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## I

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

## REGULATIONS

**COMMISSION REGULATION (EC) No 472/2007****of 27 April 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 <sup>(1)</sup>, 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 28 April 2007.

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

Done at Brussels, 27 April 2007.

*For the Commission*

Jean-Luc DEMARTY

*Director-General for Agriculture and  
Rural Development*

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<sup>(1)</sup> 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 27 April 2007 establishing the standard import values for determining the entry price of certain fruit and vegetables**

(EUR/100 kg)

CN code	Third country code <sup>(1)</sup>	Standard import value
0702 00 00	MA	59,1
	TN	139,0
	TR	145,2
	ZZ	114,4
0707 00 05	JO	196,3
	MA	44,2
	TR	126,1
	ZZ	122,2
0709 90 70	TR	109,8
	ZZ	109,8
0805 10 20	CU	41,3
	EG	40,7
	IL	69,4
	MA	43,3
	TN	50,1
	ZZ	49,0
0805 50 10	AR	37,2
	IL	60,9
	TR	42,8
	ZZ	47,0
0808 10 80	AR	85,5
	BR	77,9
	CA	99,8
	CL	82,2
	CN	100,5
	NZ	125,0
	US	135,0
	UY	91,0
	ZA	81,9
	ZZ	97,6
0808 20 50	AR	77,8
	CL	92,1
	ZA	91,0
	ZZ	87,0

<sup>(1)</sup> 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 473/2007****of 27 April 2007****fixing the export refunds on cereals and on wheat or rye flour, groats and meal**

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<sup>(1)</sup>, 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 in the Community may be covered by an export refund.
- (2) The refunds must be fixed taking into account the factors referred to in Article 1 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under 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<sup>(2)</sup>.
- (3) As far as wheat and rye flour, groats and meal are concerned, when the refund on these products is being calculated, account must be taken of the quantities of cereals required for their manufacture. These quantities were fixed in Regulation (EC) No 1501/95.
- (4) 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.
- (5) The refund must be fixed once a month. It may be altered in the intervening period.
- (6) It follows from applying the detailed rules set out above to the present situation on the market in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto.
- (7) 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*

The export refunds on the products listed in Article 1(a), (b) and (c) of Regulation (EC) No 1784/2003, excluding malt, exported in the natural state, shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 May 2007.

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

Done at Brussels, 27 April 2007.

*For the Commission*

Jean-Luc DEMARTY

*Director-General for Agriculture and  
Rural Development*

<sup>(1)</sup> 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).

<sup>(2)</sup> OJ L 147, 30.6.1995, p. 7. Regulation as last amended by Regulation (EC) No 777/2004 (OJ L 123, 27.4.2004, p. 50).

## ANNEX

**to the Commission Regulation of 27 April 2007 fixing the export refunds on cereals and on wheat or rye flour,  
groats and meal**

Product code	Destination	Unit of measurement	Amount of refunds	Product code	Destination	Unit of measurement	Amount of refunds
1001 10 00 9200	—	EUR/t	—	1101 00 15 9130	C01	EUR/t	0
1001 10 00 9400	A00	EUR/t	0	1101 00 15 9150	C01	EUR/t	0
1001 90 91 9000	—	EUR/t	—	1101 00 15 9170	C01	EUR/t	0
1001 90 99 9000	A00	EUR/t	—	1101 00 15 9180	C01	EUR/t	0
1002 00 00 9000	A00	EUR/t	0	1101 00 15 9190	—	EUR/t	—
1003 00 10 9000	—	EUR/t	—	1101 00 90 9000	—	EUR/t	—
1003 00 90 9000	A00	EUR/t	—	1102 10 00 9500	A00	EUR/t	0
1004 00 00 9200	—	EUR/t	—	1102 10 00 9700	A00	EUR/t	0
1004 00 00 9400	A00	EUR/t	0	1102 10 00 9900	—	EUR/t	—
1005 10 90 9000	—	EUR/t	—	1103 11 10 9200	A00	EUR/t	0
1005 90 00 9000	A00	EUR/t	0	1103 11 10 9400	A00	EUR/t	0
1007 00 90 9000	—	EUR/t	—	1103 11 10 9900	—	EUR/t	—
1008 20 00 9000	—	EUR/t	—	1103 11 90 9200	A00	EUR/t	0
1101 00 11 9000	—	EUR/t	—	1103 11 90 9800	—	EUR/t	—
1101 00 15 9100	C01	EUR/t	0				

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

C01: All third countries with the exception of Albania, Croatia, Bosnia and Herzegovina, Montenegro, Serbia, the former Yugoslav Republic of Macedonia, Lichtenstein and Switzerland.

**COMMISSION REGULATION (EC) No 474/2007****of 27 April 2007****fixing the corrective amount applicable to the refund 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<sup>(1)</sup>, and in particular Article 15(2) thereof,

Whereas:

- (1) Article 14(2) of Regulation (EC) No 1784/2003 provides that the export refund applicable to cereals on the day on which an application for an export licence is made must be applied on request to exports to be effected during the period of validity of the export licence. In this case, a corrective amount may be applied to the refund.
- (2) Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the cereals and the measures to be taken in the event of disturbance on the market for cereals<sup>(2)</sup>, allows for the fixing of a corrective amount for the products listed in Article 1(a), (b) and (c) of Regulation (EC) No 1784/2003. That corrective amount must be calculated taking account of the factors referred to in Article 1 of Regulation (EC) No 1501/95.

- (3) The world market situation or the specific requirements of certain markets may make it necessary to vary the corrective amount according to destination.
- (4) The corrective amount must be fixed according to the same procedure as the refund; it may be altered in the period between fixings.
- (5) It follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto.
- (6) 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*

The corrective amount referred to in Article 1(a), (b) and (c) of Regulation (EC) No 1784/2003 which is applicable to export refunds fixed in advance except for malt shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 May 2007.

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

Done at Brussels, 27 April 2007.

*For the Commission*

Jean-Luc DEMARTY

*Director-General for Agriculture and  
Rural Development*

<sup>(1)</sup> 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).

<sup>(2)</sup> OJ L 147, 30.6.1995, p. 7. Regulation as last amended by Regulation (EC) No 777/2004 (OJ L 123, 27.4.2004, p. 50).

## ANNEX

## to the Commission Regulation of 27 April 2007 fixing the corrective amount applicable to the refund on cereals

(EUR/t)

Product code	Destination	Current 5	1st period 6	2nd period 7	3rd period 8	4th period 9	5th period 10	6th period 11
1001 10 00 9200	—	—	—	—	—	—	—	—
1001 10 00 9400	A00	0	0	0	0	0	—	—
1001 90 91 9000	—	—	—	—	—	—	—	—
1001 90 99 9000	C01	0	0	0	0	0	—	—
1002 00 00 9000	A00	0	0	0	0	0	—	—
1003 00 10 9000	—	—	—	—	—	—	—	—
1003 00 90 9000	C02	0	0	0	0	0	—	—
1004 00 00 9200	—	—	—	—	—	—	—	—
1004 00 00 9400	C03	0	0	0	0	0	—	—
1005 10 90 9000	—	—	—	—	—	—	—	—
1005 90 00 9000	A00	0	0	0	0	0	—	—
1007 00 90 9000	—	—	—	—	—	—	—	—
1008 20 00 9000	—	—	—	—	—	—	—	—
1101 00 11 9000	—	—	—	—	—	—	—	—
1101 00 15 9100	C01	0	0	0	0	0	—	—
1101 00 15 9130	C01	0	0	0	0	0	—	—
1101 00 15 9150	C01	0	0	0	0	0	—	—
1101 00 15 9170	C01	0	0	0	0	0	—	—
1101 00 15 9180	C01	0	0	0	0	0	—	—
1101 00 15 9190	—	—	—	—	—	—	—	—
1101 00 90 9000	—	—	—	—	—	—	—	—
1102 10 00 9500	A00	0	0	0	0	0	—	—
1102 10 00 9700	A00	0	0	0	0	0	—	—
1102 10 00 9900	—	—	—	—	—	—	—	—
1103 11 10 9200	A00	0	0	0	0	0	—	—
1103 11 10 9400	A00	0	0	0	0	0	—	—
1103 11 10 9900	—	—	—	—	—	—	—	—
1103 11 90 9200	A00	0	0	0	0	0	—	—
1103 11 90 9800	—	—	—	—	—	—	—	—

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).

C01: All third countries with the exception of Albania, Croatia, Bosnia and Herzegovina, Montenegro, Serbia, the former Yugoslav Republic of Macedonia, Liechtenstein and Switzerland.

C02: Algeria, Saudi Arabia, Bahrain, Egypt, United Arab Emirates, Iran, Iraq, Israel, Jordan, Kuwait, Lebanon, Libia, Morocco, Mauritania, Oman, Qatar, Syria, Tunisia and Yemen.

C03: All countries with the exception of Norway, Switzerland and Liechtenstein.



**COMMISSION REGULATION (EC) No 475/2007**  
**of 27 April 2007**  
**fixing the export refunds on malt**

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<sup>(1)</sup>, 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) The refunds must be fixed taking into account the factors referred to in Article 1 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under 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<sup>(2)</sup>.
- (3) The refund applicable in the case of malts must be calculated with amount taken of the quantity of cereals required to manufacture the products in question. The said quantities are laid down in Regulation (EC) No 1501/95.
- (4) 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.
- (5) The refund must be fixed once a month. It may be altered in the intervening period.
- (6) It follows from applying these rules to the present situation on markets in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto.
- (7) 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*

The export refunds on malt listed in Article 1(c) of Regulation (EC) No 1784/2003 shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 May 2007.

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

Done at Brussels, 27 April 2007.

*For the Commission*

Jean-Luc DEMARTY

*Director-General for Agriculture and  
Rural Development*

<sup>(1)</sup> 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).

<sup>(2)</sup> OJ L 147, 30.6.1995, p. 7. Regulation as last amended by Regulation (EC) No 777/2004 (OJ L 123, 27.4.2004, p. 50).

## ANNEX

**to the Commission Regulation of 27 April 2007 fixing the export refunds on malt**

Product code	Destination	Unit of measurement	Amount of refunds
1107 10 19 9000	A00	EUR/t	0,00
1107 10 99 9000	A00	EUR/t	0,00
1107 20 00 9000	A00	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.

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

**COMMISSION REGULATION (EC) No 476/2007**  
**of 27 April 2007**  
**fixing the corrective amount applicable to the refund on malt**

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 organization of the market in cereals <sup>(1)</sup>, and in particular Article 15(2),

Whereas:

- (1) Article 14(2) of Regulation (EC) No 1784/2003 provides that the export refund applicable to cereals on the day on which application for an export licence is made must be applied on request to exports to be effected during the period of validity of the export licence. In this case, a corrective amount may be applied to the refund.
- (2) Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under 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 <sup>(2)</sup> allows for the fixing of a corrective amount for the malt referred

to in Article 1(1)(c) of Regulation (EC) No 1784/2003. That corrective amount must be calculated taking account of the factors referred to in Article 1 of Regulation (EC) No 1501/95.

- (3) It follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto.
- (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*

The corrective amount referred to in Article 15(3) of Regulation (EC) No 1784/2003 which is applicable to export refunds fixed in advance in respect of malt shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 May 2007.

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

Done at Brussels, 27 April 2007.

*For the Commission*

Jean-Luc DEMARTY

*Director-General for Agriculture and  
Rural Development*

<sup>(1)</sup> 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).

<sup>(2)</sup> OJ L 147, 30.6.1995, p. 7. Regulation as last amended by Regulation (EC) No 777/2004 (OJ L 123, 27.4.2004, p. 50).

## ANNEX

**to the Commission Regulation of 27 April 2007 fixing the corrective amount applicable to the refund on malt**

(EUR/t)

Product code	Destination	Current 5	1st period 6	2nd period 7	3rd period 8	4th period 9	5th period 10
1107 10 11 9000	A00	0	0	0	0	0	0
1107 10 19 9000	A00	0	0	0	0	0	0
1107 10 91 9000	A00	0	0	0	0	0	0
1107 10 99 9000	A00	0	0	0	0	0	0
1107 20 00 9000	A00	0	0	0	0	0	0

(EUR/t)

Product code	Destination	6th period 11	7th period 12	8th period 1	9th period 2	10th period 3	11th period 4
1107 10 11 9000	A00	0	0	0	0	0	0
1107 10 19 9000	A00	0	0	0	0	0	0
1107 10 91 9000	A00	0	0	0	0	0	0
1107 10 99 9000	A00	0	0	0	0	0	0
1107 20 00 9000	A00	0	0	0	0	0	0

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 Commission Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11).

**COMMISSION REGULATION (EC) No 477/2007****of 27 April 2007****fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid**

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 <sup>(1)</sup> 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 <sup>(2)</sup> and in particular Article 14(3) thereof,

Whereas:

- (1) Article 2 of Council Regulation (EEC) No 2681/74 of 21 October 1974 on Community financing of expenditure incurred in respect of the supply of agricultural products as food aid <sup>(3)</sup> lays down that the portion of the expenditure corresponding to the export refunds on the products in question fixed under Community rules is to be charged to the European Agricultural Guidance and Guarantee Fund, Guarantee Section.
- (2) In order to make it easier to draw up and manage the budget for Community food aid actions and to enable the Member States to know the extent of Community participation in the financing of national food aid actions, the level of the refunds granted for these actions should be determined.
- (3) The general and implementing rules provided for in Article 13 of Regulation (EC) No 1784/2003 and in Article 13 of Regulation (EC) No 1785/2003 on export refunds are applicable *mutatis mutandis* to the abovementioned operations.
- (4) The specific criteria to be used for calculating the export refund on rice are set out in Article 14 of Regulation (EC) No 1785/2003.
- (5) 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*

For Community and national food aid operations under international agreements or other supplementary programmes, and other Community free supply measures, the refunds applicable to cereals and rice sector products shall be as set out in the Annex.

*Article 2*

This Regulation shall enter into force on 1 May 2007.

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

Done at Brussels, 27 April 2007.

*For the Commission*

Jean-Luc DEMARTY

*Director-General for Agriculture and  
Rural Development*

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<sup>(1)</sup> 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).

<sup>(2)</sup> 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).

<sup>(3)</sup> OJ L 288, 25.10.1974, p. 1.

## ANNEX

**to the Commission Regulation of 27 April 2007 fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid**

*(EUR/t)*

Product code	Refund
1001 10 00 9400	0,00
1001 90 99 9000	0,00
1002 00 00 9000	0,00
1003 00 90 9000	0,00
1005 90 00 9000	0,00
1006 30 92 9100	0,00
1006 30 92 9900	0,00
1006 30 94 9100	0,00
1006 30 94 9900	0,00
1006 30 96 9100	0,00
1006 30 96 9900	0,00
1006 30 98 9100	0,00
1006 30 98 9900	0,00
1006 30 65 9900	0,00
1007 00 90 9000	0,00
1101 00 15 9100	0,00
1101 00 15 9130	0,00
1102 10 00 9500	0,00
1102 20 10 9200	17,00
1102 20 10 9400	14,57
1103 11 10 9200	0,00
1103 13 10 9100	21,85
1104 12 90 9100	0,00

NB: The product codes are defined in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1), amended.

**COMMISSION REGULATION (EC, EURATOM) No 478/2007**

**of 23 April 2007**

**amending Regulation (EC, Euratom) No 2342/2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities <sup>(1)</sup> and in particular Article 183 thereof,

Having consulted the European Parliament, the Council of the European Union, the Court of Justice of the European Communities, the Court of Auditors, the European Economic and Social Committee, the Committee of the Regions, the European Ombudsman and the European Data Protection Supervisor,

Whereas:

(1) Regulation (EC, Euratom) No 1605/2002 (hereinafter 'the Financial Regulation') was amended by Regulation (EC, Euratom) No 1995/2006. These changes should be reflected in the implementing rules established in Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities <sup>(2)</sup>.

(2) In accordance with budgetary principles, in particular the principle of unity, the rules established in the Financial Regulation for recovering interest on pre-financing need to be specified in the implementing rules. Thus, it has to be clarified what amount has to be considered as a significant amount. Below these thresholds, interest on pre-financing should not be due to the European Communities. The cases where interest yielded on pre-financing has to be recovered annually in order to protect the financial interests of the Communities also have to be specified.

(3) In respect of the principle of specification, a precise definition should be given of the methods of calculating the percentage limits to be respected for transfers of appropriations of the Commission and of the other institutions. In addition, as the provision on procedures for transfers by the institutions other than the Commission has been consolidated in the Financial Regulation; it can therefore be deleted from the implementing rules.

(4) As regards the implementation of the budget, a definition should be provided in respect of the standard for effective and efficient internal control which should apply to each management mode, in accordance with the principle of sound financial management and, where appropriate, with the relevant sector-specific regulations.

(5) Article 49(6)(c) of the Financial Regulation expressly provides for the financing of preparatory measures in the field of the Common Foreign and Security Policy (CFSP), in particular as regards envisaged EU crisis management operations. The rapid financing of such measures corresponds to an operational necessity: in most crisis situations, a number of measures for the setting up of a crisis management operation on the ground need to be taken rapidly before the adoption by the Council of a Joint Action on the basis of Article 14 of the EU Treaty or another necessary legal instrument. It is appropriate to clarify that the financing of such measures includes incremental costs such as high-risk insurance, travel and accommodation costs and per diem payments, directly arising from a specific field deployment of a mission or team involving personnel from the institutions to the extent that similar types of expenditure incurred in relation to crisis management operations covered by a Joint Action are generally imputed to the operational CFSP budget line.

(6) In respect of methods of implementing the budget, in particular indirect centralised management, it has to be specified that the persons entrusted with the management of specific actions pursuant to Title V of the EU Treaty should be required to put in place the appropriate structures and procedures in order to assume responsibility for the funds that they will manage. At the same time, since the requirement for prior authorisation in the basic act for recourse to national bodies entrusted with public tasks has been removed from the Financial Regulation, it is necessary to remove the corresponding provisions from the implementing rules.

<sup>(1)</sup> OJ L 248, 16.9.2002, p. 1. Regulation as amended by Regulation (EC, Euratom) No 1995/2006 (OJ L 390, 30.12.2006, p. 1).

<sup>(2)</sup> OJ L 357, 31.12.2002, p. 1. Regulation as last amended by Regulation (EC, Euratom) No 1248/2006 (OJ L 227, 19.8.2006, p. 3).

- (7) As regards shared management, the content of the annual summary of available audits and declarations referred to in Article 53b of the Financial Regulation should be specified.
- (8) As regards joint management, it is necessary to insert specific provisions detailing the content of the arrangements to be concluded by the Commission in its cooperation with international organisations and the obligation of publication of beneficiaries of funds deriving from the budget.
- (9) As regards the liability of the financial actors, it has to be clarified that the appointing authority may request the opinion of the financial irregularities panel on a case, based on information provided by a member of staff in accordance with the relevant provision of the Financial Regulation. In addition, the authorising officer by delegation should be entitled to refer a matter to the financial irregularities panel if he considers that a financial irregularity has occurred.
- (10) As regards the recovery of debts, given the general limitation period of five years established in the Financial Regulation for Community debts and entitlements, it is necessary to specify the rules regarding the starting dates and the grounds for interruption of the limitation period, both for the institutions and for third parties who have an enforceable claim against the institutions.
- (11) In order to strengthen the protection of the financial interests of the Communities, the Commission should establish a list of amounts receivable within the meaning of Article 73 of the Financial Regulation, stating the names of the debtors and the amount of the debt where the debtor has been ordered to pay by a Court decision that has the force of *res judicata* and where no or no significant payment has been made for one year after its pronouncement. This list should be published, taking into account the legislation applicable to data protection.
- (12) The rules governing payments due by the Communities should be strengthened in order to ensure that contractors and beneficiaries are fully and completely informed of the procedural requirements and automatically compensated with default interest in case of late payment whenever the interest due exceeds EUR 200. Each institution should submit to the budgetary authority a report concerning compliance with the established time limits.
- (13) As regards procurement, framework contracts without a re-opening of competition in sectors subject to a rapidly rising trend in prices and technological development should be subject to a mid-term review or a benchmarking system and the contracting authority should take appropriate measures, including termination of the framework contract.
- (14) In accordance with the principle of proportionality, for contracts with a value of not more than EUR 5 000, and in the case of contracts for external aid with a value of not more than EUR 10 000, the contracting authority should be able, depending on its risk analysis, to refrain from requiring the candidates or tenderers to give a declaration that they are not in one of the situations giving rise to exclusion.
- (15) For simplification reasons, payments against invoices without prior acceptance of a tender should be possible for amounts less than or equal to EUR 500, and for external aid the competitive negotiated procedure for awarding supply contract should be possible for contracts with a value of less than EUR 60 000.
- (16) Whenever appropriate, technically feasible and cost efficient, procurement contracts with a value equal to or greater than the thresholds laid down in Article 158 of Regulation (EC, Euratom) No 2342/2002 should be awarded at the same time in the form of separate lots.
- (17) Information on available legal remedies should be indicated by the contracting authority to rejected tenderers.
- (18) Given the possibility for an institution to carry out a procurement procedure jointly with a contracting authority from a Member State, it should be specified which procurement procedure should apply to those cases and how it should be managed.
- (19) Further details should be set out in the practical modalities for the management of procurement procedures launched on an interinstitutional basis. In particular, provisions on evaluation of tenders and award decisions should be laid down.
- (20) In order to ensure proper management of the central data-base on exclusions, further details should be provided concerning the information to be transmitted to the Commission. The procedure for transmission and reception of information contained in the database should be laid down, taking due account of the protection of personal data.



- (21) In accordance with the principle of proportionality, economic operators that are in any of the situations of legal exclusion mentioned in the Financial Regulation should not be excluded indefinitely from participating in a procurement procedure. Accordingly, the criteria for determining the duration of exclusion and the procedure to be followed should be specified.
- (22) As a result of the revision of the Financial Regulation, the provisions on penalties need to be adapted accordingly.
- (23) In the interest of legal certainty, the modalities and exceptions to the standstill procedure before the signature of a contract should be specified.
- (24) It is appropriate to have a provision which determines to what extent the particular forms of financing laid down in Article 108(3) of the Financial Regulation should be treated in the same way as grants under Title VI of Part One of that Regulation.
- (25) In order to ensure consistency, the annual work programme shall determine whether a decision or written agreement should be used for awarding grants. It is necessary to adapt some articles in order to take account of the introduction of the decisions in the grant award procedure.
- (26) In order to ensure that Community law is applicable to all legal relationships to which institutions are party, it should be made compulsory for the authorising officers to insert in all their contracts and grant agreements a specific clause on the applicability of Community law, complemented as appropriate by the national law agreed by the parties.
- (27) In respect of the award of grants, the exceptions to the requirement for a call for proposals should be extended in order to cover the possibility which exists under the current regulations in the field of research and development to award grants directly to beneficiaries identified by the Commission for proposals of high quality which do not fall within the ambit of programmed calls for proposals for the financial year concerned. Furthermore, an additional derogation should be introduced to cover actions with specific characteristics that require an implementing body with particular expertise or administrative power without this necessarily qualifying as a monopoly.
- (28) In order to protect the financial interests of the Communities, it has to be specified that the representatives of beneficiaries who do not have legal personality should prove that they have the capacity to act on behalf of the beneficiaries and that they can offer financial guarantees equivalent to those provided by legal persons.
- (29) In order to facilitate the management of the award procedure, and in accordance with the principle of sound financial management, the possibility to restrict a call for proposals to a targeted category of beneficiaries should be provided for. The Commission would thus be able, while duly respecting the principles of equal treatment and non-discrimination, to reject applications from entities not concerned by the programme in question.
- (30) In order to help the applicants, and to increase the efficiency of the calls for proposals, certain procedural steps should be improved. The Commission should provide information and guidance to the applicants about the rules applicable to the award of grants and it should inform them as soon as possible of the possibility of success of their applications. It should be possible to divide the procedure of submission and the procedure of evaluation in different stages, and thus allow rejecting at an early stage the proposals which cannot have any prospect of success at later stage. In order to clarify which costs may be eligible for Community financing, criteria should be laid down and an indicative list should be provided for. It is also appropriate to determine the conditions for submission of the applications, especially for applications submitted by electronic means. Furthermore, it should be possible to ask for additional information from the applicants during the award procedure, in particular in the case of obvious clerical errors in applications.
- (31) The possibility of adoption of the annual work programme before the year to which it relates should be provided for, in order to allow the launching of the calls for proposals at an early stage, including before the beginning of the year which they are related to.
- (32) For reasons of transparency, the Commission, when requested, should annually inform the budgetary authority about the management of the grant award procedures and about exceptions applied to the publication of beneficiaries of funds deriving from the budget.
- (33) In order to protect the interests of the beneficiaries and to increase legal certainty, modifications of the content of the call for proposals should remain exceptional, and applicants should benefit from a supplementary deadline if these modifications are substantial. They should be subject to the same conditions of publication as the call itself.

- (34) Concerning lump sums, it has to be specified that the unit amounts of lump sums below a threshold of EUR 25 000 and the amounts of flat rates is fixed by the Commission on the basis of objective elements, such as statistical data where available. These amounts should be reassessed regularly and updated by the Commission on the same basis. On the other hand, lump sums above a threshold of EUR 25 000 are determined in the basic act. In addition, the authorising officer responsible should be required to carry out appropriate ex post controls in order to ascertain that the conditions for their award have been respected. These controls are independent of the controls to be carried out for grants intended for the reimbursement of the eligible costs actually incurred. The non-profit rule and the co-financing rule should be specified.
- (35) With regard to contracts necessary to implement a Community grant, it should be specified that, whenever these contracts are of low value, the rules to be followed by the beneficiary should be limited to what is strictly necessary, that is to say the principle of sound management and the absence of conflicts of interests. For contracts with a higher value, the authorising officer should be able to determine additional specific requirements, based on those applicable to the institutions for equivalent contracts.
- (36) The financial support to third parties which may be awarded by a beneficiary of a Community grant should be organised in a way that does not leave scope for discretion and is limited to a total amount of EUR 100 000 as required by Article 120 of the Financial Regulation.
- (37) As regards the keeping and presentation of accounts, it should be clarified that the report on budgetary and financial management which accompanies the accounts in accordance with Article 122 of the Financial Regulation is separate from the report on the implementation of the budget referred to in Article 121 of the Financial Regulation. At the same time, following the modifications to the scope of consolidation established in the Financial Regulation, all previous references to the bodies referred to in Article 185 of the Financial Regulation should be replaced by a reference to the bodies referred to in Article 121 of the Financial Regulation.
- (38) As regards some components of Council Regulation (EC) No 1085/2006 of 17 July 2006 establishing an Instrument for Pre-Accession Assistance (IPA)<sup>(1)</sup> and the Regulation (EC) No 1638/2006 of the European Parliament and of the Council of 24 October 2006 laying down general provisions establishing a European Neighbourhood and Partnership Instrument<sup>(2)</sup>, in the event of multi-annual programmes using split commitments, the Financial Regulation introduced a 'n+3' decommitment rule in Article 166(3)(a) of the Financial Regulation. It is therefore necessary to provide for specific detailed provisions, in particular concerning the procedure and the consequences of the automatic decommitment.
- (39) As for external actions, further measures of simplification are needed. In particular, the threshold for the negotiated procedure on the basis of a single tender should be raised. In addition, the possibility of secret procurement procedures for security reasons, which is already possible for procurement on behalf of the institutions, has to be extended to operational procurement in the field of external relations. In order to implement the obligations provided for in the Financial Regulation concerning the publication of beneficiaries of funds deriving from the budget, adequate provisions should be laid down in the financing agreements with third countries.
- (40) As regards interinstitutional European offices, the specific rules for the Office for Official Publications of the European Communities (Publications Office) need to be amended following the new possibility introduced in the Financial Regulation for interinstitutional delegation to the directors of interinstitutional European offices. In this respect, the budgetary commitment should remain the responsibility of each institution, which decides on the publication of its documents, whereas all subsequent acts could be delegated to the director of Publications Office.
- (41) Regarding external individual experts needed for the evaluation of proposals and other forms of technical assistance, it should be possible to select these experts from a list drawn up on the basis of their technical capacity, after publishing a call for expressions of interest.
- (42) Since the Financial Regulation, as amended by Regulation (EC, Euratom) No 1995/2006, will apply from 1 May 2007 at the latest, this Regulation should enter into force as a matter of urgency and apply from 1 May 2007.
- (43) Regulation (EC, Euratom) No 2342/2002 should therefore be amended accordingly,

<sup>(1)</sup> OJ L 210, 31.7.2006, p. 82.

<sup>(2)</sup> OJ L 310, 9.11.2006, p. 1.

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC, Euratom) No 2342/2002 is amended as follows:

- Articles 2, 3 and 4 are replaced by the following:

*'Article 2*

**Legislative acts concerning the implementation of the budget**

(Articles 2 and 49 of the Financial Regulation)

The Commission shall annually update in the preliminary draft budget the information on the acts referred to in Article 2 of the Financial Regulation

Any proposal or amendment to a proposal submitted to the legislative authority shall clearly indicate the provisions containing derogations from the Financial Regulation or from this Regulation and state the specific reasons justifying such derogations in the relevant Explanatory Memorandum.

*Article 3*

**Scope of pre-financing**

(Article 5a of the Financial Regulation)

1. In the case of direct centralised management involving a number of partners, indirect centralised management and decentralised management within the meaning of Article 53 of the Financial Regulation, the rules laid down in Article 5a of the Financial Regulation shall apply solely to the entity receiving pre-financing directly from the Commission.

2. Pre-financing shall be regarded as representing a significant amount within the meaning of Article 5a(2)(a) of the Financial Regulation if the amount is higher than EUR 50 000.

However, for external actions pre-financing shall be regarded as representing a significant amount if the amount is higher than EUR 250 000. For crisis management aid and humanitarian aid operations, pre-financing shall be regarded as representing a significant amount if it exceeds per agreement EUR 750 000 at the end of each financial year and is for projects of a duration of more than 12 months.

*Article 4*

**Recovery of interest yielded by pre-financing**

(Article 5a of the Financial Regulation)

1. The authorising officer responsible shall recover for each reporting period following the implementation of the

decision or agreement the amount of interest generated by pre-financing payments which exceed EUR 750 000 per agreement at the end of each financial year.

2. The authorising officer responsible may recover at least once a year the amount of interest generated by pre-financing payments lower than those referred to in paragraph 1, taking account of the risks associated with his management environment and the nature of the actions financed.

3. The authorising officer responsible shall recover the amount of interest generated by pre-financing payments which exceeds the balance of the amounts due as referred to in Article 5a(1) of the Financial Regulation.'

- The following Article 4a is inserted:

*'Article 4a*

**Accounting for interest yielded on pre-financing**

(Article 5a of the Financial Regulation)

1. Authorising officers shall ensure that, in grant decisions or agreements with beneficiaries and intermediaries, pre-financing is paid to bank accounts or sub-accounts which allow the funds and related interest to be identified. Otherwise, the accounting methods of the beneficiaries or intermediaries must make it possible to identify the funds paid by the Community and the interest or other benefits yielded by these funds.

2. In the cases referred to in the second subparagraph of Article 5a(1) of the Financial Regulation, the authorising officer responsible shall draw up before the end of each financial year estimates of the amount of any interest or equivalent benefit yielded by these funds and shall establish a provision for that amount. That provision shall be entered in the accounts and cleared by effective recovery, following the implementation of the decision or agreement.

Where pre-financing is paid from the same budget line, under the same basic act and to beneficiaries covered by the same award procedure, the authorising officer may draw up a single estimate of amounts receivable for a number of debtors.

3. Articles 3 and 4 and paragraphs 1 and 2 of this Article shall be without prejudice to the entry of pre-financing on the assets side of financial statements, as laid down in the accounting rules referred to in Article 133 of the Financial Regulation.'

3. In point (c) of Article 5, 'Articles 157 and 181(5) of the Financial Regulation' is replaced by 'Articles 157 and 160a of the Financial Regulation'.

4. In Article 7, the following paragraph 1a is inserted:

'1a. In order to avoid that currency conversion operations have a significant impact on the level of Community co-financing or a detrimental impact on the Community budget, the specific arrangements for conversion referred to in paragraph 1 shall provide, if appropriate, for a rate of conversion between the euro and other currencies to be calculated using the average of the daily exchange rate in a given period'.

5. Article 10 is amended as follows:

(a) paragraph 1 is amended as follows:

(i) in the first subparagraph, point (b) is replaced by the following:

'(b) in the statement of expenditure, the budget remarks, including general remarks, shall show which lines may receive the appropriations corresponding to the assigned revenue which are made available.';

(ii) the second subparagraph is replaced by the following:

'In the case referred to in point (a) of the first subparagraph, a token entry (p.m.) shall be made and the estimated revenue shall be shown for information in the remarks.';

(b) in the first sentence of paragraph 2, 'Article 161(2) of the Financial Regulation' is replaced by 'Articles 160(1a) and 161(2) of the Financial Regulation.'

6. The following Article 13a is inserted:

*'Article 13a*

**Charges entailed by acceptance of donations to the Communities**

(Article 19(2) of the Financial Regulation)

For the purposes of the authorisation of the European Parliament and of the Council referred to in Article

19(2) of the Financial Regulation, the Commission shall estimate and duly explain the financial charges, including follow-up costs, entailed by the acceptance of donations made to the Communities.'

7. Article 14 is replaced by the following:

*'Article 14*

**Passing for payment of the net amount**

(Article 20(1) of the Financial Regulation)

Pursuant to Article 20(1) of the Financial Regulation, the following deductions may be made from payment requests, invoices or statements, which shall then be passed for payment of the net amount:

(a) penalties imposed on parties to procurement contracts or beneficiaries of a grant;

(b) discounts, refunds and rebates on individual invoices and payment requests;

(c) interest generated by pre-financing payments, as referred to in the first subparagraph of Article 5a(1) of the Financial Regulation.'

8. Article 16 is deleted.

9. Article 17 is replaced by the following:

*'Article 17*

**Rules concerning the calculation of percentages of transfers of the institutions other than the Commission**

(Article 22 of the Financial Regulation)

1. The percentages referred to in Article 22 of the Financial Regulation shall be calculated at the time the request for transfer is made and with reference to the appropriations provided in the budget, including amending budgets.

2. The amount to be taken into consideration shall be the sum of the transfers to be made on the line from which transfers are being made, after adjustment for earlier transfers made.

The amount corresponding to the transfers which can be carried out autonomously by the institution concerned without a decision of the budgetary authority shall not be taken into consideration.'

10. The following Article 17a is inserted:

*'Article 17a*

**Rules concerning the calculation of percentages of transfers of the Commission**

(Article 23 of the Financial Regulation)

1. The percentages referred to in Article 23(1) of the Financial Regulation shall be calculated at the time the request for transfer is made and with reference to the appropriations provided in the budget, including amending budgets.

2. The amount to be taken into consideration shall be the sum of the transfers to be made on the line from which or to which transfers are being made, after adjustment for earlier transfers made.

The amount corresponding to the transfers which can be carried out autonomously by the Commission without a decision of the budgetary authority shall not be taken into consideration.'

11. In the introductory phrase of Article 20, 'the first subparagraph of Article 26(2) of the Financial Regulation' is replaced by 'Article 26 of the Financial Regulation'.

12. In Article 22(1), the first subparagraph is deleted.

13. The following Article 22a is inserted:

*'Article 22a*

**Effective and efficient internal control**

(Article 28a(1) of the Financial Regulation)

1. Effective internal control shall be based on best international practices and include in particular the following:

- (a) segregation of tasks;
- (b) an appropriate risk management and control strategy including controls at beneficiary level;
- (c) avoidance of conflicts of interests;

(d) adequate audit trails and data integrity in data systems;

(e) procedures for monitoring of performance and for follow-up of identified internal control weaknesses and exceptions;

(f) periodic assessment of the sound functioning of the control system.

2. Efficient internal control shall be based on the following elements:

(a) the implementation of an appropriate risk management and control strategy coordinated among appropriate actors involved in the control chain;

(b) the accessibility of control results to all appropriate actors involved in the control chain;

(c) the timely application of corrective measures including, where appropriate, dissuasive penalties;

(d) clear and unambiguous legislation underlying the policies;

(e) the elimination of multiple controls;

(f) the principle of improving the cost-benefit ratio of controls.'

14. Article 23 is replaced by the following:

*'Article 23*

**Provisional publication of the budget**

(Article 29 of the Financial Regulation)

As soon as possible and no later than four weeks after the final adoption of the budget, the final detailed budget figures shall be published in all languages on the internet site of the institutions, on the Commission's initiative, pending official publication in the *Official Journal of the European Union*.'

15. In Article 25, point (a)(ii) is replaced by the following:

'(ii) for each category of staff, an organisation chart of budgetary posts and persons in post at the beginning of the year in which the preliminary draft budget is presented, indicating their distribution by grade and administrative unit;'

16. Article 31 is deleted.

in the procedure has been authorised in advance by his superior.'

17. Article 32 is amended as follows:

(a) in the title, 'Article 49(2)(a) and (b)' is replaced by 'Article 49(6)(a) and (b)';

(b) paragraph 1 is amended as follows:

(i) 'Article 49(2)(a)' is replaced by 'Article 49(6)(a)';

(ii) 'EUR 32 million' is replaced by 'EUR 40 million';

(c) paragraph 2 is amended as follows:

(i) 'Article 49(2)(b)' is replaced by 'Article 49(6)(b)';

(ii) 'EUR 30 million' is replaced by 'EUR 50 million';

(iii) 'EUR 75 million' is replaced by 'EUR 100 million'.

18. The following Article 32a is inserted:

*'Article 32a*

**Preparatory measures in the field of the Common Foreign and Security Policy**

(Article 49(6)(c) of the Financial Regulation)

The financing of measures agreed by the Council for the preparation of EU crisis management operations under Title V of the Treaty on European Union shall cover incremental costs directly arising from a specific field deployment of a mission or team involving inter alia personnel from the EU institutions, including high-risk insurance, travel and accommodation costs and per diem payments.'

19. In the title of Article 33, 'Article 49(2)(c)' is replaced by 'Article 49(6)(d)'.

20. In Article 34, the following paragraph 3 is added:

'3. A conflict of interests shall be presumed to exist if an applicant, candidate or tenderer is a member of staff covered by the Staff Regulations, unless his participation

21. Article 35 is replaced by the following:

*'Article 35*

**Checks to be carried out by the Commission**

(Articles 53d, 54(2)(c) and 56 of the Financial Regulation)

1. Decisions entrusting implementing tasks to the entities or persons referred to in Article 56 of the Financial Regulation shall include all appropriate arrangements for ensuring the transparency of operations carried out.

The Commission shall review those arrangements as necessary whenever there are substantial changes to the procedures or systems applied by such entities or persons, in order to ensure continued compliance with the conditions set out in Article 56.

2. The entities or persons concerned shall provide the Commission, within a specified time limit, with any information it requests and shall inform it without delay of any substantial changes in their procedures or systems.

The Commission shall, as appropriate, set out the obligations in the decisions referred to in paragraph 1, or in the agreements concluded with those entities or persons.

3. The Commission may accept that the procurement procedures of the bodies referred to in Articles 54(2)(c) and of the beneficiaries referred to in Article 166(1)(a) of the Financial Regulation are equivalent to its own, with due account for internationally accepted standards.

4. Where the Commission implements the budget by joint management, the verification agreements concluded with the international organisations concerned shall apply.

5. The independent external audit referred to in Article 56(1)(d) of the Financial Regulation shall be at least performed by an audit service functionally independent of the entity to which the Commission entrusts implementation tasks and shall perform its duties in accordance with internationally accepted auditing standards.'

22. The following Article 35a is inserted:

*'Article 35a*

**Measures to promote best practices**

(Article 53b of the Financial Regulation)

The Commission shall compile a register of bodies responsible for management, certification and audit activities under the sector-specific regulations. In order to promote best practices in the implementation of the Structural Funds and the European Fisheries Fund, the Commission shall make available for information purposes to those responsible for management and control activities a methodological guide setting out its own control strategy and approach, including checklists, and best practice examples which have been identified.'

23. In Article 36, 'Article 53' is replaced by 'Article 53a'.

24. In Article 37, paragraph 2 is deleted.

25. Article 38 is replaced by the following:

*'Article 38*

**Eligibility of national or international public sector bodies or private law entities with a public service mission for the delegation of powers and conditions relating thereto**

(Article 54(2)(c) of the Financial Regulation)

1. The Commission may delegate tasks involving the exercise of public authority to:

- (a) international public sector bodies;
- (b) national public sector bodies or private law entities with a public service mission governed by the law of a Member State, one of the EEA States or one of the countries that is a candidate for membership of the European Union or, if appropriate, by the law of any other country.

2. The Commission shall ensure that the bodies or entities referred to in paragraph 1 offer adequate financial guarantees, issued preferably by a public authority, in particular as regards full recovery of amounts due to the Commission.

3. Where the Commission intends to entrust tasks involving the exercise of public authority, and in particular tasks of budget implementation, to a body referred to in point (c) of Article 54(2) of the Financial Regulation, it shall analyse compliance with the principles of economy, effectiveness and efficiency.'

26. Article 39 is amended as follows:

(a) the title is replaced by the following:

*'Article 39*

**Designation of national or international public sector bodies or private law entities with a public service mission**

(Article 54(2)(c) of the Financial Regulation)'

(b) in paragraph 2, the first sentence is replaced by the following:

'The bodies or entities referred to in paragraph 1 or international public sector bodies shall be chosen in an objective and transparent manner, in accordance with the principle of sound financial management, to match the implementation requirements identified by the Commission.'

(c) in paragraph 3, the second subparagraph is replaced by the following:

'In all other cases, the Commission shall designate such bodies or entities in agreement with the Member States or countries concerned.'

(d) the following paragraph 4 is added:

'4. Where the Commission entrusts implementing tasks to bodies referred to in point (c) of Article 54(2) of the Financial Regulation, it shall inform annually the legislative authority of the cases and bodies concerned by providing commensurate justification of the use of such bodies.'

27. The following Article 39a is inserted:

*'Article 39a*

**Persons entrusted with the management of specific actions pursuant to Title V of the Treaty on European Union**

(Article 54(2)(d) of the Financial Regulation)

Persons entrusted with the management of specific actions as referred to in point (d) of Article 54(2) of the Financial Regulation shall put in place the appropriate structures and procedures in order to assume the responsibility for the funds that they will manage. Those persons shall have the status of Common Foreign and Security Policy Special Advisers of the Commission pursuant to Articles 1 and 5 of the Conditions of Employment of Other Servants of the European Communities.'

28. Article 41 is amended as follows:

(a) the title is replaced by the following:

*'Article 41*

**Detailed arrangements for indirect centralised management**

*(Articles 54(2)(b), (c) and (d) of the Financial Regulation)*

(b) paragraph 1 is replaced by the following:

'1. Where the Commission entrusts implementing tasks to bodies, entities or persons referred to in points (b), (c) and (d) of Article 54(2) of the Financial Regulation, it shall conclude an agreement with them laying down the detailed arrangements for the management and control of funds and the protection of the financial interests of the Communities.'

(c) paragraph 3 is replaced by the following:

'3. The bodies, entities or persons referred to in paragraph 1 shall not have the status of authorising officers by delegation.'

29. Article 42 is amended as follows:

(a) in the title, 'Article 53(5)' is replaced by 'Articles 53b and 53c'.

(b) in paragraph 1, 'Article 53(5)' is replaced by 'Articles 53b and 53c'.

30. The following Article 42a is inserted:

*'Article 42a*

**Summary of audits and declarations**

*(Article 53b(3) of the Financial Regulation)*

1. The summary shall be provided by the appropriate authority or body designated by the Member State for the area of expenditure concerned in accordance with the sector-specific rules.

2. The part related to audits shall:

(a) include, as concerns agriculture, the certificates established by the certification bodies, and, as concerns

structural and other similar measures, the audit opinions provided by the audit authorities;

(b) be provided by 15 February of the year following the year of the audit activity for agricultural expenditure and for structural and other similar measures.

3. The part related to declarations shall:

(a) include, as concerns agriculture, the statements of assurance provided by the paying agencies, and, as concerns structural and other similar measures, certifications by the certifying authorities;

(b) be provided by 15 February of the following financial year for agricultural expenditure and for structural and other similar measures.'

31. Article 43 is replaced by the following:

*'Article 43*

**Joint management**

*(Articles 53d, 108a and 165 of the Financial Regulation)*

1. The Commission shall ensure that suitable arrangements exist for the control and audit of the action in its entirety.

2. The international organisations referred to in Article 53d of the Financial Regulation shall be:

(a) international public sector organisations set up by intergovernmental agreements, and specialised agencies set up by such organisations;

(b) the International Committee of the Red Cross (ICRC);

(c) the International Federation of National Red Cross and Red Crescent Societies.

For the purposes of Article 53d of the Financial Regulation, the European Investment Bank and the European Investment Fund shall be assimilated to international organisations.

3. Where the budget is implemented by joint management with international organisations in accordance with Articles 53d and 165 of the Financial Regulation, the organisations and the actions to be financed shall be chosen in an objective and transparent manner.



4. Without prejudice to Article 35 of this Regulation, agreements concluded with the international organisations referred to in Article 53d of the Financial Regulation shall contain in particular the following:

- (a) a definition of the action, the project or the programme to be implemented under joint management;
- (b) the conditions and the detailed arrangements for their implementation, including in particular the principles for the award of procurement contracts and grants;
- (c) the rules on reporting to the Commission on implementation;
- (d) provisions obliging the organisation to which implementation tasks are entrusted to exclude from participation in a procurement or grant award procedure candidates or applicants who are in the situations referred to in points (a), (b) and (e) of Article 93(1) and in points (a) and (b) of Article 94 of the Financial Regulation;
- (e) the conditions for payments of the Community contribution, and the supporting documents required to justify the payments;
- (f) the conditions under which this implementation terminates;
- (g) the detailed arrangements for Commission scrutiny;
- (h) provisions granting the Court of Auditors access to the information required to perform its duties, if necessary on the spot, in accordance with the verification agreements concluded with the international organisations concerned;
- (i) provisions regarding the use of any interest yielded;
- (j) provisions guaranteeing the visibility of the Community action, project or programme in relation to the other activities of the organisation;
- (k) provisions on the publication of the beneficiaries of funds deriving from the budget, which require the international organisations to publish the information in accordance with Article 169 of this Regulation.

5. A project or programme shall be considered to be jointly elaborated when the Commission and the inter-

national public sector body jointly assess the feasibility and define the implementation agreements.

6. In the implementation of projects in joint management, international organisations shall comply with at least the following requirements:

- (a) procurement and grant award procedures shall comply with the principles of transparency, proportionality, sound financial management, equal treatment and non-discrimination, lack of conflicts of interests and respect of internationally accepted standards;
- (b) grants may not be cumulative or awarded retrospectively;
- (c) grants must involve co-financing, save as otherwise provided in Article 253;
- (d) grants may not have the purpose or effect of producing a profit for the beneficiary.

Those requirements shall be expressly established in the agreements concluded with the international organisations.'

32. The following Article 43a is inserted:

*'Article 43a*

**Information on transfers of personal data for audit purposes**

(Article 48 of the Financial Regulation)

In any call made in the context of grants or procurements implemented in direct centralised management, potential beneficiaries, candidates and tenderers shall, in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council (\*) be informed that, for the purposes of safeguarding the financial interests of the Communities, their personal data may be transferred to internal audit services, to the European Court of Auditors, to the Financial Irregularities Panel or to the European Anti-Fraud Office (hereinafter "OLAF").

(\*) OJ L 8, 12.1.2001, p. 1.'

33. In Article 48, point (e) is replaced by the following:

- '(e) identify and prevent management risks and manage them effectively;'

34. In Article 49, the following paragraph is added:

'Personal data contained in supporting documents shall be deleted where possible when those data are not necessary for budgetary discharge, control and audit purposes. In any event, as concerns the conservation of traffic data, Article 37(2) of Regulation (EC) No 45/2001 shall apply.'

35. In Article 67, paragraph 4 is replaced by the following:

'4. Payments from imprest accounts may be made by bank credit transfer, including the direct debit system referred to in Article 80 of the Financial Regulation, cheque or other means of payment, in accordance with the instructions laid down by the accounting officer.'

36. In Article 72, 'Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities (hereinafter "the Staff Regulations")' is replaced by 'Staff Regulations'.

37. Articles 74 and 75 are replaced by the following:

*Article 74*

#### **Financial irregularities**

(Articles 60(6) and 66(4) of the Financial Regulation)

Without prejudice to the powers of OLAF, the Panel referred to in Article 43a (hereinafter "the Panel") shall be competent in respect of any infringement of a provision of the Financial Regulation or of a provision relating to financial management or the checking of operations resulting from an act or omission of a member of staff.

*Article 75*

#### **Financial irregularities panel**

(Articles 60(6) and 66(4) of the Financial Regulation)

1. Cases of financial irregularities as referred to in Article 74 of this Regulation shall be referred to the Panel by the appointing authority for an opinion referred to in the second subparagraph of Article 66(4) of the Financial Regulation.

An authorising officer by delegation may refer a matter to the panel if he considers that a financial irregularity has occurred. The Panel shall deliver an opinion evaluating

whether irregularities within the meaning of Article 74 have occurred, how serious they are and what their consequences might be. Where the Panel's analysis suggests that the case referred to it is a matter for OLAF, it shall transmit the file to the appointing authority without delay and shall inform OLAF at once.

When the panel is directly informed of a matter by a member of staff in accordance with Article 60(6) of the Financial Regulation, it shall transmit the file to the appointing authority and shall inform the member of staff accordingly. The appointing authority may request the panel's opinion on the case.

2. The institution or, in the case of a joint panel, the participating institutions shall, depending on its or their own internal organisation, specify the operating arrangements of the panel and its composition, which shall include an external participant with the required qualifications and expertise.'

38. In Article 77(2), the first sentence is replaced by the following:

'Subject to Articles 160(1a) and 161(2) of the Financial Regulation, an estimate of amounts receivable shall not have the effect of making commitment appropriations available.'

39. In Article 81, the following paragraphs 3 and 4 are added:

'3. The accounting officer of each institution shall keep a list of amounts due to be recovered. Community entitlements shall be grouped in the list according to the date of issue of the recovery order. He shall transfer this list to the accounting officer of the Commission.

The accounting officer of the Commission shall prepare a consolidated list showing the amount due per institution and per date of issue of the recovery order. The list shall be added to the Commission's Report on budgetary and financial management.

4. The Commission shall establish a list of Community entitlements stating the names of the debtors and the amount of the debt, where the debtor has been ordered to pay by a Court decision that has the force of res judicata and where no or no significant payment has been made for one year following its pronouncement. The list shall be published, taking account of the relevant legislation on data protection.'

40. The following Article 85b is inserted:

*'Article 85b*

**Rules for limitation periods**

(Article 73a of the Financial Regulation)

1. The limitation period for entitlements of the Communities in respect of third parties shall begin to run on the expiry of the deadline communicated to the debtor in the debit note as specified in Article 78(3)(b).

The limitation period for entitlements of third parties in respect of the Communities shall begin to run on the date on which the payment of the third party's entitlement is due according to the corresponding legal commitment.

2. The limitation period for entitlements of the Communities in respect of third parties shall be interrupted by any act of an institution, or a Member State acting at the request of an institution, notified to the third party and aiming at recovering the debt.

The limitation period for entitlements of third parties in respect of the Communities shall be interrupted by any act notified to the Communities by their creditors or on behalf of their creditors aiming at recovering the debt.

3. A new limitation period of five years shall begin to run on the day following the interruptions referred to in paragraph 2.

4. Any legal action relating to an amount receivable as referred to in paragraph 1, including actions brought before a court which later declares itself not to have jurisdiction, shall interrupt the limitation period. The new limitation period of five years shall not begin until a judgment having the force of *res judicata* is given or there is an extrajudicial settlement between the same parties on the same action.

5. Where the accounting officer allows the debtor additional time for payment in accordance with Article 85, this shall be considered as an interruption of the limitation period. The new limitation period of five years shall begin to run on the day following the expiry of the extended time for payment.

6. Entitlements shall not be recovered after the expiry of the limitation period, as established in paragraphs 1 to 5.'

41. In Article 87(3), the second sentence is replaced by the following:

*'The authorising officer responsible shall waive recovery in accordance with Article 81.'*

42. Article 93 is deleted.

43. In Article 94(1), the following point (f) is added:

*'(f) where an institution has delegated authorising officer powers to the director of an interinstitutional European office pursuant to Article 174a(1) of the Financial Regulation.'*

44. In Article 104, paragraph 1 is replaced by the following:

*'1. Pre-financing, including cases where it is split into a number of payments, shall be paid either on the basis of the contract, the decision, the agreement or the basic act, or on the basis of supporting documents which make it possible to check the conformity of the actions financed with the terms of the contract, decision or agreement in question. If a date of payment for pre-financing is determined in those instruments, payment of the due amount shall not be dependent upon further demand.*

*Interim payments and payments of balances shall be based on supporting documents which make it possible to check that the action financed has been carried out in accordance with the basic act or the decision in favour of the beneficiary, or in accordance with the terms of the contract or agreement concluded with the beneficiary.'*

45. Article 106 is amended as follows:

(a) in paragraph 1, the following subparagraph is added:

*'Where the payment request is not admissible, the authorising officer shall inform the contractor or beneficiary within 30 calendar days from the date on which the payment request was initially received. That information shall include a description of all deficiencies.'*

(b) paragraph 3 is replaced by the following:

*'3. For contracts, grant agreements and decisions under which payment depends on the approval of a report or a certificate, the timelimit for the purposes of the payment periods referred to in paragraphs 1 and 2 shall not begin to run until the report or certificate in question has been approved. The beneficiary shall be informed without delay.*

The time allowed for approval may not exceed:

- (a) 20 calendar days for straightforward contracts relating to the supply of goods and services;
- (b) 45 calendar days for other contracts and grant agreements and decisions;
- (c) 60 calendar days for contracts and grant agreements and decisions involving technical services or actions which are particularly complex to evaluate.

In any case, the contractor or beneficiary shall be informed in advance of the possibility that payments might be delayed for the purpose of approval of a report.

The authorising officer responsible shall inform the beneficiary by means of a formal document of any suspension of the period allowed for approval of the report or certificate.

The authorising officer responsible may decide that a single time limit for the approval of the report or the certificate, and for payment shall apply. This single time limit may not exceed the aggregated maximum applicable periods for approval of the report or certificate and for payment.'

- (c) in paragraph 4, the third sentence of the first subparagraph is replaced by the following:

'The authorising officer shall inform the contractor or beneficiary in question as soon as possible and set out the reasons for the suspension.'

- (d) paragraph 5 is replaced by the following:

'5. On expiry of the time limits laid down in paragraphs 1, 2 and 3, the creditor shall be entitled to interest in accordance with the following provisions:

- (a) the interest rates shall be those referred to in the first subparagraph of Article 86(2);
- (b) the interest shall be payable for the period elapsing from the calendar day following expiry of the time limit for payment up to the day of payment.

By way of exception, when the interest calculated in accordance with the provisions of the first sub-

paragraph is lower than or equal to EUR 200, it shall be paid to the creditor only upon a demand submitted within two months of receiving late payment.

The first and the second subparagraphs shall not apply to Member States.'

- (e) the following paragraph 6 is added:

'6. Each institution shall submit to the budgetary authority a report on the compliance with the time limits and on the suspension of the time limits laid down in paragraphs 1 to 5. The report of the Commission shall be annexed to the summary of the annual activity reports referred to in Article 60(7) of the Financial Regulation.'

- 46. In Article 112, the following paragraph 3 is added:

'3. The internal auditor shall, during the elaboration of his report, particularly focus on the overall compliance with the principle of sound financial management and shall ensure that appropriate measures have been taken in order to steadily improve and enhance its application.'

- 47. In the second paragraph of Article 115, 'Staff Regulations' is replaced by 'Staff Regulations of Officials of the European Communities'.

- 48. In Article 116(6), the fourth sentence of the first subparagraph is replaced by the following:

'Those who have asked to be allowed to take part in a restricted procedure, a competitive dialogue, or a negotiated procedure are referred to as "candidates".'

- 49. In Article 117, paragraph 1 is replaced by the following:

'1. Where a framework contract is to be concluded with several economic operators it shall be concluded with at least three operators provided that there is a sufficient number of economic operators who satisfy the selection criteria or a sufficient number of admissible tenders which meet the award criteria.

A framework contract with a number of economic operators may take the form of contracts which are separate but concluded in identical terms.

The term of a framework contract may not exceed four years, save in exceptional cases duly justified in particular by the subject of the framework contract.

In sectors subject to a rapid price and technological evolution, framework contracts without reopening of competition shall contain a stipulation either on a mid-term review or on a benchmarking system. After the mid-term review, if the conditions initially laid down are no longer geared to the price or technological evolution, the contracting authority may not use the framework contract concerned and shall take appropriate measures to terminate it.'

50. Article 118 is amended as follows:

(a) in paragraph 3, the following subparagraph is added:

'Where appropriate, contracting authorities shall specify in the contract notice that the procurement procedure is an interinstitutional procurement procedure. In such cases, the contract notice shall indicate the institutions, executive agencies or bodies referred to in Article 185 of the Financial Regulation which are involved in the procurement procedure, the institution responsible for the procurement procedure and the global volume of the contracts for all those institutions, executive agencies or bodies.'

(b) in paragraph 4 is amended as follows:

(i) the second subparagraph is replaced by the following:

'The award notice shall be sent to the Publications Office no later than 48 calendar days from the date on which the contract or framework contract is signed. However, notices relating to contracts based on a dynamic purchasing system may be grouped together on a quarterly basis. In such cases, they shall be sent to the Publications Office no later than 48 days after the end of each quarter.'

(ii) the following subparagraphs are added:

'The award notice shall also be sent to the Publications Office in the case of a contract or a framework contract with a value equal to or above the thresholds laid down in Article 158 and awarded pursuant to a negotiated procedure without prior publication of a contract notice, in sufficient time for the publication to occur before the signature of the contract, in accordance with the terms and conditions set out in Article 158a(1).

Information relating to the value and contractors of specific contracts based on a framework contract during a financial year shall be published on the internet website of the contracting authority no later than 31 March following the end of that financial year if, as a result of the conclusion of a specific contract or of the aggregate volume of the specific contracts, the thresholds referred to in Article 158 are exceeded.'

51. Article 119 is amended as follows:

(a) paragraph 1 is amended as follows:

(i) in point (a), 'equal to or' is deleted.

(ii) in point (b), 'equal to or' is deleted.

(iii) the second subparagraph is deleted.

(b) in the first subparagraph of paragraph 3, first sentence, 'equal to or' is deleted.

52. In Article 123(2), the first subparagraph is replaced by the following:

'In negotiated procedures and after a competitive dialogue, the number of candidates invited to negotiate or to tender may not be less than three, provided that a sufficient number of candidates satisfy the selection criteria.'

53. The following Article 125c is inserted:

*'Article 125c*

**Joint procurement procedure with a Member State**

(Article 91 of the Financial Regulation)

In the case of a joint procurement procedure between one institution and the contracting authority from one or more Member States, the procedural provisions applicable to the institution shall apply.

Where the share pertaining to or managed by the contracting authority of a Member State in the total estimated value of the contract is equal to or above 50 %, or in other duly justified cases, the institution may decide that the procedural rules applicable to the contracting authority from a Member State shall apply, provided that they can be considered as equivalent to those of the institution.

The institution and the contracting authority from a Member State concerned by the joint procurement procedure shall agree in particular upon the practical modalities for the evaluation of the requests for participation or the tenders, the award of the contract, the law applicable to the contract and the competent court for hearing disputes.'

54. In Article 129, paragraphs (3) and (4) are replaced by the following:

'3. Contracts with a value less than or equal to EUR 5 000 may be awarded on the basis of a single tender.'

4. Payments of amounts less than or equal to EUR 500 in respect of items of expenditure may consist simply in payment against invoices, without prior acceptance of a tender.'

55. Article 130 is amended as follows:

- (a) in paragraph 3, point (a) is replaced by the following:

'(a) specify the exclusion and selection criteria applying to the contract, save in a competitive dialogue, in the restricted procedure and in the negotiated procedure following publication of a notice as referred to in Article 127; in such cases those criteria shall appear solely in the contract notice or the call for expressions of interest;'

- (b) paragraph 4 is amended as follows:

- (i) point (c) is replaced by the following:

'(c) state that, when the institutions are contracting authorities, Community law is the law which applies to the contract, complemented, where necessary, by national law as specified in the contract;'

- (ii) the following point (d) is added:

'(d) specify the competent court for hearing disputes.'

- (c) in paragraph 5, the following sentence is added:

'In addition to the information referred to in Article 134, the contracting authority may also require the candidate or tenderer to submit information on the financial, economic, technical and professional capacities, as referred to in Articles 135, 136 and 137, of the envisaged subcontractor, in particular when

subcontracting represents a significant part of the contract.'

56. Article 133 is replaced by the following:

'Article 133

**Illegal activities giving rise to exclusion**

(Article 93 and 114 of the Financial Regulation)

The cases referred to in point (e) of Article 93(1) of the Financial Regulation shall be the following:

- (a) cases of fraud as referred to in Article 1 of the Convention on the protection of the European Communities' financial interests drawn up by the Council Act of 26 July 1995 (\*);
- (b) cases of corruption as referred to in Article 3 of the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union, drawn up by the Council Act of 26 May 1997 (\*\*);
- (c) cases of involvement in a criminal organisation, as defined in Article 2(1) of Joint Action 98/733/JHA of the Council (\*\*\*);
- (d) cases of money laundering as defined in Article 1 of Council Directive 91/308/EEC (\*\*\*\*).

(\*) OJ C 316, 27.11.1995, p. 48.

(\*\*) OJ C 195, 25.6.1997, p. 1.

(\*\*\*) OJ L 351, 29.12.1998, p. 1.

(\*\*\*\*) OJ L 166, 28.6.1991, p. 77.'

57. The following Article 133a is inserted:

'Article 133a

**Application of exclusion criteria and duration of exclusion**

(Articles 93, 94, 95 and 96 of the Financial Regulation)

1. In order to determine duration of exclusion and to ensure compliance with the principle of proportionality, the institution responsible shall take into account in particular the seriousness of the facts, including their impact on the Communities' financial interests and image and the time which has elapsed, the duration and recurrence of the offence, the intention or degree of negligence of the entity concerned and the measures taken by the entity concerned to remedy the situation.

When determining the period of exclusion, the institution responsible shall give the candidate or tenderer concerned the opportunity to express their views.

Where the duration of the period of exclusion is determined, in accordance with the applicable law, by the authorities or bodies referred to in Article 95(2) of the Financial Regulation, the Commission shall apply this duration up to the maximum duration laid down in Article 93(3) of the Financial Regulation.

2. The period referred to in Article 93(3) of the Financial Regulation is set at a maximum of five years, calculated from the following dates:

- (a) from the date of the judgment having the force of res judicata in the cases referred to in points (b) and (e) of Article 93(1) of the Financial Regulation;
- (b) from the date on which the infringement is committed or, in the case of continuing or repeated infringements, the date on which the infringement ceases, in the cases referred to in Article 93(1)(c) of the Financial Regulation.

That period of exclusion may be extended to 10 years in the event of a repeated offence within five years of the date referred to in points (a) and (b), subject to paragraph 1.

3. Candidates and tenderers shall be excluded from a procurement and grant procedure as long as they are in one of the situations referred to in points (a) and (d) of Article 93(1) of the Financial Regulation.'

58. Article 134 is amended as follows:

- (a) in paragraph 1, the following subparagraph is added:

'Depending on its risk assessment, the contracting authority may refrain from requiring the declaration referred to in the first subparagraph for contracts with a value less than or equal to EUR 5 000. However, for contracts referred to in Articles 241(1), 243(1), and 245(1), the contracting authority may refrain from requiring that declaration for contracts with a value less than or equal to EUR 10 000.'

- (b) the following paragraph 7 is added:

'7. When requested by the contracting authority, the candidate or tenderer shall submit a declaration on honour from the intended subcontractor that he is not in one of the situations referred to in Articles 93 and 94 of the Financial Regulation.

In case of doubt on this declaration on the honour, the contracting authority shall request the evidence referred to in paragraphs 3 and 4. Paragraph 5 shall apply, where appropriate.'

59. The following Article 134a is inserted:

*'Article 134a*

**Central database**

(Article 95 of the Financial Regulation)

1. The institutions, executive agencies and bodies referred to in Article 95(1) of the Financial Regulation shall transmit to the Commission, in the format established by the Commission, information identifying the economic operators which are in one of the situations referred to in Articles 93, 94, 96(1)(b) and 96(2)(a) of the Financial Regulation, the grounds for exclusion and the duration of the period of exclusion.

They shall also transmit information concerning persons with powers of representation, decision making or control over economic operators which are legal entities, when these persons have found themselves in one of the situations referred to in Articles 93, 94, 96(1)(b) and 96(2)(a) of the Financial Regulation.

The authorities and bodies referred to in Article 95(2) of the Financial Regulation shall transmit to the Commission, in the format established by the Commission:

- (a) information identifying the following persons who are in one of the situations referred to in Article 93(1)(e) of the Financial Regulation, where their conduct was detrimental to the Communities' financial interests:

- (i) the economic operators;

- (ii) persons with powers of representation, decision-making or control over economic operators which are legal entities;

- (b) the type of their conviction;

- (c) the duration of the period of exclusion from procurement procedures, where applicable.

2. The institutions, agencies, authorities and bodies referred to in paragraph 1 shall designate the persons authorised to communicate to and receive from the Commission the information contained in the database.

In the case of the institutions, agencies, authorities and bodies referred to in Article 95(1) of the Financial Regulation, the designated persons shall address the information as soon as possible to the accounting officer of the Commission, and request, as appropriate, entry, modification or removal of data in the database.

In the case of the authorities and bodies referred to in Article 95(2) of the Financial Regulation, the designated persons shall address the requisite information to the Commission authorising officer responsible for the programme or action concerned, within three months of the issue of the relevant judgement.

The accounting officer of the Commission shall enter, modify or remove data in the database. He shall, via a secured protocol, provide on a monthly basis validated data contained in the database to the designated persons.

3. The institutions, agencies, authorities and bodies referred to in paragraph 1 shall certify to the Commission that the information communicated by them was established and transmitted in accordance with the principles set out in Regulation (EC) No 45/2001 and in Directive 95/46/EC of the European Parliament and of the Council (\*) concerning the protection of personal data.

In particular, they shall inform in advance all economic operators or persons referred to in paragraph 1 that their data may be included in the database and communicated by the Commission to the designated persons referred to in paragraph 2. They shall update, where appropriate, the information transmitted, following rectification or erasure or any modification of data.

Any party entered in the database shall have the right to be informed of the data stored concerning that party, upon request to the accounting officer of the Commission.

4. Member States shall take appropriate measures to assist the Commission in order to manage the database efficiently, in compliance with Directive 95/46/EC.

Appropriate arrangements shall be laid down in the agreements with the authorities of third countries and all bodies referred to in Article 95(2) of the Financial Regulation, in order to ensure compliance with these provisions and with the principles concerning the protection of personal data.

60. The following Article 134b is inserted:

*'Article 134b*

**Administrative and financial penalties**

(Articles 96 and 114 of the Financial Regulation)

1. Without prejudice to the application of penalties laid down in the contract, candidates or tenderers and contractors who have made false declarations, have made substantial errors or committed irregularities or fraud, or have been found in serious breach of their contractual obligations may be excluded from all contracts and grants financed by the Community budget for a maximum of five years from the date on which the infringement is established as confirmed following an adversarial procedure with the contractor.

That period may be extended to 10 years in the event of a repeated offence within five years of the date referred to in the first subparagraph.

2. Tenderers or candidates who have made false declarations, have committed substantial errors, irregularities or fraud, may also be subject to financial penalties representing 2 % to 10 % of the total estimated value of the contract being awarded.

Contractors who have been found in serious breach of their contractual obligations may be subject to financial penalties representing 2 % to 10 % of the total value of the contract in question.

That rate may be increased to 4 % to 20 % in the event of a repeat infringement within five years of the date referred to in the first subparagraph of paragraph 1.

3. The institution shall determine the administrative or financial penalties taking into account in particular the elements referred to in Article 133a(1).'

61. In Article 140(3), the first subparagraph is replaced by the following:

'In restricted procedures, in cases of use of the competitive dialogue referred to in Article 125b and in negotiated procedures with publication of a contract notice for contracts above the thresholds set in Article 158, the time limit for receipt of requests to participate shall be no less than 37 days from the date on which the contract notice is dispatched.'

(\*) OJ L 281, 23.11.1995, p. 3.'



62. In Article 145(2), the following subparagraph is added:

'In the case of a procurement procedure launched on an interinstitutional basis, the opening committee shall be appointed by the competent authorising officer from the institution responsible for the procurement procedure. The composition of the opening committee shall reflect, insofar as possible, the interinstitutional character of the procurement procedure.'

63. Article 146 is amended as follows:

(a) in paragraph 1, the following subparagraph is added:

'However, the authorising officer responsible may decide that the evaluation committee is to evaluate and rank the tenders on the basis of the award criteria only and that the exclusion and selection criteria are to be evaluated by other appropriate means guaranteeing the absence of conflicts of interests.'

(b) in paragraph 2, the following subparagraph is added:

'In the case of a procurement procedure launched on an interinstitutional basis, the evaluation committee shall be appointed by the competent authorising officer from the institution responsible for the procurement procedure. The composition of the evaluation committee shall reflect, insofar as possible, the interinstitutional character of the procurement procedure.'

64. Article 147 is amended as follows:

(a) paragraph 1 is replaced by the following:

'1. A written record of the evaluation and ranking of requests to participate and tenders declared to satisfy the requirements shall be drawn up and dated.'

The written record shall be signed by all the members of the evaluation committee.

If the evaluation committee was not given responsibility for the evaluation and ranking of the tenders on the basis of the exclusion and selection criteria, the written record shall also be signed by the persons who were given that responsibility by the authorising officer responsible. The written record shall be kept for future reference.'

(b) in paragraph 3, the following subparagraph is added:

'In the case of a procurement procedure launched on an interinstitutional basis, the decision referred to in the first subparagraph shall be taken by the

contracting authority responsible for the procurement procedure.'

65. Article 149 is amended as follows:

(a) the title is replaced by the following:

'Article 149

**Information for candidates and tenderers**

(Articles 100(2), 101 and 105 of the Financial Regulation)'

(b) paragraph 3 is amended as follows:

(i) the first subparagraph is replaced by the following:

'In the case of contracts awarded by the Community institutions on their own account, with a value equal to or more than the thresholds set in Article 158 and which are not excluded from the scope of Directive 2004/18/EC, the contracting authority shall inform all unsuccessful tenderers or candidates, simultaneously and individually, by mail, fax or e-mail, that their application or tender has not been accepted, at either of the following stages:

(a) shortly after decisions have been taken on the basis of exclusion and selection criteria and before the award decision, in procurement procedures organised in two separate stages,

(b) as regards the award decisions and decisions to reject offers, as soon as possible after the award decision and within the following week at the latest.

In each case, the contracting authority shall indicate the reasons why the tender or application has not been accepted and the available legal remedies.'

(ii) the fourth subparagraph is deleted.

66. The following Article 149a is inserted:

'Article 149a

**Signature of the contract**

(Articles 100 and 105 of the Financial Regulation)

Implementation of a contract may not start before the contract is signed.'

67. Article 155 is amended as follows:

(a) in paragraph 1, the following subparagraph is added:

‘Whenever appropriate, technically feasible, and cost-efficient, contracts with a value equal to or greater than the thresholds laid down in Article 158 shall be awarded at the same time in the form of separate lots.’

(b) the following paragraph 4 is added:

‘4. Where a contract is to be awarded in the form of separate lots, tenders shall be evaluated separately for each lot. If several lots are awarded to the same tenderer, a single contract covering those lots may be signed.’

68. The following Article 158a is inserted:

*‘Article 158a*

**Standstill period before signature of the contract**

(Article 105 of the Financial Regulation)

1. The contracting authority shall not sign the contract or framework contract, covered by Directive 2004/18/EC, with the successful tenderer until 14 calendar days have elapsed.

That period shall run from either of the following dates:

- (a) the day after the simultaneous dispatch of the award decisions and decisions to reject;
- (b) where the contract or framework contract is awarded pursuant to a negotiated procedure without prior publication of a contract notice, the day after the contract award notice referred to in Article 118 has been published in the *Official Journal of the European Union*.

If necessary, the contracting authority may suspend the signing of the contract for additional examination if this is justified by the requests or comments made by unsuccessful or aggrieved tenderers or candidates or by any other relevant information received. The requests, comments or information must be received during the period set in the first subparagraph. In the case of suspension all the candidates or tenderers shall be informed within three working days following the suspension decision.

Except in the cases provided for in paragraph 2, any contract signed before the expiry of the period set in the first subparagraph shall be null and void.

Where the contract or framework contract cannot be awarded to the successful envisaged tenderer, the contracting authority may award it to the following best tenderer.

2. The period set in the first subparagraph of paragraph 1 shall not apply in the following cases:

- (a) open procedures where only one tender has been submitted;
- (b) restricted or negotiated procedures after prior publication of a contract notice where the tenderer to whom the contract is to be awarded was the only one who satisfies the exclusion and selection criteria, provided that, in accordance with point (a) of the first subparagraph of Article 149(3), the other candidates or tenderers have been informed of the grounds of their exclusion or rejection shortly after the relevant decisions have been taken on the basis of the exclusion and selection criteria;
- (c) specific contracts based on a framework contract and by applying the terms set out in such a framework contract, without reopening the competition.
- (d) extreme urgency referred to in Article 126(1)(c).’

69. Article 160 is amended as follows:

- (a) in paragraph 1, the second subparagraph is deleted;
- (b) paragraphs 2 and 3 are deleted.

70. The following Articles 160a to 160f are inserted:

*‘Article 160a*

**Subscriptions**

(Article 108 of the Financial Regulation)

The subscriptions referred to in point (d) of Article 108(2) of the Financial Regulation shall be sums paid to bodies of which the Community is member, in accordance with the budgetary decisions and the conditions of payment established by the body concerned.

*Article 160b***Participations**

(Article 108 of the Financial Regulation)

For the purposes of Article 108(2) and (3) of the Financial Regulation, the following definitions shall apply:

- (a) "equity participation" means an ownership position in an organisation or venture taken through an investment, in which returns on the investment are dependent on the profitability of the organisation or venture;
- (b) "share holding" means an equity participation in the form of shares in an organisation or venture;
- (c) "equity investment" means the provision of capital to a firm by an investor in return for partial ownership of that firm where, in addition, this investor may assume some management control of the firm and may share in future profits;
- (d) "quasi-equity financing" means a type of financing that involves a mix of equity and debt, where the equity allows investors to achieve a high rate of return upon the success of the company or where the debt component entails a premium price contributing to the return of the investor;
- (e) "risk-bearing instrument" means a financial instrument which guarantees the total or partial coverage of a defined risk, if possible in exchange for an agreed remuneration.

*Article 160c***Specific rules**

(Article 108(3) of the Financial Regulation)

1. Where grants as referred to in Article 108(3) of the Financial Regulation are awarded by the Commission under direct centralised management, they shall be subject to the provisions of this Title, with the exception of the following provisions:

- (a) the no-profit rule as referred to in Article 165 of this Regulation;
- (b) the co-financing requirement as referred to in Article 172 of this Regulation;
- (c) for actions where the objective is to reinforce the financial capacity of a beneficiary or to generate an income, the assessment of the financial viability of the

applicant as referred to in Article 173(4) of this Regulation;

- (d) the requirement for an advance guarantee as referred to in Article 182 of this Regulation.

The first subparagraph applies without prejudice to the accounting treatment of the grants concerned, which shall be determined by the accounting officer in accordance with international accounting standards.

2. In all cases where a financial contribution is made, the authorising officer responsible shall ensure that appropriate arrangements have been made with the recipient of the contribution defining the modalities for payment and control.

*Article 160d***Prizes**

(Article 109(3)(b) of the Financial Regulation)

For the purposes of point (b) of Article 109(3) of the Financial Regulation, prizes shall be the reward for an entry in a contest.

They shall be awarded by a panel of judges who are free to decide whether or not to award prizes depending on their appraisal of the quality of the entries by reference to the rules of the contest.

The amount of the prize shall not be linked to the costs incurred by the recipient.

The rules of the contest shall lay down the award conditions and criteria and the amount of the prize.

*Article 160e***Agreement and decision for grants**

(Article 108(1) of the Financial Regulation)

1. For each Community programme or action, the annual work programme shall determine whether grants shall be covered by a decision or by a written agreement.

2. To determine the instrument to be used, the following elements shall be taken into account:

- (a) equal treatment and non-discrimination between beneficiaries, in particular on the basis of nationality or geographical location;

(b) coherence of that instrument with other instruments used within the same Community programme or action;

(c) complexity and standardisation of the content of the actions or work programmes funded.

3. In the case of programmes managed by several authorising officers, the instrument to be used shall be determined in consultation between those authorising officers.

*Article 160f*

#### **Expenditure on the members of the institutions**

(Article 108(2)(a) of the Financial Regulation)

Expenditure on the members of the institutions as referred to in Article 108(2)(a) of the Financial Regulation shall include contributions to associations of current and former members of the European Parliament. These contributions shall be implemented in accordance with the internal administrative rules of the European Parliament.'

71. Article 163 is replaced by the following:

*Article 163*

#### **Partnerships**

(Article 108 of the Financial Regulation)

1. Specific grants may form part of a framework partnership.

2. A framework partnership may be established as a long-term cooperation mechanism between the Commission and the beneficiaries of grants. It may take the form of an agreement or a decision.

The framework partnership agreement or decision shall specify the common objectives, the nature of actions planned on a one-off basis or as part of an approved annual work programme, the procedure for awarding specific grants, in compliance with the principles and procedural rules of this Title, and the general rights and obligations of each party under the specific agreements or decisions.

The duration of the partnership may not exceed four years, save in exceptional cases, justified in particular by the subject of the framework partnership.

Authorising officers may not make undue use of framework partnership agreements or decisions or use them in such a way that the purpose or effect is contrary to the principles of transparency or equal treatment of applicants.

3. Framework partnership agreements or decisions shall be treated as grants for the purposes of the award procedure. They shall be subject to the ex ante publication procedures referred to in Article 167.

4. Specific grants based on framework partnership agreements or decisions shall be awarded in accordance with the procedures laid down in those agreements or decisions, and in compliance with this Title.

They shall be subject to the ex post publication procedures laid down in Article 169.'

72. Article 164 is amended as follows:

(a) paragraph 1 is amended as follows:

(i) the introductory phrase is replaced by the following:

'The grant agreement shall at least lay down the following:'

(ii) point (d) is replaced by the following:

'(d) the total estimated cost of the action and the Community funding provided for, as an overall ceiling expressed as an absolute value, supplemented as appropriate by an indication of:

(i) the maximum rate of funding of the costs of the action or approved work programme in the case referred to in point (a) of Article 108a(1) of the Financial Regulation;

(ii) the lump sum or flat-rate financing referred to in points (b) and (c) of Article 108a(1) of the Financial Regulation;

(iii) the elements set out in points (i) and (ii) of this point in the cases referred to in point (d) of Article 108a(1) of the Financial Regulation.'

(iii) points (f) and (g) are replaced by the following:

(f) the general terms and conditions applicable to all agreements of this type, such as the acceptance by the beneficiary of audits by the Commission, OLAF and the Court of Auditors and of the ex post publication rules referred to in Article 169, in accordance with Regulation (EC) No 45/2001; these general terms shall at least:

(i) state that Community law is the law which applies to the grant agreement, complemented, where necessary, by national law as specified in the grant agreement;

(ii) specify the competent court to hear disputes.

(g) the estimated overall budget;'

(iv) point (i) is replaced by the following:

(i) the responsibilities of the beneficiary, at least in terms of sound financial management and submission of activity and financial reports; whenever appropriate, intermediate targets shall be established, upon which those reports become due;'

(v) the following points (k) and (l) are added:

(k) as appropriate, details of the eligible costs of the action or approved work programme, or of the lump sums or flat-rate financing referred to in Article 108a(1) of the Financial Regulation;

(l) provisions governing the public display of references to the European Communities Budget Support, unless it is not possible or appropriate according to a substantiated decision of the authorising officer.'

(b) paragraph 2 is replaced by the following:

'2. In the cases referred to in Article 163, the framework partnership decision or framework partnership agreement shall specify the information referred to in points (a), (b), (c)(i), (d)(i), (f) and (h) to (k) of paragraph 1 of this Article.

The specific decision or agreement shall contain the information referred to in points (a) to (e), (g) and (k) of paragraph 1 and, where necessary, point (i) thereof.'

(c) the following paragraph 4 is added:

'4. Paragraphs 1 to 3 shall apply mutatis mutandis to grant decisions.

Some of the information referred to in paragraph 1 may be provided in the call for proposals or any related document, instead of the grant decision.'

73. In Article 165, paragraphs 1 and 2 are replaced by the following:

'1. For the purposes of this Title, profit shall be defined as follows:

(a) in the case of a grant for an action, profit means a surplus of receipts over the costs incurred by the beneficiary when the request is made for final payment;

(b) in the case of an operating grant, profit means a surplus balance on the operating budget of the beneficiary.

2. Lump sums and flat-rate financing shall be determined according to Article 181 on the basis of the costs or the category of costs to which they relate, established by statistical data and similar objective means, in such a way as to exclude a priori a profit. On the same basis, those amounts shall be reassessed and, where appropriate, adjusted by the Commission every two years.

In that case, and for each grant, non-profit shall be verified at the time of the determination of the amounts.

Where the ex post control on the generating event reveals that the event has not occurred and an undue payment has been made to the beneficiary on a lump sum or flat-rate financing, the Commission shall be entitled to recover up to the amount of the lump sum or flat-rate financing and, in the case of a false declaration regarding the lump sum or flat-rate financing, impose financial penalties up to 50 % of the total amount of the lump sum or flat-rate financing.

Such controls are without prejudice to the verification and certification of actual costs required for the payment of grants or for grants consisting in the reimbursement of a specified proportion of the eligible costs.'

74. The following Article 165a is inserted:

*'Article 165a*

**Co-financing principle**

(Article 109 of the Financial Regulation)

1. Co-financing shall require that part of the cost of an action or of the running costs of an entity is borne by the beneficiary of a grant, or by contributions other than the Community contribution.

2. In the case of grants taking one of the forms provided for in points (b) or (c) of Article 108a(1) of the Financial Regulation, or a combination thereof, co-financing shall only be assessed at the stage of the evaluation of the grant application.'

75. In Article 166(1), the first subparagraph is replaced by the following:

'An annual work programme for grants shall be prepared by each authorising officer responsible. This work programme shall be adopted by the institution and published on the grants internet site of the institution concerned as soon as possible, if necessary during the year preceding budget implementation, and no later than 31 March of the year of implementation.'

76. Article 167 is amended as follows:

(a) in paragraph 1, point (b) is replaced by the following:

'(b) the eligibility, exclusion, selection and award criteria as referred to in Articles 114 and 115 of the Financial Regulation, and the relevant supporting documents;'

(b) paragraph 2 is replaced by the following:

'2. Calls for proposals shall be published on the internet site of the Community institutions and possibly by any other appropriate means, including the *Official Journal of the European Union*, in order to provide maximum publicity among potential beneficiaries. They may be published during the year preceding budget implementation. Any modification of the content of the calls for proposals shall be also subject to publication under the same conditions.'

77. In Article 168, paragraph 1 is amended as follows:

(a) point (d) is replaced by the following:

'(d) to bodies identified by a basic act, within the meaning of Article 49 of the Financial Regulation, as beneficiaries of a grant;'

(b) the following points (e) and (f) are added:

'(e) in the case of research and technological development, to bodies identified in the annual work programme referred to in Article 110 of the Financial Regulation, where the basic act expressly provides for that possibility, and on condition that the project does not fall under the scope of a call for proposals;

(f) for actions with specific characteristics that require a particular type of body on account of its technical competence, its high degree of specialisation or its administrative power, on condition that the actions concerned do not fall within the scope of a call for proposals.'

(c) the following subparagraph is added:

'The cases referred to in point (f) of the first subparagraph shall be duly substantiated in the award decision.'

78. Article 169 is amended as follows:

(a) paragraph 1 is replaced by the following:

'1. All grants awarded in the course of a financial year, except scholarships paid to natural persons, shall be published, according to a standard presentation, in a dedicated and easily accessible place of the internet site of the Community institution concerned during the first half of the year following the closure of the budget year in respect of which they were awarded.'

In cases where management is delegated to the bodies referred to in Article 54 of the Financial Regulation, reference shall be made at least to the address of the website where this information can be found if it is not published directly in the dedicated place of the internet site of the Community institutions.

The information may also be published, according to a standard presentation, by any other appropriate means, including the *Official Journal of the European Union*.'

(b) in paragraph 2, point (c) is replaced by the following:

‘(c) the amount awarded and, except in the case of a lump sum or flat-rate financing as referred to in Article 108a(1)(b) and (c) of the Financial Regulation, the rate of funding of the costs of the action or approved work programme.’

(c) the following paragraph 3 is added:

‘3. Following the publication pursuant to paragraph 2, when requested by the budgetary authority the Commission shall forward to that authority a report on:

- (a) the number of applicants in the past year;
- (b) the number and percentage of successful applications per call for proposals;
- (c) the mean duration of the procedure from date of closure of the call for proposals to the award of a grant;
- (d) the number and amount of grants where the ex post publication obligation was waived in the past year for reasons of safety of the beneficiaries or protection of their business interest.’

79. The following Article 169a is inserted:

‘Article 169a

**Information for applicants**

(Article 110 of the Financial Regulation)

The Commission shall provide information and advice to applicants by the following means:

- (a) laying down joint standards for application forms for similar grants and monitoring the size and readability of the application forms;
- (b) supplying information to potential applicants in particular through seminars and the provision of handbooks;
- (c) maintaining permanent data for beneficiaries in the Legal Entity File referred to in Article 64.’

80. In Article 172, the following paragraph 4 is added:

‘4. The co-financing principle shall be considered to be respected where the Community contribution is designed

to cover certain administrative costs of a financial institution, including, where appropriate, a variable fee constituting a performance-related incentive in relation to the management of a project or programme forming an indivisible whole.’

81. The following Articles 172a, 172b and 172c are inserted:

‘Article 172a

**Eligible costs**

(Article 113 of the Financial Regulation)

1. Eligible costs are costs actually incurred by the beneficiary of a grant which meet all the following criteria:

- (a) they are incurred during the duration of the action or of the work programme, with the exception of costs relating to final reports and audit certificates;
  - (b) they are indicated in the estimated overall budget of the action or work programme;
  - (c) they are necessary for the implementation of the action or of the work programme which is the subject of the grant;
  - (d) they are identifiable and verifiable, in particular being recorded in the accounting records of the beneficiary and determined according to the applicable accounting standards of the country where the beneficiary is established and according to the usual cost-accounting practices of the beneficiary;
  - (e) they comply with the requirements of applicable tax and social legislation;
  - (f) they are reasonable, justified, and comply with the requirements of sound financial management, in particular regarding economy and efficiency.
2. Without prejudice to paragraph 1 and to the basic act, the following costs may be considered as eligible by the authorising officer responsible:

- (a) costs relating to a bank guarantee or comparable surety to be lodged by the beneficiary of the grant pursuant to Article 118 of the Financial Regulation;
- (b) costs relating to external audits required by the responsible authorising officer either upon the request for financing or upon the request for payment;

- (c) value added tax paid, and which cannot be refunded to the beneficiary according to the applicable national legislation;
- (d) depreciation costs, provided they are actually incurred by the beneficiary;
- (e) administrative expenditure, staff and equipment costs, including the salary costs of personnel of national administrations to the extent that they relate to the cost of activities which the relevant public authority would not carry out if the project concerned were not undertaken.

#### Article 172b

#### Principle of gradual decrease of operating grants

(Article 113(2) of the Financial Regulation)

Where operating grants are decreased, they shall be decreased in a proportionate and equitable manner.

#### Article 172c

#### Financing applications

(Article 114 of the Financial Regulation)

1. The arrangements for the submission of grant applications shall be determined by the authorising officer responsible, who may choose the method of submission. Grant applications may be submitted by letter or by electronic means.

The means of communication chosen shall be non-discriminatory in nature and shall not have the effect of restricting the access of applicants to the award procedure.

The means of communication chosen shall be such as to ensure that the following conditions are satisfied:

- (a) each submission must contain all the information required for its evaluation;
- (b) the integrity of data must be preserved;
- (c) the confidentiality of proposals must be preserved.

For the purposes of point (c), the authorising officer responsible shall examine the content of applications only after the time limit set for submitting them has expired.

The authorising officer responsible may require that electronic submission be accompanied by an advanced electronic signature within the meaning of Directive 1999/93/EC.

2. Where the authorising officer responsible authorises submission of applications by electronic means, the tools used and their technical characteristics shall be non-discriminatory in nature, generally available and interoperable with the information and communication technology products in general use. The information relating to the specifications required for presentation of applications, including encryption shall be made available to the applicants.

Moreover, the devices for the electronic receipt of applications shall guarantee security and confidentiality.

3. Where submission is by letter, applicants may choose to submit applications in one of the following ways:

- (a) by post or by courier service, in which case the call for proposals shall specify that the evidence shall be constituted by the date of dispatch, the postmark or the date of the deposit slip;
- (b) by hand delivery to the premises of the institution by the applicant in person or by an agent, in which case the call for proposals shall specify the department to which applications are to be delivered against a signed and dated receipt.

82. Article 173 is amended as follows:

(a) paragraph 1 is replaced by the following:

'1. Applications shall be made on the form established in accordance with the joint standards laid down pursuant to Article 169a(a) and made available by the authorising officers responsible, and in accordance with the criteria laid down in the basic act and the call for proposals.'

(b) paragraph 3 is replaced by the following:

'3. The budget for the action or the operating budget attached to the application shall have revenue and expenditure in balance, subject to provisions for possible variations in exchange rates, and shall indicate the costs which are eligible for financing from the Community budget.'



83. Article 174 is replaced by the following:

*'Article 174*

**Evidence of non-exclusion**

(Article 114 of the Financial Regulation)

Applicants shall declare on their honour that they are not in one of the situations listed in Articles 93(1) and 94 of the Financial Regulation. The authorising officer responsible may, depending on his risk analysis, request the evidence referred to in Article 134. Applicants shall be required to supply such evidence, unless there is a material impossibility recognised by the authorising officer responsible.'

84. The following Article 174a is inserted:

*'Article 174a*

**Applicants without legal personality**

(Article 114 of the Financial Regulation)

When an application for a grant is submitted by an applicant who does not have legal personality, in accordance with Article 114(2)(a) of the Financial Regulation, the representatives of that applicant shall prove that they have the capacity to undertake legal obligations on behalf of the applicant, and shall offer financial guarantees equivalent to those provided by legal persons.'

85. Article 175 is replaced by the following:

*'Article 175*

**Financial and administrative penalties**

(Article 114 of the Financial Regulation)

Financial or administrative penalties, or both, may be imposed on applicants who have made false declarations or substantial errors, or committed irregularities or fraud, in accordance with the conditions laid down in Article 134b and in proportion to the value of the grants in question.

Such financial or administrative penalties, or both, may also be imposed on beneficiaries who have been found in serious breach of their contractual obligations.'

86. The following Articles 175a and 175b are inserted:

*'Article 175a*

**Eligibility criteria**

(Article 114 of the Financial Regulation)

1. The eligibility criteria shall be published in the call for proposals.
2. The eligibility criteria shall determine the conditions for participating in a call for proposals. Those criteria shall be established with due regard for the objectives of the action and shall comply with the principles of transparency and non-discrimination.

*Article 175b*

**Very low value grants**

(Article 114(3) of the Financial Regulation)

Very low value grants shall be considered to be those grants which are lower than or equal to EUR 5 000.'

87. In Article 176(3), the following subparagraph is added:

'If no supporting documents were requested in the call for proposals and if the authorising officer responsible has doubts about the financial or operational capacity of applicants, he shall request them to provide any appropriate documents.'

88. Article 178 is amended as follows:

- (a) in paragraph 1, the first subparagraph is replaced by the following:

'The authorising officer responsible shall appoint a committee to evaluate the proposals, unless the Commission decides otherwise in the framework of a specific sectoral programme. The authorising officer may appoint such a committee before the final date for the submission of proposals provided for in point (d) of Article 167.'

- (b) the following paragraph 1a is inserted:

'1a. The authorising officer responsible shall, where appropriate, divide the process into several procedural stages. The rules governing the process shall be announced in the call for proposals.'

Where a call for proposals specifies a two-stage submission procedure, only those applicants whose proposals satisfy the evaluation criteria for the first stage shall be requested to submit a complete proposal in the second stage.

Where a call for proposals specifies a two-stage evaluation procedure, only those proposals that pass the first stage, based on the evaluation against a limited set of criteria, shall go forward for further evaluation.

The applicants whose proposals are rejected at any stage shall be informed in accordance with Article 116(3) of the Financial Regulation.

Each subsequent stage of the procedure must be clearly distinct from the previous one.

The same documents and information shall not be required to be provided more than once during the same procedure.'

(c) paragraph 2 is replaced by the following:

'2. The evaluation committee or, where appropriate, the authorising officer responsible may ask an applicant to provide additional information or to clarify the supporting documents submitted in connection with the application, in particular in the case of obvious clerical errors.

The authorising officer shall keep appropriate records of contacts with applicants during the procedure.'

89. Article 180(2) is amended as follows:

(a) in the second subparagraph, point (a) is replaced by the following:

'(a) Grants for an action of EUR 750 000 or more, when the cumulative amounts of requests for payment is at least EUR 325 000.'

(b) in the third subparagraph, the following point (d) is added:

'(d) Beneficiaries of multiple grants who have provided independent certification offering equivalent guarantees on the control systems and methodology used to prepare their claims.'

90. The following Article 180a is inserted:

*'Article 180a*

#### **Forms of grants**

(Article 108a of the Financial Regulation)

1. Community grants in the form referred to in point (a) of Article 108a(1) of the Financial Regulation shall be calculated on the basis of eligible costs, which are defined as costs actually incurred by the beneficiary and subject to a preliminary budget estimate as submitted with the proposal and included in the grant decision or agreement.

2. Lump sums as referred to in point (b) of Article 108a(1) of the Financial Regulation shall cover in global terms certain costs necessary for carrying out an action, or for the annual operation of a beneficiary, in accordance with the terms of the agreement and on the basis of an estimate.

3. Flat-rate financing as referred to in point (c) of Article 108a(1) of the Financial Regulation shall cover specific categories of expenditure which are clearly identified in advance either by applying a percentage fixed in advance or by the application of a standard scale-of-unit cost.'

91. Article 181 is replaced by the following:

*'Article 181*

#### **Lump sums and flat-rate financing**

(Article 108a of the Financial Regulation)

1. The Commission may, by way of decision, authorise the use of the following:

(a) one or more lump sums with a unit value of EUR 25 000 or less, to cover one or more different categories of eligible costs;

(b) flat-rate financing, in particular on the basis of the scale annexed to the Staff Regulations or as approved each year by the Commission for the accommodations costs and daily allowances for mission costs.

That decision shall determine the maximum amount for the total of such funding authorised, by grant or type of grant.

2. Where appropriate, lump sums exceeding a unit value of EUR 25 000 shall be authorised in the basic act which shall lay down the conditions of award and the maximum amounts.

Those amounts shall be adjusted every two years by the Commission on the basis of statistical data and similar objective means as referred to in Article 165(2).

3. The grant decision or agreement may authorise, in the form of flat-rates, funding of the beneficiary's indirect costs up to a maximum of 7 % of total eligible direct costs for the action, save where the beneficiary is in receipt of an operating grant financed from the Community budget. The 7 % ceiling may be exceeded by reasoned decision of the Commission.

4. The grant decision or agreement shall contain all necessary provisions in order to verify that the conditions for the award of lump sums or flat-rate financing have been respected.'

92. Article 184 is replaced by the following:

*'Article 184*

**Implementation contracts**

(Article 120 of the Financial Regulation)

1. Without prejudice to the application of Directive 2004/18/EC, where implementation of the assisted actions requires the award of procurement contracts, beneficiaries of grants shall award the contract to the tender offering best value for money, that is to say, to the tender offering the best price-quality ratio, while taking care to avoid any conflict of interests.

2. Where implementation of the assisted actions requires the award of a procurement contract with a value of more than EUR 60 000, the authorising officer responsible may require beneficiaries to abide by special rules in addition to those referred to in paragraph 1.

Those special rules shall be based on rules contained in the Financial Regulation and determined with due regard for the value of the contracts concerned, the relative size of the Community contribution in relation to the total cost of the action and the risk. Such special rules shall be included in the grant decision or agreement.'

93. The following Article 184a is inserted:

*'Article 184a*

**Financial support to third parties**

(Article 120(2) of the Financial Regulation)

1. Provided the objectives or results to be obtained are sufficiently detailed in the conditions referred to in Article 120(2)(b) of the Financial Regulation, the margin of discretion may be considered to be exhausted if the grant decision or agreement also specifies:

(a) the minimum and maximum amounts of financial support that can be paid to a third party and criteria for determining the exact amount;

(b) the different types of activity that may receive such financial support, on the basis of a fixed list.

2. For the purpose of Article 120(2)(c) of the Financial Regulation, the maximum amount of financial support that may be paid to third parties by a beneficiary shall be EUR 100 000, with a maximum of EUR 10 000 per each third party.'

94. In Article 185, the following paragraph is added:

'The report on budgetary and financial management shall be separate from the reports on implementation of the budget referred to in Article 121 of the Financial Regulation.'

95. In Article 187, 'Article 185' is replaced by 'Article 121'.

96. In Article 207(1), 'Article 185' is replaced by 'Article 121'.

97. In Article 209(1), 'Article 185' is replaced by 'Article 121'.

98. In Article 210, 'Article 185' is replaced by 'Article 121'.

99. In Article 219(1), 'EAGGF Guarantee Section' is replaced by 'EAGF'.

100. In Article 225, 'Article 185' is replaced by 'Article 121'.

101. In Title I of Part Two, the title is replaced by the following:

'TITLE I

(TITLE II OF PART II OF THE FINANCIAL REGULATION)

**STRUCTURAL FUNDS, COHESION FUND, EUROPEAN FISHERIES FUND AND EUROPEAN AGRICULTURAL FUND FOR RURAL DEVELOPMENT'**

102. In Article 228, 'the Structural Funds and the Cohesion Fund' is replaced by 'the Structural Funds, the Cohesion Fund, the European Fisheries Fund and the European Agricultural Fund for Rural Development'.

103. In Article 229, the following paragraph 7 is added:

'7. The estimate of the amount receivable, as referred to in Article 160(1a) of the Financial Regulation shall be sent to the accounting officer for registration.'

104. Article 232 is amended as follows:

(a) paragraph 1 is replaced by the following:

'1. Before a financing agreement is concluded for an action which is to be the subject of decentralised management, the authorising officer responsible shall ensure, by means of document checks and on-the-spot checks, that the management and control system set up by the beneficiary third country to manage the Community funds complies with Article 56 of the Financial Regulation.'

(b) paragraph 2 is amended as follows:

(i) points (a) and (b) are replaced by the following:

'(a) ensuring compliance with the criteria laid down in Article 56(1) and (2) of the Financial Regulation;

(b) stating that, if the minimum criteria laid down in Article 56(1) and (2) of the Financial Regulation cease to be met, the Commission may suspend or terminate implementation of the agreement;

(ii) in point (c), the reference to 'Article 53(5)' is replaced by 'Article 53c'.

(iii) point (d) is replaced by the following:

'(d) setting up the financial correction mechanisms referred to in Article 53c of the Financial Regulation and specified in Article 42 of this Regulation, in particular as regards recovery by means of offsetting where the action is fully decentralised.'

(iv) the following point (e) is added:

'(e) provisions on the publication of the beneficiaries of funds deriving from the budget.'

(c) the following paragraph 3 is added:

'3. The provisions referred to in point (e) of paragraph 2 shall require the third country to publish the information referred to in Article 169(2), according to a standard presentation, in a dedicated and easily accessible place of its internet site. If such internet publication is impossible, the information shall be published by any other appropriate means, including the national official journal.

Publication shall take place during the first half of the year following the closure of the budget year in respect of which the funds were attributed to the third country.

The third country shall communicate to the Commission the address of the place of publication and reference shall be made to this address in the dedicated place of the internet site of the Community institutions referred to in Article 169(1). If the information is published otherwise, the third country shall give the Commission full details of the means used.'

105. The following Article 233a is inserted:

*'Article 233a*

**Automatic decommitment of split commitments used in multi-annual programmes**

(Article 166(3) of the Financial Regulation)

1. The following elements shall not be included in the calculation of the automatic decommitment provided for in Article 166(3)(a) of the Financial Regulation:

(a) that part of the budget commitments for which a declaration of expenditure has been made but reimbursement of which has been interrupted or suspended by the Commission at 31 December of year n+3;

- (b) that part of the budget commitments for which it has not been possible to make a disbursement or a declaration of expenditure for reasons of force majeure seriously affecting the implementation of the programme.

National authorities claiming force majeure pursuant to point (b) of the first subparagraph must demonstrate the direct consequences on the implementation of all or part of the programme.

2. The Commission shall inform the beneficiary countries and the authorities concerned in good time if there is a risk of automatic decommitment. It shall inform them of the amount involved as indicated by the information in its possession. The beneficiary countries shall have two months from receiving this information to agree to the amount in question or to present observations. The Commission shall carry out the automatic decommitment not later than nine months after the timelimits laid down in points (a) and (b) respectively of Article 166(3) of the Financial Regulation.

3. In the event of automatic decommitment, the Community financial contribution to the programmes concerned shall be reduced, for the year in question, by the amount automatically decommitted. The beneficiary country shall produce a revised financing plan dividing the reduction of the aid between the priorities and measures if relevant. If it does not do so, the Commission shall reduce the amounts allocated to each priority and measure if relevant pro rata.'

106. Article 237 is amended as follows:

- (a) in paragraph 1, the first subparagraph is replaced by the following:

'Articles 118 to 121, with the exception of the definition, Article 122(3) and (4), Articles 123, 126 to 129, 131(3) to (6), Article 139(2), Articles 140 to 146, Article 148 and Articles 151, 152 and 158a of this Regulation shall not apply to procurement contracts concluded by or on behalf of the contracting authorities referred to in points (a) and (b) of Article 167(1) of the Financial Regulation.'

- (b) paragraph 3 is deleted.

107. In Article 240, paragraph 3 is replaced by the following:

'3. The award notice shall be sent when the contract is signed except where, if still necessary, the contract was declared secret or where the performance of the contract must be accompanied by special security measures, or when the protection of the essential interests of the

European Union, or the beneficiary country so requires, and where the publication of the award notice is deemed not to be appropriate.'

108. In Article 241(1), the second subparagraph is replaced by the following:

'Contracts with a value of less than or equal to EUR 10 000 may be awarded on the basis of a single tender.'

109. In Article 242(1), the following point (h) is added:

'(h) for contracts declared to be secret, or for contracts whose performance must be accompanied by special security measures or when the protection of the essential interests of the European Union or the beneficiary country so requires.'

110. Article 243(1) is amended as follows:

- (a) point (b), 'EUR 30 000' is replaced by 'EUR 60 000'.

- (b) point (c) is replaced by the following:

'(c) for contracts with a value of less than EUR 60 000: competitive negotiated procedure within the meaning of paragraph 2.'

- (c) the second subparagraph is replaced by the following:

'Contracts with a value of less than or equal to EUR 10 000 may be awarded on the basis of a single tender.'

111. In Article 244(1), the following points (f), (g) and (h) are added:

'(f) for contracts declared to be secret, or for contracts whose performance must be accompanied by special security measures or when the protection of the essential interests of the European Union or the beneficiary country so requires;

(g) for contracts in respect of supplies quoted and purchases on a commodity market;

(h) for contracts in respect of purchases on particularly advantageous terms, either from a supplier which is definitively winding up its business activities, or from the receivers or liquidators of a bankruptcy, an arrangement with creditors, or a similar procedure under national law.'

112. In Article 245(1), the second subparagraph is replaced by the following:

‘Contracts with a value of less than or equal to EUR 10 000 may be awarded on the basis of a single tender.’

113. In the first subparagraph of Article 246(1), the following point (e) is added:

‘(e) for contracts declared to be secret, or for contracts whose performance must be accompanied by special security measures or when the protection of the essential interests of the European Union or the beneficiary country so requires.’

114. Article 253 is amended as follows:

- (a) in paragraph 1, the following point (e) is added:

‘(e) where it is in the interests of the Community to be the sole donor to an action, and in particular to ensure visibility of a Community action.’

- (b) in paragraph 2, the following subparagraph is added:

‘However, in the case of point (e) of paragraph 1, grounds shall be provided in the financing decision of the Commission.’

115. Article 258 is replaced by the following:

‘Article 258

**Delegations by the institutions to interinstitutional European offices**

(Articles 171 and 174a of the Financial Regulation)

Each institution shall be responsible for budgetary commitments. The institutions may delegate to the Director of the interinstitutional European office concerned all subsequent acts, in particular legal commitments, validation of expenditure, authorisation of payments and implementation of revenue, and shall set the limits and conditions for such delegation of powers.’

116. The following Article 258a is inserted:

‘Article 258a

**Specific rules for the Office for Official Publications**

(Articles 171 and 174a of the Financial Regulation)

With regard to the Office for Official Publications (Publications Office), each institution shall decide on its publication policy.

The net proceeds from the sale of publications shall be re-used as assigned revenue by the institution which is the author of those publications, in accordance with Article 18 of the Financial Regulation.’

117. Article 261 is deleted.

118. In Part Two, the following Title VI is inserted:

‘TITLE VI

**(TITLE VII OF PART II OF THE FINANCIAL REGULATION)**

**EXPERTS’**

119. The following Article 265a is inserted.

‘Article 265a

**External experts**

(Article 179a of the Financial Regulation)

1. For values below the thresholds laid down in Article 158(1)(a), external experts may be selected on the basis of the procedure laid down in paragraph 2 of this Article for tasks involving in particular the evaluation of proposals and technical assistance.

2. A call for expressions of interest shall be published in particular in the *Official Journal of the European Union* or the internet site of the institution concerned in order to ensure maximum publicity among potential candidates and with a view to establishing a list of experts.

The list drawn up following the call for expressions of interest shall be valid for no more than the duration of a multi-annual programme.

Any interested person may submit an application at any time during the period of validity of the list, with the exception of the last three months of that period.

3. External experts shall not appear on the list referred to in paragraph 2 if they are in one of the situations of exclusion referred to in Article 93 of the Financial Regulation.

4. External experts appearing on the list referred to in paragraph 2 shall be selected on the basis of their ability to perform the tasks referred to in paragraph 1 and in accordance with the principles of non-discrimination, equal treatment and absence of conflict of interests.’

120. Article 269 is replaced by the following:

*'Article 269*

**Decentralised management of pre-accession aid**

(Article 53c of the Financial Regulation)

In connection with the pre-accession aid referred to in Council Regulation (EEC) No 3906/89 (\*) and Council Regulation (EC) No 555/2000 (\*\*), the rules concerning checks laid down in Article 35 shall not affect the decentralised management already in operation with the candidate countries in question.

(\*) OJ L 375, 23.12.1989, p. 11.

(\*\*) OJ L 68, 16.3.2000, p. 3.'

121. In Article 271, paragraph 1 is replaced by the following:

'1. The thresholds and amounts laid down in Articles 54, 67, 119, 126, 128, 129, 130, 135, 151, 152, 164,

172, 173, 175b, 180, 181, 182, 226, 241, 243, 245 and 250 shall be updated every three years in line with movements in the consumer price index in the Community.'

*Article 2*

Public procurement and grant award procedures launched before 1 May 2007 shall continue to be subject to the rules applicable at the time when those procedures were launched.

*Article 3*

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

It shall apply from 1 May 2007.

However, point (45)(d) of Article 1 shall apply from 1 January 2008 and point (59) of Article 1 shall apply from 1 January 2009.

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

Done at Brussels, 23 April 2007.

*For the Commission*

Dalia GRYBAUSKAITĖ

*Member of the Commission*

**COMMISSION REGULATION (EC) No 479/2007****of 27 April 2007****amending Regulation (EC) No 2076/2005 laying down transitional arrangements for the implementation of Regulations (EC) No 853/2004, (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council and amending Regulations (EC) No 853/2004 and (EC) No 854/2004****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin <sup>(1)</sup>, and in particular Article 9 thereof,Having regard to Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption <sup>(2)</sup>, and in particular Article 16 thereof,

Whereas:

- (1) Commission Regulation (EC) No 2076/2005 <sup>(3)</sup> lays down transitional arrangements for the implementation of Regulations (EC) No 853/2004, (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council.
- (2) Article 6 of Commission Regulation (EC) No 2074/2005 <sup>(4)</sup> provides for model health certificates for imports of certain products of animal origin for the purpose of Regulation (EC) No 853/2004. Those products are set in Annex VI to Regulation (EC) No 2074/2005 and cover frogs' legs and snails, gelatine, collagen, fishery products, live bivalve molluscs and honey and other apiculture products.
- (3) Article 7(4) of Regulation (EC) No 2076/2005 provides for a derogation from Annex VI to Regulation (EC) No 2074/2005 for the products referred to in that Annex for which the relevant import certificates have been issued in accordance with the harmonised Community rules in force before 1 January 2006, where applicable,

and with the national rules implemented by the Member States before that date in other cases, which may be imported into the Community until 1 May 2007.

- (4) In order to avoid any disruption of trade and any administrative difficulties at points of entry into the Community due to the late adaptation of third country certification system to the new certification regime introduced by Regulation (EC) No 2074/2005, the use of certificates issued under the previous certification regime and signed before 1 May 2007, should be allowed after 1 May 2007 until 30 June 2007 for imports into the Community of the products referred to in Annex VI to that Regulation.
- (5) Fish oil is included in the definition of fishery products. Specific requirements for production and placing on the market of fish oil for human consumption have been laid down in Annex III to Regulation (EC) No 853/2004. However, Article 7(3) of Regulation (EC) No 2076/2005 provides for a derogation from that Annex for establishments in third countries producing fish oil intended for human consumption until 31 October 2007. Transitional arrangements should be foreseen accordingly to authorise import of such products into the Community accompanied by certificates issued according to national rules applicable before the entry into force of Commission Regulation (EC) No 1664/2006, until 31 December 2007.
- (6) Article 17 of Regulation (EC) No 2076/2005 allows certain third countries which have not yet undergone a Community control to export live bivalve molluscs and fishery products into the Community under certain conditions. These products must be accompanied by the model health certificates laid down in Commission Decisions 95/328/EC <sup>(5)</sup> and 96/333/EC <sup>(6)</sup>, which contain attestation regarding public health aspects only. For animal health purposes, these model health certificates must be supplemented by the certificates introduced by Regulation (EC) No 2074/2005 which cover both public and animal health aspects. It is therefore necessary for clarity and legal certainty reasons and to reduce the administrative burden to refer only to the certificates introduced by Regulation (EC) No 2074/2005.

<sup>(1)</sup> OJ L 139, 30.4.2004, p. 55, as 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).

<sup>(2)</sup> OJ L 139, 30.4.2004, p. 206, as corrected by OJ L 226, 25.6.2004, p. 83. Regulation as last amended by Regulation (EC) No 1791/2006.

<sup>(3)</sup> OJ L 338, 22.12.2005, p. 83. Regulation as amended by Regulation (EC) No 1666/2006 (OJ L 320, 18.11.2006, p. 47).

<sup>(4)</sup> OJ L 338, 22.12.2005, p. 27. Regulation as amended by Regulation (EC) No 1664/2006 (OJ L 320, 18.11.2006, p. 13).

<sup>(5)</sup> OJ L 191, 12.8.1995, p. 32. Decision as last amended by Decision 2004/109/EC (OJ L 32, 5.2.2004, p. 17).

<sup>(6)</sup> OJ L 127, 25.5.1996, p. 33. Decision as last amended by Decision 2004/119/EC (OJ L 36, 7.2.2004, p. 56).



(7) Regulation (EC) No 2076/2005 should be amended accordingly,

October 2007, may be imported into the Community until 31 December 2007.'

HAS ADOPTED THIS REGULATION:

2. In Article 17(2), point (b) is replaced by the following:

*Article 1*

Regulation (EC) No 2076/2005 is amended as follows:

1. In Article 7, paragraph 4 is replaced by the following:

'(b) The competent authority of the importing Member State shall ensure that these imported products are marketed only on its domestic market or on the domestic markets allowing the same imports and'

'4. By way of derogation from Annex VI to Regulation (EC) No 2074/2005:

3. In Article 17(2), the following point (c) is added:

(a) products referred to in that Annex for which a certificate has been issued in accordance with the harmonised Community rules in force before 1 January 2006, where applicable, and with the national rules implemented by the Member States before that date in other cases, duly completed and signed prior to 1 May 2007, may be imported into the Community until 30 June 2007;

'(c) The competent authority of the third country or territory takes appropriate measures in order to ensure that these imported products are accompanied as from 31 October 2007 by the model health certificates laid down in Annex VI to Regulation (EC) No 2074/2005.

(b) fish oil for which a certificate has been issued in accordance with national rules applicable before the entry into force of Commission Regulation (EC) No 2074/2005, duly completed and signed prior to 31

However, these products for which a certificate has been issued, duly completed and signed in accordance with national rules applicable before 31 October 2007 may be imported into the Community until 31 December 2007.'

*Article 2*

This Regulation shall enter into force on 1 May 2007.

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

Done at Brussels, 27 April 2007.

*For the Commission*  
Markos KYPRIANOU  
*Member of the Commission*

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**COMMISSION REGULATION (EC) No 480/2007****of 27 April 2007****amending Regulation (EC) No 1555/96 as regards the trigger levels for additional duties on cucumbers and cherries, other than sour cherries**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables <sup>(1)</sup>, and in particular Article 33(4) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1555/96 of 30 July 1996 on rules of application for additional import duties on fruit and vegetables <sup>(2)</sup> provides for surveillance of imports of the products listed in the Annex thereto. That surveillance is to be carried out in accordance with the rules laid down in Article 308d of Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code <sup>(3)</sup>.
- (2) For the purposes of Article 5(4) of the Agreement on Agriculture <sup>(4)</sup> concluded during the Uruguay Round of multilateral trade negotiations and in the light of the

latest data available for 2004, 2005 and 2006, the trigger levels for additional duties on cucumbers and cherries, other than sour cherries should be adjusted.

- (3) As a result, Regulation (EC) No 1555/96 should be amended.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fresh Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Annex to Regulation (EC) No 1555/96 is hereby replaced by the Annex hereto.

*Article 2*

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

It shall apply from 1 May 2007.

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

Done at Brussels, 27 April 2007.

*For the Commission*

Mariann FISCHER BOEL

*Member of the Commission*

<sup>(1)</sup> OJ L 297, 21.11.1996, p. 1. Regulation as last amended by Commission Regulation (EC) No 47/2003 (OJ L 7, 11.1.2003, p. 64).

<sup>(2)</sup> OJ L 193, 3.8.1996, p. 1. Regulation as last amended by Regulation (EC) No 1822/2006 (OJ L 351, 13.12.2006, p. 7).

<sup>(3)</sup> OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 214/2007 (OJ L 62, 1.3.2007, p. 6).

<sup>(4)</sup> OJ L 336, 23.12.1994, p. 22.

## ANNEX

## 'ANNEX

Without prejudice to the rules governing the interpretation of the combined nomenclature, the description of the products is deemed to be indicative only. The scope of the additional duties for the purposes of this Annex is determined by the scope of the CN codes as they exist at the time of the adoption of this Regulation.

Serial No	CN code	Description	Trigger period	Trigger level (tonnes)
78.0015	0702 00 00	Tomatoes	— 1 October to 31 May	260 852
78.0020			— 1 June to 30 September	18 281
78.0065	0707 00 05	Cucumbers	— 1 May to 31 October	3 462
78.0075			— 1 November to 30 April	7 332
78.0085	0709 10 00	Artichokes	— 1 November to 30 June	5 770
78.0100	0709 90 70	Courgettes	— 1 January to 31 December	37 250
78.0110	0805 10 20	Oranges	— 1 December to 31 May	271 744
78.0120	0805 20 10	Clementines	— 1 November to end of February	116 637
78.0130	0805 20 30 0805 20 50 0805 20 70 0805 20 90	Mandarins (including tangerines and satsumas); wilkings and similar citrus hybrids	— 1 November to end of February	91 359
78.0155	0805 50 10	Lemons	— 1 June to 31 December	324 362
78.0160			— 1 January to 31 May	35 247
78.0170	0806 10 10	Table grapes	— 21 July to 20 November	189 604
78.0175	0808 10 80	Apples	— 1 January to 31 August	1 026 501
78.0180			— 1 September to 31 December	51 941
78.0220	0808 20 50	Pears	— 1 January to 30 April	309 624
78.0235			— 1 July to 31 December	45 069
78.0250	0809 10 00	Apricots	— 1 June to 31 July	4 569
78.0265	0809 20 95	Cherries, other than sour cherries	— 21 May to 10 August	114 530
78.0270	0809 30	Peaches, including nectarines	— 11 June to 30 September	17 411
78.0280	0809 40 05	Plums	— 11 June to 30 September	11 155'

**COMMISSION REGULATION (EC) No 481/2007**  
**of 27 April 2007**  
**amending Regulation (EC) No 817/2006 renewing the restrictive measures in respect of**  
**Burma/Myanmar and repealing Regulation (EC) No 798/2004**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

lation (EC) No 817/2006 should, therefore, be amended accordingly.

Having regard to the Treaty establishing the European Community,

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

Having regard to Council Regulation (EC) No 817/2006 of 29 May 2006 concerning certain restrictive measures in respect of Burma/Myanmar <sup>(1)</sup>, and in particular Article 12(b) thereof,

HAS ADOPTED THIS REGULATION:

Whereas:

*Article 1*

(1) Annex III to Regulation (EC) No 817/2006 lists the persons covered by the freezing of funds and economic resources set out in Article 6 of that Regulation.

Annex III to Regulation (EC) No 817/2006 is replaced with the Annex to this Regulation.

*Article 2*

(2) Council Decision 2007/248/CFSP <sup>(2)</sup> amends Annex I to Common Position 2006/318/CFSP <sup>(3)</sup>. Annex III to Regu-

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

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

Done at Brussels, 27 April 2007.

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

<sup>(1)</sup> OJ L 148, 2.6.2006, p. 1. Regulation as last amended by Regulation (EC) No 1411/2006 (OJ L 267, 27.9.2006, p. 1).

<sup>(2)</sup> OJ L 107, 25.4.2007, p. 8.

<sup>(3)</sup> OJ L 116, 29.4.2006, p. 77.

## ANNEX

## List of persons referred to in Articles 6, 7 and 12

## Table Notes:

1. Aliases or variations in spelling are denoted by 'a.k.a.'
2. 'd.o.b.' stands for date of birth

## A. STATE PEACE AND DEVELOPMENT COUNCIL (SPDC)

	Name (and possible aliases)	Identifying information (function/title, date and place of birth, passport/id number, spouse or son/daughter of...)	Sex (M/F)
A1a	Senior General Than Shwe	Chairman, d.o.b. 2.2.1933	M
A1b	Kyaing Kyaing	Wife of Senior General Than Shwe	F
A1c	Thandar Shwe	Daughter of Senior General Than Shwe	F
A1ci	Major Zaw Phyo Win	Husband of Thandar Shwe Deputy Director Export Section, Ministry of Trade	M
A1d	Khin Pyone Shwe	Daughter of Senior General Than Shwe	F
A1e	Aye Aye Thit Shwe	Daughter of Senior General Than Shwe	F
A1f	Tun Naing Shwe a.k.a. Tun Tun Naing	Son of Senior General Than Shwe	M
A1g	Khin Thanda	Wife of Tun Naing Shwe	F
A1h	Kyaing San Shwe	Son of Senior General Than Shwe	M
A1i	Dr Khin Win Sein	Wife of Kyaing San Shwe	F
A1j	Thant Zaw Shwe a.k.a. Maung Maung	Son of Senior General Than Shwe	M
A1k	Dewar Shwe	Daughter of Senior General Than Shwe	F
A1l	Kyi Kyi Shwe	Daughter of Senior General Than Shwe	F
A2a	Vice-Senior General Maung Aye	Vice-Chairman, d.o.b. 25.12.1937	M
A2b	Mya Mya San	Wife of Vice-Senior General Maung Aye	F
A2c	Nandar Aye	Daughter of Vice-Senior General Maung Aye, spouse of Major Pye Aung (D17g)	F
A3a	General Thura Shwe Mann	Chief of Staff, Coordinator of Special Operations (Army, Navy and Air Force) d.o.b. 11.7.1947	M
A3b	Khin Lay Thet	Wife of General Thura Shwe Mann d.o.b. 19.6.1947	F
A3c	Aung Thet Mann <i>aka</i> Shwe Mann Ko Ko	Son of General Thura Shwe Mann, Ayeya Shwe War Company d.o.b. 19.6.1977 passport no — CM102233	M
A3d	Khin Hnin Thandar	Wife of Aung Thet Mann	F
A3e	Toe Naing Mann	Son of Shwe Mann, d.o.b. 29.6.1978	M
A3f	Zay Zin Latt	Wife of Toe Naing Mann; Daughter of Khin Shwe (ref J5a) d.o.b. 24.3.1981	F

	Name (and possible aliases)	Identifying information (function/title, date and place of birth, passport/id number, spouse or son/daughter of...)	Sex (M/F)
A4a	General Soe Win	Prime Minister since 19.10.2004, born 1946	M
A4b	Than Than Nwe	Wife of -Gen Soe Win	F
A5a	Lt-Gen Thein Sein	Secretary 1 (since 19.10.2004) & Adjutant General	M
A5b	Khin Khin Win	Wife of Lt-Gen Thein Sein	F
A6a	Lt-Gen (Thiha Thura) Tin Aung Myint Oo	(Thiha Thura is a title) Quartermaster-General	M
A6b	Khin Saw Hnin	Wife of Lt-Gen Thiha Thura Tin Aung Myint Oo	F
A7a	Lt-Gen Kyaw Win	Chief of Bureau of Special Operations 2 (Kayah State), Patron of the USDA	M
A7b	San San Yee aka San San Yi	Wife of Lt-Gen Kyaw Win	F
A7c	Nyi Nyi Aung	Son of Lt-Gen Kyaw Win	M
A7d	San Thida Win	Wife of Nyi Nyi Aung	F
A7e	Min Nay Kyaw Win	Son of Lt-Gen Kyaw Win	M
A7f	Dr Phone Myint Htun	Son of Lt-Gen Kyaw Win	M
A7g	San Sabai Win	Wife of Dr Phone Myint Htun	F
A8a	Lt-Gen Tin Aye	Chief of Military Ordnance, Head of UMEH	M
A8b	Kyi Kyi Ohn	Wife of Lt-Gen Tin Aye	F
A8c	Zaw Min Aye	Son of Lt-Gen Tin Aye	M
A9a	Lt-Gen Ye Myint	Chief of Bureau of Special Operations 1 (Kachin, Chin, Sagaing, Magwe, Mandalay)	M
A9b	Tin Lin Myint	Wife of Lt-Gen Ye Myint, d.o.b. 25.1.1947	F
A9c	Theingi Ye Myint	Daughter of Lt-Gen Ye Myint	F
A9d	Aung Zaw Ye Myint	Son of Lt-Gen Ye Myint, Yetagun Construction Co	M
A9e	Kay Khaing Ye Myint	Daughter of Lt-Gen Ye Myint	F
A10a	Lt-Gen Aung Htwe	Chief of Armed Forces Training	M
A10b	Khin Hnin Wai	Wife of Lt-Gen Aung Htwe	F
A11a	Lt-Gen Khin Maung Than	Chief of Bureau of Special Operations 3 (Pegu, Irrawaddy, Arakan)	M
A11b	Marlar Tint	Wife of Lt-Gen Khin Maung Than	F
A12a	Lt-Gen Maung Bo	Chief of Bureau of Special Operations 4 (Karen, Mon, Tenasserim)	M
A12b	Khin Lay Myint	Wife of Lt-Gen Maung Bo	F

	Name (and possible aliases)	Identifying information (function/title, date and place of birth, passport/id number, spouse or son/daughter of...)	Sex (M/F)
A12c	Kyaw Swa Myint	Son of Lt-Gen Maung Bo, Businessman	M
A13a	Lt Gen Myint Swe	Chief of Bureau of Special Operations 5 (Naypyidaw, Rangoon/Yangon)	M
A13b	Khin Thet Htay	Wife of Lt-Gen Myint Swe	F

#### B. REGIONAL COMMANDERS

	Name	Identifying information (inc. Command)	Sex (M/F)
B1a	Maj-Gen Hla Htay Win	Rangoon (Yangon)	M
B1b	Mar Mar Wai	Wife of Maj-Gen Hla Htay Win	F
B2a	Brig-Gen Thaug Aye	Eastern (Shan State (South))	M
B2b	Thin Myo Myo Aung	Wife of Brig-Gen Thaug Aye	F
B3a	Maj-Gen Thar Aye a.k.a. Tha Aye	North Western (Sagaing Division)	M
B3b	Wai Wai Khaing a.k.a. Wei Wei Khaing	Wife of Maj-Gen Thar Aye	F
B4a	Brig-Gen Khin Zaw Oo	Coastal (Tanintharyi Division)	M
B5a	Brig-Gen Aung Than Htut	North Eastern (Shan State(North))	M
B6a	Maj-Gen Khin Zaw	Central (Mandalay Division)	M
B6b	Khin Pyone Win	Wife of Maj-Gen Khin Zaw	F
B6c	Kyi Tha Khin Zaw	Son of Maj-Gen Khin Zaw	M
B6d	Su Khin Zaw	Daughter of Maj-Gen Khin Zaw	F
B7a	Brig-Gen Maung Shein	Western (Rakhine State)	M
B8a	Maj-Gen Thura Myint Aung	South Western (Irrawaddy Division)	M
B8b	Than Than Nwe	Wife of Maj-Gen Thura Myint Aung	F
B9a	Maj-Gen Ohn Myint	North (Kachin State)	M
B9b	Nu Nu Swe	Wife of Maj-Gen Ohn Myint	F
B9c	Kyaw Thiha	Son of Maj-Gen Ohn Myint	M
B9d	Nwe Ei Ei Zin	Wife of Kyaw Thiha	F
B10a	Maj-Gen Ko Ko	South (Bago Division)	M
B10b	Sao Nwan Khun Sum	Wife of Maj-Gen Ko Ko	F
B11a	Brig-Gen Thet Naing Win	South Eastern (Mon State)	M
B12a	Maj-Gen Min Aung Hlaing	Triangle (Shan State (East))	M

	Name	Identifying information (inc. Command)	Sex (M/F)
B13a	Brig-Gen Wai Lwin	Naypyidaw (new regional commander position)	M
B13b	Swe Swe Oo	Wife of Brig-Gen Wai Lwin	F
B13c	Wai Phyo	Son of Brig-Gen Wai Lwin	M
B13d	Lwin Yamin	Daughter of Brig-Gen Wai Lwin	F

### C. DEPUTY REGIONAL COMMANDERS

	Name	Identifying information (inc. Command)	Sex (M/F)
C1a	Col Kyaw Kyaw Tun	Rangoon (Yangon)	M
C1b	Khin May Latt	Wife of Col Kyaw Kyaw Tun	F
C2a	Brig-Gen Nay Win	Central	M
C2b	Nan Aye Mya	Wife of Brig-Gen Nay Win	F
C3a	Brig-Gen Tin Maung Ohn	North-Western	M
C4a	Brig-Gen San Tun	Northern	M
C4b	Tin Sein	Wife of Brig-Gen San Tun	F
C5a	Brig-Gen Hla Myint	North-Eastern	M
C5b	Su Su Hlaing	Wife of Brig-Gen Hla Myint	F
C6a	Brig-Gen Wai Lin	Triangle	M
C7a	Brig-Gen Win Myint	Eastern	M
C8a	Col Zaw Min	South-Eastern	M
C8b	Nyunt Nyunt Wai	Wife of Col Zaw Min	F
C9a	Brig-Gen Hone Ngaing/Hon Ngai	Coastal	M
C10a	Brig-Gen Thura Maung Ni	Southern	M
C10b	Nan Myint Sein	Wife of Brig-Gen Thura Maung Ni	F
C11a	Brig-Gen Tint Swe	South-Western	M
C11b	Khin Thaug	Wife of Brig-Gen Tint Swe	F
C11c	Ye Min a.k.a.: Ye Kyaw Swar Swe	Son of Brig-Gen Tint Swe	M
C11d	Su Mon Swe	Wife of Ye Min	F
C12a	Brig-Gen Tin Hlaing	Western	M



## D. MINISTERS

	Name	Identifying information (inc. Ministry)	Sex (M/F)
D3a	Maj-Gen Htay Oo	Agriculture and Irrigation (since 18.9.2004) (previously Cooperatives since 25.8.2003); Secretary-General of the USDA	M
D3b	Ni Ni Win	Wife of Maj-Gen Htay Oo	F
D3c	Thein Zaw Nyo	Cadet. Son of Maj-Gen Htay Oo	M
D4a	Brig-Gen Tin Naing Thein	Commerce (since 18.9.2004), Previously Dep Minister of Forestry	M
D4b	Aye Aye	Wife of Brig-Gen Tin Naing Thein	F
D5a	Maj-Gen Saw Tun	Construction d.o.b. 8.5.1935 (since 15.6.1995)	M
D5b	Myint Myint Ko	Wife of Maj-Gen Saw Tun d.o.b. 11.1.1945	F
D5c	Me Me Tun	Daughter of Maj-Gen Saw Tun d.o.b. 26.10.1967 Passport 415194	F
D5d	Maung Maung Lwin	Husband of Me Me Tun, d.o.b. 2.1.1969	M
D6a	Maj-Gen Tin Htut	Cooperatives (since 15.5.2006)	M
D6b	Tin Tin Nyunt	Wife of Maj-Gen Tin Htut	F
D7a	Maj-Gen Khin Aung Myint	Culture (since 15.5.2006)	M
D7b	Khin Phyone	Wife of Maj-Gen Khin Aung Myint	F
D8a	Dr. Chan Nyein	Education. (since 10.8.2005) Previously Deputy Minister of Science & Technology	M
D8b	Sandar Aung	Wife of Dr. Chan Nyein	F
D9a	Col Zaw Min	Electric Power (1) (since 15.5.2006)	M
D9b	Khin Mi Mi	Wife of Col Zaw Min	F
D10a	Brig-Gen Lun Thi	Energy (since 20.12.1997)	M
D10b	Khin Mar Aye	Wife of Brig-Gen Lun Thi	F
D10c	Mya Sein Aye	Daughter of Brig-Gen Lun Thi	F
D10d	Zin Maung Lun	Son of Brig-Gen Lun Thi	M
D10e	Zar Chi Ko	Wife of Zin Maung Lun	F
D11a	Maj-Gen Hla Tun	Finance & Revenue (since 1.2.2003)	M
D11b	Khin Than Win	Wife of Maj-Gen Hla Tun	F
D12a	Nyan Win	Foreign Affairs (since 18.9.2004), formerly Deputy Chief of Armed Forces Training, d.o.b. 22.1.1953	M
D12b	Myint Myint Soe	Wife of Nyan Win	F
D13a	Brig-Gen Thein Aung	Forestry (since 25.8.2003)	M

	Name	Identifying information (inc. Ministry)	Sex (M/F)
D13b	Khin Htay Myint	Wife of Brig-Gen Thein Aung	F
D14a	Prof. Dr. Kyaw Myint	Health (since 1.2.2003)	M
D14b	Nilar Thaw	Wife of Prof. Dr. Kyaw Myint	F
D15a	Maj-Gen Maung Oo	Home Affairs (since 5.11.2004)	M
D15b	Nyunt Nyunt Oo	Wife of Maj-Gen Maung Oo	F
D16a	Maj-Gen Maung Maung Swe	Ministry of Immigration & Population, as well as Ministry of Social Welfare, Relief & Resettlement (since 15.5.2006)	M
D16b	Tin Tin Nwe	Wife of Maj-Gen Maung Maung Swe	F
D16c	Ei Thet Thet Swe	Daughter of Maj-Gen Maung Maung Swe	F
D16d	Kaung Kyaw Swe	Son of Maj-Gen Maung Maung Swe	M
D17a	Aung Thaung	Industry 1 (since 15.11.1997)	M
D17b	Khin Khin Yi	Wife of Aung Thaung	F
D17c	Major Moe Aung	Son of Aung Thaung	M
D17d	Dr Aye Khaing Nyunt	Wife of Major Moe Aung	F
D17e	Nay Aung	Son of Aung Thaung, businessman, Managing Director, Aung Yee Phyoe Co. Ltd	M
D17f	Khin Moe Nyunt	Wife of Nay Aung	F
D17g	Major Pyi Aung aka Pye Aung	Son of Aung Thaung (married to A2c)	M
D17h	Khin Ngu Yi Phyoo	Daughter of Aung Thaung	F
D17i	Dr Thu Nanda Aung	Daughter of Aung Thaung	F
D17j	Aye Myat Po Aung	Daughter of Aung Thaung	F
D18a	Maj-Gen Saw Lwin	Industry 2 (since 14.11.1998)	M
D18b	Moe Moe Myint	Wife of Maj-Gen Saw Lwin	F
D19a	Brig-Gen Kyaw Hsan	Information (since 13.9.2002)	M
D19b	Kyi Kyi Win	Wife of Brig-Gen Kyaw Hsan	F
D20a	Brig-Gen Maung Maung Thein	Livestock & Fisheries	M
D20b	Myint Myint Aye	Wife of Brig-Gen Maung Maung Thein	F
D20c	Min Thein	Son of Brig-Gen Maung Maung Thein	M
D21a	Brig-Gen Ohn Myint	Mines (since 15.11.1997)	M
D21b	San San	Wife of Brig-Gen Ohn Myint	F
D21c	Thet Naing Oo	Son of Brig-Gen Ohn Myint	M
D21d	Min Thet Oo	Son of Brig-Gen Ohn Myint	M

	Name	Identifying information (inc. Ministry)	Sex (M/F)
D22a	Soe Tha	National Planning & Economic Development (since 20.12.1997)	M
D22b	Kyu Kyu Win	Wife of Soe Tha	F
D22c	Kyaw Myat Soe	Son of Soe Tha	M
D22d	Wei Wei Lay	Wife of Kyaw Myat Soe	F
D22e	Aung Soe Tha	Son of Soe Tha	M
D23a	Col Thein Nyunt	Progress of Border Areas & National Races & Development Affairs (since 15.11.1997), and Mayor of Naypyidaw	M
D23b	Kyin Khaing	Wife of Col Thein Nyunt	F
D24a	Maj-Gen Aung Min	Rail Transportation (since 1.2.2003)	M
D24b	Wai Wai Thar aka Wai Wai Tha	Wife of Maj-Gen Aung Min	F
D25a	Brig-Gen Thura Myint Maung	Religious Affairs (since 25.8.2003)	M
D25b	Aung Kyaw Soe	Son of Brig-Gen Thura Myint Maung	M
D25c	Su Su Sandi	Wife of Aung Kyaw Soe	F
D25d	Zin Myint Maung	Daughter of Brig-Gen Thura Myint Maung	F
D26a	Thaung	Science & Technology (since 11.98) Concurrently Labour (since 5.11.2004)	M
D26b	May Kyi Sein	Wife of Thaung	F
D27a	Brig-Gen Thura Aye Myint	Sports (since 29.10.1999)	M
D27b	Aye Aye	Wife of Brig-Gen Thura Aye Myint	F
D27c	Nay Linn	Son of Brig-Gen Thura Aye Myint	M
D28a	Brig-Gen Thein Zaw	Minister of Telecommunications, Post & Telegraphs (since 10.5.2001)	M
D28b	Mu Mu Win	Wife of Brig-Gen Thein Zaw	F
D29a	Maj-Gen Thein Swe	Transport, since 18.9.2004 (previously PM's Office since 25.8.2003)	M
D29b	Mya Theingi	Wife of Maj-Gen Thein Swe	F
D30a	Maj-Gen Soe Naing	Minister for Hotels and Tourism (since 15.5.2006)	M
D30b	Tin Tin Latt	Wife of Maj-Gen Soe Naing	F
D30c	Wut Yi Oo	Daughter of Maj-Gen Soe Naing	F
D30d	Captain Htun Zaw Win	Husband of Wut Yi Oo	M
D30e	Yin Thu Aye	Daughter of Maj-Gen Soe Naing	F

	Name	Identifying information (inc. Ministry)	Sex (M/F)
D30f	Yi Phone Zaw	Son of Maj-Gen Soe Naing	M
D31a	Maj-Gen Khin Maung Myint	Electric Power (2) (New Ministry) (since 15.5.2006)	M
D31b	Win Win Nu	Wife of Maj-Gen Khin Maung Myint	F

#### E. DEPUTY MINISTERS

	Name	Identifying information (inc. Ministry)	Sex (M/F)
E1a	Ohn Myint	Agriculture & Irrigation (since 15.11.1997)	M
E1b	Thet War	Wife of Ohn Myint	F
E2a	Brig-Gen Aung Tun	Commerce (since 13.9.2003)	M
E3a	Brig-Gen Myint Thein	Construction (since 5.1.2000)	M
E3b	Mya Than	Wife of Brig-Gen Myint Thein	F
E4a	U Tint Swe	Construction (since 7.5.1998)	M
E5a	Maj-Gen Aye Myint (since 15.5.2006)	Defence	M
E6a	Myo Nyunt	Education (since 8.7.1999)	M
E6b	Marlar Thein	Wife of Myo Nyunt	F
E7a	Brig-Gen Aung Myo Min	Education (since 19.11.2003)	M
E7b	Thazin Nwe	Wife of Brig-Gen Aung Myo Min	F
E8a	Myo Myint	Electric Power 1 (since 29.10.1999)	M
E8b	Tin Tin Myint	Wife of Myo Myint	F
E8c	Aung Khaing Moe	Son of Myo Myint, d.o.b. 25.6.1967 (believed to be currently in UK, went before entered on list)	M
E9a	Brig-Gen Than Htay	Energy (since 25.8.2003)	M
E9b	Soe Wut Yi	Wife of Brig-Gen Than Htay	F
E10a	Col Hla Thein Swe	Finance & Revenue (since 25.8.2003)	M
E10b	Thida Win	Wife of Col Hla Thein Swe	F
E11a	Kyaw Thu	Foreign Affairs (since 25.8.2003), d.o.b. 15.8.1949	M
E11b	Lei Lei Kyi	Wife of Kyaw Thu	F
E12a	Maung Myint	Foreign Affairs (since 18.9.2004)	M
E12b	Dr Khin Mya Win	Wife of Maung Myint	F
E13a	Prof. Dr. Mya Oo	Health (since 16.11.1997), d.o.b. 25.1.1940	M

	Name	Identifying information (inc. Ministry)	Sex (M/F)
E13b	Tin Tin Mya	Wife of Prof. Dr. Mya Oo	F
E13c	Dr. Tun Tun Oo	Son of Prof. Dr. Mya Oo, d.o.b. 26.7.1965	M
E13d	Dr. Mya Thuzar	Daughter of Prof. Dr. Mya Oo, d.o.b. 23.9.1971	F
E13e	Mya Thidar	Daughter of Prof. Dr. Mya Oo, d.o.b. 10.6.1973	F
E13f	Mya Nandar	Daughter of Prof. Dr. Mya Oo, d.o.b. 29.5.1976	F
E14a	Brig-Gen Phone Swe	Home Affairs (since 25.8.2003)	M
E14b	San San Wai	Wife of Brig-Gen Phone Swe	F
E15a	Brig-Gen Aye Myint Kyu	Hotels & Tourism (since 16.11.1997)	M
E15b	Khin Swe Myint	Wife of Brig-Gen Aye Myint Kyu	F
E16a	Brig-Gen Win Sein	Immigration & Population (since November 2006)	M
E16b	Wai Wai Linn	Wife of Brig-Gen Win Sein	F
E17a	Lt-Col Khin Maung Kyaw	Industry 2 (since 5.1.2000)	M
E17b	Mi Mi Wai	Wife of Lt-Col Khin Maung Kyaw	F
E18a	Maj-Gen Aung Kyi	Labour (since November 2006)	M
E18b	Thet Thet Swe	Wife of Maj-Gen Aung Kyi	F
E19a	Col Tin Ngwe	Progress of Border Areas & National Races & Development Affairs (since 25.8.2003)	M
E19b	Khin Mya Chit	Wife of Col Tin Ngwe	F
E20a	Thura Thaug Lwin	(Thura is a title), Rail Transportation (since 16.11.1997)	M
E20b	Dr Yi Yi Htwe	Wife of Thura Thaug Lwin	F
E21a	Brig-Gen Thura Aung Ko	(Thura is a title), Religious Affairs, USDA CEC member (since 17.11.1997)	M
E21b	Myint Myint Yee aka Yi Yi Myint	Wife of Brig-Gen Thura Aung Ko	F
E22a	Kyaw Soe	Science and Technology (since 15.11.2004)	M
E23a	Col Thurein Zaw	National Planning and Economic Development (since 10.8.2005)	M
E23b	Tin Ohn Myint	Wife of Col Thurein Zaw	F
E24a	Brig-Gen Kyaw Myint	Social Welfare, Relief & Resettlement (since 25.8.2003)	M
E24b	Khin Nwe Nwe	Wife of Brig-Gen Kyaw Myint	F
E25a	Pe Than	Rail Transportation (since 14.11.1998)	M
E25b	Cho Cho Tun	Wife of Pe Than	F

	Name	Identifying information (inc. Ministry)	Sex (M/F)
E26a	Col Nyan Tun Aung	Transport (since 25.8.2003)	M
E26b	Wai Wai	Wife of Col Nyan Tun Aung	F
E27a	Dr Paing Soe	Health (additional Deputy Minister) (since 15.5.2006)	M

#### F. OTHER TOURISM RELATED APPOINTMENTS

	Name	Identifying information (inc. post held)	Sex (M/F)
F1a	Capt. (Ret'd.) Htay Aung	Director General at Hotels & Tourism Directorate (Managing Director, Myanmar Hotels and Tourism Services until August 2004)	M
F2a	Tin Maung Shwe	Deputy Director General, Hotels and Tourism Directorate	M
F3a	Soe Thein	Managing Director, Myanmar Hotels and Tourism Services since October 2004 (previously General Manager)	M
F4a	Khin Maung Soe	General Manager	M
F5a	Tint Swe	General Manager	M
F6a	Lt-Col Yan Naing	General Manager, Ministry of Hotels & Tourism	M
F7a	Kyi Kyi Aye	Director for Tourism Promotion, Ministry of Hotels & Tourism	F

#### G. SENIOR MILITARY OFFICERS (Brigadier-General and above)

	Name	Identifying information (inc. function)	Sex (M/F)
G1a	Maj-Gen Hla Shwe	Deputy Adjutant General	M
G2a	Maj-Gen Soe Maung	Judge Advocate General	M
G3a	Maj-Gen Thein Htaik aka Hteik	Inspector General	M
G4a	Maj-Gen Saw Hla	Provost Marshal	M
G4b	Cho Cho Maw	Wife of Maj-Gen Saw Hla	M
G5a	Maj-Gen Htin Aung Kyaw	Vice Quarter Master General	M
G5b	Khin Khin Maw	Wife of Maj-Gen Htin Aung Kyaw	F
G6a	Maj-Gen Lun Maung	Auditor General	M
G7a	Maj-Gen Nay Win	Military Assistant to the SPDC Chairman	M

	Name	Identifying information (inc. function)	Sex (M/F)
G8a	Maj-Gen Hsan Hsint	Military Appointments General; d.o.b. 1951	M
G8b	Khin Ma Lay	Wife of Maj-Gen Hsan Hsint	F
G8c	Okkar San Sint	Son of Maj-Gen Hsan Hsint	M
G9a	Maj-Gen Hla Aung Thein	Camp Commandant, Rangoon	M
G9b	Amy Khaing	Wife of Hla Aung Thein	F
G10a	Maj-Gen Ye Myint	Chief of Military Affairs Security	M
G10b	Myat Ngwe	Wife of Maj-Gen Ye Myint	F
G11a	Brig-Gen Mya Win	Commandant, National Defence College	M
G12a	Brig-Gen Tun Tun Oo	Director of Public Relations and Psychological Warfare	M
G13a	Maj-Gen Thein Tun	Director of Signals; member of National Convention Convening Management Committee	M
G14a	Maj-Gen Than Htay	Director of Supply & Transport	M
G15a	Maj-Gen Khin Maung Tint	Director of Security Printing Works	M
G16a	Maj-Gen Sein Lin	Director, MOD (Precise job not known. Formerly Director Ordnance)	M
G17a	Maj-Gen Kyi Win	Director of Artillery & Armour, Board member UMEHL	M
G18a	Maj-Gen Tin Tun	Director Military Engineers	M
G19a	Maj-Gen Aung Thein	Director Resettlement	M
G19b	Htwe Yi	Wife of Maj-Gen Aung Thein	F
G20a	Brig-Gen Zaw Win	Deputy Chief of Armed Forces Training	M
G21a	Brig-Gen Than Maung	Deputy Commandant of National Defence College	M
G22a	Brig-Gen Win Myint	Rector Defence Services Technological Academy	M
G23a	Brig-Gen Yar Pyae	Rector; Defence Services Medical Academy	M
G24a	Brig-Gen Than Sein	Commandant, Defence Services Hospital, Mingaladon, d.o.b. 1.2.1946, Bago	M
G24b	Rosy Mya Than	Wife of Brig-Gen Than Sein	F
G25a	Brig-Gen Win Than	Director of Procurement and Managing Director Union of Myanmar Economic Holdings (prev.Maj-Gen Win Hlaing, K1a)	M
G26a	Brig-Gen Than Maung	Director of Peoples' Militia & Frontier Forces	M
G27a	Maj-Gen Khin Maung Win	Director Defense Industries	M
G28a	Brig-Gen Kyaw Swa Khine	Director Defense Industries	M

	Name	Identifying information (inc. function)	Sex (M/F)
G29a	Brig-Gen Win Aung	Member of Civil Service Selection and Training Board	M
G30a	Brig-Gen Soe Oo	Member of Civil Service Selection and Training Board	M
G31a	Brig-Gen Nyi Tun aka Nyi Htun	Member of Civil Service Selection and Training Board	M
G32a	Brig-Gen Kyaw Aung	Member of Civil Service Selection and Training Board	M
G33a	Maj-Gen Myint Hlaing	Chief of Staff (Air Defence) (not yet SPDC but expected to be announced soon)	M
G33b	Khin Thant Sin	Wife of Maj-Gen Myint Hlaing	F
G33c	Hnin Nandar Hlaing	Daughter of Maj-Gen Myint Hlaing	F
G33d	Thant Sin Hlaing	Son of Maj-Gen Myint Hlaing	M
G34a	Maj-Gen Mya Win	Director, Ministry of Defence	M
G35a	Maj-Gen Tin Soe	Director, Ministry of Defence	M
G36a	Maj-Gen Than Aung	Director, Ministry of Defence	M
G37a	Maj-Gen Ngwe Thein	Ministry of Defence	M

*Navy*

G38a	Vice-Admiral Soe Thein	Commander-in-Chief (Navy)	M
G38b	Khin Aye Kyin	Wife of Vice-Amiral Soe Thein	F
G38c	Yimon Aye	Daughter of Vice-Amiral Soe Thein, d.o.b. 12.7.1980	F
G38d	Aye Chan	Son of Vice-Amiral Soe Thein, d.o.b. 23.9.1973	M
G38e	Thida Aye	Daughter of Vice-Amiral Soe Thein, d.o.b. 23.3.1979	F
G39a	Commodore Nyan Tun	Chief of Staff (Navy), Board member UMEHL	M
G39b	Khin Aye Myint	Wife of Nyan Tun	F
G40a	Commodore Win Shein	Commander, Naval Training Headquarters	M

*Air Force*

G41a	Lt-Gen Myat Hein	Commander-in-Chief (Air)	M
G41b	Htwe Htwe Nyunt	Wife of Lt-Gen Myat Hein	F
G42a	Brig-Gen Ye Chit Pe	Staff of Commander in Chief Air, Mingaladon	M
G43a	Brig-Gen Khin Maung Tin	Commandant of Shande Air Training School, Meiktila	M
G44a	Brig-Gen Zin Yaw	Chief of Staff (Air), Member of UMEHL Board	M



	Name	Identifying information (inc. function)	Sex (M/F)
G44b	Khin Thiri	Wife of Brig-Gen Zin Yaw	F

*Light Infantry Divisions (LID) (those of Brig-Gen rank)*

G45a	Brig-Gen Hla Min	11 LID	M
G46a	Brig-Gen Tun Nay Lin	22 LID	M
G47a	Brig-Gen Tin Tun Aung	33 LID, Sagaing	M
G48a	Brig-Gen Hla Myint Shwe	44 LID	M
G49a	Brig-Gen Win Myint	77 LID, Bago	M
G50a	Brig-Gen Tin Oo Lwin	99 LID, Meiktila	M

*Other Brigadier-Generals*

G51a	Brig-Gen Htein Win	Taikkyi Station	M
G52a	Brig-Gen Khin Maung Aye	Meiktila Station Commander	M
G53a	Brig-Gen Kyaw Oo Lwin	Kalay Station Commander	M
G54a	Brig-Gen Khin Zaw Win	Khamaukgyi Station	M
G55a	Brig-Gen Kyaw Aung,	Southern MR, Toungoo Station Commander	M
G56a	Brig-Gen Thet Oo	Commander of Military Operations Command - 16	M
G57a	Brig-Gen Myint Hein	Military Operations Command -3, Mogaung Station,	M
G58a	Brig-Gen Tin Ngwe	Ministry of Defence	M
G59a	Brig-Gen Myo Lwin	Military Operations Command -7, Pekon Station	M
G60a	Brig-Gen Myint Soe	Military Operations Command -5, Taungup Station	M
G61a	Brig-Gen Myint Aye	Military Operations Command -9, Kyauktaw Station	M
G62a	Brig-Gen Nyunt Hlaing	Military Operations Command -17, Mong Pan Station	M
G63a	Brig-Gen Ohn Myint	Mon State USDA CEC member	M
G64a	Brig-Gen Soe Nwe	Military Operations Command -21 Bhamo Station	M
G65a	Brig-Gen Than Tun	Kyaukpadaung Station Commander	M
G66a	Brig-Gen Than Tun Aung	Regional Operations Command-Sittwe	M
G67a	Brig-Gen Thaug Htaik	Aungban Station Commander	M
G68a	Brig-Gen Thein Hteik	Military Operations Command -13, Bokpyin Station	M
G69a	Brig-Gen Thura Myint Thein	Namhsan Tactical Operations Command	M
G70a	Brig-Gen Win Aung	Mong Hsat Station Commander	M
G71a	Brig-Gen Myo Tint	Officer on Special Duty Ministry of Transport	M

	Name	Identifying information (inc. function)	Sex (M/F)
G72a	Brig-Gen Thura Sein Thaug	Officer on Special Duty Ministry for Social Welfare	M
G73a	Brig-Gen Phone Zaw Han	Mayor of Mandalay since Feb 2005, formerly commander of Kyaukme	M
G74a	Brig-Gen Win Myint	Pyinmana Station Commander	M
G75a	Brig-Gen Kyaw Swe	Pyin Oo Lwin Station Commander	M
G76a	Brig-Gen Soe Win	Bahtoo Station Commander	M
G77a	Brig-Gen Thein Htay	Ministry of Defence	M

#### H. MILITARY OFFICERS RUNNING PRISONS AND POLICE

	Name	Identifying information (inc. function)	Sex (M/F)
H1a	Maj-Gen Khin Yi	DG Myanmar Police Force	M
H1b	Khin May Soe	Wife of Maj-Gen Khin Yi	F
H2a	Zaw Win	Director General of the Prisons Dept. (Ministry of Home Affairs) since August 2004, previously Deputy DG Myanmar Police Force, and former Brig-Gen. Former military.	M
H3a	Aung Saw Win	Director General, Bureau of Special Investigation	M

#### I. UNION SOLIDARITY AND DEVELOPMENT ASSOCIATION (USDA)

(senior USDA office-holders who have not been included elsewhere)

	Name	Identifying information (inc. function)	Sex (M/F)
I1a	Brig-Gen Aung Thein Lin	Mayor & Chairman of the Yangon City Development Committee (Secretary)	M
I1b	Khin San Nwe	Wife of Brig-Gen Aung Thein Lin	F
I1b	Thidar Myo	Daughter of Brig-Gen Aung Thein Lin	F
I2a	Col Maung Par	Vice Mayor of YCDC (CEC Member)	M
I2b	Khin Nyunt Myaing	Wife of Col Maung Par	F
I2c	Naing Win Par	Son of Col Maung Par	M

## J. PERSONS WHO BENEFIT FROM GOVERNMENT ECONOMIC POLICIES

	Name	Identifying information (inc. company)	Sex (M/F)
J1a	Tay Za	Managing Director, Htoo Trading Co; d.o.b. 18.7.1964; Passport 306869 ID card MYGN 006415. Father U Myint Swe (6.11.1924) Mother Daw Ohn (12.8.1934)	M
J1b	Thidar Zaw	Wife of Tay Za; d.o.b. 24.2.1964, ID card KMYT 006865 Passport 275107. Parents Zaw Nyunt (dec'd), Htoo (dec'd)	F
J1c	Pye Phyo Tay Za	Son of Tay Za (J1a), d.o.b. 29.1.1987	M
J2a	Thiha	Brother of Tay Za (J1a), d.o.b. 24.6.1960 Director Htoo Trading. Distributor of London cigarettes (Myawaddy Trading)	F
J2b	Shwe Shwe	Wife of Thiha	F
J3a	Aung Ko Win a.k.a. Saya Kyaung	Kanbawza Bank	M
J3b	Nan Than Htwe	Wife of Aung Ko Win	F
J4a	Tun Myint Naing a.k.a. Steven Law	Asia World Co.	M
J4b	(Ng) Seng Hong	Wife of Tun Myint Naing	F
J5a	Khin Shwe	Zaykabar Co; d.o.b. 21.1.1952. See also A3f	M
J5b	San San Kywe	Wife of Khin Shwe	F
J5c	Zay Thiha	Son of Khin Shwe, d.o.b. 1.1.1977	M
J6a	Htay Myint	Yuzana Co., d.o.b. 6.2.1955	M
J6b	Aye Aye Maw	Wife of Htay Myint, d.o.b. 17.11.1957	F
J7a	Kyaw Win	Shwe Thanlwin Trading Co.	M
J7b	Nan Mauk Loung Sai a.k.a. Nang Mauk Lao Hsai	Wife of Kyaw Win	F
J10a	Maj-Gen (Ret'd) Nyunt Tin	Former Minister of Agriculture & Irrigation, ret'd September 2004	M
J10b	Khin Myo Oo	Wife of Maj-Gen (Ret'd) Nyunt Tin	F
J10c	Kyaw Myo Nyunt	Son of Maj-Gen (Ret'd) Nyunt Tin	M
J10d	Thu Thu Ei Han	Daughter of Maj-Gen (Ret'd) Nyunt Tin	F

## K. MILITARY OWNED ENTERPRISES

	Name	Identifying information (inc. company)	Sex (M/F)
K1a	Maj-Gen (Ret'd) Win Hlaing	Formerly MD, Union of Myanmar Economic Holdings, Myawaddy Bank	M
K1b	Ma Ngeh	Daughter of Maj-Gen (Ret'd) Win Hlaing	F

	Name	Identifying information (inc. company)	Sex (M/F)
K1c	Zaw Win Naing	Managing Director of Kambawza Bank. Husband of Ma Ngeh (K1b), and nephew of Aung Ko Win (J3a)	M
K1d	Win Htway Hlaing	Son of Maj-Gen (Ret'd) Win Hlaing, representative for KESCO company	M
K2	Col Ye Htut	Myanmar Economic Corporation	M
K3a	Col Myint Aung	MD at Myawaddy Trading Co. d.o.b. 11.8.1949	M
K3b	Nu Nu Yee	Wife of Myint Aung, lab technician, d.o.b. 11.11.1954	F
K3c	Thiha Aung	Son of Myint Aung, employed by Schlumberger, d.o.b. 11.6.1982, pp no 795543	M
K3d	Nay Linn Aung	Son of Myint Aung, marin, d.o.b. 11.4.1981	M
K4a	Col Myo Myint	MD, Bandoola Transportation Co.	M
K5a	Col (Ret'd) Thant Zin	MD, Myanmar Land and Development	M
K6a	Lt-Col (Ret'd) Maung Maung Aye	UMEHL, Chairman Myanmar Breweries	M
K7a	Col Aung San	MD at Hsinmin Cement Plant Construction Project	M

**COMMISSION REGULATION (EC) No 482/2007****of 27 April 2007****concerning the 30th special invitation to tender opened under the standing invitation to tender provided for in Regulation (EC) No 1898/2005, Chapter II**

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 <sup>(1)</sup>, 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 <sup>(2)</sup>, 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) On the basis of the examination of the offers received, the tendering procedure should not proceed.
- (3) The Management Committee for Milk and Milk Products has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

*Article 1*

For the 30th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 1898/2005 Chapter II, the tendering procedure should not proceed.

*Article 2*

This Regulation shall enter into force on 28 April 2007.

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

Done at Brussels, 27 April 2007.

*For the Commission*

Jean-Luc DEMARTY

*Director-General for Agriculture and  
Rural Development*

<sup>(1)</sup> 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).

<sup>(2)</sup> 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 483/2007****of 27 April 2007****concerning the 30th special invitation to tender opened under the standing invitation to tender provided for in Regulation (EC) No 1898/2005, Chapter III**

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 <sup>(1)</sup>, 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 1255/99 as regards measures for the disposal of cream, butter and concentrated butter on the Community market <sup>(2)</sup>, 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) On the basis of the examination of the offers received, the tendering procedure should not be proceeded with.
- (4) The Management Committee for Milk and Milk Products has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

*Article 1*

For the 30th tender under the standing invitation to tender opened by Regulation (EC) No 1898/2005, Chapter III no award shall be made.

*Article 2*

This Regulation shall enter into force on 28 April 2007.

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

Done at Brussels, 27 April 2007.

*For the Commission*

Jean-Luc DEMARTY

*Director-General for Agriculture and  
Rural Development*

<sup>(1)</sup> 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).

<sup>(2)</sup> 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).

## II

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

## DECISIONS

## COUNCIL

## COUNCIL DECISION

of 16 April 2007

**providing Community macro-financial assistance to Moldova**

(2007/259/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 308 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament <sup>(1)</sup>,

After consulting the Economic and Financial Committee,

Whereas:

(1) The authorities of Moldova are committed to economic stabilisation and structural reforms, supported by the International Monetary Fund (IMF) through a three-year arrangement under the Poverty Reduction and Growth Facility (PRGF) which was approved on 5 May 2006. On 12 May 2006, the Paris Club creditors agreed to a restructuring of Moldova's bilateral official debt on the Houston terms.

(2) In May 2004, the authorities of Moldova adopted an Economic Growth and Poverty Reduction Strategy Paper, setting medium-term priorities for government action.

(3) Moldova, on the one hand, and the European Communities and their Member States on the other hand, have signed a Partnership and Cooperation Agreement <sup>(2)</sup>, which entered into force on 1 July 1998.

(4) Relations between Moldova and the European Union are developing within the framework of the European Neighbourhood Policy, which is expected to lead to deeper economic integration. The EU and Moldova have agreed on a European Neighbourhood Policy Action Plan identifying short- and medium-term priorities in EU-Moldova relations and related policies.

(5) Moldova has substantial financing needs arising from a significant deterioration of its financial position.

(6) The Moldovan authorities have requested financial assistance on a concessional basis from the Communities, international financial institutions, and from other bilateral donors. Over and above the financing from the IMF and the World Bank, a substantial residual financing gap remains to be covered to improve the country's balance of payments, strengthen the country's reserves position, and to support the policy objectives attached to the authorities' reform efforts.

(7) Moldova is eligible for loans and grants on highly favourable terms from the World Bank and the IMF.

(8) In these circumstances, Community macro-financial assistance to Moldova should be made available in the form of a grant, as an appropriate measure to help Moldova at this critical juncture.

<sup>(1)</sup> Opinion delivered on 14 February 2007 (not yet published in the Official Journal).

<sup>(2)</sup> OJ L 181, 24.6.1998, p. 3.

- (9) In order to ensure efficient protection of the Community's financial interests linked to this macro-financial assistance, it is necessary to provide for appropriate measures by Moldova related to the prevention of, and to the fight against, fraud, corruption and any other irregularities affecting this assistance. Provision should also be made for controls by the Commission and audits by the Court of Auditors.
- (10) The release of the Community macro-financial assistance is without prejudice to the powers of the budgetary authority.
- (11) The Community macro-financial assistance should be managed by the Commission in consultation with the Economic and Financial Committee,

HAS DECIDED AS FOLLOWS:

#### *Article 1*

1. The Community shall make available to Moldova macro-financial assistance in the form of a grant of up to EUR 45 000 000 with a view to supporting Moldova's balance of payments and alleviating the financial constraints on the implementation of the government's economic programme.
2. The Community macro-financial assistance shall be managed by the Commission in consultation with the Economic and Financial Committee and in a manner consistent with the agreements or understandings reached between the International Monetary Fund (IMF) and Moldova.
3. The Community macro-financial assistance shall be made available for two years starting from the first day after the entry into force of this Decision. However, if circumstances so require, the Commission, after consulting the Economic and Financial Committee, may decide to extend the availability period by a maximum of one year.

#### *Article 2*

1. The Commission is hereby empowered to agree with the authorities of Moldova, after consulting the Economic and Financial Committee, the economic policy and financial conditions attached to the macro-financial assistance, to be laid down in a Memorandum of Understanding and a Grant Agreement. Those conditions shall be consistent with the agreements or understandings referred to in Article 1(2).
2. During the implementation of the Community macro-financial assistance, the Commission shall monitor the

soundness of Moldova's financial arrangements, administrative procedures, and the internal and external control mechanisms which are relevant to the assistance.

3. The Commission shall verify at regular intervals, in collaboration with the Economic and Financial Committee and in coordination with the IMF, that economic policies in Moldova are compatible with the objectives of the assistance and that the agreed economic policy and financial conditions are being satisfactorily fulfilled.

#### *Article 3*

1. The Community Macro-financial assistance shall be made available by the Commission to Moldova in three instalments.
2. The first instalment shall be released on the basis of satisfactory implementation of the economic programme supported by the IMF under the Poverty Reduction and Growth Facility and of the EU-Moldova European Neighbourhood Policy Action Plan.
3. The second and third instalments shall also be released on the basis of satisfactory implementation of the economic programme supported by the IMF under the Poverty Reduction and Growth Facility and of the EU-Moldova European Neighbourhood Policy Action Plan, and on the basis of any other measures agreed with the Commission as set out in Article 2(1), and not less than three months after the release of the previous instalment.
4. The funds shall be paid to the National Bank of Moldova. The final recipient of the funds shall be the Ministry of Finances of Moldova.

#### *Article 4*

The Community Macro-financial assistance shall be implemented in accordance with the provisions of Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities<sup>(1)</sup> and its implementing rules. In particular, the Memorandum of Understanding and the Grant Agreement with the authorities of Moldova shall provide for appropriate measures by Moldova related to the prevention of, and the fight against, fraud, corruption and other irregularities affecting the assistance. They shall also provide for controls by the Commission, including the European Anti-Fraud Office, with the right to perform on-the-spot checks and inspections, and for audits by the Court of Auditors, where appropriate, to be carried out on the spot.

<sup>(1)</sup> OJ L 248, 16.9.2002, p. 1. Regulation as last amended by Regulation (EC, Euratom) No 1995/2006 (OJ L 390, 30.12.2006, p. 1).



*Article 5*

By 31 August of each year the Commission shall submit to the European Parliament and to the Council a report, including an evaluation of the implementation of this Decision in the preceding year. The report shall indicate the connection between the policy conditions set out in Article 2(1), Moldova's ongoing economic and fiscal performance, and the Commission's decision to release the instalments of the assistance.

*Article 6*

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

Done at Luxembourg, 16 April 2007.

*For the Council*  
*The President*  
H. SEEHOFER

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**COUNCIL DECISION**  
**of 16 April 2007**  
**appointing an Italian alternate member to the Committee of the Regions**  
(2007/260/EC)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

*Article 1*

Having regard to the Treaty establishing the European Community, and in particular Article 263 thereof,

The following is appointed as alternate member of the Committee of the Regions:

Having regard to the proposal from the Italian Government,

Ms Carmela CASILE, Consigliere comunale del Comune di Giaveno (Torino),

Whereas:

in place of Mr Alberto ZAN for the remainder of his term of office, which runs until 25 January 2010.

*Article 2*

(1) On 24 January 2006, the Council adopted Decision 2006/116/EC appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2006 to 25 January 2010 <sup>(1)</sup>.

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

Done at Luxembourg, 16 April 2007.

(2) A seat as an alternate member of the Committee of the Regions has become vacant following the resignation of Mr Alberto ZAN,

*For the Council*  
*The President*  
H. SEEHOFER

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<sup>(1)</sup> OJ L 56, 25.2.2006, p. 75.

## COUNCIL DECISION

of 16 April 2007

## appointing four Czech members and four Czech alternate members to the Committee of the Regions

(2007/261/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 263 thereof,

Having regard to the proposal from the Czech Government,

Whereas:

(1) On 24 January 2006, the Council adopted Decision 2006/116/EC appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2006 to 25 January 2010 <sup>(1)</sup>.

(2) Four members' seats on the Committee of the Regions have become vacant following the expiry of the mandates of Mr Petr GANDALOVIČ, Mr Jaroslav HANÁK, Ms Helena LANGŠÁDLOVÁ and Mr Tomáš ÚLEHLA. Four alternate members' seats on the Committee of the Regions have become vacant following the expiry of the mandates of Ms Květa HALANOVÁ, Mr Luboš PRŮŠA, Mr Martin TESAŘÍK and Mr Jiří BYTEL,

HAS DECIDED AS FOLLOWS:

*Article 1*

The following are hereby appointed to the Committee of the Regions for the remainder of the current term of office, which runs until 25 January 2010:

(a) as members:

— Mr Jan KUBATA, Mayor of the City of Ústí n. Labem,  
in place of Mr Petr GANDALOVIČ,

— Mr Juraj THOMA, Mayor of the City of České Budjovice,  
in place of Mr Jaroslav HANÁK,

— Ms Helena LANGŠÁDLOVÁ, Vice-Mayor of the Municipality of Černošice, Středočeský kraj,

in place of Ms Helena LANGŠÁDLOVÁ, Mayor of the Municipality of Černošice, Středočeský kraj, and

— Mr Jiří BYTEL,

in place of Mr Tomáš ÚLEHLA;

and

(b) as alternate members:

— Mr Tomáš ÚLEHLA,

in place of Mr Jiří BYTEL,

— Ms Jana ČERMÁKOVÁ, Vice-Mayor of the Municipality of Proboštov,

in place of Ms Květa HALANOVÁ,

— Ms Ivana STRÁSKÁ, Vice-Mayor of the City of Milevsko,

in place of Mr Luboš PRŮŠA, and

— Ms Sylva KOVÁČIKOVÁ, Mayor of the City of Bílovec,

in place of Mr Martin TESAŘÍK.

*Article 2*

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

Done at Luxembourg, 16 April 2007.

For the Council  
The President  
H. SEEHOFER

<sup>(1)</sup> OJ L 56, 25.2.2006, p. 75.

**DECISION No 1/2007 OF THE EU-ALGERIA ASSOCIATION COUNCIL**  
**of 24 April 2007**  
**laying down the Association Council's rules of procedure**  
(2007/262/EC)

THE EU-ALGERIA ASSOCIATION COUNCIL,

Having regard to the Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and the People's Democratic Republic of Algeria, of the other part, and in particular Articles 92 to 100 thereof,

Whereas the Agreement entered into force on 1 September 2005,

HAS DECIDED AS FOLLOWS:

*Article 1*

**Chair**

The Association Council shall be chaired alternately for a period of 12 months by a representative of the Presidency of the Council of the European Union, acting on behalf of the European Community and its Member States, and by a representative of the Government of the People's Democratic Republic of Algeria.

The first period began on the date of the first Association Council meeting and ended on 31 December 2006.

*Article 2*

**Sessions**

The Association Council shall meet regularly at ministerial level once a year. Special sessions of the Association Council may be held if the Parties so agree, at the request of either Party.

Unless otherwise agreed by the Parties, each session of the Association Council shall be held at the usual venue for meetings of the Council of the European Union at a date agreed by both Parties.

The meetings of the Association Council shall be jointly convened by the Secretaries of the Association Council in agreement with the Chair.

*Article 3*

**Representation**

The members of the Association Council may be represented if unable to attend a session. If members wish to be so represented, they shall notify the President of the name of their representative before the session at which they are to be so represented.

The representative of a member of the Association Council shall exercise all the rights of that member.

*Article 4*

**Delegations**

The members of the Association Council may be accompanied by officials. Before each meeting, the Chair shall be informed of the intended composition of the delegation of each Party.

A representative of the European Investment Bank shall attend the meetings of the Association Council as an observer when matters which concern the Bank appear on the agenda.

The Association Council may, by agreement between the Parties, invite non-members to attend its meetings in order to provide information on particular subjects.

*Article 5*

**Secretariat**

An official of the General Secretariat of the Council of the European Union and an official of the Embassy of the People's Democratic Republic of Algeria in Brussels shall act jointly as Secretaries of the Association Council.

*Article 6*

**Correspondence**

Correspondence addressed to the Association Council shall be sent to the Chair of the Association Council at the address of the General Secretariat of the Council of the European Union.

The two Secretaries shall ensure that correspondence is forwarded to the Chair of the Association Council and, where appropriate, circulated to the other members of the Association Council. Correspondence circulated shall be sent to the Secretariat-General of the Commission, the Permanent Representations of the Member States and the Embassy of the People's Democratic Republic of Algeria in Brussels.

Communications from the Chair of the Association Council shall be sent to the addressees by the two Secretaries and circulated, where appropriate, to the other members of the Association Council at the addresses indicated in the second paragraph.

## Article 7

**Non-public nature of meetings**

Unless otherwise decided, the meetings of the Association Council shall not be open to the public.

## Article 8

**Agendas for sessions**

1. The Chair shall draw up a provisional agenda for each meeting. It shall be forwarded by the Secretaries of the Association Council to the addressees referred to in Article 6 not later than 15 days before the beginning of the meeting.

The provisional agenda shall include the items in respect of which the Chair has received a request for inclusion in the agenda not later than 21 days before the beginning of the meeting, save that items are not to be placed on the provisional agenda unless the supporting documentation has been forwarded to the Secretaries not later than the date of dispatch of the agenda.

The agenda shall be adopted by the Association Council at the beginning of each meeting. An item other than those appearing on the provisional agenda may be placed on the agenda if the Parties so agree.

2. The Chair may, in agreement with the Parties, shorten the periods provided for in paragraph 1 in order to take account of the requirements of a particular case.

## Article 9

**Minutes**

Draft minutes of each meeting shall be taken by the two Secretaries.

The minutes shall, as a general rule, indicate in respect of each item on the agenda:

- the documentation submitted to the Association Council,
- the statements which a member of the Association Council has asked to be entered,
- the decisions taken, the statements agreed upon and the conclusions adopted.

The draft minutes shall be submitted to the Association Council for approval. They shall be approved within six months after each Association Council meeting. When approved, the minutes shall be signed by the Chair and the two Secretaries. The minutes shall be filed in the archives of the General Secretariat of the Council of the European Union. A certified copy shall be forwarded to each of the addressees referred to in Article 6.

## Article 10

**Decisions and recommendations**

1. The Association Council shall adopt its decisions and recommendations by mutual agreement of the Parties.

In the period between meetings, the Association Council may adopt decisions or recommendations by written procedure if both Parties so agree.

2. The decisions and recommendations of the Association Council within the meaning of Article 94 of the Euro-Mediterranean Agreement shall be entitled respectively 'Decision' and 'Recommendation' followed by a serial number, the date of their adoption and a description of their subject matter. Each decision shall specify the date of its entry into force.

The decisions and recommendations of the Association Council shall be signed by the Chair and authenticated by the two Secretaries.

Decisions and recommendations shall be forwarded to each of the addressees referred to in Article 6.

The Association Council may decide to order publication of its decisions and recommendations in the *Official Journal of the European Union* and the *Official Journal of the People's Democratic Republic of Algeria*.

## Article 11

**Languages**

The official languages of the Association Council shall be the official languages of the two Parties.

Unless otherwise decided, the Association Council shall base its deliberations on documentation prepared in those languages.

## Article 12

**Expenses**

The European Community and the People's Democratic Republic of Algeria shall each defray the expenses they incur by reason of their participation in the meetings of the Association Council, with regard to both staff, travel and subsistence expenditure and to postal and telecommunications expenditure.

Expenditure in connection with interpreting at meetings, translation and reproduction of documents shall be borne by the European Community, with the exception of expenditure in connection with interpreting and/or translation into or from Arabic, which shall be borne by the People's Democratic Republic of Algeria.

Other expenditure relating to the material organisation of meetings shall be borne by the Party which hosts the sessions.

*Article 13***Association Committee**

1. An Association Committee shall have the task of assisting the Association Council in carrying out its duties. It shall be composed of representatives of the European Commission and of representatives of the members of the Council of the European Union, on the one hand, and of representatives of the Government of the People's Democratic Republic of Algeria, on the other hand.

2. The Association Committee shall prepare the meetings and the deliberations of the Association Council, implement the decisions of the Association Council where appropriate and, in general, ensure continuity of the association relationship and the proper functioning of the Euro-Mediterranean Agreement. It shall consider any matter referred to it by the Association Council as well as any other matter which may arise in the course of the day-to-day implementation of the Euro-Mediterranean Agreement. It shall submit proposals or any draft decisions/recommendations to the Association Council for its approval.

3. In cases where the Euro-Mediterranean Agreement refers to an obligation to consult or a possibility of consultation, such consultation may take place within the Association Committee. The consultation may continue in the Association Council if the two Parties so agree.

4. The draft Rules of Procedure of the Association Committee are annexed to this Decision.

*Article 14*

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

Done at Luxembourg, 24 April 2007.

*For the Association Council*  
*The Chairman*  
M. BEDJAOUI

## ANNEX

**RULES OF PROCEDURE OF THE ASSOCIATION COMMITTEE***Article 1***Chair**

The Association Committee shall be chaired alternately for periods of 12 months by a representative of the European Commission, acting on behalf of the Community and its Member States, and by a representative of the Government of the People's Democratic Republic of Algeria.

The first period began on the date of the first Association Council meeting and ended on 31 December 2006.

*Article 2***Meetings**

The Association Committee shall meet when circumstances require, with the agreement of both Parties.

Each meeting of the Association Committee shall be held at a time and place agreed by both Parties.

The meetings of the Association Committee shall be convened by the Chair.

*Article 3***Delegations**

Before each meeting, the Chair shall be informed of the intended composition of the delegation of each Party.

*Article 4***Secretariat**

An official of the European Commission and an official of the Government of the People's Democratic Republic of Algeria shall act jointly as Secretaries of the Association Committee.

All communications to or from the Chair of the Association Committee that are caught by these Rules of Procedure shall be addressed to the Secretaries of the Association Committee and to the Secretaries and Chair of the Association Council.

*Article 5***Non-public nature of meetings**

Unless otherwise decided, the meetings of the Association Committee shall not be open to the public.

*Article 6***Agendas for meetings**

1. The Chair shall draw up a provisional agenda for each meeting. It shall be forwarded by the Secretaries of the Association Committee to the addressees referred to in Article 4 not later than 15 days before the beginning of the meeting.

The provisional agenda shall include the items in respect of which the Chair has received a request for inclusion in the agenda not later than 21 days before the beginning of the meeting, save that such items are not to be placed on the provisional agenda unless the supporting documentation has been forwarded to the Secretaries not later than the date of dispatch of the agenda.

The Association Committee may ask experts to attend its meetings in order to provide information on particular subjects.

The agenda shall be adopted by the Association Committee at the beginning of each meeting.

An item other than those appearing on the provisional agenda may be placed on the agenda if the two Parties so agree.

2. The Chair may, in agreement with the two Parties, shorten the periods specified in paragraph 1 in order to take account of the requirements of a particular case.

*Article 7***Minutes**

Minutes shall be taken for each meeting. They shall be based on a summing up by the Chair of the conclusions arrived at by the Association Committee.

After approval by the Association Committee, the minutes shall be signed by the Chair and by the Secretaries and filed by each of the Parties. A copy of the minutes shall be forwarded to each of the addressees referred to in Article 4.

*Article 8***Deliberations**

In the specific cases where the Association Committee is empowered by the Association Council under the Euro-Mediterranean Agreement to take decisions/recommendations, these acts shall be entitled respectively 'Decision' and 'Recommendation', followed by a serial number, by the date of their adoption and by a description of their subject matter.

Whenever the Association Committee takes a decision, Articles 10 and 11 of this Decision of the EU-Algeria Association Council shall be applied *mutatis mutandis*. Decisions and recommendations of the Association Committee shall be forwarded to the addressees referred to in Article 4 of the present Rules of Procedure.

*Article 9***Expenses**

Each Party shall defray the expenses related to its participation in the meetings of the Association Committee and of any working groups or bodies which might be set up in accordance with Article 98 of the Euro-Mediterranean Agreement, with regard both to staff, travel and subsistence expenditure and to postal and telecommunications expenditure.

Expenditure in connection with interpreting at meetings, translation and reproduction of documents shall be borne by the European Community, with the exception of expenditure in connection with interpreting and/or translation into or from Arabic, which shall be borne by the People's Democratic Republic of Algeria.

Other expenditure relating to the material organisation of meetings shall be borne by the Party which hosts the meetings.

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