security Committee Decision EUPOL COPPS/1/2009 of 27 May 2009 on the establishment of the Committee of Contributors for the European Union Police Mission for the Palestinian Territories (EUPOL COPPS) 18**

2009/413/CFSP:

- ★ **Political and Security Committee Decision Atalanta/4/2009 of 27 May 2009 on the appointment of an EU Operation Commander for the European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast (Atalanta) 20**

2009 SUBSCRIPTION PRICES (excluding VAT, including normal transport charges)

EU Official Journal, L + C series, paper edition only	22 official EU languages	EUR 1 000 per year (*)
EU Official Journal, L + C series, paper edition only	22 official EU languages	EUR 100 per month (*)
EU Official Journal, L + C series, paper + annual CD-ROM	22 official EU languages	EUR 1 200 per year
EU Official Journal, L series, paper edition only	22 official EU languages	EUR 700 per year
EU Official Journal, L series, paper edition only	22 official EU languages	EUR 70 per month
EU Official Journal, C series, paper edition only	22 official EU languages	EUR 400 per year
EU Official Journal, C series, paper edition only	22 official EU languages	EUR 40 per month
EU Official Journal, L + C series, monthly CD-ROM (cumulative)	22 official EU languages	EUR 500 per year
Supplement to the Official Journal (S series), tendering procedures for public contracts, CD-ROM, two editions per week	multilingual: 23 official EU languages	EUR 360 per year (= EUR 30 per month)
EU Official Journal, C series — recruitment competitions	Language(s) according to competition(s)	EUR 50 per year

(*) Sold in single issues: up to 32 pages: EUR 6
from 33 to 64 pages: EUR 12
over 64 pages: Priced individually.

Subscriptions to the *Official Journal of the European Union*, which is published in the official languages of the European Union, are available for 22 language versions. The Official Journal comprises two series, L (Legislation) and C (Information and Notices).

A separate subscription must be taken out for each language version.

In accordance with Council Regulation (EC) No 920/2005, published in Official Journal L 156 of 18 June 2005, the institutions of the European Union are temporarily not bound by the obligation to draft all acts in Irish and publish them in that language. Irish editions of the Official Journal are therefore sold separately.

Subscriptions to the Supplement to the Official Journal (S Series — tendering procedures for public contracts) cover all 23 official language versions on a single multilingual CD-ROM.

On request, subscribers to the *Official Journal of the European Union* can receive the various Annexes to the Official Journal. Subscribers are informed of the publication of Annexes by notices inserted in the *Official Journal of the European Union*.

Sales and subscriptions

Priced publications issued by the Publications Office are available from our commercial distributors. The list of commercial distributors is available at:

http://publications.europa.eu/others/agents/index_en.htm

EUR-Lex (<http://eur-lex.europa.eu>) offers direct access to European Union legislation free of charge. The *Official Journal of the European Union* can be consulted on this website, as can the Treaties, legislation, case-law and preparatory acts.

For further information on the European Union, see: <http://europa.eu>