

Official Journal

of the European Union

L 89



English edition

Legislation

Volume 53

9 April 2010

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Price: EUR 3

⁽¹⁾ Text with EEA relevance

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EN

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II

(Non-legislative acts)

REGULATIONS

COMMISSION REGULATION (EU) No 293/2010

of 8 April 2010

amending Regulation (EC) No 820/2008 laying down measures for the implementation of the common basic standards on aviation security**(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

countries and transferring at Community airports create certain operational difficulties at these airports and cause inconvenience to the passengers concerned.

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

Having regard to Regulation (EC) No 2320/2002 of the European Parliament and of the Council of 16 December 2002 establishing common rules in the field of civil aviation security ⁽¹⁾, and in particular Article 4(2) thereof,

- (4) In particular, the Commission has verified certain security standards at airports in specific third countries and found them satisfactory, and that those countries have a good record of cooperation with the Community and its Member States. On that basis the Commission has decided to take steps to alleviate the problems identified above, in the case of passengers carrying liquids obtained at named airports in those countries.

Whereas:

- (1) The Commission is required, by virtue of Regulation (EC) No 2320/2002, when necessary, to adopt measures for the implementation of common basic standards for aviation security throughout the Community. Such detailed measures are laid down by Commission Regulation (EC) No 820/2008 ⁽²⁾.

- (5) Regulation (EC) No 820/2008 should be amended accordingly.

- (2) The measures provided for by Regulation (EC) No 820/2008 on restricting liquids carried by passengers arriving on flights from third countries and transferring at Community airports are subject to review in the light of technical developments, operational implications at airports and the impact on passengers.

- (6) The measures provided for in this Regulation are in accordance with the opinion of the Committee on Civil Aviation Security,

- (3) Such a review has shown that the restrictions on liquids carried by passengers arriving on flights from third

HAS ADOPTED THIS REGULATION:

Article 1

⁽¹⁾ OJ L 355, 30.12.2002, p. 1.

⁽²⁾ OJ L 221, 19.8.2008, p. 8.

Attachment 1 of the Annex to Regulation (EC) No 820/2008 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, 8 April 2010.

For the Commission
The President
José Manuel BARROSO

ANNEX

The following text shall be added to Attachment 1 of the Annex to Regulation (EC) No 820/2008:

‘— Malaysia:

Kuala Lumpur International (KUL) airport’

COMMISSION REGULATION (EU) No 294/2010**of 8 April 2010****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) ⁽¹⁾,

Having regard to Commission Regulation (EC) No 1580/2007 of 21 December 2007 laying down implementing rules for Council Regulations (EC) No 2200/96, (EC) No 2201/96 and (EC) No 1182/2007 in the fruit and vegetable sector ⁽²⁾, and in particular Article 138(1) thereof,

Whereas:

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 9 April 2010.

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

Done at Brussels, 8 April 2010.

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

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

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 350, 31.12.2007, p. 1.

ANNEX

Standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	IL	160,8
	JO	113,1
	MA	135,9
	TN	135,7
	TR	119,1
	ZZ	132,9
0707 00 05	JO	92,1
	MA	88,9
	TR	126,4
	ZZ	102,5
0709 90 70	MA	69,8
	TR	113,0
	ZZ	91,4
0805 10 20	EG	48,5
	IL	53,3
	MA	50,7
	TN	47,6
	TR	64,8
	ZZ	53,0
0805 50 10	EG	65,1
	IL	66,2
	TR	53,5
	ZA	64,2
	ZZ	62,3
0808 10 80	AR	93,7
	BR	83,8
	CA	112,7
	CL	82,1
	CN	73,6
	MK	23,6
	US	139,1
	UY	74,3
	ZA	79,8
	ZZ	84,7
0808 20 50	AR	94,7
	CL	110,7
	CN	68,8
	ZA	90,2
	ZZ	91,1

⁽¹⁾ Nomenclature of countries laid down by Commission Regulation (EC) No 1833/2006 (OJ L 354, 14.12.2006, p. 19). Code 'ZZ' stands for 'of other origin'.

COMMISSION REGULATION (EU) No 295/2010**of 8 April 2010****granting no export refund for butter in the framework of the standing invitation to tender provided
for in Regulation (EC) No 619/2008**

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) ⁽¹⁾, and in particular Article 164(2), in conjunction with Article 4, thereof,

Whereas:

(1) Commission Regulation (EC) No 619/2008 of 27 June 2008 opening a standing invitation to tender for export refunds concerning certain milk products ⁽²⁾ provides for a permanent tender.

(2) Pursuant to Article 6 of Commission Regulation (EC) No 1454/2007 of 10 December 2007 laying down common rules for establishing a tender procedure for fixing export

refunds for certain agricultural products ⁽³⁾ and following an examination of the tenders submitted in response to the invitation to tender, it is appropriate not to grant any refund for the tendering period ending on 6 April 2010.

(3) The Management Committee for the Common Organisation of Agricultural Markets has not delivered an opinion within the time limit set by its Chair,

HAS ADOPTED THIS REGULATION:

Article 1

For the standing invitation to tender opened by Regulation (EC) No 619/2008, for the tendering period ending on 6 April 2010, no export refund shall be granted for the products and destinations referred to in points (a) and (b) of Article 1 and in Article 2 of that Regulation.

Article 2

This Regulation shall enter into force on 9 April 2010.

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

Done at Brussels, 8 April 2010.

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

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

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 168, 28.6.2008, p. 20.

⁽³⁾ OJ L 325, 11.12.2007, p. 69.

COMMISSION REGULATION (EU) No 296/2010**of 8 April 2010****granting no export refund for skimmed milk powder in the framework of the standing invitation to tender provided for in Regulation (EC) No 619/2008**

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) ⁽¹⁾, and in particular Article 164(2), in conjunction with Article 4, thereof,

Whereas:

- (1) Commission Regulation (EC) No 619/2008 of 27 June 2008 opening a standing invitation to tender for export refunds concerning certain milk products ⁽²⁾ provides for a standing invitation to tender procedure.
- (2) Pursuant to Article 6 of Commission Regulation (EC) No 1454/2007 of 10 December 2007 laying down common rules for establishing a tender procedure for

fixing export refunds for certain agricultural products ⁽³⁾ and following an examination of the tenders submitted in response to the invitation to tender, it is appropriate not to grant any refund for the tendering period ending on 6 April 2010.

- (3) The Management Committee for the Common Organisation of Agricultural Markets has not delivered an opinion within the time limit set by its Chair,

HAS ADOPTED THIS REGULATION:

Article 1

For the standing invitation to tender opened by Regulation (EC) No 619/2008, for the tendering period ending on 6 April 2010, no export refund shall be granted for the product and destinations referred to in point (c) of Article 1 and in Article 2 respectively of that Regulation.

Article 2

This Regulation shall enter into force on 9 April 2010.

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

Done at Brussels, 8 April 2010.

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

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

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 168, 28.6.2008, p. 20.

⁽³⁾ OJ L 325, 11.12.2007, p. 69.

DECISIONS

COUNCIL DECISION

of 29 March 2010

amending and extending Decision 2007/641/EC on the conclusion of consultations with the Republic of Fiji Islands under Article 96 of the ACP-EC Partnership Agreement and Article 37 of the Development Cooperation Instrument

(2010/208/EU)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the ACP-EC Partnership Agreement between the members of the African, Caribbean and Pacific Group of States, of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000 ⁽¹⁾ and revised in Luxembourg on 25 June 2005 ⁽²⁾ (hereinafter referred to as 'the ACP-EC Partnership Agreement'), and in particular Article 96 thereof,

Having regard to the Internal Agreement between representatives of the governments of the Member States, meeting within the Council, on measures to be taken and procedures to be followed for the implementation of the ACP-EC Partnership Agreement ⁽³⁾, and in particular Article 3 thereof,

Having regard to Regulation (EC) No 1905/2006 of the European Parliament and of the Council of 18 December 2006 establishing a financing instrument for development cooperation ⁽⁴⁾ (hereinafter referred to as 'the Development Cooperation Instrument'), and in particular Article 37 thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The essential elements referred to in Article 9 of the ACP-EC Partnership Agreement have been violated.
- (2) The values referred to in Article 3 of the Development Cooperation Instrument have been violated.
- (3) On 18 April 2007, pursuant to Article 96 of the ACP-EC Partnership Agreement and Article 37 of the Development Cooperation Instrument, formal consultations

began with the ACP countries and the Republic of Fiji Islands, during which the Fijian authorities gave specific commitments to remedy the problems identified by the European Union and to implement them.

- (4) Some substantive initiatives had been taken in respect of some of the commitments referred to above. Nevertheless, not only have important commitments concerning essential elements of the ACP-EC Partnership Agreement and the Development Cooperation Instrument yet to be implemented, but there have also recently been important regressive developments concerning a number of key commitments, such as the abrogation of the Constitution and a further substantial delay in holding elections.
- (5) The period of application of Decision 2007/641/EC ⁽⁵⁾, as extended by Decision 2009/735/EC ⁽⁶⁾, expires on 31 March 2010. Therefore, the period of application of Decision 2007/641/EC should be extended,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2007/641/EC is hereby amended as follows:

1. In the second paragraph of Article 3, the date '31 March 2010' is replaced by that of '1 October 2010'.
2. The Annex shall be replaced by the Annex to this Decision.

Article 2

This Decision shall enter into force on the day of its adoption.

⁽¹⁾ OJ L 317, 15.12.2000, p. 3.

⁽²⁾ OJ L 287, 28.10.2005, p. 4.

⁽³⁾ OJ L 317, 15.12.2000, p. 376.

⁽⁴⁾ OJ L 378, 27.12.2006, p. 41.

⁽⁵⁾ OJ L 260, 5.10.2007, p. 15.

⁽⁶⁾ OJ L 262, 6.10.2009, p. 43.

Article 3

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

Done at Brussels, 29 March 2010.

For the Council
The President
E. ESPINOSA

ANNEX

Draft letter

H.E. Ratu Epeli NAILATIKAU
President of the Republic of Fiji Islands
Suva
Republic of Fiji Islands

Excellency,

The European Union attaches great importance to the provisions of Article 9 of the Cotonou Agreement and Article 3 of the Development Cooperation Instrument. The ACP-EC partnership is founded on respect for human rights, democratic principles and the rule of law, which form the essential elements of the Cotonou Agreement and the basis of our relations.

On 11 December 2006 the Council of the European Union condemned the military takeover in Fiji.

Under Article 96 of the Cotonou Agreement, and considering that the military takeover on 5 December 2006 constituted a violation of the essential elements listed in Article 9 of that Agreement, the EU invited Fiji to consultations, as provided for in the Agreement, in order to thoroughly examine the situation and, where necessary, take steps to remedy it.

The formal part of those consultations began in Brussels on 18 April 2007. The EU was pleased that at the time the Interim Government confirmed a number of key commitments regarding human rights and fundamental freedoms, respect for democratic principles and the rule of law, as noted below, and proposed positive steps regarding their implementation.

Regrettably, there have since been a series of regressive developments, in particular in April 2009, meaning that Fiji is now in breach of a range of its commitments. Such breaches include notably the abrogation of the Constitution, the very substantial delay in holding the parliamentary elections, and human rights violations. Although implementation of the commitments has been substantially delayed, the majority of those commitments remain highly relevant to Fiji's present situation, and are therefore annexed to this letter. As Fiji has unilaterally decided to break a number of key commitments, this has led to losses for Fiji in terms of development funds.

However, in the spirit of partnership, which forms the cornerstone of the Cotonou Agreement, the EU expresses its readiness to engage in new formal consultations as soon as there is a reasonable prospect for a positive conclusion to such consultations. On 1 July 2009 the Interim Prime Minister presented a roadmap for reforms and for a return to democratic order. The EU stands ready to engage in dialogue regarding this roadmap, and to consider whether it may serve as a basis for new consultations. Accordingly, the EU has decided to extend the existing appropriate measures for Fiji in order to create a window of opportunity for new consultations. While some of the appropriate measures are now out-of-date, it has been concluded that rather than update them unilaterally, the EU prefers to further explore possibilities for new consultations with Fiji. Consequently, it is of particular importance that the Interim Government commits to an inclusive domestic political dialogue and to flexibility concerning the time-frame for the roadmap. While the EU's position is, and always will be, guided by the essential elements of the revised Cotonou Agreement as well as its fundamental principles, notably regarding the pivotal role of dialogue and the fulfilment of mutual obligations, it is stressed that there are no foregone conclusions on the EU's side regarding the outcome of future consultations.

If new consultations result in substantial commitments from Fiji, the EU is committed to an early, positive review of these appropriate measures. Conversely, if the situation in Fiji does not improve, then further losses of development funds for Fiji are set to continue. In particular, the assessment of progress made towards return to constitutional rule will guide the EU in the upcoming decisions on Accompanying Measures for Sugar Protocol Countries and 10th EDF National Indicative Programme with respect to Fiji.

Until new consultations have taken place the EU invites Fiji to continue and intensify the enhanced political dialogue.

The appropriate measures are as follows:

- humanitarian aid and direct support to civil society may continue,
- cooperation activities under way in particular under the 8th and 9th EDFs, may continue,
- cooperation activities that would help the return to democracy and improve governance may be pursued, save under very exceptional circumstances,
- implementation of the sugar reform accompanying measures for 2006 may proceed. The financing agreement was signed at technical level by Fiji on 19 June 2007. It is noted that the financing agreement includes a suspension clause,

- the Interim Government's acceptance on 19 June 2007 of the report of 7 June by the Pacific Islands Forum's independent election experts is in line with Commitment No 1 agreed on 18 April 2007 between the Interim Government and the EU. Consequently, the preparation and eventual signing of the multi-annual indicative programme for sugar reform accompanying measures for 2008-2010 can proceed,
- the finalisation, signing at technical level and implementation of the Country Strategy Paper and National Indicative Programme for the 10th EDF with an indicative financial envelope, as well as the possible allocation of an incentive tranche of up to 25 % of this sum, will be subject to respect of the commitments made with regard to human rights and the rule of law, notably: that the Interim Government upholds the Constitution, that the independence of the judiciary is fully respected, that the Public Emergency Regulations, reintroduced on 6 September 2007, are lifted as soon as possible, that all allegations of human rights infringements are investigated or dealt with in accordance with the various procedures and forums under the laws of the Fiji Islands, and that the Interim Government will use its best endeavours to prevent statements by security agencies designed to intimidate,
- the 2007 sugar allocation was zero,
- availability of the 2008 sugar allocation was subject to evidence of credible and timely preparation of elections in accordance with the agreed commitments, notably regarding a census, the redrafting of boundaries and electoral reform in accordance with the Constitution, and measures taken to ensure the functioning of the Elections Office, including the appointment of a Supervisor of Elections by 30 September 2007 in accordance with the Constitution. This 2008 sugar allocation was lost on 31 December 2009,
- the 2009 sugar allocation was cancelled in May 2009 because the interim Government decided to delay general elections until September 2014,
- the 2010 allocation will depend on progress made in the continuation of the democratic process,
- additional support for the preparation and implementation of key commitments, in particular in support of the preparation and/or holding of elections, could be considered over and above what is described in this letter,
- regional cooperation, and Fiji's participation in it, is unaffected,
- cooperation with the European Investment Bank and the Centre for the Development of Enterprise may continue subject to the timely fulfilment of commitments made.

Monitoring of the commitments will be in accordance with the commitments listed in the Annex to this letter concerning regular dialogue, cooperation with missions and reporting.

Furthermore, the EU expects Fiji to cooperate fully with the Pacific Islands Forum regarding the implementation of the recommendations by the Eminent Persons' Group, as endorsed by the Forum Foreign Ministers at their meeting in Vanuatu on 16 March 2007.

The European Union will continue to follow the situation in Fiji closely. Under Article 8 of the Cotonou Agreement, an enhanced political dialogue will be conducted with Fiji to ensure respect for human rights, restoration of democracy and respect for the rule of law until both parties conclude that the enhanced nature of the dialogue has served its purpose.

If there is a slowing down, breakdown or reversal in the implementation by the Interim Government of the commitments made, the EU reserves the right to adjust the appropriate measures.

The EU stresses that Fiji's privileges in its cooperation with the EU depend on respect for the essential elements of the Cotonou Agreement and the values referred to in the Development Cooperation Instrument. In order to convince the EU that the Interim Government is fully prepared to follow up on the commitments given, it is essential that early and substantial progress is made in the fulfilment of the agreed commitments.

Yours sincerely,

Done at Brussels,

For the Commission

For the Council

ANNEX TO THE ANNEX

COMMITMENTS AGREED WITH THE REPUBLIC OF THE FIJI ISLANDS**A. Respect for Democratic Principles**

Commitment No 1

That free and fair parliamentary elections take place within 24 months from 1 March 2007, subject to the findings of an assessment to be carried out by the independent auditors appointed by the Pacific Islands Forum Secretariat. The processes leading to the holding of the elections will be jointly monitored, adapted and revised as necessary on the basis of mutually agreed benchmarks. This implies in particular that:

- by 30 June 2007 the Interim Government will adopt a schedule setting out dates for the completion of the various steps to be taken in preparation for the new parliamentary elections,
- the schedule specifies the timing of a census, the redrafting of boundaries and electoral reform,
- the determination of boundaries and electoral reform will be carried out in accordance with the Constitution,
- measures will be taken to ensure the functioning of the Elections Office, including the appointment of a Supervisor of Elections by 30 September 2007 in accordance with the Constitution,
- the appointment of the Vice-President will be in accordance with the Constitution.

Commitment No 2

That the Interim Government, when adopting major legislative, fiscal and other policy initiatives and changes, will take into account consultations with civil society and other relevant stakeholders.

B. Rule of Law

Commitment No 1

That the Interim Government will use its best endeavours to prevent statements by security agencies designed to intimidate.

Commitment No 2

That the Interim Government upholds the 1997 Constitution and guarantees the normal and independent functioning of constitutional institutions, such as the Fiji Human Rights Commission, the Public Service Commission, and the Constitutional Offices Commission. The substantial independence and functioning of the Great Council of Chiefs will be preserved.

Commitment No 3

That the independence of the judiciary is fully respected, that it is allowed to work freely and that its rulings are respected by all concerned parties, in particular:

- that the Interim Government undertakes to appoint the tribunal pursuant to Section 138(3) of the Constitution by 15 July 2007,
- that any appointment and/or dismissal of judges is henceforth carried out in strict conformity with constitutional provisions and procedural rules,
- that there will be no instances whatsoever of interference, of whatever form, by the military and the police or by the Interim Government with the judicial process, including full respect for the legal profession.

Commitment No 4

That all criminal proceedings in connection with corruption are dealt with through the appropriate judicial channels and that any other bodies that may be set up to investigate alleged cases of corruption will operate within constitutional boundaries.

C. Human Rights and Fundamental Freedoms

Commitment No 1

The Interim Government will take all necessary steps to facilitate that all allegations of human rights infringements are investigated or dealt with in accordance with the various procedures and forums under the laws of the Fiji Islands.

Commitment No 2

The Interim Government will lift the Public Emergency Regulations in May 2007, subject to any threats to national security, public order and safety.

Commitment No 3

The Interim Government is committed to ensuring that the Fiji Human Rights Commission functions with full independence and in accordance with the Constitution.

Commitment No 4

That freedom of expression and freedom of the media, in all forms, are fully respected as provided in the Constitution.

D. Follow-up of Commitments

Commitment No 1

That the Interim Government undertakes to maintain a regular dialogue to allow verification of the progress made and gives EU and EC authorities/representatives full access to information on all matters relating to human rights, the peaceful restoration of democracy and the rule of law in Fiji.

Commitment No 2

That the Interim Government cooperates fully with any missions from the EU and the EC to assess and monitor progress.

Commitment No 3

That the Interim Government sends progress reports every three months starting 30 June 2007 regarding the essential elements of the Cotonou Agreement and the commitments.

It is noted that certain issues can only be effectively addressed through a pragmatic approach that acknowledges the realities of the present and which focuses on the future.

COMMISSION DECISION

of 26 March 2010

on the allocation of import quotas for controlled substances for the period 1 January to 31 December 2010 under Regulation (EC) No 1005/2009 of the European Parliament and of the Council

(notified under document C(2010) 1907)

(Only the Czech, Dutch, English, French, German, Greek, Italian, Polish, Portuguese and Spanish texts are authentic)

(2010/209/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1005/2009 of the European Parliament and of the Council of 16 September 2009 on substances that deplete the ozone layer⁽¹⁾, and in particular to Article 16 thereof,

Whereas:

- (1) The release for free circulation in the Union of imported controlled substances is subject to quantitative limits as set out in Article 16 of Regulation (EC) No 1005/2009.
- (2) The Commission has published a Notice to undertakings intending to import or export controlled substances that deplete the ozone layer to or from the European Union in 2010 and undertakings intending to request for 2010 a quota for these substances intended for laboratory and analytical uses⁽²⁾ and has thereby received declarations on intended imports in 2010.
- (3) For the purpose of ensuring that operators and undertakings benefit from allocated import quotas in due time and thereby ensure the necessary continuity of their operations, it is appropriate that this Decision should apply as of 1 January 2010.
- (4) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 25(1) of Regulation (EC) No 1005/2009,

HAS ADOPTED THIS DECISION:

Article 1

1. The quantity of controlled substances of group I (chlorofluorocarbons 11, 12, 113, 114 and 115) and group II (other fully halogenated chlorofluorocarbons) subject to Regulation (EC) No 1005/2009 which may be released for free circulation in the Union in 2010 from sources outside the Union shall be 6 780 200,00 ozone depleting potential (ODP) kilograms.

2. The quantity of controlled substances of group III (halons) subject to Regulation (EC) No 1005/2009 that may be released

for free circulation in the Union in 2010 from sources outside the Union shall be 15 420 860,00 ODP kilograms.

3. The quantity of controlled substances of group IV (carbon tetrachloride) subject to Regulation (EC) No 1005/2009 that may be released for free circulation in the Union in 2010 from sources outside the Union shall be 16 502 530,00 ODP kilograms.

4. The quantity of controlled substances of group V (1,1,1-trichloroethane) subject to Regulation (EC) No 1005/2009 that may be released for free circulation in the Union in 2010 from sources outside the Union shall be 400 060,00 ODP kilograms.

5. The quantity of controlled substances of group VI (methyl bromide) subject to Regulation (EC) No 1005/2009 which may be released for free circulation in the Union in 2010 from sources outside the Union shall be 829 320,00 ODP kilograms.

6. The quantity of controlled substances of group VII (hydrobromofluorocarbons) subject to Regulation (EC) No 1005/2009 which may be released for free circulation in the Union in 2010 from sources outside the Union shall be 1 304,40 ODP kilograms.

7. The quantity of controlled substances of group VIII (hydrochlorofluorocarbons) subject to Regulation (EC) No 1005/2009 that may be released for free circulation in the Union in 2010 from sources outside the Union shall be 4 337 321,07 ODP kilograms.

8. The quantity of controlled substances of group IX (bromochloromethane) subject to Regulation (EC) No 1005/2009 that may be released for free circulation in the Union in 2010 from sources outside the Union shall be 174 012,00 ODP kilograms.

Article 2

1. The allocation of import quotas for chlorofluorocarbons 11, 12, 113, 114 and 115 and other fully halogenated chlorofluorocarbons during the period 1 January to 31 December 2010 shall be for the purposes indicated and to the undertakings indicated in Annex I.

⁽¹⁾ OJ L 286, 31.10.2009, p. 1.

⁽²⁾ OJ C 132, 11.6.2009, p. 19.

2. The allocation of import quotas for halons during the period 1 January to 31 December 2010 shall be for the purposes indicated and to the undertakings indicated in Annex II.

3. The allocation of import quotas for carbon tetrachloride during the period 1 January to 31 December 2010 shall be for the purposes indicated and to the undertakings indicated in Annex III.

4. The allocation of import quotas for 1,1,1-trichloroethane during the period 1 January to 31 December 2010 shall be for the purposes indicated and to the undertakings indicated in Annex IV.

5. The allocation of import quotas for methyl bromide during the period 1 January to 31 December 2010 shall be for the purposes indicated and to the undertakings indicated in Annex V.

6. The allocation of import quotas for hydrobromofluorocarbons during the period 1 January to 31 December 2010

shall be for the purposes indicated and to the undertakings indicated in Annex VI.

7. The allocation of import quotas for hydrochlorofluorocarbons during the period 1 January to 31 December 2010 shall be for the purposes indicated and to the undertakings indicated in Annex VII.

8. The allocation of import quotas for bromochloromethane during the period 1 January to 31 December 2010 shall be for the purposes indicated and to the undertakings indicated in Annex VIII.

9. The individual import quotas for undertakings shall be as set out in Annex IX.

Article 3

This Decision shall apply from 1 January 2010 and shall expire on 31 December 2010.

Article 4

This Decision is addressed to the following undertakings:

Albemarle Europe SPRL Parc Scientifique Einstein Rue du Bosquet 9 1348 Louvain-la-Neuve BELGIUM	AGC Chemicals Europe Ltd York House, Hillhouse International, Thornton Cleveleys, Lancashire FY5 4QD UNITED KINGDOM
ALFA Agricultural Supplies SA 73, Ethnikis Antistasseos str, Chalandri 152 31 Athens GREECE	Arkema France S.A. 420, rue d'Estienne D'Orves 92705 Colombes Cedex FRANCE
Arkema Qumica S.A. Avenida de Burgos 12 28036 Madrid SPAIN	Ateliers Bigata 96, rue du Montalieu, 33326 Eysines Cedex FRANCE
BASF Agri Production SAS 32 rue de Verdun, 76410 Saint-Aubin lès Elbeuf FRANCE	Bayer Crop Science AG Gebäude A729 41538 Dormagen GERMANY
Dow Deutschland Anlagengesellschaft mbH Bützflether Sand 21683 Stade GERMANY	DuPont de Nemours (Nederland) BV Baanhoekweg 22 3313 LA Dordrecht, NETHERLANDS
Dyneon GmbH Werk Gendorf Industrieparkstrasse 1 84508 Burgkirchen GERMANY	Eras Labo 222 RN 90 38330 Saint Nazaire les Eymes FRANCE
Esto Cheb s.r.o. Paleckého 2087/8a 35002 Cheb CZECH REPUBLIC	Fenner Dunlop BV Oliemolenstraat 2 9203 ZN Drachten NETHERLANDS
Fujifilm Electronic Materials (Europe) NV Keetberglaan 1A Haven 1061 2070 Zwijndrecht BELGIUM	Halon & Refrigerants Services Ltd J.Reid Trading Estate Factory Road, Sandycroft Deeside, Flintshire CH5 2QJ UNITED KINGDOM

Honeywell Fluorine Products Europe B.V. Laarderhoogtweg 18, 1101 EA Amsterdam NETHERLANDS	Hovione Farmaciencia SA Sete Casas 2674-506 Loures PORTUGAL
ICL-IP Europe B.V. Fosfaatweg 48 1013 BM Amsterdam NETHERLANDS	Ineos Fluor Ltd The Heath Runcorn, Cheshire WA7 4QX UNITED KINGDOM
Laboratorios Miret SA Geminis 4, 08228 Terrassa, Barcelona SPAIN	LPG Tecnicas en Extincion de Incendios SL C/Mestre Joan Corrales 107-109 08950 Esplugas de Llobregat, Barcelona SPAIN
Mebrom NV Assenedestraat 4 9940 Rieme Ertvelde BELGIUM	Meridian Technical Services Ltd 14 Hailey Road DA18 4AP Erith, Kent UNITED KINGDOM
Poż-Pliszka Sp. z o.o. ul.Szczecińska 45 80-392 Gdańsk POLAND	R.P. Chem s.r.l. Via San Michele 47 31062 Casale sul Sile (TV) ITALY
Safety Hi-Tech S.r.l. Via Cavour 96 67051 Avezzano (AQ) ITALY	Savi Technologie Sp. z o.o. ul. Wolności 20, Psary 51-180 Wrocław POLAND
Sigma Aldrich Company Ltd The Old Brickyard, New Road Gillingham SP8 4XT UNITED KINGDOM	Sigma Aldrich Logistik GmbH Riedstrasse 2 89555 Steinheim GERMANY
Solvay Fluor GmbH Hans-Böckler-Allee 20 30173 Hannover GERMANY	Solvay Solexis S.p.A. Viale Lombardia 20 20021 Bollate (MI) ITALY
Syngenta Crop Protection Surrey Research Park 30 Priestly Road Guildford Surrey GU2 7YH UNITED KINGDOM	TEGA Technische Gase und Gastechnik GmbH Werner-von-Siemens-Strasse 18 97076 Würzburg GERMANY
Tazzetti S.p.A. Corso Europa n. 600/a 10070 Volpiano (TO) ITALY	Total Feuerschutz GmbH Industriestr 13, 68526 Ladenburg GERMANY

Done at Brussels, 26 March 2010.

For the Commission
Connie HEDEGAARD
Member of the Commission

ANNEX I

GROUPS I AND II

Import quotas for chlorofluorocarbons 11, 12, 113, 114 and 115 and other fully halogenated chlorofluorocarbons allocated to importers in accordance with Regulation (EC) No 1005/2009 for feedstock uses and process agent uses during the period 1 January to 31 December 2010.

Company

Honeywell Fluorine Products Europe (NL)
Ineos Fluor (UK)
Solvay Solexis (IT)
Syngenta Crop Protection (UK)
Tazzetti Fluids (IT)
TEGA Technische Gase und Gastechnik (DE)

ANNEX II

GROUP III

Import quotas for halons allocated to importers in accordance with Regulation (EC) No 1005/2009 for feedstock uses and critical uses during the period 1 January to 31 December 2010.

Company

Ateliers Bigata (FR)
BASF Agri Product (FR)
ERAS Labo (FR)
ESTO Cheb (CZ)
Halon & Refrigerant Services (UK)
LPG Tecnicas en Extincion de Incendios (ES)
Meridian Technical Services (UK)
Poz-Pliszka (PL)
Savi Technologie (PL)
Safety Hi-Tech (IT)
Total Feuerschutz (DE)

*ANNEX III***GROUP IV**

Import quotas for carbon tetrachloride allocated to importers in accordance with Regulation (EC) No 1005/2009 for feedstock uses for the period 1 January to 31 December 2010.

Company

Dow Deutschland (DE)
Fenner Dunlop (NL)
Ineos Fluor (UK)

*ANNEX IV***GROUP V**

Import quotas for 1,1,1-trichloroethane allocated to importers in accordance with Regulation (EC) No 1005/2009 for feedstock uses for the period 1 January to 31 December 2010.

Company

Arkema (FR)
Fujifilm Electronic Materials Europe (BE)

*ANNEX V***GROUP VI**

Import quotas for methyl bromide allocated to importers in accordance with Regulation (EC) No 1005/2009 for feedstock uses for the period 1 January to 31 December 2010.

Company

Albemarle Europe (BE)
ALFA Agricultural (EL)
ICL-IP Europe (NL)
Mebrom (BE)
Sigma Aldrich Logistik (DE)

ANNEX VI

GROUP VII

Import quotas for hydrobromofluorocarbons allocated to importers in accordance with Regulation (EC) No 1005/2009 for feedstock uses for the period 1 January to 31 December 2010.

Company

Hovione Farmaciencia (PT)
R.P. Chem (IT)
Solvay Fluor (DE)

ANNEX VII

GROUP VIII

Import quotas for hydrochlorofluorocarbons allocated to importers in accordance with Regulation (EC) No 1005/2009 for feedstock uses and process agent uses as well as for laboratory and analytical uses, for the period 1 January to 31 December 2010.

Company

AGC Chemicals Europe (UK)
Arkema France (FR)
Arkema Quimica (ES)
Bayer Crop Science (DE)
DuPont de Nemours (NL)
Dyneon (DE)
Honeywell Fluorine Products Europe (NL)
Ineos Fluor (UK)
Sigma Aldrich Company (UK)
Sigma Aldrich Logistik (DE)
Solvay Fluor (DE)
Solvay Solexis (IT)
Tazzetti Fluids (IT)

*ANNEX VIII***GROUP IX**

Import quotas for bromochloromethane allocated to importers in accordance with Regulation (EC) No 1005/2009 for feedstock uses during the period 1 January to 31 December 2010.

Company

Albemarle Europe (BE)
ICL-IP Europe (NL)
Laboratorios Miret (ES)
Sigma Aldrich Logistik (DE)

ANNEX IX

(This Annex is not published because it contains confidential commercial information).

COMMISSION DECISION

of 6 April 2010

amending Decision 2009/296/EC establishing a specific control and inspection programme related to the recovery of bluefin tuna in the Eastern Atlantic and the Mediterranean*(notified under document C(2010) 2060)**(2010/210/EU)*

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy ⁽¹⁾, and in particular Article 95 thereof,

Whereas:

(1) The International Commission for the Conservation of the Atlantic Tunas (ICCAT) has adopted in 2006 a multi-annual recovery plan for bluefin tuna in the Eastern Atlantic and Mediterranean (ICCAT Recommendation 06-05), which entered into force on 13 June 2007. That Recovery Plan was transposed into Community legislation by Council Regulation (EC) No 1559/2007 ⁽²⁾.

(2) On 24 November 2008 ICCAT adopted Recommendation 08-05, amending Recommendation 06-05. That recommendation was transposed into Community legislation by Council Regulation (EC) No 302/2009 of 6 April 2009 concerning a multiannual recovery plan for bluefin tuna in the eastern Atlantic and Mediterranean, amending Regulation (EC) No 43/2009 and repealing Regulation (EC) No 1559/2007 ⁽³⁾.

(3) In order to ensure the successful implementation of ICCAT Recommendation 08-05, a specific control and inspection programme was necessary. Commission Decision 2009/296/EC ⁽⁴⁾ established therefore a specific control and inspection programme covering a period of 2 years (15 March 2009 to 15 March 2011).

(4) In Annex I to Decision 2009/296/EC, the Section entitled 'Inspection tasks' should be updated in order to reflect the provisions of Regulation (EC) No 302/2009.

(5) During its annual meeting in November 2009, the ICCAT Commission decided to improve the efficiency of inspections carried out under the ICCAT International Scheme of Inspections and to this view adopted a new format for inspection reports.

(6) Decision 2009/296/EC should therefore be amended accordingly.

(7) The measures provided for in this Decision have been established in concert with Member States concerned.

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

HAS ADOPTED THIS DECISION:

Article 1

Decision 2009/296/EC is amended as follows:

1. Article 8 is amended as follows:

(a) Paragraph 1 is replaced by the following:

'1. Member States whose inspectors discover any infringement, while carrying out an inspection of the activities listed in Article 2, shall inform the following Parties of the date of inspection and the details of the infringement:

(a) the relevant flag Member State and the Commission, and where appropriate;

(b) the Member State where the farming installation or the enterprise engaged in the processing and/or trade of bluefin tuna products is established.'

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

⁽²⁾ OJ L 340, 22.12.2007, p. 8.

⁽³⁾ OJ L 96, 15.4.2009, p. 1.

⁽⁴⁾ OJ L 80, 26.3.2009, p. 18.

(b) Paragraph 3 is replaced by the following:

‘3. Member States whose inspectors observe an activity or condition that may constitute a serious infringement, as defined in Section I(1) of Annex VI to Council Regulation (EC) No 302/2009 (*), shall immediately notify the Commission who will then notify directly the authorities of the flag State fishing vessel, as well as the ICCAT Secretariat.

(*) OJ L 96, 15.4.2009, p. 1.’

(c) In paragraph 4, the first sentence is replaced by the following:

‘In case a serious infringement, as defined in Section I(1) of Annex VI to Regulation (EC) No 302/2009, is discovered onboard a Community fishing vessel, the flag Member State shall ensure that, following the inspection, the fishing vessel flying its flag ceases all fishing activities.’

(d) Paragraph 5 is replaced by the following:

‘5. Member States shall cooperate to ensure that, if prosecution of an infringement is transferred to the Member State of registration in accordance with Article 86 of Council Regulation (EC) No 1224/2009 (*), the security and continuity of any evidence of the infringement cited by its inspectors is guaranteed in each case.

(*) OJ L 343, 22.12.2009, p. 1’.

2. Annex I is amended as follows:

(a) The Section entitled ‘Inspection tasks’ is amended as follows:

(i) Point 1.6(e) is replaced by the following:

‘(e) that the master of the catching and the tug vessels has ensured a monitoring of all the transfer activities by video camera in the water.’

(ii) Point 1.10(a) is replaced by the following:

‘(a) that the relevant documentation is present and duly completed and reported (bluefin tuna catch document and re-export certificate, transfer declaration, caging declaration, transshipment declaration);’

(b) The Section entitled ‘Report of inspections’ is replaced by the text in the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 6 April 2010.

For the Commission

Maria DAMANAKI

Member of the Commission

ANNEX

ICCAT INSPECTION REPORTS

Report of Inspection No ...

1.	Inspector(s)	Inspector's witness
1.1.	Name	Name
1.2.	Nationality	Nationality
1.3.	Contracting Parties	Contracting Parties
1.4.	ICCAT Identity Card number	ICCAT Identity Card number
2.	Vessel carrying the Inspector	
2.1.	Name and Registration	
2.2.	Flag	
3.	Vessel inspected	
3.1.	Name and Registration	
3.2.	Flag	
3.3.	Captain (Name and address)	
3.4.	Ship owner (Name and address)	
3.5.	ICCAT Record number	
3.6.	Type of vessel	
4.	Position	
4.1.	As determined by the inspector: Lat. Long.	
4.2.	As determined by the captain of the fishing vessel: Lat. Long.	
4.3.	Time (GMT) when position was recorded:	
5.	Date (dd/mm/yyyy)	
6.	Time	
6.1.	On arrival on board	
6.2.	Of departure from the vessel	
7.	Fishing gear on board	
	Purse seine ☐	Pole & Line (Bait boat) ☐
	Long line ☐	Trolling lines ☐
	Other (specify):	Number of cages:
	Towing cage(s) Yes No	
8.	Statement of photographs taken with description of subjects:	
9.	List of documents inspected and comments:	
9.1.	Log book Yes No	Infringement Yes No
9.2.	BCD Yes No	Infringement Yes No
9.3.	Transfer/transhipment declaration	
	Yes No	Infringement Yes No
9.4.	Other (specify):	

10. Results of the inspection of the fish on board:

10.1. Species observed on board

Species				
Total catch (kg)				
Information source				
Product type				
Sample inspected				
% Under minimum size				

10.2. Species declared to be in the cage/s

Transfer document No Date of first transfer

Farm of Destination

Catching vessel name

ICCAT No

Cage No Specie Individuals No Weight (kg)

11. Infringements of ICCAT conservation and management measures observed (description of infringement with mention of legal reference, and if serious violation(s) have been detected, please complete the attached sheet)

.....

.....

.....

.....

.....

12. Inspector's comments (if necessary use a complementary sheet specifying: 'attachment to ICCAT report number xxx')

.....

.....

.....

.....

.....

13. Inspector's signature Witness' signature

14. Observer's name, comments and signature

.....

.....

.....

.....

.....

15. Captain's comments and signature

.....

.....

.....

.....

.....

Serious Violations Observed

Vessel name:

Vessel flag:

ICCAT number:

- ☐ fishing without a license, permit or authorisation issued by the flag CPC;
- ☐ failure to maintain sufficient records of catch and catch-related data in accordance with the Commission's reporting requirements or significant misreporting of such catch and/or catch-related data;
- ☐ fishing in a closed area;
- ☐ fishing during a closed season;
- ☐ intentional taking or retention of species in contravention of any applicable conservation and management measure adopted by the ICCAT;
- ☐ significant violation of catch limits or quotas in force pursuant to the ICCAT rules;
- ☐ use of prohibited fishing gear;
- ☐ falsification or intentional concealment of the markings, identity or registration of a fishing vessel;
- ☐ concealment, tampering with or disposal of evidence relating to investigation of a violation;
- ☐ multiple violations which taken together constitute a serious disregard of measures in force pursuant to the ICCAT;
- ☐ assault, resistance, intimidation, sexual harassment, interference with, or undue obstruction or delay of an authorised inspector or observer;
- ☐ intentionally tampering with or disabling the vessel monitoring system;
- ☐ fishing with assistance of spotter planes;
- ☐ interference with the satellite monitoring system and/or operating without VMS system;
- ☐ transfer activity without transfer declaration;
- ☐ other (specify).

Inspector's signatureWitness' signature

Date

COMMISSION DECISION

of 7 April 2010

amending Decision 2008/855/EC as regards animal health control measures relating to classical swine fever in Germany*(notified under document C(2010) 2061)***(Text with EEA relevance)**

(2010/211/EU)

THE EUROPEAN COMMISSION,

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

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 ⁽¹⁾, and in particular Article 9(4) thereof,Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market ⁽²⁾, and in particular Article 10(4) thereof,

Whereas:

- (1) Commission Decision 2008/855/EC of 3 November 2008 concerning animal health control measures relating to classical swine fever in certain Member States ⁽³⁾ lays down certain control measures concerning classical swine fever in the Member States or regions thereof set out in the Annex to that Decision.
- (2) Germany has informed the Commission about the recent developments with regard to that disease in feral pigs in certain areas of the federal states of North Rhine-Westphalia and Rhineland-Palatinate.
- (3) That information indicates that classical swine fever in feral pigs has been eradicated in certain areas of those federal states. Accordingly, those areas where the situation improved should be removed from the list in

the Annex to Decision 2008/855/EC and the measures provided for in that Decision should no longer apply to them.

- (4) For the sake of transparency of Union legislation, the entire part of the list set out in the Annex to Decision 2008/855/EC which concerns Germany should be replaced by the text in the Annex to this Decision.
- (5) Decision 2008/855/EC 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

In the Annex to Decision 2008/855/EC, point 1 of Part I is replaced by the text in the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 7 April 2010.

For the Commission

John DALLI

Member of the Commission⁽¹⁾ OJ L 395, 30.12.1989, p. 13.⁽²⁾ OJ L 224, 18.8.1990, p. 29.⁽³⁾ OJ L 302, 13.11.2008, p. 19.

ANNEX

1. Germany**A. In the federal state Rhineland-Palatinate**

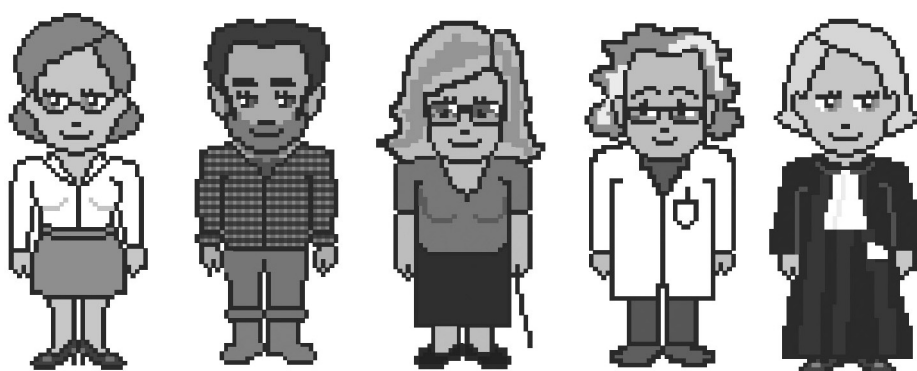
- (a) the Kreise Altenkirchen and Neuwied;
- (b) in the Kreis Westerwald: the municipalities Bad Marienberg, Hachenburg, Ransbach-Baumbach, Rennerod, Selters, Wallmerod and Westerburg, the municipality Höhr-Grenzhausen north of the motorway A48, the municipality Montabaur north of the motorway A3 and the municipality Wirges north of the motorways A48 and A3;
- (c) in the Landkreis Südwestpfalz: the municipalities Thaleischweiler-Fröschen, Waldfischbach-Burgalben, Rodalben and Wallhalben. In the Kreis Kaiserslautern: the municipalities Bruchmühlbach-Miesau in the south of the motorway A6, Kaiserslautern-Süd and Landstuhl;
- (d) the city of Kaiserslautern in the south of the motorway A6.

B. In the federal state North Rhine-Westphalia

- (a) in the Rhein-Sieg-Kreis: the cities Bad Honnef, Königswinter, Hennef (Sieg), Sankt Augustin, Niederkassel, Troisdorf, Siegburg and Lohmar and the municipalities Neunkirchen-Seelscheid, Eitorf, Ruppichterath, Windeck and Much;
 - (b) in the Kreis Siegen-Wittgenstein in the municipality Kreuztal the localities Krombach, Eichen, Fellinghausen, Osthelden, Junkernhees and Mittelhees, in the city Siegen the localities Sohlbach, Dillnhütten, Geisweid, Birkenbach, Trupbach, Seelbach, Achenbach, Lindenberg, Rosterberg, Rödgen, Obersdorf, Eisern and Eiserfeld, the municipalities Freudenberg, Neunkirchen and Burbach, in the municipality Wilnsdorf the localities Rinsdorf and Wilden;
 - (c) in the Kreis Olpe in the city Drolshagen the localities Drolshagen, Lüdespert, Schlade, Hützemert, Feldmannshof, Gipperich, Benolpe, Wormberg, Gelsingen, Husten, Halbhusten, Iseringhausen, Brachtpe, Berlinghausen, Eichen, Heiderhof, Forth and Buchhagen, in the city Olpe the localities Olpe, Rhode, Saßmicke, Dahl, Friedrichthal, Thieringhausen, Günsen, Altenkleusheim, Rhonard, Stachelau, Lütringhausen and Rüblinghausen, the municipality Wenden;
 - (d) in the Märkische Kreis the cities Halver, Kierspe and Meinerzhagen;
 - (e) in the city Remscheid the localities Halle, Lusebusch, Hackenberg, Dörper Höhe, Niederlangenbach, Durchsholz, Nagelsberg, Kleebach, Niederfeldbach, Endringhausen, Lennep, Westerholt, Grenzwall, Birgden, Schneppendahl, Oberfeldbach, Hasenberg, Lüdorf, Engelsburg, Forsten, Oberlangenbach, Niederlangenbach, Karlsruhe, Sonnenschein, Buchholzen, Bornefeld and Bergisch Born;
 - (f) in the cities Köln and Bonn the municipalities on the right side of the river Rhine;
 - (g) the city Leverkusen;
 - (h) the Rheinisch-Bergische Kreis;
 - (i) the Oberbergische Kreis.'
-

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