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Legislation

Contents

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

REGULATIONS

Commission Regulation (EC) No 280/2007 of 16 March 2007 establishing the standard import values for determining the entry price of certain fruit and vegetables	1
Commission Regulation (EC) No 281/2007 of 16 March 2007 fixing the minimum selling prices for butter for the 27th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 1898/2005	3
Commission Regulation (EC) No 282/2007 of 16 March 2007 fixing the maximum aid for cream, butter and concentrated butter for the 27th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 1898/2005	5
Commission Regulation (EC) No 283/2007 of 16 March 2007 fixing the maximum aid for concentrated butter for the 27th individual invitation to tender opened under the standing invitation to tender provided for in Regulation (EC) No 1898/2005	7
Commission Regulation (EC) No 284/2007 of 16 March 2007 fixing the minimum selling price for butter for the 59th individual invitation to tender issued under the standing invitation to tender referred to in Regulation (EC) No 2771/1999	8
Commission Regulation (EC) No 285/2007 of 16 March 2007 determining the extent to which applications lodged in March 2007 for import licences for certain pigmeat sector products pursuant to Regulation (EC) No 1233/2006 can be accepted	9
Commission Regulation (EC) No 286/2007 of 16 March 2007 determining the extent to which applications lodged in March 2007 for import licences under the regime provided for by tariff quotas for certain products in the pigmeat sector for the period 1 April to 30 June 2007 can be accepted	11
★ Commission Regulation (EC) No 287/2007 of 16 March 2007 amending Annex II to Council Regulation (EEC) No 2377/90 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin, as regards Ginseng, standardised extracts and preparations thereof ⁽¹⁾	13

⁽¹⁾ Text with EEA relevance

(Continued overleaf)

★ Commission Regulation (EC) No 288/2007 of 16 March 2007 laying down transitional measures to be adopted on account of the accession of Bulgaria and Romania in respect of the requirements for the granting of export refunds on certain milk and egg products pursuant to Regulation (EC) No 1043/2005	15
★ Commission Regulation (EC) No 289/2007 of 16 March 2007 adapting Regulation (EC) No 1301/2006 laying down common rules for the administration of import tariff quotas for agricultural products managed by a system of import licences, by reason of the accession of Bulgaria and Romania to the European Union	17
★ Commission Regulation (EC) No 290/2007 of 16 March 2007 establishing, for the 2007/2008 marketing year, the percentage provided for in Article 19 of Regulation (EC) No 318/2006 ...	20
Commission Regulation (EC) No 291/2007 of 16 March 2007 amending Regulation (EC) No 272/2007 fixing the import duties in the cereals sector applicable from 16 March 2007	24

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

DECISIONS

Council

2007/168/EC:

★ Council Decision of 22 February 2007 appointing the Vice-President of the Community Plant Variety Office	27
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Commission

2007/169/EC:

★ Commission Decision of 16 March 2007 establishing that Article 30(1) of Directive 2004/17/EC of the European Parliament and of the Council coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors applies to certain courier and parcel services in Denmark (notified under document number C(2007) 840) ⁽¹⁾	28
--	----

AGREEMENTS

Council

★ Information on the date of entry into force of the Fisheries Partnership Agreement between the European Community and the Kingdom of Morocco	31
★ Information concerning the date of entry into force of the Framework Agreement between the European Community and Bosnia and Herzegovina on the general principles for the participation of Bosnia and Herzegovina in Community programmes	31

Corrigenda

★ Corrigendum to Directive 2006/52/EC of the European Parliament and of the Council of 5 July 2006 amending Directive 95/2/EC on food additives other than colours and sweeteners and Directive 94/35/EC on sweeteners for use in foodstuffs (OJ L 204, 26.7.2006)	32
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⁽¹⁾ Text with EEA relevance

I

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

REGULATIONS

COMMISSION REGULATION (EC) No 280/2007**of 16 March 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 17 March 2007.

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

Done at Brussels, 16 March 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 16 March 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	113,4
	MA	93,6
	TN	143,7
	TR	158,4
	ZZ	127,3
0707 00 05	JO	132,2
	MA	65,6
	TR	162,3
	ZZ	120,0
0709 90 70	MA	65,7
	TR	110,1
	ZZ	87,9
0709 90 80	EG	233,0
	IL	121,6
	ZZ	177,3
0805 10 20	CU	47,3
	EG	51,5
	IL	52,8
	MA	45,5
	TN	52,7
	TR	64,1
	ZZ	52,3
0805 50 10	IL	68,1
	TR	52,4
	ZZ	60,3
0808 10 80	AR	76,1
	BR	79,9
	CA	92,2
	CL	84,6
	CN	69,6
	US	112,0
	UY	73,0
	ZA	95,0
	ZZ	85,3
0808 20 50	AR	68,0
	CL	83,5
	US	110,6
	ZA	75,6
	ZZ	84,4

⁽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 281/2007**of 16 March 2007****fixing the minimum selling prices for butter for the 27th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 1898/2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, and in particular Article 10 thereof,

Whereas:

- (1) In accordance with Commission Regulation (EC) No 1898/2005 of 9 November 2005 laying down detailed rules for implementing Council Regulation (EC) No 1255/1999 as regards measures for the disposal of cream, butter and concentrated butter on the Community market ⁽²⁾, the intervention agencies may sell by standing invitation to tender certain quantities of butter from intervention stocks that they hold and may grant aid for cream, butter and concentrated butter. Article 25 of that Regulation lays down that in the light of the tenders received in response to each individual invitation to tender a minimum selling price shall be fixed for butter and maximum aid shall be fixed for cream, butter and concentrated butter. It is further

laid down that the price or aid may vary according to the intended use of the butter, its fat content and the incorporation procedure. The amount of the processing security as referred to in Article 28 of Regulation (EC) No 1898/2005 should be fixed accordingly.

- (2) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

For the 27th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 1898/2005 the minimum selling prices for butter from intervention stocks and the amount of the processing security, as referred to in Articles 25 and 28 of that Regulation respectively, are fixed as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 17 March 2007.

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

Done at Brussels, 16 March 2007.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Regulation (EC) No 1913/2005 (OJ L 307, 25.11.2005, p. 2).

⁽²⁾ OJ L 308, 25.11.2005, p. 1. Regulation as last amended by Regulation (EC) No 2107/2005 (OJ L 337, 22.12.2005, p. 20).

ANNEX

Minimum selling prices for butter and processing security for the 27th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 1898/2005*(EUR/100 kg)*

Formula		A		B	
Incorporation procedure		With tracers	Without tracers	With tracers	Without tracers
Minimum selling price	Butter $\geq 82\%$	Unaltered	—	214,7	—
		Concentrated	—	—	—
Processing security		Unaltered	—	45	—
		Concentrated	—	—	—

COMMISSION REGULATION (EC) No 282/2007**of 16 March 2007****fixing the maximum aid for cream, butter and concentrated butter for the 27th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 1898/2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, and in particular Article 10 thereof,

Whereas:

- (1) In accordance with Commission Regulation (EC) No 1898/2005 of 9 November 2005 laying down detailed rules for implementing Council Regulation (EC) No 1255/99 as regards measures for the disposal of cream, butter and concentrated butter on the Community market ⁽²⁾, the intervention agencies may sell by standing invitation to tender certain quantities of butter of intervention stocks that they hold and may grant aid for cream, butter and concentrated butter. Article 25 of that Regulation lays down that in the light of the tenders received in response to each individual invitation to tender a minimum selling price shall be fixed for butter and maximum aid shall be fixed for cream, butter and concentrated butter. It is further laid down

that the price or aid may vary according to the intended use of the butter, its fat content and the incorporation procedure. The amount of the processing security as referred to in Article 28 of Regulation (EC) No 1898/2005 should be fixed accordingly.

- (2) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

For the 27th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 1898/2005 the amount of the maximum aid for cream, butter and concentrated butter and the amount the processing security, as referred to in Articles 25 and 28 of that Regulation respectively, are fixed as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 17 March 2007.

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

Done at Brussels, 16 March 2007.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Regulation (EC) No 1913/2005 (OJ L 307, 25.11.2005, p. 2).

⁽²⁾ OJ L 308, 25.11.2005, p. 1. Regulation as last amended by Regulation (EC) No 2107/2005 (OJ L 337, 22.12.2005, p. 20).

ANNEX

Maximum aid for cream, butter and concentrated butter and processing security for the 27th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 1898/2005*(EUR/100 kg)*

Formula		A		B	
		With tracers	Without tracers	With tracers	Without tracers
Incorporation procedure					
Maximum aid	Butter ≥ 82 %	15,5	12	—	12
	Butter < 82 %	—	11,7	—	10,73
	Concentrated butter	18	14,5	18	14,5
	Cream	—	—	8	5
Processing security	Butter	17	—	—	—
	Concentrated butter	20	—	20	—
	Cream	—	—	9	—

COMMISSION REGULATION (EC) No 283/2007**of 16 March 2007****fixing the maximum aid for concentrated butter for the 27th individual invitation to tender opened under the standing invitation to tender provided for in Regulation (EC) No 1898/2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, and in particular Article 10 thereof,

Whereas:

- (1) In accordance with Article 47 of Commission Regulation (EC) No 1898/2005 of 9 November 2005 laying down detailed rules for implementing Council Regulation (EC) No 1255/1999 as regards measures for the disposal of cream, butter and concentrated butter on the Community market ⁽²⁾, the intervention agencies are opening a standing invitation to tender for the granting of aid for concentrated butter. Article 54 of that Regulation provides that in the light of the tenders received in response to each special invitation to tender, a maximum amount of aid is to be fixed for concentrated butter with a minimum fat content of 96 %.
- (2) An end-use security provided for in Article 53(4) of Regulation (EC) No 1898/2005 is to be lodged to

ensure the taking over of the concentrated butter by the retail trade.

- (3) In the light of the tenders received, the maximum aid should be fixed at the appropriate level and the end-use security should be determined accordingly.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

For the 27th individual tender under the standing invitation to tender opened in accordance with Regulation (EC) No 1898/2005 the maximum amount of the aid for concentrated butter with a minimum fat content of 96 %, as referred to in Article 47(1) of that Regulation, is fixed at 16,27 EUR/100 kg.

The end-use security provided for in Article 53(4) of Regulation (EC) No 1898/2005 is fixed at 18 EUR/100 kg.

Article 2

This Regulation shall enter into force on 17 March 2007.

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

Done at Brussels, 16 March 2007.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Regulation (EC) No 1913/2005 (OJ L 307, 25.11.2005, p. 2).

⁽²⁾ OJ L 308, 25.11.2005, p. 1. Regulation as last amended by Regulation (EC) No 2107/2005 (OJ L 337, 22.12.2005, p. 20).

COMMISSION REGULATION (EC) No 284/2007**of 16 March 2007****fixing the minimum selling price for butter for the 59th individual invitation to tender issued under the standing invitation to tender referred to in Regulation (EC) No 2771/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, and in particular Article 10(c) thereof,

Whereas:

- (1) Pursuant to Article 21 of Commission Regulation (EC) No 2771/1999 of 16 December 1999 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards intervention on the market in butter and cream ⁽²⁾, intervention agencies have put up for sale by standing invitation to tender certain quantities of butter held by them.
- (2) In the light of the tenders received in response to each individual invitation to tender a minimum selling price shall be fixed or a decision shall be taken to make no

award, in accordance with Article 24a of Regulation (EC) No 2771/1999.

- (3) In the light of the tenders received, a minimum selling price should be fixed.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

For the 59th individual invitation to tender pursuant to Regulation (EC) No 2771/1999, in respect of which the time limit for the submission of tenders expired on 13 March 2007, the minimum selling price for butter is fixed at 238,01 EUR/100 kg.

Article 2

This Regulation shall enter into force on 17 March 2007.

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

Done at Brussels, 16 March 2007.

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

⁽¹⁾ OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Commission Regulation (EC) No 1913/2005 (OJ L 307, 25.11.2005, p. 2).

⁽²⁾ OJ L 333, 24.12.1999, p. 11. Regulation as last amended by Regulation (EC) No 1802/2005 (OJ L 290, 4.11.2005, p. 3).

COMMISSION REGULATION (EC) No 285/2007**of 16 March 2007****determining the extent to which applications lodged in March 2007 for import licences for certain pigmeat sector products pursuant to Regulation (EC) No 1233/2006 can be accepted**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1233/2006 of 16 August 2006 opening and providing for the administration of an import tariff quota of pigmeat allocated to the United States of America ⁽¹⁾, and in particular Article 5(5) thereof,

Whereas:

The applications for import licences lodged for the period 1 April to 30 June 2007 are less than the quantities available and can therefore be fulfilled entirely,

Article 1

Applications for import licences for the period 1 April to 30 June 2007 submitted pursuant to Regulation (EC) No 1233/2006 shall be met as referred to in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 17 March 2007.

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

Done at Brussels, 16 March 2007.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 225, 17.8.2006, p. 14.

ANNEX

Order No	Percentage of acceptance of import licences submitted for the period of 1 April to 30 June 2007
09.4170	100

COMMISSION REGULATION (EC) No 286/2007**of 16 March 2007****determining the extent to which applications lodged in March 2007 for import licences under the regime provided for by tariff quotas for certain products in the pigmeat sector for the period 1 April to 30 June 2007 can be accepted**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1458/2003 of 18 August 2003 opening and providing for the administration of tariff quotas for certain products in the pigmeat sector ⁽¹⁾, and in particular Article 5(6) thereof,

Whereas:

The applications for import licences lodged for the second quarter of 2007 are for quantities less than the quantities available and can therefore be met in full.

Article 1

Applications for import licences for the period 1 April to 30 June 2007 submitted pursuant to Regulation (EC) No 1458/2003 shall be met as referred to in Annex.

Article 2

This Regulation shall enter into force on 17 March 2007.

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

Done at Brussels, 16 March 2007.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 208, 19.8.2003, p. 3. Regulation as amended by Regulation (EC) No 341/2005 (OJ L 53, 26.2.2005, p. 28).

ANNEX

Order No	Percentage of acceptance of import licences submitted for the period of 1 April to 30 June 2007
09.4038	100
09.4039	100
09.4071	—
09.4072	—
09.4073	—
09.4074	—

—: No application for a licence has been sent to the Commission.

COMMISSION REGULATION (EC) No 287/2007

of 16 March 2007

amending Annex II to Council Regulation (EEC) No 2377/90 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin, as regards Ginseng, standardised extracts and preparations thereof

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2377/90 of 26 June 1990 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin ⁽¹⁾, and in particular Article 3 thereof,

Having regard to the opinions of the European Medicines Agency formulated by the Committee for Medicinal Products for Veterinary Use,

Whereas:

- (1) All pharmacologically active substances used in the Community in veterinary medicinal products intended for food-producing animals should be evaluated in accordance with Regulation (EEC) No 2377/90.
- (2) The substance Ginseng is included in Annex II to Regulation (EEC) No 2377/90 in the category of substances used in homeopathic veterinary medicinal products, for all food-producing species, for use only in homeopathic veterinary medicinal products prepared according to homeopathic pharmacopoeias at concentrations corresponding to the mother tincture, and dilutions thereof. Following the examination of an application, it is considered appropriate to include a new entry in Annex II, in the category of substances of vegetable origin, for Ginseng, standardised extracts and preparations thereof, for all food-producing species.

(3) Regulation (EEC) No 2377/90 should therefore be amended accordingly.

(4) An adequate period should be allowed before the applicability of this Regulation in order to enable Member States to make any adjustment which may be necessary in the light of this Regulation to the authorisations to place the veterinary medicinal products concerned on the market which have been granted in accordance with 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 ⁽²⁾ to take account of the provisions of this Regulation.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Veterinary Medicinal Products,

HAS ADOPTED THIS REGULATION:

Article 1

Annex II to Regulation (EEC) No 2377/90 is amended in accordance with the Annex to this Regulation.

*Article 2*This Regulation shall enter into force on the third day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 16 May 2007.

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

Done at Brussels, 16 March 2007.

For the Commission
Günter VERHEUGEN
Vice-President

⁽¹⁾ OJ L 224, 18.8.1990, p. 1. Regulation as last amended by Commission Regulation (EC) No 1831/2006 (OJ L 354, 14.12.2006, p. 5).

⁽²⁾ OJ L 311, 28.11.2001, p. 1. Directive as last amended by Directive 2004/28/EC (OJ L 136, 30.4.2004, p. 58).

ANNEX

The following substance is inserted in Annex II to Regulation (EEC) No 2377/90:

6. Substances of vegetable origin

Pharmacologically active substance(s)	Animal species
'Ginseng, standardised extracts and preparations thereof	All food-producing species'

COMMISSION REGULATION (EC) No 288/2007**of 16 March 2007****laying down transitional measures to be adopted on account of the accession of Bulgaria and Romania in respect of the requirements for the granting of export refunds on certain milk and egg products pursuant to Regulation (EC) No 1043/2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty of Accession of Bulgaria and Romania,

Having regard to the Act of Accession of Bulgaria and Romania, and in particular the first paragraph of Article 41 thereof,

Whereas:

(1) Article 52(4) of 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⁽¹⁾, provides that the granting of a refund on certain milk and egg based goods is conditional on them meeting the relevant requirements of Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs⁽²⁾ and Regulation (EC) No 853/2004 of the European Parliament and the Council of 29 April 2004 laying down specific rules on the hygiene of foodstuffs⁽³⁾. In particular, the goods must, under Articles 4 and 5 of Regulation (EC) No 853/2004, be prepared in an approved establishment and comply with specific health marking requirements.

(2) Commission Decision 2007/30/EC of 22 December 2006 laying down transitional measures for the marketing of certain products of animal origin obtained in Bulgaria and Romania⁽⁴⁾ lays down measures to facilitate the transition from the existing regime in those States to that resulting from the application of Community veterinary legislation. According to Article 3 of that Decision, Member States are to authorise trade from 1 January to 31 December 2007 in products which are obtained in establishments in Bulgaria and Romania authorised to export milk or egg

products to the Community before the date of accession, provided that the products bear the Community export health mark of the establishment concerned and are accompanied by a document which certifies that they were produced in conformity with Decision 2007/30/EC.

(3) It is therefore appropriate to derogate from Article 52(4) of Regulation (EC) No 1043/2005, without prejudice to the application of the other provisions of that Regulation, and provide that goods which comply with Article 3 of Decision 2007/30/EC and are authorised to be traded for the period from 1 January to 31 December 2007 should be eligible for an export refund.

(4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee on horizontal questions concerning trade in processed agricultural products not listed in Annex I to the Treaty,

HAS ADOPTED THIS REGULATION:

Article 1

By way of derogation from Article 52(4) of Regulation (EC) No 1043/2005, goods obtained before the date of accession in establishments in Bulgaria and Romania authorised to export to the Community before the date of accession and exported from the Community in the period from the accession date to 31 December 2007 shall be eligible for an export refund, provided that they meet the requirements of Article 3(a) and (b) of Decision 2007/30/EC.

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 to export declarations accepted from 1 January to 31 December 2007.

⁽¹⁾ OJ L 172, 5.7.2005, p. 24. Regulation as last amended by Regulation (EC) No 1792/2006 (OJ L 362, 20.12.2006, p. 1).

⁽²⁾ OJ L 139, 30.4.2004, p. 1. Corrected by OJ L 226, 25.6.2004, p. 3.

⁽³⁾ OJ L 139, 30.4.2004, p. 55. Corrected by OJ L 226, 25.6.2004, p. 22. Regulation as last amended by Council Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p. 1).

⁽⁴⁾ OJ L 8, 13.1.2007, p. 59.

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

Done at Brussels, 16 March 2007.

For the Commission
Günter VERHEUGEN
Vice-President

COMMISSION REGULATION (EC) No 289/2007**of 16 March 2007****adapting Regulation (EC) No 1301/2006 laying down common rules for the administration of import tariff quotas for agricultural products managed by a system of import licences, by reason of the accession of Bulgaria and Romania to the European Union**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty of Accession of Bulgaria and Romania,

Article 1

Regulation (EC) No 1301/2006 is amended as follows:

Having regard to the Act of Accession of Bulgaria and Romania, and in particular Article 56 thereof,

1. Annex II is replaced by the text in Annex I to this Regulation.

Whereas:

2. Annex III is replaced by the text in Annex II to this Regulation.

(1) Annexes II and III to Commission Regulation (EC) No 1301/2006⁽¹⁾ provide for entries in all the languages of the Community as constituted at 31 December 2006. Those provisions should include the entries in Bulgarian and Romanian.

*Article 2*This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union*.

(2) Regulation (EC) No 1301/2006 should therefore be amended accordingly,

It shall apply from 1 January 2007. However, it shall not affect the validity of licence applications and licences issued between 1 January 2007 and the day of the entry into force of this Regulation.

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

Done at Brussels, 16 March 2007.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

⁽¹⁾ OJ L 238, 1.9.2006, p. 13.

ANNEX I

ANNEX II

Endorsements referred to in Article 8

- *In Bulgarian:* Член 3, параграф 4 от Регламент (ЕИО) № 1182/71 не се прилага
- *In Spanish:* No es de aplicación el artículo 3, apartado 4, del Reglamento (CEE) nº 1182/71
- *In Czech:* Ustanovení čl. 3 odst. 4 nařízení (EHS) č. 1182/71 se nepoužije
- *In Danish:* Artikel 3, stk. 4, i forordning (EØF) nr. 1182/71 finder ikke anvendelse
- *In German:* Artikel 3 Absatz 4 der Verordnung (EWG) Nr. 1182/71 kommt nicht zur Anwendung
- *In Estonian:* Määruse (EMÜ) nr 1182/71 artikli 3 lõiget 4 ei kohaldata
- *In Greek:* Το άρθρο 3 παράγραφος 4 του κανονισμού (ΕΟΚ) αριθ. 1182/71 δεν εφαρμόζεται
- *In English:* Article 3(4) of Regulation (EEC) No 1182/71 shall not apply
- *In French:* L'article 3, paragraphe 4, du règlement (CEE) n° 1182/71 ne s'applique pas
- *In Italian:* L'articolo 3, paragrafo 4, del regolamento (CEE) n. 1182/71 non si applica
- *In Latvian:* Regulas (EEK) Nr. 1182/71 3. panta 4. punktu nepiemēro
- *In Lithuanian:* Reglamento (EEB) Nr. 1182/71 3 straipsnio 4 dalis netaikoma
- *In Hungarian:* Az 1182/71/EGK rendelet 3. cikkének (4) bekezdését nem kell alkalmazni
- *In Dutch:* Artikel 3, lid 4, van Verordening (EEG) nr. 1182/71 is niet van toepassing
- *In Polish:* Artykuł 3 ust. 4 rozporządzenia (EWG) nr 1182/71 nie ma zastosowania
- *In Portuguese:* O n.º 4 do artigo 3.º do Regulamento (CEE) n.º 1182/71 não se aplica
- *In Romanian:* Articolul 3 alineatul 4 din Regulamentul (CEE) nr. 1182/71 nu se aplică
- *In Slovak:* Článok 3 ods. 4 nariadenia (EHS) č. 1182/71 sa neuplatňuje
- *In Slovenian:* Člen 3(4) Uredbe (EGS) št. 1182/71 se ne uporablja
- *In Finnish:* Asetuksen (ETY) N:o 1182/71 3 artiklan 4 kohta ei sovelleta
- *In Swedish:* Artikel 3.4 i förordning (EEG) nr 1182/71 skall inte tillämpas'
-

ANNEX II

'ANNEX III

Entries referred to in Article 9

- *In Bulgarian:* Мито ... — Регламент (ЕО) № .../...
 - *In Spanish:* Derecho de aduana ... — Reglamento (CE) n° .../...
 - *In Czech:* Celní sazba ... – nařízení (ES) č. .../...
 - *In Danish:* Toldsats ... — forordning (EF) nr. .../...
 - *In German:* Zollsatz ... — Verordnung (EG) Nr. .../...
 - *In Estonian:* Tollimaks ... – määrus (EÜ) nr .../...
 - *In Greek:* Δασμός ... — Κανονισμός (ΕΚ) αριθ. .../...
 - *In English:* Customs duty ... — Regulation (EC) No .../...
 - *In French:* Droit de douane: ... — règlement (CE) n° .../...
 - *In Italian:* Dazio: ... — regolamento (CE) n. .../...
 - *In Latvian:* Muitas nodoklis ... – Regula (EK) Nr. .../...
 - *In Lithuanian:* Muito mokestis ... – Reglamentas (EB) Nr. .../...
 - *In Hungarian:* Vám-tétel: ... – .../.../EK rendelet
 - *In Dutch:* Douanerecht: ... — Verordening (EG) nr. .../...
 - *In Polish:* Stawka celna ... – rozporządzenie (WE) nr .../...
 - *In Portuguese:* Direito aduaneiro: ... — Regulamento (CE) n.º .../...
 - *In Romanian:* Taxă vamală: ... – Regulamentul (CE) nr. .../...
 - *In Slovak:* Clo ... – nariadenie (ES) č. .../...
 - *In Slovenian:* Carina: ... – Uredba (ES) št. .../...
 - *In Finnish:* Tulli ... – Asetus (EY) N:o .../...
 - *In Swedish:* Tull ... – Förordning (EG) nr .../...'
-

COMMISSION REGULATION (EC) No 290/2007**of 16 March 2007****establishing, for the 2007/2008 marketing year, the percentage provided for in Article 19 of Regulation (EC) No 318/2006**

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 of Article 19(3), Article 40(2)(d)(v) and Article 42 thereof,

Whereas:

- (1) Article 19(1) of Regulation (EC) No 318/2006 lays down that a percentage, common to all Member States, of sugar and isoglucose may be withdrawn from the market in order to preserve the structural balance of the market at a price level which is close to the reference price.
- (2) The forecast supply balance for the 2007/2008 marketing year indicates a surplus on the Community market, resulting in particular from a smaller than expected abandonment of quotas under Council Regulation (EC) No 320/2006 of 20 February 2006 establishing a temporary scheme for the restructuring of the sugar industry in the Community and amending Regulation (EC) No 1290/2005 on the financing of the common agricultural policy ⁽²⁾. This surplus, which may amount to almost four million tonnes of sugar and isoglucose, is likely to cause a significant decrease in the Community market price during the 2007/2008 marketing year.
- (3) Consequently, a withdrawal percentage should be established in application of Article 19(1) of Regulation (EC) No 318/2006 in order to preserve the structural balance of the market.
- (4) However, applying the withdrawal as laid down by Article 19 of Regulation (EC) No 318/2006 does not provide an incentive to producers to reduce production, as the withdrawal percentage is applied in a linear fashion to all quantities produced under quota, without taking into account attempts by some undertakings to

adapt their production. The withdrawal instrument may therefore be considered insufficient insofar as it does not make it possible to prevent the creation of a surplus on the market. Article 19 does not prevent surplus production; it simply makes it possible to withdraw the surplus sugar already produced. This results in costs that could be avoided if the surplus production were to be prevented at an earlier stage.

- (5) In order to make the withdrawal instrument more effective by creating an incentive for producers to reduce production, the Commission intends to propose to the Council an amendment to Regulation (EC) No 318/2006 that would introduce a threshold above which quantities produced under quota by each undertaking would be withdrawn. In other words, undertakings whose production is below the threshold will be exempt from the withdrawal requirement, reflecting the fact that they contributed less to the surplus. In this way, undertakings would be able to adapt their production and decide whether or not to produce in excess of the threshold.
- (6) For the threshold for applying the withdrawal percentage to have a real effect on production, the scope of the obligation provided for in Article 6(5) of Regulation (EC) No 318/2006 should be limited to avoid sugar undertakings being obliged to pay the minimum price for quantities of beet corresponding to their entire quota, including the quantities for which no delivery contracts have been concluded.
- (7) However, it will not be possible to adjust the withdrawal instrument in time for it to have a preventative effect on production during the 2007/2008 marketing year. Given that the forecasts are indicating a particularly large surplus for this marketing year on account of the poor functioning of the instrument for the restructuring of the sugar industry, it is considered necessary to resort to Article 42 of Regulation (EC) No 318/2006 in order to introduce, as a matter of urgency, a preventative measure consisting in the introduction of a threshold for applying the withdrawal percentage and consequently limiting the withdrawal requirement for those undertakings that do not contribute to the surplus. The threshold should be fixed at a level that makes it possible to prevent a significant quantity of sugar from being produced, in other words a quantity comparable to that which would otherwise have been withdrawn under Article 19 of Regulation (EC) No 318/2006.

⁽¹⁾ OJ L 58, 28.2.2006, p. 1. Regulation as last amended by Regulation (EC) No 2011/2006 (OJ L 384, 29.12.2006, p. 1).

⁽²⁾ OJ L 58, 28.2.2006, p. 42.

- (8) In the same context, account should be taken of the fact that the constraints associated with the preventative measure could have serious economic consequences for undertakings in Member States which have made particular efforts under the restructuring scheme established by Regulation (EC) No 320/2006. This effect would be contrary to the very objective of this scheme and of the common organisation of the markets in the sugar sector, which is to guarantee the viability and competitiveness of this sector. It is therefore necessary to provide for an exemption from applying the withdrawal percentage for the Member States in proportion to the percentage of the national quota which has been released under the above restructuring scheme.
- (9) In order for it to be fully effective, the measure must be adopted before beet sowing gets into full swing, thereby enabling producers and manufacturers to plan and manage production for the 2007/2008 marketing year as best as possible.
- (10) At the same time, in order to make allowances for the uncertainty of the forecasts concerning production in particular, provision should be made for the withdrawal percentage to be adapted if necessary when final figures are available for the 2007/2008 marketing year. If the adapted percentage is greater than the percentage initially established by this Regulation, the difference must be applied to the entire production under quota, since the aim of the measure at that stage will no longer be to obtain a preventative effect but to manage the market according to a surplus that has occurred.
- (11) In order to facilitate the supply of sugar and/or isoglucose for the manufacture of the products referred to in Article 13(2) of Regulation (EC) No 318/2006, the quantity withdrawn should be regarded as surplus sugar or isoglucose for the 2007/2008 marketing year available to become industrial sugar or isoglucose.
- (12) In accordance with the second subparagraph of Article 19(1) of Regulation (EC) No 318/2006, the traditional supply need for refining as white sugar should be reduced by the same percentage as that established for the withdrawal. In the event that the withdrawal percentage is adapted, the reduction of the traditional supply need must also be adjusted.
- (13) The Management Committee for Sugar has not delivered an opinion within the time limit set by its Chairman,

HAS ADOPTED THIS REGULATION:

Article 1

1. For the 2007/2008 marketing year, the percentage provided for in Article 19(1) of Regulation (EC) No 318/2006 shall be 13,5 %.

2. By way of derogation from paragraph 1:

(a) the percentage laid down in that paragraph shall not apply to undertakings whose production is less than 86,5 % of their quota for the 2007/2008 marketing year;

(b) for undertakings that produce a quantity equal to or higher than 86,5 % of their quota for the 2007/2008 marketing year, the quantities produced over the 86,5 % threshold shall be withdrawn;

(c) the percentage laid down in paragraph 1 shall not apply to quantities produced in the Member States in which at least 50 % of the national sugar quota has been released from 1 July 2006 as a result of quotas being renounced under Article 3 of Regulation (EC) No 320/2006.

For the Member States in which at least 50 % of the national sugar quota has been released from 1 July 2006 as a result of quotas being renounced under Article 3 of Regulation (EC) No 320/2006, the withdrawal percentage provided for in the first paragraph shall be reduced in proportion to the quotas released.

The percentage applicable under this point shall be as laid down in the Annex hereto.

3. The percentage laid down in the first paragraph may be adapted up until 31 October 2007 at the latest. If the second percentage is higher than the first percentage, the difference shall be applied to the entire production under quota.

4. The quantities withdrawn in accordance with paragraphs 2(b) and 3 shall be considered to be surplus sugar or surplus isoglucose for the 2007/2008 marketing year available to become industrial sugar or industrial isoglucose.

5. The obligation referred to in Article 6(5) of Regulation (EC) No 318/2006 to pay at least the minimum price shall apply only to the quantities of beet produced under quota after the application of paragraphs 1 and 2.

Article 2

1. For the 2007/2008 marketing year, the traditional supply need for refining sugar under Article 29(1) of Regulation (EC) No 318/2006 shall be a maximum of 2 110 371 tonnes, broken down as follows:

- (a) 171 917 tonnes for Bulgaria;
- (b) 256 582 tonnes for France;
- (c) 43 250 tonnes for Italy;
- (d) 308 488 tonnes for Portugal;

(e) 285 135 tonnes for Romania;

(f) 16 941 tonnes for Slovenia;

(g) 51 835 tonnes for Finland;

(h) 976 223 tonnes for the United Kingdom.

2. In the event of application of Article 1(3), the amount established in paragraph 1 shall be adapted accordingly.

Article 3

This Regulation shall enter into force on the third 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, 16 March 2007.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

ANNEX

Withdrawal percentage set pursuant to Article 1(2)(c)

Member State	Withdrawal percentage
Czech Republic	7,29
Greece	0
Spain	10,53
Italy	0
Hungary	6,21
Portugal (mainland)	0
Slovakia	4,32
Finland	3,24
Sweden	10,26

COMMISSION REGULATION (EC) No 291/2007
of 16 March 2007
amending Regulation (EC) No 272/2007 fixing the import duties in the cereals sector applicable
from 16 March 2007

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⁾,

Having regard to Commission Regulation (EC) No 1249/96 of 28 June 1996 on rules of application (cereal sector import duties) for Council Regulation (EEC) No 1766/92 ⁽²⁾, and in particular Article 2(1) thereof,

Whereas:

(1) The import duties in the cereals sector applicable from 16 March 2007 were fixed by Commission Regulation (EC) No 272/2007 ⁽³⁾.

(2) As the average of the import duties calculated differs by more than EUR 5 a tonne from that fixed, a corresponding adjustment must be made to the import duties fixed by Regulation (EC) No 272/2007.

(3) Regulation (EC) No 272/2007 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to Regulation (EC) No 272/2007 are hereby replaced by the text in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 17 March 2007.

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

Done at Brussels, 16 March 2007.

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

⁽¹⁾ OJ L 270, 29.9.2003, p. 78. Regulation as amended by Commission Regulation (EC) No 1154/2005 (OJ L 187, 19.7.2005, p. 11).

⁽²⁾ OJ L 161, 29.6.1996, p. 125. Regulation as last amended by Regulation (EC) No 1110/2003 (OJ L 158, 27.6.2003, p. 12).

⁽³⁾ OJ L 76, 16.3.2007, p. 3.

ANNEX

‘ANNEX I

Import duties on the products referred to in Article 10(2) of Regulation (EC) No 1784/2003 applicable from 17 March 2007

CN code	Description	Import duties ⁽¹⁾ (EUR/t)
1001 10 00	Durum wheat, high quality	0,00
	medium quality	0,00
	low quality	0,00
1001 90 91	Common wheat seed	0,00
ex 1001 90 99	High quality common wheat, other than for sowing	0,00
1002 00 00	Rye	0,00
1005 10 90	Maize seed other than hybrid	2,49
1005 90 00	Maize, other than seed ⁽²⁾	2,49
1007 00 90	Grain sorghum other than hybrids for sowing	0,00

⁽¹⁾ For goods arriving in the Community via the Atlantic Ocean or via the Suez Canal the importer may benefit, under Article 2(4) of Regulation (EC) No 1249/96, from a reduction in the duty of:

- 3 EUR/t, where the port of unloading is on the Mediterranean Sea, or
- 2 EUR/t, where the port of unloading is in Denmark, Estonia, Ireland, Latvia, Lithuania, Poland, Finland, Sweden, the United Kingdom or the Atlantic coast of the Iberian peninsula.

⁽²⁾ The importer may benefit from a flatrate reduction of EUR 24 per tonne where the conditions laid down in Article 2(5) of Regulation (EC) No 1249/96 are met.

ANNEX II

Factors for calculating the duties laid down in Annex I

15 March 2007

1. Averages over the reference period referred to in Article 2(2) of Regulation (EC) No 1249/96:

	<i>EUR/t</i>					
	Common wheat (*)	Maize	Durum wheat, high quality	Durum wheat, medium quality (**)	Durum wheat, low quality (***)	Barley
Exchange	Minneapolis	Chicago	—	—	—	—
Quotation	156,22	118,40	—	—	—	—
Fob price USA	—	—	182,28	172,28	152,28	150,11
Gulf of Mexico premium	28,39	8,71	—	—	—	—
Great Lakes premium	—	—	—	—	—	—

(*) Premium of 14 EUR/t incorporated (Article 4(3) of Regulation (EC) No 1249/96).

(**) Discount of 10 EUR/t (Article 4(3) of Regulation (EC) No 1249/96).

(***) Discount of 30 EUR/t (Article 4(3) of Regulation (EC) No 1249/96).

2. Averages over the reference period referred to in Article 2(2) of Regulation (EC) No 1249/96:

Freight costs: Gulf of Mexico–Rotterdam: 31,00 EUR/tonne

Freight costs: Great Lakes–Rotterdam: EUR/tonne'

II

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

DECISIONS

COUNCIL

COUNCIL DECISION

of 22 February 2007

appointing the Vice-President of the Community Plant Variety Office

(2007/168/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Article 2

Having regard to Council Regulation (EC) No 2100/94 of 27 July 1994 on Community plant variety rights ⁽¹⁾, and in particular Article 43(3) thereof,

The Chairman of the Administrative Council of the Office shall be empowered to sign the contract of employment with Mr Carlos PEREIRA GODINHO.

Having regard to the list of candidates proposed by the Commission on 22 November 2006, after obtaining the opinion of the Administrative Council of the Community Plant Variety Office and after consultation of the President of the Community Plant Variety Office,

Article 3

This Decision shall take effect on the date of its adoption.

HAS DECIDED AS FOLLOWS:

Article 4

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

Article 1

1. Mr Carlos PEREIRA GODINHO is hereby appointed Vice-President of the Community Plant Variety Office (hereinafter the Office) for a period of five years, at grade AD 12, in accordance with the vacancy notice published in the Official Journal of 6 April 2006 ⁽²⁾.

Done at Brussels, 22 February 2007.

2. The term of office of Mr Carlos PEREIRA GODINHO shall run from the date on which he takes up his duties, and this date shall be agreed between the President and the Administrative Council of the Office.

For the Council
The President
F. MÜNTEFERING

⁽¹⁾ OJ L 227, 1.9.1994, p. 1. Regulation as last amended by Regulation (EC) No 873/2004 (OJ L 162, 30.4.2004, p. 38).

⁽²⁾ Publication of a vacancy for Vice-President of the Community Plant Variety Office (Grade A*12) (OJ C 83A, 6.4.2006, p. 1).

COMMISSION

COMMISSION DECISION

of 16 March 2007

establishing that Article 30(1) of Directive 2004/17/EC of the European Parliament and of the Council coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors applies to certain courier and parcel services in Denmark

(notified under document number C(2007) 840)

(Only the Danish text is authentic)

(Text with EEA relevance)

(2007/169/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

unrestricted if the Member State has implemented and applied the relevant Community legislation opening a given sector or a part of it.

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2004/17/EC of the European Parliament and of the Council of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors ⁽¹⁾, and in particular Article 30(4) and (6) thereof,

- (2) This legislation is listed in Annex XI of Directive 2004/17/EC, which, in the case of postal services, refers to Directive 97/67/EC of the European Parliament and of the Council of 15 December 1997 on common rules for the development of the internal market of Community postal services and the improvement of quality of service ⁽²⁾.

Having regard to the request submitted by the Kingdom of Denmark by e-mail of 20 November 2006, and to the additional information requested by Commission staff by e-mail of 8 December 2006 and submitted by the Danish authorities by e-mail of 22 December 2006,

- (3) Under Article 62(2) of Directive 2004/17/EC, Title III of that Directive setting out the rules on service design contests does not apply to contests organised for the pursuit, in the Member State concerned, of an activity to which the applicability of Article 30(1) of the Directive has been established by a Commission decision or has been deemed applicable under the second or third subparagraph of Article 30(4) or the fourth subparagraph of Article 30(5).

Having regard to the conclusions of the independent national authority, Konkurrencestyrelsen (the Danish Competition Authority), that the conditions for the applicability of Article 30(1) of Directive 2004/17/EC would be met,

Whereas:

- (1) Article 30 of Directive 2004/17/EC provides that contracts intended to enable the performance of one of the activities to which the Directive applies shall not be subject to the Directive if, in the Member State in which it is carried out, the activity is directly exposed to competition on markets to which access is not restricted. Direct exposure to competition is assessed on the basis of objective criteria, taking account of the specific characteristics of the sector concerned. Access is deemed to be

- (4) The request submitted by the Kingdom of Denmark concerns certain courier and parcel services in Denmark. More precisely, the services concerned can be described as Business to Business (BtB) parcel services, domestic and international; light goods/pallet goods services, domestic and international; as well as courier

⁽¹⁾ OJ L 134, 30.4.2004, p. 1. Directive as last amended by Council Directive 2006/97/EC (OJ L 363, 20.12.2006, p. 107).

⁽²⁾ OJ L 15, 21.1.1998, p. 14. Directive last amended by Regulation (EC) No 1882/2003 (OJ L 284, 31.10.2003, p. 1).

- and express services, domestic and international. In line with previous Commission decisions ⁽¹⁾, a distinction can be made between the above services and therefore each of these services can be considered to constitute a separate market. The Danish request thus concerns six different markets. Pursuant to Article 6 of Directive 2004/17/EC, logistics services, such as courier and express services, are covered by the Directive to the extent that such services are provided by entities which also provide postal services within the meaning of its Article 6(2)(b).
- (5) As a public enterprise within the meaning of Article 2(1)(b) of Directive 2004/17/EC exercising several of the activities mentioned in Article 6 of that Directive, Post Danmark, on whose behalf the request has been introduced, is a contracting entity for the purposes of Directive 2004/17/EC. According to the available information, it would seem to be the sole contracting entity operating in the markets concerned by the present decision, the other operators being private companies not operating on the basis of special or exclusive rights.
- (6) These assessments, and any other contained in this Decision, are made solely for the purposes of Directive 2004/17/EC and are without prejudice to the application of the rules on competition.
- (7) Denmark has implemented and applied Directive 97/67/EC. Consequently, and in accordance with the first subparagraph of Article 30(3), access to the market should be deemed not to be restricted.
- (8) Direct exposure to competition should be evaluated on the basis of various indicators, none of which are, *per se*, decisive.
- (9) One parameter to take into account is the market shares of the main players on a given market and another is the degree of concentration. Whether measured in terms of turnover or in terms of number of dispatches, Post Danmark's market share on any of the six markets concerned varies, according to the information given, between less than 1 % ⁽²⁾ up to 35-40 % ⁽³⁾, which are acceptable levels, considering also the degree of concentration on these markets. Post Danmark is the largest single operator on just two of these markets, respectively that for domestic parcel services and the one for domestic courier and express services ⁽⁴⁾. On both of these markets, the combined market share of Post Danmark's two biggest competitors is comparable to or greater than that of Post Danmark ⁽⁵⁾. On those markets on which Post Danmark does not have the largest market share, the aggregate market shares of its two biggest competitors are several times greater ⁽⁶⁾ than Post Danmark's market share. These factors should therefore be taken as an indication of direct exposure to competition.
- (10) In view of the abovementioned indicators, the condition of direct exposure to competition laid down in Article 30(1) of Directive 2004/17/EC should be considered to be met in respect of the parcel and courier services in Denmark which are specified in Recital 4 ⁽⁷⁾. As noted above in recital 7, the further condition of free access to the activity must be deemed to be met. Consequently, Directive 2004/17/EC should not apply when contracting entities award contracts intended to enable the parcel and courier services concerned by this request to be carried out in Denmark nor when they organise design contests for the pursuit of such an activity there.
-
- ⁽¹⁾ Commission Decision of 2 December 1991 declaring a concentration to be compatible with the common market (Case No IV/M.102 — TNT/CANADA POST, DBP POSTDIENST, LA POSTE, PTT POST & SWEDEN POST) according to Council Regulation (EEC) No 4064/89: points 19 et seq.; Commission Decision of 8 November 1996 declaring a concentration to be compatible with the common market (Case No IV/M.843 — PTT Post/TNT/GD Express Worldwide) according to Council Regulation (EEC) No 4064/89, points 10 et seq.; Commission Decision of 1 July 1999 declaring a concentration to be compatible with the common market (Case No IV/M.1513 — DEUTSCHE POST/DANZAS/NEDLLOYD) according to Council Regulation (EEC) No 4064/89 points 8 et seq.; Commission Decision of 20 March 2001 relating to a proceeding under Article 82 of the EC Treaty (Case COMP/35 141 — Deutsche Post AG): point 26 et seq.; Commission Decision of 21 October 2002 declaring a concentration to be compatible with the common market (Case No IV/M.2908 — DEUTSCHE POST/DHL (III)) according to Council Regulation (EEC) No 4064/89: point 10 et seq.
- ⁽²⁾ On the market for international courier and express services in 2005.
- ⁽³⁾ 2005 market for domestic parcel services BtB (from and to Denmark).
- ⁽⁴⁾ In 2005, Post Danmark's market share in terms of turnover was 16-19 % for domestic courier and express services and 35-40 % in terms of turnover for domestic BtB parcel services.
- ⁽⁵⁾ In 2005, the aggregate market shares of the two largest competitors on the market for domestic parcel services BtB amounted to 36-44 % in terms of turnover, whereas their combined market share, also in terms of turnover, was 23-29 % on the market for domestic courier and express services.
- ⁽⁶⁾ E.g. on the market for domestic light goods/pallet goods, where Post Danmark has a market share in terms of turnover of 3-5 %, whereas the aggregate share of the two biggest operators amount to 69-83 % in terms of turnover. The difference is even more marked on the market for international courier and express services, where Post Danmark's share in terms of turnover was up to 1 % in 2005, when the aggregate share of the two largest actors on that market, also in terms of turnover, amounted to 65-80 %.
- ⁽⁷⁾ The services concerned are described as Business to Business (BtB) parcel services, domestic and international; light goods/pallet goods, domestic and international; as well as courier and express services, domestic and international.

- (11) This Decision is based on the legal and factual situation as of November and December 2006 as it appears from the information submitted by the Kingdom of Denmark. It may be revised, should significant changes in the legal or factual situation mean that the conditions for the applicability of Article 30(1) of Directive 2004/17/EC are no longer met.
- (12) The measures provided for in this Decision are in accordance with the opinion of the Advisory Committee for Public Contracts,

HAS ADOPTED THIS DECISION:

Article 1

Directive 2004/17/EC shall not apply to contracts awarded by contracting entities and intended to enable them to carry out the following parcel and courier services in Denmark:

- (a) Domestic Business to Business (BtB) parcel services;
- (b) International Business to Business (BtB) parcel services;
- (c) Domestic light goods/pallet goods services;
- (d) International light goods/pallet goods services;

- (e) Domestic courier and express services; and
- (f) International courier and express services.

Article 2

This Decision is based on the legal and factual situation as of November and December 2006 as it appears from the information submitted by the Kingdom of Denmark. It may be revised, should significant changes in the legal or factual situation mean that the conditions for the applicability of Article 30(1) of Directive 2004/17/EC are no longer met.

Article 3

This Decision is addressed to the Kingdom of Denmark.

Done at Brussels, 16 March 2007.

For the Commission
Charlie McCREEVY
Member of the Commission

AGREEMENTS

COUNCIL

Information on the date of entry into force of the Fisheries Partnership Agreement between the European Community and the Kingdom of Morocco ⁽¹⁾

On 29 May 2006 and 28 February 2007 respectively, the European Community and the Government of the Kingdom of Morocco notified each other that the procedures necessary for entry into force of the agreement had been completed.

The Agreement accordingly entered into force on 28 February 2007, in accordance with Article 17 thereof.

⁽¹⁾ OJ L 141, 29.5.2006, p. 4.

Information concerning the date of entry into force of the Framework Agreement between the European Community and Bosnia and Herzegovina on the general principles for the participation of Bosnia and Herzegovina in Community programmes

The Framework Agreement between the European Community and Bosnia and Herzegovina on the general principles for the participation of Bosnia and Herzegovina in Community programmes ⁽¹⁾, signed in Brussels on 22 November 2004, entered into force on 8 January 2007, in accordance with Article 10 of the Agreement.

⁽¹⁾ OJ L 192, 22.7.2005, p. 8.

CORRIGENDA

Corrigendum to Directive 2006/52/EC of the European Parliament and of the Council of 5 July 2006 amending Directive 95/2/EC on food additives other than colours and sweeteners and Directive 94/35/EC on sweeteners for use in foodstuffs

(Official Journal of the European Union L 204 of 26 July 2006)

On page 14, in Annex I, point (3)(b) (amendments to Annex III Part B of Directive 95/2/EC), third indent:

'Salsicha fresca' shall be printed in italics.

On page 15, in Annex I, point (3)(c) (amendments to Annex III Part C of Directive 95/2/EC), table, under 'E 249 and 250':

(a) Traditional immersion cured meat products (1)

The entry for the maximum residual level of '175 mg/kg' shall be aligned with '*Wiltshire bacon* (1.1)';

(b) *Cured tongue* (1.3)

For *Cured tongue* a maximum residual level of '50 mg/kg' shall be inserted;

(c) Traditional dry cured meat products (2)

The entry for the maximum residual level of '175 mg/kg' shall be aligned with '*Dry cured bacon* (2.1)';

On pages 16 and 17 in the column headings in Annex I, point (3)(c) (amendments to Annex III Part C of Directive 95/2/EC), 'Maximum amount that may be added during manufacture' and 'Maximum residual level':

for: '(expressed as NaNO₂)';

read: '(expressed as NaNO₃)';

On page 16, in Annex I, point (3)(c) (amendments to Annex III Part C of Directive 95/2/EC), table, under 'E 251 and E 252':

(a) Traditional dry cured meat products (2)

The maximum residual level of '250 mg/kg' shall be aligned with '*Dry cured bacon and Dry cured ham* (2.1)';

(b) Other traditionally cured meat products (3)

The maximum amount of '300 mg/kg (without added E 249 or E 250)' shall be aligned with '*Rohwürste (Salami and Kantwurst)* (3.3)';

On page 18, in Annex I, point (3)(d) (amendments to Annex III Part D of Directive 95/2/EC), table under (ii):

The text in the table shall be printed in normal font, not italics.

On page 19, in Annex I, point (4)(a) (amendments to Annex IV of Directive 95/2/EC):

In the list under 'E 385', the words 'Libamáj, egészben és tömbben' shall be printed in italics.

On page 19 and 20, in Annex I, points (4)(c), (i) and (j) (amendments to Annex IV of Directive 95/2/EC):

The text in the tables under points (4)(c), (i) and (j) shall be printed in Roman font, not italics.
