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### Legislation

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<sup>(1)</sup> Text with EEA relevance

## I

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

## REGULATIONS

## COMMISSION REGULATION (EC) No 1429/2007

of 5 December 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<sup>(1)</sup>, 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 December 2007.

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

Done at Brussels, 5 December 2007.

*For the Commission*

Jean-Luc DEMARTY

*Director-General for Agriculture and  
Rural Development*

<sup>(1)</sup> 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 5 December 2007 establishing the standard import values for determining the entry price of certain fruit and vegetables**

(EUR/100 kg)		
CN code	Third country code <sup>(1)</sup>	Standard import value
0702 00 00	IL	114,0
	MA	61,5
	SY	68,2
	TR	100,8
	ZZ	86,1
0707 00 05	JO	196,3
	MA	52,5
	TR	99,6
	ZZ	116,1
0709 90 70	MA	58,5
	TR	122,0
	ZZ	90,3
0709 90 80	EG	301,9
	ZZ	301,9
0805 10 20	AR	20,7
	AU	15,0
	BR	12,7
	SZ	41,9
	TR	60,4
	ZA	41,5
	ZW	17,0
	ZZ	29,9
0805 20 10	MA	67,3
	ZZ	67,3
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	CN	61,4
	HR	21,2
	IL	66,8
	TR	77,8
	UY	95,3
	ZZ	64,5
0805 50 10	EG	95,3
	TR	112,1
	ZA	62,3
	ZZ	89,9
0808 10 80	AR	87,7
	CA	87,3
	CL	86,0
	CN	69,1
	MK	31,5
	US	80,6
	ZA	95,7
	ZZ	76,8
0808 20 50	AR	71,0
	CN	47,9
	TR	145,7
	ZZ	88,2

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

## COMMISSION REGULATION (EC) No 1430/2007

of 5 December 2007

## amending Annexes II and III to Directive 2005/36/EC of the European Parliament and of the Council on the recognition of professional qualifications

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications <sup>(1)</sup>, and in particular its Articles 11(c)(ii) and 13(2), third subparagraph,

Whereas:

(1) Germany, Luxembourg, Austria and Italy have submitted reasoned requests for amendments to Annex II to Directive 2005/36/EC. The Netherlands has submitted a reasoned request for an amendment to Annex III to Directive 2005/36/EC.

(2) Germany has requested the addition of the word 'health' ('Gesundheit') to the title of paediatric nurse ('Kinderkrankenschwester/Kinderkrankenpfleger'). The Act of 16 July 2003 on nursing care, which entered into force on 1 January 2004, amended the content of the relevant training course and changed its title to 'healthcare and paediatric nurse' ('Gesundheits- und Kinderkrankenpfleger(in)'). The structure and conditions for access to the training remain unchanged.

(3) Germany has requested the removal from Annex II of the profession of psychiatric nurse ('Psychiatrische(r) Krankenschwester/Krankenpfleger') because this training complements the training programme for nurses responsible for general care and is therefore included in the definition of the diploma.

(4) Germany has requested the addition of the profession of geriatric nurse ('Altenpflegerin und Altenpfleger'), which meets the conditions provided for in Article 11(c)(ii) of the Directive 2005/36/EC, as is apparent from the Act of 17 November 2000 on geriatric care and the Ordinance of 26 November 2002 concerning training and examinations for geriatric nursing.

(5) Lastly, Germany has asked that the professions of surgical truss maker ('Bandagist') and orthopaedic technician ('Orthopädiemechaniker') be merged under the term orthopaedic technician ('Orthopädietechniker'), in accordance with the Crafts Ordinance (Handwerksordnung in the version published on 24 September 1998 (BGBl. I p. 3074; 2006 I p. 2095), last amended by Article 146 of the Ordinance of 31 October 2006 (BGBl. I p. 2407)).

(6) Luxembourg has requested the replacement of the titles 'paediatric nurse' ('infirmier puériculteur') by 'infirmier en pédiatrie' (no amendment to the English translation), 'nurse — anaesthetics' ('infirmier anesthésiste') by 'nurse — anaesthetics and intensive care' ('infirmier en anesthésie et réanimation') and 'qualified masseur/masseuse' ('masseur diplômé') by 'masseur/masseuse' ('masseur'), following the amended Act of 26 March 1992 on the performance and revaluation of certain health professions. The training arrangements have not changed.

(7) Austria has requested greater detail in the description of training for psychiatric nurses and paediatric nurses, as laid down in the Act on nursing care (BGBl. I No 108/1997).

(8) Italy has requested the removal from Annex II of the professions of building surveyor ('geometra') and land surveyor ('perito agrario') because they require training which is covered by the definition of the diploma contained in Article 55 of Presidential Decree No 328 of 5 June 2001 and Annex I to Legislative Decree No 227 of 8 July 2003.

(9) Germany, Luxembourg and Austria have requested the insertion in Annex II of a number of training programmes which lead to the title of Master (Meister/Maitre). These training programmes are essentially regulated by the following legislation: for Germany: the Crafts Ordinance (Handwerksordnung, in the version published on 24 September 1998 (BGBl. I p. 3074; 2006 I p. 2095), last amended by Article 146 of the Order of 31 October 2006 (BGBl. I p. 2407)); for Luxembourg: the Act of 28 December 1988 (OJ of 28 December 1988 A No. 72) and the Grand-Ducal Regulation of 4 February 2005 (OJ of 10 March 2005 A — No 29); for Austria: the Trade and Industry Ordinance (Gewerbeordnung) of 1994 (BGBl. No 194/1994, as amended in BGBl. I No 15/2006). They meet the conditions set out in Article 11(c)(ii) of Directive 2005/36/EC.

<sup>(1)</sup> OJ L 255, 30.9.2005, p. 22. Directive as amended by Council Directive 2006/100/EC (OJ L 363, 20.12.2006, p. 141).

- (10) The Netherlands has requested an amendment in Annex III of the description of the regulated training courses in order to take account of changes introduced by the Act on education and vocational training (WEB Act of 1996). These training courses meet the conditions set out in the third subparagraph of Article 13(2) of Directive 2005/36/EC.
- (11) Directive 2005/36/EC should therefore be amended accordingly.
- (12) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the recognition of professional qualifications,

HAS ADOPTED THIS REGULATION:

*Article 1*

Annexes II and III to Directive 2005/36/EC are hereby amended as set out in the Annex hereto.

*Article 2*

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

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

Done at Brussels, 5 December 2007.

*For the Commission*  
Charlie McCREEVY  
*Member of the Commission*

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## ANNEX

Annexes II and III to Directive 2005/36/EC are amended as follows:

I. Annex II is amended as follows:

1. Point 1 is amended as follows:

(a) under 'in Germany',

(i) the first indent is replaced by the following:

‘— healthcare and paediatric nurse (“Gesundheits- und Kinderkrankenpfleger(in)”);

(ii) the fourteenth indent is deleted;

(iii) the following indent is added:

‘— geriatric nurse (“Altenpflegerin und Altenpfleger”);

(b) under 'in Luxembourg', the fifth, sixth and seventh indents are replaced by the following:

‘— paediatric nurse,

— nurse — anaesthetics and intensive care,

— masseur,’

(c) under 'in Austria',

(i) following the first indent relating to the special basic training for nurses specialising in the care of children and young people ('spezielle Grundausbildung in der Kinder- und Jugendlichenpflege'), the following text is added:

‘which represents education and training courses of a total duration of at least thirteen years, including at least ten years’ general school education and three years’ professional education in a nursing school, culminating in an examination which must be passed in order to obtain the diploma’;

(ii) following the second indent relating to the special basic training for nurses specialising in psychiatric care ('spezielle Grundausbildung in der psychiatrischen Gesundheits- und Krankenpflege'), the following text is added:

‘which represents education and training courses of a total duration of at least thirteen years, including at least ten years’ general school education and three years’ professional education in a nursing school, culminating in an examination which must be passed in order to obtain the diploma’;

2. in point 2, the heading 'in Germany' is amended as follows:

(i) the third indent is replaced by the following:

‘— orthopaedic technician (“Orthopädietechniker”);

(ii) the fifth indent is deleted;

3. the following text is added after point 2:

‘2a Meister/Maître (education and professional training leading to the title of Meister/Maître) in the following professions:

in Germany:

- metal worker (“Metallbauer”),
- surgical instrument maker (“Chirurgiemechaniker”),
- coachbuilder (“Karosserie- und Fahrzeugbauer”),
- automotive mechatronics technician (“Kraftfahrzeugtechniker”),
- motorbike and bicycle mechanic (“Zweiradmechaniker”),
- refrigeration mechanic (“Kälteanlagenbauer”),
- communication technician (“Informationstechniker”),
- mechanic for agricultural and construction machinery (“Landmaschinenmechaniker”),
- gunsmith (“Büchsenmacher”),
- plumber (“Klempner”),
- installer and heating fitter (“Installateur und Heizungsbauer”),
- electrical engineer (“Elektrotechniker”),
- electrical machine engineer (“Elektromaschinenbauer”),
- boat and ship builder (“Boots- und Schiffbauer”),
- bricklayer and concrete worker (“Maurer und Betonbauer”),
- stove and air heating mechanic (“Ofen- und Luftheizungsbauer”),
- carpenter (“Zimmerer”),
- roofer (“Dachdecker”),
- road construction worker (“Straßenbauer”),
- thermal and acoustic insulation fitter (“Wärme-, Kälte- und Schallschutzisolierer”),
- well-sinker (“Brunnenbauer”),
- stonemason (“Steinmetz und Steinbildhauer”),
- plasterer (“Stuckateur”),
- painter and varnisher (“Maler und Lackierer”),
- scaffolder (“Gerüstbauer”),
- chimney sweep (“Schornsteinfeger”),
- precision engineer (“Feinwerkmechaniker”),
- joiner (“Tischler”),



- ropemaker (“Seiler”),
  - baker (“Bäcker”),
  - pastry chef (“Konditor”),
  - butcher (“Fleischer”),
  - hairdresser (“Frisör”),
  - glazier (“Glaser”),
  - glassblower and glass apparatus maker (“Glasbläser und Glasapparatebauer”),
  - mechanic for tyres and vulcanisation (“Vulkaniseur und Reifenmechaniker”);
- in Luxembourg:
- baker/pastry chef (“boulangier-pâtissier”),
  - pastry, chocolate and ice cream maker/confectioner (“pâtissier-chocolatier-confiseur-glacier”),
  - butcher (“boucher-charcutier”),
  - horsemeat butcher (“boucher-charcutier-chevalin”),
  - caterer (“traiteur”),
  - miller (“meunier”),
  - tailor/dressmaker (“tailleur-couturier”),
  - fashion designer/milliner (“modiste-chapelier”),
  - furrier (“fourreur”),
  - boot/shoemaker (“bottier-cordonnier”),
  - clock/watchmaker (“horloger”),
  - jeweller/goldsmith (“bijoutier-orfèvre”),
  - hairdresser (“coiffeur”),
  - beautician (“esthéticien”),
  - general mechanical engineer (“mécanicien en mécanique générale”),
  - lift/hoist/escalator/handling equipment engineer (“installateur d’ascenseurs, de monte-charges, d’escaliers mécaniques et de matériel de manutention”),
  - gunsmith (“armurier”),
  - blacksmith (“forgeron”),
  - machinery, industrial and construction equipment mechanic/engineer (“mécanicien de machines et de matériels industriels et de la construction”),
  - car and motorcycle mechanic and automotive electronics technician (“mécanicien-électronicien d’autos et de motos”),
  - car bodywork maker/repairman (“constructeur réparateur de carrosseries”),

- car bodywork repairman/painter (“débosseleur-peintre de véhicules automoteurs”),
- winder (“bobineur”),
- audiovisual (electronics) engineer (“électronicien d’installations et d’appareils audiovisuels”),
- cable network builder/repairman (“constructeur réparateur de réseaux de télédistribution”),
- office equipment and information technology engineer (“électronicien en bureautique et en informatique”),
- agricultural/winegrowing equipment engineer (“mécanicien de machines et de matériel agricoles et viticoles”),
- coppersmith (“chaudronnier”),
- galvaniser (“galvaniseur”),
- motor vehicle assessor (“expert en automobiles”),
- building contractor (“entrepreneur de construction”),
- road/paving contractor (“entrepreneur de voirie et de pavage”),
- concrete flooring specialist (“confectionneur de chapes”),
- heat insulation, soundproofing and waterproofing engineer (“entrepreneur d’isolations thermiques, acoustiques et d’étanchéité”),
- heating and plumbing engineer (“installateur de chauffage-sanitaire”),
- refrigeration engineer (“installateur frigoriste”),
- electrician (“électricien”),
- neon sign fitter (“installateur d’enseignes lumineuses”),
- electronics engineer specialising in communication and information technology (“électronicien en communication et en informatique”),
- security and alarm system engineer (“installateur de systèmes d’alarmes et de sécurité”),
- carpenter/cabinet maker (“menuisier-ébéniste”),
- parquet flooring fitter (“parqueteur”),
- prefabricated unit fitter (“poseur d’éléments préfabriqués”),
- manufacturer/fitter of blinds, sun blinds, shutters and awnings (“fabricant poseur de volets, de jalousies, de marquises et de store”),
- metal worker (“entrepreneur de constructions métalliques”),
- furnace/oven/kiln manufacturer (“constructeur de fours”),
- tinsmith/roofer (“couvreur-ferblantier”),
- carpenter (“charpentier”),
- stonemason/cutter (“marbrier-tailleur de pierres”),
- tiler (“carreleur”),
- plasterer/builder specialising in ceilings and outer walls (“plafonneur-façadier”),

- painter and decorator (“peintre-décorateur”),
- glazing and mirror specialist (“vitrier-miroitier”),
- upholsterer and decorator (“tapissier-décorateur”),
- manufacturer/fitter of hearths and earthenware stoves (“constructeur poseur de cheminées et de poêles en faïence”),
- printer (“imprimeur”),
- media operator (“opérateur média”),
- screen printer (“sérigraphe”),
- bookbinder (“relieur”),
- medical and surgical equipment technician (“mécanicien de matériel médico-chirurgical”),
- driving instructor (“instructeur de conducteurs de véhicules automoteurs”),
- manufacturer/fitter of metal boarding and roofs (“fabricant poseur de bardages et toitures métalliques”),
- photographer (“photographe”),
- musical instrument maker/repairer (“fabricant réparateur d’instruments de musique”),
- swimming instructor (“instructeur de natation”);

in Austria:

- master builder (“Baumeister hinsichtl. der ausführenden Tätigkeiten”),
- baker (“Bäcker”),
- well-sinker (“Brunnenmeister”),
- roofer (“Dachdecker”),
- electrical engineer (“Elektrotechniker”),
- butcher (“Fleischer”),
- hairdresser and wig-maker (stylist) (“Friseur und Perückenmacher (Stylist)”),
- gas and sanitation installations engineering (“Gas- und Sanitärtechnik”),
- glazier (“Glaser”),
- glass-facing work and plate-glass polishing (“Glasbeleger und Flachglasschleifer”),
- glassblower and glass apparatus maker (“Glasbläser und Glasapparatebauer”),
- polishing and shaping of hollow glass (linked craft) (“Hohlglasschleifer und Hohlglasveredler (verbundenes Handwerk)”),
- stove-maker (“Hafner”),
- heating engineering (“Heizungstechnik”),
- ventilation engineer (linked craft) (“Lüftungstechnik (verbundenes Handwerk)”),
- refrigeration and air-conditioning (“Kälte- und Klimatechnik”),

- communications electronics (“Kommunikationselektronik”),
- pastry chef (confectioner), including makers of gingerbread, candied fruit, ice-cream and chocolate (“Konditor (Zuckerbäcker) einschl. der Lebzelter und der Kanditen- Gefrorenes- und -Schokoladewarenerzeugung”),
- automotive mechatronics technician (“Kraftfahrzeugtechnik”),
- manufacture of bodywork, including panel beating and painting (linked craft) (“Karosseriebauer einschl. Karosseriespengler u. -lackierer (verbundenes Handwerk)”),
- processing of plastic materials (“Kunststoffverarbeitung”),
- painter and decorator (“Maler und Anstreicher”),
- varnisher (“Lackierer”),
- gold-plating and decorating (“Vergolder und Staffierer”),
- manufacture of signs (linked craft) (“Schilderherstellung (verbundenes Handwerk)”),
- mechatronics for electrical engineering and automation (“Mechatroniker f. Elektromaschinenbau u. Automatisierung”),
- mechatronics for electronics (“Mechatroniker f. Elektronik”),
- office automation and IT systems (“Büro- und EDV-Systemtechnik”),
- mechatronics for machinery and manufacturing technology (“Mechatroniker f. Maschinen- und Fertigungstechnik”),
- mechatronics for medical equipment (linked craft) (“Mechatroniker f. Medizingerätetechnik (verbundenes Handwerk)”),
- surface engineering (“Oberflächentechnik”),
- metal design (linked craft) (“Metalldesign (verbundenes Handwerk)”),
- locksmith (“Schlosser”),
- blacksmith (“Schmied”),
- agricultural machinery technician (“Landmaschinentechnik”),
- plumber (“Spengler”),
- coppersmith (linked craft) (“Kupferschmied (verbundenes Handwerk)”),
- master stonemason, including the manufacture of artificial stones and terrazzo (“Steinmetzmeister einschl. Kunststeinerzeugung und Terrazzomacher”),
- plasterer (“Stukkateur und Trockenausbauer”),
- joiner (“Tischler”),
- layout designer (“Modellbauer”),
- cooper (“Binder”),
- wood-turner (“Drechsler”),
- boat builder (“Bootsbauer”),
- Sculptor (linked craft) (“Bildhauer (verbundenes Handwerk)”),

- vulcaniser (“Vulkaniseur”),
- gunsmith (including trade in arms) (“Waffengewerbe (Büchsenmacher) einschl. des Waffenhandels”),
- thermal, acoustic and fire insulation (“Wärme- Kälte- Schall- und Branddämmmer”),
- master carpenter (“Baumeister hinsichtl. der ausführenden Tätigkeiten”),

which represent education and training courses of a total duration of at least thirteen years, including at least three years' training followed within a structured training framework, partly received in the workplace and partly provided by a vocational training establishment, and culminating in an examination, in addition to at least one year's theoretical and practical training as a master craftsman. Passing the master craftsman examination confers the right to exercise the profession in a self-employed capacity, train apprentices and use the title of Master (“Meister/Maitre”).;

4. in point 4, ‘Technical sector’, the heading ‘in Italy’ is deleted.

II. Annex III is amended as follows:

The text under ‘In the Netherlands’ is replaced by the following:

‘Regulated training courses which correspond to qualification level 3 or 4 of the national register of professional training courses, established by the Act on education and professional training, or older training courses of an equivalent level.

Levels 3 and 4 of the qualification structure are described as follows:

- Level 3: Responsibility for the application and combination of standardised procedures. Combining or designing procedures according to work organisation and preparation activities. Ability to justify these activities to one's colleagues (no hierarchical link). Hierarchical responsibility for monitoring and supporting the application using other routine standardised or automated procedures. This level relates mainly to professional competence and knowledge.
- Level 4: Responsibility for performing the assigned tasks and also for combining or designing new procedures. Ability to justify these activities to one's colleagues (no hierarchical link). Explicit hierarchical responsibility for planning and/or administration and/or the organisation and/or development of the entire production cycle. This level relates to competence and knowledge which is specialised and/or not inherent to the profession.

The two levels correspond to regulated courses of study of a total duration of at least 15 years which require the successful completion of eight years of elementary education followed by four years of intermediate preparatory vocational education (VMBO), and which require at least three years' level 3 or 4 training at a college for intermediate vocational training (MBO), culminating in an examination. (The average duration of vocational training may be reduced from three to two years where the student has a qualification required to enter university (14 years of prior training) or to enter higher vocational education (13 years of prior training)).

The Netherlands authorities will send to the Commission and to the other Member States a list of the training courses covered by this Annex.’

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## COMMISSION REGULATION (EC) No 1431/2007

of 5 December 2007

**approving non-minor amendments to the specification for a name entered in the register of protected designations of origin and protected geographical indications Huile d'olive de Nyons (PDO)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) By virtue of the first subparagraph of Article 9(1) and having regard to Article 17(2) of Regulation (EC) No 510/2006, the Commission has examined France's request for approval of amendments to the specification for the protected geographical indication 'Huile d'olive de Nyons' registered under Commission Regulation (EC) No 1107/96 <sup>(2)</sup>.
- (2) Since the amendments in question are not minor within the meaning of Article 9 of Regulation (EC) No

510/2006, the Commission published the amendment application in the *Official Journal of the European Union* as required by the first subparagraph of Article 6(2) of that Regulation <sup>(3)</sup>. As no statement of objection within the meaning of Article 7 of Regulation (EC) No 510/2006 has been sent to the Commission, the amendments should be approved,

HAS ADOPTED THIS REGULATION:

*Article 1*

The amendments to the specification published in the *Official Journal of the European Union* regarding the name in the Annex to this Regulation are hereby approved.

*Article 2*

This Regulation shall enter into force on the 20th 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 December 2007.

*For the Commission*

Mariann FISCHER BOEL

*Member of the Commission*

<sup>(1)</sup> OJ L 93, 31.3.2006, p. 12. Regulation as amended by Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p. 1).

<sup>(2)</sup> OJ L 148, 21.6.1996, p. 1. Regulation as last amended by Regulation (EC) No 2156/2005 (OJ L 342, 24.12.2005, p. 54).

<sup>(3)</sup> OJ C 73, 30.3.2007, p. 4.

## ANNEX

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

**Class 1.5 — Oils and fats (butter, margarine, oil, etc.)**

FRANCE

Huile d'olive de Nyons (PDO)

**COMMISSION REGULATION (EC) No 1432/2007****of 5 December 2007****amending Annexes I, II and VI to Regulation (EC) No 1774/2002 of the European Parliament and of the Council as regards the marking and transport of animal by-products****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 1774/2002 of the European Parliament and of the Council of 3 October 2002 laying down health rules concerning animal by-products not intended for human consumption<sup>(1)</sup>, and in particular Article 32(1) and point 8 of Chapter I of Annex VI thereof,

Whereas:

- (1) Regulation (EC) No 1774/2002 lays down specific health requirements for animal by-products not intended for human consumption.
- (2) Articles 4, 5 and 6 of Regulation (EC) No 1774/2002 provide that Category 1, 2 and 3 materials are to be collected, transported and identified without undue delay in accordance with Article 7 of that Regulation.
- (3) Article 7 and Annex II lay down requirements for the identification, collection and transport of the different categories of animal by-products and processed products. In order to improve control and traceability, standardised colour-coding of packaging, containers and vehicles should be used for trade in those by-products and processed products. The colours should be chosen in such a way so as to ensure that they can be easily distinguished, including by individuals with impaired colour vision.
- (4) For the purpose of clarity, a definition of 'colour-coding' should be added to the specific definitions in Annex I to Regulation (EC) No 1774/2002.
- (5) Member States should have the possibility to establish systems or to lay down additional rules as regards the colour-coding of packaging, containers and vehicles used for the transport of the different categories of animal by-

products and processed products within their territory. Such systems or rules should not confuse the standardised colour-coding system used for trade.

- (6) Member States should also have the possibility to require the marking of animal by-products originating in and remaining on their territory, in addition to the marking of specified risk materials required by Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies<sup>(2)</sup>. Such marking, however, should not create barriers for trade or for exports to third countries.
- (7) Annex II to Regulation (EC) No 1774/2002 sets out rules for the model commercial document which is to accompany animal by-products and processed products during transportation. Additional rules for such documents should be laid down in order to improve identification and traceability of animal by-products.
- (8) Articles 4, 5 and 6 of Regulation (EC) No 1774/2002 provide that certain processed animal by-products are to be permanently marked, where technically possible with smell, in accordance with Chapter I of Annex VI to that Regulation.
- (9) Chapter I of Annex VI to Regulation (EC) No 1774/2002 provides that processed products derived from Category 1 or 2 materials, with the exception of liquid products destined for biogas or composting plants, must be permanently marked, where technically possible with smell, using a system approved by the competent authority. So far, due to a lack of available scientific data on marking, no detailed rules for such marking were established.
- (10) On 17 October 2006, the Commission Joint Research Centre issued an implementation study to evaluate Glyceroltriheptanoate (GTH) as a suitable marker for animal by-products in rendering systems. On the basis of this report, detailed requirements for the marking of processed animal by-products should be laid down.

<sup>(1)</sup> OJ L 273, 10.10.2002, p. 1. Regulation as last amended by Commission Regulation (EC) No 829/2007 (OJ L 191, 21.7.2007, p. 1).

<sup>(2)</sup> OJ L 147, 31.5.2001, p. 1. Regulation as last amended by Commission Regulation (EC) No 1275/2007 (OJ L 284, 30.10.2007, p. 8).

- (11) Those requirements should be without prejudice to the marking of processed products for use in organic fertilisers or soil improvers in order to fulfil the obligation not to apply them directly to land to which farmed animals might have access in accordance with Commission Regulation (EC) No 181/2006 of 1 February 2006 implementing Regulation (EC) No 1774/2002 as regards organic fertilisers and soil improvers other than manure and amending that Regulation <sup>(1)</sup>.
- (12) Certain exceptions from the requirement to mark processed products with GTH should be provided for, in particular as regards products moved for use or disposal with a method in accordance with Commission Regulation (EC) No 92/2005 of 19 January 2005 implementing Regulation (EC) No 1774/2002 of the European Parliament and of the Council as regards means of disposal or uses of animal by-products and amending its Annex VI as regards biogas transformation and processing of rendered fats <sup>(2)</sup>.
- (13) Annexes I, II and VI to Regulation (EC) No 1774/2002 should therefore be amended accordingly.
- (14) In order to allow the Member States and the industry time to adapt to the new rules provided for by this Regulation, those rules should apply from 1 July 2008.
- (15) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

*Article 1*

Annexes I, II and VI to Regulation (EC) No 1774/2002 are amended in accordance with the Annex to this Regulation.

*Article 2*

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

It shall apply from 1 July 2008.

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

Done at Brussels, 5 December 2007.

*For the Commission*  
Markos KYPRIANOU  
*Member of the Commission*

<sup>(1)</sup> OJ L 29, 2.2.2006, p. 31.

<sup>(2)</sup> OJ L 19, 21.1.2005, p. 27. Regulation as last amended by Regulation (EC) No 1678/2006 (OJ L 314, 15.11.2006, p. 4).



## ANNEX

Annexes I, II and VI to Regulation (EC) No 1774/2002 are amended as follows:

(1) In Annex I the following point is added:

'65. "colour-coding" means the systematic use of colours as defined in Chapter I of Annex II for displaying information as provided for in this Regulation on the surface or part of the surface of a packaging, container or vehicle, or on a label or symbol applied to them.'

(2) Annex II is amended as follows:

(a) Chapter I is replaced by the following:

'CHAPTER I

**Identification**

1. All necessary measures must be taken to ensure that:

- (a) Category 1, Category 2 and Category 3 materials are identifiable and kept separate and identifiable during collection and transportation;
- (b) processed products are identifiable and kept separate and identifiable during transportation;
- (c) a marking substance for the identification of animal by-products or processed products of a specific category is only used for the category for which its use is required under this Regulation, or is established or laid down pursuant to point 4; and
- (d) animal by-products and processed products are dispatched from one Member State to another Member State in packaging, containers or vehicles which are prominently and, at least for the period of transport, indelibly colour-coded as follows:
  - (i) in the case of Category 1 materials, using the colour black;
  - (ii) in the case of Category 2 materials (other than manure and digestive tract content), using the colour yellow;
  - (iii) in the case of Category 3 materials, using the colour green with a high content of blue to ensure that it is clearly distinguishable from the other colours.

2. During transport, a label attached to the packaging, container or vehicle must:

- (a) clearly indicate the category of the animal by-products or, in the case of processed products, the category of animal by-products from which the processed products were derived; and
- (b) bear the following words:
  - (i) in the case of Category 3 material, "not for human consumption";
  - (ii) in the case of Category 2 material (other than manure and digestive tract content) and processed products derived therefrom, "not for animal consumption"; however, when Category 2 material is intended for the feeding of animals referred to in Article 23(2)(c) under the conditions provided for in that Article, the label shall instead indicate "for feeding to ..." completed with the name of the specific species of those animals for the feeding of which the material is intended;
  - (iii) in the case of Category 1 material and processed products derived therefrom, "for disposal only";
  - (iv) in the case of manure and digestive tract content, "manure".

3. Member States may establish systems or lay down rules for the colour-coding of packaging, containers or vehicles used for the transport of animal by-products and processed products originating in and remaining on their territory, provided that those systems or rules do not confuse the colour-coding system provided for in point 1(d).
4. Without prejudice to point 3 of Annex V to Regulation (EC) No 999/2001, Member States may establish systems or lay down rules for the marking of animal by-products originating in and remaining on their territory provided that those systems or rules do not conflict with the marking requirements laid down for processed products in Chapter I of Annex VI to this Regulation.
5. By way of derogation from points 3 and 4, Member States may use the systems or rules referred to in those points for animal by-products originating in but not intended to remain on their territory if the Member State or third country of destination has communicated its agreement.'

(b) In Chapter X, point 1 is replaced by the following:

'1. A commercial document in accordance with the model set out in this Chapter shall accompany animal by-products and processed products during transportation. However, for the transport of animal by-products and processed products on their own territory Member States may require:

- (a) to use a different commercial document, in paper or in electronic form, provided that such commercial document complies with the requirements laid down in point 2 of Chapter III;
- (b) that the quantity of the material referred to in point 2(c) of Chapter III is expressed in weight of the material in the commercial document;
- (c) that a copy of the commercial document is returned by the receiver to the producer to be kept by that producer in accordance with Chapter V as proof of arrival of the consignment.'

(3) Annex VI is amended as follows:

(a) the title is replaced by the following:

**'SPECIFIC REQUIREMENTS FOR THE PROCESSING OF CATEGORY 1 AND 2 MATERIAL, FOR BIOGAS AND COMPOSTING AND FOR THE MARKING OF CERTAIN PROCESSED PRODUCTS'**

(b) Chapter I is amended as follows:

(i) the title is replaced by the following:

**'Specific requirements for the processing of Category 1 and 2 materials and for the marking of certain processed products'**

(ii) in part C, the following points are added:

'10. In processing plants approved in accordance with Article 13, processed products as referred to in Article 4(2)(b) and (c) and Article 5(2)(b) and (c) shall be permanently marked with:

- (a) smell, where technically possible; and
- (b) glyceroltriheptanoate (GTH) in such a way that:
  - (i) GTH is added to processed products that have undergone a preceding sanitising thermal treatment at a core temperature of at least 80 °C and remain subsequently protected from re-contamination; and
  - (ii) all processed products contain homogeneously throughout the substance a minimum concentration of at least 250 mg GTH per kg fat.

11. The operators of processing plants approved in accordance with Article 13 shall have in place a system of constant monitoring and recording of parameters suitable to demonstrate to the competent authority that the required homogeneous minimum concentration of GTH as referred to in point 10(b) is achieved in the processed products referred to in point 10.

That monitoring and recording system shall include the determination of the content of intact GTH as triglyceride in a cleaned petroleum-ether 40-70 extract of GTH from samples taken at regular intervals.

12. The competent authority shall carry out a performance check of the monitoring and recording system referred to in point 11 to ascertain compliance with this Regulation and may, where necessary, request the testing of additional samples in accordance with the method referred to in the second paragraph of point 11.
13. The marking with GTH shall not be required for processed products as referred to in Article 4(2)(b) and (c) and Article 5(2)(b) and (c), where such products are:
  - (a) moved by a closed conveyer system, where such a system has been authorised by the competent authority, from the processing plant for:
    - (i) immediate direct incineration or co-incineration; or
    - (ii) immediate use in accordance with a method approved for Category 1 and 2 animal by-products in accordance with Articles 1 and 2 of Regulation (EC) No 92/2005; or
  - (b) intended for research or for scientific use authorised by the competent authority.'

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## COMMISSION REGULATION (EC) No 1433/2007

of 5 December 2007

## amending Regulation (EC) No 1623/2000 laying down detailed rules for implementing Council Regulation (EC) No 1493/1999 on the common organisation of the market in wine with regard to market mechanisms

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 <sup>(1)</sup>, and in particular Article 33(1) thereof,

Whereas:

(1) Article 31(1) of Regulation (EC) No 1493/1999 stipulates that alcohol taken over by the intervention agencies is disposed of either by public sale or by tendering procedures.

(2) Tendering procedures for alcohol are the only sales from intervention in the agricultural sector for which the Commission manages the decision on and opens each sale of this product. In the interests of simplifying legislation and with a view to harmonising measures to manage agricultural markets under the single common organisation of the market, a standing invitation to tender for the sale of alcohol should be opened by the Commission as well as partial invitations to tender opened by the Member States.

(3) To ensure that the information on the partial invitations to tender in the Member States is accessible by all approved undertakings in the Community, that information should be published in electronic form.

(4) To prevent all the alcohol in stock from being sold all at once or for the benefit of just one undertaking, the maximum quantity that may be put up for sale under each partial invitation to tender should be limited.

(5) To ensure that alcohol is disposed of regularly and optimally, and taking account of the slack period during the summer and at Christmas, a deadline for the partial invitations to tender should be laid down once a month, except in July and December.

(6) The various stages and characteristics of the partial invitations to tender should be specified.

(7) Recent experience has shown that plans of the plants where the alcohol is processed into absolute alcohol are not essential for approval of undertakings that may participate in the sale of alcohol for use in the form of bioethanol in the Community. That requirement should therefore be removed from the list of documents to be provided for approval.

(8) To protect the interests of tendering undertakings during the partial invitations to tender, provision should be laid down to limit the physical movement of alcohol put up for sale between the time when the notice for the partial invitation to tender is published and its removal by the undertaking awarded the contract.

(9) Commission Regulation (EC) No 1623/2000 <sup>(2)</sup> should therefore be amended accordingly.

(10) 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 1623/2000 is hereby amended as follows:

1. Title III, Chapter IV is amended as follows:

(a) in subsection III, Articles 92 to 94(d) shall be replaced by the following:

*'Article 92***Standing invitation to tender**

1. A standing invitation to tender for alcohol is hereby issued for exclusive use in the fuel sector in the form of bioethanol in the Community.

<sup>(1)</sup> OJ L 179, 14.7.1999, p. 1. Regulation as last amended by Regulation (EC) No 1234/2007 (OJ L 299, 16.11.2007, p. 1).

<sup>(2)</sup> OJ L 194, 31.7.2000, p. 45. Regulation as last amended by Regulation (EC) No 923/2007 (OJ L 201, 2.8.2007, p. 9).

2. A notice of a standing invitation to tender shall be published in the *Official Journal of the European Union*.

#### Article 92a

##### Partial invitations to tender

1. Intervention agencies shall organise partial tendering rounds during the term of validity of the standing invitation to tender. To that end, intervention agencies shall publish notices of invitation to tender and ensure that they are properly publicised, in particular by displaying them at their head offices and on their website or the website of the competent ministry.

2. The notice of invitation to tender shall indicate in particular the time limit and place for the submission of tenders. Each partial invitation to tender shall cover a maximum quantity of 100 000 hl.

3. The time limit for the submission of tenders for each partial invitation to tender shall be the last working day of each month at 13.00 Brussels time. No tenders shall be submitted in July and December.

4. The first partial invitation to tender shall take place in the month following that in which the standing invitation to tender is published.

5. Each Member State whose stocks of Community wine alcohol reach or exceed 100 000 hl shall open a partial invitation to tender within the meaning of this Article.

#### Article 93

##### Notices of partial invitations to tender

For the quantities of alcohol which they hold, intervention agencies shall indicate, in addition to the information referred to in Article 92a(2):

- (a) the special rules applicable to the tendering procedure and the location of the stores in which the alcohol to be sold is stored;
- (b) the quantity of alcohol, expressed in hectolitres of alcohol at 100 % vol., covered by the partial tendering procedure;
- (c) the lots;
- (d) the payment terms;

(e) the formalities for obtaining samples;

(f) the amount of the tendering security referred to in the first subparagraph of Article 94(1) and the performance guarantee referred to in Article 94c(3).

#### Article 93a

##### Approval of undertakings

1. The alcohol shall be awarded to undertakings established in the Community and must be used for the purposes laid down in Article 92.

2. For the purpose of the award referred to in paragraph 1, Member States shall approve undertakings deemed eligible by them which have submitted an application accompanied by the following documents:

- (a) a declaration by the undertaking stating that it is capable of using at least 50 000 hl of alcohol a year;
- (b) the location of the undertaking's administrative offices;
- (c) the names and addresses of the plants where the alcohol is processed into absolute alcohol, and an indication of their annual processing capacity;
- (d) a copy of the permit granted by the national authorities of the Member State concerned to operate the plants;
- (e) an assurance by the undertaking that all final purchasers of the alcohol will only use it for the production of fuel in the Community in the form of bioethanol.

3. Approval by a Member State shall be valid throughout the Community.

4. Undertakings approved by 9 December 2007 shall be considered to have been approved for the purposes of this Regulation.

5. Member States shall inform the Commission without delay of any new approval or withdrawal of approval, indicating the exact date of the decision.

6. After each amendment, the Commission shall make an updated list of the approved undertakings available to the Member States without delay.

*Article 93b***Rule applicable to alcohol**

Intervention agencies shall take the necessary steps to ensure that the alcohol in the vats to which the sale relates is not physically moved until a removal order covering it has been issued, except in the case of a substitution decided by the intervention agency for logistical reasons, the conditions for which shall be clearly set out in the notice of partial invitation to tender.

*Article 93c***Submission of tenders**

1. Undertakings approved by the date of publication of the notice of partial invitation to tender may submit tenders in writing either by delivery by hand to the intervention agency holding the alcohol against proof of receipt, or by any other written means of telecommunication against proof of receipt.

2. Tenderers may submit only one tender in response to a lot. If a tenderer submits more than one, none of those tenders shall be admissible.

*Article 94***Rules applicable to tenders**

1. To be eligible for consideration, tenders, when submitted, must be accompanied by proof that a tendering security of EUR 4 per hectolitre of alcohol at 100 % vol. has been lodged with the intervention agency holding the alcohol concerned.

To that end, the intervention agencies concerned shall immediately issue tenderers with a statement certifying that the tendering security has been lodged for the quantities for which each agency is responsible.

2. The primary requirements within the meaning of Article 20 of Regulation (EEC) No 2220/85 shall be that tenders are not withdrawn after the closing date for their submission, that a performance guarantee is lodged and that the price is paid.

*Article 94a***Notifications relating to tenders**

1. On the day following the closing date referred to in Article 92a(3), intervention agencies shall inform the Commission of the lots and the prices offered by tenderers and the quantity of alcohol making up each lot. Intervention agencies shall also indicate whether any tenders have been rejected and, if so, the reasons for such rejection.

2. Intervention agencies shall send this information to the Commission in the form of an anonymous list.

3. If no tenders have been submitted, intervention agencies shall communicate this to the Commission within the same time limit.

*Article 94b***Award of contracts**

1. On the basis of the tenders submitted, the Commission, acting in accordance with the procedure laid down in Article 75 of Regulation (EC) No 1493/1999, shall decide whether or not to award contracts.

2. Should a contract be awarded, the Commission shall accept the most favourable tender per lot and shall set the sale price for each lot. If for the same lot several tenders quote the same price, the intervention body shall allocate the quantity concerned either by sharing the quantity between these tenderers, with their agreement, or by drawing lots.

3. The Commission shall notify the decisions taken under this Article to those Member States and intervention agencies holding alcohol to which tenders have been submitted.

4. The Commission shall publish the results of the tendering procedure in a simplified form in the *Official Journal of the European Union*.

*Article 94c***Statement of award**

1. The intervention agency shall inform tenderers in writing, without delay against a receipt, of the decision taken on their tenders.

2. Within two weeks of the date of receipt of the information notice referred to in paragraph 1, the intervention agency shall issue each successful tenderer with a statement of award certifying that their tender has been accepted.

3. Within two weeks of the date of receipt of the information notice referred to in paragraph 1, each successful tenderer shall provide proof that they have lodged with the intervention agency concerned a performance guarantee of EUR 40 per hectolitre of alcohol at 100 % vol. to ensure that all the alcohol awarded is used for the purposes laid down in Article 92.

*Article 94ca***Notifying the Commission**

Within five working days of receipt of the decision referred to in Article 94b(3), the intervention agency shall inform the Commission of the name and address of the tenderer for each tender submitted.

*Article 94d***Removal of the alcohol**

1. The intervention agency holding the alcohol and the successful tenderer shall agree on a provisional timetable for the staggered removal of the alcohol.

2. The alcohol may be removed on presentation of a removal order issued by the intervention agency once the quantity to be removed has been paid for. That quantity shall be determined to the nearest hectolitre of alcohol at 100 % vol.

Each removal order shall cover a quantity of at least 1 500 hectolitres, except in the case of the last removal in each Member State.

The removal order shall state the date by which the alcohol must be physically removed from the warehouse of the intervention agency concerned. The deadline for removal shall not be more than eight days from the day following the date of issue of the removal order. However, where the removal order covers a quantity in excess of 25 000 hectolitres, that deadline may be more than eight days, but not more than 15 days.

3. Ownership of the alcohol covered by a removal order shall be transferred on the date indicated in the order, which may not be after its date of validity, and the quantities concerned shall be deemed to have been removed on that date. From then on, the purchaser shall be responsible for any theft, loss or destruction and for the storage costs of any alcohol awaiting removal.

4. Physical removal of the alcohol must be completed six months after the date of receipt of the notification of acceptance referred to in Article 94c(1).

5. The alcohol must be fully used within two years from the date of first removal.

*Article 94e***Release of the tendering security**

Where a tender has been unsuccessful, the security provided for in Article 94(1) shall be released immediately.'

(b) in subsection IV, Articles 95 and 96 shall be replaced by the following:

*'Article 95***Rules applicable to public sales of alcohol**

1. With a view to drawing up the rules for opening a public sale of alcohol, the Commission shall request each Member State concerned to inform it of:

- (a) the quantity of alcohol, expressed in hectolitres of alcohol at 100 % vol., that may be offered for sale;
- (b) the type of alcohol concerned;
- (c) the quality of the lots of alcohol, laying down maximum and minimum values for the characteristics referred to in Article 96(4)(d)(i) and (ii) of this Regulation.

No more than 12 days after receiving this request, the Member States concerned shall inform the Commission of the exact location and references of the various vats of alcohol meeting the quality requirements and containing a total quantity of alcohol not less than that referred to in (a) in the first subparagraph of this paragraph.

2. Once the information referred to in the second subparagraph of paragraph 1 has been forwarded to the Commission, the alcohol in the vats concerned may not be moved until a removal order covering it has been issued.

This prohibition shall not relate to alcohol in vats not covered by the notices of public sale of alcohol concerned or not specified in the Commission decision referred to in Articles 83 to 93.

For logistical reasons in particular, the intervention agencies holding the vats of alcohol specified in the notification from the Member States referred to in paragraph 1 may replace the alcohol concerned with other alcohol of the same type or mix it with other alcohol delivered to the intervention agency until a removal order is issued for the alcohol concerned. The intervention agencies of the Member States shall notify the Commission that the alcohol has been replaced.

Article 96

### Rules applicable to lots

1. The alcohol shall be sold in lots.
2. A lot shall consist of a quantity of alcohol of sufficiently uniform quality, which may be contained in several vats and kept at several locations.
3. Each lot shall be numbered. The letters "EC" shall precede the numbers of the lots.
4. Each lot shall be described. The following information at least shall be given:
  - (a) the location of the lot, including a reference identifying each vat containing the alcohol, and the quantity of alcohol in each vat;
  - (b) the total quantity, expressed in hectolitres of alcohol at 100 % vol. The quantity may vary by up to 1 % and may not exceed 50 000 hectolitres;
  - (c) the minimum alcoholic strength of the alcohol in each vat, expressed in % vol.;
  - (d) if possible, the quality of the lot, specifying upper and lower limits for the following:
    - (i) the acidity, expressed in grams of acetic acid per hectolitre of alcohol at 100 % vol.;
    - (ii) the methanol content, expressed in grams per hectolitre of alcohol at 100 % vol.;
  - (e) reference to the intervention measure which gave rise to the production of the alcohol, specifying the relevant Article of Regulation (EC) No 1493/1999.

2. Article 101(4) is replaced by the following:

'4. Without prejudice to paragraph 1, when the alcohol is exported to third countries for end use in the motor fuel sector only, the checks on its actual use shall be carried out up to the moment when the alcohol is mixed with a denaturing agent in the country of destination.

Where the alcohol is disposed of for use as bioethanol in the Community, those checks shall be carried out up to the moment when the alcohol is delivered to an approved firm as indicated in Article 93a.

In the cases provided for in the first and second subparagraphs, the alcohol concerned must remain under the supervision of an official body which guarantees its use in the motor fuel sector under special tax arrangements which require that endure.'

3. Article 102 shall be replaced as follows:

'Article 102

### Use of surveillance firms

The partial notice of invitation to tender referred to in Article 92a(1) may stipulate that an independent surveillance firm is to be used to check on the proper conduct of the tendering procedure, particularly the final destination and/or end use of the alcohol. The cost of such services shall be borne by the successful tenderer, as shall the cost of analysis and verification pursuant to Article 99 of this Regulation.'

Article 2

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

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

Done at Brussels, 5 December 2007.

For the Commission  
Mariann FISCHER BOEL  
Member of the Commission



## COMMISSION REGULATION (EC) No 1434/2007

of 5 December 2007

**on initiating an investigation concerning the possible circumvention of anti-dumping measures imposed by Council Regulation (EC) No 2074/2004 on imports of certain ring binder mechanisms originating in the People's Republic of China by imports of certain ring binder mechanisms consigned from Thailand, whether slightly modified or not and whether declared as originating in Thailand or not, and by imports of certain slightly modified ring binder mechanisms originating in the People's Republic of China, and making such imports subject to registration**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community ('the basic Regulation')<sup>(1)</sup>, and in particular Articles 13(3), 14(3) and 14(5) thereof,

Whereas:

#### A. REQUEST

(1) The Commission has received a request pursuant to Article 13(3) of the basic Regulation to investigate the possible circumvention of the anti-dumping measures imposed on imports of certain ring binder mechanisms originating in the People's Republic of China.

(2) The request was lodged on 22 October 2007 by Ring Alliance Ringbuchtechnik GmbH, a Community producer of certain ring binder mechanisms.

#### B. PRODUCT

(3) The product concerned by the possible circumvention is certain ring binder mechanisms originating in the People's Republic of China, normally declared under CN code ex 8305 10 00 ('the product concerned'). For the purpose of this Regulation, certain ring binder mechanisms shall consist of two rectangular steel sheets or wires with at least four half rings made of steel wire fixed on it and which are kept together by a steel cover. They can be opened either by pulling the half rings or with a small steel-made trigger mechanism fixed to the ring binder mechanism.

(4) The products under investigation are certain ring binder mechanisms which are slightly modified originating in the People's Republic of China, normally declared under CN code ex 8305 10 00 (classified previous to the entry into force of this Regulation under TARIC code 8305 10 00 90), and certain ring binder mechanisms, whether slightly modified or not, consigned from Thailand, normally declared under CN code ex 8305 10 00 (classified previous to the entry into force of this Regulation under TARIC codes 8305 10 00 19, 8305 10 00 29 and 8305 10 00 90) ('the products under investigation').

#### C. EXISTING MEASURES

(5) The measures currently in force and possibly being circumvented are anti-dumping measures imposed by Council Regulation (EC) No 2074/2004<sup>(2)</sup> as extended to imports of the same product consigned from Vietnam<sup>(3)</sup> and from Lao People's Democratic Republic<sup>(4)</sup>.

#### D. GROUNDS

(6) The request contains sufficient *prima facie* evidence that the anti-dumping measures on imports of certain ring binder mechanisms originating in the People's Republic of China are being circumvented by means of a slight modification of the product concerned to make it fall under custom codes which are normally not subject to the measures, in particular CN code ex 8305 10 00 (classified previous to the entry into force of this Regulation under TARIC code 8305 10 00 90), and that the modification does not alter the essential characteristics of the product concerned. Examples of such slightly modified types are ring binder mechanisms with more than two rectangular steel sheets or wires and/or with chamfered sheets, ring binder mechanisms with two steel sheets the edges of which have been cut off and/or which have indentations so that their shape is no longer rectangular. Furthermore, the request contains sufficient *prima facie* evidence that the anti-dumping measures on imports of certain ring binder mechanisms originating in the People's Republic of China are being circumvented by means of transshipment via Thailand of the product concerned, whether slightly modified (in the way described above) or not.

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

<sup>(2)</sup> OJ L 359, 4.12.2004, p. 11.

<sup>(3)</sup> Council Regulation (EC) No 1208/2004 (OJ L 232, 1.7.2004, p. 1).

<sup>(4)</sup> Council Regulation (EC) No 33/2006 (OJ L 7, 12.1.2006, p. 1).

(7) The evidence submitted is as follows:

- The request shows that a significant change in the pattern of trade involving exports from the People's Republic of China and Thailand to the Community has taken place following the imposition of measures on the product concerned and that there is insufficient due cause or justification other than the imposition of the duty for such a change.
- This change in the pattern of trade appears to stem from the slight modification of the product concerned and from the transshipment via Thailand of certain ring binder mechanisms originating in the People's Republic of China, whether slightly modified or not.
- Furthermore, the request contains sufficient *prima facie* evidence that the remedial effects of the existing anti-dumping measures on the product concerned are being undermined both in terms of quantity and price. Significant volumes of imports of the products under investigation appear to have replaced imports of the product concerned. In addition, there is sufficient evidence that this increase in imports is made at prices well below the non-injurious price established in the investigation that led to the existing measures.
- Finally, the request contains sufficient *prima facie* evidence that the prices of the products under investigation are dumped in relation to the normal value previously established for the product concerned.
- Should circumvention practices covered by Article 13 of the basic Regulation, other than the ones mentioned above, be identified in the course of the investigation, the investigation may cover these practices also.

#### E. PROCEDURE

- (8) In the light of the above, the Commission has concluded that sufficient evidence exists to justify the initiation of an investigation pursuant to Article 13 of the basic Regulation and to make imports of certain ring binder mechanisms consigned from Thailand, whether slightly modified or not and whether declared as originating in Thailand or not, and imports of certain slightly modified ring binder mechanisms originating in the People's Republic of China, subject to registration, in accordance with Article 14(5) of the basic Regulation.

#### (a) Questionnaires

In order to obtain the information it deems necessary for its investigation, the Commission will send questionnaires to the exporters/producers and to the associations of exporters/producers in Thailand, to the exporters/producers and to the associations of exporters/producers in the People's Republic of China, to the importers and to the associations of importers in the Community which co-operated in the investigation that led to the existing measures and to the authorities of the People's Republic of China and Thailand. Information, as appropriate, may also be sought from the Community industry.

In any event, all interested parties should contact the Commission forthwith, but not later than the time limit set out in Article 3 of this Regulation in order to find out whether they are listed in the request, and request a questionnaire within the time limit set in Article 3(1) of this Regulation, given that the time limit set in Article 3(2) of this Regulation applies to all interested parties.

The authorities of the People's Republic of China and Thailand will be notified of the initiation of the investigation.

#### (b) Collection of information and holding of hearings

All interested parties are hereby invited to make their views known in writing and to provide supporting evidence. Furthermore, the Commission may hear interested parties, provided that they make a request in writing and show that there are particular reasons why they should be heard.

#### (c) Exemption of registration of imports or measures

In accordance with Article 13(4) of the basic Regulation, imports of the products under investigation may be exempted from registration or measures if the importation does not constitute circumvention.

Since the possible circumvention takes place outside the Community, exemptions may be granted, in accordance with Article 13(4) of the basic Regulation, to producers of the product under investigation that can show that they are not related to any producer subject to the measures and that are found not to be engaged in circumvention practices as defined in Articles 13(1) and 13(2) of the basic Regulation. Producers wishing to obtain an exemption should submit a request duly supported by evidence within the time limit indicated in Article 3(3) of this Regulation.

**F. REGISTRATION**

- (9) Pursuant to Article 14(5) of the basic Regulation, imports of the products under investigation should be made subject to registration in order to ensure that, should the investigation result in findings of circumvention, anti-dumping duties of an appropriate amount can be levied retroactively from the date of registration of such imports.

**G. TIME LIMITS**

- (10) In the interest of sound administration, time limits should be stated within which:

- interested parties may make themselves known to the Commission, present their views in writing and submit questionnaire replies or any other information to be taken into account during the investigation,
- producers in the People's Republic of China and Thailand may request exemption from registration of imports or measures,
- interested parties may make a written request to be heard by the Commission.

Attention is drawn to the fact that the exercise of most procedural rights set out in the basic Regulation depends on the parties making themselves known within the time limits mentioned in Article 3 of this Regulation.

**H. NON-COOPERATION**

- (11) In cases in which any interested party refuses access to or does not provide the necessary information within the time limits, or significantly impedes the investigation, findings, affirmative or negative, may be made in accordance with Article 18 of the basic Regulation, on the basis of the facts available.
- (12) Where it is found that any interested party has supplied false or misleading information, the information shall be disregarded and use may be made of facts available. If an interested party does not cooperate or cooperates only partially and findings are therefore based on facts available in accordance with Article 18 of the basic Regulation, the result may be less favourable to that party than if it had cooperated.

**I. PROCESSING OF PERSONAL DATA**

- (13) It is noted that any personal data collected in this investigation will be treated 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 <sup>(1)</sup>.

**J. HEARING OFFICER**

- (14) It is also noted that if interested parties consider that they are encountering difficulties in the exercise of their rights of defence, they may request the intervention of the Hearing Officer of DG Trade. He acts as an interface between the interested parties and the Commission services, offering, where necessary, mediation on procedural matters affecting the protection of their interests in this investigation, in particular with regard to issues concerning access to the file, confidentiality, extension of time limits and the treatment of written and/or oral submission of views. For further information and contact details, interested parties may consult the Hearing Officer's web pages on the website of DG Trade (<http://ec.europa.eu/trade>),

HAS ADOPTED THIS REGULATION:

*Article 1*

An investigation is hereby initiated pursuant to Article 13(3) of Council Regulation (EC) No 384/96, in order to determine if imports into the Community of certain ring binder mechanisms (consisting of two rectangular steel sheets or wires with at least four half rings made of steel wire fixed on it and which are kept together by a steel cover and can be opened either by pulling the half rings or with a small steel-made trigger mechanism fixed to the ring binder mechanism), falling within CN code ex 8305 10 00 (TARIC codes 8305 10 00 12, 8305 10 00 22 and 8305 10 00 32) consigned from Thailand, whether slightly modified or not and whether declared as originating in Thailand or not, and of certain slightly modified ring binder mechanisms falling within CN code ex 8305 10 00 (TARIC 8305 10 00 32 and 8305 10 00 39) originating in the People's Republic of China are circumventing the measures imposed by Regulation (EC) No 2074/2004.

*Article 2*

The Customs authorities are hereby directed, pursuant to Article 13(3) and Article 14(5) of Regulation (EC) No 384/96, to take the appropriate steps to register (i) all ring binder mechanisms other than those identified in Article 1 of Regulation (EC) No 2074/2004 and falling within CN code ex 8305 10 00 (TARIC codes 8305 10 00 32 and 8305 10 00 39) originating in the People's Republic of China and (ii) all ring binder mechanisms falling within CN code ex 8305 10 00 (TARIC codes 8305 10 00 12, 8305 10 00 22 and 8305 10 00 32) consigned from Thailand, whether declared as originating in Thailand or not.

<sup>(1)</sup> OJ L 8, 12.1.2001, p. 1.

Registration shall expire nine months following the date of entry into force of this Regulation.

The Commission, by Regulation, may direct Customs authorities to cease registration in respect of imports into the Community of products manufactured by producers having applied for an exemption of registration and having been found not to be circumventing the anti-dumping duties.

#### Article 3

1. Questionnaires should be requested from the Commission within 15 days from publication of this Regulation in the *Official Journal of the European Union*.

2. Interested parties, if their representations are to be taken into account during the investigation, must make themselves known by contacting the Commission, present their views in writing and submit questionnaire replies or any other information within 40 days from the date of the publication of this Regulation in the *Official Journal of the European Union*, unless otherwise specified.

3. Producers in the People's Republic of China and Thailand requesting exemption from registration of imports or measures should submit a request duly supported by evidence within the same 40-day time limit.

4. Interested parties may also apply to be heard by the Commission within the same 40-day time limit.

5. Any information relating to the matter, any request for a hearing or for a questionnaire as well as any request for exemption from registration of imports or measures must be made in writing (not in electronic format, unless otherwise specified) and must indicate the name, address, e-mail address, telephone and fax numbers of the interested party. All written submissions, including the information requested in this Regulation, questionnaire replies and correspondence provided by interested parties on a confidential basis shall be labelled as 'Limited' <sup>(1)</sup> and, in accordance with Article 19(2) of the basic Regulation, shall be accompanied by a non-confidential version, which will be labelled 'For inspection by interested parties'.

Commission address for correspondence:

European Commission  
Directorate General for Trade  
Directorate H  
Office: J-79 4/23  
B-1049 Brussels  
Fax (+32 2) 295 65 05.

#### Article 4

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

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

Done at Brussels, 5 December 2007.

For the Commission

Peter MANDELSON

Member of the Commission

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<sup>(1)</sup> This means that the document is for internal use only. It is protected pursuant to Article 4 of 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 (OJ L 145, 31.5.2001, p. 43). It is a confidential document pursuant to Article 19 of the basic Regulation and Article 6 of the WTO Agreement on Implementation of Article VI of the GATT 1994 (Anti-dumping Agreement).

## COMMISSION REGULATION (EC) No 1435/2007

of 5 December 2007

## reopening the fishery for herring in Baltic Sea subdivisions 25-27, 28.2, 29 and 32 by vessels flying the flag of Germany

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy <sup>(1)</sup>, and in particular Article 26(4) thereof,

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

Whereas:

- (1) Council Regulation (EC) No 1941/2006 of 11 December 2006 fixing fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks applicable in the Baltic Sea for 2007 <sup>(3)</sup>, lays down quotas for 2007.
- (2) On 19 April 2007 Germany notified the Commission, pursuant to Article 21(2) of Regulation (EEC) No 2847/93, that it would close the fishery for herring in the waters of ICES zone IIIId in Baltic Sea subdivisions 25-27, 28.2, 29 and 32 as from 20 April 2007.
- (3) On 16 May 2007 the Commission, pursuant to Article 21(3) of Regulation (EEC) No 2847/93 and Article 26(4) of Regulation (EC) No 2371/2002, adopted Regulation

(EC) No 546/2007 <sup>(4)</sup> prohibiting fishing for herring in the waters of ICES zone IIIId in Baltic Sea subdivisions 25-27, 28.2, 29 and 32 by vessels flying the flag of Germany or registered in Germany, with effect from the same date.

- (4) According to the information received by the Commission from the German authorities, a quantity of herring is still available in the German quota in Baltic Sea subdivisions 25-27, 28.2, 29 and 32. Consequently, fishing for herring in these waters by vessels flying the flag of Germany or registered in Germany should be authorised.
- (5) This authorisation should take effect on 19 November 2007, in order to allow the quantity of herring in question to be fished before the end of the current year.
- (6) Commission Regulation No 546/2007 should be repealed with effect from 19 November 2007,

HAS ADOPTED THIS REGULATION:

*Article 1*

**Repeal**

Regulation (EC) No 546/2007 is hereby repealed.

*Article 2*

**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*.

It shall apply from 19 November 2007.

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

Done at Brussels, 5 December 2007.

*For the Commission*

Fokion FOTIADIS

*Director-General for Fisheries and Maritime Affairs*

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

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

<sup>(3)</sup> OJ L 15, 20.1.2007, p. 1. Regulation as last amended by Commission Regulation (EC) No 898/2007 (OJ L 196, 28.7.2007, p. 22).

<sup>(4)</sup> OJ L 129, 17.5.2007, p. 23.

## ANNEX

No	83 - Reopening
Member State	Germany
Stock	HER/3D-R31
Species	Herring ( <i>Clupea harengus</i> )
Zone	Baltic Sea subdivisions 25-27, 28.2, 29 and 32
Date	19.11.2007

**COMMISSION REGULATION (EC) No 1436/2007****of 5 December 2007****establishing a prohibition of fishing for redfish in EC and international waters of ICES zone V;  
international waters of ICES zones XII and XIV by vessels flying the flag of Estonia**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy <sup>(1)</sup>, and in particular Article 26(4) thereof,

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

Whereas:

- (1) Council Regulation (EC) No 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 <sup>(3)</sup>, 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, transshipment and landing,

HAS ADOPTED THIS REGULATION:

*Article 1***Quota exhaustion**

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 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 December 2007.

For the Commission

Fokion FOTIADIS

Director-General for Fisheries and Maritime Affairs

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

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

<sup>(3)</sup> OJ L 15, 20.1.2007, p. 1. Regulation as last amended by Commission Regulation (EC) No 898/2007 (OJ L 196, 28.7.2007, p. 22).

## ANNEX

No	82
Member State	Estonia
Stock	RED/51214.
Species	Redfish ( <i>Sebastes spp.</i> )
Zone	EC and international waters of V; international waters of XII and XIV
Date	12.11.2007



## II

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

## DECISIONS

## CONFERENCE OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES

### DECISION OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES MEETING WITHIN THE COUNCIL

of 26 November 2007

amending Decision No 2005/446/EC setting the deadline for the commitment of the funds of the  
Ninth European Development Fund (EDF)

(2007/792/EC)

THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES OF THE EUROPEAN COMMUNITIES, MEETING WITHIN THE COUNCIL,

Having regard to the Treaty establishing the European Community,

Having regard to the proposal from the Commission,

Having regard to the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000 <sup>(1)</sup> as revised in Luxembourg on 25 June 2005 <sup>(2)</sup> (hereinafter referred to as the ACP-EC Partnership Agreement),

Having regard to Council Decision 2001/822/EC of 27 November 2001 on the association of the overseas countries and territories with the European Community (Overseas Association Decision) <sup>(3)</sup>, and in particular Article 33a thereof,

Having regard to the Internal Agreement between Representatives of the Governments of the Member States, meeting within the Council, on the Financing and Administration of Community Aid under the Financial Protocol to the ACP-EC Partnership Agreement <sup>(4)</sup> (hereinafter referred to as Ninth EDF Internal Agreement), and in particular Article 2(4) thereof,

Having regard to the Internal Agreement between the Representatives of the Governments of the Member States, meeting within the Council, on the financing of Community aid under the multi-annual financial framework for the period 2008 to 2013 in accordance with the ACP-EC Partnership Agreement and on the allocation of financial assistance for the Overseas Countries and Territories to which Part Four of the EC Treaty applies <sup>(5)</sup> (hereinafter referred to as Tenth EDF Internal Agreement),

Whereas:

- (1) Decision 2005/446/EC of the Representatives of the Governments of the Member States meeting within the Council of 30 May 2005 <sup>(6)</sup> sets at 31 December 2007 the date beyond which the funds of the Ninth European Development Fund (hereinafter referred to as EDF) managed by the Commission, the interest subsidies managed by the European Investment Bank (hereinafter referred to as the EIB) and the revenue accruing from the interest on these appropriations are no longer to be committed.
- (2) Point 4 of Annex Ib <sup>(7)</sup> (Multi-annual financial framework for the period 2008 to 2013) to the ACP-EC Partnership Agreement provides an exception to the general rule for balances and funds decommitted after 31 December 2007 resulting from the system guaranteeing the stabilisation of export earnings from primary agricultural products (STABEX) under EDFs prior to the Ninth EDF and for the remaining balances and reimbursements of the amounts allocated for the financing of the Investment Facility, excluding the related interest subsidies.

<sup>(1)</sup> OJ L 317, 15.12.2000, p. 3.

<sup>(2)</sup> OJ L 209, 11.8.2005, p. 27.

<sup>(3)</sup> OJ L 314, 30.11.2001, p. 1. Decision as amended by Decision 2007/249/EC (OJ L 109, 26.4.2007, p. 33).

<sup>(4)</sup> OJ L 317, 15.12.2000, p. 355.

<sup>(5)</sup> OJ L 247, 9.9.2006, p. 32.

<sup>(6)</sup> OJ L 156, 18.6.2005, p. 19.

<sup>(7)</sup> Annex Ib as contained in Annex to Decision No 1/2006 of the ACP-EC Council of Ministers (OJ L 247, 9.9.2006, p. 22).

- (3) That same point further provides that funds may still be committed after 31 December 2007 to ensure the working ability of the EU administration and to cover the ongoing costs to sustain running projects until the Tenth EDF comes into force.
- (4) The entry into force of the Tenth EDF may be delayed beyond 1 January 2008.
- (5) Decision 2005/446/EC and point 4 of Annex Ib to the ACP-EC Partnership Agreement need to be reconciled.
- (6) Due to *force majeure*, the establishment of the projects and programmes, funded from financial allocations available under the Ninth EDF after the mid-term review reallocation Decision of the Commission No C(2007) 3856 of 16 August 2007, has been delayed by six months in the French Overseas Countries and Territories (hereinafter referred to as OCTs) in the Pacific Region to which Part Four of the Treaty applies,

HAVE DECIDED AS FOLLOWS:

*Sole Article*

Articles 1 and 2 of Decision 2005/446/EC shall be replaced by the following:

*'Article 1*

1. The date beyond which the funds of the Ninth EDF managed by the Commission will not be committed shall be set at 31 December 2007, except for the balances and funds decommitted resulting from the system guaranteeing the stabilisation of export earnings from primary agricultural products (STABEX) under the EDFs prior to the Ninth EDF and for the balances of the Ninth EDF allocations to finance the initiatives referred to in the Single Programming Documents of the French OCTs in the Pacific Region. This date could be reviewed if need be.

2. Balances and funds decommitted after 31 December 2007 resulting from the system guaranteeing the stabilisation of export earnings from primary agricultural products (STABEX) under EDFs prior to the Ninth EDF shall be transferred to the Tenth EDF and shall be allocated to the indicative programme of the respective ACP States and OCTs. The date beyond which the funds of the Ninth EDF

managed by the Commission to finance the initiatives referred to in the Single Programming Documents of the French OCTs in the Pacific Region will no longer be committed, shall be set at 30 June 2008.

3. When the entry into force of the Tenth EDF falls after 31 December 2007, balances from the Ninth EDF or from previous EDFs and funds decommitted from projects under these EDFs may be committed during the period between 31 December 2007 and the entry into force of the Tenth EDF, in which case they will be used exclusively to ensure the working ability of the EU administration and to cover the ongoing costs to sustain running projects until the Tenth EDF comes into force.

4. The revenue accruing from the interest on the appropriations of the EDF shall be used to cover the costs linked to implementation of the resources of the Ninth EDF in line with Article 9 of the Ninth EDF Internal Agreement until the Tenth EDF comes into force, whereafter they shall be reserved for support expenditures linked to the EDF as described in Article 6 of the Tenth EDF Internal Agreement.

*Article 2*

1. The date beyond which the interest rate subsidies managed by the European Investment Bank (EIB) to provide resources of the Investment Facility on concessional terms will not be committed, shall be set at 31 December 2007 or the date of entry into force of the Tenth EDF, whichever is the later. This date could be reviewed if need be.

2. The remaining balances and reimbursements of the amounts allocated for the financing of the Investment Facility managed by the EIB, excluding the related interest subsidies, shall be transferred to the Tenth EDF and shall remain allocated to the Investment Facility.'

Done at Brussels, 26 November 2007.

*On behalf of the Governments  
of the Member States*

*The President*

J. SILVA

# COMMISSION

## COMMISSION DECISION

of 29 November 2007

**on the appointment of the members of the stakeholder dialogue group in the areas of public health and consumer protection established by Decision 2007/602/EC**

(2007/793/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Decision 2007/602/EC of 5 September 2007 setting up the stakeholder dialogue group in the areas of public health and consumer protection <sup>(1)</sup>, and in particular Article 3 thereof,

Whereas:

- (1) A stakeholder dialogue group in the areas of public health and consumer protection has been established by Decision 2007/602/EC with effect from 10 October 2007 in order to advise the Commission on best practice in the consultation process and also help it to better tailor its stakeholder involvement processes to stakeholders' needs in the abovementioned areas.
- (2) According to Article 3(1) of Decision 2007/602/EC, the members of the group shall be appointed by the Commission from specialists with competence in the areas referred to in Article 2(2) of that Decision and who have responded to the call for an expression of interest.
- (3) A call for expression of interest was published on 12 June 2007 and closed on 27 July 2007. Some 127 applications were received.
- (4) 19 specialists have been identified from the applications received in response to the call of expression of interest. This group reflects a balanced representation of stakeholders concerned by the different policy areas covered

by the Directorate-General for Health and Consumer Protection. The appointments are made on the basis of the highest standards of competence, a broad range of relevant expertise and, consistent with these criteria, the broadest possible geographic distribution within the Community, as well as a gender balance,

- (5) A further Decision will be adopted by the Commission laying down which members are to be appointed for a four-year term of office and which members are to be appointed for a two-year term of office in accordance with Article 3(4) of Decision 2007/602/EC,

HAS DECIDED AS FOLLOWS:

### *Article 1*

The Commission herewith appoints the following persons as members of the stakeholder dialogue group:

BAX Willemien

BERTELETTI KEMP Florence

CZIMBALMOS Ágnes

DAVCHEVA Yanka

DI PUPPO Roshan

FEDERSPIEL Benedicte

FELLER Roxane

GALLANI Barbara

GOUVEIA Rodrigo

JONNAERT Erik

KETTLITZ Beate

KNABE Agnese

<sup>(1)</sup> OJ L 234, 6.9.2007, p. 13.

MACCHIA BANGSGAARD Flaminia

*Article 2*

PELLEGRINO Patrice

This Decision shall take effect on 29 November 2007.

ORTEGA PECINA David Miguel

Done at Brussels, 29 November 2007.

RAWLING Ruth

ROSS Melody

*For the Commission*

SHEPPARD Philip

Markos KYPRIANOU

TIDDENS-ENGWIRDA Lisette

*Member of the Commission*

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## COMMISSION DECISION

of 29 November 2007

setting a new deadline for the submission of dossiers for certain substances to be examined under the 10-year work programme referred to in Article 16(2) of Directive 98/8/EC

(notified under document number C(2007) 5751)

(Text with EEA relevance)

(2007/794/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 2032/2003 of 4 November 2003 on the second phase of the 10-year work programme referred to in Article 16(2) of Directive 98/8/EC of the European Parliament and of the Council concerning the placing of biocidal products on the market and amending Regulation (EC) No 1896/2000 <sup>(1)</sup>, and in particular Article 8(4) thereof,

Whereas:

- (1) Regulation (EC) No 2032/2003 establishes a list of active substances to be assessed, with a view to their possible inclusion in Annex I, IA or IB to Directive 98/8/EC.
- (2) For a number of substances/product type combinations included on that list, either all participants have withdrawn or no dossier was received by the deadlines specified in Annexes V and VIII to Regulation (EC) No 2032/2003 by the rapporteur Member State designated for the evaluation.
- (3) Consequently, pursuant to Article 8(3) and (4) and Article 9(5) of Regulation (EC) No 2032/2003, the Commission informed the Member States thereof. That information was also made public by electronic means on 14 June 2006.

(4) Within three months of the electronic publication of that information, companies indicated an interest in taking over the role of participant for some of the substances and product types concerned in accordance with Article 8(4) of Regulation No 2032/2003.

(5) A new deadline should therefore be established for the submission of dossiers for these substances and product types.

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

HAS ADOPTED THIS DECISION:

*Article 1*

For the substances and the product types set out in the Annex, the new deadline for the submission of dossiers shall be 30 April 2008.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 29 November 2007.

*For the Commission*

Stavros DIMAS

*Member of the Commission*

<sup>(1)</sup> OJ L 307, 24.11.2003, p. 1. Regulation as last amended by Regulation (EC) No 1849/2006 (OJ L 355, 15.12.2006, p. 63).

## ANNEX

**SUBSTANCES AND PRODUCTTYPES FOR WHICH THE NEW DEADLINE FOR THE SUBMISSION OF DOSSIERS IS 30 APRIL 2008**

Name	EC No	CAS No	Producttype
Linalool	201-134-4	78-70-6	19
Geraniol	203-377-1	106-24-1	18
Geraniol	203-377-1	106-24-1	19
Propoxur	204-043-8	114-26-1	18
Fenitrothion	204-524-2	122-14-5	18
Carbon dioxide	204-696-9	124-38-9	19
Methyl anthranilate	205-132-4	134-20-3	19
Diazinon	206-373-8	333-41-5	18
Oct-1-ene-3-ol	222-226-0	3391-86-4	19
Pyrethrins and Pyrethroids	232-319-8	8003-34-7	19
S-[(6-chloro-2-oxooxazolo[4,5-b]pyridin-3(2H)-yl)methyl] O,O-dimethyl thiophosphate/Azamethiphos	252-626-0	35575-96-3	18
5,5-dimethyl-perhydro-pyrimidin-2-one.alpha.-(4-trifluoromethylstyryl)-.alpha.-(4-trifluoromethyl)cinnamylidenehydrazone/Hydramethylnon	405-090-9	67485-29-4	18