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I

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

REGULATIONS

COMMISSION REGULATION (EC) No 1188/2007

of 11 October 2007

establishing the standard import values for determining the entry price of certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 12 October 2007.

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

Done at Brussels, 11 October 2007.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

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

ANNEX

to Commission Regulation of 11 October 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	MA	74,5
	MK	29,3
	TR	118,5
	ZZ	74,1
0707 00 05	JO	162,5
	TR	152,4
	ZZ	157,5
0709 90 70	TR	117,1
	ZZ	117,1
0805 50 10	AR	68,5
	TR	85,3
	UY	81,6
	ZA	60,1
	ZW	52,6
	ZZ	69,6
0806 10 10	BR	277,6
	IL	284,6
	MK	44,5
	TR	125,2
	US	284,6
	ZZ	203,3
0808 10 80	AR	90,2
	AU	188,0
	CL	120,4
	MK	13,8
	NZ	87,0
	US	101,2
	ZA	92,8
	ZZ	99,1
0808 20 50	CN	67,6
	TR	123,3
	ZA	65,4
	ZZ	85,4

⁽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 1189/2007

of 11 October 2007

fixing the depreciation coefficients to be applied when agricultural products are bought in, for the 2008 accounting year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1883/78 of 2 August 1978 laying down general rules for the financing of interventions by the European Agricultural Guidance and Guarantee Fund, Guarantee Section ⁽¹⁾, and in particular the second sentence of Article 8(1) thereof,

Whereas:

- (1) Under Article 3(1)(b) of Council Regulation (EC) No 1290/2005 of 21 June 2005 on the financing of the common agricultural policy ⁽²⁾, intervention to regulate agricultural markets is financed by the European Agricultural Guarantee Fund (EAGF).
- (2) In accordance with Article 8 of Regulation (EEC) No 1883/78, depreciation of agricultural products in public intervention storage must take place when they are bought in. The depreciation percentage must not exceed the difference between the buying-in price and the foreseeable disposal price for each of these products. That percentage must be fixed for each product before the beginning of each accounting year. The Commission may also restrict the depreciation at the time of buying-in to a fraction of this depreciation percentage, but that fraction may not be less than 70 % of the overall depreciation.
- (3) Points 1, 2 and 3 of Annex VIII to Commission Regulation (EC) No 884/2006 of 21 June 2006 laying down detailed rules for the application of Council Regulation (EC) No 1290/2005 as regards the financing by the European Agricultural Guarantee Fund (EAGF) of inter-

vention measures in the form of public storage operations and the accounting of public storage operations by the paying agencies of the Member States ⁽³⁾ lay down the methods for calculating the depreciation.

- (4) Coefficients for certain products to be applied by the intervention agencies to the monthly buying-in values of those products in the 2008 accounting year should therefore be fixed, to enable the agencies to establish the depreciation amounts.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Committee on the Agricultural Funds,

HAS ADOPTED THIS REGULATION:

Article 1

In respect of the products listed in the Annex which, having been bought in by public intervention, are stored or taken over by the intervention agencies between 1 October 2007 and 30 September 2008, the intervention agencies shall apply to the values of the products bought in every month the depreciation coefficients set out in the Annex.

Article 2

The expenditure amounts, calculated by taking account of the depreciation referred to in Article 1 of this Regulation, shall be notified to the Commission under the declarations established in accordance with Commission Regulation (EC) No 883/2006 ⁽⁴⁾.

Article 3

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

It shall apply from 1 October 2007.

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

Done at Brussels, 11 October 2007.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

⁽¹⁾ OJ L 216, 5.8.1978, p. 1. Regulation as last amended by Regulation (EC) No 734/2007 (OJ L 169, 29.6.2007, p. 5).

⁽²⁾ OJ L 209, 11.8.2005, p. 1. Regulation as last amended by Commission Regulation (EC) No 378/2007 (OJ L 95, 5.4.2007, p. 1).

⁽³⁾ OJ L 171, 23.6.2006, p. 35. Regulation as amended by Regulation (EC) No 721/2007 (OJ L 164, 26.6.2007, p. 4).

⁽⁴⁾ OJ L 171, 23.6.2006, p. 1.

ANNEX

Depreciation coefficients to be applied to the monthly buying-in values

Product	Coefficient
Common wheat of bread-making quality	—
Barley	—
Maize	—
White sugar	0,10
Paddy rice	—
Alcohol	0,45
Butter	—
Skimmed-milk powder	—

COMMISSION REGULATION (EC) No 1190/2007

of 11 October 2007

fixing the interest rates to be used for calculating the costs of financing intervention measures comprising buying-in, storage and disposal for the 2008 EAGF accounting year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1883/78 of 2 August 1978 laying down general rules for the financing of interventions by the European Agricultural Guidance and Guarantee Fund, Guarantee Section ⁽¹⁾, and in particular Article 5 thereof,

Whereas:

(1) Under Article 3(1)(b) of Council Regulation (EC) No 1290/2005 of 21 June 2005 on the financing of the common agricultural policy ⁽²⁾, intervention measures to regulate agricultural markets are financed by the European Agricultural Guarantee Fund (EAGF).

(2) Article 4(1)(a) of Commission Regulation (EC) No 884/2006 of 21 June 2006 laying down detailed rules for the application of Council Regulation (EC) No 1290/2005 as regards the financing by the European Agricultural Guarantee Fund (EAGF) of intervention measures in the form of public storage operations and the accounting of public storage operations by the paying agencies of the Member States ⁽³⁾ provides that expenditure relating to the financial costs incurred by Member States in mobilising funds to buy in products is to be determined in accordance with the methods set out in Annex IV to that Regulation on the basis of a uniform interest rate for the Community.

(3) The uniform interest rate for the Community is the average of the three-month and 12-month forward Euribor rates recorded in the six months preceding the notification from the Member States provided for in point I.2 of Annex IV to Regulation (EC) No 884/2006, with a weighting of one third and two thirds respectively. That rate must be fixed at the beginning of each accounting year of the European Agricultural Guarantee Fund (EAGF).

(4) However, if the interest rate notified by a Member State is lower than the uniform interest rate fixed for the Community, in accordance with the second subparagraph

of point I.2 of Annex IV to Regulation (EC) No 884/2006 a specific interest rate is fixed for that Member State. Also, in the absence of any notification from a Member State of the average rate of its interest costs by the end of the year, the Commission fixes the interest rate for that Member State at the level of the uniform rate fixed for the Community.

(5) Given the Member States' notifications to the Commission, the interest rates applicable for the 2008 EAGF accounting year should be fixed taking the various factors into account.

(6) The measures provided for in this Regulation are in accordance with the opinion of the Committee on the Agricultural Funds,

HAS ADOPTED THIS REGULATION:

Article 1

For expenditure relating to the financial costs incurred by Member States in mobilising funds to buy in products chargeable to the 2008 accounting year of the European Agricultural Guarantee Fund (EAGF), the interest rates provided for in Annex IV to Regulation (EC) No 884/2006 in accordance with Article 4(1)(a) of that Regulation shall be:

- (a) 3,0 % in the case of the specific interest rate applicable in the Czech Republic;
- (b) 3,4 % in the case of the specific interest rate applicable in Sweden;
- (c) 3,7 % in the case of the specific interest rate applicable in Greece;
- (d) 3,8 % in the case of the specific interest rate applicable in Austria;
- (e) 3,9 % in the case of the specific interest rate applicable in France, Finland and Lithuania;
- (f) 4,0 % in the case of the specific interest rate applicable in Ireland;

⁽¹⁾ OJ L 216, 5.8.1978, p. 1. Regulation as last amended by Regulation (EC) No 734/2007 (OJ L 169, 29.6.2007, p. 5).

⁽²⁾ OJ L 209, 11.8.2005, p. 1. Regulation as last amended by Regulation (EC) No 378/2007 (OJ L 95, 5.4.2007, p. 1).

⁽³⁾ OJ L 171, 23.6.2006, p. 35. Regulation as amended by Regulation (EC) No 721/2007 (OJ L 164, 26.6.2007, p. 4).

- (g) 4,1 % in the case of the specific interest rate applicable in Italy;
- (h) 4,3 % in the case of the uniform interest rate for the Community applicable to those Member States for which no specific interest rate has been fixed.

Article 2

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

It shall apply from 1 October 2007.

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

Done at Brussels, 11 October 2007.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

COMMISSION REGULATION (EC) No 1191/2007**of 11 October 2007****derogating, for the 2006/07 wine year, from Regulation (EC) No 1623/2000 laying down detailed rules for implementing Council Regulation (EC) No 1493/1999 on the common organisation of the market in wine with regard to market mechanisms**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine ⁽¹⁾, and in particular Article 33 thereof,

Whereas:

- (1) Under Article 29 of Regulation (EC) No 1493/1999 support may be provided for the voluntary distillation of wine into potable alcohol. Commission Regulation (EC) No 1623/2000 ⁽²⁾ lays down detailed rules for the implementation of such distillation. Article 63a(10) thereof lays down the deadline by which wine delivered to a distillery must be distilled.
- (2) In some Member States, the volumes covered by contracts concluded by wine producers for distillation in the 2006/07 wine year have been far greater than

normal. This has led to a saturation of distillery capacities and, as a result, it will not be possible to complete distillation by the specified deadline. To remedy this situation, the period authorised for distillation should be extended by one month.

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

HAS ADOPTED THIS REGULATION:

Article 1

Notwithstanding Article 63a(10) of Regulation (EC) No 1623/2000, for the 2006/07 wine year the wine delivered to a distillery must be distilled no later than 31 October of the following wine year.

Article 2

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

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

Done at Brussels, 11 October 2007.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

⁽¹⁾ OJ L 179, 14.7.1999, p. 1. Regulation as last amended by Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p. 1).

⁽²⁾ OJ L 194, 31.7.2000, p. 45. Regulation as last amended by Regulation (EC) No 923/2007 (OJ L 201, 2.8.2007, p. 9).

COMMISSION REGULATION (EC) No 1192/2007**of 11 October 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 12 October 2007.

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

Done at Brussels, 11 October 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 12 October 2007 ⁽⁴⁾

Product code	Destination	Unit of measurement	Amount of refund
1701 11 90 9100	S00	EUR/100 kg	31,34 ⁽¹⁾
1701 11 90 9910	S00	EUR/100 kg	30,09 ⁽¹⁾
1701 12 90 9100	S00	EUR/100 kg	31,34 ⁽¹⁾
1701 12 90 9910	S00	EUR/100 kg	30,09 ⁽¹⁾
1701 91 00 9000	S00	EUR/1 % sucrose × 100 kg of net product	0,3407
1701 99 10 9100	S00	EUR/100 kg	34,07
1701 99 10 9910	S00	EUR/100 kg	32,72
1701 99 10 9950	S00	EUR/100 kg	32,72
1701 99 90 9100	S00	EUR/1 % sucrose × 100 kg of net product	0,3407

NB: The destinations are defined as follows:

S00 — All destinations with the exception of:

- (a) third countries: Albania, Croatia, Bosnia-Herzegovina, Montenegro, Serbia, Kosovo, the former Yugoslav Republic of Macedonia, Andorra, Liechtenstein and the Holy See (Vatican City State);
- (b) territories of the EU Member States not forming part of the customs territory of the Community: Gibraltar, Ceuta, Melilla, 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.

⁽⁴⁾ 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 I of Regulation (EC) No 318/2006.

COMMISSION REGULATION (EC) No 1193/2007**of 11 October 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 11 October 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 11 October 2007, the maximum export refund for the product referred to in Article 1(1) of Regulation (EC) No 900/2007 shall be 37,715 EUR/100 kg.

Article 2

This Regulation shall enter into force on 12 October 2007.

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

Done at Brussels, 11 October 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 1194/2007**of 11 October 2007****fixing the maximum export refund for white sugar in the framework of the standing invitation to tender provided for in Regulation (EC) No 1060/2007**

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 1060/2007 of 14 September 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 1060/2007 and following an examination of the

tenders submitted in response to the partial invitation to tender ending on 10 October 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 10 October 2007, the maximum export refund for the product referred to in Article 1(1) of Regulation (EC) No 1060/2007 shall be 440,31 EUR/t.

Article 2

This Regulation shall enter into force on 12 October 2007.

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

Done at Brussels, 11 October 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 242, 15.9.2007, p. 8.

COMMISSION REGULATION (EC) No 1195/2007**of 11 October 2007****establishing a prohibition of fishing for redfish in EC and International waters of ICES zone V;
International waters of ICES zones XII and XIV by vessels flying the flag of Portugal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy ⁽¹⁾, and in particular Article 26(4) thereof,Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to common fisheries policy ⁽²⁾, and in particular Article 21(3) thereof,

Whereas:

- (1) Council Regulation (EC) No 41/2007 of 21 December 2006 fixing for 2007 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks applicable in Community waters and for Community vessels, in waters where catch limitations are required ⁽³⁾, lays down quotas for 2007.
- (2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2007.

- (3) It is therefore necessary to prohibit fishing for that stock and its retention on board, transhipment and landing,

HAS ADOPTED THIS REGULATION:

*Article 1***Quota exhaustion**

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2007 shall be deemed to be exhausted from the date set out in that Annex.

*Article 2***Prohibitions**

Fishing for the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein shall be prohibited from the date set out in that Annex. It shall be prohibited to retain on board, tranship or land such stock caught by those vessels after that date.

*Article 3***Entry into force**

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

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

Done at Brussels, 11 October 2007.

For the Commission

Fokion FOTIADIS

Director-General for Fisheries and Maritime Affairs

⁽¹⁾ OJ L 358, 31.12.2002, p. 59. Regulation as amended by Regulation (EC) No 865/2007 (OJ L 192, 24.7.2007, p. 1).

⁽²⁾ OJ L 261, 20.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 1967/2006 (OJ L 409, 30.12.2006, p. 11), as corrected by OJ L 36, 8.2.2007, p. 6.

⁽³⁾ OJ L 15, 20.1.2007, p. 1. Regulation as last amended by Commission Regulation (EC) No 898/2007 (OJ L 196, 28.7.2007, p. 22).

ANNEX

No	52
Member State	Portugal
Stock	RED/51214.
Species	Redfish (<i>Sebastes spp.</i>)
Zone	EC and International waters of ICES zone V; International waters of ICES zones XII and XIV
Date	5.9.2007

COMMISSION REGULATION (EC) No 1196/2007
of 11 October 2007
establishing a prohibition of fishing for megrims in EC waters of IIa and IV by vessels flying the flag of Belgium

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy ⁽¹⁾, and in particular Article 26(4) thereof,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to common fisheries policy ⁽²⁾, and in particular Article 21(3) thereof,

Whereas:

- (1) Council Regulation (EC) No 41/2007 of 21 December 2006 fixing for 2007 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks applicable in Community waters and for Community vessels, in waters where catch limitations are required ⁽³⁾, lays down quotas for 2007.
- (2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2007.

- (3) It is therefore necessary to prohibit fishing for that stock and its retention on board, transhipment and landing,

HAS ADOPTED THIS REGULATION:

Article 1

Quota exhaustion

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2007 shall be deemed to be exhausted from the date set out in that Annex.

Article 2

Prohibitions

Fishing for the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein shall be prohibited from the date set out in that Annex. It shall be prohibited to retain on board, tranship or land such stock caught by those vessels after that date.

Article 3

Entry into force

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

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

Done at Brussels, 11 October 2007.

For the Commission

Fokion FOTIADIS

Director-General for Fisheries and Maritime Affairs

⁽¹⁾ OJ L 358, 31.12.2002, p. 59. Regulation as amended by Regulation (EC) No 865/2007 (OJ L 192, 24.7.2007, p. 1).

⁽²⁾ OJ L 261, 20.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 1967/2006 (OJ L 409, 30.12.2006, p. 11), as corrected by OJ L 36, 8.2.2007, p. 6.

⁽³⁾ OJ L 15, 20.1.2007, p. 1. Regulation as last amended by Commission Regulation (EC) No 898/2007 (OJ L 196, 28.7.2007, p. 22).

ANNEX

No	53
Member State	Belgium
Stock	LEZ/2AC4-C
Species	Megrims (<i>Lepidorhombus spp.</i>)
Zone	EC waters of IIa and IV
Date	29.8.2007

II

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

RECOMMENDATIONS

COMMISSION RECOMMENDATION

of 11 October 2007

on the electronic network of officially appointed mechanisms for the central storage of regulated information referred to in Directive 2004/109/EC of the European Parliament and of the Council

(notified under document number C(2007) 4607)

(Text with EEA relevance)

(2007/657/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular second indent of Article 211 thereof,

Whereas:

- (1) Directive 2004/109/EC of the European Parliament and of the Council of 15 December 2004 on the harmonisation of transparency requirements in relation to information about issuers whose securities are admitted to trading on a regulated market and amending Directive 2001/34/EC⁽¹⁾ requires that the access for investors to information about issuers is more organised at a Community level in order to actively promote the integration of European capital markets.
- (2) Directive 2004/109/EC obliges the competent authorities of the Member States to draw up guidelines with a view to further facilitate public access to information to be disclosed under Directive 2003/6/EC of the European Parliament and of the Council of 28 January 2003 on insider dealing and market manipulation (market abuse)⁽²⁾, Directive 2003/71/EC of the European Parliament and of the Council of 4 November 2003 on the prospectus to be published when securities are offered to the public or admitted to trading and amending Directive 2001/34/EC⁽³⁾ and Directive 2004/109/EC of the European Parliament and of the Council and to create a single electronic network (hereinafter 'the electronic network') or a platform of elec-

tronic networks across Member States linking the different mechanisms appointed at national level for the storage of such information (hereinafter 'the storage mechanisms').

- (3) The competent authorities of the Member States adopted, within Committee of European Securities Regulators (CESR) established by Commission Decision 2001/527/EC⁽⁴⁾, an opinion to the Commission on 30 June 2006, in which they expressed a preference for a simple electronic network mode linking the storage mechanisms. Such network could be accessed via a common interface which would contain a list of all listed companies in the Community and would redirect the user to the site of the relevant storage mechanism. The relevant data would thus remain stored at national level without any need to establish a common infrastructure replicating all the relevant information contained at national level and incurring excessive additional costs.
- (4) It is appropriate to provide at this stage for voluntary standards giving the necessary flexibility to the storage mechanisms to adapt themselves to the functioning of the electronic network.
- (5) It is desirable that the storage mechanisms are able to interconnect electronically to each other, so that investors and interested parties can easily accede to financial information on listed companies in the Community. In order to provide for a rapid establishment of such an electronic network, it should be based on simple conditions such as those suggested by the competent authorities of the Member States. A simple network should also allow for the provision of added value services to investors.

⁽¹⁾ OJ L 390, 31.12.2004, p. 38.

⁽²⁾ OJ L 96, 12.4.2003, p. 16.

⁽³⁾ OJ L 345, 31.12.2003, p. 64.

⁽⁴⁾ OJ L 191, 13.7.2001, p. 43.

- (6) For the purposes of facilitating the access of investors to financial information on listed companies, storage mechanisms should be invited to integrate, wherever possible, related financial information disclosed by issuers in accordance with other Community or national acts.
- (7) In order to enable effective launching of the electronic network, the competent authorities of the Member States, within CESR and in close association with the storage mechanisms, should be invited to prepare a network governance agreement containing the essential conditions for the creation, functioning and funding of the electronic network and notably the appointment of a body that should be charged with the daily management of the network.
- (8) It is important that the storage mechanisms remain free to decide on their own pricing policy so as to secure their own financial viability. At the same time, they should not discriminate in their pricing policy between the users of electronic network and the users who have access to the storage mechanism at national level.
- (9) For the proper functioning of the electronic network, and in order to make sure that comparable services are offered to the users of that network within the Community, minimum quality standards for the storage of regulated information at the national level are necessary. It is important that sufficient security as regards the communication, storage and access to data is guaranteed by the storage mechanisms. It is equally important to establish systems providing for certainty as to the source and the content of the information filed with the storage mechanisms. In order to facilitate the automatic electronic docketing, date and time stamping and further processing of information filed, storage mechanisms should consider imposing the use of appropriate formats and templates. Additionally, in order to facilitate the access to the information stored by end users, appropriate searching facilities and service support should be provided. For the purposes of coherence of the system, the standards should be, to the extent possible, identical for the storage mechanisms participating in the network and for the body designed to manage the network platform on a daily basis.
- (10) A gradual approach appears necessary in order to ensure that the electronic network of storage mechanisms will be able to meet the expectations of issuers and investors in the long term, notably the possibility of a virtual one-stop-shop for accessing financial information disclosed by listed companies. Therefore, it is appropriate to provide for an examination of possible solutions to enhance this network in the future. In order to ensure coherence with the initial establishment of the network, such examination should be undertaken by the competent authorities of the Member States within the CESR. This work should at least include an examination of the possibility to link this electronic network with the

electronic network which is being developed by the national company registries covered by the First Council Directive 68/151/EEC of 9 March 1968 on coordination of safeguards which, for the protection of the interests of members and others, are required by Member States of companies within the meaning of the second paragraph of Article 58 of the Treaty, with a view to making such safeguards equivalent throughout the Community⁽¹⁾.

- (11) In order to allow the Commission to monitor closely the situation and to assess the need for further measures, including the possibility to adopt implementing measures in accordance with Article 22(2) of Directive 2004/109/EC, the Member States should be invited to provide the Commission with the relevant information,

HEREBY RECOMMENDS:

CHAPTER I

SUBJECT MATTER

1. The objective of this Recommendation is to encourage the Member States to ensure that the necessary steps are taken in order to effectively interconnect the officially appointed mechanisms for the central storage of regulated information, as referred to in Article 21(2) of Directive 2004/109/EC (hereinafter 'the storage mechanisms'), in a single electronic network within the Community, as referred to in point (b) of second subparagraph of Article 22(1) of that Directive (hereinafter 'the electronic network').

CHAPTER II

THE ELECTRONIC NETWORK

2. The agreement on governance of the electronic network
 - 2.1. Member States should facilitate the establishment and development of the electronic network in its initial stage by mandating the competent authorities referred to in Article 24 of Directive 2004/109/EC to prepare within the Committee of European Securities Regulators (CESR) established by Decision 2001/527/EC, an agreement on the governance of the electronic network (hereinafter 'the governance agreement'). The storage mechanisms should be closely associated to the preparation of that agreement.

Member States should designate the entity empowered to conclude this agreement. In doing so, they should take into account the respective powers of the storage mechanisms, the competent authorities or other appropriate entity.

⁽¹⁾ OJ L 65, 14.3.1968, p. 8. Directive as last amended by Directive 2006/99/EC (OJ L 363, 20.12.2006, p. 137).

- 2.2. The governance agreement should address at least the following issues:
- (a) the creation of a network platform;
 - (b) the conditions to join the electronic network;
 - (c) the consequences of non-compliance with the conditions of participation and how to enforce these conditions;
 - (d) the appointment of a body that manages the network platform on a daily basis and the main conditions applicable to this management;
 - (e) the mechanism to decide on the upgrades of the electronic network, which should take into account, where appropriate, the views of all stakeholders, including end users;
 - (f) the funding conditions;
 - (g) the dispute resolution system;
 - (h) the mechanism for the modification of the agreement itself.
- 2.3. Member States should take appropriate measures to ensure that the storage mechanisms comply with the governance agreement.
3. The conditions as regards technical interoperability of the electronic network
- The electronic network, established under the governance agreement, should, at least, contain the following functionalities:
- (a) a central application server and a central database containing a list of all issuers with a common interface and allowing, for each issuer, to link the end user to the storage mechanism which holds regulated information relating to that issuer;
 - (b) a single access point for end users, which could be either achieved at a central point or at each storage mechanism individually;
 - (c) an interface language directory available to end users at the single access point with the communication languages accepted nationally by the storage mechanisms participating in the electronic network;
 - (d) access to all documents available nationally in the storage mechanisms participating in the electronic network, including, when available, information disclosed by issuers pursuant to Directive 2003/06/EC, Directive 2003/71/EC and other Community acts or national law;
 - (e) the possibility of the further use of data accessible through the electronic network, where possible.
4. Pricing of access to the information contained in the electronic network
- 4.1. Storage mechanisms should be free to establish their own pricing policy. However, they should not discriminate in their pricing policy between end users accessing to their information directly through their respective national access point and those accessing indirectly through the single access point provided by the electronic network.
- 4.2. Storage mechanisms should consider granting free of charge access to investors or interested parties in relation to the regulated information, at least during a certain period following its filing by the issuer.
- 4.3. Points 4.1 and 4.2 do not concern the provision of added value services by the storage mechanisms or by any third party using the information accessible through the electronic network.

CHAPTER III

THE MINIMUM QUALITY STANDARDS

Section 1

General

5. Member States should ensure that the storage mechanisms participating in the electronic network comply with standards equivalent to the model standards laid down in this chapter.

The Member States should also ensure that the body referred to in point 2.2(d) appointed pursuant to the governance agreement complies with the standards laid down in Sections 2 and 3.

6. Member States should ensure that the same standards applying to issuers as defined in point 1(d) of Article 2 of Directive 2004/109/EC apply also to persons who have applied for admission to trading on a regulated market without the issuer's consent, as referred to in Article 21(1) of that Directive.

Section 2

Security

7. Security of communication

- 7.1. The storage mechanism should have in place sound security mechanisms designed to ensure the security of the means of communication used to link the issuer with the mechanism, and to provide certainty as to the source of the information being filed.
- 7.2. The storage mechanism should be, for security reasons, entitled to limit the means of communication to be used but it should be able, at least, to receive electronic filings through a system accessible to the issuer.

In any event, the types of means of communication to be used should be easily accessible, commonly used and widely available at a low cost.

8. Integrity of stored regulated information

- 8.1. The storage mechanism should store the information in a secure electronic format and should have in place appropriate security mechanisms designed to minimise the risks of data corruption and unauthorised access.
- 8.2. The storage mechanism should ensure that the regulated information it holds as received from the issuer is complete and that the content of the regulated information is not editable while stored.

In case that the storage mechanism accepts the filing of information using means of communication other than electronic, the storage mechanism should ensure, when converting the documents into electronic documents, that the content of the information is complete and unedited as originally sent by the issuer the information.

- 8.3. Information that has been sent to the storage mechanism and displayed should not be taken out of the storage mechanism. If an addition or correction is necessary, then the correcting or additional piece of information should identify the item it modifies and should be identified as a correction or addendum.

9. Validation

- 9.1. The storage mechanism should be able to validate the information filed, meaning that the mechanism should enable an automatic inspection of the filed documents for technical adherence to standards required, completeness and accuracy of their formats.

- 9.2. The storage mechanism should have systems in place to detect interruptions of the electronic feed and to request the re-transmission of any data that it fails to receive from the sender.

10. Reliable access to services

- 10.1. The storage mechanism should have security systems in place so as to ensure that its services can be accessed by issuers and end users, without disruption, 24 hours a day and seven days a week.

Each storage mechanism should define its own requirements, based on the characteristics of its systems and the particular conditions in which it operates.

The capacity of the systems, namely, the capacity of its servers and the bandwidth available, should be sufficient to support the expected requests from issuers, as regards filing of information, and end users, as regards access to stored information.

- 10.2. The storage mechanism should be entitled to prevent access to its systems for brief periods when necessary in order to perform essential maintenance or in order to upgrade its services. Where possible, such interruptions should be announced in advance.

11. Acceptance of waivers and recovery

The storage mechanism should have an evaluation process for reviewing and accepting or denying waivers for late filings due to technical issues of the storage mechanism and non-standard submissions. The mechanism should also provide recovery tools that allow the issuer to use other mechanisms of filing in place of the prescribed one when this is out of order. However, there should be an obligation on the issuer to re-file the information through the main mechanism when restored.

12. Back-up systems
- 12.1. The storage mechanism should be technologically independent and have sufficient back-up facilities in place in order to maintain and to re-establish its services in a reasonable timeframe.
- 12.2. The nature of these back-up systems will need to be evaluated by each storage mechanism taking into consideration the specific characteristics of the systems in place.

Section 3

Certainty as to the information source

13. Certainty as to the source of information and the authenticity of origin
- 13.1. The storage mechanism should have in place sound systems designed to provide certainty as to the source of the information being filed. The storage mechanism should have certainty that the information it receives is from an authentic source. The storage mechanism should verify that any regulated financial information it receives directly originates from the person or entity that has the filing obligation or from a person or entity authorised to on its behalf.
- 13.2. The storage mechanism should be able to electronically acknowledge receipt of documents. The storage mechanism should either confirm validation of filing or reject a submission with an explanation for the rejection and it should have a 'non-repudiation' function.

14. User Authentication

The security measures of the storage mechanism should be designed to establish the validity of the originator, or a means of verifying an individual's authorization to send specific information. The storage mechanism should be entitled to impose the use of digital signatures, access codes or any other appropriate measure providing with sufficient certainty.

15. Need to ensure integrity of the content of regulated information

The storage mechanism should assure that there is no significant risk of corruption or change of original information either accidentally or maliciously and to ascertain any alteration.

Section 4

Time recording

16. Electronic docketing and date and time stamp
- 16.1. The storage mechanism should be able to automatically docket electronic filings and add a date and time stamp.

- 16.2. The storage mechanism should be entitled to impose the filing of information in pre-determined formats and templates allowing for the use of straight-through processing technology.

If particular formats are imposed, the storage mechanism should nevertheless use open architecture systems for the filing of information and should, at least, accept:

- (a) file formats and transmission protocols that are non-proprietary and that obviate single vendor software applications;
- (b) commonly used and generally accepted proprietary formats.

If templates are imposed, the storage mechanism should ensure that they are easily accessible and, where available, they should be aligned with those used for filing the same regulated information with the competent authority.

- 16.3. The information should be date and time stamped as it enters into the storage mechanism, irrespective of whether the information is checked by the competent authority before (*ex ante* control) or will be checked after (*ex post* control) it enters in the storage mechanism.

Section 5

Easy Access by end users

17. Presentation of the information

When presenting its services to the end users, the storage mechanism should distinguish between regulated financial information filed pursuant to a legal obligation and any additional valued-added service offered by the storage mechanism.

18. Language regime

- 18.1. The storage mechanism should file and facilitate access to all the available linguistic versions of the information as submitted by the issuer. However, access to all the linguistic versions does not mean that the information should be translated by the storage mechanism into languages other than those submitted by the issuer.

- 18.2. The searching facilities in the storage mechanism should be available in the language accepted by the competent authorities in the home Member State and, at least, in a language customary in the sphere of international finance.

19. Technical accessibility

19.1. The storage mechanism should use open architecture systems for the access to the stored information. In designing the systems, the storage mechanism should ensure that its systems allow or are capable of allowing for technical interoperability with other storage mechanisms in the same or in other Member States.

19.2. Information should be accessible to end users by the storage mechanism as soon as technically feasible from its filing, taking into consideration the structures and operating procedures of the storage mechanism. The storage mechanism should not deliberately delay the process.

19.3. The storage mechanism should provide end users with access to all stored regulated information on a continuous basis, in accordance with the conditions described in point 10.

19.4. The storage mechanism should offer service support for its users. The level of support that each storage mechanism decides to provide needs to be decided at national level.

20. Format of the information that can be accessed by end users

20.1. Regulated information held by the storage mechanism should be held in a format that enables users to view, download and print, in a straightforward manner, the full content of regulated information from wherever the user is located. However, access to the regulated information does not mean that printed copies of this information should be made available by the storage mechanism.

20.2. The storage mechanism should offer end users the possibility to search, order and interrogate regulated information stored.

20.3. The storage mechanism should record sufficient reference information relating to the regulated information it receives. Such reference information should, at least, include the following items:

- (a) identify the information as regulated information;
- (b) the name of the issuer from which the regulated information originated;

(c) the title of the document;

(d) the time and date on which the regulated information was disseminated;

(e) the language of the document;

(f) the type of regulated information.

The storage mechanism should organise and categorise regulated information in accordance with, at least, the items listed in the first subparagraph.

The storage mechanism should be allowed to require issuers to provide the necessary reference information when filing regulated information.

The storage mechanism should align these categories with the other storage mechanisms, in particular in relation to the type of regulated information, in accordance with the agreement referred to in chapter II of this Recommendation.

20.4. The storage mechanism should be allowed to require issuers to use predetermined file formats and templates. In any event, the storage mechanism should, at least, accept:

- (a) file formats and transmission protocols that are non-proprietary and that obviate single vendor software applications;
- (b) commonly used and generally accepted proprietary formats.

If templates are imposed, the storage mechanism should ensure that they are easily accessible and they should be aligned with those used for filing the same regulated information with the competent authority.

CHAPTER IV

GUIDELINES FOR FUTURE DEVELOPMENT OF ELECTRONIC NETWORK

21. The Member States should encourage the competent authorities to draw up, by 30 September 2010, within CESR, appropriate guidelines for the future development of the electronic network.

22. Those guidelines should in particular examine the feasibility, including a cost/benefit analysis, to require:

- (a) the use, in all the access points to the electronic network, of harmonised searching facilities based on a set of common search keys and reference data items, thus harmonising the methods of classifying and identifying the information to store;
- (b) the use of common input formats and standards for the submission of regulated information to the storage mechanisms;
- (c) the use by the storage mechanism of a common list of types of regulated information;
- (d) the technical interconnection with the electronic network developed by the national company registries covered by the Directive 68/151/EEC;
- (e) entrusting the supervision of the services provided by any legal entity operating the common elements of the electronic network to a single body composed of representatives of the competent authorities referred to in Article 24 of Directive 2004/109/EC.

The harmonised searching facilities referred to in point (a) of the first subparagraph should at least provide for the possibility of making:

- (a) searches using common category labels attached to the regulated financial information when filed with the storage mechanisms, such as: issuer name; date of filing; country of issuer; title of document; industry/branch of trade and type of regulated information;
- (b) dynamic or chain searches;
- (c) multiple-country searches with a single request.

The guidelines should also develop common lists for the purposes of establishing sub-category labels with regard to industry/branch of trade and type of regulated information.

CHAPTER V

FOLLOW-UP AND ADDRESSEES

- 23. Member States are invited to inform the Commission of the steps taken in the light of this Recommendation by 31 December 2008.
- 24. This recommendation is addressed to the Member States.

Done at Brussels, 11 October 2007.

For the Commission
Charlie McCREEVY
Member of the Commission