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⁽¹⁾ Text with EEA relevance

I

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

REGULATIONS

COMMISSION REGULATION (EC) No 946/2007**of 9 August 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 10 August 2007.

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

Done at Brussels, 9 August 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 9 August 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	26,0
	TR	41,5
	XK	36,3
	XS	36,3
	ZZ	35,0
0707 00 05	TR	114,1
	ZZ	114,1
0709 90 70	TR	85,9
	ZZ	85,9
0805 50 10	AR	57,7
	UY	58,7
	ZA	60,2
	ZZ	58,9
0806 10 10	EG	132,1
	MA	140,9
	MK	18,0
	TR	118,2
	ZZ	102,3
0808 10 80	AR	76,5
	BR	89,8
	CL	78,8
	CN	96,6
	NZ	95,5
	US	101,5
	UY	50,7
	ZA	86,9
	ZZ	84,5
0808 20 50	AR	52,8
	CL	83,9
	NZ	92,4
	TR	134,1
	ZA	98,3
	ZZ	92,3
0809 20 95	CA	291,0
	TR	311,9
	US	306,7
	ZZ	303,2
0809 30 10, 0809 30 90	TR	149,7
	ZZ	149,7
0809 40 05	IL	124,5
	ZZ	124,5

⁽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 947/2007**of 9 August 2007****fixing the export refunds on white and raw sugar exported without further processing**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 10 August 2007.

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

Done at Brussels, 9 August 2007.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 58, 28.2.2006, p. 1. Regulation as 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 10 August 2007 ^(a)

Product code	Destination	Unit of measurement	Amount of refund
1701 11 90 9100	S00	EUR/100 kg	33,81 ⁽¹⁾
1701 11 90 9910	S00	EUR/100 kg	33,81 ⁽¹⁾
1701 12 90 9100	S00	EUR/100 kg	33,81 ⁽¹⁾
1701 12 90 9910	S00	EUR/100 kg	33,81 ⁽¹⁾
1701 91 00 9000	S00	EUR/1 % sucrose × 100 kg of net product	0,3675
1701 99 10 9100	S00	EUR/100 kg	36,75
1701 99 10 9910	S00	EUR/100 kg	36,75
1701 99 10 9950	S00	EUR/100 kg	36,75
1701 99 90 9100	S00	EUR/1 % sucrose × 100 kg of net product	0,3675

NB: The destinations are defined as follows:

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

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

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

COMMISSION REGULATION (EC) No 948/2007**of 9 August 2007****fixing the maximum export refund for white sugar in the framework of the standing invitation to tender provided for in Regulation (EC) No 900/2007**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

(1) Commission Regulation (EC) No 900/2007 of 27 July 2007 on a standing invitation to tender to determine refunds on exports of white sugar for the 2007/2008 marketing year ⁽²⁾ requires the issuing of partial invitations to tender.

(2) Pursuant to Article 8(1) of Regulation (EC) No 900/2007 and following an examination of the tenders submitted

in response to the partial invitation to tender ending on 9 August 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 9 August 2007, the maximum export refund for the product referred to in Article 1(1) of Regulation (EC) No 900/2007 shall be 41,751 EUR/100 kg.

Article 2

This Regulation shall enter into force on 10 August 2007.

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

Done at Brussels, 9 August 2007.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

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

⁽²⁾ OJ L 196, 28.7.2007, p. 26.

COMMISSION REGULATION (EC) No 949/2007**of 9 August 2007****fixing the maximum export refund for white sugar in the framework of the standing invitation to tender provided for in Regulation (EC) No 38/2007**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

in response to the partial invitation to tender ending on 8 August 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 8 August 2007, the maximum export refund for the product referred to in Article 1(1) of Regulation (EC) No 38/2007 shall be 471,16 EUR/t.

Article 2

This Regulation shall enter into force on 10 August 2007.

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

Done at Brussels, 9 August 2007.

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

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

⁽²⁾ 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 950/2007

of 9 August 2007

fixing the export refunds on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

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

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

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

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

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

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 10 August 2007.

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

Done at Brussels, 9 August 2007.

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

ANNEX

to Commission Regulation of 9 August 2007 fixing the export refunds on products processed from cereals and rice

Product code	Destination	Unit of measurement	Refunds	Product code	Destination	Unit of measurement	Refunds
1102 20 10 9200 ⁽¹⁾	C10	EUR/t	20,99	1104 23 10 9300	C10	EUR/t	17,24
1102 20 10 9400 ⁽¹⁾	C10	EUR/t	17,99	1104 29 11 9000	C10	EUR/t	0,00
1102 20 90 9200 ⁽¹⁾	C10	EUR/t	17,99	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	3,75
1103 19 40 9100	C10	EUR/t	0,00	1107 10 11 9000	C10	EUR/t	0,00
1103 13 10 9100 ⁽¹⁾	C10	EUR/t	26,98	1107 10 91 9000	C10	EUR/t	0,00
1103 13 10 9300 ⁽¹⁾	C10	EUR/t	20,99	1108 11 00 9200	C10	EUR/t	0,00
1103 13 10 9500 ⁽¹⁾	C10	EUR/t	17,99	1108 11 00 9300	C10	EUR/t	0,00
1103 13 90 9100 ⁽¹⁾	C10	EUR/t	17,99	1108 12 00 9200	C10	EUR/t	23,98
1103 19 10 9000	C10	EUR/t	0,00	1108 12 00 9300	C10	EUR/t	23,98
1103 19 30 9100	C10	EUR/t	0,00	1108 13 00 9200	C10	EUR/t	23,98
1103 20 60 9000	C10	EUR/t	0,00	1108 13 00 9300	C10	EUR/t	23,98
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 ⁽²⁾	C10	EUR/t	23,50
1104 19 10 9000	C10	EUR/t	0,00	1702 30 59 9000 ⁽²⁾	C10	EUR/t	17,99
1104 19 50 9110	C10	EUR/t	23,98	1702 30 91 9000	C10	EUR/t	23,50
1104 19 50 9130	C10	EUR/t	19,49	1702 30 99 9000	C10	EUR/t	17,99
1104 29 01 9100	C10	EUR/t	0,00	1702 40 90 9000	C10	EUR/t	17,99
1104 29 03 9100	C10	EUR/t	0,00	1702 90 50 9100	C10	EUR/t	23,50
1104 29 05 9100	C10	EUR/t	0,00	1702 90 50 9900	C10	EUR/t	17,99
1104 29 05 9300	C10	EUR/t	0,00	1702 90 75 9000	C10	EUR/t	24,62
1104 22 20 9100	C10	EUR/t	0,00	1702 90 79 9000	C10	EUR/t	17,09
1104 22 30 9100	C10	EUR/t	0,00	2106 90 55 9000	C14	EUR/t	17,99
1104 23 10 9100	C10	EUR/t	22,49				

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

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

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

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

The other destinations are as follows:

C10: All destinations

C14: All destinations except for Switzerland and Liechtenstein.

COMMISSION REGULATION (EC) No 951/2007

of 9 August 2007

laying down implementing rules for cross-border cooperation programmes financed under Regulation (EC) No 1638/2006 of the European Parliament and of the Council laying down general provisions establishing a European Neighbourhood and Partnership Instrument

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 1638/2006 of the European Parliament and of the Council of 24 October 2006 laying down general provisions establishing a European Neighbourhood and Partnership Instrument ⁽¹⁾, and in particular Article 11(1) thereof,

Whereas:

- (1) One of the strands of Regulation (EC) No 1638/2006 involves cooperation between the Member States of the European Union and partner countries in regions adjacent to their shared part of the external border of the European Union for the development of an area of prosperity and good neighbourliness (hereinafter ENPI cross-border cooperation).
- (2) Article 11 of Regulation (EC) No 1638/2006 requires that the Commission adopt implementing rules laying down specific provisions for the implementation of Title III 'Cross-border Cooperation' and that the matters covered by the implementing rules include issues such as the rate of co-financing, preparation of joint operational programmes, the designation and functions of the joint authorities, the role and function of the joint monitoring and selection committees and of the joint secretariat, eligibility of expenditure, joint project selection, the preparatory phase, technical and financial management of Community assistance, financial control and audit, monitoring and evaluation, visibility and information activities for potential beneficiaries.
- (3) Article 21 of Regulation (EC) No 1638/2006 stipulates that the implementing rules should also lay down procurement rules for ENPI cross-border cooperation.
- (4) The strategy paper provided for in Article 7(3) of Regulation (EC) No 1628/2006 establishes the strategic framework for Commission support for ENPI cross-border cooperation and contains the indicative programme for this cooperation.
- (5) Community assistance for ENPI cross-border cooperation is implemented through joint operational programmes defined in the strategy paper.
- (6) It is necessary to draw up implementing rules which lay down joint specific provisions for cross-border cooperation within the meaning of Regulation (EC) No 1638/2006 while allowing participating countries a certain amount of flexibility as to the detailed arrangements regarding organisation and implementation of specific programmes taking account of the particular features of each programme. On the basis of this principle and in accordance with this Regulation, the participating countries must propose, by common agreement, detailed arrangements for ENPI cross-border cooperation in the joint operational programme, for adoption by the Commission in accordance with Article 9(6) of Regulation (EC) No 1638/2006.
- (7) In view of the fact that all participating countries are to be involved in the decision-making structures for the programme while the task of implementation is to be entrusted to a Joint Managing Authority based in one of the participating countries there is a need for joint rules on the distribution of functions between the various programme-management structures.
- (8) Since programmes are to be implemented through shared management, programme management and control systems must comply with Community rules. Adoption of the programme by the Commission must be taken as an *ex ante* accreditation of those systems. The Commission must monitor implementation of each programme by possible involvement in the Joint Monitoring Committee and by means of the reports presented to it by the Joint Managing Authority.

⁽¹⁾ OJ L 310, 9.11.2006, p. 1.

- (9) In order to ensure full and complete participation in the programme by potential beneficiaries in partner countries and to apply the same management arrangements for those established in a Member State of the European Union as for those established in a partner country, and given that appropriations for ENPI cross-border cooperation are managed as part of the European Union's foreign policy, the contractual procedures applicable to external actions financed by the European Commission must be used for all projects financed as part of the cross-border cooperation established by Regulation (EC) No 1638/2006.
- (10) In order to ensure effective implementation of the programme, evaluation and monitoring arrangements need to be laid down.
- (11) These measures are in line with the opinion of the Committee established by Council Regulation (EC) No 1638/2006,

and financial responsibility for project implementation vis-à-vis that authority; it receives the financial contribution from the Joint Managing Authority and ensures it is managed and, where appropriate, distributed in accordance with the agreements drawn up with its partners; it alone is responsible to the Joint Managing Authority and it is directly accountable to the authority for the operational and financial progress of activities;

3. 'contractor' means a body which signs a service, works or supply contract with the Joint Managing Authority and which assumes full legal and financial responsibility for implementation of that contract vis-à-vis the Joint Managing Authority;
4. 'strategy paper' means the document which is referred to in Article 7(3) of Regulation (EC) No 1638/2006 and which establishes the list of the joint operational programmes, their multiannual indicative envelope and territorial units eligible within each programme;

HAS ADOPTED THIS REGULATION:

CHAPTER I

INTRODUCTION

Article 1

Subject and scope

This Regulation lays down rules for the implementation of Regulation (EC) No 1638/2006 in relation to cross-border cooperation programmes.

Article 2

Definitions

For the purposes of this Regulation, the following definitions shall apply:

1. 'technical assistance' means preparatory work, management, monitoring, evaluation, information, audit and control, and any administrative capacity-building activities necessary for implementation of the joint operational programmes;
2. 'beneficiary' means a body which signs a grant contract with the Joint Managing Authority and which assumes full legal

5. 'participating countries' means all Member States and partner countries taking part in the joint operational programme;

6. 'partner countries' means the countries and territories listed in the Annex to Regulation (EC) No 1638/2006;

7. 'large-scale projects' means projects comprising a set of works, activities or services intended to fulfil an indivisible function of a precise nature pursuing clearly identified objectives of common interest for the purposes of implementing cross-border investments;

8. 'own resources of the countries participating in the joint operational programme' means financial resources from the central, regional or local budget of the participating countries;

9. 'operational follow-up of the projects' means follow-up of the operations financed by the programme in accordance with the method for the project-management cycle, from programming to technical monitoring of implementation to evaluation.

CHAPTER II
BASIC DOCUMENTS

SECTION I

Joint operational programmes

Article 3

Preparation of joint operational programmes

Each joint operational programme shall be defined by common agreement of all the participating countries, in accordance with Regulation (EC) No 1638/2006, the strategy paper and this Regulation.

Article 4

Content of joint operational programmes

Each joint operational programme shall describe the objectives, priorities and measures concerning the operations to be undertaken and shall explain how they fit in with other ongoing or planned bilateral and multilateral programmes in the countries and regions concerned, in particular programmes financed by the European Union.

In particular, each joint operational programme shall:

- (a) list the territorial units eligible, including the possible adjacent regions, as locations for projects financed by the programme, as defined in Regulation (EC) No 1638/2006 and the strategy paper;
- (b) lay down rules for participation in the programmes by adjacent areas in third countries which are not covered by Regulation (EC) No 1638/2006 but which are allowed to take part in cooperation on the basis of the strategy paper;
- (c) lay down priorities and measures addressing the objectives identified in the strategy paper;
- (d) set out the composition of the Joint Monitoring Committee in accordance with Article 11 of this Regulation;
- (e) identify the body appointed by the participating countries to perform the role of Joint Managing Authority;
- (f) describe the structure that will be set up by the Joint Managing Authority for the management of the

programme in accordance with Articles 14, 15, 16 and 17 of this Regulation. This description shall be detailed enough to enable the Commission to be reasonably confident that effective and efficient internal control systems have been put in place, based on best international practices;

- (g) include a financial table describing the provisional yearly allocations of commitments and payments under the programme, established in accordance with the priorities and specifying in particular the amounts allocated to technical assistance;
- (h) identify programme implementation methods, in accordance with the contractual procedures referred to in Article 23 of this Regulation;
- (i) specify a provisional indicative timetable for the launching of procedures and the selection of projects to be financed;
- (j) describe any regulatory requirements regarding environmental impact assessment studies and give a provisional indicative timetable for the carrying-out of these studies;
- (k) state the language(s) adopted by the programme;
- (l) include an information and communication plan in accordance with Article 42.

The table referred to in point (g) of the second paragraph shall indicate the European Community contribution and divide the provisional indicative amounts to be committed by the Commission each year up to 2013 (the allocations for 2011-2013 shall be confirmed in the Indicative Programme for 2011-2013). The table shall also contain the provisional indicative amounts of co-financing from the own resources of participating countries.

For the purposes of point (h) of the second paragraph, the projects financed under the programme shall generally be selected following calls for proposals. Nevertheless, the participating countries may also, in agreement with the European Commission, jointly identify large-scale cross-border investment projects which will not be selected through calls for proposals: these projects shall be specifically mentioned in the programme or be selected at a later stage by the Joint Monitoring Committee, referred to in Articles 11 to 13, provided that they are consistent with the programme's priorities and measures and that there is a budget specifically for this purpose.

Article 5

Adoption of joint operational programmes

1. Each joint operational programme shall be submitted by the Joint Managing Authority to the Commission after the explicit agreement of all countries having participated in and contributed to the preparation of the programme.

2. The Commission shall examine the joint operational programme in order to verify that it contains all the elements referred to in Article 4, which shall involve in particular:

- (a) assessing its conformity with the strategy paper;
- (b) checking the quality of the analysis, its consistency with the proposed priorities and measures, and its consistency with the other bilateral and multilateral programmes ongoing or planned in the regions concerned by the programme;
- (c) verifying that the programme complies with the Community legislation applicable;
- (d) checking that any environmental impact assessment studies that may be required have been carried out or are planned before the proposed projects are implemented;
- (e) ensuring the consistency of the financial table for the programme, particularly with regard to the amounts to be committed by the Commission;
- (f) ensuring the management capacity of the Joint Managing Authority is commensurate with the volume, content and complexity of the operations planned under the programme. In particular, the Commission shall check that the Joint Managing Authority has sufficient properly qualified human resources fully dedicated to the programme, the requisite computerised management and accountancy tools and financial circuits that comply with the relevant Community legislation. These checks may be carried out through an *ex ante* on-the-spot audit, if considered necessary by the Commission;
- (g) ensuring that the Joint Managing Authority has planned for and set up satisfactory internal control and audit systems, based on international best practices.

3. Following the review of the joint operational programme, the Commission may ask the participating countries to provide additional information or, where necessary, to revise certain parts.

4. The adoption of each joint operational programme shall be taken as an *ex ante* accreditation by the Commission of the management and control structures set up by the Joint Managing Authority.

5. Each joint operational programme shall be adopted by a Commission decision for the whole of the programme's duration.

Article 6

Monitoring and evaluation of joint operational programme

1. The aim of monitoring and evaluating each joint operational programme shall be to improve the quality, effectiveness and consistency of implementation. The findings of evaluations shall be taken into account in future programming exercises.

2. A mid-term evaluation of the joint operational programme shall be carried out as part of the programme review in accordance with the strategy paper.

This evaluation shall be carried out by the Commission, and its results, which shall be communicated to the Joint Monitoring Committee and Joint Managing Authority for the indicative programme may lead to adjustments in the programme.

3. In addition to the mid-term evaluation, an evaluation of the joint operational programme, or a part thereof, may be carried out at any moment by the Commission.

4. In the year following the end of the implementation phase of the projects financed by the joint operational programme, an *ex post* evaluation of the programme shall be carried out by the Commission.

Article 7

Revision of joint operational programmes

1. Adjustments to the joint operational programme financial table which merely involve the transfer from one priority to another of no more than 20 % of the Community funds initially allocated to each priority may be made directly by the Joint Managing Authority, with the prior approval of the Joint Monitoring Committee. The Joint Managing Authority shall inform the Commission of any such changes.

This rule shall apply to technical assistance financed by Community funds only with the written prior approval of the Commission.

2. Following a reasoned request from the Joint Monitoring Committee or at the initiative of the Commission in agreement with the Joint Monitoring Committee, joint operational programmes may be reviewed and, if necessary, revised in the following cases:

- (a) in order to make allowance for major socio-economic changes or substantial changes in Community, national or regional priorities in the area covered by the programme;
- (b) following implementation difficulties giving rise to substantial delays;
- (c) where there is a transfer of Community funds from one priority to another going beyond the margin of flexibility referred to in paragraph 1 of this Article;
- (d) following the evaluations referred to in Article 6(2) and 6(3);
- (e) where the programme is terminated in accordance with Article 44.

3. Any revision of a joint operational programme in the cases referred to in paragraph 2 shall be adopted by a decision of the Commission and shall require the signing of an amendment to the financing agreements referred to in Article 10.

Article 8

Use of languages

1. The management structures for joint operational programmes shall use one or more of the European Union's official languages as their working language(s).

2. In order to take account of the partnership nature of the programmes, the project beneficiaries may submit to the Joint Managing Authority documents concerning their project in their national language, provided that this possibility is specifically mentioned in the programme and that the Joint Monitoring Committee makes provision, through the Joint Managing Authority, for any interpretation and translation that may be necessary.

3. Interpreting and translation costs for all languages selected by the programme shall be met:

- (a) from the technical assistance budget at joint operational programme level;
- (b) from the budget of each individual project at project level.

Article 9

Starting phase of joint operational programmes

1. Following the adoption of the joint operational programme by Commission decision, the programme shall start immediately in the Member States with the allocation in the European Neighbourhood and Partnership Instrument for cross-border cooperation from heading 1B of the Financial Perspective (Interinstitutional Agreement 2006/C 139/01)⁽¹⁾. Joint actions required to launch the programme may also be undertaken, namely:

- (a) the establishment of the Joint Managing Authority and of the Joint Technical Secretariat;
- (b) the first meetings of the Joint Monitoring Committee, including representatives of partner countries that have not yet signed a financing agreement;
- (c) the preparation and launching of tender procedures or calls for proposals, if necessary with a suspension clause linked to the signing of the financing agreements.

2. Commission decisions referred to in paragraph 1 shall be applicable in each partner country from the signing of a financing agreement by the country in accordance with Article 10.

SECTION 2

Financing agreement

Article 10

Signing of financing agreements

1. A financing agreement shall be established between the Commission and each partner country for each joint operational programme. The Joint Managing Authority designated under each joint operational programme may countersign the financing agreement.

⁽¹⁾ Interinstitutional Agreement between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management, OJ C 139, 14.6.2006, p. 1.

2. The joint operational programme adopted by the Commission shall be a technical annex to the financing agreement.

3. Each financing agreement shall be concluded at the latest before the end of the year which follows the year of the Commission decision adopting the joint operational programme (N+1 rule).

4. If the financing agreement is not concluded within the time-limit, the external component of the joint operational programme with the partner country may not be launched.

Where a programme includes several partner countries, it may be launched with each partner country as soon as that country has signed its financing agreement.

5. If no partner country signs a financing agreement within the set time limit, the external component of the joint operational programme shall become null and void and paragraphs 3 and 4 of Article 44 shall apply.

CHAPTER III

MANAGEMENT STRUCTURES FOR JOINT OPERATIONAL PROGRAMMES

SECTION 1

Joint Monitoring Committee

Article 11

Composition of the Joint Monitoring Committee

1. The Joint Monitoring Committee shall comprise representatives appointed by each participating country to take all decisions concerning the joint operational programme within the competence of the committee. Members shall be appointed as representatives of their countries on a functional basis and not on a personal basis. The committee shall also include a chairperson and a secretary. The secretary shall be chosen from the members of the Joint Managing Authority.

2. In addition to the duly appointed representatives, it is important that the participating countries ensure the adequate participation of the civil society (local authorities, economic and social partners, civil society) to ensure the close association of different local stakeholders in the implementation of the joint operational programme.

3. The Commission shall be invited to each meeting of the Joint Monitoring Committee at the same time as the participants and shall be informed of the results of its deliberations. It may take part in all or part of each committee meeting on its own initiative, as an observer and without any decision-making power.

Article 12

Functioning of the Joint Monitoring Committee

1. The appointed members of the Joint Monitoring Committee shall adopt its rules of procedure unanimously.

2. The Joint Monitoring Committee shall take decisions by consensus. However, it may put certain decisions to a vote, particularly those relating to the final selection of projects and the grant amounts allocated to them. Within this voting procedure, each country has only one vote whatever the number of its representatives.

3. The appointed representatives shall elect a chairperson. The committee may decide to elect a representative of the Joint Managing Authority or another outside person as chairperson.

The chairperson of the Joint Monitoring Committee shall act as arbitrator and lead discussions. The chairperson shall retain their vote, unless the position of chairperson has been given to a representative of the Joint Managing Authority or another outside person. In the latter case, the chairperson shall have no vote.

4. The Joint Monitoring Committee shall meet as often as necessary and at least once a year. It shall be convened by its chairperson at the request of the Joint Managing Authority or following a duly justified request from one of its appointed members or from the Commission. It may also take decisions through written procedure at the initiative of its chairperson, the Joint Managing Authority or one of the participating countries. In case of a disagreement, any member may request that the decision be discussed at a meeting.

5. Minutes shall be drawn up after each meeting of the Joint Monitoring Committee for signature by the chairperson and the secretary. Minutes shall be given to each member of the committee and to the Commission.

Article 13

Functions of the Joint Monitoring Committee

As part of its functions with regard to the joint operational programme, the committee shall:

- (a) approve the Joint Managing Authority's work programme;
- (b) decide on the volume and allocation of the programme's resources for technical assistance and human resources;

- (c) at each of its meetings, review the management decisions taken by the Joint Managing Authority;
- (d) appoint the project-selection committees;
- (e) decide on the selection criteria for the projects and take the final decision on projects and on the amounts granted to them;
- (f) at each of its meetings and on the basis of the documents submitted by the Joint Managing Authority, evaluate and monitor progress towards the objectives of the joint operational programme;
- (g) review all reports submitted by the Joint Managing Authority and, if necessary, take appropriate measures;
- (h) examine any contentious cases of recovery brought to its attention by the Joint Managing Authority.

If, when taking decisions referred to in point (e) of the first paragraph, the Joint Monitoring Committee decides not to follow all or part of the recommendations of the selection committee, it shall explain its decision in writing. The decision shall then be sent via the Joint managing authority to the Commission for prior approval. Commission communicates its opinion to the Joint Managing Authority within 15 working days.

Duties of the Joint Managing Authority shall be performed in compliance with regulations and provisions in force. The Joint Managing Authority is responsible for ensuring that decisions of the Joint Monitoring Committee comply with these rules.

SECTION 2

Joint Managing Authority

Article 14

Organisation of the Joint Managing Authority

1. The Joint Managing Authority shall, normally, be a national, regional or local public sector body. The Joint Managing Authority may also be a body governed by private law with a public-service mission.

This body must satisfy appropriate financial requirements and comply with the conditions provided for in Council Regulation (EC, Euratom) No 1605/2002⁽¹⁾, in particular Article 54

thereof, and Commission Regulation (EC, Euratom) No 2342/2002 in particular Articles 38, 39 and 41 thereof⁽²⁾.

2. The participating countries shall entrust the Joint Managing Authority with the tasks involved in implementing the joint operational programme which have been entrusted to them as part of programme management. They shall be responsible, within the Joint Monitoring Committee, for checking that funds are used in accordance with the rules and principles governing programme management.

3. The functioning of the Joint Managing Authority may be financed from the Community contribution for technical assistance and from the co financing, in particular from the contributions in kind provided for in Article 19(3).

4. The accounts established by the Joint Managing Authority shall be subject to an annual *ex post* external audit carried out by an independent organisation as referred to in Article 31.

5. The organisation of the Joint Managing Authority shall be based on international best practice in management and internal control and shall draw on management and internal control systems suited to the carrying out of its tasks in such a way as to ensure that its operations comply with laws, other rules and the principle of sound financial management.

In particular, operational management functions and financial management functions shall be organised separately within the Joint Managing Authority. The functions of authorising officer and accounting officer shall be separate and mutually incompatible.

6. The Joint Managing Authority shall have an internal audit service which shall be independent from the departments performing authorising-officer, accounting-officer and management functions.

7. The Joint Managing Authority shall put in place procedures to ensure that expenses declared under the programme are genuine and legitimate and shall establish reliable computerised accounting, monitoring and financial information systems.

8. The Joint Managing Authority shall in particular respect the conditions and payment deadlines for the grant agreements and procurement contracts that it signs with third parties. Using appropriate verification procedures, it shall ensure that the funds paid under grant agreements or procurement contracts are used only for the purposes for which they were granted.

⁽¹⁾ OJ L 248, 16.9.2002, p. 1.

⁽²⁾ OJ L 357, 31.12.2002, p. 1.

A general system shall be used for the management of accounts and the administrative and financial monitoring of grants and contracts (correspondence, follow-up letters or reminders, receipt of reports, etc.).

9. The Joint Managing Authority shall without delay notify the Commission and the Joint Monitoring Committee of any change in its procedures or its organisation, or any other circumstance likely to affect programme implementation.

10. The Joint Managing Authority, and the various beneficiaries, contractors and partners with which it signs contracts for the implementation of the projects, shall be subject to controls by the Commission, the European Court of Auditors and the European Anti-Fraud Office (OLAF).

Article 15

Functions of the Joint Managing Authority

1. The Joint Managing Authority shall be responsible for managing and implementing the joint operational programme, including technical assistance, in line with the principle of sound financial management and the principles of economy, efficiency and effectiveness, and shall carry out any controls necessary in accordance with the rules and procedures provided for by the relevant regulations.

2. The various tasks of the Joint Managing Authority shall include:

- (a) organising and acting as a secretariat for meetings of the Joint Monitoring Committee, including drawing-up the minutes of the meetings;
- (b) preparing detailed annual budgets for the programme and payment requests for the Commission;
- (c) drawing up annual operational and financial reports and sending them to the Joint Monitoring Committee and the Commission;
- (d) implementing, through its internal audit service, an audit programme to check internal circuits and to ensure that procedures are properly applied within the Joint Managing Authority; annual internal audit reports shall be sent to the Joint Monitoring Committee and the Commission;
- (e) launching, after approval by the Joint Monitoring Committee, calls for tenders and calls for proposals for the selection of projects;
- (f) receiving project applications, organising, chairing and acting as secretariat for selection committees, and sending reports including selection committee recommendations to the Joint Monitoring Committee and the Commission;
- (g) following up the selection of projects by the Joint Monitoring Committee, signing contracts for the various projects with beneficiaries and contractors;
- (h) carrying out operational follow-up and financial management of the projects;
- (i) immediately notifying the Joint Monitoring Committee of all contentious cases of recovery;
- (j) carrying out any environmental impact assessment studies at programme level;
- (k) implementing the information and visibility plan in accordance with Article 42.

Article 16

Joint Technical Secretariat

1. Each Joint Managing Authority may, with the prior agreement of the Joint Monitoring Committee, use a Joint Technical Secretariat with the requisite resources to assist it with the day-to-day management of the activities under the joint operational programme.

The operation of the Joint Technical Secretariat shall be financed from the technical assistance budget.

2. The Joint Technical Secretariat may, if necessary, establish small branch offices in participating countries for the purpose of informing potential beneficiaries in those countries of activities planned under the programme.

*Article 17***Principle of continuity**

Where an existing Joint Managing Authority with Commission-approved systems for the management of previous or ongoing programmes is reappointed to manage a joint operational programme, it shall not be necessary to modify the Joint Managing Authority's organisational arrangements, provided the systems used meet the requirements of this Regulation.

CHAPTER IV

FINANCIAL MANAGEMENT OF THE JOINT OPERATIONAL PROGRAMMES

SECTION 1

Financing*Article 18***Technical assistance financed by the Community contribution**

No more than 10 % of the Community's total contribution to a joint operational programme may be allocated to technical assistance.

However, on a case-by-case basis and if warranted by the level of expenditure incurred during previous years of implementation and forecast legitimate programme requirements, an increase in the amount of the technical assistance initially allocated to the programme may be considered.

*Article 19***Co-financing sources**

1. Co-financing shall come from the own resources of the countries or bodies participating in each joint operational programme.

2. Within each joint operational programme the participating countries shall be free to determine the source, amount and distribution of co-financing between objectives and priorities.

3. Contributions in kind from the Joint Managing Authority may be considered as co-financing, subject to the prior approval of the Commission. In this case they shall be explicitly mentioned in the programme document.

*Article 20***Co-financing rate**

1. Co-financing shall amount to at least 10 % of the Community contribution to the joint operational programme, minus the amount of technical assistance financed from the Community contribution.

2. Where possible, co-financing shall be distributed in a balanced way throughout the duration of the programme in such a way that the minimum objective of 10 % is achieved by the end of the programme.

*Article 21***Bank account of the joint operational programme and interest on pre-financing**

1. A single bank account in euro, specifically dedicated to the programme, shall be opened and managed by the service acting as accounting officer within the Joint Managing Authority. The account shall be set up in such a way that the transactions require signatures of both the authorising officer and the accounting officer.

2. If the bank account bears interest, any interest generated by the pre-financing payments shall be assigned to the joint operational programme and shall be declared to the Commission in the final report referred to in Article 32.

*Article 22***Accounts for the joint operational programme**

Accounts for the joint operational programme shall be drawn up by the service within the Joint Managing Authority responsible for financial transactions. These accounts shall be independent and separate and shall include only transactions relating to the joint operational programme. They shall be kept in such a way as to enable analytical monitoring of the programme by objective, priority and measure.

The Joint Managing Authority shall present the Joint Monitoring Committee with reports reconciling these accounts with the balance in the bank account for the programme to accompany the annual report and any request for additional pre-financing.

*Article 23***Contractual procedures**

1. The contractual procedures for procurement contracts and grants necessary for implementation of the joint operational programme by the Joint Managing Authority shall be those applicable to external actions as defined in Articles 162 to 170 of Council Regulation (EC, Euratom) No 1605/2002 and Articles 231 to 256 of the Commission Regulation (EC, Euratom) No 2342/2002.

The procedures and related standard documents and contract templates to be used shall be those included in the Practical Guide to contract procedures for EC external actions with annexes in force at the time of the launching of procurement procedures or calls for proposals.

2. The eligibility rules for participation in the calls for tenders and calls for proposals shall be those referred to in Article 14 of Regulation (EC) No 1638/2006 in conformity with Articles 40 and 41 of this Regulation.

3. These provisions shall be applicable to the entire geographical area of the programme, both on the territory of the Member States and on the territory of the partner countries.

*SECTION 2***Payments***Article 24***Annual commitments by the Commission**

Further to the initial commitment accompanying the decision adopting the joint operational programme, the Commission shall each year make the corresponding commitment no later than 31 March of the year concerned. The amount of this commitment shall be determined in accordance with the financial table detailing the provisional yearly allocations in the joint operational programme, and shall also depend on the programme's progress and the availability of funds. The Commission shall inform the Joint Managing Authority of the exact date on which the annual commitment is made.

*Article 25***Common rules for payments**

1. The Commission shall make each payment from the Community contribution, subject to the availability of funds. The Commission shall automatically deduct any payment to the Joint Managing Authority from the oldest annual

commitment tranche until the entire amount of this commitment has been spent. When the oldest annual commitment tranche has been entirely spent, the next annual commitment tranche may be used.

2. Payments shall be made in euro to the bank account of the joint operational programme.

3. Payments may take the form of pre-financing or the final balance.

*Article 26***Pre-financing**

1. Each year, once the Joint Managing Authority has been notified of the budgetary commitment, it may request, as pre-financing, the transfer of up to 80 % of the Community contribution to the budget for the year in question.

From the second year of the joint operational programme, requests for pre-financing shall be accompanied by the provisional annual financial report covering all expenditure and revenue from the previous year not yet certified in the annual external audit report, and by the provisional budget detailing the Joint Managing Authority's commitments and payments for the following year.

After reviewing this report, assessing actual financing needs for the programme and verifying the availability of funds, the Commission shall proceed with the payment of all or part of the requested pre-financing.

2. In the course of the year, the Joint Managing Authority may ask for the transfer of all or part of the balance of the annual Community contribution, as additional pre-financing.

In support of its request, the Joint Managing Authority shall submit an interim financial report showing that the expenditure actually incurred or likely to be incurred before the end of the year exceeds the amount of pre-financing already granted.

Such subsequent transfers shall constitute additional pre-financing in so far as they are not certified by an external audit report.

3. In the second half of each year of the programme's implementation, the Commission shall clear previous pre-financing payments on the basis of eligible expenditure actually incurred, as certified by the annual external audit report referred to in Article 31.

On the basis of the results of this clearance, the Commission may proceed with the necessary financial adjustments.

*Article 27***Recovery**

1. The Joint Managing Authority shall be responsible for the recovery of any unjustified or ineligible expenditure and for the reimbursement to the Commission of its share or amounts recovered, in proportion to its contribution to the programme.

Where ineligible expenditure already covered by a payment is identified on receipt of the final report for a contract or following a control or an audit, the Joint Managing Authority shall make out recovery orders to the beneficiaries or contractors concerned.

2. Where the recovery relates to a claim against a beneficiary, contractor or partner established in a Member State and the Joint Managing Authority is unable to recover the debt within one year of issuing the recovery order, the Member State in which the beneficiary, contractor or partner is established shall pay the amount owing to the Joint Managing Authority and claim it back from the beneficiary, contractor or partner.

3. Where the recovery relates to a claim against a beneficiary, contractor or partner established in a partner country and the Joint Managing Authority is unable to recover the debt within one year of the issuing of the recovery order, the Joint Managing Authority shall refer the case to the Commission, which, on the basis of a complete file, shall take over the task of recovering the amounts owing from the beneficiary, contractor or partner established in the partner country or directly from the national authorities of that country.

4. Files transferred to a Member State or to the Commission shall contain all the documents needed for recovery as well as proof of steps taken by the Joint Managing Authority to the beneficiary or contractor with a view to recovering the amounts owed.

5. The Joint Managing Authority shall exercise due diligence to ensure reimbursement within one year of the issuing of the recovery order. In particular it shall ensure that the claim is certain, of a fixed amount and due. Where the Joint Managing Authority is planning to waive recovery of an established debt, it shall ensure that the waiver is in order and complies with the principles of sound financial management and proportionality. The waiver decision must be substantiated and submitted to the Commission and the Joint Monitoring Committee for prior approval.

6. When the debt has not been recovered or a complete file, as referred to in paragraph 4, has not been transferred to the Member State or the Commission, due to the negligence of the Joint Managing Authority, the Joint Managing Authority shall

remain responsible for the recovery after the one year period has elapsed and the amounts due shall be declared ineligible for Community financing.

7. Pursuant to paragraphs 2 and 3, the contracts concluded by the Joint Managing Authority as part of the programme shall contain a clause allowing the Commission or the Member State concerned to carry out recovery from a beneficiary, contractor or partner where the claim is still open one year after the issue of the recovery order by the Joint Managing Authority.

SECTION 3

Reports*Article 28***Annual reports of the Joint Managing Authority**

1. Each year, by 30 June at the latest, the Joint Managing Authority shall submit to the Commission an annual report, approved by the Joint Monitoring Committee and certified by the audit report referred to in Article 31, on implementation of the joint operational programme from 1 January to 31 December of the previous year. The first annual report shall be submitted by 30 June of the second year of the programme.

2. Each annual report shall contain:

(a) a technical part describing:

- the progress achieved in implementing the programme and its priorities,
- the detailed list of the signed contracts as well as possible difficulties encountered,
- the technical assistance activities carried out during the previous year,
- the measures undertaken to monitor, evaluate and audit projects, their results and actions undertaken to remedy to the problems identified,
- the information and communication activities,
- the programme of activities to be implemented the following year.

(b) a financial part giving, in euro, for each priority:

- the amounts allocated to the Joint Managing Authority by the Commission as the Community contribution and by the participating countries as co-financing, as well as any other possible revenue for the programme,
- the payments made and amounts recovered by the Joint Managing Authority for technical assistance and for the projects, as well as the report reconciling these with the bank account for the programme,
- the amount of eligible expenditure incurred by the projects as presented by the beneficiaries in their reports and payment requests,
- the provisional budget (commitments and expenditure) of the Joint Managing Authority for the following year.

(c) a declaration signed by the representative of the Joint Managing Authority giving an assurance that the management and control systems set up by the programme in the course of the previous year continue to comply with the model approved by the Commission and that they have operated in such a way as to warrant a reasonable degree of confidence in the correctness of the financial report and in the legality and regularity of the transactions to which it relates.

Article 29

Annual report of the internal audit service

1. The internal audit service of the Joint Managing Authority shall each year implement a control programme to check the internal circuits and ensure procedures have been correctly applied within the Joint Managing Authority. It shall draw up an annual report and send it to the representative of the Joint Managing Authority.

2. The Joint Managing Authority shall send the report referred to in paragraph 1 to the Commission and to the Joint Monitoring Committee as an annex to the annual report referred to in Article 28.

Article 30

Annual report on implementation of the audit plan for the projects

1. Each year the Joint Managing Authority shall draw up a report on the previous year's implementation of the audit plan

for the projects, referred to in Article 37. The report shall describe in detail the methodology used by the Joint Managing Authority for selecting a representative sample of projects, as well as the controls carried out, the recommendations made and the conclusions drawn by the Joint Managing Authority in relation to the financial management of the projects concerned.

2. The Joint Managing Authority shall send the report referred to in paragraph 1 to the Commission and to the Joint Monitoring Committee as an annex to the annual report referred to in Article 28.

Article 31

External audit report

1. Independently of the external audits of the Joint Managing Authority undertaken by the administration of the country in which the Joint Managing Authority is established, the Joint Managing Authority shall call upon an independent public body or contract an independent approved auditor who is a member of an internationally recognised supervisory body for statutory auditing to carry out each year an *ex post* verification of the revenue and expenditure presented by the Joint Managing Authority in its annual financial report, in accordance with the standards and ethics of the International Federation of Accountants (IFAC).

2. The scope of the external audit shall cover the Joint Managing Authority's direct expenditure on technical assistance and project management (payments). The external audit report shall certify the statement of revenue and expenditure presented by the Joint Managing Authority in its annual financial report, and in particular it shall certify that stated expenditure has actually been incurred and is accurate and eligible.

3. The Joint Managing Authority shall send the external audit report to the Commission and to the Joint Monitoring Committee as an annex to the annual report referred to in Article 28.

Article 32

Final report

The final report on implementation of the joint operational programme shall contain *mutatis mutandis* the same elements as the annual reports, including their annexes, for the entire duration of the programme. It shall be submitted by 30 June 2016 at the latest.

SECTION 4

Eligible expenditure of the joint operational programme

Article 33

Eligible costs at joint operational programme level

1. In order to be eligible for Community financing, the expenditure of the joint operational programme must be incurred during the programme's period of execution, as defined in Article 43.

2. To be considered eligible as technical assistance costs, costs relating to the implementation of the joint operational programme by the Joint Managing Authority must:

- (a) be necessary for implementing the programme in compliance with the criteria defined by the programme and by the Joint Monitoring Committee and comply with the principles of sound financial management, in particular value for money and cost-effectiveness;
- (b) be recorded in the accounts of the programme, be identifiable, verifiable and backed by original supporting documents;
- (c) have been incurred in compliance with the relevant procurement procedures.

3. Subject to paragraphs 1 and 2, the following costs shall be eligible:

- (a) the cost of staff assigned to the programme, corresponding to actual salaries plus social security charges and other remuneration-related costs. Salaries and costs must not exceed those normally borne by the structures hosting the Joint Managing Authority or the Joint Technical Secretariat, unless it is justified by showing that this is essential to carrying out the joint operational programme;
- (b) travel and subsistence costs for staff and other persons taking part in the joint operational programme, provided they do not exceed those normally borne by the authorities appointed to manage the programme. Any flat-rate reimbursement of the subsistence costs must not exceed the rates of the scales published by the European Commission at the time of the adoption of the joint operational programme;
- (c) purchase or rental costs for equipment and supplies (new or used) specifically for the purposes of the Joint Managing Authority or the Joint Technical Secretariat for implementation of the joint operational programme and costs of services, provided they correspond to market rates;

(d) the cost of consumables;

(e) indirect costs to cover administrative overheads;

(f) the subcontracting expenditure;

(g) costs deriving directly from requirements imposed by this Regulation and the programme (for example, information and visibility operations, evaluations, external audits, translations etc.) including financial service costs (in particular the cost of bank transfers).

Article 34

Non-eligible costs at joint operational programme level

The following costs relating to the implementation of the joint operational programme by the Joint Managing Authority shall not be considered eligible as technical assistance costs:

(a) debts and provisions for losses or debts;

(b) interest owed;

(c) items already financed in another framework;

(d) purchases of land or buildings;

(e) exchange-rate losses;

(f) taxes, including VAT, unless the Joint Managing Authority cannot reclaim them and the applicable regulations authorise coverage of taxes;

(g) loans to third parties;

(h) fines.

Article 35

Contributions in kind at the joint operational programme level

Any contributions in kind from the participating countries, or any other source, shall be listed separately in the budget of the joint operational programme and shall not be eligible.

They may not be considered part of the minimum 10 % co-financing requirement for the participating countries referred to in Article 20.

The cost of staff assigned by participating countries to technical assistance for the programme shall not be considered a contribution in kind and cannot be considered as co-financing in the budget of the programme, with the exception of the initial in-kind contribution by the Joint Managing Authority referred to in Article 19(3) of this Regulation.

*Article 36***Eligible costs at projects level**

1. Expenditure for each project shall be incurred during the period of execution of each relevant contract.

2. Eligible costs, non-eligible costs and the possibility of contributions in kind at project level shall be described in the contracts concluded with the beneficiaries or contractors.

SECTION 5

Control*Article 37***Annual audit plan for projects**

1. From the end of the first year of the joint operational programme, the Joint Managing Authority shall each year draw up an audit plan for the projects that it finances.

2. The controls referred to in paragraph 1 shall be conducted by examining the documents or conducting on-the-spot checks of a sample of projects selected by the Joint Managing Authority based on a random statistical sampling method taking account of internationally recognized audit standards, in particular having regard to risk factors related to the projects' value, type of operations, type of beneficiary or other relevant elements. The sample shall be sufficiently representative to warrant a satisfactory level of confidence in relation to the direct controls carried out by the Joint Managing Authority on the existence, accuracy and eligibility of expenditure claimed by the projects.

*Article 38***Community control**

The Commission, OLAF, the European Court of Auditors and any external auditor authorised by these institutions may verify, by examining the documents or conducting on-the-spot checks, the use of Community funds by the Joint Managing Authority and the various project beneficiaries and partners.

These checks may take the form of a full audit on the basis of the supporting documents for the accounts, accounting documents and any other document relevant to the financing of the joint operational programme (including, for the Joint Managing Authority, all documents related to the selection procedures and to contracts) and of the project.

*Article 39***National control system**

Member States may set up a control system making it possible to verify the soundness of the expenditure declared for

operations or parts of operations implemented on their territories, and the compliance of such expenditure and of related operations, or parts of those operations, with Community rules and their national rules.

CHAPTER V

PROJECTS FINANCED BY THE JOINT OPERATIONAL PROGRAMMES*Article 40***Bodies participating in projects under the joint operational programmes**

1. Projects shall be submitted by applicants representing partnerships consisting of at least one partner from a Member State participating in the programme and at least one partner from a partner country participating in the programme.

2. The applicants and partners referred to in paragraph 1 are established in regions defined in Article 4(a) and (b) and comply with the eligibility criteria defined in Article 23(2) of this Regulation.

In cases where the projects' objectives cannot be achieved without the participation of partners established in regions other than those defined in the first subparagraph, participation of these other partners can be accepted.

*Article 41***Nature of projects**

The nature of these projects may be of three kinds:

- (a) integrated projects, where each partner carries out a part of the activities of the joint project on its own territory;
- (b) symmetrical projects, where similar activities are carried out in parallel in Member States and in partner countries;
- (c) projects implemented mainly or entirely in a Member State or a partner country but for the benefit of all or some of the partners involved in the joint operational programme.

Projects take place in regions defined in Article 4(a) and (b) of this Regulation.

In exceptional cases, if necessary for achieving projects' objectives, projects can take place partially in regions other than those defined in the second paragraph.

Article 42

Information and visibility of the joint operational programme

1. The Joint Managing Authority shall be responsible for implementation of information and visibility actions relating to the joint operational programme. In particular, the Joint Managing Authority shall take all necessary steps to ensure the visibility of the Community financing or co-financing in relation to its own activities and to the activities of the projects financed under the programme. Such measures shall comply with the relevant rules on the visibility of external actions laid down and published by the Commission.

2. The responsibility of any branch offices of the Joint Technical Secretariat which might be set up in participating countries shall be to publicise activities under the joint operational programme and to provide anyone who may be interested with information.

CHAPTER VI

CLOSURE OF JOINT OPERATIONAL PROGRAMMES

Article 43

Duration of the joint operational programmes

1. The period of execution of each joint operational programme shall start at the earliest at the date of the adoption of the joint operational programme by the Commission and end on 31 December 2016 at the latest.

2. This period of execution shall comprise the following phases:

- (a) an implementation phase for the joint operational programme with a maximum duration of seven years ending at 31 December 2013 at the latest. No call for tenders or call for proposals may be launched and no contract may be signed after this date, with the exception of audit and evaluation contracts;
- (b) an implementation phase for projects financed by the joint operational programme starting at the same time as the implementation phase for the programme and ending on 31 December 2014 at the latest. All activities of projects financed by the programme shall end by that date at the latest;
- (c) a financial closure phase for the joint operational programme including the financial closure of all contracts concluded as part of the programme, the *ex post* evaluation of the programme, the submission of the final report and the final payment or final recovery by the Commission. This phase shall end on 31 December 2016 at the latest.

Article 44

Early termination of the programme

1. In the cases described in Article 9(10)(c) and (d) of Regulation (EC) No 1638/2006 and in other duly justified cases, the Commission may decide to terminate the joint operational programme before the expiry date of the period of execution, at the request of the Joint Monitoring Committee or on its own initiative after having consulted the Joint Monitoring Committee.

2. In this case the Joint Managing Authority shall refer the request to the Commission and transmit the final report within the deadline of three months following the decision of the Commission. After clearing the previous pre-financing payments, the Commission shall pay the final balance or, where appropriate, issue the final recovery order vis-à-vis the Joint Managing Authority. The Commission shall also decommit the balance of commitments.

3. Where the programme is terminated because partner countries do not sign financing agreements within the required deadlines, budgetary allocations already committed to cross-border cooperation under the European Neighbourhood and Partnership Instrument under heading 1B of the Financial Perspective (Interinstitutional Agreement 2006/C 139/01) shall remain available for their normal lifetime but may be used only for activities which take place exclusively in the Member States concerned. The European Neighbourhood and Partnership Instrument allocations committed to the cross-border cooperation from heading 4 of the Financial Perspectives (Interinstitutional Agreement 2006/C 139/01) shall be decommitted.

4. If partner countries do not sign the financing agreement or the Commission decides to terminate the joint operational programme before the normal expiry date of the programme, the following procedure shall apply:

- (a) for the European Neighbourhood and Partnership Instrument allocations for cross-border cooperation from heading 1B of the Financial Perspective (Interinstitutional Agreement 2006/C 139/01), the amounts earmarked for future annual commitments of the joint operational programme concerned shall be used within the framework of the European Regional Development Fund (ERDF) in accordance with the procedures referred to in Article 9(10) of Regulation (EC) No 1638/2006;
- (b) for the European Neighbourhood and Partnership Instrument allocations for cross-border cooperation from heading 4 of the Financial Perspectives (Interinstitutional Agreement 2006/C 139/01), the amounts earmarked for future annual commitments of the joint operational programme concerned shall be used to finance other programmes or projects eligible under Regulation (EC) No 1638/2006.

*Article 45***Keeping of documents**

The Joint Managing Authority and the various project beneficiaries and partners shall, for seven years from the date of payment of the balance for the programme or for a project, keep all documents related to the joint operational programme or a project, in particular the reports and supporting documents as well as accounts, accounting documents and any other document relating to the financing of the joint operational programme (including, for the Joint Managing Authority, all documents relating to the selection and to contracts) and of the project.

*Article 46***Closure of the programme**

1. A joint operational programme shall be considered closed after:

- (a) all the contracts concluded under the programme have been closed;

(b) the final balance has been paid or reimbursed;

(c) remaining appropriations have been decommitted by the Commission.

2. The closure of the operational programme shall not prejudice the Commission's right to undertake, at a later stage, financial corrections vis-à-vis the Joint Managing Authority or the project beneficiaries if the final amount of the programme or the projects has to be readjusted as a result of controls carried out after the closure date.

CHAPTER VII

FINAL PROVISIONS

*Article 47***Entry into force**

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, 9 August 2007.

For the Commission

Benita FERRERO-WALDNER

Member of the Commission

COMMISSION REGULATION (EC) No 952/2007

of 9 August 2007

cancelling a registration of a name in the Register of protected designations of origin and protected geographical indications (Newcastle Brown Ale (PGI))

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs ⁽¹⁾, and in Article 12(1) thereof,

Whereas:

(1) Under Article 12(2) and pursuant to Article 17(2) of Regulation (EC) No 510/2006, the application of United Kingdom to cancel the registration of the name *Newcastle Brown Ale* was published in the *Official Journal of the European Union* ⁽²⁾.

(2) As no objections within the meaning of Article 7 of Regulation (EC) No 510/2006 were received by the Commission, the registration of this name should be cancelled.

(3) In the light of these elements, this name should therefore be struck from the 'Register of protected designations of origin and protected geographical indications'.

(4) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Protected Geographical Indications and Protected Designations of Origin,

HAS ADOPTED THIS REGULATION:

Article 1

The registration of the name contained in the Annex to this Regulation shall be cancelled.

Article 2

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, 9 August 2007.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 93, 31.3.2006, p. 12. Regulation as amended by Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p. 1).

⁽²⁾ OJ C 280, 18.11.2006, p. 13.

ANNEX

Foodstuffs referred to in Annex I of Regulation (EC) No 510/2006:

Class 2.1 — Beers

UNITED KINGDOM

Newcastle Brown Ale (PGI)

COMMISSION REGULATION (EC) No 953/2007**of 9 August 2007****fixing the export refunds on syrups and certain other sugar products exported without further processing**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 10 August 2007.

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

Done at Brussels, 9 August 2007.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

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

⁽²⁾ 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 10 August 2007 ^(a)

Product code	Destination	Unit of measurement	Amount of refund
1702 40 10 9100	S00	EUR/100 kg dry matter	36,75
1702 60 10 9000	S00	EUR/100 kg dry matter	36,75
1702 60 95 9000	S00	EUR/1 % sucrose × 100 kg of net product	0,3675
1702 90 30 9000	S00	EUR/100 kg dry matter	36,75
1702 90 60 9000	S00	EUR/1 % sucrose × 100 kg of net product	0,3675
1702 90 71 9000	S00	EUR/1 % sucrose × 100 kg of net product	0,3675
1702 90 99 9900	S00	EUR/1 % sucrose × 100 kg of net product	0,3675 ⁽¹⁾
2106 90 30 9000	S00	EUR/100 kg dry matter	36,75
2106 90 59 9000	S00	EUR/1 % sucrose × 100 kg of net product	0,3675

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.

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

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

COMMISSION REGULATION (EC) No 954/2007**of 9 August 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 ⁽¹⁾, and in particular Article 33(2)(a) and (4) thereof,

Whereas:

- (1) The rates of the refunds applicable from 20 July 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 851/2007 ⁽²⁾.

- (2) It follows from applying the rules and criteria contained in Regulation (EC) No 851/2007 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 851/2007 are hereby altered as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 10 August 2007.

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

Done at Brussels, 9 August 2007.

For the Commission

Heinz ZOUREK

Director-General Enterprise and Industry

⁽¹⁾ 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).

⁽²⁾ OJ L 188, 20.7.2007, p. 7.

ANNEX

Rates of refunds applicable from 10 August 2007 to certain products from the sugar sector exported in the form of goods not covered by Annex I to the Treaty ⁽¹⁾

CN code	Description	Rate of refund in EUR/100 kg	
		In case of advance fixing of refunds	Other
1701 99 10	White sugar	36,75	36,75

⁽¹⁾ The rates set out in this Annex are not applicable to exports to Albania, Croatia, Bosnia and Herzegovina, Serbia, Montenegro, Kosovo, the former Yugoslav Republic of Macedonia, Andorra, Gibraltar, Ceuta, Melilla, Holy See (Vatican City 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 955/2007

of 9 August 2007

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 10 August 2007.

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

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

⁽³⁾ OJ L 172, 5.7.2005, p. 24. Regulation as last amended by Regulation (EC) No 447/2007 (OJ L 106, 24.4.2007, p. 31).

⁽⁴⁾ OJ L 275, 29.9.1987, p. 36.

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

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

Done at Brussels, 9 August 2007.

For the Commission
Heinz ZOUREK
Director-General Enterprise and Industry

ANNEX

Rates of the refunds applicable from 10 August 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⁾	1,499	1,499
	– – where goods falling within subheading 2208 ⁽³⁾ are exported	—	—
	– – in other cases	1,499	1,499
	– 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⁾	1,124	1,124
	– – where goods falling within subheading 2208 ⁽³⁾ are exported	—	—
	– – in other cases	1,124	1,124
	– – where goods falling within subheading 2208 ⁽³⁾ are exported	—	—
	– other (including unprocessed)	1,499	1,499
	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⁾	1,499	1,499
	– where goods falling within subheading 2208 ⁽³⁾ are exported	—	—
	– in other cases	1,499	1,499

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

(EUR/100 kg)

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

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

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

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

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

II

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

DECISIONS

COMMISSION

COMMISSION DECISION

of 9 August 2007

concerning certain protection measures against foot-and-mouth disease in the United Kingdom and repealing Decision 2007/552/EC

(notified under document number C(2007) 3901)

(Text with EEA relevance)

(2007/554/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

animals and the placing on the market of certain of their products.

Having regard to the Treaty establishing the European Community,

(3) The United Kingdom has taken measures in the framework of Council Directive 2003/85/EC of 29 September 2003 on Community measures for the control of foot-and-mouth disease repealing Directive 85/511/EEC and Decisions 89/531/EEC and 91/665/EEC and amending Directive 92/46/EEC⁽³⁾, and has introduced further measures within the affected areas.

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market⁽¹⁾, and in particular Article 9(4) thereof,

(4) The disease situation in the United Kingdom makes it necessary to reinforce the control measures for foot-and-mouth disease taken by the United Kingdom.

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market⁽²⁾, and in particular Article 10(4) thereof,

(5) Such as for Decision 2007/552/EC of 6 August 2007 on interim protection measures with regard to foot-and-mouth disease in the United Kingdom⁽⁴⁾ it is now appropriate to define as a permanent measure the high and low risk areas in the affected Member States and to provide for a prohibition on the dispatch of susceptible animals from the high and low risk areas and on the dispatch of products derived from susceptible animals from the high risk area. The Decision should also provide for the rules applicable to the dispatch from those areas of safe products that either had been produced before the restrictions, from raw material sourced from outside the restricted areas or that had undergone a treatment proven effective in inactivating possible foot-and-mouth disease virus.

Whereas:

(1) Outbreaks of foot-and-mouth disease have been declared in the United Kingdom.

(2) The foot-and-mouth disease situation in the United Kingdom is liable to endanger the herds of other Member States in view of trade in live biungulate

⁽¹⁾ OJ L 395, 30.12.1989, p. 13. Directive as last amended by Directive 2004/41/EC of the European Parliament and of the Council (OJ L 157, 30.4.2004, p. 33; corrected version OJ L 195, 2.6.2004, p. 12).

⁽²⁾ OJ L 224, 18.8.1990, p. 29. Directive as last amended by Directive 2002/33/EC of the European Parliament and of the Council (OJ L 315, 19.11.2002, p. 14).

⁽³⁾ OJ L 306, 22.11.2003, p. 1. Directive as last amended by Directive 2006/104/EC (OJ L 363, 20.12.2006, p. 352).

⁽⁴⁾ OJ L 206, 7.8.2007, p. 10.

- (6) The size of the defined risk areas is a direct function of the outcome of tracing of possible contacts to the infected holding and takes into account the possibility to implement sufficient controls on the movement of animals and products. At this point of time and based on information provided by the United Kingdom, the whole of Great Britain should currently remain a high risk area.
- (7) The prohibition of dispatch should only cover products derived from animals of susceptible species coming from or obtained from animals originating in the high risk areas listed in Annex I and should not affect transit through these areas of such products coming from or obtained from animals originating in other areas.
- (8) Council Directive 64/432/EEC ⁽¹⁾ concerns animal health problems affecting intra-Community trade in bovine animals and swine.
- (9) Council Directive 91/68/EEC ⁽²⁾ concerns animal health conditions governing intra-Community trade in ovine and caprine animals.
- (10) Council Directive 92/65/EEC of 13 July 1992 laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A(I) to Directive 90/425/EEC ⁽³⁾ concerns, amongst others, trade in other biungulates and in semen, ova and embryos of sheep and goats, and in embryos of porcine animals.
- (11) Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin ⁽⁴⁾ concerns, amongst others, the health conditions for the production and marketing of fresh meat, minced meat, mechanically separated meat, meat preparations, farmed game meat, meat products, including treated stomachs, bladders and intestines, and dairy products.
- (12) 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 ⁽⁵⁾ concerns, amongst others, the health marking of food of animal origin.
- (13) Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption ⁽⁶⁾ provides for specific treatment of meat products that ensure inactivation of the foot-and-mouth disease virus in products of animal origin.
- (14) Commission Decision 2001/304/EC of 11 April 2001 on marking and use of certain animal products in relation to Decision 2001/172/EC concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom ⁽⁷⁾ concerns a specific health mark to be applied to certain products of animal origin that shall be restricted to the national market.
- (15) Council Directive 92/118/EEC ⁽⁸⁾ lays down animal health and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A (I) to Directive 89/662/EEC and, as regards pathogens, to Directive 90/425/EEC.
- (16) Regulation (EC) No 1774/2002 of the European Parliament and of the Council of 3 October 2002 laying down health rules concerning animal by-products not intended for human consumption ⁽⁹⁾ provides for a range of treatments of animal by-products suitable to inactivate foot-and-mouth disease virus.

⁽¹⁾ OJ L 21, 29.7.1964, p. 1977/64. Directive as last amended by Directive 2006/104/EC.

⁽²⁾ OJ L 46, 19.2.1991, p. 19. Directive as last amended by Directive 2006/104/EC.

⁽³⁾ OJ L 268, 14.9.1992, p. 54. Directive as last amended by Commission Decision 2007/265/EC (OJ L 114, 1.5.2007, p. 17).

⁽⁴⁾ OJ L 139, 30.4.2004, p. 55; corrected version OJ L 226, 25.6.2004, p. 22. Regulation as last amended by Council Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p. 1).

⁽⁵⁾ OJ L 139, 30.4.2004, p. 206; corrected version OJ L 226, 25.6.2004, p. 83. Regulation as last amended by Council Regulation (EC) No 1791/2006.

⁽⁶⁾ OJ L 18, 23.1.2003, p. 11.

⁽⁷⁾ OJ L 104, 13.4.2001, p. 6. Decision as last amended by Decision 2002/49/EC (OJ L 21, 24.1.2002, p. 30).

⁽⁸⁾ OJ L 62, 15.3.1993, p. 49. Directive as last amended by Commission Regulation (EC) No 445/2004 (OJ L 72, 11.3.2004, p. 60).

⁽⁹⁾ OJ L 273, 10.10.2002, p. 1. Regulation as last amended by Commission Regulation (EC) No 829/2007 (OJ L 191, 21.7.2007, p. 1).

- (17) Council Directive 88/407/EEC ⁽¹⁾ lays down the animal health requirements applicable to intra-Community trade in and imports of deep-frozen semen of domestic animals of the bovine species.
- (18) Council Directive 89/556/EEC ⁽²⁾ concerns the animal health conditions governing intra-Community trade in and imports from third countries of embryos of domestic animals of the bovine species.
- (19) Council Directive 90/429/EEC ⁽³⁾ lays down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the porcine species.
- (20) Council Directive 90/426/EEC ⁽⁴⁾ concerns animal health conditions governing the movement and import from third countries of equidae.
- (21) Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field ⁽⁵⁾ provides for a mechanism to compensate affected holdings for losses incurred as a result of disease control measures.
- (22) Insofar as medicinal products defined in 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 ⁽⁶⁾, 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 ⁽⁷⁾, and Directive 2001/20/EC of the European Parliament and of the Council of 4 April 2001 on the approximation of the laws, regulations and administrative provisions of the Member States relating to the implementation of good clinical practice in the conduct of clinical trials on medicinal products for human use ⁽⁸⁾ no longer fall under the scope of Regulation (EC) No 1774/2002 they should be excluded from animal health related restrictions set up by this Decision.
- (23) Article 6 of Commission Decision 2007/275/EC of 17 April 2007 concerning lists of animals and products to be subject to controls at border inspection posts under Council Directives 91/496/EEC and 97/78/EC ⁽⁹⁾ provides for a derogation from the veterinary checks for certain products containing animal products. It is appropriate to allow dispatch from the high risk areas of such products under a simplified certification regime.
- (24) Member States other than the United Kingdom should support the disease control measures carried out in the affected areas by ensuring that live susceptible animals are not consigned to those areas.
- (25) The situation shall be reviewed at the meeting of the Standing Committee on the Food Chain and Animal Health scheduled for 23 August 2007, and the measures adapted where necessary.
- (26) 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

Live animals

1. Without prejudice to the measures taken by the United Kingdom within the framework of Directive 2003/85/EC, and notably the establishment of a temporary control zone in accordance with Article 7(1) and a movement ban as provided for in Article 7(3) of that Directive, the United Kingdom shall ensure that the conditions set out in paragraphs 2 to 7 of this Article are met.
2. No live animals of the bovine, ovine, caprine and porcine species and other biungulates shall move between the areas listed in Annex I and Annex II.
3. No live animals of the bovine, ovine, caprine and porcine species and other biungulates shall be dispatched from or moved through the areas listed in Annex I and Annex II.
4. By way of derogation from paragraph 3, the competent authorities of the United Kingdom may authorise the direct and uninterrupted transit of biungulate animals through the areas listed in Annex I and Annex II on main roads and railway lines.

⁽¹⁾ OJ L 194, 22.7.1988, p. 10. Directive as last amended by Commission Decision 2006/16/EC (OJ L 11, 17.1.2006, p. 21).

⁽²⁾ OJ L 302, 19.10.1989, p. 1. Directive as last amended by Commission Decision 2006/60/EC (OJ L 31, 3.2.2006, p. 24).

⁽³⁾ OJ L 224, 18.8.1990, p. 62. Directive as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

⁽⁴⁾ OJ L 224, 18.8.1990, p. 42. Directive as last amended by Directive 2006/104/EC.

⁽⁵⁾ OJ L 224, 18.8.1990, p. 19.

⁽⁶⁾ OJ L 311, 28.11.2001, p. 1. Directive as last amended by Directive 2004/28/EC of the European Parliament and of the Council (OJ L 136, 30.4.2004, p. 58).

⁽⁷⁾ OJ L 311, 28.11.2001, p. 67. Directive as last amended by Regulation (EC) No 1901/2006 of the European Parliament and of the Council (OJ L 378, 27.12.2006, p. 1).

⁽⁸⁾ OJ L 121, 1.5.2001, p. 34. Directive as last amended by Regulation (EC) No 1901/2006 of the European Parliament and of the Council.

⁽⁹⁾ OJ L 116, 4.5.2007, p. 9.

5. The health certificates, as provided for in Directive 64/432/EEC for live bovine and porcine animals and in Directive 91/68/EEC for live ovine and caprine animals, accompanying animals consigned from parts of the territory of the United Kingdom not listed in Annex I and Annex II to other Member States shall bear the following words:

'Animals conforming to Commission Decision 2007/554/EC of 9 August 2007 concerning certain protection measures against foot-and-mouth disease in the United Kingdom'.

6. The health certificates accompanying biungulates other than those covered by the certificates referred to in paragraph 5, consigned from parts of the territory of the United Kingdom not listed in Annex I and Annex II to other Member States shall bear the following words:

'Live biungulates conforming to Commission Decision 2007/554/EC of 9 August 2007 concerning certain protection measures against foot-and-mouth disease in the United Kingdom'.

7. Animals accompanied by an animal health certificate as referred to in paragraphs 5 and 6 may be moved to other Member States only if the local veterinary authority in the United Kingdom has, three days before the move, notified the central and local veterinary authorities in the Member State of destination.

Article 2

Meats

1. For the purposes of this Article, 'meats' means 'fresh meat', 'minced meat', 'mechanically separated meat' and 'meat preparations' as defined in points 1.10, 1.13, 1.14 and 1.15 of Annex I to Regulation (EC) No 853/2004.

2. The United Kingdom shall not dispatch meats of the bovine, ovine, caprine and porcine species and other biungulates coming from or obtained from animals originating in the areas listed in Annex I.

3. Meats not eligible for dispatch from the United Kingdom in accordance with this Decision shall be marked in accordance with the second subparagraph of Article 4(1) of Directive 2002/99/EC or in accordance with Decision 2001/304/EC.

4. The prohibition set out in paragraph 2 shall not apply to meats bearing the health mark in accordance with Chapter III of Section I of Annex I to Regulation (EC) No 854/2004, provided that:

(a) the meat is clearly identified, and has been transported and stored since the date of production separately from meat not eligible, in accordance with this Decision, for dispatch outside the areas listed in Annex I;

(b) the meat complies with one of the following conditions:

(i) it was obtained before 15 July 2007; or

(ii) it is derived from animals reared for at least 90 days prior to slaughter and slaughtered outside the areas listed in Annex II or, in the case of meat obtained from wild game of species susceptible to foot-and-mouth disease, killed outside the areas listed in Annex II.

5. Compliance with the conditions set out in paragraphs 3 and 4 shall be checked by the competent veterinary authority under the supervision of the central veterinary authorities.

6. The prohibition set out in paragraph 2 shall not apply to fresh meat obtained from animals reared outside the areas listed in Annex I and Annex II and transported, by way of derogation from Article 1(2) and (3), directly and under official control in sealed means of transport to a slaughterhouse situated in the areas listed in Annex I outside the protection zone for immediate slaughter.

Such meat may be placed on the market in the areas listed in Annex I and Annex II only if it complies with the following conditions:

(a) all such meat is marked in accordance with the second subparagraph of Article 4(1) of Directive 2002/99/EC or in accordance with Decision 2001/304/EC;

(b) the slaughterhouse is operated under strict veterinary control;

(c) the fresh meat is clearly identified, and transported and stored separately from meat which is eligible for dispatch outside the United Kingdom.

Compliance with the conditions set out in the first subparagraph shall be checked by the competent veterinary authority under the supervision of the central veterinary authorities.

The central veterinary authorities shall communicate to the other Member States and the Commission a list of the establishments which they have approved for the purposes of application of this paragraph.

7. The prohibition set out in paragraph 2 shall not apply to fresh meat obtained from cutting plants situated in the areas listed in Annex I under the following conditions:

(a) only fresh meat as described in paragraph 4(b) is processed in that cutting plant, on the same day. Cleaning and disinfection shall be carried out after processing of any meat not meeting this requirement;

- (b) all meat bears the health mark in accordance with Chapter III of Section I of Annex I to Regulation (EC) No 854/2004;
- (c) the cutting plant is operated under strict veterinary control;
- (d) the fresh meat is clearly identified, and transported and stored separately from meat which is not eligible for dispatch outside the areas listed in Annex I.

Compliance with the conditions set out in the first subparagraph shall be checked by the competent veterinary authority under the supervision of the central veterinary authorities.

The central veterinary authorities shall communicate to the other Member States and the Commission a list of the establishments which they have approved for the purpose of application of this paragraph.

8. Meat dispatched from the United Kingdom to other Member States shall be accompanied by an official certificate, which shall bear the following words:

'Meat conforming to Commission Decision 2007/554/EC of 9 August 2007 concerning certain protection measures against foot-and-mouth disease in the United Kingdom'.

Article 3

Meat products

1. The United Kingdom shall not dispatch meat products, including treated stomachs, bladders and intestines, of animals of the bovine, ovine, caprine and porcine species and other ruminants ('meat products') coming from the areas listed in Annex I or prepared using meat obtained from animals originating in those areas.
2. The prohibition set out in paragraph 1 shall not apply to meat products bearing the health mark in accordance with Chapter III of Section I of Annex I to Regulation (EC) No 854/2004, provided that the meat products:
 - (a) are clearly identified and have been transported and stored since the date of production separately from meat products not eligible, in accordance with this Decision, for dispatch outside the areas listed in Annex I;
 - (b) comply with one of the following conditions:
 - (i) they are made from meats described in Article 2(4)(b); or
 - (ii) they have undergone at least one of the relevant treatments laid down for foot-and-mouth disease in Part 1 of Annex III to Directive 2002/99/EC.

Compliance with the conditions set out in the first subparagraph shall be checked by the competent veterinary authority under the supervision of the central veterinary authorities.

The central veterinary authorities shall communicate to the other Member States and the Commission a list of the establishments which they have approved for the purpose of application of this paragraph.

3. Meat products dispatched from United Kingdom to other Member States shall be accompanied by an official certificate, which shall bear the following words:

'Meat products, including treated stomachs, bladders and intestines, conforming to Commission Decision 2007/554/EC of 9 August 2007 concerning certain protection measures against foot-and-mouth disease in the United Kingdom'.

4. By way of derogation from paragraph 3 it shall be sufficient, in the case of meat products which comply with the requirements of paragraph 2 and have been processed in an establishment operating Hazard Analysis and Critical Control Points (HACCP) and an auditable standard operating procedure which ensures that standards for treatment are met and recorded, that compliance with the conditions required for the treatment laid down in point (b)(ii) of the first subparagraph of paragraph 2 is stated in the commercial document accompanying the consignment, endorsed in accordance with Article 9(1).

5. By way of derogation from paragraph 3 it shall be sufficient, in the case of meat products heat treated in accordance with point (b)(ii) of the first subparagraph of paragraph 2 in hermetically sealed containers so as to ensure that they are shelf stable, to be accompanied by a commercial document stating the heat treatment applied.

Article 4

Milk

1. The United Kingdom shall not dispatch milk intended or not intended for human consumption from the areas listed in Annex I.
2. The prohibition set out in paragraph 1 shall not apply to milk produced from animals kept in areas listed in Annex I which has been subjected to a treatment in accordance with:
 - (a) Part A of Annex IX to Directive 2003/85/EC, if the milk is intended for human consumption; or
 - (b) Part B of Annex IX to Directive 2003/85/EC, if the milk is not intended for human consumption or is intended for feeding to animals of species susceptible to foot-and-mouth disease.

3. The prohibition set out in paragraph 1 shall not apply to milk prepared in establishments situated in the areas listed in Annex I under the following conditions:

- (a) all milk used in the establishment must either conform to the conditions set out in paragraph 2 or be obtained from animals reared and milked outside the areas listed in Annex I;
- (b) the establishment is operated under strict veterinary control;
- (c) the milk must be clearly identified, and transported and stored separately from milk and dairy products which are not eligible for dispatch outside the areas listed in Annex I;
- (d) transport of raw milk from holdings situated outside the areas listed in Annex I to the establishments situated in the areas listed in Annex I is carried out in vehicles which were cleaned and disinfected prior to operation and had no subsequent contact with holdings in the areas listed in Annex I keeping animals of species susceptible to foot-and-mouth disease.

Compliance with the conditions set out in the first subparagraph shall be checked by the competent veterinary authority under the supervision of the central veterinary authorities.

The central veterinary authorities shall communicate to the other Member States and the Commission a list of the establishments which they have approved for the purpose of application of this paragraph.

4. Milk dispatched from the United Kingdom to other Member States shall be accompanied by an official certificate, which shall bear the following words:

'Milk conforming to Commission Decision 2007/554/EC of 9 August 2007 concerning certain protection measures against foot-and-mouth disease in the United Kingdom'.

5. By way of derogation from paragraph 4 it shall be sufficient, in the case of milk which complies with the requirements of paragraph 2 and has been processed in an establishment operating HACCP and an auditable standard operating procedure which ensures that standards for treatment are met and recorded, that compliance with those requirements is stated in the commercial document accompanying the consignment, endorsed in accordance with Article 9(1).

6. By way of derogation from paragraph 4 it shall be sufficient, in the case of milk which complies with the requirements in paragraph 2(a) or (b) and which has been heat treated in hermetically sealed containers so as to ensure that it is shelf stable, to be accompanied by a commercial document stating the heat treatment applied.

Article 5

Dairy products

1. The United Kingdom shall not dispatch dairy products intended or not intended for human consumption from the areas listed in Annex I.

2. The prohibition set out in paragraph 1 shall not apply to dairy products:

- (a) produced before 15 July 2007; or
- (b) prepared from milk complying with the provisions in Article 4(2) or (3); or
- (c) for export to a third country where import conditions permit such products to be subject to treatment other than those laid down in Article 4(2) which ensures the inactivation of the foot-and-mouth disease virus.

3. Without prejudice to Chapter II of Section IX of Annex III to Regulation (EC) No 853/2004, the prohibition set out in paragraph 1 of this Article shall not apply to the following dairy products intended for human consumption:

- (a) dairy products produced from milk of a controlled pH less than 7.0 and subject to a heat treatment at a temperature of at least 72 °C for at least 15 seconds, on the understanding that such treatment was not necessary for finished products, the ingredients of which comply with the respective animal health conditions laid down in Articles 2, 3 and 4 of this Decision;
- (b) dairy products produced from raw milk of bovine, ovine or caprine animals which have been resident for at least 30 days on a holding situated, within an area listed in Annex I, in the centre of a circle of at least 10 km radius in which no outbreak of foot-and-mouth disease has occurred during 30 days prior to the date of production of the raw milk, and subject to a maturation or ripening process of at least 90 days during which the pH is lowered below 6.0 throughout the substance, and the rind of which has been treated with 0,2 % citric acid immediately prior to wrapping or packaging.

4. The prohibition set out in paragraph 1 shall not apply to dairy products prepared in establishments situated in the areas listed in Annex I under the following conditions:

- (a) all milk used in the establishment either complies with the conditions laid down in Article 4(2) or is obtained from animals outside the areas listed in Annex I;
- (b) all dairy products used in the final products either comply with the conditions set out in paragraph 2(a) and (b) or paragraph 3 or are made from milk obtained from animals outside the areas listed in Annex I;
- (c) the establishment is operated under strict veterinary control;
- (d) the dairy products are clearly identified and transported and stored separately from milk and dairy products which are not eligible for dispatch outside the areas listed in Annex I.

Compliance with the conditions set out in the first subparagraph shall be checked by the competent authority under the responsibility of the central veterinary authorities.

The central veterinary authorities shall communicate to the other Member States and the Commission a list of the establishments which they have approved for the purposes of application of this paragraph.

5. The prohibition set out in paragraph 1 shall not apply to dairy products prepared in establishment situated outside the areas listed in Annex I using milk obtained before 15 July 2007, provided that the dairy products are clearly identified and transported and stored separately from dairy products which are not eligible for dispatch outside those areas.

6. Dairy products dispatched from the United Kingdom to other Member States shall be accompanied by an official certificate, which shall bear the following words:

'Dairy products conforming to Commission Decision 2007/554/EC of 9 August 2007 concerning certain protection measures against foot-and-mouth disease in the United Kingdom.'

7. By way of derogation from paragraph 6 it shall be sufficient, in the case of dairy products which comply with the requirements of paragraph 2(a) and (b) and paragraphs 3 and 4 and have been processed in an establishment operating HACCP and an auditable standard operating procedure which ensures that standards for treatment are met and recorded, that compliance with those requirements is stated in the commercial document accompanying the consignment, endorsed in accordance with Article 9(1).

8. By way of derogation from paragraph 6 it shall be sufficient, in the case of dairy products which comply with the requirements of paragraph 2(a) and (b) and paragraphs 3 and 4 and which have been heat treated in hermetically sealed containers so as to ensure that they are shelf stable, to be accompanied by a commercial document stating the heat treatment applied.

Article 6

Semen, ova and embryos

1. The United Kingdom shall not dispatch semen, ova and embryos of the bovine, ovine, caprine and porcine species and other ruminants ('semen, ova and embryos') from the areas listed in Annex I and Annex II.

2. The prohibitions set out in paragraphs 1 shall not apply to:

- (a) semen, ova and embryos produced before 15 July 2007;
- (b) frozen bovine and porcine semen and bovine embryos imported into the United Kingdom in accordance with the conditions laid down in Directives 88/407/EEC, 90/429/EEC and 89/556/EEC respectively, and which since introduction into the United Kingdom have been stored and transported separately from semen and embryos not eligible for dispatch in accordance with paragraph 1.

Before the dispatch of the semen the central veterinary authorities shall communicate to the other Member States and the Commission a list of centres and teams approved for the purpose of application of this paragraph.

3. The health certificate provided for in Directive 88/407/EEC and accompanying frozen bovine semen dispatched from the United Kingdom to other Member States shall bear the following words:

'Frozen bovine semen conforming to Commission Decision 2007/554/EC of 9 August 2007 concerning certain protection measures against foot-and-mouth disease in the United Kingdom.'

4. The health certificate provided for in Directive 90/429/EEC and accompanying frozen porcine semen dispatched from the United Kingdom to other Member States shall bear the following words:

'Frozen porcine semen conforming to Commission Decision 2007/554/EC of 9 August 2007 concerning certain protection measures against foot-and-mouth disease in the United Kingdom.'

5. The health certificate provided for in Directive 89/556/EEC and accompanying bovine embryos dispatched from the United Kingdom to other Member States shall bear the following words:

'Bovine embryos conforming to Commission Decision 2007/554/EC of 9 August 2007 concerning certain protection measures against foot-and-mouth disease in the United Kingdom'.

Article 7

Hides and skins

1. The United Kingdom shall not dispatch hides and skins of bovine, ovine, caprine and porcine species and other biungulates ('hides and skins') from the areas listed in Annex I.

2. The prohibition set out in paragraph 1 shall not apply to hides and skins which:

- (a) were produced in the United Kingdom before 15 July 2007; or
- (b) comply with the requirements provided for in point (2)(c) or (d) of Part A of Chapter VI of Annex VIII to Regulation (EC) No 1774/2002; or
- (c) were produced outside the areas listed in Annex I in accordance with the conditions laid down in Regulation (EC) No 1774/2002, and have since introduction into the United Kingdom been stored and transported separately from hides and skins not eligible for dispatch in accordance with paragraph 1.

Treated hides and skins shall be separated from untreated hides and skins.

3. The United Kingdom shall ensure that hides and skins to be dispatched to other Member States shall be accompanied by an official certificate which bears the following words:

'Hides and skins conforming to Commission Decision 2007/554/EC of 9 August 2007 concerning certain protection measures against foot-and-mouth disease in the United Kingdom'.

4. By way of derogation from paragraph 3 it shall be sufficient, in the case of hides and skins which comply with the requirements of points (1)(b) to (e) of Part A of Chapter VI of Annex VIII to Regulation (EC) No 1774/2002, to be accompanied by a commercial document stating compliance with those requirements.

5. By way of derogation from paragraph 3 it shall be sufficient, in the case of hides and skins which comply with the requirements of point (2)(c) or (d) Part A of Chapter VI of Annex VIII to Regulation (EC) No 1774/2002, that compliance with those requirements is stated in the commercial document accompanying the consignment, endorsed in accordance with Article 9(1).

Article 8

Other animal products

1. The United Kingdom shall not dispatch animal products of the bovine, ovine, caprine and porcine species and other biungulates not mentioned in Articles 2 to 7 produced after the 15 July 2007 coming from the areas listed in Annex I, or obtained from animals originating in the areas listed in Annex I.

The United Kingdom shall not dispatch dung and manure of the bovine, ovine, caprine and porcine species and other biungulates from the areas listed in Annex I.

2. The prohibition set out in the first subparagraph of paragraph 1 shall not apply to:

- (a) animal products which:
 - (i) have been subjected to a heat treatment
 - in a hermetically sealed container with a Fo value of 3,00 or more, or
 - in which the centre temperature is raised to at least 70 °C, or
 - (ii) were produced outside the areas listed in Annex I in accordance with the conditions laid down in Regulation (EC) No 1774/2002, and which since introduction into the United Kingdom have been stored and transported separately from animal products not eligible for dispatch in accordance with paragraph 1;
- (b) blood and blood products as defined in points 4 and 5 of Annex I to Regulation (EC) No 1774/2002 which have been subjected to at least one of the treatments provided for in point 3(a)(ii) of Part A of Chapter IV of Annex VIII to Regulation (EC) No 1774/2002, followed by an effectiveness check, or have been imported in accordance with Part A of Chapter IV of Annex VIII to Regulation (EC) No 1774/2002;
- (c) lard and rendered fats which have been subject to the heat treatment prescribed in point 2(d)(iv) of Part B of Chapter IV of Annex VII to Regulation (EC) No 1774/2002;

- (d) animal casings complying with the conditions in Part A of Chapter 2 of Annex I to Directive 92/118/EEC and which have been cleaned, scraped and then either salted, bleached or dried, followed by steps to prevent the recontamination of the casings;
- (e) sheep wool, ruminant hair and pigs bristles which have undergone factory washing or have been obtained from tanning and unprocessed sheep wool, ruminant hair and pigs bristles which are securely enclosed in packaging and dry;
- (f) petfood conforming to the requirements of points 2, 3 and 4 of Part B of Chapter II of Annex VIII to Regulation (EC) No 1774/2002;
- (g) composite products which are not subject to further treatment containing products of animal origin, on the understanding that the treatment was not necessary for finished products, the ingredients of which comply with the respective animal health conditions laid down in this Decision;
- (h) game trophies in accordance with points 1, 3 or 4 of Part A of Chapter VII of Annex VIII to Regulation (EC) No 1774/2002;
- (i) packed animal products intended for use as in-vitro diagnostic, laboratory reagents;
- (j) medicinal products as defined in Directive 2001/83/EC, veterinary medicinal products as defined in Directive 2001/82/EC and investigational medicinal products as defined in Directive 2001/20/EC.

3. The United Kingdom shall ensure that the animal products referred to in paragraph 2 to be dispatched to other Member States shall be accompanied by an official certificate which bears the following words:

'Animal products conforming to Commission Decision 2007/554/EC of 9 August 2007 concerning certain protection measures against foot-and-mouth disease in the United Kingdom'.

4. By way of derogation from paragraph 3 it shall be sufficient, in the case of products referred to in paragraph 2(b), (c) and (d), that compliance with the conditions for the treatment stated in the commercial document required in accordance with the respective Community legislation is endorsed in accordance with Article 9(1).

5. By way of derogation from paragraph 3 it shall be sufficient, in the case of products referred to in paragraph 2(e) to be accompanied by a commercial document stating

either the factory washing or origin from tanning or compliance with the conditions laid down in points 1 and 4 of Part A of Chapter VIII of Annex VIII to Regulation (EC) No 1774/2002.

6. By way of derogation from paragraph 3 it shall be sufficient, in the case of products referred to in paragraph 2(f) and (g) which have been produced in an establishment operating HACCP and an auditable standard operating procedure which ensures that pre-processed ingredients comply with the respective animal health conditions laid down in this Decision, that this is stated on the commercial document accompanying the consignment, endorsed in accordance with Article 9(1).

7. By way of derogation from paragraph 3 it shall be sufficient, in the case of products referred to in paragraph 2(i) and (j), to be accompanied by a commercial document stating that the products are for use as in-vitro diagnostic, laboratory reagents or medicinal products, provided that the products are clearly labelled 'for in-vitro diagnostic use only' or 'for laboratory use only' or as 'medicinal products'.

8. Derogating from the provisions in paragraph 3, it shall be sufficient, in the case of composite products that fulfil the conditions set out in Article 6(1) of Commission Decision 2007/275/EC that they are accompanied by a commercial document, which bears the following words:

'These composite products are shelf stable at ambient temperature or have clearly undergone in their manufacture a complete cooking or heat treatment process throughout their substance, so that any raw material is de-natured'.

Article 9

Certification

1. Where reference is made to this paragraph, the competent authorities of the United Kingdom shall ensure that the commercial document required by Community legislation for intra-Community trade is endorsed by the attachment of a copy of an official certificate stating that:

(a) the products concerned have been produced

(i) in a production process that has been audited and found in compliance with the appropriate requirements in Community animal health legislation and suitable to destroy the foot-and-mouth disease virus; or

(ii) from pre-processed materials which had been certified accordingly; and

(b) provisions are in place to avoid possible re-contamination with the foot-and-mouth disease virus after treatment.

Such certification of the production process shall bear a reference to this Decision, shall be valid for 30 days, shall state the expiry date and shall be renewable after inspection of the establishment.

2. In case of products for retail sale to the final consumer, the competent authorities of the United Kingdom may authorise consolidated consignments of animal products other than fresh meat, minced meat, mechanically separated meat and meat preparations, each of which is eligible for dispatch in accordance with this Decision, to be accompanied by a commercial document endorsed by the attachment of a copy of an official veterinary certificate confirming that:

(a) the premises of dispatch have in place a system to ensure that goods can only be dispatched if they are traceable to documentary evidence of compliance with this Decision; and

(b) the system referred to in (a) has been audited and found satisfactory.

Such certification of the traceability system shall bear a reference to this Decision, shall be valid for 30 days, shall state the expiry date and shall be renewable only after the establishment had been audited with satisfactory results.

The competent authorities of the United Kingdom shall communicate to the other Member States and the Commission the list of establishments which they have approved for the purpose of application of this paragraph.

Article 10

Cleansing and disinfection

1. The United Kingdom shall ensure that vehicles which have been used for the transport of live animals in the areas listed in Annex I and Annex II are cleansed and disinfected after each operation, and that such cleansing and disinfection is recorded in accordance with Article 12(2)(d) of Directive 64/432/EEC.

2. The United Kingdom shall ensure that operators of ports of exit in the United Kingdom ensure that the tyres of road vehicles departing from the United Kingdom are exposed to disinfectant.

Article 11

Certain exempted products

The restrictions laid down in Articles 3, 4, 5 and 8 shall not apply to the dispatch from the areas listed in Annex I of the animal products referred to in those Articles if such products were:

(a) not produced in the United Kingdom and remained in their original packaging indicating the country of origin of the products; or

(b) produced in an approved establishment situated in the areas listed in Annex I from pre-processed products not originating from those areas, which:

(i) have, since introduction into the territory of the United Kingdom, been transported, stored and processed separately from products which are not eligible for dispatch outside the areas listed in Annex I;

(ii) are accompanied by a commercial document or official certificate as required by this Decision.

Article 12

Equidae

1. The United Kingdom shall ensure that equidae dispatched from the areas listed in Annex I to other parts of its territory or to another Member State are accompanied by a health certificate complying with the model in Annex C to Directive 90/426/EEC.

2. The animal health certificate accompanying equidae dispatched from the United Kingdom to another Member State as provided for in paragraph 1 shall bear the following words:

'Equidae conforming to Commission Decision 2007/554/EC of 9 August 2007 concerning certain protection measures against foot-and-mouth disease in the United Kingdom.'

Article 13

Measures to be taken by Member States other than the United Kingdom

1. Member States other than the United Kingdom shall ensure that live animals of susceptible species are not dispatched to the areas listed in Annex I.

2. Without prejudice to the provisions of Article 6 of Council Decision 90/424/EEC and the measures already taken by Member States, Member States other than the United Kingdom shall take appropriate precautionary measure in relation to susceptible animals dispatched from the United Kingdom between 15 July and 6 August 2007, including isolation and clinical inspection, where necessary combined with laboratory testing to detect or rule out infection with the foot-and-mouth disease virus, and where necessary those of Article 4 of Directive 2003/85/EC.

*Article 14***Cooperation between Member States**

Member States shall co-operate in monitoring personal luggage of passengers travelling from the areas listed in Annex I and in information campaigns carried out to prevent introduction of products of animal origin into the territory of Member States other than the United Kingdom.

*Article 15***Implementation**

Member States shall amend the measures which they apply to trade so as to bring them into compliance with this Decision. They shall immediately inform the Commission thereof.

Article 16

Commission Decision 2007/552/EC is repealed.

Article 17

This Decision shall apply until 25 August 2007.

*Article 18***Addressees**

This Decision is addressed to the Member States.

Done at Brussels, 9 August 2007.

For the Commission

Markos KYPRIANOU

Member of the Commission

ANNEX I

The following areas in the United Kingdom:

Great Britain

ANNEX II

The following areas in the United Kingdom:

Great Britain
