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EN

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I

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

REGULATIONS

COUNCIL REGULATION (EC) No 717/2008

of 17 July 2008

establishing a Community procedure for administering quantitative quotas

(Codified version)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) Council Regulation (EC) No 520/94 of 7 March 1994 establishing a Community procedure for administering quantitative quotas ⁽¹⁾ has been substantially amended several times ⁽²⁾. In the interests of clarity and rationality the said Regulation should be codified.
- (2) Under Article 14 of the Treaty, the internal market comprises, since 1 January 1993, an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured.
- (3) A system for administering quantitative quotas should therefore be established in line with that objective and based on the principle of a uniform common commercial policy, in accordance with the guidelines laid down by the Court of Justice of the European Communities.
- (4) There should be a choice between several allocation methods, depending on criteria such as the situation of the Community market, the type of product concerned, specific characteristics of the supplier countries and the Community's international obligations, particularly those which undertake to allow for traditional trade flows.
- (5) Flexibility should be allowed in the redistribution of the quantities that are not allocated, assigned or used. However, to avoid possible excessive accumulation of imports, the question of whether such a redistribution after the end of the quota period is appropriate should be examined on a case-by-case basis and the relevant arrangements decided on, notably with regard to the period of validity of licences, taking into account the type of product in question and the purpose for which the quotas concerned were introduced.
- (6) The administration of import and export quotas should be based on a system of licences issued by the Member States in line with quantitative criteria established at Community level.
- (7) The administrative procedure should ensure that all applicants have fair access to quotas, and the documents issued should be such that they can be used throughout the Community.
- (8) If unused quantities are to be redistributed as efficiently as possible, reliable and full information is needed on the actual use made of import licences issued. For that purpose, all import licences, whether used or unused, should have to be returned to the competent national authorities within 10 working days of their expiry date at the latest.

⁽¹⁾ OJ L 66, 10.3.1994, p. 1. Regulation as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

⁽²⁾ See Annex I.

- (9) The measures necessary for the implementation of this Regulation 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 ⁽¹⁾.
- (10) The provisions of this Regulation and those governing its implementation should not prejudice existing national and Community rules concerning professional secrecy.
- (11) The products listed in Annex I to the Treaty, together with textiles and other products that are subject to specific common import arrangements laying down specific provisions as regards quota administration should be excluded from the scope of this Regulation,

3. The allocation method to be used shall be determined in accordance with the procedure referred to in Article 22(2).

4. If it is apparent that none of the methods indicated in paragraph 2 of this Article is appropriate to the specific requirements of a quota which has been opened, any other appropriate method shall be determined in accordance with the procedure referred to in Article 22(2).

5. Quantities that are not allocated, assigned or used shall be redistributed in accordance with Article 14 in time to allow them to be used before the end of the period covered by the quota.

HAS ADOPTED THIS REGULATION:

CHAPTER I

GENERAL ADMINISTRATIVE PRINCIPLES

Article 1

1. This Regulation establishes the rules governing the administration of quantitative import and export quotas, hereinafter referred to as 'quotas', whether autonomous or conventional, established by the Community.

2. This Regulation shall not apply to products listed in Annex I to the Treaty, nor to other products that are subject to specific common import or export arrangements laying down special provisions for quota administration.

Article 2

1. Quotas shall be allocated among applicants as soon as possible after they have been opened. It may be decided, in accordance with the procedure referred to in Article 22(2), to allocate them in several tranches.

2. Quotas may, *inter alia*, be administered using one of the following methods, or a combination of those methods:

- (a) a method based on traditional trade flows, in accordance with Articles 6 to 11;
- (b) a method based on the order in which applications are submitted (on a 'first come, first served' basis), in accordance with Article 12;
- (c) a method allocating quotas in proportion to the quantities requested when the applications are submitted (using the 'simultaneous examination' procedure), in accordance with Article 13.

If it is found that it has not been possible to redistribute such quantities in time, their possible redistribution during the following quota period shall be decided on a case-by-case basis, in accordance with the procedure referred to in Article 22(2).

6. Save where other provisions are adopted when the quota is set, the release for free circulation or export of products subject to quotas shall be conditional on the presentation of an import or export licence issued by the Member States in accordance with this Regulation.

7. Member States shall designate the administrative authorities competent to carry out implementing measures for which they are responsible under this Regulation. They shall notify the Commission of the authority thus designated.

Article 3

The Commission shall publish a notice announcing the opening of quotas in the *Official Journal of the European Union*, setting out the allocation method chosen, the conditions to be met by licence applications, time limits for submitting them and a list of the competent national authorities to which they must be sent.

Article 4

1. All Community importers and exporters, no matter where they are established in the Community, may submit a single licence application for each quota or tranche of a quota to the competent authority of the Member State of their choice, drawn up in the official language or languages of the Member State concerned.

Where a quota is limited to one or several regions of the Community, the application shall be made to the competent authorities in the Member State(s) of the region(s) in question.

⁽¹⁾ OJ L 184, 17.7.1999, p. 23. Decision as amended by Decision 2006/512/EC (OJ L 200, 22.7.2006, p. 11).

2. Applications for licences shall be submitted in accordance with the arrangements determined in accordance with the procedure referred to in Article 22(2).

Article 5

The Commission shall ensure that the licences to be issued are for economically significant quantities, having regard to the nature of the product covered by the quota.

CHAPTER II

SPECIFIC RULES FOR THE DIFFERENT ADMINISTRATIVE METHODS

SECTION A

Method based on traditional trade flows

Article 6

1. Where quota allocation takes account of traditional trade flows, one portion of the quota shall be reserved for traditional importers or exporters while the other shall be set aside for other importers or exporters.

2. Importers or exporters shall be deemed to be traditional if they are able to demonstrate that in the course of a previous period, to be known as 'the reference period' they have imported into the Community or exported from it the product or products covered by the quota.

3. The portion set aside for traditional importers or exporters, the reference period and the portion allocated to other applicants shall be determined in accordance with the procedure referred to in Article 22(2).

4. The allocation shall be carried out in accordance with the principles set out in Articles 7 to 11.

Article 7

To qualify for the allocation of the part of the quota set aside for them, and to provide evidence of the imports or exports carried out during the reference period, traditional importers or exporters shall enclose with their licence applications:

- a certified copy of the original of the entry for free circulation or export declaration made out in the name of the importer or exporter concerned or, where applicable, that of the operator whose activities they have taken over,
- any equivalent evidence, as determined in accordance with the procedure referred to in Article 22(2).

Article 8

Member States shall, within the period laid down in the notice opening the quota concerned, inform the Commission of the number and the aggregate amount of the import or export applications, broken down into those from traditional importers or exporters and other importers or exporters, and of the amount of the previous imports or exports carried out by the applicants during the reference period.

Article 9

The Commission shall examine the information provided by the Member States at the same time and shall establish the quantitative criteria according to which traditional importers' or exporters' applications are to be met as follows:

- (a) where aggregate applications are equal to or less than the amount set aside for traditional importers or exporters, applications shall be met in full;
- (b) where aggregate applications exceed the amount set aside for traditional importers or exporters, applications shall be met on a pro rata basis, calculated in accordance with each applicant's share of the total reference imports or exports;
- (c) where the use of this quantitative criterion would entail allocating amounts greater than those applied for, the excess quantities shall be reassigned following the procedure laid down in Article 14.

Article 10

The portion of the quota set aside for non-traditional importers or exporters shall be allocated in accordance with Article 12.

Article 11

Where no applications are received from traditional importers or exporters, the importers or exporters that do apply shall have access to the whole quota or tranche concerned.

In such cases, the allocation shall be carried out following the procedure laid down in Article 12.

SECTION B

Method based on the order in which applications are submitted

Article 12

1. Where a quota or tranche of a quota is allocated on a 'first come, first served' basis the quantity to which operators are entitled until the quota is exhausted shall be determined in accordance with the procedure referred to in Article 22(2).

In setting that quantity, the same for all operators, allowance shall be made for the need to assign economically significant quantities having regard to the nature of the product concerned.

2. When the competent authorities have checked the Community balance still available, they shall assign to each importer or exporter the quantity determined in accordance with paragraph 1 of this Article.

3. When licence-holders can prove that they have indeed imported or exported the total quantity for which they were issued a licence or a portion to be determined in accordance with the procedure referred to in Article 22(2), they may submit a new licence application. This application shall be processed in accordance with the same conditions as previously. This procedure may be repeated until the quota is exhausted.

4. To ensure that all applicants have equal access to the quota, the Commission shall specify the dates and times of access to the Community balance available in the notice opening the quota.

SECTION C

Method allocating quotas in proportion to the quantities requested

Article 13

1. Where a quota is allocated in proportion to the quantities applied for, the competent authorities of the Member States shall inform the Commission of the licence applications they have received in compliance with the deadlines and conditions established in accordance with the procedure referred to in Article 22(2).

That information shall specify the number of applicants and the aggregate quantities applied for.

2. Within the deadline set in accordance with the procedure referred to in Article 22(2), the Commission shall examine the information provided by the competent authorities of the Member States at the same time, and shall determine the quantity of the quota or of the tranches concerned for which those authorities are to issue import or export licences.

3. Where aggregate licence applications are equal to, or less than, the quantity of the quota concerned, applications shall be met in full.

4. Where aggregate applications exceed the quantity of the quota concerned, they shall be met on a pro rata basis, in proportion to the quantities applied for.

SECTION D

Allocation of quantities for redistribution

Article 14

1. Quantities for redistribution shall be determined by the Commission on the basis of the information provided by Member States in accordance with Article 20.

2. Where the quota is initially allocated using the method laid down in Article 12, the Commission shall immediately add the quantities for redistribution to any amounts still available, or use them to reconstitute the quota if the latter is exhausted.

3. Where the quota is initially allocated using another method, the quantities for redistribution shall be assigned in accordance with the procedure referred to in Article 22(2).

In that case, the Commission shall publish an additional notice in the *Official Journal of the European Union*.

CHAPTER III

RULES CONCERNING IMPORT OR EXPORT LICENCES

Article 15

1. Where the method used is that laid down in Article 12, Member States shall issue licences immediately on verification of the Community balance available.

2. In other cases the following shall apply:

(a) the Commission shall notify the competent authorities in the Member States, within a period to be determined in accordance with the procedure referred to in Article 22(2), of the quantities for which they issue licences to the various applicants. It shall inform the other Member States thereof;

(b) the competent authorities in the Member States shall issue import or export licences within 10 working days of notification of the Commission Decision or within the time limit set by the Commission;

(c) the competent authorities shall inform the Commission that import or export licences have been issued.

Article 16

The issue of licences may be made conditional upon the lodging of a security, in accordance with the procedure referred to in Article 22(2).

Article 17

1. Import or export licences shall authorise the import or export of products which are subject to quotas and shall be valid throughout the Community, regardless of the place of import or export mentioned in the applications by the operators.

Where a quota is limited to one or several regions of the Community, import or export licences shall be valid only in the Member State(s) of the region(s) in question.

2. The period of validity of import or export licences to be issued by the competent authorities of the Member States shall be four months. However, a different period of validity may be set in accordance with the procedure referred to in Article 22(2).

3. The holders of import or export licences may, on request, obtain extracts thereof from the competent authorities which issued the licences in the Member State concerned.

Such extracts shall have the same legal effects as the licences from which they are derived, up to the quantity for which the licences were issued.

4. Applications for import or export licences, licences and extracts shall be drawn up on forms conforming to a specimen the characteristics of which shall be established in accordance with the procedure referred to in Article 22(2).

Article 18

Without prejudice to the specific provisions to be adopted in accordance with the procedure referred to in Article 22(2), import or export licences and their extracts may not be loaned or transferred, whether for a consideration or free of charge, by the person in whose name the document was issued.

Article 19

1. Import or export licences or extracts shall, except in cases of *force majeure*, be returned to the competent authorities of the Member State of issue within 10 working days of their expiry date at the latest.

2. Where the issue of import or export licences is conditional upon the lodging of a security, the security shall,

except in cases of *force majeure*, be forfeit where the time limit referred to in paragraph 1 is not complied with.

Article 20

The competent authorities of the Member States shall notify the Commission, immediately upon being so informed and in any case no later than 20 days after the expiry date of the licences, of the quantities of quotas assigned and not used, with a view to their subsequent redistribution pursuant to Article 2(5).

Article 21

The competent authorities of the Member States shall inform the Commission, by the end of each month, of the quantities of products subject to quotas which have been imported or exported during the preceding month.

CHAPTER IV

FINAL PROVISIONS

Article 22

1. The Commission shall be assisted by a committee.

2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at one month.

Article 23

The procedures for applying this Regulation shall be adopted in accordance with the procedure referred to in Article 22(2). They shall in particular determine the implementation of the methods of allocation, the information to be transmitted by the competent authorities in the Member States and the measures intended to ensure compliance with this Regulation.

Article 24

1. The information received by the Council, the Commission or the Member States pursuant to this Regulation may be used only for the purposes for which it was requested.

2. The Council, the Commission and the Member States, and those acting on their behalf, shall not disclose information in respect of which a duly substantiated request for confidential treatment has been lodged, except where express authorisation is granted by the party providing the information.

3. This Article shall not prevent the Community authorities from disclosing information of a general nature, in particular the grounds on which decisions are taken pursuant to this Regulation, or evidence used by them to justify their arguments in the event of legal proceedings. Such disclosure must take into account the legitimate interest of the parties concerned in preserving commercial confidentiality.

Article 25

Member States and the Commission shall provide each other with the requisite information and shall cooperate in applying this Regulation. Communication and information dissemination procedures shall, where necessary, be established in accordance with the procedure referred to in Article 22(2).

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

Done at Brussels, 17 July 2008.

For the Council
The President
M. BARNIER

Article 26

Regulation (EC) No 520/94, as amended by the Regulations listed in Annex I, 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 II.

Article 27

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

ANNEX I

Repealed Regulation with list of its successive amendments

Council Regulation (EC) No 520/94
(OJ L 66, 10.3.1994, p. 1).

Council Regulation (EC) No 138/96
(OJ L 21, 27.1.1996, p. 6).

Council Regulation (EC) No 806/2003
(OJ L 122, 16.5.2003, p. 1).

Only point 11 of Annex II

ANNEX II

Correlation table

Regulation (EC) No 520/94	This Regulation
Articles 1 to 5	Articles 1 to 5
Article 6(1), (2) and (3)	Article 6(1), (2) and (3)
Article 6(4)	—
Article 6(5)	Article 6(4)
Articles 7 and 8	Articles 7 and 8
Article 9, initial wording	Article 9, initial wording
Article 9, first, second and third indents	Article 9(a), (b) and (c)
Articles 10 to 14	Articles 10 to 14
Article 15(1)	Article 15(1)
Article 15(2) initial wording	Article 15(2) initial wording
Article 15(2), first, second and third indents	Article 15(2)(a), (b) and (c)
Articles 16 to 21	Articles 16 to 21
Article 22(1)	Article 22(1)
Article 22(2)	Article 22(3)
Article 23, first paragraph	Article 22(2), first subparagraph
Article 23, second paragraph	Article 22(2), second subparagraph
Article 24	Article 23
Article 25	Article 24
Article 26	Article 25
Article 27	—
—	Article 26
Article 28	Article 27
—	Annex I
—	Annex II

COUNCIL REGULATION (EC) No 718/2008**of 24 July 2008****amending Regulations (EC) No 2015/2006 and (EC) No 40/2008, as regards fishing opportunities and associated conditions for certain fish stocks**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy ⁽¹⁾, and in particular Article 20 thereof,

Having regard to Council Regulation (EC) No 1559/2007 of 17 December 2007 establishing a multi-annual recovery plan for bluefin tuna in the Eastern Atlantic and Mediterranean ⁽²⁾, and in particular Article 7 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) Council Regulation (EC) No 2015/2006 ⁽³⁾ fixes for 2007 and 2008 the fishing opportunities for Community fishing vessels for certain deep-sea fish stocks.
- (2) The descriptions of certain fishing zones in that Regulation should be clarified in order to ensure the correct identification of the area in which a quota can be fished.
- (3) In order to ensure that the multi-annual recovery plan for bluefin tuna in the Eastern Atlantic and Mediterranean established by Council Regulation (EC) No 1559/2007 is fully implemented, certain measures provided for in that Regulation should be adopted; in particular, the number of vessels authorised to fish for bluefin tuna of below the minimum size in the Atlantic, and their total allowable catch, should be fixed and distributed between the Member States concerned.
- (4) Council Regulation (EC) No 40/2008 ⁽⁴⁾ fixes for 2008 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in

waters where catch limitations are required. The coordinates for certain fisheries restrictive areas were inaccurately indicated in that Regulation and should be corrected.

- (5) Annex IA to Regulation (EC) No 40/2008 lays down the provisional catch limits for cod in International Council for the Exploration of the Sea (ICES) zones VIIb-k, VIII, IX and X and in EC waters of CECAF area 34.1.1. Following a new scientific assessment of the state of that stock by the ICES, it is important to set the final total allowable catch for that stock.
- (6) Certain quotas and footnotes were inaccurately indicated in that Regulation for certain species and should be corrected.
- (7) Pursuant to consultations between the Community and Iceland on 10 April 2008, an arrangement was reached on capelin quotas for Icelandic vessels to be fished from the Community quota allocated under its Agreement with the Government of Denmark and the local Government of Greenland before 30 April 2008, and on redfish quotas for Community vessels fishing for redfish in the Icelandic Exclusive Economic Zone to be fished between July and December. That arrangement should be implemented in Community law.
- (8) The Agreement established between the European Community, the Faeroe Islands, Greenland, Iceland, Norway and the Russian Federation in Copenhagen on 13 and 14 February 2008 regarding the management of redfish in the Irminger Sea and adjacent waters in the NEAFC Convention Area in 2008 should be implemented in Community law. As the Agreement is applicable for the whole of 2008, the measures adopted for its implementation should apply retroactively from 1 January 2008.
- (9) The conclusions of the EU-Greenland Joint Committee meeting in Nuuk on 27 November 2007 and the technical meeting in Copenhagen on 12 February 2008, as regards the EC share of redfish in Greenland waters of ICES zones V and XIV should be implemented in Community law. As the arrangement concluded with Greenland is connected to the NEAFC Agreement on management of redfish in the Irminger Sea, the measures adopted for the implementation of the conclusions of the EU-Greenland Joint Committee meeting should also apply retroactively from 1 January 2008.

⁽¹⁾ OJ L 358, 31.12.2002, p. 59. Regulation as amended by Regulation (EC) No 865/2007 (OJ L 192, 24.7.2007, p. 1).

⁽²⁾ OJ L 340, 22.12.2007, p. 8.

⁽³⁾ OJ L 384, 29.12.2006, p. 28. Regulation as last amended by Commission Regulation (EC) No 1541/2008 (OJ L 157, 17.6.2008, p. 23).

⁽⁴⁾ OJ L 19, 23.1.2008, p. 1. Regulation as last amended by Commission Regulation (EC) No 641/2008 (OJ L 178, 5.7.2008, p. 17).

- (10) In accordance with the Agreed Record of conclusions of fisheries consultations between the European Community and Norway of 26 November 2007, the Community is to undertake trials in 2008 on technical measures for towed gears to reduce the proportion, in number, of cod that is discarded to no more than 10 %. That arrangement should be implemented in Community law.
- (11) In order to ensure certainty for the fishermen concerned and to allow them to plan their activities for this fishing season as soon as possible, it is imperative to grant an exception to the six-week period referred to in Title I, Article 3, of the Protocol on the role of national Parliaments in the European Union annexed to the Treaty on the European Union and to the Treaties establishing the European Communities.
- (12) Regulations (EC) No 2015/2006 and (EC) No 40/2008 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Amendments to Regulation (EC) No 2015/2006

Part 2 of the Annex to Regulation (EC) No 2015/2006 is hereby amended in accordance with Annex I to this Regulation.

Article 2

Amendments to Regulation (EC) No 40/2008

Regulation (EC) No 40/2008 is hereby amended as follows:

1. Point (a) of Article 30(1) shall be replaced by the following:

‘(a) Deep Sea fisheries restricted area “Lophelia reef off Capo Santa Maria di Leuca”

- 39° 27,72’ N, 18° 10,74’ E
- 39° 27,80’ N, 18° 26,68’ E
- 39° 11,16’ N, 18° 32,58’ E
- 39° 11,16’ N, 18° 04,28’ E.

2. The following Articles shall be inserted after Article 82:

‘Article 82a

Maximum number of vessels fishing bluefin tuna in the Eastern Atlantic

1. The maximum number of Community bait boats and trolling boats authorised to fish bluefin tuna of a minimum size of 8 kg or 75 cm in the Eastern Atlantic, and the

allocation among the Member States of that maximum number shall be fixed as follows:

Spain	63
France	44
EC	107

2. The maximum number of Community pelagic trawlers authorised to fish bluefin tuna of a minimum size of 8 kg or 75 cm as a bycatch in the Eastern Atlantic, and the allocation of that maximum number among the Member States, shall be fixed as follows:

France	107
EC	107

Article 82b

Catch limits for bluefin tuna in the Eastern Atlantic

1. Within the catch limits laid down in Annex ID, the catch limit for bluefin tuna between 8 kg/75 cm and 30 kg/115 cm applicable to authorised Community vessels referred to in Article 82a, and the allocation of that catch limit among the Member States, shall be fixed as follows (in tonnes):

Spain	1 117,07 (*)
France	504
EC	1 621,07

(*) Including a maximum of 80 tonnes of by-catches for trolling boats.

2. Within the catch limits laid down in paragraph 1, the catch limit for bluefin tuna weighing no less than 6,4 kg or measuring no less than 70 cm applicable to bait boats of an overall length of less than 17 metres among the Community vessels referred to in Article 82a, and the allocation of that catch limit among the Member States, shall be fixed as follows (in tonnes):

France	45 (**)
EC	45 (**)

(**) This quantity may be altered by the Commission, up to an amount of 200 tonnes.

*Article 82c***Catch limits for bluefin tuna in the Eastern Atlantic applicable to the Community coastal fishery**

Within the catch limits laid down in Annex ID, the catch limit for bluefin tuna between and 8 kg and 30 kg allocated to the Community coastal fishery for fresh fish in the Eastern Atlantic, and the allocation of that catch limit among the Member States, shall be fixed as follows (in tonnes):

Spain	263,21
France	61,01
EC	324,22'

3. Annexes IA, IB, III and XIV to Regulation (EC) No 40/2008 shall be amended in accordance with Annex II to this Regulation.

*Article 3***Entry into force**

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

However, Article 2, as regards the amendments set out in Annex II(2)(b) and (c) to this Regulation shall apply from 1 January 2008.

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

Done at Brussels, 24 July 2008.

For the Council
The President
 B. HORTEFEUX

ANNEX I

In the Annex to Regulation (EC) No 2015/2006, Part 2 is hereby amended as follows:

The entry concerning the species Orange roughy in EC waters and waters not under the sovereignty or jurisdiction of third countries of ICES zones I, II, III, IV, V, VIII, IX, X, XI, XII and XIV shall be replaced by the following:

Species:	Orange roughy <i>Hoplostethus atlanticus</i>	Zone:	EC waters and waters not under the sovereignty or jurisdiction of third countries I, II, III, IV, V, VIII, IX, X, XII and XIV
Year	2007	2008	
Spain	4	3	
France	23	15	
Ireland	6	4	
Portugal	7	5	
United Kingdom	4	3	
EC	44	30'	

ANNEX II

The Annexes to Regulation (EC) No 40/2008 are hereby amended as follows:

1. In Annex IA:

- (a) The entry concerning the species Cod in VIIb-k, VIII, IX and X and in EC waters of CECAP area 34.1.1 shall be replaced by the following:

Species:	Cod <i>Gadus morhua</i>	Zone:	VIIb-k, VIII, IX and X; EC waters of CECAP area 34.1.1 COD/7X7A34
Belgium	217	Analytical TAC	
France	3 725	Article 3 of Regulation (EC) No 847/96 applies.	
Ireland	797	Article 4 of Regulation (EC) No 847/96 applies.	
Netherlands	31	Article 5(2) of Regulation (EC) No 847/96 applies.'	
United Kingdom	404		
EC	5 174		
TAC	5 174		

- (b) The entry concerning the species Blue whiting in EC waters of II, IVa, V, VI north of 56° 30' N and VII west of 12° W shall be replaced by the following:

Species:	Blue whiting <i>Micromesistius poutassou</i>	Zone:	EC waters of II, IVa, V, VI north of 56° 30' N and VII west of 12° W WHB/24A567
Norway	196 269 ⁽¹⁾ ⁽²⁾	Analytical TAC	
Faeroe Islands	31 000 ⁽³⁾ ⁽⁴⁾	Article 3 of Regulation (EC) No 847/96 does not apply.	
		Article 4 of Regulation (EC) No 847/96 does not apply.	
TAC	1 266 282	Article 5(2) of Regulation (EC) No 847/96 applies.'	

⁽¹⁾ To be counted against Norway's catch limits established under the Coastal States arrangement.

⁽²⁾ The catch in zone IV shall be no more than 49 067 tonnes.

⁽³⁾ To be counted against the catch limits of the Faeroe Islands established under the Coastal States arrangement.

⁽⁴⁾ May also be fished in zone VIb. The catch in zone IV shall be no more than 7 750 tonnes.'

2. In Annex IB:

- (a) the entry concerning the species Capelin in Greenland waters of ICES zones V and XIV shall be replaced by the following:

Species:	Capelan <i>Mallotus villosus</i>	Zone:	Greenland waters of zones V and XIV CAP/514GRN
All Member States	0		
EC	23 716 ⁽¹⁾ ⁽²⁾		
TAC	Not relevant		

⁽¹⁾ Of which 23 716 tonnes are allocated to Iceland.

⁽²⁾ To be fished before 30 April 2008.;

- (b) the entry concerning the species Redfish in EC and international waters of ICES zone V and international waters of ICES zones XII and XIV shall be replaced by the following:

Species: Redfish <i>Sebastes spp.</i>		Zone: EC and international waters of V; international waters of XII and XIV RED/51214.
Estonia	210 ⁽¹⁾	Article 3 of Regulation (EC) No 847/96 does not apply. Article 4 of Regulation (EC) No 847/96 does not apply. Article 5(2) of Regulation (EC) No 847/96 applies.
Germany	4 266 ⁽¹⁾	
Spain	749 ⁽¹⁾	
France	398 ⁽¹⁾	
Ireland	1 ⁽¹⁾	
Latvia	76 ⁽¹⁾	
Netherlands	2 ⁽¹⁾	
Poland	384 ⁽¹⁾	
Portugal	896 ⁽¹⁾	
United Kingdom	10 ⁽¹⁾	
EC	6 992 ⁽¹⁾	
TAC	46 000	

⁽¹⁾ No more than 65 % of the quota can be taken North of 59° N and East of 36° W during the period from 1 April to 15 July 2008. No more than 30 % of the catch limits can be taken North of 59° N and East of 36° W during the period 1 April to 10 May 2008.;

- (c) the entry concerning the species Redfish in Greenland waters of ICES zones V and XIV shall be replaced by the following:

Species: Redfish <i>Sebastes spp.</i>		Zone: Greenland waters of V and XIV RED/514GRN
Germany	4 248	Article 3 of Regulation (EC) No 847/96 does not apply. Article 4 of Regulation (EC) No 847/96 does not apply. Article 5(2) of Regulation (EC) No 847/96 applies.
France	22	
United Kingdom	30	
EC	8 000 ⁽¹⁾ ⁽²⁾	
TAC	Not relevant	

⁽¹⁾ May only be fished by pelagic trawl. May be fished East or West. The quota may be taken in the NEAFC Regulatory Area on the condition that Greenlandic reporting conditions are fulfilled.

⁽²⁾ 3 500 tonnes to be fished with pelagic trawl are allocated to Norway and 200 tonnes are allocated to the Faeroe Islands.;

(d) the entry concerning the species Redfish in Icelandic waters of ICES zone Va shall be replaced by the following:

Species:	Redfish <i>Sebastes spp.</i>	Zone:	Icelandic waters of Va RED/05A-IS
Belgium	100 ⁽¹⁾ ⁽²⁾	Article 3 of Regulation (EC) No 847/96 does not apply.	
Germany	1 690 ⁽¹⁾ ⁽²⁾	Article 4 of Regulation (EC) No 847/96 does not apply.	
France	50 ⁽¹⁾ ⁽²⁾	Article 5(2) of Regulation (EC) No 847/96 applies.	
United Kingdom	1 160 ⁽¹⁾ ⁽²⁾		
EC	3 000 ⁽¹⁾ ⁽²⁾		
TAC	Not relevant		

⁽¹⁾ Including unavoidable by-catches (by-catches of cod not permitted).
⁽²⁾ To be fished between July and December.

3. In Annex III:

(a) A new point shall be inserted after point 9:

'9a. Reduction of cod discards in the North Sea.

1. Member States which hold a cod quota shall undertake trials in 2008 on technical measures for towed gears to reduce the proportion, in number, of cod that is discarded to no more than 10 %.
2. Member States shall make the results of the trials laid down in point 9a.1 available to the Commission before 31 December 2008.'

(b) In point 13.1 the coordinates for the 'Hatton Bank' shall be replaced by the following:

'Hatton Bank:

- 59° 26' N, 14° 30' W
- 59° 12' N, 15° 08' W
- 59° 01' N, 17° 00' W
- 58° 50' N, 17° 38' W
- 58° 30' N, 17° 52' W
- 58° 30' N, 18° 22' W
- 58° 03' N, 18° 22' W
- 58° 03' N, 17° 30' W
- 57° 55' N, 17° 30' W
- 57° 45' N, 19° 15' W
- 58° 30' N, 18° 45' W
- 58° 47' N, 18° 37' W
- 59° 05' N, 17° 32' W
- 59° 16' N, 17° 20' W
- 59° 22' N, 16° 50' W
- 59° 21' N, 15° 40' W'

4. In Annex XIV:

In the text reproducing Appendix 3 to Resolution GFMC/31/2007/2, the geographical coordinates for GFCM Geographical Sub-Area (GSA) number 2 shall be replaced by the following:

'36° 05' N 3° 20' W

36° 05' N 2° 40' W

35° 45' N 2° 40' W

35° 45' N 3° 20' W.'

COMMISSION REGULATION (EC) No 719/2008**of 25 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) ⁽¹⁾,

Having regard to Commission Regulation (EC) No 1580/2007 of 21 December 2007 laying down implementing rules for Council Regulations (EC) No 2200/96, (EC) No 2201/96 and (EC) No 1182/2007 in the fruit and vegetable sector ⁽²⁾, and in particular Article 138(1) thereof,

Whereas:

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 Annex XV, Part A thereto,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 138 of Regulation (EC) No 1580/2007 are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 26 July 2008.

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

Done at Brussels, 25 July 2008.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ 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).

⁽²⁾ OJ L 350, 31.12.2007, p. 1. Regulation as last amended by Regulation (EC) No 590/2008 (OJ L 163, 24.6.2008, p. 24).

ANNEX

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	MK	29,6
	TR	83,4
	XS	27,8
	ZZ	46,9
0707 00 05	MK	27,4
	TR	106,2
	ZZ	66,8
0709 90 70	TR	92,7
	ZZ	92,7
0805 50 10	AR	87,6
	US	51,0
	UY	61,3
	ZA	89,1
	ZZ	72,3
0806 10 10	CL	83,0
	EG	143,0
	IL	145,5
	TR	112,2
	ZZ	120,9
0808 10 80	AR	100,4
	BR	101,7
	CL	109,0
	CN	85,5
	NZ	117,2
	US	99,9
	ZA	91,9
	ZZ	100,8
0808 20 50	AR	111,3
	CL	86,3
	NZ	97,1
	ZA	99,2
	ZZ	98,5
0809 10 00	TR	174,0
	US	186,2
	ZZ	180,1
0809 20 95	TR	402,5
	US	410,1
	ZZ	406,3
0809 30	TR	149,7
	ZZ	149,7
0809 40 05	BA	95,0
	IL	117,3
	TR	115,5
	XS	74,5
	ZZ	100,6

⁽¹⁾ Nomenclature of countries laid down 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 720/2008**of 25 July 2008****laying down common detailed rules for the application of Council Regulation (EC) No 1234/2007 as regards the storage and movement of products bought in by a paying agency or an intervention agency**

(Codified version)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

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 43 in conjunction with Article 4 thereof,

Whereas:

(1) Commission Regulation (EEC) No 3515/92 of 4 December 1992 laying down common detailed rules for the application of Council Regulation (EEC) No 1055/77 on the storage and movement of products bought in by an intervention agency ⁽²⁾ has been substantially amended several times ⁽³⁾. In the interests of clarity and rationality the said Regulation should be codified.

(2) The competent authorities are informed of all trade in the products in question. Therefore, for the sake of administrative simplicity it is desirable that a licence should not be required in respect of products held by a paying agency or an intervention agency which are exported to a third country for storage there or returned to the Member State of departure.

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

⁽¹⁾ 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).

⁽²⁾ OJ L 355, 5.12.1992, p. 15. Regulation as last amended by Regulation (EC) No 1847/2006 (OJ L 355, 15.12.2006, p. 21).

⁽³⁾ See Annex III.

CHAPTER 1

GENERAL PROVISION*Article 1*

Without prejudice to the derogations provided for in the specific Community rules for certain products, this Regulation lays down common detailed rules for the application of Article 39 of Regulation (EC) No 1234/2007.

CHAPTER 2

INTERVENTION PRODUCTS TRANSPORTED FOR STORAGE IN A THIRD COUNTRY*Article 2*

In cases falling within Article 39(5)(a) of Regulation (EC) No 1234/2007, where products are exported to a third country for storage there, the document referred to in Article 3 hereof and the export declaration shall be lodged at the competent customs office in the Member State where the paying agency or intervention agency responsible for the products is situated.

The export declaration and, should the occasion arise, the external Community transit document or the equivalent national document shall show one of the entries listed in Annex I.

No export licence shall be required in connection with the customs export formalities.

Article 3

The document referred to in Article 2 shall be issued by the competent paying agency or intervention agency of the Member State of departure and shall carry a number and give:

(a) a description of the products and, where appropriate, any other necessary information for control purposes;

(b) the number, type and, where appropriate, the marks and numbers of the packages;

(c) the gross and net mass of the products;

- (d) a reference to Article 39 of Regulation (EC) No 1234/2007, specifying that the products are intended for storage;
- (e) the address of the proposed place of storage.

In the case of application of Article 2, this document shall be kept by the customs office where the export declaration has been lodged and a copy of this document shall accompany the product.

Article 4

1. Where products held by a paying agency or an intervention agency and stored in a third country are subsequently re-imported into the Member State within whose jurisdiction such agency falls, without being sold:

- (a) the re-importation shall be subject to Article 39(5) of Regulation (EC) No 1234/2007; and
- (b) no import licence need be submitted.

2. In addition, the following documents shall be submitted to the customs office of re-importation:

- (a) the endorsed exporter's copy of the export declaration issued in respect of the export of the products to the third country of storage, or a copy or a photocopy of that document authenticated as corresponding to the original by the customs office which issued that original;
- (b) a document issued by the paying agency or intervention agency responsible for the products containing the information provided for in Article 3(a) to (d).

Those documents shall be kept by the customs office of re-importation.

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

Done at Brussels, 25 July 2008.

For the Commission
The President

José Manuel BARROSO

CHAPTER 3

INTERVENTION PRODUCTS TRANSFERRED FROM ONE PAYING AGENCY OR INTERVENTION AGENCY TO ANOTHER

Article 5

In cases falling within Article 39(5)(b) of Regulation (EC) No 1234/2007, where products are dispatched to another Member State as a transfer operation, the products shall be accompanied by a Control Copy T5 as referred to in Articles 912a to 912g of Commission Regulation (EEC) No 2454/93⁽¹⁾. The Control Copy T5 shall be issued by the paying agency or intervention agency which sends the products and shall show in box 104 one of the entries listed in Annex II to this Regulation.

Box 107 shall show the number of this Regulation.

The Member State may allow the Control Copy T5 to be issued by an authority designated for that purpose instead of by the paying agency or intervention agency.

The Control Copy T5 shall be returned direct to the paying agency or intervention agency which sent the products, after appropriate checking and endorsement by the paying agency or intervention agency of the Member State to which the products are transferred.

CHAPTER 4

FINAL PROVISIONS

Article 6

Regulation (EEC) No 3515/92 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 IV.

Article 7

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

⁽¹⁾ OJ L 253, 11.10.1993, p. 1.

ANNEX I

Entries referred to in the second paragraph of Article 2:

- *In Bulgarian:* Интервенционни продукти, държани от ... (име и адрес на разплащателната или интервенционната агенция), предназначени за складиране в ... (съответна държава и адрес на предложения склад). В приложение на член 39, параграф 5, буква а), от Регламент (ЕО) № 1234/2007
- *In Spanish:* Productos de intervención en poder de ... (nombre y dirección del organismo pagador o de intervención) destinados a ser almacenados en ... (país y dirección del lugar de almacenamiento previsto). Aplicación del artículo 39, apartado 5, letra a), del Reglamento (CE) nº 1234/2007
- *In Czech:* Intervenční produkty v držení ... (název a adresa platební agentury nebo intervenční agentury), určené ke skladování v/ve ... (dotčený stát a předpokládaná adresa a místo skladování). Použití čl. 39 odst. 5 písm. a) nařízení (ES) č. 1234/2007
- *In Danish:* Interventionsprodukter, som ... (navn og adresse på betalings- eller interventionsorganet) ligger inde med, og som er bestemt til oplagring i ... (det pågældende land og adressen på det forventede oplagringssted). Anvendelse af artikel 39, stk. 5, litra a), i forordning (EF) nr. 1234/2007
- *In German:* Interventionserzeugnisse im Besitz von ... (Name und Anschrift der Zahlstelle oder Interventionsstelle), zur Lagerung in ... (Land und Anschrift des vorgesehenen Lagerorts) bestimmt. Anwendung von Artikel 39 Absatz 5 Buchstabe a der Verordnung (EG) Nr. 1234/2007
- *In Estonian:* (makseasutuse või sekkumisasutuse nimetus ja aadress) valduses olevad sekkumistooted, mis on ette nähtud ladustamiseks (asjaomane riik ja ettenähtud ladustamiskoha aadress). Määruse (EÜ) nr 1234/2007 artikli 39 lõike 5 punkti a kohaldamine
- *In Greek:* Προϊόντα παρέμβασης που ευρισκονται στην κατοχή του ... (ονομασία και διεύθυνση του οργανισμού πληρωμών ή του οργανισμού παρέμβασης) προς αποθήκευση στ. ... (χώρα και διεύθυνση του προτεινόμενου χώρου αποθήκευσης). Εφαρμογή του άρθρου 39 παράγραφος 5 στοιχείο α) του κανονισμού (ΕΚ) αριθ. 1234/2007
- *In English:* Intervention products held by ... (name and address of the paying agency or intervention agency) for storage in ... (country concerned and address of the proposed place of storage). Application of Article 39(5)(a) of Regulation (EC) No 1234/2007
- *In French:* Produits d'intervention détenus par ... (nom et adresse de l'organisme payeur ou de l'organisme d'intervention), destinés à être stockés en/au ... (pays concerné et adresse du lieu de stockage prévu). Application de l'article 39, paragraphe 5, point a), du règlement (CE) nº 1234/2007
- *In Italian:* Prodotti d'intervento detenuti da ... (nome e indirizzo dell'organismo pagatore o organismo d'intervento) destinati ad essere immagazzinati in ... (paese interessato e indirizzo del luogo di immagazzinamento previsto). Applicazione dell'articolo 39, paragrafo 5, lettera a) del regolamento (CE) n. 1234/2007
- *In Latvian:* Intervences produkti, kas pieder ... (maksājumu aģentūras vai intervences aģentūras nosaukums un adrese), glabāšanai ... (attiecīgā valsts un plānotā glabāšanas vieta adrese). Regulas (EK) Nr. 1234/2007 39. panta 5. punkta a) apakšpunkta piemērošana
- *In Lithuanian:* (Mokėjimo agentūros ar intervencinės agentūros pavadinimas ir adresas) ... intervenciniai produktai, skirti saugojimui ... (atitinkama šalis ir numatomas saugojimo vietas adresas). Reglamento (EB) Nr. 1234/2007 39 straipsnio 5 dalies a punkto taikymas
- *In Hungarian:* A(z) ... (a kifizető ügynökség, illetve az intervenció hivatal neve és címe) birtokában lévő, ...-ban/-ben (a tervezett raktározási hely címe és országa) raktározásra szánt intervenció termékek. Az 1234/2007/EK rendelet 39. cikke (5) bekezdése a) pontjának alkalmazása
- *In Maltese:* Prodotti ta' intervent miżmuma minn ... (isem u indirizz ta' l-aġenzija li tħallas jew l-aġenzija ta' intervent), biex jinħażnu f' ... (pajjiż ikkonċernat u indirizz tal-post tal-ħażna propost). Applikazzjoni ta' l-Artikolu 39(5)(a) tar-Regolament (KE) Nru 1234/2007
- *In Dutch:* Interventieproducten in het bezit van ... (naam en adres van het betaalorgaan of het interventiebureau) — bestemd voor opslag in ... (betrokken land en adres van de opslagplaats). Toepassing van artikel 39, lid 5, onder a), van Verordening (EG) nr. 1234/2007

- *In Polish:* Produkty interwencyjne znajdujące się w posiadaniu ... (nazwa i adres agencji płatniczej lub agencji interwencyjnej), przeznaczone do magazynowania w ... (właściwy kraj i adres przewidzianego miejsca magazynowania). Zastosowanie art. 39 ust. 5 lit. a) rozporządzenia (WE) nr 1234/2007
- *In Portuguese:* Produtos de intervenção em poder de ... (nome e endereço do organismo pagador ou do organismo de intervenção) destinados a serem armazenados em/no ... (país em causa e endereço do local de armazenagem previsto). Aplicação do n.º 5, alínea a), do artigo 39.º do Regulamento (CE) n.º 1234/2007
- *In Romanian:* Produse de intervenție deținute de ... (denumirea și adresa agenției de plăți sau organismului de intervenție) pentru depozitare în ... (țara în cauză și adresa locului de depozitare propus). Se aplică articolul 39 alineatul (5) litera (a) din Regulamentul (CE) nr. 1234/2007
- *In Slovak:* Intervenčné produkty v držbe ... (názov a adresa platobnej alebo intervenčnej agentúry), určené na skladovanie v ... (krajina, ktorej sa to týka a adresa stanoveného miesta skladovania). Uplatňuje sa článok 39 ods. 5 písm. a) nariadenia (ES) č. 1234/2007
- *In Slovenian:* Intervencijski proizvodi, zadržani s strani ... (ime in naslov plačilne agencije ali intervencijske agencije), ki naj bi bili skladiščeni v ... (zadevna država in naslov predvidenega kraja skladiščenja). Izvajanje člena 39(5)(a) Uredbe (ES) št. 1234/2007
- *In Finnish:* Interventiotuotteita, jotka ovat ... (maksajaviraston tai interventioelimen nimi ja osoite) hallussa ja jotka on tarkoitettu varastoida ... (kyseessä olevan maan ja ehdotetun varastointipaikan osoite). Asetuksen (EY) N:o 1234/2007 39 artiklan 5 kohdan a alakohdan soveltaminen
- *In Swedish:* Interventionsprodukter som innehas av ... (det utbetalande organets eller interventionsorganets namn och adress) för lagring i ... (berört land och adress till det tilltänkta lagringsstället). Tillämpning av artikel 39.5 a i förordning (EG) nr 1234/2007
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ANNEX II

Entries referred to in the first paragraph of Article 5:

— <i>In Bulgarian:</i>	Интервенционни продукти — трансферна операция
— <i>In Spanish:</i>	Productos de intervención — operación de transferencia
— <i>In Czech:</i>	Intervenční produkty – převod
— <i>In Danish:</i>	Interventionsprodukter — overførsel
— <i>In German:</i>	Interventionserzeugnisse — Transfer
— <i>In Estonian:</i>	Sekkumistooted – ülevõtmistoiming
— <i>In Greek:</i>	Προϊόντα παρέμβασης — Πράξη μεταβίβασης
— <i>In English:</i>	Intervention products — transfer operation
— <i>In French:</i>	Produits d'intervention — opération de transfert
— <i>In Italian:</i>	Prodotti d'intervento — operazione di trasferimento
— <i>In Latvian:</i>	Intervences produkti – nodošana
— <i>In Lithuanian:</i>	Intervenciniai produktai – pervežimas
— <i>In Hungarian:</i>	Intervenció termékek – szállítási művelet
— <i>In Maltese:</i>	Prodotti ta' intervent - ħidma ta' trasferiment
— <i>In Dutch:</i>	Interventieproducten — Overdracht
— <i>In Polish:</i>	Produkty interwencyjne – operacja przekazania
— <i>In Portuguese:</i>	Produtos de intervenção — operação de transferência
— <i>In Romanian:</i>	Produse de intervenție – operațiune de transfer
— <i>In Slovak:</i>	Intervenčné produkty – presun
— <i>In Slovenian:</i>	Intervencijski proizvodi – postopek transferja
— <i>In Finnish:</i>	Interventiotuotteita – siirtotoimi
— <i>In Swedish:</i>	Interventionsprodukter – överföringsförfarande

ANNEX III

Repealed Regulation with list of its successive amendments

Commission Regulation (EEC) No 3515/92
(OJ L 355, 5.12.1992, p. 15)

Regulation (EC) No 306/95
(OJ L 36, 16.2.1995, p. 1)

Regulation (EC) No 1970/2004
(OJ L 341, 17.11.2004, p. 17)

Regulation (EC) No 1847/2006
(OJ L 355, 15.12.2006, p. 21)

Article 2 and Annex II only

ANNEX IV

Correlation table

Regulation (EEC) No 3515/92	This Regulation
Article 1	Article 1
Article 2	Article 2
Article 3, first paragraph, first indent	Article 3, first paragraph, point (a)
Article 3, first paragraph, second indent	Article 3, first paragraph, point (b)
Article 3, first paragraph, third indent	Article 3, first paragraph, point (c)
Article 3, first paragraph, fourth indent	Article 3, first paragraph, point (d)
Article 3, first paragraph, fifth indent	Article 3, first paragraph, point (e)
Article 3, second paragraph	Article 3, second paragraph
Article 4(1) first indent	Article 4(1)(a)
Article 4(1) second indent	Article 4(1)(b)
Article 4(2), first subparagraph, first indent	Article 4(2), first subparagraph, point (a)
Article 4(2), first subparagraph, second indent	Article 4(2), first subparagraph, point (b)
Article 4(2), second subparagraph	Article 4(2), second subparagraph
Article 5	Article 5
Article 6	—
Article 7	—
—	Article 6
Article 8	Article 7
Annexes I and II	Annexes I and II
—	Annex III
—	Annex IV

COMMISSION REGULATION (EC) No 721/2008

of 25 July 2008

concerning the authorisation of a preparation of red carotenoid-rich bacterium *Paracoccus carotinifaciens* 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 preparation of dried killed cells of red carotenoid-rich bacterium *Paracoccus carotinifaciens* (NITE SD 00017) as a feed additive for salmon and trout, to be classified in the additive category 'sensory additives'.

(4) The European Food Safety Authority (the Authority) concluded in its opinion of 18 September 2007 that that preparation of dried killed cells of red carotenoid-

rich bacterium *Paracoccus carotinifaciens* (NITE SD 00017) does not have an adverse effect on animal health, human health or the environment and that it favourably affects the characteristics of animal products⁽²⁾. It further concluded that that preparation does not present any other risk which would, in accordance with Article 5(2) of Regulation (EC) No 1831/2003, exclude authorisation. The Authority made a recommendation concerning maximum residue limits. It did 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.

(5) 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.

(6) 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 'sensory additives' and to the functional group 'a (ii). Colourants; substances which when fed to animals add colours to food of animal origin', 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⁾ Scientific Opinion of the Panel on Additives and Products or Substances used in Animal Feed (FEEDAP) on a request from the European Commission on safety and efficacy of Panaferd-AX (red carotenoid-rich bacterium *Paracoccus carotinifaciens*) as feed additive for salmon and trout. The EFSA Journal (2007) 546, p. 1-30.

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

Done at Brussels, 25 July 2008.

For the Commission
Androulla VASSILIOU
Member of the Commission

ANNEX

Identification number of the additive	Additive	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content		Maximum content	Other provisions	Maximum Residue Limits (MRLs) in the relevant foodstuffs of animal origin	End of period of authorisation
					mg/kg of complete feedstuff with a moisture content of 12 %	mg/kg of complete feedstuff with a moisture content of 12 %				
Category of sensory additives. Functional group: colourants; substances which when fed to animals add colours to food of animal origin										
2a(ii)167	Red carotenoid-rich <i>Paracoccus carotinifaciens</i>	<p>Active substances:</p> <p>Astaxanthin (C₄₀H₅₂O₄, CAS: 472-61-7)</p> <p>Adonirubin (C₄₀H₅₂O₃, 3-Hydroxy-beta, beta-carotene-4,4'-dione CAS: 511-23801)</p> <p>Canthaxanthin (C₄₀H₅₂O₂, CAS: 514-78-3)</p> <p>Additive composition:</p> <p>Preparation of dried killed cells of <i>Paracoccus carotinifaciens</i> (NITE SD 00017) containing:</p> <ul style="list-style-type: none"> — 20-23 g/kg astaxanthin — 10-15 g/kg adonirubin — 3-5 g/kg canthaxanthin <p>Analytical methods</p> <p>Normal phase High Performance Liquid Chromatography (HPLC) coupled to UV/visible detection for determination of astaxanthin, adonirubin and canthaxanthin in feedstuffs and fish tissue (1)</p>	Salmon, trout	—	—	100	<p>1. The maximum content is expressed as the sum of astaxanthin, adonirubin and canthaxanthin.</p> <p>2. Use permitted from the age of 6 months onwards or weight of 50 g.</p> <p>3. The mixture of the additive with astaxanthin or canthaxanthin is allowed provided that the total concentration of the sum of astaxanthin, adonirubin and canthaxanthin from other sources does not exceed 100 mg/kg in complete feedstuff.</p>	<p>For salmon: 10 mg/kg for the sum of adonirubin and canthaxanthin/kg muscle (wet tissue)</p> <p>For trout: 8 mg/kg for the sum of adonirubin and canthaxanthin/kg muscle (wet tissue)</p>	15.8.2018	

(1) Further 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 722/2008**of 25 July 2008****amending Regulation (EEC) No 563/82 as regards the adjustment factors to be used for establishing the market prices of carcasses of adult bovine animals**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1183/2006 of 24 July 2006 concerning the Community scale for the classification of carcasses of adult bovine animals ⁽¹⁾, and in particular the third paragraph of Article 3 thereof,

Whereas,

(1) Article 3 of Regulation (EC) No 1183/2006 defines the EU reference presentation of carcasses. Moreover, it provides that where a Member State uses a different carcass presentation than this reference presentation, the adjustment factors to progress from that presentation to the reference presentation should be determined.

(2) Commission Regulation (EEC) No 563/82 of 10 March 1982 laying down detailed rules for the application of Regulation (EEC) No 1208/81 for establishing the market prices of adult bovine animals on the basis of the Community scale for the classification of carcasses ⁽²⁾ lays down the detailed rules as regards the recording of market prices of carcasses of adult bovines based on the Community scale for the classification of carcasses of adult bovines.

(3) United Kingdom has asked to insert two additional coefficients for the removal of brisket fat and of flank fat in the Annex to Regulation (EEC) No 563/82. In order to continue to ensure the availability of comparable prices in the Community, the adjustment factors determined in the Annex to that Regulation should be adapted.

(4) Regulation (EEC) No 563/82 should therefore be amended accordingly.

(5) The Management Committee for Beef and Veal has not delivered an opinion within the time limit set by its Chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EEC) No 563/82 is replaced by the text in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 25 July 2008.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 214, 4.8.2006, p. 1. Regulation (EC) No 1183/2006 will be replaced by Regulation (EC) No 1234/2007 (OJ L 299, 16.11.2007, p. 1) as from 1 January 2009.

⁽²⁾ OJ L 67, 11.3.1982, p. 23. Regulation as last amended by Regulation (EC) No 2181/2001 (OJ L 293, 10.11.2001, p. 8).

ANNEX

'ANNEX

Adjustment factors referred to in Article 3 of Regulation (EC) No 1183/2006*(as percentage of carcass weight)*

Percentage Fat class	Decrease			Increase				
	1-2	3	4-5	1	2	3	4	5
Kidneys	- 0,4							
Kidney fat	- 1,75	- 2,5	- 3,5					
Pelvic fat	- 0,5							
Liver	- 2,5							
Thin skirt	- 0,4							
Thick skirt	- 0,4							
Tail	- 0,4							
Spinal cord	- 0,05							
Mammary fat	- 1,0							
Testicles	- 0,3							
Cod fat	- 0,5							
Fat on inside of topside	- 0,3							
Jugular vein and the adjacent fat	- 0,3							
Removal of external fat				0	0	+ 2,0	+ 3,0	+ 4,0
Removal of brisket fat to leave a covering of fat (the muscle tissue must not be exposed)				0	+ 0,2	+ 0,2	+ 0,3	+ 0,4
Removal of flank fat adjacent to the cod fat				0	+ 0,3	+ 0,4	+ 0,5	+ 0,6'

COMMISSION REGULATION (EC) No 723/2008
of 25 July 2008

registering certain names in the Register of protected designations of origin and protected geographical indications (Afuega'l Pitu (PDO), Mazapán de Toledo (PGI), Agneau de Lozère (PGI), Oignon doux des Cévennes (PDO), Butelo de Vinhais or Bucho de Vinhais or Chouriço de Ossos de Vinhais (PGI), Chouriça Doce de Vinhais (PGI))

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs ⁽¹⁾, and in particular the first subparagraph of Article 7(4) thereof,

Whereas:

- (1) In accordance with the first subparagraph of Article 6(2) and pursuant to Article 17(2) of Regulation (EC) No 510/2006, Spain's applications to register the names 'Afuega'l Pitu' and 'Mazapán de Toledo', France's applications to register the names 'Agneau de Lozère' and 'Oignon doux des Cévennes' and Portugal's applications to register the names 'Butelo de Vinhais' or 'Bucho de

Vinhais' or 'Chouriço de Ossos de Vinhais' and 'Chouriça Doce de Vinhais' were published in the *Official Journal of the European Union* ⁽²⁾.

- (2) As no objection under Article 7 of Regulation (EC) No 510/2006 has been received by the Commission, these names should be entered in the Register,

HAS ADOPTED THIS REGULATION:

Article 1

The names in the Annex to this Regulation are hereby entered in the Register of protected designations of origin and protected geographical indications.

Article 2

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

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

Done at Brussels, 25 July 2008.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

⁽¹⁾ OJ L 93, 31.3.2006, p. 12. Regulation as last amended by Commission Regulation (EC) No 417/2008 (OJ L 125, 9.5.2008, p. 27).

⁽²⁾ OJ C 268, 10.11.2007, p. 28 (Afuega'l Pitu), OJ C 267, 9.11.2007, p. 50 (Mazapán de Toledo), OJ C 267, 9.11.2007, p. 46 (Agneau de Lozère), OJ C 270, 13.11.2007, p. 15 (Oignon doux des Cévennes), OJ C 268, 10.11.2007, p. 36 (Butelo de Vinhais or Bucho de Vinhais or Chouriço de Ossos de Vinhais), OJ C 268, 10.11.2007, p. 33 (Chouriça Doce de Vinhais).

ANNEX

1. Agricultural products intended for human consumption listed in Annex I to the Treaty:

Class 1.1. Fresh meat (and offal)

FRANCE

Agneau de Lozère (PGI)

Class 1.2. Meat products (cooked, salted, smoked, etc.)

PORTUGAL

Butelo de Vinhais or Bucho de Vinhais or Chouriço de Ossos de Vinhais (PGI)

Chouriça Doce de Vinhais (PGI)

Class 1.3. Cheeses

SPAIN

Afuega'l Pitu (PDO)

Class 1.6. Fruit, vegetables and cereals, fresh or processed

FRANCE

Oignon doux des Cévennes (PDO)

2. Foodstuffs listed in Annex I to the Regulation:

Class 2.4. Bread, pastry, cakes, confectionery, biscuits and other baker's wares

SPAIN

Mazapán de Toledo (PGI)

COMMISSION REGULATION (EC) No 724/2008
of 24 July 2008
concerning the classification of certain goods in the Combined Nomenclature

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹⁾, and in particular Article 9(1)(a) thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific Community provisions, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to those general rules, the goods described in column 1 of the table set out in the Annex should be classified under the CN code indicated in column 2, by virtue of the reasons set out in column 3 of that table.

(4) It is appropriate to provide that binding tariff information which has been issued by the customs authorities of Member States in respect of the classification of goods in the Combined Nomenclature but which is not in accordance with this Regulation can, for a period of three months, continue to be invoked by the holder, under Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code⁽²⁾.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column 1 of the table set out in the Annex shall be classified within the Combined Nomenclature under the CN code indicated in column 2 of that table.

Article 2

Binding tariff information issued by the customs authorities of Member States, which is not in accordance with this Regulation, can continue to be invoked for a period of three months under Article 12(6) of Regulation (EEC) No 2913/92.

Article 3

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

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

Done at Brussels, 24 July 2008.

For the Commission

László KOVÁCS

Member of the Commission

⁽¹⁾ OJ L 256, 7.9.1987, p. 1. Regulation as last amended by Commission Regulation (EC) No 360/2008 (OJ L 111, 23.4.2008, p. 9).

⁽²⁾ OJ L 302, 19.10.1992, p. 1. Regulation as last amended by Council Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p. 1).

ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
<p>Liquid product made up as pepper sauce, prepared from pods of pepper which is mixed with salt and is fermented over three years.</p> <p>After fermentation vinegar is added. The product is available in different varieties, e.g. as green pepper sauce.</p>	2103 90 90	<p>Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature, and the wording of CN codes 2103, 2103 90 and 2103 90 90.</p> <p>The mixing with salt, the fermentation and the addition of vinegar is to be considered as a process of manufacturing which goes beyond the process mentioned in Note 1 to Chapter 9. Consequently the products no longer retain the essential character of goods of Chapter 9.</p> <p>Because of the composition and the use of the product, it is to be classified in heading 2103. See also Harmonised System Explanatory Notes to heading 2103 (A), second paragraph, last sentence.</p>

COMMISSION REGULATION (EC) No 725/2008
of 24 July 2008
concerning the classification of certain goods in the Combined Nomenclature

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹⁾, and in particular Article 9(1)(a) thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific Community provisions, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to those general rules, the goods described in column 1 of the table set out in the Annex should be classified under the CN codes indicated in column 2, by virtue of the reasons set out in column 3 of that table.

(4) It is appropriate to provide that binding tariff information which has been issued by the customs authorities of Member States in respect of the classification of goods in the Combined Nomenclature but which is not in accordance with this Regulation can, for a period of three months, continue to be invoked by the holder, under Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code⁽²⁾.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column 1 of the table set out in the Annex shall be classified within the Combined Nomenclature under the CN codes indicated in column 2 of that table.

Article 2

Binding tariff information issued by the customs authorities of Member States, which is not in accordance with this Regulation, can continue to be invoked for a period of three months under Article 12(6) of Regulation (EEC) No 2913/92.

Article 3

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

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

Done at Brussels, 24 July 2008.

For the Commission
László KOVÁCS
Member of the Commission

⁽¹⁾ OJ L 256, 7.9.1987, p. 1. Regulation as last amended by Commission Regulation (EC) No 360/2008 (OJ L 111, 23.4.2008, p. 9).

⁽²⁾ OJ L 302, 19.10.1992, p. 1. Regulation as last amended by Council Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p. 1).

ANNEX

Description of the goods	Classification (CN code)	Reasons														
(1)	(2)	(3)														
<p>1. Product consisting of (% by weight):</p> <table data-bbox="268 439 606 595"> <tr> <td>Curd</td> <td>32,4</td> </tr> <tr> <td>Skimmed milk</td> <td>32,9</td> </tr> <tr> <td>Cream (33,5 % fat)</td> <td>12,4</td> </tr> <tr> <td>Sugar</td> <td>4,5</td> </tr> </table> <p>also fruit preparation, whey product, stabiliser, yogurt cultures</p> <p>The fat content is 4,3 % by weight.</p> <p>The colour of the product is light red. The appearance of the substance is that of fresh cheese. Parts of the fruit preparation can be seen in the substance.</p> <p>The product is put up in containers holding 150 g.</p>	Curd	32,4	Skimmed milk	32,9	Cream (33,5 % fat)	12,4	Sugar	4,5	0406 10 20	<p>Classification is determined by General Rules 1 and 6 on the interpretation of the Combined Nomenclature and the wording of CN codes 0406, 0406 10 and 0406 10 20.</p> <p>The product contains more than 70 % by weight of dairy products of which the curd gives the essential character. It retains therefore the nature of fresh cheese and curd.</p> <p>For that reason the product is to be classified in heading 0406.</p>						
Curd	32,4															
Skimmed milk	32,9															
Cream (33,5 % fat)	12,4															
Sugar	4,5															
<p>2. Product consisting of (% by weight):</p> <table data-bbox="268 958 606 1238"> <tr> <td>Curd</td> <td>41,7</td> </tr> <tr> <td>Skimmed milk yogurt</td> <td>29,7</td> </tr> <tr> <td>Fruit preparation</td> <td>20</td> </tr> <tr> <td>Fructose syrup</td> <td>5</td> </tr> <tr> <td>Protein concentrate</td> <td>2</td> </tr> <tr> <td>Binder</td> <td>0,9</td> </tr> <tr> <td>Cream</td> <td>0,7</td> </tr> </table> <p>The fat content is 0,4 % by weight.</p> <p>The product has two layers: the white substance containing the curd on top and the fruit preparation is underneath. The appearance of the substance on top is that of fresh cheese.</p> <p>The product is put up in containers holding 125 g.</p>	Curd	41,7	Skimmed milk yogurt	29,7	Fruit preparation	20	Fructose syrup	5	Protein concentrate	2	Binder	0,9	Cream	0,7	0406 10 20	<p>Classification is determined by General Rules 1 and 6 on the interpretation of the Combined Nomenclature and the wording of CN codes 0406, 0406 10 and 0406 10 20.</p> <p>The product contains more than 70 % by weight of dairy products of which the curd gives the essential character. It retains therefore the nature of fresh cheese and curd.</p> <p>For that reason the product is to be classified in heading 0406.</p>
Curd	41,7															
Skimmed milk yogurt	29,7															
Fruit preparation	20															
Fructose syrup	5															
Protein concentrate	2															
Binder	0,9															
Cream	0,7															

COMMISSION REGULATION (EC) No 726/2008**of 25 July 2008****on the issue of licences for importing rice under the tariff quotas opened for the July 2008 subperiod by Regulation (EC) No 327/98**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1785/2003 of 29 September 2003 on the common organisation of the markets in rice ⁽¹⁾,

Having regard to Commission Regulation (EC) No 1301/2006 of 31 August 2006 laying down common rules for the administration of import tariff quotas for agricultural products managed by a system of import licences ⁽²⁾, and in particular Article 7(2) thereof,

Having regard to Commission Regulation (EC) No 327/98 of 10 February 1998 opening and providing for the administration of certain tariff quotas for imports of rice and broken rice ⁽³⁾, and in particular the first subparagraph of Article 5 thereof,

Whereas:

(1) Regulation (EC) No 327/98 opened and provided for the administration of certain import tariff quotas for rice and broken rice, broken down by country of origin and split into several subperiods in accordance with Annex IX to that Regulation and with Commission Regulation (EC) No 60/2008 ⁽⁴⁾ opening a specific subperiod in February 2008 for the import tariff quota for wholly milled and semi-milled rice originating in the United States of America.

(2) July is the second subperiod for the quotas laid down in Article 1(1)(b), (c) and (d) of Regulation (EC) No 327/98 for rice, the third subperiod for the quotas laid down in Article 1(1)(a) for rice originating in Thailand, Australia and countries other than Thailand, Australia and the United States and the fourth subperiod for the quota laid down in Article 1(1)(a) for rice originating in the United States.

(3) The notifications presented under Article 8(a) of Regulation (EC) No 327/98 show that, for the quotas with order numbers 09.4154 — 09.4166, the applications lodged in the first 10 working days of July 2008 under Article 4(1) of the Regulation cover a quantity greater than that available. The extent to which import licences may be issued should therefore be determined by establishing the allocation coefficient to be applied to the quantities requested under the quotas concerned.

(4) It is also clear from the notifications that, for the quotas with order numbers 09.4127 — 09.4128 — 09.4129 — 09.4149, the applications lodged in the first 10 working days of July 2008 under Article 4(1) of Regulation (EC) No 327/98 cover a quantity less than that available.

(5) The total quantities available for the following subperiod should also be fixed for the quotas with order numbers 09.4127 — 09.4128 — 09.4129 — 09.4130 — 09.4148 — 09.4112 — 09.4116 — 09.4117 — 09.4118 — 09.4119 — 09.4166, in accordance with the first subparagraph of Article 5 of Regulation (EC) No 327/98,

HAS ADOPTED THIS REGULATION:

Article 1

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

2. The total quantities available under the quotas with order numbers 09.4127 — 09.4128 — 09.4129 — 09.4130 — 09.4148 — 09.4112 — 09.4116 — 09.4117 — 09.4118 — 09.4119 — 09.4166 as referred to in Regulation (EC) No 327/98 for the next subperiod are set out in the Annex to this Regulation.

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

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

⁽³⁾ OJ L 37, 11.2.1998, p. 5. Regulation as last amended by Regulation (EC) No 1538/2007 (OJ L 337, 21.12.2007, p. 49).

⁽⁴⁾ OJ L 22, 25.1.2008, p. 6.

Article 2

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

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

Done at Brussels, 25 July 2008.

For the Commission
Jean-Luc DEMARTY
*Director-General for Agriculture and
Rural Development*

ANNEX

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

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

Origin	Order number	Allocation coefficient for July 2008 subperiod	Total quantities available for September 2008 subperiod (kg)
United States of America	09.4127	— ⁽²⁾	2 158 640
Thailand	09.4128	— ⁽²⁾	6 119
Australia	09.4129	— ⁽²⁾	448 500
Other origins	09.4130	— ⁽³⁾	0

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

Origin	Order number	Allocation coefficient for July 2008 subperiod	Total quantities available for October 2008 subperiod (kg)
All countries	09.4148	— ⁽³⁾	0

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

Origin	Order number	Allocation coefficient for July 2008 subperiod
Thailand	09.4149	— ⁽²⁾
Australia	09.4150	— ⁽¹⁾
Guyana	09.4152	— ⁽¹⁾
United States of America	09.4153	— ⁽¹⁾
Other origins	09.4154	1,754388 %

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

Origin	Order number	Allocation coefficient for July 2008 subperiod	Total quantities available for September 2008 subperiod (kg)
Thailand	09.4112	— ⁽³⁾	22 509
United States of America	09.4116	— ⁽³⁾	1 880
India	09.4117	— ⁽³⁾	107 912
Pakistan	09.4118	— ⁽³⁾	0
Other origins	09.4119	— ⁽³⁾	105 802
All countries	09.4166	1,170606 %	0

⁽¹⁾ No application of the allocation coefficient for this subperiod: no licence applications were notified to the Commission.

⁽²⁾ Applications cover quantities less than or equal to the quantities available: all applications are therefore acceptable.

⁽³⁾ No remaining quantity available for this subperiod.

DIRECTIVES

COMMISSION DIRECTIVE 2008/76/EC

of 25 July 2008

amending Annex I to Directive 2002/32/EC of the European Parliament and of the Council on undesirable substances in animal feed

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2002/32/EC of the European Parliament and of the Council of 7 May 2002 on undesirable substances in animal feed⁽¹⁾, and in particular Article 8(1) thereof,

Whereas:

- (1) Directive 2002/32/EC provides that the use of products intended for animal feed which contain levels of undesirable substances exceeding the maximum levels laid down in Annex I to that Directive is prohibited.
- (2) Recent developments in technical knowledge on formulating fish feed with the increasing use of marine crustaceans such as marine krill as feed material in fish feed make a review of the maximum level for fluorine in fish feed appropriate. It results from the opinion of the European Food Safety Authority (EFSA) of 22 September 2004⁽²⁾ that an increase of the maximum allowable level of fluorine in fish feed would not result in unacceptable risks for animal and public health. As regards *Lolium temulentum* and *Lolium remotum*, EFSA recommends to delete the separate entries for those two plant species in its opinion of

25 January 2007⁽³⁾ and to apply the general maximum content for weed seeds and unground and uncrushed fruits containing alkaloids, glucosides and other toxic substances, as set out in row 14 of Annex I to Directive 2002/32/EC.

- (3) As regards DDT, the name DDD should be included in the row concerning that substance in Annex I to Directive 2002/32/EC, since that name is more commonly used for the metabolite dichlorodiphenyl-dichloroethane than TDE⁽⁴⁾.
- (4) As regards apricots (*Prunus armeniaca* L.) and bitter almond (*Prunus dulcis* var. *amara* or *Prunus amygdalus Batsch* var. *amara*), it may be concluded from the EFSA opinion of 23 November 2006⁽⁵⁾ that the requirement for absence of quantifiable amounts of apricots and bitter almond is not necessary for the protection of animal and public health and that it is sufficient to apply the general maximum levels for hydrocyanic acid, as set out in row 8 of Annex I to Directive 2002/32/EC. It is therefore appropriate to delete the specific requirements for apricot and bitter almond.
- (5) *Camelina* (*Camelina sativa*) is included in the Annex to Directive 2002/32/EC and the seeds and fruits of these plant species as well as their processed derivatives may only be present in feedingstuffs in trace amounts not quantitatively determinable.

⁽¹⁾ OJ L 140, 30.5.2002, p. 10. Directive as last amended by Commission Directive 2006/77/EC (OJ L 271, 30.9.2006, p. 53).

⁽²⁾ Opinion of the Scientific Panel on contaminants in the Food Chain of the European Food Safety Authority (EFSA) on a request from the Commission related to fluorine as undesirable substances in animal feed, adopted on 22 September 2004, http://www.efsa.europa.eu/EFSA/Scientific_Opinion/opinion_contam08_ej100_fluorine_en1.0.pdf

⁽³⁾ Opinion of the Scientific Panel on contaminants in the Food Chain of the European Food Safety Authority (EFSA) on a request from the European Commission related to pyrrolizidine alkaloids as undesirable substances in animal feed, adopted on 25 January 2007, http://www.efsa.europa.eu/EFSA/Scientific_Opinion/contam_ej447_op_pyrrolizidine%20alkaloids%20in%20feed_en.pdf

⁽⁴⁾ Opinion of the Scientific Panel on contaminants in the Food Chain of the European Food Safety Authority (EFSA) on a request from the Commission related to DDT as undesirable substances in animal feed, adopted on 22 November 2006, http://www.efsa.europa.eu/EFSA/Scientific_Opinion/CONTAM_ej433_DDT_en.2.pdf

⁽⁵⁾ Opinion of the Scientific Panel on contaminants in the Food Chain of the European Food Safety Authority (EFSA) on a request from the Commission related to cyanogenic compounds as undesirable substances in animal feed, adopted on 23 November 2006, http://www.efsa.europa.eu/EFSA/Scientific_Opinion/CONTAM_ej434_op_cyanogenic_compounds_in_feed_en.1.pdf

- (6) There is a renewed interest in *Camelina sativa* as oilseed crop because of an increasing demand for alternative low-input oilseed crops with the potential for use of the by-products of the oilseed production in animal feed. From the EFSA opinion of 27 November 2007 ⁽¹⁾ it can be concluded that the requirement for absence of quantifiable amounts of *Camelina sativa* and their derivatives is not necessary for the protection of animal and public health provided that the amount of total glucosinolates in the diet does not endanger animal and public health. The protection of animal and public health against the toxic effects of glucosinolates is ensured by the provision for volatile mustard oil in complete feed, for which the maximum level is expressed as allyl isothiocyanates, as the toxicity of the glucosinolates is according to the EFSA opinion generally attributed to the (iso)thiocyanates. It is therefore appropriate to delete the requirement for absence of quantifiable amounts of *Camelina sativa* from Annex I to Directive 2002/32/EC.
- (7) Directive 2002/32/EC should therefore be amended accordingly.
- (8) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex I to Directive 2002/32/EC is amended in accordance with the Annex to this Directive.

Article 2

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 April 2009 at the latest. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive. When Member States adopt those provisions, 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 reference is to be made.

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 25 July 2008.

For the Commission

Androulla VASSILIOU

Member of the Commission

⁽¹⁾ Opinion of the Scientific Panel on contaminants in the Food Chain of the European Food Safety Authority (EFSA) on a request from the Commission related to glucosinolates as undesirable substances in animal feed, adopted on 27 November 2007, http://www.efsa.europa.eu/EFSA/Scientific_Opinion/contam_op_ej590_glucosinolates_en.pdf

ANNEX

Annex I to Directive 2002/32/EC is amended as follows:

1. Row 3, Fluorine, is replaced by the following:

Undesirable substances	Products intended for animal feed	Maximum content in mg/kg (ppm) relative to a feedingstuff with a moisture content of 12 %
(1)	(2)	(3)
3. Fluorine (*)	Feed materials with the exception of	150
	— feedingstuffs of animal origin with the exception of marine crustaceans such as marine krill	500
	— marine crustaceans such as marine krill	3 000
	— phosphates	2 000
	— calcium carbonate	350
	— magnesium oxide	600
	— calcareous marine algae	1 000
	Vermiculite (E 561)	3 000 (**)
	Complementary feedingstuffs	
	— containing ≤ 4 % phosphorus	500
	— containing > 4 % phosphorus	125 per 1 % phosphorus
	Complete feedingstuffs with the exception of	150
	— complete feedingstuffs for cattle sheep and goats	
	— in lactation	30
— other	50	
— complete feedingstuffs for pigs	100	
— complete feedingstuffs for poultry	350	
— complete feedingstuffs for chicks	250	
— complete feedingstuffs for fish	350	

(*) Maximum levels refer to an analytical determination of fluorine, whereby extraction is performed with hydrochloric acid 1 N for 20 minutes at ambient temperature. Equivalent extraction procedures can be applied for which it can be demonstrated that the used extraction procedure has an equal extraction efficiency.

(**) The levels shall be reviewed by 31 December 2008 with the aim of reducing the maximum levels.'

2. Row 14, Weed seeds and unground and uncrushed fruits containing alkaloids, glucosides or other toxic substances, is replaced by the following:

Undesirable substances	Products intended for animal feed	Maximum content in mg/kg (ppm) relative to a feedingstuff with a moisture content of 12 %
(1)	(2)	(3)
'14. Weed seeds and unground and uncrushed fruits containing alkaloids, glucosides or other toxic substances separately or in combination including <i>Datura stramonium</i> L.	All feedingstuffs	3 000
		1 000'

3. Row 21, DDT, is replaced by the following:

Undesirable substances	Products intended for animal feed	Maximum content in mg/kg (ppm) relative to a feedingstuff with a moisture content of 12 %
(1)	(2)	(3)
'DDT (sum of DDT-, DDD- (or TDE-) and DDE-isomers, expressed as DDT)	All feedingstuffs with the exception of — fats and oils	0,05 0,5'

4. Row 28, Apricots — *Prunus armeniaca* L., row 29, Bitter almond — *Prunus dulcis* (Mill.) D.A. Webb var. *amara* (DC.) Focke (= *Prunus amygdalus* Batsch var. *amara* (DC.) Focke), and row 31, Camelina — *Camelina sativa* (L.) Crantz, are deleted.

COMMISSION DIRECTIVE 2008/77/EC

of 25 July 2008

amending Directive 98/8/EC of the European Parliament and of the Council to include thiamethoxam as an active substance in Annex I thereto

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market⁽¹⁾, and in particular the second subparagraph of Article 16(2) thereof,

Whereas:

(1) 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⁽²⁾ 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. That list includes thiamethoxam.

(2) Pursuant to Regulation (EC) No 1451/2007, thiamethoxam has been evaluated in accordance with Article 11(2) of Directive 98/8/EC for use in product type 8, wood preservatives, as defined in Annex V to Directive 98/8/EC.

(3) Spain was designated as Rapporteur Member State and submitted the competent authority report, together with a recommendation, to the Commission on 27 July 2007 in accordance with Article 14(4) and (6) of Regulation (EC) No 1451/2007.

(4) The competent authority report was reviewed by the Member States and the Commission. In accordance with Article 15(4) of Regulation (EC) No 1451/2007, the findings of the review were incorporated, within the Standing Committee on Biocidal Products on 22 February 2008, in an assessment report.

(5) It appears from the examinations made that biocidal products used as wood preservatives and containing thiamethoxam may be expected to satisfy the requirements laid down in Article 5 of Directive 98/8/EC. It is therefore appropriate to include thiamethoxam in Annex I, in order to ensure that in all Member States authorisations for biocidal products used as wood preservatives and containing thiamethoxam can be granted, modified, or cancelled in accordance with Article 16(3) of Directive 98/8/EC.

(6) However, unacceptable risks were identified for the *in situ* treatment of wood outdoors and for treated wood exposed to weathering. Therefore, authorisations for these uses should not be granted unless data have been submitted in order to demonstrate that the products can be used without unacceptable risks to the environment.

(7) In the light of the findings of the assessment report, it is appropriate to require that risk mitigation measures are applied at product authorisation level to products containing thiamethoxam and used as wood preservatives to ensure that risks are reduced to an acceptable level in accordance with Article 5 of Directive 98/8/EC and Annex VI thereto. In particular, appropriate measures should be taken to protect the soil and aquatic compartments since unacceptable risks in these compartments have been identified during the evaluation and products intended for industrial and/or professional use should be used with appropriate protective equipment if the risk identified for industrial and/or professional users cannot be reduced by other means.

(8) It is important that the provisions of this Directive be applied simultaneously in all the Member States in order to ensure equal treatment of biocidal products on the market containing the active substance thiamethoxam and also to facilitate the proper operation of the biocidal products market in general.

(9) A reasonable period should be allowed to elapse before an active substance is included in Annex I in order to permit Member States and the interested parties to prepare themselves to meet the new requirements entailed and to ensure that applicants who have prepared dossiers can benefit fully from the 10-year period of data protection, which, in accordance with Article 12(1)(c)(ii) of Directive 98/8/EC, starts from the date of inclusion.

⁽¹⁾ 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).

⁽²⁾ OJ L 325, 11.12.2007, p. 3.

- (10) After inclusion, Member States should be allowed a reasonable period to implement Article 16(3) of Directive 98/8/EC, and in particular, to grant, modify or cancel authorisations of biocidal products in product type 8 containing thiamethoxam to ensure that they comply with Directive 98/8/EC.
- (11) Directive 98/8/EC should therefore be amended accordingly.
- (12) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Biocidal Products,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex I to Directive 98/8/EC is amended in accordance with the Annex to this Directive.

Article 2

Transposition

1. Member States shall adopt and publish, by 30 June 2009 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

They shall apply those provisions from 1 July 2010.

When Member States adopt those provisions, 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 reference is 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

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 25 July 2008.

For the Commission
Stavros DIMAS
Member of the Commission

ANNEX

The following entry 'No 14' is inserted in Annex I to Directive 98/8/EC:

No	Common name	IUPAC name Identification numbers	Minimum purity of the active substance in the biocidal product as placed on the market	Date of inclusion	Deadline for compliance with Article 16(3) (except for products containing more than one active substance, for which the deadline to comply with Article 16(3) shall be the one set out in the last of the inclusion decisions relating to its active substances)	Expiry date of inclusion	Product type	Specific provisions (*)
'14	thiamethoxam	thiamethoxam EC No: 428-650-4 CAS No: 153719-23-4	980 g/kg	1 July 2010	30 June 2012	30 June 2020	8	<p>Member States shall ensure that authorisations are subject to the following conditions:</p> <p>In view of the assumptions made during the risk assessment, products authorised for industrial and/or professional use must be used with appropriate personal protective equipment, unless it can be demonstrated in the application for product authorisation that risks to industrial and/or professional users can be reduced to an acceptable level by other means.</p> <p>In view of the risks identified for the soil and aquatic compartments appropriate risk mitigation measures must be taken to protect those compartments. In particular, labels and/or safety data sheets of products authorised for industrial use shall indicate that freshly treated timber must be stored after treatment under shelter or on impermeable hard standing to prevent direct losses to soil or water and that any losses must be collected for reuse or disposal.</p> <p>Products shall not be authorised for the <i>in situ</i> treatment of wood outdoors or for wood that will be exposed to weathering, unless data have been submitted to demonstrate that the product will meet the requirements of Article 5 and Annex VI, if necessary by the application of appropriate risk mitigation measures.'</p>

(*) For the implementation of the common principles of Annex VI, the content and conclusions of assessment reports are available on the Commission website: <http://ec.europa.eu/comm/environment/biocides/index.htm>

COMMISSION DIRECTIVE 2008/78/EC

of 25 July 2008

amending Directive 98/8/EC of the European Parliament and of the Council to include propiconazole as an active substance in Annex I thereto

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market⁽¹⁾, and in particular the second subparagraph of Article 16(2) thereof,

Whereas:

(1) 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⁽²⁾ 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. That list includes propiconazole.

(2) Pursuant to Regulation (EC) No 1451/2007, propiconazole has been evaluated in accordance with Article 11(2) of Directive 98/8/EC for use in product type 8, wood preservatives, as defined in Annex V to Directive 98/8/EC.

(3) Finland was designated as Rapporteur Member State and submitted the competent authority report, together with a recommendation, to the Commission on 5 April 2006 in accordance with Article 14(4) and (6) of Regulation (EC) No 1451/2007.

(4) The competent authority report was reviewed by the Member States and the Commission. In accordance with Article 15(4) of Regulation (EC) No 1451/2007, the findings of the review were incorporated, within the Standing Committee on Biocidal Products on 29 November 2007, in an assessment report.

(5) The review of propiconazole did not reveal any open questions or concerns to be addressed by the Scientific Committee on Health and Environmental Risks.

(6) It appears from the examinations made that biocidal products used as wood preservatives and containing propiconazole may be expected to satisfy the requirements laid down in Article 5 of Directive 98/8/EC. It is therefore appropriate to include propiconazole in Annex I for product type 8, in order to ensure that in all Member States authorisations for biocidal products used as wood preservatives and containing propiconazole can be granted, modified, or cancelled in accordance with Article 16(3) of Directive 98/8/EC. However, unacceptable risks were identified for the *in situ* treatment of wood outdoors and for treated wood exposed to weathering. Authorisation of these uses will require the submission of data demonstrating that the products can be used without unacceptable risks to the environment.

(7) In the light of the findings of the assessment report, it is appropriate to require that products containing propiconazole and used as wood preservatives must be used with appropriate personal protective equipment, that risk mitigation measures are applied to protect the soil and aquatic compartments and that related instructions are provided, in accordance with Article 10(2)(i)(d) of Directive 98/8/EC.

(8) It is important that the provisions of this Directive be applied simultaneously in all the Member States in order to ensure equal treatment of biocidal products on the market containing the active substance propiconazole and also to facilitate the proper operation of the biocidal products market in general.

(9) A reasonable period should be allowed to elapse before an active substance is included in Annex I in order to permit Member States and the interested parties to prepare themselves to meet the new requirements entailed and to ensure that applicants who have prepared dossiers can benefit fully from the 10-year period of data protection, which, in accordance with Article 12(1)(c)(ii) of Directive 98/8/EC, starts from the date of inclusion.

(10) After inclusion, Member States should be allowed a reasonable period to implement Article 16(3) of Directive 98/8/EC, and in particular, to grant, modify or cancel authorisations of biocidal products in product type 8 containing propiconazole to ensure that they comply with Directive 98/8/EC.

⁽¹⁾ 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).

⁽²⁾ OJ L 325, 11.12.2007, p. 3.

(11) Directive 98/8/EC should therefore be amended accordingly.

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

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex I to Directive 98/8/EC is amended in accordance with the Annex to this Directive.

Article 2

Transposition

1. Member States shall adopt and publish, by 31 March 2009 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

They shall apply those provisions from 1 April 2010.

When Member States adopt those provisions, 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 reference is 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

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 25 July 2008.

For the Commission

Stavros DIMAS

Member of the Commission

ANNEX

The following entry 'No 8' is inserted in Annex I to Directive 98/8/EC:

No	Common name	IUPAC name Identification numbers	Minimum purity of the active substance in the biocidal product as placed on the market	Date of inclusion	Deadline for compliance with Article 16(3) (except for products containing more than one active substance, for which the deadline to comply with Article 16(3) shall be the one set out in the last of the inclusion decisions relating to its active substances)	Expiry date of inclusion	Product type	Specific provisions (*)
'8	propiconazole	1-[[2-(2,4-dichlorophenyl)- 4-propyl-1,3-dioxolan-2- yl]methyl]-1H-1,2,4-triazole EC No: 262-104-4 CAS No: 60207-90-1	930 g/kg	1 April 2010	31 March 2012	31 March 2020	8	<p>Member States shall ensure that authorisations are subject to the following conditions:</p> <p>In view of the assumptions made during the risk assessment, products authorised for industrial and/or professional use, must be used with appropriate personal protective equipment, unless it can be demonstrated in the application for product authorisation that risks to industrial and/or professional users can be reduced to an acceptable level by other means.</p> <p>In view of the risks identified for the soil and aquatic compartments, appropriate risk mitigation measures must be taken to protect those compartments. In particular, labels and/or safety data sheets of products authorised for industrial use shall indicate that freshly treated timber must be stored after treatment under shelter or on impermeable hard standing to prevent direct losses to soil or water and that any losses must be collected for reuse or disposal.</p> <p>In addition, products cannot be authorised for the <i>in situ</i> treatment of wood outdoors or for wood that will be exposed to weathering unless data is submitted to demonstrate that the product will meet the requirements of Article 5 and Annex VI, if necessary by the application of appropriate risk mitigation measures.</p>

(*) For the implementation of the common principles of Annex VI, the content and conclusions of assessment reports are available on the Commission website: <http://ec.europa.eu/comm/environment/biocides/index.htm>

II

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

DECISIONS

COUNCIL

COUNCIL DECISION

of 15 July 2008

on guidelines for the employment policies of the Member States

(2008/618/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 128(2) thereof,

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament ⁽¹⁾,

Having regard to the Opinion of the European Economic and Social Committee ⁽²⁾,

After consulting the Committee of the Regions,

Having regard to the Opinion of the Employment Committee ⁽³⁾,

Whereas:

(1) The reform of the Lisbon Strategy in 2005 has placed the emphasis on growth and jobs. The Employment Guidelines of the European Employment Strategy ⁽⁴⁾ and the Broad Economic Policy Guidelines ⁽⁵⁾ have been adopted as an integrated package, whereby the

European Employment Strategy has the leading role in the implementation of the employment and labour market objectives of the Lisbon Strategy.

(2) The examination of the Member States' National Reform Programmes contained in the Commission's Annual Progress Report and in the draft Joint Employment Report shows that Member States should continue to make every effort to address the priority areas of:

— attracting and retaining more people in employment, increasing labour supply and modernising social protection systems,

— improving adaptability of workers and enterprises, and

— increasing investment in human capital through better education and skills.

(3) In the light of both the Commission's examination of the National Reform Programmes and the European Council's conclusions, the focus should be on effective and timely implementation in line with the conclusions of the European Council, thereby also strengthening the social dimension of the Lisbon Strategy. Special attention should be paid to the agreed targets and benchmarks.

(4) The Employment Guidelines are valid for three years, while in the intermediate years until the end of 2010 their updating should remain strictly limited.

⁽¹⁾ Opinion of 13 February 2008 (not yet published in the Official Journal).

⁽²⁾ Opinion of 20 May 2008 (not yet published in the Official Journal).

⁽³⁾ Opinion of 13 February 2008 (not yet published in the Official Journal).

⁽⁴⁾ OJ L 205, 6.8.2005, p. 21.

⁽⁵⁾ OJ L 205, 6.8.2005, p. 28.

(5) Member States should take the Employment Guidelines into account when implementing programmed Community funding, in particular of the European Social Fund.

Article 2

The guidelines shall be taken into account in the employment policies of the Member States, which shall be reported upon in the National Reform Programmes.

(6) In view of the integrated nature of the guideline package, Member States should fully implement the Broad Economic Policy Guidelines,

Article 3

This Decision is addressed to the Member States.

HAS ADOPTED THIS DECISION:

Done at Brussels, 15 July 2008.

Article 1

The guidelines for Member States' employment policies as set out in the Annex are hereby adopted.

For the Council

The President

M. BARNIER

ANNEX

**Guidelines for the employment policies of the Member States
(Integrated Guidelines Nos 17 to 24)**

The Employment Guidelines form part of the Integrated Guidelines for 2008-2010, which are based on three pillars: macroeconomic policies, microeconomic reforms and employment policies. Those pillars, together, contribute towards achieving the objectives of sustainable growth and employment and strengthening social cohesion.

Member States, in cooperation with the social partners and where appropriate other stakeholders, shall conduct their policies with a view to implementing the objectives and priorities for action specified below so that more and better jobs and a better educated and skilled labour force support an inclusive labour market. Reflecting the Lisbon strategy and taking into account the common social objectives, the Member States' policies shall foster in a balanced manner:

- full employment: Achieving full employment, and reducing unemployment and inactivity, by increasing the demand for and supply of labour, is vital to sustain economic growth and reinforce social cohesion. An integrated flexicurity approach is essential to achieve these goals. Flexicurity policies address simultaneously the flexibility of labour markets, work organisation and labour relations, reconciliation of work and private life, and employment security and social protection,
- improving quality and productivity at work: Efforts to raise employment rates go hand in hand with improving the attractiveness of jobs, quality at work, labour productivity growth; substantially reducing segmentation, gender inequality and in-work poverty. Synergies between quality at work, productivity and employment should be fully exploited,
- strengthening economic, social and territorial cohesion: Determined action is needed to strengthen and reinforce social inclusion, fight poverty – especially child poverty–, prevent exclusion from the labour market, support integration in employment of people at a disadvantage, and to reduce regional disparities in terms of employment, unemployment and labour productivity, especially in regions lagging behind. Strengthened interaction is needed with the Open Method of Coordination in Social Protection and Social Inclusion.

Equal opportunities and combating discrimination are essential for progress. Gender mainstreaming and the promotion of gender equality should be ensured in all action taken. Particular attention must also be paid to significantly reducing all gender-related gaps in the labour market in line with the European Pact for Gender Equality. As part of a new intergenerational approach, particular attention should be paid to the situation of young people, implementing the European Youth Pact, and to promoting access to employment throughout working life, including for older workers. Particular attention must also be paid to significantly reducing employment gaps for people at a disadvantage, including disabled people, as well as between third-country nationals and EU citizens, in line with any national targets. This will assist Member States in addressing the demographic challenge.

Member States should aim towards active inclusion of all through promotion of labour force participation and fight poverty and exclusion of marginalised groups.

In taking action, Member States should ensure good governance of employment and social policies and ensure that the positive developments in the fields of economics, labour and social affairs are mutually reinforcing. They should establish a broad partnership for change by fully involving parliamentary bodies and stakeholders, including those at regional and local levels and civil society organizations. European and national social partners should play a central role. The targets and benchmarks which have been set at EU level in the framework of the European Employment Strategy in the context of the 2003 guidelines should continue to be followed up with indicators and scoreboards. Member States are also encouraged to define their own commitments and targets, which should be taken into account, along with the country-specific recommendations agreed at EU level. In addition, Member States are encouraged to monitor the social impact of reforms.

Good governance also requires greater efficiency in the allocation of administrative and financial resources. In agreement with the Commission, Member States should target the resources of the Structural Funds, in particular the European Social Fund, on the implementation of the European Employment Strategy and report on the action taken. Particular attention should be paid to strengthening institutional and administrative capacity in the Member States.

Guideline 17. Implement employment policies aiming at achieving full employment, improving quality and productivity at work, and strengthening social and territorial cohesion.

Policies should contribute to achieving an average employment rate for the European Union (EU) of 70 % overall, of at least 60 % for women and of 50 % for older workers (55 to 64) by 2010, and to reduce unemployment and inactivity. Member States should consider setting national employment rate targets.

In addressing these objectives, action should concentrate on the following priorities:

- attract and retain more people in employment, increase labour supply and modernise social protection systems,
- improve adaptability of workers and enterprises,
- increase investment in human capital through better education and skills.

1. *Attract and retain more people in employment, increase labour supply and modernise social protection systems*

Raising employment levels is the most effective means of generating economic growth and promoting socially inclusive economies whilst ensuring a safety net for those unable to work. Promoting labour supply, a lifecycle approach to work and modernising social protection systems to ensure their adequacy, financial sustainability and responsiveness to changing needs in society are all the more necessary because of the expected decline in the working-age population. Special attention should be paid to substantially reducing the persistent employment gaps between women and men, and the gender pay gap. Further increasing the employment rates of older workers and young people, as part of a new intergenerational approach, and promoting active inclusion of those most excluded from the labour market is also important. Intensified action is also required to improve the situation of young people in the labour market, especially for the low skilled, and to significantly reduce youth unemployment, which is on average double the overall unemployment rate.

The right conditions must be put in place to facilitate progress in employment, whether it is first-time entry, a move back to employment after a break or the wish to prolong working lives. The quality of jobs, including pay and benefits, working conditions, access to lifelong learning and career prospects, are crucial, as are support and incentives stemming from social protection systems. To enhance a lifecycle approach to work and to promote reconciliation between work and family life, policies regarding childcare provision are necessary. Securing coverage of at least 90 % of children between 3 years old and the mandatory school age and at least 33 % of children under 3 years of age by 2010 is a useful benchmark at national level, but specific efforts are also needed to tackle regional disparities within countries. The increase in the average employment rate of parents, especially single parents, who are usually exposed to higher poverty risk, requires measures to support families. In particular, Member States should take account of the special needs of single parents and families with many children. Furthermore, by 2010 the effective average exit age from the labour market at EU level should increase by 5 years compared to 2001.

Member States should also enact measures for improved (occupational) health status with the goal of reducing sickness burdens, increasing labour productivity and prolonging working life. The implementation of the European Youth Pact, the Pact for Gender Equality; and the European Alliance for Families should also be a contribution to a lifecycle approach to work, in particular by facilitating the transition from education to the labour market. Young people with fewer opportunities should be given equal chances for social and professional integration through individually tailored measures.

Guideline 18. Promote a lifecycle approach to work through:

- a renewed endeavour to build employment pathways for young people and reduce youth unemployment, as called for in the European Youth Pact,
- resolute action to increase female participation and reduce gender gaps in employment, unemployment and pay,
- better reconciliation of work and private life and the provision of accessible and affordable childcare facilities and care for other dependants,
- support for active ageing, including appropriate working conditions, improved (occupational) health status and adequate incentives to work and discouragement of early retirement,
- modern social protection systems, including pensions and healthcare, ensuring their social adequacy, financial sustainability and responsiveness to changing needs, so as to support participation and better retention in employment and longer working lives.

See also integrated guideline 'To safeguard economic and fiscal sustainability as a basis for increased employment' (No 2).

Active inclusion policies can increase labour supply and strengthen society's cohesiveness and are a powerful means of promoting the social and labour market integration of the most disadvantaged.

Every unemployed person should be offered a job, apprenticeship, additional training or other employability measure; in the case of young persons who have left school within no more than 4 months by 2010 and in the case of adults within no more than 12 months. Policies aiming at offering active labour market measures to the long-term unemployed should be pursued, taking into consideration the participation rate benchmark of 25 % in 2010. Activation should be in the form of training, retraining, work practice, a job or other employability measure, combined where appropriate with on-going job search assistance. Facilitating access to employment for job seekers, preventing unemployment and ensuring that those who become unemployed remain closely connected to the labour market and employable are essential to increase participation, and combat social exclusion. Attaining these objectives requires removing barriers to the labour market by assisting with effective job-searching, facilitating access to training and other active labour market measures. Ensuring affordable access to basic social services, adequate levels of minimum resources to all, combined with the principle of fair remuneration in order to make work pay are equally important. This approach should, at the same time, ensure that work pays for all workers, as well as remove unemployment, poverty and inactivity traps.

Special attention should be paid to promoting the inclusion of disadvantaged people, including low-skilled workers, in the labour market, *inter alia*, through the expansion of social services and the social economy, as well as the development of new sources of jobs in response to collective needs. Combating discrimination, promoting access to employment for disabled people and integrating immigrants and minorities are particularly essential.

Guideline 19. Ensure inclusive labour markets, enhance work attractiveness, and make work pay for job-seekers, including disadvantaged people, and the inactive through:

- active and preventive labour market measures including early identification of needs, job search assistance, guidance and training as part of personalised action plans, provision of necessary social services to support the inclusion of those furthest away from the labour market and contribute to the eradication of poverty,
- continual review of the incentives and disincentives resulting from the tax and benefit systems, including the management and conditionality of benefits and a significant reduction of high marginal effective tax rates, notably for those with low incomes, whilst ensuring adequate levels of social protection,
- development of new sources of jobs in services for individuals and businesses, notably at local level.

To allow more people to find better employment, it is also necessary to strengthen the labour market infrastructure at national and EU level, including through the EURES network, so as to better anticipate and resolve possible mismatches. Better transitions between jobs and into employment are essential and policies to enhance mobility and matching on the labour market should be promoted. Job-seekers throughout the EU should be able to consult all job vacancies advertised through Member States' employment services. Mobility of workers within the EU should be fully ensured within the context of the Treaties. Full consideration must also be given on the national labour markets to the additional labour supply resulting from immigration of third-country nationals.

Guideline 20. Improve matching of labour market needs through:

- the modernisation and strengthening of labour market institutions, notably employment services, also with a view to ensuring greater transparency of employment and training opportunities at national and European level,
- removing obstacles to mobility for workers across Europe within the framework of the Treaties,
- better anticipation of skill needs, labour market shortages and bottlenecks,
- appropriate management of economic migration,

2. *Improve adaptability of workers and enterprises*

Europe needs to improve its capacity to anticipate, trigger and absorb economic and social change. This requires employment-friendly labour costs, modern forms of work organisation, promoting 'good work' and well-functioning labour markets allowing more flexibility combined with employment security to meet the needs of companies and workers. This should also contribute to preventing the emergence of segmented labour markets and reducing undeclared work (see also Guidelines 18, 19, 20 and 23).

In today's increasingly global economy with market opening and the continual introduction of new technologies, both enterprises and workers are confronted with the need, and indeed the opportunity, to adapt. While this process of structural change is overall beneficial to growth and employment, it also brings about transformations which are disruptive to some workers and enterprises. Enterprises must become more flexible to respond to sudden changes in demand, adapt to new technologies and innovate constantly, in order to remain competitive.

They must also respond to the increasing demand for job quality related to workers' personal preferences and family changes, and they will have to cope with an ageing workforce and fewer young recruits. For workers, working life is becoming more complex as working patterns become more diverse and irregular and an increasing number of transitions need to be managed successfully throughout the lifecycle. With rapidly changing economies, workers must be furnished with lifelong learning opportunities, in order to cope with new ways of working, including enhanced exploitation of Information and Communication Technologies (ICT). Changes in working status with associated risks of temporary losses of income should be better accommodated through the provision of appropriate modernised social protection.

To successfully meet these challenges an integrated flexicurity approach is needed. Flexicurity involves the deliberate combination of flexible and reliable contractual arrangements, comprehensive lifelong learning strategies, effective active labour market policies and modern, adequate and sustainable social protection systems.

Member States should implement their own flexicurity pathways, based on the common principles adopted by the Council. These principles serve as a useful basis for reforms, framing national policy options and specific national arrangements in the field of flexicurity. There is no single pathway and no single principle is more important than another.

Guideline 21. Promote flexibility combined with employment security and reduce labourmarket segmentation, having due regard to the role of the social partners, through:

- the adaptation of employment legislation, reviewing where necessary the different contractual and working time arrangements,
- addressing the issue of undeclared work,
- better anticipation and positive management of change, including economic restructuring, notably changes linked to trade opening, so as to minimise their social costs and facilitate adaptation,
- the promotion and dissemination of innovative and adaptable forms of work organisation, with a view to improving quality and productivity at work, including health and safety,
- support for transitions in occupational status, including training, self-employment, business creation and geographic mobility.

See also integrated guideline 'To promote greater coherence between macroeconomic, structural and employment policies' (No 5).

To maximise job creation, preserve competitiveness and contribute to the general economic framework, overall wage developments should be in line with productivity growth over the economic cycle and should reflect the labour market situation. The gender pay gap should be substantially reduced. Particular attention should be given to explaining and addressing the reasons for the low wage levels in professions and sectors which tend to be dominated by women. Efforts to reduce non-wage labour costs and to review the tax wedge may also be needed to facilitate job creation, especially for low-wage employment.

Guideline 22. Ensure employment-friendly labour cost developments and wage-setting mechanisms by:

- encouraging social partners within their own areas of responsibility to set the right framework for wage bargaining in order to reflect productivity and labour market challenges at all relevant levels and to avoid gender pay gaps,
- reviewing the impact on employment of non-wage labour costs and where appropriate adjust their structure and level, especially to reduce the tax burden on the low-paid.

See also integrated guideline 'To ensure that wage developments contribute to macroeconomic stability and growth' (No 4).

3. Increase investment in human capital through better education and skills

Europe needs to invest more and more effectively in human capital. Too many people fail to enter, progress or remain in the labour market because of a lack of skills, or due to skills mismatches. To enhance access to employment for men and women of all ages, raise productivity levels, innovation and quality at work, the EU needs higher and more effective investment in human capital and lifelong learning.

Knowledge-based and service-based economies require different skills from traditional industries; skills which also constantly need updating in the face of technological change and innovation. Workers, if they are to remain and progress in work and be prepared for transition and changing labour markets, need to accumulate and renew skills regularly. The productivity of enterprises is dependent on building and maintaining a workforce that can adapt to change. Governments need to ensure that educational attainment levels are improved and that young people are equipped with the necessary key competences, in line with the European Youth Pact. In order to improve labour-market prospects for youth, the EU should aim for an average rate of no more than 10 % early school leavers; and for at least 85 % of 22-year-olds to have completed upper secondary education by 2010. Policies should also aim at increasing the EU average level of participation in lifelong learning to at least 12,5 % of the adult working-age population (25 to 64 age group). All stakeholders should be mobilised to develop and foster a true culture of lifelong learning from the earliest age. To achieve a substantial increase in public and private investment in human resources per capita and guarantee the quality and efficiency of these investments, it is important to ensure fair and transparent sharing of costs and responsibilities between all actors. Member States should make better use of the Structural Funds and the European Investment Bank for investment in education and training. To achieve these aims, Member States must implement the coherent and comprehensive lifelong learning strategies to which they have committed themselves.

Guideline 23. Expand and improve investment in human capital through:

- inclusive education and training policies and action to facilitate significantly access to initial vocational, secondary and higher education, including apprenticeships and entrepreneurship training,
- significantly reducing the number of early school leavers,
- efficient lifelong learning strategies open to all in schools, businesses, public authorities and households according to European agreements, including appropriate incentives and cost-sharing mechanisms, with a view to enhancing participation in continuous and workplace training throughout the life-cycle, especially for the low-skilled and older workers.

See also integrated guideline 'To increase and improve investment in R & D, in particular by private business' (No 7).

Setting ambitious objectives and increasing levels of investment by all actors is not enough. To ensure that supply meets demand in practice, lifelong learning systems must be affordable, accessible and responsive to changing needs. Adaptation and capacity-building of education and training systems and measures to improve the evidence base of education and training policies are necessary to improve their labour market relevance, their responsiveness to the needs of the knowledge-based economy and society and their efficiency, excellence and equity. An easily accessible, widespread and integrated system of lifelong career orientation should increase both individuals' access to education and training and the relevance to skills needs of education and training offered. ICT can be used to improve access to learning and to tailor it better to the needs of employers and employees.

Greater mobility for both work and learning purposes is also needed to access job opportunities more widely in the EU at large. The remaining obstacles to mobility within the European labour market should be lifted, in particular those relating to the recognition and transparency and use of learning outcomes and qualifications, notably by implementing the European Qualifications Framework by relating national qualification systems to that Framework by 2010 and, where appropriate, by developing national qualification frameworks. It will be important to make use of the agreed European instruments and references to support reforms of national education and training systems, as laid down in the Education and Training 2010 Work Programme.

Guideline 24. Adapt education and training systems in response to new competence requirements by:

- raising and ensuring the attractiveness, openness and quality standards of education and training, broadening the supply of education and training opportunities and ensuring flexible learning pathways and enlarging possibilities for mobility for students and trainees,
- easing and diversifying access for all to education and training and to knowledge by means of working time organisation, family support services, vocational guidance and, if appropriate, new forms of cost sharing,
- responding to new occupational needs, key competences and future skill requirements by improving the definition and transparency of qualifications, their effective recognition and the validation of non-formal and informal learning.

Overview of targets and benchmarks set in the framework of the European Employment Strategy

The following targets and benchmarks have been agreed in the context of the European Employment Strategy:

- that every unemployed person is offered a job, apprenticeship, additional training or other employability measure; in the case of young persons who have left school within no more than 4 months by 2010 and in the case of adults within no more than 12 months,
 - that 25 % of long-term unemployment should participate by 2010 in an active measure in the form of training, retraining, work practice, or other employability measure, with the aim of achieving the average of the three most advanced Member States,
 - that jobseekers throughout the EU are able to consult all job vacancies advertised through Member States' employment services,
 - an increase by five years, at EU level, of the effective average exit age from the labour market by 2010 compared to 2001,
 - the provision of childcare by 2010 to at least 90 % of children between 3 years old and the mandatory school age and at least 33 % of children under 3 years of age,
 - an EU average rate of no more than 10 % early school leavers,
 - at least 85 % of 22-year olds in the EU should have completed upper secondary education by 2010,
 - that the EU average level of participation in lifelong learning should be at least 12,5 % of the adult working-age population (25 to 64 age group).
-

DECISION No 2/2008 OF THE EU-MEXICO JOINT COUNCIL**of 25 July 2008****amending Joint Council Decision No 2/2000, as amended by Joint Council Decision No 3/2004**

(2008/619/EC)

THE JOINT COUNCIL,

Having regard to the Economic Partnership, Political Coordination and Cooperation Agreement between the European Community and its Member States, of the one part, and the United Mexican States, of the other part⁽¹⁾, (hereinafter the Agreement) signed in Brussels on 8 December 1997, and in particular Articles 5 and 10 in conjunction with Articles 47 and 56 thereof,

Whereas:

- (1) Following the accession to the European Union of the Republic of Bulgaria and of Romania (hereinafter the new Member States) as of 1 January 2007, a Second Additional Protocol to the Agreement has been signed in Mexico on 29 November 2006 and entered into force on 1 March 2007^(*).
- (2) Under these conditions it is necessary to adapt, with effect from the date at which the new Member States acceded to the Agreement, certain provisions of Decision No 2/2000 of the EC-Mexico Joint Council⁽²⁾ as amended by Joint Council Decision No 3/2004⁽³⁾, concerning trade in goods, certification of origin and government procurement,

HAS DECIDED AS FOLLOWS:

Article 1

1. Annex I to Joint Council Decision 2/2000 is hereby amended in accordance with the provisions set out in Annex I to this Decision.

2. This Article does not affect the content of the review clause set out in Article 10 of Joint Council Decision No 2/2000.

Article 2

Articles 17(4) and 18(2) and Appendix IV to Annex III to Joint Council Decision 2/2000 are hereby amended in accordance with the provisions of Annex II to this Decision.

Article 3

1. The entities of the new Member States listed in Annex III to this Decision are hereby added to the relevant sections of Annex VI, Part B of Joint Council Decision 2/2000.
2. The publications of the new Member States listed in Annex IV to this Decision are hereby added to Part B of Annex XIII to Joint Council Decision 2/2000.

Article 4

This Decision shall enter into force on the date of its adoption.

It shall be applied with effect from the date on which the new Member States acceded to the Agreement.

Done at Brussels, 25 July 2008.

*For the Joint Council
The President*

P. ESPINOSA CANTELLANO

⁽¹⁾ OJ L 276, 28.10.2000, p. 45.

^(*) To clarify this point, the Second Additional Protocol was signed by the Parties in Brussels on 21 February 2007, following the official initialling of the text in Mexico City on 29 November 2006. It was applied as from 1 March 2007 and entered into force on 1 March 2008 on completion of the necessary internal procedures by the Parties.

⁽²⁾ OJ L 157, 30.6.2000, p. 10.

⁽³⁾ OJ L 293, 16.9.2004, p. 15.

ANNEX I

Tariff elimination schedule of the Community

CN code	Description	Quantity of the annual tariff quota	Tariff quota duty rate
0803 00 19	Bananas, fresh (excluding plantains)	2 000 tonnes (*)	70 EUR/tonne

(*) This annual tariff quota shall be open from 1 January to 31 December of each calendar year. However, it will be applied for the first time from the third day after the publication of this Decision in the *Official Journal of the European Union*.

ANNEX II

New language versions of administrative remarks and 'invoice declaration' contained in Annex III to Decision No 2/2000

1. Article 17(4) of Annex III to Decision No 2/2000 is hereby amended as follows:

'4. Movement certificates EUR.1 issued retrospectively must be endorsed with one of the following phrases:

BG "ИЗДАДЕН ВПОСЛЕДСТВИЕ"
ES "EXPEDIDO A POSTERIORI"
CS "VYSTAVENO DODATEČNĚ"
DA "UDSTEDT EFTERFØLGENDE"
DE "NACHTRÄGLICH AUSGESTELT"
ET "TAGANTJÄRELE VÄLJA ANTUD"
EL "ΕΚΔΟΘΕΝ ΕΚ ΤΩΝ ΥΣΤΕΡΩΝ"
EN "ISSUED RETROSPECTIVELY"
FR "DÉLIVRÉ A POSTERIORI"
IT "RILASCIATO A POSTERIORI"
LV "IZSNIEGTS RETROSPEKTĪVI"
LT "RETROSPEKTYVUSIS IŠDAVIMAS"
HU "KIADVA VISSZAMENŐLEGES HATÁLLYAL"
MT "MAHRUĠ RETROSPETTIVAMENT"
NL "AFGEGEVEN A POSTERIORI"
PL "WYSTAWIONE RETROSPEKTYWNIĘ"
PT "EMITIDO A POSTERIORI"
RO "EMIS A POSTERIORI"
SK "VYDANÉ DODATOČNE"
SL "IZDANO NAKNADNO"
FI "ANNETTU JÄLKIKÄTEEN"
SV "UTFÄRDAT I EFTERHAND".'

2. Article 18(2) of Annex III to Decision No 2/2000 is hereby amended as follows:

'2. The duplicate issued in this procedure shall be endorsed with one of the following words:

BG "ДУБЛИКАТ"
ES "DUPLICADO"
CS "DUPLIKÁT"
DA "DUPLIKAT"
DE "DUPLIKAT"
ET "DUPLIKAAT"
EL "ΑΝΤΙΓΡΑΦΟ"
EN "DUPLICATE"

FR “DUPLICATA”
IT “DUPLICATO”
LV “DUBLIKĀTS”
LT “DUBLIKATAS”
HU “MÁSODLAT”
MT “DUPLIKAT”
NL “DUPLICAAT”
PL “DUPLIKAT”
PT “SEGUNDA VIA”
RO “DUPLICAT”
SK “DUPLIKÁT”
SL “DVOJNIK”
FI “KAKSOISKAPPALE”
SV “DUPLIKAT”.

3. The following is hereby added to Appendix IV of Annex III to Decision No 2/2000:

Bulgarian version

Износителят на продуктите, обхванати от този документ (митническо разрешение № ... или разрешение на компетентен държавен орган ⁽¹⁾) декларира, че освен където ясно е отбелязано друго, тези продукти са с ... ⁽²⁾ преференциален произход.

Romanian version

Exportatorul produselor ce fac obiectul acestui document (autorizația vamală sau a autorității guvernamentale competente nr. ... ⁽¹⁾) declară că, exceptând cazul în care în mod expres este indicat altfel, aceste produse sunt de origine preferențială ... ⁽²⁾.

⁽¹⁾ When the invoice declaration is made out by an approved exporter within the meaning of Article 21 of this Annex, the authorisation number of the approved exporter must be entered in this space. When the invoice declaration is not made out by an approved exporter, the words in brackets shall be omitted or the space left blank.

⁽²⁾ Origin of products to be indicated. When the invoice declaration relates in whole or in part, to products originating in Ceuta and Melilla within the meaning of Article 37 of this Annex, the exporter must clearly indicate them in the document on which the declaration is made out by means of the symbol “CM”.

ANNEX III

CENTRAL GOVERNMENTAL ENTITIES

1. The following central governmental entities are hereby added to Annex VI, Part B, Section 1 of Decision No 2/2000:

'AA – Republic of Bulgaria

1. Министерство на външните работи (Ministry of Foreign Affairs)
2. Министерство на вътрешните работи (Ministry of the Interior)
3. Министерство на държавната администрация и административната реформа (Ministry of State Administration and Administrative Reform)
4. Министерство на извънредните ситуации (Ministry of Emergency situations)
5. Министерство на земеделието и храните (Ministry of Agriculture and Food)
6. Министерство на здравеопазването (Ministry of Health)
7. Министерство на икономиката и енергетиката (Ministry of Economy and Energy)
8. Министерство на културата (Ministry of Culture)
9. Министерство на образованието и науката (Ministry of Education and Science)
10. Министерство на околната среда и водите (Ministry of Environment and Water)
11. Министерство на отбраната (Ministry of Defence ⁽¹⁾)
12. Министерство на правосъдието (Ministry of Justice)
13. Министерство на регионалното развитие и благоустройството (Ministry of Regional Development and Public Works)
14. Министерство на транспорта (Ministry of Transport)
15. Министерство на труда и социалната политика (Ministry of Labour and Social Policy)
16. Министерство на финансите (Ministry of Finance)

AB – Romania

1. Ministerul Afacerilor Externe (Ministry of Foreign Affairs)
2. Ministerul Integrării Europene (Ministry of European Integration)
3. Ministerul Finanțelor Publice (Ministry of Public Finance)
4. Ministerul Justiției (Ministry of Justice)
5. Ministerul Apărării Naționale (Ministry of National Defence ⁽¹⁾)
6. Ministerul Administrației și Internelor (Ministry of Administration and Interior)
7. Ministerul Muncii, Solidarității Sociale și Familiei (Ministry of Labour, Social Solidarity and Family)
8. Ministerul Economiei și Comerțului (Ministry of Economy and Commerce)
9. Ministerul Agriculturii, Pădurii și Dezvoltării Rurale (Ministry of Agriculture, Forest and Rural Development)
10. Ministerul Transporturilor, Construcțiilor și Turismului (Ministry of Transport, Constructions and Tourism)
11. Ministerul Educației și Cercetării (Ministry of Education and Research)
12. Ministerul Sănătății (Ministry of Health)
13. Ministerul Culturii și Cultelor (Ministry of Culture and Religious Affairs)
14. Ministerul Comunicațiilor și Tehnologiei Informațiilor (Ministry of Communications and Information Technology)
15. Ministerul Mediului și Gospodării Apelor (Ministry of Environment and Water Management)
16. Ministerul Public (Public Ministry)

⁽¹⁾ Only non-warlike materials listed in Annex VII, Part B.'

2. The following bodies and categories of bodies referred to in Annexes I, II, VII, VIII and IX to Directive 93/38/EEC are hereby added to the Attachment to Annex VI, Part B, Section 2, to Decision No 2/2000:

(a) Annex I

'PRODUCTION, TRANSPORT OR DISTRIBUTION OF DRINKING WATER':

'REPUBLIC OF BULGARIA

- "В И К – Батак" – ЕООД (Water Supply and Sewerage Batak EOOD), Batak
- "В и К – Белово" – ЕООД (Water Supply and Sewerage, Belovo EOOD), Belovo
- "Водоснабдяване и канализация Берковица" – ЕООД (Water Supply and Sewerage Berkovitsa EOOD), Berkovitsa
- "Водоснабдяване и канализация" – ЕООД (Water Supply and Sewerage Blagoevgrad EOOD), Blagoevgrad
- "В и К – Бебреш" – ЕООД (Water Supply and Sewerage Bebrash EOOD), Botevgrad
- "Инфрастрой" – ЕООД (Infrastrroi EOOD), Bratsigovo
- "Водоснабдяване" – ЕООД (Water Supply EOOD), Breznik
- "Водоснабдяване и канализация" – ЕАД (Water Supply and Sewerage EAD), Burgas
- "Бързийска вода" – ЕООД (Barzia Water EOOD), Barzia
- "Водоснабдяване и канализация" – ООД (Water Supply and Sewerage OOD), Varna
- "ВИК-Златни пясъци" – ООД (Water Supply and Sewerage Zlatni Pyasatsi OOD), Varna
- "Водоснабдяване и канализация Йовковци" – ООД (Water Supply and Sewerage Yovkovtsi OOD), Veliko Turnovo
- "Водоснабдяване, канализация и териториален водоинженеринг" – ЕООД, (Water Supply, Sewerage and Territorial Water Engineering EOOD), Velingrad
- "ВИК" – ЕООД (Water Supply and Sewerage EOOD), Vidin
- "Водоснабдяване и канализация" – ООД (Water Supply and Sewerage OOD), Vratsa
- "В И К" – ООД (Water Supply and Sewerage OOD), Gabrovo
- "В И К" – ООД (Water Supply and Sewerage OOD), Dimitrovgrad
- "Водоснабдяване и канализация" – ЕООД (Water Supply and Sewerage EOOD), Dobrich
- "Водоснабдяване и канализация – Дупница" – ЕООД (Water Supply and Sewerage Dupnitsa EOOD), Dupnitsa
- "Водоснабдяване и канализация" – ООД (Water Supply and Sewerage OOD), Isperrh
- "В И К – Кресна" – ЕООД (Water Supply and Sewerage Kresna EOOD), Kresna
- "Меден кладенец" – ЕООД (Meden Kladdenets EOOD), Kubrat
- "ВИК" – ООД (Water Supply and Sewerage OOD), Kurdzhali
- "Водоснабдяване и канализация" – ООД (Water Supply and Sewerage OOD), Kustendil
- "Водоснабдяване и канализация" – ООД (Water Supply and Sewerage OOD), Lovech
- "В и К – Стримон" – ЕООД (Water Supply and Sewerage Strimon EOOD), Mikrevo
- "Водоснабдяване и канализация" – ООД (Water Supply and Sewerage OOD), Montana
- "Водоснабдяване и канализация – П" – ЕООД (Water Supply and Sewerage P EOOD), Panagyurishte
- "Водоснабдяване и канализация" – ООД (Water Supply and Sewerage OOD), Pernik
- "В И К" – ЕООД (Water Supply and Sewerage EOOD), Petrich

- “Водоснабдяване, канализация и строителство” – ЕООД (Water Supply, Sewerage and Construction EOOD), Peshtera
- “Водоснабдяване и канализация” – ЕООД (Water Supply and Sewerage EOOD), Pleven
- “Водоснабдяване и канализация” – ЕООД (Water Supply and Sewerage EOOD), Plovdiv
- “Водоснабдяване–Дунав” – ЕООД (Water Supply Danube EOOD), Razgrad
- “ВКТВ” – ЕООД (Water Supply, Sewerage and Territorial Water Engineering EOOD), Rakitovo
- “Водоснабдяване и канализация” – ООД (Water Supply and Sewerage OOD), Ruse
- “УВЕКС” – ЕООД (UVEKS EOOD), Sandanski
- “Водоснабдяване и канализация” – ЕАД (Water Supply and Sewerage EAD), Svishtov
- “Бяла” – ЕООД (Byala EOOD), Sevlievo
- “Водоснабдяване и канализация” – ООД (Water Supply and Sewerage OOD), Silistra
- “В и К” – ООД (Water Supply and Sewerage OOD), Sliven
- “Водоснабдяване и канализация” – ЕООД (Water Supply and Sewerage EOOD), Smolyan
- “Софийска вода” – АД (Sofia Water AD), Sofia
- “Водоснабдяване и канализация” – ЕООД (Water Supply and Sewerage EOOD), Sofia
- “Стамболово” – ЕООД (Stambolovo EOOD), Stambolovo
- “Водоснабдяване и канализация” – ЕООД (Water Supply and Sewerage EOOD), Stara Zagora
- “Водоснабдяване и канализация-С” – ЕООД (Water Supply and Sewerage - S EOOD), Strelcha
- “Водоснабдяване и канализация – Тетевен” – ЕООД (Water Supply and Sewerage Teteven EOOD), Teteven
- “В и К – Стенето” – ЕООД (Water Supply and Sewerage Steneto EOOD), Troyan
- “Водоснабдяване и канализация” – ООД (Water Supply and Sewerage OOD), Turgovishte
- “Водоснабдяване и канализация” – ЕООД (Water Supply and Sewerage EOOD), Haskovo
- “Водоснабдяване и канализация” – ООД (Water Supply and Sewerage OOD), Shumen
- “Водоснабдяване и канализация” – ЕООД (Water Supply and Sewerage EOOD), Yambol.

ROMANIA

Departamente ale autorităților locale și companii care produc, transportă și distribuie apă (departments of the local authorities and companies that produce, transport and distribute water).¹

(b) Annex II

‘PRODUCTION, TRANSPORT OR DISTRIBUTION OF ELECTRICITY’:

‘REPUBLIC OF BULGARIA

Лица, които притежават лицензия за производство, пренос, разпределение, обществена доставка или обществено снабдяване с електрическа енергия в съответствие с чл. 39, ал. 1 от Закона за енергетиката (обн., ДВ, бр. 107 от 9.12.2003 г.) (Entities licensed for production, transport, distribution, public delivery or public supply of electricity pursuant to Article 39(1) of the Law on Energy (published in State Gazette No 107/9.12.2003)).

ROMANIA

- “Societatea Comercială de Producere a Energiei Electrice Hidroelectrica – SA București” (Commercial Company for Electric Power Production Hidroelectrica – SA București)
- “Societatea Națională Nuclearelectrica – SA” (National Company Nuclaerectrica – SA)

- “Societatea Comercială de Producere a Energiei Electrice și Termice Termoelectrica SA” (Commercial Company for Electric Power and Thermal Energy Production Termoelectrica SA)
- “S.C. Electrocentrale Deva SA” (SC Power Stations Deva SA)
- “S.C. Electrocentrale București SA” (SC Power Stations Bucharest SA)
- “S.C. Electrocentrale Galați SA” (SC Power Stations Galati SA)
- “S.C. Electrocentrale Termoelectrica SA” (SC Power Stations Termoelectrica SA)
- “Societatea Comercială Complexul Energetic Rovinari” (Commercial Company Rovinari Energy Complex)
- “Societatea Comercială Complexul Energetic Turceni” (Commercial Company Turceni Energy Complex)
- “Societatea Comercială Complexul Energetic Craiova” (Commercial Company Craiova Energy Complex)
- “Compania Națională de Transport a Energiei Electrice Transelectrica – SA București” (National Power Grid Company Transelectrica SA)
- “Societatea Comercială de Distribuție și Furnizare a Energiei Electrice Electrica – SA București” (Commercial Company for Electricity Distribution and Supply Electrica – SA Bucharest)
- S.C. Filiala de Distribuție și Furnizare a energiei electrice “Electrica BANAT” SA (Electricity Distribution and Supply Branch “Electrica BANAT” SA)
- S.C. Filiala de Distribuție și Furnizare a energiei electrice “Electrica DOBROGEA” SA (Electricity Distribution and Supply Branch “Electrica DOBROGEA” SA SC)
- S.C. Filiala de Distribuție și Furnizare a energiei electrice “Electrica MOLDOVA” SA (SC Electricity Distribution and Supply Branch “Electrica MOLDOVA” SA)
- S.C. Filiala de Distribuție și Furnizare a energiei electrice “Electrica MUNTENIA SUD” SA (SC Electricity Distribution and Supply Branch “Electrica MUNTENIA SUD” SA)
- S.C. Filiala de Distribuție și Furnizare a energiei electrice “Electrica MUNTENIA NORD” SA (SC Electricity Distribution and Supply Branch “Electrica MUNTENIA NORD” SA)
- S.C. Filiala de Distribuție și Furnizare a energiei electrice “Electrica OLTENIA” SA (SC Electricity Distribution and Supply Branch “Electrica OLTENIA” SA)
- S.C. Filiala de Distribuție și Furnizare a energiei electrice “Electrica TRANSILVANIA SUD” SA (SC Electricity Distribution and Supply Branch “Electrica TRANSILVANIA SUD” SA)
- S.C. Filiala de Distribuție și Furnizare a energiei electrice “Electrica TRANSILVANIA NORD” SA (SC Electricity Distribution and Supply Branch “Electrica TRANSILVANIA NORD” SA).’

(c) Annex VII

‘CONTRACTING ENTITIES IN THE FIELD OF URBAN RAILWAY, TRAMWAY, TROLLEYBUS OR BUS SERVICES’:**‘REPUBLIC OF BULGARIA**

- “Метрополитен” ЕАД (Metropoliten EAD), Sofia
- “Столичен електротранспорт” ЕАД (Stolichen Elektrotransport EAD), Sofia
- “Столичен автотранспорт” ЕАД (Stolichen Avtotransport EAD), Sofia
- “Бургасбус” ЕООД (Burgasbus EOOD), Burgas
- “Градски транспорт” ЕАД (Gradski Transport EAD), Varna
- “Тролейбусен транспорт” ЕООД (Trolleybusen Transport EOOD), Vratsa
- “Общински пътнически транспорт” ЕООД (Obshtinski Patnicheski Transport EOOD), Gabrovo
- “Автобусен транспорт” ЕООД (Avtobusen Transport EOOD), Dobrich
- “Тролейбусен транспорт” ЕООД (Trolleybusen Transport EOOD), Dobrich

- “Тролейбусен транспорт” ЕООД (Trolleybusen Transport EOOD), Pasardzhik
- “Тролейбусен транспорт” ЕООД (Trolleybusen Transport EOOD), Pernik
- “Автобусни превози” ЕАД (Avtobusen Prevozi EAD), Pleven
- “Тролейбусен транспорт” ЕООД (Trolleybusen Transport EOOD), Pleven
- “Градски транспорт Пловдив” ЕАД (Gradski Transport Plovdiv EAD), Plovdiv
- “Градски транспорт” ЕООД (Gradski Transport EOOD), Ruse
- “Пътнически превози” ЕАД (Patnichescki Prevozi EAD), Sliven
- “Автобусни превози” ЕООД (Avtobusen Prevozi EOOD), Stara Zagora
- “Тролейбусен транспорт” ЕООД (Trolleybusen Transport EOOD), Haskovo

ROMANIA

SC Transport cu Metroul București “METROREX” SA (Bucharest Subway Transport Company “Metrorex” SA)

Regii autonome locale de transport urban de călători (local independent urban passenger transport operators).’

(d) Annex VIII

‘CONTRACTING ENTITIES IN THE FIELD OF AIRPORT FACILITIES’:

‘REPUBLIC OF BULGARIA

Главна дирекция “Гражданска въздухоплавателна администрация” (General Directorate “Civil Aviation Administration”)

ДП “Ръководство на въздушното движение” (Government Company “Air Traffic Services”)

Летищни оператори на граждански летища за обществено ползване, определени от Министерския съвет в съответствие с чл. 43, ал. 3 от Закона на гражданското въздухоплаване (обн., ДВ, бр. 94 от 1.12.1972 г.) (Airport operators of civil airports for public use determined by the Council of Ministers pursuant to Article 43(3) of the Civil Aviation Law (published in State Gazette No 94/1.12.1972).

ROMANIA

- Compania Națională “Aeroportul Internațional Henri Coandă București” – SA (National Company “International Airport Henri Coandă Bucharest” – SA)
- Societatea Națională “Aeroportul Internațional București – Băneasa” – SA (National Company “International Airport Bucharest – Baneasa” – SA)
- Societatea Națională “Aeroportul Internațional Constanța” – SA (National Company “International Airport Constanța” – SA)
- Societatea Națională “Aeroportul Internațional Timișoara – Traian Vuia” – SA (National Company “International Airport Timișoara – Traian Vuia” – SA)
- Regia Autonomă “Administrația Română a Serviciilor de Trafic Aerian – ROMATSA” (Autonomous Regie “Romanian Air Traffic Services Administration - ROMATSA”)
- Regia Autonomă “Autoritatea Aeronautică Civilă Română” (Autonomous Regie “Romanian Civil Aviation Authority”)
- Aeroporturile aflate în subordinea consiliilor locale (The airports subordinate to Local Councils):
 - Regia Autonomă Aeroportul Arad (Autonomous Regie Arad Airport)
 - Regia Autonomă Aeroportul Bacău (Autonomous Regie Bacău Airport)
 - Regia Autonomă Aeroportul Baia Mare (Autonomous Regie Baia Mare Airport)
 - Regia Autonomă Aeroportul Caransebeș (Autonomous Regie Caransebeș Airport)

- Regia Autonomă Aeroportul Cluj-Napoca (Autonomous Regie Cluj-Napoca Airport)
- Regia Autonomă Aeroportul Craiova (Autonomous Regie Craiova Airport)
- Regia Autonomă Aeroportul Iași (Autonomous Regie Iași Airport)
- Regia Autonomă Aeroportul Oradea (Autonomous Regie Oradea Airport)
- Regia Autonomă Aeroportul Satu-Mare (Autonomous Regie Satu-Mare Airport)
- Regia Autonomă Aeroportul Sibiu (Autonomous Regie Sibiu Airport)
- Regia Autonomă Aeroportul Suceava (Autonomous Regie Suceava Airport)
- Regia Autonomă Aeroportul Târgu Mureș (Autonomous Regie Târgu Mureș Airport)
- Regia Autonomă Aeroportul Tulcea (Autonomous Regie Tulcea Airport).'

(e) Annex IX

'CONTRACTING ENTITIES IN THE FIELD OF MARITIME OR INLAND PORT OR OTHER TERMINAL FACILITIES':

REPUBLIC OF BULGARIA

ДП "Пристанишна инфраструктура" (Government Company "Ports Infrastructure").

Лицата, които по силата на специални или изключителни права осъществяват експлоатация на цяло или част от пристанище за обществен транспорт с национално значение, посочено в Приложение № 1 към чл. 103а от Закона за морските пространства, вътрешните водни пътища и пристанищата на Република България (обн., ДВ, бр. 12 от 11.2.2000 г.) (Entities which on the bases of special or exclusive rights perform exploitation of ports for public transport with national importance or parts thereof, listed in Annex No 1 to Article 103a of the Law on Maritime Space, Inland Waterways and Ports of the Republic of Bulgaria (published in State Gazette No 12/11.2.2000).

Лицата, които по силата на специални или изключителни права осъществяват експлоатация на цяло или част от пристанище за обществен транспорт с регионално значение, посочено в Приложение № 2 към чл. 103а от Закона за морските пространства, вътрешните водни пътища и пристанищата на Република България (обн., ДВ, бр. 12 от 11.2.2000 г.) (Entities which on the bases of special or exclusive rights perform exploitation of ports for public transport with regional importance or parts thereof, listed in Annex No 2 to Article 103a of the Law on Maritime Space, Inland Waterways and Ports of the Republic of Bulgaria (published in State Gazette No 12/11.2.2000).

ROMANIA

Compania Națională "Administrația Porturilor Maritime" SA Constanța (National Company "Administration of Maritime Ports" SA Constanța)

Compania Națională "Administrația Canalelor Navigabile SA" (National Company "Administration of Maritime Ports" SA Constanța)

Compania Națională de Radiocomunicații Navale "RADIONAV" SA (National Company of Naval Radiocommunications "RADIONAV" SA)

Regia Autonomă "Administrația Fluvială a Dunării de Jos" (Autonomous Regie "River Administration of Lower Danube")

Compania Națională "Administrația Porturilor Dunării Maritime" (National Company "Maritime Danube Ports Administration")

Compania Națională "Administrația Porturilor Dunării Fluviale" SA (National Company "River Danube Ports Administration")

Agenția Română de Intervenții și Salvare Navală – ARISN (Romanian Agency for Interventions and Naval Rescue – ARISN)

Porturile: Sulina, Brăila, Zimnicea și Turnul-Măgurele (Ports: Sulina, Brăila, Zimnicea and Turnul-Măgurele).'

ANNEX IV

PUBLICATIONS

Republic of Bulgaria

Notices:

- *Official Journal of the European Union*
- State Gazette (<http://dv.parliament.bg>)
- Public Procurement Register (<http://www.aop.bg>)

Laws and Regulations:

- State Gazette

Judicial decisions:

- Supreme Administrative Court (<http://www.sac.government.bg>)

Administrative rulings of general application and any procedure:

- Public Procurement Agency (<http://www.aop.bg>)
- Commission for Protection of Competition (<http://www.cpc.bg>)

Romania

- *Official Journal of the European Union*
 - Official Journal of Romania
 - Electronic System for Public Procurement (<http://www.e-licitatie.ro>)
-

COMMISSION

COMMISSION DECISION

of 22 July 2008

establishing a specific control and inspection programme related to the cod stocks in the Kattegat, the North Sea, the Skagerrak, the eastern Channel, the waters west of Scotland and the Irish Sea

(notified under document number C(2008) 3633)

(2008/620/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy ⁽¹⁾, in particular Article 34c(1) thereof,

Whereas:

(1) Council Regulation (EC) No 423/2004 of 26 February 2004 establishing measures for the recovery of cod stocks ⁽²⁾, establishes measures for the recovery of cod stocks in the Kattegat, the North Sea, the Skagerrak, the eastern Channel, the waters west of Scotland and the Irish Sea and rules on monitoring, control and surveillance of cod fisheries in those areas.

(2) Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy ⁽³⁾ provides for control activities by the Commission and Member States and for the cooperation between Member States to ensure compliance with the rules of the Common Fisheries Policy.

(3) To ensure the success of the recovery measures for the cod stocks in the North Sea, the Skagerrak, the Kattegat, the west of Scotland, the eastern Channel and the Irish

Sea, it is necessary to establish a specific control and inspection programme directed to the fisheries exploiting those stocks.

(4) The specific control and inspection programme should be established for a period of three years. The results obtained by the application of the specific control and inspection programme should be periodically evaluated by the Member States concerned in cooperation with the Community Fisheries Control Agency (hereinafter referred to as CFCA) set up by Council Regulation (EC) No 768/2005 ⁽⁴⁾.

(5) Joint inspection and surveillance activities should be carried out in accordance with joint deployment plans established by the CFCA.

(6) The measures provided for in this Decision have been established in concert with the Member States concerned.

(7) The measures provided for in this Decision are in accordance with the opinion of the Management Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS DECISION:

Article 1

Subject matter

This Decision establishes a specific control and inspection programme to ensure the harmonised implementation of the measures established by Regulation (EC) No 423/2004 for the recovery of cod stocks in the Kattegat, the North Sea, the Skagerrak, the eastern Channel, the waters west of Scotland and the Irish Sea.

⁽¹⁾ OJ L 261, 20.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 1098/2007 (OJ L 248, 22.9.2007, p. 1).

⁽²⁾ OJ L 70, 9.3.2004, p. 8.

⁽³⁾ OJ L 358, 31.12.2002, p. 59. Regulation as amended by Regulation (EC) No 865/2007 (OJ L 192, 24.7.2007, p. 1).

⁽⁴⁾ OJ L 128, 21.5.2005, p. 1.

*Article 2***Scope**

The specific control and inspection programme referred to in Article 1 shall apply for three years and shall cover:

- (a) fishing activities by vessels subject to effort limitations and associated conditions in the areas referred to in Article 1;
- (b) all related activities including the landing, weighing, marketing, transport and storage of fishery products and the recording of landing and sales.

*Article 3***Definitions**

For the purposes of this Decision, the definitions laid down in Article 3 of Regulation (EC) No 2371/2002 and Article 2 of Regulation (EC) No 423/2004 shall apply.

*Article 4***National control and inspection programmes**

1. Belgium, Denmark, Germany, France, Ireland, the Netherlands, Sweden and the United Kingdom shall establish national control and inspection programmes, in conformity with the common rules set out in Annex I, as regards the activities listed in Article 2.

2. National control and inspection programmes shall contain all the data and specifications listed in Annex II.

3. The Member States referred to in paragraph 1 shall make available to the Commission, by 15 October 2008, their national control and inspection programme and the implementation schedule. The schedule shall include details as regards human and material resources allocated and the periods and zones where they are to be deployed.

4. Thereafter, the Member States referred to in paragraph 1 shall notify an updated implementation schedule to the Commission every year and no later than 15 days before the date of commencement of its implementation.

*Article 5***Cooperation between Member States**

All Member States shall cooperate with the Member States referred to in Article 4(1) for the implementation of the specific control and inspection programme.

*Article 6***Member State surveillance and inspection activities**

1. A Member State that intends to conduct surveillance and inspect fishing vessels in the waters under the jurisdiction of another Member State, in the framework of a Joint Deployment Plan (hereinafter referred to as JDP) established in accordance with Article 12 of Regulation (EC) No 768/2005, shall notify its intentions to the contact point of the coastal Member State concerned, referred to in Article 3 of Commission Regulation (EC) No 1042/2006⁽¹⁾, and to the Community Fisheries Control Agency (hereinafter referred to as CFCA). The notification shall contain the following information:

- (a) type, name and call sign of the inspection vessels and inspection aircraft on the basis of the list referred to in Article 28(4) of Regulation (EC) No 2371/2002;
- (b) the areas, as referred to in Article 1, where the surveillance and inspection will be carried out;
- (c) the duration of the surveillance and inspection activities.

2. Surveillance and inspections shall be carried out in accordance with Annex I.

*Article 7***Joint inspection and surveillance activities**

The Member States referred to in Article 4(1) shall undertake joint inspection and surveillance activities in accordance with the joint deployment plan established by the CFCA on the basis of Article 12 of Regulation (EC) No 768/2005.

*Article 8***Information**

The Member States referred to in Article 4(1) shall make available to the Commission by 31 January of each year the following information concerning the previous calendar year:

- (a) the inspection and surveillance tasks set out in Annex I;
- (b) the infringements, as referred to in Annex III, detected during that year, including for each infringement the flag of the vessel, the date and location of the inspection and the nature of the infringement; Member States shall indicate the nature of the infringement by references to the letter under which they are listed in Annex III;
- (c) the state of play concerning the follow-up of infringements, whether detected during that year or during previous years;
- (d) any relevant coordination and cooperation actions between Member States.

⁽¹⁾ OJ L 187, 8.7.2006, p. 14.

*Article 9***Evaluation**

1. Each of the Member States referred to in Article 4(1) shall, by 31 January of each year, draw up and send to the Commission and CFCA an evaluation report concerning the control and inspection activities carried out in the previous calendar year under the specific control and inspection programme laid down in this Decision and the national control and inspection programme referred to in Article 5.
2. The CFCA shall take into consideration the evaluation reports referred to in paragraph 1 in its annual assessment of the effectiveness of a Joint Deployment Plan as referred to in Article 14 of Regulation (EC) No 768/2005.
3. The Commission shall convene once a year a meeting of the Committee for Fisheries and Aquaculture to evaluate

compliance with the specific control and inspection programme and the national control and inspection programmes.

*Article 10***Addressees**

This Decision is addressed to the Member States.

Done at Brussels, 22 July 2008.

For the Commission
Joe BORG
Member of the Commission

ANNEX I

Inspection and surveillance tasks

1. General inspection tasks
 - 1.1. An inspection report shall be drawn up for each inspection. Inspectors shall in any case verify and note in their report the following information:
 - (a) the details of the identity of the responsible persons, as well as those of the vessel or vehicles involved in the activities inspected;
 - (b) the authorisation: licence, special fishing permit and fishing effort entitlement;
 - (c) relevant vessel documentation such as logbooks, certifications of registration, vessel storage plans, records of notification and where applicable records of vessel monitoring system (VMS) manual reports;
 - (d) all other relevant findings from the inspection done at sea, at port or at any step of the commercialisation process.
 - 1.2. The findings referred to in point 1.1 shall be compared with the information made available to the inspectors by other competent authorities, including the VMS information, prior notifications and lists of vessels holding a special permit for fishing for cod in any of the areas defined in Article 1 of this Decision.
2. Inspection tasks at sea

Inspectors shall verify:

 - (a) the quantities of fish retained on board in comparison with the quantities recorded in the logbook and the compliance with the margins of tolerance as referred to in Article 13 of Regulation (EC) No 423/2004;
 - (b) the compliance of the gear used with the relevant requirements and the compliance with the provisions on twine thickness, minimum sizes for meshes and fish, net attachments and the marking and identification of passive gear;
 - (c) the correct functioning of VMS equipment.
3. Inspection tasks at landing

Inspectors shall verify the following:

 - (a) prior notification of landing including the information concerning the catch on board;
 - (b) the completion of the logbook and landing declaration, including effort recording;
 - (c) the actual quantities of fish on board, weight of cod and other species landed and the compliance with the margins of tolerance as referred to in Article 13 of Regulation (EC) No 423/2004;
 - (d) the gear on board and the compliance with the provisions on twine thickness, minimum sizes for meshes and fish, net attachments and the marking and identification of passive gear;
 - (e) where applicable, the compliance with the shut down procedures for VMS equipment.
4. Inspection tasks concerning transports and marketing

Inspectors shall verify:

 - (a) the relevant documents accompanying transport and check them against the physical quantities transported;
 - (b) the compliance with grading and labelling requirements and minimum fish size requirements;
 - (c) the documentation (logbook, landing declaration and sales notes), sorting and weighing of fish for the control of marketing provisions.

5. Tasks for aerial surveillance

Surveillance crew shall:

- (a) cross-check sightings against allocation of effort;
 - (b) cross-check the area restrictions on fishing;
 - (c) report on surveillance data for cross-checking purposes.
-

ANNEX II

Contents of national control programmes

National control programmes shall, *inter alia*, specify:

1. MEANS OF CONTROL

— *Human means*

Estimation of the numbers of shore-based and seagoing inspectors and the periods and zones where these are to be deployed.

— *Technical means*

Estimation of the numbers of patrol vessels and aircraft and the periods and zones where these are to be deployed.

— *Financial means*

Estimation of the budgetary allocation for deployment of human resources, patrol vessels and aircrafts.

2. DESIGNATION OF PORTS

List the designated ports into which any landings of cod in excess of two tonnes must take place.

3. EFFORT CONTROL

The system in place for allocation, monitoring and control of fishing effort, including:

- system in use to verify the track records of vessels allocated extra days,
- system in use to verify compliance with the by-catch restrictions placed upon vessels benefiting from extra days allocations or derogations,
- legislation and/or recommendation issued to industry on how to register their intended management period and gear category,
- legislation and/or recommendation issued to industry on how to register their intentions to use more than one gear category during a management period,
- a description of how effort data is managed and the structure of the database,
- system in use for the transfer of days,
- system in use for the allocation of extra days,
- system in use for the non-attribution of transit days,
- system in use to ensure that the equivalent capacity is withdrawn to allow vessels with no track record to fish in an area.

4. EFFORT REGIME

Associated conditions including:

- description of the hailing system in use,
- description of alternative control measures,
- system in place to ensure compliance with the pre-notification conditions,

- description of the system to authorise landings,
- method of calculation of the margin of tolerance in the estimation of quantities.

5. INSPECTION PROTOCOLS

Protocols for inspections at landing, first sale, after first sale transport and inspections at sea.

6. GUIDELINES

Explanatory guidelines for inspectors, producers' organisations and fishermen.

7. COMMUNICATION PROTOCOLS

Protocols for communication with the competent authorities designated by other Member States as being responsible for the specific control and inspection programme for cod.

8. EXCHANGES OF INSPECTORS

Protocols for exchange of inspectors including specification of powers and authority of inspectors operating in each other's exclusive economic zone

9. SPECIFIC INSPECTION BENCHMARKS

Each Member State will set specific benchmarks. Such benchmarks should be communicated to all Member States concerned and revised periodically after analysing the results achieved. Inspection benchmark shall evolve progressively until the target benchmarks defined below are achieved.

Target benchmarks.

Not later than one month from the date of entry into force of this Decision, Member States shall implement their inspection schedules taking account of the targets set out below.

Member States shall specify and describe which sampling strategy will be applied.

The Commission shall have access on request to the sampling plan used by the Member State.

(a) *Level of inspection in ports*

As a general rule, the accuracy to be achieved should be at least equivalent to what would be obtained by a simple random sampling method, where inspections shall cover 20 % of all cod landings by weight in a Member State.

(b) *Level of inspection of marketing*

Inspection of 5 % of the quantities of cod offered for sale at auction.

(c) *Level of inspection at sea*

Flexible benchmark: to be set after a detailed analysis of the fishing activity in each area. Benchmarks at sea shall refer the number of patrol days at sea in the cod management areas, possibly with a separate benchmark for days patrolling specific areas.

(d) *Level of aerial surveillance*

Flexible benchmark: to be set after a detailed analysis of the fishing activity conducted in each area and taking the available resources at the Member State's disposal into consideration.

ANNEX III

List of infringements as referred to in Article 7

- A. Failure by the master of a fishing vessel to comply with the fishing effort limitations referred to in Article 2 of this Decision.
 - B. Failure by the master or his authorised representative of a Community fishing vessel of an overall length equal to or greater than 10 metres carrying on board or using any gears for which special fishing permit is required in any of the areas defined in Article 1 of this Commission Decision to hold or keep a copy of the special fishing permit.
 - C. Tampering with the satellite-based vessel monitoring system as referred to in Article 6 of Commission Regulation (EC) No 2244/2003 of 18 December 2003 laying down detailed provisions regarding satellite-based Vessel Monitoring Systems ⁽¹⁾.
 - D. Falsifying or failing to record data in logbooks including effort reports, landing declarations and sales notes, takeover declarations and transport documents or failure to keep or submit those documents as referred to in Articles 6-19 of Regulation (EEC) No 2847/93, Articles 13 and 15 of Regulation (EC) No 423/2004.
 - E. Failure by the master of a Community fishing vessel or his representative with more than one tonne of cod on board to comply with the prior notification rules laid down in Article 11 of Regulation (EC) No 423/2004.
 - F. Landing more than two tonnes of cod by vessels outside the designated ports.
-

⁽¹⁾ OJ L 333, 20.12.2003, p. 17.

CORRIGENDA

Corrigendum to Commission Regulation (EC) No 385/2008 of 29 April 2008 amending Council Regulation (EC) No 194/2008 renewing and strengthening the restrictive measures in respect of Burma/Myanmar and repealing Regulation (EC) No 817/2006

(Official Journal of the European Union L 116 of 30 April 2008)

On page 8, point (5)(a):

for: '(a) entries D7a (duplicate), D8a, D20c and D31a (duplicate) shall be replaced by the following (changes shown in bold):',

read: '(a) entries D7b, D8a, D20c and D32a shall be replaced by the following (changes shown in bold):'
