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I

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

REGULATIONS

COUNCIL REGULATION (EC) No 809/2007

of 28 June 2007

amending Regulations (EC) No 894/97, (EC) No 812/2004 and (EC) No 2187/2005 as concerns drift nets

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas:

(1) Council Regulation (EC) No 894/97 of 29 April 1997 laying down certain technical measures for the conservation of fishery resources ⁽¹⁾ establishes a management framework for the conservation of fishery resources through technical measures in the form of a general overall length limitation of drift nets to maximum 2,5 km, as well as a prohibition to use or keep on board drift nets intended for the capture of certain species. This prohibition applies to all Community fishing vessels with the exception of those operating in the Baltic Sea, the Belts and the Øresund.

(2) Council Regulation (EC) No 812/2004 of 26 April 2004 laying down measures concerning incidental catches of cetaceans in fisheries ⁽²⁾ sets out requirements concerning the use of acoustic deterrent devices and the monitoring of incidental catches of cetaceans in certain drift net fisheries.

(3) Council Regulation (EC) No 2187/2005 of 21 December 2005 for the conservation of fishery resources through technical measures in the Baltic Sea, the Belts and the Øresund ⁽³⁾ sets out the restrictions and conditions on the use drift nets in this regulated area.

(4) Those Regulations do not however contain a definition of drift nets. For reasons of clarity and in order to facilitate uniformity in the practice of monitoring between Member States, it is necessary to introduce a uniform definition of drift nets in all those three acts.

(5) The establishment of a definition of drift nets does not expand the field of application of the restrictions and conditions on the use of drift nets implemented in Community law.

(6) Regulations (EC) No 894/97, (EC) No 812/2004 and (EC) No 2187/2005 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Article 11 of Regulation (EC) No 894/97 shall be replaced by the following:

'Article 11

1. "Drift net" means: any gillnet held on the sea surface or at a certain distance below it by floating devices, drifting with the current, either independently or with the boat to which it may be attached. It may be equipped with devices aiming to stabilise the net or to limit its drift.

⁽¹⁾ OJ L 132, 23.5.1997, p. 1. Regulation as last amended by Regulation (EC) No 1239/98 (OJ L 171, 17.6.1998, p. 1).

⁽²⁾ OJ L 150, 30.4.2004, p. 12.

⁽³⁾ OJ L 349, 31.12.2005, p. 1.

2. No vessel may keep on board, or use for fishing, one or more drift nets whose individual or total length is more than 2,5 kilometres.'

Article 2

In Regulation (EC) No 812/2004 the following Article shall be inserted:

'Article 1a

Definitions

"Drift net" means: any gillnet held on the sea surface or at a certain distance below it by floating devices, drifting with the current, either independently or with the boat to which it may be attached. It may be equipped with devices aiming to stabilise the net or to limit its drift.'

Article 3

In Article 2 of Regulation (EC) No 2187/2005, the following point shall be added:

'(o) "Drift net" means: any gillnet held on the sea surface or at a certain distance below it by floating devices, drifting with the current, either independently or with the boat to which it may be attached. It may be equipped with devices aiming to stabilise the net or to limit its drift.'

Article 4

This Regulation shall enter into force on the seventh 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 Luxembourg, 28 June 2007.

For the Council
The President
S. GABRIEL

COMMISSION REGULATION (EC) No 810/2007**of 11 July 2007****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables⁽¹⁾, and in particular Article 4(1) thereof,

Whereas:

- (1) Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the

standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto.

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 12 July 2007.

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

Done at Brussels, 11 July 2007.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 337, 24.12.1994, p. 66. Regulation as last amended by Regulation (EC) No 756/2007 (OJ L 172, 30.6.2007, p. 41).

ANNEX

to Commission Regulation of 11 July 2007 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	MK	48,1
	TR	83,4
	XS	23,6
	ZZ	51,7
0707 00 05	JO	151,2
	TR	115,8
	ZZ	133,5
0709 90 70	TR	86,4
	ZZ	86,4
0805 50 10	AR	55,2
	UY	51,0
	ZA	56,7
	ZZ	54,3
0808 10 80	AR	86,2
	BR	88,2
	CL	89,9
	CN	99,5
	NZ	101,4
	US	103,8
	UY	59,1
	ZA	89,6
	ZZ	89,7
0808 20 50	AR	76,7
	CL	84,4
	CN	59,8
	NZ	99,0
	ZA	103,7
	ZZ	84,7
0809 10 00	TR	199,7
	ZZ	199,7
0809 20 95	TR	283,7
	US	481,7
	ZZ	382,7
0809 30 10, 0809 30 90	TR	129,4
	ZZ	129,4
0809 40 05	IL	124,1
	ZZ	124,1

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 1833/2006 (OJ L 354, 14.12.2006, p. 19). Code 'ZZ' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 811/2007

of 11 July 2007

amending Regulation (EC) No 917/2004 on detailed rules to implement Council Regulation (EC) No 797/2004 on improving general conditions for the production and marketing of apiculture products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Article 1

Regulation (EC) No 917/2004 is amended as follows:

Having regard to Council Regulation (EC) No 797/2004 of 26 April 2004 on improving general conditions for the production and marketing of apiculture products ⁽¹⁾, and in particular Article 6 thereof,

1. Article 2 is amended as follows:

Whereas:

(a) in paragraph 1, the second subparagraph is deleted;

(1) To avoid any risk of ambiguity, Article 2(3) of Commission Regulation (EC) No 917/2004 ⁽²⁾ should clearly lay down that measures in apiculture programmes must be implemented before the end of the year to which they relate.

(b) in paragraph 3, the first sentence is replaced by the following:

'The apiculture programme measures laid down for every year of the three-year period shall be implemented in full by 31 August of the year to which they relate.'

(2) The possibility of amending the financial limits for each measure in an apiculture programme during a year without such amendment needing to be approved in accordance with the procedure at Article 5 of Regulation (EC) No 797/2004 is currently restricted to a maximum of 20 % of those financial limits.

2. Article 6 is replaced by the following:

(3) This limit of 20 % has proved administratively too restrictive for both the Member States and the Commission. It should therefore be abolished.

'Article 6

Provided they continue to comply with Article 2 of Regulation (EC) No 797/2004, measures in apiculture programmes may be adjusted during a year. The financial limits for each of these measures may be amended provided that the overall ceiling on planned annual expenditure is not exceeded and that the Community contribution to financing of the apiculture programme does not exceed 50 % of the expenditure borne by the Member State concerned.

(4) To achieve simplification, the adjustment of measures in the apiculture programmes during a year should be made more flexible; the limits on a new budgetary allocation by type of measure within the budget allocated to each Member State should therefore be abolished.

The Member State concerned shall notify the Commission of any draft adjustment to the measures during a year, pursuant to the first subparagraph, where a measure had not been planned initially and notified in the three-year programme. If the Commission raises no objection, the adjustment shall take effect from the first day of the second month following such notification.

(5) There should be provision for adjustments to the measures in the apiculture programmes to be notified to the Commission where certain measures were not notified in the three-year programme forwarded initially.

(6) Regulation (EC) No 917/2004 should be amended accordingly.

(7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Poultrymeat and Eggs,

At the latest two months after the end of each year of the programme, Member States shall send the Commission a summary of implementation of expenditure by type of measure.;

⁽¹⁾ OJ L 125, 28.4.2004, p. 1.

⁽²⁾ OJ L 163, 30.4.2004, p. 83. Regulation as last amended by Regulation (EC) No 1913/2006 (OJ L 365, 21.12.2006, p. 52).

3. Article 7 is deleted.

Article 2

This Regulation shall enter into force on the seventh 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, 11 July 2007.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

COMMISSION REGULATION (EC) No 812/2007**of 11 July 2007****opening and providing for the administration of a tariff quota for pigmeat allocated to the United States of America**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

agricultural products managed by a system of import licences ⁽⁶⁾ should apply, save as otherwise provided for in this Regulation.

Having regard to the Treaty establishing the European Community,

(4) In order to maintain a regular flow of imports, the quota period from 1 July to 30 June of the following year should be subdivided into a number of subperiods. In any event, under Regulation (EC) No 1301/2006 licences are valid only up to and including the last day of the tariff quota period.

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organisation of the market in pigmeat ⁽¹⁾, and in particular Article 11(1) thereof,

Whereas:

(5) The tariff quota should be administered on the basis of import licences. For this purpose, it is important to specify the arrangements for submitting applications and the details that should appear on the licence applications and the licences themselves.

(1) The agreement in the form of an exchange of letters between the European Community and the United States of America pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedules of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic, in the course of their accession to the European Union ⁽²⁾, approved by Council Decision 2006/333/EC ⁽³⁾, provides for the opening of a specific tariff quota allocated to the United States for imports of 4 722 tonnes of pigmeat.

(6) In view of the risk of speculation inherent in the system in question in the pigmeat sector, precise conditions should be laid down as regards operators' access to the tariff quota scheme.

(2) Commission Regulation (EC) No 1233/2006 of 16 August 2006 opening and providing for the administration of an import tariff quota of pigmeat allocated to the United States of America ⁽⁴⁾ has to be amended substantially. Regulation (EC) No 1233/2006 should therefore be repealed and replaced by a new regulation.

(7) For appropriate administration of the tariff quotas, the security linked to the import licences should be set at EUR 20 per 100 kilograms.

(3) Commission Regulations (EC) Nos 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 ⁽⁵⁾ and 1301/2006 of 31 August 2006 laying down common rules for the administration of import tariff quotas for

(8) In the interest of the operators, the Commission should establish the quantities that have not been applied for, which are to be carried over to the following subperiod in accordance with Article 7(4) of Regulation (EC) No 1301/2006.

(9) Access to the tariff quota should be subject to the presentation of a certificate of origin issued by the authorities of the United States in accordance with Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽⁷⁾.

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

⁽¹⁾ OJ L 282, 1.11.1975, p. 1. Regulation as last amended by Regulation (EC) No 1913/2005 (OJ L 307, 25.11.2005, p. 2).

⁽²⁾ OJ L 124, 11.5.2006, p. 15.

⁽³⁾ OJ L 124, 11.5.2006, p. 13.

⁽⁴⁾ OJ L 225, 17.8.2006, p. 14.

⁽⁵⁾ 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).

⁽⁶⁾ 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).

⁽⁷⁾ OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 214/2007 (OJ L 62, 1.3.2007, p. 6).

HAS ADOPTED THIS REGULATION:

Article 1

1. A tariff quota for the import of 4 722 tonnes of pigmeat products originating in the United States of America is hereby opened on an annual basis for the period 1 July to 30 June of the following year.

The serial number of the quota shall be 09.4170.

2. The CN codes of products benefiting from the arrangements referred to in paragraph 1 and the applicable rate of customs duty are fixed in Annex I hereto.

Article 2

Regulations (EC) Nos 1291/2000 and 1301/2006 shall apply, save as otherwise provided for in this Regulation.

Article 3

The quantity established for the annual quota period shall be spread out over four subperiods, as follows:

- (a) 25 % from 1 July to 30 September;
- (b) 25 % from 1 October to 31 December;
- (c) 25 % from 1 January to 31 March;
- (d) 25 % from 1 April to 30 June.

Article 4

1. For the purposes of applying Article 5 of Regulation (EC) No 1301/2006, import licence applicants shall, when submitting their first application for a given annual quota period, furnish proof that they imported or exported, during each of the two periods referred to in that Article, at least 50 tonnes of products covered by Article 1 of Regulation (EEC) No 2759/75.

2. Licence applications may relate to several products covered by different CN codes and originating in the United States. In such cases, all the CN codes and their descriptions must be entered in boxes 16 and 15, respectively, of the licence application and the licence itself.

Applications must be for a minimum of 20 tonnes and a maximum of 20 % of the quantity available in the subperiod in question.

3. Licences carry an obligation to import from the United States.

4. Licence applications and licences themselves shall contain:

- (a) in box 8, the country of origin and the entry 'yes' marked by a cross;
- (b) in box 20, one of the entries listed in Annex II, Part A.

Box 24 of the licences shall contain one of the entries listed in Annex II, Part B.

Article 5

1. Licence applications may be submitted only in the first seven days of the month preceding each of the subperiods referred to in Article 3.

2. A security of EUR 20 per 100 kilograms shall be lodged at the time of submission of the licence application.

3. Not later than the third working day following the final date of the period for submitting applications, Member States shall notify the Commission of the total quantities applied for, expressed in kilograms.

4. Licences shall be issued as of the seventh working day and at the latest by the eleventh working day following the end of the notification period provided for in paragraph 3.

5. If necessary, the Commission shall establish any quantities that have not been applied for, and these shall be added automatically to the quantity for the following quota subperiod.

Article 6

1. By way of derogation from the second subparagraph of Article 11(1) of Regulation (EC) No 1301/2006, Member States shall notify the Commission by the end of the first month of each quota subperiod of the total quantities in kilograms for which licences have been issued, as referred to in Article 11(1)(b) of that Regulation.

2. Member States shall notify the Commission, before the end of the fourth month following each annual tariff quota period, of the quantities actually released for free circulation under this Regulation in the course of the period concerned, expressed in kilograms.

3. By way of derogation from the second subparagraph of Article 11(1) of Regulation (EC) No 1301/2006, Member States shall notify the Commission of the quantities, in kilograms, covered by unused or partly used import licences, in the first instance at the time of the application for the last subperiod and then again before the end of the fourth month following each annual period.

Article 7

1. By way of derogation from Article 23 of Regulation (EC) No 1291/2000 the import licences shall be valid for 150 days from the first day of the subperiod for which they have been issued.

2. Without prejudice to Article 9(1) of Regulation (EC) No 1291/2000, the rights deriving from the licences may be transferred only to transferees satisfying the eligibility conditions set out in Article 5 of Regulation (EC) No 1301/2006 and Article 4(1) of this Regulation.

Article 8

When goods are released into free circulation they shall be subject to the presentation of a certificate of origin issued by the competent authorities of the United States in accordance

with Articles 55 to 65 of Regulation (EEC) No 2454/93. The origin of the products covered by this Regulation shall be determined in accordance with the provisions in force in the Community.

Article 9

Regulation (EC) No 1233/2006 is hereby repealed.

References to the repealed Regulation shall be construed as references to this Regulation and read in accordance with the correspondence table in Annex III.

Article 10

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

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

Done at Brussels, 11 July 2007.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

ANNEX I

Serial number	CN codes	Description of goods	Applicable duty	Total quantity (tonnes) (product weight)
09.4170	ex 0203 19 55 ex 0203 29 55	Boned loins and hams, fresh, chilled or frozen	EUR 250/tonne	4 722

ANNEX II

PART A

Entries referred to in the first subparagraph of Article 4(4)(b):

<i>In Bulgarian:</i>	Регламент (ЕО) № 812/2007.
<i>In Spanish:</i>	Reglamento (CE) nº 812/2007.
<i>In Czech:</i>	Nařízení (ES) č. 812/2007.
<i>In Danish:</i>	Forordning (EF) nr. 812/2007.
<i>In German:</i>	Verordnung (EG) Nr. 812/2007.
<i>In Estonian:</i>	Määrus (EÜ) nr 812/2007.
<i>In Greek:</i>	Κανονισμός (ΕΚ) αριθ. 812/2007.
<i>In English:</i>	Regulation (EC) No 812/2007.
<i>In French:</i>	Règlement (CE) nº 812/2007.
<i>In Italian:</i>	Regolamento (CE) n. 812/2007.
<i>In Latvian:</i>	Regula (EK) Nr. 812/2007.
<i>In Lithuanian:</i>	Reglamentas (EB) Nr. 812/2007.
<i>In Hungarian:</i>	812/2007/EK rendelet.
<i>In Maltese:</i>	Ir-Regolament (KE) Nru 812/2007.
<i>In Dutch:</i>	Verordening (EG) nr. 812/2007.
<i>In Polish:</i>	Rozporządzenie (WE) nr 812/2007.
<i>In Portuguese:</i>	Regulamento (CE) n.º 812/2007.
<i>In Romanian:</i>	Regulamentul (CE) nr. 812/2007.
<i>In Slovak:</i>	Nariadenie (ES) č. 812/2007.
<i>In Slovenian:</i>	Uredba (ES) št. 812/2007.
<i>In Finnish:</i>	Asetus (EY) No: 812/2007.
<i>In Swedish:</i>	Förordning (EG) nr 812/2007.

PART B

Entries referred to in the second subparagraph of Article 4(4):

<i>In Bulgarian:</i>	намаляване на общата митническа тарифа съгласно предвиденото в Регламент (ЕО) № 812/2007.
<i>In Spanish:</i>	reducción del arancel aduanero común prevista en el Reglamento (CE) nº 812/2007.
<i>In Czech:</i>	snížení společné celní sazby tak, jak je stanoveno v nařízení (ES) č. 812/2007.
<i>In Danish:</i>	toldnedsættelse som fastsat i forordning (EF) nr. 812/2007.
<i>In German:</i>	Ermäßigung des Zollsatzes nach dem GZT gemäß Verordnung (EG) Nr. 812/2007.
<i>In Estonian:</i>	ühise tollitariifistiku maksimumäära alandamine vastavalt määrusele (EÜ) nr 812/2007.
<i>In Greek:</i>	Μείωση του δασμού του κοινού δασμολογίου, όπως προβλέπεται στον κανονισμό (ΕΚ) αριθ. 812/2007.
<i>In English:</i>	reduction of the common customs tariff pursuant to Regulation (EC) No 812/2007.
<i>In French:</i>	réduction du tarif douanier commun comme prévu au règlement (CE) nº 812/2007.
<i>In Italian:</i>	riduzione del dazio della tariffa doganale comune a norma del regolamento (CE) n. 812/2007.
<i>In Latvian:</i>	Regulā (EK) Nr. 812/2007 paredzētais vienotā muitas tarifa samazinājums.
<i>In Lithuanian:</i>	bendrojo muito tarifo muito sumažinimai, nustatyti Reglamente (EB) Nr. 812/2007.
<i>In Hungarian:</i>	a közös vámtarifában szereplő vámtétel csökkentése a 812/2007/EK rendelet szerint.
<i>In Maltese:</i>	tnaqqis tat-tariffa doganali komuni kif jipprovdi r-Regolament (KE) Nru 812/2007.
<i>In Dutch:</i>	Verlaging van het gemeenschappelijke douanetarief overeenkomstig Verordening (EG) nr. 812/2007.
<i>In Polish:</i>	Cła WTC obniżone jak przewidziano w rozporządzeniu (WE) nr 812/2007.
<i>In Portuguese:</i>	redução da Pauta Aduaneira Comum como previsto no Regulamento (CE) n.º 812/2007.
<i>In Romanian:</i>	reducerea tarifului vamal comun astfel cum este prevăzut de Regulamentul (CE) nr. 812/2007.
<i>In Slovak:</i>	Zníženie spoločnej colnej sadzby, ako sa ustanovuje v nariadení (ES) č. 812/2007.
<i>In Slovenian:</i>	znižanje skupne carinske tarife v skladu z Uredbo (ES) št. 812/2007.
<i>In Finnish:</i>	Asetuksessa (EY) N:o 812/2007 säädetty yhteisen tullitariffin alennus.
<i>In Swedish:</i>	nedsättning av den gemensamma tulltaxan i enlighet med förordning (EG) nr 812/2007.

ANNEX III

Correspondence table

Regulation (EC) No 1233/2006	This Regulation
Article 1	Article 1
Article 2	Article 3
Article 3	—
Article 4(1)(a)	Article 4(1)
Article 4(1)(b)	Article 4(2), first subparagraph
Article 4(1)(c)	Article 4(2), second subparagraph
Article 4(1)(d)	Article 4(3)
Article 4(1)(e)	Article 4(3)
Article 4(1)(f)	Article 4(3)
Article 4(2)	—
Article 5(1), first subparagraph	Article 5(1)
Article 5(1), second subparagraph	—
Article 5(2)	—
Article 5(3)	Article 5(2)
Article 5(4), first subparagraph	Article 5(3)
Article 5(4), second subparagraph	—
Article 5(5)	—
Article 5(6)	—
Article 5(7)	—
Article 5(8), first subparagraph	Article 5(4)
Article 5(9)	—
Article 5(10)	Article 6(2)
Article 6(1), first subparagraph	Article 7(1)
Article 6(1), second subparagraph	—
Article 6(2)	—
Article 7	Article 8
Article 8, first subparagraph	Article 2
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Regulation (EC) No 1233/2006	This Regulation
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COMMISSION REGULATION (EC) No 813/2007**of 11 July 2007****setting the allocation coefficient for issuing of licences applied for from 2 to 6 July 2007 to import sugar products under tariff quotas and preferential agreements**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 318/2006 of 20 February 2006 on the common organisation of the markets in the sugar sector ⁽¹⁾,

Having regard to Commission Regulation (EC) No 950/2006 of 28 June 2006 laying down detailed rules for the 2006/07, 2007/08 and 2008/09 marketing years for importing and refining of sugar products under certain tariff quotas and preferential agreements ⁽²⁾, and in particular Article 5(3) thereof,

Whereas:

- (1) Applications for import licences were submitted to the competent authority during the week of 2 to 6 July 2007, in accordance with Regulation (EC) No 950/2006 or Commission Regulation (EC) No 1832/2006 of 13 December 2006 laying down transitional measures in the sugar sector by reason of the

accession of Bulgaria and Romania ⁽³⁾ for a total quantity equal to or exceeding the quantity available for serial number 09.4343 (2006 to 2007).

- (2) In these circumstances, the Commission should fix an allocation coefficient in order to issue licences in proportion to the quantity available and inform the Member States that the set limit has been reached,

HAS ADOPTED THIS REGULATION:

Article 1

Licences shall be issued within the quantitative limits set in the Annex to this Regulation in respect of applications for import licences submitted from 2 to 6 July 2007, in accordance with Article 4(2) of Regulation (EC) No 950/2006 or Article 5 of Regulation (EC) No 1832/2006.

Article 2

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

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

Done at Brussels, 11 July 2007.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 58, 28.2.2006, p. 1.

⁽²⁾ OJ L 178, 1.7.2006, p. 1. Regulation as amended by Regulation (EC) No 2006/2006 (OJ L 379, 28.12.2006, p. 95).

⁽³⁾ OJ L 354, 14.12.2006, p. 8.

ANNEX

ACP-India Preferential Sugar
Title IV of Regulation (EC) No 950/2006
2006/2007 marketing year

Serial No	Country	Week of 2.7.2007-6.7.2007: % of requested quantity to be granted	Limit
09.4331	Barbados	100	
09.4332	Belize	100	
09.4333	Côte d'Ivoire	0	Reached
09.4334	Republic of the Congo	0	Reached
09.4335	Fiji	100	
09.4336	Guyana	100	
09.4337	India	0	Reached
09.4338	Jamaica	100	
09.4339	Kenya	0	Reached
09.4340	Madagascar	0	Reached
09.4341	Malawi	100	
09.4342	Mauritius	100	
09.4343	Mozambique	100	Reached
09.4344	Saint Kitts and Nevis	—	
09.4345	Suriname	—	
09.4346	Swaziland	100	
09.4347	Tanzania	0	Reached
09.4348	Trinidad and Tobago	0	Reached
09.4349	Uganda	—	
09.4350	Zambia	100	
09.4351	Zimbabwe	100	

ACP-India Preferential Sugar
Title IV of Regulation (EC) No 950/2006
2007/2008 marketing year

Serial No	Country	Week of 2.7.2007-6.7.2007: % of requested quantity to be granted	Limit
09.4331	Barbados	100	
09.4332	Belize	100	
09.4333	Côte d'Ivoire	100	
09.4334	Republic of the Congo	100	
09.4335	Fiji	100	
09.4336	Guyana	100	

Serial No	Country	Week of 2.7.2007-6.7.2007: % of requested quantity to be granted	Limit
09.4337	India	0	Reached
09.4338	Jamaica	100	
09.4339	Kenya	100	
09.4340	Madagascar	100	
09.4341	Malawi	100	
09.4342	Mauritius	100	
09.4343	Mozambique	100	
09.4344	Saint Kitts and Nevis	—	
09.4345	Suriname	—	
09.4346	Swaziland	100	
09.4347	Tanzania	100	
09.4348	Trinidad and Tobago	100	
09.4349	Uganda	—	
09.4350	Zambia	100	
09.4351	Zimbabwe	100	

Complementary Sugar

Title V of Regulation (EC) No 950/2006

2006/2007 marketing year

Serial No	Country	Week of 2.7.2007-6.7.2007: % of requested quantity to be granted	Limit
09.4315	India	100	
09.4316	ACP Protocol signatory countries	100	

CXL Concessions Sugar

Title VI of Regulation (EC) No 950/2006

2006/2007 marketing year

Serial No	Country	Week of 2.7.2007-6.7.2007: % of requested quantity to be granted	Limit
09.4317	Australia	0	Reached
09.4318	Brazil	0	Reached
09.4319	Cuba	0	Reached
09.4320	Other third countries	0	Reached

Balkans sugar**Title VII of Regulation (EC) No 950/2006****2006/2007 marketing year**

Serial No	Country	Week of 2.7.2007-6.7.2007: % of requested quantity to be granted	Limit
09.4324	Albania	100	Reached
09.4325	Bosnia and Herzegovina	0	
09.4326	Serbia, Montenegro and Kosovo	100	
09.4327	Former Yugoslav Republic of Macedonia	100	
09.4328	Croatia	100	

Exceptional import sugar and industrial import sugar**Title VIII of Regulation (EC) No 950/2006****2006/2007 Marketing year**

Serial No	Type	Week of 2.7.2007-6.7.2007: % of requested quantity to be granted	Limit
09.4380	Exceptional	—	
09.4390	Industrial	100	

Import of sugar under the transitional tariff quotas opened for Bulgaria and Romania**Chapter 1 Section 2 of Regulation (EC) No 1832/2006****2006/2007 marketing year**

Order No	Type	Week of 2.7.2007-6.7.2007: % of requested quantity to be granted	Limit
09.4365	Bulgaria	0	Reached
09.4366	Romania	0	Reached

DIRECTIVES

COUNCIL DIRECTIVE 2007/43/EC

of 28 June 2007

laying down minimum rules for the protection of chickens kept for meat production

(Text with EEA relevance)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Having regard to the opinion of the European Economic and Social Committee ⁽²⁾,

Having consulted the Committee of the Regions,

Whereas:

(1) The Protocol on protection and welfare of animals annexed to the Treaty establishing the European Community requires that in formulating and implementing agriculture policies, the Community and the Member States are to pay full regard to the welfare requirements of animals, while respecting the legislative or administrative provisions and customs of the Member States relating in particular to religious rites, cultural traditions and regional heritage.

(2) Council Directive 98/58/EC of 20 July 1998 concerning the protection of animals kept for farming purposes ⁽³⁾, drawn up on the basis of the European Convention for the Protection of Animals kept for Farming Purposes ⁽⁴⁾ (hereinafter referred to as the Convention) lays down minimum standards for the protection of animals bred or kept for farming purposes including provisions on housing, food, water and care appropriate to the physiological and ethological needs of the animals.

(3) The Community is a party to the Convention and a specific Recommendation concerning domestic fowl (*Gallus gallus*) which includes additional provisions for poultry kept for meat production has been adopted within the framework of the convention.

(4) The report of the Scientific Committee on Animal Health and Animal Welfare of 21 March 2000 on the Welfare of Chickens Kept for Meat Production (Broilers) concluded that the fast growth rate of chicken strains currently used for this purpose is not accompanied by a satisfactory level of animal welfare and health, and that the negative effects of high stocking rates are reduced in buildings where good indoor climatic conditions can be sustained.

(5) Specific provision for non-littered areas, to minimise the influence of genetic parameters or to include welfare indicators in addition to foot-pad dermatitis, will be made when the relevant opinions of the European Food Safety Authority (EFSA) are available.

(6) It is necessary to establish rules at Community level for the protection of chickens kept for meat production in order to avoid distortions of competition that may interfere with the smooth running of the common market organisation in that sector and also to ensure the rational development of the sector.

(7) In accordance with the principle of proportionality, it is necessary and appropriate for the achievement of the basic objective of introducing animal welfare improvements in the intensive farming of chickens to lay down minimum rules for the protection of chickens for meat production. This Directive does not go beyond what is necessary in order to achieve the objectives pursued, in accordance with the third paragraph of Article 5 of the Treaty.

⁽¹⁾ Opinion delivered on 14 February 2006 (not yet published in the Official Journal).

⁽²⁾ Opinion delivered on 26 October 2005 (not yet published in the Official Journal).

⁽³⁾ OJ L 221, 8.8.1998, p. 23. Directive as amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

⁽⁴⁾ OJ L 323, 17.11.1978, p. 14. Convention as amended by a Protocol of amendment (OJ L 395, 31.12.1992, p. 22).

(8) The rules should focus on the welfare problems in intensive farming systems. In order to avoid disproportionate measures applicable to the keeping of small flocks of chickens, a minimum threshold for the application of this Directive should be set.

- (9) It is important that persons attending to chickens have an understanding of the relevant animal welfare requirements and receive appropriate training to perform their tasks or have acquired experience equivalent to such training.
- (10) In establishing rules for the protection of chickens kept for meat production, a balance should be kept between the various aspects to be taken into account, as regards animal welfare, health, economic and social considerations and the environmental impact.
- (11) Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption⁽¹⁾ and Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and welfare rules⁽²⁾ already establish a framework for official controls including compliance with some animal welfare rules. In addition, Regulation (EC) No 882/2004 provides that Member States are to submit annual reports on the implementation of the multi-annual national control plans, including results of controls and audits carried out. For this purpose, financial support is foreseen both in these regulations and in Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field⁽³⁾.
- (12) Various voluntary schemes already exist in different Member States for the labelling of chicken meat based on compliance with animal welfare standards and other parameters.
- (13) In light of the experience gained in applying such voluntary labelling schemes, it is appropriate for the Commission to submit a report on the possible introduction of a specific harmonised mandatory labelling scheme at Community level for chicken meat, meat products and preparations based on compliance with animal welfare standards, including the possible socio-economic implications, the effects on the Community's economic partners and compliance of such a labelling scheme with World Trade Organization rules.
- (14) It is appropriate for the Commission to submit a report based on new scientific evidence taking into account further research and practical experience in order to improve further the welfare of chickens kept for meat production including the parent stock of such chickens, in particular as regards aspects not covered by this Directive. That report should specifically consider the possibility to introduce thresholds for indications of poor welfare conditions identified during the post-mortem inspections and the influence of genetic parameters on identified deficiencies resulting in poor welfare of chickens kept for meat production.
- (15) Member States should lay down rules on penalties applicable to infringements of the provisions of this Directive and ensure that they are implemented. Those penalties must be effective, proportionate and dissuasive.
- (16) The Council, in accordance with paragraph 34 of the Interinstitutional Agreement on better law-making⁽⁴⁾, should encourage the Member States to draw up, for themselves and in the interest of the Community their own tables, which will, as far as possible, illustrate the correlation between the Directive and the transposition measures and to make them public.
- (17) The measures necessary for the implementation of this Directive should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission⁽⁵⁾.

HAS ADOPTED THIS DIRECTIVE:

Article 1

Subject matter and scope

1. This Directive shall apply to chickens kept for meat production.

However, it shall not apply to:

- (a) holdings with fewer than 500 chickens;
- (b) holdings with only breeding stocks of chickens;
- (c) hatcheries;
- (d) extensive indoor and free range chickens, as referred to in points (b), (c), (d), (e) of Annex IV to Commission Regulation (EEC) No 1538/91 of 5 June 1991 introducing detailed rules for implementing Regulation (EEC) No 1906/90 on certain marketing standards for poultry⁽⁶⁾; and

⁽¹⁾ OJ L 139, 30.4.2004, p. 206. Corrected by OJ L 226, 25.6.2004, p. 83. Regulation as last amended by Council Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p. 1).

⁽²⁾ OJ L 165, 30.4.2004, p. 1. Corrected by OJ L 191, 28.5.2004, p. 1. Regulation as last amended by Council Regulation (EC) No 1791/2006.

⁽³⁾ OJ L 224, 18.8.1990, p. 19. Decision as last amended by Regulation (EC) No 1791/2006.

⁽⁴⁾ OJ C 321, 31.12.2003, p. 1. Corrected by OJ C 4, 8.1.2004, p. 7.
⁽⁵⁾ OJ L 184, 17.7.1999, p. 23. Decision as amended by Decision 2006/512/EC (OJ L 200, 22.7.2006, p. 11).

⁽⁶⁾ OJ L 143, 7.6.1991, p. 11. Regulation as last amended by Regulation (EC) No 2029/2006 (OJ L 414, 30.12.2006, p. 29).

(e) organically reared chickens in accordance with Council Regulation (EEC) No 2092/91 of 24 June 1991 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs ⁽¹⁾.

2. The Directive shall apply to rearing stock on holdings which have both breeding stock and rearing stock.

Member States shall remain free to take more stringent measures in the area covered by this Directive.

Primary responsibility for animal welfare rests with the owner or keeper of the animals.

Article 2

Definitions

1. For the purpose of this Directive, the following definitions shall apply:

(a) 'owner' means any natural or legal person or persons owning the holding where chickens are kept;

(b) 'keeper' means any natural or legal person responsible for or in charge of chickens in terms of contract or by law whether on a permanent or temporary basis;

(c) 'competent authority' means the central authority of a Member State competent to carry out animal welfare, veterinary and zootechnical checks or any other authority to which that competence has been conferred either at regional, local or other level;

(d) 'official veterinarian' means a veterinarian qualified in accordance with Annex I, Section III, Chapter IV(A) to Regulation (EC) No 854/2004 to act in such a capacity and appointed by the competent authority;

(e) 'chicken' means an animal of the species *Gallus gallus* kept for meat production;

(f) 'holding' means a production site on which chickens are kept;

(g) 'house' means a building on a holding where a flock of chickens are kept;

(h) 'useable area' means a littered area accessible to the chickens at any time;

(i) 'stocking density' means the total live weight of chickens which are present in a house at the same time per square metre of useable area;

(j) 'flock' means a group of chickens which are placed in a house of a holding and are present in this house at the same time;

(k) 'daily mortality rate' means the number of chickens which have died in a house on the same day including those that have been culled either for disease or because of other reasons divided by the number of chickens present in the house on that day, multiplied by 100;

(l) 'cumulative daily mortality rate' means the sum of daily mortality rates.

2. The definition of 'useable area' in paragraph 1 point (h) with regard to non-littered areas may be completed in accordance with the procedure referred to in Article 11 following the results of a scientific opinion of the European Food Safety Authority on the impact of non-littered areas on the welfare of chickens.

Article 3

Requirements for the keeping of chickens

1. The Member States shall ensure that:

(a) all houses comply with the requirements set out in Annex I;

(b) the required inspections and the monitoring and follow-up, including those provided for in Annex III, are carried out by the competent authority or the official veterinarian.

2. Member States shall ensure that the maximum stocking density in a holding or a house of a holding does not at any time exceed 33 kg/m².

3. By way of derogation from paragraph 2, Member States may provide that chickens be kept at a higher stocking density provided that the owner or keeper complies with the requirements set out in Annex II, in addition to the requirements set out in Annex I.

4. Member States shall ensure that, when a derogation is granted under paragraph 3, the maximum stocking density in a holding or a house of a holding does not at any time exceed 39 kg/m².

⁽¹⁾ OJ L 198, 22.7.1991, p. 1. Regulation as last amended by Commission Regulation (EC) No 394/2007 (OJ L 98, 13.4.2007, p. 3).

5. When the criteria set out in Annex V are fulfilled, Member States may allow that the maximum stocking density referred to in paragraph 4 be increased by a maximum of 3 kg/m².

Article 4

Training and guidance for persons dealing with chickens

1. Member States shall ensure that keepers who are natural persons have received sufficient training in their tasks and that appropriate training courses are available.
2. The training courses referred to in paragraph 1 shall focus on welfare aspects and cover in particular the matters listed in Annex IV.
3. Member States shall ensure that a system is established for the control and approval of training courses. The keeper of the chickens shall hold a certificate which is recognised by the competent authority of the Member State concerned, attesting to the completion of such a training course or to having acquired experience equivalent to such training.
4. Member States may recognise experience acquired before 30 June 2010 as being equivalent to participation in such training courses and shall issue certificates attesting to such equivalence.
5. Member States may provide that the requirements set out in paragraphs 1 to 4 shall also apply to owners.
6. The owner or keeper shall provide instructions and guidance on the relevant animal welfare requirements, including those concerning the methods of culling practised in holdings, to persons employed or engaged by them to attend to chickens or to catch and load them.

Article 5

Labelling of poultrymeat

Not later than 31 December 2009, the Commission shall submit to the European Parliament and to the Council a report on the possible introduction of a specific harmonised mandatory labelling scheme for chicken meat, meat products and preparations based on compliance with animal welfare standards.

That report shall consider possible socioeconomic implications, effects on the Community's economic partners and compliance of such a labelling scheme with World Trade Organisation rules.

The report shall be accompanied by appropriate legislative proposals taking into account such considerations and the experience gained by the Member States in applying voluntary labelling schemes.

Article 6

Report by the Commission to the European Parliament and to the Council

1. Based on a scientific opinion of the European Food Safety Authority, the Commission shall no later than 31 December 2010 submit to the European Parliament and to the Council a report concerning the influence of genetic parameters on identified deficiencies resulting in poor welfare of chickens. That report may be accompanied by appropriate legislative proposals, if necessary.
2. Member States shall submit to the Commission the results of the data collection based on monitoring of a representative sample of flocks slaughtered during a minimum period of one year. In order to enable a relevant analysis, the sampling and the data requirements as referred to in Annex III should be scientifically based, objective and comparable, and laid down in accordance with the procedure referred to in Article 11.

Member States may need a Community financial contribution for the collection of data for the purpose of this Directive.

3. On the basis of available data and taking into account new scientific evidence, the Commission shall, not later than 30 June 2012, submit to the European Parliament and to the Council a report concerning the application of this Directive and its influence on the welfare of chickens, as well as the development of welfare indicators. The report shall take into account the different production conditions and methods. It shall also take into account the socioeconomic and administrative implications of this Directive including regional aspects.

Article 7

Inspections

1. The competent authority shall carry out non-discriminatory inspections to verify compliance with the requirements of this Directive.

Such inspections shall be carried out on an adequate proportion of animals kept within each Member State, in accordance with the relevant provisions of Regulation (EC) No 882/2004, and may be carried out at the same time as checks for other purposes.

Member States shall put in place appropriate procedures for determining the stocking density.

2. Member States shall submit to the Commission by 30 June each year an annual report for the previous year on the inspections provided for in paragraph 1. The report shall be accompanied by a list of the most relevant actions taken by the competent authority to address the main welfare problems detected.

Article 8

Guides to good management practice

Member States shall encourage the development of guides to good management practice which shall include guidance on compliance with this Directive. The dissemination and use of such guides shall be encouraged.

Article 9

Penalties

The Member States shall lay down the rules on penalties applicable to infringements of the national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. The Member States shall notify those provisions to the Commission by 30 June 2010 at the latest and shall notify it without delay of any subsequent amendment affecting them.

Article 10

Implementing powers

Measures necessary to ensure the uniform implementation of this Directive may be adopted in accordance with the procedure referred to in Article 11.

Article 11

Committee procedure

1. The Commission shall be assisted by the Standing Committee on the Food Chain and Animal Health, set up by Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general

principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety⁽¹⁾ (the Committee).

2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply.

The period referred to in Article 5(6) of Decision 1999/468/EC shall be set at three months.

Article 12

Transposition

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 30 June 2010 at the latest.

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.

Article 13

Entry into force

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

Article 14

This Directive is addressed to the Member States.

Done at Luxembourg, 28 June 2007.

For the Council

The President

S. GABRIEL

⁽¹⁾ OJ L 31, 1.2.2002, p. 1. Regulation as last amended by Commission Regulation (EC) No 575/2006 (OJ L 100, 8.4.2006, p. 3).

ANNEX I

REQUIREMENTS APPLICABLE TO HOLDINGS

In addition to the relevant provisions of other relevant Community legislation, the following requirements shall apply:

Drinkers

1. Drinkers shall be positioned and maintained in such a way that spillage is minimised.

Feeding

2. Feed shall be either continuously available or be meal fed and must not be withdrawn from chickens more than 12 hours before the expected slaughter time.

Litter

3. All chickens shall have permanent access to litter which is dry and friable on the surface.

Ventilation and heating

4. Ventilation shall be sufficient to avoid overheating and, where necessary, in combination with heating systems to remove excessive moisture.

Noise

5. The sound level shall be minimised. Ventilation fans, feeding machinery or other equipment shall be constructed, placed, operated and maintained in such a way that they cause the least possible amount of noise.

Light

6. All buildings shall have lighting with an intensity of at least 20 lux during the lighting periods, measured at bird eye level and illuminating at least 80 % of the useable area. A temporary reduction in the lighting level may be allowed when necessary following veterinary advice.
7. Within seven days from the time when the chickens are placed in the building and until three days before the foreseen time of slaughter, the lighting must follow a 24-hour rhythm and include periods of darkness lasting at least six hours in total, with at least one uninterrupted period of darkness of at least four hours, excluding dimming periods.

Inspection

8. All chickens kept on the holding must be inspected at least twice a day. Special attention should be paid to signs indicating a reduced level of animal welfare and/or animal health.
9. Chickens that are seriously injured or show evident signs of health disorder, such as those having difficulties in walking, severe ascites or severe malformations, and are likely to suffer, shall receive appropriate treatment or be culled immediately. A veterinarian shall be contacted whenever necessary.

Cleaning

10. Those parts of buildings, equipment or utensils which are in contact with the chickens shall be thoroughly cleaned and disinfected every time after final depopulation is carried out, before a new flock is introduced into the house. After the final depopulation of a house, all litter must be removed, and clean litter must be provided.

Record keeping

11. The owner or keeper shall maintain a record for each house of a holding of:
 - (a) the number of chickens introduced;
 - (b) the useable area;
 - (c) the hybrid or breed of the chickens, if known;

(d) by each control, the number of birds found dead with an indication of the causes, if known as well as the number of birds culled with cause;

(e) the number of chickens remaining in the flock following the removal of chickens for sale or for slaughter.

Those records shall be retained for a period of at least three years and shall be made available to the competent authority when carrying out an inspection or when otherwise requested.

Surgical interventions

12. All surgical interventions carried out for reasons other than therapeutic or diagnostic purposes which result in damage to or the loss of a sensitive part of the body or the alteration of bone structure shall be prohibited.

However, beak trimming may be authorised by Member States when other measures to prevent feather pecking and cannibalism are exhausted. In such cases, it shall be carried out only after consultation and on the advice of a veterinarian and shall be carried out by qualified staff on chickens that are less than 10 days old. In addition, Member States may authorise the castration of chickens. The castration shall only be carried out under veterinary supervision by personnel who have received a specific training.

ANNEX II

REQUIREMENTS FOR THE USE OF HIGHER STOCKING DENSITIES*Notification and documentation*

The following requirements shall apply:

1. The owner or keeper shall communicate to the competent authority his intention to use a stocking density of more than 33 kg/m² live weight.

He shall indicate the exact figure and inform the competent authority of any change in the stocking density at least 15 days prior to the placement of the flock in the house.

If requested by the competent authority, that notification shall be accompanied by a document summarising the information contained in the documentation required under point 2.

2. The owner or keeper shall maintain and have available in the house compiled documentation describing in detail the production systems. In particular it shall include information on technical details of the house and its equipment such as:
 - (a) a plan of the house including the dimensions of the surfaces occupied by the chickens;
 - (b) ventilation and, if relevant, cooling and heating system, including their location, a ventilation plan, detailing target air quality parameters, such as airflow, air speed and temperature;
 - (c) feeding and watering systems and their location;
 - (d) alarm systems and backup systems in the event of a failure of any automated or mechanical equipment essential for the health and well-being of the animals;
 - (e) floor type and litter normally used.

The documentation shall be made available to the competent authority on request and shall be kept updated. In particular, technical inspections of the ventilation and alarm system shall be recorded.

The owner or keeper shall communicate to the competent authority any changes to the described house, equipment or procedures which are likely to influence the welfare of the birds without undue delay.

Requirements for the holdings — control of environment parameters

3. The owner or keeper shall ensure that each house of a holding is equipped with ventilation and, if necessary, heating and cooling systems designed, constructed and operated in such a way that:
 - (a) the concentration of ammonia (NH₃) does not exceed 20 ppm and the concentration of carbon dioxide (CO₂) does not exceed 3 000 ppm measured at the level of the chickens' heads;
 - (b) the inside temperature, when the outside temperature measured in the shade exceeds 30 °C, does not exceed this outside temperature by more than 3 °C;
 - (c) the average relative humidity measured inside the house during 48 hours does not exceed 70 % when the outside temperature is below 10 °C.

ANNEX III

MONITORING AND FOLLOW-UP AT THE SLAUGHTERHOUSE**(as referred to in Article 3(1))**1. *Mortality*

- 1.1. In the case of stocking densities higher than 33 kg/m², the documentation accompanying the flock shall include the daily mortality rate and the cumulative daily mortality rate calculated by the owner or keeper and the hybrid or breed of the chickens.
- 1.2. Under the supervision of the official veterinarian these data as well as the number of broilers dead on arrival shall be recorded, indicating the holding and the house of the holding. The plausibility of the data and of the cumulative daily mortality rate shall be checked taking into account the number of broilers slaughtered and the number of broilers dead on arrival at the slaughterhouse.

2. *Post-mortem inspection*

In the context of the controls performed under the Regulation (EC) No 854/2004, the official veterinarian shall evaluate the results of the post-mortem inspection to identify other possible indications of poor welfare conditions such as abnormal levels of contact dermatitis, parasitism and systemic illness in the holding or the unit of the house of the holding of origin.

3. *Communication of results*

If the mortality rate as referred to in paragraph 1 or the results of the post-mortem inspection as referred to in paragraph 2 are consistent with poor animal welfare conditions, the official veterinarian shall communicate the data to the owner or keeper of the animals and to the competent authority. Appropriate actions shall be taken by the owner or the keeper of the animals and by the competent authority.

ANNEX IV

TRAINING

The training courses referred to in Article 4(2) shall at least cover Community legislation concerning the protection of chickens and in particular the following matters:

- (a) Annexes I and II;
- (b) physiology, in particular drinking and feeding needs, animal behaviour and the concept of stress;
- (c) the practical aspects of the careful handling of chickens, and catching, loading and transport;
- (d) emergency care for chickens, emergency killing and culling;
- (e) preventive biosecurity measures.

ANNEX V

CRITERIA FOR THE USE OF INCREASED STOCKING DENSITY**(as referred to in Article 3(5))**1. *Criteria*

- (a) the monitoring of the holding carried out by the competent authority within the last two years did not reveal any deficiencies with respect to the requirements of this Directive, and
- (b) the monitoring by the owner or keeper of the holding is carried out using the guides to good management practice referred to in Article 8, and
- (c) in at least seven consecutive, subsequently checked flocks from a house the cumulative daily mortality rate was below $1\% + 0,06\%$ multiplied by the slaughter age of the flock in days.

If no monitoring of the holding was carried out by the competent authority within the last two years, at least one monitoring exercise has to be carried out to check whether requirement (a) is fulfilled.

2. *Exceptional circumstances*

By the way of derogation from 1(c), the competent authority may decide to increase the stocking density when the owner or keeper has provided sufficient explanation for the exceptional nature of a higher daily cumulative mortality rate or has shown that the causes lie beyond his sphere of control.

II

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

DECISIONS

COUNCIL

COUNCIL DECISION

of 10 July 2007

authorising Austria to conclude an agreement with Switzerland that includes provisions derogating from Article 2(1)(d) of Directive 2006/112/EC on the common system of value added tax

(2007/485/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax ⁽¹⁾, and in particular Article 396 thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) Under Article 396(1) of Directive 2006/112/EC, the Council, acting unanimously on a proposal of the Commission, may authorise any Member State to conclude with a third country an agreement which may contain derogations from that Directive.

(2) By letter registered with the Secretariat-General of the Commission on 13 September 2005, Austria requested authorisation to conclude an agreement with Switzerland in relation to a cross-border power plant across the river Inn between Prutz (Austria) and Tschlin (Switzerland).

(3) In accordance with Article 396(2) of Directive 2006/112/EC, the Commission informed the other

Member States by letter dated 1 March 2007 of the request made by Austria. By letter dated 6 March 2007, the Commission notified Austria that it had all the information it deemed necessary to consider the request.

(4) The agreement is to contain provisions on value added tax (VAT) derogating from Article 2(1)(d) of Directive 2006/112/EC in respect of goods imported into Austria in relation to the cross-border power plant. These imports of goods from Switzerland into Austria by taxable persons with a full right of deduction will not be subject to VAT in order to obtain a similar arrangement from Switzerland for goods imported from Austria into Switzerland.

(5) The derogation will therefore not have an adverse effect on the European Communities' own resources accruing from VAT,

HAS ADOPTED THIS DECISION:

Article 1

Austria is hereby authorised to conclude an Agreement with Switzerland that includes provisions derogating from the Directive 2006/112/EC covering the construction, maintenance, renewal and operation of a frontier power plant station across the river Inn between Prutz (Austria) and Tschlin (Switzerland).

The derogating VAT provisions in respect of the Agreement are set out in Article 2.

⁽¹⁾ OJ L 347, 11.12.2006, p. 1. Directive as amended by Directive 2006/138/EC (OJ L 384, 29.12.2006, p. 92).

Article 2

By way of derogation from Article 2(1)(d) of Directive 2006/112/EC, goods imported by taxable persons with a full right of deduction from Switzerland into Austria shall not be subject to VAT, provided they are used for the construction, maintenance, renewal and operation of the frontier power plant referred to in Article 1.

Article 3

This Decision is addressed to the Republic of Austria.

Done at Brussels, 10 July 2007.

For the Council
The President
F. TEIXEIRA DOS SANTOS

COMMISSION

COMMISSION DECISION

of 20 December 2006

relating to a proceeding under Article 65 of the Treaty establishing the European Coal and Steel Community

(Case No COMP/F/39.234 — Alloy surcharge — readoption)

(notified under document number C(2006) 6765)

(Only the German version is authentic)

(2007/486/EC)

On 20 December 2006 the Commission adopted a decision relating to a proceeding under Article 65 of the ECSC Treaty. In accordance with the provisions of Article 30 of Council Regulation (EC) No 1/2003 ⁽¹⁾, the Commission herewith publishes the names of the parties and the main content of the decision, including the penalty imposed, having regard to the legitimate interest of undertakings in the protection of their business interests. The full text of the decision, reduced by those passages for which the company may legitimately claim confidentiality, can be found on the Competition DG's web-site at http://europa.eu.int/comm/competition/index_en.html in the authentic language of the case.

ADDRESSEE, OFFENDER AND INFRINGEMENT

(1) The decision is addressed to TKS (ThyssenKrupp Stainless AG) for the behaviour of TS-AG (Thyssen Stahl AG). TKS voluntarily took over the liability for TS-AG's conduct, at least for the years 1993/1994, by an explicit statement to the Commission on 23 July 1997.

Commission fined TKS in 1998 for the behaviour of TS-AG without having given it the possibility to comment on this behaviour prior to the imposition of a fine. This infringed the right to be heard for TKS.

(2) TS-AG participated from 16 December 1993, until it ceased to be economically active in the stainless steel sector on 31 December 1994, in a single and continuous infringement contrary to Article 65 of the ECSC Treaty by fixing prices for alloys used in the stainless steel sector in Western Europe.

(4) On 24 April 2006 the Commission issued a Statement of Objections to TKS with the aim to correct the procedural error as mentioned by the Courts.

FUNCTIONING OF THE CARTEL

(5) The alloy surcharge is a price element which was calculated on the basis of the prices of alloys and was added to the basic price for stainless steel. The cost of the alloys used by stainless steel producers (nickel, chromium and molybdenum) formed a very large proportion of the total production costs. The prices for these alloys were extremely volatile.

PROCEDURE

(3) The decision concerns the readoption of Commission Decision 98/247/CECA of 21 January 1998 ⁽²⁾. This decision was partly annulled by the Courts ⁽³⁾ on procedural grounds. The Courts found that the

(6) The prices for alloys and stainless steel fell sharply in 1993. When the nickel prices started to rise in September 1993, producers' profits were considerably reduced. To remedy this, the producers of stainless flat products agreed to hold a meeting in Madrid on 16 December 1993. Subsequently a number of contacts took place between the producers regarding the calculation and implementation of the alloy surcharge.

⁽¹⁾ OJ L 1, 4.1.2003, p. 1.

⁽²⁾ Case IV.35.814, Alloy Surcharge (OJ L 100, 1.4.1998, p. 55.)

⁽³⁾ T-45/98 and T-47/98, 13.12.2001, Krupp Thyssen Stainless GmbH und Acciai Terni SpA/Commission, ECR 2001, II-3757 and C-65/02 P and C-73/02 P, 14.7.2005, ThyssenKrupp Stainless GmbH und ThyssenKrupp Acciai speciali Terni SpA/Commission.

- (7) The decision found that TS-AG together with other undertakings modified and applied in a concerted fashion the reference value used to calculate the alloy surcharge. This has both the object and effect of restricting and distorting competition within the common market.

APPLICATION OF THE ECSC TREATY

- (8) The Commission considers that the substantive rules of the ECSC Treaty are to be applied to the cartel infringement given that the ECSC Treaty was in force at the time of the infringement (1993/1994). There was no indication to apply the *lex mitior* principle.

THE LIABILITY OF TKS FOR TS-AG

- (9) The decision holds TKS liable for the behaviour of TS-AG in view of TKS' statement of 23 July 1997 and clarifies that it does not invoke the concepts of legal or economic succession.
- (10) The statement of 1997 has not been called into question in the ECJ's judgement nor would such a statement be contrary to general principles of law or the Commission's decisional practice.

LIMITATION PERIOD

- (11) The decision concludes that there is no prescription of the limitation period given the suspension during the Court proceedings.

FINES

Basic Amount

Gravity

- (12) In order to guarantee non-discrimination between the addressees of Commission Decision 98/247/CECA, the infringement is considered to be of a serious nature (starting amount EUR 4 million).

Duration

- (13) The starting amount is increased by 10 % as the infringement was committed during more than one year (from 16 December 1993 to 31 December 1994).

Attenuating circumstances

- (14) In line with Commission Decision 98/247/CECA the starting amount is decreased by 10 % because the economic situation of the sector was critical.

Application of the 1996 Leniency Notice

- (15) In application of the 1996 Notice on immunity from fines and reduction of fines in cartel cases and in the light of the judgment of the CFI ⁽¹⁾, the fine is further reduced by 20 % given the participation of TKS to help the Commission in establishing the facts. Therefore, the fine is EUR 3 168 000.

⁽¹⁾ Para 281 of T-45/98 and T-47/98, 13.12.2001, Krupp Thyssen Stainless GmbH und Acciai Terni SpA/Commission, ECR 2001, II-3757.

COMMISSION DECISION**of 6 July 2007****on the allocation to the United Kingdom of additional days at sea within ICES division VIIe***(notified under document number C(2007) 3212)***(Only the English text is authentic)**

(2007/487/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 41/2007 of 21 December 2006 fixing for 2007 the fishing opportunities and associated conditions for certain fish stocks and groups of stocks, applicable in Community waters and for Community vessels in waters where catch limitations are required⁽¹⁾, and in particular point 9 of Annex IIC, thereto

Having regard to the requests made by the United Kingdom,

Whereas:

- (1) Point 7 of Annex IIC to Regulation (EC) No 41/2007 specifies the maximum number of days at sea (192) on which Community vessels of length overall equal to or greater than 10 metres carrying on board beam trawls of mesh size equal to or greater than 80 mm or static nets, including gill-nets, trammel-nets and tangle-nets, with mesh size less than 220 mm may be present within ICES division VIIe from 1 February 2007 to 31 January 2008.
- (2) Point 9 of that Annex enables the Commission to allocate an additional number of days at sea on which a vessel may be present within that area when carrying on board such beam trawls or static nets, on the basis of permanent cessations of fishing activities that have taken place since 1 of January 2004.
- (3) The United Kingdom has submitted data demonstrating that vessels, which ceased activities since 1 January 2004, measured a reduction of 5,24 % in the fishing effort expended during the year 2003, taken as reference period for vessels present in the area and carrying on board beam trawls of mesh size equal to or greater than 80 mm.

- (4) In view of the data submitted and applying the calculation method foreseen under point 9.1, 10 additional days at sea should be allocated to United Kingdom for the period between 1 February 2007 and 31 January 2008 for vessels carrying on board such beam trawls.
- (5) For reasons of clarity this decision reflects the total amount of additional days allocated to the United Kingdom and takes into account the 12 additional days at sea that are previously allocated by Commission Decision 2006/461/EC of 26 June 2006 on the allocation to the United Kingdom of additional fishing days within ICES division VIIe⁽²⁾, as these additional days remain allocated in 2007.
- (6) The measures provided for in this Decision are in accordance with the opinion of the Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS DECISION:

Article 1

The maximum number of days a fishing vessel flying the flag of the United Kingdom and carrying on board beam trawls of mesh size equal to or greater than 80 mm may be present in ICES division VIIe, as laid down in table I of Annex IIC to Regulation (EC) No 41/2007, shall be amended to 214 days per year.

Article 2

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

Done at Brussels, 6 July 2007.

For the Commission

Joe BORG

Member of the Commission

⁽¹⁾ OJ L 15, 20.1.2007, p. 1. Regulation as last amended by Regulation (EC) No 643/2007 (OJ L 151, 13.6.2007, p. 1).

⁽²⁾ OJ L 180, 4.7.2006, p. 25.

COMMISSION DECISION

of 11 July 2007

granting exemptions to Italy under Council Directive 92/119/EEC for the transport of pigs for slaughter on public and private roads to a slaughterhouse within protection zones in Cremona

(notified under document number C(2007) 3314)

(Only the Italian text is authentic)

(2007/488/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 92/119/EEC of 17 December 1992 introducing general Community measures for the control of certain animal diseases and specific measures relating to swine vesicular disease⁽¹⁾ and in particular point 7(2)(d) of Annex II thereof,

Whereas:

- (1) On 7 and 15 May 2007 protection zones were established by the competent authority in Italy around outbreaks of swine vesicular disease in the municipalities of Salvirola and Fiesco, Province of Cremona, in accordance with Article 10 of Directive 92/119/EEC. On 14 June 2007 a protection zone was established around an outbreak in the municipality of Offanengo, Province of Cremona. The protection zones are partially overlapping.
- (2) Accordingly, the movement and transport of pigs on public and private roads within those protection zones have been prohibited.
- (3) However, Italy has submitted two requests for an exemption from that prohibition for the transport of pigs for slaughter coming from outside those protection zones, on public and private roads within the protection zones, in order to transport them to slaughterhouses situated in the protection zones.
- (4) It is appropriate to provide for those two exemptions, subject to the condition that Italy takes strict control and precaution measures that guarantee that there is no risk of the spread of the disease.
- (5) Commission Decision 2007/123/EC of 20 February 2007 was adopted to grant a similar exemption for a slaughterhouse in the protection zone around an

outbreak of swine vesicular disease in the municipality of Romano di Lombardia, Province of Bergamo, Italy. The measures provided for in that protection zone are no longer applied. Accordingly, Decision 2007/123/EC should be repealed.

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

HAS ADOPTED THIS DECISION:

Article 1

Italy may authorise the transport of pigs for slaughter coming from outside the protection zones established on 7 and 15 May 2007 around the outbreaks of swine vesicular disease that occurred in the municipalities of Salvirola and Fiesco and the protection zone established on 14 June 2007 around the outbreak that occurred in the municipality of Offanengo, (the pigs), on public and private roads within those protection zones, to slaughterhouses '2037 M/S' and '523M' (the slaughterhouse), subject to the conditions set out in Article 2.

Article 2

The conditions applying to the exemptions provided for in Article 1 are as follows:

- (a) the dispatch of the pigs must be notified at least 24 hours in advance by the official veterinarian for the holding of origin to the official veterinarian for the slaughterhouse;
- (b) the transport of the pigs to the slaughterhouse must be via a corridor; details of that corridor must be laid down in advance by Italy;
- (c) vehicles carrying the pigs must be sealed by the competent authority before or on entry to the corridor; at the time of sealing, the competent authority must record the registration number of the vehicle and the number of pigs transported therein;

⁽¹⁾ OJ L 62, 15.3.1993, p. 69. Directive as last amended by Commission Directive 2007/10/EC (OJ L 63, 1.3.2007, p. 24).

(d) on arrival at the slaughterhouse, the competent authority shall:

Article 3

Decision 2007/123/EC is repealed.

(i) inspect and remove the seal on the vehicle;

Article 4

This Decision is addressed to the Italian Republic.

(ii) be present at the unloading of the pigs;

(iii) record the registration number of the vehicle and the number of pigs therein;

Done at Brussels, 11 July 2007.

(e) any vehicle carrying pigs to the slaughterhouse shall undergo, immediately following unloading, cleaning and disinfection under official control and in accordance with the instructions of the competent authority, before the vehicle leaves the slaughterhouse.

For the Commission
Markos KYPRIANOU
Member of the Commission

COMMISSION DECISION

of 11 July 2007

establishing the Community's financial contribution to the expenditure incurred in the context of the emergency measures taken to combat Newcastle disease in Denmark in 2005

(notified under document number C(2007) 3315)

(Only the Danish text is authentic)

(2007/489/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field ⁽¹⁾, and in particular Articles 3(3) and 4(2) thereof,

Whereas:

- (1) Outbreaks of Newcastle disease occurred in Denmark in 2005. The emergence of that disease presented a serious risk to the Community's livestock population.
- (2) In order to prevent the spread of the disease and to help eradicate it as quickly as possible, the Community should contribute financially towards the eligible expenditure incurred by the Member State under the emergency measures taken to combat the disease, as provided for in Decision 90/424/EEC.
- (3) Commission Decision 2006/579/EC of 24 August 2006 on a financial contribution from the Community towards the eradication of Newcastle disease in Denmark in 2005 ⁽²⁾ granted a financial contribution at the rate of 50 % of the expenditure eligible for Community funding for the implementation of the measures taken to combat this outbreak.
- (4) Pursuant to that Decision, the Community financial contribution is to be paid on the basis of the request submitted by Denmark on 23 October 2006 and supporting documents set out in Article 7 of Commission Regulation (EC) No 349/2005 of 28 February 2005 laying down rules on the Community financing of emergency measures and of the campaign to combat certain animal diseases under Council Decision 90/424/EEC ⁽³⁾.
- (5) In view of those considerations, the total amount of the Community's financial contribution to the eligible expen-

diture incurred associated with the eradication of Newcastle disease in Denmark in 2005 should now be fixed.

- (6) The results of the inspections carried out by the Commission in compliance with the Community veterinary rules and the conditions for granting Community financial contributions mean the entire amount of the expenditure submitted cannot be recognised as eligible.
- (7) The Commission's observations, method of calculating the eligible expenditure and final conclusions were communicated to Denmark in a letter dated 8 March 2007.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

The total Community financial contribution towards the expenditure associated with eradicating Newcastle disease in Denmark in 2005 pursuant to Decision 2006/579/EC is fixed at EUR 219 385,67.

Article 2

This Decision is addressed to the Kingdom of Denmark.

Done at Brussels, 11 July 2007.

For the Commission

Markos KYPRIANOU

Member of the Commission

⁽¹⁾ OJ L 224, 18.8.1990, p. 19. Decision last amended by Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p. 1).

⁽²⁾ OJ L 232, 25.8.2006, p. 40.

⁽³⁾ OJ L 55, 1.3.2005, p. 12.

AGREEMENTS

COUNCIL

Information on the date of entry into force of the Fisheries Partnership Agreement between the European Community on the one hand, and the Government of Denmark and the Home Rule Government of Greenland, on the other hand ⁽¹⁾

The European Community and the Home Rule Government of Greenland notified each other on 28 June 2007 and 2 July 2007 respectively that their adoption procedures had been completed.

The Agreement accordingly entered into force on 2 July 2007 pursuant to Article 16 thereof.

⁽¹⁾ OJ L 172, 30.6.2007, p. 4.