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EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

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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 1020/2007

of 31 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 1 September 2007.

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

Done at Brussels, 31 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 31 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	15,7
	TR	85,9
	XS	25,9
	ZZ	42,5
0707 00 05	TR	129,1
	ZZ	129,1
0709 90 70	TR	111,0
	ZZ	111,0
0805 50 10	AR	63,1
	UY	61,2
	ZA	59,5
	ZZ	61,3
0806 10 10	EG	157,6
	TR	94,6
	ZZ	126,1
0808 10 80	AR	52,7
	AU	166,3
	BR	77,2
	CL	86,7
	CN	103,0
	NZ	96,1
	US	99,6
	ZA	91,0
	ZZ	96,6
0808 20 50	AR	46,9
	CN	82,7
	TR	124,6
	ZA	88,7
	ZZ	85,7
0809 30 10, 0809 30 90	TR	130,0
	US	222,5
	ZZ	176,3
0809 40 05	IL	89,0
	MK	44,8
	TR	47,1
	ZZ	60,3

(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 1021/2007

of 31 August 2007

fixing the import duties in the cereals sector applicable from 1 September 2007

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals [1],

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

Whereas:

(1) Article 10(2) of Regulation (EC) No 1784/2003 states that the import duty on products falling within CN codes 1001 10 00, 1001 90 91, ex 1001 90 99 (high quality common wheat), 1002, ex 1005 other than hybrid seed, and ex 1007 other than hybrids for sowing, is to be equal to the intervention price valid for such products on importation and increased by 55 %, minus the cif import price applicable to the consignment in question. However, that duty may not exceed the rate of duty in the Common Customs Tariff.

(2) Article 10(3) of Regulation (EC) No 1784/2003 lays down that, for the purposes of calculating the import duty referred to in paragraph 2 of that Article, representative cif import prices are to be established on a regular basis for the products in question.

(3) Under Article 2(2) of Regulation (EC) No 1249/96, the price to be used for the calculation of the import duty on products of CN codes 1001 10 00, 1001 90 91, ex 1001 90 99 (high quality common wheat), 1002 00, 1005 10 90, 1005 90 00 and 1007 00 90 is the daily cif representative import price determined as specified in Article 4 of that Regulation.

(4) Import duties should be fixed for the period from 1 September 2007, and should apply until new import duties are fixed and enter into force,

HAS ADOPTED THIS REGULATION:

Article 1

From 1 September 2007, the import duties in the cereals sector referred to in Article 10(2) of Regulation (EC) No 1784/2003 shall be those fixed in Annex I to this Regulation on the basis of the information contained in Annex II.

Article 2

This Regulation shall enter into force on 1 September 2007.

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

Done at Brussels, 31 August 2007.

For the Commission

Jean-Luc DEMARTY

Director-General for Agriculture and Rural Development

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[1] OJ L 270, 21.10.2003, p. 78. Regulation as last amended by Regulation (EC) No 735/2007 (OJ L 169, 29.6.2007, p. 6).

[2] OJ L 161, 29.6.1996, p. 125. Regulation as last amended by Regulation (EC) No 1816/2005 (OJ L 292, 8.11.2005, p. 5).

ANNEX I

Import duties on the products referred to in Article 10(2) of Regulation (EC) No 1784/2003 applicable from 1 September 2007

CN code	Description	Import duties [1] (EUR/t)
1001 10 00	Durum wheat, high quality	0,00
	medium quality	0,00
	low quality	0,00
1001 90 91	Common wheat seed	0,00
ex 1001 90 99	High quality common wheat, other than for sowing	0,00
1002 00 00	Rye	0,00
1005 10 90	Maize seed other than hybrid	5,53
1005 90 00	Maize, other than seed [2]	5,53
1007 00 90	Grain sorghum other than hybrids for sowing	0,00

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

— 3 EUR/t, where the port of unloading is on the Mediterranean Sea, or

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

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

ANNEX II

Factors for calculating the duties laid down in Annex I

17.8.2007-30.8.2007

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

(EUR/t)

	Common wheat (*)	Maize	Durum wheat, high quality	Durum wheat, medium quality (**)	Durum wheat, low quality (***)	Barley
Exchange	Minneapolis	Chicago	—	—	—	—
Quotation	193,41	96,96	—	—	—	—
Fob price USA	—	—	229,61	219,61	199,61	127,40
Gulf of Mexico premium	—	17,76	—	—	—	—
Great Lakes premium	6,44	—	—	—	—	—

(*) Premium of 14 EUR/t incorporated (Article 4(3) of Regulation (EC) No 1249/96).
(**) Discount of 10 EUR/t (Article 4(3) of Regulation (EC) No 1249/96).
(***) Discount of 30 EUR/t (Article 4(3) of Regulation (EC) No 1249/96).

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

Freight costs: Gulf of Mexico–Rotterdam:	41,77 EUR/tonne
Freight costs: Great Lakes–Rotterdam:	44,00 EUR/tonne

COMMISSION REGULATION (EC) No 1022/2007

of 31 August 2007

opening the procedure for the allocation of export licences for cheese to be exported to the United States of America in 2008 under certain GATT quotas, and derogating from Regulation (EC) No 1282/2006 laying down special detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards export licences and export refunds for milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products [1], and in particular Article 30(1) thereof,

Whereas:

(1) Section 2 of Chapter III of Commission Regulation (EC) No 1282/2006 [2] provides that export licences for cheese exported to the United States of America as part of the quotas under the agreements concluded during multilateral trade negotiations may be allocated according to a special procedure by which preferred importers in the USA may be designated.

(2) That procedure should be opened for exports during 2008 and the additional rules relating to it should be determined.

(3) In administering imports the competent authorities in the USA make a distinction between the additional quota granted to the European Community under the Uruguay Round and the quotas resulting from the Tokyo Round. Export licences should be allocated taking into account the eligibility of those products for the USA quota in question as described in the Harmonised Tariff Schedule of the United States of America.

(4) With a view to exporting the maximum quantity under the quotas for which there is moderate interest, applications covering the whole quota quantity should be allowed.

(5) In order to allow operators in Bulgaria and Romania to adapt to the system applied in the Community, transitional measures should be introduced for the 2008 quota year to requests for export licences lodged in those Member States.

(6) The transitional arrangement shall apply to the historic export criterion and the subsidiaries criterion.

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

HAS ADOPTED THIS REGULATION:

Article 1

Export licences for products falling within CN code 0406 and listed in Annex I to this Regulation to be exported to the United States of America in 2008 under the quotas referred to in Article 23 of Regulation (EC) No 1282/2006 shall be issued in accordance with Section 2 of Chapter III of that Regulation and with the provisions of this Regulation.

Article 2

1. Applications for licences referred to in Article 24 of Regulation (EC) No 1282/2006 (hereinafter referred to as 'applications') shall be lodged with the competent authorities from 10 to 14 September 2007 at the latest.

2. Applications shall be admissible only if they contain all the information referred to in Article 24 of Regulation (EC) No 1282/2006 and if they are accompanied by the documents referred to therein.

Where, for the same group of products referred to in column 2 of Annex I to this Regulation the available quantity is divided between the Uruguay Round quota and the Tokyo Round quota, licence applications may cover only one of those quotas and shall indicate the quota concerned, specifying the identification of the group and of the quota indicated in column 3 of that Annex.

Information referred in Article 24 of Regulation (EC) No 1282/2006 shall be presented in accordance with the model set out in Annex II to this Regulation.

3. As regards the quotas identified by 22-Tokyo and 22-Uruguay in column 3 of Annex I, applications shall cover at least 10 tonnes and shall not exceed the quantity available under the quota concerned as set out in column 4 of that Annex.

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

[2] OJ L 234, 29.8.2006, p. 4. Regulation as last amended by Regulation (EC) No 532/2007 (OJ L 125, 15.5.2007, p. 7).

As regards the other quotas indicated in column 3 of Annex I, applications shall cover at least 10 tonnes and no more than 40 % of the quantity available under the quota concerned as set out in column 4 of that Annex.

4. Applications shall be admissible only if applicants declare in writing that they have not lodged other applications for the same group of products and the same quota and undertake not to do so.

If an applicant lodges several applications for the same group of products and the same quota in one or more Member States, all his applications shall be deemed inadmissible.

Article 3

1. Member States shall notify the Commission, within five working days after the end of the period for lodging applications, of the applications lodged for each of the groups of products and, where applicable, the quotas indicated in Annex I.

All notifications, including 'nil' notifications, shall be made by fax or e-mail on the model form set out in Annex III.

2. Notification shall comprise for each group and, where applicable, for each quota:

(a) a list of applicants;

(b) the quantities applied for by each applicant broken down by the product code of the Combined Nomenclature and by their code in accordance with the Harmonised Tariff Schedule of the United States of America (2007);

(c) the name and address of the importer designated by the applicant.

Article 4

The Commission shall, pursuant to Article 25 of Regulation (EC) No 1282/2006, determine the allocation of licences without delay and shall notify the Member States thereof by 31 October 2007 at the latest.

Member States shall notify the Commission, within five working days after publication of the allocation coefficients, for each group and, where applicable, for each quota, the quantities allocated by applicant, in accordance to Article 25 of Regulation (EC) No 1282/2006.

The notification shall be made by fax or e-mail on the model form set out in Annex IV to this Regulation.

Article 5

The information notified under Article 3 of this Regulation and under Article 24 of Regulation (EC) No 1282/2006 shall be verified by the Member States before the licences are issued and by 15 December 2007 at the latest.

Where it is found that incorrect information has been supplied by an operator to whom a licence has been issued, the licence shall be cancelled and the security forfeited. The Member States shall communicate it to the Commission without any delay.

Article 6

By way of derogation from Article 24(3) of Regulation (EC) No 1282/2006, for the 2008 quota year, applicants established in Romania and Bulgaria and applying in their Member State of establishment, may also apply if they:

(a) submit to the competent authority of the Member State in which the application is lodged documentary evidence that they have been established for at least three years in Bulgaria and Romania and have exported products of CN code 0406 to the United States of America in at least one of the three calendar years prior to lodging the application;

(b) give to the competent authority of the Member State in which the application is lodged a written undertaking to initiate the procedure to establish a subsidiary in the United States of America.

Article 7

This Regulation shall enter into force on the 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, 31 August 2007.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

ANNEX I

Cheese to be exported to the United States of America in 2008 under certain GATT quotas

Section 2 of Chapter III of Regulation (EC) No 1282/2006 and Regulation (EC) No 1022/2007

Identification of group in accordance with Additional Notes in Chapter 4 of the Harmonised Tariff Schedule of the United States		Identification of group and quota	Quantity available for 2008
Note to	Group		Tonnes
(1)	(2)	(3)	(4)
16	Not specifically provided for (NSPF)	16-Tokyo	908,877
		16-Uruguay	3 446,000
17	Blue Mould	17	350,000
18	Cheddar	18	1 050,000
20	Edam/Gouda	20	1 100,000
21	Italian type	21	2 025,000
22	Swiss or Emmenthaler cheese other than with eye formation	22-Tokyo	393,006
		22-Uruguay	380,000
25	Swiss or Emmenthaler cheese with eye formation	25-Tokyo	4 003,172
		25-Uruguay	2 420,000

ANNEX II

Presentation of information required pursuant to Article 24 of Regulation (EC) No 1282/2006

Idenfication of group and quota referred to in column 3 of Annex I to Regulation (EC) No 1022/2007: [ ]

Name of group indicated in column 2 of Annex I to Regulation (EC) No 1022/2007: .....

.....

Origin of quota: Uruguay Round: ☐ Tokyo Round: ☐

Name/address of applicant	Product code of the Combined Nomenclature	Quantity applied for in tonnes	Harmonised Tariff Schedule of the USA code	Name/address of designated importer
	Total:			

ANNEX III

Presentation of information required pursuant to Article 3 of Regulation (EC) No 1282/2006

To be sent to + 32 2 295 3310 or AGRI-MILK-USA@ec.europa.eu

Idenfication of group and quota referred to in column 3 of Annex I to Regulation (EC) No 1022/2007: [ ]

Name of group indicated in column 2 of Annex I to Regulation (EC) No 1022/2007: .....

.....

Origin of quota: Uruguay Round: ☐ Tokyo Round: ☐

No	Name/address of applicant	Product code of the Combined Nomenclature	Quantity applied for in tonnes	Harmonised Tariff Schedule of the USA code	Name/address of designated importer
1					
		Total:			
2					
		Total:			
3					
		Total:			
4					
		Total:			
5					
		Total:			

ANNEX IV

Presentation of granted licences in accordance to Article 25 of Regulation (EC) No 1282/2006

To be sent to + 32 2 295 3310 or AGRI-MILK-USA@ec.europa.eu

Identification of group and quota referred to in column 3 of Annex I to Regulation (EC) No 1022/2007	Origin of the quota	Name/address of applicant	Product code of the Combined Nomenclature	Quantity applied for in tonnes	Name/address of designated importer	Allocated Quantity in tonnes [1]
	Uruguay round ☐					
	Tokyo round ☐					
			Total:		Total:	
	Uruguay round ☐					
	Tokyo round ☐					
			Total:		Total:	
	Uruguay round ☐					
	Tokyo round ☐					
			Total:		Total:	
	Uruguay round ☐					
	Tokyo round ☐					
			Total:		Total:	
	Uruguay round ☐					
	Tokyo round ☐					
			Total:		Total:	

[1] Quantities allocated by drawing lots shall be distributed among the individual CN codes in proportion to the quantities of product by CN code applied for.

II

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

DECISIONS

COMMISSION

COMMISSION DECISION

of 22 May 2007

declaring a concentration compatible with the common market and the functioning of the EEA Agreement

(Case COMP/M.4404 — UNIVERSAL/BMG Music Publishing)

(notified under document number C(2007) 2160)

(Only the English version is authentic)

(2007/595/EC)

On 22 May 2007 the Commission adopted a Decision in a merger case under Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings [1], and in particular Article 8(2) of that Regulation. A non-confidential version of the full Decision can be found in the authentic language of the case and in the working languages of the Commission on the website of the Directorate-General for Competition, at the following address: http://ec.europa.eu/comm/competition/index_en.html

SUMMARY OF THE DECISION

(1) This case concerns a proposed concentration pursuant to Article 4 of Regulation (EC) No 139/2004 (the Merger Regulation), by which the undertaking Universal Music Group Inc. (Universal, USA), belonging to the group Vivendi SA (Vivendi, France), acquires within the meaning of Article 3(1)(b) of the Council Regulation control of the whole of the undertaking BMG Music Publishing Group (BMG, Germany et al.) which currently forms part of the Bertelsmann group, by way of purchase of shares and assets.

(2) Universal is a subsidiary of Vivendi which is an international media company. Its worldwide activities include music recording and publishing. Universal is active in music publishing through Universal Music Publishing Group (UMPG).

(3) BMG is part of the Bertelsmann group (Bertelsmann) which is an international media company. BMG comprises the worldwide music publishing activities of Bertelsmann.

(4) The market investigation has revealed that in the market for online rights in Austria, the Czech Republic, Germany, Poland, and the United Kingdom as well as on EEA-wide level the concentration would, in terms of serious doubts, significantly impede effective competition through unilateral effects. The commitments proposed by the parties are, however, suitable to remove the competition concerns.

1. **The relevant product markets**

(5) Music publishing is the exploitation of intellectual property rights of authors (in the following, the term 'authors' will be used to cover both lyricists (text) and composers (music)). Generally, authors transfer copyrights of their works (publishing rights) to music publishers and receive from the latter payments of advances and a share of the royalties generated by the commercial exploitation of their works.

[1] OJ L 24, 29.1.2004, p. 1.

(6) Music publishers exploit the rights received from authors by granting licences to right users. The users pay royalties for the use of these musical works. Depending on the specific types of rights, the licences are granted to right users either by the publishers directly or via collecting societies.

(7) The market investigation to define the relevant product markets confirmed that as to the exploitation of music publishing rights, different categories of rights need to be distinguished, i.e. mechanical rights, performance rights, synchronisation rights, print rights and online rights. These categories of rights apply to different forms of use of music, e.g. mechanical rights are needed for the recording of CDs; performance rights need to be acquired if music is played on the radio and in bars; synchronisation rights are needed if music is used in films; print rights allow the user to produce sheet music; and online rights are necessary in order to sell music via the Internet and mobile telephony. These categories of rights therefore constitute separate markets.

(8) With respect to the provision of music publishing services to authors, the market investigation confirmed that no further distinction has to be made since the authors normally do not use different publishers for the categories of rights.

2. **The relevant geographic markets**

(9) The market investigation showed that the geographic scope with respect to the market for the provision of music publishing services to authors, and the markets for the exploitation of performance, mechanical, synchronisation, print and online rights appear to be national. For online rights it is likely that an EEA-wide market will develop in the future. The exact geographic scope of all relevant product markets can be left open since the conclusions of the analysis are the same, irrespective of the geographic dimension of the markets.

3. **Affected markets and competition analysis**

(10) The notified concentration affects the market for the provision of music publishing services to authors, and the markets for the exploitation of performance, mechanical, synchronisation, print and online rights in several countries in the EEA as well as on EEA-wide level. The market investigation has shown that the concentration does not lead to competition concerns in any of the affected markets except for those for online rights.

(11) In the markets for the provision of music publishing services to authors the market investigation has shown that authors will continue to have a sufficient number of alternatives to the merged entity. The merger, therefore, does not create competition concerns in any of the affected markets for music publishing services to authors.

(12) With respect to the exploitation of music publishing rights the market investigation has shown that the merger is unlikely to create competition concerns in the markets for mechanical, performance, synchronisation and print rights. In those markets, where collecting societies play a predominant role (mechanical and performance rights), the merger will not have a significant effect since the collecting societies take the pricing decisions and grant licences on a non-discriminatory basis to users. In the markets where the publishers administer the rights without the involvement of collecting societies (synchronisation and print rights), the market investigation confirmed that the customers will after the merger continue to have sufficient alternatives to the merged entity. It is therefore unlikely that Universal will after the merger be able to increase prices for performance, mechanical, synchronisation and print rights.

(13) In the market for online rights, the publishers have recently started to withdraw their respective rights for Anglo-American repertoires from the traditional collecting societies system. They have started to transfer their rights to selected collecting societies acting as agents for the individual publisher — a possibility which has been reaffirmed by a Commission Recommendation issued in 2005.

(14) The market investigation has shown that, following the withdrawal, the pricing power shifts from the collecting societies to the publishers. In this new environment, Universal will after the merger be able to exert control over a large percentage of titles either via its (fully or partly-owned) copyrights in the authors' works or via its rights in the individual recordings. In Austria, the Czech Republic, Germany, Poland, and the United Kingdom as well as on EEA-wide level, Universal would even control 50 % or more of the chart hits and thereby become a 'must-have' product for all online and mobile music services whose possibilities to circumvent Universal will be significantly reduced by the merger.

(15) The Commission had therefore concerns that the merger would give Universal the possibility and the incentive to increase prices for online rights in Anglo-American repertoire.

Conclusion

(16) It therefore can be concluded that the proposed concentration in its notified form would likely to lead to a significant impediment of effective competition in the market for online rights in Austria, the Czech Republic, Germany, Poland, and the United Kingdom as well as on EEA-wide level.

4. **Commitments offered by the Parties**

(17) In order to remove the Commission's concerns, Universal committed to divest a number of important catalogues covering Anglo-American-copyrights and contracts with authors. These catalogues include the EEA-activities of Zomba UK, 19 Music, 19 Songs, BBC music publishing, Rondor UK as well as an EEA-licence for the catalogue of Zomba U.S. These catalogues contain many bestselling titles and several successful authors such as The Kaiser Chiefs, Justin Timberlake and R. Kelly. Even though the concerns only relate to online rights, for reasons of viability the commitments have to cover the complete copyrights (i.e. also mechanical, performance, synchronisation and print rights).

5. **Assessment of the commitments submitted**

(18) The parties significantly improved the package of remedies twice responding to the results of two market tests. In the light of the quality of the finally proposed catalogues, the Commission concludes that the commitments remove the competition concerns.

(19) It can therefore be concluded that, on the basis of the commitments submitted by the Parties, the notified concentration will not lead to a significant impediment of effective competition in the common market or in a substantial part of it on the market for online rights. Hence, the proposed concentration was to be declared compatible with the common market pursuant to Articles 8(2), 10(2) of the Merger Regulation and to Article 57 of the EEA Agreement.

DECISION No 3/2007 OF THE EC-SWITZERLAND JOINT COMMITTEE

of 23 August 2007

replacing Tables III and IV (b) to protocol No 2

(2007/596/EC)

THE JOINT COMMITTEE,

Having regard to the Agreement between the European Economic Community, of the one part, and the Swiss Confederation, of the other part, signed in Brussels on 22 July 1972, hereinafter referred to as 'the Agreement', as amended by the Agreement between the European Community and the Swiss Confederation amending the Agreement as regards the provisions applicable to processed agricultural products signed in Luxembourg on 26 October 2004, and its Protocol No 2, and in particular Article 7 thereof,

Whereas:

(1) For the implementation of Protocol No 2 to the Agreement, internal reference prices are fixed for the Contracting Parties by the Joint Committee.

(2) Actual prices have changed on the domestic markets of the Contracting Parties as regards raw materials for which price compensation measures are applied.

(3) The domestic reference prices of all raw materials were fixed by the Joint Committee at the end of 2006. The domestic reference prices should periodically, at least once a year, be reviewed.

(4) As the market for cereals seemed to be really volatile by the end of 2006 a review in May was foreseen.

(5) As the review of the cereal prices resulted in substantially different figures it is necessary to update the reference prices and amounts listed in tables III and IV(b) to Protocol No 2 accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Table III and the table IV under b of Protocol No 2 are replaced by the tables in Annex I and Annex II to this Decision.

Article 2

This decision shall apply as of 1 August 2007.

Done at Brussels, 23 August 2007.

For the Joint Committee

The Chairman

Luc VERHEUKELEN

ANNEX I

'TABLE III

EC and Swiss domestic reference prices

(CHF per 100 kg net)

Agricultural raw material	Swiss domestic reference price	EC domestic reference price	Difference Swiss/ EC reference price
Common wheat	54,41	25,80	28,60
Durum wheat	42,16	32,38	9,80
Rye	48,84	26,29	22,55
Barley	44,16	34,60	9,55
Maize	37,25	26,82	10,45
Common wheat flour	95,50	48,26	47,25
Whole-milk powder	586,90	354,29	232,60
Skimmed-milk powder	457,33	304,39	152,95
Butter	905,00	406,98	498,00
White sugar	—	—	0,00
Eggs [1]	255,00	205,50	49,50
Fresh potatoes	42,00	21,00	21,00
Vegetable fat [2]	390,00	160,00	230,00

[1] Derived from the prices for liquid birds' eggs, not in shell multiplied with factor 0,85.
[2] Prices for vegetable fats (for the baking and food industry) with 100 % fat content.'

ANNEX II

'TABLE IV

(b) The basic amounts for agricultural raw materials taken into account for the calculation of the agricultural components:

(CHF per 100 kg net)

Agricultural raw material	Applied basic amount as from the entry into force
Common wheat	26,00
Durum wheat	9,00
Rye	20,00
Barley	9,00
Maize	9,00
Common wheat flour	43,00
Whole-milk powder	209,00
Skimmed-milk powder	138,00
Butter	473,00
White sugar	Zero
Eggs	36,00
Fresh potatoes	19,00
Vegetable fat	207,00'

COMMISSION DECISION

of 27 August 2007

concerning the non-inclusion of guazatine triacetate in Annex I, IA or IB to Directive 98/8/EC of the European Parliament and of the Council concerning the placing of biocidal products on the market

(notified under document number C(2007) 3979)

(Text with EEA relevance)

(2007/597/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market [1], and in particular the second subparagraph of Article 16(2) thereof,

Whereas:

(1) Commission Regulation (EC) No 2032/2003 of 4 November 2003 on the second phase of the 10-year work programme referred to in Article 16(2) of Directive 98/8/EC of the European Parliament and of the Council concerning the placing of biocidal products on the market and amending Regulation (EC) No 1896/2000 [2] establishes a list of active substances to be assessed, with a view to their possible inclusion in Annex I, IA or IB to Directive 98/8/EC. That list includes guazatine triacetate.

(2) Pursuant to Regulation (EC) No 2032/2003, guazatine triacetate has been evaluated in accordance with Article 11(2) of Directive 98/8/EC for use in product-type 8, wood preservatives, as defined in Annex V to Directive 98/8/EC.

(3) The United Kingdom was designated as Rapporteur Member State and submitted the competent authority report, together with a recommendation, to the Commission on 22 September 2006 in accordance with Article 10(5) and (7) of Regulation (EC) No 2032/2003.

(4) The competent authority report was reviewed by the Member States and the Commission. In accordance with Article 11(4) of Regulation (EC) No 2032/2003, the findings of the review were incorporated in an assessment report by the Standing Committee on Biocidal Products at its meeting of 16 March 2007.

(5) In the absence of critical data on leaching from a treated surface, on reproductive effects of guazatine in *Daphnia magna* and on degradation rates in water-sediment systems and soil, it is not possible to include guazatine triacetate in Annex I, IA or IB to Directive 98/8/EC for product-type 8. In addition, the United Kingdom competent authority carried out an environmental risk assessment using a realistic worst-case approach, which showed unacceptable risks to the environment.

(6) The review of guazatine triacetate did not reveal any open questions or concerns to be addressed by the Scientific Committee on Health and Environmental Risks.

(7) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Biocidal Products,

HAS ADOPTED THIS DECISION:

Article 1

Guazatine triacetate (CAS number 115044-19-4) shall not be included in Annexes I, IA or IB to Directive 98/8/EC for product-type 8.

Article 2

For the purposes of the third subparagraph of Article 4(2) of Regulation (EC) No 2032/2003, this Decision shall apply from the day following that of its publication in the *Official Journal of the European Union*.

[1] OJ L 123, 24.4.1998, p. 1. Directive as last amended by Commission Directive 2007/20/EC (OJ L 94, 4.4.2007, p. 23).

[2] OJ L 307, 24.11.2003, p. 1. Regulation as last amended by Regulation (EC) No 1849/2006 (OJ L 355, 15.12.2006, p. 63).

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 27 August 2007.

For the Commission
Stavros DIMAS
Member of the Commission

COMMISSION DECISION

of 28 August 2007

concerning measures to prevent the spread of highly pathogenic avian influenza to other captive birds kept in zoos and approved bodies, institutes or centres in the Member States

(notified under document number C(2007) 3987)

(Text with EEA relevance)

(2007/598/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to 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 [1], and in particular the first paragraph of Article 22 thereof,

Having regard to Council Directive 2005/94/EC of 20 December 2005 on Community measures for the control of avian influenza and repealing Directive 92/40/EEC [2], and in particular Articles 56(3), 57(2) and 63(3) thereof,

Whereas:

(1) Directive 2005/94/EC sets out certain preventive measures relating to the surveillance and the early detection of avian influenza and the minimum control measures to be applied in the event of an outbreak of that disease in poultry or other captive birds.

(2) Directive 2005/94/EC also lays down rules for the introduction of preventive vaccination against avian influenza of poultry and other captive birds, such as other captive birds kept in zoos and approved bodies, institutes or centres, and provides for detailed rules thereof to be established by the Commission. That Directive also provides for the submission by the Member States to the Commission for approval of their preventive vaccination plans for poultry or other captive birds.

(3) Commission Decision 2006/474/EC of 6 July 2006 concerning measures to prevent the spread of highly pathogenic avian influenza caused by influenza A virus of subtype H5N1 to birds kept in zoos and approved bodies, institutes and centres in the Member States and repealing Decision 2005/744/EC [3] lays down rules to prevent the spread of avian influenza caused by highly pathogenic influenza A virus of subtype H5N1 from birds living in the wild to birds kept in zoos and approved bodies, institutes or centres. It also lays down rules for the vaccination of birds kept in zoos and approved bodies, institutes or centres and provides for detailed rules for the submission by the Member States to the Commission of their vaccination plans.

(4) For the purposes of such preventive vaccination, only vaccines authorised in accordance with Directive 2001/82/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to veterinary medicinal products [4] or Regulation No 726/2004 of the European Parliament and of the Council of 31 March 2004 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency [5] should be used.

(5) Council Directive 1999/22/EC of 29 March 1999 relating to the keeping of wild animals in zoos [6] defines zoos which are covered by that Directive. In the interests of consistency of Community legislation, that definition should be taken into account for the purposes of this Decision.

(6) Pursuant to Decision 2006/474/EC, the Commission has approved 17 preventive vaccination plans against avian influenza for birds kept in zoos submitted by Member States. Vaccination plans have been implemented by 14 Member States. In general no adverse reactions in almost 45 000 vaccinated birds have been observed and most bird species have produced a significant immune response following two administrations of the vaccines.

[1] 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).
[2] OJ L 10, 14.1.2006, p. 16.
[3] OJ L 187, 8.7.2006, p. 37.
[4] OJ L 311, 28.11.2001, p. 1. Directive as last amended by Directive 2004/28/EC (OJ L 136, 30.4.2004, p. 58).
[5] OJ L 136, 30.4.2004, p. 1. Regulation as amended by Regulation (EC) No 1901/2006 (OJ L 378, 27.12.2006, p. 1).
[6] OJ L 94, 9.4.1999, p. 24.

(7) In addition, experience gained during the latest vaccination campaign and the opinions of the Scientific Panel on Animal Health and Animal Welfare of the European Food Safety Authority of 1 February 2007 on preventive vaccination of zoo birds against avian influenza of H5 and H7 subtypes and of 11 May 2007 on vaccination in domestic poultry and captive birds, demonstrate that it is appropriate to extend the scope of the preventive vaccination plans to any highly pathogenic avian influenza of the H5 and H7 subtypes, thereby taking into account the risks posed by wild migratory birds proceeding from areas where avian influenza cases in wild birds or outbreaks in poultry occur and in the event an outbreak in poultry occurs in the same Member State, a neighbouring Member State or a third country that is liable to endanger the health status of birds kept in zoos and approved bodies, institutes or centres.

(8) Furthermore the administrative requirements for approval and implementation of preventive vaccination plans should be amended, provided they do not endanger disease control. Accordingly, requirements which ease the administrative burden should be taken into account in the present Decision.

(9) It is further appropriate to consider certain preventive vaccination plans that have been approved pursuant to Decision 2006/474/EC as approved for the purposes of the present Decision. Accordingly, such plans should be listed in Annex III to the present Decision.

(10) Since the date of adoption of Decision 2006/474/EC, certain Member States have submitted preventive vaccination plans for approval in accordance with the requirements of that Decision. Those Member States have been informed of the requirements set out in the present Decision. As those plans also comply with the requirements of the present Decision, they should be approved and listed in Annex III hereto.

(11) For the sake of clarity it is appropriate to repeal Decision 2006/474/EC and replace it by this Decision.

(12) 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

Subject matter and scope

This Decision lays down detailed rules:

(a) to be applied in order to prevent the spread of highly pathogenic avian influenza virus from birds living in the wild or from outbreaks in poultry or other captive birds, to other captive birds kept in zoos and approved bodies, institutes or centres;

(b) for the preventive vaccination of other captive birds kept in zoos and approved bodies, institutes or centres.

Article 2

Definitions

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

(a) the definitions in Article 2 of Directive 2005/94/EC;

(b) the definition of zoos in Article 2 of Directive 1999/22/EC;

(c) the definition of approved bodies, institutes or centres in Article 2(1)(c) of Directive 92/65/EEC.

Article 3

Measures to reduce the risk of transmission of highly pathogenic avian influenza

1. Member States shall take appropriate and practicable measures to reduce the risk of transmission of highly pathogenic avian influenza from birds living in the wild to other captive birds kept in zoos and approved bodies, institutes or centres, taking into account the criteria and risk factors set out in Annex I.

2. Paragraph 1 shall also apply in the event of an outbreak in poultry in the same Member State, a neighbouring Member State or a third country that is liable to endanger the health status of other captive birds kept in zoos and approved bodies, institutes or centres.

3. Depending on the specific epidemiological situation, the measures referred to in paragraph 1 shall, in particular, be directed at preventing direct and indirect contact between birds living in the wild, especially waterfowl, and other captive birds kept in zoos and approved bodies, institutes or centres.

Article 4

Preventive vaccination plans

Preventive vaccination plans in respect of other captive birds kept in zoos and approved bodies, institutes or centres, submitted in accordance with Article 56(2) of Directive 2005/94/EC shall comply with the requirements set out in Annex II to this Decision.

Article 5

Approval of preventive vaccination plans

1. The preventive vaccination plans submitted in accordance with Article 56(2) of Directive 2005/94/EC and listed in Part I of Annex III to this Decision are hereby approved.

2. The Commission shall publish the approved preventive vaccination plans referred to in paragraph 1.

Article 6

Availability and information concerning preventive vaccination plans

1. Member States shall, before preventive vaccination is introduced, compile the exact address and location of the zoos and approved bodies, institutes or centres, where vaccination it is to be carried out by allocating approval or registration numbers, as appropriate, and shall keep that information updated.

2. Member States shall submit to the Commission and the other Member States each year, by 30 March at the latest, or upon specific request by the Commission, a report on the implementation of the approved preventive vaccination plans for the preceding year using the reporting model as set out in Annex IV.

That report shall be submitted in the framework of the Standing Committee on the Food Chain and Animal Health.

3. Member States shall inform the Commission of the following:

(a) planned amendments to their approved preventive vaccination plans;

(b) the date of cessation of preventive vaccination of other captive birds kept in zoos and approved bodies, institutes or centres.

Article 7

Repeal

Decision 2006/474/EC is repealed.

Article 8

Transitional provision

The preventive vaccination plans approved pursuant to Decision 2006/474/EC and listed in Part II of Annex III to this Decision shall be considered as being approved for the purposes of the present Decision.

Article 9

Compliance by Member States

Member States shall take the necessary measures to comply with this Decision. They shall immediately inform the Commission thereof.

Article 10

Addressees

This Decision is addressed to the Member States.

Done at Brussels, 28 August 2007.

For the Commission

Markos KYPRIANOU

Member of the Commission

ANNEX I

Criteria and risk factors to be considered when applying the measures set out in Article 3 in zoos and approved bodies, institutes or centres

1. Location of zoos and approved bodies, institutes or centres along migratory flyways of birds, in particular if proceeding from countries where outbreaks of highly pathogenic avian influenza have occurred, taking into account the serotype detected and the likelihood of wild birds having been affected.

2. Distance of zoos and approved bodies, institutes or centres from wetlands and water areas such as ponds, swamps, lakes or rivers where migratory waterfowl may gather.

3. Location of zoos and approved bodies, institutes or centres in areas of a high density of migratory birds, particularly waterfowl.

ANNEX II

Requirements for the use of preventive vaccination as referred to in Article 4

1.	Extent of the vaccination to be carried out	The vaccination against avian influenza shall only be carried out in birds kept in zoos and approved bodies, institutes or centres. The competent authority shall keep lists of zoos, approved bodies, institutes or centres for a period of at least five years from the date of such vaccination.
2.	Bird species to be vaccinated	The competent authority shall be notified of a list of birds to be vaccinated together with the individual identification and keep it for at least five years from the date of the vaccination.
3.	Duration of vaccination	(a) All birds to be vaccinated in zoos and approved bodies institutes or centres shall be vaccinated as quickly as possible. (b) Offspring, newly introduced birds and birds for which an insufficient immune response has been demonstrated must also be vaccinated. (c) Annual re-vaccination is recommended to maintain bird immunity.
4.	Specific requirements for movements of birds	(a) Vaccinated birds kept in approved bodies, institutes or centres including zoos approved in accordance with Directive 92/65/EEC where vaccination is carried out may be moved to approved bodies, institutes or centres in other Member States provided that they meet the requirements set out in this Decision and are accompanied by a health certificate as laid down in Part 3 of Annex E to Directive 92/65/EEC, where under point II.5. the following must be certified: 'Birds conform to Decision 2007/598/EC were vaccinated against avian influenza on … (date) with vaccine … (name)'. (b) Vaccinated birds kept in zoos that are not approved in accordance with Directive 92/65/EEC where vaccination is carried out may be moved to other Member States after authorisation by the Member State of destination provided that they meet the requirements set out in this Decision and are accompanied by a health certificate as laid down in Part 1 of Annex E to Directive 92/65/EEC to which the following words shall be added at the end of point II.3.2.: 'Birds conform to Decision 2007/598/EC and vaccinated against avian influenza on … (date) with vaccine … (name)'. (c) When vaccination of birds kept in zoos, approved bodies, institutes or centres is not longer applied, the conditions for movements laid down in points (a) and (b) shall be maintained for a period of 12 months from the date of the vaccination of the last bird.
5.	Special identification and special registration of the vaccinated birds	Vaccinated birds must be individually identifiable and the identity records of these birds must be clearly annotated accordingly. An indelible identification of the other captive birds indicating that they have been vaccinated shall be applied at the time of vaccination wherever possible.
6.	Execution of the vaccination campaign	(a) Vaccination shall be carried out under the supervision of a veterinarian and necessary measures must be in place to avoid possible spread of virus. (b) A written record on the number of vaccinated birds and the number of vaccine doses used shall be communicated to the competent authority after vaccination is carried out and thereafter on a monthly basis, if further birds as referred to in point 3(b) are vaccinated. (c) Wherever possible blood samples from 10 % of the birds shall be taken prior to and at least 30 days from the date of each vaccination for serological testing for avian influenza. A record of the test results must be kept for at least five years from the date of vaccination.
7.	Vaccine to be used	The inactivated vaccine to be used shall be suitably formulated and be effective against highly pathogenic avian influenza virus of subtype H5 or H7 or both. It shall be used in accordance with the instructions of the manufacturer and/or the veterinary authorities.

ANNEX III

Lists of approved preventive vaccination plans for birds kept in zoos and approved bodies, institutes or centres

Part I:

Preventive vaccination plans approved by this Decision and *referred to in Article 5(1)*

Code	Member State	Date of submission of plan
BE	Belgium	22 March 2007
ES	Spain	27 June 2007
FR	France	4 January 2007
SE	Sweden	7 March 2007
UK	United Kingdom	27 June 2007

Part II:

Preventive vaccination plans approved under Decision *2006/474/EC and referred to in Article 8 of the present Decision*

Code	Member State	Date of submission
CZ	Czech Republic	21 March 2006
DK	Denmark	20 February 2006
DE	Germany	31 March 2006
EE	Estonia	6 March 2006
IE	Ireland	6 March 2006
IT	Italy	6 March 2006
LV	Latvia	28 February 2006
LT	Lithuania	6 March 2006
HU	Hungary	1 March 2006
NL	The Netherlands	16 November 2005
AT	Austria	21 April 2006
PT	Portugal	29 November 2005

ANNEX IV

Reporting model for the implementation of the approved preventive vaccination plans referred to in article 6(2)

General information						
Country	Zoo	Vaccine	Route (specify if different in different species)	Weight — Dose regime used (Actual/estimated/average weight of species)	Vaccine interval	Interval from last vaccination to post-vaccination blood collection

HI serum antibody titre							
English name/ local name	*Latin name*	Taxonomic Order	Individual identification	Vaccine Dose (ml)	Pre-vacc	Post-1st vacc	Post-2nd vacc

Adverse Individual effects		Mortality	
Local	general	Direct (catching/handling)	Delayed (specify cause of death)

Information required from the Laboratory				
Virus strain of vaccine	Antigens (virus strains) used in HI test	Cut-off or end-titre point used as a measure of vaccine efficacy	Reference serum used	(reference to) Methodology