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Price: EUR 26

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⁽¹⁾ Text with EEA relevance

I

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

DECISIONS ADOPTED JOINTLY BY THE EUROPEAN PARLIAMENT AND THE
COUNCIL

DECISION No 1530/2007/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 24 October 2007

**on the mobilisation of the EU Solidarity Fund according to point 26 of the Interinstitutional
Agreement of 17 May 2006 between the European Parliament, the Council and the Commission
on budgetary discipline and sound financial management**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE
EUROPEAN UNION,

Having regard to the Interinstitutional Agreement of 17 May
2006 between the European Parliament, the Council and the
Commission on budgetary discipline and sound financial
management ⁽¹⁾, and in particular point 26 thereof,

Having regard to Council Regulation (EC) No 2012/2002 of
11 November 2002 establishing the European Union Solidarity
Fund ⁽²⁾,

Having regard to the proposal from the Commission,

Whereas:

- (1) The European Union has created a European Union Solidarity Fund (the Fund) to show solidarity with the population of regions struck by disasters.
- (2) The Interinstitutional Agreement of 17 May 2006 allows the mobilisation of the Fund within the annual ceiling of EUR 1 billion.
- (3) Regulation (EC) No 2012/2002 contains the provisions whereby the Fund may be mobilised.

- (4) Germany and France submitted applications to mobilise the Fund, concerning two disasters caused by a major storm and a tropical cyclone respectively,

HAVE DECIDED AS FOLLOWS:

Article 1

For the general budget of the European Union for the financial year 2007, the European Union Solidarity Fund shall be mobilised to provide the sum of EUR 172 195 985 in commitment and payment appropriations.

Article 2

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

Done at Strasbourg, 24 October 2007.

For the European Parliament

The President

H.-G. PÖTTERING

For the Council

The President

M. LOBO ANTUNES

⁽¹⁾ OJ C 139, 14.6.2006, p. 1.

⁽²⁾ OJ L 311, 14.11.2002, p. 3.

REGULATIONS

COUNCIL REGULATION (EC) No 1531/2007

of 10 December 2007

on trade in certain steel products between the European Community and the Republic of Kazakhstan

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) Article 17(1) of the Partnership and Cooperation Agreement between the European Communities and their Member States, and the Republic of Kazakhstan ⁽¹⁾ provides that trade in certain steel products are to be subject to a specific agreement on quantitative arrangements.
- (2) The bilateral agreement between the European Community and the Government of the Republic of Kazakhstan on trade in certain steel products ⁽²⁾ concluded on 19 July 2005 has expired on 31 December 2006. In 2007 autonomous measures established by Council Regulation (EC) No 1870/2006 ⁽³⁾ have governed the trade in certain steel products between the European Community and Kazakhstan.
- (3) Both Parties intend to conclude a new agreement for 2008 and subsequent years.
- (4) Pending the signature and entry into force of the new agreement, quantitative limits for the year 2008 should be established.
- (5) Given that the conditions that led to the fixing of the quantitative limits for 2007 remain largely in place, it is appropriate to set the quantitative limits for 2008 at the same level as that of 2007.
- (6) It is necessary to provide the means to administer this regime within the Community in such a way as to facilitate the implementation of the new agreement by envisaging as much as possible similar provisions.
- (7) It is necessary to ensure that the origin of the products in question is checked and appropriate methods of administrative cooperation are set up to this end.
- (8) Products placed in a free zone or imported under the arrangements governing customs warehouses, temporary importation or inward processing (suspension system) should not be counted against the limits established for the products in question.
- (9) The effective application of this Regulation calls for the introduction of a requirement for a Community import licence for the entry into free circulation in the Community of the products in question.
- (10) In order to ensure that these quantitative limits are not exceeded, it is necessary to establish a management procedure whereby the competent authorities of the Member States do not issue import licences before obtaining confirmation from the Commission that appropriate amounts remain available within the quantitative limit in question.

HAS ADOPTED THIS REGULATION:

Article 1

1. This Regulation shall apply from 1 January 2008 to 31 December 2008 to imports into the Community of steel products listed in Annex I originating in the Republic of Kazakhstan.

⁽¹⁾ OJ L 196, 28.7.1999, p. 3.

⁽²⁾ OJ L 232, 8.9.2005, p. 64.

⁽³⁾ OJ L 360, 19.12.2006, p. 1.

2. The steel products shall be classified in product groups as set out in Annex I.

3. The classification of products listed in Annex I shall be based on the Combined Nomenclature (CN) established by Council Regulation (EEC) No 2658/87⁽¹⁾.

4. The origin of the products referred to in paragraph 1 shall be determined in accordance with the rules in force in the Community.

Article 2

1. The importation into the Community of the steel products listed in Annex I originating in the Republic of Kazakhstan shall be subject to the quantitative limits laid down in Annex V. The release for free circulation in the Community of the products set out in Annex I originating in the Republic of Kazakhstan shall be subject to the presentation of a certificate of origin, set out in Annex II, and of an import licence issued by the Member States' authorities in accordance with the provisions of Article 4.

2. In order to ensure that quantities for which import licences are issued do not exceed at any moment the total quantitative limits for each product group, the competent authorities listed in Annex IV shall issue import licences only upon confirmation by the Commission that there are still quantities available within the quantitative limits for the relevant product group of steel products in respect of the supplier country, for which an importer or importers have submitted applications to the said authorities.

3. The authorised imports shall be counted against the relevant quantitative limit set out in Annex V. Shipment of products shall be considered as having taken place on the date on which they were loaded onto the exporting means of transport.

Article 3

1. The quantitative limits referred to in Annex V shall not apply to products placed in a free zone or free warehouse or imported under the arrangements governing customs warehouses, temporary importation or inward processing (suspension system).

2. Where the products referred to in paragraph 1 are subsequently released for free circulation, either in the unaltered state or after working or processing, Article 2(2) shall apply and the products so released shall be counted against the relevant quantitative limit set out in Annex V.

Article 4

1. For the purpose of applying Article 2(2), before issuing import licences, the competent authorities of the Member States listed in Annex IV shall notify the Commission of the amounts of the requests for import licences, supported by original export

licences, which they have received. By return, the Commission shall notify whether the requested amount(s) of quantities are available for importation in the chronological order in which the notifications of the Member States are received (first come, first served basis).

2. The requests included in the notifications to the Commission shall be valid if they establish clearly in each case the exporting country, the product code concerned, the amounts to be imported, the number of the export licence, the quota year and the Member State in which the products are intended to be put into free circulation.

3. As far as possible, the Commission shall confirm to the authorities the full amount indicated in the requests notified for each group of products.

4. The competent authorities shall notify the Commission immediately after being informed of any quantity that is not used during the duration of validity of the import licence. Such unused quantities shall automatically be transferred into the remaining quantities of the total Community quantitative limit for each product group.

5. The notifications referred to in paragraphs 1 to 4 shall be communicated electronically within the integrated network set up for this purpose, unless for imperative technical reasons it is necessary to use other means of communication temporarily.

6. The import licences or equivalent documents shall be issued in accordance with Articles 12 to 16.

7. The competent authorities of the Member States shall notify the Commission of any cancellation of import licences or equivalent documents already issued in cases where the corresponding export licences have been withdrawn or cancelled by the competent authorities of the Republic of Kazakhstan. However, if the Commission or the competent authorities of a Member State have been informed by the competent authorities of the Republic of Kazakhstan of the withdrawal or cancellation of an export licence after the related products have been imported into the Community, the quantities in question shall be set off against the relevant quantitative limit set out in Annex V.

Article 5

1. Where the Commission has indications that products listed in Annex I originating in the Republic of Kazakhstan have been transhipped, rerouted or otherwise imported into the Community through circumvention of the quantitative limits referred to in Article 2 and that there is a need for the necessary adjustments to be made, it shall request that consultations be opened so that agreement may be reached on the necessary adjustment of the corresponding quantitative limits to be made.

⁽¹⁾ OJ L 256, 7.9.1987, p. 1. Regulation as last amended by Commission Regulation (EC) No 1352/2007 (OJ L 303, 21.11.2007, p. 3).

2. Pending the outcome of the consultations referred to in paragraph 1, the Commission may ask the Republic of Kazakhstan to take the necessary precautionary steps to ensure that adjustments to the quantitative limits agreed following such consultations may be carried out.

3. Should the Community and the Republic of Kazakhstan fail to arrive at a satisfactory solution and should the Commission note that there is clear evidence of circumvention, the Commission shall deduct from the quantitative limits an equivalent volume of products originating in the Republic of Kazakhstan.

Article 6

1. An export licence (to be issued by the competent authorities of the Republic of Kazakhstan) shall be required in respect of any consignment of steel products subject to the quantitative limits laid down in Annex V up to the level of the said limits.

2. The original of the export licence shall be presented by the importer for the purposes of the issue of the import licence referred to in Article 12.

Article 7

1. The export licence for quantitative limits shall conform to the specimen set out in Annex II and shall certify, *inter alia*, that the quantity of goods in question has been set off against the quantitative limit established for the product group concerned.

2. Each export licence shall cover only one of the product groups listed in Annex I.

Article 8

Exports shall be set off against the relevant quantitative limits set out in Annex V and shipped within the meaning of Article 2(3).

Article 9

1. The export licence referred to in Article 6 may include additional copies duly indicated as such. The export licence and the copies thereof as well as the certificate of origin and the copies thereof shall be drawn up in English.

2. If the documents referred to in paragraph 1 are completed by hand, entries must be in ink and in block letters.

3. The export licences or equivalent documents shall measure 210 × 297 mm. The paper shall be white writing paper, sized, not containing mechanical pulp and weighing not less than 25 g/m². Each part shall have a printed guilloche pattern background making any falsification by mechanical or chemical means apparent to the eye.

4. Only the original shall be accepted by the competent authorities in the Community as being valid for import purposes in accordance with the provisions of this Regulation.

5. Each export licence or equivalent document shall bear a standardised serial number, whether or not printed, by which it can be identified.

6. The serial number shall be composed of the following elements:

— two letters identifying the exporting country as follows:

KZ = Republic of Kazakhstan,

— two letters identifying the Member State of intended destination as follows:

BE = Belgium

BG = Bulgaria

CZ = Czech Republic

DK = Denmark

DE = Germany

EE = Estonia

GR = Greece

ES = Spain

FR = France

IE = Ireland

IT = Italy

CY = Cyprus

LV = Latvia

LT = Lithuania

LU = Luxembourg

HU = Hungary

MT = Malta

NL = Netherlands

AT = Austria

PL = Poland

PT = Portugal

RO = Romania

SI = Slovenia

SK = Slovakia

FI = Finland

SE = Sweden

GB = United Kingdom,

- a one-digit number identifying the quota year corresponding to the last figure in the year in question, e.g. '4' for 2004,
- a two-digit number identifying the issuing office in the exporting country,
- a five-digit number running consecutively from 00 001 to 99 999 allocated to the specific Member State of destination.

Article 10

The export licence may be issued after the shipment of the products to which it relates. In such cases it shall bear the endorsement 'issued retrospectively'.

Article 11

In the event of the theft, loss or destruction of an export licence, the exporter may apply to the competent authority which issued the document for a duplicate to be made out on the basis of the export documents in his possession.

The duplicate licence issued in this way shall bear the endorsement 'duplicate'. It shall bear the date of the original licence.

Article 12

1. To the extent that the Commission pursuant to Article 4 has confirmed that the amount requested is available within the quantitative limit in question, the competent authorities of the Member States shall issue an import licence within a maximum of five working days of the presentation by the importer of the original of the corresponding export licence. This presentation must be effected not later than 31 March of the year following that in which the goods covered by the licence have been shipped. Import licences shall be issued by the competent authorities of any Member State irrespective of the Member State indicated on the export licence, to the extent that the Commission, pursuant to Article 4, has confirmed that the amount requested is available within the quantitative limit in question.

2. The import licences shall be valid for four months from the date of their issue. Upon duly motivated request by an importer, the competent authorities of a Member State may extend the duration of validity for a further period not exceeding four months.

3. Import licences shall be drawn up in the form set out in Annex III and shall be valid throughout the customs territory of the Community.

4. The declaration or request made by the importer in order to obtain the import licence shall contain:

- (a) the full name and address of the exporter;
- (b) the full name and address of the importer;
- (c) the exact description of the goods and the TARIC code(s);
- (d) the country of origin of the goods;
- (e) the country of consignment;
- (f) the appropriate product group and the quantity for the products in question;
- (g) the net weight by TARIC heading;
- (h) the c.i.f. value of the products at Community frontier by TARIC heading;
- (i) whether the products concerned are seconds or of substandard quality;
- (j) where appropriate, dates of payment and delivery and a copy of the bill of lading and of the purchase contract;
- (k) date and number of the export licence;
- (l) any internal code used for administrative purposes;
- (m) date and signature of importer.

5. Importers shall not be obliged to import the total quantity covered by an import licence in a single consignment.

Article 13

The validity of import licences issued by the authorities of the Member States shall be subject to the validity of export licences and the quantities indicated in the export licences issued by the competent authorities of the Republic of Kazakhstan on the basis of which the import licences have been issued.

Article 14

Import licences or equivalent documents shall be issued by the competent authorities of the Member States in conformity with Article 2(2) and without discrimination to any importer in the Community wherever the place of his establishment may be in the Community, without prejudice to compliance with other conditions required under the current rules.

Article 15

1. If the Commission finds that the total quantities covered by export licences issued by the Republic of Kazakhstan for a particular product group exceed the quantitative limit established for that product group, the competent licence authorities in the Member States shall be informed immediately in order to suspend the further issue of import licences. In this event, consultations shall be initiated forthwith by the Commission.

2. The competent authorities of a Member State shall refuse to issue import licences for products originating in the Republic of Kazakhstan which are not covered by export licences issued in accordance with the provisions of Articles 6 to 11.

Article 16

1. The forms to be used by the competent authorities of the Member States for issuing the import licences referred to in Article 12 shall conform to the specimen of the import licence set out in Annex III.

2. Import licence forms and extracts thereof shall be drawn up in duplicate, one copy, marked 'Holder's copy' and bearing the number 1 to be issued to the applicant, and the other, marked 'Copy for the issuing authority' and bearing the number 2, to be kept by the authority issuing the licence. For administrative purposes the competent authorities may add additional copies to form 2.

3. Forms shall be printed on white paper free of mechanical pulp, dressed for writing and weighing between 55 and 65 g/m². Their size shall be 210 × 297 mm; the type space between the lines shall be 4,24 mm (one sixth of an inch); the layout of the forms shall be followed precisely. Both sides of copy No 1, which is the licence itself, shall in addition have a red printed guilloche pattern background so as to reveal any falsification by mechanical or chemical means.

4. Member States shall be responsible for having the forms printed. The forms may also be printed by printers appointed by the Member State in which they are established. In the latter case, reference to the appointment by the Member State must appear on each form. Each form shall bear an identification of the printer's name and address or a mark enabling the printer to be identified.

5. At the time of their issue the import licences or extracts shall be given an issue number determined by the competent

authorities of the Member State. The import licence number shall be notified to the Commission electronically within the integrated network set up under Article 4.

6. Licences and extracts shall be completed in the official language, or one of the official languages, of the Member State of issue.

7. In box 10 the competent authorities shall indicate the appropriate steel product group.

8. The marks of the issuing agencies and debiting authorities shall be applied by means of a stamp. However, an embossing press combined with letters or figures obtained by means of perforation, or printing on the licence may be substituted for the issuing authority's stamp. The issuing authorities shall use any tamper-proof method to record the quantity allocated in such a way as to make it impossible to insert figures or references.

9. The reverse of copy No 1 and copy No 2 shall bear a box in which quantities may be entered, either by the customs authorities when import formalities are completed, or by the competent administrative authorities when an extract is issued. If the space set aside for debits on a licence or extract thereof is insufficient, the competent authorities may attach one or more extension pages bearing boxes matching those on the reverse of copy No 1 and copy No 2 of the licence or extract. The debiting authorities shall place their stamp in such a way that one half is on the licence or extract thereof and the other half is on the extension page. If there is more than one extension page, a further stamp shall be placed in like manner across each page and the preceding page.

10. Import licences and extracts issued, and entries and endorsements made, by the authorities of one Member State shall have the same legal effect in each of the other Member States as documents issued, and entries and endorsements made, by the authorities of such Member States.

11. The competent authorities of the Member States concerned may, where indispensable, require the contents of licences or extracts to be translated into the official language or one or the official languages of that Member State.

Article 17

This Regulation shall enter into force on the day 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, 10 December 2007.

For the Council
The President
L. AMADO

ANNEX I

SA Flat-rolled products

SA1. Coils	SA2. Heavy Plate	SA3. Other flat rolled products		
7208 10 00 00	7208 40 00 10	7208 40 00 90	7210 49 00 10	7212 50 40 11
7208 25 00 00	7208 51 20 00	7208 53 90 00	7210 50 00 10	7212 50 61 11
7208 26 00 00		7208 54 00 00	7210 61 00 10	7212 50 69 11
7208 27 00 00	7208 51 91 00		7210 69 00 10	7212 50 90 13
7208 36 00 00		7208 90 80 10	7210 70 10 10	
7208 37 00 10	7208 51 98 00		7210 70 80 10	7212 60 00 11
7208 37 00 90	7208 52 91 00	7209 15 00 00	7210 90 30 10	7212 60 00 91
7208 38 00 10	7208 52 10 00		7210 90 40 10	7219 21 10 00
7208 38 00 90	7208 52 99 00	7209 16 10 00	7210 90 80 91	7219 21 90 00
7208 39 00 10	7208 53 10 00		7211 14 00 90	7219 22 10 00
7208 39 00 90	7211 13 00 00	7209 16 90 00		7219 22 90 00
7211 14 00 10		7209 17 10 00	7211 19 00 90	7219 23 00 00
7211 19 00 10		7209 17 90 00		7219 24 00 00
7219 11 00 00		7209 18 10 00	7211 23 20 10	7219 31 00 00
7219 12 10 00		7209 18 91 00		
7219 12 90 00		7209 18 99 00	7211 23 30 10	7219 32 10 00
7219 13 10 00		7209 25 00 00	7211 23 30 91	
7219 13 90 00		7209 26 10 00	7211 23 80 10	7219 32 90 00
7219 14 10 00		7209 26 90 00	7211 23 80 91	
7219 14 90 00		7209 27 10 00	7211 29 00 10	7219 33 10 00
7225 30 10 00		7209 27 90 00	7211 90 80 10	7219 33 90 00
7225 30 30 10		7209 28 10 00	7212 10 10 00	
7225 30 90 00		7209 28 90 00	7212 10 90 11	7219 34 10 00
7225 40 15 10		7209 90 80 10	7212 20 00 11	7219 34 90 00
7225 50 20 10		7210 11 00 10	7212 30 00 11	
		7210 12 20 10	7212 40 20 10	7219 35 10 00
		7210 12 80 10	7212 40 20 91	7219 35 90 00
		7210 20 00 10	7212 40 80 11	
		7210 30 00 10	7212 50 20 11	7225 40 12 90
		7210 41 00 10	7212 50 30 11	7225 40 90 00

ANNEX II

EXPORT LICENCE

1. Exporter (name, full address, country)	ORIGINAL		2. No	
	3. Year		4. Product group	
5. Consignee (name, full address, country)	EXPORT LICENCE			
	6. Country of origin		7. Country of destination	
8. Place and date of shipment — means of transport	9. Supplementary details			
10. Description of goods — manufacturer	11. TARIC code	12. Quantity ⁽¹⁾	13. Fob value ⁽²⁾	
<p>14. CERTIFICATION BY THE COMPETENT AUTHORITY</p> <p>I, the undersigned, certify that the goods described above have been charged against the quantitative limit established for the year shown in box No 3 in respect of the Product group shown in box No 4 by the provisions regulating trade in certain steel products with the European Community.</p>				
15. Competent authority (name, full address, country)	At on			
	(Signature)		(Stamp)	

⁽¹⁾ Show net weight (kg) and also quantity in the unit prescribed where other than net weight.
⁽²⁾ In the currency of the sale contract.

EXPORT LICENCE

1. Exporter (name, full address, country)	COPY		2. No
	3. Year		4. Product group
5. Consignee (name, full address, country)	EXPORT LICENCE		
	6. Country of origin		7. Country of destination
8. Place and date of shipment — means of transport	9. Supplementary details		
10. Description of goods — manufacturer	11. TARIC code	12. Quantity ⁽¹⁾	13. Fob value ⁽²⁾
<p>14. CERTIFICATION BY THE COMPETENT AUTHORITY</p> <p>I, the undersigned, certify that the goods described above have been charged against the quantitative limit established for the year shown in box No 3 in respect of the Product group shown in box No 4 by the provisions regulating trade in certain steel products with the European Community.</p>			
15. Competent authority (name, full address, country)	At on <div style="display: flex; justify-content: space-around;"> (Signature) (Stamp) </div>		

⁽¹⁾ Show net weight (kg) and also quantity in the unit prescribed where other than net weight.
⁽²⁾ In the currency of the sale contract.

CERTIFICATE OF ORIGIN

1. Exporter (name, full address, country)	ORIGINAL		2. No	
	3. Year		4. Product group	
5. Consignee (name, full address, country)	CERTIFICATE OF ORIGIN (for certain steel products)			
	6. Country of origin		7. Country of destination	
8. Place and date of shipment — means of transport	9. Supplementary details			
10. Description of goods — manufacturer	11. CN code	12. Quantity ⁽¹⁾	13. Fob value ⁽²⁾	
<p>14. CERTIFICATION BY THE COMPETENT AUTHORITY</p> <p>I, the undersigned, certify that the goods described above originated in the country shown in box No 6, in accordance with the provisions in force in the European Community.</p>				
15. Competent authority (name, full address, country)	At on			
	(Signature)		(Stamp)	

⁽¹⁾ Show net weight (kg) and also quantity in the unit prescribed where other than net weight.
⁽²⁾ In the currency of the sale contract.

CERTIFICATE OF ORIGIN

1. Exporter (name, full address, country)	COPY		2. No
	3. Year		4. Product group
5. Consignee (name, full address, country)	CERTIFICATE OF ORIGIN (for certain steel products)		
	6. Country of origin		7. Country of destination
8. Place and date of shipment — means of transport	9. Supplementary details		
10. Description of goods — manufacturer	11. CN code	12. Quantity ⁽¹⁾	13. Fob value ⁽²⁾
<p>14. CERTIFICATION BY THE COMPETENT AUTHORITY</p> <p>I, the undersigned, certify that the goods described above originated in the country shown in box No 6, in accordance with the provisions in force in the European Community.</p>			
15. Competent authority (name, full address, country)	At on <div style="display: flex; justify-content: space-around;"> (Signature) (Stamp) </div>		

⁽¹⁾ Show net weight (kg) and also quantity in the unit prescribed where other than net weight.
⁽²⁾ In the currency of the sale contract.

ANNEX III

European Community import licence

Holder's copy	1.	1. Consignee (name, full address, country, VAT number)	2. Issue number
			3. Year
			4. Authority responsible for issue (name, address and telephone No)
		5. Declarant/representative as applicable (name and full address)	6. Country of origin (and geonomenclature code)
			7. Country of consignment (and geonomenclature code)
			8. Last day of validity
	1.		
		9. Description of goods	10. TARIC code
		11. Quantity expressed in quota unit	
		12. Security/guarantee (as applicable)	
	13. Further particulars		
	14. Competent authority's endorsement		
	Date:		
	(Signature)	(Stamp)	

15. ATTRIBUTIONS			
Indicate the quantity available in part 1 of column 17 and the quantity attributed in part 2 thereof			
16. Net quantity (net mass or other unit of measure stating the unit)		19. Customs document (form and number) or extract No and date of attribution	20. Name, Member State, stamp and signature of the attributing authority
17. In figures	18. In words for the quantity attributed		
1.			
2.			
1.			
2.			
1.			
2.			
1.			
2.			
1.			
2.			
1.			
2.			
1.			
2.			

Extension pages to be attached hereto.

European Community import licence

Copy for the issuing authority	2.	1. Consignee (name, full address, country, VAT number)	2. Issue number
			3. Year
			4. Authority responsible for issue (name, address and telephone No)
		5. Declarant/representative as applicable (name and full address)	6. Country of origin (and geonomenclature code)
			7. Country of consignment (and geonomenclature code)
			8. Last day of validity
	2.		
		9. Description of goods	10. TARIC code
		11. Quantity expressed in quota unit	
		12. Security/guarantee (as applicable)	
	13. Further particulars		
	14. Competent authority's endorsement		
	Date:		
	(Signature)	(Stamp)	

15. ATTRIBUTIONS			
Indicate the quantity available in part 1 of column 17 and the quantity attributed in part 2 thereof			
16. Net quantity (net mass or other unit of measure stating the unit)		19. Customs document (form and number) or extract No and date of attribution	20. Name, Member State, stamp and signature of the attributing authority
17. In figures	18. In words for the quantity attributed		
1.			
2.			
1.			
2.			
1.			
2.			
1.			
2.			
1.			
2.			
1.			
2.			
1.			
2.			

Extension pages to be attached hereto.

ANNEX IV

СПИСЪК НА КОМПЕТЕНТНИТЕ НАЦИОНАЛНИ ОРГАНИ
LISTA DE LAS AUTORIDADES NACIONALES COMPETENTES
SEZNAM PŘÍSLUŠNÝCH VNITROSTÁTNÍCH ORGÁNŮ
LISTE OVER KOMPETENTE NATIONALE MYNDIGHEDER
LISTE DER ZUSTÄNDIGEN BEHÖRDEN DER MITGLIEDSTAATEN
PĀDEVĀTE RIIKLIKE ASUTUSTE NIMEKIRI
ΔΙΕΥΘΥΝΣΕΙΣ ΤΩΝ ΑΡΧΩΝ ΕΚΔΟΣΗΣ ΑΔΕΙΩΝ ΤΩΝ ΚΡΑΤΩΝ ΜΕΛΩΝ
LIST OF THE COMPETENT NATIONAL AUTHORITIES
LISTE DES AUTORITÉS NATIONALES COMPÉTENTES
ELENCO DELLE COMPETENTI AUTORITÀ NAZIONALI
VALSTU KOMPETENTO IESTĀŽU SARAKSTS
ATSAKINGŲ NACIONALINIŲ INSTITUCIJŲ SĄRAŠAS
AZ ILLETÉKES NEMZETI HATÓSÁGOK LISTÁJA
LISTA TA' L-AWTORITAJIET KOMPETENTI NAZZJONALI
LIJST VAN BEVOEGDE NATIONALE AUTORITEITEN
WYKAZ WŁAŚCIWYCH ORGANÓW KRAJOWYCH
LISTA DAS AUTORIDADES NACIONAIS COMPETENTES
LISTA AUTORITĂȚILOR NAȚIONALE COMPETENTE
ZOZNAM PRÍSLUŠNÝCH ŠTÁTNYCH ORGÁNOV
SEZNAM PRISTOJNIH NACIONALNIH ORGANOV
LUETTELO TOIMIVALTAISISTA KANSALLISISTA VIRANOMAISISTA
FÖRTECKNING ÖVER BEHÖRIGA NATIONELLA MYNDIGHETER

BELGIQUE/BELGIË

Service public fédéral de l'économie, des PME,
des classes moyennes et de l'énergie
Direction générale du potentiel économique
Service des licences
Rue de Louvain 44
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Federale Overheidsdienst Economie, KMO,
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Министерство на икономиката и енергетиката
дирекция 'Регистриране, лицензиране и контрол'
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Licenční správa
Na Františku 32
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(BAFA)
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Earlsfort Centre
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ΕΛΛΑΔΑ

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Γενική Διεύθυνση Διεθνούς Οικονομικής Πολιτικής
Διεύθυνση Καθιστών Εισαγωγών-Εξαγωγών,
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Bureau textile-importations
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Ministero delle Attività produttive
Direzione generale per la politica commerciale e
per la gestione del regime degli scambi
Viale America, 341
I-00144 Roma
Fax (39) 06 59 93 22 35/59 93 26 36

ΚΥΠΡΟΣ

Υπουργείο Εμπορίου, Βιομηχανίας και Τουρισμού
Υπηρεσία Εμπορίου
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Direcção-Geral das Alfândegas e dos Impostos
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Import Licensing Branch
Queensway House — West Precinct
Billingham
UK-TS23 2NF
Fax + (44-1642) 36 42 69

ANNEX V

QUANTITATIVE LIMITS

<i>(tonnes)</i>	
Products	Year 2008
SA. Flat products	
SA1. Coils	87 125
SA2. Heavy plate	0
SA3. Other flat products	117 875

COUNCIL REGULATION (EC) No 1532/2007

of 17 December 2007

amending Regulation (EEC) No 3491/90 on imports of rice originating in Bangladesh

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) Article 1 of Council Regulation (EEC) No 3491/90⁽¹⁾ provides for reductions in the import levies on rice imports from that country. Those reductions corresponded, on the one hand, to amounts fixed in ecus and, on the other hand, to the amount for the protection of the industry referred to in Article 14(3) of Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organisation of the market in rice⁽²⁾.
- (2) Since the arrangement was adopted, numerous changes have been made to the applicable horizontal rules but Regulation (EEC) No 3491/90 has not been amended accordingly. The factors provided for in Article 1 of that Regulation for calculating the duties applicable to imports must be applied having regard to the horizontal rules concerned, which creates a risk of diverging interpretations.
- (3) More particularly, from 1 July 1995, variable import levies were converted into customs duties, following the adoption of Council Regulation (EC) No 3290/94 of 22 December 1994 on the adjustments and transitional arrangements required in the agriculture sector in order to implement the agreements concluded during the Uruguay Round of multilateral trade negotiations⁽³⁾.
- (4) The concept of 'an amount for the protection of the industry' was abolished from 1 July 2006 by Council Regulation (EC) No 797/2006 of 22 May 2006 amending Regulation (EC) No 1785/2003 as regards the arrangements for importing rice⁽⁴⁾.

- (5) The switch-over mechanism introduced in 1984 in the Community agrimonetary system, the purpose of which was to prevent agricultural exchange rates from developing in line with monetary rates, was abolished on 1 February 1995 by Council Regulation (EC) No 150/95 of 23 January 1995 amending Regulation (EEC) No 3813/92 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy⁽⁵⁾. When Regulation (EEC) No 3813/92 was repealed from 1 January 1999 by Council Regulation (EC) No 2799/98 of 15 December 1998 establishing agrimonetary arrangements for the euro⁽⁶⁾, the prices and amounts provided for in the common agricultural policy (CAP) expressed in ecus were increased in parallel by applying a correcting factor of 1,207509, to cancel out the effects of bringing the conversion rates used under the CAP back to a realistic level, and the same coefficient of 1,207509 was therefore applied from 1 February 1995 to the amounts provided for in Article 1 of Regulation (EEC) No 3491/90.
- (6) Regulation (EEC) No 3491/90 should therefore be amended to make it clear what factors are to be taken into account for calculating the import duties applicable to rice originating in Bangladesh imported under that Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 3491/90 is hereby amended as follows:

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

'1. For imports originating in Bangladesh and within the limits of the quantities laid down in Article 2, the import duty on rice falling within CN codes 1006 10 (excluding CN code 1006 10 10), 1006 20 and 1006 30 shall be equal:

— for paddy rice falling within CN codes 1006 10, with the exception of CN code 1006 10 10, to the customs duties fixed in the Common Customs Tariff, less 50 % and less a further EUR 4,34;

⁽¹⁾ OJ L 337, 4.12.1990, p. 1.

⁽²⁾ OJ L 166, 25.6.1976, p. 1. Regulation repealed by Regulation (EC) No 3072/95 (OJ L 329, 30.12.1995, p. 18).

⁽³⁾ OJ L 349, 31.12.1994, p. 105. Regulation as last amended by Regulation (EC) No 1340/98 (OJ L 184, 27.6.1998, p. 1).

⁽⁴⁾ OJ L 144, 31.5.2006, p. 1.

⁽⁵⁾ OJ L 22, 31.1.1995, p. 1.

⁽⁶⁾ OJ L 349, 24.12.1998, p. 1.

- for husked rice falling within CN code 1006 20, to the duty fixed in accordance with Article 11a of Council Regulation (EC) No 1785/2003 of 29 September 2003 on the common organisation of the market in rice (*), less 50 % and less a further EUR 4,34;
- for semi-milled and milled rice falling within CN code 1006 30, to the duty fixed pursuant to Article 11c of Regulation (EC) No 1785/2003, less EUR 16,78, less a further 50 % and less EUR 6,52.

(*) OJ L 270, 21.10.2003, p. 96. Regulation as last amended by Regulation (EC) No 797/2006.;

2. Article 2(1) shall be amended as follows:

- (a) in the first subparagraph, 'levy' shall be replaced by 'import duty';
- (b) the second subparagraph shall be replaced by the following:

'The quantities at stages of milling other than the husked-rice stage shall be converted using the conversion rates fixed in Article 1 of Regulation No 467/67/EEC of the Commission of 21 August 1967 fixing the conversion rates, the processing costs and the value of the by-products for the various stages of rice processing ⁽⁴⁾.';

3. footnote 4 shall be amended as follows:

⁽⁴⁾ OJ 204, 24.8.1967, p. 1. Regulation as last amended by Regulation (EEC) No 2325/88 (OJ L 202, 27.7.1988, p. 41).;

4. Article 3 shall be replaced by the following:

'Article 3

Detailed rules for the application of this Regulation shall be adopted in accordance with the procedures laid down in Article 26 of Regulation (EC) No 1785/2003.'

Article 2

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

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

Done at Brussels, 17 December 2007.

For the Council
The President
J. SILVA

COUNCIL REGULATION (EC) No 1533/2007**of 17 December 2007****amending Regulations (EC) No 2015/2006 and (EC) No 41/2007, as regards fishing opportunities and associated conditions for certain fish stocks**

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 423/2004 of 26 February 2004 establishing measures for the recovery of cod stocks ⁽²⁾, and in particular Article 8 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) Regulation (EC) No 2015/2006 ⁽³⁾ fixes for 2007 and 2008 the fishing opportunities for Community fishing vessels for certain deep-sea fish stocks.
- (2) The North East Atlantic Fisheries Commission (NEAFC) at its extraordinary meeting in June 2007 decided to extend the recommendations on a prohibition to fish for orange roughy in the NEAFC Regulatory Area during the second half of 2007. These recommendations should be implemented in Community law.
- (3) The conditions applying to the fishery in certain zones need to be clarified to ensure the correct application of the Agreement of 19 December 1966 between Norway, Denmark and Sweden on mutual access to fishing in the Skagerrak and the Kattegat. An amendment is therefore required.
- (4) Regulation (EC) No 41/2007 ⁽⁴⁾ fixes 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.

- (5) Pursuant to consultations between the Community and Iceland on 28 March 2007 an arrangement was reached on quotas for Icelandic vessels to be fished from the Community quota allocated under its Agreement with the Government of Denmark and the local Government of Greenland before 30 April 2007, and for Community vessels fishing for redfish in the Icelandic Exclusive Economic Zone to be fished between July and December. This arrangement should be implemented in Community law.
- (6) The conditions applying to the fishery in certain zones for a number of TACs need to be clarified to ensure the correct application of the Agreement of 19 December 1966 between Norway, Denmark and Sweden on mutual access to fishing in the Skagerrak and the Kattegat. An amendment is therefore required.
- (7) In relation to the application of Council Regulation (EC) No 847/96 of 6 May 1996 introducing additional conditions for year-to-year management of TACs and quotas ⁽⁵⁾, the scientific status of certain stocks should to be clarified.
- (8) Pursuant to Regulation (EC) No 847/96, when more than 75 % of a precautionary TAC has been utilised before 31 October of the year of its application, a Member State with a quota for the stock for which that TAC has been fixed may request an increase in the TAC. Such a request by the Netherlands has been found to be justified in relation to the TAC for turbot and brill in EC waters of IIa and IV and should be implemented.
- (9) Pursuant to written consultations between the Community and the Faeroe Islands, agreement was reached on access as regards herring in EC and international waters of ICES zones I and II. This arrangement should be implemented in Community law.
- (10) In accordance with the Protocol to the Fisheries Partnership Agreement between the European Community and Greenland ⁽⁶⁾, an additional amount of Greenland halibut was allocated to the Community in east Greenland in 2007. This arrangement should be implemented in Community law.

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

⁽²⁾ OJ L 70, 9.3.2004, p. 8. Regulation as amended by Commission Regulation (EC) No 441/2007 (OJ L 104, 21.4.2007, p. 28).

⁽³⁾ Council Regulation (EC) No 2015/2006 of 19 December 2006 fixing for 2007 and 2008 the fishing opportunities for Community fishing vessels for certain deep-sea fish stocks (OJ L 384, 29.12.2006, p. 28). Regulation as last amended by Regulation (EC) No 754/2007 (OJ L 172, 30.6.2007, p. 26).

⁽⁴⁾ 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 (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).

⁽⁵⁾ OJ L 115, 9.5.1996, p. 3.

⁽⁶⁾ OJ L 172, 30.6.2007, p. 4.

- (11) The North East Atlantic Fisheries Commission (NEAFC) at its extraordinary meeting in June 2007 adopted recommendations on conservation and management measures in the NEAFC Regulatory Area in 2007 for redfish in international waters of ICES zones I and II. These recommendations should be implemented in Community law.
- (12) The conditions for replaced or withdrawn vessels in relation to the allocation of additional days for permanent cessation of fishing activities should be clarified, as the reference to certain vessels concerned by fishing effort limitations is indicated incorrectly.
- (13) The derogation from hailing requirements in Annexes IIA, IIB and IIC to Regulation (EC) No 41/2007 for vessels equipped with vessel monitoring systems in relation to fishing effort messages should be clarified.
- (14) The title of Annex IIB to Regulation (EC) No 41/2007 should be corrected to ensure consistency with the scope of that Annex.
- (15) The indication of the length of passive gears should be changed from 2,5 kilometres to 5 nautical miles to ensure that safety in handling the nets is not impaired in view of the existing rules for the marking and identification of passive fishing gear in Commission Regulation (EC) No 356/2005 of 1 March 2005 laying down detailed rules for the marking and identification of passive fishing gear and beam trawls⁽¹⁾ and certain specific rules on the use of gill nets.
- (16) Regulations (EC) No 2015/2006 and (EC) No 41/2007 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Amendments to Regulation (EC) No 2015/2006

Part 2 of the Annex to Regulation (EC) No 2015/2006 shall be amended in accordance with Annex I to this Regulation.

Article 2

Amendments to Regulation (EC) No 41/2007

Regulation (EC) No 41/2007 is hereby amended as follows:

1. Article 10 shall be replaced by the following:

⁽¹⁾ OJ L 56, 2.3.2005, p. 8. Regulation as amended by Regulation (EC) No 1805/2005 (OJ L 290, 4.11.2005, p. 12).

'Article 10

Access limits

1. No fishing by Community vessels shall take place in the Skagerrak within 12 nautical miles from the baselines of Norway. However, vessels flying the flag of Denmark or Sweden shall be allowed to fish up to 4 nautical miles from the baselines of Norway.
2. Fishing by Community vessels in waters under the jurisdiction of Iceland shall be limited to the area defined by straight lines sequentially connecting the following coordinates:

South-Western-Area

1. 63° 12' N and 23° 05' W through 62° 00' N and 26° 00' W,
2. 62° 58' N and 22° 25' W,
3. 63° 06' N and 21° 30' W,
4. 63° 03' N and 21° 00' W from there 180° 00' S;

South-Eastern-Area

1. 63° 14' N and 10° 40' W,
2. 63° 14' N and 11° 23' W,
3. 63° 35' N and 12° 21' W,
4. 64° 00' N and 12° 30' W,
5. 63° 53' N and 13° 30' W,
6. 63° 36' N and 14° 30' W,
7. 63° 10' N and 17° 00' W from there 180° 00' S;

2. Annexes IA, IB, IIA, IIB, IIC and III to Regulation (EC) No 41/2007 shall be amended in accordance with Annex II to this Regulation.

Article 3

Entry into force

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

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

Done at Brussels, 17 December 2007.

For the Council
The President
J. SILVA

ANNEX I

Part 2 of the Annex to Regulation (EC) No 2015/2006, is hereby amended as follows:

1. the entry concerning the species roundnose grenadier in ICES zone IIIa and Community waters of IIIbcd shall be replaced by the following:

'Species:	Roundnose grenadier <i>Coryphaenoides rupestris</i>	Zone:	IIIa and Community waters of IIIbcd
------------------	--	--------------	-------------------------------------

Year	2007	2008
Denmark	1 002	946
Germany	6	5 (!)
Sweden	52	49
EC	1 060	1 000

(!) Quota may be fished in EC waters of ICES zones IIIa, IIIb, IIIc and IIId only.'

2. the entry concerning the species orange roughy in ICES zone VI (Community waters and waters not under the sovereignty or jurisdiction of third countries) shall be replaced by the following:

'Species:	Orange roughy <i>Hoplostethus atlanticus</i>	Zone:	VI (Community waters)
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Year	2007	2008
Spain	6	4
France	33	22
Ireland	6	4
United Kingdom	6	4
EC	51	34'

3. the entry concerning the species orange roughy in ICES zone VII (Community waters and waters not under the sovereignty or jurisdiction of third countries) shall be replaced by the following:

'Species:	Orange roughy <i>Hoplostethus atlanticus</i>	Zone:	VII (Community waters)
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Year	2007	2008
Spain	1	1
France	147	98
Ireland	43	29
United Kingdom	1	1
Others (!)	1	1
EC	193	130

(!) Exclusively for by-catches. No directed fisheries are permitted under this quota.'

4. the entry concerning the species orange roughy in Community waters and waters not under the sovereignty or jurisdiction of third countries of ICES zones I, II, III, IV, V, VIII, IX, X, XI, XII and XIV shall be replaced by the following:

Year	2007	2008
Spain	4	3
France	23	15
Ireland	6	4
Portugal	7	5
United Kingdom	4	3
EC	44	30'

ANNEX II

The Annexes to Regulation (EC) No 41/2007 are hereby amended as follows:

1. Annex IA is hereby amended as follows:

- (a) The entry concerning the species ling in ICES zone IIIa and in EC waters of ICES zones IIIb, IIIc and IIId shall be replaced by the following:

Species: Ling <i>Molva molva</i>		Zone: IIIa; EC waters of IIIb, IIIc and IIId LIN/03.
Belgium	8 ⁽¹⁾	Precautionary TAC Article 3 of Regulation (EC) No 847/96 applies. Article 4 of Regulation (EC) No 847/96 does not apply. Article 5(2) of Regulation (EC) No 847/96 applies.
Denmark	62	
Germany	8 ⁽¹⁾	
Sweden	24	
United Kingdom	8 ⁽¹⁾	
EC	109	

⁽¹⁾ Quota may be fished in EC waters of ICES zones IIIa, IIIb, IIIc and IIId only.'

- (b) The entry concerning the species Norway lobster in ICES zone IIIa and in EC waters of ICES zones IIIb, IIIc and IIId shall be replaced by the following:

Species: Norway lobster <i>Nephrops norvegicus</i>		Zone: IIIa; EC waters of IIIb, IIIc and IIId NEP/3A/BCD
Denmark	3 800	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.
Germany	11 ⁽¹⁾	
Sweden	1 359	
EC	5 170	
TAC	5 170	

⁽¹⁾ Quota may be fished in EC waters of ICES zones IIIa, IIIb, IIIc and IIId only.'

- (c) The entry concerning the species Norway lobster in ICES zone VII shall be replaced by the following:

Species: Norway lobster <i>Nephrops norvegicus</i>		Zone: VII NEP/07.
Spain	1 509	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.
France	6 116	
Ireland	9 277	
United Kingdom	8 251	
EC	25 153	
TAC	25 153'	

- (d) The entry concerning the species Norway lobster in ICES zones VIIIa, VIIIb, VIIIc and VIIE shall be replaced by the following:

'Species:	Norway lobster <i>Nephrops norvegicus</i>	Zone:	VIIIa, VIIIb, VIIIc and VIIE NEP/8ABDE.
Spain	259	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.	
France	4 061		
EC	4 320		
TAC	4 320'		

- (e) The entry concerning the species turbot and brill in EC waters of IIa and IV shall be replaced by the following:

'Species:	Turbot and brill <i>Psetta maxima</i> and <i>Scophthalmus rhombus</i>	Zone:	EC waters of IIa and IV T/B/2AC4-C
Belgium	386	Precautionary TAC Article 3 of Regulation (EC) No 847/96 applies. Article 4 of Regulation (EC) No 847/96 does not apply. Article 5(2) of Regulation (EC) No 847/96 applies.	
Denmark	825		
Germany	211		
France	99		
The Netherlands	2 923		
Sweden	6		
United Kingdom	813		
EC	5 263		
TAC	5 263'		

- (f) The entry concerning the species common sole in ICES zone IIIa and in EC waters of ICES zones IIIb, IIIc and IIId shall be replaced by the following:

'Species:	Common sole <i>Solea solea</i>	Zone:	IIIa; EC waters of IIIb, IIIc and IIId SOL/3A/BCD
Denmark	755	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.	
Germany	44 ⁽¹⁾		
The Netherlands	73 ⁽¹⁾		
Sweden	28		
EC	900		
TAC	900		

⁽¹⁾ Quota may be fished in EC waters of ICES zones IIIa, IIIb, IIIc and IIId only.'

- (g) The entry concerning the species spurdog/dogfish in ICES zone IIIa; EC and international waters of ICES zones I, V, VI, VII, VIII, XII and XIV shall be replaced by the following:

'Species:	Spurdog/dogfish <i>Squalus acanthias</i>	Zone:	IIIa; EC and international waters of I, V, VI, VII, VIII, XII and XIV DGS/135X14
EC	2 828 ⁽¹⁾	Precautionary TAC Article 3 of Regulation (EC) No 847/96 applies. Article 4 of Regulation (EC) No 847/96 does not apply. Article 5(2) of Regulation (EC) No 847/96 applies.	
TAC	2 828		

⁽¹⁾ Only Denmark and Sweden may fish in Norwegian waters of ICES zone IIIa.'

- (h) The entry concerning the species Norway pout in ICES zone IIIa and in EC waters of ICES zones IIa and IV shall be replaced by the following:

'Species:	Norway pout <i>Trisopterus esmarki</i>	Zone:	IIIa; EC waters of IIa and IV NOP/2A3A4.
Denmark	0	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.	
Germany	0 ⁽¹⁾		
The Netherlands	0 ⁽¹⁾		
EC	0		
Norway	1 000 ⁽²⁾ ⁽³⁾		
TAC	Not relevant		

⁽¹⁾ Quota may be fished in EC waters of ICES zones IIa, IIIa, and IV only.

⁽²⁾ This quota may be fished in ICES zone VIa North of 56° 30' N.

⁽³⁾ Only as by-catches.'

2. Annex IB is hereby amended as follows:

- (a) The entry concerning the species herring in EC and international waters of ICES zones I and II shall be replaced by the following:

'Species:	Herring <i>Clupea harengus</i>	Zone:	EC and International waters of I and II HER/1/2.
Belgium	30	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.	
Denmark	28 550		
Germany	5 000		
Spain	94		
France	1 232		
Ireland	7 391		
The Netherlands	10 217		
Poland	1 445		
Portugal	94		
Finland	442		
Sweden	10 580		
United Kingdom	18 253		
EC	83 328		
Norway	74 995 ⁽¹⁾		
Faeroe Islands	10 834 ⁽¹⁾		
TAC	1 280 000		

Special conditions:

Within the limits of the above mentioned quotas, no more than the quantities given below may be taken in the zones specified:

	Norwegian waters north of 62° N and the fishery zone around Jan Mayen (HER/*2AJMN)
Belgium	30 ^(?)
Denmark	28 550 ^(?)
Germany	5 000 ^(?)
Spain	94 ^(?)
France	1 232 ^(?)
Ireland	7 391 ^(?)
The Netherlands	10 217 ^(?)
Poland	1 445 ^(?)
Portugal	94 ^(?)
Finland	442 ^(?)
Sweden	10 580 ^(?)
United Kingdom	18 253 ^(?)

	Faeroese waters of II and Vb, north of 62° N (HER/*25B-F)
Belgium	3
Denmark	3 712
Germany	650
Spain	12
France	159
Ireland	960
The Netherlands	1 329
Poland	187
Portugal	12
Finland	56
Sweden	1 374
United Kingdom	2 374

⁽¹⁾ Catches taken against this quota are to be deducted from Norway's and the Faeroe Islands' share of the TAC (access quota). This quota may be fished in EC waters north of 62° N.

⁽²⁾ When the sum of the catches of all Member States has reached 74 995 tonnes no further catches shall be permitted.'

- (b) The entry concerning the species capelin in Greenland waters of ICES zones V and XIV shall be replaced by the following:

'Species:	Capelin <i>Mallotus villosus</i>	Zone:	Greenland waters of V and XIV CAP/514GRN
All Member States	0		
EC	28 490 ⁽¹⁾ ⁽²⁾		
TAC	Not relevant		

⁽¹⁾ Of which 28 490 tonnes are allocated to Iceland.

⁽²⁾ To be fished before 30 April 2007.'

- (c) The entry concerning the species Greenland halibut in Greenland waters of ICES zones V and XIV shall be replaced by the following:

Species: Greenland halibut <i>Reinhardtius hippoglossoides</i>	Zone: Greenland waters of V and XIV GHL/514GRN
Germany 6 718	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.
United Kingdom 353	
EC 7 946 ⁽¹⁾	
TAC Not relevant	

⁽¹⁾ Of which 800 tonnes are allocated to Norway and 75 tonnes are allocated to the Faeroe Islands.'

- (d) The following entry concerning the species redfish in International waters of ICES zones I and II shall be inserted after the entry concerning redfish in Norwegian waters of I and II:

Species: Redfish <i>Sebastes spp.</i>	Zone: International waters of ICES zones I and II RED/1/2INT
EC Not relevant ⁽¹⁾	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.
TAC 15 500 ⁽²⁾	

⁽¹⁾ Fishing activities shall be restricted to those vessels which have previously been engaged in the redfish fishery in the NEAFC Regulatory Area.

⁽²⁾ May be fished in the period 1 September to 15 November 2007. TAC includes all by-catches.'

- (e) The entry concerning the species redfish in Icelandic waters of ICES zone Va shall be replaced by the following:

Species: Redfish <i>Sebastes spp.</i>	Zone: Icelandic waters of Va RED/05A-IS
Belgium 100 ⁽¹⁾ ⁽²⁾	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.
Germany 1 690 ⁽¹⁾ ⁽²⁾	
France 50 ⁽¹⁾ ⁽²⁾	
United Kingdom 1 160 ⁽¹⁾ ⁽²⁾	
EC 3 000 ⁽¹⁾ ⁽²⁾	
TAC Not relevant	

⁽¹⁾ Including unavoidable by-catches (cod not allowed).
⁽²⁾ To be fished between July and December.'

3. Annex IIA is hereby amended as follows:

(a) Point 10.1 shall be replaced by the following:

'10.1. An additional number of days on which a vessel may be present within the area when carrying on board any of the gears referred to in point 4.1 may be allocated to Member States by the Commission on the basis of permanent cessations of fishing activities that have taken place since 1 January 2002. The effort expended in 2001 measured in kilowatt days of the withdrawn vessels using the gear in question in the relevant area shall be divided by the effort expended by all vessels using that gear during 2001. The additional number of days shall then be calculated by multiplying the ratio so obtained by the number of days originally allocated.

Any part of a day resulting from this calculation shall be rounded to the nearest whole day. This point shall not apply where a vessel has been replaced in accordance with point 5.1 or when the withdrawal has already been used in previous years to obtain additional days at sea.'

(b) Point 22 shall be replaced by the following:

22. Fishing effort messages

By way of derogation from Article 9 of Council Regulation (EC) No 423/2004 of 26 February 2004 establishing measures for the recovery of cod stocks (*), vessels equipped with vessel monitoring systems in accordance with Article 5 and 6 of Regulation (EC) No 2244/2003 shall be excluded from the hailing requirements set out in Article 19c of Regulation (EC) No 2847/93.

(*) OJ L 70, 9.3.2004, p. 8.'

4. Annex IIB is hereby amended as follows:

(a) The title shall be replaced by the following:

'FISHING EFFORT FOR VESSELS IN THE CONTEXT OF THE RECOVERY OF CERTAIN SOUTHERN HAKE AND NORWAY LOBSTER STOCKS IN ICES ZONES VIIIc AND IXa EXCLUDING THE GULF OF CADIZ'.

(b) Point 9.1 shall be replaced by the following:

'9.1. An additional number of days on which a vessel may be present within the area when carrying on board any of the groupings of fishing gear referred to in point 3 may be allocated to Member States by the Commission on the basis of permanent cessation of fishing activities that have taken place since 1 January 2004 either in accordance with Article 7 of Regulation (EC) No 2792/1999 or resulting from other circumstances duly motivated by Member States. Any vessels that can be shown to have been definitively withdrawn from the area may also be considered. The effort expended in 2003 measured in kilowatt days of the withdrawn vessels using the gear in question in the relevant area shall be divided by the effort expended by all vessels using that gear during the same year. The additional number of days shall be then calculated by multiplying the ratio so obtained by the number of days originally allocated. Any part of a day resulting from this calculation shall be rounded to the nearest whole day. This point shall not apply where a vessel has been replaced in accordance with point 4.1 or when the withdrawal has already been used in previous years to obtain additional days at sea.'

(c) Point 17 shall be replaced by the following:

'17. Fishing effort messages

Articles 19b, 19c, 19d, 19e and 19k of Regulation (EEC) No 2847/93 shall apply to vessels carrying on board the groupings of fishing gear defined in point 3 of this Annex and operating in the area defined in point 1 of this Annex. Vessels equipped with vessel monitoring systems in accordance with Articles 5 and 6 of Regulation (EC) No 2244/2003 shall be excluded from the hailing requirements set out in Article 19c of Regulation (EC) No 2847/93.'

5. Annex IIC is hereby amended as follows:

(a) Point 9.1 shall be replaced by the following:

'9.1. An additional number of days on which a vessel may be present within the area when carrying on board any of the groupings of fishing gear referred to in point 3 may be allocated to Member States by the Commission on the basis of permanent cessation of fishing activities that have taken place since 1 January 2004 either in accordance with Article 7 of Regulation (EC) No 2792/1999 or resulting from other circumstances duly motivated by Member States. Any vessels that can be shown to have been definitively withdrawn from the area may also be considered. The effort expended in 2003 measured in kilowatt days of the withdrawn vessels using the gear in question in the relevant area shall be divided by the effort expended by all vessels using that gear during the same year. The additional number of days shall then be calculated by multiplying the ratio so obtained by the number of days originally allocated. Any part of a day resulting from this calculation shall be rounded to the nearest whole day. This point shall not apply where a vessel has been replaced in accordance with point 4.1 or when the withdrawal has already been used in previous years to obtain additional days at sea.'

(b) Point 16 shall be replaced by the following:

'16. Fishing effort messages

Articles 19b, 19c, 19d, 19e and 19k of Regulation (EEC) No 2847/93 shall apply to vessels carrying on board the groupings of fishing gear defined in point 3 of this Annex and operating in the area defined in point 1 of this Annex. Vessels equipped with vessel monitoring systems in accordance with Articles 5 and 6 of Regulation (EC) No 2244/2003 shall be excluded from the hailing requirements set out in Article 19c of Regulation (EC) No 2847/93.'

6. Point 9.4(a) of Annex III shall be replaced by the following:

'(a) Gill nets with a mesh size equal to or greater than 120 mm and less than 150 mm, provided that they are deployed in waters of less than 600 metres charted depth, are no more than 100 meshes deep, have a hanging ratio of not less than 0,5 and are rigged with floats or equivalent floatation. The nets shall each be of a maximum of 5 nautical miles in length, and the total length of all nets deployed at any one time shall not exceed 25 km per vessel. The maximum soak time shall be 24 hours; or'

COMMISSION REGULATION (EC) No 1534/2007**of 20 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 21 December 2007.

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

Done at Brussels, 20 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 20 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	191,0
	MA	97,4
	TN	148,3
	TR	130,3
	ZZ	141,8
0707 00 05	JO	237,0
	MA	57,0
	TR	84,8
	ZZ	126,3
0709 90 70	MA	88,7
	TR	97,5
	ZZ	93,1
0709 90 80	EG	290,4
	ZZ	290,4
0805 10 20	AR	42,8
	MA	76,3
	TR	81,0
	ZA	35,0
	ZW	28,6
	ZZ	52,7
0805 20 10	MA	75,5
	ZZ	75,5
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	HR	30,2
	IL	66,8
	TR	73,2
	ZZ	56,7
0805 50 10	EG	49,3
	MA	121,9
	TR	106,8
	ZZ	92,7
0808 10 80	CA	86,7
	CN	90,5
	MK	29,7
	US	79,6
	ZZ	71,6
0808 20 50	AR	71,1
	CN	44,6
	US	110,3
	ZZ	75,3

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

COMMISSION REGULATION (EC) No 1535/2007

of 20 December 2007

on the application of Articles 87 and 88 of the EC Treaty to *de minimis* aid in the sector of agricultural production

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 994/98 of 7 May 1998 on the application of Articles 92 and 93 of the Treaty establishing the European Community to certain categories of horizontal State aid ⁽¹⁾, and in particular Article 2(1) thereof,

Having published a draft of this Regulation ⁽²⁾,

Having consulted the Advisory Committee on State aid,

Whereas:

(1) Regulation (EC) No 994/98 empowers the Commission to set out in a regulation a ceiling below which aid measures are considered not to meet all the criteria of Article 87(1) of the Treaty and therefore do not fall under the notification procedure provided for in Article 88(3) of the Treaty.

(2) The Commission has applied Articles 87 and 88 of the Treaty and in particular clarified, in numerous decisions, the notion of aid within the meaning of Article 87(1) of the Treaty. It has also stated its policy with regard to a *de minimis* ceiling under which Article 87(1) of the Treaty can be considered not to apply, firstly in its communication on *de minimis* aid ⁽³⁾ and then in Commission Regulation (EC) No 69/2001 of 12 January 2001 on the application of Articles 87 and 88 of the EC Treaty to *de minimis* aid ⁽⁴⁾, replaced on 1 January 2007 by Commission Regulation (EC) No 1998/2006 of 15 December 2006 on the application of Articles 87 and 88 of the Treaty to *de minimis* aid ⁽⁵⁾. In view of the special rules which apply in the agriculture sector and of the risks that even low levels of aid could fulfil the criteria of Article 87(1) of the Treaty in that sector, Regulation (EC) No 69/2001 excludes the agriculture sector from its scope. Regulation (EC) No 1998/2006 also excludes the sector of agricultural production from its scope.

(3) However, since the experience gained over the years has shown that the very small amounts of aid granted in the agriculture sector may also not meet the criteria of Article 87(1) of the Treaty where certain conditions are met, the Commission laid down rules allowing the grant of *de minimis* aid in that sector in Commission Regulation (EC) No 1860/2004 of 6 October 2004 on the application of Articles 87 and 88 of the EC Treaty to *de minimis* aid in the agriculture sector ⁽⁶⁾. That Regulation, by virtue of which the total amount of *de minimis* aid granted to one and the same undertaking is regarded as not meeting all the criteria of Article 87(1) of the Treaty where it does not exceed EUR 3 000 per beneficiary over any period of three years or a cumulative amount laid down for each Member State representing 0,3 % of annual output in the agriculture sector, covers both primary production and the processing and marketing of agricultural products.

(4) Given the similarities between activities in the processing and marketing of agricultural products on the one hand and industrial activities on the other, activities in the processing and marketing of agricultural products were included in the scope of Regulation (EC) No 1998/2006, which governs *de minimis* aid for industrial activities. As a result, those activities were excluded from the scope of Regulation (EC) No 1860/2004. For the sake of clarity, Regulation (EC) No 1860/2004 should be repealed and replaced by a new Regulation applicable only to the agricultural production sector.

(5) In the light of the Commission's experience, the maximum amount of aid of EUR 3 000 per beneficiary over a period of three years may be increased to EUR 7 500 and the ceiling of 0,3 % of annual output in the agriculture sector may be increased to 0,75 % without trade between Member States being affected, without there being any distortion or threat of distortion of competition, and without aid being granted within those limits falling under Article 87(1) of the Treaty, provided that certain conditions are met. This increase will also help to reduce the administrative burden. The years to take into account are the fiscal years as used by the undertaking in the Member State concerned. The reference period of three years should be assessed on a rolling basis so that, for each new grant of *de minimis* aid, the total amount of *de minimis* aid granted in the fiscal year concerned, as well as during the previous two fiscal years, needs to be determined. It should not be possible

⁽¹⁾ OJ L 142, 14.5.1998, p. 1.

⁽²⁾ OJ C 151, 5.7.2007, p. 16.

⁽³⁾ OJ C 68, 6.3.1996, p. 9.

⁽⁴⁾ OJ L 10, 13.1.2001, p. 30.

⁽⁵⁾ OJ L 379, 28.12.2006, p. 5.

⁽⁶⁾ OJ L 325, 28.10.2004, p. 4. Regulation as last amended by Regulation (EC) No 875/2007 (OJ L 193, 25.7.2007, p. 6).

for aid measures exceeding the ceiling of EUR 7 500 to be broken down into a number of smaller parts in order to bring such parts within the scope of this Regulation.

- (6) This Regulation should not apply to export aid or aid favouring domestic over imported products. In particular, it should not apply to aid financing the establishment and operation of a distribution network in other countries. Aid towards the cost of participating in trade fairs, or of studies or consultancy services needed for the launch of a new product or an existing product on a new market does not normally constitute export aid.
- (7) The Court of Justice of the European Communities has established that, once the Community has legislated for the establishment of a common organisation of the market in a given sector of agriculture, Member States are under an obligation to refrain from taking any measure which might undermine or create exceptions to it⁽¹⁾. For this reason, this Regulation should not apply to aid whose amount is laid down on the basis of price or quantity of products purchased or put on the market.
- (8) For the sake of transparency, equal treatment and the correct application of the *de minimis* ceiling, all Member States should apply the same method of calculation. In order to facilitate this calculation, aid amounts not taking the form of a grant should be converted into their gross grant equivalent. Calculation of the grant equivalent of forms of transparent aid other than grants or aid payable in several instalments requires the use of market interest rates prevailing at the time of granting such aid. With a view to a uniform, transparent and simple application of the State aid rules, the market rates for the purposes of this Regulation should be deemed to be the reference rates periodically fixed by the Commission on the basis of objective criteria and published in the *Official Journal of the European Union* or on the Internet. It may, however, be necessary to add additional basis points on top of the floor rate in view of the securities provided or the risk associated with the beneficiary.
- (9) Again for the purposes of transparency, equal treatment and the correct application of the *de minimis* ceiling, this Regulation should apply only to *de minimis* aid which is transparent. 'Transparent aid' should be taken to mean aid for which it is possible to calculate precisely in advance the gross grant equivalent without the need to undertake a risk assessment. Such precise calculation can, for instance, be made as regards grants, interest rate subsidies and capped tax exemptions. Aid in the form of soft loans should be considered to be transparent *de minimis* aid when the gross grant equivalent has been

calculated on the basis of market interest rates prevailing at the time of grant. Aid in the form of capital injections should not be considered to be transparent *de minimis* aid unless the total amount of the public capital injection is lower than the *de minimis* ceiling per beneficiary. Aid in the form of risk capital measures as referred to in the Community guidelines on State aid to promote risk capital investments in small and medium-sized enterprises⁽²⁾ should not be considered to be transparent *de minimis* aid unless the risk capital scheme concerned provides capital only up to the *de minimis* ceiling per beneficiary.

- (10) It is necessary to provide legal certainty for guarantee schemes which do not have the potential to affect trade and distort competition and in respect of which sufficient data is available to assess any potential effects reliably. This Regulation should therefore set a guarantee-specific ceiling based on the guaranteed amount of the underlying loan. This specific ceiling should be set on the basis of an assessment of the amount of State aid included in guarantee schemes covering loans in favour of viable undertakings. It should therefore not apply to ad hoc individual aid granted outside of the scope of a guarantee scheme or to guarantees on underlying transactions not constituting a loan, such as guarantees on equity transactions. The specific ceiling should be determined on the basis of the fact that taking account of a cap rate (net default rate) of 13 %, representing a worst case scenario for guarantee schemes in the Community, a guarantee amounting to EUR 56 250 can be considered as having a gross grant equivalent identical to the *de minimis* ceiling of EUR 7 500. Only guarantees covering up to 80 % of the underlying loan should be covered by this specific ceiling. A methodology approved by the Commission following notification on the basis of a Commission Regulation on State aid may also be used by the Member States to calculate the gross grant equivalent of the guarantee, if the approved methodology explicitly addresses the type of guarantees and the type of underlying transactions concerned in the context of applying this Regulation.
- (11) This Regulation should not apply to undertakings in difficulty within the meaning of the Community guidelines on State aid for rescuing and restructuring firms in difficulty⁽³⁾ given the difficulties linked to determining the gross grant equivalent of aid granted to this type of undertaking.
- (12) In accordance with the principles governing aid falling within Article 87(1) of the Treaty, *de minimis* aid should be considered to be granted at the moment the right to receive the aid is conferred on the undertaking under the applicable national legal regime.

⁽¹⁾ Judgment of 19 September 2002 in Case C-113/00 Spain v Commission [2002] ECR I-7601, paragraph 73.

⁽²⁾ OJ C 194, 18.8.2006, p. 2.

⁽³⁾ OJ C 244, 1.10.2004, p. 2.

(13) In order to avoid circumvention of maximum aid intensities laid down in different Community instruments, it should not be possible for *de minimis* aid to be cumulated with State aid in respect of the same eligible costs if such cumulation would result in an aid intensity exceeding that laid down by Community rules in the specific circumstances of each case.

(14) This Regulation does not exclude the possibility that a measure adopted by a Member State might not be considered to be State aid within the meaning of Article 87(1) of the Treaty on a basis other than this Regulation, for instance in the case of capital injections or guarantees, because such measure has been decided in conformity with the principle of private investors operating in normal market-economy conditions.

(15) The Commission must ensure that State aid rules are complied with, and in particular that aid granted under the *de minimis* rules meets the conditions thereof. In accordance with the cooperation principle laid down in Article 10 of the Treaty, Member States should facilitate the achievement of this task by establishing the necessary machinery to ensure that the total amount of aid granted under the *de minimis* rule does not exceed either the ceiling of EUR 7 500 per beneficiary or the overall ceilings established by the Commission on the basis of the value of agricultural output. To that end, when granting *de minimis* aid, the Member States should inform the undertaking concerned of the amount of aid granted and of its *de minimis* character, by referring to this Regulation. Moreover, prior to granting such aid the Member State should obtain from the undertaking a declaration about other *de minimis* aid received during the current fiscal year and the two previous fiscal years and carefully check that the new aid does not make the total amount of *de minimis* aid received exceed the applicable ceilings. Alternatively, compliance with the ceilings may also be ensured by means of a central register. In the case of guarantee schemes set up by the European Investment Fund, the latter may establish a list of beneficiaries and require Member States to inform the beneficiaries of the *de minimis* aid received.

(16) Regulation (EC) No 1860/2004 was initially due to expire on 31 December 2008. Since this Regulation has to enter into force before that date, the consequences of that as regards its applicability to aid granted to undertakings in the agricultural production sector under Regulation (EC) No 1860/2004 should be clarified.

(17) In the light of the Commission's experience and in particular the frequency with which it is generally necessary to revise State aid policy, the period of validity of this Regulation should be limited. Should this Regulation expire without having been extended, Member States should have an adjustment period of six months with regard to *de minimis* aid covered by it,

HAS ADOPTED THIS REGULATION:

Article 1

Scope

This Regulation applies to aid granted to undertakings in the agricultural production sector, with the exception of:

- (a) aid the amount of which is fixed on the basis of price or quantity of products put on the market;
- (b) aid to export-related activities, namely aid directly linked to the quantities exported, to the establishment and operation of a distribution network or to other current expenditure linked to the export activity;
- (c) aid contingent on the use of domestic over imported goods;
- (d) aid granted to undertakings in difficulty.

Article 2

Definitions

For the purpose of this Regulation:

1. 'undertakings in the sector of agricultural production' means undertakings active in the primary production of agricultural products;
2. 'agricultural products' means the products listed in Annex I to the Treaty, except fisheries and aquaculture products covered by Council Regulation (EC) No 104/2000⁽¹⁾.

Article 3

De minimis aid

1. Aid measures shall be deemed not to meet all the criteria of Article 87(1) of the Treaty and shall therefore not fall under the notification requirement of Article 88(3) of the Treaty where they fulfil the conditions laid down in paragraphs 2 to 7 of this Article.

2. The total *de minimis* aid granted to any one undertaking shall not exceed EUR 7 500 over any period of three fiscal years. This ceiling shall apply irrespective of the form of the aid or the objective pursued. The period shall be determined by reference to the fiscal years used by the undertaking in the Member State concerned.

⁽¹⁾ OJ L 17, 21.1.2000, p. 22.

Where the total amount of aid granted for an aid measure exceeds the ceiling referred to in the first subparagraph, none of that amount — not even the fraction not exceeding the ceiling — may benefit from this Regulation. In such cases no aid may be claimed for the measure under this Regulation, either at the time aid is granted or subsequently.

3. The cumulative amount of *de minimis* aid granted per Member State to undertakings in the agricultural production sector over any period of three fiscal years shall not exceed the value set out in the Annex hereto.

4. The ceilings referred to in paragraphs 2 and 3 shall be expressed as a grant. All figures used shall be gross, that is, before any deduction of tax or other charges. Where aid is awarded in a form other than a grant, the aid amount to be taken into account shall be the gross grant equivalent of the aid.

5. Aid payable in several instalments shall be discounted to its value at the moment of its being granted. The interest rate to be used for discounting purposes and to calculate the gross grant equivalent shall be the reference rate applicable at the time of grant.

6. This Regulation shall apply only to aid in respect of which it is possible to calculate precisely the gross grant equivalent of the aid *ex ante* without need to undertake a risk assessment (transparent aid). In particular:

- (a) aid in the form of loans shall be considered transparent aid where the gross grant equivalent has been calculated on the basis of market interest rates prevailing at the time of the grant.
- (b) aid in the form of capital injections shall not be considered transparent aid unless the total amount of the public capital injection does not exceed the *de minimis* ceiling.
- (c) aid in the form of risk capital measures shall not be considered transparent aid unless the risk capital scheme concerned only provides capital to each undertaking up to the *de minimis* ceiling.
- (d) individual aid provided under a guarantee scheme to undertakings which are not undertakings in difficulty shall be treated as transparent *de minimis* aid when the guaranteed part of the underlying loan provided under such scheme does not exceed EUR 56 250 per undertaking. If the guaranteed part of the underlying loan only accounts for a given proportion of this ceiling, the gross grant equivalent of that

guarantee shall be deemed to correspond to the same proportion of the ceiling laid down in paragraph 2. The guarantee shall not exceed 80 % of the underlying loan.

Guarantee schemes are also considered as transparent aid schemes if the following conditions are met:

- (i) before they are implemented, the method used to calculate the gross grant equivalent contained in the guarantee for the purpose of applying this Regulation was approved by the Commission in the form of an adopted Commission Regulation on State aid;
- (ii) the approved method explicitly addresses the type of guarantees and the type of underlying transactions at stake in the context of applying this Regulation.

7. *De minimis* aid shall not be cumulated with State aid in respect of the same eligible costs if such cumulation would result in an aid intensity exceeding that laid down by Community rules in the specific circumstances of each case.

Article 4

Monitoring

1. Where a Member State intends to grant *de minimis* aid to an undertaking, it shall inform that undertaking in writing of the prospective amount of the aid (expressed as gross grant equivalent) and of its *de minimis* character, making express reference to this Regulation and citing its title and publication reference in the *Official Journal of the European Union*. Where *de minimis* aid is granted to several undertakings on the basis of a scheme and different amounts of aid are granted to those undertakings, the Member State concerned may choose to fulfil this obligation by informing the undertakings of a fixed sum corresponding to the maximum aid amount to be granted under the scheme. In such case, the fixed sum shall be used for determining whether the ceiling laid down in Article 3(2) is met. Prior to granting the aid, the Member State shall also obtain a declaration from the undertaking concerned, in written or electronic form, about any other *de minimis* aid received during the previous two fiscal years and the current fiscal year.

The Member State shall obtain a declaration from each beneficiary demonstrating that the amount of aid received by it does not exceed the ceiling laid down in Article 3(2). Where that ceiling is exceeded, the Member State concerned shall ensure that the aid measure leading to the ceiling being exceeded is notified to the Commission or recovered from the beneficiary.

2. The Member State shall only grant *de minimis* aid after having checked that it will not raise the total amount of *de minimis* aid received during the period covering the fiscal year concerned and the two previous years to a level above the ceiling laid down in Article 3(2) and (3).

3. Where a Member State has set up a central register of *de minimis* aid containing complete information on all *de minimis* aid falling within the scope of this Regulation granted by any authority within that Member State, the second subparagraph of paragraph 1 shall not apply once the register covers a period of at least three years.

4. Where an aid is granted by a Member State on the basis of a guarantee scheme providing a guarantee which is financed from the EU budget under mandate through the European Investment Fund, the first subparagraph of paragraph 1 of this Article may cease to apply.

In such cases, the following monitoring system shall apply:

- (a) the European Investment Fund shall establish, on a yearly basis, on the basis of information that financial intermediaries must provide to the EIF, a list of beneficiaries of aid and of the gross grant equivalent received by each of them. The European Investment Fund shall send this information to the Member State concerned and to the Commission;
- (b) the Member State concerned shall send that information to the final beneficiaries of the aid within three months of receipt of such information;
- (c) the Member State concerned shall obtain a declaration from each beneficiary that the overall *de minimis* aid it has received does not exceed the *de minimis* ceiling. Where that ceiling is exceeded, the Member State concerned shall ensure that the aid measure leading to the ceiling being exceeded is notified to the Commission or recovered from the beneficiary.

5. Member States shall record and compile all the information regarding the application of this Regulation. Such records shall contain all information necessary to demonstrate that the conditions of this Regulation have been complied with.

The information referred to in the first subparagraph shall be kept:

- (a) in the case of individual *de minimis* aid, for 10 years from the date on which the aid is granted;

- (b) in the case of *de minimis* aid schemes, for 10 years from the date on which the last individual aid was granted under the scheme in question.

6. On a written request, the Member States shall provide the Commission, within a period of 20 working days, or such longer period as may be fixed in the request, with all the information that the Commission considers necessary for assessing whether the conditions of this Regulation have been met, in particular the total amount of *de minimis* aid granted to a given undertaking and to the agricultural sector of the Member State concerned.

Article 5

Repeal

Regulation (EC) No 1860/2004 is repealed with effect from 1 January 2008.

Article 6

Transitional provisions

1. This Regulation shall apply to aid granted before 1 January 2008 to undertakings in the sector of agricultural production, provided that such aid fulfils all the conditions laid down in Articles 1 to 4, except for the reference requirement clearly set out in this Regulation in the first subparagraph of Article 4(1). Any aid which does not fulfil those conditions shall be assessed by the Commission in accordance with the relevant frameworks, guidelines, communications and notices.

2. Any *de minimis* aid granted between 1 January 2005 and six months after entry into force of this Regulation, which fulfils the conditions of Regulation (EC) No 1860/2004 applicable to the sector of agricultural production until the date of entry into force of this Regulation, shall be deemed not to meet all the criteria of Article 87(1) of the Treaty and shall therefore be exempt from the notification requirement of Article 88(3) of the Treaty.

3. At the end of the period of validity of this Regulation, *de minimis* aid which fulfils the conditions of this Regulation may continue to be applied under the conditions laid down in this Regulation for a further period of six months.

Article 7

Entry into force and period of validity

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

It shall apply from 1 January 2008 to 31 December 2013.

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

Done at Brussels, 20 December 2007.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

ANNEX

Maximum cumulative amounts of *de minimis* aid granted per Member State to undertakings in the agricultural production sector as referred to in Article 3(3):

	(EUR)
BE	51 532 500
BG	23 115 000
CZ	26 257 500
DK	59 445 000
DE	297 840 000
EE	3 502 500
IE	40 282 500
EL	75 382 500
ES	274 672 500
FR	438 337 500
IT	320 505 000
CY	4 327 500
LV	5 550 000
LT	11 572 500
LU	1 777 500
HU	44 497 500
MT	870 000
NL	165 322 500
AT	40 350 000
PL	119 542 500
PT	47 782 500
RO	98 685 000
SL	8 167 500
SK	11 962 500
FI	26 752 500
SE	30 217 500
UK	152 842 500

**COMMISSION REGULATION (EC) No 1536/2007
of 20 December 2007**

on initiating a 'new exporter' review of Council Regulation (EC) No 1659/2005 imposing a definitive anti-dumping duty on imports of certain magnesia bricks 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 on protection against dumped imports from countries not members of the European Community (the basic Regulation) ⁽¹⁾ and in particular Article 11(4) thereof,

After consulting the Advisory Committee,

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 Yingkou Dalmond Refractories 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 chemically bonded, unfired magnesia bricks, whose magnesia component contains at least 80 % MgO, whether or not containing magnesite originating in the People's Republic of China (the product concerned), currently classifiable within CN codes ex 6815 91 00, ex 6815 99 10 and ex 6815 99 90 (TARIC codes 6815 91 00 10, 6815 99 10 20 and 6815 99 90 20). These CN codes are 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

1659/2005 ⁽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 39,9 % 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 April 2003 to 31 March 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 mentioned application and have been given an opportunity to comment.
- (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 determining 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.

⁽¹⁾ OJ L 56, 6.3.1996, p. 1. Regulation as last amended by Council Regulation (EC) No 2117/2005 (OJ L 340, 23.12.2005, p. 17).

⁽²⁾ OJ L 267, 12.10.2005, p. 1.

- (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 1659/2005.

(a) **Questionnaires**

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

(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 party's making itself 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 status 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 the United States of America 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 status, 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 the United States of America 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:

— 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,

— interested parties may make a written request to be heard by the Commission,

- interested parties may comment on the appropriateness of the United States of America which, in the event that the applicant will not be granted market economy status, is envisaged as a market-economy country for the purpose of establishing normal value in respect of the People's Republic of China,
- the applicant should submit a duly substantiated claim for market economy status.

H. NON-COOPERATION

- (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.
- (12) 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 favourable to that party than if it had cooperated.

I. PROCESSING OF PERSONAL DATA

- (13) 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 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

- (14) It is also noted that if interested parties consider that they are encountering difficulties in the exercise of their 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 1659/2005 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 chemically bonded, unfired magnesia bricks, whose magnesia component contains at least 80 % MgO, whether or not containing magnesite, falling within CN codes ex 6815 91 00, ex 6815 99 10 and ex 6815 99 90 (TARIC codes 6815 91 00 10, 6815 99 10 20 and 6815 99 90 20) originating in the People's Republic of China, produced and sold for export to the Community by Yingkou Dalmond Refractories Co., Ltd (TARIC additional code A853) should be subject to the anti-dumping duty imposed by Council Regulation (EC) No 1659/2005.

Article 2

The anti-dumping duty imposed by Regulation (EC) No 1659/2005 is hereby repealed with regard to the imports identified in Article 1 of this 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 8(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 may wish to comment on the appropriateness of the United States of America, 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.

⁽¹⁾ OJ L 8, 12.1.2001, p. 1.

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* ⁽¹⁾' 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.

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, 20 December 2007.

For the Commission
Peter MANDELSON
Member of the Commission

⁽¹⁾ 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 Regulation (EC) No 384/96 and Article 6 of the WTO Agreement on Implementation of Article VI of the GATT 1994 (Anti-dumping Agreement).

COMMISSION REGULATION (EC) No 1537/2007
of 20 December 2007
providing for compensation to producer organisations for tuna delivered to the processing industry
between 1 January and 31 March 2007

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the market in fishery and aquaculture products⁽¹⁾, and in particular Article 27(6) thereof,

Whereas:

- (1) The compensatory allowance provided for in Article 27 of Council Regulation (EC) No 104/2000 may be granted under certain conditions to Community tuna producer organisations for quantities of tuna delivered to the processing industry during the calendar quarter for which prices were recorded, where both the average quarterly selling price recorded on the Community market and the import price plus any countervailing charge were lower than 87 % of the Community producer price for the product concerned.
- (2) An examination of the situation on the Community market has shown that between 1 January and 31 March 2007 both the average quarterly selling price and the import price as referred to in Article 27 of Regulation (EC) No 104/2000 for Albacore (*Thunnus alalunga*) were lower than 87 % of the Community producer price in force, as laid down in Council Regulation (EC) No 1969/2006⁽²⁾.
- (3) Entitlement to the compensatory allowance should be determined on the basis of sales which are covered by invoices bearing a date falling within the quarter concerned and which have been used to calculate the average monthly selling price in accordance with Article 4 of Commission Regulation (EC) No 2183/2001 laying down detailed rules for the application of Council Regulation (EC) No 104/2000 as regards granting the compensatory allowance for tuna intended for the processing industry⁽³⁾.
- (4) In accordance with Article 27(2) of Regulation (EC) No 104/2000 the level of the compensation may not in any

case exceed either the difference between the triggering threshold and the average selling price of the product in question on the Community market or a flat-rate amount equivalent to 12 % of that threshold.

- (5) The quantities on which compensation is payable may under no circumstances, for the quarter concerned, exceed the limits laid down in Article 27(3) of Regulation (EC) No 104/2000.
- (6) The quantities of Albacore (*Thunnus alalunga*) sold and delivered to the processing industry established in the customs territory of the Community were higher during the quarter concerned than the quantities sold and delivered during the same quarter of the three previous fishing years. Since those quantities exceed the limit set in Article 27(3) of Regulation (EC) No 104/2000, the total quantities of those products on which compensation is payable should be limited.
- (7) In accordance with the ceilings laid down in Article 27(4) of Regulation (EC) No 104/2000 for the purpose of calculating the allowance to be granted to each producer organisation, the quantities on which the allowance is payable should be allocated among the producer organisations concerned in proportion to the quantities produced by them in the same quarter of the 2004, 2005 and 2006 fishing years.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fishery Products,

HAS ADOPTED THIS REGULATION:

Article 1

The compensatory allowance provided for in Article 27 of Regulation (EC) No 104/2000 shall be granted for the period 1 January to 31 March 2007 in respect of Albacore (*Thunnus alalunga*).

The maximum allowance in accordance with the first and second indents of Article 27(2) of Regulation (EC) No 104/2000 shall be fixed at EUR 5 per tonne.

⁽¹⁾ OJ L 17, 21.1.2000, p. 22. Regulation as last amended by the Act of Accession of 2007.

⁽²⁾ OJ L 368, 23.12.2006, p. 1.

⁽³⁾ OJ L 293, 10.11.2001, p. 11.

Article 2

1. The total quantities on which the compensatory allowance is payable shall be 34,320 tonnes of Albacore (*Thunnus alalunga*).
2. The allocation of the total quantity among the producer organisations concerned shall be as set out in the Annex hereto.

Article 3

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

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

Done at Brussels, 20 December 2007.

For the Commission
Joe BORG
Member of the Commission

ANNEX

Allocation among producer organisations of quantities of tuna on which the compensatory allowance is payable for the period from 1 January to 31 March 2007 in accordance with Article 27(4) of Regulation (EC) No 104/2000, broken down by compensation percentage band

(in tonnes)

Albacore (<i>Thunnus alalunga</i>)	Quantity, 100 % of which is eligible for compensation (first indent of Article 27(4))	Quantity, 50 % of which is eligible for compensation (second indent of Article 27(4))	Total quantities on which compensation is payable (first and second indents of Article 27(4))
OPAGAC	11,940	0	11,940
OPTUC	0	0	0
OP 42	0	0	0
ORTHONGEL	0,271	22,109	22,380
APASA	0	0	0
MADEIRA	0	0	0
Community – Total	12,211	22,109	34,320

COMMISSION REGULATION (EC) No 1538/2007**of 20 December 2007****amending Regulation (EC) No 327/98 opening and providing for the administration of certain tariff quotas for imports of rice and broken rice**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1095/96 of 18 June 1996 on the implementation of the concessions set out in Schedule CXL drawn up in the wake of the conclusion of the GATT XXIV.6 negotiations ⁽¹⁾, and in particular Article 1 thereof,

Having regard to Council Regulation (EC) No 1785/2003 of 29 September 2003 on the common organisation of the market in rice ⁽²⁾, and in particular Article 13(4) thereof,

Whereas:

- (1) Article 3 of Commission Regulation (EC) No 327/98 ⁽³⁾ limits the validity of export licences issued by certain third countries for the purpose of submitting applications for import licences to the relevant quota year.
- (2) This provision represents an administrative constraint on the Community authorities, although the validity and

control of these licences is mainly the responsibility of the authorities in the countries of export. Maintaining this provision as a criterion for eligibility of applications for import licences is thus neither justified nor necessary. It should therefore be abolished.

- (3) Regulation (EC) No 327/98 should be amended accordingly.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

The third subparagraph of Article 3 of Regulation (EC) No 327/98 shall be deleted.

Article 2

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

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 146, 20.6.1996, p. 1.

⁽²⁾ OJ L 270, 21.10.2003, p. 96. Regulation as amended by Regulation (EC) No 797/2006 (OJ L 144, 31.5.2006, p. 1).

⁽³⁾ OJ L 37, 11.2.1998, p. 5. Regulation as last amended by Regulation (EC) No 2019/2006 (OJ L 384, 29.12.2006, p. 48).

COMMISSION REGULATION (EC) No 1539/2007**of 20 December 2007****fixing the coefficients applicable to cereals exported in the form of Scotch whisky for the period 2007/08**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1670/2006 of 10 November 2006 laying down certain detailed rules for the application of Council Regulation (EC) No 1784/2003 as regards the fixing and granting of adjusted refunds in respect of cereals exported in the form of certain spirit drinks ⁽²⁾, and in particular Article 5 thereof,

Whereas:

- (1) Article 4(1) of Regulation (EC) No 1670/2006 lays down that the quantities of cereals eligible for the refund are to be the quantities placed under control and distilled, weighted by a coefficient to be fixed annually for each Member State concerned. The coefficient is to express the average ratio between the total quantities exported and the total quantities marketed of the spirit drink concerned, on the basis of the trend noted in those quantities during the number of years corresponding to the average ageing period of the spirit drink in question.
- (2) According to the information provided by the United Kingdom in respect of the period 1 January to 31

December 2006, the average ageing period for Scotch whisky in 2006 was six years.

- (3) The coefficients for the period from 1 October 2007 to 30 September 2008 should therefore be fixed accordingly.
- (4) Article 10 of Protocol 3 to the Agreement on the European Economic Area excludes the grant of refunds in respect of exports to Liechtenstein, Iceland and Norway. Moreover, the Community has concluded agreements abolishing export refunds with certain third countries. Under the terms of Article 7(2) of Regulation (EC) No 1670/2006, this should be taken into account in calculating the coefficients for 2007/08,

HAS ADOPTED THIS REGULATION:

Article 1

For the period 1 October 2007 to 30 September 2008, the coefficients provided for in Article 4 of Regulation (EC) No 1670/2006 applying to cereals used in the United Kingdom for manufacturing Scotch whisky shall be as set out in the Annex to this Regulation.

Article 2

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

It shall apply from 1 October 2007.

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

Done at Brussels, 20 December 2007.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 78. Regulation as last amended by Regulation (EC) No 735/2007 (OJ L 169, 29.6.2007, p. 6).

⁽²⁾ OJ L 312, 11.11.2006, p. 33. Regulation as amended by Regulation (EC) No 1913/2006 (OJ L 365, 21.12.2006, p. 52).

ANNEX

Coefficients applicable in the United Kingdom

Period of application	Coefficient applicable	
	To malted barley used in the production of malt whisky	To cereals used in the production of grain whisky
From 1 October 2007 to 30 September 2008	0,445	0,526

**COMMISSION REGULATION (EC) No 1540/2007
of 20 December 2007**

**fixing the coefficients applicable to cereals exported in the form of Irish whiskey for the
period 2007/08**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1670/2006 of 10 November 2006 laying down certain detailed rules for the application of Council Regulation (EC) No 1784/2003 as regards the fixing and granting of adjusted refunds in respect of cereals exported in the form of certain spirit drinks ⁽²⁾, and in particular Article 5 thereof,

Whereas:

- (1) Article 4(1) of Regulation (EC) No 1670/2006 lays down that the quantities of cereals eligible for the refund are to be the quantities placed under control and distilled, weighted by a coefficient to be fixed annually for each Member State concerned. The coefficient is to express the average ratio between the total quantities exported and the total quantities marketed of the spirit drink concerned, on the basis of the trend noted in those quantities during the number of years corresponding to the average ageing period of the spirit drink in question.
- (2) According to the information provided by Ireland in respect of the period 1 January to 31 December 2006,

the average ageing period for Irish whiskey in 2006 was five years.

- (3) The coefficients for the period from 1 October 2007 to 30 September 2008 should therefore be fixed accordingly.
- (4) Article 10 of Protocol 3 to the Agreement on the European Economic Area excludes the grant of refunds in respect of exports to Liechtenstein, Iceland and Norway. Moreover, the Community has concluded agreements abolishing export refunds with certain third countries. Under the terms of Article 7(2) of Regulation (EC) No 1670/2006, this should be taken into account in calculating the coefficients for 2007/08,

HAS ADOPTED THIS REGULATION:

Article 1

For the period 1 October 2007 to 30 September 2008, the coefficients provided for in Article 4 of Regulation (EC) No 1670/2006 applying to cereals used in Ireland for manufacturing Irish whiskey shall be as set out in the Annex to this Regulation.

Article 2

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

It shall apply from 1 October 2007.

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

Done at Brussels, 20 December 2007.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 78. Regulation as last amended by Regulation (EC) No 735/2007 (OJ L 169, 29.6.2007, p. 6).

⁽²⁾ OJ L 312, 11.11.2006, p. 33. Regulation as amended by Regulation (EC) No 1913/2006 (OJ L 365, 21.12.2006, p. 52).

ANNEX

Coefficients applicable in Ireland

Period of application	Coefficient applicable	
	To barley used in the production of Irish whiskey, category B ⁽¹⁾	To cereals used in the production of Irish whiskey, category A
From 1 October 2007 to 30 September 2008	0,706	1,782

⁽¹⁾ Including malted barley.

COMMISSION REGULATION (EC) No 1541/2007

of 20 December 2007

on proof of completion of customs formalities for the import of sugar into third countries as provided for in Article 16 of Regulation (EC) No 800/1999

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

be deemed to be furnished by a specific document or in any other way.

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 Article 40(1)(g),

Whereas:

- (1) Article 33(2) of Regulation (EC) No 318/2006 provides that export refunds in the sugar sector may vary according to destination, where the world market situation or the specific requirements of certain markets make this necessary.
- (2) Article 1 of Commission Regulation (EC) No 900/2007 of 27 July 2007 on a standing invitation to tender to determine refunds on exports of white sugar until the end of the 2007/2008 marketing year ⁽²⁾ provides for such differentiation by excluding certain destinations.
- (3) Article 14(1) of Regulation (EC) No 800/1999 of 15 April 1999 laying down common detailed rules for the application of the system of export refunds on agricultural products ⁽³⁾ provides that where the rate of refund varies according to destination, refunds are to be paid subject to the additional conditions laid down under Articles 15 and 16 of that Regulation.
- (4) Article 15(1) of Regulation (EC) No 800/1999 provides that the products must have been imported in their unaltered state into the third country or one of the third countries for which the refund applies.
- (5) Article 16 of Regulation (EC) No 800/1999 lists the various documents that may constitute proof of the completion of customs formalities in a third country where the refund rate is differentiated according to destination. Under paragraph 4 of that Article the Commission may decide, in certain specific cases to be determined, that the proof referred to in that Article may

- (6) In the sugar sector export operations are normally governed by contracts defined as fob on the London futures market. As a result, purchasers accept at that fob stage all the contractual obligations, including proof of completion of customs formalities, without being the direct beneficiaries of the refund to which that proof confers the right. Obtaining that proof for all quantities exported may entail considerable administrative difficulties in certain countries, which may substantially delay or prevent payment of the refund for all the quantities actually exported.

- (7) In order to limit the impact on the equilibrium of the sugar market, Commission Regulation (EC) No 436/2007 of 20 April 2007 on proof of completion of customs formalities for the import of sugar into third countries as provided for in Article 16 of Regulation (EC) No 800/1999 ⁽⁴⁾ provides for relaxation of the rules on proof of completion of customs formalities until 31 December 2007.

- (8) Given that the administrative difficulties that prompted this derogation and their impact on the market persist, the alternative proofs of destination should apply for 2008.

- (9) 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

In the case of exports effected in accordance with Article 32 of Regulation (EC) No 318/2006, products shall be deemed to have been imported into a third country on presentation of the following three documents:

- (a) a copy of the transport document;

⁽¹⁾ OJ L 58, 28.2.2006, p. 1. Regulation as last amended by Regulation (EC) No 1260/2007 (OJ L 283, 27.10.2007, p. 1).

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

⁽³⁾ OJ L 102, 17.4.1999, p. 11. Regulation as last amended by Regulation (EC) No 1001/2007 (OJ L 226, 30.8.2007, p. 9).

⁽⁴⁾ OJ L 104, 21.4.2007, p. 14.

(b) a declaration that the product has been unloaded, drawn up by an official authority of the third country in question, by the official authorities of a Member State established in the country of destination, or by an international supervisory agency approved under Articles 16a to 16f of Regulation (EC) No 800/1999, certifying that the product has left the unloading site or at least that, to the knowledge of the authority or agency issuing the declaration, the product has not subsequently been reloaded with a view to being re-exported;

(c) a bank document issued by approved intermediaries established in the Community certifying that payment corresponding to the export in question has been credited to the account of the exporter opened with them, or proof of payment.

Article 2

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

It shall apply from 1 January 2008 to 31 December 2008.

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

Done at Brussels, 20 December 2007.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

COMMISSION REGULATION (EC) No 1542/2007
of 20 December 2007
on landing and weighing procedures for herring, mackerel and horse mackerel

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

apply a system similar to the Community system for landing and weighing of those species.

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 23 thereof,

- (5) In order to improve the accuracy of the information submitted in the logbook, it is necessary to provide for certain exceptions to Commission Regulation (EEC) No 2807/83 of 22 September 1983 laying down detailed rules for recording information on Member States' catches of fish ⁽³⁾. For reasons of clarity, it is appropriate to specify that certain requirements of this Regulation apply in addition to those set out in Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy ⁽⁴⁾.

Whereas:

- (1) Article 23(5) of Regulation (EC) No 2371/2002 provides that detailed rules may be adopted concerning the setting up of administrative and technical structures necessary for ensuring effective control, inspection and enforcement as laid down in Article 23(3) thereof.

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

HAS ADOPTED THIS REGULATION:

- (2) It is appropriate, in order to ensure fair competition, to introduce harmonised procedures for landing and weighing of herring, mackerel and horse mackerel.

CHAPTER I
GENERAL PROVISIONS

Article 1

Scope

- (3) Procedures for landing and weighing have been developed during 2002 to 2005 in close cooperation between the Community, Norway and the Faeroe Islands and have been made part of Community legislation during the development phase as transitional technical and control measures in 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 ⁽²⁾.

This Regulation shall apply to landings in the Community by Community and third country fishing vessels, or by Community fishing vessels in third countries, of quantities per landing exceeding 10 tonnes of herring (*Clupea harengus*), mackerel (*Scomber scombrus*) and horse mackerel (*Trachurus* spp.) or a combination thereof, taken in

- (4) To allow an adequate control and inspection of landings of herring, mackerel and horse mackerel by Community vessels landings should only be allowed in designated ports in the Community or in third countries that

- (a) for herring in ICES ⁽⁵⁾ zones I, II, IIIa, IV, Vb, VI, and VII;
- (b) for mackerel and horse mackerel in ICES zones IIa, IIIa, IV, VI, and VII.

⁽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 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).

⁽³⁾ 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).

⁽⁴⁾ 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).

⁽⁵⁾ International Council for the exploration of the Sea as defined in Council Regulation (EEC) No 3880/91 of 17 December 1991 on the submission of nominal catch statistics by Member States in the north-east Atlantic (OJ L 365, 31.12.1991, p. 1 as last amended by Regulation (EC) No 448/2005 (OJ L 74, 19.3.2005, p. 5).

*Article 2***Designated ports**

1. Landings of herring, mackerel or horse mackerel shall be prohibited outside ports designated by Member States or third countries that have concluded agreements with the Community concerning the landings of such fish.

2. Each Member State concerned shall transmit to the Commission a list of designated ports in which landings of herring, mackerel or horse mackerel may take place. It shall also communicate to the Commission the inspection and surveillance procedures applicable in those ports, including the terms and conditions for recording and reporting the quantities of any of such species within each landing.

3. Each Member State concerned shall transmit to the Commission, at least 15 days before they enter into force, any changes to the lists of ports and to the inspection and surveillance procedures referred to in paragraph 2.

4. The Commission shall transmit the information referred to in paragraphs 2 and 3 as well as the list of ports designated by third countries to all Member States concerned.

5. The Commission and the Member State concerned shall publish the list of designated ports and the changes thereto on their websites.

CHAPTER II

LANDINGS IN THE COMMUNITY*Article 3***Entry into port**

1. The master of a fishing vessel or his agent shall inform the competent authorities of the Member State in which the landing is to be made, at least four hours in advance of entry to port of landing concerned of the following:

- (a) the port he intends to enter, the name of the vessel and its registration number;
- (b) the estimated time of arrival at that port;
- (c) the quantities in kilograms live weight by species retained on board;

(d) the zone where the catch was taken, as defined in Article 10(d) below.

2. A Member State may provide for a shorter notification period than laid down in paragraph 1. In such a case the Member State shall inform the Commission 15 days before its entry into force. The Commission and the Member States concerned shall put this information on their respective websites.

*Article 4***Discharge**

The competent authorities of the Member State concerned shall require that the discharge does not commence until authorised to do so. If the discharge is interrupted, permission shall be required before the discharge can recommence.

*Article 5***Logbook**

1. By way of derogation from the provisions of point 4.2 of Annex IV to Regulation (EEC) No 2807/83, the master of a fishing vessel shall submit, immediately upon arrival to port, the relevant page or pages of the logbook to the competent authority at the port of landing.

2. The quantities retained on board, notified prior to landing as referred to in Article 3(1)(c), shall be equal to the quantities recorded in the logbook after its completion.

3. By way of derogation from the provisions of Article 5(2) of Regulation (EEC) No 2807/83, the permitted margin of tolerance in estimates recorded into the logbook of the quantities in kilograms of fish retained on board of vessels shall be 10 %.

*Article 6***Weighing of fresh fish**

1. All buyers purchasing fresh fish shall ensure that all quantities received are weighed on systems approved by the competent authorities. The weighing shall be carried out prior to the fish being sorted, processed, held in storage and transported from the port of landing or resold. The figure resulting from the weighing shall be used for the completion of landing declarations, sales notes and takeover declarations.

2. When determining the weight any deduction for water shall not exceed 2 %.

*Article 7***Weighing of fresh fish after transport**

1. By way of derogation from Article 6(1) Member States may permit fresh fish to be weighed after transport from the port of landing provided that the fish has not been weighed on landing and is transported to a destination on the territory of the Member State no more than 100 kilometres from the port of landing.

2. Weighing of fresh fish after transport, as referred to in paragraph 1, may only be permitted if:

- (a) the tanker in which the fish is transported is accompanied by an inspector from the place of landing to the place where the fish is weighed, or
- (b) approval is given by the competent authorities at the place of landing to transport the fish.

3. The approval referred to in paragraph 2(b) shall be subject to the following conditions:

- (a) immediately prior to the tanker leaving the port of landing, the buyer or his agent must provide to the competent authorities a written declaration giving the species of the fish and name of the vessel from which it has been discharged, the unique identity number of the tanker and details of the destination where the fish will be weighed; the declaration must include the date and time as well as the estimated time of arrival of the tanker at the destination;

- (b) a copy of the declaration provided for in point (a) must be kept by the driver during the transport of the fish and handed over to the receiver of the fish at the destination.

*Article 8***Publicly operated weighing facilities for fresh fish**

In cases where publicly operated weighing facilities are used the party weighing the fish shall issue to the buyer a weighing slip indicating the date and time of the weighing and the identity number of the tanker. A copy of the weighing slip shall be attached to the sales note or takeover declaration.

*Article 9***Privately operated weighing facilities for fresh fish**

1. In cases where privately operated weighing facilities are used, the provisions of this Article shall apply.

2. The weighing system shall be approved, calibrated and sealed by the competent authorities.

3. The party weighing the fish shall for each weighing system keep a bound, paginated logbook (weighing logbook) indicating:

- (a) the name and registration number of the vessel from which the fish has been landed;
- (b) the identity number of the tankers in cases where fish has been transported from the port of landing before weighing in accordance with Article 7. Each tanker load shall be weighed and recorded separately;
- (c) the species of fish;
- (d) the weight of each landing;
- (e) the date and time of the beginning and end of the weighing.

4. Where the weighing is carried out on a conveyor belt system a visible counter shall be fitted that records the cumulative total of the weight. The reading of the counter at the beginning of the weighing as well as the cumulative total shall be recorded in the weighing logbook. All use of the system shall be recorded in the weighing logbook.

*Article 10***Labelling of frozen fish**

Vessels shall only be permitted to land frozen fish that has been identified with a clearly legible label or stamp. The label or stamp, which shall be placed on each box or block of frozen fish, shall indicate the following:

- (a) name or registration number of the vessel which caught the fish;
- (b) species;
- (c) date of production;
- (d) zone where the catch was taken; the zone shall refer to the sub-area and division or sub-division in which catch limits apply pursuant to Community law.

*Article 11***Weighing of frozen fish**

1. All buyers or holders of frozen fish shall ensure that the quantities landed are weighed prior to the fish being processed, held in storage, transported from the port of landing or resold. The weight of frozen fish landed in boxes shall be determined per species by multiplying the total number of boxes by a net average weight for a box calculated according to the methodology set down in the Annex.

2. The party weighing the fish shall keep a record per landing, indicating:

- (a) the name and registration number of the vessel from which the fish has been landed;
- (b) the species of fish landed;
- (c) the size of the lot and sample of pallets per species in accordance with the provisions of point 1 of the Annex;
- (d) the weight of each pallet in the sample and the average weight of the pallets;
- (e) the number of boxes on each pallet in the sample;
- (f) the tare weight per box, if different from the tare weight specified in point 4 of the Annex;
- (g) the average weight of an empty pallet in accordance with the provisions of point 3(b) of the Annex;
- (h) the average weight per box per species.

3. The figure resulting from the weighing shall be used for the completion of landing declarations, sales notes and takeover declarations.

*Article 12***Keeping of weighing documents**

The weighing logbook and records provided for in Article 9(3) and 11(2) and the copies of written declarations provided for in Article 7(3)(b) shall be kept for six years.

*Article 13***Sales note and takeover declaration**

In addition to the provisions of Article 9(5) of Regulation (EC) No 2847/93, the processor, receiver or buyer of all fish

landed shall submit a copy of the sales note or takeover declaration to the competent authorities of the Member State concerned on demand, but in any event no later than 48 hours after the completion of the weighing.

*Article 14***Access by competent authorities**

The competent authorities shall have full access at all times to the weighing system, the weighing logbooks, written declarations and all premises where the fish is processed and kept.

*Article 15***Cross-checks**

The competent authorities shall carry out administrative cross-checks on all landings between the following:

1. quantities by species indicated in the prior notice of landing, as referred to in Article 3(1)(c), and the quantities recorded in the vessel's logbook,
2. quantities by species recorded in the vessel's logbook and the quantities recorded in the landing declaration,
3. quantities by species recorded on the landing declaration and the quantities recorded in the takeover declaration or the sales note,
4. catch area recorded in the vessel's logbook and the VMS data for the vessel concerned.

*Article 16***Full inspection**

1. The competent authorities of a Member State shall ensure that at least 15 % of the quantities of fish landed and at least 10 % of the landings of fish are subject to full inspections. Such inspections shall be carried out in accordance with paragraphs 2, 3 and 4.

2. The weighing of the catch from the vessel shall be monitored by species. In the case of vessels pumping catch ashore the weighing of the entire discharge shall be monitored. In the case of landings of frozen fish, all boxes shall be counted and the methodology for calculating the average net weight of boxes provided for in the Annex shall be monitored.

3. The following data shall be cross-checked in addition to those referred to in Article 15:

- (a) quantities by species recorded in the weighing logbook and the quantities by species recorded in the takeover declaration or the sales note;
- (b) the written declarations received by the competent authorities pursuant to Article 7(3)(a) and the written declarations held by the receiver of the fish pursuant to Article 7(3)(b);
- (c) identity numbers of tankers entered into the weighing logbook in accordance with Article 9(3)(b) and the numbers that appear in the written declarations provided for in Article 7(3)(a).

4. It shall be verified that the vessel is empty of all fish, once the discharge has been completed.

Article 17

Documentation of inspection activities

All inspection activities covered by Article 16 shall be documented. Such documentation shall be kept for six years.

CHAPTER III

FINAL PROVISIONS

Article 18

Entry into force

This Regulation shall enter into force on 1 January 2008.

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

Done at Brussels, 20 December 2007.

For the Commission

Joe BORG

Member of the Commission

ANNEX

Methodology for calculating the average net weight of boxes or blocks of frozen fish

1. The average weight per box shall be determined per species using the sampling plan in the table below. The sample of pallets shall be selected randomly.

Sampling Plan

Lot size (number of boxes)	Sample size (number of pallets × 52 boxes)
5 000 or less	3
5 001-10 000	4
10 001-15 000	5
15 001-20 000	6
20 001-30 000	7
30 001-50 000	8
More than 50 000	9

2. Each pallet of boxes in the sample shall be weighed. The total gross weight of all pallets in the sample shall be divided by the total number of pallets in the sample to arrive at the average gross weight per pallet per species.
3. In order to arrive at the net weight per box per species the following deductions are made from the average gross weight of the pallet referred to in point 2:
 - (a) The average tare weight per box equal to the weight of ice and cardboard, plastic or other packaging material multiplied by the number of boxes on the pallet;
 - (b) The average weight of nine empty pallets as used in the landing.

The resulting net weight per pallet per species shall then be divided by the number of boxes on the pallet.

4. The tare weight per box referred to in point 3(a) shall be 1,5 kg. A Member State may use a different tare weight per box provided that they submit their sampling methodology and any changes thereto to the Commission for approval.

COMMISSION REGULATION (EC) No 1543/2007

of 20 December 2007

amending Regulation (EC) No 581/2004 opening a standing invitation to tender for export refunds concerning certain types of butter and Regulation (EC) No 582/2004 opening a standing invitation to tender for exports refunds concerning skimmed milk powder

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

adopt this frequency on a permanent base as from January 2008.

Having regard to the Treaty establishing the European Community,

(5) It is therefore necessary to amend Regulations (EC) No 581/2004 and (EC) No 582/2004 accordingly.

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, and in particular Article 31(3)(b) and (14) thereof,

(6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

Whereas:

HAS ADOPTED THIS REGULATION:

(1) Article 1(1) of Commission Regulation (EC) No 581/2004 ⁽²⁾ and Article 1(1) of Commission Regulation (EC) No 582/2004 ⁽³⁾ open a permanent invitation to tender to determine export refunds on certain dairy products to destinations excluding certain third countries and territories.

Article 1

Regulation (EC) No 581/2004 is amended as follows:

(2) To avoid misinterpretation of the status of those destinations, it is appropriate to distinguish between third countries and territories of European Union Member States not forming part of the customs territory of the Community.

1. in Article 1(1) the second subparagraph is replaced by the following:

'The products referred to in the first subparagraph are intended for export for all destinations except the following countries and territories:

(3) Article 2(2) of Regulation (EC) No 581/2004 and Article 2(2) of Regulation (EC) No 582/2004 lay down the application period for tender export refund certificates for butter and skimmed milk powder accordingly. Given the situation on the market for milk and milk products, Commission Regulation (EC) No 1119/2007 of 27 September 2007 derogating from Regulation (EC) No 581/2004 opening a standing invitation to tender for export refunds concerning certain types of butter and from Regulation (EC) No 582/2004 opening a standing invitation to tender for exports refunds concerning skimmed milk powder ⁽⁴⁾ has provided for one single tender application period per month in the last quarter of 2007.

(a) third countries: Andorra, the Holy See (Vatican City State), Liechtenstein and the United States of America;

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

(4) Since that situation of the market is likely to remain, and with a view to avoid unnecessary administrative procedures and charges it is appropriate to definitely

2. in Article 2 paragraph 2 is replaced by the following:

'2. Each tendering period shall begin at 13.00 (Brussels time) on the second Tuesday of the month with the following exceptions:

⁽¹⁾ OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Regulation (EC) No 1152/2007 (OJ L 258, 4.10.2007, p. 3). Regulation (EC) No 1255/1999 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 90, 27.3.2004, p. 64. Regulation as last amended by Regulation (EC) No 276/2007 (OJ L 76, 16.3.2007, p. 16).

⁽³⁾ OJ L 90, 27.3.2004, p. 67. Regulation as last amended by Regulation (EC) No 276/2007.

⁽⁴⁾ OJ L 253, 28.9.2007, p. 23.

(a) in August it shall begin at 13.00 (Brussels time) on the third Tuesday;

(b) in December it shall begin at 13.00 (Brussels time) on the first Tuesday.

If Tuesday is a public holiday, the period shall begin at 13.00 (Brussels time) on the following working day.

Each tendering period shall end at 13.00 (Brussels time) on the third Tuesday of the month with the following exceptions:

(a) in August it shall end at 13.00 (Brussels time) on the fourth Tuesday;

(b) in December it shall end at 13.00 (Brussels time) on the second Tuesday.

If Tuesday is a public holiday the period shall end at 13.00 (Brussels time) on the previous working day.'

Article 2

Regulation (EC) No 582/2004 is amended as follows:

1. in Article 1 paragraph 1 is replaced by the following:

'1. A permanent tender is opened in order to determine the export refund on skimmed milk powder referred to in Section 9 of Annex I to Commission Regulation (EEC) No 3846/87 (*) in bags of at least 25 kilograms net weight and containing no more than 0,5 % by weight of added non-lactic matter falling under product code ex 0402 10 19 9000, intended for export to all destinations except the following countries and territories:

(a) third countries: Andorra, the Holy See (Vatican City State), Liechtenstein and the United States of America;

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

Government of the Republic of Cyprus does not exercise effective control.

(*) OJ L 366, 24.12.1987, p. 1.;

2. in Article 2 paragraph 2 is replaced by the following:

'2. Each tendering period shall begin at 13.00 (Brussels time) on the second Tuesday of the month with the following exceptions:

(a) in August it shall begin at 13.00 (Brussels time) on the third Tuesday;

(b) in December it shall begin at 13.00 (Brussels time) on the first Tuesday.

If Tuesday is a public holiday, the period shall begin at 13.00 (Brussels time) on the following working day.

Each tendering period shall end at 13.00 (Brussels time) on the third Tuesday of the month with the following exceptions:

(a) in August it shall end at 13.00 (Brussels time) on the fourth Tuesday;

(b) in December it shall end at 13.00 (Brussels time) on the second Tuesday.

If Tuesday is a public holiday the period shall end at 13.00 (Brussels time) on the previous working day.'

Article 3

This Regulation shall enter into force on the third day following 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, 20 December 2007.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

**COMMISSION REGULATION (EC) No 1544/2007
of 20 December 2007**

amending Regulation (EC) No 2707/2000 laying down rules for applying Council Regulation (EC) No 1255/1999 as regards Community aid for supplying milk and certain milk products to pupils in educational establishments

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, and in particular Article 15 thereof,

Whereas:

- (1) Article 14(3) of Regulation (EC) No 1255/1999 as amended by Council Regulation (EC) No 1152/2007 of 26 September 2007 sets up the aid level for milk supplied to pupils in educational establishments, regardless of its fat content and provides for the adaptation of the aid level for other eligible products.
- (2) Commission Regulation (EC) No 2707/2000 ⁽²⁾ should therefore be amended accordingly.
- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2707/2000 is amended as follows:

1. Article 3 is replaced by the following:

'Article 3

1. Member States may pay the aid on eligible products the list of which is set out in Annex I.

⁽¹⁾ OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Regulation (EC) 1152/2007 (OJ L 258, 4.10.2007, p. 3). Regulation (EC) No 1255/1999 will be replaced by Regulation (EC) No 1234/2007 (OJ L 299, 16.11.2007, p. 1) as from 1.7.2008.

⁽²⁾ OJ L 311, 12.12.2000, p. 37. Regulation as last amended by Regulation (EC) 704/2007 (OJ L 161, 22.6.2007, p. 31).

2. In the French overseas departments, milk flavoured with chocolate or otherwise may be reconstituted milk.

3. Member States may authorise the addition of a maximum of 5 mg of fluorine per kilogram to category I products.

4. An aid shall only be granted on the products listed in Annex I to this Regulation if the products comply with the requirements of Regulation (EC) No 852/2004 of the European Parliament and of the Council ^(*) and Regulation (EC) No 853/2004 of the European Parliament and of the Council ^(**), and in particular the requirements concerning preparation in an approved establishment and the identification marking requirements specified in Section I of Annex II to Regulation (EC) No 853/2004.

^(*) OJ L 139, 30.4.2004, p. 1, as corrected by OJ L 226, 25.6.2004, p. 3.

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

2. Article 4(1) is replaced by the following:

'1. The aid rates are set out in Annex II.;

3. Article 5(2) is replaced by the following:

'2. For products of categories II to VI listed in Annex I the calculation shall use the following equivalences:

(a) category II: 100 kg = 300 kg of milk;

(b) category III: 100 kg = 765 kg of milk;

(c) category IV: 100 kg = 850 kg of milk;

(d) category V: 100 kg = 935 kg of milk;

(e) category VI: 100 kg = 750 kg of milk.;

4. Annexes I and II are replaced by the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the third day following 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, 20 December 2007.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

ANNEX

ANNEX I

LIST OF PRODUCTS ELIGIBLE FOR COMMUNITY AID**Category I**

- (a) heat-treated milk
- (b) heat-treated milk flavoured with chocolate or otherwise, containing at least 90 % by weight of the milk indicated in (a)
- (c) yoghurt or "piimä/filmjök" or "piimä/fil" processed from milk indicated in (a)

Category II

Non-flavoured ⁽¹⁾ fresh and processed cheeses with a fat content by weight in the dry matter of at least 40 %.

Category III

Cheeses other than fresh and processed, with a fat content by weight in the dry matter of at least 45 %.

Category IV

Grana Padano cheese.

Category V

Parmigiano Reggiano cheese.

Category VI

Halloumi cheese.

⁽¹⁾ For the purpose of this category, non-flavoured cheese shall mean cheese exclusively derived from milk, it being accepted that substances necessary for their manufacture may be added, provided that these substances are not used to replace in part or in whole any milk constituent.

ANNEX II

Aid rates

- (a) EUR 18,15/100 kg for category I products
 - (b) EUR 54,45/100 kg for category II products
 - (c) EUR 138,85/100 kg for category III products
 - (d) EUR 154,28/100 kg for category IV products
 - (e) EUR 169,70/100 kg for category V products
 - (f) EUR 136,13/100 kg for category VI products.
-

COMMISSION REGULATION (EC) No 1545/2007

of 20 December 2007

fixing the complementary quantity of raw cane sugar originating in the ACP States and India for supply to refineries in the period from 1 October 2007 to 30 September 2008

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 of Article 29(4) thereof,

Whereas:

- (1) Article 29(4) of Regulation (EC) No 318/2006 lays down that, during the 2006/2007, 2007/2008 and 2008/2009 marketing years and in order to ensure adequate supply to Community refineries, import duties on a complementary quantity of imports of raw cane sugar originating in the States referred to in Annex VI to that Regulation are to be suspended.
- (2) That complementary quantity should be calculated in accordance with Article 19 of Commission Regulation (EC) No 950/2006 of 28 June 2006 laying down detailed rules of application for the 2006/2007, 2007/2008 and 2008/2009 marketing years for the import and refining of products of the sugar sector under certain tariff quotas and preferential agreements ⁽²⁾, on the basis of a Community forecast supply balance of raw sugar. For the 2007/2008 marketing year, the balance indicates the need to import a complementary quantity of raw sugar so that the Community refineries' supply needs can be met.
- (3) To ensure that refineries within the Community have a sufficient supply of raw sugar to fulfil their traditional

supply needs, the complementary quantity should be allocated between the third countries concerned in a way to ensure full delivery. For India, it is considered appropriate to maintain an initial quantity of 10 000 tonnes. As regards the remaining supply need, a global quantity should be fixed for the ACP States, which have collectively undertaken to implement between themselves procedures for the allocation of the quantities in order to ensure the appropriate supply of the refineries.

- (4) 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 period from 1 October 2007 to 30 September 2008, the complementary quantity of raw cane sugar for refining falling within CN code 1701 11 10, as referred to in Article 29(4) of Regulation (EC) No 318/2006, shall be:

- (a) 70 000 tonnes expressed as white sugar originating in the States listed in Annex VI to Regulation (EC) No 318/2006 except India;
- (b) 10 000 tonnes expressed as white sugar originating in India.

Article 2

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

For the Commission
Mariann FISCHER BOEL
Member of the Commission

⁽¹⁾ OJ L 58, 28.2.2006, p. 1. Regulation as last amended by Regulation (EC) No 1260/2007 (OJ L 283, 27.10.2007, p. 1).

⁽²⁾ OJ L 178, 1.7.2006, p. 1. Regulation as last amended by Regulation (EC) No 371/2007 (OJ L 92, 3.4.2007, p. 6).

COMMISSION REGULATION (EC) No 1546/2007

of 20 December 2007

amending Regulation (EC) No 1898/2005 laying down detailed rules for implementing Council Regulation (EC) No 1255/1999 as regards measures for the disposal of cream, butter and concentrated butter on the Community market

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, and in particular Articles 10 and 15 thereof,

Whereas:

- (1) Council Regulation (EC) No 1152/2007 amended the provisions of Regulation (EC) No 1255/1999 concerning private storage for butter and cream, notably by abolishing the reference to national quality standards as an eligibility criterion for private storage aid for butter.
- (2) In view of those new arrangements it is appropriate to align the eligibility criteria for the aid schemes for the disposal of cream, butter and concentrated butter laid down in Commission Regulation (EC) No 1898/2005 ⁽²⁾. In particular references to the national quality standard should be deleted and where necessary replaced by the eligibility criteria of Regulation (EC) No 1255/1999. Relevant provisions on checks should be adapted accordingly.
- (3) Regulation (EC) No 1898/2005 should be amended accordingly.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk products,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1898/2005 is amended as follows:

1. in Article 5(1), point (a) is replaced by the following:

⁽¹⁾ OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Regulation (EC) No 1152/2007 (OJ L 258, 4.10.2007, p. 3). Regulation (EC) No 1255/1999 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 308, 25.11.2005, p. 1. Regulation as last amended by Regulation (EC) No 96/2007 (OJ L 25, 1.2.2007, p. 6).

'(a) butter produced directly and exclusively from pasteurised cream which meets the requirements laid down in Article 6(3) of Regulation (EC) No 1255/1999';

2. in Article 45, paragraph 2 is replaced by the following:

'2. Where tracers are added to butter or cream, or butter or cream are incorporated into final products or, where applicable, into intermediate products, in a Member State other than the country of manufacture, such butter or cream shall be accompanied by a certificate issued by the competent authority of the Member State of manufacture stating:

- (a) for butter, that it has been produced on its territory in an approved undertaking which is subject to checks verifying that the butter is produced directly and exclusively from cream or milk within the meaning of Article 6(6) of Regulation (EC) No 1255/1999;
- (b) for cream, that it has been produced on its territory in an approved undertaking which is subject to checks that the cream has been obtained directly and exclusively from cow's milk produced in the Community within the meaning of Article 6(6) of Regulation (EC) No 1255/1999.

3. Where the Member State of production has performed the checks on the nature and composition of the butter referred to in Article 5(1) of this Regulation, the certificate referred to in paragraph 2 of this Article shall also contain the results of those checks and confirm that the product concerned is butter within the meaning of the first subparagraph of Article 6(3) of Regulation (EC) No 1255/1999. In that case, the packaging must be sealed by means of a numbered label issued by the competent agency of the Member State of production. The number must be entered on the certificate.;

3. in Article 72(b), point (i) is replaced by the following:

'(i) the conditions laid down in Article 6(3) of Regulation (EC) No 1255/1999';

4. in Article 74, paragraph 2 is replaced by the following:

'2. In the case of butter referred to in the second indent of the first subparagraph of Article 6(3) of Regulation (EC) No 1255/1999, the amount of the aid set in paragraph 1 of this Article shall be multiplied by 0,9756.;

5. in Article 81, paragraph 1 is replaced by the following:

'1. The butter shall be delivered to the beneficiary in packages bearing in clear and indelible lettering the identification marking in accordance with Article 72(b) and one or more of the entries listed in Annex XVI(1).;

6. Article 82 is replaced by the following:

'Article 82

1. The Member States shall adopt all the necessary inspection measures to ensure that this Chapter is complied with. In particular checks on the commercial documents and stock records of the supplier shall be made in accordance with Council Regulation (EEC) No 4045/89 (*).

Furthermore, the eligibility of the butter shall be checked by analysing randomly taken physical samples to ensure compliance with Article 72(b)(i) of this Regulation and to verify the absence of non-milk fat.

Checks shall be the subject of an inspection report specifying the date of the check, its duration and the operations carried out.

2. Where the butter is produced in a Member State other than the Member State where it is purchased by a bene-

ficiary, payment of the aid shall be subject to presentation of a certificate supplied by the competent agency of the Member State of production.

The certificate shall confirm that the butter concerned has been produced in an approved undertaking which is subject to checks verifying that the butter is produced from cream or milk within the meaning of Article 6(6) of Regulation (EC) No 1255/1999.

Where the Member State of production has performed the checks on the nature and composition of the butter referred to in Article 72(b) of this Regulation, the certificate referred to in the first subparagraph of this paragraph shall also contain the results of those checks and confirm that the product concerned is butter within the meaning of the first subparagraph of Article 6(3) of Regulation (EC) No 1255/1999. In that case, the packaging shall be sealed by means of a numbered label issued by the competent agency of the Member State of production. The number must be entered on the certificate.

(*) OJ L 388, 30.12.1989, p. 18.'

Article 2

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

It shall apply from 1 January 2008.

Article 1(3) to (6) shall apply to all deliveries of butter made on the basis of the voucher, as referred to in Article 75(1) of Regulation (EC) No 1898/2005, valid for the month of January 2008 and following.

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

Done at Brussels, 20 December 2007.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

**COMMISSION REGULATION (EC) No 1547/2007
of 20 December 2007**

establishing a transitional period for withdrawing the Republic of Cape Verde from the list of beneficiary countries of the special arrangement for least developed countries, as set out in Council Regulation (EC) No 980/2005 applying a scheme of generalised tariff preferences

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 980/2005 of 27 June 2005 applying a scheme of generalised tariff preferences ⁽¹⁾, and in particular Article 12(7) thereof,

Whereas:

- (1) The Republic of Cape Verde (hereinafter referred to as Cape Verde) is included in the special arrangement for least developed countries under the Community's scheme of generalised tariff preferences.
- (2) Article 12(7) of Regulation (EC) No 980/2005 provides for the withdrawal of a country from the special arrangement for least developed countries, when that country is excluded by the United Nations from the list of least developed countries. That Article also provides for the establishment of a transitional period of at least three years, to alleviate any adverse effects which may be caused by the removal of the tariff preferences granted under the special arrangement for least developed countries.

(3) Cape Verde has been excluded by the United Nations from the list of least developed countries, with effect from 1 January 2008 ⁽²⁾.

(4) Cape Verde should, therefore, be allowed to continue to benefit from the preferences granted under the special arrangement for least developed countries, until the end of 2010.

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

HAS ADOPTED THIS REGULATION:

Article 1

The Republic of Cape Verde shall be removed from the list of beneficiaries of the special arrangement for least developed countries in Annex I to Regulation (EC) No 980/2005, with effect from 1 January 2011.

Article 2

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

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

Done at Brussels, 20 December 2007.

For the Commission

Peter MANDELSON

Member of the Commission

⁽¹⁾ OJ L 169, 30.6.2005, p. 1. Regulation as last amended by Commission Regulation (EC) No 606/2007 (OJ L 141, 2.6.2007, p. 4).

⁽²⁾ UN General Assembly Resolution A/Res/59/210 of 20 December 2004.

COMMISSION REGULATION (EC) No 1548/2007

of 20 December 2007

amending Regulation (EC) No 1973/2004 laying down detailed rules for the application of Council Regulation (EC) No 1782/2003 as regards the support schemes provided for in Titles IV and IVa of that Regulation and the use of land set aside for the production of raw materials

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1782/2003 of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and amending Regulations (EEC) No 2019/93, (EC) No 1452/2001, (EC) No 1453/2001, (EC) No 1454/2001, (EC) No 1868/94, (EC) No 1251/1999, (EC) No 1254/1999, (EC) No 1673/2000, (EEC) No 2358/71 and (EC) No 2529/2001 ⁽¹⁾, and in particular Article 145 (da) and (dd) thereof,

Whereas:

- (1) Regulation (EC) No 1782/2003 defines the rules for the coupled support for fruit and vegetables. Chapters 10g and 10h of Title IV of Regulation (EC) No 1782/2003 provide for transitional fruit and vegetable payments and the transitional soft fruit payment. It is therefore necessary to lay down detailed rules with regard to the granting of these aids.
- (2) Article 143c of Regulation (EC) No 1782/2003 allows new Member States to complement Community direct payments. A number of direct payments have been fully or partially included in the single payment scheme in all Member States other than those new Member States that are still applying the single area payment scheme. Having regards to such developments in the implementation of the single payment scheme, the experience with the application of the complementary national direct payments shows, that new Member States had encountered some difficulties applying the rules provided for in Article 143c of that Regulation. Therefore, for reason of increased clarity, it is appropriate to provide further precision to the meaning of certain terms used in Article 143c(2) and (7) of that Regulation.
- (3) Section I point E of Annex VIII to the Act of Accession of Bulgaria and Romania lays down the possibility to grant support to farmers eligible for complementary

national direct payments in Bulgaria and Romania as part of the temporary additional rural development measure. It is appropriate, that in case of Community contribution, Commission Regulation (EC) No 796/2004 ⁽²⁾, which has laid down detailed rules for the implementation of cross-compliance, modulation and the integrated administration and control system provided for in Regulation (EC) No 1782/2003, applies to such complementary national direct payments. Such provision should apply from the date of accession of Bulgaria and Romania to the European Union.

- (4) Paragraph 3 of Article 110u and paragraph 2 of Article 110v of Regulation (EC) No 1782/2003 provide that the aids provided for in those Articles are granted on the condition that processing contract is concluded. For that purpose, it is appropriate to require that a contract must be concluded with respect to the agricultural raw materials concerned, between, on the one hand, an approved first processor, and, on the other hand, a producer or a recognised producer organisation representing him or, in the case of the transitional fruit and vegetables payments and the transitional soft fruit payment, an approved collector representing the producer.
- (5) To ensure that the raw material benefiting from the transitional fruit and vegetable payments and the transitional soft fruit payment is finally processed, it appears appropriate to set up a system of approval of first processors and collectors. Such authorised operators would have to comply with minimum requirements and would be sanctioned in case of non-compliance with their obligations, according to detailed rules to be set up at national level by the competent authorities.
- (6) In order to be able to manage the financial envelope for transitional fruit and vegetable payments appropriately, Member States should fix early in the year an indicative aid amount per hectare and, before the time period for payments, a final aid amount per hectare.
- (7) Commission Regulation (EC) No 1973/2004 ⁽³⁾ should therefore be amended accordingly.

⁽¹⁾ OJ L 270, 21.10.2003, p. 1. Regulation as last amended by Commission Regulation (EC) No 1276/2007 (OJ L 284, 30.10.2007, p. 11).

⁽²⁾ OJ L 141, 30.4.2004, p. 18. Regulation as last amended by Regulation (EC) No 972/2007 (OJ L 216, 21.8.2007, p. 3).

⁽³⁾ OJ L 345, 20.11.2004, p. 1. Regulation as last amended by Regulation (EC) No 993/2007 (OJ L 222, 28.8.2007, p. 10).

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1973/2004 is amended as follows:

1. In Article 1(1), the following point (t) is added:

‘(t) transitional fruit and vegetable payments and transitional soft fruit payment provided for in Chapters 10g and 10h of Title IV of that Regulation.’;

2. Article 2(1) is replaced by the following:

‘1. The direct payments referred to in Article 1(a), (b), (c), (e), (h), (i), (j), (m), (p) and (t) shall be granted only for the areas, per each type of crop, which have been the subject of application in respect of at least 0,3 hectare, where each cultivated parcel exceeds the minimum size set by the Member State within the limit provided for in Article 14(4) of Regulation (EC) No 796/2004.

In the case of Malta, the direct payments referred to in Article 1(a), (b), (c), (e), (h), (i), (j), (m) (p) and (t) shall be granted only for the areas, per each type of crop, which have been the subject of application in respect of at least 0,1 hectare, where each cultivated parcel exceeds the minimum size set by the Member State within the limit provided for in Article 14(4) of Regulation (EC) No 796/2004.

In the case of Greece, the transitional fruit and vegetable payments referred to in Article 1(t) shall be granted only for the areas, per each type of crop, which have been the subject of application in respect of at least 0,1 hectare, where each cultivated parcel exceeds the minimum size set by the Member State within the limit provided for in Article 14(4) of Regulation (EC) No 796/2004.

In the case of Bulgaria, Latvia, Hungary, and Poland, the soft fruit payment referred to in Article 1(t) shall be granted only for the areas, per each type of crop, which have been the subject of application in respect of at least 0,1 hectare, where each cultivated parcel exceeds the minimum size set by the Member State within the limit provided for in Article 14(4) of Regulation (EC) No 796/2004.’

3. In Article 2(2), the first subparagraph is replaced by the following:

‘The direct payment referred to in Article 1(a), (b), (c), (h) (j) and (t) shall be granted only for the areas entirely sown or planted and on which all normal cultivation conditions have been performed in accordance with local standards.’;

4. In Article 3(1)(e) the following point (v) is added:

‘(v) the total aid amount paid in the case of transitional fruit and vegetable payments and transitional soft fruit payment provided for in Chapters 10g and 10h of Title IV of Regulation (EC) No 1782/2003.’;

5. After Article 139, the following Article is inserted:

‘Article 139a

Eligibility conditions

1. For the purposes of Article 143c of Regulation (EC) No 1782/2003, “corresponding direct payment then applicable to the Member States in the Community as constituted on 30 April 2004” referred to in the fourth subparagraph of paragraph 2 of that Article shall mean any direct payment listed in Annex I to that Regulation granted in the year of application of the complementary national direct payments whose eligibility conditions are similar to that of the complementary national direct payment concerned.

2. In application of the second indent of Article 143c(7) of Regulation (EC) No 1782/2003, the Commission shall in particular take into account the (sub)sector specific financial envelopes referred to in Article 143c(5) of that Regulation and the eligibility conditions applicable to the corresponding direct payment then applicable to the Member States in the Community as constituted on 30 April 2004.’;

6. Article 140(1) is replaced by the following:

‘1. Regulation (EC) No 796/2004 shall apply to the complementary national direct payment co-financed in accordance with Article 33h of Regulation (EC) No 1257/1999 or, in the case of Bulgaria and Romania, in accordance with Section I point E of Annex VIII to the Act of Accession of Bulgaria and Romania.’

7. After Chapter 17c, the following Chapter 17d is inserted:

'CHAPTER 17d

**TRANSITIONAL FRUIT AND VEGETABLES PAYMENTS AND
TRANSITIONAL SOFT FRUIT PAYMENT**

Article 171d

Definitions

For the purposes of this Chapter:

- (a) "applicant" shall mean any farmer cultivating the areas referred to in Articles 110t and 110v of Regulation (EC) No 1782/2003 with a view to obtaining the aids provided for in those Articles;
- (b) "aid" shall mean the transitional fruit and vegetables payment provided for in Article 110t of Regulation (EC) No 1782/2003 or the transitional soft fruit payment provided for in Article 110v of that Regulation;
- (c) "first processor" shall mean any user of an agricultural raw material referred to in Articles 110t and 110v of Regulation (EC) No 1782/2003 who undertakes the first processing thereof with a view to obtaining one or more of the products listed in Article 1(2) of Council Regulation (EC) No 2201/96 (*);
- (d) "collector" shall mean any person concluding a contract with an applicant within the meaning of point (a) who purchases on his own account at least one of the products referred to respectively in the third subparagraph of Article 68b(2) or in Article 110v(1) of Regulation (EC) No 1782/2003;
- (e) "recognised producer organisation" shall mean any legal entity or a clearly defined part of a legal entity which complies with the requirements of Article 3(1) of Regulation (EC) No 1182/2007 (**) and that is recognised by the concerned Member State in accordance with Article 4 of that Regulation and recognised producer groups in accordance with Article 7 of that Regulation.

Article 171da

Contract

1. Without prejudice of the application by Member States of the possibility provided for in Article 110u(4) of Regulation (EC) No 1782/2003, the contract for processing referred to in Articles 110u(3) and 110v(2) of that Regulation shall be concluded between, on the one hand, an approved first processor, within the meaning of Article 171db, and, on the other hand, an applicant or a recognised

producer organisation representing him or an approved collector, within the meaning of Article 171db, representing the applicant.

Where the recognised producer organisation also acts as an approved first processor, the contract may take the form of a commitment to supply.

2. The contract or the commitment to supply shall specify at least the following:

- (a) the names and addresses of the parties to the contract or the commitment to supply;
- (b) the species concerned and the area planted with each species;
- (c) where appropriate, an undertaking by the applicant to deliver to the first processor the total quantity harvested or minimum quantities defined by Member States.

In the cases where the contract is concluded between an approved first processor and a recognised producer organisation or an approved collector representing the applicant, the contract shall specify also the names and addresses, referred to in point (a), of the applicants concerned, as well as the species and the area planted, referred to in point (b), for each applicant concerned.

Article 171db

Approval of the first processors and collectors

1. For the purpose of this Chapter Member States shall set up a system of approval of the first processors and collectors located on their territory. They shall in particular lay down conditions for approval ensuring that at least:

- (a) the approved first processors and collectors have the administrative capacities for managing the contracts referred to in Article 171da;
- (b) the approved first processors have the appropriate production capacities.

2. Member States shall set up a procedure of controls of the approval.

Approvals granted pursuant to Regulation (EC) No 2201/96 and Regulation (EC) No 2202/96 shall remain valid for the purposes of this Chapter.

3. Where it is found that an approved first processor or collector fails to comply with the obligations laid down in this Chapter or with the national provisions adopted on its basis, or where an approved first processor or collector does not accept or facilitate the checks to be performed by the competent authorities in accordance with Regulation (EC) No 796/2004, Member States shall impose appropriate penalties. The rate of penalties shall be calculated in the light of the seriousness of the infringement.

4. Member States shall make available to the public a list of approved first processors and collectors at least two months before the date fixed in accordance with Article 11(2) or Article 13(13a) of Regulation (EC) No 796/2004.

Article 171dc

Aid level for transitional fruit and vegetable payments

1. In application of Article 110u(1) of Regulation (EC) No 1782/2003 and before 15 March of the year in respect of

which the aid is claimed, Member States shall fix and make available to the public the indicative aid amount per hectare.

2. In application of Articles 110u(1) and 110u(2) of Regulation (EC) No 1782/2003, Member States shall fix the final aid amount per hectare on the basis of the determined area.

(*) OJ L 297, 21.11.1996, p. 29.

(**) OJ L 273, 17.10.2007, p. 1.

Article 2

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

It shall apply from 1 January 2008. However, Article 1(6) shall apply from 1 January 2007.

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

Done at Brussels, 20 December 2007.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

COMMISSION REGULATION (EC) No 1549/2007

of 20 December 2007

amending Regulation (EC) No 616/2007 opening and providing for the administration of certain Community tariff quotas in the sector of poultrymeat originating in Brazil, Thailand and other third countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organisation of the market in poultrymeat ⁽¹⁾, and in particular Article 6(1) thereof,

Having regard to Council Decision 2007/360/EC of 29 May 2007 on the conclusion of Agreements in the form of Agreed Minutes between the European Community and the Federal Republic of Brazil, and between the European Community and the Kingdom of Thailand pursuant to Article XXVIII of the General Agreement on Tariffs and Trade 1994 (GATT 1994) relating to the modification of concessions with respect to poultry meat ⁽²⁾, and in particular Article 2 thereof,

Whereas:

- (1) Commission Regulation (EC) No 616/2007 ⁽³⁾ allows for processors to apply for import licences under certain conditions.
- (2) Salted poultrymeat falling within CN code 0210 99 39 is not covered by Regulation (EEC) No 2777/75. Consequently, operators traditionally importing that product should be allowed to benefit from the special quota for salted poultrymeat.
- (3) One of the conditions referred to in Regulation (EC) No 616/2007 is that the processing must have been carried out using poultrymeat of CN codes 0207 or 0210 and result in poultrymeat preparations of CN code 1602 covered by Regulation (EEC) No 2777/75.
- (4) As Regulation (EEC) No 2777/75 does not cover homogenised preparations of CN code 1602 10, and some operators specialised in this type of processing have expressed an interest in participating in the quotas opened by Regulation (EC) No 616/2007, such processed products should be included, but not homogenised products containing meats other than poultrymeat.

- (5) Experience has shown that the quantities available for groups 6 and 8 are not utilised. One of the reasons for this under-utilisation is the fact that the minimum quantity for which an operator can apply, set at 100 tonnes in the Regulation, is too large, as the markets in question are often 'niche' markets.
- (6) The minimum quantity for which each operator can apply should therefore be reduced for these specific groups.
- (7) Import licences are issued to operators by the Member States more than two months before the start of the sub-period or period in question, and therefore more than two months before the start of their period of validity. There is a particularly long gap between the issue of the licences and the period when operators are able to use them to import.
- (8) To avoid a situation where some licences are used to import before the start of their period of validity, the start date of the validity period should be printed on the import licences.
- (9) Regulation (EC) No 616/2007 should be amended accordingly.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Poultrymeat and Eggs,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 616/2007 is hereby amended as follows:

1. Article 4(1) is replaced by the following:

'For the purposes of applying Article 5 of Regulation (EC) No 1301/2006, import licence applicants shall, when presenting their first application as regards a given quota period, furnish proof that they imported or exported, during each of the two periods referred to in that Article, at least 50 tonnes of products covered by Regulation (EEC) No 2777/75 or of salted poultrymeat falling within CN code 0210 99 39.'

⁽¹⁾ OJ L 282, 1.11.1975, p. 77. Regulation as last amended by Regulation (EC) No 679/2006 (OJ L 119, 4.5.2006, p. 1).

⁽²⁾ OJ L 138, 30.5.2007, p. 10.

⁽³⁾ OJ L 142, 5.6.2007, p. 3.

2. In Article 4(2) the first subparagraph is replaced by the following:

'By way of derogation from Article 5 of Regulation (EC) No 1301/2006 and paragraph 1 of this Article, import licence applicants may, when presenting their first application as regards a given quota period, also furnish proof that they processed, during each of the two periods referred to in Article 5 of Regulation (EC) No 1301/2006, at least 1 000 tonnes of poultrymeat of CN codes 0207 or 0210 to produce preparations of poultrymeat of CN code 1602 covered by Regulation (EEC) No 2777/75 or homogenised preparations of CN code 1602 10 00 containing no meat other than poultrymeat.'

3. In Article 4(5), the second subparagraph is replaced by the following:

'For Groups Nos 3, 6 and 8 the minimum quantity for licence applications shall be reduced to 10 tonnes.'

4. Part B of Annex II is replaced by the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 20 December 2007.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

ANNEX

B. Entries referred to in the second subparagraph of Article 4(7):

- in Bulgarian:* Намаляване на ОМТ, както предвижда Регламент (ЕО) № 616/2007
В действие от ...
- in Spanish:* reducción del AAC tal como prevé el Reglamento (CE) nº 616/2007
Válida desde el ...
- in Czech:* Snížení celní sazby podle nařízení (ES) č. 616/2007
Platné ode dne ...
- in Danish:* Nedsættelse af FFT-toldsatser, jf. forordning (EF) nr. 616/2007
Gyldig fra den ...
- in German:* Ermäßigung des Zollsatzes des GZT gemäß der Verordnung (EG) Nr. 616/2007
Gültig ab dem ...
- in Estonian:* ühise tollitariifistiku maksimumäära vähendamine vastavalt määrusele (EÜ) nr 616/2007
Kehtib alates ...
- in Greek:* μείωση του δασμού του ΚΔ όπως προβλέπεται στον κανονισμό (ΕΚ) αριθ. 616/2007
Ισχύει από ...
- in English:* reduction of CCT duty pursuant to Regulation (EC) No 616/2007
valid from ...
- in French:* réduction du TDC comme prévu au règlement (CE) nº 616/2007
Valable à partir du ...
- in Italian:* riduzione del dazio TDC come prevede il regolamento (CE) n. 616/2007
Valido a decorrere dal ...
- in Latvian:* Kopējā muitas tarifa (KMT) samazinājums, kā paredzēts Regulā (EK) Nr. 616/2007
Piemērojams no ...
- in Lithuanian:* BMT muito sumažinimai, nustatyti Reglamente (EB) Nr. 616/2007
Galioja nuo ...
- in Hungarian:* A 616/2007/EK rendeletben előírt KTV csökkentés
Érvényesség kezdete ...
- in Maltese:* Tnaqqis tat-Tariffa Doganali Komuni kif jipprovdri r-Regolament (CE) Nru 616/2007
Valida mid-data ...
- in Dutch:* Verlaging van het GDT overeenkomstig Verordening (EG) nr. 616/2007
Geldig vanaf ...
- in Polish:* Cła WTC obniżone jak przewidziano w rozporządzeniu (WE) nr 616/2007
Ważne od dnia [...] r.
- in Portuguese:* Redução do direito da pauta aduaneira comum prevista no Regulamento (CE) n.º 616/2007
Válida a partir de ...
- in Romanian:* reducerea TVC în conformitate cu Regulamentul (CE) nr. 616/2007
Valabil de la ...

- in Slovak:* Zníženie cla SCS podľa nariadenia (ES) č. 616/2007
Platné od ...
- in Slovenian:* Skupna carinska tarifa, znižana v skladu z Uredbo (ES) št. 616/2007
Velja od ...
- in Finnish:* Asetuksessa (EY) N:o 616/2007 säädetty yhteisen tullitariffin alennus
Voimassa alkaen ...
- in Swedish:* Minskning av gemensamma tulltaxan i enlighet med förordning (EG) nr 616/2007
Giltig fr.o.m. ...'
-

COMMISSION REGULATION (EC) No 1550/2007

of 20 December 2007

amending Regulation (EC) No 796/2004 laying down detailed rules for the implementation of cross-compliance, modulation and the integrated administration and control system provided for in Council Regulation (EC) No 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1782/2003 of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and amending Regulations (EEC) No 2019/93, (EC) No 1452/2001, (EC) No 1453/2001, (EC) No 1454/2001, (EC) No 1868/94, (EC) No 1251/1999, (EC) No 1254/1999, (EC) No 1673/2000, (EEC) No 2358/71 and (EC) No 2529/2001 ⁽¹⁾, and in particular of Article 145 (c), (da), (l), (m) (n) and (p) thereof,

Whereas:

(1) In the report to the Council ⁽²⁾ on the implementation of cross-compliance, the Commission has identified a number of possible improvements in terms of efficiency and simplification of the rules governing this implementation. To put those improvements into force, Commission Regulation (EC) No 796/2004 ⁽³⁾ needs to be amended in several respects.

(2) Article 143bb of Regulation (EC) No 1782/2003 provides for a separate fruit and vegetables payment in Member States applying the single area payment scheme provided for in Article 143b of that Regulation. This payment is, due to its nature, not related to agricultural area, which is why the provisions concerning the single application pursuant to Regulation (EC) No 796/2004 do not apply to that payment scheme. Hence, the definition of area-related aid schemes should be amended accordingly and provision should be made for an appropriate application procedure.

⁽¹⁾ OJ L 270, 21.10.2003, p. 1. Regulation as last amended by Commission Regulation (EC) No 1276/2007 (OJ L 284, 30.10.2007, p. 11).

⁽²⁾ COM(2007) 147 final, 29.3.2007.

⁽³⁾ OJ L 141, 30.4.2004, p. 18. Regulation as last amended by Regulation (EC) No 972/2007 (OJ L 216, 21.8.2007, p. 3).

(3) The provisions concerning the sugar payment provided for in Chapter 10e of Regulation (EC) No 1782/2003 have become obsolete and should be deleted.

(4) The date for the establishment of the ratio of permanent pasture to be maintained at Member State level needs to be established for Bulgaria and Romania. The latest date for which information about this ratio shall be communicated to the Commission should also be provided.

(5) Following the introduction of the transitional fruit and vegetables payment provided for in Chapter 10g of Regulation (EC) No 1782/2003 and the transitional soft fruit payment provided for in Chapter 10h of that Regulation, Regulation (EC) No 796/2004 needs to be amended in respect of the application procedure.

(6) Following the introduction of the single payment scheme and the decoupling of area related payment it is no more necessary for on-the-spot checks for those payments to be unannounced in all cases. It should also be clarified when on-the-spot checks concerning cross-compliance need to be unannounced, in particular with a view to avoid a concealment of a non-compliance or irregularity.

(7) Experience has shown that more flexibility when reaching the minimum control rate for checks of cross-compliance is needed. The Member State should have the option to fulfil the minimum rate not only at the level of the competent control authority but also at the level of the paying agency or at the level of an act or standard, or group of acts or standards. Furthermore, when a sample has to be extended beyond the minimum control rate following a high number of non-compliances found, that extension should be targeting the acts or standards concerned and not the whole area subject to cross-compliance. Therefore the relevant provisions in Regulation (EC) No 796/2004 should be amended accordingly.

(8) Furthermore, experience has shown that the selection of control sample for on-the-spot checks can be improved by allowing such sample not only to be selected at the level of the competent control authority but also at the level of the paying agency, or per act and standard.

- (9) The existence of differing control rates provided for in specific legislation concerning the control of cross-compliance makes it more difficult for the Member States to organise the controls. Therefore a single control rate for on-the-spot checks regarding cross-compliance should be introduced. Nevertheless, any instance of non-compliance detected in the course of on-the-spot checks under the sectoral legislation should be reported and followed-up under cross-compliance.
- (10) The sampling of on-the-spot checks for cross-compliance can be improved by allowing to take into account into the risk analysis the farmers participation in the farm advisory system provided for in Articles 13 and 14 of Regulation (EC) No 1782/2003 as well as farmers participation in relevant certifications systems. It should however be demonstrated when taking that participation into account that the farmers participating in those schemes represent a lesser risk than farmers not participating in those schemes.
- (11) To assure an element of representativeness in the sample to be selected for on-the-spot checks for cross-compliance, a certain part of the sample should be selected randomly. In the case when the number of on-the-spot checks for cross-compliance is increased, it should also be possible to increase the percentage of farmers randomly selected for those checks.
- (12) In order to make it possible to start the on-the-spot checks for cross-compliance as early as possible in the year, also before all information on the application forms is available, it should be possible to make a partial selection of the control sample based on the already available information.
- (13) On-the-spot checks for cross-compliance would in general require several visits on the same farm. In order to reduce the burden of the checks for both farmers and administrations, the checks may be limited to one control visit. The timing of that visit should be clarified. Nevertheless, the Member States should ensure that a representative and effective check of the requirements and standards remaining to be checked shall be carried out within the same calendar year.
- (14) Concerning on-the-spot checks of eligibility criteria, the possibility to limit actual inspections to a sample of the area to be checked has proven efficient. Therefore it is appropriate to extend this possibility, where applicable, to the on-the-spot checks for cross-compliance. However, when the sample check reveals non-compliances, the sample actually inspected should be extended. This principle should also apply where the legislation applicable to the act and standard provides for such a check.
- (15) To simplify the on-the-spot checks and to make better use of existing control capacities, it should be provided, when the effectiveness of the controls is at least equal to the one achieved when the checks are carried out by on-the-spot checks, to replace controls at farm level by administrative checks or checks at the level of undertakings.
- (16) It should furthermore be possible for the Member States to make use of objective indicators specific to certain requirements or standards when performing the on-the-spot checks. Those indicators should however be directly linked to the requirements or standards they represent and cover all elements to be checked.
- (17) Article 66 of Regulation (EC) No 796/2004 provides that a possible reduction following a determined non-compliance shall be applied the same calendar year as the application is submitted. Logically, the on-the-spot check has to be carried out the same year where the application is lodged. This should be clarified in Regulation (EC) No 796/2004.
- (18) The farmers should be informed about any possible non-compliance determined following an on-the-spot check. It is appropriate to provide for a certain time limit within which the farmers should receive this information. However, exceeding such time limit should not entitle the farmers concerned to avoid the consequences that the determined non-compliance would otherwise trigger.
- (19) The current provisions concerning reductions to be applied in case of repeated non-compliances do not take into account any improvement or worsening of the repeated non-compliance. In order to encourage improvement and discourage worsening of the situation, the percentage to be fixed and multiplied by the factor three, for the first repetition should take such changes into account.
- (20) The introduction of new aid schemes for direct payments requires an updating of the references to the budgetary ceilings referred to in Article 71a of Regulation (EC) No 796/2004.

- (21) In certain cases, unduly allocated entitlements correspond to very small amounts and a substantial administrative burden is required to recover those entitlements. In light of simplification and the balance between the administrative burden and the amount to be recovered, the introduction of a minimum amount that may trigger a recovery is justified.
- (22) The amendments provided for in this Regulation concern aid applications relating to years or premium periods starting as of 1 January 2008. This Regulation should therefore apply as of 1 January 2008.
- (23) Regulation (EC) No 796/2004 should therefore be amended accordingly.
- (24) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Direct Payments,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 796/2004 is amended as follows:

1. Article 2 is amended as follows:

- (a) point 12 is replaced by the following:

'12. "Area-related aid schemes": shall mean the single payment scheme, the hops payment to recognised producer groups referred to in the second paragraph of Article 68a of Regulation (EC) No 1782/2003 and all aid schemes established under Titles IV and IVa of that Regulation, except those established under Chapters 7, 10f, 11 and 12 of that Title IV, except the separate sugar payment established in Article 143b(a) of that Regulation and except the separate fruit and vegetable payment established in Article 143bb of that Regulation.'

- (b) point 32 is replaced by the following:

'32. "Act": shall mean each of the individual Directives and Regulations listed in Annex III to Regulation (EC) No 1782/2003; however, the Directive and the Regulations listed in points 7 and 8 of Annex III to that Regulation shall establish one single act.'

2. in Article 3, the following paragraph is added:

'7. For Bulgaria and Romania, the reference ratio shall be established as follows:

- (a) the land under permanent pasture shall be the land under permanent pasture declared by the farmers in

2007 in accordance with Article 14(1) of this Regulation;

- (b) the total agricultural area shall be the total agricultural area declared by the farmers in 2007.;

3. in Article 13, the following paragraph is inserted before paragraph 14:

'13a. In case of application for transitional fruit and vegetables payments provided for in Chapter 10g of Title IV of Regulation (EC) No 1782/2003 or application for transitional soft fruit payments provided for in Chapter 10h of that Title, the single application shall contain a copy of the contract for processing or the commitment to supply pursuant to Article 171db of Regulation (EC) No 1973/2004.

Member States may provide that the information in the first subparagraph may be submitted separately by a later date which shall not be later than 1 December the year of the application.;

4. in Title II of Part II, the heading of Chapter IIIa is replaced by the following:

'AID FOR SUGAR BEET AND CANE PRODUCERS, SEPARATE SUGAR PAYMENT AND SEPARATE FRUIT AND VEGETABLES PAYMENT';

5. Article 17a is amended as follows:

- (a) the heading is replaced by the following:

'Requirements pertaining to aid applications for the aid for sugar beet and cane producers, the separate sugar payment and the separate fruit and vegetables payment';

- (b) in paragraph 1, the introductory words are replaced by the following:

'Farmers applying for the aid for sugar beet and cane producers provided for in Chapter 10f of Title IV of Regulation (EC) No 1782/2003, farmers applying for the separate sugar payment provided for in Article 143ba of that Regulation and farmers applying for the separate fruit and vegetables payment provided for in Article 143bb of that Regulation shall submit an aid application containing all information necessary to establish eligibility for the aid, and in particular:'

(c) paragraph 2 is replaced by the following:

'2. The aid application for the aid for sugar beet and cane producers, the separate sugar payment or the separate fruit and vegetables payment respectively shall be submitted by a date to be determined by the Member States which shall not be later than 15 May and, in the case of Estonia, Latvia and Lithuania, not later than 15 June.'

6. in Chapter I of Title III of Part II, the following Article 23a is added:

'Article 23a

1. Provided that the purpose of the control is not jeopardised, on-the-spot checks may be announced. The announcement shall be strictly limited to the minimum time period necessary and shall not exceed 14 days.

However, for on-the-spot checks concerning livestock aid applications, the notice mentioned in the first subparagraph shall, except in duly justified cases, not exceed 48 hours. Furthermore, where the legislation applicable to the acts and standards relevant to cross-compliance requires the on-the-spot check to be unannounced, those rules shall also apply in the case of on-the-spot checks related to cross-compliance.

2. Where appropriate, on-the-spot checks provided for in this Regulation and any other checks provided for in Community rules shall be carried out at the same time.'

7. Article 25 is deleted;

8. Articles 44 and 45 are replaced by the following:

'Article 44

Minimum control rate

1. The competent control authority shall, with regard to the requirements and standards for which it is responsible, carry out checks on at least 1 % of all farmers submitting aid applications under support schemes for direct payments within the meaning of Article 2(d) of Regulation (EC) No 1782/2003 and for which the competent control authority in question is responsible.

The minimum control rate referred to in the first subparagraph may be reached at the level of each competent control authority or at the level of each act or standard or group of acts or standards. In the cases where the controls are not carried out by the Paying Agencies as

provided for in Article 42, this minimum control rate may however be reached at the level of each Paying Agency.

Where the legislation applicable to the act and standards already fix minimum control rates, that rate shall insofar be applied instead of the minimum rate mentioned in the first subparagraph. Alternatively, Member States may decide that any instances of non-compliance detected in the course of any on-the-spot checks under the legislation applicable to the acts and standards which are performed outside the sample mentioned in the first subparagraph, shall be reported to, and followed up by, the competent control authority in charge of the act or standard concerned. The provisions under this Title shall apply.

2. Should on-the-spot checks reveal a significant degree of non-compliance with a given act or standard, the number of on-the-spot checks to be carried out for this act or standard in the following control period shall be increased.

Article 45

Selection of the control sample

1. Without prejudice to checks carried out as a follow-up of non-compliances brought to the attention of the competent control authority in any other way, the selection of each of the samples of farms to be checked in accordance with Article 44 shall be based, where applicable, on a risk analysis according to the applicable legislation, or on a risk analysis appropriate to the requirements or standards. That risk analysis may be based on the level of an individual farm or on the level of categories of farms or geographical zones or, in the case of point (b) of the second subparagraph of paragraph 3 of this Article, on the level of undertakings.

The risk analysis may take into account one or both of following:

- (a) a farmer's participation in the farm advisory system provided for in Articles 13 and 14 of Regulation (EC) No 1782/2003;
- (b) a farmer's participation in a certification system if the scheme in question is relevant for the requirements and standards concerned.

1a. To provide the element of representativeness, between 20 % and 25 % of the minimum number of farmers to be subject to on-the-spot checks as provided for in the first subparagraph of Article 44(1), shall be selected randomly.

However, if the number of farmers to be subject to on-the-spot checks exceeds the minimum number of farmers to be subject to on-the-spot checks as provided for in the first subparagraph of Article 44(1), the percentage of randomly selected farmers in the additional sample should not exceed 25 %.

1b. A partial selection of the control sample may, where appropriate, be made before the end of the application period in question, on the basis of available information. The provisional sample shall be completed when all relevant applications are available.

2. The samples of farmers to be checked in accordance with Article 44 shall be selected from the samples of farmers which were already selected pursuant to Articles 26 and 27 and to whom the relevant requirements or standards apply.

3. By way of derogation from paragraph 2, the samples of farmers to be checked in accordance with Article 44 may be selected amongst the population of farmers submitting aid applications under support schemes for direct payments within the meaning of Article 2(d) of Regulation (EC) No 1782/2003 and who are under the obligation to respect the relevant requirements or standards.

In that case:

(a) where it is concluded, on the basis of the risk analysis applied at farm level, that non-beneficiaries of direct aid represent a higher risk than the farmers who applied for aid, farmers who applied for aid may be replaced by non-beneficiaries; in that case, the overall number of farmers checked shall, nevertheless, attain the control rate provided for in Article 44(1); the reasons for such replacements shall be properly justified and documented;

(b) if more effective, the risk analysis may be performed at the level of undertakings, in particular slaughterhouses, traders or suppliers rather than at farm level; in that case, the farmers thus checked may be counted towards the control rate provided for in Article 44(1).

4. It may be decided to proceed by a combination of the procedures set out in paragraphs 2 and 3 in the case where such a combination increases the effectiveness of the control system.;

9. Article 47 is amended as follows:

(a) in paragraph 1, the following subparagraphs are added:

'Notwithstanding the first subparagraph, where the minimum control rate is reached at the level of each act or standard or group of acts or standards as provided for in the second subparagraph of Article 44(1), the farmers selected shall be checked with regard to their compliance with the act or standard or group of acts and standards in question.

In general, each farmer selected for an on-the-spot check shall be controlled at a time when most requirements and standards for which he was selected may be checked. However, Member States shall ensure that an appropriate level of control for all requirements and standards is achieved during the year.;

(b) the following paragraph is inserted after paragraph 1:

'1a. On-the-spot checks shall, where applicable, cover all the agricultural land of the holding. Nevertheless, the actual inspection in the field as part of an on-the-spot check may be limited to a sample of at least half of the agricultural parcels concerned by the requirement or standard on the holding provided that such sample guarantees a reliable and representative level of control in respect of requirements and standards. When this sample check reveals non-compliances, the sample of agricultural parcels actually inspected shall be increased.

Furthermore, where the legislation applicable to the act or standards provides so, the actual inspection of the compliance with the requirements and standards as part of an on-the-spot check may be limited to a representative sample of the objects to check. However, the Member States shall assure that the checks are carried out on all requirements and standards for which the compliance may be checked at the time of the visit.;

(c) the following paragraphs are added:

'3. Provided that the Member State ensures that the effectiveness of the controls is at least equal to the one achieved in the case where the controls are carried out by on-the-spot checks, controls at farm level may be replaced by administrative checks or checks at the level of undertakings as referred to in point (b) of the second subparagraph of Article 45(3).

4. In performing the on-the-spot checks, Member States may make use of objective control indicators specific to certain requirements and standards provided they ensure that the effectiveness of the control of the requirements and standards concerned is at least equal to on-the-spot checks performed without the use of indicators.

The indicators shall have a direct link to the requirements or standards they represent and cover all elements to be checked when controlling that or those requirements or standards.

5. On-the-spot checks related to the sample provided for in Article 44(1) shall be carried out within the same calendar year where the aid applications are submitted.;

10. Article 48(2) is replaced by the following:

'2. The farmer shall be informed of any determined non-compliance within three months after the date of the on-the-spot check.;

11. in Article 66(4), the first subparagraph is replaced by the following:

'4. Without prejudice to cases of intentional non-compliance in accordance with Article 67, where repeated non-compliances have been determined, a percentage fixed in accordance with paragraph 1 with regard to the repeated non-compliance shall, in respect of the first repetition, be multiplied by the factor three. For this purpose, the Paying Agency shall, in the case where that percentage was fixed in accordance with paragraph 2, determine the percentage that would have been applied to the repeated non-compliance with the requirement or standard concerned.;

12. in Article 71a(2), the first subparagraph of point (d) is replaced by the following:

'With regard to aid schemes listed in Annex I to Regulation (EC) No 1782/2003 for which a budgetary ceiling is fixed in accordance with Articles 64(2), 70(2), 71(2), 110p(1), 143b(7), 143ba(2) and 143bc of that Regulation, the Member State shall sum up the amounts resulting from the application of points (a), (b) and (c).;

13. in Article 73a, the following paragraph is inserted after paragraph 2a:

'2b. Member States may decide not to recover unduly allocated entitlements where the total amount unduly allocated to the farmer is EUR 50 or less. Furthermore, when the total value referred to in paragraph 2a concerns EUR 50 or less, Member States may decide not to carry out the recalculation.;

14. in Article 76(2), the following subparagraph is added:

'However, Bulgaria and Romania shall send to the Commission a communication about that proportion of land under permanent pasture in the reference year 2007 referred to in Article 3(7) by 31 March 2008 at the latest.'

Article 2

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

It shall apply to aid applications relating to years or premium periods starting from 1 January 2008.

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

Done at Brussels, 20 December 2007.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

COMMISSION REGULATION (EC) No 1551/2007**of 20 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 21 December 2007.

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

Done at Brussels, 20 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 1260/2007 (OJ L 283, 27.10.2007, p. 1). 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 21 December 2007

Product code	Destination	Unit of measurement	Amount of refund
1701 11 90 9100	S00	EUR/100 kg	28,34 ⁽¹⁾
1701 11 90 9910	S00	EUR/100 kg	28,34 ⁽¹⁾
1701 12 90 9100	S00	EUR/100 kg	28,34 ⁽¹⁾
1701 12 90 9910	S00	EUR/100 kg	28,34 ⁽¹⁾
1701 91 00 9000	S00	EUR/1 % sucrose × 100 kg of net product	0,3081
1701 99 10 9100	S00	EUR/100 kg	30,81
1701 99 10 9910	S00	EUR/100 kg	30,81
1701 99 10 9950	S00	EUR/100 kg	30,81
1701 99 90 9100	S00	EUR/1 % sucrose × 100 kg of net product	0,3081

NB: The destinations are defined as follows:

S00 — All destinations with the exception of:

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

(*) Including Kosovo, under the aegis of the United Nations, pursuant to UN Security Council Resolution 1244 of 10 June 1999.

⁽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 1552/2007**of 20 December 2007****fixing the export refunds on syrups and certain other sugar products 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)(c), (d) and (g) 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 Commission Regulation (EC) No 951/2006 of 30 June 2006 laying down detailed

rules for the implementation of Regulation (EC) No 318/2006 as regards trade with third countries in the sugar sector ⁽²⁾.

- (5) Export refunds may be set to cover the competitive gap between Community and third country's exports. Community exports to certain close destinations and to third countries granting Community products a preferential import treatment are currently in a particular favourable competitive position. Therefore, refunds for exports to those destinations should be abolished.
- (6) 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

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 subject to the conditions provided for in paragraph 2 of this Article.
2. To be eligible for a refund under paragraph 1 products must meet the relevant requirements laid down in Articles 3 and 4 of Regulation (EC) No 951/2006.

Article 2

This Regulation shall enter into force on 21 December 2007.

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

Done at Brussels, 20 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 1260/2007 (OJ L 283, 27.10.2007, p. 1). 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 178, 1.7.2006, p. 24. Regulation as amended by Regulation (EC) No 2031/2006 (OJ L 414, 30.12.2006, p. 43).

ANNEX

Export refunds on syrups and certain other sugar products exported without further processing applicable from 21 December 2007 ^(a)

Product code	Destination	Unit of measurement	Amount of refund
1702 40 10 9100	S00	EUR/100 kg dry matter	30,81
1702 60 10 9000	S00	EUR/100 kg dry matter	30,81
1702 60 95 9000	S00	EUR/1 % sucrose × 100 kg of net product	0,3081
1702 90 30 9000	S00	EUR/100 kg dry matter	30,81
1702 90 60 9000	S00	EUR/1 % sucrose × 100 kg of net product	0,3081
1702 90 71 9000	S00	EUR/1 % sucrose × 100 kg of net product	0,3081
1702 90 99 9900	S00	EUR/1 % sucrose × 100 kg of net product	0,3081 ⁽¹⁾
2106 90 30 9000	S00	EUR/100 kg dry matter	30,81
2106 90 59 9000	S00	EUR/1 % sucrose × 100 kg of net product	0,3081

NB: The destinations are defined as follows:

S00 — All destinations with the exception of:

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

^(*) Including Kosovo, under the aegis of the United Nations, pursuant to UN Security Council Resolution 1244 of 10 June 1999.

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

⁽¹⁾ The basic amount is not applicable to the product defined under point 2 of the Annex to Commission Regulation (EEC) No 3513/92 (OJ L 355, 5.12.1992, p. 12).

COMMISSION REGULATION (EC) No 1553/2007**of 20 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 2007/08 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 20 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 20 December 2007, the maximum export refund for the product referred to in Article 1(1) of Regulation (EC) No 900/2007 shall be 35,810 EUR/100 kg.

Article 2

This Regulation shall enter into force on 21 December 2007.

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

Done at Brussels, 20 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 1260/2007 (OJ L 283, 27.10.2007, p. 1). 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 1554/2007**of 20 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 19 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 19 December 2007, the maximum export refund for the product referred to in Article 1(1) of Regulation (EC) No 1060/2007 shall be 409,99 EUR/t.

Article 2

This Regulation shall enter into force on 21 December 2007.

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

Done at Brussels, 20 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 1260/2007 (OJ L 283, 27.10.2007, p. 1). 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.

COMMISSION REGULATION (EC) No 1555/2007

of 20 December 2007

fixing the export refunds on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

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

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

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 21 December 2007.

⁽¹⁾ OJ L 270, 21.10.2003, p. 78. Regulation as amended by Commission Regulation (EC) No 735/2007 (OJ L 169, 29.6.2007, p. 6). Regulation (EC) No 1784/2003 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 270, 21.10.2003, p. 96. Regulation as last amended by Commission Regulation (EC) No 797/2006 (OJ L 144, 31.5.2006, p. 1). Regulation (EC) No 1785/2003 will be replaced by Regulation (EC) No 1234/2007 (OJ L 299, 16.11.2007, p. 1) as from 1 September 2008.

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

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

Done at Brussels, 20 December 2007.

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

ANNEX

to Commission Regulation of 20 December 2007 fixing the export refunds on products processed from cereals and rice

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

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

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

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

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

The other destinations are as follows:

C10: All destinations

C14: All destinations except for Switzerland and Liechtenstein.

COMMISSION REGULATION (EC) No 1556/2007

of 20 December 2007

fixing the rates of the refunds applicable to certain cereal and rice products exported in the form of goods not covered by Annex I to the Treaty

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

- (1) Article 13(1) of Regulation (EC) No 1784/2003 and Article 14(1) of Regulation (EC) No 1785/2003 provide that the difference between quotations or prices on the world market for the products listed in Article 1 of each of those Regulations and the prices within the Community may be covered by an export refund.
- (2) Commission Regulation (EC) No 1043/2005 of 30 June 2005 implementing Council Regulation (EC) No 3448/93 as regards the system of granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds ⁽³⁾, specifies the products for which a rate of refund is to be fixed, to be applied where these products are exported in the form of goods listed in Annex III to Regulation (EC) No 1784/2003 or in Annex IV to Regulation (EC) No 1785/2003 as appropriate.
- (3) In accordance with the first paragraph of Article 14 of Regulation (EC) No 1043/2005, the rate of the refund per 100 kilograms for each of the basic products in question is to be fixed each month.
- (4) The commitments entered into with regard to refunds which may be granted for the export of agricultural products contained in goods not covered by Annex I to the Treaty may be jeopardised by the fixing in advance of high refund rates. It is therefore necessary to take precautionary measures in such situations without, however, preventing the conclusion of long-

term contracts. The fixing of a specific refund rate for the advance fixing of refunds is a measure which enables these various objectives to be met.

- (5) Taking into account the settlement between the European Community and the United States of America on Community exports of pasta products to the United States, approved by Council Decision 87/482/EEC ⁽⁴⁾, it is necessary to differentiate the refund on goods falling within CN codes 1902 11 00 and 1902 19 according to their destination.
- (6) Pursuant to Article 15(2) and (3) of Regulation (EC) No 1043/2005, a reduced rate of export refund has to be fixed, taking account of the amount of the production refund applicable, pursuant to Commission Regulation (EEC) No 1722/93 ⁽⁵⁾, for the basic product in question, used during the assumed period of manufacture of the goods.
- (7) Spirituous beverages are considered less sensitive to the price of the cereals used in their manufacture. However, Protocol 19 of the Act of Accession of the United Kingdom, Ireland and Denmark provides that the necessary measures must be decided to facilitate the use of Community cereals in the manufacture of spirituous beverages obtained from cereals. Accordingly, it is necessary to adapt the refund rate applying to cereals exported in the form of spirituous beverages.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of the refunds applicable to the basic products listed in Annex I to Regulation (EC) No 1043/2005 and in Article 1 of Regulation (EC) No 1784/2003 or in Article 1 of Regulation (EC) No 1785/2003, and exported in the form of goods listed in Annex III to Regulation (EC) No 1784/2003 or in Annex IV to Regulation (EC) No 1785/2003 respectively, shall be fixed as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 21 December 2007.

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

⁽²⁾ OJ L 270, 21.10.2003, p. 96. Regulation as last amended by Commission Regulation (EC) No 797/2006 (OJ L 144, 31.5.2006, p. 1).

⁽³⁾ OJ L 172, 5.7.2005, p. 24. Regulation as last amended by Regulation (EC) No 447/2007 (OJ L 106, 24.4.2007, p. 31).

⁽⁴⁾ OJ L 275, 29.9.1987, p. 36.

⁽⁵⁾ OJ L 159, 1.7.1993, p. 112. Regulation as last amended by Regulation (EC) No 1584/2004 (OJ L 280, 31.8.2004, p. 11).

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

Done at Brussels, 20 December 2007.

For the Commission
Heinz ZOUREK
Director-General Enterprise and Industry

ANNEX

Rates of the refunds applicable from 21 December 2007 to certain cereals and rice products exported in the form of goods not covered by Annex I to the Treaty (*)

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product ^(EUR/100 kg)	
		In case of advance fixing of refunds	Other
1001 10 00	Durum wheat:		
	– on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	—	—
	– in other cases	—	—
1001 90 99	Common wheat and meslin:		
	– on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	—	—
	– in other cases:		
	– – where Article 15(3) of Regulation (EC) No 1043/2005 applies ⁽²⁾	—	—
	– – where goods falling within subheading 2208 ⁽³⁾ are exported	—	—
	– – in other cases	—	—
1002 00 00	Rye	—	—
1003 00 90	Barley		
	– where goods falling within subheading 2208 ⁽³⁾ are exported	—	—
	– in other cases	—	—
1004 00 00	Oats	—	—
1005 90 00	Maize (corn) used in the form of:		
	– starch:		
	– – where Article 15(3) of Regulation (EC) No 1043/2005 applies ⁽²⁾	—	—
	– – where goods falling within subheading 2208 ⁽³⁾ are exported	—	—
	– – in other cases	—	—
	– glucose, glucose syrup, maltodextrine, maltodextrine syrup of CN codes 1702 30 51, 1702 30 59, 1702 30 91, 1702 30 99, 1702 40 90, 1702 90 50, 1702 90 75, 1702 90 79, 2106 90 55 ⁽⁴⁾ :		
	– – where Article 15(3) of Regulation (EC) No 1043/2005 applies ⁽²⁾	—	—
	– – where goods falling within subheading 2208 ⁽³⁾ are exported	—	—
	– – in other cases	—	—
	– – where goods falling within subheading 2208 ⁽³⁾ are exported	—	—
	– other (including unprocessed)	—	—
	Potato starch of CN code 1108 13 00 similar to a product obtained from processed maize:		
	– where Article 15(3) of Regulation (EC) No 1043/2005 applies ⁽²⁾	—	—
	– where goods falling within subheading 2208 ⁽³⁾ are exported	—	—
	– in other cases	—	—

(*) The rates set out in this Annex are not applicable to the goods listed in Tables I and II to Protocol No 2 to the Agreement between the European Community and the Swiss Confederation of 22 July 1972 exported to the Swiss Confederation or to the Principality of Liechtenstein.

(EUR/100 kg)

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product	
		In case of advance fixing of refunds	Other
ex 1006 30	Wholly milled rice:		
	– round grain	—	—
	– medium grain	—	—
	– long grain	—	—
1006 40 00	Broken rice	—	—
1007 00 90	Grain sorghum, other than hybrid for sowing	—	—

⁽¹⁾ As far as agricultural products obtained from the processing of a basic product or/and assimilated products are concerned, the coefficients set out in Annex V to Commission Regulation (EC) No 1043/2005 is applicable.

⁽²⁾ The goods concerned fall under CN code 3505 10 50.

⁽³⁾ Goods listed in Annex III to Regulation (EC) No 1784/2003 or referred to in Article 2 of Regulation (EEC) No 2825/93 (OJ L 258, 16.10.1993, p. 6).

⁽⁴⁾ For syrups of CN codes NC 1702 30 99, 1702 40 90 and 1702 60 90, obtained from mixing glucose and fructose syrup, the export refund relates only to the glucose syrup.

**COMMISSION REGULATION (EC) No 1557/2007
of 20 December 2007**

**fixing the rates of refunds applicable to certain products from the sugar sector exported in the form
of goods not covered by Annex I to the Treaty**

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 Article 33(2)(a) and (4) thereof,

Whereas:

- (1) Article 32(1) and (2) of Regulation (EC) No 318/2006 provides that the differences between the prices in international trade for the products listed in Article 1(1)(b), (c), (d) and (g) of that Regulation and prices within the Community may be covered by an export refund where these products are exported in the form of goods listed in Annex VII to that Regulation.
- (2) Commission Regulation (EC) No 1043/2005 of 30 June 2005 implementing Council Regulation (EC) No 3448/93 as regards the system of granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds⁽²⁾, specifies the products for which a rate of refund is to be fixed, to be applied where these products are exported in the form of goods listed in Annex VII to Regulation (EC) No 318/2006.
- (3) In accordance with the first paragraph of Article 14 of Regulation (EC) No 1043/2005, the rate of the refund per 100 kilograms for each of the basic products in question is to be fixed each month.
- (4) Article 32(4) of Regulation (EC) No 318/2006 lays down that the export refund for a product contained in goods

may not exceed the refund applicable to that product when exported without further processing.

- (5) The refunds fixed under this Regulation may be fixed in advance as the market situation over the next few months cannot be established at the moment.
- (6) The commitments entered into with regard to refunds which may be granted for the export of agricultural products contained in goods not covered by Annex I to the Treaty may be jeopardised by the fixing in advance of high refund rates. It is therefore necessary to take precautionary measures in such situations without, however, preventing the conclusion of long-term contracts. The fixing of a specific refund rate for the advance fixing of refunds is a measure which enables these various objectives to be met.
- (7) 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

The rates of the refunds applicable to the basic products listed in Annex I to Regulation (EC) No 1043/2005 and in Article 1(1) and in point (1) of Article 2 of Regulation (EC) No 318/2006, and exported in the form of goods listed in Annex VII to Regulation (EC) No 318/2006, shall be fixed as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 21 December 2007.

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

Done at Brussels, 20 December 2007.

For the Commission

Heinz ZOUREK

Director-General Enterprise and Industry

⁽¹⁾ OJ L 58, 28.2.2006, p. 1. Regulation as amended by Commission Regulation (EC) No 1585/2006 (OJ L 294, 25.10.2006, p. 19).

⁽²⁾ OJ L 172, 5.7.2005, p. 24. Regulation as last amended by Regulation (EC) No 447/2007 (OJ L 106, 24.4.2007, p. 31).

ANNEX

Rates of refunds applicable from 21 December 2007 to certain products from the sugar sector exported in the form of goods not covered by Annex I to the Treaty ⁽¹⁾

CN code	Description	Rate of refund in EUR/100 kg	
		In case of advance fixing of refunds	Other
1701 99 10	White sugar	30,81	30,81

⁽¹⁾ The rates set out in this Annex are not applicable to exports to

- (a) third countries: Andorra, Liechtenstein, the Holy See (Vatican City State), Croatia, Bosnia-Herzegovina, Serbia (*), Montenegro, Albania and the former Yugoslav Republic of Macedonia and to the goods listed in Tables I and II of Protocol 2 to the Agreement between the European Community and the Swiss Confederation of 22 July 1972 exported to the Swiss Confederation.
- (b) territories of the EU Member States not forming part of the customs territory of the Community: the Faeroe Islands, Greenland, Heligoland, Ceuta, Melilla, the Communes of Livigno and Campione d'Italia, 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

(*) Including Kosovo, under the aegis of the United Nations, pursuant to UN Security Council Resolution 1244 of 10 June 1999.

DIRECTIVES

COMMISSION DIRECTIVE 2007/76/EC

of 20 December 2007

amending Council Directive 91/414/EEC to include fludioxonil, clomazone and prosulfocarb as active substances

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

information was submitted on 5 April 2005 and 16 March 2005 respectively. For prosulfocarb the rapporteur Member State was Sweden and all relevant information was submitted on 20 April 2005.

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market ⁽¹⁾, and in particular Article 6(1) thereof,

- (3) The assessment reports have been peer reviewed by the Member States and the EFSA and presented to the Commission on 27 July 2007 for fludioxonil, clomazone and prosulfocarb, in the format of the EFSA Scientific Reports ⁽⁴⁾. These reports have been reviewed by the Member States and the Commission within the Standing Committee on the Food Chain and Animal Health and finalised on 9 October 2007 in the format of the Commission review reports for fludioxonil, clomazone and prosulfocarb.

Whereas:

- (1) Commission Regulations (EC) No 451/2000 ⁽²⁾ and (EC) No 1490/2002 ⁽³⁾ lay down the detailed rules for the implementation of the third stage of the programme of work referred to in Article 8(2) of Directive 91/414/EEC and establish a list of active substances to be assessed, with a view to their possible inclusion in Annex I to Directive 91/414/EEC. That list includes fludioxonil, clomazone and prosulfocarb.

- (4) It has appeared from the various examinations made that plant protection products containing fludioxonil, clomazone and prosulfocarb may be expected to satisfy, in general, the requirements laid down in Article 5(1)(a) and (b) of Directive 91/414/EEC, in particular with regard to the uses which were examined and detailed in the Commission review reports. It is therefore appropriate to include these active substances in Annex I, in order to ensure that in all Member States the authorisations of plant protection products containing these active substances can be granted in accordance with the provisions of that Directive.

- (2) For those active substances the effects on human health and the environment have been assessed in accordance with the provisions laid down in Regulations (EC) No 451/2000 and (EC) No 1490/2002 for a range of uses proposed by the notifiers. Moreover, those Regulations designate the rapporteur Member States which have to submit the relevant assessment reports and recommendations to the European Food Safety Authority (EFSA) in accordance with Article 10(1) of Regulation (EC) No 1490/2002. For fludioxonil and clomazone the rapporteur Member State was Denmark and all relevant

- (5) 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 which will result from the inclusion.

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

⁽²⁾ OJ L 55, 29.2.2000, p. 25. Regulation as last amended by Regulation (EC) No 1044/2003 (OJ L 151, 19.6.2003, p. 32).

⁽³⁾ OJ L 224, 21.8.2002, p. 23. Regulation as last amended by Regulation (EC) No 1095/2007 (OJ L 246, 21.9.2007, p. 19).

⁽⁴⁾ EFSA Scientific Report (2007) 110, 1-85, Conclusion regarding the peer review of the pesticide risk assessment of the active substance fludioxonil (finalised 27 July 2007).

EFSA Scientific Report (2007) 109, 1-73, Conclusion regarding the peer review of the pesticide risk assessment of the active substance clomazone (finalised 27 July 2007), version of 3 August 2007.

EFSA Scientific Report (2007) 111, 1-81, Conclusion regarding the peer review of the pesticide risk assessment of the active substance prosulfocarb (finalised 27 July 2007).

- (6) Without prejudice to the obligations defined by Directive 91/414/EEC as a consequence of including an active substance in Annex I, Member States should be allowed a period of six months after inclusion to review existing authorisations of plant protection products containing fludioxonil, clomazone and prosulfocarb to ensure that the requirements laid down by Directive 91/414/EEC, in particular in its Article 13 and the relevant conditions set out in Annex I, are satisfied. Member States should vary, replace or withdraw, as appropriate, existing authorisations, in accordance with the provisions of Directive 91/414/EEC. By way of derogation from the above deadline, a longer period should be provided for the submission and assessment of the complete Annex III dossier of each plant protection product for each intended use in accordance with the uniform principles laid down in Directive 91/414/EEC.
- (7) The experience gained from previous inclusions in Annex I to Directive 91/414/EEC of active substances assessed in the framework of Regulation (EEC) No 3600/92 has shown that difficulties can arise in interpreting the duties of holders of existing authorisations in relation to access to data. In order to avoid further difficulties it therefore appears necessary to clarify the duties of the Member States, especially the duty to verify that the holder of an authorisation demonstrates access to a dossier satisfying the requirements of Annex II to that Directive. However, this clarification does not impose any new obligations on Member States or holders of authorisations compared to the directives which have been adopted until now amending Annex I.
- (8) It is therefore appropriate to amend Directive 91/414/EEC accordingly.
- (9) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex I to Directive 91/414/EEC is amended as set out in the Annex to this Directive.

Article 2

Member States shall adopt and publish by 30 April 2009 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 May 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.

Article 3

1. Member States shall in accordance with Directive 91/414/EEC, where necessary, amend or withdraw existing authorisations for plant protection products containing fludioxonil, clomazone and prosulfocarb as active substances by 30 April 2009.

By that date they shall in particular verify that the conditions in Annex I to that Directive relating to fludioxonil, clomazone and prosulfocarb are met, with the exception of those identified in part B of the entry concerning that active substance, and that the holder of the authorisation has, or has access to, a dossier satisfying the requirements of Annex II to that Directive in accordance with the conditions of Article 13 of that Directive.

2. By way of derogation from paragraph 1, for each authorised plant protection product containing fludioxonil, clomazone and prosulfocarb as either the only active substance or as one of several active substances all of which were listed in Annex I to Directive 91/414/EEC by 31 October 2008 at the latest, Member States shall re-evaluate the product in accordance with the uniform principles provided for in Annex VI to Directive 91/414/EEC, on the basis of a dossier satisfying the requirements of Annex III to that Directive and taking into account part B of the entry in Annex I to that Directive concerning fludioxonil, clomazone and prosulfocarb respectively. On the basis of that evaluation, they shall determine whether the product satisfies the conditions set out in Article 4(1)(b), (c), (d) and (e) of Directive 91/414/EEC.

Following that determination Member States shall:

- (a) in the case of a product containing fludioxonil, clomazone or prosulfocarb as the only active substance, where necessary, amend or withdraw the authorisation by 31 October 2012 at the latest; or
- (b) in the case of a product containing fludioxonil, clomazone or prosulfocarb as one of several active substances, where necessary, amend or withdraw the authorisation by 31 October 2012 or by the date fixed for such an amendment or withdrawal in the respective Directive or Directives which added the relevant substance or substances to Annex I to Directive 91/414/EEC, whichever is the latest.

Article 4

This Directive shall enter into force on 1 November 2008.

Article 5

This Directive is addressed to the Member States.

Done at Brussels, 20 December 2007.

For the Commission
Markos KYPRIANOU
Member of the Commission

ANNEX

The following entry shall be added at the end of the table in Annex I to Directive 91/414/EC:

No	Common name, identification numbers	IUPAC name	Purity (1)	Entry into force	Expiration of inclusion	Specific provisions
166	Prosulfocarb CAS No 52888-80-9 CIPAC No 539	S-benzyl dipropy[(thiocarbamat)	970 g/kg	1 November 2008	31 October 2018	<p>PART A Only uses as herbicide may be authorised.</p> <p>PART B For the implementation of the uniform principles of Annex VI, the conclusions of the review report on prosulfocarb, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 9 October 2007 shall be taken into account.</p> <p>In this overall assessment Member States must pay particular attention to:</p> <ul style="list-style-type: none"> — the operator safety and ensure that conditions of use prescribe the application of adequate personal protective equipment, — the protection of aquatic organisms and must ensure that the conditions of authorisation include, where appropriate, risk mitigation measures such as buffer zone, — the protection of non-target plants and must ensure that the conditions of authorisation include, where appropriate, risk mitigation measures such as an in-field no spray buffer zone.

No	Common name, identification numbers	IUPAC name	Purity ⁽¹⁾	Entry into force	Expiration of inclusion	Specific provisions
167	Fludioxonil CAS No 131341-86-1 CIPAC No 522	4-(2,2-difluoro-1,3-benzodioxol-4-yl)-1H-pyrrole-3-carbonitrile	950 g/kg	1 November 2008	31 October 2018	<p>PART A</p> <p>Only uses as fungicide may be authorised.</p> <p>PART B</p> <p>In assessing applications to authorise plant protection products containing fludioxonil for uses other than seed treatment, Member States shall pay particular attention to the criteria in Article 4(1)(b), and shall ensure that any necessary data and information is provided before such an authorisation is granted and:</p> <ul style="list-style-type: none"> — must pay particular attention to the potential for groundwater contamination, in particular from the soil photolysis metabolites CGA 339833 and CGA 192155, in vulnerable zones, — must pay particular attention to the protection of fish and aquatic invertebrates. <p>Conditions of authorisation should include risk mitigation measures, where appropriate.</p> <p>For the implementation of the uniform principles of Annex VI, the conclusions of the review report on fludioxonil, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 9 October 2007 shall be taken into account.</p>
168	Clomazone CAS No 81777-89-1 CIPAC No 509	2-(2-chlorobenzyl)-4,4-dimethyl-1,2-oxazolidin-3-one	960 g/kg	1 November 2008	31 October 2018	<p>PART A</p> <p>Only uses as herbicide may be authorised.</p> <p>PART B</p> <p>For the implementation of the uniform principles of Annex VI, the conclusions of the review report on clomazone, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 9 October 2007 shall be taken into account.</p> <p>In this overall assessment Member States must pay particular attention to:</p> <ul style="list-style-type: none"> — the operator safety and ensure that conditions of use prescribe the application of adequate personal protective equipment, — the protection of non-target plants and must ensure that the conditions of authorisation include, where appropriate, risk mitigation measures such as buffer zones.

⁽¹⁾ Further details on identity and specification of active substance are provided in the review report.

II

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

DECISIONS

COUNCIL

COUNCIL DECISION

of 17 December 2007

appointing the Chairperson of the Board of Appeal of the Community Plant Variety Office and his Alternate

(2007/858/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2100/94 of 27 July 1994 on Community plant variety rights⁽¹⁾, and in particular Article 47(1) thereof,

Having regard to the lists of candidates proposed by the Commission on 29 October 2007, after obtaining the opinion of the Administrative Council of the Community Plant Variety Office,

HAS DECIDED AS FOLLOWS:

Article 1

Mr Paul A.C.E. VAN DER KOOIJ, born on 13 January 1956, is hereby appointed Chairperson of the Board of Appeal of the Community Plant Variety Office for a period of five years.

Mr Timothy MILLETT, born on 6 January 1951, is hereby appointed Alternate to the Chairperson of the Board of

Appeal of the Community Plant Variety Office for a period of five years.

Their terms of office shall run from the date on which they take up their duties. That date shall be agreed with the President and the Administrative Council of the Office.

Article 2

This Decision shall take effect on the date of its adoption.

Article 3

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

Done at Brussels, 17 December 2007.

For the Council

The President

J. SILVA

⁽¹⁾ OJ L 227, 1.9.1994, p. 1. Regulation as last amended by Regulation (EC) No 873/2004 (OJ L 162, 30.4.2004, p. 38).

COUNCIL DECISION

of 22 October 2007

on the conclusion of the Protocol amending the Cooperation Agreement between the European Economic Community and the Kingdom of Thailand on manioc production, marketing and trade

(2007/859/EC)

THE COUNCIL OF THE EUROPEAN UNION,

(5) This Agreement in the form of Agreed Minutes should be approved by a Protocol,

Having regard to the Treaty establishing the European Community, and in particular Article 133(3), in conjunction with the first sentence of the first subparagraph of Article 300(2) thereof,

HAS DECIDED AS FOLLOWS:

Article 1

1. The Protocol amending the Cooperation Agreement between the European Economic Community and the Kingdom of Thailand on manioc production, marketing and trade, hereinafter 'Protocol', is hereby approved on behalf of the Community.

Having regard to the proposal from the Commission,

2. The text of the Protocol is attached to this Decision.

Whereas:

(1) On 10 April 2006 the Council authorised the Commission to open negotiations with a view to ensuring compatibility between the Cooperation Agreement between the European Economic Community and the Kingdom of Thailand on manioc production, marketing and trade ⁽¹⁾, hereinafter 'Cooperation Agreement', and Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽²⁾.

Article 2

The President of the Council is hereby authorised to designate the person empowered to sign the Protocol in order to bind the Community.

(2) These negotiations aimed to amend Article 5 of the Cooperation Agreement in order to bring it into line with the provisions of Articles 308a to 308c of Regulation (EEC) No 2454/93 (management of tariff quotas designed to be used following the chronological order of dates of customs declarations) and of Articles 55 to 65 of that Regulation (specific provisions relating to certificates of origin for certain agricultural products subject to special import arrangements).

Article 3

To the extent necessary to permit the full application of the Protocol by 1 January 2008, the Commission shall adopt the detailed rules for implementing it in accordance with the procedure referred to in Article 4(2) of this Decision.

(3) Negotiations have been conducted by the Commission within the negotiation mandate issued by the Council.

Article 4

1. The Commission shall be assisted by the Management Committee for Cereals established by Article 25 of Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organization of the market on cereals ⁽³⁾.

(4) The Commission has reached Agreement in the form of Agreed Minutes with the Kingdom of Thailand, holding supplying interest in products of CN code 0714 10 10, 0714 10 91 and 0714 10 99.

2. Where reference is made to this paragraph, Articles 4 and 7 of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽⁴⁾ shall apply.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at one month.

⁽¹⁾ OJ L 219, 28.7.1982, p. 53.

⁽²⁾ OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 214/2007 (OJ L 62, 1.3.2007, p. 6).

⁽³⁾ OJ L 270, 21.10.2003, p. 78. Regulation as last amended by Regulation (EC) No 735/2007 (OJ L 169, 29.6.2007, p. 6).

⁽⁴⁾ OJ L 184, 17.7.1999, p. 23. Decision as amended by Decision 2006/512/EC (OJ L 200, 22.7.2006, p. 11).

Article 5

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

Done at Luxembourg, 22 October 2007.

For the Council
The President
J. SILVA

PROTOCOL**amending the Cooperation Agreement between the European Economic Community and the Kingdom of Thailand on manioc production, marketing and trade**

THE EUROPEAN COMMUNITY,

of the one part, and

THE GOVERNMENT OF THE KINGDOM OF THAILAND,

of the other part,

HAVING HELD at the request of the European Community negotiations with a view to amending Article 5 of the Cooperation Agreement on manioc production, marketing and trade, hereinafter referred to as 'the Cooperation Agreement', in order to bring it into line with the provisions of Articles 55 to 65 and 308a to 308c of Commission Regulation (EEC) No 2454/93,

AFFIRMING their willingness to maintain the Cooperation Agreement in force,

HAVE DECIDED to amend the Cooperation Agreement in respect of the relevant provisions of Article 5 by this Protocol and to this end have designated as their plenipotentiaries:

THE EUROPEAN COMMUNITY:

Álvaro MENDONÇA E MOURA,

Ambassador, Permanent Representative of the Portuguese Republic

THE GOVERNMENT OF THE KINGDOM OF THAILAND:

Pisan MANAWAPAT,

Ambassador, Head of the Mission of Thailand to the European Communities

WHO, having exchanged their Full Powers, found in good and due form,

HAVE AGREED AS FOLLOWS:

Article 1

Article 5 of the Cooperation Agreement is hereby replaced by the following:

'Article 5

The tariff quota concerning the agreed export quantity shall be managed by the Community in accordance with the chronological order of dates of acceptance of declarations for release for free circulation ("first come first served" principle).

For its part, Thailand shall undertake to adopt all necessary provisions to issue certificates of origin to be used for the imports of manioc into the Community.

When necessary, the competent authorities of both parties shall exchange information necessary for monitoring and facilitating the implementation of this Agreement.'

Article 2

This Protocol shall form an integral part of the Cooperation Agreement.

Article 3

This Protocol shall be approved by the Community and by the Kingdom of Thailand in accordance with their own procedures.

Article 4

This Protocol shall enter into force on 1 January 2008.

Article 5

This Protocol is drawn up in two copies in each of the official languages of the contracting parties, each of these texts being equally authentic.

Съставено в Брюксел на тридесет и първи октомври две хиляди и седма година.

Hecho en Bruselas, el treinta y uno de octubre de dos mil siete.

V Bruselu dne třicátého prvního října dva tisíce sedm.

Udfærdiget i Bruxelles den enogtredivte oktober to tusind og syv.

Geschehen zu Brüssel am einundreißigsten Oktober zweitausendsieben.

Kahe tuhande seitsmenda aasta oktoobrikuu kolmekümne esimesel päeval Brüsselis.

Έγινε στις Βρυξέλλες, στις τριάντα μια Οκτωβρίου δύο χιλιάδες επτά.

Done at Brussels on the thirty-first day of October in the year two thousand and seven.

Fait à Bruxelles, le trente et un octobre deux mille sept.

Fatto a Bruxelles, addì trentuno ottobre duemilasette.

Briselē, divtūkstoš septītā gada trīsdesmit pirmajā oktobrī.

Priimta du tūkstančiai septintųjų metų spalio trisdešimt pirmą dieną Briuselyje.

Kelt Brüsszelben, a kétezer-hetedik év október harmincegyedik napján.

Magħmul fi Brussell, fil-wiehed u tletin jum ta' Ottubru tas-sena elfejn u sebgha.

Gedaan te Brussel, de eenendertigste oktober tweeduizend zeven.

Sporządzono w Brukseli, dnia trzydziestego pierwszego października roku dwa tysiące siódmego.

Feito em Bruxelas, em trinta e um de Outubro de dois mil e sete.

Întocmit la Bruxelles, la treizeci și unu octombrie două mii șapte.

V Bruseli tridsiateho prvého oktobra dvetisícisedem.

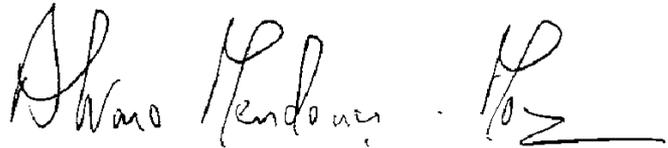
V Bruslju, dne enaintridesetega oktobra leta dva tisoč sedem.

Tehty Brysselissä kolmantenakymmenentenäensimmäisenä päivänä lokakuuta vuonna kaksittuhattaseitsemän.

Som skedde i Bryssel den trettioförsta oktober tjugohundrasju.

จัดทำขึ้น ณ กรุงบรัสเซลส์ เมื่อวันที่สามสิบเอ็ดตุลาคมพุทธศักราชสองพันห้าร้อยห้าสิบ.

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
 Ghall-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
 ในนามของประชาคมยุโรป



За Кралство Тайланд
 Por el Reino de Tailandia
 Za Thajské království
 På Kongeriget Thailands vegne
 Für das Königreich Thailand
 Tai Kuningriigi nimel
 Για το Βασίλειο της Ταϊλάνδης
 For the Kingdom of Thailand
 Pour le Royaume de Thaïlande
 Per il Regno di Tailandia
 Taizemes Karalistes vārdā
 Tailando Karalystės vardu
 a Thaiföldi Királyság részéről
 Ghar-Renju tat-Tajlandja
 Voor het Koninkrijk Thailand
 W imieniu Królestwa Tajlandii
 Pelo Reino da Tailândia
 Pentru Regatul Thaiandei
 Za Thajské královstvo
 Za Kraljevino Tajska
 Thaimaan kuningaskunnan puolesta
 På Konungariket Thailands vägnar
 ในนามของราชอาณาจักรไทย



COUNCIL DECISION
of 10 December 2007
providing Community macro-financial assistance to Lebanon
(2007/860/EC)

THE COUNCIL OF THE EUROPEAN UNION,

July-August 2006 military conflict and a projected deterioration of the balance of payments in 2007.

Having regard to the Treaty establishing the European Community, and in particular Article 308 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

After consulting the Economic and Financial Committee,

Whereas:

(1) On 4 January 2007 the authorities of Lebanon adopted a comprehensive programme of socio-economic reforms, which simultaneously embraces fiscal, structural and social measures, setting medium-term priorities for government action.

(2) Lebanon, on the one hand, and the European Community and its Member States on the other hand, have signed an Association Agreement ⁽¹⁾, which entered into force on 1 April 2006.

(3) The authorities of Lebanon are committed to economic stabilisation and structural reforms, supported by the International Monetary Fund (IMF) through a programme under the Emergency Post-Conflict Arrangement (EPCA) which was approved on 9 April 2007.

(4) Relations between Lebanon and the European Union are developing within the framework of the European Neighbourhood Policy, which is expected to lead to deeper economic integration. The EU and Lebanon have agreed on a European Neighbourhood Policy Action Plan identifying medium-term priorities in EU-Lebanon relations and related policies.

(5) Lebanon faces substantial financing needs arising from the mounting financial constraints of the public sector, including a high level of public debt, aggravated by the

(6) The Lebanese authorities have requested financial assistance on a concessional basis from the International Financial Institutions, the Community and other bilateral donors. Over and above the financing from the IMF and the World Bank, a substantial residual financing gap remains to be covered to relieve the country's balance of payments, public finances and public debt and support the policy objectives attached to the authorities' reform efforts.

(7) Lebanon is one of the most indebted countries in the world facing a heavy debt overhang. In these circumstances, the Community assistance to Lebanon should be made available in the form of a combination of a grant and loan, as an appropriate measure to help the beneficiary country at this critical juncture.

(8) In order to ensure efficient protection of the Community's financial interests linked to the present financial assistance, it is necessary to provide for appropriate measures by Lebanon related to the prevention of, and to the fight against, fraud, corruption and any other irregularities linked to this assistance, as well as for controls by the Commission and audits by the Court of Auditors.

(9) The release of the Community financial assistance is without prejudice to the powers of the budgetary authority.

(10) This assistance should be managed by the Commission in consultation with the Economic and Financial Committee,

HAS DECIDED AS FOLLOWS:

Article 1

1. The Community shall make available to Lebanon financial assistance amounting to a maximum of EUR 80 million, with a view to supporting Lebanon's domestic efforts of post-war reconstruction and sustainable economic recovery, and in this way, alleviating the financial constraints on the implementation of the government's economic programme.

⁽¹⁾ OJ L 143, 30.5.2006, p. 2.

Given Lebanon's high level of indebtedness the Community financial assistance shall consist of EUR 50 million in loans and up to EUR 30 million in grants.

2. The Community financial assistance shall be managed by the Commission in consultation with the Economic and Financial Committee and in a manner consistent with the agreements or understandings reached between the IMF and Lebanon.

3. The Community financial assistance shall be made available for two years starting from the first day after the date on which this Decision takes effect. However, if circumstances so require, the Commission, after consultation of the Economic and Financial Committee, may decide to extend the availability period by a maximum of one year.

Article 2

1. The Commission is hereby empowered to agree with the authorities of Lebanon, after consulting the Economic and Financial Committee, the economic policy and financial conditions attached to the Community financial assistance, to be laid down in a Memorandum of Understanding and a Grant and a Loan Agreements. These conditions shall be consistent with the agreements or understandings referred to in Article 1(2).

2. During the implementation of the Community financial assistance, the Commission shall monitor the soundness of Lebanon's financial arrangements, administrative procedures, internal and external control mechanisms which are relevant to such assistance.

3. The Commission shall verify at regular intervals that economic policy in Lebanon is in accordance with the objectives of the Community financial assistance and that the agreed economic policy and financial conditions are being satisfactorily fulfilled. In doing so, the Commission shall coordinate closely with the Bretton Woods Institutions, and, when required, with the Economic and Financial Committee.

Article 3

1. The Community financial assistance shall be made available by the Commission to Lebanon in a maximum of three instalments.

2. The disbursement of each instalment shall be released on the basis of a satisfactory implementation of the economic programme supported by the IMF.

3. In addition, the second and third instalments shall be released on the basis of a satisfactory implementation of the economic programme supported by the IMF and of the EU-Lebanon European Neighbourhood Policy Action Plan and any other measures agreed with the Commission as set out in Article 2(1), and not before one quarter after the release of the previous instalment.

4. The funds shall be paid to the Banque du Liban exclusively in support of Lebanon's financing needs.

Article 4

The Community financial assistance shall be implemented in accordance with the provisions of Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities⁽¹⁾ and its implementing rules. In particular, the Memorandum of Understanding and the Grant/Loan Agreements with the authorities of Lebanon shall provide for appropriate measures by Lebanon related to the prevention of, and the fight against, fraud, corruption and other irregularities affecting the assistance. They shall also provide for controls by the Commission, including the European Anti-Fraud Office, with the right to perform on-the-spot checks and inspections, and for audits by the Court of Auditors, where appropriate, to be carried out on the spot.

Article 5

By 31 August of each year the Commission shall submit to the European Parliament and to the Council a report, including an evaluation of the implementation of this Decision in the preceding year. The report shall indicate the connection between the policy conditions set out in Article 2(1), Lebanon's ongoing economic and fiscal performance, and the Commission's decision to release the instalments of the assistance.

Article 6

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

Done at Brussels, 10 December 2007.

For the Council
The President
L. AMADO

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

COUNCIL DECISION

of 10 December 2007

on the signing and provisional application of an Agreement in the form of an Exchange of Letters between the European Community and the Republic of Belarus amending the Agreement between the European Community and the Republic of Belarus on trade in textile products

(2007/861/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 in conjunction with Article 300(2), first sentence thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) The Commission has negotiated on behalf of the Community an Agreement in the form of an Exchange of Letters to extend for one year the existing Agreement and Protocols on trade in textile products with the Republic of Belarus, with some adjustments of the quantitative limits.
- (2) The Agreement in the form of an Exchange of Letters should be applied on a provisional basis as of 1 January 2008, pending the completion of procedures required for its conclusion, subject to reciprocal provisional application by the Republic of Belarus.
- (3) The Agreement in the form of an Exchange of Letters should be signed on behalf of the Community,

HAS DECIDED AS FOLLOWS:

Article 1

Subject to its possible conclusion at a later date, the President of the Council is hereby authorised to designate the person(s) empowered to sign on behalf of the Community the Agreement in the form of an Exchange of Letters between the European Community and the Republic of Belarus amending the Agreement between the European Community and the Republic of Belarus on trade in textile products.

Article 2

Subject to reciprocity, the Agreement in the form of an Exchange of Letters shall be applied on a provisional basis from 1 January 2008, pending its formal conclusion.

The text of the Agreement in the form of an Exchange of Letters is attached to this Decision.

Article 3

1. If the Republic of Belarus fails to respect paragraph 2.4 of the Agreement in the form of an Exchange of Letters, the quota for 2008 will be reduced to the levels applicable in 2007.

2. The decision to implement paragraph 1 shall be taken in accordance with the procedures referred to in Article 17 of Council Regulation (EEC) No 3030/93 of 12 October 1993 on common rules for imports of certain textile products from third countries ⁽¹⁾.

Article 4

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

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

Done at Brussels, 10 December 2007.

For the Council
The President
L. AMADO

⁽¹⁾ OJ L 275, 8.11.1993, p. 1. Regulation as last amended by Commission Regulation (EC) No 1217/2007 (OJ L 275, 19.10.2007, p. 16).

AGREEMENT**in the form of an Exchange of Letters between the European Community and the Republic of Belarus amending the Agreement between the European Community and the Republic of Belarus on trade in textile products***A. Letter from the European Community*

Sir,

1. I have the honour to refer to the Agreement between the European Community and the Republic of Belarus on trade in textile products initialled on 1 April 1993, as last amended and extended by the Agreement in the form of an Exchange of Letters initialled on 27 October 2006 (hereafter referred to as the Agreement).
2. In view of the expiry of the Agreement on 31 December 2007 and in accordance with Article 19(1) of the Agreement, the European Community and the Republic of Belarus agree to extend the duration of the Agreement, for a further period of one year, subject to the following amendments and conditions:
 - 2.1. The text of Article 19(1) of the Agreement shall read as follows:

‘This Agreement shall enter into force on the first day of the month following the date on which the Parties notify each other of the completion of the procedures necessary for that purpose. It shall be applicable until 31 December 2008.’
 - 2.2. Annex II which sets out the quantitative restrictions for exports from the Republic of Belarus to the European Community shall be replaced by Appendix 1 to this Letter.
 - 2.3. The Annex to Protocol C which sets out the quantitative restrictions for exports from the Republic of Belarus to the European Community after OPT operations in the Republic of Belarus shall be replaced for the period of 1 January 2008 to 31 December 2008 by Appendix 2 to this letter.
 - 2.4. Imports into Belarus of textile and clothing products of European Community origin shall be subject in 2008 to custom duties not exceeding those provided for 2003 in Appendix 4 of the Agreement in the form of an Exchange of Letters between the European Community and the Republic of Belarus initialled on 11 November 1999.

In the case of non-application of these rates the Community will have the right to reintroduce for the period of the Agreement remaining unexpired on a pro rata basis the levels for quantitative restrictions applicable for 2007 as specified in the Exchange of Letters initialled on 27 October 2006.

3. The European Community and Belarus recall their agreement to enter into consultations not later than six months before the expiration of the present Agreement with a view to possibly concluding a new agreement.
4. Should the Republic of Belarus become a Member of the World Trade Organisation (WTO) before the date of the expiry of the Agreement, the agreements and rules of the WTO shall be applied from the date of the Republic of Belarus' accession to the WTO.
5. I should be obliged if you could kindly confirm the acceptance of your Government of the foregoing. Should this be the case, this Agreement in the form of an Exchange of Letters shall enter into force on the first day of the month following the day on which the Parties have notified each other that the legal procedures necessary to this end have been completed. In the meantime, it shall be applied provisionally from 1 January 2008 on the condition of reciprocity.

Please accept, Sir, the assurance of my highest consideration.

For the European Community

Appendix 1

'ANNEX II

Belarus	Category	Unit	Quota as from 1 January 2008
Group IA	1	tonnes	1 586
	2	tonnes	7 307
	3	tonnes	242
Group IB	4	T pieces	1 839
	5	T pieces	1 105
	6	T pieces	1 705
	7	T pieces	1 377
	8	T pieces	1 160
Group IIA	9	tonnes	363
	20	tonnes	329
	22	tonnes	524
	23	tonnes	255
	39	tonnes	241
Group IIB	12	T pairs	5 959
	13	T pieces	2 651
	15	T pieces	1 726
	16	T pieces	186
	21	T pieces	930
	24	T pieces	844
	26/27	T pieces	1 117
	29	T pieces	468
	73	T pieces	329
	83	tonnes	184
Group IIIA	33	tonnes	387
	36	tonnes	1 312
	37	tonnes	463
	50	tonnes	207
Group IIIB	67	tonnes	359
	74	T pieces	377
	90	tonnes	208
Group IV	115	tonnes	322
	117	tonnes	2 543
	118	tonnes	471

T pieces: thousand of pieces'

Appendix 2

'ANNEX TO PROTOCOL C

Category	Unit	As from 1 January 2008
4	1 000 pieces	6 190
5	1 000 pieces	8 628
6	1 000 pieces	11 508
7	1 000 pieces	8 638
8	1 000 pieces	2 941
12	1 000 pieces	5 815
13	1 000 pieces	911
15	1 000 pieces	5 044
16	1 000 pieces	1 027
21	1 000 pieces	3 356
24	1 000 pieces	864
26/27	1 000 pieces	4 206
29	1 000 pieces	1 705
73	1 000 pieces	6 535
83	Tonnes	868
74	1 000 pieces	1 140'

B. Letter from the Government of the Republic of Belarus

Sir,

I have the honour to acknowledge receipt of your letter of ... which reads as follows:

'Sir,

1. I have the honour to refer to the Agreement between the European Community and the Republic of Belarus on trade in textile products initialled on 1 April 1993, as last amended and extended by the Agreement in the form of an Exchange of Letters initialled on 27 October 2006 (hereafter referred to as the Agreement).
2. In view of the expiry of the Agreement on 31 December 2007 and in accordance with Article 19(1) of the Agreement, the European Community and the Republic of Belarus agree to extend the duration of the Agreement, for a further period of one year, subject to the following amendments and conditions:
 - 2.1. The text of Article 19(1) of the Agreement shall read as follows:

“This Agreement shall enter into force on the first day of the month following the date on which the Parties notify each other of the completion of the procedures necessary for that purpose. It shall be applicable until 31 December 2008.”
 - 2.2. Annex II which sets out the quantitative restrictions for exports from the Republic of Belarus to the European Community shall be replaced by Appendix 1 to this Letter.
 - 2.3. The Annex to Protocol C which sets out the quantitative restrictions for exports from the Republic of Belarus to the European Community after OPT operations in the Republic of Belarus shall be replaced for the period of 1 January 2008 to 31 December 2008 by Appendix 2 to this letter.
 - 2.4. Imports into Belarus of textile and clothing products of European Community origin shall be subject in 2008 to custom duties not exceeding those provided for 2003 in Appendix 4 of the Agreement in the form of an Exchange of Letters between the European Community and the Republic of Belarus initialled on 11 November 1999.

In the case of non-application of these rates the Community will have the right to reintroduce for the period of the Agreement remaining unexpired on a pro rata basis the levels for quantitative restrictions applicable for 2007 as specified in the Exchange of Letters initialled on 27 October 2006.

3. The European Community and Belarus recall their agreement to enter into consultations not later than six months before the expiration of the present Agreement with a view to possibly concluding a new agreement.
4. Should the Republic of Belarus become a Member of the World Trade Organisation (WTO) before the date of the expiry of the Agreement, the agreements and rules of the WTO shall be applied from the date of the Republic of Belarus' accession to the WTO.
5. I should be obliged if you could kindly confirm the acceptance of your Government of the foregoing. Should this be the case, this Agreement in the form of an Exchange of Letters shall enter into force on the first day of the month following the day on which the Parties have notified each other that the legal procedures necessary to this end have been completed. In the meantime, it shall be applied provisionally from 1 January 2008 on the condition of reciprocity.

Please accept, Sir, the assurance of my highest consideration.'

I have the honour to confirm that my Government is in agreement with the content of your letter.

Please accept, Sir, the assurance of my highest consideration.

For the Government of the Republic of Belarus

COMMISSION

COMMISSION DECISION

of 13 December 2007

amending Decision 2006/805/EC as regards animal health control measures relating to classical swine fever in Hungary and Slovakia

(notified under document number C(2007) 6158)

(Text with EEA relevance)

(2007/862/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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 ⁽¹⁾, and in particular Article 10(4) thereof,

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to completion of the internal market ⁽²⁾, and in particular Article 9(4) thereof,

Whereas:

(1) Commission Decision 2006/805/EC of 24 November 2006 concerning animal health control measures relating to classical swine fever in certain Member States ⁽³⁾ was adopted in response to outbreaks of classical swine fever in certain Member States. That Decision establishes certain disease control measures concerning classical swine fever in those Member States.

(2) Slovakia has informed the Commission about the recent evolution of that disease in feral pigs and the presence of that disease in the district of Nové Zámky, bordered by the districts Komárno and Levice in Slovakia and the county of Pest in Hungary. In the light of the epidemi-

ological information available, the areas in Slovakia and Hungary where control measures relating to classical swine fever apply should be amended to include parts of those districts.

(3) The disease situation in Slovakia has significantly improved in the District Veterinary and Food Administrations of Trenčín (comprising Trenčín and Bánovce nad Bebravou districts), Prievidza (comprising Prievidza and Partizánske districts) and Púchov (comprising Ilava district only). The measures provided for in Decision 2006/805/EC concerning those areas should therefore no longer apply.

(4) For the sake of transparency of Community legislation, the list of the Member States concerned or the regions thereof as set out in the Annex to Decision 2006/805/EC should be replaced by the text in the Annex to this Decision.

(5) Decision 2006/805/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,

⁽¹⁾ 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).

⁽²⁾ 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); corrected version in OJ L 195, 2.6.2004, p. 12.

⁽³⁾ OJ L 329, 25.11.2006, p. 67. Decision as last amended by Decision 2007/631/EC (OJ L 255, 29.9.2007, p. 45).

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 2006/805/EC is replaced by the text in the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 13 December 2007.

For the Commission
Markos KYPRIANOU
Member of the Commission

ANNEX

'ANNEX

PART I

1. Germany

A. Rhineland-Palatinate

- (a) in the Kreis Ahrweiler: the municipalities of Adenau and Altenahr;
- (b) in the Kreis Daun: the municipalities of Obere Kyll and Hillesheim; in the municipality of Daun the localities of Betteldorf, Dockweiler, Dreis-Brück, Hinterweiler and Kirchweiler; in the municipality of Kelberg the localities of Beinhausen, Bereborn, Bodenbach, Bongard, Borler, Boxberg, Brücktal, Drees, Gelenberg, Kelberg, Kirsbach, Mannebach, Neichen, Nitz, Reimerath and Welcherath; in the municipality of Gerolstein the localities of Berlingen, Duppach, Hohenfels-Essingen, Kalenborn-Scheuern, Neroth, Pelm and Rockeskyll and the town of Gerolstein;
- (c) in the Kreis Bitburg-Prüm: in the municipality of Prüm the localities of Budesheim, Kleinlangenfeld, Neuendorf, Olzheim, Roth bei Prüm, Schwirzheim and Weinsheim.

B. North Rhine-Westfalia

- (a) in the Kreis Euskirchen: the towns of Bad Münstereifel, Mechernich and Schleiden, the localities of Billig, Euenheim, Euskirchen, Flammersheim, Kirchheim, Kuchenheim, Kreuzweingarten, Niederkastenholz, Palmersheim, Rheder, Roitzheim, Schweinheim, Stotzheim, Wißkirchen (in the town of Euskirchen), and the municipalities of Blankenheim, Dahlem, Hellenthal, Kall and Nettersheim;
- (b) in the Kreis Rhein-Sieg: the towns of Meckenheim and Rheinbach, the municipality of Wachtberg, the localities of Witterschlick, Volmershofen, Heidgen (in the municipality of Alfter) and the localities of Buschhoven, Morenhoven, Miel and Odendorf (in the municipality of Swisttal);
- (c) the city of Aachen: south of the motorways A4, A544 and the Bundesstrasse B1;
- (d) the city of Bonn: south of the Bundesstrasse 56 and the motorway A 565 (Bonn-Endenich to Bonn-Poppelsdorf) and southwest of the Bundesstrasse 9;
- (e) in the Kreis Aachen: the towns of Monschau and Stolberg, and the municipalities of Simmerath and Roetgen;
- (f) in the Kreis Düren: the towns of Heimbach and Nideggen, and the municipalities of Hürtgenwald and Langerwehe.

2. France

The territory of the Departments of Bas-Rhin and Moselle located west of the Rhine and the Marne-Rhine Canal, north of the motorway A 4, east of the Saar and south of the border with Germany and the municipalities of Holtzheim, Lingolsheim and Eckbolsheim.

PART II

1. Hungary

The territory of the county of Nógrád and the territory of the county of Pest located north and east of the Danube, south of the border with Slovakia, west of the border with the county of Nógrád and north of the motorway E 71.

2. Slovakia

The territory of the District Veterinary and Food Administrations (DVFA) of Žiar nad Hronom (comprising Žiar nad Hronom, Žarnovica and Banská Štiavnica districts), Zvolen (comprising Zvolen, Krupina and Detva districts), Lučenec (comprising Lučenec and Poltár districts), Veľký Krtíš (comprising Veľký Krtíš district), Komárno (comprising the territory located east of motorway 64, north of the border with Hungary and west of Nové Zámky district), Nové Zámky (comprising the territory located east of Komárno district and east of motorway 64, south of motorway 75 and north of the border with Hungary) and Levice (comprising the territory located east of Nové Zámky district and east of motorway 66 (E77), south of motorway 75, north of the border with Hungary and west of Veľký Krtíš district).

PART III

1. Bulgaria:

The whole territory of Bulgaria.'

COMMISSION DECISION

of 14 December 2007

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

(notified under document number C(2007) 6281)

(Only the English version is authentic)

(2007/863/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

of total farms, 4 % of the Utilized Agricultural Land and 5 % of the Livestock Unit are potentially encompassed by the derogation.

Having regard to the Treaty establishing the European Community,

(4) The legislation implementing Directive 91/676/EEC, the *Nitrates Action Programme Regulations (Northern Ireland) 2006* (Regulations 2006 No 489), has been adopted and applies equally to the requested derogation.

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

(5) The *Phosphorus (Use in Agriculture) Regulations (Northern Ireland) 2006* set out measures governing land application of phosphate fertilisers in order to prevent water pollution. The regulations prohibit the application of chemical fertilisers unless it is demonstrated that the amount is not in excess of crop requirement, requiring, *inter alia*, the assessment of soil fertility status through chemical analysis.

Whereas:

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

(6) Water quality data submitted show that low nitrate concentrations are a common feature of water bodies in Northern Ireland. In 2005 the average nitrate concentration in groundwater was below 20 mg/l nitrates in 71 % of the monitoring sites and concentrations greater than 50 mg/l nitrates were recorded in no more than 7 % of the sampling points. Data on water quality in rivers showed that in 2005 the mean nitrate concentration was below 20 mg/l in 99 % of sampling points and no monitoring station exceeded 50 mg/l nitrates. All large lakes had an average concentration of less than 10 mg/l nitrates.

(2) On 10 August 2007, the United Kingdom submitted to the Commission a request for a derogation under the third subparagraph of paragraph 2 of Annex III to Directive 91/676/EEC with regard to Northern Ireland.

(7) According to the third report on implementation of the Nitrates Directive 72 % of groundwater monitoring sites showed stable or decreasing trends in nitrates concentration in the period 1999-2003; nitrate concentration in surface water was stable or declining in 87 % of surface water monitoring stations in the same period.

(3) The requested derogation concerns the intention of the United Kingdom to allow the application in Northern Ireland of up to 250 kg nitrogen per hectare per year from livestock manure in grassland farms. Approximately 732 holdings in Northern Ireland corresponding to 2,7 %

(8) In conformity with paragraph 5 of Article 3 of Directive 91/676/EEC, the *Nitrates Action Programme Regulations (Northern Ireland) 2006* applies throughout the whole Northern Irish territory.

⁽¹⁾ OJ L 375, 31.12.1991, p. 1. Directive as amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).

- (9) The number of livestock and the utilisation of chemical fertilisers decreased in the last decade. Cattle, pig and sheep number decreased respectively by 2 %, 36 % and 22 % in the period 1995-2005. Chemical nitrogen fertiliser use decreased by 41 % in the period 1995 to 2005 and the application rate for 2005 was 89 kg per hectare nitrogen, phosphate fertiliser use declined by 49 % in the same period and in 2005 phosphorus use was on average 7 kg per hectare. Nitrogen surplus at national level declined from 159 kg/ha in 1995 to 124 kg/ha in 2005.
- (10) Due to high rainfall and the prevalence of soil with poor drainage, in Northern Ireland, ninety-three percent of agricultural land is devoted to grassland, of which a large part is classified as having good to very good potential for grass growth. Due to impeded drainage, the denitrification potential of the majority of soils in Northern Ireland is relatively high, reducing the nitrate concentration in soil and, therefore, the amount of nitrate susceptible to leaching.
- (11) In Northern Ireland 70 % of the land is farmed extensively and 45 % of the total land area is farmed under agro-environmental schemes.
- (12) The Northern Irish climate, characterised by an annual rainfall evenly distributed throughout the year and a relatively narrow annual temperature range promotes a relatively long grass-growing season ranging from 270 days per year in the coastal area to the east to around 260 days per year in the central lowlands where land is actively managed and farmed.
- (13) The supporting documents presented in the notification show that the proposed amount of 250 kg per hectare per year nitrogen from grazing livestock manure in grassland farms is justified on the basis of objective criteria such as long growing seasons and crops with high nitrogen uptake.
- (14) The Commission, after examination of the request, considers that the proposed amount of 250 kg per hectare will not prejudice the achievement of the objectives of Directive 91/676/EEC, subject to certain strict conditions being met.
- (15) This Decision should be applicable in tandem with the Nitrates Action Programme Regulations (Northern Ireland) 2006, in force in Northern Ireland for the period 2007-2010.

- (16) The measures provided for in this Decision are in accordance with the opinion of the Nitrates Committee set up pursuant to Article 9 of Directive 91/676/EEC,

HAS ADOPTED THIS DECISION:

Article 1

The derogation requested by the United Kingdom with regard to Northern Ireland by letter of 10 August 2007, for the purpose of allowing a higher amount of livestock manure than that provided for in the first sentence of the second subparagraph of paragraph 2 of Annex III to Directive 91/676/EEC and in point (a) thereof, is granted, subject to the conditions laid down in this Decision.

Article 2

Definitions

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

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

Article 3

Scope

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

Article 4

Annual authorisation and commitment

1. Farmers who want to benefit from a derogation shall submit an application to the competent authorities annually.
2. Together with the annual application referred to in paragraph 1 they shall undertake in writing to fulfil the conditions provided for in Articles 5 and 6.

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

Article 5

Application of manure and other fertilisers

1. The amount of livestock manure from grazing livestock applied to the land each year on grassland farms, including by the animals themselves, shall not exceed the amount of manure containing 250 kg nitrogen per hectare, subject to the conditions laid down in paragraphs 2 to 8.

2. The total nitrogen inputs shall not exceed the foreseeable nutrient demand of the considered crop and take into account the supply from the soil.

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

The fertilisation plan shall include the following:

- (a) the number of livestock, a description of the housing and storage system, including the volume of manure storage available;
- (b) a calculation of manure nitrogen (less losses in housing and storage) and phosphorus produced in the farm;
- (c) the crop rotation and area of each crop, including a sketch map indicating location of individual fields;
- (d) the foreseeable nitrogen and phosphorus crop requirements;
- (e) the amount and the type of manure delivered outside the farm or to the farm;
- (f) results of soil analysis related to nitrogen and phosphorus soil status if available;

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

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

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

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

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

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

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

8. Each grassland farm benefiting from an individual derogation shall ensure that the phosphorus balance, calculated according to the methodology established by the competent authority in compliance with Article 7(2) of this Decision, does not exceed a surplus of 10 kg phosphorus per hectare per year.

Article 6

Land management

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

- (a) temporary grassland shall be ploughed in spring;

- (b) ploughed grass on all soil types shall be followed immediately by a crop with high nitrogen demand;
- (c) crop rotation shall not include leguminous or other plants fixing atmospheric nitrogen. This will however not apply to clover in grassland with less than 50 % clover and to cereals and pea undersown with grass.

Article 7

Other measures

1. This derogation shall be applied without prejudice to the measures needed to comply with other Community environmental legislation.

2. The competent authorities shall establish and submit to the Commission the detailed procedure for the calculation of the phosphorus balance in derogation farms taking into account the input of phosphate with concentrate, forage and fertilisers and the output into products (live animal, meat and other animal products), forage and crops.

Article 8

Monitoring

1. Maps showing the percentage of grassland farms, percentage of livestock and percentage of agricultural land covered by an individual derogation in each District, shall be drawn by the competent authority and shall be updated every year. Those maps shall be submitted to the Commission annually and for the first time by 1 May 2008.

2. Monitoring of the farms covered by the action programme and the derogation shall be carried out at farm field scale and in agricultural monitoring catchments. The reference monitoring catchments shall be representative of the different soil types, levels of intensity and fertilisation practices.

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

4. Monitoring of shallow groundwater, soil water, drainage water and streams in farms belonging to the agricultural catchment monitoring sites shall provide data on nitrate and

phosphorus concentration in water leaving the root zone and entering groundwater and surface water.

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

6. A study shall be conducted in order to collect, by the end of the derogation period, detailed scientific information on intensive grassland systems in order to improve nutrient management. This study will focus on nutrient losses, including nitrates leaching, denitrification losses and phosphate losses, under intensive dairy production systems in representative areas.

Article 9

Controls

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

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

Article 10

Reporting

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

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

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

Article 11

Application

This Decision shall apply in the context of the *Nitrates Action Programme Regulations (Northern Ireland) 2006 (Regulations 2006 No 489)* of 1 December 2006. It shall expire on 31 December 2010.

Article 12

This Decision is addressed to the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 14 December 2007.

For the Commission
Stavros DIMAS
Member of the Commission

COMMISSION DECISION**of 20 December 2007****amending Appendix B to Annex XII to the 2003 Act of Accession as regards certain establishments in the meat sector in Poland***(notified under document number C(2007) 6490)***(Text with EEA relevance)****(2007/864/EC)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Act of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, and in particular Annex XII, Chapter 6, Section B, Subsection I(1), paragraph (e) thereto,

Whereas:

- (1) Poland has been granted transitional periods for certain establishments listed in Appendix B ⁽¹⁾ to Annex XII to the 2003 Act of Accession. The possibility to grant transitional periods for meat establishments in Poland ends on 31 December 2007.
- (2) Appendix B to Annex XII to the 2003 Act of Accession has been amended by Commission Decisions 2004/458/EC ⁽²⁾, 2004/471/EC ⁽³⁾, 2004/474/EC ⁽⁴⁾, 2005/271/EC ⁽⁵⁾, 2005/591/EC ⁽⁶⁾, 2005/854/EC ⁽⁷⁾, 2006/14/EC ⁽⁸⁾, 2006/196/EC ⁽⁹⁾, 2006/404/EC ⁽¹⁰⁾, 2006/555/EC ⁽¹¹⁾, 2006/935/EC ⁽¹²⁾, 2007/202/EC ⁽¹³⁾, 2007/443/EC ⁽¹⁴⁾ and 2007/555/EC ⁽¹⁵⁾.
- (3) According to an official declaration from the Polish competent authority certain establishments in the meat sector have completed their upgrading process and are now in full compliance with Community legislation. Certain establishments have ceased activities for which

they have obtained a transitional period. Those establishments should therefore be deleted from the list of establishments in transition.

- (4) Appendix B to Annex XII to the 2003 Act of Accession should therefore be amended accordingly.
- (5) The Standing Committee on the Food Chain and Animal Health has been informed of the measures provided for in this Decision,

HAS ADOPTED THIS DECISION:

Article 1

The establishments listed in the Annex to this Decision are deleted from Appendix B to Annex XII to the 2003 Act of Accession.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 20 December 2007.

For the Commission
Markos KYPRIANOU
Member of the Commission

⁽¹⁾ OJ C 227 E, 23.9.2003, p. 1392.

⁽²⁾ OJ L 156, 30.4.2004, p. 52, as corrected by OJ L 202, 7.6.2004, p. 39.

⁽³⁾ OJ L 160, 30.4.2004, p. 56, as corrected by OJ L 212, 12.6.2004, p. 31.

⁽⁴⁾ OJ L 160, 30.4.2004, p. 74, as corrected by OJ L 212, 12.6.2004, p. 44.

⁽⁵⁾ OJ L 86, 5.4.2005, p. 13.

⁽⁶⁾ OJ L 200, 30.7.2005, p. 96.

⁽⁷⁾ OJ L 316, 2.12.2005, p. 17.

⁽⁸⁾ OJ L 10, 14.1.2006, p. 66.

⁽⁹⁾ OJ L 70, 9.3.2006, p. 80.

⁽¹⁰⁾ OJ L 156, 9.6.2006, p. 16.

⁽¹¹⁾ OJ L 218, 9.8.2006, p. 17.

⁽¹²⁾ OJ L 355, 15.12.2006, p. 105.

⁽¹³⁾ OJ L 90, 30.3.2007, p. 86.

⁽¹⁴⁾ OJ L 166, 28.6.2007, p. 24.

⁽¹⁵⁾ OJ L 212, 14.8.2007, p. 3.

ANNEX

List of establishments to be deleted from Appendix B to Annex XII to the 2003 Act of Accession**List of red meat establishments in transition**

No	Veterinary No	Name of establishments
2	02200301	Zakład Przetwórstwa Mięsnego „Tarczyński” Sp. z o.o.
9	06020203	Zakłady Mięsne w Biłgoraju Czesław Sobczak
11	06020208	Zakład Mięsny „Romex” Romuald Chołota
34	12100112	P.P.H.U. „KWARTET” Ubojnia Zwierząt
52	14370201	Zakład Rzeźniczo-Wędliniarski S. J. Z. Motylewski – J. Zaborowski
53	14140301	Zakład Przetwórstwa Mięsnego „SZYNKO-POL” Spółka z o.o.
54	14250309	Sp. z o.o. KAMAR
60	16010301	PPHU „PIM” s.j.
67	22630302	Zakład Przetwórstwa Mięsnego M. Korganowski
68	22120303	Zakład Przetwórstwa Mięsnego M. Korganowski
74	24040211	Przetwórstwo Mięsa Andrzej Kosiński
84	26610201	Zakłady Mięsne S.A. Kielce
94	30210307	ALBAN Sp. z o.o. Jerzy Kniat
98	30270206	PPH PEKTUR s.j. Jerzy Pacholski, Marek Domeński

List of white meat establishments

109	14250604	Krzyżanowscy
113	30170401	PPHEI AWRA Sp. z o.o.

List of red meat low capacity establishments

116	PPHU „Elbro” Furmanek spółka jawna ul. Kościelna 6, 76-032 Mielno, oddział Siemianice, ul. Polna 1, 76-200 Słupsk	
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COMMISSION DECISION

of 20 December 2007

amending Appendix B to Annex XII to the 2003 Act of Accession as regards certain establishments in the meat sector in Poland

(notified under document number C(2007) 6494)

(Text with EEA relevance)

(2007/865/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Act of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, and in particular Annex XII, Chapter 6, Section B, Subsection I(1), paragraph (e) thereto,

Whereas:

- (1) Poland has been granted transitional periods for certain establishments listed in Appendix B ⁽¹⁾ to Annex XII to the 2003 Act of Accession. The possibility to grant transitional periods for meat establishments in Poland ends on 31 December 2007.
- (2) Appendix B to Annex XII to the 2003 Act of Accession has been amended by Commission Decisions 2004/458/EC ⁽²⁾, 2004/471/EC ⁽³⁾, 2004/474/EC ⁽⁴⁾, 2005/271/EC ⁽⁵⁾, 2005/591/EC ⁽⁶⁾, 2005/854/EC ⁽⁷⁾, 2006/14/EC ⁽⁸⁾, 2006/196/EC ⁽⁹⁾, 2006/404/EC ⁽¹⁰⁾, 2006/555/EC ⁽¹¹⁾, 2006/935/EC ⁽¹²⁾, 2007/202/EC ⁽¹³⁾, 2007/443/EC ⁽¹⁴⁾, 2007/555/EC ⁽¹⁵⁾ and 2007/864/EC ⁽¹⁶⁾.
- (3) According to an official declaration from the Polish competent authority certain establishments in the meat sector have completed their upgrading process and are now in full compliance with Community legislation.

Certain establishments have ceased activities for which they have obtained a transitional period. Those establishments should therefore be deleted from the list of establishments in transition.

- (4) Appendix B to Annex XII to the 2003 Act of Accession should therefore be amended accordingly.
- (5) The Standing Committee on the Food Chain and Animal Health has been informed of the measures provided for in this Decision,

HAS ADOPTED THIS DECISION:

Article 1

The establishments listed in the Annex to this Decision are deleted from Appendix B to Annex XII to the 2003 Act of Accession.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 20 December 2007.

For the Commission
Markos KYPRIANOU
Member of the Commission

⁽¹⁾ OJ C 227 E, 23.9.2003, p. 1392.

⁽²⁾ OJ L 156, 30.4.2004, p. 52; corrected version (OJ L 202, 7.6.2004, p. 39).

⁽³⁾ OJ L 160, 30.4.2004, p. 58; corrected version (OJ L 212, 12.6.2004, p. 31).

⁽⁴⁾ OJ L 160, 30.4.2004, p. 74; corrected version (OJ L 212, 12.6.2004, p. 44).

⁽⁵⁾ OJ L 86, 5.4.2005, p. 13.

⁽⁶⁾ OJ L 200, 30.7.2005, p. 96.

⁽⁷⁾ OJ L 316, 2.12.2005, p. 17.

⁽⁸⁾ OJ L 10, 14.1.2006, p. 66.

⁽⁹⁾ OJ L 70, 9.3.2006, p. 80.

⁽¹⁰⁾ OJ L 156, 9.6.2006, p. 16.

⁽¹¹⁾ OJ L 218, 9.8.2006, p. 17.

⁽¹²⁾ OJ L 355, 15.12.2006, p. 105.

⁽¹³⁾ OJ L 90, 30.3.2007, p. 86.

⁽¹⁴⁾ OJ L 166, 28.6.2007, p. 24.

⁽¹⁵⁾ OJ L 212, 14.8.2007, p. 3.

⁽¹⁶⁾ See page 127 of this Official Journal.

ANNEX

List of establishments to be deleted from Appendix B to Annex XII to the 2003 Act of Accession**List of red meat establishments in transition**

No	Veterinary No	Name of establishment
1	02120206	Zakład Mięsny Sp. jawna D.M. Niebieszczańscy
3	02240301	P.P.H. „HE-MA” Przetwórnia Mięsa
5	06080204	„SŁOMKA” Sp. j. Andrzej Słomka, Waldemar Słomka
6	06080201	Zakład Przetwórstwa Mięsnego Bożena i Kazimierz Wójcik
7	06080301	„GIZET” Sp. j. I. Galińska, B. Galińska
8	06020207	PPH „MISA – W” Andrzej Wasąg
10	06070201	Zakład Przetwórstwa Mięsnego „MAX” Sp. j.
12	06180210	Zakład Przetwórstwa Mięsnego Sp. j. Wrębiak, Witkowski
13	06200203	„Agrozam” Sp. z o.o.
14	06090202	PHU Kowalczykowski Stanisław
15	08040204	Biuro Handlowe „AMBERMAX” Sp. z o.o.
16	08060203	Zakład Masarniczy Stanisław Przewoźny
17	08070201	Zakład Przetwórstwa Mięsnego „WARTA”
18	08080201	Zakłady Mięsne „TARGED” Sp. z o.o.
19	08090202	Przedsiębiorstwo „DEREKS” Sp. z o.o.
20	08100101	Przedsiębiorstwo Produkcyjno-Handlowe „Rolvex” Sp. z o.o.
21	08100204	Zakład Masarniczy „Czernicki i syn” Jarosław Czernicki
22	10060308	ZAKŁAD PRZETWÓRSTWA MIĘSNEGO
23	10060215	ZMS „ŚCIBIORÓW”
24	10610307	PPU „JUMAR”
25	10030303	Zakład Wędliniarski Władysław Gabrysiak
26	10020202	Zakład Przetw. Mięsn. „KONIAREK”
27	10610311	Zakłady Mięsne „Wędzonka”
29	12030203	Zakład Przetwórstwa Mięsnego s.j.
30	12050304	F.P.H.U. „ANGELA” s.j.
31	12060329	„BOREX-BECON” s.j.
32	12060203	Firma „ADOZ”
33	12100304	Firma Produkcyjno-Handlowa Maria i Zbigniew Szubryt Zakład Masarski Biczycze Dolne
35	12120323	Zakład Przetwórstwa Mięsa, Sp. z o.o., Z. Pr. Chr. „BASO”
36	12180204	„Adam Bąk – Wieprz” Sp. z o.o.
37	12180205	Rzeźnictwo-Wędliniarstwo J. Tomczyk
38	12180307	Rzeźnictwo-Wędliniarstwo Maciej Szlagor
39	12150304	Zakłady Mięsne „MIŚKOWIEC” s.j.
40	12190104	Ubojnia Zwierząt Rzeźnych Skup i Sprzedaż Czwierci, Jacek Śliwa

No	Veterinary No	Name of establishment
41	12190205	P.P.H.U. „RACHON” s.c.
42	14160205	Zakłady Mięsne „Mazowsze”
43	14160201	Przetwórstwo Mięsne „KOSPOL”
44	14300204	Zakład Masarski „Zbyszko”
45	14190204	Zakład Masarski „Danko”
47	14050201	Zakład Produkcyjno-Handlowy Przetwórstwo Mięsne Zbigniew Pniewski
49	14310306	P.P.H. Hetman A. J. Lucińscy Zakład Masarski
50	14340302	Zakład Masarski Radzymin s.c.
51	14340310	Zakład Masarski „Mareta” Sp. J. T.A. Kłobuk E.W. Kacprzak
55	14250327	Zakład Przetwórstwa Flaków
56	14250104	Zakład Masarski „Sadelko” – Czapla – Świniarski Sp. J.
57	14250201	P.P.H.U. „Nasz Produkt” Z. P. CHR.
58	14250202	Masarnia ELMAS
59	16010101	PPHU „PORKPOL”
61	18070301	Zakład Masarski KON-BIT
62	18110302	Firma Produkcyjno-Handlowa Andrzej Kurek
63	18160204	Zakłady Mięsne „Dworak”
64	20040202	Zakład Przemysłu Mięsnego „Europa” S. i Z. Zielińscy Sp. J.
65	22040301	Masarnia Alicja Andrzej Majer
66	22040306	Zakład Przetwórstwa Mięsnego Jerzy Labuda
69	24020203	Rzeźnictwo i Handel Stanisław Kapecki
70	24020308	Zakład Przetwórstwa Mięsnego Józef Bozek
71	24020328	Przetwórstwo Mięsne Emil Droń
72	24610311	„OAZA” Sp. z o.o.
73	24040204	Zakład Przetwórstwa Mięsnego „UNILANG”
75	24040304	PPHU „Zakłady Mięsne Lubliniec” E.R.J. Dążek
76	24070209	Zakłady Mięsne „JANDAR” Sp. z o.o.
77	24120104	Marian Procek – Ubój, Skup i Sprzedaż
78	24160302	„NELPOL” s.c.
79	24170303	Zakład Przetwórstwa Mięsnego „Błachut”
80	26040101	Ubojnia Bydła i Trzody – Ludwik Andrzej Stąpór
81	26040307	Wyrób i Sprzedaż Artykułów Mięsnych – S. Woźniak
82	26040316	PPHU „KORREKT” Wytwórnia Wędlin
83	26090201	FHPU „Tarkowski”
85	26610303	Przetwórnia Mięsa – Antonii Kamiński
86	28010202	Zakład Uboju i Przetwórstwa Mięsnego s.c. Helena Rapa — Marek Jasiński
87	28010201	Zakłady Mięsne Pek-Bart Sp. z o.o.
88	28090201	Zakład Uboju i Przetwórstwa Mięsa i Wędlin, Krzysztof Brzeziński
89	30070203	PPH „POLSKIE MIĘSO”, Krążyński s.j.
90	30120307	ZPM „Janex”

No	Veterinary No	Name of establishment
91	30180202	STEK-POL Przetwórstwo Mięsa Kazimierz i Jacek Stempniewicz
92	30180304	Firma Produkcyjno Handlowa Paweł Łuczak
93	30200101	Ubój Zwierząt Ptak, Michałak s.j.
95	30240202	„KARWEX” s.c. Zakład Masarski
96	30240205	Zakład Masarski s.c. Psarskie
97	30260202	Rzeźnictwo Wędliniarstwo S.c. Urszula i Wiesław Ciachowscy
99	30270308	Zakład Mięсны MAS POL, Tomasz Jacaszek
100	32070201	„Rol-Banc” Sp. z o.o.
101	32140207	Spółdzielcza Agrofirma Witkowo
102	32160202	„Fermapol” Sp. z o.o. Rzeźnia w Smardzku

List of white meat establishments in transition

No	Veterinary No	Name of establishment
103	02190623	„Mirjan” Sp. z o.o. M.J. Olendzcy
104	08030601	PPHU „W-D” Sp. z o.o.
105	08040501	„STUDRÓB” Sp. z o.o.
106	12030620	Hurtownia Drobiu „KOKO” Jolanta Kozyra
107	12180502	Z.M. „BRADO-2” S.A.
108	12180503	„KO – BO” S.c. Bartosz Kot, Stanisław Wnęcek
110	26040501	PPH „KIELDRÓB” S.c.
111	26100401	„KULJASZ” S.j. J.W.Sz. Kuliński
112	30090401	Ubojnia Drobiu – Marcin Frątczak
114	32140502	Spółdzielcza Agrofirma Witkowo

List of red meat low capacity establishments in transition

No	Name of establishment
115	„Nordis”; Chłodnie Polskie Sp. z o.o. Dział Produkcji Mrozonek ul. Zimna 1(a), 65-707 Zielona Góra

List of mixed meat low capacity establishments in transition

No	Name of establishment
117	„Rudopal” Sp. z o.o. Rudniki 109, 64-330 Opalenica

List of cold stores in transition

No	Veterinary No	Name of establishment	Date of full compliance
118	26611101	Przedsiębiorstwo Przemysłu Chłodniczego Chłodnia Kielce P.P.	31.12.2007
119	30611101	PPCh „Calfrost”	31.12.2007