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I

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

REGULATIONS

COUNCIL REGULATION (EC) No 791/2007

of 21 May 2007

introducing a scheme to compensate for the additional costs incurred in the marketing of certain fishery products from the outermost regions the Azores, Madeira, the Canary Islands, French Guiana and Réunion

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 and Article 299(2) thereof,

Having regard to the proposal from the Commission,

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

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

Whereas:

(1) The fisheries sector in the outermost regions of the Community is facing difficulties, and in particular additional costs incurred in the marketing of certain fishery products, due to the particular handicaps recognised by Article 299(2) of the Treaty and resulting mainly from the cost of transport to continental Europe.

(2) With a view to maintaining the competitiveness of certain fishery products compared with that of similar products from other Community regions, the Community introduced measures from 1992 to compensate for such additional costs in the fisheries sector. The measures applying for the period 2003-2006 are laid down in Council Regulation (EC) No

2328/2003 ⁽³⁾. It is necessary from 2007 to continue measures for offsetting the additional costs for the marketing of certain fishery products on the basis of a report by the Commission to the European Parliament, the Council and the European Economic and Social Committee.

(3) In view of the different marketing conditions in the outermost regions concerned, the fluctuations in captures and stocks and of market demands, it should be left to the Member States concerned to determine the fishery products eligible for compensation, their respective maximum quantities and the compensation amounts within the overall allocation per Member State.

(4) Member States should be authorised to differentiate the list and the quantities of fishery products concerned and the amount of compensation within the overall allocation per Member State. They should also be authorised to adjust their compensation plans if justified by changing conditions.

(5) Member States should set the compensation amount at a level which allows appropriate off-setting of additional costs, arising from the specific handicaps of the outermost regions and in particular from the costs of transporting the products to continental Europe. To avoid overcompensation, the amount should be proportional to the additional costs the aid off-sets and in no case exceed 100 % of the transport and other related costs to continental Europe. To this end, it should also take into account other types of public intervention having an impact on the level of additional costs.

⁽¹⁾ Opinion delivered on 24 April 2007 (not yet published in the Official Journal).

⁽²⁾ OJ C 93, 27.4.2007, p. 31.

⁽³⁾ Council Regulation (EC) No 2328/2003 of 22 December 2003 introducing a scheme to compensate for the additional costs incurred in the marketing of certain fishery products from the Azores, Madeira, the Canary Islands and the French departments of Guiana and Réunion, as a result of those regions' remoteness (OJ L 345, 31.12.2003, p. 34).

- (6) In order to achieve properly the objectives of this Regulation and to guarantee compliance with the Common Fisheries Policy, support should be limited to fishery products harvested and processed in accordance with the rules thereof.
- (7) In order that the compensation scheme operates effectively and correctly, Member States should also make sure that the recipients of aid are economically viable and that the implementing system allows for a regular application of the scheme.
- (8) To permit appropriate monitoring of the compensation scheme, the Member States concerned should submit annual reports on its operation.
- (9) To enable a decision to be taken on whether to continue the compensation scheme after 2013, the Commission should submit a report to the European Parliament, the Council and the European Economic and Social Committee based on an independent evaluation in due time before the end of the scheme.
- (10) The Community expenditure envisaged for the compensation scheme should be implemented under the European Agricultural Guarantee Fund in direct centralised management according to Article 3(2)(f) of Council Regulation (EC) No 1290/2005 of 21 June 2005 on the financing of the common agricultural policy ⁽¹⁾.
- (11) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽²⁾.
- (12) For the implementation of direct centralised financial management, Commission Regulation (EC) No 2003/2006 of 21 December 2006 laying down detailed rules for the financing by the European Agricultural Guarantee Fund (EAGF) of expenditure relating to the common organisation of the markets in fishery and aquaculture products ⁽³⁾ should apply.

HAS ADOPTED THIS REGULATION:

Article 1

Subject-matter

This Regulation introduces a scheme for the period 2007 to 2013 to provide compensation for the additional costs incurred by the operators set out in Article 3 in the marketing of certain fishery products from the following outermost regions as a result of those regions' specific handicaps (hereinafter referred to as the compensation):

- The Azores,
- Madeira,
- The Canary Islands,
- French Guiana, and
- Réunion.

Article 2

Definitions

For the purposes of this Regulation the definition of 'fishery products' set out in Article 1 of Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products ⁽⁴⁾ shall apply.

Article 3

Operators

1. The compensation shall be paid to the following operators who incur additional costs in the marketing of fishery products:

- (a) the producers;
- (b) the owners or operators of vessels registered in the ports of the regions referred to in Article 1 and operating therein or associations of such operators; and
- (c) the operators in the processing and marketing sector or associations of such operators, who incur additional costs in marketing the products concerned.

2. The Member States concerned shall take steps to ensure the economic viability of operators receiving the compensation.

⁽¹⁾ OJ L 209, 11.8.2005, p. 1. Regulation as last amended by Regulation (EC) No 378/2007 (OJ L 95, 5.4.2007, p. 1).

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

⁽³⁾ OJ L 379, 28.12.2006, p. 49.

⁽⁴⁾ OJ L 17, 21.1.2000, p. 22. Regulation as last amended by Regulation (EC) No 1759/2006 (OJ L 335, 1.12.2006, p. 3).

*Article 4***Eligible fishery products**

1. Each Member State concerned shall determine for its regions referred to in Article 1 the list of fishery products and the quantity of those products which are eligible for the compensation. The list of fishery products and the quantities may be differentiated for each of the regions belonging to one Member State.

2. When establishing the list and the quantities referred to in paragraph 1, Member States shall take into account all the relevant factors, in particular the need to ensure that the compensation does not result in an increased pressure on biologically sensitive stocks, the level of additional costs and qualitative and quantitative aspects of production and marketing.

3. Fishery products for which the compensation is granted must have been harvested and processed in accordance with the rules of the Common Fisheries Policy on:

(a) conservation and management;

(b) traceability;

(c) grading standards.

4. The compensation shall not be granted for fishery products:

(a) caught by third country vessels, with the exception of fishing vessels which fly the flag of Venezuela and operate in Community waters;

(b) caught by Community fishing vessels that are not registered in a port of one of the regions referred to in Article 1;

(c) imported from third countries;

(d) derived from illegal, unreported or unregulated fishing.

Point (b) shall not apply if the raw material supplied according to the rules laid down in this Article is not sufficient to use the existing capacity of the processing industry in place in the outermost region concerned.

*Article 5***The compensation**

1. Each Member State concerned shall determine for its regions referred to in Article 1 the level of compensation for each fishery product in the list referred to in Article 4(1). That

level may be differentiated for individual regions or between regions belonging to one Member State.

2. The compensation shall take into account:

(a) for each fishery product the additional costs resulting from the specific handicaps of the regions concerned, in particular the expenditure for the transport to continental Europe; and

(b) any other type of public intervention affecting the level of additional costs.

3. The compensation in respect of the additional costs shall be proportional to the additional costs it intends to off-set. The level of compensation in respect of the additional costs shall be duly justified in the compensation plan. However, in no case shall the compensation exceed 100 % of the expenditure incurred for the transport and other related costs of the Fishery products, which are intended for continental Europe.

4. The total amount of compensation per year shall not exceed:

(a) The Azores and Madeira: EUR 4 283 992;

(b) The Canary Islands: EUR 5 844 076;

(c) French Guiana and Réunion: EUR 4 868 700.

*Article 6***Adjustments**

The Member States concerned may adjust the list and quantities of eligible fishery products referred to in Article 4(1) and the level of compensation referred to in Article 5(1) to take account of changing conditions provided that the total amounts referred to in Article 5(4) are respected.

*Article 7***Submission of compensation plans**

1. By 6 November 2007, the Member States concerned shall submit to the Commission the list and quantities referred to in Article 4(1) and the level of compensation referred to in Article 5(1) (hereinafter jointly referred to as the compensation plan).

2. If the compensation plan does not meet the requirements set out in this Regulation, the Commission, within two months, shall ask the Member State to adapt the plan accordingly. In that event the Member State shall submit its adapted compensation plan to the Commission.

3. If the Commission fails to react within the period of two months after receiving the compensation plan referred to in paragraphs 1 and 2, the compensation plan shall be deemed to have been approved.

4. If a Member State makes adjustments pursuant to Article 6, it shall submit its amended compensation plan to the Commission and the procedure laid down in paragraph 2 and 3 shall apply *mutatis mutandis*. The amended plan shall be deemed to have been approved if the Commission fails to react within the period of four weeks after receiving the amended compensation plan.

Article 8

Reporting

1. Each Member State concerned shall draw up an annual report on the implementation of the compensation and submit it to the Commission by 30 June of each year.

2. By 31 December 2011, the Commission shall on the basis of an independent evaluation, report to the European Parliament, the Council and the European Economic and Social Committee on the implementation of the compensation, accompanied, where necessary, by legislative proposals.

Article 9

Financial provisions

1. Expenditure incurred by Member States in accordance with this Regulation shall be deemed to be expenditure referred to in Article 3(2)(f) of Regulation (EC) No 1290/2005.

2. For the implementation of paragraph 1 Regulation (EC) No 2003/2006 shall apply.

Article 10

Control

Member States shall adopt appropriate provisions to ensure compliance with the requirements set out in this Regulation and to ensure the regularity of operations.

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

Done at Brussels, 21 May 2007.

Article 11

Detailed rules

Detailed rules for the application of this Regulation may be adopted in accordance with the procedure laid down in Article 12(2).

Article 12

Committee

1. The Commission shall be assisted by the Management Committee for Fishery Products.

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

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

Article 13

Transitional measures

1. If Member States have submitted to the Commission requests for adjustments pursuant to Article 8(1) and (2) of Regulation (EC) No 2328/2003 on which no decision has been taken by 31 December 2006, Article 8 of that Regulation shall continue to apply to those requests.

2. The provisions of Article 9 shall apply to expenditure incurred by Member States under Regulation (EC) No 2328/2003 and declared to the Commission after 15 October 2006.

Article 14

Entry into force

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

It shall apply from 1 January 2007 until 31 December 2013.

For the Council

The President

M. GLOS

COMMISSION REGULATION (EC) No 792/2007**of 5 July 2007****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables ⁽¹⁾, and in particular Article 4(1) thereof,

Whereas:

- (1) Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the

standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto.

- (2) In compliance with the above criteria, the standard import values must be fixed at the levels set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 4 of Regulation (EC) No 3223/94 shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 6 July 2007.

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

Done at Brussels, 5 July 2007.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 337, 24.12.1994, p. 66. Regulation as last amended by Regulation (EC) No 386/2005 (OJ L 62, 9.3.2005, p. 3).

ANNEX

to Commission Regulation of 5 July 2007 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	MA	36,7
	TR	97,2
	ZZ	67,0
0707 00 05	JO	151,2
	TR	105,7
	ZZ	128,5
0709 90 70	IL	42,1
	TR	92,9
	ZZ	67,5
0805 50 10	AR	52,2
	UY	55,9
	ZA	60,2
	ZZ	56,1
0808 10 80	AR	82,2
	BR	80,0
	CA	99,5
	CL	84,3
	CN	74,6
	NZ	98,9
	US	124,2
	UY	46,9
	ZA	103,6
	ZZ	88,2
0808 20 50	AR	79,0
	CL	85,5
	NZ	98,4
	ZA	112,4
	ZZ	93,8
0809 10 00	EG	88,7
	TR	203,7
	ZZ	146,2
0809 20 95	TR	257,5
	US	279,5
	ZZ	268,5
0809 30 10, 0809 30 90	US	120,3
	ZZ	120,3
0809 40 05	IL	150,7
	ZZ	150,7

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 1833/2006 (OJ L 354, 14.12.2006, p. 19). Code 'ZZ' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 793/2007**of 5 July 2007****on the allocation of import rights for applications lodged for the period 1 July 2007 to 30 June 2008 under tariff quotas opened by Regulation (EC) No 659/2007 for bulls, cows and heifers of certain Alpine and mountain breeds**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal ⁽¹⁾,

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

Whereas:

(1) Commission Regulation (EC) No 659/2007 of 14 June 2007 opening and providing for the administration of import tariff quotas for bulls, cows and heifers other than for slaughter of certain Alpine and mountain breeds ⁽³⁾ opened import tariff quotas for beef and veal products.

(2) The applications for import rights lodged for the period 1 July 2007 to 30 June 2008 relate to quantities in excess of those available for rights under quota 09.4196. The extent to which import rights may be granted should therefore be determined and the allocation coefficient to be applied to the quantities requested should be laid down,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for import rights lodged for the period 1 July 2007 to 30 June 2008 under Regulation (EC) No 659/2007 shall be weighted by an allocation coefficient of 14,2857 % for rights under quota 09.4196.

Article 2

This Regulation shall enter into force on 6 July 2007.

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

Done at Brussels, 5 July 2007.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 160, 26.6.1999, p. 21. Regulation as last amended by Regulation (EC) No 1913/2005 (OJ L 307, 25.11.2005, p. 2).

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

⁽³⁾ OJ L 155, 15.6.2007, p. 20.

COMMISSION REGULATION (EC) No 794/2007**of 5 July 2007****on the issuing of import licences for applications lodged during the first seven days of June 2007
under the tariff quota opened by Regulation (EC) No 536/2007 for poultrymeat**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organisation of the market in poultrymeat ⁽¹⁾,

Having regard to Commission Regulation (EC) No 536/2007 of 15 May 2007 opening and providing for the administration of a tariff quota for poultrymeat allocated to the United States of America ⁽²⁾, and in particular Article 5(5) thereof,

Whereas:

- (1) Regulation (EC) No 536/2007 opened import tariff quotas for poultrymeat products.

- (2) The applications for import licences lodged during the first seven days of June for the subperiod 1 July 2007 to 30 September 2007 do not cover the total quantity available. The quantities for which applications have not been lodged should therefore be determined and these should be added to the quantity fixed for the following quota subperiod,

HAS ADOPTED THIS REGULATION:

Article 1

The quantities for which import licence applications under quota 09.4169 have not been lodged under Regulation (EC) No 536/2007, to be added to the subperiod 1 October to 31 December 2007, are 4 166 250 kg.

Article 2

This Regulation shall enter into force on 6 July 2007.

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

Done at Brussels, 5 July 2007.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 282, 1.11.1975, p. 77. Regulation as last amended by Regulation (EC) No 679/2006 (OJ L 119, 4.5.2006, p. 1).

⁽²⁾ OJ L 128, 16.5.2007, p. 6.

COMMISSION REGULATION (EC) No 795/2007

of 5 July 2007

fixing the export refunds on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals ⁽¹⁾, and in particular Article 13(3) thereof,

Having regard to Council Regulation (EC) No 1785/2003 of 29 September 2003 on the common organisation of the market in rice ⁽²⁾, and in particular Article 14(3) thereof,

Whereas:

(1) Article 13 of Regulation (EC) No 1784/2003 and Article 14 of Regulation (EC) No 1785/2003 provide that the difference between quotations or prices on the world market for the products listed in Article 1 of those Regulations and prices for those products within the Community may be covered by an export refund.

(2) Article 14 of Regulation (EC) No 1785/2003 provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals, rice and broken rice on the Community market on the one hand and prices for cereals, rice, broken rice and cereal products on the world market on the other. The same Articles provide that it is also important to ensure equilibrium and the natural development of prices and trade on the markets in cereals and rice and, furthermore, to take into account the economic aspect of the proposed exports, and the need to avoid disturbances on the Community market.

(3) Article 2 of Commission Regulation (EC) No 1518/95 ⁽³⁾ on the import and export system for products processed from cereals and from rice defines the specific criteria to be taken into account when the refund on these products is being calculated.

⁽¹⁾ OJ L 270, 21.10.2003, p. 78. Regulation as amended by Commission Regulation (EC) No 1154/2005 (OJ L 187, 19.7.2005, p. 11).

⁽²⁾ OJ L 270, 21.10.2003, p. 96. Regulation as last amended by Commission Regulation (EC) No 1549/2004 (OJ L 280, 31.8.2004, p. 13).

⁽³⁾ OJ L 147, 30.6.1995, p. 55. Regulation as last amended by Regulation (EC) No 2993/95 (OJ L 312, 23.12.1995, p. 25).

(4) The refund to be granted in respect of certain processed products should be graduated on the basis of the ash, crude fibre, tegument, protein, fat and starch content of the individual product concerned, this content being a particularly good indicator of the quantity of basic product actually incorporated in the processed product.

(5) There is no need at present to fix an export refund for manioc, other tropical roots and tubers or flours obtained therefrom, given the economic aspect of potential exports and in particular the nature and origin of these products. For certain products processed from cereals, the insignificance of Community participation in world trade makes it unnecessary to fix an export refund at the present time.

(6) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination.

(7) The refund must be fixed once a month. It may be altered in the intervening period.

(8) Certain processed maize products may undergo a heat treatment following which a refund might be granted that does not correspond to the quality of the product; whereas it should therefore be specified that on these products, containing pregelatinised starch, no export refund is to be granted.

(9) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 of Regulation (EC) No 1518/95 are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 6 July 2007.

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

Done at Brussels, 5 July 2007.

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

ANNEX

to Commission Regulation of 5 July 2007 fixing the export refunds on products processed from cereals and rice

Product code	Destination	Unit of measurement	Refunds	Product code	Destination	Unit of measurement	Refunds
1102 20 10 9200 ⁽¹⁾	C10	EUR/t	21,55	1104 23 10 9300	C10	EUR/t	17,70
1102 20 10 9400 ⁽¹⁾	C10	EUR/t	18,47	1104 29 11 9000	C10	EUR/t	0,00
1102 20 90 9200 ⁽¹⁾	C10	EUR/t	18,47	1104 29 51 9000	C10	EUR/t	0,00
1102 90 10 9100	C10	EUR/t	0,00	1104 29 55 9000	C10	EUR/t	0,00
1102 90 10 9900	C10	EUR/t	0,00	1104 30 10 9000	C10	EUR/t	0,00
1102 90 30 9100	C10	EUR/t	0,00	1104 30 90 9000	C10	EUR/t	3,85
1103 19 40 9100	C10	EUR/t	0,00	1107 10 11 9000	C10	EUR/t	0,00
1103 13 10 9100 ⁽¹⁾	C10	EUR/t	27,70	1107 10 91 9000	C10	EUR/t	0,00
1103 13 10 9300 ⁽¹⁾	C10	EUR/t	21,55	1108 11 00 9200	C10	EUR/t	0,00
1103 13 10 9500 ⁽¹⁾	C10	EUR/t	18,47	1108 11 00 9300	C10	EUR/t	0,00
1103 13 90 9100 ⁽¹⁾	C10	EUR/t	18,47	1108 12 00 9200	C10	EUR/t	24,62
1103 19 10 9000	C10	EUR/t	0,00	1108 12 00 9300	C10	EUR/t	24,62
1103 19 30 9100	C10	EUR/t	0,00	1108 13 00 9200	C10	EUR/t	24,62
1103 20 60 9000	C10	EUR/t	0,00	1108 13 00 9300	C10	EUR/t	24,62
1103 20 20 9000	C10	EUR/t	0,00	1108 19 10 9200	C10	EUR/t	0,00
1104 19 69 9100	C10	EUR/t	0,00	1108 19 10 9300	C10	EUR/t	0,00
1104 12 90 9100	C10	EUR/t	0,00	1109 00 00 9100	C10	EUR/t	0,00
1104 12 90 9300	C10	EUR/t	0,00	1702 30 51 9000 ⁽²⁾	C10	EUR/t	24,12
1104 19 10 9000	C10	EUR/t	0,00	1702 30 59 9000 ⁽²⁾	C10	EUR/t	18,47
1104 19 50 9110	C10	EUR/t	24,62	1702 30 91 9000	C10	EUR/t	24,12
1104 19 50 9130	C10	EUR/t	20,01	1702 30 99 9000	C10	EUR/t	18,47
1104 29 01 9100	C10	EUR/t	0,00	1702 40 90 9000	C10	EUR/t	18,47
1104 29 03 9100	C10	EUR/t	0,00	1702 90 50 9100	C10	EUR/t	24,12
1104 29 05 9100	C10	EUR/t	0,00	1702 90 50 9900	C10	EUR/t	18,47
1104 29 05 9300	C10	EUR/t	0,00	1702 90 75 9000	C10	EUR/t	25,28
1104 22 20 9100	C10	EUR/t	0,00	1702 90 79 9000	C10	EUR/t	17,54
1104 22 30 9100	C10	EUR/t	0,00	2106 90 55 9000	C14	EUR/t	18,47
1104 23 10 9100	C10	EUR/t	23,09				

⁽¹⁾ No refund shall be granted on products given a heat treatment resulting in pregelatinisation of the starch.

⁽²⁾ Refunds are granted in accordance with Council Regulation (EEC) No 2730/75 (OJ L 281, 1.11.1975, p. 20), as amended.

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.

The numeric destination codes are set out in Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11).

The other destinations are as follows:

C10: All destinations

C14: All destinations except for Switzerland and Liechtenstein.

COMMISSION REGULATION (EC) No 796/2007

of 5 July 2007

fixing the rates of the refunds applicable to certain cereal and rice products 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 1784/2003 of 29 September 2003 on the common organisation of the market in cereals ⁽¹⁾, and in particular Article 13(3) thereof,

Having regard to Council Regulation (EC) No 1785/2003 of 29 September 2003 on the common organisation of the market in rice ⁽²⁾, and in particular Article 14(3) thereof,

Whereas:

- (1) Article 13(1) of Regulation (EC) No 1784/2003 and Article 14(1) of Regulation (EC) No 1785/2003 provide that the difference between quotations or prices on the world market for the products listed in Article 1 of each of those Regulations and the prices within the Community may be covered by an export refund.
- (2) Commission Regulation (EC) No 1043/2005 of 30 June 2005 implementing Council Regulation (EC) No 3448/93 as regards the system of granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds ⁽³⁾, specifies the products for which a rate of refund is to be fixed, to be applied where these products are exported in the form of goods listed in Annex III to Regulation (EC) No 1784/2003 or in Annex IV to Regulation (EC) No 1785/2003 as appropriate.
- (3) In accordance with the first paragraph of Article 14 of Regulation (EC) No 1043/2005, the rate of the refund per 100 kilograms for each of the basic products in question is to be fixed each month.
- (4) The commitments entered into with regard to refunds which may be granted for the export of agricultural products contained in goods not covered by Annex I to the Treaty may be jeopardised by the fixing in advance of high refund rates. It is therefore necessary to take precautionary measures in such situations without, however, preventing the conclusion of long-

term contracts. The fixing of a specific refund rate for the advance fixing of refunds is a measure which enables these various objectives to be met.

- (5) Taking into account the settlement between the European Community and the United States of America on Community exports of pasta products to the United States, approved by Council Decision 87/482/EEC ⁽⁴⁾, it is necessary to differentiate the refund on goods falling within CN codes 1902 11 00 and 1902 19 according to their destination.
- (6) Pursuant to Article 15(2) and (3) of Regulation (EC) No 1043/2005, a reduced rate of export refund has to be fixed, taking account of the amount of the production refund applicable, pursuant to Commission Regulation (EEC) No 1722/93 ⁽⁵⁾, for the basic product in question, used during the assumed period of manufacture of the goods.
- (7) Spirituous beverages are considered less sensitive to the price of the cereals used in their manufacture. However, Protocol 19 of the Act of Accession of the United Kingdom, Ireland and Denmark provides that the necessary measures must be decided to facilitate the use of Community cereals in the manufacture of spirituous beverages obtained from cereals. Accordingly, it is necessary to adapt the refund rate applying to cereals exported in the form of spirituous beverages.
- (8) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of the refunds applicable to the basic products listed in Annex I to Regulation (EC) No 1043/2005 and in Article 1 of Regulation (EC) No 1784/2003 or in Article 1 of Regulation (EC) No 1785/2003, and exported in the form of goods listed in Annex III to Regulation (EC) No 1784/2003 or in Annex IV to Regulation (EC) No 1785/2003 respectively, shall be fixed as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 6 July 2007.

⁽¹⁾ OJ L 270, 21.10.2003, p. 78. Regulation as amended by Commission Regulation (EC) No 1154/2005 (OJ L 187, 19.7.2005, p. 11).

⁽²⁾ OJ L 270, 21.10.2003, p. 96. Regulation as last amended by Commission Regulation (EC) No 797/2006 (OJ L 144, 31.5.2006, p. 1).

⁽³⁾ OJ L 172, 5.7.2005, p. 24. Regulation as last amended by Regulation (EC) No 447/2007 (OJ L 106, 24.4.2007, p. 31).

⁽⁴⁾ OJ L 275, 29.9.1987, p. 36.

⁽⁵⁾ OJ L 159, 1.7.1993, p. 112. Regulation as last amended by Regulation (EC) No 1584/2004 (OJ L 280, 31.8.2004, p. 11).

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

Done at Brussels, 5 July 2007.

For the Commission
Heinz ZOUREK
Director-General Enterprise and Industry

ANNEX

Rates of the refunds applicable from 6 July 2007 to certain cereals and rice products exported in the form of goods not covered by Annex I to the Treaty (*)

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product ^(EUR/100 kg)	
		In case of advance fixing of refunds	Other
1001 10 00	Durum wheat:		
	– on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	—	—
	– in other cases	—	—
1001 90 99	Common wheat and meslin:		
	– on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	—	—
	– in other cases:		
	– – where Article 15(3) of Regulation (EC) No 1043/2005 applies ⁽²⁾	—	—
	– – where goods falling within subheading 2208 ⁽³⁾ are exported	—	—
	– – in other cases	—	—
1002 00 00	Rye	—	—
1003 00 90	Barley		
	– where goods falling within subheading 2208 ⁽³⁾ are exported	—	—
	– in other cases	—	—
1004 00 00	Oats	—	—
1005 90 00	Maize (corn) used in the form of:		
	– starch:		
	– – where Article 15(3) of Regulation (EC) No 1043/2005 applies ⁽²⁾	1,539	1,539
	– – where goods falling within subheading 2208 ⁽³⁾ are exported	—	—
	– – in other cases	1,539	1,539
	– glucose, glucose syrup, maltodextrine, maltodextrine syrup of CN codes 1702 30 51, 1702 30 59, 1702 30 91, 1702 30 99, 1702 40 90, 1702 90 50, 1702 90 75, 1702 90 79, 2106 90 55 ⁽⁴⁾ :		
	– – where Article 15(3) of Regulation (EC) No 1043/2005 applies ⁽²⁾	1,154	1,154
	– – where goods falling within subheading 2208 ⁽³⁾ are exported	—	—
	– – in other cases	1,154	1,154
	– – where goods falling within subheading 2208 ⁽³⁾ are exported	—	—
	– other (including unprocessed)	1,539	1,539
	Potato starch of CN code 1108 13 00 similar to a product obtained from processed maize:		
	– where Article 15(3) of Regulation (EC) No 1043/2005 applies ⁽²⁾	1,539	1,539
	– where goods falling within subheading 2208 ⁽³⁾ are exported	—	—
	– in other cases	1,539	1,539

(*) The rates set out in this Annex are not applicable to the goods listed in Tables I and II to Protocol No 2 to the Agreement between the European Community and the Swiss Confederation of 22 July 1972 exported to the Swiss Confederation or to the Principality of Liechtenstein.

(EUR/100 kg)

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product	
		In case of advance fixing of refunds	Other
ex 1006 30	Wholly milled rice:		
	– round grain	—	—
	– medium grain	—	—
	– long grain	—	—
1006 40 00	Broken rice	—	—
1007 00 90	Grain sorghum, other than hybrid for sowing	—	—

⁽¹⁾ As far as agricultural products obtained from the processing of a basic product or/and assimilated products are concerned, the coefficients set out in Annex V to Commission Regulation (EC) No 1043/2005 is applicable.

⁽²⁾ The goods concerned fall under CN code 3505 10 50.

⁽³⁾ Goods listed in Annex III to Regulation (EC) No 1784/2003 or referred to in Article 2 of Regulation (EEC) No 2825/93 (OJ L 258, 16.10.1993, p. 6).

⁽⁴⁾ For syrups of CN codes NC 1702 30 99, 1702 40 90 and 1702 60 90, obtained from mixing glucose and fructose syrup, the export refund relates only to the glucose syrup.

COMMISSION REGULATION (EC) No 797/2007
of 5 July 2007
on the issuing of export licences for wine-sector products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 883/2001 of 24 April 2001, laying down detailed rules for implementing Council Regulation (EC) No 1493/1999 as regards trade with third countries in products in the wine sector⁽¹⁾, and in particular Article 7 and Article 9(3) thereof,

Whereas:

- (1) Article 63(7) of Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine⁽²⁾, limits the grant of export refunds for wine-sector products to the volumes and expenditure contained in the Agreement on Agriculture concluded during the Uruguay Round multilateral trade negotiations.
- (2) Article 9 of Regulation (EC) No 883/2001 lays down the conditions under which the Commission may take specific measures to prevent an overrun of the quantity laid down or the budget available under the said Agreement.
- (3) On the basis of information on export licence applications available to the Commission on 4 July 2007, the quantity still available for the period until 31 August 2007, for destination zones (1) Africa, (3)

Eastern Europe and (4) Western Europe, referred to in Article 9(5) of Regulation (EC) No 883/2001, could be exceeded unless the issue of export licences with advance fixing of the refund is restricted. Therefore, a single percentage for the acceptance of applications submitted from 1 to 3 July 2007 should be applied and the submission of applications and the issue of licences suspended for this zone until 16 September 2007,

HAS ADOPTED THIS REGULATION:

Article 1

1. Export licences with advance fixing of the refund for wine-sector products for which applications are submitted from 1 to 3 July 2007 under Regulation (EC) No 883/2001 shall be issued in concurrence with 16,62 % of the quantities requested for zone (1) Africa, in concurrence with 23,66 % of the quantities requested for zone (3) Eastern Europe and in concurrence with 27,97 % of the quantities requested for zone (4) Western Europe.

2. The issue of export licences for wine-sector products referred to in paragraph 1 for which applications are submitted from 4 July 2007 and the submission of export licence applications from 6 July 2007 for destination zone (1) Africa, (3) Eastern Europe and (4) Western Europe shall be suspended until 16 September 2007.

Article 2

This Regulation shall enter into force on 6 July 2007.

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

Done at Brussels, 5 July 2007.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 128, 10.5.2001, p. 1. Regulation as last amended by Regulation (EC) No 2079/2005 (OJ L 333, 20.12.2005, p. 6).

⁽²⁾ OJ L 179, 14.7.1999, p. 1. Regulation as last amended by Regulation (EC) No 2165/2005 (OJ L 345, 28.12.2005, p. 1).

COMMISSION REGULATION (EC) No 798/2007**of 5 July 2007****establishing a prohibition of fishing for herring in ICES zone VIIg, VIIh, VIIj and VIIk by vessels flying the flag of the United Kingdom**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy ⁽¹⁾, and in particular Article 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 ⁽²⁾, and in particular Article 21(3) thereof,

Whereas:

- (1) Council Regulation (EC) No 41/2007 of 21 December 2006 fixing for 2007 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 ⁽³⁾, lays down quotas for 2007.
- (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 2007.

- (3) It is therefore necessary to prohibit fishing for that stock and its retention on board, transhipment 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 2007 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 July 2007.

For the Commission

Fokion FOTIADIS

Director-General for Fisheries and Maritime Affairs

⁽¹⁾ OJ L 358, 31.12.2002, p 59.

⁽²⁾ OJ L 261, 20.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 1967/2006 (OJ L 409, 30.12.2006, p. 11, as last corrected by OJ L 36, 8.2.2007, p. 6).

⁽³⁾ OJ L 15, 20.1.2007, p. 1. Regulation as amended by Commission Regulation (EC) No 444/2007 (OJ L 106, 24.4.2007, p. 22).

ANNEX

No	16
Member State	UNITED KINGDOM
Stock	HER/7G-K.
Species	Herring (<i>Clupea harengus</i>)
Zone	VIIg, VIIh, VIIj and VIIk
Date	12.6.2007

II

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

DECISIONS

COUNCIL

COUNCIL DECISION

of 5 June 2007

abrogating Decision 2005/186/EC on the existence of an excessive deficit in Malta

(2007/464/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 104(12) thereof,

Having regard to the recommendation from the Commission,

Whereas:

- (1) By Council Decision 2005/186/EC ⁽¹⁾, following a recommendation from the Commission in accordance with Article 104(6) of the Treaty, it was decided that an excessive deficit existed in Malta. The Council noted that the general government deficit was 9,7 % of GDP in 2003, of which 2,9 % of GDP was due to a one-off operation, this being above the 3 % of GDP Treaty reference value, while general government gross debt stood at 72 % of GDP and was likely to further diverge from the 60 % of GDP Treaty reference value in 2004.
- (2) On 5 July 2004, in accordance with Article 104(7) of the Treaty and Article 3(4) of Council Regulation (EC) No 1467/97 of 7 July 1997 on speeding up and clarifying the implementation of the excessive deficit procedure ⁽²⁾, the Council addressed a recommendation to Malta with a view to bringing the excessive deficit situation to an end by 2006 at the latest. The recommendation was made public.
- (3) In accordance with Article 104(12) of the Treaty, a Council Decision on the existence of an excessive

deficit is to be abrogated when the excessive deficit in the Member State concerned has, in the view of the Council, been corrected.

- (4) In accordance with the Protocol on the excessive deficit procedure annexed to the Treaty, the Commission provides the data for the implementation of the procedure. As part of the application of the Protocol, Member States are to notify data on government deficits and debt and other associated variables twice a year, namely before 1 April and before 1 October, in accordance with Article 4 of Council Regulation (EC) No 3605/93 of 22 November 1993 on the application of the Protocol on the excessive deficit procedure annexed to the Treaty establishing the European Community ⁽³⁾.
- (5) Based on data provided by the Commission (Eurostat) in accordance with Article 8g(1) of Regulation (EC) No 3605/93 following the notification by Malta before 1 April 2007 and on the Commission services' spring 2007 forecast, the following conclusions are warranted:
 - The general government deficit was reduced from 10 % of GDP in 2003 to 2,6 % of GDP in 2006, which is below the 3 % of GDP deficit reference value. This is slightly better than the target set for 2006 in the January 2006 update of the convergence programme, although somewhat above the targets endorsed by the Council in its recommendation under Article 104(7),

⁽¹⁾ OJ L 62, 9.3.2005, p. 21.

⁽²⁾ OJ L 209, 2.8.1997, p. 6. Regulation as amended by Regulation (EC) No 1056/2005 (OJ L 174, 7.7.2005, p. 5).

⁽³⁾ OJ L 332, 31.12.1993, p. 7. Regulation as last amended by Regulation (EC) No 2103/2005 (OJ L 337, 22.12.2005, p. 1).

— More than half (around four percentage points) of the 7,4 percentage points of GDP reduction in the deficit ratio between 2003 and 2006 was accounted for by higher revenue, reflecting changes in indirect taxation as well as more efficient tax collection. A lower ratio of expenditure to GDP explains the remaining 3,5 percentage points, in part reflecting higher recourse to one-off operations, namely sales of land, which are conventionally recorded as negative expenditure. The expenditure ratio would have declined by less if the substantial one-off expenditure-increasing operation related to the restructuring of the shipyards of around 3 % of GDP in 2003 is excluded. In addition, expenditure restraint was achieved through downsizing and restructuring of public entities, restrictions in hiring in the public service and control in social payments.

— One-off deficit-reducing operations averaged around 1 % of GDP between 2004 and 2006. Without one-offs (0,7 % of GDP), the 2006 deficit would have remained above the reference value, at 3,3 % of GDP. The improvement in the structural balance, being the cyclically-adjusted balance net of one-off and other temporary measures, in 2006 is estimated at slightly above 1 % of GDP,

— For 2007, the Commission services' spring 2007 forecast projects that the deficit will be reduced further, to 2,1 % of GDP, driven by additional expenditure savings. One-offs are envisaged to amount to 0,6 % of GDP, broadly similar in magnitude to the preceding year, so that without one-offs the deficit would be below the reference value. This is broadly in line with the official deficit estimate of 1,9 % of GDP set in the April 2007 notification. For 2008, the spring forecast projects, on a no-policy-change basis, a further decline in the deficit to 1,6 % of GDP without recourse to one-offs. This indicates that the deficit has been brought below the 3 % of GDP ceiling in a credible and sustainable manner. The structural balance is projected to improve marginally in 2007 and, on the basis of a scenario without

changes of policy, by an additional percentage point in 2008. This has to be seen against the need to make progress towards the medium-term objective for the budgetary position, which for Malta is a balanced budget position in structural terms,

— Government debt declined from its peak of 73,9 % of GDP in 2004 to 66,5 % in 2006. According to the Commission services' spring 2007 forecast, the debt ratio is projected to fall further to around 64,3 % by the end of 2008, thus coming closer to the 60 % of GDP reference value.

(6) In the view of the Council, the excessive deficit in Malta has been corrected and Decision 2005/186/EC should therefore be abrogated,

HAS ADOPTED THIS DECISION:

Article 1

From an overall assessment it follows that the excessive deficit situation in Malta has been corrected.

Article 2

Decision 2005/186/EC is hereby abrogated.

Article 3

This Decision is addressed to the Republic of Malta.

Done at Luxembourg, 5 June 2007.

For the Council
The President
P. STEINBRÜCK

COUNCIL DECISION

of 5 June 2007

abrogating Decision 2004/917/EC on the existence of an excessive deficit in Greece

(2007/465/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 104(12) thereof,

Having regard to the recommendation from the Commission,

Whereas:

- (1) By Council Decision 2004/917/EC ⁽¹⁾, following a recommendation from the Commission in accordance with Article 104(6) of the Treaty, it was decided that an excessive deficit existed in Greece. The Council noted that the general government deficit was 3,2 % of GDP in 2003, above the 3 % of GDP Treaty reference value, while general government gross debt stood at 103 % of GDP, well above the 60 % of GDP Treaty reference value. Figures on general government deficit and general government gross debt for 2003 were revised on several occasions subsequent to Decision 2004/917/EC. According to the most recent data, the deficit and debt represented 6,2 % of GDP and 107,8 % of GDP respectively.
- (2) On 6 July 2004, in accordance with Article 104(7) of the Treaty and Article 3(4) of Council Regulation (EC) No 1467/97 of 7 July 1997 on speeding up and clarifying the implementation of the excessive deficit procedure ⁽²⁾, the Council addressed a recommendation to Greece with a view to bringing the excessive deficit situation to an end by 2005 at the latest. The recommendation was made public.
- (3) On 19 January 2005, by Council Decision 2005/334/EC ⁽³⁾, in accordance with Article 104(8), the Council decided, based on a recommendation from the Commission, that Greece had not taken effective action in response to the Council recommendation under Article 104(7). On 17 February 2005, by Council Decision 2005/441/EC ⁽⁴⁾, the Council decided, based on a recommendation from the Commission, to give notice to Greece in accordance with Article 104(9) to take measures for the deficit reduction judged necessary in order to remedy the situation of excessive deficit and extended the deadline for the correction by one year, to 2006.
- (4) In accordance with Article 104(12) of the Treaty, a Council Decision on the existence of an excessive deficit is to be abrogated when the excessive deficit in the Member State concerned has, in the view of the Council, been corrected.
- (5) In accordance with the Protocol on the excessive deficit procedure annexed to the Treaty, the Commission provides the data for the implementation of the procedure. As part of the application of the Protocol, Member States are to notify data on government deficits and debt and other associated variables twice a year, namely before 1 April and before 1 October, in accordance with Article 4 of Council Regulation (EC) No 3605/93 of 22 November 1993 on the application of the Protocol on the excessive deficit procedure annexed to the Treaty establishing the European Community ⁽⁵⁾.
- (6) Based on data provided by the Commission (Eurostat) in accordance with Article 8g(1) of Regulation (EC) No 3605/93 following the notification by Greece on 1 April 2007 and on the Commission services' spring 2007 forecast, the following conclusions are warranted:
- the general government deficit was reduced from 7,9 % of GDP in 2004 to 2,6 % of GDP in 2006, which is below the 3 % of GDP deficit reference value. This is identical to the target set in the December 2005 update of the stability programme,
 - revenues and expenditure contributed to the nominal adjustment of almost 3 percentage points of GDP compared to the 2005 deficit of 5,5 % in almost equal shares. Expressed in terms of the GDP, total revenues increased by 1½ percentage points of GDP, with indirect taxes accounting for one-half of a percentage point of GDP. The remaining percentage point is accounted for by increases in social contributions and other revenues, including capital transfers (EU transfers). Total expenditure was reduced by 1¼ percentage points of GDP, mainly driven by reductions in primary expenditure (by 0,5 % of GDP) and in interest expenditure (0,25 % of GDP). Capital expenditures were also reduced by around one-half of a percentage point of GDP. One-off revenues amounted to 0,6 % of GDP. The improvement in the structural balance (i.e. the cyclically-adjusted balance net of one-off and other temporary measures) is estimated at 2,25 % of GDP in 2006. The deficit debt adjustment at 2,3 % of GDP is largely explained,

⁽¹⁾ OJ L 389, 30.12.2004, p. 25.

⁽²⁾ OJ L 209, 2.8.1997, p. 6. Regulation as amended by Regulation (EC) No 1056/2005 (OJ L 174, 7.7.2005, p. 5).

⁽³⁾ OJ L 107, 28.4.2005, p. 24.

⁽⁴⁾ OJ L 153, 16.6.2005, p. 29.

⁽⁵⁾ OJ L 332, 31.12.1993, p. 7. Regulation as last amended by Regulation (EC) No 2103/2005 (OJ L 337, 22.12.2005, p. 1).

- for 2007, the Commission services' spring 2007 forecast projects that the deficit will be reduced further, to 2,4 % of GDP. This is in line with the official deficit target of 2,4 % of GDP set in the December 2006 update of the stability programme. However, the Commission services' forecast includes additional one-off revenues amounting to 0,25 % of GDP, as well as permanent expenditure-saving measures amounting to about 0,25 % of GDP, both as announced by the cut-off date of the Commission services' spring 2007 forecast and thus not reflected in the December 2006 official target. In spite of this, the spring forecast deficit projection for 2007 is not better than the target as the impact of these new measures is offset both by more cautious growth assumptions and the fact that the permanent measures planned for 2007 would not, in the view of the Commission, fully replace the decline in one-off revenues. Without one-offs, the deficit would still be below the reference value, at 2,9 % of GDP. For 2008, the spring forecast projects, on a no-policy-change basis, a deficit of 2,7 % of GDP without inclusion of one-offs for 2008. This indicates that the deficit has been brought below the 3 % of GDP ceiling in a credible and sustainable manner. The structural balance is projected to improve in 2007 by around one quarter of a percentage point of GDP and, on a no-policy change basis, by a marginal amount in 2008. This has to be seen against the need to make progress towards the medium-term objective for the budgetary position, which for Greece is a balanced position in structural terms,
- government debt declined from 108,5 % of GDP in 2004 to 104,5 % in 2006. According to the spring 2007 forecast, the debt ratio is projected to fall further to around 97,5 % by the end of 2008, still

well above the 60 % of GDP reference value. The debt ratio can be considered as sufficiently diminishing towards the 60 % of GDP reference value.

- (7) The Greek statistical authorities improved their procedures, which led to a significant reduction in the statistical discrepancies and an overall higher quality of the general government data. The Greek authorities are committed to implementing fully the action plan to improve public finance statistics. As a result, Eurostat withdrew its reservations on the quality of the reported data.
- (8) In the view of the Council, the excessive deficit in Greece has been corrected and Decision 2004/917/EC should therefore be abrogated,

HAS ADOPTED THIS DECISION:

Article 1

From an overall assessment it follows that the excessive deficit situation in Greece has been corrected.

Article 2

Decision 2004/917/EC is hereby abrogated.

Article 3

This Decision is addressed to the Hellenic Republic.

Done at Luxembourg, 5 June 2007.

For the Council
The President
P. STEINBRÜCK

COUNCIL DECISION

of 28 June 2007

appointing six Swedish members and nine Swedish alternate members to the Committee of the Regions

(2007/466/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 263 thereof,

Having regard to the proposal from the Swedish Government,

Whereas:

(1) On 24 January 2006 the Council adopted Decision 2006/116/EC appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2006 to 25 January 2010 ⁽¹⁾.

(2) Six members' seats on the Committee of the Regions have become vacant following the resignations of Mr HAMMAR, Mr HEISTER, Mr KALIFF, Mr NORDSTRÖM, Ms RYDEFJÄRD and Ms TARRAS-WAHLBERG. Seven alternate members' seats on the Committee of the Regions have become vacant following the resignations of Ms CELION, Ms GRANBERG, Ms NORGREN, Mr SCHUBERT, Ms SEGERSTEN-LARSSON, Ms TALLBERG and Ms ÖGREN. One alternate member's seat has become vacant following the end of the mandate of Mr PERSSON. One alternate member's seat has become vacant following the appointment of Ms RYDEFJÄRD, former alternate member, as a member (who has in the meanwhile resigned),

HAS DECIDED AS FOLLOWS:

Article 1

The following are hereby appointed members and alternate members of the Committee of the Regions for the remainder of the current term of office, which ends on 25 January 2010:

(a) as members:

- Mr Paul LINDQUIST, Lidingö kommun,
- Ms Kristina ALVENDAHL, Stockholms kommun,
- Ms Maria WALLHAGER, Stockholms läns landsting,
- Mr Ilmar REEPALU, Malmö kommun,
- Ms Lotta HÅKANSSON HARJU, Järfälla kommun,
- Ms Catarina SEGERSTEN-LARSSON, Värmlands läns landsting;

and

(b) as alternate members:

- Mr Carl Fredrik GRAF, Halmstads kommun,
- Ms Susanna HABY, Göteborgs kommun,
- Mr Carl Johan SONESON, Skåne läns landsting,
- Mr Rolf SÄLLRYD, Kronobergs läns landsting,
- Ms Ingela NYLUND WATZ, Stockholms läns landsting,
- Ms Agneta LIPKIN, Norrbottens läns landsting,
- Mr Tore HULT, Alingsås kommun,
- Ms Yoomi RENSTRÖM, Ovanåkers kommun,
- Mr Kenth LÖVGREN, Gävle kommun;

in place of:

- (a) — Mr Henrik HAMMAR,
- Ms Lisbeth RYDEFJÄRD,
 - Mr Lars NORDSTRÖM,
 - Mr Roger KALIFF,
 - Ms Catarina TARRAS-WAHLBERG,
 - Mr Chris HEISTER;

and

- (b) — Ms Agneta GRANBERG,
- Ms Lena CELION,
 - Ms Catarina SEGERSTEN-LARSSON,
 - Mr Kent PERSSON,
 - Mr Endrick SCHUBERT,
 - Ms Christina TALLBERG,
 - Ms Lisbeth RYDEFJÄRD (appointed member, who has in the meanwhile resigned),
 - Ms Åsa ÖGREN,
 - Ms Ulla NORGREN.

⁽¹⁾ OJ L 56, 25.2.2006, p. 75.

Article 2

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

Done at Luxembourg, 28 June 2007.

For the Council
The President
S. GABRIEL

COMMISSION

COMMISSION DECISION

of 28 June 2007

setting up the Expert Group on Radio Frequency Identification

(2007/467/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Whereas:

- (1) Article 153 of the Treaty assigned the European Community the task of ensuring a high level of protection for consumers, by promoting their right to information and to organising themselves in order to safeguard their interests. Article 163 provides that the Community shall encourage industry to become more competitive at international level and encourage undertakings to exploit the internal market potential to the full, including through the definition of common standards. Article 157 provides that the Community and Member States shall encourage an environment favourable to initiative and shall foster better exploitation of the industrial potential of policies.
- (2) The Commission Communication entitled 'Radio Frequency Identification (RFID) in Europe: steps towards a policy framework' ⁽¹⁾ (hereinafter 'the Communication') announced the creation of the expert group on Radio Frequency Identification (hereinafter 'RFID') which should allow a dialogue between stakeholders, in order to fully understand and advise on action which should be taken in relation to the concerns raised in the Communication.
- (3) It is therefore necessary to set up a group of experts in the field of RFID and to define its tasks and its structure.
- (4) The group should help to develop a dialogue between consumer organisations, market actors, and national and European authorities, including data protection authorities.
- (5) Personal data relating to members of the group should be processed in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data ⁽²⁾.

- (6) It is appropriate to fix a period for the application of this Decision. The Commission will in due time consider the advisability of an extension,

HAS DECIDED AS FOLLOWS:

Article 1

The Expert Group on Radio Frequency Identification

The 'Expert Group on Radio Frequency Identification' group of experts, hereinafter referred to as 'the group' is hereby set up with effect from 1.7.2007.

Article 2

Task

The group's tasks shall be to:

- (a) To provide advice to the Commission on the content of a Recommendation which shall set out the principles that public authorities and other stakeholders should apply in respect of RFID usage and on the content of other Commission initiatives related to this field;
- (b) To develop guidelines on how RFID applications should operate taking into account the views of stakeholders and issues relating to long-term users as well as economic and societal aspects of RFID technologies;
- (c) To support the Commission in its efforts to promote awareness campaigns at Member States and citizen level about the opportunities and challenges of RFID.
- (d) To provide objective information and facilitate the exchange of experience and good practices in respect of the opportunities and challenges of RFID technology, including applications for Europe's economy and society; to provide objective information on the Community and national regulatory frameworks as regards data protection and privacy, and on other policy concerns.

Article 3

Consultation

The Commission may consult the group on any matter relating to the implementation in Europe of a safe, secure, privacy-friendly and effective approach to RFID.

⁽¹⁾ COM(2007) 96 final.

⁽²⁾ OJ L 8, 12.1.2001, p. 1.

*Article 4***Membership — Appointment**

1. The group shall be composed of up to 35 members.
2. The Director-General of DG 'Information Society and Media' or his/her representative shall appoint the members and observers of the group from specialists with competence in the areas referred to in Articles 2 and 3.1 and on the proposal of organisations that have been invited to recommend experts. Alternate members for the members of the group shall be appointed in equal numbers and on the same conditions as the members. An alternate member shall automatically replace the member who is absent or indisposed.
3. Members shall be appointed to ensure a balanced representation of the various stakeholders and, more specifically, will include representatives from the following areas:
 - (a) Civil society:
 - (i) the end-user communities that are subjected to RFID systems (citizens, consumers, patients, employees);
 - (ii) privacy organisations.
 - (b) Interested parties:
 - (i) users from different application sectors (for example, logistics, automotive, aerospace, health, retail, pharmaceuticals);
 - (ii) parties that are actively involved in setting up RFID systems (such as RFID chip producers, designers and manufacturers of packaged tags and readers, software and systems integrators, service providers, and privacy and security solution providers);
 - (iii) standardisation bodies.
4. The following public authorities shall be invited to participate in the group's deliberations as observers:
 - (a) Representatives of the Member States assuming Presidency of the EU over the course of the Expert Group term of office;
 - (b) Representatives of data protection authorities.

5. The following experts shall be invited to participate in the group's deliberations as observers:

- (a) Academic researchers and practitioners;
- (b) Technology experts, in particular with regard to the next generation of networked RFIDs ('Internet of Things');
- (c) Legal experts who shall provide advice on existing legislation.

6. Members of the group are appointed for a two-year renewable term of office. They shall remain in office until such time as they are replaced or their term of office ends.

7. Members who are no longer able to contribute effectively to the group's deliberations, who resign or who do not respect the conditions set out in paragraphs three to five of this Article or Article 287 of the Treaty may be replaced for the remaining period of their term of office.

8. The names of the organisations mentioned in paragraph 2 of this article are published on the Internet site of the DG 'Information Society and Media'. Data on members are collected, processed and published in accordance with the provisions of Regulation (EC) No 45/2001.

*Article 5***Operation**

1. The group shall be chaired by a representative of the Commission.
2. In agreement with the Commission, sub-groups may be set up to examine specific questions under the terms of reference established by the group. Such groups shall be dissolved as soon as their mandates are fulfilled.
3. The Commission's representative may ask experts or observers with specific competence on a subject on the agenda to participate in the group's or sub-group's deliberations if this is useful and/or necessary.
4. Information obtained by participating in the deliberation of a group or sub-group may not be divulged if, in the opinion of the Commission, that information relates to confidential matters.

5. The group and its sub-groups shall normally meet on Commission premises in accordance with the procedures and schedule established by it. The Commission shall provide secretarial services. Other Commission officials with an interest in the proceedings may attend meetings of the group and its sub-groups.

6. The group shall adopt its rules of procedure on the basis of the standard rules of procedure adopted by the Commission.

7. The Commission may publish, in the original language of the document concerned, any summary, conclusion, or partial conclusion or working document of the group.

Article 6

Meeting expenses

The Commission shall reimburse travel and, where appropriate, subsistence expenses for members, experts and observers in connection with the group's activities in accordance with the Commission's rules on the compensation of external experts.

The members shall not be paid for the services they render.

Meeting expenses shall be reimbursed within the limits of the annual budget allocated to the group by the responsible Commission services.

Article 7

Applicability

The decision shall apply until 31 March 2009.

Done at Brussels, 28 June 2007.

For the Commission

Viviane REDING

Member of the Commission

ANNEX

RULES OF PROCEDURE OF THE GROUP OF EXPERTS ON RADIO FREQUENCY IDENTIFICATION (RFID)

THE EXPERT GROUP on Radio Frequency Identification (RFID),

Having regard to the Commission Decision of setting up an Expert Group on Radio Frequency Identification (RFID), and in particular Article 1,

Having regard to the standard rules of procedure published by the Commission,

HAS ADOPTED THE FOLLOWING RULES OF PROCEDURE:

*Article 1***Convening a meeting**

1. Meetings of the group are convened by the Chair, either on its own initiative, or at the request of a simple majority of members after the Commission has given its consent.
2. Joint meetings of the group with other groups may be convened to discuss matters falling within their respective areas of responsibility.

*Article 2***Agenda**

1. The secretariat shall draw up the agenda under the responsibility of the Chair and send it to the members of the group.
2. The agenda shall be adopted by the group at the start of the meeting.

*Article 3***Forwarding of documents to group members**

1. The secretariat shall send the invitation to the meeting and the draft agenda to the group members no later than 30 calendar days before the date of the meeting.
2. The secretariat shall send drafts on which the group is consulted and all other working documents to the group members no later than 14 calendar days before the date of the meeting.
3. In urgent or exceptional cases, the time limits for sending the documentation mentioned in 1 and 2 may be reduced to five calendar days before the date of the meeting.

*Article 4***Opinions of the group**

1. As far as possible, the group shall adopt its opinions or reports by a consensus.
2. When consensus cannot be reached, conflicting positions and related backgrounds will be reported so that different positions are clearly understood.

*Article 5***Sub-groups**

1. With the consent of the Commission, the group may set up sub-groups to examine specific questions on the basis of terms of reference defined by the group; they shall be disbanded as soon as they have fulfilled those terms of reference.
2. The sub-groups shall report to the group.

*Article 6***Admission of third parties**

1. The Commission representative may invite experts or observers with special expertise on a matter on the draft agenda to participate in the group's or sub-groups' work where appropriate and/or necessary.
2. Experts or observers are not present when the group adopts an opinion or report.

*Article 7***Written procedure**

1. If necessary, the group's opinion on a specific question may be delivered via a written procedure. To this end, the secretariat sends the group members the drafts on which the group is being consulted and any other working documents.
2. However, if a simple majority of group members asks for the question to be examined at a meeting of the group, the written procedure shall be terminated without result and the Chair shall convene a meeting of the group as soon as possible.

*Article 8***Secretariat**

The Commission shall provide secretarial support for the group and any sub-groups created under Article 5(1) above.

*Article 9***Summary minutes of the meetings**

Summary minutes on the discussion on each point on the agenda and the opinions delivered by the group are drafted by the secretariat under the responsibility of the Chair. The minutes do not mention the individual position of the members during the group's deliberations. These are adopted by the group.

*Article 10***Attendance list**

At each meeting, the secretariat shall draw up, under the responsibility of the Chair, an attendance list specifying, where appropriate, the authorities, organisations or bodies to which the participants belong.

*Article 11***Prevention of conflicts of interest**

1. At the start of each meeting, any member whose participation in the group's deliberations would raise a conflict of interest on a specific item on the agenda shall inform the Chair.
2. In the event of such a conflict of interest, the member shall abstain from discussing the items on the agenda concerned and from any vote on these items.

*Article 12***Correspondence**

1. Correspondence relating to the group shall be addressed to the Commission, for the attention of the Chair.
2. Correspondence for group members shall be sent to the (e-mail) address which they provide for that purpose.

*Article 13***Transparency**

1. The principles and conditions concerning public access to the group's documents are the same as laid down in Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents ⁽¹⁾. It is for the Commission to take a decision on requests for access to those documents.
2. The group's deliberations are confidential.
3. In agreement with the Commission, the group may, by a simple majority of its members, decide to open its deliberations to the public.

*Article 14***Protection of personal data**

All processing of personal data for the purposes of these rules of procedure shall be in accordance with Regulation (EC) 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data ⁽²⁾.

⁽¹⁾ OJ L 145, 31.5.2002, p. 43.

⁽²⁾ OJ L 8, 12.1.2001, p. 1.

III

(Acts adopted under the EU Treaty)

ACTS ADOPTED UNDER TITLE V OF THE EU TREATY

COUNCIL JOINT ACTION 2007/468/CFSP

of 28 June 2007

on support for activities of the Preparatory Commission of the Comprehensive Nuclear-Test-Ban Treaty Organisation (CTBTO) in order to strengthen its monitoring and verification capabilities and in the framework of the implementation of the EU Strategy against the Proliferation of Weapons of Mass Destruction

THE COUNCIL OF THE EUROPEAN UNION,

non-proliferation of weapons of mass destruction and means of delivery.

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

Whereas:

- (1) On 12 December 2003, the European Council adopted the EU Strategy against the Proliferation of Weapons of Mass Destruction, Chapter III of which contains a list of measures to combat such proliferation which need to be taken both within the EU and in third countries.
- (2) The European Union is actively implementing the EU Strategy and is giving effect to the measures listed in Chapter III thereof, in particular by releasing financial resources to support specific projects conducted by multilateral institutions.
- (3) The States Signatories to the Comprehensive Nuclear-Test-Ban Treaty (CTBT), adopted by the General Assembly of the United Nations on 10 September 1996, have decided to establish a Preparatory Commission, endowed with legal capacity, for the purpose of carrying out the effective implementation of the CTBT, pending the establishment of the CTBT Organisation (CTBTO).
- (4) On 17 November 2003, the Council adopted Common Position 2003/805/CFSP ⁽¹⁾ on the universalisation and reinforcement of multilateral agreements in the field of
- (5) The early entry into force and universalisation of the CTBT and the strengthening of the monitoring and verification system of the Preparatory Commission of the CTBTO are important objectives of the EU Strategy against the Proliferation of Weapons of Mass Destruction.
- (6) The Preparatory Commission of the CTBTO pursues the same objectives as those referred to in recitals 4 and 5 and is already engaged in identifying by what means its verification system could best be strengthened through the timely provision of expertise and training to personnel from the States Signatories involved in the implementation of the verification regime. It is therefore appropriate to entrust the Preparatory Commission of the CTBTO with the technical implementation of this Joint Action.
- (7) On 20 March 2006, the Council adopted Joint Action 2006/243/CFSP ⁽²⁾ on support for activities of the Preparatory Commission of the Comprehensive Nuclear-Test-Ban Treaty Organisation (CTBTO) in the area of training and capacity building for verification and in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction.
- (8) The nuclear test carried out by the Democratic People's Republic of Korea in October 2006 further underlined the importance of the early entry into force of the CTBT and the need for an accelerated building-up of the CTBTO monitoring and verification system,

⁽¹⁾ OJ L 302, 20.11.2003, p. 34.

⁽²⁾ OJ L 88, 25.3.2006, p. 68.

HAS ADOPTED THIS JOINT ACTION:

Article 1

1. For the purposes of immediate and practical implementation of certain elements of the EU Strategy against the Proliferation of Weapons of Mass Destruction, the European Union shall support the activities of the Preparatory Commission of the Comprehensive Nuclear-Test-Ban Treaty Organisation (CTBTO) in order to further the following objectives:

- (a) strengthening the capabilities of the CTBTO monitoring and verification system, including in the field of radio-nuclide detection;
- (b) enhancing the operational performance of the CTBTO monitoring and verification system, including through testing and validation of on-site inspection modalities.

2. The projects to be supported by the European Union shall have the following specific objectives:

- (a) to provide support for the development of capacity in the area of noble gas monitoring and verification;
- (b) to provide support for the preparation, conduct and evaluation of the Integrated Field Exercise 2008 in the area of on-site inspections (IFE08/OSI).

The projects shall be carried out for the benefit of all States Signatories to the Comprehensive Nuclear-Test-Ban Treaty.

A detailed description of the projects is set out in the Annex.

Article 2

1. The Presidency, assisted by the Secretary-General of the Council/High Representative for the Common Foreign and Security Policy (SG/HR), shall be responsible for the implementation of this Joint Action. The Commission shall be fully associated.

2. The projects referred to in Article 1(2) shall be carried out by the Preparatory Commission of the CTBTO. It shall perform this task under the control of the SG/HR, assisting the Presidency. For this purpose, the SG/HR shall enter into the necessary arrangements with the Preparatory Commission of the CTBTO.

3. The Presidency, the SG/HR and the Commission shall keep each other regularly informed about the projects, in conformity with their respective competences.

Article 3

1. The financial reference amount for the implementation of the projects referred to in Article 1(2) shall be EUR 1 670 000.

2. The expenditure financed by the amount stipulated in paragraph 1 shall be managed in accordance with the European Community procedures and rules applicable to the general budget of the European Communities with the exception that any pre-financing shall not remain the property of the Community.

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

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

Article 4

The Presidency, assisted by the SG/HR, shall report to the Council on the implementation of this Joint Action on the basis of regular reports prepared by the Preparatory Commission of the CTBTO. These reports shall form the basis for the evaluation by the Council. The Commission shall be fully associated. It shall provide information on the financial aspects of the implementation of this Joint Action.

Article 5

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

It shall expire:

(a) 15 months after the conclusion of the financing agreement between the Commission and the Preparatory Commission of the CTBTO, or

(b) 12 months after the date of its adoption if no financing agreement has been concluded within that period.

Article 6

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

Done at Luxembourg, 28 June 2007.

For the Council
The President
S. GABRIEL

ANNEX

EU support for activities of the Preparatory Commission of the Comprehensive Nuclear-Test-Ban Treaty Organisation (CTBTO) in order to strengthen its monitoring and verification capabilities and in the framework of the implementation of the EU Strategy against the Proliferation of Weapons of Mass Destruction**I. Introduction**

The announced nuclear tests by the Democratic People's Republic of Korea (DPRK) in October 2006 not only highlighted the importance of early entry into force of the Treaty, but also underscored the need for the rapid build-up of the Comprehensive Nuclear-Test-Ban Treaty (CTBT) verification regime. The event constituted a real life system-wide test for the Provisional Technical Secretariat (PTS) and highlighted the potential value that the global verification system can bring to States Signatories. It demonstrated the technical relevance of the CTBT verification arrangements, including the importance of validated and efficient on-site inspections (OSI). For this project proposal, the PTS has identified elements with regard to the monitoring and verification capabilities that merit particular focus in the light of the experiences gained from the DPRK event. The proposal is built on the following two components:

- (a) noble gases;
- (b) the Integrated Field Exercise 2008 (IFE08/OSI).

II. Description of projects*1. Project Component Noble Gas; improve the knowledge of PTS noble gas measurements:*

- (a) the International Monitoring System (IMS) has currently reached a level of approximately two-thirds of stations in operation. The build-up of the system is pursued as a matter of priority with the aim to reach a level of up to 90 % in early 2008. The DPRK event was well recorded by the PTS primary and auxiliary seismic stations, providing reliable measurements to States Signatories of the time, location and magnitude of the event. The system of seismic stations has reached a level of approximately 80 % build up to date;
- (b) the level of operation of stations capable of monitoring the presence in the atmosphere of relevant noble gases upon the entry into force of the Treaty, however, needs to be advanced. Currently, 10 prototype stations are operational or in construction, equivalent to 25 % of the projected number at entry into force. These stations are providing experimental and provisional measurements in the framework of the PTS's International Noble Gas Experiment (INGE). It is recalled that this research and development program is based on four technologies proposed by the four following countries: France, Russia, Sweden and the United States. In the wake of the DPRK event, many States Signatories, including Member States of the European Union, have expressed their opinion that the PTS capabilities of monitoring the presence of noble gas need to be strengthened;
- (c) noble gas monitoring is a fundamental and highly sensitive technique for the detection of underground and underwater nuclear explosions. Of all verification technologies, it is, together with radionuclide particulate monitoring, the only technique that has the potential to provide unmistakable proof of a nuclear explosion;
- (d) in order to ensure the quality and accuracy of the current and future PTS's noble gas measurement capabilities, it is of eminent importance to know the 'noble gas background' that can be expected in other regions of the world, where no stations currently exist. A methodology for categorization of events detected by noble gas system measurements therefore needs to be developed. Noble gas field measurements are the best way to achieve this and to provide answers to such 'unknowns'. Currently, INGE stations are collecting data in the North- and South Americas, Europe, Asia and Oceania. However, in South Asia, the Persian Gulf and Southern Africa, there are nuclear facilities but no radio xenon background data are available. Moreover, in Europe measurements at specific sites, e.g. near radiopharmaceutical plants or nuclear power plants, are also needed;
- (e) to this end, measurements near nuclear power plants (NPPs) or radiopharmaceutical production plants should be undertaken to show the difference between theoretical release models, reported average releases, and experimental, real measured results. Further, the background of noble gases in other regions of the world, where no stations currently exist, needs to be studied;

- (f) to achieve the abovementioned necessary improvements of the capabilities in the area of noble gas, the PTS seeks support for the following project:
- (i) conduct of up to four field measurement campaigns with a duration of approximately four months each. During each campaign, the Xenon background is recorded at several sites at a distance of 500 to 2 500 kilometres from the base camp for a period of approximately three weeks. In addition, a detector background measurement should be performed at each measurement location. Some of the measurements could then also be used as site background for the future to install IMS stations. All these activities would be conducted in close relationship with relevant weather forecast organisations;
 - (ii) the measurements will be performed with European-made transportable noble gas measurement equipment (Swedish SAUNA and/or French SPALAX systems respectively), which will be lent to the PTS at no cost for the period covered by this Joint Action;
 - (iii) the French system SPALAX is a very mature system operating at many sites (including IMS sites) for several years. It will also be available in a transportable version providing data with the same high sensitivity. During each campaign the whole system can be either transported to different sites or split up in a transportable sampling unit and a detector unit at the 'base-camp', depending on the logistical conditions of the region;
 - (iv) the Swedish SAUNA system has already been used in several field campaigns, and is thus well evaluated. The system delivers data with detection limits similar to the IMS version (SAUNA II) for the four relevant isotopes, and the data will thus be directly applicable to the IMS measurement scenario. During each of the campaigns, the base camp unit is installed at one location and mobile sampling measurements are performed at two or three sites nearby;
 - (v) each measurement campaign would require:
 - preparations and careful logistics (service of equipment, logistical planning, agreements with local institutes, transport, etc.),
 - installation, calibrations and data collection,
 - equipment calibration, packing, transport home,
 - data analysis;
 - (vi) the anticipated cost elements for this project include:
 - staff (including a temporary assistant for logistics) and travel costs,
 - equipment (e.g. manufacturing of sampling columns or equivalent, uninterruptible power supply, etc.),
 - consumables (e.g. power and helium),
 - service and spare parts,
 - shipment and transport of equipment,
 - local transport and logistics,
 - evaluation workshop;

- (g) measurements are planned to be performed in the following regions: Europe (1), the Persian Gulf (2), Southern Africa (3) and South Asia (4). The measurements in region (3) and partly in region (1) are expected to be performed with CEA (France) equipment, while the measurements in region (2) and (4) as well as partly in (1) are expected to be performed with FOI (Sweden) equipment;
- (h) the equipment for this project will be provided free of charge by CEA (France) and FOI (Sweden) who will also be contracted by the PTS for its deployment and operation;
- (i) the expected duration of this project component would be approximately one to one and a half years;
- (j) preliminary cost estimated: EUR 960 507.

2. *project Component On-Site Inspection; Support for the Preparations for the Integrated Field Exercise 2008*

- (a) the event in the DPRK has again highlighted the importance of on-site inspections as a key pillar of the CTBT verification regime. While the data provided by the International Monitoring System and the International Data Centre about the event in the DPRK in the framework of provisional operating and testing of the system was extremely valuable and reliable, definite clarity about the nature of the event could only be obtained through an on-site inspection in the determined location. It is a key responsibility of the Preparatory Commission to achieve the highest level of operational readiness of the on-site inspection regime in time for entry into force of the Treaty;
- (b) policy making organs of the Preparatory Commission, in particular Working Group B, have underscored repeatedly that the most efficient way of achieving the required level of readiness is through the conduct of OSI field exercises. The first such large-scale exercise, the Integrated Field Exercise 2008 (IFE08), will take place in September 2008 in Kazakhstan. This will be the first attempt to simulate a real on site inspection by integrating three main pillars of the OSI regime, namely:
 - (i) trained inspectors (approximately 50);
 - (ii) OSI-equipment; and
 - (iii) testing the OSI operational manual.
- (c) the comprehensive preparations and successful conduct of IFE08 are a prerequisite for the completion of the OSI regime in the near future. The evaluation of the results and the lessons learned from IFE08 will provide the PTS with essential knowledge as to which steps still need to be taken to achieve operational readiness of the OSI regime. The availability of appropriate resources for IFE08, financial and human, as well as in-kind contributions by States Signatories of equipment, training and logistical support is essential for the success of IFE08;
- (d) in the current stage of preparations for IFE08, the PTS has identified the following areas in which support from States Signatories would be particularly important:
 - (i) **T r a n s p o r t a t i o n**

IFE08 requires the transportation of 20-30 tons of equipment from Vienna to the point of entry in Kazakhstan. In addition, 80 persons (40 inspectors and 40 other persons, including direction of exercise, control team, observers and evaluators) would have to travel to the location. The likely budget for IFE08 to be approved by States Signatories foresees savings through ground transportation of the equipment. In the PTS's assessment, however, this has serious disadvantages, in particular regarding the duration and reliability of transportation and the safety and security of OSI equipment. This assessment was endorsed by the OSI Expert Advisory Group, which is assisting the PTS in the preparation of IFE08, in its meeting on 5 and 6 December 2006. The PTS therefore seeks support for air transportation of equipment and personnel to and from Kazakhstan. In the light of logistical and operational requirements of IFE08 as well as the legal arrangements with the host country, air transportation may have to be arranged through non-EU based companies;

(ii) Establishment of operational base-camps

In the course of IFE08, the PTS will have to deploy two bases of operations at the surrogate inspection area on the territory of the former Soviet nuclear test site in Semipalatinsk. While the first base will be for the inspection team, the second base is required for the evaluators and observers of IFE08. These bases, equipped with the necessary infrastructure such as offices, communication facilities etc., would serve as headquarters of the IFE08 and serve an essential function for the conduct and control of the operation at the inspection area. The PTS is able to identify resources for procuring the first base camp for the inspection team. However, the regular budget will not allow the procurement of a second set. Therefore, the procurement and deployment of the second base would require resources, which cannot be covered by the IFE08 budget. Using remote infrastructure will result in much time being lost in transportation, with additional related cost and limitations on the number of hours that may be usefully spent for exercise purpose;

(iii) IFE08 evaluation workshop

Purpose: To enhance the evaluation and outcome of the IFE08 in December 2008. This would provide an opportunity for experts to review and discuss the immediate results of the exercise with a view to assisting the PTS in drafting a preliminary report for the first meeting of Working Group B in 2009 and to identify priorities for further PTS efforts. In addition, valuable lessons are expected to be drawn by experts from the raw material during the workshop, and preliminary guidance for the next cycle of field exercises is expected to be identified. The workshop would address the following items:

- logistics including the set up and running of a base of operation,
- team management,
- issues regarding relations with the Inspected State Party (ISP) including in particular confidentiality and managed access,
- visual observation including during overflights,
- seismic issues,
- geophysical techniques,
- health and safety,
- communication,
- navigation.

In addition, in cooperation with the Office of the Executive Secretary/Evaluation, the evaluation of the exercise itself should be discussed;

(e) The estimated costs for the two components in support of IFE08 are:

EUR 250 000	(air transportation on a commercial basis. In kind support e.g. chartered cargo airplane may be an option)
EUR 269 249	(purchase, setting up and activation of the second operational base camp)
EUR 152 965	IFE08 evaluation workshop
EUR 672 214	(total)

III. Duration

The total estimated duration of the implementation of the projects is 15 months.

IV. Beneficiaries

The beneficiaries of the projects in this Joint Action, which are aimed at strengthening the monitoring and verification capabilities of the Preparatory Commission of the CTBTO, are all States Signatories to the CTBT.

V. Implementing entity

The CTBTO Preparatory Commission will be entrusted with the implementation of the projects. The projects will be implemented directly by staff of the Provisional Technical Secretariat of the Preparatory Commission of the CTBTO, experts from the States Signatories to the CTBT and contractors. In the case of contractors, the procurement of any goods, works or services by the Preparatory Commission of the CTBTO in the context of this Joint Action will be carried out as detailed in the financing agreement to be concluded by the European Commission with the Preparatory Commission of the CTBTO.

The implementing entity will prepare:

- (a) A mid-term report after the first six months of the implementation of the projects;
- (b) A final report not later than one month after the end of the implementation of the projects.

Reports will be sent to the Presidency, assisted by the SG/HR for the Common Foreign and Security Policy.

VI. Third party participants

The projects will be financed in their entirety by this Joint Action. Experts from the CTBTO Preparatory Commission and from the States Signatories to the CTBT may be considered as third party participants. They will work under the standard rules of operation for CTBTO Preparatory Commission experts.

VII. Estimated required total financial means

The EU contribution will cover full implementation of the project described in this Annex. The estimated costs are as follows:

Project Component Noble Gas:	EUR	960 507
Project Component On-Site Inspection:	EUR	672 214
Total:	EUR	1 632 721

In addition, a contingency reserve of about 3 % of eligible costs (for a total amount of EUR 37 279) is included for unforeseen costs.

VIII. Financial reference amount to cover the cost of the projects

The total cost of the project is EUR 1 670 000.

COUNCIL COMMON POSITION 2007/469/CFSP

of 28 June 2007

relating to the 2008 Review Conference of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (CWC)

THE COUNCIL OF THE EUROPEAN UNION,

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

Whereas:

(1) On 29 April 1997, the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (CWC) entered into force. The Convention aims at eliminating an entire category of weapons of mass destruction by prohibiting the development, production, acquisition, stockpiling, retention, transfer or use of chemical weapons by States Parties. States Parties, in turn, must take the steps necessary to enforce that prohibition in respect of persons (natural or legal) within their jurisdiction.

(2) The European Union considers the CWC to be a key component of the international non-proliferation and disarmament framework and a unique disarmament and non-proliferation instrument the integrity and strict application of which must be fully guaranteed. All EU Member States are States Parties to the CWC.

(3) From 28 April to 9 May 2003, States Parties of the Organisation for the Prohibition of Chemical Weapons (OPCW) convened in The Hague for the First Review Conference. In particular, the First CWC Review Conference assessed the destruction process of declared arsenals. It took into account relevant scientific and technological developments since the Convention was drafted. It also reviewed and re-examined the provisions of the Convention relating to verification in the chemical industry. The Conference provided strategic guidance for the next phase of the implementation of the CWC.

(4) On 17 November 2003 the Council adopted Common Position 2003/805/CFSP⁽¹⁾ on the universalisation and reinforcement of multilateral agreements in the field of non-proliferation of weapons of mass destruction and means of delivery. Under that Common Position, the CWC is included as one of these multilateral agreements.

(5) On 12 December 2003, the European Council adopted the EU Strategy against Proliferation of Weapons of Mass Destruction, which reaffirms the commitment of the EU

to the multilateral treaty system, and underlines, *inter alia*, the crucial role of the CWC and of the OPCW in creating a world free of chemical weapons.

(6) On 28 April 2004, the United Nations Security Council unanimously adopted Resolution 1540 (2004) describing the proliferation of weapons of mass destruction and their means of delivery as a threat to international peace and security. Implementation of the provisions of this Resolution contributes to implementation of the CWC.

(7) On 22 November 2004 the Council adopted the first Joint Action 2004/797/CFSP on support for OPCW activities in the framework of the implementation of the EU Strategy against the Proliferation of Weapons of Mass Destruction⁽²⁾. This Joint Action has been followed by Joint Action 2005/913/CFSP⁽³⁾, adopted on 12 December 2005, and Joint Action 2007/185/CFSP⁽⁴⁾, adopted on 19 March 2007.

(8) On 6 December 2006 the United Nations General Assembly adopted by consensus a Resolution on the Implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction.

(9) In view of the forthcoming Second Review Conference of the CWC during the period 7 to 18 April 2008 it is appropriate to define the approach of the European Union, which will guide the EU Member States at this conference,

HAS ADOPTED THIS COMMON POSITION:

Article 1

The objective of the European Union shall be to strengthen the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (CWC), in particular by promoting compliance with the CWC, including the timely destruction of all chemical weapons, and by enhancing its verification regime and striving for universality.

The European Union shall therefore seek a successful outcome of the Second Review Conference in 2008.

⁽¹⁾ OJ L 302, 20.11.2003, p. 34.

⁽²⁾ OJ L 349, 25.11.2004, p. 63.

⁽³⁾ OJ L 331, 17.12.2005, p. 34.

⁽⁴⁾ OJ L 85, 27.3.2007, p. 10.

Article 2

For the purposes of the objective laid down in Article 1, the European Union shall:

- (a) contribute to a full review of the operation of the CWC at the Second Review Conference, including the implementation of obligations of States Parties under the Treaty, as well as the identification of areas in which, and of means through which, further progress should be sought in future;
- (b) help build a consensus for a successful outcome of the Second Review Conference, on the basis of the framework established by the First Review Conference, and shall promote, *inter alia*, the following essential issues:
- (i) reaffirmation of the comprehensive nature of the prohibition of chemical weapons as laid down in the General Purpose Criterion by:
- reaffirming that the Convention's prohibitions apply to any toxic chemical, except where such a chemical is intended for purposes not prohibited by the Convention and as long as the types and quantities are consistent with such purposes, and thus take into account the developments in science and technology since the First Review Conference,
 - underlining the obligation of States Parties to reflect the General Purpose Criterion in their national implementation legislation and administrative enforcement practice,
 - emphasising the obligation of States Parties to declare riot control agents;
- (ii) reaffirmation of the obligation of chemical weapons possessor states to destroy their chemical weapons within the deadlines of the CWC, through:
- welcoming the progress made and the efforts undertaken by possessor states to meet the deadlines while urging them to overcome delays in destruction,
 - underlining the importance of systematic verification through continuous on-site inspection of chemical weapons destruction,
 - assessing progress in the destruction of chemical weapons, taking into account, *inter alia*, the results of visits by representatives of the Executive Council in accordance with the decision of the 11th Session of the Conference of the States Parties,
- (iii) further strengthening of the verification regime with regard to activities not prohibited under the Convention, with a view to enhancing confidence in the non-proliferation of chemical weapons and to further promoting cooperation with industry, through:
- emphasising the responsibility of the policy-making organs to consider States Parties' compliance with agreed destruction deadlines at the appropriate time;
 - continued awareness-raising of the Convention's prohibitions throughout Government, industry, academia and non-governmental organisations,
 - emphasising the need to increase the number of inspections in Other Chemical Production Facilities (OCPF) and to improve the effectiveness of the regime where necessary, giving priority to those sites which are of high relevance to the Convention, and to the improvement of declarations by States Parties on OCPF sites;
- (iv) implementation of the provisions of the Convention on consultations, cooperation and fact-finding, in particular the challenge-inspection mechanism, which remains an indispensable and readily available instrument as well as a viable and usable tool of the OPCW's verification regime, stressing the legal right of States Parties to request a challenge inspection without prior consultation and encouraging the use of the mechanism as a matter of course where appropriate;
- (v) development of tailored strategies on achieving the universality of the CWC, in particular with regard to the Middle East, including regional workshops in the areas concerned;
- (vi) continuous improvement of national implementation measures and recalling that full compliance with Article VII is a vital factor for the present and future efficiency of the CWC regime, including through:
- offering assistance to States Parties in need, as exemplified by the Joint Actions of the European Union; and
 - strengthening national export controls which are required to prevent the acquisition of Chemical Weapons;
- (vii) ensuring the OPCW's capability to provide assistance and protection;

- (viii) fostering international cooperation in accordance with the provisions of the Convention, and in particular contributing to capacity building activities by the OPCW in States Parties developing their chemical industry and trade;
- (ix) beginning work to ensure that, following the completion of the destruction of all chemical weapons, the OPCW is wellplaced to focus on its remaining activities, in particular its non-proliferation role;
- (x) compliance with obligations under United Nations Security Council Resolutions 1540 (2004) and 1673 (2006), in particular to call for practical cooperation between OPCW and the UN 1540 Committee as well as other forums with the aim of eliminating the risk of chemical weapons being acquired or used for terrorist purposes, including possible terrorist access to materials, equipment, and knowledge that could be used in the development and production of chemical weapons;
- (xi) the G8 Global Partnership programmes targeted at preventing proliferation of weapons and materials of mass destruction through support for disarmament, control and security of sensitive materials, facilities and expertise.

Article 3

Action taken by the European Union for the purposes of Article 2 shall comprise:

- (a) agreement by Member States on proposals on substantive issues for submission on behalf of the European Union for consideration by States Parties to the Convention in the preparation phase and at the Second Review Conference;

- (b) where appropriate, approaches by the Presidency pursuant to Article 18 of the Treaty on European Union:
 - (i) with a view to promoting universal accession to the CWC;
 - (ii) to promote effective national implementation of the CWC by States Parties;
 - (iii) to urge States Parties to support and participate in an effective and complete review of the CWC and thereby reiterate their commitment to this fundamental international norm against chemical weapons;
 - (iv) to promote the above mentioned proposals submitted by the European Union for States Parties' consideration which are aimed at further strengthening the CWC;
- (c) statements by the European Union delivered by the Presidency in the run up to, and during, the Second Review Conference.

Article 4

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

Article 5

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

Done at Luxembourg, 28 June 2007.

For the Council
The President
S. GABRIEL

CORRIGENDA**Corrigendum to Council Regulation (EC) No 728/2007 of 25 June 2007 amending Regulation (EC) No 2505/96 opening and providing for the administration of autonomous Community tariff quotas for certain agricultural and industrial products**

(Official Journal of the European Union L 166 of 28 June 2007)

In the first citation:

for: 'Having regard to the Treaty establishing the European Community, ...';

read: 'Having regard to the Treaty establishing the European Community, and in particular Article 26 thereof, ...'.
