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

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I

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

REGULATIONS

COUNCIL REGULATION (EC) No 3/2008

of 17 December 2007

on information provision and promotion measures for agricultural products on the internal market and in third countries

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 36 and 37 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas:

- (1) In accordance with Council Regulations (EC) No 2826/2000⁽¹⁾ and (EC) No 2702/1999⁽²⁾, the Community may implement information and promotional measures on the internal market and on third country markets for certain agricultural products. The results so far have been very encouraging.
- (2) Taking account of experience gained, the prospects for market development both within and outside the Community and the new international trade situation, it is appropriate to develop an overall, coherent information and promotion policy for agricultural products and their method of production as well as for food products based on agricultural products, on the internal market and on third country markets, without encouraging the consumption of any product on grounds of its specific origins.
- (3) In the interests of clarity, Regulations (EC) No 2702/1999 and (EC) No 2826/2000 should therefore be repealed and replaced by a single regulation, whilst maintaining the specific features of measures according to the market in which they are implemented.
- (4) Such a policy usefully supplements and reinforces the schemes run by Member States by boosting product image in the eyes of consumers in the Community and in third countries, in particular as regards the quality, nutritional value and safety of foodstuffs and the methods of production. Such action, by helping to open up new markets in third countries, is also likely to have a multiplier effect on national and private initiatives.
- (5) Criteria should be set for selecting the products and sectors concerned, and the themes and markets to be covered by the Community programmes.
- (6) It should be possible for the information and promotion measures for agricultural products in third countries to cover both products qualifying for export refunds and products not qualifying for them.
- (7) The measures should be implemented within the framework of information and promotion programmes. To ensure the consistency and effectiveness of programmes to be carried out on the internal market, guidelines for each product or sector concerned, setting out the essential elements of the Community programmes concerned, should be defined.
- (8) Given the technical nature of the tasks to be performed, the Commission should be able to be assisted by a committee of communication experts or to have recourse to technical assistants.

⁽¹⁾ Council Regulation (EC) No 2826/2000 of 19 December 2000 on information and promotion actions for agricultural products on the internal market (OJ L 328, 23.12.2000, p. 2). Regulation as last amended by Regulation (EC) No 1182/2007 (OJ L 273, 17.10.2007, p. 1).

⁽²⁾ Council Regulation (EC) No 2702/1999 of 14 December 1999 on measures to provide information on, and to promote, agricultural products in third countries (OJ L 327, 21.12.1999, p. 7). Regulation as amended by Regulation (EC) No 2060/2004 (OJ L 357, 2.12.2004, p. 3).

- (9) Financing rules should be set. As a general rule, so that proposing organisations and interested Member States assume their responsibilities, the Community should meet only part of the cost of measures. However, in exceptional cases it may be more suitable not to require any financial contribution from the Member State concerned. In the case of information on some Community schemes regarding product origin, organic production and labelling as well as on the graphic symbols laid down by agricultural legislation, in particular for extremely remote regions, financing shared between the Community and Member States may be justified by the need to provide appropriate information to the public on these relatively recent schemes.
- (10) To ensure the greatest cost-effectiveness of the measures selected, the implementation of measures should be entrusted, through appropriate procedures, to bodies with the necessary structure and expertise.
- (11) In view of the experience gained and the results achieved by the International Olive Oil Council in its promotional activities, provision should, however, be made for the Community to continue delegating to it measures falling within its sphere of responsibility. It should also be possible for the Community to seek the assistance of similar international organisations for other products.
- (12) In order to verify the proper implementation of the programmes and the impact of measures, programme implementation should be carefully monitored by Member States and the results assessed by an independent body.
- (13) Expenditure on the financing of measures under this Regulation should be classed in accordance with Council Regulation (EC) No 1290/2005 of 21 June 2005 on the financing of the common agricultural policy ⁽¹⁾.
- (14) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽²⁾,

⁽¹⁾ OJ L 209, 11.8.2005, p. 1. Regulation as last amended by Regulation (EC) No 1437/2007 (OJ L 322, 7.12.2007, p. 1).

⁽²⁾ OJ L 184, 17.7.1999, p. 23. Decision as amended by Decision 2006/512/EC (OJ L 200, 22.7.2006, p. 11).

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter and scope

1. Information and promotion measures for agricultural products and their method of production as well as for food products based on agricultural products carried out on the internal market or in third countries as listed in Article 2 may be financed, fully or in part, by the Community budget subject to the conditions laid down in this Regulation.

These measures shall be implemented as part of an information and promotion programme.

2. The measures referred to in paragraph 1 shall not be brand-oriented or encourage the consumption of any product on grounds of its specific origins. However, the origin of a product covered by these measures may be indicated in the case of designations conferred under Community rules.

Article 2

Information and promotion measures

1. The measures referred to in Article 1(1) shall be the following:

- (a) public relations work, promotion and advertising, in particular to draw attention to intrinsic features and advantages of Community products, notably the quality and safety of food, specific production methods, nutritional and health aspects, labelling, animal welfare and respect for the environment;
- (b) information campaigns, in particular on Community systems of protected designations of origin (PDOs), protected geographical indications (PGIs) and traditional speciality guaranteed (TSGs) and of organic farming, and other Community schemes for quality standards and labelling of agricultural products and foodstuffs, as well as on the graphic symbols laid down by applicable Community legislation;
- (c) information measures on the Community system for quality wines produced in specified regions (quality wines psr), wines with geographical indication and spirit drinks with geographical indication or reserved traditional indication;
- (d) impact assessment of the information and promotion measures.

2. On the internal market, the measures referred to in Article 1(1) may also take the form of participation in events, fairs and exhibitions of national or European importance, by means of stands aimed at enhancing the image of Community products.

3. In third countries, the measures referred to in Article 1(1) may also take the following form:

- (a) information measures on the Community system for table wines;
- (b) participation in events, fairs and exhibitions of international importance, in particular by means of stands aimed at enhancing the image of Community products;
- (c) studies of new markets, necessary for the expansion of market outlets;
- (d) high-level trade visits.

Article 3

Sectors and products concerned

1. The sectors and products which may be covered by the measures referred to in Article 1(1) to be implemented on the internal market shall be determined bearing in mind the following criteria:

- (a) the desirability of drawing attention to the quality, typical features, specific production method, nutritional and health aspects, safety, animal welfare or environment-friendliness of the products in question, by means of thematic or target-specific campaigns;
- (b) the implementation of a consumer information labelling system and of product traceability and control systems;
- (c) the need to tackle specific or short-term difficulties in individual sectors;
- (d) the desirability of providing information on the Community PDO, PDI, TSG and organic production schemes;
- (e) the desirability of providing information on the Community system covering quality wines psr, wines with geographical indication and spirit drinks with geographical indication or reserved traditional indication.

2. The following products in particular shall be eligible for the measures referred to in Article 1(1) to be carried out in third countries:

- (a) products intended for direct consumption or processing for which export opportunities or potential new market outlets in third countries exist, especially where export refunds will not be required;

(b) typical or quality products displaying high added value.

Article 4

Lists of themes, products and countries eligible for these measures

The Commission shall draw up, according to the procedure referred to in Article 16(2), lists of the themes and products under Article 3 and the third countries concerned. These lists shall be revised every two years. However, if necessary, the lists may be amended in the interval through the same procedure.

In selecting the third countries, account shall be taken of the markets of third countries where there is actual or potential demand.

Article 5

Guidelines

1. For promotion on the internal market, the Commission shall, in accordance with the procedure referred to in Article 16(2), adopt guidelines to be followed defining the strategy for information and promotion programmes.

These guidelines shall provide general indications, in particular concerning:

- (a) objectives and targets to be reached;
- (b) one or more themes to be the subject of the measures selected;
- (c) the types of measures to be implemented;
- (d) the duration of programmes;
- (e) the indicative distribution, by market and type of measure envisaged, of the amount available for the Community's financial contribution to programmes.

With regard to the promotion of fresh fruit and vegetables, particular attention shall be paid to promotion measures intended for children in schools.

2. For promotion in third countries, the Commission may, in accordance with the procedure referred to in Article 16(2), adopt guidelines defining the strategy to be followed in proposals for information and promotion programmes for some or all of the products referred to in Article 3(2).

*Article 6***Organisations responsible for implementing information and promotion measures**

1. To implement the measures referred to in Article 2(1)(a), (b) and (c), Article 2(2) and Article 2(3)(a), (b) and (c), in accordance with the guidelines referred to in Article 5(1) and subject to paragraph 2 of this Article, the trade and/or inter-trade organisation(s) representing the sector(s) concerned in one or more Member States or at Community level shall draw up proposals for information and promotion programmes of a maximum duration of three years.

2. Where promotion measures in third countries are decided on for the olive oil and table olive sector, the Community may implement them through the International Olive Oil Council.

In the case of other sectors, the Community may seek the help of international organisations offering similar guarantees.

*Article 7***Drafting and forwarding information and promotion programmes**

1. Member States shall define the specifications setting the conditions and evaluation criteria for information and promotion programmes.

The Member State(s) concerned shall examine the suitability of proposals for programmes and shall verify conformity with this Regulation, the guidelines drawn up under Article 5 and the relevant specifications. They shall also check that the programme offers value for money.

After examining the programme(s), the Member State(s) shall draw up a list of programmes selected within the limit of available funds and shall undertake to contribute to financing these programmes, where appropriate.

2. Member State(s) shall forward to the Commission the list of programmes referred to in the third subparagraph of paragraph 1, and a copy of these programmes.

If the Commission finds that a programme which has been submitted or some of the measures therein are not in line with Community rules or, for the measures to be carried out on the internal market, with the guidelines referred to in Article 5, or they do not offer value for money, it shall notify the Member State(s) concerned of the ineligibility of all or part of that programme, within a time limit to be determined, in

accordance with the procedure referred to in Article 16(2). Once this time limit has been exceeded and no such notification is sent, the programme shall be deemed eligible.

Member State(s) shall take account of any observations made by the Commission and shall forward to it the revised programmes in accordance with the proposing organisation(s) referred to in Article 6(1) within a time limit to be set under the procedure referred to in Article 16(2).

*Article 8***Selection of information and promotion programmes**

1. The Commission shall decide, in accordance with the procedure referred to in Article 16(2) which programmes are to be selected and the corresponding budgets. Priority shall be given to the programmes proposed by several Member States or providing for measures in several Member States or third countries.

2. In accordance with the procedure referred to in Article 16(2), the Commission may set lower or higher limits to the actual costs of the selected programmes, in line with paragraph 1 of this Article. These limits may be adjusted according to the type of programmes concerned. The criteria applied may be defined in accordance with the procedure referred to in Article 16(2).

*Article 9***Procedure to be followed in case of an absence of information programmes for the internal market**

1. In the absence of programmes to be carried out on the internal market for one or more of the information measures referred to in Article 2(1)(b) submitted in accordance with Article 6(1), each interested Member State shall draw up, on the basis of the guidelines referred to in Article 5(1), a programme and its specification and shall select through a public call for tenders the implementing body for the programme it undertakes to co-finance.

2. The Member State(s) shall submit to the Commission the programme selected in accordance with paragraph 1, accompanied by a reasoned opinion including:

- (a) the desirability of the programme;
- (b) the conformity of the programme and the proposed body with this Regulation and, where necessary, with the applicable guidelines;

(c) an assessment of the programme's value for money.

3. For the purposes of the Commission's examination of the programmes, Article 7(2) and Article 8(1) shall apply.

4. In accordance with the procedure referred to in Article 16(2), the Commission may set lower or higher limits to the actual costs of the programmes submitted in line with paragraph 2 of this Article. These limits may be adjusted according to the type of programmes concerned. The criteria applied may be defined in accordance with the procedure referred to in Article 16(2).

Article 10

Information and promotion measures to be implemented at the Commission's initiative

After informing the committee referred to in Article 16(1) or, where necessary, the committee set up by Article 14(1) of Council Regulation (EEC) No 2092/91 of 24 June 1991 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs⁽¹⁾, the Standing Committee on Protected Geographical Indications and Protected Designations of Origin set up by Article 15(1) of Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs⁽²⁾ or the Standing Committee on Traditional Specialities Guaranteed set up by Article 18(1) of Council Regulation (EC) No 509/2006 of 20 March 2006 on agricultural products and foodstuffs as traditional specialities guaranteed⁽³⁾, the Commission may decide to carry out one or more of the following measures:

(a) for measures to be carried out on the internal market and in third countries:

- (i) the measures referred to in Article 2(1)(d) of this Regulation;
- (ii) the measures referred to in Article 2(1)(b) and (c), and Article 2(2) of this Regulation, where these measures are of Community interest or where no appropriate proposal has been submitted in accordance with Articles 6 and 9 of this Regulation;

(b) for measures to be implemented in third countries:

- (i) the measures referred to in Article 2(3)(d) of this Regulation;

- (ii) the measures referred to in Article 2(1)(a) and Article 2(3)(a), (b) and (c) of this Regulation, where these measures are of Community interest or where no appropriate proposal has been submitted in accordance with Articles 6 and 9 of this Regulation.

Article 11

Bodies responsible for implementing the programmes and measures

1. The Commission shall use an open or restricted call for tenders to select:

- (a) any technical assistants needed to evaluate proposals for the programmes provided for in Article 7(2), including the proposed implementing bodies;
- (b) the body or bodies responsible for implementing the measures referred to in Article 10.

2. After inviting competitive offers by all appropriate means, the proposing organisation shall select the bodies to implement the programmes selected in accordance with Article 7(1).

However, under certain conditions to be defined in accordance with the procedure referred to in Article 16(2), the proposing organisation may be authorised to implement certain parts of the programme itself.

3. The bodies responsible for implementing information and promotion measures shall have specialist knowledge of the products and markets concerned and have the resources necessary to ensure that the measures are implemented as effectively as possible, taking account of the European dimension of the programmes concerned.

Article 12

Monitoring of programmes

1. A Monitoring Group, comprising representatives of the Commission, the Member States concerned and the proposing organisations, shall monitor the programmes selected in accordance with Articles 8 and 9.

2. The Member States concerned shall be responsible for the proper implementation of the programmes selected in accordance with Articles 8 and 9 and for the relevant payments. The Member States shall ensure that the information and promotion material produced in the context of these programmes is in line with Community rules.

⁽¹⁾ OJ L 198, 22.7.1991, p. 1. Regulation as last amended by Commission Regulation (EC) No 1319/2007 (OJ L 293, 10.11.2007, p. 3).

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

⁽³⁾ OJ L 93, 31.3.2006, p. 1.

Article 13**Financing**

1. Without prejudice to paragraph 4, the Community shall fully fund the measures referred to in Article 10. The Community shall also fully fund the costs to cover the technical assistants selected in accordance with Article 11(1)(a).

2. The Community's financial participation in the programmes selected under Articles 8 and 9 shall not exceed 50 % of the actual cost of these programmes. Where information and promotion programmes have a duration of two or three years, the participation for each year of implementation shall not exceed this ceiling.

The percentage referred to in the first subparagraph shall be 60 % for measures for the promotion of fruit and vegetables intended specifically for children in schools of the Community.

3. Proposing organisations shall participate in the funding of the programmes they propose to a level of at least 20 % of the actual costs of the programmes, with the remaining funding being borne by the Member States concerned, where appropriate, taking account of the Community's financial participation referred to in paragraph 2.

The share paid by the Member States and the proposing organisations respectively shall be fixed when the programme is submitted to the Commission in accordance with Article 7(2).

The payments made by Member States or proposing organisations may come from parafiscal charges or mandatory contributions.

4. Where Article 6(2) applies, the Community shall, after approving the programme, grant an appropriate contribution to the international organisation concerned.

5. For the programmes referred to in Article 9, the Member States concerned shall be responsible for the share of the financing not covered by the Community.

Member States' financing may come from parafiscal charges.

6. Articles 87, 88 and 89 of the Treaty shall not apply to the financial participations of Member States nor to the financial participations from parafiscal charges or mandatory contributions of Member States or proposing organisations for programmes eligible for Community support under Article 36

of the Treaty, that the Commission has selected in accordance with Article 8(1) of this Regulation.

Article 14**Community expenditure**

Community financing of the measures referred to in Article 1(1) shall be held to fall, according to the case, under Article 3(1)(d) or Article 3(2)(b) of Regulation (EC) No 1290/2005.

Article 15**Implementing rules**

The detailed rules for implementing this Regulation shall be adopted in accordance with the procedure referred to in Article 16(2).

Article 16**Committee procedure**

1. The Commission shall be assisted by the Management Committee for the common organisation of agricultural markets set up by Article 195 of Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾.

2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at one month.

Article 17**Consultation**

Before drawing up the lists provided for in Article 4, defining the guidelines under Article 5, approving the programmes referred to in Articles 6 and 9, taking a decision on the measures in accordance with Article 10 or adopting the detailed implementing rules under Article 15, the Commission may consult:

- (a) the Advisory Group on Promotion of Agricultural Products set up by Commission Decision 2004/391/EC ⁽²⁾;
- (b) *ad hoc* technical working groups comprised of members of the committee or experts in promotion and advertising.

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 120, 24.4.2004, p. 50.

*Article 18***Report**

By 31 December 2010, the Commission shall submit to the European Parliament and the Council a report on the application of this Regulation, together with any appropriate proposals.

*Article 19***Repeal**

Regulations (EC) No 2702/1999 and (EC) No 2826/2000 are hereby repealed.

References made to the repealed Regulations shall be construed as references to this Regulation and shall be read in accordance with the correlation table in the Annex.

*Article 20***Entry into force**

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, 17 December 2007.

For the Council

The President

J. SILVA

ANNEX

CORRELATION TABLE REFERRED TO IN ARTICLE 19

1. Regulation (EC) No 2702/1999

Regulation (EC) No 2702/1999	This Regulation
Article 1	Article 1
Article 2	Article 2
Article 3	Article 3(2)
Article 4	Article 3(2), last subparagraph
Article 5(1)	Article 4
Article 5(2)	Article 5(2)
Article 6	Article 5(3)
Article 7(1) first subparagraph	Article 6
Article 7(1) second subparagraph and (2)	Article 7(1)
Article 7(3)	Article 7(2)
Article 7(4), (5) and (6)	Article 8
—	Article 9
Article 7a	Article 10
Article 8(1) and (2)	Article 11
Article 8(3) and (4)	Article 12
Article 9(1) to (4)	Article 13(1) to (4)
—	Article 13(5)
Article 9(5)	Article 13(6)
Article 10	Article 14
Article 11	Article 15
Article 12	Article 16
Article 12a	Article 17
Article 13	Article 18
Article 14	Article 19
Article 15	Article 20

2. Regulation (EC) No 2826/2000

Regulation (EC) No 2826/2000	This Regulation
Article 1	Article 1
Article 2	Article 2
Article 3	Article 3(1)
Article 4	Article 4
Article 5	Article 5(1)
Article 6(1), first subparagraph	Article 6
Article 6(1), second subparagraph and (2)	Article 7(1)
Article 6(3)	Article 7(2)
Article 6(4) to (6)	Article 8
Article 7	Article 9
Article 7a	Article 10
Article 8	Article 11(1)
Article 9	Article 13
Article 10(1)	Article 11(2)
Article 10(2) and (3)	Article 12
Article 11	Article 14
Article 12	Article 15
Article 13	Article 16
Article 13a	Article 17
Article 14	Article 18
Article 15	Article 19
Article 16	—
Article 17	Article 20

COMMISSION REGULATION (EC) No 4/2008
of 4 January 2008
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 5 January 2008.

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

Done at Brussels, 4 January 2008.

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 4 January 2008 establishing the standard import values for determining the entry price of certain fruit and vegetables

<i>(EUR/100 kg)</i>		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	IL	175,4
	MA	49,1
	TN	129,8
	TR	126,4
	ZZ	120,2
0707 00 05	JO	172,9
	MA	54,7
	TR	154,4
	ZZ	127,3
0709 90 70	MA	59,2
	TR	124,8
	ZZ	92,0
0805 10 20	EG	64,5
	IL	47,6
	MA	57,6
	TR	70,1
	ZA	34,0
	ZZ	54,8
0805 20 10	MA	78,2
	ZZ	78,2
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	HR	29,7
	IL	64,4
	TR	71,9
	ZZ	55,3
0805 50 10	EG	129,4
	TR	123,5
	ZA	134,4
	ZZ	129,1
0808 10 80	CN	94,1
	MK	32,1
	US	106,5
	ZZ	77,6
0808 20 50	CN	39,8
	US	107,9
	ZA	136,8
	ZZ	94,8

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

COMMISSION REGULATION (EC) No 5/2008**of 4 January 2008****derogating from Regulation (EC) No 1282/2001 as regards the final date for submitting harvest and production declarations for the 2007/08 wine year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine ⁽¹⁾, and in particular Article 73 thereof,

Whereas:

(1) Article 11(1) of Commission Regulation (EC) No 1282/2001 ⁽²⁾ requires wine growers to submit harvest and production declarations no later than 10 December, with a view to knowing the volume of Community wine production in good time.

(2) In one Member State, some of the computer centres to which producers have to submit those declarations have experienced a problem of capacity. Those centres are unable to take delivery of all the declarations by the deadline.

(3) To resolve the problem, which is not the fault of the producers, and to avoid their being unjustly penalised, those producers should be granted an extension for the submission of harvest and production declarations.

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

HAS ADOPTED THIS REGULATION:

Article 1

Notwithstanding Article 11(1) of Regulation (EC) No 1282/2001, for the 2007/08 wine year the declarations referred to in Articles 2 and 4 of that Regulation may be submitted up to 31 January 2008.

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 10 December 2007.

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

Done at Brussels, 4 January 2008.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 179, 14.7.1999, p. 1. Regulation as last amended by Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p. 1).

⁽²⁾ OJ L 176, 29.6.2001, p. 14.

COMMISSION REGULATION (EC) No 6/2008**of 4 January 2008****laying down detailed rules for granting private storage aid for sheepmeat and goatmeat****(Codified version)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2529/2001 of 19 December 2001 on the common organisation of the market in sheepmeat and goatmeat ⁽¹⁾, and in particular Articles 12(2) and 24 thereof,

Having regard to Council Regulation (EC) No 2799/98 of 15 December 1998 establishing agrimonetary arrangements for the euro ⁽²⁾, and in particular Articles 3(2) and 9 thereof,

Whereas:

(1) Commission Regulation (EEC) No 3446/90 of 27 November 1990 on laying down detailed rules for granting private storage aid for sheepmeat and goatmeat ⁽³⁾ has been substantially amended several times ⁽⁴⁾. In the interests of clarity and rationality the said Regulation should be codified.

(2) Detailed rules for granting private storage aid for sheepmeat and goatmeat must be adopted in addition to the general rules laid down in Article 12(1) by Regulation (EC) No 2529/2001.

(3) If it is to achieve its purpose, such aid should be granted only to natural or legal persons established in the Community whose activities and experience in the sector offer sufficient certainty that storage will be effected in a satisfactory manner and who have adequate cold storage capacity within the Community.

⁽¹⁾ OJ L 341, 22.12.2001, p. 3. Regulation as last amended by Regulation (EC) No 1913/2005 (OJ L 307, 25.11.2005, p. 2). Regulation (EC) No 2529/2001 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 349, 24.12.1998, p. 1.

⁽³⁾ OJ L 333, 30.11.1990, p. 39. Regulation as last amended by Regulation (EC) No 1913/2006 (OJ L 365, 21.12.2006, p. 52).

⁽⁴⁾ See Annex I.

(4) For the same reason, aid should be granted only for the storage of products in frozen condition, of sound and fair merchantable quality and of Community origin as defined by 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 ⁽⁵⁾, with a level of radioactivity not exceeding the maximum levels permitted under Council Regulation (EEC) No 737/90 of 22 March 1990 on the conditions governing imports of agricultural products originating in third countries following the accident at the Chernobyl nuclear power station ⁽⁶⁾.

(5) Provision should be made to ensure that the animals involved are slaughtered exclusively in slaughterhouses which are approved and supervised.

(6) To make the scheme more effective, contracts must relate to a certain minimum quantity, differentiated by product as appropriate, and the obligations to be fulfilled by the contracting party, in particular those enabling the intervention agency to make an effective inspection of storage conditions, must be specified.

(7) The amount of the security designed to ensure compliance with the contractual obligations should be fixed at a percentage of the amount of the aid.

(8) Pursuant to Commission Regulation (EEC) No 2220/85 of 22 July 1985 laying down common detailed rules for the application of the system of securities for agricultural products ⁽⁷⁾, the primary requirements to be met for the release of the security should be defined. Storing the contracted quantity for the agreed period constitutes one of the primary requirements for the granting of private storage aid for sheepmeat and goatmeat. To take account of commercial practice and for practical reasons, a certain tolerance in respect of the said quantity should be permitted.

⁽⁵⁾ 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).

⁽⁶⁾ OJ L 82, 29.3.1990, p. 1. Regulation as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

⁽⁷⁾ OJ L 205, 3.8.1985, p. 5. Regulation as last amended by Regulation (EC) No 1913/2006.

- (9) A measure of proportionality should apply in the release of the security and the granting of aid where certain requirements relating to the quantities to be stored are not met.
- (10) In order to improve the efficiency of the scheme, the contracting party should be permitted to receive an advance payment of aid subject to a security and rules should be laid down regarding the submission of applications for aid, the supporting documents to be produced and the time limit for payment.
- (11) Pursuant to Regulation (EC) No 2799/98 and Commission Regulation (EC) No 1913/2006 laying down detailed rules for the application of the agrimonetary system for the euro in agriculture and amending certain regulations ⁽¹⁾, the operative events to determine the exchange rate applicable to the grant of aid and amount of security in the case of private storage aid should be specified.
- (12) Previous experience with other schemes for private storage of agricultural products has shown the need to specify to what extent Council Regulation (EEC, Euratom) No 1182/71 determining the rules applicable to periods, dates and time limits ⁽²⁾ applies to the determination of periods, dates and time limits referred to under such schemes and to define precisely the dates when contractual storage begins and ends.
- (13) In particular, Article 3(4) of Regulation (EEC, Euratom) No 1182/71 specifies that where the last day of a period is a public holiday, Sunday or Saturday, the period should end on the expiry of the last hour of the following working day. The application of this provision to storage contracts may not be in the interest of storers and may even result in inequality of treatment. Therefore, a derogation should be made with regard to the determination of the last day of storage under contract.
- (14) Provision should be made for a measure of proportionality in the granting of aid where the storage period is not fully observed.
- (15) In accordance with Article 12(1) of Regulation (EC) No 2529/2001 the tendering procedure is applicable. when there is a particularly difficult situation of market in one or more zones of quotation. Invitations to submit tenders should result from Commission Decisions taken in accordance with the procedure referred to in Article 25(2) of that same Regulation.
- (16) The purpose of the tendering procedure is to determine the amount of the aid. In the selection of successful tenderers, preference should be given to the tenders most advantageous for the Community. Therefore, a maximum amount of aid may be set for which tenders would be accepted. If no tender is acceptable, none need be accepted.
- (17) Provision should be made for a system of checks to ensure that aid is not granted unduly. For this purpose the Member States should make checks appropriate to the various stages of storage.
- (18) Steps should be taken to prevent and to penalise irregularities and fraud. For this purpose, it is appropriate to exclude, in the case of false declaration, the contracting party from the granting of aids for private storage for six months following the detection of a false declaration.
- (19) To give the Commission an overall view of the effect of the private storage scheme, the Member States should supply it with the necessary information.
- (20) The measures laid down in this Regulation are in accordance with the opinion of the Management Committee for Sheep and Goats,

HAS ADOPTED THIS REGULATION:

CHAPTER I

GENERAL PROVISIONS

Article 1

The grant of private storage aid, as provided for in Article 12 of Regulation (EC) No 2529/2001, shall be subject to the conditions set out in this Regulation.

⁽¹⁾ OJ L 365, 21.12.2006, p. 52. Regulation amended by Regulation (EC) No 873/2007 (OJ L 193, 25.7.2007, p. 3).

⁽²⁾ OJ L 124, 8.6.1971, p. 1.

Article 2

1. Contracts for the private storage of sheepmeat and goatmeat shall be concluded between the intervention agencies of the Member States and natural or legal persons, hereinafter referred to as the 'contracting party':

(a) which have been carrying on business in the meat and livestock sectors for at least 12 months and are officially registered in a Member State; and

(b) which have suitable storage facilities at their disposal with the Community.

2. Private storage aid may be granted only for carcasses of lambs less than 12 months old and cuts thereof, of sound and fair merchantable quality coming from animals raised in the Community for at least the previous two months and slaughtered not more than 10 days before the date on which the products are placed in storage as referred to in Article 4(2).

3. No meat with a radioactive content exceeding the maximum levels permitted under Community regulations may be the subject of a storage contract. The levels applicable to products of Community origin shall be as fixed in Article 3 of Regulation (EEC) No 737/90. The level of radioactive contamination of the product shall be checked only if the situation so requires and for the necessary period. Where necessary, the duration and scope of the checks shall be determined in accordance with the procedure referred to in Article 25(2) of Regulation (EC) No 2529/2001.

4. Contracts may not relate to less than a minimum quantity to be determined for each product.

5. The meat must be placed in storage in a fresh state and stored in a frozen state.

Article 3

1. Contract applications or tenders and contracts shall relate to only one of the products for which aid may be granted.

2. Contract applications or tenders shall not be acceptable unless they include the particulars referred to in paragraph 3(a), (b), (d) and (e), and proof has been furnished that a security has been provided.

3. Contracts shall include the following particulars:

(a) a declaration by which the contracting party undertakes to only place in storage and to only store products which fulfil the conditions laid down in Article 2(2) and (3);

(b) the description and the quantity of the product to be stored;

(c) the time limit for placing in storage, referred to in Article 4(3), of the total quantity referred to under (b) of this paragraph;

(d) the duration of storage;

(e) the amount of the aid per unit of weight;

(f) the amount of the security;

(g) a provision enabling the storage period to be shortened or extended under the conditions laid down in Community regulations.

4. Contracts shall impose at least the following obligations on the contracting party:

(a) to place the agreed quantity of product in storage within the time limits laid down in Article 4 and to store it at his own risk and expense in conditions ensuring the maintenance of the characteristics of the products referred to in Article 2(2) for the contractual period, without altering, substituting or transferring to another warehouse the stored products; however, in exceptional cases and on duly motivated request, the intervention agency may authorise a relocation of the stored products;

(b) to advise the intervention agency with which he has concluded the contract, in due time before the entry into storage of each individual lot, within the meaning of the second subparagraph of Article 4(1), of the date and place of storage as well as the nature and quantity of the product to be stored; the intervention agency may require that this information is given at least two working days before the placing in storage of each individual lot;

(c) to send to the intervention agency the documents relating to the operations for placing in storage not later than one month after the date referred to in Article 4(4);

(d) to store the products in accordance with the requirements for identification referred to in Article 13(4);

(e) to permit the agency to check at any time that all the obligations laid down in the contract are being observed.

Article 4

1. The placing in storage must be completed not later than 28 days after the date of conclusion of the contract.

The products may be placed in storage in individual lots, each lot representing the quantity placed in storage in individual lots, each lot representing the quantity placed in storage on a given day by contract and by warehouse.

2. Contractors may, under the permanent supervision of the intervention agency and during the period of placing in storage, cut, partially debone or debone all or part of the products, provided that a sufficient quantity of carcasses is employed to ensure the tonnage for which the contract has been concluded is stored and that all the meat resulting from such operation is placed in storage. Intention to make use of this facility shall be notified not later than the day on which placing in storage begins. However, the intervention agency may require that such notification take place at least two working days before the placing in store of each individual lot.

The large tendons, cartilages, bones, pieces of fat and other scraps left over from cutting, partial deboning or deboning may not be stored.

3. Placing in storage shall begin, for each individual lot of the contractual quantity, on the day on which it comes under the control of the intervention agency.

That day shall be the day on which the net weight of the fresh chilled product is determined:

(a) at the place of storage, where the meat is frozen on the premises;

(b) at the place of freezing, where the meat is frozen in suitable facilities outside the place of storage.

However, in the case of meat placed in storage after cutting, partial deboning or deboning, weighing shall be carried out on products effectively placed in storage and may be done at the place of cutting, partial deboning or deboning.

The determination of weights of products to be placed in storage shall not take place before the conclusion of a contract.

4. Placing in storage ends on the day on which the last lot of the contractual quantity is placed in storage.

That day shall be the day on which all the products under contract have been delivered to the place of final storage, whether fresh or frozen.

Article 5

1. The amount of the security referred to in Article 3(2) shall not exceed 30 % of the amount of aid applied for.

2. The primary requirements within the meaning of Article 20(2) of Regulation (EEC) No 2220/85 shall be not to withdraw a contract application or a tender, and not to withdraw a contract application or a tender, and to keep in storage at least 90 % of the contractual quantity for the contractual storage period, at the contracting party's own risk and under the conditions referred to in Article 3(4)(a) of this Regulation.

3. Article 27(1) of Regulation (EEC) No 2220/85 shall not apply.

4. Securities shall be released immediately where contract applications or tenders are not accepted.

5. Where the time limit for placing in storage, as referred to in Article 4(1), is exceeded, the security shall be forfeit in accordance with Article 23 of Regulation (EEC) No 2220/85.

Subject to the provisions of Article 6(3), if the time limit under Article 4(1) is exceeded by more than 10 days, the aid shall not be granted.

Article 6

1. The amount of aid shall be fixed per unit of weight and shall relate to the weight determined in accordance with Article 4(3).

2. Subject to paragraph 3 hereafter, contracting parties shall be entitled to aid if the primary requirements referred to in Article 5(2) are met.

3. Aid shall be paid at most for the contractual quantity provided. If the quantity actually stored during the contractual storage period is less than the contractual quantity and:

- (a) not less than 90 % of that quantity, the aid shall be reduced proportionately;
- (b) less than 90 % but not less than 80 % of that quantity, the aid for the quantity actually stored shall be reduced by half;
- (c) less than 80 % of that quantity, the aid shall not be paid.

4. After three months of storage under contract, a single advance payment may be made, at the contracting party's request, provided that he lodges a security equal to the advance payment plus 20 %.

The advance payment shall not exceed the amount of aid corresponding to a storage period of three months.

Article 7

1. Except in cases of *force majeure* the application for payment of the aid and the supporting documents must be lodged with the competent authority within six months following the end of the maximum contractual storage period. Where the supporting documents could not be produced within the stipulated time limit although the contracting party acted promptly to obtain them on time, additional time limits, which may not exceed a total of six months, may be granted for their production.

2. Subject to the cases of *force majeure* referred to in Article 10 and cases where an inquiry has been opened into entitlement to the aid, the aid shall be paid by the competent authority as soon as possible and not later than three months from the day of deposit of an application for payment, with the required supporting documents, by the contracting party.

Article 8

The operative events for the exchange rate applicable to the aid and to the securities shall be those referred to in Articles 2(5) and 10 respectively of Regulation (EC) No 1913/2006.

Article 9

1. The periods, dates and time limits referred to in this Regulation shall be determined in accordance with Regulation (EEC, Euratom) No 1182/71. However, Article 3(4) of that Regulation shall not apply to the determination of the storage period as referred to in Article 3(3)(d) of this Regulation or as amended under Article 3(3)(g) of this Regulation.

2. The first day of the contractual storage period shall be the day following that on which placing in storage was completed.

3. Removal from storage may commence on the day following the last day of the contractual storage period.

4. The contracting party shall advise the intervention agency in good time before the intended commencement of removal from storage; the intervention agency may require that this information is given at least two working days before that date.

Where the obligation to notify the intervention agency is not complied with but where sufficient evidence has been furnished, within 30 days following removal from the warehouse, to the satisfaction of the competent authority as to the date of removal from storage and the quantities concerned aid shall be granted, without prejudice to Article 6(3) and 15 % of the security shall be declared forfeited in respect of the quantity concerned.

For all other cases of non-compliance with this obligation, no aid shall be paid in respect of the contract concerned, and the whole of the security shall be declared forfeited in respect of the contract concerned.

5. Subject to the cases of *force majeure* referred to in Article 10, where the contracting party fails to observe the end of the contractual storage period, each calendar day of non-compliance shall entail a reduction of 10 % in the amount of aid for the contract in question.

Article 10

In cases of *force majeure* where the performance of the contractual obligations of a contracting party are affected, the competent authority of the Member State concerned shall decide on the measures which it deems necessary having regard to the circumstances invoked. That authority shall inform the Commission of each case of *force majeure* and of the action taken in respect thereof.

CHAPTER II

SPECIAL PROVISIONS

Article 11

Where the amount of aid is fixed at a flat-rate in advance:

- (a) the contract application must be lodged with the competent intervention agency in accordance with Article 3(1) and (2);

(b) Decisions on applications to conclude contracts shall be notified by the competent intervention agency to each applicant by registered letter, electronic mail or telefax, or delivered against an acknowledgement of receipt, on the fifth working day following the day on which the application is submitted, provided that the Commission does not adopt special measures in the intervening period.

Where an examination of the situation reveals that excessive use has been made of the scheme introduced by this Regulation, or if there is a risk of excessive use, such measures may include:

- suspending the application of this Regulation for not more than five working days. In that event, applications to conclude contracts submitted during that period shall not be accepted,
- setting a single percentage by which the quantities in the applications to conclude contracts are reduced, subject to observance of the minimum quantity where appropriate,
- rejecting applications made before the period of suspension whose acceptance would have been decided on during the period of suspension.

Where the application is accepted, the contract shall be deemed to have been concluded on the day of departure of the notification of the decision referred to in the first subparagraph of (b). The intervention agency shall specify the date referred to in Article 3(3)(c) accordingly.

Article 12

1. Where the aid is granted by tender:

- (a) the Regulation issuing the invitation to tender in accordance with Article 12 of Regulation (EEC) No 2529/2001 shall specify the general conditions, the products to be stored, the time limit (date and hour) for the submission of tenders and the minimum quantities in respect of which a tender may be submitted;
- (b) tenders must be made in euro and submitted to the intervention agency concerned in accordance with Article 3(1) and (2);
- (c) tenders shall be examined in private session by the appropriate agencies of the Member States; persons present at the examination shall be sworn to secrecy;

(d) tenders submitted must be forwarded anonymously to the Commission by way of the Member States, to arrive not later than the second working day following the final date for submission as specified in the invitation;

(e) where no tenders are submitted, Member States shall inform the Commission of this within the time limit as specified under (d);

(f) on the basis of the tenders received, the Commission shall decide in accordance with the procedure referred to in Article 25(2) of Regulation (EC) No 2529/2001, either to fix a maximum amount of aid, or to make no award;

(g) where a maximum amount of aid is fixed, tenders not exceeding this amount shall be accepted.

2. Within five working days following the day on which the Member States are notified of the Commission's Decision, the intervention agency concerned shall inform all tenderers of the decision taken by registered letter, by telefax, by electronic mail or against written acknowledgement.

Where a tender is accepted, the contract shall be deemed to have been concluded on the date of departure of the information from the intervention agency to the tenderer as referred to in the first subparagraph. The intervention agency shall specify the date referred to in Article 3(3)(c) accordingly.

CHAPTER III

CHECKING AND SANCTIONS

Article 13

1. Member States shall ensure that the conditions giving rise to entitlement to aid are fulfilled. For this purpose they shall designate the national authority to be responsible for checking storage operations.

2. The contracting party shall make available to the authority responsible for checking storage operations all documentation, for each contract, permitting in particular the following information on the products placed in private storage to be verified:

(a) the ownership at the time of placing in storage;

(b) the date of placing in storage;

(c) the weight and the number of boxes or items otherwise packaged;

(d) the presence of products in the warehouse;

(e) the calculated date of the end of the minimum contractual storage period and, where Article 9(5) is applied, the actual date of removal.

3. The contracting party or, where applicable, the operator of the warehouse, shall keep stock accounts available at the warehouse covering, by contract number:

(a) the identification of the products placed in private storage;

(b) the date of placing in storage and the calculated date of the end of the minimum contractual storage period and the actual date of removal from storage;

(c) the number of carcasses or half-carcasses, boxes or other items stored individually, a description of the products and the weight of each pallet or the other items stored individually, recorded, where applicable, by individual lots;

(d) the location of the products in the warehouse.

4. Products stored must be easily identifiable and must be identified individually by contract. Each pallet and, where applicable, each item individually stored must be marked so that the contract number, the description of the product and the weight are shown. The date of placing in storage must be shown on each individual lot placed in storage on a given day.

When the products are placed in storage, the authority responsible for checking operations shall verify the identification referred to in the first subparagraph and may seal the products placed in storage.

5. The authority responsible for checking operations shall undertake:

(a) for each contract, a check on the compliance with all the obligations laid down in Article 3(4);

(b) a compulsory check to ensure that the products are present in the warehouse during the final week of the contractual storage period.

Furthermore, that authority shall check:

— either the sealing of all the products stored under a contract in accordance with the second subparagraph of paragraph 4, or

— an unannounced sample check to ensure that the products are present in the warehouse. The sample taken must be representative and must correspond to at least 10 % of the overall quantity placed in storage in each Member State under a private storage aid measure. Such checks shall include, in addition to an examination of the accounts referred to in paragraph 3, a physical check of the weight and type of the products and their identification. Such physical checks must relate to at least 5 % of the quantity subject to the unannounced check.

The sealing or handling costs of the check are borne by the contracting party.

6. Checks pursuant to paragraph 5 must be the subject of a report stating:

(a) the date of the check;

(b) its duration; and

(c) the operations conducted.

The report on the check must be signed by the official responsible and countersigned by the contracting party or, where applicable, by the operator of the warehouse and must be included in the payment file.

7. In the case of significant irregularities affecting at least 5 % of the quantities of products covered by a single contract subject to the checks, the verification shall be extended to a larger sample to be determined by the authority responsible for the checks.

Member States shall notify such cases to the Commission within four weeks.

Article 14

In the case where it is established and verified by the authority responsible for checking operations that the declaration as referred to in Article 3(3)(a) is a false declaration made either deliberately or through serious negligence, the contracting party in question shall be excluded from the private storage aid scheme for six months following the month in which the falsification is ascertained.

CHAPTER IV

FINAL PROVISIONS

Article 15

1. Member States shall inform the Commission of all provisions adopted in application of this Regulation.
2. Member States shall notify the Commission by telefax or by electronic mail:
 - (a) on Monday and Thursday of each week, of the quantities of products for which applications to conclude contracts have been submitted;
 - (b) before Thursday of each week and broken down by storage period, of the products and quantities for which contracts have been concluded during the preceding week, giving a summary of the products and quantities for which contracts have been concluded;
 - (c) every month, of the products and total quantities placed in storage;
 - (d) every month, of the products and total quantities actually in storage and of the products and total quantities in respect of which the contractual storage period has ended;

(e) every month, if the storage period has been shortened or extended in accordance with Article 3(3)(g) or reduced in accordance with Article 9(5), of the products and quantities in respect of which the storage period has been revised and of the original and revised months for removal from storage.

3. The application of the measures provided for in this Regulation shall be subject to regular examination in accordance with the procedure referred to in Article 25(2) of Regulation (EC) No 2529/2001.

Article 16

Regulation (EEC) No 3446/90 is repealed.

References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex II.

Article 17

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

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

Done at Brussels, 4 January 2008.

For the Commission
The President
José Manuel BARROSO

ANNEX I

Repealed Regulation with list of its successive amendments

Commission Regulation (EEC) No 3446/90
(OJ L 333, 30.11.1990, p. 39)

Commission Regulation (EEC) No 1258/91 (OJ L 120, 15.5.1991, p. 15)	Article 1 only
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Commission Regulation (EC) No 3533/93 (OJ L 321, 23.12.1993, p. 9)	Article 3 only
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Commission Regulation (EC) No 1913/2006 (OJ L 365, 21.12.2006, p. 52)	Article 15 only
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ANNEX II

Correlation table

Regulation (EEC) No 3446/90	This Regulation
Article 1	Article 1
Article 2(1), introductory sentence	Article 2(1), introductory sentence
Article 2(1), first indent	Article 2(1)(a)
Article 2(1), second indent	Article 2(1)(b)
Article 2(2) to (5)	Article 2(2) to (5)
Article 3	Article 3
Article 4(1)	Article 4(1)
Article 4(2)	Article 4(2)
Article 4(3), first subparagraph	Article 4(3), first subparagraph
Article 4(3), second subparagraph, introductory sentence	Article 4(3), second subparagraph, introductory sentence
Article 4(3), second subparagraph, first indent	Article 4(3), second subparagraph, point (a)
Article 4(3), second subparagraph, second indent	Article 4(3), second subparagraph, point (b)
Article 4(3), third subparagraph	Article 4(3), third subparagraph
Article 4(3), fourth subparagraph	Article 4(3), fourth subparagraph
Article 4(4)	Article 4(4)
Article 5(1)	Article 5(1)
Article 5(2) introductory sentence and first and second indents	Article 5(2)
Article 5(3), (4) and (5)	Article 5(3), (4) and (5)
Articles 6, 7 and 8	Articles 6, 7 and 8
Article 9(1), (2) and (3)	Article 9(1), (2) and (3)
Article 9(4), first subparagraph	Article 9(4), first subparagraph
Article 9(4), second subparagraph, introductory sentence and first and second indents	Article 9(4), second subparagraph
Article 9(4), third subparagraph, introductory words and first and second indents	Article 9(4), third subparagraph
Article 9(5)	Article 9(5)
Articles 10, 11 and 12	Articles 10, 11 and 12
Article 13(1) to (4)	Article 13(1) to (4)
Article 13(5) first subparagraph, introductory words and points (a) and (b)	Article 13(5), first subparagraph, introductory words and points (a) and (b)
—	Article 13(5) second subparagraph, introductory words
Article 13(5), first subparagraph, paragraph (c), first and second indents	Article 13(5), second subparagraph, first and second indents
Article 13(5), second subparagraph	Article 13(5), third subparagraph
Article 13(6), first subparagraph, introductory sentence	Article 13(6), first subparagraph, introductory sentence premier

Regulation (EEC) No 3446/90	This Regulation
Article 13(6), first subparagraph, first indent	Article 13(6), first subparagraph, point (a)
Article 13(6), first subparagraph, second indent	Article 13(6), first subparagraph, point (b)
Article 13(6), first subparagraph, third indent	Article 13(6), first subparagraph, point (c)
Article 13(6), second subparagraph	Article 13(6), second subparagraph
Article 13(7)	Article 13(7)
Articles 14 and 15	Articles 14 and 15
Article 16	—
—	Article 16
Article 17, first subparagraph	Article 17
Article 17, second subparagraph	—
Annex	—
—	Annex I
—	Annex II