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### Legislation

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



## I

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

## REGULATIONS

**COMMISSION REGULATION (EC) No 459/2008****of 27 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 28 May 2008.

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

Done at Brussels, 27 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 27 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	84,4
	MK	62,7
	TN	105,3
	TR	82,8
	ZZ	83,8
0707 00 05	JO	162,5
	TR	136,6
	ZZ	149,6
0709 90 70	TR	106,4
	ZZ	106,4
0805 10 20	EG	36,7
	IL	65,9
	MA	51,2
	MX	62,0
	TN	55,0
	TR	72,1
	US	57,7
	ZZ	57,2
0805 50 10	AR	132,6
	TR	163,7
	US	151,8
	ZA	115,0
	ZZ	140,8
0808 10 80	AR	89,8
	BR	85,7
	CA	78,7
	CL	91,3
	CN	81,7
	MK	65,0
	NZ	105,7
	US	102,7
	UY	93,6
	ZA	78,5
	ZZ	87,3
0809 20 95	TR	541,3
	US	571,5
	ZZ	556,4

<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 460/2008****of 27 May 2008****amending Regulation (EC) No 85/2004 laying down the marketing standard for apples**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1182/2007 of 26 September 2007 laying down specific rules as regards the fruit and vegetable sector amending Directives 2001/112/EC and 2001/113/EC and Regulations (EEC) No 827/68, (EC) No 2200/96, (EC) No 2201/96, (EC) No 2826/2000, (EC) No 1782/2003 and (EC) No 318/2006 and repealing Regulation (EC) No 2202/96 <sup>(1)</sup>, and in particular Article 42(a) thereof,

Whereas:

- (1) Commission Regulation (EC) No 85/2004 <sup>(2)</sup> provides in particular for a reduction in the minimum size from 1 June 2008 in order to be consistent with the United Nations Economic Commission for Europe standard for apples UNECE-FFV-50. However, that standard has been amended and sizing provisions should be updated accordingly.
- (2) In order to avoid any conflict with commercial law, any mention of the trade names should be deleted from the list of apple varieties set out in the Appendix to the Annex to Regulation (EC) No 85/2004.

- (3) It is also necessary to revise that list of varieties, in order to facilitate inspections. Consequently, the synonym 'Renetta del Canada' for the variety 'Reinette blanche du Canada' should be added and the apple variety 'Zarja Alatau' should be included in the same list.

- (4) Regulation (EC) No 85/2004 should therefore be amended accordingly.

- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Annex to Regulation (EC) No 85/2004 is amended in accordance with the Annex to this Regulation.

*Article 2*

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

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

Done at Brussels, 27 May 2008.

*For the Commission*

Mariann FISCHER BOEL

*Member of the Commission*

<sup>(1)</sup> OJ L 273, 17.10.2007, p. 1.

<sup>(2)</sup> OJ L 13, 20.1.2004, p. 3. Regulation as last amended by Regulation (EC) No 1238/2005 (OJ L 200, 30.7.2005, p. 22).

## ANNEX

The Annex to Regulation (EC) No 85/2004 is amended as follows:

(1) point III is replaced by the following:

‘III. PROVISIONS CONCERNING SIZING

Size is determined either by the maximum diameter of the equatorial section or by weight.

For all varieties and for all classes the minimum size is 60 mm, if measured by diameter or 90 g, if measured by weight. Fruit of smaller sizes may be accepted, if the Brix level of the produce is greater than or equal to 10,5° Brix and the size is not smaller than 50 mm or 70 g.

To ensure there is uniformity of size within the package:

(a) for fruit sized according to the diameter, the difference in diameter between fruit in the same package shall be limited to:

- 5 mm for “Extra” Class fruit and for Classes I and II fruit packed in rows and layers. However, for apples of the varieties Bramley’s Seedling (Bramley, Triomphe de Kiel) and Horneburger, the difference in diameter may amount to 10 mm, and
- 10 mm for Class I fruit packed loose in the package or sales packages. However, for apples of the varieties Bramley’s Seedling (Bramley, Triomphe de Kiel) and Horneburger, the difference in diameter may amount to 20 mm, or

(b) for fruit sized according to weight, the difference in weight between fruit in the same package shall be limited to:

- 20 % of the average individual fruit weight in the package for “Extra” Class fruit and for Classes I and II fruit packed in rows and layers, and
- 25 % of the average individual fruit weight in the package for Class I fruit packed loose in the package or in consumer packages.

There is no sizing uniformity requirement for Class II fruit packed loose in the package or in consumer packages.’;

(2) in the Appendix, the point 4 is replaced by the following:

‘4. Non-exhaustive list of apple varieties classified according to their colouring, russetting and size criteria:

Fruits of varieties that are not part of the list must be graded according to their varietal characteristics.

Varieties	Synonyms	Colour group	Russeting	Size
African Red		B		
Akane	Tohoku 3	B		
Alborz Seedling		C		
Aldas		B		L
Alice		B		
Alkmene	Early Windsor	C		
Alwa		B		
Angold		C		L
Apollo	Beauty of Blackmoor	C		L
Arkcharm	Arkansas No 18, A 18	C		L
Arlet		B	R	
Aroma		C		
Red coloured mutants of Aroma, for example Aroma Amorosa		B		
Auksis		B		
Belfort	Pella	B		
Belle de Boskoop and mutants		D	R	L
Belle fleur double		D		L
Berlepsch	Freiherr von Berlepsch	C		
Berlepsch rouge	Red Berlepsch, Roter Berlepsch	B		
Blushed Golden				L
Bohemia		B		L
Boskoop rouge	Red Boskoop, Roter Boskoop	B	R	L
Braeburn		B		L
Red coloured mutants of Braeburn, for example: Hidala Joburn Lochbuie Red Braeburn Mahana Red Mariri Red Redfield Royal Braeburn		A		L
Bramley's Seedling	Bramley, Triomphe de Kiel	D		L
Brettacher Sämling		D		L
Calville (group of ...)		D		L
Cardinal		B		
Carola	Kalco	C		L
Caudle		B		
Charden		D		L
Charles Ross		D		L
Civni		B		
Coromandel Red	Corodel	A		
Cortland		B		L

Varieties	Synonyms	Colour group	Russetting	Size
Cox's orange pippin and mutants	Cox Orange	C	R	
Red coloured mutants of Cox's Orange Pippin for example: Cherry Cox		B	R	
Crimson Bramley		D		L
Cripps Pink		C		
Cripps Red		C (*)		
Dalinbel		B		
Delblush		D		L
Delcorf and mutants, for example: Dalili Monidel		C		L
Delgollune		B		L
Delicious ordinaire	Ordinary Delicious	B		
Deljeni		D		L
Delikates		B		
Delor		C		L
Discovery		C		
Dunn's Seedling		D	R	
Dykman's Zoet		C		
Egremont Russet		D	R	
Elan		D		L
Elise	Red Delight	A		L
Ellison's orange	Ellison	C		L
Elstar and mutants, for example: Daliter Elshof Elstar Armhold Elstar Reinhardt  Red coloured mutants of Elstar, for example: Bel-El Daliest Goedhof Red Elstar Valstar		C      B		
Empire		A		
Falstaff		C		
Fiesta	Red Pippin	C		
Florina		B		L
Fortune		D	R	
Fuji and mutants		B		L



Varieties	Synonyms	Colour group	Russetting	Size
Gala		C		
Red coloured mutants of Gala, for example: Annaglo Baigent Galaxy Mitchgla Obrogala Regala Regal Prince Tenroy		A		
Garcia		D		L
Gloster		B		L
Goldbohemia		D		L
Golden Delicious and mutants		D		L
Golden Russet		D	R	
Goldrush	Coop 38	D		L
Goldstar		D		L
Gradigold		D		L
Granny Smith		D		L
Gravenstein rouge	Red Gravenstein, Roter Gravensteiner	B		L
Gravensteiner	Gravenstein	D		L
Greensleeves		D		L
Holsteiner Cox and mutants	Holstein	D	R	
Holstein rouge	Red Holstein, Roter Holsteiner Cox	C	R	
Honeycrisp		C		L
Honeygold		D		L
Horneburger		D		L
Howgate Wonder	Manga	D		L
Idared		B		L
Ingrid Marie		B	R	
Isbranica	Izbranica	C		
Jacob Fisher		D		L
Jacques Lebel		D		L
Jamba		C		L
James Grieve and mutants		D		L
James Grieve rouge	Red James Grieve	B		L
Jarka		C		L
Jerseymac		B		

Varieties	Synonyms	Colour group	Russetting	Size
Jester		D		L
Jonagold (**) and mutants, for example: Crown gold Daligo Daliguy Dalijean Jonagold 2000 Jonabel Jonabres King Jonagold New Jonagold Novajo Schneica Wilmuta	Jonasty Jonamel Excel  Fukushima Veulemanns	C		L
Jonagored and mutants, for example: Decosta Jomured Jonagold Boerekamp Jomar Jonagored Supra Jonaveld Primo Romagold Rubinstar Red Jonaprince	Van de Poel     Surkijn	A		L
Jonalord		C		
Jonathan		B		
Julia		B		
Jupiter		D		L
Karmijn de Sonnaville		C	R	L
Katy	Katja	B		
Kent		D	R	
Kidd's orange red		C	R	
Kim		B		
Koit		C		L
Krameri Tuvioun		B		
Kukikovskoje		B		
Lady Williams		B		L
Lane's Prince Albert		D		L
Laxton's Superb	Laxtons Superb	C	R	
Ligol		B		L
Lobo		B		
Lodel		A		
Lord Lambourne		C		

Varieties	Synonyms	Colour group	Russeting	Size
Maigold		B		
Mc Intosh		B		
Meelis		B		L
Melba		B		
Melodie		B		L
Melrose		C		L
Meridian		C		
Moonglo		C		
Morgenduft	Imperatore	B		L
Mountain Cove		D		L
Mutsu		D		L
Normanda		C		L
Nueva Europa		C		
Nueva Orleans		B		L
Odin		B		
Ontario		B		L
Orlovskoje Polosatoje		C		
Ozark Gold		D		L
Paula Red		B		
Pero de Cirio		D		L
Piglos		B		L
Pikant		B		L
Pikkolo		C		
Pilot		C		
Pimona		C		
Pinova		C		
Pirella		B		L
Piros		C		L
Rafzubex		A		
Rafzubin		C		
Rajka		B		
Rambour d'hiver		D		L
Rambour Franc		B		
Reanda		B		L

Varieties	Synonyms	Colour group	Russetting	Size
Rebella		C		L
Red Delicious and mutants, for example: Campsur Erovan Evasni Flatrar Fortuna Delicious Otago Red King Red Spur Red York Richared Royal Red Sandidge Shotwell Delicious Stark Delicious Starking Starkrimson Starkspur Topred Trumdor Well Spur		A		L
Red Dougherty		A		
Red Rome		A		
Redkroft		A		
Regal		A		
Regina		B		L
Reglindis		C		L
Reine des Reinettes	Goldparmäne, Gold Parmoné	C		
Reineta Encarnada		B		
Reinette Rouge du Canada		B		L
Reinette d'Orléans		D		L
Reinette Blanche du Canada	Reinette du Canada, Canada Blanc, Kanadarenette, Renetta del Canada	D	R	L
Reinette de France		D		L
Reinette de Landsberg		D		L
Reinette grise du Canada	Graue Kanadarenette	D	R	L
Relinda		C		
Remo		B		
Renora		B		L
Resi		B		
Resista		D		L
Retina		B		L
Rewena		B		L
Roja de Benejama	Verruga, Roja del Valle, Clavelina	A		
Rome Beauty	Belle de Rome, Rome	B		
Rosana	Berner Rosenapfel	B		L

Varieties	Synonyms	Colour group	Russetting	Size
Royal Beaut		A		L
Rubin		C		L
Rubinola		B		L
Sciearly		A		
Scifresh		B		
Sciglo		A		
Sciray	GS48	A		
Scired		A	R	
Sciros		A		L
Selena		B		L
Shampion		B		L
Sidrunkollane Talioun		D		L
Sinap Orlovskij	Orlovski Sinap	D		L
Snygold	Earlygold	D		L
Sommerregent		C		
Spartan		A		
Splendour		A		
St. Edmunds Pippin		D	R	
Stark's Earliest		C		
Štaris	Staris	A		
Sturmer Pippin		D	R	
Sügisdessert		C		L
Sügisjoonik		C		L
Summerred		B		
Sunrise		A		
Sunset		D	R	
Suntan		D	R	L
Sweet Caroline		C		L
Talvenauding		B		
Tellisaare		B		
Tiina		B		L
Topaz		B		
Tydemán's Early Worcester	Tydemán's Early	B		L
Veteran		B		
Vista Bella	Bellavista	B		
Wealthy		B		
Worcester Pearmain		B		
York		B		
Zarja Alatau	Zarya Alatau	D		

(\*) At least 20 % red in Class I and Class II.

(\*\*) However, for the variety Jonagold, at least one-tenth surface of the fruit in Class II must be streaked with red colouring.'

## II

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

## DECISIONS

## COMMISSION

## COMMISSION DECISION

of 30 April 2008

**implementing Council Directive 2006/88/EC as regards an Internet-based information page to make information on aquaculture production businesses and authorised processing establishments available by electronic means**

(notified under document number C(2008) 1656)

(Text with EEA relevance)

(2008/392/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

especially on species kept and their health status, should be made electronically available by the Member States.

Having regard to the Treaty establishing the European Community,

- (3) The data are currently publicly available in the registers kept by Member States pursuant to Article 6 of Directive 2006/88/EC.

Having regard to Council Directive 2006/88/EC of 24 October 2006 on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals <sup>(1)</sup>, and in particular Article 59(2) thereof,

- (4) In order to facilitate the interoperability of information systems and the use of procedures by electronic means between Member States, and to ensure transparency and comprehensibility, it is important that the information on aquaculture production businesses and authorised processing establishments is presented in a uniform way throughout the Community. An Internet-based information page is technically the most feasible solution, as it ensures easy access to such information and does not involve too many resources. A model for the layout of the Internet-based information page should therefore be drawn up.

Whereas:

- (1) Directive 2006/88/EC lays down health requirements to be applied for the placing on the market, the importation and the transit of aquaculture animals and products thereof, and minimum preventive measures aimed at increasing the awareness and preparedness of the competent authorities, aquaculture production business operators and others related to this industry, for diseases in aquaculture animals.
- (2) In order to improve the prevention of the occurrence and spread of the diseases listed in Annex IV to Directive 2006/88/EC, information on aquaculture production businesses and authorised processing establishments,

- (5) Annex II to Directive 2006/88/EC establishes the information required in the register of aquaculture production businesses and authorised processing establishments. As the aim of the Internet-based information page is to facilitate the interoperability of the relevant information recorded in the registers of aquaculture production businesses established by Member States, the website does not necessarily have to include all that information. It should however include all the information which is relevant to detect any trade restrictions caused by different health status.

<sup>(1)</sup> OJ L 328, 24.11.2006, p. 14.

- (6) Directive 2006/88/EC provides that, by way of derogation from the authorisation requirement laid down in that Directive, Member States may require only the registration by the competent authority of installations other than aquaculture production businesses where aquatic animals are kept without the intention of being placed on the market, put and take fisheries and aquaculture production businesses supplying local consumers.
- (7) The risk of the spread aquatic animal diseases posed by installations, put and take fisheries and aquaculture production businesses which, by way of derogation from Article 4(1) of Directive 2006/88/EC, are registered by the competent authority, varies depending on the their nature, characteristics, and location. Member States should therefore decide to what extent information on those installations, put and take fisheries and aquaculture production businesses should be included in the Internet-based information page.
- (8) As a sufficient period of time should be provided to allow Member States to complete the Internet-based information page with the relevant information on the aquaculture production businesses and authorised processing establishments, it should be provided for that that information is only to be available by 31 July 2009 at the latest.
- (9) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

#### Article 1

##### Subject matter and scope

1. This Decision lays down rules on an Internet-based information page to be established by the Member States to make information on aquaculture production businesses and authorised processing establishments available by electronic means in accordance with Article 59 of Directive 2006/88/EC.
2. This Decision shall apply *mutatis mutandis* to installations, put and take fisheries and aquaculture production businesses which, by way of derogation from Article 4(1) of Directive 2006/88/EC, are registered by the competent authority in accordance with Article 4(4) of that Directive subject to the second subparagraph of Article 2(1) of this Decision.

#### Article 2

##### Internet-based information page

1. The Member States shall establish an Internet-based information page (the Internet-based information page) to make

available information on farms or mollusc farming areas of aquaculture production businesses and authorised processing establishments which are authorised in accordance with Article 4 of Directive 2006/88/EC.

Member States shall decide on a case-by-case basis which installations, put and take fisheries and aquaculture production businesses referred to in Article 1(2) must be listed on the Internet-based information page, taking into account the risk of the spread of aquatic animal diseases resulting from the operations of such installations, fisheries and businesses, based on their nature, characteristics and location.

2. The Internet-based information page shall be drawn up by the Member States in conformity with the models laid down in the following Annexes:

- (a) Annex I for aquaculture production businesses keeping fish;
- (b) Annex II for aquaculture production businesses keeping molluscs;
- (c) Annex III for aquaculture production businesses keeping crustaceans;
- (d) Annex IV for authorised processing establishments slaughtering aquaculture animals for disease control purposes, referred to in Article 4(2) of Directive 2006/88/EC.

3. Member States shall keep the Internet-based information page updated so that it corresponds with the information included in the register kept pursuant to Article 6 of Directive 2006/88/EC.

Changes in health status shall be introduced in the Internet-based information page as soon as the health status recorded has changed.

4. Member States shall communicate the Internet address of the Internet-based information page to the Commission.

#### Article 3

##### Date of application

This Decision shall apply from 1 August 2008.

However, the Internet-based information page shall be completed with the information referred to in Article 2(2) and in Annexes I to IV by 31 July 2009 at the latest.

*Article 4***Addressees**

This Decision is addressed to the Member States.

Done at Brussels, 30 April 2008.

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

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## ANNEX I

## MODEL FOR AQUACULTURE PRODUCTION BUSINESSES KEEPING FISH

(REFERRED TO IN ARTICLE 2(2)(a))

Information in accordance with Article 59 of Directive 2006/88/EC

Information	Farm 1	Farm 2
1. Aquaculture production business	1.1.1. Name of the: — aquaculture production business — farm 1.1.2. Address or location of the farm	1.2.1. Name of the: — aquaculture production business — farm 1.2.2. Address or location of the farm
2. Registration number (for each farm)	2.1.	2.2.
3. Geographical position and coordinates system (for each farm)	3.1.	3.2.
4. Species kept <sup>(1)</sup> (for each farm and in relation to its susceptibility to certain diseases)	4.1.1. Viral haemorrhagic septicaemia <input type="checkbox"/> NO, susceptible or vector species present <input type="checkbox"/> YES, susceptible species present <input type="checkbox"/> YES, vector species present 4.1.2. Infectious haematopoietic necrosis <input type="checkbox"/> NO, susceptible or vector species present <input type="checkbox"/> YES, susceptible species present <input type="checkbox"/> YES, vector species present 4.1.3. Koi herpes virus <input type="checkbox"/> NO, susceptible or vector species present <input type="checkbox"/> YES, susceptible species present <input type="checkbox"/> YES, vector species present 4.1.4. Infectious salmon anaemia <input type="checkbox"/> NO, susceptible or vector species present <input type="checkbox"/> YES, susceptible species present <input type="checkbox"/> YES, vector species present	4.2.1. Viral haemorrhagic septicaemia <input type="checkbox"/> NO, susceptible or vector species present <input type="checkbox"/> YES, susceptible species present <input type="checkbox"/> YES, vector species present 4.2.2. Infectious haematopoietic necrosis <input type="checkbox"/> NO, susceptible or vector species present <input type="checkbox"/> YES, susceptible species present <input type="checkbox"/> YES, vector species present 4.2.3. Koi herpes virus <input type="checkbox"/> NO, susceptible or vector species present <input type="checkbox"/> YES, susceptible species present <input type="checkbox"/> YES, vector species present 4.2.4. Infectious salmon anaemia <input type="checkbox"/> NO, susceptible or vector species present <input type="checkbox"/> YES, susceptible species present <input type="checkbox"/> YES, vector species present
5. Recognised health status (for each farm) <sup>(2)</sup>	5.1.1. Viral haemorrhagic septicaemia 5.1.1.1. <input type="checkbox"/> Declared disease-free 5.1.1.2. <input type="checkbox"/> Under surveillance programme 5.1.1.3. <input type="checkbox"/> Not known to be infected 5.1.1.4. <input type="checkbox"/> Other 5.1.2. Infectious haematopoietic necrosis 5.1.2.1. <input type="checkbox"/> Declared disease-free 5.1.2.2. <input type="checkbox"/> Under surveillance programme 5.1.2.3. <input type="checkbox"/> Not known to be infected 5.1.2.4. <input type="checkbox"/> Other 5.1.3. Koi herpes virus 5.1.3.1. <input type="checkbox"/> Declared disease-free 5.1.3.2. <input type="checkbox"/> Under surveillance programme 5.1.3.3. <input type="checkbox"/> Not known to be infected 5.1.3.4. <input type="checkbox"/> Other	5.2.1. Viral haemorrhagic septicaemia 5.2.1.1. <input type="checkbox"/> Declared disease-free 5.2.1.2. <input type="checkbox"/> Under surveillance programme 5.2.1.3. <input type="checkbox"/> Not known to be infected 5.2.1.4. <input type="checkbox"/> Other 5.2.2. Infectious haematopoietic necrosis 5.2.2.1. <input type="checkbox"/> Declared disease-free 5.2.2.2. <input type="checkbox"/> Under surveillance programme 5.2.2.3. <input type="checkbox"/> Not known to be infected 5.2.2.4. <input type="checkbox"/> Other 5.2.3. Koi herpes virus 5.2.3.1. <input type="checkbox"/> Declared disease-free 5.2.3.2. <input type="checkbox"/> Under surveillance programme 5.2.3.3. <input type="checkbox"/> Not known to be infected 5.2.3.4. <input type="checkbox"/> Other

Information	Farm 1	Farm 2
	5.1.4. Infectious salmon anaemia 5.1.4.1. <input type="checkbox"/> Declared disease-free 5.1.4.2. <input type="checkbox"/> Under surveillance programme 5.1.4.3. <input type="checkbox"/> Not known to be infected 5.1.4.4. <input type="checkbox"/> Other 5.1.5. Infectious pancreatic necrosis <sup>(3)</sup> 5.1.5.1. <input type="checkbox"/> Declared disease-free 5.1.5.2. <input type="checkbox"/> Under surveillance programme 5.1.5.3. <input type="checkbox"/> Not known to be infected 5.1.5.4. <input type="checkbox"/> Other 5.1.6. <i>Gyrodactylus salaris</i> <sup>(3)</sup> 5.1.6.1. <input type="checkbox"/> Declared disease-free 5.1.6.2. <input type="checkbox"/> Under surveillance programme 5.1.6.3. <input type="checkbox"/> Not known to be infected 5.1.6.4. <input type="checkbox"/> Other 5.1.7. Bacterial kidney disease <sup>(3)</sup> 5.1.7.1. <input type="checkbox"/> Declared disease-free 5.1.7.2. <input type="checkbox"/> Under surveillance programme 5.1.7.3. <input type="checkbox"/> Not known to be infected 5.1.7.4. <input type="checkbox"/> Other 5.1.8. Other diseases <sup>(4)</sup> 5.1.8.1. <input type="checkbox"/> Declared disease-free 5.1.8.2. <input type="checkbox"/> Under surveillance programme 5.1.8.3. <input type="checkbox"/> Not known to be infected 5.1.8.4. <input type="checkbox"/> Other	5.2.4. Infectious salmon anaemia 5.2.4.1. <input type="checkbox"/> Declared disease-free 5.2.4.2. <input type="checkbox"/> Under surveillance programme 5.2.4.3. <input type="checkbox"/> Not known to be infected 5.2.4.4. <input type="checkbox"/> Other 5.2.5. Infectious pancreatic necrosis <sup>(3)</sup> 5.2.5.1. <input type="checkbox"/> Declared disease-free 5.2.5.2. <input type="checkbox"/> Under surveillance programme 5.2.5.3. <input type="checkbox"/> Not known to be infected 5.2.5.4. <input type="checkbox"/> Other 5.2.6. <i>Gyrodactylus salaris</i> <sup>(3)</sup> 5.2.6.1. <input type="checkbox"/> Declared disease-free 5.2.6.2. <input type="checkbox"/> Under surveillance programme 5.2.6.3. <input type="checkbox"/> Not known to be infected 5.2.6.4. <input type="checkbox"/> Other 5.2.7. Bacterial kidney disease <sup>(3)</sup> 5.2.7.1. <input type="checkbox"/> Declared disease-free 5.2.7.2. <input type="checkbox"/> Under surveillance programme 5.2.7.3. <input type="checkbox"/> Not known to be infected 5.2.7.4. <input type="checkbox"/> Other 5.2.8. Other diseases <sup>(4)</sup> 5.2.8.1. <input type="checkbox"/> Declared disease-free 5.2.8.2. <input type="checkbox"/> Under surveillance programme 5.2.8.3. <input type="checkbox"/> Not known to be infected 5.2.8.4. <input type="checkbox"/> Other
6. Farm type (for each farm) <sup>(5)</sup>	6.1.1. <input type="checkbox"/> Saltwater cages/enclosures/pens 6.1.2. <input type="checkbox"/> Saltwater ponds 6.1.3. <input type="checkbox"/> Saltwater tanks/raceways 6.1.4. <input type="checkbox"/> Saltwater closed (recirculation) 6.1.5. <input type="checkbox"/> Freshwater cages/enclosures/pens 6.1.6. <input type="checkbox"/> Freshwater ponds 6.1.7. <input type="checkbox"/> Freshwater tanks/raceways 6.1.8. <input type="checkbox"/> Freshwater closed (recirculation) 6.1.9. <input type="checkbox"/> Research facility 6.1.10. <input type="checkbox"/> Quarantine facility 6.1.11. <input type="checkbox"/> Other	6.2.1. <input type="checkbox"/> Saltwater cages/enclosures/pens 6.2.2. <input type="checkbox"/> Saltwater ponds 6.2.3. <input type="checkbox"/> Saltwater tanks/raceways 6.2.4. <input type="checkbox"/> Saltwater closed (recirculation) 6.2.5. <input type="checkbox"/> Freshwater cages/enclosures/pens 6.2.6. <input type="checkbox"/> Freshwater ponds 6.2.7. <input type="checkbox"/> Freshwater tanks/raceways 6.2.8. <input type="checkbox"/> Freshwater closed (recirculation) 6.2.9. <input type="checkbox"/> Research facility 6.2.10. <input type="checkbox"/> Quarantine facility 6.2.11. <input type="checkbox"/> Other
7. Farm production (for each farm) <sup>(5)</sup>	7.1.1. <input type="checkbox"/> Hatchery 7.1.2. <input type="checkbox"/> Nursery 7.1.3. <input type="checkbox"/> Brood stock 7.1.4. <input type="checkbox"/> Grow out for human consumption 7.1.5. <input type="checkbox"/> Put and take fisheries 7.1.6. <input type="checkbox"/> Other	7.2.1. <input type="checkbox"/> Hatchery 7.2.2. <input type="checkbox"/> Nursery 7.2.3. <input type="checkbox"/> Brood stock 7.2.4. <input type="checkbox"/> Grow out for human consumption 7.2.5. <input type="checkbox"/> Put and take fisheries 7.2.6. <input type="checkbox"/> Other

<sup>(1)</sup> Susceptible and vector species are listed in Annex IV to Directive 2006/88/EC.

<sup>(2)</sup> Use the box 'other' if the farm is under an eradication programme or under control measures according to Sections 3, 4, 5 or 6 of Chapter V to Directive 2006/88/EC.

<sup>(3)</sup> Only applicable to Member States, zones or compartments listed in Annex I or II to Commission Decision 2004/453/EC (OJ L 156, 30.4.2004, p. 5) in regard to that disease.

<sup>(4)</sup> Only applicable to Member States, zones or compartments with measures approved in accordance with Article 43 of Directive 2006/88/EC.

<sup>(5)</sup> Two or more boxes may be ticked.

## ANNEX II

## MODEL FOR AQUACULTURE PRODUCTION BUSINESSES KEEPING MOLLUSCS

(REFERRED TO IN ARTICLE 2(2)(b))

Information in accordance with Article 59 of Directive 2006/88/EC

Information	Farm or farming area 1	Farm or farming area 2
1. Aquaculture production business	1.1.1. Name of the: — Aquaculture production business — farm or mollusc farming area 1.1.2. Address or location of the farm	1.2.1. Name of the: — Aquaculture production business — farm or mollusc farming area 1.2.2. Address or location of the farm
2. Registration number (for each farm or farming area as appropriate)	2.1.	2.2.
3. Geographical position and coordinates system (for each farm or farming area as appropriate)	3.1.	3.2.
4. Species kept <sup>(1)</sup> (for each farm or farming area as appropriate and in relation to its susceptibility to certain diseases)	4.1.1. <i>Marteilia refringens</i> <input type="checkbox"/> NO susceptible or vector species present <input type="checkbox"/> YES, susceptible species present <input type="checkbox"/> YES, vector species present 4.1.2. <i>Bonamia ostrea</i> <input type="checkbox"/> NO susceptible or vector species present <input type="checkbox"/> YES, susceptible species present <input type="checkbox"/> YES, vector species present	4.2.1. <i>Marteilia refringens</i> <input type="checkbox"/> NO susceptible or vector species present <input type="checkbox"/> YES, susceptible species present <input type="checkbox"/> YES, vector species present 4.2.2. <i>Bonamia ostrea</i> <input type="checkbox"/> NO susceptible or vector species present <input type="checkbox"/> YES, susceptible species present <input type="checkbox"/> YES, vector species present
5. Recognised health status <sup>(2)</sup> (for each farm or farming area as appropriate)	5.1.1. <i>Marteilia refringens</i> 5.1.1.1. <input type="checkbox"/> Declared disease-free 5.1.1.2. <input type="checkbox"/> Under surveillance programme 5.1.1.3. <input type="checkbox"/> Not known to be infected 5.1.1.4. <input type="checkbox"/> Other 5.1.2. <i>Bonamia ostrea</i> 5.1.2.1. <input type="checkbox"/> Declared disease-free 5.1.2.2. <input type="checkbox"/> Under surveillance programme 5.1.2.3. <input type="checkbox"/> Not known to be infected 5.1.2.4. <input type="checkbox"/> Other 5.1.3. Other diseases <sup>(3)</sup> 5.1.3.1. <input type="checkbox"/> Declared disease-free 5.1.3.2. <input type="checkbox"/> Under surveillance programme 5.1.3.3. <input type="checkbox"/> Not known to be infected 5.1.3.4. <input type="checkbox"/> Other	5.2.1. <i>Marteilia refringens</i> 5.2.1.1. <input type="checkbox"/> Declared disease-free 5.2.1.2. <input type="checkbox"/> Under surveillance programme 5.2.1.3. <input type="checkbox"/> Not known to be infected 5.2.1.4. <input type="checkbox"/> Other 5.2.2. <i>Bonamia ostrea</i> 5.2.2.1. <input type="checkbox"/> Declared disease-free 5.2.2.2. <input type="checkbox"/> Under surveillance programme 5.2.2.3. <input type="checkbox"/> Not known to be infected 5.2.2.4. <input type="checkbox"/> Other 5.2.3. Other diseases <sup>(3)</sup> 5.2.3.1. <input type="checkbox"/> Declared disease-free 5.2.3.2. <input type="checkbox"/> Under surveillance programme 5.2.3.3. <input type="checkbox"/> Not known to be infected 5.2.3.4. <input type="checkbox"/> Other

Information	Farm or farming area 1	Farm or farming area 2
6. Farm or farming area type <sup>(4)</sup> (for each farm or farming area as appropriate)	6.1.1. <input type="checkbox"/> Mollusc farm open 6.1.2. <input type="checkbox"/> Mollusc farm closed (recirculation) 6.1.3. <input type="checkbox"/> Dispatch centre, purification centre 6.1.4. <input type="checkbox"/> Mollusc farming area 6.1.5. <input type="checkbox"/> Research facility 6.1.6. <input type="checkbox"/> Quarantine facility 6.1.7. <input type="checkbox"/> Other	6.2.1. <input type="checkbox"/> Mollusc farm open 6.2.2. <input type="checkbox"/> Mollusc farm closed (recirculation) 6.2.3. <input type="checkbox"/> Dispatch centre, purification centre 6.2.4. <input type="checkbox"/> Mollusc farming area 6.2.5. <input type="checkbox"/> Research facility 6.2.6. <input type="checkbox"/> Quarantine facility 6.2.7. <input type="checkbox"/> Other
7. Farm or farming area production <sup>(4)</sup> (for each farm or farming area as appropriate)	7.1.1. <input type="checkbox"/> Hatchery 7.1.2. <input type="checkbox"/> Nursery 7.1.3. <input type="checkbox"/> Grow out 7.1.4. <input type="checkbox"/> Other	7.2.1. <input type="checkbox"/> Hatchery 7.2.2. <input type="checkbox"/> Nursery 7.2.3. <input type="checkbox"/> Grow out 7.2.4. <input type="checkbox"/> Other

<sup>(1)</sup> Susceptible and vector species are listed in Annex IV to Directive 2006/88/EC.

<sup>(2)</sup> Use the box 'other' if the farm or the farming area are under an eradication programme or under control measures according to Sections 3, 4, 5 or 6 of Chapter V to Directive 2006/88/EC.

<sup>(3)</sup> Only applicable to Member States, zones or compartments with measures approved in accordance with Article 43 of Directive 2006/88/EC.

<sup>(4)</sup> Two or more boxes may be ticked.

## ANNEX III

## MODEL FOR AQUACULTURE PRODUCTION BUSINESSES KEEPING CRUSTACEANS

(REFERRED TO IN ARTICLE 2(2)(c))

## Information in accordance with Article 59 of Directive 2006/88/EC

Information	Farm 1	Farm 2
1. Aquaculture production business	1.1.1. Name of the: — aquaculture production business — farm 1.1.2. Address or location of the farm	1.2.1. Name of the: — aquaculture production business — farm 1.2.2. Address or location of the farm
2. Registration number (for each farm)	2.1.	2.2.
3. Geographical position and coordinates system (for each farm)	3.1.	3.2.
4. Species kept <sup>(1)</sup> (for each farm and in relation to its susceptibility to certain diseases)	4.1.1. White spot disease <input type="checkbox"/> NO, susceptible or vector species present <input type="checkbox"/> YES, susceptible species present <input type="checkbox"/> YES, vector species present	4.2.1. White spot disease <input type="checkbox"/> NO, susceptible or vector species present <input type="checkbox"/> YES, susceptible species present <input type="checkbox"/> YES, vector species present
5. Recognised health status (for each farm) <sup>(2)</sup>	5.1.1. White spot disease 5.1.1.1. <input type="checkbox"/> Declared disease-free 5.1.1.2. <input type="checkbox"/> Under surveillance programme 5.1.1.3. <input type="checkbox"/> Not known to be infected 5.1.1.4. <input type="checkbox"/> Other 5.1.2. Other diseases <sup>(3)</sup> 5.1.2.1. <input type="checkbox"/> Declared disease-free 5.1.2.2. <input type="checkbox"/> Under surveillance programme 5.1.2.3. <input type="checkbox"/> Not known to be infected 5.1.2.4. <input type="checkbox"/> Other	5.2.1. White spot disease 5.2.1.1. <input type="checkbox"/> Declared disease-free 5.2.1.2. <input type="checkbox"/> Under surveillance programme 5.2.1.3. <input type="checkbox"/> Not known to be infected 5.2.1.4. <input type="checkbox"/> Other 5.2.2. Other diseases <sup>(3)</sup> 5.2.2.1. <input type="checkbox"/> Declared disease-free 5.2.2.2. <input type="checkbox"/> Under surveillance programme 5.2.2.3. <input type="checkbox"/> Not known to be infected 5.2.2.4. <input type="checkbox"/> Other
6. Farm type <sup>(4)</sup> (for each farm)	6.1.1. <input type="checkbox"/> Lagoon/enclosure/pens 6.1.2. <input type="checkbox"/> Land-based ponds 6.1.3. <input type="checkbox"/> Tanks/raceways 6.1.4. <input type="checkbox"/> Land-based closed (recirculation) 6.1.5. <input type="checkbox"/> Research facility 6.1.6. <input type="checkbox"/> Quarantine facility 6.1.7. <input type="checkbox"/> Other	6.2.1. <input type="checkbox"/> Lagoon/enclosure/pens 6.2.2. <input type="checkbox"/> Land-based ponds 6.2.3. <input type="checkbox"/> Tanks/raceways 6.2.4. <input type="checkbox"/> Land-based closed (recirculation) 6.2.5. <input type="checkbox"/> Research facility 6.2.6. <input type="checkbox"/> Quarantine facility 6.2.7. <input type="checkbox"/> Other
7. Farm production <sup>(4)</sup> (for each farm)	7.1.1. <input type="checkbox"/> Hatchery 7.1.2. <input type="checkbox"/> Nursery 7.1.3. <input type="checkbox"/> Grow out 7.1.4. <input type="checkbox"/> Other	7.2.1. <input type="checkbox"/> Hatchery 7.2.2. <input type="checkbox"/> Nursery 7.2.3. <input type="checkbox"/> Grow out 7.2.4. <input type="checkbox"/> Other

<sup>(1)</sup> Susceptible and vector species are listed in Annex IV to Directive 2006/88/EC.<sup>(2)</sup> Use the box 'other' if the farm is under an eradication programme or under control measures according to Sections 3, 4, 5 or 6 of Chapter V to Directive 2006/88/EC.<sup>(3)</sup> Only applicable to Member States, zones or compartments with measures approved in accordance with Article 43 of Directive 2006/88/EC.<sup>(4)</sup> Two or more boxes may be ticked.

## ANNEX IV

**MODEL FOR AUTHORISED PROCESSING ESTABLISHMENTS SLAUGHTERING AQUACULTURE ANIMALS  
FOR DISEASE CONTROL PURPOSES, REFERRED TO IN ARTICLE 4(2) OF DIRECTIVE 2006/88/EC****(REFERRED TO IN ARTICLE 2(2)(d))****Information in accordance with Article 59 of Directive 2006/88/EC**

Information	
1. Processing establishment	1.1.1. Name 1.1.2. Address or location
2. Registration number	2.1.
3. Geographical position and coordinates system	3.1.
4. Species processed	4.1.1. <input type="checkbox"/> Fish 4.1.2. <input type="checkbox"/> Molluscs 4.1.3. <input type="checkbox"/> Crustaceans
5. Type of water effluent treatment system	

## COMMISSION DECISION

of 8 May 2008

**pursuant to Directive 95/46/EC of the European Parliament and of the Council on the adequate protection of personal data in Jersey**

*(notified under document number C(2008) 1746)*

**(Text with EEA relevance)**

(2008/393/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data <sup>(1)</sup>, and in particular Article 25(6) thereof,

After consulting the Working Party on Protection of Individuals with regard to the processing of personal data <sup>(2)</sup>,

Whereas:

(1) Pursuant to Directive 95/46/EC, Member States are required to provide that the transfer of personal data to a third country may take place only if the third country in question ensures an adequate level of protection and if the Member States' laws implementing other provisions of the Directive are complied with prior to the transfer.

(2) The Commission may find that a third country ensures an adequate level of protection. In that case, personal data may be transferred from the Member States without additional guarantees being necessary.

(3) Pursuant to Directive 95/46/EC the level of data protection should be assessed in the light of all the circumstances surrounding a data transfer operation or a set of data transfer operations, and giving particular consideration to a number of elements relevant for the transfer and listed in Article 25(2) thereof.

(4) Given the different approaches to data protection in third countries, the adequacy assessment should be carried out, and any decision based on Article 25(6) of Directive 95/46/EC should be made and enforced in a way that does not arbitrarily or unjustifiably discriminate against or between third countries where like conditions prevail, nor constitute a disguised barrier to trade, regard being had to the Community's present international commitments.

(5) The Bailiwick of Jersey is one of the dependencies of the British Crown (being neither part of the United Kingdom nor a colony) that enjoys full independence, except for international relations and defense which are the responsibility of the United Kingdom Government. The Bailiwick of Jersey is therefore to be considered as a third country within the meaning of Directive 95/46/EC.

(6) With effect from 1951 and 1987 respectively, the United Kingdom's ratification of the European Convention on Human Rights and the Council of Europe Convention on the Protection of Individuals with regard to automatic processing of personal data (Convention No 108) were extended to the Bailiwick of Jersey.

(7) As regards the Bailiwick of Jersey, the legal standards on the protection of personal data largely based on the standards set out in Directive 95/46/EC have been provided for in the Data Protection (Jersey) Law 1987, which entered into force on 11 November 1987 and two ancillary laws, the Data Protection (Amendment) (Jersey) Law 2005, and the Data Protection (Jersey) Law 2005 (Appointed Day) Act 2005.

<sup>(1)</sup> OJ L 281, 23.11.1995, p. 31. Directive as amended by Regulation (EC) No 1882/2003 (OJ L 284, 31.10.2003, p. 1).

<sup>(2)</sup> Opinion No 8/2007 on the level of protection of personal data in Jersey, adopted on 9 October 2007, available at [http://ec.europa.eu/justice\\_home/fsj/privacy/workinggroup/wpdocs/2007\\_en.htm](http://ec.europa.eu/justice_home/fsj/privacy/workinggroup/wpdocs/2007_en.htm)

- (8) Secondary legislation has also been adopted under the authority of the Data Protection (Jersey) Law, in 2005, laying down specific rules concerning issues such as subject access, processing of sensitive data and notification to the data protection authority <sup>(1)</sup>.
- (9) The legal standards applicable in Jersey cover all the basic principles necessary for an adequate level of protection for natural persons. The application of these standards is guaranteed by judicial remedy and by independent supervision carried out by the authority, the Data Protection Commissioner, who is invested with powers of investigation and intervention.
- (10) Jersey should therefore be regarded as providing an adequate level of protection for personal data as referred to in Directive 95/46/EC.
- (11) In the interest of transparency and in order to safeguard the ability of the competent authorities in the Member States to ensure the protection of individuals as regards the processing of their personal data, it is necessary to specify the exceptional circumstances in which the suspension of specific data flows may be justified, notwithstanding the finding of adequate protection.
- (12) The measures provided for in this Decision are in accordance with the opinion of the Committee established under Article 31(1) of Directive 95/46/EC,

HAS ADOPTED THIS DECISION:

#### Article 1

For the purposes of Article 25(2) of Directive 95/46/EC, the Bailiwick of Jersey is considered as providing an adequate level

<sup>(1)</sup> These are the Data Protection (Corporate Finance Exemption) (Jersey) Regulations 2005, the Data Protection (Credit Reference Agency) (Jersey) Regulations 2005, the Data Protection (Fair Processing) (Jersey) Regulations 2005, the Data Protection (International Cooperation) (Jersey) Regulations 2005, the Data Protection (Notification) (Jersey) Regulations 2005, the Data Protection (Sensitive Personal Data) (Jersey) Regulations 2005, the Data Protection (Subject Access Exemptions) (Jersey) Regulations 2005, the Data Protection (Subject Access Miscellaneous) (Jersey) Regulations 2005, the Data Protection (Subject Access Modification — (Education) (Jersey) Regulations 2005, the Data Protection (Subject Access Modification — (Health) (Jersey) Regulations 2005, the Data Protection (Subject Access Modification — (Social Work) (Jersey) Regulations 2005, and the Data Protection (Transfer in Substantial Public Interest) (Jersey) Regulations 2005.

of protection for personal data transferred from the Community.

#### Article 2

This Decision concerns the adequacy of protection provided in Jersey with a view to meeting the requirements of Article 25(1) of Directive 95/46/EC and does not affect other conditions or restrictions implementing other provisions of that Directive that pertain to the processing of personal data within the Member States.

#### Article 3

1. Without prejudice to their powers to take action to ensure compliance with national provisions adopted pursuant to provisions other than Article 25 of Directive 95/46/EC, the competent authorities in Member States may exercise their existing powers to suspend data flows to a recipient in Jersey in order to protect individuals with regard to the processing of their personal data in the following cases:

- (a) where a competent Jersey authority has determined that the recipient is in breach of the applicable standards of protection; or
- (b) where there is a substantial likelihood that the standards of protection are being infringed, there are reasonable grounds for believing that the competent Jersey authority is not taking or will not take adequate and timely steps to settle the case at issue, the continuing transfer would create an imminent risk of grave harm to data subjects and the competent authorities in the Member State have made reasonable efforts in the circumstances to provide the party responsible for processing established in Jersey with notice and an opportunity to respond.

2. The suspension shall cease as soon as the standards of protection are assured and the competent authority of the Member States concerned is notified thereof.

#### Article 4

1. Member States shall inform the Commission without delay when measures are adopted on the basis of Article 3.

2. The Member States and the Commission shall inform each other of cases where the action of bodies responsible for ensuring compliance with the standards of protection in Jersey fails to secure such compliance.



3. If the information collected under Article 3 and under paragraphs 1 and 2 of this Article provides evidence that any body responsible for ensuring compliance with the standards of protection in Jersey is not effectively fulfilling its role, the Commission shall inform the competent Jersey authority and, if necessary, present draft measures in accordance with the procedure referred to in Article 31(2) of Directive 95/46/EC with a view to repealing or suspending this Decision or limiting its scope.

#### *Article 5*

The Commission shall monitor the functioning of this Decision and report any pertinent findings to the Committee established under Article 31 of Directive 95/46/EC, including any evidence that could affect the finding in Article 1 of this Decision, that protection in Jersey is adequate within the meaning of Article 25 of Directive 95/46/EC and any evidence that this Decision is being implemented in a discriminatory way.

#### *Article 6*

Member States shall take all the measures necessary to comply with the Decision within four months of the date of its notification.

#### *Article 7*

This Decision is addressed to the Member States.

Done at Brussels, 8 May 2008.

*For the Commission*

Jacques BARROT

*Vice-President*

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