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I

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

REGULATIONS

COUNCIL REGULATION (EC) No 563/2009

of 25 June 2009

**amending Regulation (EC) No 2505/96 opening and providing for the administration of autonomous
Community tariff quotas for certain agricultural and industrial products**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 26 thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) For certain products for which an autonomous tariff quota is opened by Regulation (EC) No 2505/96 ⁽¹⁾ the quota amount set out in that Regulation is expressed in a measurement unit other than the weight in tonnes or kilogram and than the value. Where for those products no supplementary measurement unit is set out in the Combined Nomenclature laid down in Annex I to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff ⁽²⁾ there can be uncertainty in respect of the measurement unit used. For the sake of clarity and in the interest of a better quotas management it is therefore necessary to provide that, in order to benefit from the said autonomous tariff quotas, the exact quantity of the products imported must be entered in 'Box 41: Supplementary units' of the declaration for release for free circulation using the measurement unit of the quota amount set out for those products in Annex I to Regulation (EC) No 2505/96.

(2) Community demand for the products to which Regulation (EC) No 2505/96 applies should be met under the most favourable conditions. For that purpose with effect from 1 July 2009, three new Community tariff quotas should be opened at zero rates of duty for appropriate amounts while avoiding any disturbance to the markets for those products.

(3) The quota amount for autonomous Community tariff quota with order No 09.2767 is insufficient to meet the needs of the Community industry. Consequently, this quota amount should be increased.

(4) For the autonomous Community tariff quota with order No 09.2806 the product description should be revised.

(5) Regulation (EC) No 2505/96 should therefore be amended accordingly.

(6) Having regard to the economic importance of this Regulation, it is necessary to rely on the grounds of urgency provided for in point I(3) of the Protocol on the role of national parliaments in the European Union annexed to the Treaty on European Union and to the Treaties establishing the European Community.

(7) Since the tariff quotas have to take effect from 1 July 2009, this Regulation should apply from the same date and enter into force immediately,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2505/96 is hereby amended as follows:

1. the following Article shall be inserted:

'Article 1a

Where a declaration for release for free circulation is presented for a product mentioned in this Regulation, for

⁽¹⁾ OJ L 345, 31.12.1996, p. 1.

⁽²⁾ OJ L 256, 7.9.1987, p. 1.

which the quota amount is expressed in a measurement unit other than the weight in tonnes or kilogram and than the value, for products for which no supplementary unit is set out in the Combined Nomenclature laid down in Annex I to Council Regulation (EEC) No 2658/87, the exact quantity of the products imported shall be entered in "Box 41: Supplementary units" of that declaration using the measurement unit of the quota amount for those products as set out in Annex I to this Regulation.;

2. Annex I shall be amended as follows:

- (a) the tariff quotas for the products set out in Annex I to this Regulation shall be inserted;

- (b) with effect from 1 January 2009, the rows for the tariff quotas with order numbers 09.2767 and 09.2806 shall be replaced by the rows set out in Annex II 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*.

It shall apply from 1 July 2009.

However, Article 1(2)(b) shall apply from 1 January 2009.

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

Done at Luxembourg, 25 June 2009.

For the Council
The President
L. MIKO

ANNEX I

Order number	CN code	TARIC	Description	Quota period	Quota amount	Quota duty
09.2813	ex 3920 91 00	94	Co-extruded trilayer poly(vinyl butyral) film without a graduated colour band containing by weight 29 % or more but not more than 31 % of 2,2'-ethylenedioxydiethyl bis(2-ethylhexanoate) as a plasticiser	1.7.-31.12.	500 000 m ²	0 %
09.2807	ex 3913 90 00	86	Non sterile sodium hyaluronate	1.7.-31.12.	55 000 g	0 %
09.2815	ex 6909 19 00	70	Supports for catalysts or filters, consisting of porous ceramics made primarily from oxides of aluminium and titanium; with a total volume of not more than 65 litres and at least one duct (open on one or both ends) per cm ² of cross section	1.7.-31.12.	190 000 units	0 %

ANNEX II

Order number	CN code	TARIC	Description	Quota period	Quota amount	Quota duty
09.2806	ex 2825 90 40	30	Tungsten trioxide, including blue tungsten oxide	1.1.-31.12.	12 000 tonnes	0 %
09.2767	ex 2910 90 00	80	Allyl glycidyl ether	1.1.-31.12.	2 500 tonnes	0 %

COUNCIL REGULATION (EC) No 564/2009**of 25 June 2009****amending Regulation (EC) No 1255/96 temporarily suspending the autonomous common customs tariff duties on certain industrial, agricultural and fishery products**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 26 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) It is in the interest of the Community to suspend totally the autonomous common customs tariff duties on a number of new products not listed in the Annex to Council Regulation (EC) No 1255/96 ⁽¹⁾.
- (2) The CN and TARIC codes 0304 29 61 10, 0304 99 99 31, 3902 90 90 97, 3903 90 90 85, 7410 21 00 70, 7606 12 91 20 and 7606 12 93 20 for five products which are currently listed in the Annex to Regulation (EC) No 1255/96 should be deleted because it is no longer in the interest of the Community to maintain the suspension of autonomous common customs tariff duties for those products.
- (3) It is necessary to alter the description of 32 suspensions in the Annex to Regulation (EC) No 1255/96 in order to take account of technical product developments and economic trends on the market. Those suspensions should be deleted from the list in that Annex and reinserted as new suspensions using new descriptions. In the interest of clarity those suspensions should be marked with an asterisk in the first column of Annex I and of Annex II to this Regulation.
- (4) Experience has shown the need to provide for an expiry date to the suspensions listed in Regulation (EC) No 1255/96 to ensure that account is taken of technological and economic changes. This should not exclude the premature termination of certain measures or their

continuation beyond that period, if economic reasons are submitted, in accordance with the principles laid down in the Commission communication of 1998 concerning autonomous tariff suspensions and quotas ⁽²⁾.

(5) Regulation (EC) No 1255/96 should therefore be amended accordingly.

(6) Since the suspensions laid down in this Regulation have to take effect from 1 July 2009, this Regulation should apply from the same date and enter into force immediately. With respect to products with CN and TARIC code 9001 90 00 60, the new description should be applied from 1 January 2009,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 1255/96 is amended as follows:

1. the rows for the products listed in Annex I to this Regulation shall be inserted;
2. the rows for the products for which the CN and TARIC codes are set out in Annex II to this Regulation shall be deleted.

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 apply from 1 July 2009. However, it shall apply from 1 January 2009 for the description of products with CN and TARIC code 9001 90 00 60 as set out in Annex I to this Regulation.

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

Done at Luxembourg, 25 June 2009.

For the Council
The President
L. MIKO

⁽¹⁾ OJ L 158, 29.6.1996, p. 1.

⁽²⁾ OJ C 128, 25.4.1998, p. 2.

ANNEX I

Products referred to in Article 1(1)

CN code	TARIC	Description	Rate of autonomous duty	Validity period
(*) ex 1511 90 19	10	Palm oil, coconut (copra) oil, palm kernel oil, for the manufacture of:	0 %	1.7.2009-31.12.2013
(*) ex 1511 90 91	10	— industrial monocarboxylic fatty acids of subheading 3823 19 10,		
(*) ex 1513 11 10	10	— methyl esters of fatty acids of heading 2915 or 2916,		
(*) ex 1513 19 30	10	— fatty alcohols of subheadings 2905 17, 2905 19 and 3823 70 used for the manufacture of cosmetics, washing products or pharmaceutical products,		
(*) ex 1513 21 10	10	— fatty alcohols of subheading 2905 16, pure or mixed, used for the manufacture of cosmetics, washing products or pharmaceutical products,		
(*) ex 1513 29 30	10	— stearic acid of subheading 3823 11 00, or — goods of heading No 3401 (¹)		
ex 1518 00 99	10	Jojoba oil, hydrogenated and texturised	0 %	1.7.2009-31.12.2013
ex 2804 50 90	10	Tellurium of a purity by weight of 99,99 % or more, but not more than 99,999 % by weight	0 %	1.7.2009-31.12.2013
ex 2827 39 85	30	Manganese dichloride	0 %	1.7.2009-31.12.2013
ex 2903 39 90	75	Trans-1,3,3,3-tetrafluoroprop-1-ene	0 %	1.7.2009-31.12.2013
ex 2903 69 90	50	Fluorobenzene	0 %	1.7.2009-31.12.2013
ex 2903 69 90	60	α -Chloro(ethyl)toluenes	0 %	1.7.2009-31.12.2013
ex 2904 90 40	10	Trichloronitromethane, for the manufacture of goods of subheading 3808 92 (¹)	0 %	1.7.2009-31.12.2013
ex 2909 19 90	60	1-Methoxyheptafluoropropane	0 %	1.7.2009-31.12.2013
ex 2921 19 85	60	Tetrakis(ethylmethylamino) zirconium (IV)	0 %	1.7.2009-31.12.2013
(*) ex 2921 51 19	20	Toluene diamine (TDA), containing by weight 78 % or more but not more than 82 % of 4-methyl-m-phenylenediamine and 18 % or more but not more than 22 % of 2-methyl-m-phenylenediamine, and with a residual tar content of not more than 0,23 % by weight	0 %	1.7.2009-31.12.2013
ex 2922 29 00	46	p-Anisidine-3-sulphonic acid	0 %	1.7.2009-31.12.2013
ex 2926 90 95	35	2-Bromo-2(bromomethyl)pentanedinitrile	0 %	1.7.2009-31.12.2013
ex 2928 00 90	70	Butanone oxime	0 %	1.7.2009-31.12.2013
ex 2931 00 95	20	Methylcyclopentadienyl manganese tricarbonyl containing not more than 4,9 % by weight of cyclopentadienyl manganese tricarbonyl	0 %	1.7.2009-31.12.2013

CN code	TARIC	Description	Rate of autonomous duty	Validity period
ex 2932 13 00	10	Tetrahydrofurfuryl alcohol	0 %	1.7.2009-31.12.2013
ex 2932 19 00	40	Furan of a purity by weight of 99 % or more	0 %	1.7.2009-31.12.2013
ex 2932 19 00	41	2,2 di(tetrahydrofuryl)propane	0 %	1.7.2009-31.12.2013
ex 2932 99 00	35	1,2,3-trideoxy-4,6:5,7-bis-O-[(4-propylphenyl)methylene]-nonitol	0 %	1.7.2009-31.12.2013
ex 2933 49 10	20	3-Hydroxy-2-methylquinoline-4-carboxylic acid	0 %	1.7.2009-31.12.2013
ex 2933 79 00	50	6-Bromo-3-methyl-3H-dibenz(f,i)isoquinoline-2,7-dione	0 %	1.7.2009-31.12.2013
ex 2934 99 90	66	Tetrahydrothiophene-1,1-dioxide	0 %	1.7.2009-31.12.2013
ex 3207 40 80	20	Glass flakes coated with silver, of an average diameter of 40 (\pm 10) μ m	0 %	1.7.2009-31.12.2013
ex 3208 20 10	20	Immersion topcoat solution containing by weight 2 % or more but not more than 15 % of acrylate-methacrylate-alkenesulphonate-copolymers with fluorinated side chains, in a solution of n-butanol and/or 4-methyl-2-pentanol and/or diisomylether	0 %	1.7.2009-31.12.2013
ex 3208 90 19	50	Solution containing by weight: — (65 \pm 10) % of γ -butyrolactone, — (30 \pm 10) % of polyamide resin, — (3,5 \pm 1,5) % of naphthoquinone ester derivative, and — (1,5 \pm 0,5) % of arylsilicic acid.	0 %	1.7.2009-31.12.2013
ex 3215 90 80	30	Ink, containing by weight 5 % or more, but not more than 10 % of amorphous silicon dioxide, filled into disposable cartridges, for use in the marking of integrated circuits ⁽¹⁾	0 %	1.7.2009-31.12.2013
(*) ex 3808 91 90	30	Preparation containing endospores or spores and protein crystals derived from either: — <i>Bacillus thuringiensis</i> Berliner subsp. <i>aizawai</i> and <i>kurstaki</i> , or — <i>Bacillus thuringiensis</i> subsp. <i>kurstaki</i> , or — <i>Bacillus thuringiensis</i> subsp. <i>israelensis</i> .	0 %	1.7.2009-31.12.2013
ex 3808 91 90	50	<i>Spodoptera exigua</i> nuclear polyhedrosis virus (SeNPV) in an aqueous glycerol suspension	0 %	1.7.2009-31.12.2013
ex 3811 19 00	10	Solution of more than 61 % but not more than 63 % by weight of methylcyclopentadienyl manganese tricarbonyl in an aromatic hydrocarbon solvent, containing by weight not more than: — 4,9 % of 1,2,4-trimethyl-benzene, — 4,9 % of naphthalene, and — 0,5 % of 1,3,5-trimethyl-benzene.	0 %	1.7.2009-31.12.2013

CN code	TARIC	Description	Rate of autonomous duty	Validity period
ex 3811 90 00	10	Dinonylnaphthylsulphonic acid salt, in a mineral oil solution	0 %	1.7.2009-31.12.2013
(*) ex 3815 90 90	77	Catalyst powder in an aqueous suspension containing by weight: <ul style="list-style-type: none"> — 1 % or more but not more than 3 % of palladium, — 0,25 % or more but not more than 3 % of lead, — 0,25 % or more but not more than 0,5 % of lead hydroxide, — 5,5 % or more but not more than 10 % of aluminium, — 4 % or more but not more than 10 % of magnesium, — 30 % or more but not more than 50 % of silicon dioxide. 	0 %	1.7.2009-31.12.2013
(*) ex 3817 00 50	10	Mixture of alkylbenzenes (C14-26) containing by weight: <ul style="list-style-type: none"> — 35 % or more but not more than 60 % of eicosylbenzene, — 25 % or more but not more than 50 % of docosylbenzene, — 5 % or more but not more than 25 % of tetracosylbenzene. 	0 %	1.7.2009-31.12.2013
ex 3817 00 80	20	Mixture of branched alkyl benzenes mainly containing dodecyl benzenes	0 %	1.7.2009-31.12.2013
ex 3824 90 97	15	Structured silica alumina phosphate	0 %	1.7.2009-31.12.2013
ex 3824 90 97	16	Mixture of bis{4-(3-(3-phenoxy-carbonylamino)tolyl)ureido}phenylsulphone, diphenyltoluene-2,4-dicarbamate and 1-[4-(4-aminobenzenesulphonyl)-phenyl]-3-(3-phenoxy-carbonylamino-tolyl)-urea	0 %	1.7.2009-31.12.2013
ex 3824 90 97	17	Mixture of acetates of 3-butylene-1,2-diol with a content by weight of 65 % or more but not more than 90 %	0 %	1.7.2009-31.12.2013
(*) ex 3902 20 00	10	Polyisobutylene, of a number average molecular weight (M_n) of 700 or more but not more than 800	0 %	1.7.2009-31.12.2013
ex 3902 20 00	20	Hydrogenated polyisobutene, in liquid form	0 %	1.7.2009-31.12.2013
ex 3902 90 90	55	Thermoplastic elastomer, with an A-B-A block copolymer structure of polystyrene, polyisobutylene and polystyrene containing by weight 10 % or more but not more than 35 % of polystyrene	0 %	1.7.2009-31.12.2013
(*) ex 3903 90 90	40	Copolymer of styrene with α -methylstyrene and acrylic acid, of a number average molecular weight (M_n) of 500 or more but not more than 6 000	0 %	1.7.2009-31.12.2013
(*) ex 3911 90 99	50			

CN code	TARIC	Description	Rate of autonomous duty	Validity period
ex 3904 69 90	81	Poly(vinylidene fluoride) powder or in an aqueous suspension	0 %	1.7.2009-31.12.2013
(*) ex 3905 99 90	96	Polymer of vinyl formal, in one of the forms mentioned in note 6(b) to Chapter 39, of a weight average molecular weight (M_w) of 25 000 or more but not more than 150 000 and containing by weight: <ul style="list-style-type: none"> — 9,5 % or more but not more than 13 % of acetyl groups evaluated as vinyl acetate, and — 5 % or more but not more than 6,5 % of hydroxy groups evaluated as vinyl alcohol. 	0 %	1.7.2009-31.12.2013
ex 3906 90 90	25	Transparent liquid, insoluble in water, containing by weight: <ul style="list-style-type: none"> — 50 % or more, but not more than 51 % of poly(methyl methacrylate) copolymer, — 37 % or more, but not more than 39 % of xylene, and — 11 % or more, but not more than 13 % of n-butyl acetate. 	0 %	1.7.2009-31.12.2013
(*) ex 3906 90 90	30	Copolymer of styrene with hydroxyethyl methacrylate and 2-ethylhexyl acrylate, of a number average molecular weight (M_n) of 500 or more but not more than 6 000	0 %	1.7.2009-31.12.2013
ex 3906 90 90	35	White powder of 1,2-ethanediol dimethacrylate-methyl methacrylate copolymer of a particle size of not more than 18 μ m, insoluble in water	0 %	1.7.2009-31.12.2013
ex 3906 90 90	65	Polyalkylacrylate, chemically modified with cobalt, with a melting temperature (T_m) of 65 °C (\pm 5 °C), measured with Differential Scanning Calorimetry (DSC)	0 %	1.7.2009-31.12.2013
(*) ex 3907 20 11	10	Poly(ethylene oxide) of a number average molecular weight (M_n) of 100 000 or more	0 %	1.7.2009-31.12.2013
(*) ex 3907 20 11	20	Bis[Methoxypoly(ethyleneglycol)]-maleimidepropionamide, chemically modified with lysine, of a number average molecular weight (M_n) of 40 000	0 %	1.7.2009-31.12.2013
(*) ex 3907 20 11	30	Bis[Methoxypoly(ethyleneglycol)], chemically modified with lysine, bis(maleimide) terminated, of a number average molecular weight (M_n) of 40 000	0 %	1.7.2009-31.12.2013
(*) ex 3907 20 21	20	Copolymer of tetrahydrofuran and tetrahydro-3-methylfuran with a number average molecular weight (M_n) of 3 500 (\pm 100)	0 %	1.7.2009-31.12.2013

CN code	TARIC	Description	Rate of autonomous duty	Validity period
ex 3907 20 99	50	Vinyl-silyl terminated perfluoropolyether polymer or an assortment of two components consisting of the same type of vinyl-silyl terminated perfluoropolyether polymer as the main ingredient	0 %	1.7.2009-31.12.2013
ex 3907 20 99	55	Succinimidyl ester of methoxy poly(ethylene glycol)propionic acid, of a number average molecular weight (Mn) of 5 000	0 %	1.7.2009-31.12.2013
(*) ex 3907 30 00	50	Liquid epoxide resin of 2-propenenitrile/1,3-butadiene-epoxide copolymer, not containing any solvent, with: — a zinc borate hydrate content of not more than 40 % by weight, — a diantimony trioxide content of not more than 5 % by weight.	0 %	1.7.2009-31.12.2013
ex 3908 90 00	10	Poly(iminomethylene-1,3-phenylene-emethyleneiminoadipoyl), in one of the forms mentioned in note 6(b) to Chapter 39	0 %	1.7.2009-31.12.2013
(*) ex 3911 10 00	81	Non-hydrogenated Hydrocarbon Resin, obtained by polymerisation of C-5 to C-10 alkenes, cyclopentadiene and dicyclopentadiene, with a Gardner Colour of more than 10 for the pure product or with a Gardner Colour of more than 8 for the 50 % solution by volume in toluene (as determined by the ASTM method D6166)	0 %	1.7.2009-31.12.2013
ex 3911 90 19	10	Poly(oxy-1,4-phenylenesulfonyl-1,4-phenyleneoxy-4,4'-biphenylene)	0 %	1.7.2009-31.12.2013
ex 3913 90 00	85	Sterile sodium hyaluronate	0 %	1.7.2009-31.12.2013
(*) ex 3913 90 00	92	Protein, chemically modified by carboxylation and/or phthalic acid addition, having a weight average molecular weight (M _w) of 100 000 to 300 000	0 %	1.7.2009-31.12.2013
(*) ex 3919 10 61	94	Adhesive film consisting of a base of a copolymer of ethylene and vinyl acetate (EVA) of a thickness of 70 µm or more and an adhesive part of acrylic tape of a thickness of 5 µm or more, for the protection of the surface of silicon discs ⁽¹⁾	0 %	1.7.2009-31.12.2013
(*) ex 3919 10 69	92			
(*) ex 3919 90 61	93			
(*) ex 3919 90 69	93			
ex 3920 10 89	25			
ex 3919 10 69	96	Self-adhesive reflecting laminated sheet showing a regular pattern, consisting of a film of acrylic polymer followed by a layer of poly(methyl methacrylate) containing microprisms and whether or not containing an additional layer of polyester and adhesive with a final release sheet	0 %	1.7.2009-31.12.2013
ex 3919 90 69	98			

CN code	TARIC	Description	Rate of autonomous duty	Validity period
(*) ex 3919 90 31	45	Transparent poly(ethylene terephthalate) self-adhesive film, free from impurities or faults, coated on one side with an acrylic pressure sensitive adhesive and a protective liner, and on the other side having an anti-static layer of ionic based organic compound choline and a printable dust-proof layer of modified long chain alkyl organic compound, having a total thickness without the liner of 54 µm or more but not more than 64 µm and a width of more than 1 295 mm but not more than 1 305 mm	0 %	1.7.2009-31.12.2013
(*) ex 3919 90 61	51	Transparent poly(ethylene) self-adhesive film, free from impurities or faults, coated on one side with an acrylic pressure sensitive adhesive, with a thickness of 60 µm or more, but not more than 70 µm, and with a width of more than 1 245 mm but not more than 1 255 mm	0 %	1.7.2009-31.12.2013
ex 3919 90 61	55	Film of poly(vinyl chloride) with a thickness of 78 µm or more, covered on one side with an acrylic adhesive layer of a thickness of 8 µm or more and with a release sheet, with an adhesive strength of 1 764 mN/25 mm or more, for use in the cutting of silicon ⁽¹⁾	0 %	1.7.2009-31.12.2013
ex 3920 62 19	20	Reflecting polyester sheeting embossed in a pyramidal pattern, for the manufacture of safety stickers and badges, safety clothing and accessories thereof, or of school satchels, bags or similar containers ⁽¹⁾	0 %	1.7.2009-31.12.2013
ex 3920 62 19	75	Transparent polyethylene terephthalate film, coated on both sides by thin layers of 7-80 nm each of organic substances on the basis of acryl, giving good adhesion property with surface tension of 37 Dyne/cm, with a light transmission of more than 93 %, a haze value of less than 1,3 %, a total thickness of 125 µm or 188 µm and a width of 850 mm or more, but not more than 1 600 mm	0 %	1.7.2009-31.12.2013
ex 3920 62 19	77			
ex 3920 91 00	95	Co-extruded trilayer poly(vinyl butyral) film with a graduated colour band containing by weight 29 % or more but not more than 31 % of 2,2'-ethylenedioxy-diethyl bis(2-ethylhexanoate) as a plasticiser	0 %	1.7.2009-31.12.2013
(*) ex 3920 99 28	40	Polymer film containing the following monomers: — Poly (tetramethylene ether glycol), — Bis (4-isocyanotocyclohexyl) methane,	0 %	1.7.2009-31.12.2013

CN code	TARIC	Description	Rate of autonomous duty	Validity period
ex 3921 19 00	93	<ul style="list-style-type: none"> — 1,4-Butanediol or 1,3-Butanediol, — with a thickness of 0,25 mm or more but not more than 5,0 mm, — embossed with a regular pattern on one surface, and — covered with a release sheet. 	0 %	1.7.2009-31.12.2013
(*) ex 3921 90 55	20	<p>Strip of microporous polytetrafluoroethylene on a support of a non-woven, for use in the manufacture of filters for kidney dialysis equipment ⁽¹⁾</p> <p>Pre-impregnated reinforced fibreglass containing cyanate ester resin or bismaleimide (B) triazine (T) resin mixed with epoxide resin, measuring:</p> <ul style="list-style-type: none"> — 469,9 mm (± 2 mm) × 622,3 mm (± 2 mm), or — 469,9 mm (± 2 mm) × 414,2 mm (± 2 mm), or — 546,1 mm (± 2 mm) × 622,3 mm (± 2 mm). 	0 %	1.7.2009-31.12.2013
ex 5603 13 10	10	Electrically non-conductive non-wovens, consisting of a central film of poly(ethylene terephthalate) laminated on each side with unidirectionally aligned fibres of poly(ethylene terephthalate), coated on both sides with high grade temperature resistant electrical non-conductive resin, weighing 147 g/m ² or more but not more than 265 g/m ² , with non-isotropic tensile strength on both directions, to be used as electrical insulation material	0 %	1.7.2009-31.12.2013
ex 5603 14 10	10			
7011 20 00		Glass envelopes (including bulbs and tubes), open, and glass parts thereof, without fittings, for cathode ray tubes	0 %	1.7.2009-31.12.2013
ex 7019 19 10	30	Yarn of E-glass of 22 tex (± 1,6 tex), obtained from continuous spun-glass filaments of a nominal diameter of 7 µm, in which filaments of a diameter of 6,35 µm or more but not more than 7,61 µm predominate	0 %	1.7.2009-31.12.2013
ex 7320 90 10	91	<p>Flat spiral spring of tempered steel, with:</p> <ul style="list-style-type: none"> — a thickness of 2,67 mm or more, but not more than 4,11 mm, — a width of 12,57 mm or more, but not more than 16,01 mm, — a torque of 18,05 Nm or more, but not more than 73,5 Nm, — an angle between the free position and the nominal position in exercise of 76° or more, but not more than 218°, <p>for use in the manufacture of tensioners for power transmission belts, for internal combustion engines ⁽¹⁾</p>	0 %	1.7.2009-31.12.2013

CN code	TARIC	Description	Rate of autonomous duty	Validity period
ex 7410 11 00	10	Copper foil of a thickness of not more than 0,15 mm, coated with resin, free of halogen, with:	0 %	1.7.2009-31.12.2013
ex 7410 21 00	60	— a decomposition temperature of 350 °C or more (measured according to ASTM D 3850), and — a time to delamination at 260 °C of more than 40 minutes and at 288 °C of more than 5 minutes (measured according to IPC-TM-650).		
(*) ex 7410 21 00	40	Sheet or plates — consisting of at least a central layer of paper or one central sheet of any type of non-woven fibre, laminated on each side with glass-fibre fabric and impregnated with epoxide resin, or — consisting of multiple layers of paper, impregnated with phenolic resin, coated on one or both sides with a copper film with a maximum thickness of 0,15 mm	0 %	1.7.2009-31.12.2013
(*) ex 7410 21 00	50	Plates — consisting of at least one layer of fibreglass fabric impregnated with epoxide resin, — covered on one or both sides with copper foil with a thickness of not more than 0,15 mm, and — with a dielectric constant (DK) of less than 3,9 and a loss factor (Df) of less than 0,015 at a measuring frequency of 10 GHz, as measured according to IPC-TM-650.	0 %	1.7.2009-31.12.2013
ex 7604 21 00	10	Profiles made of aluminium alloy conforming to EN standard AW-6063 T5	0 %	1.7.2009-31.12.2013
ex 7604 29 90	30	— anodised, — whether or not lacquered, — with a wall thickness of 0,5 mm ($\pm 1,2$ %) or more but not more than 0,8 mm ($\pm 1,2$ %), for use in the manufacture of goods of subheading 8302 (¹)		
ex 8108 20 00	30	Titanium powder of which 90 % by weight or more passes through a sieve with an aperture of 0,224 mm	0 %	1.7.2009-31.12.2013
ex 8501 10 99	80	DC stepping motor, with: — an angle of step of 7,5° ($\pm 0,5^\circ$), — a pull-out torque at 25 °C of 25 mNm or more,	0 %	1.7.2009-31.12.2013

CN code	TARIC	Description	Rate of autonomous duty	Validity period
ex 8504 40 90	40	<ul style="list-style-type: none"> — a pull-out pulse rate of 1 960 pps or more, — a two-phase winding, and — a rated voltage of 10,5 V or more, but not more than 16,0 V. Static converters for use in the manufacture of single-phase electric motor controls with a power supply of not more than 3 kW ⁽¹⁾	0 %	1.7.2009-31.12.2013
(*) ex 8519 81 35	10	Unmounted or incomplete assembly, comprising at least one optical unit and DC motors and operational control circuit, with digital/analogue converter, for use in the manufacture of CD players, radio-broadcast receivers of a kind used in motor vehicles or navigational aid apparatus ⁽¹⁾	0 %	1.7.2009-31.12.2013
(*) ex 8522 90 80	83	Blu-ray optical pick up unit for the reproduction/recording of optical signals from/to DVD discs and the reproduction of optical signals from CD and Blu-ray disc comprising at least: <ul style="list-style-type: none"> — three kinds of wavelength laser diodes, — laser driver integrated circuit, — photo detector integrated circuit, — front monitor integrated circuit and an actuator, for use in the manufacture of products falling within heading No 8521 ⁽¹⁾	0 %	1.7.2009-31.12.2013
(*) ex 8522 90 80	84	Blu-ray drive mechanism or unit, whether or not recordable, for the reproduction or recording of optical signals from or to Blu-ray and DVD disks and the reproduction of optical signals from CD disks, comprising at least: <ul style="list-style-type: none"> — an optical pick up unit with three kinds of laser, — spindle motor, — stepping motor, — with or without printed circuit board mounted drive control integrated circuit, motor driver integrated circuit and memory, for use in the manufacture of products falling within heading No 8521 ⁽¹⁾	0 %	1.7.2009-31.12.2013
(*) ex 8525 80 19	30	Compact chassis-type closed circuit television (CCTV) cameras, of a weight of not more than 250 g, whether or not contained in a housing, of dimensions of not more than 50 mm × 60 mm × 89,5 mm, with a single sensor Charge-Couple Device (CCD), with effective pixels of not more than 440 000, for use in CCTV surveillance systems ⁽¹⁾	0 %	1.7.2009-31.12.2013

CN code	TARIC	Description	Rate of autonomous duty	Validity period
ex 8540 91 00	40	Deflection yoke of cathode-ray tubes	0 %	1.7.2009-31.12.2013
ex 8540 91 00	50	Metal anode button to enable electrical contact with the anode inside the colour picture tube	0 %	1.7.2009-31.12.2013
(*) ex 8543 70 90	90	Fuel cell module containing at least polymer electrolyte membrane fuel cells in a housing with an integrated cooling system, for use in the manufacture of motor vehicle propulsion systems ⁽¹⁾	0 %	1.7.2009-31.12.2013
ex 8544 42 90	10	Data transmission cable capable of bit rate transmission of 600 Mbit/s or more, with: — a voltage of 1,25 V (\pm 0,25 V), — connectors fitted at each end, at least one of which contains pins with a pitch of 0,5 mm, — outer screening shielding, — twisted pair copper wires with an impedance of 100 Ω and a twist pitch of not more than 8 mm, used solely for communication between LCD panel and video processing electronic circuits	0 %	1.7.2009-31.12.2013
ex 8544 49 93	20	PET/PVC insulated flexible cable with: — a voltage of not more than 60 V, — a current of not more than 1 A, — a heat resistance of not more than 105 °C, — individual wires of a thickness of 0,05 mm (\pm 0,01 mm) and a width of not more than 0,65 mm (\pm 0,03 mm), — distance between conductors of not more than 0,5 mm, and — pitch (distance from centreline to centreline of conductors) of not more than 1,08 mm.	0 %	1.7.2009-31.12.2013
ex 9001 20 00	20	Optical, diffuser, reflector or prism sheets, unprinted diffuser plates, whether or not possessing polarising properties, specifically cut	0 %	1.7.2009-31.12.2013
ex 9001 90 00	55			
ex 9001 90 00	60	Reflector or diffuser sheets in rolls	0 %	1.1.2009-31.12.2013
ex 9013 20 00	10	Carbon dioxide laser, stimulated by high frequency, having an output power of 12 Watt or more, but not more than 200 Watt	0 %	1.7.2009-31.12.2013

CN code	TARIC	Description	Rate of autonomous duty	Validity period
ex 9013 20 00	20	Laser head assemblies for use in the manufacture of measuring or checking machines for semiconductor wafers or devices ⁽¹⁾	0 %	1.7.2009-31.12.2013
ex 9013 20 00	30	Laser for use in the manufacture of measuring or checking machines for semiconductor wafers or devices ⁽¹⁾	0 %	1.7.2009-31.12.2013
ex 9022 90 90	10	Panels for x-ray apparatus (x-ray flat panel sensors/x-ray sensors) consisting of a glass plate with a matrix of thin-film transistors, covered with a film of amorphous silicon, coated with a scintillator layer of caesium iodide and a metallised protective layer, with an active surface of 409,6 mm ² × 409,6 mm ² and a pixel size of 200 µm ² × 200 µm ²	0 %	1.7.2009-31.12.2013
ex 9405 40 39	10	Ambient light module with a length of 300 mm or more, but not more than 600 mm, based on a light engine of a series of three or more, but not more than nine specific one chip red green and blue light emitting diodes mounted on a PCB, with light coupled to the front and/or back of the flat TV set ⁽¹⁾	0 %	1.7.2009-31.12.2013
ex 9405 40 39	20	LED array of white silicone, containing: — an LED matrix module measuring 38,6 mm × 20,6 mm (± 0,1 mm), equipped with 128 red and green LED chips, and — a flexible printed circuit board, equipped with a Negative Temperature Coefficient Thermistor.	0 %	1.7.2009-31.12.2013

⁽¹⁾ Entry under this subheading is subject to conditions laid down in the relevant Community provisions (see Articles 291 to 300 of Commission Regulation (EEC) No 2454/93 (OJ L 253, 11.10.1993, p. 1)).

^(*) Amended position.

ANNEX II

Products referred to in Article 1(2)

CN code	TARIC
ex 0304 29 61	10
ex 0304 99 99	31
(*) ex 1511 90 19	10
(*) ex 1511 90 91	10
(*) ex 1513 11 10	10
(*) ex 1513 19 30	10
(*) ex 1513 21 10	10
(*) ex 1513 29 30	10
(*) ex 2921 51 19	20
(*) ex 3808 91 90	30
(*) ex 3815 90 90	77
(*) ex 3817 00 50	10
(*) ex 3902 20 00	10
ex 3902 90 90	97
(*) ex 3903 90 90	40
(*) ex 3911 90 99	50
ex 3903 90 90	85
(*) ex 3905 99 90	96
(*) ex 3906 90 90	30
(*) ex 3907 20 11	10
(*) ex 3907 20 11	20
(*) ex 3907 20 11	30
(*) ex 3907 20 21	20
(*) ex 3907 30 00	50
(*) ex 3911 10 00	81
(*) ex 3913 90 00	92
(*) ex 3913 90 00	98
(*) ex 3919 10 61	94
(*) ex 3919 10 69	92
(*) ex 3919 90 61	93
(*) ex 3919 90 69	93
(*) ex 3919 90 31	45
(*) ex 3919 90 61	51
(*) ex 3920 99 28	40

CN code	TARIC
(*) ex 3921 90 55	20
(*) ex 7011 20 00	20
(*) ex 7011 20 00	50
(*) ex 7409 19 00	20
(*) ex 7410 21 00	50
(*) ex 7410 21 00	40
ex 7410 21 00	70
ex 7606 12 91	20
ex 7606 12 93	20
(*) ex 8519 81 35	10
(*) ex 8522 90 80	83
(*) ex 8522 90 80	84
(*) ex 8525 80 19	30
(*) ex 8543 70 90	90
(*) ex 9001 90 00	60

(*) Amended position.

COMMISSION REGULATION (EC) No 565/2009**of 29 June 2009****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾,

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

Whereas:

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 30 June 2009.

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

Done at Brussels, 29 June 2009.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 350, 31.12.2007, p. 1.

ANNEX

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

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	MA	46,5
	MK	25,6
	TR	51,5
	ZZ	41,2
0707 00 05	MK	27,4
	TR	106,3
	ZZ	66,9
0709 90 70	TR	107,7
	ZZ	107,7
0805 50 10	AR	52,4
	TR	64,0
	ZA	65,3
	ZZ	60,6
0808 10 80	AR	81,4
	BR	72,8
	CL	77,4
	CN	102,4
	NZ	109,8
	US	147,3
	UY	55,1
	ZA	86,2
	ZZ	91,6
0809 10 00	TR	229,1
	US	172,2
	ZZ	200,7
0809 20 95	SY	197,7
	TR	323,5
	US	377,7
	ZZ	299,6
0809 30	TR	104,9
	US	175,8
	ZZ	140,4
0809 40 05	US	196,2
	ZZ	196,2

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

COMMISSION REGULATION (EC) No 566/2009**of 29 June 2009****entering a name in the register of protected designations of origin and protected geographical indications (Melton Mowbray Pork Pie (PGI))**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs ⁽¹⁾, and in particular Article 7(4) thereof,

Whereas:

- (1) Pursuant to Article 6(2) of Regulation (EC) No 510/2006 and in accordance with Article 17(2) thereof, the United Kingdom's application to register the name 'Melton Mowbray Pork Pie' was published in the *Official Journal of the European Union* ⁽²⁾.
- (2) As no objections within the meaning of Article 7 of Regulation (EC) No 510/2006 were received by the Commission, this name should be entered in the register.
- (3) However, in accordance with the second subparagraph of Article 13(3) of Regulation (EC) No 510/2006, a transitional period may be set for undertakings established in the Member State in which the geographical area is located, provided that the undertakings concerned have legally marketed the products in question, using the names concerned continuously for at least five years preceding the date of the publication referred to in Article 6(2) of that Regulation, and have noted that

point in the national objection procedure referred to in Article 5(5) thereof.

- (4) In a letter received on 6 April 2009, the UK authorities confirmed to the Commission that the following undertakings established on their territory meet the conditions set out in the second subparagraph of Article 13(3) of Regulation (EC) No 510/2006: Pork Farms Ltd, Stobarts Ltd and Kerry Foods Ltd.
- (5) Those undertakings should therefore be allowed to continue to use the registered name 'Melton Mowbray Pork Pie' during a transitional period of five years from the entry into force of this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

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

Pork Farms Ltd, Stobarts Ltd and Kerry Foods Ltd may, however, continue to use that name for a period of five years from the date of entry into force of this Regulation.

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, 29 June 2009.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 93, 31.3.2006, p. 12.

⁽²⁾ OJ C 85, 4.4.2008, p. 17.

ANNEX

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

Class 1.2. Meat products (cooked, salted, smoked, etc.)

UNITED KINGDOM

Melton Mowbray Pork Pie (PGI)

COMMISSION REGULATION (EC) No 567/2009**of 29 June 2009****entering a name in the register of traditional specialities guaranteed (Pierekaczewnik (TSG))**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 509/2006 of 20 March 2006 on agricultural products and foodstuffs as traditional specialities guaranteed ⁽¹⁾, and in particular the first subparagraph of Article 9(4) thereof,

Whereas:

- (1) In accordance with the first subparagraph of Article 8(2) of Regulation (EC) No 509/2006, and pursuant to Article 19(3) of the same Regulation, the application submitted by Poland to enter the name 'Pierekaczewnik' in the register was published in the *Official Journal of the European Union* ⁽²⁾.

- (2) As no objection under Article 9 of Regulation (EC) No 509/2006 has been received by the Commission, this name should be entered in the register.

- (3) Protection as referred to in Article 13(2) of Regulation (EC) No 509/2006 has not been requested,

HAS ADOPTED THIS REGULATION:

Article 1

The name contained in the Annex to this Regulation is hereby entered in the register.

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, 29 June 2009.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 93, 31.3.2006, p. 1.

⁽²⁾ OJ C 269, 24.10.2008, p. 11.

ANNEX

Foodstuffs referred to in Annex I to Regulation (EC) No 509/2006:

Class 2.3. Confectionery, bread, pastry, cakes, biscuits and other baker's wares

POLAND

Pierekaczewnik (TSG)

DIRECTIVES

DIRECTIVE 2009/52/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 18 June 2009

providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

the EU, accompanied by sanctions against employers who infringe that prohibition.

Having regard to the Treaty establishing the European Community, and in particular Article 63(3)(b) thereof,

- (4) As this Directive provides for minimum standards, Member States should remain free to adopt or maintain stricter sanctions and measures and impose stricter obligations on employers.

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

- (5) This Directive should not apply to third-country nationals staying legally in a Member State regardless of whether they are allowed to work in its territory. Furthermore, it should not apply to persons enjoying the Community right of free movement, as defined in Article 2(5) of Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) ⁽⁴⁾. Moreover it should not apply to third-country nationals who are in a situation covered by Community law, such as those who are lawfully employed in a Member State and who are posted by a service provider to another Member State in the context of the provision of services. This Directive should apply without prejudice to national law prohibiting the employment of legally staying third-country nationals who work in breach of their residence status.

Having regard to the opinion of the Committee of the Regions ⁽²⁾,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽³⁾,

Whereas:

- (1) The European Council meeting of 14 and 15 December 2006 agreed that cooperation among Member States should be strengthened in the fight against illegal immigration and in particular that measures against illegal employment should be intensified at Member State and EU level.
- (2) A key pull factor for illegal immigration into the EU is the possibility of obtaining work in the EU without the required legal status. Action against illegal immigration and illegal stay should therefore include measures to counter that pull factor.
- (3) The centrepiece of such measures should be a general prohibition on the employment of third-country nationals who do not have the right to be resident in

- (6) For the specific purposes of this Directive, certain terms should be defined and such definitions should be used only for the purposes of this Directive.
- (7) The definition of employment should encompass its constituent elements, namely activities that are or ought to be remunerated, undertaken for or under the direction and/or supervision of an employer, irrespective of the legal relationship.
- (8) The definition of employer may include an association of persons recognised as having the capacity to perform legal acts without having legal personality.

⁽¹⁾ OJ C 204, 9.8.2008, p. 70.

⁽²⁾ OJ C 257, 9.10.2008, p. 20.

⁽³⁾ Opinion of the European Parliament of 4 February 2009 (not yet published in the Official Journal) and Council Decision of 25 May 2009.

⁽⁴⁾ OJ L 105, 13.4.2006, p. 1.

- (9) To prevent the employment of illegally staying third-country nationals, employers should be required, before recruiting a third-country national, including in cases where the third-country national is being recruited for the purpose of posting to another Member State in the context of the provision of services, to check that the third-country national has a valid residence permit or another authorisation for stay showing that he or she is legally staying on the territory of the Member State of recruitment.
- (10) To enable Member States in particular to check for forged documents, employers should also be required to notify the competent authorities of the employment of a third-country national. In order to minimise the administrative burden, Member States should be free to provide for such notifications to be undertaken within the framework of other notification schemes. Member States should be free to decide a simplified procedure for notification by employers who are natural persons where the employment is for their private purposes.
- (11) Employers that have fulfilled the obligations set out in this Directive should not be held liable for having employed illegally staying third-country nationals, in particular if the competent authority later finds that the document presented by an employee had in fact been forged or misused, unless the employer knew that the document was a forgery.
- (12) To facilitate the fulfilment by employers of their obligations, Member States should use their best endeavours to handle requests for renewal of residence permits in a timely manner.
- (13) To enforce the general prohibition and to deter infringements, Member States should provide for appropriate sanctions. These should include financial sanctions and contributions to the costs of returning illegally staying third-country nationals, together with the possibility of reduced financial sanctions on employers who are natural persons where the employment is for their private purposes.
- (14) The employer should in any event be required to pay to the third-country nationals any outstanding remuneration for the work which they have undertaken and any outstanding taxes and social security contributions. If the level of remuneration cannot be determined, it should be presumed to be at least as high as the wage provided for by the applicable laws on minimum wages, by collective agreements or in accordance with established practice in the relevant occupational branches. The employer should also be required to pay, where appropriate, any costs arising from the sending of outstanding remuneration to the country to which the illegally employed third-country national has, or has been, returned. In those cases where back payments are not made by the employer, Member States should not be obliged to fulfil that obligation in place of the employer.
- (15) An illegally employed third-country national should not derive a right to entry, stay and access to the labour market from the illegal employment relationship or from the payment or back payment of remuneration, social security contributions or taxes by the employer or by a legal entity which has to pay instead of the employer.
- (16) Member States should ensure that claims are or may be lodged and that mechanisms are in place to ensure that recovered amounts of outstanding remuneration are able to be received by the third-country nationals to whom they are due. Member States should not be obliged to involve their missions or representations in third countries in those mechanisms. Member States should, in the context of establishing effective mechanisms to facilitate complaints and if not already provided for by national legislation, consider the possibility and added value of enabling a competent authority to bring proceedings against an employer for the purpose of recovering outstanding remuneration.
- (17) Member States should further provide for a presumption of an employment relationship of at least three months' duration so that the burden of proof is on the employer in respect of at least a certain period. Among others, the employee should also have the opportunity of proving the existence and duration of an employment relationship.
- (18) Member States should provide for the possibility of further sanctions against employers, inter alia, exclusions from entitlement to some or all public benefits, aids or subsidies, including agricultural subsidies, exclusions from public procurement procedures and recovery of some or all public benefits, aids or subsidies, including EU funding managed by Member States, that have already been granted. Member States should be free to decide not to apply those further sanctions against employers who are natural persons where the employment is for their private purposes.
- (19) This Directive, and in particular its Articles 7, 10 and 12, should be without prejudice to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽¹⁾.
- (20) In view of the prevalence of subcontracting in certain affected sectors, it is necessary to ensure that at least the contractor of which the employer is a direct subcontractor may be liable to pay financial sanctions in addition to or in place of the employer. In specific cases, other contractors may be liable to pay financial sanctions in addition to or in place of an employer of

⁽¹⁾ OJ L 248, 16.9.2002, p. 1.

illegally staying third-country nationals. Back payments which are to be covered by the liability provisions of this Directive should also include contributions to national holiday pay funds and social funds regulated by law or collective agreements.

- (21) Experience has shown that the existing systems of sanctions have not been sufficient to achieve complete compliance with prohibitions against the employment of illegally staying third-country nationals. One of the reasons is that administrative sanctions alone are likely not to be enough to deter certain unscrupulous employers. Compliance can and should be strengthened by the application of criminal penalties.
- (22) To guarantee the full effectiveness of the general prohibition, there is therefore a particular need for more dissuasive sanctions in serious cases, such as persistently repeated infringements, the illegal employment of a significant number of third-country nationals, particularly exploitative working conditions, the employer knowing that the worker is a victim of trafficking in human beings and the illegal employment of a minor. This Directive obliges Member States to provide for criminal penalties in their national legislation in respect of those serious infringements. It creates no obligations regarding the application of such penalties, or any other available system of law enforcement, in individual cases.
- (23) In all cases deemed to be serious according to this Directive the infringement should be considered a criminal offence throughout the Community when committed intentionally. The provisions of this Directive regarding criminal offences should be without prejudice to the application of Council Framework Decision 2002/629/JHA of 19 July 2002 on combating trafficking in human beings ⁽¹⁾.
- (24) The criminal offence should be punishable by effective, proportionate and dissuasive criminal penalties. The obligation to ensure effective, proportionate and dissuasive criminal penalties under this Directive is without prejudice to the internal organisation of criminal law and criminal justice in the Member States.
- (25) Legal persons may also be held liable for the criminal offences referred to in this Directive, because many employers are legal persons. The provisions of this Directive do not entail an obligation for Member States to introduce criminal liability of legal persons.
- (26) To facilitate the enforcement of this Directive, there should be effective complaint mechanisms by which

relevant third-country nationals may lodge complaints directly or through designated third parties such as trade unions or other associations. The designated third parties should be protected, when providing assistance to lodge complaints, against possible sanctions under rules prohibiting the facilitation of unauthorised residence.

- (27) To supplement the complaint mechanisms, Member States should be free to grant residence permits of limited duration, linked to the length of the relevant national proceedings, to third-country nationals who have been subjected to particularly exploitative working conditions or who were illegally employed minors and who cooperate in criminal proceedings against the employer. Such permits should be granted under arrangements comparable to those applicable to third-country nationals who fall within the scope of Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities ⁽²⁾.
- (28) To ensure a satisfactory level of enforcement of this Directive and to reduce, as far as possible, differences in the level of enforcement in the Member States, Member States should ensure that effective and adequate inspections are carried out on their territory and should communicate data on the inspections they carry out to the Commission.
- (29) Member States should be encouraged to determine every year a national target for the number of inspections in respect of the sectors of activity in which the employment of illegally staying third-country nationals is concentrated on their territory.
- (30) With a view to increasing the effectiveness of inspections for the purposes of applying this Directive, Member States should ensure that national legislation gives adequate powers to competent authorities to carry out inspections; that information about illegal employment, including the results of previous inspections, is collected and processed for the effective implementation of this Directive; and that sufficient staff are available with the skills and qualifications needed to carry out inspections effectively.
- (31) Member States should ensure that inspections for the purposes of applying this Directive do not affect, from a quantitative or qualitative point of view, inspections carried out to assess employment and working conditions.

⁽¹⁾ OJ L 203, 1.8.2002, p. 1.

⁽²⁾ OJ L 261, 6.8.2004, p. 19.

(32) In the case of posted workers who are third-country nationals, Member States' inspection authorities may avail themselves of the cooperation and exchange of information provided for in Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services ⁽¹⁾, in order to verify that the third-country nationals concerned are lawfully employed in the Member State of origin.

(33) This Directive should be seen as complementary to measures to counter undeclared work and exploitation.

(34) In accordance with point 34 of the Interinstitutional Agreement on better law-making ⁽²⁾, Member States are encouraged to draw up, for themselves and in the interests of the Community, their own tables, which will, as far as possible, illustrate the correlation between this Directive and the transposition measures and to make them public.

(35) Any processing of personal data undertaken in the implementation of this Directive should be in compliance with Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data ⁽³⁾.

(36) Since the objective of this Directive, namely to counteract illegal immigration by acting against the employment pull factor, cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale and effects of this Directive, be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary to achieve that objective.

(37) This Directive respects the fundamental rights and observes the principles recognised in particular by the European Convention for the Protection of Human Rights and Fundamental Freedoms and the Charter of Fundamental Rights of the European Union. Specifically, it should be applied with due respect for the freedom to conduct a business, equality before the law and the principle of non-discrimination, the right to an effective remedy and to a fair trial and the principles of legality and proportionality of criminal offences and penalties, in accordance with Articles 16, 20, 21, 47 and 49 of the Charter.

(38) In accordance with Articles 1 and 2 of the Protocol on the position of the United Kingdom and Ireland, annexed to the Treaty on European Union and to the Treaty establishing the European Community, and without prejudice to Article 4 of that Protocol, those Member States are not taking part in the adoption of this Directive and are therefore not bound by it or subject to its application.

(39) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark is not taking part in the adoption of this Directive and is therefore not bound by it or subject to its application,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Subject matter and scope

This Directive prohibits the employment of illegally staying third-country nationals in order to fight illegal immigration. To this end, it lays down minimum common standards on sanctions and measures to be applied in the Member States against employers who infringe that prohibition.

Article 2

Definitions

For the specific purposes of this Directive, the following definitions shall apply:

(a) 'third-country national' means any person who is not a citizen of the Union within the meaning of Article 17(1) of the Treaty and who is not a person enjoying the Community right of free movement, as defined in Article 2(5) of the Schengen Borders Code;

(b) 'illegally staying third-country national' means a third-country national present on the territory of a Member State, who does not fulfil, or no longer fulfils, the conditions for stay or residence in that Member State;

(c) 'employment' means the exercise of activities covering whatever form of labour or work regulated under national law or in accordance with established practice for or under the direction and/or supervision of an employer;

(d) 'illegal employment' means the employment of an illegally staying third-country national;

⁽¹⁾ OJ L 18, 21.1.1997, p. 1.

⁽²⁾ OJ C 321, 31.12.2003, p. 1.

⁽³⁾ OJ L 281, 23.11.1995, p. 31.

- (e) 'employer' means any natural person or any legal entity, including temporary work agencies, for or under the direction and/or supervision of whom the employment is undertaken;
- (f) 'subcontractor' means any natural person or any legal entity, to whom the execution of all or part of the obligations of a prior contract is assigned;
- (g) 'legal person' means any legal entity having such status under applicable national law, except for States or public bodies exercising State authority and for public international organisations;
- (h) 'temporary work agency' means any natural or legal person who, in compliance with national law, concludes contracts of employment or employment relationships with temporary agency workers in order to assign them to user undertakings to work there temporarily under their supervision and direction;
- (i) 'particularly exploitative working conditions' means working conditions, including those resulting from gender based or other discrimination, where there is a striking disproportion compared with the terms of employment of legally employed workers which, for example, affects workers' health and safety, and which offends against human dignity;
- (j) 'remuneration of illegally staying third-country national' means the wage or salary and any other consideration, whether in cash or in kind, which a worker receives directly or indirectly in respect of his employment from his employer and which is equivalent to that which would have been enjoyed by comparable workers in a legal employment relationship.
- (a) require that a third-country national before taking up the employment holds and presents to the employer a valid residence permit or other authorisation for his or her stay;
- (b) keep for at least the duration of the employment a copy or record of the residence permit or other authorisation for stay available for possible inspection by the competent authorities of the Member States;
- (c) notify the competent authorities designated by Member States of the start of employment of third-country nationals within a period laid down by each Member State.

2. Member States may provide for a simplified procedure for notification under paragraph 1(c) where the employers are natural persons and the employment is for their private purposes.

Member States may provide that notification under paragraph 1(c) is not required where the employee has been granted long-term residence status under Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents ⁽¹⁾.

3. Member States shall ensure that employers who have fulfilled their obligations set out in paragraph 1 shall not be held liable for an infringement of the prohibition referred to in Article 3 unless the employers knew that the document presented as a valid residence permit or another authorisation for stay was a forgery.

Article 5

Financial sanctions

1. Member States shall take the necessary measures to ensure that infringements of the prohibition referred to in Article 3 are subject to effective, proportionate and dissuasive sanctions against the employer.

2. Sanctions in respect of infringements of the prohibition referred to in Article 3 shall include:

- (a) financial sanctions which shall increase in amount according to the number of illegally employed third-country nationals; and
- (b) payments of the costs of return of illegally employed third-country nationals in those cases where return procedures are carried out. Member States may instead decide to reflect at least the average costs of return in the financial sanctions under point (a).

Article 3

Prohibition of illegal employment

1. Member States shall prohibit the employment of illegally staying third-country nationals.

2. Infringements of this prohibition shall be subject to the sanctions and measures laid down in this Directive.

3. A Member State may decide not to apply the prohibition referred to in paragraph 1 to illegally staying third-country nationals whose removal has been postponed and who are allowed to work in accordance with national law.

Article 4

Obligations on employers

1. Member States shall oblige employers to:

⁽¹⁾ OJ L 16, 23.1.2004, p. 44.

3. Member States may provide for reduced financial sanctions where the employer is a natural person who employs an illegally staying third-country national for his or her private purposes and where no particularly exploitative working conditions are involved.

Article 6

Back payments to be made by employers

1. In respect of each infringement of the prohibition referred to in Article 3, Member States shall ensure that the employer shall be liable to pay:

- (a) any outstanding remuneration to the illegally employed third-country national. The agreed level of remuneration shall be presumed to have been at least as high as the wage provided for by the applicable laws on minimum wages, by collective agreements or in accordance with established practice in the relevant occupational branches, unless either the employer or the employee can prove otherwise, while respecting, where appropriate, the mandatory national provisions on wages;
- (b) an amount equal to any taxes and social security contributions that the employer would have paid had the third-country national been legally employed, including penalty payments for delays and relevant administrative fines;
- (c) where appropriate, any cost arising from sending back payments to the country to which the third-country national has returned or has been returned.

2. In order to ensure the availability of effective procedures to apply paragraph 1(a) and (c), and having due regard to Article 13, Member States shall enact mechanisms to ensure that illegally employed third-country nationals:

- (a) may introduce a claim, subject to a limitation period defined in national law, against their employer and eventually enforce a judgment against the employer for any outstanding remuneration, including in cases in which they have, or have been, returned; or
- (b) when provided for by national legislation, may call on the competent authority of the Member State to start procedures to recover outstanding remuneration without the need for them to introduce a claim in that case.

Illegally employed third-country nationals shall be systematically and objectively informed about their rights under this paragraph and under Article 13 before the enforcement of any return decision.

3. In order to apply paragraph 1(a) and (b), Member States shall provide that an employment relationship of at least three months duration be presumed unless, among others, the employer or the employee can prove otherwise.

4. Member States shall ensure that the necessary mechanisms are in place to ensure that illegally employed third-country nationals are able to receive any back payment of remuneration referred to in paragraph 1(a) which is recovered as part of the claims referred to in paragraph 2, including in cases in which they have, or have been, returned.

5. In respect of cases where residence permits of limited duration have been granted under Article 13(4), Member States shall define under national law the conditions under which the duration of these permits may be extended until the third-country national has received any back payment of his or her remuneration recovered under paragraph 1 of this Article.

Article 7

Other measures

1. Member States shall take the necessary measures to ensure that employers shall also, if appropriate, be subject to the following measures:

- (a) exclusion from entitlement to some or all public benefits, aid or subsidies, including EU funding managed by Member States, for up to five years;
- (b) exclusion from participation in a public contract as defined in Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts⁽¹⁾ for up to five years;
- (c) recovery of some or all public benefits, aid, or subsidies, including EU funding managed by Member States, granted to the employer for up to 12 months preceding the detection of illegal employment;
- (d) temporary or permanent closure of the establishments that have been used to commit the infringement, or temporary or permanent withdrawal of a licence to conduct the business activity in question, if justified by the gravity of the infringement.

2. Member States may decide not to apply paragraph 1 where the employers are natural persons and the employment is for their private purposes.

⁽¹⁾ OJ L 134, 30.4.2004, p. 114.

*Article 8***Subcontracting**

1. Where the employer is a subcontractor and without prejudice to the provisions of national law concerning the rights of contribution or recourse or to the provisions of national law in the field of social security, Member States shall ensure that the contractor of which the employer is a direct subcontractor may, in addition to or in place of the employer, be liable to pay:

- (a) any financial sanction imposed under Article 5; and
 - (b) any back payments due under Article 6(1)(a) and (c) and Article 6(2) and (3).
2. Where the employer is a subcontractor, Member States shall ensure that the main contractor and any intermediate subcontractor, where they knew that the employing subcontractor employed illegally staying third-country nationals, may be liable to make the payments referred to in paragraph 1 in addition to or in place of the employing subcontractor or the contractor of which the employer is a direct subcontractor.
3. A contractor that has undertaken due diligence obligations as defined by national law shall not be liable under paragraphs 1 and 2.
4. Member States may provide for more stringent liability rules under national law.

*Article 9***Criminal offence**

1. Member States shall ensure that the infringement of the prohibition referred to in Article 3 constitutes a criminal offence when committed intentionally, in each of the following circumstances as defined by national law:

- (a) the infringement continues or is persistently repeated;
 - (b) the infringement is in respect of the simultaneous employment of a significant number of illegally staying third-country nationals;
 - (c) the infringement is accompanied by particularly exploitative working conditions;
 - (d) the infringement is committed by an employer who, while not having been charged with or convicted of an offence established pursuant to Framework Decision 2002/629/JHA, uses work or services exacted from an illegally staying third-country national with the knowledge that he or she is a victim of trafficking in human beings;
 - (e) the infringement relates to the illegal employment of a minor.
2. Member States shall ensure that inciting, aiding and abetting the intentional conduct referred to in paragraph 1 is punishable as a criminal offence.

*Article 10***Criminal penalties**

1. Member States shall take the necessary measures to ensure that natural persons who commit the criminal offence referred to in Article 9 are punishable by effective, proportionate and dissuasive criminal penalties.

2. Unless prohibited by general principles of law, the criminal penalties provided for in this Article may be applied under national law without prejudice to other sanctions or measures of a non-criminal nature, and they may be accompanied by the publication of the judicial decision relevant to the case.

*Article 11***Liability of legal persons**

1. Member States shall ensure that legal persons may be held liable for the offence referred to in Article 9 where such an offence has been committed for their benefit by any person who has a leading position within the legal person, acting either individually or as part of an organ of the legal person, on the basis of:

- (a) a power of representation of the legal person;
- (b) an authority to take decisions on behalf of the legal person; or
- (c) an authority to exercise control within the legal person.

2. Member States shall also ensure that a legal person may be held liable where the lack of supervision or control, by a person referred to in paragraph 1, has made possible the commission of the criminal offence referred to in Article 9 for the benefit of that legal person by a person under its authority.

3. Liability of a legal person under paragraphs 1 and 2 shall not exclude criminal proceedings against natural persons who are perpetrators, inciters or accessories in the offence referred to in Article 9.

Article 12

Penalties for legal persons

Member States shall take the necessary measures to ensure that a legal person held liable pursuant to Article 11 is punishable by effective, proportionate and dissuasive penalties, which may include measures such as those referred to in Article 7.

Member States may decide that a list of employers who are legal persons and who have been held liable for the criminal offence referred to in Article 9 is made public.

Article 13

Facilitation of complaints

1. Member States shall ensure that there are effective mechanisms through which third-country nationals in illegal employment may lodge complaints against their employers, directly or through third parties designated by Member States such as trade unions or other associations or a competent authority of the Member State when provided for by national legislation.

2. Member States shall ensure that third parties which have, in accordance with the criteria laid down in their national law, a legitimate interest in ensuring compliance with this Directive, may engage either on behalf of or in support of an illegally employed third-country national, with his or her approval, in any administrative or civil proceedings provided for with the objective of implementing this Directive.

3. Providing assistance to third-country nationals to lodge complaints shall not be considered as facilitation of unauthorised residence under Council Directive 2002/90/EC of 28 November 2002 defining the facilitation of unauthorised entry, transit and residence⁽¹⁾.

4. In respect of criminal offences covered by Article 9(1)(c) or (e), Member States shall define in national law the conditions under which they may grant, on a case-by-case basis, permits of limited duration, linked to the length of the relevant national proceedings, to the third-country nationals involved, under arrangements comparable to those applicable to third-country nationals who fall within the scope of Directive 2004/81/EC.

Article 14

Inspections

1. Member States shall ensure that effective and adequate inspections are carried out on their territory to control

employment of illegally staying third-country nationals. Such inspections shall be based primarily on a risk assessment to be drawn up by the competent authorities in the Member States.

2. With a view to increasing the effectiveness of inspections, Member States shall, on the basis of a risk assessment, regularly identify the sectors of activity in which the employment of illegally staying third-country nationals is concentrated on their territory.

In respect of each of those sectors, Member States shall, before 1 July of each year, communicate to the Commission the inspections, both in absolute numbers and as a percentage of the employers for each sector, carried out in the previous year as well as their results.

Article 15

More favourable provisions

This Directive shall be without prejudice to the right of Member States to adopt or maintain provisions that are more favourable to third-country nationals to whom it applies in relation with Articles 6 and 13, provided that such provisions are compatible with this Directive.

Article 16

Reporting

1. By 20 July 2014, and every three years thereafter, the Commission shall submit a report to the European Parliament and the Council including, where appropriate, proposals for amending Articles 6, 7, 8, 13 and 14. The Commission shall in particular examine in its report the implementation by Member States of Article 6(2) and (5).

2. Member States shall send the Commission all the information that is appropriate for drawing up the report referred to in paragraph 1. The information shall include the number and results of inspections carried out pursuant to Article 14(1), measures applied under Article 13 and, as far as possible, measures applied under Articles 6 and 7.

Article 17

Transposition

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 20 July 2011. They shall forthwith inform the Commission thereof.

⁽¹⁾ OJ L 328, 5.12.2002, p. 17.

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

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

Article 18

Entry into force

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

Article 19

Addressees

This Directive is addressed to the Member States in accordance with the Treaty establishing the European Community.

Done at Brussels, 18 June 2009.

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

For the Council
The President
Š. FÜLE

DIRECTIVE 2009/53/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 18 June 2009
amending Directive 2001/82/EC and Directive 2001/83/EC, as regards variations to the terms of
marketing authorisations for medicinal products

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 95 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽²⁾,

Whereas:

- (1) Directive 2001/82/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to veterinary medicinal products ⁽³⁾, Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use ⁽⁴⁾ and Regulation (EC) No 726/2004 of the European Parliament and of the Council of 31 March 2004 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency ⁽⁵⁾, lay down harmonised rules for the authorisation, supervision and pharmacovigilance of medicinal products within the Community.
- (2) Under those rules, marketing authorisations may be granted in accordance with harmonised Community procedures. The terms of those marketing authorisations may subsequently be varied where, for instance, the production process or the address of the manufacturer has changed.
- (3) Article 39 of Directive 2001/82/EC and Article 35 of Directive 2001/83/EC empower the Commission to adopt an implementing regulation as regards variations subsequently made to marketing authorisations granted in accordance with the provisions of Chapter 4 of Title III of Directive 2001/82/EC and Chapter 4 of Title III of

Directive 2001/83/EC, respectively. The Commission therefore adopted Regulation (EC) No 1084/2003 of 3 June 2003 concerning the examination of variations to the terms of a marketing authorisation for medicinal products for human use and veterinary medicinal products granted by a competent authority of a Member State ⁽⁶⁾.

- (4) However, the majority of medicinal products for human or veterinary use currently on the market have been authorised under purely national procedures and, as such, fall outside the scope of Regulation (EC) No 1084/2003. Variations to marketing authorisations granted under purely national procedures are thus subject to national rules.
- (5) Consequently, while the granting of all marketing authorisations for medicinal products is subject to harmonised rules within the Community, this is not the case for variations to the terms of marketing authorisations.
- (6) For reasons of public health and legal consistency, and with a view to reducing the administrative burden and strengthening predictability for economic operators, variations to all types of marketing authorisations should be subject to harmonised rules.
- (7) The rules on variations adopted by the Commission should pay particular attention to simplifying administrative procedures. To this effect, the Commission should provide, when adopting these rules, for the possibility of submitting a single application for one or more identical changes made to the terms of a number of marketing authorisations.
- (8) In accordance with point 34 of the Interinstitutional Agreement on better law-making ⁽⁷⁾, Member States are encouraged to draw up, for themselves and in the interests of the Community, their own tables illustrating, as far as possible, the correlation between this Directive and the transposition measures, and to make them public.
- (9) Directive 2001/82/EC and Directive 2001/83/EC should therefore be amended accordingly,

⁽¹⁾ OJ C 27, 3.2.2009, p. 39.

⁽²⁾ Opinion of the European Parliament of 22 October 2008 (not yet published in the Official Journal) and Council Decision of 28 May 2009.

⁽³⁾ OJ L 311, 28.11.2001, p. 1.

⁽⁴⁾ OJ L 311, 28.11.2001, p. 67.

⁽⁵⁾ OJ L 136, 30.4.2004, p. 1.

⁽⁶⁾ OJ L 159, 27.6.2003, p. 1.

⁽⁷⁾ OJ C 321, 31.12.2003, p. 1.

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Amendments to Directive 2001/82/EC

Directive 2001/82/EC is hereby amended as follows:

1. the following Article shall be inserted:

'Article 27b

The Commission shall adopt appropriate arrangements for the examination of variations to the terms of marketing authorisations granted in accordance with this Directive.

The Commission shall adopt these arrangements in the form of an implementing regulation. That measure, designed to amend non-essential elements of this Directive, by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 89(2a).'

2. the second and third subparagraphs of Article 39(1) shall be deleted.

Article 2

Amendments to Directive 2001/83/EC

Directive 2001/83/EC is hereby amended as follows:

1. the following Article shall be inserted:

'Article 23b

1. The Commission shall adopt appropriate arrangements for the examination of variations to the terms of marketing authorisations granted in accordance with this Directive.

2. The Commission shall adopt the arrangements referred to in paragraph 1 in the form of an implementing regulation. That measure, designed to amend non-essential elements of this Directive, by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 121(2a).

3. When adopting the arrangements referred to in paragraph 1, the Commission shall make efforts to make it possible to submit a single application for one or more identical changes made to the terms of a number of marketing authorisations.

4. A Member State may continue to apply national provisions on variations applicable at the time of entry into force of the implementing regulation to marketing authorisations granted before 1 January 1998 to medicinal

products authorised only in that Member State. Where a medicinal product subject to national provisions in accordance with this Article is subsequently granted a marketing authorisation in another Member State, the implementing regulation shall apply to that medicinal product from that date.

5. Where a Member State decides to continue to apply national provisions pursuant to paragraph 4, it shall notify the Commission thereof. If a notification has not been made by 20 January 2011, the implementing regulation shall apply.'

2. the second and third subparagraphs of Article 35(1) shall be deleted.

Article 3

Transposition

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 20 January 2011 at the latest. They shall forthwith communicate to the Commission the text thereof.

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

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

Article 4

Entry into force

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

Article 5

Addressees

This Directive is addressed to the Member States.

Done at Brussels, 18 June 2009.

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

For the Council
The President
Š. FÜLE

DECISIONS ADOPTED JOINTLY BY THE EUROPEAN PARLIAMENT AND THE COUNCIL

DECISION No 568/2009/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 18 June 2009

amending Council Decision 2001/470/EC establishing a European Judicial Network in civil and commercial matters

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 61(c) and (d) and 66 and the second indent of Article 67(5) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽²⁾,

Whereas:

(1) The European Judicial Network in civil and commercial matters between the Member States (the Network) was established by Council Decision 2001/470/EC ⁽³⁾ because it was considered that the establishment of an area of freedom, security and justice entailed the need to improve, simplify and expedite effective judicial cooperation between Member States, as well as effective access to justice, for persons engaging in cross-border litigation. The date of application of that Decision was 1 December 2002.

(2) The Hague Programme on strengthening freedom, security and justice in the European Union, adopted by the European Council on 4 and 5 November 2004 ⁽⁴⁾, calls for further efforts to be made to facilitate access to justice and judicial cooperation in civil matters. In particular, it focuses on the effective implementation of instruments on civil justice adopted by the European Parliament and the Council and the promotion of cooperation between members of the legal professions with a view to establishing best practice.

(3) In accordance with Article 19 of Decision 2001/470/EC, the Commission presented on 16 May 2006 a report on the operation of the Network. The report concluded that, although the Network had generally met the objectives set in 2001, it was still a long way from having developed its full potential.

(4) In order to achieve the objectives of the Hague Programme as regards improving judicial cooperation and access to justice and to take on the expected increase in the Network's tasks in the years ahead, the Network should have a legal framework better suited to increasing its means of action.

(5) It is essential to achieve better operating conditions for the Network in the Member States through national contact points and thus to reinforce the role of the contact points both within the Network and in relation to judges and to the legal professions.

(6) To this end, the Member States should assess the resources which they need to make available to the contact points so that they can fully carry out their duties. The internal distribution of competences in the Member States concerning the financing of the activities of the national members of the Network should not be affected by this Decision.

(7) To the same end, there needs to be a contact point or points in each Member State capable of performing the functions assigned to them. If there is more than one contact point, the Member State should ensure effective coordination between them.

(8) In future, where the law of another Member State is designated under a Community or an international instrument, the Network's contact points should take part in informing the judicial and extra-judicial authorities in the Member States of the content of that foreign law.

(9) Contact points should process requests for judicial cooperation fast enough to be compatible with the Decision's general objectives.

⁽¹⁾ Opinion delivered on 3 December 2008 (not yet published in the Official Journal).

⁽²⁾ Opinion of the European Parliament of 16 December 2008 (not yet published in the Official Journal) and Council Decision of 4 June 2009.

⁽³⁾ OJ L 174, 27.6.2001, p. 25.

⁽⁴⁾ OJ C 53, 3.3.2005, p. 1.

- (10) For the purposes of calculating time limits as provided for in this Decision, Regulation (EEC, Euratom) No 1182/71 of the Council of 3 June 1971 determining the rules applicable to periods, dates and time limits⁽¹⁾ should apply.
- (11) The purpose of the electronic register is to provide information with a view to assessing the performance of the Network and the practical application of Community instruments. Therefore it should not include all the information exchanged between contact points.
- (12) Professional associations representing legal practitioners, in particular lawyers, solicitors, barristers, notaries and bailiffs directly involved in the application of Community and international instruments concerning civil justice may become members of the Network through their national organisations in order to contribute, with the contact points, to some of the Network's specific tasks and activities.
- (13) To further develop the Network's functions regarding access to justice, the contact points in the Member States should contribute towards providing the public with general information, using the most appropriate technological facilities and at least by providing, on the website of the Member States' ministries of justice, a link to the website of the Network and to the authorities responsible for the actual application of those instruments. This Decision should not be interpreted as imposing on the Member States an obligation to allow the public direct access to the contact points.
- (14) When implementing this Decision, account should be taken of the gradual introduction of the European e-justice system which is intended, in particular, to facilitate judicial cooperation and access to justice.
- (15) In order to improve mutual confidence between judges in the European Union and synergies between the European networks involved, the Network should maintain ongoing relations with the other European networks which share its objectives, in particular the networks of judicial institutions and judges.
- (16) To contribute to the promotion of international judicial cooperation, the Network should develop contacts with the other judicial cooperation networks in the world and with the international organisations which promote international judicial cooperation.
- (17) To allow regular monitoring of progress in achieving the objectives of Council Decision 2001/470/EC as amended by this Decision, the Commission should present reports to the European Parliament, the Council and the European Economic and Social Committee on the Network's activities.
- (18) Council Decision 2001/470/EC should be amended accordingly.
- (19) Since the objective of this Decision cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale and effects of this Decision, be better achieved at Community level, the Community may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Decision does not go beyond what is necessary to achieve that objective.
- (20) The United Kingdom and Ireland, in accordance with Article 3 of the Protocol on the position of the United Kingdom and Ireland annexed to the Treaty on European Union and to the Treaty establishing the European Community, have given notice of their wish to take part in the adoption and application of this Decision.
- (21) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application,

HAVE ADOPTED THIS DECISION:

Article 1

Decision 2001/470/EC is hereby amended as follows:

1. Article 2 shall be amended as follows:

(a) paragraph 1 shall be amended as follows:

(i) point (c) shall be replaced by the following:

'(c) the liaison magistrates to whom Joint Action 96/277/JHA of 22 April 1996 concerning a framework for the exchange of liaison magistrates to improve judicial cooperation between the Member States of the European Union (*) applies, where they have responsibilities in judicial cooperation in civil and commercial matters;

(*) OJ L 105, 27.4.1996, p. 1.;

(ii) the following point shall be added:

'(e) professional associations representing, at national level in the Member States, legal practitioners directly involved in the application of Community and international instruments concerning judicial cooperation in civil and commercial matters.';

(1) OJ L 124, 8.6.1971, p. 1.

- (b) in paragraph 2 the following subparagraph shall be added:

'If the contact point designated under this paragraph is not a judge, the Member State concerned shall provide for effective liaison with the national judiciary. To facilitate this, a Member State may designate a judge to support this function. This judge shall be a member of the Network.'

- (c) the following paragraph shall be inserted:

'2a. Member States shall ensure that the contact points have sufficient and appropriate facilities in terms of staff, resources and modern means of communication to adequately fulfil their tasks as contact points.'

- (d) the following paragraph shall be inserted:

'4a. Member States shall determine the professional associations referred to in paragraph 1(e). To that end, they shall obtain the agreement of the professional associations concerned on their participation in the Network.

Where there is more than one association representing a legal profession in a Member State, it shall be the responsibility of that Member State to provide for appropriate representation of that profession on the Network.'

- (e) paragraph 5 shall be amended as follows:

- (i) the introductory part shall be replaced by the following:

'5. The Member States shall notify the Commission, in accordance with Article 20, of the names and full addresses of the authorities referred to in paragraphs 1 and 2 of this Article, specifying:'

- (ii) point (c) shall be replaced by the following:

'(c) where appropriate, their specific functions in the Network, including, where there is more than one contact point, their specific responsibilities.'

2. Article 3 shall be amended as follows:

- (a) in paragraph 1, point (b) shall be replaced by the following:

'(b) facilitating effective access to justice, through measures providing information on the working of Community and international instruments concerning judicial cooperation in civil and commercial matters.'

- (b) in paragraph 2, points (b) and (c) shall be replaced by the following:

'(b) the effective and practical application of Community instruments or conventions in force between two or more Member States.

In particular where the law of another Member State is applicable, the courts or authorities responsible for the matter may apply to the Network for information on the content of that law;

- (c) the establishment, maintenance and promotion of an information system for the public on judicial cooperation in civil and commercial matters in the European Union, on relevant Community and international instruments and on the domestic law of the Member States, with particular reference to access to justice.

The main source of information shall be the Network's website containing up-to-date information in all the official languages of the institutions of the Union.'

3. Article 5, paragraph 2 shall be replaced by the following:

'2. In particular, the contact points shall:

- (a) ensure that the local judicial authorities receive general information concerning the Community and international instruments relating to judicial cooperation in civil and commercial matters. In particular, they shall ensure that the Network, including the website of the Network, is better known to the local judicial authorities;
- (b) supply the other contact points, the authorities mentioned in Article 2(1)(b) to (d) and the local judicial authorities in their own Member State with all the information needed for sound judicial cooperation between the Member States in accordance with Article 3, in order to assist them in preparing operable requests for judicial cooperation and in establishing the most appropriate direct contacts;

- (c) supply any information to facilitate the application of the law of another Member State that is applicable under a Community or international instrument. To this end, the contact point to which such a request is addressed may draw on the support of any of the other authorities in its Member State referred to in Article 2 in order to supply the information requested. The information contained in the reply shall not be binding on the contact point, the authorities consulted or the authority which made the request;
 - (d) seek solutions to difficulties arising on the occasion of a request for judicial cooperation, without prejudice to paragraph 4 of this Article and to Article 6;
 - (e) facilitate coordination of the processing of requests for judicial cooperation in the relevant Member State, in particular where several requests from the judicial authorities in that Member State fall to be executed in another Member State;
 - (f) contribute to generally informing the public, through the Network's website, on judicial cooperation in civil and commercial matters in the European Union, on relevant Community and international instruments and on the domestic law of the Member States, with particular reference to access to justice;
 - (g) collaborate in the organisation of, and participate in, the meetings referred to in Article 9;
 - (h) assist with the preparation and updating of the information referred to in Title III, and in particular with the information system for the public, in accordance with the rules laid down in that Title;
 - (i) ensure coordination between members of the Network at national level;
 - (j) draw up a two-yearly report on their activities, including, where appropriate, best practice in the Network, submit it at a meeting of the members of the Network, and draw specific attention to possible improvements in the Network.;
4. the following Article shall be inserted:
- 'Article 5a*

Professional associations

1. In order to contribute to the accomplishment of the tasks provided for by Article 3, the contact points shall have appropriate contacts with the professional associations mentioned in Article 2(1)(e), in accordance with rules to be determined by each Member State.

2. In particular, the contacts referred to in paragraph 1 may include the following activities:

- (a) exchange of experience and information as regards the effective and practical application of Community and international instruments;
- (b) collaboration in the preparation and updating of the information sheets referred to in Article 15;
- (c) participation of the professional associations in relevant meetings.

3. Professional associations shall not request information relating to individual cases from contact points.;

5. in Article 6, paragraph 2, the following subparagraph shall be added:

'To this end, each Member State shall ensure, in accordance with the procedures to be determined by it, that the contact point(s) and competent authorities have the means to meet on a regular basis.;

6. Article 7, paragraph 1, shall be replaced by the following:

'To facilitate the practical operation of the Network, each Member State shall ensure that the contact points have adequate knowledge of an official language of the institutions of the Union other than their own, given that they need to be able to communicate with the contact points in other Member States.;

7. Article 8 shall be replaced by the following:

'Article 8

Processing of requests for judicial cooperation

1. The contact points shall respond to all requests submitted to them without delay and at the latest within fifteen days of receipt thereof. If a contact point cannot reply to a request within that time limit, it shall inform the maker of the request briefly of this fact, indicating how much time it considers that it will need to reply, but this period shall not, as a rule, exceed thirty days.

2. In order to respond as efficiently and rapidly as possible to the requests referred to in paragraph 1, the contact points shall use the most appropriate technological facilities made available to them by the Member States.

3. The Commission shall keep a secure, limited-access electronic register of the requests for judicial cooperation and replies referred to in Article 5(2)(b), (c), (d) and (e). The contact points shall ensure that the information necessary for the establishment and operation of this register is supplied regularly to the Commission.

4. The Commission shall supply the contact points with information on the statistics relating to the judicial cooperation requests and replies referred to in paragraph 3 at least once every six months.;

8. Article 9 shall be replaced by the following:

'Article 9

Meetings of the contact points

1. The contact points of the Network shall meet at least once every six months, in accordance with Article 12.

2. Each Member State shall be represented at those meetings by one or more contact points, who may be accompanied by other members of the Network, but there shall be no more than six representatives per Member State.;

9. the following Article shall be inserted:

'Article 11a

Participation of observers in Network meetings

1. Without prejudice to Article 1(2), Denmark may be represented at the meetings referred to in Articles 9 and 11.

2. Accession countries and candidate countries may be invited to attend these meetings as observers. Third countries that are party to international agreements on judicial cooperation in civil and commercial matters concluded by the Community may also be invited to attend certain Network meetings as observers.

3. Each observer State may be represented at the meetings by one or more persons, but under no circumstances may there be more than three representatives per State.;

10. the following Article shall be inserted at the end of Title II:

'Article 12a

Relations with other networks and international organisations

1. The Network shall maintain relations and share experience and best practice with the other European networks that share its objectives, such as the European

Judicial Network in criminal matters. The Network shall also maintain relations with the European Judicial Training Network with a view to promoting, where appropriate and without prejudice to national practices, training sessions on judicial cooperation in civil and commercial matters for the benefit of the local judicial authorities of the Member States.

2. The Network shall maintain relations with the European Consumer Centres Network (ECC-Net). In particular, in order to supply any general information on the working of Community and international instruments to facilitate consumer access to justice, the contact points of the Network shall be at the disposal of the members of ECC-Net.

3. In order to meet its responsibilities under Article 3 concerning international instruments on judicial cooperation in civil and commercial matters, the Network shall maintain contact and exchanges of experience with the other judicial cooperation networks established between third countries and with international organisations that promote international judicial cooperation.

4. The Commission, in close cooperation with the Presidency of the Council and the Member States, shall be responsible for implementing the provisions of this Article.;

11. the heading of Title III shall be replaced by the following:

'TITLE III

INFORMATION AVAILABLE WITHIN THE NETWORK AND INFORMATION PROVIDED TO THE PUBLIC;

12. in Article 13, paragraph 1, the following point shall be added:

'(c) the information referred to in Article 8.;

13. the following Article shall be inserted:

'Article 13a

Provision of general information to the public

The Network shall contribute towards providing the public with general information, using the most appropriate technological facilities to inform it about the content and working of Community or international instruments on judicial cooperation in civil and commercial matters.

To that end, and without prejudice to the provisions of Article 18, the contact points shall promote to the public the information system referred to in Article 14.;

14. in Article 17(4), point (b) shall be replaced by the following:

‘(b) arrange for the translations into the official languages of the institutions of the Union of information on the relevant aspects of Community law and procedures, including Community case-law, and of the information system’s general pages and the information sheets referred to in Article 15, and install them on the Network’s dedicated website.’;

15. in Article 18, point 4, the word ‘progressively’ shall be deleted;

16. Article 19 shall be replaced by the following:

‘Article 19

Reporting

No later than 1 January 2014, and every three years thereafter, the Commission shall present to the European Parliament, the Council and the European Economic and Social Committee a report on the activities of the Network. This report shall be accompanied, if appropriate, by proposals aimed at adapting this Decision and shall include information on the Network’s activities aimed at making progress with the design, development and implementation of European e-justice, particularly from the point of view of facilitating access to justice.’;

17. Article 20 shall be replaced by the following:

‘Article 20

Notification

No later than 1 July 2010, the Member States shall notify the Commission of the information referred to in Article 2(5).’.

Article 2

Entry into force

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

It shall apply from 1 January 2011, except for points (1)(e) and (17) of Article 1, which shall apply from the date of notification of this Decision to the Member States to which it is addressed.

This Decision is addressed to the Member States in accordance with the Treaty establishing the European Community.

Done at Brussels, 18 June 2009.

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

For the Council
The President
Š. FÜLE

II

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

DECISIONS

EUROPEAN PARLIAMENT

COUNCIL

COMMISSION

COURT OF JUSTICE

THE COURT OF AUDITORS

EUROPEAN ECONOMIC AND SOCIAL COMMITTEE

COMMITTEE OF THE REGIONS

**DECISION OF THE EUROPEAN PARLIAMENT, THE COUNCIL, THE COMMISSION, THE COURT
OF JUSTICE, THE COURT OF AUDITORS, THE EUROPEAN ECONOMIC AND SOCIAL
COMMITTEE AND THE COMMITTEE OF THE REGIONS**

of 26 June 2009

on the organisation and operation of the Publications Office of the European Union

(2009/496/EC, Euratom)

THE EUROPEAN PARLIAMENT,

Having regard to the Treaty establishing the European Community,

THE COUNCIL,

Having regard to the Treaty establishing the European Atomic Energy Community,

THE COMMISSION,

Whereas:

THE COURT OF JUSTICE,

(1) Article 8 of the Decision of the representatives of the governments of the Member States of 8 April 1965 on the provisional location of certain institutions and departments of the Communities ⁽¹⁾ provided for an Office for Official Publications of the Communities (hereinafter the Office) to be located in Luxembourg. That provision was last implemented by Decision 2000/459/EC, ECSC, Euratom ⁽²⁾.

THE COURT OF AUDITORS,

THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE,

THE COMMITTEE OF THE REGIONS,

Having regard to the Treaty on European Union,

⁽¹⁾ OJ 152, 13.7.1967, p. 18.

⁽²⁾ OJ L 183, 22.7.2000, p. 12.

- (2) The rules and regulations applicable to officials and other servants of the European Communities apply to the Office. Account should be taken of the recent amendments to those rules and regulations.
- (3) Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽¹⁾ (hereinafter the Financial Regulation) contains specific provisions concerning the operation of the Office.
- (4) Major technological advances are taking place in publishing and these need to be taken into account in the way the Office operates.
- (5) For the sake of clarity, it is appropriate to repeal Decision 2000/459/EC, ECSC, Euratom and to replace it by this Decision,

HAVE DECIDED AS FOLLOWS:

Article 1

The Publications Office

1. The task of the Publications Office of the European Union (hereinafter the Office), which is an interinstitutional office, shall be to publish the publications of the institutions of the European Communities and the European Union under optimum conditions.

To this end it shall, firstly, enable the institutions to fulfil their obligations to publish legislative texts and, secondly, contribute to the technical formulation and implementation of information and communication policies within its areas of competence.

2. The Office shall be managed by its Director following the strategic guidelines set by the Management Committee. Apart from the provisions of this Decision which are specific to the interinstitutional role of the Office, the Office shall apply the administrative and financial procedures of the Commission. In establishing those procedures, the Commission shall take account of the specific nature of the Office.

Article 2

Definitions

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

1. 'publishing' means any action necessary for the design, checking, allocation of international standard numbers and/or catalogue numbers, production, cataloguing, indexing, distribution, promotion, sale, storage and archiving

of publications in any shape or form and by any means, present or future;

2. 'publications' means all texts, published on whatever medium and in whatever format, bearing an international standard number and/or a catalogue number;
3. 'mandatory publications' means publications published pursuant to the Treaties or other legislative texts;
4. 'non-mandatory publications' means any publications edited under the prerogatives of any institution;
5. 'management of copyright' means that the author services hold the copyright or the right to reuse and includes the management of those rights by the Office in respect of the publications entrusted to the Office for publishing;

6. 'net receipts from sales' means the total sum of invoices, minus trade discounts granted and management, collection and banking costs;

7. 'institutions' means the institutions, bodies, offices and agencies established by or under the Treaties.

Article 3

Scope of competence of the Office

1. The Office shall have competence for the following:

- (a) publishing the *Official Journal of the European Union* (hereinafter Official Journal) and guaranteeing that it is authentic;
- (b) publishing the other mandatory publications;
- (c) publishing or co-publishing non-mandatory publications entrusted to the Office under the prerogatives of each institution, in particular in the context of the institutions' communication activities;
- (d) publishing or co-publishing publications on its own initiative, including publications intended to promote its own services; in this context, the Office may procure translations by means of a service contract;
- (e) developing, maintaining and updating electronic publishing services for the public;
- (f) making all legislation and other official texts available to the public;

⁽¹⁾ OJ L 248, 16.9.2002, p. 1.

- (g) preserving all publications of the institutions and making them available to the public in electronic form;
- (h) allocating international standard numbers and/or catalogue numbers to the institutions' publications;
- (i) managing reproduction and translation rights in respect of the institutions' publications;
- (j) promoting and selling the publications and services which it offers to the public.

2. The Office shall provide advice and assistance to the institutions for:

- (a) programming and planning their publications programmes;
- (b) implementing their publishing projects, whatever the publishing medium;
- (c) providing page make-up and design for their publishing projects;
- (d) providing information on trends in the publications market in the Member States and on the subjects likely to find the widest audience;
- (e) deciding print-runs and establishing distribution plans;
- (f) pricing and selling publications;
- (g) promoting, distributing and evaluating their publications, whether free of charge or offered for sale;
- (h) analysing, evaluating and setting up websites and Web services for the public;
- (i) drafting framework contracts for publishing activities;
- (j) providing technological supervision of publishing systems.

Article 4

Responsibilities of the institutions

1. Each institution shall have exclusive competence to take decisions on the publishing of its own publications.
2. The institutions shall use the services of the Office to publish their mandatory publications.

3. The institutions may publish their non-mandatory publications without the involvement of the Office. In that case, they shall ask the Office for international standard numbers and/or catalogue numbers and give the Office an electronic version of the publication, whatever its format, as well as two paper copies of the publication where appropriate.

4. The institutions shall undertake to guarantee all reproduction, translation and distribution rights in respect of all the constituent elements of a publication.

5. The institutions shall undertake to establish a distribution plan, approved by the Office, for their publications.

6. The institutions may conclude service agreements with the Office in order to define the methods of their cooperation.

Article 5

Tasks of the Office

1. Tasks performed by the Office shall include the following:

- (a) the collation of documents for publication;
- (b) the preparation, graphic design, correction, page make-up and verification of the texts and other components, in whatever format and on whatever medium, as instructed by the institutions and in compliance with the typographical and linguistic presentation requirements established in cooperation with the institutions;
- (c) the indexation and cataloguing of publications;
- (d) the documentary analysis of texts published in the Official Journal and other official texts;
- (e) the consolidation of legislative texts;
- (f) the management, development, updating and distribution of the Eurovoc multilingual thesaurus;
- (g) the organisation of printing by its service providers;
- (h) the monitoring of the performance of work;
- (i) quality control;
- (j) acceptance as regards quality and quantity;

- (k) the physical and electronic distribution of the Official Journal, official texts other than those published in the Official Journal and other non-mandatory publications;
- (l) storage;
- (m) physical and electronic archiving;
- (n) the reprinting of publications that are out of print and printing on request;
- (o) the creation of a consolidated catalogue of the institutions' publications;
- (p) the sale, including the issue of invoices, collection and transfer of revenue, and management of claims;
- (q) promotion;
- (r) the creation, purchase, management, updating, monitoring and supervision of the mailing lists of the institutions and the creation of targeted mailing lists;

2. Within the framework of its own powers or on the basis of the delegation of authorising officer powers by the institutions, the Office shall be responsible for:

- (a) public procurement, including entering into legally binding commitments;
- (b) financial oversight of contracts with suppliers;
- (c) settlement of expenditure, including acceptance as regards quality and quantity, expressed by signing an authorisation for payment;
- (d) authorisation of expenditure;
- (e) revenue operations.

Article 6

Management Committee

1. A Management Committee shall be established within which all the signatory institutions are represented. The Management Committee shall be made up of the Registrar of the Court of Justice, the Deputy Secretary-General of the Council and the Secretaries-General of the other institutions or their representatives. The European Central Bank shall take part in the work of the Management Committee as an observer.

2. The Management Committee shall designate a Chairperson, to be chosen among its members, for a period of two years.

3. The Management Committee shall meet at least four times a year at the initiative of its Chairperson or at the request of an institution.

4. The Management Committee shall adopt its Rules of Procedure, which shall be published in the Official Journal.

5. The Management Committee's decisions shall be taken by simple majority, except where otherwise provided.

6. Each institution which is a signatory to this Decision shall have one vote on the Management Committee.

Article 7

Tasks and responsibilities of the Management Committee

1. By way of derogation from Article 6, the Management Committee shall, by unanimous decision, in the common interest of the institutions and within the scope of competence of the Office, adopt the following decisions:

- (a) on the basis of a proposal from the Director, it shall adopt the strategic objectives of the Office and the rules governing its operation;
- (b) it shall set the guidelines for the general policies of the Office, particularly as regards sales, distribution and publishing, and shall ensure that the Office contributes to the formulation and implementation of information and communication policies within its areas of competence;
- (c) on the basis of a draft prepared by the Director of the Office, it shall adopt an annual management report to the institutions concerning the implementation of the strategy and services supplied by the Office; by 1 May of each year, it shall send its report on the financial year just ended to the institutions;
- (d) it shall approve the estimates of the Office's revenue and expenditure under the budget procedure for the Office's administrative budget;
- (e) it shall approve the criteria by which the Office conducts its cost accounting, which the Director of the Office shall adopt;
- (f) it shall submit to the institutions any suggestions it has for improving the smooth running of the Office.

2. The Management Committee shall take account of the guidelines produced by the interinstitutional bodies on communication and information set up for this purpose. The Chairperson of the Management Committee shall communicate with these bodies every year.

3. The contact person with discharge authority for strategic decisions within the areas of competence of the Office shall be the Chairperson of the Management Committee in his capacity as representative of interinstitutional cooperation.

4. The Chairperson of the Management Committee and the Director of the Office shall by common agreement draw up mutual information and communication rules to formalise their relations. This agreement shall be sent to the members of the Management Committee for information.

Article 8

Director of the Office

The Director of the Office shall be responsible for the smooth running of the Office, acting under the authority of the Management Committee and within its scope of competence. For the application of administrative and financial procedures, he shall act under the authority of the Commission.

Article 9

Tasks and responsibilities of the Director of the Office

1. The Director of the Office shall provide the secretariat for the Management Committee and shall submit quarterly reports to the Management Committee on the performance of his duties.

2. The Director of the Office shall submit to the Management Committee any proposal for improving the smooth running of the Office.

3. After consulting the Management Committee for advice, the Director of the Office shall determine the types of service which the Office may perform against payment for the institutions, and the corresponding charges.

4. The Director of the Office shall, after obtaining the approval of the Management Committee, determine the criteria by which the Office is to conduct its cost accounting. He shall define the procedures for accounting cooperation between the Office and the institutions in agreement with the Commission Accounting Officer.

5. The Director of the Office shall draw up draft estimates of the Office's revenue and expenditure under the budget

procedure for the Office's administrative budget. After approval by the Management Committee, these proposals shall be submitted to the Commission.

6. The Director of the Office shall decide whether, and in accordance with what procedures, publications from third parties may be published.

7. The Director of the Office shall take part in interinstitutional activities concerning information and communication within the areas of competence of the Office.

8. As regards the publishing of legislation and official documents relating to the legislative procedure, including the Official Journal, the Director of the Office shall:

(a) ensure that the competent authorities in each institution take the basic decisions that are to be applied jointly;

(b) submit proposals for improving the structure and presentation of the Official Journal and official legislative texts;

(c) submit proposals to the institutions for harmonising the presentation of texts for publication;

(d) examine any difficulties encountered in the course of day-to-day operations, draft, within the context of the Office, the necessary instructions and suggest to the institutions appropriate recommendations in order to overcome such difficulties.

9. The Director of the Office shall, in accordance with the Financial Regulation, draw up an annual activity report covering the management of funds assigned by the Commission and other institutions under the Financial Regulation. The report shall be addressed to the Commission and the institutions concerned and, for information, to the Management Committee.

10. For the purposes of the assignment of Commission funds and implementation of the budget, information and consultation procedures between the Commissioner responsible for relations with the Office and the Director of the Office shall be established by common agreement.

11. The Director of the Office shall be responsible for implementing the strategic objectives adopted by the Management Committee and for the sound management of the Office and its activities as well as the management of its budget.

12. Should the Director of the Office be absent or unavailable, the deputisation rules based on grade and seniority shall apply unless the Management Committee, on a proposal from its Chairperson or the Director of the Office, decides on a different order.

13. The Director of the Office shall inform the institutions about the planning and use of resources and the progress of work in a quarterly report.

Article 10

Staff

1. The Commission, having obtained the unanimous approval of the Management Committee, shall make appointments to the posts of Director-General and Director. The Commission's rules on mobility and evaluation of senior management shall apply to the Director-General and Directors (grades AD 16/AD 15/AD 14). When the mobility deadline normally provided for in the relevant rules is approaching for an official occupying such a post, the Commission shall inform the Management Committee, which may issue a unanimous opinion on the case.

2. The Management Committee shall be closely involved in any procedures that have to be completed before the appointment of officials or other servants to the posts of Director-General (grades AD 16/AD 15) and Director (grades AD 15/AD 14) at the Office, especially in drafting vacancy notices, examining applications and appointing competition selection boards in relation to those posts.

3. The powers of the appointing authority and those of the authority empowered to conclude contracts of employment in respect of officials and other servants assigned to the Office shall be exercised by the Commission. The Commission may delegate some of its powers within the Commission and to the Director of the Office. Such delegation shall be effected under the same conditions as for Commission Directors-General.

4. Subject to paragraph 2, the provisions and procedures adopted by the Commission to implement the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities shall apply to officials and other servants assigned to the Office under the same conditions as for Commission officials and other servants serving in Luxembourg.

5. The officials of all the institutions shall be informed of any post vacant within the Office for which a vacancy notice is to be published, as soon as the appointing authority or the authority empowered to conclude contracts of employment decides to fill that post.

6. The Director of the Office shall report to the Management Committee on staff management on a quarterly basis.

Article 11

Financial aspects

1. The appropriations allocated to the Office, the total amount of which shall be shown under a separate heading within the section of the budget relating to the Commission, shall be set out in detail in an annex to that section. This annex shall be in the form of a statement of revenue and expenditure subdivided in the same way as the sections of the budget.

2. The establishment plan of the Office shall be set out in an annex to the establishment plan of the Commission.

3. Each institution shall be authorising officer for the relevant appropriations under the 'publishing expenditure' heading in its budget.

4. Each institution may delegate authorising officer powers to the Director of the Office for the management of appropriations entered in its section and shall set the limits and conditions for this delegation of powers in accordance with the Financial Regulation. The Director of the Office shall report to the Management Committee on such delegation of powers on a quarterly basis.

5. The budgetary and financial management of the Office, including management of the appropriations assigned by institutions other than the Commission, shall be conducted in compliance with the Financial Regulation and its implementing provisions and the financial framework in force at the Commission.

6. The Office's accounts shall be drawn up in accordance with the accounting rules and methods approved by the Commission Accounting Officer. The Office shall keep separate accounts for the sale of the Official Journal and publications. Net receipts from sales shall be passed on to the institutions.

Article 12

Oversight

1. The function of internal auditor shall be performed at the Office by the Commission internal auditor, in accordance with the Financial Regulation. The Office shall establish an internal audit capability using arrangements similar to those for the Commission's Directorates-General and departments. The institutions may ask the Director of the Office to include specific audits in the work programme of the Office's internal audit capability.

2. The Office shall answer any questions falling within its competence in connection with the remit of the European Anti-Fraud Office (OLAF). In order to protect the interests of the European Union, an agreement setting out mutual information arrangements shall be drawn up between the Chairperson of the Management Committee and the Director of OLAF.

*Article 13***Complaints and requests**

1. Within the limits of its competence, the Office shall be responsible for answering questions from the European Ombudsman and the European Data Protection Supervisor.

2. Any legal action within the areas of competence of the Office shall be brought against the Commission.

*Article 14***Public access to documents**

1. The Director of the Office shall take the decisions referred to in Article 7 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents ⁽¹⁾. Where applications are refused, decisions on confirmatory applications shall be taken by the Secretary-General of the Commission.

2. The Office shall keep a register of documents in accordance with Article 11 of Regulation (EC) No 1049/2001.

*Article 15***Repeal**

Decision 2000/459/EC, ECSC, Euratom is repealed.

References to the repealed Decision shall be construed as references to this Decision.

*Article 16***Effective date**

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

Done at Brussels and at Luxembourg, 26 June 2009.

For the European Parliament

The President

H.-G. PÖTTERING

For the Council

The President

K. SCHWARZENBERG

For the Commission

The President

J. M. BARROSO

For the Court of Justice

The President

V. SKOURIS

For the Court of Auditors

The President

V. M. SILVA CALDEIRA

*For the European Economic and
Social Committee*

The President

M. SEPI

For the Committee of the Regions

The President

L. VAN DEN BRANDE

⁽¹⁾ OJ L 145, 31.5.2001, p. 43.

ACP-CE COUNCIL OF MINISTERS

DECISION No 1/2009 OF THE ACP-EC COUNCIL OF MINISTERS

of 29 May 2009

to adopt amendments to Annex II to the Partnership Agreement

(2009/497/EC)

THE ACP-EC COUNCIL OF MINISTERS,

Having regard to the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States (hereinafter referred to as the ACP) of the one part, and the European Community and its Member States, of the other part, signed in Cotonou (Benin) on 23 June 2000 and revised in Luxembourg on 25 June 2005 (hereinafter referred to as the ACP-EC Partnership Agreement) ⁽¹⁾, and in particular Articles 15(3) and 100 thereof,

Having regard to the recommendation of the ACP-EC Development Finance Cooperation Committee,

Whereas:

(1) In order to facilitate its own resources lending to the poorer ACP countries in the framework of heavily indebted poor countries (HIPC) and other internationally-agreed debt sustainability initiatives, the European Investment Bank (EIB) proposes to modify Annex II to the ACP-EC Partnership Agreement.

(2) Policy coherence between EIB own resources lending and the HIPC initiative requires a greater flexibility, to satisfy internationally-agreed or similar HIPC conditions on debt sustainability and particularly in respect to interest rate subsidies.

(3) Such provision already exists for resources managed by the EIB in the context of the Investment Facility, in accordance with Article 2 of Annex II to the ACP-EC Partnership Agreement.

(4) The objective of the new paragraphs in Article 1 of Annex II to the ACP-EC Partnership Agreement is to apply uniform conditions to both EIB own resources and the Investment Facilities.

(5) The objective of the new text for Articles 1, 2 and 4 of Annex II to the ACP-EC Partnership Agreement is to align EIB own resources and the Investment Facility provisions in the HIPC framework.

(6) It is therefore appropriate to amend Annex II to the ACP-EC Partnership Agreement accordingly,

HAS DECIDED AS FOLLOWS:

Sole Article

Annex II to the ACP-EC Partnership Agreement is hereby amended as follows:

1. in Article 1, the first subparagraph is numbered 1 and the following paragraphs 2, 3 and 4 shall be inserted:

‘2. Funds for interest rate subsidies, as provided for under this Annex, will be made available from the interest subsidy allocation specified in Annex 1b paragraph 2(c).

3. Interest subsidies may be capitalised or may be used in the form of grants. The amount of the interest rate subsidy, calculated in terms of its value at the times of disbursement of the loan, shall be charged against the interest subsidy allocation specified in Annex 1b, paragraph 2(c), and paid directly to the Bank. Up to 10 % of this allocation for interest rate subsidies may also be used to support project related technical assistance in ACP countries.

⁽¹⁾ OJ L 287, 28.10.2005, p. 4.

4. These terms and conditions are without prejudice to terms and conditions that may be imposed upon ACP countries subject to restrictive borrowing conditions under the heavily indebted poor countries ("HIPC") or other internationally agreed debt sustainability frameworks. Accordingly, where such frameworks require a reduction in the interest rate of a loan by more than 3 %, as permitted under Articles 2 and 4 of this Chapter, the Bank shall seek to reduce the average cost of funds through appropriate co-financing with other donors. Should this not be deemed possible, the interest rate of the Bank loan may be reduced by such amount as required to comply with the level arising from the HIPC initiative or any internationally-agreed debt sustainability framework.';
2. in Article 2, the text of paragraph 7 shall be replaced by the following text:
- '7. Ordinary loans in countries not subject to restrictive borrowing conditions under the HIPC or other internationally agreed debt sustainability frameworks may be extended on concessional terms and conditions in the following cases:
- (a) for infrastructure projects, that are a prerequisite for private sector development in the least developed countries, in post-conflict countries and in post-natural disaster countries. In such cases, the interest rate of the loan will be reduced by up to 3 %;
 - (b) for projects which involve restructuring operations in the framework of privatisation or for projects with substantial and clearly demonstrable social or environmental benefits. In such cases, loans may be extended with an interest rate subsidy, the amount and form of which will be decided with respect to the particular characteristics of the project. However, the interest rate subsidy shall not be higher than 3 %.
- The final rate of loans falling under (a) or (b) shall, in any case, never be less than 50 % of the reference rate.';
3. in Article 4, the text of paragraph 2 shall be replaced by the following:
- '2. Loans from the Bank's own resources shall be granted under the following terms and conditions:
- (a) the reference rate of interest shall be the rate applied by the Bank for a loan with the same conditions as to currency and the repayment period on the day of signature of the contract or on the date of disbursement;
 - (b) however, for countries which are not subject to restrictive borrowing conditions under the HIPC or other internationally agreed debt sustainability frameworks:
 - (i) in principle, public sector projects shall be eligible for an interest rate subsidy of up to 3 %;
 - (ii) private sector projects falling into the categories specified in Article 2(7)(b) shall be eligible for interest rates subsidies on the terms specified in that provision.
- The final interest rate shall, in any such case, never be less than 50 % of the reference rate.
- (c) the repayment period of loans made by the Bank from its own resources shall be determined on the basis of the economic and financial characteristics of the project. These loans shall normally comprise a grace period fixed by reference to the construction period of the project.'.
- Done at Brussels, 29 May 2009.
- For the ACP-EC Council of Ministers*
The President
William HAOMAE
-

RECOMMENDATIONS

COMMISSION

COMMISSION RECOMMENDATION

of 23 June 2009

on reference metadata for the European Statistical System

(Text with EEA relevance)

(2009/498/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular Article 211 thereof,

Whereas:

- (1) The European Statistics Code of Practice⁽¹⁾, intended for the national and Community statistical authorities enumerates 15 principles linked to the institutional environment, statistical processes and statistical output.
- (2) Principle 15 of the European Statistics Code of Practice deals with accessibility and clarity of European Statistics, also emphasising that the accompanying metadata should be documented according to a standardised metadata system.
- (3) Reference metadata are an integral part of the metadata system of each statistical authority.
- (4) With the adoption of the European Statistics Code of Practice the national and Community statistical authorities have committed themselves towards high quality statistics which also requires more transparent and harmonised reporting on data quality.

- (5) In the framework of the SDMX initiative on common technical and statistical standards for the exchange and sharing of data and metadata launched by the Bank of International Settlements, the European Central Bank, the Community statistical authority (Eurostat), the International Monetary Fund, the Organisation for Economic Cooperation and Development, the United Nations and the World Bank the SDMX Content-Oriented Guidelines have been established which support the creation and implementation of harmonised reference metadata in the European Statistical System.

- (6) Considerable efficiency gains can be reached when the reference metadata are produced on the basis of a harmonised list of statistical concepts within the European Statistical System, while at the same time allowing national and Community statistical authorities to add more statistical concepts in particular statistical areas if needed.
- (7) Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European Statistics⁽²⁾ provides a reference framework for this Recommendation,

HEREBY RECOMMENDS TO THE MEMBER STATES:

1. National statistical authorities are invited to apply the statistical concepts and sub-concepts listed in the Annex when reference metadata are compiled in the different statistical areas and when reference metadata are exchanged within the European Statistical System or beyond.

⁽¹⁾ Commission Recommendation of 25 May 2005 on the independence, integrity and accountability of the national and Community statistical authorities, COM(2005) 217 final.

⁽²⁾ OJ L 87, 31.3.2009, p. 164.

2. Additional statistical concepts should be added by national statistical authorities to the above list of concepts and sub-concepts if it is necessary for particular statistical areas.
3. National statistical authorities are invited to regularly inform the Commission (Eurostat) of their application of the concepts and sub-concepts listed in the Annex.

Done at Brussels, 23 June 2009.

For the Commission
Joaquín ALMUNIA
Member of the Commission

ANNEX

List of statistical concepts and sub-concepts (including the definitions of the concepts and sub-concepts)

Number	Concepts	Sub-concepts	Descriptions
1.	Contact		Individual or organisational contact points for the data or metadata, including information on how to reach the contact points.
1.1.		Contact organisation	The name of the organisation of the contact points for the data or metadata.
1.2.		Contact organisation unit	An addressable subdivision of an organisation.
1.3.		Contact name	The name of the contact points for the data or metadata.
1.4.		Contact person function	The area of technical responsibility of the contact, such as 'methodology', 'database management' or 'dissemination'.
1.5.		Contact mail address	The postal address of the contact points for the data or metadata.
1.6.		Contact e-mail address	E-mail address of the contact points for the data or metadata.
1.7.		Contact phone number	The telephone number of the contact points for the data or metadata.
1.8.		Contact fax number	Fax number of the contact points for the data or metadata.
2.	Metadata update		The date on which the metadata element was inserted or modified in the database.
2.1.		Metadata last certified	Date of the latest certification provided by the domain manager to confirm that the metadata posted are still up to date, even if the content has not been amended.
2.2.		Metadata last posted	Date of the latest dissemination of the metadata.
2.3.		Metadata last update	Date of last update of the content of the metadata.
3.	Statistical presentation		
3.1.		Data description	Main characteristics of the data set described in an easily understandable manner, referring to the data and indicators disseminated.
3.2.		Classification system	Arrangement or division of objects into groups based on characteristics which the objects have in common.
3.3.		Sector coverage	Main economic or other sectors covered by the statistics.
3.4.		Statistical concepts and definitions	Statistical characteristics of statistical observations.
3.5.		Statistical unit	Entity for which information is sought and for which statistics are ultimately compiled.
3.6.		Statistical population	The total membership or population or 'universe' of a defined class of people, objects or events.

Number	Concepts	Sub-concepts	Descriptions
3.7.		Reference area	The country or geographic area to which the measured statistical phenomenon relates.
3.8.		Time coverage	The length of time for which data are available.
3.9.		Base period	The period of time used as the base of an index number, or to which a constant series refers.
4.	Unit of measure		The unit in which the data values are measured.
5.	Reference period		The period of time or point in time to which the measured observation is intended to refer.
6.	Institutional Mandate		Set of rules or other formal set of instructions assigning responsibility as well as the authority to an organisation for the collection, processing, and dissemination of statistics.
6.1.		Legal acts and other agreements	Legal acts or other formal or informal agreements that assign responsibility as well as the authority to an agency for the collection, processing, and dissemination of statistics.
6.2.		Data sharing	Arrangements or procedures for data sharing and coordination between data producing agencies.
7.	Confidentiality		A property of data indicating the extent to which their unauthorised disclosure could be prejudicial or harmful to the interest of the source or other relevant parties.
7.1.		Confidentiality — policy	Legislative measures or other formal procedures which prevent unauthorised disclosure of data that identify a person or economic entity either directly or indirectly.
7.2.		Confidentiality — data treatment	Rules applied for treating the data set to ensure statistical confidentiality and prevent unauthorised disclosure.
8.	Release policy		Rules for disseminating statistical data to interested parties.
8.1.		Release calendar	The schedule of statistical release dates.
8.2.		Release calendar access	Access to the release calendar information.
8.3.		User access	The policy for release of the data to users, the scope of dissemination (e.g. to the public, to selected users), how users are informed that the data are being released, and whether the policy determines the dissemination of statistical data to all users.
9.	Frequency of dissemination		The time interval at which the statistics are disseminated over a given time period.
10.	Dissemination format		Media by which statistical data and metadata are disseminated.
10.1.		News release	Regular or ad-hoc press releases linked to the data.
10.2.		Publications	Regular or ad-hoc publications in which the data are made available to the public.
10.3.		Online database	Information about online databases in which the disseminated data can be accessed.

Number	Concepts	Sub-concepts	Descriptions
10.4.		Micro-data access	Information on whether micro-data are also disseminated.
10.5.		Other	References to the most important other data dissemination done.
11.	Accessibility of documentation		
11.1.		Documentation on methodology	Descriptive text and references to methodological documents available.
11.2.		Quality documentation	Documentation on procedures applied for quality management and quality assessment.
12.	Quality Management		Systems and frameworks in place within an organisation to manage the quality of statistical products and processes.
12.1.		Quality assurance	All systematic activities implemented that can be demonstrated to provide confidence that the processes will fulfil the requirements for the statistical output.
12.2.		Quality assessment	Overall assessment of data quality, based on standard quality criteria.
13.	Relevance		The degree to which statistical information meet current and potential needs of the users.
13.1.		User needs	Description of users and their respective needs with respect to the statistical data.
13.2.		User satisfaction	Measures to determine user satisfaction.
13.3.		Completeness	The extent to which all statistics that are needed are available.
14.	Accuracy and reliability		Accuracy: closeness of computations or estimates to the exact or true values that the statistics were intended to measure. Reliability: closeness of the initial estimated value to the subsequent estimated value.
14.1.		Overall accuracy	Assessment of accuracy, linked to a certain data set or domain, which is summarising the various components.
14.2.		Sampling error	That part of the difference between a population value and an estimate thereof, derived from a random sample, which is due to the fact that only a subset of the population is enumerated.
14.3.		Non-sampling error	Error in survey estimates which cannot be attributed to sampling fluctuations.
15.	Timeliness and punctuality		
15.1.		Timeliness	Length of time between data availability and the event or phenomenon they describe.
15.2.		Punctuality	Time lag between the actual delivery of the data and the target date when it should have been delivered.

Number	Concepts	Sub-concepts	Descriptions
16.	Comparability		Measurement of the impact of differences in applied statistical concepts, measurement tools and procedures where statistics are compared between geographical areas or over time.
16.1.		Comparability — geographical	The extent to which statistics are comparable between geographical areas.
16.2.		Comparability over time	The extent to which statistics are comparable or reconcilable over time.
17.	Coherence		Adequacy of statistics to be reliably combined in different ways and for various uses.
17.1.		Coherence — cross domain	The extent to which statistics are reconcilable with those obtained through other data sources or statistical domains.
17.2.		Coherence — internal	The extent to which statistics are consistent within a given data set.
18.	Cost and burden		Cost associated with the collection and production of a statistical product and burden on respondents.
19.	Data revision		Any change in a value of a statistic released to the public.
19.1.		Data revision — policy	Policy aimed at ensuring the transparency of disseminated data, whereby preliminary data are compiled that are later revised.
19.2.		Data revision — practice	Information on the data revision practice.
20.	Statistical processing		
20.1.		Source data	Characteristics and components of the raw statistical data used for compiling statistical aggregates.
20.2.		Frequency of data collection	Frequency with which the source data are collected.
20.3.		Data collection	Systematic process of gathering data for official statistics.
20.4.		Data validation	Process of monitoring the results of data compilation and ensuring the quality of the statistical results.
20.5.		Data compilation	Operations performed on data to derive new information according to a given set of rules.
20.6.		Adjustment	The set of procedures employed to modify statistical data to enable it to conform to national or international standards or to address data quality differences when compiling specific data sets.
21.	Comment		Supplementary descriptive text which can be attached to data or metadata.

ACP-CE Council of Ministers

2009/497/EC:

- ★ **Decision No 1/2009 of the ACP-EC Council of Ministers of 29 May 2009 to adopt amendments to Annex II to the Partnership Agreement** 48

RECOMMENDATIONS

Commission

2009/498/EC:

- ★ **Commission Recommendation of 23 June 2009 on reference metadata for the European Statistical System ⁽¹⁾** 50



⁽¹⁾ Text with EEA relevance

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