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I

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

REGULATIONS

COMMISSION REGULATION (EC) No 1209/2007

of 17 October 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 18 October 2007.

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

Done at Brussels, 17 October 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 756/2007 (OJ L 172, 30.6.2007, p. 41).

ANNEX

to Commission Regulation of 17 October 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	53,6
	MK	28,7
	TR	121,8
	ZZ	68,0
0707 00 05	EG	151,2
	MA	40,3
	MK	39,8
	TR	143,1
	ZZ	93,6
0709 90 70	TR	110,6
	ZZ	110,6
0805 50 10	AR	75,7
	TR	85,3
	UY	81,6
	ZA	57,6
	ZZ	75,1
0806 10 10	BR	254,1
	TR	115,1
	US	284,6
	ZZ	217,9
0808 10 80	AU	188,0
	CA	101,5
	CL	86,4
	MK	33,9
	NZ	81,3
	US	96,7
	ZA	78,4
ZZ	95,2	
0808 20 50	CN	66,0
	TR	123,9
	ZA	84,6
	ZZ	91,5

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

COMMISSION REGULATION (EC) No 1210/2007

of 17 October 2007

opening an invitation to tender for the allocation of A3 export licences for fruit and vegetables (tomatoes, oranges, lemons, table grapes and apples)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables ⁽¹⁾, and in particular the third subparagraph of Article 35(3) thereof,

Whereas:

(1) Commission Regulation (EC) No 1961/2001 ⁽²⁾ lays down detailed rules on export refunds on fruit and vegetables.

(2) Article 35(1) of Regulation (EC) No 2200/96 provides that, to the extent necessary for economically significant exports, the products exported by the Community may be covered by export refunds, within the limits resulting from agreements concluded in accordance with Article 300 of the Treaty.

(3) Under Article 35(2) of Regulation (EC) No 2200/96, care must be taken to ensure that the trade flows previously brought about by the refund scheme are not disrupted. For this reason and because exports of fruit and vegetables are seasonal in nature, the quantities scheduled for each product should be fixed, based on the agricultural product nomenclature for export refunds established by Commission Regulation (EEC) No 3846/87 ⁽³⁾. These quantities must be allocated taking account of the perishability of the products concerned.

(4) Article 35(4) of Regulation (EC) No 2200/96 provides that refunds must be fixed in the light of the existing situation and the outlook for fruit and vegetable prices on the Community market and supplies available on the one hand, and prices on the international market on the

other hand. Account must also be taken of the transport and marketing costs and of the economic aspect of the exports planned.

(5) In accordance with Article 35(5) of Regulation (EC) No 2200/96, prices on the Community market are to be established in the light of the most favourable prices from an export standpoint.

(6) The international trade situation or specific requirements of certain markets may make it necessary for the refund on a given product to vary according to its destination.

(7) Tomatoes, oranges, lemons, table grapes and apples of classes Extra, I and II of the Community marketing standards can currently be exported in economically significant quantities.

(8) In order to ensure the best use of available resources and in view of the structure of Community exports, it is appropriate to proceed by an open invitation to tender and to set the indicative refund amount and the scheduled quantities for the period concerned.

(9) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fresh Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

1. An invitation to tender for the allocation of A3 export licences is hereby opened. The products concerned, the tender submission period, the indicative refund rates and the scheduled quantities are laid down in the Annex hereto.

2. Licences for food aid purposes issued as indicated in Article 16 of Commission Regulation (EC) No 1291/2000 ⁽⁴⁾ shall not be counted against the quantities indicated in the Annex hereto.

3. The validity period for A3 licences shall expire on 31 December 2007.

⁽¹⁾ OJ L 297, 21.11.1996, p. 1. Regulation as last amended by Commission Regulation (EC) No 47/2003 (OJ L 7, 11.1.2003, p. 64).

⁽²⁾ OJ L 268, 9.10.2001, p. 8. Regulation as last amended by Regulation (EC) No 548/2007 (OJ L 130, 22.5.2007, p. 3).

⁽³⁾ OJ L 366, 24.12.1987, p. 1. Regulation as last amended by Regulation (EC) No 532/2007 (OJ L 125, 15.5.2007, p. 7).

⁽⁴⁾ OJ L 152, 24.6.2000, p. 1.

Article 2

This Regulation shall enter into force on 25 October 2007.

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

Done at Brussels, 17 October 2007.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

ANNEX

OPENING AN INVITATION TO TENDER FOR THE ALLOCATION OF A3 EXPORT LICENCES FOR FRUIT AND VEGETABLES (TOMATOES, ORANGES, LEMONS, TABLE GRAPES AND APPLES)

Tender submission period: 25 to 26 October 2007

Product code ⁽¹⁾	Destination ⁽²⁾	Indicative refund amount (EUR/t net)	Scheduled quantity (tonnes)
0702 00 00 9100	A00	30	5 000
0805 10 20 9100	A00	36	56 667
0805 50 10 9100	A00	60	16 667
0806 10 10 9100	A00	23	1 667
0808 10 80 9100	F04, F09	32	50 000

⁽¹⁾ The product codes are defined in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1).

⁽²⁾ The 'A' series destination codes are defined in Annex II to Regulation (EEC) No 3846/87. The other destinations are as follows:
F04: Hong Kong, Singapore, Malaysia, Sri Lanka, Indonesia, Thailand, Taiwan, Papua New Guinea, Laos, Cambodia, Vietnam, Japan, Uruguay, Paraguay, Argentina, Mexico, Costa Rica.

F09: The following destinations: Norway, Iceland, Greenland, Faeroe Islands, Albania, Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, Serbia, Montenegro, Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Uzbekistan, Ukraine, Saudi Arabia, Bahrain, Qatar, Oman, United Arab Emirates (Abu Dhabi, Dubai, Sharjah, Ajman, Umm al Qalwain, Ras al Khaimah, Fujairah), Kuwait, Yemen, Syria, Iran, Jordan, Bolivia, Brazil, Venezuela, Peru, Panama, Ecuador and Colombia, African countries and territories except South Africa, destinations referred to in Article 36 of Commission Regulation (EC) No 800/1999 (OJ L 102, 17.4.1999, p. 11).

COMMISSION REGULATION (EC) No 1211/2007**of 17 October 2007****amending Regulation (EC) No 883/2001 laying down detailed rules for implementing Council Regulation (EC) No 1493/1999 as regards trade with third countries in products in the wine sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine ⁽¹⁾, and in particular Article 63(8) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1057/2007 ⁽²⁾ has amended the refund rates for certain product codes and the list of destinations eligible for refunds as provided for in Commission Regulation (EC) No 2805/95 of 5 December 1995 fixing the export refunds in the wine sector and repealing Regulation (EEC) No 2137/93 ⁽³⁾.
- (2) Commission Regulation (EC) No 883/2001 ⁽⁴⁾ should therefore be amended accordingly.
- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Wine,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 883/2001 is amended as follows:

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

Done at Brussels, 17 October 2007.

1. In Article 9, paragraph 6 is replaced by the following:

'6. The measures provided for in paragraphs 4 and 5 may be adjusted for the category of products and the zone of destination. The zones of destination shall be:

- zone 1: Africa,
- zone 2: Asia and Australasia, and
- zone 3: eastern Europe, including the CIS.

The countries in each zone of destination are listed in Annex IV.'

2. Annex II is replaced by the text in the Annex to this Regulation.
3. In Annex IV the part concerning 'Zone 4: Western Europe' is deleted.

*Article 2*This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Union*.*For the Commission*

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 179, 14.7.1999, p. 1. Regulation as last amended by Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p. 1).

⁽²⁾ OJ L 241, 14.9.2007, p. 14.

⁽³⁾ OJ L 291, 6.12.1995, p. 10. Regulation as last amended by Regulation (EC) No 1057/2007.

⁽⁴⁾ OJ L 128, 10.5.2001, p. 1. Regulation as last amended by Regulation (EC) No 560/2007 (OJ L 132, 24.5.2007, p. 31).

ANNEX

‘ANNEX II

Product categories referred to in Article 8(1)

Code	Category
2009 69 11 9100 2009 69 19 9100 2009 69 51 9100 2009 69 71 9100 2204 30 92 9100 2204 30 96 9100	1
2204 30 94 9100 2204 30 98 9100	2
2204 21 79 9910	3.1
2204 29 62 9910 2204 29 64 9910 2204 29 65 9910	3.2
2204 21 79 9100	4.1.1
2204 29 62 9100 2204 29 64 9100 2204 29 65 9100	4.1.2
2204 21 80 9100	4.2.1
2204 29 71 9100 2204 29 72 9100 2204 29 75 9100	4.2.2
2204 21 79 9200	5.1.1
2204 29 62 9200 2204 29 64 9200 2204 29 65 9200	5.1.2
2204 21 80 9200	5.2.1
2204 29 71 9200 2204 29 72 9200 2204 29 75 9200	5.2.2
2204 21 84 9100	6.1.1
2204 29 83 9100	6.1.2
2204 21 85 9100	6.2.1
2204 29 84 9100	6.2.2
2204 21 94 9910 2204 21 98 9910 2204 29 94 9910 2204 29 98 9910	7
2204 21 94 9100 2204 21 98 9100 2204 29 94 9100 2204 29 98 9100	8

COMMISSION REGULATION (EC) No 1212/2007

of 17 October 2007

amending several Regulations as regards the combined nomenclature codes for certain floriculture products, fruit and vegetables and certain products processed from fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

19 August 2003 laying down the marketing standard for artichokes and amending Regulation (EC) No 963/98 (7).

Having regard to the Treaty establishing the European Community,

(3) Regulations (EEC) No 316/68, (EC) No 3223/94, (EC) No 2201/96 and (EC) No 1466/2003 should therefore be amended accordingly.

Having regard to Council Regulation (EEC) No 234/79 of 5 February 1979 on the procedure for adjusting the Common Customs Tariff nomenclature used for agricultural products (1), and in particular Article 2(1) thereof,

(4) The amendments provided for in this Regulation should apply from 1 January 2007, date of entry into force of Regulation (EC) No 1549/2006.

Whereas:

(1) Commission Regulation (EC) No 1549/2006 of 17 October 2006 amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff (2) provides for amendments to the combined nomenclature for certain fruit and vegetables and certain products processed from fruit and vegetables.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Live Plants, of the Management Committee for Fresh Fruit and Vegetables and of the Management Committee for Processed Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

(2) Regulations amending Annex I to Regulation (EEC) No 2658/87 (3) in previous years have also introduced changes to the combined nomenclature for certain fruit and vegetables and certain products processed from fruit and vegetables, and not all of these amendments are reflected in the following Regulations governing the common organisations of the market in floriculture products, in fruit and vegetables and of products processed from fruit and vegetables: Regulation (EEC) No 316/68 of the Council of 12 March 1968 fixing quality standards for fresh cut flowers and fresh ornamental foliage (4); Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables (5); Council Regulation (EC) No 2201/96 of 28 October 1996 on the common organization of the markets in processed fruit and vegetable products (6) and Commission Regulation (EC) No 1466/2003 of

Regulation (EEC) No 316/68 is amended as follows:

1. Article 1(1) is amended as follows:

(a) in the first indent, 'No 06.03 A' is replaced by 'CN 0603';

(b) the second indent is replaced by the following:

'— fresh ornamental foliage, branches and other parts of plants falling within subheading CN 0604 of the Common Customs Tariff.';

2. in Annex I, point I, 'No 06.03 A' is replaced by 'CN 0603';

3. in Annex II, point I, 'No 06.04 A II' is replaced by 'CN 0604'.

(1) OJ L 34, 9.2.1979, p. 2. Regulation as last amended by Regulation (EC) No 3290/94 (OJ L 349, 31.12.1994, p. 105).

(2) OJ L 301, 31.10.2006, p. 1.

(3) OJ L 256, 7.9.1987, p. 1. Regulation as last amended by Regulation (EC) No 733/2007 (OJ L 169, 29.6.2007, p. 1).

(4) OJ L 71, 21.3.1968, p. 8. Regulation as last amended by Commission Regulation (EEC) No 309/79 (OJ L 42, 17.2.1979, p. 21).

(5) OJ L 337, 24.12.1994, p. 66. Regulation as last amended by Regulation (EC) No 756/2007 (OJ L 172, 30.6.2007, p. 41).

(6) OJ L 297, 21.11.1996, p. 29. Regulation as last amended by the Act of Accession of Bulgaria and Romania.

(7) OJ L 210, 20.8.2003, p. 6. Regulation as amended by Regulation (EC) No 907/2004 (OJ L 163, 30.4.2004, p. 50).

Article 2

In the Annex to Regulation (EC) No 3223/94, Part A, 'ex 0709 10 00' is replaced by 'ex 0709 90 80'.

Article 3

Article 1(2) of Regulation (EC) No 2201/96 is amended as follows:

1. in point (a), section 'ex 0812', 'ex 0812 90 99' is replaced by 'ex 0812 90 98';

2. in point (b), section 'ex 2005', '2005 90 10' is replaced by '2005 99 10'.

Article 4

In the first paragraph of Article 1 of Regulation (EC) No 1466/2003, '0709 10 00' is replaced by '0709 90 80'.

Article 5

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.

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

Done at Brussels, 17 October 2007.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

COMMISSION REGULATION (EC) No 1213/2007

of 17 October 2007

reducing, for the 2007/2008 marketing year, the amount of aid to producers of certain citrus fruits following an overrun of the processing threshold in certain Member States

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

therefore be reduced by 55,91 % in Italy, 8,34 % in Greece and 52,88 % in Portugal.

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2202/96 of 28 October 1996 introducing a Community aid scheme for producers of certain citrus fruits ⁽¹⁾, and in particular Article 6 thereof,

Whereas:

(1) Article 5(1) of Regulation (EC) No 2202/96 establishes a Community processing threshold for certain citrus fruits, distributed among the Member States in accordance with Annex II thereto.

(2) Article 5(2) of Regulation (EC) No 2202/96 provides that when this threshold is overrun the amounts of aid indicated in Annex I thereto are to be reduced in each Member State in which the threshold has been overrun. The overrun of the processing threshold is assessed on the basis of the average quantities processed under the aid scheme during the three marketing years preceding the marketing year for which the aid is to be fixed, or during an equivalent period.

(3) The Member States have communicated the quantities of oranges processed under the aid scheme in accordance with Article 39(1)(c) of Commission Regulation (EC) No 2111/2003 which lays down detailed rules for the application of Regulation (EC) No 2202/96 ⁽²⁾. Based on this information, it has been established that the Community processing threshold has been overrun by 376 023 tonnes. Within that overrun, Italy, Greece and Portugal have overrun their threshold. The amounts of aid for oranges indicated in Annex I to Regulation (EC) No 2202/96 for the 2007/2008 marketing year should

(4) The Member States have communicated the quantities of small citrus fruits processed under the aid scheme in accordance with Article 39(1)(c) of Regulation (EC) No 2111/2003. Based on this information, it has been established that the Community processing threshold has been overrun by 104 734 tonnes. Within that overrun, Italy, Spain, Portugal and Cyprus have overrun their threshold. The amounts of aid for mandarins, clementines and satsumas indicated in Annex I to Regulation (EC) No 2202/96 for the 2007/2008 marketing year should therefore be reduced by 62,30 % in Italy, 12 % in Spain for small citrus fruits for processing into juice, 80,66 % in Portugal and 53,27 % in Cyprus.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Products Processed from Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

For Italy, Greece and Portugal, and for the 2007/2008 marketing year, the amounts of aid to be granted under Regulation (EC) No 2202/96 for oranges delivered for processing shall be as indicated in Annex I to this Regulation.

Article 2

For Italy, Spain, Portugal and Cyprus, and for the 2007/2008 marketing year, the amounts of aid to be granted under Regulation (EC) No 2202/96 for mandarins, clementines and satsumas delivered for processing shall be as indicated in Annex II to this Regulation.

Article 3

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

⁽¹⁾ OJ L 297, 21.11.1996, p. 49. Regulation as last amended by the 2003 Act of Accession.

⁽²⁾ OJ L 317, 2.12.2003, p. 5.

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

Done at Brussels, 17 October 2007.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

ANNEX I

(EUR/100 kg)

	Multiannual contracts	Contracts covering a single marketing year	Individual producers
Italy	4,97	4,32	3,89
Greece	10,33	8,98	8,08
Portugal	5,31	4,62	4,16

ANNEX II

(EUR/100 kg)

	Multiannual contracts	Contracts covering a single marketing year	Individual producers
Italy	3,95	3,43	3,09
Spain — Small citrus fruits for processing into juice	9,21	8,01	7,21
Portugal	2,03	1,76	1,58
Cyprus	4,89	4,25	3,83

II

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

DECISIONS

COUNCIL

COUNCIL DECISION

of 25 June 2007

on the exercise of rights and obligations akin to membership ad interim by the European Community in the World Customs Organisation

(2007/668/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 thereof, in conjunction with the second subparagraph of Article 300(2) thereof,

Whereas:

- (1) The Council decided on 19 March 2001 to authorise the Commission to negotiate on behalf of the European Community, the accession of the European Community to the World Customs Organisation ⁽¹⁾.
- (2) The Convention establishing a Customs Cooperation Council is expected to be amended by the Council of the World Customs Organisation at its 109th/110th session in June 2007 to allow customs or economic unions, including the European Community to acquire membership of the World Customs Organisation.
- (3) The Member States of the European Community should support that draft amendment which, after its adoption by the Council of the World Customs Organisation, would allow the Community's accession to the amended Convention.
- (4) Following exploratory talks with the World Customs Organisation, the European Community and the World

Customs Organisation examined the possibility for the European Community to exercise the rights and obligations akin to those of Members of the World Customs Organisation pending the ratification of the amended Convention establishing a Customs Cooperation Council by all Members of the World Customs Organisation.

- (5) The European Community is expected to be in a position to assume these rights and obligations in the framework of the Convention establishing a Customs Cooperation Council in matters of Community competence.
- (6) The Member States of the European Community maintain their status in the World Customs Organisation.
- (7) Both the European Community and its Member States have competence in the areas covered by the Convention establishing a Customs Cooperation Council.
- (8) For matters falling under European Community competence a European Community position must be established. For matters falling partly within Community competence, Member States of the European Community should strive to adopt a common position to ensure the unity of external representation of the European Community and its Member States.
- (9) In view of the above the Council should provide for the exercise of rights and obligations akin to membership ad interim by the European Community in the World Customs Organisation, including the payment of an annual contribution,

⁽¹⁾ The World Customs Organisation was established by Convention establishing a Customs Cooperation Council (signed on 15 December 1950). The Convention came into force in 1952. In 1994 the Customs Cooperation Council adopted the working name 'World Customs Organisation', to more clearly reflect its scope. Presently the World Customs Organisation has 171 members.

HAS DECIDED AS FOLLOWS:

Sole Article

1. The Member States of the European Community shall vote in favour of the Council of the World Customs Organisation decision according to which the European Community shall, as an interim measure, be granted rights akin to those enjoyed by World Customs Organisation Members, subject to the conditions contained therein.

2. The European Community accepts the rights and obligations akin to those of World Customs Organisation members as laid down in the World Customs Organisation Council decision pending the entry into force of the amendment of the Convention establishing a Customs Cooperation Council.

3. The European Commission is authorised to communicate to the World Customs Organisation that the European

Community accepts the rights and obligations akin to those of World Customs Organisation members and to submit to the World Customs Organisation the required declaration of competence as specified in the Annex.

4. The European Community shall pay an annual contribution to the World Customs Organisation to strengthen the work of the World Customs Organisation and to cover additional administrative expenses as of 1 July 2007.

Done at Luxembourg, 25 June 2007.

For the Council

The President

A. SCHAVAN

ANNEX

Declaration of competence by the European Community in matters covered by the Convention establishing a Customs Cooperation Council

In accordance with the Treaty establishing the European Community, as amended, this declaration sets out the competence that the Member States of the European Community have transferred to the European Community in matters governed by the Convention establishing a Customs Cooperation Council.

The European Community declares that it has, in accordance with Articles 131 to 134 of the Treaty establishing the European Community, exclusive competence on common commercial policy.

The European Community may conclude international agreements whenever the internal competence has already been used in order to adopt measures for implementing common policies or if international agreement is necessary to obtain one of the European Community's objectives. The European Community's external competence is exclusive to the extent to which an international agreement affects internal European Community rules or alters their scope. Where this is the case, it is not for the Member States of the European Community but for the European Community to enter into external undertakings with third States or International Organisations. A list of measures concerning customs matters adopted by the Community is provided for in the list of legal instruments in the Annex to this Declaration.

The exercise of competence which Member States of the European Community have transferred to the European Community pursuant to the Treaties is, by its nature, liable to continuous change. The European Community therefore reserves the right to adjust the declaration.

Annex

EC LEGISLATION

Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code

Council Decision 2003/231/EC of 17 March 2003 concerning the accession of the European Community to the Protocol of Amendment to the International Convention on the simplification and harmonisation of customs procedures (Kyoto Convention)

Directive 2002/6/EC of the European Parliament and of the Council of 18 February 2002 on reporting formalities for ships arriving and/or departing from ports of the Member States of the Community

Council Decision 80/271/EEC of 10 December 1979 concerning the conclusion of the Multilateral Agreements resulting from the 1973 to 1979 trade negotiations (OJ L 71, 17.3.1980, p. 1).

Several joint committee decisions with third countries, e.g. 2006/343/EC: Decision No 2/2005 of the EC-Iceland Joint Committee of 22 December 2005 amending Protocol 3 to the Agreement, concerning the definition of the concept of originating products and methods of administrative cooperation

Council Decision 87/369/EEC of 7 April 1987 concerning the conclusion of the International Convention on the Harmonized Commodity Description and Coding System and of the Protocol of Amendment thereto

Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff

Commission Regulation (EC) No 1549/2006 of 17 October 2006 amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff

Articles 26 and 133 of the Treaty establishing the European Community

Council Regulation (EC) No 2505/96 of 20 December 1996 opening and providing for the administration of Community tariff quotas for certain agricultural and industrial products and amending Regulation (EC) No 3059/95 opening and providing for the administration of Community tariff quotas for certain agricultural and industrial products (first series 1996)

Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community as amended

Council Regulation (EC) No 2026/97 of 6 October 1997 on protection against subsidized imports from countries not members of the European Community as amended

Council Regulation (EC) No 3285/94 of 22 December 1994 on the common rules for imports and repealing Regulation (EC) No 518/94 as amended

Council Regulation (EC) No 515/97 of 13 March 1997 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of the law on customs and agricultural matters

Council Regulation (EEC) No 3677/90 of 13 December 1990 laying down measures to be taken to discourage the diversion of certain substances to the illicit manufacture of narcotic drugs and psychotropic substances

Commission Regulation (EEC) No 3769/92 of 21 December 1992 implementing and amending Council Regulation (EEC) No 3677/90 laying down measures to be taken to discourage the diversion of certain substances to the illicit manufacture of narcotic drugs and psychotropic substances

Council Regulation (EC) No 111/2005 of 22 December 2004 laying down rules for the monitoring of trade between the Community and third countries in drug precursors

Council Regulation (EC) No 1383/2003 of 22 July 2003 concerning customs action against goods suspected of infringing certain intellectual property rights and the measures to be taken against goods found to have infringed such rights

Regulation (EC) No 1889/2005 of the European Parliament and of the Council of 26 October 2005 on controls of cash entering or leaving the Community

Regulation (EC) No 648/2005 of the European Parliament and of the Council of 13 April 2005 amending Council Regulation (EEC) No 2913/92 establishing the Community Customs Code

Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code

Convention between the European Economic Community, the Republic of Austria, the Republic of Finland, the Republic of Iceland, the Kingdom of Norway, the Kingdom of Sweden and the Swiss Confederation, on a common transit procedure of 20 May 1987

Council Decision 93/329/EEC of 15 March 1993 concerning the conclusion of the Convention on Temporary Admission and accepting its Annexes

COMMISSION

COMMISSION DECISION

of 15 October 2007

recognising in principle the completeness of the dossiers submitted for detailed examination in view of the possible inclusion of *Adoxophyes orana granulovirus*, amisulbrom, emamectin, pyridalil and *Spodoptera littoralis nucleopolyhedrovirus* in Annex I to Council Directive 91/414/EEC

(notified under document number C(2007) 4647)

(Text with EEA relevance)

(2007/669/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant-protection on the market ⁽¹⁾, and in particular Article 6(3) thereof,

Whereas:

- (1) Directive 91/414/EEC provides for the development of a Community list of active substances authorised for incorporation in plant protection products.
- (2) A dossier for the active substance *Adoxophyes orana granulovirus* was submitted by Andermatt Biocontrol GmbH to the authorities of Germany on 29 November 2004 with an application to obtain its inclusion in Annex I to Directive 91/414/EEC. For amisulbrom a dossier was submitted by Nissan Chemical Europe S.A.R.L. to the authorities of the United Kingdom on 24 March 2006 with an application to obtain its inclusion in Annex I to Directive 91/414/EEC. For emamectin a dossier was submitted by Syngenta Ltd. to the authorities of the Netherlands on 23 June 2006 with an application to obtain its inclusion in Annex I to Directive 91/414/EEC. For pyridalil a dossier was submitted by Sumitomo Chemical Agro Europe SAS to the authorities of the Netherlands on 28 March 2006 with an application to obtain its inclusion in Annex I to Directive

91/414/EEC. For *Spodoptera littoralis nucleopolyhedrovirus* a dossier was submitted by Andermatt Biocontrol GmbH to the authorities of Estonia on 2 January 2007 with an application to obtain its inclusion in Annex I to Directive 91/414/EEC.

- (3) The authorities of Germany, the United Kingdom, the Netherlands and Estonia have indicated to the Commission that, on preliminary examination, the dossiers for the active substances concerned appear to satisfy the data and information requirements set out in Annex II to Directive 91/414/EEC. The dossiers submitted appear also to satisfy the data and information requirements set out in Annex III to Directive 91/414/EEC in respect of one plant protection product containing the active substance concerned. In accordance with Article 6(2) of Directive 91/414/EEC, the dossiers were subsequently forwarded by the applicant to the Commission and other Member States, and were referred to the Standing Committee on the Food Chain and Animal Health.
- (4) By this Decision it should be formally confirmed at Community level that the dossiers are considered as satisfying in principle the data and information requirements set out in Annex II and, for at least one plant protection product containing the active substance concerned, the requirements set out in Annex III to Directive 91/414/EEC.
- (5) This Decision should not prejudice the right of the Commission to request the applicant to submit further data or information in order to clarify certain points in the dossier.
- (6) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

⁽¹⁾ OJ L 230, 19.8.1991, p. 1. Directive as last amended by Commission Directive 2007/52/EC (OJ L 214, 17.8.2007, p. 3).

HAS ADOPTED THIS DECISION:

Article 1

Without prejudice to Article 6(4) of Directive 91/414/EEC, the dossiers concerning the active substances identified in the Annex to this Decision, which were submitted to the Commission and the Member States with a view to obtaining the inclusion of those substances in Annex I to that Directive, satisfy in principle the data and information requirements set out in Annex II to that Directive.

The dossiers also satisfy the data and information requirements set out in Annex III to that Directive in respect of one plant protection product containing the active substance, taking into account the uses proposed.

Article 2

The rapporteur Member States shall pursue the detailed examination for the dossiers referred to in Article 1 and shall

communicate to the Commission the conclusions of their examination accompanied by a recommendation on the inclusion or non-inclusion in Annex I to Directive 91/414/EEC of the active substances referred to in Article 1 and any conditions for those inclusions as soon as possible and at the latest within a period of one year from the date of publication of this Decision in the *Official Journal of the European Union*.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 15 October 2007.

For the Commission
Markos KYPRIANOU
Member of the Commission

ANNEX

ACTIVE SUBSTANCE CONCERNED BY THIS DECISION

Common Name, CIPAC Identification Number	Applicant	Date of application	Rapporteur Member State
<i>Adoxophyes orana granulovirus</i> CIPAC-No.: Not applicable	Andermatt Biocontrol GmbH	29 November 2004	DE
Amisulbrom CIPAC-No.: 789	Nissan Chemical Europe S.A.R.L.	24 March 2006	UK
Emamectin CIPAC-No.: 791	Syngenta Ltd.	23 June 2006	NL
Pyridalil CIPAC-No.: 792	Sumitomo Chemical Agro Europe SAS	28 March 2006	NL
<i>Spodoptera littoralis nucleopolyhedrovirus</i> CIPAC-No.: Not applicable	Andermatt Biocontrol GmbH	2 January 2007	EE

III

(Acts adopted under the EU Treaty)

ACTS ADOPTED UNDER TITLE V OF THE EU TREATY

COUNCIL DECISION 2007/670/CFSP

of 1 October 2007

concerning the conclusion of an Agreement between the European Union and New Zealand on the participation of New Zealand in the European Union Police Mission in Afghanistan (EUPOL AFGHANISTAN)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

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

Having regard to the recommendation from the Presidency,

Whereas:

- (1) On 30 May 2007, the Council adopted Joint Action 2007/369/CFSP on establishment of the European Union Police Mission in Afghanistan (EUPOL AFGHANISTAN) ⁽¹⁾.
- (2) Article 12(5) of Joint Action 2007/369/CFSP provides that detailed arrangements regarding the participation of third states shall be the subject of an agreement, in conformity with Article 24 of the Treaty.
- (3) On 13 September 2004, the Council authorised the Presidency, assisted where necessary by the Secretary-General/High Representative, in case of future EU civilian crisis management operations to open negotiations with third states with a view to concluding an agreement on the basis of the model agreement between the European Union and a third state on the participation of a third state in a European Union civilian crisis management operation. On that basis, the Presidency negotiated an Agreement with New Zealand on the participation of the Republic of Croatia in the European Union Police Mission in Afghanistan (EUPOL AFGHANISTAN).
- (4) The Agreement should be approved,

Article 1

The Agreement between the European Union and New Zealand on the participation of New Zealand in the European Union Police Mission in Afghanistan (EUPOL AFGHANISTAN) is hereby approved on behalf of the European Union.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement in order to bind the European Union.

Article 3

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

Article 4

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

Done at Luxembourg, 1 October 2007.

For the Council
The President
M. LINO

⁽¹⁾ OJ L 139, 31.5.2007, p. 33.

AGREEMENT**between the European Union and New Zealand on the participation of New Zealand in the European Union Police Mission in Afghanistan (EUPOL AFGHANISTAN)**

THE EUROPEAN UNION (EU),

of the one part, and

NEW ZEALAND,

of the other part,

hereinafter referred to as the 'Parties',

TAKING INTO ACCOUNT:

- the adoption by the Council of the European Union of Joint Action 2007/369/CFSP of 30 May 2007 on establishment of the European Union Police Mission in Afghanistan (EUPOL AFGHANISTAN),
- the invitation to New Zealand to participate in EUPOL AFGHANISTAN,
- the decision by New Zealand to participate in EUPOL AFGHANISTAN,
- the Political and Security Committee Decision on the acceptance of New Zealand's contribution to EUPOL AFGHANISTAN,

HAVE AGREED AS FOLLOWS:

Article 1

Participation in the operation

1. New Zealand shall associate itself with the Joint Action 2007/369/CFSP and with any Joint Action or Decision by which the Council of the European Union decides to extend EUPOL AFGHANISTAN, in accordance with the provisions of this Agreement and any required implementing arrangements.

2. The contribution of New Zealand to EUPOL AFGHANISTAN is without prejudice to the decision-making autonomy of the European Union.

3. New Zealand shall ensure that its personnel participating in EUPOL AFGHANISTAN undertake their mission in consistency with:

- Joint Action 2007/369/CFSP and possible subsequent amendments,

- the Operation Plan,

- implementing measures.

4. Personnel seconded to EUPOL AFGHANISTAN by New Zealand shall carry out their duties and conduct themselves solely with the interest of EUPOL AFGHANISTAN in mind.

5. New Zealand shall inform in due time the EUPOL AFGHANISTAN Head of Mission and the General Secretariat of the Council of the European Union of any change to its contribution to EUPOL AFGHANISTAN.

6. Personnel seconded to EUPOL AFGHANISTAN shall undergo a medical examination, vaccination and be certified medically fit for duty by a competent authority from New Zealand. Personnel seconded to EUPOL AFGHANISTAN shall produce a copy of this certification.

*Article 2***Status of personnel**

1. Without prejudice to any arrangement concluded between the Government of New Zealand and the Government of the Islamic Republic of Afghanistan, the status of the personnel contributed to EUPOL AFGHANISTAN by New Zealand shall be governed by the Agreement on the status of mission concluded between the European Union and the Islamic Republic of Afghanistan.

2. Without prejudice to the Agreement referred to in paragraph 1, New Zealand shall exercise jurisdiction over its personnel participating in EUPOL AFGHANISTAN.

3. New Zealand shall be responsible for responding to any claims from, linked to or concerning the participation of its forces or personnel in EUPOL AFGHANISTAN. New Zealand shall be responsible for bringing any action, in particular legal or disciplinary, against any of its personnel, in accordance with its laws and regulations.

4. New Zealand undertakes to make a declaration as regards the waiver of claims against any State participating in EUPOL AFGHANISTAN, and to do so when signing this Agreement. A model for such a declaration is annexed to this Agreement.

5. The European Union shall ensure that its Member States make a declaration as regards the waiver of claims for the participation of New Zealand in EUPOL AFGHANISTAN and to do so when signing this Agreement.

*Article 3***Classified information**

1. New Zealand shall take appropriate measures to ensure that EU classified information is protected in accordance with the European Union Council's security regulations, contained in Council Decision 2001/264/EC⁽¹⁾, and in accordance with further guidance issued by competent authorities, including the EUPOL AFGHANISTAN Head of Mission.

2. Where the European Union and New Zealand have concluded an Agreement on security procedures for the exchange of classified information, the provisions of such an Agreement shall apply in the context of EUPOL AFGHANISTAN.

⁽¹⁾ OJ L 101, 11.4.2001, p. 1. Decision as last amended by Decision 2007/438/EC (OJ L 164, 26.6.2007, p. 24).

*Article 4***Chain of command**

1. All personnel participating in EUPOL AFGHANISTAN shall remain under the full command of their national authorities.

2. National authorities shall transfer Operational control to the EUPOL AFGHANISTAN Head of Mission, who shall exercise that command through a hierarchical structure of command and control.

3. The Head of Mission shall lead EUPOL AFGHANISTAN and assume its day-to-day management.

4. New Zealand shall have the same rights and obligations in terms of the day-to-day management of EUPOL AFGHANISTAN as participating European Union Member States taking part in the operation, in accordance with the legal instruments referred to in Article 1(1) of this Agreement.

5. The EUPOL AFGHANISTAN Head of Mission shall be responsible for disciplinary control over EUPOL AFGHANISTAN personnel. Where required, disciplinary action shall be taken by the national authority concerned.

6. A National Contingent Point of Contact (NPC) shall be appointed by New Zealand to represent its national contingent in EUPOL AFGHANISTAN. The NPC shall report to the EUPOL AFGHANISTAN Head of Mission on national matters and shall be responsible for day-to-day contingent discipline.

7. The decision to end the operation shall be taken by the European Union, following consultation with New Zealand, provided that New Zealand is still contributing to EUPOL AFGHANISTAN at the date of termination of the operation.

*Article 5***Financial aspects**

1. New Zealand shall assume all the costs associated with its participation in the operation apart from the costs which are subject to common funding, as set out in the operational budget of the operation.

2. Subject to any arrangement concluded between the Government of the Islamic Republic of Afghanistan and the Government of New Zealand, in case of death, injury, loss or damage to natural or legal persons from Afghanistan, New Zealand shall, when its liability has been established, pay compensation under the conditions provided for in the Agreement on status of mission, if available, as referred to in Article 2(1) of this Agreement.

Article 6

Contribution to operational budget

As the participation by New Zealand constitutes a significant contribution which is essential for the operation, New Zealand is exempted from contributions to the operational budget of EUPOL AFGHANISTAN.

Article 7

Arrangements to implement this Agreement

Any necessary technical and administrative arrangements in pursuance of the implementation of this Agreement shall be concluded between the Secretary-General/High Representative and the appropriate authorities of New Zealand.

Article 8

Non-compliance

Should one of the Parties fail to comply with its obligations laid down in this Agreement, the other Party shall have the right to terminate this Agreement by serving a notice of one month.

Article 9

Dispute settlement

Disputes concerning the interpretation or application of this Agreement shall be settled by diplomatic means between the Parties.

Article 10

Entry into force

1. This Agreement shall enter into force on the first day of the first month after the Parties have notified each other of the completion of the internal procedures necessary for this purpose.

2. This Agreement shall be provisionally applied from the date of signature.

3. This Agreement shall remain in force for the duration of New Zealand's contribution to the operation.

Done at Brussels, on the third day of October in the year two thousand and seven in the English language in two copies.

For the European Union

For New Zealand

ANNEX

DECLARATIONS**Referred to in Article 2(4) and (5)**

Declaration by the EU Member States:

'The EU Member States applying Joint Action 2007/369/CFSP of 30 May 2007 on establishment of the European Union Police Mission in Afghanistan (EUPOL AFGHANISTAN) will endeavour, insofar as their internal legal systems so permit, to waive on a reciprocal basis, as far as possible claims against New Zealand for injury, death of their personnel, or damage to, or loss of, any assets owned by themselves and used by EUPOL AFGHANISTAN if such injury, death, damage or loss:

- was caused by personnel from New Zealand in the execution of their duties in connection with EUPOL AFGHANISTAN, except in case of gross negligence or wilful misconduct,
- or arose from the use of any assets owned by New Zealand, provided that the assets were used in connection with the operation and except in case of gross negligence or wilful misconduct of EUPOL AFGHANISTAN personnel from New Zealand using those assets.'

Declaration by New Zealand:

'New Zealand being associated with Joint Action 2007/369/CFSP of 30 May 2007 on establishment of the European Union Police Mission in Afghanistan (EUPOL AFGHANISTAN) will endeavour, on a reciprocal basis, insofar as its internal legal system so permits, to waive as far as possible claims against any other State participating in EUPOL AFGHANISTAN for injury, death of their personnel, or damage to, or loss of, any assets owned by itself and used by EUPOL AFGHANISTAN if such injury, death, damage or loss:

- was caused by personnel in the execution of their duties in connection with EUPOL AFGHANISTAN, except in case of gross negligence or wilful misconduct,
 - or arose from the use of any assets owned by States participating in EUPOL AFGHANISTAN, provided that the assets were used in connection with the operation and except in case of gross negligence or wilful misconduct of EUPOL AFGHANISTAN personnel using those assets.'
-