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⁽¹⁾ Text with EEA relevance

I

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

REGULATIONS

COUNCIL REGULATION (EC) No 172/2007

of 16 February 2007

**amending Annex V to Regulation (EC) No 850/2004 of the European Parliament and of the Council
on persistent organic pollutants**

(Text with EEA relevance)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 850/2004 of the European Parliament and of the Council of 29 April 2004 on persistent organic pollutants ⁽¹⁾, and in particular Article 7(5) first subparagraph, Article 7(6), and Article 14(3) thereof,

Whereas:

(1) The Commission conducted a study on the implementation of the waste-related provisions of Regulation (EC) No 850/2004. This study identified maximum concentration limits for the purpose of Part 2 of Annex V of Regulation (EC) No 850/2004. Above those limits, risks to human health and the environment could not be excluded.

(2) The concentration limit for Polychlorinated dibenzo-p-dioxins and dibenzofurans (PCDF/PCDD) is expressed in toxic equivalent concentration (TEQ), using the 1998 World Health Organisation toxic equivalency factors (TEFs). Available data on dioxin like Polychlorinated Biphenyl (PCB) is not sufficient to include these compounds in the TEQ.

(3) Hexachlorocyclohexane (HCH) is the name of a technical mixture of various isomers. The effort necessary to analyse them completely would be disproportionate.

Only alpha-, beta- and gamma-HCH are of toxicological relevance. Therefore the concentration limit should refer to them exclusively. Most commercially available analytical standard mixtures for the analyses of this compound class only identify these isomers.

(4) The measures provided for in this Regulation are the most appropriate to ensure a high level of protection.

(5) Regulation (EC) No 850/2004 should therefore be amended accordingly.

(6) The Committee established under Article 17(1) of Regulation (EC) No 850/2004 has not delivered an opinion following its consultation, on 25 January 2006, in accordance with the procedure laid down in Article 17(2) of that Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

Annex V to Regulation (EC) No 850/2004 is amended as set out in the Annex to this Regulation.

Article 2

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

⁽¹⁾ OJ L 158, 30.4.2004, p. 7. Corrected version in OJ L 229, 29.6.2004, p. 5.

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

Done at Brussels, 16 February 2007.

For the Council
The President
A. SCHAVAN

ANNEX

Part 2 of Annex V to Regulation (EC) No 850/2004 shall be replaced by the following:

'Part 2 Wastes and operations to which Article 7(4)(b) applies

The following operations are permitted for the purposes of Article 7(4)(b) in respect of the wastes specified, defined by the six-digit code as classified in Commission Decision 2000/532/EC (*)

Wastes as classified in Commission Decision 2000/532/EC		Maximum concentration limits of substances listed in Annex IV (1)	Operation
10	WASTES FROM THERMAL PROCESSES	Aldrin: 5 000 mg/kg; Chlordane: 5 000 mg/kg;	Permanent storage only in: — safe, deep, underground, hard rock formations, — salt mines or — a landfill site for hazardous waste (provided that the waste is solidified or partly stabilised where technically feasible as required for classification of the waste in subchapter 1903 of Decision 2000/532/EC) whereby the provisions of Council Directive 1999/31/EC (4) and Council Decision 2003/33/EC (5) have to be adhered to and whereby it has been demonstrated that the selected operation is environmentally preferable.
10 01	Wastes from power stations and other combustion plants (except 19)	Dieldrin: 5 000 mg/kg; Endrin: 5 000 mg/kg;	
10 01 14 * (2)	Bottom ash, slag and boiler dust from co-incineration containing dangerous substances	Heptachlor: 5 000 mg/kg; Hexachlorobenzene: 5 000 mg/kg; Mirex: 5 000 mg/kg; Toxaphene: 5 000 mg/kg;	
10 01 16 *	Fly ash from co-incineration containing dangerous substances	Polychlorinated Biphenyls (PCB) (3): 50 mg/kg; DDT (1,1,1-trichloro-2,2-bis(4-chlorophenyl)ethane): 5 000 mg/kg;	
10 02	Wastes from the iron and steel industry	Chlordecone: 5 000 mg/kg;	
10 02 07 *	Solid wastes from gas treatment containing dangerous substances	Polychlorinated dibenzo-p-dioxins and dibenzofurans (PCDD/PCDF) (6) 5 mg/kg; the sum of alpha-, beta- and gamma-HCH: 5 000 mg/kg; Hexabromobiphenyl: 5 000 mg/kg	
10 03	Wastes from aluminium thermal metallurgy		
10 03 04 *	Primary production slags		
10 03 08 *	Salt slags from secondary production		
10 03 09 *	Black drosses from secondary production		
10 03 19 *	Flue-gas dust containing dangerous substances		
10 03 21 *	Other particulates and dust (including ball mill dust) containing dangerous substances		

Wastes as classified in Commission Decision 2000/532/EC		Maximum concentration limits of substances listed in Annex IV (1)	Operation
10 03 29 *	Wastes from treatment of salt slags and black drosses containing dangerous substances		
10 04	Wastes from lead thermal metallurgy		
10 04 01 *	Slags from primary and secondary production		
10 04 02 *	Dross and skimmings from primary and secondary production		
10 04 04 *	Flue-gas dust		
10 04 05 *	Other particulates and dust		
10 04 06 *	Solid wastes from gas treatment		
10 05	Wastes from zinc thermal metallurgy		
10 05 03 *	Flue-gas dust		
10 05 05 *	Solid waste from gas treatment		
10 06	Wastes from copper thermal metallurgy		
10 06 03 *	Flue-gas dust		
10 06 06 *	Solid wastes from gas treatment		
10 08	Wastes from other non-ferrous thermal metallurgy		
10 08 08 *	Salt slag from primary and secondary production		
10 08 15 *	Flue-gas dust containing dangerous substances		
10 09	Wastes from casting of ferrous pieces		
10 09 09 *	Flue-gas dust containing dangerous substances		
16	WASTES NOT OTHERWISE SPECIFIED IN THE LIST		
16 11	Waste linings and refractories		

Wastes as classified in Commission Decision 2000/532/EC		Maximum concentration limits of substances listed in Annex IV (1)	Operation
16 11 01 *	Carbon-based linings and refractories from metallurgical processes containing dangerous substances		
16 11 03 *	Other linings and refractories from metallurgical processes containing dangerous substances		
17	CONSTRUCTION AND DEMOLITION WASTES (INCLUDING EXCAVATED SOIL FROM CONTAMINATED SITES)		
17 01	Concrete, bricks, tiles and ceramics		
17 01 06 *	Mixtures of, or separate fractions of concrete, bricks, tiles and ceramics containing dangerous substances		
17 05	Soil including excavated soil from contaminated sites, stones and dredging spoil		
17 05 03 *	Inorganic fraction of soil and stones containing dangerous substances		
17 09	Other construction and demolition wastes		
17 09 02 *	Construction and demolition wastes containing PCB, excluding PCB containing equipment		
17 09 03 *	Other construction and demolition wastes containing dangerous substances		
19	WASTES FROM WASTE MANAGEMENT FACILITIES, OFF-SITE WASTE WATER TREATMENT PLANTS AND THE PREPARATION OF WATER INTENDED FOR HUMAN CONSUMPTION AND WATER FROM INDUSTRIAL USE		
19 01	Wastes from incineration or pyrolysis of waste		
19 01 07 *	Solid wastes from gas treatment		

Wastes as classified in Commission Decision 2000/532/EC		Maximum concentration limits of substances listed in Annex IV ⁽¹⁾	Operation
19 01 11 *	Bottom ash and slag containing dangerous substances		
19 01 13 *	Fly ash containing dangerous substances		
19 01 15 *	Boiler dust containing dangerous substances		
19 04	Vitrified waste and waste from vitrification		
19 04 02 *	Fly ash and other flue-gas treatment wastes		
19 04 03 *	Non-vitrified solid phase		

⁽¹⁾ These limits exclusively apply to a landfill site for hazardous waste and do not apply to permanent underground storage facilities for hazardous wastes, including salt mines.

⁽²⁾ Any waste marked with an asterisk * is considered as hazardous waste pursuant to Directive 91/689/EEC and is subject to the provisions of that Directive.

⁽³⁾ Where applicable, the calculation method laid down in European standards EN 12766-1 and EN 12766-2 shall be applied.

⁽⁴⁾ Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste (OJ L 182, 16.7.1999, p. 1). Directive as amended by Regulation (EC) No 1882/2003.

⁽⁵⁾ Council Decision 2003/33/EC of 19 December 2002 establishing criteria and procedures for the acceptance of waste at landfills pursuant to Article 16 of and Annex II to Directive 1999/31/EC (OJ L 11, 16.1.2003, p. 27).

⁽⁶⁾ The limit is calculated as PCDD and PCDF according to the following toxic equivalency factors (TEFs):

	TEF
PCDD	
2,3,7,8-TeCDD	1
1,2,3,7,8-PeCDD	1
1,2,3,4,7,8-HxCDD	0,1
1,2,3,6,7,8-HxCDD	0,1
1,2,3,7,8,9-HxCDD	0,1
1,2,3,4,6,7,8-HpCDD	0,01
OCDD	0,0001
PCDF	
2,3,7,8-TeCDF	0,1
1,2,3,7,8-PeCDF	0,05
2,3,4,7,8-PeCDF	0,5
1,2,3,4,7,8-HxCDF	0,1
1,2,3,6,7,8-HxCDF	0,1
1,2,3,7,8,9-HxCDF	0,1
2,3,4,6,7,8-HxCDF	0,1
1,2,3,4,6,7,8-HpCDF	0,01
1,2,3,4,7,8,9-HpCDF	0,01
OCDF	0,0001

^(*) Commission Decision 2000/532/EC of 3 May 2000 replacing Decision 94/3/EC establishing a list of wastes pursuant to Article 1(a) of Council Directive 75/442/EEC on waste and Council Decision 94/904/EC establishing a list of hazardous waste pursuant to Article 1(4) of Council Directive 91/689/EEC on hazardous waste (OJ L 226, 6.9.2000, p. 3). Decision as last amended by Council Decision 2001/573/EC (OJ L 203, 28.7.2001, p. 18).'

COMMISSION REGULATION (EC) No 173/2007**of 22 February 2007****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 Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables ⁽¹⁾, and in particular Article 4(1) thereof,

Whereas:

- (1) Regulation (EC) No 3223/94 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 the Annex thereto.

- (2) In compliance with the above criteria, the standard import values must be fixed at the levels set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 4 of Regulation (EC) No 3223/94 shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 23 February 2007.

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

Done at Brussels, 22 February 2007.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 337, 24.12.1994, p. 66. Regulation as last amended by Regulation (EC) No 386/2005 (OJ L 62, 9.3.2005, p. 3).

ANNEX

to Commission Regulation of 22 February 2007 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	IL	93,3
	JO	96,5
	MA	63,1
	TN	148,3
	TR	156,8
	ZZ	111,6
0707 00 05	JO	178,3
	MA	206,0
	TR	189,0
	ZZ	191,1
0709 90 70	MA	37,9
	TR	123,3
	ZZ	80,6
0805 10 20	CU	34,2
	EG	44,0
	IL	56,7
	MA	45,1
	TN	52,1
	TR	66,2
	ZZ	49,7
0805 20 10	IL	103,3
	MA	93,1
	ZZ	98,2
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	AR	108,5
	IL	70,4
	MA	109,7
	PK	58,0
	TR	58,1
	ZZ	80,9
0805 50 10	EG	63,5
	TR	50,2
	ZZ	56,9
0808 10 80	AR	105,0
	CA	95,4
	CN	93,8
	US	117,6
	ZZ	103,0
0808 20 50	AR	86,0
	CL	89,1
	CN	66,5
	US	105,7
	ZA	79,8
	ZZ	85,4

⁽¹⁾ Country nomenclature as fixed 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 174/2007**of 22 February 2007****fixing the export refunds on white and raw sugar exported without further processing**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 318/2006 of 20 February 2006 on the common organisation of the market in the sugar sector⁽¹⁾, and in particular the second subparagraph of Article 33(2) thereof,

Whereas:

- (1) Article 32 of Regulation (EC) No 318/2006 provides that the difference between prices on the world market for the products listed in Article 1(1)(b) of that Regulation and prices for those products on the Community market may be covered by an export refund.
- (2) Given the present situation on the sugar market, export refunds should therefore be fixed in accordance with the rules and certain criteria provided for in Articles 32 and 33 of Regulation (EC) No 318/2006.

- (3) The first subparagraph of Article 33(2) of Regulation (EC) No 318/2006 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund according to destination.
- (4) Refunds should be granted only on products that are allowed to move freely in the Community and that comply with the requirements of Regulation (EC) No 318/2006.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

Export refunds as provided for in Article 32 of Regulation (EC) No 318/2006 shall be granted on the products and for the amounts set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 23 February 2007.

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

Done at Brussels, 22 February 2007.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 58, 28.2.2006, p. 1. Regulation as amended by Commission Regulation (EC) No 1585/2006 (OJ L 294, 25.10.2006, p. 19).

ANNEX

**Export refunds on white and raw sugar exported without further processing applicable from
23 February 2007 ^(a)**

Product code	Destination	Unit of measurement	Amount of refund
1701 11 90 9100	S00	EUR/100 kg	16,67 ⁽¹⁾
1701 11 90 9910	S00	EUR/100 kg	16,67 ⁽¹⁾
1701 12 90 9100	S00	EUR/100 kg	16,67 ⁽¹⁾
1701 12 90 9910	S00	EUR/100 kg	16,67 ⁽¹⁾
1701 91 00 9000	S00	EUR/1 % sucrose × 100 kg of net product	0,1813
1701 99 10 9100	S00	EUR/100 kg	18,13
1701 99 10 9910	S00	EUR/100 kg	18,13
1701 99 10 9950	S00	EUR/100 kg	18,13
1701 99 90 9100	S00	EUR/1 % sucrose × 100 kg of net product	0,1813

NB: The destinations are defined as follows:

S00: all destinations except Albania, Croatia, Bosnia and Herzegovina, Serbia, Montenegro, Kosovo, the former Yugoslav Republic of Macedonia, Andorra, Gibraltar, Ceuta, Melilla, Holy See (Vatican City), Liechtenstein, Communes of Livigno and Campione d'Italia, Heligoland, Greenland, Faeroe Islands and the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control.

^(a) The amounts set out in this Annex are not applicable with effect from 1 February 2005 pursuant to Council Decision 2005/45/EC of 22 December 2004 concerning the conclusion and application of the Agreement between the European Economic Community and the Swiss Confederation of 22 July 1972 as regards the provisions applicable to processed agricultural products (O) L 23, 26.1.2005, p. 17).

⁽¹⁾ This amount is applicable to raw sugar with a yield of 92 %. Where the yield for exported raw sugar differs from 92 % the refund amount applicable shall be multiplied, for each exporting operation concerned, by a conversion factor obtained by dividing by 92 the yield of the raw sugar exported, calculated in accordance with paragraph 3 of Point III of the Annex I of Regulation (EC) No 318/2006.

COMMISSION REGULATION (EC) No 175/2007**of 22 February 2007****fixing the export refunds on syrups and certain other sugar products exported without further processing**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 318/2006 of 20 February 2006 on the common organisation of the market in the sugar sector ⁽¹⁾, and in particular the second subparagraph of Article 33(2) thereof,

Whereas:

- (1) Article 32 of Regulation (EC) No 318/2006 provides that the difference between prices on the world market for the products listed in Article 1(1)(c), (d) and (g) of that Regulation and prices for those products on the Community market may be covered by an export refund.
- (2) Given the present situation on the sugar market, export refunds should therefore be fixed in accordance with the rules and certain criteria provided for in Articles 32 and 33 of Regulation (EC) No 318/2006.
- (3) The first subparagraph of Article 33(2) of Regulation (EC) No 318/2006 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund according to destination.
- (4) Refunds should be granted only on products that are allowed to move freely in the Community and that comply with the requirements of Commission Regulation (EC) No 951/2006 of 30 June 2006 laying down detailed

rules for the implementation of Regulation (EC) No 318/2006 as regards trade with third countries in the sugar sector ⁽²⁾.

- (5) Export refunds may be set to cover the competitive gap between Community and third country's exports. Community exports to certain close destinations and to third countries granting Community products a preferential import treatment are currently in a particular favourable competitive position. Therefore, refunds for exports to those destinations should be abolished.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

1. Export refunds as provided for in Article 32 of Regulation (EC) No 318/2006 shall be granted on the products and for the amounts set out in the Annex to this Regulation subject to the conditions provided for in paragraph 2 of this Article.
2. To be eligible for a refund under paragraph 1 products must meet the relevant requirements laid down in Articles 3 and 4 of Regulation (EC) No 951/2006.

Article 2

This Regulation shall enter into force on 23 February 2007.

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

Done at Brussels, 22 February 2007.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 58, 28.2.2006, p. 1. Regulation as amended by Commission Regulation (EC) No 1585/2006 (OJ L 294, 25.10.2006, p. 19).

⁽²⁾ OJ L 178, 1.7.2006, p. 24.

ANNEX

Export refunds on syrups and certain other sugar products exported without further processing applicable from 23 February 2007 ^(a)

Product code	Destination	Unit of measurement	Amount of refund
1702 40 10 9100	S00	EUR/100 kg dry matter	18,13
1702 60 10 9000	S00	EUR/100 kg dry matter	18,13
1702 60 95 9000	S00	EUR/1 % sucrose × 100 kg of net product	0,1813
1702 90 30 9000	S00	EUR/100 kg dry matter	18,13
1702 90 60 9000	S00	EUR/1 % sucrose × 100 kg of net product	0,1813
1702 90 71 9000	S00	EUR/1 % sucrose × 100 kg of net product	0,1813
1702 90 99 9900	S00	EUR/1 % sucrose × 100 kg of net product	0,1813 ⁽¹⁾
2106 90 30 9000	S00	EUR/100 kg dry matter	18,13
2106 90 59 9000	S00	EUR/1 % sucrose × 100 kg of net product	0,1813

NB: The destinations are defined as follows:

S00: all destinations except Albania, Croatia, Bosnia and Herzegovina, Bulgaria, Romania, Serbia, Montenegro, Kosovo and the former Yugoslav Republic of Macedonia, Andorra, Gibraltar, Ceuta, Melilla, Holy See (Vatican City), Liechtenstein, Communes of Livigno and Campione d'Italia, Heligoland, Greenland, Faeroe Islands and the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control.

^(a) The amounts set out in this Annex are not applicable with effect from 1 February 2005 pursuant to Council Decision 2005/45/EC of 22 December 2004 concerning the conclusion and application of the Agreement between the European Economic Community and the Swiss Confederation of 22 July 1972 as regards the provisions applicable to processed agricultural products (O) L 23, 26.1.2005, p. 17).

⁽¹⁾ The basic amount is not applicable to the product defined under point 2 of the Annex to Commission Regulation (EEC) No 3513/92 (O) L 355, 5.12.1992, p. 12).

COMMISSION REGULATION (EC) No 176/2007**of 22 February 2007****fixing the maximum export refund for white sugar in the framework of the standing invitation to tender provided for in Regulation (EC) No 958/2006**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 318/2006 of 20 February 2006 on the common organisation of the markets in the sugar sector ⁽¹⁾, and in particular the second subparagraph and point (b) of the third subparagraph of Article 33(2) thereof,

Whereas:

(1) Commission Regulation (EC) No 958/2006 of 28 June 2006 on a standing invitation to tender to determine refunds on exports of white sugar for the 2006/2007 marketing year ⁽²⁾ requires the issuing of partial invitations to tender.

(2) Pursuant to Article 8(1) of Regulation (EC) No 958/2006 and following an examination of the tenders submitted

in response to the partial invitation to tender ending on 22 February 2007, it is appropriate to fix a maximum export refund for that partial invitation to tender.

(3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

For the partial invitation to tender ending on 22 February 2007, the maximum export refund for the product referred to in Article 1(1) of Regulation (EC) No 958/2006 shall be 28,125 EUR/100 kg.

Article 2

This Regulation shall enter into force on 23 February 2007.

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

Done at Brussels, 22 February 2007.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 58, 28.2.2006, p. 1. Regulation as amended by Commission Regulation (EC) No 1585/2006 (OJ L 294, 25.10.2006, p. 19).

⁽²⁾ OJ L 175, 29.6.2006, p. 49.

COMMISSION REGULATION (EC) No 177/2007

of 22 February 2007

fixing the export refunds on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals ⁽¹⁾, and in particular Article 13(3) thereof,

Having regard to Council Regulation (EC) No 1785/2003 of 29 September 2003 on the common organisation of the market in rice ⁽²⁾, and in particular Article 14(3) thereof,

Whereas:

(1) Article 13 of Regulation (EC) No 1784/2003 and Article 14 of Regulation (EC) No 1785/2003 provide that the difference between quotations or prices on the world market for the products listed in Article 1 of those Regulations and prices for those products within the Community may be covered by an export refund.

(2) Article 14 of Regulation (EC) No 1785/2003 provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals, rice and broken rice on the Community market on the one hand and prices for cereals, rice, broken rice and cereal products on the world market on the other. The same Articles provide that it is also important to ensure equilibrium and the natural development of prices and trade on the markets in cereals and rice and, furthermore, to take into account the economic aspect of the proposed exports, and the need to avoid disturbances on the Community market.

(3) Article 4 of Commission Regulation (EC) No 1518/95 ⁽³⁾ on the import and export system for products processed from cereals and from rice defines the specific criteria to be taken into account when the refund on these products is being calculated.

⁽¹⁾ OJ L 270, 21.10.2003, p. 78. Regulation as amended by Commission Regulation (EC) No 1154/2005 (OJ L 187, 19.7.2005, p. 11).

⁽²⁾ OJ L 270, 21.10.2003, p. 96. Regulation as last amended by Commission Regulation (EC) No 1549/2004 (OJ L 280, 31.8.2004, p. 13).

⁽³⁾ OJ L 147, 30.6.1995, p. 55. Regulation as last amended by Regulation (EC) No 2993/95 (OJ L 312, 23.12.1995, p. 25).

(4) The refund to be granted in respect of certain processed products should be graduated on the basis of the ash, crude fibre, tegument, protein, fat and starch content of the individual product concerned, this content being a particularly good indicator of the quantity of basic product actually incorporated in the processed product.

(5) There is no need at present to fix an export refund for manioc, other tropical roots and tubers or flours obtained therefrom, given the economic aspect of potential exports and in particular the nature and origin of these products. For certain products processed from cereals, the insignificance of Community participation in world trade makes it unnecessary to fix an export refund at the present time.

(6) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination.

(7) The refund must be fixed once a month. It may be altered in the intervening period.

(8) Certain processed maize products may undergo a heat treatment following which a refund might be granted that does not correspond to the quality of the product; whereas it should therefore be specified that on these products, containing pregelatinised starch, no export refund is to be granted.

(9) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 of Regulation (EC) No 1518/95 are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 23 February 2007.

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

Done at Brussels, 22 February 2007.

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

ANNEX

to Commission Regulation of 22 February 2007 fixing the export refunds on products processed from cereals and rice

Product code	Destination	Unit of measurement	Refunds	Product code	Destination	Unit of measurement	Refunds
1102 20 10 9200 ⁽¹⁾	C13	EUR/t	0,00	1104 23 10 9300	C13	EUR/t	0,00
1102 20 10 9400 ⁽¹⁾	C13	EUR/t	0,00	1104 29 11 9000	C13	EUR/t	0,00
1102 20 90 9200 ⁽¹⁾	C13	EUR/t	0,00	1104 29 51 9000	C13	EUR/t	0,00
1102 90 10 9100	C13	EUR/t	0,00	1104 29 55 9000	C13	EUR/t	0,00
1102 90 10 9900	C13	EUR/t	0,00	1104 30 10 9000	C13	EUR/t	0,00
1102 90 30 9100	C13	EUR/t	0,00	1104 30 90 9000	C13	EUR/t	0,00
1103 19 40 9100	C13	EUR/t	0,00	1107 10 11 9000	C13	EUR/t	0,00
1103 13 10 9100 ⁽¹⁾	C13	EUR/t	0,00	1107 10 91 9000	C13	EUR/t	0,00
1103 13 10 9300 ⁽¹⁾	C13	EUR/t	0,00	1108 11 00 9200	C13	EUR/t	0,00
1103 13 10 9500 ⁽¹⁾	C13	EUR/t	0,00	1108 11 00 9300	C13	EUR/t	0,00
1103 13 90 9100 ⁽¹⁾	C13	EUR/t	0,00	1108 12 00 9200	C13	EUR/t	0,00
1103 19 10 9000	C13	EUR/t	0,00	1108 12 00 9300	C13	EUR/t	0,00
1103 19 30 9100	C13	EUR/t	0,00	1108 13 00 9200	C13	EUR/t	0,00
1103 20 60 9000	C13	EUR/t	0,00	1108 13 00 9300	C13	EUR/t	0,00
1103 20 20 9000	C13	EUR/t	0,00	1108 19 10 9200	C13	EUR/t	0,00
1104 19 69 9100	C13	EUR/t	0,00	1108 19 10 9300	C13	EUR/t	0,00
1104 12 90 9100	C13	EUR/t	0,00	1109 00 00 9100	C13	EUR/t	0,00
1104 12 90 9300	C13	EUR/t	0,00	1702 30 51 9000 ⁽²⁾	C13	EUR/t	0,00
1104 19 10 9000	C13	EUR/t	0,00	1702 30 59 9000 ⁽²⁾	C13	EUR/t	0,00
1104 19 50 9110	C13	EUR/t	0,00	1702 30 91 9000	C13	EUR/t	0,00
1104 19 50 9130	C13	EUR/t	0,00	1702 30 99 9000	C13	EUR/t	0,00
1104 29 01 9100	C13	EUR/t	0,00	1702 40 90 9000	C13	EUR/t	0,00
1104 29 03 9100	C13	EUR/t	0,00	1702 90 50 9100	C13	EUR/t	0,00
1104 29 05 9100	C13	EUR/t	0,00	1702 90 50 9900	C13	EUR/t	0,00
1104 29 05 9300	C13	EUR/t	0,00	1702 90 75 9000	C13	EUR/t	0,00
1104 22 20 9100	C13	EUR/t	0,00	1702 90 79 9000	C13	EUR/t	0,00
1104 22 30 9100	C13	EUR/t	0,00	2106 90 55 9000	C14	EUR/t	0,00
1104 23 10 9100	C13	EUR/t	0,00				

⁽¹⁾ No refund shall be granted on products given a heat treatment resulting in pregelatinisation of the starch.

⁽²⁾ Refunds are granted in accordance with Council Regulation (EEC) No 2730/75 (OJ L 281, 1.11.1975, p. 20), as amended.

NB: The product codes and the 'A' series destination codes are set out in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1) as amended.

The numeric destination codes are set out in Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11).

The other destinations are as follows:

C10: All destinations

C14: All destinations except for Switzerland and Liechtenstein.

COMMISSION REGULATION (EC) No 178/2007
of 22 February 2007
fixing the export refunds on cereal-based compound feedingstuffs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals ⁽¹⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) Article 13 of Regulation (EC) No 1784/2003 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) Commission Regulation (EC) No 1517/95 of 29 June 1995 laying down detailed rules for the application of Regulation (EC) No 1784/2003 as regards the arrangements for the export and import of compound feedingstuffs based on cereals and amending Regulation (EC) No 1162/95 laying down special detailed rules for the application of the system of import and export licences for cereals and rice ⁽²⁾ in Article 2 lays down general rules for fixing the amount of such refunds.
- (3) That calculation must also take account of the cereal products content. In the interest of simplification, the refund should be paid in respect of two categories of 'cereal products', namely for maize, the most commonly used cereal in exported compound feeds

and maize products, and for 'other cereals', these being eligible cereal products excluding maize and maize products. A refund should be granted in respect of the quantity of cereal products present in the compound feedingstuff.

- (4) Furthermore, the amount of the refund must also take into account the possibilities and conditions for the sale of those products on the world market, the need to avoid disturbances on the Community market and the economic aspect of the export.
- (5) The current situation on the cereals market and, in particular, the supply prospects mean that the export refunds should be abolished.
- (6) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the compound feedingstuffs covered by Regulation (EC) No 1784/2003 and subject to Regulation (EC) No 1517/95 are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 23 February 2007.

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

Done at Brussels, 22 February 2007.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 270, 21.10.2003, p. 78. Regulation as amended by Commission Regulation (EC) No 1154/2005 (OJ L 187, 19.7.2005, p. 11).

⁽²⁾ OJ L 147, 30.6.1995, p. 51.

ANNEX

to the Commission Regulation of 22 February 2007 fixing the export refunds on cereal-based compound feedingstuffs

Product codes benefiting from export refund:

2309 10 11 9000, 2309 10 13 9000, 2309 10 31 9000,
2309 10 33 9000, 2309 10 51 9000, 2309 10 53 9000,
2309 90 31 9000, 2309 90 33 9000, 2309 90 41 9000,
2309 90 43 9000, 2309 90 51 9000, 2309 90 53 9000.

Cereal products	Destination	Unit of measurement	Amount of refunds
Maize and maize products: CN codes 0709 90 60, 0712 90 19, 1005, 1102 20, 1103 13, 1103 29 40, 1104 19 50, 1104 23, 1904 10 10	C10	EUR/t	0,00
Cereal products excluding maize and maize products	C10	EUR/t	0,00

NB: The product codes and the 'A' series destination codes are set out in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1) as amended.

C10: All destinations.

COMMISSION REGULATION (EC) No 179/2007
of 22 February 2007
fixing production refunds on cereals

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003, on the common organisation of the market in cereals ⁽¹⁾, and in particular Article 8(2) thereof,

Whereas:

- (1) Commission Regulation (EEC) No 1722/93 of 30 June 1993 laying down detailed rules for the application of Council Regulations (EEC) No 1766/92 and (EEC) No 1418/76 concerning production refunds in the cereals and rice sectors respectively ⁽²⁾ lays down the conditions for granting production refunds. The basis for calculating the refund is laid down in Article 3 of that Regulation. The refund thus calculated, differentiated where necessary for potato starch, must be fixed once a month and may be amended if the price of maize and/or wheat changes significantly.

- (2) The production refunds fixed in this Regulation should be adjusted by the coefficients listed in the Annex II to Regulation (EEC) No 1722/93 to establish the exact amount to be paid.
- (3) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The refund per tonne of starch referred to in Article 3(2) of Regulation (EEC) No 1722/93, is hereby fixed at:

- (a) EUR/tonne 0,00 for starch from maize, wheat, barley and oats;
- (b) EUR/tonne 0,00 for potato starch.

Article 2

This Regulation shall enter into force on 23 February 2007.

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

Done at Brussels, 22 February 2007.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 270, 21.10.2003, p. 78. Regulation as amended by Commission Regulation (EC) No 1154/2005 (OJ L 187, 19.7.2005, p. 11).

⁽²⁾ OJ L 159, 1.7.1993, p. 112. Regulation as last amended by Regulation (EC) No 1950/2005 (OJ L 312, 29.11.2005, p. 18).

COMMISSION REGULATION (EC) No 180/2007

of 22 February 2007

fixing the rates of the refunds applicable to certain cereal and rice products exported in the form of goods not covered by Annex I to the Treaty

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals ⁽¹⁾, and in particular Article 13(3) thereof,

Having regard to Council Regulation (EC) No 1785/2003 of 29 September 2003 on the common organisation of the market in rice ⁽²⁾, and in particular Article 14(3) thereof,

Whereas:

- (1) Article 13(1) of Regulation (EC) No 1784/2003 and Article 14(1) of Regulation (EC) No 1785/2003 provide that the difference between quotations or prices on the world market for the products listed in Article 1 of each of those Regulations and the prices within the Community may be covered by an export refund.
- (2) Commission Regulation (EC) No 1043/2005 of 30 June 2005 implementing Council Regulation (EC) No 3448/93 as regards the system of granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds ⁽³⁾, specifies the products for which a rate of refund is to be fixed, to be applied where these products are exported in the form of goods listed in Annex III to Regulation (EC) No 1784/2003 or in Annex IV to Regulation (EC) No 1785/2003 as appropriate.
- (3) In accordance with the first paragraph of Article 14 of Regulation (EC) No 1043/2005, the rate of the refund per 100 kilograms for each of the basic products in question is to be fixed each month.
- (4) The commitments entered into with regard to refunds which may be granted for the export of agricultural products contained in goods not covered by Annex I to the Treaty may be jeopardised by the fixing in advance of high refund rates. It is therefore necessary to take precautionary measures in such situations without, however, preventing the conclusion of long-

term contracts. The fixing of a specific refund rate for the advance fixing of refunds is a measure which enables these various objectives to be met.

- (5) Taking into account the settlement between the European Community and the United States of America on Community exports of pasta products to the United States, approved by Council Decision 87/482/EEC ⁽⁴⁾, it is necessary to differentiate the refund on goods falling within CN codes 1902 11 00 and 1902 19 according to their destination.
- (6) Pursuant to Article 15(2) and (3) of Regulation (EC) No 1043/2005, a reduced rate of export refund has to be fixed, taking account of the amount of the production refund applicable, pursuant to Commission Regulation (EEC) No 1722/93 ⁽⁵⁾, for the basic product in question, used during the assumed period of manufacture of the goods.
- (7) Spirituous beverages are considered less sensitive to the price of the cereals used in their manufacture. However, Protocol 19 of the Act of Accession of the United Kingdom, Ireland and Denmark provides that the necessary measures must be decided to facilitate the use of Community cereals in the manufacture of spirituous beverages obtained from cereals. Accordingly, it is necessary to adapt the refund rate applying to cereals exported in the form of spirituous beverages.
- (8) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of the refunds applicable to the basic products listed in Annex I to Regulation (EC) No 1043/2005 and in Article 1 of Regulation (EC) No 1784/2003 or in Article 1 of Regulation (EC) No 1785/2003, and exported in the form of goods listed in Annex III to Regulation (EC) No 1784/2003 or in Annex IV to Regulation (EC) No 1785/2003 respectively, shall be fixed as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 23 February 2007.

⁽¹⁾ OJ L 270, 21.10.2003, p. 78. Regulation as amended by Commission Regulation (EC) No 1154/2005 (OJ L 187, 19.7.2005, p. 11).

⁽²⁾ OJ L 270, 21.10.2003, p. 96. Regulation as last amended by Commission Regulation (EC) No 797/2006 (OJ L 144, 31.5.2006, p. 1).

⁽³⁾ OJ L 172, 5.7.2005, p. 24. Regulation as last amended by Regulation (EC) No 1713/2006 (OJ L 321, 21.11.2006, p. 8).

⁽⁴⁾ OJ L 275, 29.9.1987, p. 36.

⁽⁵⁾ OJ L 159, 1.7.1993, p. 112. Regulation as last amended by Regulation (EC) No 1584/2004 (OJ L 280, 31.8.2004, p. 11).

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

Done at Brussels, 22 February 2007.

For the Commission

Günter VERHEUGEN

Vice-President

ANNEX

Rates of the refunds applicable from 23 February 2007 to certain cereals and rice products exported in the form of goods not covered by Annex I to the Treaty (*)

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product ^(EUR/100 kg)	
		In case of advance fixing of refunds	Other
1001 10 00	Durum wheat:	—	—
	– on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	—	—
	– in other cases	—	—
1001 90 99	Common wheat and meslin:	—	—
	– on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	—	—
	– in other cases:	—	—
	– – where Article 15(3) of Regulation (EC) No 1043/2005 applies ⁽²⁾	—	—
	– – where goods falling within subheading 2208 ⁽³⁾ are exported	—	—
	– – in other cases	—	—
1002 00 00	Rye	—	—
1003 00 90	Barley	—	—
	– where goods falling within subheading 2208 ⁽³⁾ are exported	—	—
	– in other cases	—	—
1004 00 00	Oats	—	—
1005 90 00	Maize (corn) used in the form of:	—	—
	– starch:	—	—
	– – where Article 15(3) of Regulation (EC) No 1043/2005 applies ⁽²⁾	—	—
	– – where goods falling within subheading 2208 ⁽³⁾ are exported	—	—
	– – in other cases	—	—
	– glucose, glucose syrup, maltodextrine, maltodextrine syrup of CN codes 1702 30 51, 1702 30 59, 1702 30 91, 1702 30 99, 1702 40 90, 1702 90 50, 1702 90 75, 1702 90 79, 2106 90 55 ⁽⁴⁾ :	—	—
	– – where Article 15(3) of Regulation (EC) No 1043/2005 applies ⁽²⁾	—	—
	– – where goods falling within subheading 2208 ⁽³⁾ are exported	—	—
	– – in other cases	—	—
	– other (including unprocessed)	—	—
	Potato starch of CN code 1108 13 00 similar to a product obtained from processed maize:	—	—
	– where Article 15(3) of Regulation (EC) No 1043/2005 applies ⁽²⁾	—	—
	– where goods falling within subheading 2208 ⁽³⁾ are exported	—	—
	– in other cases	—	—

(*) The rates set out in this Annex are not applicable to the goods listed in Tables I and II to Protocol No 2 to the Agreement between the European Community and the Swiss Confederation of 22 July 1972 exported to the Swiss Confederation or to the Principality of Liechtenstein.

(EUR/100 kg)

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product	
		In case of advance fixing of refunds	Other
ex 1006 30	Wholly milled rice:	—	—
	– round grain	—	—
	– medium grain	—	—
	– long grain	—	—
1006 40 00	Broken rice	—	—
1007 00 90	Grain sorghum, other than hybrid for sowing	—	—

⁽¹⁾ As far as agricultural products obtained from the processing of a basic product or/and assimilated products are concerned, the coefficients set out in Annex V to Commission Regulation (EC) No 1043/2005 is applicable.

⁽²⁾ The goods concerned fall under CN code 3505 10 50.

⁽³⁾ Goods listed in Annex III to Regulation (EC) No 1784/2003 or referred to in Article 2 of Regulation (EEC) No 2825/93 (OJ L 258, 16.10.1993, p. 6).

⁽⁴⁾ For syrups of CN codes NC 1702 30 99, 1702 40 90 and 1702 60 90, obtained from mixing glucose and fructose syrup, the export refund relates only to the glucose syrup.

COMMISSION REGULATION (EC) No 181/2007**of 22 February 2007****fixing the rates of refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex I to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 318/2006 of 20 February 2006 on the common organisation of the market in the sugar sector⁽¹⁾, and in particular Article 33(2)(a) and (4) thereof,

Whereas:

- (1) Article 32(1) and (2) of Regulation (EC) No 318/2006 provides that the differences between the prices in international trade for the products listed in Article 1(1)(b), (c), (d) and (g) of that Regulation and prices within the Community may be covered by an export refund where these products are exported in the form of goods listed in Annex VII to that Regulation.
- (2) Commission Regulation (EC) No 1043/2005 of 30 June 2005 implementing Council Regulation (EC) No 3448/93 as regards the system of granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds, and the criteria for fixing the amount of such refunds⁽²⁾, specifies the products for which a rate of refund is to be fixed, to be applied where these products are exported in the form of goods listed in Annex VII to Regulation (EC) No 318/2006.
- (3) In accordance with the first paragraph of Article 14 of Regulation (EC) No 1043/2005, the rate of the refund per 100 kilograms for each of the basic products in question is to be fixed each month.

- (4) Article 32(4) of Regulation (EC) No 318/2006 lays down that the export refund for a product contained in goods may not exceed the refund applicable to that product when exported without further processing.
- (5) The refunds fixed under this Regulation may be fixed in advance as the market situation over the next few months cannot be established at the moment.
- (6) The commitments entered into with regard to refunds which may be granted for the export of agricultural products contained in goods not covered by Annex I to the Treaty may be jeopardised by the fixing in advance of high refund rates. It is therefore necessary to take precautionary measures in such situations without, however, preventing the conclusion of long-term contracts. The fixing of a specific refund rate for the advance fixing of refunds is a measure which enables these various objectives to be met.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of the refunds applicable to the basic products listed in Annex I to Regulation (EC) No 1043/2005 and in Article 1(1) and in point (1) of Article 2 of Regulation (EC) No 318/2006, and exported in the form of goods listed in Annex VII to Regulation (EC) No 318/2006, shall be fixed as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 23 February 2007.

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

Done at Brussels, 22 February 2007.

For the Commission

Günter VERHEUGEN

Vice-President

⁽¹⁾ OJ L 58, 28.2.2006, p. 1. Regulation as amended by Commission Regulation (EC) No 1585/2006 (OJ L 294, 25.10.2006, p. 19).

⁽²⁾ OJ L 172, 5.7.2005, p. 24. Regulation as last amended by Regulation (EC) No 1713/2006 (OJ L 321, 21.11.2006, p. 11).

ANNEX

Rates of refunds applicable from 23 February 2007 to certain products from the sugar sector exported in the form of goods not covered by Annex I to the Treaty ⁽¹⁾

CN code	Description	Rate of refund in EUR/100 kg	
		In case of advance fixing of refunds	Other
1701 99 10	White sugar	18,13	18,13

⁽¹⁾ The rates set out in this Annex are not applicable to exports to Albania, Croatia, Bosnia and Herzegovina, Serbia, Montenegro, Kosovo, the former Yugoslav Republic of Macedonia, Andorra, Gibraltar, Ceuta, Melilla, Holy See (Vatican City), Liechtenstein, the Communes of Livigno and Campione d'Italia, Heligoland, Greenland, the Faeroe Islands and to the goods listed in Tables I and II to Protocol No 2 to the Agreement between the European Community and the Swiss Confederation of 22 July 1972 exported to the Swiss Confederation.

COMMISSION REGULATION (EC) No 182/2007**of 22 February 2007****concerning tenders notified in response to the invitation to tender for the export of common wheat issued in Regulation (EC) No 936/2006**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals ⁽¹⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) An invitation to tender for the refund for the export of common wheat to certain third countries was opened pursuant to Commission Regulation (EC) No 936/2006 ⁽²⁾.
- (2) Article 7 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on

the market for cereals ⁽³⁾, and in particular Article 13(3) thereof,

- (3) On the basis of the criteria laid down in Article 1 of Regulation (EC) No 1501/95, a maximum refund should not be fixed.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

No action shall be taken on the tenders notified from 16 to 22 February 2007 in response to the invitation to tender for the refund for the export of common wheat issued in Regulation (EC) No 936/2006.

Article 2

This Regulation shall enter into force on 23 February 2007.

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

Done at Brussels, 22 February 2007.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 270, 21.10.2003, p. 78. Regulation as amended by Commission Regulation (EC) No 1154/2005 (OJ L 187, 19.7.2005, p. 11).

⁽²⁾ OJ L 172, 24.6.2006, p. 6.

⁽³⁾ OJ L 147, 30.6.1995, p. 7. Regulation as last modified by Regulation (EC) No 777/2004 (OJ L 123, 27.4.2004, p. 50).

COMMISSION REGULATION (EC) No 183/2007**of 22 February 2007****fixing the maximum export refund for white sugar in the framework of the standing invitation to tender provided for in Regulation (EC) No 38/2007**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 318/2006 of 20 February 2006 on the common organisation of the markets in the sugar sector ⁽¹⁾, and in particular the second subparagraph and point (b) of the third subparagraph of Article 33(2) thereof,

Whereas:

- (1) Commission Regulation (EC) No 38/2007 of 17 January 2007 opening a standing invitation to tender for the resale for export of sugar held by the intervention agencies of Belgium, the Czech Republic, Spain, Ireland, Italy, Hungary, Poland, Slovakia and Sweden ⁽²⁾ requires the issuing of partial invitations to tender.
- (2) Pursuant to Article 4(1) of Regulation (EC) No 38/2007 and following an examination of the tenders submitted

in response to the partial invitation to tender ending on 21 February 2007, it is appropriate to fix a maximum export refund for that partial invitation to tender.

- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

For the partial invitation to tender ending on 21 February 2007, the maximum export refund for the product referred to in Article 1(1) of Regulation (EC) No 38/2007 shall be 359,14 EUR/tonne.

Article 2

This Regulation shall enter into force on 23 February 2007.

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

Done at Brussels, 22 February 2007.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 58, 28.2.2006, p. 1. Regulation as amended by Commission Regulation (EC) No 1585/2006 (OJ L 294, 25.10.2006, p. 19).

⁽²⁾ OJ L 11, 18.1.2007, p. 4.

II

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

DECISIONS

COMMISSION

COMMISSION DECISION

of 16 February 2007

Determining the quantities of methyl bromide permitted to be used for critical uses in Greece from 1 June to 31 December 2006 under Regulation (EC) No 2037/2000 of the European Parliament and of the Council on Substances that Deplete the Ozone Layer

(notified under document number C(2007) 448)

(Only the Greek text is authentic)

(2007/129/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 2037/2000 of the European Parliament and of the Council of 29 June 2000 on Substances that Deplete the Ozone Layer⁽¹⁾ and in particular Article 3(2)(ii) thereof,

Whereas:

- (1) Articles 3(2)(i)(d) and 4(2)(i)(d) of Regulation (EC) No 2037/2000 prohibit the production, import and placing on the market of methyl bromide for all uses after 31 December 2004 except, among others⁽²⁾, for critical uses in accordance with Article 3(2)(ii) and the criteria set out in Decision IX/6 of the Parties to the Montreal Protocol, together with any other relevant criteria agreed by the Parties. Exemptions for critical uses are intended to be limited derogations to allow a short period of time for the adoption of alternatives.
- (2) Decision IX/6 states that methyl bromide should qualify as 'critical' only if the applicant determines that the lack of availability of methyl bromide for that specific use would result in a significant market disruption; and that there are no technically and economically feasible alternatives or substitutes available to the user that are acceptable from the standpoint of environment and health and are suitable to the crops and circumstances of the nomination. Furthermore, the production and consumption, if any, of methyl bromide for critical uses should be permitted only if all technically and economically feasible steps have been taken to minimise the critical use and any associated emission of methyl bromide. An applicant should also demonstrate that an appropriate effort is being made to evaluate, commercialise and secure national regulatory approval of alternatives and substitutes; and that research programmes are in place to develop and deploy alternatives.
- (3) On 18 January 2006, the Commission received a request from Greece for critical uses of methyl bromide that totalled 113 081 kg for the period 1 January to 31 December 2006.
- (4) The Commission applied the criteria contained within Decision IX/6 and Article 3(2)(ii) of Regulation (EC) No 2037/2000 in order to determine the amount of methyl bromide that is eligible to be licensed in Greece for critical uses in 2006. The Commission found that adequate alternatives were available in some circumstances and that 46 771 kg of methyl bromide could

⁽¹⁾ OJ L 244, 29.9.2000 p. 1. Regulation as last amended by Council Regulation (EC) No 1791/2006, (OJ L 363, 20.12.2006, p. 1).

⁽²⁾ Other uses are for quarantine and pre-shipment, as feedstock and for laboratory and analytical uses.

be used in 2006 to satisfy critical uses in Greece. The critical use categories are similar to those defined for Greece in Table A of Decision XVII/9 agreed at the Seventeenth Meeting of the Parties to the Montreal Protocol ⁽¹⁾.

- (5) Article 3(2)(ii) requires the Commission to also determine which users may take advantage of the critical use exemption. As Article 17(2) requires Member States to define the minimum qualification requirements for personnel involved in the application of methyl bromide and, as fumigation is the only use, the Commission determined that methyl bromide fumigators are the only users proposed by Member States and authorised by the Commission to use methyl bromide for critical uses. Fumigators are qualified to apply it safely, rather than for example farmers or mill owners that are generally not qualified to apply methyl bromide but who own properties on which it will be applied. In addition, Member States have put in place procedures to identify fumigators within their territory that are permitted to use methyl bromide for critical uses.
- (6) Article 4(2)(ii) states that, subject to Article 4(4), the placing on the market and the use of methyl bromide by undertakings other than producers and importers shall be prohibited after 31 December 2005. Article 4(4) states that Article 4(2) shall not apply to the placing on the market and use of controlled substances if they are used to meet the licensed requests for critical uses of those users identified as laid down in Article 3(2).

Therefore, in addition to producers and importers, fumigators that are registered by the Commission in 2006 would be allowed to place methyl bromide on the market, and to use it for critical uses, after 31 December 2005. A fumigator typically requests an importer for both the importation and supply of methyl bromide.

- (7) Fumigators registered for critical uses by the Commission in 2005 would be permitted to carry over to 2006 any remaining methyl bromide that had not been used in 2005 (referred to as stocks). The European Commission has put in place licensing procedures to deduct such stocks of methyl bromide before any additional methyl

bromide is imported or produced to meet the licensed requests for critical uses in 2006. Decision IX/6 states that production and consumption of methyl bromide for critical uses should be permitted only if methyl bromide is not available from existing stocks of banked or recycled methyl bromide. Article 3(2)(ii) states that production and importation of methyl bromide shall be allowed only if no recycled or reclaimed methyl bromide is available from any of the Parties. In accordance with Decision IX/6, Article 3(2)(ii) and information provided to the Commission by Greece, stocks of methyl bromide are not available in Greece for critical uses.

- (8) The Commission approved in Commission Decision 2006/350/EC ⁽²⁾ a quantity of 1 607 587 kg of methyl bromide for critical uses in eight Member States for the period 1 January to 31 December 2006, based on applications received from those Member States in July 2005. The quantity of methyl bromide approved for Greece in this Decision takes into consideration the quantity necessary to satisfy critical uses for the period 1 June to 31 December 2006.
- (9) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 18 of Regulation (EC) No 2037/2000,

HAS ADOPTED THIS DECISION:

Article 1

The Republic of Greece shall be permitted to use a total of 46 771 kg of methyl bromide for critical uses from 1 June to 31 December 2006 for the specific quantities and categories of use described in the Annex.

Article 2

Stocks declared available for critical uses by Greece after 1 June 2006 shall be deducted from the amount that can be imported or produced to satisfy critical uses in that Member State.

Article 3

This Decision shall apply from 1 June 2006 and shall expire on 31 December 2006.

⁽¹⁾ UNEP/OzL.Pro.17/11. Report of the Seventeenth Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer, held from 12 to 16 December 2005 in Dakar, Senegal. www.unep.org/ozone/Meeting_Documents/mop/index.asp

⁽²⁾ OJ L 130, 18.5.2006, p. 29.

Article 4

This Decision is addressed to the Hellenic Republic.

Done at Brussels, 16 February 2007.

For the Commission
Stavros DIMAS
Member of the Commission

ANNEX

The Hellenic Republic

Categories of permitted critical uses	Kg
Dried fruit (raisins and figs)	1 347
Flour mills and food processing companies	8 000
Rice and legumes	924
Tomatoes and cucumbers (protected)	36 500
TOTAL	46 771

Stocks of methyl bromide available for critical uses in the Member State = 0 kg.

COMMISSION DECISION

of 20 February 2007

amending Decision 2003/71/EC to extend its period of application and repealing Decision 2003/70/EC

(notified under document number C(2007) 492)

(Text with EEA relevance)

(2007/130/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC ⁽¹⁾, and in particular Article 18(7) thereof,

Having regard to Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries ⁽²⁾, and in particular Article 22(6) thereof,

Whereas:

(1) The occurrence of infectious salmon anaemia (ISA) in the Faroe Islands led to the adoption of Commission Decision 2003/71/EC of 29 January 2003 on certain protective measures in respect of infectious salmon anaemia in the Faroe Islands ⁽³⁾. That Decision is to apply until 31 January 2007.

(2) Decision No 2/2005 of the EC-Faroe Island Joint Committee of 8 December 2005 amending Decision No 1/2001 laying down provisions to implement the Protocol on veterinary matters supplementing the Agreement between the European Community, of the one part, and the Government of Denmark and the Home Government of the Faroe Island, of the other part ⁽⁴⁾ approves a contingency plan submitted by the

Faroe Islands for certain fish diseases, including fish infected with infectious salmon anaemia, in accordance with Article 15 of Council Directive 93/53/EEC of 24 June 1993 introducing minimum Community measures for the control of certain fish diseases ⁽⁵⁾ (the contingency plan).

(3) The contingency plan includes a withdrawal scheme in accordance with Article 6 of Directive 93/53/EEC and a vaccination procedure. Vaccination is still used as a control strategy. To prevent the spreading of the disease to non-infected areas, the protective measures provided for in Decision 2003/71/EC should remain applicable as long as vaccination is applied.

(4) Council Directive 2006/88/EC of 24 October 2006 on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals ⁽⁶⁾ provides that the transposition measures adopted by the Member States pursuant to that Directive are to apply from 1 August 2008. Accordingly, Decision 2003/71/EC should be reviewed before that date.

(5) Decision 2003/71/EC should therefore be amended in order to extend its period of application from 31 January 2007 until 31 July 2008.

(6) The occurrence of infectious salmon anaemia (ISA) in Norway led to the adoption of Commission Decision 2003/70/EC of 29 January 2003 on certain protective measures in respect of infectious salmon anaemia in Norway ⁽⁷⁾. That Decision applied until 1 February 2004. For the sake of clarity, that Decision should be expressly repealed.

⁽¹⁾ OJ L 268, 24.9.1991, p. 56. Directive as last amended by Directive 2006/104/EC (OJ L 363, 20.12.2006, p. 352).

⁽²⁾ OJ L 24, 30.1.1998, p. 9. Directive as last amended by Directive 2006/104/EC.

⁽³⁾ OJ L 26, 31.1.2003, p. 80. Decision as last amended by Decision 2005/86/EC (OJ L 30, 3.2.2005, p. 19).

⁽⁴⁾ OJ L 8, 13.1.2006, p. 46.

⁽⁵⁾ OJ L 175, 19.7.1993, p. 23. Directive as last amended by Directive 2006/104/EC.

⁽⁶⁾ OJ L 328, 24.11.2006, p. 14.

⁽⁷⁾ OJ L 26, 31.1.2003, p. 76. Decision as amended by Decision 2003/392/EC (OJ L 135, 3.6.2003, p. 27).

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

Article 2

Decision 2003/70/EC is repealed.

Article 3

This Decision is addressed to the Member States.

HAS ADOPTED THIS DECISION:

Done at Brussels, 20 February 2007.

Article 1

In Article 6 of Decision 2003/71/EC '31 January 2007' is replaced by '31 July 2008'.

For the Commission
Markos KYPRIANOU
Member of the Commission

COMMISSION DECISION

of 21 February 2007

on allowing the use of the radio spectrum for equipment using ultra-wideband technology in a harmonised manner in the Community

(notified under document number C(2007) 522)

(Text with EEA relevance)

(2007/131/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Decision No 676/2002/EC of the European Parliament and of the Council of 7 March 2002 on a regulatory framework for radio spectrum policy in the European Community (Radio Spectrum Decision) ⁽¹⁾, and in particular Article 4(3) thereof,

Whereas:

(1) The European Council has recognised the significant contribution to growth and jobs by building a fully inclusive information society, based on widespread use of information and communication technologies (ICTs) in public services, SMEs and households ⁽²⁾. With the i2010 initiative, the Commission emphasised ICT as a major driver of competitiveness, growth and jobs ⁽³⁾.

(2) The creation of an open and competitive single market for information society equipment and media services within the Community is critical to ICT uptake. The Community regulatory framework for electronic communications services and equipment can enhance competitiveness and foster competition in the ICT sector, *inter alia* by ensuring the timely introduction of new technologies.

(3) Ultra-wideband technology, typically characterised by very low power radiation over a very large radio bandwidth, could provide a host of communications, measurement, location, medical, surveillance and imaging applications of benefit to various Community policies, including the information society and the internal market. In this context, it is important to

establish regulatory conditions which will encourage the development of economically viable markets for applications of ultra-wideband technology as commercial opportunities arise.

(4) The timely deployment and uptake of applications using ultra-wideband technology within the Community will be assisted by harmonising radio spectrum use rules across the Community, thus establishing an effective single market for these applications, with consequent economies of scale and benefits to the consumer.

(5) Although ultra-wideband signals are typically of extremely low power, the possibility of harmful interference with existing radiocommunication services exists and needs to be managed. Therefore, the regulatory framework for use of the radio spectrum for ultra-wideband technology must respect the rights to protection against harmful interference (including access to the radio spectrum by radio astronomy, earth exploration satellite and space research systems) and balance the incumbent services' interests against the overall policy objective of providing favourable conditions for the introduction of innovative technologies for the benefit of society.

(6) The use of spectrum is subject to the requirements of Community law for public health protection in particular Directive 2004/40/EC of the European Parliament and of the Council of 29 April 2004 on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (electromagnetic fields), ⁽⁴⁾ and Council Recommendation 1999/519/EC of 12 July 1999 on the limitation of exposure of the general public to electromagnetic fields (0 Hz to 300 GHz) ⁽⁵⁾. Health protection for radio equipment is ensured by conformity of such equipment to the essential requirements pursuant to Directive 1999/5/EC of the European Parliament and of the Council of 9 March 1999 on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity (the R&TTE Directive) ⁽⁶⁾.

⁽¹⁾ OJ L 108, 24.4.2002, p. 1.

⁽²⁾ European Council Conclusions 7619/1/05 Rev. 1 of 23.3.2005.

⁽³⁾ COM(2005) 229.

⁽⁴⁾ OJ L 159, 30.4.2004, p. 1, as amended by OJ L 184, 24.5.2004, p. 1.

⁽⁵⁾ OJ L 199, 30.7.1999, p. 59.

⁽⁶⁾ OJ L 91, 7.4.1999, p. 10. Directive amended by Regulation (EC) No 1882/2003 (OJ L 284, 31.10.2003, p. 1).

- (7) Pursuant to Article 4(2) of the Radio Spectrum Decision, the Commission has given three mandates⁽⁷⁾ to the European Conference of Postal and Telecommunications Administrations (hereinafter referred to as the CEPT) to undertake all necessary work to identify the most appropriate technical and operational criteria for the harmonised introduction of ultra-wideband-based applications in the European Union.
- (8) This Decision is based on the technical studies undertaken by the CEPT under EC mandate. These compatibility studies include, *inter alia*, the presumption that equipment using ultra-wideband technology will be operated predominantly indoors and that it will cease transmission within 10 seconds unless it receives an acknowledgement from an associated receiver that its transmission is being received. Furthermore, video signals will be transmitted using predominantly high-efficiency coding.
- (9) Outdoor use of equipment using ultra-wideband technology covered by this Decision should not include use at a fixed outdoor location or connected to a fixed outdoor antenna or in vehicles. The potential interference caused by such uses requires further study.
- (10) Equipment using ultra-wideband technology covered by this Decision falls within the scope of the R&TTE Directive. Nevertheless, the use of frequency bands by equipment using ultra-wideband technology for air traffic management communications in aircraft and safety-of-life applications in ships does not fall under the R&TTE Directive and any use of such equipment in these safety-of-life environments should be determined by appropriate sector-specific regulation.
- (11) Pursuant to the R&TTE Directive, the European Commission has given a mandate (M/329) to the European standardisation organisations to establish a set of Harmonised Standards covering ultra-wideband applications to be recognised under this Directive, and resulting in a presumption of conformity with its requirements.
- (12) In response to mandate M/329 from the EC, the ETSI is developing European standards such as Harmonised Standard EN 302 065 for ultra-wideband technology
- (7) Mandate to the CEPT to harmonise radio spectrum use for ultra-wideband systems in the European Union (Mandate 1); mandate to the CEPT to identify the conditions necessary for harmonising radio spectrum use for ultra-wideband systems in the European Union (Mandate 2); mandate to CEPT to identify the conditions relating to the harmonised introduction in the European Union of radio spectrum applications based on Ultra-Wideband (UWB) technology (Mandate 3).
- which will take account of potential aggregate effects, if such effects could lead to harmful interference, and of the compatibility studies of the CEPT. Harmonised Standards should be maintained and evolve over time to ensure protection of emerging services for which bands as yet have not been designated.
- (13) Furthermore, when a Member State considers that equipment using ultra-wideband technology within the scope of the R&TTE Directive and of any Harmonised Standards adopted pursuant thereto does not comply with the requirements of the abovementioned Directive, safeguard measures may be applied in accordance with Articles 9 and 5 of the Directive respectively.
- (14) The use of radio spectrum by equipment using ultra-wideband technology under this Decision is to be allowed on a non-interference and non-protected basis and therefore should be subject to Article 5(1) of Directive 2002/20/EC of the European Parliament and of the Council of 7 March 2002 on the authorisation of electronic communications networks and services⁽⁸⁾.
- (15) For the purpose of ensuring the continued relevance of the conditions specified in this Decision and given the rapid changes in the radio spectrum environment, national administrations ought to monitor, where possible, use of the radio spectrum by equipment using ultra-wideband technology, so as to subject this Decision to active review. Such review should take into account technological development and changes in the market situation and verify that the initial assumptions concerning the operation of equipment using ultra-wideband technology in the frequency range specified in this Decision are still relevant.
- (16) In order to ensure adequate protection of existing services, this Decision should lay down conditions that are deemed adequate to protect currently operating services.
- (17) Appropriate mitigation techniques (including detect-and-avoid or low-duty-cycle approaches) studied and specified by CEPT and ETSI under the respective EC Mandates, should be included in Harmonised Standards under the R&TTE Directive once stable and proven to provide equivalent protection to the emission levels identified in this Decision.

⁽⁸⁾ OJ L 108, 24.4.2002, p. 21.

- (18) The conditions in the 4,2 to 4,8 GHz band for equipment using ultra-wideband technology without appropriate mitigation techniques should be time limited and be replaced by more restrictive conditions beyond the date of 31 December 2010, because there is an expectation that equipment of this type should operate exclusively above 6 GHz in the longer term.
- (19) The measures provided for in this Decision are in accordance with the opinion of the Radio Spectrum Committee,

HAS ADOPTED THIS DECISION:

Article 1

The purpose of this Decision is to allow the use of the radio spectrum by equipment using ultra-wideband technology and to harmonise the conditions of such use in the Community.

This Decision shall apply without prejudice to Directive 1999/5/EC (the R&TTE Directive) and to any Community provisions allowing use of the radio spectrum by specific types of equipment using ultra-wideband technology.

Article 2

For the purposes of this Decision:

1. 'equipment using ultra-wideband technology' means equipment incorporating, as an integral part or as an accessory, technology for short-range radiocommunication, involving the intentional generation and transmission of radio-frequency energy that spreads over a frequency range wider than 50 MHz, which may overlap several frequency bands allocated to radiocommunication services;
2. 'non-interference and non-protected basis' means that no harmful interference may be caused to any radiocommunication service and that no claim may be made for protection of these devices against harmful interference originating from radiocommunication services;
3. 'indoors' means inside buildings or places in which the shielding will typically provide the necessary attenuation to protect radiocommunication services against harmful interference;
4. 'automotive vehicle' means any vehicle as defined by Council Directive 70/156/EEC⁽⁹⁾;

5. 'railway vehicle' means any vehicle as defined by Regulation (EC) No 91/2003 of the European Parliament and of the Council⁽¹⁰⁾;
6. 'e.i.r.p.' means equivalent isotropic radiated power;
7. 'mean e.i.r.p. density' means the mean power measured with a 1 MHz resolution bandwidth, a root-mean-square (RMS) detector and an averaging time of 1 ms or less;
8. 'peak e.i.r.p. density' means the peak level of transmission contained within a 50 MHz bandwidth centred on the frequency at which the highest mean radiated power occurs. If measured in a bandwidth of x MHz, this level is to be scaled down by a factor of $20\log(50/x)$ dB;
9. 'maximum e.i.r.p. density' means the highest signal strength measured in any direction at any frequency within the defined range.

Article 3

The Member States shall, as early as possible and no later than six months following the entry into force of this Decision, allow the use of the radio spectrum on a non-interference and non-protected basis by equipment using ultra-wideband technology provided that such equipment meets the conditions set out in the Annex to this Decision and it is either used indoors or, if it is used outdoors, it is not attached to a fixed installation, a fixed infrastructure, a fixed outdoor antenna, or an automotive or railway vehicle.

Article 4

Member States shall keep the use of the bands identified in the Annex by equipment using ultra-wideband technology under scrutiny, in particular with regard to the continued relevance of all the conditions specified in Article 3, and report their findings to the Commission to allow a timely review of this Decision.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 21 February 2007.

For the Commission

Viviane REDING

Member of the Commission

⁽⁹⁾ OJ L 42, 23.2.1970, p. 1.

⁽¹⁰⁾ OJ L 14, 21.1.2003, p. 1.

ANNEX

1. Maximum e.i.r.p. densities in the absence of appropriate mitigation techniques

Frequency range (GHz)	Maximum mean e.i.r.p. density (dBm/MHz)	Maximum peak e.i.r.p. density (dBm/50 MHz)
Below 1,6	- 90,0	- 50,0
1,6 to 3,4	- 85,0	- 45,0
3,4 to 3,8	- 85,0	- 45,0
3,8 to 4,2	- 70,0	- 30,0
4,2 to 4,8	- 41,3 <i>(until 31 December 2010)</i> - 70,0 <i>(beyond 31 December 2010)</i>	0,0 <i>(until 31 December 2010)</i> - 30,0 <i>(beyond 31 December 2010)</i>
4,8 to 6,0	- 70,0	- 30,0
6,0 to 8,5	- 41,3	0,0
8,5 to 10,6	- 65,0	- 25,0
Above 10,6	- 85,0	- 45,0

2. Appropriate mitigation techniques

A maximum mean e.i.r.p. density of - 41,3 dBm/MHz is allowed in the 3,4 to 4,8 GHz bands provided that a low duty cycle restriction is applied in which the sum of all transmitted signals is less than 5 % of the time each second and less than 0,5 % of the time each hour, and provided that each transmitted signal does not exceed 5 milliseconds.

Equipment using ultra-wideband technology may also be allowed to use the radio spectrum with e.i.r.p. limits other than those set out in the table in point 1 provided that appropriate mitigation techniques other than those set out in the first sub-paragraph are applied with the result that the equipment achieves at least an equivalent level of protection to that provided by the limits in the table set out in point 1.