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## I

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

## REGULATIONS

**COMMISSION REGULATION (EC) No 269/2009****of 2 April 2009****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) <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 3 April 2009.

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

Done at Brussels, 2 April 2009.

*For the Commission*

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 | MA                                | 46,9                  |
|            | SN                                | 208,5                 |
|            | TN                                | 129,8                 |
|            | TR                                | 102,6                 |
|            | ZZ                                | 122,0                 |
| 0707 00 05 | JO                                | 155,5                 |
|            | MA                                | 60,3                  |
|            | TR                                | 158,0                 |
|            | ZZ                                | 124,6                 |
| 0709 90 70 | JO                                | 249,0                 |
|            | MA                                | 68,0                  |
|            | TR                                | 104,7                 |
|            | ZZ                                | 140,6                 |
| 0709 90 80 | EG                                | 60,4                  |
|            | ZZ                                | 60,4                  |
| 0805 10 20 | CN                                | 39,7                  |
|            | EG                                | 40,4                  |
|            | IL                                | 56,5                  |
|            | MA                                | 42,6                  |
|            | TN                                | 48,3                  |
|            | TR                                | 72,6                  |
|            | ZZ                                | 50,0                  |
| 0805 50 10 | TR                                | 65,5                  |
|            | ZZ                                | 65,5                  |
| 0808 10 80 | AR                                | 84,5                  |
|            | BR                                | 76,1                  |
|            | CL                                | 84,1                  |
|            | CN                                | 86,4                  |
|            | MK                                | 24,7                  |
|            | NZ                                | 114,6                 |
|            | US                                | 120,3                 |
|            | UY                                | 71,9                  |
|            | ZA                                | 72,2                  |
| ZZ         | 81,6                              |                       |
| 0808 20 50 | AR                                | 74,8                  |
|            | CL                                | 92,4                  |
|            | CN                                | 50,4                  |
|            | ZA                                | 97,8                  |
|            | ZZ                                | 78,9                  |

<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 (EC) No 270/2009

of 2 April 2009

**concerning the authorisation of 6-phytase as a feed additive for chickens for fattening (holder of the authorisation DSM Nutritional Products Ltd represented by DSM Nutritional products Sp. Z o.o.)**

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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 9(2) thereof,

Whereas:

- (1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition and for the grounds and procedures for granting such authorisation.
- (2) In accordance with Article 7 of Regulation (EC) No 1831/2003, an application was submitted for the authorisation of the preparation set out in the Annex to this Regulation. That application was accompanied by the particulars and documents required under Article 7(3) of Regulation (EC) No 1831/2003.
- (3) The application concerns the authorisation of the enzyme preparation 6-phytase produced by *Aspergillus oryzae* (DSM 17594), as a feed additive for chickens for fattening to be classified in the additive category 'zootechnical additives'.
- (4) From the Opinion of the European Food Safety Authority (the Authority) of 18 November 2008 and of 29 October 2008<sup>(2)</sup> it results that, based on the data provided by the applicant, the enzyme preparation 6-phytase, produced by *Aspergillus oryzae* (DSM 17594), as produced by the applicant DSM Nutritional Products

Ltd represented by DSM Nutritional products Sp. Z o.o., does not have an adverse effect on animal health, human health or the environment and that it is efficacious in improving the utilisation of phytate-bound phosphorus. The Authority does not consider that there is a need for specific requirements of post market monitoring. It also verified the report on the method of analysis of the feed additive in feed submitted by the Community Reference Laboratory set up by Regulation (EC) No 1831/2003.

- (5) The assessment of that preparation shows that the conditions for authorisation, provided for in Article 5 of Regulation (EC) No 1831/2003, are satisfied. Accordingly, the use of that preparation should be authorised as specified in the Annex to this Regulation.
- (6) 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 specified in the Annex, belonging to the additive category 'zootechnical additives' and to the functional group 'digestibility enhancers', is authorised as an additive in animal nutrition subject to the conditions laid down in that Annex.

*Article 2*

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

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

Done at Brussels, 2 April 2009.

For the Commission  
Androulla VASSILIOU  
Member of the Commission

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

<sup>(2)</sup> *The EFSA Journal* (2008) 871, 1-18.

## ANNEX

| Identification number of the additive  | Name of the holder of authorisation  | Additive                 | Composition, chemical formula, description, analytical method.  | 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 with a moisture content of 12 % |   |  |                  |                                |
| <b>Category of zootechnical additives. Functional group: digestibility enhancers.</b>  |  |                          |   |                               |             |  |   |  |                  |                                |
| 4a6  | DSM Nutritional Products Ltd represented by DSM Nutritional products<br>Sp. Z o.o. | 6-phytase<br>EC 3.1.3.26 | <p><b>Additive composition</b><br/>Preparation of 6-phytase produced by <i>Aspergillus oryzae</i> (DSM 17594) having a minimum activity of:<br/>Solid form: 10 000 FYT <sup>(1)</sup>/g<br/>Liquid form: 20 000 FYT/g</p> <p><b>Characterisation of the active substance</b><br/>6-phytase produced by <i>Aspergillus oryzae</i> (DSM 17594)</p> <p><b>Analytical method <sup>(2)</sup></b><br/>Colorimetric method based on reaction of vanadomolybdate on inorganic phosphate produced by action of 6-phytase on a phytate-containing substrate (sodium phytate) at pH 5,5 and 37 °C, quantified against a standard curve from inorganic phosphate.</p> | Chickens for fattening        | -           | 1 500 FYT  | - | <p>1. In the directions for use of the additive and premixture, indicate the storage temperature, storage life, and stability to pelleting.</p> <p>2. Recommended dose per kilogram of complete feedingstuff:<br/>— chickens for fattening: 1 500-3 000 FYT;</p> <p>3. For use in compound feed containing more than 0,23 % phytin-bound phosphorus.</p> <p>4. For safety: breathing protection, glasses and gloves shall be used during handling.</p> | 22 April 2019    |                                |
| <p>(1) One FYT is the amount of enzyme that releases 1 µmol of inorganic phosphate from phytate per minute under reaction conditions with a phytate concentration of 5,0 mM at pH 5,5 and a temperature of 37 °C during 30 minutes incubation.</p> <p>(2) Details of the analytical methods are available at the following address of the Community Reference Laboratory: <a href="http://www.irmm.jrc.be/crl-feed-additives">www.irmm.jrc.be/crl-feed-additives</a></p> |  |                          |   |                               |             |  |   |  |                  |                                |



## COMMISSION REGULATION (EC) No 271/2009

of 2 April 2009

**concerning the authorisation of a preparation of endo-1,4-beta-xylanase and endo-1,4-beta-glucanase as a feed additive for weaned piglets, chickens for fattening, laying hens, turkeys for fattening and ducks for fattening (holder of the authorisation BASF SE)**

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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 9(2) thereof,

Whereas:

- (1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition and for the grounds and procedures for granting such authorisation.
- (2) In accordance with Article 7 of Regulation (EC) No 1831/2003, an application was submitted for the authorisation of the preparation set out in the Annex to this Regulation. That application was accompanied by the particulars and documents required under Article 7(3) of Regulation (EC) No 1831/2003.
- (3) The application concerns the authorisation of the enzyme preparation endo-1,4-beta-xylanase produced by *Aspergillus niger* (CBS 109.713) and endo-1,4-beta-glucanase produced by *Aspergillus niger* (DSM 18404), as a feed additive for weaned piglets, chickens for fattening, laying hens, turkeys for fattening and ducks for fattening to be classified in the additive category 'zootechnical additives'.
- (4) From the opinion of the European Food Safety Authority (the Authority) of 3 December 2008 and on 9 December 2008<sup>(2)</sup> it results that the enzyme preparation endo-1,4-beta-xylanase produced by *Aspergillus niger* (CBS 109.713) and endo-1,4-beta-glucanase produced by *Aspergillus niger* (DSM 18404), as produced by the

applicant BASF SE, does not have an adverse effect on animal health, human health and the environment and that it is efficacious in increasing performance of piglets and chickens for fattening and in improving feed conversion in turkeys for fattening and laying hens. Based on the data provided for chickens for fattening, it was assumed efficacious also for ducks for fattening. It further concluded that the product may be a potential skin and respiratory sensitiser. The Authority does not consider that there is a need for specific requirements of post market monitoring. It also verified the report on the method of analysis of the feed additive in feed submitted by the Community Reference Laboratory set up by Regulation (EC) No 1831/2003.

- (5) The assessment of that preparation shows that the conditions for authorisation, provided for in Article 5 of Regulation (EC) No 1831/2003, are satisfied. Accordingly, the use of that preparation should be authorised as specified in the Annex to this Regulation.
- (6) 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 specified in the Annex, belonging to the additive category 'zootechnical additives' and to the functional group 'digestibility enhancers', is authorised as an additive in animal nutrition subject to the conditions laid down in that Annex.

*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, 2 April 2009.

For the Commission  
Androulla VASSILIOU  
Member of the Commission

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

<sup>(2)</sup> The EFSA Journal (2008) 914, 1-21.

## ANNEX

| Identification number of the additive  | Name of the holder of authorisation | Additive  | Composition, chemical formula, description, analytical method  | 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 with a moisture content of 12 %                              | 12 % |  |                  |                                |
| <b>Category of zotechnical additives. Functional group: digestibility enhancers.</b> |                                     |   |  |   |             |  |      |  |                  |                                |
| 4a7  | BASF SE                             | Endo-1,4-beta-xylanase<br>EC 3.2.1.8<br>Endo-1,4-beta-glucanase<br>EC 3.2.1.4 | <p><b>Additive composition:</b><br/>Preparation of endo-1,4-beta-xylanase produced by <i>Aspergillus niger</i> (CBS 109.713) and endo-1,4-beta-glucanase produced by <i>Aspergillus niger</i> (DSM 18404) having a minimum activity of:</p> <p>Solid form:<br/>5 600 TXU (1) and 2 500 TGU (2)/g</p> <p>Liquid form:<br/>5 600 TXU and 2 500 TGU/g</p> <p><b>Characterisation of the active substance:</b><br/>endo-1,4-beta-xylanase produced by <i>Aspergillus niger</i> (CBS 109.713) and endo-1,4-beta-glucanase produced by <i>Aspergillus niger</i> (DSM 18404)</p> <p><b>Analytical method (3)</b><br/>For quantification of endo-1,4-beta-xylanase activity:<br/>viscosimetric method based on decrease of viscosity produced by action of endo-1,4-beta-xylanase on the xylan containing substrate (wheat arabinoxylan) at pH = 3,5 and 55 °C.<br/>For quantification of endo-1,4-beta-glucanase activity:<br/>viscosimetric method based on decrease of viscosity produced by action of endo-1,4-beta-glucanase on the glucan containing substrate (barley beta-glucan) at pH = 3,5 and 40 °C.</p> | Piglets (weaned)<br>Chickens for fattening<br>Laying hens<br>Turkeys for fattening<br>Ducks for fattening | -           | 560 TXT<br>250 TGU<br>280 TXT<br>125 TGU<br>560 TXT<br>250 TGU<br>560 TXT<br>250 TGU<br>280 TXT<br>125 TGU | -    | <p>1. In the directions for use of the additive and premixture, indicate the storage temperature, storage life, and stability to pelleting.</p> <p>2. For use in feed rich in non-starch polysaccharides (mainly beta-glucans and arabinoxylns), e. g. containing more than 30 % wheat, barley, rye and/or triticale.</p> <p>3. Recommended doses for kilogram of complete feedingstuffs:<br/>Piglets (weaned):<br/>560-840 TXU/250-375 TGU;<br/>Chickens for fattening:<br/>280-840 TXU/125-375 TGU;<br/>Laying hens:<br/>560-840 TXU/250-375 TGU;<br/>Turkeys for fattening:<br/>560-840 TXU/250-375 TGU;<br/>Ducks for fattening:<br/>280-840 TXU/125-375 TGU.</p> <p>4. For use in weaned piglets until approximately 35 kg.</p> <p>5. For safety: breathing protection, glasses and gloves shall be used during handling.</p> | 22 April 2019    |                                |

(1) 1 TXU is the amount of enzyme which liberates 5 micromoles of reducing sugars (xylose equivalents) from wheat arabinoxylan per minute at pH 3,5 and 40 °C.

(2) 1 TGU is the amount of enzyme which liberates 1 micromole of reducing sugars (glucose equivalents) from barley beta-glucan per minute at pH 3,5 and 40 °C.

(3) Details of the analytical methods are available at the following address of the Community Reference Laboratory: [www.irmm.jrc.be/crl-feed-additives](http://www.irmm.jrc.be/crl-feed-additives)

**COMMISSION REGULATION (EC) No 272/2009****of 2 April 2009****supplementing the common basic standards on civil aviation security laid down in the Annex to Regulation (EC) No 300/2008 of the European Parliament and of the Council**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 300/2008 of the European Parliament and of the Council of 11 March 2008 on common rules in the field of civil aviation security and repealing Regulation (EC) No 2320/2002 <sup>(1)</sup>, and in particular Article 4(2) thereof,

Whereas:

- (1) The Commission is required by Article 4(2) of Regulation (EC) No 300/2008 to adopt general measures designed to amend non-essential elements of the common basic standards on civil aviation security laid down in the Annex to that Regulation by supplementing them.
- (2) Article 4(3) of Regulation (EC) No 300/2008 further provides that the Commission must adopt detailed measures for implementing the common basic standards on civil aviation security laid down in the Annex to Regulation (EC) No 300/2008, as supplemented by the general measures adopted by the Commission on the basis of Article 4(2).
- (3) General measures supplementing the common basic standards on civil aviation security should therefore be adopted in the field of screening, access control and other security controls as well as in the field of prohibited articles, third country recognition of equivalence, staff recruitment, training, special security procedures and exemptions from security controls.
- (4) These general measures are necessary in order to achieve a level of aviation security within the European Union that is equivalent to the standards required by Regulation (EC) No 2320/2002 <sup>(2)</sup>, which was repealed by Regulation (EC) No 300/2008.
- (5) In accordance with Article 24 of Regulation (EC) No 300/2008, the Annex to the said Regulation shall apply as from the date to be specified in the implementing rules, but not later than 24 months after the entry into force of Regulation (EC) No 300/2008. Therefore, the application of the general measures adopted pursuant to Article 4(2) of Regulation (EC) No 300/2008 should be deferred until the adoption of implementing rules pursuant to Article 4(3), but not later than 29 April 2010.
- (6) Methods, including technologies, for detection of liquid explosives should be deployed on an EU-wide basis at airports as swiftly as possible and no later than 29 April 2010, thus allowing passengers to carry harmless liquids without restrictions. If it is not possible to deploy methods, including technologies, for the detection of liquid explosives on an EU-wide basis in time, the Commission will propose the necessary addition to the categories of items that may be prohibited (Part B of the Annex). If the deployment of methods, including technologies, is not possible at certain airports for objective reasons, modalities to allow liquids to be carried without compromising standards of security will be specified by the Commission in implementing measures.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Committee on Civil Aviation Security,

HAS ADOPTED THIS REGULATION:

*Article 1*

This Regulation provides for general measures to supplement the common basic standards set out in the Annex to Regulation (EC) No 300/2008 in order to:

- (a) allow methods of screening as laid down in part A of the Annex;
- (b) prohibit categories of articles as laid down in part B of the Annex;
- (c) provide grounds for granting access to airside and security restricted areas as laid down in part C of the Annex;
- (d) allow methods for the examination of vehicles, aircraft security checks and aircraft security searches as laid down in part D of the Annex;
- (e) establish criteria for recognising the equivalence of security standards of third countries as laid down in part E of the Annex;
- (f) set the conditions under which cargo and mail shall be screened or subjected to other security controls and determine the process for the approval or designation of regulated agents, known consignors and account consignors as laid down in part F of the Annex;

<sup>(1)</sup> OJ L 97, 9.4.2008, p. 72.

<sup>(2)</sup> OJ L 355, 30.12.2002, p. 1.

- (g) set the conditions under which air carrier mail and air carrier materials shall be screened or subjected to other security controls as laid down in part G of the Annex;
- (h) set the conditions under which in-flight supplies and airport supplies shall be screened or subjected to other security controls and determine the process for the approval or designation of regulated suppliers and known suppliers as laid down in part H of the Annex;
- (i) establish criteria for defining critical parts of security restricted areas as laid down in part I of the Annex;
- (j) establish criteria applicable for the recruitment of persons who will implement, or will be responsible for the implementation of, screening, access control or other security controls and instructors as well as the methods of training of those persons and persons who will be issued with an airport identification card or crew identification card as laid down in part J of the Annex; and
- (k) set the conditions under which special security procedures or exemptions from security controls may be applied as laid down in part K of the Annex.
2. 'in-flight supplies' means all items other than:
- (a) cabin baggage;
  - (b) items carried by persons other than passengers; and
  - (c) air carrier mail and air carrier materials;
- intended to be taken on board an aircraft for use, consumption or purchase by passengers or crew during a flight;
3. 'regulated supplier of in-flight supplies' means a supplier whose procedures meet common security rules and standards sufficient to allow delivery of in-flight supplies directly to aircraft;
4. 'known supplier of in-flight supplies' means a supplier whose procedures meet common security rules and standards sufficient to allow delivery of in-flight supplies to an air carrier or regulated supplier, but not directly to aircraft;
5. 'known supplier of airport supplies' means a supplier whose procedures meet common security rules and standards sufficient to allow delivery of airport supplies to security restricted areas.

#### Article 2

For the purposes of this Regulation, the following definitions shall apply:

1. 'airport supplies' means all items intended to be sold, used or made available in security restricted areas of airports;

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

Done at Brussels, 2 April 2009.

#### Article 3

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

It shall apply as from the date specified in the implementing rules adopted in accordance with the procedure referred to in Article 4(3) of Regulation (EC) No 300/2008, but not later than 29 April 2010.

For the Commission

Antonio TAJANI

Vice-President

## ANNEX

## PART A.

**Methods of screening allowed**

The implementing rules to be adopted pursuant to Article 4(3) of Regulation (EC) No 300/2008 may allow the use of the following methods of screening, individually or in combination, as a primary or secondary means and under defined conditions:

## 1. For the screening of persons:

- (a) hand search;
- (b) walk-through metal detection (WTMD) equipment;
- (c) hand-held metal detection (HHMD) equipment;
- (d) explosive detection dogs; and
- (e) explosive trace detection (ETD) equipment.

## 2. For the screening of cabin baggage, items carried by persons other than passengers, air carrier mail and air carrier materials except when to be loaded into the hold of an aircraft, in-flight supplies and airport supplies:

- (a) hand search;
- (b) visual check;
- (c) x-ray equipment;
- (d) explosive detection systems (EDS) equipment;
- (e) explosive detection dogs; and
- (f) explosive trace detection (ETD) equipment.

For the screening of liquids, gels and aerosols:

- (a) tasting or testing on the skin;
- (b) visual check;
- (c) x-ray equipment;
- (d) explosive detection systems (EDS) equipment;
- (e) explosive detection dogs;
- (f) explosive trace detection (ETD) equipment;
- (g) chemical reaction test strips; and
- (h) bottled liquid scanners.

## 3. For the screening of hold baggage, cargo and mail as well as air carrier mail and air carrier materials to be loaded into the hold of an aircraft:

- (a) hand search;
- (b) visual check;
- (c) x-ray equipment;
- (d) explosive detection systems (EDS) equipment;
- (e) explosive detection dogs;

- (f) explosive trace detection (ETD) equipment; and
- (g) simulation chamber.

In order to evaluate methods of screening using new technologies not foreseen at the time of adoption of this Regulation, the implementing rules to be adopted pursuant to Article 4(3) of Regulation (EC) No 300/2008 may allow the use of other methods on a trial basis and for a limited period of time on condition that such trials do not prejudice the overall levels of security.

#### PART B.

##### **Categories of articles that may be prohibited**

The implementing rules to be adopted pursuant to Article 4(3) of Regulation (EC) No 300/2008 may prohibit, under defined conditions, the introduction of any or all of the following categories of articles into security restricted areas and on board an aircraft:

- (a) *guns, firearms and other devices that discharge projectiles* – devices capable, or appearing capable, of being used to cause serious injury by discharging a projectile;
- (b) *stunning devices* – devices designed specifically to stun or immobilise;
- (c) *objects with a sharp point or sharp edge* – objects with a sharp point or sharp edge capable of being used to cause serious injury;
- (d) *workmen's tools* – tools capable of being used either to cause serious injury or to threaten the safety of aircraft;
- (e) *blunt instruments* – objects capable of being used to cause serious injury when used to hit; and
- (f) *explosives and incendiary substances and devices* – explosives and incendiary substances and devices capable, or appearing capable, of being used to cause serious injury or to pose a threat to the safety of aircraft.

#### PART C.

##### **Access control: grounds for granting access to airside and security restricted areas**

Access to airside and security restricted areas shall be granted according to the following criteria:

1. Access to airside may only be authorised if persons and vehicles have a legitimate reason to be there.

In order to be granted access to airside a person shall carry an authorisation.

In order to be granted access to airside a vehicle shall have a vehicle pass.

2. Access to security restricted areas may only be granted if persons and vehicles have a legitimate reason to be there.

In order to be granted access to security restricted areas a person shall present an authorisation.

In order to be granted access to security restricted areas a vehicle shall display a vehicle pass.

#### PART D.

##### **Methods allowed for the examination of vehicles, aircraft security checks and aircraft security searches**

The implementing rules to be adopted pursuant to Article 4(3) of Regulation (EC) No 300/2008 may allow the use of the following methods for the examination of vehicles, aircraft security checks and aircraft security searches, individually or in combination, as a primary or secondary means and under defined conditions:

- (a) hand search;
- (b) visual check;
- (c) explosive detection dogs; and
- (d) explosive trace detection (ETD) equipment.

In order to evaluate methods of examination using new technologies not foreseen at the time of adoption of this Regulation, the implementing rules to be adopted pursuant to Article 4(3) of Regulation (EC) No 300/2008 may allow the use of other methods on a trial basis and for a limited period of time on condition that such trials do not prejudice the overall levels of security.

## PART E.

**Criteria for recognising the equivalence of security standards of third countries**

The Commission shall recognise the equivalence of security standards of third countries in accordance with the following criteria:

- (a) The third country has a good record of cooperation with the Community and its Member States;
- (b) The Commission has verified that the third country applies satisfactory standards of aviation security, including quality control; and
- (c) The Commission has verified that:
  - as regards passengers and cabin baggage, security measures are applied equivalent to those set out in sections 1, 3, 11 and 12 and points 4.1 and 4.2 of the Annex to Regulation (EC) No 300/2008 and related implementing acts;
  - as regards hold baggage, security measures are applied equivalent to those set out in sections 1, 3, 5, 11 and 12 of the Annex to Regulation (EC) No 300/2008 and related implementing acts;
  - as regards cargo and mail, security measures are applied equivalent to those set out in sections 1, 3, 6, 11 and 12 of the Annex to Regulation (EC) No 300/2008 and related implementing acts; and/or
  - as regards aircraft security, security measures are applied equivalent to those set out in sections 1, 3, 11 and 12 and points 4.1 and 4.2 of the Annex to Regulation (EC) No 300/2008 and related implementing acts.

## PART F.

**Cargo and mail****1. Cargo and mail: conditions under which they shall be screened or subjected to other security controls**

Cargo and mail to be loaded on an aircraft shall be screened, unless:

- (a) security controls have been applied to the consignment by a regulated agent and the consignment has been protected from unauthorised interference from the time that those security controls were applied; or
- (b) security controls have been applied to the consignment by a known consignor and the consignment has been protected from unauthorised interference from the time that those security controls were applied; or
- (c) security controls have been applied to the consignment by an account consignor, the consignment has been protected from unauthorised interference from the time that those security controls were applied, and the cargo is carried on an all-cargo aircraft or the mail on an all-mail aircraft; or
- (d) security controls have been applied to transfer cargo and transfer mail, as referred to in point 6.1.2 of the Annex to Regulation (EC) No 300/2008.

**2. Cargo and mail: the process for the approval or designation of regulated agents, known consignors and account consignors**

The following process for the approval or designation of regulated agents, known consignors and account consignors shall apply:

**1. Regulated agents shall be approved by the appropriate authority.**

In order to be approved as a regulated agent, the applicant shall submit documentation on aviation security standards and shall then be subject to an on-site verification to ensure that it fulfils the required standards.

**2. Known consignors shall be approved by the appropriate authority.**

In order to be approved as a known consignor, the applicant shall provide information on aviation security standards and shall be subject to an on-site verification to ensure that it fulfils the required standards.

As an alternative to approval, the appropriate authority may allow a known consignor to be designated by a regulated agent until a date to be established in the implementing rules to be adopted pursuant to in Article 4(3) of Regulation (EC) No 300/2008.

**3. Account consignors shall be designated by a regulated agent.**

In order to be designated as an account consignor, the regulated agent shall ensure that the prospective account consignor provides information on aviation security standards and shall make a validation.

## PART G.

**Air carrier mail and air carrier materials: conditions under which they shall be screened or subjected to other security controls**

Air carrier mail and air carrier materials to be loaded into the hold of an aircraft shall either be screened as hold baggage or subjected to the same security controls as for cargo and mail.

Air carrier mail and air carrier materials to be loaded into any part of an aircraft other than the hold shall be screened as cabin baggage.

## PART H.

**In-flight supplies and airport supplies***1. In-flight supplies and airport supplies: conditions under which they shall be screened or subjected to other security controls*

1. In-flight supplies to be loaded on an aircraft shall be screened, unless:
  - (a) security controls have been applied to the supplies by an air carrier that delivers these to its own aircraft and the supplies have been protected from unauthorised interference from the time that those controls were applied until delivery at the aircraft; or
  - (b) security controls have been applied to the supplies by a regulated supplier and the supplies have been protected from unauthorised interference from the time that those controls were applied until delivery at the aircraft or, where applicable, to the air carrier or another regulated supplier; or
  - (c) security controls have been applied to the supplies by a known supplier and the supplies have been protected from unauthorised interference from the time that those controls were applied until delivery to the air carrier or regulated supplier.
2. Airport supplies shall be screened before being allowed into security restricted areas, unless security controls have been applied to the supplies by a known supplier and the supplies have been protected from unauthorised interference from the time that those controls were applied until they are in the security restricted area.

*2. In-flight supplies and airport supplies: the process for the approval or designation of regulated suppliers and known suppliers*

1. Regulated suppliers of in-flight supplies shall be approved by the appropriate authority by a date to be established in the implementing rules to be adopted pursuant to Article 4(3) of Regulation (EC) No 300/2008.

In order to be approved as a regulated supplier of in-flight supplies, the applicant shall submit documentation on aviation security standards and shall then be subject to an on-site verification to ensure that it fulfils the required standards.

2. Known suppliers of in-flight supplies shall be designated by the operator or entity to whom it delivers.

In order to be designated as a known supplier of in-flight supplies, the operator or entity to whom it delivers shall ensure that the prospective known supplier provides information on aviation security standards and shall make a validation.

3. Known suppliers of airport supplies shall be designated by the airport operator.

In order to be designated as a known supplier of airport supplies, the airport operator shall ensure that the prospective known supplier provides information on aviation security standards and shall make a validation.

## PART I.

**Criteria for defining critical parts of security restricted areas**

The definition of critical parts of security restricted areas shall ensure that there is no contamination of screened departing passengers (both originating and transfer) and their cabin baggage as well as of screened departing hold baggage (both originating and transfer).



## PART J.

**Staff recruitment and methods of training**1. *Criteria for staff recruitment*

The following criteria shall apply for the recruitment of both persons who will implement, or will be responsible for the implementation of, screening, access control or other security controls and instructors:

- (a) they shall have successfully completed a background check or pre-employment check in accordance with national rules; and
- (b) they shall have those abilities necessary to carry out the tasks to which they are assigned.

2. *Methods of training*

The implementing rules to be adopted pursuant to Article 4(3) of Regulation (EC) No 300/2008 may require that:

- (a) persons implementing, or responsible for implementing, screening, access control or other security controls;
- (b) instructors; and
- (c) persons who will be issued with an airport identification card or crew identification card; receive theoretical, practical and/or on-the-job training.

## PART K.

**Conditions under which special security procedures or exemptions from security controls may be applied**

The implementing rules to be adopted pursuant to Article 4(3) of Regulation (EC) No 300/2008 may allow special security procedures or exemptions from security controls to be applied on condition that:

- (a) the procedure or exemption is established by the Commission or the appropriate authority; and
  - (b) there are objective reasons that justify the procedure or exemption.
-

**COMMISSION REGULATION (EC) No 273/2009****of 2 April 2009****laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code, derogating from certain provisions of Commission Regulation (EEC) No 2454/93**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code <sup>(1)</sup>, and in particular Article 247 thereof,

Whereas:

- (1) Commission Regulation (EC) No 1875/2006 <sup>(2)</sup> has introduced in Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code <sup>(3)</sup> an obligation for economic operators to provide electronic entry and exit summary declarations to the customs authorities for goods entering or leaving the customs territory of the Community, in order to enable those authorities to carry out computerized risk analysis on the basis of such information before the goods are brought into or out of the customs territory of the Community. In accordance with Article 3(3) of Regulation (EC) No 1875/2006, this information is to be provided from 1 July 2009.
- (2) Due to the complexity of the processes for introducing of electronic entry and exit summary declarations, unanticipated delays have occurred in the implementation process so that not all economic operators will be in a position to use information technology and computer networks for these purposes by 1 July 2009. Though information technology and computer networks facilitate international trade, they also require investments in automatic data transmission systems which may cause problems for economic operators in the short term. It is therefore appropriate to take such situations into account by providing that during a transitional period economic operators will be able, but will not be obliged, to lodge electronic entry and exit summary declarations in order to allow them to adjust their systems to the new legal requirements.
- (3) The introduction of a transitional period for electronic exit summary declarations justifies maintaining, for the same period, the facilitation which can be granted under Article 285a(2) of Regulation (EEC) No 2454/93 to approved exporters benefiting from the local clearance procedure, provided that the customs office of exit is located in the same Member States as the customs office of export and receives the particulars necessary for the exit of the goods.
- (4) In cases where economic operators do not lodge electronic entry or exit summary declarations or where the local clearance procedure is used under Article 285a(2) of Regulation (EEC) No 2454/93, the customs authorities will not be able to carry out risk analysis for safety and security purposes on the basis of the data laid down for entry and exit summary declarations in Annex 30A of Regulation (EEC) No 2454/93. In those cases, the customs authorities should use for their risk analysis the information available, at the latest upon presentation of the goods entering or leaving the customs territory of the Community.
- (5) On the basis of the information available it may be assumed that a transitional period of 18 months is sufficient to permit economic operators to comply with all obligations laid down in Regulation (EEC) No 2454/93. The derogations provided for in this Regulation should therefore end on 31 December 2010. Accordingly after 31 December 2010 electronic entry and exit summary declarations with the data laid down in Annex 30A of Regulation (EEC) No 2454/93 should be lodged within the prescribed time limits for goods entering or leaving the customs territory of the Community, and the facilitation provided for in Article 285a(2) of Regulation (EEC) No 2454/93 should no longer apply.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

*Article 1*

From 1 July 2009 until 31 December 2010 the lodging of the entry summary declaration referred to in Articles 1(17) and 183 of Regulation (EEC) No 2454/93 shall not be mandatory.

<sup>(1)</sup> OJ L 302, 19.10.1992, p. 1.<sup>(2)</sup> OJ L 360, 19.12.2006, p. 64.<sup>(3)</sup> OJ L 253, 11.10.1993, p. 1.

That entry summary declaration can be lodged on a voluntary basis.

Where in accordance with paragraph 1 the entry summary declaration is not lodged, the risk analysis referred to in Article 184d of Regulation (EEC) No 2454/93 shall be carried out by the customs authorities at the latest upon presentation of the goods at arrival in the customs territory of the Community, where appropriate on the basis of the declaration for temporary storage or the customs declaration covering the goods or any other information available for these goods.

Where in accordance with paragraph 1 the entry summary declaration is not lodged, the provisions regarding goods brought into the customs territory of the Community laid down in Title III of Regulation (EEC) No 2913/92 and in Part I Title VI of Regulation (EEC) No 2454/93 as applicable on 30 June 2009 shall apply.

#### *Article 2*

From 1 July 2009 until 31 December 2010 the lodging of the exit summary declaration referred to in Articles 592f (1), 842a and 842b of Regulation (EEC) No 2454/93 shall not be mandatory.

That exit summary declaration can be lodged on a voluntary basis.

Where in accordance with paragraph 1 the exit summary declaration is not lodged, the risk analysis referred to in Article 842d(2) of Regulation (EEC) No 2454/93 shall be carried out by the customs authorities at the latest upon presentation of the goods at the customs office of exit, where appropriate on the basis of the information available for these goods.

Where in accordance with paragraph 1 the exit summary declaration is not lodged, re-exportation shall be notified to the customs authorities in accordance with Article 182(3) of Regulation (EEC) No 2913/92 as it applied on 30 June 2009.

#### *Article 3*

Article 285a(2) of Regulation (EEC) No 2454/93 may be applied until 31 December 2010 with regard to approved exporters benefiting from this facilitation at the date of entry into force of this Regulation, provided that the customs office of exit is located in the same Member State as the customs office of export and receives the particulars necessary for the exit of the goods.

#### *Article 4*

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

It shall apply from 1 July 2009 until 31 December 2010.

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

Done at Brussels, 2 April 2009.

*For the Commission*  
László KOVÁCS  
*Member of the Commission*

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## COMMISSION REGULATION (EC) No 274/2009

of 2 April 2009

**fixing the quantitative limit for the exports of out-of-quota sugar and isoglucose until the end of the 2009/2010 marketing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) <sup>(1)</sup>, and in particular Article 61, first paragraph, point (d), in conjunction with Article 4 thereof,

Whereas:

(1) According to Article 61, first paragraph, point (d) of Regulation (EC) No 1234/2007, the sugar or isoglucose produced in excess of the quota referred to in Article 56 of that Regulation may be exported only within the quantitative limit to be fixed.

(2) Detailed implementing rules for out-of-quota exports, in particular concerning the issue of export licences are laid down by Commission Regulation (EC) No 951/2006 <sup>(2)</sup>. However, the quantitative limit should be fixed per marketing year in view of the possible opportunities on the export markets.

(3) For certain Community producers of sugar and isoglucose, exports from the Community represent an important part of their economic activities and they have established traditional markets outside the Community. Exports of sugar and isoglucose to those markets could be economically viable also without granting export refunds. To that end it is necessary to fix a quantitative limit for out-of-quota sugar and isoglucose exports so that the Community producers concerned may continue to supply their traditional markets.

(4) For the 2009/2010 marketing year it is estimated that fixing the quantitative limit at 650 000 tonnes, in white sugar equivalent, for out-of-quota sugar exports and 50 000 tonnes, in dry matter, for out-of-quota isoglucose would correspond to the market demand.

(5) Community exports of sugar to certain close destinations and to third countries granting Community products a preferential import treatment are currently in a particular favourable competitive position. In view of the absence of appropriate instruments of mutual assistance to fight against irregularities and in order to minimise the risk of fraud and to prevent any abuse associated with the reimport or reintroduction into the Community of out-of-quota sugar certain close destinations should be excluded from the eligible destinations.

(6) In view of the estimated lower risks for eventual frauds regarding isoglucose due to the nature of the product it is not necessary to restrict the eligible destinations for the export of out-of-quota isoglucose.

(7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

*Article 1***Fixing the quantitative limit for out-of-quota sugar exports**

1. For the 2009/2010 marketing year, running from 1 October 2009 to 30 September 2010, the quantitative limit referred to in Article 61, first paragraph, point (d) of Regulation (EC) 1234/2007 shall be 650 000 tonnes for exports without refund of out-of-quota white sugar falling within CN code 1701 99.

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

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

2. Exports within the quantitative limit fixed in paragraph 1 shall be allowed for all destinations excluding:

- (a) third countries: Andorra, Liechtenstein, the Holy See (Vatican City State), San Marino, Croatia, Bosnia and Herzegovina, Serbia <sup>(1)</sup>, Montenegro, Albania and the former Yugoslav Republic of Macedonia;
- (b) territories of Member States not forming part of the customs territory of the Community: the Faeroe Islands, Greenland, Heligoland, Ceuta, Melilla, the communes of Livigno and Campione d'Italia, and the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control;
- (c) European territories for whose external relations a Member State is responsible, not forming part of the customs territory of the Community: Gibraltar.

#### Article 2

#### **Fixing the quantitative limit for out-of-quota isoglucose exports**

1. For the 2009/2010 marketing year, running from 1 October 2009 to 30 September 2010, the quantitative limit referred to in Article 61, first paragraph, point (d) of Regulation (EC) 1234/2007 shall be 50 000 tonnes, in dry matter, for exports without refund of out-of-quota isoglucose falling within CN codes 1702 40 10, 1702 60 10 and 1702 90 30.

2. Exports of the products referred to in paragraph 1 shall only be allowed where they comply with the conditions laid down in Article 4 of Regulation (EC) No 951/2006.

#### Article 3

#### **Entry into force**

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

It shall apply from 1 October 2009.

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

Done at Brussels, 2 April 2009.

*For the Commission*

Mariann FISCHER BOEL

*Member of the Commission*

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<sup>(1)</sup> As well as Kosovo under UN Security Council Resolution 1244 of 10 June 1999.

**COMMISSION REGULATION (EC) No 275/2009**  
**of 2 April 2009**  
**amending Council Regulation (EC) No 872/2004 concerning further restrictive measures in relation to Liberia**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 872/2004 concerning further restrictive measures in relation to Liberia <sup>(1)</sup>, and in particular Article 11(a) thereof,

Whereas:

- (1) Annex I to Regulation (EC) No 872/2004 lists the natural and legal persons, bodies and entities covered by the freezing of funds and economic resources under that Regulation.
- (2) On 4, 15 and 18 December 2008 and on 3 February 2009, the Sanctions Committee of the United Nations Security Council decided to amend the list of persons,

groups and entities to whom the freezing of funds and economic resources should apply. Annex I should therefore be amended accordingly.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Annex I to Regulation (EC) No 872/2004 is hereby amended as set out in the Annex to this Regulation.

*Article 2*

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

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

Done at Brussels, 2 April 2009.

*For the Commission*  
Eneko LANDÁBURU  
*Director-General for External Relations*

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<sup>(1)</sup> OJ L 162, 30.4.2004, p. 32.

## ANNEX

Annex I to Regulation (EC) No 872/2004 is amended as follows:

(1) The following natural persons shall be removed:

'(a) Jenkins Dunbar. Date of birth: (a) 10.1.1947, (b) 10.6.1947. Other information: former Minister of Lands, Mines, Energy.

(b) Gus Kouwenhoven (*alias* (a) Kouwenhoven, (b) Kouenhoven, (c) Kouenhaven). Date of birth: 15.9.1942. Other information: owner of Hotel Africa. President of the Oriental Timber Company.'

(2) The entry 'Ali Kleilat (*alias* (a) Ali Qoleilat, (b) Ali Koleilat Delbi). Date of birth: 10.7.1970. Place of birth: Beirut. Nationality: Lebanese. Passport No: 0508734. National Registry No: 2016, Mazraa. Other information: Businessman, involved in arms delivery to Charles Taylor in 2003. Still, in relation with former Liberian President Charles Taylor' shall be replaced by the following:

'Ali Kleilat (*alias* (a) Ali Qoleilat, (b) Ali Koleilat Delbi, (c) Ali Ramadan Kleilat Al-Delby, (d) Ali Ramadan Kleilat Al-Dilby, (e) Ali Ramadan Kleilat, (f) Ali Ramadan Kleilat Sari). Date of birth: 10.7.1970 (year of birth given on some of his passports is 1963). Place of birth: Beirut, Lebanon. Nationality: Lebanese. Passports No: (a) 0508734, (b) 1432126 (Lebanon), (c) Regular-RL0160888 (Lebanon), (d) D00290903 (Liberia), (e) Z01037744 (Netherlands), (f) Regular-B0744958 (Venezuela). National Registry No: 2016, Mazraa. Date of designation referred to in Article 6(b): 23.6.2004.'

(3) The entry 'Mohamed Ahmad Salame (*alias* (a) Mohamed Ahmad Salami, (b) Ameri Al Jawad, (c) Jawad Al Ameri, (d) Moustapha Salami, (e) Moustapha A Salami). Date of birth: (a) 22.9.1961, (b) 18.10.1963. Place of birth: Abengourou, Côte d'Ivoire. Nationality: Lebanese. Passports: (a) Ordinary Lebanese Passport: 1622263 (valid 24/04/01-23/04/06), (b) Togolese Diplomatic Passport: 004296/00409/00 (valid 21/08/02-23/08/07), (c) Liberian Diplomatic Passport: 000275 (valid 11/01/98-10/01/00), (d) Liberian Diplomatic Passport: 002414 (valid 20/06/01-19/06/03, name: Ameri Al Jawad, date of birth: 18.10.1963, place of birth: Ganta, Nimba County), (e) Ivorian Passport, (f) Liberian Diplomatic Passport: D/001217. Other information: Owner of Mohamed and Company Logging Company' shall be replaced by the following:

'Mohamed Ahmad Salame (*alias* (a) Mohamed Ahmad Salami, (b) Ameri Al Jawad, (c) Jawad Al Ameri, (d) Moustapha Salami, (e) Moustapha A Salami). Date of birth: (a) 22.9.1961, (b) 18.10.1963. Place of birth: Abengourou, Côte d'Ivoire. Nationality: Lebanese. Passports No: (a) 1622263 (Ordinary Lebanese passport, valid 24.4.2001-23.4.2006), (b) 004296/00409/00 (Togolese Diplomatic passport, valid 21.8.2002-23.8.2007), (c) 000275 (Liberian Diplomatic Passport, valid 11.1.1998-10.1.2000), (d) 002414 (Liberian Diplomatic Passport, valid 20.6.2001-19.6.2003, name: Ameri Al Jawad, date of birth: 18.10.1963, place of birth: Ganta, Nimba County), (e) D/001217 (Liberian Diplomatic Passport), (f) Diplomatic-2781 (Liberian Diplomatic Passport). Other information: (a) Ivorian Passport; no details available, (b) Owner of Mohamed and Company Logging Company. Date of designation referred to in Article 6(b): 23.6.2004.'

(4) The entry 'Edwin M., Snowe jr. Nationality: Liberian. Passport number: (a) OR/0056672-01, (b) D/005072. Other information: Managing Director of the Liberian Petroleum and Refining Corporation (LPRC)' shall be replaced by the following:

'Edwin M., Snowe jr. Nationality: Liberian. Passport number: (a) OR/0056672-01, (b) D/005072, (c) D-00172 (ECOWAS-DPL Passport, valid 7.8.2008-6.7.2010). Other information: Managing Director of the Liberian Petroleum and Refining Corporation (LPRC). Date of designation referred to in Article 6(b): 10.9.2004.'

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## DIRECTIVES

## COMMISSION DIRECTIVE 2009/25/EC

of 2 April 2009

## amending Council Directive 91/414/EEC as regards an extension of the use of the active substance pyraclostrobin

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market <sup>(1)</sup>, and in particular the second indent of the second subparagraph of Article 6(1) thereof,

Whereas:

(1) By Commission Directive 2004/30/EC <sup>(2)</sup> pyraclostrobin was included as active substance in Annex I to Directive 91/414/CEE.

(2) When applying for the inclusion of pyraclostrobin its manufacturer BASF SE (hereinafter the notifier) submitted data on uses to control certain fungi which supported the overall conclusion that it may be expected that plant protection products containing pyraclostrobin will fulfil the safety requirements laid down in Article 5(1)(a) and (b) of Directive 91/414/EEC. Therefore, pyraclostrobin was included in Annex I to that Directive with the specific provision that Member States may only authorise uses as fungicide.

(3) In addition to the control of fungi in certain agricultural uses, the notifier now has applied for an amendment to those specific provisions to allow pyraclostrobin to be used as a plant growth regulator. In order to support such an extension of the use, the notifier submitted additional information.

(4) Germany evaluated the information and data submitted by the notifier. Germany informed the Commission in October 2008 about its conclusion that the requested extension of use does not cause any risks in addition to those already taken into account in the specific

provisions for pyraclostrobin in Annex I to Directive 91/414/EEC and in the Commission review report for that substance. In particular, the extension does not involve a modification of the application parameters, as set out in the specific provisions of Annex I to Directive 91/414/EEC.

(5) Therefore it is justified to modify the specific provisions for pyraclostrobin.

(6) It is therefore appropriate to amend Directive 91/414/EEC accordingly.

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

HAS ADOPTED THIS DIRECTIVE:

*Article 1*

Annex I to Directive 91/414/EEC is amended as set out in the Annex to this Directive.

*Article 2*

Member States shall adopt and publish by 3 August 2009 at the latest the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

They shall apply those provisions from 4 August 2009.

When Member States adopt those provisions, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

<sup>(1)</sup> OJ L 230, 19.8.1991, p. 1.

<sup>(2)</sup> OJ L 77, 13.3.2004, p. 50.



*Article 3*

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

*Article 4*

This Directive is addressed to the Member States.

Done at Brussels, 2 April 2009.

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

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## ANNEX

In Annex I to Directive 91/414/EEC, row 82 is replaced by the following:

|    |   |   |  |                    |                    |  |
|----|---|---|--|--------------------|--------------------|--|
| 82 | <p>Pyraclostrobin<br/>CAS No 175013-18-0<br/>CIPAC No 657</p> | <p>methyl N-(2-([1-(4-chlorophenyl)-1H-pyrazol-3-yl]oxymethyl)phenyl)-N-methoxy carbamate</p> | <p>975 g/kg<br/>The manufacturing impurity dimethyl sulfate (DMS) is considered to be of toxicological concern and must not exceed a concentration of 0,0001 % in the technical product.</p> | <p>1 June 2004</p> | <p>31 May 2014</p> | <p>Only uses as fungicide or plant growth regulator may be authorised.<br/>For the implementation of the uniform principles of Annex VI, the conclusions of the review report on pyraclostrobin, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 28 November 2003 shall be taken into account. In this overall assessment Member States</p> <ul style="list-style-type: none"> <li>— should pay particular attention to the protection of aquatic organisms, especially fish,</li> <li>— should pay particular attention to the protection of terrestrial arthropods and earthworms,</li> </ul> <p>Risk mitigation measures should be applied where appropriate.</p> <p>The Member States shall inform the Commission in accordance with Article 13(5) on the specification of the technical material as commercially manufactured.</p> |
|----|---|---|--|--------------------|--------------------|--|

## II

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

## DECISIONS

## COMMISSION

## COMMISSION DECISION

of 2 April 2009

**approving requests by Cyprus, Malta, Austria, Romania and Slovakia for exemption from the obligation to prepare an Eel Management Plan in accordance with Council Regulation (EC) No 1100/2007**

(notified under document number C(2009) 2231)

(Only the German, Greek, Maltese, Romanian and Slovak texts are authentic)

(2009/310/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1100/2007 of 18 September 2007 establishing measures for the recovery of the stock of European eel<sup>(1)</sup> and in particular Article 3(3) thereof,

Whereas:

(1) Regulation (EC) No 1100/2007 establishes a framework for the protection and sustainable use of the stock of European eel in Community waters and in coastal lagoons, in estuaries, and in rivers and communicating inland waters of Member States.

(2) Article 2 of Regulation (EC) No 1100/2007 requires Member States to identify and define the individual river basins lying within their national territory that constitute natural habitats for the European eel. For each eel river basin, Member States are to prepare an Eel Management Plan.

(3) Article 3(1) of Regulation (EC) No 1100/2007 stipulates that a Member State may be exempt from the obligation to prepare an Eel Management Plan if appropriate justification is provided that river basins or maritime waters lying within its territory do not constitute natural habitats for the European eel. The Member States shall communicate to the Commission a request for exemption. The request must be approved by the Commission on the basis of a technical and scientific evaluation by the STEFC or by another appropriate scientific body.

(4) Cyprus, Malta, Austria, Romania and Slovakia communicated to the Commission requests for exemption from the obligation to prepare an Eel Management Plan including appropriate justifications.

(5) The International Council for the Exploration of the Seas (ICES) provided the Commission with a technical and scientific evaluation of the requests.

(6) According to the evaluation carried out by the International Council for the Exploration of the Seas (ICES), the river basins or maritime waters concerned by the aforementioned requests for exemption cannot be identified and defined as constituting natural habitats for the European eel for the purposes of Regulation (EC) No 1100/2007.

<sup>(1)</sup> OJ L 248, 22.9.2007, p. 17.

- (7) Therefore, having regard to Article 3(1) of Regulation (EC) No 1100/2007, it is appropriate to grant exemptions to the relevant Member States from the obligation to prepare Eel Management Plans.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Committee for Fisheries and Aquaculture,

- (c) Austria,  
(d) Romania,  
(e) Slovakia.

HAS ADOPTED THIS DECISION:

*Article 1*

The following Member States are exempt from the obligation to prepare an Eel Management Plan in accordance with Regulation (EC) No 1100/2007:

- (a) Cyprus,  
(b) Malta,

*Article 2*

This Decision is addressed to the Republic of Cyprus, the Republic of Malta, the Republic of Austria, Romania and the Slovak Republic.

Done at Brussels, 2 April 2009.

*For the Commission*  
Joe BORG  
*Member of the Commission*

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## COMMISSION DECISION

of 2 April 2009

**allowing Member States to extend provisional authorisations granted for the new active substances topramezone, sulfuryl fluoride and zucchini yellow mosaic virus — weak strain**

(notified under document number C(2009) 2348)

(Text with EEA relevance)

(2009/311/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market <sup>(1)</sup>, and in particular the fourth subparagraph of Article 8(1) thereof,

Whereas:

(1) In accordance with Article 6(2) of Directive 91/414/EEC, in May 2003 France received an application from BASF AG, for the inclusion of the active substance topramezone in Annex I to Directive 91/414/EEC. Commission Decision 2003/850/EC <sup>(2)</sup> confirmed that the dossier was complete and could be considered as satisfying, in principle, the data and information requirements of Annex II and Annex III to that Directive.

(2) In July 2002 the United Kingdom received an application from Dow AgroSciences Ltd concerning sulfuryl fluoride. Commission Decision 2003/305/EC <sup>(3)</sup> confirmed that the dossier was complete and could be considered as satisfying, in principle, the data and information requirements of Annex II and Annex III to that Directive.

(3) In March 2005 the United Kingdom received an application from Central Science Laboratory concerning *zucchini yellow mosaic virus* — weak strain. Commission Decision 2006/586/EC <sup>(4)</sup> confirmed that the dossier was complete and could be considered as satisfying, in principle, the data and information requirements of Annex II and Annex III to that Directive.

(4) Confirmation of the completeness of the dossiers was necessary in order to allow them to be examined in detail and to allow Member States the possibility of granting provisional authorisations, for periods of up to three years, for plant protection products containing the active substances concerned, while complying with the conditions laid down in Article 8(1) of Directive 91/414/EEC and, in particular, the condition relating to the detailed assessment of the active substances and the plant protection product in the light of the requirements laid down by that Directive.

(5) For these active substances, the effects on human health and the environment have been assessed, in accordance with the provisions of Article 6(2) and (4) of Directive 91/414/EEC, for the uses proposed by the applicants. The rapporteur Member State submitted the draft assessment reports to the Commission on 21 July 2006 (topramezone), on 29 October 2004 (sulfuryl fluoride) and on 30 June 2006 (*zucchini yellow mosaic virus* — weak strain).

(6) Following submission of the draft assessment report by the rapporteur Member State, it has been found to be necessary to request further information from the applicant and to have the rapporteur Member State examine that information and submit its assessment. Therefore, the examination of the dossier is still ongoing and it will not be possible to complete the evaluation within the timeframe provided for in Directive 91/414/EEC.

(7) As the evaluation so far has not identified any reason for immediate concern, Member States should be given the possibility of prolonging provisional authorisations granted for plant protection products containing the active substance concerned for a period of 24 months in accordance with the provisions of Article 8 of Directive 91/414/EEC so as to enable the examination of the dossiers to continue. It is expected that the evaluation and decision-making process with respect to a decision on possible Annex I inclusion for topramezone, sulfuryl fluoride and *zucchini yellow mosaic virus* — weak strain will have been completed within 24 months.

(8) 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*

Member States may extend provisional authorisations for plant protection products containing topramezone, sulfuryl fluoride and *zucchini yellow mosaic virus* — weak strain for a period not exceeding 24 months from the date of adoption of this Decision.

<sup>(1)</sup> OJ L 230, 19.8.1991, p. 1.

<sup>(2)</sup> OJ L 322, 9.12.2003, p. 28.

<sup>(3)</sup> OJ L 112, 6.5.2003, p. 10.

<sup>(4)</sup> OJ L 236, 31.8.2006, p. 31.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 2 April 2009.

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

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## COMMISSION DECISION

of 2 April 2009

## amending Decision 2000/96/EC as regards dedicated surveillance networks for communicable diseases

(notified under document number C(2009) 2351)

(Text with EEA relevance)

(2009/312/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

operation of dedicated surveillance networks<sup>(3)</sup>, inter alia, specifies the communicable diseases and special health issues for which dedicated surveillance networks had been put in place at that time.

Having regard to the Treaty establishing the European Community,

Having regard to Decision No 2119/98/EC of the European Parliament and of the Council of 24 September 1998 setting up a network for the epidemiological surveillance and control of communicable diseases in the Community<sup>(1)</sup>, and in particular Article 3 thereof,

(4) Regulation (EC) No 851/2004 of the European Parliament and of the Council of 21 April 2004 establishing a European centre for disease prevention and control<sup>(4)</sup> (ECDC) defines dedicated surveillance networks (DSN) as any specific network on diseases or special health issues selected for epidemiological surveillance between accredited structures and authorities of Member States.

Whereas:

(1) Commission Decision 2000/96/EC of 22 December 1999 on the communicable diseases to be progressively covered by the Community network under Decision No 2119/98/EC of the European Parliament and of the Council<sup>(2)</sup> establishes a list of communicable diseases and special health issues for epidemiological surveillance purposes. The main purpose for developing at Community level such a network for the surveillance and control of communicable diseases was to collect and coordinate information from monitoring networks in the Member States in relation to public health.

(5) Article 3(2)(d) of Regulation (EC) No 851/2004, entrusted the ECDC with the mission to coordinate the European networking of bodies operating within the fields of its mission, including networks arising from the public health activities supported by the Commission and operating the DSN.

(2) As at the time of adoption of the Decision 2000/96/EC not all communicable diseases or special health issues selected for epidemiological surveillance could be covered by the Community network, some dedicated surveillance networks have been identified as those which could be already put in place.

(6) The ECDC currently monitors the relative importance of diseases and special health issues and whenever required by the epidemiological situation suggests amending the list of communicable diseases to be progressively covered by the Community network; in addition any new diseases included within the Decision 2000/96/EC are immediately covered by epidemiological surveillance of the ECDC.

(3) Commission Decision 2003/542/EC of 17 July 2003 amending Decision 2000/96/EC as regards the

(7) As the vast majority of the diseases and health issues listed in the Annex I to Decision 2000/96/EC is now covered by the ECDC activities, it is no longer necessary to highlight in that Annex, by means of asterisks, those networks which are already in place.

(8) Decision 2000/96/EC should therefore be amended accordingly.

<sup>(1)</sup> OJ L 268, 3.10.1998, p. 1.

<sup>(2)</sup> OJ L 28, 3.2.2000, p. 50.

<sup>(3)</sup> OJ L 185, 24.7.2003, p. 55.

<sup>(4)</sup> OJ L 142, 30.4.2004, p. 1.

(9) The measures provided for in this Decision are in accordance with the opinion of the Committee set up by Article 7 of Decision No 2119/98/EC,

2. Annex I is amended as set out in the Annex to this Decision.

*Article 2*

HAS ADOPTED THIS DECISION:

This Decision is addressed to the Member States.

*Article 1*

Done at Brussels, 2 April 2009.

Decision 2000/96/EC is amended as follows:

1. In the Article 4(2) the first subparagraph is deleted.

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

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## ANNEX

Annex I to Decision 2000/96/EC is replaced by the following:

## 'ANNEX I

1. **COMMUNICABLE DISEASES AND SPECIAL HEALTH ISSUES TO BE PROGRESSIVELY COVERED BY THE COMMUNITY NETWORK AS REFERRED TO IN ARTICLE 1**
- 1.1. For the communicable diseases and special health issues listed in this Annex, epidemiological surveillance within the Community network is to be performed by the standardised collection and analysis of data in a way that is to be determined for each communicable disease and special health issue when specific surveillance networks are put in place.
2. **DISEASES**
- 2.1. **Diseases preventable by vaccination**
  - Diphtheria
  - Infections with *Haemophilus influenza* group B
  - Influenza
  - Measles
  - Mumps
  - Pertussis
  - Poliomyelitis
  - Rubella
  - Smallpox
  - Tetanus
- 2.2. **Sexually-transmitted diseases**
  - Chlamydia infections
  - Gonococcal infections
  - HIV infection
  - Syphilis
- 2.3. **Viral hepatitis**
  - Hepatitis A
  - Hepatitis B
  - Hepatitis C
- 2.4. **Food- and waterborne diseases and diseases of environmental origin**
  - Anthrax
  - Botulism
  - Campylobacteriosis
  - Cryptosporidiosis
  - Giardiasis
  - Infection with Enterohaemorrhagic *E. coli*
  - Leptospirosis
  - Listeriosis
  - Salmonellosis
  - Shigellosis
  - Toxoplasmosis
  - Trichinosis
  - Yersinosis

**2.5. Other diseases****2.5.1. Diseases transmitted by non-conventional agents**

Transmissible spongiform encephalopathies, variant Creutzfeldt-Jakob's disease

**2.5.2. Airborne diseases**

Legionellosis

Meningococcal disease

Pneumococcal infections

Tuberculosis

Severe acute respiratory syndrome (SARS)

**2.5.3. Zoonoses (other than those listed in 2.4)**

Brucellosis

Echinococcosis

Rabies

Q fever

Tularaemia

Avian influenza in humans

West Nile virus infection

**2.5.4. Serious imported diseases**

Cholera

Malaria

Plague

Viral haemorrhagic fevers

**3. SPECIAL HEALTH ISSUES****3.1. Nosocomial infections****3.2. Antimicrobial resistance'**

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**CORRIGENDA****Corrigendum to Council Joint Action 2009/137/CFSP of 16 February 2009 extending the mandate of the European Union Special Representative in Kosovo**

*(Official Journal of the European Union L 46 of 17 February 2009)*

On page 69:

— The title should read:

**'Council Joint Action 2009/137/CFSP of 16 February 2009 extending the mandate of the European Union Special Representative in Kosovo <sup>(1)</sup>'**

— The corresponding footnote <sup>(1)</sup> reads as follows:

<sup>(1)</sup> Under United Nations Security Council Resolution 1244 (1999):'

— The remaining footnotes in the left column are renumbered accordingly.

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**Corrigendum to Council Directive 94/45/EC of 22 September 1994 on the establishment of a European Works Council or a procedure in Community-scale undertakings and Community-scale groups of undertakings for the purposes of informing and consulting employees**

*(Official Journal of the European Communities L 254 of 30 September 1994)*

On page 68, Article 6(2), introductory wording:

for: '2. Without prejudice to the autonomy of the parties, the agreement referred to in paragraph 1 between the central management and the special negotiating body shall determine:'

read: '2. Without prejudice to the autonomy of the parties, the agreement referred to in paragraph 1 and effected in writing between the central management and the special negotiating body shall determine:'.

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