ISSN 1725-2555

Official Journal of the European Union

L 106

English edition

Legislation

Volume 51

16 April 2008

Contents

(Continued overleaf)

EN

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

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

EN

I

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

REGULATIONS

COMMISSION REGULATION (EC) No 336/2008

of 15 April 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 16 April 2008.

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

Done at Brussels, 15 April 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 15 April 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	MA	69,6
	TN	115,9
	TR	109,1
	ZZ	98,2
0707 00 05	JO	178,8
	MA	43,7
	TR	150,5
	ZZ	124,3
0709 90 70	MA	97,2
	TR	105,2
	ZZ	101,2
0805 10 20	EG	53,4
	IL	59,3
	MA	56,1
	TN	53,2
	TR	56,0
	US	55,6
	ZZ	55,6
0805 50 10	AR	117,4
	IL	117,6
	TR	129,6
	ZA	134,8
	ZZ	124,9
0808 10 80	AR	81,7
	BR	82,8
	CA	79,6
	CL	81,8
	CN	92,0
	MK	57,9
	NZ	124,5
	US	102,4
	UY	73,5
	ZA	73,0
	ZZ	84,9
0808 20 50	AR	83,5
	AU	93,7
	CL	92,9
	CN	47,6
	ZA	95,7
	ZZ	82,7

(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 337/2008

of 15 April 2008

fixing the import duties in the cereals sector applicable from 16 April 2008

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 1249/96 of 28 June 1996 on rules of application (cereal sector import duties) for Council Regulation (EEC) No 1766/92 [2], and in particular Article 2(1) thereof,

Whereas:

(1) Article 10(2) of Regulation (EC) No 1784/2003 states that the import duty on products falling within CN codes 1001 10 00, 1001 90 91, ex 1001 90 99 (high quality common wheat), 1002, ex 1005 other than hybrid seed, and ex 1007 other than hybrids for sowing, is to be equal to the intervention price valid for such products on importation and increased by 55 %, minus the cif import price applicable to the consignment in question. However, that duty may not exceed the rate of duty in the Common Customs Tariff.

(2) Article 10(3) of Regulation (EC) No 1784/2003 lays down that, for the purposes of calculating the import duty referred to in paragraph 2 of that Article, representative cif import prices are to be established on a regular basis for the products in question.

(3) Under Article 2(2) of Regulation (EC) No 1249/96, the price to be used for the calculation of the import duty on products of CN codes 1001 10 00, 1001 90 91, ex 1001 90 99 (high quality common wheat), 1002 00, 1005 10 90, 1005 90 00 and 1007 00 90 is the daily cif representative import price determined as specified in Article 4 of that Regulation.

(4) Import duties should be fixed for the period from 16 April 2008, and should apply until new import duties are fixed and enter into force.

(5) However, in accordance with Council Regulation (EC) No 1/2008 of 20 December 2007 temporarily suspending customs duties on imports of certain cereals for the 2007/08 marketing year [3], the application of certain duties set by this Regulation is suspended,

HAS ADOPTED THIS REGULATION:

Article 1

From 16 April 2008, the import duties in the cereals sector referred to in Article 10(2) of Regulation (EC) No 1784/2003 shall be those fixed in Annex I to this Regulation on the basis of the information contained in Annex II.

Article 2

This Regulation shall enter into force on 16 April 2008.

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

Done at Brussels, 15 April 2008.

For the Commission

Jean-Luc DEMARTY

Director-General for Agriculture and Rural Development

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[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). Regulation (EC) No 1784/2003 will be replaced by Regulation (EC) No 1234/2007 (OJ L 299, 16.11.2007, p. 1) as from 1 July 2008.

[2] OJ L 161, 29.6.1996, p. 125. Regulation as last amended by Regulation (EC) No 1816/2005 (OJ L 292, 8.11.2005, p. 5).

[3] OJ L 1, 4.1.2008, p. 1.

ANNEX I

Import duties on the products referred to in Article 10(2) of Regulation (EC) No 1784/2003 applicable from 16 April 2008

CN code	Description	Import duties [1] (EUR/t)
1001 10 00	Durum wheat, high quality	0,00 (*)
	medium quality	0,00 (*)
	low quality	0,00 (*)
1001 90 91	Common wheat seed	0,00
ex 1001 90 99	High quality common wheat, other than for sowing	0,00 (*)
1002 00 00	Rye	0,00 (*)
1005 10 90	Maize seed other than hybrid	0,00
1005 90 00	Maize, other than seed [2]	0,00 (*)
1007 00 90	Grain sorghum other than hybrids for sowing	0,00 (*)

[1] For goods arriving in the Community via the Atlantic Ocean or via the Suez Canal the importer may benefit, under Article 2(4) of Regulation (EC) No 1249/96, from a reduction in the duty of:

— 3 EUR/t, where the port of unloading is on the Mediterranean Sea, or

— 2 EUR/t, where the port of unloading is in Denmark, Estonia, Ireland, Latvia, Lithuania, Poland, Finland, Sweden, the United Kingdom or the Atlantic coast of the Iberian peninsula.

[2] The importer may benefit from a flatrate reduction of EUR 24 per tonne where the conditions laid down in Article 2(5) of Regulation (EC) No 1249/96 are met.

(*) In accordance with Regulation (EC) No 1/2008, application of this duty is suspended.

ANNEX II

Factors for calculating the duties laid down in Annex I

1.4.2008-14.4.2008

1. Averages over the reference period referred to in Article 2(2) of Regulation (EC) No 1249/96:

(EUR/t)

	Common wheat (*)	Maize	Durum wheat, high quality	Durum wheat, medium quality (**)	Durum wheat, low quality (***)	Barley
Exchange	Minnéapolis	Chicago	—	—	—	—
Quotation	313,39	148,60	—	—	—	—
Fob price USA	—	—	334,99	324,99	304,99	161,68
Gulf of Mexico premium	—	11,27	—	—	—	—
Great Lakes premium	20,07	—	—	—	—	—

(*) Premium of 14 EUR/t incorporated (Article 4(3) of Regulation (EC) No 1249/96).
(**) Discount of 10 EUR/t (Article 4(3) of Regulation (EC) No 1249/96).
(***) Discount of 30 EUR/t (Article 4(3) of Regulation (EC) No 1249/96).

2. Averages over the reference period referred to in Article 2(2) of Regulation (EC) No 1249/96:

Freight costs: Gulf of Mexico–Rotterdam:	41,07 EUR/t
Freight costs: Great Lakes–Rotterdam:	35,41 EUR/t

II

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

DECISIONS

COUNCIL

COUNCIL DECISION

of 18 February 2008

on the conclusion of the Agreement between the European Community and the Republic of Panama on certain aspects of air services

(2008/305/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 80(2), in conjunction with the first sentence of the first subparagraph of Article 300(2) and the first subparagraph of Article 300(3) thereof,

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament,

Whereas:

(1) On 5 June 2003 the Council authorised the Commission to open negotiations with third countries on the replacement of certain provisions in existing bilateral agreements with a Community agreement.

(2) The Commission has negotiated, on behalf of the Community, an Agreement with Panama on certain aspects of air services (the Agreement) in accordance with the mechanisms and directives in the Annex to the Council Decision authorising the Commission to open negotiations with third countries on the replacement of certain provisions in existing bilateral agreements with a Community agreement.

(3) The Agreement was signed on 1 October 2007 on behalf of the European Community subject to its possible conclusion at a later date.

(4) The Agreement should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

1. The Agreement between the European Community and the Republic of Panama on certain aspects of air services is hereby approved on behalf of the Community.

2. The text of the Agreement is attached to this Decision [1].

Article 2

The President of the Council is authorised to designate the person empowered to make the notification provided in Article 9(1) of the Agreement.

Done at Brussels, 18 February 2008.

For the Council
The President
D. RUPEL

[1] See page 7 of this Official Journal.

AGREEMENT

between the European Community and the Republic of Panama on certain aspects of air services

THE EUROPEAN COMMUNITY,

of the one part, and

THE REPUBLIC OF PANAMA,

of the other part,

(hereinafter referred to as the Parties),

NOTING that bilateral air service agreements have been signed between several Member States of the European Community and the Republic of Panama containing provisions contrary to European Community law,

NOTING that the European Community has exclusive competence with respect to several aspects that may be included in bilateral air service agreements between Member States of the European Community and third countries,

NOTING that under European Community law Community air carriers established in a Member State have the right to non-discriminatory access to air routes between the Member States of the European Community and third countries,

HAVING REGARD to the agreements between the European Community and certain third countries providing for the possibility for the nationals of such third countries to acquire ownership in air carriers licensed in accordance with European Community law,

RECOGNISING that certain provisions of the bilateral air service agreements between Member States of the European Community and the Republic of Panama, which are contrary to European Community law, must be brought into conformity with it in order to establish a sound legal basis for air services between the European Community and the Republic of Panama and to preserve the continuity of such air services,

NOTING that it is not a purpose of the European Community, as part of these negotiations, to increase the total volume of air traffic between the European Community and the Republic of Panama, to affect the balance between Community air carriers and air carriers of the Republic of Panama, or to negotiate amendments to the provisions of existing bilateral air service agreements concerning traffic rights,

HAVE AGREED AS FOLLOWS:

Article 1

General Provisions

1. For the purposes of this Agreement, 'Member States' shall mean Member States of the European Community. 'LACAC Member States' shall mean Member States of the Latin American Civil Aviation Commission.

2. References in each of the agreements listed in Annex I to nationals of the Member State that is a party to that agreement shall be understood as referring to nationals of the Member States of the European Community.

3. References in each of the agreements listed in Annex I to air carriers or airlines of the Member State that is a party to that agreement shall be understood as referring to air carriers or airlines designated by that Member State.

Article 2

Designation, Authorisation and Revocation

1. The provisions in paragraphs 2 and 3 of this Article shall supersede the corresponding provisions in the Articles listed in Annex II(a) and (b) respectively, in relation to the designation of an air carrier by the Member State concerned, its authorisations and permissions granted by the Republic of Panama, and the refusal, revocation, suspension or limitation of the authorisations or permissions of the air carrier, respectively. The provisions in paragraphs 4 and 5 of this Article shall supersede the corresponding provisions in the articles listed in Annex II(a) and (b) respectively, in relation to the designation of an air carrier by the Republic of Panama, its authorisations and permissions granted by the Member State, and the refusal, revocation, suspension or limitation of the authorisations or permissions of the air carrier, respectively.

2. On receipt of a designation by a Member State, the Republic of Panama shall grant the appropriate authorisations and permissions with minimum procedural delay, provided that:

(i) the air carrier is established, under the Treaty establishing the European Community, in the territory of the designating Member State and has a valid operating licence in accordance with European Community law;

(ii) effective regulatory control of the air carrier is exercised and maintained by the Member State responsible for issuing its air operators certificate and the relevant aeronautical authority is clearly identified in the designation; and

(iii) the air carrier is owned, directly or through majority ownership, and it is effectively controlled by Member States and/or nationals of Member States, or by other states listed in Annex III and/or nationals of such other states.

3. The Republic of Panama may refuse, revoke, suspend or limit the authorisations or permissions of an air carrier designated by a Member State where:

(i) the air carrier is not established, under the Treaty establishing the European Community, in the territory of the designating Member State or does not have a valid operating licence in accordance with European Community law; or

(ii) effective regulatory control of the air carrier is not exercised or not maintained by the Member State responsible for issuing its air operators certificate, or the relevant aeronautical authority is not clearly identified in the designation; or

(iii) the air carrier is not owned and effectively controlled directly or through majority ownership by Member States and/or nationals of Member States, or by other states listed in Annex III and/or nationals of such other states; or

(iv) the air carrier is already authorised to operate under a bilateral agreement between the Republic of Panama and another Member State and the Republic of Panama demonstrates that, by exercising traffic rights under this Agreement on a route that includes a point in that other Member State, it would be circumventing restrictions on traffic rights imposed by that other agreement; or

(v) the air carrier holds an air operators certificate issued by a Member State and there is no bilateral air services agreement between the Republic of Panama and that Member State, and traffic rights to that Member State have been denied to the air carrier designated by the Republic of Panama.

In exercising its right under this paragraph, the Republic of Panama shall not discriminate between Community air carriers on the grounds of nationality.

4. On receipt of a designation by the Republic of Panama, a Member State shall grant the appropriate authorisations and permissions with minimum procedural delay, provided that:

(i) the air carrier is established in the Republic of Panama; and

(ii) the Republic of Panama has and maintains effective regulatory control of the air carrier and is responsible for issuing its air operators certificate; and

(iii) the air carrier is owned and effectively controlled directly or through majority ownership by LACAC Member States and/or nationals of LACAC Member States.

5. A Member State may refuse, revoke, suspend or limit the authorisation or permissions of an air carrier designated by the Republic of Panama where:

(i) the air carrier is not established in the Republic of Panama; or

(ii) effective regulatory control of the air carrier is not exercised or not maintained by the Republic of Panama or the Republic of Panama is not responsible for issuing its air operators certificate; or

(iii) the air carrier is not owned and effectively controlled directly or through majority ownership by LACAC Member States and/or nationals of LACAC Member States; or

(iv) the air carrier is already authorised to operate under a bilateral agreement between the Member State and another LACAC Member State and the Member State demonstrates that, by exercising traffic rights under this Agreement on a route that includes a point in that other LACAC Member State, it would be circumventing restrictions on the traffic rights imposed by that other agreement.

Article 3

Safety

1. The provisions in paragraph 2 of this Article shall complement the Articles listed in Annex II(c).

2. Where a Member State has designated an air carrier whose regulatory control is exercised and maintained by another Member State, the rights of the Republic of Panama under the safety provisions of the agreement between the Member State that has designated the air carrier and the Republic of Panama shall apply equally in respect of the adoption, exercise or maintenance of safety standards by that other Member State and in respect of the operating authorisation of that air carrier.

Article 4

Taxation of aviation fuel

1. The provisions in paragraphs 2 and 3 of this Article shall complement the corresponding provisions in the Articles listed in Annex II(d).

2. Notwithstanding any other provision to the contrary, nothing in each of the agreements listed in Annex II(d) shall prevent Member States from imposing, on a non-discriminatory basis, taxes, levies, duties, fees or charges on fuel supplied in its territory for use in an aircraft of a designated air carrier of the Republic of Panama that operates between a point in the territory of that Member State and another point in the territory of that Member State or in the territory of another Member State.

3. Notwithstanding any other provision to the contrary, nothing in each of the agreements listed in Annex II(d) shall prevent the Republic of Panama from imposing on a non-discriminatory basis taxes, levies, duties, fees or charges on fuel supplied in its territory for use in an aircraft of a designated air carrier of a Member State that operates between a point in the territory of the Republic of Panama and another point in the territory of the Republic of Panama or in the territory of another LACAC Member State.

Article 5

Tariffs for carriage

1. The provisions in paragraphs 2 and 3 of this Article shall complement the Articles listed in Annex II(e).

2. The tariffs to be charged by the air carrier(s) designated by the Republic of Panama under an agreement listed in Annex I containing a provision listed in Annex II(e) for carriage wholly within the European Community shall be subject to European Community law. European Community law is applied on a non-discriminatory basis.

3. The tariffs to be charged by the air carrier(s) designated by a Member State under an agreement listed in Annex I containing a provision listed in Annex II(e) for carriage between the Republic of Panama and another LACAC Member State shall be subject to Panamanian law concerning price leadership and applied on a non-discriminatory basis.

Article 6

Compatibility with competition rules

1. Notwithstanding any other provision to the contrary, nothing in each of the agreements listed in Annex I shall (i) favour the adoption of agreements between undertakings, decisions by associations of undertakings or concerted practices that prevent, distort or restrict competition; (ii) reinforce the effects of any such agreement, decision or concerted practice; or (iii) delegate to private economic operators the responsibility for taking measures that prevent, distort or restrict competition.

2. The provisions contained in the agreements listed in Annex I that are incompatible with paragraph 1 of this Article shall not be applied.

Article 7

Annexes to the Agreement

The Annexes to this Agreement shall form an integral part thereof.

Article 8

Revision or amendment

The Parties may, at any time, revise or amend this Agreement by mutual consent.

Article 9

Entry into force

This Agreement shall enter in force when the Parties have notified each other in writing that their respective internal procedures necessary for its entry into force have been completed.

Article 10

Termination

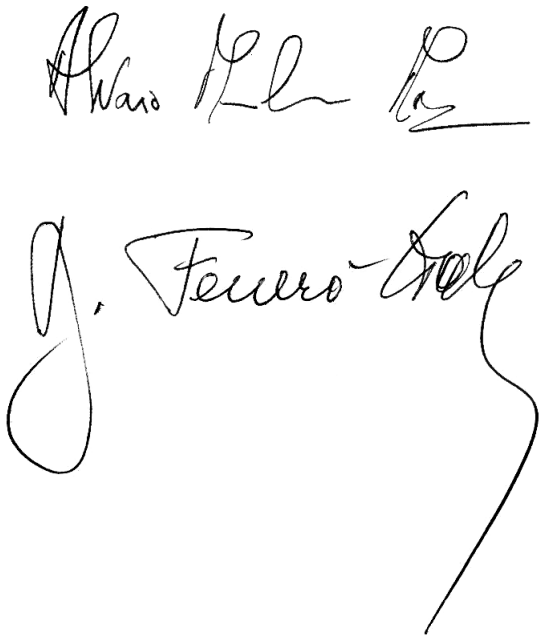
1. In the event that an agreement listed in Annex I is terminated, all provisions of this Agreement that relate to the agreement listed in Annex I concerned shall terminate at the same time.

2. In the event that all agreements listed in Annex I are terminated, this Agreement shall terminate at the same time.

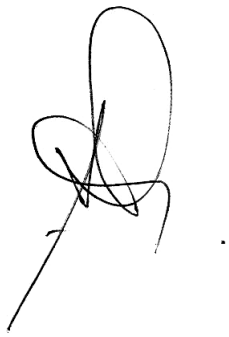
IN WITNESS WHEREOF, the undersigned, being duly authorised, have signed this Agreement.

Done at Panama City in duplicate, on this first day of October in the year two thousand and seven in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovene, Spanish and Swedish languages. In case of divergence the Spanish text shall prevail over the other language texts.

За Европейската общност
Por la Comunidad Europea
Za Evropské společenství
For Det Europæiske Fællesskab
Für die Europäische Gemeinschaft
Euroopa Ühenduse nimel
Για την Ευρωπαϊκή Κοινότητα
For the European Community
Pour la Communauté européenne
Per la Comunità europea
Eiropas Kopienas vārdā
Europos bendrijos vardu
Az Európai Közösség részéről
Ghall-Komunità Ewropea
Voor de Europese Gemeenschap
W imieniu Wspólnoty Europejskiej
Pela Comunidade Europeia
Pentru Comunitatea Europeană
Za Európske spoločenstvo
Za Evropsko skupnost
Euroopan yhteisön puolesta
För Europeiska gemenskapen



За Република Панама
Por la República de Panamá
Za Panamskou republiku
For Republikken Panama
Für die Republik Panama
Panama Vabariigi nimel
Για τη Δημοκρατία του Παναμά
For the Republic of Panama
Pour la République du Panama
Per la Repubblica di Panama
Panamas Republikas vārdā
Panamos Respublikos vardu
A Panamai Köztársaság részéről
Ghar-Repubblika tal-Panama
Voor de Republiek Panama
W imieniu Republiki Panamy
Pela República do Panamá
Pentru Republica Panama
Za Panamskú republiku
Za Republiko Panamo
Panaman tasavallan puolesta
För Republiken Panama



ANNEX I

List of agreements referred to in Article 1 of this Agreement

(a) Air service agreements between the Republic of Panama and Member States of the European Community which, at the date of signature of this Agreement, have been concluded, signed and/or are being applied provisionally:

— Air Transport Agreement between the Federal Republic of Germany and the Republic of Panama, done at Panama on 13 December 1999, hereinafter referred to as the 'Panama-Germany Agreement' in Annex II,

— Agreement between the Governments of the Republic of Panama and the Kingdom of Belgium on air services, done at Panama City on 12 January 1966, hereinafter referred to as the 'Panama-Belgium Agreement' in Annex II,

— Agreement between the Kingdom of Spain and the Republic of Panama, done at Panama City on 7 August 2001, hereinafter referred to as the 'Panama-Spain Agreement' in Annex II,

— Protocol of the Meeting between the aeronautical delegations of the Government of the Italian Republic and the Government of the Republic of Panama, done at Rome on 11 November 1970, hereinafter referred to as the 'Panama-Italy Protocol' in Annex II,

— Agreement between the Republic of Panama and the Kingdom of the Netherlands concerning air services between and beyond their respective territories, initialled as Annex II to the Memorandum of Understanding done in The Hague on 7 June 1995, hereinafter referred to as the 'Panama-Netherlands Agreement' in Annex II,

— Agreement between the Government of the Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Panama, initialled as Annex B to the Memorandum of Understanding signed in London on 26 August 1997, hereinafter referred to as the 'Panama-United Kingdom Agreement' in Annex II.

(b) Air service agreements and other arrangements initialled or signed between the Republic of Panama and Member States of the European Community which, at the date of signature of this Agreement, have not yet entered into force and are not being applied provisionally.

ANNEX II

List of Articles in the Agreements listed in Annex I and referred to in Articles 2 to 5 of this Agreement

(a) Designation:

— Article 3 of the Panama-Germany Agreement,

— Article 3 of the Panama-Spain Agreement,

— Article 4 of the Panama-Netherlands Agreement,

— Article 4 of the Panama-United Kingdom Agreement;

(b) Refusal, Revocation, Suspension or Limitation of Authorisations or Permissions:

— Article 3 of the Panama-Germany Agreement,

— Article 9 of the Panama-Belgium Agreement,

— Article 4 of the Panama-Spain Agreement,

— Article 5 of the Panama-Netherlands Agreement,

— Article 5 of the Panama-United Kingdom Agreement;

(c) Regulatory control:

— Article 12 of the Panama-Germany Agreement,

— Article 11 of the Panama-Spain Agreement;

(d) Taxation of Aviation Fuel:

— Article 6 of the Panama-Germany Agreement,

— Article 7 of the Panama-Belgium Agreement,

— Article 5 of the Panama-Spain Agreement,

— Article 10 of the Panama-Netherlands Agreement,

— Article 8 of the Panama-United Kingdom Agreement;

(e) Tariffs for Carriage:

— Article 10 of the Panama-Germany Agreement,

— Article 5 of the Panama-Belgium Agreement,

— Article 7 of the Panama-Spain Agreement,

— Article 6 of the Panama-Netherlands Agreement,

— Article 7 of the Panama-United Kingdom Agreement.

ANNEX III

List of other States referred to in Article 2 of this Agreement

(a) The Republic of Iceland (under the Agreement on the European Economic Area);

(b) The Principality of Liechtenstein (under the Agreement on the European Economic Area);

(c) The Kingdom of Norway (under the Agreement on the European Economic Area);

(d) The Swiss Confederation (under the Agreement between the European Community and the Swiss Confederation on Air Transport).

COUNCIL DECISION

of 17 March 2008

on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and Ukraine in relation to export duties

(2008/306/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133(1) in conjunction with the first subparagraph of Article 300(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) On 14 June 1994 the European Communities and their Member States and Ukraine signed in Luxembourg the Partnership and Cooperation Agreement (PCA), which entered into force on 1 March 1998.

(2) Considering the commitment of the Community and its Member States and of Ukraine to strengthen the economic integration which constitutes an essential basis of their partnership.

(3) Since March 2007 negotiations have been opened for a new Enhanced Agreement between the EU and Ukraine to replace the PCA.

(4) It is intended that the Enhanced Agreement provide for the creation of a deep and comprehensive Free Trade Area (FTA), as a core element of the Enhanced Agreement, following the accession of Ukraine to the World Trade Organization (WTO).

(5) In the context of the WTO accession negotiations of Ukraine the Commission, on behalf of the Community, negotiated comprehensive market-opening commitments on the part of Ukraine which are of particular importance to the Community, as set out in a Memorandum agreed between the negotiators of Ukraine and the Commission on 17 March 2003.

(6) These commitments will be embodied in the Protocol of Accession of Ukraine to the WTO.

(7) During the WTO accession process of Ukraine the Commission has negotiated on behalf of the Community an Agreement in the form of an Exchange of Letters between the European Community and Ukraine, whereby Ukraine committed to eliminate export duties on trade in goods upon the entry into force of the future EU-Ukraine FTA Agreement.

(8) The Agreement should be approved on behalf of the Community,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of an Exchange of Letters between the European Community and Ukraine in relation to export duties is hereby approved on behalf of the Community.

The text of the Agreement in the form of an Exchange of Letters is attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement in order to bind the Community [1].

Article 3

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

Done at Brussels, 17 March 2008.

For the Council
The President
I. JARC

[1] The date of entry into force of the Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

AGREEMENT

in the form of an Exchange of Letters between the European Community and Ukraine in relation to export duties

A. *Letter from the Government of Ukraine*

Kiev, 11 December 2007

Your Excellency,

In the context of the Partnership and Cooperation Agreement between the European Communities and their Member States, and Ukraine of 14 June 1994, and pursuant to negotiations on the accession of Ukraine to the World Trade Organisation, the purpose of this letter is to confirm that duties applied by Ukraine to goods originating therein and exported to the European Community shall be eliminated upon the entry into force of an EU-Ukraine Free Trade Area agreement, to be negotiated after finalisation of Ukraine's WTO accession process, in the framework of a new Enhanced Agreement.

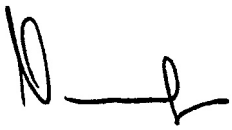
I propose that this letter and your reply to it will establish a formal agreement between us.

This Agreement will enter into force as from the date on which the European Community receives a written notification from Ukraine to the effect that it has completed the necessary internal procedures.

I confirm that this letter and your reply establish a formal agreement between us.

Please accept, Your Excellency, the assurance of my highest consideration.

On behalf of Ukraine



B. *Letter from the European Community*

Brussels, 1 April 2008

Your Excellency,

I confirm the receipt of the letter from the Government of Ukraine dated 11 December 2007 for which I thank you, and which reads as follows:

'In the context of the Partnership and Cooperation Agreement between the European Communities and their Member States, and Ukraine of 14 June 1994, and pursuant to negotiations on the accession of Ukraine to the World Trade Organisation, the purpose of this letter is to confirm that duties applied by Ukraine to goods originating therein and exported to the European Community shall be eliminated upon the entry into force of an EU-Ukraine Free Trade Area agreement, to be negotiated after finalisation of Ukraine's WTO accession process, in the framework of a new Enhanced Agreement.

I propose that this letter and your reply to it will establish a formal agreement between us.

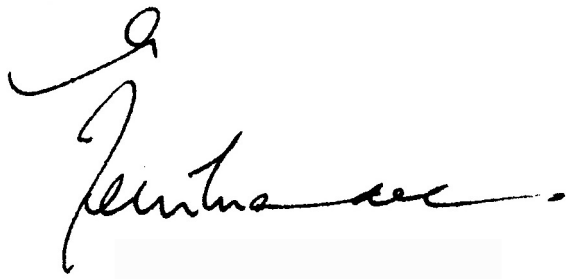
This agreement will enter into force as from the date on which the European Community receives a written notification from Ukraine to the effect that it has completed the necessary internal procedures.

I confirm that this letter and your reply establish a formal agreement between us.'

I confirm that the above-quoted letter and my reply will establish a formal agreement between us.

Please accept, Your Excellency, the assurance of my highest consideration.

On behalf of the European Community



III

(Acts adopted under the EU Treaty)

ACTS ADOPTED UNDER TITLE V OF THE EU TREATY

COUNCIL JOINT ACTION 2008/307/CFSP

of 14 April 2008

in support of World Health Organisation activities in the area of laboratory bio-safety and bio-security in the framework of the European Union Strategy against the proliferation of Weapons of Mass Destruction

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 14 thereof,

Whereas:

(1) On 12 December 2003, the European Council adopted the EU Strategy against the Proliferation of Weapons of Mass Destruction (hereinafter referred to as the EU Strategy), Chapter III of which contains a list of measures to combat such proliferation.

(2) The European Union is actively implementing the EU Strategy and is giving effect to the measures listed in Chapter III thereof, in particular those related to the reinforcement of the Biological and Toxin Weapons Convention (hereinafter referred to as the BTWC), including support for the national implementation of the BTWC through, *inter alia*, Council Joint Action 2006/184/CFSP of 27 February 2006 in support of the Biological and Toxin Weapons Convention, in the framework of the EU Strategy against the Proliferation of Weapons of Mass Destruction [1] and the EU Action Plan on biological and toxin weapons, complementary to the EU Joint Action in support of the BTWC [2].

(3) On 20 March 2006, the Council of the European Union adopted Common Position 2006/242/CFSP relating to the 2006 Review Conference of the Biological and Toxin Weapons Convention (BTWC) [3], with the objective of further strengthening the universality of the BTWC and promoting a successful outcome of the Review Conference (hereinafter referred to as the Sixth Review Conference). At the Sixth Review Conference, held in December 2006, the EU promoted full compliance with the provisions of the BTWC by all States Parties and the strengthening, where necessary, of national implementation measures, including penal legislation, and the control over pathogenic micro-organisms and toxins in the framework of the BTWC. The EU also put forward working papers, including on bio-safety and bio-security.

(4) The Sixth Review Conference reaffirmed the commitment of States Parties to take the necessary national measures under Articles I, III and IV of the BTWC in order to ensure the safety and security of microbial or other biological agents or toxins in laboratories and other facilities, and during transportation, as well as to prevent unauthorised access to and removal of such agents and toxins. The Conference also urged States Parties with relevant experience in legal and administrative measures for the implementation of the provisions of the BTWC to provide assistance on the request of other State Parties. The Conference encouraged such assistance on a regional basis.

(5) The Sixth Review Conference decided to discuss, in 2008, and promote common understanding and effective action on, *inter alia*, national, regional and international measures to improve bio-safety and bio-security, including laboratory safety and security of pathogens and toxins.

(6) The Sixth Review Conference also noted, in the context of Article VII of the BTWC, that the States Parties' national preparedness contributes to international capabilities for responding to, investigating and mitigating outbreaks of disease, including those due to alleged use of biological or toxin weapons.

[1] OJ L 65, 7.3.2006, p. 51.
[2] OJ C 57, 9.3.2006, p. 1.
[3] OJ L 88, 25.3.2006, p. 65.

(7) The Sixth Review Conference encouraged the States Parties, in the context of Article X of the BTWC, to continue strengthening existing international organisations and networks, in particular those of the World Health Organisation (WHO), the Food and Agriculture Organization (FAO), the World Organisation for Animal Health (OIE) and the International Plant Protection Convention (IPPC), called upon States Parties to continue supporting and/or improving national and regional capacities to survey, detect, diagnose and combat infectious diseases and also other possible biological threats, and urged States Parties in a position to do so to continue supporting, directly as well as through international organisations, capacity-building activities in States Parties in need of assistance in the fields of surveillance, detection, diagnosis and combat of infectious diseases, and related research.

(8) On 15 June 2007, the International Health Regulation (hereinafter referred to as the IHR) entered into force. It regulates the movement and control of and response to outbreaks of infectious diseases regardless of their origin, and requires the WHO Member States to build-up core capabilities in laboratory and surveillance to allow for the implementation of the IHR. The WHO Secretariat is committed to supporting WHO Member States to implement their IHR national plans through the WHO headquarters and regional offices, including the WHO Office in Lyon. The WHO bio-risk reduction management programme provides guidance on how laboratories should operate through normative guidelines, workshops and training on bio-safety practices, laboratory bio-security and codes of conduct for responsible life science research. It has also a role in establishing UN guidelines on the transportation of infectious substances. Under the IHR, public health laboratories have a role in being prepared to address biological, chemical, radiological and nuclear threats. The definitions for bio-safety and laboratory bio-security are encompassed in the WHO Laboratory Bio-safety Manual, third edition (2004) and the Bio-risk Management, Laboratory Bio-security Guidance (2006).

(9) The implementation of this Joint Action shall be performed in accordance with the Financial and Administrative Framework Agreement (hereinafter referred to as 'the Framework Agreement') concluded between the European Commission, on the one hand, and the UN, on the other hand, which sets out a framework for the UN and the European Commission for enhancing their cooperation, including operational partnership,

HAS ADOPTED THIS JOINT ACTION:

Article 1

1. For the purpose of giving immediate and practical application to the relevant elements of the EU Strategy, the EU shall contribute to the implementation of decisions made by the States Parties at the Sixth Review Conference of BTWC, with the following objectives:

(a) ensuring the safety and security of microbial or other biological agents or toxins in laboratories and other facilities, including during transportation as appropriate, in order to prevent unauthorised access to and removal of such agents and toxins;

(b) promoting bio-risk reduction practices and awareness, including bio-safety, bio-security, bioethics and preparedness against intentional misuse of biological agents and toxins, through international cooperation in this area.

2. To achieve the objectives referred to in paragraph 1, the EU shall introduce projects consisting of the following measures:

(a) organisation of outreach workshops, consultations and training for competent authorities in the relevant sectors and for laboratory managers/staff at the national, sub-regional and regional levels, aiming at a deeper understanding of bio-risk reduction practices and their effective implementation in laboratories and other facilities, including during transportation as appropriate;

(b) assistance to a selected country to review public health response capacity in the context of enhancing national biological preparedness, to develop and implement a bio-risk reduction management plan, particularly concerning laboratory practice and safety, and to harmonise it with integrated national preparedness plans, and to strengthen the performance and sustainability of national laboratories by connecting them with regional and international networks.

A detailed description of these projects is set out in the Annex to this Joint Action.

Article 2

1. The Presidency, assisted by the Secretary-General/High Representative (hereinafter referred to as the SG/HR), shall be responsible for the implementation of this Joint Action. The Commission shall be fully associated.

2. The technical implementation of the measures referred to in Article 1(2) shall be carried out by the WHO, which includes the WHO Office in Lyon.

The WHO shall perform its tasks under the control of the SG/HR assisting the Presidency. For this purpose, the SG/HR shall enter into the necessary arrangements with the WHO.

3. The Presidency, assisted by the SG/HR, and the Commission shall keep each other regularly informed about the implementation of this Joint Action, in conformity with their respective competences.

Article 3

1. The financial reference amount for the implementation of the measures referred to in Article 1(2) shall be EUR 2 105 000, to be funded from the general budget of the European Union.

2. The expenditure financed by the amount stipulated in paragraph 1 shall be managed in accordance with the Community procedures and rules applicable to the general budget of the European Union.

3. The Commission shall supervise the proper management of the expenditure referred to in paragraph 2, which shall take the form of a grant. For this purpose, the Commission shall conclude a financing agreement with the WHO. The financing agreement shall stipulate that the WHO is to ensure that the visibility of the EU contribution is appropriate to its size, including by participation of EU experts.

4. The Commission shall endeavour to conclude the financing agreement referred to in paragraph 3 as soon as possible after the entry into force of this Joint Action. It shall inform the Council of any difficulties in that process and of the date of conclusion of the financing agreement.

Article 4

The Presidency, assisted by the SG/HR, shall report to the Council on the implementation of this Joint Action on the basis of quarterly reports prepared by the WHO. These reports will form the basis for the evaluation carried out by the Council. The Commission shall be fully associated. It shall report to the Council on the financial aspects of the implementation of this Joint Action.

Article 5

This Joint Action shall enter into force on the day of its adoption.

It shall expire 24 months after the date of conclusion of the financing agreement referred to in Article 3(3), or six months after the date of its adoption if no financing agreement has been concluded by then.

Article 6

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

Done at Luxembourg, 14 April 2008.

For the Council

The President

I. JARC

ANNEX

DESCRIPTION OF THE PROJECTS TO BE FINANCED

1. **General objectives**

The overall objective of this Joint Action is to support, through the projects described below, the implementation of the BTWC, in particular those aspects that relate to the safety and security of microbial or other biological agents and toxins in laboratories and other facilities, including during transportation as appropriate, in order to prevent unauthorised access to and removal of such agents and toxins.

It is also to contribute to raising awareness of bio-risk management practices and to promote, especially through Project 2, the harmonisation of good national laboratory practices and biological agent response with overall national biological preparedness.

2. **Project-based specific objectives**

The projects described below will address three areas of major concern in the accidental and deliberate spread of diseases:

1. The risk of terrorists or other criminals having access to dangerous biological pathogens/toxins. The intention of terrorists to acquire and to use the disease as a weapon must be contained. Such events as the anthrax spore-laden letters in the US in 2001 have the potential to create huge political and economic disturbances.

2. A considerable increase in new laboratories in general, but in particular in high-level containment laboratories which lag behind in respecting adequate bio-safety and bio-security standards. In recent years, a considerable number of countries, including countries which have limited resources, have allocated funds to construct high level containment laboratories. While this should allow the country's scientists to gain experience in the handling of dangerous pathogens like the SARS coronavirus, or viral hemorrhagic fever viruses, it may also bring about risks, especially in countries which are not able to reserve sufficient funds for the long-term maintenance of their facilities and do not provide adequate training for staff.

3. The occurrence of laboratory incidents and accidental releases of highly dangerous bio-materials due to inadequate bio-safety and bio-security practices in laboratories and other facilities, and lack of compliance with the UN infectious substance packaging and shipping regulations. Three separate SARS laboratory accidents in Asia in 2003 and 2004 and the recent death from laboratory acquired Ebola haemorrhagic fever infection in Russia as well as deficiencies in bio-safety practices leading to laboratory acquired infections (tularemia and meliodosis) in the US are examples demonstrating the associated risks involved in inadequate bio-safety and laboratory bio-security, the improvement of which requires stronger commitment through management practices and the training of staff irrespective of the type of laboratory environment (human, animal or agricultural) in which the worker operates.

2.1. *Project 1: Promotion of bio-risk reduction management through regional and national outreach*

Purpose of the project

The purpose of this project is to encourage States to assume responsibility for developing programmes to avoid accidental exposure or release and to prevent deliberate misappropriation or misuse of bio-agents in the laboratories. The project will involve national health policy makers as well as laboratory managers and laboratory staff to encourage their commitment to a bio-safety/bio-security culture. The project will also contribute to the development of bio-risk reduction programmes at national, regional and international levels, including through the networking of laboratories and through a harmonised bio-safety and laboratory bio-security definition in the countries of the region, with the aim of promoting transparency and commitment to bioethics (including the promotion of non-proliferation). Particular attention will be given to cross-sector networking between public health and other sectors such as animal health and the environment, to ensure a coordinated and comprehensive approach to bio-risk reduction.

Results of the project

(i) Regions and countries will become engaged in active dialogue on the issues related to the safety and security of dangerous bio-agents and toxins in laboratories and other facilities.

(ii) Existing laboratory bio-safety and bio-security practices will be mapped.

(iii) The development of national plans will be supported, in particular in compliance with IHR, pathogen regulations and control measures to enhance safety and security in the handling of highly infectious materials.

(iv) Training curricula will be developed, designed to keep policy makers, laboratory managers and laboratory staff engaged in bio-risk reduction practices. (They will include bio-ethics and the promotion of the Codes of Conduct).

(v) Means will be provided for connecting national stakeholders among themselves and with international organisations (including the FAO, the OIE and the IPPC), so as to sustain their activities and help them become responsible global partners in regional professional societies and international networks.

Description of the project

(a) Regional outreach workshops to raise bio-risk reduction management awareness and to envisage concrete country-focused operational initiatives in the field of bio-safety and bio-security

In 2006, the WHO organised bio-risk reduction management awareness-raising workshops in Central and South America, Eastern Mediterranean countries and English-speaking African countries. It will complete this first general awareness-raising cycle of outreach in the remaining regions, and will ensure a follow-up to these efforts through more focused outreach to respond to specific needs of the countries in the selected regions, including on bio-ethics and the Codes of Conduct. In order to avoid duplication of effort and to coordinate and harmonise approaches, the WHO will consult with relevant stakeholders and donors (international actors and non-governmental organisations) on the ongoing projects and needs for assistance.

Five regional workshops are planned, which may target the following regions: sub-Saharan Africa, South America, South and Southeast Asia, East Asia/Western Pacific, Central Asia and Eastern European countries (including Russia).

(b) Consultations with relevant competent authorities to commit them to bio-risk reduction management in the health sector

The WHO will consult with the competent authorities in the relevant sectors and with the managers of the reference libraries to encourage their commitment to bio-risk reduction management. At least four visits are planned. The countries to be visited will be selected through a consultation process within the Steering Committee, and the selection of the countries will reflect their commitment to the implementation of the non-proliferation policy.

(c) In-depth topic specific workshops on bio-risk reduction practices

The WHO will arrange at least two regional workshops to discuss specific topics aimed at deepening the understanding of the elements of bio-risk reduction practices, with health policy makers as well as laboratory managers and staff. Issues relating to legislation and management will be addressed, as well as how to plan for sustainability of the programmes through networks, seminars and professional societies. The seminars will target primarily Eastern Mediterranean and Eastern European countries, or other countries relevant for the selection process in Project 2.

2.2. *Project 2: Strengthening the security and laboratory management practices against biological risks (a demonstration model for countries)*

Purposes of the project

(i) To map and assess public health response capacity, in particular in respect of biological agents and toxins, in the context of enhancing national biological preparedness by connecting the health sector with the sectors of foreign affairs, justice, environment, commerce, agriculture (and animal health), intelligence.

(ii) To develop a forum to keep the relevant national actors informed and connected with regard to public health preparedness and response capacity.

(iii) To develop a bio-risk reduction management plan, particularly concerning laboratory practice and safety, and to harmonise it with integrated national preparedness plans.

(iv) To implement the national bio-risk reduction management plan, in particular concerning laboratory practice and safety.

(v) To map and strengthen the performance, capacity and sustainability of national laboratories by connecting them with regional and international laboratory networks.

Results of the project

(i) The programme of the selected country will be strengthened, to minimise biological risks.

(ii) Among national stakeholders, there will be improved understanding of and trust created in the role of the public health sector in biological incident response.

(iii) The bio-laboratory component will be connected with national stakeholders in biological incident response.

(iv) Improved laboratory safety, quality and performance.

(v) Continuance of recognised laboratory quality and connectivity will be assured through regional and international validation.

(vi) The country will be provided with meeting laboratory core capacity in compliance with the IHR.

Description of the project

For the purposes described above, the project will be implemented over an appropriate period which requires a long-term commitment by both the applicant country and the EU. The project will be implemented in phases. An EU-sponsored seconded expert should be appointed as a country project leader.

Preparatory phase

The WHO will identify a number of candidate countries for the project, with a view to recommending to EU Member States a suitable candidate through the Steering Committee. The selection criteria will reflect as a priority non-proliferation concerns. The WHO and the Presidency, assisted by the SG/HR, will conduct exploratory discussions with the candidate countries. Based on the progress of those discussions, the WHO will conduct preliminary country pre-assessment visits, relevant for the next phase of the project. The WHO will appoint a project officer, who shall be a national of one of the EU Member States.

As a result of this preparatory process, a memorandum of understanding will be signed by the EU (represented for this purpose by the Presidency, assisted by the SG/HR), the WHO and the selected country.

Assessment phase

In the assessment phase, the WHO will conduct an assessment of national biological activities and assets in the selected country, and will assist with their harmonisation with national preparedness for and response to biological incidents. This will include the completion of the bio-incidents evaluation exercise and of the coordination plan to inform all stakeholders of the status of national preparedness against biological incidents, and the initiation of the harmonisation of public health responsibilities in the national preparedness plan for biological threats and/or incidents as well as public health emergencies of international concern.

Technical assistance phase

In this phase, the aim is to strengthen laboratory practices to respond to a public health event of international concern and to ensure that laboratory performance is safe and its results are validated at the national, regional and international levels. To achieve these goals, training will be provided for the responsible stakeholders in the public health area and in the biological response. Laboratory infrastructure plans will be developed and country bio-safety professionals will be connected with international networks, including through participation in the annual meetings and conferences of the international bio-safety associations.

Evaluation phase

The WHO will prepare, on a quarterly basis and in cooperation with the selected country, reports evaluating the implementation of national biological preparedness plans as well as national laboratory performance from the bio-safety and bio-security perspective, and will forward these evaluation reports to the Presidency, assisted by the SG/HR, and to the Commission.

3. **Duration**

The total estimated duration of the implementation of this Joint Action is 24 months.

4. **Beneficiaries**

The beneficiaries are States Parties to the BTWC or States which have initiated the ratification/accession process. The Joint Action targets primarily countries and regions which are vulnerable because of unsafe practices in biological laboratories, contributing to an increased risk of the loss, theft and misuse of high-consequence micro-organisms and their products.

5. **Implementing entity**

The Presidency, assisted by the SG/HR, is responsible for the implementation and supervision of the implementation of the Joint Action. The Presidency is to entrust the technical implementation to the WHO.

The projects will be implemented by WHO staff in cooperation, as appropriate, with (experts from) WHO Member States, in particular the EU Member States. Where recruiting new staff for the implementation of the project, preference should be given to nationals of the EU Member States. The implementation of the Joint Action will be supervised by a Steering Committee consisting of representatives of the WHO, the EU Presidency assisted by the SG/HR and the Commission. The Steering Committee will hold meetings as necessary, but at least twice a year, in order to review progress and to discuss issues relating to implementation. This is to ensure harmonisation of the overall project implementation and evaluation reports. The Steering Committee will also serve as a mechanism for the selection of countries for Project 1(b) and Project 2.

CORRIGENDA

Corrigendum to Commission Decision 2008/260/EC of 18 March 2008 granting certain parties an exemption from the extension to certain bicycle parts of the anti-dumping duty on bicycles originating in the People's Republic of China imposed by Council Regulation (EEC) No 2474/93, last maintained and amended by Regulation (EC) No 1095/2005, and lifting the suspension of the payment of the anti-dumping duty extended to certain bicycle parts originating in the People's Republic of China granted to certain parties pursuant to Commission Regulation (EC) No 88/97

(Official Journal of the European Union L 81 of 20 March 2008)

On page 80, Article 5:

for: 'This Decision shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.',

read: 'This Decision is addressed to the Member States and to the parties listed in Articles 1, 2, 3 and 4.'