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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 1307/2007

of 8 November 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 9 November 2007.

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

Done at Brussels, 8 November 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 8 November 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	81,5
	MK	46,6
	TR	71,7
	ZZ	66,6
0707 00 05	JO	196,3
	MA	42,3
	MK	70,4
	TR	101,6
	ZZ	102,7
0709 90 70	MA	76,0
	TR	121,8
	ZZ	98,9
0805 20 10	MA	97,0
	ZZ	97,0
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	HR	39,1
	IL	67,2
	TR	110,0
	UY	82,8
	ZZ	74,8
0805 50 10	AR	71,6
	TR	98,9
	ZA	58,3
	ZZ	76,3
0806 10 10	BR	246,8
	TR	121,8
	US	291,2
	ZZ	219,9
0808 10 80	AR	83,4
	AU	183,7
	CA	89,8
	CL	86,8
	MK	19,6
	US	95,5
	ZA	73,5
ZZ	90,3	
0808 20 50	AR	49,4
	CN	93,7
	TR	139,6
	ZZ	94,2

⁽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 1308/2007**of 8 November 2007****fixing the export refunds on white and raw sugar exported without further processing**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 9 November 2007.

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

Done at Brussels, 8 November 2007.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

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

ANNEX

Export refunds on white and raw sugar exported without further processing applicable from 9 November 2007 ^(a)

Product code	Destination	Unit of measurement	Amount of refund
1701 11 90 9100	S00	EUR/100 kg	28,57 ⁽¹⁾
1701 11 90 9910	S00	EUR/100 kg	28,97 ⁽¹⁾
1701 12 90 9100	S00	EUR/100 kg	28,57 ⁽¹⁾
1701 12 90 9910	S00	EUR/100 kg	28,97 ⁽¹⁾
1701 91 00 9000	S00	EUR/1 % sucrose × 100 kg of net product	0,3106
1701 99 10 9100	S00	EUR/100 kg	31,06
1701 99 10 9910	S00	EUR/100 kg	31,49
1701 99 10 9950	S00	EUR/100 kg	31,49
1701 99 90 9100	S00	EUR/1 % sucrose × 100 kg of net product	0,3106

NB: The destinations are defined as follows:

S00 — All destinations with the exception of:

- (a) third countries: Albania, Croatia, Bosnia-Herzegovina, Montenegro, Serbia, Kosovo, the former Yugoslav Republic of Macedonia, Andorra, Liechtenstein and the Holy See (Vatican City State);
- (b) territories of the EU Member States not forming part of the customs territory of the Community: Gibraltar, Ceuta, Melilla, the Communes of Livigno and Campione d'Italia, Heligoland, Greenland, the Faeroe Islands and the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control.

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

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

COMMISSION REGULATION (EC) No 1309/2007**of 8 November 2007****fixing the maximum export refund for white sugar in the framework of the standing invitation to tender provided for in Regulation (EC) No 900/2007**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

in response to the partial invitation to tender ending on 8 November 2007, it is appropriate to fix a maximum export refund for that partial invitation to tender.

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

HAS ADOPTED THIS REGULATION:

Article 1

For the partial invitation to tender ending on 8 November 2007, the maximum export refund for the product referred to in Article 1(1) of Regulation (EC) No 900/2007 shall be 36,494 EUR/100 kg.

Article 2

This Regulation shall enter into force on 9 November 2007.

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

Done at Brussels, 8 November 2007.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

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

⁽²⁾ OJ L 196, 28.7.2007, p. 26. Regulation as last amended by Commission Regulation (EC) No 1298/2007 (OJ L 289, 7.11.2007, p. 3).

COMMISSION REGULATION (EC) No 1310/2007**of 8 November 2007****fixing the maximum export refund for white sugar in the framework of the standing invitation to tender provided for in Regulation (EC) No 1060/2007**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

(1) Commission Regulation (EC) No 1060/2007 of 14 September 2007 opening a standing invitation to tender for the resale for export of sugar held by the intervention agencies of Belgium, the Czech Republic, Spain, Ireland, Italy, Hungary, Poland, Slovakia and Sweden ⁽²⁾ requires the issuing of partial invitations to tender.

(2) Pursuant to Article 4(1) of Regulation (EC) No 1060/2007 and following an examination of the

tenders submitted in response to the partial invitation to tender ending on 7 November 2007, it is appropriate to fix a maximum export refund for that partial invitation to tender.

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

HAS ADOPTED THIS REGULATION:

Article 1

For the partial invitation to tender ending on 7 November 2007, the maximum export refund for the product referred to in Article 1(1) of Regulation (EC) No 1060/2007 shall be 422,21 EUR/t.

Article 2

This Regulation shall enter into force on 9 November 2007.

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

Done at Brussels, 8 November 2007.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

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

⁽²⁾ OJ L 242, 15.9.2007, p. 8.

COMMISSION REGULATION (EC) No 1311/2007**of 8 November 2007****fixing the definitive rate of refund and the percentage of system B export licences to be issued in the fruit and vegetables sector (tomatoes, oranges, lemons, table grapes, apples and peaches)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables ⁽¹⁾,

Having regard to Commission Regulation (EC) No 1961/2001 of 8 October 2001 on detailed rules for implementing Council Regulation (EC) No 2200/96 as regards export refunds on fruit and vegetables ⁽²⁾, and in particular Article 6(7) thereof,

Whereas:

- (1) Commission Regulation (EC) No 628/2007 ⁽³⁾ fixed the indicative quantities for the issue of B system export licences.

- (2) The definitive rate of refund for tomatoes, oranges, lemons, table grapes, apples and peaches covered by licences applied for under system B between 1 July and 31 October 2007 should be fixed at the indicative rate, and the percentage of licences to be issued for the quantities applied for should be laid down,

HAS ADOPTED THIS REGULATION:

Article 1

For applications for system B export licences submitted pursuant to Article 1 of Regulation (EC) No 628/2007 between 1 July and 31 October 2007, the percentages of licences to be issued and the rates of refund applicable are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 9 November 2007.

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

Done at Brussels, 8 November 2007.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 297, 21.11.1996, p. 1. Regulation as last amended by Commission Regulation (EC) No 47/2003 (OJ L 7, 11.1.2003, p. 64).

⁽²⁾ OJ L 268, 9.10.2001, p. 8. Regulation as last amended by Regulation (EC) No 548/2007 (OJ L 130, 22.5.2007, p. 3).

⁽³⁾ OJ L 145, 7.6.2007, p. 7.

ANNEX

Percentages for the issuing of licences and rates of refund applicable to system B licences applied for between 1 July and 31 October 2007 (tomatoes, oranges, lemons, table grapes, apples and peaches)

Product	Rate of refund (EUR/t net)	Percentages of licences to be issued for the quantities applied for
Tomatoes	20	100 %
Oranges	26	100 %
Lemons	50	100 %
Table grapes	13	100 %
Apples	22	100 %
Peaches	12	100 %

COMMISSION REGULATION (EC) No 1312/2007**of 8 November 2007****on the issuing of system A3 export licences in the fruit and vegetables sector (tomatoes, oranges, lemons, table grapes and apples)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables ⁽¹⁾, and in particular the third subparagraph of Article 35(3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1210/2007 ⁽²⁾ opens an invitation to tender setting the indicative refund rates and indicative quantities for system A3 export licences, which may be issued, other than those tendered for as part of food aid.
- (2) In the light of the tenders submitted, the maximum refund rates and the percentages of quantities to be awarded for tenders quoting those maximum rates should be set.

- (3) In the case of tomatoes, oranges, lemons, table grapes and apples, the maximum rate necessary to award licences for the indicative quantity up to the quantities tendered for is not more than one-and-a-half times the indicative refund rate,

HAS ADOPTED THIS REGULATION:

Article 1

In the case of tomatoes, oranges, lemons, table grapes and apples, the maximum refund rates and the percentages for reducing the quantities awarded under the invitation to tender opened by Regulation (EC) No 1210/2007 shall be fixed in the Annex.

Article 2

This Regulation shall enter into force on 9 November 2007.

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

Done at Brussels, 8 November 2007.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 297, 21.11.1996, p. 1. Regulation as last amended by Commission Regulation (EC) No 47/2003 (OJ L 7, 11.1.2003, p. 64).

⁽²⁾ OJ L 274, 18.10.2007, p. 3.

ANNEX

Issuing of system A3 export licences in the fruit and vegetable sector (tomatoes, oranges, lemons, table grapes and apples)

Product	Maximum refund rate (EUR/t net)	Percentage awarded of quantities tendered for quoting the maximum refund rate
Tomatoes	30	100 %
Oranges	40	100 %
Lemons	60	100 %
Table grapes	—	100 %
Apples	35	100 %

COMMISSION REGULATION (EC) No 1313/2007

of 8 November 2007

amending Regulations (EC) No 2076/2002 as regards the extension of the time period referred to in Article 8(2) of Council Directive 91/414/EEC with respect to metalaxyl and (EC) No 2024/2006 as regards the deletion of the derogation concerning metalaxyl

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

and the withdrawal of authorisations for plant protection products containing this active substance ⁽⁴⁾.

Having regard to the Treaty establishing the European Community,

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 42 thereof,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market ⁽¹⁾, and in particular the third subparagraph of Article 8(2) thereof,

Whereas:

- (1) Metalaxyl is one of the active substances listed in Annex I to Commission Regulation (EEC) No 3600/92 of 11 December 1992 laying down the detailed rules for the implementation of the first stage of the programme of work referred to in Article 8(2) of Council Directive 91/414/EEC concerning the placing of plant protection products on the market ⁽²⁾.
- (2) In accordance with Article 1 of Commission Regulation (EC) No 2076/2002 of 20 November 2002 extending the time period referred to in Article 8(2) of Council Directive 91/414/EEC and concerning the non-inclusion of certain active substances in Annex I to that Directive and the withdrawal of authorisations for plant protection products containing these substances ⁽³⁾, for the active substances which are assessed in the framework of Regulation (EEC) No 3600/92 the time period referred to in Article 8(2) of Directive 91/414/EEC expired on 31 December 2006.
- (3) On 2 May 2003 the Commission adopted Decision 2003/308/EC concerning the non-inclusion of metalaxyl in Annex I to Council Directive 91/414/EEC

- (4) Commission Regulation (EC) No 2024/2006 of 22 December 2006 laying down transitional measures derogating from Regulation (EC) No 2076/2002 and Decisions 98/270/EC, 2002/928/EC, 2003/308/EC, 2004/129/EC, 2004/141/EC, 2004/247/EC, 2004/248/EC, 2005/303/EC and 2004/864/EC as regards the continued use of plant protection products containing certain substances not included in Annex I to Directive 91/414/EEC by reason of the accession of Romania ⁽⁵⁾ provides for a derogation from Article 3 of Decision 2003/308/EC.
- (5) The Court of Justice of the European Communities, in its judgment of 18 July 2007 in Case C-326/05 P ⁽⁶⁾, annulled Decision 2003/308/EC.
- (6) Article 233 of the Treaty requires the institution whose act has been declared void to take the necessary measures to comply with the judgment of the Court of Justice.
- (7) Consequently, it is necessary to extend for metalaxyl the time period provided for in Regulation (EC) No 2076/2002 to allow that substance to be assessed and to allow Member States to authorise plant protection products containing that active substance in the meantime. Further details on the assessment procedure for metalaxyl will have to be defined in a specific act. In order to execute the judgment as soon as possible, the time period should be extended without waiting for the adoption of such an act.
- (8) Regulations (EC) No 2076/2002 and (EC) No 2024/2006 should therefore be amended accordingly.
- (9) The measure provided for in this Regulation is in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

⁽¹⁾ OJ L 230, 19.8.1991, p. 1. Directive as last amended by Commission Directive 2007/52/EC (OJ L 214, 17.8.2007, p. 3).

⁽²⁾ OJ L 366, 15.12.1992, p. 10. Regulation as last amended by Regulation (EC) No 2266/2000 (OJ L 259, 13.10.2000, p. 27).

⁽³⁾ OJ L 319, 23.11.2002, p. 3. Regulation as last amended by Regulation (EC) No 1980/2006 (OJ L 368, 23.12.2006, p. 96).

⁽⁴⁾ OJ L 113, 7.5.2003, p. 8.

⁽⁵⁾ OJ L 384, 29.12.2006, p. 79.

⁽⁶⁾ OJ C 235, 6.10.2007, p. 5.

HAS ADOPTED THIS REGULATION:

Article 2

Article 4 of Regulation (EC) No 2024/2006 is deleted.

Article 1

In Article 1 of Regulation (EC) No 2076/2002 the following sentence is inserted after the first sentence:

Article 3

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

'However, for metalaxyl the time period of 12 years referred to in Article 8(2) of Directive 91/414/EEC shall be extended until 30 June 2010'.

It shall apply from 2 May 2003.

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

Done at Brussels, 8 November 2007.

For the Commission
Markos KYPRIANOU
Member of the Commission

COMMISSION REGULATION (EC) No 1314/2007

of 8 November 2007

amending Council Regulation (EC) No 499/96 as regards Community tariff quotas for certain fish and fishery products originating in Iceland

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 499/96 of 19 March 1996 opening and providing for the administration of Community tariff quotas for certain fishery products and live horses originating in Iceland ⁽¹⁾, and in particular Article 5(1)(b) thereof,

Whereas:

- (1) Participation of Bulgaria and Romania in the European Economic Area was agreed by means of the EEA Enlargement Agreement, signed between the European Community and its Member States, Iceland, Liechtenstein, and Norway and the EEA Applicant Countries on 25 July 2007.
- (2) Pending the completion of the procedures required for the adoption of the EEA Enlargement Agreement of 2007, an Agreement in the form of an Exchange of Letters was agreed, which provides for a provisional application of the EEA Enlargement Agreement. That Agreement has been approved by Council Decision 2007/566/EC of 23 July 2007 on the signing and the provisional application of an Agreement on the participation of the Republic of Bulgaria and Romania in the European Economic Area and four related agreements ⁽²⁾.
- (3) The EEA Enlargement Agreement of 2007 provides for an additional Protocol to the EC-Iceland Free Trade Agreement of 1972. This additional Protocol provides for new annual duty free tariff quotas at import into the Community of certain fish and fishery products originating in Iceland.
- (4) To implement the new tariff quotas it is necessary to amend Regulation (EC) No 499/96.
- (5) Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽³⁾ provides for a system of management for tariff quotas designed to be used following the chronological order of dates of acceptance of the customs declarations. For reasons of simplification the same system should apply for the tariff quotas provided for in Regulation (EC) No 499/96.

- (6) The tariff quotas provided for in the additional Protocol should be regarded initially as non-critical within the meaning of Article 308c of Regulation (EEC) No 2454/93. Therefore, Articles 308(c)(2) and (3) of that Regulation should not apply.
- (7) In accordance with the additional Protocol, the unused volume of the tariff quota for frozen Norway lobsters for 2007 should be carried over to the corresponding tariff quota for 2008.
- (8) In accordance with Decision 2007/566/EC the new tariff quotas have to apply from 1 September 2007. This Regulation should therefore apply from the same date and enter into force immediately.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 499/96 is amended as follows:

1. Articles 2 and 3 are replaced by the following:

'Article 2

The tariff quotas set out in this Regulation shall be managed in accordance with Articles 308a, 308b and 308c of Regulation (EEC) No 2454/93.

However, Article 308c(2) and (3) of Regulation (EEC) No 2454/93 shall not apply to the tariff quotas with order numbers 09.0810 and 09.0811.

Article 3

Where the tariff quota with order No 09.0810 for CN code 0306 19 30 for frozen Norway lobsters will not be fully exhausted by the end of 2007, the remaining volume shall be carried over to the corresponding tariff quota for 2008.

For this purpose drawings on the tariff quota for 2007 shall be stopped on the second working day in the Commission following 1 April 2008. On the following working day, the unused balance of the tariff quota for 2007 shall be made available under the corresponding tariff quota for 2008.

⁽¹⁾ OJ L 75, 23.3.1996, p. 8. Regulation as amended by Regulation (EC) No 1921/2004 (OJ L 331, 5.11.2004, p. 5).

⁽²⁾ OJ L 221, 25.8.2007, p. 1.

⁽³⁾ OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 214/2007 (OJ L 62, 1.3.2007, p. 6).

From that date onwards no retroactive drawings and no returns shall be possible on the particular tariff quota for 2007.'

2. The Annex is amended as set out in the Annex to this Regulation.

Article 2

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

It shall apply from 1 September 2007.

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

Done at Brussels, 8 November 2007.

For the Commission
László KOVÁCS
Member of the Commission

ANNEX

In the Annex to Regulation (EC) No 499/96 the following rows are inserted:

Order No	CN code	Description of products	Quota volume	Quota duty (%)
09.0810	0306 19 30	Frozen Norway lobsters (<i>Nephrops norvegicus</i>)	From 1.9. to 31.12.2007: 520 tonnes	0
			From 1.1. to 31.12.2008: 520 tonnes	0
			From 1.1. to 30.4.2009: 174 tonnes	0
09.0811	0304 19 35	Fillets of redfish (<i>Sebastes</i> spp.), fresh or chilled	From 1.9. to 31.12.2007: 750 tonnes	0
			From 1.1. to 31.12.2008: 750 tonnes	0
			From 1.1. to 30.4.2009: 250 tonnes	0

COMMISSION REGULATION (EC) No 1315/2007**of 8 November 2007****on safety oversight in air traffic management and amending Regulation (EC) No 2096/2005****(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 550/2004 of the European Parliament and of the Council of 10 March 2004 on the provision of air navigation services in the Single European Sky (the service provision Regulation) ⁽¹⁾, and in particular Article 4 thereof,

Whereas:

- (1) Pursuant to Regulation (EC) No 550/2004, the Commission is required to identify and adopt the relevant provisions of the Eurocontrol Safety Regulatory Requirements (ESARRs), taking into account existing Community legislation. ESARR 1 provides a set of safety regulatory requirements for the implementation of an effective air traffic management (ATM) safety oversight function.
- (2) The role and functions of national supervisory authorities have been established in Regulation (EC) No 549/2004 of the European Parliament and of the Council of 10 March 2004 laying down the framework for the creation of the single European sky (the framework Regulation) ⁽²⁾, Regulation (EC) No 550/2004, Regulation (EC) No 552/2004 of the European Parliament and of the Council of 10 March 2004 on the interoperability of the European Air Traffic Management network (the interoperability Regulation) ⁽³⁾ and Commission Regulation (EC) No 2096/2005 of 20 December 2005 laying down common requirements for the provision of air navigation services ⁽⁴⁾. These regulations include requirements on the safety of air navigation services. While the responsibility for the safe provision of service lies with the provider, the Member States should ensure effective supervision through national supervisory authorities.
- (3) This Regulation should not cover military operations and training as referred to in Article 1(2) of Regulation (EC) No 549/2004.
- (4) National supervisory authorities should conduct safety regulatory audits and reviews in accordance with this Regulation as part of the proper inspections and surveys required by Regulation (EC) No 550/2004.
- (5) National supervisory authorities should consider using the safety oversight approach of this Regulation in other areas of oversight as appropriate in order to develop efficient and coherent supervision.
- (6) In line with Annex 11, Section 2.26 of the Convention on International Civil Aviation, ESARR 1 requires the monitoring and assessment of the levels of safety achieved against the tolerable levels of safety determined for specific airspace blocks. However, those tolerable levels of safety still need to be completely established at Community level and therefore they should be taken into consideration in this Regulation at a later stage.
- (7) All air navigation services, as well as air traffic flow management and air space management use functional systems that enable the management of air traffic. Therefore any changes to functional systems should be subject to a safety oversight.
- (8) Article 7 of Regulation (EC) No 552/2004 requires a national supervisory authority to take all necessary measures in case a system or a constituent of a system does not comply with the relevant requirements. In this context and in particular when a safety directive has to be issued, the national supervisory authority should consider instructing the notified bodies involved in issuing the EC Declaration to conduct specific investigations with regard to that technical system.
- (9) National supervisory authorities should be given a sufficient period of time to prepare for the safety oversight of changes, notably as regards the identification of the targets and standards. The identification should be supported by appropriate Community specifications and other guidance material.

⁽¹⁾ OJ L 96, 31.3.2004, p. 10.⁽²⁾ OJ L 96, 31.3.2004, p. 1.⁽³⁾ OJ L 96, 31.3.2004, p. 26.⁽⁴⁾ OJ L 335, 21.12.2005, p. 13.

- (10) Annual safety oversight reporting by the national supervisory authorities should contribute to the transparency and accountability of the safety oversight. The reports should be addressed to the Member State nominating or establishing the authority. Furthermore, they should be used in the context of regional cooperation and international safety oversight monitoring. The actions to be reported should include relevant information with regard to the monitoring of safety performance, the compliance with applicable safety regulatory requirements by the organisations supervised, the programme of safety regulatory audits, the review of the safety arguments, the changes to functional systems implemented by the organisations in accordance with procedures accepted by the authority and the safety directives issued by the national supervisory authority.
- (11) Pursuant to Article 2(4) of Regulation (EC) No 550/2004, national supervisory authorities should make appropriate arrangements for close cooperation with each other to ensure adequate supervision of air navigation service providers which provide services relating to the airspace falling under the responsibility of a Member State different from the Member State which issued the certificate. Authorities should exchange in particular appropriate information about the safety oversight of organisations.
- (12) Regulation (EC) No 2096/2005 should be amended accordingly, in order to ensure consistency in the implementation of the Single European Sky.
- (13) The measures provided for in this Regulation are in accordance with the opinion of the Single Sky Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter and scope

1. This Regulation establishes a safety oversight function concerning air navigation services, air traffic flow management (ATFM) and air space management (ASM) for general air traffic by identifying and adopting the relevant mandatory provisions of the Eurocontrol Safety Regulatory Requirement on safety oversight in air traffic management (ATM) (ESARR 1) issued on 5 November 2004.
2. This Regulation shall apply to the activities of national supervisory authorities and recognised organisations acting on their behalf regarding the safety oversight of air navigation services, ATFM and ASM.

Article 2

Definitions

For the purposes of this Regulation the definitions established by Regulation (EC) No 549/2004 shall apply.

The following definitions shall also apply:

1. 'corrective action' means action to eliminate the cause of a detected non-conformity;
2. 'functional system' means a combination of systems, procedures and human resources organised to perform a function within the context of ATM;
3. 'organisation' means either an air navigation service provider or an entity providing ATFM or ASM;
4. 'process' means a set of interrelated or interacting activities which transforms inputs into outputs;
5. 'Safety argument' means the demonstration and evidence that a proposed change to a functional system can be implemented within the targets or standards established through the existing regulatory framework consistently with the safety regulatory requirements;
6. 'safety directive' means a document issued or adopted by a national supervisory authority which mandates actions to be performed on a functional system to restore safety, when evidence shows that aviation safety may otherwise be compromised;
7. 'safety objective' means a qualitative or quantitative statement that defines the maximum frequency or probability at which a hazard can be expected to occur;
8. 'safety regulatory audit' means a systematic and independent examination conducted by, or on behalf of, a national supervisory authority to determine whether complete safety-related arrangements or elements thereof, related to processes and their results, products or services, comply with required safety-related arrangements and whether they are implemented effectively and are suitable to achieve expected results;
9. 'safety regulatory requirements' means the requirements established by Community or national regulations for the provision of air navigation services or ATFM and ASM functions concerning the technical and operational competence and suitability to provide these services and functions, their safety management, as well as systems, their constituents and associated procedures;

10. 'safety requirement' means a risk mitigation means, defined from the risk mitigation strategy that achieves a particular safety objective, including organisational, operational, procedural, functional, performance and interoperability requirements or environmental characteristics;
11. 'verification' means confirmation through the provision of objective evidence that specified requirements have been fulfilled.

Article 3

Safety oversight function

1. National supervisory authorities shall exercise safety oversight as part of their supervision of requirements applicable to air navigation services as well as to ATFM and ASM, in order to monitor the safe provision of these activities and to verify that the applicable safety regulatory requirements and their implementing arrangements are met.
2. When concluding an agreement on the supervision of organisations active in functional airspace blocks which extend across the airspace falling under the responsibility of more than one Member State, Member States concerned shall identify and allocate the responsibilities for safety oversight in a manner which ensures that:
- (a) specific points of responsibility exist to implement each provision of this Regulation;
- (b) the Member States have visibility of the safety oversight mechanisms and their results.

Member States shall regularly review the agreement and its practical implementation in particular in the light of achieved safety performance.

Article 4

Monitoring of safety performance

1. National supervisory authorities shall provide regular monitoring and assessment of the levels of safety achieved in order to determine whether they comply with the safety regulatory requirements applicable in the airspace blocks under their responsibility.
2. National supervisory authorities shall use the results of the monitoring of safety in particular to determine areas in which the verification of compliance with safety regulatory requirements is necessary as a matter of priority.

Article 5

Verification of compliance with safety regulatory requirements

1. National supervisory authorities shall establish a process in order to verify:
- (a) compliance with applicable safety regulatory requirements prior to the issue or renewal of a certificate necessary to provide air navigation services including safety-related conditions attached to it;
- (b) compliance with any safety-related obligations in the designation act issued in accordance with Article 8 of Regulation (EC) No 550/2004;
- (c) ongoing compliance of the organisations with applicable safety regulatory requirements;
- (d) implementation of safety objectives, safety requirements and other safety-related conditions identified in:
- (i) EC declarations of verification of systems, including any relevant EC declaration of conformity or suitability for use of constituents of systems;
- (ii) risk assessment and mitigation procedures required by safety regulatory requirements applicable to air navigation services, ATFM and ASM;
- (e) the implementation of safety directives.
2. The process referred to in paragraph 1 shall:
- (a) be based on documented procedures;
- (b) be supported by documentation specifically intended to provide safety oversight personnel with guidance to perform their functions;
- (c) provide the organisation concerned with an indication of the results of the safety oversight activity;
- (d) be based on safety regulatory audits and reviews conducted in accordance with Articles 6, 8 and 9;
- (e) provide the national supervisory authority with the evidence needed to support further action, including measures foreseen by Article 9 of Regulation (EC) No 549/2004 and by Article 7(7) of Regulation (EC) No 550/2004 in situations where safety regulatory requirements are not being complied with.

*Article 6***Safety regulatory audits**

1. National supervisory authorities, or recognised organisations as delegated by them, shall conduct safety regulatory audits.

2. The safety regulatory audits referred to in paragraph 1 shall:

(a) provide national supervisory authorities with evidence of compliance with applicable safety regulatory requirements and with implementing arrangements by evaluating the need for improvement or corrective action;

(b) be independent of internal auditing activities undertaken by the organisation concerned as part of its safety or quality management systems;

(c) be conducted by auditors qualified in accordance with the requirements of Article 11;

(d) apply to complete implementing arrangements or elements thereof, and to processes, products or services;

(e) determine whether:

(i) implementing arrangements comply with safety regulatory requirements;

(ii) actions taken comply with the implementing arrangements;

(iii) the results of actions taken match the results expected from the implementing arrangements;

(f) lead to the correction of any identified non-conformities in accordance with Article 7.

3. Within the inspection programme required by Article 7 of Regulation (EC) No 2096/2005, national supervisory authorities shall establish and update at least annually a programme of safety regulatory audits in order to:

(a) cover all the areas of potential safety concern, with a focus on those areas where problems have been identified;

(b) cover all the organisations and services operating under the supervision of the national supervisory authority;

(c) ensure that audits are conducted in a manner commensurate to the level of risk posed by the organisations' activities;

(d) ensure that sufficient audits are conducted over a period of two years to check the compliance of all these organisations with applicable safety regulatory requirements in all the relevant areas of the functional system;

(e) ensure follow up of the implementation of corrective actions.

4. National supervisory authorities may decide to modify the scope of pre-planned audits, and to include additional audits, wherever that need arises.

5. National supervisory authorities shall decide which arrangements, elements, services, products, physical locations and activities are to be audited within a specified time frame.

6. Audit observations and identified non-conformities shall be documented. The latter shall be supported by evidence, and identified in terms of the applicable safety regulatory requirements and their implementing arrangements against which the audit has been conducted.

An audit report, including the details of the non-conformities, shall be drawn up.

*Article 7***Corrective actions**

1. The national supervisory authority shall communicate the audit findings to the audited organisation and shall simultaneously request corrective actions to address the non-conformities identified without prejudice to any additional action required by the applicable safety regulatory requirements.

2. The audited organisation shall determine the corrective actions deemed necessary to correct non-conformity and the time frame for their implementation.

3. The national supervisory authority shall assess the corrective actions and the implementation determined by the audited organisation and accept them if the assessment concludes that they are sufficient to address the non-conformities.

4. The audited organisation shall initiate the corrective actions accepted by the national supervisory authority. These corrective actions and the subsequent follow-up process shall be completed within the time period accepted by the national supervisory authority.

*Article 8***Safety oversight of changes to functional systems**

1. Organisations shall only use procedures accepted by their national supervisory authority when deciding whether to introduce a safety-related change to their functional systems. In case of providers of air traffic services and providers of communication, navigation or surveillance services, the national supervisory authority shall accept these procedures in the framework of Regulation (EC) No 2096/2005.

2. Organisations shall notify their national supervisory authority of all planned safety related changes. To this effect, the national supervisory authorities shall establish appropriate administrative procedures in accordance with national law.

3. Unless Article 9 applies, the organisations may implement the notified change following the procedures referred to in paragraph 1 of this Article.

*Article 9***Review procedure of the proposed changes**

1. The national supervisory authority shall review the safety arguments associated with new functional systems or changes to existing functional systems proposed by an organisation when:

- (a) the severity assessment conducted in accordance with Annex II, point 3.2.4 of Regulation (EC) No 2096/2005 determines a severity class 1 or a severity class 2 for the potential effects of the hazards identified; or
- (b) the implementation of the changes requires the introduction of new aviation standards.

When the national supervisory authority determines the need for a review in situations other than those referred to in points (a) and (b), it shall notify the organisation that it will undertake a safety review of the change notified.

2. The review shall be conducted in a manner commensurate with the level of risk posed by the new functional system or change to existing functional systems.

It shall:

- (a) use documented procedures;
- (b) be supported by documentation specifically intended to provide safety oversight personnel with guidance to perform their functions;

(c) consider the safety objectives, safety requirements and other safety-related conditions that are related to the change under consideration which have been identified in:

- (i) EC declarations of verification of systems;
- (ii) EC declarations of conformity or suitability for use of constituents of systems; or
- (iii) risk assessment and mitigation documentation established in accordance with applicable safety regulatory requirements;

(d) identify additional safety-related conditions associated to the implementation of the change, wherever needed;

(e) assess the acceptability of safety arguments presented, taking account of:

- (i) the identification of hazards;
- (ii) the consistency of the allocation of severity classes;
- (iii) the validity of the safety objectives;
- (iv) the validity, effectiveness and feasibility of safety requirements and any other safety-related conditions identified;
- (v) the demonstration that the safety objectives, safety requirements and other safety-related conditions are continuously met;
- (vi) the demonstration that the process used to produce the safety arguments meets the applicable safety regulatory requirements;

(f) verify the processes used by the organisations to produce the safety arguments in relation to the new functional system or changes to existing functional systems under consideration;

(g) identify the need for the verification of ongoing compliance;

(h) include any necessary coordination activities with the authorities responsible for the safety oversight of airworthiness and flight operations;

(i) provide notification of the acceptance, with conditions where applicable, or the non-acceptance, with supporting reasons, of the change under consideration.

3. The introduction into service of the change under consideration in the review shall be subject to acceptance by the national supervisory authority.

Article 10

Recognised organisations

1. When a national supervisory authority decides to delegate to a recognised organisation the conduct of safety regulatory audits or reviews in accordance with Article 9(2), it shall ensure that the criteria used to select an organisation amongst those recognised in accordance with Article 3 of Regulation (EC) No 550/2004 include the following:

- (a) the recognised organisation has prior experience in assessing safety in aviation entities;
- (b) the recognised organisation is not simultaneously involved in internal activities within the safety or quality management systems of the organisation concerned;
- (c) all personnel concerned with the conduct of safety regulatory audits or reviews are adequately trained and qualified and meet the qualification criteria of Article 11(3) of this Regulation.

2. The recognised organisation shall accept the possibility of being audited by the national supervisory authority or any body acting on its behalf.

3. National supervisory authorities shall maintain a record of the recognised organisations commissioned to conduct safety regulatory audits or reviews on their behalf. The records shall document compliance with the requirements contained in paragraph 1.

Article 11

Safety oversight capabilities

1. Member States shall ensure that national supervisory authorities have the necessary capability to ensure the safety oversight of all organisations operating under their supervision, including sufficient resources to carry out the actions identified in this Regulation.

2. National supervisory authorities shall produce and update every two years, an assessment of the human resources needed to perform their safety oversight functions, based on the analysis of the processes required by this Regulation and their application.

3. National supervisory authorities shall ensure that all persons involved in safety oversight activities are competent to perform the required function. In that regard they shall:

- (a) define and document the education, training, technical and operational knowledge, experience and qualifications relevant to the duties of each position involved in safety oversight activities within their structure;
- (b) ensure specific training for those involved in safety oversight activities within their structure;
- (c) ensure that personnel designated to conduct safety regulatory audits, including auditing personnel from recognised organisations, meet specific qualification criteria defined by the national supervisory authority. The criteria shall address:
 - (i) the knowledge and understanding of the requirements related to air navigation services, ATFM and ASM against which safety regulatory audits may be performed;
 - (ii) the use of assessment techniques;
 - (iii) the skills required for managing an audit;
 - (iv) the demonstration of competence of auditors through evaluation or other acceptable means.

Article 12

Safety directives

1. The national supervisory authority shall issue a safety directive when it has determined the existence of an unsafe condition in a functional system requiring immediate action.

2. A safety directive shall be forwarded to the organisations concerned and contain, as a minimum, the following information:

- (a) the identification of the unsafe condition;
- (b) the identification of the affected functional system;
- (c) the actions required and their rationale;
- (d) the time limit for compliance of the required actions with the safety directive;
- (e) its date of entry into force.

3. The national supervisory authority shall forward a copy of the safety directive to other national supervisory authorities concerned, in particular those involved in the safety oversight of the functional system, and to the Commission, the European Aviation Safety Agency (EASA) and Eurocontrol as far as appropriate.

4. The national supervisory authority shall verify the compliance with applicable safety directives.

Article 13

Safety oversight records

National supervisory authorities shall keep and maintain access to, the appropriate records related to their safety oversight processes, including the reports of all safety regulatory audits and other safety-related records related to certificates, designations, the safety oversight of changes, safety directives and the use of recognised organisations.

Article 14

Safety oversight reporting

1. The national supervisory authority shall produce an annual safety oversight report of the actions taken pursuant to this Regulation. The report shall also include information on the following:

- (a) organisational structure and procedures of the national supervisory authority;
- (b) airspace falling under the responsibility of the Member States which established or nominated the national supervisory authority and organisations falling under the supervision of the national supervisory authority;
- (c) recognised organisations commissioned to conduct safety regulatory audits;
- (d) existing levels of resources of the authority;
- (e) any safety issues identified through the safety oversight processes operated by the national supervisory authority.

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

Done at Brussels, 8 November 2007.

2. Member States shall use the reports produced by their national supervisory authorities when producing their annual reports to the Commission required by Article 12 of Regulation (EC) No 549/2004.

3. The annual safety oversight report shall be made available to the Member States concerned in the case of functional airspace blocks and to the programmes or activities conducted under agreed international arrangements to monitor or audit the implementation of the safety oversight of air navigation services, ATFM and ASM.

Article 15

Information exchange between national supervisory authorities

National supervisory authorities shall make arrangements for close cooperation in accordance with Article 2(4) of Regulation (EC) No 550/2004 and exchange any appropriate information to ensure the safety oversight of all organisations providing cross border services or functions.

Article 16

Amendment to Regulation (EC) No 2096/2005

Article 5(3) of Regulation (EC) No 2096/2005 is deleted.

Article 17

Transitional provision

Member States may defer the application of Article 9(3) until 1 November 2008. They shall forthwith inform the Commission thereof.

Article 18

Entry into force

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

For the Commission

Jacques BARROT

Vice-President

COMMISSION REGULATION (EC) No 1316/2007**of 8 November 2007****establishing a prohibition of fishing for cod in ICES zones VIIb to k, VIII, IX and X; EC waters of CECAF 34.1.1 by vessels flying the flag of the Netherlands**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

*Article 1***Quota exhaustion**

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

*Article 2***Prohibitions**

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

*Article 3***Entry into force**

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

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

Done at Brussels, 8 November 2007.

For the Commission

Fokion FOTIADIS

Director-General for Fisheries and Maritime Affairs

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

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

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

ANNEX

No	65
Member State	The Netherlands
Stock	COD/7X7A34
Species	Cod (<i>Gadus morhua</i>)
Zone	VIIb-k, VIII, IX and X; EC waters of CECAF 34.1.1
Date	16.10.2007

COMMISSION REGULATION (EC) No 1317/2007

of 8 November 2007

fixing the export refunds on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

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

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

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

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

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

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 9 November 2007.

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

Done at Brussels, 8 November 2007.

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

ANNEX

to Commission Regulation of 8 November 2007 fixing the export refunds on products processed from cereals and rice

Product code	Destination	Unit of measurement	Refunds	Product code	Destination	Unit of measurement	Refunds
1102 20 10 9200 ⁽¹⁾	C10	EUR/t	0,00	1104 23 10 9300	C10	EUR/t	0,00
1102 20 10 9400 ⁽¹⁾	C10	EUR/t	0,00	1104 29 11 9000	C10	EUR/t	0,00
1102 20 90 9200 ⁽¹⁾	C10	EUR/t	0,00	1104 29 51 9000	C10	EUR/t	0,00
1102 90 10 9100	C10	EUR/t	0,00	1104 29 55 9000	C10	EUR/t	0,00
1102 90 10 9900	C10	EUR/t	0,00	1104 30 10 9000	C10	EUR/t	0,00
1102 90 30 9100	C10	EUR/t	0,00	1104 30 90 9000	C10	EUR/t	0,00
1103 19 40 9100	C10	EUR/t	0,00	1107 10 11 9000	C10	EUR/t	0,00
1103 13 10 9100 ⁽¹⁾	C10	EUR/t	0,00	1107 10 91 9000	C10	EUR/t	0,00
1103 13 10 9300 ⁽¹⁾	C10	EUR/t	0,00	1108 11 00 9200	C10	EUR/t	0,00
1103 13 10 9500 ⁽¹⁾	C10	EUR/t	0,00	1108 11 00 9300	C10	EUR/t	0,00
1103 13 90 9100 ⁽¹⁾	C10	EUR/t	0,00	1108 12 00 9200	C10	EUR/t	0,00
1103 19 10 9000	C10	EUR/t	0,00	1108 12 00 9300	C10	EUR/t	0,00
1103 19 30 9100	C10	EUR/t	0,00	1108 13 00 9200	C10	EUR/t	0,00
1103 20 60 9000	C10	EUR/t	0,00	1108 13 00 9300	C10	EUR/t	0,00
1103 20 20 9000	C10	EUR/t	0,00	1108 19 10 9200	C10	EUR/t	0,00
1104 19 69 9100	C10	EUR/t	0,00	1108 19 10 9300	C10	EUR/t	0,00
1104 12 90 9100	C10	EUR/t	0,00	1109 00 00 9100	C10	EUR/t	0,00
1104 12 90 9300	C10	EUR/t	0,00	1702 30 51 9000 ⁽²⁾	C10	EUR/t	0,00
1104 19 10 9000	C10	EUR/t	0,00	1702 30 59 9000 ⁽²⁾	C10	EUR/t	0,00
1104 19 50 9110	C10	EUR/t	0,00	1702 30 91 9000	C10	EUR/t	0,00
1104 19 50 9130	C10	EUR/t	0,00	1702 30 99 9000	C10	EUR/t	0,00
1104 29 01 9100	C10	EUR/t	0,00	1702 40 90 9000	C10	EUR/t	0,00
1104 29 03 9100	C10	EUR/t	0,00	1702 90 50 9100	C10	EUR/t	0,00
1104 29 05 9100	C10	EUR/t	0,00	1702 90 50 9900	C10	EUR/t	0,00
1104 29 05 9300	C10	EUR/t	0,00	1702 90 75 9000	C10	EUR/t	0,00
1104 22 20 9100	C10	EUR/t	0,00	1702 90 79 9000	C10	EUR/t	0,00
1104 22 30 9100	C10	EUR/t	0,00	2106 90 55 9000	C14	EUR/t	0,00
1104 23 10 9100	C10	EUR/t	0,00				

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

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

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

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

The other destinations are as follows:

C10: All destinations

C14: All destinations except for Switzerland and Liechtenstein.

INFORMATION ON THE DATE OF ENTRY INTO FORCE OF COUNCIL REGULATION (EC) No 1891/2006 AND OF COMMISSION REGULATIONS (EC) No 876/2007 AND (EC) No 877/2007

The Geneva Act of the Hague Agreement concerning the international registration of industrial designs, adopted at Geneva on 2 July 1999, will enter into force with respect to the European Community on 1 January 2008. Consequently, the following Regulations will also enter into force on 1 January 2008:

- Council Regulation (EC) No 1891/2006 of 18 December 2006 amending Regulations (EC) No 6/2002 and (EC) No 40/94 to give effect to the accession of the European Community to the Geneva Act of the Hague Agreement concerning the international registration of industrial designs ⁽¹⁾,
- Commission Regulation (EC) No 876/2007 of 24 July 2007 amending Regulation (EC) No 2245/2002 implementing Council Regulation (EC) No 6/2002 on Community designs following the accession of the European Community to the Geneva Act of the Hague Agreement concerning the international registration of industrial designs ⁽²⁾,
- Commission Regulation (EC) No 877/2007 of 24 July 2007 amending Regulation (EC) No 2246/2002 concerning the fees payable to the Office for Harmonisation in the Internal Market (Trade Marks and Designs) following the accession of the European Community to the Geneva Act of the Hague Agreement concerning the international registration of industrial designs ⁽³⁾.

⁽¹⁾ OJ L 386, 29.12.2006, p. 14.

⁽²⁾ OJ L 193, 25.7.2007, p. 13.

⁽³⁾ OJ L 193, 25.7.2007, p. 16.

III

(Acts adopted under the EU Treaty)

ACTS ADOPTED UNDER TITLE V OF THE EU TREATY

COUNCIL JOINT ACTION 2007/720/CFSP

of 8 November 2007

amending Joint Action 2004/570/CFSP on the European Union military operation in Bosnia and Herzegovina

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS JOINT ACTION:

Article 1

Having regard to the Treaty on European Union, and in particular Article 14 thereof,

Article 7(2) and (3) of Joint Action 2004/570/CFSP shall be replaced by the following:

Whereas:

‘2. Without prejudice to the chain of command, the EU Force Commander shall consult and take into account political guidance from the EUSR on issues with a local political dimension, except when decisions have to be taken urgently or when operational security is paramount.

(1) On 12 July 2004 the Council adopted Joint Action 2004/570/CFSP ⁽¹⁾ (Operation ALTHEA).

3. The EU Force Commander shall liaise, as appropriate, with the EUPM and consult with the Head of the EU Police Mission on police matters.’

(2) On 19 December 2006, the Political and Security Committee endorsed recommendations aimed at achieving optimal coordination and coherence in situations where at least two EU actors in the field of crisis management are active in the same country, notably through closer consultation between the EU Force Commander and the European Union Special Representative (EUSR) and between the EU Force Commander and the Head of the EU Police Mission.

Article 2

This Joint Action shall enter into force on the date of its adoption.

(3) On 18 June 2007 the Council approved the above recommendations for the purposes of operation Althea.

Article 3

This Joint Action shall be published in the *Official Journal of the European Union*.

(4) Joint Action 2004/570/CFSP should be amended accordingly,

Done at Brussels, 8 November 2007.

For the Council
The President
R. PEREIRA

⁽¹⁾ OJ L 252, 28.7.2004, p. 10.