ISSN 1725-2555

Official Journal of the European Union

L 149

English edition

Legislation

Volume 51

7 June 2008

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[1] Text with EEA relevance

(Continued overleaf)

Price: EUR 18

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.

II *Acts adopted under the EC Treaty/Euratom Treaty whose publication is not obligatory*

DECISIONS

Council

Commission

EN

I

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

REGULATIONS

COMMISSION REGULATION (EC) No 503/2008

of 6 June 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 7 June 2008.

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

Done at Brussels, 6 June 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 6 June 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	36,3
	MK	49,7
	TR	71,8
	ZZ	52,6
0707 00 05	TR	122,5
	ZZ	122,5
0709 90 70	TR	88,4
	ZZ	88,4
0805 50 10	AR	130,5
	EG	150,8
	TR	132,8
	US	130,8
	ZA	141,5
	ZZ	137,3
0808 10 80	AR	90,4
	BR	82,3
	CL	88,9
	CN	87,2
	MK	50,7
	NZ	109,3
	US	120,7
	UY	103,7
	ZA	83,5
	ZZ	90,7
0809 10 00	TR	239,1
	US	317,3
	ZZ	278,2
0809 20 95	TR	556,5
	US	382,4
	ZZ	469,5

(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 504/2008

of 6 June 2008

implementing Council Directives 90/426/EEC and 90/427/EEC as regards methods for the identification of equidae

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/426/EEC of 26 June 1990 on animal health conditions governing the movement and import from third countries of equidae [1], and in particular Article 4(4) thereof,

Having regard to Council Directive 90/427/EEC of 26 June 1990 on the zootechnical and genealogical conditions governing intra-Community trade in equidae [2], and in particular Article 4(2)(c) and (d), the second indent of Article 6(2) and the first subparagraph of Article 8(1) thereof,

Having regard to Council Directive 94/28/EC of 23 June 1994 laying down the principles relating to the zootechnical and genealogical conditions applicable to imports from third countries of animals, their semen, ova and embryos, and amending Directive 77/504/EEC on pure-bred breeding animals of the bovine species [3], and in particular Article 3(4) thereof,

Whereas:

(1) Commission Decision 93/623/EEC of 20 October 1993 establishing the identification document (passport) accompanying registered equidae [4] introduces a method to identify registered equidae during their movements for animal health control purposes.

(2) Commission Decision 2000/68/EC of 22 December 1999 amending Commission Decision 93/623/EEC and establishing the identification of equidae for breeding and production [5], lays down rules on the identification document to accompany equidae during movement.

(3) Decisions 93/623/EEC and 2000/68/EC have been implemented differently by the Member States. In addition, the identification of equidae in those Decisions is linked to movement, while in Community legislation concerning other livestock species, animals are identified, inter alia for disease control purposes, regardless of their movement status. In addition, that two-tier system of equidae for breeding and production on the one side and registered equidae on the other side may lead to the issuing of more than one identification document for a single animal which can only be counteracted by applying to the animal an indelible, but not necessarily visible, mark on the occasion of the primary identification of the animal.

(4) The outline diagram included in the identification document set out in Decision 93/623/EEC is not fully compatible with similar information required by international organisations handling equidae for competitions and races and by the World Organisation for Animal Health (OIE). This Regulation should therefore establish an outlinediagram which is appropriate to the needs of the Community and in line with those internationally accepted requirements.

(5) Imports of equidae continue to be subject to the conditions laid down in Directive 90/426/EEC, and in particular in Commission Decision 93/196/EEC of 5 February 1993 on animal health conditions and veterinary certification for imports of equidae for slaughter [6], and Commission Decision 93/197/EEC of 5 February 1993 on animal health conditions and veterinary certification for imports of registered equidae and equidae for breeding and production [7].

[1] OJ L 224, 18.8.1990, p. 42. Directive as last amended by Directive 2006/104/EC (OJ L 363, 20.12.2006, p. 352).
[2] OJ L 224, 18.8.1990, p. 55.
[3] OJ L 178, 12.7.1994, p. 66.
[4] OJ L 298, 3.12.1993, p. 45. Decision as amended by Decision 2000/68/EC (OJ L 23, 28.1.2000, p. 72).
[5] OJ L 23, 28.1.2000, p. 72.
[6] OJ L 86, 6.4.1993, p. 7. Decision as last amended by Regulation (EC) No 1792/2006 (OJ L 362, 20.12.2006, p. 1).
[7] OJ L 86, 6.4.1993, p. 16. Decision as last amended by Regulation (EC) No 1792/2006.

(6) When the customs procedures laid down in Council Regulation (EC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ([1]) are applied, it is necessary to refer in addition to Council Regulation (EEC) No 706/73 of 12 March 1973 concerning the Community arrangements applicable to the Channel Islands and the Isle of Man for trade in agricultural products ([2]). Regulation (EEC) No 706/73 stipulates that as from 1 September 1973, the Community rules are applicable in the matter of veterinary legislation, but excludes Community zootechnical legislation. The present Regulation should apply without prejudice to that Regulation.

(7) Regulation (EC) No 1760/2000 of the European Parliament and of the Council of 17 July 2000 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products ([3]) provides a definition of a keeper of animals. By contrast, Article 4(2) of Directive 90/426/EEC refers to the owner or breeder of the animal. Council Directive 92/35/EEC of 29 April 1992 laying down control rules and measures to combat African horse sickness ([4]) provides for a combined definition of owner and keeper. As under Community and national legislation, the owner of an equine animal is not necessarily the person responsible for the animal, it is appropriate to clarify that primarily the keeper of the equine animal, who may be the owner, should be responsible for the identification of equine animals in accordance with the present Regulation.

(8) In the interests of consistency of Community legislation, the methods for the identification of equidae provided for in this Regulation should apply without prejudice to Commission Decision 96/78/EC of 10 January 1996 laying down the criteria for entry and registration of equidae in stud books for breeding purposes ([5]).

(9) Those methods should be in line with the principles established by breeding organisations approved in accordance with Commission Decision 92/353/EEC of 11 June 1992 laying down the criteria for the approval or recognition of organisations and associations which maintain or establish stud books for registered equidae ([6]). In accordance with that Decision, it is for the organisation or association which maintains the stud book of the origin of the breed to establish principles on a system for identifying equidae and on the division of the stud book into classes and on the lineages entered in the stud book.

(10) In addition, the certificate of origin, referred to in Article 4(2)(d) of Directive 90/427/EEC, to be incorporated in the identification document should mention all necessary information to ensure that equidae which are moved between different stud books are entered in the class of the stud book the criteria of which they meet.

(11) In accordance with the third indent of Article 1 of Commission Decision 96/510/EC of 18 July 1996 laying down the pedigree and zootechnical certificates for the importation of breeding animals, their semen, ova and embryos ([7]) the pedigree and zootechnical certificate for registered equidae must be conform to the identification document as laid down in Decision 93/623/EEC. It is therefore necessary to clarify that any reference to Decision 93/623/EEC, but also to Decision 2000/68/EC, should be construed as reference to the present Regulation.

(12) As all equidae born in or imported into the Community in accordance with this Regulation should be identified by a single identification document, special provisions are necessary when the animals' status as equidae for breeding and production is changed into registered equidae as defined in Article 2(c) of Directive 90/426/EEC.

(13) Member States should be able to establish specific regimes for the identification of equidae roaming under wild or semi-wild conditions in defined areas or territories, including nature reserves, for the sake of consistency with the second paragraph of Article 2 of Directive 92/35/EEC.

(14) Electronic identifiers (transponders) for equidae are already in wide practical use at international level. That technology should be used to ensure a close link between the equine animal and the means of identification. Equidae should be marked with a transponder, although provision should be made for alternative methods used for the verification of the identity of the animal provided that those alternative methods provide equivalent guarantees to prevent multiple issuing of identification documents.

([1]) 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).
([2]) OJ L 68, 15.3.1973, p. 1. Regulation as amended by Regulation (EEC) No 1174/86 (OJ L 107, 24.4.1986, p. 1).
([3]) OJ L 204, 11.8.2000, p. 1. Regulation as last amended by Regulation (EC) No 1791/2006.
([4]) OJ L 157, 10.6.1992, p. 19. Directive as last amended by Commission Decision 2007/729/EC (OJ L 294, 13.11.2007, p. 26).
([5]) OJ L 19, 25.1.1996, p. 39.
([6]) OJ L 192, 11.7.1992, p. 63.
([7]) OJ L 210, 20.8.1996, p. 53. Decision as amended by Decision 2004/186/EC (OJ L 57, 25.2.2004, p. 27).

(15) While equidae must always be accompanied by their identification document in accordance with current Community legislation, provision should be made to derogate from that requirement when it is impossible or even impractical with the view to the retention of the identification document throughout the lifetime of the equine animal, or where such document was not issued taking into account the slaughter of the animal before it reaches the required maximum age for identification.

(16) Those derogations should be applied without prejudice to Article 14 of Council Directive 2003/85/EC of 29 September 2003 on Community measures for the control of foot-and-mouth disease [1], which allows derogations from certain disease control measures for identified equidae on holdings where an outbreak of that disease has been confirmed.

(17) Member States should also be permitted to allow a simplified identification document to be used for equidae being moved within their territory. Plastic cards with embedded computer chips (smart cards) have been introduced as data storage devices in various areas. It should be possible to issue such smart cards as an option in addition to the identification document and to use them under certain conditions in place of the identification document accompanying equidae during movements within a Member State.

(18) In accordance with Article 8 of Commission Regulation (EC) No 2076/2005 of 5 December 2005 laying down transitional arrangements for the implementation of Regulations (EC) No 853/2004, (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council [2] food chain information requirements for equidae are to be implemented by the end of 2009.

(19) Provisions are necessary in case the original identification document issued in accordance with this Regulation for lifetime was lost. Those provisions should as much as possible exclude the unlawful possession of more than one identification document in order to describe correctly the animal's status as intended for slaughter for human consumption. Where sufficient and verifiable information is available, a duplicate document should be issued which is marked as such, and generally excludes the animal from the food chain; in other cases a replacement document should be issued, equally marked as such, that in addition will downgrade a previously registered equine animal to an equine for breeding and production.

(20) In accordance with Articles 4 and 5 of Directive 90/426/EEC, the identification document is an instrument to immobilise equidae in case of an outbreak of a disease on the holding where they are kept or bred. It is therefore necessary to provide for the suspension of the validity of that document for movement purposes in the event of an outbreak of certain diseases by an appropriate entry in the identification document.

(21) On the death of the equine animal other than by slaughter at a slaughterhouse, the identification document should be returned to the issuing body by the authority supervising the processing of the dead animal in accordance with Regulation (EC) No 1774/2002 of the European Parliament and of the Council of 3 October 2002 laying down health rules concerning animal by-products not intended for human consumption [3], and it should be ensured that the transponder, or any alternative methods, including marks, used to verify the identity of the equine animal, cannot be recycled.

(22) To prevent transponders from entering the food chain, meat from animals from which it has not been possible to remove the transponder at the time of slaughter should be declared unfit for human consumption in accordance with Chapter V of Section II of Annex I to Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption [4].

(23) The standardisation of the place of implantation of transponders and the recording of that place in the identification documents should make it easier to locate implanted transponders.

(24) In accordance with Article 2 of Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety [5], live animals prepared for placing on the market for human consumption are defined as food. That Regulation provides for far-reaching responsibilities of food business operators throughout all stages of the production of food, including traceability of food-producing animals.

[1] OJ L 306, 22.11.2003, p. 1. Directive as last amended by Directive 2006/104/EC.

[2] OJ L 338, 22.12.2005, p. 83. Regulation as last amended by Regulation (EC) No 1246/2007 (OJ L 281, 25.10.2007, p. 21).

[3] OJ L 273, 10.10.2002, p. 1. Regulation as last amended by Commission Regulation (EC) No 1432/2007 (OJ L 320, 6.12.2007, p. 13).

[4] OJ L 139, 30.4.2004, p. 206; corrected version (OJ L 226, 25.6.2004, p. 83). Regulation as last amended by Regulation (EC) No 1791/2006.

[5] OJ L 31, 1.2.2002, p. 1. Regulation as last amended by Commission Regulation (EC) No 575/2006 (OJ L 100, 8.4.2006, p. 3).

(25) Equidae for breeding and production, as well as registered equidae, may become equidae for slaughter as defined in Article 2(d) of Directive 90/426/EEC at a certain stage of their lifetime. Meat of solipeds, synonymous for equidae, is defined in Annex I to Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin ([1]).

(26) In accordance with paragraph 7 of Section III of Annex II to Regulation (EC) No 853/2004, the slaughterhouse operator is to receive, check and act upon food chain information providing details on the origin, history and management of animals intended for food production. The competent authority may allow food chain information on domestic solipeds to be sent to the slaughterhouse at the same time as the animals, rather than being sent in advance. The identification document accompanying equidae for slaughter should therefore form part of that food chain information.

(27) In accordance with paragraph 1 of Chapter III of Section II of Annex I to Regulation (EC) No 854/2004 the official veterinarian is to verify compliance with the food business operator's duty to ensure that animals accepted for slaughter for human consumption are properly identified.

(28) In accordance with paragraph 8 of Section III of Annex II to Regulation (EC) No 853/2004, the food business operators are to check passports accompanying domestic solipeds to ensure that the animal is intended for slaughter for human consumption and if they accept the animal for slaughter they are to give the passport to the official veterinarian.

(29) Without prejudice to Council Regulation (EEC) No 2377/90 of 26 June 1990 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin ([2]) and Council Directive 96/22/EC of 29 April 1996 concerning the prohibition on the use in stockfarming of certain substances having a hormonal or thyrostatic action and of ß-agonists ([3]), the administration of veterinary medicinal products to equidae is subject to Directive 2001/82/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to veterinary medicinal products ([4]).

(30) Article 10(2) and (3) of Directive 2001/82/EC provides for specific derogations for equidae from Article 11 of that Directive, relating to the treatment of food producing animals with medicinal products that have an established maximum residue limit for species other than the target species or are authorised for a different condition, provided that those equidae are identified in accordance with Community legislation and specifically marked in their identification document as not intended for slaughter for human consumption or as intended for slaughter for human consumption following a withdrawal period of at least six months after they have been treated with substances listed in Commission Regulation (EC) No 1950/2006 of 13 December 2006 establishing, in accordance with Directive 2001/82/EC of the European Parliament and of the Council on the Community code relating to veterinary medicinal products, a list of substances essential for the treatment of equidae ([5]).

(31) In order to maintain control over the issuing of identification documents, a minimum set of relevant data relating to the issuing of such documents should be recorded in a database. The databases in different Member States should cooperate in accordance with Council Directive 89/608/EEC of 21 November 1989 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of legislation on veterinary and zootechnical matters ([6]) to facilitate the exchange of data.

(32) The Universal Equine Life Number (UELN) system has been agreed worldwide between the major horse-breeding and competition organisations. It has been developed on the initiative of the World Breeding Federation for Sport Horses (WBFSH), the International Stud Book Committee (ISBC), the World Arabian Horse Organization (WAHO), the European Conference of Arabian Horse Organisations (ECAHO), the Conférence Internationale de l'Anglo-Arabe (CIAA), the Fédération Equestre Internationale (FEI) and the Union Européenne du Trot (UET) and information on this system can be consulted on the UELN website ([7]).

([1]) OJ L 139, 30.4.2004, p. 55; corrected version (OJ L 226, 25.6.2004, p. 22). Regulation as last amended by Commission Regulation (EC) No 1243/2007 (OJ L 281, 25.10.2007, p. 8).
([2]) OJ L 224, 18.8.1990, p. 1. Regulation as last amended by Commission Regulation (EC) No 61/2008 (OJ L 22, 25.1.2008, p. 8).
([3]) OJ L 125, 23.5.1996, p. 3. Directive as amended by Directive 2003/74/EC of the European Parliament and of the Council (OJ L 262, 14.10.2003, p. 17).
([4]) OJ L 311, 28.11.2001, p. 1. Directive as last amended by Directive 2004/28/EC (OJ L 136, 30.4.2004, p. 58).
([5]) OJ L 367, 22.12.2006, p. 33.
([6]) OJ L 351, 2.12.1989, p. 34.
([7]) http://www.ueln.net

(33) The UELN system is suitable for the registration of both registered equidae and equidae for breeding and production and allows computerised networks to be brought in gradually to ensure that the animals' identity can continue to be verified in accordance with Article 6 of Directive 90/427/EEC in the case of registered equidae.

(34) When codes are assigned to databases, those codes and the format of the recorded identification numbers of individual animals should in no way conflict with the established UELN system. Therefore, the list of assigned UELN codes should be consulted before any new code is assigned to a database.

(35) Article 7(3) of Directive 90/426/EEC requires the official veterinarian to record the identification number or identification document number of the slaughtered equidae, and to forward to the competent authority at the place of dispatch, at the latter's request, an attestation to the effect that the equine animal has been slaughtered. In accordance with Article 4(4)(i) of that Directive, after registered equidae are slaughtered, their identification document are to be returned to the body that issued them. These requirements should also apply to identification documents issued for equidae for breeding and production. Recording a UELN-compatible life number and using it to identify the authorities or bodies which issued the identification document should facilitate compliance with those requirements. Where possible, Member States should use the liaison bodies they have designated in accordance with Article 35 of Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules ([1]).

(36) Veterinary supervision necessary to provide the animal health guarantees in accordance with Articles 4 and 5 of Directive 90/426/EEC can only be ensured if the holding as defined in Article 2(a) of that Directive is known to the competent authority. Similar requirements result from the application of food law in relation to equidae as food-producing animals. However, due to the frequency of movements of equidae, in comparison with other livestock, it should not be attempted to establish a real-time habitual traceability of equidae. Identification of equidae should therefore be a first step of a system for the identification and registration of equidae to be completed in the framework of the New Community Animal Health Policy.

([1]) OJ L 165, 30.4.2004, p. 1; corrected version (OJ L 191, 28.5.2004, p. 1) Regulation as last amended by Regulation (EC) No 1791/2006.

(37) With a view to the uniform application of Community legislation on the identification of equidae in the Member States and to ensure that it is clear and transparent, Decisions 93/623/EEC and 2000/68/EC should be repealed and replaced by this Regulation.

(38) Transitional measures should be provided for in order to allow the Member States to adapt to the rules laid down in this Regulation.

(39) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health and the Standing Committee on Zootechnics,

HAS ADOPTED THIS REGULATION:

CHAPTER I

SUBJECT MATTER, SCOPE AND DEFINITIONS

Article 1

Subject matter and scope

1. This Regulation lays down rules on the identification of equidae:

(a) born in the Community; or

(b) released for free circulation in the Community in accordance with the customs procedure defined in Article 4(16)(a) of Regulation (EEC) No 2913/92.

2. This Regulation shall be without prejudice to:

(a) Regulation (EEC) No 706/73 and Decision 96/78/EC; and

(b) measures taken by Member States to register holdings keeping equidae.

Article 2

Definitions

1. For the purposes of this Regulation, the definitions in Article 2(a) and (c) to (f), (h) and (i) of Directive 90/426/EEC and Article 2(c) of Directive 90/427/EEC shall apply.

2. The following definitions shall also apply:

(a) 'keeper' means any natural or legal person having ownership of, or in the possession of, or charged with the keeping of, an equine animal, whether or not for financial reward, and whether or not on a permanent or on a temporary basis, including during transportation, at markets, or during competitions, races or cultural events;

(b) 'transponder' means a read-only passive radio frequency identification device:

(i) complying with standard ISO 11784 and applying HDX or FDX-B technology; and

(ii) capable of being read by a reading device compatible with standard ISO 11785, at a minimum distance of 12 cm;

(c) 'equidae' or 'equine animals' means wild or domesticated soliped mammals of all species within the genus Equus of the family Equidae, and their crosses;

(d) 'unique life number' means a unique 15-digit alphanumeric code compiling information on the individual equine animal and the database and country where such information is first recorded in accordance with the coding system of the Universal Equine Life Number (UELN) and comprising:

(i) a six-digit UELN-compatible identification code for the database referred to in Article 21(1); followed by

(ii) a nine-digit individual identification number assigned to the equine animal.

(e) 'smart card' means a plastic device with an embedded computer chip capable of storing data and transmitting them electronically to compatible computer systems.

CHAPTER II

IDENTIFICATION DOCUMENT

Article 3

General principles and obligation to identify equidae

1. Equidae referred to in Article 1(1) shall not be kept unless they are identified in accordance with this Regulation.

2. Where the keeper has no ownership of the equine animal he shall act within the framework of this Regulation on behalf of and in agreement with the natural or legal person having the ownership of the equine animal (the owner).

3. For the purpose of this Regulation, the system for the identification of equidae shall be comprised of the following elements:

(a) a single lifetime identification document;

(b) a method to ensure an unequivocal link between the identification document and the equine animal;

(c) a database recording under a unique identification number the identification details relating to the animal for which an identification document was issued to a person recorded in that database.

Article 4

Issuing bodies for identification documents for equidae

1. Member States shall ensure that the identification document referred to in Article 5(1) for registered equidae is issued by the following bodies (issuing bodies):

(a) the organisation or association officially approved or recognised by the Member State, or by the official agency of the Member State concerned, both as referred to in the first indent of Article 2(c) of Directive 90/427/EEC, which manages the stud book for that breed of animal, as referred to in Article 2(c) of Directive 90/426/EEC; or

(b) a branch with its headquarters in a Member State of an international association or organisation which manages horses for competition or racing, as referred to in Article 2(c) of Directive 90/426/EEC.

2. The identification documents issued by the authorities in a third country issuing pedigree certificates in accordance with the third indent of Article 1 of Decision 96/510/EC shall be deemed valid in accordance with this Regulation for registered equidae referred to in Article 1(1)(b).

3. The issuing body for the identification document referred to in Article 5(1) for equidae for breeding and production shall be designated by the competent authority.

4. The issuing bodies referred to in paragraphs 1, 2 and 3 shall act in accordance with this Regulation, in particular with the provisions in Articles 5, 8 to 12, 14, 16, 17, 21 and 23.

5. Member States shall draw up and keep up to date the list of issuing bodies and make this information available to the other Member States and the public on a website.

The information on the issuing bodies shall include at least the contact details necessary to comply with the requirements of Article 19.

In order to assist the Member States in making those up to date lists available, the Commission shall provide a website to which each Member State shall provide a link to its national website.

6. The lists of issuing bodies in third countries referred to in paragraph 2 shall be prepared and updated in accordance with the following conditions:

(a) the competent authority of the third country in which the issuing body is situated guarantees that:

(i) the issuing body complies with paragraph 2;

(ii) in the case of an issuing body approved in accordance with Directive 94/28/EEC, it must comply with the information requirement referred to in Article 21(3) of this Regulation;

(iii) lists of issuing bodies are drawn up, kept up to date and communicated to the Commission;

(b) the Commission shall:

(i) provide the Member States with regular notifications concerning new or updated lists that it has received from the competent authorities of the third countries concerned in accordance with point (a)(iii);

(ii) arrange for up-to-date versions of those lists to be made available to the public;

(iii) where necessary, include the matter related to the list of issuing bodies in third countries, without undue delay, on the agenda of the Standing Committee on Zootechnics for decision in accordance with the procedure referred to in Article 11(2) of Council Directive 88/661/EEC [1].

Article 5

Identification of equidae born in the Community

1. Equidae born in the Community shall be identified by means of a single identification document in accordance with the model identification document for equidae set out in Annex I (identification document or passport). It shall be issued for the lifetime of the equine animal.

The identification document shall be in a printed indivisible format and contain entries for the insertion of the information required under the following Sections thereof:

(a) in the case of registered equidae, Sections I to X;

(b) in the case of equidae for breeding and production, at least Sections I, III, IV and VI to IX.

2. The issuing body shall ensure that no identification document is issued for an equine animal unless at least Section I thereof is duly completed.

3. Without prejudice to Article 1(1) of Decision 96/78/EC, and notwithstanding the provisions of paragraph 1(a) and paragraph 2 of this Article, registered equidae shall be identified in the identification document according to the rules of the issuing bodies referred to in Article 4(1) or (2) of this Regulation.

[1] OJ L 382, 31.12.1988, p. 36.

4. For registered equidae, the issuing body, as referred to in Article 4(1)(a) and (2) of this Regulation, shall complete in Section II of the identification document the information in the certificate of origin, as referred to in Article 4(2)(d) of Directive 90/427/EEC.

In accordance with the principles of the approved or recognised breeding organisation keeping the stud book of the origin of the breed of the registered equine animal concerned, the certificate of origin must contain full pedigree information, the section of the stud book referred to in Article 2 or 3 of Decision 96/78/EC and, where established, the class of the main section in which the equine animal is entered.

5. For the purpose of obtaining an identification document, an application shall be submitted by the keeper, or, where specifically required by law in the Member State where the animal is born, by the owner, within the time limits provided for in paragraph 6 of this Article and Article 7(1) for an identification document referred to in paragraph 1 of this Article, to the issuing body referred to in Article 4(1), (2) or (3), and all information necessary to comply with this Regulation shall be supplied.

6. Without prejudice to Article 13(1), equidae born in the Community shall be identified in accordance with this Regulation before 31 December of the year of birth of the equine animal or within six months following the date of birth, whatever date occurs later.

By way of derogation from the first subparagraph, Member States may decide to limit that maximum permitted period for identifying the equine animal to six months.

Member States making use of the derogation provided for in the second subparagraph shall inform the Commission and the other Member States.

7. The order of Sections and their numbering must remain unaltered in the identification document, except in the case of Section I that may be placed centrefold in the identification document.

8. The identification document shall not be duplicated or replaced, except as provided for in Articles 16 and 17.

Article 6

Derogation from the completion of Section I of the identification document

By way of derogation from Article 5(2), where a transponder is implanted in accordance with Article 11, or an individual, indelible and visible alternative mark is applied in accordance with Article 12, the information in points 3(b) to (h) of Part A of Section I and in points 12 to 18 in the outline diagram in Part B of Section I of the identification document need not be completed, or a photograph or print displaying details sufficient to identify the equine animal may be used instead of completing that outline diagram.

The derogation provided for in the first paragraph shall be without prejudice to the rules on identifying equidae laid down by the issuing bodies referred to in Article 4(1), (2) and (3).

Article 7

Derogations concerning the identification of certain equidaeliving under wild or semi-wild conditions

1. By way of derogation from Article 5(1), (3) and (5), the competent authority may decide that equidae constituting defined populations living under wild or semi-wild conditions in certain areas, including nature reserves, to be defined by that authority, shall be identified in accordance with Article 5 only when they are removed from such areas or brought into domestic use.

2. Member States intending to make use of the derogation provided for in paragraph 1 shall notify the Commission of the population and the areas concerned:

(a) within six months of the date of entry into force of this Regulation; or

(b) before making use of that derogation.

Article 8

Identification of imported equidae

1. The keeper or, where specifically required by law in the Member State where the animal is imported, the owner, shall apply for an identification document, or for the registration of the existing identification document in the database of the appropriate issuing body in accordance with Article 21, within 30 days of the date of completion of the customs procedure, as defined in Article 4(16)(a) of Regulation (EC) No 2913/92, where:

(a) equidae are imported into the Community; or

(b) the temporary admission defined in Article 2(i) of Directive 90/426/EEC is converted into permanent entry in accordance with Article 19(iii) of that Directive.

2. Where an equine animal, as referred to in paragraph 1 of this Article, is accompanied by papers that do not comply with Article 5(1) or lack certain information required in accordance with this Regulation, the issuing body shall on request of the keeper or, where specifically required by law in the Member State where the animal is imported, the owner:

(a) complete those papers so that they meet the requirements of Article 5; and

(b) record the identification details of that equine animal and the complementary information in the database in accordance with Article 21.

3. Where the papers accompanying the equidae as referred to in paragraph 1 of this Article cannot be amended to meet the requirements of Article 5(1) and (2), they shall not be considered valid for identification purposes in accordance with this Regulation.

Where the papers referred to in the first subparagraph are surrendered to or invalidated by the issuing body, that fact shall be recorded in the database referred to in Article 21 and the equidae shall be identified in accordance with Article 5.

CHAPTER III

CHECKS REQUIRED PRIOR TO ISSUE OF IDENTIFICATION DOCUMENTS AND TRANSPONDERS

Article 9

Verification of single identification documents issued for equidae

Before issuing an identification document, the issuing body, or the person acting on its behalf, shall take all appropriate measures to:

(a) verify that no such identification document has already been issued for the equine animal concerned;

(b) prevent the fraudulent issuing of multiple identification documents for an individual equine animal.

Those measures shall at least involve consulting the appropriate papers and electronic records available, checking the animal for any signs or marks indicative of any previous identification and applying the measures provided for in Article 10.

Article 10

Measures to detect previous active marking of equidae

1. The measures referred to in Article 9 shall include, at least, measures to detect:

(a) any transponder previously implanted, using a reading device complying with ISO standard 11785 and capable of reading HDX and FDX-B transponders at least when the reader is in direct contact with the body surface on the spot where under normal circumstances a transponder is implanted;

(b) any clinical signs indicating that a transponder previously implanted has been surgically removed;

(c) any other alternative mark on the animal applied in accordance with Article 12(3)(b).

2. Where the measures provided for in paragraph 1 indicate the existence of a previously implanted transponder, or any other alternative mark applied in accordance with Article 12(3)(b), the issuing body shall take the following measures:

(a) in the case of equidae born in a Member State, it shall issue a duplicate or replacement identification document in accordance with Articles 16 or 17;

(b) in the case of imported equidae, it shall act in accordance with Article 8(2).

3. Where the measures provided for in paragraph 1(b) indicate the existence of a transponder previously implanted, or the measures provided for in paragraph 1(c) indicate the existence of any other alternative mark, the issuing body shall enter this information in an appropriate way in Part A and in the outline diagram in Part B of Section I of the identification document.

4. Where the undocumented removal of a transponder or alternative mark referred to in paragraph 3 of this Article is confirmed in an equine animal born in the Community, the issuing body, as referred to in Article 4(1) or (3), shall issue a replacement identification document in accordance with Article 17.

Article 11

Electronic methods of identity verification

1. The issuing body shall ensure that at the time it is first identified, the equine animal is actively marked by the implantation of a transponder.

Member States shall lay down the minimum qualification required for the intervention referred to in the first subparagraph or designate the person or profession entrusted with such operations.

2. The transponder shall be implanted parenterally under aseptic conditions between poll and withers in the middle of the neck in the area of the nuchal ligament.

However, the competent authority may authorise the implantation of the transponder at a different place on the neck of the equine animal, provided that such alternative implantation does not compromise the welfare of the animal and does not increase the risk of migration of the transponder compared to the method referred to in the first subparagraph.

3. When the transponder is implanted in accordance with paragraphs 1 and 2, the issuing body shall enter the following information in the identification document:

(a) in point 5 of Part A of Section I, at least the last 15 digits of the code transmitted by the transponder and displayed by the reader following implantation, together with, where appropriate, a self-adhesive sticker with a bar code or a print of that bar code encoding at least those last 15 digits of the code transmitted by the transponder;

(b) in point 11 of Part A of Section I, the signature and stamp of the person referred to in paragraph 1 who carried out the identification and implanted the transponder;

(c) in points 12 or 13 of the outline diagram in Part B of Section I, depending on the side where the transponder was implanted, the place where the transponder has been implanted into the equine animal.

4. By way of derogation from paragraph 3(a) of this Article, where the measures provided for in Article 26(2) are implemented for an equine animal marked with a previously implanted transponder which does not comply with the standards defined in Article 2(2)(b), the name of the manufacturer or the reading system shall be inserted in point 5 of Part A of Section I in the identification document.

5. Where Member States lay down rules to ensure, in accordance with the standards referred to in Article 2(2)(b), the uniqueness of the numbers displayed by the transponders implanted by issuing bodies referred to in Article 4(1)(a) that are approved in accordance with Decision 92/353/EEC by the competent authorities of that Member State, those rules shall be applied without compromising the system of identification laid down by the issuing body in another Member State or third country that carried out the identification in accordance with this Regulation on request of the keeper or, where specifically required by law in the Member State where the animal is born, of the owner.

Article 12

Alternative methods for identity verification

1. By way of derogation from Article 11(1), Member States may authorise the identification of equidae by suitable alternative methods, including marks, that provide equivalent scientific guarantees that, alone or in combination, ensure that the identity of the equine animal can be verified and that effectively prevent the double issuing of identification documents (alternative method).

The issuing body shall ensure that no identification document is issued for an equine animal, unless the alternative method referred to in the first subparagraph is entered in point 6 or 7 of Part A of Section I of the identification document and recorded in the database in accordance with Article 21(1)(f).

2. Where an alternative method is used, the keeper shall provide the means of accessing that identification information or shall, if applicable, bear the costs of verifying the identity of the animal.

3. Member States shall ensure that:

(a) alternative methods as the sole means of the identity verification of equidae are not used in the majority of equidae identified in accordance with this Regulation;

(b) visible marks applied to equidae for breeding and production cannot be confused with those reserved on their territory for registered equidae.

4. Member States intending to make use of the derogation provided for in paragraph 1 shall make this information available to the Commission, other Member States and the public on a website.

In order to assist the Member States in making that information available, the Commission shall provide a website to which each Member State shall provide a link to its national website.

CHAPTER IV

MOVEMENT AND TRANSPORT OF EQUIDAE

Article 13

Movement and transport of registered equidae and equidae for breeding and production

1. The identification document shall accompany registered equidae and equidae for breeding and production at all times.

2. By way of derogation from paragraph 1, the identification document need not accompany equidae referred to in that paragraph on the occasions when they are:

(a) stabled or on pasture, and the identification document can be produced without delay by the keeper;

(b) moved temporarily on foot either:

(i) in the vicinity of the holding within a Member State so that the identification document can be produced within a period of three hours; or

(ii) during transhumance of equidae to and from summer grazing grounds and the identification documents can be produced at the holding of departure;

(c) unweaned and accompany their dam or foster mare;

(d) participating in a training or test of an equestrian competition or event which requires them to leave the competition or event venue;

(e) moved or transported in an emergency situation relating to the equine animals themselves or, without prejudice to the second subparagraph of Article 14(1) of Directive 2003/85/EC, to the holding on which they are kept.

Article 14

Derogation for certain movements and transport without or with simplified identification documents

1. By way of derogation from Article 13(1), the competent authority may authorise the movement or transport within the same Member State of equidae referred to in that paragraph not accompanied by their identification document, provided they are accompanied by a smart card issued by the body that issued their identification document and containing the information set out in Annex II.

2. Member States, making use of the derogation provided for in paragraph 1 of this Article, may grant derogations to each other covering movements or transport of the equidae referred to in Article 13(1) within their own territories.

They shall notify the Commission of their intention to grant such derogations.

3. The issuing body shall issue a temporary document comprising at least a reference to the unique life number and, where available, the transponder code, allowing the equine animal to be moved or transported within the same Member State for a period not exceeding 45 days, during which the identification document is surrendered to the issuing body or the competent authority for the purpose of updating identification details.

4. Where, during the period referred to in paragraph 3, an equine animal is transported to another Member State or through another Member State to a third country, it shall, irrespective of its registration status, be accompanied, in addition to the temporary document, by a health certificate in accordance with Annex C to Directive 90/426/EEC. If the animal is not marked with a transponder or if the animal is not identified by an alternative method in accordance with Article 12 of this Regulation, that health certificate must be completed with a description in accordance with Section I of the identification document.

Article 15

Movements and transport of equidae for slaughter

1. The identification document issued in accordance with Articles 5(1) or 8 shall accompany equidae for slaughter while they are being moved or transported to the slaughterhouse.

2. By way of derogation from paragraph 1, the competent authority may authorise an equine animal for slaughter which has not been identified in accordance with Article 5, to be transported directly from the holding of birth to the slaughterhouse within the same Member State provided that:

(a) the equine animal is less than 12 months old and has visible dental stars of the temporary lateral incisors;

(b) there is an uninterrupted traceability from the holding of birth to the slaughterhouse;

(c) during transport to the slaughterhouse the equine animal is individually identifiable in accordance with Articles 11 or 12;

(d) the consignment is accompanied by the food chain information in accordance with Section III of Annex II to Regulation (EC) No 853/2004 that shall include a reference to the individual identification referred to in point (c) of this paragraph.

3. Article 19(1)(b), (c) and (d) shall not apply in the case of the movement or transport of equidae for slaughter in accordance with paragraph 2 of this Article.

CHAPTER V

DUPLICATION, REPLACEMENT AND SUSPENSION OF IDENTIFICATION DOCUMENTS

Article 16

Duplicate identification documents

1. Where the original identification document is lost, but the equine animal's identity can be established, notably through the code transmitted by the transponder or the alternative method, and an ownership declaration is available, the issuing body, as referred to in Article 4(1), shall issue a duplicate identification document with a reference to the unique life number and shall clearly mark the document as such (duplicate identification document).

In such cases, the equine animal shall be classified in Part II of Section IX of the duplicate identification document as not intended for slaughter for human consumption.

Details of the duplicate identification document issued and the equine animal's classification in Section IX thereof shall be entered by reference to the unique life number in the database, as referred to in Article 21.

2. By way of derogation from the second subparagraph of paragraph 1, the competent authority may decide to suspend the equine animal's status as intended for slaughter for human consumption for a period of six months where the keeper can satisfactorily demonstrate within 30 days of the declared date of loss of the identification document that the equine animal's status as intended for slaughter for human consumption has not been compromised by any medicinal treatment.

To that effect, the competent authority shall enter the date of commencement of the six-month suspension period in the first column of Part III of Section IX of the duplicate identification document, and complete the third column thereof.

3. Where the lost original identification document was issued by an issuing body referred to in Article 4(2) in a third country, the duplicate identification document shall be issued by that original issuing body and routed to the keeper or, where specifically required by law in the Member State where the equine animal is located, to the owner, via the issuing body or competent authority in that Member State.

In such cases, the equine animal shall be classified in Part II of Section IX of the duplicate identification document as not intended for slaughter for human consumption and the entry in the database as referred to in Article 21(1)(l) adapted accordingly.

However, the duplicate identification document may be issued by an issuing body referred to in Article 4(1)(a) which registers equidae of that breed or by an issuing body referred to in Article 4(1)(b) which registers equidae for that purpose in the Member State where the equine animal is located, where the original issuing body in the third country has so agreed.

4. Where the lost original identification document has been issued by an issuing body which is no longer in existence, the duplicate identification document shall be issued by an issuing body in the Member State where the equine animal is located in accordance with paragraph 1.

Article 17

Replacement identification document

Where the original identification document is lost and the identity of the equine animal cannot be established, the issuing body as referred to in Article 4(3) in the Member State where the equine animal is located shall issue a replacement identification document (replacement identification document) which shall be clearly marked as such and meet the requirements of Article 5(1)(b).

In such cases, the equine animal shall be classified in Part II of Section IX of the replacement identification document as not intended for slaughter for human consumption.

Details of the replacement identification document issued and the equine animal's registration status and classification in Section IX thereof shall be adapted accordingly in the database as referred to in Article 21 by reference to the unique life number.

Article 18

Suspension of identification documents for movement purposes

The official veterinarian shall suspend the validity for movement purposes of the identification document by making an appropriate entry in Section VIII thereof where an equine animal is kept on or comes from a holding which is:

(a) subject to a prohibition order as referred to in Article 4(5) of Directive 90/426/EEC; or

(b) situated in a Member State or part thereof that is not free of African horse sickness.

CHAPTER VI

DEATH OF EQUIDAE AND EQUIDAE INTENDED FOR SLAUGHTER FOR HUMAN CONSUMPTION AND MEDICATION RECORD

Article 19

Death of equidae

1. On the slaughter or death of the equine animal, the following measures shall be taken:

(a) the transponder shall be protected from subsequent fraudulent use, notably by its recovery, destruction or disposal in situ;

(b) the identification document shall be rendered invalid at least by stamping it 'invalid' on the first page;

(c) an attestation shall be communicated to the issuing body, either directly or through the contact point referred to in Article 23(4), with reference to the equine animal's unique life number to the effect that the equine animal has been slaughtered, was killed or died, including the date of death of the animal; and

(d) the invalidated identification document shall be destroyed.

2. The measures provided for in paragraph 1 shall be carried out by or under the supervision of:

(a) the official veterinarian:

(i) in case of slaughter or killing for disease control purposes, in accordance with Article 4(4)(i) of Directive 90/426/EEC; or

(ii) following slaughter, in accordance with Article 7(3) of Directive 90/426/EEC; or

(b) the competent authority defined in Article 2(1)(i) of Regulation (EC) No 1774/2002, in the case of disposal or processing of the carcass in accordance with Articles 4 or 5 of that Regulation.

3. Where, as required in paragraph 1(a), the transponder cannot be recovered from an equine animal slaughtered for human consumption, the official veterinarian shall declare the meat or the part of the meat containing the transponder unfit for human consumption in accordance with Chapter V(1)(n) of Section II of Annex I to Regulation (EC) No 854/2004.

4. By way of derogation from paragraph 1(d), and without prejudice to the rules printed in the identification document by the issuing body, Member States may implement procedures to return the invalidated document to the issuing body.

5. In all cases of death or loss of the equine animal not referred to in this Article, the keeper shall return the identification document to the appropriate issuing body referred to in Article 4(1), (2) or (3) within 30 days of the death or loss of the animal.

Article 20

Equidae intended for slaughter for human consumption and medication record

1. An equine animal shall be deemed to be intended for slaughter for human consumption, unless it is irreversibly declared as not so intended in Part II of Section IX of the identification document, by the signature of:

(a) the keeper or owner on his/her own discretion, or

(b) the keeper and the veterinarian responsible, acting in accordance with Article 10(2) of Directive 2001/82/EC.

2. Prior to any treatment in accordance with Article 10(2) of Directive 2001/82/EC or to any treatment by use of a medicinal product authorised in accordance with Article 6(3) of that Directive, the veterinarian responsible shall ascertain the equine animal's status as either intended for slaughter for human consumption, which is the default case, or not intended for slaughter for human consumption as set out in Part II of Section IX of the identification document.

3. Where the treatment referred to in paragraph 2 of this Article is not permitted for an equine animal intended for slaughter for human consumption, the veterinarian responsible shall ensure that in accordance with the derogation provided for in Article 10(2) of Directive 2001/82/EC the equine animal concerned is irreversibly declared as not intended for slaughter for human consumption by:

(a) completing and signing Part II of Section IX of the identification document; and

(b) invalidating Part III of Section IX of the identification document.

4. Where an equine animal is to be treated under the conditions referred to in Article 10(3) of Directive 2001/82/EC, the veterinarian responsible shall enter in Part III of Section IX of the identification document the requisite details of the medicinal product containing substances essential for the treatment of equidae listed in Regulation (EC) No 1950/2006.

The veterinarian responsible shall enter the date of last administration, as prescribed, of that medicinal product and shall, acting in accordance with Article 11(4) of Directive 2001/82/EC, inform the keeper of the date when the withdrawal period established in accordance with Article 10(3) of that Directive will lapse.

CHAPTER VII

RECORDS AND PENALTIES

Article 21

Database

1. When issuing the identification document, or registering previously issued identification documents, the issuing body shall record at least the following information concerning the equine animal in its database:

(a) the unique life number;

(b) the species;

(c) the sex;

(d) the colour;

(e) the date (day, month and year) of birth;

(f) if applicable, at least the last 15 digits of the code transmitted by the transponder, or the code transmitted by a radio frequency identification devise not complying with the standard defined in Article 2(2)(b) together with information on the required reading system, or the alternative method;

(g) the country of birth;

(h) the date of issue and any amendment of the identification document;

(i) the name and address of the person to whom the identification document is issued;

(j) the status as registered equidae or equidae for breeding and production;

(k) the name of the animal (birth name and where applicable the commercial name);

(l) the known status of the animal as not intended for slaughter for human consumption;

(m) information concerning any duplicate and replacement identification documents in accordance with Articles 16 and 17;

(n) the notified date of death of the animal.

2. The issuing body shall keep the information referred to in paragraph 1 of this Article on record in its database for at least 35 years or until at least two years from the date of death of the equine animal communicated in accordance with Article 19(1)(c).

3. Immediately after recording the information referred to in paragraph 1 of this Article, the issuing body shall communicate the information referred to in points (a) to (f) and (n) of that paragraph to the central database in the Member State where the equine animal was born, if such central database has been made available in accordance with Article 23.

Article 22

Communication of code of databases of issuing bodies

The Member States shall make the names, addresses, including communication details, and six-digit UELN-compatible identification code of the databases of the issuing bodies available to the other Member States and the public on a website.

In order to assist the Member States in making such information available, the Commission shall provide a website to which each Member State shall provide a link to its national website.

Article 23

Central databases and their cooperation and contact points

1. A Member State may decide that the issuing body is to incorporate the information referred to in Article 21 relating to equidae born or identified on its territory in a central database or that the issuing body's database is to be networked with that central database (the central database).

2. The Member States shall cooperate in the operation of their central databases in accordance with Directive 89/608/EEC.

3. The Member States shall make the name, address and six-digit UELN-compatible identification code of their central databases available to the other Member States and the public on a website.

In order to assist the Member States in making such information available, the Commission shall provide a website to which each Member State shall provide a link to its national website.

4. Member States shall provide a contact point to receive the attestation referred to in Article 19(1)(c) for further distribution to the respective issuing bodies approved on their territory.

That contact point may be a liaison body referred to in Article 35 of Regulation (EC) No 882/2004.

Details about the contact point, which may be incorporated in the central database, shall be made available to other Member States and the public on a website.

In order to assist the Member States in making such information available, the Commission shall provide a website to which each Member State shall provide a link to its national website.

Article 24

Penalties

The Member States shall lay down the rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties laid down shall be effective, proportionate and dissuasive.

The Member States shall notify those provisions to the Commission by 30 June 2009 at the latest. Any subsequent amendments affecting them shall be notified to the Commission without delay.

CHAPTER VIII

TRANSITIONAL AND FINAL PROVISIONS

Article 25

Repeal

Decisions 93/623/EEC and 2000/68/EC are repealed with effect from 1 July 2009.

References to the repealed Decisions shall be construed as references to this Regulation.

Article 26

Transitional provisions

1. Equidae which are born by 30 June 2009 at the latest, and identified by that date in accordance with Decisions 93/623/EEC or 2000/68/EC, shall be deemed to be identified in accordance with this Regulation.

The identification documents for those equidae shall be registered in accordance with Article 21(1) of this Regulation by 31 December 2009 at the latest.

2. Equidae which are born by 30 June 2009 at the latest, but not identified by that date in accordance with Decisions 93/623/EEC or 2000/68/EC, shall be identified in accordance with this Regulation by 31 December 2009 at the latest.

Article 27

Entry into force

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

It shall apply from 1 July 2009.

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

Done at Brussels, 6 June 2008.

For the Commission
Androulla VASSILIOU
Member of the Commission

ANNEX I

IDENTIFICATION DOCUMENT FOR EQUIDAE

PASSPORT

General — Instructions

These instructions are drawn up to assist the user and do not impede on the rules laid down in Regulation (EC) No 504/2008.

I. The passport must contain all instructions needed for their use and the details of the issuing body in French, English and one of the official language(s) of the Member State or country where the issuing body has its headquarters.

II. Information shown on the passport

A. The passport must contain the following information:

1. **Sections I and II — Identification**

The equine animal shall be identified by the competent authority. The identification number shall clearly identify the animal and the body which issued the identification document and shall be UELN compatible.

In point 5 of Section I space must be provided for at least 15 digits of the transponder code.

In case of registered equidae the passport shall contain the pedigree and the studbook class in which the animal is entered in accordance with the rules of the approved breeding organisation issuing the passport.

2. **Section III — Owner**

The name of the owner or his agent/representative must be stated where required by the issuing body.

3. **Section IV — Recording of identity checks**

Whenever laws and regulations so require, checks conducted on the identity of the equine animal must be recorded by the competent authority.

4. **Sections V and VI — Vaccination record**

All vaccinations must be recorded in Section V (equine influenza only) and in Section VI (all other vaccinations). The information may take the form of a sticker.

5. **Section VII — Laboratory health tests**

The results of all tests carried out to detect transmissible diseases must be recorded.

6. **Section VIII — Validity of document for movement purposes**

Invalidation/revalidation of the document in accordance with Article 4(4) of Directive 90/426/EEC and list of compulsorily notifiable diseases.

7. **Section IX — Administration of veterinary medicinal products**

Parts I and II or Part III of this Section must be duly completed in accordance with the instructions set out in this Section.

B. The passport may contain the following information:

Section X — Basic health requirements

SECTION I

Part A — Identification details

(1)(a) Espèce:
Species:

(1)(b) Sexe:
Sex:

(2) Date de naissance:
Date of birth:

(3) Signalement:
Description:

(3)(a) Robe:
Colour:

(3)(b) Tête:
Head:

(3)(c) Ant. G:
Foreleg L:

(3)(d) Ant. D:
Foreleg R:

(3)(e) Post G:
Hind leg L:

(3)(f) Post D:
Hind leg R:

(3)(g) Corps:
Body:

(3)(h) Marques:
Markings:

(4) Numéro unique d'identification valable à vie (15 chiffres):
Unique Life Number (15 digits):
□□□-□□□-□□□□□□□□□

(5) Code du transpondeur (si disponible):
Transponder code (where available):
□□□ □□□ □□□ □□□ □□□
Système de lecture (si différent de ISO 11784) …
Reading system (if not ISO 11784) …
Code-barres (optionnel)
Bar-Code (optional)

(6) Méthode de marquage alternative (si disponible):
Alternative method of marking (if available):

(7) Information sur toute autre méthode appropriée donnant des garanties pour vérifier l'identité de l'animal (groupe sanguin/code ADN) (optionnel):
Information on any other appropriate method providing guarantees to verify the identity of the animal (blood group/DNA code) (optional):

(8) Nom et adresse du destinataire du document:
Name and address of person to whom document is issued:

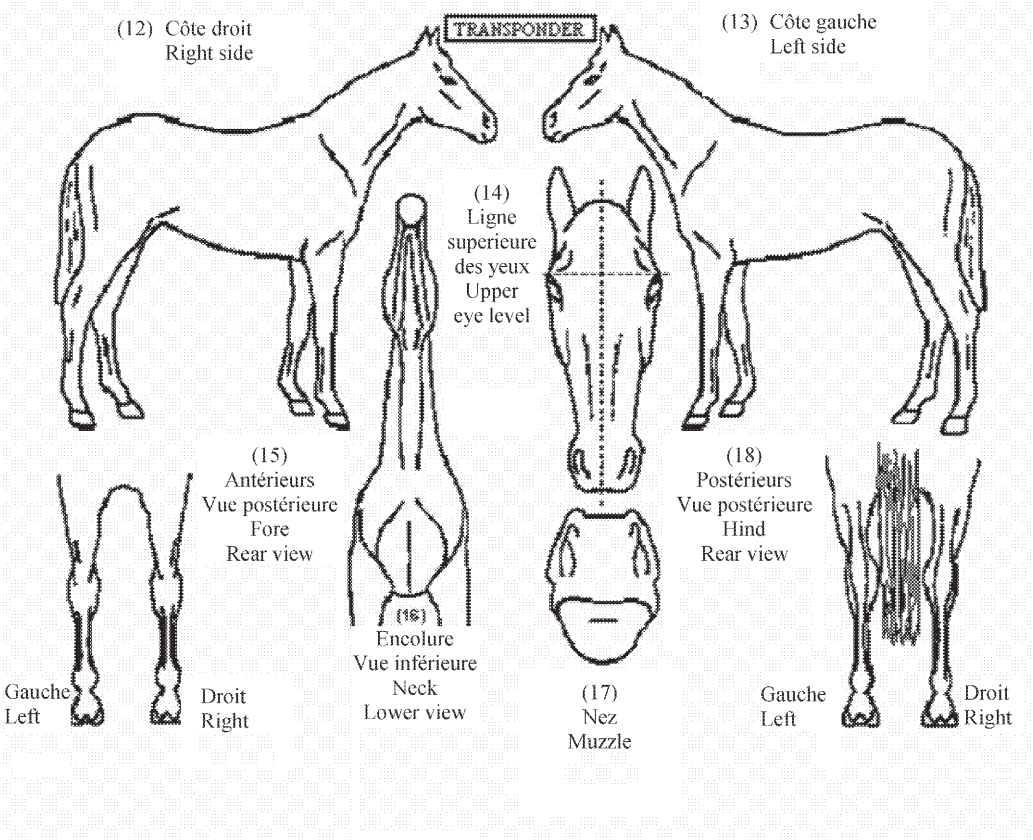
(9) Le:
On:

(10) Circonscription:
District:

(11) Signature et cachet de la personne qualifiée (ou de l'autorité compétente) (en lettres capitales)
Signature and stamp of qualified person (or competent authority) (in capital letters)

SECTION I

Part B — Outline Diagram



Note for the issuing body *[not to be printed in identification document]*: Slight variations from this model outline diagram are permitted, provided they were in use before this Regulation entered into force.

SECTION II

Certificat d'origine

Certificate of Origin

(1) Nom: Name:	(2) Nom commercial: Commercial name:
(3) Race: Breed:	(4) Classe dans le livre généalogique: Studbook class:
(5) Père génétique: Genetic sire:	(5)(a) Grand-père: Grandsire:
(6) Mère génétique: Genetic dam:	(6)(a) Grand-père: Grandsire:
(7) Lieu de naissance: Place of birth: (8) Naisseur(s): Breeder(s):	Note: Pedigree (si indiqué sur page additionnelle) Pedigree (if appropriate on additional page)
(9) Certificat d'origine validé le: par: Certificate of origin validated on: by:	(10)(a) Nom de l'instance émetteur: Name of the issuing body: (10)(b) Adresse: Address:
(10)(c) N° de téléphone: Telephone number:	(10)(d) N° de télécopie/e-mail: Fax-number/e-mail:
(10)(e) Cachet: Stamp:	(10)(f) Signature: (nom en lettres capitales et qualité du signataire) Signature: (Name in capital letters and capacity of signatory)

Note for the issuing body *[not to be printed in identification document]*: Layout variations from this model are permitted, provided the required minimum information is ensured.

SECTION III

[Only to be completed if required by and in accordance with the rules of the organisations referred to in Article 2(c) of Directive 90/426/EEC]

Détails de droit de propriété

1. Pour les compétitions sous compétence de la Fédération équestre internationale, la nationalité du cheval est celle de son propriétaire.

2. En cas de changement de propriétaire, le passeport doit être immédiatement déposé auprès de l'organisation, l'association ou le service officiel l'ayant délivré avec le nom et l'adresse du nouveau propriétaire afin de le lui transmettre après réenregistrement.

3. S'il y a plus d'un propriétaire ou si le cheval appartient à une société, le nom de la personne responsable pour le cheval doit être inscrit dans le passeport ainsi que sa nationalité. Si les propriétaires sont de nationalités différentes, ils doivent préciser la nationalité du cheval.

4. Lorsque la Fédération équestre internationale approuve la location d'un cheval par une Fédération équestre nationale, les détails de ces transactions doivent être enregistrés par la Fédération équestre nationale intéressée.

(official language of the Member State/Country)

Details of ownership

1. For competition purposes under the auspices of the Fédération équestre internationale the nationality of the horse is that of its owner.

2. On change of ownership the passport must immediately be lodged with the issuing organization, association or official agency, giving the name and address of the new owner, for re-registration and forwarding to the new owner.

3. If there is more than one owner or the horse is owned by a company, then the name of the individual responsible for the horse must be entered in the passport together with his nationality. If the owners are of different nationalities, they have to determine the nationality of the horse.

4. When the Fédération équestre internationale approves the leasing of a horse by a national equestrian federation, the details of these transactions must be recorded by the national equestrian federation concerned.

Date d'enregistrement par l'organisation, l'association ou le service officiel **Date of registration, by the organisation, association, or official agency**	**Nom du propriétaire** **Name of owner**	**Adresse du propriétaire** **Address of owner**	**Nationalité du propriétaire** **Nationality of owner**	**Signature du propriétaire** **Signature of owner**	**Cachet de l'organisation, association ou service officiel et signature** **Organization, association or official agency stamp and signature**

Note for the issuing body *[not to be printed in identification document]*: The text in points 1 to 4 of this Section, or parts thereof, only to be printed where in accordance with the rules of the organisations referred to in Article 2(c) of Directive 90/426/EEC.

SECTION IV

Contrôles d'identité du cheval décrit dans ce passeport

L'identité de l'équidé doit être contrôlée chaque fois que les lois et règlements l'exigent: signer cette page signifie que le signalement du cheval/de l'équidé présenté est conforme à celui de la section I du passeport.

Control of identification of the horse described in the passport

The identity of the equine animal must be checked each time this is required by rules and regulations and certified that it conforms to the description given in Section I of the passport.

Date **Date**	**Ville et pays** **Town and country**	**Motif du contrôle (concours, certificat sanitaire, etc.)** **Reason for check (event, health certificate, etc.)**	**Signature, nom en capitales et qualité de la personne ayant vérifié l'identité** **Signature, name (in capital letters) and capacity of official verifying the identification**

SECTION V

Grippe équine seulement
ou
Grippe équine dans le cadre de vaccins combinés

Enregistrement des vaccinations

Toute vaccination subie par le cheval/l'équidé doit être portée dans le cadre ci-dessous de façon lisible et précise avec le nom et la signature du vétérinaire.

Equine influenza only
or
equine influenza using combined vaccines

Vaccination record

Details of every vaccination which the horse/equine animal undergoes must be entered clearly and in detail, and certified with the name and signature of veterinarian.

Date Date	Lieu Place	Pays Country	Vaccin/Vaccine			Nom en capitales et signature du vétérinaire Name (in capital letters) and signature of veterinarian
			Nom Name	Numéro du lot Batch number	Maladie(s) Disease(s)	

SECTION VI

Maladies autres que la grippe équine

Enregistrement des vaccinations

Toute vaccination subie par l'équidé doit être portée dans le cadre ci-dessous de façon lisible et précise avec le nom et la signature du vétérinaire.

Diseases other than equine influenza

Vaccination record

Details of every vaccination which the equine animal undergoes must be entered clearly and in detail, and certified with the name and signature of veterinarian.

Date Date	Lieu Place	Pays Country	Vaccin/Vaccine			Nom en capitales et signature du vétérinaire Name (in capital letters) and signature of veterinarian
			Nom Name	Numéro du lot Batch number	Maladie(s) Disease(s)	

SECTION VII

Contrôles sanitaires effectués par des laboratoires

Le résultat de tout contrôle effectué par un vétérinaire pour une maladie transmissible ou par un laboratoire agréé par le service vétérinaire gouvernemental du pays doit être noté clairement et en détails par le vétérinaire qui représente l'autorité demandant le contrôle.

Laboratory health test

The result of every test carried out for a transmissible disease by a veterinarian or a laboratory authorised by the official veterinary service of the country must be entered clearly and in detail by the veterinarian acting on behalf of the authority requesting the test.

Date de prélèvement Sampling date	Maladies transmissibles concernées Transmissible disease tested for	Nature de l'examen Type of test	Résultat de l'examen Result of test	Laboratoire officiel d'analyse du prélèvement Official laboratory to which sample is sent	Nom en capitales et signature du vétérinaire Name (in capital letters) and signature of veterinarian

SECTION VIII

INVALIDATION/REVALIDATION DU DOCUMENT DANS LE CADRE DES MOUVEMENTS
Conformément à l'article 4, paragraphe 4, de la directive 90/426/CEE

INVALIDATION/REVALIDATION OF THE DOCUMENT FOR MOVEMENT PURPOSES
in accordance with Article 4(4) of Directive 90/426/EEC

Date Date	Lieu Place	Validité du document Validity of document		Maladie Disease [insert figure as mentioned below]	Nom en capitales et signature du vétérinaire officiel Name in capitals and signature of official veterinarian
		Validité suspendue Validity suspended	Validité rétablie Validity re-established		

MALADIES À DÉCLARATION OBLIGATOIRE — COMPULSORILY NOTIFIABLE DISEASES	
1. Peste équine — African horse sickness	5. Encéphalomyélites équines (sous toutes ses formes, y compris la VEE) — equine encephalomyelitis (all types including VEE)
2. Stomatite vésiculeuse — vesicular stomatitis	6. Anémie infectieuse — equine infectious anaemia
3. Dourine — dourine	7. Rage — rabies
4. Morve — glanders	8. Fièvre charbonneuse — anthrax

SECTION IX

Administration of veterinary medicinal products

Unique life number (1)
□□□-□□□-□□□□□□□□□

Part I

Date and place of issue of this Section (1): .....

Issuing body for this Section of the identification document (1): .....

Part II

Note: The equine animal is not intended for slaughter for human consumption.

The equine animal may therefore undergo the administration of veterinary medicinal products authorised in accordance with Article 6(3) or those administered in accordance with Article 10(2) of Directive 2001/82/EC.

I, the undersigned owner (2)/representative of the owner (2)/keeper (2) declare that the equine animal described in this identification document is not intended for slaughter for human consumption.		
Date and place	Name in capitals and signature of the owner, representative of the owner or keeper of the animal	Name in capital letters and signature of the veterinarian responsible acting in accordance with Article 10(2) of Directive 2001/82/EC

Part III

Note: The equine animal is intended for slaughter for human consumption.

Without prejudice to Regulation (EEC) No 2377/90 and Directive 96/22/EC, the equine animal may be subject to medical treatment in accordance with Article 10(3) of Directive 2001/82/EC under the condition that animals so treated can only be slaughtered for human consumption after the end of the general withdrawal period of six months following the date of last administration of the substances listed in accordance with Article 10(3) of that Directive.

MEDICATION RECORD

Date of last administration, as prescribed, in accordance with Article 10(3) of Directive 2001/82/EC or Date of suspension in accordance with Article 16(2) of Regulation (EC) 504/2008 (7) (8) [dd/mm/yyyy]	Place — Country code — Postal code — Place	Essential substance(s) incorporated in the veterinary medicinal product administered in accordance with Article 10(3) of Directive 2001/82/EC as mentioned in first column (3) (4) or in accordance with Article 16(2) of Regulation (EC) No 504/2008 (7) (8)	Veterinarian responsible applying and/or prescribing administration of veterinary medicinal product	
			Name: (5) ..... Address: (5) ..... Postal code: (5) ..... Place: (5) ..... Telephone: (6)	Signature

(1) Information only required if this Section is issued at a different date than Section III.
(2) Delete what is not applicable.
(3) Specification of substances against list of substances established in accordance with Article 10(3) of Directive 2001/82/EC is compulsory.
(4) Information on other veterinary medicinal products administered in accordance with Directive 2001/82/EC is optional.
(5) Name, address, postal code and place in capital letters.
(6) Telephone in format [+country code (regional code) number].
(7) In the case of a suspension for six months of the status of the equine animals as intended for slaughter for human consumption in accordance with Article 16(2) of Regulation (EC) No 504/2008, enter date of beginning of the suspension in first column and the words: 'Article 16(2)' in the third column.
(8) The print of this reference is only mandatory for duplicate identification documents issued in accordance with Article 16(2) of Regulation (EC) No 504/2008.

SECTION X

Exigences sanitaires de base
Les exigences ne sont pas valables pour l'introduction dans la Communauté

Basic health requirements
These requirements are not valid to enter the Community

Je soussigné ([1]) certifie que l'équidé décrit dans ce passeport satisfait aux conditions suivantes:
I, the undersigned ([1]), hereby certify that the equine animal described in this passport satisfies the following conditions:

(a) il a été examiné ce jour, ne présente aucun signe clinique de maladie et est apte au transport;
it has been examined this day, presents no clinical sign of disease and is fit for transport;

(b) il n'est pas destiné à l'abattage dans le cadre d'un programme national d'éradication d'une maladie transmissible;
it is not intended for slaughter under a national eradication programme for a transmissible disease;

(c) il ne provient pas d'une exploitation faisant l'objet de mesures de restriction pour des motifs de police sanitaire et n'a pas été en contact avec des équidés d'une telle exploitation;
it does not come from a holding subject to restrictions for animal health reasons and has not been in contact with equidae on such a holding;

(d) à ma connaissance, il n'a pas été en contact avec des équidés atteints d'une maladie transmissible au cours des 15 jours précédant l'embarquement.
to the best of my knowledge, it has not been in contact with equidae affected by a transmissible disease during the 15 days prior to loading.

LA PRÉSENTE CERTIFICATION EST VALABLE 10 JOURS À COMPTER DE LA DATE DE SA SIGNATURE PAR LE VÉTÉRINAIRE OFFICIEL
THIS CERTIFICATION IS VALID FOR 10 DAYS FROM THE DATE OF SIGNATURE BY THE OFFICIAL VETERINARIAN

([1]) Ce document doit être signé dans les 48 heures précédant le déplacement international de l'équidé.
This document must be signed within 48 hours prior to international transport of equine animal.

Date **Date**	**Lieu** **Place**	**Pour des raisons épidémiologiques particulières, un certificat sanitaire séparé accompagne le présent passeport** **For particular epidemiological reasons, a separate health certificate accompanies this passport**	**Nom en capitales et signature du vétérinaire officiel** **Name in capital letters and signature of official veterinarian**
		Oui/non (barrer la mention inutile) Yes/no (delete as appropriate)	
		Oui/non (barrer la mention inutile) Yes/no (delete as appropriate)	
		Oui/non (barrer la mention inutile) Yes/no (delete as appropriate)	
		Oui/non (barrer la mention inutile) Yes/no (delete as appropriate)	
		Oui/non (barrer la mention inutile) Yes/no (delete as appropriate)	
		Oui/non (barrer la mention inutile) Yes/no (delete as appropriate)	

ANNEX II

Information stored on the smart card

The smart card shall contain at least the following:

1. **Visible information:**
   - — issuing body
   - — unique life number
   - — name
   - — sex
   - — colour
   - — the last 15 digits of the code transmitted by the transponder (as appropriate)
   - — photo of the equine animal;

2. **Electronic information accessible by use of standard software:**
   - — at least all compulsory information in Part A of Section I of the identification document.

COMMISSION REGULATION (EC) No 505/2008

of 6 June 2008

concerning the authorisation of a new use of 3-phytase (Natuphos) as a feed additive

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition [1], and in particular Article 9(2) thereof,

Whereas:

(1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition and for the grounds and procedures for granting such authorisation.

(2) In accordance with Article 7 of Regulation (EC) No 1831/2003, an application was submitted for the authorisation of the preparation set out in the Annex to this Regulation. That application was accompanied by the particulars and documents required under Article 7(3) of Regulation (EC) No 1831/2003.

(3) The application concerns authorisation of a new use of the enzyme preparation 3-phytase (Natuphos 5000, Natuphos 5000 G, Natuphos 5000 L, Natuphos 10000 G and Natuphos 10000 L) produced by *Aspergillus niger* (CBS 101.672) as a feed additive for sows, to be classified in the additive category 'zootechnical additives'.

(4) The use of that preparation was authorised for weaned piglets, pigs for fattening and chickens for fattening by Commission Regulation (EC) No 243/2007 [2], for laying hens and turkeys for fattening by Commission Regulation (EC) No 1142/2007 [3] and for ducks by Commission Regulation (EC) No 165/2008 [4].

(5) New data were submitted in support of the application for authorisation for sows. The European Food Safety Authority ('the Authority') concluded in its opinion of 15 June 2006 [5] that the enzyme preparation Natuphos (3-phytase) produced by *Aspergillus niger* (CBS 101.672) does not have an adverse effect on consumers, users or the environment and that it is efficacious in improving digestibility of feedingstuffs. In its opinion of 12 December 2007 [6] the Authority concluded that the use of that preparation is safe for sows. The Authority does not consider that there is a need for specific requirements of post market monitoring. It also verified the report on the method of analysis of the feed additive in feed submitted by the Community Reference Laboratory set up by Regulation (EC) No 1831/2003.

(6) The assessment of that preparation shows that the conditions for authorisation, provided for in Article 5 of Regulation (EC) No 1831/2003, are satisfied. Accordingly, the use of that preparation should be authorised, as specified in the Annex to this Regulation.

(7) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

The preparation specified in the Annex, belonging to the additive category 'zootechnical additives' and to the functional group 'digestibility enhancers', is authorised as an additive in animal nutrition subject to the conditions laid down in that Annex.

Article 2

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

[1] OJ L 268, 18.10.2003, p. 29. Regulation as amended by Commission Regulation (EC) No 378/2005 (OJ L 59, 5.3.2005, p. 8).
[2] OJ L 73, 13.3.2007, p. 4.
[3] OJ L 256, 2.10.2007, p. 20.
[4] OJ L 50, 23.2.2008, p. 8.
[5] Opinion of the Scientific Panel on Additives and Products or Substances used in Animal Feed and of the Scientific Panel on Genetically Modified Organisms on the safety and efficacy of the enzyme preparation Natuphos (3-phytase) produced by *Aspergillus niger*. *The EFSA Journal* (2006) 369, 1-19.
[6] Scientific Opinion of the Panel on Additives and Products or Substances used in Animal Feed on 'Safety of the enzymatic preparation of Natuphos (3-phytase) for sows'. *The EFSA Journal* (2007) 614, 1-5.

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

Done at Brussels, 6 June 2008.

For the Commission
Androulla VASSILIOU
Member of the Commission

ANNEX

Identification number of the additive	Name of the holder of authorisation	Additive (trade name)	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
						Units of activity/kg of complete feedingstuff with a moisture content of 12 %			
Category of zootechnical additives. Functional group: digestibility enhancers									
4a1600	BASF SE	3-phytase EC 3.1.3.8 (Natuphos 5000 Natuphos 5000 G Natuphos 5000 L Natuphos 10000 G Natuphos 10000 L)	Additive composition 3-phytase produced by *Aspergillus niger* (CBS 101.672) having a minimum activity of: Solid form: 5 000 FTU (1)/g Liquid form: 5 000 FTU/ml Characterisation of the active substance 3-phytase produced by *Aspergillus niger* (CBS 101.672) Analytical method (2) Colorimetric method measuring inorganic phosphate released by the enzyme from phytate substrate	Sows	—	500 FTU	—	1. In the directions for use of the additive and premixture, indicate the storage temperature, storage life, and stability to pelleting. 2. Recommended dose per kilogram of complete feedingstuff: 500 FTU. 3. For use in feed containing more than 0,36 % phytin bound phosphorus.	27 June 2018

(1) 1 FTU is the amount of enzyme which liberates 1 micromole of inorganic phosphate per minute from sodium phytate at pH 5.5 and 37 °C.
(2) Details of the analytical methods are available at the following address of the Community Reference Laboratory: www.irmm.jrc.be/crl-feed-additives

COMMISSION REGULATION (EC) No 506/2008

of 6 June 2008

amending Annex IV to Council Regulation (EC) No 708/2007 concerning use of alien and locally absent species in aquaculture

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 708/2007 of 11 June 2007 concerning use of alien and locally absent species in aquaculture [1], and in particular Article 24(1), (5) and (6) thereof,

Whereas:

(1) Regulation (EC) No 708/2007 establishes a framework governing aquaculture practices in relation to alien and locally absent species to assess and minimise the possible impact of these and any associated non-target species on aquatic habitats.

(2) Annex IV to Regulation (EC) No 708/2007 sets out the list of species to which certain provisions of that Regulation do not apply. Member States may request the Commission to add species to that Annex.

(3) Before the entry into force of that Regulation, certain Member States requested the addition of certain species to Annex IV. France has proposed, in respect of its outermost regions, the addition of certain species to be included in a separate part of that Annex.

(4) The Commission convened a group of experts on 7 November 2007 and on 30 and 31 January 2008, in order to assess the eligibility of those species to be included in Annex IV to that Regulation. A new list of species was therefore established to that end.

(5) Annex IV to Regulation (EC) No 708/2007 should therefore be amended accordingly.

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

HAS ADOPTED THIS REGULATION:

Article 1

Annex IV to Regulation (EC) No 708/2007 is replaced by the text in the Annex to this Regulation.

Article 2

Entry into force

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

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

Done at Brussels, 6 June 2008.

For the Commission
Joe BORG
Member of the Commission

[1] OJ L 168, 28.6.2007, p. 1.

ANNEX

'ANNEX IV

List of species foreseen by Article 2(5)

PART A — General

Acipenser baeri (*), Siberian sturgeon
A. gueldenstaeti (*), Russian sturgeon
A. nudiventris (*), Fringebarbel sturgeon
A. ruthenus (*), Sterlet sturgeon
A. stellatus (*), Starry sturgeon
A. sturio (*), Atlantic sturgeon
Aristichthys nobilis, Big head carp
Carassius auratus, Goldfish
Clarias gariepinus, African catfish
Coregonus peled, Northern Whitefish
Crassostrea gigas, Pacific cupped oyster
Ctenopharyngodon idella, Grass carp
Cyprinus carpio, Common carp
Huso huso (*), Beluga sturgeon
Hypophthalmichthys molitrix, Silver carp
Ictalurus punctatus, Channel catfish
Micropterus salmoides, Large-mouth bass
Oncorhynchus mykiss, Rainbow trout
Ruditapes philippinarum, Japanese or Manila clam
Salvelinus alpinus, Arctic char
Salvelinus fontinalis, Brook trout
Salvelinus namaycush, Great lake trout
Sander lucioperca, Pikeperch
Silurus glanis, European catfish

PART B — French overseas departments

Macrobrachium rosenbergii, Giant river prawn
Oreochromis mossambicus, Mozambique tilapia
O. niloticus, Nile tilapia
Sciaenops ocellatus, Red drum

(*) Hybrids of sturgeon species.'

COMMISSION REGULATION (EC) No 507/2008

of 6 June 2008

laying down detailed rules for the application of Council Regulation (EC) No 1673/2000 on the common organisation of the markets in flax and hemp grown for fibre

(Codified version)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1673/2000 of 27 July 2000 on the common organisation of the markets in flax and hemp grown for fibre [1], and in particular Article 9 thereof,

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

Whereas:

(1) Commission Regulation (EC) No 245/2001 of 5 February 2001 laying down detailed rules for the application of Council Regulation (EC) No 1673/2000 on the common organisation of the markets in flax and hemp grown for fibre [3] has been substantially amended several times [4]. In the interests of clarity and rationality the said Regulation should be codified.

(2) Regulation (EC) No 1673/2000 provides inter alia for measures relating to the internal market in flax and hemp grown for fibre, comprising aid to authorised primary processors of flax and hemp straw and to farmers who have straw processed on their own account, the detailed implementing rules for which must be laid down.

(3) The conditions governing the authorisation of primary processors and the obligations to be met by farmers who have straw processed on their own account must be laid down. The information that must be shown in sale/purchase contracts, processing commitments and processing contracts covering straw as referred to in Article 2(1) of Regulation (EC) No 1673/2000 must also be specified.

(4) Some primary processors of flax straw mainly produce long flax fibre, together, as a sideline, with short flax fibre containing a high percentage of impurities and shives. Where they do not have suitable facilities for cleaning such secondary products, they may have the short fibre cleaned under contract by another operator. In such circumstances, the cleaning of fibre under contract should be regarded as an operation carried out by the primary processor authorised in respect of short flax fibre. The conditions to be met by the operators concerned, in particular with a view to controls, should accordingly be laid down.

(5) To ensure the eligibility of the products concerned for aid, there must be introduced, for the marketing year concerned, a single application, as referred to in Chapter I of Title II of Part II of Commission Regulation (EC) No 796/2004 of 21 April 2004 laying down detailed rules for the implementation of cross-compliance, modulation and the integrated administration and control system provided for in Council Regulation (EC) No 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers [5].

(6) With a view to ensuring sound administrative management while adapting to the special conditions applying on the markets for flax and hemp, the period during which flax and hemp straw grown for fibre can be processed and, where applicable, marketed should be determined.

(7) Where Member States decide to grant aid on short flax fibre or hemp fibre containing more than 7,5 % impurities and shives, a method of calculation allowing the quantity produced to be expressed in terms of an equivalent quantity with a 7,5 % impurities and shives content should be laid down.

[1] OJ L 193, 29.7.2000, p. 16. Regulation as last amended by Regulation (EC) No 953/2006 (OJ L 175, 29.6.2006, p. 1). Regulation (EC) No 1673/2000 will be replaced by Regulation (EC) No 1234/2007 (OJ L 299, 16.11.2007, p. 1) as from 1 July 2008.

[2] OJ L 349, 24.12.1998, p. 1.

[3] OJ L 35, 6.2.2001, p. 18. Regulation as last amended by Regulation (EC) No 1913/2006 (OJ L 365, 21.12.2006, p. 52).

[4] See Annex II.

[5] OJ L 141, 30.4.2004, p. 18. Regulation as last amended by Regulation (EC) No 319/2008 (OJ L 95, 8.4.2008, p. 63).

(8) With a view to helping to ensure that the stabiliser mechanism functions properly, provision should be made to limit the quantities of fibre on which processing aid can be granted in respect of a marketing year to the quantity arrived at by multiplying the number of hectares covered by contracts or processing commitments by a unit quantity per hectare. That unit quantity is to be determined by the Member State on the basis of the national guaranteed quantities established and of the hectares cultivated.

(9) Given the variations in the national guaranteed quantities that may result from the flexibility introduced by Article 3 of Regulation (EC) No 1673/2000, detailed rules should be laid down for establishing such national guaranteed quantities for each marketing year, taking account of any adjustments that may prove necessary with a view to apportioning the national guaranteed quantities suitably among the beneficiaries of the processing aid.

(10) Processing aid is to be granted subject to the conclusion of a contract or commitment as referred to in Article 2 of Regulation (EC) No 1673/2000. In addition, transfers between national guaranteed quantities and the unit quantities per hectare must be fixed in good time by the Member State on the basis of the areas covered by contracts or commitments. Provision should be made for the relevant information in such contracts or commitments to be forwarded by the operators to the competent authorities of the Member State at the start of processing operations. In order to permit some flexibility in the trade concerned, the possibilities for transferring contracts among authorised primary processors should be subject to a limit.

(11) With a view to sound management of the aid scheme, the information that must be forwarded by the operators to the competent authorities of the Member State and the notifications to be made to the Commission by the Member States must be stipulated.

(12) In order to manage a scheme based on aid granted on the basis of the quantities of fibre produced over a period of 22 months, provision should be made for the lodging, at the start of processing operations for a given marketing year, of aid applications covering fibre to be obtained, the quantities of which are to be indicated periodically thereafter.

(13) On account of the possible adjustments to the national guaranteed quantities and the unit quantities per hectare, the total quantities of fibre on which the aid can be granted are known only after processing is completed. Provision must accordingly be made for advances on the aid to be paid to authorised primary processors on the basis of the quantities of fibre obtained periodically. In order to ensure that amounts due where irregularities are observed are actually paid, such advance payments should be made subject to the lodging of a security. Such securities must comply with certain provisions of Commission Regulation (EEC) No 2220/85 of 22 July 1985 laying down common detailed rules for the application of the system of securities for agricultural products [1].

(14) Additional aid as provided for in Article 4 of Regulation (EC) No 1673/2000 is to be granted only in respect of areas the straw produced from which has qualified for aid for processing into long flax fibre. A minimum yield of long flax fibre produced per hectare covered by a contract or a commitment should accordingly be established so that the circumstances under which that condition is met can be determined.

(15) A system of administrative and on-the-spot checks is vital for the proper conduct of the operations. The items that must be checked and the minimum number of on-the-spot checks to be carried out per marketing year must be specified.

(16) The consequences of any irregularities observed must be laid down. They must be sufficiently severe as to discourage any unlawful use of Community aid while complying with the principle of proportionality.

(17) In order to bring the time when the fibre is obtained sufficiently close to the operative event for the exchange rate for advance payments and processing aid, that event must take place on the last day of each period for the notification of the quantities of fibre obtained.

(18) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Natural Fibres,

HAS ADOPTED THIS REGULATION:

Article 1

Purpose and marketing year

1. The detailed rules for the application of the common organisation of the markets in flax and hemp grown for fibre, established by Regulation (EC) No 1673/2000, shall be as laid down herein.

2. The marketing year shall run from 1 July to 30 June.

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

Article 2

Definitions

For the purposes of this Regulation:

(a) 'persons treated as processors' shall mean farmers who, in accordance with Article 2(1), third subparagraph, point (b) of Regulation (EC) No 1673/2000, have concluded contracts with an authorised primary processor to have straw belonging to them processed into fibre;

(b) 'long flax fibre' shall mean flax fibres obtained by complete separation of the fibres and the woody parts of the stalk that are at least 50 cm long on average after scutching and are arranged in parallel strands in bundles, sheets or slivers;

(c) 'short flax fibre' shall mean flax fibres other than as referred to in point (b) that are obtained by at least partial separation of the fibres and the woody parts of the stalk;

(d) 'hemp fibre' shall mean hemp fibres obtained by at least partial separation of the fibres and the woody parts of the stalk.

Article 3

Authorisation of primary processors

1. Primary processors must submit applications for authorisation to the competent authorities including at least:

(a) a description of the undertaking and of the full range of products obtained by processing flax and hemp straw;

(b) a description of the processing plant and equipment, giving details of their location and technical specifications covering:

(i) energy consumption and the maximum quantities of flax and hemp straw that can be processed per hour and per year;

(ii) the maximum quantities of long flax fibre, short flax fibre and hemp fibre that can be obtained per hour and per year;

(iii) the indicative quantities of flax and hemp straw required to obtain 100 kg of each product referred to in point (a);

(c) a description of the storage facilities, giving details of their location and capacity in tonnes of flax and hemp straw and fibre.

2. Applications for authorisation shall include an undertaking applying from the date of submission to:

(a) store separately by marketing year of harvest of the straw concerned and by Member State of harvest, flax straw, hemp straw, long flax fibre, short flax fibre and hemp fibre:

(i) covered by all sale/purchase contracts and processing commitments combined;

(ii) covered by each processing contract concluded with persons treated as processors;

(iii) from all other suppliers combined and, where applicable, corresponding to batches of fibre obtained from straw referred to in point (i) but not to be covered by an aid application;

(b) keep daily records of stocks or records by lot, linked regularly to financial accounts, and of the information specified in paragraph 5, together with supporting documents as specified by the Member State for the purpose of controls;

(c) notify the competent authority of any changes in the information covered by paragraph 1;

(d) undergo any checks required under the aid scheme provided for in Regulation (EC) No 1673/2000.

3. After an on-the-spot inspection to check that the information covered by paragraph 1 tallies with the facts, the competent authority shall grant primary processors authorisation covering the types of fibre meeting the conditions for eligibility for the aid which they may produce and shall allocate an authorisation number to each.

Authorisation shall be granted within two months of submission of applications.

Where there is a change in one or more items of information covered by paragraph 1, the competent authority shall confirm or adjust authorisations, where necessary after an on-the-spot check, in the month following that of notification of the change. However, any adjustment affecting the types of fibre covered by authorisations granted may take effect only from the following marketing year.

4. In connection with the authorisation of primary processors in respect of long flax fibre and simultaneously in respect of short flax fibre, the Member States may allow short flax fibre to be cleaned under the conditions laid down in this paragraph and if it considers the control arrangements to be satisfactory, so that the fibre complies with the impurity and shive limits laid down in Article 2(3)(b) of Regulation (EC) No 1673/2000.

In such cases primary processors shall state their intention to make use of the provisions of this paragraph in their applications for authorisation as provided for in paragraph 1.

A maximum of two cleaners of short flax fibre may be granted authorisation per authorised primary processor per marketing year concerned.

Before 1 February in respect of each marketing year, authorised primary processors shall present the competent authorities with a contract for the cleaning of short flax fibre, including at least:

(a) the date of conclusion of the contract and the marketing year corresponding to the harvest of the straw from which the fibre concerned has been obtained;

(b) the primary processor's authorisation number and, in the case of cleaners of short flax fibre, their names, business names and addresses and the location of the plant;

(c) a statement to the effect that the cleaner of short flax fibre undertakes to:

(i) store cleaned and uncleaned short flax fibre separately by cleaning contract;

(ii) keep separately by cleaning contract, daily records of the quantities of uncleaned short flax fibre entering the undertaking, the quantities of cleaned short flax fibre obtained, and the quantities of each in storage;

(iii) keep supporting documents as specified by the Member State for the purposes of controls and undergo any checks required under this Regulation.

Cleaners' undertakings as referred to in point (c) shall be deemed to be undertakings of primary processors under their authorisations.

5. Stock records of authorised primary processors shall specify, by day or lot and by category of straw or type of fibre stored separately:

(a) the quantities entering the undertaking and covered by each contract or commitment as referred to in Article 5 and, where applicable, from each other supplier;

(b) the quantities of straw processed and the quantities of fibre obtained;

(c) the estimated losses and the quantities destroyed, with justifications;

(d) the quantities leaving the undertaking, broken down by consignee;

(e) the quantities in each store.

Authorised primary processors must be in possession of certificates of delivery or takeover from the supplier or consignee concerned or other equivalent document accepted by the Member State covering all consignments of straw and fibre entering or leaving the undertaking and not covered by a contract or commitment as referred to in Article 5. Authorised primary processors shall keep a record of the names or business names and addresses of all suppliers and consignees.

6. A lot shall be a determined quantity of flax or hemp straw numbered on entry into the processing plants or storage facilities referred to in paragraph 1.

A lot may relate to only one sale/purchase contract covering straw, processing commitment or processing contract as referred to in Article 5.

Article 4

Obligations of persons treated as processors

Persons treated as processors must:

(a) be in possession of a contract with an authorised primary processor for the processing of straw into long flax fibre, short flax fibre and/or hemp fibre;

(b) keep a register showing the following from the beginning of the marketing year in question in respect of each day concerned:

(i) the quantities of flax and hemp straw grown for fibre obtained and delivered under each processing contract;

(ii) the quantities of long flax fibre, short flax fibre and/or hemp fibre obtained;

(iii) the quantities of long flax fibre, short flax fibre and/or hemp fibre sold or transferred, with the names and addresses of the consignees;

(c) keep the supporting documents stipulated by the Member State for the purpose of controls;

(d) agree to undergo any checks provided for under this aid scheme.

Article 5

Contracts

1. Sale/purchase contracts covering straw, processing commitments and processing contracts as referred to in Article 2(1) of Regulation (EC) No 1673/2000 shall stipulate at least:

(a) the date of conclusion of the contract and the marketing year corresponding to the harvest concerned;

(b) the primary processor's authorisation number, the farmer's identification number under the integrated administration and control system provided for in Council Regulation (EC) No 1782/2003 [1] and their names and addresses;

(c) details identifying the agricultural parcel(s) concerned in accordance with the system for identifying agricultural parcels provided for under the integrated administration and control system;

(d) the areas under flax grown for fibre and those under hemp grown for fibre.

2. Before 1 January of the marketing year concerned, sale/purchase or processing contracts covering straw may be transferred to an authorised primary processor other than the one who originally concluded the contract, with the signed agreement of the farmer and of the authorised primary processors transferring the contract between them.

After 1 January of the marketing year concerned, transfers of contracts as provided for in the first subparagraph may take place only under exceptional circumstances, backed up by duly justified supporting evidence and with the authorisation of the Member State.

[1] OJ L 270, 21.10.2003, p. 1.

Article 6

Information to be provided by operators

1. Before the date set by the Member State and by 20 September at the latest following the beginning of the marketing year in question, authorised primary processors and persons treated as processors shall provide the competent authorities with:

(a) a list of all sale/purchase contracts, processing commitments and processing contracts as referred to in Article 5 for that marketing year, broken down into flax and hemp and mentioning the farmer's identification number under the integrated administration and control system and the parcels concerned;

(b) a declaration of the total areas under flax and the total areas under hemp covered by sale/purchase contracts, processing commitments and processing contracts.

However, the Member State may require a copy of all documents concerned instead of the list referred to in point (a) of the first subparagraph.

Where certain processing contracts or processing commitments relate to areas located in a Member State other than that in which the primary processor is authorised, the information specified in the first subparagraph relating to the areas concerned shall also be supplied by the party concerned to the Member State in which harvest takes place.

2. In respect of the first six months of the marketing year and each four-month period thereafter, authorised primary processors and persons treated as processors shall declare the following to the competent authorities by the end of the following month as regards each category of products stored separately:

(a) the quantities of fibre produced and covered by aid applications;

(b) the quantities of other fibres produced;

(c) the aggregate total quantity of straw that has entered the undertaking;

(d) the quantities in storage;

(e) where appropriate, a list drawn up in accordance with point (a) of paragraph 1 of sale/purchase contracts covering straw and processing contracts that have been transferred in accordance with the first subparagraph of Article 5(2), giving the names of transferees and of transferors.

For each period concerned, together with their declarations as provided for in the first subparagraph, persons treated as processors shall submit supporting evidence concerning quantities of fibre placed on the market and covered by aid applications. Such supporting evidence shall be specified by the Member State and shall include at least copies of sales invoices covering flax and hemp fibre and an attestation from the authorised primary processor who has processed the straw certifying the quantities and types of fibre obtained.

After notifying the Member State, authorised primary processors and persons treated as processors may stop sending the declarations as provided for in this paragraph concerning quantities entering and leaving the undertaking and quantities processed where such operations have ceased definitively for the marketing year concerned.

3. Before 1 May following the marketing year in question, authorised primary processors shall inform the competent authorities of the main ways in which the fibre and other products obtained have been used.

Article 7

Entitlement to aid

1. Aid for processing flax and hemp straw as provided for in Article 2 of Regulation (EC) No 1673/2000 shall be payable on flax and hemp fibre only where it:

(a) comes from straw covered by sale/purchase contracts, processing commitments or processing contracts as referred to in Article 5 covering parcels under flax or hemp grown for fibre and by the single application as referred to in Chapter I of Title II of Part II of Commission Regulation (EC) No 796/2004, submitted in respect of the year in which the marketing year begins;

(b) is obtained before l May following the end of the marketing year in question by an authorised primary processor and, in the case of persons treated as processors, is placed on the market before that date.

2. Where the Member State decides to grant aid on short flax fibre or hemp fibre containing more than 7,5 % impurities and shives, in accordance with Article 2(3)(b) of Regulation (EC) No 1673/2000 the quantity 'Q' on which the aid is granted shall be calculated by applying the formula:

$$Q = P^* [(100 - x) / (100 - 7,5)]$$

where 'P' stands for the quantity of eligible fibre obtained with not more than the authorised percentage 'x' of impurities and shives.

Article 8

National guaranteed quantities

1. The 5 000 tonnes of short flax fibre and hemp fibre for apportioning as national guaranteed quantities in accordance with Article 3(2)(b) of Regulation (EC) No 1673/2000 shall be allocated before 16 November for the marketing year in progress on the basis of information forwarded to the Commission by the Member States concerned before 16 October and covering:

(a) the areas covered by sale/purchase contracts, processing commitments and processing contracts submitted in accordance with Article 6 of this Regulation;

(b) the estimated flax and hemp straw and fibre yields.

2. In order to establish the national quantities on which processing aid may be granted in respect of a given marketing year, before 1 January of the marketing year in question the Member States shall determine the transfers of national guaranteed quantities made in accordance with Article 3(5) of Regulation (EC) No 1673/2000.

However, for the purposes of applying paragraph 4 of this Article, before 1 August following the time limit laid down in Article 7(1)(b) of this Regulation, the Member State may adjust the quantities transferred.

3. For the purposes of applying Article 2(4) of Regulation (EC) No 1673/2000, the quantity of long flax fibre, short flax fibre and hemp fibre on which processing aid may be granted in respect of a marketing year to an authorised primary processor or a person treated as a processor shall be limited to the number of hectares of parcels covered by a sale/purchase contract or a processing commitment or, as the case may be, a processing contract, multiplied by a unit quantity to be determined.

Before 1 January of the marketing year in progress the Member State shall determine the unit quantity referred to in the first subparagraph for the whole of its territory for each of the three types of fibre concerned.

4. Where the quantities of fibre on which aid is payable to certain authorised primary processors or certain persons treated as processors are below the limits applicable to them pursuant to paragraph 3, the Member State may, after receiving all declarations as provided for in Article 6(2)(a) in respect of the marketing year concerned, increase the unit quantities as referred to in paragraph 3 of this Article so as to reallocate the quantities available to the other authorised primary processors or persons treated as processors whose eligible quantities exceed the limits applicable to them.

Article 9

Aid applications

1. Authorised primary processors shall submit applications for aid for processing straw to the competent authorities in respect of long flax fibre, short flax fibre and hemp fibre to be obtained from straw from the marketing year concerned before the time limit laid down in Article 7(1)(b). Such applications shall be submitted by the date laid down in Article 6(1) at the latest.

Where the fibre is obtained partly from straw produced in a Member State other than that in which the primary processor is authorised, the aid applications shall be submitted to the competent authority in the Member State where the straw is harvested and a copy shall be forwarded to the Member State where the primary processor is authorised.

2. Persons treated as processors shall submit applications for aid for processing straw to the competent authorities in respect of long flax fibre, short flax fibre and hemp fibre to be obtained from straw from the marketing year concerned and placed on the market before the time limit laid down in Article 7(1)(b). Such applications shall be submitted by the date laid down in Article 6(1) at the latest.

3. Aid applications shall include at least:

(a) the applicants' names, addresses and signatures and, where applicable, the authorisation numbers of primary processors or the identification numbers under the integrated administration and control system of persons treated as processors;

(b) a statement that the quantities of long flax fibre, short flax fibre and hemp fibre covered by the application will be covered by declarations as provided for in Article 6(2)(a).

For the purposes of granting the aid, declarations as provided for in Article 6(2)(a) shall form an integral part of aid applications.

Article 10

Advances on the aid

1. Where applications for advances are submitted with declarations of fibre obtained as provided for in Article 6(2)(a), the advances shall be paid to the authorised primary processors by the end of the month following that of submission of the declaration, provided that an aid application has been submitted in accordance with Article 9. Without prejudice to the limit laid down in Article 8(3), advances shall be equal to 80 % of the aid corresponding to the quantities of fibre declared.

2. Advances shall be paid only where no irregularity has been found to have been committed by the applicant in respect of the marketing year concerned under the controls provided for in Article 13 and where a security has been lodged.

Except as regards the relevant securities where short flax fibre is cleaned under contract, for each authorised primary processor and each type of fibre, the security shall be 35 % of the amount of the aid corresponding to the quantities of fibre resulting from the multiplication referred to in the first subparagraph of Article 8(3).

However, Member States may provide that the amount of the security be based on estimate production. In this case:

(a) the security may not be released either in part or in full before the granting of the aid;

(b) notwithstanding the fifth subparagraph, in relation to the total amount of advances paid the amount of the security may not be less than:

— 110 % up to 30 April of the marketing year in question,

— 75 % between 1 May of the marketing year in question and 31 August following,

— 50 % between 1 September following the marketing year in question and the date of payment of the balance of the aid.

Where short flax fibre is cleaned under contract, the relevant security shall be equal to 110 %:

— of the amount of aid corresponding to the quantities of fibres resulting from the multiplication referred to in the first subparagraph of Article 8(3), or

— where the Member State applies the third subparagraph of this paragraph, the total amount of advances paid for the marketing year in question.

The security shall be released in full between the first and the 10th day following that of granting of the aid in proportion to the quantities on which the Member State has granted the processing aid.

3. Article 3 and Titles II, III and VI of Regulation (EEC) No 2220/85 shall apply to securities as referred to in this Article.

Article 11

Additional aid

Additional aid as provided for in Article 4 of Regulation (EC) No 1673/2000 shall be granted to primary processors of long flax fibre who are authorised in respect of areas located in the zones listed in the Annex to that Regulation and covered by sale/purchase contracts and processing commitments submitted in accordance with Article 6(1) of this Regulation.

However, the area in respect of which additional aid is granted shall not exceed that corresponding to the quantity of long flax fibre meeting the conditions for eligibility for the processing aid and obtained in respect of the marketing year concerned, divided by a yield of 680 kg of long flax fibre per hectare.

Article 12

Payment of aid

1. Processing aid and, where appropriate, additional aid shall be granted once all the checks laid down have been performed and after the definitive quantities of fibre eligible for the aid have been determined in respect of the marketing year concerned.

2. Before 15 October following the time limit laid down in Article 7(1)(b), processing aid and, where appropriate, additional aid shall be paid by the Member State on whose territory the flax or hemp straw has been harvested.

Article 13

Controls

1. Controls shall be performed to ensure compliance with the conditions for granting the aid and shall in particular involve:

(a) checking compliance with the conditions for authorising primary processors and fulfilment of their obligations by persons treated as processors;

(b) comparing information on agricultural parcels referred to in sale/purchase contracts, processing commitments and processing contracts to see whether it tallies with that determined in accordance with Regulation (EC) No 1782/2003;

(c) checking information in support of quantities covered by aid applications from authorised primary processors and persons treated as processors.

Checks of authorised primary processors carried out by the competent authorities of Member States shall cover the processing of all flax and hemp straw grown for fibre produced in the Community.

2. On-the-spot inspections conducted for the purposes of controls as provided for in paragraph 1 shall be decided by the competent authorities, in particular on the basis of a risk analysis, with a view to checking at least 75 % of authorised primary processors and 10 % of persons treated as processors per marketing year. However, in no case may the number of on-the-spot inspections conducted in any Member State be less than the total number of hectares declared as under flax and hemp in that Member State, divided by 750.

On-the-spot inspections shall also cover all cleaners of short flax fibre who have concluded contracts with authorised primary processors for the cleaning of fibre.

3. On-the-spot inspections shall in particular involve checking:

(a) plant, stocks and fibre obtained;

(b) stock records and financial accounts;

(c) the energy consumed by the various means of production and documents relating to labour employed;

(d) any commercial documents relevant to controls.

In the event of doubt as to the eligibility of fibre, and in particular as regards the impurities content of short flax fibre or hemp fibre, a representative sample shall be taken from the batches called into question and a precise determination carried out of the relevant characteristics. Where applicable and depending on the circumstances, the Member State shall determine the quantities that are not eligible among those covered by aid applications.

In cases as referred to in Article 3(3) of Regulation (EC) No 1673/2000, the Member State conducting the inspection shall send the findings immediately to the Member State that is to pay the aid.

Article 14

Penalties

1. Where checks show that undertakings entered into in authorisation applications are not fulfilled, authorisation shall be withdrawn immediately and, notwithstanding Article 3(3), primary processors whose authorisation has been withdrawn shall not be granted any further authorisation before the second marketing year beginning after the date of the check or the date on which any failure to fulfil such undertakings has been established.

2. Where a false declaration is made deliberately or as a result of serious negligence or where the primary processor has signed sale/purchase contracts covering straw or has entered into processing commitments covering a number of hectares which would normally provide a significantly higher output than can be processed in accordance with the technical specifications shown in his authorisation, the authorised primary processor or person treated as a processor shall not qualify for processing aid or, where applicable, for additional aid as provided for in Article 4 of Regulation (EC) No 1673/2000 in respect of the marketing year concerned and the following marketing year.

3. Where quantities of long flax fibre, short flax fibre or hemp fibre covered by aid applications are found to exceed those meeting the conditions for eligibility for the aid and actually obtained in respect of a period as referred to in Article 6(2), the aid that may be granted on each type of fibre shall, without prejudice to Article 8(3), be calculated on the basis of the quantities actually eligible in respect of the marketing year concerned, less twice the difference with those covered by aid applications.

4. Except in cases of *force majeure*, in the event of late submission of aid applications as provided for in Article 9 or of late submission or late declaration of information as provided for in Article 6, the aid applied for and which the party concerned would have been entitled to if the application had been submitted or declared by the deadline shall be reduced by 1 % per working day. Applications and information as provided for in Article 6(1) submitted more than 25 days late shall be inadmissible.

5. Where applicable, the additional aid referred to in Article 11 shall be reduced by the same percentage as that applied to the total processing aid granted in respect of the marketing year concerned.

Article 15

Notifications

1. In the second month following the end of each period as referred to in the first subparagraph of Article 6(2), the Member States shall notify the Commission of:

(a) the total quantities of long flax fibre, short flax fibre and hemp fibre, adjusted, where applicable, in accordance with Article 7(2), for which aid applications have been submitted in the period concerned;

(b) the quantities sold each month and the relevant prices that may be recorded on the most important markets at the production stage for the qualities of fibre of Community origin that are most representative of the market;

(c) for each marketing year, a summary statement of the quantities of long flax fibre, short flax fibre and hemp fibre obtained from straw of Community origin in storage at the end of the period concerned.

2. By 31 January at the latest and in respect of the marketing year in progress, the Member States shall notify the Commission of:

(a) transfers of national guaranteed quantities made in accordance with Article 3(5) of Regulation (EC) No 1673/2000 and the national guaranteed quantities resulting from such transfers;

(b) a summary statement of areas under flax and hemp grown for fibre and covered by contracts or commitments as referred to in Article 2(1) of Regulation (EC) No 1673/2000;

(c) the unit quantities determined in accordance with Article 8(3) of this Regulation;

(d) estimated production of flax and hemp straw and fibre;

(e) the number of authorised processing undertakings and their total processing capacity in terms of the various types of fibre in respect of the marketing year in progress;

(f) where applicable, the number of contract cleaners of short flax fibre.

3. By 15 December of each year at the latest, the Member States shall send the Commission the following information relating to the next-to-last marketing year:

(a) a summary statement of the total quantities of long flax fibre, short flax fibre and hemp fibre covered by aid applications:

(i) which are recognised as eligible for processing aid as provided for in Article 2(1) of Regulation (EC) No 1673/2000;

(ii) which are not recognised as eligible for processing aid, specifying the quantities not qualifying for the aid as a result of an overrun in the national guaranteed quantities determined pursuant to Article 8 of this Regulation;

(iii) for which the securities provided for in Article 10 of this Regulation have been forfeited;

(b) the total quantities of short flax fibre and hemp fibre that are not eligible because they contain a percentage of impurities in excess of the limit laid down in Article 2(3)(b) of Regulation (EC) No 1673/2000 and that have been obtained by authorised primary processors and persons treated as processors;

(c) a summary statement of the number of hectares located respectively in zones I and II as defined in the Annex to Regulation (EC) No 1673/2000 and on which the additional aid provided for in Article 4 of that Regulation has been granted;

(d) where applicable, the national guaranteed quantities and unit amounts resulting from the adjustments provided for in the second subparagraph of Article 8(2) and Article 8(4) of this Regulation;

(e) the number of penalties as provided for in Article 14(1), (2) and (3) of this Regulation that it has been decided to apply and those that are under consideration;

(f) where applicable, a report on the application of Article 3(4) of this Regulation and on the controls and quantities concerned.

4. Where the Member State decides pursuant to the second subparagraph of Article 2(3)(b) of Regulation (EC) No 1673/2000 to grant aid on short flax fibre or hemp fibre containing more than 7,5 % impurities and shives, it shall notify the Commission by no later than 31 January of the marketing year in progress, specifying the traditional outlets concerned.

In such cases, together with the information specified in paragraph 1(a) of this Article, the Member State shall include a breakdown of the actual, unadjusted quantities of short flax fibre and hemp fibre containing more than 7,5 % impurities and shives and covered by aid applications.

Article 16

Operative event

For each period as referred to in Article 6(2), the operative event for the exchange rate for the euro for the purposes of converting the advance and the processing aid for the quantity concerned shall be that referred to in Article 2(6) of Regulation (EC) No 1913/2006.

Article 17

Imported hemp

1. The licence referred to in the first subparagraph of Article 5(2) of Regulation (EC) No 1673/2000 shall be drawn up in accordance with the model given in Annex I hereto. The licence shall be issued only where it has been proven to the satisfaction of the importer Member State that all the conditions laid down have been fulfilled.

Without prejudice to paragraph 2 of this Article, the Member States concerned shall lay down the conditions to be fulfilled by the licence application and the issue and use of the licence. However, boxes 1, 2, 4, 14, 15, 16, 17, 18, 20, 24 and 25 of the licence form must be filled in.

Licences may be issued and used using computerised systems in accordance with detailed rules laid down by the competent authorities. The content of those licences must be identical to that of licences on paper referred to in first and second subparagraphs. In Member States where such computerised systems are not available, the importer can only use the paper form of the licence.

The system of checks referred to in the second subparagraph of Article 5(2) of Regulation (EC) No 1673/2000 shall be established by each Member State concerned.

2. For the purposes of the third indent of Article 5(2) of Regulation (EC) No 1673/2000, the Member States concerned shall establish arrangements for the authorisation of importers of hemp seed other than for sowing. Those arrangements shall include the definition of the conditions for authorisation, checks and the penalties to be applied in cases of irregularity.

In the case of imports of hemp seed as referred to in the first subparagraph, the licence referred to in paragraph 1 of this Article shall be issued only where the authorised importer undertakes that the competent authorities will be presented, within the time limits and under the conditions defined by the Member State, with documents attesting that the hemp seed covered by the licence has undergone, within a period of less than 12 months from the date on which the licence is issued, one of the following operations:

(a) placing in a condition that excludes use for sowing;

(b) mixing with seed other than hemp seed for the purposes of animal nutrition, with hemp seed accounting for a maximum of 15 % of the total mixture and, in exceptional cases, a maximum of 25 % at the request of the authorised importer accompanied by justification,

(c) re-export to a third country.

However, if part of the hemp seed covered by the licence has not undergone one of the operations referred to in the second subparagraph within the time limit of 12 months, the Member State may, at the request of the authorised importer accompanied by justification, extend that time limit by one or two periods of six months.

The attestations referred to in the second subparagraph shall be drawn up by the operators who have carried out the operations and shall comprise at least the following information:

(a) the name, full address, Member State and signature of the operator;

(b) a description of the operation carried out meeting the conditions laid down in the second subparagraph and the date on which it was carried out;

(c) the quantity in kilograms of hemp seed to which the operation related.

3. On the basis of a risk analysis, each Member State concerned shall carry out checks on the accuracy of the attestations relating to the operations referred to in the second subparagraph of paragraph 2 carried out on their territory.

Where appropriate, the importer Member State shall send the Member State concerned copies of the attestations concerning the operations carried out on the latter's territory and submitted by authorised importers. Where irregularities are discovered during the checks referred to in the first subparagraph, the Member State concerned shall inform the competent authority of the importer Member State.

4. Member States shall notify the Commission of the provisions adopted for the application of paragraphs 1 and 2.

No later than 31 January each year the Member States shall notify the Commission of the penalties imposed or steps taken as a result of irregularities discovered during the preceding marketing year.

The Member States shall send the Commission, which shall forward them to the other Member States, the names and addresses of the authorities responsible for issuing licences and for the checks referred to in this Article.

Article 18

Regulation (EC) No 245/2001 is repealed.

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

Article 19

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

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

Done at Brussels, 6 June 2008.

For the Commission
The President
José Manuel BARROSO

ANNEX I

LICENCE FOR THE IMPORT OF HEMP (conformity of hemp with Article 157 of Regulation (EC) No 1234/2007)

1

Holder's copy

1. Agency issuing the licence (name and address)

2. Issuing agency's embossment and perforation (1) | No

3.

4. Issued to (name, full address and Member State)

☐

5.

6.

7. Exporting country

8. Country of origin

10.

11.

12. LAST DAY OF VALIDITY

1

13. PRODUCT TO BE IMPORTED

14. Trade denomination

15. Description in accordance with the Combined Nomenclature (CN) (Tick the relevant box)

☐ Hemp seeds for sowing

☐ Hemp seeds other than for sowing

☐ True hemp, raw or retted

16. CN code (Tick the relevant box)

☐ 1207 99 15

☐ 1207 99 91

☐ 5302 10 00

17. Quantity (2) in figures

18. Quantity (2) in words

19. Tolerance % more

20. Variety of hemp (in the case of seeds for sowing)

24. Special conditions (Tick the relevant box)

☐ Hemp seeds for sowing falling within CN Code 1207 99 15 are accompanied by proof that the tetrahydrocannabinol content of the variety concerned does not exceed that laid down in accordance with Article 52 of Regulation (EC) No 1782/2003

☐ Hemp seed other than for sowing falling within CN Code 1207 99 91 are imported by an importer approved by the authorise of the Member State

☐ Raw hemp falling within CN Code 5302 10 00 fulfils the conditions laid down in Article 52 of Regulation (EC) No 1782/2003

25. Issued at:

on | | | | | | under No

Signature and stamp of issuing agency:

26. Term of validity extended until | | | | | | inclusive

for (2):

At , on | | | | | |

Signature and stamp of agency issuing the licence:

(1) To be completed if the signature and the stamp do not appear in box 25.
(2) Net mass or other measurement, indicating unit.

LICENCE FOR THE IMPORT OF HEMP (conformity of hemp with Article 157 of Regulation (EC) No 1234/2007)

2

Issuing agency's copy

1. Agency issuing the licence (name and address)

2. Issuing agency's embossment and perforation (1) | No

3.

4. Issued to (name, full address and Member State)

☐

5.

6.

7. Exporting country

8. Country of origin

10.

11.

12. LAST DAY OF VALIDITY

2

13. PRODUCT TO BE IMPORTED

14. Trade denomination

15. Description in accordance with the Combined Nomenclature (CN) (Tick the relevant box)

☐ Hemp seeds for sowing

☐ Hemp seeds other than for sowing

☐ True hemp, raw or retted

16. CN code (Tick the relevant box)

☐ 1207 99 15

☐ 1207 99 91

☐ 5302 10 00

17. Quantity (2) in figures

18. Quantity (2) in words

19. Tolerance % more

20. Variety of hemp (in the case of seeds for sowing)

24. Special conditions (Tick the relevant box)

☐ Hemp seeds for sowing falling within CN Code 1207 99 15 are accompanied by proof that the tetrahydrocannabinol content of the variety concerned does not exceed that laid down in accordance with Article 52 of Regulation (EC) No 1782/2003

☐ Hemp seed other than for sowing falling within CN Code 1207 99 91 are imported by an importer approved by the authorise of the Member State

☐ Raw hemp falling within CN Code 5302 10 00 fulfils the conditions laid down in Article 52 of Regulation (EC) No 1782/2003

25. Issued at:

on | | | under No

Signature and stamp of issuing agency:

26. Term of validity extended until | | | inclusive

for (2):

At , on | | |

Signature and stamp of agency issuing the licence:

(1) To be completed if the signature and the stamp do not appear in box 25.
(2) Net mass or other measurement, indicating unit.

ANNEX II

Repealed Regulation with list of its successive amendments

Commission Regulation (EC) No 245/2001 (OJ L 35, 6.2.2001, p. 18)	
Commission Regulation (EC) No 1093/2001 (OJ L 150, 6.6.2001, p. 17)	
Commission Regulation (EC) No 52/2002 (OJ L 10, 12.1.2002, p. 10)	
Commission Regulation (EC) No 651/2002 (OJ L 101, 17.4.2002, p. 3)	Article 1(2) only
Commission Regulation (EC) No 1401/2003 (OJ L 199, 7.8.2003, p. 3)	
Commission Regulation (EC) No 873/2005 (OJ L 146, 10.6.2005, p. 3)	
Commission Regulation (EC) No 1913/2006 (OJ L 365, 21.12.2006, p. 52)	Article 24 only

ANNEX III

Correlation table

Regulation (EC) No 245/2001	This Regulation
Article 1	Article 1
Article 2, introductory phrase	Article 2, introductory phrase
Article 2, first indent	Article 2, point (a)
Article 2, second indent, introductory phrase	—
Article 2, second indent, point (a)	Article 2, point (b)
Article 2, second indent, point (b)	Article 2, point (c)
Article 2, second indent, point (c)	Article 2, point (d)
Article 3(1), first subparagraph, introductory phrase	Article 3(1), introductory phrase
Article 3(1), first subparagraph, point (a)	Article 3(1)(a)
Article 3(1), first subparagraph, point (b), first indent	Article 3(1)(b)(i)
Article 3(1), first subparagraph, point (b), second indent	Article 3(1)(b)(ii)
Article 3(1), first subparagraph, point (b), third indent	Article 3(1)(b)(iii)
Article 3(1), first subparagraph, point (c)	Article 3(1)(c)
Article 3(1), second subparagraph	—
Article 3(2), introductory phrase	Article 3(2), introductory phrase
Article 3(2), first indent	Article 3(2)(a)
Article 3(2), first indent, point (a)	Article 3(2)(a)(i)
Article 3(2), first indent, point (b)	Article 3(2)(a)(ii)
Article 3(2), first indent, point (c)	Article 3(2)(a)(iii)
Article 3(2), second indent	Article 3(2)(b)
Article 3(2), third indent	Article 3(2)(c)
Article 3(2), fourth indent	Article 3(2)(d)
Article 3(3) to (6)	Article 3(3) to (6)
Article 4, introductory phrase, point (a)	Article 4, introductory phrase
Article 4, point (a)	Article 4, point (a)
Article 4, point (b), first indent	Article 4, point (b)(i)
Article 4, point (b), second indent	Article 4, point (b)(ii)
Article 4, point (b), third indent	Article 4, point (b)(iii)
Article 4, points (c) and (d)	Article 4, points (c) and (d)
Article 5	Article 5
Article 6(1), first subparagraph, introductory phrase	Article 6(1) first subparagraph, introductory phrase
Article 6(1), first subparagraph, first indent	Article 6(1), first subparagraph, point (a)
Article 6(1), first subparagraph, second indent	Article 6(1), first subparagraph, point (b)
Article 6(1), second subparagraph	Article 6(1), second subparagraph
Article 6(1), third subparagraph	Article 6(1), third subparagraph
Article 6(2) and (3)	Article 6(2) and (3)

Regulation (EC) No 245/2001	This Regulation
Article 7(1), introductory phrase	Article 7(1), introductory phrase
Article 7(1), first indent	Article 7(1)(a)
Article 7(1), second indent	Article 7(1)(b)
Article 7(2)	Article 7(2)
Article 8(1), introductory phrase	Article 8(1), introductory phrase
Article 8(1), first indent	Article 8(1)(a)
Article 8(1), second indent	Article 8(1)(b)
Article 8(2), (3) and (4)	Article 8(2), (3) and (4)
Article 9(1) and (2)	Article 9(1) and (2)
Article 9(3) first subparagraph, introductory phrase	Article 9(3), first subparagraph, introductory phrase
Article 9(3), first subparagraph, first indent	Article 9(3), first subparagraph, point (a)
Article 9(3), first subparagraph, second indent	Article 9(3), first subparagraph, point (b)
Article 9(3), second subparagraph	Article 9(3), second subparagraph
Articles 10, 11 and 12	Articles 10, 11 and 12
Article 13(3), first subparagraph, introductory phrase	Article 13(3), first subparagraph, introductory phrase
Article 13(1), first subparagraph, first indent	Article 13(1), first subparagraph, point (a)
Article 13(1), first subparagraph, second indent	Article 13(1), first subparagraph, point (b)
Article 13(1), first subparagraph, third indent	Article 13(1), first subparagraph, point (c)
Article 13(1), second subparagraph	Article 13(1), second subparagraph
Article 13(2)	Article 13(2)
Article 13(3), first subparagraph, introductory phrase	Article 13(3), first subparagraph, introductory phrase
Article 13(3), first subparagraph, first indent	Article 13(3), first subparagraph, point (a)
Article 13(3), first subparagraph, second indent	Article 13(3), first subparagraph, point (b)
Article 13(3), first subparagraph, third indent	Article 13(3), first subparagraph, point (c)
Article 13(3), first subparagraph, fourth indent	Article 13(3), first subparagraph, point (d)
Article 13(3), second and third subparagraphs	Article 13(3), second and third subparagraphs
Article 14	Article 14
Article 15(1) and (2)	Article 15(1) and (2)
Article 15(3), introductory phrase	Article 15(3), introductory phrase
Article 15(3)(a)(1)	Article 15(3)(a)(i)
Article 15(3)(a)(2)	Article 15(3)(a)(ii)
Article 15(3)(a)(3)	Article 15(3)(a)(iii)
Article 15(3)(b) to (f)	Article 15(3)(b) to (f)
Article 15(4)	Article 15(4)
Article 16	Article 16
Article 17	—
Article 17a(1)	Article 17(1)
Article 17a(2), first subparagraph	Article 17(2), first subparagraph
Article 17a(2), second subparagraph, introductory phrase	Article 17(2), second subparagraph, introductory phrase

Regulation (EC) No 245/2001	This Regulation
Article 17a(2), second subparagraph, second indent	Article 17(2), second subparagraph, point (b)
Article 17a(2), second subparagraph, third indent	Article 17(2), second subparagraph, point (c)
Article 17a(2), second subparagraph, third indent	Article 17(2), third subparagraph,
Article 17a(2), third subparagraph	Article 17(2), third subparagraph
Article 17a(2), fourth subparagraph, introductory phrase	Article 17(2), fourth subparagraph, introductory phrase
Article 17a(2) fourth subparagraph, first indent	Article 17(2), fourth subparagraph, point (a)
Article 17a(2) fourth subparagraph, second indent	Article 17(2), fourth subparagraph, point (b)
Article 17a(2), fourth subparagraph, third indent	Article 17(2), fourth subparagraph, point (c)
Article 17a(3) and (4)	Article 17(3) and (4)
Article 18	—
—	Article 18
Article 19, first subparagraph	Article 19
Article 19, second and third subparagraphs	—
Annex	Annex I
—	Annex II and III

COMMISSION REGULATION (EC) No 508/2008

of 6 June 2008

on the definition, applicable to the granting of export refunds, of hulled grains and pearled grains of cereals

(Codified version)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) [1], and in particular the first paragraph of Article 170, in conjunction with Article 4 thereof,

Whereas:

(1) Commission Regulation (EEC) No 821/68 of 28 June 1968 on the definition, applicable to the granting of export refunds, of hulled grains and pearled grains of cereals [2] has been substantially amended several times [3]. In the interests of clarity and rationality the said Regulation should be codified.

(2) The export refund should take into account the quality of the product processed from cereals which qualifies for the refund lest public funds contribute to the export of goods of inferior quality. It is therefore necessary to establish a precise definition, applicable in each Member State, of cereal grains qualifying for the refund on 'hulled grains' and 'pearled grains'.

(3) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

For the granting of export refunds, pearled grains and hulled grains of cereals shall be those which possess the characteristics listed in Annex I.

Article 2

Regulation (EEC) No 821/68 is repealed.

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

Article 3

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

It shall apply from 1 July 2008.

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

Done at Brussels, 6 June 2008.

For the Commission
The President
José Manuel BARROSO

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[1] OJ L 299, 16.11.2007, p. 1. Regulation as last amended by Regulation (EC) No 361/2008 (OJ L 121, 7.5.2008, p. 1).
[2] OJ L 149, 29.6.1968, p. 46. Regulation as last amended by Regulation (EC) No 39/2007 (OJ L 11, 18.1.2007, p. 11).
[3] See Annex II.

ANNEX I

A. DEFINITION OF 'HULLED GRAINS' (SHELLED OR HUSKED) AND 'PEARLED GRAINS'

I. 'Hulled grains' includes shelled and husked grains

1. Shelled grains:

   are cereal grains which have a large part of the pericarp removed or bracted cereal grains (see Explanatory Notes to tariff heading No 10.03: grains) with the bracts removed which cling to the pericarp (as for example with bearded barley) or which enclose the pericap so firmly that the bracts cannot be detached by threshing etc. (as with oats).

2. Husked grains

   are grains (in the case of barley, with the bracts removed) which have the major part of the pericarp and tegument (testa) removed.

II. 'Pearled grains' include

1. First class grains:

   (a) grains which correspond to the following definition:

   pearled cereal grains, principally barley, which have the whole of the tegument, pericarp, germ and the major part of the outer layer and aleuronic layer removed, and which are of uniform size and rounded form, and

   (b) which in addition meet the following requirements:

   (i) regularity of the grains:

   — 75 % of the grains must not exceed 20 % of the dm (*);

   — 94 % of the grains added progressively between 3 % and 97 % must not exceed 30 % of the dm (*);

   — 100 % of the grains must not exceed 50 % of the dm (*);

   (ii) determination of regularity by sieve analysis using sieves with round holes.

2. Second class grains:

   grains which correspond to the definition under II.1(a).

B. SIEVE ANALYSIS

I. Apparatus

1. Set of sieves with round hole (diameter 200 mm, diameter of holes: 4,0 to 1,0 mm, at 0,25 mm intervals);

2. Sieving apparatus — sieving should be done by hand; sieving aids (rubber cubes of 20 mm side);

3. Precision scales.

II. Method

Normally the pearled barley is passed through six different sieves; the set of sieves is closed at the top and bottom with the sieve with the largest holes placed at the top; the top and bottom sieves should be empty after sieving.

Two samples of pearled barley of a checked weight of between 50 and 100 grams are sifted by hand for at least five minutes, with the aid of the rubber cubes.

(*) dm = the median value obtained from the graph of the results of sieve analysis at the point at which 50 % of the product has passed through the sieve.

Sieving consists of taking hold of the set of sieves with the hand and shaking it, more or less horizontally, 120 times per minute, each shake travelling about 70 mm. This to-and-fro movement is interrupted every minute by a triple circular movement. The sieved residues are weighed to the nearest 0,1 g and expressed as a percentage of the sieved product which shall be weighed to the nearest whole number, and the average calculated.

The average of the percentages of the sieved residues should be added progressively, starting with the value 0 % in respect of the residue from the empty sieve with the largest holes. The added percentages Σ (%) and the sizes of the holes in the corresponding sieves are plotted in co-ordinated axes on millimetric paper, the Σ (%) in ordinates and the diameters of the holes, in mm, in abscissae.

The median value (dm) is the hole width expressed in hundredths of mm for Σ (%) = 50, and is read off the graph obtained by joining the points by straight lines.

ANNEX II

Repealed Regulation with list of its amendments

Commission Regulation (EEC) No 821/68	(OJ L 149, 29.6.1968, p. 46)
Commission Regulation (EEC) No 1634/71	(OJ L 170, 29.7.1971, p. 13)
Commission Regulation (EC) No 39/2007	(OJ L 11, 18.1.2007, p. 11)

ANNEX III

Correlation table

Regulation (EEC) No 821/68	This Regulation
Article 1	Article 1
—	Article 2
Article 2	Article 3
Annex, Definition of 'hulled grains' (shelled or husked) and 'pearled grains'	Annex I, point A
Annex, point A	Annex I, point A, I
Annex, point B, I, 1	Annex I, point A, II, 1(a)
Annex, point B, I, 2, first subparagraph, (a), (b) and (c)	Annex I, point A, II, 1(b)(i) first, second and third indents
Annex, point B, I, 2, second subparagraph	Annex I, point A, II, 1(b)(ii)
Annex, point B, I, 2, third subparagraph	Note (*)
Annex point B, II	Annex I, point A, II, 2
Annex, Sieve Analysis	Annex I, point B
Annex, Apparatus, first, second and third indents	Annex I, points B, I ,1, 2 and 3
Annex, Method	Annex I, point B, II
—	Annex II
—	Annex III

COMMISSION REGULATION (EC) No 509/2008

of 6 June 2008

fixing the final complementary quantity of raw cane sugar originating in the ACP States and India for supply to refineries for the marketing year 2007/08

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 318/2006 of 20 February 2006 on the common organisation of the markets in the sugar sector [1], and in particular the second subparagraph of Article 29(4),

Whereas:

(1) Article 29(4) of Regulation (EC) No 318/2006 lays down that, during the 2006/07, 2007/08 and 2008/09 marketing years and in order to ensure adequate supply to Community refineries, import duties on a complementary quantity of imports of raw cane sugar originating in the States referred to in Annex VI to that Regulation are to be suspended.

(2) That complementary quantity should be calculated in accordance with Article 19 of Commission Regulation (EC) No 950/2006 of 28 June 2006 laying down detailed rules of application for the 2006/07, 2007/08 and 2008/09 marketing years for the import and refining of sugar products under certain tariff quotas and preferential agreements [2], on the basis of an exhaustive Community forecast supply balance for raw sugar.

(3) For the 2007/08 marketing year, the balance indicates the need to import a complementary quantity of raw sugar for refining of 286 597 tonnes in white sugar equivalent so that the Community refineries' supply needs can be met. This complementary quantity includes an estimation of applications for import licences in the final months of the 2007/08 marketing year, concerning imports referred to in Article 3(2) of Commission Regulation (EC) No 1100/2006 of 17 July 2006 laying down, for the marketing years 2006/07, 2007/08 and 2008/09, detailed rules for the opening and administration of tariff quotas for raw cane sugar for refining, originating in least developed countries, as well as detailed rules applying to the importation of products of tariff heading 1701 originating in least developed countries [3].

(4) Commission Regulation (EC) No 1545/2007 of 20 December 2007 fixing the complementary quantity of raw cane sugar originating in the ACP States and India for supply to refineries in the period from 1 October 2007 to 30 September 2008 [4] and Commission Regulation (EC) No 97/2008 of 1 February 2008 fixing a complementary quantity of raw cane sugar originating in the ACP States and India for supply to refineries for the marketing year 200708 [5] already fixed complementary quantities of respectively 80 000 tonnes and 120 000 tonnes. It is therefore appropriate to fix the final quantity of complementary sugar of 86 597 tonnes for the marketing year 2007/08.

(5) Adequate supply of the refineries can only be guaranteed if the traditional export agreements between the beneficiary countries are respected. Therefore a breakdown between the beneficiary countries or group of countries is needed. For India, a quantity of 6 000 tonnes is opened which brings the total quantity for the marketing year 2007/08 for India to 20 000 tonnes which is considered an economically viable shipping quantity. The remaining quantities should be fixed for the ACP States, which have collectively undertaken to implement between themselves procedures for the allocation of the quantities in order to ensure the appropriate supply of the refineries.

(6) Prior to the import of this complementary sugar, the refiners need to make supply and shipping arrangements with the beneficiary countries and trade. In order to allow them to prepare for the application for import licences in due time, it is appropriate to provide for the entry into force of this Regulation as from the date of its publication.

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

[1] OJ L 58, 28.2.2006, p. 1. Regulation as last amended by Regulation (EC) No 1260/2007 (OJ L 283, 27.10.2007, p. 1).
[2] OJ L 178, 1.7.2006, p. 1. Regulation as last amended by Regulation (EC) No 371/2007 (OJ L 92, 3.4.2007, p. 6).
[3] OJ L 196, 18.7.2006, p. 3.
[4] OJ L 337, 21.12.2007, p. 67.
[5] OJ L 29, 2.2.2008, p. 3.

HAS ADOPTED THIS REGULATION:

Article 1

In addition to the quantities laid down in Regulations (EC) No 1545/2007 and (EC) No 97/2008, a final quantity of 86 597 tonnes of complementary raw cane sugar in white sugar equivalent is fixed for the marketing year 2007/08:

(a) 80 597 tonnes expressed as white sugar originating in the States listed in Annex VI to Regulation (EC) No 318/2006 except India;

(b) 6 000 tonnes expressed as white sugar originating in India.

Article 2

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

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

Done at Brussels, 6 June 2008.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

COMMISSION REGULATION (EC) No 510/2008

of 6 June 2008

amending Annex VI to Council Regulation (EC) No 1234/2007 for the 2008/09 marketing year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) [1], and in particular Article 59(1) in conjunction with Article 4 thereof,

Whereas:

(1) Annex VI to Regulation (EC) No 1234/2007 lays down the national and regional quotas for the production of sugar, isoglucose and inulin syrup. For the 2008/09 marketing year those quotas should be adjusted.

(2) The adjustments result from the allocation of additional and supplementary isoglucose quotas.

(3) The possible supplementary isoglucose quotas which might be allocated at a later date for the 2008/09 marketing year upon requests by undertakings approved in Italy, Lithuania, and Sweden will be taken into account in the next adjustment of the quotas laid down in Annex VI to Regulation (EC) No 1234/2007 before the end of February 2009.

(4) The adjustments also result from the application of Article 3 of Council Regulation (EC) No 320/2006 of 20 February 2006 establishing a temporary scheme for the restructuring of the sugar industry in the Community and amending Regulation (EC) No 1290/2005 on the financing of the common agricultural policy [2], which provides for restructuring aid for undertakings which renounce their quotas and from the application of Article 4a(4) of that Regulation which provides for a definitive reduction of quotas allocated to undertakings in case of growers' applications for restructuring aid. It is therefore necessary to take account of the quotas renounced or reduced as a result of grower's applications for the 2008/09 marketing year under the restructuring scheme.

(5) Annex VI to Regulation (EC) No 1234/2007 should therefore be amended accordingly.

(6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

Annex VI to Regulation (EC) No 1234/2007 is hereby replaced by the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 6 June 2008.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

[1] OJ L 299, 16.11.2007, p. 1. Regulation as last amended by Regulation (EC) No 361/2008 (OJ L 121, 7.5.2008, p. 1).

[2] OJ L 58, 28.2.2006, p. 42. Regulation as last amended by Regulation (EC) No 1261/2007 (OJ L 283, 27.10.2007, p. 8).

ANNEX

'ANNEX VI

NATIONAL AND REGIONAL QUOTAS

from the 2008/09 marketing year onwards

(in tonnes)

Member States or regions (1)	Sugar (2)	Isoglucose (3)	Inulin syrup (4)
Belgium	676 235,0	114 580,2	0
Bulgaria	0	89 198,0	
Czech Republic	372 459,3		
Denmark	372 383,0		
Germany	2 898 255,7	56 638,2	
Ireland	0		
Greece	158 702,0	0	
Spain	630 586,2	123 423,4	
France (metropolitan)	2 956 786,7		0
French overseas departments	480 244,5		
Italy	508 379,0	32 492,5	
Latvia	0		
Lithuania	90 252,0		
Hungary	105 420,0	220 265,8	
Netherlands	804 888,0	0	0
Austria	351 027,4		
Poland	1 405 608,1	42 861,4	
Portugal (mainland)	0	12 500,0	
Autonomous Region of the Azores	9 953,0		
Romania	104 688,8	15 879,0	
Slovenia	0		
Slovakia	112 319,5	68 094,5	
Finland	80 999,0	0	
Sweden	293 186,0		
United Kingdom	1 056 474,0	43 591,6	
TOTAL	13 468 847,2	819 524,6	0'

II

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

DECISIONS

COUNCIL

COUNCIL DECISION

of 7 April 2008

on the signing and provisional application of the Agreement between the European Community and the Government of Australia on certain aspects of air services

(2008/420/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 Article 300(2), first sentence of the first subparagraph thereof,

Having regard to the proposal from the Commission,

Whereas:

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

(2) On behalf of the Community, the Commission has negotiated an Agreement with the Government of Australia on certain aspects of air services, hereinafter referred to as '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 should be signed and provisionally applied, subject to its conclusion at a later date,

HAS DECIDED AS FOLLOWS:

Article 1

The signing of the Agreement between the European Community and the Government of Australia on certain aspects of air services is hereby approved on behalf of the Community, subject to the Council Decision concerning the conclusion of the said Agreement.

The text of the Agreement 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 on behalf of the Community subject to its conclusion.

Article 3

Pending its entry into force, the Agreement shall be applied provisionally from the first day of the first month following the date on which the Parties have notified each other of the completion of the necessary procedures for this purpose.

Article 4

The President of the Council is hereby authorised to make the notification provided in Article 7(2) of the Agreement.

Done at Luxembourg, 7 April 2008.

For the Council
The President
R. ŽERJAV

AGREEMENT

between the European Community and the Government of Australia on certain aspects of air services

THE EUROPEAN COMMUNITY,

of the one part, and

THE GOVERNMENT OF AUSTRALIA,

of the other part,

hereinafter referred to as 'the Contracting Parties',

NOTING that the European Court of Justice has found that certain provisions of bilateral agreements entered into by several Member States with third countries are incompatible with European Community law,

NOTING that a number of bilateral air services agreements have been concluded between several Member States of the European Community and Australia containing similar provisions and that there is an obligation on Member States to take all appropriate steps to eliminate incompatibilities between such agreements and the EC Treaty,

NOTING that the European Community has exclusive competence with respect to a number of 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 consistency between European Community law and provisions of bilateral air service agreements between Member States of the European Community and Australia will provide a sound legal basis for air services between the European Community and Australia and preserve the continuity of such air services,

NOTING that provisions of the bilateral air services agreements between Member States of the European Community and Australia, which are not inconsistent with European Community law, do not need to be amended or replaced,

NOTING that it is not a purpose of the European Community in this Agreement to increase the total volume of air traffic between the European Community and Australia, to affect the balance between Community air carriers and air carriers of Australia, or to prevail over the interpretation of 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; 'Contracting Party' shall mean a contracting party to this Agreement; 'party' shall mean the contracting party to the relevant bilateral air services agreement; 'air carrier' shall also mean airline; 'territory of the European Community' shall mean territories of the Member States to which the Treaty establishing the European Community applies.

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 3 and 4 of this Article shall prevail over the corresponding provisions in the Articles listed in Annex II(a) and (b) respectively, in relation to the designation of air carriers by the Member State concerned, its authorisations and permissions granted by Australia, and the refusal, revocation, suspension or limitation of the authorisations or permissions of the air carrier, respectively.

2. The provisions in paragraphs 3 and 4 of this Article shall prevail over the corresponding provisions in the Articles listed in Annex II(a) and (b) respectively, in relation to the designation of air carriers by Australia, its authorisations and permissions granted by the Member State concerned, and the refusal, revocation, suspension or limitation of the authorisations or permissions of the air carrier, respectively.

3. On receipt of such a designation, and of applications from the designated air carrier(s), in the form and manner prescribed for operating authorisations and technical permissions, each party shall, subject to paragraphs 4 and 5 grant the appropriate authorisations and permissions with minimum procedural delay, provided that:

(a) in the case of an air carrier designated by a Member State:

(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 from a Member State in accordance with European Community law; and

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

(iii) the air carrier has its principal place of business in the territory of the Member State from which it has received the valid operating licence; and

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

(b) in the case of an air carrier designated by Australia:

(i) Australia has and maintains effective regulatory control of the air carrier; and

(ii) it has its principal place of business in Australia.

4. Either party may refuse, revoke, suspend or limit the operating authorisation or technical permissions of an air carrier designated by the other party where:

(a) in the case of an air carrier designated by a Member State:

(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 from a Member State 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 operator's certificate, or the relevant aeronautical authority is not clearly identified in the designation; or

(iii) the air carrier does not have its principal place of business in the territory of the Member State from which it has received its operating licence; or

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

(v) the air carrier is already authorised to operate under a bilateral agreement between Australia and another Member State and Australia can demonstrate 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 the third or fourth or fifth freedom traffic rights imposed by that other agreement; or

(vi) the air carrier holds an air operator's certificate issued by a Member State and there is no bilateral air services agreement between Australia and that Member State and Australia can demonstrate that the necessary traffic rights to conduct the proposed operation are not reciprocally available to the designated air carrier(s) of Australia;

(b) in the case of an air carrier designated by Australia:

(i) Australia is not maintaining effective regulatory control of the air carrier; or

(ii) it does not have its principal place of business in Australia.

5. In exercising its right under paragraph 4, and without prejudice to its rights under paragraph 4(a)(v) and (vi) of this Article, Australia shall not discriminate between air carriers of Member States on the grounds of nationality.

Article 3

Rights with regard to regulatory control

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

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

Article 4

Tariffs for carriage within the European Community

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

2. The tariffs to be charged by the air carrier(s) designated by Australia under an Agreement listed in Annex I containing a provision listed in Annex II(d) for carriage wholly within the European Community shall be subject to European Community law.

Article 5

Annexes to the Agreement

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

Article 6

Revision or amendment

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

Article 7

Entry into force

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

2. Notwithstanding paragraph 1, the Contracting Parties agree to provisionally apply this Agreement from the first day of the month following the date on which the Contracting Parties have notified each other of the completion of the procedures necessary for this purpose.

3. Agreements and other arrangements between Member States and Australia which, at the date of signature of this Agreement, have not yet entered into force and are not being applied provisionally are listed in Annex I(b). This Agreement shall apply to all such Agreements and arrangements upon their entry into force or provisional application.

Article 8

Termination

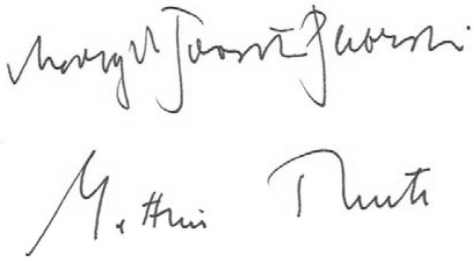
1. In the event that an Agreement listed in Annex I is terminated, all provisions of this Agreement that relate to the Agreement listed in Annex I concerned shall terminate at the same time.

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

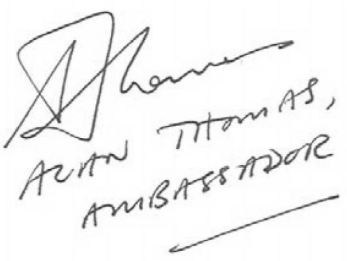
IN WITNESS WHEREOF, the undersigned, being duly authorised, have signed this Agreement.

Done at Brussels in duplicate, on this twenty-ninth day of April in the year two thousand and eight in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish languages. In case of divergence the English 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
Għall-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 правителството на Австралия
Por el Gobierno de Australia
Za vládu Austrálie
For Australiens regering
Für die Regierung Australiens
Austraalia valitsuse nimel
Για την Κυβέρνηση της Αυστραλίας
For the Government of Australia
Pour le gouvernement d'Australie
Per il governo d'Australia
Austrālijas valdības vārdā
Australijos Vyriausybės vardu
Ausztrália kormánya részéről
Għall-Gvern ta' l-Awstralja
Voor de Regering van Australië
W imieniu Rządu Australii
Pelo Governo da Austrália
Pentru Guvernul Australiei
Za vládu Austrálie
Za vlado Avstralije
Australian hallituksen puolesta
För Australiens regering



ANNEX I

List of Agreements referred to in Article 1 of this Agreement

(a) Air services agreements between the Commonwealth of Australia 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:

— Agreement between the Austrian Federal Government and the Government of the Commonwealth of Australia relating to Air Services, done at Vienna on 22 March 1967 (hereinafter referred to as 'Australia-Austria Agreement').

Supplemented by the Memorandum of Understanding signed at Vienna on 25 March 1999,

— Air Services Agreement between the Government of the Kingdom of Denmark and the Government of Australia, initialled at Canberra on 16 October 1998 (hereinafter referred to as 'Draft Australia-Denmark Agreement').

Supplemented by the Memorandum of Understanding on the cooperation between the Scandinavian countries regarding Scandinavian Airlines System (SAS) initialled at Canberra on 16 October 1998.

Supplemented by the Agreed Minutes dated 16 October 1998,

— Agreement between the Government of the Republic of Finland and the Government of the Commonwealth of Australia relating to Air Services, initialled on 15 June 1999 (hereinafter referred to as 'Draft Australia-Finland Agreement').

Supplemented by the Memorandum of Understanding signed at Helsinki on 15 June 1999,

— Agreement between the Government of the Commonwealth of Australia and the Government of the French Republic and relating to Air Transport, done at Canberra on 13 April 1965 (hereinafter referred to as 'Australia-France Agreement').

Modified by Exchange of Letters signed in Paris on 22 December 1970 and 7 January 1971,

— Agreement between the Federal Republic of Germany and the Commonwealth of Australia relating to Air Transport, done at Bonn on 22 May 1957 (hereinafter referred to as 'Australia-Germany Agreement').

To be read together with the Memorandum of Understanding signed at Canberra on 12 June 1998 and the exchange of letters dated 17 September 1998 and 5 November 1998,

— Agreement between the Government of the Kingdom of Greece and the Government of the Commonwealth of Australia relating to Air Services, done at Athens on 10 June 1971, as amended (hereinafter referred to as 'Australia-Greece Agreement'),

— Agreement between the Government of the Hellenic Republic and the Government of Australia relating to Air Services, initialled at Athens on 11 November 1997 and attached to the Memorandum of Understanding signed at Athens on 11 November 1997 (hereinafter referred to as 'Draft Revised Australia-Greece Agreement'),

— Air Transport Agreement between Ireland and Australia concluded by exchange of notes dated 26 November 1957 and 30 December 1957 (hereinafter referred to as 'Australia-Ireland Agreement'),

— Agreement between the Government of the Commonwealth of Australia and the Government of the Republic of Italy relating to Air Services, done at Rome on 10 November 1960 as amended (hereinafter referred to as 'Australia-Italy Agreement'),

— Agreement between the Government of Australia and the Government of the Grand Duchy of Luxembourg on Air Services as annexed to the Memorandum of Understanding, done at Luxembourg on 3 September 1997 (hereinafter referred to as 'Draft Australia-Luxembourg Agreement'),

— Agreement between the Government of Malta and the Government of Australia relating to Air Services, done at Canberra on 11 September 1996 (hereinafter referred to as 'Australia-Malta Agreement').

Supplemented by exchange of letters on 1 December 2003,

— Agreement between the Government of the Kingdom of the Netherlands and the Government of the Commonwealth of Australia for the establishment of air services, done at Canberra on 25 September 1951 (hereinafter referred to as 'Australia-Netherlands Agreement'),

— Agreement between the Government of the Republic of Poland and the Government of Australia relating to Air Services, done in Warsaw on 28 April 2004 (hereinafter referred to as 'Australia-Poland Agreement'),

— Air Services Agreement between the Government of the Kingdom of Sweden and the Government of Australia, initialled at Canberra on 16 October 1998 (hereinafter referred to as 'Draft Australia-Sweden Agreement').

Supplemented by the Memorandum of Understanding on the cooperation between the Scandinavian countries regarding Scandinavian Airlines System (SAS) initialled at Canberra on 16 October 1998.

Supplemented by the Agreed Minutes dated 16 October 1998,

— Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Commonwealth of Australia for Air Services between and beyond their respective territories, done at London on 7 February 1958 as amended (hereinafter referred to as 'Australia-United Kingdom Agreement');

(b) Air services agreements and other arrangements initialled or signed between the Commonwealth of Australia 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 4 of the Australia-Austria Agreement (*),

— Article 3 of the Draft Australia-Denmark Agreement,

— Article 3 of the Australia-Germany Agreement (*),

— Article 4 of the Australia-Greece Agreement (*),

— Article 4 of the Draft Australia-Greece Agreement (*),

— Article 3 of the Draft Australia-Luxembourg Agreement (*),

— Article 4 of the Australia-Ireland Agreement (*),

— Article 4 of the Australia-Italy Agreement (*),

— Article 4 of the Australia-Malta Agreement (*),

— Article 3 of the Australia-Netherlands Agreement (*),

— Article 2 of the Australia-Poland Agreement,

— Article 3 of the Draft Australia-Sweden Agreement,

— Article 3 of the Australia-United Kingdom Agreement.

(b) Refusal, revocation, suspension or limitation of authorisations or permissions:

— Article 7 of the Australia-Austria Agreement (*),

— Article 4 of the Draft Australia-Denmark Agreement,

— Article 5 of the Draft Australia-Finland Agreement,

— Article 8 of the Australia-France Agreement (*),

— Article 4 of the Australia-Germany Agreement (*),

— Article 5 of the Australia-Greece Agreement (*),

— Article 5 of the Draft Australia-Greece Agreement (*),

— Article 7 of the Australia-Ireland Agreement (*),

— Article 5 of the Australia-Italy Agreement (*),

— Article 4 of the Draft Australia-Luxembourg Agreement (*),

— Article 5 of the Australia-Malta Agreement (*),

— Article 6 of the Australia-Netherlands Agreement (*),

(*) Article 2(2) of this Agreement does not apply to these provisions.

— Article 2 of the Australia-Poland Agreement,

— Article 4 of the Draft Australia-Sweden Agreement,

— Article 3 of the Australia-United Kingdom Agreement.

(c) Regulatory control:

— Attachment 4 to the Memorandum of Understanding between aeronautical authorities of the Government of Australia and the Government of Austria, signed on 25 March 1999 — as applied provisionally in the framework of the Australia-Austria Agreement,

— Article 17 of the Draft Australia-Denmark Agreement,

— Article 8 of the Draft Australia-Finland Agreement,

— Attachment C to the Memorandum of Understanding between the aeronautical authorities of the Government of Australia and the Government of the Federal Republic of Germany, signed at Canberra on 12 June 1998 — as applied provisionally in the framework of the Australia-Germany Agreement,

— Article 8 of the Draft Australia-Greece Agreement,

— Article 7 of the Draft Australia-Luxembourg Agreement,

— Article 8 of the Australia-Malta Agreement,

— Attachment C to the Memorandum of Understanding between the aeronautical authorities of the Government of Australia and the Government of the Kingdom of the Netherlands, signed at The Hague on 4 September 1997 — as applied provisionally in the framework of the Australia-Netherlands Agreement,

— Article 5 of the Australia-Poland Agreement,

— Article 17 of the Draft Australia-Sweden Agreement;

(d) Tariffs for carriage within the European Community:

— Article 9 of the Australia-Austria Agreement,

— Article 13 of the Draft Australia-Denmark Agreement,

— Article 14 of the Draft Australia-Finland Agreement,

— Article10 of the Australia-France Agreement,

— Attachment E to the Memorandum of Understanding between the aeronautical authorities of the Government of Australia and the Government of the Federal Republic of Germany, signed at Canberra on 12 June 1998 in conjunction with the exchange of letters dated 17 September 1998 and 5 November 1998 — as applied provisionally in the framework of the Australia-Germany Agreement,

— Article 9 of the Australia-Greece Agreement,

— Article 14 of the Draft Australia-Greece Agreement,

— Article 9 of the Australia-Ireland Agreement,

— Article 9 of the Australia-Italy Agreement,

— Article 11 of the Draft Australia-Luxembourg Agreement,

— Article 14 of the Australia-Malta Agreement,

— Section IV of the Annex to the Australia-Netherlands Agreement,

— Article 10 of the Australia-Poland Agreement,

— Article 13 of the Draft Australia-Sweden Agreement,

— Article 7 of the Australia-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 5 June 2008

on the application of the provisions of the Schengen *acquis* relating to the Schengen Information System in the Swiss Confederation

(2008/421/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Agreement between the European Union, the European Community and the Swiss Confederation concerning the Swiss Confederation's association with the implementation, application, and development of the Schengen *acquis* (hereinafter referred to as the Agreement) [1], which was signed on 26 October 2004 [2] and entered into force on 1 March 2008 [3], and in particular Article 15(1) thereof,

Whereas:

(1) Article 15(1) of the Agreement provides that the provisions of the Schengen *acquis* shall apply in the Swiss Confederation only pursuant to a Council Decision to that effect after verification that the necessary conditions for the application of that *acquis* have been met;

(2) The Council has verified that the Swiss Confederation ensures satisfactory levels of data protection by taking the following steps:

A full questionnaire was forwarded to the Swiss Confederation, whose replies were recorded, and verification and evaluation visits were made to the Swiss Confederation, in accordance with the applicable Schengen evaluation procedures as set out in the Decision of the Executive Committee setting up a Standing Committee on the evaluation and implementation of Schengen (hereinafter referred to as SCH/Com-ex (98) 26 def.) [4], in the area of Data Protection.

(3) On 5 June 2008, the Council concluded that the Swiss Confederation had fulfilled the conditions in this area. It is therefore possible to set a date from which the Schengen *acquis* relating to the Schengen Information System (hereinafter referred to as the SIS) may apply to it.

(4) The entry into force of this Decision should allow for real SIS data to be transferred to the Swiss Confederation. The concrete use of that data should allow the Council, through the applicable Schengen evaluation procedures as set out in SCH/Com-ex (98) 26 def., to verify the correct application of the provisions of the Schengen *acquis* relating to the SIS in the Swiss Confederation. Once those evaluations have been carried out, the Council should decide on the lifting of checks at internal borders with the Swiss Confederation.

(5) The Agreement between the Swiss Confederation, the Republic of Iceland and the Kingdom of Norway concerning the implementation, application and development of the Schengen *acquis* and concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in Switzerland, Iceland or Norway stipulates that it shall be put into effect in respect of the implementation, application and development of the Schengen *acquis* on the same date as the Agreement is put into effect.

(6) A separate Council Decision should be taken setting a date for the lifting of checks on persons at internal borders. Until the date of the lifting of checks set out in that Decision, certain restrictions on the use of the SIS should be imposed,

HAS DECIDED AS FOLLOWS:

Article 1

1. The provisions of the Schengen *acquis* relating to the SIS, as referred to in Annex I, shall apply to the Swiss Confederation in its relations with the Kingdom of Belgium, the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Italian Republic, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, the Republic of Hungary, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, and the Kingdom of Sweden from 14 August 2008.

[1] OJ L 53, 27.2.2008, p. 52.
[2] Council Decisions 2004/849/EC (OJ L 368, 15.12.2004, p. 26) and 2004/860/EC (OJ L 370, 17.12.2004, p. 78).
[3] Council Decisions 2008/146/EC (OJ L 53, 27.2.2008, p. 1) and 2008/149/JHA (OJ L 53, 27.2.2008, p. 50).
[4] OJ L 239, 22.9.2000, p. 138.

2. The provisions of the Schengen *acquis* relating to the SIS, as referred to in Annex II, shall apply to the Swiss Confederation in its relations with the Kingdom of Belgium, the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Italian Republic, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, the Republic of Hungary, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, and the Kingdom of Sweden from the date laid down in those provisions.

3. From 9 June 2008 real SIS data may be transferred to the Swiss Confederation.

From 14 August 2008, the Swiss Confederation will be able to enter data into the SIS and use SIS data, subject to paragraph 4.

4. Until the date of the lifting of checks at internal borders with the Swiss Confederation, the Swiss Confederation:

(a) shall not be obliged to refuse entry to its territory to or to expel nationals of third States for whom an SIS alert has been issued by a Member State for the purpose of refusing entry;

(b) shall refrain from entering the data covered by Article 96 of the Convention of 19 June 1990 implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders [1] (hereinafter referred to as the Schengen Convention).

Article 2

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

Done at Luxembourg, 5 June 2008.

For the Council
The President
D. MATE

[1] OJ L 239, 22.9.2000, p. 19. Convention as last amended by Regulation (EC) No 1987/2006 of the European Parliament and of the Council (OJ L 381, 28.12.2006, p. 4).

ANNEX I

List of the provisions of the Schengen *acquis* relating to the SIS to be rendered applicable to the Swiss Confederation

1. In respect of the provisions of the Schengen Convention:

   Article 64 and Articles 92 to 119 of the Schengen Convention.

2. Other provisions concerning SIS:

   (a) in respect of the provisions of the following Decision of the Executive Committee established by the Schengen Convention:

   Decision of the Executive Committee of 15 December 1997 amending the Financial Regulation on C. SIS (SCH/Com-ex (97) 35) ([1]);

   (b) in respect of the provisions of the following Declaration of the Executive Committee established by the Schengen Convention:

   Declaration of the Executive Committee of 18 April 1996 defining the concept of an alien (SCH/Com-ex (96) decl. 5) ([2]);

   (c) other instruments:

   (i) 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 ([3]) in so far as it applies in relation to the processing of data within the SIS;

   (ii) Council Decision 2000/265/EC of 27 March 2000 on the establishment of a financial regulation governing the budgetary aspects of the management by the Deputy Secretary-General of the Council, of contracts concluded in his name, on behalf of certain Member States, relating to the installation and the functioning of the communication infrastructure for the Schengen environment, 'Sisnet' ([4]);

   (iii) Council Regulation (EC) 2424/2001 of 6 December 2001 on the development of the second generation Schengen Information System (SIS II) ([5]);

   (iv) Council Decision No 2001/886/JHA of 6 December 2001 on the development of the second generation Schengen Information System (SIS II) ([6]);

   (v) the SIRENE Manual ([7]);

   (vi) Council Regulation (EC) No 871/2004 of 29 April 2004 concerning the introduction of some new functions for the Schengen Information System, including in the fight against terrorism ([8]), and any subsequent decisions on the date of application of those functions;

   (vii) Council Decision 2005/211/JHA of 24 February 2005 concerning the introduction of some new functions for the Schengen Information System, including in the fight against terrorism ([9]), and any subsequent decisions on the date of application of those functions;

   (viii) Regulation (EC) No 1160/2005 of the European Parliament and of the Council of 6 July 2005 amending the Convention implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of checks at common borders, as regards access to the Schengen Information System by the services in the Member States responsible for issuing registration certificates for vehicles ([10]).

([1]) OJ L 239, 22.9.2000, p. 444. Decision as last amended by Council Decision 2008/328/EC (OJ L 113, 25.4.2008, p. 21).
([2]) OJ L 239, 22.9.2000, p. 458.
([3]) 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).
([4]) OJ L 85, 6.4.2000, p. 12. Decision as last amended by Decision 2008/319/EC (OJ L 109, 19.4.2008, p. 30).
([5]) OJ L 328, 13.12.2001, p. 4. Regulation as amended by Regulation (EC) No 1988/2006 (OJ L 411, 30.12.2006, p. 1).
([6]) OJ L 328, 13.12.2001, p. 1. Decision as last amended by Council Decision 2006/1007/JHA (OJ L 411, 30.12.2006, p. 78).
([7]) Parts of the SIRENE manual were published in OJ C 38, 17.2.2003, p. 1. The manual was amended by Commission Decisions 2008/333/EC (OJ L 123, 8.5.2008, p. 1) and 2008/334/JHA (OJ L 123, 8.5.2008, p. 39).
([8]) OJ L 162, 30.4.2004, p. 29.
([9]) OJ L 68, 15.3.2005, p. 44.
([10]) OJ L 191, 22.7.2005, p. 18.

ANNEX II

List of the provisions of the Schengen *acquis* relating to the SIS to be rendered applicable to the Swiss Confederation from the date laid down in those provisions

1. Regulation (EC) No 1986/2006 of the European Parliament and of the Council of 20 December 2006 regarding access to the Second Generation Schengen Information System (SIS II) by the services in the Member States responsible for issuing vehicle registration certificates [1];

2. Regulation (EC) No 1987/2006 of the European Parliament and of the Council of 20 December 2006 on the establishment, operation and use of the second generation Schengen Information System (SIS II) [2];

3. Council Decision 2007/533/JHA of 12 June 2007 on the establishment, operation and use of the second generation Schengen Information System (SIS II) [3].

[1] OJ L 381, 28.12.2006, p. 1.
[2] OJ L 381, 28.12.2006, p. 4.
[3] OJ L 205, 7.8.2007, p. 63.

COUNCIL DECISION

of 5 June 2008

on declassifying Annex 4 to the SIRENE Manual adopted by the Executive Committee established by the Convention implementing the Schengen Agreement of 14 June 1985 (1990 Schengen Convention)

(2008/422/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 207, paragraph (3) thereof,

Whereas,

(1) By Decision 2003/19/EC of 14 October 2002 on declassifying certain parts of the SIRENE Manual adopted by the Executive Committee established by the Convention implementing the Schengen Agreement of 14 June 1985 [1] the Council declassified certain parts of the SIRENE Manual and downgraded Section 2.3 of the SIRENE Manual as well as Annexes 1, 2, 3, 4, 5 and 6 thereto to the classification level 'Restreint UE'.

(2) The latest version of the SIRENE Manual as it appears in Commission Decisions 2006/757/EC [2] and 2006/758/EC [3] of 22 September 2006 on amending the SIRENE Manual does not contain a provision equivalent to Section 2.3 as it stood at the time of the adoption of Decision 2003/19/EC.

(3) By Decision 2007/473/EC of 25 June 2007 on declassifying certain parts of the SIRENE Manual adopted by the Executive Committee established by the Convention implementing the Schengen Agreement of 14 June 1985 [4] the Council declassified Annexes 2 and 5 to the SIRENE Manual.

(4) The Council now considers it appropriate to declassify Annex 4 to the SIRENE Manual.

(5) The classification of Annexes 1, 3 and 6 to the SIRENE Manual should remain 'Restreint UE',

HAS DECIDED AS FOLLOWS:

Article 1

The Annex 4 to the SIRENE Manual shall be declassified.

Article 2

This Decision shall take effect on the day of its publication in the *Official Journal of the European Union*.

Article 3

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

Done at Luxembourg, 5 June 2008.

For the Council
The President
D. MATE

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[1] OJ L 8, 14.1.2003, p. 34.
[2] OJ L 317, 16.11.2006, p. 1.
[3] OJ L 317, 16.11.2006, p. 41.
[4] OJ L 179, 7.7.2007, p. 52.

COMMISSION

COMMISSION DECISION

of 8 May 2008

setting a new deadline for the submission of dossiers for certain substances to be examined under the 10-year work programme referred to in Article 16(2) of Directive 98/8/EC of the European Parliament and of the Council

(notified under document number C(2008) 1736)

(2008/423/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1451/2007 of 4 December 2007 on the second phase of the 10-year work programme referred to in Article 16(2) of Directive 98/8/EC of the European Parliament and of the Council concerning the placing of biocidal products on the market [1], and in particular the second subparagraph of Article 12(3) thereof,

Whereas:

(1) Regulation (EC) No 1451/2007 establishes a list of active substances to be assessed, with a view to their possible inclusion in Annex I, IA or IB to Directive 98/8/EC of the European Parliament and of the Council [2].

(2) For a number of substances/product type combinations included in that list, either all participants have withdrawn or no dossier has been received within the deadlines specified in Article 9 of Regulation (EC) No 1451/2007 by the Member State designated as Rapporteur for the evaluation.

(3) Consequently, and pursuant to Article 11(2) of Regulation (EC) No 1451/2007, the Commission informed the Member States thereof. That information was also made public by electronic means on 22 June 2007.

(4) Within three months of the electronic publication of that information, persons indicated an interest in taking over the role of participant for some of the substances and product-types concerned, in accordance with Article 12(1) of Regulation (EC) No 1451/2007.

(5) A new deadline should therefore be established for the submission of dossiers for these substances and product-types.

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

HAS ADOPTED THIS DECISION:

Article 1

For the substances and the product-types set out in the Annex, the new deadline for the submission of dossiers shall be 30 June 2009.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 8 May 2008.

For the Commission

Stavros DIMAS

Member of the Commission

[1] OJ L 325, 11.12.2007, p. 3.

[2] OJ L 123, 24.4.1998, p. 1. Directive as last amended by Directive 2008/31/EC (OJ L 81, 20.3.2008, p. 57).

ANNEX

Substances and product-types for which the new deadline for the submission of dossiers is 30 June 2009

Name	EC number	CAS number	Product-type
Formaldehyde	200-001-8	50-00-0	1
Formaldehyde	200-001-8	50-00-0	2
Formaldehyde	200-001-8	50-00-0	3
Formaldehyde	200-001-8	50-00-0	4
Formaldehyde	200-001-8	50-00-0	5
Formaldehyde	200-001-8	50-00-0	6
Mixture of cis- and trans-p-menthane-3,8 diol/Citriodiol	255-953-7	42822-86-6	19
Silicium dioxide/Kieselguhr	Plant protection product	61790-53-2	18

COMMISSION DECISION

of 6 June 2008

concerning protection measures in relation to highly pathogenic avian influenza of subtype H7 in the United Kingdom

(notified under document number C(2008) 2666)

(Only the English text is authentic)

(2008/424/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

(1) Council Directive 2005/94/EC of 20 December 2005 on Community measures for the control of avian influenza and repealing Directive 92/40/EEC [3] sets out certain preventive measures relating to the surveillance and the early detection of avian influenza and the minimum control measures to be applied in the event of an outbreak of that disease in poultry or other captive birds. That Directive provides for the establishment of protection and surveillance zones in the event of an outbreak of highly pathogenic avian influenza.

(2) On 4 June 2008, the United Kingdom notified the Commission of a confirmed outbreak of highly pathogenic avian influenza of subtype H7 in a poultry holding on its territory and it immediately took the appropriate measures in the framework of Directive 2005/94/EC, including the establishment of protection and surveillance zones.

(3) The Commission has examined those measures in collaboration with the United Kingdom, and it is satisfied that the borders of the zones established by the competent authority in that Member State are at a sufficient distance to the actual location of the confirmed outbreak.

(4) In order to prevent any unnecessary disturbance to intra-Community trade and to avoid the risk of the adoption of unjustified barriers to trade by third countries, it is necessary to promptly describe those zones in the United Kingdom at Community level.

(5) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

This Decision concerns the protection and surveillance zones established by the competent authority in the United Kingdom following a confirmed outbreak of highly pathogenic avian influenza of subtype H7 in a poultry holding in the county of Oxfordshire, which was notified to the Commission on 4 June 2008 by that Member State.

The United Kingdom shall ensure that the protection and surveillance zones established in accordance with Article 16(1) of Directive 2005/94/EC shall comprise at least the areas described in Part A and Part B of the Annex to this Decision.

[1] OJ L 395, 30.12.1989, p. 13. Directive as last amended by Directive 2004/41/EC of the European Parliament and of the Council (OJ L 157, 30.4.2004, p. 33), as corrected by OJ L 195, 2.6.2004, p. 12.

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

[3] OJ L 10, 14.1.2006, p. 16.

Article 2

This Decision shall apply until 28 June 2008.

Article 3

This Decision is addressed to the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 6 June 2008.

For the Commission
Androulla VASSILIOU
Member of the Commission

ANNEX

PART A

Protection zone as referred to in Article 1

ISO Country Code	Member State	Code (if available)	Name
UK	United Kingdom	00201	Area comprising that part of the counties of Oxfordshire and Warwickshire on the boundary of and within a circle of radius 3,215 kilometres, centred on grid reference SP36412 42196 (*).

(*) The grid reference is to the Ordnance Survey Landranger 1:50 000 series.

PART B

Surveillance zone as referred to in Article 1:

ISO Country Code	Member State	Code (if available)	Name
UK	United Kingdom	00201	Area comprising that part of the counties of Oxfordshire and Warwickshire on the boundary of and within a circle of radius 10,215 kilometres, centred on grid reference SP36412 42196 (*).

(*) The grid reference is to the Ordnance Survey Landranger 1:50 000 series.