ISSN 1725-2555

Official Journal of the European Union

L 322

English edition

Legislation

Volume 50

7 December 2007

Contents

[1] Text with EEA relevance

(Continued overleaf)

EN

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

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

EN

[1] Text with EEA relevance

I

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

REGULATIONS

COUNCIL REGULATION (EC) No 1437/2007

of 26 November 2007

amending Regulation (EC) No 1290/2005 on the financing of the common agricultural policy

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular the third subparagraph of Article 37(2) thereof,

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament [1],

Whereas:

(1) In the case of intervention measures in respect of which a sum per unit is not determined within the framework of a common organisation of the markets, implementing rules should be laid down, with regard in particular to the method for determining the amounts to be financed, the financing of expenditure resulting from the tying-up of the funds necessary for buying-in products and the financing of expenditure resulting from storage and, where appropriate, processing operations.

(2) In view of the nature of the measures and programmes covered by Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field [2], provision should be made that in duly justified exceptional cases the European Agricultural Guarantee Fund (EAGF) may finance administrative and personnel costs incurred in the execution of such measures and programmes.

(3) Council Regulation (EC) No 1290/2005 [3] sets out the procedure to be followed by the Commission to decide to reduce or suspend monthly payments as well as the procedure to be followed to decide to suspend or reduce intermediate payments.

(4) Pursuant to Regulation (EC) No 1290/2005, the Commission decides on amounts that are to be excluded from Community financing if it finds that this expenditure has been incurred in a way that has infringed Community rules. In the context of the procedure leading to the exclusion from Community financing, the Commission, in order to remedy the situation, makes recommendations to the Member State concerned as to how to apply Community legislation. If the Member State fails to implement these recommendations, further decisions excluding the expenditure will be taken by the Commission. In addition to this it can be established in certain cases that such recommendations will not or cannot be implemented in the immediate future.

(5) Under such circumstances the possibility to suspend or reduce monthly or intermediate payments as it is currently provided for in Regulation (EC) No 1290/2005 does not protect sufficiently the financial interest of the Community. In this respect, it is considered useful to provide for a new procedure permitting the Commission to suspend or reduce payments in specific situations in a more effective way.

[1] Opinion of 11 October 2007 (not yet published in the Official Journal).

[2] OJ L 224, 18.8.1990, p. 19. Decision as last amended by Decision 2006/965/EC (OJ L 397, 30.12.2006, p. 22).

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

(6) An *ex-ante* suspension or reduction of payments in the agricultural field could have serious financial implications for the Member State concerned. In addition, in comparison with the procedure for the conformity clearance decision, the Member State has only limited possibilities to defend its position vis-à-vis the Commission. For these reasons the new procedure of suspension or reduction of payments should only be used where one or more of the key components of the national control system in question do not exist or are not effective due to the gravity or persistence of the deficiencies found.

(7) Provision should be made to clarify the conditions under which an intermediate declaration of expenditure under the European Agricultural Fund for Rural Development (EAFRD) is inadmissible.

(8) Council Regulation (EEC) No 4045/89 of 21 December 1989 on scrutiny by Member States of transactions forming part of the system of financing by the Guarantee Section of the European Agricultural Guidance and Guarantee Fund [1] requires Member States to carry out *ex-post* controls on certain common agricultural policy expenditure of financial year 'n' in the period from 1 July n + 1 to 30 June n + 2. The report to the Commission on the control activities in that period is only due by the end of the year n + 2.

(9) The limitation in time for the conformity clearance decisions laid down in Regulation (EC) No 1290/2005 makes it effectively impossible for the Commission to decide on an exclusion from Community financing where a Member State does not comply with its control obligations under Regulation (EEC) No 4045/89. In order to deal with this problem, the limitation in time should not apply for infringements of the Member States' control obligations under Regulation (EEC) No 4045/89, provided that the Commission acts upon the Member States' report within a period of 12 months after receipt of that report.

(10) Since there is no need for Member States to inform the Commission on the way they have decided or plan to reuse the cancelled funds and to amend the financing plan for the rural development programme concerned, the relevant provision of Regulation (EC) No 1290/2005 should be deleted.

(11) In order to align the transitional rules for the European Agricultural Guidance and Guarantee Fund (EAGGF) Guidance Section to the new provisions applicable for the next programming period of the Structural Funds, Regulation (EC) No 1290/2005 should be amended in line with Council Regulation (EC) No 1083/2006 of 11 July 2006 laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund [2].

(12) It is necessary to clarify the legal basis for the adoption of detailed rules for the application of Regulation (EC) No 1290/2005. In particular, the Commission should be able to adopt detailed rules of application in respect of the publication of information on beneficiaries of the common agricultural policy, in respect of intervention measures where no fixed sum per item has been laid down in a common market organisation and in respect of appropriations which have been carried over to finance direct payments to farmers under the common agricultural policy.

(13) In the context of the revision of Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities [3], the provisions on the annual *ex-post* publication of beneficiaries of funds deriving from the budget were inserted into that Regulation in order to implement the European Transparency Initiative. Sector-specific Regulations are to provide the means for such a publication. Both the EAGF and the EAFRD form part of the general budget of the European Communities and finance expenditure in a context of shared management between the Member States and the Community. Rules should therefore be laid down for the publication of information on the beneficiaries of these Funds. To that end, Member States should ensure annual *ex-post* publication of the beneficiaries and the amounts received per beneficiary under each of these Funds.

(14) Making this information accessible to the public enhances transparency regarding the use of Community funds in the common agricultural policy and improves the sound financial management of these funds, in particular by reinforcing public control of the money used. Given the overriding weight of the objectives pursued, it is justified with regard to the principle of proportionality and the requirement of the protection of personal data to provide for the general publication of the relevant information as it does not go beyond what is necessary in a democratic society and for the prevention of irregularities. Taking into account the opinion of the European Data Protection Supervisor of 10 April 2007 [4], it is appropriate to make provision for the beneficiaries of funds to be informed that those data may be made public and that they may be processed by auditing and investigating bodies.

[1] OJ L 388, 30.12.1989, p. 18. Regulation as last amended by Regulation (EC) No 2154/2002 (OJ L 328, 5.12.2002, p. 4).

[2] OJ L 210, 31.7.2006, p. 25. Regulation as amended by Regulation (EC) No 1989/2006 (OJ L 411, 30.12.2006, p. 6).

[3] OJ L 248, 16.9.2002, p. 1. Regulation as amended by Regulation (EC) No 1995/2006 (OJ L 390, 30.12.2006, p. 1).

[4] OJ C 134, 16.6.2007, p. 1.

(15) Regulation (EC) No 1290/2005 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1290/2005 is hereby amended as follows:

1. In Article 3, the following paragraph shall be added:

'3. Where, within the framework of a common organisation of the markets, a sum per unit is not determined in respect of an intervention measure, the EAGF shall finance the measure concerned on the basis of standard amounts uniform throughout the Community, in particular for funds originating in the Member States used for buying-in products, for material operations arising from storage and, where appropriate, for processing of intervention products.

The respective charges and costs shall be calculated in accordance with the procedure referred to in Article 41(3).';

2. In Article 13, the following subparagraph shall be added:

'In duly justified exceptional cases, the first subparagraph shall not apply to measures and programmes covered by Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field (*).

(*) OJ L 224, 18.8.1990, p. 19. Decision as last amended by Decision 2006/965/EC (OJ L 397, 30.12.2006, p. 22).'

3. The following article shall be inserted:

'*Article 17a*

Reduction and suspension of monthly payments in specific cases

1. Without prejudice to Article 17, the Commission may take a decision, in accordance with paragraphs 2 and 3 of this Article, to reduce or suspend monthly payments referred to in Article 14 for a period to be determined in the decision, which shall not exceed twelve months but which may be prolonged for further periods not exceeding twelve months if the conditions set out in paragraph 2 of this Article continue to be met.

2. The monthly payments may be reduced or suspended if all of the following conditions are met:

(a) one or more of the key components of the national control system in question do not exist or are not effective due to the gravity or persistence of the deficiencies found;

(b) the deficiencies referred to in point (a) are of a continuous nature and have been the reason for at least two decisions pursuant to Article 31, excluding from Community financing expenditure from the Member State concerned, and

(c) the Commission concludes that the Member State concerned has not implemented its recommendations to remedy the situation and is not in a position to do so in the immediate future.

3. Before taking the decision referred to in paragraph 1, the Commission shall inform the Member State concerned of its intention and shall ask it to react within a period determined by the Commission according to the severity of the problem and which generally may not be less than 30 days.

The percentage by which the monthly payments may be reduced or suspended shall be equal to the percentage decided by the Commission in its latest decision as referred to in paragraph 2(b). It shall be applied to the relevant expenditure effected by the paying agency where the deficiencies referred to in paragraph 2(a) exist.

4. The reduction or suspension shall not be continued if the conditions laid down in paragraph 2 are no longer met. It shall be without prejudice to the conformity clearance pursuant to Article 31.'

4. In Article 26, paragraph 4 shall be replaced by the following:

'4. If one of the requirements laid down in paragraph 3 is not met, the Commission shall forthwith inform the accredited paying agency and the coordinating body, where one has been appointed. If one of the requirements laid down in point (a) or (c) of paragraph 3 is not respected, the declaration of expenditure shall be inadmissible.'

5. The following article shall be inserted:

'Article 27a

Suspension and reduction of intermediate payments in specific cases

Article 17a shall apply *mutatis mutandis* to the suspension and reduction of intermediate payments referred to in Article 26.'

6. In Article 31(5), the following point shall be added:

'(c) infringements by Member States of their obligations under Council Regulation (EEC) No 4045/89 of 21 December 1989 on scrutiny by Member States of transactions forming part of the system of financing by the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (*), provided that the Commission notifies the Member State in writing of its inspection findings within 12 months following receipt of the Member State's report on the results of its controls of the expenditure concerned.

(*) OJ L 388, 30.12.1989, p. 18. Regulation as last amended by Regulation (EC) No 2154/2002 (OJ L 328, 5.12.2002, p. 4).'

7. In Article 33(4), the second subparagraph shall be deleted;

8. In Article 40, paragraph 1 shall be replaced by the following:

'1. By way of derogation from Articles 31(2), 32(4) and 37(1) of Council Regulation (EC) No 1260/1999 of 21 June 1999 laying down general provisions on the Structural funds (*), partial sums committed for assistance co-financed by the EAGGF Guidance Section approved by the Commission between 1 January 2000 and 31 December 2006, for which the certified statement of expenditure actually paid, the final report on implementation and the statement referred to in Article 38(1)(f) of that Regulation have not been sent to the Commission within 15 months after the final date of eligibility of expenditure laid down in the decision granting a contribution from the Funds, shall be automatically de-committed by the Commission not later than 6 months after that deadline, giving rise to the repayment of amounts unduly paid.

(*) OJ L 161, 26.6.1999, p. 1. Regulation as last amended by Regulation (EC) No 1198/2006 (OJ L 223, 15.8.2006, p. 1).'

9. Article 42 is hereby amended as follows:

(a) point 1 shall be replaced by the following:

'1. the conditions applicable to the accreditation of paying agencies as well as the specific accreditation of coordinating bodies, their respective functions, the information required and the arrangements for it to be made available or transmitted to the Commission;';

(b) the following points shall be inserted:

'8a. detailed rules on the financing and accounting of intervention measures in the form of public storage as well as on other expenditure financed by the EAGF and the EAFRD;

8b. the detailed rules on the publication of information concerning beneficiaries referred to in Article 44a and on the practical aspects related to the protection of individuals with regard to the processing of their personal data in accordance with the principles laid down in Community legislation on data protection. These rules shall ensure, in particular, that the beneficiaries of funds are informed that these data may be made public and may be processed by auditing and investigating bodies for the purpose of safeguarding the financial interests of the Communities, including the time that this information shall take place;

8c. the conditions and detailed rules applicable to appropriations which have been carried over in accordance with Article 149(3) of Regulation (EC, Euratom) No 1605/2002 to finance the expenditure referred to in Article 3(1)(c) of this Regulation.'

10. The following article shall be inserted:

'Article 44a

Publication of the beneficiaries

Pursuant to Article 53b(2)(d) of Regulation (EC, Euratom) No 1605/2002, Member States shall ensure annual *ex-post* publication of the beneficiaries of the EAGF and the EAFRD and the amounts received per beneficiary under each of these Funds.

The publication shall contain at least:

(a) for the EAGF, the amount subdivided in direct payments within the meaning of Article 2(d) of Regulation (EC) No 1782/2003 and other expenditure;

(b) for the EAFRD, the total amount of public funding per beneficiary.'

Article 2

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

Point (3) and Article 1(5) shall apply as from 1 July 2008.

Article 1(6) shall apply with respect to the Member States' reports received by the Commission after 1 January 2008, excluding any expenditure effected by Member States before the financial year 2006.

Article 1(10) shall apply to EAGF expenditure incurred from 16 October 2007 and to EAFRD expenditure from 1 January 2007.

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

COMMISSION REGULATION (EC) No 1438/2007

of 6 December 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 7 December 2007.

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

Done at Brussels, 6 December 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 6 December 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	65,3
	SY	68,2
	TR	128,1
	ZZ	93,9
0707 00 05	JO	196,3
	MA	52,5
	TR	130,3
	ZZ	126,4
0709 90 70	MA	58,8
	TR	110,8
	ZZ	84,8
0805 10 20	AR	21,0
	AU	12,3
	BR	12,7
	SZ	31,4
	TR	60,4
	ZA	39,8
	ZW	20,2
	ZZ	28,3
0805 20 10	MA	65,8
	ZZ	65,8
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	CN	61,4
	HR	32,2
	IL	66,8
	TR	70,6
	UY	95,3
	ZZ	65,3
0805 50 10	EG	108,5
	TR	116,9
	ZA	61,9
	ZZ	95,8
0808 10 80	AR	87,7
	CA	87,3
	CL	86,0
	CN	87,0
	MK	31,5
	US	101,0
	ZA	82,4
	ZZ	80,4
0808 20 50	AR	71,0
	CN	77,6
	TR	145,7
	ZZ	98,1

(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 1439/2007

of 5 December 2007

concerning the classification of certain goods in the Combined Nomenclature

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff [1], and in particular Article 9(1)(a) thereof,

Whereas:

(1) In order to ensure uniform application of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.

(2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific Community provisions, with a view to the application of tariff and other measures relating to trade in goods.

(3) Pursuant to those general rules, the goods described in column 1 of the table set out in the Annex should be classified under the CN codes indicated in column 2, by virtue of the reasons set out in column 3 of that table.

(4) It is appropriate to provide that binding tariff information which has been issued by the customs authorities of Member States in respect of the classification of goods in the Combined Nomenclature, but which is not in accordance with this Regulation can, for a period of three months, continue to be invoked by the holder, under Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code [2].

(5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column 1 of the table set out in the Annex shall be classified within the Combined Nomenclature under the CN codes indicated in column 2 of that table.

Article 2

Binding tariff information issued by the customs authorities of Member States, which is not in accordance with this Regulation, can continue to be invoked for a period of three months under Article 12(6) of Regulation (EEC) No 2913/92.

Article 3

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

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

Done at Brussels, 5 December 2007.

For the Commission
László KOVÁCS
Member of the Commission

[1] OJ L 256, 7.9.1987, p. 1. Regulation as last amended by Regulation (EC) No 580/2007 (OJ L 138, 30.5.2007, p. 1).

[2] OJ L 302, 19.10.1992, p. 1. Regulation as last amended by Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p. 1).

ANNEX

Description of the goods	Classification (CN-code)	Reasons
(1)	(2)	(3)
Set consisting of several plasters and pads which contain the following ingredients (% by weight): — Tourmaline 4 — Chitosan 5 — Wood vinegar 30 — Pearl powder 4 — Pure silica 4 — Glycolic acid 3 — Dextrin 50 According to the information on the package the product is intended to improve circulation of blood in the feet to activate the metabolism of the cellular tissue and detoxify the body. The pads are to be worn on the soles of the feet for 8-10 hours with the aid of the plasters supplied. The product is presented in a folding card pack for individual sale.	3824 90 98	Classification is determined by General Rules 1, 3(b) and 6 for the interpretation of the Combined Nomenclature, and by the wording of CN codes 3824, 3824 90 and 3824 90 98. The product cannot be considered to be a preparation for the care of the skin nor for the care of the foot as it is not designed primarily for that purpose (Harmonized System Explanatory Notes to heading 3304, (A) (3), and (B)). The pads give the essential character to the product. They do not provide a scientifically tested therapeutic effect, by reducing toxicity in the whole body and cannot be classified in either heading 3004 or 3005. They have to be classified as other chemical preparations not elsewhere specified or included.

COMMISSION REGULATION (EC) No 1440/2007

of 5 December 2007

concerning the classification of certain goods in the Combined Nomenclature

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff [1], and in particular Article 9(1)(a) thereof,

Whereas:

(1) In order to ensure uniform application of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.

(2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific Community provisions, with a view to the application of tariff and other measures relating to trade in goods.

(3) Pursuant to those general rules, the goods described in column 1 of the table set out in the Annex should be classified under the CN codes indicated in column 2, by virtue of the reasons set out in column 3 of that table.

(4) It is appropriate to provide that binding tariff information which has been issued by the customs authorities of Member States in respect of the classification of goods in the Combined Nomenclature but which is not in accordance with this Regulation can, for a period of three months, continue to be invoked by the holder, under Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code [2].

(5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column 1 of the table set out in the Annex shall be classified within the Combined Nomenclature under the CN codes indicated in column 2 of that table.

Article 2

Binding tariff information issued by the customs authorities of Member States, which is not in accordance with this Regulation, can continue to be invoked for a period of three months under Article 12(6) of Regulation (EEC) No 2913/92.

Article 3

This Regulation shall enter into force on the 20th 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, 5 December 2007.

For the Commission
László KOVÁCS
Member of the Commission

[1] OJ L 256, 7.9.1987, p. 1. Regulation as last amended by Regulation (EC) No 580/2007 (OJ L 138, 30.5.2007, p. 1).

[2] OJ L 302, 19.10.1992, p. 1. Regulation as last amended by Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p. 1).

ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
1. Small envelope, of approximate dimensions 40 × 50 mm, self-adhesive, consisting of two heat-sealed foils of a plastic and aluminium complex, and containing a sample of perfume in the form of a gel. It is printed with the name of the perfume. The foil can be lifted to reveal the sample of perfume in a quantity sufficient to give fragrance when rubbed onto the wrists. The product is not intended for retail sale. It is intended to be stuck onto brochures, leaflets, cards, or advertising pages of magazines printed with images and text designed to advertise a specific perfume.	3303 00 10	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature, Note 2 to Section VI and the wording of CN codes 3303 00 and 3303 00 10. The product has to be classified as a perfume in subheading 3303 00 10 because the perfume is present in a quantity sufficient to give fragrance to the human body.
2. Printed page of advertising, of A4 format, partially or completely folded. The page is covered under the fold with a sample of perfume in the form of microcapsules, a paste or a powder. The fold is heat-sealed. The fold can be lifted to reveal the sample of perfume in a quantity insufficient to give fragrance when rubbed onto the wrists. The product is not intended for retail sale. It is intended to be placed within magazines and similar articles printed with images and text designed to advertise a specific perfume.	4911 10 90	Classification is determined by General Rules 1, 3(b) and 6 for the interpretation of the Combined Nomenclature, and the wording of CN codes 4911, 4911 10 and 4911 10 90. The product cannot be classified in subheading 3303 00 10 because the perfume is present in a quantity insufficient to give fragrance to the human body. The product has to be classified in subheading 4911 10 90 as printed advertising material because the printed advertising provides its essential character (Harmonized System Explanatory Notes to Chapter 49, General, 1st paragraph).

COMMISSION REGULATION (EC) No 1441/2007

of 5 December 2007

amending Regulation (EC) No 2073/2005 on microbiological criteria for foodstuffs

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs [1], and in particular Article 4(4) thereof,

Whereas:

(1) Commission Regulation (EC) No 2073/2005 of 15 November 2005 on microbiological criteria for foodstuffs [2] lays down microbiological criteria for certain micro-organisms and the implementing rules to be complied with by food business operators when implementing the general and specific hygiene measures referred to in Article 4 of Regulation (EC) No 852/2004. Regulation (EC) No 2073/2005 also provides that food business operators are to ensure that foodstuffs comply with the relevant microbiological criteria set out in Annex I to that Regulation.

(2) Chapters 1 and 2 of Annex I to Regulation (EC) No 2073/2005 set out food safety criteria and process hygiene criteria regarding dried infant formulae and dried dietary foods for special medical purposes intended for infants below six months of age (dried infant formulae and dried dietary foods). Part 2.2 of Chapter 2 of that Annex provides that where dried infant formulae and dried dietary foods are tested and Enterobacteriaceae are detected in any of the sample units, the batch is to be tested for *Enterobacter sakazakii* and *Salmonella*.

(3) On 24 January 2007, the Scientific Panel on Biological Hazards (BIOHAZ Panel) of the European Food Safety Authority (EFSA) issued an opinion with regard to Enterobacteriaceae as indicators of *Salmonella* and *Enterobacter sakazakii*. It concluded that it is not possible to establish a correlation between Enterobacteriaceae and *Salmonella*, and no universal correlation between Enterobacteriaceae and *Enterobacter sakazakii* exists. At individual plant level, a correlation between Enterobacteriaceae and *Enterobacter sakazakii* may however be established.

(4) Therefore the requirement laid down in Regulation (EC) No 2073/2005 as regards the testing of dried infant formulae and dried dietary foods for *Salmonella* and *Enterobacter sakazakii* where Enterobacteriaceae are detected in any of the sample units should no longer apply. Part 2.2 of Chapter 2 of Annex I to that Regulation should therefore be amended accordingly.

(5) In line with the opinion on the microbiological risks in infant formulae and follow-on formulae issued by the BIOHAZ Panel of EFSA on 9 September 2004, microbiological criteria on *Salmonella* and Enterobacteriaceae should be laid down for dried follow-on formulae.

(6) The BIOHAZ Panel of EFSA issued an opinion on *Bacillus cereus* and other *Bacillus* spp. in foodstuffs on 26 and 27 January 2005. It concluded that one of the major control measures is to control temperature and to establish a system based on hazard analysis and critical control point principles. Dehydrated foods, in which the presence of spores of pathogenic *Bacillus* spp. is frequent, might permit the growth of *Bacillus cereus* once rehydrated in warm water. Some dehydrated foods, including dried infant formulae and dried dietary foods, are consumed by potentially fragile consumers. In line with the EFSA opinion, the numbers of *Bacillus cereus* spores in dried infant formulae and dried dietary foods should be as low as possible during processing and a process hygiene criterion should be laid down in addition to good practices designed to reduce delay between preparation and consumption.

(7) Chapter 1 of Annex I to Regulation (EC) No 2073/2005 provides for the analytical reference method for staphylococcal enterotoxins in certain cheeses, milk powder and whey powder. That method has been revised by the Community reference laboratory for coagulase positive staphylococci. The reference to that analytical reference method should therefore be amended. Chapter 1 of Annex I to that Regulation should therefore be amended accordingly.

[1] OJ L 139, 30.4.2004, p. 1, as corrected by OJ L 226, 25.6.2004, p. 3.
[2] OJ L 338, 22.12.2005, p. 1.

(8) Chapter 3 of Annex I to Regulation (EC) No 2073/2005 sets out sampling rules for carcasses of cattle, pig, sheep, goats and horses for *Salmonella* analyses. Pursuant to those rules the sampling area is to cover a minimum of 100 cm^2 per site selected. However, neither the number of sampling sites nor the minimum total area of sampling is specified. In order to improve the implementation of these rules in the Community, it is appropriate to further specify in Regulation (EC) No 2073/2005 that the areas most likely to be contaminated should be selected for sampling and that the total sampling area should be increased. Chapter 3 of Annex I to that Regulation should therefore be amended accordingly.

(9) In the interests of clarity of Community legislation, it is appropriate to replace Annex I to Regulation (EC) No 2073/2005 by the text set out in the Annex to this Regulation.

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

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 2073/2005 is replaced by the text in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 5 December 2007.

For the Commission
Markos KYPRIANOU
Member of the Commission

ANNEX

'ANNEX I

Microbiological criteria for foodstuffs

Chapter 1. Food safety criteria

	Food category	Micro-organisms/their toxins, metabolites	Sampling plan (1)		Limits (2)		Analytical reference method (3)	Stage where the criterion applies
			n	c	m	M		
1.1	Ready-to-eat foods intended for infants and ready-to-eat foods for special medical purposes (4)	*Listeria monocytogenes*	10	0	Absence in 25 g		EN/ISO 11290-1	Products placed on the market during their shelf-life
1.2	Ready-to-eat foods able to support the growth of *L. monocytogenes*, other than those intended for infants and for special medical purposes	*Listeria monocytogenes*	5	0	100 cfu/g (5)		EN/ISO 11290-2 (6)	Products placed on the market during their shelf-life
			5	0	Absence in 25 g (7)		EN/ISO 11290-1	Before the food has left the immediate control of the food business operator, who has produced it
1.3	Ready-to-eat foods unable to support the growth of *L. monocytogenes*, other than those intended for infants and for special medical purposes (4) (8)	*Listeria monocytogenes*	5	0	100 cfu/g		EN/ISO 11290-2 (6)	Products placed on the market during their shelf-life
1.4	Minced meat and meat preparations intended to be eaten raw	*Salmonella*	5	0	Absence in 25 g		EN/ISO 6579	Products placed on the market during their shelf-life
1.5	Minced meat and meat preparations made from poultry meat intended to be eaten cooked	*Salmonella*	5	0	From 1.1.2006 Absence in 10 g From 1.1.2010 Absence in 25 g		EN/ISO 6579	Products placed on the market during their shelf-life
1.6	Minced meat and meat preparations made from other species than poultry intended to be eaten cooked	*Salmonella*	5	0	Absence in 10 g		EN/ISO 6579	Products placed on the market during their shelf-life
1.7	Mechanically separated meat (MSM) (9)	*Salmonella*	5	0	Absence in 10 g		EN/ISO 6579	Products placed on the market during their shelf-life
1.8	Meat products intended to be eaten raw, excluding products where the manufacturing process or the composition of the product will eliminate the salmonella risk	*Salmonella*	5	0	Absence in 25 g		EN/ISO 6579	Products placed on the market during their shelf-life

Food category	Micro-organisms/their toxins, metabolites	Sampling plan (1)		Limits (2)		Analytical reference method (3)	Stage where the criterion applies
		n	c	m	M		
1.9 Meat products made from poultrymeat intended to be eaten cooked	*Salmonella*	5	0	From 1.1.2006 Absence in 10 g From 1.1.2010 Absence in 25 g		EN/ISO 6579	Products placed on the market during their shelf-life
1.10 Gelatine and collagen	*Salmonella*	5	0	Absence in 25 g		EN/ISO 6579	Products placed on the market during their shelf-life
1.11 Cheeses, butter and cream made from raw milk or milk that has undergone a lower heat treatment than pasteurisation (10)	*Salmonella*	5	0	Absence in 25 g		EN/ISO 6579	Products placed on the market during their shelf-life
1.12 Milk powder and whey powder	*Salmonella*	5	0	Absence in 25 g		EN/ISO 6579	Products placed on the market during their shelf-life
1.13 Ice cream (11), excluding products where the manufacturing process or the composition of the product will eliminate the salmonella risk	*Salmonella*	5	0	Absence in 25 g		EN/ISO 6579	Products placed on the market during their shelf-life
1.14 Egg products, excluding products where the manufacturing process or the composition of the product will eliminate the salmonella risk	*Salmonella*	5	0	Absence in 25 g		EN/ISO 6579	Products placed on the market during their shelf-life
1.15 Ready-to-eat foods containing raw egg, excluding products where the manufacturing process or the composition of the product will eliminate the salmonella risk	*Salmonella*	5	0	Absence in 25 g or ml		EN/ISO 6579	Products placed on the market during their shelf-life
1.16 Cooked crustaceans and molluscan shellfish	*Salmonella*	5	0	Absence in 25 g		EN/ISO 6579	Products placed on the market during their shelf-life
1.17 Live bivalve molluscs and live echinoderms, tunicates and gastropods	*Salmonella*	5	0	Absence in 25 g		EN/ISO 6579	Products placed on the market during their shelf-life
1.18 Sprouted seeds (ready-to-eat) (12)	*Salmonella*	5	0	Absence in 25 g		EN/ISO 6579	Products placed on the market during their shelf-life

Food category	Micro-organisms/their toxins, metabolites	Sampling plan (1)		Limits (2)		Analytical reference method (3)	Stage where the criterion applies
		n	c	m	M		
1.19 Precut fruit and vegetables (ready-to-eat)	*Salmonella*	5	0	Absence in 25 g		EN/ISO 6579	Products placed on the market during their shelf-life
1.20 Unpasteurised fruit and vegetable juices (ready-to-eat)	*Salmonella*	5	0	Absence in 25 g		EN/ISO 6579	Products placed on the market during their shelf-life
1.21 Cheeses, milk powder and whey powder, as referred to in the coagulase-positive staphylococci criteria in Chapter 2.2 of this Annex	Staphylococcal entero-toxins	5	0	Not detected in 25 g		European screening method of the CRL for coagulase positive staphylococci (13)	Products placed on the market during their shelf-life
1.22 Dried infant formulae and dried dietary foods for special medical purposes intended for infants below six months of age	*Salmonella*	30	0	Absence in 25 g		EN/ISO 6579	Products placed on the market during their shelf-life
1.23 Dried follow-on formulae	*Salmonella*	30	0	Absence in 25 g		EN/ISO 6579	Products placed on the market during their shelf-life
1.24 Dried infant formulae and dried dietary foods for special medical purposes intended for infants below six months of age (14)	*Enterobacter sakazakii*	30	0	Absence in 10 g		ISO/TS 22964	Products placed on the market during their shelf-life
1.25 Live bivalve molluscs and live echinoderms, tunicates and gastropods	*E. coli* (15)	1 (16)	0	230 MPN/100 g of flesh and intra-valvular liquid		ISO TS 16649-3	Products placed on the market during their shelf-life
1.26 Fishery products from fish species associated with a high amount of histidine (17)	Histamine	9 (18)	2	100 mg/kg	200 mg/kg	HPLC (19)	Products placed on the market during their shelf-life

Food category	Micro-organisms/their toxins, metabolites	Sampling plan (1)		Limits (2)		Analytical reference method (3)	Stage where the criterion applies
		n	c	m	M		
1.27 Fishery products which have undergone enzyme maturation treatment in brine, manufactured from fish species associated with a high amount of histidine (17)	Histamine	9	2	200 mg/kg	400 mg/kg	HPLC (19)	Products placed on the market during their shelf-life

(1) n = number of units comprising the sample; c = number of sample units giving values between m and M.
(2) For points 1.1-1.25 m = M.
(3) The most recent edition of the standard shall be used.
(4) Regular testing against the criterion is not required in normal circumstances for the following ready-to-eat foods:
— those which have received heat treatment or other processing effective to eliminate *L. monocytogenes*, when recontamination is not possible after this treatment (for example, products heat treated in their final package),
— fresh, uncut and unprocessed vegetables and fruits, excluding sprouted seeds,
— bread, biscuits and similar products,
— bottled or packed waters, soft drinks, beer, cider, wine, spirits and similar products,
— sugar, honey and confectionery, including cocoa and chocolate products,
— live bivalve molluscs.
(5) This criterion shall apply if the manufacturer is able to demonstrate, to the satisfaction of the competent authority, that the product will not exceed the limit 100 cfu/g throughout the shelf-life. The operator may fix intermediate limits during the process that must be low enough to guarantee that the limit of 100 cfu/g is not exceeded at the end of shelf-life.
(6) 1 ml of inoculum is plated on a Petri dish of 140 mm diameter or on three Petri dishes of 90 mm diameter.
(7) This criterion shall apply to products before they have left the immediate control of the producing food business operator, when he is not able to demonstrate, to the satisfaction of the competent authority, that the product will not exceed the limit of 100 cfu/g throughout the shelf-life.
(8) Products with pH ≤ 4,4 or a_w ≤ 0,92, products with pH ≤ 5,0 and a_w ≤ 0,94, products with a shelf-life of less than five days shall be automatically considered to belong to this category. Other categories of products can also belong to this category, subject to scientific justification.
(9) This criterion shall apply to mechanically separated meat (MSM) produced with the techniques referred to in paragraph 3 of Chapter III of Section V of Annex III to Regulation (EC) No 853/2004 of the European Parliament and of the Council.
(10) Excluding products when the manufacturer can demonstrate to the satisfaction of the competent authorities that, due to the ripening time and a_w of the product where appropriate, there is no salmonella risk.
(11) Only ice creams containing milk ingredients.
(12) Preliminary testing of the batch of seeds before starting the sprouting process or the sampling must be carried out at the stage where the highest probability of finding Salmonella is expected.
(13) *Reference:* Community reference laboratory for coagulase positive staphylococci. European screening method for the detection of staphylococcal enterotoxins in milk and milk products.
(14) Parallel testing for Enterobacteriaceae and *E. sakazakii* shall be conducted, unless a correlation between these micro-organisms has been established at an individual plant level. If Enterobacteriaceae are detected in any of the product samples tested in such a plant, the batch must be tested for *E. sakazakii*. It shall be the responsibility of the manufacturer to demonstrate to the satisfaction of the competent authority whether such a correlation exists between Enterobacteriaceae and *E. sakazakii*.
(15) *E. coli* is used here as an indicator of faecal contamination.
(16) A pooled sample comprising a minimum of 10 individual animals.
(17) Particularly fish species of the families: *Scombridae, Clupeidae, Engraulidae, Coryfenidae, Pomatomidae, Scombresosidae*.
(18) Single samples may be taken at retail level. In such a case the presumption laid down in Article 14(6) of Regulation (EC) No 178/2002, according to which the whole batch is to be deemed unsafe, shall not apply.
(19) *References*: 1. Malle P., Valle M., Bouquelet S. Assay of biogenic amines involved in fish decomposition. J. AOAC Internat. 1996, 79, 43-49. 2. Duflos G., Dervin C., Malle P., Bouquelet S. Relevance of matrix effect in determination of biogenic amines in plaice (*Pleuronectes platessa*) and whiting (*Merlangus merlangus*. J. AOAC Internat. 1999, 82, 1097-1101.

Interpretation of the test results

The limits given refer to each sample unit tested, excluding live bivalve molluscs and live echinoderms, tunicates and gastropods in relation to testing *E. coli*, where the limit refers to a pooled sample.

The test results demonstrate the microbiological quality of the batch tested ([1]).

L. monocytogenes in ready-to-eat foods intended for infants and for special medical purposes:

— satisfactory, if all the values observed indicate the absence of the bacterium,

— unsatisfactory, if the presence of the bacterium is detected in any of the sample units.

L. monocytogenes in ready-to-eat foods able to support the growth of *L. monocytogenes* before the food has left the immediate control of the producing food business operator when he is not able to demonstrate that the product will not exceed the limit of 100 cfu/g throughout the shelf-life:

— satisfactory, if all the values observed indicate the absence of the bacterium,

— unsatisfactory, if the presence of the bacterium is detected in any of the sample units.

L. monocytogenes in other ready-to-eat foods and *E. coli* in live bivalve molluscs:

— satisfactory, if all the values observed are ≤ the limit,

— unsatisfactory, if any of the values are > the limit.

Salmonella in different food categories:

— satisfactory, if all the values observed indicate the absence of the bacterium,

— unsatisfactory, if the presence of the bacterium is detected in any of the sample units.

Staphylococcal enterotoxins in dairy products:

— satisfactory, if in all the sample units the enterotoxins are not detected,

— unsatisfactory, if the enterotoxins are detected in any of the sample units.

Enterobacter sakazakii in dried infant formulae and dried dietary foods for special medical purposes intended for infants below 6 months of age:

— satisfactory, if all the values observed indicate the absence of the bacterium,

— unsatisfactory, if the presence of the bacterium is detected in any of the sample units.

Histamine in fishery products from fish species associated with a high amount of histidine:

— satisfactory, if the following requirements are fulfilled:

1. the mean value observed is ≤ m
2. a maximum of c/n values observed are between m and M
3. no values observed exceed the limit of M,

— unsatisfactory, if the mean value observed exceeds m or more than c/n values are between m and M or one or more of the values observed are > M.

([1]) The test results may be used also for demonstrating the effectiveness of the hazard analysis and critical control point principles or good hygiene procedure of the process.

Chapter 2. Process hygiene criteria

2.1 *Meat and products thereof*

Food category	Micro-organisms	Sampling plan (1)		Limits (2)		Analytical reference method (3)	Stage where the criterion applies	Action in case of unsatisfactory results
		n	c	m	M			
2.1.1 Carcases of cattle, sheep, goats and horses (4)	Aerobic colony count			3,5 log cfu/cm^2 daily mean log	5,0 log cfu/cm^2 daily mean log	ISO 4833	Carcases after dressing but before chilling	Improvements in slaughter hygiene and review of process controls
	Enterobac-teriaceae			1,5 log cfu/cm^2 daily mean log	2,5 log cfu/cm^2 daily mean log	ISO 21528-2	Carcases after dressing but before chilling	Improvements in slaughter hygiene and review of process controls
2.1.2 Carcases of pigs (4)	Aerobic colony count			4,0 log cfu/cm^2 daily mean log	5,0 log cfu/cm^2 daily mean log	ISO 4833	Carcases after dressing but before chilling	Improvements in slaughter hygiene and review of process controls
	Enterobac-teriaceae			2,0 log cfu/cm^2 daily mean log	3,0 log cfu/cm^2 daily mean log	ISO 21528-2	Carcases after dressing but before chilling	Improvements in slaughter hygiene and review of process controls
2.1.3 Carcases of cattle, sheep, goats and horses	*Salmonella*	50 (5)	2 (6)	Absence in the area tested per carcase		EN/ISO 6579	Carcases after dressing but before chilling	Improvements in slaughter hygiene, review of process controls and of origin of animals
2.1.4 Carcases of pigs	*Salmonella*	50 (5)	5 (6)	Absence in the area tested per carcase		EN/ISO 6579	Carcases after dressing but before chilling	Improvements in slaughter hygiene and review of process controls, origin of animals and of the biosecurity measures in the farms of origin
2.1.5 Poultry carcases of broilers and turkeys	*Salmonella*	50 (5)	7 (6)	Absence in 25 g of a pooled sample of neck skin		EN/ISO 6579	Carcases after chilling	Improvements in slaughter hygiene and review of process controls, origin of animals and biosecurity measures in the farms of origin

Food category	Micro-organisms	Sampling plan (1)		Limits (2)		Analytical reference method (3)	Stage where the criterion applies	Action in case of unsatisfactory results
		n	c	m	M			
2.1.6 Minced meat	Aerobic colony count (7)	5	2	5×10^5 cfu/g	5×10^6 cfu/g	ISO 4833	End of the manufacturing process	Improvements in production hygiene and improvements in selection and/or origin of raw materials
	E. coli (8)	5	2	50 cfu/g	500 cfu/g	ISO 16649-1 or 2	End of the manufacturing process	Improvements in production hygiene and improvements in selection and/or origin of raw materials
2.1.7 Mechanically separated meat (MSM) (9)	Aerobic colony count	5	2	5×10^5 cfu/g	5×10^6 cfu/g	ISO 4833	End of the manufacturing process	Improvements in production hygiene and improvements in selection and/or origin of raw materials
	E. coli (8)	5	2	50 cfu/g	500 cfu/g	ISO 16649-1 or 2	End of the manufacturing process	Improvements in production hygiene and improvements in selection and/or origin of raw materials
2.1.8 Meat preparations	*E. coli* (8)	5	2	500 cfu/g or cm^2	5 000 cfu/g or cm^2	ISO 16649-1 or 2	End of the manufacturing process	Improvements in production hygiene and improvements in selection and/or origin of raw materials

(1) n = number of units comprising the sample; c = number of sample units giving values between m and M.
(2) For points 2.1.3-2.1.5 m = M.
(3) The most recent edition of the standard shall be used.
(4) The limits (m and M) shall apply only to samples taken by the destructive method. The daily mean log shall be calculated by first taking a log value of each individual test result and then calculating the mean of these log values.
(5) The 50 samples shall be derived from 10 consecutive sampling sessions in accordance with the sampling rules and frequencies laid down in this Regulation.
(6) The number of samples where the presence of salmonella is detected. The c value is subject to review in order to take into account the progress made in reducing the salmonella prevalence. Member States or regions having low salmonella prevalence may use lower c values even before the review.
(7) This criterion shall not apply to minced meat produced at retail level when the shelf-life of the product is less then 24 hours.
(8) *E. coli* is used here as an indicator of faecal contamination.
(9) These criteria apply to mechanically separated meat (MSM) produced with the techniques referred to in paragraph 3 of Chapter III of Section V of Annex III to Regulation (EC) No 853/2004 of the European Parliament and of the Council.

Interpretation of the test results

The limits given refer to each sample unit tested, excluding testing of carcases where the limits refer to pooled samples.

The test results demonstrate the microbiological quality of the process tested.

Enterobacteriaceae and aerobic colony count in carcases of cattle, sheep, goats, horses and pigs:

— satisfactory, if the daily mean log is ≤ m,

— acceptable, if the daily mean log is between m and M,

— unsatisfactory, if the daily mean log is > M.

Salmonella in carcases:

— satisfactory, if the presence of *Salmonella* is detected in a maximum of c/n samples,

— unsatisfactory, if the presence of *Salmonella* is detected in more than c/n samples.

After each sampling session, the results of the last ten sampling sessions shall be assessed in order to obtain the n number of samples.

E. coli and aerobic colony count in minced meat, meat preparations and mechanically separated meat (MSM):

— satisfactory, if all the values observed are ≤ m,

— acceptable, if a maximum of c/n values are between m and M, and the rest of the values observed are ≤ m,

— unsatisfactory, if one or more of the values observed are > M or more than c/n values are between m and M.

2.2 *Milk and dairy products*

Food category		Micro-organisms	Sampling plan (1)		Limits (2)		Analytical reference method (3)	Stage where the criterion applies	Action in case of unsatisfactory results
			n	c	m	M			
2.2.1	Pasteurised milk and other pasteurised liquid dairy products (4)	Enterobacteriaceae	5	2	< 1/ml	5/ml	ISO 21528-1	End of the manufacturing process	Check on the efficiency of heat treatment and prevention of recontamination as well as the quality of raw materials
2.2.2	Cheeses made from milk or whey that has undergone heat treatment	*E. coli* (5)	5	2	100 cfu/g	1 000 cfu/g	ISO 16649-1 or 2	At the time during the manufacturing process when the *E. coli* count is expected to be highest (6)	Improvements in production hygiene and selection of raw materials
2.2.3	Cheeses made from raw milk	Coagulase-positive staphylococci	5	2	10^4 cfu/g	10^5 cfu/g	EN/ISO 6888-2	At the time during the manufacturing process when the number of staphylococci is expected to be highest	Improvements in production hygiene and selection of raw materials. If values > 10^5 cfu/g are detected, the cheese batch has to be tested for staphylococcal enterotoxins.
2.2.4	Cheeses made from milk that has undergone a lower heat treatment than pasteurisation (7) and ripened cheeses made from milk or whey that has undergone pasteurisation or a stronger heat treatment (7)	Coagulase-positive staphylococci	5	2	100 cfu/g	1 000 cfu/g	EN/ISO 6888-1 or 2		
2.2.5	Unripened soft cheeses (fresh cheeses) made from milk or whey that has undergone pasteurisation or a stronger heat treatment (7)	Coagulase-positive staphylococci	5	2	10 cfu/g	100 cfu/g	EN/ISO 6888-1 or 2	End of the manufacturing process	Improvements in production hygiene. If values > 10^5 cfu/g are detected, the cheese batch has to be tested for staphylococcal enterotoxins.
2.2.6	Butter and cream made from raw milk or milk that has undergone a lower heat treatment than pasteurisation	*E. coli* (5)	5	2	10 cfu/g	100 cfu/g	ISO 16649-1 or 2	End of the manufacturing process	Improvements in production hygiene and selection of raw materials

Food category	Micro-organisms	Sampling plan (1)		Limits (2)		Analytical reference method (3)	Stage where the criterion applies	Action in case of unsatisfactory results
		n	c	m	M			
2.2.7 Milk powder and whey powder (4)	Enterobacteriaceae	5	0	10 cfu/g		ISO 21528-2	End of the manufacturing process	Check on the efficiency of heat treatment and prevention of recontamination
	Coagulase-positive staphylococci	5	2	10 cfu/g	100 cfu/g	EN/ISO 6888-1 or 2	End of the manufacturing process	Improvements in production hygiene. If values > 10^5 cfu/g are detected, the batch has to be tested for staphylococcal enterotoxins.
2.2.8 Ice cream (8) and frozen dairy desserts	Enterobacteriaceae	5	2	10 cfu/g	100 cfu/g	ISO 21528-2	End of the manufacturing process	Improvements in production hygiene
2.2.9 Dried infant formulae and dried dietary foods for special medical purposes intended for infants below six months of age	Enterobacteriaceae	10	0	Absence in 10 g		ISO 21528-1	End of the manufacturing process	Improvements in production hygiene to minimise contamination (9)
2.2.10 Dried follow-on formulae	Enterobacteriaceae	5	0	Absence in 10 g		ISO 21528-1	End of the manufacturing process	Improvements in production hygiene to minimise contamination
2.2.11 Dried infant formulae and dried dietary foods for special medical purposes intended for infants below six months of age	Presumptive *Bacillus cereus*	5	1	50 cfu/g	500 cfu/g	EN/ISO 7932 (10)	End of the manufacturing process	Improvements in production hygiene. Prevention of recontamination. Selection of raw material.

(1) n = number of units comprising the sample; c = number of sample units giving values between m and M.
(2) For points 2.2.7, 2.2.9 and 2.2.10 m = M.
(3) The most recent edition of the standard shall be used.
(4) The criterion shall not apply to products intended for further processing in the food industry.
(5) E. coli is used here as an indicator for the level of hygiene.
(6) For cheeses which are not able to support the growth of E. coli, the E. coli count is usually the highest at the beginning of the ripening period, and for cheeses which are able to support the growth of E. coli, it is normally at the end of the ripening period.
(7) Excluding cheeses where the manufacturer can demonstrate, to the satisfaction of the competent authorities, that the product does not pose a risk of staphylococcal enterotoxins.
(8) Only ice creams containing milk ingredients.
(9) Parallel testing for Enterobacteriaceae and E. sakazakii shall be conducted, unless a correlation between these micro-organisms has been established at an individual plant level. If Enterobacteriaceae are detected in any of the product samples tested in such a plant, the batch has to be tested for E. sakazakii. It shall be the responsibility of the manufacturer to demonstrate to the satisfaction of the competent authority whether such a correlation exists between Enterobacteriaceae and E. sakazakii.
(10) 1 ml of inoculum is plated on a Petri dish of 140 mm diameter or on three Petri dishes of 90 mm diameter.

Interpretation of the test results

The limits given refer to each sample unit tested.

The test results demonstrate the microbiological quality of the process tested.

Enterobacteriaceae in dried infant formulae, dried dietary foods for special medical purposes intended for infants below six months of age and dried follow-on formulae:

— satisfactory, if all the values observed indicate the absence of the bacterium,

— unsatisfactory, if the presence of the bacterium is detected in any of the sample units.

E. coli, Enterobacteriaceae (other food categories) and coagulase-positive staphylococci:

— satisfactory, if all the values observed are ≤ m,

— acceptable, if a maximum of c/n values are between m and M, and the rest of the values observed are ≤ m,

— unsatisfactory, if one or more of the values observed are > M or more than c/n values are between m and M.

Presumptive *Bacillus cereus* in dried infant formulae and dried dietary foods for special medical purposes intended for infants below six months of age:

— satisfactory, if all the values observed are ≤ m,

— acceptable, if a maximum of c/n values are between m and M, and the rest of the values observed are ≤ m,

— unsatisfactory, if one or more of the values observed are > M or more than c/n values are between m and M.

2.3 *Egg products*

Food category	Micro-organisms	Sampling plan (1)		Limits		Analytical reference method (2)	Stage where the criterion applies	Action in case of unsatisfactory results
		n	c	m	M			
2.3.1 Egg products	Enterobacteriaceae	5	2	10 cfu/g or ml	100 cfu/g or ml	ISO 21528-2	End of the manufacturing process	Checks on the efficiency of the heat treatment and prevention of recontamination

(1) n = number of units comprising the sample; c = number of sample units giving values between m and M.
(2) The most recent edition of the standard shall be used.

Interpretation of the test results

The limits given refer to each sample unit tested.

The test results demonstrate the microbiological quality of the process tested.

Enterobacteriaceae in egg products:

— satisfactory, if all the values observed are ≤ m,

— acceptable, if a maximum of c/n values are between m and M, and the rest of the values observed are ≤ m,

— unsatisfactory, if one or more of the values observed are > M or more than c/n values are between m and M.

2.4 *Fishery products*

Food category	Micro-organisms	Sampling plan (1)		Limits		Analytical reference method (2)	Stage where the criterion applies	Action in case of unsatisfactory results
		n	c	m	M			
2.4.1 Shelled and shucked products of cooked crustaceans and molluscan shellfish	*E. coli*	5	2	1/g	10/g	ISO TS 16649-3	End of the manufacturing process	Improvements in production hygiene
	Coagulase-positive staphylococci	5	2	100 cfu/g	1 000 cfu/g	EN/ISO 6888-1 or 2	End of the manufacturing process	Improvements in production hygiene

(1) n = number of units comprising the sample; c = number of sample units giving values between m and M.
(2) The most recent edition of the standard shall be used.

Interpretation of the test results

The limits given refer to each sample unit tested.

The test results demonstrate the microbiological quality of the process tested.

E. coli in shelled and shucked products of cooked crustaceans and molluscan shellfish:

— satisfactory, if all the values observed are ≤ m,

— acceptable, if a maximum of c/n values are between m and M, and the rest of the values observed are ≤ m,

— unsatisfactory, if one or more of the values observed are > M or more than c/n values are between m and M.

Coagulase-positive staphylococci in shelled and cooked crustaceans and molluscan shellfish:

— satisfactory, if all the values observed are ≤ m,

— acceptable, if a maximum of c/n values are between m and M, and the rest of the values observed are ≤ m,

— unsatisfactory, if one or more of the values observed are > M or more than c/n values are between m and M.

2.5 *Vegetables, fruits and products thereof*

Food category	Micro-organisms	Sampling plan (1)		Limits		Analytical reference method (2)	Stage where the criterion applies	Action in case of unsatisfactory results
		n	c	m	M			
2.5.1 Precut fruit and vegetables (ready-to-eat)	*E. coli*	5	2	100 cfu/g	1 000 cfu/g	ISO 16649-1 or 2	Manufacturing process	Improvements in production hygiene, selection of raw materials
2.5.2 Unpasteurised fruit and vegetable juices (ready-to-eat)	*E. coli*	5	2	100 cfu/g	1 000 cfu/g	ISO 16649-1 or 2	Manufacturing process	Improvements in production hygiene, selection of raw materials

(1) n = number of units comprising the sample; c = number of sample units giving values between m and M.
(2) The most recent edition of the standard shall be used.

Interpretation of the test results

The limits given refer to each sample unit tested.

The test results demonstrate the microbiological quality of the process tested.

E. coli in precut fruit and vegetables (ready-to-eat) and in unpasteurised fruit and vegetable juices (ready-to-eat):

— satisfactory, if all the values observed are ≤ m,

— acceptable, if a maximum of c/n values are between m and M, and the rest of the values observed are ≤ m,

— unsatisfactory, if one or more of the values observed are > M or more than c/n values are between m and M.

Chapter 3. Rules for sampling and preparation of test samples

3.1 *General rules for sampling and preparation of test samples*

In the absence of more specific rules on sampling and preparation of test samples, the relevant standards of the ISO (International Organisation for Standardisation) and the guidelines of the Codex Alimentarius shall be used as reference methods.

3.2 *Bacteriological sampling in slaughterhouses and at premises producing minced meat and meat preparations*

Sampling rules for carcases of cattle, pigs, sheep, goats and horses

The destructive and non-destructive sampling methods, the selection of the sampling sites and the rules for storage and transport of samples are described in standard ISO 17604.

Five carcases shall be sampled at random during each sampling session. Sample sites must be selected taking into account the slaughter technology used in each plant.

When sampling for analyses of Enterobacteriaceae and aerobic colony counts, four sites of each carcase shall be sampled. Four tissue samples representing a total of 20 cm^2 shall be obtained by the destructive method. When using the non-destructive method for this purpose, the sampling area shall cover a minimum of 100 cm^2 (50 cm^2 for small ruminant carcases) per sampling site.

When sampling for *Salmonella* analyses, an abrasive sponge sampling method shall be used. Areas most likely to be contaminated shall be selected. The total sampling area shall cover a minimum of 400 cm^2.

When samples are taken from the different sampling sites on the carcase, they shall be pooled before examination.

Sampling rules for poultry carcases

For the Salmonella analyses, a minimum of 15 carcases shall be sampled at random during each sampling session and after chilling. A piece of approximately 10 g from neck skin shall be obtained from each carcase. On each occasion the neck skin samples from three carcases shall be pooled before examination in order to form 5 × 25 g final samples.

Guidelines for sampling

More detailed guidelines on the sampling of carcases, in particular concerning the sampling sites, may be included in the guides to good practice referred to in Article 7 of Regulation (EC) No 852/2004.

Sampling frequencies for carcases, minced meat, meat preparations and mechanically separated meat

The food business operators of slaughterhouses or establishments producing minced meat, meat preparations or mechanically separated meat shall take samples for microbiological analysis at least once a week. The day of sampling shall be changed each week to ensure that each day of the week is covered.

As regards the sampling of minced meat and meat preparations for *E. coli* and aerobic colony count analyses and the sampling of carcases for Enterobacteriaceae and aerobic colony count analyses, the frequency may be reduced to fortnightly testing if satisfactory results are obtained for six consecutive weeks.

In the case of sampling for *Salmonella* analyses of minced meat, meat preparations and carcases, the frequency may be reduced to fortnightly if satisfactory results have been obtained for 30 consecutive weeks. The salmonella sampling frequency may also be reduced if there is a national or regional salmonella control programme in place and if this programme includes testing that replaces the sampling described in this paragraph. The sampling frequency may be further reduced if the national or regional salmonella control programme demonstrates that the salmonella prevalence is low in animals purchased by the slaughterhouse.

However, when justified on the basis of a risk analysis and consequently authorised by the competent authority, small slaughterhouses and establishments producing minced meat and meat preparations in small quantities may be exempted from these sampling frequencies.'

COMMISSION REGULATION (EC) No 1442/2007

of 6 December 2007

fixing the export refunds on white and raw sugar exported without further processing

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

(1) Article 32 of Regulation (EC) No 318/2006 provides that the difference between prices on the world market for the products listed in Article 1(1)(b) of that Regulation and prices for those products on the Community market may be covered by an export refund.

(2) Given the present situation on the sugar market, export refunds should therefore be fixed in accordance with the rules and certain criteria provided for in Articles 32 and 33 of Regulation (EC) No 318/2006.

(3) The first subparagraph of Article 33(2) of Regulation (EC) No 318/2006 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund according to destination.

(4) Refunds should be granted only on products that are allowed to move freely in the Community and that comply with the requirements of Regulation (EC) No 318/2006.

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 7 December 2007.

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

Done at Brussels, 6 December 2007.

For the Commission

Jean-Luc DEMARTY

Director-General for Agriculture and Rural Development

[1] OJ L 58, 28.2.2006, p. 1. Regulation as last amended by Commission Regulation (EC) No 247/2007 (OJ L 69, 9.3.2007, p. 3). Regulation (EC) No 318/2006 will be replaced by Regulation (EC) No 1234/2007 (OJ L 299, 16.11.2007, p. 1) as from 1 October 2008.

ANNEX

Export refunds on white and raw sugar exported without further processing applicable from 7 December 2007

Product code	Destination	Unit of measurement	Amount of refund
1701 11 90 9100	S00	EUR/100 kg	28,88 (1)
1701 11 90 9910	S00	EUR/100 kg	29,49 (1)
1701 12 90 9100	S00	EUR/100 kg	28,88 (1)
1701 12 90 9910	S00	EUR/100 kg	29,49 (1)
1701 91 00 9000	S00	EUR/1 % sucrose × 100 kg of net product	0,3140
1701 99 10 9100	S00	EUR/100 kg	31,40
1701 99 10 9910	S00	EUR/100 kg	32,06
1701 99 10 9950	S00	EUR/100 kg	32,06
1701 99 90 9100	S00	EUR/1 % sucrose × 100 kg of net product	0,3140

NB: The destinations are defined as follows:

S00 — All destinations with the exception of:

(a) third countries: Albania, Croatia, Bosnia-Herzegovina, Montenegro, Serbia, Kosovo, the former Yugoslav Republic of Macedonia, Andorra, Liechtenstein and the Holy See (Vatican City State);

(b) territories of the EU Member States not forming part of the customs territory of the Community: Ceuta, Melilla, the Communes of Livigno and Campione d'Italia, Heligoland, Greenland, the Faeroe Islands and the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control.

(c) European territories for whose external relations a Member State is responsible and not forming part of the customs territory of the Community: Gibraltar

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

COMMISSION REGULATION (EC) No 1443/2007

of 6 December 2007

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

(2) Pursuant to Article 8(1) of Regulation (EC) No 900/2007 and following an examination of the tenders submitted in response to the partial invitation to tender ending on 6 December 2007, it is appropriate to fix a maximum export refund for that partial invitation to tender.

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

HAS ADOPTED THIS REGULATION:

Article 1

For the partial invitation to tender ending on 6 December 2007, the maximum export refund for the product referred to in Article 1(1) of Regulation (EC) No 900/2007 shall be 37,062 EUR/100 kg.

Article 2

This Regulation shall enter into force on 7 December 2007.

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

Done at Brussels, 6 December 2007.

For the Commission

Jean-Luc DEMARTY

Director-General for Agriculture and Rural Development

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[1] OJ L 58, 28.2.2006, p. 1. Regulation as last amended by Commission Regulation (EC) No 247/2007 (OJ L 69, 9.3.2007, p. 3). Regulation (EC) No 318/2006 will be replaced by Regulation (EC) No 1234/2007 (OJ L 299, 16.11.2007, p. 1) as from 1 October 2008.

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

COMMISSION REGULATION (EC) No 1444/2007

of 6 December 2007

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

(2) Pursuant to Article 4(1) of Regulation (EC) No 1060/2007 and following an examination of the tenders submitted in response to the partial invitation to tender ending on 5 December 2007, it is appropriate to fix a maximum export refund for that partial invitation to tender.

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

HAS ADOPTED THIS REGULATION:

Article 1

For the partial invitation to tender ending on 5 December 2007, the maximum export refund for the product referred to in Article 1(1) of Regulation (EC) No 1060/2007 shall be 433,98 EUR/t.

Article 2

This Regulation shall enter into force on 7 December 2007.

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

Done at Brussels, 6 December 2007.

For the Commission

Jean-Luc DEMARTY

Director-General for Agriculture and Rural Development

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[1] OJ L 58, 28.2.2006, p. 1. Regulation as last amended by Commission Regulation (EC) No 247/2007 (OJ L 69, 9.3.2007, p. 3). Regulation (EC) No 318/2006 will be replaced by Regulation (EC) No 1234/2007 (OJ L 299, 16.11.2007, p. 1) as from 1 October 2008.

[2] OJ L 242, 15.9.2007, p. 8.

II

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

DECISIONS

COMMISSION

COMMISSION DECISION

of 4 December 2007

concerning the financial contribution by the Community, for the year 2007, towards studies, impact assessments and evaluations covering the areas of food safety, animal health and welfare and zootechnics

(2007/795/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field [1], and in particular Article 20 thereof,

Whereas:

(1) Pursuant to Decision 90/424/EEC, the Community may undertake, or assist the Member States or international organisations in undertaking, the technical and scientific measures necessary for the development of Community veterinary legislation and for the development of veterinary education or training.

(2) Studies, impact assessments as well as systematic and timely evaluations of expenditure programmes in the areas of food safety, animal health and welfare and zootechnics are essential in order to carry out those measures and will also support the actions identified in the Community Action Plan on the Protection and Welfare of Animals 2006-2010.

(3) All individual tasks are subject to specific contracts under an evaluation framework contract for which a call for tender was launched in 2004. Those specific contracts are to be signed between the Commission and the selected contractor as defined in the framework contract.

(4) Studies, impact assessments and evaluations covering the areas of food safety, animal health and welfare and zootechnics are to form part of the further development of Community veterinary legislation and the development of veterinary education or training and will also support the actions identified in the Community Action Plan on the Protection and Welfare of Animals 2006-2010.

(5) It is therefore appropriate for the Community to fund for the year 2007, studies, impact assessments and evaluations, covering the areas of food safety, animal health and welfare and zootechnics. The maximum amount to be allocated to these actions should be specified.

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

[1] OJ L 224, 18.8.1990, p. 19. Decision as last amended by Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p. 1).

HAS DECIDED AS FOLLOWS:

Sole Article

The actions referred to in the Annex are approved and shall be financed through the budget line 17 04 02 01 of the budget of the European Communities for 2007 up to a maximum of EUR 700 000.

Done at Brussels, 4 December 2007.

For the Commission
Markos KYPRIANOU
Member of the Commission

ANNEX

Domain: Food safety, animal health and welfare and zootechnics.

Legal basis: Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field.

Political objectives: The Community Action Plan on the Protection and Welfare of Animals 2006-2010 [1] identified several areas of action in particular the upgrading of existing minimum standards for animal protection and welfare and introducing standardised animal welfare indicators. Concerning animal transport, advice from scientific experts indicates that new appropriate rules on travelling times and loading densities are needed. Commissioner Kyprianou therefore announced several times as during the Agriculture Council in October 2007 that the Commission is studying this question with the aim of proposing a revision of Council Regulation (EC) No 1/2005 [2] in 2009.

As regards to animal welfare labelling, the Action Plan asks the Commission to submit a report on the possibility of a mandatory labelling scheme for chicken meat and meat products based on compliance with animal welfare standards and to report to the Council and the Parliament on the further application of measurable indicators in Community animal welfare legislation. Furthermore the Council invited the Commission in May 2007 [3] to submit a report to the Council on animal welfare labelling in order to allow an in-depth debate on this subject. For these reasons it is necessary to submit a broader study on the impact of animal welfare labelling and on an Animal Welfare Reference Center which could serve as European coordinating body for the different initiatives related to animal welfare (standardisation/certification of welfare indicators, auditing schemes, databases related to existing certified labels).

Assignments: Various types of studies and other services supporting the design and preparation of Commission proposals.

Studies and other services supporting the implementation of the Community Action Plan on the Protection and Welfare of Animals 2006-2010 have been scheduled for 2007, in particular for the preparation of impact assessments in relation to animal transport, slaughter and the preparation of a report on animal welfare labelling as requested by the Council.

Appropriations 2007: 17 04 02 01 — Other measures in the veterinary, animal welfare and public-health field: EUR 700 000.

Number of specific actions planned: Approximately four.

All actions shall be governed by common public procurement rules and will be carried out through specific contracts under a framework contract. Specific contracts will be signed during the last quarter of 2007.

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[1] Communication from the Commission to the European Parliament and the Council on a Community Action Plan on the Protection and Welfare of Animals 2006-2010, COM(2006) 13 final.

[2] OJ L 3, 5.1.2005, p. 1.

[3] Conference on 'Animal Welfare' — Improving by Labelling? — Council Conclusions, http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/agricult/94008.pdf

COMMISSION DECISION

of 5 December 2007

amending Decision 2007/554/EC concerning certain protection measures against foot-and-mouth disease in the United Kingdom

(notified under document number C(2007) 5890)

(Text with EEA relevance)

(2007/796/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market [1], and in particular Article 9(4) thereof,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market [2], and in particular Article 10(4) thereof,

Having regard to Council Directive 2003/85/EC of 29 September 2003 on Community measures for the control of foot-and-mouth disease repealing Directive 85/511/EEC and Decisions 89/531/EEC and 91/665/EEC, and amending Directive 92/46/EEC [3], and in particular Article 60(2) and Article 62(1) and (3) thereof,

Whereas:

(1) Following recent outbreaks of foot-and-mouth disease in Great Britain, Commission Decision 2007/554/EC of 9 August 2007 concerning certain protection measures against foot-and-mouth disease in the United Kingdom repealing Decision 2007/552/EC [4] was adopted to reinforce the control measures against foot-and-mouth disease taken by that Member State in the framework of Directive 2003/85/EC.

(2) Decision 2007/554/EC lays down rules applicable to the dispatch from the high risk areas, listed in Annex I, and the low risk areas listed in Annex II, to that Decision (restricted areas), in Great Britain of products considered safe that either were produced before the restrictions were put in place in the United Kingdom, from raw material sourced from outside those restricted areas, or that have undergone a treatment proven effective in in-activating possible foot-and-mouth disease virus.

(3) In Decision 2007/554/EC, as amended by Decision 2007/664/EC, the Commission laid down rules for the dispatch of certain categories of meat from certain areas listed in Annex III to Decision 2007/554/EC, as thus amended, that have not recorded any outbreak of foot-and-mouth disease for a period of at least 90 days prior to slaughter and which comply with certain specified conditions.

(4) On the basis of the evolution of the animal health situation in the United Kingdom, and in particular the results of the ongoing surveillance, it is now possible to further enlarge the areas listed in Annex II and to reduce the area consisting of administrative units listed in Annex I to Decision 2007/554/EC.

(5) Decision 2007/554/EC should therefore be amended accordingly.

(6) 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

Annexes I, II and III to Decision 2007/554/EC are replaced by the text in the Annex.

Article 2

Implementation

Member States shall amend the measures which they apply to trade so as to bring them into compliance with this Decision. They shall immediately inform the Commission thereof.

[1] OJ L 395, 30.12.1989, p. 13. Directive as last amended by Directive 2004/41/EC of the European Parliament and of the Council (OJ L 157, 30.4.2004, p. 33, as corrected by OJ L 195, 2.6.2004, p. 12).

[2] OJ L 224, 18.8.1990, p. 29. Directive as last amended by Directive 2002/33/EC of the European Parliament and of the Council (OJ L 315, 19.11.2002, p. 14).

[3] OJ L 306, 22.11.2003, p. 1. Directive as last amended by Directive 2006/104/EC (OJ L 363, 20.12.2006, p. 352).

[4] OJ L 210, 10.8.2007, p. 36. Decision as last amended by Decision 2007/746/EC (OJ L 303, 21.11.2007, p. 24).

Article 3

Addressees

This Decision is addressed to the Member States.

Done at Brussels, 5 December 2007.

For the Commission
Markos KYPRIANOU
Member of the Commission

ANNEX

'ANNEX I

The following areas in the United Kingdom:

1	2	3
GROUP	ADNS	Administrative Unit
England	41	Bracknell Forest Borough
	66	Slough
	76	Windsor and Maidenhead
	77	Wokingham
	138	Buckinghamshire County, the districts of: South Buckinghamshire
	148	Hampshire County, the districts of: Hart Rushmoor
	163	Surrey
	168	Greater London Authority, the boroughs of: Hillingdon Hounslow Richmond upon Thames Kingston upon Thames Ealing Harrow Brent Hammersmith and Fulham Wandsworth Merton Sutton

ANNEX II

The following areas in the United Kingdom:

Great Britain with the exception of the areas listed in Annex I.

ANNEX III

The following areas listed in Annex I shall have the status of areas listed in Annex III:

1	2	3	4	5	6	7	8
GROUP	ADNS	Administrative Unit	B	S/G	P	FG	WG
England	41	Bracknell Forest	+	+	+	+	
	66	Slough	+	+	+	+	
	76	Windsor and Maidenhead	+	+	+	+	
	77	Wokingham	+	+	+	+	
	138	Buckinghamshire County, the districts of:					
		South Buckinghamshire	+	+	+	+	
	148	Hampshire County, the districts of:					
		Hart	+	+	+	+	
		Rushmoor	+	+	+	+	
	163	Surrey County	+	+	+	+	
	168	Greater London Authority, the boroughs of:					
		Hillingdon	+	+	+	+	
		Hounslow	+	+	+	+	
		Richmond upon Thames	+	+	+	+	
		Kingston upon Thames	+	+	+	+	
		Ealing	+	+	+	+	
		Harrow	+	+	+	+	
		Brent	+	+	+	+	
		Hammersmith and Fulham	+	+	+	+	
		Wandsworth	+	+	+	+	
		Merton	+	+	+	+	
		Sutton	+	+	+	+	

ADNS = Animal Disease Notification System Code (Decision 2005/176/EC)
B = bovine meat
S/G = sheep and goat meat (meat of ovine and caprine animals)
P = pig meat (meat of porcine animals)
FG = farmed game of species susceptible to foot-and-mouth disease
WG = wild game of species susceptible to foot-and-mouth disease'