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### Legislation

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## I

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

## REGULATIONS

## COUNCIL REGULATION (EC) No 274/2008

of 17 March 2008

**amending Regulation (EEC) No 918/83 setting up a Community system of relief from customs duty**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 26 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) Goods imported under relief from Common Customs Tariff (CCT) duties as provided for by Council Regulation (EEC) No 918/83<sup>(1)</sup>, are not likely to have significant injurious effects on Community industry given the restrictions concerning the imported quantities or values, their usage and/or post import customs controls. It is therefore appropriate to exclude importations of goods which benefit from duty relief from the application of measures to protect trade imposed on the basis of Article 133 of the Treaty.
- (2) Imports of household effects for furnishing a secondary residence are subject to the same restrictions and controls as the same goods imported by natural persons transferring their normal place of residence from a third country. Although creating the same administrative burden for the importing persons and the customs administrations in the Member States, the former types of importations do not benefit from exemption from

value added tax (VAT) whereas the latter ones do. Furthermore, the economic benefits of a duty relief for imports of household effects for furnishing a secondary residence is small in comparison with the supplementary costs of controls. It is therefore appropriate to delete the provisions concerning the customs duty relief for those goods.

- (3) The value limit of ECU 22 set out in Article 27 of Regulation (EEC) No 918/83 has not been increased since 1991, whereas at the same time customs duties have been significantly reduced or even abolished. Accordingly, it is appropriate to increase the value limit for consignments of negligible value.
- (4) In order to ensure that no importations of VAT — exempt goods which are contained in travellers' personal luggage are subject to customs duties, the provisions for such imports of Regulation (EEC) No 918/83 should be amended to take account of Council Directive 2007/74/EC of 20 December 2007 on the exemption from value added tax and excise duty of goods imported by persons travelling from third countries<sup>(2)</sup>. It is therefore appropriate to grant relief from customs duties where national VAT law implemented in accordance with Directive 2007/74/EC provides for an exemption from VAT. In this context it is necessary to ensure that the same provisions for duty relief apply in the territories set out in Article 6 of Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax<sup>(3)</sup>.
- (5) Regulation (EEC) No 918/83 should therefore be amended accordingly,

<sup>(1)</sup> OJ L 105, 23.4.1983, p. 1. Regulation as last amended by the 2003 Act of Accession.

<sup>(2)</sup> OJ L 346, 29.12.2007, p. 6.

<sup>(3)</sup> OJ L 347, 11.12.2006, p. 1. Directive as last amended by Directive 2008/8/EC (OJ L 44, 20.2.2008, p. 11).

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EEC) No 918/83 is hereby amended as follows:

1. in Article 1, paragraph 1 shall be replaced by the following:

‘1. This Regulation sets out those cases in which, owing to special circumstances, relief from import duties, export duties and measures adopted on the basis of Article 133 of the Treaty shall be granted respectively when goods are released for free circulation or are exported from the customs territory of the Community.’;

2. in Chapter I, Title IV shall be deleted;

3. in Article 27 the value of ECU 22 shall be replaced by EUR 150;

4. Article 45 shall be replaced by the following:

*‘Article 45*

Goods contained in the personal luggage of travellers coming from a third country shall be admitted free of import duties, provided such imports are exempt from value added tax (VAT) under provisions of national law adopted in accordance with the provisions of Council Directive 2007/74/EC of 20 December 2007 on the

exemption from value added tax and excise duty of goods imported by persons travelling from third countries (\*).

Goods imported into territories listed in Article 6(1) of Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax (\*\*) shall be subject to the same provisions on duty relief as goods imported into any other parts of the territory of the Member State concerned.

(\*) OJ L 346, 29.12.2007, p. 6.

(\*\*) OJ L 347, 11.12.2006, p. 1. Directive as last amended by Directive 2008/8/EC (OJ L 44, 20.2.2008, p. 11).’;

5. Articles 46 to 49 shall be deleted;

6. the following paragraph shall be added to Article 127:

‘3. Goods which may be imported under relief from duties in accordance with this Regulation shall also not be subject to quantitative restrictions applied pursuant to measures adopted on the basis of Article 133 of the Treaty.’

*Article 2*

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

It shall apply from 1 December 2008.

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

Done at Brussels, 17 March 2008.

*For the Council*

*The President*

I. JARC

**COUNCIL REGULATION (EC) No 275/2008****of 17 March 2008****amending Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 26 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) Section IID of the preliminary provisions of the combined nomenclature set out in Annex I to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff<sup>(1)</sup> provides for a standard rate of customs duty to be charged at the flat rate of 3,5 % *ad valorem* on goods sent in small consignments to private individuals or contained in travellers' personal luggage, provided that such importations are not of a commercial nature and that the total value of such goods does not exceed EUR 350 per consignment or per traveller.
- (2) The flat rate of 3,5 % *ad valorem* and the ceiling of EUR 350 have been fixed by Council Regulation (EC) No 866/97 of 12 May 1997 amending Regulation (EEC) No 2658/87 as regards the preliminary provisions of the tariff and statistical nomenclature<sup>(2)</sup>. These provisions have not been adjusted since then.
- (3) Since 1997 the rates of customs duty for goods normally imported by travellers in their personal luggage or sent in small consignments to private individuals have been reduced by about 20 %. It is therefore appropriate to reduce the standard rate by one percentage point to 2,5 %. This rate should only be applied to imported goods for which the rate of the Common Customs Tariff is not 'free'.

(4) Given the development of price inflation inside and outside the Community for products normally imported on the said occasions and in view of the increased number of travellers and private consignments it is appropriate to adapt the ceiling to EUR 700 in order to facilitate the customs clearance in these situations.

(5) Regulation (EEC) No 2658/87 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

Annex I, Part One, Section II, to Regulation (EEC) No 2658/87 shall be amended as follows:

1. point D.1. shall be replaced by the following:

- '1. Customs duty shall be charged at the flat rate of 2,5 % *ad valorem* on goods contained in consignments sent by one private individual to another, or contained in travellers' personal luggage, provided that such importations are not of a commercial nature.

This flat-rate 2,5 % customs duty shall apply, provided that the intrinsic value of the goods subject to import duty does not exceed EUR 700 per consignment or per traveller.

Such flat-rate assessment shall not apply to goods for which the rate of duty in the schedule of customs duties is "free" and to goods of Chapter 24 which are contained in a consignment or in travellers' personal luggage in amounts exceeding those laid down in Article 31 or pursuant to Article 45 of Council Regulation (EEC) No 918/83 of 28 March 1983 setting up a Community system of reliefs from customs duty (\*).

<sup>(1)</sup> OJ L 256, 7.9.1987, p. 1. Regulation as last amended by Commission Regulation (EC) No 1352/2007 (OJ L 303, 21.11.2007, p. 3).

<sup>(2)</sup> OJ L 124, 16.5.1997, p. 1.

<sup>(\*)</sup> OJ L 105, 23.4.1983, p. 1. Regulation as last amended by the 2003 Act of Accession.;

2. in point D.3. 'Articles 29 to 31 and 45 to 49 of Regulation (EEC) No 918/83.' shall be replaced by 'Articles 29 to 31 and 45 of Regulation (EEC) No 918/83.';

*Article 2*

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

3. in point D.4. 'EUR 350' shall be replaced by 'EUR 700';

4. in point D.5. 'EUR 350' shall be replaced by 'EUR 700'.

It shall apply from 1 December 2008.

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

Done at Brussels, 17 March 2008.

*For the Council*

*The President*

I. JARC

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**COMMISSION REGULATION (EC) No 276/2008**  
**of 26 March 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 <sup>(1)</sup>, 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 27 March 2008.

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

Done at Brussels, 26 March 2008.

*For the Commission*

Jean-Luc DEMARTY

*Director-General for Agriculture and  
Rural Development*

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<sup>(1)</sup> OJ L 350, 31.12.2007, p. 1.

## ANNEX

**to Commission Regulation of 26 March 2008 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	JO	56,9
	MA	46,9
	TN	123,3
	TR	109,9
	ZZ	84,3
0707 00 05	JO	196,3
	MA	69,9
	MK	99,4
	TR	141,9
	ZZ	126,9
0709 90 70	MA	55,7
	TR	107,4
	ZZ	81,6
0805 10 20	EG	45,0
	IL	54,1
	MA	54,6
	TN	53,7
	TR	56,9
	ZZ	52,9
0805 50 10	IL	106,7
	TR	119,8
	ZA	133,3
	ZZ	119,9
0808 10 80	AR	102,6
	BR	82,4
	CA	103,7
	CL	94,2
	CN	79,3
	MK	39,9
	US	115,3
	UY	55,2
	ZA	62,3
	ZZ	81,7
0808 20 50	AR	78,8
	CL	76,9
	CN	63,2
	ZA	93,7
	ZZ	78,2

<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'.

## II

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

## DECISIONS

## EUROPEAN PARLIAMENT AND COUNCIL

## DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 11 March 2008

**on the mobilisation of the EU Solidarity Fund in application of point 26 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management**

(2008/267/EC)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management <sup>(1)</sup>, and in particular point 26 thereof,

Having regard to Council Regulation (EC) No 2012/2002 of 11 November 2002 establishing the European Union Solidarity Fund <sup>(2)</sup>,

Having regard to the proposal from the Commission,

Whereas:

- (1) The European Union has created a European Union Solidarity Fund (the Fund) to show solidarity with the population of regions struck by disasters.
- (2) The Interinstitutional Agreement of 17 May 2006 allows the mobilisation of the Fund within the annual ceiling of EUR 1 billion.
- (3) Regulation (EC) No 2012/2002 contains the provisions whereby the Fund may be mobilised.

- (4) The United Kingdom submitted an application to mobilise the Fund, concerning a disaster caused by flooding in June and July 2007,

HAVE DECIDED AS FOLLOWS:

*Article 1*

For the general budget of the European Union for the financial year 2008, the European Union Solidarity Fund shall be mobilised to provide the sum of EUR 162 387 985 in commitment and payment appropriations.

*Article 2*

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

Done at Strasbourg, 11 March 2008.

*For the European Parliament*

*The President*

H.-G. PÖTTERING

*For the Council*

*The President*

J. LENARČIČ

<sup>(1)</sup> OJ C 139, 14.6.2006, p. 1. Agreement as amended by Decision 2008/29/EC of the European Parliament and of the Council (OJ L 6, 10.1.2008, p. 7).

<sup>(2)</sup> OJ L 311, 14.11.2002, p. 3.

# COUNCIL

## COUNCIL DECISION

of 17 March 2008

**amending Decision 1999/70/EC concerning the external auditors of the national central banks, as regards the external auditor of Suomen Pankki**

(2008/268/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Protocol on the Statute of the European System of Central Banks and of the European Central Bank annexed to the Treaty establishing the European Community, and in particular to Article 27(1) thereof,

Having regard to Recommendation ECB/2008/1 of the European Central Bank of 28 January 2008 to the Council of the European Union on the external auditors of Suomen Pankki <sup>(1)</sup>,

Whereas:

- (1) The accounts of the European Central Bank (ECB) and of the national central banks of the Eurosystem shall be audited by independent external auditors recommended by the ECB's Governing Council and approved by the Council of the European Union.
- (2) Since the mandate of the Suomen Pankki's current external auditor will end after the audit for the financial year 2007, it is necessary to appoint an external auditor from the financial year 2008.
- (3) Suomen Pankki has selected KPMG Oy Ab as its external auditor for the financial years 2008 to 2012.
- (4) The ECB's Governing Council recommended that KPMG Oy Ab should be appointed as the external auditor of Suomen Pankki for the financial years 2008 to 2012.

- (5) It is appropriate to follow the recommendation of the ECB's Governing Council and amend Council Decision 1999/70/EC <sup>(2)</sup> accordingly,

HAS DECIDED AS FOLLOWS:

### *Article 1*

Article 1(11) of Decision 1999/70/EC shall be replaced by the following:

'11. KPMG Oy Ab is hereby approved as the external auditor of Suomen Pankki for the financial years 2008 to 2012.'

### *Article 2*

This Decision shall be notified to the ECB.

### *Article 3*

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

Done at Brussels, 17 March 2008.

*For the Council*

*The President*

I. JARC

<sup>(1)</sup> OJ C 29, 1.2.2008, p. 1.

<sup>(2)</sup> OJ L 22, 29.1.1999, p. 69. Decision as last amended by Decision 2007/883/EC (OJ L 346, 29.12.2007, p. 20).

# COMMISSION

## COMMISSION DECISION

of 19 March 2008

**amending Decision 2001/618/EC to include the departments of Côtes-d'Armor, Finistère, Ille-et-Vilaine, Morbihan and Nord, France, in the list of regions free of Aujeszky's disease**

(notified under document number C(2008) 1072)

(Text with EEA relevance)

(2008/269/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine<sup>(1)</sup>, and in particular Articles 9(2) and 10(2) thereof,

Whereas:

- (1) Directive 64/432/EEC lays down rules applicable to intra-Community trade in certain animals. Article 9 of that Directive provides for compulsory national programmes for certain contagious disease, including Aujeszky's disease, to be submitted to the Commission for approval. In addition, Article 10 of Directive 64/432/EEC provides for Member States to submit documentation to the Commission concerning the status of those diseases in their territory.
- (2) Commission Decision 2001/618/EC of 23 July 2001 on additional guarantees in intra-Community trade of pigs relating to Aujeszky's disease, criteria to provide information on this disease and repealing Decisions 93/24/EEC and 93/244/EEC<sup>(2)</sup> contains a list of Member States or regions thereof free of Aujeszky's disease and where vaccination is prohibited in Annex I thereto. Annex II to Decision 2001/618/EC contains a list of Member States or regions thereof where disease control programme for that disease are in place.
- (3) A programme for the eradication of Aujeszky's disease has been implemented in France for several years and the departments of Côtes-d'Armor, Finistère, Ille-et-Vilaine, Morbihan and Nord are listed as regions where an approved Aujeszky's disease control programme is in place.

- (4) France has submitted supporting documentation to the Commission as regards the Aujeszky's disease-free status of the departments of Côtes-d'Armor, Finistère, Ille-et-Vilaine, Morbihan and Nord demonstrating that the disease has been eradicated from those departments.
- (5) The Commission has examined the documentation submitted by France and found it to comply with Article 10(1) of Directive 64/432/EEC. Accordingly, those departments should be included in the list in Annex I to Decision 2001/618/EC.
- (6) Decision 2001/618/EC should therefore be amended accordingly.
- (7) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

### *Article 1*

Annexes I and II to Decision 2001/618/EC are replaced by the text in the Annex to this Decision.

### *Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 19 March 2008.

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

<sup>(1)</sup> OJ L 121, 29.7.1964, p. 1977/64. Directive as last amended by Commission Decision 2007/729/EC (OJ L 294, 13.11.2007, p. 26).

<sup>(2)</sup> OJ L 215, 9.8.2001, p. 48. Decision as last amended by Decision 2007/729/EC.

## ANNEX

## 'ANNEX I

**Member States or regions thereof free of Aujeszky's disease and where vaccination is prohibited**

ISO code	Member State	Regions
CZ	Czech Republic	All regions
DK	Denmark	All regions
DE	Germany	All regions
FR	France	The departments of Ain, Aisne, Allier, Alpes-de-Haute-Provence, Alpes-Maritimes, Ardèche, Ardennes, Ariège, Aube, Aude, Aveyron, Bas-Rhin, Bouches-du-Rhône, Calvados, Cantal, Charente, Charente-Maritime, Cher, Corrèze, Côte-d'Or, Côtes-d'Armor, Creuse, Deux-Sèvres, Dordogne, Doubs, Drôme, Essonne, Eure, Eure-et-Loir, Finistère, Gard, Gers, Gironde, Hautes-Alpes, Hauts-de-Seine, Haute-Garonne, Haute-Loire, Haute-Marne, Hautes-Pyrénées, Haut-Rhin, Haute-Saône, Haute-Savoie, Haute-Vienne, Hérault, Ile-et-Vilaine, Indre, Indre-et-Loire, Isère, Jura, Landes, Loire, Loire-Atlantique, Loir-et-Cher, Loiret, Lot, Lot-et-Garonne, Lozère, Maine-et-Loire, Manche, Marne, Mayenne, Meurthe-et-Moselle, Meuse, Morbihan, Moselle, Nièvre, Nord, Oise, Orne, Paris, Pas-de-Calais, Pyrénées-Atlantiques, Pyrénées-Orientales, Puy-de-Dôme, Réunion, Rhône, Sarthe, Saône-et-Loire, Savoie, Seine-et-Marne, Seine-Maritime, Seine-Saint-Denis, Somme, Tarn, Tarn-et-Garonne, Territoire-de-Belfort, Val-de-Marne, Val-d'Oise, Var, Vaucluse, Vendée, Vienne, Vosges, Yonne, Yvelines
CY	Cyprus	Whole territory
LU	Luxembourg	All regions
AT	Austria	Whole territory
SK	Slovakia	All regions
FI	Finland	All regions
SE	Sweden	All regions
UK	United Kingdom	All regions in England, Scotland and Wales

## ANNEX II

**Member States or regions thereof where approved Aujeszky's disease control programmes are in place**

ISO code	Member State	Regions
BE	Belgium	Whole territory
ES	Spain	The territory of the Autonomous Communities of Galicia, País Vasco, Asturias, Cantabria, Navarra, La Rioja The territory of the provinces of León, Zamora, Palencia, Burgos, Valladolid and Ávila in the Autonomous Community of Castilla y León. The territory of the province of Las Palmas in the Canary Islands
IT	Italy	The province of Bolzano
NL	Netherlands	Whole territory'