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### Legislation

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## I

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

## REGULATIONS

## COUNCIL REGULATION (EC) No 788/2008

of 24 July 2008

**amending the lists of insolvency proceedings and winding-up proceedings in Annexes A and B to Regulation (EC) No 1346/2000 on insolvency proceedings and codifying Annexes A, B and C to that Regulation**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1346/2000 of 29 May 2000 on insolvency proceedings<sup>(1)</sup>, and in particular Article 45 thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) Annexes A, B and C to Regulation (EC) No 1346/2000 list the designations given in the national legislation of the Member States to the proceedings and liquidators to which that Regulation applies. Annex A lists the insolvency proceedings referred to in Article 2(a) of that Regulation. Annex B lists the winding-up proceedings referred to in Article 2(c) of that Regulation and Annex C lists the liquidators referred to in Article 2(b) of that Regulation.

(2) On 13 December 2007 the Republic of Latvia notified the Commission, pursuant to Article 45 of Regulation (EC) No 1346/2000, of amendments to the lists set out in Annexes A and B to that Regulation.

(3) As a consequence of the amendments to Annexes A and B to Regulation (EC) No 1346/2000 following the abovementioned notification by Latvia a codification of Annexes A, B and C to that Regulation should be made to provide all parties involved in insolvency proceedings covered by that Regulation with the necessary legal certainty.

(4) The United Kingdom and Ireland are bound by Regulation (EC) No 1346/2000 and, by virtue of Article 45 of that Regulation, are therefore taking part in the adoption and application of this Regulation.

(5) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark, annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark does not take part in the adoption of this Regulation and is not bound by it or subject to its application.

(6) Annexes A and B to Regulation (EC) No 1346/2000 should therefore be amended and Annexes A, B and C codified accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 1346/2000 is hereby amended as follows:

1. In Annex A, the designations for the Republic of Latvia shall be replaced by the following:

‘LATVIJA

— Tiesiskās aizsardzības process

— Sanācija juridiskās personas maksātnespējas procesā

— Izlīgums juridiskās personas maksātnespējas procesā

<sup>(1)</sup> OJ L 160, 30.6.2000, p. 1. Regulation as last amended by Regulation (EC) No 681/2007 (OJ L 159, 20.6.2007, p. 1).

- Izlīgums fiziskās personas maksātnespējas procesā
- Bankrota procedūra juridiskās personas maksātnespējas procesā
- Bankrota procedūra fiziskās personas maksātnespējas procesā.

2. In Annex B, the designations for the Republic of Latvia shall be replaced by the following:

LATVIJA

- Bankrota procedūra juridiskās personas maksātnespējas procesā

- Bankrota procedūra fiziskās personas maksātnespējas procesā.

*Article 2*

Annexes A and B as amended in accordance with Article 1 of this Regulation and Annex C to Regulation (EC) No 1346/2000 are hereby codified and replaced by the text set out in Annexes I, II and III to this Regulation.

*Article 3*

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

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaty establishing the European Community.

Done at Brussels, 24 July 2008.

*For the Council*  
*The President*  
B. HORTEFEUX

## ANNEX I

## ‘ANNEX A

**Insolvency proceedings referred to in Article 2(a)**

## BELGIË/BELGIQUE

- Het faillissement/La faillite
- Het gerechtelijk akkoord/Le concordat judiciaire
- De collectieve schuldenregeling/Le règlement collectif de dettes
- De vrijwillige vereffening/La liquidation volontaire
- De gerechtelijke vereffening/La liquidation judiciaire
- De voorlopige ontneming van beheer, bepaald in artikel 8 van de faillissementswet/Le dessaisissement provisoire, visé à l'article 8 de la loi sur les faillites

## БЪЛГАРИЯ

- Производство по несъстоятелност

## ČESKÁ REPUBLIKA

- Konkurz
- Reorganizace
- Oddlužení

## DEUTSCHLAND

- Das Konkursverfahren
- Das gerichtliche Vergleichsverfahren
- Das Gesamtvollstreckungsverfahren
- Das Insolvenzverfahren

## EESTI

- Pankrotimenetlus

## ΕΛΛΑΔΑ

- Η πτώχευση
- Η ειδική εκκαθάριση
- Η προσωρινή διαχείριση εταιρείας, Η διοίκηση και διαχείριση των πιστωτών
- Η υπαγωγή επιχείρησης υπό επίτροπο με σκοπό τη σύναψη συμβιβασμού με τους πιστωτές

## ESPAÑA

- Concurso

## FRANCE

- Sauvegarde
- Redressement judiciaire
- Liquidation judiciaire

## IRELAND

- Compulsory winding-up by the court
- Bankruptcy
- The administration in bankruptcy of the estate of persons dying insolvent
- Winding-up in bankruptcy of partnerships
- Creditors' voluntary winding-up (with confirmation of a court)
- Arrangements under the control of the court which involve the vesting of all or part of the property of the debtor in the official assignee for realisation and distribution
- Company examinership

## ITALIA

- Fallimento
- Concordato preventivo
- Liquidazione coatta amministrativa
- Amministrazione straordinaria

## ΚΥΠΡΟΣ

- Υποχρεωτική εκκαθάριση από το Δικαστήριο
- Εκούσια εκκαθάριση από πιστωτές κατόπιν Δικαστικού Διατάγματος
- Εκούσια εκκαθάριση από μέλη
- Εκκαθάριση με την εποπτεία του Δικαστηρίου
- Πτώχευση κατόπιν Δικαστικού Διατάγματος
- Διαχείριση της περιουσίας προσώπων που απεβίωσαν αφερέγγυα

## LATVIJA

- Tiesiskās aizsardzības process
- Sanācija juridiskās personas maksātnespējas procesā
- Izlīgums juridiskās personas maksātnespējas procesā
- Izlīgums fiziskās personas maksātnespējas procesā
- Bankrota procedūra juridiskās personas maksātnespējas procesā
- Bankrota procedūra fiziskās personas maksātnespējas procesā

## LIETUVA

- įmonės restruktūrizavimo byla
- įmonės bankroto byla
- įmonės bankroto procesas ne teismo tvarka

## LUXEMBOURG

- Faillite
- Gestion contrôlée
- Concordat préventif de faillite (par abandon d'actif)
- Régime spécial de liquidation du notariat

## MAGYARORSZÁG

- Csődeljárás
- Felszámolási eljárás

## MALTA

- Xoljiment
- Amministrazzjoni
- Stralċ volontarju mill-membri jew mill-kredituri
- Stralċ mill-Qorti
- Falliment f'każ ta' negozjant

## NEDERLAND

- Het faillissement
- De surséance van betaling
- De schuldsaneringsregeling natuurlijke personen

## ÖSTERREICH

- Das Konkursverfahren
- Das Ausgleichsverfahren

## POLSKA

- Postępowanie upadłościowe
- Postępowanie układowe
- Upadłość obejmująca likwidację
- Upadłość z możliwością zawarcia układu

## PORTUGAL

- Processo de insolvência
- Processo de falência
- Processos especiais de recuperação de empresa, ou seja:
- Concordata
- Reconstituição empresarial
- Reestruturação financeira
- Gestão controlada

## ROMÂNIA

- procedura insolvenței
- reorganizarea judiciară
- procedura falimentului



## SLOVENIJA

- Stečajni postopek
- Skrajšani stečajni postopek
- Postopek prisilne poravnave
- Prisilna poravnava v stečaju

## SLOVENSKO

- Konkurzné konanie
- Reštrukturalizačné konanie

## SUOMI/FINLAND

- Konkurssi/konkurs
- Yrityssaneeraus/företagssanering

## SVERIGE

- Konkurs
- Företagsrekonstruktion

## UNITED KINGDOM

- Winding-up by or subject to the supervision of the court
  - Creditors' voluntary winding-up (with confirmation by the court)
  - Administration, including appointments made by filing prescribed documents with the court
  - Voluntary arrangements under insolvency legislation
  - Bankruptcy or sequestration'
-

## ANNEX II

## ANNEX B

**Winding-up proceedings referred to in Article 2(c)**

## BELGIË/BELGIQUE

- Het faillissement/La faillite
- De vrijwillige vereffening/La liquidation volontaire
- De gerechtelijke vereffening/La liquidation judiciaire

## БЪЛГАРИЯ

- Производство по несъстоятелност

## ČESKÁ REPUBLIKA

- Konkurz

## DEUTSCHLAND

- Das Konkursverfahren
- Das Gesamtvollstreckungsverfahren
- Das Insolvenzverfahren

## EESTI

- Pankrotimenetus

## ΕΛΛΑΔΑ

- Η πτώχευση
- Η ειδική εκκαθάριση

## ESPAÑA

- Concurso

## FRANCE

- Liquidation judiciaire

## IRELAND

- Compulsory winding-up
- Bankruptcy
- The administration in bankruptcy of the estate of persons dying insolvent
- Winding-up in bankruptcy of partnerships
- Creditors' voluntary winding-up (with confirmation of a court)
- Arrangements under the control of the court which involve the vesting of all or part of the property of the debtor in the official assignee for realisation and distribution

## ITALIA

- Fallimento
- Concordato preventivo con cessione dei beni
- Liquidazione coatta amministrativa
- Amministrazione straordinaria con programma di cessione dei complessi aziendali
- Amministrazione straordinaria con programma di ristrutturazione di cui sia parte integrante un concordato con cessione dei beni

## ΚΥΠΡΟΣ

- Υποχρεωτική εκκαθάριση από το Δικαστήριο
- Εκκαθάριση με την εποπτεία του Δικαστηρίου
- Εκούσια εκκαθάριση από πιστωτές (με την επικύρωση του Δικαστηρίου)
- Πτώχευση
- Διαχείριση της περιουσίας προσώπων που απεβίωσαν αφερέγγυα

## LATVIJA

- Bankrota procedūra juridiskās personas maksātnespējas procesā
- Bankrota procedūra fiziskās personas maksātnespējas procesā

## LIETUVA

- įmonės bankroto byla
- įmonės bankroto procesas ne teismo tvarka

## LUXEMBOURG

- Faillite
- Régime spécial de liquidation du notariat

## MAGYARORSZÁG

- Felszámolási eljárás

## MALTA

- Stralċ volontarju
- Stralċ mill-Qorti
- Falliment inkluż il-hruġ ta' mandat ta' qbid mill-Kuratur f'każ ta' negozjant fallut

## NEDERLAND

- Het faillissement
- De schuldsaneringsregeling natuurlijke personen

## ÖSTERREICH

- Das Konkursverfahren

## POLSKA

- Postępowanie upadłościowe
- Upadłość obejmująca likwidację

## PORTUGAL

- Processo de insolvência
- Processo de falência

## ROMÂNIA

- procedura falimentului

## SLOVENIJA

- Stečajni postopek
- Skrajšani stečajni postopek

## SLOVENSKO

- Konkurzné konanie

## SUOMI/FINLAND

- Konkurssi/konkurs

## SVERIGE

- Konkurs

## UNITED KINGDOM

- Winding-up by or subject to the supervision of the court
  - Winding-up through administration, including appointments made by filing prescribed documents with the court
  - Creditors' voluntary winding-up (with confirmation by the court)
  - Bankruptcy or sequestration'
-

## ANNEX III

## ANNEX C

**Liquidators referred to in Article 2(b)**

## BELGIË/BELGIQUE

- De curator/Le curateur
- De commissaris inzake opschorting/Le commissaire au sursis
- De schuldbemiddelaar/Le médiateur de dettes
- De vereffenaar/Le liquidateur
- De voorlopige bewindvoerder/L'administrateur provisoire

## БЪЛГАРИЯ

- Назначен предварително временен синдик
- Временен синдик
- (Постоянен) синдик
- Служебен синдик

## ČESKÁ REPUBLIKA

- Insolvenční správce
- Předběžný insolvenční správce
- Oddělený insolvenční správce
- Zvláštní insolvenční správce
- Zástupce insolvenčního správce

## DEUTSCHLAND

- Konkursverwalter
- Vergleichsverwalter
- Sachverwalter (nach der Vergleichsordnung)
- Verwalter
- Insolvenzverwalter
- Sachverwalter (nach der Insolvenzordnung)
- Treuhänder
- Vorläufiger Insolvenzverwalter

## EESTI

- Pankrotihaldur
- Ajutine pankrotihaldur
- Usaldusisik

## ΕΛΛΑΔΑ

- Ο σύνδικος
- Ο προσωρινός διαχειριστής. Η διοικούσα επιτροπή των πιστωτών
- Ο ειδικός εκκαθαριστής
- Ο επίτροπος

## ESPAÑA

- Administradores concursales

## FRANCE

- Mandataire judiciaire
- Liquidateur
- Administrateur judiciaire
- Commissaire à l'exécution du plan

## IRELAND

- Liquidator
- Official assignee
- Trustee in bankruptcy
- Provisional liquidator
- Examiner

## ITALIA

- Curatore
- Commissario giudiziale
- Commissario straordinario
- Commissario liquidatore
- Liquidatore giudiziale

## ΚΥΠΡΟΣ

- Εκκαθαριστής και Προσωρινός Εκκαθαριστής
- Επίσημος Παραλήπτης
- Διαχειριστής της Πτώχευσης
- Εξεταστής

## LATVIJA

- Maksātnespējas procesa administrators

## LIETUVA

- Bankrutuojančių įmonių administratorius
- Restruktūrizuojamų įmonių administratorius

## LUXEMBOURG

- Le curateur
- Le commissaire
- Le liquidateur
- Le conseil de gérance de la section d'assainissement du notariat

## MAGYARORSZÁG

- Vagyonfelügyelő
- Felszámoló

## MALTA

- Amministratur Proviżorju
- Riċevitur Uffiċjali
- Stralċjarju
- Manager Speċjali
- Kuraturi f'każ ta' proċeduri ta' falliment

## NEDERLAND

- De curator in het faillissement
- De bewindvoerder in de surséance van betaling
- De bewindvoerder in de schuldsaneringsregeling natuurlijke personen

## ÖSTERREICH

- Masseverwalter
- Ausgleichsverwalter
- Sachverwalter
- Treuhänder
- Besondere Verwalter
- Konkursgericht

## POLSKA

- Syndyk
- Nadzorca sądowy
- Zarządca

## PORTUGAL

- Administrador da insolvência
- Gestor judicial
- Liquidatário judicial
- Comissão de credores

## ROMÂNIA

- practician în insolvență
- administrator judiciar
- lichidator

## SLOVENIJA

- Upravitelj prisilne poravnave
- Stečajni upravitelj
- Sodišče, pristojno za postopek prisilne poravnave
- Sodišče, pristojno za stečajni postopek

## SLOVENSKO

- Predbežný správca
- Správca

## SUOMI/FINLAND

- Pesänhoitaja/boförvaltare
- Selvittäjä/utredare

## SVERIGE

- Förvaltare
- Rekonstruktör

## UNITED KINGDOM

- Liquidator
  - Supervisor of a voluntary arrangement
  - Administrator
  - Official receiver
  - Trustee
  - Provisional liquidator
  - Judicial factor'
-



**COUNCIL REGULATION (EC) No 789/2008**

**of 24 July 2008**

**amending Regulation (EC) No 1911/2006 imposing a definitive anti-dumping duty on imports of solutions of urea and ammonium nitrate originating in Algeria, Belarus, Russia and Ukraine following an expiry review pursuant to Article 11(2) of Regulation (EC) No 384/96**

THE COUNCIL OF THE EUROPEAN UNION,

terminated without amending the anti-dumping measures in force.

Having regard to the Treaty establishing the European Community,

**B. UNDERTAKING**

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community <sup>(1)</sup> (the basic Regulation), and in particular Articles 8 and 9 thereof,

- (3) During the interim review the exporting producer expressed an interest in offering a price undertaking but failed to submit a duly substantiated offer within the deadline as set out in Article 8(2) of the basic Regulation. However as stated in recitals (57) and (58) of the abovementioned Council Regulation, the Council considered that the exporting producer should exceptionally be allowed to complete its undertaking offer within 10 calendar days from entry into force of that Regulation due to the complexity of several issues, namely (1) the volatility of the price of the product concerned which would require some form of indexation of minimum prices, while at the same time the volatility is not sufficiently explained by the key cost driver; and (2) the particular market situation for the product concerned. Subsequent to the publication of Regulation (EC) No 238/2008 and within the deadline as set out in that Regulation the exporting producer submitted an acceptable price undertaking with Article 8(1) of the basic Regulation.

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

- (4) The Commission by Decision 2008/649/EC <sup>(6)</sup> accepted the undertaking offer. The Council recognises that the undertaking offer eliminates the injurious effect of dumping and limits to a sufficient degree the risk of circumvention.

Whereas:

**A. PROCEDURE**

- (1) By Regulation (EC) No 1995/2000 <sup>(2)</sup>, the Council imposed a definitive anti-dumping duty on imports of solutions of urea and ammonium nitrate (UAN) originating, *inter alia*, in Russia. Following an expiry review initiated in September 2005, the Council, by Regulation (EC) No 1911/2006 <sup>(3)</sup>, renewed for five years these measures at their current level.
- (2) On 19 December 2006, the Commission announced, by a notice published in the *Official Journal of the European Union* <sup>(4)</sup>, the initiation of a partial interim review concerning imports into the Community of UAN originating, *inter alia*, in Russia upon the request of Open Joint Stock Company Novomoskovskiy Azot and Open Joint Stock Company Nevinnomyssky Azot, two exporting producers from Russia, belonging to the Open Joint Stock Company 'Mineral and Chemical Company EuroChem'. These two companies, due to their relationship, are treated as one legal entity (the exporting producer) for the purpose of the present Regulation. The definitive findings and conclusions of the partial interim review are set out in Council Regulation (EC) No 238/2008 <sup>(5)</sup> by which the review was

- (5) To further enable the Commission and the customs authorities to effectively monitor the compliance of the exporting producer with the undertaking, when the request for release for free circulation is presented to the relevant customs authority, exemption from the anti-dumping duty is to be conditional on (i) the presentation of an undertaking invoice, which is a commercial invoice containing at least the elements listed and the declaration stipulated in the Annex; (ii) the fact that imported goods are manufactured, shipped and invoiced directly by the exporting producer to the first independent customer in the Community; and (iii) the fact that the goods declared and presented to customs correspond precisely to the description on the undertaking invoice. Where the above conditions are not met the appropriate anti-dumping duty shall be incurred at the time of acceptance of the declaration for release into free circulation.

<sup>(1)</sup> OJ L 56, 6.3.1996, p. 1. Regulation as last amended by Regulation (EC) No 2117/2005 (OJ L 340, 23.12.2005, p. 17).

<sup>(2)</sup> OJ L 238, 22.9.2000, p. 15. Regulation as amended by Regulation (EC) No 1675/2003 (OJ L 238, 25.9.2003, p. 4).

<sup>(3)</sup> OJ L 365, 21.12.2006, p. 26.

<sup>(4)</sup> OJ C 311, 19.12.2006, p. 51.

<sup>(5)</sup> OJ L 75, 18.3.2008, p. 14.

<sup>(6)</sup> See page 39 of this Official Journal.

(6) Whenever the Commission withdraws, pursuant to Article 8(9) of the basic Regulation, its acceptance of an undertaking following a breach by referring to particular transactions and declares the relevant undertaking invoices as invalid, a customs debt shall be incurred at the time of acceptance of the declaration for release into free circulation of these transactions.

(7) Importers should be aware that a customs debt may be incurred, as a normal trade risk, at the time of acceptance of the declaration for release into free circulation as described in recitals (5) and (6) even if an undertaking offered by the manufacturer from whom they were buying, directly or indirectly, had been accepted by the Commission.

(8) Pursuant to Article 14(7) of the basic Regulation, customs authorities should inform the Commission immediately whenever indications of a violation of the undertaking are found.

(9) For the reasons stated in the Commission Decision, the undertaking offered by the exporting producer is therefore considered acceptable by the Commission and the exporting producer concerned has been informed of the essential facts, considerations and obligations upon which acceptance is based.

(10) In the event of a breach or withdrawal of the undertaking or in case of withdrawal of acceptance of the undertaking by the Commission the anti-dumping duty which has been imposed by the Council in accordance with Article 9(4) shall automatically apply by means of Article 8(9) of the basic Regulation,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

Regulation (EC) No 1911/2006 is hereby amended as follows:

1. Paragraph 4 in Article 1 shall be replaced by the following:

‘4. Notwithstanding paragraph 1, the definitive anti-dumping duty shall not apply to imports released into free circulation in accordance with Article 2 or Article 2a.’

2. The following Article shall be added after Article 2:

#### *‘Article 2a*

1. Imports of mixtures of urea and ammonium nitrate for release into free circulation which are invoiced by the company from which an undertaking is accepted by the Commission and whose name is listed in the Commission Decision 2008/649/EC (\*), as from time to time amended, shall be exempt from the anti-dumping duty imposed by Article 1, on condition that:

— they are manufactured, shipped and invoiced directly by the said producer to the first independent customer in the Community, and

— such imports are accompanied by an undertaking invoice which is a commercial invoice containing at least the elements and the declaration stipulated in Annex of this Regulation, and

— the goods declared and presented to customs correspond precisely to the description on the undertaking invoice.

2. A customs debt shall be incurred at the time of acceptance of the declaration for release into free circulation:

— whenever it is established, in respect of imports described in paragraph 1, that one or more of the conditions listed in that paragraph are not fulfilled, or

— when the Commission withdraws its acceptance of the undertaking pursuant to Article 8(9) of the basic Regulation in a Regulation or Decision which refers to particular transactions and declares the relevant undertaking invoices as invalid.

(\*) OJ L 213, 8.8.2008, p. 39.’

3. The Annex shall be replaced by the following:

— the applicable delivery terms,

‘ANNEX

— total discounts and rebates.

Elements to be indicated in the undertaking invoice referred to in Article 2(2) and Article 2a:

4. The name of the unrelated importer to which the invoice is issued directly by the company.

1. The TARIC additional code under which the goods on the invoice may be customs cleared at Community borders (as specified in the appropriate Regulation or Decision).

5. The name of the official of the company that has issued the undertaking invoice and the following signed declaration:

2. The exact description of the goods, including:

- CN code,
- the nitrogen (N) content of the product (in percentages),
- quantity (to be given in tonnes).

“I, the undersigned, certify that the sale for direct export to the European Community of the goods covered by this invoice is being made within the scope and under the terms of the undertaking offered by [company], and accepted by the European Commission through Regulation (EC) No 617/2000 or Decision 2008/649/EC (as appropriate). I declare that the information provided in this invoice is complete and correct.”’

3. The description of the terms of the sale, including:

- price per tonne,
- the applicable payment terms,

#### *Article 2*

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

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

Done at Brussels, 24 July 2008.

*For the Council*  
*The President*  
B. HORTEFEUX

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**COMMISSION REGULATION (EC) No 790/2008**  
**of 7 August 2008**  
**establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) <sup>(1)</sup>,

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

Whereas:

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 8 August 2008.

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

Done at Brussels, 7 August 2008.

*For the Commission*

Jean-Luc DEMARTY

*Director-General for Agriculture and  
Rural Development*

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

<sup>(2)</sup> OJ L 350, 31.12.2007, p. 1. 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	27,8
	TR	74,2
	XS	25,6
	ZZ	42,5
0707 00 05	TR	106,2
	ZZ	106,2
0709 90 70	TR	93,9
	ZZ	93,9
0805 50 10	AR	83,3
	CL	63,1
	US	95,7
	UY	60,6
	ZA	98,9
	ZZ	80,3
0806 10 10	CL	78,6
	EG	164,3
	IL	157,1
	MK	68,7
	TR	141,6
	ZZ	122,1
0808 10 80	AR	46,7
	BR	92,5
	CL	96,3
	CN	84,0
	NZ	107,4
	US	95,3
	UY	148,0
	ZA	82,6
	ZZ	94,1
0808 20 50	AR	67,2
	CL	51,8
	NZ	152,7
	TR	137,0
	ZA	94,8
	ZZ	100,7
0809 20 95	CA	242,0
	TR	545,4
	US	438,1
	ZZ	408,5
0809 30	TR	155,6
	US	191,9
	ZZ	173,8
0809 40 05	BA	66,2
	IL	136,7
	XS	62,1
	ZZ	88,3

(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 791/2008****of 7 August 2008****fixing the export refunds on white and raw sugar exported without further processing**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 318/2006 of 20 February 2006 on the common organisation of the market in the sugar sector<sup>(1)</sup>, and in particular the second subparagraph of Article 33(2) thereof,

Whereas:

- (1) Article 32 of Regulation (EC) No 318/2006 provides that the difference between prices on the world market for the products listed in Article 1(1)(b) of that Regulation and prices for those products on the Community market may be covered by an export refund.
- (2) Given the present situation on the sugar market, export refunds should therefore be fixed in accordance with the rules and certain criteria provided for in Articles 32 and 33 of Regulation (EC) No 318/2006.

- (3) The first subparagraph of Article 33(2) of Regulation (EC) No 318/2006 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund according to destination.
- (4) Refunds should be granted only on products that are allowed to move freely in the Community and that comply with the requirements of Regulation (EC) No 318/2006.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

*Article 1*

Export refunds as provided for in Article 32 of Regulation (EC) No 318/2006 shall be granted on the products and for the amounts set out in the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on 8 August 2008.

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

Done at Brussels, 7 August 2008.

*For the Commission*

Jean-Luc DEMARTY

*Director-General for Agriculture and  
Rural Development*

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

## ANNEX

**Export refunds on white and raw sugar exported without further processing applicable from 8 August 2008**

Product code	Destination	Unit of measurement	Amount of refund
1701 11 90 9100	S00	EUR/100 kg	14,72 <sup>(1)</sup>
1701 11 90 9910	S00	EUR/100 kg	14,72 <sup>(1)</sup>
1701 12 90 9100	S00	EUR/100 kg	14,72 <sup>(1)</sup>
1701 12 90 9910	S00	EUR/100 kg	14,72 <sup>(1)</sup>
1701 91 00 9000	S00	EUR/1 % sucrose × 100 kg of net product	0,1601
1701 99 10 9100	S00	EUR/100 kg	16,01
1701 99 10 9910	S00	EUR/100 kg	16,01
1701 99 10 9950	S00	EUR/100 kg	16,01
1701 99 90 9100	S00	EUR/1 % sucrose × 100 kg of net product	0,1601

NB: The destinations are defined as follows:

S00 — All destinations with the exception of:

- (a) third countries: Andorra, Liechtenstein, the Holy See (Vatican City State), Croatia, Bosnia-Herzegovina, Serbia (\*), Montenegro, Albania and the former Yugoslav Republic of Macedonia;
- (b) territories of the EU Member States not forming part of the customs territory of the Community: the Faeroe Islands, Greenland, Heligoland, Ceuta, Melilla, the Communes of Livigno and Campione d'Italia, and the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control;
- (c) European territories for whose external relations a Member State is responsible and not forming part of the customs territory of the Community: Gibraltar.

(\*) Including Kosovo, under the aegis of the United Nations, pursuant to UN Security Council Resolution 1244 of 10 June 1999.

<sup>(1)</sup> This amount is applicable to raw sugar with a yield of 92 %. Where the yield for exported raw sugar differs from 92 % the refund amount applicable shall be multiplied, for each exporting operation concerned, by a conversion factor obtained by dividing by 92 the yield of the raw sugar exported, calculated in accordance with paragraph 3 of Point III of the Annex I of Regulation (EC) No 318/2006.

**COMMISSION REGULATION (EC) No 792/2008****of 7 August 2008****fixing the maximum export refund for white sugar in the framework of the standing invitation to tender provided for in Regulation (EC) No 900/2007**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 318/2006 of 20 February 2006 on the common organisation of the markets in the sugar sector<sup>(1)</sup>, and in particular the second subparagraph and point (b) of the third subparagraph of Article 33(2) thereof,

Whereas:

- (1) Commission Regulation (EC) No 900/2007 of 27 July 2007 on a standing invitation to tender to determine refunds on exports of white sugar for the 2007/08 marketing year<sup>(2)</sup> requires the issuing of partial invitations to tender.
- (2) Pursuant to Article 8(1) of Regulation (EC) No 900/2007 and following an examination of the tenders submitted

in response to the partial invitation to tender ending on 7 August 2008, it is appropriate to fix a maximum export refund for that partial invitation to tender.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

For the partial invitation to tender ending on 7 August 2008, the maximum export refund for the product referred to in Article 1(1) of Regulation (EC) No 900/2007 shall be 26,005 EUR/100 kg.

*Article 2*

This Regulation shall enter into force on 8 August 2008.

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

Done at Brussels, 7 August 2008.

*For the Commission*

Jean-Luc DEMARTY

*Director-General for Agriculture and  
Rural Development*

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

<sup>(2)</sup> OJ L 196, 28.7.2007, p. 26. Regulation as last amended by Commission Regulation (EC) No 148/2008 by Commission Regulation (OJ L 46, 21.2.2008, p. 9).



**COMMISSION REGULATION (EC) No 793/2008****of 7 August 2008****establishing that no award shall be made in the framework of the standing invitation to tender of white sugar provided for in Regulation (EC) No 1060/2007**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 318/2006 of 20 February 2006 on the common organisation of the markets in the sugar sector<sup>(1)</sup>, and in particular the second subparagraph and point (b) of the third subparagraph of Article 33(2) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1060/2007 of 14 September 2007 opening a standing invitation to tender for the resale for export of sugar held by the intervention agencies of Belgium, the Czech Republic, Spain, Ireland, Italy, Hungary, Poland, Slovakia and Sweden<sup>(2)</sup> requires the issuing of partial invitations to tender.

- (2) Pursuant to Article 4(1) of Regulation (EC) No 1060/2007 and following an examination of the tenders submitted in response to the partial invitation to tender ending on 6 August 2008, it is appropriate to decide that no award shall be made for that partial invitation to tender.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

For the partial invitation to tender ending on 6 August 2008, for the product referred to in Article 1(1) of Regulation (EC) No 1060/2007, no award shall be made.

*Article 2*

This Regulation shall enter into force on 8 August 2008.

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

Done at Brussels, 7 August 2008.

*For the Commission*

Jean-Luc DEMARTY

*Director-General for Agriculture and  
Rural Development*

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

<sup>(2)</sup> OJ L 242, 15.9.2007, p. 8. Regulation as last amended by Regulation (EC) No 148/2008 (OJ L 46, 21.2.2008, p. 9).

**COMMISSION REGULATION (EC) No 794/2008****of 7 August 2008****fixing the export refunds on syrups and certain other sugar products exported without further processing**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 318/2006 of 20 February 2006 on the common organisation of the market in the sugar sector<sup>(1)</sup>, and in particular the second subparagraph of Article 33(2) thereof,

Whereas:

- (1) Article 32 of Regulation (EC) No 318/2006 provides that the difference between prices on the world market for the products listed in Article 1(1)(c), (d) and (g) of that Regulation and prices for those products on the Community market may be covered by an export refund.
- (2) Given the present situation on the sugar market, export refunds should therefore be fixed in accordance with the rules and certain criteria provided for in Articles 32 and 33 of Regulation (EC) No 318/2006.
- (3) The first subparagraph of Article 33(2) of Regulation (EC) No 318/2006 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund according to destination.
- (4) Refunds should be granted only on products that are allowed to move freely in the Community and that comply with the requirements of Commission Regulation (EC) No 951/2006 of 30 June 2006 laying down detailed

rules for the implementation of Regulation (EC) No 318/2006 as regards trade with third countries in the sugar sector<sup>(2)</sup>.

- (5) Export refunds may be set to cover the competitive gap between Community and third country's exports. Community exports to certain close destinations and to third countries granting Community products a preferential import treatment are currently in a particular favourable competitive position. Therefore, refunds for exports to those destinations should be abolished.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. Export refunds as provided for in Article 32 of Regulation (EC) No 318/2006 shall be granted on the products and for the amounts set out in the Annex to this Regulation subject to the conditions provided for in paragraph 2 of this Article.
2. To be eligible for a refund under paragraph 1 products must meet the relevant requirements laid down in Articles 3 and 4 of Regulation (EC) No 951/2006.

*Article 2*

This Regulation shall enter into force on 8 August 2008.

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

Done at Brussels, 7 August 2008.

*For the Commission*

Jean-Luc DEMARTY

*Director-General for Agriculture and  
Rural Development*

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

<sup>(2)</sup> OJ L 178, 1.7.2006, p. 24. Regulation as last amended by Regulation (EC) No 514/2008 (OJ L 150, 10.6.2008, p. 7).

## ANNEX

**Export refunds on syrups and certain other sugar products exported without further processing applicable from 8 August 2008**

Product code	Destination	Unit of measurement	Amount of refund
1702 40 10 9100	S00	EUR/100 kg dry matter	16,01
1702 60 10 9000	S00	EUR/100 kg dry matter	16,01
1702 60 95 9000	S00	EUR/1 % sucrose × 100 kg of net product	0,1601
1702 90 30 9000	S00	EUR/100 kg dry matter	16,01
1702 90 71 9000	S00	EUR/1 % sucrose × 100 kg of net product	0,1601
1702 90 95 9100	S00	EUR/1 % sucrose × 100 kg of net product	0,1601
1702 90 95 9900	S00	EUR/1 % sucrose × 100 kg of net product	0,1601 <sup>(1)</sup>
2106 90 30 9000	S00	EUR/100 kg dry matter	16,01
2106 90 59 9000	S00	EUR/1 % sucrose × 100 kg of net product	0,1601

NB: The destinations are defined as follows:

S00 — All destinations with the exception of:

- (a) third countries: Andorra, Liechtenstein, the Holy See (Vatican City State), Croatia, Bosnia-Herzegovina, Serbia (\*), Montenegro, Albania and the former Yugoslav Republic of Macedonia;
- (b) territories of the EU Member States not forming part of the customs territory of the Community: the Faeroe Islands, Greenland, Heligoland, Ceuta, Melilla, the Communes of Livigno and Campione d'Italia, and the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control;
- (c) European territories for whose external relations a Member State is responsible and not forming part of the customs territory of the Community: Gibraltar.

(\* Including Kosovo, under the aegis of the United Nations, pursuant to UN Security Council Resolution 1244 of 10 June 1999.

(<sup>1</sup>) The basic amount is not applicable to the product defined under point 2 of the Annex to Commission Regulation (EEC) No 3513/92 (OJ L 355, 5.12.1992, p. 12).

**COMMISSION REGULATION (EC) No 795/2008****of 7 August 2008****fixing the export refunds on pigmeat**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) <sup>(1)</sup>, and in particular Article 164(2), final subparagraph, and Article 170 thereof,

Whereas:

- (1) Article 162(1) of Regulation (EC) No 1234/2007 provides that the difference between prices on the world market for the products listed in Part XVII of Annex I to that Regulation and prices for those products on the Community market may be covered by an export refund.
- (2) Given the present situation on the market in pigmeat, export refunds should therefore be fixed in accordance with the rules and criteria provided for in Articles 162 to 164, 167, 169 and 170 of Regulation (EC) No 1234/2007.
- (3) Article 164(1) of Regulation (EC) No 1234/2007 provides that the refund may vary according to destination, especially where the world market situation, the specific requirements of certain markets, or obligations resulting from agreements concluded in accordance with Article 300 of the Treaty make this necessary.
- (4) Refunds should be granted only on products that are allowed to move freely in the Community and that bear the health mark as provided for in Article 5(1)(a)

of Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin <sup>(2)</sup>. Those products must also satisfy the requirements laid down in Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs <sup>(3)</sup> and Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption <sup>(4)</sup>.

- (5) The Management Committee for the Common Organisation of Agricultural Markets has not delivered an opinion within the time limit set by its Chairman,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. Export refunds as provided for in Article 164 of Regulation (EC) No 1234/2007 shall be granted on the products and for the amounts set out in the Annex to this Regulation subject to the condition provided for in paragraph 2 of this Article.

2. The products eligible for a refund under paragraph 1 must meet the relevant requirements of Regulations (EC) Nos 852/2004 and 853/2004, notably preparation in an approved establishment and compliance with the health marking requirements laid down in Annex I, Section I, Chapter III to Regulation (EC) No 854/2004.

*Article 2*

This Regulation shall enter into force on 8 August 2008.

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

Done at Brussels, 7 August 2008.

*For the Commission*

Jean-Luc DEMARTY

*Director-General for Agriculture and  
Rural Development*

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

<sup>(2)</sup> OJ L 139, 30.4.2004, p. 55. Corrigendum in OJ L 226, 25.6.2004, p. 22. Regulation as last amended by Regulation (EC) No 1243/2007 (OJ L 281, 25.10.2007, p. 8).

<sup>(3)</sup> OJ L 139, 30.4.2004, p. 1. Corrigendum in OJ L 226, 25.6.2004, p. 3.

<sup>(4)</sup> OJ L 139, 30.4.2004, p. 206. Corrigendum in OJ L 226, 25.6.2004, p. 83. Regulation as last amended by Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p. 1).

## ANNEX

**Export refunds on pigmeat applicable from 8 August 2008**

Product code	Destination	Unit of measurement	Amount of refund
0210 11 31 9110	A00	EUR/100 kg	54,20
0210 11 31 9910	A00	EUR/100 kg	54,20
0210 19 81 9100	A00	EUR/100 kg	54,20
0210 19 81 9300	A00	EUR/100 kg	54,20
1601 00 91 9120	A00	EUR/100 kg	19,50
1601 00 99 9110	A00	EUR/100 kg	15,20
1602 41 10 9110	A00	EUR/100 kg	29,00
1602 41 10 9130	A00	EUR/100 kg	17,10
1602 42 10 9110	A00	EUR/100 kg	22,80
1602 42 10 9130	A00	EUR/100 kg	17,10
1602 49 19 9130	A00	EUR/100 kg	17,10

NB: The product codes and the 'A' series destination codes are set out in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1) as amended.

**COMMISSION REGULATION (EC) No 796/2008****of 5 August 2008****establishing a prohibition of fishing for hake in IIIa; EC waters of IIIb, IIIc and IIId by vessels flying the flag of Germany**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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 <sup>(1)</sup>, and in particular Article 26(4) thereof,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to common fisheries policy <sup>(2)</sup>, and in particular Article 21(3) thereof,

Whereas:

- (1) Council Regulation (EC) No 40/2008 of 16 January 2008 fixing 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 <sup>(3)</sup>, lays down quotas for 2008.
- (2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2008.

- (3) It is therefore necessary to prohibit fishing for that stock and its retention on board, transshipment and landing,

HAS ADOPTED THIS REGULATION:

*Article 1***Quota exhaustion**

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2008 shall be deemed to be exhausted from the date set out in that Annex.

*Article 2***Prohibitions**

Fishing for the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein shall be prohibited from the date set out in that Annex. It shall be prohibited to retain on board, tranship or land such stock caught by those vessels after that date.

*Article 3***Entry into force**

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

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

Done at Brussels, 5 August 2008.

*For the Commission*

Fokion FOTIADIS

*Director-General for Fisheries and Maritime Affairs*

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

<sup>(2)</sup> 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).

<sup>(3)</sup> OJ L 19, 23.1.2008, p. 1. Regulation as last amended by Regulation (EC) No 718/2008 (OJ L 198, 26.7.2008, p. 8).

## ANNEX

No	23/T&Q
Member State	Germany
Stock	HKE/3A/BCD
Species	Hake ( <i>Merluccius merluccius</i> )
Area	IIIa; EC waters of IIIb, IIIc, and IIId
Date	29.6.2008

**COMMISSION REGULATION (EC) No 797/2008****of 7 August 2008****amending the rates of refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex I to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 318/2006 of 20 February 2006 on the common organisation of the market in the sugar sector <sup>(1)</sup>, and in particular Article 33(2)(a) and (4) thereof,

Whereas:

- (1) The rates of the refunds applicable from 25 July 2008 to the products listed in the Annex, exported in the form of goods not covered by Annex I to the Treaty, were fixed by Commission Regulation (EC) No 716/2008 <sup>(2)</sup>.

- (2) It follows from applying the rules and criteria contained in Regulation (EC) No 716/2008 to the information at present available to the Commission that the export refunds at present applicable should be altered as shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

*Article 1*

The rates of refund fixed by Regulation (EC) No 716/2008 are hereby altered as shown in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 8 August 2008.

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

Done at Brussels, 7 August 2008.

*For the Commission*

Heinz ZOUREK

*Director-General Enterprise and Industry*

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

<sup>(2)</sup> OJ L 197, 25.7.2008, p. 52.



## ANNEX

**Rates of refunds applicable from 8 August 2008 to certain products from the sugar sector exported in the form of goods not covered by Annex I to the Treaty <sup>(1)</sup>**

CN code	Description	Rate of refund in EUR/100 kg	
		In case of advance fixing of refunds	Other
1701 99 10	White sugar	16,01	16,01

<sup>(1)</sup> The rates set out in this Annex are not applicable to exports to

- (a) third countries: Andorra, Liechtenstein, the Holy See (Vatican City State), Croatia, Bosnia-Herzegovina, Serbia (\*), Montenegro, Albania and the former Yugoslav Republic of Macedonia and to the goods listed in Tables I and II of Protocol 2 to the Agreement between the European Community and the Swiss Confederation of 22 July 1972 exported to the Swiss Confederation.
- (b) territories of the EU Member States not forming part of the customs territory of the Community: the Faeroe Islands, Greenland, Heligoland, Ceuta, Melilla, the Communes of Livigno and Campione d'Italia, and the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control;
- (c) European territories for whose external relations a Member State is responsible and not forming part of the customs territory of the Community: Gibraltar

(\*) Including Kosovo, under the aegis of the United Nations, pursuant to UN Security Council Resolution 1244 of 10 June 1999.

## DIRECTIVES

**COUNCIL DIRECTIVE 2008/71/EC**  
**of 15 July 2008**  
**on the identification and registration of pigs**  
**(Codified version)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament <sup>(1)</sup>,

Whereas:

(1) Council Directive 92/102/EEC of 27 November 1992 on the identification and registration of animals <sup>(2)</sup> has been substantially amended several times <sup>(3)</sup>. In the interests of clarity and rationality the said Directive should be codified.

(2) Pursuant to Article 3(1)(c) of Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market <sup>(4)</sup>, animals for intra-Community trade must be identified in accordance with the requirements of Community rules and be registered in such a way that the original or transit holding, centre or organisation can be traced. Before 1 January 1993, those identification and registration systems had to be extended to the movements of animals within the territory of each Member State.

(3) Article 14 of Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organisa-

tion of veterinary checks on animals entering the Community from third countries <sup>(5)</sup> states that the identification and registration provided for in Article 3(1)(c) of Directive 90/425/EEC of such animals must, except in the case of animals for slaughter and registered equidae, be carried out after the said checks have been made.

(4) It is necessary to ensure the rapid and efficient exchange of information between Member States for the correct application of this Directive. Community provisions have been laid down by Council Regulation (EC) No 515/97 of 13 March 1997 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of the law on customs and agricultural matters <sup>(6)</sup> and by Council Directive 89/608/EEC of 21 November 1989 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of legislation on veterinary and zootechnical matters <sup>(7)</sup>.

(5) Keepers of animals should maintain up-to-date records of the animals on their holdings. Persons involved in the commerce of animals should keep records of their dealings. The competent authority should have access to these records on request.

(6) In order to permit movements of animals to be traced rapidly and accurately, animals should be able to be identified. A decision should be taken at a later date to determine the nature of the mark and, pending such decision, the national systems of identification should be maintained for movements restricted to the national market.

(7) Provision should be made for the possibility of waiving the requirements for marks in the case of animals moving directly from a farm to a slaughterhouse. However, these animals should in any case be identified so that their farm of origin can be traced.

<sup>(1)</sup> Opinion of 11 March 2008 (not yet published in the Official Journal).

<sup>(2)</sup> OJ L 355, 5.12.1992, p. 32. Directive as last amended by Regulation (EC) No 21/2004 (OJ L 5, 9.1.2004, p. 8).

<sup>(3)</sup> See Annex I, Part A.

<sup>(4)</sup> OJ L 224, 18.8.1990, p. 29. Directive as last amended by Directive 2002/33/EC of the European Parliament and of the Council (OJ L 315, 19.11.2002, p. 14).

<sup>(5)</sup> OJ L 268, 24.9.1991, p. 56. Directive as last amended by Directive 2006/104/EC (OJ L 363, 20.12.2006, p. 352).

<sup>(6)</sup> OJ L 82, 22.3.1997, p. 1. Regulation as amended by Regulation (EC) No 807/2003 (OJ L 122, 16.5.2003, p. 36).

<sup>(7)</sup> OJ L 351, 2.12.1989, p. 34.

- (8) Provision should be made for the possibility of waiving the obligation to register the keepers of animals kept for personal purposes and, in order to take into account certain particular cases, the procedures for keeping registers.
- (9) In the case of animals in which the mark has become illegible or been lost, a new mark enabling a link with the previous mark to be established should be applied.
- (10) This Directive should not affect specific requirements set out in Commission Decision 89/153/EEC of 13 February 1989 concerning the correlation of samples taken for residue examination with animals and their farms of origin <sup>(1)</sup> or any relevant applicatory rules established in accordance with Directive 91/496/EEC.
- (11) Provision should be made for a management committee procedure for the adoption of any necessary implementing rules for this Directive.
- (12) This Directive should be without prejudice to the obligations of the Member States relating to the time limits for transposition into national law of the Directive set out in Annex I, Part B,
- (b) 'holding' means any establishment, construction or, in the case of an open-air farm, any place in which animals are held, kept or handled;
- (c) 'keeper' means any natural or legal person responsible, even on a temporary basis, for animals;
- (d) 'competent authority' means the central authority of a Member State competent to carry out veterinary checks or any authority to which it has delegated that competence for the purposes of implementing this Directive;
- (e) 'trade' means trade as defined in point (3) of Article 2 of Directive 90/425/EEC.

### Article 3

1. Member States shall ensure that:

- (a) the competent authority has an up-to-date list of all the holdings which keep animals covered by this Directive and are situated on its territory, specifying the keepers of the animals; such holdings must remain on that list until three consecutive years have elapsed with no animals on the holding. That list must also include the mark or marks which permit the identification of the holding in accordance with the first subparagraph of Article 5(2) and Article 8;
- (b) the Commission and the competent authority can have access to all information obtained under this Directive.

2. Member States may be authorised in accordance with the procedure referred to in Article 18 of Directive 90/425/EEC to exclude from the list in paragraph 1(a) of this Article natural persons who keep one single animal which is intended for their own use or consumption, or to take account of particular circumstances, provided that this animal is subjected to the controls laid down in this Directive before any movement.

### Article 4

1. Member States shall ensure that any keeper contained in the list provided for in Article 3(1)(a) keeps a register stating the number of animals present on the holding.

That register shall include an up-to-date record of movements (numbers of animals concerned by each entering and leaving operation) at least on the basis of aggregate movements, stating as appropriate their origin or destination, and the date of such movements.

HAS ADOPTED THIS DIRECTIVE:

### Article 1

This Directive sets out the minimum requirements for the identification and registration of pigs, without prejudice to more detailed Community rules which may be established for disease eradication or control purposes.

It shall apply without prejudice to Decision 89/153/EEC and to implementing rules laid down in accordance with Directive 91/496/EEC.

### Article 2

For the purposes of this Directive, the following definitions shall apply:

- (a) 'animal' means any animal of the *Suidae* family, excluding feral pigs as defined in Article 2(b) of Council Directive 2001/89/EC of 23 October 2001 on Community measures for the control of classical swine fever <sup>(2)</sup>;

<sup>(1)</sup> OJ L 59, 2.3.1989, p. 33.

<sup>(2)</sup> OJ L 316, 1.12.2001, p. 5. Directive as last amended by Commission Decision 2007/729/EC (OJ L 294, 13.11.2007, p. 26).

The identification mark applied in conformity with Articles 5 and 8 shall be stated in all cases.

In the case of pure-bred and hybrid pigs, which are entered in a herd-book in accordance with Council Directive 88/661/EEC of 19 December 1988 on the zootechnical standards applicable to breeding animals of the porcine species <sup>(1)</sup>, an alternative registration system based on individual identification allowing the animals to be identified may be recognised in accordance with the procedure referred to in Article 18 of Directive 90/425/EEC if it offers guarantees equivalent to a register.

2. Member States shall also ensure that:

- (a) any keeper supplies the competent authority, upon request, with all information concerning the origin, identification and, where appropriate, the destination of animals which he has owned, kept, transported, marketed or slaughtered;
- (b) any keeper of animals to be moved to or from a market or collection centre provides a document, containing details of the animals in question, to the operator, on the market or in the collection centre, who is a keeper of the animals, on a temporary basis.

That operator may use the documents obtained in accordance with the first subparagraph to carry out the obligations laid down in the third subparagraph of paragraph 1;

- (c) the registers and information are available on the holding and to the competent authority, upon request, for a minimum period to be determined by the competent authority but which may not be less than three years.

#### Article 5

1. Member States shall ensure that the following general principles are respected:

- (a) identification marks must be applied before animals leave the holding of birth;
- (b) no mark may be removed or replaced without the permission of the competent authority.

Where a mark has become illegible or has been lost, a new mark shall be applied in accordance with this Article;

<sup>(1)</sup> OJ L 382, 31.12.1988, p. 36. Directive as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

- (c) the keeper shall record any new mark in the register referred to in Article 4 in order to establish a link with the previous mark applied to the animal.

2. Animals must be marked as soon as possible, and in any case before they leave the holding, with an eartag or tattoo making it possible to determine the holding from which they came and enabling reference to be made to any accompanying document which must mention such eartag or tattoo and to the list referred to in Article 3(1)(a).

Member States may, by derogation from the second subparagraph of Article 3(1)(c) of Directive 90/425/EEC, apply their national systems for all movements of animals in their territories. Such systems must enable the holding from which they came and the holding on which they were born to be identified. Member States shall notify the Commission of the systems which they intend to introduce for this purpose. In accordance with the procedure referred to in Article 18 of Directive 90/425/EEC, a Member State may be asked to make amendments to its system where it does not fulfil that requirement.

Animals bearing a temporary mark identifying a consignment must be accompanied throughout their movement by a document which enables the origin, ownership, place of departure and destination to be determined.

#### Article 6

1. Where the competent authority of the Member State of destination decides not to keep the identification mark allocated to the animal in the holding of origin all charges incurred as a result of replacing the mark shall be borne by that authority. Where the mark has been so replaced, a link shall be established between the identification allocated by the competent authority of the Member State of dispatch and the new identification allocated by the competent authority of the Member State of destination; that link shall be recorded in the register provided for in Article 4.

The option in the first subparagraph may not be invoked in the case of animals intended for slaughter which are imported under Article 8 without bearing a new mark in accordance with Article 5.

2. Where the animals have been traded, the competent authority of the Member State of destination may, for the purposes of Article 5 of Directive 90/425/EEC, have recourse to Article 4 of Directive 89/608/EEC in order to obtain the information relating to the animals, their herd of origin and any movement to which they have been subject.

*Article 7*

Member States shall ensure that any information relating to movements of animals not accompanied by a certificate or a document required by veterinary or zootechnical legislation remains available to the competent authority, upon request, for a minimum period to be set by the latter.

*Article 8*

Any animal imported from a third country which has passed the checks laid down by Directive 91/496/EEC and which remains within Community territory shall, within thirty days of undergoing those checks, and, in any event, before their movement, be identified by a mark complying with Article 5 of this Directive unless the holding of destination is a slaughterhouse situated on the territory of the competent authority responsible for veterinary checks and the animal is actually slaughtered within that 30-day period.

A link shall be established between the identification established by the third country and the identification allocated to it by the Member State of destination. That link shall be recorded in the register provided for in Article 4.

*Article 9*

Member States shall adopt necessary administrative and/or penal measures to punish any infringement of Community veterinary legislation, where it is established that the marking or identification or the keeping of registers provided for in Article 4 has not been carried out in conformity with the requirements of this Directive.

*Article 10*

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

*Article 11*

Directive 92/102/EEC, as amended by the acts listed in Annex I, Part A, is repealed, without prejudice to the obligations of the Member States relating to the time limits for transposition into national law of the Directive set out in Annex I, Part B.

References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table set out in Annex II.

*Article 12*

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

*Article 13*

This Directive is addressed to the Member States.

Done at Brussels, 15 July 2008.

*For the Council*  
*The President*  
M. BARNIER

## ANNEX I

## PART A

**Repealed Directive with list of its successive amendments**

(referred to in Article 11)

Council Directive 92/102/EEC  
(OJ L 355, 5.12.1992, p. 32)

Point V.E.I.4.6. of Annex I to the 1994 Act of Accession  
(OJ C 241, 29.8.1994, p. 21)

Council Regulation (EC) No 21/2004  
(OJ L 5, 9.1.2004, p. 8)

only Article 15

## PART B

**List of time limits for transposition into national law**

(referred to in Article 11)

Directive	Time limit for transposition <sup>(1)</sup>
92/102/EEC	31.12.1993 <sup>(2)</sup> 31.12.1995 <sup>(3)</sup>

<sup>(1)</sup> The setting of the deadline for transposition into national law at 1 January 1994 shall be without prejudice to the abolition of veterinary checks at frontiers provided for in Directive 90/425/EEC (see Article 11(3) of Directive 92/102/EEC).

<sup>(2)</sup> For the requirements regarding porcine animals (see the first indent of Article 11(1) of Directive 92/102/EEC).

<sup>(3)</sup> For Finland, as concerns the requirements for bovine animals, swine, sheep and goats (see the second indent of Article 11(1) of Directive 92/102/EEC).

## ANNEX II

## CORRELATION TABLE

Directive 92/102/EEC	This Directive
Articles 1, 2 and 3	Articles 1, 2 and 3
Article 4(1)(a)	Article 4(1)
Article 4(2)	—
Article 4(3)	Article 4(2)
Article 5(1), points (a), (b) and (c)	Article 5(1), points (a), (b) and (c)
Article 5(1)(d)	—
Article 5(3)	Article 5(2)
Articles 6 to 9	Articles 6 to 9
Article 10	—
Article 11(1)	—
Article 11(2)	Article 10
Article 11(3)	—
—	Article 11
—	Article 12
Article 12	Article 13
—	Annex I
—	Annex II

## II

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

## DECISIONS

## COUNCIL

## COUNCIL DECISION

of 15 July 2008

**appointing a Finnish member of the Economic and Social Committee**

(2008/647/EC, Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Community, and in particular Article 259 thereof,

*Article 1*

Mr Thomas PALMGREN, Manager of International Relations, Suomen Yrittäjät (Federation of Finnish Enterprises), is hereby appointed a member of the Economic and Social Committee for the remainder of the term of office, which runs until 20 September 2010.

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 167 thereof,

*Article 2*

This Decision shall take effect on the date of its adoption.

Having regard to Decision 2006/651/EC, Euratom <sup>(1)</sup>,

Having regard to the proposal submitted by the Finnish Government,

Done at Brussels, 15 July 2008.

Having obtained the opinion of the Commission,

Whereas:

A member's seat on the Economic and Social Committee has fallen vacant following the resignation of Mr Eero LEHTI,

*For the Council*

*The President*

M. BARNIER

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<sup>(1)</sup> OJ L 269, 28.9.2006, p. 13. Decision as amended by Decision 2007/622/EC, Euratom (OJ L 253, 28.9.2007, p. 39).



**COUNCIL DECISION**  
**of 15 July 2008**  
**appointing a German member of the European Economic and Social Committee**  
(2008/648/EC, Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Community, and in particular Article 259 thereof,

*Article 1*

Mr Bernd DITTMANN, Managing Director Europe of the Federation of German Industries (*Bundesverband der Deutschen Industrie* — BDI), is hereby appointed a member of the European Economic and Social Committee for the remainder of the current term of office, ending on 20 September 2010.

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 167 thereof,

Having regard to Decision 2006/524/EC, Euratom <sup>(1)</sup>,

*Article 2*

This Decision shall take effect on the date of its adoption.

Having regard to the proposal from the German Government,

Having regard to the opinion of the Commission,

Done at Brussels, 15 July 2008.

Whereas a seat as a member of the European Economic and Social Committee has fallen vacant as a result of the resignation of Mr Ludolf VON WARTENBERG,

*For the Council*

*The President*

M. BARNIER

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<sup>(1)</sup> OJ L 207, 28.7.2006, p. 30.

# COMMISSION

## COMMISSION DECISION

of 3 July 2008

**accepting an undertaking offered in connection with the anti-dumping proceeding concerning imports of solutions of urea and ammonium nitrate originating in Russia**

(2008/649/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community<sup>(1)</sup> (the basic Regulation), and in particular Articles 8 and 9 thereof,

After consulting the Advisory Committee,

Whereas:

### A. PROCEDURE

- (1) The Council, by Regulation (EC) No 1995/2000<sup>(2)</sup>, imposed a definitive anti-dumping duty on imports of solutions of urea and ammonium nitrate (product concerned) originating, *inter alia*, in Russia. Following an expiry review initiated in September 2005, the Council, by Regulation (EC) No 1911/2006<sup>(3)</sup>, renewed for five years these measures at their current level.
- (2) The Commission announced on 19 December 2006 the initiation of a partial interim review of those measures by a notice of initiation published in the *Official Journal of the European Union*<sup>(4)</sup> upon request of the Open Joint Stock Company (OJSC) 'Mineral and Chemical Company Eurochem', the holding company of OJSC Novomoskovskiy Azot and OJSC Nevinnomyssky Azot, Russia (the exporting producer).

<sup>(1)</sup> OJ L 56, 6.3.1996, p. 1. Regulation as last amended by Regulation (EC) No 2117/2005 (OJ L 340, 23.12.2005, p. 17).

<sup>(2)</sup> OJ L 238, 22.9.2000, p. 15. Regulation as amended by Regulation (EC) No 1675/2003 (OJ L 238, 25.9.2003, p. 4).

<sup>(3)</sup> OJ L 365, 21.12.2006, p. 26.

<sup>(4)</sup> OJ C 311, 19.12.2006, p. 51.

- (3) The definitive findings and conclusions of the partial interim review concerning the exporting producer were set out in Council Regulation (EC) No 238/2008<sup>(5)</sup>. During the interim review the exporting producer expressed an interest in offering a price undertaking but failed to submit a duly substantiated offer within the deadline as set out in Article 8(2) of the basic Regulation. However, as stated in the abovementioned Regulation, the Council considered that the exporting producer should exceptionally be allowed to complete its undertaking offer within 10 calendar days from entry into force of that Regulation due to reasons set out in recitals 57 and 58 of Regulation (EC) No 238/2008. Subsequent to the publication of the abovementioned Regulation and within the deadline as set out in that Regulation, the exporting producer submitted an acceptable price undertaking offer in accordance with Article 8(1) of the basic Regulation.

### B. UNDERTAKING

- (4) The exporting producer offered to sell the product concerned falling under CN code 3102 80 00 at or above price levels which eliminate the injurious effects of dumping. In addition, the offer made foresees the indexation of the minimum price in accordance with public international quotations of the product concerned, given that the prices of the product concerned vary significantly. The exporting producer also offered to respect a certain quantitative ceiling in order to avoid that its imports could influence the prices in France as those prices serve as a basis for the indexation. The level of the quantitative ceiling is set in total around 10 % of the total Community consumption of the product concerned.
- (5) Moreover, the exporting producer — in order to reduce the risk of price violation by means of cross-compensation of the prices — offered not to sell the product covered by the undertaking to the same customers in the European Community to which they sell other products, with the exception of certain other products for which the exporting producer undertakes to respect a specific price regime.

<sup>(5)</sup> OJ L 75, 18.3.2008, p. 14.

- (6) The exporting producer will also provide the Commission with regular and detailed information concerning its exports to the Community, so that the undertaking can be monitored effectively by the Commission. Furthermore, the sales structure of the exporting producer is such that the Commission considers that the risk of circumventing the undertaking is limited.
- (7) Subsequent to the disclosure of the undertaking offer, the Community industry objected to this undertaking offer. The Community industry argued that the prices of the product concerned are volatile and that an indexation of the minimum price based on the quoted prices of the product concerned is not workable under all market conditions, in particular it would not be workable in a supply driven market, i.e. a market situation in which the buyer can determine the prices due to high supply. Therefore the Community industry suggested to base the indexation of the minimum prices on the prices of natural gas as quoted at Waidhaus. However, in this regard it has to be noted that a natural gas price based indexation is not considered to be feasible in this case due to the poor correlation of the product concerned and natural gas prices. As concerns the Community industry's comments that on a supply driven market the current indexation formula will not be workable, it is noted that the Commission will monitor this undertaking and should *prima facie* evidence exist that the undertaking is no longer workable, the Commission should act expeditiously to remedy the situation, as set out in recital 11.
- (8) The Community industry further argued that the level of the quantitative ceiling would be too high and requested it to be set maximum at 3 % of total Community consumption. It claimed that the exporting producer would be able to influence the prices on the Community market with a higher amount and thus make the indexation of the minimum price unworkable. In this respect it should be noted that the quantitative ceiling was established at a level which was considered to (i) satisfactorily limit the risk of the exporting producer influencing the prices on the French market thus rendering the indexation formula unworkable (ii) be sufficiently high so that the undertaking remains practicable at the same time. Moreover, the Community industry failed to substantiate its argument as to how any quantity exceeding 3 % of the total Community consumption would have a detrimental impact on prices.
- (9) The Community industry proposed moreover the introduction of a 'progressive quantitative ceiling' whereby the quantitative ceiling of the exporting producer shall be increased on a yearly basis depending on the exporting producer respecting the terms of the undertaking. This suggestion is however rejected because the sole aim of the quantitative ceiling is to limit the risk of influencing the prices on which the indexation of minimum price is based. It should also be noted that in case of a breach of the undertaking, the acceptance of the undertaking as such may be withdrawn.
- (10) In view of the above, the undertaking offered by the Russian exporting producer is acceptable.
- (11) However, due to the special elements of this undertaking (i.e. in particular the indexation formula) the Commission will assess the practicability of the undertaking regularly. For its practicability assessment, the Commission will take into account, but is not restricted to, the following criteria: the prices of the product concerned in the French market; the level of the coefficient of the indexation formula; the sales prices of the exporting producer as reported by them in their quarterly sales reports; profitability of the Community industry. In particular, should this practicability assessment show that the decrease of the profitability of the Community industry is attributable to the undertaking, the Commission endeavours to withdraw the acceptance of the undertaking expeditiously in accordance with Article 8(9) of the basic Regulation.
- (12) In order to enable the Commission to monitor 'effectively the companies' compliance with the undertaking, when the request for release into free circulation is presented to the relevant customs authority, exemption from the anti-dumping duty will be conditional on (i) the presentation of an undertaking invoice containing at least the elements listed in the Annex to Council Regulation (EC) No 789/2008 <sup>(1)</sup>: (ii) the fact that imported goods are manufactured, shipped and invoiced directly by the said companies to the first independent customer in the Community; and (iii) the fact that the goods declared and presented to customs correspond precisely to the description on the undertaking invoice. Where no such invoice is presented, or when it does not correspond to the product presented to customs, the appropriate rate of anti-dumping duty shall instead be payable.
- (13) To further ensure the respect of this undertaking, importers have been made aware by the Regulation (EC) No 789/2008 that the non-fulfillment of the conditions provided for by this Regulation, or the withdrawal by the Commission of the acceptance of the undertaking, may lead to the customs debt being incurred for the relevant transactions.
- (14) In the event of a breach or withdrawal of the undertaking or in case of withdrawal of acceptance of the undertaking by the Commission, the anti-dumping duty imposed in accordance with Article 9(4) of the basic Regulation shall automatically apply pursuant to Article 8(9) of the basic Regulation,

<sup>(1)</sup> See page 14 of this Official Journal.

HAS DECIDED AS FOLLOWS:

*Article 1*

The undertaking offered by the exporting producer mentioned below in connection with the anti-dumping proceeding concerning imports of mixtures of urea and ammonium nitrate in aqueous or ammoniacal solution originating in Russia is hereby accepted.

Country	Company	Taric Additional Code
Russia	Open Joint Stock Company (OJSC) Mineral and Chemical Company 'Eurochem', member of the Eurochem group of companies, Moscow, Russia, for goods produced by its related company OJSC NAK Azot, Novomoskovsk, Russia, or by its related company OJSC Nevinnomyssky Azot, Nevinnomyssk, Russia, either sold directly to the first independent customer in the Community or the same goods sold by Eurochem Trading GmbH, Zug, Switzerland, to the first independent customer in the Community	A885

*Article 2*

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

Done at Brussels, 3 July 2008.

*For the Commission*  
Peter MANDELSON  
*Member of the Commission*

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## COMMISSION DECISION

of 30 July 2008

## amending Council Directive 82/894/EEC on the notification of animal diseases within the Community to include certain diseases in the list of notifiable diseases and to delete porcine enterovirus encephalomyelitis from that list

(notified under document number C(2008) 3943)

(Text with EEA relevance)

(2008/650/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 82/894/EEC of 21 December 1982 on the notification of animal diseases within the Community <sup>(1)</sup>, and in particular Article 5(2) thereof,

Whereas:

(1) Directive 82/894/EEC on the notification of animal diseases within the Community lays down the criteria for the notification of those animal diseases, the occurrence of which must be notified by the affected Member State to the Commission and to the other Member States.

(2) Prompt notification and information on the occurrence of these diseases within the Community is vital for controlling these diseases, as well as for the movement of and trade in live animals and animal products.

(3) In accordance with Council Directive 2006/88/EC of 24 October 2006 on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals <sup>(2)</sup>, Member States shall, in certain cases, notify the confirmation of the aquaculture animal diseases listed in Annex IV to that Directive.

(4) Annex I to Directive 82/894/EEC, listing the diseases the occurrence of which must be notified to the Commission and other Member States, includes in relation to diseases affecting fish only infectious haematopoietic necrosis, infectious salmon anaemia and viral haemorrhagic septicaemia.

(5) According to Annex IV of Directive 2006/88/EC, Epizootic haematopoietic necrosis, epizootic ulcerative syndrome, infection with *Bonamia exitiosa*, infection with *Bonamia ostreae*, infection with *Marteilia refringens*, infection with *Microcytos mackini*, infection with *Perkinsus marinus*, Koi herpes virus disease, Taura syndrome, White spot disease and Yellowhead disease are also defined as notifiable diseases.

(6) It is therefore necessary to add these diseases to Annex I of Directive 82/894/EEC and to adapt Annex II of that Council Directive to take into account certain particulars relating to aquaculture animals.

(7) Council Directive 2002/60/EC <sup>(3)</sup> deleted Teschen disease (porcine enterovirus encephalomyelitis) from the list of diseases laid down in Annex I to Council Directive 92/119/EEC <sup>(4)</sup> and thereby this disease is no longer compulsorily notifiable to the Member States' competent authorities.

(8) It is therefore appropriate to delete this disease from the list of diseases in Annex I of Directive 82/894/EEC.

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

HAS ADOPTED THIS DECISION:

## Article 1

Annexes I and II to Directive 82/894/EEC are replaced by the text in the Annex to this Decision.

## Article 2

This Decision shall apply from 1 August 2008.

<sup>(1)</sup> OJ L 378, 31.12.1982, p. 58. Directive as last amended by Commission Decision 2004/216/EC (OJ L 67, 5.3.2004, p. 27).

<sup>(2)</sup> OJ L 328, 24.11.2006, p. 14. Directive as amended by Commission Directive 2008/53/EC (OJ L 117, 1.5.2008, p. 27).

<sup>(3)</sup> OJ L 192, 20.7.2002, p. 27. Directive as last amended by Commission Decision 2007/729/EC (OJ L 294, 13.11.2007, p. 26).

<sup>(4)</sup> OJ L 62, 15.3.1993, p. 69. Directive as last amended by Commission Directive 2007/10/EC (OJ L 63, 1.3.2007, p. 24).

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 30 July 2008.

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

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## ANNEX

## ANNEX I

**Diseases which are subject to notification**A. *Diseases of terrestrial animals*

African horse sickness  
African swine fever  
Avian influenza  
Bluetongue  
Bovine spongiform encephalopathy  
Classical swine fever  
Contagious bovine pleuropneumonia  
Dourine  
Equine encephalomyelitis (of all types, including Venezuelan equine encephalomyelitis)  
Equine infectious anaemia  
Foot-and-mouth disease  
Glanders  
Lumpy skin disease  
Newcastle disease  
Peste des petits ruminants  
Rift Valley fever  
Rinderpest (cattle plague)  
Sheep and goat pox (Capripox)  
Small hive beetle (*Aethina tumida*)  
Swine vesicular disease  
Tropilaelaps mite  
Vesicular stomatitis

B. *Aquatic diseases*

Epizootic haematopoietic necrosis  
Epizootic ulcerative syndrome  
Viral haemorrhagic septicaemia  
White spot disease  
Yellowhead disease  
Taura syndrome  
Infectious haematopoietic necrosis  
Infectious salmon anaemia  
Infection with *Perkinsus marinus*  
Infection with *Microcytos mackini*  
Infection with *Marteilia refringens*  
Infection with *Bonamia ostreae*  
Infection with *Bonamia exitiosa*  
Koi herpes virus disease

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## ANNEX II

A. Information to be given under the notification required by Articles 3 and 4 in relation to primary and secondary outbreaks of the diseases listed in paragraphs A and B of Annex I:

1. Date of dispatch;
2. Time of dispatch;
3. Country of origin;
4. Name of disease and type of virus, where appropriate;
5. Serial number of outbreak;
6. Type of outbreak;
7. Reference number of outbreak linked to this outbreak;
8. Region and geographical location of the holding;
9. Other region affected by restrictions;
10. Date of confirmation;
11. Date of suspicion;
12. Date of estimation of first infection;
13. Origin of disease;
14. Control measures taken;
15. Number of susceptible animals on premises (a) cattle, (b) pigs, (c) sheep, (d) goats, (e) poultry, (f) equidae, (g) in the case of diseases of aquaculture animals the weight or the number  $\times$  1 000 of susceptible animals must be given (h) wild species, (i) in the case of diseases of bees the number of susceptible hives must be given;
16. Number of animals clinically affected on premises (a) cattle, (b) pigs, (c) sheep, (d) goats, (e) poultry, (f) equidae, (g) in the case of diseases of aquaculture animals the weight or the number  $\times$  1 000 of clinically affected animals must be given, (h) wild species, (i) in the case of diseases of bees the number of clinically affected hives must be given;
17. Number of animals that have died on premises (a) cattle, (b) pigs, (c) sheep, (d) goats, (e) poultry, (f) equidae, (g) in the case of diseases of aquaculture animals the weight or the number  $\times$  1 000 of animals that have died in the premises must be given, (h) wild species;
18. Number of stock slaughtered (a) cattle, (b) pigs, (c) sheep, (d) goats, (e) poultry, (f) equidae, (g) in the case of diseases of aquaculture animals, where applicable (only for crustaceans and fish) the weight or the number  $\times$  1 000 of animals that have been slaughtered must be given, (h) wild species;
19. Number of carcasses destroyed (a) cattle, (b) pigs, (c) sheep, (d) goats, (e) poultry, (f) equidae, (g) in the case of diseases of aquaculture animals, where applicable, the weight or number  $\times$  1 000 of animals that have been removed and disposed of must be given, (h) wild species, (i) in the case of diseases of bees the number of destroyed hives must be given;
20. (Estimated) date of completion of killing (where applicable);
21. (Estimated) date of completion of destruction (where applicable).

B. In the case of swine fever the additional information:

1. Distance from nearest pig holding;
2. Number and type (breeding, fattening and piglets<sup>(1)</sup>) of pigs on the infected premises);
3. Number and type of pigs (breeding, fattening and piglets<sup>(1)</sup>) clinically affected on the infected premises);
4. Method of diagnosis;
5. If not on premises then whether confirmed in a slaughterhouse or in a means of transport;
6. Confirmation of primary cases<sup>(2)</sup> in feral pigs.

<sup>(1)</sup> Animals under approximately three months old.

<sup>(2)</sup> A primary case of swine fever in feral pigs means those cases occurring in free areas, i.e. outside of restricted areas for classical swine fever in feral pigs.



C. In the case of diseases of aquaculture animals as listed in paragraph B of Annex I:

- confirmation of any outbreak of exotic diseases and of outbreaks of non-exotic diseases in previously disease-free Member States, zones or compartments as defined in Directive 2006/88/EC must be notified as primary outbreaks. The name and description of the zone or compartment must be included in the free text,
  - other outbreaks than those mentioned in the paragraph above are to be considered as secondary outbreaks, in accordance with Article 4(1) of this Directive,
  - secondary outbreaks of diseases of aquaculture animals shall be notified on a monthly basis.'
-

## III

(Acts adopted under the EU Treaty)

## ACTS ADOPTED UNDER TITLE V OF THE EU TREATY

## COUNCIL DECISION 2008/651/CFSP/JHA

of 30 June 2008

**on the signing, on behalf of the European Union, of an Agreement between the European Union and Australia on the processing and transfer of European Union-sourced passenger name record (PNR) data by air carriers to the Australian Customs Service**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 24 and 38 thereof,

Whereas:

- (1) On 28 February 2008 the Council decided to authorise the Presidency, assisted by the Commission, to open negotiations for an Agreement between the European Union and Australia on the processing and transfer of European Union-sourced passenger name record (PNR) data by air carriers to the Australian Customs Service. Those negotiations have been successful and a draft Agreement has been drawn up.
- (2) This Agreement contains detailed assurances for the protection of PNR data transferred from the European Union concerning passenger flights to or from Australia.
- (3) Australia and the European Union will periodically review the implementation of the Agreement, so as to allow the Parties, in the light of such a review, to take any action deemed necessary.
- (4) The Agreement should be signed, subject to its conclusion at a later date.
- (5) Article 15(2) of the Agreement provides that the Agreement will be applied provisionally as of the date of signature. Member States should therefore give effect to its provisions as from that date in conformity with existing domestic law. A Declaration to that effect will be made at the time of signature of the Agreement,

HAS DECIDED AS FOLLOWS:

*Article 1*

The signing of the Agreement between the European Union and Australia on the processing and transfer of European Union-sourced passenger name record (PNR) data by air carriers to the Australian Customs Service, is hereby approved on behalf of the European Union, subject to the conclusion of the said Agreement.

The text of the Agreement is attached to this Decision.

*Article 2*

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement on behalf of the European Union, subject to its conclusion.

*Article 3*

In accordance with Article 15(2) of the Agreement, the provisions of the Agreement shall be applied on a provisional basis in conformity with existing domestic law as of the date of its signature, pending its entry into force. The annexed Declaration on provisional application is to be made at the time of signature.

Done at Brussels, 30 June 2008.

*For the Council*  
*The President*  
D. RUPEL

## ANNEX

**Declaration to be made on behalf of the European Union at the time of the signature of the Agreement between the European Union and Australia on the processing and transfer of European Union-sourced passenger name record (PNR) data by air carriers to the Australian customs service**

'This Agreement, while not derogating from or amending the legislation of the EU or its Member States, will, pending its entry into force, be implemented provisionally by the Member States in good faith, in the framework of their existing national laws.'

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**AGREEMENT****between the European Union and Australia on the processing and transfer of European Union-sourced passenger name record (PNR) data by air carriers to the Australian customs service**

THE EUROPEAN UNION

of the one part, and

AUSTRALIA

of the other part,

DESIRING effectively to prevent and combat terrorism and related crimes and other serious crimes, including organised crime, that are transnational in nature as a means of protecting their respective democratic societies and common values,

RECOGNISING that information sharing is an essential component of the fight against terrorism and related crimes and other serious crimes, including organised crime, that are transnational in nature, and that in this context, the use of passenger name record (PNR) data is an important tool,

RECOGNISING that, in order to safeguard public security and for law enforcement purposes, rules should be laid down to govern the transfer of European Union-sourced PNR data by air carriers to the Australian Customs Service,

RECOGNISING the importance of preventing and combating terrorism and related crimes and other serious crimes, including organised crime, that are transnational in nature, while respecting fundamental rights and freedoms, in particular privacy and data protection,

RECOGNISING that European Union and Australian data-protection law, policy and principles share a common basis and that any differences in the implementation of these principles should not present an obstacle to cooperation between the European Union and Australia pursuant to this Agreement,

HAVING REGARD to Article 17 of the International Covenant on Civil and Political Rights on the right to privacy,

HAVING REGARD to Article 6(2) of the Treaty on European Union on respect for fundamental rights, and in particular to the fundamental rights to privacy and the protection of personal data,

HAVING REGARD to the relevant provisions of the Customs Act 1901 of the Commonwealth (Cth), and in particular section 64AF thereof whereby, if requested, all international passenger air service operators, flying to, from or through Australia, are required to provide the Australian Customs Service with PNR data, to the extent that they are collected and contained in the air carrier's reservations and departure control systems, in a particular manner and form; and to the Customs Administration Act 1985 (Cth), the Migration Act 1958 (Cth), the Crimes Act 1914 (Cth), the Privacy Act 1988 (Cth) and the Freedom of Information Act 1982 (Cth),

NOTING the European Union's commitment to ensuring that air carriers with reservations systems, departure control systems and/or PNR data processed within the EU are not prevented from complying with Australian law regarding the transfer of European Union-sourced PNR data to the Australian Customs Service pursuant to this Agreement,

AFFIRMING that this Agreement does not constitute a precedent for any future discussions or negotiations between the European Union and Australia, or between either of the parties and any State regarding the processing and transfer of European Union-sourced PNR data or any other form of data,

SEEKING to enhance and encourage cooperation between the parties in the spirit of EU-Australian partnership,

HAVE AGREED AS FOLLOWS:

#### *Article 1*

##### **Definitions**

For the purposes of this Agreement:

- (a) 'Parties' shall mean the European Union (EU) and Australia;
- (b) 'Agreement' shall mean this Agreement and its Annex, including amendments thereof as from time to time agreed by the Parties. This Agreement shall be referred to as the EU-Australia PNR Agreement;
- (c) 'air carriers' shall mean air carriers that have reservation systems and/or PNR data processed in the territory of the Member States of the EU and operate passenger flights in international air transportation to, from or through Australia;
- (d) 'Customs' shall mean the Australian Customs Service;
- (e) 'passenger name record data' (PNR data) shall mean the record of each passenger's travel requirements which contains all information necessary for the processing of reservations and their control by the booking and participating airlines as contained in air carriers' reservation systems;
- (f) 'the Australian PNR system' shall mean the PNR system to be used by Customs after the expiry of the transition period referred to in Article 4(1) to process EU-sourced PNR data transferred by air carriers to Customs under the Agreement as specified in paragraph 11 of the Annex;
- (g) 'reservation system' shall mean an air carrier's reservations and departure control systems;
- (h) 'processing' shall mean any operation or set of operations which is performed upon personal data, whether or not by automatic means, such as collection, recording, organisation, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, blocking, erasure or destruction;
- (i) 'EU-sourced PNR data' shall mean PNR data transferred to Customs pursuant to this Agreement;
- (j) 'serious crime' shall mean conduct constituting an offence punishable by a maximum deprivation of liberty of at least four years or a more serious penalty.

#### *Article 2*

##### **Scope**

1. Australia shall ensure that Customs processes EU-sourced PNR data in accordance with this Agreement.
2. The EU shall ensure that air carriers are not prevented from complying with Australian law regarding the transfer of EU-sourced PNR data to Customs pursuant to this Agreement.

#### *Article 3*

##### **Adequacy**

Compliance with this Agreement by Customs shall, within the meaning of relevant EU data-protection law, constitute an adequate level of protection for EU-sourced PNR data transferred to Customs for the purpose of this Agreement.

#### *Article 4*

##### **Method of access**

1. Customs shall make the transition to the Australian PNR system, as defined in Article 1(f), for EU-sourced PNR data, within two years of the date of the signing of this Agreement. During that transitional period, references in this Agreement to the transfer of PNR data shall be deemed to include access to PNR data by Customs in accordance with the existing system described in paragraph 2.
2. During the transitional period Customs shall use its existing PNR system, which does not store PNR data other than in circumstances related to on-arrival examination at airports or where an offence has been committed. The existing system permits real-time, online electronic access to the data fields specified in paragraph 9 of the Annex, as contained in air carriers' reservation systems.

#### *Article 5*

##### **Purpose limitation for EU-sourced PNR data**

1. Customs shall process EU-sourced PNR data and other personal information derived therefrom strictly for the purpose of preventing and combating:

- (i) terrorism and related crimes;
- (ii) serious crimes, including organised crime, that are transnational in nature;
- (iii) flight from warrants or custody for crimes described above.

2. EU-sourced PNR data may also be processed on a case-by-case basis where necessary for the protection of the vital interests of the data subject or other persons, in particular as regards the risk of death or serious injury to the data subjects or others, or a significant public health risk, in particular as required by internationally recognised standards, such as the World Health Organisation's International Health Regulations (2005).

3. In addition, EU-sourced PNR data may also be processed on a case-by-case basis where such processing is specifically required by court order or Australian law for the purpose of supervision and accountability of public administration, including requirements under the Freedom of Information Act 1982 (Cth), Human Rights and Equal Opportunity Commission Act 1986 (Cth), the Privacy Act 1988 (Cth), the Auditor-General Act 1997 (Cth) or Ombudsman Act 1976 (Cth). If future amendments to Australian law, as communicated by Australia under Article 6, expand the scope of EU-sourced PNR data that must be processed in accordance with Article 5(3), the EU may invoke the provisions of Articles 10 and 13.

#### Article 6

##### Information on legislation concerning the Agreement

Customs shall advise the EU regarding the passage of any Australian legislation which directly relates to the protection of EU-sourced PNR data as set out in this Agreement.

#### Article 7

##### Protection of personal data of individuals

1. Australia shall provide a system, accessible by individuals regardless of their nationality or country of residence, for seeking access to, and correction of, their own personal information. The protections afforded to EU-sourced PNR data stored by Australian Government agencies under the Privacy Act 1988 (Cth) shall apply regardless of the nationality or country of residence of the individual.

2. Customs shall process EU-sourced PNR data received and treat individuals concerned by such processing strictly in accordance with the data-protection standards set out in this Agreement and applicable Australian laws, without discrimination, in particular on the basis of nationality or country of residence.

#### Article 8

##### Notification to individuals and public

Customs shall make publicly available, including to members of the travelling public, information regarding the processing of PNR data, including general information regarding the authority under which the data will be collected, the purpose of the data's collection, the protection that will be afforded to the data, the manner and extent to which the data may be disclosed, the procedures available for redress and contact information for persons with questions or concerns.

#### Article 9

##### Joint review of implementation

Australia and the EU shall periodically undertake a joint review of the implementation of this Agreement, including the data-protection and data-security guarantees, with a view to mutually assuring the effective implementation of the Agreement. In the review, the EU shall be represented by the European Commission's Directorate-General for Justice, Freedom and Security, including representatives of data-protection and law-enforcement authorities, and Australia shall be represented by such senior Australian Government official or officeholder as may be appropriate, or by such official as each may mutually determine to designate. The EU and Australia will mutually determine the detailed modalities of the reviews.

#### Article 10

##### Dispute settlement

Any dispute arising between the Parties under this Agreement with respect to its interpretation, application or implementation shall be settled by consultation or negotiation between the Parties; it shall not be referred to any third party or tribunal for resolution.

#### Article 11

##### Amendments and review of the agreement

1. The Parties may agree, in writing, to amend this Agreement. An amendment shall enter into force only after the Parties have completed any necessary internal requirements and thereafter on such date as the Parties may agree.

2. The Parties may undertake a review of the terms of the Agreement four years after its signing. Notwithstanding that period, if a PNR system is implemented in the European Union, this Agreement shall be reviewed if and when such a review would facilitate the functioning of the European Union's PNR system or the implementation of this Agreement.

3. Australia shall use its best endeavours to facilitate the functioning of the European Union's PNR system in the event of review.

*Article 12***Suspension of data flows**

1. The competent authorities in EU Member States may exercise their existing powers to suspend data flows to Customs in order to protect individuals with regard to the processing of their personal data where there is a substantial likelihood that the standards of protection set out in this Agreement are being infringed, there are reasonable grounds for believing that Customs is not taking or will not take adequate and timely steps to settle the case at issue and the continuing transfer would create an imminent risk of grave harm to data subjects.

2. The competent authorities in EU Member States shall make reasonable efforts in the circumstances to provide Customs with notice and an opportunity to respond, as follows: any suspension shall be preceded by notification which allows a sufficient period of time during which time Customs and the relevant competent authorities in the EU Member States shall endeavour to achieve resolution; the EU shall notify Australia of any such resolution. Any decision to invoke powers under this Article shall be communicated to Australia by the EU.

3. Any suspension shall cease as soon as the standards of protection are assured to the satisfaction of Australia and of the relevant competent authorities in the EU Member States and Australia notifies the EU accordingly.

*Article 13***Termination of the agreement**

1. Either party may terminate this Agreement at any time by notification through diplomatic channels. Termination shall take effect ninety (90) days from the date of the other party being notified thereof.

2. Notwithstanding the termination of this Agreement, all EU-sourced PNR data held by competent Australian authorities pursuant to this Agreement shall continue to be processed in accordance with the data protection standards laid down herein.

3. This Agreement and any obligations thereunder, other than the obligation under Article 13(2), shall expire and cease to have effect seven years after the date of signing, unless the parties mutually agree to replace this Agreement.

*Article 14***Non-derogation from laws**

This Agreement shall not derogate from the laws of Australia or of the EU or its Member States. This Agreement shall not create or confer any right or benefit on any other person or entity, private or public, or any remedy other than as expressly stated in this Agreement.

*Article 15***Entry into force; provisional application; languages**

1. This Agreement shall enter into force on the first day of the month after the date on which the Parties have exchanged notifications indicating that they have completed their internal procedures for this purpose.

2. This Agreement shall apply provisionally as of the date of signature.

3. Done at Brussels this thirtieth day of June 2008, in two originals, in the English language. The Agreement shall also be drawn up in the Bulgarian, Czech, Danish, Dutch, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish languages, and the Parties shall approve those language versions by an exchange of diplomatic notes. Once approved, the versions in those languages shall be equally authentic.

FOR THE EUROPEAN UNION

FOR AUSTRALIA



## ANNEX

**Australian processing of EU-sourced passenger name record (PNR) data**

1. Customs shall require EU-sourced PNR data only for those passengers travelling to, from or through Australia. That includes passengers who transit through Australia with or without visas. EU-sourced PNR data accessed by Customs includes all PNR data where the travel itinerary of the passenger or the normal routing for particular flights indicates an Australian destination or stopover.

**Disclosure of EU-sourced PNR data***Disclosure within the Australian Government*

2. Customs shall only disclose EU-sourced PNR data for the purpose stated in Article 5(1) of the Agreement within Australia to the Australian Government departments and agencies listed in the Schedule to this Annex, the functions of which are directly related to Article 5 of this Agreement.
3. The Schedule may be amended, by exchange of diplomatic notes between the Parties, to include:
  - (i) any successor departments or agencies of those already listed in the Schedule; and
  - (ii) any new departments and agencies established after the commencement of this Agreement;the functions of which are directly related to Article 5(1) of this Agreement.

4. EU-sourced PNR data shall be disclosed to authorities listed in the Schedule only where necessary in response to specific written requests and on a case-by-case basis. In accordance with paragraphs 7 and 8, Customs shall release EU-sourced PNR information only after assessing the relevance of the specific request within the purposes of this Agreement. Customs shall maintain a log of such disclosures.

5. Customs shall not disclose in bulk any EU-sourced PNR data to authorities listed in the Schedule, other than EU-sourced PNR data which has been anonymised in such a way that a data subject is no longer identifiable. Such anonymised data shall be processed by the authorities listed in the Schedule only for the purpose of establishing statistics, in-depth and trend analysis, longitudinal studies and profile building related to the purpose stated in Article 5(1) of this Agreement. In any case, Customs shall not disclose in bulk any of the following EU-sourced PNR data to authorities listed in the Schedule:

- (iv) name(s);
- (vi) other names on PNR, including number of travellers on PNR;
- (vii) all available contact information (including originator information);
- (xvii) general remarks including other supplementary information (OSI), special service information (SSI) and special service request (SSR) information, to the extent that it contains any information capable of identifying a natural person; and
- (xviii) any collected advance passenger processing (APP) or advance passenger information (API) data.

*Disclosure to third country governments*

6. Customs shall disclose EU-sourced PNR data only to specific third country government authorities the functions of which are directly related to the purpose stated in Article 5(1) of the Agreement. Any such disclosure must be on a case-by-case basis and when necessary for the purpose of preventing or combating the offences listed in Article 5(1) of the Agreement. Customs shall maintain a log of such disclosures.

*Disclosure — the Customs Administration Act 1985 (Cth)*

7. Any disclosure under paragraphs 2 to 6 shall also be in accordance with section 16 of the Customs Administration Act 1985 (Cth) and the Privacy Act 1988 (Cth) which, taken together, provide that a person, body or agency to whom personal information is disclosed, shall not use or disclose the information for any purpose other than the purpose for which the information was given to the person, body or agency.



8. In disclosing EU-sourced PNR data to Australian Government authorities or third country government authorities pursuant to section 16 of the Customs Administration Act 1985 (Cth), Customs shall as a condition of disclosure, stipulate to the recipient:

- (i) that the EU-sourced PNR data must not be further disclosed without the permission of Customs, which permission shall not be granted by Customs except for the purpose stated in Article 5(1) of the Agreement or in the case of the Australian Government authorities pursuant to Article 5(2) or (3) of the Agreement;
- (ii) that the recipient must treat such EU-sourced PNR data as law-enforcement sensitive, confidential personal information of the data subject;
- (iii) other than in emergency circumstances where the life or physical safety of a data subject or of others is under threat, that the recipient must apply to the EU-sourced PNR data data-protection standards equivalent to the data-protection standards set out in the Agreement, including those relating to the data-retention period.

#### **Types of information collected**

9. Types of EU-sourced PNR data collected:

- (i) PNR locator code;
- (ii) date of reservation/issue of ticket;
- (iii) date(s) of intended travel;
- (iv) name(s);
- (v) available frequent flier and benefit information (i.e. free tickets, upgrades, etc.);
- (vi) other names on PNR, including number of travellers on PNR;
- (vii) all available contact information (including originator information);
- (viii) all available payment/billing information (not including other transaction details linked to a credit card or account and not connected to the travel transaction);
- (ix) travel itinerary for specific PNR;
- (x) travel agency/travel agent;
- (xi) code share information;
- (xii) split/divided information;
- (xiii) travel status of passenger (including confirmations and check-in status);
- (xiv) ticketing information, including ticket number, one way tickets and automated ticket fare quote;
- (xv) all baggage information;
- (xvi) seat information, including seat number;
- (xvii) general remarks including other supplementary information (OSI), special service information (SSI) and special service request (SSR) information;
- (xviii) any collected advance passenger processing (APP) or advance passenger information (API) data;
- (xix) all historical changes to the PNR data listed in numbers (i) to (xviii).

10. PNR data will at times contain certain sensitive data, namely data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, and data concerning health or sex life ('sensitive EU-sourced data'). Customs shall filter out all such sensitive EU-sourced data and shall delete all such data without any further processing.

#### **Transfer of EU-sourced PNR data**

11. Customs shall work with individual air carriers to ensure that EU-sourced PNR data transfer requirements are judicious and proportionate, consistent with the need to ensure the timeliness, accuracy and completeness of the EU-sourced PNR data.

Under normal circumstances, Customs shall require an initial transmission of EU-sourced PNR data at 72 hours before scheduled departure and shall require a maximum of only five routine transmissions of EU-sourced PNR data in respect of any particular flight. Irrespective of the 72-hour time-frame, Customs may in addition require ad hoc pushes where necessary to assist in responding to specific threats to a flight, set of flights, route or other circumstances associated with the purpose defined in Article 5(1) of this Agreement. In exercising this discretion, Customs will act judiciously and proportionately.

#### **Data retention**

12. Customs shall retain EU-sourced PNR data for no more than three-and-a-half years after the date of receipt of the PNR data by Customs, after which time the data may be archived for two further years. Archived PNR data may be accessed only on a case-by-case basis for investigative purposes.
13. Notwithstanding paragraph 12, no EU-sourced PNR data anonymised by Customs need be archived, but in any event shall not be retained by Customs or other agencies for more than five-and-a-half years after the date of receipt of the PNR data by Customs.
14. Customs must delete EU-sourced PNR data at the end of that period, except as provided for in paragraph 15.
15. Data that relates to ongoing judicial proceedings or a criminal investigation may be retained until the proceedings or investigations are concluded. The issue of data retention will be considered as part of the review conducted under Article 11 of this Agreement.

#### **Access and redress**

##### *Privacy protection*

16. The Privacy Act 1988 (Cth) (Privacy Act) governs the collection, use, storage and disclosure, security and access and alteration of personal information held by most Australian Government departments and agencies. Customs is subject to the Privacy Act and is required to handle EU-sourced PNR data in accordance with the Privacy Act.

##### *Disclosure of PNR data and information*

17. PNR data furnished by or on behalf of an individual must be disclosed to the individual in accordance with the Privacy Act and the Freedom of Information Act 1982 (Cth) (FOI Act) upon request. Customs must not disclose PNR data to the public, except to the data subjects or their agents in accordance with Australian law. Requests for access to personal information contained in PNR data that was provided by the requestor may be submitted to Customs.

##### *Data protection measures — Privacy Act 1988 (Cth)*

18. Any personal information retained by Customs that is 'personal information' within the meaning of, and for the purposes of, the Privacy Act must meet the requirements of the Privacy Act regarding the protection of such information. Customs must handle PNR information in accordance with the Privacy Act, in particular as regards the collection, use, storage, security, access and alteration and disclosure of any such data.
19. Complaints by individuals concerning Customs handling of its PNR data may be made directly to Customs and then pursuant to the Privacy Act to the Privacy Commissioner.

*Data protection measures — Privacy audits*

20. Australia's independent Privacy Commissioner can investigate compliance by agencies with the Privacy Act, and monitor and investigate the extent to which Customs complies with the Privacy Act.
21. Under the Privacy Act, Customs has put arrangements in place for the Office of the Privacy Commissioner to undertake regular formal audits of all aspects of Customs EU-sourced PNR data use, handling and access policies and procedures. In addition, Customs has its own internal audit program directed at ensuring the highest levels of protection for passenger information and EU-sourced PNR data.

*Data protection measures — Freedom of Information Act 1982 (Cth)*

22. Customs is subject to the FOI Act which requires Customs to release documents to any person who requests them, subject to the exceptions and exemptions in the FOI Act. The FOI Act requires decisions on exemptions to be made on a case-by-case basis. There are a range of exemptions in the FOI Act to protect sensitive information from disclosure, including exemptions for documents affecting national security, defence, international relations, law enforcement, protection of public safety and personal privacy. Customs shall inform the EU of any decision regarding the public disclosure of EU-sourced PNR data under the FOI Act within one month of the decision having been taken.
23. Requests for the rectification of PNR data held in the Customs database may be made directly to Customs pursuant to the FOI Act or the Privacy Act.

*Other protection measures — Ombudsman Act 1976 (Cth)*

24. Air passengers have the right to complain to the Commonwealth Ombudsman regarding their treatment by Customs during border processing on the basis of the Ombudsman Act 1976 (Cth).

*Customs PNR data security measures*

25. Customs shall continue to have the following data-security measures in place:
  - (i) access to PNR data shall be restricted to a limited number of officers within Customs who are specifically authorised by the Chief Executive Officer of Customs under the Customs Act 1901 (Cth) for the purposes of processing PNR data; and
  - (ii) a comprehensive physical and electronic security system for PNR data shall be in place — namely a computer system and network that:
    - (a) isolates PNR data from the general Customs environment and is separate to all other Customs IT systems and networks;
    - (b) is located in a secure, limited access area of Customs in Australia; and
    - (c) requires a secure, layered level of logins to access PNR data.

**Enforcement**

26. Administrative, civil, and criminal enforcement measures, including the right of every data subject to have access to administrative or judicial remedy, are available under Australian law for violations of Australian privacy laws and rules, and unauthorised disclosure of information. For example, the Crimes Act 1914 (Cth), the Public Service Act 1999 (Cth), the Customs Administration Act 1985 (Cth), the Australian Federal Police Act 1979 (Cth) and internal disciplinary codes of the agencies specified in the attached Schedule, provide penalties in the case of violations up to and including imprisonment.

**Cooperation**

27. In order to foster police and judicial cooperation, Customs shall encourage the transfer of analytical information flowing from PNR data by competent Australian Government authorities to the police and judicial authorities in the EU Member States concerned and, where appropriate, to Europol and Eurojust subject to Australian Government assessment of the adequacy of data-protection measures available within EU jurisdictions.

**Schedule to the Annex**

The following are listed, in alphabetical order, for the purposes of paragraph 2 of this Annex:

1. Australian Crime Commission;
  2. Australian Federal Police;
  3. Australian Security Intelligence Organisation;
  4. Commonwealth Director of Public Prosecutions; and
  5. Department of Immigration and Citizenship.
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**COUNCIL COMMON POSITION 2008/652/CFSP****of 7 August 2008****amending Common Position 2007/140/CFSP concerning restrictive measures against Iran**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 15 thereof,

Whereas:

- (1) On 27 February 2007 the Council of the European Union adopted Common Position 2007/140/CFSP<sup>(1)</sup> which implemented United Nations Security Council Resolution 1737 (2006) (UNSCR 1737 (2006)).
- (2) On 23 April 2007 the Council adopted Common Position 2007/246/CFSP<sup>(2)</sup> which implemented United Nations Security Council Resolution 1747 (2007) (UNSCR 1747 (2007)).
- (3) On 3 March 2008 the United Nations Security Council adopted Resolution 1803 (2008) (UNSCR 1803 (2008)) which widened the scope of the restrictive measures imposed by UNSCR 1737 (2006) and UNSCR 1747 (2007) and required all States to take the necessary measures to implement those provisions effectively.
- (4) On 23 June 2008 the Council adopted Common Position 2008/479/CFSP which identified additional persons and entities to be covered by the restrictions on admission and the freezing of funds.
- (5) UNSCR 1803 (2008) calls upon all States to exercise vigilance in entering into new commitments for public provided financial support for trade with Iran, in order to avoid such financial support contributing to proliferation sensitive nuclear activities or to the development of nuclear weapon delivery systems.
- (6) For the same reasons, UNSCR 1803 (2008) also calls upon all States to exercise vigilance over the activities of financial institutions in their territories with all banks domiciled in Iran, and their branches and subsidiaries abroad, in order to avoid such activities contributing to proliferation sensitive nuclear activities or to
- the development of nuclear weapon delivery systems. With a view to exercising such vigilance, certain provisions in this Common Position relate to Directive 2005/60/EC of the European Parliament and of the Council of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing<sup>(3)</sup>.
- (7) UNSCR 1803 (2008) welcomes the guidance issued by the Financial Action Task Force (FATF) to assist States in implementing their financial obligations under UNSCR 1737 (2006).
- (8) UNSCR 1803 (2008) furthermore calls upon all States, in accordance with their national legal authorities and legislation and consistent with international law, to inspect the cargoes to and from Iran, of aircraft and vessels, at their airports and seaports, owned or operated by Iran Air Cargo and Islamic Republic of Iran Shipping Line, provided there are reasonable grounds to believe that the aircraft or vessel is transporting prohibited goods.
- (9) UNSCR 1803 (2008) extends restrictive measures to additional persons and entities that are engaged in, directly associated with or providing support for Iran's proliferation sensitive nuclear activities or for the development of nuclear weapon delivery systems, or have been determined by the Security Council or the Sanctions Committee to have assisted designated persons and entities in evading sanctions of, or in violating the provisions of, UNSCR 1737 (2006), 1747 (2007) or 1803 (2008).
- (10) The necessary measures should also be taken to ensure that no compensation is granted to the Government of Iran, or to any person or entity in Iran, or to designated persons or entities, or to any person claiming through or for the benefit of any such person or entity, in connection with any contract or other transaction where its performance was prevented by reason of the measures decided on pursuant to UNSCR 1737 (2006), 1747 (2007) or 1803 (2008), including measures of the European Communities or any Member State in accordance with, as required by or in any connection with the implementation of the relevant decisions of the Security Council.

<sup>(1)</sup> OJ L 61, 28.2.2007, p. 49. Common Position as last amended by Common Position 2008/479/CFSP (OJ L 163, 24.6.2008, p. 43).

<sup>(2)</sup> Council Common Position 2007/246/CFSP of 23 April 2007 amending Common Position 2007/140/CFSP concerning restrictive measures against Iran (OJ L 106, 24.4.2007, p. 67).

<sup>(3)</sup> OJ L 309, 25.11.2005, p. 15. Directive as last amended by Directive 2008/20/EC (OJ L 76, 19.3.2008, p. 46).

- (11) Furthermore, it is appropriate to prohibit the supply, sale or transfer to Iran of certain items, materials, equipment, goods and technology, in addition to those determined by the Security Council or the Sanctions Committee, that could contribute to Iran's enrichment-related, reprocessing or heavy water-related activities, to the development of nuclear weapon delivery systems or to the pursuit of activities related to other topics about which the International Atomic Energy Agency (IAEA) has expressed concerns or identified as outstanding.
- (12) Common Position 2007/140/CFSP should be amended accordingly.
- (13) Action by the Community is needed in order to implement certain measures,

HAS ADOPTED THIS COMMON POSITION:

*Article 1*

Common Position 2007/140/CFSP is hereby amended as follows:

1. in Article 1(1), the following point shall be added:

'(d) certain other items, materials, equipment, goods and technology that could contribute to enrichment-related, reprocessing or heavy water-related activities, to the development of nuclear weapon delivery system or to the pursuit of activities related to other topics about which the IAEA has expressed concerns or identified as outstanding. The European Community shall take the necessary measures in order to determine the relevant items to be covered by this provision.'

2. Article 3a shall be replaced by the following:

*'Article 3a*

1. Member States shall not enter into new commitments for grants, financial assistance and concessional loans to the Government of Iran, including through their participation in international financial institutions, except for humanitarian and developmental purposes.

2. In order to avoid any financial support contributing to the proliferation sensitive nuclear activities, or to the development of nuclear weapon delivery systems, Member States shall exercise restraint in entering into new commitments for public provided financial support for trade with Iran, including the granting of export credits, guarantees or insurance, to their nationals or entities involved in such trade.'

3. the following Article shall be inserted:

*'Article 3b*

1. Member States shall exercise vigilance over the activities of financial institutions within their jurisdiction with:

- (a) banks domiciled in Iran, in particular with Bank Saderat;
- (b) branches and subsidiaries within the jurisdiction of the Member States of banks domiciled in Iran, as listed in Annex III;
- (c) branches and subsidiaries outside the jurisdiction of the Member States of banks domiciled in Iran, as listed in Annex IV;
- (d) financial entities that are neither domiciled in Iran nor within the jurisdiction of the Member States but are controlled by persons and entities domiciled in Iran, as listed in Annex IV;

in order to avoid such activities contributing to proliferation sensitive nuclear activities or to the development of nuclear weapon delivery systems.

2. For the above purpose, financial institutions shall be required, in their activities with banks and financial institutions as set out in paragraph 1, to:

- (a) exercise continuous vigilance over account activity including through their programmes on customer due diligence and under their obligations relating to money-laundering and financing of terrorism;
- (b) require that all information fields of payment instructions which relate to the originator and beneficiary of the transaction in question be completed; and if that information is not supplied, refuse the transaction;
- (c) maintain all records of transactions for a period of five years and make them available to national authorities on request;
- (d) if they suspect or have reasonable grounds to suspect that funds are related to proliferation financing, promptly report their suspicions to the Financial Intelligence Unit (FIU) or another competent authority designated by the Member State concerned. The FIU or such other competent authority shall have access, directly or indirectly, on a timely basis to the financial, administrative and law enforcement information that it requires to properly undertake this function, including the analysis of suspicious transaction reports.



3. Bank Saderat branches and subsidiaries within the jurisdiction of the Member States shall also be required to notify the competent authority of the Member State where they are established, of all transfers of funds carried out or received by them, within five working days after carrying out or receiving the respective transfer of funds.

Subject to information-sharing arrangements, notified competent authorities shall without delay transmit this data, as appropriate, to the competent authorities of other Member States, where the counterparts to such transactions are established.;

4. the following Article shall be inserted:

*'Article 3c*

1. In addition to inspections to ensure implementation of the relevant provisions of UNSCR 1737 (2006), 1747 (2007) and 1803 (2008), and of the provisions of Article 1 of this Common Position, Member States, in accordance with their national legal authorities and legislation and consistent with international law, in particular the law of the sea and relevant international civil aviation agreements, shall inspect at their airports and seaports the cargoes to and from Iran, of aircraft and vessels owned or operated by Iran Air Cargo and Islamic Republic of Iran Shipping Line, provided there are reasonable grounds to believe that the aircraft or vessel is transporting goods prohibited under this Common Position.

2. In cases when inspection mentioned in paragraph 1 is undertaken of cargoes of aircraft and vessels owned or operated by Iran Air Cargo and Islamic Republic of Iran Shipping Line, Member States shall submit to the United Nations Security Council within five working days a written report on the inspection containing, in particular, an explanation of the grounds for the inspection, as well as information on its time, place, circumstances, results and other relevant details.

3. Cargo aircraft and merchant vessels owned or controlled by Iran Air Cargo and Islamic Republic of Iran Shipping Line shall be subject to the requirement of additional pre-arrival or pre-departure information for all goods brought into or out of a Member State.;

5. in Article 4(1), point (b) shall be replaced by the following:

'(b) other persons not covered by Annex I that are engaged in, directly associated with, or providing support for, Iran's proliferation sensitive nuclear activities or for the development of nuclear weapon delivery systems, including through the involvement in procurement of the prohibited items, goods, equipment, materials and technology, as well as persons that have assisted designated persons or entities in evading or violating the provisions of UNSCR 1737 (2006), 1747 (2007) and 1803 (2008) or this Common Position, as listed in Annex II.;

6. Article 5(1) shall be replaced by the following:

'1. All funds and economic resources which belong to, are owned, held or controlled, directly or indirectly, by:

(a) persons and entities designated in the Annex to UNSCR 1737 (2006) as well as those of additional persons and entities designated by the Security Council or by the Committee in accordance with paragraph 12 of UNSCR 1737 (2006) and paragraph 7 of UNSCR 1803 (2008), such persons or entities being listed in Annex I;

(b) persons and entities not covered by Annex I that are engaged in, directly associated with, or providing support for, Iran's proliferation sensitive nuclear activities or for the development of nuclear weapon delivery systems, or persons or entities acting on their behalf or at their direction, or entities owned or controlled by them, including through illicit means as well as persons that have assisted designated persons or entities in evading or violating the provisions of UNSCR 1737 (2006), 1747 (2007) and 1803 (2008) or this Common Position, as listed in Annex II, shall be frozen.;

7. the following Article shall be inserted:

*'Article 6a*

No compensation or other claim of this kind, such as a claim of set-off or a claim under a guarantee, in connection with any contract or transaction the performance of which was affected, directly or indirectly, wholly or in part, by reason of measures decided on pursuant to UNSCR 1737 (2006), 1747 (2007) or 1803 (2008), including measures of the European Communities or any Member State in accordance with, as required by or in any connection with the implementation of the relevant decisions of the Security Council, shall be granted to the designated persons or entities listed in Annexes I or II, or any other person or entity in Iran, including the Government of Iran, or any person or entity claiming through or for the benefit of any such person or entity.;

8. Article 7(2) shall be replaced by the following:

'2. The Council, acting by unanimity on a proposal from Member States or the Commission, shall establish the lists in Annexes II, III, and IV and adopt modifications to them.;

9. Annexes I and II shall be replaced by the text set out in Annexes I and II to this Common Position;

10. Annexes III and IV set out in this Common Position shall be added as Annexes III and IV to Common Position 2007/140/CFSP.

*Article 2*

This Common Position shall take effect on the date of its adoption.

*Article 3*

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

Done at Brussels, 7 August 2008.

*For the Council*  
*The President*  
B. KOUCHNER

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## ANNEX I

## 'ANNEX I

**List of persons referred to in Article 4(1)(a) and of persons and entities referred to in Article 5(1)(a)****A. Natural persons**

- (1) Fereidoun Abbasi-Davani. Date of UN designation: 24.3.2007. Other information: Senior Ministry of Defence and Armed Forces Logistics (MODAFL) scientist with links to the Institute of Applied Physics. Working closely with Mohsen Fakhrizadeh-Mahabadi.
- (2) Dawood Agha-Jani. Function: Head of the PFEP - Natanz. Other information: Person involved in Iran's nuclear programme. Date of UN designation: 23.12.2006.
- (3) Ali Akbar Ahmadian. Title: Vice Admiral. Function: Chief of Iranian Revolutionary Guard Corps (IRGC) Joint Staff. Date of UN designation: 24.3.2007.
- (4) Amir Moayyed Alai. Other information: involved in managing the assembly and engineering of centrifuges. Date of EU designation: 24.4.2007 (UN: 3.3.2008).
- (5) Behman Asgarpour. Function: Operational Manager (Arak). Other information: Person involved in Iran's nuclear programme. Date of UN designation: 23.12.2006.
- (6) Mohammad Fedai Ashiani. Other information: involved in the production of ammonium uranyl carbonate and management of the Natanz enrichment complex. Date of EU designation: 24.4.2007 (UN: 3.3.2008).
- (7) Abbas Rezaee Ashtiani. Other information: a senior official at the AEOI Office of Exploration and Mining Affairs. Date of UN designation: 3.3.2008.
- (8) Bahmanyar Morteza Bahmanyar. Function: Head of Finance & Budget Dept, Aerospace Industries Organisation (AIO). Other information: Person involved in Iran's ballistic missile programme. Date of UN designation: 23.12.2006.
- (9) Haleh Bakhtiar. Other information: involved in the production of magnesium at a concentration of 99,9 %. Date of EU designation: 24.4.2007 (UN: 3.3.2008).
- (10) Morteza Behzad. Other information: involved in making centrifuge components. Date of EU designation: 24.4.2007 (UN: 3.3.2008).
- (11) Ahmad Vahid Dastjerdi. Function: Head of the Aerospace Industries Organisation (AIO). Other information: Person involved in Iran's ballistic missile programme. Date of UN designation: 23.12.2006.
- (12) Ahmad Derakhshandeh. Function: Chairman and Managing Director of Bank Sepah. Date of UN designation: 24.3.2007.
- (13) Mohammad Eslami. Title: Dr. Other information: Head of Defence Industries Training and Research Institute. Date of UN designation: 3.3.2008.
- (14) Reza-Gholi Esmaeli. Function: Head of Trade & International Affairs Dept, Aerospace Industries Organisation (AIO). Other information: Person involved in Iran's ballistic missile programme. Date of UN designation: 23.12.2006.
- (15) Mohsen Fakhrizadeh-Mahabadi. Other information: Senior MODAFL scientist and former head of the Physics Research Centre (PHRC). Date of UN designation: 24.3.2007.
- (16) Mohammad Hejazi. Title: Brigadier General. Function: Commander of Bassij resistance force. Date of UN designation: 24.3.2007.
- (17) Mohsen Hojati. Function: Head of Fajr Industrial Group. Date of UN designation: 24.3.2007.
- (18) Seyyed Hussein Hosseini. Other information: AEOI official involved in the heavy water research reactor project at Arak. Date of EU designation: 24.4.2007 (UN: 3.3.2008).

- (19) M. Javad Karimi Sabet. Other information: Head of Novin Energy Company, which is designated under resolution 1747 (2007). Date of EU designation: 24.4.2007 (UN: 3.3.2008).
- (20) Mehrdada Akhlaghi Ketabachi. Function: Head of Shahid Bagheri Industrial Group (SBIG). Date of UN designation: 24.3.2007.
- (21) Ali Hajinia Leilabadi. Function: Director General of Mesbah Energy Company. Other information: Person involved in Iran's nuclear programme. Date of UN designation: 23.12.2006.
- (22) Naser Maleki. Function: Head of Shahid Hemmat Industrial Group (SHIG). Other information: Naser Maleki is also a MODAFL official overseeing work on the Shahab-3 ballistic missile programme. The Shahab-3 is Iran's long-range ballistic missile currently in service. Date of UN designation: 24.3.2007.
- (23) Hamid-Reza Mohajerani. Other information: Involved in production management at the Uranium Conversion Facility (UCF) at Esfahan. Date of EU designation: 24.4.2007 (UN: 3.3.2008).
- (24) Jafar Mohammadi. Function: Technical Adviser to the Atomic Energy Organisation of Iran (AEOI) (in charge of managing the production of valves for centrifuges). Other information: Person involved in Iran's nuclear programme. Date of UN designation: 23.12.2006.
- (25) Ehsan Monajemi. Function: Construction Project Manager, Natanz. Other information: Person involved in Iran's nuclear programme. Date of UN designation: 23.12.2006.
- (26) Mohammad Reza Naqdi. Title: Brigadier General. Other information: Former Deputy Chief of Armed Forces General Staff for Logistics and Industrial Research/Head of State Anti-Smuggling Headquarters, engaged in efforts to get round the sanctions imposed by UNSCR 1737 (2006) and 1747 (2007). Date of UN designation: 3.3.2008.
- (27) Houshang Nobari. Other information: Involved in the management of the Natanz enrichment complex. Date of EU designation: 24.4.2007 (UN: 3.3.2008).
- (28) Mohammad Mehdi Nejad Nouri. Title: Lt Gen. Function: Rector of Malek Ashtar University of Defence Technology. Other information: The chemistry department of Ashtar University of Defence Technology is affiliated to MODALF and has conducted experiments on beryllium. Person involved in Iran's nuclear programme. Date of UN designation: 23.12.2006.
- (29) Mohammad Qannadi. Function: AEOI Vice President for Research & Development. Other information: Person involved in Iran's nuclear programme. Date of UN designation: 23.12.2006.
- (30) Amir Rahimi. Function: Head of Esfahan Nuclear Fuel Research and Production Center. Other information: Esfahan Nuclear Fuel Research and Production Center is part of the AEOI's Nuclear Fuel Production and Procurement Company, which is involved in enrichment-related activities. Date of UN designation: 24.3.2007.
- (31) Abbas Rashidi. Other information: Involved in enrichment work at Natanz. Date of EU designation: 24.4.2007 (UN: 3.3.2008).
- (32) Morteza Rezaie. Title: Brigadier General. Function: Deputy Commander of IRGC. Date of UN designation: 24.3.2007.
- (33) Morteza Safari. Title: Rear Admiral. Function: Commander of IRGC Navy. Date of UN designation: 24.3.2007.
- (34) Yahya Rahim Safavi. Title: Maj Gen. Function: Commander, IRGC (Pasdaran). Other information: Person involved in both Iran's nuclear and ballistic missile programmes. Date of UN designation: 23.12.2006.
- (35) Seyed Jaber Safdari. Other information: Manager of the Natanz Enrichment Facilities. Date of UN designation: 24.3.2007.
- (36) Hosein Salimi. Title: General. Function: Commander of the Air Force, IRGC (Pasdaran). Other information: Person involved in Iran's ballistic missile programme. Date of UN designation: 23.12.2006.
- (37) Qasem Soleimani. Title: Brigadier General. Function: Commander of Qods force. Date of UN designation: 24.3.2007.

- (38) Ghasem Soleymani. Other information: Director of Uranium Mining Operations at the Saghand Uranium Mine. Date of UN designation: 3.3.2008.
- (39) Mohammad Reza Zahedi. Title: Brigadier General. Function: Commander of IRGC Ground Forces. Date of UN designation: 24.3.2007.
- (40) General Zolqadr. Function: Deputy Interior Minister for Security Affairs, IRGC officer. Date of UN designation: 24.3.2007.

#### B. Legal persons, entities and bodies

- (1) Abzar Boresh Kaveh Co. (*alias* BK Co.). Other information: Involved in the production of centrifuge components. Date of UN designation: 3.3.2008.
- (2) Ammunition and Metallurgy Industries Group (*alias* (a) AMIG, (b) Ammunition Industries Group). Other information: (a) AMIG controls 7th of Tir, (b) AMIG is owned and controlled by the Defence Industries Organisation (DIO). Date of UN designation: 24.3.2007.
- (3) Atomic Energy Organisation of Iran (AEOI). Other information: Involved in Iran's nuclear programme. Date of UN designation: 23.12.2006.
- (4) Bank Sepah and Bank Sepah International. Other information: Bank Sepah provides support for the Aerospace Industries Organisation (AIO) and subordinates, including Shahid Hemmat Industrial Group (SHIG) and Shahid Bagheri Industrial Group (SBIG). Date of UN designation: 24.3.2007.
- (5) Barzagani Tejarat Tavanmad Saccal companies. Other information: (a) Subsidiary of Saccal System companies, (b) this company tried to purchase sensitive goods for an entity listed in resolution 1737 (2006). Date of UN designation: 3.3.2008.
- (6) Cruise Missile Industry Group (*alias* Naval Defence Missile Industry Group). Date of UN designation: 24.3.2007.
- (7) Defence Industries Organisation (DIO). Other information: (a) Overarching MODAFL-controlled entity, some of whose subordinates have been involved in the centrifuge programme making components, and in the missile programme, (b) Involved in Iran's nuclear programme. Date of UN designation: 23.12.2006.
- (8) Electro Sanam Company (*alias* (a) E. S. Co., (b) E. X. Co.). Other information: AIO front-company, involved in the ballistic missile programme. Date of UN designation: 3.3.2008.
- (9) Esfahan Nuclear Fuel Research and Production Centre (NFRPC) and Esfahan Nuclear Technology Centre (ENTC). Other information: They are parts of the Atomic Energy Organisation of Iran's (AEOI) Nuclear Fuel Production and Procurement Company. Date of UN designation: 24.3.2007.
- (10) Ettehad Technical Group. Other information: AIO front-company, involved in the ballistic missile programme. Date of UN designation: 3.3.2008.
- (11) Fajr Industrial Group. Other information: (a) Formerly Instrumentation Factory Plant, (b) Subordinate entity of AIO, (c) Involved in Iran's ballistic missile programme. Date of UN designation: 23.12.2006.
- (12) Farayand Technique. Other information: (a) Involved in Iran's nuclear programme (centrifuge programme), (b) Identified in IAEA reports. Date of UN designation: 23.12.2006.
- (13) Industrial Factories of Precision (IFP) Machinery (*alias* Instrumentation Factories Plant). Other information: Used by AIO for some acquisition attempts. Date of UN designation: 3.3.2008.
- (14) Jabber Ibn Hayan. Other information: AEOI laboratory involved in fuel-cycle activities. Date of EU designation: 24.4.2007 (UN: 3.3.2008).
- (15) Joza Industrial Co. Other information: AIO front-company, involved in the ballistic missile programme. Date of UN designation: 3.3.2008.

- (16) Kala-Electric (*alias* Kalaye Electric). Other information: (a) Provider for PFEP - Natanz, (b) Involved in Iran's nuclear programme. Date of UN designation: 23.12.2006.
- (17) Karaj Nuclear Research Centre. Other information: Part of AEOI's research division. Date of UN designation: 24.3.2007.
- (18) Kavoshyar Company. Other information: Subsidiary company of AEOI. Date of UN designation: 24.3.2007.
- (19) Khorasan Metallurgy Industries. Other information: (a) subsidiary of the Ammunition Industries Group (AMIG) which depends on DIO, (b) involved in the production of centrifuge components. Date of UN designation: 3.3.2008.
- (20) Mesbah Energy Company. Other information: (a) Provider for A40 research reactor - Arak, (b) Involved in Iran's nuclear programme. Date of UN designation: 23.12.2006.
- (21) Niru Battery Manufacturing Company. Other information: (a) Subsidiary of the DIO, (b) its role is to manufacture power units for the Iranian military including missile systems. Date of UN designation: 3.3.2008.
- (22) Novin Energy Company (*alias* Pars Novin). Other information: It operates within AEOI. Date of UN designation: 24.3.2007.
- (23) Parchin Chemical Industries. Other information: Branch of DIO. Date of UN designation: 24.3.2007.
- (24) Pars Aviation Services Company. Other information: Maintains aircraft. Date of UN designation: 24.3.2007.
- (25) Pars Trash Company. Other information: (a) Involved in Iran's nuclear programme (centrifuge programme), (b) Identified in IAEA reports. Date of UN designation: 23.12.2006.
- (26) Pishgam (Pioneer) Energy Industries. Other information: Has participated in construction of the Uranium Conversion Facility at Esfahan. Date of UN designation: 3.3.2008.
- (27) Qods Aeronautics Industries. Other information: It produces unmanned aerial vehicles (UAVs), parachutes, paragliders, paramotors, etc. Date of UN designation: 24.3.2007.
- (28) Sanam Industrial Group. Other information: Subordinate to AIO. Date of UN designation: 24.3.2007.
- (29) Safety Equipment Procurement (SEP). Other information: AIO front-company, involved in the ballistic missile programme. Date of UN designation: 3.3.2008.
- (30) 7th of Tir. Other information: (a) Subordinate of DIO, widely recognised as being directly involved in Iran's nuclear programme, (b) Involved in Iran's nuclear programme. Date of UN designation: 23.12.2006.
- (31) Shahid Bagheri Industrial Group (SBIG). Other information: (a) Subordinate entity of AIO, (b) Involved in Iran's ballistic missile programme. Date of UN designation: 23.12.2006.
- (32) Shahid Hemmat Industrial Group (SHIG). Other information: (a) Subordinate entity of AIO, (b) Involved in Iran's ballistic missile programme. Date of UN designation: 23.12.2006.
- (33) Sho'a' Aviation. Other information: It produces microlights. Date of UN designation: 24.3.2007.
- (34) TAMAS Company. Other information: (a) Involved in enrichment-related activities, (b) TAMAS is an overarching body, under which four subsidiaries have been established, including one for uranium extraction to concentration and another in charge of uranium processing, enrichment and waste. Date of EU designation: 24.4.2007 (UN: 3.3.2008).
- (35) Ya Mahdi Industries Group. Other information: Subordinate to AIO. Date of UN designation: 24.3.2007.'
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## ANNEX II

## ANNEX II

## List of persons referred to in Article 4(1)(b) and of persons and entities referred to in Article 5(1)(b)

## A. Natural persons

	Name	Identifying information	Reasons	Date of listing
1.	Reza AGHAZADEH	DoB: 15.3.1949 Passport number: S4409483 valid 26.4.2000–27.4.2010 Issued: Tehran, Diplomatic passport number: D9001950, issued on 22.1.2008 valid until 21.1.2013, Place of birth: Khoy	Head of the Atomic Energy Organisation of Iran (AEOI). The AEOI oversees Iran's nuclear programme and is designated under UNSCR 1737 (2006).	24.4.2007
2.	IRGC Brigadier-General Javad DARVISH-VAND		MODAFL Deputy for Inspection. Responsible for all MODAFL facilities and installations.	24.6.2008
3.	IRGC Brigadier-General Seyyed Mahdi FARAHI		Managing Director of the Defence Industries Organisation (DIO) which is designated under UNSCR 1737 (2006).	24.6.2008
4.	Dr Hoseyn (Hossein) FAQIHIAN	Address of NFPC: AEOI-NFPD, P.O. Box: 11365-8486, Tehran/Iran	Deputy and Director-General of the Nuclear Fuel Production and Procurement Company (NFPC), part of the AEOI. The AEOI oversees Iran's nuclear programme and is designated under UNSCR 1737 (2006). The NFPC involved in enrichment-related activities that Iran is required by the IAEA Board and Security Council to suspend.	24.4.2007
5.	Engineer Mojtaba HAERI		MODAFL Deputy for Industry. Supervisory role over AIO and DIO.	24.6.2008
6.	IRGC Brigadier-General Ali HOSEYNITASH		Head of the General Department of the Supreme National Security Council and involved in formulating policy on the nuclear issue.	24.6.2008
7.	Mohammad Ali JAFARI, IRGC.		Holds a command post at the IRGC.	24.6.2008
8.	Mahmood JANNATIAN		Deputy Head of the Atomic Energy Organisation of Iran.	24.6.2008
9.	Said Esmail KHALILOPOUR	DoB: 24.11.1945, PoB: Langroud	Deputy Head of AEOI. The AEOI oversees Iran's nuclear programme and is designated under UNSCR 1737 (2006).	24.4.2007

	Name	Identifying information	Reasons	Date of listing
10.	Ali Reza KHANCHI	Address of NRC: AEOI-NRC P.O. Box: 11365-8486 Tehran/Iran; Fax: (+ 9821) 8021412	Head of AEOI's Tehran Nuclear Research Centre. The IAEA is continuing to seek clarification from Iran about plutonium separation experiments carried out at the TNRC, including about the presence of HEU particles in environmental samples taken at the Karaj Waste Storage Facility where containers used to store depleted uranium targets used in those experiments are located. The AEOI oversees Iran's nuclear programme and is designated under UNSCR 1737 (2006).	24.4.2007
11.	Ebrahim MAHMUDZADEH		Managing Director of Iran Electronic Industries.	24.6.2008
12.	Brigadier-General Beik MOHAMMADLU		MODAFL Deputy for Supplies and Logistics.	24.6.2008
13.	Anis NACCACHE		Administrator of Barzagani Tejarat Tavanmad Saccal companies; his company has attempted to procure sensitive goods for entities designated under Resolution 1737 (2006).	24.6.2008
14.	Brigadier-General Mohammad NADERI		Head of Aerospace Industries Organisation (AIO), AIO has taken part in sensitive Iranian programmes.	24.6.2008
15.	IRGC Brigadier-General Mostafa Mohammad NAJJAR		MODAFL Minister, responsible for all military programmes, including ballistic missiles programmes.	24.6.2008
16.	Dr Javad RAHIQI	DoB: 21.4.1954, PoB: Mashad	Head of AEOI's Esfahan Nuclear Technology Centre. This oversees the uranium conversion plant at Esfahan. Iran is required by the IAEA Board and the Security Council to suspend all enrichment-related activities. This includes all uranium conversion work. AEOI oversees Iran's nuclear programme and is designated under UNSCR 1737 (2006).	24.4.2007
17.	Rear Admiral Mohammad SHAFI RUDSARI		MODAFL Deputy for Coordination.	24.6.2008
18.	IRGC Brigadier-General Ali SHAMSHIRI		MODAFL Deputy for Counter-Intelligence, responsible for security of MODAFL personnel and Installations.	24.6.2008
19.	Abdollah SOLAT SANA		Managing Director of the Uranium Conversion Facility (UCF) in Esfahan. This is the facility that produces the feed material (UF <sub>6</sub> ) for the enrichment facilities at Natanz. On 27 August 2006, Solat Sana received a special award from President Ahmadinejad for his role.	24.4.2007
20.	IRGC Brigadier-General Ahmad VAHIDI		Deputy Head of MODAFL.	24.6.2008

## B. Legal persons, entities and bodies

	Name	Identifying information	Reasons	Date of listing
1.	Aerospace Industries Organisation, AIO	AIO, 28 Shian 5, Lavizan, Tehran	AIO oversees Iran's production of missiles, including Shahid Hemmat Industrial Group, Shahid Bagheri Industrial Group and Fajr Industrial Group, which were all designated under UNSCR 1737 (2006). The head of AIO and two other senior officials were also designated under UNSCR 1737 (2006).	24.4.2007
2.	Armament Industries	Pasdaran Av., PO Box 19585/777, Tehran	A subsidiary of the DIO (Defence Industries Organisation).	24.4.2007
3.	Armed Forces Geographical Organisation		Assessed to provide geospatial data for the Ballistic Missile programme.	24.6.2008
4.	Bank Melli,  Bank Melli Iran and all branches and subsidiaries including  (a) Melli Bank plc  (b) Bank Melli Iran Zao	Ferdowsi Avenue, PO Box 11365-171, Tehran  London Wall, 11th floor, London EC2Y 5EA, United Kingdom  Number 9/1, Ulitsa Mashkova, Moscow, 130064, Russia	Providing or attempting to provide financial support for companies which are involved in or procure goods for Iran's nuclear and missile programmes (AIO, SHIG, SBIG, AEIO, Novin Energy Company, Mesbah Energy Company, Kalaye Electric Company and DIO). Bank Melli serves as a facilitator for Iran's sensitive activities. It has facilitated numerous purchases of sensitive materials for Iran's nuclear and missile programmes. It has provided a range of financial services on behalf of entities linked to Iran's nuclear and missile industries, including opening letters of credit and maintaining accounts. Many of the above companies have been designated by UNSCRs 1737 (2006) and 1747 (2007).	24.6.2008
5.	Defence Technology and Science Research Centre (DTSRC) – also known as the Educational Research Institute/Moassese Amozeh Va Tahgiaghati (ERI/MAVT Co.)	Pasdaran Av., PO Box 19585/777, Tehran	Responsible for R&D. A subsidiary of the DIO. The DTSRC handles much of the procurement for the DIO.	24.4.2007
6.	Iran Electronic Industries	P.O. Box 18575-365, Tehran, Iran	Wholly-owned subsidiary of MODAFL (and therefore a sister-organisation to AIO, AvIO and DIO). Its role is to manufacture electronic components for Iranian weapons systems.	24.6.2008
7.	IRGC Air Force		Operates Iran's inventory of short and medium range ballistic missiles. The head of the IRGC air force was designated by UNSCR 1737 (2006).	24.6.2008
8.	Khatem-ol Anbiya Construction Organisation	Number 221, North Falamak-Zarafshan Intersection, 4th Phase, Shahkrak-E-Ghods, Tehran 14678, Iran	IRGC-owned group of companies. Uses IRGC engineering resources for construction acting as prime contractor on major projects including tunnelling, assessed to support the Iranian ballistic missile and nuclear programmes.	24.6.2008
9.	Malek Ashtar University		Linked to the Ministry of Defence, set up a missiles training course in 2003, in close collaboration with the AIO.	24.6.2008

	Name	Identifying information	Reasons	Date of listing
10.	Marine Industries	Pasdaran Av., PO Box 19585/777, Tehran	A subsidiary of the DIO.	24.4.2007
11.	Mechanic Industries Group		Took part in the production of components for the ballistics programme.	24.6.2008
12.	Ministry of Defence and Armed Forces Logistics (MODAFL)	West side of Dabestan Street, Abbas Abad District, Tehran	Responsible for Iran's defence research, development and manufacturing programmes, including support to missile and nuclear programmes.	24.6.2008
13.	Ministry of Defence Logistics Export (MODLEX)	P.O. Box 16315-189, Tehran, Iran	It is the export arm of MODAFL, and the agency used for exporting finished weapons in state-to-state transactions. Under UNSCR 1747 (2007) MODLEX should not be trading.	24.6.2008
14.	3M Mizan Machinery Manufacturing		Front company for the AIO, taking part in ballistics procurement.	24.6.2008
15.	Nuclear Fuel Production and Procurement Company (NFPC)	AEOI-NFPD, P.O.Box: 11365-8486, Tehran/Iran	Nuclear Fuel Production Division (NFPD) of AEOI is research and development in the field of nuclear fuel cycle including: uranium exploration, mining, milling, conversion and nuclear waste management. The NFPC is the successor to the NFPD, the subsidiary company under the AEOI that runs research and development in the nuclear fuel cycle including conversion and enrichment.	24.4.2007
16.	Parchin Chemical Industries		Worked on propulsion techniques for the Iranian ballistics programme.	24.6.2008
17.	Special Industries Group	Pasdaran Av., PO Box 19585/777, Tehran	A subsidiary of the DIO.	24.4.2007
18.	State Purchasing Organisation (SPO)		The SPO appears to facilitate the import of whole weapons. It appears to be a subsidiary of MODAFL.	24.6.2008'



*ANNEX III**'ANNEX III*

**Branches and subsidiaries within the jurisdiction of the Member States of banks domiciled in Iran referred to in Article 3b(1)(b)'**

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*ANNEX IV**'ANNEX IV*

**Branches and subsidiaries, outside the jurisdiction of the Member States, of banks domiciled in Iran as well as financial entities that are neither domiciled in Iran nor within the jurisdiction of the Member States but are controlled by persons and entities domiciled in Iran referred to in Article 3b(1)(c) and (d)'**

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