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

The titles of all other acts are printed in bold type and preceded by an asterisk.

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(1) Text with EEA relevance

(Continued on inside back cover)

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[1] Text with EEA relevance

I

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

REGULATIONS

COUNCIL REGULATION (EC) No 1404/2007

of 26 November 2007

fixing the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks applicable in the Baltic Sea for 2008

THE COUNCIL OF THE EUROPEAN UNION,

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 20 thereof,

Having regard to Council Regulation (EC) No 847/96 of 6 May 1996 introducing additional conditions for year-to-year management of TACs and quotas ([2]), and in particular Article 2 thereof,

Having regard to Council Regulation (EC) No 1098/2007 of 18 September 2007, establishing a multiannual plan for the cod stocks in the Baltic Sea and the fisheries exploiting those stocks ([3]), and in particular Articles 5 and 8(3) thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) Article 4 of Regulation (EC) No 2371/2002 requires the Council to adopt the measures necessary to ensure access to waters and resources and the sustainable pursuit of fishing activities taking account of available scientific advice and, in particular, the report prepared by the Scientific, Technical and Economic Committee for Fisheries.

(2) Under Article 20 of Regulation (EC) No 2371/2002, it is incumbent upon the Council to establish fishing opportunity limits by fishery or group of fisheries and the allocation of these opportunities to Member States.

(3) In order to ensure effective management of the fishing opportunities, the specific conditions under which fishing operations are carried out should be established.

(4) The principles and certain procedures for fishery management need to be laid down at Community level, so that Member States can ensure the management of the vessels flying their flag.

(5) Article 3 of Regulation (EC) No 2371/2002 lays down definitions of relevance to the allocation of fishing opportunities.

(6) In accordance with Article 2 of Regulation (EC) No 847/96, the stocks that are subject to the various measures referred to therein must be identified.

([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 115, 9.5.1996, p. 3.
([3]) OJ L 248, 22.9.2007, p. 1.

(7) Fishing opportunities should be used in accordance with the Community legislation on the subject, and in particular with Commission Regulation (EEC) No 1381/87 of 20 May 1987 establishing detailed rules concerning the marking and documentation of fishing vessels [1], Commission Regulation (EEC) No 2807/83 of 22 September 1983 laying down detailed rules for recording information on Member States' catches of fish [2], Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy [3], Commission Regulation (EC) No 2244/2003 of 18 December 2003 laying down detailed provisions regarding satellite-based Vessel Monitoring Systems [4], Council Regulation (EEC) No 2930/86 of 22 September 1986 defining characteristics for fishing vessels [5], Council Regulation (EEC) No 3880/91 of 17 December 1991 on the submission of nominal catch statistics by Member States fishing in the North-East Atlantic [6], Council Regulation (EC) No 2187/2005 of 21 December 2005 for the conservation of fishery resources through technical measures in the Baltic Sea, the Belts and the Sound [7] and Regulation (EC) No 1098/2007.

(8) It is appropriate, in accordance with the Commission's declaration at the meeting of the Council on 11-12 June 2007, to take account of the efforts made by Member States to adjust fleet capacities in the Baltic Sea in recent years without compromising the overall objective of the effort scheme in Regulation (EC) No 1098/2007.

(9) In order to contribute to the conservation of fish stocks, certain supplementary measures on technical conditions of fishing should be implemented in 2008,

HAS ADOPTED THIS REGULATION:

CHAPTER I

SCOPE AND DEFINITIONS

Article 1

Subject matter

This Regulation fixes fishing opportunities for the year 2008 for certain fish stocks and groups of fish stocks in the Baltic Sea and the associated conditions under which such fishing opportunities may be used.

Article 2

Scope

1. This Regulation shall apply to Community fishing vessels (Community vessels) and fishing vessels flying the flag of, and registered in, third countries operating in the Baltic Sea.

2. By way of derogation from paragraph 1, this Regulation shall not apply to fishing operations conducted solely for the purpose of scientific investigations which are carried out with the permission and under the authority of the Member State concerned and of which the Commission and the Member State in whose waters the research is carried out have been informed in advance.

Article 3

Definitions

In addition to the definitions laid down in Article 3 of Regulation (EC) No 2371/2002, for the purposes of this Regulation the following definitions shall apply:

(a) the International Council for the Exploration of the Sea (ICES) zones are as defined in Regulation (EEC) No 3880/91;

(b) 'Baltic Sea' means ICES Divisions IIIb, IIIc and IIId;

(c) 'total allowable catch (TAC)' means the quantity that can be taken from each stock each year;

(d) 'quota' means a proportion of the TAC allocated to the Community, a Member State or a third country;

(e) 'day absent from port' means any continuous period of 24 hours or part thereof during which the vessel is absent from port.

CHAPTER II

FISHING OPPORTUNITIES AND ASSOCIATED CONDITIONS

Article 4

Catch limits and allocations

The catch limits, the allocation of such limits among Member States, and additional conditions in accordance with Article 2 of Regulation (EC) No 847/96 are set out in Annex I to this Regulation.

[1] OJ L 132, 21.5.1987, p. 9.
[2] OJ L 276, 10.10.1983, p. 1. Regulation as last amended by Regulation (EC) No 1804/2005 (OJ L 290, 4.11.2005, p. 10).
[3] 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).
[4] OJ L 333, 20.12.2003, p. 17.
[5] OJ L 274, 25.9.1986, p. 1. Regulation as amended by Regulation (EC) No 3259/94 (OJ L 339, 29.12.1994, p. 11).
[6] OJ L 365, 31.12.1991, p. 1. Regulation as last amended by Commission Regulation (EC) No 448/2005 (OJ L 74, 19.3.2005, p. 5).
[7] OJ L 349, 31.12.2005, p. 1. Regulation as amended by Regulation (EC) No 809/2007 (OJ L 182, 12.7.2007, p. 1).

Article 5

Special provisions on allocations

1. The allocation of catch limits among Member States, as set out in Annex I, shall be without prejudice to:

(a) exchanges made pursuant to Article 20(5) of Regulation (EC) No 2371/2002;

(b) reallocations made pursuant to Articles 21(4), 23(1) and 32(2) of Regulation (EEC) No 2847/93;

(c) additional landings allowed under Article 3 of Regulation (EC) No 847/96;

(d) quantities withheld in accordance with Article 4 of Regulation (EC) No 847/96;

(e) deductions made pursuant to Article 5 of Regulation (EC) No 847/96.

2. For the purpose of withholding quotas to be transferred to 2009, Article 4(2) of Regulation (EC) No 847/96 may apply, by way of derogation from that Regulation, to all stocks subject to analytical TAC.

Article 6

Conditions for catches and by-catches

1. Fish from stocks for which catch limits are fixed shall only be retained on board or landed if:

(a) the catches have been taken by vessels of a Member State with a quota and that quota has not been exhausted; or

(b) species other than herring and sprat are mixed with other species, the catches have been taken with trawls, Danish seines or similar gears whose mesh size is less than 32 mm, and the catches are not sorted either on board or on landing.

2. All landings shall count against the quota or against the Community share, except for catches made under paragraph 1(b).

3. Where the quota for herring allocated to a Member State is exhausted, vessels flying the flag of that Member State, registered in the Community and operating in the fisheries to which the relevant quota applies shall not land catches that are unsorted and that contain herring.

4. Where the quota for sprat allocated to a Member State is exhausted, vessels flying the flag of that Member State, registered in the Community and operating in the fisheries to which the relevant quota applies, shall not land catches that are unsorted and that contain sprat.

Article 7

Fishing effort limits

Fishing effort limits are set out in Annex II.

Article 8

Transitional technical measures

Transitional technical measures are set out in Annex III.

CHAPTER III

FINAL PROVISIONS

Article 9

Data transmission

When Member States send data to the Commission relating to landings of quantities of stocks caught pursuant to Article 15(1) of Regulation (EEC) No 2847/93, they shall use the stock codes set out in Annex I to this Regulation.

Article 10

Entry into force

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 January 2008.

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

Done at Brussels, 26 November 2007.

For the Council
The President
J. SILVA

ANNEX I

Landings limits and associated conditions for year-to-year management of catch limits applicable to Community vessels in areas where catch limits exist by species and by area

The following tables set out the TACs and quotas (in tonnes live weight, except where otherwise specified) by stock, the allocation to the Member States and associated conditions for year-to-year management of the quotas.

Within each area, fish stocks are referred to following the alphabetical order of the Latin names of the species. For the purposes of these tables the codes used for the different species are as follows:

Scientific name	Alpha-3 code	Common name
Clupea harengus	HER	Herring
Gadus morhua	COD	Cod
Platichthys flesus	FLE	Flounder
Pleuronectes platessa	PLE	Plaice
Psetta maxima	TUR	Turbot
Salmo salar	SAL	Atlantic salmon
Sprattus sprattus	SPR	Sprat

Species:	Herring *Clupea harengus*	**Zone:**	Subdivisions 22-24 HER/3B23.; HER/3C22.; HER/3D24.
Denmark	6 245		
Germany	24 579		
Finland	3		
Poland	5 797		
Sweden	7 926		
EC	44 550		
TAC	44 550	Analytical TAC. Article 3 of Regulation (EC) No 847/96 applies. Article 4 of Regulation (EC) No 847/96 applies. Article 5(2) of Regulation (EC) No 847/96 applies.	

Species:	Herring *Clupea harengus*	**Zone:**	Subdivisions 30-31 HER/3D30.; HER/3D31.
Finland	71 344		
Sweden	15 676		
EC	87 020		
TAC	87 020	Analytical TAC. Article 3 of Regulation (EC) No 847/96 applies. Article 4 of Regulation (EC) No 847/96 applies. Article 5(2) of Regulation (EC) No 847/96 applies.	

Species:	Herring *Clupea harengus*	**Zone:**	Subdivisions 25-27, 28,2, 29 and 32 HER/3D25.; HER/3D26.; HER/3D27.; HER/3D28.; HER/3D29.; HER/3D32.
Denmark	3 358		
Germany	890		
Estonia	17 148		
Finland	33 472		
Latvia	4 232		
Lithuania	4 456		
Poland	38 027		
Sweden	51 047		
EC	152 630		
TAC	Not relevant	Analytical TAC. Article 3 of Regulation (EC) No 847/96 does not apply. Article 4 of Regulation (EC) No 847/96 does not apply. Article 5(2) of Regulation (EC) No 847/96 applies.	

Species:	Herring *Clupea harengus*	**Zone:**	Subdivision 28,1 HER/03D.RG
Estonia	16 668		
Latvia	19 426		
EC	36 094		
TAC	36 094	Analytical TAC. Article 3 of Regulation (EC) No 847/96 applies. Article 4 of Regulation (EC) No 847/96 applies. Article 5(2) of Regulation (EC) No 847/96 applies.	

Species:	Cod *Gadus morhua*	**Zone:**	EC waters of Subdivisions 25-32 COD/3D25.; COD/3D26.; COD/3D27.; COD/3D28.; COD/3D29.; COD/3D30.; COD/3D31.; COD/3D32.
Denmark	8 905		
Germany	3 542		
Estonia	868		
Finland	681		
Latvia	3 311		
Lithuania	2 181		
Poland	10 255		
Sweden	9 022		
EC	38 765		
TAC	Not relevant	Analytical TAC. Article 3 of Regulation (EC) No 847/96 does not apply. Article 4 of Regulation (EC) No 847/96 does not apply. Article 5(2) of Regulation (EC) No 847/96 applies.	

Species:	Cod *Gadus morhua*	**Zone:**	EC waters of Subdivisions 22-24 COD/3B23.; COD/3C22.; COD/3D24.
Denmark	8 390		
Germany	4 102		
Estonia	186		
Finland	165		
Latvia	694		
Lithuania	450		
Poland	2 245		
Sweden	2 989		
EC	19 221		
TAC	19 221	Analytical TAC. Article 3 of Regulation (EC) No 847/96 applies. Article 4 of Regulation (EC) No 847/96 applies. Article 5(2) of Regulation (EC) No 847/96 applies.	

Species:	Plaice *Pleuronectes platessa*	**Zone:**	EC waters of IIIbcd PLE/3B23.; PLE/3C22.; PLE/3D24.; PLE/3D25.; PLE/3D26.; PLE/3D27.; PLE/3D28.; PLE/3D29.; PLE/3D30.; PLE/3D31.; PLE/3D32.
Denmark	2 293		
Germany	255		
Poland	480		
Sweden	173		
EC	3 201		
TAC	3 201	Precautionary TAC. Article 3 of Regulation (EC) No 847/96 applies. Article 4 of Regulation (EC) No 847/96 applies. Article 5(2) of Regulation (EC) No 847/96 applies.	

Species:	Atlantic salmon *Salmo salar*	**Zone:**	EC waters of IIIbcd excluding Subdivision 32 SAL/3B23.; SAL/3C22.; SAL/3D24.; SAL/3D25.; SAL/3D26.; SAL/3D27.; SAL/3D28.; SAL/3D29.; SAL/3D30.; SAL/3D31.
Denmark	75 511 (1)		
Germany	8 401 (1)		
Estonia	7 674 (1)		
Finland	94 157 (1)		
Latvia	48 028 (1)		
Lithuania	5 646 (1)		
Poland	22 907 (1)		
Sweden	102 068 (1)		
EC	364 392 (1)		
TAC	Not relevant	Analytical TAC. Article 3 of Regulation (EC) No 847/96 does not apply. Article 4 of Regulation (EC) No 847/96 does not apply. Article 5(2) of Regulation (EC) No 847/96 applies.	

(1) Expressed by number of individual fish.

Species:	Atlantic salmon *Salmo salar*	**Zone:**	Subdivision 32 SAL/3D32.
Estonia	1 581 (1)		
Finland	13 838 (1)		
EC	15 419 (1)		
TAC	Not relevant	Analytical TAC. Article 3 of Regulation (EC) No 847/96 does not apply. Article 4 of Regulation (EC) No 847/96 does not apply. Article 5(2) of Regulation (EC) No 847/96 applies.	

(1) Expressed by number of individual fish.

Species:	Sprat *Sprattus sprattus*	**Zone:**	EC waters of IIIbcd SPR/3B23.; SPR/3C22.; SPR/3D24.; SPR/3D25.; SPR/3D26.; SPR/3D27.; SPR/3D28.; SPR/3D29.; SPR/3D30.; SPR/3D31.; SPR/3D32.
Denmark	44 833		
Germany	28 403		
Estonia	52 060		
Finland	23 469		
Latvia	62 877		
Lithuania	22 745		
Poland	133 435		
Sweden	86 670		
EC	454 492		
TAC	Not relevant	Analytical TAC. Article 3 of Regulation (EC) No 847/96 does not apply. Article 4 of Regulation (EC) No 847/96 applies. Article 5(2) of Regulation (EC) No 847/96 applies.	

ANNEX II

1. **Fishing effort limits**

1.1. For vessels flying their flag, Member States shall ensure that fishing with trawls, Danish seines or similar gear of a mesh size equal to or larger than 90 mm, with gillnets, entangling nets or trammel nets of a mesh size equal to or larger than 90 mm, with bottom set lines, longlines except drifting lines, handlines and jigging equipment shall be permitted for a maximum number of

(a) 223 days absent from port in subdivisions 22-24 with the exception of the period from 1 to 30 April when Article 8 paragraph 1(a) of Regulation (EC) No 1098/2007 applies, and

(b) 178 days absent from port in subdivisions 25-27, 28.2 with the exception of the period from 1 July to 31 August when Article 8 paragraph 1(b) of Regulation (EC) No 1098/2007 applies.

1.2. The maximum number of days absent from port per year for which a vessel may be present within the two areas defined in point 1.1 (a) and (b) fishing with the gears referred to in point 1.1 may not exceed the maximum number of days allocated for one of the two areas.

1.3. Up to 4 additional days absent from port may be allocated to Member States by the Commission on the basis of permanent cessations of fishing activities with any of the gears defined in Article 8 paragraph 1 of Regulation (EC) No 1098/2007 that have taken place since 1 January 2005 in the areas concerned in accordance with Article 7 of Regulation (EC) No 2792/1999 of 17 December 1999 laying down the detailed rules and arrangements regarding Community structural assistance in the fisheries sector [1].

1.4. Member States wishing to benefit from the allocations described in point 1.3 shall submit a request to the Commission with reports containing the details of permanent cessations of the fishing activities in question by 30 January 2008. On the basis of such a request the Commission may amend the number of days absent from port defined in point 1.1 for that Member State in accordance with the procedure laid down in Article 30(2) of Regulation (EC) No 2371/2002.

[1] OJ L 337, 30.12.1999, p. 10. Regulation repealed by Regulation (EC) No 1198/2006 (OJ L 223, 15.8.2006, p. 1).

ANNEX III

TRANSITIONAL TECHNICAL MEASURES

1. **Restrictions on fishing for flounder and turbot**

1.1. The retention on board of the following species of fish which are caught within the geographical areas and during the periods mentioned below shall be prohibited:

Species	Geographical area	Period
Flounder (*Platichthys flesus*)	Subdivisions 26 to 28, 29 south of 59°30′N Subdivision 32	15 February to 15 May 15 February to 31 May
Turbot (*Psetta maxima*)	Subdivisions 25 to 26, 28 south of 56°50′N	1 June to 31 July

2. By way of derogation from point 1, when fishing with trawls, Danish seines and similar gears with a mesh size equal to or greater then 105 mm or with gillnets, entangling nets or trammel nets with a mesh size equal to or greater than 100 mm, by-catches of flounder and turbot may be retained on board and landed within a limit of 10 % by live weight of the total catch retained on board and landed during the periods of prohibition referred to in that point.

COMMISSION REGULATION (EC) No 1405/2007

of 29 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 30 November 2007.

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

Done at Brussels, 29 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 29 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	IL	114,0
	MA	71,3
	TR	84,2
	ZZ	89,8
0707 00 05	JO	196,3
	MA	51,7
	TR	85,6
	ZZ	111,2
0709 90 70	MA	44,1
	TR	98,9
	ZZ	71,5
0709 90 80	EG	301,9
	ZZ	301,9
0805 20 10	MA	64,9
	ZZ	64,9
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	CN	63,1
	HR	26,3
	IL	67,3
	TR	102,5
	UY	82,5
	ZZ	68,3
0805 50 10	AR	72,2
	EG	78,5
	TR	108,6
	ZA	59,3
	ZZ	79,7
0808 10 80	AR	87,7
	CA	86,9
	CL	86,0
	CN	72,1
	MK	27,8
	US	97,1
	ZA	78,3
	ZZ	76,6
0808 20 50	AR	48,8
	CN	46,0
	TR	145,7
	US	109,4
	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 1406/2007

of 29 November 2007

on initiating a 'new exporter' review of Council Regulation (EC) No 130/2006 imposing a definitive anti-dumping duty on imports of tartaric acid originating in the People's Republic of China, repealing the duty with regard to imports from one exporter in this country and making these imports subject to registration

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community ('the basic Regulation') [1], and in particular Article 11(4), thereof,

Whereas:

A. REQUEST FOR A REVIEW

(1) The Commission has received an application for a 'new exporter' review pursuant to Article 11(4) of the basic Regulation. The application was lodged by Fuyang Genebest Chemical Industry Co. Ltd ('the applicant'), an exporting producer in the People's Republic of China ('the country concerned').

B. PRODUCT

(2) The product under review is tartaric acid originating in the People's Republic of China ('the product concerned'), currently classifiable within CN code 2918 12 00. This CN code is given only for information.

C. EXISTING MEASURES

(3) The measures currently in force are a definitive anti-dumping duty imposed by Council Regulation (EC) No 130/2006 [2] under which imports into the Community of the product concerned originating in the People's Republic of China, including the product concerned produced by the applicant, are subject to a definitive anti-dumping duty of 34,9 % with the exception of several companies specially mentioned which are subject to individual duty rates.

D. GROUNDS FOR THE REVIEW

(4) The applicant alleges that it operates under market economy conditions as defined in Article 2(7)(c) of the basic Regulation or alternatively claims individual treatment in conformity with Article 9(5) of the basic Regulation, that it did not export the product concerned to the Community during the period of investigation on which the anti-dumping measures were based, i.e. the period from 1 July 2003 to 30 June 2004 ('the original investigation period') and that it is not related to any of the exporting producers of the product which are subject to the above mentioned anti-dumping measures.

(5) The applicant further alleges that it has begun exporting the product concerned to the Community after the end of the original investigation period.

E. PROCEDURE

(6) Community producers known to be concerned have been informed of the above application and have been given an opportunity to comment. No comments have been received.

(7) Having examined the evidence available, the Commission concludes that there is sufficient evidence to justify the initiation of a 'new exporter' review, pursuant to Article 11(4) of the basic Regulation, with a view to determine whether the applicant operates under market economy conditions as defined in Article 2(7)(c) of the basic Regulation or alternatively whether the applicant fulfils the requirements to have an individual duty established in accordance with Article 9(5) of the basic Regulation and, if so, the applicant's individual margin of dumping and, should dumping be found, the level of the duty to which their imports of the product concerned into the Community should be subject.

(8) If it is determined that the applicant fulfils the requirements to have an individual duty established, it may be necessary to amend the rate of duty currently applicable to imports of the product concerned from companies not individually mentioned in Article 1(2) of Regulation (EC) No 130/2006.

(a) Questionnaires

In order to obtain the information it deems necessary for its investigation, the Commission will send a questionnaire to the applicant.

[1] OJ L 56, 6.3.1996, p. 1. Regulation as last amended by Regulation (EC) No 2117/2005 (OJ L 340, 23.12.2005, p. 17).
[2] OJ L 23, 27.1.2006, p. 1.

(b) **Collection of information and holding of hearings**

All interested parties are hereby invited to make their views known in writing and to provide supporting evidence.

Furthermore, the Commission may hear interested parties, provided that they make a request in writing showing that there are particular reasons why they should be heard.

Attention is drawn to the fact that the exercise of most procedural rights set out in the basic Regulation depends on the parties making themselves known within the period provided for by the present Regulation.

(c) **Market economy status**

In the event that the applicant provides sufficient evidence that it operates under market economy conditions, i.e. that it meets the criteria laid down in Article 2(7)(c) of the basic Regulation, normal value will be determined in accordance with Article 2(7)(b) of the basic Regulation. For this purpose, duly substantiated claims must be submitted within the specific time limit set in Article 4(3) of this Regulation. The Commission will send claim forms to the applicant, as well as to the authorities of the People's Republic of China.

(d) **Selection of the market economy country**

In the event that the applicant is not granted market economy treatment but fulfils the requirements to have an individual duty established in accordance with Article 9(5) of the basic Regulation, an appropriate market economy country will be used for the purpose of establishing normal value in respect of the People's Republic of China in accordance with Article 2(7)(a) of the basic Regulation. The Commission envisages using Argentina again for this purpose as was done in the investigation which led to the imposition of measures on imports of the product concerned from the People's Republic of China. Interested parties are hereby invited to comment on the appropriateness of this choice within the specific time limit set in Article 4(2) of this Regulation.

Furthermore, in the event that the applicant is granted market economy treatment, the Commission may, if necessary, also use findings concerning the normal value established in an appropriate market-economy country, e.g. for the purpose of replacing any unreliable cost or price elements in the People's Republic of China which are needed in establishing the normal value, if reliable required data are not available in the People's Republic of China. The Commission envisages using Argentina also for this purpose.

F. REPEAL OF THE DUTY IN FORCE AND REGISTRATION OF IMPORTS

(9) Pursuant to Article 11(4) of the basic Regulation, the anti-dumping duty in force should be repealed with regard to imports of the product concerned which are produced and sold for export to the Community by the applicant. At the same time, such imports should be made subject to registration in accordance with Article 14(5) of the basic Regulation, in order to ensure that, should the review result in a finding of dumping in respect of the applicants, anti-dumping duties can be levied retroactively from the date of the initiation of this review. The amount of the applicant's possible future liabilities cannot be estimated at this stage of the proceeding.

G. TIME LIMITS

(10) In the interest of sound administration, time limits should be stated within which:

(a) interested parties may make themselves known to the Commission, present their views in writing and submit the replies to the questionnaire mentioned in Article 4(1) of this Regulation or provide any other information to be taken into account during the investigation;

(b) interested parties may make a written request to be heard by the Commission;

(c) interested parties may comment on the appropriateness of Argentina which, in the event that the applicant will not be granted market economy treatment, is envisaged as a market-economy country for the purpose of establishing normal value in respect of the People's Republic of China;

(d) the applicant should submit a duly substantiated claim for market economy treatment.

H. NON CO-OPERATION

(11) In cases in which any interested party refuses access to or does not provide the necessary information within the time limits, or significantly impedes the investigation, findings, affirmative or negative, may be made in accordance with Article 18 of the basic Regulation, on the basis of the facts available.

Where it is found that any interested party has supplied false or misleading information, the information shall be disregarded and use may be made, in accordance with Article 18 of the basic Regulation, of the facts available. If an interested party does not cooperate or cooperates only partially, and use of facts available is made, the result may be less favorable to that party than if it had cooperated.

I. **PROCESSING OF PERSONAL DATA**

(12) It is noted that any personal data collected in this investigation will be treated in accordance with Regulation (EC) No 45/2001 of the European Parliament and the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data [1].

J. **HEARING OFFICER**

(13) It is noted that if interested parties consider that they are encountering difficulties in the exercise of your rights of defence, they may request the intervention of the Hearing Officer of DG Trade. He acts as an interface between the interested parties and the Commission services, offering, where necessary, mediation on procedural matters affecting the protection of their interests in this proceeding, in particular with regard to issues concerning access to the file, confidentiality, extension of time limits and the treatment of written and/or oral submission of views. For further information and contact details, interested parties may consult the Hearing Officer's web pages on the website of DG Trade (http://ec.europa.eu/trade),

HAS ADOPTED THIS REGULATION:

Article 1

A review of Regulation (EC) No 130/2006 is hereby initiated pursuant to Article 11(4) of Regulation (EC) No 384/96 in order to determine if and to what extent the imports of tartaric acid falling within CN code 2918 12 00 originating in the People's Republic of China, produced and sold for export to the Community by Fuyang Genebest Chemical Industry Co. Ltd. (TARIC additional code A851) should be subject to the anti-dumping duty imposed by Regulation (EC) No 130/2006.

Article 2

The anti-dumping duty imposed by Regulation (EC) No 130/2006 is hereby repealed with regard to the imports identified in Article 1 of the present Regulation.

Article 3

The customs authorities of the Member States are hereby directed, pursuant to Article 14(5) of Regulation (EC) No 384/96, to take the appropriate steps to register the imports identified in Article 1 of this Regulation. Registration shall expire nine months following the date of entry into force of this Regulation.

Article 4

1. Interested parties, if their representations are to be taken into account during the investigation, must make themselves known to the Commission, present their views in writing and submit the replies to the questionnaire mentioned in recital 10(a) of this Regulation or any other information, unless otherwise specified, within 40 days of the entry into force of this Regulation. Interested parties may also apply in writing to be heard by the Commission within the same 40-day time limit.

2. Parties to the investigation wanting to comment on the appropriateness of Argentina, which is envisaged as a market-economy third country for the purpose of establishing normal value in respect of the People's Republic of China, must submit their comments within 10 days of the date of entry into force of this Regulation.

3. A duly substantiated claim for Market Economy Treatment must reach the Commission within 21 days of the date of the entry into force of this Regulation.

4. All submissions and requests made by interested parties must be made in writing (not in electronic format, unless otherwise specified) and must indicate the name, address, e-mail address, telephone and fax numbers of the interested party. All written submissions, including the information requested in this Regulation, questionnaire replies and correspondence provided by interested parties on a confidential basis shall be labelled as 'Limited' [2] and, in accordance with Article 19(2) of Regulation (EC) No 384/96, shall be accompanied by a non-confidential version, which will be labelled 'FOR INSPECTION BY INTERESTED PARTIES'.

Any information relating to the matter and/or any request for a hearing should be sent to the following address:

European Commission
Directorate General for Trade
Directorate H
Office: J-79 4/23
B-1049 Brussels
Fax (32 2) 295 65 05

[1] OJ L 8, 12.1.2001, p. 1.

[2] This means that the document is for internal use only. It is protected pursuant to Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council (OJ L 145, 31.5.2001, p. 43). It is a confidential document pursuant to Article 19 of Council Regulation (EC) No 384/96 (OJ L 56, 6.3.1996, p. 1) and Article 6 of the WTO Agreement on Implementation of Article VI of the GATT 1994 (Anti-dumping Agreement).

Article 5

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

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

Done at Brussels, 29 November 2007.

For the Commission
Peter MANDELSON
Member of the Commission

COMMISSION REGULATION (EC) No 1407/2007

of 29 November 2007

entering a name in the register of protected designations of origin and protected geographical indications (Třeboňský kapr (PGI))

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs [1], and in particular the first subparagraph of Article 7(4) thereof,

Whereas:

(1) In accordance with the first subparagraph of Article 6(2) of Regulation (EC) No 510/2006, and pursuant to Article 17(2) of that Regulation, the Czech Republic's application to enter the name 'Třeboňský kapr' in the register was published in the *Official Journal of the European Union* [2].

(2) As no objections within the meaning of Article 7 of Regulation (EC) No 510/2006 were received by the Commission, that name should be entered in the register,

HAS ADOPTED THIS REGULATION:

Article 1

The name in the Annex to this Regulation is hereby entered in the register.

Article 2

This Regulation shall enter into force on the twentieth 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 November 2007.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

[1] OJ L 93, 31.3.2006, p. 12. Regulation as amended by Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p. 1).
[2] OJ C 66, 22.3.2007, p. 1.

ANNEX

Agricultural products intended for human consumption listed in Annex I to the Treaty:

Class 1.7. — Fresh fish, molluscs and crustaceans and products derived therefrom

CZECH REPUBLIC

Třeboňský kapr (PGI).

COMMISSION REGULATION (EC) No 1408/2007

of 28 November 2007

establishing a prohibition of fishing for plaice in ICES zone IV; EC waters of II a by vessels flying the flag of Belgium

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

(1) Council Regulation (EC) No 41/2007 of 21 December 2006 fixing for 2007 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks applicable in Community waters and for Community vessels, in waters where catch limitations are required [3], lays down quotas for 2007.

(2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2007.

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

HAS ADOPTED THIS REGULATION:

Article 1

Quota exhaustion

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

Article 2

Prohibitions

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

Article 3

Entry into force

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

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

Done at Brussels, 28 November 2007.

For the Commission
Fokion FOTIADIS
Director-General for Fisheries and Maritime Affairs

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[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	77
Member State	Belgium
Stock	PLE/2AC4.
Species	Plaice (*Pleuronectes platessa*)
Zone	IV; EC waters of II a
Date	15.11.2007

COMMISSION REGULATION (EC) No 1409/2007

of 29 November 2007

establishing a prohibition of fishing for redfish in ICES zone V b Faroese waters by vessels flying the flag of France

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, 29 November 2007.

For the Commission
Fokion FOTIADIS
Director-General for Fisheries and Maritime Affairs

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[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	76
Member State	France
Stock	RED/05B-F.
Species	Redfish (*Sebastes* spp.)
Zone	Faroese waters V b
Date	13.11.2007

COMMISSION REGULATION (EC) No 1410/2007

of 29 November 2007

fixing the export refunds on pigmeat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organisation of the market in pigmeat [1], and in particular the second paragraph of Article 13(3) thereof,

Whereas:

(1) Article 13(1) of Regulation (EEC) No 2759/75 provides that the difference between prices on the world market for the products listed in Article 1 of that Regulation and prices for these products within the Community may be covered by an export refund.

(2) Given the present situation in the market in pigmeat, export refunds should therefore be fixed in accordance with the rules and criteria provided for in Article 13 of Regulation (EEC) No 2759/75.

(3) Article 13(3) of Regulation (EEC) No 2759/75 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund on the products listed in Article 1 of Regulation (EEC) No 2759/75 according to destination.

(4) Refunds should be granted only on products that are allowed to move freely in the Community and that bear the health mark as provided for in Article 5(1)(a) of 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 [2]. Those products should also comply with the requirements of Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs [3] and of Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption [4].

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Export refunds as provided for in Article 13 of Regulation (EEC) No 2759/75 shall be granted on the products and for the amounts set out in the Annex to this Regulation subject to the condition provided for in paragraph 2 of this Article.

2. The products eligible for a refund under paragraph 1 must meet the relevant requirements of Regulations (EC) No 852/2004 and (EC) No 853/2004, notably preparation in an approved establishment and compliance with the health marking requirements laid down in Annex I, Section I, Chapter III to Regulation (EC) No 854/2004.

Article 2

This Regulation shall enter into force on 30 November 2007.

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

Done at Brussels, 29 November 2007.

For the Commission

Jean-Luc DEMARTY

Director-General for Agriculture and Rural Development

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[1] OJ L 282, 1.11.1975, p. 1. Regulation as last amended by Regulation (EC) No 1913/2005 (OJ L 307, 25.11.2005, p. 2). Regulation (EEC) No 2759/75 will be replaced by Regulation (EC) No 1234/2007 (OJ L 299, 16.11.2007, p. 1) as from 1 July 2008.

[2] OJ L 139, 30.4.2004, p. 55. Corrected version in OJ L 226, 25.6.2004, p. 22. Regulation as last amended by Regulation (EC) No 1243/2007 (OJ L 281, 25.10.2007, p. 8).

[3] OJ L 139, 30.4.2004, p. 1. Corrected version in OJ L 226, 25.6.2004, p. 3.

[4] OJ L 139, 30.4.2004, p. 206. Corrected version in OJ L 226, 25.6.2004, p. 83. Regulation as last amended by Regulation (EC) No 1791/2006.

ANNEX

Export refunds on pigmeat applicable from 30 November 2007

Product code	Destination	Unit of measurement	Amount of refund
0203 11 10 9000	A00	EUR/100 kg	31,10
0203 21 10 9000	A00	EUR/100 kg	31,10
0203 12 11 9100	A00	EUR/100 kg	31,10
0203 12 19 9100	A00	EUR/100 kg	31,10
0203 19 11 9100	A00	EUR/100 kg	31,10
0203 19 13 9100	A00	EUR/100 kg	31,10
0203 19 55 9110	A00	EUR/100 kg	31,10
0203 22 11 9100	A00	EUR/100 kg	31,10
0203 22 19 9100	A00	EUR/100 kg	31,10
0203 29 11 9100	A00	EUR/100 kg	31,10
0203 29 13 9100	A00	EUR/100 kg	31,10
0203 29 55 9110	A00	EUR/100 kg	31,10
0203 19 15 9100	A00	EUR/100 kg	19,40
0203 19 55 9310	A00	EUR/100 kg	19,40
0203 29 15 9100	A00	EUR/100 kg	19,40
0210 11 31 9110	A00	EUR/100 kg	54,20
0210 11 31 9910	A00	EUR/100 kg	54,20
0210 19 81 9100	A00	EUR/100 kg	54,20
0210 19 81 9300	A00	EUR/100 kg	54,20
1601 00 91 9120	A00	EUR/100 kg	19,50
1601 00 99 9110	A00	EUR/100 kg	15,20
1602 41 10 9110	A00	EUR/100 kg	29,00
1602 41 10 9130	A00	EUR/100 kg	17,10
1602 42 10 9110	A00	EUR/100 kg	22,80
1602 42 10 9130	A00	EUR/100 kg	17,10
1602 49 19 9130	A00	EUR/100 kg	17,10

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.

DIRECTIVES

COMMISSION DIRECTIVE 2007/69/EC

of 29 November 2007

amending Directive 98/8/EC of the European Parliament and of the Council to include difethialone as an active substance in Annex I thereto

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

(2) Pursuant to Regulation (EC) No 2032/2003, difethialone has been evaluated in accordance with Article 11(2) of Directive 98/8/EC for use in product-type 14, rodenticides, as defined in Annex V to Directive 98/8/EC.

(3) Norway was designated as Rapporteur and submitted the competent authority report, together with a recommendation, to the Commission on 11 October 2005 in accordance with Article 10(5) and (7) of Regulation (EC) No 2032/2003.

(4) The competent authority report was reviewed by the Member States and the Commission. In accordance with Article 11(4) of Regulation (EC) No 2032/2003, the findings of the review were incorporated, within the Standing Committee on Biocidal Products on 21 June 2007, in an assessment report.

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

(6) It appears from the examinations made that biocidal products used as rodenticides and containing difethialone may be expected not to present a risk to humans except for accidental incidents with children. Regarding non-target animals and the environment a risk has been identified. However, difethialone is for the time being considered essential for reasons of public health and hygiene. It is therefore justified to include difethialone in Annex I, in order to ensure that in all Member States authorisations for biocidal products used as rodenticides and containing difethialone can be granted, modified, or cancelled in accordance with Article 16(3) of Directive 98/8/EC.

(7) In the light of the findings of the assessment report, it is appropriate to require that specific risk mitigation measures are applied at product authorisation level to products containing difethialone and used as rodenticides. Such measures should be aimed at limiting the risk of primary and secondary exposure of humans and non-target animals as well as the long term effects of the substance on the environment.

(8) Because of the identified risks and its characteristics, which render it potentially persistent, liable to bioaccumulate and toxic, or very persistent and very liable to bioaccumulate difethialone should be included in Annex I for five years only and should be made subject to a comparative risk assessment in accordance with the second subparagraph of Article 10(5)(i) of Directive 98/8/EC before its inclusion in Annex I is renewed.

[1] OJ L 123, 24.4.1998, p. 1. Directive as last amended by Directive 2007/47/EC (OJ L 247, 21.9.2007, p. 21).

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

(9) It is important that the provisions of this Directive be applied simultaneously in all the Member States in order to ensure equal treatment of biocidal products on the market containing the active substance difethialone and also to facilitate the proper operation of the biocidal products market in general.

(10) A reasonable period should be allowed to elapse before an active substance is included in Annex I in order to permit Member States and the interested parties to prepare themselves to meet the new requirements entailed and to ensure that applicants who have prepared dossiers can benefit fully from the 10-year period of data protection, which, in accordance with Article 12(1)(c)(ii) of Directive 98/8/EC, starts from the date of inclusion.

(11) After inclusion, Member States should be allowed a reasonable period to implement Article 16(3) of Directive 98/8/EC, and in particular, to grant, modify or cancel authorisations of biocidal products in product-type 14 containing difethialone to ensure that they comply with Directive 98/8/EC.

(12) Directive 98/8/EC should therefore be amended accordingly.

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

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex I to Directive 98/8/EC is amended in accordance with the Annex to this Directive.

Article 2

Transposition

1. Member States shall adopt and publish, by 31 October 2008 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

They shall apply those provisions from 1 November 2009.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 29 November 2007.

For the Commission

Stavros DIMAS

Member of the Commission

ANNEX

The following entry 'No 4' is inserted in Annex I to Directive 98/8/EC:

No	Common name	IUPAC name Identification numbers	Minimum purity of the active substance in the biocidal product as placed on the market	Date of inclusion	Deadline for compliance with Article 16(3) (except for products containing more than one active substance, for which the deadline to comply with Article 16(3) shall be the one set out in the last of the inclusion decisions relating to its active substances)	Expiry date of inclusion	Product type	Specific provisions (*)
'4	Difethialone	3-[3-(4′-bromo[1,1′biphenyl]-4-yl)-1,2,3,4-tetrahydronaphth-1-yl]-4-hydroxy-2H-1-benzothiopyran-2-one EC No: n/a CAS No: 104653-34-1	976 g/kg	1 November 2009	31 October 2011	31 October 2014	14	In view of the fact that the active substance characteristics render it potentially persistent, liable to bioaccumulate and toxic, or very persistent and very liable to bioaccumulate, the active substance is to be subject to a comparative risk assessment in accordance with the second subparagraph of Article 10(5)(i) of Directive 98/8/EC before its inclusion in this Annex is renewed. Member States shall ensure that authorisations are subject to the following conditions: (1) The nominal concentration of the active substance in the products shall not exceed 0,0025 % w/w and only ready-for-use baits shall be authorised. (2) Products shall contain an aversive agent and, where appropriate, a dye. (3) Products shall not be used as tracking powder. (4) Primary as well as secondary exposure of humans, non-target animals and the environment are minimised, by considering and applying all appropriate and available risk mitigation measures. These include, amongst others, the restriction to professional use only, setting an upper limit to the package size and laying down obligations to use tamper resistant and secured bait boxes.'

(*) For the implementation of the common principles of Annex VI, the content and conclusions of assessment reports are available on the Commission website: http://ec.europa.eu/comm/environment/biocides/index.htm

COMMISSION DIRECTIVE 2007/70/EC

of 29 November 2007

amending Directive 98/8/EC of the European Parliament and of the Council to include carbon dioxide as an active substance in Annex IA thereto

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

(2) Pursuant to Regulation (EC) No 2032/2003, carbon dioxide has been evaluated in accordance with Article 11(2) of Directive 98/8/EC for use in product-type 14, rodenticides, as defined in Annex V to Directive 98/8/EC.

(3) France was designated as Rapporteur Member State and submitted the competent authority report, together with a recommendation, to the Commission on 15 May 2006 in accordance with Article 10(5) and (7) of Regulation (EC) No 2032/2003.

(4) The competent authority report has been reviewed by the Member States and the Commission. In accordance with Article 11(4) of Regulation (EC) No 2032/2003, the findings of the review were incorporated, within the Standing Committee on Biocidal Products on 21 June 2007, in an assessment report.

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

(6) It appears from the various examinations made that biocidal products used as rodenticides and containing carbon dioxide may be expected to present only low risk to humans, animals and the environment and to satisfy the requirements laid down in Article 5 of Directive 98/8/EC, in particular with regard to the uses which were examined and detailed in the assessment report. It is therefore appropriate to include carbon dioxide in Annex IA, in order to ensure that in all Member States authorisations or registrations for biocidal products used as rodenticides and containing carbon dioxide can be granted, modified, or cancelled in accordance with Article 16(3) of Directive 98/8/EC.

(7) It is important that the provisions of this Directive be applied simultaneously in all the Member States in order to ensure equal treatment of biocidal products on the market containing the active substance carbon dioxide and also to facilitate the proper operation of the biocidal products market in general.

(8) A reasonable period should be allowed to elapse before an active substance is included in Annex IA in order to permit Member States and the interested parties to prepare themselves to meet the new requirements entailed and to ensure that applicants who have prepared dossiers can benefit fully from the 10-year period of data protection, which, in accordance with Article 12(1)(c)(ii) of Directive 98/8/EC, starts from the date of inclusion.

(9) After inclusion, Member States should be allowed a reasonable period to implement Article 16(3) of Directive 98/8/EC, and in particular, to grant, modify or cancel authorisations or registrations of biocidal products in product-type 14 containing carbon dioxide to ensure that they comply with Directive 98/8/EC.

(10) Directive 98/8/EC should therefore be amended accordingly.

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

[1] OJ L 123, 24.4.1998, p. 1. Directive as last amended by Directive 2007/47/EC (OJ L 247, 21.9.2007, p. 21).

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

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex IA to Directive 98/8/EC is amended in accordance with the Annex to this Directive.

Article 2

Transposition

1. Member States shall adopt and publish, by 31 October 2008 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

They shall apply those provisions from 1 November 2009.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 29 November 2007.

For the Commission

Stavros DIMAS

Member of the Commission

ANNEX

The following table with entry 'No 1' is inserted in Annex IA to Directive 98/8/EC:

'No	Common name	IUPAC name Identification numbers	Minimum purity of the active substance in the biocidal product as placed on the market	Date of inclusion	Deadline for compliance with Article 16(3) (except for products containing more than one active substance, for which the deadline to comply with Article 16(3) shall be the one set out in the last of the inclusion decisions relating to its active substances)	Expiry date of inclusion	Product type	Specific provisions
1	Carbon dioxide	Carbon dioxide EC No: 204-696-9 CAS No: 124-38-9	990 ml/l	1 November 2009	31 October 2011	31 October 2019	14	Only for use in ready-for-use gas canisters functioning together with a trapping device.

Note: For the implementation of the common principles of Annex VI, the content and conclusions of assessment reports are available on the Commission website: http://ec.europa.eu/comm/environment/biocides/index.htm'

II

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

DECISIONS

COUNCIL

COUNCIL DECISION

of 26 November 2007

on a one year extension of the supplementary research programme to be implemented by the Joint Research Centre for the European Atomic Energy Community

(2007/773/Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 7 thereof,

Having regard to the proposal from the Commission, submitted after consultation of the Scientific and Technical Committee,

Having regard to the opinion of the Board of Governors of the Joint Research Centre (JRC),

Whereas:

(1) The development of nuclear medicine within the European Union contributes to the objective of ensuring human health protection. It necessitates the increased use of testing reactors for medical purposes.

(2) On 19 February 2004, the Council adopted a Decision concerning the adoption of a supplementary research programme to be implemented by the Joint Research Centre for the European Atomic Energy Community [1]. That programme was adopted for a period of three years, until 1 January 2007.

(3) Within the framework of the European Research Area, the supplementary research programme involving the high flux reactor at Petten (the HFR) is one of the principal means available in the Union to contribute to the support and testing of medical diagnostic and therapeutic methods, to the development of materials sciences and to problem-solving in the field of nuclear energy.

(4) The HFR is in operable condition until at least 2015, and a new operating licence was granted to the reactor operator in February 2005. The supplementary research programme should therefore be extended for a further year to make use of the technical facilities available. The extension should take effect retroactively, to cover the ongoing activities of the programme in the period from 1 January 2007.

(5) The financial contributions necessary for this extension of the supplementary research programme will be provided by the Netherlands and France,

HAS ADOPTED THIS DECISION:

Article 1

The supplementary research programme on the operation of the HFR (the Programme), the objectives of which are set out in Annex I, shall be extended for a period of one year, with effect from 1 January 2007.

Article 2

The financial contributions estimated for the execution of the extension of the Programme shall amount to EUR 8 500 000. The breakdown of the contributions is given in Annex II.

Article 3

The Commission shall be responsible for the implementation of the Programme, and to this end, it shall call upon the services of the JRC. The Board of Governors of the JRC shall be kept informed about the implementation of the Programme.

Article 4

Before 15 June 2008, the Commission shall submit to the European Parliament, the Council and the Economic and Social Committee a report on the implementation of this Decision.

[1] Council Decision 2004/185/Euratom of 19 February 2004 (OJ L 57, 25.2.2004, p. 25).

Article 5

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

It shall apply from 1 January 2007.

Article 6

This Decision is addressed to the Member States.

Done at Brussels, 26 November 2007.

For the Council
The President
J. SILVA

ANNEX I

SCIENTIFIC AND TECHNICAL OBJECTIVES OF THE PROGRAMME

The objectives of the Programme are primarily:

1. The safe and reliable operation of the high flux reactor at Petten (the HFR); this activity involves the normal use of the installation for more than 250 days a year and the management of the fuel cycle under the relevant safety and quality controls.

2. The rational use of the HFR will be developed in a broad range of disciplines. The major research and development themes involving the use of the HFR include: the improvement of safety of existing nuclear reactors; health, including the development of medical isotopes to answer the questions of medical research, and the testing of medical therapeutic techniques; fusion; fundamental research and training; and, waste management, including the possibility of developing nuclear fuels through the elimination of weapons-grade plutonium.

ANNEX II

BREAKDOWN OF THE CONTRIBUTIONS REFERRED TO IN ARTICLE 2

The contributions to the Programme will come from the Netherlands and France.

The breakdown of these contributions is as follows:

The Netherlands:	EUR 8 200 000
France:	EUR 300 000
Total:	EUR 8 500 000

COUNCIL DECISION

of 30 October 2007

on the signing and provisional application of a Protocol to the Euro-Mediterranean Agreement establishing an association between the European Communities and its Member States, of the one part, and the Arab Republic of Egypt, of the other part, to take account of the accession of the Republic of Bulgaria and Romania to the European Union

(2007/774/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 310, in conjunction with Article 300(2), first subparagraph, first sentence, thereof,

Having regard to the 2005 Act of Accession, and in particular Article 6(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) On 23 October 2006 the Council authorised the Commission, on behalf of the European Community and its Member States, to open negotiations with the Arab Republic of Egypt with a view to adjusting the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and Egypt, of the other part [1], hereinafter referred to as 'the Euro-Mediterranean Agreement', to take account of the accession of the Republic of Bulgaria and Romania to the European Union.

(2) These negotiations have since been completed to the satisfaction of the Commission.

(3) Article 9(2) of the Protocol negotiated with Egypt provides for the provisional application of the Protocol before its entry into force.

(4) The Protocol should be signed on behalf of the European Community and its Member States and applied on a provisional basis subject to its conclusion at a later date,

HAS DECIDED AS FOLLOWS:

Article 1

The President of the Council is hereby authorised to designate the person(s) empowered to sign, on behalf of the European Community and its Member States, the Protocol to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Arab Republic of Egypt, of the other part, to take account of the accession of the Republic of Bulgaria and Romania to the European Union [2].

Article 2

The Protocol shall be applied provisionally from 1 January 2007, subject to its conclusion at a later date.

Done at Luxembourg, 30 October 2007.

For the Council

The President

F. NUNES CORREIA

[1] OJ L 304, 30.9.2004, p. 39.

[2] See page 33 of this Official Journal.

PROTOCOL

to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Arab Republic of Egypt, of the other part, to take account of the accession of the Republic of Bulgaria and Romania to the European Union

THE KINGDOM OF BELGIUM,

THE REPUBLIC OF BULGARIA,

THE CZECH REPUBLIC,

THE KINGDOM OF DENMARK,

THE FEDERAL REPUBLIC OF GERMANY,

THE REPUBLIC OF ESTONIA,

IRELAND,

THE HELLENIC REPUBLIC,

THE KINGDOM OF SPAIN,

THE FRENCH REPUBLIC,

THE ITALIAN REPUBLIC,

THE REPUBLIC OF CYPRUS,

THE REPUBLIC OF LATVIA,

THE REPUBLIC OF LITHUANIA,

THE GRAND DUCHY OF LUXEMBOURG,

THE REPUBLIC OF HUNGARY,

MALTA,

THE KINGDOM OF THE NETHERLANDS,

THE REPUBLIC OF AUSTRIA,

THE REPUBLIC OF POLAND,

THE PORTUGUESE REPUBLIC,

ROMANIA,

THE REPUBLIC OF SLOVENIA,

THE SLOVAK REPUBLIC,

THE REPUBLIC OF FINLAND,

THE KINGDOM OF SWEDEN,

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,

hereinafter referred to as 'EC Member States' represented by the Council of the European Union,

and

THE EUROPEAN COMMUNITY, hereinafter referred to as 'the Community' represented by the Council of the European Union and the European Commission,

of the one part, and

THE ARAB REPUBLIC OF EGYPT, hereinafter referred to as 'Egypt',

of the other part,

WHEREAS the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Arab Republic of Egypt, of the other part, hereinafter referred to as 'the Euro-Mediterranean Agreement', was signed in Luxembourg on 25 June 2001 and entered into force on 1 June 2004;

WHEREAS the Treaty concerning the accession of the Republic of Bulgaria and of Romania to the European Union and the Act thereto was signed in Luxembourg on 25 April 2005 and entered into force on 1 January 2007;

WHEREAS, pursuant to Article 6(2) of the Act of Accession, the accession of the new Contracting Parties to the Euro-Mediterranean Agreement must be agreed by the conclusion of a Protocol to the Euro-Mediterranean Agreement;

WHEREAS consultations pursuant to Article 21 of the Euro-Mediterranean Agreement have taken place in order to ensure that account has been taken of the mutual interests of the Community and Egypt,

HAVE AGREED AS FOLLOWS:

Article 1

The Republic of Bulgaria and of Romania hereby become Contracting Parties to the Euro-Mediterranean Agreement between the European Communities and their Member States, of the one part, and the Arab Republic of Egypt, of the other part, and shall respectively adopt and take note, in the same manner as the other Member States of the Community, of the texts of the Agreement, as well as of the Joint Declarations, Declarations and Exchanges of Letters.

CHAPTER 1

AMENDMENTS TO THE TEXT OF THE EURO-MEDITERRANEAN AGREEMENT, INCLUDING ITS ANNEXES AND PROTOCOLS

Article 2

Agricultural products

Protocol 1 shall be amended as set out in the Annex to this Protocol.

Article 3

Rules of origin

Protocol 4 shall be amended as follows:

1. in Articles 3(1) and 4(1), the reference to the new Member States is deleted.

2. Annex IVa is replaced by the following:

'*ANNEX IVA*

Bulgarian version

Износителят на продуктите, обхванати от този документ (митническо разрешение № … (1)) декларира, че освен където ясно е посочено друго, тези продукти са с … преференциален произход (2).

Spanish version

El exportador de los productos incluidos en el presente documento [autorización aduanera nº … (1)] declara que, salvo indicación en sentido contrario, estos productos gozan de un origen preferencial … (2).

Czech version

Vývozce výrobků uvedených v tomto dokumentu (číslo povolení … (1)) prohlašuje, že kromě zřetelně označených mají tyto výrobky preferenční původ v … (2).

Danish version

Eksportøren af varer, der er omfattet af nærværende dokument, (toldmyndighedernes tilladelse nr. … ([1])), erklærer, at varerne, medmindre andet tydeligt er angivet, har præferenceoprindelse i … ([2]).

German version

Der Ausführer (Ermächtigter Ausführer; Bewilligungsnr. … ([1])) der Waren, auf die sich dieses Handelspapier bezieht, erklärt, dass diese Waren, soweit nicht anders angegeben, präferenzbegünstigte … ([2]) Ursprungswaren sind.

Estonian version

Käesoleva dokumendiga hõlmatud toodete eksportija (tolli kinnitus nr … ([1])) deklareerib, et need tooted on … ([2]) sooduspäritoluga, välja arvatud juhul, kui on selgelt näidatud teisiti.

Greek version

Ο εξαγωγέας των προϊόντων που καλύπτονται από το παρόν έγγραφο [άδεια τελωνείου υπ' αριθ. … ([1])] δηλώνει ότι, εκτός εάν δηλώνεται σαφώς άλλως, τα προϊόντα αυτά είναι προτιμησιακής καταγωγής … ([2]).

English version

The exporter of the products covered by this document (customs authorization No … ([1])) declares that, except where otherwise clearly indicated, these products are of … ([2]) preferential origin.

French version

L'exportateur des produits couverts par le présent document [autorisation douanière n° … ([1])] déclare que, sauf indication claire du contraire, ces produits ont l'origine préférentielle … ([2]).

Italian version

L'esportatore delle merci contemplate nel presente documento [autorizzazione doganale n. … ([1])] dichiara che, salvo indicazione contraria, le merci sono di origine preferenziale … ([2]).

Latvian version

To produktu eksportētājs, kuri ietverti šajā dokumentā (muitas atļauja Nr. … ([1])), deklarē, ka, izņemot tur, kur ir citādi skaidri noteikts, šiem produktiem ir preferenciāla izcelsme … ([2]).

Lithuanian version

Šiame dokumente išvardintų prekių eksportuotojas (muitinės liudijimo Nr. … ([1])) deklaruoja, kad, jeigu kitaip nenurodyta, tai yra … ([2]) preferencinės kilmės prekės.

Hungarian version

A jelen okmányban szereplő áruk exportőre (vámfelhatalmazási szám: … ([1])) kijelentem, hogy eltérő egyértelmű jelzés hiányában az áruk preferenciális … ([2]) származásúak.

Maltese version

L-esportatur tal-prodotti koperti b'dan id-dokument (awtorizzazzjoni tad-dwana nru … ([1])) jiddikjara li, ħlief fejn indikat b'mod ċar li mhux hekk, dawn il-prodotti huma ta' oriġini preferenzjali … ([2]).

Dutch version

De exporteur van de goederen waarop dit document van toepassing is (douanevergunning nr. … ([1])), verklaart dat, behoudens uitdrukkelijke andersluidende vermelding, deze goederen van preferentiële … oorsprong zijn ([2]).

Polish version

Eksporter produktów objętych tym dokumentem (upoważnienie władz celnych nr … ([1])) deklaruje, że – z wyjątkiem gdzie jest to wyraźnie określone – produkty te mają … ([2]) preferencyjne pochodzenie.

Portuguese version

O abaixo-assinado, exportador dos produtos abrangidos pelo presente documento [autorização aduaneira n.º … ([1])], declara que, salvo indicação expressa em contrário, estes produtos são de origem preferencial … ([2]).

Romanian version

Exportatorul produselor ce fac obiectul acestui document [autorizația vamală nr. … ([1])] declară că, exceptând cazul în care în mod expres este indicat altfel, aceste produse sunt de origine preferențială … ([2]).

Slovenian version

Izvoznik blaga, zajetega s tem dokumentom (pooblastilo carinskih organov št. … ([1])) izjavlja, da, razen če ni drugače jasno navedeno, ima to blago preferencialno … ([2]) poreklo.

Slovak version

Vývozca výrobkov uvedených v tomto dokumente [číslo povolenia … ([1])] vyhlasuje, že okrem zreteľne označených, majú tieto výrobky preferenčný pôvod v … ([2]).

Finnish version

Tässä asiakirjassa mainittujen tuotteiden viejä (tullin lupa n:o … ([1])) ilmoittaa, että nämä tuotteet ovat, ellei toisin ole selvästi merkitty, etuuskohteluun oikeutettuja … alkuperätuotteita ([2]).

Swedish version

Exportören av de varor som omfattas av detta dokument (tullmyndighetens tillstånd nr. … (1)) försäkrar att dessa varor, om inte annat tydligt markerats, har förmånsberättigande … ursprung (2).

Arabic version

يصرح مصدر المنتجات التي تشملها هذه الوثيقة (التصريح الجمركي رقم .....(1)) باستثناء ما ينص بوضوح على خلاف ذلك، بأن هذه المنتجات من منشأ تفضيلي من .....(2).

3. Annex IVb shall be replaced by the following:

'*ANNEX IVB*

Bulgarian version

Износителят на продуктите, обхванати от този документ (митническо разрешение № … (1)) декларира, че освен където ясно е посочено друго, тези продукти са с … преференциален произход (2):

— cumulation applied with … (name of the country/-countries)

— no cumulation applied (3).

Spanish version

El exportador de los productos incluidos en el presente documento [autorización aduanera nº … (1)] declara que, salvo indicación en sentido contrario, estos productos gozan de un origen preferencial … (2):

— cumulation applied with … (name of the country/-countries)

— no cumulation applied (3).

Czech version

Vývozce výrobků uvedených v tomto dokumentu (číslo povolení … (1)) prohlašuje, že kromě zřetelně označených mají tyto výrobky preferenční původ v … (2):

— cumulation applied with … (name of the country/-countries)

— no cumulation applied (3).

Danish version

Eksportøren af varer, der er omfattet af nærværende dokument, (toldmyndighedernes tilladelse nr. … (1)), erklærer, at varerne, medmindre andet tydeligt er angivet, har præferenceoprindelse i … (2):

— cumulation applied with … (name of the country/-countries)

— no cumulation applied (3).

German version

Der Ausführer (Ermächtigter Ausführer; Bewilligungsnr. … (1)) der Waren, auf die sich dieses Handelspapier bezieht, erklärt, dass diese Waren, soweit nicht anders angegeben, präferenzbegünstigte … (2) Ursprungswaren sind:

— cumulation applied with … (name of the country/-countries)

— no cumulation applied (3).

Estonian version

Käesoleva dokumendiga hõlmatud toodete eksportija (tolli kinnitus nr … (1)) deklareerib, et need tooted on … (2) sooduspäritoluga, välja arvatud juhul, kui on selgelt näidatud teisiti:

— cumulation applied with … (name of the country/-countries)

— no cumulation applied (3).

Greek version

Ο εξαγωγέας των προϊόντων που καλύπτονται από το παρόν έγγραφο [άδεια τελωνείου υπ' αριθ. … (1)] δηλώνει ότι, εκτός εάν δηλώνεται σαφώς άλλως, τα προϊόντα αυτά είναι προτιμησιακής καταγωγής … (2):

— cumulation applied with … (name of the country/-countries)

— no cumulation applied (3).

English version

The exporter of the products covered by this document (customs authorization No … (1)) declares that, except where otherwise clearly indicated, these products are of … (2) preferential origin:

— cumulation applied with … (name of the country/-countries)

— no cumulation applied (3).

French version

L'exportateur des produits couverts par le présent document [autorisation douanière n° … (1)] déclare que, sauf indication claire du contraire, ces produits ont l'origine préférentielle … (2):

— cumulation applied with … (name of the country/-countries)

— no cumulation applied (3).

Italian version

L'esportatore delle merci contemplate nel presente documento [autorizzazione doganale n. … (1)] dichiara che, salvo indicazione contraria, le merci sono di origine preferenziale … (2):

— cumulation applied with … (name of the country/-countries)

— no cumulation applied (3).

Latvian version

To produktu eksportētājs, kuri ietverti šajā dokumentā (muitas atļauja Nr. … (1)), deklarē, ka, izņemot tur, kur ir citādi skaidri noteikts, šiem produktiem ir preferenciāla izcelsme … (2):

— cumulation applied with … (name of the country/-countries)

— no cumulation applied (3).

Lithuanian version

Šiame dokumente išvardytų prekių eksportuotojas (muitinės liudijimo Nr. … (1)) deklaruoja, kad, jeigu kitaip nenurodyta, tai yra … (2) preferencinės kilmės prekės:

— cumulation applied with … (name of the country/-countries)

— no cumulation applied (3).

Hungarian version

A jelen okmányban szereplő áruk exportőre (vámfelhatalmazási szám: … (1)) kijelentem, hogy eltérő egyértelmű jelzés hiányában az áruk preferenciális … (2) származásúak:

— cumulation applied with … (name of the country/-countries)

— no cumulation applied (3).

Maltese version

L-esportatur tal-prodotti koperti b'dan id-dokument (awtorizzazzjoni tad-dwana nru … (1)) jiddikjara li, ħlief fejn indikat b'mod ċar li mhux hekk, dawn il-prodotti huma ta' oriġini preferenzjali … (2):

— cumulation applied with … (name of the country/-countries)

— no cumulation applied (3).

Dutch version

De exporteur van de goederen waarop dit document van toepassing is (douanevergunning nr. … (1)), verklaart dat, behoudens uitdrukkelijke andersluidende vermelding, deze goederen van preferentiële … oorsprong zijn (2):

— cumulation applied with … (name of the country/-countries)

— no cumulation applied (3).

Polish version

Eksporter produktów objętych tym dokumentem (upoważnienie władz celnych nr … (1)) deklaruje, że – z wyjątkiem gdzie jest to wyraźnie określone – produkty te mają … (2) preferencyjne pochodzenie:

— cumulation applied with … (name of the country/-countries)

— no cumulation applied (3).

Portuguese version

O abaixo-assinado, exportador dos produtos abrangidos pelo presente documento [autorização aduaneira n.º … (1)], declara que, salvo indicação expressa em contrário, estes produtos são de origem preferencial … (2):

— cumulation applied with … (name of the country/-countries)

— no cumulation applied (3).

Romanian version

Exportatorul produselor ce fac obiectul acestui document [autorizația vamală nr. … (1)] declară că, exceptând cazul în care în mod expres este indicat altfel, aceste produse sunt de origine preferențială … (2):

— cumulation applied with … (name of the country/-countries)

— no cumulation applied (3).

Slovenian version

Izvoznik blaga, zajetega s tem dokumentom (pooblastilo carinskih organov št. … (1)) izjavlja, da, razen če ni drugače jasno navedeno, ima to blago preferencialno … (2) poreklo:

— cumulation applied with … (name of the country/-countries)

— no cumulation applied (3).

Slovak version

Vývozca výrobkov uvedených v tomto dokumente [číslo povolenia … (1)] vyhlasuje, že, okrem zreteľne označených, majú tieto výrobky preferenčný pôvod v … (2):

— cumulation applied with … (name of the country/-countries)

— no cumulation applied (3).

Finnish version

Tässä asiakirjassa mainittujen tuotteiden viejä (tullin lupa n:o … (1)) ilmoittaa, että nämä tuotteet ovat, ellei toisin ole selvästi merkitty, etuuskohteluun oikeutettuja … alkuperätuotteita (2):

— cumulation applied with … (name of the country/-countries)

— no cumulation applied (3).

Swedish version

Exportören av de varor som omfattas av detta dokument (tullmyndighetens tillstånd nr. … (1)) försäkrar att dessa varor, om inte annat tydligt markerats, har förmånsberättigande … ursprung (2):

— cumulation applied with … (name of the country/-countries)

— no cumulation applied (3).

Arabic version

يصرح مصدر المنتجات التي تشملها هذه الوثيقة (التصريح الجمركي رقم .....(1)) بإستثناء ما ينص بوضوح على خلاف ذلك، بأن هذه المنتجات من منشأ تفضيلي من .....(2).

— cumulation applied with … (name of the country/-countries)

— no cumulation applied (3).'

CHAPTER 2

TRANSITIONAL PROVISIONS

Article 4

Proofs of origin and administrative cooperation

1. Proofs of origin properly issued by either Egypt or a new Member State in the framework of preferential agreements or autonomous arrangements applied between them shall be accepted in the respective countries under this Protocol, provided that:

(a) the acquisition of such origin confers preferential tariff treatment on the basis of the preferential tariff measures contained in the EU-Egypt Agreement or in the Community System of Generalised Preferences;

(b) the proof of origin and the transport documents were issued no later than the day before the date of accession;

(c) the proof of origin is submitted to the customs authorities within the period of four months from the date of accession.

Where goods were declared for importation in either Egypt or a new Member State, prior to the date of accession, under preferential agreements or autonomous arrangements applied between Egypt and that new Member State at that time, proof of origin issued retrospectively under those agreements or arrangements may also be accepted provided that it is submitted to the customs authorities within the period of four months from the date of accession.

2. Egypt and the new Member States are authorised to retain the authorisations with which the status of 'approved exporters' has been granted in the framework of preferential agreements or autonomous arrangements applied between them, provided that:

(a) such a provision is also provided for in the agreement concluded prior to the date of accession between Egypt and the Community; and

(b) the approved exporter apply the rules of origin in force under that agreement.

These authorisations shall be replaced no later than one year after the date of accession, by new authorisations issued under the conditions of the Agreement.

3. Requests for subsequent verification of proof of origin issued under the preferential agreements or autonomous arrangements referred to in paragraphs 1 and 2 above can be presented by the competent customs authorities of either Egypt or the new Member States and shall be accepted by those authorities for a period of three years after the issue of the proof of origin concerned.

Article 5

Goods in transit

1. The provisions of the Agreement may be applied to goods exported from either Egypt to one of the new Member States or from one of the new Member States to Egypt, which comply with the provisions of Protocol [4] and that on the date of accession are either en route or in temporary storage, in a customs warehouse or in a free zone in Egypt or in that new Member State.

2. Preferential treatment may be granted in such cases, subject to the submission to the customs authorities of the importing country, within four months of the date of accession, of a proof of origin issued retrospectively by the customs authorities of the exporting country.

GENERAL AND FINAL PROVISIONS

Article 6

The Arab Republic of Egypt undertakes that it shall neither make any claim, request or referral nor modify or withdraw any concession pursuant to GATT 1994 Articles XXIV.6 and XXVIII in relation to this enlargement of the Community.

Article 7

This Protocol shall form an integral part of the Euro-Mediterranean Agreement.

The Annex to this Protocol shall form an integral part thereof.

Article 8

1. This Protocol shall be approved by the Community, by the Council of the European Union on behalf of the Member States, and by the Arab Republic of Egypt in accordance with their own procedures.

2. The Parties shall notify each other of the accomplishment of the corresponding procedures referred to in the preceding paragraph. The instruments of approval shall be deposited with the General Secretariat of the Council of the European Union.

Article 9

1. This Protocol shall enter into force on the first day of the first month following the date of deposit of the last instrument of approval.

2. This Protocol shall apply provisionally as from 1 January 2007.

3. Notwithstanding the above, the increase of the volume of the tariff quota for oranges for which provision is made in the Annex to this Protocol shall apply from 1 July 2007.

Article 10

This Protocol is drawn up in duplicate in each of the official languages of the Contracting Parties, each of these texts being equally authentic.

Article 11

The text of the Euro-Mediterranean Agreement, including the Annexes and Protocols forming an integral part thereof, and the Final Act together with the declarations annexed thereto shall be drawn up in the Bulgarian and Romanian languages [1] and these texts shall be authentic in the same way as the original texts. The Association Council shall approve these texts.

[1] The Bulgarian and Romanian language versions of the Protocol shall be published in a special edition of the *Official Journal of the European Union* at a later date.

Съставено в Брюксел на двадесет и шести ноември две хиляди и седма година.

Hecho en Bruselas, el veintiseis de noviembre de dos mil siete.

V Bruselu dne dvacátého šestého listopadu dva tisíce sedm.

Udfærdiget i Bruxelles den seksogtyvende november to tusind og syv.

Geschehen zu Brüssel am sechsundzwanzigsten November zweitausendsieben.

Kahe tuhande seitsmenda aasta novembrikuu kahekümne kuuendal päeval Brüsselis.

Έγινε στις Βρυξέλλες, στις είκοσι έξι Νοεμβρίου δύο χιλιάδες επτά.

Done at Brussels on the twenty sixth day of November in the year two thousand and seven.

Fait à Bruxelles, le vingt-six novembre deux mille sept.

Fatto a Bruxelles, addì ventisei novembre duemilasette.

Briselē, divtūkstoš septītā gada divdesmit sestajā novembrī.

Priimta du tūkstančiai septintųjų metų lapkričio dvidešimt šeštą dieną Briuselyje.

Kelt Brüsszelben, a kétezer-hetedik év november huszonhatodik napján.

Magħmul fi Brussell, fis-sitta u għoxrin jum ta' Novembru tas-sena elfejn u sebgħa.

Gedaan te Brussel, de zesentwintigste november tweeduizend zeven.

Sporządzono w Brukseli dnia dwudziestego szóstego listopada roku dwa tysiące siódmego.

Feito em Bruxelas, em vinte e seis de Novembro de dois mil e sete.

Întocmit la Bruxelles, la douăzecișișase noiembrie două mii șapte.

V Bruseli dvadsiateho šiesteho novembra dvetisícsedem.

V Bruslju, dne šestindvajsetega novembra leta dva tisoč sedem.

Tehty Brysselissä kahdentenakymmenentenäkuudentena päivänä marraskuuta vuonna kaksituhattaseitsemän.

Som skedde i Bryssel den tjugosjätte november tjugohundrasju.

وقع فى بروكسل فى السادس و العشرين من نوفمبر من العام الميلادى السابع بعد الألفين.

За държавите-членки
Por los Estados miembros
Za členské státy
For medlemsstaterne
Für die Mitgliedstaaten
Liikmesriikide nimel
Για τα κράτη μέλη
For the Member States
Pour les États membres
Per gli Stati membri
Dalībvalstu vārdā
Valstybių narių vardu
A tagállamok részéről
Għall-Istati Membri
Voor de lidstaten
W imieniu państw członkowskich
Pelos Estados-Membros
Pentru statele membre
Za členské štáty
Za države članice
Jäsenvaltioiden puolesta
På medlemsstaternas vägnar
عن الدول الأعضاء

За Европейската общност
Por la Comunidad Europea
Za Evropské společenství
For Det Europæiske Fællesskab
Für die Europäische Gemeinschaft
Euroopa Ühenduse nimel
Για την Ευρωπαϊκή Κοινότητα
For the European Community
Pour la Communauté européenne
Per la Comunità europea
Eiropas Kopienas vārdā
Europos bendrijos vardu
Az Európai Közösség részéről
Għall-Komunità Ewropea
Voor de Europese Gemeenschap
W imieniu Wspólnoty Europejskiej
Pela Comunidade Europeia
Pentru Comunitatea Europeană
Za Európske spoločenstvo
Za Evropsko skupnost
Euroopan yhteisön puolesta
På Europeiska gemenskapens vägnar
عن الجماعة الأوروبية.

За Арабска република Египет
Por la República Arabe de Egipto
Za Egyptskou arabskou republiku
For Den Arabiske Republik Egypten
Für die Arabische Republik Ägypten
Egiptuse Araabia Vabariigi nimel
Για την Αραβική Δημοκρατία της Αιγύπτου
For the Arab Republic of Egypt
Pour la République arabe d'Égypte
Per la Repubblica araba d'Egitto
Eģiptes Arābu Republikas vārdā
Egipto Arabų Respublikos vardu
Az Egyiptomi Arab Köztársaság részéről
Għar-Repubblika Għarbija ta' l-Eġittu
Voor de Arabische Republiek Egypte
W imieniu Arabskiej Republiki Egiptu
Pela República Árabe do Egipto
Pentru Republica Arabă Egipt
Za Egyptskú arabskú republiku
Za Arabsko republiko Egipt
Egyptin arabitasavallan puolesta
På Arabrepubliken Egyptens vägnar
عن جمهورية مصر العربية

ANNEX

MODIFICATIONS TO PROTOCOL 1 CONCERNING THE ARRANGEMENTS APPLICABLE TO IMPORTS INTO THE COMMUNITY OF AGRICULTURAL PRODUCTS ORIGINATING IN EGYPT

1. The concessions referred to in this Annex will replace, for the products of subheading 0805 10 and of heading 1006, the concessions currently applied in the framework of the Articles of the Association Agreement (Protocol 1). For all products not referred to in this Annex the concessions currently applied remain unchanged.

CN code (*)	Description (**)	a	b	c	d
		Reduction of the MFN customs duty % (1) or specific duty	Tariff quota (tonnes net weight)	Reduction of the customs duty beyond the tariff quota % (1)	Specific provisions
0805 10	Oranges, fresh or dried	100	70 320 (2)	60	Subject to specific provisions in Protocol 1 paragraph 5
1006	Rice	25	32 000	—	
		100	5 605	—	
1006 20	Husked (brown) rice	11 EUR/t	57 600	—	
1006 30	Semi-milled or wholly milled rice	33 EUR/t	19 600	—	
1006 40 00	Broken rice	13 EUR/t	5 000	—	

(*) CN codes corresponding to Regulation (EC) No 1549/2006 (OJ L 301, 31.10.2006, p. 1).

(**) Notwithstanding the rules for the interpretation of the combined nomenclature, the wording for the description of the products is to be considered as having no more than an indicative value, the preferential scheme being determined, within the context of this Annex, by the coverage of the CN codes. Where 'ex' CN codes are indicated, the preferential scheme is to be determined by the application of the CN codes and corresponding description taken together.

(1) Duty reduction only applies to *ad valorem* customs duties. However for the products falling under the codes 0703 20 00, 0709 90 39, 0709 90 60, 0711 20 90, 0712 90 19, 0714 20 90, 1006, 1212 91, 1212 99 20, 1703 and 2302, the concession granted should also apply to specific duties.

(2) Tariff quota applicable from 1 July to 30 June. Of this volume 36 300 tonnes for sweet oranges, fresh, falling within CN code 0805 10 20, during the period from 1 December to 31 May.

2. The quantities referred in paragraph 5 of Protocol 1 (34 000 tonnes) shall be replaced by the quantities of 36 300 tonnes.

COMMISSION

COMMISSION DECISION

of 13 November 2007

repealing Decision 1999/572/EC accepting undertakings offered in connection with the anti-dumping proceedings concerning imports of steel wire ropes and cables originating in the People's Republic of China, Hungary, India, the Republic of Korea, Mexico, Poland, South Africa and Ukraine

(2007/775/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community [1], and in particular Articles 8 and 9 thereof,

After consulting the Advisory Committee,

Whereas:

A. PREVIOUS INVESTIGATIONS AND EXISTING MEASURES

(1) In August 1999, the Council, by Regulation (EC) No 1796/1999 [2], imposed a definitive anti-dumping duty on imports of steel ropes and cables originating, *inter alia*, in South Africa.

(2) In November 2005, following an expiry review pursuant to Article 11(2) of the basic Regulation, the Council, by Regulation (EC) No 1858/2005 [3] decided that the anti-dumping measures applicable to imports of the product concerned originating, *inter alia*, in South Africa should be maintained.

(3) The Commission, by Decision 1999/572/EC of 13 August 1999 [4], accepted a price undertaking from a South African company, Scaw Metals Group Haggie Steel Wire Rope ('Haggie' or 'the company').

(4) By Decision 1999/572/EC the Commission also accepted price undertakings from the following companies: Usha Martin Industries & Usha Beltron Ltd, India; Aceros Camesa SA de CV, Mexico; and Joint Stock Company Silur, Ukraine. The Commission withdrew the acceptance of the undertaking offered by Joint Stock Company Silur, Ukraine by Commission Regulation (EC) No 1678/2003 [5]. The anti-dumping measures on steel wire ropes and cables originating in Mexico expired on 12 August 2004 [6]. The Commission withdrew the acceptance of the undertaking offered by Usha Martin Industries & Usha Beltron Ltd by Commission Decision 2006/38/EC of 22 December 2005.

(5) As a result imports into the Community of the product concerned of South African origin, produced by the company and of the product type covered by the undertaking (the product covered) were exempted from the definitive anti-dumping duties.

(6) In this regard it should be noted that certain types of steel wire ropes and cables currently produced by Haggie were excluded from the scope of the undertaking. Accordingly, such steel wire ropes and cables were liable to the payment of the anti-dumping duty when entered into free circulation in the Community.

B. BREACHES OF THE UNDERTAKING

1. Obligations of the company under the undertaking

(7) The undertaking offered by the company obliges it to, inter alia, export the product covered to the European Community above certain minimum prices (MIPs) as stated in the undertaking.

[1] OJ L 56, 6.3.1996, p. 1. Regulation as last amended by Regulation (EC) No 2117/2005 (OJ L 340, 23.12.2005, p. 17).
[2] OJ L 217, 17.8.1999, p. 1. Regulation as amended by Regulation (EC) No 1674/2003 (OJ L 238, 25.9.2003, p. 1).
[3] OJ L 299, 16.11.2005, p. 1. Regulation as amended by Regulation (EC) No 212/2006 (OJ L 22, 26.1.2006, p. 1).
[4] OJ L 217, 17.8.1999, p. 63. Decision as last amended by Decision 2006/38/EC (OJ L 22, 26.1.2006, p. 54).
[5] OJ L 238, 25.9.2003, p. 13.
[6] OJ C 203, 11.8.2004, p. 4.

(8) It was further acknowledged by the company in the undertaking that with regard to the exemption from the anti-dumping duties afforded by the undertaking, such exemption is conditional upon the presentation to the Community customs services of an 'undertaking invoice'. Moreover, the company undertook not to issue such undertaking invoices for sales of those types of product concerned which are not covered by the undertaking and which are therefore liable to the anti-dumping duty. The company also acknowledged that the undertaking invoices issued had to contain the information set out first in the Annex of Regulation (EC) No 1796/1999 and later in the Annex of Regulation (EC) No 1858/2005.

(9) The terms of the undertaking also oblige the company to provide the Commission with regular and detailed information, in the form of a quarterly report of its sales of the product concerned to the European Community. Such reports should include the products covered by the undertaking which benefited from the exemption from the payment of the anti-dumping duty, as well as those types of steel ropes and cables which are not covered by the undertaking and which are therefore liable to the payment of the anti-dumping duty upon importation into the European Community.

(10) It is clear that the aforementioned sales reports should be, as submitted, complete, exhaustive and correct in all particulars and that the transactions fully comply with the terms of the undertaking.

(11) For the purpose of ensuring compliance with the undertaking, the Company also undertook to allow on-spot verification visits at its premises in order to verify the accuracy and veracity of data submitted in the said quarterly reports and to provide all information considered necessary by the Commission.

(12) It should be noted that the company already received a warning letter from the Commission Services on 28 October 2003 for breaching the undertaking by issuing undertaking invoices for products not covered by the undertaking but otherwise being subject to the anti-dumping measures. The warning letter stated that in view of the particular circumstances under which these breaches took place it was not intended to withdraw the acceptance of the undertaking, but it was also pointed out that any subsequent infringement of the undertaking, even of a minor nature, would make it difficult for the Commission to maintain the acceptance of the undertaking from the company.

(13) In this regard, a verification visit was carried out at the premises of the Company in South Africa from 5 February 2007 until 6 February 2007. The verification visit covered the period from 1 January 2004 until 31 December 2006.

2. **Results of the verification visit to the Company**

(14) The verification visit established that the company, on two occasions, issued undertaking invoices (undertaking invoice numbers: 935515 and 935516) for the products subject to the anti-dumping measure but not covered by the undertaking. Therefore, these transactions unlawfully benefited from the exemption from the payment of the anti-dumping duty upon importation.

(15) The verification visit established that, on one occasion, the company failed to adjust the unit sales price according to the terms of payment. The failure to make this adjustment for the financial cost linked to the actual time of the payment has led to a unit sale price below the applicable MIP.

(16) Furthermore, the verification visit established that, on several occasions, the company issued undertaking invoices not in conformity with the Annex of Regulation (EC) No 1858/2005 by including the sentence 'For sale offshore, not to be sold within the European Union'.

(17) Examination of the undertaking invoices issued for the time period concerned by the verification visit showed that one transaction was not included in the quarterly undertaking sales report submitted to the Commission. Furthermore, it was also established that the company reported transactions not intended for release into free circulation in the Community as if they were intended to be released into free circulation in the Community. The verification visit also identified several transactions which were reported as transit sales, but, in reality, the goods were released into free circulation in the Community. Moreover discrepancies were found between the quarterly undertaking sales reports and the corresponding invoices.

3. **Reasons to withdraw acceptance of the undertaking**

(18) The fact that the company issued undertaking invoices for product concerned which were not covered by the undertaking and the fact that these transactions benefited from the exemption from the payment of the anti-dumping duty only granted for the products covered by the undertaking constitute breaches of the undertaking.

(19) The obligation of the company to respect the MIP for all sales of the product covered was not met.

(20) Issuing undertaking invoices not in conformity with the Annex of Regulation (EC) No 1858/2005 for sales of product covered can be confusing for the customs authorities and no longer allow the customs authorities to effectively monitor the undertaking and, therefore, render the undertaking impractical.

(21) The facts set out in recital (17) have led to the conclusion that the quarterly undertaking sales reports as submitted by the company were not complete, exhaustive and correct in all particulars and therefore these reports were not sufficiently reliable to be used for monitoring the undertaking. Non-compliance with reporting requirements also constitutes a breach of the undertaking.

4. **Written submissions and hearing**

(a) *Lack of understanding of the Undertaking*

(22) The company acknowledged by its written submission that errors occurred when issuing undertaking invoices and preparing the undertaking reports due to a lack of understanding of the technical provisions of the undertaking, of incorrect reading of the text and/or the company's failure to consult it. It was also stated in its written submission and during the hearing on 26 April 2007 that changes in the senior management and the restructuring of the organization contributed to lack of understanding of the complex requirements of the undertaking.

(23) The company also admitted the receipt of the warning letter from the Commission Services on the 28 October 2003. However, the company argued that it never received a verification report which it assumed would have outlined the actual error made. The company argued that the fact that it was not made aware of the actual errors also contributed to its failure to change its practices concerning the preparation of undertaking reports or improve its understanding.

(24) In respond to these arguments it has to be noted that the company on 18 September 2003 received a letter from the Commission which set out in detail the breaches identified. The warning letter of 28 October 2003 did not repeat the breaches in detail any longer but referred to the earlier correspondence between the Commission and the company.

(25) It also should be noted that the company might have been confused when it referred to a verification report. The Commission did not carry out a verification visit prior to issuing the warning letter on 28 October 2003 as the breaches which let to issuance of the warning letter were established on the basis of desk analysis of the undertaking reports. The Commission did carry out a verification in May 2004 but since that verification did not lead to further action no letter relating to it needed to be sent the company.

(26) Moreover, the company submitted during the hearing that, after the verification visit, the company revisited its complete system, based on the comments made on the spot, in order to accommodate the necessary changes to meet the requirements of the undertaking.

(27) The arguments presented by the company in its defence regarding its lack of understanding of the undertaking do not alter the Commission's view that the company failed to comply with the obligations of the undertaking. It also has to be noted that the company already received a warning letter for breaching the undertaking in the past and it failed to adopt the measures necessary to prevent that new breaches of the undertaking would occur. The lack of understanding of the requirements of the undertaking constitutes a high risk for the sufficiency and reliability of the monitoring of the undertaking.

(b) *Proportionality*

(28) With regard to the price violation, the company admitted that a price violation occurred on one occasion because it failed to do the necessary adjustments in the sales price in respect of late payment. However, it was argued that the sales prices of all other transactions were strictly in compliance with the MIP. Moreover, it was submitted that the late payment occurred due to unforeseen circumstances as the client concerned normally pre-pays for goods prior to shipment taking place.

(29) In response to these arguments it should be pointed out that in accordance with the undertaking, the company undertook to ensure that the Net Sales Price of all sales covered by the undertaking shall be at or above the MIPs set out in the undertaking.

(30) Moreover, regarding the issue of proportionality, the basic Regulation contains no direct or indirect requirement that a breach of an undertaking must relate to a minimum percentage of sales or must relate to a minimum percentage of the MIP.

(31) This approach has also been confirmed by the jurisprudence of the Court of First Instance which has ruled that any breach of an undertaking is sufficient to justify the withdrawal of acceptance of an undertaking [1].

(32) Accordingly, the arguments presented by the company with regard to proportionality do not alter the Commission's view that a breach of the undertaking occurred and that the acceptance of the undertaking should be withdrawn.

(c) *Good faith of the company*

(33) The company argued that at the time of submitting their regular reports to the Commission, the company felt that the reports were complete, exhaustive and correct in all particulars.

[1] In this context, see case T-51/96 Miwon *v* Council (ECR 2000, p. II-1841) paragraph 52; case T-340/99 Arne Mathisen S *v* Council (ECR 2002, p. II-2905) paragraph 80.

(34) At no time did the company try to report incorrect information or attempt to withhold any information requested.

(35) The company also emphasised both in its written submission and during the hearing, that it did not derive any benefit from the breaches of the undertaking, in any but two cases, and that the errors were not carried out within the scope of a circumvention scheme.

(36) Referring to the recitals above it must be noted that the company was not seen to be purposely trying to benefit from not respecting the requirements of the undertaking or by impeding the monitoring. However, the repeated occurrence of the errors renders the proper monitoring of the undertaking impractical.

C. **REPEAL OF DECISION 1999/572/EC**

(37) In view of the above, the acceptance of the undertaking should be withdrawn and Commission Decision 1999/572/EC should be repealed. Accordingly, the definitive antidumping duty imposed by Article 1(2) of Regulation (EC) No 1858/2005 should apply,

HAS DECIDED:

Article 1

Decision 1999/572/EC is hereby repealed.

Article 2

This Decision shall take effect on the day following its publication in the *Official Journal of the European Union*.

Done at Brussels, 13 November 2007.

For the Commission

Peter MANDELSON

Member of the Commission

COMMISSION DECISION

of 28 November 2007

amending Council Directive 92/34/EEC to extend the derogation relating to import conditions for fruit plant propagating material and fruit plants intended for fruit production from third countries

(notified under document number C(2007) 5693)

(2007/776/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 92/34/EEC of 28 April 1992 on the marketing of fruit plant propagating material and fruit plants, intended for fruit production [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 92/34/EEC to decide whether fruit plant propagating material and fruit plants 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 are equivalent in all these respects to fruit plant propagating material and fruit plants 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 fruit plant propagating material and fruit plants from third countries should continue to be allowed to apply conditions equivalent to those applicable to similar Community products in accordance with Article 16(2) of Directive 92/34/EEC. The period of application of the derogation provided for in Directive 92/34/EEC for such imports should consequently be extended beyond 31 December 2007.

(4) Directive 92/34/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 Propagating Material and Plants of Fruit Genera and Species,

HAS ADOPTED THIS DECISION:

Article 1

In the first subparagraph of Article 16(2) of Directive 92/34/EEC, the date '31 December 2007' is replaced by '31 December 2010'.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 28 November 2007.

For the Commission
Markos KYPRIANOU
Member of the Commission

[1] OJ L 157, 10.6.1992, p. 10. Directive as last amended by Decision 2005/54/EC (OJ L 22, 26.1.2005, p. 16).

COMMISSION DECISION

of 29 November 2007

laying down the animal and public health conditions and model certificates for imports of certain meat products and treated stomachs, bladders and intestines for human consumption from third countries and repealing Decision 2005/432/EC

(notified under document number C(2007) 5777)

(Text with EEA relevance)

(2007/777/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 92/118/EEC of 17 December 1992 laying down animal health and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A (I) to Directive 89/662/EEC and, as regards pathogens, to Directive 90/425/EEC [1], and in particular Article 10(2)(c) thereof,

Having regard to Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption [2], and in particular the introductory phrase of Article 8, the first paragraph of point 1 of Article 8, Article 8(4), Article 9(2)(b) and Article 9(4)(b) and (c) thereof,

Whereas:

(1) Commission Decision 2005/432/EC of 3 June 2005 laying down the animal and public health conditions and model certificates for imports of meat products for human consumption from third countries and repealing Decisions 97/41/EC, 97/221/EC and 97/222/EC [3] lays down the animal and public health rules and certification requirements for the importation into the Community of consignments of certain meat products, including the lists of third countries and parts thereof from which imports of such products are authorised.

(2) Decision 2005/432/EC, as amended by Commission Decision 2006/801/EC [4], takes into account the health requirements and definitions laid down in Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs [5], 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 [6] and Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption [7].

(3) Annex I to Regulation (EC) No 853/2004 lays down separate definitions for meat products and for treated stomachs, bladders and intestines.

(4) The specific treatments laid down for each third country by Decision 2005/432/EC are established basing on the treatments laid down by Directive 2002/99/EC in order to eliminate the potential animal health risk carried by the fresh meat used in the preparation of the meat products. From the animal health point of view, treated stomachs, bladders and intestines present the same animal health risk of the meat products. Therefore, they should be treated with the same specific treatments as provided for in Decision 2005/432/EC and consequently submitted to the harmonised veterinary certification for their import into the Community.

(5) Animal health requirements for importation into the EU of casings are laid down in Decision 2003/779/EC [8]. Therefore, the products covered by Decision 2003/779/EC should be excluded by the definition of meat products and treated stomachs, bladders and intestines laid down in this Decision.

(6) Commission Decision 2004/432/EC of 29 April 2004 on the approval of residue monitoring plans submitted by third countries in accordance with Council Directive 96/23/EC [9] lists the third countries authorised to export to the Community on the basis of their approved residue monitoring plans.

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(1) OJ L 62, 15.3.1993, p. 49. Directive as last amended by Commission Regulation (EC) No 445/2004 (OJ L 72, 11.3.2004, p. 60).
(2) OJ L 18, 23.1.2003, p. 11.
(3) OJ L 151, 14.6.2005, p. 3. Decision as last amended by Commission Regulation (EC) No 1792/2006 (OJ L 362, 20.12.2006, p. 1).
(4) OJ L 329, 25.11.2006, p. 26.
(5) OJ L 139, 30.4.2004, p. 1; corrected version OJ L 226, 25.6.2004, p. 3.
(6) OJ L 139, 30.4.2004, p. 55; corrected version OJ L 226, 25.6.2004, p. 22. Regulation as last amended by Council Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p. 1).
(7) OJ L 139, 30.4.2004, p. 206; corrected version OJ L 226, 25.6.2004, p. 83. Regulation as last amended by Council Regulation (EC) No 1791/2006.
(8) OJ L 285, 1.11.2003, p. 38. Decision as amended by Decision 2004/414/EC (OJ L 151, 30.4.2004, p. 56).
(9) OJ L 154, 30.4.2004, p. 44. Decision as last amended by Decision 2007/362/EC (OJ L 138, 30.5.2007, p. 18).

(7) Council Directive 97/78/EC [1] of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries lays down rules concerning veterinary checks on animal products introduced into the Community from third countries for the importation and transit of products of animal origin in the Community, including certain certification requirements.

(8) It is necessary to lay down specific conditions for transit via the Community of consignments of meat products to and from Russia due to the geographical situation of Kaliningrad and taking into account climatic problems impeding the use of some ports at certain times of the year.

(9) Commission Decision 2001/881/EC [2] of 7 December 2001 drawing up a list of border inspection posts agreed for veterinary checks on animals and animal products from third countries and updating the detailed rules concerning the checks to be carried out by the experts of the Commission specifies the Border Inspection Posts authorised to control the transit of consignments of meat products to and from Russia via the Community.

(10) Annex II to Council Decision 79/542/EEC of 21 December 1976 drawing up a list of third countries or parts of third countries, and laying down animal and public health and veterinary certification conditions, for importation into the Community of certain live animals and their fresh meat [3], establishes the list of third countries or parts thereof from which imports of fresh meat of certain animals are authorised. Iceland is listed in Annex II to that Decision as a country authorised to export fresh meat of certain animals. Therefore, import of meat products and treated stomachs, bladders and intestines of those animals from Iceland should be allowed without the application of any specific treatment.

(11) Annex 11 to the Agreement between the European Community and the Swiss Confederation on trade in agricultural products [4] lays down the animal health, public health and zootechnical measures applicable to trade in live animals and animal products. Treatments applicable to meat products and treated stomachs, bladders and intestines from the Swiss Confederation should be in accordance with that agreement. Therefore, it is not necessary to set out these treatments in the Annex to this Decision.

(12) Annex IX to Regulation (EC) No 999/2001 of the European Parliament and the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmisible spongiform encephalopaties [5] has been amended by Regulation (EC) No 722/2007 of the Commission of 25 June 2007 amending Annexes II, V, VI, VIII, IX and XI to Regulation (EC) No 999/2001 [6] and by Regulation (EC) No 1275/2007 [7] 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 transmisissible encephalopathies. New requirements with regard to the BSE status of third countries to export meat products and treated intestines to the Community should be included in the certificate.

(13) Commission Decision 2007/453/EC of 29 June 2007 establishing the BSE status of Member States or third countries or regions thereof according to their BSE risk [8] lists countries or regions in three groups: negligible BSE risk, controlled BSE risk and undetermined BSE risk. A reference to that list should be made in the certificate.

(14) In the interest of clarity of Community legislation, it is appropriate to repeal Decision 2005/432/EC and replace it by the present Decision.

(15) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

Subject matter and scope

1. This Decision lays down animal and public health rules for imports into the Community and the transit and storage in the Community, of consignments of:

(a) meat products, as defined in point 7.1 of Annex I to Regulation (EC) No 853/2004; and

[1] OJ L 24, 30.1.1998, p. 9. Directive as last amended by Directive 2006/104/EC (OJ L 363, 20.12.2006, p. 352).
[2] OJ L 326, 11.12.2006, p. 44. Decision as last amended by Decision 2007/276/EC (OJ L 116, 4.5.2007, p. 34).
[3] OJ L 146, 14.6.1979, p. 15. Decision as last amended by Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p. 1).
[4] OJ L 114, 30.4.2002, p. 132.
[5] OJ L 147, 31.5.2001, p. 1. Regulation as last amended by Regulation (EC) No 727/2007 (OJ L 165, 27.6.2007, p. 8).
[6] OJ L 164, 26.6.2007, p. 7.
[7] OJ L 284, 30.10.2007, p. 8.
[8] OJ L 172, 30.6.2007, p. 84.

(b) treated stomachs, bladders and intestines, as defined in point 7.9 of that Annex, which have undergone one of the treatments laid down in Annex II part 4 to this Decision.

Those rules shall include the lists of third countries and parts thereof from which such imports shall be authorised and the model public and animal health certificates and rules on the origin and treatments required for those imports.

2. This Decision shall apply without prejudice to Decision 2004/432/EC and Decision 2003/779/EC.

Article 2

Conditions concerning species and animals

Member States shall ensure that only consignments of meat products and treated stomachs, bladders and intestines, derived from meat or meat products from the following species or animals, are imported into the Community:

(a) poultry including fowl, turkeys, guinea fowl, ducks, geese, quails, pigeons, pheasants and partridges reared or kept in captivity for breeding, the production of meat or eggs for consumption or for restocking supplies of game;

(b) domestic animals of the following species: bovine animals, including *Bubalus bubalis* and *Bison bison*, swine, sheep, goats and solipeds;

(c) rabbits and hares, and farmed game, as defined in point 1.6 of Annex I to Regulation (EC) No 853/2004;

(d) wild game, as defined in point 1.5 of Annex I to Regulation (EC) No 853/2004.

Article 3

Animal health requirements concerning the origin and treatment of the meat products and treated stomachs, bladders and intestines

Member States shall authorise imports into the Community of meat products and treated stomachs, bladders and intestines that:

(a) comply with the conditions concerning origin and treatment set out in Annex I(1) and (2); and

(b) originate in the following third countries and parts thereof:

(i) in the case of meat products and treated stomachs, bladders and intestines not subject to a specific treatment as referred to in point 1(b) of Annex I, the third countries listed in Part 2 of Annex II and the parts thereof listed in Part 1 of that Annex;

(ii) in the case of meat products and treated stomachs, bladders and intestines subject to a specific treatment as referred to in point 2(a)(ii) of Annex I, the third countries listed in Parts 2 and 3 of Annex II and the parts thereof listed in Part 1 of that Annex.

Article 4

Public health requirements concerning the fresh meat used in the production of the meat products and treated stomachs, bladders and intestines to be imported into the Community and animal and public health certificates

Member States shall ensure that:

(a) only consignments of meat products and treated stomachs, bladders and intestines that are obtained from fresh meat, as defined in point 1.10 of Annex I to Regulation (EC) No 853/2004 that complies with the Community public health requirements, are imported into the Community;

(b) only consignments of meat products and treated stomachs, bladders and intestines complying with the requirements of the model public and animal health certificate set out in Annex III are imported into the Community;

(c) that certificate accompanies such consignments and is duly completed and signed by the official veterinarian of the third country of dispatch.

Article 5

Consignments of meat products and treated stomachs, bladders and intestines in transit or storage in the Community

Member States shall ensure that consignments of meat products and treated stomachs, bladders and intestines, introduced into the Community and which are destined for a third country either by transit immediately or following storage, in accordance with Article 12(4) or Article 13 of Directive 97/78/EC, and not intended for importation into the Community, shall comply with the following requirements:

(a) they come from the territory of a third country or a part thereof listed in Annex II and have undergone the minimum treatment for the import of meat products and treated stomachs, bladders and intestines of the species provided for therein;

(b) they comply with the specific animal health conditions for the species concerned set out in the model animal and public health certificate in Annex III;

(c) they are accompanied by an animal health certificate drawn up in accordance with the model set out in Annex IV, duly signed by an official veterinarian of the third country concerned;

(d) they are certified as acceptable for transit or storage, as appropriate, on the common veterinary entry document by the official veterinarian of the border inspection post of introduction into the Community.

Article 6

Derogation for certain destinations in Russia

1. By way of derogation from Article 5, Member States shall authorise the transit by road or by rail through the Community, between designated Community border inspection posts listed in the Annex to Decision 2001/881/EC, of consignments of meat products and treated stomachs, bladders and intestines coming from and destined to Russia directly or via another third country provided that they comply with the following requirements:

(a) the consignment shall be sealed with a serially numbered seal by the official veterinarian of the competent authority of the border inspection post of introduction to the Community;

(b) the documents accompanying the consignment and referred to in Article 7 of Directive 97/78/EC shall be stamped 'ONLY FOR TRANSIT TO RUSSIA VIA THE EC' on each page by the official veterinarian of the competent authority of the border inspection post of introduction to the Community;

(c) the procedural requirements provided for in Article 11 of Directive 97/78/EC shall be complied with;

(d) the consignment shall be certified as acceptable for transit on the common veterinary entry document by the official veterinarian of the competent authority of the border inspection post of introduction to the Community.

2. Member States shall not authorise the unloading or storage, as defined in Article 12(4) or Article 13 of Directive 97/78/EC, in the Community of such consignments.

3. Member States shall ensure that the competent authority makes regular audits to ensure that the number of consignments and the quantities of meat products and treated stomachs, bladders and intestines, coming from or destined to Russia, leaving the Community matches the number and quantities entering the Community.

Article 7

Transitional provision

Consignments for which veterinary certificates were issued before 1 May 2008 in accordance with the models established by Decision 2005/432/EC shall be accepted for import into the Community until 1 June 2008.

Article 8

Repeal

Decision 2005/432/EC is repealed.

Article 9

Date of application

This Decision shall apply from 1 December 2007.

Article 10

Addresses

This Decision is addressed to the Member States.

Done at Brussels, 29 November 2007.

For the Commission

Markos KYPRIANOU

Member of the Commission

ANNEX I

1. Meat products and treated stomachs, bladders and intestines originating in the third countries or parts thereof referred to in Article 3(b)(i) of this Decision shall:

   (a) contain meat eligible for import into the Community as fresh meat, as defined in point 1.10 of Annex I to Regulation (EC) No 853/2004; and

   (b) be derived from one or more of the species or animals which have undergone a non-specific treatment as set out in point A Part 4 of Annex II to this Decision.

2. Meat products and treated stomachs, bladders and intestines originating in the third countries or parts thereof, as referred to in Article 3(b)(ii), shall comply with the conditions set out in (a), (b) or (c) of this point:

   (a) the meat products and/or treated stomachs, bladders and intestines must:

      (i) contain meat and/or meat products derived from a single species or animal, as set out under the relevant column in Parts 2 and 3 of Annex II indicating the species or animal concerned; and

      (ii) have undergone at least the specific treatment required for meat of that species or animal, as set out in Part 4 of Annex II;

   (b) the meat products and/or treated stomachs, bladders and intestines must:

      (i) contain fresh, processed or partly processed meat of more than one species or animal, as set out under the relevant column of Parts 2 and 3 of Annex II which are mixed prior to undergoing their final treatment, as set out in Part 4 of Annex II; and

      (ii) have undergone the final treatment referred to in (i) that must be at least as severe as the most severe treatment set out in Part 4 of Annex II for meat of the species or animals concerned, as set out under the relevant column in Parts 2 and 3 of Annex II;

   (c) the final meat products and/or treated stomachs, bladders and intestines must:

      (i) be prepared by mixing previously treated meat or treated stomachs, bladders and intestines of more than one species or animal; and

      (ii) have undergone the previous treatment referred to in (i) that must have been at least as severe as the relevant treatment set out in Part 4 of Annex II for the species or animal concerned as set out under the relevant column in Parts 2 and 3 of Annex II for each meat component of the meat product and treated stomachs, bladders and intestines.

3. The treatments set out in Part 4 of Annex II shall constitute the minimum acceptable processing conditions for animal health purposes for meat products and stomachs, bladders and intestines derived from the relevant species or animal originating in the third countries or parts thereof listed in Annex II.

   However, in cases where import of offal is not authorised under Decision 79/542/EEC owing to Community animal health restrictions, it may be imported as a meat product or treated stomach, intestine or bladder or used in a meat product provided the relevant treatment referred to in Part 2 of Annex II is carried out and the Community public health requirements are fulfilled.

   In addition, an establishment from a country listed in Annex II may be authorised to produce meat products and treated stomachs, bladders and intestines that have undergone treatments B, C or D, as referred to in Part 4 of Annex II, even where that establishment is located in a third country or part thereof that is not authorised for imports into the Community of fresh meat under the condition that the Community public health requirements are fulfilled.

ANNEX II

PART 1

Regionalised territories for the countries listed in parts 2 and 3

Country	Territory		Description of territory
	ISO code	Version	
Argentina	AR	01/2004	Whole country
	AR-1	01/2004	The whole country, except the Provinces of Chubut, Santa Cruz and Tierra del Fuego for the species covered by Decision 79/542/EEC (as last amended)
	AR-2	01/2004	The Provinces of Chubut, Santa Cruz and Tierra del Fuego for the species covered by Decision 79/542/EEC (as last amended)
Brazil	BR	01/2004	Whole country
	BR-1	01/2005	States of Rio Grande do Sul, Santa Catarina, Paraná, São Paulo and Mato Grosso do Sul
	BR-2	01/2005	Part of the State of Mato Grosso do Sul (except for the municipalities of Sonora, Aquidauana, Bodoqueno, Bonito, Caracol, Coxim, Jardim, Ladario, Miranda, Pedro Gomes, Porto Murtinho, Rio Negro, Rio Verde of Mato Grosso and Corumbá); State of Paraná; State of Sao Paulo; Part of the State of Minas Gerais (except the regional delegations of Oliveira, Passos, São Gonçalo de Sapucai, Setelagoas and Bambuí); State of Espíritu Santo; State of Rio Grande do Sul; State of Santa Catarina; State of Goias; Part of the State of Mato Grosso comprising: the regional unit of Cuiaba (except for the municipalities of San Antonio de Leverger, Nossa Senhora do Livramento, Pocone and Barão de Melgaço); the regional unit of Caceres (except for the municipality of Caceres); the regional unit of Lucas do Rio Verde; the regional unit of Rondonopolis (except for the municipality of Itiquiora); the regional unit of Barra do Garça and the regional unit of Barra do Burgres.
	BR-3	01/2005	States of Goiás, Minas Gerais, Mato Grosso, Mato Grosso do Sul, Paraná, Rio Grande do Sul, Santa Catarina and São Paulo
Malaysia	MY	01/2004	Whole country
	MY-1	01/2004	Peninsular (Western) Malaysia only
Namibia	NA	01/2005	Whole country
	NA-1	01/2005	South of the cordon fences which extend from Palgrave Point in the west to Gam in the east
South Africa	ZA	01/2005	Whole country
	ZA-1	01/2005	The whole country except: the part of the foot-and-mouth disease control area situated in the veterinary regions of Mpumalanga and Northern provinces, the district of Ingwavuma in the veterinary region of Natal and in the border area with Botswana east of longitude 28°, and the district of Camperdown in the province of KwaZuluNatal.

PART 2

Third countries or parts thereof from which imports of meat products and treated stomachs, bladders and intestines into the EU are authorised (See Part 4 of this Annex for the interpretation of codes used in the table)

ISO code	Country of origin or part thereof	1. Domestic bovine 2. Farmed cloven-hoofed game (excluding swine)	Domestic ovine/ caprine	1. Domestic porcine 2. Farmed cloven-hoofed game (swine)	Domestic soliped	1. Poultry 2. Farmed feathered game (except ratites)	Farmed ratites	Domestic rabbit and farmed leporidae	Wild cloven-hoofed game (excluding swine)	Wild swine	Wild soliped	Wild leporidae (rabbits and hares)	Wild game birds	Wild land mammalian game (excluding ungulates, solipeds and leporidae)
AR	Argentina AR	C	C	C	A	A	A	A	C	C	XXX	A	D	XXX
	Argentina AR-1 (1)	C	C	C	A	A	A	A	C	C	XXX	A	D	XXX
	Argentina AR-2 (1)	A (2)	A (2)	C	A	A	A	A	C	C	XXX	A	D	XXX
AU	Australia	A	A	A	A	D	D	A	A	A	XXX	A	D	A
BH	Bahrain	B	B	B	B	XXX	XXX	A	C	C	XXX	A	XXX	XXX
BR	Brazil	XXX	XXX	XXX	A	D	D	A	XXX	XXX	XXX	A	D	XXX
	Brazil BR-1	XXX	XXX	XXX	A	XXX	A	A	XXX	XXX	XXX	A	A	XXX
	Brazil BR-2	C	C	C	A	D	D	A	C	XXX	XXX	A	D	XXX
	Brazil BR-3	XXX	XXX	XXX	A	A	XXX	A	XXX	XXX	XXX	A	D	XXX
BW	Botswana	B	B	B	B	XXX	A	A	B	B	A	A	XXX	XXX
BY	Belarus	C	C	C	B	XXX	XXX	A	C	C	XXX	A	XXX	XXX
CA	Canada	A	A	A	A	A	A	A	A	A	XXX	A	A	A
CH	Switzerland (*)													
CL	Chile	A	A	A	A	A	A	A	B	B	XXX	A	A	XXX
CN	China	B	B	B	B	B	B	A	B	B	XXX	A	B	XXX
CO	Colombia	B	B	B	B	XXX	A	A	B	B	XXX	A	XXX	XXX
ET	Ethiopia	B	B	B	B	XXX	XXX	A	B	B	XXX	A	XXX	XXX
GL	Greenland	XXX	XXX	XXX	XXX	XXX	XXX	A	XXX	XXX	XXX	A	A	A

ISO code	Country of origin or part thereof	1. Domestic bovine 2. Farmed cloven-hoofed game (excluding swine)	Domestic ovine/ caprine	1. Domestic porcine 2. Farmed cloven-hoofed game (swine)	Domestic soliped	1. Poultry 2. Farmed feathered game (except ratites)	Farmed ratites	Domestic rabbit and farmed leporidae	Wild cloven-hoofed game (excluding swine)	Wild swine	Wild soliped	Wild leporidae (rabbits and hares)	Wild game birds	Wild land mammalian game (excluding ungulates, solipeds and leporidae)
HK	Hong Kong	B	B	B	B	D	D	A	B	B	XXX	A	XXX	XXX
HR	Croatia	A	A	D	A	A	A	A	A	D	XXX	A	A	XXX
IL	Israel	B	B	B	B	A	A	A	B	B	XXX	A	A	XXX
IN	India	B	B	B	B	XXX	XXX	A	B	B	XXX	A	XXX	XXX
IS	Iceland	A	A	B	A	A	A	A	A	B	XXX	A	A	XXX
KE	Kenya	B	B	B	B	XXX	XXX	A	B	B	XXX	A	XXX	XXX
KR	South Korea	XXX	XXX	XXX	XXX	D	D	A	XXX	XXX	XXX	A	D	XXX
MA	Morocco	B	B	B	B	XXX	XXX	A	B	B	XXX	A	XXX	XXX
ME	Montenegro	A	A	D	A	D	D	A	D	D	XXX	A	XXX	XXX
MG	Madagascar	B	B	B	B	D	D	A	B	B	XXX	A	D	XXX
MK	Former Yugoslav Rep. of Macedonia (**)	A	A	B	A	XXX	XXX	A	B	B	XXX	A	XXX	XXX
MU	Mauritius	B	B	B	B	XXX	XXX	A	B	B	XXX	A	XXX	XXX
MX	Mexico	A	D	D	A	D	D	A	D	D	XXX	A	D	XXX
MY	Malaysia MY	XXX	XXX	XXX	XXX	XXX	XXX	XXX	XXX	XXX	XXX	XXX	XXX	XXX
	Malaysia MY-1	XXX	XXX	XXX	XXX	D	D	A	XXX	XXX	XXX	A	D	XXX
NA	Namibia ([1])	B	B	B	B	D	A	A	B	B	A	A	D	XXX
NZ	New Zealand	A	A	A	A	A	A	A	A	A	XXX	A	A	A
PY	Paraguay	C	C	C	B	XXX	XXX	A	C	C	XXX	A	XXX	XXX
RS	Serbia (***)	A	A	D	A	D	D	A	D	D	XXX	A	XXX	XXX

ISO code	Country of origin or part thereof	1. Domestic bovine 2. Farmed cloven-hoofed game (excluding swine)	Domestic ovine/ caprine	1. Domestic porcine 2. Farmed cloven-hoofed game (swine)	Domestic soliped	1. Poultry 2. Farmed feathered game (except ratites)	Farmed ratites	Domestic rabbit and farmed leporidae	Wild cloven-hoofed game (excluding swine)	Wild swine	Wild soliped	Wild leporidae (rabbits and hares)	Wild game birds	Wild land mammalian game (excluding ungulates, solipeds and leporidae)
RU	Russia	C	C	C	B	XXX	XXX	A	C	C	XXX	A	XXX	A
SG	Singapore	B	B	B	B	D	D	A	B	B	XXX	A	XXX	XXX
SZ	Swaziland	B	B	B	B	XXX	XXX	A	B	B	A	A	XXX	XXX
TH	Thailand	B	B	B	B	A	A	A	B	B	XXX	A	D	XXX
TN	Tunisia	C	C	B	B	A	A	A	B	B	XXX	A	D	XXX
TR	Turkey	XXX	XXX	XXX	XXX	D	D	A	XXX	XXX	XXX	A	D	XXX
UA	Ukraine	XXX	XXX	XXX	XXX	XXX	XXX	A	XXX	XXX	XXX	A	XXX	XXX
US	United States	A	A	A	A	A	A	A	A	A	XXX	A	A	XXX
UY	Uruguay	C	C	B	A	D	A	A	XXX	XXX	XXX	A	D	XXX
ZA	South Africa (1)	C	C	C	A	D	A	A	C	C	A	A	D	XXX
ZW	Zimbabwe (1)	C	C	B	A	D	A	A	B	B	XXX	A	D	XXX

(1) See Part 3 of this Annex for the minimum treatment requirements applicable to pasteurised meat products and biltong.
(2) For meat products and treated stomachs, bladders and intestines prepared from fresh meat obtained from animals slaughtered after 1 March 2002.
(*) In accordance with the Agreement between the European Community and the Swiss Confederation on trade in agricultural products.
(**) The former Yugoslav Republic of Macedonia; provisional code that does not prejudge in any way the definitive nomenclature for this country, which will be agreed following the conclusion of negotiations currently taking place on this subject in the United Nations.
(***) Not including Kosovo as defined by United Nations Security Council Resolution 1244 of 10 June 1999.
XXX No certificate laid down and meat products and treated stomachs, bladders and intestines containing meat of this species are not authorised.

PART 3

Third countries or parts thereof not authorised under the non-specific treatment regime (A) but from where imports into the EU of biltong/jerky and pasteurised meat products are authorised

ISO code	Country of origin or part thereof	1. Domestic bovine 2. Farmed cloven-hoofed game (excluding swine)	Domestic ovine/ caprine	1. Domestic porcine 2. Farmed cloven-hoofed game (swine)	Domestic soliped	1. Poultry 2. Farmed feathered game	Ratites	Domestic rabbit and farmed leporidae	Wild cloven-hoofed game (excluding swine)	Wild swine	Wild soliped	Wild leporidae (rabbits and hares)	Wild game birds	Wild land mammalian game (excluding ungulates, solipeds and leporidae)
AR	Argentina — AR	F	F	XXX	XXX	XXX	XXX	A	XXX	XXX	XXX	A	XXX	XXX
NA	Namibia	XXX	XXX	XXX	XXX	E	E	A	XXX	XXX	A	A	E	XXX
	Namibia NA-1	E	E	XXX	XXX	E	E	A	XXX	XXX	A	A	E	
ZA	South Africa	XXX	XXX	XXX	XXX	E	E	A	XXX	XXX	A	A	E	XXX
	South Africa ZA-1	E	E	XXX	XXX	E	E	A	XXX	XXX	A	A	E	
ZW	Zimbabwe	XXX	XXX	XXX	XXX	E	E	A	XXX	XXX	E	A	E	XXX

PART 4

Interpretation of codes used in tables in parts 2 and 3

TREATMENTS REFERRED TO IN ANNEX I

Non-specific treatment:

A = No minimum specified temperature or other treatment is established for animal health purposes for meat products and treated stomachs, bladders and intestines. However, the meat of such meat products and treated stomachs, bladders and intestines must have undergone a treatment such that its cut surface shows that it no longer has the characteristics of fresh meat and the fresh meat used must also satisfy the animal health rules applicable to exports of fresh meat into the Community.

Specific treatments listed in descending order of severity:

B = Treatment in a hermetically sealed container to an F_o value of three or more.

C = A minimum temperature of 80 °C which must be reached throughout the meat and/or stomachs, bladders and intestines during the processing of the meat product and treated stomachs, bladders and intestines.

D = A minimum temperature of 70 °C which must be reached throughout the meat and/or stomachs, bladders and intestines during the processing of meat products and treated stomachs, bladders and intestines, or for raw ham, a treatment consisting of natural fermentation and maturation of not less than nine months and resulting in the following characteristics:

— A_w value of not more than 0,93,

— pH value of not more than 6,0.

E = In the case of 'biltong'-type products, a treatment to achieve:

— A_w value of not more than 0,93,

— pH value of not more than 6,0.

F = A heat treatment ensuring that a centre temperature of at least 65 °C is reached for a period of time as necessary to achieve a pasteurisation value (pv) equal to or above 40.

ANNEX III

Model animal and public health certificate for certain meat products and treated stomachs, bladders and intestines intended for consignment to the European Union from third countries

COUNTRY

Veterinary certificate to EU

Part I : Details of dispatched consignment

I.1. Consignor Name Address Tel.		I.2. Certificate reference number	I.2.a.
		I.3. Central Competent Authority	
		I.4. Local Competent Authority	
I.5. Consignee Name Address Tel.		I.6.	
I.7. Country of origin ISO code	I.8. Region of origin Code	I.9. Country of destination ISO code	I.10.
I.11. Place of origin Name Approval number Address		I.12.	
I.13. Place of loading		I.14. Date of departure	
I.15. Means of transport Aeroplane ☐ Ship ☐ Railway wagon ☐ Road vehicle ☐ Other ☐ Identification: Documentary references:		I.16. Entry BIP in EU	
		I.17. No(s) of CITES	

I.18. Description of commodity	I.19. Commodity code (HS code)	
		I.20. Quantity
I.21. Temperature of product Ambient ☐ Chilled ☐ Frozen ☐		I.22. Number of packages
I.23. Identification of container/Seal number		I.24. Type of packaging
I.25. Commodities certified for Human consumption ☐		
I.26.	I.27. For import or admission into EU ☐	

I.28. Identification of the commodities

Species (Scientific name)	Nature of commodity	Approval number of establishments: Abattoir	Manufacturing plant	Cold store	Number of packages	Net weight

COUNTRY

Meat products/treated stomachs, bladders and intestines for import

Part II: Certification

II.a. Certificate reference number	II.b.

II.1. Animal Health Attestation

I, the undersigned official veterinarian certify that:

II.1.1. The meat product, treated stomachs, bladders and intestines (1) contains the following meat constituents and meet the criteria indicated below:

Species (A)	Treatment (B)	Origin (C)

(A) Insert the code for the relevant species of meat product, treated stomachs, bladders and intestines where BOV = domestic bovine animals (*Bos taurus, Bison bison, Bubalus bubalis* and their crossbreds); OVI = domestic sheep (*Ovis aries*) and goats (*Capra hircus*); EQI = domestic equine animals (*Equus caballus, Equus asinus* and their crossbreds), POR = domestic porcine animals (*Sus scrofa*); RAB = domestic rabbits, PFG = domestic poultry and farmed feathered game, RUF farmed non-domestic animals other than suidae and solipeds; RUW = wild non-domestic animals other than suidae and solipeds; SUW = wild non-domestic suidae: EQW = wild non-domestic solipeds, WLP = wild lagomorphs, WGB = wild game birds.

(B) Insert A, B, C, D, E or F for the required treatment as specified and defined in Parts 2, 3 and 4 of Annex II to Decision 2007/777/EC.

(C) Insert the ISO code of the country of origin and, in the case of regionalization by Community legislation for the relevant meat constituents, the region as indicated in Part 1 of Annex II to Decision 2007/777/EC (as last amended).

(2) II.1.2. The meat product, treated stomachs, bladders and intestines described in point II.1.1 has been prepared from fresh meat from domestic bovine animals (*Bos taurus, Bison bison, Bubalus bubalis* and their crossbreds); domestic sheep (*Ovis aries*) and goats (*Capra hircus*); domestic equine animals (*Equus caballus, Equus asinus* and their crossbreds), domestic porcine animals (*Sus scrofa*); farmed non-domestic animals other than suidae and solipeds; wild non-domestic animals other than suidae and solipeds; wild non-domestic suidae; wild non-domestic solipeds and the fresh meat used in the production of the meat products:

either [II.1.2.1. has undergone a non-specific treatment as specified and defined under point A in Part 4 of Annex II to Decision 2007/777/EC] and: (2)

either [II.1.2.1.1. satisfies the relevant animal and public health requirements laid down in the appropriate health certificate(s) in Annex II, Part 2, to Council Decision 79/542/EEC and originates in a third country, or part thereof in the case of regionalisation under Community legislation, as described in the relevant column of part 2 of Annex II to Decision 2007/777/EC]. (2)

or [II.1.2.1.1. originates in a Member State of the European Community] (2)

or [II.1.2.1. meets any requirements agreed under Directive 2002/99/EC, is derived from animals coming from a holding not subject to restrictions for the specific diseases mentioned in the appropriate health certificate(s) in Annex II, Part 2, to Council Decision 79/542/EEC and within a 10 km radius of which no outbreaks of such diseases have occurred in the last 30 days and has undergone the specific treatment laid down for the third country of origin or part thereof for the meat of the species concerned in Parts 2 or 3 (as appropriate) of Annex II to Commission Decision 2007/777/EC] (2)

(2) II.1.3. The meat product, treated stomachs, bladders and intestines described under point II.1.1 has been prepared from fresh meat of domestic poultry, including farmed or wild game birds, that:

either [II.1.3.1. has undergone a non-specific treatment as specified and defined under point A in Part 4 of Annex II to Decision 2007/777/EC] and: (2)

either [II.1.3.1.1. satisfies the animal health requirements laid down in Commission Decision 2006/696/EC,] (2)

or [II.1.3.1.1. originates in a Member State of the European Community satisfying the requirements of Article 3 of Council Directive 2002/99/EC] (2)

or [II.1.3.1. originates in a third country referred to in Annex II part 1 to Decision 2006/696/EC, comes from a holding not subject to restrictions for Avian Influenza or Newcastle disease within a 10 km radius of which no outbreaks of such diseases have occurred in the last 30 days and has undergone the specific treatment laid down for the third country of origin or part thereof for the meat of the species concerned in Parts 2 or 3 (as appropriate) of Annex II to Decision 2007/777/EC.] (2)

COUNTRY

Meat products/treated stomachs, bladders and intestines for import

II.a. Certificate reference number	II.b.

or [II.1.3.1. originates in a third country referred to in Annex II part 1 to Decision 2006/696/EC, comes from a holding not subject to restrictions for Avian Influenza or Newcastle disease within a 10 km radius of which no outbreaks of such diseases have occurred in the last 30 days, and has undergone the specific treatment referred to in points B, C or D in Part 4 of Annex II to Decision 2007/777/EC, provided that such treatment is more severe than that indicated in Parts 2 and 3 of Annex II to that Decision.]

(2) [II.1.4. in the case of meat products, treated stomachs, bladders and intestines derived from fresh meat from lagomorphs and other land mammals:

satisfies the relevant animal health and public health requirements laid down in Commission Decision 2000/585/EC and has not come from a holding subject to restrictions for animal diseases affecting the animals concerned within a 10 km radius of which no outbreaks of such diseases have occurred in the last 30 days;]

II.1.5. the meat product, treated stomachs, bladders and intestines:

II.1.5.1. [consists of meat and/or meat products derived from a single species, and has undergone the treatment satisfying the relevant conditions laid down in Annex II to Decision 2007/777/EC]

or (2) II.1.5.1. [consists of meat of more than one species and, after such meat has been mixed, the entire product has subsequently undergone a treatment at least as severe as that required for the meat components of the meat product as laid down in Annex II to Decision 2007/777/EC;]

or (2) II.1.5.1. [has been prepared from meat of more than one species and each meat component has previously undergone a treatment prior to mixing which meets the relevant treatment requirements for meat of that species as laid down in Annex II to 2007/777/EC]; (2)

II.1.6. after treatment all precautions to avoid contamination have been taken

(2) [II.1.7. Additional guarantees:

in the case of poultry meat products which have not undergone a specific treatment and are destined for Member States or regions thereof which have been recognised in accordance with Article 12 of Council Directive 90/539/EEC, the poultry meat was derived from poultry which had not been vaccinated with a live vaccine against Newcastle disease within 30 days prior to slaughter;]

(2) **II.2. Public Health Attestation**

I, the undersigned, declare that I am aware of the relevant provisions of Regulations (EC) No 178/2002, (EC) No 852/2004 , (EC) No 853/2004 and (EC) No 999/2001 and certify that the meat products, treated stomachs, bladders and intestines described above were produced in accordance with those requirements, in particular that:

II.2.1. they come from (an) establishment(s) implementing a programme based on the HACCP principles in accordance with Regulation (EC) No 852/2004;

II.2.2. they have been produced from raw material which met the requirements of Sections I to VI of Annex III to Regulation (EC) No 853/2004;

II.2.3.1. *(2)* the meat products have been obtained from domestic pig meat which either has been subject to an examination for trichinosis with negative results or has been subjected to a cold treatment in accordance with Commission Regulation (EC) No 2075/2005;

II.2.3.2. *(2)* the meat products have been obtained from horse meat or wild boar meat which has been subject to an examination for trichinosis with negative results in accordance with Commission Regulation (EC) No 2075/2005;

II.2.3.3. *(2)* the treated stomachs, bladders and intestines have been produced in accordance with Section XIII of Annex III, to Regualtion (EC) No 853/2004;

II.2.4. they have been marked with an identification mark in accordance with Section I of Annex II to Regualtion (EC) No 853/2004;

II.2.5. the label affixed on the packaging of meat products described above, bear(s) a mark to the effect that the meat products come wholly from fresh meat from animals slaughtered in slaughterhouses approved for exporting to the European Community or, from animals slaughtered in a slaughterhouse specially for the delivery of meat for the required treatment as laid down in Part 2 and 3 of Annex II of Decision 2007/777/EC;

II.2.6. they satisfy the relevant criteria set out in Commission Regulation (EC) No 2073/2005 on microbiological criteria for foodstuffs;

COUNTRY

Meat products/treated stomachs, bladders and intestines for import

II.a. Certificate reference number	II.b.

II.2.7. the guarantees covering live animals and products thereof provided by the residue plans submitted in accordance with Directive 96/23/EC, and in particular Article 29 thereof, are fulfilled;

II.2.8. the means of transport and the loading conditions of meat products of this consignment meet the hygiene requirements laid down in respect of export to the European Community;

II.2.9. if containing material from bovine, ovine or caprine animals, the fresh meat and/or intestines used in the preparation of the meat products and/or treated intestines shall be subject to the following conditions depending on the BSE risk category of the country of origin:

[2] II.2.9.1. for imports from a country or a region with a negligible BSE risk as listed in Annex to Commission Decision 2007/453/EC as amended:

(1) the country or region is classified in accordance with Article 5(2) of Regulation (EC) No 999/2001 as a country or region posing a negligible BSE risk;

(2) the animals from which the products of bovine, ovine and caprine animal origin were derived were born, continuously reared and slaughtered in the country with negligible BSE risk and passed ante-mortem and post-mortem inspections;

[2] (3) if in the country or region there have been BSE indigenous cases:

[2] (a) 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

[2] (b) 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 to Regulation (EC) No 999/2001, or mechanically separated meat obtained from bones of bovine, ovine or caprine animals.

[2] II.2.9.2. for imports from a country or a region with a controlled BSE risk as listed in Annex to Commission Decision 2007/453/EC as amended:

(1) the country or region is classified in accordance with Article 5(2) of Regulation (EC) No 999/2001 as a country or region posing a controlled BSE risk;

(2) the animals from which the products of bovine, ovine and caprine animal origin were derived passed ante-mortem and post-mortem inspections;

(3) animals from which the products of bovine, ovine and caprine animal origin destined for export were derived have not been slaughtered after stunning by means of gas injected into the cranial cavity or killed by the same method or slaughtered by laceration after stunning of central nervous tissue by means of an elongated rod-shaped instrument introduced into the cranial cavity;

[2][3] (4) 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 to Regulation (EC) No 999/2001, or mechanically separated meat obtained from bones of bovine, ovine or caprine animals.

[2][4] (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 following conditions:

(a) the country or region is classified in accordance with Article 5(2) of Regulation (EC) No 999/2001 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;

[2] (c) if the intestines are sourced from a country or region where there have been BSE indigenous cases:.

[2] (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

[2] (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 to Regulation (EC) No 999/2001.

COUNTRY

Meat products/treated stomachs, bladders and intestines for import

II.a. Certificate reference number	II.b.

(2) II.2.9.3. for imports from a country or a region with an undetermined BSE risk as listed in Annex to Commission Decision 2007/453/EC:

(1) the animals from which the products of bovine, ovine and caprine animal origin were derived have not been fed meat-and-bone meal or greaves derived from ruminants and passed ante-mortem and post-mortem inspections;

(2) the animals from which the products of bovine, ovine and caprine animal origin were derived have not been slaughtered after stunning by means of gas injected into the cranial cavity or killed by the same method or slaughtered by laceration after stunning of central nervous tissue by means of an elongated rod-shaped instrument introduced into the cranial cavity

(2)(5) (3) the products of bovine, ovine and caprine animal origin are not derived from:

(i) specified risk material as defined in Annex V to Regulation (EC) No 999/2001;

(ii) nervous and lymphatic tissues exposed during the deboning process;

(iii) mechanically separated meat obtained from bones of bovine, ovine or caprine animals.

(2)(4) (4) 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 following conditions:

(a) the country or region is classified in accordance with Article 5(2) of Regulation (EC) No 999/2001 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;

(2) (c) if the intestines are sourced from a country or region where there have been BSE indigenous cases:

(2) (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

(2) (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 to Regulation (EC) No 999/2001.

Notes

Part I:

— Box reference I.8: region (if appropriate) as appearing in Annex II to Commission Decision 2007/777/EC (as last amended).

— Box reference I.11: Place of origin: name and address of the dispatch establishment.

— Box reference I.15: Registration number (railway wagons or container and lorries), flight number (aircraft) or name (ship). Separate information is to be provided in the event of unloading and reloading.

— Box reference I.19: use the appropriate HS codes: 02.10, 16.01, 16.02, 05.04.

— Box reference I.23: Identification of container/Seal number: only where applicable.

— Box reference I.28: 'Species': select among species described in Part II 1.1. (A);

'Nature of commodity': choose among the following: meat product, treated stomachs, bladders or intestines;

'Abattoir': any abattoir or 'game-handling establishment';

'Cold store': any storage facility.

COUNTRY

Meat products/treated stomachs, bladders and intestines for import

II.a. Certificate reference number	II.b.

Part II:

(1) Meat products as laid down in point 7.1 of Annex I to Regulation (EC) No 853/2004 and treated stomachs, bladders and intestines that have undergone one of the treatments laid down in Annex II part 4 to Decision 2007/777/EC.

(2) Keep as appropriate.

(3) By way of derogation from point 4, carcasses, half carcasses or half carcasses cut into no more than three wholesale cuts, and quarters containing no specified risk material other than the vertebral column, including dorsal root ganglia, may be imported.

When removal of the vertebral column is not required, carcasses or wholesale cuts of carcasses of bovine animals containing vertebral column, shall be identified by a blue stripe on the label referred to in Regulation (EC) No 1760/2000.

The number of bovine carcasses or wholesale cuts of carcasses, from which removal of the vertebral column is required as well as he number where removal of the vertebral column is not required shall be added to the document referred to in Article 2(1) of Regulation (EC) No 136/2004 in case of imports.

(4) Only applicable to imports of treated intestines.

(5) By way of derogation from point 3, carcasses, half carcasses or half carcasses cut into no more than three wholesale cuts, and quarters containing no specified risk material other than the vertebral column, including dorsal root ganglia, may be imported.

When removal of the vertebral column is not required, carcasses or wholesale cuts of carcasses of bovine animals containing vertebral column, shall be identified by a clearly visible blue stripe on the label referred to in Regulation (EC) No 1760/2000.

Specific information on the number of bovine carcasses or wholesale cuts of carcasses, from which removal of the vertebral column is required and from which removal of the vertebral column is not required shall be added to the document referred to in Article 2(1) of Regulation (EC) No 136/2004 in case of imports.

— The colour of the signature shall be different to that of the printing. The same rule applies to the stamp other than those embossed or watermarked.

Official veterinarian

Name (in capital letters):

Qualification and title:

Date:

Signature:

Stamp:

ANNEX IV

(Transit and/or storage)

COUNTRY

Veterinary certificate to EU

Part I: Details of dispatched consignment

I.1. Consignor Name Address Tel.		I.2. Certificate reference number	I.2.a
		I.3. Central Competent Authority	
		I.4. Local Competent Authority	
I.5. Consignee Name Address Postal code Tel.		I.6. Person responsible for the consignment in EU Name Address Postal code Tel.	
I.7. Country of origin ISO code	I.8. Region of origin Code	I.9. Country of destination ISO code	I.10.
I.11. Place of origin Name Approval number Address		I.12. Place of destination Custom warehouse ☐ Ship supplier ☐ Name Approval number Address Postal code	
I.13. Place of loading		I.14. Date of departure	
I.15. Means of transport Aeroplane ☐ Ship ☐ Railway wagon ☐ Road vehicle ☐ Other ☐ Identification: Documentary references:		I.16. Entry BIP in EU I.17. No(s) of CITES	

I.18. Description of commodity	I.19. Commodity code (HS code)	
		I.20. Quantity
I.21. Temperature of product Ambient ☐ Chilled ☐ Frozen ☐		I.22. Number of packages
I.23. Identification of container/Seal number		I.24. Type of packaging
I.25. Commodities certified for: Human consumption ☐		
I.26. For transit through EU to 3rd Country ☐ 3rd country ISO code		I.27.

I.28. Identification of the commodities

Species (Scientific name)	Nature of commodity	Treatment type	Approval number of establishments: Abattoir	Manufacturing plant	Cold store	Number of packages	Net weight

COUNTRY

Meat products/treated stomachs, bladders and intestines for transit and storage

II.a. Certificate reference number	II.b.

Part II: Certification

II. Animal Health Attestation

I, the undersigned official veterinarian, hereby certify, that the meat product, treated stomachs, bladders and intestines (1) for transit and/or storage (2) described above:

II.1. come from a country or region authorized for imports into the EC as laid down in Annex II to 2007/777/EC at the time of slaughter of the animals from which the meat in the meat product or the treated stomachs, bladders and intestines are derived and

II.2. comply with the relevant animal health conditions as laid down in the animal health attestation in the model certificate in Annex III to 2007/777/EC.

Notes

Part I:

— Box reference I.8: region (if appropriate) as appearing in Annex II to Commission Decision 2007/777/EC (as last amended).

— Box reference I.11: Place of origin: name and address of the dispatch establishment.

— Box reference I.15: Registration number (railway wagons or container and lorries), flight number (aircraft) or name (ship). Separate information is to be provided in the event of unloading and reloading.

— Box reference I.19: use the appropriate HS codes: 02.10, 16.01, 16.02, 05.04.

— Box reference I.23: Identification of container/Seal number: only where applicable.

— Box reference I.28: 'Species': select among species described in Part II 1.1. (A);

'Nature of commodity': choose among the following: meat product, treated stomachs, bladders or intestines;

'Treatment type': specify the description of the treatment(s) applied as laid down in Annex II to Commission Decision 2007/777/EC (as last amended);

'Abattoir': any abattoir or 'game-handling establishment';

'Cold store': any storage facility.

Part II:

(1) Meat products as laid down in point 7.1 of Annex I to Regulation (EC) No 853/2004 and treated stomachs, bladders and intestines that have undergone one of the treatments laid down in Annex II part 4 to Decision 2007/777/EC.

(2) In accordance with Article 12(4) or Article 13 of Council Directive 97/78/EC.

— The colour of the signature shall be different to that of the printing. The same rule applies to the stamp other than those embossed or watermarked.

Official veterinarian

Name (in capital letters):

Qualification and title:

Date:

Signature:

Stamp:

III

(Acts adopted under the EU Treaty)

ACTS ADOPTED UNDER TITLE V OF THE EU TREATY

COUNCIL JOINT ACTION 2007/778/CFSP

of 29 November 2007

amending and extending Joint Action 2006/304/CFSP on the establishment of an EU Planning Team (EUPT Kosovo) regarding a possible EU crisis management operation in the field of rule of law and possible other areas in Kosovo

THE COUNCIL OF THE EUROPEAN UNION,

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

Whereas:

(1) On 10 April 2006 the Council adopted Joint Action 2006/304/CFSP [1].

(2) On 16 October 2007, the Political and Security Committee (hereinafter referred to as 'PSC') agreed that EUPT Kosovo should be extended for four months after the expiry of the existing mandate on 30 November 2007, until 31 March 2008.

(3) The Civilian Planning and Conduct Capability within the Council Secretariat and EUPT Kosovo will continue technical preparations for a future ESDP Mission in Kosovo, including for informal and indicative force generation, for participation of third States and for procurement.

(4) An operational risk assessment on the launch of a possible future ESDP Mission has shown that in order to ensure that the Mission is equipped in line with the planned force generation process by the day of the transfer of authority, it is necessary to provide for a significant advance procurement of equipment for the Mission.

(5) The advance procurement of equipment is considered to entail important financial risks.

(6) The advance procurement of equipment is separate from, and without prejudice to, any subsequent political decision on whether to deploy the Mission.

(7) On 18 June 2007, the Council approved Guidelines for Command and Control Structure for EU Civilian Operations in Crisis Management. These Guidelines provide, in particular, that a Civilian Operation Commander will exercise command and control at strategic level for the planning and conduct of all civilian crisis management operations, under the political control and strategic direction of the PSC and the overall authority of the Secretary-General/High Representative for the CFSP (hereinafter referred to as 'SG/HR'). These Guidelines further provide that the Director of the Civilian Planning and Conduct Capability (CPCC) established within the Council Secretariat will, for each civilian crisis management operation, be the Civilian Operation Commander.

(8) The above-mentioned Command and Control Structure is without prejudice to the contractual responsibilities of the Head of EUPT Kosovo towards the Commission for implementing the budget of EUPT Kosovo.

(9) The watch-keeping capability established within the Council Secretariat should be activated for EUPT Kosovo.

(10) Joint Action 2006/304/CFSP should be extended and amended accordingly,

[1] OJ L 112, 26.4.2006, p. 19. Joint Action as last amended by Joint Action 2007/520/CFSP (OJ L 192, 24.7.2007, p. 28).

HAS ADOPTED THIS JOINT ACTION:

Article 1

Joint Action 2006/304/CFSP is hereby amended as follows:

1. Article 2(5) shall be replaced by the following:

'5. Identifying the needs of the possible future EU crisis management operation regarding its required means of support, including all equipment, services and premises and drawing up related terms of reference or technical specifications. Proposing actions to procure the required equipment, services and premises, taking into account the possibility of taking over suitable equipment, premises and material from available sources, including UNMIK, where it is relevant, feasible and cost efficient. Launching tender procedures and awarding contracts to enable the delivery of equipment, services and premises in time to ensure that the mission is adequately equipped by the day of the transfer of authority. This shall be done in two stages. The first stage shall begin upon the adoption of the this Joint Action and shall provide for procurement, notably of vehicles, IT equipment, communications equipment, premises (equipment & refurbishment), security equipment, and uniforms, of up to 75 % of the budget allocated for capital expenditure. The second stage, covering the remaining procurement needs of the mission, shall begin following the agreement of the Council to establish an EU crisis management operation.';

2. The following article shall be inserted:

'*Article 3a*

Civilian Operation Commander

1. The Civilian Planning and Conduct Capability (CPCC) Director shall be the Civilian Operation Commander for EUPT Kosovo.

2. The Civilian Operation Commander, under the political control and strategic direction of the PSC and the overall authority of the SG/HR, shall exercise command and control of EUPT Kosovo at the strategic level.

3. The Civilian Operation Commander shall ensure proper and effective implementation of the Council's decisions as well as the PSC's decisions, including by issuing instructions at strategic level as required to the Head of EUPT Kosovo.

4. All seconded staff shall remain under the full command of the national authorities of the sending State or EU institution. National authorities shall transfer Operational Control (OPCON) of their personnel, teams and units to the Civilian Operation Commander.

5. The Civilian Operation Commander has overall responsibility for ensuring that the European Union's duty of care is properly discharged.';

3. Article 4 shall be replaced by the following:

'*Article 4*

Head of EUPT Kosovo and staff

1. The Head of EUPT Kosovo shall assume responsibility and exercise command and control of EUPT Kosovo at theatre level.

2. The Head of EUPT Kosovo shall exercise command and control over personnel, teams and units from contributing States as assigned by the Civilian Operation Commander together with administrative and logistic responsibility, including over assets, resources and information put at the disposal of EUPT Kosovo.

3. The Head of EUPT Kosovo shall issue instructions to all EUPT Kosovo staff, including in this case the Brussels support element, for the effective conduct of EUPT Kosovo in theatre, assuming its coordination and day-to-day management, following the instructions at strategic level of the Civilian Operation Commander.

4. The Head of EUPT Kosovo shall be responsible for the implementation of EUPT Kosovo's budget. For this purpose, the Head of EUPT Kosovo shall sign a contract with the Commission.

5. The Head of EUPT Kosovo shall be responsible for disciplinary control over the staff. For seconded staff, disciplinary action shall be exercised by the national or EU authority concerned.

6. The Head of EUPT Kosovo shall represent EUPT Kosovo in the operations area and shall ensure appropriate visibility of EUPT Kosovo.

7. The Head of EUPT Kosovo shall coordinate, as appropriate, with other EU actors on the ground.

8. EUPT Kosovo shall primarily consist of civilian staff seconded by Member States or EU institutions. Each Member State or EU institution shall bear the costs related to any of the staff seconded by it, including salaries, medical coverage, travel expenses to and from Kosovo, and allowances other than per diems.

9. EUPT Kosovo may also recruit international staff and local staff on a contractual basis if necessary.

10. All staff shall carry out their duties and act in the sole interest of EUPT Kosovo. All staff shall respect the security principles and minimum standards established by Council Decision 2001/264/EC of 19 March 2001 adopting the Council's security regulations (hereinafter referred to as "Council's security regulations") [1].';

4. Article 5 shall be replaced by the following:

'*Article 5*

Chain of Command

1. EUPT Kosovo shall have a unified chain of command.

2. Under the responsibility of the Council, the PSC shall exercise political control and strategic direction of EUPT Kosovo.

3. The Civilian Operation Commander, under the political control and strategic direction of the PSC and the overall authority of the SG/HR, shall be the commander of EUPT Kosovo at strategic level and, as such, shall issue instructions to the Head of EUPT Kosovo and provide him with advice and technical support. Following the establishment of the EU crisis management operation in Kosovo and before the launch of the operational phase of the mission, the Civilian Operation Commander shall issue instructions to the Head of EUPT Kosovo through the Head of the EU crisis management operation in Kosovo once the latter has been appointed.

4. The Civilian Operation Commander shall report to the Council through the SG/HR.

5. The Head of EUPT Kosovo shall exercise command and control of EUPT Kosovo at theatre level and shall be directly responsible to the Civilian Operation Commander. Following the establishment of the EU crisis management operation in Kosovo and before the launch of its operational phase, the Head of EUPT Kosovo shall act under the direction of the Head of the EU crisis management operation in Kosovo once the latter has been appointed.

6. The Head of EUPT Kosovo shall report to the Civilian Operation Commander. Following the establishment of the EU crisis management operation in Kosovo and before the launch of its operational phase, the Head of EUPT Kosovo shall report to the Civilian Operation Commander through the Head of the EU crisis management operation in Kosovo once the latter has been appointed.

7. Once the PSC has reached an agreement in principle on the appointment of the Head of the EU crisis management operation, appropriate liaison and coordination shall be ensured by the Head of EUPT Kosovo.';

5. Article 6 shall be replaced by the following:

'*Article 6*

Political control and strategic direction

1. The PSC shall exercise, under the responsibility of the Council, the political control and strategic direction of EUPT Kosovo. The Council hereby authorises the PSC to take the relevant decisions for this purpose in accordance with Article 25 of the Treaty. This authorisation shall include the powers to take subsequent decisions regarding the appointment of the Head of EUPT Kosovo. The powers of decision with respect to the objectives and termination of EUPT Kosovo shall remain vested in the Council.

2. The PSC shall report to the Council at regular intervals.

3. The PSC shall receive, on a regular basis and as required, reports by the Civilian Operation Commander and the Head of EUPT Kosovo on issues within their areas of responsibility.';

6. Article 8 shall be replaced by the following:

'*Article 8*

Security

1. The Civilian Operation Commander shall direct the Head of EUPT Kosovo in his planning of security measures and ensure their proper and effective implementation for EUPT Kosovo in accordance with Articles 3a and 5 and in coordination with the Security Office of the General Secretariat of the Council (hereinafter referred to as "GSC Security Office").

[1] OJ L 101, 11.4.2001, p. 1. Decision as last amended by Decision 2007/438/EC (OJ L 164, 26.6.2007, p. 24).

2. The Head of EUPT Kosovo shall be responsible for the security of EUPT Kosovo and for ensuring compliance with minimum security requirements applicable to EUPT Kosovo in line with the policy of the European Union on the security of personnel deployed outside the EU in an operational capacity under Title V of the Treaty on European Union and its supporting documents.

3. EUPT Kosovo shall have a dedicated Security Officer reporting to the Head of EUPT Kosovo.

4. EUPT personnel shall undergo mandatory security training before their entry into function.';

7. The following Article shall be inserted:

'*Article 13a*

Watch-keeping

The watch-keeping capability shall be activated for EUPT Kosovo.';

8. Article 14 shall be replaced by the following:

'*Article 14*

Review

The Council shall by 31 January 2008 evaluate whether EUPT Kosovo should be continued after 31 March 2008, taking into account the necessity for a smooth transition to a possible EU crisis management operation in Kosovo.';

9. Article 15(2) shall be replaced by the following:

'2. It shall expire on 31 March 2008.'.

Article 2

The financial reference amount as set out in Article 9(1), second sub-paragraph, of Joint Action 2006/304/CFSP shall be increased by EUR 22 000 000, to a total of EUR 76 500 000, in order to cover the expenditure related to the mandate of EUPT Kosovo for the period from 1 December 2007 to 31 March 2008.

Article 3

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

Article 4

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

Done at Brussels, 29 November 2007.

For the Council
The President
M. LINO