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### Legislation

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## I

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

## REGULATIONS

**COMMISSION REGULATION (EC) No 655/2007****of 14 June 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 15 June 2007.

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

Done at Brussels, 14 June 2007.

*For the Commission*

Jean-Luc DEMARTY

*Director-General for Agriculture and  
Rural Development*

<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 14 June 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	46,7
	TR	88,0
	ZZ	67,4
0707 00 05	JO	151,2
	TR	95,2
	ZZ	123,2
0709 90 70	TR	87,6
	ZZ	87,6
0805 50 10	AR	55,1
	ZA	64,2
	ZZ	59,7
0808 10 80	AR	94,6
	BR	81,4
	CL	92,0
	CN	96,9
	NZ	108,3
	US	121,7
	ZA	97,1
	ZZ	98,9
0809 10 00	IL	156,1
	TR	202,2
	ZZ	179,2
0809 20 95	TR	289,9
	US	330,4
	ZZ	310,2
0809 30 10, 0809 30 90	CL	101,6
	ZZ	101,6
0809 40 05	CL	134,4
	IL	204,2
	ZZ	169,3

<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 656/2007****of 14 June 2007****amending Regulation (EC) No 586/2001 on implementing Council Regulation (EC) No 1165/98 concerning short-term statistics as regards the definition of main industrial groupings (MIGS)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1165/98 of 19 May 1998 concerning short-term statistics <sup>(1)</sup>, and in particular Article 3 and Article 17(c) thereof,

Whereas:

- (1) The definition of main industrial groupings (MIGS) laid down in Commission Regulation (EC) No 586/2001 <sup>(2)</sup> is based on the statistical classification of economic activities in the European Community (NACE) <sup>(3)</sup>.
- (2) A new version of NACE (NACE Rev. 2) was introduced by Regulation (EC) No 1893/2006, which also specifies that short-term statistics governed by Regulation (EC) No 1165/98 shall be produced in accordance with NACE Rev. 2 from 1 January 2009 onwards.
- (3) The measures provided for in this Regulation are in accordance with the opinion of the Statistical Programme Committee,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 586/2001 is amended as follows:

1. in Articles 1 and 2 all references to 'NACE Rev. 1' are replaced by 'NACE Rev. 2';
2. in Article 3 'not later than three months after the present Regulation enters into force' is replaced by 'as from 1 January 2009';
3. the Annex is replaced by the text in the Annex to this Regulation.

*Article 2*This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

It shall apply as from 1 January 2009.

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

Done at Brussels, 14 June 2007.

*For the Commission*

Joaquín ALMUNIA

*Member of the Commission*

<sup>(1)</sup> OJ L 162, 5.6.1998, p. 1. Regulation as last amended by Regulation (EC) No 1893/2006 of the European Parliament and of the Council (OJ L 393, 30.12.2006, p. 1).

<sup>(2)</sup> OJ L 86, 27.3.2001, p. 11.

<sup>(3)</sup> OJ L 293, 24.10.1990, p. 1.

## ANNEX

## 'ANNEX

## ALLOCATION OF NACE REV. 2 HEADINGS TO CATEGORIES OF AGGREGATE CLASSIFICATION

NACE Rev. 2	NACE Rev. 2 description	Aggregate classification
07	Mining of metal ores	Intermediate goods
08	Other mining and quarrying	Intermediate goods
09	Mining support service activities	Intermediate goods
10.6	Manufacture of grain mill products, starches and starch products	Intermediate goods
10.9	Manufacture of prepared animal feeds	Intermediate goods
13.1	Preparation and spinning of textile fibres	Intermediate goods
13.2	Weaving of textiles	Intermediate goods
13.3	Finishing of textiles	Intermediate goods
16	Manufacture of wood and of products of wood and cork, except furniture; manufacture of articles of straw and plaiting materials	Intermediate goods
17	Manufacture of paper and paper products	Intermediate goods
20.1	Manufacture of basic chemicals, fertilisers and nitrogen compounds, plastics and synthetic rubber in primary forms	Intermediate goods
20.2	Manufacture of pesticides and other agrochemical products	Intermediate goods
20.3	Manufacture of paints, varnishes and similar coatings, printing ink and mastics	Intermediate goods
20.5	Manufacture of other chemical products	Intermediate goods
20.6	Manufacture of man-made fibres	Intermediate goods
22	Manufacture of rubber and plastics products	Intermediate goods
23	Manufacture of other non-metallic mineral products	Intermediate goods
24	Manufacture of basic metals	Intermediate goods
25.5	Forging, pressing, stamping and roll-forming of metal; powder metallurgy	Intermediate goods
25.6	Treatment and coating of metals; machining	Intermediate goods
25.7	Manufacture of cutlery, tools and general hardware	Intermediate goods
25.9	Manufacture of other fabricated metal products	Intermediate goods
26.1	Manufacture of electronic components and boards	Intermediate goods
26.8	Manufacture of magnetic and optical media	Intermediate goods
27.1	Manufacture of electric motors, generators, transformers and electricity distribution and control apparatus	Intermediate goods

NACE Rev. 2	NACE Rev. 2 description	Aggregate classification
27.2	Manufacture of batteries and accumulators	Intermediate goods
27.3	Manufacture of wiring and wiring devices	Intermediate goods
27.4	Manufacture of electric lighting equipment	Intermediate goods
27.9	Manufacture of other electrical equipment	Intermediate goods
05	Mining of coal and lignite	Energy
06	Extraction of crude petroleum and natural gas	Energy
19	Manufacture of coke and refined petroleum products	Energy
35	Electricity, gas, steam and air conditioning supply	Energy
36	Water collection, treatment and supply	Energy
25.1	Manufacture of structural metal products	Capital goods
25.2	Manufacture of tanks, reservoirs and containers of metal	Capital goods
25.3	Manufacture of steam generators, except central heating hot water boilers	Capital goods
25.4	Manufacture of weapons and ammunition	Capital goods
26.2	Manufacture of computers and peripheral equipment	Capital goods
26.3	Manufacture of communication equipment	Capital goods
26.5	Manufacture of instruments and appliances for measuring, testing, and navigation; watches and clocks	Capital goods
26.6	Manufacture of irradiation, electro medical and electrotherapeutic equipment	Capital goods
28	Manufacture of machinery and equipment n.e.c.	Capital goods
29	Manufacture of motor vehicles, trailers and semi-trailers	Capital goods
30.1	Building of ships and boats	Capital goods
30.2	Manufacture of railway locomotives and rolling stock	Capital goods
30.3	Manufacture of air and spacecraft and related machinery	Capital goods
30.4	Manufacture of military fighting vehicles	Capital goods
32.5	Manufacture of medical and dental instruments and supplies	Capital goods
33	Repair and installation of machinery and equipment	Capital goods
26.4	Manufacture of consumer electronics	Consumer Durables
26.7	Manufacture of optical instruments and photographic equipment	Consumer durables
27.5	Manufacture of domestic appliances	Consumer durables



NACE Rev. 2	NACE Rev. 2 description	Aggregate classification
30.9	Manufacture of transport equipment n.e.c.	Consumer durables
31	Manufacture of furniture	Consumer durables
32.1	Manufacture of jewellery, bijouterie and related articles	Consumer durables
32.2	Manufacture of musical instruments	Consumer durables
10.1	Processing and preserving of meat and meat products	Consumer non-durables
10.2	Processing and preserving of fish, crustaceans and molluscs	Consumer non-durables
10.3	Processing and preserving of fruit and vegetables	Consumer non-durables
10.4	Manufacture of vegetable and animal oils and fats	Consumer non-durables
10.5	Manufacture of dairy products	Consumer non-durables
10.7	Manufacture of bakery and farinaceous products	Consumer non-durables
10.8	Manufacture of other food products	Consumer non-durables
11	Manufacture of beverages	Consumer non-durables
12	Manufacture of tobacco products	Consumer non-durables
13.9	Manufacture of other textiles	Consumer non-durables
14	Manufacture of wearing apparel	Consumer non-durables
15	Manufacture of leather and related products	Consumer non-durables
18	Printing and reproduction of recorded media	Consumer non-durables
20.4	Manufacture of soap and detergents, cleaning and polishing preparations, perfumes and toilet preparations	Consumer non-durables
21	Manufacture of basic pharmaceutical products and pharmaceutical preparations	Consumer non-durables
32.3	Manufacture of sports goods	Consumer non-durables
32.4	Manufacture of games and toys	Consumer non-durables
32.9	Manufacturing n.e.c.	Consumer non-durables'

## COMMISSION REGULATION (EC) No 657/2007

of 14 June 2007

## implementing Council Regulation (EC) No 1165/98 concerning short-term statistics as regards the establishment of European sample schemes

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1165/98 of 19 May 1998 concerning short-term statistics <sup>(1)</sup>, and in particular Article 17(j) thereof,

Whereas:

- (1) Regulation (EC) No 1165/98 established a common framework for the production of short-term Community statistics on the business cycle.
- (2) Regulation (EC) No 1158/2005 of the European Parliament and of the Council of 6 July 2005 amending Council Regulation (EC) No 1165/98 concerning short-term statistics <sup>(2)</sup> imposed an obligation on Member States to supply a new indicator (import prices in the industry sector) and to transmit data on non-domestic indicators according to the distinction into euro area and non-euro-area. As a consequence, substantial costs could have been created for national statistical systems.
- (3) Regulation (EC) No 1158/2005 introduced the possibility of establishing European sample schemes in order to reduce the costs for national statistical systems, to ensure that European data requirements are met and to enable the Commission (Eurostat) to produce credible European estimates for the indicators concerned.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Statistical Programme Committee,

<sup>(1)</sup> OJ L 162, 5.6.1998, p. 1. Regulation as last amended by Regulation (EC) No 1893/2006 of the European Parliament and of the Council (OJ L 393, 30.12.2006, p. 1).

<sup>(2)</sup> OJ L 191, 22.7.2005, p. 1.

*Article 1*

European sample schemes may be applied when compiling statistics that distinguish between the euro area and non-euro-area for the following three variables specified in Annex A to Regulation (EC) No 1165/98:

Variable	Name
132	Non-domestic new orders
312	Output prices of the non-domestic market
340	Import prices

*Article 2*

Member States participating in the European sample scheme referred to in Article 1 shall transmit data to the Commission (Eurostat) for at least the NACE Rev. 1.1 activities, for variables Nos 132 and 312, and CPA products, for variable No 340, specified in the Annex.

*Article 3*

Member States participating in the European sample scheme for variable No 340 may limit the scope of the transmitted data for that variable to the import of products from non-euro-area countries.

*Article 4*

The terms of the European sample schemes set out in the Annex may be adapted to changes of the base year or of the classification system or to important structural changes in the euro area.

*Article 5*

Each new member of the euro area may enter any of the European sample schemes referred to in Article 1 upon joining the euro area. The Commission, after consultation with the Member State concerned, shall specify the NACE activities and CPA products for which data are to be transmitted, in order for that Member State to comply with Regulation (EC) No 1165/98 in the framework of the European sample schemes.

*Article 6*

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

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

Done at Brussels, 14 June 2007.

*For the Commission*  
Joaquín ALMUNIA  
*Member of the Commission*

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## ANNEX

**132 NON-DOMESTIC NEW ORDERS**

Member State	Data scope in the European sample scheme (NACE Rev. 1.1)
Belgium	17, 18, 21, 24, 27, 28, 31, 32, 34
Ireland	18, 24, 30, 31, 32, 33
Netherlands	21, 24, 28, 29, 30, 32, 33
Finland	21, 24, 27, 29, 30, 31, 32

**312 OUTPUT PRICES OF THE NON-DOMESTIC MARKET**

Member State	Data scope in the European sample scheme (NACE Rev. 1.1)
Belgium	14, 15, 16, 17, 18, 21, 22, 23, 24, 25, 26, 27, 34, 36, 40
Ireland	10, 13, 14, 15, 22, 24, 30, 32, 33
Netherlands	11, 14, 15, 16, 21, 22, 23, 24, 28, 30, 32, 33
Finland	10, 13, 14, 20, 21, 23, 27, 29, 32
Slovenia	18, 20, 25, 28, 36

**340 IMPORT PRICES**

Member State	Data scope in the European sample scheme (CPA)
Belgium	14.22, 14.30, 14.50, 15.32, 15.51, 16.00, 17.10, 19.20, 21.25, 24.13, 24.14, 24.16, 24.41, 24.42, 24.66, 25.13, 26.12, 26.14, 26.15, 26.70, 28.62, 29.52, 34.10, 34.30, 36.11, 36.22
France	10.10, 11.10, 13.10, 15.11, 15.12, 15.20, 15.33, 15.41, 15.51, 15.84, 15.86, 15.89, 15.91, 16.00, 17.20, 17.40, 17.54, 17.72, 18.22, 18.23, 18.24, 19.20, 19.30, 20.10, 20.20, 20.30, 20.51, 21.21, 21.22, 21.25, 23.20, 24.13, 24.14, 24.41, 24.42, 24.52, 24.66, 25.11, 25.13, 25.21, 25.24, 26.12, 26.13, 26.14, 26.15, 26.21, 26.26, 26.51, 26.81, 26.82, 27.10, 27.42, 27.44, 28.62, 28.63, 28.74, 28.75, 29.11, 29.12, 29.13, 29.14, 29.22, 29.23, 29.24, 29.42, 29.52, 29.56, 29.71, 30.01, 30.02, 31.10, 31.20, 31.30, 31.61, 31.62, 32.10, 32.20, 32.30, 33.10, 33.20, 33.40, 33.50, 34.10, 34.30, 36.11, 36.14, 36.22, 36.30, 36.40, 36.50, 36.61, 36.63
Ireland	15.13, 15.84, 21.21, 21.22, 21.25, 24.52, 28.11, 30.02, 32.10, 32.20, 33.10
Luxembourg	27.10
Austria	15.12, 20.30, 26.13, 28.11, 28.74, 31.61, 32.20, 36.40, 36.61, 40.11
Portugal	11.10, 15.83
Finland	13.20, 14.22, 20.20, 25.21, 26.26, 29.22, 32.30, 36.14, 36.40, 40.11
Slovenia	27.10

**COMMISSION REGULATION (EC) No 658/2007****of 14 June 2007****concerning financial penalties for infringement of certain obligations in connection with marketing authorisations granted under Regulation (EC) No 726/2004 of the European Parliament and of the Council**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 726/2004 of the European Parliament and of the Council of 31 March 2004 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency <sup>(1)</sup>, and in particular the first subparagraph of Article 84(3) thereof,

Whereas:

- (1) In order to ensure the enforcement of certain obligations connected with marketing authorisations for medicinal products granted in accordance with Regulation (EC) No 726/2004, Article 84 of that Regulation empowers the Commission, at the request of the European Medicines Agency, hereinafter 'the Agency', to impose financial penalties on the holders of marketing authorisations.
- (2) Infringements of obligations laid down in connection with marketing authorisations granted in accordance with Regulation (EC) No 726/2004 which may lead to the application of a financial penalty should concern the content of a marketing authorisation and post-marketing requirements linked to a marketing authorisation, including the requirements of Community law relating to pharmacovigilance and market surveillance.
- (3) Moreover, in view of the provision made by Article 84(1) of Regulation (EC) No 726/2004, under which the Member States are to determine the penalties to be applied for infringement of the provisions of that Regulation or the Regulations adopted pursuant to it and to take the necessary measures for their implementation, action at Community level should be taken only in cases where the interests of the Community are involved. In that way, the effective enforcement of Regulation (EC) No 726/2004 would be ensured by an appropriate management of the resources available at Community and national level.
- (4) As a result of the system of parallel powers in relation to supervision and enforcement by the Community and the Member States with regard to marketing authorisations granted in accordance with Regulation (EC) No 726/2004, the provisions of this Regulation can be effectively enforced only in a framework of close cooperation, in accordance with Article 10 of the Treaty, between the Member States, the Agency and the Commission. For that purpose it is necessary to set up arrangements for consultation and cooperation between them.
- (5) It is appropriate that, for the purposes of the initiation and conduct of the infringement procedure and the quantification of financial penalties, the Agency and the Commission should take into account any procedure by a Member State against the same marketing authorisation holder and based on the same legal grounds and the same facts.
- (6) In order to ensure the effective conduct of the inquiry stage of alleged infringements, the Agency and the Commission should have recourse to the competent authorities of the Member States, designated as the supervisory authorities of medicinal products authorised through the centralised procedure by Regulation (EC) No 726/2004, to carry out the necessary measures of inquiry and to obtain information relating to infringements falling within the scope of this Regulation. To that end, it is appropriate that the supervisory authorities conduct the inspection and surveillance activities for which they are competent in accordance with the provisions of Regulation (EC) No 726/2004, Directive 2001/82/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to veterinary medicinal products <sup>(2)</sup> and Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use <sup>(3)</sup> and their implementing provisions.
- (7) The obligations connected with marketing authorisations granted in accordance with Regulation (EC) No 726/2004 falling within the scope of this Regulation should be enforceable by means of two types of financial penalties: fines and periodic penalty payments. Maximum amounts for both categories should be established.

<sup>(1)</sup> OJ L 136, 30.4.2004, p. 1. Regulation as amended by Regulation (EC) No 1901/2006 (OJ L 378, 27.12.2006, p. 1).

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

<sup>(3)</sup> OJ L 311, 28.11.2001, p. 67. Directive as last amended by Regulation (EC) No 1901/2006.

- (8) The decision to initiate an infringement procedure under this Regulation should be taken by the Agency, which should first inform the Commission and the Member States. In the course of an inquiry, the Agency should be empowered to require such information to be supplied as is necessary to detect any infringement. It should also be able to rely on the cooperation of national competent authorities. Any supervisory powers entrusted to the Agency by Community law as regards marketing authorisations for medicinal products granted in accordance with Regulation (EC) No 726/2004 may be used by it in the course of the investigation of an infringement.
- (9) The decisions by the Commission imposing penalties should be based on the inquiry by the Agency, the observations of the marketing authorisation holder subject to the infringement procedure and, where appropriate, other information submitted to it. Any supervisory powers entrusted to the Commission by Community law as regards marketing authorisations for medicinal products granted in accordance with Regulation (EC) No 726/2004 may be used by it in the course of the decision-making stage of an infringement procedure.
- (10) It is appropriate that decisions imposing penalties be based exclusively on objections on which the marketing authorisation holder concerned has been able to comment.
- (11) The penalties imposed should be effective, proportionate and dissuasive, having regard to the circumstances of the specific case.
- (12) It appears appropriate to provide for a specific procedure in cases where the Commission intends to impose a fine for failure by a marketing authorisation holder subject to an infringement procedure to comply with a request for information from the Agency or the Commission.
- (13) When carrying out an infringement procedure, the Agency and the Commission must ensure the respect of the rights of defence and of the principle of confidentiality in accordance with the general principles of law, and the case-law of the Court of Justice of the European Communities. In particular, the marketing authorisation holder subject to the infringement procedure should have the right to be heard by the Agency during the inquiry stage and by the Commission once it has been notified a statement of objections, as well as to access the file compiled by the Agency and the Commission. While the Commission should be entitled to compel marketing authorisation holders to provide the necessary information and documents relating to a presumed infringement, the right to silence in situations where the holder would be compelled to provide answers which may involve an admission on its part of the existence of an infringement, as developed by the Court of Justice, should also be respected.
- (14) For the purposes of ensuring legal certainty in the conduct of the infringement procedure, it is necessary to lay down detailed rules for the computation of time-limits and limitation periods for the imposition and enforcement of penalties.
- (15) Decisions imposing penalties are to be enforced in accordance with Article 256 of the Treaty and are subject to review by the Court of Justice.
- (16) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union.
- (17) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee for Medicinal Products for Human Use and the Standing Committee for Veterinary Medicinal Products,

HAS ADOPTED THIS REGULATION:

#### CHAPTER I

#### GENERAL PROVISIONS

##### *Article 1*

#### **Subject-matter and scope**

This Regulation lays down rules concerning the application of financial penalties to the holders of marketing authorisations, granted under Regulation (EC) No 726/2004, in respect of infringements of the following obligations, in cases where the infringement concerned may have significant public health implications in the Community, or where it has a Community dimension by taking place or having its effects in more than one Member State, or where interests of the Community are involved:

1. the completeness and the accuracy of the particulars and documents contained in an application for marketing authorisation under Regulation (EC) No 726/2004, or of any other documents and data submitted to the European Medicines Agency established by that Regulation, hereinafter 'the Agency', in response to obligations laid down in that Regulation;

2. conditions or restrictions included in the market authorisation and concerning the supply or use of the medicinal product, as referred to in Article 9(4)(b), the second subparagraph of Article 10(1), Article 34(4)(c) and the second subparagraph of Article 35(1) of Regulation (EC) No 726/2004;
3. conditions or restrictions included in the marketing authorisation with regard to the safe and effective use of the medicinal product, as referred to in Article 9(4)(c), Article 10(1), Article 34(4)(d) and Article 35(1) of Regulation (EC) No 726/2004;
4. the introduction of any necessary variations to the terms of the marketing authorisation to take account of technical and scientific progress and enable the medicinal products to be manufactured and checked by means of generally accepted scientific methods, as referred to in Article 16(1) and Article 41(1) of Regulation (EC) No 726/2004;
5. the supply of any new information which may entail a variation to the terms of the marketing authorisation, the notification of any prohibition or restriction imposed by the competent authorities of any country in which the medicinal product is marketed, or the supply of any information that may influence the evaluation of the risks and benefits of the product, as referred to in Article 16(2) and Article 41(4) of Regulation (EC) No 726/2004;
6. the supply at the request of the Agency of any data demonstrating that the risk-benefit balance remains favourable, as referred to in Article 16(2) and Article 41(4) of Regulation (EC) No 726/2004;
7. the detection of residues in the case of veterinary medicinal products, as referred to in Article 41(2) and (3) of Regulation (EC) No 726/2004;
8. placing on the market in accordance with the content of the summary of the product characteristics and the labelling and package leaflet as contained in the marketing authorisation;
9. the specific obligations referred to in Article 14(7) of Regulation (EC) No 726/2004 or in any other provisions adopted pursuant thereto;
10. the specific procedures referred to in Article 14(8) and Article 39(7) of Regulation (EC) No 726/2004;
11. notification to the Agency of the dates of actual marketing and of the date when the product ceases to be on the market, and provision to the Agency of data relating to the volume of sales and the volume of prescriptions of the product, as referred to in Article 13(4) and Article 38(4) of Regulation (EC) No 726/2004;
12. the appropriately qualified person responsible for pharmacovigilance, as referred to in Article 23 and Article 48 of Regulation (EC) No 726/2004;
13. recording and reporting of suspected serious adverse reactions and, in the case of veterinary medicinal products, human adverse reactions, as referred to in Article 24(1) and Article 49(1) of Regulation (EC) No 726/2004;
14. reporting of suspected serious unexpected adverse reactions, suspected transmission of infectious agents and, in the case of veterinary medicinal products, human adverse reactions, as referred to in Article 24(2) and Article 49(2) of Regulation (EC) No 726/2004;
15. detailed recording of all suspected adverse reactions and submission of such records in the form of periodic safety update reports, as referred to in Article 24(3) and Article 49(3) of Regulation (EC) No 726/2004;
16. communication of information relating to pharmacovigilance concerns to the general public, as referred to in Article 24(5) and Article 49(5) of Regulation (EC) No 726/2004;
17. collation and assessment of specific pharmacovigilance data, as referred to in the fourth paragraph of Article 26 and the fourth paragraph of Article 51 of Regulation (EC) No 726/2004.

#### Article 2

#### Complementarity of procedures

For the purposes of the initiation and conduct of the infringement procedure provided for in Chapter II, the Agency and the Commission shall take into account any infringement procedure by a Member State against the same marketing authorisation holder and based on the same legal grounds and the same facts.

*Article 3***Cooperation by the competent authorities of the Member States**

1. The competent authorities of the Member States shall cooperate with the Agency and the Commission to enable them to carry out their duties under this Regulation.

2. Information provided by the national competent authorities in response to a request from the Agency or the Commission under this Regulation shall be used by the Agency and the Commission only for the following purposes:

- (a) as evidence for the purposes of applying this Regulation;
- (b) for carrying out the tasks entrusted to them for the authorisation and supervision of medicinal products under Regulation (EC) No 726/2004.

*Article 4***Burden of proof**

In any infringement procedure under this Regulation, the burden of proving an infringement shall rest on the Commission.

## CHAPTER II

## INFRINGEMENT PROCEDURE

## SECTION 1

**Inquiry**

## Subsection 1

**Initiation of procedure***Article 5***Initiation of the infringement procedure**

1. The Agency may initiate the infringement procedure on its own initiative or following a request from the Commission or a Member State.

The Agency shall inform the Commission that it intends to initiate the infringement procedure.

2. The Agency shall initiate the infringement procedure only after informing the Member States.

*Article 6***Request for information**

Prior to initiating an infringement procedure, the Agency may request from the marketing authorisation holder concerned any information relating to the alleged infringement.

The Agency shall state the purpose of the request and the fact that it is made under this Regulation, and indicate a time-limit for the submission of the reply by the marketing authorisation holder, which shall be at least four weeks.

Where the request is in response to a request from a Member State under Article 5(1), that Member State shall be informed by the Agency.

*Article 7***Notification**

The Agency shall send written notification of the initiation of an infringement procedure to the marketing authorisation holder concerned, to the Member States and to the Commission.

The notification shall set out the allegations against the marketing authorisation holder, specifying the provision allegedly infringed, and the evidence on which those allegations are founded.

It shall give notice to the marketing authorisation holder that fines or periodic penalty payments may be imposed.

## Subsection 2

**Measures of inquiry***Article 8***Requests by the Agency**

1. The Agency may request the marketing authorisation holder to provide written or oral explanations, or particulars or documents.

Requests shall be addressed in writing to the marketing authorisation holder. The Agency shall state the legal basis and the purpose of the request, fix a time-limit by which the information is to be provided, which shall be at least four weeks, and inform the marketing authorisation holder of the fines provided for in Article 19(1)(a) and (b) for failing to comply with the request or for supplying incorrect or misleading information.

2. The Agency may request national competent authorities to cooperate in the investigation in the following ways:

- (a) by performing any of the tasks entrusted to the supervisory authorities by Articles 19(1) and 44(1) of Regulation (EC) No 726/2004;



(b) by performing inspections or other supervisory measures in accordance with Articles 111 to 115 of Directive 2001/83/EC and Articles 80, 81 and 82 of Directive 2001/82/EC.

Requests shall be addressed in writing and shall state the legal basis and the purpose of the request. The time-limit for the submission of the reply or the conduct of the measure of inquiry shall be determined by agreement between the Agency and the national competent authority to which the request is addressed, having regard to the specific circumstances of the case.

3. The Agency may ask any natural or legal persons to provide information relating to the alleged infringement.

Requests shall be addressed in writing and shall state the legal basis and the purpose of the request, and shall fix a time-limit by which the information should be provided, which shall be at least four weeks.

#### Article 9

### Right to be heard

Before adoption of the report provided for in Article 10, the Agency shall invite the marketing authorisation holder to submit written observations.

It shall do so in writing, indicating a time-limit for the submission of those observations, which shall be at least four weeks.

#### Subsection 3

### Report

#### Article 10

### Content and time-limits

1. The Agency shall provide the Commission, the Member States and the marketing authorisation holder with a report summarising its findings in the light of the inquiry carried out in accordance with this Section.

2. Where the Agency considers that the marketing authorisation holder has committed an infringement as referred to in Article 1, the report shall also include an assessment of the circumstances of the specific case in accordance with the criteria set out in Article 18(2) and a request to the Commission for application of financial penalties.

3. The Agency shall adopt its report no later than 18 months after notification of initiation of the procedure in accordance with Article 7 or one year after notification by the Commission of the return of the file in accordance with Article 15.

#### SECTION 2

### Decision-making stage

#### Subsection 1

### Procedure

#### Article 11

### Statement of objections

1. Where, following a request from the Agency pursuant to Article 10(2), the Commission decides to continue with the infringement procedure, it shall notify in writing to the marketing authorisation holder a statement of objections containing the following:

(a) the allegations against the marketing authorisation holder, including a precise indication of which provision has allegedly been infringed, and the evidence on which those allegations are founded;

(b) notice that fines or periodic penalty payments may be imposed.

2. Where, within 18 months of receiving the request from the Agency, the Commission has not notified a statement of objections, it shall provide the marketing authorisation holder with an explanatory statement.

#### Article 12

### Right to reply

1. When notifying the statement of objections, the Commission shall set a time-limit within which the marketing authorisation holder may submit to the Commission his written observations on the statement of objections.

That time-limit shall be at least four weeks.

The Commission shall not be obliged to take into account written observations received after the expiry of that time-limit.

2. The marketing authorisation holder may annex to his written observations, statements from other persons who may corroborate any aspect of those written observations.

*Article 13***Oral hearing**

1. Where the marketing authorisation holder so requests in his written observations, the Commission shall give him an opportunity to develop his arguments at an oral hearing.

The date for the oral hearing shall be set by the Commission.

2. Where necessary, the Commission may invite the national competent authorities or any other persons to take part in the oral hearing.

3. The oral hearing shall not be public. Each person may be heard separately or in the presence of other persons invited to attend, having regard to the legitimate interest of marketing authorisation holders and other persons in the protection of their business secrets and other confidential information.

*Article 14***Requests for information**

1. After receipt of a request from the Agency pursuant to Article 10(2) and before adoption of the decision referred to in Article 16, the Commission may at any time request the marketing authorisation holder to provide written or oral explanations, or particulars or documents, relating to the alleged infringement.

Requests shall be addressed in writing to the marketing authorisation holder. The Commission shall state the legal basis and the purpose of the request, fix a time-limit by which the information is to be provided, which shall be at least four weeks, and inform the marketing authorisation holder of the fines provided for in Article 19(1)(c) and (d) for failing to comply with the request or supplying incorrect or misleading information.

2. The Commission may request the Agency, the national competent authorities or any other natural or legal persons to provide information relating to the alleged infringement.

Requests shall be addressed in writing and shall state the legal basis and the purpose of the request. Where the request is addressed to the Agency or a national competent authority, the time-limit by which the information is to be provided shall be determined by the Commission after consultation of the Agency or the national competent authority to which the request is addressed, having regard to the specific circumstances of the case. Where the request is addressed to other natural or legal persons, it shall fix a time-limit by which the information is to be provided, which shall be at least four weeks.

*Article 15***New period of inquiry**

1. Where, having regard to the report of the Agency, the observations of the marketing authorisation holder and, as the case may be, other information submitted to it, the Commission considers that additional information is needed in order to continue the procedure, it may return the case-file to the Agency for a new period of inquiry.

The Commission shall clearly indicate to the Agency the points of fact which it should further examine and, if appropriate, suggest possible measures of inquiry to that effect.

2. Subsections 2 and 3 of Section 1 shall apply to the conduct of the new period of inquiry.

*Subsection 2***Decision and financial penalties***Article 16***Forms of financial penalty and maximum amounts**

1. Where, following the procedure provided for in Subsection 1, the Commission finds that the marketing authorisation holder has committed, intentionally or negligently, an infringement as referred to in Article 1, it may adopt a decision imposing a fine not exceeding 5 % of the holder's Community turnover in the preceding business year.

2. Where the marketing authorisation holder has not terminated the infringement, the Commission may, in the decision referred to in paragraph 1, impose periodic penalty payments per day not exceeding 2,5 % of the holder's average daily Community turnover in the preceding business year.

Periodic penalty payments may be imposed for a period running from the date of notification of that decision until the infringement has been brought to an end.

3. For the purposes of paragraphs 1 and 2, the preceding business year refers to the business year preceding the date of the decision referred to in paragraph 1.

*Article 17***Decision**

1. The decision provided for in Article 16 shall be based exclusively on grounds on which the marketing authorisation holder has been able to comment.

2. The Commission shall inform the marketing authorisation holder of the judicial remedies available.
3. The Commission shall communicate the adoption of the decision to the Agency and to the Member States.
4. When publishing details of its decision in accordance with the second subparagraph of Article 84(3) of Regulation (EC) No 726/2004, the Commission shall have regard to the legitimate interest of marketing authorisation holders and other persons in the protection of their business secrets.

#### *Article 18*

#### **Principles governing the application and quantification of financial penalties**

1. In determining whether to impose a financial penalty and in determining the appropriate financial penalty, the Commission shall be guided by the principles of effectiveness, proportionality and dissuasiveness.
  2. In each case, the Commission shall take into consideration, where relevant, the following circumstances:
    - (a) the seriousness and the effects of the infringement, and, in particular, the following:
      - (i) the way in which the infringement adversely affects the rights, safety or well-being of patients;
      - (ii) its effects on animal health and welfare and the impact on animal owners;
      - (iii) whether it poses or could pose a risk to public health, animal health or the environment;
      - (iv) the gravity of the infringement in relation to public health, animal health and the environment;
    - (b) on the one hand, the good faith of the marketing authorisation holder in the interpretation and fulfilment of the obligations connected with marketing authorisations granted in accordance with Regulation (EC) No 726/2004 or, on the other hand, any evidence of wilful deceit on the part of the marketing authorisation holder;
    - (c) on the one hand, the degree of diligence and cooperation shown by the marketing authorisation holder in the

detection of the infringement and the application of corrective action, or during the course of the infringement procedure or, on the other hand, any obstruction by the marketing authorisation holder of the detection of an infringement and the conduct of an infringement procedure, or any non-compliance by the marketing authorisation holder with requests made by the Agency, the Commission or a national competent authority in application of this Regulation;

- (d) the turnover of the medicinal product concerned;
  - (e) the need to adopt provisional measures by the Commission or urgent action by a Member State in accordance with Articles 20 or 45 of Regulation (EC) No 726/2004 as a result of an infringement;
  - (f) the repetition, frequency or duration of the infringement by that marketing authorisation holder;
  - (g) prior sanctions, including penalties, imposed on the same marketing authorisation holder.
3. In determining the amount of the financial penalty, the Commission shall take into account any penalties already imposed on the marketing authorisation holder at national level on the basis of the same legal grounds and the same facts.

#### *SECTION 3*

#### **Non-cooperation**

#### *Article 19*

#### **Financial penalties**

1. The Commission may by decision impose on marketing authorisation holders fines not exceeding 0,5 % of their Community turnover in the preceding business year where, intentionally or negligently:
  - (a) they do not comply with a measure of inquiry adopted pursuant to Article 8(1);
  - (b) they supply incorrect or misleading information in response to a measure of inquiry adopted pursuant to Article 8(1);

(c) they do not comply with a request for information pursuant to Article 14;

(d) they supply incorrect or misleading information in response to a request for information pursuant to Article 14.

2. Where the non-cooperation of the marketing authorisation holder continues, the Commission may, in the decision referred to in paragraph 1, impose periodic penalty payments per day not exceeding 0,5 % of the holder's average daily Community turnover in the preceding business year.

Periodic penalty payments may be imposed for a period running from the date of notification of that decision until the non-cooperation has ceased.

3. For the purposes of paragraphs 1 and 2, the preceding business year refers to the business year preceding the date of the decision referred to in paragraph 1.

#### Article 20

##### Procedure

When the Commission intends to adopt a decision as referred to in Article 19(1), it shall first notify in writing the marketing authorisation holder, setting a time-limit within which the marketing authorisation holder may submit to the Commission his written observations. That time-limit shall be at least four weeks.

The Commission shall not be obliged to take into account written observations received after the expiry of that time-limit.

#### CHAPTER III

#### ACCESS TO THE FILE, REPRESENTATION, CONFIDENTIALITY AND TEMPORAL PROVISIONS

##### Article 21

##### Access to the file

Following notification under Article 7, the marketing authorisation holder shall have the right, on request, to access the documents and other materials compiled by the Agency and the Commission which serve as evidence of an alleged infringement.

Documents obtained through access to the file shall be used only for the purposes of judicial or administrative proceedings for the application of this Regulation.

#### Article 22

##### Legal representation

The marketing authorisation holder shall have the right to legal representation during the infringement procedure.

#### Article 23

##### Confidentiality and professional secrecy

1. Without prejudice to the exchange and to the use of information foreseen in Article 3, an infringement procedure shall be carried out subject to the principles of confidentiality and of professional secrecy. The Agency and the Commission, their officials, servants and other persons working under their supervision shall not disclose information acquired or exchanged by them pursuant to this Regulation and of the kind covered by the obligation of professional secrecy and confidentiality.

2. Without prejudice to the right to access the case-file, the marketing authorisation holder shall not have access to business secrets, confidential information or internal documents held by the Agency, the Commission or a Member State.

3. Any person who submits information or observations pursuant to Articles 8, 9, 12 or 14 shall clearly identify any material considered to be confidential, giving reasons, and provide a separate non-confidential version by the date set by the Agency or the Commission.

4. Without prejudice to paragraph 3, the Agency and the Commission may require persons who submit information or observations pursuant to this Regulation to identify the documents or parts of documents which they consider to contain business secrets or other confidential information belonging to them.

The Agency and the Commission may also require marketing authorisation holders and other persons to identify any part of a report by the Agency, of a statement of objections or of a decision adopted by the Commission which in their view contains business secrets.

The Agency and Commission may set a time-limit within which the marketing authorisation holder and other persons are to:

(a) substantiate their claim for confidentiality with regard to each individual document or part of document;

(b) provide the Commission with a non-confidential version of the documents, in which the confidential passages are deleted;

(c) provide a concise description of each piece of deleted information.

The time-limit referred to in the third subparagraph shall be at least two weeks.

5. If the marketing authorisation holder or other persons fail to comply with paragraphs 3 and 4, the Commission may assume that the information or observations concerned do not contain confidential information.

#### Article 24

##### Application of time-limits

1. The time-limits laid down in this Regulation shall run from the day following receipt of a communication or delivery thereof by hand.

In the case of a communication from the marketing authorisation holder, it shall be sufficient for the purposes of the relevant time-limits for the communication to have been dispatched by registered post before the relevant time-limit has expired.

2. Where the time-limit falls to expire on a Saturday, Sunday or public holiday, it shall be extended up to the end of the following working day.

3. In setting the time-limits provided for in Articles 6, 8(1), 12(1) and 14(1), the Agency and the Commission, as the case may be, shall have regard both to the time required for preparation of the submission and to the urgency of the case.

4. Where appropriate and upon reasoned request made before the expiry of the original time-limit, time-limits may be extended.

#### Article 25

##### Limitation periods for the imposition of financial penalties

1. The right of the Commission to adopt a decision imposing a financial penalty pursuant to Article 16 shall expire after five years.

In the case of the financial penalties provided for in Article 19, the right of the Commission to adopt a decision imposing such a penalty shall expire after three years.

Time shall begin to run on the day on which the infringement is committed. However, in the case of continuing or repeated infringements, time shall begin to run on the day on which the infringement ceases.

2. Any action taken by the Agency or the Commission for the purpose of the investigation or infringement procedure shall interrupt the limitation periods laid down in paragraph 1. The limitation period shall be interrupted with effect from the date on which the action is notified to the marketing authorisation holder.

3. Each interruption shall start time running afresh. However, the limitation period shall expire at the latest on the day on which a period equal to twice the limitation period has elapsed without the Commission having imposed a financial penalty. The period shall be extended by the time during which limitation is suspended pursuant to paragraph 4.

4. The limitation period for the imposition of financial penalties shall be suspended for as long as the decision of the Commission is the subject of proceedings pending before the Court of Justice of the European Communities.

#### Article 26

##### Limitation periods for the collection of financial penalties

1. The right to start a recovery procedure shall expire one year after the decision pursuant to Article 16 or Article 19 has become final.

2. The limitation period for the recovery of financial penalties shall be interrupted by any action of the Commission or of a Member State, acting at the request of the Commission, designed to enforce payment of the penalty.

3. Each interruption shall start time running afresh.

CHAPTER IV

**FINAL PROVISIONS**

*Article 27*

4. The limitation period for the recovery of financial penalties shall be suspended for so long as:

**Transitional provision**

In the case of infringements which began before its entry into force, this Regulation shall apply to the part of the infringement which takes place after that date.

*Article 28*

**Entry into force**

(a) time to pay is allowed;

(b) enforcement of payment is suspended pursuant to a decision of the Court of Justice of the European Communities.

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

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

Done at Brussels, 14 June 2007.

*For the Commission*

Günter VERHEUGEN

*Vice-President*

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**COMMISSION REGULATION (EC) No 659/2007****of 14 June 2007****opening and providing for the administration of import tariff quotas for bulls, cows and heifers other than for slaughter of certain Alpine and mountain breeds**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal <sup>(1)</sup>, and in particular the first subparagraph of Article 32(1) thereof,

Whereas,

- (1) In the framework of the World Trade Organisation, the Community has undertaken to open annual import tariff quotas for bulls, cows and heifers other than for slaughter of certain Alpine and mountain breeds.
- (2) It is necessary to lay down detailed rules for the opening and administration of these import tariff quotas every year for the period from 1 July to 30 June of the following year.
- (3) Pursuant to Article 29(1) of Regulation (EC) No 1254/1999, imports into the Community should be subject to import licences. However, it is appropriate to manage these import tariff quotas by attributing import rights as a first step and issuing import licences as a second, as provided for in Article 6(3) of Commission Regulation (EC) No 1301/2006 of 31 August 2006 laying down common rules for the administration of import tariff quotas for agricultural products managed by a system of import licences <sup>(2)</sup>. In this way, operators that have obtained import rights should be able to decide, during the course of the import tariff quota period, the moment when they wish to apply for import licences, taking into account their actual trade flows. In any case, Regulation (EC) No 1301/2006 limits the period of validity of licences to the last day of the import tariff quota period.

- (4) Rules should be laid down on the submission of applications and the information to be given in the applications and licences, where necessary in addition to or by way of derogation from certain provisions of Commission Regulation (EC) No 1445/95 of 26 June 1995 on rules of application for import and export licences in the beef and veal sector and repealing Regulation (EEC) No 2377/80 <sup>(3)</sup> and Commission Regulation (EC) No 1291/2000 of 9 June 2000 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products <sup>(4)</sup>.

- (5) Regulation (EC) No 1301/2006 lays down in particular detailed provisions on the applications for import rights, the status of applicants and the issue of import licences. The provisions of that Regulation should apply, from 1 July 2007, to import licences issued pursuant to this Regulation, without prejudice to additional conditions laid down in this Regulation.
- (6) In order to prevent speculation, the quantities available within the import tariff quotas should be made accessible to operators which are able to show that they are genuinely engaged in import on a significant scale from third countries. Therefore, in order to ensure efficient management, the traders concerned should be required to have imported a minimum of 25 animals during each of the two reference periods referred to in Article 5 of Regulation (EC) No 1301/2006, provided that a consignment of 25 animals may be considered to be a commercially viable consignment. Moreover, for administrative reasons, Member States should be allowed to accept certified copies of the documents proving the existence of trade with third countries.
- (7) In addition, a security should be fixed for import rights. Import licences should not be transferable and licences should be issued to traders solely for the quantities for which they have been allocated import rights.

<sup>(1)</sup> OJ L 160, 26.6.1999, p. 21. Regulation as last amended by Regulation (EC) No 1913/2005 (OJ L 307, 25.11.2005, p. 2).

<sup>(2)</sup> OJ L 238, 1.9.2006, p. 13. Regulation as amended by Regulation (EC) No 289/2007 (OJ L 78, 17.3.2007, p. 17).

<sup>(3)</sup> OJ L 143, 27.6.1995, p. 35. Regulation as last amended by Regulation (EC) No 586/2007 (OJ L 139, 31.5.2007, p. 5).

<sup>(4)</sup> OJ L 152, 24.6.2000, p. 1. Regulation as last amended by Regulation (EC) No 1913/2006 (OJ L 365, 21.12.2006, p. 52).

- (8) In order to oblige operators to apply for import licences for all import rights allocated, submission of the licence application for the quantities allocated should constitute, with regard to the import rights security, a primary requirement within the meaning of Commission Regulation (EEC) No 2220/85 of 22 July 1985 laying down common detailed rules for the application of the system of securities for agricultural products <sup>(1)</sup>.
- (9) Article 82 of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code <sup>(2)</sup> provides for customs supervision of goods released for free circulation at a reduced rate of duty on account of their end-use. The animals imported under the import tariff quotas provided for in this Regulation should be monitored for a certain period in order to ensure that they are not slaughtered during that period.
- (10) To this end, a security should be lodged, the amount of which should cover the difference between the Common Customs Tariff duty and the reduced duty applicable on the date of release for free circulation of animals in question.
- (11) For the sake of clarity, Commission Regulation (EC) No 1081/1999 of 26 May 1999 opening and providing for the administration of tariff quotas for imports of bulls, cows and heifers other than for slaughter of certain Alpine and mountain breeds, repealing Regulation (EC) No 1012/98 and amending Regulation (EC) No 1143/98 <sup>(3)</sup>, should therefore be repealed and replaced by a new Regulation as of 1 July 2007.
- (12) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

#### Article 1

The import tariff quotas for bulls, cows and heifers other than for slaughter of certain Alpine and mountain breeds referred to in Annex I are hereby opened every year for the period from 1 July to 30 June of the following year (import tariff quota periods).

<sup>(1)</sup> OJ L 205, 3.8.1985, p. 5. Regulation as last amended by Regulation (EC) No 1913/2006.

<sup>(2)</sup> OJ L 302, 19.10.1992, p. 1. Regulation as last amended by Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p. 1).

<sup>(3)</sup> OJ L 131, 27.5.1999, p. 15. Regulation as last amended by Regulation (EC) No 1965/2006 (OJ L 408, 30.12.2006, p. 26, corrected by OJ L 47, 16.2.2007, p. 21).

The tariff quotas shall have order numbers 09.4196 and 09.4197.

#### Article 2

1. For the purposes of this Regulation, animals as referred to in Article 1 shall be other than for slaughter where they are not slaughtered within four months of the date of acceptance of the declaration of release for free circulation.

Derogations may be granted in duly proven cases of *force majeure*.

2. To qualify under the import tariff quota covered by order number 09.4197, the following documents must be presented:

(a) for bulls: a pedigree certificate,

(b) for cows and heifers: a pedigree certificate or a certificate of registration in a herdbook certifying the purity of the breed.

#### Article 3

1. The import tariff quotas referred to in Annex I shall be managed by attributing import rights as a first step and issuing import licences as a second.

2. Regulations (EC) No 1445/95, (EC) No 1291/2000 and (EC) No 1301/2006 shall apply, save as otherwise provided for in this Regulation.

#### Article 4

1. For the purposes of application of Article 5 of Regulation (EC) No 1301/2006, applicants shall demonstrate that they have imported at least 25 animals covered by CN code 0102 90 during each of the two reference periods referred to in that Article.

Member States may accept as proof of trade with third countries copies of the documents referred to in the second paragraph of Article 5 of Regulation (EC) No 1301/2006, duly certified by the issuing authority.

2. A company formed by the merger of companies each having reference imports complying with the minimum quantity referred to in paragraph 1 of this Article may use those reference imports as proof of trade.



*Article 5*

1. Applications for import rights shall be submitted no later than 13:00, Brussels time, on 20 June preceding yearly import tariff quota period.
2. A security of EUR 3 per head relating to the import rights shall be lodged with the competent authority together with the application for import rights.
3. No later than 16:00, Brussels time, on the fifth working day following the end of the period for the submission of applications referred to in paragraph 1, Member States shall notify the Commission of the total quantities applied for each order number.

*Article 6*

1. Import rights shall be awarded starting from the seventh and no later than the sixteenth working day following the end of the period for the notifications referred to in Article 5(3).
2. If application of the allocation coefficient referred to in Article 7(2) of Regulation (EC) No 1301/2006 results in fewer import rights to be allocated than had been applied for, the security lodged in accordance with Article 5(2) of this Regulation shall be released proportionally without delay.

*Article 7*

1. The release for free circulation of the quantities awarded under the quotas referred to in Annex I is subject to the presentation of an import licence.
2. Import licence applications shall cover the total quantity allocated. This obligation shall constitute a primary requirement within the meaning of Article 20(2) of Regulation (EEC) No 2220/85.

*Article 8*

1. Import licence applications shall be submitted solely in the Member State where the applicant has applied and obtained import rights under the quotas referred to in Annex I.

Each issue of an import licence shall result in a corresponding reduction of the import rights obtained and the security lodged in accordance with Article 5(2) shall be released proportionally without delay.

2. Import licences shall be issued in the name of the operator who has obtained the import rights.

3. Import licence applications and import licences shall contain the following:

- (a) in box 8, the country of origin;
- (b) in box 16, one or several of the CN codes listed in Annex I;
- (c) in box 20, the order number of the quota and one of the entries provided for in Annex II.

*Article 9*

By way of derogation from Article 9(1) of Regulation (EC) No 1291/2000, rights deriving from import licences issued pursuant to this Regulation shall not be transferable.

*Article 10*

1. Imported animals shall be monitored in accordance with Article 82 of Regulation (EEC) No 2913/92 to ensure that they are not slaughtered within four months of their release for free circulation.

2. In order to ensure that the obligation not to slaughter imported animals referred to in paragraph 1 is fulfilled and that unpaid duties are collected where that obligation is not complied with, importers shall lodge a security with the competent customs authorities. The security shall be equal to the difference between the customs duties laid down in the Common Customs Tariff and the duties referred to in Annex I applicable on the date of release for free circulation of the animals in question.

3. The securities provided for in paragraph 2 shall be released immediately where proof is presented to the customs authorities concerned that the animals:

- (a) have not been slaughtered within the four months following the date of their release for free circulation; or
- (b) they have been slaughtered within that period for reasons of *force majeure* or for health reasons or have died of disease or as a result of an accident.

*Article 11*

Regulation (EC) No 1081/1999 is repealed.

*Article 12*

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

However, Article 11 shall apply from 1 July 2007.

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

Done at Brussels, 14 June 2007.

*For the Commission*  
Mariann FISCHER BOEL  
*Member of the Commission*

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## ANNEX I

## Import tariff quotas referred to in Article 1

Order No	CN code	Taric codes	Description	Quota volume (head of cattle)	Customs duty
09.4196	ex 0102 90 05	0102 90 05*20 *40	Cows and heifers other than for slaughter of the following mountain breeds: grey, brown, yellow and mottled Simmental breeds and Pinzgau breed	710	6 %
	ex 0102 90 29	0102 90 29*20 *40			
	ex 0102 90 49	0102 90 49*20 *40			
	ex 0102 90 59	0102 90 59*11 *19 *31 *39			
	ex 0102 90 69	0102 90 69*10 *30			
09.4197	ex 0102 90 05	0102 90 05*30 *40 *50	Bulls, cows and heifers other than for slaughter of the following breeds: mottled Simmental breed and Schwyz and Fribourg breeds	711	4 %
	ex 0102 90 29	0102 90 29*30 *40 *50			
	ex 0102 90 49	0102 90 49*30 *40 *50			
	ex 0102 90 59	0102 90 59*21 *29 *31 *39			
	ex 0102 90 69	0102 90 69*20 *30			
	ex 0102 90 79	0102 90 79*21 *29			

## ANNEX II

## Entries referred to in Article 8(3)(c)

- *in Bulgarian:* Алпийски и планински породи (Регламент (ЕО) № 659/2007) Година на внос: ...
- *in Spanish:* Razas alpinas y de montaña [Reglamento (CE) n° 659/2007], año de importación: ...
- *in Czech:* alpská a horská plemena (nařízení (ES) č. 659/2007), rok dovozu: ...
- *in Danish:* Alpine racer og bjergracer (forordning (EF) nr. 659/2007), importår: ...
- *in German:* Höhenrassen (Verordnung (EG) Nr. 659/2007), Einfuhrjahr: ...
- *in Estonian:* Alpi tõugu ja mägitõugu (määrus (EÜ) nr 659/2007), impordi aasta: ...
- *in Greek:* Αλπικές και ορειβικές φυλές [κανονισμός (ΕΚ) αριθ. 659/2007], έτος εισαγωγής: ...
- *in English:* Alpine and mountain breeds (Regulation (EC) No 659/2007), Year of import: ...
- *in French:* Races alpines et de montagne [règlement (CE) n° 659/2007], année d'importation: ...
- *in Italian:* Razze alpine e di montagna [regolamento (CE) n. 659/2007], anno d'importazione: ...
- *in Latvian:* Alpīno un kalnu šķirņu dzīvnieki (Regula (EK) Nr. 659/2007), importa gads: ...
- *in Lithuanian:* Aukštikalnių ir kalnų veislės (Reglamentas (EB) Nr. 659/2007), importo metai: ...
- *in Hungarian:* alpesi és hegyi fajtájú (659/2007/EK rendelet), behozatal éve: ...
- *in Maltese:* Razes Alpini u tal-muntanja (Ir-Regolament (KE) Nru 659/2007), is-Sena ta' l-importazzjoni: ...
- *in Dutch:* Bergrassen (Verordening (EG) nr. 659/2007), invoerjaar: ...
- *in Polish:* Rasy alpejskie i górskie (rozporządzenie (WE) nr 659/2007), rok przywozu: ...
- *in Portuguese:* Raças alpinas e de montanha [Regulamento (CE) n.º 659/2007], ano de importação: ...
- *in Romanian:* Rase alpine și montane [Regulamentul (CE) nr. 659/2007], anul de import: ...
- *in Slovak:* Alpské a horské plemená [nariadenie (ES) č. 659/2007], Rok vývozu: ...
- *in Slovenian:* Alpske in gorske pasme (Uredba (ES) št. 659/2007), leto uvoza: ...
- *in Finnish:* Alppi- ja vuoristorotuja (Asetus (EY) N:o 659/2007), tuontivuosi: ...
- *in Swedish:* Alp- och bergraser (förordning (EG) nr 659/2007), importår: ...
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**COMMISSION REGULATION (EC) No 660/2007**  
**of 14 June 2007**  
**fixing the export refunds on milk and milk products**

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 31(3) thereof,

Whereas:

- (1) Article 31(1) of Regulation (EC) No 1255/1999 provides that the difference between prices on the world market for the products listed in Article 1 of that Regulation and prices for those products on the Community market may be covered by an export refund.

(2) Given the present situation on the market in milk and milk products, no export refunds should therefore be fixed.

(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*

No export refunds as provided for in Article 31 of Regulation (EC) No 1255/1999 shall be granted on the products set out in the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on 15 June 2007.

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

Done at Brussels, 14 June 2007.

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

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<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).

## ANNEX

## Export refunds on milk and milk products applicable from 15 June 2007

Product code	Destination	Unit of measurement	Refunds	Product code	Destination	Unit of measurement	Refunds
0401 30 31 9100	L20	EUR/100 kg	—	0402 29 19 9900	L20	EUR/100 kg	—
0401 30 31 9400	L20	EUR/100 kg	—	0402 29 99 9100	L20	EUR/100 kg	—
0401 30 31 9700	L20	EUR/100 kg	—	0402 29 99 9500	L20	EUR/100 kg	—
0401 30 39 9100	L20	EUR/100 kg	—	0402 91 11 9370	L20	EUR/100 kg	—
0401 30 39 9400	L20	EUR/100 kg	—	0402 91 19 9370	L20	EUR/100 kg	—
0401 30 39 9700	L20	EUR/100 kg	—	0402 91 31 9300	L20	EUR/100 kg	—
0401 30 91 9100	L20	EUR/100 kg	—	0402 91 39 9300	L20	EUR/100 kg	—
0401 30 99 9100	L20	EUR/100 kg	—	0402 91 99 9000	L20	EUR/100 kg	—
0401 30 99 9500	L20	EUR/100 kg	—	0402 99 11 9350	L20	EUR/100 kg	—
0402 10 11 9000	L20 <sup>(1)</sup>	EUR/100 kg	—	0402 99 19 9350	L20	EUR/100 kg	—
0402 10 19 9000	L20 <sup>(1)</sup>	EUR/100 kg	—	0402 99 31 9300	L20	EUR/100 kg	—
0402 10 99 9000	L20	EUR/100 kg	—	0403 90 11 9000	L20	EUR/100 kg	—
0402 21 11 9200	L20	EUR/100 kg	—	0403 90 13 9200	L20	EUR/100 kg	—
0402 21 11 9300	L20	EUR/100 kg	—	0403 90 13 9300	L20	EUR/100 kg	—
0402 21 11 9500	L20	EUR/100 kg	—	0403 90 13 9500	L20	EUR/100 kg	—
0402 21 11 9900	L20 <sup>(1)</sup>	EUR/100 kg	—	0403 90 13 9900	L20	EUR/100 kg	—
0402 21 17 9000	L20	EUR/100 kg	—	0403 90 33 9400	L20	EUR/100 kg	—
0402 21 19 9300	L20	EUR/100 kg	—	0403 90 59 9310	L20	EUR/100 kg	—
0402 21 19 9500	L20	EUR/100 kg	—	0403 90 59 9340	L20	EUR/100 kg	—
0402 21 19 9900	L20 <sup>(1)</sup>	EUR/100 kg	—	0403 90 59 9370	L20	EUR/100 kg	—
0402 21 91 9100	L20	EUR/100 kg	—	0404 90 21 9120	L20	EUR/100 kg	—
0402 21 91 9200	L20 <sup>(1)</sup>	EUR/100 kg	—	0404 90 21 9160	L20	EUR/100 kg	—
0402 21 91 9350	L20	EUR/100 kg	—	0404 90 23 9120	L20	EUR/100 kg	—
0402 21 99 9100	L20	EUR/100 kg	—	0404 90 23 9130	L20	EUR/100 kg	—
0402 21 99 9200	L20 <sup>(1)</sup>	EUR/100 kg	—	0404 90 23 9140	L20	EUR/100 kg	—
0402 21 99 9300	L20	EUR/100 kg	—	0404 90 23 9150	L20	EUR/100 kg	—
0402 21 99 9400	L20	EUR/100 kg	—	0404 90 81 9100	L20	EUR/100 kg	—
0402 21 99 9500	L20	EUR/100 kg	—	0404 90 83 9110	L20	EUR/100 kg	—
0402 21 99 9600	L20	EUR/100 kg	—	0404 90 83 9130	L20	EUR/100 kg	—
0402 21 99 9700	L20	EUR/100 kg	—	0404 90 83 9150	L20	EUR/100 kg	—
0402 29 15 9200	L20	EUR/100 kg	—	0404 90 83 9170	L20	EUR/100 kg	—
0402 29 15 9300	L20	EUR/100 kg	—	0405 10 11 9500	L20	EUR/100 kg	—
0402 29 15 9500	L20	EUR/100 kg	—	0405 10 11 9700	L20	EUR/100 kg	—
0402 29 19 9300	L20	EUR/100 kg	—				
0402 29 19 9500	L20	EUR/100 kg	—				

Product code	Destination	Unit of measurement	Refunds	Product code	Destination	Unit of measurement	Refunds
0405 10 19 9500	L20	EUR/100 kg	—	0406 30 39 9500	L04	EUR/100 kg	—
0405 10 19 9700	L20	EUR/100 kg	—		L40	EUR/100 kg	—
0405 10 30 9100	L20	EUR/100 kg	—	0406 30 39 9700	L04	EUR/100 kg	—
0405 10 30 9300	L20	EUR/100 kg	—		L40	EUR/100 kg	—
0405 10 30 9700	L20	EUR/100 kg	—	0406 30 39 9930	L04	EUR/100 kg	—
0405 10 50 9500	L20	EUR/100 kg	—		L40	EUR/100 kg	—
0405 10 50 9700	L20	EUR/100 kg	—	0406 30 39 9950	L04	EUR/100 kg	—
0405 10 90 9000	L20	EUR/100 kg	—		L40	EUR/100 kg	—
0405 20 90 9500	L20	EUR/100 kg	—	0406 40 50 9000	L04	EUR/100 kg	—
0405 20 90 9700	L20	EUR/100 kg	—		L40	EUR/100 kg	—
0405 90 10 9000	L20	EUR/100 kg	—	0406 40 90 9000	L04	EUR/100 kg	—
0405 90 90 9000	L20	EUR/100 kg	—		L40	EUR/100 kg	—
0406 10 20 9640	L04	EUR/100 kg	—	0406 90 13 9000	L04	EUR/100 kg	—
	L40	EUR/100 kg	—		L40	EUR/100 kg	—
0406 10 20 9650	L04	EUR/100 kg	—	0406 90 15 9100	L04	EUR/100 kg	—
	L40	EUR/100 kg	—		L40	EUR/100 kg	—
0406 10 20 9830	L04	EUR/100 kg	—	0406 90 17 9100	L04	EUR/100 kg	—
	L40	EUR/100 kg	—		L40	EUR/100 kg	—
0406 10 20 9850	L04	EUR/100 kg	—	0406 90 21 9900	L04	EUR/100 kg	—
	L40	EUR/100 kg	—		L40	EUR/100 kg	—
0406 20 90 9913	L04	EUR/100 kg	—	0406 90 23 9900	L04	EUR/100 kg	—
	L40	EUR/100 kg	—		L40	EUR/100 kg	—
0406 20 90 9915	L04	EUR/100 kg	—	0406 90 25 9900	L04	EUR/100 kg	—
	L40	EUR/100 kg	—		L40	EUR/100 kg	—
0406 20 90 9917	L04	EUR/100 kg	—	0406 90 27 9900	L04	EUR/100 kg	—
	L40	EUR/100 kg	—		L40	EUR/100 kg	—
0406 20 90 9919	L04	EUR/100 kg	—	0406 90 32 9119	L04	EUR/100 kg	—
	L40	EUR/100 kg	—		L40	EUR/100 kg	—
0406 30 31 9730	L04	EUR/100 kg	—	0406 90 35 9190	L04	EUR/100 kg	—
	L40	EUR/100 kg	—		L40	EUR/100 kg	—
0406 30 31 9930	L04	EUR/100 kg	—	0406 90 35 9990	L04	EUR/100 kg	—
	L40	EUR/100 kg	—		L40	EUR/100 kg	—
0406 30 31 9950	L04	EUR/100 kg	—	0406 90 37 9000	L04	EUR/100 kg	—
	L40	EUR/100 kg	—		L40	EUR/100 kg	—
				0406 90 61 9000	L04	EUR/100 kg	—
					L40	EUR/100 kg	—

Product code	Destination	Unit of measurement	Refunds	Product code	Destination	Unit of measurement	Refunds
0406 90 63 9100	L04	EUR/100 kg	—	0406 90 86 9200	L04	EUR/100 kg	—
	L40	EUR/100 kg	—		L40	EUR/100 kg	—
0406 90 63 9900	L04	EUR/100 kg	—	0406 90 86 9400	L04	EUR/100 kg	—
	L40	EUR/100 kg	—		L40	EUR/100 kg	—
0406 90 69 9910	L04	EUR/100 kg	—	0406 90 86 9900	L04	EUR/100 kg	—
	L40	EUR/100 kg	—		L40	EUR/100 kg	—
0406 90 73 9900	L04	EUR/100 kg	—	0406 90 87 9300	L04	EUR/100 kg	—
	L40	EUR/100 kg	—		L40	EUR/100 kg	—
0406 90 75 9900	L04	EUR/100 kg	—	0406 90 87 9400	L04	EUR/100 kg	—
	L40	EUR/100 kg	—		L40	EUR/100 kg	—
0406 90 76 9300	L04	EUR/100 kg	—	0406 90 87 9951	L04	EUR/100 kg	—
	L40	EUR/100 kg	—		L40	EUR/100 kg	—
0406 90 76 9400	L04	EUR/100 kg	—	0406 90 87 9971	L04	EUR/100 kg	—
	L40	EUR/100 kg	—		L40	EUR/100 kg	—
0406 90 76 9500	L04	EUR/100 kg	—	0406 90 87 9973	L04	EUR/100 kg	—
	L40	EUR/100 kg	—		L40	EUR/100 kg	—
0406 90 78 9100	L04	EUR/100 kg	—	0406 90 87 9974	L04	EUR/100 kg	—
	L40	EUR/100 kg	—		L40	EUR/100 kg	—
0406 90 78 9300	L04	EUR/100 kg	—	0406 90 87 9975	L04	EUR/100 kg	—
	L40	EUR/100 kg	—		L40	EUR/100 kg	—
0406 90 79 9900	L04	EUR/100 kg	—	0406 90 87 9979	L04	EUR/100 kg	—
	L40	EUR/100 kg	—		L40	EUR/100 kg	—
0406 90 81 9900	L04	EUR/100 kg	—	0406 90 88 9300	L04	EUR/100 kg	—
	L40	EUR/100 kg	—		L40	EUR/100 kg	—
0406 90 85 9930	L04	EUR/100 kg	—	0406 90 88 9500	L04	EUR/100 kg	—
	L40	EUR/100 kg	—		L40	EUR/100 kg	—
0406 90 85 9970	L04	EUR/100 kg	—		L40	EUR/100 kg	—
	L40	EUR/100 kg	—		L40	EUR/100 kg	—

(<sup>1</sup>) As for the relevant products intended for exports to Dominican Republic under the quota 2007/2008 referred to in the Decision 98/486/EC, and complying with the conditions laid down in Chapter III, Section 3 of Regulation (EC) No 1282/2006, the following rates should apply:

- (a) products falling within CN codes 0402 10 11 9000 and 0402 10 19 9000 0,00 EUR/100 kg
- (b) products falling within CN codes 0402 21 11 9900, 0402 21 19 9900, 0402 21 91 9200 and 0402 21 99 9200 0,00 EUR/100 kg

The destinations are defined as follows:

L20: All destinations except Andorra, Gibraltar, Ceuta, Melilla, Holy See (Vatican City State), Liechtenstein, the Communes of Livigno and Campione d'Italia, Heligoland, Greenland, the Farøe Islands, the United States of America and the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control.

L04: Albania, Bosnia and Herzegovina, Kosovo, Serbia, Montenegro and the former Yugoslav Republic of Macedonia.

L40: All destinations except L04, Andorra, Gibraltar, Ceuta, Melilla, Iceland, Liechtenstein, Norway, Switzerland, Holy See (Vatican City State), the Communes of Livigno and Campione d'Italia, Heligoland, Greenland, the Farøe Islands, the United States of America, Croatia, Turkey, Australia, Canada, New Zealand and the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control.



**COMMISSION REGULATION (EC) No 661/2007****of 14 June 2007****granting no export refund for butter in the framework of the standing invitation to tender provided for in Regulation (EC) No 581/2004**

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 the third subparagraph of Article 31(3) thereof,

Whereas:

(1) Commission Regulation (EC) No 581/2004 of 26 March 2004 opening a standing invitation to tender for export refunds concerning certain types of butter <sup>(2)</sup> provides for a permanent tender.

(2) Pursuant to Article 5 of Commission Regulation (EC) No 580/2004 of 26 March 2004 establishing a tender

procedure concerning export refunds for certain milk products <sup>(3)</sup> and following an examination of the tenders submitted in response to the invitation to tender, it is appropriate not to grant any refund for the tendering period ending on 12 June 2007.

(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 permanent tender opened by Regulation (EC) No 581/2004, for the tendering period ending on 12 June 2007 no export refund shall be granted for the products and destinations referred to in Article 1(1) of that Regulation.

*Article 2*

This Regulation shall enter into force on 15 June 2007.

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

Done at Brussels, 14 June 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 Commission Regulation (EC) No 1913/2005 (OJ L 307, 25.11.2005, p. 2).

<sup>(2)</sup> OJ L 90, 27.3.2004, p. 64. Regulation as last amended by Regulation (EC) No 276/2007 (OJ L 76, 16.3.2007, p. 16).

<sup>(3)</sup> OJ L 90, 27.3.2004, p. 58. Regulation as last amended by Regulation (EC) No 128/2007 (OJ L 41, 13.2.2007, p. 6).

**COMMISSION REGULATION (EC) No 662/2007****of 14 June 2007****fixing the export refunds on white and raw sugar exported without further processing**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 15 June 2007.

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

Done at Brussels, 14 June 2007.

*For the Commission*

Jean-Luc DEMARTY

*Director-General for Agriculture and  
Rural Development*

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<sup>(1)</sup> OJ L 58, 28.2.2006, p. 1. Regulation as last amended by Commission Regulation (EC) No 247/2007 (OJ L 69, 9.3.2007, p. 3).

## ANNEX

**Export refunds on white and raw sugar exported without further processing applicable from  
15 June 2007 <sup>(e)</sup>**

Product code	Destination	Unit of measurement	Amount of refund
1701 11 90 9100	S00	EUR/100 kg	31,07 <sup>(f)</sup>
1701 11 90 9910	S00	EUR/100 kg	31,07 <sup>(f)</sup>
1701 12 90 9100	S00	EUR/100 kg	31,07 <sup>(f)</sup>
1701 12 90 9910	S00	EUR/100 kg	31,07 <sup>(f)</sup>
1701 91 00 9000	S00	EUR/1 % sucrose × 100 kg of net product	0,3378
1701 99 10 9100	S00	EUR/100 kg	33,78
1701 99 10 9910	S00	EUR/100 kg	33,78
1701 99 10 9950	S00	EUR/100 kg	33,78
1701 99 90 9100	S00	EUR/1 % sucrose × 100 kg of net product	0,3378

NB: The destinations are defined as follows:

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

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

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

**COMMISSION REGULATION (EC) No 663/2007****of 14 June 2007****fixing the maximum export refund for white sugar in the framework of the standing invitation to tender provided for in Regulation (EC) No 958/2006**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

in response to the partial invitation to tender ending on 14 June 2007, it is appropriate to fix a maximum export refund for that partial invitation to tender.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

For the partial invitation to tender ending on 14 June 2007, the maximum export refund for the product referred to in Article 1(1) of Regulation (EC) No 958/2006 shall be 38,778 EUR/100 kg.

*Article 2*

This Regulation shall enter into force on 15 June 2007.

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

Done at Brussels, 14 June 2007.

*For the Commission*

Jean-Luc DEMARTY

*Director-General for Agriculture and  
Rural Development*

<sup>(1)</sup> OJ L 58, 28.2.2006, p. 1. Regulation as last amended by Commission Regulation (EC) No 247/2007 (OJ L 69, 9.3.2007, p. 3).

<sup>(2)</sup> OJ L 175, 29.6.2006, p. 49. Regulation as amended by Regulation (EC) No 203/2007 (OJ L 61, 28.2.2007, p. 3).

**COMMISSION REGULATION (EC) No 664/2007****of 14 June 2007****fixing the maximum export refund for white sugar in the framework of the standing invitation to tender provided for in Regulation (EC) No 38/2007**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

in response to the partial invitation to tender ending on 13 June 2007, it is appropriate to fix a maximum export refund for that partial invitation to tender.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

For the partial invitation to tender ending on 13 June 2007, the maximum export refund for the product referred to in Article 1(1) of Regulation (EC) No 38/2007 shall be 435,00 EUR/tonne.

*Article 2*

This Regulation shall enter into force on 15 June 2007.

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

Done at Brussels, 14 June 2007.

*For the Commission*

Jean-Luc DEMARTY

*Director-General for Agriculture and  
Rural Development*

<sup>(1)</sup> OJ L 58, 28.2.2006, p. 1. Regulation as last amended by Commission Regulation (EC) No 247/2007 (OJ L 69, 9.3.2007, p. 3).

<sup>(2)</sup> OJ L 11, 18.1.2007, p. 4. Regulation as amended by Regulation (EC) No 203/2007 (OJ L 61, 28.2.2006, p. 3).

**COMMISSION REGULATION (EC) No 665/2007****of 14 June 2007****amending the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex I to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the markets in the milk and milk products sector <sup>(1)</sup>, and in particular Article 31(3) thereof,

Whereas:

(1) The rates of the refunds applicable from 25 May 2007 to the products listed in the Annex, exported in the form of goods not covered by Annex I to the Treaty, were fixed by Commission Regulation (EC) No 570/2007 <sup>(2)</sup>.

(2) It follows from applying the rules and criteria contained in Regulation (EC) No 570/2007 to the information at present available to the Commission that the export refunds at present applicable should be altered as shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

*Article 1*

The rates of refund fixed by Regulation (EC) No 570/2007 are hereby altered as shown in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 15 June 2007.

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

Done at Brussels, 14 June 2007.

*For the Commission*

Heinz ZOUREK

*Director-General Enterprise and Industry*

<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 133, 25.5.2007, p. 18.

## ANNEX

**Rates of the refunds applicable from 15 June 2007 to certain milk products exported in the form of goods not covered by Annex I to the Treaty <sup>(1)</sup>**

(EUR/100 kg)

CN code	Description	Rate of refund	
		In case of advance fixing of refunds	Other
ex 0402 10 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content not exceeding 1,5 % by weight (PG 2):		
	(a) on exportation of goods of CN code 3501	—	—
	(b) on exportation of other goods	0,00	0,00
ex 0402 21 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content of 26 % by weight (PG 3):		
	(a) where goods incorporating, in the form of products assimilated to PG 3, reduced-price butter or cream obtained pursuant to Regulation (EC) No 1898/2005 are exported	0,00	0,00
	(b) on exportation of other goods	0,00	0,00
ex 0405 10	Butter, with a fat content by weight of 82 % (PG 6):		
	(a) where goods containing reduced-price butter or cream which have been manufactured in accordance with the conditions provided for in Regulation (EC) No 1898/2005 are exported	0,00	0,00
	(b) on exportation of goods of CN code 2106 90 98 containing 40 % or more by weight of milk fat	0,00	0,00
	(c) on exportation of other goods	0,00	0,00

<sup>(1)</sup> The rates set out in this Annex are not applicable to exports to Andorra, Gibraltar, Ceuta, Melilla, Holy See (Vatican City State), Liechtenstein, the Communes of Livigno and Campione d'Italia, Heligoland, Greenland, the Faerøe Islands, the United States of America and the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control and to the goods listed in Tables I and II of Protocol 2 to the Agreement between the European Community and the Swiss Confederation of 22 July 1972 exported to the Swiss Confederation.

**COMMISSION REGULATION (EC) No 666/2007****of 14 June 2007****amending the rates of refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex I to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) The rates of the refunds applicable from 25 May 2007 to the products listed in the Annex, exported in the form of goods not covered by Annex I to the Treaty, were fixed by Commission Regulation (EC) No 571/2007<sup>(2)</sup>.

- (2) It follows from applying the rules and criteria contained in Regulation (EC) No 571/2007 to the information at present available to the Commission that the export refunds at present applicable should be altered as shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

*Article 1*

The rates of refund fixed by Regulation (EC) No 571/2007 are hereby altered as shown in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 15 June 2007.

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

Done at Brussels, 14 June 2007.

*For the Commission*

Heinz ZOUREK

*Director-General Enterprise and Industry*

<sup>(1)</sup> OJ L 58, 28.2.2006, p. 1. Regulation as last amended by Commission Regulation (EC) No 247/2007 (OJ L 69, 9.3.2007, p. 3).

<sup>(2)</sup> OJ L 133, 25.5.2007, p. 21.



## ANNEX

**Rates of refunds applicable from 15 June 2007 to certain products from the sugar sector exported in the form of goods not covered by Annex I to the Treaty <sup>(1)</sup>**

CN code	Description	Rate of refund in EUR/100 kg	
		In case of advance fixing of refunds	Other
1701 99 10	White sugar	33,78	33,78

<sup>(1)</sup> The rates set out in this Annex are not applicable to exports to Albania, Croatia, Bosnia and Herzegovina, Serbia, Montenegro, Kosovo, the former Yugoslav Republic of Macedonia, Andorra, Gibraltar, Ceuta, Melilla, Holy See (Vatican City State), Liechtenstein, the Communes of Livigno and Campione d'Italia, Heligoland, Greenland, the Faeroe Islands and the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control and to the goods listed in Tables I and II of Protocol 2 to the Agreement between the European Community and the Swiss Confederation of 22 July 1972 exported to the Swiss Confederation.

## COMMISSION REGULATION (EC) No 667/2007

of 14 June 2007

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals <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 13(1) of Regulation (EC) No 1784/2003 and Article 14(1) of Regulation (EC) No 1785/2003 provide that the difference between quotations or prices on the world market for the products listed in Article 1 of each of those Regulations and the prices within the Community may be covered by an export refund.
- (2) Commission Regulation (EC) No 1043/2005 of 30 June 2005 implementing Council Regulation (EC) No 3448/93 as regards the system of granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds <sup>(3)</sup>, specifies the products for which a rate of refund is to be fixed, to be applied where these products are exported in the form of goods listed in Annex III to Regulation (EC) No 1784/2003 or in Annex IV to Regulation (EC) No 1785/2003 as appropriate.
- (3) In accordance with the first paragraph of Article 14 of Regulation (EC) No 1043/2005, the rate of the refund per 100 kilograms for each of the basic products in question is to be fixed each month.
- (4) The commitments entered into with regard to refunds which may be granted for the export of agricultural products contained in goods not covered by Annex I to the Treaty may be jeopardised by the fixing in advance of high refund rates. It is therefore necessary to take precautionary measures in such situations without, however, preventing the conclusion of long-

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 15 June 2007.

<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 172, 5.7.2005, p. 24. Regulation as last amended by Regulation (EC) No 447/2007 (OJ L 106, 24.4.2007, p. 31).

<sup>(4)</sup> OJ L 275, 29.9.1987, p. 36.

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

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

Done at Brussels, 14 June 2007.

*For the Commission*  
Heinz ZOUREK  
*Director-General Enterprise and Industry*

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## ANNEX

**Rates of the refunds applicable from 15 June 2007 to certain cereals and rice products exported in the form of goods not covered by Annex I to the Treaty (\*)**

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

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

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

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

<sup>(2)</sup> The goods concerned fall under CN code 3505 10 50.

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

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

**COMMISSION REGULATION (EC) No 668/2007****of 14 June 2007****fixing the export refunds on syrups and certain other sugar products exported without further processing**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 15 June 2007.

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

Done at Brussels, 14 June 2007.

*For the Commission*

Jean-Luc DEMARTY

*Director-General for Agriculture and  
Rural Development*

<sup>(1)</sup> OJ L 58, 28.2.2006, p. 1. Regulation as last amended by Commission Regulation (EC) No 247/2007 (OJ L 69, 9.3.2007, p. 3).

<sup>(2)</sup> OJ L 178, 1.7.2006, p. 24. Regulation as amended by Regulation (EC) No 2031/2006 (OJ L 414, 30.12.2006, p. 43).

## ANNEX

**Export refunds on syrups and certain other sugar products exported without further processing applicable from 15 June 2007 <sup>(e)</sup>**

Product code	Destination	Unit of measurement	Amount of refund
1702 40 10 9100	S00	EUR/100 kg dry matter	33,78
1702 60 10 9000	S00	EUR/100 kg dry matter	33,78
1702 60 95 9000	S00	EUR/1 % sucrose × 100 kg of net product	0,3378
1702 90 30 9000	S00	EUR/100 kg dry matter	33,78
1702 90 60 9000	S00	EUR/1 % sucrose × 100 kg of net product	0,3378
1702 90 71 9000	S00	EUR/1 % sucrose × 100 kg of net product	0,3378
1702 90 99 9900	S00	EUR/1 % sucrose × 100 kg of net product	0,3378 <sup>(1)</sup>
2106 90 30 9000	S00	EUR/100 kg dry matter	33,78
2106 90 59 9000	S00	EUR/1 % sucrose × 100 kg of net product	0,3378

NB: The destinations are defined as follows:

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

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

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

**COMMISSION REGULATION (EC) No 669/2007****of 14 June 2007****amending Regulation (EC) No 195/2007 opening the buying-in of butter in certain Member States for the period 1 March to 31 August 2007**

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>,

Having regard to Commission Regulation (EC) No 2771/1999 of 16 December 1999 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards intervention on the market in butter and cream <sup>(2)</sup>, and in particular Article 2 thereof,

Whereas:

- (1) Commission Regulation (EC) No 195/2007 <sup>(3)</sup> establishes the list of Member States in which buying-in for butter is open, as provided for in Article 6(1) of Regulation (EC) No 1255/1999.
- (2) On the basis of most recent communications by Portugal, the Commission has observed that butter market prices have been equal or superior to 92 % of the intervention price for two consecutive weeks. Intervention buying-in should therefore be suspended in that Member State. Portugal should therefore be withdrawn from the list established in Regulation (EC) No 195/2007.

- (3) Regulation (EC) No 195/2007 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

Article 1 of Regulation (EC) No 195/2007 is replaced by the following text:

*'Article 1*

Buying-in of butter as provided for in Article 6(1) of Regulation (EC) No 1255/1999 is hereby suspended in the following Member States:

— Portugal.'

*Article 2*

This Regulation shall enter into force on 15 June 2007.

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

Done at Brussels, 14 June 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 333, 24.12.1999, p. 11. Regulation as last amended by Regulation (EC) No 2107/2005 (OJ L 337, 22.12.2005, p. 20).

<sup>(3)</sup> OJ L 59, 27.2.2007, p. 62. Regulation as last amended by Regulation (EC) No 354/2007 (OJ L 90, 30.3.2007, p. 47).



## COMMISSION REGULATION (EC) No 670/2007

of 14 June 2007

## fixing the export refunds on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals <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 13 of Regulation (EC) No 1784/2003 and Article 14 of Regulation (EC) No 1785/2003 provide that the difference between quotations or prices on the world market for the products listed in Article 1 of those Regulations and prices for those products within the Community may be covered by an export refund.

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

(3) Article 2 of Commission Regulation (EC) No 1518/95 <sup>(3)</sup> on the import and export system for products processed from cereals and from rice defines the specific criteria to be taken into account when the refund on these products is being calculated.

<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 1549/2004 (OJ L 280, 31.8.2004, p. 13).

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

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 15 June 2007.

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

Done at Brussels, 14 June 2007.

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

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## ANNEX

## to Commission Regulation of 14 June 2007 fixing the export refunds on products processed from cereals and rice

Product code	Destination	Unit of measurement	Refunds	Product code	Destination	Unit of measurement	Refunds
1102 20 10 9200 <sup>(1)</sup>	C10	EUR/t	0,00	1104 23 10 9300	C10	EUR/t	0,00
1102 20 10 9400 <sup>(1)</sup>	C10	EUR/t	0,00	1104 29 11 9000	C10	EUR/t	0,00
1102 20 90 9200 <sup>(1)</sup>	C10	EUR/t	0,00	1104 29 51 9000	C10	EUR/t	0,00
1102 90 10 9100	C10	EUR/t	0,00	1104 29 55 9000	C10	EUR/t	0,00
1102 90 10 9900	C10	EUR/t	0,00	1104 30 10 9000	C10	EUR/t	0,00
1102 90 30 9100	C10	EUR/t	0,00	1104 30 90 9000	C10	EUR/t	0,00
1103 19 40 9100	C10	EUR/t	0,00	1107 10 11 9000	C10	EUR/t	0,00
1103 13 10 9100 <sup>(1)</sup>	C10	EUR/t	0,00	1107 10 91 9000	C10	EUR/t	0,00
1103 13 10 9300 <sup>(1)</sup>	C10	EUR/t	0,00	1108 11 00 9200	C10	EUR/t	0,00
1103 13 10 9500 <sup>(1)</sup>	C10	EUR/t	0,00	1108 11 00 9300	C10	EUR/t	0,00
1103 13 90 9100 <sup>(1)</sup>	C10	EUR/t	0,00	1108 12 00 9200	C10	EUR/t	0,00
1103 19 10 9000	C10	EUR/t	0,00	1108 12 00 9300	C10	EUR/t	0,00
1103 19 30 9100	C10	EUR/t	0,00	1108 13 00 9200	C10	EUR/t	0,00
1103 20 60 9000	C10	EUR/t	0,00	1108 13 00 9300	C10	EUR/t	0,00
1103 20 20 9000	C10	EUR/t	0,00	1108 19 10 9200	C10	EUR/t	0,00
1104 19 69 9100	C10	EUR/t	0,00	1108 19 10 9300	C10	EUR/t	0,00
1104 12 90 9100	C10	EUR/t	0,00	1109 00 00 9100	C10	EUR/t	0,00
1104 12 90 9300	C10	EUR/t	0,00	1702 30 51 9000 <sup>(2)</sup>	C10	EUR/t	0,00
1104 19 10 9000	C10	EUR/t	0,00	1702 30 59 9000 <sup>(2)</sup>	C10	EUR/t	0,00
1104 19 50 9110	C10	EUR/t	0,00	1702 30 91 9000	C10	EUR/t	0,00
1104 19 50 9130	C10	EUR/t	0,00	1702 30 99 9000	C10	EUR/t	0,00
1104 29 01 9100	C10	EUR/t	0,00	1702 40 90 9000	C10	EUR/t	0,00
1104 29 03 9100	C10	EUR/t	0,00	1702 90 50 9100	C10	EUR/t	0,00
1104 29 05 9100	C10	EUR/t	0,00	1702 90 50 9900	C10	EUR/t	0,00
1104 29 05 9300	C10	EUR/t	0,00	1702 90 75 9000	C10	EUR/t	0,00
1104 22 20 9100	C10	EUR/t	0,00	1702 90 79 9000	C10	EUR/t	0,00
1104 22 30 9100	C10	EUR/t	0,00	2106 90 55 9000	C14	EUR/t	0,00
1104 23 10 9100	C10	EUR/t	0,00				

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

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

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

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

The other destinations are as follows:

C10: All destinations

C14: All destinations except for Switzerland and Liechtenstein.

## DIRECTIVES

## COMMISSION DIRECTIVE 2007/34/EC

of 14 June 2007

**amending, for the purposes of its adaptation to technical progress, Council Directive 70/157/EEC concerning the permissible sound level and the exhaust system of motor vehicles**

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

driving operations. The new test cycle is contained in UN/ECE Regulation No 51, 02 series of amendments <sup>(3)</sup>.

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 70/156/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers <sup>(1)</sup>, and in particular the second indent of Article 13(2) thereof,Having regard to Council Directive 70/157/EEC relating to the permissible sound level and the exhaust system of motor vehicles <sup>(2)</sup>, and in particular Article 3 thereof,

Whereas:

(1) Directive 70/157/EEC is one of the separate Directives in the context of the Community type-approval procedure laid down in Directive 70/156/EEC. The provisions of Directive 70/156/EEC relating to systems, components and separate technical units for vehicles therefore apply to Directive 70/157/EEC.

(2) Since the entry into force of Directive 70/157/EEC of 6 February 1970, the noise limits for motor vehicles have been reduced several times, most recently in 1995. The last reduction did not have the expected effects and subsequent studies have shown that the measurement method no longer reflects the real life driving behaviour. It is therefore necessary to introduce a new test cycle and bring the driving conditions for carrying out the noise test closer into line with real life

(3) During a transitional period, the current test as well as the new test should be carried out for type-approval and the results of both tests should be reported to the Commission. This would enable the Commission to obtain the necessary data for establishing appropriate limit values for the new measurement method which would replace the existing test protocol. The current method should continue to be required in order to receive type-approval and the new method should be used for monitoring purposes. After the transitional period, the test protocol as adapted to the new test should become the only measurement required in order to receive type-approval.

(4) In order to take into account the most recent amendments to UN/ECE Regulations Nos 51 and 59, to which the Community has already acceded, it is appropriate to adapt Directive 70/157/EEC to technical progress by aligning it with the technical requirements of those regulations. This is important, in particular, in order to take over the mandatory monitoring procedure of the motor vehicle noise emissions laid down in the UN/ECE Regulation No 51 for the purposes of EC type-approval. Otherwise, the Directive would fall behind the Regulation with regard to technical advancement.

(5) Pursuant to Article 3 of Directive 70/157/EEC, the measures provided for by this Directive do not modify the requirements set out in points 5.2.2.1 and 5.2.2.5 of Annex I to Directive 70/157/EEC. With regard to the new structure of the Annexes, it is necessary to adapt the numbering and references specified in those points. In order to ensure the link to other provisions of Community legislation, it is also appropriate to provide for a correlation between the current and the new numbering.

(6) The measures provided for in this Directive are in accordance with the opinion of the Committee for Adaptation to Technical Progress,

<sup>(1)</sup> OJ L 42, 23.2.1970, p. 1. Directive as last amended by Directive 2006/96/EC (OJ L 363, 20.12.2006, p. 81).

<sup>(2)</sup> OJ L 42, 23.2.1970, p. 16. Directive as last amended by Directive 2006/96/EC.

<sup>(3)</sup> OJ L 137, 30.5.2007, p. 68.

HAS ADOPTED THIS DIRECTIVE:

*Article 1*

1. Directive 70/157/EEC is amended as follows:

- (a) Annex I is replaced by the text set out in Annex I to this Directive;
- (b) Annex II is replaced by the text set out in Annex II to this Directive;
- (c) Annex III is replaced by the text set out in Annex III to this Directive;
- (d) Annex IV is deleted.

2. References to points 5.2.2.1 and 5.2.2.5 of Annex I to Directive 70/157/EEC shall be construed as references to points 2.1 and 2.2 of Annex I, as replaced by this Directive.

*Article 2*

With effect from 6 July 2008 and until 6 July 2010, the vehicle to be type-approved shall be subject to the test laid down in Annex 10 of UN/ECE Regulation No 51 for monitoring purposes only. The results of that test shall be added to the documents set out in Appendices 1 and 2 of Annex I to Directive 70/157/EEC as amended by this Directive, in conformity with Annex 9 of UN/ECE Regulation No 51. The Member State concerned shall send such information documents to the Commission. These obligations do not affect cases of extension of existing approvals according to this Directive. For the purpose of this monitoring procedure a vehicle is not considered to be a new type if the vehicle differs only in respect to paragraphs 2.2.1 and 2.2.2 of UN/ECE Regulation No 51.

*Article 3*

1. Member States shall adopt and publish, by 5 July 2008 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

They shall apply those provisions from 6 July 2008.

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

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

*Article 4*

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

*Article 5*

This Directive is addressed to the Member States.

Done at Brussels, 14 June 2007.

*For the Commission*  
Günter VERHEUGEN  
*Vice-President*

## ANNEX I

## 'ANNEX I

**PROVISIONS FOR EC TYPE-APPROVAL IN RESPECT OF THE SOUND LEVEL OF A TYPE OF MOTOR VEHICLE**

## 1. APPLICATION FOR EC TYPE-APPROVAL OF A VEHICLE TYPE

- 1.1. The application for EC type-approval pursuant to Article 3(4) of Directive 70/156/EEC of a vehicle type with regard to its sound level shall be submitted by the vehicle manufacturer.
- 1.2. A model for the information document is given in Appendix 1.
- 1.3. A vehicle representative of the type in respect of which type-approval is sought must be submitted to the technical service responsible for the tests by the vehicle manufacturer.
- 1.4. At the request of the technical service, a specimen of the exhaust system and an engine of at least the same cylinder capacity and rated maximum power as that fitted to the vehicle in respect of which type-approval is sought must also be submitted.

## 2. SOUND LEVEL OF MOVING VEHICLES

## 2.1. Limiting values

The sound level measured in accordance with the provisions of Annex III shall not exceed the following limits:

Vehicle categories	Values expressed in dB(A) (decibels(A))
2.1.1. Vehicles intended for the carriage of passengers, and comprising not more than nine seats including the driver's seat	74
2.1.2. Vehicles intended for the carriage of passengers and equipped with more than nine seats, including the driver's seat; and having a maximum permissible mass of more than 3,5 tonnes and:	
2.1.2.1. with an engine power of less than 150 kW	78
2.1.2.2. with an engine power of not less than 150 kW	80
2.1.3. Vehicles intended for the carriage of passengers and equipped with more than nine seats, including the driver's seat; vehicles intended for the carriage of goods:	
2.1.3.1. with a maximum permissible mass not exceeding 2 tonnes	76
2.1.3.2. with a maximum permissible mass exceeding 2 tonnes but not exceeding 3,5 tonnes	77
2.1.4. Vehicles intended for the carriage of goods and having a maximum permissible mass exceeding 3,5 tonnes:	
2.1.4.1. with an engine power of less than 75 kW	77
2.1.4.2. with an engine power of not less than 75 kW but less than 150 kW	78
2.1.4.3. with an engine power of not less than 150 kW	80

However

- for vehicles of categories 2.1.1 and 2.1.3, the limit values are increased by 1 dB(A) if they are equipped with a direct injection diesel engine,
- for vehicles with a maximum permissible mass of over two tonnes designed for off-road use, the limit values are increased by 1 dB(A) if their engine power is less than 150 kW and 2 dB(A) if their engine power is 150 kW or more,

- for vehicles in category 2.1.1, equipped with a manually operated gear box having more than four forward gears and with an engine developing a maximum power exceeding 140 kW/t and whose maximum power/-maximum mass ratio exceeds 75 kW/t, the limit values are increased by 1 dB(A) if the speed at which the rear of the vehicle passes the line BB' in third gear is greater than 61 km/h.

## 2.2. Interpretation of results

- 2.2.1. To take account of inaccuracies in the measuring instruments, the result obtained from each measurement is determined by deducting 1 dB(A) from the meter reading.
- 2.2.2. The measurements are considered valid if the difference between two consecutive measurements on the same side of the vehicle does not exceed 2 dB(A).
- 2.2.3. The highest sound level measured shall constitute the test result. Should the result exceed the maximum permissible sound level for the category of vehicle tested by 1 dB(A), two further measurements shall be made at the corresponding microphone position. Three of the four measurements thus obtained at that microphone position must fall within the prescribed limits.

## 3. MARKINGS

- 3.1. The exhaust and intake system components, excluding fixing hardware and pipes, must bear:

- 3.1.1. the trade mark or name of the manufacturer of the systems and their components;

- 3.1.2. the manufacturer's trade description.

- 3.2. These markings must be clearly legible and indelible, even when the system is fitted to the vehicle.

## 4. GRANTING OF EC TYPE-APPROVAL OF A VEHICLE TYPE

- 4.1. If the relevant requirements are satisfied, EC type-approval pursuant to Article 4(3) and, if applicable, 4(4) of Directive 70/156/EEC shall be granted.
- 4.2. A model for the EC type-approval certificate is given in Appendix 2.
- 4.3. An approval number in accordance with Annex VII to Directive 70/156/EEC shall be assigned to each vehicle type approved. The same Member State shall not assign the same number to another vehicle type.

## 5. MODIFICATIONS OF THE TYPE AND AMENDMENTS TO APPROVALS

- 5.1. In the case of modifications of the type approved pursuant to this Directive, the provisions of Article 5 of Directive 70/156/EEC shall apply.

## 6. CONFORMITY OF PRODUCTION

- 6.1. Measures to ensure the conformity of production shall be taken in accordance with the requirements laid down in Article 10 of Directive 70/156/EEC.
- 6.2. Special provisions:
  - 6.2.1. The tests referred to in item 2.3.5 of Annex X to Directive 70/156/EEC are those laid down in Annex 7 of UN/ECE Regulation No 51 as referred to in Annex III of this Directive.
  - 6.2.2. The frequency of inspections referred to in item 3 of Annex X to Directive 70/156/EEC is normally one every two years.

## Appendix 1

**Information document No ... pursuant to Annex I of Council Directive 70/156/EEC (\*) relating to EC type-approval of a vehicle with respect to the permissible sound level and the exhaust system (Directive 70/157/EEC, as last amended by Directive .../.../EC)**

The following information, if applicable, must be supplied in triplicate and include a list of contents. Any drawings must be supplied in appropriate scale and in sufficient detail on size A4 or on a folder of A4 format. Photographs, if any, must show sufficient detail.

If the systems, components or separate technical units have electronic controls, information concerning their performance must be supplied.

**0. General**

- 0.1. Make (trade name of manufacturer):
- 0.2. Type and general commercial description(s):
- 0.3. Means of identification of type, if marked on the vehicle (b):
  - 0.3.1. Location of that marking.
- 0.4. Category of vehicle (c):
- 0.5. Name and address of manufacturer:
- 0.8. Address(es) of assembly plant(s):

**1. General construction characteristics of the vehicle**

- 1.1. Photographs and/or drawings of a representative vehicle:
  - 1.3.3. Powered axles (number, position, interconnection):
- 1.6. Position and arrangement of the engine:

**2. Masses and dimensions (e) (in kg and mm) (Refer to drawing where applicable)**

- 2.4. Range of vehicle dimensions (overall)
  - 2.4.1. For chassis without bodywork
    - 2.4.1.1. Length (j):
    - 2.4.1.2. Width (k):
  - 2.4.2. For chassis with bodywork
    - 2.4.2.1. Length (j):
    - 2.4.2.2. Width (k):
- 2.6. Mass of the vehicle with bodywork in running order, or mass of the chassis with cab if the manufacturer does not fit the bodywork (with standard equipment, including coolant, oils, fuel, tools, spare wheel and driver) (o) (maximum and minimum):

(\*) The item numbers and footnotes used in this information document correspond to those set out in Annex I to Directive 70/156/EEC. Items not relevant for the purpose of this Directive are omitted.



3. **Power plant (q)**
- 3.1. Manufacturer:
- 3.1.1. Manufacturer's engine code: (As marked on the engine, or other means of identification)
- 3.2. Internal combustion engine
- 3.2.1.1. Working principle: positive ignition/compression ignition, four stroke/two stroke <sup>(1)</sup>
- 3.2.1.2. Number and arrangement of cylinders:
- 3.2.1.2.3. Firing order:
- 3.2.1.3. Engine capacity (s): cm<sup>3</sup>
- 3.2.1.8. Maximum net power (t): kW at min<sup>-1</sup> (manufacturer's declared value)
- 3.2.4. Fuel feed
- 3.2.4.1. By carburettor(s): yes/no <sup>(1)</sup>
- 3.2.4.1.2. Type(s):
- 3.2.4.1.3. Number fitted:
- 3.2.4.2. By fuel injection (compression ignition only): yes/no <sup>(1)</sup>
- 3.2.4.2.2. Working principle: Direct injection/pre-chamber/swirl chamber <sup>(1)</sup>
- 3.2.4.2.4. Governor
- 3.2.4.2.4.1. Type:
- 3.2.4.2.4.2.1. Cut-off point under load: min<sup>-1</sup>
- 3.2.4.3. By fuel injection (positive ignition only): yes/no <sup>(1)</sup>
- 3.2.4.3.1. Working principle: Intake manifold (single-/multi-point <sup>(1)</sup>)/direct injection/other (specify) <sup>(1)</sup>
- 3.2.8. Intake system
- 3.2.8.4.2. Air filter, drawings; or
- 3.2.8.4.2.1. Make(s):
- 3.2.8.4.2.2. Type(s):
- 3.2.8.4.3. Intake silencer, drawings; or
- 3.2.8.4.3.1. Make(s):
- 3.2.8.4.3.2. Type(s):
- 3.2.9. Exhaust system
- 3.2.9.2. Description and/or drawing of the exhaust system:

<sup>(1)</sup> Delete as applicable.

## 3.2.9.4. Exhaust silencer(s):

For front, centre, rear silencer: construction, type, marking, where relevant for exterior noise: reducing measures in the engine compartment and on the engine:

## 3.2.9.5. Location of the exhaust outlet:

## 3.2.9.6. Exhaust silencer containing fibrous materials:

3.2.12.2.1. Catalytic convertor: yes/no <sup>(1)</sup>

## 3.2.12.2.1.1. Number of catalytic convertors and elements:

## 3.3. Electric motor

## 3.3.1. Type (winding, excitation):

## 3.3.1.1. Maximum hourly output: kW

## 3.3.1.2. Operating voltage: V

## 3.4. Other engines or motors or combinations thereof (particulars regarding the parts of such engines or motors):

4. **Transmission (v)**

## 4.2. Type (mechanical, hydraulic, electric, etc.):

## 4.6. Gear ratios

Gear	Internal gearbox ratios (ratios of engine to gearbox output shaft revolutions)	Final drive ratio(s) (ratio of gearbox output shaft to driven wheel revolutions)	Total gear ratios
Maximum for CVT (*)			
1			
2			
3			
...			
Minimum for CVT (*)			
Reverse			

(\*) Continuously variable transmission

## 4.7. Maximum vehicle speed (and gear in which this is achieved) (in km/h) (w):

6. **Suspension**

## 6.6. Tyres and wheels

## 6.6.2. Upper and lower limits of rolling radii

## 6.6.2.1. Axle 1:

## 6.6.2.2. Axle 2:

## 6.6.2.3. Axle 3:

## 6.6.2.4. Axle 4:

etc.

<sup>(1)</sup> Delete as applicable.

9. **Bodywork (not applicable for vehicles of category M<sub>1</sub>)**
- 9.1. Type of bodywork:
- 9.2. Materials used and method of construction
12. **Miscellaneous**
- 12.5. Details of any non-engine devices designed to reduce noise (if not covered by other items):
- Additional information in the case of off-road vehicles:
- 1.3. Number of axles and wheels:
- 2.4.1. For chassis without bodywork
- 2.4.1.4.1. Approach angle (na): ..... degrees
- 2.4.1.5.1. Departure angle (nb): ..... degrees
- 2.4.1.6. Ground clearance (as defined in point 4.5 of section A of Annex II to Directive 70/156/EEC)
- 2.4.1.6.1. Between the axles:
- 2.4.1.6.2. Under the front axle(s):
- 2.4.1.6.3. Under the rear axle(s):
- 2.4.1.7. Ramp angle (nc): ..... degrees
- 2.4.2. For chassis with bodywork
- 2.4.2.4.1. Approach angle (na): ..... degrees
- 2.4.2.5.1. Departure angle (nb): ..... degrees
- 2.4.2.6. Ground clearance (as defined in point 4.5 of section A of Annex II to Directive 70/156/EEC)
- 2.4.2.6.1. Between the axles:
- 2.4.2.6.2. Under the front axle(s):
- 2.4.2.6.3. Under the rear axle(s):
- 2.4.2.7. Ramp angle (nc): ..... degrees
- 2.15. Hill-starting ability (solo vehicle): ..... percent
- 4.9. Differential lock: yes/no/optional <sup>(1)</sup>

Date, File

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<sup>(1)</sup> Delete as applicable.

## Appendix 2

## MODEL

**EC TYPE-APPROVAL CERTIFICATE**

(Maximum Format: A4 (210 × 297 mm))

Stamp of administration

Communication concerning the

- type-approval <sup>(1)</sup>
- extension of type-approval <sup>(1)</sup>
- refusal of type-approval <sup>(1)</sup>
- withdrawal of type-approval <sup>(1)</sup>

of a type of a vehicle/component/separate technical unit <sup>(1)</sup> with regard to Directive .../.../EEC, as last amended by Directive .../.../EC.

Type-approval number:

Reason for extension:

## SECTION I

- 0.1. Make (trade name of manufacturer):
- 0.2. Type and general commercial description(s):
- 0.3. Means of identification of type if marked on the vehicle/component/separate technical unit <sup>(1)</sup> <sup>(2)</sup>
  - 0.3.1. Location of that marking.
- 0.4. Category of vehicle <sup>(3)</sup>:
- 0.5. Name and address of manufacturer:
- 0.7. In the case of components and separate technical units, location and method of affixing of the EC approval mark:
- 0.8. Address(es) of assembly plant(s)

## SECTION II

1. Additional information (where applicable): See Addendum
2. Technical service responsible for carrying out the tests:
3. Date of test report:
4. Number of test report:
5. Remarks (if any): See Addendum
6. Place:
7. Date:
8. Signature:
9. The index to the information package lodged with the approval authority, which may be obtained on request, is attached.

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<sup>(1)</sup> Delete as applicable.

<sup>(2)</sup> If the means of identification of type contains characters not relevant to describe the vehicle, component or separate technical unit types covered by the type-approval certificate such characters shall be represented in the documentation by the symbol: “?” (e.g. ABC??123??).

<sup>(3)</sup> As defined in Annex IIA to Directive 70/156/EEC.

Addendum to EC type-approval certificate No ...

**concerning the type-approval of a vehicle with regard to Directive 70/157/EEC as last amended by Directive .../.../EC**

1. Additional information:

1.1. If necessary, list of vehicles covered by item 3.1.2.3.2.3. of Annex III of UN/ECE Regulation No 51:

1.2. Engine

1.2.1. Manufacturer:

1.2.2. Type:

1.2.3. Model:

1.2.4. Rated maximum power ..... kW at ..... min<sup>-1</sup>

1.3. Transmission: non-automatic gearbox/automatic gearbox <sup>(1)</sup>

1.3.1. Number of gears:

1.4. Equipment

1.4.1. Exhaust silencer

1.4.1.1. Manufacturer:

1.4.1.2. Model:

1.4.1.3. Type: ..... in accordance with drawing No:

1.4.2. Intake silencer

1.4.2.1. Manufacturer:

1.4.2.2. Model:

1.4.2.3. Type: ..... in accordance with drawing No:

1.5. Tyre size:

1.5.1. Description of tyre type used for type-approval testing:

1.6. Measurements

1.6.1. Sound level of moving vehicle:

Measurement results			
	Left-hand side dB(A) <sup>(1)</sup>	Right-hand side dB(A) <sup>(1)</sup>	Position of gear lever
first measurement			
second measurement			
third measurement			
fourth measurement			
Test result: ..... dB(A)/E <sup>(2)</sup>			
<sup>(1)</sup> The measurement values are given with the 1 dB(A) deduction in accordance with provisions of item 2.2.1 of Annex I.			
<sup>(2)</sup> "E" indicates that the measurements in question were conducted in accordance with this Directive.			

1.6.2. Sound level of stationary vehicle:

Measurement results		
	dB(A)	Engine
first measurement		
second measurement		
third measurement		
Test result: ..... dB(A)/E <sup>(1)</sup>		
<sup>(1)</sup> "E" indicates that the measurements in question were conducted in accordance with this Directive.		

<sup>(1)</sup> Delete as applicable.

## 1.6.3. Sound level of compressed air noise:

Measurement results		
	Left-hand side dB(A) <sup>(1)</sup>	Right-hand side dB(A) <sup>(1)</sup>
first measurement		
second measurement		
third measurement		
fourth measurement		
Test result: ..... dB(A)		

<sup>(1)</sup> The measurement values are given with the 1 dB(A) deduction in accordance with provision of item 2.2.1 of Annex I.

## 5. Remarks:

\_\_\_\_\_

## ANNEX II

## ANNEX II

**ADMINISTRATIVE PROVISIONS FOR EC TYPE-APPROVAL OF EXHAUST SYSTEMS AS SEPARATE TECHNICAL UNITS (REPLACEMENT EXHAUST SYSTEMS)**

## 1. APPLICATION FOR EC TYPE-APPROVAL

- 1.1. The application of EC type-approval pursuant to Article 3(4) of Directive 70/156/EEC in respect of a replacement exhaust system or component thereof as a separate technical unit shall be submitted by the vehicle manufacturer or the manufacturer of the separate technical unit in question.
- 1.2. A model for the information document is given in Appendix 1.
- 1.3. At the request of the technical service concerned, the applicant must submit:
  - 1.3.1. two examples of the system in respect of which application for EC type-approval has been made,
  - 1.3.2. an exhaust system of the type originally fitted to the vehicle when EC type-approval was granted,
  - 1.3.3. a vehicle representative of the type to which the system is to be fitted, which meets the requirements of item 4.1 of Annex 7 of UN/ECE Regulation No 51 as referred to in Annex III of this Directive.
  - 1.3.4. a separate engine corresponding to the type of vehicle described above.

## 2. MARKINGS

- 2.4.1. The replacement exhaust system or its components, excluding fixing hardware and pipes must bear:
  - 2.4.1.1. the trademark or trade name of the manufacturer of the replacement system and its components,
  - 2.4.1.2. the manufacturer's trade description,
- 2.4.2. These marks must be clearly legible and indelible, even when the system is fitted to the vehicle.

## 3. GRANTING OF EC TYPE-APPROVAL

- 3.1. If the relevant requirements are satisfied, EC type-approval pursuant to Article 4(3) and, if applicable, Article 4(4) of Directive 70/156/EEC shall be granted.
- 3.2. A model for the EC type-approval certificate is given in Appendix 2.
- 3.3. A type-approval number in accordance with Annex VII to Directive 70/156/EEC shall be assigned to each type of replacement exhaust system or component thereof approved as a separate technical unit; section 3 of the type-approval number shall indicate the number of the amending Directive which was applicable at the time of the vehicle type-approval. The same Member State shall not assign the same number to another type of replacement exhaust system or component thereof.

## 4. EC TYPE-APPROVAL MARK

- 4.1. Every replacement exhaust system or component thereof, excluding fixing hardware and pipes, conforming to a type approved under this Directive shall bear an EC type-approval mark.
- 4.2. The EC type-approval mark shall consist of a rectangle surrounding the lower case letter "e" followed by the distinguishing letter(s) or number of the Member State which has granted the approval:
  - "1" for Germany
  - "2" for France
  - "3" for Italy
  - "4" for the Netherlands

- "5" for Sweden
- "6" for Belgium
- "7" for Hungary
- "8" for the Czech Republic
- "9" for Spain
- "11" for the United Kingdom
- "12" for Austria
- "13" for Luxembourg
- "17" for Finland
- "18" for Denmark
- "19" for Romania
- "20" for Poland
- "21" for Portugal
- "23" for Greece
- "24" for Ireland
- "26" for Slovenia
- "27" for Slovakia
- "29" for Estonia
- "32" for Latvia
- "34" for Bulgaria
- "36" for Lithuania
- "49" for Cyprus
- "50" for Malta

It must also include in the vicinity of the rectangle the "base approval number" contained in section 4 of the type-approval number referred to in Annex VII to Directive 70/156/EEC, preceded by the two figures indicating the sequence number assigned to the most recent major technical amendment to Council Directive 70/157/EEC which was applicable at the time of the vehicle type-approval. For Directive 70/157/EEC, the sequence number is 00; for Directive 77/212/EEC the sequence number is 01; for Directive 84/424/EEC the sequence number is 02; for Directive 92/97/EEC and this Directive the sequence number is 03. Sequence number 03 reflects as well the technical requirements of the 00 series of amendments of UN/ECE Regulation No 59.

- 4.3. The mark must be clearly legible and indelible even when the replacement exhaust system or component thereof is fitted to the vehicle.
  - 4.4. An example of the EC type-approval mark is shown in Appendix 3.
  - 5. MODIFICATION OF THE TYPE AND AMENDMENTS TO APPROVALS
  - 5.1. In the case of modifications of the type approved pursuant to this Directive, the provisions of Article 5 of Directive 70/156/EEC shall apply.
  - 6. CONFORMITY OF PRODUCTION
  - 6.1. Measures to ensure the conformity of production shall be taken in accordance with the requirements laid down in Article 10 to Directive 70/156/EEC.
  - 6.2. Special provisions:
    - 6.2.1. The tests referred to item 2.3.5 of Annex X to Directive 70/156/EEC are those prescribed in Annex 5 of UN/ECE Regulation No 59 as referred to in Annex III of this Directive.
    - 6.2.2. The frequency of inspections referred to in item 3 of Annex X to Directive 70/156/EEC is normally one every two years.
-



*Appendix 1***Information Document No ... relating to EC type-approval as separate technical unit of exhaust systems for motor vehicles (Directive 70/157/EEC, as last amended by Directive .../.../EC)**

The following information, if applicable, must be supplied in triplicate and include a list of contents. Any drawings must be supplied in appropriate scale and in sufficient detail on size A4 or on a folder of A4 format. Photographs, if any, must show sufficient detail.

If the systems, components or separate technical units have electronic controls, information concerning their performance must be supplied.

**0. General**

0.1. Make (trade name of manufacturer):

0.2. Type and general commercial description(s):

0.5. Name and address of manufacturer:

0.7. In the case of components and separate technical units, location and method of affixing of the EC approval mark:

0.8. Address(es) of assembly plant(s):

1. Description of the vehicle for which the device is intended (if the device is intended to be fitted to more than one vehicle type the information requested under this point shall be supplied for each type concerned)

1.1. Make (trade name of manufacturer):

1.2. Type and general commercial description(s):

1.3. Means of identification of type, if marked on the vehicle:

1.4. Category of vehicle:

1.5. EC type-approval number with regard to sound level:

1.6. All the information mentioned in items 1.1 to 1.5 of the type-approval certificate concerning the vehicle (Annex I, Appendix 2 to this Directive):

**2. Description of the device**

2.1. A description of the replacement exhaust system indicating the relative position of each system component, together with mounting instructions:

2.2. Detailed drawings of each component, so that they can be easily located and identified, and reference to the materials used. These drawings must indicate the place provided for the compulsory affixing of the EC type-approval mark:

Date, File

---

## Appendix 2

## MODEL

**EC TYPE-APPROVAL CERTIFICATE**

(Maximum Format: A4 (210 × 297 mm))

Stamp of administration

Communication concerning the

- type-approval <sup>(1)</sup>
- extension of type-approval <sup>(1)</sup>
- refusal of type-approval <sup>(1)</sup>
- withdrawal of type-approval <sup>(1)</sup>

of a type of a vehicle/component/separate technical unit <sup>(1)</sup> with regard to Directive .../.../EEC, as last amended by Directive .../.../EC.

Type-approval number:

Reason for extension:

## SECTION I

- 0.1. Make (trade name of manufacturer):
- 0.2. Type and general commercial description(s):
- 0.3. Means of identification of type if marked on the vehicle/component/separate technical unit <sup>(1)</sup> <sup>(2)</sup>:
  - 0.3.1. Location of that marking:
- 0.4. Category of vehicle <sup>(3)</sup>:
- 0.5. Name and address of manufacturer:
- 0.7. In the case of components and separate technical units, location and method of affixing of the EC approval mark:
- 0.8. Address(es) of assembly plant(s):

## SECTION II

1. Additional information (where applicable): See Addendum
2. Technical service responsible for carrying out the tests:
3. Date of test report:
4. Number of test report:

<sup>(1)</sup> Delete as applicable.

<sup>(2)</sup> If the means of identification of type contains characters not relevant to describe the vehicle, component or separate technical unit types covered by the type-approval certificate such characters shall be represented in the documentation by the symbol: “?” (e.g. ABC??123??).

<sup>(3)</sup> As defined in Annex IIA to Directive 70/156/EEC.

5. Remarks (if any): See Addendum
  6. Place:
  7. Date:
  8. Signature:
  9. The index to the information package lodged with the approval authority, which may be obtained on request, is attached.
-

*Addendum to EC type-approval certificate No ...*

**concerning the separate technical unit type-approval of exhaust systems for motor vehicles with regard to Directive 70/157/EEC as last amended by Directive .../.../EC**

1. Additional information
  - 1.1. Composition of the separate technical unit:
  - 1.2. Trademark or trade name of the type(s) of motor vehicle to which the silencer is to be fitted <sup>(1)</sup>
  - 1.3. Type(s) of vehicle and its/their type-approval number(s):
  - 1.4. Engine
    - 1.4.1. Type (positive ignition, diesel):
    - 1.4.2. Cycles: two-stroke, four-stroke:
    - 1.4.3. Total cylinder capacity:
    - 1.4.4. Rated maximum engine power ..... kW at ..... min<sup>-1</sup>
  - 1.5. Number of gear ratios:
  - 1.6. Gear ratios employed:
  - 1.7. Drive-axle ratios(s):
  - 1.8. Sound-level values:
 

moving vehicle: ..... dB(A), speed stabilised before acceleration at ..... km/h;

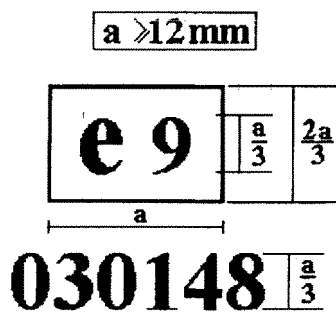
stationary vehicle dB(A), at ..... min<sup>-1</sup>
  - 1.9. Value of the back pressure:
  - 1.10. Any restrictions in respect of use and mounting requirements:
2. Remarks:

\_\_\_\_\_

<sup>(1)</sup> If several types are indicated, items 1.3 to 1.10 inclusive must be completed in respect of each type.

## Appendix 3

## Model for the EC type-approval mark



The exhaust system or component thereof bearing the above EC type-approval mark is a device which has been approved in Spain (e 9) pursuant to Directive 92/97/EEC (03) under the base approval number 0148.

The figures used are only indicative.'

## ANNEX III

## 'ANNEX III

1. The technical requirements are those set out in:
  - (a) points 2, 6.1, 6.2.1 and 6.3 of UN/ECE Regulation No 51 (\*) and Annexes 3 to 10 thereto;
  - (b) points 2 and 6 of UN/ECE Regulation No 59 (\*\*) and Annexes 3 to 5 thereto.
  
2. For the purposes of the application of the provisions referred to in point 1, the following shall apply:
  - (a) "Unladen vehicle" means a vehicle the mass of which is described in point 2.6 of Appendix 1 of Annex I to this Directive, without driver;
  - (b) "Communication form" shall be understood as type-approval-certificate set out in Appendix 2 of Annexes I and II;
  - (c) "Contracting Parties to the respective regulations" shall be understood as Member States;
  - (d) references to Regulation No 51 and Regulation No 59 shall be construed as references to Directive 70/157/EEC;
  - (e) footnote 1 in point 2.2.6 shall be understood as follows: "For definitions of the categories, see Annex II A to Directive 70/156/EEC".

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(\*) OJ L 137, 30.5.2007, p. 68.

(\*\*) OJ L 326, 24.11.2006, p. 43.'

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## II

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

## DECISIONS

## COUNCIL

## COUNCIL DECISION

of 11 June 2007

**amending Decision 2004/585/EC establishing Regional Advisory Councils under the Common Fisheries Policy**

(2007/409/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Advisory Councils to ensure their effective functioning, as well as to cover their interpretation and translation costs.

Having regard to the Treaty establishing the European Community, and in particular Article 37 thereof,

(4) Regional Advisory Councils offer advice on the Common Fisheries Policy to the Commission and Member States and ensure effective involvement of stakeholders which is one of the essential pillars of the reformed Common Fisheries Policy and a prerequisite of good governance.

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

(5) Regional Advisory Councils should, therefore, be considered, as bodies pursuing an aim of general European interest within the meaning of Article 162(b) of 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>(3)</sup>.

Whereas:

(1) Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy <sup>(1)</sup> and in particular Articles 31 and 32 thereof, provides for new forms of participation by stakeholders in the Common Fisheries Policy through the establishment of Regional Advisory Councils.

(6) Regional Advisory Councils need to be granted financial stability by providing them with sufficient and permanent funding in order to continue to pursue effectively their advisory role within the Common Fisheries Policy.

(2) Decision 2004/585/EC <sup>(2)</sup> defines a common framework to be complied with by each of the Regional Advisory Councils.

(3) Article 9 of Decision 2004/585/EC provides for Community financial aid to be granted to the Regional

(7) In order to simplify the management of the Community funding received by the Regional Advisory Councils, there should be a single financial instrument to cover all costs.

<sup>(1)</sup> OJ L 358, 31.12.2002, p. 59.

<sup>(2)</sup> OJ L 256, 3.8.2004, p. 17.

<sup>(3)</sup> OJ L 357, 31.12.2002, p. 1. Regulation as last amended by Regulation (EC, Euratom) No 478/2007 (OJ L 111, 28.4.2007, p. 13).

- (8) In view of the Community financial aid allocated to the Regional Advisory Councils, it is important that the Commission, in addition to the audit controls, should be able to check at any moment that Regional Advisory Councils are operating in conformity with the tasks assigned to them.
- (9) Decision 2004/585/EC should, therefore, be amended accordingly,

HAS DECIDED AS FOLLOWS:

*Article 1*

Decision 2004/585/EC is hereby amended as follows:

1. Article 9 shall be replaced by the following:

*'Article 9*

**Financing**

1. A Regional Advisory Council which has acquired legal personality may apply for Community financial aid as a body pursuing an aim of general European interest within the meaning of Article 162(b) of 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 (\*).

2. The Commission shall sign a grant agreement with each Regional Advisory Council to cover their operational

costs, including translation and interpretation costs in accordance with Annex II.

(\*) OJ L 357, 31.12.2002, p. 1. Regulation as last amended by Regulation (EC, Euratom) No 478/2007 (OJ L 111, 28.4.2007, p. 13).;

2. the following Article shall be inserted:

*'Article 9a*

**Commission verifications**

The Commission may carry out all verifications it considers necessary to ensure compliance with the tasks assigned by Regulation (EC) No 2371/2002 and this Decision to the Regional Advisory Councils.;

3. Annex II shall be replaced by the Annex set out hereto.

*Article 2*

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

Done at Luxembourg, 11 June 2007.

*For the Council*

*The President*

H. SEEHOFER



## ANNEX

## 'ANNEX II

**Community contribution towards the costs incurred by the Regional Advisory Councils**

The Community shall contribute to part of the operating costs of the Regional Advisory Councils as bodies pursuing an aim of general European interest. The grant allocated by the Community to each Regional Advisory Council for its operating costs shall not exceed 90 % of the operating budget of the Regional Advisory Council. In the following years, the financial contribution shall be permanent and depend on the budget available. Each year, the Commission shall conclude with each Regional Advisory Council an "operating grant agreement" setting the precise terms and conditions and the procedure for the grant allocation.

The eligible costs shall consist of the costs necessary to ensure the normal operation of the Regional Advisory Councils and enable them to pursue their aims. Only the actual expenses will be subject to the Community contribution, which will be granted on condition that the other sources of financing have been allocated.

The following direct costs shall be eligible:

- personnel expenses (cost of personnel per day of work on the project),
  - meeting room facilities,
  - new or used equipment,
  - materials and supplies,
  - dissemination of information to members,
  - travel and accommodation expenses of experts attending Committee meetings (based on scales or rules laid down by the Commission departments),
  - audits,
  - interpretation and translation costs,
  - a contingency reserve of not more than 5 % of eligible direct costs.'
-

# COMMISSION

## COMMISSION DECISION

of 12 June 2007

### on measures to prevent the introduction into and the spread within the Community of Potato spindle tuber viroid

(notified under document number C(2007) 2451)

(2007/410/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

regards this harmful organism, there are at present no special requirements for these plants originating in the Community.

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community<sup>(1)</sup>, and in particular Article 16(3),

(5) It is necessary to take measures against the introduction into and spread within the Community of the harmful organism, since the available scientific information has shown that the presence of that organism on those plants can lead to further spreading of it.

Whereas:

(6) The measures provided for in this Decision should apply to the introduction or the spread of the harmful organism, the import, production and movement of the plants of the genus *Brugmansia* Pers. spp., and the species *Solanum jasminoides* Paxton, intended for planting, including seeds, within the Community. In addition, a survey for the presence or continued absence of the harmful organism in the Member States should be prepared.

(1) Under Directive 2000/29/EC, where a Member State considers that there is a danger of introduction into or spread within its territory of a harmful organism listed in Annex I or Annex II to that Directive, it is to take any measures necessary to protect itself from that danger.

(2) As a result of the presence of Potato spindle tuber viroid, The Netherlands informed the Member States and the Commission on 14 February 2007 that it had adopted on 14 February 2007 official measures to prevent the further introduction into and spread within its territory of this harmful organism.

(7) It is appropriate that the results of the measures be assessed, in particular on the basis of information to be provided by the Member States, as a basis for possible future measures.

(3) Potato spindle tuber viroid is listed in Section I of Part A of Annex I to Directive 2000/29/EC, and as an organism whose introduction into and spread within all Member States is to be prohibited.

(8) Member States should adapt, if necessary, their legislation in order to comply with this Decision.

(4) Potato spindle tuber viroid has been found on plants of *Solanum jasminoides* Paxton and *Brugmansia* Pers. spp. As

(9) The results of the taken measures should be reviewed by 29 February 2008.

<sup>(1)</sup> OJ L 169, 10.7.2000, p. 1. Directive as last amended by Commission Directive 2006/35/EC (OJ L 88, 25.3.2006, p. 9).

(10) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DECISION:

*Article 1*

**Import of the specified plants**

The plants of the genus *Brugmansia* Pers. *spp.*, and the species *Solanum jasminoides* Paxton, intended for planting, including seeds (hereinafter 'specified plants'), may be introduced into the Community only if:

- (a) they comply with the requirements laid down in point 1 of the Annex; and
- (b) they are, on entry into the Community, inspected and tested by the responsible official body for the presence of Potato spindle tuber viroid, in accordance with Article 13a(1) of Directive 2000/29/EC, and found free from it.

*Article 2*

**Movement of the specified plants within the Community**

The specified plants originating in the Community or imported into the Community pursuant to Article 1 may be moved within the Community only if they meet the conditions laid down in point 2 of the Annex.

*Article 3*

**Surveys and notifications**

1. Member States shall conduct official surveys, and where appropriate, testing, for the presence of Potato spindle tuber viroid on host plants or evidence of infection by this harmful organism in their territory.

Without prejudice to Article 16(2) of Directive 2000/29/EC, the results of those surveys, shall be notified to the Commission and to the other Member States by 10 January 2008.

2. Any suspected occurrence or confirmed presence of Potato spindle tuber viroid shall be immediately notified to the responsible official bodies.

*Article 4*

**Compliance**

Member States shall, if necessary, amend the measures which they have adopted to protect themselves against the introduction and spread of Potato spindle tuber viroid in such a manner that those measures comply with this Decision. They shall immediately inform the Commission of those measures.

*Article 5*

**Review**

This Decision shall be reviewed by 29 February 2008 at the latest.

*Article 6*

**Addressees**

This Decision is addressed to the Member States.

Done at Brussels, 12 June 2007.

*For the Commission*

Markos KYPRIANOU

*Member of the Commission*

## ANNEX

**Additional measures referred to in Articles 1 and 2 of this Decision****1. Specific import requirements**

Without prejudice to point 13 of Part A of Annex III to Directive 2000/29/EC, the specified plants originating in third countries shall be accompanied by a certificate as referred to in Article 13(1)(ii) of that Directive which states under the rubric 'additional declaration' that the specified plants originate in and have been grown throughout their life in a place of production as defined in the FAO International Standard for Phytosanitary Measures No 5 <sup>(1)</sup> (hereinafter 'place of production') which is registered and supervised by the national plant protection organisation in the country of origin,

- (a) in countries where Potato spindle tuber viroid is known not to occur; or
- (b) in a pest-free area, established by the national plant protection organisation in the country of origin in accordance with relevant International Standards for Phytosanitary Measures. The name of the pest-free area shall be mentioned under the rubric 'place of origin'; or
- (c) where all lots of specified plants have been tested and found free from Potato spindle tuber viroid, prior to movement; or
- (d) where all associated mother plants of the specified plants have been tested and found free from Potato spindle tuber viroid, prior to movement of the specified plants. After testing, the growing conditions are such that associated mother plants and the specified plants will remain free from Potato spindle tuber viroid prior to movement.

**2. Conditions for movement**

All specified plants either originating in the Community or imported into the Community pursuant to Article 1 of this Decision, with the exception of small quantities of plants for use by the owner or recipient for non-commercial purposes provided that there is no risk of the harmful organism spreading, may be moved within the Community only if they are accompanied by a plant passport prepared and issued in accordance with the provisions of Commission Directive 92/105/EEC <sup>(2)</sup> and have been grown throughout their life or since their introduction into the Community in a place of production:

- (a) in a Member State where Potato spindle tuber viroid is known not to occur; or
- (b) in a pest-free area, established by the responsible official body in a Member State, in accordance with relevant International Standards for Phytosanitary Measures; or
- (c) where all lots of specified plants have been tested and found free from Potato spindle tuber viroid, prior to movement; or
- (d) where all associated mother plants of the specified plants have been tested and found free from Potato spindle tuber viroid, prior to movement of the specified plants. After testing, the growing conditions are such that associated mother plants and the specified plants will remain free from Potato spindle tuber viroid prior to movement.

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<sup>(1)</sup> Glossary of Phytosanitary Terms — Reference Standard ISPM No 5 by the Secretariat of the International Plant Protection Convention, Rome.

<sup>(2)</sup> OJ L 4, 8.1.1993, p. 22. Directive as amended by Directive 2005/17/EC (OJ L 57, 3.3.2005, p. 23).

## COMMISSION DECISION

of 14 June 2007

**prohibiting the placing on the market of products derived from bovine animals born or reared within the United Kingdom before 1 August 1996 for any purpose and exempting such animals from certain control and eradication measures laid down in Regulation (EC) No 999/2001 and repealing Decision 2005/598/EC**

(notified under document number C(2007) 2473)

(Only the English text is authentic)

(2007/411/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies <sup>(1)</sup>, and in particular Articles 13(1) and 13(3) thereof,

Whereas:

(1) Commission Decision 2005/598/EC of 2 August 2005 prohibiting the placing on the market of products derived from bovine animals born or reared within the United Kingdom before 1 August 1996 for any purpose and exempting such animals from certain control and eradication measures laid down in Regulation (EC) No 999/2001 <sup>(2)</sup> places a marketing ban on all products consisting of or incorporating materials derived from bovine animals born or reared in the United Kingdom before 1 August 1996. However, by way of derogation, milk and hides prepared for use for leather production can be placed on the market.

(2) Article 13(1) of Regulation (EC) No 999/2001 lays down measures to be applied when the presence of bovine spongiform encephalopathy (BSE) has been officially confirmed. One of these measures consists in the immediate and complete destruction of all parts of the body, including hide, of bovine animals belonging to the cohort of the animal in which BSE was confirmed.

(3) Before August 1996, the identification system for cattle in the United Kingdom was insufficient to allow reliable tracing of animals and accurate identification of cohorts of BSE-positive cases. Consequently, all cattle born before August 1996 are considered to be cohort animals.

(4) Article 13(1) of Regulation (EC) No 999/2001 provides that, by way of derogation from complete destruction of all parts of the body of cohort animals, Member States may apply other measures offering an equivalent level of protection, if such measures have been approved in accordance with a committee procedure.

(5) On 18 May 2006, the European Food Safety Agency (EFSA) adopted an opinion on the BSE risk from bovine hides coming from cohort animals <sup>(3)</sup>. EFSA recognised that the production of leather made from the hides of cohort animals presents a negligible risk provided these animals are either slaughtered in dedicated premises or separated in time from normal slaughter, their hides are clearly and immediately labelled before being transported direct to processing facilities and, in addition, that all tanned and un-tanned by-products are destroyed.

(6) On 12 March 2007, the United Kingdom presented an official protocol for channelling all hides coming from bovine animals born or reared before 1 August 1996 in the United Kingdom <sup>(4)</sup> (the official protocol). This protocol is entirely under official supervision and meets the conditions recommended for cohort hides in the EFSA opinion adopted on 18 May 2006.

(7) The United Kingdom should therefore be allowed to use cattle cohort hides deriving from bovine animals born or reared in the United Kingdom before 1 August 1996 for leather production.

(8) For legal reasons, Decision 2005/598/EC should be repealed and replaced by a new one whose provisions, except for those related to hides, are identical.

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

<sup>(1)</sup> OJ L 147, 31.5.2001, p. 1. Regulation as last amended by Regulation (EC) No 1923/2006 (OJ L 404, 30.12.2006, p. 1).

<sup>(2)</sup> OJ L 204, 5.8.2005, p. 22.

<sup>(3)</sup> Available at [http://www.efsa.europa.eu/en/science/biohaz/biohaz\\_opinions/1575.html](http://www.efsa.europa.eu/en/science/biohaz/biohaz_opinions/1575.html)

<sup>(4)</sup> Available at <http://www.rpa.gov.uk/rpa/index.nsf/UIMenu/DF2A12FDD9D660C1802570D2003ED00C?Opendocument>

HAS ADOPTED THIS DECISION:

*Article 1*

1. No products consisting of or incorporating materials, other than milk, derived from bovine animals born or reared within the United Kingdom before 1 August 1996 shall be placed on the market.

2. On the death of any bovine animal born or reared within the United Kingdom before 1 August 1996, all its body parts shall be disposed of in accordance with Regulation (EC) No 1774/2002 of the European Parliament and of the Council <sup>(1)</sup>.

3. By way of derogation from the provisions laid down in paragraphs 1 and 2 and from the provisions laid down in Article 13(1)(c) of Regulation (EC) No 999/2001, the hides of bovine animals born or reared within the United Kingdom before 1 August 1996, including hides coming from bovine animals referred to in the third indent of point 1(a) of Annex VII to Regulation (EC) No 999/2001, may be used for leather production. Collection, transport and processing of these hides shall be done in dedicated approved facilities and under strict official supervision according to the official protocol approved by the competent authorities. All by-products, except leather, derived from these hides and produced in the dedicated facilities shall be disposed of as Category 1 materials in accordance with Regulation (EC) No 1774/2002.

*Article 2*

1. When a transmissible spongiform encephalopathy (TSE) is suspected or has been officially confirmed in a bovine animal born or reared within the United Kingdom before 1 August 1996, the United Kingdom shall be exempted from the implementation of the requirements:

(a) in Article 12 of Regulation (EC) No 999/2001 to place the remaining bovine animals from that holding other than

those born in the 12 months following 1 August 1996 under official movement restriction until the results of a clinical and epidemiological examination are known;

(b) in Article 13 of Regulation (EC) No 999/2001 and Annex VII to that Regulation concerning confirmed cases, to identify and destroy animals other than the confirmed case.

2. However, the following animals shall be identified, killed and destroyed in accordance with Regulation (EC) No 999/2001:

(a) where the disease is confirmed in a female animal, all its progeny born within two years prior to, or after, clinical onset of the disease;

(b) where the disease is confirmed in an animal born in the 12 months preceding 1 August 1996, cohort animals born after 31 July 1996.

*Article 3*

Decision 2005/598/EC is repealed.

*Article 4*

This Decision is addressed to the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 14 June 2007.

*For the Commission*

Markos KYPRIANOU

*Member of the Commission*

<sup>(1)</sup> OJ L 273, 10.10.2002, p. 1.

## III

(Acts adopted under the EU Treaty)

## ACTS ADOPTED UNDER TITLE VI OF THE EU TREATY

## COUNCIL DECISION 2007/412/JHA

of 12 June 2007

**amending Decision 2002/348/JHA concerning security in connection with football matches with an international dimension**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 30(1)(a) and (b) and Article 34(2)(c) thereof,

Having regard to the initiative of the Republic of Austria <sup>(1)</sup>,

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

Whereas:

- (1) The European Union's objective is, *inter alia*, to provide citizens with a high level of safety within an area of freedom, security and justice by developing common action among the Member States in the field of police cooperation.
- (2) On 25 April 2002, the Council adopted Decision 2002/348/JHA <sup>(3)</sup> which established national football information points in each Member State as the designated point for sharing police information in respect of football matches with an international dimension. That Decision sets out the tasks and procedures to be adopted by each national football information point.
- (3) Decision 2002/348/JHA should be revised and updated in the light of experience in recent years, such as the European Championships in 2004 and the experts' assessment of international police cooperation in the framework of that championship and extensive police cooperation in respect of international and club matches in Europe generally. In recent years, the number of supporters travelling to matches abroad continues to grow. Therefore, it is necessary for the

competent bodies to strengthen their cooperation and to put the exchange of information on a professional footing in order to prevent disturbances to law and order and to allow every Member State to make an efficient risk assessment. The proposed amendments are the results of gathered experiences from several national football information points in their daily work and should enable them to work in a more structured and professional way, ensuring the exchange of high quality information.

- (4) The amendments are without prejudice to existing national provisions, in particular the divisions of responsibilities among the different authorities and services in the Member States concerned, and to the exercise by the Commission of its powers under the Treaty establishing the European Community,

HAS ADOPTED THIS DECISION:

*Article 1*

Decision 2002/348/JHA is hereby amended as follows:

1. Article 2 shall be amended as follows:

- (a) [Not applicable to the English language version];
- (b) the following paragraph shall be added:

'6. National football information points shall produce and circulate for the benefit of other national football information points regular generic and/or thematic national football disorder assessments.'

<sup>(1)</sup> OJ C 164, 15.7.2006, p. 30.

<sup>(2)</sup> Opinion of 22 March 2007 (not yet published in the Official Journal).

<sup>(3)</sup> OJ L 121, 8.5.2002, p. 1.

2. Article 3 shall be amended as follows:

(a) [Not applicable to the English language version];

(b) the following paragraph shall be added:

‘4. Information shall be exchanged using the appropriate forms contained in the appendix to the handbook with recommendations for international police cooperation and measures to prevent and control violence and disturbances in connection with football matches with an international dimension, in which at least one Member State is involved. National football information points shall ensure that the information they send is complete and in conformity with those forms.’

*Article 2*

The Council shall evaluate the implementation of this Decision by 12 June 2010.

*Article 3*

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

Done at Luxembourg, 12 June 2007.

*For the Council*

*The President*

W. SCHÄUBLE



**DECISION BY THE CONTRACTING PARTIES MEETING WITHIN THE COUNCIL****of 12 June 2007****adopting rules implementing Article 6a of the Convention on the establishment of a European Police Office (Europol Convention)**

(2007/413/JHA)

THE CONTRACTING PARTIES to the Europol Convention,  
Member States of the European Union,

HAVE ADOPTED THE FOLLOWING DECISION:

*Article 1***Definitions**

Having regard to the Convention on the establishment of a European Police Office (Europol Convention) <sup>(1)</sup>, as amended by the Protocol amending that Convention <sup>(2)</sup>, and in particular the second paragraph of Article 6a thereof,

For the purpose of this Decision:

Having regard to the draft prepared by the Management Board and after consulting the Joint Supervisory Body,

(a) 'personal data' means any information relating to an identified or identifiable natural person: an identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identification number or to one or more factors specific to his physical, physiological, mental, economic, cultural or social identity;

Whereas:

(b) 'processing of personal data' ('processing') means any operation or set of operations which is performed upon personal data, whether or not by automatic means, such as collection, recording, organisation, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, blocking, erasure or destruction;

(1) It is for the Contracting Parties meeting within the Council to adopt rules implementing Article 6a of the Europol Convention.

(c) 'computerised system of collected information' means the system referred to in Article 6(1) of the Europol Convention;

(2) The Contracting Parties by adopting this Decision, respect their obligation under the Convention on the Protection of Individuals with regard to Automatic Processing of Personal Data, adopted by the Council of Europe on 28 January 1981.

(d) 'information system' means the system referred to in Article 7(1) of the Europol Convention;

(3) The Contracting Parties equally take account of Recommendation No R(87)15 of the Committee of Ministers of the Council of Europe of 17 September 1987 regulating the use of personal data in the police sector,

(e) 'analysis work file' means a file opened for the purpose of analysis as referred to in Article 10(1) of the Europol Convention;

<sup>(1)</sup> OJ C 316, 27.11.1995, p. 2.

<sup>(2)</sup> OJ C 2, 6.1.2004, p. 1.

(f) 'Member State' means a Contracting Party to the Europol Convention;

- (g) 'third party' means a third State or body as referred to in Article 10(4) of the Europol Convention;
- (h) 'duly authorised Europol official' means a Europol employee designated by the Europol Directorate to process personal data stored in accordance with this Decision.

#### Article 2

##### Scope

This Decision shall apply to personal data communicated to Europol for the purpose of determining whether such data are relevant for its tasks and can be included in the computerised system of collected information, with the exception of:

- (a) personal data entered into the information system pursuant to Article 9(1) of the Europol Convention;
- (b) personal data offered by a Member State or by a third party for inclusion in a specific analysis work file as well as personal data entered into an analysis work file pursuant to Article 10 of the Europol Convention.

#### Article 3

##### Access and use

1. Access to personal data processed by Europol under this Decision shall be limited to duly authorised Europol officials.
2. Without prejudice to Article 13 of the Europol Convention, personal data processed by Europol under this Decision shall only be used for the purposes of determining whether such data are relevant for Europol's tasks and can be included in the computerised system of collected information.

#### Article 4

##### Rules on personal data protection and on data security

1. Europol shall, when processing personal data under this Decision, comply with the rules on personal data protection and on data security laid down in the Europol Convention, in particular Articles 14(3), 16 and 25 and the rules adopted in the implementation thereof.

2. In case Europol decides to include such data in the computerised system of collected information or to delete or destroy it, it shall inform the providing Member State or third party thereof.

#### Article 5

##### Time limit for the storage of data

1. A decision on the use of personal data in accordance with Article 3(2) shall be taken as soon as possible, and in any case not later than six months after such data was received by Europol.
2. In the absence of such a decision upon expiry of the six month period, the personal data in question shall be deleted or destroyed and the providing Member State or third party shall be informed thereof.

#### Article 6

##### Responsibility

1. Europol shall be responsible for ensuring compliance with Articles 3, 4 and 5 of this Decision.
2. Europol shall inform the Management Board and the Joint Supervisory Body on how it intends to implement this responsibility before starting to process data under this Decision.

#### Article 7

##### Entry into force

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

Done at Luxembourg, 12 June 2007.

For the Council  
The President  
W. SCHÄUBLE