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I

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

REGULATIONS

COMMISSION REGULATION (EC) No 580/2009**of 3 July 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 4 July 2009.

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

Done at Brussels, 3 July 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	46,5
	MK	24,2
	TR	44,0
	ZZ	38,2
0707 00 05	TR	87,7
	ZZ	87,7
0709 90 70	TR	93,5
	ZZ	93,5
0805 50 10	AR	56,3
	TR	59,4
	ZA	55,7
	ZZ	57,1
0808 10 80	AR	94,1
	BR	73,3
	CL	87,5
	CN	97,8
	NZ	99,3
	US	92,3
	UY	116,5
	ZA	89,1
	ZZ	93,7
0808 20 50	AR	89,2
	CL	80,1
	NZ	145,3
	ZA	94,8
	ZZ	102,4
0809 10 00	TR	208,6
	XS	120,6
	ZZ	164,6
0809 20 95	SY	197,7
	TR	363,3
	ZZ	280,5
0809 30	TR	198,4
	ZZ	198,4
0809 40 05	IL	160,5
	ZZ	160,5

⁽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 581/2009**of 3 July 2009****amending Annex I to Council Regulation (EEC) No 2377/90 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin, as regards gamithromycin****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2377/90 of 26 June 1990 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin ⁽¹⁾, and in particular Article 2 thereof,

Having regard to the opinion of the European Medicines Agency formulated by the Committee for Medicinal Products for Veterinary Use,

Whereas:

- (1) All pharmacologically active substances used in the Community in veterinary medicinal products intended for food-producing animals should be evaluated in accordance with Regulation (EEC) No 2377/90.
- (2) The substance gamithromycin is included in Annex III to Regulation (EEC) No 2377/90 for bovine species, applicable to fat, liver and kidney, excluding animals producing milk for human consumption. The provisional maximum residue limits (hereinafter MRLs) for that substance set out in that Annex will expire on 1 July 2009. Additional data were provided and assessed leading the Committee for Medicinal Products for Veterinary Use to recommend that the provisional MRLs for gamithromycin should be set as definitive and consequently included in Annex I to Regulation

(EEC) No 2377/90 for bovine species, applicable to fat, liver and kidney, excluding animals producing milk for human consumption.

- (3) Regulation (EEC) No 2377/90 should therefore be amended accordingly.
- (4) It is necessary to provide for an adequate period before this Regulation becomes applicable, in order to enable the Member States to make any necessary adjustments with respect to the existing authorisations to place the veterinary medicinal products concerned which have been granted in accordance with Directive 2001/82/EC of the European Parliament and of the Council of 6 November 2001 on the Community Code relating to veterinary medicinal products ⁽²⁾ on the market.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Veterinary Medicinal Products,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EEC) No 2377/90 is amended as set out in the Annex to this Regulation.

Article 2

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

It shall apply from 60 days after publication.

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

Done at Brussels, 3 July 2009.

For the Commission

Günter VERHEUGEN

Vice-President

⁽¹⁾ OJ L 224, 18.8.1990, p. 1.

⁽²⁾ OJ L 311, 28.11.2001, p. 1.

ANNEX

In point 1.2.4 of Annex I (List of pharmacologically active substances for which maximum residue limits have been fixed) to Regulation (EEC) No 2377/90 the following entry for 'Gamithromycin' is inserted after erythromycin:

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
'Gamithromycin	Gamithromycin	Bovine	20 µg/kg 200 µg/kg 100 µg/kg	Fat Liver Kidney	Not for use in animals producing milk for human consumption.'

COMMISSION REGULATION (EC) No 582/2009

of 3 July 2009

amending Annex I to Council Regulation (EEC) No 2377/90 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin, as regards diclofenac

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2377/90 of 26 June 1990 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin ⁽¹⁾, and in particular Article 2 thereof,

Having regard to the opinion of the European Medicines Agency formulated by the Committee for Medicinal Products for Veterinary Use,

Whereas:

- (1) All pharmacologically active substances used in the Community in veterinary medicinal products intended for food-producing animals should be evaluated in accordance with Regulation (EEC) No 2377/90.
- (2) The substance diclofenac is included in Annex I to Regulation (EEC) No 2377/90 for bovine species, as regards muscle, fat, liver and kidney tissues, excluding animals producing milk for human consumption. A request has been made to the Committee for Medicinal Products for Veterinary Use to consider whether the existing entry for diclofenac, for bovine species in that Annex should be extended to include maximum residue limits applicable to milk. Following examination of the request, it is considered appropriate to amend the existing entry for

diclofenac in Annex I for bovine species to include the established maximum residue limits applicable to milk.

- (3) Regulation (EEC) No 2377/90 should therefore be amended accordingly.
- (4) It is necessary to provide for an adequate period before this Regulation becomes applicable, in order to enable the Member States to make any necessary adjustments with respect to the existing authorisations to place the veterinary medicinal products concerned which have been granted in accordance with Directive 2001/82/EC of the European Parliament and of the Council of 6 November 2001 on the Community Code relating to veterinary medicinal products ⁽²⁾ on the market.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Veterinary Medicinal Products,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EEC) No 2377/90 is amended as set out in the Annex to this Regulation.

Article 2

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

It shall apply from 60 days after publication.

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

Done at Brussels, 3 July 2009.

For the Commission

Günter VERHEUGEN

Vice-President

⁽¹⁾ OJ L 224, 18.8.1990, p. 1.

⁽²⁾ OJ L 311, 28.11.2001, p. 1.

ANNEX

In point 4.1.6 of Annex I (List of pharmacologically active substances for which maximum residue limits have been fixed) to Regulation (EEC) No 2377/90 the entry for 'Diclofenac' is replaced by the following:

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues
'Diclofenac	Diclofenac	Bovine	5 µg/kg 1 µg/kg 5 µg/kg 10 µg/kg 0,1 µg/kg	Muscle Fat Liver Kidney Milk
		Porcine	5 µg/kg 1 µg/kg 5 µg/kg 10 µg/kg	Muscle Skin + fat Liver Kidney'

COMMISSION REGULATION (EC) No 583/2009

of 3 July 2009

entering a name in the register of protected designations of origin and protected geographical indications [Aceto Balsamico di Modena (PGI)]

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs ⁽¹⁾, and in particular the third and fourth subparagraphs of Article 7(5) thereof,

Whereas:

- (1) In accordance with Article 6(2) and pursuant to Article 17(2) of Regulation (EC) No 510/2006, Italy's application to register the name 'Aceto Balsamico di Modena' was published in the *Official Journal of the European Union* ⁽²⁾.
- (2) Germany, Greece and France submitted objections to the registration under Article 7(1) of Regulation (EC) No 510/2006. These objections were deemed admissible under points (a) to (d) of the first subparagraph of Article 7(3) of that Regulation.
- (3) Germany's objection referred in particular to the concern that the registration of 'Aceto Balsamico di Modena' as a protected geographical indication would adversely affect other products that have been placed lawfully on the market for at least five years and sold as Balsamessig/Aceto balsamico, as well as to the alleged generic character of these terms. Germany also pointed to the lack of clarity regarding the stages of production which must take place in the area of origin.
- (4) France's objection concerned the fact that 'Aceto Balsamico di Modena' does not have its own reputation that is distinct from that of 'Aceto balsamico tradizionale di Modena', which has already been registered as a protected designation of origin under Council Regulation (EC) No 813/2000 ⁽³⁾. France claims that consumers could be misled as to the nature and origin of the product in question.

- (5) Greece stressed the importance of balsamic vinegar production in Greece, which is marketed under names such as 'balsamico' or 'balsamon' and the negative impact that registration of the name 'Aceto Balsamico di Modena' would have on these products, which have been placed lawfully on the market for at least five years. Greece also maintains that the terms 'aceto balsamico', 'balsamic', etc. are generic.
- (6) By letters dated 4 March 2008, the Commission asked the Member States concerned to seek agreement among themselves in accordance with their internal procedures.
- (7) Given that no agreement was reached between France, Germany, Greece and Italy within the designated time-frame, the Commission must adopt a decision in accordance with the procedure outlined in Article 15(2) of Regulation (EC) No 510/2006.
- (8) The Commission has requested the opinion of the scientific committee for designations of origin, geographical indications and certificates of specific character established under Decision 93/53/EC ⁽⁴⁾ as to whether the conditions for registration were met. The committee stated in its unanimous opinion submitted on 6 March 2006 that the name 'Aceto Balsamico di Modena' has an undeniable reputation on the national and international market, as demonstrated by its frequent use in numerous recipes in many Member States, and the many references to it on the Internet, in the press and other media. 'Aceto Balsamico di Modena' therefore meets the inherent condition for the product having a specific reputation linked to that name. The committee noted the fact that these products have co-existed on the market for hundreds of years. It also noted that 'Aceto Balsamico di Modena' and 'Aceto balsamico tradizionale di Modena' are different as regards their characteristics, customer base, usage, method of distribution, presentation and price, thereby ensuring the fair treatment of the producers in question and not misleading consumers. The Commission fully concurs with these points.
- (9) In order to further distinguish between these products, it has been pointed out that numerical qualifiers were included in the general ban on using terms other than those expressly provided for in the technical specifications. Moreover, a number of minor changes have been made to the technical specifications for the term 'Aceto Balsamico di Modena' aimed at removing any ambiguities.

⁽¹⁾ OJ L 93, 31.3.2006, p. 12.

⁽²⁾ OJ C 152, 6.7.2007, p. 18.

⁽³⁾ OJ L 100, 20.4.2000, p. 5.

⁽⁴⁾ OJ L 13, 21.1.1993, p. 16.

(10) It appears that Germany and Greece did not refer to the entire name, i.e. 'Aceto Balsamico di Modena' in their objections regarding the generic nature of the name proposed for registration, but only to some elements of it, namely the words 'aceto', 'balsamico' and 'aceto balsamico', or to translations thereof. However, protection is granted to the term 'Aceto Balsamico di Modena' as a whole. Individual non-geographical components of that term may be used, even jointly and also in translation, throughout the Community, provided the principles and rules applicable in the Community's legal order are respected.

(11) In the light of the above, the name 'Aceto Balsamico di Modena' should be entered in the register of protected designations of origin and protected geographical indications.

(12) The measures provided for in this Regulation are in accordance with the opinion of the Standing

Committee on Protected Geographical Indications and Protected Designations of Origin,

HAS ADOPTED THIS REGULATION:

Article 1

The name contained in Annex I to this Regulation shall be entered in the register.

Article 2

A consolidated version of the summary containing the main points of the specification is set out in Annex II to this Regulation.

Article 3

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 3 July 2009.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

ANNEX I

Agricultural products intended for human consumption listed in Annex I to the Treaty:

Class 1.8. Other products listed in Annex I to the Treaty (spices, etc.)

ITALY

Aceto Balsamico di Modena (PGI)

ANNEX II

SUMMARY

Council Regulation (EC) No 510/2006 on protected geographical indications and protected designations of origin of agricultural products and foodstuffs**'ACETO BALSAMICO DI MODENA'**

EC No: IT-PGI-0005-0430-18.11.2004

PDO () PGI (X)

This summary sets out the main elements of the product specification for information purposes.

1. Responsible department in the Member State:

Name: Ministero delle politiche agricole alimentari e forestali

Address: Via XX Settembre, 20 — 00187 Roma

Tel.: 06-4819968

Fax: 06-42013126

E-mail: qualita@politicheagricole.it

2. Group

Name: Consorzio Aceto Balsamico di Modena Soc. Coop. a r.l. — Consorzio Produzione Certificata Aceto Balsamico Modenese — Comitato Produttori Indipendenti Aceto Balsamico di Modena

Address: c/o C.C.I.A.A. Via Ganaceto, 134 — 41100 Modena

Tel.: 059/3163514

Fax: 059/3163526

E-mail: info@consorziobalsamico.it

Composition: Producers/processors (X) Others ()

3. Type of product

Group 1.8 — Other Annex I products — Vinegar

4. Specification

(summary of requirements under Article 4(2) of Regulation (EC) No 510/2006)

4.1. Name

'Aceto Balsamico di Modena'

4.2. Description

Analytical characteristics:

— density at 20 °C not less than 1,06 for the refined product,

— actual alcohol strength not more than 1,5 %,

— total acidity not less than 6 %,

— total sulphur dioxide: not more than 100 mg/l,

— ash: not less than 2,5 per thousand,

— minimum dry extract content: 30 g per litre,

— reducing sugars: not less than 110 g/l,

Organoleptic properties:

- clarity: clear and bright,
- colour: deep brown,
- aroma: persistent, delicate and slightly acidic with woody overtones,
- taste: bitter-sweet, balanced,

4.3. *Geographical area*

'Aceto Balsamico di Modena' must be produced within the provinces of Modena and Reggio Emilia.

4.4. *Proof of origin*

Each stage of the production process must be monitored by the inspection body in accordance with the monitoring programme, with all inputs and outputs recorded. This, along with the compilation of specific lists managed by the body that inspects the land registry parcels on which the vines are located, growers, must producers, processors and bottlers, as well as timely notification to the inspection body of the quantities produced, packaged and labelled, ensures product traceability. All natural and legal persons recorded in these lists may be subject to checks by the inspection body, as provided for in the production specification and the monitoring programme.

4.5. *Method of production*

'Aceto Balsamico di Modena' is obtained from grape must that is partially fermented and/or boiled and/or concentrated by adding a quantity of vinegar aged for at least 10 years and with the addition of at least 10 % of vinegar produced from the acidification of wine only. The percentage of boiled and/or concentrated grape must should not be less than 20 % of the volume sent for processing. The concentration increases until the initial amount of must attains a density of at least 1,240 at a temperature of 20 °C.

In order to ensure that 'Aceto Balsamico di Modena' acquires the properties described in point 4.2, the grape must has to be produced from the following vine varieties: Lambrusco, Sangiovese, Trebbiano, Albana, Ancellotta, Fortana and Montuni. It must have the following characteristics:

- minimum total acidity: 8 g/kg (only for boiled and concentrated must),
- minimum dry extract content: 55 g/kg (only for boiled and concentrated must).

A maximum of 2 % by volume of end product of caramel may be added for colour stability. No other substance may be added. Production of 'Aceto Balsamico di Modena' must follow the customary method of acidification using selected bacterial colonies or using the well-established method of slow surface acidification or slow acidification with wood chippings, followed by refining. In any case, acidification and refining take place in high-quality wood receptacles, such as oak, in particular sessile oak, chestnut, mulberry or juniper, for at least 60 days from the date at which the raw materials are assembled and ready for processing. The receptacles in which 'Aceto Balsamico di Modena' is released for direct consumption must be made of glass, wood, ceramic or terracotta with the following capacity: 0,250 l, 0,500 l, 0,750 l, 1 l, 2 l, 3 l or 5 l; or in single-dose sachets of a maximum capacity of 25 ml made of plastic or composite materials, bearing the same wording as that on the labels of the bottles. Receptacles made from glass, wood, ceramic or terracotta with a capacity of 5 litres or more, or plastic bottles with a capacity of 2 litres or more are allowed, however, if the product is intended for professional use. The assembly of raw materials, processing, refining and ageing in wood receptacles must take place in the geographical area of origin. The product may be packaged outside the area specified in point 4.3.

4.6. *Link*

'Aceto Balsamico di Modena' has an excellent reputation on both the national and international markets, amply demonstrated by its frequent use in countless recipes and the many references to it on the Internet, in the press and in the other media. This reputation means consumers immediately recognise the uniqueness and authenticity of the product.

'Aceto Balsamico di Modena' has for a long time represented the culture and history of Modena and its worldwide reputation is undeniable. The product is closely linked to the knowledge, traditions and skills of the local people, who have created an exclusive and distinctive local product. 'Aceto Balsamico di Modena' has become part of the social and economic fabric of the area and is the source of income for many operators and an integral part of the local culinary tradition, as an essential ingredient in many regional recipes. Dedicated festivals and events stemming from time-honoured traditions have taken place for many years, and are attended by local producers who meet and compare their produce, thereby perpetuating local customs. As a specific and special product, 'Aceto Balsamico di Modena' has built its reputation and appreciation over the years to achieve worldwide acclaim, and consumers mentally associate the product 'experience' with the image of quality cuisine in the two provinces of Emilia-Romagna.

4.7. *Inspection body*

Name: CSQA Certificazioni srl

Address: Via S. Gaetano, 74 — 36016 Thiene (VI)

Tel.: 0039 0445 313011

Fax: 0039 0445 313070

E-mail: csqa@csqa.it

4.8. *Labelling*

The packaging must bear the name 'Aceto Balsamico di Modena' along with the wording 'Indicazione Geografica Protetta' (protected geographical indication) written in full or abbreviated, in Italian and/or in the language of the country of destination. The name 'Aceto Balsamico di Modena' may not be qualified in any way, even in numerical form, other than by those adjectives expressly provided for in this specification, including 'extra', 'fine', 'scelto', 'selezionato', 'riserva', 'superiore', 'classico' or similar. Only the word 'invecchiato' (aged) without any further additions may also appear, provided that the product is aged for a period of three years or more in casks, barrels or other wooden receptacles.

DIRECTIVES

COUNCIL DIRECTIVE 2009/69/EC

of 25 June 2009

amending Directive 2006/112/EC on the common system of value added tax as regards tax evasion linked to imports

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 93 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Having regard to the opinion of the European Economic and Social Committee ⁽²⁾,

Whereas:

- (1) The Council, in the conclusions of its meeting on economic and financial affairs of 28 November 2006, has agreed to establish an Anti-tax fraud strategy implemented at Community level, especially for tax fraud in the field of indirect taxation, in order to complement national efforts.
- (2) Certain measures which have been discussed in that context require an amendment of Directive 2006/112/EC ⁽³⁾.
- (3) The importation of goods is exempt from value added tax (VAT) if followed by a supply or transfer of those goods to a taxable person in another Member State. The conditions under which that exemption is granted are laid down by Member States. Experience, however, shows that divergences in application are exploited by traders to avoid payment of VAT on goods imported under those circumstances.
- (4) In order to prevent that exploitation it is necessary to specify, for particular transactions, at Community level, a set of minimum conditions under which this exemption applies.
- (5) Since, for those reasons, the objective of this Directive, namely to address the problem of VAT evasion, cannot be sufficiently achieved by the Member States themselves and can therefore be better achieved at Community level, the Community may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of propor-

tionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.

- (6) In accordance with point 34 of the Interinstitutional Agreement on better law-making ⁽⁴⁾, Member States are encouraged to draw up, for themselves and in the interests of the Community, their own tables illustrating, as far as possible, the correlation between this Directive and the transposition measures, and to make them public.
- (7) Directive 2006/112/EC should therefore be amended accordingly,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 2006/112/EC is hereby amended as follows:

1. Article 22 shall be replaced by the following:

'Article 22

The application by the armed forces of a State party to the North Atlantic Treaty, for their use or for the use of the civilian staff accompanying them, of goods which they have not purchased subject to the general rules governing taxation on the domestic market of a Member State shall be treated as an intra-Community acquisition of goods for consideration, where the importation of those goods would not be eligible for the exemption provided for in Article 143(1)(h).';

2. in Article 140, point (b) shall be replaced by the following:

'(b) the intra-Community acquisition of goods the importation of which would in all circumstances be exempt under points (a), (b) and (c) and (e) to (l) of Article 143(1).';

3. Article 143 shall be amended as follows:

- (a) the introductory words shall be replaced by the following:

'1. Member States shall exempt the following transactions:';

⁽¹⁾ Opinion of 24 April 2009 (not yet published in the OJ).

⁽²⁾ Opinion of 13 May 2009 (not yet published in the OJ).

⁽³⁾ OJ L 347, 11.12.2006, p. 1.

⁽⁴⁾ OJ C 321, 31.12.2003, p. 1.

(b) the following paragraph shall be added:

'2. The exemption provided for in paragraph 1(d) shall apply in cases when the importation of goods is followed by the supply of goods exempted under Article 138(1) and (2)(c) only if at the time of importation the importer has provided to the competent authorities of the Member State of importation at least the following information:

- (a) his VAT identification number issued in the Member State of importation or the VAT identification number of his tax representative, liable for payment of the VAT, issued in the Member State of importation;
- (b) the VAT identification number of the customer, to whom the goods are supplied in accordance with Article 138(1), issued in another Member State, or his own VAT identification number issued in the Member State in which the dispatch or transport of the goods ends when the goods are subject to a transfer in accordance with Article 138(2)(c);
- (c) the evidence that the imported goods are intended to be transported or dispatched from the Member State of importation to another Member State.

However, Member States may provide that the evidence referred to in point (c) be indicated to the competent authorities only upon request.'

Article 2

Transposition

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive with effect from 1 January 2011. They shall forthwith communicate to the Commission the text of those provisions.

When these provisions are adopted by Member States, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

This Directive shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

Article 4

This Directive is addressed to the Member States.

Done at Luxembourg, 25 June 2009.

For the Council

The President

L. MIKO

II

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

DECISIONS

COMMISSION

COMMISSION DECISION

of 3 July 2009

amending Article 23(4) of Annex I to Council Regulation (EC) No 71/2008 setting up the Clean Sky Joint Undertaking

(notified under document number C(2009) 5134)

(2009/520/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 71/2008 of 20 December 2007 setting up the Clean Sky Joint Undertaking ⁽¹⁾, and in particular Article 24(2) of Annex I thereto,

Having regard to the draft amendment approved by the Governing Board of the Clean Sky Joint Undertaking on 10th October 2008,

Whereas:

(1) The Governing Board of the Clean Sky Joint Undertaking has approved and submitted a draft amendment replacing in Article 23(4) of Annex I to Regulation (EC) No 71/2008 with a different text to allow defining access rights not only for research use but also for commercial use in the grant agreement.

(2) Whereas this amendment, which does not affect the essential elements of the Clean Sky Statutes is justified, as pursuant to Article 15 of Regulation (EC) No 71/2008, the intellectual rights policy of the Clean Sky Joint Undertaking should be based on the principles

of Regulation (EC) No 1906/2006 of the European Parliament and of the Council ⁽²⁾ where access rights for use include for commercial exploitation and should promote not only the creation but also the exploitation of knowledge (ref. Recital 29 and Article 23(2) of Annex I to Regulation (EC) No 71/2008),

HAS ADOPTED THIS DECISION:

Article 1

Article 23(4) of Annex I to Regulation (EC) No 71/2008 is replaced by the following:

‘4. The terms and conditions of access rights and licenses between legal entities having concluded a grant agreement with the Clean Sky Joint Undertaking shall be defined in the grant agreement with regards to Background and Foreground for the purposes of completing the projects, and Foreground and Background necessary to use Foreground’.

Article 2

This Decision is addressed to the Clean Sky Joint Undertaking:

⁽¹⁾ OJ L 30, 4.2.2008, p. 1.

⁽²⁾ OJ L 391, 30.12.2006, p. 1.

Clean Sky Joint Undertaking
c/o Liam Breslin
European Commission — DG RTD
Clean Sky Joint Undertaking Interim Executive Director
CDMA 04/166
1049 Brussels
BELGIUM

Done at Brussels, 3 July 2009.

For the Commission
Janez POTOČNIK
Member of the Commission

COMMISSION DECISION**of 3 July 2009****concerning the temporary authorisation of biocidal products containing malathion in the
Department of French Guiana***(notified under document number C(2009) 5349)**(2009/521/EC)*

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market ⁽¹⁾, and in particular Article 15(1) thereof,

Whereas:

- (1) The first subparagraph of Article 16(2) of Directive 98/8/EC (hereinafter referred to as the Directive) provides that the Commission shall commence a 10-year work programme for the systematic examination of all active substances already on the market on 14 May 2000 (hereinafter referred to as the review programme).
- (2) Malathion (EC No 204-497-7; CAS No 121-75-5) was identified as available on the market before 14 May 2000 as an active substance of biocidal products for purposes other than those referred to in Article 2(2)(c) and (d) of the Directive.
- (3) As no complete dossier was submitted in support of the inclusion of malathion in Annex I, IA or IB of the Directive within the deadline prescribed in part B of Annex V to Commission Regulation (EC) No 2032/2003 ⁽²⁾, the Commission decided, by Commission Decision 2007/565/EC ⁽³⁾, that malathion shall not be included in Annexes I, IA or IB to the Directive. In accordance with Article 4(1) of Commission Regulation (EC) No 1451/2007 ⁽⁴⁾, biocidal products containing malathion shall no longer be placed on the market.
- (4) Article 15(1) of the Directive lays down the conditions under which Member States may authorise temporarily for a period not exceeding 120 days the placing on the market of biocidal products not complying with the provisions of the Directive. Such temporary authorisation may only be granted for a limited and controlled use if

such a measure appears necessary because of an unforeseen danger which cannot be contained by other means. In this case, the Member State concerned shall immediately inform the other Member States and the Commission of its action and the justification for it. The temporary measure may be extended by a decision taken in accordance with the management procedure referred to in Article 28(2) of the Directive.

- (5) France has informed the Commission and the other Member States about its decision of 27 February 2009 to temporarily authorise the placing on the market of biocidal products containing malathion for product type 18 as defined in Annex V of Directive 98/8/EC (insecticides, acaricides and products to control other arthropods). The authorisation was granted for a period of 120 days starting on 3 March 2009 and was only valid for vector disease control carried out by public operators in the Department of French Guiana. According to the information provided by France, the temporary authorisation of biocidal products containing malathion was necessary in view of the rapidly developing epidemic of dengue in French Guiana. The local authorities did not have other effective insecticidal products available for large-scale use against adult mosquitoes.
- (6) On 28 April 2009, France requested the Commission to decide that the action may be extended or repeated in accordance with Article 15(1) of Directive 98/8/EC. The request was made based on the risk that there would still not be any appropriate alternative products for vector mosquito control available in French Guiana on 1 July 2009 when the initial authorisation expires.
- (7) With regard to the importance of the dengue epidemic in the French overseas department of Guiana, the current unavailability of insecticidal products other than malathion in the said department, and the risk that alternatives will not be available when the temporary authorisation granted by France expires, it is appropriate to allow France to extend the temporary authorisation until alternative insecticidal products are available but at the latest until 1 November 2009.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Biocidal Products,

⁽¹⁾ OJ L 123, 24.4.1998, p. 1.

⁽²⁾ OJ L 307, 24.11.2003, p. 1.

⁽³⁾ OJ L 216, 21.8.2007, p. 17.

⁽⁴⁾ OJ L 325, 11.12.2007, p. 3.

HAS ADOPTED THIS DECISION:

Article 1

In accordance with Article 15(1) of Directive 98/8/EC, France may allow the placing on the market of biocidal products containing malathion (EC No 204-497-7; CAS No 121-75-5) for product type 18 as defined in Annex V of Directive 98/8/EC (insecticides, acaricides and products to control other arthropods) for vector mosquito control in the Department of French Guiana until 1 November 2009.

Article 2

1. When allowing the placing on the market of biocidal products containing malathion in accordance with Article 1, France shall ensure that the following conditions are complied with:

(a) such biocidal products shall be used only under the control of public authorities;

(b) such biocidal products shall be used only until appropriate alternative biocidal products complying with the provisions of Directive 98/8/EC are available in the Department of French Guiana.

2. By 10 September 2009, France shall inform the Commission on the application of paragraph 1.

Article 3

This Decision is addressed to the French Republic.

Done at Brussels, 3 July 2009.

For the Commission

Stavros DIMAS

Member of the Commission

EUROPEAN CENTRAL BANK

DECISION OF THE EUROPEAN CENTRAL BANK

of 2 July 2009

on the implementation of the covered bond purchase programme

(ECB/2009/16)

(2009/522/EC)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Treaty establishing the European Community and, in particular to the first indent of Article 105(2) thereof,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank (hereinafter the 'Statute of the ESCB') and, in particular to the second subparagraph of Article 12.1 in conjunction with the first indent of Article 3.1, and Article 18.1 thereof,

Whereas:

- (1) In accordance with Article 18.1 of the Statute of the ESCB, national central banks of Member States that have adopted the euro (hereinafter the 'NCBs') and the European Central Bank (ECB) (hereinafter jointly the 'Eurosystem central banks') may operate in the financial markets by, among other things, buying and selling outright marketable instruments.
- (2) On 7 May 2009 and subsequently on 4 June 2009 the Governing Council decided that in view of the current exceptional circumstances prevailing in the market a programme (hereinafter the 'covered bond purchase programme' or the 'programme') should be initiated under which the NCBs and exceptionally the ECB in direct contact with counterparties may according to their allocated share purchase outright eligible covered bonds. The Eurosystem central banks intend to implement the covered bond purchase programme gradually, taking into account market conditions and the Eurosystem's monetary policy needs. The objectives of these purchases are to contribute to: (a) promoting the ongoing decline in money market term rates; (b) easing funding conditions for credit institutions and enterprises;

(c) encouraging credit institutions to maintain and expand their lending to clients; and (d) improving market liquidity in important segments of the private debt securities market.

- (3) As part of the single monetary policy, the outright purchase of eligible covered bonds by Eurosystem central banks under the programme should be implemented in a uniform manner, in accordance with the terms of this Decision,

HAS DECIDED AS FOLLOWS:

Article 1

Establishment and scope of the outright purchase of covered bonds

The Eurosystem has established the programme under which the Eurosystem central banks shall purchase eligible covered bonds with a targeted nominal amount of EUR 60 billion. Under the programme, a Eurosystem central bank may decide to purchase eligible covered bonds from eligible counterparties in the primary and secondary markets according to the eligibility criteria contained in this Decision. Guideline ECB/2000/7 of 31 August 2000 on monetary policy instruments and procedures of the Eurosystem⁽¹⁾ shall not apply to the outright purchase of covered bonds by a Eurosystem central bank under the programme.

Article 2

Eligibility criteria for covered bonds

Covered bonds that are: (a) eligible for monetary policy operations as defined in Guideline ECB/2000/7; (b) denominated in euro; (c) issued by credit institutions incorporated in the euro area or by other entities incorporated in the euro area complying with conditions set forth in paragraph 4 below; and (d) held and settled in the euro area, shall be eligible for outright purchase under the programme, provided that they satisfy the following additional requirements:

⁽¹⁾ OJ L 310, 11.12.2000, p. 1.

1. They shall be either (i) covered bonds issued in accordance with the criteria set out in Article 22(4) of the UCITS Directive⁽¹⁾ (hereinafter the 'UCITS-compliant covered bonds'), or (ii) structured covered bonds that a Eurosystem central bank at its sole discretion considers as offering safeguards similar to UCITS-compliant covered bonds.
2. Each covered bond issue shall, as a rule, have a minimum issue size of EUR 500 million. In special cases, a Eurosystem central bank may decide to purchase outright covered bonds with an issue size of below EUR 500 million, provided that the issue size is not below EUR 100 million, when this Eurosystem central bank decides at its sole discretion that specific market circumstances or risk management considerations require such purchase.
3. The covered bond issue shall, as a rule, have a minimum rating of 'AA' or equivalent, awarded by at least one of the major rating agencies.
4. If the issuer of the covered bond is an entity (other than a credit institution) incorporated in the euro area, the conditions shall be that (i) such an entity only issues covered bonds, and (ii) the covered bonds are guaranteed in a manner satisfactory to the relevant Eurosystem central bank by a credit institution incorporated in the euro area, or, alternatively, have safeguards of a similar nature that satisfy the requirements of the relevant Eurosystem central bank.
5. The covered bonds shall be issued pursuant to legislation governing covered bonds that is in force in a euro area

Member State. In the case of structured covered bonds, the law governing the documentation of the covered bonds shall be the law of a euro area Member State.

Article 3

Eligible counterparties

The following shall be eligible counterparties for the covered bond purchase programme: (a) domestic counterparties participating in Eurosystem monetary policy operations as defined in section 2.1 of Annex I to Guideline ECB/2000/7; and (b) any other counterparties established in the euro area (either through incorporation or through a branch) that are used by a Eurosystem central bank for the investment of its euro denominated investment portfolios.

Article 4

Final provisions

1. This Decision shall enter into force on the day following its publication on the ECB's website.
2. This Decision shall apply until 30 June 2010.

Done at Luxembourg, 2 July 2009.

The President of the ECB

Jean-Claude TRICHET

⁽¹⁾ Council Directive 85/611/EEC of 20 December 1985 on the coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities (UCITS) (OJ L 375, 31.12.1985, p. 3).

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