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### Legislation

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## I

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

## REGULATIONS

**COMMISSION REGULATION (EC) No 643/2008****of 7 July 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 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) <sup>(1)</sup>,

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 <sup>(2)</sup>, 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 8 July 2008.

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

Done at Brussels, 7 July 2008.

*For the Commission*

Jean-Luc DEMARTY

*Director-General for Agriculture and  
Rural Development*

<sup>(1)</sup> OJ L 299, 16.11.2007, p. 1. Regulation as last amended by Commission Regulation (EC) No 510/2008 (OJ L 149, 7.6.2008, p. 61).

<sup>(2)</sup> OJ L 350, 31.12.2007, p. 1.

## ANNEX

**to Commission Regulation of 7 July 2008 establishing the standard import values for determining the entry price of certain fruit and vegetables**

(EUR/100 kg)

CN code	Third country code <sup>(1)</sup>	Standard import value
0702 00 00	MA	39,1
	MK	28,3
	TR	101,7
	ZZ	56,4
0707 00 05	TR	83,4
	ZZ	83,4
0709 90 70	TR	94,4
	ZZ	94,4
0805 50 10	AR	114,4
	US	55,3
	ZA	100,2
	ZZ	90,0
0808 10 80	AR	114,6
	BR	96,2
	CL	105,1
	CN	69,1
	NZ	116,0
	US	88,2
	UY	80,8
	ZA	92,0
	ZZ	95,3
0808 20 50	AR	95,1
	CL	100,7
	CN	113,9
	NZ	142,3
	ZA	126,5
	ZZ	115,7
0809 10 00	TR	196,4
	US	284,0
	XS	130,8
	ZZ	203,7
0809 20 95	TR	359,1
	US	179,9
	ZZ	269,5
0809 30	TR	197,2
	ZZ	197,2
0809 40 05	IL	153,3
	ZZ	153,3

<sup>(1)</sup> 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 644/2008****of 7 July 2008****amending the representative prices and additional duties for the import of certain products in the sugar sector fixed by Regulation (EC) No 1109/2007 for the 2007/08 marketing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

- (1) The representative prices and additional duties applicable to imports of white sugar, raw sugar and certain syrups

for the 2007/08 marketing year are fixed by Commission Regulation (EC) No 1109/2007 <sup>(3)</sup>. These prices and duties have been last amended by Commission Regulation (EC) No 631/2008 <sup>(4)</sup>.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 8 July 2008.

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

Done at Brussels, 7 July 2008.

*For the Commission*

Jean-Luc DEMARTY

*Director-General for Agriculture and  
Rural Development*

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

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

<sup>(3)</sup> OJ L 253, 28.9.2007, p. 5.

<sup>(4)</sup> OJ L 173, 3.7.2008, p. 14.

## ANNEX

**Amended representative prices and additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 95 applicable from 8 July 2008**

(EUR)

CN code	Representative price per 100 kg of the product concerned	Additional duty per 100 kg of the product concerned
1701 11 10 <sup>(1)</sup>	23,17	4,71
1701 11 90 <sup>(1)</sup>	23,17	9,95
1701 12 10 <sup>(1)</sup>	23,17	4,52
1701 12 90 <sup>(1)</sup>	23,17	9,52
1701 91 00 <sup>(2)</sup>	25,16	12,79
1701 99 10 <sup>(2)</sup>	25,16	8,13
1701 99 90 <sup>(2)</sup>	25,16	8,13
1702 90 95 <sup>(3)</sup>	0,25	0,40

<sup>(1)</sup> Fixed for the standard quality defined in Annex LIII to Council Regulation (EC) No 318/2006 (OJ L 58, 28.2.2006, p. 1).

<sup>(2)</sup> Fixed for the standard quality defined in Annex LII to Regulation (EC) No 318/2006.

<sup>(3)</sup> Fixed per 1 % sucrose content.

## DIRECTIVES

## DIRECTIVE 2008/51/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 21 May 2008

## amending Council Directive 91/477/EEC on control of the acquisition and possession of weapons

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 95(1) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee <sup>(1)</sup>,

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

Whereas:

(1) Directive 91/477/EEC <sup>(3)</sup> established an accompanying measure for the internal market. It creates a balance between on the one hand the undertaking to ensure a certain freedom of movement for some firearms within the Community, and on the other the need to control this freedom using security guarantees suited to this type of product.

(2) In accordance with Council Decision 2001/748/EC of 16 October 2001 concerning the signing on behalf of the European Community of the United Nations Protocol on the illicit manufacturing of and trafficking in firearms, their parts, components and ammunition, annexed to the Convention against transnational organised crime <sup>(4)</sup>, the Commission signed that Protocol (hereinafter referred to as the Protocol) on behalf of the Community on 16 January 2002.

(3) The accession of the Community to the Protocol requires amendments to certain provisions of Directive 91/477/EEC. Indeed, it is important to ensure the coherent, effective and rapid application of the international commitments affecting that Directive. Furthermore, it is necessary to take the opportunity of this revision in order to improve that Directive by addressing certain issues, in particular those that were identified in the report of the Commission to the European Parliament and the Council of 15 December 2000 on the implementation of Directive 91/477/EEC.

(4) Police intelligence evidence shows an increase in the use of converted weapons within the Community. It is therefore essential to ensure that such convertible weapons are brought within the definition of a firearm for the purposes of Directive 91/477/EEC.

(5) Firearms, their parts and ammunition, when imported from third countries, are subject to Community legislation and, accordingly, to the requirements of Directive 91/477/EEC.

(6) The notions of illicit manufacturing and trafficking of firearms, their parts and ammunition, as well as the notion of tracing, should therefore be defined for the purposes of Directive 91/477/EEC.

(7) Furthermore, the Protocol establishes an obligation to mark weapons at the time of manufacture and at the time of transfer from government stocks to permanent civilian use, whereas Directive 91/477/EEC refers only indirectly to the marking obligation. In order to facilitate the tracing of weapons, it is necessary to use alpha-numeric codes and to include in the marking the year of manufacture of the weapon (if not part of the serial number). The Convention of 1 July 1969 on Reciprocal Recognition of Proofmarks on Small Arms should, to the greatest extent possible, be used as a reference for the marking system in the Community as a whole.

<sup>(1)</sup> OJ C 318, 23.12.2006, p. 83.

<sup>(2)</sup> Opinion of the European Parliament of 29 November 2007 (not yet published in the Official Journal) and Council Decision of 17 April 2008.

<sup>(3)</sup> OJ L 256, 13.9.1991, p. 51. Text as corrected by OJ L 54, 5.3.1993, p. 22.

<sup>(4)</sup> OJ L 280, 24.10.2001, p. 5.

- (8) Moreover, while the Protocol provides that the period during which registers containing information on weapons are to be kept must be increased to at least 10 years, it is necessary, in view of the dangerous nature and durability of weapons, to extend this period up to a minimum of 20 years in order to allow the proper tracing of firearms. It is also necessary that Member States keep a computerised data-filing system, either a centralised system or a decentralised system which guarantees access to authorised authorities to the data-filing systems in which the necessary information regarding each firearm is recorded. Access by police, judicial and other authorised authorities to the information contained in the computerised data-filing system must be subject to compliance with Article 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.
- (9) In addition, the brokering activities referred to in Article 15 of the Protocol should be defined for the purposes of Directive 91/477/EEC.
- (10) In some serious cases, compliance with Articles 5 and 6 of the Protocol requires the application of criminal sanctions and the confiscation of the weapons.
- (11) With regard to the deactivation of firearms, point (a) of Part III of Annex I to Directive 91/477/EEC simply refers to national legislation. The Protocol sets out more explicit general principles for the deactivation of weapons. Annex I to Directive 91/477/EEC should therefore be amended.
- (12) Due to the special nature of the activity of dealers, it is necessary that Member States exercise a strict control over this activity, in particular by verifying the professional integrity and abilities of dealers.
- (13) The acquisition of firearms by private individuals by means of distance communications, for example via the Internet should, where authorised, be subject to the rules laid down in Directive 91/477/EEC and, as a general rule, the acquisition of firearms by persons convicted by a final court judgment of certain serious criminal offences should be prohibited.
- (14) The European firearms pass functions in a satisfactory way on the whole and should be regarded as the main document needed by hunters and marksmen for the possession of a firearm during a journey to another Member State. Member States should not make the acceptance of the European firearms pass conditional upon the payment of any fee or charge.
- (15) In order to facilitate the tracing of firearms and efficiently to combat the illicit trafficking and manufacturing of firearms, their parts and ammunition, it is necessary to improve the exchange of information between Member States.
- (16) The processing of information is subject to compliance with 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 <sup>(1)</sup> and does not prejudice the level of protection of individuals with regard to the processing of personal data under Community and national law, and in particular does not alter the obligations and rights set out in Directive 95/46/EC.
- (17) The measures necessary for the implementation of Directive 91/477/EEC should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission <sup>(2)</sup>.
- (18) Several Member States have simplified the way they classify firearms by switching from four categories to the following two: prohibited firearms and firearms subject to authorisation. Member States should fall into line with this simplified classification, although Member States which divide firearms into a further set of categories may, in accordance with the principle of subsidiarity, maintain their existing classification systems.
- (19) Authorisations for the acquisition and possession of firearms should, as far as possible, involve a single administrative procedure.
- (20) Article 2(2) of Directive 91/477/EEC among other things excludes from the scope of application of that Directive the acquisition or possession of weapons and ammunition in accordance with national law by collectors and bodies concerned with the cultural and historical aspects of weapons and recognised as such by the Member State in whose territory they are established.
- (21) In accordance with point 34 of the Interinstitutional Agreement on better law-making <sup>(3)</sup>, Member States should draw up, for themselves and in the interests of the Community, their own tables illustrating, as far as possible, the correlation between this Directive and the transposition measures, and make them public.

<sup>(1)</sup> 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).

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

<sup>(3)</sup> OJ C 321, 31.12.2003, p. 1.



(22) Directive 91/477/EEC should therefore be amended accordingly,

HAVE ADOPTED THIS DIRECTIVE:

*Article 1*

**Amendments to Directive 91/477/EEC**

Directive 91/477/EEC is hereby amended as follows:

1. Article 1 shall be amended as follows:

(a) paragraph 1 shall be replaced by the following:

'1. For the purposes of this Directive, "firearm" shall mean any portable barrelled weapon that expels, is designed to expel or may be converted to expel a shot, bullet or projectile by the action of a combustible propellant, unless it is excluded for one of the reasons listed in Part III of Annex I. Firearms are classified in part II of Annex I.

For the purposes of this Directive, an object shall be considered as capable of being converted to expel a shot, bullet or projectile by the action of a combustible propellant if:

- it has the appearance of a firearm, and
- as a result of its construction or the material from which it is made, it can be so converted.;

(b) the following paragraphs shall be inserted:

'1a. For the purposes of this Directive, "part" shall mean any element or replacement element specifically designed for a firearm and essential to its operation, including a barrel, frame or receiver, slide or cylinder, bolt or breech block, and any device designed or adapted to diminish the sound caused by firing a firearm.

1b. For the purposes of this Directive, "essential component" shall mean the breach-closing mechanism, the chamber and the barrel of a firearm which, being separate objects, are included in the category of the firearms on which they are or are intended to be mounted.

1c. For the purposes of this Directive, "ammunition" shall mean the complete round or the components thereof, including cartridge cases, primers, propellant

powder, bullets or projectiles, that are used in a firearm, provided that those components are themselves subject to authorisation in the relevant Member State.

1d. For the purposes of this Directive, "tracing" shall mean the systematic tracking of firearms and, where possible, their parts and ammunition from manufacturer to purchaser for the purpose of assisting the competent authorities of Member States in detecting, investigating and analysing illicit manufacturing and illicit trafficking.

1e. For the purposes of this Directive, "broker" shall mean any natural or legal person, other than a dealer, whose trade or business consists wholly or partly in the buying, selling or arranging the transfer of weapons.;

(c) paragraph 2 shall be replaced by the following:

'2. For the purposes of this Directive, "dealer" shall mean any natural or legal person whose trade or business consists wholly or partly in the manufacture, trade, exchange, hiring out, repair or conversion of firearms, parts and ammunition.;

(d) the following paragraphs shall be inserted:

'2a. For the purposes of this Directive, "illicit manufacturing" shall mean the manufacturing or assembly of firearms, their parts and ammunition:

- (i) from any essential component of such firearms illicitly trafficked;
- (ii) without an authorisation issued in accordance with Article 4 by a competent authority of the Member State where the manufacture or assembly takes place; or
- (iii) without marking the assembled firearms at the time of manufacture in accordance with Article 4(1).

2b. For the purposes of this Directive, "illicit trafficking" shall mean the acquisition, sale, delivery, movement or transfer of firearms, their parts or ammunition from or across the territory of one Member State to that of another Member State if any one of the Member States concerned does not authorise it in accordance with the terms of this Directive or if the assembled firearms are not marked in accordance with Article 4(1).;

(e) paragraph 4 shall be replaced by the following:

'4. A "European firearms pass" shall be issued on request by the authorities of a Member State to a person lawfully entering into possession of and using a firearm. It shall be valid for a maximum period of five years, which may be extended, and shall contain the information set out in Annex II. It shall be non-transferable and shall record the firearm or firearms possessed and used by the holder of the pass. It must always be in the possession of the person using the firearm and any change in the possession or characteristics of the firearm, as well as the loss or theft thereof, shall be indicated on the pass.;

2. Article 4 shall be replaced by the following:

*'Article 4*

1. Member States shall ensure either that any firearm or part placed on the market has been marked and registered in compliance with this Directive, or that it has been deactivated.

2. For the purpose of identifying and tracing each assembled firearm, Member States shall, at the time of manufacture of each firearm, either:

(a) require a unique marking, including the name of the manufacturer, the country or place of manufacture, the serial number and the year of manufacture (if not part of the serial number). This shall be without prejudice to the affixing of the manufacturer's trademark. For these purposes, the Member States may choose to apply the provisions of the Convention of 1 July 1969 on Reciprocal Recognition of Proofmarks on Small Arms; or

(b) maintain any alternative unique user-friendly marking with a number or alphanumeric code, permitting ready identification by all States of the country of manufacture.

The marking shall be affixed to an essential component of the firearm, the destruction of which would render the firearm unusable.

Member States shall ensure that each elementary package of complete ammunition is marked so as to provide the name of the manufacturer, the identification batch (lot) number, the calibre and the type of ammunition. For these purposes Member States may choose to apply the provisions of the Convention of 1 July 1969 on Reciprocal Recognition of Proofmarks on Small Arms.

Furthermore, Member States shall ensure, at the time of transfer of a firearm from government stocks to permanent civilian use, the appropriate unique marking permitting identification by States of the transferring country.

3. Member States shall make the pursuit of the activity of dealer within their territory conditional upon authorisation on the basis of at least a check of the private and professional integrity and of the abilities of the dealer. In the case of a legal person, the check shall be on the person who directs the undertaking.

4. Member States shall, by 31 December 2014, ensure the establishment and maintenance of a computerised data-filing system, either a centralised system or a decentralised system which guarantees to authorised authorities access to the data-filing systems in which each firearm subject to this Directive shall be recorded. This filing system shall record and maintain for not less than 20 years each firearm's type, make, model, calibre and serial number, as well as the names and addresses of the supplier and the person acquiring or possessing the firearm.

Throughout their period of activity, dealers shall be required to maintain a register in which all firearms subject to this Directive and which are received or disposed of by them shall be recorded, together with such particulars as enable the firearm to be identified and traced, in particular the type, make, model, calibre and serial number thereof and the names and addresses of the persons supplying and acquiring it. Upon the cessation of his activities, the dealer shall deliver the register to the national authority responsible for the filing system provided for in subparagraph 1.

5. Member States shall ensure that all firearms may be linked to their owner at any moment. However, as regards firearms classified in category D, Member States shall, as from 28 July 2010, put into place appropriate tracing measures, including, as from 31 December 2014, measures enabling linking at any moment to the owner of firearms placed on the market after 28 July 2010.;

3. the following articles shall be inserted:

*'Article 4a*

Without prejudice to Article 3, Member States shall allow the acquisition and possession of firearms only by persons who have been granted a licence or, with respect to categories C or D, who are specifically permitted to acquire and possess such firearms in accordance with national law.

*Article 4b*

Member States shall consider establishing a system for the regulation of the activities of brokers. Such a system might include one or more measures such as:

- (a) requiring the registration of brokers operating within their territory;
- (b) requiring the licensing or authorisation of the activity of brokering.;

4. Article 5 shall be replaced by the following:

*'Article 5*

Without prejudice to Article 3, Member States shall permit the acquisition and possession of firearms only by persons who have good cause and who:

- (a) are at least 18 years of age, except in relation to the acquisition, other than through purchase, and possession of firearms for hunting and target shooting, provided that in that case persons of less than 18 years of age have parental permission, or are under parental guidance or the guidance of an adult with a valid firearms or hunting licence, or are within a licenced or otherwise approved training centre;
- (b) are not likely to be a danger to themselves, to public order or to public safety. Having been convicted of a violent intentional crime shall be considered as indicative of such danger.

Member States may withdraw authorisation for possession of a firearm if any of the conditions on the basis of which it was granted are no longer satisfied.

Member States may not prohibit persons resident within their territory from possessing a weapon acquired in another Member State unless they prohibit the acquisition of the same weapon within their own territory.;

5. in Article 6, the following paragraph shall be added:

'Member States shall ensure that, except with respect to dealers, the acquisition of firearms and their parts and ammunition by means of distance communication, as defined in Article 2 of Directive 97/7/EC of the European

Parliament and of the Council of 20 May 1997 on the protection of consumers in respect of distance contracts (\*), shall, where authorised, be strictly controlled.

(\*) OJ L 144, 4.6.1997, p. 19. Directive as last amended by Directive 2005/29/EC (OJ L 149, 11.6.2005, p. 22).;

6. in Article 7, the following paragraphs shall be added:

'4. Member States may consider granting persons who satisfy the conditions for the granting of an authorisation for a firearm a multiannual licence for the acquisition and possession of all firearms subject to authorisation, without prejudice to:

- (a) the obligation to notify the competent authorities of transfers;
- (b) the periodic verification that those persons continue to satisfy the conditions; and
- (c) the maximum limits for possession laid down in national law.

5. Member States shall adopt rules to ensure that persons holding authorisations for firearms of category B in force under national law as at 28 July 2008 do not need to apply for a licence or permit regarding firearms they hold in categories C or D due to the entry into force of Directive 2008/51/EC of the European Parliament and of the Council of 21 May 2008 (\*). However, any subsequent transfer of firearms of categories C or D shall be subject to the transferee obtaining or having a licence or being specifically permitted to possess those firearms in accordance with national law.

(\*) OJ L 179, 8.7.2008, p. 5.;

7. in Article 11(3), the second subparagraph shall be replaced by the following:

'Prior to the date of transfer, the dealer shall communicate to the authorities of the Member State from which the transfer is to be effected all the particulars listed in the first subparagraph of paragraph 2. Those authorities shall carry out inspections, where appropriate on the spot, to verify the correspondence between the information communicated by the dealer and the actual characteristics of the transfer. The information shall be communicated by the dealer within a period allowing sufficient time.;

8. in Article 12(2), the first subparagraph shall be replaced by the following:

‘Notwithstanding paragraph 1, hunters, in respect of categories C and D, and marksmen, in respect of categories B, C and D, may, without prior authorisation, be in possession of one or more firearms during a journey through two or more Member States with a view to engaging in their activities, provided that they are in possession of a European firearms pass listing such firearm or firearms and provided that they are able to substantiate the reasons for their journey, in particular by producing an invitation or other proof of their hunting or target shooting activities in the Member State of destination.

Member States may not make acceptance of a European firearms pass conditional upon the payment of any fee or charge.’;

9. Article 13(3) shall be replaced by the following:

‘3. For the purposes of the efficient application of this Directive, Member States shall exchange information on a regular basis. To this end, the Commission shall set up, by 28 July 2009, a contact group for the exchange of information for the purposes of applying this Article. Member States shall inform each other and the Commission of the national authorities responsible for transmitting and receiving information and for complying with the obligations set out in Article 11(4).’;

10. the following article shall be inserted:

*‘Article 13a*

1. The Commission shall be assisted by a committee.

2. Where reference is made to this paragraph, Articles 5 and 7 of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (\*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

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

11. Article 16 shall be replaced by the following:

*‘Article 16*

Member States shall lay down the rules on penalties applicable to infringements of the national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive.’;

12. Article 17 shall be replaced by the following:

*‘Article 17*

The Commission shall, by 28 July 2015, submit a report to the European Parliament and the Council on the situation resulting from the application of this Directive, accompanied, if appropriate, by proposals.

The Commission shall, by 28 July 2012, carry out research and submit a report to the European Parliament and the Council on the possible advantages and disadvantages of a reduction to two categories of firearms (prohibited or authorised) with a view to the better functioning of the internal market for the products in question by means of possible simplification.

The Commission shall, by 28 July 2010, submit a report to the European Parliament and the Council presenting the conclusions of a study of the issue of the placing on the market of replica firearms in order to determine whether the inclusion of such products within the scope of this Directive is possible and desirable.’;

13. Annex I shall be amended as follows:

(a) in Part I, the first indent shall be replaced by the following:

‘— any firearm as defined in Article 1 of the Directive.’;

(b) Part III shall be amended as follows:

(i) point (a) shall be replaced by the following:

‘(a) have been rendered permanently unfit for use by deactivation, ensuring that all essential parts of the firearm have been rendered permanently inoperable and incapable of removal, replacement or a modification that would permit the firearm to be reactivated in any way’;

- (ii) the following paragraph shall be inserted after the first paragraph:

'Member States shall make arrangements for the deactivation measures referred to in point (a) to be verified by a competent authority in order to ensure that the modifications made to a firearm render it irreversibly inoperable. Member States shall, in the context of this verification, provide for the issuance of a certificate or record attesting to the deactivation of the firearm or the apposition of a clearly visible mark to that effect on the firearm. The Commission shall, acting in accordance with the procedure referred to in Article 13a(2) of the Directive, issue common guidelines on deactivation standards and techniques to ensure that deactivated firearms are rendered irreversibly inoperable.'

*Article 2*

**Transposition**

1. Member States shall, by 28 July 2010, bring into force the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those measures.

When Member States adopt those measures, they shall contain a reference to this Directive or be accompanied by such a

reference on the occasion of their official publication. Member States shall determine how such references are to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

*Article 3*

**Entry into force**

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

*Article 4*

**Addressees**

This Directive is addressed to the Member States.

Done at Strasbourg, 21 May 2008.

*For the European Parliament*

*The President*

H.-G. PÖTTERING

*For the Council*

*The President*

J. LENARČIČ

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## RULES OF PROCEDURE

### AMENDMENTS TO THE RULES OF PROCEDURE OF THE COURT OF FIRST INSTANCE OF THE EUROPEAN COMMUNITIES

THE COURT OF FIRST INSTANCE OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, in particular the fifth paragraph of Article 224 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, in particular the fifth paragraph of Article 140 thereof,

Having regard to Article 63 of the Protocol on the Statute of the Court of Justice,

Having regard to the agreement of the Court of Justice,

Having regard to the approval of the Council given on 14 May 2008;

Whereas:

It is necessary to amend certain provisions of the Rules of Procedure in order, first, to have regard to the role of the European Parliament in connection with legislative procedure and, second, to adapt them to the needs of efficient organisation of the court;

In the light of experience, adaptation is necessary in order to enable the court to hear and determine more efficiently cases within the sphere of intellectual property,

HAS ADOPTED THE FOLLOWING AMENDMENTS TO ITS RULES OF PROCEDURE:

#### *Article 1*

The Rules of Procedure of the Court of First Instance of the European Communities of 2 May 1991 (OJ L 136 of 30 May 1991, p. 1), amended on 15 September 1994 (OJ L 249 of 24 September 1994, p. 17), 17 February 1995 (OJ L 44 of 28 February 1995, p. 64), 6 July 1995 (OJ L 172 of 22 July 1995,

p. 3), 12 March 1997 (OJ L 103 of 19 April 1997, p. 6, with corrigendum OJ L 351 of 23 December 1997, p. 72), 17 May 1999 (OJ L 135 of 29 May 1999, p. 92), 6 December 2000 (OJ L 322 of 19 December 2000, p. 4), 21 May 2003 (OJ L 147 of 14 June 2003, p. 22), 19 April 2004 (OJ L 132 of 29 April 2004, p. 3), 21 April 2004 (OJ L 127 of 29 April 2004, p. 108), 12 October 2005 (OJ L 298 of 15 November 2005, p. 1) and 18 December 2006 (OJ L 386 of 29 December 2006, p. 45) are amended as follows:

1. In Article 24(7) a new sentence shall be added:

‘Copies of those documents shall likewise be sent to the European Parliament, to enable it to assess whether the inapplicability of an act adopted jointly by that institution and by the Council is being invoked under Article 241 of the EC Treaty.’

2. In the first subparagraph of Article 51(1) the last sentence shall be replaced by the following text:

‘The decision to refer a case to a formation composed of a greater number of Judges shall be taken by the Court of First Instance in plenary session, after hearing the Advocate General.’

3. In Article 77, in subparagraph (c) ‘:’ shall be replaced by ‘;’ and a subparagraph (d) shall be added, worded as follows:

‘(d) in other particular cases where the proper administration of justice so requires.’

4. In the first subparagraph of Article 100(2) of the Rules of Procedure, the words ‘other than a judgment or order of the Court of First Instance’ shall be replaced by ‘including a judgment or order of the Court of First Instance’; a new subparagraph, worded as follows: ‘Judgments and orders notified pursuant to Article 55 of the Statute of the Court of Justice to the Member States and institutions which were not parties to the proceedings shall be sent to them by telefax or any other technical means of communication.’ shall be added after the first subparagraph; lastly, in the following subparagraph, the words ‘nature or’ shall be deleted.

5. The text of a new Article 135a shall be inserted between Article 135 and Article 136:

*'Article 135a*

After the submission of pleadings as provided for in Article 135(1) and, if applicable, Article 135(2) and (3), the Court of First Instance, acting upon a report from the Judge-Rapporteur and after hearing the Advocate General and the parties, may decide to rule on the action without an oral procedure unless one of the parties submits an application setting out the reasons for which he wishes to be heard. The application shall be submitted within a period of one month from notification to the party of closure of the written procedure. That period may be extended by the President.'

*Article 2*

These amendments to the Rules of Procedure, which are authentic in the languages mentioned in Article 35(1) of these Rules, shall be published in the *Official Journal of the European Union* and shall enter into force on the first day of the second month following their publication.

Done at Luxembourg, 12 June 2008.

E. COULON  
*Registrar*

M. JAEGER  
*The President*

## II

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

## DECISIONS

## COMMISSION

## COMMISSION DECISION

of 26 June 2008

**concerning certain protection measures in relation to highly pathogenic avian influenza of subtype H5N1 in Croatia and Switzerland**

(notified under document number C(2008) 3020)

(Text with EEA relevance)

(2008/555/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC <sup>(1)</sup>, and in particular Article 8(1) and (6) thereof,

Having regard to Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries <sup>(2)</sup>, and in particular Article 2(1) and (5) thereof,

Whereas:

(1) Commission Decision 2006/696/EC of 28 August 2006 laying down a list of third countries from which poultry, hatching eggs, day-old chicks, meat of poultry, ratites and wild game-birds, eggs and egg products and specified pathogen-free eggs may be imported into and transit through the Community and the applicable veterinary certification conditions, and amending Decisions 93/342/EEC, 2000/585/EC and 2003/812/EC <sup>(3)</sup> lays

down veterinary certification conditions for imports into and transit through the Community of poultry and certain products thereof. In the interests of clarity and consistency of Community rules, it is appropriate that the definitions of poultry and hatching eggs in that Decision be taken into account for the purposes of this Decision.

(2) Commission Regulation (EC) No 318/2007 of 23 March 2007 laying down animal health conditions for imports of certain birds into the Community and the quarantine conditions thereof <sup>(4)</sup> lays down the animal health conditions for imports of certain birds into the Community from third countries and parts thereof. In the interests of clarity and consistency of Community rules, it is appropriate that the definition of birds in that Regulation be taken into account for the purposes of this Decision.

(3) Commission Decision 2006/265/EC of 31 March 2006 concerning certain protection measures in relation to a suspicion of highly pathogenic avian influenza in Switzerland <sup>(5)</sup> and Commission Decision 2006/533/EC of 28 July 2006 concerning certain temporary protection measures in relation to highly pathogenic avian influenza in Croatia <sup>(6)</sup> were adopted following positive findings for highly pathogenic avian influenza of subtype H5N1 in wild birds in both of those third countries.

<sup>(1)</sup> OJ L 268, 24.9.1991, p. 56. Directive as last amended by Directive 2006/104/EC (OJ L 363, 20.12.2006, p. 352).

<sup>(2)</sup> OJ L 24, 31.1.1998, p. 9. Directive as last amended by Directive 2006/104/EC.

<sup>(3)</sup> OJ L 295, 25.10.2006, p. 1. Decision as last amended by Regulation (EC) No 1237/2007 (OJ L 280, 24.10.2007, p. 5).

<sup>(4)</sup> OJ L 84, 24.3.2007, p. 7. Regulation as last amended by Regulation (EC) No 311/2008 (OJ L 93, 4.4.2008, p. 3).

<sup>(5)</sup> OJ L 95, 4.4.2006, p. 9. Decision as last amended by Decision 2006/892/EC (OJ L 343, 8.12.2006, p. 99).

<sup>(6)</sup> OJ L 212, 2.8.2006, p. 19. Decision as amended by Decision 2006/892/EC.



Those Decisions provided that Member States are to suspend imports from certain parts of Croatia and Switzerland of live poultry, ratites, farmed and wild feathered game and certain other live birds, including pet birds and hatching eggs of those species, as well as certain products of birds.

- (4) Commission Decision 2006/415/EC of 14 June 2006 concerning certain protection measures in relation to highly pathogenic avian influenza of the subtype H5N1 in poultry in the Community and repealing Decision 2006/135/EC <sup>(1)</sup> lays down certain biosecurity and restriction measures to prevent the spread of that disease, including the establishment of areas A and B following a suspected or confirmed outbreak of the disease in poultry.
- (5) Commission Decision 2006/563/EC of 11 August 2006 concerning certain protection measures in relation to highly pathogenic avian influenza of subtype H5N1 in wild birds in the Community and repealing Decision 2006/115/EC <sup>(2)</sup> lays down certain protection measures to prevent the spread of that disease from wild birds to poultry including, based on risk assessment, the establishment of control and monitoring areas taking into account the epidemiological, geographical and ecological factors following a suspected or confirmed positive finding for that disease in wild birds.
- (6) Croatia has notified the Commission that the competent authorities of that third country are applying protection measures that are equivalent to those applied by the competent authorities of the Member States, as provided for in Commission Decision 2006/563/EC, when highly pathogenic avian influenza of H5N1 subtype is suspected or confirmed in wild birds and that it will immediately notify the Commission of any future changes to its animal health status, including specifically any positive findings of that disease in wild birds.
- (7) Switzerland has notified the Commission that the competent authorities of that country are applying protection measures that are equivalent to those applied by the competent authorities of the Member States, as provided for in Decisions 2006/415/EC and 2006/563/EC, when highly pathogenic avian influenza of subtype H5N1 is suspected or confirmed in poultry or wild birds and that it will immediately notify the Commission of any future changes to its animal health status, including specifically any outbreak or positive findings of that disease in poultry or wild birds. Account should also be taken of the Agreement

between the European Community and the Swiss Confederation on trade in agricultural products <sup>(3)</sup>.

- (8) The Commission will immediately inform the Member States and forward any such information received from the competent authorities of Croatia and Switzerland to them.
- (9) Decisions 2006/265/EC and 2006/533/EC expired on 30 June 2007.
- (10) In the light of the current epidemiological situation as regards highly pathogenic avian influenza of subtype H5N1 in the Community and in third countries, and in view of the guarantees received from Croatia, it is appropriate that in the event of a positive finding of that disease in a wild bird in the territory of Croatia, Community protection measures concerning that country are only applied to those parts of Croatia for which the competent authority of that country does apply equivalent protection measures as laid down in Decision 2006/563/EC.
- (11) In view of the guarantees received from Switzerland, it is appropriate that in the event of a positive finding of avian influenza of subtype H5N1 in a wild bird or an outbreak of that disease in poultry in the territory of Switzerland, protection measures concerning that country are only applied to those parts of Switzerland for which the competent authority of that country does apply equivalent protection measures as laid down in Decisions 2006/415/EC and 2006/563/EC.
- (12) Commission Decision 2007/777/EC of 29 November 2007 laying down the animal and public health conditions and model certificates for imports of certain meat products and treated stomachs, bladders and intestines for human consumption from third countries and repealing Decision 2005/432/EC <sup>(4)</sup> lays down the list of third countries from which Member States may authorise the importation of meat products and treated stomachs, bladders and intestines, and establishes treatment regimes considered effective in inactivating the respective pathogens. In order to prevent the risk of disease transmission via such products, appropriate treatment must be applied depending on the health status of the country of origin and the species the products are obtained from. It is therefore appropriate that a derogation from the provision suspending imports of meat products of wild feathered game originating in Croatia and Switzerland should be granted, provided the products have been treated to a temperature of at least 70 °C throughout the products.

<sup>(1)</sup> OJ L 164, 16.6.2006, p. 51. Decision as last amended by Decision 2008/70/EC (OJ L 18, 23.1.2008, p. 5).

<sup>(2)</sup> OJ L 222, 15.8.2006, p. 11. Decision as amended by Decision 2007/119/EC (OJ L 51, 20.2.2007, p. 22).

<sup>(3)</sup> OJ L 114, 30.4.2002, p. 132.

<sup>(4)</sup> OJ L 312, 30.11.2007, p. 49.

(13) 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*

1. Member States shall suspend imports or the introduction into the Community from that part of the territory of Croatia referred to in paragraph 2(a) and from that part of the territory of Switzerland referred to in paragraph 2(b) of the following commodities:

- (a) poultry as defined in Article 2(a) of Decision 2006/696/EC;
- (b) hatching eggs as defined in Article 2(b) of Decision 2006/696/EC;
- (c) birds as defined in Article 3(a) of Regulation (EC) No 318/2007 and their hatching eggs;
- (d) meat, minced meat, meat preparations, mechanically separated meat of wild feathered game;
- (e) meat products consisting of or containing meat of wild feathered game;
- (f) raw pet food and unprocessed feed material containing any parts of wild feathered game;
- (g) non-treated game trophies from any birds.

2. The suspension provided for in paragraph 1 shall apply to imports or the introduction into the Community from:

- (a) as regards Croatia, all areas of the territory of Croatia for which the competent authorities of Croatia do formally

apply protection measures that are equivalent to those laid down in Decision 2006/563/EC;

- (b) as regards Switzerland, all areas of the territory of Switzerland for which the competent authorities of Switzerland do formally apply protection measures that are equivalent to those laid down in Decisions 2006/415/EC and 2006/563/EC.

3. By way of derogation from paragraph 1(e), Member States shall authorise imports and the introduction into the Community of meat products consisting of or containing meat of wild feathered game under the condition that the meat of these species has undergone at least one of the specific treatments referred to under points B, C or D in Part 4 of Annex II to Decision 2007/777/EC.

*Article 2*

Member States shall immediately take the necessary measures to comply with this Decision and publish those measures. They shall immediately inform the Commission thereof.

*Article 3*

This Decision shall apply until 30 June 2009.

*Article 4*

This Decision is addressed to the Member States.

Done at Brussels, 26 June 2008.

*For the Commission*  
Androulla VASSILIOU  
*Member of the Commission*