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⁽¹⁾ Text with EEA relevance

I

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

REGULATIONS

COUNCIL REGULATION (EC) No 31/2008

of 15 November 2007

on the conclusion of the Fisheries Partnership Agreement between the European Community and the Republic of Madagascar

THE COUNCIL OF THE EUROPEAN UNION,

The text of the Agreement is attached to this Regulation ⁽¹⁾.

Having regard to the Treaty establishing the European Community, and in particular Article 37 in conjunction with Article 300(2) and the first subparagraph of Article 300(3) thereof,

Article 2

The fishing opportunities set out in the Protocol to the Agreement shall be allocated among the Member States as follows:

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas:

- (1) The Community and the Republic of Madagascar have negotiated and initialled a Fisheries Partnership Agreement providing Community fishermen with fishing opportunities in the waters falling within the sovereignty of the Republic of Madagascar.
- (2) It is in the Community's interest to approve that Agreement.
- (3) The method for allocating the fishing opportunities among the Member States should be defined,

| Fishing category | Type of vessel | Member State | Licences or quota |
|------------------|---|----------------|-------------------|
| Tuna fishing | Freezer tuna seiners | Spain | 23 |
| | | France | 19 |
| | | Italy | 1 |
| Tuna fishing | Surface longliners over 100 GT | Spain | 25 |
| | | France | 13 |
| | | Portugal | 7 |
| | | United Kingdom | 5 |
| Tuna fishing | Surface longliners of 100 GT or below | France | 26 |
| Demersal fishing | Exploratory line or bottom longline fishing | France | 5 |

HAS ADOPTED THIS REGULATION:

Article 1

The Fisheries Partnership Agreement between the European Community and the Republic of Madagascar is hereby approved on behalf of the Community.

If licence applications from these Member States do not cover all the fishing opportunities laid down by the Protocol, the Commission may take into consideration licence applications from any other Member State.

⁽¹⁾ For the text of the Agreement, see OJ L 331, 17.12.2007, p. 7.

Article 3

The Member States whose vessels fish under this Agreement shall notify the Commission of the quantities of each stock caught within Madagascar's fishing zone in accordance with Commission Regulation (EC) No 500/2001 of 14 March 2001 laying down detailed rules for the application of Council Regulation (EEC) No 2847/93 on the monitoring of catches taken by Community fishing vessels in third country waters and on the high seas ⁽¹⁾.

Article 4

This Regulation shall enter into force on the seventh 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, 15 November 2007.

For the Council
The President
M. L. RODRIGUES

⁽¹⁾ OJ L 73, 15.3.2001, p. 8.

COMMISSION REGULATION (EC) No 32/2008
of 17 January 2008
establishing the standard import values for determining the entry price of certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Regulation (EC) No 1580/2007 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes

the standard values for imports from third countries, in respect of the products and periods stipulated in 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 138 of Regulation (EC) No 1580/2007 shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 18 January 2008.

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

Done at Brussels, 17 January 2008.

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

⁽¹⁾ OJ L 350, 31.12.2007, p. 1.

ANNEX

to Commission Regulation of 17 January 2008 establishing the standard import values for determining the entry price of certain fruit and vegetables

| (EUR/100 kg) | | |
|---|-----------------------------------|-----------------------|
| CN code | Third country code ⁽¹⁾ | Standard import value |
| 0702 00 00 | IL | 134,0 |
| | MA | 53,3 |
| | TN | 129,8 |
| | TR | 99,8 |
| | ZZ | 104,2 |
| 0707 00 05 | JO | 187,5 |
| | MA | 48,4 |
| | TR | 114,1 |
| | ZZ | 116,7 |
| 0709 90 70 | MA | 97,4 |
| | TR | 140,9 |
| | ZZ | 119,2 |
| 0709 90 80 | EG | 313,6 |
| | ZZ | 313,6 |
| 0805 10 20 | EG | 48,6 |
| | IL | 54,3 |
| | MA | 72,8 |
| | TN | 62,9 |
| | TR | 80,2 |
| | ZA | 52,9 |
| | ZZ | 62,0 |
| 0805 20 10 | MA | 108,5 |
| | TR | 101,8 |
| | ZZ | 105,2 |
| 0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90 | CN | 63,4 |
| | IL | 76,2 |
| | JM | 120,0 |
| | TR | 80,4 |
| | ZZ | 85,0 |
| 0805 50 10 | BR | 72,8 |
| | EG | 102,1 |
| | IL | 123,3 |
| | TR | 119,8 |
| | ZA | 54,7 |
| | ZZ | 94,5 |
| 0808 10 80 | CA | 96,2 |
| | CN | 76,8 |
| | MK | 40,4 |
| | US | 115,5 |
| | ZA | 59,7 |
| | ZZ | 77,7 |
| 0808 20 50 | CN | 65,6 |
| | US | 88,7 |
| | ZZ | 77,2 |

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

COMMISSION REGULATION (EC) No 33/2008

of 17 January 2008

laying down detailed rules for the application of Council Directive 91/414/EEC as regards a regular and an accelerated procedure for the assessment of active substances which were part of the programme of work referred to in Article 8(2) of that Directive but have not been included into its Annex I

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market ⁽¹⁾, and in particular Article 6(5) thereof,

Whereas:

- (1) Article 8(2) of the Directive 91/414/EEC provides that the Commission undertakes a programme of work for the gradual examination of active substances on the market two years after the date of notification of this Directive. This programme has been divided into four phases, the last of which is due to expire on 31 December 2008 in accordance with Commission Decision 2003/565/EC of 25 July 2003 extending the time period provided for in Article 8(2) of Council Directive 91/414/EEC ⁽²⁾.
- (2) The first stage of this programme was laid down by Commission Regulation (EEC) No 3600/92 of 11 December 1992 laying down the detailed rules for the implementation of the first stage of the programme of work referred to in Article 8(2) of Council Directive 91/414/EEC concerning the placing of plant protection products on the market ⁽³⁾. The second and third stages of work were laid down by Commission Regulation (EC) No 451/2000 of 28 February 2000 laying down the detailed rules for the implementation of the second and third stages of the work programme referred to in Article 8(2) of Council Directive 91/414/EEC ⁽⁴⁾ and Commission Regulation (EC) No 1490/2002 ⁽⁵⁾. The fourth stage was laid down by Commission Regulation

(EC) No 2229/2004 of 3 December 2004 laying down the detailed rules for the implementation of the fourth stage of the work programme referred to in Article 8(2) of Council Directive 91/414/EEC ⁽⁶⁾.

- (3) For the inclusion of active substances in Annex I to Directive 91/414/EEC which were part of the first, second, third and fourth programme of work as referred to in Article 8(2) of that Directive it is necessary to provide for detailed rules for the re-submission of applications which avoid duplication of work, maintain a high safety standard and ensure that a decision is taken quickly. Furthermore, the relationship between applicants, Member States, the European Food Safety Authority, hereinafter 'the Authority', and the Commission and the obligations on each of the parties for the application of the procedure should be laid down.
- (4) For the substances included in the first stage the dossiers were submitted in 1995 and 1996. No peer review was carried out by the Authority. Given the age of the original dossiers and the changes in scientific knowledge, reflected in guidance documents from the Commission services, a complete and up to date dossier should be required for these substances and the Authority should in principle carry out a peer review. The same provisions should in principle apply for substances of stage 2, 3 and 4 of the review programme but in cases where a draft assessment report has been prepared and an application is submitted within a reasonable time after the decision providing that the substance was not to be included in Annex I to Directive 91/414/EEC an accelerated procedure may be implemented.
- (5) For substances covered by the second stage strict deadlines applied and therefore it was necessary to decide on the basis of the available information peer reviewed by the Authority. In a number of cases issues were identified which led to the substance not being included in Annex I to Directive 91/414/EEC. For those substances the original dossiers were submitted at the latest in April 2002. Authority peer reviews were carried out between 2003 and 2006 and therefore the dossiers are up to date. In some of these cases only a limited number of studies might be required to form a

⁽¹⁾ OJ L 230, 19.8.1991, p. 1. Directive as last amended by Commission Directive 2007/50/EC (OJ L 202, 3.8.2007, p. 15).

⁽²⁾ OJ L 192, 31.7.2003, p. 40.

⁽³⁾ OJ L 366, 15.12.1992, p. 10. Regulation as last amended by Regulation (EC) No 2266/2000 (OJ L 259, 13.7.2000, p. 27).

⁽⁴⁾ OJ L 55, 29.2.2000, p. 25. Regulation as last amended by Regulation (EC) No 1044/2003 (OJ L 151, 19.6.2003, p. 32).

⁽⁵⁾ OJ L 224, 21.8.2002, p. 23. Regulation as last amended by Regulation (EC) No 1095/2007 (OJ L 246, 21.9.2007, p. 19).

⁽⁶⁾ OJ L 379, 24.12.2004, p. 13. Regulation as last amended by Regulation (EC) No 1095/2007.

complete dossier for re-submission of applications concerning possible Annex I inclusions, based on the same or more restricted supported uses. It is appropriate to provide for an accelerated procedure for re-submission and peer review in cases where the dossier was compiled and discussed recently. The same should apply to third and fourth stage substances of the review programme for which the procedures were last amended in Regulation (EC) No 1095/2007.

- (6) Additional data should only be taken into account if they are submitted within the time period set.
- (7) The possibility to submit a new application for the same substance at any time should be provided for.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Food Chain and Animal Health,

(a) 'applicant' means the person who manufactures the active substance on his own or who contracts the manufacturing to another party or a person designated by the manufacturer as his sole representative for the purpose of compliance with this Regulation;

(b) 'committee' means the Standing Committee on the Food Chain and Animal Health, referred to in Article 19 of Directive 91/414/EEC;

(c) 'first stage substances' means active substances listed in Annex I to Regulation (EEC) No 3600/92;

(d) 'second stage substances' means active substances listed in Annex I to Regulation (EC) No 451/2000;

HAS ADOPTED THIS REGULATION:

CHAPTER I

SCOPE AND DEFINITIONS

Article 1

Scope

This Regulation lays down detailed rules for the submission and evaluation of applications for inclusion in Annex I to Directive 91/414/EEC of active substances which have been evaluated by the Commission within the framework of the review programme provided for in Article 8(2) of that Directive but which, by the dates set out in points (a), (b) and (c), had not been included into Annex I to that Directive:

- (a) for first stage substances, by 31 December 2006, or in the case of metalaxyl, by 30 June 2010;
- (b) for second stage substances, by 30 September 2007;
- (c) for third and fourth stage substances, by 31 December 2008.

Article 2

Definitions

For the purpose of this Regulation, the following definitions shall apply:

(e) 'third stage substances' means active substances listed in Annex I to Regulation (EC) No 1490/2002;

(f) 'fourth stage substances' means active substances listed in Annex I to Regulation (EC) No 2229/2004.

CHAPTER II

REGULAR PROCEDURE

Article 3

Application

1. An applicant wishing to secure the inclusion in Annex I to Directive 91/414/EEC of an active substance covered by Article 1 shall submit an application for that active substance to a Member State (hereinafter referred to as rapporteur Member State) together with a complete dossier, including a summary dossier, as provided for in Article 4 demonstrating that the active substance fulfils the requirements provided for in Article 5 of that Directive. It shall be for the applicant to demonstrate that these requirements are fulfilled.

2. When submitting his application, the applicant may, pursuant to Article 14 of Directive 91/414/EEC, request certain parts of the dossiers referred to in paragraph 1 of this Article to be kept confidential. The applicant shall explain for each document or each part of a document why it is to be considered as confidential.

The applicant shall at the same time submit any claims for data protection pursuant to Article 13 of Directive 91/414/EEC.

The applicant shall submit separately the information to be kept confidential.

Article 4

Dossiers

1. The summary dossier shall include the following:
 - (a) data with respect to a limited range of representative uses of at least one plant protection product containing the active substance, demonstrating that the requirements of Article 5 of Directive 91/414/EEC are met;
 - (b) for each point of the data requirements for the active substance referred to in Annex II to Directive 91/414/EEC, the summaries and results of tests and studies, the name of their owner and of the person or institute that has carried out the tests and studies;
 - (c) for each point of the data requirements for the plant protection product referred to in Annex III to Directive 91/414/EEC, the summaries and results of tests and studies, the name of their owner and of the person or institute that has carried out the tests and studies relevant to the assessment of the requirements referred to in Article 5 of that Directive taking into account that data gaps in the Annex II or Annex III dossier, resulting from the proposed limited range of representative uses, may lead to restrictions in the Annex I inclusion;
 - (d) a checklist demonstrating that the dossier provided for in paragraph 2 is complete;
 - (e) the reasons why the test and study reports submitted are necessary for first inclusion of the active substance;
 - (f) an assessment of all information submitted.

2. The complete dossier shall contain the full text of the individual test and study reports concerning all the information referred to in points (b) and (c) of paragraph 1.

Article 5

Completeness check of the dossier

1. Within 30 days of receiving the application, the rapporteur Member State shall check whether the dossiers submitted with the application contain all the elements provided for in Article 4, using the checklist referred to in Article 4(1)(d).
2. Where one or more of the elements provided for in Article 4 are missing, the Member State shall inform the applicant, setting a time period for their submission; such time period shall be no more than six months.
3. Where at the end of the period, referred to in paragraph 2, the applicant has not submitted the missing elements, the rapporteur Member State shall inform the applicant, the Commission and the other Member States. If, after giving the applicant an opportunity to comment, the Commission determines that the applicant has failed to submit the missing elements, it shall adopt a decision providing that the active substance concerned is not to be included in Annex I to Directive 91/414/EEC. Such a decision shall end the assessment of that active substance under this Regulation.
4. A new application for the same substance may be submitted at any time.
5. Where the dossiers submitted with the application contain all the elements provided for in Article 3, the rapporteur Member State shall notify the applicant, the Commission, the other Member States and the Authority of the completeness of the application.

Article 6

Publication of information

For applications for which completeness has been established the Commission shall make public the following information:

- (a) the name of the active substance;
- (b) the date of application;
- (c) the name and address of applicants;
- (d) the rapporteur Member State.

*Article 7***Submission of information by third parties**

1. Any person or Member State wishing to submit to the rapporteur Member State information which might contribute to the assessment, in particular with regard to the potentially dangerous effects of the active substance or its residues on human and animal health and on the environment shall do so, without prejudice to Article 7 of Directive 91/414/EEC, no later than 90 days after the information referred to in Article 6 is made public.

2. The rapporteur Member State shall submit without delay any information received to the Authority and the applicant.

3. The applicant may send its comments on the submitted information to the rapporteur Member State and to the Authority at the latest 60 days after receiving it.

*Article 8***Assessment by the rapporteur Member State**

1. Within twelve months of the date of the application provided for in Article 3(1), the rapporteur Member State shall prepare and submit to the Commission with a copy to the Authority a report (hereinafter draft assessment report) assessing whether the active substance can be expected to meet the requirements of Article 5 of Directive 91/414/EEC. It shall at the same time inform the applicant that the draft assessment report has been submitted and request him to forward the updated dossier to the Authority, the Member States and the Commission immediately.

2. The rapporteur Member State may consult the Authority.

3. Where the rapporteur Member State needs additional information, it shall set a time period for the applicant to supply it. In that case, the twelve-month period shall be extended by the additional time period granted by the rapporteur Member State. The additional time period shall be no more than six months and shall cease at the moment when the additional information is received by the rapporteur Member State. It shall inform the Commission and the Authority. In its assessment the rapporteur Member State shall only take into account information submitted within the time period granted.

4. Where at the end of the period referred to in paragraph 3, the applicant has not submitted the missing elements, the

rapporteur Member State shall inform the applicant, the Commission and the other Member States. If, after giving the applicant an opportunity to comment, the Commission determines that the applicant has failed to submit missing elements which are necessary to decide on whether the substance meets the requirements of Article 5 of Directive 91/414/EEC, it shall adopt a decision providing that the active substance in question is not to be included in Annex I to that Directive and ending the assessment of that active substance under this Regulation.

5. A new application for the same substance may be submitted at any time.

*Article 9***Receipt of and access to the draft assessment report**

The Authority shall circulate the draft assessment report received from the rapporteur Member State to the applicant, the other Member States and the Commission after receiving the dossier provided for in Article 8(1).

It shall make it available to the public, after giving the applicant two weeks to request that certain parts of the draft assessment report be kept confidential.

The Authority shall allow a period of 90 days for the submission of written comments from Member States and the applicant.

Where appropriate, the Authority shall organise a peer review, including experts from the Member States.

*Article 10***Conclusion by the Authority**

1. The Authority shall adopt a conclusion on whether the active substance can be expected to meet the requirements of Article 5 of Directive 91/414/EEC within 90 days of the end of the period provided for in the third paragraph of Article 9 of this Regulation and communicate it to the applicant, the Member States and the Commission.

Where appropriate, the Authority shall address in its conclusion the risk mitigation options in relation to the intended uses identified in the draft assessment report.

2. Where the Authority needs additional information, it shall, in consultation with the rapporteur Member State, set a time period of maximum 90 days for the applicant to supply it to the Authority and the rapporteur Member State. In that case, the 90-day period provided for in paragraph 1 shall be extended by the additional period granted by the Authority. It shall inform the Commission and the Member States. In its conclusion the Authority shall only take into account information submitted within the time period granted.

3. The rapporteur Member State shall assess the additional information and submit it to the Authority without delay and at the latest within 60 days after the receipt of the additional information.

4. The Commission and the Authority shall agree on a schedule for the delivery of the conclusions in order to facilitate the planning of the work. The Commission and the Authority shall agree on the format in which the conclusions of the Authority are submitted.

Article 11

Presentation of a draft directive or draft decision

1. Without prejudice to any proposal it may submit with a view to amending the Annex to Council Directive 79/117/EEC ⁽¹⁾, the Commission shall, at the latest six months after receipt of the conclusion of the Authority or information that the applicant has failed to submit the missing elements to the dossier, submit to the Committee a draft review report to be finalised at its meeting.

The applicant shall be given the possibility to submit comments on the review report within a deadline set by the Commission.

2. On the basis of the review report provided for in paragraph 1, and taking into account any comments submitted by the applicant within the deadline set by the Commission under paragraph 1, a Directive or a Decision shall be adopted in accordance with the procedure referred to in Article 19(2) of the Directive 91/414/EEC, providing that:

- (a) an active substance is included in Annex I to Directive 91/414/EEC subject to conditions and restrictions, where appropriate;
- (b) an active substance is not included in Annex I to that Directive.

⁽¹⁾ OJ L 33, 8.2.1979, p. 36.

3. The adoption of a decision under paragraph 2(b) shall end the assessment of that active substance under this Regulation.

Article 12

Access to the review report

The finalised review report, excluding any parts which refer to confidential information contained in the dossiers and determined as such in accordance with Article 14 of the Directive 91/414/EEC, shall be made available for public consultation.

CHAPTER III

ACCELERATED PROCEDURE

Article 13

Conditions for the application of accelerated procedure

Where a second, third or fourth stage substance has been the subject of a non-inclusion Decision in accordance with Article 6(1) of Directive 91/414/EEC, and a draft assessment report has been prepared, any person who had participated as notifier in the procedure leading up to that decision or any person who in agreement with the original notifier replaced him for the purposes of this Regulation, may submit an application in accordance with the accelerated procedure provided for in Articles 14 to 19 of this Regulation. Such an application must be submitted within six months from the date of publication of the non-inclusion decision as regards third and fourth stage substances, or, within six months from the date of entry into force of this Regulation as regards second stage substances.

Article 14

Application

1. The application referred to in Article 13 shall be submitted to the Member State which acted as rapporteur during the assessment procedure which ended with the adoption of the non-inclusion Decision unless another Member State informs the Commission that it is willing to carry out the evaluation in agreement with the original rapporteur Member State.

2. When submitting his application, the applicant may, pursuant to Article 14 of Directive 91/414/EEC, request certain parts of the additional data referred to in paragraph 2 of Article 15 to be kept confidential. He shall explain for each document or each part of a document why it is to be considered as confidential.

The applicant shall submit separately the information to be kept confidential.

He shall at the same time submit any claims for data protection pursuant to Article 13 of Directive 91/414/EEC.

Article 15

Substantive and procedural requirements

1. The following substantive requirements shall apply:
 - (a) the specification of the active substance is the same as was the subject of the non-inclusion Decision. It may only be changed insofar as this is necessary, in the light of the reasons which gave rise to the non-inclusion Decision, to permit inclusion of that substance in Annex I to Directive 91/414/EEC;
 - (b) the supported uses are the same as those that were the subject of the non-inclusion Decision. They may only be changed insofar as this is necessary, in the light of the reasons which gave rise to the non-inclusion Decision, to permit inclusion of that substance in Annex I to Directive 91/414/EEC;
 - (c) it shall be for the applicant to demonstrate that the requirements in Article 5 of Directive 91/414/EEC are fulfilled.
2. With the application the applicant shall submit the following:
 - (a) the additional data necessary to address the specific issues that led to the adoption of the non-inclusion Decision concerned;
 - (b) any additional data reflecting the current scientific and technical knowledge and in particular changes to scientific and technical knowledge since the submission of the data which led to the non-inclusion decision;
 - (c) a supplement to the original dossier, where appropriate;
 - (d) a checklist demonstrating that the dossier is complete and indicating which data are new.

Article 16

Publication of information

For applications for which completeness has been established the Commission shall make public the following information:

- (a) the name of the active substance;

- (b) the date of application;
- (c) the name and address of applicants;
- (d) the Rapporteur Member State.

Article 17

Submission of information by third parties

1. Any person or Member State wishing to submit to the rapporteur Member State information which might contribute to the assessment, in particular with regard to the potentially dangerous effects of the active substance or its residues on human and animal health and on the environment shall do so, without prejudice to Article 7 of Directive 91/414/EEC, no later than 90 days after the information referred to in Article 16 is made public.
2. The rapporteur Member State shall submit without delay any information received to the Authority and the applicant.
3. The applicant may send its comments on the submitted information to the rapporteur Member State and to the Authority at the latest 60 days after receiving it.

Article 18

Assessment by the rapporteur Member State

1. The data referred to in Article 15(2) shall be evaluated by the rapporteur Member State referred to in Article 14(1), unless that Member State agrees with another Member State that the latter will act as rapporteur. The applicant, the Commission, the Authority and the other Member States shall be informed of this agreement.
2. Within six months after the submission of the application the rapporteur Member State shall forward to the Authority and the Commission an evaluation of the additional data in a report, (hereinafter additional report), which should reflect current scientific and technical knowledge, and if necessary, information from the original dossier taking into consideration the information available on potentially dangerous effects submitted by any third party and any comments received from the applicant in accordance with Article 17(3). The additional report shall assess whether the active substance can be expected to meet the requirements of Article 5 of the Directive 91/414/EEC. The Rapporteur Member state shall at the same time inform the applicant that the additional report had been submitted and that the updated dossier should immediately be forwarded to the Authority, the Member States and the Commission.

The rapporteur Member State may consult the Authority.

3. Where the rapporteur Member State needs additional information, which shall not concern the submission of new studies, it shall set a time period for the applicant to supply it. In that case, the six months period referred to in paragraph 2 shall be extended by the additional time period granted by the rapporteur Member State. The additional time period shall be maximum 90 days and shall cease at the moment when the additional information is received by the rapporteur Member State. It shall inform the Commission and the Authority. In its assessment the rapporteur Member State shall only take into account information submitted within the time period granted.

Article 19

Access to the additional report

1. After receiving the additional report the Authority shall communicate it immediately to the other Member States and the applicant for comments. Such comments shall be sent to the Authority within 30 days of receipt of the additional report. The Authority shall collate and forward the comments to the Commission.

2. The Authority shall make the additional report available on request or keep it available for consultation by any person, except the elements thereof which have been accepted as confidential in accordance with Article 14 of the Directive 91/414/EEC.

Article 20

Evaluation

1. The Commission shall evaluate the additional report and where relevant the draft assessment report, referred to in Article 13, and the recommendation by the rapporteur Member State and the comments received within 30 days of receipt of the collated comments from the Authority.

The Commission may consult the Authority. Such consultation may, if appropriate, include a request to arrange a peer review, including experts from the Member States.

2. In cases where the Commission consults the Authority for second stage substances, the latter shall deliver its conclusion at the latest 90 days after receipt of the request by the Commission. The Authority shall deliver its conclusion report at the latest six months after the request for stage three and four substances.

For third and fourth stage substances, where the Authority needs additional information, which shall not concern the submission of new studies, it shall set a time period of maximum 90 days for the applicant to supply it to the

Authority and to the rapporteur Member State. In that case, the sixth months period referred to in the previous subparagraph shall be extended by the additional period granted by the Authority.

The rapporteur Member State shall assess the additional information and submit it to the Authority without delay and at the latest within 60 days after the receipt of the additional information.

3. The Commission and the Authority shall agree on a schedule for the delivery of the conclusions in order to facilitate the planning of the work. The Commission and the Authority shall agree on the format in which the conclusions of the Authority are submitted.

Article 21

Presentation of a draft directive or draft decision

1. Without prejudice to any proposal it may submit with a view to amending the Annex to Directive 79/117/EEC, the Commission shall, at the latest six months after receipt of the information referred to in the first subparagraph of Article 20(1), or of the conclusion of the Authority or of the information that the applicant has failed to submit the missing elements to the dossier, submit to the Committee a draft review report to be finalised at its meeting.

The applicant shall be given the possibility to submit comments on the review report within a deadline set by the Commission.

2. On the basis of the review report provided for in paragraph 1, and taking into account of any comments submitted by the applicant within the deadline set by the Commission under paragraph 1, a Directive or a Decision shall be adopted in accordance with the procedure referred to in Article 19(2) of Directive 91/414/EEC, providing that:

- (a) an active substance is included in Annex I to Directive 91/414/EEC subject to conditions and restrictions, where appropriate;
- (b) an active substance is not included in Annex I to that Directive.

Article 22

Access to the review report

The finalised review report, excluding any parts which refer to confidential information contained in the dossiers and determined as such in accordance with Article 14 of Directive 91/414/EEC, shall be made available for public consultation.

CHAPTER IV

GENERAL PROVISIONS

Article 23

Fees

1. Member States shall establish a regime obliging the applicants to pay a fee or charge for the administrative treatment and the evaluation of additional data or the dossiers related thereto.
2. Member States shall establish a specific fee or charge for the evaluation.
3. For this purpose, the Member States shall:
 - (a) require the payment of a fee or charge corresponding as far as possible to their costs in carrying out all the different procedures associated with the evaluation for each submission of additional data or dossiers;
 - (b) ensure that the amount of the fee or charge is established in a transparent manner with a view to corresponding to the real cost of the examination and administrative handling of additional data or dossiers; however, Member States may provide for a scale of fixed charges based on average costs for the calculation of the total fee;

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- (c) ensure that the fee or charge is received in accordance with the instructions given by the authority in each Member State and that the income from the fee is used to finance exclusively the costs actually incurred by the rapporteur Member State for the evaluation and administrative handling of additional data or dossiers for which that Member State is rapporteur or to finance general actions for the implementation of its obligations as a Member State resulting from this regulation.

Article 24

Other charges, levies or fees

Article 23 is without prejudice to Member States rights to maintain or introduce, in accordance with the Treaty, charges, levies or fees with regard to the authorisation, placing on the market, use and control of active substances and plant protection products other than the fee provided for in that Article.

Article 25

Entry into force

This Regulation shall enter into force on the seventh 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, 17 January 2008.

For the Commission
Markos KYPRIANOU
Member of the Commission

COMMISSION REGULATION (EC) No 34/2008**of 17 January 2008****fixing representative prices in the poultrymeat and egg sectors and for egg albumin, and amending Regulation (EC) No 1484/95**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organisation of the market in eggs ⁽¹⁾, and in particular Article 5(4) thereof,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organisation of the market in poultrymeat ⁽²⁾, and in particular Article 5(4) thereof,

Having regard to Council Regulation (EEC) No 2783/75 of 29 October 1975 on the common system of trade for ovalbumin and lactalbumin ⁽³⁾, and in particular Article 3(4) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1484/95 ⁽⁴⁾, fixes detailed rules for implementing the system of additional import duties and fixes representative prices in the poultrymeat and egg sectors and for egg albumin.

- (2) It results from regular monitoring of the information providing the basis for the verification of the import prices in the poultrymeat and egg sectors and for egg albumin that the representative prices for imports of certain products should be amended taking into account variations of prices according to origin. Therefore, representative prices should be published.

- (3) It is necessary to apply this amendment as soon as possible, given the situation on the market.

- (4) The Management Committee for Poultrymeat and Eggs has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 1484/95 is hereby replaced by the Annex hereto.

Article 2

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

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

Done at Brussels, 17 January 2008.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 282, 1.11.1975, p. 49. Regulation as last amended by Regulation (EC) No 679/2006 (OJ L 119, 4.5.2006, p. 1). Regulation (EEC) No 2771/75 will be replaced by Regulation (EC) No 1234/2007 (OJ L 299, 16.11.2007, p. 1) as from 1 July 2008.

⁽²⁾ OJ L 282, 1.11.1975, p. 77. Regulation as last amended by Regulation (EC) No 679/2006 (OJ L 119, 4.5.2006, p. 1).

⁽³⁾ OJ L 282, 1.11.1975, p. 104. Regulation as last amended by Commission Regulation (EC) No 2916/95 (OJ L 305, 19.12.1995, p. 49).

⁽⁴⁾ OJ L 145, 29.6.1995, p. 47. Regulation as last amended by Regulation (EC) No 1468/2007 (OJ L 329, 14.12.2007, p. 3).

ANNEX

to the Commission Regulation of 17 January 2008 fixing representative prices in the poultrymeat and egg sectors and for egg albumin, and amending Regulation (EC) No 1484/95

‘ANNEX I

| CN code | Description | Representative price (EUR/100 kg) | Security referred to in Article 3(3) (EUR/100 kg) | Origin ⁽¹⁾ |
|------------|--|-----------------------------------|---|-----------------------|
| 0207 12 10 | Chicken carcasses 70 % presented, frozen | 103,9 | 0 | 01 |
| | | 112,4 | 0 | 02 |
| 0207 12 90 | Chickens, plucked and drawn, without heads and feet and without necks, hearts, livers and gizzards, known as “65 % chickens”, or otherwise presented, frozen | 110,0 | 2 | 01 |
| | | 102,3 | 5 | 02 |
| | | 131,6 | 0 | 03 |
| 0207 14 10 | Boneless cuts of fowl of the species Gallus domesticus, frozen | 228,3 | 22 | 01 |
| | | 260,3 | 12 | 02 |
| | | 326,6 | 0 | 03 |
| 0207 14 50 | Breasts of chicken, frozen | 322,0 | 0 | 01 |
| | | 283,9 | 0 | 02 |
| 0207 14 60 | Legs and cuts of chicken, frozen | 110,8 | 10 | 01 |
| 0207 14 70 | Other parts of chickens, frozen | 211,9 | 22 | 01 |
| 0207 25 10 | Turkey carcasses, known as 80 % turkeys, frozen | 151,3 | 3 | 01 |
| 0207 27 10 | Boneless cuts of turkey, frozen | 343,5 | 0 | 01 |
| | | 363,9 | 0 | 03 |
| 0408 11 80 | Dried egg yolks | 318,9 | 0 | 02 |
| 0408 91 80 | Dried eggs, not in shell | 374,2 | 0 | 02 |
| 1602 32 11 | Preparations of uncooked fowl of the species Gallus domesticus | 218,2 | 21 | 01 |
| | | 376,2 | 0 | 04 |
| 3502 11 90 | Dried eggs, albumin | 475,4 | 0 | 02 |

⁽¹⁾ Origin of imports:

- 01 Brazil
- 02 Argentina
- 03 Chile
- 04 Thailand.

COMMISSION REGULATION (EC) No 35/2008**of 17 January 2008****granting no export refund for butter in the framework of the standing invitation to tender provided for in Regulation (EC) No 581/2004**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, and in particular the third subparagraph of Article 31(3) thereof,

Whereas:

(1) Commission Regulation (EC) No 581/2004 of 26 March 2004 opening a standing invitation to tender for export refunds concerning certain types of butter ⁽²⁾ provides for a permanent tender.

(2) Pursuant to Article 5 of Commission Regulation (EC) No 580/2004 of 26 March 2004 establishing a tender

procedure concerning export refunds for certain milk products ⁽³⁾ and following an examination of the tenders submitted in response to the invitation to tender, it is appropriate not to grant any refund for the tendering period ending on 15 January 2008.

(3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

For the permanent tender opened by Regulation (EC) No 581/2004, for the tendering period ending on 15 January 2008 no export refund shall be granted for the products and destinations referred to in Article 1(1) of that Regulation.

Article 2

This Regulation shall enter into force on 18 January 2008.

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

Done at Brussels, 17 January 2008.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Commission Regulation (EC) No 1152/2007 (OJ L 258, 4.10.2007, p. 3). Regulation (EEC) No 1255/1999 will be replaced by Regulation (EC) No 1234/2007 (OJ L 299, 16.11.2007, p. 1) as from 1 July 2008.

⁽²⁾ OJ L 90, 27.3.2004, p. 64. Regulation as last amended by Regulation (EC) No 1543/2007 (OJ L 337, 21.12.2007, p. 62).

⁽³⁾ OJ L 90, 27.3.2004, p. 58. Regulation as last amended by Regulation (EC) No 128/2007 (OJ L 41, 13.2.2007, p. 6).

COMMISSION REGULATION (EC) No 36/2008
of 17 January 2008
fixing the export refunds on beef and veal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal ⁽¹⁾, and in particular the third subparagraph of Article 33(3) thereof,

Whereas:

- (1) Article 33(1) of Regulation (EC) No 1254/1999 provides that the difference between prices on the world market for the products listed in Article 1(1) of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) Given the present situation on the market in beef and veal, export refunds should therefore be fixed in accordance with the rules and criteria provided for in Article 33 of Regulation (EC) No 1254/1999.
- (3) The second subparagraph of Article 33(3) of Regulation (EC) No 1254/1999 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund according to destination.
- (4) Refunds should be granted only on products that are allowed to move freely in the Community and that bear the health mark as provided for in Article 5(1)(a) of Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin ⁽²⁾. Those products should also comply with the requirements of Regulation (EC) No 852/2004 of the

European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs ⁽³⁾, and of Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption ⁽⁴⁾.

- (5) Pursuant to the third subparagraph of Article 6(2) of Commission Regulation (EEC) No 1964/82 of 20 July 1982 laying down the conditions for granting special export refunds on certain cuts of boned meat of bovine animals ⁽⁵⁾, the special refund is to be reduced if the quantity of boned meat to be exported amounts to less than 95 %, but not less than 85 %, of the total weight of cuts produced by boning.
- (6) Commission Regulation (EC) No 1218/2007 ⁽⁶⁾ should therefore be repealed and replaced by a new Regulation.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

Article 1

1. Export refunds as provided for in Article 33 of Regulation (EC) No 1254/1999 shall be granted on the products and for the amount set out in the Annex to this Regulation subject to the conditions provided for in paragraph 2 of this Article.
2. The products eligible for a refund under paragraph 1 must meet the relevant requirements of Regulations (EC) No 852/2004 and 853/2004, notably preparation in an approved establishment and compliance with the health marking requirements laid down in Annex I, Section I, Chapter III of Regulation (EC) No 854/2004.

⁽¹⁾ OJ L 160, 26.6.1999, p. 21. Regulation as last amended by Regulation (EC) No 1913/2005 (OJ L 307, 25.11.2005, p. 2). Regulation (EEC) No 1254/1999 will be replaced by Regulation (EC) No 1234/2007 (OJ L 299, 16.11.2007, p. 1) as from 1 July 2008.

⁽²⁾ OJ L 139, 30.4.2004, p. 55, as corrected by OJ L 226, 25.6.2004, p. 22. Regulation as last amended by Commission Regulation (EC) No 1243/2007 (OJ L 281, 25.10.2007, p. 8).

⁽³⁾ OJ L 139, 30.4.2004, p. 1, as corrected by OJ L 226, 25.6.2004, p. 3.

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

⁽⁵⁾ OJ L 212, 21.7.1982, p. 48. Regulation as last amended by Regulation (EC) No 1713/2006 (OJ L 321, 21.11.2006, p. 11).

⁽⁶⁾ OJ L 275, 19.10.2007, p. 19.

Article 2

In the case referred to in the third subparagraph of Article 6(2) of Regulation (EEC) No 1964/82 the rate of the refund on products falling within product code 0201 30 00 9100 shall be reduced by 7 EUR/100 kg.

Article 3

Regulation (EC) No 1218/2007 is repealed.

Article 4

This Regulation shall enter into force on 18 January 2008.

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

Done at Brussels, 17 January 2008.

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

ANNEX

Export refunds on beef and veal applicable from 18 January 2008

| Product code | Destination | Unit of measurement | Refunds (7) |
|-------------------------|-------------|------------------------|-------------|
| 0102 10 10 9140 | B00 | EUR/100 kg live weight | 25,9 |
| 0102 10 30 9140 | B00 | EUR/100 kg live weight | 25,9 |
| 0201 10 00 9110 (1) | B02 | EUR/100 kg net weight | 36,6 |
| | B03 | EUR/100 kg net weight | 21,5 |
| 0201 10 00 9130 (1) | B02 | EUR/100 kg net weight | 48,8 |
| | B03 | EUR/100 kg net weight | 28,7 |
| 0201 20 20 9110 (1) | B02 | EUR/100 kg net weight | 48,8 |
| | B03 | EUR/100 kg net weight | 28,7 |
| 0201 20 30 9110 (1) | B02 | EUR/100 kg net weight | 36,6 |
| | B03 | EUR/100 kg net weight | 21,5 |
| 0201 20 50 9110 (1) | B02 | EUR/100 kg net weight | 61,0 |
| | B03 | EUR/100 kg net weight | 35,9 |
| 0201 20 50 9130 (1) | B02 | EUR/100 kg net weight | 36,6 |
| | B03 | EUR/100 kg net weight | 21,5 |
| 0201 30 00 9050 | US (3) | EUR/100 kg net weight | 6,5 |
| | CA (4) | EUR/100 kg net weight | 6,5 |
| 0201 30 00 9060 (6) | B02 | EUR/100 kg net weight | 22,6 |
| | B03 | EUR/100 kg net weight | 7,5 |
| 0201 30 00 9100 (2) (6) | B04 | EUR/100 kg net weight | 84,7 |
| | B03 | EUR/100 kg net weight | 49,8 |
| | EG | EUR/100 kg net weight | 103,4 |
| 0201 30 00 9120 (2) (6) | B04 | EUR/100 kg net weight | 50,8 |
| | B03 | EUR/100 kg net weight | 29,9 |
| | EG | EUR/100 kg net weight | 62,0 |
| 0202 10 00 9100 | B02 | EUR/100 kg net weight | 16,3 |
| | B03 | EUR/100 kg net weight | 5,4 |
| 0202 20 30 9000 | B02 | EUR/100 kg net weight | 16,3 |
| | B03 | EUR/100 kg net weight | 5,4 |
| 0202 20 50 9900 | B02 | EUR/100 kg net weight | 16,3 |
| | B03 | EUR/100 kg net weight | 5,4 |
| 0202 20 90 9100 | B02 | EUR/100 kg net weight | 16,3 |
| | B03 | EUR/100 kg net weight | 5,4 |
| 0202 30 90 9100 | US (3) | EUR/100 kg net weight | 6,5 |
| | CA (4) | EUR/100 kg net weight | 6,5 |

| Product code | Destination | Unit of measurement | Refunds (7) |
|---------------------|-------------|-----------------------|-------------|
| 0202 30 90 9200 (6) | B02 | EUR/100 kg net weight | 22,6 |
| | B03 | EUR/100 kg net weight | 7,5 |
| 1602 50 31 9125 (5) | B00 | EUR/100 kg net weight | 23,3 |
| 1602 50 31 9325 (5) | B00 | EUR/100 kg net weight | 20,7 |
| 1602 50 95 9125 (5) | B00 | EUR/100 kg net weight | 23,3 |
| 1602 50 95 9325 (5) | B00 | EUR/100 kg net weight | 20,7 |

(1) Entry under this subheading is subject to the submission of the certificate appearing in the Annex to Commission Regulation (EC) No 433/2007 (OJ L 104, 21.4.2007, p. 3).

(2) The refund is granted subject to compliance with the conditions laid down in amended Commission Regulation (EC) No 1359/2007 (OJ L 304, 22.11.2007, p. 21), and, if applicable, in Commission Regulation (EC) No 1741/2006 (OJ L 329, 25.11.2006, p. 7).

(3) Carried out in accordance with Commission Regulation (EC) No 1643/2006 (OJ L 308, 8.11.2006, p. 7).

(4) Carried out in accordance with Commission Regulation (EC) No 2051/96 (OJ L 274, 26.10.1996, p. 18).

(5) The refund is granted subject to compliance with the conditions laid down in Commission Regulation (EC) No 1731/2006 (OJ L 325, 24.11.2006, p. 12).

(6) The lean bovine meat content excluding fat is determined in accordance with the procedure described in the Annex to Commission Regulation (EC) No 2429/86 (OJ L 210, 1.8.1986, p. 39).

The term 'average content' refers to the sample quantity as defined in Article 2(1) of Commission Regulation (EC) No 765/2002 (OJ L 117, 4.5.2002, p. 6). The sample is to be taken from that part of the consignment presenting the highest risk.

(7) Article 33(10) of Regulation (EC) No 1254/1999 provides that no export refunds shall be granted on products imported from third countries and re-exported to third countries.

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

The destination codes are set out in Commission Regulation (EC) No 1833/2006 (OJ L 354, 14.12.2006, p. 19).

The other destinations are defined as follows:

B00: all destinations (third countries, other territories, victualling and destinations treated as exports from the Community).

B02: B04 and destination EG.

B03: Albania, Croatia, Bosnia-Herzegovina, Serbia, Kosovo, Montenegro, former Yugoslav Republic of Macedonia, stores and provisions (destinations referred to in Articles 36 and 45, and if appropriate in Article 44, of Commission Regulation (EC) No 800/1999 (OJ L 102, 17.4.1999, p. 11)).

B04: Turkey, Ukraine, Belarus, Moldova, Russia, Georgia, Armenia, Azerbaijan, Kazakhstan, Turkmenistan, Uzbekistan, Tajikistan, Kyrgyzstan, Morocco, Algeria, Tunisia, Libya, Lebanon, Syria, Iraq, Iran, Israel, West Bank/Gaza Strip, Jordan, Saudi Arabia, Kuwait, Bahrain, Qatar, United Arab Emirates, Oman, Yemen, Pakistan, Sri Lanka, Myanmar (Burma), Thailand, Vietnam, Indonesia, Philippines, China, North Korea, Hong Kong, Sudan, Mauritania, Mali, Burkina Faso, Niger, Chad, Cape Verde, Senegal, Gambia, Guinea-Bissau, Guinea, Sierra Leone, Liberia, Côte-d'Ivoire, Ghana, Togo, Benin, Nigeria, Cameroun, Central African Republic, Equatorial Guinea, Sao Tome Principe, Gabon, Congo, Congo (Democratic Republic), Rwanda, Burundi, Saint Helena and dependencies, Angola, Ethiopia, Eritrea, Djibouti, Somalia, Uganda, Tanzania, Seychelles and dependencies, British Indian Ocean Territory, Mozambique, Mauritius, Comoros, Mayotte, Zambia, Malawi, South Africa, Lesotho.

COMMISSION REGULATION (EC) No 37/2008**of 17 January 2008****amending the representative prices and additional duties for the import of certain products in the sugar sector fixed by Regulation (EC) No 1109/2007 for the 2007/08 marketing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 318/2006 of 20 February 2006 on the common organisation of the markets in the sugar sector ⁽¹⁾,

Having regard to Commission Regulation (EC) No 951/2006 of 30 June 2006 laying down detailed rules for the implementation of Council Regulation (EC) No 318/2006 as regards trade with third countries in the sugar sector ⁽²⁾, and in particular of the Article 36,

Whereas:

(1) The representative prices and additional duties applicable to imports of white sugar, raw sugar and certain syrups

for the 2007/08 marketing year are fixed by Commission Regulation (EC) No 1109/2007 ⁽³⁾. These prices and duties have been last amended by Commission Regulation (EC) No 1509/2007 ⁽⁴⁾.

(2) The data currently available to the Commission indicate that the said amounts should be changed in accordance with the rules and procedures laid down in Regulation (EC) No 951/2006,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and additional duties on imports of the products referred to in Article 36 of Regulation (EC) No 951/2006, as fixed by Regulation (EC) No 1109/2007 for the 2007/2008 marketing year are hereby amended as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 18 January 2008.

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

Done at Brussels, 17 January 2008.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

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

⁽²⁾ OJ L 178, 1.7.2006, p. 24. Regulation as amended by Regulation (EC) No 2031/2006 (OJ L 414, 30.12.2006, p. 43).

⁽³⁾ OJ L 253, 28.9.2007, p. 5.

⁽⁴⁾ OJ L 333, 19.12.2007, p. 70.

ANNEX

Amended representative prices and additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 95 applicable from 18 January 2008

(EUR)

| CN code | Representative price per 100 kg of the product concerned | Additional duty per 100 kg of the product concerned |
|---------------------------|--|---|
| 1701 11 10 ⁽¹⁾ | 21,15 | 5,73 |
| 1701 11 90 ⁽¹⁾ | 21,15 | 11,14 |
| 1701 12 10 ⁽¹⁾ | 21,15 | 5,54 |
| 1701 12 90 ⁽¹⁾ | 21,15 | 10,62 |
| 1701 91 00 ⁽²⁾ | 22,77 | 14,47 |
| 1701 99 10 ⁽²⁾ | 22,77 | 9,33 |
| 1701 99 90 ⁽²⁾ | 22,77 | 9,33 |
| 1702 90 95 ⁽³⁾ | 0,23 | 0,41 |

⁽¹⁾ Fixed for the standard quality defined in Annex I.III to Council Regulation (EC) No 318/2006 (OJ L 58, 28.2.2006, p. 1).

⁽²⁾ Fixed for the standard quality defined in Annex I.II to Regulation (EC) No 318/2006.

⁽³⁾ Fixed per 1 % sucrose content.

COMMISSION REGULATION (EC) No 38/2008**of 17 January 2008****on the issue of licences for importing rice under the tariff quotas opened for the January 2008 subperiod by Regulation (EC) No 1529/2007**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Having regard to Commission Regulation (EC) No 1529/2007 of 21 December 2007 opening and providing for the administration of import quotas for rice originating in the States that make up the CARIFORUM region and the overseas countries and territories (OCT) ⁽³⁾, and in particular Article 4(1) thereof,

Whereas:

(1) Regulation (EC) No 1529/2007 opened an annual import tariff quota for 2008 of 187 000 tonnes of rice, in husked-rice equivalent, originating in States that are part of the CARIFORUM region (serial number 09.4219), an import tariff quota of 25 000 tonnes of rice, in husked-rice equivalent, originating in the Netherlands Antilles and Aruba (serial number 09.4189) and an import tariff quota of 10 000 tonnes of rice, in husked-rice equivalent, originating in the least-developed OCTs (serial number 09.4190).

(2) For these quotas, provided for in Article 1(1) and 2 of Regulation (EC) No 1529/2007, the first subperiod is the month of January.

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

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

⁽³⁾ OJ L 348, 31.12.2007, p. 155.

(3) The information provided in accordance with Article 6(a) of Regulation (EC) No 1529/2007 shows that in the case of the quota with serial number 09.4219 applications lodged during the first seven days of January 2008 in accordance with the first subparagraph of Article 2(1) of that Regulation cover a quantity in husked-rice equivalent greater than the quantity available. The extent to which import licences may be issued should therefore be determined by establishing the allocation coefficient to be applied to the quantities requested under the quota in question.

(4) The above information also shows that in the case of the quotas with serial numbers 09.4189 — 09.4190 applications lodged during the first seven days of January 2008 in accordance with the first subparagraph of Article 2(1) of Regulation (EC) No 1529/2007 cover a quantity in husked-rice equivalent less than the quantity available.

(5) In accordance with Article 4(1) of Regulation (EC) No 2021/2006, the quantities available for the next subperiod should therefore be laid down,

HAS ADOPTED THIS REGULATION:

Article 1

1. For import licence applications for rice under the quota(s) with serial number 09.4219 as referred to in Regulation (EC) No 1529/2007 lodged during the first seven days of January 2008, licences shall be issued for the quantities applied for, multiplied by the allocation coefficients set out in the Annex to this Regulation.

2. The quantities available under the quotas with serial numbers 09.4219 — 09.4189 — 09.4190 as referred to in Regulation (EC) No 1529/2007 for the next subperiod shall be as set out in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 17 January 2008.

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

ANNEX

Quantities to be allocated for the January 2008 subperiod and quantities available for the next subperiod under Regulation (EC) No 1529/2007

| Origin/product | Serial number | Allocation coefficient for January 2008 subperiod | Total quantities available for March 2008 subperiod (kg) |
|---|---------------|---|--|
| States forming part of the CARIFORUM region (Article 1(1)(a) of Regulation (EC) No 1529/2007) — CN codes 1006 with the exception of CN code 1006 10 10 | 09.4219 | 80,286290 % | 62 334 003 |
| OCTs (Article 8 (2)(a) and (b) of Regulation (EC) No 1529/2007) — CN code 1006 | | | |
| (a) Netherlands Antilles and Aruba: | 09.4189 | — ⁽²⁾ | 15 942 363 |
| (b) least developed OCTs: | 09.4190 | — ⁽¹⁾ | 6 667 000 |

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

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

COMMISSION REGULATION (EC) No 39/2008**of 17 January 2008****fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex I to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, and in particular Article 31(3) thereof,

Whereas:

(1) Article 31(1) of Regulation (EC) No 1255/1999 provides that the difference between prices in international trade for the products listed in Article 1(a), (b), (c), (d), (e), and (g) of that Regulation and prices within the Community may be covered by an export refund.

(2) Commission Regulation (EC) No 1043/2005 of 30 June 2005 implementing Council Regulation (EC) No 3448/93 as regards the system of granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds ⁽²⁾, specifies the products for which a rate of refund is to be fixed, to be applied where these products are exported in the form of goods listed in Annex II to Regulation (EC) No 1255/1999.

(3) In accordance with the first paragraph of Article 14 of Regulation (EC) No 1043/2005, the rate of the refund per 100 kilograms for each of the basic products in question is to be fixed each month.

(4) However, in the case of certain milk products exported in the form of goods not covered by Annex I to the Treaty, there is a danger that, if high refund rates are fixed in advance, the commitments entered into in relation to

those refunds may be jeopardised. In order to avert that danger, it is therefore necessary to take appropriate precautionary measures, but without precluding the conclusion of long-term contracts. The fixing of specific refund rates for the advance fixing of refunds in respect of those products should enable those two objectives to be met.

(5) Article 15(2) of Regulation (EC) No 1043/2005 provides that, when the rate of the refund is being fixed, account is to be taken, where appropriate, of production refunds, aids or other measures having equivalent effect applicable in all Member States in accordance with the Regulation on the common organisation of the market in the product in question to the basic products listed in Annex I to Regulation (EC) No 1043/2005 or to assimilated products.

(6) Article 12(1) of Regulation (EC) No 1255/1999 provides for the payment of aid for Community-produced skimmed milk processed into casein if such milk and the casein manufactured from it fulfil certain conditions.

(7) Commission Regulation (EC) No 1898/2005 of 9 November 2005 laying down detailed rules for implementing Council Regulation (EC) No 1255/1999 as regards measures for the disposal of cream, butter and concentrated butter ⁽³⁾, lays down that butter and cream at reduced prices should be made available to industries which manufacture certain goods.

(8) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of the refunds applicable to the basic products listed in Annex I to Regulation (EC) No 1043/2005 and in Article 1 of Regulation (EC) No 1255/1999, and exported in the form of goods listed in Annex II to Regulation (EC) No 1255/1999, shall be fixed as set out in the Annex to this Regulation.

⁽¹⁾ OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Council Regulation (EC) No 1152/2007 (OJ L 258, 4.10.2007, p. 3).

⁽²⁾ OJ L 172, 5.7.2005, p. 24. Regulation as last amended by Regulation (EC) No 1496/2007 (OJ L 333, 19.12.2007, p. 3).

⁽³⁾ OJ L 308, 25.11.2005, p. 1. Regulation as last amended by Regulation (EC) No 1546/2007 (OJ L 337, 21.12.2007, p. 68).

Article 2

This Regulation shall enter into force on 18 January 2008.

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

Done at Brussels, 17 January 2008.

For the Commission
Heinz ZOUREK
Director-General Enterprise and Industry

ANNEX

Rates of the refunds applicable from 18 January 2008 to certain milk products exported in the form of goods not covered by Annex I to the Treaty ⁽¹⁾

(EUR/100 kg)

| CN code | Description | Rate of refund | |
|---------------|---|--------------------------------------|-------|
| | | In case of advance fixing of refunds | Other |
| ex 0402 10 19 | Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content not exceeding 1,5 % by weight (PG 2): | | |
| | (a) on exportation of goods of CN code 3501 | — | — |
| | (b) on exportation of other goods | 0,00 | 0,00 |
| ex 0402 21 19 | Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content of 26 % by weight (PG 3): | | |
| | (a) where goods incorporating, in the form of products assimilated to PG 3, reduced-price butter or cream obtained pursuant to Regulation (EC) No 1898/2005 are exported | 0,00 | 0,00 |
| | (b) on exportation of other goods | 0,00 | 0,00 |
| ex 0405 10 | Butter, with a fat content by weight of 82 % (PG 6): | | |
| | (a) where goods containing reduced-price butter or cream which have been manufactured in accordance with the conditions provided for in Regulation (EC) No 1898/2005 are exported | 0,00 | 0,00 |
| | (b) on exportation of goods of CN code 2106 90 98 containing 40 % or more by weight of milk fat | 0,00 | 0,00 |
| | (c) on exportation of other goods | 0,00 | 0,00 |

⁽¹⁾ The rates set out in this Annex are not applicable to exports to

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

II

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

DECISIONS

COMMISSION

COMMISSION DECISION

of 26 November 2007

authorising the acidification of grape must and wine produced in the wine-growing zone B of Austria for the 2007/2008 wine year

(notified under document number C(2007) 5615)

(Only the German text is authentic)

(2008/58/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine ⁽¹⁾, and in particular Article 46(1) thereof,

Whereas:

- (1) The exceptional weather conditions during the period of ripening of the grapes in the wine-growing zone B of Austria have resulted in a significant and irreversible reduction in the acidity of the grapes and grape must. The particular weather conditions observed during the summer of 2007 in Austria are similar to those normally found in wine-growing areas located much further south.
- (2) The total level of acidity of the grapes harvested on maturity in the regions concerned is abnormally low and incompatible with good winemaking and satisfactory wine conservation.
- (3) Austria should therefore be permitted to authorise the acidification of grape must and wine from zone B for the 2007 harvest under the conditions laid down in

points E.2, E.3 and E.7 of Annex V to Regulation (EC) No 1493/1999.

- (4) The measures provided for in this Decision are in accordance with the opinion of the Management Committee for Wine,

HAS ADOPTED THIS DECISION:

Article 1

In derogation from the rules laid down in Annex V, point E.1(a) to Regulation (EC) No 1493/1999, Austria may authorise the acidification of grape must and wine from the 2007 harvest in wine-growing zone B under the conditions laid down in points E.2, E.3 and E.7 of that Annex.

Article 2

This Decision is addressed to the Republic of Austria.

Done at Brussels, 26 November 2007.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

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

COMMISSION DECISION

of 18 December 2007

adjusting the weightings applicable from 1 August, 1 September, 1 October, 1 November and 1 December 2006 and from 1 January 2007 to the remuneration of officials, temporary staff and contract staff of the European Communities serving in third countries and of certain officials remaining in post in the two new Member States for a maximum period of nineteen months after the accession of the two new Member States

(2008/59/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Staff Regulations of officials of the European Communities and the conditions of employment of other servants of the Communities laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68 ⁽¹⁾, and in particular the second paragraph of Article 13 of Annex X thereto,

Having regard to the Treaty of Accession of the two new Member States, and in particular Article 33(4) thereof,

Whereas:

- (1) Council Regulation (EC, Euratom) No 453/2007 ⁽²⁾ fixed, pursuant to the first paragraph of Article 13 of Annex X to the Staff Regulations, the weightings to be applied from 1 July 2006 to the remuneration payable in the currency of the country of employment of officials, temporary staff and contract staff of the European Communities serving in third countries and of certain officials remaining in post in the two new Member States for a maximum period of nineteen months after accession.
- (2) Some of these weightings need to be adjusted in accordance with the second paragraph of Article 13 of Annex X to the Staff Regulations with effect from 1 August, 1 September, 1 October, 1 November and 1 December 2006 and from 1 January 2007 because

the statistics available to the Commission show that in certain third countries the variation in the cost of living measured on the basis of the weighting and the corresponding exchange rate has exceeded 5 % since weightings were last laid down or adjusted,

HAS DECIDED AS FOLLOWS:

Sole Article

With effect from 1 August, 1 September, 1 October, 1 November and 1 December 2006 and from 1 January 2007 the weightings applicable to the remuneration payable in the currency of the country of employment of officials, temporary staff and contract staff of the European Communities serving in third countries and of certain officials remaining in post in the two new Member States for a maximum period of 19 months after accession shall be adjusted as shown in the Annex hereto.

The exchange rates for the calculation of such remuneration shall be established in accordance with the rules for the implementation of the Financial Regulation and shall correspond to the date referred to in the first paragraph.

Done at Brussels, 18 December 2007.

For the Commission
Benita FERRERO-WALDNER
Member of the Commission

⁽¹⁾ OJ L 56, 4.3.1968, p. 1. Regulation as last amended by Regulation (EC, Euratom) No 337/2007 (OJ L 90, 30.3.2007, p. 1).

⁽²⁾ OJ L 109, 26.4.2007, p. 1.

ANNEX

| Place of employment | Weightings August 2006 |
|---------------------|------------------------|
| Lesotho | 68,3 |
| Madagascar | 76,9 |
| Mozambique | 76,4 |
| Zimbabwe | 60,1 |

| Place of employment | Weightings September 2006 |
|---------------------|---------------------------|
| Senegal | 85,5 |
| Yemen | 71,9 |
| Zimbabwe | 71,4 |

| Place of employment | Weightings October 2006 |
|------------------------------|-------------------------|
| Brazil | 79,3 |
| Guinea | 55,8 |
| Nepal | 72,4 |
| Democratic Republic of Congo | 122,8 |
| Zimbabwe | 82,6 |

| Place of employment | Weightings November 2006 |
|------------------------------|--------------------------|
| Algeria | 91,4 |
| Armenia | 122,5 |
| Indonesia | 89,8 |
| Moldova | 55,8 |
| Democratic Republic of Congo | 125,6 |
| Sudan | 57,6 |
| Zimbabwe | 95,1 |

| Place of employment | Weightings December 2006 |
|------------------------------|--------------------------|
| Argentina | 50,7 |
| Chile | 72,4 |
| Solomon Islands | 89,1 |
| Democratic Republic of Congo | 127,1 |
| Rwanda | 89,6 |
| Ukraine | 106,5 |
| Venezuela | 60,9 |
| Zimbabwe | 102,4 |

| Place of employment | Weightings January 2007 |
|---------------------|-------------------------|
| Bangladesh | 47,1 |
| Botswana | 63,3 |
| Brazil | 83,9 |
| Burkina Faso | 94,9 |
| Djibouti | 96,8 |
| Eritrea | 49,5 |
| Ethiopia | 88,1 |
| Gambia | 58,6 |
| Georgia | 99,8 |
| Guinea | 52,3 |
| Jamaica | 90,2 |
| Malawi | 70,8 |
| Morocco | 91,1 |
| Mauritius | 65,7 |
| Mexico | 73,7 |
| Mozambique | 76,1 |
| Pakistan | 53,5 |
| Swaziland | 56,8 |
| Tanzania | 59,5 |
| Yemen | 74,5 |
| Zimbabwe | 114,9 |

COMMISSION DECISION**of 21 December 2007****amending Decision 2003/548/EC as regards the deletion of specific types of leased line from the Minimum Set of Leased Lines***(notified under document number C(2007) 6635)***(Text with EEA relevance)***(2008/60/EC)*

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive) ⁽¹⁾, and in particular Article 17(1) thereof,Having regard to Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services (Universal Service Directive) ⁽²⁾, and in particular Article 18(3) thereof,

Having consulted the Communications Committee,

Whereas:

- (1) The Commission adopted Decision 2003/548/EC on 24 July 2003 on the minimum set of leased lines with harmonised characteristics and associated standards referred to in Article 18 of the Universal Service Directive ⁽³⁾. This minimum set included two types of analogue leased line and three types of digital leased line with speeds ranging up to 2 048 kbit/s.
- (2) With the widespread migration to new network architectures, analogue types of leased line are no longer technically relevant. Demand for digital leased lines, which is increasingly for high-speed connections over and above 2 048 kbit/s, is being met by the market.

Public consultation has revealed broad support from the Member States, industry associations and stakeholders to remove the five types of leased line from the current minimum set.

- (3) Article 18(3) of the Universal Service Directive provides for the Commission to delete certain types of leased lines from the minimum set.
- (4) The measures provided for in this Decision are in accordance with the opinion of the Communications Committee,

HAS ADOPTED THIS DECISION:

Article 1

The list entitled 'Identification of the minimum set of leased lines with harmonised characteristics and associated standards' is hereby deleted from the Annex to Decision 2003/548/EC.

*Article 2***Addressees**

This Decision is addressed to the Member States.

Done at Brussels, 21 December 2007.

For the Commission

Viviane REDING

Member of the Commission

⁽¹⁾ OJ L 108, 24.4.2002, p. 33. Directive as amended by Regulation (EC) No 717/2007 (OJ L 171, 29.6.2007, p. 32).

⁽²⁾ OJ L 108, 24.4.2002, p. 51.

⁽³⁾ OJ L 186, 25.7.2003, p. 43.

COMMISSION DECISION

of 17 January 2008

amending Annex II to Council Decision 79/542/EEC as regards the imports of bovine fresh meat from Brazil*(notified under document number C(2008) 28)***(Text with EEA relevance)**

(2008/61/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption ⁽¹⁾, and in particular points (1) and (4) of Article 8 and Article 9(4) thereof,

Whereas:

(1) Council Decision 79/542/EEC of 21 December 1979 drawing up a list of third countries or parts of third countries, and laying down animal and public health and veterinary certification conditions, for importation into the Community of certain live animals and their fresh meat ⁽²⁾ provides that imports of those animals and meat are to meet the requirements set out in the appropriate model certificates drawn up under that Decision.

(2) Since 2003, deficiencies with regards to Community import requirements for bovine meat have been identified during Commission missions to Brazil. Some of these deficiencies have been addressed by Brazil, but recent Commission missions have nonetheless identified serious instances of non-compliance with regard to holding registration, animal identification and movement control and a failure to respect their previous commitments to take the appropriate corrective measures.

(3) It is only possible to allow imports to continue on a secure basis by strengthening the control and surveillance of holdings from which animals eligible for export to the Community are sourced and by establishing a provisional list of such approved holdings drawn up by Brazil, for which guarantees are provided that they fully meet requirements for imports of fresh de-boned and

matured bovine meat to the Community, which are audited and inspected and for which full reports of audits and inspections are made available to the Commission.

(4) The Commission services carry out inspections in the framework of the Food and Veterinary Office operations in third countries in order to verify that the European Union import requirements are met in the listed holdings.

(5) The provisional list of holdings may be reviewed after informing the Commission in the light of the outcome of these inspections. That list of approved holdings should be made publicly available through the Commission integrated computerised veterinary system Traces for information purposes.

(6) It is necessary to provide in the list of third countries allowed to export fresh meat to the Community in Part 1 of Annex II to Decision 79/542/EEC that only fresh de-boned and matured bovine meat obtained from animals slaughtered after the date of entry into force of this Decision may be accepted for import into the Community, as only with regards to such meat the new requirements concerning approved holdings can be guaranteed. At the same time it is opportune to correct an error in that table.

(7) The list of third countries in Part 1 of Annex II and the certificate model 'BOV' in Part 2 of Annex II to Decision 79/542/EEC should therefore be amended accordingly.

(8) In order to avoid disruption of trade, consignments of fresh de-boned and matured bovine meat certified and dispatched before the entry into force of this Decision should be allowed for import into the Community for a specified period.

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

⁽¹⁾ OJ L 18, 23.1.2002, p. 11.

⁽²⁾ OJ L 146, 14.6.1979, p. 15. Decision as last amended by Commission Decision 2007/736/EC (OJ L 296, 15.11.2007, p. 29).

HAS ADOPTED THIS DECISION:

Article 1

In the list of third countries laid down in Part 1 of Annex II to Decision 79/542/EEC, the line of the territory 'BR-Brazil' is replaced by the following:

| | | | | | | | |
|-------------|-------|---|-----|---------|---|--|------------------|
| BR — Brazil | 'BR-0 | Whole country | EQU | | | | |
| | BR-1 | Part of the State of Minas Gerais (except regional delegations of Oliveira, Passos, São Gonçalo de Sapucaí, Setelagoas and Bambuí); State of Espírito Santo; State of Goiás; Part of the State of Mato Grosso comprising the regional units of: — Cuiabá (except for the municipalities of San Antonio de Leverger, Nossa Senhora do Livramento, Pocone and Barão de Melgaço), — Cáceres (except for the municipality of Cáceres), — Lucas do Rio Verde, — Rondonópolis (except for the municipality of Itiquiora), — Barra do Garça, — Barra do Burgres. State of Rio Grande do Sul. | BOV | A and H | 1 | | 31 January 2008 |
| | BR-2 | State of Santa Catarina | BOV | A and H | 1 | | 31 January 2008' |

Article 2

In the 'BOV' veterinary certificate laid down in Part 2 of Annex II to Decision 79/542/EEC:

1. Section 10.3 is replaced by the following:

'10.3 has been obtained from animals coming from holdings in which:

- (a) None of the animals present therein have been vaccinated against [foot-and-mouth disease or] ⁽¹²⁾ rinderpest, and
- (⁵) either [(b) in these holdings, and in the holdings situated in their vicinity within 10 km, there has been no case/outbreak of foot-and-mouth disease or rinderpest during the previous 30 days,]
- (⁵) ⁽¹³⁾ or [(b) there is no official restriction for animal health reasons and where, in these holdings and in the holdings situated in their vicinity within 25 km, there has been no case/outbreak of foot-and-mouth disease or rinderpest during the previous 60 days, and,
- (c) they have remained for at least 40 days before direct dispatch to the slaughterhouse;]

- (⁵) (¹⁸) [(d) animals have not been introduced from non-approved EC areas during the last three months;
- (e) animals are identified and registered in the national System of Identification and Certification of Origin for bovine animals;
- (f) the holdings in question are listed as approved holdings, following a favourable competent authorities' inspection and official report, in Traces (¹⁹) and inspections are regularly carried out by the competent authorities to ensure that the relevant requirements provided for in this Decision are respected;]
- (⁵) (¹⁴) or [(b) there is no official restriction for animal health reasons and where, in these holdings and in the holdings situated in their vicinity within 10 km, there has been no case/outbreak of foot-and-mouth disease or rinderpest during the previous 12 months, and;
- (c) they have remained for at least 40 days before direct dispatch to the slaughterhouse;]

2. After note (¹⁸) the following note (¹⁹) is added:

(¹⁹) The list of approved holdings provided by the competent authority is reviewed on a regular basis and kept up to date by the competent authority. The Commission will ensure that this list of approved holdings is made publicly available for information purposes through its integrated computerised veterinary system (Traces).'

Article 3

Consignments of fresh de-boned and matured bovine meat for which veterinary certificates were issued in accordance with Decision 79/542/EEC before the amendments introduced by the present Decision with an issue date prior to 31 January 2008 and which were en route to the Community at that date may be imported into the Community until 15 March 2008.

Article 4

This Decision shall apply from 31 January 2008.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 17 January 2008.

For the Commission
Markos KYPRIANOU
Member of the Commission
