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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 1272/2007

of 29 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 30 October 2007.

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

Done at Brussels, 29 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 29 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	57,4
	MK	41,5
	ZZ	49,5
0707 00 05	EG	151,2
	JO	190,9
	MA	40,7
	MK	64,0
	TR	150,0
	ZZ	119,4
	ZZ	119,4
0709 90 70	MA	58,6
	TR	112,2
	ZZ	85,4
0805 50 10	AR	75,7
	TR	89,4
	ZA	63,4
	ZZ	76,2
0806 10 10	BR	243,7
	MK	26,1
	TR	117,1
	US	238,8
	ZA	189,6
	ZZ	163,1
0808 10 80	AU	148,5
	CL	161,2
	MK	29,7
	NZ	104,4
	US	97,4
	ZA	123,5
	ZZ	110,8
0808 20 50	AR	49,5
	CN	89,0
	TR	124,1
	ZZ	87,5

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

COMMISSION REGULATION (EC) No 1273/2007

of 29 October 2007

amending Regulation (EC) No 1914/2006 laying down detailed rules for applying Council Regulation (EC) No 1405/2006 laying down specific measures for agriculture in favour of the smaller Aegean islands

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1405/2006 of 18 September 2006 laying down specific measures for agriculture in favour of the smaller Aegean islands and amending Regulation (EC) No 1782/2003⁽¹⁾, and in particular Article 14 thereof,

Whereas:

(1) In the light of the experience gained from the application of Commission Regulation (EC) No 1914/2006⁽²⁾ it appears that some provisions of that Regulation need to be adapted.

(2) Commission Regulation (EC) No 1291/2000 of 9 June 2000 laying down common detailed rules for the application of the system of import- and export licences and advance fixing certificates for agricultural products⁽³⁾ provides for the issuing and use of certificates using computerised systems; references to this possibility should be integrated in Regulation (EC) No 1914/2006.

(3) Article 4(1) of Regulation (EC) No 1914/2006 does not clearly indicate that payments are to be made throughout the year. It should, therefore, be amended to include such a statement. Similarly, Article 35 of that Regulation should be amended to make it possible to make payments throughout the year for the measures referred to in that Article.

(4) The procedures for amendments to programmes provided for in Article 34 of Regulation (EC) No 1914/2006 need to be more precise. It is appropriate to specify the rules for the submission of the requests for amendments to the overall programmes and for their approval by the Commission, as well as the timing for their application. Due to budgetary rules, the approved amendments should be implemented as from 1 January of the year following the request for amendment.

Moreover, there should be a distinction between major amendments requiring approval by a Commission Decision and minor amendments that should only be notified to the Commission for information.

(5) The time limit of 90 days for the aid to be paid by the competent authorities after the date on which the utilised aid certificate is lodged as provided for in Article 4(1) of Regulation (EC) No 1914/2006 is too long and leads to certain administrative difficulties. It should, therefore, be reduced to 60 days.

(6) Regulation (EC) No 1914/2006 should therefore be amended accordingly.

(7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Direct Payments,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1914/2006 is amended as follows:

1. Article 4 is amended as follows:

(a) Paragraph 1 is amended as follows:

(i) in the third subparagraph, the introductory phrase is replaced by the following:

'The aid shall be paid by the competent authorities not later than 60 days after the date on which the utilised aid certificate is lodged, except in one of the following cases:;

(ii) the following text is added as the fourth subparagraph:

'Payments shall be made throughout the year.;

⁽¹⁾ OJ L 265, 26.9.2006, p. 1.

⁽²⁾ OJ L 365, 21.12.2006, p. 64.

⁽³⁾ OJ L 152, 24.6.2000, p. 1. Regulation as last amended by Regulation (EC) No 1913/2006 (OJ L 365, 21.12.2006, p. 52).

- (b) In paragraph 2, the first subparagraph is replaced by the following:

'Aid certificates shall be drawn up on the basis of the specimen of import licence set out in Annex I to Regulation (EC) No 1291/2000. Articles 8(5), 13, 15, 17, 18, 19, 21, 23, 26, 27, 29 to 33 and 36 to 41 of Regulation (EC) No 1291/2000 shall apply *mutatis mutandis* without prejudice to this Regulation.';

2. Article 34 is replaced by the following:

'Article 34

Amendments to programmes

1. Amendments to the overall programme approved under Article 13(2) of Regulation (EC) No 1405/2006 shall be submitted to the Commission and shall be duly substantiated, in particular giving the following information:

- (a) the reasons and any implementation problem justifying amendment of the overall programme;
- (b) the expected effects of the amendment;
- (c) the implications for financing and verification of commitments.

Except in cases of *force majeure* or exceptional circumstances, Greece shall submit requests for programme amendments not more than once per calendar year and per programme and no later than 30 September of each year.

If the Commission raises no objections to the amendments requested, Greece shall apply those amendments from 1 January of the year following that in which they were notified.

Such amendments may apply earlier if the Commission confirms in writing to Greece before the date referred to in the third subparagraph that the notified amendments comply with Community legislation.

If the notified amendment does not comply with Community legislation, the Commission shall inform Greece thereof and the amendment shall not apply until the Commission receives an amendment that can be declared as compliant.

2. By way of derogation from paragraph 1, for the following amendments, the Commission shall evaluate the proposals of Greece and decide on their approval within four months of their submission at the latest in accordance with the procedure referred to in Article 13(2) of Regulation (EC) No 1405/2006:

- (a) the introduction of new measures or aid schemes into the overall programme; and
- (b) the increase of the unit level of support already approved for each existing measure or aid scheme by more than 50 % of the amount applicable at the time when the request for amendment is presented.

3. Greece shall be authorised to make the following amendments without recourse to the procedure set out in paragraph 1 provided that the amendments are notified to the Commission:

- (a) as regards the forecast supply balances, changes in the quantities of the products concerned covered by the supply arrangements and, consequently, the global amount of aid allocated to support each line of products; and
- (b) as regards support for local production, adjustments up to 20 % of the financial allocation for each individual measure.

Such amendments shall not apply before the date on which they are received by the Commission. They may be implemented only once a year except in cases of *force majeure* or exceptional circumstances, of modification of the quantities of the products covered by the supply arrangements and of modification of the statistical nomenclature and of the Common Customs Tariff codes as provided for in Council Regulation (EEC) No 2658/87 (*).

(*) OJ L 256, 7.9.1987, p. 1.;

3. in Article 35, the following text is added as the second paragraph:

'Payments for studies, demonstration projects, training or technical assistance measures shall be made throughout the 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, 29 October 2007.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

COMMISSION REGULATION (EC) No 1274/2007**of 29 October 2007****amending Regulation (EC) No 2104/2004 laying down detailed implementing rules for Council Regulation (EC) No 639/2004 on the management of fishing fleets registered in the Community outermost regions**

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 11(5) thereof,

Having regard to Council Regulation (EC) No 639/2004 of 30 March 2004 on the management of fishing fleets registered in the Community outermost regions ⁽²⁾, and in particular Article 1(2) and Article 4(3) thereof,

Whereas:

- (1) The statement on outermost regions made jointly by the Council and the Commission during the Fisheries Council of 27 July 2006 ⁽³⁾ stresses the need for appropriate measures ensuring the sustainable development of the fisheries sector in those regions. Such measures are to take account of the specificities of fishing activities in the relevant areas. Furthermore, they are to be adopted in the light of the ongoing study on this topic and in the light of the assessment, by the Scientific, Technical and Economic Committee for Fisheries (STECF), of the state of fisheries resources in outermost regions.
- (2) Following that statement, France and Portugal have adopted development plans for Guadeloupe, Martinique, French Guiana, Réunion and the Azores. An assessment of the effects of those plans on fisheries resources has been delivered by STECF during its plenary meeting of April 2007.

- (3) At the same time complementary information has been submitted to the Commission on proposed regularisations relating to an important number of vessels, which carried out fishing activities before 31 December 2006 and remained active in outermost regions without having been entered in the Community Fleet Register. Such regularisations are to be considered as an extension to the development plans.
- (4) The development plans contribute to the sustainable development of the fisheries sector in outermost regions. In this context the reference levels for some of the fleets registered in outermost regions should be reviewed. Commission Regulation (EC) No 2104/2004 ⁽⁴⁾ should therefore be amended accordingly.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 2104/2004 is replaced by the text in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 29 October 2007.

For the Commission

Joe BORG

Member of the Commission

⁽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 102, 7.4.2004, p. 9. Regulation as amended by Regulation (EC) No 1646/2006 (OJ L 309, 9.11.2006, p. 1).

⁽³⁾ Council Document No 11823/06 ADD 1, 20 July 2006.

⁽⁴⁾ OJ L 365, 10.12.2004, p. 19. Regulation as amended by Regulation (EC) No 1570/2005 (OJ L 252, 28.9.2005, p. 6).

ANNEX

'ANNEX

Specific reference levels for fishing fleets registered in the outermost regions of Spain, France and Portugal

Spain			
Fleet segment	Segment code	GT	kW
Canary Islands. Length < 12 m. EU waters	CA1	2 878	23 202
Canary Islands. Length ≥ 12 m. EU waters	CA2	4 779	16 055
Canary Islands. Length ≥ 12 m. International and third country waters	CA3	51 167	90 680
Total		58 824	129 937

France			
Fleet segment	Segment code	GT	kW
Réunion. Demersal and pelagic species. Length < 12 m	4FC	1 050	19 320
Réunion. Pelagic species. Length ≥ 12 m	4FD	10 002	31 465
French Guiana. Demersal and pelagic species. Length < 12 m	4FF	475	6 260
French Guiana. Shrimp vessels.	4FG	7 560	19 726
French Guiana. Pelagic species. Offshore vessels.	4FH	3 500	5 000
Martinique. Demersal and pelagic species. Length < 12 m	4FJ	5 409	142 116
Martinique. Pelagic species. Length ≥ 12 m	4FK	1 000	3 000
Guadeloupe. Demersal and pelagic species. Length < 12 m	4FL	6 188	167 765
Guadeloupe. Pelagic species. Length ≥ 12 m	4FM	500	1 750
Total		35 684	396 402

Portugal			
Fleet segment	Segment code	GT	kW
Madeira. Demersal species. Length < 12 m	4K6	680	4 574
Madeira. Demersal and pelagic species. Length ≥ 12 m	4K7	5 354	17 414
Madeira. Pelagic species. Seine. Length ≥ 12 m	4K8	253	1 170
Azores. Demersal species. Length < 12 m	4K9	2 721	30 910
Azores. Demersal and pelagic species. Length ≥ 12 m	4KA	14 246	29 845
Total		23 254	83 913'

COMMISSION REGULATION (EC) No 1275/2007**of 29 October 2007****amending Annex IX to Regulation (EC) No 999/2001 of the European Parliament and of the Council laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies ⁽¹⁾, and in particular Article 23 thereof,

Whereas:

- (1) Regulation (EC) No 999/2001 lays down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies (TSEs) in animals. It applies to the production and placing on the market of live animals and products of animal origin.
- (2) Annex IX to Regulation (EC) No 999/2001 lays down the rules for the importation into the Community of live animals, embryos, ova and products of animal origin. The removal of specified risk material from products destined for food and feed is the single most important public health protection measure.
- (3) Article 5 of Regulation (EC) No 999/2001 provides for the bovine spongiform encephalopathy (BSE) status of Member States or third countries or regions thereof to be determined by classification into three categories: negligible BSE risk, controlled BSE risk and undetermined BSE risk. That Article also provides for a reassessment of the Community categorisation of countries following the establishment by the World Organisation for Animal Health (OIE) of a procedure for the classification of countries by category.
- (4) Pending the adoption of a decision on the BSE status of Member States and third countries, Regulation (EC)

No 999/2001 provides for transitional measures to be applied for a period ending on 1 July 2007. Under the transitional measures regarding BSE the restrictions on imports into the Community from third countries with a BSE risk covered meat products as defined in Council Directive 77/99/EEC ⁽²⁾, which included treated intestines (animal casings). In addition the possibility of triangular trade was introduced where third countries with a BSE risk could export treated intestines, sourced from countries where BSE was considered highly unlikely.

- (5) On 25 June 2007 Regulation (EC) No 999/2001 was amended by Commission Regulation (EC) No 722/2007 ⁽³⁾. Regulation (EC) 999/2001, as thus amended, introduced a Community categorisation system of countries according their BSE risk, in line with that of the OIE. It entailed not only the listing of all countries under one of three categories: negligible BSE risk, controlled BSE risk and undetermined BSE risk, but also introduced trade rules according to each risk category.
- (6) The import rules relating to the new categorisation system referred to meat products as defined in Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin ⁽⁴⁾, which excluded treated intestines. In line with the conditions applicable before 1 July 2007 and in order to ensure the same level of consumer protection, treated intestines should be included in the list of products covered by the TSE related import rules in Regulation (EC) No 999/2001. Annex IX to that Regulation should therefore be amended accordingly.
- (7) No TSE related import conditions apply for third countries with a negligible BSE risk status. It is necessary to clarify the import conditions in case intestines are sourced from a country or a region with a negligible BSE risk and treated in a third country with a different BSE risk status. For consistency reasons the possibility of triangular trade should be re-introduced under the new provisions.

⁽¹⁾ OJ L 147, 31.5.2001, p. 1. Regulation as last amended by Commission Regulation (EC) No 727/2007 OJ L 165, 27.6.2007, p. 8).

⁽²⁾ OJ L 26, 31.1.1977, p. 85. Directive as last amended by Regulation (EC) No 807/2003 (OJ L 122, 16.5.2003, p. 36).

⁽³⁾ OJ L 164, 26.6.2007, p. 7.

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

- (8) Regulation (EC) No 999/2001 should therefore be amended accordingly.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

Annex IX to Regulation (EC) No 999/2001 is amended in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the third 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, 29 October 2007.

For the Commission
Markos KYPRIANOU
Member of the Commission

ANNEX

In Annex IX, Regulation (EC) No 999/2001, Chapter C is amended as follows:

(a) Section A is replaced by the following:

‘SECTION A

Products

The following products of bovine, ovine and caprine animal origin, as defined by Regulation (EC) No 853/2004 of the European Parliament and of the Council (*) shall be subject to the conditions laid down in Sections B, C and D depending on the BSE risk category of the country of origin:

- fresh meat,
- minced meat and meat preparations,
- meat products,
- treated intestines,
- rendered animal fats,
- greaves, and
- gelatine.

(*) OJ L 139, 30.4.2004, p. 55, as corrected by OJ L 226, 25.6.2004, p. 22.’

(b) In Section C, the following point 5 is added:

‘5. In the case of intestines originally sourced from a country or a region with a negligible BSE risk, imports of treated intestines shall be subject to the presentation of an animal health certificate attesting that:

- (a) the country or region is classified in accordance with Article 5(2) as a country or region posing a controlled BSE risk;
- (b) the animals from which the products of bovine, ovine and caprine animal origin were derived were born, continuously reared and slaughtered in the country or region with a negligible BSE risk and passed *ante-mortem* and *post-mortem* inspections;
- (c) if the intestines are sourced from a country or region where there have been BSE indigenous cases:
 - (i) the animals were born after the date from which the ban on the feeding of ruminants with meat-and-bone meal and greaves derived from ruminants had been enforced; or
 - (ii) the products of bovine, ovine and caprine animal origin do not contain and are not derived from specified risk material as defined in Annex V.’

(c) In Section D, the following point 5 is added:

‘5. In the case of intestines originally sourced from a country or a region with a negligible BSE risk, imports of treated intestines shall be subject to the presentation of an animal health certificate attesting that:

- (a) the country or region is classified in accordance with Article 5(2) as a country or region posing an undetermined BSE risk;
- (b) the animals from which the products of bovine, ovine and caprine animal origin were derived were born, continuously reared and slaughtered in the country or region with a negligible BSE risk and passed *ante-mortem* and *post-mortem* inspections;
- (c) if the intestines are sourced from a country or region where there have been BSE indigenous cases:
 - (i) the animals were born after the date from which the ban on the feeding of ruminants with meat-and-bone meal and greaves derived from ruminants had been enforced; or
 - (ii) the products of bovine, ovine and caprine animal origin do not contain and are not derived from specified risk material as defined in Annex V.’

COMMISSION REGULATION (EC) No 1276/2007**of 29 October 2007****amending Council Regulation (EC) No 1782/2003, Council Regulation (EC) No 247/2006 and Commission Regulation (EC) No 552/2007, as regards the fixing of budgetary ceilings for 2007**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1782/2003 of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and amending Regulations (EEC) No 2019/93, (EC) No 1452/2001, (EC) No 1453/2001, (EC) No 1454/2001, (EC) No 1868/94, (EC) No 1251/1999, (EC) No 1254/1999, (EC) No 1673/2000, (EEC) No 2358/71 and (EC) No 2529/2001⁽¹⁾, and in particular Articles 64(2) and 70(2) thereof,

Having regard to Council Regulation (EC) No 247/2006 of 30 January 2006 laying down specific measures for agriculture in the outermost regions of the Union⁽²⁾, and in particular the second sentence of Article 20(3) thereof,

Whereas:

- (1) Annex VIII to Regulation (EC) No 1782/2003 sets for each Member State the national ceilings which cannot be exceeded by the reference amounts mentioned in Chapter 2 of Title III of that Regulation.
- (2) Article 23(2) of Regulation (EC) No 247/2006 sets the annual maximum amounts up to which the Community finances the measures provided for in Titles II and III of that Regulation.
- (3) Annexes I, II and III to Commission Regulation (EC) No 552/2007 of 22 May 2007 establishing the maximum Community contribution to financing the work programmes in the olive oil sector and fixing, for 2007, budgetary ceilings for the partial or optional implementation of the Single Payment Scheme and the annual financial envelopes for the Single Area Payment Scheme, provided for in Council Regulation (EC) No 1782/2003, and amending that Regulation⁽³⁾, lay

down respectively, for the 2007 calendar year in each case, the budgetary ceilings for direct payments to be granted in accordance with Articles 66 to 69 of Regulation (EC) No 1782/2003, the budgetary ceilings for direct payments to be granted in accordance with Article 70 of that Regulation and the budgetary ceilings for the Single Payment Scheme.

- (4) In accordance with the first sentence of Article 20(3) of Regulation (EC) No 247/2006, Portugal has decided to reduce for 2007 the national ceiling for suckler cow premium rights and to transfer the corresponding financial amount in order to reinforce the Community contribution, provided for in Article 23 of Regulation (EC) No 247/2006, towards the financing of the specific measures laid down in that Regulation. Consequently, it is necessary to deduct from the national ceiling for Portugal for 2007, set in Annex VIII to Regulation (EC) No 1782/2003, the amount which is to be added to the financial amount set in Article 23(2) of Regulation (EC) No 247/2006 and to reduce the budgetary ceilings applicable in Portugal for 2007 to the suckler cow premium, including the supplement thereto, and to the beef and veal payments (Article 69 of Regulation (EC) No 1782/2003), set in Annex I to Regulation (EC) No 552/2007.
- (5) In accordance with a decision taken by Portugal, the amounts deriving from the dairy premium and additional payments, provided for in Articles 95 and 96 of Regulation (EC) No 1782/2003, were included in the Single Payment Scheme as from 2007. It is on this basis that the budgetary ceiling for the Single Payment Scheme referred to in Title III of Regulation (EC) No 1782/2003 was calculated for 2007 for Portugal. This ceiling was set in Annex III to Regulation (EC) No 552/2007. However, when the budgetary ceilings were set for 2007, the exclusion from the Single Payment Scheme of dairy premiums and additional payments for farmers in the Azores and Madeira, in accordance with Article 70(1)(b) of Regulation (EC) No 1782/2003, was not taken into account.
- (6) The budgetary ceilings applicable for 2007 in Portugal to the direct payments to be granted in accordance with Article 70 of Regulation (EC) No 1782/2003 and to the Single Payment Scheme should therefore be amended by deducting from Annex III to Regulation (EC) No 552/2007 an amount corresponding to the amounts relating to the dairy premium and additional payments to milk producers, and by adding them to Annex II to that Regulation.

⁽¹⁾ OJ L 270, 21.10.2003, p. 1. Regulation as last amended by Regulation (EC) No 1182/2007 (OJ L 273, 17.10.2007, p. 1).

⁽²⁾ OJ L 42, 14.2.2006, p. 1. Regulation as last amended by Regulation (EC) No 2013/2006 (OJ L 384, 29.12.2006, p. 13).

⁽³⁾ OJ L 131, 23.5.2007, p. 10.

- (7) Spain decided, before 1 August 2004, to implement partially the Single Payment Scheme under the conditions laid down in Articles 64 to 69 of Regulation (EC) No 1782/2003, including those for beef and veal payments. However, under Article 8 of Council Regulation (EC) No 1083/2006 of 11 July 2006 laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund, and repealing Regulation 1260/1999⁽¹⁾, the Spanish region of Cantabria cannot, as from 2007, benefit from the transitional aid provided for in that Article. Consequently, the national premium supplementing the suckler cow premium provided for in Article 125(5) of Regulation (EC) No 1782/2003 and granted to holdings situated in the Spanish region of Cantabria cannot be financed by the EAGF as from 2007. In order to ensure continued Community support for suckler cows, Spain has requested that an amount corresponding to the payments made under the additional national premium in Cantabria up to 2006 be transferred from the ceiling set for 2007 in Annex I to Regulation (EC) No 552/2007 for the additional national premium to the ceiling set in that Annex for the suckler cow premium. The above-mentioned budgetary ceilings should therefore be adjusted.
- (8) Regulations (EC) No 1782/2003, (EC) No 247/2006 and (EC) No 552/2007 should be amended accordingly.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Direct Payments,

HAS ADOPTED THIS REGULATION:

Article 1

In Annex VIII to Regulation (EC) No 1782/2003, the amount concerning Portugal for 2007 is replaced by '570 997'.

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

Done at Brussels, 29 October 2007.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

Article 2

In the table in Article 23(2) of Regulation (EC) No 247/2006, the amount relating to the Azores and Madeira for the 2008 budget year is replaced by '86,98'.

Article 3

Regulation (EC) No 552/2007 is amended as follows:

1. Annex I is amended as follows:

- (a) the amount for the 'Suckler cow premium' for Spain is replaced by '261 153';
- (b) the amount for the 'Additional suckler cow premium' for Spain is replaced by '26 000';
- (c) the amount for the 'Suckler cow premium' for Portugal is replaced by '78 695';
- (d) the amount for the 'Additional suckler cow premium' for Portugal is replaced by '9 462';
- (e) the amount for 'Article 69, beef and veal' for Portugal is replaced by '1 681';

2. Annex II is replaced by the text in the Annex to this Regulation;

3. in Annex III, the amount concerning Portugal is replaced by '413 774'.

Article 4

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

⁽¹⁾ OJ L 210, 31.7.2006, p. 25. Regulation as amended by Regulation (EC) No 1989/2006 (OJ L 411, 30.12.2006, p. 6), corrected by OJ L 27, 2.2.2007, p. 5).

ANNEX

ANNEX II

BUDGETARY CEILINGS FOR DIRECT PAYMENTS TO BE GRANTED IN ACCORDANCE WITH ARTICLE 70 OF REGULATION (EC) No 1782/2003

2007 Calendar year

	Belgium	Greece	Spain	France	Italy	Netherlands	Portugal	Finland
Article 70(1)(a)								
Aid for seeds	1 397	1 400	10 347	2 310	13 321	726	272	1 150
Article 70(1)(b)								
Arable crops payments			23					
Grain legumes aid			1					
Crop specific aid for rice				3 053				
Tobacco aid							166	
Dairy premiums							12 608	
Additional payments to milk producers							6 254	

(EUR thousand)

COMMISSION REGULATION (EC) No 1277/2007

of 29 October 2007

amending Regulation (EC) No 1438/2003 laying down implementing rules on the Community Fleet Policy as defined in Chapter III of Council Regulation (EC) No 2371/2002

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 Articles 11(5), 12(2), 13(2) and 14(2) thereof,

Having regard to the Treaty of Accession of Bulgaria and Romania,

Having regard to the Act of Accession of Bulgaria and Romania, and in particular Article 56 thereof,

Whereas:

(1) Commission Regulation (EC) No 1438/2003⁽²⁾ establishes implementing rules for the Chapter on Fleet Policy of Regulation (EC) No 2371/2002, in particular for the application of Articles 11, 12, 13 and 14 thereof.

(2) On 28 July 2007 the provisions of Article 11 of Regulation (EC) No 2371/2002 have been amended by Regulation (EC) No 865/2007 to allow Member States to rebuild 4 % of the annual average tonnage scrapped with public aid between 1 January 2003 and 31 December 2006 and 4 % of the tonnage scrapped with public aid as from 1 January 2007.

(3) On 28 July 2007 the provisions of Article 13 of Regulation (EC) No 2371/2002 have been amended to take account of the requirement, as laid down in Article 25(3)(b) and (c) of Council Regulation (EC) No 1198/2006⁽³⁾, to reduce by at least 20 % the power of an engine that has been replaced with public aid, excluding engine replacements in the small-scale coastal fisheries as defined in that Regulation. In addition, a transitory arrangement is no longer applicable that linked to an overall capacity reduction by 3 % any public aid commitment for fleet renewal occurring after the introduction of the new common fisheries policy and until the end of 2004.

(4) After completion of the measurement of all fishing vessels, the adjustment rule referring to the effect of such measurement on the tonnage reference level can be discontinued; however, it should be maintained for a strict application of the entry-exit regime in terms of tonnage.

(5) It is necessary to revise the existing exemption from the entry-exit regime for the vessels that joined the fleet as from 1 January 2003 or, for those Member States that acceded later, as from the accession date, on the basis of an administrative decision adopted respectively before 1 January 2003 or before the accession date. This revision will allow such exemption for vessels whose entry, although decided in accordance with national and Community law before the accession or the administrative decision, could not benefit from the transitional measures because the three-year transitional period was too short.

(6) Bulgaria and Romania acceded to the Community on 1 January 2007, and therefore the provisions of Regulation (EC) No 1438/2003 should be adapted.

(7) Regulation (EC) No 1438/2003 should therefore be amended accordingly.

(8) The measures provided for in this Regulation are in accordance with the opinion of the Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1438/2003 is amended as follows:

1. Article 2 is amended as follows:

(a) Paragraph 1 is replaced by the following:

‘1. “GT_{a1}” or “the total tonnage of vessels leaving the fleet with public aid between 1 January 2003 and 31 December 2006” means the total tonnage of vessels that left the fleet with public aid between 1 January 2003 and 31 December 2006. In the formula concerning the reference level in tonnage in Article 4 this value is only taken into account for the amount of capacity that went beyond the tonnage reduction necessary to comply with the reference levels under Article 12(1) of Regulation (EC) No 2371/2002;

⁽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 204, 13.8.2003, p. 21. Regulation as amended by Regulation (EC) No 916/2004 (OJ L 163, 30.4.2004, p. 81).

⁽³⁾ OJ L 223, 15.8.2006, p. 1.

For the New Member States, "GT_{a1}" or "the total tonnage of vessels leaving the fleet with public aid between 1 January 2003 and 31 December 2006" means the total tonnage of vessels that left the fleet with public aid between the accession date and 31 December 2006.'

(b) Paragraph 3 is replaced by the following:

'3. "GT_{a2}" or "the total tonnage of vessels leaving the fleet with public aid after 31 December 2006" means the total tonnage of vessels that left the fleet with public aid between 1 January 2007 and the date for which GT_t is calculated. In the formula concerning the reference level in tonnage in Article 4 this value is only taken into account for the amount of capacity that went beyond the tonnage reduction necessary to comply with the reference levels under Article 12(1) of Regulation (EC) No 2371/2002.'

(c) Paragraph 11 is replaced by the following:

'11. "New Member State" means a Member State that acceded to the Community after 1 January 2003.'

(d) The following paragraph 12 is added:

'12. "kW_r" or "the total power of the engines replaced with public aid conditional to a power reduction": means the total power of the engines replaced with public aid after 31 December 2006 under the provisions of Article 25(3)(b) and (c) of Council Regulation (EC) No 1198/2006 (*).

(*) OJ L 223, 15.8.2006, p. 1.'

2. Article 4 is replaced by the following:

'Article 4

Monitoring of reference levels

1. For each Member State, excluding the New Member States, the reference level in tonnage at any given date after 1 January 2003 (R(GT)_t) shall be equal to the reference level for that Member State set out in Annex I at 1 January 2003 (R(GT)₀₃) adjusted by:

(a) deducting

(i) 99 % of the total tonnage of vessels leaving the fleet with public aid between 1 January 2003 and 31 December 2006 (GT_{a1});

(ii) 96 % of the total tonnage of vessels leaving the fleet with public aid after 31 December 2006 (GT_{a2});

(b) and adding the total tonnage increases granted under the provisions of Article 11(5) of Regulation (EC) No 2371/2002 (GT_S).

Those reference levels shall be determined according to the following formula:

$$R(GT)_t = R(GT)_{03} - 0,99 GT_{a1} - 0,96 GT_{a2} + GT_S$$

When new fishing capacity enters the fleet under the conditions of Article 13(1)(b)(ii) of Regulation (EC) No 2371/2002 the reference levels mentioned in the second subparagraph shall be reduced by 35 % of the total tonnage of vessels of more than 100 GT entering the fleet with public aid granted after 31 December 2002 (GT₁₀₀) according to the following formula:

$$R(GT)_t = R(GT)_{03} - 0,99 GT_{a1} - 0,96 GT_{a2} - 0,35 GT_{100} + GT_S$$

2. For each Member State, excluding the New Member States, the reference level in power at any given date after 1 January 2003 (R(kW)_t) shall be equal to the reference level for that Member State set out in Annex I at 1 January 2003 (R(kW)₀₃) as adjusted by deducting the total power of vessels leaving the fleet with public aid after 31 December 2002 (kW_a) and 20 % of the total power of the engines replaced with public aid conditional to a power reduction (kW_r).

Those reference levels shall be determined according to the following formula:

$$R(kW)_t = R(kW)_{03} - kW_a - 0,2 kW_r$$

When new fishing capacity enters the fleet under the conditions of Article 13(1)(b)(ii) of Regulation (EC) No 2371/2002 the reference levels referred to in the second subparagraph shall be reduced by 35 % of the total power of vessels of more than 100 GT entering the fleet with public aid granted after 31 December 2002 (kW₁₀₀) according to the following formula:

$$R(kW)_t = R(kW)_{03} - kW_a - 0,2 kW_r - 0,35 kW_{100}'$$

3. Article 5 is deleted.

4. Article 6 is replaced by the following:

'Article 6

Fishing capacity of the fleet on 1 January 2003

Except for the New Member States, for the purposes of Article 7 the fishing capacity in terms of tonnage (GT_{03}) and power (kW_{03}) at 1 January 2003 shall be determined taking into account, in accordance with Annex II, the entries of vessels which are based on an administrative decision by the Member State concerned taken between 1 January 1998 and 31 December 2002 in conformity with the legislation applicable at that time, and in particular in accordance with the national entry/exit regime notified to the Commission under Article 6(2) of Decision 97/413/EC (*), and which take place not later than five years after the date of that administrative decision.

(*) OJ L 175, 3.7.1997, p. 27.'

5. Article 6a is replaced by the following:

'Article 6a

Fishing capacity of the fleet of the New Member States at the accession date

For the New Member States, for the purposes of Article 7a, the fishing capacity in terms of tonnage (GT_{acc}) and power (kW_{acc}) at the accession date shall be determined taking into account, in accordance with Annex III, the entries of vessels which are based on an administrative decision by the Member State concerned taken up to five years before the accession date, and which take place not later than five years after the date of that administrative decision.'

6. Article 7 is replaced by the following:

'Article 7

Monitoring of entries and exits

1. In order to comply with Article 13 of Regulation (EC) No 2371/2002 each Member State, excluding the New Member States, shall ensure that at all times the fishing capacity in tonnage (GT_t) is equal to or less than the fishing capacity at 1 January 2003 (GT_{03}) as adjusted by:

(a) deducting:

- (i) 99 % of the total tonnage of vessels leaving the fleet with public aid between 1 January 2003 and 31 December 2006 (GT_{a1});
- (ii) 96 % of the total tonnage of vessels leaving the fleet with public aid after 31 December 2006 (GT_{a2});
- (iii) 35 % of the total tonnage of vessels of more than 100 GT entering the fleet with public aid granted after 31 December 2002 (GT_{100});

(b) and adding

- (i) the total tonnage increases granted under the provisions of Article 11(5) of Regulation (EC) No 2371/2002 (GT_s);
- (ii) the result of the re-measurement of the fleet ($\Delta(GT-GRT)$).

Each Member State shall ensure that the following formula is complied with:

$$GT_t \leq GT_{03} - 0,99 GT_{a1} - 0,96 GT_{a2} - 0,35 GT_{100} + GT_s + \Delta(GT-GRT)$$

2. In order to comply with Article 13 of Regulation (EC) No 2371/2002, each Member State, excluding the New Member States, shall ensure that at all times the fishing capacity in power (kW_t) is equal to or less than the fishing capacity at 1 January 2003 (kW_{03}) as adjusted by deducting:

- (a) the total power of vessels leaving the fleet with public aid after 31 December 2002 (kW_a);
- (b) 20 % of the total power of the engines replaced with public aid conditional to a power reduction (kW_p);
- (c) 35 % of the total power of vessels of more than 100 GT entering the fleet with public aid granted after 31 December 2002 (kW_{100}).

Each Member State shall ensure that the following formula is complied with:

$$kW_t \leq kW_{03} - kW_a - 0,2 kW_r - 0,35 kW_{100}'$$

7. Article 7a is replaced by the following:

'Article 7a

Monitoring of entries and exits in the New Member States

1. In order to comply with Article 13 of Regulation (EC) No 2371/2002, each New Member State shall ensure that at all times the fishing capacity in tonnage (GT_t) is equal to or less than the fishing capacity at the accession date, (GT_{acc}) as adjusted by:

(a) deducting:

- (i) for the new Member States that acceded to the Community on 1 May 2004, 98,5 % of the total tonnage of vessels leaving the fleet with public aid between that date and 31 December 2006 (GT_{a1});

(ii) For each new Member State, 96 % of the total tonnage of vessels leaving the fleet with public aid after 31 December 2006 (GT_{a2});

(iii) For each new Member State, 35 % of the total tonnage of vessels of more than 100 GT entering the fleet with public aid granted on or after the accession date (GT_{100});

(b) and adding

(i) the total tonnage increases granted under the provisions of Article 11(5) of Regulation (EC) No 2371/2002 (GT_S);

(ii) the result of the re-measurement of the fleet ($\Delta(GT-GRT)$).

Each New Member State shall ensure that the following formula is complied with:

$$GT_t \leq GT_{acc} - 0,985 GT_{a1} - 0,96 GT_{a2} - 0,35 GT_{100} + GT_S + \Delta(GT-GRT)$$

2. In order to comply with Article 13 of Regulation (EC) No 2371/2002, each New Member State shall ensure that at all times the fishing capacity in power (kW_t) is equal to or less than the fishing capacity at the accession date, (kW_{acc}) as adjusted by deducting:

(a) the total power of vessels leaving the fleet with public aid on or after the accession date (kW_a);

(b) 20 % of the total power of the engines replaced with public aid conditional to a power reduction (kW_r);

(c) 35 % of the total power of vessels of more than 100 GT entering the fleet with public aid granted on or after the accession date (kW_{100}).

Each New Member State shall ensure that the following formula is complied with:

$$kW_t \leq kW_{acc} - kW_a - 0,2 kW_r - 0,35 kW_{100}'$$

8. Annex II is amended in accordance with Annex I to this Regulation.

9. Annex III is replaced by the text in Annex II to this Regulation.

Article 2

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, 29 October 2007.

For the Commission

Joe BORG

Member of the Commission

ANNEX I

Annex II to Regulation (EC) No 1438/2003 is amended as follows:

1. Point 2 is replaced by the following:

'2. GT_1 : means the total tonnage of vessels which entered the fleet after 31 December 2002 with public aid based on an administrative decision taken between 1 January 1998 and 31 December 2002, for which an associated capacity has been withdrawn without public aid between 1 January 1998 and 31 December 2002;'

2. Point 4 is replaced by the following:

'4. GT_3 : means the total tonnage of vessels which entered the fleet after 31 December 2002 without public aid based on an administrative decision taken between 1 January 1998 and 31 December 2002, for which an associated capacity has been withdrawn without public aid between 1 January 1998 and 31 December 2002;'

3. Point 7 is replaced by the following:

'7. kW_1 : means the total power of vessels which entered the fleet after 31 December 2002 with public aid based on an administrative decision taken between 1 January 1998 and 31 December 2002, for which an associated capacity has been withdrawn without public aid between 1 January 1998 and 31 December 2002;'

4. Point 9 is replaced by the following:

'9. kW_3 : means the total power of vessels which entered the fleet after 31 December 2002 without public aid based on an administrative decision taken between 1 January 1998 and 31 December 2002, for which an associated capacity has been withdrawn without public aid between 1 January 1998 and 31 December 2002;'

ANNEX II

Annex III to Regulation (EC) No 1438/2003 is replaced by the following:

'ANNEX III

RULES FOR THE CALCULATION OF THE FISHING CAPACITY IN TERMS OF TONNAGE (GT_{acc}) AND POWER (kW_{acc}) FOR THE NEW MEMBER STATES ON THE ACCESSION DATE

For the purposes of this Annex:

1. GT_{FR} : means the fishing capacity of the fleet on the date of accession in terms of tonnage as calculated on the basis of the Community fishing fleet register;
2. GT_1 : means the total tonnage of vessels which entered the fleet after the accession date based on an administrative decision taken up to five years before the accession date;
3. kW_{FR} : means fishing capacity of the fleet on the date of accession in terms of power as calculated on the basis of the Community fishing fleet register;
4. kW_1 : means the total power of vessels which entered the fleet after the accession date based on an administrative decision taken up to five years before the accession date.

The fishing capacity of the fleet expressed in terms of tonnage GT_{acc} and power kW_{acc} , as defined in Article 6a, shall be calculated with the following formulae:

$$GT_{acc} = GT_{FR} + GT_1$$

$$kW_{acc} = kW_{FR} + kW_1'$$

COMMISSION REGULATION (EC) No 1278/2007**of 29 October 2007****amending Regulation (EC) No 318/2007 laying down animal health conditions for imports of certain birds into the Community and the quarantine conditions thereof****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC ⁽¹⁾, and in particular the second subparagraph of Article 10(3) and the first subparagraph of Article 10(4) thereof,

Having regard to Council Directive 92/65/EEC of 13 July 1992 laying down animal health requirements governing trade 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 ⁽²⁾ and in particular the fourth indent of Article 18(1),

Whereas:

- (1) Commission Regulation (EC) No 318/2007 ⁽³⁾ lays down the animal health conditions for imports of certain birds other than poultry into the Community and the quarantine conditions applicable to such birds after import.
- (2) It is appropriate to explicitly state that only imports of captive bred birds is authorised under Regulation (EC) No 318/2007. For the sake of clarity, it should also be explicitly stated that birds may only be imported into the Community under Regulation (EC) No 318/2007 if they come from approved breeding establishments.
- (3) After imports, the imported birds are to be transported directly to an approved quarantine facility or centre in a Member State, where they must remain until infection with avian influenza or Newcastle disease virus is ruled out.

- (4) Regulation (EC) No 318/2007 provides that in case avian influenza or Newcastle disease is suspected in an approved quarantine facility or in a unit of an approved quarantine centre, all birds in the quarantine facility or unit of a quarantine centre are to be killed and destroyed before the suspicion is confirmed by laboratory testing.
- (5) However, because these birds suspected to be infected by avian influenza or Newcastle disease are kept in an approved quarantine facility or in a unit of an approved quarantine centre, there is no risk of the disease spreading further.
- (6) Therefore, it is appropriate to wait until the suspicion is confirmed to rule out any other cause of disease symptoms before commencing to kill and destroy the birds in the affected premises.
- (7) Annex V to Regulation (EC) No 318/2007 sets out a list of quarantine facilities and centres approved by the competent authorities of the Member States for import of certain birds other than poultry. Austria, the Czech Republic, Denmark, Germany, Spain and the United Kingdom have reviewed their approved quarantine facilities and centres and have sent an updated list of those quarantine facilities and centres to the Commission. The list of approved quarantine facilities and centres set out in Annex V to Regulation (EC) No 318/2007 should therefore be amended accordingly.
- (8) Regulation (EC) No 318/2007 should therefore be amended accordingly.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 318/2007 is amended as follows:

1. in Article 4, the introductory phrase is replaced by the following:

‘Approved breeding establishments shall comply with the following conditions:’;

⁽¹⁾ OJ L 268, 24.9.1991, p. 56. Directive as last amended by Directive 2006/104/EC (OJ L 363, 20.12.2006, p. 352).

⁽²⁾ 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).

⁽³⁾ OJ L 84, 24.3.2007, p. 7.

2. Article 5 is amended as follows:

(a) the introductory phrase is replaced by the following:

'Imports of birds shall be authorised only if the birds comply with the following conditions:'

(b) the following point is inserted after point (b):

'(ba) the birds come from approved breeding establishments that comply with the conditions laid down in Article 4;'

3. Article 13 is replaced by the following:

'Article 13

Action in case of a disease suspicion in an approved quarantine facility or centre

1. If during quarantine in an approved quarantine facility, it is suspected that one or more birds and/or sentinel birds are infected with avian influenza or Newcastle disease, the following measures shall be taken:

(a) the competent authority shall place the approved quarantine facility under official supervision;

(b) samples for virological examination as set out in point 2 of Annex VI shall be taken from those birds and sentinel birds and shall be analysed accordingly;

(c) no birds shall enter or leave the approved quarantine facility until the suspicion is ruled out.

2. If the suspicion of avian influenza or Newcastle disease in the affected approved quarantine facility as referred to in paragraph 1 is confirmed, the following measures shall be taken:

(a) all birds and sentinel birds in the approved quarantine facility shall be killed and destroyed;

(b) the approved quarantine facility shall be cleaned and disinfected;

(c) no birds shall enter the approved quarantine facility until 21 days following the final cleaning and disinfection.

3. If during quarantine in an approved quarantine centre, it is suspected that one or more birds and/or sentinel birds in a unit of the quarantine centre are infected with avian influenza or Newcastle disease, the following measures shall be taken:

(a) the competent authority shall place the approved quarantine centre under official supervision;

(b) samples for virological examination as set out in point 2 of Annex VI shall be taken from those birds and sentinel birds and shall be analysed accordingly;

(c) no birds shall enter or leave the approved quarantine centre until the suspicion is ruled out.

4. If the suspicion of avian influenza or Newcastle disease in the affected unit of the approved quarantine centre as referred to in paragraph 3 is confirmed, the following measures shall be taken:

(a) all birds and sentinel birds in the affected unit of the approved quarantine centre shall be killed and destroyed;

(b) the unit concerned shall be cleaned and disinfected;

(c) the following samples shall be taken:

(i) where sentinel birds are used, not earlier than 21 days following the final cleaning and disinfection of the unit concerned, samples for serological examination, as set out in Annex VI must be taken from sentinel birds in the other quarantine units; or

(ii) where no sentinel birds are used, during 7 to 15 days following the final cleaning and disinfection, samples for virological examination, as set out in point 2 of Annex VI, must be taken from birds in the other quarantine units;

(d) no birds shall leave the approved quarantine centre until the results of the sampling provided for in point (c) have been confirmed as negative.

5. Member States shall inform the Commission of any measures taken under this Article.;

4. in Article 14(1), the first subparagraph is replaced by the following:

'1. Where during quarantine one or more birds and/or sentinel birds are found to be infected with low pathogenic avian influenza (LPAI) or Newcastle disease, the competent authority may, based on a risk assessment, grant derogations from the measures provided for in Article 13(2)(a) and (4)(a), provided that such derogations do not endanger disease control (the derogation).';

5. Annex V is replaced by the text in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 29 October 2007.

For the Commission
Markos KYPRIANOU
Member of the Commission

ANNEX

'ANNEX V

List of approved facilities and centres as referred to in Article 6(1)

ISO country code	Name of country	Approval number of quarantine facility or centre
AT	AUSTRIA	AT OP Q1
AT	AUSTRIA	AT-KO-Q1
AT	AUSTRIA	AT-3-ME-Q1
AT	AUSTRIA	AT-4-KI-Q1
AT	AUSTRIA	AT 4 WL Q 1
AT	AUSTRIA	AT-4-VB-Q1
AT	AUSTRIA	AT 6 10 Q 1
AT	AUSTRIA	AT 6 04 Q 1
BE	BELGIUM	BE VQ 1003
BE	BELGIUM	BE VQ 1010
BE	BELGIUM	BE VQ 1011
BE	BELGIUM	BE VQ 1012
BE	BELGIUM	BE VQ 1013
BE	BELGIUM	BE VQ 1016
BE	BELGIUM	BE VQ 1017
BE	BELGIUM	BE VQ 3001
BE	BELGIUM	BE VQ 3008
BE	BELGIUM	BE VQ 3014
BE	BELGIUM	BE VQ 3015
BE	BELGIUM	BE VQ 4009
BE	BELGIUM	BE VQ 4017
BE	BELGIUM	BE VQ 7015
CY	CYPRUS	CB 0011
CY	CYPRUS	CB 0012
CY	CYPRUS	CB 0061
CY	CYPRUS	CB 0013
CY	CYPRUS	CB 0031
CZ	CZECH REPUBLIC	21750005
CZ	CZECH REPUBLIC	21750016
CZ	CZECH REPUBLIC	21750027
CZ	CZECH REPUBLIC	21750038
CZ	CZECH REPUBLIC	61750009
DE	GERMANY	BW-1
DE	GERMANY	BY-1
DE	GERMANY	BY-2
DE	GERMANY	BY-3
DE	GERMANY	BY-4
DE	GERMANY	HE-1
DE	GERMANY	HE-2
DE	GERMANY	NI-1
DE	GERMANY	NI-2
DE	GERMANY	NI-3

ISO country code	Name of country	Approval number of quarantine facility or centre
DE	GERMANY	NW-1
DE	GERMANY	NW-2
DE	GERMANY	NW-3
DE	GERMANY	NW-4
DE	GERMANY	NW-5
DE	GERMANY	NW-6
DE	GERMANY	NW-7
DE	GERMANY	NW-8
DE	GERMANY	RP-1
DE	GERMANY	SN-1
DE	GERMANY	SN-2
DE	GERMANY	TH-1
DE	GERMANY	TH-2
ES	SPAIN	ES/01/02/05
ES	SPAIN	ES/05/02/12
ES	SPAIN	ES/05/03/13
ES	SPAIN	ES/09/02/10
ES	SPAIN	ES/17/02/07
ES	SPAIN	ES/04/03/11
ES	SPAIN	ES/04/03/14
ES	SPAIN	ES/09/03/15
ES	SPAIN	ES/09/06/18
FR	FRANCE	38 193,01
GR	GREECE	GR.1
GR	GREECE	GR.2
HU	HUNGARY	HU12MK001
IE	IRELAND	IRL-HBQ-1-2003 Unit A
IT	ITALY	003AL707
IT	ITALY	305/B/743
IT	ITALY	132BG603
IT	ITALY	170BG601
IT	ITALY	233BG601
IT	ITALY	068CR003
IT	ITALY	006FR601
IT	ITALY	054LCO22
IT	ITALY	I – 19/ME/01
IT	ITALY	119RM013
IT	ITALY	006TS139
IT	ITALY	133VA023
MT	MALTA	BQ 001
NL	NETHERLANDS	NL-13000
NL	NETHERLANDS	NL-13001
NL	NETHERLANDS	NL-13002
NL	NETHERLANDS	NL-13003
NL	NETHERLANDS	NL-13004
NL	NETHERLANDS	NL-13005

ISO country code	Name of country	Approval number of quarantine facility or centre
NL	NETHERLANDS	NL-13006
NL	NETHERLANDS	NL-13007
NL	NETHERLANDS	NL-13008
NL	NETHERLANDS	NL-13009
NL	NETHERLANDS	NL-13010
PL	POLAND	14084501
PT	PORTUGAL	05,01/CQA
PT	PORTUGAL	01,02/cqa
UK	UNITED KINGDOM	21/07/01
UK	UNITED KINGDOM	21/07/02

II

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

DECISIONS

COUNCIL

ADDENDUM

to Council Decision 2007/543/EC of 23 July 2007 concerning the accession of Bulgaria and Romania to the Convention on the establishment of a European Police Office (Europol Convention)

(Official Journal of the European Union L 200 of 1 August 2007)

The Bulgarian and Romanian language versions of the following Convention and Protocols shall be published in a special edition of the Official Journal at a later date.

The Europol Convention and the Protocols of

- 24 July 1996,
 - 19 June 1997,
 - 30 November 2000,
 - 28 November 2002,
 - 27 November 2003.
-

COMMISSION

COMMISSION DECISION

of 22 October 2007

granting a derogation requested by Ireland pursuant to Council Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources

(notified under document number C(2007) 5095)

(Only the English text is authentic)

(2007/697/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Number 378 of 2006) was submitted on 18 October 2006.

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources⁽¹⁾, and in particular the third subparagraph of paragraph 2 of Annex III thereto,

Whereas:

(1) If the amount of manure that a Member State intends to apply per hectare each year is different from the one specified in the first sentence of the second subparagraph of paragraph 2 of Annex III to Directive 91/676/EEC and in point (a) thereof, that amount has to be fixed so as not to prejudice the achievement of the objectives specified in Article 1 of that Directive and has to be justified on the basis of objective criteria, such as, in the present case, long growing seasons and crops with high nitrogen uptake.

(2) On 12 November 2004, Ireland submitted to the Commission a request for a derogation under the third subparagraph of paragraph 2 of Annex III to Directive 91/676/EEC. An updated request, based on the revised *European Communities (Good Agricultural Practice for the Protection of Waters) Regulations, 2006 (Statutory Instrument*

(3) The requested derogation concerns the intention of Ireland to allow the application of 250 kg nitrogen per hectare per year from livestock manure in farms with at least 80 % grassland. A maximum of 10 000 cattle holdings in Ireland representing 8 % of total holdings, 8 % of the Utilized Agricultural Land and 20 % of the Livestock Unit are potentially encompassed by the derogation.

(4) The Irish legislation implementing Directive 91/676/EEC, *the European Communities (Good Agricultural Practice for the Protection of Waters) Regulations, 2006 (Statutory instrument No 378 of 2006)*, applies equally to the requested derogation.

(5) The Irish legislation implementing the Directive 91/676/EEC includes application maximum fertilisation rates both for nitrogen and phosphate. These maximum fertilisation rates are differentiated on the basis of nitrogen and phosphate soil content and, therefore, take into account the contribution of nitrogen and phosphate from the soil.

(6) The Third report on the implementation of the Nitrates Directive in Ireland and the recent Environmental Protection Agency reports covering the period 2001-2003 submitted to the Commission showed that mean nitrate concentration recorded in groundwater is of the order of 2,5 mg/L N and concentrations greater than 50 mg/L nitrates were recorded in no more than 2 % of the sampling points. Data on water quality in rivers for the period 2000-2003 showed that the mean value in Euro-waternet monitoring stations is 6,9 mg/L nitrates.

⁽¹⁾ OJ L 375, 31.12.1991, p. 1. Directive as amended by Regulation (EC) 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).

- (7) 70 % of groundwater monitoring sites showed stable or decreasing trends in nitrates concentration; rivers recorded an improved quality in 2001-2003 compared to the previous reporting period 1995-1997 and reversed a decline in water quality that had been in evidence since the late 1980'. A decline of hypertrophic lakes was also noticed.
- (8) Ireland, in conformity with paragraph 5 of article 3 of Directive 91/676/EEC, applies an action programme throughout its whole territory according to the *European Communities (Good Agricultural Practice for the Protection of Waters) Regulations, 2006 (Statutory instrument No 378 of 2006)*.
- (9) The number of livestock and the utilisation of chemical fertilisers decreased in the last decade. Cattle, pig and sheep number decreased respectively by 7 %, 3 % and 17 % in the period 1997-2004. Average nitrogen loading from livestock manure in 2004 was 103 kg/ha, with a significant decline compared to 140 kg/ha in 1998. Phosphorus (P) average loading was 16 kg/ha. Chemical nitrogen fertiliser use decreased by 21 % in the period 1999 to 2005, phosphate fertiliser use declined by 37 % in the period 1995 to 2005.
- (10) In Ireland ninety percent of agricultural land is devoted to grassland with prevalence of grassland types well suited for grassland production. Overall, in grassland farms, 47 % of land area is farmed extensively and has therefore a relatively low stocking rate and low fertiliser inputs, 36 % is farmed under agro-environmental programmes (Rural Environment Protection Scheme, REP Scheme) and only 7 % is farmed intensively; 10 % is used for arable agriculture. Average chemical fertiliser use on grassland is 82 kg/ha nitrogen and 7,6 kg/ha phosphorus.
- (11) Irish climate, characterised by an annual rainfall evenly distributed throughout the year and a relatively narrow annual temperature range promote a long grass-growing season ranging from 330 days per year in the south-west to around 250 days per year in the north-east.
- (12) The technical and scientific documents presented in the Irish notification show that the proposed amount of 250 kg per hectare per year nitrogen from grazing livestock manure in farms with at least 80 % grassland is justified on the basis of objective criteria such as long growing seasons and crops with high nitrogen uptake.
- (13) The Commission considers therefore that the amount of manure requested by Ireland will not prejudice the achievement of the objectives of Directive 91/676/EEC, subject to certain strict conditions being met.
- (14) This Decision should be applicable in connection with the action programme of Ireland, *European Communities (Good Agricultural Practice for the Protection of Waters) Regulations, 2006 (Statutory instrument No 378 of 2006)*.
- (15) The measures provided for in this Decision are in accordance with the opinion of the Nitrates Committee set up pursuant to Article 9 of Directive 91/676/EEC,

HAS ADOPTED THIS DECISION:

Article 1

The derogation requested by Ireland by letter of 18 October 2006, for the purpose of allowing a higher amount of livestock manure than that provided for in the first sentence of the second subparagraph of paragraph 2 of Annex III to Directive 91/676/EEC and in point (a) thereof, is granted, subject to the conditions laid down in this Decision.

Article 2

Definitions

For the purpose of this decision, the following definitions shall apply:

- (a) 'Grassland farms' means holdings where 80 % or more of the agricultural area available for manure application is grass,
- (b) 'Grazing livestock' means cattle (with the exclusion of veal calves), sheep, deer, goats and horses,
- (c) 'Grass' means permanent grassland or temporary grassland (temporary implying leys of less than four years).

Article 3

Scope

This Decision applies on an individual basis and subject to the conditions set out in Articles 4, 5 and 6 to grassland farms.

*Article 4***Annual authorisation and commitment**

1. Farmers who want to benefit from a derogation shall submit an application to the competent authorities annually.

2. Together with the annual application referred to in paragraph 1 they shall undertake in writing to fulfil the conditions provided for in Articles 5 and 6.

3. The competent authorities shall ensure that all the applications for derogation are submitted to administrative control. Where the control carried out by the national authorities of the applications referred to in paragraph 1 demonstrates that the conditions provided for in Articles 5 and 6 are not fulfilled, the applicant shall be informed thereof. In this instance, the application shall be considered to be refused.

*Article 5***Application of manure and other fertilisers**

1. The amount of livestock manure from grazing livestock applied to the land each year on grassland farms, including by the animals themselves, shall not exceed the amount of manure containing 250 kg nitrogen per hectare, subject to the conditions laid down in paragraphs 2 to 7.

2. The total nitrogen inputs shall not exceed the foreseeable nutrient demand of the considered crop and take into account the supply from the soil. Total nitrogen application shall be differentiated on the basis of stocking rate and grassland productivity.

3. A fertilisation plan shall be kept for each farm describing the crop rotation of the farmland and the planned application of manure and nitrogen and phosphate chemical fertilisers. It shall be available in the farm by 1 March at the latest.

The fertilisation plan shall include the following:

- (a) the number of livestock, a description of the housing and storage system, including the volume of manure storage available;
- (b) a calculation of manure nitrogen (less losses in housing and storage) and phosphorus produced in the farm;
- (c) the crop rotation and area of each crop, including a sketch map indicating location of individual fields;

(d) the foreseeable nitrogen and phosphorus crop requirements;

(e) the amount and the type of manure delivered outside the farm or to the farm;

(f) results of soil analysis related to N and P soil status if available;

(g) nitrogen and phosphorus application from manure over each field (parcels of the farm homogeneous regarding cropping and soil type);

(h) application of nitrogen and phosphorus with chemical and other fertilisers over each field.

Plans shall be revised no later than seven days following any changes in agricultural practices to ensure consistency between plans and actual agricultural practices.

4. Fertilisation accounts, including information related to management of soiled water, shall be kept by each farm. They shall be submitted to the competent authority for each calendar year.

5. Each grassland farm benefiting from an individual derogation shall accept that the application referred to in paragraph 1 of Article 4, the fertilisation plan and the fertilisation accounts can be subject to control.

6. Nitrogen and phosphorous analysis in soil shall be performed for each farm which benefits from an individual derogation at least every four years for each homogeneous area of the farm, with regard to crop rotation and soil characteristics. At least one analysis per five hectares of land shall be required.

7. Manure may not be spread in the autumn before grass cultivation.

*Article 6***Land management**

80 % or more of the area available for manure application on farms shall be cultivated with grass. Farmers benefiting from an individual derogation shall carry out the following measures:

(a) temporary grassland shall be ploughed in spring;

(b) ploughed grass on all soil types shall be followed immediately by a crop with high nitrogen demand;

- (c) crop rotation shall not include leguminous or other plants fixing atmospheric nitrogen. This however will not apply to clover in grassland with less than 50 % clover and to cereals and pea undersown with grass.

Article 7

Other measures

Ireland shall ensure that use of the derogation shall be without prejudice to the measures needed to comply with other Community environmental legislation.

Article 8

Monitoring

1. Maps showing the percentage of grassland farms, percentage of livestock and percentage of agricultural land covered by individual derogation in each County, shall be drawn by the competent authority and shall be updated every year.

Those maps shall be submitted to the Commission annually and for the first time by 1 March 2008.

2. Monitoring of the farms covered by the action programme and the derogation shall be carried out in agricultural monitoring catchments established according to the Irish action programme. The reference monitoring catchments shall be representative of the different soil types, levels of intensity and fertilisation practices.

3. Survey and continuous nutrient analysis shall provide data on local land use, crop rotations and agricultural practices on farms benefiting from individual derogations. Those data can be used for model-based calculations of the magnitude of nitrate leaching and phosphorus losses from fields where up to 250 kg nitrogen per hectare per year in manure from grazing livestock is applied.

4. Monitoring of shallow groundwater, soil water, drainage water and streams in farms belonging to the agricultural catchment monitoring sites shall provide data on nitrate and phosphorus concentration in water leaving the root zone and entering groundwater and surface water.

5. A reinforced water monitoring shall be conducted for agricultural catchments located in proximity to most vulnerable lakes and particularly vulnerable aquifers.

6. A study shall be conducted in order to collect, by the end of the derogation period, detailed scientific information on intensive grassland systems in Ireland. This study will focus on nitrate leaching under intensive dairy production systems in vulnerable soil types (sand and sandy loam) in representative areas.

Article 9

Controls

1. The competent national authority shall carry out administrative controls in respect of all farms benefiting from an individual derogation for the assessment of compliance with the maximum amount of 250 kg nitrogen per hectare per year from grazing livestock manure, with nitrogen and phosphorus maximum fertilisation rates and conditions on land use.

2. A programme of field inspections shall be established based on risk analysis, results of controls of the previous years and results of general random controls of legislation implementing Directive 91/676/EEC. The field inspections shall cover at least 3 % of farms benefiting from an individual derogation in respect to the conditions set out in Article 5 and 6.

Article 10

Reporting

1. The competent authority shall submit the results of the monitoring every year to the Commission, with a concise report on water quality evolution and evaluation practice. The report shall provide information on how the evaluation of the implementation of the derogation conditions is carried on through controls at farm level and include information on non compliant farms based on results of administrative and field inspections.

The first report shall be transmitted by June 2008, and subsequently every year by June.

2. The results thus obtained will be taken into consideration by the Commission with regard to an eventual new request for derogation.

Article 11

Application

This Decision shall apply in the context of the Irish Action programme as implemented in the *European Communities (Good Agricultural Practices for Protection of Waters) Regulations 2006 (Statutory Instrument No 378 of 2006)* of 18 July 2006. It shall expire on 17 July 2010.

Article 12

This Decision is addressed to Ireland.

Done at Brussels, 22 October 2007.

For the Commission

Stavros DIMAS

Member of the Commission

COMMISSION DECISION**of 29 October 2007****amending Decision 2007/116/EC as regards the introduction of additional reserved numbers beginning with '116'***(notified under document number C(2007) 5139)***(Text with EEA relevance)***(2007/698/EC)*

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (the Framework Directive) ⁽¹⁾, and in particular Article 10(4) thereof,

Whereas:

- (1) Commission Decision 2007/116/EC on reserving the national numbering range beginning with '116' for harmonised numbers for harmonised services of social value ⁽²⁾ reserves the national numbering range beginning with '116' for harmonised numbers for harmonised services of social value. The Annex to that Decision contains a list of specific numbers within this numbering range and the services for which each number is reserved. This list may be adapted in accordance with the procedure referred to in Article 22(3) of Directive 2002/21/EC.
- (2) The service description associated with the number 116000 should be updated. Moreover, two services, namely Child Helplines and Emotional Support Helplines, have been identified as services of social value that may benefit from harmonised numbers. For these reasons, Decision 2007/116/EC should be updated and additional reserved numbers introduced.

(3) Decision 2007/116/EC should therefore be amended accordingly.

(4) The measures provided for in this Decision are in accordance with the opinion of the Communications Committee,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 2007/116/EC is replaced by the Annex to this Decision.

Article 2

Member States shall take all necessary measures to ensure that as from 29 February 2008 the competent National Regulatory Authority can assign those numbers added to the list by virtue of this Decision.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 29 October 2007.

For the Commission

Viviane REDING

Member of the Commission

⁽¹⁾ OJ L 108, 24.4.2002, p. 33. Directive as amended by Regulation (EC) No 717/2007 of the European Parliament and of the Council (OJ L 171, 29.6.2007, p. 32).

⁽²⁾ OJ L 49, 17.2.2007, p. 30.

ANNEX

List of numbers reserved for harmonised services of social value

Number	Service for which this number is reserved	Specific conditions attached to the right of use for this number
116000	<p><i>Name of service:</i> Hotline for missing children</p> <p><i>Description:</i> The service (a) takes calls reporting missing children and passes them on to the Police; (b) offers guidance to and supports the persons responsible for the missing child; (c) supports the investigation.</p>	Service continuously available (i.e. 24 hours a day, 7 days a week, nation-wide).
116111	<p><i>Name of the service:</i> Child helplines</p> <p><i>Description:</i> The service helps children in need of care and protection and links them to services and resources; it provides children with an opportunity to express their concerns, talk about issues directly affecting them and contact someone in an emergency situation.</p>	Where the service is not continuously available (i.e. 24 hours a day, 7 days a week, nation-wide), the service provider must ensure that information about availability is made publicly available in an easily accessible form, and that, during periods of unavailability, callers to the service are advised when the service will next become available.
116123	<p><i>Name of the service:</i> Emotional support helplines</p> <p><i>Description:</i> The service enables the caller to benefit from a genuine human relationship based on non-judgmental listening. It offers emotional support to callers suffering from loneliness, in a state of psychological crisis, or contemplating suicide.</p>	Where the service is not continuously available (i.e. 24 hours a day, 7 days a week, nation-wide), the service provider must ensure that information about availability is made publicly available in an easily accessible form, and that, during periods of unavailability, callers to the service are advised when the service will next become available.

COMMISSION DECISION

of 29 October 2007

amending Council Directive 92/33/EEC to extend the derogation relating to import conditions for vegetable propagating and planting material from third countries*(notified under document number C(2007) 5218)*

(2007/699/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 92/33/EEC of 28 April 1992 on the marketing of vegetable propagating and planting material other than seed ⁽¹⁾, and in particular the second subparagraph of Article 16(2) thereof,

Whereas:

- (1) The Commission is required pursuant to Article 16(1) of Directive 92/33/EEC to decide whether vegetable propagating and planting material, other than seed, produced in a third country and affording the same guarantees as regards obligations on the supplier, identity, characteristics, plant health, growing medium, packaging, inspection arrangements, marking and sealing, is equivalent in all these respects to vegetable propagating and planting material other than seed produced in the Community and complying with the requirements and conditions of that Directive.
- (2) However, the information presently available on the conditions applying in third countries is still not sufficient to enable the Commission to adopt any such decision in respect of any third country at this stage.
- (3) In order to prevent trade patterns from being disrupted, Member States importing vegetable propagating and planting material, other than seed, from third countries should continue to be allowed to apply to such products conditions equivalent to those applicable to similar

Community products in accordance with Article 16(2) of Directive 92/33/EEC. The period of application of the derogation provided for in Directive 92/33/EEC for such imports should consequently be extended beyond 31 December 2007.

- (4) Directive 92/33/EEC should therefore be amended accordingly.
- (5) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Seeds and Propagating Materials for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DECISION:

Article 1

In the first subparagraph of Article 16(2) of Directive 92/33/EEC, the date '31 December 2007' is replaced by '31 December 2012'.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 29 October 2007.

For the Commission

Markos KYPRIANOU

Member of the Commission

⁽¹⁾ OJ L 157, 10.6.1992, p. 1. Directive as last amended by Directive 2006/124/EC (OJ L 339, 6.12.2006, p. 12).

GUIDELINES

EUROPEAN CENTRAL BANK

GUIDELINE OF THE EUROPEAN CENTRAL BANK

of 20 September 2007

amending Annexes I and II to Guideline ECB/2000/7 on monetary policy instruments and procedures of the Eurosystem

(ECB/2007/10)

(2007/700/EC)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Treaty establishing the European Community, and in particular the first indent of Article 105(2) thereof,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular the first indent of Article 3.1, Articles 12.1, 14.3 and Article 18.2 and the first paragraph of Article 20,

Having regard to Guideline ECB/2000/7 of 31 August 2000 on monetary policy instruments and procedures of the Eurosystem⁽¹⁾,

Whereas:

- (1) Annex I to Guideline ECB/2000/7 needs to be amended due to recent changes to the definition and implementation of the Eurosystem's single monetary policy. These changes relate *inter alia* to eligible assets and to the removal of outright transactions from the list of fine-tuning operations.
- (2) Pursuant to Council Decision 2007/503/EC of 10 July 2007 in accordance with Article 122(2) of the Treaty on the adoption by Cyprus of the single currency on 1 January 2008⁽²⁾, Cyprus fulfils the necessary conditions for adoption of the euro and its derogation under Article

4 of the Act of Accession will be abrogated with effect from 1 January 2008. Pursuant to Council Decision 2007/504/EC of 10 July 2007 in accordance with Article 122(2) of the Treaty on the adoption by Malta of the single currency on 1 January 2008⁽³⁾, Malta fulfils the necessary conditions for adoption of the euro and its derogation under Article 4 of the Act of Accession will be abrogated with effect from 1 January 2008. In view of the above, it is necessary to amend the table of Eurosystem websites in Annex I to Guideline ECB/2000/7.

- (3) Guideline ECB/2007/2 of 26 April 2007 on a Trans-European Automated Real-time Gross settlement Express Transfer system (TARGET2)⁽⁴⁾, establishes the TARGET2 system as a replacement for the current TARGET system as laid down in Article 14(2) of Guideline ECB/2007/2. National central banks (NCBs) will migrate to TARGET2 in accordance with the schedule specified in Article 13 of Guideline ECB/2007/2. In view of the above, it is necessary to amend references to TARGET in Annexes I and II to Guideline ECB/2000/7,

HAS ADOPTED THIS GUIDELINE:

*Article 1***Amendments to Annexes I and II**

1. Annex I to Guideline ECB/2000/7 is amended in accordance with Annex I to this Guideline.
2. Annex II to Guideline ECB/2000/7 is amended in accordance with Annex II to this Guideline.

⁽¹⁾ OJ L 310, 11.12.2000, p. 1. Guideline as last amended by Guideline ECB/2006/12 (OJ L 352, 13.12.2006, p. 1).

⁽²⁾ OJ L 186, 18.7.2007, p. 29.

⁽³⁾ OJ L 186, 18.7.2007, p. 32.

⁽⁴⁾ OJ L 237, 8.9.2007, p. 1.

*Article 2***Amendments to the table of Eurosystem websites**

The table of Eurosystem websites contained in Annex 5 to Annex I to Guideline ECB/2000/7 is replaced with the table contained in the Annex III to this Guideline.

*Article 3***Verification**

The NCBs shall forward details of the texts and means by which they intend to comply with this Guideline to the ECB by 30 September 2007 at the latest.

*Article 4***Entry into force**

This Guideline shall enter into force two days after its adoption. Article 1 shall apply from 19 November 2007. Article 2 shall apply from 1 January 2008.

*Article 5***Addressees**

This Guideline is addressed to the NCBs of participating Member States.

Done at Frankfurt am Main, 20 September 2007.

For the Governing Council of the ECB
The President of the ECB
Jean-Claude TRICHET

ANNEX I

Annex I to Guideline ECB/2000/7 is amended as follows:

A. Amendments related to the changed definition and implementation of the Eurosystem's monetary policy

- (1) In Chapter 1, Section 1.1, the following sentence is inserted after the fifth sentence:

'The national central banks (NCBs) may, if necessary for the implementation of monetary policy, share amongst the Eurosystem members individual information, such as operational data, related to counterparties participating in Eurosystem operations (*).

(*) Such information is subject to the requirement for professional secrecy in accordance with Article 38 of the Statute of the ESCB.'

- (2) In Chapter 1, Section 1.3.1, the third indent on 'fine tuning operations' is amended as follows:

- (a) The following sentence is inserted after the first sentence:

'Fine-tuning operations may be conducted on the last day of a reserve maintenance period to counter liquidity imbalances which may have accumulated since the allotment of the last main refinancing operation.'

- (b) The resulting third sentence is replaced by the following:

'Fine-tuning operations are primarily executed as reverse transactions, but may also take the form of either foreign exchange swaps or the collection of fixed-term deposits.'

- (3) In Chapter 1, Table 1, under the heading 'Fine-tuning operations', the second sub-row, containing the following words: 'Outright purchases', 'Outright sales', 'Non-regular' and 'Bilateral procedures', is deleted.

- (4) In Chapter 1, Section 1.4, is amended as follows:

- (a) The second sentence is replaced by the following:

'Institutions subject to minimum reserve requirements according to Article 19.1 of the Statute of the ESCB may access the standing facilities and participate in open market operations based on standard tenders as well as outright transactions.'

- (b) The fourth sentence is deleted.

- (5) In Chapter 1, Section 1.5, the fourth sentence is replaced by the following:

'On 1 January 2007, this single framework replaced the two-tier system that had been in place since the start of stage three of economic and monetary union.'

- (6) In Chapter 3 the introductory paragraph is amended as follows:

- (a) The following sentence is inserted after the fourth sentence:

'Structural operations may also be conducted by means of outright transactions i.e. purchases and sales.'

- (b) The resulting sixth sentence is replaced by the following:

'In addition, the Eurosystem has two other instruments available for the conduct of fine-tuning operations: foreign exchange swaps and the collection of fixed-term deposits.'

- (7) In Chapter 3, Section 3.1.4, the following sentence is inserted after the second sentence:

'Fine-tuning operations may be conducted on the last day of a reserve maintenance period to counter liquidity imbalances which may have accumulated since the allotment of the last main refinancing operation.'

- (8) In Chapter 3, Section 3.2 is amended as follows:

- (a) The second sentence under the heading 'Type of instrument' is replaced by the following:

'Such operations are executed only for structural purposes.'

- (b) Under the heading 'Other operational features', the fourth indent is replaced by the following:

'— they are normally executed in a decentralised manner by the NCBs.'

- (9) In Chapter 4, Section 4.1 is amended as follows:

- (a) Under the heading 'Access conditions', the first sentence of the second paragraph is amended as follows:

'At the end of each business day, counterparties' debit positions on their settlement account with the national central banks are automatically considered to be a request for recourse to the marginal lending facility.'

- (b) Under the heading 'Maturity and interest terms', the second sentence of the second paragraph is updated as follows:

'The ECB may change the interest rate at any time, effective, at the earliest, from the following Eurosystem business day (*), (**).'

(*) Throughout this document, the term "Eurosystem business day" refers to any day on which the ECB and at least one national central bank are open for the purpose of conducting Eurosystem monetary policy operations.

(**) The Governing Council usually decides on interest rate changes when assessing its monetary policy stance at its first meeting of the month. Usually such decisions become effective only from the beginning of the new reserve maintenance period.'

- (10) In Chapter 5, Section 5.2, under the heading 'Operations executed through stock exchanges and market agents', the third sentence is deleted.

- (11) In Chapter 5, Section 5.3.2, the second sentence of the second paragraph is replaced by the following:

'However, the Eurosystem may occasionally apply for operational reasons other settlement dates for these operations, in particular for outright transactions and foreign exchange swaps (see Table 3).'

- (12) In Chapter 6, Section 6.1, the third sentence of the second paragraph is replaced by the following:

'This single framework, also referred to as the "Single List", entered into effect on 1 January 2007 and replaced the two-tier system which had been in place from the start of stage three of economic and monetary union.'

- (13) In Chapter 6, Section 6.1 is amended as follows:

- (a) Footnote 2 is replaced by the following:

'French *fonds communs de créances* (FCCs) that were incorporated in the tier one list and issued prior to 1 May 2006 will remain eligible for a transitional period until 31 December 2008. FCCs issued from 1 May 2006 are not eligible.'

- (b) The first sentence of the fourth paragraph is replaced by the following:

'The eligibility criteria for the two asset classes are uniform across the euro area and are set out in Section 6.2 (*).

(*) During the interim period until 31 December 2011 for a specific asset class of the non-marketable assets, credit claims, a limited number of eligibility and operational criteria may diverge across the euro area (see Section 6.2.2).'

- (14) In Chapter 6, Section 6.2.1, under the heading 'Place of issue', footnote 6 is replaced by the following:

'Since 1 January 2007, to be eligible international debt securities in global bearer form issued through ICSDs must be issued in the form of New Global Notes (NGNs) and deposited with a Common Safekeeper (CSK) which is an ICSD or, if applicable, a CSD that fulfils the minimum standards established by the ECB. International debt securities in global bearer form that were issued in the form of Classical Global Notes (CGNs) prior to 1 January 2007 and fungible securities issued under the same ISIN code on or after that date remain eligible until maturity.'

- (15) In Chapter 6, Section 6.2.1, under the heading 'Acceptable markets', the following footnote 12 is inserted at the end of the paragraph:

'Marketable assets, which were accepted as tier two assets, and which have been issued prior to 31 May 2007 and are traded on non-regulated markets that currently fulfil the Eurosystem's requirements for safety and accessibility, but not for transparency, remain eligible until 31 December 2009, provided they fulfil the other eligibility criteria, and become ineligible after that date. This does not apply to uncovered marketable assets issued by credit institutions that were accepted as tier two assets and became ineligible on 31 May 2007.'

- (16) In Chapter 6, Section 6.2.1, under the heading 'Place of establishment of the issuer/guarantor', the resulting footnote 14 is inserted at the end of the first sentence:

'Marketable assets issued before 1 January 2007 by an entity not established in the EEA or in one of the non-EEA G10 countries, but guaranteed by an entity established in the EEA, remain eligible until 31 December 2011, provided they fulfil the other eligibility criteria and the requirements applicable to guarantees as set out in Section 6.3.2, and become ineligible after that date.'

- (17) In Chapter 6, Section 6.3.2, in the first indent on 'ECAI credit assessment', the former footnote 26 now renumbered as footnote 28 at the end of the first sentence is replaced by the following:

'The high credit standards for covered bank bonds issued from 1 January 2008 are assessed on the basis of the above-listed set of criteria. Covered bank bonds issued prior to 1 January 2008 are deemed to fulfil high credit standards if they comply strictly with the criteria set out in Article 22(4) of the UCITS Directive.'

- (18) In Chapter 6, Section 6.6.1, in the second indent, the current footnote 50 is deleted.

- (19) The Annexes to Annex I are renamed 'Appendices'.

- (20) In the resulting Appendix 2 to the Annex I, in the definition of 'open market operation' the fourth sentence is replaced by the following:

'In addition, the issuance of debt certificates and outright transactions are available for structural operations, while foreign exchange swaps and the collection of fixed-term deposits are available for the conduct of fine-tuning operations.'

B. Amendments related to the establishment of TARGET2

- (21) In the list of 'Abbreviations', the line referring to 'TARGET' is replaced by the following:

TARGET the Trans-European Automated Real-time Gross settlement Express Transfer system, as defined in Guideline ECB/2005/16

TARGET2 the Trans-European Automated Real-time Gross settlement Express Transfer system, as defined in Guideline ECB/2007/2.

(22) In Chapter 4, Section 4.1, the text under the heading 'Access conditions' is amended as follows:

(a) The third sentence of the first paragraph is replaced by the following:

'Access to the marginal lending facility is granted only on days when (i) TARGET2 (*); and (ii) the relevant securities settlement systems (SSSs) are operational (**).

(*) References to 'TARGET2' must be construed as references to 'TARGET', until the NCB has migrated to TARGET2. From 19 November 2007, the decentralised technical infrastructure of TARGET will be replaced by a single shared platform of TARGET2 through which all payment orders are submitted and processed and through which payments are received in the same technical manner. Migration to TARGET2 is arranged in three country groups, allowing TARGET users to migrate to TARGET2 in different waves and on different pre-defined dates. The composition of the country groups is the following: Group 1 (19 November 2007): Austria, Germany, Luxemburg and Slovenia; Group 2 (18 February 2008): Belgium, Finland, France, Ireland, Netherlands, Portugal and Spain; and Group 3 (19 May 2008): Greece, Italy, and the ECB. A fourth migration date (15 September 2008) is held in reserve as a contingency measure. Certain non-participating NCBs will also be connected to TARGET2 on the basis of a separate agreement: Cyprus, Latvia, Lithuania and Malta (in Group 1), as well as Denmark, Estonia and Poland (in Group 3).

(**) In addition, access to the marginal lending facility is only granted when the requirements of the payment system infrastructure in the RTGS have been fulfilled.'

(b) The third paragraph is replaced by the following:

'A counterparty may also be granted access to the marginal lending facility by sending a request to the national central bank in the Member State in which the counterparty is established. For the national central bank to process the request on the same day in TARGET2, the request must be received by the national central bank at the latest 15 minutes following the TARGET2 closing time (*) (**). As a general rule, the TARGET2 closing time is 6 p.m. ECB time (CET). The deadline for requesting access to the marginal lending facility is postponed by an additional 15 minutes on the last Eurosystem business day of a reserve maintenance period (***). The request must specify the amount of credit and, if underlying assets for the transaction have not already been pre-deposited with the national central bank, also the underlying assets to be delivered for the transaction.

(*) In some Member States, the NCB or some of its branches may not be open for the purpose of conducting monetary policy operations on certain Eurosystem business days due to national or regional bank holidays. In such cases, the NCB is responsible for informing the counterparties in advance of the arrangements to be made for access to the marginal lending facility on the bank holiday.

(**) TARGET and/or TARGET2 closing days are announced on the ECB's website (www.ecb.int), and on the Eurosystem websites (see Appendix 5).

(***) Until an NCB has migrated to TARGET2, the deadline for requesting access to the marginal lending facility with that NCB will be 30 minutes following the system's closing time (6 p.m. CET), to be postponed by an additional 30 minutes on the last Eurosystem business day of a reserve maintenance period.'

(23) In Chapter 4, Section 4.1, under the heading 'Maturity and interest terms', the second sentence of the first paragraph is replaced by the following:

'For counterparties participating directly in TARGET2, the credit is repaid on the next day on which (i) TARGET2; and (ii) the relevant SSSs are operational, at the time at which those systems open.'

(24) In Chapter 4, Section 4.2, the text under the heading 'Access conditions' is amended as follows:

(a) The third sentence of the first paragraph is replaced by the following:

'Access to the deposit facility is granted only on days when TARGET2 is open.'

- (b) The second paragraph is replaced by the following:

To be granted access to the deposit facility, the counterparty must send a request to the national central bank in the Member State in which the counterparty is established. For the national central bank to process the request on the same day in TARGET2, the request must be received by the national central bank at the latest 15 minutes following the TARGET2 closing time, which is, as a general rule, 6 p.m. ECB time (CET) (*) (**). The deadline for requesting access to the deposit facility is postponed by an additional 15 minutes on the last Eurosystem business day of a reserve maintenance period (***). The request must specify the amount to be deposited under the facility.

(*) See footnote 2 in this chapter.

(**) See footnote 3 in this chapter.

(***) Until an NCB has migrated to TARGET2, the deadline for requesting access to the deposit facility with that NCB will be 30 minutes following the system's closing time (6 p.m. CET), to be postponed by an additional 30 minutes on the last Eurosystem business day of a reserve maintenance period.'

- (25) In Chapter 4, Section 4.2, under the heading 'Maturity and interest terms', the second sentence of the first paragraph is replaced by the following:

'For counterparties participating directly in TARGET2, deposits held under the facility mature on the next day on which TARGET2 is operational, at the time at which this system opens.'

- (26) In Chapter 5, Section 5.3.1, the first sentence of the first paragraph is replaced by the following:

'Money transactions relating to the use of Eurosystem standing facilities or to participation in open market operations are settled on the counterparties' accounts with the national central banks or on the accounts of settlement banks participating in TARGET2.'

- (27) In Chapter 5, Section 5.3.2, the first sentence of the first paragraph is replaced by the following:

'Open market operations based on standard tenders, i.e. main refinancing operations, longer-term refinancing operations and structural operations, are normally settled on the first day following the trade day on which (i) TARGET2; and (ii) all relevant SSSs are open.'

- (28) In Chapter 5, Section 5.3.3, is replaced by the following:

5.3.3. End-of-day procedures

The end-of-day procedures are specified in documentation related to TARGET2. As a general rule, the TARGET2 closing time is 6 p.m. ECB time (CET). No further payment orders are accepted for processing in TARGET2 after the closing time, although remaining payment orders accepted before the closing time are still processed. Counterparties' requests for access to the marginal lending facility or to the deposit facility must be submitted to the respective national central bank at the latest 15 minutes following the TARGET2 closing time. The deadline for requesting access to the Eurosystem's standing facilities is postponed by an additional 15 minutes on the last Eurosystem business day of a minimum reserve maintenance period (*).

Any negative balances on the settlement accounts in TARGET2 of eligible counterparties remaining after the finalisation of the end-of-day control procedures are automatically considered to be a request for recourse to the marginal lending facility (see Section 4.1).

(*) Until an NCB has migrated to TARGET2, the deadline for requesting access to the Eurosystem's standing facilities with that NCB will be 30 minutes following the system's closing time (6 p.m. CET), to be postponed by an additional 30 minutes on the last Eurosystem business day of a minimum reserve maintenance period.'

- (29) In Chapter 6, Section 6.6.1, the last sentence of the section is replaced by the following:

'In exceptional circumstances or when required for monetary policy purposes, the ECB may decide to extend the CCBM's closing time until the TARGET2 closing time.'

(30) All the footnotes not referred to above are renumbered accordingly.

(31) The resulting Appendix 2 ('Glossary') to Annex I to Guideline ECB/2000/7 is amended as follows:

(i) The term 'End-of-day' is replaced by the following:

'End-of-day: the time of the business day following closure of TARGET2 at which the payments processed in the TARGET2 are finalised for the day. Where applicable, the term relates to the TARGET system accordingly, until the NCB has migrated to TARGET2.'

(ii) The term 'Interlinking mechanism' is deleted.

(iii) The term 'RTGS (real-time gross settlement)' is replaced by the following:

'RTGS (real-time gross settlement) system: a settlement system in which processing and settlement take place on an order-by-order basis without netting continuously in real time. See also TARGET2.'

(iv) The item 'Settlement account' is replaced by the following:

'Settlement account: an account held by a direct participant in TARGET2 with the central bank for the purpose of processing payments.'

(v) The item 'TARGET' is replaced by the following:

'TARGET: the predecessor of the TARGET2 system, operating in a decentralised structure linking together national RTGS systems and the ECB payment mechanism. The TARGET system is replaced by the TARGET2 system in accordance with the migration schedule specified in Article 13 of Guideline ECB/2007/2.'

(vi) After the term 'TARGET' the following is inserted:

'TARGET2 (Trans-European Automated Real-time Gross settlement Express Transfer system): the real-time gross settlement system for the euro, providing settlement of payments in euro in central bank money. TARGET2 is established and functions on the basis of a single platform, through which all payment orders are submitted and processed and through which payments are received in the same technical manner. TARGET2 is legally structured as a multiplicity of RTGS systems (TARGET2 component systems).'

ANNEX II

Annex II to Guideline ECB/2000/7 ('Additional Minimum Common Features') is amended as follows:

(1) Paragraph 15 is replaced by the following:

'The relevant contractual or regulatory arrangements applied by the NCB must define "business day" as, in relation to an obligation to make a payment, any day on which TARGET2 (*) is operational to effect such a payment and, in relation to an obligation to deliver assets, any day on which the securities settlement systems through which delivery is to be made are open for business in the place where delivery of the relevant securities is to be effected.

(*) Where applicable, references to "TARGET2" must be construed as references to "TARGET" until the NCB has migrated to TARGET2.'

(2) Paragraph 20(b)(ii) is replaced by the following:

'on the basis of the sums so established, the NCB must calculate what is due from each party to the other at the repurchase date. The sums due from one party must be set off against the sums due to the other and only the net balance is payable by the party having the claim thereby valued at the lower amount. Such net balance is due and payable on the next day on which TARGET2 is operational to effect a payment. For the purposes of this calculation, any sums not denominated in euro must be converted into euro on the appropriate date at the rate calculated in accordance with paragraph 16.'

(3) Paragraph 31(b) is replaced by the following:

'On the basis of the sums so established, the NCB must calculate what is due from each party to the other at the retransfer date. The sums due from one party must be converted into euro where necessary in accordance with paragraph 16 and set off against the sums due to the other. Only the net balance is payable by the party having the claim thereby valued at the lower amount. Such net balance is due and payable on the next day on which TARGET2 is operational to effect such a payment.'

ANNEX III

The table of Eurosystem websites in the new Appendix 5 to Annex I to Guideline ECB/2000/7 is replaced by the following:

Central Bank	Website
European Central Bank	www.ecb.int
Nationale Bank van België/Banque Nationale de Belgique	www.nbb.be or www.bnb.be
Deutsche Bundesbank	www.bundesbank.de
Central Bank and Financial Services Authority of Ireland	www.centralbank.ie
Bank of Greece	www.bankofgreece.gr
Banco de España	www.bde.es
Banque de France	www.banque-france.fr
Banca d'Italia	www.bancaditalia.it
Central Bank of Cyprus	www.centralbank.gov.cy
Banque centrale du Luxembourg	www.bcl.lu
Central Bank of Malta	www.centralbankmalta.com
De Nederlandsche Bank	www.dnb.nl
Oesterreichische Nationalbank	www.oenb.at
Banco de Portugal	www.bportugal.pt
Banka Slovenije	www.bsi.si
Suomen Pankki	www.bof.fi