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## I

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

## REGULATIONS

**COUNCIL REGULATION (EC, EURATOM) No 420/2008****of 14 May 2008****adjusting with effect from 1 July 2007 the remuneration and pensions of officials and other servants of the European Communities**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Protocol on the Privileges and Immunities of the European Communities, and in particular Article 13 thereof,

Having regard to the Staff Regulations of officials and the conditions of employment of other servants of the European Communities laid down by Regulation (EEC, Euratom, ECSC) No 259/68 <sup>(1)</sup>, and in particular Articles 63, 65 and 82 of the Staff Regulations and Annexes VII, XI and XIII thereto, and the first paragraph of Article 20, Article 64 and Article 92 of the Conditions of employment of other servants,

Having regard to the proposal from the Commission,

Whereas:

- (1) Italy, on the basis of the national law adopted in December 2007, communicated the new data concerning the retroactive increase in the real remuneration of civil servants in the central government in that Member State with the date of effect of 1 February 2007, which falls in the reference period from 1 July 2006 to 1 July 2007, and therefore Eurostat modified the Specific Indicator for the reference period.
- (2) Since those data were not available at the time when the Commission presented the proposal concerning the reference period from 1 July 2006 to 1 July 2007, Council Regulation (EC, Euratom) No 1558/2007 which was adopted on the basis of that proposal did not take into account the actual increase in the remuneration in the Italian civil service.
- (3) In order to guarantee that the purchasing power of Community officials and other servants develops in parallel with that of national civil servants in the Member States, the remuneration and pensions of officials and other servants of the Communities should be adjusted under the additional review,

HAS ADOPTED THIS REGULATION:

*Article 1*

With effect from 1 July 2007, the table of basic monthly salaries in Article 66 of the Staff Regulations applicable for the purposes of calculating remuneration and pensions shall be replaced by the following:

<sup>(1)</sup> OJ L 56, 4.3.1968, p. 1. Regulation as last amended by Regulation (EC, Euratom) No 1558/2007 (OJ L 340, 22.12.2007, p. 1).

1.7.2007	Step				
Grade	1	2	3	4	5
16	15 824,35	16 489,31	17 182,21		
15	13 986,08	14 573,79	15 186,20	15 608,71	15 824,35
14	12 361,36	12 880,80	13 422,07	13 795,49	13 986,08
13	10 925,38	11 384,48	11 862,87	12 192,91	12 361,36
12	9 656,21	10 061,97	10 484,79	10 776,50	10 925,38
11	8 534,47	8 893,10	9 266,80	9 524,62	9 656,21
10	7 543,05	7 860,02	8 190,31	8 418,17	8 534,47
9	6 666,80	6 946,94	7 238,86	7 440,26	7 543,05
8	5 892,33	6 139,94	6 397,95	6 575,95	6 666,80
7	5 207,84	5 426,68	5 654,72	5 812,04	5 892,33
6	4 602,86	4 796,28	4 997,82	5 136,87	5 207,84
5	4 068,16	4 239,11	4 417,24	4 540,14	4 602,86
4	3 595,57	3 746,66	3 904,10	4 012,72	4 068,16
3	3 177,89	3 311,43	3 450,58	3 546,58	3 595,57
2	2 808,72	2 926,75	3 049,73	3 134,58	3 177,89
1	2 482,44	2 586,76	2 695,45	2 770,45	2 808,72

#### Article 2

With effect from 1 July 2007, the amount of the parental leave allowance referred to in the second and third paragraphs of Article 42a of the Staff Regulations shall be EUR 852,74 and EUR 1 136,98 for single parents.

#### Article 3

With effect from 1 July 2007 the basic amount of the household allowance referred to in Article 1(1) of Annex VII to the Staff Regulations shall be EUR 159,49.

With effect from 1 July 2007 the amount of the dependent child allowance referred to in Article 2(1) of Annex VII to the Staff Regulations shall be EUR 348,50.

With effect from 1 July 2007 the amount of the education allowance referred to in Article 3(1) of Annex VII to the Staff Regulations shall be EUR 236,46.

With effect from 1 July 2007 the amount of the education allowance referred to in Article 3(2) of Annex VII to the Staff Regulations shall be EUR 85,14.

With effect from 1 July 2007, the minimum amount of the expatriation allowance referred to in Article 69 of the Staff Regulations and in the second subparagraph of Article 4(1) of Annex VII thereto shall be EUR 472,70.

#### Article 4

With effect from 1 January 2008, the kilometric allowance referred to in the second subparagraph of Article 8(2) of Annex VII to the Staff Regulations shall be adjusted as follows:

EUR 0 for every km from 0 to 200 km,

EUR 0,3545 for every km from 201 to 1 000 km,

EUR 0,5908 for every km from 1 001 to 2 000 km,

EUR 0,3545 for every km from 2 001 to 3 000 km,

EUR 0,1181 for every km from 3 001 to 4 000 km,

EUR 0,0569 for every km from 4 001 to 10 000 km,

EUR 0 for every km over 10 000 km.

To the above kilometric allowance a flat-rate supplement shall be added, amounting to:

- EUR 177,22 if the distance by train between the place of employment and the place of origin is between 725 km and 1 450 km,
- EUR 354,41 if the distance by train between the place of employment and the place of origin is greater than 1 450 km.

#### Article 5

With effect from 1 July 2007 the daily subsistence allowance referred to in Article 10(1) of Annex VII to the Staff Regulations shall be:

- EUR 36,63 for an official who is entitled to the household allowance,
- EUR 29,53 for an official who is not entitled to the household allowance.

#### Article 6

With effect from 1 July 2007, the lower limit for the installation allowance referred to in Article 24(3) of the Conditions of employment of other servants shall be:

- EUR 1 042,85 for a servant who is entitled to the household allowance,
- EUR 620,08 for a servant who is not entitled to the household allowance.

#### Article 7

With effect from 1 July 2007, for the unemployment allowance referred to in the second subparagraph of Article 28a(3) of the Conditions of employment of other servants, the lower limit shall be EUR 1 250,67, the upper limit shall be EUR 2 501,35 and the standard allowance shall be EUR 1 136,98.

#### Article 8

With effect from 1 July 2007, the table of basic monthly salaries in Article 63 of the Conditions of employment of other servants shall be replaced by the following:

1.7.2007		Step			
Category	Group	1	2	3	4
A	I	6 374,10	7 163,65	7 953,20	8 742,75
	II	4 626,21	5 077,00	5 527,79	5 978,58
	III	3 887,62	4 060,79	4 233,96	4 407,13
B	IV	3 734,56	4 100,17	4 465,78	4 831,39
	V	2 933,43	3 126,80	3 320,17	3 513,54
C	VI	2 789,91	2 954,16	3 118,41	3 282,66
	VII	2 497,07	2 582,03	2 666,99	2 751,95
D	VIII	2 256,96	2 389,89	2 522,82	2 655,75
	IX	2 173,54	2 203,82	2 234,10	2 264,38

*Article 9*

With effect from 1 July 2007, the table of basic monthly salaries in Article 93 of the Conditions of employment of other servants shall be replaced by the following:

Function Group	1.7.2007	Step						
	Grade	1	2	3	4	5	6	7
IV	18	5 455,05	5 568,49	5 684,30	5 802,51	5 923,17	6 046,35	6 172,09
	17	4 821,32	4 921,58	5 023,93	5 128,40	5 235,05	5 343,92	5 455,05
	16	4 261,20	4 349,82	4 440,28	4 532,62	4 626,88	4 723,10	4 821,32
	15	3 766,16	3 844,48	3 924,43	4 006,04	4 089,35	4 174,39	4 261,20
	14	3 328,63	3 397,85	3 468,51	3 540,64	3 614,28	3 689,44	3 766,16
	13	2 941,93	3 003,11	3 065,56	3 129,31	3 194,39	3 260,82	3 328,63
III	12	3 766,10	3 844,42	3 924,36	4 005,97	4 089,27	4 174,31	4 261,11
	11	3 328,60	3 397,82	3 468,48	3 540,60	3 614,23	3 689,38	3 766,10
	10	2 941,92	3 003,10	3 065,55	3 129,30	3 194,37	3 260,80	3 328,60
	9	2 600,17	2 654,24	2 709,43	2 765,77	2 823,29	2 881,99	2 941,92
	8	2 298,11	2 345,90	2 394,68	2 444,48	2 495,31	2 547,20	2 600,17
II	7	2 600,10	2 654,18	2 709,39	2 765,74	2 823,27	2 881,99	2 941,93
	6	2 297,99	2 345,79	2 394,58	2 444,38	2 495,22	2 547,12	2 600,10
	5	2 030,98	2 073,23	2 116,35	2 160,37	2 205,30	2 251,17	2 297,99
	4	1 795,00	1 832,33	1 870,45	1 909,35	1 949,06	1 989,60	2 030,98
I	3	2 211,30	2 257,19	2 304,04	2 351,86	2 400,67	2 450,49	2 501,35
	2	1 954,88	1 995,46	2 036,87	2 079,14	2 122,29	2 166,34	2 211,30
	1	1 728,20	1 764,07	1 800,68	1 838,05	1 876,20	1 915,14	1 954,88

*Article 10*

With effect from 1 July 2007, the lower limit for the installation allowance referred to in Article 94 of the Conditions of employment of other servants shall be:

- EUR 784,40 for a servant who is entitled to the household allowance,
- EUR 465,05 for a servant who is not entitled to the household allowance.

*Article 11*

With effect from 1 July 2007, for the unemployment allowance referred to in the second subparagraph of Article 96(3) of the Conditions of employment of other servants, the lower limit shall be EUR 938,01, the upper limit shall be EUR 1 876,01 and the standard allowance shall be EUR 852,74.

*Article 12*

With effect from 1 July 2007, the allowances for shiftwork laid down in the first subparagraph of Article 1(1) of Council Regulation (ECSC, EEC, Euratom) No 300/76 <sup>(1)</sup> shall be EUR 357,45, EUR 539,51, EUR 589,88 and EUR 804,20.

<sup>(1)</sup> Council Regulation (ECSC, EEC, Euratom) No 300/76 of 9 February 1976 determining the categories of officials entitled to allowances for shiftwork, and the rates and conditions thereof (OJ L 38, 13.2.1976, p. 1). Regulation as supplemented by Regulation (Euratom, ECSC, EEC) No 1307/87 (OJ L 124, 13.5.1987, p. 6) and last amended by Regulation (EC, Euratom) No 1558/2007.

*Article 13*

With effect from 1 July 2007, the amounts in Article 4 of Regulation (EEC, Euratom, ECSC) No 260/68 <sup>(1)</sup> of the Council shall be subject to a coefficient of 5,159819.

*Article 14*

With effect from 1 July 2007, the table in Article 8(2) of Annex XIII to the Staff Regulations shall be replaced by the following:

1.7.2007	Step							
Grade	1	2	3	4	5	6	7	8
16	15 824,35	16 489,31	17 182,21	17 182,21	17 182,21	17 182,21		
15	13 986,08	14 573,79	15 186,20	15 608,71	15 824,35	16 489,31		
14	12 361,36	12 880,80	13 422,07	13 795,49	13 986,08	14 573,79	15 186,20	15 824,35
13	10 925,38	11 384,48	11 862,87	12 192,91	12 361,36			
12	9 656,21	10 061,97	10 484,79	10 776,50	10 925,38	11 384,48	11 862,87	12 361,36
11	8 534,47	8 893,10	9 266,80	9 524,62	9 656,21	10 061,97	10 484,79	10 925,38
10	7 543,05	7 860,02	8 190,31	8 418,17	8 534,47	8 893,10	9 266,80	9 656,21
9	6 666,80	6 946,94	7 238,86	7 440,26	7 543,05			
8	5 892,33	6 139,94	6 397,95	6 575,95	6 666,80	6 946,94	7 238,86	7 543,05
7	5 207,84	5 426,68	5 654,72	5 812,04	5 892,33	6 139,94	6 397,95	6 666,80
6	4 602,86	4 796,28	4 997,82	5 136,87	5 207,84	5 426,68	5 654,72	5 892,33
5	4 068,16	4 239,11	4 417,24	4 540,14	4 602,86	4 796,28	4 997,82	5 207,84
4	3 595,57	3 746,66	3 904,10	4 012,72	4 068,16	4 239,11	4 417,24	4 602,86
3	3 177,89	3 311,43	3 450,58	3 546,58	3 595,57	3 746,66	3 904,10	4 068,16
2	2 808,72	2 926,75	3 049,73	3 134,58	3 177,89	3 311,43	3 450,58	3 595,57
1	2 482,44	2 586,76	2 695,45	2 770,45	2 808,72			

*Article 15*

With effect from 1 July 2007 the amount of the dependent child allowance referred to in the first subparagraph of Article 14 of Annex XIII to the Staff Regulations shall be as follows:

1.7.2007-31.12.2007      EUR 320,54,

1.1.2008-31.12.2008      EUR 334,51.

*Article 16*

With effect from 1 July 2007 the amount of the education allowance referred to in the first subparagraph of Article 15 of Annex XIII to the Staff Regulations shall be as follows:

1.7.2007-31.8.2007      EUR 51,07,

1.9.2007-31.8.2008      EUR 68,10.

<sup>(1)</sup> Regulation (EEC, Euratom, ECSC) No 260/68 of the Council of 29 February 1968 laying down the conditions and procedure for applying the tax for the benefit of the European Communities (OJ L 56, 4.3.1968, p. 8). Regulation as last amended by Regulation (EC, Euratom) No 1558/2007.

*Article 17*

With effect from 1 July 2007, for the purposes of application of Article 18(1) of Annex XIII to the Staff Regulations, the amount of the fixed allowance mentioned in the former Article 4a of Annex VII to the Staff Regulations in force before 1 May 2004 shall be:

- EUR 123,31 per month for officials in Grade C4 or C5,
- EUR 189,06 per month for officials in Grade C1, C2 or C3.

*Article 18*

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

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

Done at Brussels, 14 May 2008.

*For the Council*  
*The President*  
A. BAJUK

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**COMMISSION REGULATION (EC) No 421/2008****of 14 May 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 15 May 2008.

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

Done at Brussels, 14 May 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 14 May 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	MA	50,7
	TN	111,0
	TR	105,3
	ZZ	89,0
0707 00 05	EG	167,2
	JO	196,3
	MK	40,9
	TR	163,9
	ZZ	142,1
0709 90 70	TR	124,2
	ZZ	124,2
0805 10 20	EG	44,5
	IL	59,9
	MA	50,9
	TN	52,0
	TR	55,2
	US	49,8
	ZZ	52,1
0805 50 10	AR	151,8
	MK	58,7
	TR	147,5
	US	129,7
	ZA	131,1
	ZZ	123,8
0808 10 80	AR	93,2
	BR	80,4
	CA	95,7
	CL	91,0
	CN	87,7
	MK	65,0
	NZ	109,3
	US	116,4
	UY	76,3
	ZA	79,5
	ZZ	89,5

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

**COMMISSION REGULATION (EC) No 422/2008****of 14 May 2008****setting the allocation coefficient for issuing of licences applied for from 5 May to 9 May 2008 to import sugar products under tariff quotas and preferential agreements**

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 <sup>(1)</sup>,

Having regard to Commission Regulation (EC) No 950/2006 of 28 June 2006 laying down detailed rules for the 2006/07, 2007/08 and 2008/09 marketing years for importing and refining of sugar products under certain tariff quotas and preferential agreements <sup>(2)</sup>, and in particular Article 5(3) thereof,

Whereas:

- (1) Applications for import licences were submitted to the competent authority during the period from 5 May to 9 May 2008, in accordance with Regulation (EC) No 950/2006 or Commission Regulation (EC) No 1832/2006 of 13 December 2006 laying down transitional measures in the sugar sector by reason of the

accession of Bulgaria and Romania <sup>(3)</sup> for a total quantity equal to or exceeding the quantity available for serial number 09.4337 (2008 to 2009).

- (2) In these circumstances, the Commission should fix an allocation coefficient in order to issue licences in proportion to the quantity available and inform the Member States that the set limit has been reached,

HAS ADOPTED THIS REGULATION:

*Article 1*

Licences shall be issued within the quantitative limits set in the Annex to this Regulation in respect of applications for import licences submitted from 5 May to 9 May 2008, in accordance with Article 4(2) of Regulation (EC) No 950/2006 or Article 5 of Regulation (EC) No 1832/2006.

*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, 14 May 2008.

*For the Commission*

Jean-Luc DEMARTY

*Director-General for Agriculture and  
Rural Development*

<sup>(1)</sup> OJ L 58, 28.2.2006, p. 1. Regulation as last amended by Commission 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.

<sup>(2)</sup> OJ L 178, 1.7.2006, p. 1. Regulation as last amended by Regulation (EC) No 371/2007 (OJ L 92, 3.4.2007, p. 6).

<sup>(3)</sup> OJ L 354, 14.12.2006, p. 8.

## ANNEX

**ACP-India Preferential Sugar**  
**Title IV of Regulation (EC) No 950/2006**  
**2007/2008 marketing year**

Serial No	Country	Week of 5.5.2008-9.5.2008: % of requested quantity to be granted	Limit
09.4331	Barbados	100	Reached
09.4332	Belize	0	
09.4333	Côte d'Ivoire	100	
09.4334	Republic of the Congo	100	
09.4335	Fiji	100	
09.4336	Guyana	100	Reached
09.4337	India	0	
09.4338	Jamaica	100	
09.4339	Kenya	100	
09.4340	Madagascar	100	
09.4341	Malawi	100	Reached
09.4342	Mauritius	100	
09.4343	Mozambique	0	
09.4344	Saint Kitts and Nevis	—	
09.4345	Suriname	—	
09.4346	Swaziland	100	
09.4347	Tanzania	100	
09.4348	Trinidad and Tobago	100	
09.4349	Uganda	—	
09.4350	Zambia	100	
09.4351	Zimbabwe	100	

**ACP-India Preferential Sugar**  
**Title IV of Regulation (EC) No 950/2006**  
**2008/2009 marketing year**

Serial No	Country	Week of 5.5.2008-9.5.2008: % of requested quantity to be granted	Limit
09.4331	Barbados	—	Reached
09.4332	Belize	100	
09.4333	Côte d'Ivoire	—	
09.4334	Republic of the Congo	—	
09.4335	Fiji	—	
09.4336	Guyana	—	
09.4337	India	100	
09.4338	Jamaica	—	
09.4339	Kenya	—	
09.4340	Madagascar	—	
09.4341	Malawi	—	
09.4342	Mauritius	—	
09.4343	Mozambique	100	
09.4344	Saint Kitts and Nevis	—	
09.4345	Suriname	—	
09.4346	Swaziland	—	
09.4347	Tanzania	—	
09.4348	Trinidad and Tobago	—	
09.4349	Uganda	—	
09.4350	Zambia	—	
09.4351	Zimbabwe	—	

**Complementary Sugar**  
**Title V of Regulation (EC) No 950/2006**  
**2007/2008 marketing year**

Serial No	Country	Week of 5.5.2008-9.5.2008: % of requested quantity to be granted	Limit
09.4315	India	100	
09.4316	ACP Protocol signatory countries	100	

**CXL Concessions Sugar****Title VI of Regulation (EC) No 950/2006****2007/2008 marketing year**

Serial No	Country	Week of 5.5.2008-9.5.2008: % of requested quantity to be granted	Limit
09.4317	Australia	0	Reached
09.4318	Brazil	0	Reached
09.4319	Cuba	0	Reached
09.4320	Other third countries	0	Reached

**Balkans sugar****Title VII of Regulation (EC) No 950/2006****2007/2008 marketing year**

Serial No	Country	Week of 5.5.2008-9.5.2008: % of requested quantity to be granted	Limit
09.4324	Albania	100	Reached
09.4325	Bosnia and Herzegovina	0	
09.4326	Serbia, Montenegro and Kosovo	100	
09.4327	Former Yugoslav Republic of Macedonia	100	
09.4328	Croatia	100	

**Exceptional import sugar and industrial import sugar****Title VIII of Regulation (EC) No 950/2006****2007/2008 marketing year**

Serial No	Type	Week of 5.5.2008-9.5.2008: % of requested quantity to be granted	Limit
09.4380	Exceptional	—	
09.4390	Industrial	—	

**Import of sugar under the transitional tariff quotas opened for Bulgaria and Romania****Chapter 1 Section 2 of Regulation (EC) No 1832/2006****2007/2008 marketing year**

Order No	Type	Week of 5.5.2008-9.5.2008: % of requested quantity to be granted	Limit
09.4365	Bulgaria	0	Reached
09.4366	Romania	100	

**COMMISSION REGULATION (EC) No 423/2008****of 8 May 2008****on laying down certain detailed rules for implementing Council Regulation (EC) No 1493/1999 and establishing a Community code of oenological practices and processes**

(Codified version)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

of wine-sector products where oenological processes and practices are concerned.

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine <sup>(1)</sup>, and in particular Articles 46 and 80 thereof,

Whereas:

- (1) Commission Regulation (EC) No 1622/2000 of 24 July 2000 on laying down certain detailed rules for implementing Regulation (EC) No 1493/1999 on the common organisation of the market in wine and establishing a Community code of oenological practices and processes <sup>(2)</sup> has been substantially amended several times <sup>(3)</sup>. In the interests of clarity and rationality the said Regulation should be codified.
- (2) Chapter I of Title V of Regulation (EC) No 1493/1999 and several of the Annexes thereto lay down general rules on oenological practices and processes and refer for the rest to detailed implementing rules to be adopted by the Commission.
- (3) In the interests of both economic operators in the Community and the authorities responsible for applying Community rules, all those provisions should be collated in a Community code of oenological practices and processes.
- (4) The Community Code should thus be established to include only the detailed implementing rules explicitly referred to by the Council in Regulation (EC) No 1493/1999. For the rest, the rules under Articles 28 et seq. of the Treaty should suffice to ensure free movement

- (5) It should also be specified that the code is to apply without prejudice to specific provisions in other fields, in particular, rules already existing or to be adopted in the future for foodstuffs.
- (6) Article 42(5) of Regulation (EC) No 1493/1999 permits grapes other than those of the wine-grape varieties listed in the classification established in accordance with Article 19 of that Regulation, or products derived therefrom, to be used in the Community for the manufacture of the products listed in Article 42(5). A list should be drawn up of the varieties to which such derogations may apply.
- (7) Pursuant to Annex V to Regulation (EC) No 1493/1999 a list should be drawn up of quality liqueur wines produced in specified regions (quality liqueur wines psr) for which special rules of preparation are allowed. To enable products to be more easily identified and to facilitate intra-Community trade, reference should be made to the descriptions of products as established by Community rules or, where appropriate, by national legislation.
- (8) Limits on the use of certain substances should also be fixed, pursuant to Annex IV to Regulation (EC) No 1493/1999, and conditions should be laid down for the use of some of them.
- (9) Experiments concerning the use of lysozyme in wine-making carried out by two Member States have shown that the addition of this substance is of significant benefit for the stabilisation of wines and permits the production of quality wines with a reduced sulphur dioxide content. Its use should therefore be permitted and maximum doses laid down in line with the technological requirements revealed in the experiments.

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

<sup>(2)</sup> OJ L 194, 31.7.2000, p. 1. Regulation as last amended by Regulation (EC) No 1300/2007 (OJ L 289, 7.11.2007, p. 8).

<sup>(3)</sup> See Annex XXII.

- (10) Article 44 of Council Regulation (EEC) No 337/79 <sup>(1)</sup>, as amended by Regulation (EEC) No 3307/85 <sup>(2)</sup>, reduced the maximum total sulphur dioxide content of wines other than sparkling and liqueur wines and certain quality wines by 15 mg per litre, with effect from 1 September 1986. To avoid difficulty in disposing of wine as a result of this change in the production rules, wine produced before that date in the Community, with the exception of Portugal, was allowed to be offered for direct human consumption after that date. That authorisation also applied, for a transitional period of one year from that date, to wine originating in third countries or in Portugal, provided that its total sulphur dioxide content complied with the Community rules or, where applicable, the Spanish rules in force before 1 September 1986. Since there might still be stocks of such wine, the measure in question should be extended.
- (11) Articles 12 and 16 of Council Regulation (EEC) No 358/79 of 5 February 1979 on sparkling wines produced in the Community and defined in item 13 of Annex II to Regulation (EEC) No 337/79 <sup>(3)</sup> reduced the maximum total sulphur dioxide content of sparkling wines, quality sparkling wines and quality sparkling wines produced in specified regions by 15 milligrams per litre with effect from 1 September 1986. In the case of sparkling wines originating in the Community, with the exception of Portugal, Article 22(1) of Regulation (EEC) No 358/79 allowed such products to be disposed of until stocks were exhausted provided that they had been prepared in accordance with that Regulation as it applied before 1 September 1986. Transitional provisions should be laid down for imported sparkling wines and sparkling wines produced in Spain and Portugal before 1 September 1986 in order to avoid difficulties in disposing of such products. Those products should therefore be permitted to be offered for sale for a transitional period after that date, provided that their total sulphur dioxide content complies with the Community provisions in force before 1 September 1986.
- (12) Point B(1) of Annex V to Regulation (EC) No 1493/1999 fixes the maximum volatile acid content of wine. Provision may be made for derogations for certain quality wines produced in specified regions (quality wines psr) and certain table wines described by means of a geographical indication or having an alcoholic strength of 13 % or more. Some German, Spanish, French, Italian, Austrian and United Kingdom wines in these categories normally have a volatile acidity higher than that provided for in abovementioned Annex V owing to the special methods by which they are prepared and their high alcoholic strength. In order that those wines may continue to be prepared by the customary methods whereby they acquire their characteristic properties, provision should be made for a derogation from the abovementioned point B(1) of Annex V in their case.
- (13) In accordance with point D(3) of Annex V to Regulation (EC) No 1493/1999, the wine-growing regions where the addition of sucrose was traditionally practised in accordance with legislation in force on 8 May 1970 should be specified.
- (14) The small size of the wine-growing sector of Luxembourg means that the competent authorities can carry out systematic analytical checks of all batches of products turned into wine. Declarations of intention to enrich wine are not indispensable so long as those conditions continue to apply.
- (15) In accordance with point G(5) of Annex V to Regulation (EC) No 1493/1999, all enrichment, acidification and deacidification operations must be notified to the competent authorities. This also holds for quantities of sugar, concentrated grape must and rectified concentrated grape must held by the natural or legal persons undertaking such operations. The purpose of such notification is to allow the operations in question to be monitored. Notifications must therefore be addressed to the competent authority of the Member State on whose territory the operation is to take place and must be as accurate as possible. Where an increase in alcoholic strength is involved, the competent authority must be notified in sufficient time to carry out an effective check. In the case of acidification and deacidification, a check after the operation is sufficient. For that reason and to simplify administrative procedures, it must therefore be possible to make such notification, except for the first notification in the wine year, by updating records regularly verified by the competent authority.
- (16) Point F(1) of Annex V to Regulation (EC) No 1493/1999 lays down certain rules for the sweetening of wines. That provision refers primarily to table wine but also applies to quality wines psr by virtue of point G(2) of Annex VI to that Regulation.
- (17) Sweetening must not lead to enrichment in excess of the limits set in point C of Annex V to Regulation (EC) No 1493/1999. Special provision has been made to that end in point F(1) of Annex V to that Regulation. In addition, checks are essential to ensure compliance with the provisions in question.
- <sup>(1)</sup> OJ L 54, 5.3.1979, p. 1.  
<sup>(2)</sup> OJ L 367, 31.12.1985, p. 39.  
<sup>(3)</sup> OJ L 54, 5.3.1979, p. 130.



- (18) In order in particular to help make checks effective, sweetening should be carried out only at the production stage or another stage as close to production as possible. It should therefore be restricted to the production and wholesale stages.
- (19) The supervisory authorities must be informed of all impending sweetening operations. Anyone intending to carry out a sweetening operation should therefore be required to notify the supervisory authorities in writing. However, this procedure may be simplified when an undertaking carries out sweetening frequently or continuously.
- (20) The purpose of such notifications is to allow the operations in question to be monitored. Notifications must therefore be addressed to the competent authority of the Member State on whose territory the operation is to take place, be as accurate as possible and reach the competent authority prior to the operation.
- (21) For checks to be effective, the quantities of grape must or concentrated grape must held by the party concerned before the sweetening operation must be declared. However, such declarations are of no value unless there is also an obligation to keep inwards and outwards registers of products used in sweetening operations.
- (22) In order to prevent sucrose from being used to sweeten liqueur wines, the use of rectified concentrated grape must, in addition to concentrated grape must, should be permitted.
- (23) 'Coupage' is a widespread oenological practice and, in view of its possible consequences, its use must be regulated in order to prevent abuse.
- (24) Indication of geographical origin or vine variety is of great importance for the commercial value of wines or musts originating in the same wine-growing zone of the Community or in the same production area of a third country. The mixing of wines or grape musts from the same zone, but from different geographical areas within that zone, or from different vine varieties or harvest years should therefore also be regarded as *coupage* where the description of the resulting product mentions the geographical origin, wine variety or harvest year.
- (25) The Member States should be allowed to authorise the use, for a limited time for experimental purposes, of oenological practices and processes not provided for in Regulation (EC) No 1493/1999.
- (26) Under Article 46(3) of Regulation (EC) No 1493/1999 methods of analysis must be adopted for establishing the composition of the products covered by Article 1 of that Regulation and rules must be laid down for establishing whether those products have undergone processes contrary to authorised oenological practices.
- (27) Point J(1) of Annex VI to Regulation (EC) No 1493/1999 provides for an analytical test which is at least to measure the factors, among those listed in point J(3) of that Annex, enabling the quality wine psr concerned to be distinguished.
- (28) Uniform methods of analysis must be introduced to ensure that the particulars on documents relating to the products in question are accurate and comparable for verification purposes. Such methods must therefore be compulsory for all commercial transactions and verification procedures. However, in view of the control requirements and the trade's limited facilities, a small number of usual procedures should continue to be allowed for a limited period so that the requisite factors can be determined rapidly and with reasonable accuracy.
- (29) The Community methods for the analysis of wines were laid down by Commission Regulation (EEC) No 2676/90 <sup>(1)</sup>. Since the methods described therein are valid, that Regulation should remain in force, with the exception of the usual methods which will ultimately no longer be described.
- (30) The Management Committee for Wines has not delivered an opinion within the time limit set by its chairman,
- HAS ADOPTED THIS REGULATION:
- Article 1*  
**Purpose**
- Without prejudice to the general rules on foodstuffs, oenological practices and processes are governed by the Community rules laid down in Chapter I of Title V of Regulation (EC) No 1493/1999 and the Annexes thereto and by the code set out in this Regulation.
- <sup>(1)</sup> OJ L 272, 3.10.1990, p. 1. Regulation as last amended by Regulation (EC) No 1293/2005 (OJ L 205, 6.8.2005, p. 12).

This code shall comprise the detailed rules for implementing Regulation (EC) No 1493/1999, particularly those relating to products intended for use in winemaking (Title I) and oenological practices and processes authorised in the Community (Titles II and III).

#### TITLE I

### REQUIREMENTS FOR CERTAIN GRAPES AND GRAPE MUSTS

#### Article 2

#### Use of grapes of certain varieties

1. Grapes of varieties classified solely as table-grape varieties shall not be used in winemaking.

2. Notwithstanding Article 42(5) of Regulation (EC) No 1493/1999, grapes of varieties listed in Annex I hereto may be used in the Community to prepare the products covered by that provision.

#### Article 3

#### Use of certain products not possessing the natural alcoholic strength by volume for the production of sparkling wine, aerated sparkling wine and aerated semi-sparkling wine

The years when, because of unfavourable weather conditions, products from wine-growing zones A and B not possessing the minimum natural alcoholic strength by volume laid down for the relevant wine-growing zone may be used, under the conditions laid down in Article 44(3) of Regulation (EC) No 1493/1999, for the production of sparkling wine, aerated sparkling wine and aerated semi-sparkling wine shall be as set out in Annex II hereto.

#### Article 4

#### Use of grape must of certain vine varieties for the preparation of quality sparkling wine of the aromatic type and quality sparkling wine psr of the aromatic type, and exceptions to such use

1. The list of vine varieties producing grape must or grape must in fermentation that must be used to constitute the cuvée for preparing quality sparkling wines of the aromatic type and quality sparkling wines psr of the aromatic type in accordance with point I(3)(a) of Annex V and point K(10)(a) of Annex VI to Regulation (EC) No 1493/1999 shall be as set out in Part A of Annex III hereto.

2. The derogations referred to in point I(3)(a) of Annex V and point K(10)(a) of Annex VI to Regulation (EC) No 1493/1999 regarding the vine varieties and the products used to constitute the cuvée shall be as laid down in Part B of Annex III hereto.

#### TITLE II

### OENOLOGICAL PRACTICES AND PROCESSES

#### CHAPTER I

#### *Restrictions and requirements pertaining to the use of certain substances authorised for oenological purposes*

#### Article 5

#### Restrictions on the use of certain substances

The substances authorised for oenological purposes listed in Annex IV to Regulation (EC) No 1493/1999 may be used only subject to the limits laid down in Annex IV hereto.

#### Article 6

#### The purity and identification specifications of substances used in oenological practices

The purity and identification specifications of substances used in oenological practices referred to in Article 46(2)(c) of Regulation (EC) No 1493/1999 shall be those laid down in Commission Directive 96/77/EC<sup>(1)</sup>. Where necessary, those purity criteria shall be supplemented by the specific requirements provided for in this Regulation.

#### Article 7

#### Calcium tartrate

Calcium tartrate, the use of which in assisting the precipitation of tartar is provided for in point 3(v) of Annex IV to Regulation (EC) No 1493/1999, may be used only if it meets the requirements set out in Annex V hereto.

#### Article 8

#### Tartaric acid

1. Tartaric acid, the use of which for deacidification purposes is provided for in point 1(m) of Annex IV and point 3(l) of Annex IV to Regulation (EC) No 1493/1999, may be used only for products that:

- (a) are from the Elbling and Riesling vine varieties; and
- (b) are obtained from grapes harvested in the following wine-growing regions in the northern part of wine-growing zone A:

— Ahr,

— Rheingau,

<sup>(1)</sup> OJ L 339, 30.12.1996, p. 1.

- Mittelrhein,
- Mosel-Saar-Ruwer,
- Nahe,
- Rheinhessen,
- Pfalz,
- Moselle luxembourgeoise.

2. Tartaric acid, the use of which is provided for in points 1(l) and (m) and points 3(k) and (l) of Annex IV to Regulation (EC) No 1493/1999, also called L-tartaric acid, must be of agricultural origin and extracted specifically from wine products. It must also comply with the purity criteria laid down in Directive 96/77/EC.

#### Article 9

##### Aleppo pine resin

1. Aleppo pine resin, the use of which is provided for in point 1(n) of Annex IV to Regulation (EC) No 1493/1999, may be used only to produce 'retsina' table wine. This oenological practice may be carried out only:

- (a) in the geographical territory of Greece;
- (b) using grape must from grape varieties, areas of production and wine-making areas as specified in the Greek provisions in force at 31 December 1980;
- (c) by adding 1 000 grams or less of resin per hectolitre of the product used, before fermentation or, where the actual alcoholic strength by volume does not exceed one third of the overall alcoholic strength by volume, during fermentation.

2. Greece shall notify the Commission in advance if it intends to amend the provisions referred to in paragraph 1(b). If the Commission does not respond within two months of such notification, Greece may implement the planned amendments.

#### Article 10

##### Beta-glucanase

Beta-glucanase, the use of which is provided for in point 1(j) and point 3(m) of Annex IV to Regulation (EC) No 1493/1999, may be used only if it meets the requirements set out in Annex VI hereto.

#### Article 11

##### Lactic bacteria

Lactic bacteria, the use of which is provided for in point 1(q) and point 3(z) of Annex IV to Regulation (EC) No 1493/1999, may be used only if they meet the requirements set out in Annex VII hereto.

#### Article 12

##### Lysozyme

Lysozyme, the use of which is provided for in point 1(r) and point 3(zb) of Annex IV to Regulation (EC) No 1493/1999, may be used only if it meets the requirements set out in Annex VIII hereto.

#### Article 13

##### Ion exchange resins

The ion exchange resins which may be used in accordance with point 2(h) of Annex IV to Regulation (EC) No 1493/1999 shall be styrene and divinylbenzene copolymers containing sulphonic acid or ammonium groups. They must comply with the requirements laid down in Regulation (EC) No 1935/2004 of the European Parliament and of the Council <sup>(1)</sup> and Community and national provisions adopted in implementation thereof. In addition, when tested by the method of analysis laid down in Annex IX hereto, they must not lose more than 1 mg/l of organic matter into any of the solvents listed. They must be regenerated with substances permitted for use in the preparation of foodstuffs.

These resins may be used only under the supervision of an oenologist or technician and in installations approved by the authorities of the Member States on whose territory they are used. Such authorities shall lay down the duties and responsibility incumbent on approved oenologists and technicians.

#### Article 14

##### Potassium ferrocyanide

Potassium ferrocyanide, the use of which is provided for in point 3(p) of Annex IV to Regulation (EC) No 1493/1999, may be used only under the supervision of an oenologist or technician officially approved by the authorities of the Member State in whose territory the process is carried out, the extent of whose responsibility shall be fixed, if necessary, by the Member State concerned.

After treatment with potassium ferrocyanide, the wine must contain traces of iron.

<sup>(1)</sup> OJ L 338, 13.11.2004, p. 4.

Supervision of the use of the product covered by this Article shall be governed by the provisions adopted by the Member States.

#### Article 15

##### **Calcium phytate**

Calcium phytate, the use of which is provided for in point 3(p) of Annex IV to Regulation (EC) No 1493/1999, may be used only under the supervision of an oenologist or technician officially approved by the authorities of the Member State in whose territory the process is carried out, the extent of whose responsibility shall be fixed, if necessary, by the Member State concerned.

After treatment, wine must contain traces of iron.

Supervision of the use of the product referred to in the first paragraph shall be governed by the provisions adopted by the Member States.

#### Article 16

##### **DL-tartaric acid**

DL-tartaric acid, the use of which is provided for in point 3(s) of Annex IV to Regulation (EC) No 1493/1999, may be used only under the supervision of an oenologist or technician officially approved by the authorities of the Member State in whose territory the process is carried out, the extent of whose responsibility shall be fixed, if necessary, by the Member State concerned.

Supervision of the use of the product covered by this Article shall be governed by the provisions adopted by the Member States.

#### Article 17

##### **Dimethyldicarbonate**

The addition of dimethyldicarbonate provided for in point 3(zc) of Annex IV to Regulation (EC) No 1493/1999 may be carried out only within the limits laid down in Annex IV hereto and where it meets the requirements of Annex X hereto.

#### Article 18

##### **Electrodialysis treatment**

Electrodialysis treatment, the use of which to ensure the tartaric stabilisation of wine is provided for in point 4(b) of Annex IV to Regulation (EC) No 1493/1999, may be used only if it meets the requirements set out in Annex XI hereto.

#### Article 19

##### **Urease**

Urease, the use of which to reduce the level of urea in wine is provided for in point 4(c) of Annex IV to Regulation (EC) No 1493/1999, may be used only if it meets the requirements and purity criteria set out in Annex XII hereto.

#### Article 20

##### **Addition of oxygen**

The addition of oxygen, which is provided for in point 4(a) of Annex IV to Regulation (EC) No 1493/1999, must be carried out using pure gaseous oxygen.

#### Article 21

##### **Pouring of wine or grape must to lees or grape marc or pressed 'aszú' pulp**

The pouring of wine or grape must to lees or grape marc or pressed 'aszú' pulp, provided for in point 4(d) of Annex IV to Regulation (EC) No 1493/1999, shall be carried out as follows, in accordance with the Hungarian provisions in force on 1 May 2004:

- (a) the 'Tokaji fordítás' shall be prepared by pouring must or wine on the pressed 'aszú' pulp;
- (b) the 'Tokaji másolás' shall be prepared by pouring must or wine on the lees of 'szamorodni' or 'aszú'.

#### Article 22

##### **Use of pieces of oak wood**

The usage of pieces of oak wood provided for in point 4(e) of Annex IV to Regulation (EC) No 1493/1999 may be carried out only where it meets the requirements set out in Annex XIII hereto.

#### CHAPTER II

##### **Specific restrictions and requirements**

#### Article 23

##### **Sulphur dioxide content**

1. The amendments to the lists of wines in point A(2) of Annex V to Regulation (EC) No 1493/1999 shall be as set out in Annex XIV hereto.
2. The following may be offered for direct human consumption until stocks are exhausted:

— wine, other than liqueur wines and sparkling wines, produced in the Community, with the exception of Portugal, before 1 September 1986, and

— wine, other than liqueur wines and sparkling wines, originating in third countries or in Portugal and imported into the Community before 1 September 1987,

provided that their total sulphur dioxide content on release to the market for direct human consumption does not exceed:

(a) 175 milligrams per litre for red wines;

(b) 225 milligrams per litre for white and rosé wines;

(c) notwithstanding points (a) and (b), for wines with a residual sugar content expressed as invert sugar of not less than five grams per litre, 225 milligrams per litre for red wines and 275 milligrams per litre for white and rosé wines.

In addition, the following may be offered for direct human consumption in the country of production and for export to third countries until stocks are exhausted:

— wine produced in Spain before 1 September 1986, the total sulphur dioxide content of which does not exceed the maximum laid down by the Spanish provisions in force before that date, and

— wine produced in Portugal before 1 January 1991, the total sulphur dioxide content of which does not exceed the maximum laid down by the Portuguese provisions in force before that date.

3. Sparkling wines originating in third countries and Portugal and imported into the Community before 1 September 1987 may be offered for direct human consumption until stocks are exhausted provided that their total sulphur dioxide content does not exceed:

— 250 milligrams per litre for sparkling wines, and

— 200 milligrams per litre for quality sparkling wines.

In addition, the following may be offered for direct human consumption in the country of production and for export to third countries until stocks are exhausted:

— wine produced in Spain before 1 September 1986, the total sulphur dioxide content of which does not exceed the maximum laid down by the Spanish provisions in force before that date, and

— wine produced in Portugal before 1 January 1991, the total sulphur dioxide content of which does not exceed the maximum laid down by the Portuguese provisions in force before that date.

4. The cases where the Member States may authorise, because of weather conditions, that the maximum total sulphur dioxide content of wine, which is set at less than 300 milligrams per litre in point A of Annex V to Regulation (EC) No 1493/1999, be increased by a maximum of 40 milligrams per litre for certain wines produced in certain wine-growing zones within their territory shall be as listed in Annex XV hereto.

#### Article 24

##### **Volatile acid content**

The wines covered by exceptions regarding the maximum volatile acid content in accordance with point B(3) of Annex V to Regulation (EC) No 1493/1999 shall be as set out in Annex XVI hereto.

#### Article 25

##### **Use of calcium sulphate in certain liqueur wines**

Derogations regarding the use of calcium sulphate as referred to in point J(4)(b) of Annex V to Regulation (EC) No 1493/1999 may be granted only for the following Spanish wines:

(a) 'Vino generoso' as defined in point L(8) of Annex VI to Regulation (EC) No 1493/1999;

(b) 'Vino generoso de licor' as defined in point L(11) of Annex VI to Regulation (EC) No 1493/1999.



## TITLE III

## OENOLOGICAL PRACTICES

## CHAPTER I

**Enrichment**

## Article 26

**Authorisation to use sucrose**

The wine-growing regions where the use of sucrose is authorised pursuant to point D(3) of Annex V to Regulation (EC) No 1493/1999 shall be as follows:

- (a) wine-growing zone A;
- (b) wine-growing zone B;
- (c) wine-growing zone C, with the exception of vineyards in Italy, Greece, Spain and Portugal and vineyards in the French departments under jurisdiction of the courts of appeal of:
  - Aix-en-Provence,
  - Nîmes,
  - Montpellier,
  - Toulouse,
  - Agen,
  - Pau,
  - Bordeaux,
  - Bastia.

However, enrichment by dry sugaring may be authorised by the national authorities as an exception in the French departments referred to in point (c). France shall notify the Commission and the other Member States forthwith of any such authorisations.

## Article 27

**Enrichment in the event of exceptionally unfavourable weather conditions**

The years during which an increase in the alcoholic strength by volume as referred to in point C(3) of Annex V to Regulation

(EC) No 1493/1999 may be authorised in accordance with the procedure referred to in Article 75(2) of that Regulation because of exceptionally unfavourable weather conditions in accordance with point C(4) of that Annex, and the wine-growing zones, geographical regions and varieties concerned, where applicable, shall be as set out in Annex XVII hereto.

## Article 28

**Enrichment of the cuvée for sparkling wines**

In accordance with point H(4) and point I(5) of Annex V and point K(11) of Annex VI to Regulation (EC) No 1493/1999, each Member State may authorise the enrichment of the cuvée at the place of preparation of sparkling wines, provided that:

- (a) none of the constituents of the cuvée has previously undergone enrichment;
- (b) the said constituents are derived solely from grapes harvested in its territory;
- (c) the enrichment is carried out in a single operation;
- (d) the following limits are not exceeded:
  - (i) 3,5 % vol. for a cuvée comprising constituents from wine-growing zone A, provided that the natural alcoholic strength by volume of each constituent is at least 5 % vol.;
  - (ii) 2,5 % vol. for a cuvée comprising constituents from wine-growing zone B, provided that the natural alcoholic strength by volume of each constituent is at least 6 % vol.;
  - (iii) 2 % vol. for a cuvée comprising constituents from wine-growing zones C I a, C I b, C II and C III, provided that the natural alcoholic strength by volume of each constituent is at least 7,5 % vol., 8 % vol., 8,5 % vol. and 9 % vol. respectively;
- (e) the method used is the addition of sucrose, of concentrated grape must or of rectified concentrated grape must.

The limits referred to in point (d) of the first paragraph shall be without prejudice to the application of Article 44(3) of Regulation (EC) No 1493/1999 to cuvées intended for the preparation of sparkling wines as referred to in point 15 of Annex I to that Regulation.

## Article 29

**Administrative rules applicable to enrichment**

1. Notifications as referred to in point G(5) of Annex V to Regulation (EC) No 1493/1999 relating to operations to increase alcoholic strength shall be made by the natural or legal persons carrying out the operations concerned and in compliance with suitable time limits and control conditions set by the competent authority of the Member State on whose territory the operation takes place.

2. Notifications as referred to in paragraph 1 shall be made in writing and shall include the following information:

- (a) the name and address of the person making the notification;
- (b) the place where the operation is to be carried out;
- (c) the date and time when the operation is to commence;
- (d) the description of the product undergoing the operation;
- (e) the process used for the operation, with details of the type of product to be used.

3. Member States may allow prior notifications covering several operations or a specified period to be sent to the competent authorities. Such notifications shall be accepted only if the person making the notification keeps a written record of each enrichment operation as provided for in paragraph 6 and of the information required by paragraph 2.

4. Where the person concerned is prevented by reasons of *force majeure* from carrying out the notified operation in due time, Member States shall specify the conditions under which that person is to submit a new notification to the competent authority so that the necessary checks can be carried out.

They shall notify such provisions in writing to the Commission.

5. Notifications as referred to in paragraph 1 shall not be required in Luxembourg.

6. The particulars relating to operations to increase alcoholic strength shall be entered in the records immediately after the operation is completed, in accordance with the provisions adopted pursuant to Article 70 of Regulation (EC) No 1493/1999.

In cases where prior notifications covering several operations do not indicate the date and time when the operations are to commence, an entry must also be made in the records before each operation commences.

## CHAPTER II

**Acidification and deacidification**

## Article 30

**Administrative rules applicable to acidification and deacidification**

1. In the case of acidification and deacidification, operators shall make notifications as referred to in point G(5) of Annex V to Regulation (EC) No 1493/1999 not later than the second day following the first operation carried out in any wine year. Such notifications shall be valid for all operations in that wine year.

2. Notifications as referred to in paragraph 1 shall be made in writing and shall include the following information:

- (a) the name and address of the person making the notification;
- (b) the type of operation involved;
- (c) the place where the operation took place.

3. The particulars relating to each acidification and deacidification operation shall be entered in the records in accordance with the provisions adopted pursuant to Article 70 of Regulation (EC) No 1493/1999.

## CHAPTER III

**Common rules applicable to enrichment, acidification and deacidification**

## Article 31

**Acidification and enrichment of one and the same product**

The cases where acidification and enrichment of one and the same product within the meaning of Annex I to Regulation (EC) No 1493/1999 are permitted in accordance with point E(7) of Annex V thereto shall be decided in accordance with the procedure referred to in Article 75(2) of that Regulation and shall be as set out in Annex XVIII hereto.

*Article 32***General rules applicable to enrichment, acidification and deacidification of products other than wine**

The processes referred to in point G(1) of Annex V to Regulation (EC) No 1493/1999 must be carried out in a single operation. However, Member States may permit some of these processes to be carried out in more than one operation where this improves the vinification of the products concerned. In such cases, the limits laid down in Annex V to Regulation (EC) No 1493/1999 shall apply to the whole operation concerned.

*Article 33***Derogation from the dates laid down for enrichment, acidification and deacidification**

Notwithstanding the dates laid down in point G(7) of Annex V to Regulation (EC) No 1493/1999, enrichment, acidification and deacidification operations may be carried out before the dates set out in Annex XIX hereto.

## CHAPTER IV

**Sweetening***Article 34***Technical rules applicable to sweetening**

The sweetening of table wines and quality wines psr shall be authorised only at the production and wholesale stages.

*Article 35***Administrative rules applicable to sweetening**

1. Any natural or legal person intending to carry out a sweetening operation shall notify the competent authority of the Member State on whose territory the operation is to take place.

2. Notifications shall be made in writing and must reach the competent authority at least 48 hours before the day on which the operation is to take place.

However, where an undertaking frequently or continuously carries out sweetening operations, Member States may allow a notification covering several operations or a specified period to be sent to the competent authorities. Such notification shall be accepted only on condition that the undertaking keeps a written

record of each sweetening operation and records the information required by paragraph 3.

3. Notifications shall include the following information:

(a) for sweetening operations carried out in accordance with point F(1)(a) of Annex V and point G(2) of Annex VI to Regulation (EC) No 1493/1999:

(i) the quantity and the total and actual alcoholic strengths of the table wine or the quality wine psr to be sweetened;

(ii) the quantity and the total and actual alcoholic strengths of the grape must to be added;

(iii) the total and actual alcoholic strengths of the table wine or quality wine psr after sweetening;

(b) for sweetening operations carried out in accordance with point F(1)(b) of Annex V and point G(2) of Annex VI to Regulation (EC) No 1493/1999:

(i) the quantity and the total and actual alcoholic strengths of the table wine or the quality wine psr to be sweetened;

(ii) the quantity and the total and actual alcoholic strengths of the grape must or the quantity and density of the concentrated grape must to be added, as the case may be;

(iii) the total and actual alcoholic strengths of the table wine or quality wine psr after sweetening.

4. The persons referred to in paragraph 1 shall keep goods inwards and outwards registers showing the quantities of grape must or concentrated grape must which they are holding for sweetening operations.

*Article 36***Sweetening of certain imported wines**

The sweetening of imported wines as referred to in point F(3) of Annex V to Regulation (EC) No 1493/1999 shall be subject to the conditions laid down in Articles 34 and 35 of this Regulation.



## Article 37

**Specific rules applicable to the sweetening of liqueur wines**

1. Sweetening under the conditions laid down in the second indent of point J(6)(a) of Annex V to Regulation (EC) No 1493/1999 shall be authorised for 'vino generoso de licor' as defined in point L(11) of Annex VI to that Regulation.

2. Sweetening under the conditions laid down in the third indent of point J(6)(a) of Annex V to Regulation (EC) No 1493/1999 shall be authorised for Madeira quality liqueur wine psr.

## CHAPTER V

**Coupage**

## Article 38

**Definition**

1. 'Coupage' within the meaning of Article 46(2)(b) of Regulation (EC) No 1493/1999 shall mean: the mixing together of wines or musts coming from:

- (a) different States;
- (b) different wine-growing zones in the Community within the meaning of Annex III to Regulation (EC) No 1493/1999 or different production zones in a third country;
- (c) the same wine-growing zone in the Community or the same production zone in a third country but being of different geographical origins, vine varieties, or harvest years provided that these origins, varieties or years are specified or required to be specified in the description of the product concerned; or
- (d) different categories of wines or musts.

2. The following shall be regarded as different categories of wine or must:

- (a) red wine, white wine and the musts or wines suitable for yielding one of these categories of wine;
- (b) table wine, quality wine psr and the musts or wines suitable for yielding one of these categories of wine.

For the purposes of this paragraph, rosé wine shall be regarded as red wine.

3. The following processes shall not be regarded as *coupage*:

- (a) the addition of concentrated grape must or of rectified concentrated grape must to increase the natural alcoholic strength of the product concerned;
- (b) the sweetening:
  - (i) of a table wine;
  - (ii) of a quality wine psr where the sweetener comes from the specified region whose name it bears or is rectified concentrated grape must;
- (c) the production of a quality wine psr in accordance with traditional practices as referred to in point D(2) of Annex VI to Regulation (EC) No 1493/1999.

## Article 39

**General rules applicable to *coupage***

1. *Coupage* or blending of the following products shall be prohibited if any of the ingredients do not comply with Regulation (EC) No 1493/1999 or with this Regulation:

- (a) table wines with each other; or
- (b) wines suitable for yielding table wines with each other or with table wines; or
- (c) quality wines psr with each other.

2. The result of mixing fresh grapes, grape must, grape must in fermentation or new wine still in fermentation, where any of those products does not possess the required characteristics for obtaining table wine or wine suitable for yielding table wine, with products suitable for yielding such wines or with table wine, shall not be considered to be table wine or wine suitable for yielding table wine.

3. Where *coupage* takes place and subject to the following paragraphs, the only products which may be considered to be table wines shall be those resulting from *coupage* of table wines with each other or *coupage* of table wines with wines suitable for yielding table wines, provided that such wines suitable for yielding table wines have a total natural alcoholic strength by volume not exceeding 17 % vol.

4. Without prejudice to Article 44(7) of Regulation (EC) No 1493/1999, *coupage* of a wine suitable for yielding a table wine with:

- (a) a table wine may yield a table wine only if the operation is carried out in the wine-growing zone where the wine suitable for yielding a table wine has been produced;
- (b) another wine suitable for yielding a table wine may yield a table wine only if:
  - (i) the second wine suitable for yielding a table wine has been produced in the same wine-growing zone; and
  - (ii) the operation is carried out in the same wine-growing zone.

5. *Coupage* of a grape must or a table wine which has undergone the oenological practice referred to in point 1(n) of Annex IV to Regulation (EC) No 1493/1999 with a grape must or a wine which has not undergone that practice shall be prohibited.

#### CHAPTER VI

##### **Addition of other products**

###### **Article 40**

##### **Addition of distillate to liqueur wines and certain quality liqueur wines psr**

The characteristics of wine distillate and dried-grape distillate which may be added to liqueur wines and certain quality liqueur wines psr in accordance with the second indent of point J(2)(a)(i) of Annex V to Regulation (EC) No 1493/1999 shall be as laid down in Annex XX hereto.

###### **Article 41**

##### **Addition of other products to, and use of grape must in the preparation of, certain quality liqueur wines psr**

1. The list of quality liqueur wines psr the preparation of which involves the use of grape must or a mixture thereof with wine in accordance with point J(1) of Annex V to Regulation (EC) No 1493/1999 shall be as set out in Part A of Annex XXI hereto.

2. The list of quality liqueur wines psr to which the products referred to in point J(2)(b) of Annex V to Regulation (EC) No 1493/1999 may be added shall be as set out in Annex XXI(B) hereto.

###### **Article 42**

##### **Addition of alcohol to semi-sparkling wine**

Pursuant to Article 42(3) of Regulation (EC) No 1493/1999, the addition of alcohol to semi-sparkling wine shall not lead to an increase of more than 0,5 % vol. in the total alcoholic strength by volume of the semi-sparkling wine. Alcohol may only be added in the form of expedition liqueur and provided that such a method is allowed under the regulations in force in the producer Member State and that such regulations have been communicated to the Commission and to the other Member States.

#### CHAPTER VII

##### **Requirements applicable to ageing**

###### **Article 43**

##### **Ageing of certain liqueur wines**

Ageing under the conditions laid down in point J(6)(c) of Annex V to Regulation (EC) No 1493/1999 shall be authorised for 'Madeira' quality liqueur wine psr.

#### TITLE IV

##### **EXPERIMENTAL USE OF NEW OENOLOGICAL PRACTICES**

###### **Article 44**

##### **General rules**

1. For experimental purposes as referred to in Article 46(2)(f) of Regulation (EC) No 1493/1999, each Member State may authorise the use of certain oenological practices or processes not provided for in that Regulation or in this Regulation, for a maximum of three years, on condition that:

- (a) the practices and processes concerned meet the requirements laid down in Article 42(2) of Regulation (EC) No 1493/1999;
- (b) such practices and processes are applied to quantities not exceeding 50 000 hectolitres per year for any one experiment;
- (c) the products obtained are not sent outside the Member State on whose territory the experiment was conducted;
- (d) the Member State concerned informs the Commission and the other Member States at the beginning of the experiment of the terms of each authorisation.

'Experiment' shall mean an operation or operations carried out in the context of a well-defined research project with a single experimental protocol.

2. Before the end of the period referred to in paragraph 1, the Member State concerned shall forward to the Commission a report on the authorised experiment and the Commission shall notify the other Member States of the results thereof. Depending on these results, the Member State concerned may apply to the Commission for authorisation to continue the experiment, possibly with a larger quantity than in the original experiment, for a further maximum period of three years. The Member State shall submit an appropriate dossier in support of its application.

3. The Commission, acting in accordance with the procedure referred to in Article 75(2) of Regulation (EC) No 1493/1999, shall decide on the application referred to in paragraph 2 of this Article; at the same time, it may decide to allow the experiment to be continued in other Member States under the same terms.

4. At the end of the period referred to in paragraph 1 or, where applicable, paragraph 2, and after gathering all the information on the experiment, the Commission may, if appropriate, submit to the Council a proposal for definitive authorisation of the oenological practice or process covered by the experiment.

#### TITLE V

#### FINAL PROVISIONS

##### Article 45

#### **Wine produced before 1 August 2000**

Wine produced before 1 August 2000 may be offered or supplied for direct human consumption provided that it complies with the Community or national rules in force prior to that date.

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

Done at Brussels, 8 May 2008.

#### Article 46

#### **Requirements for distillation, movement and use of products not complying with Regulation (EC) No 1493/1999 or with this Regulation**

1. Products which, pursuant to Article 45(1) of Regulation (EC) No 1493/1999, may not be offered or supplied for direct human consumption shall be destroyed. However, Member States may authorise the use of certain products the characteristics of which they shall determine, by distilleries or vinegar factories or for industrial purposes.

2. Such products may not be held without legitimate cause by producers or traders and they may be moved only to distilleries, vinegar factories, establishments using them for industrial purposes or products or elimination plants.

3. Member States may have denaturing agents or indicators added to wines as referred to in paragraph 1 in order to make them more easily identifiable. Where justified, they may also prohibit the uses provided for in paragraph 1 and have the products eliminated.

#### Article 47

#### **Applicable Community methods for the analysis of wines**

Regulation (EEC) No 2676/90 shall apply to products covered by Regulation (EC) No 1493/1999.

#### Article 48

#### **Repeal**

Regulation (EC) No 1622/2000 is repealed.

References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex XXIII.

#### Article 49

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

*For the Commission*

*The President*

José Manuel BARROSO

## ANNEX I

**List of vine varieties grapes of which may, notwithstanding Article 42(5) of Regulation (EC) No 1493/1999, be used in the preparation of the products covered by that provision**

*(Article 2 of this Regulation)*

(p. m.)

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## ANNEX II

**Years when products from wine-growing zones A and B not possessing the minimum natural alcoholic strength by volume laid down by Regulation (EC) No 1493/1999 may be used for the production of sparkling wine, aerated sparkling wine and aerated semi-sparkling wine**

*(Article 3 of this Regulation)*

(p. m.)

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## ANNEX III

**A. List of vine varieties grapes of which may be used to constitute the cuvée for preparing quality sparkling wines of the aromatic type and quality sparkling wines of the aromatic type***(Article 4(1) of this Regulation)*

Aleatico N

Assyrtiko (Assyrtiko)

Bourboulenc B

Brachetto N

Clairette B

Colombard B

Csaba gyöngye B

Cszerszegi fűszeres B

Freisa N

Gamay N

Gewürztraminer Rs

Girò N

Γλυκερῖθρα (Glykerythra)

Huxelrebe

Irsai Olivér B

Macabeu B

All the malvoisies

Mauzac blanc and rosé

Monica N

Μοσχοφίλερο (Moschofilero)

Müller-Thurgau B

All the muscatels

Nektár

Pálava B

Parellada B

Perle B

Piquepoul B

Poulsard

Prosecco

Ροδίτης (Roditis)

Scheurebe

Torbato

Zefír B

**B. Derogations referred to in point I(3)(a) of Annex V and point K(10)(a) of Annex VI to Regulation (EC) No 1493/1999 regarding the constitution of the cuvée for preparing quality sparkling wines of the aromatic type and quality sparkling wines psr of the aromatic type**

*(Article 4(2) of this Regulation)*

Notwithstanding point K(10)(a) of Annex VI, quality sparkling wines psr of the aromatic type may be produced by using as constituents of the cuvée wines obtained from grapes of the 'Prosecco' vine variety harvested in the specified regions of the designations of origin Conegliano-Valdobbiadene and Montello e Colli Asolani.

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## ANNEX IV

**Restrictions on the use of certain substances***(Article 5 of this Regulation)*

The maximum limits applying to the use of the substances referred to in Annex IV to Regulation (EC) No 1493/1999 in accordance with the conditions laid down therein are as follows:

Substances	Use with fresh grapes, grape must, grape must in fermentation, grape must in fermentation obtained from raisined grapes, concentrated grape must and new wine still in fermentation	Use with grape must in fermentation intended for direct human consumption as such, wine suitable for producing table wine, sparkling wine, aerated sparkling wine, semi-sparkling wine, aerated semi-sparkling wine, liqueur wine and quality wines psr
Preparations of yeast cell wall	40 g/hl	40 g/hl
Carbon dioxide		maximum content in wine thus treated: 2 g/l
L-ascorbic acid	250 mg/l	250 mg/l; the maximum content in wine thus treated must not exceed 250 mg/l
Citric acid		maximum content in wine thus treated: 1 g/l
Metatartaric acid		100 mg/l
Copper sulphate		1 g/hl provided the copper content of the product thus treated does not exceed 1 mg/l
Charcoal for oenological use	100 g dry weight per hl	100 g dry weight per hl
Nutritive salts: diammonium phosphate or ammonium sulphate	1 g/l (expressed in salt) <sup>(1)</sup>	0,3 g/l (expressed in salt) for the preparation of sparkling wine
Ammonium sulphite or ammonium bisulphite	0,2 g/l (expressed in salt) <sup>(2)</sup>	
Growth factors: thiamine in the form of thiamine hydrochloride	0,6 mg/l (expressed in thiamine)	0,6 mg/l (expressed in thiamine) for the preparation of sparkling wine
Polyvinylpolypyrrolidone	80 g/hl	80 g/hl
Calcium tartrate		200 g/hl
Calcium phytate		8 g/hl
Lysozyme	500 mg/l <sup>(3)</sup>	500 mg/l <sup>(4)</sup>
Dimethyldicarbonate		200 mg/l; residues not detectable in the wine placed on the market

<sup>(1)</sup> These products may also be used in combination, up to an overall limit of 1 g/l, without prejudice to the 0,2 g/l limit set above.

<sup>(2)</sup> These products may also be used in combination, up to an overall limit of 1 g/l, without prejudice to the 0,2 g/l limit set above.

<sup>(3)</sup> Where added to both the must and the wine, the total quantity must not exceed the limit of 500 mg/l.

<sup>(4)</sup> Where added to both the must and the wine, the total quantity must not exceed the limit of 500 mg/l.

## ANNEX V

**Requirements for calcium tartrate***(Article 7 of this Regulation)***AREA OF APPLICATION**

Calcium tartrate is added to wine as a technological adjuvant to assist the precipitation of tartar and help the tartaric stabilisation of the wine by reducing the final potassium hydrogen tartrate and calcium tartrate concentrations.

**REQUIREMENTS**

- The maximum dose is fixed in Annex IV hereto.
- Where calcium tartrate is added, the wine must be shaken and cooled and the crystals formed must be separated by physical processes.

## ANNEX VI

**Requirements for beta-glucanase***(Article 10 of this Regulation)*

1. International code for beta-glucanase: E.C. 3-2-1-58
2. Beta-glucan hydrolase (breaking down the glucan in *Botrytis cinerea*)
3. Origin: *Trichoderma harzianum*
4. Area of application: breaking down the beta-glucans present in wines, in particular those produced from botrytised grapes
5. Maximum dose: 3 g of the enzymatic preparation containing 25 % total organic solids (TOS) per hectolitre
6. Chemical and microbiological purity specifications:

Loss on drying:	Less than 10 %
Heavy metals:	Less than 30 ppm
Pb:	Less than 10 ppm
As:	Less than 3 ppm
Total coliforms:	Absent
<i>Escherichia coli</i>	Absent in 25 g sample
<i>Salmonella</i> spp:	Absent in 25 g sample
Aerobic count:	Less than $5 \times 10^4$ cells/g



## ANNEX VII

**Lactic bacteria***(Article 11 of this Regulation)***REQUIREMENTS**

Lactic bacteria, the use of which is provided for in point 1(q) and point 3(z) of Annex IV to Regulation (EC) No 1493/1999, must belong to the genera *Leuconostoc*, *Lactobacillus* and/or *Pediococcus*. They must convert the malic acid in must or wine into lactic acid and not affect the taste. They must have been isolated from grapes, must, wine or products made from grapes. The name of the genus and species and the reference of the strain must be shown on the label, with the origin and the strain breeder.

Prior authorisation must be obtained for genetic manipulation of lactic bacteria.

**FORM**

They must be used in liquid or frozen form or as a powder obtained by lyophilisation, in pure culture or associated culture.

**IMMOBILISED BACTERIA**

The carrier medium for a preparation of immobilised lactic bacteria must be inert and must be permitted for use in winemaking.

**CONTROLS****Chemical:**

the same requirements as regards screened substances as in other oenological preparations, and heavy metals in particular.

**Microbiological:**

- the level of revivifiable lactic bacteria must be  $10^8$ /g or  $10^7$ /ml or more;
- the level of lactic bacteria of a species different from the strain or strains indicated must be less than 0,01 % of the total revivifiable lactic bacteria;
- the level of aerobic bacteria must be less than  $10^3$  per gram of powder or per millilitre;
- the total yeast content must be less than  $10^3$  per gram of powder or per millilitre;
- the mould content must be less than  $10^3$  per gram of powder or per millilitre.

**ADDITIVES**

Additives used in preparing the culture or reactivation of lactic bacteria must be substances permitted for use in foodstuffs and must be mentioned on the label.

**DATE OF PRODUCTION**

The manufacturer must indicate the date on which the product left the factory.

**USE**

The manufacturer must indicate instructions for use or the reactivation method.

**PRESERVATION**

The storage conditions must be clearly marked on the label.

**METHODS OF ANALYSIS**

- lactic bacteria: medium A<sup>1</sup>, B<sup>2</sup> or C<sup>3</sup> with the utilisation method for the strain as indicated by the producer,
- aerobic bacteria: Bacto-Agar medium,
- yeasts: Malt-Wickerham medium,
- mould: Malt-Wickerham or Czapeck medium.

*Medium A*

Yeast extract	5 g
Meat extract	10 g
Trypsic peptone	15 g
Sodium acetate	5 g
Ammonium citrate	2 g
Tween 80	1 g
Manganous sulphate	0,050 g
Magnesium sulphate	0,200 g
Glucose	20 g
Water to make up	1 000 ml
pH	5,4

*Medium B*

Tomato juice	250 ml
Difco-yeast extract	5 g
Peptone	5 g
L-malic acid	3 g
Tween 80	1 drop
Manganous sulphate	0,050 g
Magnesium sulphate	0,200 g
Water to make up	1 000 ml
pH	4,8

*Medium C*

Glucose	5 g
Tryptone Difco	2 g
Peptone Difco	5 g
Liver extract	1 g
Tween 80	0,05 g
Tomato juice diluted 4,2 times filtered with Whatman No 1	1 000 ml
pH	5,5

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## ANNEX VIII

**Requirements for lysozyme***(Article 12 of this Regulation)***AREA OF APPLICATION**

Lysozyme may be added to grape must, grape must in fermentation and wine, for the following purpose: to control the growth and activity of the bacteria responsible for malolactic fermentation in these products.

**REQUIREMENTS:**

- the maximum dose is fixed in Annex IV to this Regulation,
  - the product used must comply with the purity criteria laid down in Directive 96/77/EC.
-

## ANNEX IX

**Determination of the loss of organic matter from ion exchange resins***(Article 13 of this Regulation)***1. SCOPE AND AREA OF APPLICATION**

The method determines the loss of organic matter from ion exchange resins.

**2. DEFINITION**

The loss of organic matter from ion exchange resins. The loss of organic matter is determined by the method specified.

**3. PRINCIPLE**

Extracting solvents are passed through prepared resins and the weight of organic matter extracted is determined gravimetrically.

**4. REAGENTS**

All reagents shall be of analytical quality.

Extracting solvents.

4.1. Distilled water or deionised water of equivalent purity.

4.2. Ethanol, 15 % v/v. Prepare by mixing 15 parts of absolute ethanol with 85 parts of water (point 4.1).

4.3. Acetic acid, 5 % m/m. Prepare by mixing 5 parts of glacial acetic acid with 95 parts of water (point 4.1).

**5. APPARATUS**

5.1. Ion exchange chromatography columns.

5.2. Measuring cylinders, capacity 2 l.

5.3. Evaporating dishes capable of withstanding a muffle furnace at 850 °C.

5.4. Drying oven, thermostatically controlled at  $105 \pm 2$  °C.

5.5. Muffle furnace, thermostatically controlled at  $850 \pm 25$  °C.

5.6. Analytical balance, accurate to 0,1 mg.

5.7. Evaporator, hotplate or infrared evaporator.

**6. PROCEDURE**

6.1. Add to each of three separate ion exchange chromatography columns (point 5.1) 50 ml of the ion exchange resin to be tested, washed and treated in accordance with the manufacturer's directions for preparing resins for use with food.

6.2. For the anionic resins, pass the three extracting solvents (points 4.1, 4.2 and 4.3) separately through the prepared columns (point 6.1) at a flow rate of 350 to 450 ml/h. Discard the first litre of eluate in each case and collect the next two litres in measuring cylinders (point 5.2). For the cationic resins, pass only solvents referred to in points 4.1 and 4.2 through the columns prepared for this purpose.

- 6.3. Evaporate the three eluates over a hotplate or with an infrared evaporator (point 5.7) in separate evaporating dishes (point 5.3) which have been previously cleaned and weighed ( $m_0$ ). Place the dishes in an oven (point 5.4) and dry to constant weight ( $m_1$ ).
- 6.4. After recording the constant weight (point 6.3), place the evaporating dish in the muffle furnace (point 5.5) and ash to constant weight ( $m_2$ ).
- 6.5. Calculate the organic matter extracted (point 7.1). If the result is greater than 1 mg/l, carry out a blank test on the reagents and recalculate the weight of organic matter extracted.

The blank test shall be carried out by repeating the operations referred to in points 6.3 and 6.4 but using two litres of the extracting solvent, to give weights  $m_3$  and  $m_4$  in points 6.3 and 6.4 respectively.

## 7. EXPRESSION OF RESULTS

### 7.1. Formula and calculation of results

The organic matter extracted from ion exchange resins, in mg/l, is given by:

$$500 (m_1 - m_2)$$

where  $m_1$  and  $m_2$  are expressed in grams.

The corrected weight (mg/l) of the organic matter extracted from ion exchange resins is given by:

$$500 (m_1 - m_2 - m_3 + m_4)$$

where  $m_1$ ,  $m_2$ ,  $m_3$  and  $m_4$  are expressed in grams.

- 7.2. The difference in the results between two parallel determinations carried out on the same sample must not exceed 0,2 mg/l.
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## ANNEX X

**Requirements for dimethyldicarbonate***(Article 17 of this Regulation)***AREA OF APPLICATION**

Dimethyldicarbonate may be added to wine for the following purpose: microbiological stabilisation of bottled wine containing fermentable sugar.

**REQUIREMENTS**

- the addition must be carried out only a short time prior to bottling, defined as putting the product concerned up for commercial purposes in containers of a capacity not exceeding 60 litres;
  - the treatment may only be applied to wine with a sugar content of not less than 5 g/l;
  - the maximum dose is fixed in Annex IV hereto and the product may not be detectable in the wine placed on the market;
  - the product used must comply with the purity criteria laid down in Directive 96/77/EC;
  - this treatment is to be recorded in the register referred to in Article 70(2) of Regulation (EC) No 1493/1999.
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## ANNEX XI

**Requirements for electrodialysis treatment**

*(Article 18 of this Regulation)*

The purpose is to obtain tartaric stability of the wine with regard to potassium hydrogen tartrate and calcium tartrate (and other calcium salts) by extraction of ions in supersaturation in the wine under the action of an electrical field and using membranes that are either anion-permeable or cation-permeable.

**1. MEMBRANE REQUIREMENTS**

- 1.1. The membranes shall be arranged alternately in a 'filter-press' type system or any other appropriate system separating the treatment (wine) and concentration (waste water) compartments.
- 1.2. The cation-permeable membranes must be designed to extract cations only, in particular  $K^+$  and  $Ca^{++}$ .
- 1.3. The anion-permeable membranes must be designed to extract anions only, in particular tartrate anions.
- 1.4. The membranes must not excessively modify the physicochemical composition and sensory characteristics of the wine. They must meet the following requirements:
  - they must be manufactured according to good manufacturing practice from substances authorised for the manufacture of plastic materials intended to come into contact with foodstuffs as listed in Annex II to Commission Directive 2002/72/EC <sup>(1)</sup>,
  - the user of the electrodialysis equipment must show that the membranes used meet the above requirements and that any replacements have been made by specialised personnel,
  - they must not release any substance in quantities endangering human health or affecting the taste or smell of foodstuffs and must meet the criteria laid down in Directive 2002/72/EC,
  - their use must not trigger interactions between their constituents and the wine liable to result in the formation of new compounds that may be toxic in the treated product.

The stability of fresh electrodialysis membranes is to be determined using a simulant reproducing the physico-chemical composition of the wine for investigation of possible migration of certain substances from them.

The experimental method recommended is as follows:

The simulant is a water-alcohol solution buffered to the pH and conductivity of the wine. Its composition is as follows:

- absolute ethanol: 11 l,
- potassium hydrogen tartrate: 380 g,
- potassium chloride: 60 g,
- concentrated sulphuric acid: 5 ml,
- distilled water: to make up 100 litres.

<sup>(1)</sup> OJ L 220, 15.8.2002, p. 18.

This solution is used for closed circuit migration tests on an electrodialysis stack under tension (1 volt/cell), on the basis of 50 l/m<sup>2</sup> of anionic and cationic membranes, until 50 % demineralisation of the solution. The effluent circuit is initiated by a 5 g/l potassium chloride solution. Migrating substances are tested for in both the simulant and the effluent.

Organic molecules entering into the membrane composition that are liable to migrate into the treated solution will be determined. A specific determination will be carried out for each of these constituents by an approved laboratory. The content in the simulant of all the determined compounds must be less than 50 g/l.

The general rules on controls of materials in contact with foodstuffs must be applied to these membranes.

## 2. MEMBRANE UTILISATION REQUIREMENTS

The membrane pair is formulated so that the following conditions are met:

- the pH reduction of the wine is to be no more than 0,3 pH units,
- the volatile acidity reduction is to be less than 0,12 g/l (2 meq expressed as acetic acid),
- treatment must not affect the non-ionic constituents of the wine, in particular polyphenols and polysaccharides,
- diffusion of small molecules such as ethanol is to be reduced and must not cause a reduction in alcoholic strength of more than 0,1 % vol.,
- the membranes must be conserved and cleaned by approved methods with substances authorised for use in the preparation of foodstuffs,
- the membranes are marked so that alternation in the stack can be checked,
- the equipment is to be run using a command and control mechanism that will take account of the particular instability of each wine so as to eliminate only the supersaturation of potassium hydrogen tartrate and calcium salts,
- the treatment is to be carried out under the responsibility of an oenologist or qualified technician.

The treatment is to be recorded in the register referred to in Article 70(2) of Regulation (EC) No 1493/1999.

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## ANNEX XII

**Requirements for urease**

(Article 19 of this Regulation)

1. International code for urease: EC 3-5-1-5, CAS No 9002-13-5.
2. Activity: urease activity (active at acidic pH), to break down urea into ammonia and carbon dioxide. The stated activity is not less than 5 units/mg, one unit being defined as the amount that produces one  $\mu\text{mol}$  of ammonia per minute at 37 °C from 5 g/l urea at pH 4.
3. Origin: *Lactobacillus fermentum*.
4. Area of application: breaking down urea present in wine intended for prolonged ageing, where its initial urea concentration is higher than 1 mg/l.
5. Maximum quantity to be used: 75 mg of enzyme preparation per litre of wine treated, not exceeding 375 units of urease per litre of wine. After treatment, all residual enzyme activity must be eliminated by filtering the wine (pore size < 1  $\mu\text{m}$ ).
6. Chemical and microbiological purity specifications

Loss on drying	Less than 10 %
Heavy metals	Less than 30 ppm
Lead	Less than 10 ppm
Arsenic	Less than 2 ppm
Total coliforms	Absent
<i>Salmonella</i> spp	Absent in 25 g sample
Aerobic count	Less than $5 \times 10^4$ cells/g

Urease used in the treatment of wine must be prepared under similar conditions to those for urease as covered by the opinion of the Scientific Committee for Food of 10 December 1998.

## ANNEX XIII

**Requirements for pieces of oak wood***(Article 22 of this Regulation)***PURPOSE, ORIGIN AND AREA OF APPLICATION**

Pieces of oak wood are used in winemaking, to pass on certain characteristics of oak wood to wine.

The pieces of oak wood must come exclusively from the *Quercus* genus.

They may be left in their natural state, or heated to a low, medium or high temperature, but they may not have undergone combustion, including surface combustion, nor be carbonaceous or friable to the touch. They may not have undergone any chemical, enzymatic or physical processes other than heating. No product may be added for the purpose of increasing their natural flavour or the amount of their extractible phenolic compounds.

**LABELLING**

The label must mention the origin of the botanical species of oak and the intensity of any heating, the storage conditions and safety precautions.

**DIMENSIONS**

The dimensions of the particles of wood must be such that at least 95 % in weight are retained by a 2 mm mesh filter (9 mesh).

**PURITY**

The pieces of oak wood may not release any substances in concentrations which may be harmful to health.

This treatment is to be recorded in the register referred to in Article 70(2) of Regulation (EC) No 1493/1999.

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## ANNEX XIV

**Derogations regarding sulphur dioxide content***(Article 23(1) of this Regulation)*

In addition to point A of Annex V to Regulation (EC) No 1493/1999, the maximum sulphur dioxide content for wines with a residual sugar content, expressed as invert sugar, of not less than 5 grams per litre, shall be increased to:

(a) 300 mg/l for:

- the quality white wines psr entitled to the designation of origin Gaillac;
- the quality wines psr entitled to bear the designation of origin Alto Adige and Trentino, described by the terms or one of the terms 'passito' or 'vendemmia tardiva';
- the quality wines psr entitled to bear the designation of origin 'Colli orientali del Friuli' together with the term 'Picolit';
- the quality wines psr Moscato di Pantelleria naturale and Moscato di Pantelleria;
- the table wines with the following geographical indications, with a total alcoholic strength by volume higher than 15 % vol. and a residual sugar content higher than 45 g/l:
  - Vin de pays de Franche-Comté,
  - Vin de pays des coteaux de l'Auxois,
  - Vin de pays de Saône-et-Loire,
  - Vin de pays des coteaux de l'Ardèche,
  - Vin de pays des collines rhodaniennes,
  - Vin de pays du comté Tolosan,
  - Vin de pays des côtes de Gascogne,
  - Vin de pays du Gers,
  - Vin de pays du Lot,
  - Vin de pays des côtes du Tarn,
  - Vin de pays de la Corrèze,
  - Vin de pays de l'Île de Beauté,
  - Vin de pays d'Oc,
  - Vin de pays des côtes de Thau,
  - Vin de pays des coteaux de Murviel,
  - Vin de pays du Jardin de la France,
  - Vin de pays Portes de Méditerranée,
  - Vin de pays des comtés rhodaniens,
  - Vins de pays des côtes de Thongue,
  - Vins de pays de la Côte Vermeille,

- the quality wines psr described by the term 'pozdní sběr',
  - the quality wine psr described by the term 'neskorý zber';
- (b) 400 mg/l for:
- quality white wines psr entitled to one of the following registered designations of origin: Alsace, Alsace grand cru followed by the words 'vendanges tardives' or 'sélection de grains nobles', Anjou-Coteaux de la Loire, Chaume-Premier cru des Coteaux du Layon, Coteaux du Layon followed by the name of the commune of origin, Coteaux du Layon followed by the name 'Chaume', Coteaux de Saumur, Pacherenc du Vic Bilh and Saussignac,
  - sweet wines produced from overripe grapes and sweet wines produced from raisined grapes originating in Greece, with a residual sugar content, expressed as invert sugar, of not less than 45 g/l and entitled to one of the following designations of origin: Samos (Σάμος), Rhodes (Ρόδος), Patras (Πάτρα), Rio Patron (Ρίο Πατρών), Kephallonia (Κεφαλλονιά), Limnos (Λήμνος), Sitia (Σητεία), Santorini (Σαντορίνη), Nemea (Νεμέα), Daphnes (Δαφνές),
  - the quality wines psr described by the terms 'výběr z bobulí', 'výběr z cibéb', 'ledové víno' and 'slámové víno',
  - the quality wine psr described by the terms 'bobulový výběr', 'hrozienský výběr' and 'řadový výběr',
  - the quality wines psr entitled to bear the designation of origin: 'Albana di Romagna' described as 'passito',
  - the Luxembourg quality wines psr described by the words 'vendanges tardives', 'vin de glace' or 'vin de paille';
- (c) 350 mg/l for:
- the quality wines psr described by the term 'výběr z hroznů',
  - the quality wines psr described by the term 'výber z hrozna'.

In addition to point A of Annex V to Regulation (EC) No 1493/1999, the maximum sulphur dioxide content for white wine originating in Canada and with the right to the designation 'Icewine', with a residual sugar content, expressed as invert sugar, of not less than five g/l, shall be increased to 400 mg/l.

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## ANNEX XV

**Increase in the maximum total sulphur dioxide content where the weather conditions make this necessary***(Article 23(4) of this Regulation)*

	Year	Member State	Wine-growing zone(s)	Wines concerned
1.	2000	Germany	All wine-growing zones of Germany.	All wines obtained from grapes harvested in 2000.
2.	2006	Germany	The wine-growing zones in the regions of Baden-Württemberg, Bavaria, Hessen and Rhineland Palatinate.	All wines obtained from grapes harvested in 2006.
3.	2006	France	The wine-growing areas in the departments of Bas-Rhin and Haut-Rhin.	All wines obtained from grapes harvested in 2006.

## ANNEX XVI

**Volatile acid content***(Article 24 of this Regulation)*

Notwithstanding point B(1) of Annex V to Regulation (EC) No 1493/1999, the maximum volatile acid content of wine shall be:

(a) *for German wines:*

30 milliequivalents per litre for quality wines psr meeting the requirements to be described as 'Eiswein' or 'Beerenauslese';

35 milliequivalents per litre for quality wines psr meeting the requirements to be described as 'Trockenbeerenauslese';

(b) *for French wines:*

25 milliequivalents per litre for the following quality wines psr:

— Barsac,

— Cadillac,

— Cérons,

— Loupiac,

— Monbazillac,

— Sainte-Croix-du-Mont,

— Sauternes,

— Anjou-Coteaux de la Loire,

— Bonnezeaux,

— Coteaux de l'Aubance,

— Coteaux du Layon,

— Coteaux du Layon, followed by the name of the commune of origin,

— Coteaux du Layon, followed by the name 'Chaume',

— Quarts de Chaume,

— Coteaux de Saumur,

— Jurançon,

— Pacherenc du Vic Bilh,

— Alsace and Alsace grand cru, described and presented by the words '*vendanges tardives*' or '*sélection de grains nobles*',

— Arbois, followed by the description 'vin de paille',

— Côtes du Jura, followed by the description 'vin de paille',

— L'Étoile, followed by the description 'vin de paille',

- Hermitage, followed by the description 'vin de paille',
- Chaume-Premier cru des Coteaux du Layon,
- Graves supérieurs,
- Saussignac;

the table wines with the following geographical indications, with a total alcoholic strength by volume higher than 15 % and a residual sugar content of more than 45 g/l:

- Vin de pays de Franche-Comté,
- Vin de pays des coteaux de l'Auxois,
- Vin de pays de Saône-et-Loire,
- Vin de pays des coteaux de l'Ardèche,
- Vin de pays des collines rhodaniennes,
- Vin de pays du comté Tolosan,
- Vin de pays des côtes de Gascogne,
- Vin de pays du Gers,
- Vin de pays du Lot,
- Vin de pays des côtes du Tarn,
- Vin de pays de la Corrèze,
- Vin de pays de l'Île de Beauté,
- Vin de pays d'Oc,
- Vin de pays des côtes de Thau,
- Vin de pays des coteaux de Murviel,
- Vin de pays du Jardin de la France, except for the wines produced in the zone bearing the controlled designation of origin and in the areas planted with the variety Chenin, in the departments Maine-et-Loire and Indre-et-Loire,
- Vin de pays Portes de Méditerranée,
- Vin de pays des comtés rhodaniens,
- Vin de pays des côtes de Thongue,
- Vin de pays de la Côte Vermeille;

the following quality liqueur wines *psr*, described and presented by the term '*vin doux naturel*':

- Banyuls,
- Banyuls rancio,
- Banyuls grand cru,
- Banyuls grand cru rancio,
- Frontignan,

- Grand Roussillon,
- Grand Roussillon rancio,
- Maury,
- Maury rancio,
- Muscat de Beaumes-de-Venise,
- Muscat de Frontignan,
- Muscat de Lunel,
- Muscat de Mireval,
- Muscat de Saint-Jean-de-Minervois,
- Rasteau,
- Rasteau rancio,
- Rivesaltes,
- Rivesaltes rancio,
- Vin de Frontignan,
- Muscat du Cap Corse;

(c) *for Italian wines:*

(i) 25 milliequivalents per litre for:

- the quality liqueur wine psr 'Marsala',
- the quality wines psr Moscato di Pantelleria naturale, Moscato di Pantelleria and Malvasia delle Lipari,
- the quality wines psr Colli orientali del Friuli accompanied by the term 'Picolit',
- the quality wines psr and the quality liqueur wines psr meeting the requirements to be described by the terms or one of the terms 'vin santo', 'passito', 'liquoroso' and 'vendemmia tardiva', with the exception of the quality wines psr entitled to bear the designation of origin Alto Adige described by the terms or one of the terms 'passito' and 'vendemmia tardiva',
- table wines with a geographical indication meeting the requirements to be described by the term or one of the terms 'vin santo', 'passito', 'liquoroso' and 'vendemmia tardiva',
- table wines obtained from the 'Vernaccia di Oristano B' vine variety harvested in Sardinia and meeting the requirements to be described as 'Vernaccia di Sardegna';

(ii) 40 milliequivalents per litre for the quality wines psr entitled to bear the designation of origin Alto Adige described by the terms or one of the terms 'passito' or 'vendemmia tardiva'.

(d) *for Austrian wines:*

- 30 milliequivalents per litre for quality wines psr meeting the requirements to be described as 'Beerenauslese' and 'Eiswein', with the exception of wines described as 'Eiswein' from the 2003 harvest,
- 40 milliequivalents per litre for quality wines psr meeting the requirements to be described as 'Ausbruch', 'Troockenbeerenauslese' and 'Strohwein', and wines described as 'Eiswein' from the 2003 harvest;



(e) *for wines originating in the United Kingdom:*

25 milliequivalents per litre for quality wines psr described and presented by the terms 'botrytis' or other equivalent terms, 'noble late harvested', 'special late harvested' or 'noble harvest' and meeting the requirements to be described as such;

(f) *for wines originating in Spain:*

(i) 25 milliequivalents per litre for quality wines psr meeting the requirements to be described as 'vendimia tardía';

(ii) 35 milliequivalents per litre for:

- the quality wines psr produced from overripe grapes entitled to bear the designation of origin 'Ribeiro',
- the quality wines psr described by the term 'generoso' or 'generoso de licor' and entitled to bear the designation of origin Condado de Huelva, Jerez-Xerez-Sherry, Manzanilla-Sanlúcar de Barrameda, Málaga or Montilla-Moriles;

(g) *for wines originating in Canada:*

35 milliequivalents per litre for wines described by the words 'Icewine';

(h) *for Hungarian wines:*

25 milliequivalents per litre for the following quality wines psr:

- Tokaji másolás,
- Tokaji fordítás,
- aszúbor,
- töppedt szőlőből készült bor,
- Tokaji szamorodni,
- késői szüretelésű bor,
- válogatott szüretelésű bor;

35 milliequivalents per litre for the following quality wines psr:

- Tokaji aszú,
- Tokaji aszúeszencia,
- Tokaji eszencia;

(i) *for Czech wines:*

30 milliequivalents per litre for quality wines psr described by the words 'výběr z bobulí' and 'ledové víno',

35 milliequivalents per litre for quality wines psr described by the words 'slámové víno' and 'výběr z cibéb';

(j) *for Greek wines:*

30 milliequivalents per litre for the following quality wines psr with a total alcoholic strength by volume equal or higher than 13 % vol. and a residual sugar content of at least 45 g/l:

- Samos (Σάμος),

- Rhodes (Ρόδος),
- Patras (Πάτρα),
- Rio Patron (Ρίο Πατρών),
- Cephalonie (Κεφαλονιά),
- Limnos (Λήμνος),
- Sitia (Σητεία),
- Santorini (Σαντορίνη),
- Nemea (Νεμέα),
- Daphnes (Δαφνές);

(k) *for Cypriot wines:*

25 milliequivalents per litre for the quality liqueur wines psr 'Κουμανδάρια' (Commandaria);

(l) *for Slovak wines:*

25 milliequivalents per litre for the following quality wines psr:

- tokajské samorodné,

35 milliequivalents per litre for:

- tokajský výber;

(m) *for Slovenian wines:*

30 milliequivalents per litre for the following quality wines psr:

- vrhunsko vino ZGP — jagodni izbor,
- vrhunsko vino ZGP — ledeno vino;

35 milliequivalents per litre for the following quality wines psr:

- vrhunsko vino ZGP — suhi jagodni izbor;

(n) *for Luxembourg wines:*

- 25 milliequivalents per litre for Luxembourg quality wines psr meeting the requirements to be described as 'vendanges tardives',
- 30 milliequivalents per litre for quality wines psr meeting the requirements to be described as 'vin de paille' and 'vin de glace'.

(o) *for Romanian wines:*

- 25 milliequivalents per litre for quality wines psr meeting the requirements to be described as 'DOC-CT'.
  - 30 milliequivalents per litre for quality wines psr meeting the requirements to be described as 'DOC-CIB'.
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## ANNEX XVII

**Enrichment where weather conditions have been exceptionally unfavourable***(Article 27 of this Regulation)*

	Year	Wine-growing zone	Geographical region	Variety (where applicable)
1.	2000	A	England, Wales	Auxerrois, Chardonnay, Ehrenfelser, Faber, Huxelrebe, Kerner, Pinot Blanc, Pinot Gris, Pinot Noir, Riesling, Schonburger, Scheurebe, Seyval Blanc and Wurzer

## ANNEX XVIII

**Cases where acidification and enrichment of one and the same product are authorised***(Article 31 of this Regulation)*

(p. m.)

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## ANNEX XIX

**Dates before which enrichment, acidification and deacidification operations may be carried out in cases of exceptionally bad weather conditions***(Article 33 of this Regulation)*

(p. m.)

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## ANNEX XX

**Characteristics of wine distillate or dried-grape distillate which may be added to liqueur wines and certain quality liqueur wines psr***(Article 40 of this Regulation)*

1. Organoleptic characteristics	No extraneous flavour detectable in the raw material
2. Alcoholic strength by volume: minimum maximum	52 % vol. 86 % vol.
3. Total quantity of volatile substances other than ethyl and methyl alcohols	125 g/hl alcohol or more at 100 % vol.
4. Maximum methyl-alcohol content	< 200 g/hl alcohol at 100 % vol.

## ANNEX XXI

**List of quality liqueur wines psr the production of which involves the application of special rules****A. LIST OF QUALITY LIQUEUR WINES PSR THE PRODUCTION OF WHICH INVOLVES THE USE OF GRAPE MUST OR A MIXTURE THEREOF WITH WINE***(Article 41(1) of this Regulation)*

## GREECE

Σάμος (Samos), Μοσχάτος Πατρών (Patras Muscatel), Μοσχάτος Ρίου Πατρών (Rio Patron Muscatel), Μοσχάτος Κεφαλλονιάς (Kefallonia Muscatel), Μοσχάτος Ρόδου (Rhodes Muscatel), Μοσχάτος Λήμνου (Lemnos Muscatel), Σητεία (Sitia), Νεμέα (Nemea), Σαντορίνη (Santorini), Δαφνές (Dafnes), Μαυροδάφνη Πατρών (Mavrodafne of Patras), Μαυροδάφνη Κεφαλλονιάς (Mavrodafne of Kefallonia).

## SPAIN

Quality liqueur wine psr	Description of product as established by Community rules or national legislation
Alicante	Moscatel de Alicante Vino dulce
Cariñena	Vino dulce
Jerez-Xérès-Sherry	Pedro Ximénez Moscatel
Montilla-Moriles	Pedro Ximénez
Priorato	Vino dulce
Tarragona	Vino dulce
Valencia	Moscatel de Valencia Vino dulce

## ITALY

Cannonau di Sardegna, girò di Cagliari, malvasia di Bosa, malvasia di Cagliari, Marsala, monica di Cagliari, moscato di Cagliari, moscato di Sorso-Sennori, moscato di Trani, nasco di Cagliari, Oltrepò Pavese moscato, San Martino della Battaglia, Trentino, Vesuvio Lacrima Christi.

**B. LIST OF QUALITY LIQUEUR WINES PSR THE PRODUCTION OF WHICH INVOLVES THE ADDITION OF THE PRODUCTS REFERRED TO IN POINT J(2)(B) OF ANNEX V TO REGULATION (EC) NO 1493/1999***(Article 41(2) of this Regulation)***1. List of quality liqueur wines psr the production of which involves the addition of wine alcohol or dried-grape alcohol with an alcoholic strength of not less than 95% vol. and not more than 96% vol.***(First indent of point J(2)(b)(ii) of Annex V to Regulation (EC) No 1493/1999)*

## GREECE

Σάμος (Samos), Μοσχάτος Πατρών (Patras Muscatel), Μοσχάτος Ρίου Πατρών (Rio Patron Muscatel), Μοσχάτος Κεφαλλονιάς (Kefallonia Muscatel), Μοσχάτος Ρόδου (Rhodes Muscatel), Μοσχάτος Λήμνου (Lemnos Muscatel), Σητεία (Sitia), Σαντορίνη (Santorini), Δαφνές (Dafnes), Μαυροδάφνη Πατρών (Mavrodafne of Patras), Μαυροδάφνη Κεφαλλονιάς (Mavrodafne of Kefallonia).

## SPAIN

Contado de Huelva, Jerez-Xérès-Sherry, Manzanilla-Sanlúcar de Barrameda, Málaga, Montilla-Moriles, Rueda.

## CYPRUS

Κουμανδαρία (Commandaria).

**2. List of quality liqueur wines psr the production of which involves the addition of spirits distilled from wine or grape marc with an alcoholic strength of not less than 52% vol. and not more than 86% vol.**

(Second indent of point J(2)(b)(ii) of Annex V to Regulation (EC) No 1493/1999)

GREECE

Μαυροδάφνη Πατρών (Mavrodafne of Patras), Μαυροδάφνη Κεφαλλονιάς (Mavrodafne of Kefallonia), Σητεία (Sitia), Σαντορίνη (Santorini), Δαφνές (Dafnes), Νεμέα (Nemea).

FRANCE

Pineau des Charentes or pineau charentais, floc de Gascogne, macvin du Jura.

CYPRUS

Κουμανδάρια (Commandaria).

**3. List of quality liqueur wines psr the production of which involves the addition of spirits distilled from dried grapes with an alcoholic strength of not less than 52% vol. and not more than 94,5 % vol.**

(Third indent of point J(2)(b)(ii) of Annex V to Regulation (EC) No 1493/1999)

GREECE

Μαυροδάφνη Πατρών (Mavrodafne of Patras), Μαυροδάφνη Κεφαλλονιάς (Mavrodafne of Kefallonia).

**4. List of quality liqueur wines psr the production of which involves the addition of grape must in fermentation obtained from raisined grapes**

(First indent of point J(2)(b)(iii) of Annex V to Regulation (EC) No 1493/1999)

SPAIN

Quality liqueur wine psr	Description of product as established by Community rules or national legislation
Jerez-Xérès-Sherry	Vino generoso de licor
Málaga	Vino dulce
Montilla-Moriles	Vino generoso de licor

ITALY

Aleatico di Gradoli, Giró di Cagliari, Malvasia delle Lipari, Malvasia di Cagliari, Moscato passito di Pantelleria

CYPRUS

Κουμανδάρια (Commandaria)

**5. List of quality liqueur wines psr the production of which involves the addition of concentrated grape must obtained by the action of direct heat, complying, except for this operation, with the definition of concentrated grape must**

(Second indent of point J(2)(b)(iii) of Annex V to Regulation (EC) No 1493/1999)

SPAIN

Quality liqueur wine psr	Description of product as established by Community rules or national legislation
Alicante	
Condado de Huelva	Vino generoso de licor
Jerez-Xérès-Sherry	Vino generoso de licor
Málaga	Vino dulce
Montilla-Moriles	Vino generoso de licor
Navarra	Moscatel

ITALY

Marsala

**6. List of quality liqueur wines for the production of which involves the addition of concentrated grape must**

(Third indent of point J(2)(b)(iii) of Annex V to Regulation (EC) No 1493/1999)

SPAIN

Quality liqueur wine for	Description of product as established by Community rules or national legislation
Málaga	Vino dulce
Montilla-Moriles	Vino dulce
Tarragona	Vino dulce

ITALY

Oltrepó Pavese Moscato, Marsala, Moscato di Trani.

## ANNEX XXII

**Repealed Regulation with list of its successive amendments**

Commission Regulation (EC) No 1622/2000  
(OJ L 194, 31.7.2000, p. 1)

Regulation (EC) No 2451/2000  
(OJ L 282, 8.11.2000, p. 7)

Regulation (EC) No 885/2001  
(OJ L 128, 10.5.2001, p. 54)

Article 2 only

Regulation (EC) No 1609/2001  
(OJ L 212, 7.8.2001, p. 9)

Regulation (EC) No 1655/2001  
(OJ L 220, 15.8.2001, p. 17)

Regulation (EC) No 2066/2001  
(OJ L 278, 23.10.2001, p. 9)

Regulation (EC) No 2244/2002  
(OJ L 341, 17.12.2002, p. 27)

Regulation (EC) No 1410/2003  
(OJ L 201, 8.8.2003, p. 9)

Point 6.A.30 of Annex II of the 2003 Act of Accession  
(OJ L 236, 23.9.2003, p. 346)

Regulation (EC) No 1427/2004  
(OJ L 263, 10.8.2004, p. 3)

Regulation (EC) No 1428/2004  
(OJ L 263, 10.8.2004, p. 7)

Regulation (EC) No 1163/2005  
(OJ L 188, 20.7.2005, p. 3)

Regulation (EC) No 643/2006  
(OJ L 115, 28.4.2006, p. 6)

Article 1 only

Regulation (EC) No 1507/2006  
(OJ L 280, 12.10.2006, p. 9)

Article 1 only

Regulation (EC) No 2030/2006  
(OJ L 414, 30.12.2006, p. 40)

Article 2 only

Regulation (EC) No 388/2007  
(OJ L 97, 12.4.2007, p. 3)

Regulation (EC) No 389/2007  
(OJ L 97, 12.4.2007, p. 5)

Regulation (EC) No 556/2007  
(OJ L 132, 24.5.2007, p. 3)

Regulation (EC) No 1300/2007  
(OJ L 289, 7.11.2007, p. 8)

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## ANNEX XXIII

## Correlation table

Regulation (EC) No 1622/2000	This Regulation
Articles 1 to 7	Articles 1 to 7
Article 8, first paragraph, introductory words	Article 8(1), introductory words
Article 8, first paragraph, first indent	Article 8(1)(a)
Article 8, first paragraph, second indent	Article 8(1)(b)
Article 8, second paragraph	Article 8(2)
Article 9, first paragraph, introductory words	Article 9(1), introductory words
Article 9, first paragraph, first indent	Article 9(1)(a)
Article 9, first paragraph, second indent	Article 9(1)(b)
Article 9, first paragraph, third indent	Article 9(1)(c)
Article 9, second paragraph	Article 9(2)
Article 10 and 11	Article 10 and 11
Article 11a	Article 12
Article 12	Article 13
Article 13	Article 14
Article 14	Article 15
Article 15	Article 16
Article 15a	Article 17
Article 16	Article 18
Article 17	Article 19
Article 18	Article 20
Article 18a	Article 21
Article 18b	Article 22
Article 19	Article 23
Article 20	Article 24
Article 21	Article 25
Article 22	Article 26
Article 23	Article 27
Article 24, introductory words	Article 28, first paragraph, introductory words
Article 24, point (a)	Article 28, first paragraph, point (a)
Article 24, point (b)	Article 28, first paragraph, point (b)
Article 24, point (c)	Article 28, first paragraph, point (c)
Article 24, point (d), introductory words	Article 28, first paragraph, point (d), introductory words
Article 24, point (d), first indent	Article 28, first paragraph, point (d)(i)
Article 24, point (d), second indent	Article 28, first paragraph, point (d)(ii)
Article 24, point (d), third indent	Article 28, first paragraph, point (d)(iii)
Article 24, point (d), last sentence	Article 28, second paragraph
Article 24, point (e)	Article 28, first paragraph, point (e)

Regulation (EC) No 1622/2000	This Regulation
Article 25(1)	Article 29(1)
Article 25(2), introductory words	Article 29(2), introductory words
Article 25(2), first indent	Article 29(2)(a)
Article 25(2), second indent	Article 29(2)(b)
Article 25(2), third indent	Article 29(2)(c)
Article 25(2), fourth indent	Article 29(2)(d)
Article 25(2), fifth indent	Article 29(2)(e)
Article 25(3) to (6)	Article 29(3) to (6)
Article 26(1)	Article 30(1)
Article 26(2), introductory words	Article 30(2), introductory words
Article 26(2), first indent	Article 30(2)(a)
Article 26(2), second indent	Article 30(2)(b)
Article 26(2), third indent	Article 30(2)(c)
Article 26(3)	Article 30(3)
Article 27	Article 31
Article 28	Article 32
Article 29	Article 33
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Article 32	Article 36
Article 33	Article 37
Article 34(1)	Article 38(1)
Article 34(2), introductory words	Article 38(2), introductory words
Article 34(2), first indent	Article 38(2)(a)
Article 34(2), second indent	Article 38(2)(b)
Article 34(2), last sentence	Article 38(2), last sentence
Article 34(3)	Article 38(3)
Article 35(1), introductory words	Article 39(1), introductory words
Article 35(1), first indent	Article 39(1)(a)
Article 35(1), second indent	Article 39(1)(b)
Article 35(1), third indent	Article 39(1)(c)
Article 35(1), final wording	Article 39(1), introductory words
Article 35(2) and (3)	Article 39(2) and (3)
Article 35(4), introductory words	Article 39(4), introductory words
Article 35(4)(a)	Article 39(4)(a)
Article 35(4)(b), introductory words	Article 39(4)(b), introductory words
Article 35(4)(b), first indent	Article 39(4)(b)(i)
Article 35(4)(b), second indent	Article 39(4)(b)(ii)
Article 35(5)	Article 39(5)
Article 37	Article 40

Regulation (EC) No 1622/2000	This Regulation
Article 38	Article 41
Article 39	Article 42
Article 40	Article 43
Article 41(1), first subparagraph, introductory words	Article 44(1), first subparagraph, introductory words
Article 41(1), first subparagraph, first indent	Article 44(1), first subparagraph, point (a)
Article 41(1), first subparagraph, second indent	Article 44(1), first subparagraph, point (b)
Article 41(1), first subparagraph, third indent	Article 44(1), first subparagraph, point (c)
Article 41(1), first subparagraph, fourth indent	Article 44(1), first subparagraph, point (d)
Article 41(1), second subparagraph	Article 44(1) second subparagraph
Article 41(2), (3) and (4)	Article 41(2), (3) and (4)
Article 42	Article 45
Article 43	Article 46
Article 44(1)	—
Article 44(2)	Article 47
—	Article 48
Article 45	Article 49
Annex I	Annex I
Annex II	Annex II
Annex III	Annex III
Annex IV	Annex IV
Annex VI	Annex V
Annex VII	Annex VI
Annex VIII	Annex VII
Annex VIIa	Annex VIII
Annex IX	Annex IX
Annex IXa	Annex X
Annex X	Annex XI
Annex XI	Annex XII
Annex XIa	Annex XIII
Annex XII	Annex XIV
Annex XIIa	Annex XV
Annex XIII	Annex XVI
Annex XIV	Annex XVII
Annex XV	Annex XVIII
Annex XVI	Annex XIX
Annex XVII	Annex XX
Annex XVIII	Annex XXI
—	Annex XXII
—	Annex XXIII

## II

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

## ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

## COMMISSION

**DECISION No 2/2007 OF THE JOINT COMMUNITY/SWITZERLAND AIR TRANSPORT  
COMMITTEE SET UP UNDER THE AGREEMENT BETWEEN THE EUROPEAN COMMUNITY  
AND THE SWISS CONFEDERATION ON AIR TRANSPORT**

**of 15 December 2007**

**replacing the Annex to the Agreement between the European Community and the Swiss  
Confederation on Air Transport**

(2008/367/EC)

THE COMMUNITY/SWITZERLAND AIR TRANSPORT COMMITTEE,

Having regard to the Agreement between the European Community and the Swiss Confederation on Air Transport, hereinafter referred to as 'the Agreement', and in particular Article 23(4) thereof,

HAS DECIDED AS FOLLOWS:

*Sole Article*

The Annex to this Decision replaces the Annex to the Agreement.

Done at Brussels, 15 December 2007.

*For the Joint Committee*

*The Head of the Community Delegation*  
Daniel CALLEJA CRESPO

*The Head of the Swiss Confederation*  
Raymond CRON

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## ANNEX

For the purposes of this Agreement:

- wherever acts specified in this Annex contain references to Member States of the European Community, or a requirement for a link with the latter, the references shall, for the purpose of the Agreement, be understood to apply equally to Switzerland or to the requirement of a link with Switzerland;
- without prejudice to Article 15 of this Agreement, the term 'Community air carrier' referred to in the following Community directives and regulations shall include an air carrier which is licensed and has its principal place of business and, if any, its registered office in Switzerland in accordance with the provisions of Council Regulation (EEC) No 2407/92.

**1. Third aviation liberalisation package and other civil aviation rules**

No 2407/92

Council Regulation of 23 July 1992 on licensing of air carriers.

(Articles 1-18)

As regards the application of Article 13(3), the reference to Article 226 of the EC Treaty shall be understood to mean a reference to the applicable procedures of this Agreement.

No 2408/92

Council Regulation of 23 July 1992 on access for Community air carriers to intra-Community air routes.

(Articles 1-10, 12-15)

(The Annexes will be amended in order to include Swiss airports).

(The amendments to Annex I, arising from Annex II, Chapter 8 (Transport policy), Section G (Air transport), point 1 of the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded, shall apply).

No 2409/92

Council Regulation of 23 July 1992 on fares and rates for air services.

(Articles 1-11)

No 2000/79

Council Directive of 27 November 2000 concerning the implementation of the European Agreement on the Organisation of Working Time of Mobile Workers in Civil Aviation concluded by the Association of European Airlines (AEA), the European Transport Workers' Federation (ETF), the European Cockpit Association (ECA), the European Regions Airline Association (ERA) and the International Air Carrier Association (IACA).

No 93/104

Council Directive of 23 November 1993 concerning certain aspects of the organisation of working time, as last amended by:

- Directive No 2000/34/EC of 22 June 2000.

No 437/2003

Regulation (EC) of the European Parliament and of the Council of 27 February 2003 on statistical returns in respect of the carriage of passengers, freight and mail by air.

No 1358/2003

Commission Regulation of 31 July 2003 implementing Regulation (EC) No 437/2003 of the European Parliament and of the Council on statistical returns in respect of the carriage of passengers, freight and mail by air and amending Annexes I and II thereto.

No 785/2004

Regulation of the European Parliament and of the Council of 21 April 2004 on insurance requirements for air carriers and aircraft operators.

No 91/670

Council Directive of 16 December 1991 on mutual acceptance of personnel licences for the exercise of functions in civil aviation.

(Articles 1-8)

No 95/93

Council Regulation of 18 January 1993 on common rules for the allocation of slots at Community airports (Articles 1-12), as last amended by:

— Regulation No 793/2004 of the European Parliament and of the Council of 21 April 2004 (Articles 1-2).

No 96/67

Council Directive of 15 October 1996 on access to the groundhandling market at Community airports.

(Articles 1-9, 11-23, and 25)

No 2027/97

Council Regulation of 9 October 1997 on air carrier liability in the event of accidents (Articles 1-8), as last amended by:

— Regulation No 889/2002 of the European Parliament and of the Council of 13 May 2002 (Articles 1-2)

## 2. Competition rules

Any reference in the following texts to Articles 81 and 82 of the Treaty shall be understood to mean Articles 8 and 9 of this Agreement.

No 17/62

Council Regulation of 6 February 1962 implementing Article 81 and 82 of the Treaty (Article 8(3)), as last amended by:

— Regulation No 59/62,

— Regulation No 118/63,

— Regulation No 2822/71,

— Regulation No 1216/99,

— Regulation (EC) No 1/2003 of 16 December 2002 (Articles 1-13, 15-45).

No 2988/74

Council Regulation of 26 November 1974 concerning limitation periods in proceedings and the enforcement of sanctions under the rules of the EEC relating to transport and competition (Articles 1-7), as last amended by:

— Council Regulation (EC) No 1/2003 of 16 December 2002 (Articles 1-13, 15-45).

No 3975/87

Council Regulation of 14 December 1987 laying down the procedures for the application of the rules on competition to undertakings in the air transport sector (Articles 1-7, 8(1), 8(2), 9-11, 12(1), 12(2), 12(4), 12(5), 13(1), 13(2), and 14-19), as last amended by:

— Council Regulation No 1284/91 of 14 May 1991 (Article 1),

— Council Regulation No 2410/92 of 23 July 1992 (Article 1),

— Council Regulation (EC) No 1/2003 of 16 December 2002 (Articles 1-13, 15-45).

No 3976/87

Council Regulation of 14 December 1987 on the application of Article 81(3) of the Treaty to certain categories of agreement and concerted practices in the air transport sector (Articles 1-5, and 7), as last amended by:

- Council Regulation (EEC) No 2344/90 of 24 July 1990 (Article 1),
- Council Regulation (EEC) No 2411/92 of 23 July 1992 (Article 1),
- Council Regulation (EC) No 1/2003 of 16 December 2002 (Articles 1-13, 15-45).

No 1617/93(2)

Commission Regulation of 25 June 1993 on the application of Article 81(3) of the Treaty to certain categories of agreements and concerted practices concerning joint planning and coordination of schedules, joint operations, consultations on passenger and cargo tariffs on scheduled air services and slot allocation at airports (Articles 1-7), as last amended by:

- Commission Regulation (EC) No 1523/96 of 24 July 1996 (Articles 1 and 2),
- Commission Regulation (EC) No 1083/1999 of 26 May 1999,
- Commission Regulation (EC) No 1324/2001 of 29 June 2001,

No 4261/88

Commission Regulation of 16 December 1988 on the complaints, applications and hearings provided for in Council Regulation (EEC) No 3975/87.

(Articles 1-14)

No 80/723

Commission Directive of 25 June 1980 on the transparency of financial relations between Member States and public undertakings (Articles 1-9), as last amended by:

- Commission Directive No 85/413/EEC of 24 July 1985 (Articles 1-3).

No 1/2003

Council Regulation of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty.

(Articles 1-13, and 15-45)

(To the extent that this Regulation is relevant for the application of this agreement. The insertion of this Regulation does not affect the division of tasks according to this Agreement).

No 773/2004

Commission Regulation of 7 April 2004 relating to proceedings by the Commission pursuant to Articles 81 and 82 of the EC Treaty.

No 139/2004

Council Regulation of 20 January 2004 on the control of concentrations between undertakings (the EC Merger Regulation)

(Article 1-18, 19(1)-(2), 20-23)

With respect to Article 4(5) of the Merger Regulation the following shall apply between the European Community and Switzerland:

- (1) With regard to a concentration as defined in Article 3 of Regulation (EC) No 139/2004 which does not have a Community dimension within the meaning of Article 1 of that Regulation and which is capable of being reviewed under the national competition laws of at least three EC Member States and Switzerland, the persons or undertakings referred to in Article 4(2) of that Regulation may, before any notification to the competent authorities, inform the EC Commission by means of a reasoned submission that the concentration should be examined by the Commission.

- (2) The EC Commission shall transmit all submissions pursuant to Article 4(5) of Regulation (EC) No 139/2004 and the previous paragraph to the Swiss Confederation without delay.
- (3) Where the Swiss Confederation has expressed its disagreement as regards the request to refer the case, the competent Swiss competition authority shall retain its competence, and the case shall not be referred from the Swiss Confederation pursuant to this paragraph.

With respect to time limits referred to in Articles 4(4) and (5), Articles 9(2) and (6), and Articles 22(2) of the Merger Regulation:

- (1) The EC Commission shall transmit all the relevant documents pursuant to Articles 4(4) and (5), Articles 9(2) and (6) and Article 22(2) to the competent Swiss competition authority without delay.
- (2) The calculation of the time limits referred to in Articles 4(4) and (5), Articles 9(2) and (6), and Article 22(2) of Regulation (EC) No 139/2004 shall start, for the Swiss Confederation, upon receipt of the relevant documents by the competent Swiss competition authority.

No 802/2004

Commission Regulation of 7 April 2004 implementing Council Regulation (EC) No 139/2004 on the control of concentrations between undertakings.

(Articles 1-24)

### 3. Aviation safety

No 3922/91

Council Regulation of 16 December 1991 on the harmonisation of technical requirements and administrative procedures in the field of civil aviation (Articles 1-3, 4(2), 5-11, and 13), as amended:

- Regulation (EC) No 1899/2006 of the European Parliament and of the Council of 12 December 2006,
- Regulation (EC) No 1900/2006 of the European Parliament and of the Council of 20 December 2006.

No 94/56/EC

Council Directive of 21 November 1994 establishing the fundamental principles governing the investigation of civil aviation accidents and incidents.

(Articles 1-13)

No 36/2004

Directive of the Parliament and of the Council of 21 April 2004 on the safety of third-country aircraft using Community airports.

(Articles 1-9, and 11-14)

No 768/2006

Commission Regulation of 19 May 2006 implementing Directive 2004/36/EC of the European Parliament and of the Council as regards the collection and exchange of information on the safety of aircraft using Community airports and the management of the information system.

No 2003/42

Directive of the European Parliament and the Council of 13 June 2003 on occurrence reporting in civil aviation.

(Articles 1-12)

No 1592/2002

Regulation of the European Parliament and of the Council of 15 July 2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency (hereinafter referred to as 'the Regulation'), as last amended by:

- Regulation (EC) No 1643/2003 of 22 July 2003,
- Regulation (EC) No 1701/2003 of 24 September 2003,



- No 593/2007 of 31 May 2007,
- Commission Regulation (EC) No 334/2007 of 28 March 2007,
- Commission Regulation (EC) No 103/2007 of 2 February 2007 on the extension of the transitional period referred to in Article 53(4),
- the committee established by Regulation (EC) No 1592/2002.

The Agency shall enjoy also in Switzerland the powers granted to it under the provisions of the Regulation.

The Commission shall enjoy also in Switzerland the powers granted to it for decisions pursuant to Article 10(2), (4), (6), Article 16(4), Article 29(3)(i), Article 31(3), Article 32(5) and Article 53(4).

Notwithstanding the horizontal adaptation provided for in the first indent of the Annex to the Agreement between the European Community and the Swiss Confederation on Air Transport, the references to the 'Member States' made in Article 54 of the Regulation or in the provisions of Decision 1999/468/EC mentioned in that provision shall not be understood to apply to Switzerland.

Nothing in this Regulation shall be construed so as to transfer to the EASA authority to act on behalf of Switzerland under international agreements for other purposes than to assist in the performance of its obligations pursuant to such agreements.

The text of the Regulation shall, for the purposes of the Agreement, be read with the following adaptations

(a) Article 9 is amended as follows:

- (i) in paragraph 1, the words 'or Switzerland' shall be inserted after the words 'the Community';
- (ii) in paragraph 2(a), the words 'or Switzerland' shall be inserted after the words 'the Community';
- (iii) in paragraphs 2 points (b) and (c) are deleted;
- (iv) the following paragraph is added:

'3. Whenever the Community negotiates with a third country in order to conclude an agreement providing that a Member State or the Agency may issue certificates on the basis of certificates issued by the aeronautical authorities of that third country, it shall endeavour to obtain for Switzerland an offer of a similar agreement with the third country in question. Switzerland shall, in turn, endeavour to conclude with third countries agreements corresponding to those of the Community'.

(b) In Article 20, the following paragraph shall be added:

'4. By way of derogation from Article 12(2)(a) of the Conditions of Employment of Other Servants of the European Communities, Swiss nationals enjoying their full rights as citizens may be engaged under contract by the Executive Director of the Agency.'

(c) In Article 21, the following paragraph is added:

'Switzerland shall apply to the Agency the Protocol on the Privileges and Immunities of the European Communities, which is set out as Annex A to the present Annex, in accordance with the Appendix to Annex A.'

(d) In Article 28, the following paragraph is added:

'Switzerland shall participate fully in the Management Board and shall within it have the same rights and obligations as European Union Member States, except for the right to vote'.

(e) In Article 48, the following paragraph shall be added:

'8. Switzerland shall participate in the financial contribution referred to in paragraph 1(a), according to the following formula:

$$S (0,2/100) + S [1 - (a+b) 0,2/100] c/C$$

where:

S = the part of the budget of the Agency not covered by the fees and charges mentioned in paragraph 1(b) and (c)

a = the number of Associated States

b = the number of EU Member States

c = the contribution of Switzerland to the ICAO budget

C = the total contribution of the EU Member States and of the Associated States to the ICAO budget.'

(f) In Article 50, the following paragraph is added:

'The provisions relating to financial control by the Community in Switzerland concerning the participants in the activities of the Agency are set out in Annex B to the present Annex.'

(g) Annex II to the Regulation shall be extended to include the following aircraft as products covered by Article 2(3)(a)(ii) of Commission Regulation (EC) No 1702/2003 of 24 September 2003 laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations <sup>(1)</sup>:

A/c — [HB IDJ] — type CL600-2B19,

A/c — [HB-IGM] — type Gulfstream G-V-SP,

A/c — [HB-IIS, HB-IYY, HB-IMJ, HB-IVL, HB-IVZ, HB-JES] — type Gulfstream G-V,

A/c — [HB-IBX, HB-IKR, HB-IMY, HB-ITF, HB-IWY] — type Gulfstream G-IV,

A/c — [HB-XJF, HB-ZCW, HB-ZDF, HB-ZDO] — type MD 900.

No 736/2006

Commission Regulation of 16 May 2006 on working methods of the European Aviation Safety Agency for conducting standardisation inspections.

No 1702/2003

Regulation of 24 September 2003 laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations, as last amended by:

— Commission Regulation (EC) No 381/2005 of 7 March 2005,

— Commission Regulation (EC) No 706/2006 of 8 May 2006,

— Commission Regulation (EC) No 335/2007 of 28 March 2007,

— Commission Regulation (EC) No 375/2007 of 30 March 2007.

For the purposes of the Agreement, the provisions of Regulation No 1702/2003 shall be read subject to the following adjustment:

Article 2 is amended as follows:

In paragraphs 3, 4, 6, 8, 10, 11, 13 and 14, the date '28 September 2003' shall be replaced by 'the date of entry into force of the Decision the Community/Switzerland Air Transport Committee which incorporates Regulation 1592/2002 into the Annex to the Regulation.'

No 2042/2003

Commission Regulation of 20 November 2003 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks, as last amended by:

— Commission Regulation (EC) No 707/2006 of 8 May 2006.

— Commission Regulation (EC) No 376/2007 of 30 March 2007.

No 104/2004

Commission Regulation of 22 January 2004 laying down rules on the organisation and composition of the Board of Appeal of the European Aviation Safety Agency.

No 488/2005

Commission Regulation of 21 March 2005 on the fees and charges levied by the European Aviation Safety Agency

<sup>(1)</sup> OJ L 243, 27.9.2003, p. 6.

No 779/2006

Commission Regulation of 24 May 2006 amending Regulation (EC) No 488/2005 on the fees and charges levied by the European Aviation Safety Agency.

No 593/2007

Commission Regulation of 31 May 2007 repealing Regulation (EC) No 488/2005 on the fees and charges levied by the European Aviation Safety Agency.

As referred to in Article 14(2) of that Regulation, Regulation (EC) No 488/2005 shall continue to apply with respect to any fees and charges that are outside the scope of application of this Regulation accordance with Article 14(1) of Regulation 593/2007.

No 2111/2005

Regulation of the European Parliament and of the Council of 14 December 2005 on the establishment of a Community list of air carriers subject to an operating ban within the Community and on informing air transport passengers of the identity of the operating air carrier, and repealing Article 9 of Directive 2004/36/EC.

No 473/2006

Commission Regulation of 22 March 2006 laying down implementing rules for the Community list of air carriers which are subject to an operating ban within the Community referred to in Chapter II of Regulation (EC) No 2111/2005 of the European Parliament and of the Council.

This Regulation shall apply as long as it is in force in the EU.

#### 4. Aviation Security

No 2320/2002

Regulation of the European Parliament and of the Council of 16 December 2002 establishing common rules in the field of civil aviation security (Articles 1-8, and 10-13), as last amended by:

— Regulation (EC) No 849/2004 of the European Parliament and of the Council of 29 April 2004.

No 622/2003

Commission Regulation of 4 April 2003 laying down measures for the implementation of the common basic standards on aviation security, as last amended by:

— Commission Regulation (EC) No 68/2004 of 15 January 2004,

— Commission Regulation (EC) No 781/2005 of 24 May 2005 (Articles 1-2),

— Commission Regulation (EC) No 857/2005 of 6 June 2005 (Articles 1-2),

— Commission Regulation No 831/2006 of 2 June 2006,

— Commission Regulation (EC) No 1448/2006 of 29 September 2006,

— Commission Regulation (EC) No 1546/2006 of 4 October 2006,

— Commission Regulation (EC) No 1862/2006 of 15 December 2006,

— Commission Regulation (EC) No 65/2006 of 13 January 2006,

— Commission Regulation (EC) No 240/2006 of 10 February 2006,

— Commission Regulation (EC) No 437/2007 of 20 April 2007.

No 1217/2003

Commission Regulation of 4 July 2003 laying down common specifications for national civil aviation security quality control programmes.

No 1486/2003

Commission Regulation of 22 August 2003 laying down procedures for conducting Commission inspections in the field of civil aviation security.

(Articles 1-13, and 15-18)

No 1138/2004

Commission Regulation of 21 June 2004 establishing a common definition of critical parts of security restricted areas of airports.

## 5. Air traffic management

No 549/2004

Regulation of the European Parliament and of the Council of 10 March 2004 laying down the framework for the creation of the Single European Sky (the Framework Regulation).

The Commission shall enjoy in Switzerland the powers granted to it pursuant to Articles 6, 8(1), 10, 11 and 12.

Notwithstanding the horizontal adjustment referred to in the first indent of the Annex to the Agreement between the European Community and the Swiss Confederation on Air Transport, the references to the 'Member States' made in Article 5 of Regulation (EC) No 549/2004 or in the provisions of Decision 1999/468/EC mentioned in that provision shall not be understood to apply to Switzerland.

— Committee established by Regulation (EC) No 549/2004 (Single Sky Committee).

No 550/2004

Regulation of the European Parliament and of the Council of 10 March 2004 on the provision of air navigation services in the Single European Sky (the Service Provision Regulation).

The Commission shall enjoy towards Switzerland the powers granted to it pursuant to Article 16, as amended below.

The provisions of the Regulation shall, for the purposes of the Agreement, be amended as follows:

(a) Article 3 shall be amended as follows:

In paragraph 2, the words 'and Switzerland' shall be inserted after the words 'the Community'.

(b) Article 7 is amended as follows:

In paragraph 1 and paragraph 6, the words 'and Switzerland' shall be inserted after the words 'the Community'.

(c) Article 8 is amended as follows:

In paragraph 1, the words 'and Switzerland' shall be inserted after the words 'the Community'.

(d) Article 10 is amended as follows:

In paragraph 1, the words 'and Switzerland' shall be inserted after the words 'the Community'.

(e) Article 16(3) is replaced by the following:

The Commission shall address its decision to the Member States and inform the service provider thereof, in so far as it is legally concerned.

No 551/2004

Regulation of the European Parliament and of the Council of 10 March 2004 on the organisation and use of the airspace in the Single European Sky (the Airspace Regulation).

The Commission shall enjoy in Switzerland the powers granted to it pursuant to Articles 2, 3(5) and 10.

No 552/2004

Regulation of the European Parliament and of the Council of 10 March 2004 on the interoperability of the European Air Traffic Management network (the Interoperability Regulation).

The Commission shall enjoy in Switzerland the powers granted to it pursuant to Articles 4, 7 and 10(3).

The provisions of the Regulation shall, for the purposes of the Agreement, be amended as follows:

(a) Article 5 is amended as follows:

In paragraph 2, the words 'or Switzerland' shall be inserted after the words 'the Community'.

(b) Article 7 is amended as follows:

In paragraph 4, the words 'or Switzerland' shall be inserted after the words 'the Community'.

(c) Annex III shall be amended as follows:

In section 3, second and last indents, the words 'or Switzerland' shall be inserted after the words 'the Community'.

No 2096/2005

Commission Regulation of 20 December 2005 laying down common requirements for the provision of air navigation services (Text with EEA relevance).

The Commission shall enjoy in Switzerland the powers granted to it pursuant to Article 9.

No 2150/2005

Commission Regulation of 23 December laying down common rules for the flexible use of airspace.

No 2006/23

Directive of the European Parliament and of the Council of 5 April 2006 on a Community air traffic controller licence.

No 730/2006

Commission Regulation of 11 May 2006 on airspace classification and access of flights operated under visual flight rules above flight level 195.

No 1033/2006

Commission Regulation of 4 July 2006 laying down the requirements on procedures for flight plans in the pre-flight phase for the Single European Sky.

No 1032/2006

Commission Regulation of 6 July 2006 laying down requirements for automatic systems for the exchange of flight data for the purpose of notification, coordination and transfer of flights between air traffic control units.

No 1794/2006

Commission Regulation of 6 December 2006 laying down a common charging scheme for air navigation services.

No 219/2007

Council Regulation of 27 February 2007 on the establishment of a Joint Undertaking to develop the new generation European air traffic management system (SESAR).

No 633/2007

Commission Regulation of 7 June 2007 laying down requirements for the application of a flight message transfer protocol used for the purpose of notification, coordination and transfer of flights between air traffic control units.

## 6. Environment and noise

No 2002/30

Directive of the European Parliament and of the Council of 26 March 2002 on the establishment of rules and procedures with regard to the introduction of noise-related operating restrictions at Community airports

(Articles 1-12, and 14-18).

(The amendments to Annex I, arising from Annex II, Chapter 8 (Transport policy), Section G (Air transport), point 2 of the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded, shall apply).

No 80/51

Council Directive of 20 December 1979 on the limitation of noise emissions from subsonic aircraft (Articles 1-9), as last amended by:

— Directive No 83/206/EEC.

No 89/629

Council Directive of 4 December 1989 on the limitation of noise emissions from civil subsonic jet aeroplanes.

(Articles 1-8)

No 92/14

Council Directive of 2 March 1992 on the limitation of the operation of aeroplanes covered by Part II, Chapter 2, Volume I, of Annex 16 to the Convention of International Civil Aviation, second edition (1988).

(Articles 1-11)

## 7. Consumer protection

No 90/314

Council Directive of 13 June 1990 on package travel, package holidays and package tours.

(Articles 1-10)

No 93/13

Council Directive of 5 April 1993 on unfair terms in consumer contracts.

(Articles 1-11)

No 2299/89

Council Regulation of 24 July 1989 on a code of conduct for computerised reservation systems (Articles 1-22), as last amended by:

— Council Regulation No 3089/93,

— Council Regulation No 323/1999 of 8 February 1999.

No 261/2004

Regulation of the Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation No 295/91.

(Articles 1-18)

## 8. Miscellaneous

No 2003/96

Council Directive of 27 October 2003 restructuring the Community framework for the taxation of energy products and electricity.

(Article 14(1)(b), and Article 14(2))

Annexes:

A: Protocol on the Privileges and Immunities of the European Communities

B: Provisions on financial control by the Community as regards Swiss participants in activities of the EASA

C: Council Declaration related to Swiss participation in Community Committees.

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## ANNEX A

**PROTOCOL ON THE PRIVILEGES AND IMMUNITIES OF THE EUROPEAN COMMUNITIES**

THE HIGH CONTRACTING PARTIES,

CONSIDERING that, in accordance with Article 28 of the Treaty establishing a Single Council and a Single Commission of the European Communities, these Communities and the European Investment Bank shall enjoy in the territories of the Member States such privileges and immunities as are necessary for the performance of their tasks,

HAVE AGREED upon the following provisions, which shall be annexed to this Treaty.

## CHAPTER I

**PROPERTY, FUNDS, ASSETS AND OPERATIONS OF THE EUROPEAN COMMUNITIES***Article 1*

The premises and buildings of the Communities shall be inviolable. They shall be exempt from search, requisition, confiscation or expropriation.

The property and assets of the Communities shall not be the subject of any administrative or legal measure of constraint without the authorisation of the Court of Justice.

*Article 2*

The archives of the Communities shall be inviolable.

*Article 3*

The Communities, their assets, revenues and other property shall be exempt from all direct taxes.

The governments of the Member States shall, wherever possible, take the appropriate measures to remit or refund the amount of indirect taxes or sales taxes included in the price of movable or immovable property, where the Communities make, for their official use, substantial purchases the price of which includes taxes of this kind. These provisions shall not be applied, however, so as to have the effect of distorting competition within the Communities.

No exemption shall be granted in respect of taxes and dues which amount merely to charges for public utility services.

*Article 4*

The Communities shall be exempt from all customs duties, prohibitions and restrictions on imports and exports in respect of articles intended for their official use; articles so imported shall not be disposed of, whether or not in return for payment, in the territory of the country into which they have been imported, except under conditions approved by the government of that country.

The Communities shall also be exempt from any customs duties and any prohibitions and restrictions on import and exports in respect of their publications.

*Article 5*

The European Coal and Steel Community may hold currency of any kind and operate accounts in any currency.

## CHAPTER II

**COMMUNICATIONS AND LAISSEZ-PASSER***Article 6*

For their official communications and the transmission of all their documents, the institutions of the Communities shall enjoy in the territory of each Member State the treatment accorded by that State to diplomatic missions.

Official correspondence and other official communications of the institutions of the Communities shall not be subject to censorship.

*Article 7*

1. Laissez-passers in a form to be prescribed by the Council, which shall be recognised as valid travel documents by the authorities of the Member States, may be issued to members and servants of the institutions of the Communities by the Presidents of these institutions. These laissez-passers shall be issued to officials and other servants under conditions laid down in the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the Communities.

The Commission may conclude agreements for these laissez-passers to be recognised as valid travel documents within the territory of non-member countries.

2. The provisions of Article 6 of the Protocol on the Privileges and Immunities of the European Coal and Steel Community shall, however, remain applicable to members and servants of the institutions who are at the date of entry into force of this Treaty in possession of the laissez-passers provided for in that Article, until the provisions of paragraph 1 of this Article are applied.

## CHAPTER III

**MEMBERS OF THE EUROPEAN PARLIAMENT***Article 8*

No administrative or other restriction shall be imposed on the free movement of Members of the European Parliament travelling to or from the place of meeting of the European Parliament.

Members of the European Parliament shall, in respect of customs and exchange control, be accorded:

- (a) by their own government, the same facilities as those accorded to senior officials travelling abroad on temporary official missions;
- (b) by the governments of other Member States, the same facilities as those accorded to representatives of foreign governments on temporary official missions.

*Article 9*

Members of the European Parliament shall not be subject to any form of inquiry, detention or legal proceedings in respect of opinions expressed or votes cast by them in the performance of their duties.

*Article 10*

During the sessions of the European Parliament, its Members shall enjoy:

- (a) in the territory of their own State, the immunities accorded to members of their parliament;
- (b) in the territory of any other Member State, immunity from any measure of detention and from legal proceedings.

Immunity shall likewise apply to Members while they are travelling to and from the place of meeting of the European Parliament.

Immunity cannot be claimed when a Member is found in the act of committing an offence and shall not prevent the European Parliament from exercising its right to waive the immunity of one of its Members.



## CHAPTER IV

**REPRESENTATIVES OF MEMBER STATES TAKING PART IN THE WORK OF THE INSTITUTIONS OF THE EUROPEAN COMMUNITIES***Article 11*

Representatives of Member States taking part in the work of the institutions of the Communities, their advisers and technical experts shall, in the performance of their duties and during their travel to and from the place of meeting, enjoy the customary privileges, immunities and facilities.

This Article shall also apply to members of the advisory bodies of the Communities.

## CHAPTER V

**OFFICIALS AND OTHER SERVANTS OF THE EUROPEAN COMMUNITIES***Article 12*

In the territory of each Member State and whatever their nationality, officials and other servants of the Communities shall:

- (a) subject to the provisions of the Treaties relating, on the one hand, to the rules on the liability of officials and other servants towards the Communities and, on the other hand, to the jurisdiction of the Court in disputes between the Communities and their officials and other servants, be immune from legal proceedings in respect of acts performed by them in their official capacity, including their words spoken or written. After they have ceased to hold office, they shall continue to enjoy this immunity.
- (b) together with their spouses and dependent members of their families, not be subject to immigration restrictions or to formalities for the registration of aliens;
- (c) in respect of currency or exchange regulations, be accorded the same facilities as are customarily accorded to officials of international organisations;
- (d) enjoy the right to import free of duty their furniture and effects at the time of first taking up their post in the country concerned, and the right to re-export free of duty their furniture and effects, on termination of their duties in that country, subject in either case to the conditions considered to be necessary by the government of the country in which this right is exercised;
- (e) have the right to import free of duty a motor car for their personal use, acquired either in the country of their last residence or in the country of which they are nationals on the terms ruling in the home market in that country, and to re-export it free of duty, subject in either case to the conditions considered to be necessary by the government of the country concerned.

*Article 13*

Officials and other servants of the Communities shall be liable to a tax for the benefit of the Communities on salaries, wages and emoluments paid to them by the Communities, in accordance with the conditions and procedure laid down by the Council, acting on a proposal from the Commission.

They shall be exempt from national taxes on salaries, wages and emoluments paid by the Communities.

*Article 14*

In the application of income tax, wealth tax and death duties and in the application of conventions on the avoidance of double taxation concluded between Member States of the Communities, officials and other servants of the Communities who, solely by reason of the performance of their duties in the service of the Communities, establish their residence in the territory of a Member State other than their country of domicile for tax purposes at the time of entering the service of the Communities, shall be considered, both in the country of their actual residence and in the country of domicile for tax purposes, as having maintained their domicile in the latter country provided that it is a member of the Communities. This provision shall also apply to a spouse, to the extent that the latter is not separately engaged in a gainful occupation, and to children dependent on and in the care of the persons referred to in this Article.

Movable property belonging to persons referred to in the preceding paragraph and situated in the territory of the country where they are staying shall be exempt from death duties in that country; such property shall, for the assessment of such duty, be considered as being in the country of domicile for tax purposes, subject to the rights of third countries and to the possible application of provisions of international conventions on double taxation.

Any domicile acquired solely by reason of the performance of duties in the service of other international organisations shall not be taken into consideration in applying the provisions of this Article.

#### *Article 15*

The Council shall, acting unanimously on a proposal from the Commission, lay down the scheme of social security benefits for officials and other servants of the Communities.

#### *Article 16*

The Council shall, acting on a proposal from the Commission and after consulting the other institutions concerned, determine the categories of officials and other servants of the Communities to whom the provisions of Article 12, the second paragraph of Article 13, and Article 14 shall apply, in whole or in part.

The names, grades and addresses of officials and other servants included in such categories shall be communicated periodically to the governments of the Member States.

### CHAPTER VI

#### **PRIVILEGES AND IMMUNITIES OF MISSIONS OF THIRD COUNTRIES ACCREDITED TO THE EUROPEAN COMMUNITIES**

#### *Article 17*

The Member State in whose territory the Communities have their seat shall accord the customary diplomatic immunities and privileges to missions of third countries accredited to the Communities.

### CHAPTER VII

#### **GENERAL PROVISIONS**

#### *Article 18*

Privileges, immunities and facilities shall be accorded to officials and other servants of the Communities solely in the interests of the Communities.

Each institution of the Communities shall be required to waive the immunity accorded to an official or other servant wherever that institution considers that the waiver of such immunity is not contrary to the interests of the Communities.

#### *Article 19*

The institutions of the Communities shall, for the purpose of applying this Protocol, cooperate with the responsible authorities of the Member States concerned.

#### *Article 20*

Articles 12 to 15 and Article 18 shall apply to Members of the Commission.

#### *Article 21*

Articles 12 to 15 and Article 18 shall apply to the Judges, the Advocates-General, the Registrar and the Assistant Rapporteurs of the Court of Justice, without prejudice to the provisions of Article 3 of the Protocols on the Statute of the Court of Justice concerning immunity from legal proceedings of Judges and Advocates-General.

*Article 22*

This Protocol shall also apply to the European Investment Bank, to the members of its organs, to its staff and to the representatives of the Member States taking part in its activities, without prejudice to the provisions of the Protocol on the Statute of the Bank.

The European Investment Bank shall in addition be exempt from any form of taxation or imposition of a like nature on the occasion of any increase in its capital and from the various formalities which may be connected therewith in the State where the Bank has its seat. Similarly, its dissolution or liquidation shall not give rise to any imposition. Finally, the activities of the Bank and of its organs carried on in accordance with its Statute shall not be subject to any turnover tax.

*Article 23*

This Protocol shall also apply to the European Central Bank, to the members of its organs and to its staff, without prejudice to the provisions of the Protocol on the Statute of the European System of Central Banks and the European Central Bank.

The European Investment Bank shall in addition be exempt from any form of taxation or imposition of a like nature on the occasion of any increase in its capital and from the various formalities which may be connected therewith in the State where the Bank has its seat. The activities of the Bank and of its organs carried on in accordance with the Statute of the European System of Central Banks and of the European Central Bank shall not be subject to any turnover tax.

The above provisions shall also apply to the European Monetary Institute. Similarly, its dissolution or liquidation shall not give rise to any imposition.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries have signed this Protocol.

Done at Brussels this eighth day of April in the year one thousand nine hundred and sixty-five.

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## APPENDIX

**PROCEDURES FOR THE APPLICATION IN SWITZERLAND OF THE PROTOCOL ON PRIVILEGES AND IMMUNITIES OF THE EUROPEAN COMMUNITIES****1. Extension of application to Switzerland**

Wherever the Protocol on the privileges and immunities of the European Communities (hereinafter called 'the Protocol') contains references to Member States, the references are to be understood to apply equally to Switzerland, unless the following provisions determine otherwise.

**2. Exemption of the Agency from indirect taxation (including VAT)**

Goods and services exported from Switzerland are not to be subject to Swiss value added tax (VAT). In the case of goods and services provided to the Agency in Switzerland for its official use, in accordance with the second paragraph of Article 3 of the Protocol, exemption from VAT is by way of refund. Exemption from VAT shall be granted if the actual purchase price of the goods and services mentioned in the invoice or equivalent document totals at least 100 Swiss francs (inclusive of tax).

The VAT refund is to be granted on presentation to the Federal Tax Administration's VAT Main Division of the Swiss forms provided for the purpose. As a rule, refund applications must be processed within the three months following the date on which they were lodged together with the necessary supporting documents.

**3. Procedures for the application of the rules relating to the Agency's staff**

As regards the second paragraph of Article 13 of the Protocol, Switzerland shall exempt, according to the principles of its national law, officials and other servants of the Agency within the meaning of Article 2 of Regulation (Euratom, ECSC, EEC) No 549/69 <sup>(1)</sup> from federal, cantonal and communal taxes on salaries, wages and emoluments paid to them by the Community and subject to an internal tax for its own benefit.

Switzerland shall not be considered as a Member State within the meaning of point 1 above for the application of Article 14 of the Protocol.

Officials and other servants of the Agency and members of their families who are members of the social insurance system applicable to officials and other servants of the Community are not obliged to be members of the Swiss social security system.

The Court of Justice of the European Communities shall have exclusive jurisdiction in any matters concerning relations between the Agency or the Commission and its staff with regard to the application of Council Regulation (EEC, Euratom, ECSC) No 259/68 <sup>(2)</sup> and the other provisions of Community law laying down working conditions.

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<sup>(1)</sup> Regulation (Euratom, ECSC, EEC) No 549/69 of the Council of 25 March 1969 determining the categories of officials and other servants of the European Communities to whom the provisions of Article 12, the second paragraph of Article 13 and Article 14 of the Protocol on the Privileges and Immunities of the Communities apply (OJ L 74, 27.3.1969, p. 1). Regulation last amended by Commission Regulation (EC) No 1749/2002 (OJ L 264, 2.10.2002, p. 13).

<sup>(2)</sup> Regulation (EEC, Euratom, ECSC) No 259/68 of the Council of 29 February 1968 laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities and instituting special measures temporarily applicable to officials of the Commission (Conditions of Employment of Other Servants) (OJ L 56, 4.3.1968, p. 1). Regulation last amended by Commission Regulation (EC) No 2104/2005 (OJ L 337, 22.12.2005, p. 7).

## ANNEX B

**FINANCIAL CONTROL AS REGARDS SWISS PARTICIPANTS IN ACTIVITIES OF THE EUROPEAN AVIATION AGREEMENT***Article 1***Direct communication**

The Agency and the Commission shall communicate directly with all persons or entities established in Switzerland and participating in activities of the Agency, as contractors, participants in Agency programmes, recipients of payments from the Agency or the Community budget, or subcontractors. Such persons may send directly to the Commission and to the Agency all relevant information and documentation which they are required to submit on the basis of the instruments referred to in this Decision and of contracts or agreements concluded and any decisions taken pursuant to them.

*Article 2***Checks**

1. In accordance with Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities <sup>(1)</sup> and the Financial Regulation adopted by the Management Board of the Agency on 26 March 2003, with Commission Regulation (EC, Euratom) No 2343/2002 of 23 December 2002 on the framework Financial Regulation for the bodies referred to in Article 185 of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities <sup>(2)</sup> and with the other instruments referred to in this Decision, contracts or agreements concluded and decisions taken with beneficiaries established in Switzerland may provide for scientific, financial, technological or other audits to be conducted at any time on the premises of the beneficiaries and of their subcontractors by Agency and Commission officials or by other persons mandated by the Agency and the Commission.

2. Agency and Commission officials and other persons mandated by the Agency and the Commission shall have appropriate access to sites, works and documents and to all the information required in order to carry out such audits, including in electronic form. This right of access shall be stated explicitly in the contracts or agreements concluded to implement the instruments referred to in this Decision.

3. The Court of Auditors of the European Communities is to have the same rights as the Commission.

4. The audits may take place until five years after the expiry of this Decision or under the terms of the contracts or agreements concluded and the decisions taken.

5. The Swiss Federal Audit Office is to be informed in advance of audits conducted on Swiss territory. This information will not be a legal condition for carrying out such audits.

*Article 3***On-the-spot checks**

1. Under this Agreement, the Commission (OLAF) is authorised to carry out on-the-spot checks and inspections on Swiss territory, under the terms and conditions set out in Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities <sup>(3)</sup>.

2. On-the-spot checks and inspections shall be prepared and conducted by the Commission in close cooperation with the Swiss Federal Audit Office or with other competent Swiss authorities appointed by the Swiss Federal Audit Office, which shall be notified in good time of the object, purpose and legal basis of the checks and inspections, so that they can provide all the requisite help. To that end, the officials of the competent Swiss authorities may participate in the on-the-spot checks and inspections.

3. If the Swiss competent authorities concerned so wish, the on-the-spot checks and inspections may be carried out jointly by the Commission and the Swiss competent authorities.

4. Where the participants in the programme resist an on-the-spot check or inspection, the Swiss authorities, acting in accordance with national rules, shall give the Commission inspectors such assistance as they need to allow them to discharge their duty in carrying out an on-the-spot check or inspection.

<sup>(1)</sup> OJ L 248, 16.9.2002, p. 1.

<sup>(2)</sup> OJ L 357, 31.12.2002, p. 72.

<sup>(3)</sup> OJ L 292, 15.11.1996, p. 2.

5. The Commission shall report as soon as possible to the Swiss Federal Audit Office any fact or suspicion relating to an irregularity which has come to its notice in the course of the on-the-spot check or inspection. In any event the Commission is required to inform the aforementioned authority of the result of such checks and inspections.

#### *Article 4*

##### **Information and consultation**

1. For the purposes of proper implementation of this Annex, the competent Swiss and Community authorities shall exchange information regularly and, at the request of one of the Parties, shall conduct consultations.

2. The competent Swiss authorities shall inform the Agency and the Commission without delay of any fact or suspicion which has come to their notice relating to an irregularity in connection with the conclusion and implementation of the contracts or agreements concluded in application of the instruments referred to in this Decision.

#### *Article 5*

##### **Confidentiality**

Information communicated or acquired in any form whatsoever pursuant to this Annex will be covered by professional confidentiality and protected in the same way as similar information is protected by the national legislation of Switzerland and by the corresponding provisions applicable to the Community institutions. Such information shall not be communicated to persons other than those within the Community institutions, in the Member States, or in Switzerland whose functions require them to know it, nor may it be used for purposes other than to ensure effective protection of the financial interests of the Contracting Parties.

#### *Article 6*

##### **Administrative measures and penalties**

Without prejudice to application of Swiss criminal law, administrative measures and penalties may be imposed by the Agency or the Commission in accordance with Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 and Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 and with Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities' financial interests <sup>(1)</sup>.

#### *Article 7*

##### **Recovery and enforcement**

Decisions taken by the Agency or the Commission within the scope of this Decision which impose a pecuniary obligation on persons other than States shall be enforceable in Switzerland.

The enforcement order must be issued, without any further control than verification of the authenticity of the act, by the authority designated by the Swiss government, which must inform the Agency or the Commission thereof. Enforcement must take place in accordance with the Swiss rules of procedure. The legality of the enforcement decision is subject to control by the Court of Justice of the European Communities.

Judgments given by the Court of Justice of the European Communities pursuant to an arbitration clause are enforceable on the same terms.

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<sup>(1)</sup> OJ L 312, 23.12.1995, p. 1.

## ANNEX C

**DECLARATION OF THE COUNCIL CONCERNING ATTENDANCE OF SWITZERLAND ON THE COMMITTEES**

— The Council of the European Union accepts that the declaration on Swiss attendance of committees annexed to the final act of the Agreement between the European Community and the Swiss Confederation on Air Transport shall contain an additional indent:

‘— The Committee established under Regulation (EC) No 549/2004 (the single sky committee)’

— The Council of the European Union accepts that the declaration on Swiss attendance of committees annexed to the final act of the Agreement between the European Community and the Swiss Confederation on Air Transport shall contain an additional indent:

‘— The Committee established under Regulation (EC) No 1592/2002’.

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## III

(Acts adopted under the EU Treaty)

## ACTS ADOPTED UNDER TITLE V OF THE EU TREATY

## COUNCIL JOINT ACTION 2008/368/CFSP

of 14 May 2008

**in support of the implementation of United Nations Security Council Resolution 1540 (2004) and in the framework of the implementation of the EU strategy against the proliferation of weapons of mass destruction**

THE COUNCIL OF THE EUROPEAN UNION,

lished by UNSCR 1540 ('the 1540 Committee') with a report on steps which they have taken or intend to take to implement UNSCR 1540.

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

Whereas:

- (1) On 12 December 2003, the European Council adopted the EU strategy against the proliferation of weapons of mass destruction, Chapter III of which contains a list of measures to combat such proliferation which need to be taken both within the EU and in third countries.
- (2) The EU is actively implementing this strategy and is giving effect to the measures listed in Chapter III thereof, in particular through releasing financial resources to support specific projects conducted by multilateral institutions, providing States in need with technical assistance and expertise with regard to a wide range of non-proliferation measures, and fostering the role of the United Nations Security Council.
- (3) On 28 April 2004, the UN Security Council adopted Resolution 1540 (2004) ('UNSCR 1540'), which is the first international instrument that deals with weapons of mass destruction, their means of delivery and related materials in an integrated and comprehensive manner. UNSCR 1540 established binding obligations for all States aimed at preventing and deterring non-State actors from obtaining access to such weapons and weapon-related material. It also called upon States to present the Committee of the Security Council estab-

- (4) On 27 April 2006, the UN Security Council adopted Resolution 1673 (2006) and decided that the Committee should intensify its efforts to promote the full implementation of UNSCR 1540 through programmes of work, outreach, assistance, dialogue and cooperation. It also invited the 1540 Committee to explore with States and international, regional and sub-regional organisations the possibility of sharing experience and lessons learned, and the availability of programmes which might facilitate the implementation of UNSCR 1540.
- (5) The 1540 Committee's report in April 2006 recommended that regional and subregional outreach activities be widened and intensified with a view to providing States, in a structured manner, with guidance for implementing their obligations under UNSCR 1540, taking into account the fact that at that time 62 States had yet to submit their first national report and that 55 States which had submitted their first national report still had to submit additional information and clarification requested by the 1540 Committee.
- (6) On 12 June 2006, the European Union adopted a first Council Joint Action 2006/419/CFSP <sup>(1)</sup> in support of the implementation of UNSCR 1540 and in the framework of the implementation of the EU strategy against the proliferation of weapons of mass destruction. That Joint Action was aimed at raising awareness of the requirements related to UNSCR 1540 and at contributing to strengthening third States' administrative capacities in drafting national reports on the implementation of UNSCR 1540.

<sup>(1)</sup> OJ L 165, 17.6.2006, p. 30.



- (7) The implementation of Joint Action 2006/419/CFSP resulted in the organisation of five regional seminars in Africa, the Middle East, Latin America, the Caribbean and Asian-Pacific regions. These activities contributed to diminishing significantly the number of non-reporting States and the number of States which did not submit additional information required by the 1540 Committee following their submission of incomplete reports.
- (8) The 1540 Committee emphasised to the UN Security Council in December 2007 that in practical work the main focus of the Committee should shift away from national reporting and towards the implementation of all aspects of UNSCR 1540. In this regard, individually designed outreach and assistance, which is responsive to regional and other specific circumstances, could help States to cope with the challenges of implementing UNSCR 1540. The 1540 Committee has also stated in its work programme that national plans or road maps for implementation could serve States as useful planning tools and that this idea should be further promoted. The countries concerned should also receive more assistance in developing their national action plans.
- (9) The Office for Disarmament Affairs within the United Nations Secretariat, which is responsible for providing the 1540 Committee and its experts with substantive and logistical support, should be entrusted with the technical implementation of the projects to be carried out under this Joint Action.
- (10) This Joint Action should be implemented in accordance with the Financial and Administrative Framework Agreement concluded by the European Commission with the United Nations concerning the management of financial contributions by the European Union to programmes or projects administered by the United Nations,

HAS ADOPTED THIS JOINT ACTION:

#### *Article 1*

1. In accordance with the EU strategy against the proliferation of weapons of mass destruction, which sets the objective of fostering the role of the UN Security Council and of enhancing its expertise in meeting the challenges of proliferation, the EU shall further support the implementation of UNSC Resolution 1540 (2004) ('UNSCR 1540').

2. The projects in support of UNSCR 1540, corresponding to measures of the EU strategy, shall consist of a series of thematic workshops in several targeted subregions.

The aim of the workshops shall be twofold:

- enhancing the capacity and skills of officials in targeted States who are responsible for managing the export control process in all its dimensions, so that they can make effective efforts at the practical level for the implementation of UNSCR 1540,
- putting officials of targeted States participating in the projects in a position to clearly identify gaps and needs, taking into account different perspectives (government and industry) so that effective requests for assistance can be formulated.

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

#### *Article 2*

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

2. The technical implementation of the projects referred to in Article 1(2) shall be carried out by the UN Secretariat (Office for Disarmament Affairs) ('UN Secretariat (ODA)'). It shall perform this task under the control of the SG/HR, assisting the Presidency. For this purpose, the SG/HR shall enter into the necessary arrangements with the UN Secretariat (ODA).

3. The Presidency, the SG/HR and the Commission shall keep each other regularly informed concerning the implementation of this Joint Action, in conformity with their respective competences.

#### *Article 3*

1. The financial reference amount for the implementation of the projects referred to in Article 1(2) shall be EUR 475 000 to be funded from the general budget of the European Union.

2. The expenditure financed by the amount stipulated in paragraph 1 shall be managed in accordance with the Community procedures and rules applicable to the general budget of the European Union.

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

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

#### *Article 4*

The Presidency, assisted by the SG/HR, shall report to the Council on the implementation of this Joint Action on the basis of regular reports prepared by the UN Secretariat (ODA). These reports shall form the basis for the evaluation carried out by the Council. The Commission shall be fully associated, and shall report on the financial aspects of the implementation of this Joint Action.

#### *Article 5*

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

It shall expire 24 months after the conclusion of the financing agreement referred to in Article 3(3), or three months after the date of its adoption if no financing agreement has been concluded within that period.

#### *Article 6*

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

Done at Brussels, 14 May 2008.

*For the Council*

*The President*

A. BAJUK

## ANNEX

**EU support for the implementation of United Nations Security Council Resolution 1540 (2004)****1. Background**

In its April 2006 report, the 1540 Committee concluded that 62 States had yet to submit their first national report and 55 States, although they had done so, still had to submit additional information and clarification. Since these States were concentrated in three geographical areas (Africa, the Caribbean and the South Pacific), and since the gaps in the national reports followed certain regional patterns, the 1540 Committee suggested that activities to assist States in meeting implementation requirements of UNSCR 1540 should concentrate on regions and areas where specific needs were identified.

In response to this view, the EU support during the period 2004-2007 for the activities of the 1540 Committee was twofold:

- the EU carried out démarches to third States to promote the submission of national reports under UNSCR 1540,
- on 12 June 2006 the EU adopted Joint Action 2006/419/CFSP providing financial support for five outreach activities targeting five different regions of developing countries. The outreach activities, in the form of seminars, aimed at raising awareness among developing countries of their obligations under UNSCR 1540 and contributing to strengthening third States' national administrative capacities in drafting national reports on the implementation of UNSCR 1540.

According to the briefing presented by the Chairman of the 1540 Committee to the UNSC on 17 December 2007, considerable progress has been made with regard to the reporting obligations of the UN Member States, but more efforts are needed in the next period to achieve full implementation of all aspects of the resolution. In particular, as of March 2008, 144 States had already submitted their first reports and 99 States have already submitted additional information requested. Consequently, thematic discussion on outreach activities held by the 1540 Committee in October 2007 recognised the need for a phased approach and recommended that future outreach activities should focus less on the issue of reporting and more on assisting States with issues of implementation.

The December 2007 briefing also stressed how in practical work the main focus of the 1540 Committee should shift from reporting to implementation of all aspects of UNSCR 1540. In this regard individually designed outreach and assistance, which is responsive to regional and other specific circumstances, could help Member States cope with the challenges of implementation. As the Committee stated in its work programme, national plans or road maps of implementation can serve States as useful planning tools and this idea should be further promoted. The countries concerned should receive more assistance in developing their national action plans. Similarly, Member States' capacity to formulate effective assistance requests should also be enhanced.

**2. Description of projects**

The projects in support of the implementation of UNSCR 1540 will take the form of six workshops aiming at enhancing the capacity of officials responsible for managing the export control process in six subregions (Africa, Central America, Mercosur, the Middle East and Gulf Regions, Pacific Islands and South-East Asia), so that they can at a practical level undertake implementation efforts of UNSCR 1540. The proposed workshops will be specifically tailored for border, customs and regulatory officials and will comprise the main elements of an export control process including applicable laws (including national and international legal aspects), regulatory controls (including licensing provisions, end-user verification and awareness-raising programmes) and enforcement (including commodity identification, risk-assessment and detection methods).

During the workshop, States will be encouraged to confer and share experiences on practical issues relating to implementation. States will have the opportunity to compare their export control processes and, by making these comparisons, identify those practices which could gain from the experience of others. Where assistance may be required to enable States to apply the most effective practices, assistance programmes may be assembled.

The proposed activities should also position the abovementioned officials to clearly identify gaps and needs taking into account different perspectives (government and industry) so that effective assistance requests for training, equipment and other fields of activities can be formulated. These requests will be submitted to the 1540 Committee — for circulation to States — or directly to States, international, regional and non-governmental organisations. These workshops will, as well as drawing on the experts of the 1540 Committee, need to draw on expertise available internationally. Therefore donor countries, as well as international intergovernmental organisations, could also provide well-established or known competencies by making their experts available for the duration of the workshop.

This new Joint Action builds on and intensifies efforts undertaken under the previous Joint Action 2006/419/CFSP that mainly focused on awareness-raising and reporting obligations. It will provide a clearly operational and sub-regional dimension to the projects by involving approximately three State officials (practitioners/expert level) from each participating State in the workshops, with a duration of three to four days.

The clear identification of gaps and needs which will be facilitated by the workshops financed through this Joint Action will be particularly useful to the European Union, mainly for the selection of countries which could benefit from capacity-building projects financed under the new stability instrument. It will also help define the precise fields in which additional EU actions are mostly needed. Participants of the workshops will be encouraged to deliver specific assistance requests. The EU will identify the scope of assistance taking into account the intentions of other potential donors and will ensure a maximum synergy with other EU financial instruments (e.g. complementarity with this Joint Action of activities under the stability instrument in the area of export control in third countries).

Results of projects:

- enhanced understanding by participants of national, regional and international efforts to prevent proliferation of weapons of mass destruction and their means of delivery,
- greater clarity of current implementation and enforcement measures and increase steps taken or planned to be taken toward full implementation of UNSCR 1540,
- enhanced risk-assessment, detection and examination techniques,
- improved interplay and information-sharing between national and regional export control and enforcement authorities,
- enhanced understanding of cargo movements and methods that are employed to circumvent export control processes,
- enhanced understanding of the dual-use nature of certain commodities and improved capability to identify those dual-use commodities related to weapons of mass destruction and their means of delivery,
- enhanced cooperation between regulatory and enforcement officials and industry,
- workshop output for participants:
  - (a) produce potential national action plans;
  - (b) develop assistance requests for future follow-up on more specific areas in this workshop, and, as appropriate, enhance cooperation with intergovernmental organisations and subregional organisations in the provision of such assistance; and
  - (c) report of seminar proceedings.

### 3. Duration

The total estimated duration of the projects will be 24 months.

### 4. Beneficiaries and participants

States selected to attend have been chosen in accordance with several criteria. Examination of country matrices on implementation of UNSCR 1540 were used to identify those States which may require assistance in areas of risk-assessment, border and transshipment controls, commodity identification, and detection techniques.

In proposing the States mentioned below for participation in the projects, consideration has also been given to their varying levels of implementation and capability. Similarities in regional issues, such as transshipment, provide a common thread and allow synergies between States to be identified and developed.

In addition, the selected States participated in outreach activities previously undertaken in the relevant subregions.

States will be requested to nominate officials at the implementation level, familiar with the export and border-control processes. These would include representatives from the following areas of government:

- regulatory authorities, and
- border enforcement (including customs and police authorities; particular attention will be given to cross-governmental and interagency processes).

Additional agencies identified as central to the export control process will be invited as appropriate, following a decision of the Presidency of the EU, assisted by the SG/HR.

An invitation to attend and participate in the workshops would also be considered for the relevant intergovernmental and regional organisations.

It is important to stress that some of the participating States might be faced, even inadvertently, with risks of proliferation of WMD, due to their geographical location, political situation or to their national energy plans. Several among them have also already engaged in a constructive dialogue on non-proliferation of WMD with the EU, also through the negotiation and signing of bilateral agreement including clauses on non-proliferation of WMD. Accordingly, the organisation of this series of workshops represent a great opportunity for the EU to deliver on its commitments under these clauses and to show the importance it attaches to assisting developing countries also through multilateral means.

The States selected for attendance at the workshops include:

1. Project covering Africa

Ghana, Kenya, Morocco, Nigeria, Uganda, South Africa, Republic of the Congo, Egypt, Libya, and Tanzania.

2. Project covering Central America

Belize, Costa Rica, El Salvador, Guatemala, Honduras, Mexico, Nicaragua and Panama.

3. Project covering Mercosur States

Argentina, Brazil, Uruguay, Paraguay, Venezuela, Bolivia, Chile, Columbia, Ecuador and Peru.

4. Project covering the Middle East and Gulf regions

Bahrain, Iraq, Jordan, Kuwait, Oman, Saudi Arabia, Syria, United Arab Emirates.

5. Project covering Pacific Islands States

Fiji, Marshall Islands, Micronesia (Federated States of), Nauru, Palau, Papua New Guinea, Solomon Islands (Republic of), Timor-Leste, Tuvalu, Vanuatu.

6. Project covering South-East Asian States

Cambodia, Indonesia, Malaysia, Myanmar, Philippines, Singapore, Thailand and Vietnam.

## 5. Implementing entity

The Presidency, assisted by the SG/HR, is responsible for the implementation of this Joint Action. The Presidency shall entrust the technical implementation to the UN Secretariat (ODA). The UN Secretariat (ODA) will sign a Host Nation Support agreement with the States, which will be identified as hosting countries. The hosting State will participate in the implementation of the projects, financed by this Joint Action. The procurement of any goods, works or services by the UN Secretariat (ODA) of the hosting States in the context of this Joint Action will be carried out in accordance with the applicable UN rules and procedures, as detailed in the financing agreement with the UN Secretariat (ODA) (Article 3(3) of this Joint Action).

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**COUNCIL COMMON POSITION 2008/369/CFSP****of 14 May 2008****concerning restrictive measures against the Democratic Republic of the Congo and repealing  
Common Position 2005/440/CFSP**

THE COUNCIL OF THE EUROPEAN UNION,

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

Whereas:

- (1) Following the adoption by the United Nations Security Council on 18 April 2005 of Resolution 1596 (2005) (UNSCR 1596 (2005)), the Council adopted Common Position 2005/440/CFSP of 13 June 2005 concerning restrictive measures against the Democratic Republic of the Congo <sup>(1)</sup>.
- (2) On 31 March 2008, the United Nations Security Council adopted Resolution 1807 (2008) (UNSCR 1807 (2008)) providing for new exemptions to the restrictive measures regarding the arms embargo, asset freeze and travel ban, listing the criteria for designation by the Sanctions Committee established pursuant to United Nations Security Council Resolution 1533 (2004) (UNSCR 1533 (2004)) of individuals and entities subject to an asset freeze and travel ban, and extending the measures until 31 December 2008.
- (3) For the sake of clarity, the measures imposed by Common Position 2005/440/CFSP and those to be imposed pursuant to UNSCR 1807 (2008) should be integrated into a single legal instrument.
- (4) Common Position 2005/440/CFSP should therefore be repealed.
- (5) Action by the Community is needed in order to implement certain measures,

HAS ADOPTED THIS COMMON POSITION:

*Article 1*

1. The direct or indirect supply, sale or transfer of arms and any related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts for the aforementioned to all non-governmental entities and individuals operating in the territory of the Democratic Republic of the Congo (DRC) by nationals of Member

States or from the territories of Member States, or using their flag vessels or aircraft, shall be prohibited whether originating or not in their territories.

2. It shall also be prohibited to:

- (a) grant, sell, supply or transfer technical assistance, brokering services and other services related to military activities and to the provision, manufacture, maintenance and use of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, directly or indirectly to all non-governmental entities and individuals operating in the territory of the DRC;
- (b) provide financing or financial assistance related to military activities, including in particular grants, loans and export credit insurance, for any sale, supply, transfer or export of arms and related materiel, or for any grant, sale, supply, or transfer of related technical assistance, brokering services and other services, directly or indirectly to all non-governmental entities and individuals operating in the territory of the DRC.

*Article 2*

1. Article 1 shall not apply to:

- (a) the supply, sale or transfer of arms and any related materiel or the provision of technical assistance, financing, brokering services and other services related to arms and related materiel intended solely for support of, or use by, the United Nations Organisation Mission in the DRC (MONUC);
- (b) the supply, sale or transfer of protective clothing, including flak jackets and military helmets, temporarily exported to the DRC by United Nations personnel, representatives of the media and humanitarian and development workers and associated personnel, for their personal use only;
- (c) the supply, sale or transfer of non-lethal military equipment intended solely for humanitarian or protective use, or the provision of technical assistance and training, related to such non-lethal equipment.

<sup>(1)</sup> OJ L 152, 15.6.2005, p. 22. Common Position as last amended by Common Position 2008/179/CFSP (OJ L 57, 1.3.2008, p. 37).



2. The supply, sale or transfer of arms and any related materiel or the provision of services or technical assistance and training referred to in paragraph 1 shall be subject to prior authorisation by the competent authorities of the Member States.

3. Member States shall give the Sanctions Committee established pursuant to UNSCR 1533 (2004) (Sanctions Committee) advance notification of any shipment of arms and related materiel for the DRC, or any provision of technical assistance, financing, brokering services and other services related to military activities in the DRC, other than those referred to in paragraphs 1(a) and (b). Such notification shall contain all relevant information, including, where appropriate, the end-user, the proposed date of delivery and the itinerary of shipments.

4. Member States shall consider deliveries under paragraph 1 on a case-by-case basis, taking full account of the criteria set out in the European Union Code of Conduct on Arms Exports. Member States shall require adequate safeguards against misuse of authorisations granted pursuant to paragraph 2 and, where appropriate, make provisions for repatriation of the arms delivered and related materiel.

#### Article 3

Restrictive measures as provided for in Articles 4(1) and 5(1) and (2) shall be imposed against the following persons and, as appropriate, entities, designated by the Sanctions Committee:

- persons or entities acting in violation of the arms embargo and related measures as referred to in Article 1,
- political and military leaders of foreign armed groups operating in the DRC who impede the disarmament and the voluntary repatriation or resettlement of combatants belonging to those groups,
- political and military leaders of Congolese militias receiving support from outside the DRC, who impede the participation of their combatants in disarmament, demobilisation and reintegration processes,
- political and military leaders operating in the DRC and recruiting or using children in armed conflicts in violation of applicable international law,
- individuals operating in the DRC and committing serious violations of international law involving the targeting of

children or women in situations of armed conflict, including killing and maiming, sexual violence, abduction and forced displacement.

The relevant persons and entities are listed in the Annex.

#### Article 4

1. Member States shall take the necessary measures to prevent the entry into, or transit through, their territories of the persons referred to in Article 3.

2. Paragraph 1 shall not oblige a Member State to refuse its own nationals entry into its territory.

3. Paragraph 1 shall not apply where the Sanctions Committee:

- (a) determines in advance and on a case-by-case basis that such entry or transit is justified on the grounds of humanitarian need, including religious obligation;
- (b) concludes that an exemption would further the objectives of relevant Resolutions of the Security Council, that is to say peace and national reconciliation in the DRC and stability in the region;
- (c) authorises in advance and on a case-by-case basis, the transit of individuals returning to the territory of the State of their nationality, or participating in efforts to bring to justice perpetrators of grave violations of human rights or international humanitarian law.

4. In cases where, pursuant to paragraph 3, a Member State authorises the entry into, or transit through, its territory of persons designated by the Sanctions Committee, the authorisation shall be limited to the purpose for which it is given and to the persons concerned thereby.

#### Article 5

1. All funds, other financial assets and economic resources owned or controlled directly or indirectly by the persons or entities referred to in Article 3 or held by entities owned or controlled directly or indirectly by them or by any persons or entities acting on their behalf or at their direction, as identified in the Annex, shall be frozen.

2. No funds, other financial assets or economic resources shall be made available, directly or indirectly, to or for the benefit of the persons or entities referred to in paragraph 1.

3. Member States may allow for exemptions from the measures referred to in paragraphs 1 and 2 in respect of funds, other financial assets and economic resources which are:

- (a) necessary for basic expenses, including payments for food-stuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges;
- (b) intended exclusively for the payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services;
- (c) intended exclusively for the payment of fees or service charges, in accordance with national laws, for routine holding or maintenance of frozen funds, or other financial assets and economic resources;
- (d) necessary for extraordinary expenses, after notification by the Member State concerned to, and approval by, the Sanctions Committee;
- (e) the subject of a judicial, administrative or arbitral lien or judgment, in which case the funds, other financial assets and economic resources may be used to satisfy that lien or judgment provided that the lien or judgment was entered before designation by the Sanctions Committee of the person or entity concerned, and is not for the benefit of a person or entity referred to in Article 3, after notification by the Member State concerned to the Sanctions Committee.

4. The exemptions referred to in paragraph 3(a), (b) and (c) may be made after notification to the Sanctions Committee by the Member State concerned of its intention to authorise, where appropriate, access to such funds, other financial assets and economic resources, and in the absence of a negative decision by the Sanctions Committee within four working days of such notification.

5. Paragraph 2 shall not apply to the addition to frozen accounts of:

- (a) interest or other earnings on those accounts; or
- (b) payments due under contracts, agreements or obligations that were concluded or arose before the date on which those accounts became subject to restrictive measures,

provided that any such interest, other earnings and payments remain subject to paragraph 1.

#### *Article 6*

The Council shall establish the list contained in the Annex and amend it as determined by the Sanctions Committee.

#### *Article 7*

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

#### *Article 8*

This Common Position shall be reviewed, amended or repealed as appropriate, as determined by the United Nations Security Council.

#### *Article 9*

Common Position 2005/440/CFSP is hereby repealed.

#### *Article 10*

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

Done at Brussels, 14 May 2008.

*For the Council*  
*The President*  
A. BAJUK



## ANNEX

## a) List of persons referred to in Articles 3, 4 and 5

	Surname	First Name	Alias	Sex	Title, function	Address (No, street, postal code, town, country)	Date of birth	Place of birth (town, country)	Passport or ID Number (including country that issued and date and place of issue)	Nationality	Date of designation	Other information
1.	BWAMBALE	Frank Kakolele	Frank Kakorere, Frank Kakorere Bwambale	M							1.11.2005	Former DRC-ML leader, exercising influence over policies and maintaining command and control over the activities of DRC-ML forces, one of the armed groups and militias referred to in paragraph 20 of Res. 1493 (2003), responsible for trafficking of arms, in violation of the arms embargo.
2.	KAKWAVU BUKANDE	Jérôme	Jérôme Kakwavu	M						Congolese	1.11.2005	Known as: 'Commandant Jérôme'. Former president of UCD/FAPC. FAPC's control of illegal border posts between Uganda and the DRC — a key transit route for arms flows. As president of the FAPC, he exercises influence over policies and maintains command and control over the activities of FAPC forces, which have been involved in arms trafficking and, consequently, in violations of the arms embargo. Given the rank of General in the FARDC in December 2004.
3.	KATANGA	Germain		M						Congolese	1.11.2005	Under house arrest in Kinshasa from March 2005 for FRPI involvement in human rights abuses. Surrendered by the Government of the DRC to the International Criminal Court on 18 October 2007. FRPI chief. Appointed General in the FARDC in December 2004. Involved in weapons transfers, in violation of the arms embargo.

	Surname	First Name	Alias	Sex	Title, function	Address (No, street, postal code, town, country)	Date of birth	Place of birth (town, country)	Passport or ID Number (including country that issued and date and place of issue)	Nationality	Date of designation	Other information
4.	KAMBALE	Kisoni	Dr Kisoni, Kidubai, Kambale KISONI	M			24.5.1961	Mulashe, DRC	C0323172	Congolese	29.3.2007	Gold trader, owner of Butembo Airlines and Congocom Trading House in Butembo. Deceased on 5 July 2007 in Butembo, DRC. Kisoni participated in militia financing through gold trading (buying from the FNI and selling to Uganda Commercial Impex (UCI Ltd) and smuggling across the DRC/Uganda border. Kisoni's support of an illegal armed group (FNI) through a personal commercial relationship with NJABU (an individual already subject to sanctions under Resolution 1596 (2005)) is in breach of the arms embargo of Resolutions 1493 (2003) and 596 (2005).
5.	LUBANGA	Thomas		M				Ituri		Congolese	1.11.2005	Arrested in Kinshasa from March 2005 for UPC/L involvement in human rights abuses violations. President of the UPC/L, one of the armed groups and militias referred to in paragraph 20 of Resolution 1493 (2003), involved in the trafficking of arms, in violation of the arms embargo.
6.	MANDRO	Khawa Panga	Kawa Panga, Kawa Panga Mandro, Kawa Mandro, Yves Andoul Karim, Mandro Panga Kahwa, Yves Khawa Panga Mandro	M			20.8.1973	Bunia		Congolese	1.11.2005	Known as: 'Chief Kahwa', 'Kawa'. Ex-president of PUSIC, one of the armed groups and militia referred to in paragraph 20 of Resolution 1493 (2003) involved in arms trafficking, in violation of the arms embargo. In prison in Bunia since 04/05 for sabotage of the Ituri peace process.

	Surname	First Name	Alias	Sex	Title, function	Address (No, street, postal code, town, country)	Date of birth	Place of birth (town, country)	Passport or ID Number (including country that issued and date and place of issue)	Nationality	Date of designation	Other information
7.	MPAMO	Iruta Douglas	Mpano, Douglas Iruta Mpamo	M		Bld Kanya-muhanga 52, Goma	28.12.1965/ 29.12.1965	Bashali, Masisi/ Goma, DRC (formerly Zaire)		Congolese	1.11.2005	Based in Goma. Owner/manager of the Compagnie Aérienne des Grands Lacs and of Great Lakes Business Company, whose aircraft were used to provide assistance to armed groups and militias referred to in paragraph 20 of Res. 1493 (2003). Also responsible for disguising information on flights and cargo apparently to allow for the violation of the arms embargo.
8.	MUDA-CUMURA	Sylvestre		M						Rwandan	1.11.2005	Known as: 'Radja', 'Mupenzi Bernard', 'General Major Mupenzi'. FDLR Commander on the ground, exercising influence over policies, and maintaining command and control over the activities of FDLR forces, one of the armed groups and militias referred to in paragraph 20 of Res. 1493 (2003), involved in trafficking of arms, in violation of the arms embargo.
9.	MURWANA-SHY-AKA	Dr Ignace	Ignace	M			14.5.1963	Butera (Rwanda)/ Ngoma, Butare (Rwanda)		Rwandan	1.11.2005	Resident in Germany. President of FDLR, exercising influence over policies, and maintaining command and control over the activities of FDLR forces, one of the armed groups and militias referred to in paragraph 20 of Res. 1493 (2003), involved in trafficking of arms, in violation of the arms embargo.
10.	MUSONI	Straton	IO Musoni	M			6.4.1961 (possibly 4.6.1961)	Mugambazi, Kigali, Rwanda		Rwandan passport expired on 10.9.2004	29.3.2007	Resident in Neuffen, Germany. 1st Vice President of Forces Démocratiques de Libération du Rwanda (FDLR) in Europe. Through his leadership of the FDLR, a foreign armed group operating in the DRC, Musoni is impeding the disarmament and voluntary repatriation or resettlement of combatants belonging to those groups, in breach of Resolution 1649 (2005).

	Surname	First Name	Alias	Sex	Title, function	Address (No, street, postal code, town, country)	Date of birth	Place of birth (town, country)	Passport or ID Number (including country that issued and date and place of issue)	Nationality	Date of designation	Other information
11.	MUTEBUTSI	Jules	Jules Mutebusi, Jules Mutebuzi	M				South Kivu		Congolese (South Kivu)	1.11.2005	Currently detained in Rwanda. Known as: 'Colonel Mutebutsi'. Former FARDC Deputy Military Regional Commander of 10th MR in April 2004, dismissed for indiscipline and joined forces with other renegade elements of former RCD-G to take town of Bukavu in May 2004 by force. Implicated in the receipt of weapons outside of FARDC structures and provision of supplies to armed groups and militia mentioned in paragraph 20 of Res. 1493 (2003), in violation of the arms embargo.
12.	NGUDJOLO	Mathieu Cui	Cui Ngudjolo	M							1.11.2005	'Colonel' or 'General'. FNI Chief of Staff and former Chief of Staff of the FRPI, exercising influence over policies and maintaining command and control the activities of FRPI forces, one of the armed groups and militias referred to in paragraph 20 of Res. 1493 (2003), responsible for trafficking of arms, in violation of the arms embargo. Arrested by MONUC in Bunia in October 2003.
13.	N/ABU	Floribert Ngabu	Floribert Njabu, Floribert Ndjabu, Floribert Ngabu Ndjabu	M							1.11.2005	Arrested and placed under house arrest in Kinshasa from March 2005 for FNI involvement in human rights abuses. President of FNI, one of the armed groups and militias referred to in paragraph 20 of Res. 1493 (2003), involved in the trafficking of arms, in violation of the arms embargo.

	Surname	First Name	Alias	Sex	Title, function	Address (No, street, postal code, town, country)	Date of birth	Place of birth (town, country)	Passport or ID Number (including country that issued and date and place of issue)	Nationality	Date of designation	Other information
14.	NKUNDA	Laurent	Laurent Nkunda Bware, Laurent Nkunda- bware, Laurent Nkunda Mahoro Bware, Laurant Nkunda Bware	M			6.2.1967/ 2.2.1967	North Kivu/ Rutshuru		Congolese	1.11.2005	Currently unlocated. Sightings in Rwanda and Goma. Known as: 'General Nkunda'. Former RCD-G General. Joined forces with other renegade elements of former RCD-G to take Bukavu in May 04 by force. In receipt of weapons outside of FARDC in violation of the arms embargo. Founder, National Congress for the People's Defense, 2006; Senior Officer, Rally for Congolese Democracy-Goma (RCD-G), 1998-2006; Officer Rwandan Patriotic Front (RPF), 1992-1998.
15.	NYAKUNI	James		M						Ugandan	1.11.2005	Trade partnership with 'Commandant Jérôme', particularly smuggling across the DRC/Uganda border, including suspected smuggling of weapons and military material in unchecked trucks. Violation of the arms embargo and provision of assistance to armed groups and militia referred to in paragraph 20 of Res. 1493 (2003), including financial support that allows them to operate militarily.
16.	OZIA MAZIO	Dieudonné	Ozia Mazioné	M			6.6.1949	Ariwara, DRC		Congolese	1.11.2005	Known as: 'Omari', 'Mr Omari'. President of FEC in Aru territory. Financial schemes with 'Commandant Jérôme' and FAPC and smuggling across the DRC/Uganda border, allowing supplies and cash to be made available to 'Commandant Jérôme' and his troops. Violation of the arms embargo, including by providing assistance to armed groups and militia referred to in paragraph 20 of Res. 1493 (2003).

	Surname	First Name	Alias	Sex	Title, function	Address (No, street, postal code, town, country)	Date of birth	Place of birth (town, country)	Passport or ID Number (including country that issued and date and place of issue)	Nationality	Date of designation	Other information
17.	TAGANDA	Bosco	Bosco Ntaganda, Bosco Ntagenda	M						Congolese	1.11.2005	Known as: 'Terminator', 'Major'. UPC/L military commander, exercising influence over policies and maintaining command and control over the activities of UPC/L, one of the armed groups and militias referred to in paragraph 20 of Res. 1493 (2003), involved in the trafficking of arms, in violation of the arms embargo. He was appointed General in the FARDC in December 2004 but refused to accept the promotion, therefore remaining outside of the FARDC.

## b) List of entities referred to in Articles 3, 4 and 5

	Name	Alias	Address (No, street, postal code, town, country)	Place of registration (town, country):	Date of registration	Registration number:	Principal place of business:	Date of designation	Other information
18.	BUTEMBO AIRLINES (BAL)			Butembo, DRC				29.3.2007	Privately owned airline, operates out of Butembo. Kambale Kisoni used his airline to transport FNI gold, rations and weapons between Mongbwalu and Butembo. This constitutes 'provision of assistance' to illegal armed groups in breach of the arms embargo of Resolutions 1493 (2003) and 1596 (2005).
19.	CONGOCOM TRADING HOUSE			Butembo, DRC (Tel. +253 (0) 99 983 784)				29.3.2007	Gold-trading house in Butembo. CONGOCOM is owned by Kambale Kisoni. Kisoni acquires almost all the gold production in the Mongbwalu district, which is controlled by the FNI. The FNI derive substantial income from taxes imposed on this production. This constitutes 'provision of assistance' to illegal armed groups in breach of the arms embargo of Resolutions 1493 (2003) and 1596 (2005).
20.	COMPAGNIE AERIENNE DES GRANDS LACS (CAGL), GREAT LAKES BUSINESS		CAGL, Avenue Président Mobutu, Goma DRC (CAGL also has an office in Gisenyi, Rwanda); GLBC, PO Box 315, Goma, DRC (GLBC also has an office in Gisenyi, Rwanda)					29.3.2007	CAGL and GLBC are companies owned by Douglas MPAMO, an individual already subject to sanctions under Resolution 1596 (2005). CAGL and GLBC were used to transport arms and ammunition in violation of the arms embargo of Resolutions 1493 (2003) and 1596 (2005).
21.	MACHANGA		Kampala, Uganda					29.3.2007	Gold-export company in Kampala (Director, Mr Rajua). MACHANGA bought gold through a regular commercial relationship with traders in the DRC tightly linked to militias. This constitutes 'provision of assistance' to illegal armed groups in breach of the arms embargo of Resolutions 1493 (2003) and 1596 (2005).

	Name	Alias	Address (No, street, postal code, town, country)	Place of registration (town, country):	Date of registration	Registration number:	Principal place of business:	Date of designation	Other information
22.	TOUS POUR LA PAIX ET LE DEVELOP- PEMENT (NGO)	TPD	Goma, North Kivu					1.11.2005	Implicated in violation of the arms embargo, by providing assistance to RCD-G, particularly in supplying trucks to transport arms and troops, and also by transporting weapons to be distributed, to parts of the population in Masisi and Rutshuru, North Kivu, in early 2005.
23.	UGANDA COMMERCIAL IMPEC (UCI) LTD		Kajoka Street, Kisemete Kampala, Uganda (Tel. +256 41 533 578/9); alternative address: PO Box 22709, Kampala, Uganda					29.3.2007	Gold-export company in Kampala. UCI bought gold through commercial relationship with traders in the DRC tightly linked to militias. This constitutes 'provision of assistance' to illegal armed groups in breach of the arms embargo of Resolutions 1493 (2003) and 1596 (2005).