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Contents

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

REGULATIONS

Commission Regulation (EC) No 47/2008 of 21 January 2008 establishing the standard import values for determining the entry price of certain fruit and vegetables	1
Commission Regulation (EC) No 48/2008 of 21 January 2008 on the issuing of import licences for applications lodged during the first seven days of January 2008 under tariff quotas opened by Regulation (EC) No 616/2007 for poultrymeat	3
Commission Regulation (EC) No 49/2008 of 21 January 2008 setting the quantity of maize available for intervention for period 2 of the 2007/2008 marketing year	5

DIRECTIVES

★ Directive 2008/3/EC of the European Parliament and of the Council of 15 January 2008 amending Directive 2003/54/EC as regards the application of certain provisions to Estonia	6
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II Acts adopted under the EC Treaty/Euratom Treaty whose publication is not obligatory

DECISIONS

Commission

2008/65/EC:

- ★ **Commission Decision of 17 January 2008 amending Decision 2007/718/EC concerning certain protection measures against foot-and-mouth disease in Cyprus** (notified under document number C(2008) 29) ⁽¹⁾ 8

2008/66/EC:

- ★ **Commission Decision of 21 January 2008 on a Community financial contribution for Portugal for its programme for strengthening in 2008 inspection infrastructures for plant-health checks on plants and plant products coming from third countries** (notified under document number C(2008) 43) 11

2008/67/EC:

- ★ **Commission Decision of 21 January 2008 establishing the Community's financial contribution to the expenditure incurred in the context of the emergency measures taken to combat avian influenza in Germany in 2003** (notified under document number C(2008) 144) 13



⁽¹⁾ Text with EEA relevance

I

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

REGULATIONS

COMMISSION REGULATION (EC) No 47/2008

of 21 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 1580/2007 of 21 December 2007 laying down implementing rules of Council Regulations (EC) No 2200/96, (EC) No 2201/96 and (EC) No 1182/2007 in the fruit and vegetable sector ⁽¹⁾, and in particular Article 138(1) thereof,

Whereas:

- (1) Regulation (EC) No 1580/2007 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 138 of Regulation (EC) No 1580/2007 shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 22 January 2008.

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

Done at Brussels, 21 January 2008.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 350, 31.12.2007, p. 1.

ANNEX

to Commission Regulation of 21 January 2008 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	206,7
	MA	55,2
	TN	129,8
	TR	95,0
	ZZ	121,7
0707 00 05	JO	184,6
	MA	48,4
	TR	110,3
	ZZ	114,4
0709 90 70	MA	105,6
	TR	131,6
	ZZ	118,6
0709 90 80	EG	373,1
	ZZ	373,1
0805 10 20	EG	49,3
	IL	53,2
	MA	77,6
	TN	55,8
	TR	76,9
	ZA	52,9
	ZZ	61,0
0805 20 10	MA	105,7
	ZZ	105,7
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	CN	72,6
	IL	60,3
	JM	120,0
	MA	104,8
	TR	72,1
	ZZ	86,0
0805 50 10	BR	72,8
	EG	111,9
	IL	123,3
	TR	120,2
	ZA	54,7
	ZZ	96,6
0808 10 80	CN	74,3
	MK	35,5
	US	122,1
	ZA	59,7
	ZZ	72,9
0808 20 50	CN	60,0
	TR	126,4
	US	108,4
	ZZ	98,3

⁽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 48/2008**of 21 January 2008****on the issuing of import licences for applications lodged during the first seven days of January 2008
under tariff quotas opened by Regulation (EC) No 616/2007 for poultrymeat**

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⁾,Having regard to Commission Regulation (EC) No 1301/2006 of 31 August 2006 laying down common rules for the administration of import tariff quotas for agricultural products managed by a system of import licences ⁽²⁾, and in particular Article 7(2) thereof,Having regard to Commission Regulation (EC) No 616/2007 of 4 June 2007 opening and providing for the administration of Community tariff quotas for poultrymeat originating in Brazil, Thailand and other third countries ⁽³⁾, and in particular Article 5(5) thereof,

Whereas:

- (1) Regulation (EC) No 616/2007 opened tariff quotas for imports of products in the poultrymeat sector.
- (2) The applications for import licences lodged during the first seven days of January 2008 for the subperiod 1 April to 30 June 2008 relate, for some quotas, to quantities exceeding those available. The extent to which licences may be issued should therefore be determined and an allocation coefficient laid down to be applied to the quantities applied for,

HAS ADOPTED THIS REGULATION:

Article 1

The quantities for which import licence applications have been lodged pursuant to Regulation (EC) No 616/2007 for the subperiod 1 April to 30 June 2008 shall be multiplied by the allocation coefficients set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 22 January 2008.

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

Done at Brussels, 21 January 2008.

For the Commission

Jean-Luc DEMARTY

Director-General for Agriculture and
Rural Development

⁽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). Regulation (EEC) No 2777/75 will be replaced by Regulation (EC) No 1234/2007 (OJ L 299, 16.11.2007, p. 1) as from 1 July 2008.

⁽²⁾ OJ L 238, 1.9.2006, p. 13. Regulation amended by Regulation (EC) No 289/2007 (OJ L 78, 17.3.2007, p. 17).

⁽³⁾ OJ L 142, 5.6.2007, p. 3. Regulation as amended by Regulation (EC) No 1549/2007 (OJ L 337, 21.12.2007, p. 75).

ANNEX

Group No	Order No	Allocation coefficient for import licence applications lodged for the subperiod 1.4.2008-30.6.2008 (%)
1	09.4211	1,748078
2	09.4212	(¹)
4	09.4214	54,814029
5	09.4215	65,258932
6	09.4216	(²)
7	09.4217	5,611137
8	09.4218	(¹)

(¹) Not applied: no licence application has been sent to the Commission.

(²) Not applied: the applications do not cover the total quantity available.

COMMISSION REGULATION (EC) No 49/2008**of 21 January 2008****setting the quantity of maize available for intervention for period 2 of the 2007/2008 marketing year**

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 824/2000 of 19 April 2000 establishing procedures for the taking-over of cereals by intervention agencies and laying down methods of analysis for determining the quality of cereals ⁽²⁾, and in particular the second subparagraph of Article 3a(2) thereof,

Whereas:

- (1) Article 3a of Regulation (EC) No 824/2000 lays down rules for awarding the quantities of maize eligible for intervention for the 2007/2008 and 2008/2009 marketing years. Quantities are awarded in two stages, referred to as 'period 1' and 'period 2'.
- (2) The total quantity of maize offered for intervention in period 1, which ran from 1 August to 31 December 2007, did not exceed the limit laid down in Article 5(1) of Regulation (EC) No 1784/2003. As a result, the quantity of maize that may be offered for inter-

vention in period 2 of the 2007/2008 marketing year should be published.

- (3) In accordance with the third subparagraph of Article 3a(1), period 2 starts on the day following publication by the Commission in the *Official Journal of the European Union* of the quantity which remains available for intervention in that period. That day is the first day for the submission of offers in all the Member States and that period ends not later than 30 April in Greece, Spain, Italy and Portugal, 30 June in Sweden and 31 May in the other Member States. Therefore this Regulation should enter into force on the day following its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

The quantity of maize that may be offered for intervention in period 2 of the 2007/2008 marketing year in accordance with Article 3a of Regulation (EC) No 824/2000, shall be 1 500 000 tonnes.

Article 2

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, 21 January 2008.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽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 100, 20.4.2000, p. 31. Regulation as last amended by Regulation (EC) No 883/2007 (OJ L 195, 27.7.2007, p. 3).

DIRECTIVES

DIRECTIVE 2008/3/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 15 January 2008
amending Directive 2003/54/EC as regards the application of certain provisions to Estonia

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 47(2), Article 55 and Article 95 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

After consulting the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽²⁾,

Whereas:

- (1) During the accession negotiations, Estonia invoked the specific characteristics of its electricity sector to request a transitional period for the application of Directive 96/92/EC of the European Parliament and of the Council of 19 December 1996 concerning common rules for the internal market in electricity ⁽³⁾.
- (2) In Annex VI to the 2003 Act of Accession, Estonia was granted a transitional period until 31 December 2008 for the application of Article 19(2) of Directive 96/92/EC, relating to the gradual opening of the market.
- (3) Declaration No 8 annexed to the Final Act to the 2003 Treaty of Accession recognised moreover that the specific situation relating to the restructuring of the oil shale sector in Estonia was going to require particular efforts until the end of 2012.

(4) Directive 96/92/EC was replaced by Directive 2003/54/EC of the European Parliament and of the Council of 26 June 2003 concerning common rules for the internal market in electricity and repealing Directive 96/92/EC ⁽⁴⁾, which had to be implemented by 1 July 2004 and which had the effect of speeding up the opening of the electricity market.

(5) By letter of 17 September 2003, Estonia transmitted a request aimed at not applying Article 21(1)(b) of Directive 2003/54/EC, on the opening of the market to non-household customers, until 31 December 2012. In a further letter of 5 December 2003, Estonia indicated that it was planning to achieve the complete opening of the market provided for in Article 21(1)(c) of that Directive by 31 December 2015.

(6) The request by Estonia was based on a credible restructuring plan for the oil shale sector extending until 31 December 2012.

(7) Oil shale is the only real indigenous energy resource in Estonia and national production represents almost 84 % of world production. 90 % of the electricity produced in Estonia is from this solid fuel. It is therefore of great strategic importance for security of supply in Estonia.

(8) The granting of a further derogation for the period 2009 to 2012 appeared necessary to guarantee security of investments in generating plants and security of supply in Estonia while allowing the serious environmental problems created by those plants to be resolved.

(9) On 28 June 2004 the Council adopted Directive 2004/85/EC amending Directive 2003/54/EC of the European Parliament and of the Council as regards the application of certain provisions to Estonia ⁽⁵⁾, which granted the requested derogation.

⁽¹⁾ Opinion delivered on 24 October 2007 (not yet published in the Official Journal).

⁽²⁾ Opinion of the European Parliament of 29 November 2007 (not yet published in the Official Journal) and Council Decision of 17 December 2007.

⁽³⁾ OJ L 27, 30.1.1997, p. 20. Directive repealed by Directive 2003/54/EC (OJ L 176, 15.7.2003, p. 37).

⁽⁴⁾ OJ L 176, 15.7.2003, p. 37. Directive as last amended by Commission Decision 2006/653/EC (OJ L 270, 29.9.2006, p. 72).

⁽⁵⁾ OJ L 236, 7.7.2004, p. 10.

- (10) By judgment of 28 November 2006 in Case C-413/04, *Parliament v. Council* ⁽¹⁾, the Court of Justice annulled Directive 2004/85/EC, in so far as it granted Estonia a derogation from the application of Article 21(1)(b) and (c) of Directive 2003/54/EC going beyond 31 December 2008 and imposed a corresponding obligation to ensure only a partial opening of the market representing 35 % of consumption on 1 January 2009 and an obligation to communicate annually the consumption thresholds extending eligibility to final customers.
- (11) That partial annulment was not founded on reasons concerning the substance of Directive 2004/85/EC, but was due to the wrong choice of legal basis.
- (12) Since the reasons for granting Estonia a derogation from the application of Article 21(1)(b) and (c) of Directive 2003/54/EC going beyond 31 December 2008 remain valid, that Directive should be amended accordingly, with the same wording as in Directive 2004/85/EC but on the correct legal basis,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Article 26(3) of Directive 2003/54/EC shall be replaced by the following:

'3. Estonia shall be granted a temporary derogation from the application of Article 21(1)(b) and (c) until 31 December 2012. Estonia shall take the measures necessary to ensure the opening of its electricity market. This shall be carried out gradually over the reference period with the aim of complete opening of the market by 1 January 2013. On 1 January

2009, the opening of the market shall represent at least 35 % of consumption. Estonia shall communicate annually to the Commission the consumption thresholds extending eligibility to final customers.'

Article 2

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 23 January 2008. They shall forthwith inform the Commission thereof.

When they are adopted by Member States, these measures shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Strasbourg, 15 January 2008.

For the European Parliament

The President

H.-G. PÖTTERING

For the Council

The President

J. LENARČIČ

⁽¹⁾ ECR [2006] I-11221.

II

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

DECISIONS

COMMISSION

COMMISSION DECISION

of 17 January 2008

amending Decision 2007/718/EC concerning certain protection measures against foot-and-mouth disease in Cyprus

(notified under document number C(2008) 29)

(Text with EEA relevance)

(2008/65/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

(1) Following recent outbreaks of foot-and-mouth disease in Cyprus, Commission Decision 2007/718/EC of 6 November 2007 concerning certain protection measures against foot-and-mouth disease in Cyprus ⁽³⁾ was adopted to reinforce the control measures against foot-and-mouth disease taken by that Member State in the framework of Council Directive 2003/85/EC of 29

September 2003 on Community measures for the control of foot-and-mouth disease repealing Directive 85/511/EEC and Decisions 84/531/EEC and 91/665/EEC and amending Directive 92/46/EEC, repealing Directive 85/511/EEC and Decisions 84/531/EEC and 91/665/EEC and amending Directive 92/46/EEC ⁽⁴⁾.

(2) In Decision 2007/718/EC, the Commission laid down rules for the dispatch of certain categories of meat from certain areas listed in Annex III to that Decision that have not recorded any outbreak of foot-and-mouth disease for a period of at least 90 days prior to slaughter and which comply with certain specified conditions. At present only the dispatch of pig meat from defined areas is allowed.

(3) On the basis of the evolution of the animal health situation in Cyprus, and in particular the favourable results of the ongoing surveillance, it is now possible to define those areas that should be included, with regard to beef, in Annex III to Decision 2007/718/EC.

(4) Decision 2007/718/EC should therefore be amended accordingly.

(5) 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 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 by OJ L 195, 2.6.2004, p. 12).

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

⁽³⁾ OJ L 289, 7.11.2007, p. 45. Decision as amended by Decision 2007/832/EC (OJ L 329, 14.12.2007, p. 56).

⁽⁴⁾ OJ L 306, 22.11.2003, p. 1. Directive as last amended by Directive 2006/104/EC (OJ L 363, 20.12.2006, p. 352).

HAS ADOPTED THIS DECISION:

Article 1

Annex III to Decision 2007/718/EC is replaced by the text in the Annex to this Decision.

Article 2

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

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 17 January 2008.

For the Commission
Markos KYPRIANOU
Member of the Commission

ANNEX

'ANNEX III

1	2	3	4	5	6	7	8	
Group	ADNS	Administrative Unit	B	S/G	P	FG	WG	
Cyprus	00001	Lefkosia	+	-	+	-	-	
	00003	Ammochostos	+	-	+	-	-	
	00004	Larnaca, except the administrative units of:		+	-	+	-	-
			Agia Anna	-		-		
			Alethriko	-		-		
			Aradippou	-		-		
			Dromolaxia	-		-		
			Kalo Chorio	-		-		
			Kellia	-		-		
			Kiti	-		-		
			Kivisili	-		-		
			Klavdia	-		-		
Kochi	-		-					
Larnaka	-		-					
Livadia	-		-					
Meneou	-		-					
Softades	-		-					
Tersefanou	-		-					
00005	Lemesos	+	-	+	-	-		
00006	Paphos	+	-	+	-	-		

ADNS = Animal Disease Notification System Code (Decision 2005/176/EC)

B = bovine meat

S/G = sheepmeat and goatmeat (meat of ovine and caprine animals)

P = pigmeat (meat of porcine animals)

FG = farmed game of species susceptible to foot-and-mouth disease

WG = wild game of species susceptible to foot-and-mouth disease'

COMMISSION DECISION

of 21 January 2008

on a Community financial contribution for Portugal for its programme for strengthening in 2008 inspection infrastructures for plant-health checks on plants and plant products coming from third countries*(notified under document number C(2008) 43)***(Only the Portuguese text is authentic)**

(2008/66/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community⁽¹⁾, and in particular the sixth subparagraph of Article 13c(5) thereof.

Whereas:

(1) Directive 2000/29/EC provides for a Community financial contribution to be granted to Member States in order to strengthen inspection infrastructures for plant-health checks on plants and plant products coming from third countries.

(2) By a letter dated 21 May 2007 (ref. DGPC 070521 000604), Portugal introduced a programme to strengthen in 2008 its inspection infrastructures for checks on plants and plant products coming from third countries⁽²⁾. It has applied for the allocation of a Community financial contribution for 2008 for that programme in accordance with Commission Regulation (EC) No 998/2002 of 11 June 2002 establishing detailed rules for the implementation of the provisions relating to the allocation of a Community financial contribution for Member States in order to strengthen inspection infrastructures for plant-health checks on plants and plant products coming from third countries⁽³⁾.

(3) The technical information provided by Portugal has enabled the Commission to analyse the situation accurately and comprehensively. The Commission has prepared a list of eligible inspection posts strengthening programmes, which give details of the amount of the

proposed Community financial contribution to each programme. The information has also been examined by the Standing Committee on Plant Health.

(4) After assessment of the programme, the Commission has concluded that the conditions and criteria set out in Directive 2000/29/EC and Regulation (EC) No 998/2002 for the grant of a Community financial contribution have been met.

(5) Accordingly, it is appropriate to allocate a Community financial contribution to cover the expenditure of that programme for 2008 by Portugal.

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

HAS ADOPTED THIS DECISION:

Article 1

The allocation of a Community financial contribution to cover expenditure to be incurred in 2008 by Portugal for its programme for strengthening inspection posts is hereby approved.

Article 2

The maximum amount of the Community financial contribution as provided for in Article 1 shall be EUR 25 960 and shall be as set out in the Annex.

Article 3

The Community financial contribution to the programme as set out in the Annex shall only be paid when:

(a) evidence of the purchase and/or improvement of the equipment and/or facilities listed in the programme has been given by the Member State concerned to the Commission by appropriate documentation; and

⁽¹⁾ OJ L 169, 10.7.2000, p. 1. Directive as last amended by Commission Directive 2007/41/EC (OJ L 169, 29.6.2007, p. 51).

⁽²⁾ This programme is the re-introduction with some modifications of the programme already presented for 2006 and for which the principle of Community funding had been laid down in Commission Decision 2006/84/EC (OJ L 40, 11.2.2006, p. 21). Portugal had not purchased the equipment within the deadline set in Regulation (EC) No 998/2002 and decided to re-introduce a programme in 2007.

⁽³⁾ OJ L 152, 12.6.2002, p. 16. The Regulation was published as Regulation (EC) No 997/2002 but the number was corrected by a corrigendum (OJ L 153, 13.6.2002, p. 18).

- (b) a request for payment of the Community financial contribution has been submitted by the Member State concerned to the Commission, in accordance with the rules provided for in Article 3 of Regulation (EC) No 998/2002.

Article 4

This Decision is addressed to the Portuguese Republic.

Done at Brussels, 21 January 2008.

For the Commission
Markos KYPRIANOU
Member of the Commission

ANNEX

PROGRAMMES FOR STRENGTHENING INSPECTION POSTS

Programmes with corresponding Community financial contribution to be allocated in 2008

			<i>(EUR)</i>
Member State	Names of the inspection posts (administrative unit, name)	Eligible expenditure	Maximum Community financial contribution, rate of 50 %
Portugal	Porto (airport)	4 202	2 101
	Leixões (port)	6 182	3 091
	Aveiro (port)	6 182	3 091
	Lisboa (airport)	4 202	2 101
	Lisboa (port)	6 182	3 091
	Setúbal (port)	6 182	3 091
	Sines (port)	6 182	3 091
	Faro (airport)	4 202	2 101
	Ponta Delgada (airport)	4 202	2 101
	Funchal (airport)	4 202	2 101
Total Community financial contribution			25 960

COMMISSION DECISION

of 21 January 2008

establishing the Community's financial contribution to the expenditure incurred in the context of the emergency measures taken to combat avian influenza in Germany in 2003*(notified under document number C(2008) 144)***(Only the German text is authentic)**

(2008/67/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field ⁽¹⁾, and in particular Article 3(3) and Article 3a thereof,

Whereas:

- (1) Outbreaks of avian influenza occurred in Germany in 2003. The emergence of this disease presented a serious risk for the Community's livestock population.
- (2) In order to prevent the spread of the disease and to help eradicate it as quickly as possible, the Community must contribute financially towards the eligible expenditure incurred by the Member State under the emergency measures taken to combat the disease, as provided for in Decision 90/424/EEC.
- (3) Commission Decision 2004/51/EC of 23 December 2003 on the financial contribution from the Community towards the eligible costs of the eradication of avian influenza in Germany in 2003 ⁽²⁾ granted a financial contribution from the Community to Germany towards the expenditure incurred under the emergency measures taken to combat avian influenza in 2003.
- (4) In accordance with that Decision, a first instalment of EUR 135 000 was paid.
- (5) Pursuant to that Decision, the balance of the Community contribution is to be based on the claim submitted by Germany on 25 February 2004, documentary evidence of the expenditure referred to in that claim, and the results of on-the-spot checks carried out by the Commission. The amount set out in the claim submitted for the 2003 expenditure was EUR 514 392,42, for which the Community financial contribution may not be higher than 50 % of the total eligible expenditure.

- (6) In view of the above considerations, the total amount of the Community's financial contribution to the expenditure incurred associated with the eradication of avian influenza in Germany in 2003 should now be fixed.
- (7) The results of the checks carried out by the Commission in compliance with the Community veterinary rules and the conditions for granting Community financial support mean the entire amount of the expenditure submitted cannot be recognised as eligible.
- (8) The Commission's observations and method of calculating the eligible expenditure were communicated to Germany by letter dated 21 November 2007.
- (9) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

The total Community financial contribution towards the expenditure associated with eradicating avian influenza in Germany in 2003 pursuant to Decision 2004/51/EC is fixed at EUR 239 196,53.

Since a first instalment of EUR 135 000 has already been paid in accordance with Decision 2004/51/EC, the balance of the Community financial contribution is fixed at EUR 104 196,53.

Article 2

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 21 January 2008.

For the Commission

Markos KYPRIANOU

Member of the Commission

⁽¹⁾ OJ L 224, 18.8.1990, p. 19. Decision as last amended by Decision 2006/965/EC (OJ L 397, 30.12.2006, p. 22).

⁽²⁾ OJ L 10, 16.1.2004, p. 60.