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Price: EUR 4

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## V

(Acts adopted from 1 December 2009 under the Treaty on European Union, the Treaty on the Functioning of the European Union and the Euratom Treaty)

## ACTS WHOSE PUBLICATION IS OBLIGATORY

## COMMISSION REGULATION (EU) No 1265/2009

of 21 December 2009

**establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

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) <sup>(1)</sup>,

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 <sup>(2)</sup>, and in particular Article 138(1) thereof,

Whereas:

Regulation (EC) No 1580/2007 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XV, Part A thereto,

HAS ADOPTED THIS REGULATION:

*Article 1*

The standard import values referred to in Article 138 of Regulation (EC) No 1580/2007 are fixed in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 22 December 2009.

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

Done at Brussels, 21 December 2009.

*For the Commission,  
On behalf of the President,*

Jean-Luc DEMARTY  
*Director-General for Agriculture and  
Rural Development*

<sup>(1)</sup> OJ L 299, 16.11.2007, p. 1.

<sup>(2)</sup> 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 <sup>(1)</sup> | Standard import value |
|---------------------------------------------------|-----------------------------------|-----------------------|
| 0702 00 00                                        | AL                                | 44,1                  |
|                                                   | MA                                | 64,0                  |
|                                                   | TN                                | 121,5                 |
|                                                   | TR                                | 83,7                  |
|                                                   | ZZ                                | 78,3                  |
| 0707 00 05                                        | EG                                | 155,5                 |
|                                                   | JO                                | 81,7                  |
|                                                   | MA                                | 87,9                  |
|                                                   | TR                                | 113,2                 |
|                                                   | ZZ                                | 109,6                 |
| 0709 90 70                                        | MA                                | 39,1                  |
|                                                   | TR                                | 123,8                 |
|                                                   | ZZ                                | 81,5                  |
| 0709 90 80                                        | EG                                | 175,4                 |
|                                                   | ZZ                                | 175,4                 |
| 0805 10 20                                        | MA                                | 64,0                  |
|                                                   | TR                                | 60,4                  |
|                                                   | ZA                                | 81,6                  |
|                                                   | ZZ                                | 68,7                  |
| 0805 20 10                                        | MA                                | 72,8                  |
|                                                   | TR                                | 59,0                  |
|                                                   | ZZ                                | 65,9                  |
| 0805 20 30, 0805 20 50, 0805 20 70,<br>0805 20 90 | HR                                | 38,4                  |
|                                                   | IL                                | 76,2                  |
|                                                   | TR                                | 72,3                  |
|                                                   | ZZ                                | 62,3                  |
| 0805 50 10                                        | TR                                | 67,5                  |
|                                                   | ZZ                                | 67,5                  |
| 0808 10 80                                        | CA                                | 71,9                  |
|                                                   | CN                                | 89,8                  |
|                                                   | MK                                | 23,6                  |
|                                                   | US                                | 92,0                  |
|                                                   | ZZ                                | 69,3                  |
| 0808 20 50                                        | CN                                | 47,6                  |
|                                                   | TR                                | 97,0                  |
|                                                   | US                                | 147,7                 |
|                                                   | ZZ                                | 97,4                  |

<sup>(1)</sup> 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 (EU) No 1266/2009****of 16 December 2009****adapting for the tenth time to technical progress Council Regulation (EEC) No 3821/85 on recording equipment in road transport****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on European Union and to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EEC) No 3821/85 of 20 December 1985 on recording equipment in road transport <sup>(1)</sup>, and in particular Article 17 (1) thereof,

Whereas:

- (1) Article 1 of Regulation (EEC) No 3821/85 requires that recording equipment in road transport shall, as regards construction, testing, installation and use, comply with the requirements of Annex I, IB and II of that Regulation.
- (2) Article 5 of Regulation (EEC) No 3821/85 states that a Member State shall grant type approval to any type of digital tachograph which conforms to the requirements laid down in Annex IB to the Regulation.
- (3) Article 3 of Regulation (EEC) No 3821/85 requires that recording equipment shall be installed and used in relevant vehicles registered in a Member State.
- (4) Annex IB to Regulation (EEC) No 3821/85 sets out the technical specifications for the construction, testing, installation and inspection of the digital tachograph.
- (5) In order to improve and enhance the digital tachograph with a view to reducing administrative burdens on industry and to ensuring secure information on driving time and rest periods for both transport operators and national control authorities, it is necessary to adapt Annex IB of Regulation (EEC) No 3821/85 to technical progress.
- (6) The present Regulation does not prevent Member States from type approving equipment which conforms to the requirements it lays down even before its date of application so that more secure recording equipment can be rapidly commercialised. The present Regulation does not prevent Member States from type approving software which upgrades existing digital tachographs to meet requirements of the Regulation.
- (7) The present Regulation does not require the replacement of a functioning digital tachograph installed before its date of application.
- (8) Manufacturers of digital tachographs have declared that any access to any intellectual property rights which could provide an essential facility will be granted to any parties under fair, reasonable and non-discriminatory conditions and on reciprocal terms.
- (9) To facilitate cross-homologation of individual type approved components, and ensure that new manufacturers of digital tachograph recording equipment, or components thereof, are not prevented from entering the market, it is necessary to establish the application of international standards for technical interfaces between the different components.
- (10) To assist transport operators and undertakings in meeting their obligations under Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data <sup>(2)</sup>, the number of company locks should be increased.
- (11) To ensure proper enforcement and control checks of vehicles, and to identify drivers, a wider set of characters sets should be integrated into the digital tachograph.

<sup>(1)</sup> OJ L 370, 31.12.1985, p. 8.

<sup>(2)</sup> OJ L 281, 23.11.1995, p. 31.

- (12) To support industry, manufacturers and control bodies in being able to identify the current manufacturers in the market, as well as to be able to distinguish countries and the relevant codes, based on signs used on vehicles in international traffic, as set out in the United Nations Vienna Convention on Road Traffic, 1968, the appropriate lists should be maintained by the laboratory competent for carrying out interoperability tests, and made available on a public webpage.
- (13) In order to assist road transport undertakings to fulfil the legal obligations to store relevant information for enforcement purposes, common test specifications for printout paper to be used when granting a type approval should be established.
- (14) To reduce the administrative burdens, and therefore the costs, placed on operators and drivers when using the digital tachograph, the provisions for the installation, activation, calibration and inspection of the equipment should be simplified and aimed specifically at only those vehicles used for driving that fall within the scope of the drivers' hours rules as set out in Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport<sup>(1)</sup>.
- (15) During periodic inspections or on other occasions when the recording equipment needs to be checked, calibrated, repaired or inspected, workshops should test the equipment for the presence, or use, of manipulation devices and should make and keep a record of such events, including absent or broken seals.
- (16) Only the digital tachograph of vehicles falling within category M2, M3, N2 or N3, as defined in Annex II to Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles<sup>(2)</sup>, should automatically record over-speeding events.
- (17) Following the report provided by the Joint Research Centre (*Report on the Attacks to Security of the Digital Tachograph and on the Risk Associated With the Introduction of Adaptors to be fitted into Light Vehicles*), the communication of electronic data between the source of vehicle movement and the motion sensor should be protected against tampering, such as by the use of magnets, and that vehicle movement data should be corroborated by additional and independent, internal and external sources.
- (18) It is essential for the integrity and trustworthiness of the security of the digital tachograph system to ensure that tachograph cards issued to drivers are unique. In order to prevent drivers from applying for or possessing more than one valid card, an electronic exchange of data between Member States should exist.
- (19) The human-machine interface for making manual entries of activities when drivers have been away from their vehicle and, during that period, are unable to record their activities onto their driver cards, should be simplified and clarified.
- (20) It is helpful for drivers to have additional, optional information displayed for them on the display of the digital tachograph, and to suppress warnings when the vehicle is being driven out of scope of the rules.
- (21) The time taken to download data from the recording equipment should be reduced by improvements to the technical interfaces.
- (22) In order to maintain the trustworthiness of the system in the face of the forthcoming obsolescence of the security mechanisms currently in use, contingency measures are required to assure the continuity of the type approval process for tachograph equipment.
- (23) To ensure that at roadside checks driving patterns and the 'true' driving records can be determined, the driving time calculation and the rounding up to one minute of the periods of activity should be simplified.
- (24) The measures provided for in this Regulation are in accordance with the opinion of the Committee established under Article 18 of Regulation (EEC) No 3821/85.
- (25) Regulation (EEC) No 3821/85 should therefore be amended accordingly,
- HAS ADOPTED THIS REGULATION:
- Article 1

<sup>(1)</sup> OJ L 102, 11.4.2006, p. 1

<sup>(2)</sup> OJ L 263, 9.10.2007, p. 1.

Annex IB to Regulation (EEC) No 3821/85 is amended as set out in the Annex to this Regulation.

*Article 2*

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

It shall apply from 1 October 2011. However, points 3.1, 3.8, 3.9, 3.11, 3.20, 8.2, 9.2, 12.3, 12.4 and 13 of the Annex shall apply from 1 October 2012 and points 7.2, 7.3 and 7.5 shall apply from the date of entry into force.

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

Done at Brussels, 16 December 2009.

*For the Commission*

*The President*

José Manuel BARROSO

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## ANNEX

Annex IB to Regulation (EEC) No 3821/85 is amended as follows:

**1. AMENDMENTS TO CHAPTER I (DEFINITIONS)**

**1.1** The definition (f) is replaced by the following:

‘(f) “calibration” means: updating or confirming vehicle parameters to be held in the data memory. Vehicle parameters include vehicle identification (VIN, VRN and registering Member State) and vehicle characteristics (w, k, l, tyre size, speed limiting device setting (if applicable), current UTC time, current odometer value);

Any update or confirmation of UTC time only, shall be considered as a time adjustment and not as a calibration, provided it does not contradict Requirement 256.

*Calibrating a recording equipment requires the use of a workshop card;’*

**1.2** The definition (l) is replaced by the following:

‘(l) “company card” means:

A tachograph card issued by the authorities of a Member State to the owner or holder of vehicles fitted with recording equipment;

The company card identifies the company and allows for displaying, downloading and printing of the data stored in the recording equipment which has been locked by this company or which has not been locked by any company.’

**1.3** The definition (s) is replaced by the following:

‘(s) “downloading” means:

Copying, together with the digital signature, of a part, or of a complete set of data files stored in the data memory of the vehicle or in the memory of the tachograph card, for which these data are necessary to establish compliance with the provisions set out in Regulation (EC) No. 561/2006.

Manufacturers of digital tachograph vehicle units and manufacturers of equipment designed and intended to download data files shall take all reasonable steps to ensure that the downloading of such data can be performed with the minimum delay to transport undertakings or drivers.

Downloading may not alter or delete stored data. The downloading of the detailed speed file may not be necessary to establish compliance with Regulation (EC) No. 561/2006, but may be used for other purposes, such as accident investigation.’

**1.4** In footnote (1) to definitions ‘n’ and ‘p’ the following paragraph is added:

‘Alternative ways of computing the continuous driving time and the cumulative break time may be used to replace these definitions if they have been made obsolete by updates in other relevant legislation’.

**2. AMENDMENTS TO CHAPTER II (GENERAL CHARACTERISTICS)**

**2.1** The following new Requirement is inserted after Requirement 001:

**‘Requirement 001a** The interface between motion sensors and vehicle units shall be compliant with ISO 16844-3:2004, Cor 1:2006’.

**2.2** Requirement 010 is amended as follows:

— The third indent is deleted.

— The final indent is replaced by the following:

‘The downloading function is not accessible in the operational mode (except as provided for in Requirement 150), and except downloading a driver card when no other card is inserted into the VU.’

- 2.3 The second indent of Requirement 011 is replaced by the following:

‘— in the company mode, driver related data (requirements 081, 084 and 087) can be output only for periods where no lock exists or no other company holds a lock (as identified by the first 13 digits of the company card number).’

3. **AMENDMENTS TO CHAPTER III (FUNCTIONS AND REQUIREMENTS)**

- 3.1 The following requirement is inserted after Requirement 019:

**‘Requirement 019a** To detect manipulation of motion data, information from the motion sensor shall be corroborated by vehicle motion information derived from one or more source(s) independent from the motion sensor.’

- 3.2 Requirement 028 is replaced by the following:

**‘Requirement 028** UTC date and time shall be used for dating data inside the recording equipment (recordings, data exchange) and for all printouts specified in Appendix 4 “Printouts”’

- 3.3 Requirement 029 is replaced by the following:

**‘Requirement 029** In order to visualise the local time, it shall be possible to change the offset of the time displayed, in half hour steps. No other offsets than negative or positive multiples of half hours shall be allowed.’

- 3.4 Requirement 040 is deleted.

- 3.5 Requirement 038, Requirement 041 and Requirement 042 are replaced by the following:

**‘Requirement 038** The first change of activity to REST or AVAILABILITY arising within 120 seconds of the automatic change to WORK due to the vehicle stop shall be assumed to have happened at the time of vehicle stop (therefore possibly cancelling the change to WORK).’

**‘Requirement 041** Given a calendar minute, if DRIVING is registered as the activity of both the immediately preceding and immediately succeeding minute, the whole minute shall be regarded as DRIVING.’

**‘Requirement 042** Given a calendar minute that is not regarded as DRIVING according to the previous requirement 041, the whole minute shall be regarded to be of the same type of activity as the longest continuous activity within the minute (or the latest of equally long activities).’

- 3.6 Requirements 050, 050a and 050b are replaced by the following:

**‘Requirement 050** It shall be possible to input places where daily work periods begin and/or end through commands in the menus. If more than one such input is done within one calendar minute, only the last begin place input and the last end place input done within that time shall be kept recorded.’

**‘Requirement 050a** Upon driver (or workshop) card insertion, and only at this time, the recording equipment shall allow manual entries of activities. It shall be possible to make manual entries, if required, at the first insertion of a previously unused driver (or workshop) card.

Manual entries of activities shall be performed using local time and date values of the time zone (UTC offset) currently set for the vehicle unit.

At driver or workshop card insertion the cardholder shall be reminded of:

- The date and time of his last card withdrawal.
- Optionally: the local time offset currently set for the vehicle unit

It shall be possible to input activities with the following restrictions:

- Activity type shall be WORK, AVAILABILITY or BREAK/REST.
- Start and end times for each activity shall be within the period of the last card withdrawal — current insertion only.

Activities shall not be allowed to overlap mutually in time.

The procedure for manual entries of activities shall include as many consecutive steps as necessary to set a type, a start time and an end time for each activity. For any part of the time period between last card withdrawal and current card insertion, the cardholder shall have the option not to declare any activity.

During the manual entries associated with card insertion and if applicable, the card holder shall have the opportunity to input:

- a place where a previous daily work period ended, associated to the relevant time (if not already entered at the last card withdrawal),
- a place where the current daily work period begins, associated to the relevant time,

If a location is entered, it shall be recorded in the relevant tachograph card.

Manual entries shall be interrupted if:

- the card is withdrawn or,
- the vehicle is moving and the card is in the driver slot.

Additional interruptions are allowed, e.g. a timeout after a certain period of user inactivity. If manual entries are interrupted, the recording equipment shall validate any complete place and activity entries (having either unambiguous place and time, or activity type, begin time and end time) already made.

If a second driver or workshop card is inserted while manual entries of activities are in progress for a previously inserted card, the manual entries for this previous card shall be allowed to be completed before manual entries start for the second card.

The cardholder shall have the option to insert manual entries according to the following minimum procedure:

Enter activities manually, in chronological order, for the period last card withdrawal – current insertion.

Begin time of the first activity shall be set to card withdrawal time. For each subsequent entry, the start time shall be preset to immediately follow the end time of the previous entry. Activity type and end time shall be selected for each activity.

The procedure shall end when the end time of a manually entered activity equals the card insertion time. The recording equipment may then optionally allow the card holder to modify any activity manually entered, until validation by selection of a specific command. Thereafter, any such modification shall be forbidden.'

**'Requirement 50b** The recording equipment shall allow the driver to enter, in real time, the following two specific conditions:

"OUT OF SCOPE" (begin, end)

"FERRY / TRAIN CROSSING"

A "FERRY / TRAIN CROSSING" may not occur if an "OUT OF SCOPE" condition is opened.

An opened "OUT OF SCOPE" condition shall be automatically closed, by the recording equipment, if a driver card is inserted or withdrawn.

An opened "OUT OF SCOPE" condition shall inhibit the following events and warnings:

- Driving without an appropriate card,
- Warnings associated with continuous driving time.'

### 3.7 Requirement 065 is replaced by the following:

**'Requirement 065** This event shall be triggered for each over-speeding. This requirement shall apply only to vehicles falling within category M2, M3, N2 or N3, as defined in Annex II of Directive 2007/46/EC, establishing a framework for the approval of motor vehicles and their trailers'.

- 3.8 The following text is inserted after Requirement 067:

‘9.9 bis. “Vehicle Motion Conflict” event

**Requirement 067a** This event shall also be triggered when a zero speed measurement is contradicted by motion information from at least one independent source for more than one uninterrupted minute.

**Requirement 067b** In cases where the vehicle unit can receive or elaborate speed values from external independent source of motion information, this event may also be triggered if such speed values significantly contradict those elaborated from the motion sensor speed signal for more than one minute’.

- 3.9 In Requirement 094 the following line is inserted after ‘motion data error’ event:

|                         |                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                     |
|-------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Vehicle Motion Conflict | <ul style="list-style-type: none"> <li>— the longest event for each of the 10 last days of occurrence,</li> <li>— the 5 longest events over the last 365 days.</li> </ul> | <ul style="list-style-type: none"> <li>— date and time of beginning of event,</li> <li>— date and time of end of event,</li> <li>— cards’ type, number and issuing Member State of any card inserted at beginning and/or end of the event,</li> <li>— number of similar events that day.</li> </ul> |
|-------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

- 3.10 Requirement 104 is replaced by the following:

**‘Requirement 104** The recording equipment shall record and store in its data memory the following data relevant to the 255 most recent company locks.

- lock-in date and time,
- lock-out date and time,
- Company Card number and card issuing Member States,
- Company name and address.

Data previously locked by a lock removed from memory due to the limit above, shall be treated as not locked’.

- 3.11 After Requirement 109a, the following requirement is inserted:

**‘Requirement 109b** The “Vehicle Motion Conflict” event shall not be stored on the driver and workshop cards.’

- 3.12 Requirement 114a is replaced by the following:

**‘Requirement 114a** The display shall support the characters specified in Appendix 1 Chapter 4 ‘Character sets’. The display may use simplified glyphs (e.g. accented characters may be displayed without accent, or lower case letters may be shown as upper case letters)’.

- 3.13 Requirement 121 is replaced by the following:

**‘Requirement 121** When no other information needs to be displayed, the recording equipment shall display, by default, the following:

- the local time (as a result of UTC time + offset as set by the driver),
- the mode of operation,
- the current activity of the driver and the current activity of the co-driver.

Information related to the driver:

- if his current activity is DRIVING, his current continuous driving time and his current cumulative break time,

- if his current activity is not DRIVING, the current duration of this activity (since it was selected) and his current cumulative break time.'

3.14 Requirement 127 is replaced by the following:

**'Requirement 127** It shall be possible to display selectively on request:

- the UTC date and time, and local time offset,
- the content of any of the six printouts under the same formats as the printouts themselves,
- the continuous driving time and cumulative break time of the driver,
- the continuous driving time and cumulative break time of the co-driver,
- the cumulated driving time of the driver for the previous and the current week,
- the cumulated driving time of the co-driver for the previous and the current week.

Optional:

- the current duration of co-driver activity (since it was selected),
- the cumulated driving time of the driver for the current week,
- the cumulated driving time of the driver for the current daily work period,
- the cumulated driving time of the co-driver for the current daily work period.'

3.15 Requirement 133a is replaced by the following:

**'Requirement 133a** The printer shall support the characters specified in Appendix 1 Chapter 4 "Character sets" '.

3.16 Requirement 136 is replaced by the following:

**'Requirement 136** The printout paper used by the recording equipment shall bear the relevant type approval mark and an indication of the type(s) of recording equipment with which it may be used.'

3.17 The following requirements are inserted after Requirement 136:

**'Requirement 136a** Printouts shall remain clearly legible and identifiable under normal conditions of storage, in terms of light intensity, humidity and temperature, for at least two years.

**Requirement 136b** The printout paper shall conform at least to the test specifications defined on the website of the laboratory appointed to carry out interoperability testing, as set out in Requirement 278.

**Requirement 136c** Any amendment or updating of the specifications described in the above paragraph shall only be made after the appointed laboratory has consulted the type approved digital tachograph vehicle unit manufacturer in conjunction with the type approval authorities'.

3.18 Requirement 141 is replaced by the following:

**'Requirement 141** The recording equipment shall warn the driver 15 minutes before and at the time of exceeding the maximum allowed continuous driving time'

3.19 Requirement 145 is replaced by the following:

**'Requirement 145** In the latter case it shall bear a "T" symbol.'

3.20 After Requirement 161, the following requirement is inserted:

**'Requirement 161a** Motion sensors shall either:

— react to a magnetic field which disturbs vehicle motion detection. In such circumstances, the vehicle unit will record and store a sensor fault (Requirement 070) or,

have a sensing element that is protected from, or immune to, magnetic fields.'

#### 4. AMENDMENTS TO CHAPTER V (INSTALLATION)

4.1 Requirement 239 shall have the following sentence added:

'Delivery of security relevant parts of the recording equipment can be restricted if required during security certification'.

4.2 Requirement 243 is replaced by the following:

**'Requirement 243** Vehicle manufacturers or fitters shall activate the installed recording equipment at the latest before the vehicle is used in scope of Regulation (EC) No. 561/2006'.

4.3 Requirement 248 and Requirement 249 are replaced by the following:

**'Requirement 248** Installation shall be followed by a calibration. The first calibration may not necessarily include entry of the vehicle registration number (VRN), when it is not known by the approved workshop having to undertake this calibration. In these circumstances, it shall be possible, for the vehicle owner, and at this time only, to enter the VRN using his Company Card prior to using the vehicle in scope of Regulation (EC) No. 561/2006 (e.g by using commands through an appropriate menu structure of the vehicle unit's man-machine interface.)<sup>(1)</sup>. Any update or confirmation of this entry shall only be possible using a Workshop Card'.

**'Requirement 249** After the recording equipment has been checked on installation, an installation plaque which is clearly visible and easily accessible shall be affixed onto the recording equipment. In cases where this is not possible, the plaque shall be affixed to the vehicle's "B" pillar so that it is clearly visible. For vehicles that do not have a "B" pillar, the installation plaque should be affixed to the doorframe on the driver's side of the vehicle and be clearly visible in all cases.

After every inspection by an approved fitter or workshop, a new plaque shall be affixed in place of the previous one'.

4.4 Requirement 250, sixth indent is replaced by the following:

'the date on which the characteristic coefficient of the vehicle and the effective circumference of the wheel tyres were measured'

4.5 After Requirement 250 the following requirement is inserted:

**'Requirement 250a** For M1 and N1 vehicles only, and which are fitted with an adaptor in conformity with Regulation (EC) No. 68/2009<sup>(2)</sup>, and where it is not possible to include all the information necessary, as described in Requirement 250, a second, additional, plaque may be used. In such cases, this additional plaque shall contain at least the last four indents described in Requirement 250.

This second, additional plaque, if used, shall be affixed next to or beside the first primary plaque described in Requirement 250, and shall have the same protection level. Furthermore the secondary plaque shall also bear the name, address or trade name of the approved fitter or workshop that carried out the installation, and the date of installation'.

#### 5. AMENDMENTS TO CHAPTER VI (INSPECTIONS)

5.1 Requirement 257 is amended as follows:

<sup>(1)</sup> OJ L 102, 11.4.2006, p. 1.

<sup>(2)</sup> OJ L 21, 24.1.2009, p. 3.

The fourth indent is replaced by '— that the installation plaque, as defined by Requirement 250, and the descriptive plaque, as defined by Requirement 169, are affixed' and the following indent is added: '— that there are no manipulation devices attached to the equipment'.

- 5.2 The following requirements are inserted after Requirement 257:

**'Requirement 257a** If one of the events listed in Chapter III Section 9 (Detection of Events and/or Faults) is found to have occurred since the last inspection and is considered by tachograph manufacturers and/or national authorities as potentially putting the security of the equipment at risk, the workshop shall:

- (a) make a comparison between the motion sensor identification data of the motion sensor plugged into the gearbox with that of the paired motion sensor registered in the vehicle unit;
- (b) check if the information recorded on the installation plaque matches with the information contained within the vehicle unit record;
- (c) by checking if the motion sensor serial number and approval number, if printed on the body of the motion sensor, matches the information contained within the vehicle unit record'.

**'Requirement 257b** Workshops shall keep traces in their inspection reports of any findings concerning broken seals or manipulations devices. These reports shall be kept by workshops for at least two years and made available to the Competent Authority whenever requested to do so'.

## 6. AMENDMENTS TO CHAPTER VII (CARD ISSUING)

- 6.1 The following requirement is inserted after Requirement 268:

**'Requirement 268a** Member States shall exchange data electronically in order to ensure the uniqueness of the tachograph Driver Card that they issue.

The competent authorities of Member States may also exchange data electronically when carrying out checks of driver cards at the roadside or at company premises in order to verify the uniqueness and status of the cards.'

## 7. AMENDMENTS TO CHAPTER VIII (TYPE-APPROVAL)

- 7.1 In Section 1 General Points, a new sentence is added to the first paragraph:

'Any vehicle unit manufacturer may ask for type approval of its component with any type of motion sensor, and vice versa, provided each component complies with Requirement 001a'.

- 7.2 After Requirement 274, the following requirements are inserted:

**'Requirement 274a** In the exceptional circumstance that the security certification authorities refuse to certify new equipment on the grounds of obsolescence of the security mechanisms, type approval shall continue to be granted only in this specific and exceptional circumstance, and when no alternative solution, compliant with the Regulation, exists'.

**'Requirement 274b** In this circumstance the Member State concerned shall, without delay, inform the European Commission, which shall, within twelve calendar months of the grant of type approval, launch a procedure to ensure that the level of security is restored to its original levels'.

- 7.3 After Requirement 275, the following requirement is inserted:

**'Requirement 275a** Manufacturers shall provide the relevant samples of type approved products and associated documentation required by laboratories appointed to perform functional tests, and within one month of the request being made. Any costs resulting from this request shall be borne by the requesting entity. Laboratories shall treat all commercially sensitive information in confidence'.

- 7.4 After Requirement 277, the following requirement is inserted:

**'Requirement 277a** The functional certificate of any recording equipment component shall also indicate the type approval numbers of all other type approved compatible recording equipment components'.

- 7.5 Requirement 281 is replaced by:

**Requirement 281** No interoperability tests shall be carried out by the laboratory for recording equipment or tachograph cards that have not been granted a security certificate and a functionality certificate, except in the exceptional circumstances described in Requirement 274a.'

## 8. AMENDMENTS TO APPENDIX 1 (DATA DICTIONARY)

- 8.1 Section 2.2 is replaced by the following:

### '2.2 Address

An address.

Address: = SEQUENCE {

codePage INTEGER (0..255),

address OCTET STRING (SIZE(35))

}

**codePage** specifies a character set defined in Chapter 4,

**address** is an address encoded using the specified character set'.

- 8.2 In Section 2.54, the line '“0A”H to “0F”H RFU', is replaced by:

'“0A”H                      Vehicle Motion Conflict,

“0B”H to “0F”H      RFU,'

- 8.3 Section 2.70 is replaced with the following:

### '2.70 Name

A name.

Name: = SEQUENCE {

codePage INTEGER (0..255),

name OCTET STRING (SIZE(35))

}

**codePage** specifies a character set defined in Chapter 4,

**name** is a name encoded using the specified character set'.

- 8.4 Section 2.114 is replaced with the following:

### '2.114 VehicleRegistrationNumber

Registration number of the vehicle (VRN). The registration number is assigned by the vehicle licensing authority.

VehicleRegistrationNumber: = SEQUENCE {

codePage INTEGER (0..255),

vehicleRegNumber OCTET STRING (SIZE(13))

}

**codePage** specifies a character set defined in Chapter 4,

**vehicleRegNumber** is a VRN encoded using the specified character set.

**Value assignment:** Country specific'.

- 8.5 The last paragraph of Chapter 4 is replaced by the following text:

| Other character strings (Address, Name, VehicleRegistrationNumber) use, in addition, characters from the decimal character code range 161 – 255 of the following 8-bit, standard character sets, specified by the Code Page number: | Code Page (Decimal) |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| Standard Character Set                                                                                                                                                                                                              |                     |
| ISO/IEC 8859-1 Latin-1 Western European                                                                                                                                                                                             | 1                   |
| ISO/IEC 8859-2 Latin-2 Central European                                                                                                                                                                                             | 2                   |
| ISO/IEC 8859-3 Latin-3 South European                                                                                                                                                                                               | 3                   |
| ISO/IEC 8859-5 Latin / Cyrillic                                                                                                                                                                                                     | 5                   |
| ISO/IEC 8859-7 Latin / Greek                                                                                                                                                                                                        | 7                   |
| ISO/IEC 8859-9 Latin-5 Turkish                                                                                                                                                                                                      | 9                   |
| ISO/IEC 8859-13 Latin-7 Baltic Rim                                                                                                                                                                                                  | 13                  |
| ISO/IEC 8859-15 Latin-9                                                                                                                                                                                                             | 15                  |
| ISO/IEC 8859-16 Latin-10 South Eastern European                                                                                                                                                                                     | 16                  |
| KOI8-R Latin / Cyrillic                                                                                                                                                                                                             | 80                  |
| KOI8-U Latin / Cyrillic                                                                                                                                                                                                             | 85'                 |

- 8.6 In Chapter 2, Section 2.67 is replaced by the following:

'2.67 ManufacturerCode

Code identifying a manufacturer of type-approved equipment.

ManufacturerCode: = INTEGER (0..255)

The laboratory competent for interoperability tests maintains and publishes the list of manufacturer codes on its web site (requirement 290).

ManufacturerCodes are provisionally assigned to developers of tachograph equipment on application to the laboratory competent for interoperability tests'.

- 8.7 Section 2.71 is replaced by the following:

'2.71 NationAlpha

Alphabetic reference to a country shall be in accordance with the distinguishing signs used on vehicles in international traffic (United Nations Vienna Convention on Road Traffic, 1968).

NationAlpha: = IA5String (SIZE (3))

The Nation Alpha and Numeric codes shall be held on a list maintained on the website of the laboratory appointed to carry out interoperability testing, as set out in Requirement 278'.

- 8.8 Section 2.72 is replaced by the following:

'2.72 NationNumeric

Numerical reference to a country.

NationNumeric: = INTEGER (0.. 255)

Value assignment: see data type 2.71 (NationAlpha)

Any amendment or updating of the Nation Alpha or Numeric specification described in the above paragraph shall only be made out after the appointed laboratory has obtained the views of type approved digital tachograph vehicle unit manufacturers.'

## 9. AMENDMENTS TO APPENDIX 3 (PICTOGRAMS)

9.1 Requirement PIC\_001 is replaced by:

'PIC\_001 The recording equipment may optionally use the following pictograms and pictogram combinations (or pictograms and combination similar enough to be unambiguously identifiable with these):

9.2 Section 2, in the 'Events' sub-sub section, the following pictogram is added:

' Vehicle Motion Conflict'

## 10. AMENDMENTS TO APPENDIX 4 (PRINTOUTS)

10.1 PRT\_006 in Section 2, Data Block Specification, is replaced by:

'PRT\_006 Printouts shall use the following data blocks and/or data records, in accordance with the following meanings and formats:

| Block or record number<br>Meaning                                                                                                                           | Data Format                                                                                                  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|
| 1 <b><i>Date and time at which the document is printed.</i></b>                                                                                             |  dd/mm/yyyy hh:mm (UTC) |
| 2 <b><i>Type of printout</i></b>                                                                                                                            |                                                                                                              |
| Block identifier                                                                                                                                            | -----  -----            |
| Printout pictogram combination (see App. 3), Speed limiting device setting (Over speeding printout only)                                                    | Picto xxx <b>km/h</b>                                                                                        |
| 3 <b><i>Card holder identification</i></b>                                                                                                                  |                                                                                                              |
| Block identifier. P= people pictogram                                                                                                                       | -----P-----                                                                                                  |
| Card holder surname                                                                                                                                         | P Last_Name _____                                                                                            |
| Card holder first name(s) (if any)                                                                                                                          | First_Name _____                                                                                             |
| Card identification                                                                                                                                         | Card_Identification _____                                                                                    |
| Card expiry date (if any)                                                                                                                                   | dd/mm/yyyy                                                                                                   |
| In the case where the card is a non-personal card, and holds no card holder surname, the company or workshop or control body name shall be printed instead. |                                                                                                              |
| 4 <b><i>Vehicle identification</i></b>                                                                                                                      |                                                                                                              |
| Block identifier                                                                                                                                            | -----  -----            |
| VIN                                                                                                                                                         |  VIN _____              |
| Registering Member State and VRN                                                                                                                            | Nat/VRN _____                                                                                                |

**5 VU identification**

Block identifier

VU manufacturer's name

VU part number

|                                                                                                          |
|----------------------------------------------------------------------------------------------------------|
| -----  -----          |
|  VU_Manufacturer_____ |
| VU_Part_Number_____                                                                                      |

**6 Last calibration of the recording equipment**

Block identifier

Workshop name

Workshop card identification

Date of the calibration

|                                                                                                    |
|----------------------------------------------------------------------------------------------------|
| -----  -----    |
|  Last_Name_____ |
| Card_Identification_____                                                                           |
|  dd/mm/yyyy     |

**7 Last control (by a control officer)**

Block identifier

Controller's card identification

Control date, time and type

Type of the control: Up to four pictograms. The type of control can be (a combination) of:

: Card downloading, : VU downloading, : printing, : Displaying

|                                                                                                             |
|-------------------------------------------------------------------------------------------------------------|
| -----  -----             |
| Card_Identification_____                                                                                    |
|  dd/mm/yyyy hh:mm pppp |

**8 Driver activities stored on a card in order of occurrence**

Block identifier

Enquiry date (calendar day subject of the printout) +

Daily card presence counter

|                                                                                                   |
|---------------------------------------------------------------------------------------------------|
| -----  ----- |
| dd/mm/yyyy xxx                                                                                    |

8a Out of scope condition in the beginning of this day  
(leave blank if no out of scope condition open)

|                 |
|-----------------|
| ----- OUT ----- |
|-----------------|

**8.1 Period during which the card was not inserted**

8.1a Record identifier (start of period)

8.1b Unknown period. Start time, duration

8.1c Activity manually entered

Activity pictogram, start time, duration.

|                                                                                                     |
|-----------------------------------------------------------------------------------------------------|
| -----                                                                                               |
|  : hh:mm hhhmm |
| A: hh:mm hhhmm                                                                                      |

**8.2 Card insertion in slot S**

Record identifier; S = Slot pictogram

Vehicle registering Member State and VRN

Vehicle odometer at card insertion

|                                                                                                    |
|----------------------------------------------------------------------------------------------------|
| -----S-----                                                                                        |
|  Nat/VRN_____ |
| x xxx xxx km                                                                                       |

## 8.3 Activity (while card was inserted)

Activity pictogram, start time, duration, crew status (crew pictogram if CREW, blanks if SINGLE)

A: hh:mm hh:mm 

## 8.3a Specific condition. Time of entry, specific condition pictogram (or pictogram combination).

hh:mm - - - pppp - - -

## 8.4 Card withdrawal

Vehicle odometer and distance travelled since last insertion for which odometer is known

x xxx xxx km; x xxx km

## 9 Driver activities stored in a VU per slot in chronological order

Block identifier

Enquiry date (calendar day subject of the printout)

Vehicle odometer at 00:00 and 24:00

- - - - -  - - - - -  
dd/mm/yyyy  
x xxx xxx - x xxx xxx km

## 10 Activities carried in slot S

Block identifier

## 10a Out of scope condition in the beginning of this day (leave blank if no out of scope condition open)

- - - - - -S- - - - -  
- - - - - -OUT- - - - -

## 10.1 Period where no card is inserted in slot S

Record identifier.

No Card inserted

Vehicle odometer at beginning of period

- - - - -  
 - - -  
x xxx xxx km

## 10.2 Card insertion

Card insertion Record identifier

Driver's name

Driver's first name

Driver's Card identification

Driver's card expiry date

Registering MS and VRN of previous vehicle used

Date and time of card withdrawal from previous vehicle

Blank line

Vehicle odometer at card insertion, Manual entry of driver activities flag (M if yes, Blank if No).

- - - - -  
 Last\_Name \_\_\_\_\_  
First\_Name \_\_\_\_\_  
Card\_Identification \_\_\_\_\_  
dd/mm/yyyy  
 Nat/VRN \_\_\_\_\_  
dd/mm/yyyy hh:mm  
  
x xxx xxx km M

If no card insertion of a driver card happened on the day for which the printout is done then for block 10.2 the odometer data reading from the last available card insertion before that day shall be used.

10.3 *Activity*

Activity pictogram, start time, duration, crew Status (crew pictogram if CREW, blanks if SINGLE)

A ÷ hh:mm hhhmm ☹☹

10.3a *Specific condition. Time of entry, specific condition pictogram (or pictogram combination).*

hh:mm - - - pppp - - -

10.4 *Card withdrawal or End of 'No Card' period*

Vehicle odometer at card withdrawal or at end of 'no card' period and distance travelled since insertion, or since beginning of the 'No Card' period.

x xxx xxx **km**; x xxx **km**

11 *Daily summary*

Block identifier

- - - - - ☹ - - - - -

11.1 *VU summary of periods without card in driver slot*

Block identifier

1 ☹ - - -

11.2 *VU summary of periods without card in co-driver slot*

Block identifier

2 ☹ - - -

11.3 *VU daily summary per driver*

Record identifier

Driver's surname

Driver's first name(s)

Driver's card identification

- - - - -  
☹ Last\_Name \_\_\_\_\_  
First\_Name \_\_\_\_\_  
Card\_Identification \_\_\_\_\_

11.4 *Entry of place where a daily work period begins and/or ends*

pi=location begin / end pictogram, time, country, region,  
Odometer

pihh:mm Cou Reg  
x xxx xxx **km**

11.5 *Activity totals (from a card)*

Total driving duration, distance travelled

Total working and availability duration

Total resting and unknown duration

Total duration of crew activities

☹ hhhmm x xxx **km**  
✕ hhhmm ☹ hhhmm  
⌂ hhhmm ? hhhmm  
☹☹ hhhmm

11.6 *Activity totals (periods without card driver slot)*

Total driving duration, distance travelled

⊗ hhhmm x xxx km

Total working and availability duration

⊗ hhhmm ⊗ hhhmm

Total resting duration

⌂ hhhmm

11.7 *Activity totals (periods without card co-driver slot)*

Total working and availability duration

⊗ hhhmm ⊗ hhhmm

Total resting duration

⌂ hhhmm

11.8 *Activity totals (per driver both slots included)*

Total driving duration, distance travelled

⊗ hhhmm x xxx km

Total working and availability duration

⊗ hhhmm ⊗ hhhmm

Total resting duration

⌂ hhhmm

Total duration of crew activities

⊗⊗ hhhmm

When a daily printout is required for the current day, daily summary information is computed with available data at the time of the printout.

12 *Events and/or faults stored on a card*

## 12.1 Block identifier last 5 'Events and Faults' from a card

- - - - - !⊗⌂ - - - - -

## 12.2 Block identifier all recorded 'Events' on a card

- - - - - !⌂ - - - - -

## 12.3 Block identifier all recorded 'Faults' on a card

- - - - - ⊗⌂ - - - - -

12.4 *Event and/or Fault record*

Record identifier

- - - - -

Event/fault pictogram, record purpose, date time of start,

Pic (p) dd/mm/yyyy hh:mm

Additional event/fault code (if any), duration

! xx hhhmm

Registering Member State & VRN of vehicle in which the event or fault occurred

⌂ Nat/VRN \_\_\_\_\_

13 *Events and/or faults stored or on-going in a VU*

## 13.1 Block identifier last 5 'Events and Faults' from VU

- - - - - !⊗⌂ - - - - -

## 13.2 Block identifier all recorded or on-going 'Events' in a VU

- - - - - !⌂ - - - - -

13.3 Block identifier all recorded or on-going 'Faults' in a VU

|                                                                                                 |
|-------------------------------------------------------------------------------------------------|
| -----  ----- |
|-------------------------------------------------------------------------------------------------|

13.4 Event and/or fault record

Record identifier

Event/fault pictogram, record purpose, date time of start,

Additional event/fault code (if any), No of similar events this day, duration

Identification of the cards inserted at start or end of the event or fault (up to 4 lines without repeating twice the same card numbers)

Case where no card was inserted

|                                                                                         |
|-----------------------------------------------------------------------------------------|
| -----                                                                                   |
| Pic (p) dd/mm/yyyy hh:mm                                                                |
| ! xx (xxx) hhmm                                                                         |
| Card_Identification                                                                     |
| Card_Identification                                                                     |
| Card_Identification                                                                     |
| Card_Identification                                                                     |
|  --- |

The record purpose (p) is a numerical code explaining why the event or fault was recorded, coded in accordance with the data element EventFaultRecordPurpose.

#### 14 VU Identification

Block identifier

VU manufacturer name

VU manufacturer address

VU part number

VU approval number

VU serial number

VU year of manufacture

VU software version and installation date

|                                                                                                  |
|--------------------------------------------------------------------------------------------------|
| -----  -----  |
|  Name _____ |
| Address _____                                                                                    |
| PartNumber _____                                                                                 |
| Apprv _____                                                                                      |
| S/N _____                                                                                        |
| Yyyy                                                                                             |
| V xxxx dd/mm/yyyy                                                                                |

#### 15 Sensor identification

Block identifier

Sensor serial number

Sensor approval number

Sensor first installation date

|                                                                                                   |
|---------------------------------------------------------------------------------------------------|
| -----  ----- |
|  S/N _____   |
| Apprv _____                                                                                       |
| dd/mm/yyyy'                                                                                       |

10.2 Section 3.1. Driver Activities from daily card printout is replaced by the following:

'3.1 Driver Activities from Card Daily Printout

PRT\_007 The driver activities from card daily printout shall be in accordance with the following format:

|   |                                                                     |
|---|---------------------------------------------------------------------|
| 1 | Date and time at which the document is printed                      |
| 2 | Type of printout                                                    |
| 3 | Controller identification (if a control card is inserted in the VU) |
| 3 | Driver identification (from card subject of the printout)           |
| 4 | Vehicle identification (vehicle from which printout is taken)       |

|                                             |                                                                            |
|---------------------------------------------|----------------------------------------------------------------------------|
| 5                                           | VU identification (VU from which printout is taken)                        |
| 6                                           | Last calibration of this VU                                                |
| 7                                           | Last control the inspected driver has been subject to                      |
| 8                                           | Driver activities delimiter                                                |
| 8a                                          | Out of scope condition in the beginning of this day                        |
| 8.1a / 8.1b / 8.1c / 8.2 / 8.3 / 8.3a / 8.4 | Activities of the driver in order of occurrence                            |
| 11                                          | Daily summary delimiter                                                    |
| 11.4                                        | Places entered in chronological order                                      |
| 11.5                                        | Activity totals                                                            |
| 12.1                                        | Events or faults from card delimiter                                       |
| 12.4                                        | Event/Fault records (Last 5 events or faults stored in the card)           |
| 13.1                                        | Events or faults from VU delimiter                                         |
| 13.4                                        | Event/Fault records (Last 5 events or faults stored or on-going in the VU) |
| 21.1                                        | Control place                                                              |
| 21.2                                        | Controller's signature                                                     |
| 21.5                                        | Driver's signature'                                                        |

10.3 Section 3.2 Driver Activities from daily VU printout is replaced by:

'Section 3.2 Driver Activities from daily VU printout

PRT\_008 The driver activities from VU daily printout shall be in accordance with the following format:

|                                   |                                                               |
|-----------------------------------|---------------------------------------------------------------|
| 1                                 | Date and time at which the document is printed                |
| 2                                 | Type of printout                                              |
| 3                                 | Card holder identification (for all cards inserted in VU)     |
| 4                                 | Vehicle identification (vehicle from which printout is taken) |
| 5                                 | VU identification (VU from which printout is taken)           |
| 6                                 | Last calibration of this VU                                   |
| 7                                 | Last control on this recording equipment                      |
| 9                                 | Driver activities delimiter                                   |
| 10                                | Driver slot delimiter (slot 1)                                |
| 10a                               | Out of scope condition in the beginning of this day           |
| 10.1 / 10.2 / 10.3 / 10.3a / 10.4 | Activities in chronological order (driver slot)               |

|                                   |                                                                            |
|-----------------------------------|----------------------------------------------------------------------------|
| 10                                | Co-driver slot delimiter (slot 2)                                          |
| 10a                               | Out of scope condition in the beginning of this day                        |
| 10.1 / 10.2 / 10.3 / 10.3a / 10.4 | Activities in chronological order (co-driver slot)                         |
| 11                                | Daily summary delimiter                                                    |
| 11.1                              | Summary of periods without card in driver slot                             |
| 11.4                              | Places entered in chronological order                                      |
| 11.6                              | Activity totals                                                            |
| 11.2                              | Summary of periods without card in co-driver slot                          |
| 11.4                              | Places entered in chronological order                                      |
| 11.8                              | Activity totals                                                            |
| 11.3                              | Summary of activities for a driver both slots included                     |
| 11.4                              | Places entered by this driver in chronological order                       |
| 11.7                              | Activity totals for this driver                                            |
| 13.1                              | Events faults delimiter                                                    |
| 13.4                              | Event/Fault records (Last 5 events or faults stored or on-going in the VU) |
| 21.1                              | Control place                                                              |
| 21.2                              | Controller's signature                                                     |
| 21.3                              | From time (space available for a driver without a card to indicate         |
| 21.4                              | To time which periods are relevant to himself)                             |
| 21.5                              | Driver's signature'                                                        |

## 11. AMENDMENTS TO APPENDIX 7 (DATA DOWNLOADING PROTOCOL)

11.1 The footnote in section 2.1 associated with download procedure, is replaced by the following:

'(1) The card inserted will trigger the appropriate access rights to the downloading function and to the data. It shall, however, be possible to download data from a driver card inserted into one of the VU slots when no other card is inserted in the other slot.'

## 12. AMENDMENTS TO APPENDIX 9 (TYPE APPROVAL – LIST OF MINIMUM REQUIRED TESTS)

12.1 In Chapter I the following ISO standard is added to the first paragraph:

'1.2. References

ISO 16844-3:2004, Cor 1:2006 Road vehicles – Tachograph systems – Part 3: Motion sensor interface (with vehicle units)'

12.2 In Chapter II VEHICLE UNIT FUNCTIONAL TESTS, the following new requirement is added to Section 3 of the Functional Tests to be carried out:

'3.36 Motion sensor interface, related requirements 001a, Requirement 099'

12.3 In Chapter II the following new requirement is added:

**Functional Test (VU)**

3.37 Verify that the VU detects, records and stores the event(s) and/or fault(s) defined by the VU manufacturer when a paired motion sensor reacts to magnetic fields disturbing vehicle motion detection, Requirement 161a.'

12.4 In Chapter III the following new requirement is added:

**Functional Test (motion sensor)**

'3.5 Check that the motion sensor is immune to magnetic field. Alternatively, verify that the motion sensor reacts to magnetic fields disturbing vehicle motion detection so that a paired VU can detect, record and store sensor faults, related requirement 161a.'

12.5 In Chapter III MOTION SENSOR FUNCTIONAL TESTS, the following new requirement is added to Section 3 of the Functional Tests to be carried out:

'3.4. Vehicle unit interface, Requirement 001a'.

**13. AMENDMENTS TO APPENDIX 12 (ADAPTOR FOR M1 and N1 VEHICLES)**

In Chapter VII, Section 7.2 the following new requirement is added:

'3.3 Check that the adaptor is immune to magnetic fields. Alternatively, verify that the adaptor reacts to magnetic fields disturbing vehicle motion detection so that a connected VU can detect, record and store sensor faults, related requirement 161a.'

---

**COMMISSION REGULATION (EU) No 1267/2009****of 18 December 2009****on amending Council Regulation (EC) No 194/2008 renewing and strengthening the restrictive measures in respect of Burma/Myanmar**

THE EUROPEAN COMMISSION,

Having regard to the Treaty of the European Union and the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 194/2008 of 25 February 2008 renewing and strengthening the restrictive measures in respect of Burma/Myanmar and repealing Regulation (EC) No 817/2006 <sup>(1)</sup> and in particular Article 18(1)(b) thereof,

Whereas:

- (1) Annex VI to Regulation (EC) No 194/2008 lists the persons, groups and entities covered by the freezing of funds and economic resources under that Regulation.
- (2) Council Decision 2009/981/CFSP of 18 December 2009 <sup>(2)</sup> amends Annex II to Common Position

2006/318/CFSP of 27 April 2006. Annex VI to Regulation (EC) No 194/2008 should be amended accordingly.

- (3) In order to ensure that the measures provided for in this Regulation are effective, this Regulation should enter into force on the day following its publication,

HAS ADOPTED THIS REGULATION:

*Article 1*

Annex VI to Regulation (EC) No 194/2008 is amended as set out in the Annex to this Regulation.

*Article 2*

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

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

Done at Brussels, 18 December 2009.

*For the Commission  
On behalf of the President*

João Vale DE ALMEIDA  
*Director-General for External Relations*

<sup>(1)</sup> OJ L 66, 10.3.2008, p. 1.

<sup>(2)</sup> OJ L 338, 19.12.2009, p. 90.

## ANNEX

In Annex VI to Council Regulation (EC) No 194/2008, the following entry is deleted:

|     |                 |                                                                                                     |    |
|-----|-----------------|-----------------------------------------------------------------------------------------------------|----|
| E7c | Aung Khaing Moe | Son of Myo Myint, d.o.b. 25.6.1967<br>(believed to be currently in UK; went before entered on list) | M' |
|-----|-----------------|-----------------------------------------------------------------------------------------------------|----|

**COMMISSION REGULATION (EU) No 1268/2009****of 21 December 2009****excluding ICES Subdivisions 27 and 28.2 from certain fishing effort limitations and recording obligations for 2010, pursuant to Council Regulation (EC) No 1098/2007 establishing a multiannual plan for the cod stocks in the Baltic Sea and the fisheries exploiting those stocks**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on European Union and to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 1098/2007 of 18 September 2007 establishing a multiannual plan for the cod stocks in the Baltic Sea and the fisheries exploiting those stocks, amending Regulation (EEC) No 2847/93 and repealing Regulation (EC) No 779/97 <sup>(1)</sup>, and in particular Article 29(2) thereof,

Having regard to the reports submitted by Denmark, Estonia, Finland, Germany, Latvia, Lithuania, Poland and Sweden,

Having regard to the opinion of the Scientific, Technical and Economic Committee for Fisheries (STECF),

Whereas:

- (1) Provisions for setting fishing effort limitations for the cod stocks in the Baltic Sea and on the recording of related fishing effort data are set out in Regulation (EC) No 1098/2007.
- (2) On the basis of Regulation (EC) No 1098/2007, Annex II to Council Regulation (EC) No 1226/2009 <sup>(2)</sup> has established fishing effort limitations for 2010 in the Baltic Sea.

(3) According to Article 29(2) of Regulation (EC) No 1098/2007 the Commission may exclude Subdivisions 27 and 28.2 from the scope of certain fishing effort limitations and recording obligations when the catches of cod were below a certain threshold in the last reporting period.

(4) Taking into account the reports submitted by Member States and the advice from the STECF, Subdivisions 27 and 28.2 should be excluded in 2010 from the scope of those fishing effort limitations and recording obligations.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS REGULATION:

*Article 1*

Article 8(1)(b), (3), (4) and (5) and Article 13 of Regulation (EC) No 1098/2007 shall not apply to ICES Subdivisions 27 and 28.2.

*Article 2*

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

It shall apply from 1 January 2010.

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

Done at Brussels, 21 December 2009.

*For the Commission*  
*The President*

José Manuel BARROSO

<sup>(1)</sup> OJ L 248, 22.9.2007, p. 1.

<sup>(2)</sup> OJ L 330, 16.12.2009, p. 1.

**COMMISSION REGULATION (EU) No 1269/2009****of 21 December 2009****amending Regulation (EC) No 243/2007 as regards the minimum content of the feed additive in feed for pigs for fattening****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition<sup>(1)</sup>, and in particular Article 13(3) thereof,

Whereas:

- (1) By Commission Regulation (EC) No 243/2007<sup>(2)</sup> the enzyme preparation 3-phytase produced by *Aspergillus niger* (CBS 101.672) was authorised as a feed additive belonging to the category of zootechnical additives for 10 years for use for weaned piglets, pigs for fattening and chickens for fattening.
- (2) In accordance with Article 13(3) of Regulation (EC) No 1831/2003, BASF SE, the holder of the authorisation of that enzyme preparation, has submitted an application with which it requests changing the conditions of the authorisation for pigs for fattening by lowering the minimum content of the additive in feed. That application was accompanied by the relevant data supporting the request for the change.

- (3) The Authority concluded in its opinion of 7 July 2009 that there is sufficient evidence to support the efficacy of the enzyme preparation 3-phytase produced by *Aspergillus niger* (CBS 101.672) in pigs for fattening at the lower minimum content of 100 FTU per kilogram of complete feedingstuff<sup>(3)</sup>.
- (4) Regulation (EC) No 243/2007 should therefore be amended accordingly.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

*Article 1*

In the Annex to Regulation (EC) No 243/2007, in the seventh column, minimum content, the words '280 FTU' are replaced by '100 FTU (\*)'.

*Article 2*

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

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

Done at Brussels, 21 December 2009.

*For the Commission*

*The President*

José Manuel BARROSO

<sup>(1)</sup> OJ L 268, 18.10.2003, p. 29.

<sup>(2)</sup> OJ L 73, 13.3.2007, p. 4.

<sup>(3)</sup> *The EFSA Journal* (2009) 1184, p. 1.

<sup>(\*)</sup> 1 FTU is the amount of enzyme which liberates 1 micromole of inorganic phosphate per minute from sodium phytate at pH 5,5 and 37 °C.

**COMMISSION REGULATION (EU) No 1270/2009**  
**of 21 December 2009**  
**concerning the permanent authorisations of certain additives in feedingstuffs**  
**(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Directive 70/524/EEC of 23 November 1970 concerning additives in feedingstuffs <sup>(1)</sup>, and in particular Articles 3 and 9d (1) thereof,

Having regard to Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition <sup>(2)</sup>, and in particular Article 25 thereof,

Whereas:

- (1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition.
- (2) Article 25 of Regulation (EC) No 1831/2003 lays down transitional measures for applications for the authorisation of feed additives submitted in accordance with Directive 70/524/EEC before the date of application of Regulation (EC) No 1831/2003.
- (3) The applications for authorisation of the additives set out in the Annexes to this Regulation were submitted before the date of application of Regulation (EC) No 1831/2003.
- (4) Initial comments on those applications, as provided for in Article 4(4) of Directive 70/524/EEC, were forwarded to the Commission before the date of application of Regulation (EC) No 1831/2003. Those applications are therefore to continue to be treated in accordance with Article 4 of Directive 70/524/EEC.
- (5) The use of the enzyme preparation of endo-1,3(4)-beta-glucanase produced by *Trichoderma reesei* (CBS 526,94) was provisionally authorised for piglets by Commission Regulation (EC) No 2374/1998 <sup>(3)</sup>. It was authorised without a time limit for chickens for fattening by Commission Regulation (EC) No 2036/2005 <sup>(4)</sup>. New data were submitted in support of an application for authorisation without a time limit of that enzyme preparation for weaned piglets. The assessment shows that the conditions laid down in Article 3a of Directive 70/524/EEC for such authorisation are satisfied.

Accordingly, the use of that enzyme preparation, as specified in Annex I to this Regulation, should be authorised without a time limit.

- (6) The use of the enzyme preparation of endo-1,3(4)-beta-glucanase produced by *Aspergillus aculeatus* (CBS 589,94), endo-1,4-beta-glucanase produced by *Trichoderma longibrachiatum* (CBS 592,94), alpha-amylase produced by *Bacillus amyloliquefaciens* (DSM 9553), bacillolysin produced by *Bacillus amyloliquefaciens* (DSM 9554) and endo-1,4-beta-xylanase produced by *Trichoderma viride* (NIBH FERM BP 4842) was provisionally authorised for piglets by Commission Regulation (EC) No 2200/2001 <sup>(5)</sup>. It was provisionally authorised for turkeys for fattening by Commission Regulation (EC) No 252/2006 <sup>(6)</sup>. It was authorised without a time limit for chickens for fattening by Commission Regulation (EC) No 358/2005 <sup>(7)</sup> and it was provisionally authorised for laying hens by Commission Regulation (EC) No 1140/2007 <sup>(8)</sup>. New data were submitted in support of an application for authorisation without a time limit of that enzyme preparation for turkeys for fattening and weaned piglets. The assessment shows that the conditions laid down in Article 3a of Directive 70/524/EEC for such authorisation are satisfied. Accordingly, the use of that enzyme preparation, as specified in Annex II to this Regulation, should be authorised without a time limit.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

*Article 1*

The preparation belonging to the group 'Enzymes', as specified in Annex I, is authorised without a time limit as additive in animal nutrition under the conditions laid down in that Annex.

*Article 2*

The preparation belonging to the group 'Enzymes', as specified in Annex II, is authorised without a time limit as additive in animal nutrition under the conditions laid down in that Annex.

<sup>(1)</sup> OJ L 270, 14.12.1970, p. 1.

<sup>(2)</sup> OJ L 268, 18.10.2003, p. 29.

<sup>(3)</sup> OJ L 295, 4.11.1998, p. 3.

<sup>(4)</sup> OJ L 328, 15.12.2005, p. 13.

<sup>(5)</sup> OJ L 299, 15.11.2001, p. 1.

<sup>(6)</sup> OJ L 44, 15.2.2006, p. 3.

<sup>(7)</sup> OJ L 57, 3.3.2005, p. 3.

<sup>(8)</sup> OJ L 256, 2.10.2007, p. 14.

*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, 21 December 2009.

*For the Commission*  
*The President*  
José Manuel BARROSO

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## ANNEX I

| EC No   | Additive                                 | Chemical formula, description                                                                                                                                                                   | Species or category of animal | Maximum age | Minimum content                               | Maximum content | Other provisions                                                                                                                                                                                                                                                                                                                                                                                                     | End of period of authorisation |
|---------|------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|-------------|-----------------------------------------------|-----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|
|         |                                          |                                                                                                                                                                                                 |                               |             | Units of activity/kg of complete feedingstuff |                 |                                                                                                                                                                                                                                                                                                                                                                                                                      |                                |
| Enzymes |                                          |                                                                                                                                                                                                 |                               |             |                                               |                 |                                                                                                                                                                                                                                                                                                                                                                                                                      |                                |
| E 1636  | Endo-1,3(4)-beta-glucanase<br>EC 3.2.1.6 | Preparation of endo-1,3(4)-beta-glucanase produced by <i>Trichoderma reesei</i> (CBS 526.94) having a minimum activity of:<br><br>Solid form: 700 000 BU (¹)/g<br><br>Liquid form: 300 000 BU/g | Piglets (weaned)              | —           | 17 500 BU                                     | —               | 1. In the directions for use of the additive and premixture, indicate the storage temperature, storage life and stability to pelleting.<br><br>2. For use in weaned piglets up to 35 kg.<br><br>3. Recommended dose per kilogram of complete feedingstuff: 17 500-50 000 BU.<br><br>4. For use in compound feed rich in non-starch polysaccharides (mainly glucans), e.g. containing more than 60 % barley or wheat. | Without a time limit           |

<sup>(1)</sup> 1 BU is the amount of enzyme which liberates 0,06 micromole of reducing sugars (glucose equivalents) from barley beta-glucan per minute at pH 4,8 and 50 °C.

## ANNEX II

| EC No                       | Additive                                 | Chemical formula, description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Species or category of animal | Maximum age | Minimum content                                                                                                                                                            | Maximum content              | Other provisions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | End of period of authorisation |
|-----------------------------|------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|-------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|
|                             |                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                               |             | Units of activity/kg of complete feedingstuff                                                                                                                              |                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                |
| Enzymes                     |                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                               |             |                                                                                                                                                                            |                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                |
| E 1620                      | Endo-1,3(4)-beta-glucanase<br>EC 3.2.1.6 | Preparation of endo-1,3(4)-beta-glucanase produced by <i>Aspergillus aculeatus</i> (CBS 589.94), endo-1,4-beta-glucanase produced by <i>Trichoderma longibrachiatum</i> (CBS 592.94), alpha-amylase produced by <i>Bacillus amyloliquefaciens</i> (DSM 9553), bacillolysin produced by <i>Bacillus amyloliquefaciens</i> (DSM 9554) and endo-1,4-beta-xylanase produced by <i>Trichoderma viride</i> (NIBH FERM BP 4842) having a minimum activity of:<br><br>Endo-1,3(4)-beta-glucanase: 2 350 U/g <sup>(1)</sup><br><br>Endo-1,4-beta-glucanase: 4 000 U/g <sup>(2)</sup><br><br>Alpha-amylase: 400 U/g <sup>(3)</sup><br><br>Bacillolysin: 450 U/g <sup>(4)</sup><br><br>Endo-1,4-beta-xylanase: 20 000 U/g <sup>(5)</sup> | Turkeys for fattening         | —           | Endo-1,3(4)-beta-glucanase: 587 U<br><br>Endo-1,4-beta-glucanase: 1 000 U<br><br>Alpha-amylase: 100 U<br><br>Bacillolysin: 112 U<br><br>Endo-1,4-beta-xylanase: 5 000 U    | —<br><br>—<br><br>—<br><br>— | 1. In the directions for use of the additive and premixture, indicate the storage temperature, storage life, and stability to pelleting.<br><br>2. Recommended dose per kilogram of complete feedingstuff:<br>— endo-1,3(4)-beta-glucanase: 1 175-2 350 U,<br>— endo-1,4-beta-glucanase: 2 000-4 000 U,<br>— alpha-amylase: 200-400 U,<br>— bacillolysin: 225-450 U,<br>— endo-1,4-beta-xylanase: 10 000-20 000 U,<br><br>3. For use in compound feed rich in non-starch polysaccharides (mainly beta-glucans and especially arabin-oxylans), e.g. containing more than 30 % wheat.                      | Without a time limit           |
|                             | Endo-1,4-beta-glucanase<br>EC 3.2.1.4    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Piglets (weaned)              | —           | Endo-1,3(4)-beta-glucanase: 1 175 U<br><br>Endo-1,4-beta-glucanase: 2 000 U<br><br>Alpha-amylase: 200 U<br><br>Bacillolysin: 225 U<br><br>Endo-1,4-beta-xylanase: 10 000 U | —<br><br>—<br><br>—          | 1. In the directions for use of the additive and premixture, indicate the storage temperature, storage life, and stability to pelleting.<br><br>2. For use in weaned piglets up to 35 kg<br><br>3. Recommended dose per kilogram of complete feedingstuff:<br>— endo-1,3(4)-beta-glucanase: 1 175 U,<br>— endo-1,4-beta-glucanase: 2 000 U,<br>— alpha-amylase: 200 U,<br>— bacillolysin: 225 U,<br>— endo-1,4-beta-xylanase: 10 000 U,<br><br>4. For use in compound feed rich in non-starch polysaccharides (mainly beta-glucans and especially arabin-oxylans), e.g. containing more than 35 % wheat. |                                |
| Alpha-amylase<br>EC 3.2.1.1 |                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                               |             |                                                                                                                                                                            |                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                |
|                             | Bacillolysin<br>EC 3.4.24.28             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                               |             |                                                                                                                                                                            |                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                |
|                             | Endo-1,4-beta-xylanase<br>EC 3.2.1.8     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                               |             |                                                                                                                                                                            |                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                |

<sup>(1)</sup> 1 U is the amount of enzyme which liberates 0,0056 micromoles of reducing sugars (glucose equivalents) from barley beta-glucan per minute at pH 7,5 and 30 °C.

<sup>(2)</sup> 1 U is the amount of enzyme which liberates 0,0056 micromoles of reducing sugars (glucose equivalents) from carboxymethylcellulose per minute at pH 4,8 and 50 °C.

<sup>(3)</sup> 1 U is the amount of enzyme which liberates 1 micromole of glucose from a cross-linked starch polymer per minute at pH 7,5 and 37 °C.

<sup>(4)</sup> 1 U is the amount of enzyme which solubilises one microgram of azo-casein substrate per minute at pH 7,5 and 37 °C.

<sup>(5)</sup> 1 U is the amount of enzyme which liberates 0,0067 micromoles of reducing sugars (xylose equivalents) from birchwood xylan per minute at pH 5,3 and 50 °C.

**COMMISSION REGULATION (EU) No 1271/2009****of 21 December 2009****amending the representative prices and additional import duties for certain products in the sugar sector fixed by Regulation (EC) No 877/2009 for the 2009/10 marketing year**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

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) <sup>(1)</sup>,

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 <sup>(2)</sup>, and in particular Article 36(2), second subparagraph, second sentence thereof,

Whereas:

- (1) The representative prices and additional duties applicable to imports of white sugar, raw sugar and certain syrups

for the 2009/10 marketing year are fixed by Commission Regulation (EC) No 877/2009 <sup>(3)</sup>. These prices and duties have been last amended by Commission Regulation (EU) No 1246/2009 <sup>(4)</sup>.

- (2) The data currently available to the Commission indicate that those amounts should be amended in accordance with the rules and procedures laid down in Regulation (EC) No 951/2006,

HAS ADOPTED THIS REGULATION:

*Article 1*

The representative prices and additional duties applicable to imports of the products referred to in Article 36 of Regulation (EC) No 951/2006, as fixed by Regulation (EC) No 877/2009 for the 2009/10, marketing year, are hereby amended as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 22 December 2009.

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

Done at Brussels, 21 December 2009.

*For the Commission,  
On behalf of the President,*

Jean-Luc DEMARTY  
*Director-General for Agriculture and  
Rural Development*

<sup>(1)</sup> OJ L 299, 16.11.2007, p. 1.

<sup>(2)</sup> OJ L 178, 1.7.2006, p. 24.

<sup>(3)</sup> OJ L 253, 25.9.2009, p. 3.

<sup>(4)</sup> OJ L 336, 18.12.2009, p. 14.

## ANNEX

**Amended representative prices and additional import duties applicable to white sugar, raw sugar and products covered by CN code 1702 90 95 from 22 December 2009**

(EUR)

| CN code                   | Representative price per 100 kg net of the product concerned | Additional duty per 100 kg net of the product concerned |
|---------------------------|--------------------------------------------------------------|---------------------------------------------------------|
| 1701 11 10 <sup>(1)</sup> | 42,90                                                        | 0,00                                                    |
| 1701 11 90 <sup>(1)</sup> | 42,90                                                        | 2,03                                                    |
| 1701 12 10 <sup>(1)</sup> | 42,90                                                        | 0,00                                                    |
| 1701 12 90 <sup>(1)</sup> | 42,90                                                        | 1,74                                                    |
| 1701 91 00 <sup>(2)</sup> | 47,32                                                        | 3,27                                                    |
| 1701 99 10 <sup>(2)</sup> | 47,32                                                        | 0,14                                                    |
| 1701 99 90 <sup>(2)</sup> | 47,32                                                        | 0,14                                                    |
| 1702 90 95 <sup>(3)</sup> | 0,47                                                         | 0,23                                                    |

<sup>(1)</sup> For the standard quality defined in point III of Annex IV to Regulation (EC) No 1234/2007.<sup>(2)</sup> For the standard quality defined in point II of Annex IV to Regulation (EC) No 1234/2007.<sup>(3)</sup> Per 1 % sucrose content.

## ACTS WHOSE PUBLICATION IS NOT OBLIGATORY

## COUNCIL DECISION

of 16 December 2009

**on the granting of State aid by the authorities of the Republic of Latvia for the purchase of agricultural land between 1 January 2010 and 31 December 2013**

(2009/991/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union and in particular Article 108(2), third subparagraph, thereof,

Having regard to the request made by the Government of the Republic of Latvia on 17 November 2009,

Whereas:

- (1) On 17 November 2009, the Republic of Latvia (hereinafter referred to as 'Latvia') presented to the Council a request for a decision in accordance with the third subparagraph of Article 88(2) of the Treaty establishing the European Community concerning Latvia's plan to grant State aid to Latvian farmers for the purchase of agricultural land.
- (2) According to data provided by the Central Statistical Bureau of Latvia, 97,6 % of all rural holdings are smaller than 15,9 hectares. Consequently, the main part of Latvian farms are semi-subsistence farms. The unfavourable area structure of farms in Latvia, Latvia's receipt of the lowest direct payments among Member States following a phasing-in mechanism provided for in its 2003 Act of Accession, and the disproportionately high agricultural labour inputs compared with returns result in low agricultural incomes, which decreased even further in 2009.
- (3) According to data provided by the Central Statistical Bureau of Latvia, up to the year 2007 there were 1 930 900 hectares of agricultural land but the area declared for the purposes of direct payment support did not exceed 1 551 185 hectares. Consequently, 379 715 hectares are owned and managed by non-farmers. State aid would enable farmers to buy this farmland.
- (4) In 2009, the deepening recession in the world economy caused by the global crisis has adversely affected the Latvian economy and Latvian agricultural holdings both due to the lack of demand and plummeting purchase prices: in the first three quarters of 2009, wheat prices were approximately 37 %, barley prices approximately 44 % and milk prices approximately 38 % down on 2008 levels.
- (5) The income situation of farmers in Latvia has been further aggravated by the fact that prices of agricultural inputs sharply increased in 2008 (mineral fertilisers by 67 %, veterinary services by 46 %, electricity by 29 % and fuel by 15 %) and have not been reduced in 2009. The production costs have thus remained unchanged. It is likely that conditions will continue to worsen for many Latvian farms, with a consequent increase in the number of farming families at risk of poverty.
- (6) The unemployment level in Latvia is the highest in the European Union, reaching 19,7 % in September 2009 and having risen by 62 % since January 2009. State aid should therefore help the unemployed switch to farming by allowing them to buy agricultural land. It should also give the opportunity to semi-subsistence farmers no longer working as employees in sectors other than agriculture to improve the area structure of their holding with the aim of securing an income that will guarantee them a basic standard of living off the land. It should also facilitate the sale of agricultural land owned by the unemployed who need capital to switch to self-employed status.
- (7) In view of the lack of financial resources of farmers and the high interest rates on commercial loans for the purchase of land, farmers encounter great difficulties in taking out commercial loans for investments such as the purchase of agricultural land. In November 2009, interest rates applied by credit institutions for commercial credit lines for the purchase of agricultural land exceeded 15 % per annum.
- (8) In 2009 the recession period set in on the market of agricultural land. The number of transactions has been considerably reduced and according to the Land Book the number of land sales and purchases dropped by up to 4,5 times compared with 2007.
- (9) The State aid to be granted amounts to a maximum of 8 million Latvian lats (LVL) and should enable the purchase of a total of 70 000 hectares of agricultural land by approximately 1 000 farmers during the period from 2010 to 2013. Both state and municipality owned land, as well as land owned by natural persons, is eligible.

(10) The State aid will take the form of subsidising interest payments on loans covering 4 percentage points of the annual interest rate applied by the bank. However, where this annual interest rate is below 4 percentage points, the actual interest rate paid by the borrower will be entirely refunded.

(11) The Commission has not at this stage initiated any procedure nor taken a position on the nature and compatibility of the aid.

(12) Exceptional circumstances therefore exist, making it possible to consider such aid, by way of derogation and to the extent strictly necessary to limit the extent of rural poverty in Latvia, to be compatible with the internal market,

HAS ADOPTED THIS DECISION:

*Article 1*

Exceptional State aid by the Latvian authorities for loans for the purchase of agricultural land, amounting to a maximum of LVL 8 million and granted between 1 January 2010 and 31 December 2013, shall be considered to be compatible with the internal market.

*Article 2*

This Decision is addressed to the Republic of Latvia.

Done at Brussels, 16 December 2009.

*For the Council*

*The President*

E. ERLANDSSON

## COMMISSION DECISION

of 17 December 2009

## on minimum requirements for the data to be entered in the national electronic register of road transport undertakings

(notified under document C(2009) 9959)

(Text with EEA relevance)

(2009/992/EU)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC <sup>(1)</sup>, and in particular Article 16 thereof,

Whereas:

- (1) Article 16(1) of Regulation (EC) No 1071/2009 requires that each Member State keeps a national electronic register of road transport undertakings which have been authorised by a competent authority designated by it to engage in the occupation of road transport operator. The national electronic registers should include at least the elements set out in Article 16(2) of the Regulation. Additional elements such as the date and place of birth of natural persons have also to be included in order to ensure correct identification of the individuals concerned.
- (2) Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market <sup>(2)</sup> and Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services <sup>(3)</sup> also require certain data to be entered in these national electronic registers.

- (3) The provisions on personal data protection, as laid down in particular by Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data <sup>(4)</sup>, apply to the processing of any personal data pursuant to Regulation (EC) No 1071/2009.
- (4) In order to facilitate the interconnection of the national electronic registers as required by Article 16(5) of the Regulation (EC) No 1071/2009, the Commission has to adopt according to Article 16(1) of this Regulation a decision on minimum requirements for the data to be entered in the national electronic register,

HAS ADOPTED THIS DECISION:

*Article 1*

The minimum requirements for the data to be entered in the national electronic registers established by Member States in accordance with Article 16(1) of Regulation (EC) No 1071/2009 shall be as set out in the Annex to this Decision.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 17 December 2009.

For the Commission  
Antonio TAJANI  
Vice-President

<sup>(1)</sup> OJ L 300, 14.11.2009, p. 51.

<sup>(2)</sup> OJ L 300, 14.11.2009, p. 72.

<sup>(3)</sup> OJ L 300, 14.11.2009, p. 88.

<sup>(4)</sup> OJ L 281, 23.11.1995, p. 31.

## ANNEX

| Data category         | Data item                                          | Additional description of data field                                                                                                                                                                             | Length |
|-----------------------|----------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| Transport undertaking | Name                                               | Free text alpha-numeric field                                                                                                                                                                                    | 1-100  |
|                       | Legal form                                         | Free text alpha-numeric field                                                                                                                                                                                    | 1-50   |
| Address               | Address                                            | Free text alpha-numeric field                                                                                                                                                                                    | 1-150  |
|                       | Postal code                                        | Free text alpha-numeric field                                                                                                                                                                                    | 1-10   |
|                       | City                                               | Free text alpha-numeric field                                                                                                                                                                                    | 1-50   |
|                       | Country code                                       | Selected from two letter code ISO 3166-1 alpha 2                                                                                                                                                                 | 2      |
| Authorisation         | Type                                               | Declaration of:<br>— 'Community licence for passenger transport'<br>— 'National licence for passenger transport'<br>or:<br>— 'Community licence for goods transport'<br>— 'National licence for goods transport' | 1-50   |
|                       | Serial number of Community licence                 | Free text alpha-numeric field                                                                                                                                                                                    | 1-20   |
|                       | Start date of Community licence                    | Numeric data entry in ISO 8601 format (YYYY-MM-DD)                                                                                                                                                               | 10     |
|                       | Expiry date of Community licence                   | Numeric data entry in ISO 8601 format (YYYY-MM-DD)                                                                                                                                                               | 10     |
|                       | Number of vehicles covered                         | Free text numeric field                                                                                                                                                                                          | 1-4    |
|                       | Vehicle registration number (*)                    | Free text alpha-numeric field                                                                                                                                                                                    | 1-15   |
|                       | Authorisation status                               | Declaration of<br>— 'Active'<br>— 'Suspended'<br>— 'Withdrawn'<br>— 'Expired'<br>— 'Lost/stolen'<br>— 'Annulled'<br>— 'Returned'                                                                                 | 1-20   |
|                       | Date of withdrawal of the Community licence        | Numeric data entry in ISO 8601 format (YYYY-MM-DD)                                                                                                                                                               | 10     |
|                       | Date of suspension of the Community licence        | Numeric data entry in ISO 8601 format (YYYY-MM-DD)                                                                                                                                                               | 10     |
|                       | Expiry date of suspension of the Community licence | Numeric data entry in ISO 8601 format (YYYY-MM-DD)                                                                                                                                                               | 10     |

| Data category                                                    | Data item                                                      | Additional description of data field                                                                                                                                                     | Length |
|------------------------------------------------------------------|----------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
|                                                                  | Reason for suspension or withdrawal of the Community licence   | Declaration of:<br>— 'No effective and stable establishment'<br>— 'No appropriate financial standing'<br>— 'No requisite professional competence'<br>— 'Not of good repute'<br>— 'Other' | 1-100  |
|                                                                  | Serial number of certified true copy of Community licence      | Free text alpha-numeric field                                                                                                                                                            | 1-20   |
|                                                                  | Date of withdrawal of certified true copy                      | Numeric data entry in ISO 8601 format (YYYY-MM-DD)                                                                                                                                       | 10     |
|                                                                  | Expiry date of withdrawal of certified copy                    | Numeric data entry in ISO 8601 format (YYYY-MM-DD)                                                                                                                                       | 10     |
| Legal representative of the undertaking (where appropriate) (**) | First given name                                               | Free text alpha-numeric field                                                                                                                                                            | 1-100  |
|                                                                  | Family name(s)                                                 | Free text alpha-numeric field                                                                                                                                                            | 1-100  |
|                                                                  | Date of birth                                                  | Numeric data entry in ISO 8601 format (YYYY-MM-DD)                                                                                                                                       | 10     |
|                                                                  | Place of birth                                                 | Free alpha text                                                                                                                                                                          | 1-50   |
| Transport Manager                                                | First given name                                               | Free text alpha-numeric field                                                                                                                                                            | 1-100  |
|                                                                  | Family name(s)                                                 | Free text alpha-numeric field                                                                                                                                                            | 1-100  |
|                                                                  | Date of birth                                                  | Numeric data entry in ISO 8601 format (YYYY-MM-DD)                                                                                                                                       | 10     |
|                                                                  | Place of birth                                                 | Free alpha text                                                                                                                                                                          | 1-50   |
|                                                                  | Number of certificate of professional competence               | Free text alpha-numeric field                                                                                                                                                            | 1-20   |
|                                                                  | Date of issue of the certificate of professional competence    | Numeric data entry in ISO 8601 format (YYYY-MM-DD)                                                                                                                                       | 10     |
|                                                                  | Country of issue of the certificate of professional competence | Selected from two letter code ISO 3166-1 alpha 2                                                                                                                                         | 2      |
| Serious infringement                                             | Category                                                       | Alpha-numeric field using coded values                                                                                                                                                   |        |
|                                                                  | Type                                                           | Alpha-numeric field using coded values                                                                                                                                                   |        |
|                                                                  | Date of infringement                                           | Numeric data entry in ISO 8601 format (YYYY-MM-DD)                                                                                                                                       | 10     |
|                                                                  | Date of check where infringement has been ascertained          | Numeric data entry in ISO 8601 format (YYYY-MM-DD)                                                                                                                                       | 10     |

| Data category | Data item                                                           | Additional description of data field                                                                                                             | Length |
|---------------|---------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|--------|
|               | Member State in which infringement was ascertained                  | Selected from two letter code ISO 3166-1 alpha 2                                                                                                 | 2      |
|               | Reason why loss of good repute is a disproportionate response (***) | Free text alpha-numeric field                                                                                                                    | 1-500  |
| Unfit Person  | First given name                                                    | Free text alpha-numeric field                                                                                                                    | 1-100  |
|               | Family name(s)                                                      | Free text alpha-numeric field                                                                                                                    | 1-100  |
|               | Date of birth                                                       | Numeric data entry in ISO 8601 format (YYYY-MM-DD)                                                                                               | 10     |
|               | Place of birth                                                      | Free alpha text                                                                                                                                  | 1-50   |
|               | Number of certificate of professional competence                    | Free text alpha-numeric field                                                                                                                    | 1-20   |
|               | Date of issue of the certificate of professional competence         | Numeric data entry in ISO 8601 format (YYYY-MM-DD)                                                                                               | 10     |
|               | Country of issue of the certificate of professional competence      | Selected from two letter code ISO 3166-1 alpha 2                                                                                                 | 2      |
|               | Reason for declaration of unfitness                                 | Declaration of either:<br>— 'Infringement of national rules'<br>— 'Infringement of Community rules'                                              | 1-100  |
|               | Current rehabilitation measure                                      | Declaration of either:<br>— 'Repeat training'<br>— 'Additional training'<br>— 'Relicensing'<br>— 'Additional conditions on licence'<br>— 'Other' | 1-100  |
|               | Start date of declaration of unfitness                              | Numeric data entry in ISO 8601 format (YYYY-MM-DD)                                                                                               | 10     |
|               | End date of declaration of unfitness                                | Numeric data entry in ISO 8601 format (YYYY-MM-DD)                                                                                               | 10     |

(\*) It is not mandatory to register the data related to vehicle registration numbers.

(\*\*) See Article 16(2)(c) of the Regulation (EC) No 1071/2009.

(\*\*\*) No personal data other than necessary data relating to the Transport Manager shall be included in this field.

## COMMISSION DECISION

of 17 December 2009

**amending Decision 2006/133/EC requiring Member States temporarily to take additional measures against the dissemination of *Bursaphelenchus xylophilus* (Steiner et Buhrer) Nickle *et al.* (the pine wood nematode) as regards areas in Portugal, other than those in which it is known not to occur**

*(notified under document C(2009) 10046)**(2009/993/EU)*

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community <sup>(1)</sup>, and in particular the fourth sentence of Article 16(3) thereof,

Whereas:

- (1) In accordance with Commission Decision 2006/133/EC <sup>(2)</sup>, Portugal is implementing an eradication plan against the dissemination of the pine wood nematode (PWN). That Decision provides that susceptible wood packaging material including material in the form of boxes, composed of wood more than 6 mm of thickness, shall not be allowed to leave the demarcated area.
- (2) An exception from that prohibition may, however, be granted provided that the wood is treated and marked by an authorised processing plant in accordance with the FAO International Standard for Phytosanitary measures No 15 on *Guidelines for regulating wood packaging material in international trade*.
- (3) In Portugal, certain companies produce wine boxes from wood treated in accordance with those provisions and accompanied by a plant passport. After the production process, however, no mark attesting that this treatment has been carried out is present. Such wine boxes therefore do not fall within the scope of that exception.
- (4) To allow such wine boxes to come under the exception it is necessary to provide that the companies producing those boxes may be authorised to mark them, provided that they are supervised to ensure that the applicable provisions are complied with. Portugal has informed the Commission that it is willing to authorise and supervise these companies.

- (5) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DECISION:

*Article 1*

In point 1 of the Annex to Decision 2006/133/EC, the following paragraph is inserted after the second paragraph:

'The responsible official body may authorise producers to mark, in accordance with Annex II to the FAO International Standard for Phytosanitary Measures No 15, wine boxes they produce from wood treated by an authorised processing plant in accordance with that Standard and accompanied by the plant passport referred to in point (a). Official inspections of the authorised producers of wine boxes shall be carried out on a continuous basis to ensure that only such treated wood accompanied by the plant passport referred to in point (a) is used for the production of the wine boxes and that that wood can be traced back to an authorised processing plant.'

*Article 2*

This Decision shall apply from 1 January 2010.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 17 December 2009.

*For the Commission*  
Androulla VASSILIOU  
*Member of the Commission*

<sup>(1)</sup> OJ L 169, 10.7.2000, p. 1.

<sup>(2)</sup> OJ L 52, 23.2.2006, p. 34.

**COMMISSION DECISION****of 17 December 2009****amending the Appendix to Annex VI to the Act of Accession of Bulgaria and Romania as regards certain milk processing establishments in Bulgaria***(notified under document C(2009) 10048)***(Text with EEA relevance)***(2009/994/EU)*

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to the Act of Accession of Bulgaria and Romania, and in particular the first subparagraph of paragraph (f) of Section B of Chapter 4 of Annex VI thereto,

Whereas:

- (1) Bulgaria has been granted transitional periods by the Act of Accession of Bulgaria and Romania for compliance by certain milk processing establishments with the requirements of Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin <sup>(1)</sup>.
- (2) Bulgaria has provided guarantees that thirty-nine milk processing establishments have completed their upgrading process and are now in full compliance with the Union legislation. Twenty-seven of those establishments are allowed to receive and process compliant and non-compliant raw milk without separation. Those establishments should be included in the list of Chapter I of the Appendix to Annex VI.
- (3) One milk processing establishment is currently allowed to receive and process compliant and non-compliant raw milk without separation and is therefore listed in Chapter I of the Appendix to Annex VI. That establishment now only processes compliant raw milk and should therefore be deleted from that list.

- (4) One milk processing establishment is currently allowed to receive and process compliant and non-compliant raw milk on separate production lines and is therefore listed in Chapter II of the Appendix to Annex VI. That establishment now only processes compliant raw milk and should therefore be deleted from that list.
- (5) The Appendix to Annex VI to the Act of Accession of Bulgaria and Romania should therefore be amended accordingly.
- (6) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

*Article 1*

The Appendix to Annex VI to the Act of Accession of Bulgaria and Romania is amended in accordance with the Annex to this Decision.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 17 December 2009.

*For the Commission*  
Androulla VASSILIOU  
*Member of the Commission*

<sup>(1)</sup> OJ L 139, 30.4.2004, p. 55.

## ANNEX

The Appendix to Annex VI to the Act of Accession of Bulgaria and Romania is amended as follows:

1. Chapter I is amended as follows:

(a) the following entries are added:

| No   | Veterinary No | Name establishment                  | Town/Street or Village/Region             |
|------|---------------|-------------------------------------|-------------------------------------------|
| 77.  | BG 1812008    | "Vesi" OOD                          | s. Novo selo                              |
| 78.  | BG 2512003    | "Si Vi Es" OOD                      | gr. Omurtag<br>Promishlena zona           |
| 79.  | BG 2612034    | ET "Eliksir-Petko Petev"            | s. Gorski izvor                           |
| 80.  | BG 1812003    | "Sirma Prista" AD                   | gr. Ruse<br>bul. "3-ti mart" 51           |
| 81.  | BG 2512001    | "Mladost -2002" OOD                 | gr. Targovishte<br>bul. "29-ti yanuari" 7 |
| 82.  | 0312002       | ET "Mario"                          | gr. Suvorovo                              |
| 83.  | 0712015       | "Rosta" EOOD                        | s. M. Varshets                            |
| 84.  | 0812030       | "FAMA" AD                           | gr. Dobrich<br>bul. "Dobrudzha" 2         |
| 85.  | 0912003       | "Koveg-mlechni produkti" OOD        | gr. Kardzhali<br>Promishlena zona         |
| 86.  | 1412015       | ET "Boycho Videnov — Elbokada 2000" | s. Stefanovo<br>obsht. Radomir            |
| 87.  | 1712017       | "Diva 02" OOD                       | gr. Isperih<br>ul. "An. Kanchev"          |
| 88.  | 1712019       | ET "Ivaylo-Milena Stancheva"        | gr. Isperih<br>Parvi stopanski dvor       |
| 89.  | 1712037       | ET "Ali Isliamov"                   | s. Yasenovets                             |
| 90.  | 1712043       | "Maxima milk" OOD                   | s. Samuil                                 |
| 91.  | 1812005       | "DAV — Viktor Simonov" EOOD         | gr. Vetovo<br>ul. "Han Kubrat" 52         |
| 92.  | 2012010       | "Saray" OOD                         | s. Mokren                                 |
| 93.  | 2012032       | "Kiveks" OOD                        | s. Kovachite                              |
| 94.  | 2012036       | "Minchevi" OOD                      | s. Korten                                 |
| 95.  | 2212009       | "Serdika -94" OOD                   | gr. Sofia<br>kv. Zheleznitza              |
| 96.  | 2212023       | "EL BI BULGARIKUM" EAD              | gr. Sofia<br>ul. "Malashevska" 12 A       |
| 97.  | 2312028       | ET "Sisi Lyubomir Semkov"           | s. Anton                                  |
| 98.  | 2312033       | "Balkan spetsial" OOD               | s. Gorna Malina                           |
| 99.  | 2312039       | EOOD "Laktoni"                      | s. Ravno pole,<br>obl. Sofiyska           |
| 100. | 2412040       | "Inikom" OOD                        | gr. Galabovo<br>ul. "G. S. Rakovski" 11   |
| 101. | 2512011       | ET "Sevi 2000 — Sevie Ibryamova"    | s. Krepcha<br>obsht. Opaka                |
| 102. | 2612015       | ET "Detelina 39"                    | s. Brod                                   |
| 103. | 2812002       | "Arachievi" OOD                     | s. Kirilovo,<br>obl. Yambolska'           |

(b) the following entry is deleted:

| No   | Veterinary No | Name establishment | Town/Street or Village/Region |
|------|---------------|--------------------|-------------------------------|
| '25. | BG 0212028    | "Vester" OOD       | s. Sigmen'                    |

2. In Chapter II, the following entry is deleted:

| No  | Veterinary No | Name establishment | Town/Street or Village/Region |
|-----|---------------|--------------------|-------------------------------|
| '7. | BG 0212028    | "ZHOSI" OOD        | s. Chernolik'                 |

**COMMISSION DECISION**  
**of 17 December 2009**  
**amending Decision 2007/716/EC as regards certain establishments in the meat and milk sectors in**  
**Bulgaria**

(notified under document C(2009) 10049)

(Text with EEA relevance)

(2009/995/EU)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to the Act of Accession of Bulgaria and Romania, and in particular Article 42 thereof,

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market <sup>(1)</sup>, and in particular Article 9(4) thereof,

Whereas:

(1) Commission Decision 2007/716/EC <sup>(2)</sup> lays down transitional measures for structural requirements of certain establishments in the meat and milk sectors in Bulgaria provided for in Regulations (EC) No 852/2004 and (EC) No 853/2004 of the European Parliament and of the Council. As long as those establishments are in transition, products originating from them are only to be placed on the domestic market or used for further processing in Bulgarian establishments in transition.

(2) According to an official declaration from the Bulgarian competent authority, certain establishments in the meat and milk sectors have ceased their activities or have completed their upgrading process and are now in full

compliance with the Union legislation. Those establishments should therefore be deleted from the list of establishments in transition.

(3) The Annex to Decision 2007/716/EC should therefore be amended accordingly.

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

HAS ADOPTED THIS DECISION:

*Article 1*

The Annex to Decision 2007/716/EC is amended in accordance with the Annex to this Decision.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 17 December 2009.

*For the Commission*  
Androulla VASSILIOU  
*Member of the Commission*

<sup>(1)</sup> OJ L 395, 30.12.1989, p. 13.

<sup>(2)</sup> OJ L 289, 7.11.2007, p. 14.

## ANNEX

The Annex to Decision 2007/716/EC is amended as follows:

1. The following entries for meat processing establishments are deleted:

| No   | Veterinary No | Name establishment                | Town/Street or Village/Region                                |
|------|---------------|-----------------------------------|--------------------------------------------------------------|
| 27.  | BG 0801007    | „Veliko“ OOD                      | s. Kozloduytsi<br>obl. Dobrich                               |
| 28.  | BG 0801008    | „Lovmiyt“ EOOD                    | gr. General Toshevo<br>ul. „Velko Angelov“ 38                |
| 37.  | BG 1101006    | „Agrotel-2000“ OOD                | gr. Apriltsi                                                 |
| 40.  | BG 1101017    | „Dobrevski -1“ OOD                | s. Balgarski izvor                                           |
| 65.  | BG 2001008    | „Mesokombinat Enchevi i ko“ OOD   | gr. Nova Zagora<br>kv. „Industrialen“                        |
| 67.  | BG 2001015    | „Helikom“ OOD                     | s. Gergevets<br>obl. Sliven                                  |
| 69.  | BG 2001020    | „Rodopa kom“ OOD                  | gr. Sliven<br>ul. „Samuilovsko shose“ 17                     |
| 76.  | BG 2401011    | „Dimes 2000“ OOD                  | s. Han Asparuhovo<br>obsht. Stara Zagora                     |
| 80.  | BG 2601007    | ET „Kiki“                         | gr. Harmanli<br>Industrialna zona                            |
| 88.  | BG 2801019    | „Mesokombinat Bay Techo“ OOD      | gr. Yambol,<br>kv. „Industrialen“                            |
| 117. | BG 1502005    | ET „EKS-Lidia Kostadinova“        | gr. Slavyanovo<br>p. imot – 279200                           |
| 127. | BG 2202026    | „Bulkomers-MM“ OOD                | gr. Sofia<br>obsht. Vrabnitsa<br>ul. „Adam Mitskevich“ 8     |
| 156. | BG 0905002    | ET „Ananiev“                      | gr. Krumovgrad<br>ul. „G. Benkovski“ 1                       |
| 157. | BG 0905003    | „Meskom-Rodopi“ OOD               | gr. Kardzhali<br>ul. „Dzhebelska“ 6                          |
| 165. | BG 130519     | ET „Krimona – Donka Hristova“     | gr. Panagyurishte<br>ul. „G. Benkovski“ 75                   |
| 168. | BG 1405007    | „ARM Invest“ AD                   | s. Meshtitsa                                                 |
| 185. | BG 2005019    | ET „Aruana-Dimitrinka Lyaeva“     | s. Gavrailovo<br>obl. Sliven                                 |
| 190. | BG 2205079    | OOD „Super Mario Market“          | gr. Sofia,<br>obsht. Novi Iskar<br>ul. „Iskarsko defile“ 156 |
| 203. | BG 2705013    | OOD „EM i AS“                     | s. Tsarev brod, obsht. Shumen                                |
| 204. | BG 2805007    | „Bonzhur BG“ EOOD                 | gr. Yambol,<br>ul. „Klokotnitsa“ 8                           |
| 205. | BG 2805008    | ET „Dzhoni-Neiko Ivanov“          | s. Veselinovo,<br>obl. Yambolska                             |
| 206. | BG 2805012    | ET „Pri Vania - Ivanka Georgieva“ | gr. Yambol<br>ul. „Atanas Kratunov“ 83                       |

| No   | Veterinary No | Name establishment             | Town/Street or Village/Region                                |
|------|---------------|--------------------------------|--------------------------------------------------------------|
| 215. | BG 0204017    | „Val-Ves i Ko“ OOD             | gr. Burgas<br>PZ „Sever“                                     |
| 233. | BG 0404023    | „Rodopa-G.Oriahovitsa-96“ EOOD | gr. Gorna Oriahovitsa<br>ul. „Otets Paisiy“ 63               |
| 253. | BG 1104002    | „Dobrevski-1“ OOD              | s. Balgarski izvor                                           |
| 254. | BG 1104005    | ET „Strahil Ivanov“            | gr. Lovech<br>ul. „S. Saev“ 56                               |
| 261. | BG 1204012    | „Lorelay“ OOD                  | gr. Montana<br>ul. „N. Vaptsarov“ 22                         |
| 268. | BG 1304015    | ET „Dimitar Popov“             | s. Kalugerovo<br>obsht. Pazardzhik                           |
| 273. | BG 1504010    | Mesokombinat „Levski 2000“ OOD | gr. Levski<br>ul. „Tsar Simeon“ 2A                           |
| 289. | BG 1604029    | ET „Boris Yordanov-1“          | gr. Asenovgrad<br>ul. „Kostur“ 13                            |
| 306. | BG 1804021    | OOD „Borimes“                  | s. Marten<br>ul. „Cherven Ivan“ № 4                          |
| 320. | BG 2204018    | „Shikle“ EOOD                  | gr. Sofia<br>ul. „Prof. Iv.Shishmanov“ 9                     |
| 322. | BG 2204034    | EOOD „Grand 2-Petia Kerefeyna“ | gr. Sofia<br>ul. „Ivan Gergov“ 3                             |
| 323. | BG 2204041    | OOD „Zonik-D“                  | gr. Sofia<br>Avtogara Vrabnitsa                              |
| 324. | BG 2204042    | ET „Dimana-Yanka Dembelaki“    | gr. Sofia<br>kv. Nadezhda 1                                  |
| 326. | BG 2204048    | EOOD „Rosvela“                 | s. Seslavtsi<br>obl. Sofia                                   |
| 333. | BG 2204091    | „NADEZHDA-A“ OOD               | gr. Sofia<br>ul. „Zhelezopatna“ 74                           |
| 334. | BG 2204095    | ET „Laz komers-Ivo Lazov“      | gr. Sofia<br>kv. „Ovcha kupel“<br>ul. „652“21                |
| 336. | BG 2204107    | EOOD „Nova Kompaniya-2001“     | gr. Sofia,<br>Gara Iskar,<br>ul. „5004“ 2                    |
| 339. | BG 2204110    | EOOD „VKR-2000“                | gr. Sofia<br>kv. Vrazhdebna<br>ul. „4-ta“ 6                  |
| 342. | BG 2304005    | „Orhanie 1“ OOD                | gr. Botevgrad<br>ul. „Al.Voynishki“                          |
| 343. | BG 2304014    | „Bulgarfrigoplod“              | s. Vakarel,<br>obshtina Ihtiman,<br>ul. „Cheshma Angelina“ 4 |
| 354. | BG 2404035    | „Ambrozia“ OOD                 | gr. St. Zagora<br>kv.„Zheleznik“<br>ul. „Iv.Pashinov“ 33     |
| 358. | BG 2604008    | „Svareks“ EOOD                 | gr. Haskovo<br>iztochna industrialna zona                    |

| No   | Veterinary No | Name establishment           | Town/Street or Village/Region           |
|------|---------------|------------------------------|-----------------------------------------|
| 360. | BG 2604011    | „ALFA Komers“ OOD            | gr. Dimitrovgrad<br>bul. „D.Blagoev“ 80 |
| 365. | BG 2604019    | ET „Kralevo-D.Petrov“        | s. Kralevo<br>obl. Haskovska            |
| 372. | BG 2804002    | ET „Bobi – Bozhana Peicheva“ | s. Okop,<br>obl. Yambolska’             |

2. The following entries for milk processing establishments are deleted:

| No   | Veterinary No | Name establishment                  | Town/Street or Village/Region             |
|------|---------------|-------------------------------------|-------------------------------------------|
| 2.   | BG 0212038    | „Klas“ OOD                          | s. Galabets<br>obsht. Pomorie             |
| 6.   | BG 0512033    | „EKO MILK“ AD                       | s. Koshava<br>obl. Vidin                  |
| 29.  | BG 1812008    | „Vesi“ OOD                          | s. Novo selo                              |
| 31.  | BG 2012001    | „Markeli“ EAD                       | gr. Sliven<br>ul. „Tsar Simeon“ 63        |
| 32.  | BG 2012006    | „Mlechen pat“ AD                    | gr. Nova Zagora<br>kv. Industrialen       |
| 33.  | BG 2012009    | „Vangard“ OOD                       | s. Zhelyo voyvoda                         |
| 42.  | BG 2512003    | „Si Vi Es“ OOD                      | gr. Omurtag<br>Promishlena zona           |
| 43.  | BG 2612034    | ET „Elikir-Petko Petev“             | s. Gorski izvor                           |
| 53.  | BG 1812003    | „Sirma Prista“ AD                   | gr. Ruse<br>bul. „3-ti mart“ 51           |
| 58.  | BG 2512001    | „Mladost -2002“ OOD                 | gr. Targovishte<br>bul. „29-ti yanuari“ 7 |
| 63.  | 0112008       | ET „Svetoslav Kyuchukov-Bobo“       | s. Harsovo                                |
| 71.  | 0312002       | ET „Mario“                          | gr. Suvorovo                              |
| 83.  | 0712015       | „Rosta“ EOOD                        | s. M.Varshets                             |
| 85.  | 0812030       | „FAMA“ AD                           | gr. Dobrich<br>bul. „Dobrudzha“ 2         |
| 86.  | 0912003       | „Koveg-mlechni produkti“ OOD        | gr. Kardzhali<br>Promishlena zona         |
| 101. | 1312006       | SD „Antei – PITD“ OOD               | s. Aleko Konstantinovo                    |
| 104. | 1412015       | ET „Boycho Videnov – Elbokada 2000“ | s. Stefanovo<br>obsht. Radomir            |
| 117. | 1712009       | ET „Georgi Petrov-Kamen“            | s. Dyankovo                               |
| 121. | 1712017       | „Diva 02“ OOD                       | gr. Isperih<br>ul. „An.Kanchev“           |
| 123. | 1712019       | ET „Ivaylo-Milena Stancheva“        | gr. Isperih<br>Parvi stopanski dvor       |
| 125. | 1712037       | ET „Ali Islamov“                    | s. Yasenovets                             |
| 128. | 1712043       | „Maxima milk“ OOD                   | s. Samuil                                 |

| No   | Veterinary No | Name establishment              | Town/Street or Village/Region           |
|------|---------------|---------------------------------|-----------------------------------------|
| 132. | 1812005       | „DAV – Viktor Simonov” EOOD     | gr. Vetovo<br>ul. „Han Kubrat“ 52       |
| 139. | 2012010       | „Saray“ OOD                     | s. Mokren                               |
| 143. | 2012029       | „Eko asorti“ EOOD               | s. Mechkarevo                           |
| 144. | 2012032       | „Kiveks“ OOD                    | s. Kovachite                            |
| 145. | 2012036       | „Minchevi“ OOD                  | s. Korten                               |
| 155. | 2212009       | „Serdika-94“ OOD                | gr. Sofia<br>kv. Zheleznitza            |
| 156. | 2212023       | „EL BI BULGARIKUM” EAD          | gr. Sofia<br>ul. „Malashevska” 12A      |
| 163. | 2312028       | ET „Sisi Lyubomir Semkov“       | s. Anton                                |
| 166. | 2312033       | „Balkana spetsial” OOD          | s. Gorna Malina                         |
| 167. | 2312039       | EOOD „Laktoni”                  | s. Ravno pole, obl. Sofiyska            |
| 172. | 2412023       | Zemedelski institut             | gr. St. Zagora                          |
| 175. | 2412040       | „Inikom“ OOD                    | gr. Galabovo<br>ul. „G. S. Rakovski” 11 |
| 177. | 2512006       | „Hadad“ OOD                     | s. Makariopolsko<br>obsht. Targovishte  |
| 178. | 2512011       | ET „Sevi 2000- Sevie Ibryamova“ | s. Krepcha<br>obsht. Opaka              |
| 183. | 2612015       | ET „Detelina 39”                | s. Brod                                 |
| 184. | 2612022       | ET „Shampion 13-Deyan Panev“    | s. Krepost<br>obl. Haskovska            |
| 185. | 2612027       | „Byala mechka” OOD              | s. Min. bani<br>obl. Haskovska          |
| 192. | 2812002       | „Arachievi“ OOD                 | s. Kirilovo,<br>obl. Yambolska’         |

## COMMISSION DECISION

of 17 December 2009

**on a Community financial contribution for 2009 to cover expenditure incurred by Germany, Spain, Italy, Malta, the Netherlands, Portugal and Slovenia for the purpose of combating organisms harmful to plants or plant products**

*(notified under document C(2009) 10050)***(Only the Dutch, German, Italian, Maltese, Portuguese, Slovenian and Spanish texts are authentic)**

(2009/996/EU)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community <sup>(1)</sup>, and in particular Article 23 thereof,

Whereas:

(1) Pursuant to Directive 2000/29/EC, a financial contribution from the Community may be granted to Member States to cover expenditure relating directly to the necessary measures which have been taken or are planned to be taken for the purpose of combating harmful organisms introduced from third countries or from other areas in the Community, in order to eradicate or, if that is not possible, to contain them.

(2) Germany has introduced on 21 April 2009 two requests for financial contribution for the control of *Diabrotica virgifera*, respectively for Baden-Württemberg and for Bayern, and relating to measures executed in 2008 to control outbreaks of the harmful organism detected in 2007 and 2008, the outbreaks in 2007 having already been the subject of co-financing in 2008.

(3) Italy has introduced four requests for financial contribution. The first one was introduced on 21 April 2009 and relates to the control measures of *Anoplophora chinensis* in Lombardy in the province of Brescia,

commune of Gussago, for measures executed in 2008 and from 1 January until 30 April 2009 to control an outbreak detected in 2008. The assessment by the Commission of that request has not shown that this outbreak of the harmful organism is linked to the existing outbreaks in the province of Milan or Varese. The second request introduced on 16 April 2009 relates to the control measures of *Anoplophora chinensis* in Lazio in the commune of Rome for measures executed in 2008 and 2009 to control an outbreak detected in 2008. The third request introduced on 25 November 2008 relates to the control measures of *Anoplophora glabripennis* in Lombardy, in the commune of Corbetta, for measures executed in 2007, 2008 and from 1 January until 30 April 2009 to control an outbreak detected in 2007. The fourth request, relating to the control measures of *Anoplophora chinensis* in Lombardia in the province of Brescia, commune of Montichiari, was not eligible because the outbreak was only notified to the Commission more than eight months after its official detection and thus not in line with the requirements for immediate notification referred to in Article 16(1) of Directive 2000/29/EC.

(4) Malta has introduced a request for financial contribution on 29 April 2009 relating to the control measures of *Rhynchophorus ferrugineus* for measures executed in 2008 and 2009 to control outbreaks detected in 2008.

(5) The Netherlands has introduced four requests for financial contribution on 31 December 2008. The first request relates to the control measures of tobacco ring spot virus (TRSV) for measures executed in 2007 and 2008 to control an outbreak detected in 2006 and which was already the subject of co-financing in 2008. The second request relates to the control measures of tomato yellow leaf curl virus (TYLCV) for measures executed in 2007 and 2008 for outbreaks detected in 2007. The third request relates to the control measures of *Clavibacter michiganensis* ssp. *michiganensis* for measures executed in 2007 and 2008 for an outbreak detected in 2007. The fourth request relates to the control measures of *Anoplophora chinensis* for measures executed in 2008 for an outbreak detected in 2007.

<sup>(1)</sup> OJ L 169, 10.7.2000, p. 1.

- (6) Portugal has introduced a request for financial contribution on 24 April 2009 relating to the control measures of *Bursaphelenchus xylophilus* for measures executed in 2008 and 2009 to control outbreaks detected in 2008. Indeed, Portugal has detected 65 new outbreaks of pinewood nematode (PWN) between April and July 2008 in areas of Portugal where so far PWN was known not to occur. Based on the results of an intensive monitoring covering the whole of the Portuguese territory, there is no indication that the spread of PWN out of the originally infested zone of Setúbal in Portugal is due to natural spread from that zone. In addition, the zones where the new outbreaks are situated have not already been the subject of Community co-financing for measures to control PWN. Finally, the Standing Committee on Plant Health of 9-10 March 2009 approved an action plan presented by Portugal to face this new plant health situation and which is linked to the control measures detailed in the above request for financial contribution.
- (7) Therefore it appears necessary to assist Portugal with a co-financing by the Union to take the necessary actions to contain PWN within the existing demarcated zone in its territory as well as to safeguard the territory of other Member States against PWN and to protect the Community trade interests in relation to third countries.
- (8) Slovenia has introduced a request for financial contribution on 30 December 2008 relating to the control measures of *Dryocosmus kuriphilus* for measures executed in 2008 and 2009 to control an outbreak detected in 2007 which was already the subject of co-financing in 2008.
- (9) Spain has introduced a request for financial contribution on 29 April 2009 relating to the control measures of *Bursaphelenchus xylophilus* for measures executed in 2008 and 2009 for an outbreak detected in 2008.
- (10) Germany, Spain, Italy, Malta, The Netherlands, Portugal and Slovenia have each established a programme of actions to eradicate or contain organisms harmful to plants introduced in their territories. These programmes specify the objectives to be achieved, the measures carried out, their duration and their cost.
- (11) Germany, Spain, Italy, Malta, The Netherlands, Portugal and Slovenia have applied for the allocation of a Community financial contribution to these programmes in accordance with the requirements laid down in Article 23 of Directive 2000/29/EC, in particular paragraph 1 and 4 thereof, and in accordance with Commission Regulation (EC) No 1040/2002 of 14 June 2002 establishing detailed rules for the implementation of the provisions relating to the allocation of a financial contribution from the Community for plant-health control and repealing Regulation (EC) No 2051/97 <sup>(1)</sup>.
- (12) The technical information provided by Germany, Spain, Italy, Malta, The Netherlands, Portugal and Slovenia has enabled the Commission to analyse the situation accurately and comprehensively and to conclude that the conditions for the granting of a Community financial contribution, as laid down in particular in Article 23 of Directive 2000/29/EC, have been met. Accordingly, it is appropriate to provide a Community financial contribution to cover the expenditure on these programmes.
- (13) The Community financial contribution may cover up to 50 % of eligible expenditure. However, in accordance with Article 23(5), third subparagraph of Directive 2000/29/EC, the rate of the Community financial contribution for the third year, i.e. 2009, of the programme presented by Italy for the control of *Anoplophora glabripennis* should be reduced. In addition, the rate of the Community financial contribution for the programmes respectively presented by The Netherlands for the control of TRSV in 2008 (third year of the existing programme), and Slovenia for the control of *Dryocosmus kuriphilus* in 2009 (third year of the existing programme) should be reduced as the programmes notified by these Member States have already been the subject of Community funding under Commission Decision 2009/147/EC <sup>(2)</sup> for the two first years of the existing programmes.
- (14) In application of Article 23(5), second subparagraph of Directive 2000/29/EC, the rate of the Community financial contribution shall be 25 % for the measures in the co-financing dossiers presented respectively by Spain for the replacement in 2009 of destroyed coniferous trees by tree species which are not susceptible to *Bursaphelenchus xylophilus*, and by Italy in the two dossiers of Lombardia for the replacement in 2008 of destroyed deciduous trees by tree species which are not susceptible to *Anoplophora chinensis* or to *Anoplophora glabripennis*.
- (15) In accordance with Article 24 of Directive 2000/29/EC the Commission shall ascertain whether the introduction of the relevant harmful organism has been caused by inadequate examinations or inspections and adopt the measures required by the findings from its verification.
- (16) In accordance with Article 3(2)(a) of Council Regulation (EC) No 1290/2005 of 21 June 2005 on the financing of the common agricultural policy <sup>(3)</sup>, plant-health measures are to be financed from the European Agricultural Guarantee Fund. For the purpose of financial control of these measures Articles 9, 36 and 37 of the above Regulation shall apply.

<sup>(1)</sup> OJ L 157, 15.6.2002, p. 38.

<sup>(2)</sup> OJ L 49, 20.2.2009, p. 43.

<sup>(3)</sup> OJ L 209, 11.8.2005, p. 1.

(17) The measures provided in this Decision are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DECISION:

*Article 1*

The allocation of a Community financial contribution for 2009 to cover expenditure incurred by Germany, Spain, Italy, Malta, The Netherlands, Portugal and Slovenia relating to necessary measures as specified in Article 23(2) of Directive 2000/29/EC and taken for the purpose of combating the organisms concerned by the eradication programmes listed in the Annex is hereby approved.

*Article 2*

1. The total amount of the financial contribution referred to in Article 1 is EUR 14 049 023.

2. The maximum amounts of the Community financial contribution for each of the programmes shall be as indicated in the Annex.

*Article 3*

The Community financial contribution as set out in the Annex shall be paid on the following conditions:

(a) evidence of the measures taken has been given in accordance with the provisions laid down in Regulation (EC) No 1040/2002;

(b) a request for payment has been submitted by the Member State concerned to the Commission, in accordance with Article 5 of Regulation (EC) No 1040/2002.

The payment of the financial contribution is without prejudice to the verifications by the Commission under Article 24 of Directive 2000/29/EC.

*Article 4*

This Decision is addressed to the Federal Republic of Germany, the Kingdom of Spain, the Italian Republic, the Republic of Malta, the Kingdom of the Netherlands, the Portuguese Republic and the Republic of Slovenia.

Done at Brussels, 17 December 2009.

*For the Commission*

Androulla VASSILIOU

*Member of the Commission*

## ANNEX

## ERADICATION PROGRAMMES

## Section I

## Programmes whose Community financial contribution corresponds to 50 % of eligible expenditure

(EUR)

| Member State                     | Harmful organisms combated                                 | Affected plants                               | Year                                   | a       | Eligible expenditure | Maximum Community contribution per programme |
|----------------------------------|------------------------------------------------------------|-----------------------------------------------|----------------------------------------|---------|----------------------|----------------------------------------------|
| Germany, Baden-Württemberg       | <i>Diabrotica virgifera</i>                                | <i>Zea mays</i>                               | 2008                                   | 1 or 2  | 313 218              | 156 609                                      |
| Germany, Bayern                  | <i>Diabrotica virgifera</i>                                | <i>Zea mays</i>                               | 2008                                   | 2       | 699 049              | 349 524                                      |
| Spain                            | <i>Bursaphelenchus xylophilus</i>                          | Coniferous trees                              | 2008 and 2009                          | 1 and 2 | 2 229 994            | 1 114 997                                    |
| Italy, Lombardia (Gussago area)  | <i>Anoplophora chinensis</i>                               | Various tree species                          | 2008 and part of 2009 (until 30 April) | 1 and 2 | 271 883              | 135 941                                      |
| Italy, Lombardia (Corbetta area) | <i>Anoplophora glabripennis</i>                            | Various tree species                          | 2007 and 2008                          | 1 and 2 | 179 143              | 89 571                                       |
| Italy, Lazio (Roma area)         | <i>Anoplophora chinensis</i>                               | Various tree species                          | 2008 and 2009                          | 1 and 2 | 1 098 000            | 549 000                                      |
| Malta                            | <i>Rhynchophorus ferrugineus</i>                           | <i>Palmaceae</i>                              | 2008 and 2009                          | 1 and 2 | 709 227              | 354 613                                      |
| The Netherlands                  | TRSV                                                       | <i>Hemerocallis</i> spp.,<br><i>Iris</i> spp. | 2007                                   | 2       | 68 720               | 34 360                                       |
| The Netherlands                  | TYLCV                                                      | <i>Lycopersicon lycopersicum</i>              | 2007 and 2008                          | 1 and 2 | 44 528               | 22 264                                       |
| The Netherlands                  | <i>Clavibacter michiganensis</i> ssp. <i>michiganensis</i> | <i>Lycopersicon lycopersicum</i>              | 2007 and 2008                          | 1       | 348 525              | 174 262                                      |
| The Netherlands                  | <i>Anoplophora chinensis</i>                               | Various tree species                          | 2008                                   | 1       | 750 797              | 375 398                                      |
| Portugal                         | <i>Bursaphelenchus xylophilus</i>                          | Coniferous trees                              | 2008 and 2009                          | 1 and 2 | 20 552 127           | 10 276 063                                   |
| Slovenia                         | <i>Dryocosmus kuriphilus</i>                               | <i>Castanea</i> sp.                           | 2008                                   | 2       | 86 625               | 43 312                                       |

## Section II

**Programmes whose Community financial contribution rates differ, in application of degressivity**

(EUR)

| Member State                     | Harmful organisms combated      | Affected plants                           | Year                          | a | Eligible expenditure | Rate (%) | Maximum Community contribution |
|----------------------------------|---------------------------------|-------------------------------------------|-------------------------------|---|----------------------|----------|--------------------------------|
| Italy, Lombardia (Corbetta area) | <i>Anoplophora glabripennis</i> | Various tree species                      | Part of 2009 (until 30 April) | 3 | 35 000               | 45       | 15 750                         |
| The Netherlands                  | TRSV                            | <i>Hemerocallis</i> spp, <i>Iris</i> spp. | 2008                          | 3 | 40 480               | 45       | 18 216                         |
| Slovenia                         | <i>Dryocosmus kuriphilus</i>    | <i>Castanea</i> sp.                       | 2009                          | 3 | 78 832               | 45       | 35 474                         |

## Section III

**Programmes whose Community financial contribution rates differ, in application of Article 23(5), second paragraph of Directive 2000/29/EC**

(EUR)

| Member State                     | Harmful organisms combated        | Affected plants      | Measure                        | Year | a | Eligible expenditure | Rate (%) | Maximum Community contribution |
|----------------------------------|-----------------------------------|----------------------|--------------------------------|------|---|----------------------|----------|--------------------------------|
| Spain                            | <i>Bursaphelenchus xylophilus</i> | Coniferous trees     | Replacement of destroyed trees | 2009 | 2 | 1 156 579            | 25       | 289 144                        |
| Italy, Lombardia (Gussago area)  | <i>Anoplophora chinensis</i>      | Various tree species | Replacement of destroyed trees | 2008 | 1 | 30 800               | 25       | 7 700                          |
| Italy, Lombardia (Corbetta area) | <i>Anoplophora glabripennis</i>   | Various tree species | Replacement of destroyed trees | 2008 | 2 | 27 300               | 25       | 6 825                          |

Total Community contribution (EUR):

14 049 023

*Legend:*

a = Year of implementation of the eradication programme.

**COMMISSION DECISION**  
**of 18 December 2009**  
**on extending the availability period of European Union macro-financial assistance to Lebanon**  
(2009/997/EU)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Decision 2007/860/EC of 10 December 2007, providing Community macro-financial assistance to Lebanon <sup>(1)</sup>, and in particular Article 1(3) thereof,

Whereas:

- (1) Disbursement of the full amount of European Union macro-financial assistance to Lebanon has not been possible within the two-year time period foreseen in Decision 2007/860/EC, due to delays in implementing reform measures, in particular those identified in the Memorandum of Understanding as being criteria to fully implement the assistance.
- (2) Prospects are that with the appointment of a new government of national unity, the Lebanese authorities will be in a position to implement the reform criteria attached to the implementation of the macro-financial assistance, as set out in the Memorandum of Understanding.
- (3) The Lebanese authorities have implemented in a satisfactory way the economic reform programme agreed with the International Monetary Fund under the Emergency Post-Conflict Assistance (EPCA).

(4) The availability of the European Union macro-financial assistance to Lebanon, under Decision 2007/860/EC, expires on 21 December 2009.

(5) An extension of the availability period by one year can therefore be approved.

(6) The Economic and Financial Committee has been duly consulted on this extension,

HAS DECIDED AS FOLLOWS:

*Article 1*

The availability period of the European Union macro-financial assistance to Lebanon is extended by one additional year, until 21 December 2010.

*Article 2*

This Decision shall take effect on the day of its publication in the *Official Journal of the European Union*.

Done at Brussels, 18 December 2009.

*For the Commission*

*The President*

José Manuel BARROSO

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<sup>(1)</sup> OJ L 337, 21.12.2007, p. 111.

**DECISION OF THE EUROPEAN CENTRAL BANK****of 14 December 2009****amending Decision ECB/2001/16 on the allocation of monetary income of the national central banks of participating Member States from the financial year 2002****(ECB/2009/27)**

(2009/998/EU)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular Article 32 thereof,

Whereas:

- (1) Decision ECB/2009/16 of 2 July 2009 on the implementation of the covered bond purchase programme<sup>(1)</sup> provides for the establishment of a programme for the purchase of covered bonds for monetary policy purposes.
- (2) Guideline ECB/2009/10 of 7 May 2009 amending Guideline ECB/2000/7 on monetary policy instruments and procedures of the Eurosystem<sup>(2)</sup> allows access to Eurosystem open market operations and standing facilities by credit institutions which, in view of their specific institutional nature under Community law, are subject to scrutiny of a standard comparable to supervision by competent national authorities.
- (3) Experience has shown that it is necessary to specify the treatment of outstanding claims arising from defaults by Eurosystem counterparties in the context of Eurosystem credit operations, and of related financial assets.
- (4) Decision ECB/2001/16 of 6 December 2001 on the allocation of monetary income of the national central banks of participating Member States from the financial year 2002<sup>(3)</sup> needs to be amended in order to reflect these developments in the calculation and allocation of monetary income,

HAS DECIDED AS FOLLOWS:

*Article 1*

Decision ECB/2001/16 is amended as follows:

1. Article 1(g) is replaced by the following:

‘(g) “credit institution” shall mean either: (a) a credit institution within the meaning of Articles 2 and 4(1)(a) of Directive 2006/48/EC of the European Parliament and of the Council of 14 June 2006 relating to the taking up and pursuit of the business of credit institutions<sup>(\*)</sup>, as implemented in national law, that is subject to supervision by a competent authority; or (b) another credit institution within the meaning of Article 123(2) of the Treaty on the Functioning of the European Union that is subject to scrutiny of a standard comparable to supervision by a competent authority.

(\*) OJ L 177, 30.6.2006, p. 1.’

2. Article 3(2) is replaced by the following:

‘2. From 2003 the amount of each NCB’s monetary income shall be determined by measuring the actual income that derives from the earmarkable assets recorded in its books. As exceptions thereto, gold shall be considered to generate no income, and securities held for monetary policy purposes shall be considered to generate income at the reference rate.’

3. Annexes I and II to Decision ECB/2001/16 are amended in accordance with the Annex to this Decision.

*Article 2***Final provision**

This Decision shall enter into force on 31 December 2009.

Done at Frankfurt am Main, 14 December 2009.

*The President of the ECB*

Jean-Claude TRICHET

<sup>(1)</sup> OJ L 175, 4.7.2009, p. 18.

<sup>(2)</sup> OJ L 123, 19.5.2009, p. 99.

<sup>(3)</sup> OJ L 337, 20.12.2001, p. 55.

## ANNEX

1. Annex I to Decision ECB/2001/16 is replaced by the following:

## ‘ANNEX I

**COMPOSITION OF THE LIABILITY BASE**

- A. The liability base includes, to the exclusion of any other item:

1. Banknotes in circulation

For the purposes of this Annex, in the cash changeover year for each new Eurosystem NCB “banknotes in circulation”:

- (a) includes banknotes issued by the NCB and denominated in its national currency unit; and
- (b) must be reduced by the value of the non-remunerated loans related to frontloaded euro banknotes that have not been yet debited (part of asset item 6 of the HBS).

After the relevant cash changeover year, for each NCB “banknotes in circulation” means banknotes denominated in euro, to the exclusion of any other banknotes.

If the cash changeover date is a day on which TARGET2 is closed, the liability of a new Eurosystem NCB which results from euro banknotes that have been frontloaded pursuant to Guideline ECB/2006/9 of 14 July 2006 on certain preparations for the euro cash changeover and on frontloading and sub-frontloading of euro banknotes and coins outside the euro area (\*) and have entered into circulation before the cash changeover date forms part of the liability base (as part of the correspondent accounts under liability item 10.4 of the HBS) until the liability becomes part of the intra-Eurosystem liabilities resulting from TARGET2 transactions.

2. Liabilities to euro area credit institutions related to monetary policy operations denominated in euro, including:

- (a) current accounts including minimum reserve requirements under Article 19.1 of the Statute (liability item 2.1 of the HBS);
- (b) amounts in deposit under the Eurosystem deposit facility (liability item 2.2 of the HBS);
- (c) fixed-term deposits (liability item 2.3 of the HBS);
- (d) liabilities arising from fine-tuning reverse operations (liability item 2.4 of the HBS);
- (e) deposits related to margin calls (liability item 2.5 of the HBS).

3. Deposit liabilities to defaulted Eurosystem counterparties which have been reclassified from liability item 2.1 of the HBS.

4. Intra-Eurosystem liabilities of NCBs arising from the issue to the ECB of promissory notes backing the issuance of ECB debt certificates under Chapter 3.3 of Annex I to Guideline ECB/2000/7 (liability item 10.2 of the HBS).

5. Net intra-Eurosystem liabilities on euro banknotes in circulation, including those resulting from the application of Article 4 of this Decision (part of liability item 10.3 of the HBS).

6. Net intra-Eurosystem liabilities resulting from TARGET2 transactions remunerated at the reference rate (part of liability item 10.4 of the HBS).

- B. The amount of each NCB's liability base shall be calculated in accordance with the harmonised accounting principles and rules laid down in Guideline ECB/2006/16 of 10 November 2006 on the legal framework for accounting and financial reporting in the European System of Central Banks (\*\*).

(\*) OJ L 207, 28.7.2006, p. 39.

(\*\*) OJ L 348 11.12.2006, p. 1.

2. Annex II to Decision ECB/2001/16 is replaced by the following:

*'ANNEX II*

#### **EARMARKABLE ASSETS**

A. Earmarkable assets shall include, with the exclusion of any other item:

1. Lending to euro area credit institutions related to monetary policy operations denominated in euro (asset item 5 of the HBS).
2. Securities held for monetary policy purposes (asset item 7.1 of the HBS).
3. Intra-Eurosystem claims equivalent to the transfer of foreign reserve assets other than gold to the ECB under Article 30 of the Statute (part of asset item 9.2 of the HBS).
4. Net intra-Eurosystem claims on euro banknotes in circulation including those resulting from the application of Article 4 of this Decision (part of asset item 9.4 of the HBS).
5. Net intra-Eurosystem claims resulting from TARGET2 transactions remunerated at the reference rate (part of asset item 9.5 of the HBS).

6. Gold, including claims in respect of gold transferred to the ECB, in an amount permitting each NCB to earmark a proportion of its gold that corresponds to the application of its share in the subscribed capital key to the total amount of gold earmarked by all NCBs (asset item 1 and part of asset item 9.2 of the HBS).

For the purposes of this Decision, and at least until the calculation of monetary income for the financial year 2007, gold shall be valued on the basis of the gold price in euro per fine ounce as at 31 December 2002.

7. Claims resulting from euro banknotes that have been frontloaded pursuant to Guideline ECB/2006/9 and have then entered into circulation before the cash changeover date (part of asset item 4.1 of the HBS until the cash changeover date and thereafter part of the correspondent accounts under asset item 9.5 of the HBS), but only until such claims become part of the intra-Eurosystem claims resulting from TARGET2 transactions.
  8. Outstanding claims arising from default by Eurosystem counterparties in the context of Eurosystem credit operations, and/or financial assets or claims (*vis-à-vis* third parties) appropriated and/or acquired in the context of the realisation of collateral submitted by defaulted Eurosystem counterparties in the context of Eurosystem credit operations reclassified from asset item 5 of the HBS (part of asset item 11.6 of the HBS).
- B. The value of each NCB's earmarkable assets shall be calculated in accordance with the harmonised accounting principles and rules laid down in Guideline ECB/2006/16.'
-

## DECISION OF THE MANAGEMENT BOARD OF EUROPOL

of 1 December 2009

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

(2009/999/EU)

THE MANAGEMENT BOARD OF EUROPOL,

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

Whereas:

- (1) The Council decided on 30 November 2009 to adapt the salaries and emoluments for Europol officials with 1,2 % with retroactive effect as of 1 July 2008.
- (2) The Management Board decided on 13 May 2009 to effect an increase in the amounts mentioned in Article 4 of the Appendix to the Decision of the Management Board of 16 November 1999 <sup>(2)</sup> by the same percentage and as of the same date as determined by the Council Decision mentioned under point 1.
- (3) In accordance with the referred decision of the Management Board, the values thus established should be published in the *Official Journal of the European Communities*.

HAS DECIDED AS FOLLOWS:

## Article 1

With effect from 1 July 2008:

1. The value mentioned in the first sentence of Article 4 of the Appendix to the Decision of the Europol Management Board of 16 November 1999 shall be replaced by EUR 117,00.
2. The values in euro units of the table included in Article 4 of the Appendix to the Decision of the Europol Management Board of 16 November 1999 shall be replaced by the following:

8 % to amounts between EUR 117,00 and EUR 2 060,89

10 % to amounts between EUR 2 060,90 and EUR 2 838,56

12,5 % to amounts between EUR 2 838,57 and EUR 3 253,13

15 % to amounts between EUR 3 253,14 and EUR 3 694,43

17,5 % to amounts between EUR 3 694,44 and EUR 4 109,04

20 % to amounts between EUR 4 109,05 and EUR 4 510,91

22,5 % to amounts between EUR 4 510,92 and EUR 4 925,50

25 % to amounts between EUR 4 925,51 and EUR 5 327,38

27,5 % to amounts between EUR 5 327,39 and EUR 5 741,96

30 % to amounts between EUR 5 741,97 and EUR 6 143,84

32,5 % to amounts between EUR 6 143,85 and EUR 6 558,43

35 % to amounts between EUR 6 558,44 and EUR 6 960,94

40 % to amounts between EUR 6 960,95 and EUR 7 375,55

45 % to amounts above EUR 7 375,56

## Article 2

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

## Article 3

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

Done at The Hague, on 1 December 2009.

On behalf of the Management Board,  
S. CLERTON  
The Chairman

<sup>(1)</sup> OJ C 221, 19.7.1997, p. 2.

<sup>(2)</sup> OJ C 65, 28.2.2001, p. 8.

**CORRIGENDA****Corrigendum to Council Regulation (EC) No 661/2008 of 8 July 2008 imposing a definitive anti-dumping duty on imports of ammonium nitrate originating in Russia following an expiry review pursuant to Article 11(2) and a partial interim review pursuant to Article 11(3) of Regulation (EC) No 384/96**

(Official Journal of the European Union L 185 of 12 July 2008)

On page 23, Article 1 (in what concerns Article 1(2)(a) of Regulation (EC) No 658/2002), and on page 28, Article 2(2)(a):

*for:* '(a) For Open Joint Stock Company (OJSC) Mineral and Chemical Company "EuroChem", member of the EuroChem group of companies, Moscow, Russia, for goods produced by its related company JSC NAK Azot, Novomoskovsk, Russia, or by its related company JSC Nevinka Azot, Nevinnomyssk, Russia, and sold by EuroChem Trading GmbH, Zug, Switzerland, to the first independent customer in the Community (TARIC additional code A522);',

*read:* '(a) For goods produced by Open Joint Stock Company (OJSC) "Azot", Novomoskovsk, Russia or by Open Joint Stock Company (OJSC) "Nevinnomyssky Azot", Nevinnomyssk, Russia and either sold directly to the first independent customer in the Community or sold by EuroChem Trading GmbH, Zug, Switzerland or via Open Joint Stock Company (OJSC) Mineral and Chemical Company "EuroChem", Moscow, Russia, and EuroChem Trading GmbH, Zug, Switzerland to the first independent customer in the Community (TARIC additional code A522);'.

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**Corrigendum to Commission Decision 2008/577/EC accepting the undertakings offered in connection with the anti-dumping proceeding concerning imports of ammonium nitrate originating in Russia and Ukraine**

(Official Journal of the European Union L 185 of 12 July 2008)

On page 46, in the first line of the table in Article 1 of Commission Decision 2008/577/EC:

*for:* 'Produced by OJSC NAK Azot, Novomoskovsk, Russia, or OJSC Nevinnomyssky Azot, Nevinnomyssk, Russia, and either sold directly to the first independent customer in the Community or by Eurochem Trading GmbH, Zug, Switzerland or via Open Joint Stock Company (OJSC) Mineral and Chemical Company 'Eurochem', Moscow, Russia and Eurochem Trading GmbH, Zug, Switzerland, to the first independent customer in the Community'.

*read:* 'Produced by Open Joint Stock Company (OJSC) 'Azot', Novomoskovsk, Russia, or Open Joint Stock Company (OJSC) 'Nevinnomyssky Azot', Nevinnomyssk, Russia, and either sold directly to the first independent customer in the Community or by EuroChem Trading GmbH, Zug, Switzerland or via Open Joint Stock Company (OJSC) Mineral and Chemical Company 'EuroChem', Moscow, Russia and EuroChem Trading GmbH, Zug, Switzerland, to the first independent customer in the Community'.

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#### Corrigenda

- ★ **Corrigendum to Council Regulation (EC) No 661/2008 of 8 July 2008 imposing a definitive anti-dumping duty on imports of ammonium nitrate originating in Russia following an expiry review pursuant to Article 11(2) and a partial interim review pursuant to Article 11(3) of Regulation (EC) No 384/96 (OJ L 185, 12.7.2008)** ..... 59
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