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I

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

REGULATIONS

COUNCIL REGULATION (EC) No 63/2008

of 21 January 2008

imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of dihydromyrcenol originating in India

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

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

Having regard to the proposal submitted by the Commission after consulting the Advisory Committee,

Whereas:

A. PROCEDURE

1. Provisional measures

(1) On 27 July 2007, the Commission imposed by Regulation (EC) No 896/2007 [2] (the provisional Regulation) a provisional anti-dumping duty on imports into the Community of dihydromyrcenol originating in India (the country concerned).

(2) It is recalled that the investigation of dumping and injury covered the period from 1 October 2005 to 30 September 2006 (the investigation period or IP). The examination of trends relevant for the injury analysis covered the period from 1 January 2003 to the end of the IP (the period considered).

(3) The addresses of the Community producers listed in recital 7 of the provisional Regulation are rectified as follows:

— Destilaciones Bordas Chinchurreta S.A., Dos Hermanas (Sevilla), Spain,

— Sensient Fragrances S.A., Granada, Spain,

— Takasago International Chemicals (Europe) S.A., Murcia, Spain.

2. Subsequent procedure

(4) Following the imposition of a provisional anti-dumping duty on imports of dihydromyrcenol originating in India, all parties received disclosure of the essential facts and considerations on which the provisional Regulation was based (the provisional disclosure). All parties were granted a period within which they could make written and oral representations in relation to this disclosure.

(5) Some interested parties submitted comments in writing. Those parties who so requested were also granted an opportunity to be heard orally. The Commission continued to seek and verify all information it deemed necessary for its definitive findings.

(6) All interested parties were informed of the essential facts and considerations on the basis of which it was intended to recommend the imposition of a definitive anti-dumping duty and the definitive collection of amounts secured by way of the provisional duty (the 'final disclosure'). The interested parties were also granted a period within which they could make representations subsequent to this disclosure. The oral and written comments submitted by the parties were considered and, where appropriate, the findings have been modified accordingly.

[1] OJ L 56, 6.3.1996, p. 1. Regulation as last amended by Regulation (EC) No 2117/2005 (OJ L 340, 23.12.2005, p. 17).
[2] OJ L 196, 28.7.2007, p. 3.

B. **PRODUCT CONCERNED AND LIKE PRODUCT**

(7) In the absence of any comments concerning the product concerned and the like product, recitals 9 to 12 of the provisional Regulation are hereby confirmed.

C. **DUMPING**

1. **Normal value**

(8) Following the imposition of provisional measures, the exporting producer referred to in recital 17 of the provisional Regulation alleged that the analysis carried out by the Commission ignored certain important elements affecting the cost of production and, thus, the normal value determination. It claimed that its normal value should be based on its own cost of production instead of being determined on the basis of the domestic prices in the ordinary course of trade of the other cooperating exporting producer.

(9) Firstly, the aforesaid allegations concerning the cost of production were not found justified. Secondly, pursuant to Article 2 of the basic Regulation, the methodology applied by the Commission in determining the normal value for the exporting producer in question (see recital 17 of the provisional Regulation) is considered to be the most appropriate for the following reasons: (i) the exporting producer in question had no domestic sales of the like product and of the same general category of products in the IP, (ii) the products are perfectly interchangeable and (iii) only one other exporting producer cooperated in the investigation. Moreover, if the normal value had not been based on prices of the other Indian producer, it would have been necessary to determine the amounts for selling, for general and administrative costs and for profits pursuant to Article 2(6)(c) of the basic Regulation. On balance, the use of domestic sales prices of the other Indian producer appears to be the most representative basis for reflecting prevailing sales conditions on the Indian domestic market and hence for establishing normal value. The claim was therefore rejected.

(10) In view of the above and in the absence of any other comments concerning normal value, recitals 13 to 17 of the provisional Regulation are hereby confirmed.

2. **Export price**

(11) In the absence of any comments, recital 18 of the provisional Regulation is hereby confirmed.

3. **Comparison**

(12) One exporting producer claimed that the Commission, when determining for comparison purposes the adjustments to the export price, made certain non-justified deductions in relation to certain elements concerning transport, handling and credit costs. The Commission accepted the claim and revised the relevant adjustments accordingly.

(13) In the absence of any other comments in this respect, recital 19 of the provisional Regulation is hereby confirmed.

4. **Dumping margins**

(14) Following the imposition of provisional measures, one party argued that for those exporting producers which did not cooperate a higher dumping margin should be calculated based on the lowest CIF prices of the cooperating exporting producers. In this respect, it is noted that no indications were found showing that the non-cooperating companies were dumping in the IP at a higher level than the cooperating companies. On the contrary, a comparison between Eurostat data concerning imports originating in India and the volume and value of exports to the Community reported by the cooperating exporting producers shows that (i) the volume of imports into the Community from any non-cooperating exporting producers represented less than 20 % of the total imports from India in the IP (the precise ratio cannot be disclosed for confidentiality reasons), and (ii) the prices charged by any non-cooperating exporting producers on the Community market were apparently higher than those charged by the cooperating companies. This claim was thus rejected.

(15) Following the final disclosure, the same party reiterated the above claim concerning the dumping margin of any non-cooperating exporting producers. No new arguments were brought forward, which could alter the conclusions drawn in recital 14 above. The party concerned only added that it could not verify the import data used in the analysis carried out by the Commission, since they were allegedly kept confidential. The company was informed that the import volume and the average import price were set out in detail in recitals 38 and 39 of the provisional Regulation and that the source statistics, i.e. Eurostat, were open to the public. Thus, the company was in no case prevented from verifying the Commission's conclusions and defending its rights. The claim is therefore rejected.

(16) In the light of the above, the definitive dumping margins, expressed as a percentage of the CIF Community frontier price, duty unpaid, are the following:

Company	Definitive dumping margin
Neeru Enterprises, Rampur	3,1 %
Privi Organics Limited, Mumbai	7,5 %
All other companies	7,5 %

D. **INJURY**

(17) Following the imposition of provisional measures, one exporting producer submitted that the Community producer which had made substantial imports of dihydromyrcenol from India in the IP (see recital 25 of the provisional Regulation) should be excluded from the definition of the Community industry and consequently the injury analysis, including the injury elimination level determination. In this respect, it is recalled that the Community producer in question did not shift its core business from production to importation. Indeed, it had made the aforesaid imports from India in particular in order to maintain its own production of the like product viable. Therefore, no grounds for excluding this company from the Community industry exist. Furthermore, it is noted that even if the producer in question was excluded from the definition of the Community industry, the injury finding would not have been different. The claim was therefore rejected.

(18) The same exporting producer also argued that the overall economic situation of the Community producers was very good; in particular, it had allegedly improved significantly in 2005 and in the IP and such positive trend would most likely continue in the near future according to this exporter. These conclusions were based on the development of the Community industry's production and sales volume, stocks and market share presented in recitals 45 to 47 of the provisional Regulation. This argument cannot be accepted because it does not properly take account of the fact that there was a dramatic drop in sales prices of dihydromyrcenol in the Community (see recitals 47 to 49 of the provisional Regulation), and that the Community industry only managed to increase its production and sales volume and, thus, maintain its share on the expanding Community market at the price of severe losses, a fall in return on investment and cash outflow. The claim was therefore rejected.

(19) Following the final disclosure, the exporting producer referred to in recital 17 above reiterated its claim and added that the Commission had not properly analysed the situation of the Community producer in question, i.e. the producer which had made substantial imports of the product concerned. In particular, the following aspects were allegedly not analysed: (i) the percentage of the total Community production of the product concerned that is accounted for by this importing producer; (ii) the nature of this importing producer's interest in importation; (iii) the level of long term nature of commitment shown by this importing producer to domestic production as opposed to continued importation; and (iv) the ratio of imports to domestic production for this importing producer.

(20) In this respect, it is noted that all of the points raised concerning the situation of the Community producer in question had indeed been properly analysed; however, certain details could not be disclosed in view of their confidential nature. As can be seen from recital 25 of the provisional Regulation and recital 17 above, the main reasons for non-excluding the producer in question from the definition of the Community industry, and from the Community production, were (i) the nature of its interest in importation (i.e. it imported the product concerned in order to maintain its own production in the Community of the like product viable), and (ii) the marginal impact of its situation on the overall situation of the Community industry (i.e. the fact that its possible exclusion would not alter the injury findings). Finally, it goes without saying, that by supporting the complaint and fully cooperating with the investigation this producer aimed at curbing the influx of dumped imports from India. It has therefore clearly demonstrated its commitment to domestic production as opposed to continued importation. The allegations cited in recital 19 above are therefore rejected.

(21) With reference to recital 41 of the provisional Regulation, one exporting producer submitted that the price undercutting should have been based on the average import price from India rather than the import prices of the cooperating exporting producers. In this respect, it is noted that given the level of cooperation in this case, i.e. more than 80 %, and given that the total import statistics are based on an ex CN code, i.e. they may include certain quantity of products other than dihydromyrcenol (see recital 36 of the provisional Regulation), the price comparison based on the average import price would be much less precise than the individual company undercutting margins established. The claim is therefore rejected.

(22) In view of the above and in the absence of any other comments concerning injury, recitals 23 to 56 of the provisional Regulation are hereby confirmed.

E. **CAUSATION**

(23) Following the imposition of provisional measures, one exporting producer claimed that imports from India had not caused injury to the Community industry because their price was on the rise and their market share fell by 2,4 percentage points in the IP. This line of reasoning omits several important aspects of the development of the dumped imports from India and of the situation on the Community market. As it was demonstrated in recitals 38 to 42 of the provisional Regulation, the volume of dumped imports of the product concerned from India into the Community increased from around 25 000 kilograms in 2003 to around 760 000 kilograms in the IP. The market share of these imports increased from 0,7 % in 2003 to 17,3 % in the IP. The slight decrease of their share in the IP was due to a sudden expansion of the Community market in this period, rather than any decline in their volume; indeed, the volume of the dumped imports from India continued increasing in the IP, although not at the same rate as in the previous period. Overall, the presence of dumped imports from India on the Community market increased much more significantly than the Community consumption over the period considered. Finally, it is recalled that the dumped imports from India undercut the prices of the Community industry by substantial margins. The surge of dumped imports at prices significantly undercutting the Community industry's prices clearly coincided in time with the worsened situation of the Community industry. The claim was therefore rejected.

(24) The same exporting producer further argued that any injury sustained by the Community industry had been self-inflicted. They alleged that otherwise it was not possible to suffer losses in an environment of increasing demand, increased prices, consequently increasing sales and turnover, and increasing productivity. As a possible explanation, this party cited the increased average salary by 24 % from 2003 to the IP.

(25) Firstly, although the Community industry's sales price on the Community market increased by 2 % between 2005 and the IP, it was more than 30 % lower than in 2003, while the volume of sales of the Community industry only increased by 22 % between 2003 and the IP (see recital 47 of the provisional Regulation). As a result, the sales revenue of the Community industry on the Community market decreased significantly, i.e. by around 15 % over the period considered. Secondly, the average labour cost development must be seen together with the employment and productivity trends. As explained in recital 51 of the provisional Regulation, the 24 % increase over the period considered of the labour cost per worker was due, *inter alia*, to the changes in employment structure towards a higher share of qualified labour. The figures confirm that these changes resulted in higher productivity, which in turn compensated the increased average labour cost. As a result, the total labour cost per unit produced remained the same. Moreover, production of dihydromyrcenol is not labour-intensive. It is thus considered that the increased salaries could not have contributed to the Community industry's losses. The claim was therefore rejected.

(26) Following the final disclosure, the same exporting producer adduced several new arguments concerning causation. These can be summarised as follows: (i) the injury was self-inflicted by imports of the product concerned made by the Community producer referred to in recital 17 above; (ii) the injury was self-inflicted by massive investments made by the Community industry in their new production capacity and by the loans taken for this purpose from financial institutions; (iii) the development of export sales of the Community industry was not analysed; (iv) the injury was self-inflicted by increasing the production capacity and hiring additional qualified labour and, thus, increasing the production costs.

(27) In respect of these new arguments, it is noted that (i) imports of the product concerned made by one of the Community producers could not have affected the overall situation of the Community industry because they were minor (see recitals 17 and 20 above). In addition, it is recalled that these imports had been made in reaction to the massive influx of the dumped imports from India and the losses caused to the Community industry thereby, i.e. after the material injury had already taken place; (ii) no new investments whatsoever into the production capacity took place during the period considered; on the contrary, capacity remained unchanged and investment significantly decreased (see recitals 45 and 49 of the provisional Regulation); (iii) the export performance of the Community industry was analysed in recital 68 of the provisional Regulation and was not found breaking the causal link; and (iv) no additional labour was hired by the Community industry. As can be seen from recital 51 of the provisional Regulation, the employment decreased by 15 % between 2003 and the IP. The changes in employment structure were achieved by laying-off unqualified labour. As to the production capacity, it is recalled that no expansion whatsoever took place. The arguments cited in recital 26 above are thus rejected.

(28) In view of the above and in the absence of any other comments concerning causation, recitals 57 to 76 of the provisional Regulation are hereby confirmed.

F. **COMMUNITY INTEREST**

(29) One exporting producer submitted that imposing measures would greatly disturb importers and users in the Community, thereby jeopardising thousands of jobs and tax revenues, but did not adduce any evidence in this respect. These allegations were considered irrelevant. Indeed, none of the importers and users opposed the provisional conclusions concerning their interest (see recitals 87 and 88 of the provisional Regulation), which has shown that these parties were not likely to be substantially affected by any anti-dumping measures. The claim was therefore rejected. The exporting producer was also informed that exporting producers are normally not considered parties concerned by the Community interest analysis.

(30) Following the final disclosure, this exporting producer reiterated its claim and submitted that it had right to comment on any aspect of the anti-dumping proceeding, Community interest included. No substantiated arguments were, however, brought forward, which could alter the conclusions drawn in recital 29 above. In respect of the exporting producers' rights to raise comments on any aspect of the proceeding, it is noted that they are indeed not barred from doing so. Nevertheless, according to Article 21(2) of the basic Regulation, these parties are normally not concerned by the Community interest analysis and their comments may be disregarded, in particular when they are not supported by any factual evidence.

(31) In the absence of any other comments concerning the Community interest assessment, recitals 77 to 90 of the provisional Regulation are hereby confirmed.

G. **DEFINITIVE ANTI-DUMPING MEASURES**

1. **Injury elimination level**

(32) It is recalled that one exporting producer submitted that the Community producer which had made substantial imports of dihydromyrcenol from India in the IP should be excluded from the definition of the Community industry and consequently the injury elimination level determination should be based on the remaining two Community producers only. As explained in recitals 14 and 15 above, this claim was not found justified. In this view and in the absence of any other comments concerning the injury elimination level, recitals 92 to 94 of the provisional Regulation are hereby confirmed.

2. **Form and level of measures**

(33) In the light of the foregoing, and in accordance with Article 9(4) of the basic Regulation, a definitive anti-dumping duty should be imposed at the level of the dumping margins found, since for both cooperating exporting producers the injury elimination level was found to be higher than the dumping margin.

(34) With reference to recitals 14 and 15 above, it is considered appropriate to set the duty for any other companies, which had not cooperated in the investigation, at the level of the higher duty to be imposed on the cooperating companies.

(35) On the basis of the above, the definitive duty rates are as follows:

Producer	Anti-dumping duty
Neeru Enterprises, Rampur	3,1 %
All other companies (including Privi Organics Limited, Mumbai)	7,5 %

(36) Following the disclosure of the essential facts and considerations on the basis of which it was intended to recommend the imposition of definitive anti-dumping measures, Neeru Enterprises proposed a price undertaking in accordance with Article 8(1) of the basic Regulation. However, it is noted that the product concerned has shown in the last years a considerable volatility in prices and therefore it is not suitable for a fixed price undertaking. As an alternative approach, the possibility of indexing the minimum import price to the price of the main raw material, namely alpha-pinene, was explored. However, this alternative was also not found workable for the following reasons: (i) the fluctuation in the price of the product concerned cannot be sufficiently explained by the fluctuation in the price of alpha-pinene, and (ii) alpha-pinene is not a commodity product for which any generally accessible statistics showing its market prices would be available. On the basis of the above, it was concluded that any price undertaking is impractical in this case and therefore cannot be accepted. The exporter concerned was informed accordingly and given an opportunity to comment. However, its comments have not altered the above conclusion.

(37) The individual company anti-dumping duty rate specified in this Regulation was established on the basis of the findings of the present investigation. Therefore, it reflects the situation found during that investigation with respect to this company. This duty rate (as opposed to the country-wide duty applicable to all other companies) is thus exclusively applicable to imports of products originating in the country concerned and produced by the company and thus by the specific legal entity mentioned. Imported products produced by any other company not specifically mentioned in the operative part of this Regulation with its name and address, including entities related to that specifically mentioned, cannot benefit from this rate and shall be subject to the duty rate applicable to 'all other companies'.

(38) Any claim requesting the application of this individual company anti-dumping duty rate (e.g. following a change in the name of the entity or following the setting up of new production or sales entities) should be addressed to the Commission forthwith with all relevant information, in particular any modification in the company's activities linked to production, domestic and export sales associated with, for example, that name change or that change in the production and sales entities. If appropriate, the Regulation will then be amended accordingly by updating the list of companies benefiting from individual duty rates.

3. **Collection of provisional duty**

(39) In view of the magnitude of the dumping margins found and in the light of the level of the injury caused to the Community industry, it is considered necessary that the amounts secured by way of the provisional anti-dumping duty imposed by the provisional Regulation, be collected definitively to the extent of the amount of the duty definitively imposed by the present Regulation. Where the definitive duty is lower than the provisional duty, the duty shall be recalculated and the amounts secured in excess of the definitive duty rate should be released,

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of dihydromyrcenol of a purity by weight of 93 % or more, falling within CN code ex 2905 22 90 (TARIC code 2905 22 90 10), originating in India.

2. The rate of the definitive anti-dumping duty applicable to the net, free-at-Community-frontier price, before duty, for products manufactured by the companies listed below shall be as follows:

Producer	Anti-dumping duty (%)	TARIC Additional Code
Neeru Enterprises, Rampur, India	3,1	A827
All other companies	7,5	A999

3. Unless otherwise specified, the provisions in force concerning customs duties shall apply.

Article 2

Amounts secured by way of the provisional anti-dumping duty pursuant to Commission Regulation (EC) No 896/2007 on imports of dihydromyrcenol of a purity by weight of 93 % or more, falling within CN code ex 2905 22 90 (TARIC code 2905 22 90 10), originating in India, shall be definitively collected in accordance with the rules set out above. The amounts secured in excess of the amount of the definitive anti-dumping duty shall be released.

Article 3

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 Council
The President
I. JARC

COMMISSION REGULATION (EC) No 64/2008

of 25 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 26 January 2008.

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

Done at Brussels, 25 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 25 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	154,9
	MA	48,2
	TN	132,6
	TR	89,0
	ZZ	106,2
0707 00 05	JO	178,8
	TR	125,6
	ZZ	152,2
0709 90 70	MA	90,6
	TR	146,7
	ZZ	118,7
0709 90 80	EG	82,9
	ZZ	82,9
0805 10 20	EG	45,4
	IL	50,4
	MA	64,8
	TN	55,4
	TR	82,3
	ZZ	59,7
0805 20 10	MA	104,5
	TR	93,6
	ZZ	99,1
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	CN	84,0
	IL	70,0
	MA	152,6
	PK	48,1
	TR	81,8
	ZZ	87,3
0805 50 10	BR	72,8
	EG	74,2
	IL	120,2
	TR	123,9
	ZZ	97,8
0808 10 80	CA	87,8
	CL	60,8
	CN	83,6
	MK	35,5
	US	107,2
	ZA	60,7
	ZZ	72,6
0808 20 50	CL	59,3
	CN	99,5
	TR	116,7
	US	112,4
	ZA	85,9
	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 65/2008

of 25 January 2008

opening tariff quotas for 2008 and for the following years for imports into the European Community of certain goods originating in Norway resulting from the processing of agricultural products covered by Council Regulation (EC) No 3448/93

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3448/93 of 6 December 1993 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products [1], and in particular Article 7(2) thereof,

Having regard to Council Decision 2004/859/EC of 25 October 2004 concerning the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the Kingdom of Norway concerning Protocol 2 to the bilateral Free Trade Agreement between the European Economic Community and the Kingdom of Norway [2], and in particular Article 2 thereof,

Whereas:

(1) The Agreement in the form of an Exchange of Letters between the European Community and the Kingdom of Norway concerning Protocol 2 to the bilateral Free Trade Agreement between the European Economic Community and the Kingdom of Norway provides in point III for annual tariff quotas for imports of certain goods originating in Norway. It is necessary to open these quotas for 2008 and the years after.

(2) 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 [3], lays down rules for the management of tariff quotas. It is appropriate to provide that the tariff quotas opened by this Regulation are to be managed in accordance with those rules.

(3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee on horizontal questions concerning trade in processed agricultural products not listed in Annex I of the Treaty,

HAS ADOPTED THIS REGULATION:

Article 1

The Community tariff quotas for the goods originating in Norway which are listed in the Annex shall be opened for 1 January to 31 December 2008 and for the following years.

Article 2

The Community tariff quotas referred to in Article 1 shall be managed by the Commission in accordance with Articles 308a, 308b and 308c of Regulation (EEC) No 2454/93.

Article 3

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

It shall apply from 1 January 2008.

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

Done at Brussels, 25 January 2008.

For the Commission
Günter VERHEUGEN
Vice-President

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[1] OJ L 318, 20.12.1993, p. 18. Regulation as last amended by Regulation (EC) No 2580/2000 (OJ L 298, 25.11.2000, p. 5).
[2] OJ L 370, 17.12.2004, p. 70.
[3] 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).

ANNEX

Annual tariff quotas applicable upon import into the Community of goods originating in Norway

Order number	CN code	Description	Annual quota volume from 1.1.2008	Rate of duty applicable within the limits of the quota
09.0765	ex 1517 10 90	Margarine, excluding liquid margarine, containing, by weight, not more than 10 % of milk fats	2 470 tonnes	Free
09.0771	ex 2207 10 00 (TARIC Code 90)	Undenatured ethyl alcohol of an alcohol strength by volume of 80 % vol. or higher, other than that obtained from agricultural products listed in Annex I to the EEC Treaty	164 000 hectolitres	Free
09.0772	ex 2207 20 00 (TARIC Code 90)	Ethyl alcohol and other spirits, denatured, of any strength, other than that obtained from agricultural products listed in Annex I to the EEC Treaty	14 340 hectolitres	Free
09.0774	2403 10	Smoking tobacco, whether or not containing tobacco substitutes in any proportion	370 tonnes	Free

COMMISSION REGULATION (EC) No 66/2008

of 25 January 2008

opening a yearly tariff quota for 2008 and the following years applicable to the importation into the European Community of certain goods originating in Norway resulting from the processing of agricultural products covered by Council Regulation (EC) No 3448/93

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3448/93 of 6 December 1993 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products [1], and, in particular, Article 7(2) thereof,

Having regard to Council Decision 96/753/EC of 6 December 1996 concerning the conclusion of an Agreement in the form of an exchange of letters between the European Community, of the one part, and the Kingdom of Norway, of the other part, on Protocol 2 to the Agreement between the European Economic Community and the Kingdom of Norway [2], and, in particular, Article 2 thereof,

Whereas:

(1) The Agreement in the form of an Exchange of Letters between the European Community, of the one part, and the Kingdom of Norway, of the other part, on Protocol 2 to the Agreement between the European Economic Community and the Kingdom of Norway, approved by Decision 96/753/EC, provides for an annual tariff quota for imports originating in Norway of chocolate and other food preparations containing cocoa. It is necessary to open that quota for 2008 and the following years.

(2) 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 [3], lays down rules for the management of tariff quotas. It is appropriate to provide that the tariff quota opened by this Regulation is to be managed in accordance with those rules.

(3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee on horizontal questions concerning trade in processed products not listed in Annex I to the Treaty,

HAS ADOPTED THIS REGULATION:

Article 1

From 1 January to 31 December 2008 and the years after, the goods originating in Norway and imported into the Community which are listed in the Annex shall be subject to the duties set out in that Annex within the limits of the annual quota indicated therein.

Article 2

The tariff quota referred to in Article 1 shall be managed by the Commission in accordance with Articles 308a, 308b and 308c of Regulation (EEC) No 2454/93.

Article 3

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

It shall be applicable from 1 January 2008.

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

Done at Brussels, 25 January 2008.

For the Commission
Günter VERHEUGEN
Vice-President

[1] OJ L 318, 20.12.1993, p. 18. Regulation as last amended by Regulation (EC) No 2580/2000 (OJ L 298, 25.11.2000, p. 5).
[2] OJ L 345, 31.12.1996, p. 78.
[3] 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).

ANNEX

Order No	CN code	Description	Annual quota	Rate of duty applicable
09.0764	ex 1806 1806 20 1806 31 1806 32 1806 90	Chocolate and other food preparations containing cocoa with the exception of cocoa powder containing added sugar or other sweetening matter falling within CN code 1806 10	5 500 tonnes	35,15 EUR/100 kg

COMMISSION REGULATION (EC) No 67/2008

of 25 January 2008

amending Regulation (EC) No 3199/93 on the mutual recognition of procedures for the complete denaturing of alcohol for the purposes of exemption from excise duty

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 92/83/EEC of 19 October 1992 on the harmonisation of the structures of excise duties on alcohol and alcoholic beverages [1], and in particular Article 27(4) thereof,

Whereas:

(1) Commission Regulation (EC) No 3199/93 [2] provides that the denaturants which are employed in each Member State for the purposes of completely denaturing alcohol in accordance with Article 27(1)(a) of Directive 92/83/EEC are to be described in the Annex to that Regulation.

(2) Pursuant to Article 27(1)(a) of Directive 92/83/EEC, Member States are required to exempt from excise duty alcohol which has been completely denatured in accordance with the requirements of any Member State, provided that such requirements have been duly notified and accepted in accordance with the conditions laid down in paragraphs 3 and 4 of that Article.

(3) Bulgaria and Romania have communicated the denaturants which they intend to employ.

(4) The Commission transmitted the said communications to the other Member States on 1 January 2007, in the case of Bulgaria, and on 9 January 2007, in the case of Romania.

(5) Objections have been received concerning the requirements notified. Therefore, the procedure referred to in Article 27(4) of Directive 92/83/EEC has been duly followed and the requirements communicated by Bulgaria and Romania should be included in the Annex to Regulation (EC) No 3199/93.

(6) Regulation (EC) No 3199/93 should therefore be amended accordingly.

(7) The measures provided for in this Regulation are in accordance with the opinion of the Committee on Excise Duties,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 3199/93 is amended as set out in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 25 January 2008.

For the Commission
László KOVÁCS
Member of the Commission

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[1] OJ L 316, 31.10.1992, p. 21. Directive as last amended by the 2005 Act of Accession.

[2] OJ L 288, 23.11.1993, p. 12. Regulation as last amended by Regulation (EC) No 2023/2005 (OJ L 326, 13.12.2005, p. 8).

ANNEX

The following paragraphs are added to the Annex to Regulation (EC) No 3199/93:

'**Bulgaria**

For complete denaturing of ethyl alcohol the following substances in the mentioned quantities are to be added together to 100 litres of ethyl alcohol with a minimum actual alcohol content of 90 % vol:

— 5 litres methylethylketone;

— 2 litres isopropyl alcohol;

— 0,2 grams methylene blue.

Romania

Per hectolitre of pure alcohol:

— 1 gram denatonium benzoate,

— 2 litres methylethylketone (butanone), and

— 0,2 grams methylene blue.'

COMMISSION REGULATION (EC) No 68/2008

of 25 January 2008

amending the representative prices and additional duties for the import of certain products in the sugar sector fixed by Regulation (EC) No 1109/2007 for the 2007/08 marketing year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 318/2006 of 20 February 2006 on the common organisation of the markets in the sugar sector [1],

Having regard to Commission Regulation (EC) No 951/2006 of 30 June 2006 laying down detailed rules for the implementation of Council Regulation (EC) No 318/2006 as regards trade with third countries in the sugar sector [2], and in particular of the Article 36,

Whereas:

(1) The representative prices and additional duties applicable to imports of white sugar, raw sugar and certain syrups for the 2007/08 marketing year are fixed by Commission Regulation (EC) No 1109/2007 [3]. These prices and duties have been last amended by Commission Regulation (EC) No 45/2008 [4].

(2) The data currently available to the Commission indicate that the said amounts should be changed in accordance with the rules and procedures laid down in Regulation (EC) No 951/2006,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and additional duties on imports of the products referred to in Article 36 of Regulation (EC) No 951/2006, as fixed by Regulation (EC) No 1109/2007 for the 2007/08 marketing year are hereby amended as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 26 January 2008.

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

Done at Brussels, 25 January 2008.

For the Commission

Jean-Luc DEMARTY

Director-General for Agriculture and Rural Development

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[1] OJ L 58, 28.2.2006, p. 1. Regulation as last amended by Regulation (EC) No 1260/2007 (OJ L 283, 27.10.2007, p. 1). Regulation (EC) No 318/2006 will be replaced by Regulation (EC) No 1234/2007 (OJ L 299, 16.11.2007, p. 1) as from 1 October 2008.

[2] OJ L 178, 1.7.2006, p. 24. Regulation as last amended by Regulation (EC) No 1568/2007 (OJ L 340, 22.12.2007, p. 62).

[3] OJ L 253, 28.9.2007, p. 5.

[4] OJ L 16, 19.1.2008, p. 9.

ANNEX

Amended representative prices and additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 95 applicable from 26 January 2008

(EUR)

CN code	Representative price per 100 kg of the product concerned	Additional duty per 100 kg of the product concerned
1701 11 10 (1)	21,89	5,36
1701 11 90 (1)	21,89	10,62
1701 12 10 (1)	21,89	5,17
1701 12 90 (1)	21,89	10,16
1701 91 00 (2)	22,77	14,47
1701 99 10 (2)	22,77	9,33
1701 99 90 (2)	22,77	9,33
1702 90 95 (3)	0,23	0,41

(1) Fixed for the standard quality defined in Annex I.III to Council Regulation (EC) No 318/2006 (OJ L 58, 28.2.2006, p. 1).
(2) Fixed for the standard quality defined in Annex I.II to Regulation (EC) No 318/2006.
(3) Fixed per 1 % sucrose content.

COMMISSION REGULATION (EC) No 69/2008

of 25 January 2008

on the issue of licences for importing rice under the tariff quotas opened for the January 2008 subperiod by Regulation (EC) No 327/98

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1785/2003 of 29 September 2003 on the common organisation of the markets in rice [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 327/98 of 10 February 1998 opening and providing for the administration of certain tariff quotas for imports of rice and broken rice [3], and in particular the first subparagraph of Article 5 thereof,

Whereas:

(1) Regulation (EC) No 327/98 opened and provided for the administration of certain import tariff quotas for rice and broken rice, broken down by country of origin and split into several subperiods in accordance with Annex IX to the Regulation.

(2) The January subperiod is the first subperiod for the quotas provided for under Article 1(1)(a), (b), (c) and (d) of Regulation (EC) No 327/98.

(3) The notification sent in accordance with Article 8(a) of Regulation (EC) No 327/98 shows that, for the quotas with serial numbers 09.4148 — 09.4154 — 09.4112 — 09.4116 — 09.4117 — 09.4118 — 09.4119 — 09.4166, the applications lodged in the first 10 working days of January 2008 under Article 4(1) of the Regulation cover a quantity greater than that available. The extent to which import licences may be issued should therefore be determined by establishing the allocation coefficient to be applied to the quantities requested under the quotas in question.

(4) It is also clear from the notification that, for the quotas with serial numbers 09.4127 — 09.4128 — 09.4149 — 09.4150 — 09.4152 — 09.4153, the applications lodged in the first 10 working days of January 2008 under Article 4(1) of Regulation (EC) No 327/98 cover a quantity less than that available.

(5) The total quantities available for the following subperiod should therefore be fixed for the quotas with serial numbers 09.4127 — 09.4128 — 09.4148 — 09.4149 — 09.4150 — 09.4152 — 09.4153 — 09.4154 — 09.4112 — 09.4116 — 09.4117 — 09.4118 — 09.4119 — 09.4166, in accordance with the first subparagraph of Article 5 of Regulation (EC) No 327/98,

HAS ADOPTED THIS REGULATION:

Article 1

1. For import licence applications for rice under the quotas with serial numbers 09.4148 — 09.4154 — 09.4112 — 09.4116 — 09.4117 — 09.4118 — 09.4119 — 09.4166 as referred to in Regulation (EC) No 327/98 lodged in the first 10 working days of January 2008, licences shall be issued for the quantities requested, multiplied by the allocation coefficients set out in the Annex to this Regulation.

2. The total quantities available under the quotas with serial numbers 09.4127 — 09.4128 — 09.4148 — 09.4149 — 09.4150 — 09.4152 — 09.4153 — 09.4154 — 09.4112 — 09.4116 — 09.4117 — 09.4118 — 09.4119 — 09.4166 as referred to in Regulation (EC) No 327/98 for the next subperiod are set out in the Annex to this Regulation.

[1] OJ L 270, 21.10.2003, p. 96. Regulation as last amended by Regulation (EC) No 797/2006 (OJ L 144, 31.5.2006, p. 1). Regulation (EC) No 1785/2003 will be replaced by Regulation (EC) No 1234/2007 (OJ L 299, 16.11.2007, p. 1) as from 1 September 2008.

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

[3] OJ L 37, 11.2.1998, p. 5. Regulation as last amended by Regulation (EC) No 1538/2007 (OJ L 337, 21.12.2007, p. 49) and as derogated by Regulation (EC) No 60/2008 (OJ L 22, 25.1.2008, p. 6).

Article 2

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

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

Done at Brussels, 25 January 2008.

For the Commission

Jean-Luc DEMARTY

Director-General for Agriculture and Rural Development

ANNEX

Quantities to be allocated for the January 2008 subperiod and quantities available for the following subperiod under Regulation (EC) No 327/98

a) Quota for wholly milled or semi-milled rice falling within CN code 1006 30 provided for in Article 1(1)(a) of Regulation (EC) No 327/98:

Origin	Serial number	Allocation coefficient for January 2008 subperiod	Total quantities available for February 2008 subperiod (kg)
United States of America	09.4127	— (2)	15 136 312

b) Quota for wholly milled or semi-milled rice falling within CN code 1006 30 provided for in Article 1(1)(a) of Regulation (EC) No 327/98:

Origin	Serial number	Allocation coefficient for January 2008 subperiod	Total quantities available for April 2008 subperiod (kg)
Thailand	09.4128	— (2)	7 246 608
Australia	09.4129	— (3)	1 019 000
Other origins	09.4130	— (3)	1 805 000

c) Quota for husked rice falling within CN code 1006 20 provided for in Article 1(1)(b) of Regulation (EC) No 327/98:

Origin	Serial number	Allocation coefficient for January 2008 subperiod	Total quantities available for July 2008 subperiod (kg)
All countries	09.4148	2,160463 %	0

d) Quota for broken rice falling within CN code 1006 40 provided for in Article 1(1)(c) of Regulation (EC) No 327/98:

Origin	Serial number	Allocation coefficient for January 2008 subperiod	Total quantities available for July 2008 subperiod (kg)
Thailand	09.4149	— (2)	30 070 765
Australia	09.4150	— (1)	16 000 000
Guyana	09.4152	— (1)	11 000 000
United States of America	09.4153	— (1)	9 000 000
Other origins	09.4154	1,746724 %	6 000 008

e) Quota for wholly milled or semi-milled rice falling within CN code 1006 30 provided for in Article 1(1)(d) of Regulation (EC) No 327/98:

Origin	Serial number	Allocation coefficient for January 2008 subperiod	Total quantities available for July 2008 subperiod (kg)
Thailand	09.4112	1,496205 %	0
United States of America	09.4116	2,627527 %	0
India	09.4117	1,386787 %	0
Pakistan	09.4118	1,291686 %	0
Other origins	09.4119	1,388030 %	0
All countries	09.4166	1,165956 %	17 011 010

(1) No allocation coefficient applied for this subperiod: no licence applications were sent to the Commission.
(2) Applications cover quantities less than or equal to the quantities available: all applications are therefore acceptable.
(3) No quantity available for this subperiod.

DECISIONS ADOPTED JOINTLY BY THE EUROPEAN PARLIAMENT AND THE COUNCIL

DECISION No 70/2008/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 15 January 2008

on a paperless environment for customs and trade

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 95 and 135 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee [1],

Acting in accordance with the procedure laid down in Article 251 of the Treaty [2],

Whereas:

(1) The Community and the Member States have committed themselves, under the Lisbon Agenda, to increasing the competitiveness of companies doing business in Europe. Pursuant to Decision 2004/387/EC of the European Parliament and of the Council of 21 April 2004 on interoperable delivery of pan-European e-Government services to public administrations, businesses and citizens (IDABC) [3], the Commission and the Member States should provide efficient, effective and interoperable information and communication systems for the exchange of information between public administrations and Community citizens.

(2) The pan-European e-Government action, as provided for by Decision 2004/387/EC, requires measures to increase the efficiency of the organisation of customs controls and ensure the seamless flow of data in order to make customs clearance more efficient, reduce administrative burdens, help to combat fraud, organised crime and terrorism, serve fiscal interests, protect intellectual property and cultural heritage, increase the safety of goods and the security of international trade and enhance health and environmental protection. For that purpose, the provision of information and communication technologies (ICT) for customs purposes is of crucial interest.

(3) The Council Resolution of 5 December 2003 on creating a simple and paperless environment for customs and trade [4], which followed on from the Commission Communication on a simple and paperless environment for customs and trade, calls upon the Commission to draw up, in close cooperation with the Member States, a multi-annual strategic plan for creating a coherent and interoperable electronic customs environment for the Community. Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code [5] requires the use of data processing techniques for lodging summary declarations and for the electronic exchange of data between customs authorities, with a view to basing customs controls on automated risk-analysis systems.

(4) Accordingly, it is necessary to lay down the objectives to be met in creating a paperless environment for customs and trade, as well as the structure, means and time limits for doing so.

(5) The Commission should implement this Decision in close cooperation with the Member States. It is therefore necessary to specify the respective responsibilities and tasks of the parties concerned and to make provision as to how costs are to be shared between the Commission and the Member States.

[1] OJ C 318, 23.12.2006, p. 47.

[2] Opinion of the European Parliament of 12 December 2006 (OJ C 317 E, 23.12.2006, p. 74), Council Common Position of 23 July 2007 (OJ C 242 E, 16.10.2007, p. 1) and Position of the European Parliament of 11 December 2007 (not yet published in the Official Journal).

[3] OJ L 144, 30.4.2004, p. 65, as corrected by OJ L 181, 18.5.2004, p. 25.

[4] OJ C 305, 16.12.2003, p. 1.

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

(6) The Commission and the Member States should share responsibility for the Community and national components of the communication and information exchange systems, in accordance with the principles set out in Decision No 253/2003/EC of the European Parliament and of the Council of 6 February 2003 adopting an action programme for customs in the Community (Customs 2007) [1] and taking account of Decision No 2235/2002/EC of the European Parliament and of the Council of 3 December 2002 adopting a Community programme to improve the operation of taxation systems in the internal market (Fiscalis programme 2003-2007) [2].

(7) To ensure compliance with this Decision and consistency between the different systems to be developed, it is necessary to establish a monitoring mechanism.

(8) Regular reports by Member States and the Commission should provide information on the progress of implementation of this Decision.

(9) In order to achieve a paperless environment, there is a need for close cooperation between the Commission, customs authorities and economic operators. To facilitate that cooperation, the Customs Policy Group should ensure the coordination of the activities necessary for the implementation of this Decision. Consultation with economic operators should take place at both national and Community level at all stages of the preparation of those activities.

(10) Acceding countries and candidate countries should be permitted to participate in those activities, with a view to preparing for accession.

(11) Since the objective of this Decision, namely the creation of a paperless environment for customs and trade, cannot be sufficiently achieved by the Member States and can therefore, by reason of its scale and effects, be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Decision does not go beyond what is necessary in order to achieve that objective.

(12) The measures necessary for the implementation of this Decision 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 [3].

(13) In particular, the Commission should be empowered to extend the time limits set out in Article 4(2), (3) and (5) of this Decision. Since those measures are of general scope and are designed to amend non-essential elements of this Decision, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC,

HAVE ADOPTED THIS DECISION:

Article 1

Electronic customs systems

The Commission and the Member States shall set up secure, integrated, interoperable and accessible electronic customs systems for the exchange of data contained in customs declarations, documents accompanying customs declarations and certificates and the exchange of other relevant information.

The Commission and the Member States shall provide the structure and means for the operation of those electronic customs systems.

Article 2

Objectives

1. The electronic customs systems referred to in Article 1 shall be designed to meet the following objectives:

(a) to facilitate import and export procedures;

(b) to reduce compliance and administrative costs and to improve clearance times;

(c) to coordinate a common approach to the control of goods;

(d) to help ensure the proper collection of all customs duties and other charges;

(e) to ensure the rapid provision and receipt of relevant information with regard to the international supply chain;

(f) to enable the seamless flow of data between the administrations of exporting and importing countries, as well as between customs authorities and economic operators, allowing data entered in the system to be re-used.

The integration and evolution of electronic customs systems shall be proportionate to the objectives set out in the first subparagraph.

[1] OJ L 36, 12.2.2003, p. 1. Decision as amended by Decision No 787/2004/EC (OJ L 138, 30.4.2004, p. 12).
[2] OJ L 341, 17.12.2002, p. 1. Decision as amended by Council Regulation (EC) No 885/2004 (OJ L 168, 1.5.2004, p. 1).
[3] OJ L 184, 17.7.1999, p. 23. Decision as amended by Decision 2006/512/EC (OJ L 200, 22.7.2006, p. 11).

2. The objectives set out in the first subparagraph of paragraph 1 shall be achieved by at least the following means:

(a) the harmonised exchange of information on the basis of internationally accepted data models and message formats;

(b) the re-engineering of customs and customs-related processes with a view to optimising their efficiency and effectiveness, to their simplification and to reducing the costs of customs compliance;

(c) the offering to economic operators of a wide range of electronic customs services enabling those operators to interact in the same way with the customs authorities of any Member State.

3. For the purposes of paragraph 1, the Community shall promote the interoperability of electronic customs systems with the customs systems of third countries or of international organisations and the accessibility of electronic customs systems to economic operators in third countries, with a view to creating a paperless environment at international level where provided for under international agreements and subject to proper financial arrangements.

Article 3

Data exchange

1. The electronic customs systems of the Community and the Member States shall provide for the exchange of data between the customs authorities of the Member States and between those authorities and the following:

(a) economic operators;

(b) the Commission;

(c) other administrations or official agencies involved in the international movement of goods (hereinafter other administrations or agencies).

2. Any disclosure or communication of data shall fully comply with prevailing data protection provisions, in particular Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data [1] and Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data [2].

Article 4

Systems, services and time limits

1. Member States shall, in cooperation with the Commission, make operational the following electronic customs systems according to the requirements and time limits set out in the legislation in force:

(a) systems for import and export interoperating with the system for transit and enabling the seamless flow of data from one customs system to another throughout the Community;

(b) a system of identification and registration for economic operators interoperating with the authorised economic operators system and enabling those economic operators to register only once for all their interactions with customs authorities throughout the Community, taking into account existing Community or national systems;

(c) a system for the authorisation procedure, including the information and consultation process, the management of certificates for authorised economic operators and the registration of those certificates in a data base accessible by customs authorities.

2. Member States shall, in cooperation with the Commission and by 15 February 2011, establish and make operational the common customs portals providing economic operators with the information needed for customs transactions in all Member States.

3. The Commission shall, in cooperation with the Member States and by 15 February 2013, establish and make operational an integrated tariff environment enabling connection to other import and export related systems in the Commission and the Member States.

4. The Commission shall, in partnership with the Member States in the Customs Policy Group and by 15 February 2011, evaluate the common functional specifications for:

(a) a framework of single access points, enabling economic operators to use one single interface to lodge electronic customs declarations, even if the customs procedure is carried out in another Member State;

(b) electronic interfaces for economic operators enabling them to conduct all customs-related business, even if several Member States are involved, with the customs authorities of the Member State where they are established; and

[1] OJ L 281, 23.11.1995, p. 31. Directive as amended by Regulation (EC) No 1882/2003 (OJ L 284, 31.10.2003, p. 1).
[2] OJ L 8, 12.1.2001, p. 1.

(c) single window services providing for the seamless flow of data between economic operators and customs authorities, between customs authorities and the Commission, and between customs authorities and other administrations or agencies, and enabling economic operators to submit all information required for import or export clearance to customs, including information required by non customs-related legislation.

5. Within three years of a positive evaluation of the common functional specifications referred to in paragraph 4(a) and (b), the Member States shall, in cooperation with the Commission, endeavour to establish and make operational the framework of single access points and the electronic interfaces.

6. The Member States and the Commission shall endeavour to establish and make operational a framework of single window services. The evaluation of the progress achieved in this area shall be included in the reports referred to in Article 12.

7. The Community and the Member States shall provide for due maintenance of and the required improvements to the systems and services referred to in this Article.

Article 5

Components and responsibilities

1. Electronic customs systems shall consist of Community components and national components.

2. The Community components of electronic customs systems shall comprise in particular the following:

(a) related feasibility studies and common functional and technical system specifications;

(b) common products and services, including the necessary common reference systems for customs and customs-related information;

(c) services of the Common Communications Network and Common Systems Interface (CCN/CSI) for the Member States;

(d) the coordination activities performed by the Member States and the Commission when implementing and operating electronic customs systems within the Community common domain;

(e) the coordination activities performed by the Commission when implementing and operating electronic customs systems within the Community external domain, excluding services designed to meet national requirements.

3. The national components of electronic customs systems shall comprise in particular the following:

(a) the national functional and technical system specifications;

(b) the national systems, including databases;

(c) network connections between customs authorities and economic operators, and between customs authorities and other administrations or agencies, within the same Member State;

(d) any software or equipment which a Member State considers necessary to ensure full use of the system.

Article 6

Tasks of the Commission

The Commission shall, in particular, ensure the following:

(a) the coordination of the setting-up, conformance testing, deployment, operation and support of the Community components, as regards electronic customs systems;

(b) the coordination of the systems and services provided for in this Decision with other relevant projects relating to e-Government at Community level;

(c) the completion of the tasks allocated to it under the multi-annual strategic plan provided for in Article 8(2);

(d) the coordination of the development of Community and national components with a view to a synchronised implementation of projects;

(e) the coordination at Community level of electronic customs services and single window services with a view to their promotion and implementation at national level;

(f) the coordination of training needs.

Article 7

Tasks of the Member States

1. The Member States shall, in particular, ensure the following:

(a) the coordination of the setting-up, conformance testing, deployment, operation, and support of the national components, as regards electronic customs systems;

(b) the coordination of the systems and services provided for in this Decision with other relevant projects relating to e-Government at national level;

(c) the completion of the tasks allocated to them under the multi-annual strategic plan provided for in Article 8(2);

(d) the regular provision to the Commission of information regarding the measures taken to enable their respective authorities or economic operators to make full use of electronic customs systems;

(e) the promotion and implementation at national level of electronic customs services and single window services;

(f) the necessary training for customs officials and other competent officials.

2. Member States shall estimate and communicate annually to the Commission the human, budgetary and technical resources needed to comply with Article 4 and with the multi-annual strategic plan provided for in Article 8(2).

3. If there is a risk that an action envisaged by a Member State in relation to the setting-up or operation of electronic customs systems might compromise the overall interoperability or functioning of those systems, that Member State shall inform the Commission thereof prior to taking such action.

Article 8

Strategy and coordination

1. The Commission shall, in partnership with the Member States in the Customs Policy Group, ensure the following:

(a) the determination of strategies, required resources and development phases;

(b) the coordination of all activities related to electronic customs, in order to ensure that resources, including those already used at national and Community level, are used in the best and most efficient manner;

(c) the coordination of legal, operational, training and IT development aspects, as well as the provision of information to customs authorities and economic operators as to those aspects;

(d) the coordination of the implementation activities of all parties concerned;

(e) the compliance by the parties concerned with the time limits set out in Article 4.

2. The Commission shall, in partnership with the Member States in the Customs Policy Group, draw up and keep updated a multi-annual strategic plan allocating tasks to the Commission and to the Member States.

Article 9

Resources

1. For the purposes of establishing, operating and improving electronic customs systems in accordance with Article 4, the Community shall make available the human, budgetary and technical resources required for the Community components.

2. For the purposes of establishing, operating and improving electronic customs systems in accordance with Article 4, the Member States shall make available the human, budgetary and technical resources required for the national components.

Article 10

Financial provisions

1. Without prejudice to the costs to be borne by third countries or international organisations within the framework of Article 2(3), costs relating to the implementation of this Decision shall be shared between the Community and the Member States in accordance with the provisions of paragraphs 2 and 3 of this Article.

2. The Community shall bear the costs relating to the design, acquisition, installation, operation and maintenance of the Community components referred to in Article 5(2), in accordance with the Customs 2007 Programme laid down in Decision No 253/2003/EC and any successor programme thereto.

3. Member States shall bear the costs relating to the setting up and operation of the national components referred to in Article 5(3), including interfaces with other administrations or agencies and economic operators.

4. Member States shall enhance their cooperation with a view to minimising costs by developing cost sharing models and common solutions.

Article 11

Monitoring

1. The Commission shall take all the necessary steps to verify that measures financed from the Community budget are being carried out in compliance with this Decision and that the results obtained are consistent with the objectives set out in the first subparagraph of Article 2(1).

2. The Commission shall, in partnership with the Member States in the Customs Policy Group, regularly monitor the progress made by each Member State and by the Commission towards compliance with Article 4, with a view to determining whether the objectives set out in the first subparagraph of Article 2(1) have been achieved and how the effectiveness of the activities involved in the implementation of electronic customs systems may be improved.

Article 12

Reports

1. Member States shall regularly report to the Commission on their progress with each task allocated to them under the multi-annual strategic plan referred to in Article 8(2). They shall notify the Commission of the completion of any of those tasks.

2. No later than 31 March of each year, the Member States shall submit to the Commission an annual progress report covering the period 1 January to 31 December of the preceding year. Those annual reports shall be based on a format established by the Commission in partnership with the Member States in the Customs Policy Group.

3. No later than 30 June of each year, the Commission shall, on the basis of the annual reports referred to in paragraph 2, establish a consolidated report evaluating the progress made by Member States and the Commission in particular towards compliance with Article 4, and the possible need for an extension of the time limits set out in Article 4(2), (3) and (5), and submit that report to the parties concerned and to the Customs Policy Group for further consideration.

4. Additionally, the consolidated report referred to in paragraph 3 shall contain the results of any monitoring visits that may be carried out. It shall also contain the results of any other controls and may set out the methods and criteria for use in any later evaluation, in particular evaluation of the extent to which electronic customs systems are interoperable and how they are functioning.

Article 13

Consultation with economic operators

The Commission and the Member States shall regularly consult economic operators at all stages of the preparation, development and deployment of the systems and services provided for in Article 4.

The Commission and the Member States shall each set up a consultation mechanism bringing together a representative selection of economic operators on a regular basis.

Article 14

Acceding or candidate countries

The Commission shall inform the countries which have been recognised as acceding or candidate countries of the preparation, development and deployment of the systems and services provided for in Article 4, and shall allow them to participate therein.

Article 15

Implementing measures

Extensions of the time limits set out in Article 4(2), (3) and (5) shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 16(2).

Article 16

Committee

1. The Commission shall be assisted by the Customs Code Committee.

2. Where reference is made to this paragraph, Article 5a(1) to (4), and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

Article 17

Entry into force

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

Article 18

Addressees

This Decision is addressed to the Member States.

Done at Strasbourg, 15 January 2008.

For the European Parliament	*For the Council*
The President	*The President*
H.-G. PÖTTERING	J. LENARČIČ

II

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

DECISIONS

COUNCIL

COUNCIL DECISION

of 21 January 2008

regarding the position to be taken by the Community within the International Cocoa Council on the extension of the International Cocoa Agreement, 2001

(2008/76/EC)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission [1],

Whereas:

(1) The International Cocoa Agreement of 2001 was signed and concluded on behalf of the European Community on 18 November 2002 by Council Decision 2002/970/EC [2].

(2) Under the provisions of Article 63(1) and (3), the International Cocoa Agreement of 2001 is due to expire on 30 September 2008 unless it is extended beyond that date by decision of the International Cocoa Council for one or two periods not exceeding four years in total.

(3) The extension of that Agreement is in the interest of the European Community.

(4) The European Community's position in the International Cocoa Council should be determined,

HAS DECIDED AS FOLLOWS:

Sole Article

The European Community's position within the International Cocoa Council shall be to vote in favour of extending the International Cocoa Agreement, 2001, for one or two periods not exceeding four years in total and to notify this extension to the United Nations Secretary-General.

Done at Brussels, 21 January 2008.

For the Council
The President
I. JARC

[1] OJ C 4, 9.1.2008, p. 6.
[2] OJ L 342, 17.12.2002, p. 1.

COMMISSION

COMMISSION DECISION

of 25 January 2008

approving the plans for 2008 for the eradication of classical swine fever in feral pigs and the emergency vaccination of those pigs against that disease in Bulgaria

(notified under document number C(2008) 270)

(Only the Bulgarian text is authentic)

(2008/77/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2001/89/EC of 23 October 2001 on Community measures for the control of classical swine fever [1], and in particular the second subparagraph of Article 16(1) and the fourth subparagraph of Article 20(2) thereof,

Whereas:

(1) Directive 2001/89/EC introduces minimum Community measures for the control of classical swine fever. Those measures include the provision that Member States are to submit to the Commission, following the confirmation of a primary case of classical swine fever in feral pigs, a plan of the measures to eradicate that disease. That Directive also contains provisions concerning the emergency vaccination of feral pigs.

(2) Classical swine fever is present in feral pigs in Bulgaria.

(3) Bulgaria has put in place a programme to survey and control classical swine fever in the whole territory of that Member State. That programme is still ongoing.

(4) Commission Decision 2006/800/EC of 23 November 2006 approving the plans for the eradication of classical swine fever in feral pigs and the emergency vaccination of those pigs against that disease in Bulgaria [2] was adopted as one of a number of measures to combat classical swine fever. Decision 2006/800/EC applies until 31 December 2007.

(5) Bulgaria submitted to the Commission for approval on 15 October 2007 a plan for 2008 for the eradication of classical swine fever in feral pigs and a plan for the emergency vaccination of such pigs in the whole territory of that Member State.

(6) Those plans submitted by Bulgaria have been examined by the Commission and found to comply with Directive 2001/89/EC. Accordingly, they should be approved.

(7) 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

Plan for the eradication of classical swine fever in feral pigs

The plan submitted by Bulgaria to the Commission on 15 October 2007 for the eradication of classical swine fever in feral pigs, in the area as set out in point 1 of the Annex, is approved.

Article 2

Plan for the emergency vaccination against classical swine fever of feral pigs

The plan submitted by Bulgaria to the Commission on 15 October 2007 for the emergency vaccination against classical swine fever of feral pigs, in the area as set out in point 2 of the Annex, is approved.

[1] OJ L 316, 1.12.2001, p. 5. Directive as last amended by Commission Decision 2007/729/EC (OJ L 294, 13.11.2007, p. 26).

[2] OJ L 325, 24.11.2006, p. 35. Decision as amended by Decision 2007/624/EC (OJ L 253, 28.9.2007, p. 43).

Article 3

Compliance

Bulgaria shall take the necessary measures to comply with this Decision and publish those measures. It shall immediately inform the Commission thereof.

Article 4

Applicability

This Decision shall apply from 1 January 2008 until 31 December 2008.

Article 5

Addressee

This Decision is addressed to the Republic of Bulgaria.

Done at Brussels, 25 January 2008.

For the Commission
Markos KYPRIANOU
Member of the Commission

ANNEX

1. **Areas where the plan for the eradication of classical swine fever in feral pigs is to be implemented:**

   The whole territory of Bulgaria

2. **Areas where the plan for the emergency vaccination against classical swine fever of feral pigs is to be implemented:**

   The whole territory of Bulgaria

RECOMMENDATIONS

COMMISSION

COMMISSION RECOMMENDATION

of 10 January 2008

on measures to facilitate future changeovers to the euro

(notified under document number C(2007) 6912)

(2008/78/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular Article 211 thereof,

Whereas:

(1) While the first group of participants experienced a long transition phase during which the euro was their currency but euro cash was not yet introduced, most of the existing national plans for future changeovers foresee the introduction of euro coins and banknotes on the day of adoption of the euro. This difference and the wide availability of euro cash implies that the Member States preparing for the adoption of the euro should implement a different strategy to the one followed between 1999 and 2002.

(2) In these different circumstances, the provisions of the Commission Recommendation of 11 October 2000 on measures to facilitate the preparation of the economic operators for the changeover to the euro [1] do not adequately address the questions raised by the change of context. Therefore, in order to take into consideration this new context and to profit from the experience acquired in the course of the introduction of euro cash in 2002, 2007 and 2008, a new Recommendation should be adopted,

HEREBY RECOMMENDS:

Article 1

Steering the organisation of the changeover

1. Member States should set up appropriate and dedicated structures to plan, coordinate and facilitate all the necessary preparations for the introduction of the euro.

2. A national changeover plan covering all aspects of the organisation of the euro changeover should be prepared, discussed with the representatives of the main economic operators (credit institutions, retail sector, CIT companies, the vending industry, consumer associations, chambers of commerce etc.) and regularly updated.

Article 2

Facilitating the preparation of the citizens for the euro

1. National law should impose the dual display of prices and other monetary amounts to be paid, credited or debited. The mandatory dual display should start as soon as possible after the official adoption of the irrevocably fixed conversion rate between the national currency and the euro by the Council. Member States should discourage retailers from using dual display before the official adoption of the conversion rate. Member States should also require a separate display of any charges imposed by businesses for accepting payments in euro between the fixing of the conversion rate and the introduction or the euro. Using a conversion rate other than the conversion rate adopted by the Council should be prohibited. The dual display should remain mandatory for a period of a minimum of six months and a maximum of one year after the introduction of the euro. It should stop afterwards, in order to allow the citizens to get fully accustomed to the new currency.

2. Member States should ensure that the citizens are well informed of the arrangements for the changeover to the euro, of the provisions for the protection of the euro banknotes and coins and of the security features of euro cash, and they should help citizens to learn the new scale of value. This information drive should be maintained for some time after the euro introduction. In particular, special information programmes should be established for vulnerable persons (such as senior citizens, persons suffering from a physical, sensory or mental health problem, etc.) as well as for the persons for whom access to information is difficult (such as migrants and homeless persons, illiterate and innumerate persons, etc.).

[1] Recommendation 2000/C 303/05 (OJ C 303, 24.10.2000, p. 6).

3. Member States, credit institutions and enterprises should organise training sessions in order to familiarise the personnel working regularly with cash to the euro so as to ensure better recognition, correct identification of the security features and quicker manipulation of euro coins and banknotes. Furthermore, recurrent practical training sessions should be organised for people with visual impairment in order to help them develop a sensory memory for the new currency.

4. Public administrations should provide businesses, and especially SMEs, with precise information on the timetable for the changeover and the relevant legal, tax and accounting rules. Trade associations, euro info centres, chambers of trade and commerce, accountants and business advisers should ensure that the businesses with which they are in contact make the necessary preparations and are able to carry out all their transactions in euro as from the date of its introduction.

5. Credit institutions should inform their customers of the practical consequences of the changeover to the euro. They should, in particular, draw their attention to the fact that they will no longer be able to make scriptural payments or keep an account in any of the old national currency units after the date of the introduction of the euro.

6. Businesses should take action to raise the awareness of their employees and organise *ad hoc* training activities for members of their staff who are in contact with the public.

7. Member States should monitor the preparation of economic operators for the changeover to the euro, notably through regular surveys.

Article 3

Ensuring a quick introduction of euro cash

1. With a view to reducing the amounts of money to be physically exchanged, consumers should be encouraged to deposit their surplus cash holdings in the weeks before the changeover. Contracts usually involving national currency which are concluded after the Council decision fixing the irrevocable conversion rate should preferably refer to the euro to the extent that their validity extends beyond the date of the introduction of the euro.

2. Credit institutions and sales outlets should make use of the frontloading and sub-frontloading of euro banknotes and coins in the months before the changeover as foreseen by the European Central Bank ([1]). Sales outlets should be sub-frontloaded with banknotes and coins in the last weeks preceding the changeover. Special arrangements, including notably kits of euro coins for retailers, should be foreseen for small retail outlets. In order to encourage sales outlets to participate in sub-frontloading, financially attractive deferred debiting conditions should be offered to them. Citizens should be able to acquire kits of euro coins during the three weeks before the changeover, with a view to ensure that each household could dispose of at least one kit.

3. Cash dispensers should be adapted to dispensing euro banknotes as from the introduction of the euro. Cash dispensers which, for technical reasons, cannot be adapted on time should be closed. Cash withdrawals and exchanges at credit institutions during the two weeks before and after the changeover should primarily be made in small denomination banknotes.

4. Sales outlets should be obliged to give change exclusively in euro as from its introduction, unless they are for practical reasons unable to do so. *Ad hoc* measures should be taken in order to facilitate their sub-frontloading with cash and reduce the difficulties linked to the increase of cash volume in sales outlets.

5. All electronic point-of-sale terminals should be switched to the euro on the day of its introduction. Consumers should be encouraged to use electronic payments more often during the first days after its introduction.

6. The main offices of credit institutions should be opened during the first days of the dual circulation period in order to facilitate the exchange of the national currency for euro. Furthermore, bank opening hours should be extended during the period of the changeover. Retailers should be provided with special facilities allowing a quicker cash supply with a view to avoiding queues.

Article 4

Preventing abusive practices and a wrong perception of the evolution of prices by the citizens

1. Agreements should be negotiated with the retail and services sector in order to ensure a neutral impact of the euro introduction on prices. Retailers should notably not increase prices because of the changeover and should try to minimize price changes when setting the prices in euro after the conversion. These agreements should be materialised in the adoption of a logo which is visible and easily recognisable for consumers. The logo should be advertised by means of communication and information campaigns. A close monitoring of the retailers' compliance with the commitments undertaken under the agreements should be put in place in cooperation with consumer associations. Dissuasive measures should be foreseen for cases of non-compliance, ranging from public disclosure of enterprise's name to possible fines for the most serious cases.

([1]) See Guideline of the European Central Bank of 14 July 2006 on certain preparations for the euro cash changeover and on frontloading and sub-frontloading of euro banknotes and coins outside the euro area (ECB/2006/9, OJ L 207, 28.7.2006, p. 39).

2. Member States should implement a close and frequent monitoring of the prices during the weeks following the adoption of the conversion rate until the end of the period of dual display of prices. Weekly information on the evolution of prices should, in particular, be offered to citizens during the weeks immediately before and after the changeover in order to prevent possible wrong perceptions.

3. The same bank charges applicable to payment transactions in national currency should be, after conversion, applicable to payment transactions in euro.

Article 5

Final provision

Member States are invited to support the implementation of this Recommendation.

Article 6

Addresses

This Recommendation is addressed to the Member States with a derogation as defined in Article 122 of the Treaty as well as to credit institutions, enterprises, trade associations and consumer organisations in these Member States.

Done at Brussels, 10 January 2008.

For the Commission

Joaquín ALMUNIA

Member of the Commission