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I

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

REGULATIONS

COUNCIL REGULATION (EC) No 705/2008

of 24 July 2008

repealing Regulation (EC) No 243/2008 imposing certain restrictive measures on the illegal authorities of the island of Anjouan in the Union of the Comoros

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 60 and 301 thereof,

Having regard to Common Position 2008/611/CFSP of the Council of 24 July 2008 repealing Common Position 2008/187/CFSP concerning restrictive measures against the illegal government of the island of Anjouan in the Union of the Comoros ⁽¹⁾,

Having regard to the proposal from the Commission,

Whereas:

- (1) After considering a request for support from the President of the Commission of the African Union, the Council adopted Common Position 2008/187/CFSP ⁽²⁾ imposing restrictive measures on the illegal government of Anjouan and certain associated persons. The restrictive measures provided for in that Common Position include the freezing of funds and economic resources belonging to the persons concerned, which were implemented in

the Community by Council Regulation (EC) No 243/2008 ⁽³⁾.

- (2) Following the military action of 25 March 2008 and the restoration of the authority of the government of the Union of the Comoros on the island of Anjouan, Common Position 2008/611/CFSP provides for the repeal of the restrictive measures imposed by Common Position 2008/187/CFSP.

- (3) Regulation (EC) No 243/2008 should therefore be repealed,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 243/2008 is hereby repealed.

Article 2

This Regulation shall enter into force on the day after 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, 24 July 2008.

For the Council

The President

B. HORTEFEUX

⁽¹⁾ See page 59 of this Official Journal.

⁽²⁾ OJ L 59, 4.3.2008, p. 32.

⁽³⁾ OJ L 75, 18.3.2008, p. 53.

COMMISSION REGULATION (EC) No 706/2008**of 24 July 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 Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾,

Having regard to Commission Regulation (EC) No 1580/2007 of 21 December 2007 laying down implementing rules for Council Regulations (EC) No 2200/96, (EC) No 2201/96 and (EC) No 1182/2007 in the fruit and vegetable sector ⁽²⁾, and in particular Article 138(1) thereof,

Whereas:

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 Annex XV, Part A thereto,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 138 of Regulation (EC) No 1580/2007 are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 25 July 2008.

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

Done at Brussels, 24 July 2008.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1. Regulation as last amended by Commission Regulation (EC) No 510/2008 (OJ L 149, 7.6.2008, p. 61).

⁽²⁾ OJ L 350, 31.12.2007, p. 1. Regulation as last amended by Regulation (EC) No 590/2008 (OJ L 163, 24.6.2008, p. 24).

ANNEX

Standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	MK	27,8
	TR	83,4
	ME	25,6
	XS	23,3
	ZZ	40,0
0707 00 05	MK	27,4
	TR	106,2
	ZZ	66,8
0709 90 70	TR	97,2
	ZZ	97,2
0805 50 10	AR	86,1
	US	66,3
	UY	58,4
	ZA	104,4
	ZZ	78,8
0806 10 10	CL	57,4
	EG	135,0
	IL	145,6
	TR	138,6
	ZZ	119,2
0808 10 80	AR	95,0
	BR	109,6
	CL	104,9
	CN	73,1
	NZ	115,4
	US	98,6
	UY	80,0
	ZA	84,8
	ZZ	95,2
0808 20 50	AR	70,9
	CL	94,7
	NZ	97,1
	ZA	90,0
	ZZ	88,2
0809 10 00	TR	170,4
	US	186,2
	ZZ	178,3
0809 20 95	TR	407,8
	US	314,8
	ZZ	361,3
0809 30	TR	157,0
	ZZ	157,0
0809 40 05	IL	117,6
	XS	82,7
	ZZ	100,2

⁽¹⁾ Nomenclature of countries laid down 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 707/2008**of 24 July 2008****amending Regulation (EC) No 952/2006 laying down detailed rules for the application of Council Regulation (EC) No 318/2006 as regards the management of the Community market in sugar and the quota system**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 318/2006 of 20 February 2006 on the common organisation of the markets in the sugar sector⁽¹⁾, and in particular Article 40 thereof,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation)⁽²⁾, in particular Article 50(1), in conjunction with Article 4 thereof,

Whereas:

(1) It may occur that white sugar produced by a given undertaking during a given marketing year is further processed into white sugar with specific requirements. Pursuant to Article 3 of Commission Regulation (EC) No 952/2006⁽³⁾, sugar production is expressed in the total quantity of white sugar produced by a given undertaking in a marketing year. In order to avoid double counting, it is necessary to exclude from that production white sugar resulting from further processing of white sugar.

(2) Article 3(3) of Regulation (EC) No 952/2006 provides for two methods to determine the sugar content of syrups depending on their status of intermediate or non-intermediate syrups. Considering that one of the methods is obsolete, it is appropriate to simplify by referring only to the other method based on the extractable sugar content. However in the specific case of syrups from invert sugar, it is necessary to refer to the

High Performance Liquid Chromatography method which is the only one possible from a technical point of view. Finally, to reflect technical progress, it is appropriate to mention only the refractometric method to determine the dry matter content. The modifications should apply from 1 October 2008 in order to ensure that legitimate expectations of sugar producers are respected.

(3) Article 6(3) of Regulation (EC) No 952/2006 defines the production of undertakings for the purposes of the common organisation of the markets in the sugar sector, in the particular case where one undertaking outsources production to another. That outsourced production is deemed to be the production of the principal under certain conditions, including the case where the total sugar production of the processor and the principal is more than the sum of their quotas. That condition was adapted in the light of the preventive withdrawal decided for the marketing year 2006/2007 so that it concerns the sum of the preventive withdrawal thresholds of the processor and the principal instead of the sum of the quotas. Commission Regulation (EC) No 290/2007 of 16 March 2007 establishing, for the 2007/2008 marketing year, the percentage provided for in Article 19 of Regulation (EC) No 318/2006⁽⁴⁾ introduced a preventive withdrawal threshold for the marketing year 2007/2008. Council Regulation (EC) No 1260/2007⁽⁵⁾, which has amended Regulation (EC) No 318/2006, includes a provision for the Commission to decide each year on a possible preventive withdrawal threshold. It is therefore necessary to modify the condition for the outsourcing set out in Article 6(3)(b) of Regulation (EC) No 952/2006 so that it concerns the sum of the preventive withdrawal thresholds of the processor and the principal instead of the sum of quotas.

(4) It is necessary to provide for mutual assistance between Member States to ensure effective controls.

(5) Preferential sugar imports from African, Caribbean and Pacific countries as well as from least developed countries into the Community will gradually increase as from 1 October 2009. It is expected that, by 2012, those imports will account for more than 25 % of Community's sugar consumption. The price information system should therefore include prices and quantities of imported raw and white sugar from those countries, currently available in the database of the Statistical Office of the European Communities

⁽¹⁾ OJ L 58, 28.2.2006, p. 1. Regulation as last amended by Regulation (EC) No 1260/2007, (OJ L 283, 27.10.2007, p. 1).

⁽²⁾ OJ L 299, 16.11.2007, p. 1. Regulation as last amended by Commission Regulation (EC) No 510/2008, (OJ L 149, 7.6.2008, p. 61).

⁽³⁾ OJ L 178, 1.7.2006, p. 39. Regulation as amended by Regulation (EC) No 551/2007, (OJ L 131, 23.5.2007, p. 7).

⁽⁴⁾ OJ L 78, 17.3.2007, p. 20. Regulation as amended by Regulation (EC) No 1263/2007 (OJ L 283, 27.10.2007, p. 15).

⁽⁵⁾ OJ L 283, 27.10.2007, p. 1.

- (6) The transmission of sugar prices for the price recording system takes place within a transitional system with quarterly transmissions from approved operators to the Commission. A final and computerised system of transmission has been elaborated. This system will enable a monthly transfer of prices from approved operators to the Member State followed by a transfer of the national price averages from Member States to the Commission. Provisions for the final system should replace the provisions for the transitional system.
- (7) As from 1 October 2008, Regulation (EC) No 1234/2007 will replace Regulation (EC) No 318/2006. Rather than transferring Annex II to Regulation (EC) No 318/2006 concerning the purchase terms for beet to the Single CMO Regulation, Article 50 of Regulation (EC) No 1234/2007 provides that the Commission lays down those rules in implementing rules. The rules currently contained in Annex II to Regulation (EC) No 318/2006 should therefore be added to Regulation (EC) No 952/2006.
- (8) The Community stock at the end of each marketing year is important for the assessment of the sugar market situation in view of possible market management decisions, notably the withdrawal. In certain factories, the processing of sugar for the new marketing year starts in the summer and the new production increases the monthly end-stocks of sugar manufacturers. In order to know the accurate Community stock at the end of the marketing year, it is necessary that approved sugar manufacturers and Member States communicate for the months of July, August and September the part of their end-stocks which results from the production of the following marketing year.
- (9) Article 18(1) of Regulation (EC) No 318/2006 provides that an aid for the private storage of white sugar may be granted to sugar manufacturers who are allocated a quota, on the basis of the market price trend reflected by the recorded market prices. In order to implement the aid scheme quickly and when required, detailed rules for the application of the private storage scheme in the marketing year 2007/2008 should be added to Regulation (EC) No 952/2006.
- (10) The aid for the private storage of white sugar should be determined by a tendering procedure in order to make the most efficient possible use of the resources available and to increase transparency and competition among manufacturers.
- (11) The mandatory storage period is limited to 31 October 2008. Therefore tenders should not be lodged after 31 July 2008 to avoid an aid for a storage period shorter than three months which is considered insufficient to have an effect on the market prices.
- (12) A tendering procedure should be provided when average Community prices for white sugar are below the reference price and are likely to remain at that level. It is appropriate to determine a threshold for market price below which a private storage aid is considered to become necessary. The threshold for the average Community price should be set at 85 % of the reference price.
- (13) The restructuring process of the sugar industry in the Community has created regional differentiation with surplus regions (either due to local production or to imports) and deficit regions. The surplus regions are expected to be subject to downward pressure on prices at producers' level due to the excess of the local supply over the local demand. By contrast, the deficit regions are expected to enjoy firmer prices at producers' level due to the scarcity of the local supply compared to local demand. The average Community price will not fully reflect the price drop in certain Member States. It is therefore necessary to provide for an opening of the tendering procedure limited to the Member States where the national average prices fall below 80 % of the reference price.
- (14) It is necessary to specify the requirements for the white sugar eligible to private storage aid.
- (15) Tenders should contain all the information necessary to assess them, and communications between Member States and the Commission should be provided for.
- (16) On the basis of the tenders received, a maximum aid may be fixed. However situations may arise in which none of the tenders received may be accepted.
- (17) The information needed to establish the contract of storage should be specified as well as the starting and ending dates of the contractual storage period and the contracting obligations of the sugar manufacturer.
- (18) A security should ensure that the quantities offered and possibly accepted are stored pursuant to the conditions set out in the present Regulation. Therefore, provisions should be adopted for the release and the forfeiting of the security lodged in accordance with Commission Regulation (EEC) No 2220/85 of 22 July 1985 laying down common detailed rules for the application of the system of securities for agricultural products ⁽¹⁾.

⁽¹⁾ OJ L 205, 3.8.1985, p. 5. Regulation as last amended by Regulation (EC) No 1913/2006 (OJ L 365, 21.12.2006, p. 52).

- (19) In the light of the evolution of the market situation for the ongoing marketing year and of the forecasts for the following marketing year, the Commission may give the possibility to the contracting parties to dispose of the sugar under contracts before the end of the contractual storage period.
- (20) In order to ensure that the scheme is properly administered, it is necessary to indicate the conditions in which an advance payment may be granted, the adjustment of the aid in cases where the contractual quantity is not entirely respected, the checks of compliance with entitlement to the aid, the possible sanctions and the information to be notified to the Commission by the Member States.
- (21) The allocation of the maximum quantity of 600 000 tonnes for intervention buying fixed in Article 18(2) of Regulation (EC) No 318/2006 should be adapted for the marketing year 2007/2008 to take into account changes in quotas per Member State as well as the accession of Bulgaria and Romania.
- (22) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for sugar and the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 952/2006 is amended as follows:

1. Article 1 is replaced by the following:

‘Article 1

This Regulation lays down detailed rules for the application of Regulation (EC) No 318/2006, as regards in particular the determination of production, approval of manufacturers and refiners, the price and quota system, the conditions for buying sugar into intervention and selling sugar from intervention and the private storage for the marketing year 2007/2008.’;

2. Article 3 is amended as follows:

- (a) paragraph 2 is amended as follows:

- (i) points (a) and (b) are replaced by the following:

‘(a) quantities of white sugar produced from white sugar, raw sugar or syrups which were not produced in the undertaking which manufactured the white sugar;

(b) quantities of white sugar produced from white sugar, raw sugar, syrups or sugar sweepings which were not produced during the marketing year in which the white sugar was manufactured.’;

- (ii) point (e) is replaced by the following:

‘(e) quantities of white or raw sugar processed into white sugar during the marketing year in question by the undertaking which produced them.’

- (b) in paragraph 3, points (d) and (e) are replaced by the following:

‘(d) in the case of syrups on the basis of extractable sugar content determined in accordance with paragraphs 5 and 6;

(e) in the case of syrups from invert sugar on the basis on sugar content as determined by the High Performance Liquid Chromatography method.’;

- (c) paragraph 5 is replaced by the following:

‘5. The percentage purity of syrups shall be calculated by dividing the total sugar content by the dry matter content and multiplying the result by 100. Dry matter content shall be determined by refractometry.’;

- (d) the following paragraphs are added:

‘6. The extractable sugar content shall be calculated by subtracting the difference between the dry matter content and the degree of polarisation of that syrup, multiplied by 1,70, from the degree of polarisation of the syrup in question.

However, the extractable sugar content can be established, for an entire marketing year, on the basis of the real yield in syrups.’;

3. in Article 6(3), point (b) is replaced by the following:

‘(b) the total sugar production of the processor and of the principal is more than the sum of their quotas; or

(i) for the marketing year 2006/2007, the sum of the thresholds fixed for them in accordance with Article 3(2) of Commission Regulation (EC) No 493/2006 (*);

(ii) for the marketing year 2007/2008, the sum of the thresholds fixed for them in accordance with Article 1(2) of Commission Regulation (EC) No 290/2007 (**);

(iii) from the marketing year 2008/2009, the sum of the thresholds fixed for them in accordance with Article 19(2) of Regulation (EC) No 318/2006 or where applicable with Article 19a(1) of that Regulation.

(*) OJ L 89, 28.3.2006, p. 11.

(**) OJ L 78, 17.3.2007, p. 20.

4. in Article 10, the following paragraph is added:

‘6. The Member States shall assist one another to ensure effective controls, and to ensure the check on the authenticity of documents submitted and/or the accuracy of the data exchanged.’;

5. after Article 14, the following Article 14a is inserted:

‘Article 14a

Additional information

In addition to the prices collected at Community level in accordance with Article 14 of this Regulation, the Commission shall also inform the Management Committee for Sugar of prices and quantities for raw and white sugar imported from African, Caribbean and Pacific countries under the arrangements for products originating in certain states which are part of the African, Caribbean and Pacific (ACP) Group of States provided for in agreements establishing, or leading to the establishment of, Economic Partnership Agreements (*) and from least developed countries as listed in Column D of Annex I to Council Regulation (EC) No 980/2005 (**) based on customs declarations and data available in the database of the Statistical Office of the European Communities.

(*) OJ L 348, 31.12.2007, p. 1.

(**) OJ L 169, 30.6.2005, p. 1.’;

6. after Article 15, the following Article 15a is inserted:

‘Article 15a

Final provisions for the transmission of price data

Each undertaking subject to the obligation set out in Article 13 shall communicate before the 15th of each month the data established in accordance with Article 13(1) to the Member State which granted the approval. The first communication to the Member State

shall be transmitted before 15 August 2008 and shall concern the data established in May and June 2008.

Each Member State shall communicate to the Commission before the end of each month the averages of prices collected at national level, as well as the total corresponding quantities and the standard deviations. The averages and standard deviations shall be weighted by the quantities communicated by undertakings under the previous paragraph.

The reception, processing and storage of the data by the Member States and the Commission shall be carried out in such a way as to guarantee the appropriate confidentiality of data.

Upon simple request to the Member State, the Commission may have access to individual data sent by approved operators in accordance with Article 13(1).

Other operators in the sugar sector, in particular buyers, may communicate to the Commission the average price for sugar established in accordance with Article 13. Operators shall give their name, business name and address.’;

7. after Article 16, the following Article 16a is inserted:

‘Article 16a

Purchase terms for beet

Agreements within the trade and delivery contracts referred to in Article 50(1) of Regulation (EC) No 1234/2007 shall conform to purchase terms laid down in Annex II of this Regulation.’;

8. in Article 21, paragraph 1 is replaced by the following:

‘1. Each approved manufacturer or refiner shall notify to the competent authority of the Member State in which production or refining took place, before the 20th of each month, the total quantities, expressed as white sugar, of the sugars and syrups indicated in Article 3(1)(a) to (d):

(a) owned by him or covered by a warrant; and

(b) stored in free circulation on Community territory at the end of the previous month.

Those quantities shall be broken down into:

- (a) sugar produced by that undertaking specifying the quantities of quota sugar and those in excess of the quota, carried forward or withdrawn in accordance with Articles 14 or 19 of Regulation (EC) No 318/2006. In addition, in the quantities of quota sugar at the end of the months of July, August and September, the quantity which comes from the production of sugar under the following marketing year shall be specified;

- (b) other sugar.;

9. Article 23 is amended as follows:

- (a) in paragraph 3, 'Annex' is replaced by 'Annex I';
- (b) in the first and second subparagraphs of paragraph 4, 'Annex' is replaced by 'Annex I';

10. after Article 57, the following Chapter VIa is inserted:

'CHAPTER VIa

**PRIVATE STORAGE FOR THE MARKETING YEAR
2007/2008**

Article 57a

Tendering procedure

In order to determine the aid to be granted for carrying out contracts for the private storage of white sugar, the Commission may, in accordance with the procedure laid down in Article 39(2) of Regulation (EC) No 318/2006, open a tendering procedure for a limited period by Commission Regulation, hereinafter referred to as "Regulation opening a tendering procedure".

Article 57b

Opening of the tendering procedure

1. The Regulation opening a tendering procedure may be adopted until 31 July 2008.

2. The opening of the tendering procedure may be decided for the sugar stored or to be stored where the following conditions are met:

- (a) the average Community price for white sugar recorded within the price reporting system is below 85 % of the reference price; and

- (b) the recorded average prices for white sugar are likely to remain at or below that level on the basis of the market situation, account being taken of expected effects of market management mechanism and notably the withdrawal.

3. The opening of the tendering procedure may be limited to sugar stored or to be stored by sugar manufacturers approved in a Member State where the following conditions are met:

- (a) the average Community price for white sugar recorded within the price reporting system is below the reference price; and

- (b) in the Member State concerned, the average price for white sugar recorded within the price reporting system is below 80 % of the reference price.

4. The Regulation opening the tendering procedure shall contain the following information:

- (a) the period covered by the tender (tendering period) and the different sub-periods when the tenders can be lodged;

- (b) the opening and closing time between which tenders may be lodged;

- (c) in the case where paragraph 3 applies, the Member States where sugar is stored or will be stored;

- (d) the global quantity, possibly per Member State if paragraph 3 applies, covered by the tendering procedure, if applicable;

- (e) the storage period in compliance with Article 57j;

- (f) the minimum quantity each tender must provide for;

- (g) the amount of the security per unit;

- (h) the competent authority of Member States to which tenders are to be sent.

5. Invitations to tender for a limited period may be closed before the end of the tendering period in accordance with the procedure laid down in Article 39(2) of Regulation (EC) No 318/2006.

Article 57c

Sugar requirements

Sugar for which a tender is presented shall be:

- (a) white sugar in crystal form in bulk and/or in big bags (800 kg or more) and/or in 50 kg bags;
- (b) produced within a quota during the marketing year in which the tender is made with the exclusion of white sugar withdrawn, carried forward or stored in public intervention;
- (c) of sound and fair marketable quality, free-flowing, with a moisture content not exceeding 0,06 %.

Article 57d

Submission of tenders

1. Tenders shall be lodged by approved sugar manufacturers referred to in point (a) of Article 7(1), established and registered for VAT purposes in the Community.

2. Each tender shall be lodged to the competent authority of the Member State where the storage of the sugar will take place. Where the opening of the tendering procedure is limited to one or several Member States in accordance with Article 57b(3), tenders shall only be lodged in those Member States.

3. Tenders may be lodged by electronic means, using the method made available to the operators by the Member State concerned. The competent authorities of the Member States may require that electronic tenders be accompanied by an advance electronic signature within the meaning of Article 2, point (2) of Directive 1999/93/EC of the European Parliament and of the Council (*). In all other cases, the competent authorities shall require an electronic signature offering equivalent assurances with regard to the functionalities attributed to a signature by applying the same rules and conditions as those defined in the Commission's provisions on electronic and digitised documents, set out by Commission Decision No 2004/563/EC, Euratom (**), and in its implementing rules.

4. A tender shall be valid if the following conditions are met:

- (a) it indicates a reference to the Regulation opening the tendering procedure and the expiry date for the sub-period of submission of the tenders;
- (b) it indicates the identification data of the tenderer: name, address and the VAT registration number;
- (c) it indicates the quantity covered by the tender;
- (d) it indicates the amount of aid offered per day and per tonne in euros and cents;
- (e) the tenderer has lodged a security before the end of the submission sub-period, in accordance with the provisions of Title III of Regulation (EEC) No 2220/85, and has provided proof thereof within the same period;
- (f) it does not include any conditions introduced by the tenderer other than those mentioned in this Regulation and in the Regulation opening the tendering procedure;
- (g) it is presented in the official language, or one of the official languages of the Member State in which the tender is lodged.

5. Tenders shall not be withdrawn or amended after their submission.

6. The approved sugar manufacturer who lodges a tender is deemed to be aware of the provisions applicable under the tendering procedure and to have accepted them.

Article 57e

Examination of tenders

1. The competent authorities of the Member States shall examine tenders based on the elements mentioned in Article 57d(4). They shall decide on the validity of tenders.

2. Persons authorised to receive and examine the tenders shall be under an obligation not to disclose any particulars relating thereto to any unauthorised person.

3. In the case of an invalid tender, the competent authorities of the Member States shall inform the tenderer thereof.

Article 57f

Notification of the tenders to the Commission

1. All valid tenders shall be notified to the Commission by the competent authorities of the Member States.

2. The notifications shall not contain the data referred to in Article 57d(4)(b).

3. The notifications shall be made by electronic means, using the method indicated to the Member States by the Commission, within a specific period fixed by the Commission Regulation opening the tendering procedure.

The form and content of the notifications shall be defined on the basis of models made available by the Commission to the Member States.

4. Nil returns shall be notified to the Commission by the Member States within the deadline referred to in paragraph 3.

Article 57g

Decision on the basis of the tenders

1. On the basis of the tenders notified in accordance with Article 57f(3), the Commission shall decide in accordance with the procedure laid down in Article 39(2) of Regulation (EC) No 318/2006:

(a) not to fix a maximum amount of the aid; or

(b) to fix a maximum amount of the aid.

2. In the case of tenders submitted at the level of the maximum aid, if Article 57b(4)(d) is applicable, a coefficient applicable to awarding the quantities tendered shall be fixed by the Commission.

By way of derogation from Article 57d(5), the tenderer to which such a coefficient applies may decide to withdraw its tender.

3. The Decision on the private storage aid shall be published in the *Official Journal of the European Union*.

Article 57h

Individual decisions on tenders

1. Where a maximum amount of the aid has been fixed in accordance with Article 57g(1)(b), the competent authorities of the Member States shall accept tenders notified in accordance with Article 57f which are equal to or lower than the maximum amount without prejudice to Article 57g(2). All other tenders shall be rejected.

2. Where no maximum amount has been fixed, all tenders shall be rejected.

3. The competent authorities of the Member States shall adopt decisions referred to in paragraphs 1 and 2 after the publication of Commission's Decision on aid referred to in Article 57g(1) and notify to tenderers of the outcome of their participation within a deadline of three working days after the publication.

4. The rights and obligations of the successful tenderer shall not be transferable.

Article 57i

Information related to the place of storage

Within five working days after the reception of the notification from the Member State, the successful tenderer shall send to the competent authority of the Member State:

(a) the address of the storage place or places and for each storage place the precise location of the silos or lots with the corresponding quantities;

(b) one of the following:

(i) a confirmation that the quantities covered by the tender are already in the storage place in compliance with the conditions referred to in Article 57k(c); or

(ii) the date of entry into store of each of the lots which are not yet in place and the necessary time framework for placing the contractual quantity in compliance with the conditions referred to in Article 57k(c). The successful tenderer shall indicate for each lot entering the place of storage, the quantity and the precise location.

Article 57j

Specification of the contracts and storage period

1. After the complete transmission of information referred in to Article 57i, the competent authority of the Member State shall notify the successful tenderer that all the necessary information has been provided and that from that moment on a contract is deemed to have been concluded.

2. The contract shall include the provisions of the present Chapter, of the Regulation opening the tendering procedure, of the tender and of the information mentioned in Article 57i.

3. The date of conclusion of the contract shall be that on which the competent authority of the Member State notifies to the contracting party in accordance with paragraph 1.

4. For the sugar which was already placed into storage, the contractual storage period shall start on the day following the date of conclusion of the contract. In the case of sugar which is not yet stored, the contractual storage period shall start on the day following that on which the entire contractual quantity has been placed into storage.

5. The last day of the contractual storage period shall be 31 October 2008, subject to Article 57m.

Article 57k

Obligations on the contracting party

Contracts shall impose at least the following obligations on the contracting party:

- (a) to place and keep the contractual quantity in storage during the contractual storage period, at his own risk and expense, in conditions ensuring the maintenance of the sugar requirements referred to in Article 57c, without substituting the stored products or transferring them to another storage place; however, in exceptional cases and on duly motivated request, the competent authority may authorise a relocation of the stored products;
- (b) to retain the weighing-in documents established at the time of entry into the storage place;
- (c) to make the products stored easily and individually identifiable. Each unit individually stored shall be marked so that the contract number, the product and the weight are shown;
- (d) to allow the competent authority to check at any time that all the obligations laid down in the contract are being observed.

Article 57l

Securities

1. The security lodged in accordance with Article 57d(4)(e) within the meaning of Article 20(2) of Regulation (EEC) No 2220/85 shall ensure in particular:

- (a) not to withdraw a tender;
- (b) transmit the information referred to in Article 57i for the conclusion of the contract;

(c) to keep in storage the contractual quantity for the storage period under the conditions referred to in Article 57k.

2. Securities shall be released immediately where tenders are invalid, are not successful or are withdrawn in accordance with Article 57g(2).

3. Securities shall be released in respect of quantities for which the obligations have been fulfilled in accordance with 57o(2).

Article 57m

Shortening the term of contracts

On the basis of developments on the sugar market, the Commission, may, in accordance with the procedure laid down in Article 39(2) of Regulation (EC) No 318/2006, allow the contracting party to dispose of the sugar under contract before the end of the contractual storage period.

Article 57n

Advance payment

After 60 days of storage, a single advance payment of the aid may be made, at the contracting party's request, provided that he lodges a security equal to the advance payment plus 10 %. In this case, the security referred to in Article 57l shall be released.

The advance payment shall not exceed the amount of aid corresponding to a storage period of three months. The security referred to in the first subparagraph shall be released as soon as the balance of the aid has been paid.

Article 57o

Payment of aid

1. The aid, or where an advance has been granted under Article 57n, the balance of the aid shall be paid on the basis of an application for payment and only when the obligations of the contract have been met. Payment of the aid, or the balance of the aid, shall be made following the final check and within 120 days following the day when an application for the payment of aid has been lodged.

2. The requirements relating to the contractual quantity shall be regarded as being met only where the quantity is verified as specified in Article 57p(5). However Member States may decide that the requirements relating to the contractual quantity are regarded as being met on the basis of a margin of tolerance which shall not exceed 1 % of the contractual quantity.

If the quantity actually stored during the contractual storage period is less than the contractual quantity, account being taken of the possible margin of tolerance, but not less than 80 % of the contractual quantity, the aid for the quantity actually stored shall be reduced by half.

If the quantity actually stored during the contractual storage period is less than 80 % of the contracted quantity, no aid shall be paid.

Article 57p

Check

1. Within 30 days of the date of conclusion of the contract, the competent authority in the Member State shall carry out an initial check and in particular:

- (a) identify the silos or lots of storage;
- (b) verify the weight of the stored products on the basis of the weighing-in documents and the stocks and financial accounts and where possible with a physical check by sample weighting. The sample concerned shall be representative and shall correspond to at least 5 % of the total quantity;
- (c) take a sample representative of the contractual quantity which shall be analysed as quickly as possible to ensure that the sugar corresponds to the requirements referred to in Article 57c.

2. If the analysis confirms that the sugar does not correspond to the requirements referred to in Article 57c, the entire quantity covered by the contract shall be rejected and the security referred to in Article 57d(4)(e) shall be forfeit.

3. Where the Member State can offer duly justified reasons, the time limit laid down in the first subparagraph of paragraph 1 may be extended by 15 days.

4. The authority charged with carrying out the checks shall:

- (a) either seal the products by contract, storage lot or a smaller quantity at the time of the initial check;
- (b) or make an unannounced check to ensure that the contractual quantity is present in the storage place. The check shall be based on stocks and financial accounts and where possible with a physical check by sample weighting. The sample concerned shall be representative and shall correspond to at least 5 % of the total quantity.

5. During the final month of the storage period, the authority charged with the checking shall undertake a final check to ensure that the contractual quantity is present in the storage place by means of an unannounced check in compliance with paragraph 4(b).

6. In the case of significant irregularities affecting at least 5 % of the quantities of products covered by a single contract subject to the check, the verification shall be extended to a larger sample to be determined by the authority responsible for the checks.

Article 57q

Reports on checks

A report shall be drawn up on the checks carried out pursuant to Article 57p, specifying:

- (a) the date and time of commencement of the check;
- (b) its duration;
- (c) the operations carried out providing, in particular, the details of and references to the documents and products examined;
- (d) the findings and conclusions.

The report shall be signed by the inspector responsible and countersigned by the contracting party or, as the case may be, the person responsible for the storage, and shall be included in the payment file.

Article 57r

Sanctions

1. Where it is found that a document presented by a tenderer for the attribution of the rights deriving from this Chapter provides for incorrect information and where the incorrect information concerned is decisive for the attribution of that right, the competent authorities of the Member State shall exclude the tenderer from participating in the tendering procedure for granting aid for the private storage of sugar, for a period of one year from the date when a final administrative decision establishing the irregularity has been made.

2. Paragraph 1 shall not apply if the applicant proves, to the satisfaction of the competent authorities, that the situation referred to in paragraph 1 is not due to his gross negligence or that it is due to *force majeure* or to obvious error.

3. Member States shall inform the Commission of the cases of application of paragraph 1. The Commission shall keep the information available to the other Member States.

Article 57s

Communication to the Commission

Member States shall notify the Commission of the quantities of sugar for which tenders have been accepted in accordance with Article 57h(1) and:

- (a) in respect which no contract has subsequently been concluded; or
- (b) in respect of which contracts have subsequently been concluded but which had to be cancelled due to non-compliance with contractual obligations;
- (c) which are released from contractual obligations following a Commission Decision in accordance with Article 57m.

The notifications referred to in the first subparagraph shall specify the sub-period of the tendering procedure concerned and shall take place at the earliest opportunity and not later than the 10th day of the month following the month concerned.

The form and content of the notifications shall be defined on the basis of models made available by the Commission to the Member States.

(*) OJ L 13, 19.1.2000, p. 12.

(**) OJ L 251, 27.7.2004, p. 9.

11. The Annex becomes Annex I and is replaced by the text in Annex I to this Regulation.

12. The text in Annex II to this Regulation is added as Annex II.

Article 2

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

Points 2(b) to (d) and points 7 and 12 of Article 1 shall apply as from 1 October 2008.

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

Done at Brussels, 24 July 2008.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

ANNEX I

‘ANNEX I

Quantities by Member State referred to in Article 23(3) for the marketing year 2007/08

		(tonnes)
Member State	Quantities	
Belgium	31 615	
Bulgaria	170	
Czech Republic	13 346	
Denmark	16 213	
Germany	130 985	
Greece	5 687	
Spain	31 790	
France (metropolitan)	130 447	
France (overseas departments)	17 208	
Italy	27 012	
Lithuania	4 013	
Hungary	10 699	
Netherlands	33 376	
Austria	14 541	
Poland	63 513	
Portugal (mainland)	537	
Portugal (Azores)	357	
Romania	3 912	
Slovakia	5 278	
Finland	3 225	
Sweden	12 306	
United Kingdom	43 769'	

ANNEX II

‘ANNEX II

Purchase terms for beets, referred to in Article 16a

POINT I

For the purposes of this Annex “Contracting Parties” means:

- (a) sugar undertakings (hereinafter referred to as manufacturers), and
- (b) beet sellers (hereinafter referred to as sellers).

POINT II

1. Delivery contracts shall be made in writing for a specified quantity of quota beet.
2. Delivery contracts shall specify whether an additional quantity of beet may be supplied, and under what terms.

POINT III

1. Delivery contracts shall indicate the purchase prices for the quantities of beet referred to in point (a) and, if appropriate, point (b), of Article 50(3) of Regulation (EC) No 1234/2007. In the case of the quantities referred to in the point a) of Article 50(3), those prices may not be lower than the minimum price for quota beet referred to in Article 49(1).
2. Delivery contracts shall lay down a fixed sugar content for beet. They shall include a conversion scale showing the different sugar contents and factors for converting the quantities of beet supplied into quantities corresponding to the sugar content shown in the delivery contract.

The scale shall be based on the yields corresponding to the different sugar contents.
3. Where a seller has signed a delivery contract with a manufacturer for the delivery of beet as referred to in point (a) of Article 50(3), all deliveries by that seller, converted in accordance with paragraph 2 of this Point, shall be considered to be deliveries within the meaning of point (a) of Article 50(3), up to the quantity of beet specified in the delivery contract.
4. Manufacturers producing a quantity of sugar lower than their quota beet for which they have signed pre-sowing delivery contracts under point (a) of Article 50(3), shall distribute the quantity of beet corresponding to any additional production up to the amount of their quota among the sellers with whom they have signed pre-sowing delivery contracts within the meaning of point (a) of Article 50(3).

Agreements within the trade may derogate from this provision.

POINT IV

1. Delivery contracts shall contain provisions concerning the staggering and normal duration of beet deliveries.
2. Provisions referred to in paragraph 1 shall be those applicable during the previous marketing year, taking account of the level of actual production; agreements within the trade may derogate therefrom.

POINT V

1. Delivery contracts shall provide for beet collection places.
2. Where sellers and manufacturers have already signed a delivery contract for the previous marketing year, the collection places agreed upon by them for deliveries during that marketing year shall remain in operation. Agreements within the trade may derogate from this provision.

3. Delivery contracts shall provide that loading and transport costs from the collection places are to be borne by the manufacturer subject to special agreements based on local rules or usages in operation before the previous marketing year.
4. However, in Denmark, Greece, Spain, Ireland, Portugal, Finland and the United Kingdom, where beet is delivered free-at-factory, delivery contracts shall require manufacturers to contribute to loading and transport costs and shall stipulate the percentage or amounts.

POINT VI

1. Delivery contracts shall provide for reception points for beet.
2. Where sellers and manufacturers have already signed a delivery contract for the previous marketing year, the reception points agreed upon by them for deliveries during that marketing year shall remain in operation. Agreements within the trade may derogate from this provision.

POINT VII

1. Delivery contracts shall provide for the sugar content to be determined using the polarimetric method. A sample of the beet shall be drawn at the time of reception.
2. Agreements within the trade may provide for samples to be drawn at another stage. In such cases, the delivery contract shall provide for a correction to compensate for any drop in the sugar content between the reception and the drawing of the sample.

POINT VIII

Delivery contracts shall provide for gross weight, tare and sugar content to be determined using one of the following procedures:

- (a) jointly, by the manufacturer and the beet growers' trade organisation, if an agreement within the trade so provides;
- (b) by the manufacturer, under the supervision of the beet growers' trade organisation;
- (c) by the manufacturer, under the supervision of an expert recognised by the Member State concerned, provided the seller defrays the costs thereof.

POINT IX

1. Delivery contracts shall require manufacturers to do one or more of the following for the whole quantity of beet delivered:
 - (a) to return the fresh pulp from the tonnage of beet delivered free of charge to the seller, ex-factory;
 - (b) to return part of that pulp, pressed, dried or dried and molassed, free of charge to the seller, ex-factory;
 - (c) to return the pulp, pressed or dried, to the seller, ex-factory; in this case, the manufacturer may require the seller to pay the pressing or drying costs;
 - (d) to pay the seller compensation which takes account of the possibilities of selling the pulp concerned.

When parts of the whole quantity of beet delivered are subject to different treatment, the delivery contract shall impose more than one of the obligations provided for in the first subparagraph.

2. Agreements within the trade may provide for pulp to be delivered at a stage other than that referred to in paragraph 1(a), (b) and (c).

POINT X

1. Delivery contracts shall fix the time limits for any advance payments and for payment of the purchase price for beet.
2. The time limits referred to in paragraph 1 shall be those valid during the previous marketing year. Agreements within the trade may derogate from this provision.

POINT XI

Where delivery contracts lay down rules covering matters which are dealt with in this Annex, or where they contain provisions governing other matters, their provisions and effects shall not conflict with this Annex.

POINT XII

1. Agreements within the trade as described in Annex III, Part II, point 11 to Regulation (EC) No 1234/2007 shall contain arbitration clauses.
2. Where agreements within the trade at Community, regional or local level lay down rules covering matters which are dealt with in this Regulation, or where they contain provisions governing other matters, their provisions and effects shall not conflict with this Annex.
3. Agreements referred to in paragraph 2 lay down, in particular:
 - (a) rules on the distribution to sellers of quantities of beet which the manufacturer decides to buy prior to sowing, for the manufacture of sugar within the limits of the quota;
 - (b) rules on distribution as referred to in Point III(4);
 - (c) the conversion scale referred to in Point III(2);
 - (d) rules on the choice and supply of seeds of the varieties of beet to be produced;
 - (e) the minimum sugar content of beet to be delivered;
 - (f) a requirement for consultation between the manufacturer and the sellers' representatives before the starting date of beet deliveries is fixed;
 - (g) the payment of premiums to sellers for early or late deliveries;
 - (h) details of:
 - (i) the part of the pulp referred to in Point IX(1)(b),
 - (ii) the costs referred to in Point IX(1)(c),
 - (iii) the compensation referred to in Point IX(1)(d);
 - (i) the removal of pulp by the seller;
 - (j) without prejudice to Article 49(1) of Regulation (EC) No 1234/2007, rules on how any difference between the reference price and the actual selling price of the sugar is to be allocated between the manufacturer and sellers.

POINT XIII

Where there is no set agreement within the trade as to how the quantities of beet intended for the manufacture of sugar within the quota limits which the manufacturer offers to buy before sowing should be allocated among the sellers, the Member State concerned may itself lay down rules for such allocation.

Those rules may also grant to traditional sellers of beet to cooperatives delivery rights other than those which they would enjoy if they belonged to such cooperatives.'

COMMISSION REGULATION (EC) No 708/2008**of 24 July 2008****amending Regulation (EC) No 1266/2007 as regards the conditions for exempting certain animals of susceptible species from the exit ban provided for in Council Directive 2000/75/EC****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2000/75/EC of 20 November 2000 laying down specific provisions for the control and eradication of bluetongue ⁽¹⁾, and in particular Article 9(1)(c), Articles 11 and 12 and the third paragraph of Article 19 thereof,

Whereas:

(1) Commission Regulation (EC) No 1266/2007 ⁽²⁾ lays down rules for the control, monitoring, surveillance and restrictions on movements of animals, in relation to bluetongue, in and from the restricted zones. It also establishes the conditions for exemptions from the exit ban applicable to movements of susceptible animals, their semen, ova and embryos provided for in Directive 2000/75/EC.

(2) New scientific information recently gathered by several Member States on bluetongue virus pathogenesis indicates that the trans-placental transmission of the bluetongue virus is likely to occur at least for serotype 8. Therefore, the precautionary measures taken to prevent the possible spread of that disease by pregnant animals or certain newborn animals, provided for in Regulation (EC) No 1266/2007, as amended by Commission Regulation (EC) No 384/2008 ⁽³⁾, should be maintained.

(3) Animals that were immune to the bluetongue infection before artificial insemination or mating, due to vaccination with a modified live vaccine or an inactivated vaccine, are not considered to pose any significant risk as regards that disease provided that sufficient time has

elapsed between vaccination and insemination or mating. Regulation (EC) No 1266/2007, as amended by Regulation (EC) No 384/2008, only covers animals vaccinated by inactivated vaccines.

(4) As preliminary scientific information recently obtained does not indicate that there is an additional risk associated with pregnant animals vaccinated with live modified vaccines at least 60 days prior to insemination or mating, it should be possible to exempt all immunised animals vaccinated with either inactivated or modified live vaccines from the exit ban provided that sufficient time has elapsed between vaccination and insemination or mating.

(5) Animals that might not meet all the requirements necessary to move from a holding located in a restricted zone to another holding located outside the restricted zone in accordance with paragraph 1 of Article 8 of Regulation (EC) No 1266/2007 but that are exported to a third country do not pose an additional risk for the Community health status, since they are not destined for a holding in the Community. Consequently, the requirements for their movement to the exit point as defined in Commission Decision 93/444/EEC of 2 July 1993 on detailed rules governing intra-Community trade in certain live animals and products intended for exportation to third countries ⁽⁴⁾ should not exceed those applied to animals sent to slaughterhouses in accordance with paragraph 4 of Article 8 of Regulation (EC) No 1266/2007. Accordingly, no additional certification concerning the conditions laid down in Annex III to Regulation (EC) No 1266/2007 should be required where such animals are accompanied by a certificate in accordance with Decision 93/444/EEC. The reference to Decision 93/444/EEC in Annex III to Regulation (EC) No 1266/2007 should therefore be deleted.

(6) If in accordance with animal welfare rules a rest period is foreseen due to the length of the transport for animals moved to a slaughterhouse or exit point, the derogations for movements of such animals should only apply if it is possible that the rest period takes place in a control post located in the same restricted zone of the holding of origin, as only in those cases there is no additional risk associated with such interruption of the direct transport in control posts.

⁽¹⁾ OJ L 327, 22.12.2000, p. 74. Directive as last amended by Commission Decision 2007/729/EC (OJ L 294, 13.11.2007, p. 26).

⁽²⁾ OJ L 283, 27.10.2007, p. 37. Regulation as last amended by Regulation (EC) No 394/2008 (OJ L 117, 1.5.2008, p. 22).

⁽³⁾ OJ L 116, 30.4.2008, p. 3.

⁽⁴⁾ OJ L 208, 19.8.1993, p. 34.

(7) Regulation (EC) No 1266/2007 should therefore be amended accordingly.

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1266/2007 is amended as follows:

1. Article 8 is amended as follows:

(a) in paragraph 4, point (b) is replaced by the following:

‘(b) the animals are transported

— under veterinary supervision to the slaughterhouse of destination, where they are to be slaughtered within 24 hours of arrival, and

— directly, unless a rest period foreseen by Regulation (EC) No 1/2005 (*) takes place in a control post situated in the same restricted zone.

(*) OJ L 3, 5.1.2005, p. 1.’

(b) the following paragraph 5a is inserted:

‘5a. Movements of animals not certified in accordance with paragraph 1 from a holding located in a restricted zone directly, to the exit point, as defined in Article 1(2)(a) of Decision 93/444/EEC, for export to a third country shall be exempted from the exit ban estab-

lished pursuant to Article 9(1)(c) and point 1 of Article 10 of Directive 2000/75/EC provided that:

(a) no case of bluetongue has been recorded in the holding of origin for a period of at least 30 days prior to the date of dispatch;

(b) the animals are transported to the exit point

— under official supervision, and

— directly, unless a rest period foreseen by Regulation (EC) No 1/2005 takes place in a control post situated in the same restricted zone.’

(c) paragraph 6 is replaced by the following:

‘6. For the animals, their semen, ova and embryos referred to in paragraphs 1, 4 and 5a of this Article, the following additional wording shall be added to the corresponding health certificates laid down in Directives 64/432/EEC, 91/68/EEC and 92/65/EEC, or referred to in Decision 93/444/EEC:

“... (Animals semen, ova and embryos indicate as appropriate) in compliance with ... (Articles 8(1)(a) or 8(1)(b) or 8(4) or 8(5a), indicate as appropriate) of Regulation (EC) No 1266/2007”.’

2. In Annex III, Section A is replaced by the text in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 24 July 2008.

For the Commission

Androulla VASSILIOU

Member of the Commission

ANNEX

'A. Animals

The animals must have been protected against attacks by the vector *Culicoides* during transportation to the place of destination.

In addition, at least one of the conditions set out in points 1 to 7 must be complied with.

1. The animals were kept until dispatch during the seasonally vector-free period defined in accordance with Annex V, in a bluetongue seasonally-free zone for at least 60 days prior to the date of movement and were subjected to an agent identification test according to the Manual of Diagnostic Tests and Vaccines for Terrestrial Animals of the World Organisation for Animal Health (OIE) (OIE Terrestrial Manual), with negative results, carried out not earlier than seven days before the date of movement.

However, that agent identification test shall not be necessary for Member States or regions of a Member State where sufficient epidemiological data, obtained following the implementation of a monitoring programme for a period of not less than three years, substantiate the determination of the seasonally vector-free period defined in accordance with Annex V.

The Member States making use of that possibility shall inform the Commission and the other Member States in the framework of the Standing Committee on the Food Chain and Animal Health.

Where animals referred to in this point are intended for intra-Community trade, the following additional wording shall be added to the corresponding health certificates laid down in Directives 64/432/EEC, 91/68/EEC and 92/65/EEC:

"Animal(s) were kept until dispatch in a bluetongue seasonally-free zone during the seasonally vector-free period that started on ... (*insert date*) since birth or for at least 60 days and, if appropriate (*indicate as appropriate*), were then subjected to an agent identification test according to the OIE Terrestrial Manual on samples taken within seven days prior to dispatch, with negative results, in conformity with Annex III.A(1) to Regulation (EC) No 1266/2007."

2. The animals have been kept, until dispatch, protected against attacks by vectors for a period of at least 60 days prior to the date of dispatch.

Where animals referred to in this point are intended for intra-Community trade, the following additional wording shall be added to the corresponding health certificates laid down in Directives 64/432/EEC, 91/68/EEC and 92/65/EEC:

"Animal(s) in conformity with Annex III.A(2) to Regulation (EC) No 1266/2007."

3. The animals have been kept, until dispatch, in a bluetongue seasonally-free zone during the seasonally vector-free period, defined in accordance with Annex V, or have been protected against attacks by vectors for a period of at least 28 days and were subjected during that period to a serological test according to the OIE Terrestrial Manual to detect antibodies to the bluetongue virus group, with negative results, carried out at least 28 days following the date of the commencement of the period of protection against attacks by vectors or the seasonally vector-free period.

Where animals referred to in this point are intended for intra-Community trade, the following additional wording shall be added to the corresponding health certificates laid down in Directives 64/432/EEC, 91/68/EEC and 92/65/EEC:

"Animal(s) in conformity with Annex III.A(3) to Regulation (EC) No 1266/2007."

4. The animals have been kept until dispatch in a bluetongue seasonally-free zone during the seasonally vector-free period, defined in accordance with Annex V, or have been protected against attacks by vectors for a period of at least 14 days and were subjected during that period to an agent identification test according to the OIE Terrestrial Manual, with negative results, carried out at least 14 days following the date of commencement of the period of protection against attacks by vectors or the seasonally vector-free period.

Where animals referred to in this point are intended for intra-Community trade, the following additional wording shall be added to the corresponding health certificates laid down in Directives 64/432/EEC, 91/68/EEC and 92/65/EEC:

"Animal(s) in conformity with Annex III.A(4) to Regulation (EC) No 1266/2007."

5. The animals originate from a herd vaccinated according to a vaccination programme adopted by the competent authority and the animals have been vaccinated against the serotype(s) present or likely to be present in an epidemiologically relevant geographical area of origin, the animals are still within the immunity period of time guaranteed in the specifications of the vaccine approved in the vaccination programme and the animals meet at least one of the following requirements:

- (a) they have been vaccinated more than 60 days before the date of movement;
- (b) they have been vaccinated with an inactivated vaccine before at least the number of days necessary for the onset of the immunity protection set in the specifications of the vaccine approved in the vaccination programme and were subjected to an agent identification test according to the OIE Terrestrial Manual, with negative results, carried out at least 14 days after the onset of the immunity protection set in the specifications of the vaccine approved in the vaccination programme;
- (c) they were previously vaccinated and they have been re-vaccinated with an inactivated vaccine within the immunity period of time guaranteed in the specifications of the vaccine approved in the vaccination programme;
- (d) they were kept during the seasonally vector-free period, defined in accordance with Annex V, in a bluetongue seasonally-free zone, since birth or for a period of at least 60 days before the date of vaccination and have been vaccinated with an inactivated vaccine before at least the number of days necessary for the onset of the immunity protection set in the specifications of the vaccine approved in the vaccination programme.

Where animals referred to in this point are intended for intra-Community trade, the following additional wording shall be added to the corresponding health certificates laid down in Directives 64/432/EEC, 91/68/EEC and 92/65/EEC:

"Animal(s) vaccinated against bluetongue serotype/s ... (insert serotype/s) with ... (insert name of the vaccine) with a inactivated/modified live vaccine (indicate, as appropriate) in conformity with Annex III.A(5) to Regulation (EC) No 1266/2007."

6. The animals have never been vaccinated against bluetongue and were always kept in an epidemiologically relevant geographical area of origin where not more than one serotype was or is present or likely to be present and:
 - (a) they were subjected to two serological tests according to the OIE Terrestrial Manual to detect antibodies against the bluetongue virus serotype, with positive results; the first test must be carried out on samples taken between 60 and 360 days before the date of movement and the second test being carried out on samples taken not earlier than seven days before the date of the movement; or

- (b) they were subjected to a serological test according to the OIE Terrestrial Manual to detect antibodies against the bluetongue virus serotype, with positive results; the test must be carried out at least 30 days before the date of the movement and the animals were subjected to an agent identification test according to the OIE Terrestrial Manual, with negative results, carried out not earlier than seven days before the date of the movement.

Where animals referred to in this point are intended for intra-Community trade, the following additional wording shall be added to the corresponding health certificates laid down in Directives 64/432/EEC, 91/68/EEC and 92/65/EEC:

“Animal(s) subjected to a serological test according to the OIE Terrestrial Manual to detect antibodies against the bluetongue virus serotype ... (*indicate serotype*) in conformity with Annex III.A(6) to Regulation (EC) No 1266/2007.”

7. The animals have never been vaccinated against the bluetongue virus and were subjected with positive results to two adequate serological tests according to the OIE Terrestrial Manual able to detect specific antibodies against all the bluetongue virus serotypes present or likely to be present, in the epidemiologically relevant geographical area of origin, and:

- (a) the first test must have been carried out on samples that were taken between 60 and 360 days before the date of movement and the second test must have been carried out on samples that were taken not earlier than seven days before the date of movement; or
- (b) the specific serotype serological test must have been carried out at least 30 days before the date of the movement and the animals were subjected to an agent identification test according to the OIE Terrestrial Manual, with negative results, carried out not earlier than seven days before the date of movement.

Where animals referred to in this point are intended for intra-Community trade, the following additional wording shall be added to the corresponding health certificates laid down in Directives 64/432/EEC, 91/68/EEC and 92/65/EEC:

“Animal(s) subjected to a specific serological test according to the OIE Terrestrial Manual to detect antibodies against all the bluetongue virus serotypes ... (*indicate serotypes*) present or likely to be present in conformity with Annex III.A(7) to Regulation (EC) No 1266/2007.”

For pregnant animals, at least one of the conditions set out in points 5, 6 and 7 must be complied with before insemination or mating, or the condition set out in point 3 must be complied with, the test being carried out not earlier than seven days before the date of movement.

Where animals are intended for intra-Community trade, one of the following additional wordings shall be added, as appropriate, to the corresponding health certificates laid down in Directives 64/432/EEC, 91/68/EEC and 92/65/EEC:

“Animal(s) is (are) not pregnant”, or

“Animal(s) may be pregnant and complies (comply) with the condition(s) ... (*set out in points 5, 6 and 7 before insemination or mating, or set out in point 3; indicate as appropriate*)”.

COMMISSION REGULATION (EC) No 709/2008**of 24 July 2008****laying down detailed rules for implementing Council Regulation (EC) No 1234/2007, as regards interbranch organisations and agreements in the tobacco sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾, and in particular Articles 127 and 179 in conjunction with Article 4 thereof,

Whereas:

(1) Council Regulation (EEC) No 2077/92 of 30 June 1992 concerning interbranch organisations and agreements in the tobacco sector ⁽²⁾ is to be repealed from 1 July 2008 under Article 201(1)(c) of Regulation (EC) No 1234/2007 (Single CMO Regulation).

(2) Certain provisions laid down in Regulation (EEC) No 2077/92 have not been incorporated in Regulation (EC) No 1234/2007. In order to enable the tobacco sector to continue to function properly and in the interest of clarity and rationalisation a new Regulation should be adopted laying down those provisions as well as the current implementing rules laid down in Commission Regulation (EEC) No 86/93 of 19 January 1993 on detailed rules for the application of Council Regulations (EEC) No 2077/92 concerning inter-branch organisations and agreements in the tobacco sector ⁽³⁾.

(3) Regulation (EEC) No 86/93 should therefore be repealed.

(4) Interbranch organisations established by individuals or groups, and representing a significant proportion of the various categories involved in production, processing and marketing in the tobacco sector are likely to contribute to better account being taken of the market situation and

encourage changes in economic behaviour intended to improve knowledge and organisation of production, processing and marketing. Some of their activities may contribute to improvement of the market balance and therefore help to achieve the objectives laid down in Article 33 of the Treaty. The measures which may constitute such a contribution by the interbranch organisations should be defined.

(5) In view of the above, it is appropriate to grant specific recognition to bodies which can demonstrate their proven representativeness at regional, inter-regional or Community level and which take positive action in pursuit of the above mentioned objectives. Such recognition should be granted by the Member State or by the Commission, depending on the scope of the activities of the trade association.

(6) In order to support certain activities of interbranch organisations which are of particular interest in the light of the current rules concerning the market organisation for the tobacco sector, provision should be made for the rules adopted by an interbranch organisation for its members to be extended, subject to certain conditions, to all non-member producers and groups in one or more regions. Non-members should also be made liable to pay all or part of the subscriptions intended to cover the non-administrative costs incurred in pursuing such activities. This procedure should be implemented in a way which guarantees the rights of the socio-economic groups concerned, in particular the rights of the consumer.

(7) Other activities of the recognised interbranch organisations may be of general economic or technical interest for the tobacco sector and so be of benefit to all persons active in the branches in question, whether or not they are members of the organisation. In such cases it appears reasonable to make non-members liable to pay the subscriptions intended to cover the costs, other than administrative costs, arising directly from performance of the activities in question.

(8) In order to ensure correct operation of the scheme, there should be close cooperation between the Member States and the Commission. The latter should also have permanent monitoring powers, particularly as regards recognition of interbranch organisations operating at regional or inter-regional level and the agreements and concerted practices adopted by such organisations.

⁽¹⁾ OJ L 299, 16.11.2007, p. 1. Regulation as last amended by Commission Regulation (EC) No 510/2008 (OJ L 149, 7.6.2008, p. 61).

⁽²⁾ OJ L 215, 30.7.1992, p. 80. Regulation repealed by Regulation (EC) No 1234/2007.

⁽³⁾ OJ L 12, 20.1.1993, p. 13.

- (9) For the information of the Member States and other interested parties there should be provision for publication, at least once a year, of a list of the organisations recognised during the previous year, a list of the organisations whose recognition has been withdrawn during the same period and the rules which have been extended with an indication of their scope.
- (10) In order to be sufficiently representative for its region, an interbranch organisation must cover at least one-third of the quantities produced, processed or purchased by the members of each of the branches. Likewise, in order to avoid imbalances between regions it must meet this requirement in all of the regions in which it operates.
- (11) It should be specified that trade in tobacco covers, in addition to the business of tobacco merchants, direct purchase of baled tobacco by its final users.
- (12) Where the Commission is responsible for the recognition of an interbranch organisation, the information which the interbranch organisation must provide to the Commission should be specified.
- (13) Withdrawal of recognition must in general be made effective from the time the requirements for recognition ceased to be met.
- (14) It should be specified that the minimum degree of representation of interbranch organisations operating inter-regionally must be the same as that laid down for regional interbranch organisations.
- (15) 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

Scope

This Regulation lays down the conditions for the recognition and activity of interbranch organisations operating in the sector covered by the market organisation for tobacco products as referred to in Part XIV of Annex I of Regulation (EC) No 1234/2007.

Article 2

Recognition

Recognition of interbranch organisations shall provide authorisation for them to carry out the activities referred to in point (c) of the first subparagraph of Article 123 of Regulation (EC)

No 1234/2007, subject to the conditions laid down in this Regulation.

Article 3

Recognition by the Member States

1. On application, a Member State shall recognise interbranch organisations established in their territory which:

- (a) carry out their activities at regional or inter-regional level within its territory;
- (b) pursue the aims referred to in point (c) of the first subparagraph of Article 123 of Regulation (EC) No 1234/2007 by engaging in activities to:
- (i) contribute to enhanced coordination of the placing on the market of leaf or baled tobacco;
- (ii) prepare standard contracts compatible with Community rules;
- (iii) improve market intelligence and transparency;
- (iv) increase value added, particularly by means of marketing and research into new uses which do not pose a threat to public health;
- (v) redirect the sector towards products which better meet market and public health requirements;
- (vi) carry out research of methods permitting reduced use of plant health products and guaranteeing product quality and soil conservation;
- (vii) develop methods and instruments for improving product quality at the production and processing stages;
- (viii) use certified seed and monitor product quality;
- (c) do not themselves undertake the production, processing or marketing of the products referred to in Article 1;
- (d) cover a significant proportion of the production and/or trade in relation to the sphere of action and the branches represented. Where an interbranch organisation is inter-regional in scope, it must provide proof of representativeness, in respect of each of the grouped branches, in each region covered.

2. For the purposes of point (d) of paragraph 1 an interbranch organisation shall be considered representative at regional level if it accounts for at least one-third of the quantities produced, processed or purchased by the members of each of the branches it covers who are engaged in the production or first processing or trading in, the tobacco or groups of tobacco varieties covered by the organisation's activities.

If an organisation is inter-regional or Community-wide in scope, it must meet the requirements laid down in the first subparagraph in each of the regions in question.

3. Prior to recognition being granted, the Member States shall notify to the Commission all information necessary to demonstrate compliance with the relevant conditions for recognition of the interbranch organisation laid down in Article 123 of Regulation (EC) No 1234/2007 and in paragraphs 1 and 2 of this Article, on the basis of which they are to recognise the interbranch organisation.

The Commission may oppose recognition within 60 days of that notification by the Member State.

4. Member States shall withdraw recognition:

- (a) if the conditions laid down in this Article cease to be met;
- (b) if the interbranch organisation falls under the scope of Article 177(2) of Regulation (EC) No 1234/2007;
- (c) if the interbranch organisation fails in its obligation to make the notification required under Article 177(1)(a) of Regulation (EC) No 1234/2007.

5. Member States shall immediately notify the Commission of decisions to withdraw recognition.

Article 4

Recognition by the Commission

1. On application the Commission shall recognise interbranch organisations which:

- (a) carry out their activities throughout or in part of the territories of several Member States, or throughout the Community;

(b) have been established under the legislation of a Member State;

(c) satisfy the provisions of Article 3(1), points (b), (c) and (d).

2. Applications for recognition made by interbranch organisations carrying out their activities throughout, or in part of, the territories of several Member States or throughout the Community shall be addressed to the Commission and accompanied by documentation showing:

- (a) compliance with criteria laid down in Article 123 of Regulation (EC) No 1234/2007;
- (b) the scope of their activities and its compliance with Article 3(1);
- (c) the geographical area of their activities;
- (d) that they have been established under the legislation of a Member State;
- (e) that they meet the relevant representation requirements indicated in Article 3(2).

3. The Commission shall notify applications for recognition to the Member States on whose territories the interbranch organisation is established and on whose territories it carries out its activities. Following such notification, the Member States concerned shall have two months to make their observations about the recognition.

4. The Commission shall take a decision on recognition within four months from receiving the application and all necessary information laid down in paragraph 2.

5. The Commission shall withdraw recognition of the interbranch organisations referred to in paragraph 1 of this Article for the reasons laid down in Article 3(4).

Article 5

Withdrawal of recognition

Withdrawal of recognition pursuant to Articles 3(4) or 4(5) shall be effective from the time the conditions for recognition cease to be met.

Article 6

Publication of the recognised interbranch organisations

The Commission shall publish, at least once a year or as appropriate, in the 'C' series of the *Official Journal of the European Union* the names of the interbranch organisations recognised. The publication shall include the economic sector or the area in which they operate and the activities pursued as provided for in point (c) of Article 123 of Regulation (EC) No 1234/2007. Withdrawals of recognition shall also be published at least once a year.

Article 7

Extension of certain rules to non-members

The approval by the Commission of the extension of the existing agreements and concerted practices as provided for in Article 178(3) of Regulation (EC) No 1234/2007 is subject to the procedure laid down in Article 8 of this Regulation.

Article 8

Procedure of extension of certain rules to non-members

1. In the case of existing agreements and concerted practices laid down by interbranch organisations recognised by the Member States, the Member States shall publish for the information of the socio-economic groups concerned, the agreements or concerted practices which they intend to extend to non-member individual operators or groups in a particular region or group of regions in accordance with Article 178 of the Regulation (EC) No 1234/2007.

The socio-economic groups concerned shall submit their observations to the competent authority of the Member State within two months from the date of publication.

2. At the end of the two month period and before taking a decision, the Member States shall notify the Commission the rules which they intend to make binding and provide all appropriate information especially of the evaluation of such an extension and whether the rules concerned are 'technical' within the meaning of Directive 98/34/EC of the European Parliament and of the Council⁽¹⁾. Notification shall include all the observations received from the concerned socio-economic groups under the second subparagraph of paragraph 1 and the evaluation of the application for extension.

3. The Commission shall publish in the 'C' series of the *Official Journal of the European Union* the rules of which extension is requested by interbranch organisations recognised by the Commission under Article 4. Following the publication,

the Member States and the socio-economic groups concerned shall submit their observations within two months from the date of publication.

4. If the rules of which extension is requested are technical rules within the meaning of Directive 98/34/EC of the European Parliament and of the Council, they shall be notified to the Commission in accordance with Article 8 of that Directive at the same time as the notification provided for in paragraph 2 of this Article.

Without prejudice to paragraph 5 of this Article, where the conditions for delivery of a detailed opinion under Article 9 of Directive 98/34/EC are met, the Commission shall refuse to approve the requested extension of the rules.

5. The Commission shall take a decision on the application for the extension of the rules within three months of notification by the Member State laid down in paragraph 2. Where paragraph 3 applies, the Commission shall take a decision within five months from the publication of such rules in the 'C' Series of the *Official Journal of the European Union*.

The Commission shall take a negative decision if it finds that the extension would:

- (a) prevent, restrict or distort competition in a substantial part of the common market;
- (b) restrict freedom of trade; or
- (c) jeopardise the objectives of the common agricultural policy or those of any other Community rules.

6. The rules for which application has been extended shall be published in the 'C' series of the *Official Journal of the European Union*.

Article 9

Payment of the subscription by non-members

1. When, pursuant to Article 8, rules are made binding on non-members of the interbranch organisation, the Member State or the Commission, as appropriate, may decide that individuals or groups which are non-members shall pay to the organisation all or part of the subscription paid by members. Such subscription shall not be used to cover the administrative costs of applying the agreements or concerted practices.

⁽¹⁾ OJ L 204, 21.7.1998, p. 37.

2. Any measure by the Member States or the Commission imposing a subscription on individuals or groups which are not members of an interbranch organisation shall be published in the 'C' series of the *Official Journal of the European Union*. The measure shall take effect two months from the date of publication.

3. Where an interbranch organisation requests that individuals or groups not belonging to it to pay under this Article or Article 126(1) of Regulation (EC) No 1234/2007 all or part of the subscriptions paid by its members, the organisation shall inform the Member State or the Commission, as appropriate, about the amount of subscription to be paid. To this effect the Member State or the Commission may carry out whatever inspection of the organisation it considers necessary.

Article 10

Repeal

Regulation (EEC) No 86/93 is hereby repealed.

Article 11

Entry into force

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

It shall apply from 1 July 2008.

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

Done at Brussels, 24 July 2008.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

COMMISSION REGULATION (EC) No 710/2008**of 24 July 2008****setting the weighting coefficients to be used in calculating the Community market price for pig carcasses for the 2008/2009 marketing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾, and in particular Article 43 thereof,

Whereas:

- (1) The Community market price for pig carcasses, as referred to in Articles 17 and 37 of Regulation (EC) No 1234/2007, must be established by weighting the prices recorded in each Member State by coefficients expressing the relative size of the pig population of each Member State.
- (2) These coefficients should be determined on the basis of the number of pigs counted at the beginning of December each year in accordance with Council Directive 93/23/EEC of 1 June 1993 on the statistical surveys to be carried out on pig production ⁽²⁾.
- (3) In view of the results of the December 2007 census, new weighting coefficients should be set for the 2008/2009 marketing year and Commission Regulation (EC) No 846/2007 ⁽³⁾ should be repealed.

- (4) Since the 2008/2009 marketing year begins on 1 July 2008, this Regulation should be applicable as of that date.

- (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 weighting coefficients referred to in Articles 17 and 37 of Regulation (EC) No 1234/2007 shall be as set out in the Annex hereto.

Article 2

Regulation (EC) No 846/2007 is hereby repealed.

Article 3

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

It shall apply from 1 July 2008.

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

Done at Brussels, 24 July 2008.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 299, 16.11.2007, p. 1. Regulation as last amended by Commission Regulation (EC) No 510/2008 (OJ L 49, 7.6.2008, p. 61).

⁽²⁾ OJ L 149, 21.6.1993, p. 1. Directive as last amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).

⁽³⁾ OJ L 187, 19.7.2007, p. 3.

ANNEX

Weighting coefficients to be used in calculating the Community market price for pig carcasses for the 2008/2009 marketing year*Articles 17 and 37 of Regulation (EC) No 1234/2007*

Belgium	3,9 %
Bulgaria	0,6 %
Czech Republic	1,7 %
Denmark	8,2 %
Germany	16,9 %
Estonia	0,2 %
Greece	0,6 %
Spain	16,3 %
France	9,4 %
Ireland	1,0 %
Italy	5,8 %
Cyprus	0,3 %
Latvia	0,3 %
Lithuania	0,6 %
Luxembourg	0,05 %
Hungary	2,4 %
Malta	0,05 %
Netherlands	7,3 %
Austria	2,0 %
Poland	11,0 %
Portugal	1,5 %
Romania	4,1 %
Slovenia	0,3 %
Slovakia	0,6 %
Finland	0,9 %
Sweden	1,1 %
United Kingdom	2,9 %

COMMISSION REGULATION (EC) No 711/2008**of 24 July 2008****fixing the export refunds on white and raw sugar exported without further processing**

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 market in the sugar sector⁽¹⁾, and in particular the second subparagraph of Article 33(2) thereof,

Whereas:

(1) Article 32 of Regulation (EC) No 318/2006 provides that the difference between prices on the world market for the products listed in Article 1(1)(b) of that Regulation and prices for those products on the Community market may be covered by an export refund.

(2) Given the present situation on the sugar market, export refunds should therefore be fixed in accordance with the rules and certain criteria provided for in Articles 32 and 33 of Regulation (EC) No 318/2006.

(3) The first subparagraph of Article 33(2) of Regulation (EC) No 318/2006 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund according to destination.

(4) Refunds should be granted only on products that are allowed to move freely in the Community and that comply with the requirements of Regulation (EC) No 318/2006.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

Export refunds as provided for in Article 32 of Regulation (EC) No 318/2006 shall be granted on the products and for the amounts set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 25 July 2008.

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

Done at Brussels, 24 July 2008.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 58, 28.2.2006, p. 1. Regulation as last amended by 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.

ANNEX

Export refunds on white and raw sugar exported without further processing applicable from 25 July 2008

Product code	Destination	Unit of measurement	Amount of refund
1701 11 90 9100	S00	EUR/100 kg	18,91 ⁽¹⁾
1701 11 90 9910	S00	EUR/100 kg	18,91 ⁽¹⁾
1701 12 90 9100	S00	EUR/100 kg	18,91 ⁽¹⁾
1701 12 90 9910	S00	EUR/100 kg	18,91 ⁽¹⁾
1701 91 00 9000	S00	EUR/1 % sucrose × 100 kg of net product	0,2056
1701 99 10 9100	S00	EUR/100 kg	20,56
1701 99 10 9910	S00	EUR/100 kg	20,56
1701 99 10 9950	S00	EUR/100 kg	20,56
1701 99 90 9100	S00	EUR/1 % sucrose × 100 kg of net product	0,2056

NB: The destinations are defined as follows:

S00 — All destinations with the exception of:

- (a) third countries: Andorra, Liechtenstein, the Holy See (Vatican City State), Croatia, Bosnia-Herzegovina, Serbia (*), Montenegro, Albania and the former Yugoslav Republic of Macedonia;
- (b) territories of the EU Member States not forming part of the customs territory of the Community: the Faeroe Islands, Greenland, Heligoland, Ceuta, Melilla, the Communes of Livigno and Campione d'Italia, and the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control;
- (c) European territories for whose external relations a Member State is responsible and not forming part of the customs territory of the Community: Gibraltar.

(*) Including Kosovo, under the aegis of the United Nations, pursuant to UN Security Council Resolution 1244 of 10 June 1999.

⁽¹⁾ This amount is applicable to raw sugar with a yield of 92 %. Where the yield for exported raw sugar differs from 92 % the refund amount applicable shall be multiplied, for each exporting operation concerned, by a conversion factor obtained by dividing by 92 the yield of the raw sugar exported, calculated in accordance with paragraph 3 of Point III of the Annex I of Regulation (EC) No 318/2006.

COMMISSION REGULATION (EC) No 712/2008**of 24 July 2008****fixing the export refunds on syrups and certain other sugar products exported without further processing**

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 market in the sugar sector⁽¹⁾, and in particular the second subparagraph of Article 33(2) thereof,

Whereas:

- (1) Article 32 of Regulation (EC) No 318/2006 provides that the difference between prices on the world market for the products listed in Article 1(1)(c), (d) and (g) of that Regulation and prices for those products on the Community market may be covered by an export refund.
- (2) Given the present situation on the sugar market, export refunds should therefore be fixed in accordance with the rules and certain criteria provided for in Articles 32 and 33 of Regulation (EC) No 318/2006.
- (3) The first subparagraph of Article 33(2) of Regulation (EC) No 318/2006 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund according to destination.
- (4) Refunds should be granted only on products that are allowed to move freely in the Community and that comply with the requirements of Commission Regulation (EC) No 951/2006 of 30 June 2006 laying down detailed

rules for the implementation of Regulation (EC) No 318/2006 as regards trade with third countries in the sugar sector⁽²⁾.

- (5) Export refunds may be set to cover the competitive gap between Community and third country's exports. Community exports to certain close destinations and to third countries granting Community products a preferential import treatment are currently in a particular favourable competitive position. Therefore, refunds for exports to those destinations should be abolished.

- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

1. Export refunds as provided for in Article 32 of Regulation (EC) No 318/2006 shall be granted on the products and for the amounts set out in the Annex to this Regulation subject to the conditions provided for in paragraph 2 of this Article.
2. To be eligible for a refund under paragraph 1 products must meet the relevant requirements laid down in Articles 3 and 4 of Regulation (EC) No 951/2006.

Article 2

This Regulation shall enter into force on 25 July 2008.

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

Done at Brussels, 24 July 2008.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 58, 28.2.2006, p. 1. Regulation as last amended by 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.

⁽²⁾ OJ L 178, 1.7.2006, p. 24. Regulation as last amended by Regulation (EC) No 514/2008 (OJ L 150, 10.6.2008, p. 7).

ANNEX

Export refunds on syrups and certain other sugar products exported without further processing applicable from 25 July 2008

Product code	Destination	Unit of measurement	Amount of refund
1702 40 10 9100	S00	EUR/100 kg dry matter	20,56
1702 60 10 9000	S00	EUR/100 kg dry matter	20,56
1702 60 95 9000	S00	EUR/1 % sucrose × 100 kg of net product	0,2056
1702 90 30 9000	S00	EUR/100 kg dry matter	20,56
1702 90 71 9000	S00	EUR/1 % sucrose × 100 kg of net product	0,2056
1702 90 95 9100	S00	EUR/1 % sucrose × 100 kg of net product	0,2056
1702 90 95 9900	S00	EUR/1 % sucrose × 100 kg of net product	0,2056 ⁽¹⁾
2106 90 30 9000	S00	EUR/100 kg dry matter	20,56
2106 90 59 9000	S00	EUR/1 % sucrose × 100 kg of net product	0,2056

NB: The destinations are defined as follows:

S00 — All destinations with the exception of:

- (a) third countries: Andorra, Liechtenstein, the Holy See (Vatican City State), Croatia, Bosnia-Herzegovina, Serbia (*), Montenegro, Albania and the former Yugoslav Republic of Macedonia;
- (b) territories of the EU Member States not forming part of the customs territory of the Community: the Faeroe Islands, Greenland, Heligoland, Ceuta, Melilla, the Communes of Livigno and Campione d'Italia, and the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control;
- (c) European territories for whose external relations a Member State is responsible and not forming part of the customs territory of the Community: Gibraltar.

(*) Including Kosovo, under the aegis of the United Nations, pursuant to UN Security Council Resolution 1244 of 10 June 1999.

⁽¹⁾ The basic amount is not applicable to the product defined under point 2 of the Annex to Commission Regulation (EEC) No 3513/92 (OJ L 355, 5.12.1992, p. 12).

COMMISSION REGULATION (EC) No 713/2008**of 24 July 2008****fixing the maximum export refund for white sugar in the framework of the standing invitation to tender provided for in Regulation (EC) No 900/2007**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 318/2006 of 20 February 2006 on the common organisation of the markets in the sugar sector⁽¹⁾, and in particular the second subparagraph and point (b) of the third subparagraph of Article 33(2) thereof,

Whereas:

(1) Commission Regulation (EC) No 900/2007 of 27 July 2007 on a standing invitation to tender to determine refunds on exports of white sugar for the 2007/08 marketing year⁽²⁾ requires the issuing of partial invitations to tender.

(2) Pursuant to Article 8(1) of Regulation (EC) No 900/2007 and following an examination of the tenders submitted

in response to the partial invitation to tender ending on 24 July 2008, it is appropriate to fix a maximum export refund for that partial invitation to tender.

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

HAS ADOPTED THIS REGULATION:

Article 1

For the partial invitation to tender ending on 24 July 2008, the maximum export refund for the product referred to in Article 1(1) of Regulation (EC) No 900/2007 shall be 30,558 EUR/100 kg.

Article 2

This Regulation shall enter into force on 25 July 2008.

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

Done at Brussels, 24 July 2008.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 58, 28.2.2006, p. 1. Regulation as last amended by 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.

⁽²⁾ OJ L 196, 28.7.2007, p. 26. Regulation as last amended by Commission Regulation (EC) No 148/2008 by Commission Regulation (OJ L 46, 21.2.2008, p. 9).

COMMISSION REGULATION (EC) No 714/2008**of 24 July 2008****fixing the maximum export refund for white sugar in the framework of the standing invitation to tender provided for in Regulation (EC) No 1060/2007**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 318/2006 of 20 February 2006 on the common organisation of the markets in the sugar sector⁽¹⁾, and in particular the second subparagraph and point (b) of the third subparagraph of Article 33(2) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1060/2007 of 14 September 2007 opening a standing invitation to tender for the resale for export of sugar held by the intervention agencies of Belgium, the Czech Republic, Spain, Ireland, Italy, Hungary, Poland, Slovakia and Sweden⁽²⁾ requires the issuing of partial invitations to tender.

- (2) Pursuant to Article 4(1) of Regulation (EC) No 1060/2007 and following an examination of the tenders submitted in response to the partial invitation to tender ending on 23 July 2008, it is appropriate to fix a maximum export refund for that partial invitation to tender.

- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

For the partial invitation to tender ending on 23 July 2008, the maximum export refund for the product referred to in Article 1(1) of Regulation (EC) No 1060/2007 shall be 393,97 EUR/t.

Article 2

This Regulation shall enter into force on 25 July 2008.

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

Done at Brussels, 24 July 2008.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 58, 28.2.2006, p. 1. Regulation as last amended by 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.

⁽²⁾ OJ L 242, 15.9.2007, p. 8. Regulation as last amended by Commission Regulation (EC) No 148/2008 (OJ L 46, 21.2.2008, p. 9).

COMMISSION REGULATION (EC) No 715/2008**of 24 July 2008****amending Regulation (EC) No 474/2006 establishing the Community list of air carriers which are subject to an operating ban within the Community****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 2111/2005 of the European Parliament and 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 ⁽¹⁾, and in particular Article 4 thereof,

Whereas:

(1) Commission Regulation (EC) No 474/2006 of 22 March 2006 established 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 ⁽²⁾.

(2) In accordance with Article 4(2) of Regulation (EC) No 2111/2005 and Article 2 of Commission Regulation (EC) No 473/2006 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 ⁽³⁾, a Member State requested to update the Community list.

(3) In accordance with Article 4(3) of Regulation (EC) No 2111/2005, some Member States communicated to the Commission information that is relevant in the context of updating the Community list. Relevant information was also communicated by third countries. On this basis, the Community list should be updated.

(4) The Commission informed all air carriers concerned either directly or, when this was not practicable, through the authorities responsible for their regulatory

oversight, indicating the essential facts and considerations which would form the basis for a decision to impose on them an operating ban within the Community or to modify the conditions of an operating ban imposed on an air carrier which is included in the Community list.

(5) Opportunity was given by the Commission to the air carriers concerned to consult the documents provided by Member States, to submit written comments and to make an oral presentation to the Commission within 10 working days and to the Air Safety Committee established by Council Regulation (EEC) No 3922/91 of 16 December 1991 on the harmonization of technical requirements and administrative procedures in the field of civil aviation ⁽⁴⁾.

(6) The authorities with responsibility for regulatory oversight over the air carriers concerned have been consulted by the Commission as well as, in specific cases, by some Member States.

(7) Regulation (EC) No 474/2006 should therefore be amended accordingly.

Mahan Air

(8) As envisaged in recital 41 of Commission Regulation No 331/2008 and following the invitation of the carrier Mahan Air, a team of European experts conducted a fact-finding mission to the Islamic Republic of Iran from 16 to 20 June 2008 to verify the implementation by the carrier of corrective actions meant to address the previously identified safety deficiencies. The report shows that significant progress has been made by the carrier following its inclusion in the Community list, and confirmed that the carrier has completed the corrective actions needed to address all safety deficiencies which led to the ban.

(9) The report also shows that some other deficiencies could still affect the continuing airworthiness of parts of the fleet of the carrier, with the exclusion of the two aircraft of type Airbus A-310 registered in France (F-OJHH and F-OJHI). A number of ongoing measures, such as the introduction of new software, and the appointment of a new engineering manager and a new quality manager, are meant to prevent such anomalies to reoccur in the future. The Commission also took note of the intention of the carrier to operate to the Community the two French-registered aircraft only.

⁽¹⁾ OJ L 344, 27.12.2005, p. 15.

⁽²⁾ OJ L 84, 23.3.2006, p. 14. Regulation as last amended by Regulation (EC) No 331/2008 (OJ L 102, 12.4.2008, p. 3).

⁽³⁾ OJ L 84, 23.3.2006, p. 8.

⁽⁴⁾ OJ L 373, 31.12.1991, p. 4. Regulation as last amended by Commission Regulation (EC) No 8/2008 (OJ L 10, 12.1.2008, p. 1).

- (10) On the basis of the common criteria, it is assessed that Mahan Air has implemented all necessary measures to conform to relevant safety standards and therefore may be withdrawn from Annex A. The Commission will continue to monitor closely the performance of the carrier. Member States will verify systematically the effective compliance with relevant safety standards through the prioritisation of ramp inspections to be carried out on aircraft of this carrier pursuant to Commission Regulation (EC) No 351/2008 of 16 April 2008 implementing Directive 2004/36/EC of the European Parliament and of the Council as regards the prioritisation of ramp inspections on aircraft using Community airports ⁽¹⁾.

Air carriers from the Republic of Gabon

- (11) There is verified evidence of serious safety deficiencies on the part of certain air carriers certified in the Republic of Gabon. ICAO carried out a Universal Safety Oversight Audit in 2007 and has reported a large number of significant deficiencies with regards to the capability of the civil aviation authorities of the Republic of Gabon to perform their air safety oversight responsibilities. More than 93 % of ICAO standards were not implemented at the time of the completion of the ICAO audit.
- (12) There is verified evidence of repeated significant safety deficiencies on the part of air carriers certified in the Republic of Gabon and operating into the Community. These deficiencies have been identified by the competent authorities of France during ramp inspections performed under the SAFA programme ⁽²⁾.
- (13) The United Kingdom has communicated to the Commission that, having regard to the results of the ICAO audit report, it has refused operating permission to Gabon Airlines Cargo on 4 April 2008 taking into account the common criteria, in accordance with Article 6(1) of Regulation (EC) No 2111/2005. In addition, in view of the doubt thrown by ICAO on the ability of the Republic of Gabon to exercise proper safety oversight of the carriers licensed by them, the United Kingdom has submitted on 7 April 2008 a request to update the Community list in accordance with Article 4(2) of Regulation (EC) No 2111/2005 and

Article 6 of Regulation (EC) No 473/2006, in view of imposing an operating ban on all carriers certified by the competent authorities of the Republic of Gabon.

- (14) The Commission, having regard to the results of the ICAO audit and the request of the United Kingdom, has consulted the competent authorities of Gabon on the actions undertaken by them to remedy the deficiencies observed by ICAO and by Member States. The competent authorities of Gabon have reacted promptly to these concerns, indicating their commitment to take all measures necessary to implement applicable ICAO standards and enforce compliance with these standards as soon as possible. In addition, the competent authorities of Gabon provided evidence to the Commission of the adoption of a new civil aviation code in May 2008, of the development of specific operating regulations for airworthiness and operations, and informed that the decision to establish an independent civil aviation agency (ANAC) was taken and should be promulgated in July 2008. These major initiatives, which have been taken quickly and effectively by the Republic of Gabon, provide for a completely new civil aviation system which could be implemented by December 2008. The competent authorities of Gabon have also informed the Commission and the Air Safety Committee that ICAO has been contracted from July 2008 and for a period of one year to assist Gabon in the development of its new civil aviation oversight system.
- (15) In the interim period, before ANAC becomes fully operational and the air carriers are re-certified under the new legislative and institutional framework, the Republic of Gabon informed the Commission and the Air Safety Committee that a series of immediate measures were taken: the withdrawal of the Air Operator Certificate ('AOC') of Gabon Airlines Cargo on 13 June 2008; limitations have been imposed to the operations of those Gabonese air carriers flying into the Community so as to prohibit them from using aircraft registered outside the Republic of Gabon; mandatory pre-flight inspections of all aircraft departing from Gabonese airports to the Community are to be carried out, those being found in unsatisfactory condition being grounded until safety deficiencies are rectified.
- (16) A review by the Commission of the situation of the AOCs of the air carriers Solenta Aviation Gabon, Sky Gabon, Nouvelle Air Affaires Gabon, SCD Aviation, Nationale et Régionale Transport, Air Services SA, Air Tourist (Allegiance) reveals concerns with regard to the operations specifications. In particular, the area of operations permits worldwide operations, even though the competent authorities of Gabon affirm that these are limited to Gabon and/or the sub-region. Furthermore, the operations appear to be limited to visual flight rules (VFR), which would be inadequate to operate safely in

⁽¹⁾ OJ L 109, 19.4.2008, p. 7.

⁽²⁾ DGAC/F-2007-1595, DGAC/F-2007-1950, DGAC/F-2007-2291, DGAC/F-2008-176, DGAC/F-2008-405, DGAC/F-2008-44.

Europe. The competent authorities of Gabon have indicated that they intend to clarify the situation rapidly. The Commission considers that, pending review of the safety situation of the Republic of Gabon at the next meeting of the Air Safety Committee and following the re-certification of these carriers in compliance with ICAO standards, they should be subject to an operating ban and therefore included in Annex A on the basis of the common criteria.

- (17) Taking into account the results of ramp inspections performed at Community airports under the SAFA programme, as well as the commitment of the competent authorities of Gabon to contract external inspectors to carry out systematic ramp inspections prior to the departure of international flights to the Community and the decision of the Government of Gabon to prohibit any such flight in case safety deficiencies would be observed, the Commission considers that the operations into the Community of the remaining two air carriers, Gabon Airlines and Afrijet, should be permitted, provided that they are strictly limited to their present level with the aircraft currently used. On the basis of the common criteria, they should therefore be included in Annex B.
- (18) The Commission will continue to monitor closely the performance of these two carriers. Member States will verify systematically the effective compliance with relevant safety standards through the prioritisation of ramp inspections to be carried out on aircraft of these carriers pursuant to Regulation (EC) No 351/2008. The Commission, in cooperation with the Member States, intends to verify the satisfactory implementation of the announced measures by means of an on-site visit in due time.

Air carriers from the Kyrgyz Republic

- (19) The authorities of the Kyrgyz Republic have provided the Commission with information indicating that they granted an AOC to the following air carriers: Valor Air and Artik Avia. Since the said authorities have shown a lack of ability to carry out adequate safety oversight of the carriers certified by them, these two carriers should be equally included in Annex A.
- (20) The authorities of the Kyrgyz Republic have provided the Commission with evidence of the withdrawal of the AOCs of the following air carriers: Botir Avia; Intal

Avia; Air Central Asia. Since these carriers have consequently ceased their activities, they should be withdrawn from Annex A.

Cubana de Aviación SA

- (21) As envisaged in recital 24 of Regulation No 331/2008 the competent authorities of the Republic of Cuba informed the Commission on 19 June 2008 that E-GPWS equipment has been installed on the aircraft of type Ilyushin IL-62 with registration marks CU-T1284 and CU-T1280 of the carrier Cubana de Aviación. The aircraft of type IL-62 with registration CU-T1283 was retired from service since it had reached its life-limit. Moreover, the competent authorities of the Republic of Cuba informed the Commission that they have verified that all previously detected safety deficiencies have been efficiently addressed by that air carrier.
- (22) The Commission has examined this information and considers that the measures are appropriate to address all safety deficiencies found previously on aircraft operated by Cubana de Aviación into the Community. Member States will verify systematically the effective compliance with relevant safety standards through the prioritisation of ramp inspections to be carried out on aircraft of this carrier pursuant to Regulation (EC) No 351/2008.

Iran Air

- (23) There is verified evidence of non-compliances with specific safety standards established by the Chicago Convention on the part of the carrier Iran National Airlines ('Iran Air') operating into the Community. These deficiencies have been identified by the competent authorities of Austria, France, Germany, Italy, the Netherlands, Sweden, the United Kingdom, and Switzerland, during ramp inspections performed under the SAFA programme⁽¹⁾.

⁽¹⁾ ACG-2007-63, ACG-2007-90, ACG-2007-139, ACG-2008-58, ACG-2008-105, DGAC/F-2004-198, DGAC/F-2004-456, DGAC/F-2004-1218, DGAC/F-2005-194, DGAC/F-2005-523, DGAC/F-2005-1333, DGAC/F-2006-197, DGAC/F-2006-404, DGAC/F-2006-531, DGAC/F-2006-767, DGAC/F-2006-1696, DGAC/F-2007-185, DGAC/F-2007-575, DGAC/F-2007-1064, DGAC/F-2007-1802, DGAC/F-2007-2074, DGAC/F-2007-2254, DGAC/F-2007-2471, DGAC/F-2008-303, DGAC/F-2008-732, LBA/D-2004-42, LBA/D-2004-359, LBA/D-2004-780, LBA/D-2005-504, LBA/D-2005-521, LBA/D-2005-593, LBA/D-2006-234, LBA/D-2006-425, LBA/D-2007-463, LBA/D-2007-520, LBA/D-2007-536, LBA/D-2007-724, LBA/D-2008-209, LBA/D-2008-278, LBA/D-2008-441, ENAC-IT-2004-349, ENAC-IT-2005-85, ENAC-IT-2005-168, ENAC-IT-2005-349, ENAC-IT-2006-843, ENAC-IT-2007-387, ENAC-IT-2007-417, ENAC-IT-2007-572, ENAC-IT-2007-637, ENAC-IT-2008-104, CAA-NL-2004-91, CAA-NL-2004-92, CAA-NL-2005-15, CAA-NL-2005-36, CAA-NL-2005-117, CAA-NL-2007-190, CAA-NL-2008-43, SCAA-2005-32, SCAA-2005-57, SCAA-2007-60, CAA-UK-2004-24, CAA-UK-2004-150, CAA-UK-2004-158, CAA-UK-2004-208, CAA-UK-2005-34, CAA-UK-2008-76, CAA-UK-2008-100, FOCA-2005-308, FOCA-2007-494.

- (24) The carrier presented a series of corrective actions which have been proposed to the competent authorities of the above mentioned Member States, as well as a plan of corrective actions designed to address in a systematic way deficiencies which affected various areas within the carrier responsibility. Following the invitation of the carrier and of the competent authorities of the Islamic Republic of Iran, a team of European experts conducted a fact-finding mission from 16 to 20 June 2008 to verify the implementation by the carrier of the various corrective actions. The report shows that the carrier has put in place, within its Quality Assurance department, a division with the purpose to follow-up and rectify the identified safety deficiencies, and to analyse their root cause in order to prevent their reoccurrence.
- (25) On the basis of the common criteria, it is assessed that Iran Air is continuously implementing all necessary measures to resolve satisfactorily all previously detected safety deficiencies in compliance with relevant safety standards. Therefore, there is at this stage no need for further action. The Commission will continue to monitor closely the performance of the carrier. Member States will verify systematically the effective compliance with relevant safety standards through the prioritisation of ramp inspections to be carried out on aircraft of this carrier pursuant to Regulation (EC) No 351/2008.

Yemenia — Yemen Airways

- (26) There is verified evidence of non-compliances with specific safety standards established by the Chicago Convention on the part of the carrier Yemenia — Yemen Airways when operating into the Community. These deficiencies have been identified by the competent authorities of France, Germany, and Italy, during ramp inspections performed under the SAFA programme⁽¹⁾.
- (27) Yemenia has concluded a contract with the aircraft manufacturer Airbus whereby the latter will provide technical experts and auditors to train staff (pilots and engineers) and monitor the performance of the carrier in two specific areas: maintenance and engineering and aircraft operations. The carrier was audited by Airbus in these two areas in November and December 2007 and then presented a series of corrective actions to improve the safety performance and also address in a

systematic way the safety deficiencies detected during ramp inspections which affected these areas. A corrective action plan was submitted on 26 May 2008.

- (28) The Commission considers that the corrective action plan does not respond satisfactorily to all identified safety problems. While the carrier has demonstrated that its structure and organisation is effective and can ensure an overall adherence to a safety policy, there are certain areas which remain open. In the area of operations, in particular regarding ground and flight training, it is not appropriately demonstrated whether and by which means the corrective actions will be implemented, as there is no information about the necessary qualifications and experience of the assigned personnel. In the area of maintenance and engineering the action plan contains a lot of open items like ETOPS, Engineering, Technical Library, which are elementary basic conditions for a safe flight operation or for the orderly functioning of maintenance. A comprehensive evaluation of the action plan in this area is not possible, because of incomplete answers given by the carrier. Complementary documentation has also been sent to the Commission on 12 and 25 June 2008. This documentation contains a revised corrective action plan following further discussions with Airbus. The supporting documentation for the revised corrective action plan was submitted to the Commission on 7 July 2008.

- (29) For purposes of completion of the evaluation by the Commission and Member States of the detailed supporting documentation submitted by Yemenia, the Commission will request the company for further clarifications regarding the revision of the corrective action plan taking into account the discussions between the carrier and Airbus.

- (30) The Commission acknowledges the efforts deployed by Yemenia to correct the detected safety deficiencies. Moreover, the latest ramp inspections in the Community have not showed major deficiencies. However the Commission considers that the corrective actions submitted by Yemenia must be fully implemented and closely monitored, and that Member States should verify systematically the effective compliance with relevant safety standards through the prioritisation of ramp inspections to be carried out on aircraft of this carrier pursuant to Regulation (EC) No 351/2008.

- (31) Therefore, at this stage, the Commission considers that the carrier should not be included in Annex A. Upon completion of the evaluation of the revised corrective action plan and the supporting documentation, the Commission will decide the appropriate measures.

⁽¹⁾ DGAC/F-2005-270, DGAC/F-2005-471, DGAC/F-2005-1054, DGAC/F-2005-1291, DGAC/F-2006-60, DGAC/F-2006-601, DGAC/F-2006-716, DGAC/F-2006-1465, DGAC/F-2006-1760, DGAC/F-2006-2066, DGAC/F-2007-119, DGAC/F-2007-1002, DGAC/F-2007-1332, DGAC/F-2007-2066, DGAC/F-2008-478, DGAC/F-2008-1129, LBA/D-2006-47, LBA/D-2006-103, LBA/D-2006-157, LBA/D-2007-477, ENAC-IT-2005-51, ENAC-IT-2005-218, ENAC-IT-2005-648, ENAC-IT-2006-330, ENAC-IT-2008-126.

Air carriers from Cambodia

- (32) There is verified evidence of serious safety deficiencies on the part of all air carriers certified in Cambodia. This State was audited by ICAO in November and December 2007, which reported a large number of non-compliances with international standards. In addition, ICAO communicated to all contracting parties the existence of significant safety concerns with regards to the capability of the civil aviation authorities of Cambodia to perform their air safety oversight responsibilities.
- (33) The competent authorities of Cambodia showed an insufficient ability to implement and enforce ICAO safety standards. In particular, Cambodia has issued nine AOCs without having established a system for the certification of its air operators. The technical and operations personnel of the State Secretariat of Civil Aviation ('SSCA') was not involved in the approval process of applicants. The SSCA cannot ensure that AOC holders comply with the provisions of ICAO Annex VI and applicable national requirements. Furthermore, the current airworthiness status of aircraft registered in Cambodia could not be reliably determined.
- (34) The Commission has consulted the competent authorities of Cambodia on the actions undertaken by them to remedy the deficiencies observed by ICAO. The SSCA has shown its commitment to improve the situation and has initiated a number of significant corrective actions, among which the establishment of an aircraft register, the de-registration of a significant part of the fleet, the suspension of four out of the nine AOCs, as well as the issuance of a number of regulations which will become fully mandatory in November 2008. The Commission considers that these first corrective actions are encouraging and that the safety concerns detected by ICAO might be addressed once all actions are fully implemented.
- (35) The Commission urges the SSCA to take decisive actions on the safety deficiencies, in particular with regard to the full re-certification of the operators currently licensed in Cambodia in full compliance with ICAO standards. To that effect, the SSCA should provide before the next meeting of the Air Safety Committee in November 2008 all relevant information regarding the implementation of corrective actions addressing the identified safety deficiencies by ICAO, failing which, the Commission will be compelled to decide the inclusion of all carriers licensed in Cambodia in Annex A.

Air carriers from Sierra Leone

- (36) The competent authorities of Sierra Leone have informed the Commission that they have taken measures to proceed to the deregistration of all aircraft registered in Sierra Leone, and have requested that all carriers licensed in Sierra Leone be removed from Annex A. In addition, they communicated to the Commission that the carrier Bellview Airlines (SL) does not hold any longer an AOC, and should therefore be removed from Annex A.
- (37) As regards the removal of all the carriers licensed in Sierra Leone, including Bellview Airlines (SL), the Commission considers that the withdrawal from Annex A is not justified, as there is no evidence that these carriers have ceased to operate. Therefore, these carriers should continue to be included in Annex A.
- (38) As regards the outline of the corrective action plan sent by the competent authorities of Sierra Leone to ICAO, the Commission has not received the evidence (relevant documentation) that addresses the deficiencies on safety oversight and related standards and recommended practices on civil aviation with the dates of compliance.

Air carriers from the Republic of Indonesia

- (39) The Commission received on 16 May an update on the progress of implementation of the corrective action plan by the competent authorities of Indonesia. Relevant documentary evidence, received by the Commission on 16 June 2008, demonstrates that the national authorities do not have, at this stage, the ability to ensure the oversight of the carriers they certify, in particular with respect to the area of flight operation surveillance.
- (40) The Commission has also received from the competent authorities of Indonesia on 2 June 2008 information on the planning and the implementation of surveillance activities for the carriers Garuda Indonesia, Ekpres Transportasi Antar Benua, Airfast Indonesia and Mandala Airlines. Relevant documentary evidence, received by the Commission on 16 June 2008, demonstrates that flight operation surveillance on the above mentioned carriers is insufficient.

- (41) The competent authorities of Indonesia made representations to the Air Safety Committee on 10 July 2008 regarding the corrective actions aimed at resolving the safety deficiencies identified by ICAO. Their representations reflected supporting documentation regarding the implementation of the corrective action plan submitted by Indonesia on 1 July 2008. The competent authorities of Indonesia have deployed considerable efforts to redress the safety situation of their country by beginning to implement a series of comprehensive corrective actions which are currently ongoing and should be accomplished in the coming months. These authorities also confirmed that ICAO has not yet agreed to the closure of any of the findings raised during its last audits in November 2000, April 2004 and February 2007.
- (42) The carrier Garuda Indonesia submitted on 7 May 2008 complementary information requested by the Commission during the hearing of the carrier by the Air Safety Committee on 3 April 2008 regarding the corrective actions undertaken in the areas of internal control systems and the installation of E-GPWS on the B-737 fleet. From the analysis of the documentation it would appear that Garuda Indonesia has completed the necessary actions in order to comply with ICAO standards. However, concerns subsist with respect to flight operations following two similar incidents which occurred on 9 and 28 May 2008.
- (43) On the basis of the common criteria, and in view of the fact that, to date, ICAO has not agreed to the closure of any of the findings raised during its audits, it is assessed that, at present, the competent authorities of Indonesia have failed to demonstrate that they have performed their regulatory and oversight responsibilities in compliance with ICAO standards with respect to all the carriers they certify. As a consequence, none of the Indonesian carriers can be at present withdrawn from the Community list.
- (44) The Commission will closely liaise with ICAO for the purpose of its assessment of the ability of the competent authorities of Indonesia to implement and enforce the international safety standards. The Commission intends to carry out a visit to Indonesia before any modification of the current measures.
- (45) The carriers Airfast Indonesia, Garuda Indonesia and Mandala Airlines made individual requests to present their comments orally to the Air Safety Committee, and were subsequently heard on 9 and 10 July 2008.
- (46) The competent authorities of Indonesia have provided the Commission with evidence of the withdrawal of the AOC of the air carrier Adam Sky Connection Airlines. Since this carrier has consequently ceased its activities, it should be withdrawn from Annex A.
- (47) The competent authorities of Indonesia have provided the Commission with an updated list of air carriers holding an AOC. At present, the air carriers certified in Indonesia are the following: Garuda Indonesia, Merpati Nusantara, Kartika Airlines, Mandala Airlines, Trigana Air Service, Metro Batavia, Pelita Air Service (AOCs 121-008 and 135-001), Indonesia Air Asia, Lion Mentari Airlines, Wing Adabi Nusantara, Riau Airlines, Transwisata Prima Aviation, Tri MG Intra Airlines (AOCs 121-018 and 135-037), Ekspres Transportasi Antar Benua, Manunggal Air Service, Megantara Airlines, Linus Airways, Indonesia Air Transport, Sriwijaya Air, Travel Ekspres Airlines, Republic Ekspres Airlines, Airfast Indonesia, Helizona, Sayap Garuda Indah, Survei Udara Penas, Travira Utama, Derazona Air Service, National Utility Helicopter, Deraya Air Taxi, Dirgantara Air Service, SMAC, Kura-Kura Aviation, Gatari Air Service, Intan Angkasa Air Service, Air Pacific Utama, Transwisata Prima Aviation, Asco Nusa Air, Atlas Deltasatya, Pura Wisata Baruna, Panarabangan Angkasa Semesta, ASI Pujiastuti, Aviastar Mandiri, Dabi Air Nusantara, Balai Kalibrasi Fasilitas Penerbangan, Sampurna Air Nusantara, and Eastindo. The Community list should be updated accordingly and these carriers should be included in Annex A.
- (48) In addition, the competent authorities of Indonesia have informed the Commission that the AOCs of the air carriers Helizona, Dirgantara Air Service, Kura-Kura Aviation, Asco Nusa Air and Tri MG Intra Airlines have been suspended. Since these measures have a temporary nature, the Commission considers that the withdrawal from Annex A is not justified.
- Air carriers from the Republic of Philippines**
- (49) The U.S. Department of Transportation's Federal Aviation Administration (FAA) lowered the safety rating of the Republic of Philippines in its IASA programme, for the reason that the Republic of Philippines fails to comply with international safety standards set by ICAO. As a consequence, carriers from the Republic of Philippines may only continue their operations at current levels under heightened FAA surveillance. Expansion or changes in services to the United States by such carriers are not permitted.

- (50) ICAO has communicated that it will conduct in November 2008 a comprehensive inspection of the Air Transportation Office of the Republic of Philippines in the framework of the Universal Safety Oversight Audit Programme (USOAP).
- (51) The Commission has entered into consultation with the competent authorities of Philippines raising concerns about the safety of the operation of carriers licensed in the country. The Philippines have indicated that a new Civil Aviation Authority Act has been adopted in March 2008 and that the competent authority is being restructured into a fully independent agency, which has started to operate on 7 July 2008. However, a detailed corrective action plan has not been submitted yet.
- (52) The Commission considers that a decision regarding the possible inclusion of all carriers certified in the Republic of Philippines in the Community list should be deferred until the ICAO audit results are known. Meanwhile, the Commission and the Member States will continue to monitor the safety situation of these carriers.

Air carriers from the Russian Federation

- (53) Following the adoption of Regulation (EC) No 331/2008, the Commission and some Member States heard from 21 to 23 April 2008 presentations from the 13 Russian carriers subject to operating restrictions by virtue of decision of the competent authorities of the Russian Federation. The documentation submitted by these carriers and presentations made by the authorities with oversight responsibility permitted to clarify the safety situation of these air carriers and their compliance with ICAO standards applicable for international operations. The hearings also permitted to conclude that a number of aircraft are, according to the documents provided by the aviation authorities of the Russian Federation, not equipped to perform international flights as per ICAO standards, since they lack in particular the required TAWS/E-GPWS equipment. These authorities undertook to take the necessary measures under Russian law in order to prohibit the operations of these aircraft into, within or out of the airspace of the Community as well as of Iceland, Norway and Switzerland and to revise the AOC and the operations specifications of the carriers concerned accordingly. A revised AOC, together with the complete operations specifications I will be notified to the Commission prior to any operations of such aircraft into Community airspace. The competent authorities of the Russian Federation adopted on 25 April 2008 a decision which entered into force on 26 April 2008.
- (54) According to that decision, the following aircraft are excluded from operations into, within and out of the Community:
- (a) Aircompany Yakutia: Tupolev TU-154: RA-85007 and RA-85790; Antonov AN-140: RA-41250; AN-24RV: RA-46496, RA-46665, RA-47304, RA-47352, RA-47353, RA-47360; AN-26: RA-26660;
 - (b) Gazpromavia: Tupolev TU-154M: RA-85625 and RA-85774; Yakovlev Yak-40: RA-87511, RA-88186 and RA-88300; Yak-40K: RA-21505 and RA-98109; Yak-42D: RA-42437; all (22) helicopters Kamov Ka-26 (unknown registration); all (49) helicopters Mi-8 (unknown registration); all (11) helicopters Mi-171 (unknown registration); all (8) helicopters Mi-2 (unknown registration); all (1) helicopter EC-120B (unknown registration);
 - (c) Kavminvodyavia: Tupolev TU-154B: RA-85307, RA-85494 and RA-85457;
 - (d) Krasnoyarsky Airlines: Tupolev TU-154B: RA-85505 and RA-85529; TU-154M: RA-85672, RA-85678, RA-85682, RA-85683, RA-85694, RA-85759, RA-85801, RA-85817 and RA-85821; Ilyushin IL-86: RA-86121, RA-86122, RA-86137 and RA-86145; Kuban Airlines: Yakovlev Yak-42: RA-42331, RA-42336, RA-42350, RA-42526, RA-42538 and RA-42541;
 - (e) Orenburg Airlines: Tupolev TU-154B: RA-85602; all TU-134 (unknown registration); all Antonov An-24 (unknown registration); all An-2 (unknown registration); all helicopters Mi-2 (unknown registration); all helicopters Mi-8 (unknown registration) ⁽¹⁾;
 - (f) Siberia Airlines: Tupolev TU-154M: RA-85613, RA-85619, RA-85622, RA-85690 and RA-85618;
 - (g) Tatarstan Airlines: Yakovlev Yak-42D: RA-42347, RA-42374, RA-42433; Yak-40: RA-88287; all Tupolev TU-134A including: RA-65065, RA-65102, RA-65691, RA-65970 and RA-65973; all Antonov AN-24RV including: RA-46625 and RA-47818;

⁽¹⁾ The competent authorities of the Russian Federation informed the Commission on 6 June 2008 of the installation of E-GPWS equipment on the following aircraft of the air carrier Orenburg Airlines: Tupolev TU-154B with registration marks RA-85603, RA-85604. They also submitted the modified operations specifications to the AOC of the carrier.

- (h) Ural Airlines: Tupolev TU-154B: RA-85319, RA-85337, RA-85357, RA-85375, RA-85374, RA-85432 and RA-85508 ⁽¹⁾;

- (i) UTAir: Tupolev TU-154M: RA-85727, RA-85733, RA-85755, RA-85788, RA-85789, RA-85796, RA-85803, RA-85806, RA-85820, RA-85681 and RA-85685; TU-154B: RA-85504, RA-85550, RA-85557; all (29) TU-134: RA-65005, RA-65024, RA-65033, RA-65055, RA-65127, RA-65143, RA-65148, RA-65560, RA-65565, RA-65572, RA-65575, RA-65607, RA-65608, RA-65609, RA-65611, RA-65613, RA-65616, RA-65618, RA-65620, RA-65622, RA-65728, RA-65755, RA-65777, RA-65780, RA-65793, RA-65901, RA-65902, RA-65916 and RA-65977; all (1) TU-134B: RA-65716; all (4) Antonov AN-24B: RA-46267, RA-46388, RA-47289 and RA-47847; all (3) AN-24 RV: RA-46509, RA-46519 and RA-47800; all (10) Yakovlev Yak-40: RA-87292, RA-87348, RA-87907, RA-87941, RA-87997, RA-88209, RA 88210, RA-88227, RA-88244 and RA-88280; all helicopters Mil-26: (unknown registration); all helicopters Mil-10: (unknown registration); all helicopters Mil-8 (unknown registration); all helicopters AS-355 (unknown registration); all helicopters BO-105 (unknown registration);

- (j) Rossija (STC Russia): Tupolev TU-134: RA-65093, RA-65109, RA-65113, RA-65553, RA-65555, RA-65759, RA-65904, RA-65905, RA-65911, RA-65912, RA-65921, RA-65979 and RA-65994; TU-214: RA-64504, RA-64505; Ilyushin IL-18: RA-75454 and RA-75464; Yakovlev Yak-40: RA-87203, RA-87968, RA-87969, RA-87971, RA-87972 and RA-88200.

- (55) No such aircraft were identified for the carriers Airlines 400 JSC and Atlant Soyuz.

- (56) The competent authorities of the Russian Federation and the Commission remain committed to continue their close cooperation and to exchange all necessary information related to the safety of their air carriers. Member States will verify systematically the effective

compliance with relevant safety standards through the prioritisation of ramp inspections to be carried out on aircraft of these carriers pursuant to Regulation (EC) No 351/2008.

Air carriers from Ukraine

Ukraine Cargo Airways

- (57) As stated in recital 18 of Regulation No 331/2008, the carrier Ukraine Cargo Airways submitted on 1 April 2008 a revised corrective action plan reflecting the changes required by the competent authorities of Ukraine following an audit of the company. The Commission requested on 11 April 2008 the competent authorities of Ukraine to submit evidence of verification of the effectiveness of the implementation of the revised corrective action plan by 10 May 2008.
- (58) The competent authorities of Ukraine have informed the Commission on 19 June 2008 that they are not in a position to confirm the fulfilment of corrective actions by the carrier Ukraine Cargo Airways. They indicated further that they considered some of the corrective actions as ineffective. On 27 June these authorities submitted supporting documentation informing the Commission that the carrier had made 'essential progress in improving its fleet technical condition, documentation, policy and procedures as well as crew training' but that 'the operator is limited by time and other circumstance including delays caused by maintenance organisations to complete the full volume of works on all aircraft and improve flight personnel training'. The competent authorities of Ukraine confirmed their preparedness to continue comprehensive oversight of Ukraine Cargo Airways and their commitment to provide the Air Safety Committee with the complete decision regarding the effectiveness of the implementation by Ukraine Cargo Airways of its corrective action plan. On 8 July the competent authorities of Ukraine submitted to the Commission their decision to lift the operating restrictions on certain aircraft of Ukraine Cargo Airways following the verification of the implementation by the carrier of the corrective action plan.

- (59) According to representations made to the Air Safety Committee on 10 July 2008 by the competent authorities of Ukraine and Ukraine Cargo Airways, ramp checks of 15 aircraft of the carrier had revealed that the corrective action plan was implemented only in the case of 6 aircraft meeting ICAO standards, for which they had decided to lift any restrictions that these authorities had previously imposed. Furthermore, according to these authorities, the remaining nine aircraft had not been found compliant with the required actions ensuring implementation of ICAO standards and remained therefore under operating restrictions in Ukraine.

⁽¹⁾ The competent authorities of the Russian Federation informed the Commission on 6 June 2008 of the installation of E-GPWS equipment on the following aircraft of the air carrier Ural Airlines: Ilyushin IL-86 with registration marks RA-86078, RA-86093, RA-86114 and RA-86120. They also submitted the modified operations specifications to the AOC of the carrier.

- (60) The Commission acknowledges that the carrier has demonstrated its willingness to take corrective actions so as to address the safety deficiencies which affected its entire fleet. However, based on documentary evidence regarding the results of the verifications undertaken so far by the competent authority of Ukraine as well as the representations made to the Air Safety Committee by these authorities, it considers that the plan has not been fully implemented by the carrier as the verification by the competent authorities of Ukraine indicates a lack of appropriateness and effectiveness of the corrective actions implemented to date. Indeed, the Commission remains concerned with the fact that the carrier was able to ensure only that a part of its fleet could comply with safety standards, while according to this plan the company was to put in place a fleet management system ensuring that all measures would equally apply to all its aircraft. Therefore, on the basis of the common criteria, at this stage the carrier may not be withdrawn from Annex A.

Overall safety oversight of air carriers from Ukraine

- (61) As envisaged in recital 21 of Regulation No 331/2008, the Commission invited on 11 April 2008 the competent authorities of Ukraine to present by 10 May 2008 a plan of measures to enhance the exercise of safety oversight of operators under their regulatory authority and of aircraft registered in Ukraine. During consultations held with the competent authorities of Ukraine pursuant to Article 3 of Regulation (EC) No 473/2006 on 22 May 2008, the Commission renewed its request for such information. The competent authorities of Ukraine submitted such a plan on 31 May 2008. This plan focuses on: legislation regarding the development, implementation and enforcement of precise, binding and clearly identifiable safety legislation and standards used in Ukraine for the approval and oversight of organisations, aircraft and personnel; the resources of the State Aviation Administration containing personnel qualifications and training to ensure that the number, qualifications and experience of the staff, including initial and recurrent training, is adequate to handle the workload involved with the safety oversight of operators, aircraft and personnel in Ukraine; and finally oversight of continued airworthiness and maintenance of aircraft setting out how the competent authorities of Ukraine guarantee that continuing airworthiness of aircraft under their regulatory responsibility is ensured, and that aircraft are maintained in accordance with approved maintenance programmes, which are periodically reviewed.

- (62) Also, the competent authorities of Ukraine submitted evidence of legislative measures which are applicable until the adoption of the new aviation code also affecting safety aspects has been enacted.

- (63) The Commission considers that the submitted action plan contains actions aimed at enhancing and reinforcing the exercise of safety oversight in the Ukraine. However,

the effectiveness of this plan cannot be assessed at this stage, as the timetable of corrective actions extends until 2011, while most of the measures affecting oversight of continued airworthiness and maintenance should be put in place by the end of 2008.

- (64) In the light of the above, the Commission considers that it is necessary to monitor closely the progressive implementation of this plan. The competent authorities of Ukraine are required to present a progress report on a 3-month basis. Accordingly, the Commission intends to carry out a visit to the competent authority of Ukraine to verify the effectiveness of the implementation of those actions which have to be in place by the end of 2008. Furthermore, Member States will verify systematically the effective compliance with relevant safety standards through the prioritisation of ramp inspections to be carried out on aircraft of carriers licensed in Ukraine pursuant to Regulation (EC) No 351/2008.

General considerations concerning the other carriers included in Annexes A and B

- (65) No evidence of the full implementation of appropriate remedial actions by the other carriers included in the Community list updated on 16 April 2008 and by the authorities with responsibility for regulatory oversight of these air carriers has been communicated to the Commission so far in spite of specific requests submitted by the latter. Therefore, on the basis of the common criteria, it is assessed that these air carriers should continue to be subject to an operating ban (Annex A) or operating restrictions (Annex B), as the case may be.
- (66) The measures provided for in this Regulation are in accordance with the opinion of the Air Safety Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 474/2006 is amended as follows:

1. Annex A is replaced by Annex A to this Regulation.
2. Annex B is replaced by Annex B to this Regulation.

Article 2

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

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

Done at Brussels, 24 July 2008.

For the Commission

Antonio TAJANI

Vice-President

ANNEX A

LIST OF AIR CARRIERS OF WHICH ALL OPERATIONS ARE SUBJECT TO A BAN WITHIN THE COMMUNITY ⁽¹⁾

Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)	Air Operator Certificate (AOC) Number or Operating Licence Number	ICAO airline designation number	State of the Operator
AIR KORYO	Unknown	KOR	Democratic People Republic of Korea (DPRK)
AIR WEST CO. LTD	004/A	AWZ	Sudan
ARIANA AFGHAN AIRLINES	009	AFG	Afghanistan
SILVERBACK CARGO FREIGHTERS	Unknown	VRB	Rwanda
TAAG ANGOLA AIRLINES	001	DTA	Angola
UKRAINE CARGO AIRWAYS	145	UKS	Ukraine
UKRAINIAN MEDITERRANEAN AIRLINES	164	UKM	Ukraine
VOLARE AVIATION ENTREPRISE	143	VRE	Ukraine
All air carriers certified by the authorities with responsibility for regulatory oversight of Democratic Republic of Congo (RDC), including,		—	Democratic Republic of Congo (RDC)
AFRICA ONE	409/CAB/MIN/TC/0114/2006	CFR	Democratic Republic of Congo (RDC)
AFRICAN AIR SERVICES COMMUTER SPRL	409/CAB/MIN/TC/0005/2007	Unknown	Democratic Republic of Congo (RDC)
AIGLE AVIATION	409/CAB/MIN/TC/0042/2006	Unknown	Democratic Republic of Congo (RDC)
AIR BENI	409/CAB/MIN/TC/0019/2005	Unknown	Democratic Republic of Congo (RDC)
AIR BOYOMA	409/CAB/MIN/TC/0049/2006	Unknown	Democratic Republic of Congo (RDC)
AIR INFINI	409/CAB/MIN/TC/006/2006	Unknown	Democratic Republic of Congo (RDC)
AIR KASAI	409/CAB/MIN/TC/0118/2006	Unknown	Democratic Republic of Congo (RDC)
AIR NAVETTE	409/CAB/MIN/TC/015/2005	Unknown	Democratic Republic of Congo (RDC)
AIR TROPIQUES S.P.R.L.	409/CAB/MIN/TC/0107/2006	Unknown	Democratic Republic of Congo (RDC)
BEL GLOB AIRLINES	409/CAB/MIN/TC/0073/2006	Unknown	Democratic Republic of Congo (RDC)
BLUE AIRLINES	409/CAB/MIN/TC/0109/2006	BUL	Democratic Republic of Congo (RDC)
BRAVO AIR CONGO	409/CAB/MIN/TC/0090/2006	Unknown	Democratic Republic of Congo (RDC)
BUSINESS AVIATION S.P.R.L.	409/CAB/MIN/TC/0117/2006	Unknown	Democratic Republic of Congo (RDC)
BUTEMBO AIRLINES	409/CAB/MIN/TC/0056/2006	Unknown	Democratic Republic of Congo (RDC)
CARGO BULL AVIATION	409/CAB/MIN/TC/0106/2006	Unknown	Democratic Republic of Congo (RDC)
CETRACA AVIATION SERVICE	409/CAB/MIN/TC/037/2005	CER	Democratic Republic of Congo (RDC)
CHC STELLAVIA	409/CAB/MIN/TC/0050/2006	Unknown	Democratic Republic of Congo (RDC)
COMAIR	409/CAB/MIN/TC/0057/2006	Unknown	Democratic Republic of Congo (RDC)

⁽¹⁾ Air carriers listed in Annex A could be permitted to exercise traffic rights by using wet-leased aircraft of an air carrier which is not subject to an operating ban, provided that the relevant safety standards are complied with.

Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)	Air Operator Certificate (AOC) Number or Operating Licence Number	ICAO airline designation number	State of the Operator
COMPAGNIE AFRICAINE D'AVIATION (CAA)	409/CAB/MIN/TC/0111/2006	Unknown	Democratic Republic of Congo (RDC)
DOREN AIR CONGO	409/CAB/MIN/TC/0054/2006	Unknown	Democratic Republic of Congo (RDC)
EL SAM AIRLIFT	409/CAB/MIN/TC/0002/2007	Unknown	Democratic Republic of Congo (RDC)
ESPACE AVIATION SERVICE	409/CAB/MIN/TC/0003/2007	Unknown	Democratic Republic of Congo (RDC)
FILAIR	409/CAB/MIN/TC/0008/2007	Unknown	Democratic Republic of Congo (RDC)
FREE AIRLINES	409/CAB/MIN/TC/0047/2006	Unknown	Democratic Republic of Congo (RDC)
GALAXY INCORPORATION	409/CAB/MIN/TC/0078/2006	Unknown	Democratic Republic of Congo (RDC)
GOMA EXPRESS	409/CAB/MIN/TC/0051/2006	Unknown	Democratic Republic of Congo (RDC)
GOMAIR	409/CAB/MIN/TC/0023/2005	Unknown	Democratic Republic of Congo (RDC)
GREAT LAKE BUSINESS COMPANY	409/CAB/MIN/TC/0048/2006	Unknown	Democratic Republic of Congo (RDC)
HEWA BORA AIRWAYS (HBA)	409/CAB/MIN/TC/0108/2006	ALX	Democratic Republic of Congo (RDC)
I.T.A.B. — INTERNATIONAL TRANS AIR BUSINESS	409/CAB/MIN/TC/0022/2005	Unknown	Democratic Republic of Congo (RDC)
KATANGA AIRWAYS	409/CAB/MIN/TC/0088/2006	Unknown	Democratic Republic of Congo (RDC)
KIVU AIR	409/CAB/MIN/TC/0044/2006	Unknown	Democratic Republic of Congo (RDC)
LIGNES AÉRIENNES CONGOLAISES	Ministerial signature (ordonnance 78/205)	LCG	Democratic Republic of Congo (RDC)
MALU AVIATION	409/CAB/MIN/TC/0113/2006	Unknown	Democratic Republic of Congo (RDC)
MALILA AIRLIFT	409/CAB/MIN/TC/0112/2006	MLC	Democratic Republic of Congo (RDC)
MANGO AIRLINES	409/CAB/MIN/TC/0007/2007	Unknown	Democratic Republic of Congo (RDC)
PIVA AIRLINES	409/CAB/MIN/TC/0001/2007	Unknown	Democratic Republic of Congo (RDC)
RWAKABIKA BUSHI EXPRESS	409/CAB/MIN/TC/0052/2006	Unknown	Democratic Republic of Congo (RDC)
SAFARI LOGISTICS SPRL	409/CAB/MIN/TC/0076/2006	Unknown	Democratic Republic of Congo (RDC)
SAFE AIR COMPANY	409/CAB/MIN/TC/0004/2007	Unknown	Democratic Republic of Congo (RDC)
SERVICES AIR	409/CAB/MIN/TC/0115/2006	Unknown	Democratic Republic of Congo (RDC)
SUN AIR SERVICES	409/CAB/MIN/TC/0077/2006	Unknown	Democratic Republic of Congo (RDC)
TEMBO AIR SERVICES	409/CAB/MIN/TC/0089/2006	Unknown	Democratic Republic of Congo (RDC)
THOM'S AIRWAYS	409/CAB/MIN/TC/0009/2007	Unknown	Democratic Republic of Congo (RDC)
TMK AIR COMMUTER	409/CAB/MIN/TC/020/2005	Unknown	Democratic Republic of Congo (RDC)
TRACEP CONGO	409/CAB/MIN/TC/0055/2006	Unknown	Democratic Republic of Congo (RDC)
TRANS AIR CARGO SERVICE	409/CAB/MIN/TC/0110/2006	Unknown	Democratic Republic of Congo (RDC)
TRANSPORTS AERIENS CONGOLAIS (TRACO)	409/CAB/MIN/TC/0105/2006	Unknown	Democratic Republic of Congo (RDC)
VIRUNGA AIR CHARTER	409/CAB/MIN/TC/018/2005	Unknown	Democratic Republic of Congo (RDC)
WIMBI DIRA AIRWAYS	409/CAB/MIN/TC/0116/2006	WDA	Democratic Republic of Congo (RDC)
ZAABU INTERNATIONAL	409/CAB/MIN/TC/0046/2006	Unknown	Democratic Republic of Congo (RDC)

Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)	Air Operator Certificate (AOC) Number or Operating Licence Number	ICAO airline designation number	State of the Operator
All air carriers certified by the authorities with responsibility for regulatory oversight of Equatorial Guinea, including,			Equatorial Guinea
CRONOS AIRLINES	Unknown	Unknown	Equatorial Guinea
CEIBA INTERCONTINENTAL	Unknown	CEL	Equatorial Guinea
EUROGUINEANA DE AVIACION Y TRANSPORTES	2006/001/MTTCT/DGAC/SOPS	EUG	Equatorial Guinea
GENERAL WORK AVIACION	002/ANAC	n/a	Equatorial Guinea
GETRA — GUINEA ECUATORIAL DE TRANSPORTES AEREOS	739	GET	Equatorial Guinea
GUINEA AIRWAYS	738	n/a	Equatorial Guinea
UTAGE — UNION DE TRANSPORT AEREO DE GUINEA ECUATORIAL	737	UTG	Equatorial Guinea
All air carriers certified by the authorities with responsibility for regulatory oversight of Indonesia, including,			Indonesia
AIR PACIFIC UTAMA	135-020	Unknown	Indonesia
AIRFAST INDONESIA	135-002	AFE	Indonesia
ASCO NUSA AIR TRANSPORT	135-022	Unknown	Indonesia
ASI PUDJIASTUTI	135-028	Unknown	Indonesia
ATLAS DELTASATYA	135-023	Unknown	Indonesia
AVIASTAR MANDIRI	135-029	Unknown	Indonesia
BALAI KALIBRASI FASITAS PENERBANGAN	135-031	Unknown	Indonesia
DABI AIR NUSANTARA	135-030	Unknown	Indonesia
DERAYA AIR TAXI	135-013	DRY	Indonesia
DERAZONA AIR SERVICE	135-010	Unknown	Indonesia
DIRGANTARA AIR SERVICE	135-014	DIR	Indonesia
EASTINDO	135-038	Unknown	Indonesia
EKSPRES TRANSPORTASI ANTAR BENUA	135-032	Unknown	Indonesia
GARUDA INDONESIA	121-001	GIA	Indonesia
GATARI AIR SERVICE	135-018	GHS	Indonesia
HELIZONA	135-003	Unknown	Indonesia
INDONESIA AIR ASIA	121-009	AWQ	Indonesia
INDONESIA AIR TRANSPORT	135-017	IDA	Indonesia
INTAN ANGKASA AIR SERVICE	135-019	Unknown	Indonesia
KARTIKA AIRLINES	121-003	KAE	Indonesia
KURA-KURA AVIATION	135-016	Unknown	Indonesia
LION MENTARI AIRLINES	121-010	LNI	Indonesia

Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)	Air Operator Certificate (AOC) Number or Operating Licence Number	ICAO airline designation number	State of the Operator
LINUS AIRWAYS	121-029	Unknown	Indonesia
MANDALA AIRLINES	121-005	MDL	Indonesia
MANUNGGA AIR SERVICE	121-020	Unknown	Indonesia
MEGANTARA AIRLINES	121-025	Unknown	Indonesia
MERPATI NUSANTARA	121-002	MNA	Indonesia
METRO BATAVIA	121-007	BTV	Indonesia
NATIONAL UTILITY HELICOPTER	135-011	Unknown	Indonesia
PELITA AIR SERVICE	121-008	PAS	Indonesia
PELITA AIR SERVICE	135-001	PAS	Indonesia
PENERBANGAN ANGKASA SEMESTA	135-026	Unknown	Indonesia
PURA WISATA BARUNA	135-025	Unknown	Indonesia
REPUBLIC EXPRES AIRLINES	121-040	RPH	Indonesia
RIAU AIRLINES	121-017	RIU	Indonesia
SAMPURNA AIR NUSANTARA	135-036	Unknown	Indonesia
SAYAP GARUDA INDAH	135-004	Unknown	Indonesia
SMAC	135-015	SMC	Indonesia
SRIWIJAYA AIR	121-035	SJY	Indonesia
SURVEI UDARA PENAS	135-006	Unknown	Indonesia
TRANSWISATA PRIMA AVIATION	135-021	Unknown	Indonesia
TRAVEL EXPRES AIRLINES	121-038	XAR	Indonesia
TRAVIRA UTAMA	135-009	Unknown	Indonesia
TRI MG INTRA AIRLINES	121-018	TMG	Indonesia
TRI MG INTRA AIRLINES	135-037	TMG	Indonesia
TRIGANA AIR SERVICE	121-006	TGN	Indonesia
WING ABADI NUSANTARA	121-012	WON	Indonesia
All air carriers certified by the authorities with responsibility for regulatory oversight of the Kyrgyz Republic, including,		—	Kyrgyz Republic
AIR MANAS	17	MBB	Kyrgyz Republic
ARTIK AVIA	13	ART	Kyrgyz Republic
ASIA ALPHA AIRWAYS	32	SAL	Kyrgyz Republic
AVIA TRAFFIC COMPANY	23	AVJ	Kyrgyz Republic
BISTAIR-FEZ BISHKEK	08	BSC	Kyrgyz Republic
CLICK AIRWAYS	11	CGK	Kyrgyz Republic
DAMES	20	DAM	Kyrgyz Republic

Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)	Air Operator Certificate (AOC) Number or Operating Licence Number	ICAO airline designation number	State of the Operator
EASTOK AVIA	15	Unknown	Kyrgyz Republic
ESEN AIR	2	ESD	Kyrgyz Republic
GOLDEN RULE AIRLINES	22	GRS	Kyrgyz Republic
ITEK AIR	04	IKA	Kyrgyz Republic
KYRGYZ TRANS AVIA	31	KTC	Kyrgyz Republic
KYRGYZSTAN	03	LYN	Kyrgyz Republic
KYRGYZSTAN AIRLINES	01	KGA	Kyrgyz Republic
MAX AVIA	33	MAI	Kyrgyz Republic
OHS AVIA	09	OSH	Kyrgyz Republic
S GROUP AVIATION	6	Unknown	Kyrgyz Republic
SKY GATE INTERNATIONAL AVIATION	14	SGD	Kyrgyz Republic
SKY WAY AIR	21	SAB	Kyrgyz Republic
TENIR AIRLINES	26	TEB	Kyrgyz Republic
TRAST AERO	05	TSJ	Kyrgyz Republic
VALOR AIR	07	Unknown	Kyrgyz Republic
All air carriers certified by the authorities with responsibility for regulatory oversight of Liberia		—	Liberia
All air carriers certified by the authorities with responsibility for regulatory oversight of the Republic of Gabon, with the exception of Gabon Airlines and Afrijet, including,			Republic of Gabon
AIR SERVICES SA	0002/MTACCMDH/SGACC/DTA	Unknown	Republic of Gabon
AIR TOURIST (ALLEGIANCE)	0026/MTACCMDH/SGACC/DTA	NIL	Republic of Gabon
NATIONALE ET REGIONALE TRANSPORT (NATIONALE)	0020/MTACCMDH/SGACC/DTA	Unknown	Republic of Gabon
NOUVELLE AIR AFFAIRES GABON (SN2AG)	0045/MTACCMDH/SGACC/DTA	NVS	Republic of Gabon
SCD AVIATION	0022/MTACCMDH/SGACC/DTA	Unknown	Republic of Gabon
SKY GABON	0043/MTACCMDH/SGACC/DTA	SKG	Republic of Gabon
SOLENTA AVIATION GABON	0023/MTACCMDH/SGACC/DTA	Unknown	Republic of Gabon
All air carriers certified by the authorities with responsibility for regulatory oversight of Sierra Leone, including,	—	—	Sierra Leone
AIR RUM, LTD	Unknown	RUM	Sierra Leone
BELLVIEW AIRLINES (S/L) LTD	Unknown	BVU	Sierra Leone

Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)	Air Operator Certificate (AOC) Number or Operating Licence Number	ICAO airline designation number	State of the Operator
DESTINY AIR SERVICES, LTD	Unknown	DTY	Sierra Leone
HEAVYLIFT CARGO	Unknown	Unknown	Sierra Leone
ORANGE AIR SIERRA LEONE LTD	Unknown	ORJ	Sierra Leone
PARAMOUNT AIRLINES, LTD	Unknown	PRR	Sierra Leone
SEVEN FOUR EIGHT AIR SERVICES LTD	Unknown	SVT	Sierra Leone
TEEBAH AIRWAYS	Unknown	Unknown	Sierra Leone
All air carriers certified by the authorities with responsibility for regulatory oversight of Swaziland, including,	—	—	Swaziland
AERO AFRICA (PTY) LTD	Unknown	RFC	Swaziland
JET AFRICA SWAZILAND	Unknown	OSW	Swaziland
ROYAL SWAZI NATIONAL AIRWAYS CORPORATION	Unknown	RSN	Swaziland
SCAN AIR CHARTER, LTD	Unknown	Unknown	Swaziland
SWAZI EXPRESS AIRWAYS	Unknown	SWX	Swaziland
SWAZILAND AIRLINK	Unknown	SZL	Swaziland

ANNEX B

**LIST OF AIR CARRIERS OF WHICH OPERATIONS ARE SUBJECT TO OPERATIONAL RESTRICTIONS
WITHIN THE COMMUNITY ⁽¹⁾**

Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)	Air Operator Certificate (AOC) Number	ICAO airline designation number	State of the Operator	Aircraft type	Registration mark(s) and, when available, construction serial number(s)	State of registry
AFRIJET ⁽¹⁾	0027/MTAC/SGACC/DTA		Republic of Gabon	All fleet with the exception of: 2 aircraft of type Falcon 50; 1 aircraft of type Falcon 900	All fleet with the exception of: TR-LGV; TR-LGY; TR-AFJ	Republic of Gabon
AIR BANGLADESH	17	BGD	Bangladesh	B747-269B	S2-ADT	Bangladesh
AIR SERVICE COMORES	06-819/TA-15/DGACM	KMD	Comoros	All fleet with the exception of: LET 410 UVP	All fleet with the exception of: D6-CAM (851336)	Comoros
GABON AIRLINES ⁽²⁾	0040/MTAC/SGACC/DTA	GBK	Republic of Gabon	All fleet with the exception of: 1 aircraft of type Boeing B-767-200	All fleet with the exception of: TR-LHP	Republic of Gabon

⁽¹⁾ Afrijet is only allowed to use the specific aircraft mentioned for its current operations within the European Community.

⁽²⁾ Gabon Airlines is only allowed to use the specific aircraft mentioned for its current operations within the European Community.

⁽¹⁾ Air carriers listed in Annex B could be permitted to exercise traffic rights by using wet-leased aircraft of an air carrier which is not subject to an operating ban, provided that the relevant safety standards are complied with.

COMMISSION REGULATION (EC) No 716/2008**of 24 July 2008****fixing the rates of refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex I to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 318/2006 of 20 February 2006 on the common organisation of the market in the sugar sector⁽¹⁾, and in particular Article 33(2)(a) and (4) thereof,

Whereas:

- (1) Article 32(1) and (2) of Regulation (EC) No 318/2006 provides that the differences between the prices in international trade for the products listed in Article 1(1)(b), (c), (d) and (g) of that Regulation and prices within the Community may be covered by an export refund where these products are exported in the form of goods listed in Annex VII to that Regulation.
- (2) Commission Regulation (EC) No 1043/2005 of 30 June 2005 implementing Council Regulation (EC) No 3448/93 as regards the system of granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds⁽²⁾, specifies the products for which a rate of refund is to be fixed, to be applied where these products are exported in the form of goods listed in Annex VII to Regulation (EC) No 318/2006.
- (3) In accordance with the first paragraph of Article 14 of Regulation (EC) No 1043/2005, the rate of the refund per 100 kilograms for each of the basic products in question is to be fixed each month.
- (4) Article 32(4) of Regulation (EC) No 318/2006 lays down that the export refund for a product contained in goods

may not exceed the refund applicable to that product when exported without further processing.

- (5) The refunds fixed under this Regulation may be fixed in advance as the market situation over the next few months cannot be established at the moment.
- (6) The commitments entered into with regard to refunds which may be granted for the export of agricultural products contained in goods not covered by Annex I to the Treaty may be jeopardised by the fixing in advance of high refund rates. It is therefore necessary to take precautionary measures in such situations without, however, preventing the conclusion of long-term contracts. The fixing of a specific refund rate for the advance fixing of refunds is a measure which enables these various objectives to be met.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of the refunds applicable to the basic products listed in Annex I to Regulation (EC) No 1043/2005 and in Article 1(1) and in point (1) of Article 2 of Regulation (EC) No 318/2006, and exported in the form of goods listed in Annex VII to Regulation (EC) No 318/2006, shall be fixed as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 25 July 2008.

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

Done at Brussels, 24 July 2008.

For the Commission

Heinz ZOUREK

Director-General Enterprise and Industry

⁽¹⁾ 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.

⁽²⁾ OJ L 172, 5.7.2005, p. 24. Regulation as last amended by Regulation (EC) No 639/2008 (OJ L 178, 5.7.2008, p. 9).

ANNEX

Rates of refunds applicable from 25 July 2008 to certain products from the sugar sector exported in the form of goods not covered by Annex I to the Treaty ⁽¹⁾

CN code	Description	Rate of refund in EUR/100 kg	
		In case of advance fixing of refunds	Other
1701 99 10	White sugar	20,56	20,56

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

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

(*) Including Kosovo, under the aegis of the United Nations, pursuant to UN Security Council Resolution 1244 of 10 June 1999.

DIRECTIVES

COMMISSION DIRECTIVE 2008/75/EC

of 24 July 2008

amending Directive 98/8/EC of the European Parliament and of the Council to include carbon dioxide as an active substance in Annex I thereto

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Directive 98/8/EC, only for use in ready-for-use gas canisters functioning together with a trapping device.

Having regard to the Treaty establishing the European Community,

Having regard to Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market ⁽¹⁾, and in particular the second subparagraph of Article 16(2) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1451/2007 of 4 December 2007 on the second phase of the 10-year work programme referred to in Article 16(2) of Directive 98/8/EC of the European Parliament and of the Council concerning the placing of biocidal products on the market ⁽²⁾ establishes a list of active substances to be assessed, with a view to their possible inclusion in Annexes I, IA or IB to Directive 98/8/EC. That list includes carbon dioxide.
- (2) Pursuant to Regulation (EC) No 1451/2007, carbon dioxide has been evaluated in accordance with Article 11(2) of Directive 98/8/EC for use in product-type 14, rodenticides, as defined in Annex V to Directive 98/8/EC.
- (3) France was designated as Rapporteur Member State and submitted the competent authority report, together with a recommendation, to the Commission on 15 May 2006 in accordance with Article 14(4) and (6) of Regulation (EC) No 1451/2007.
- (4) The competent authority report was reviewed by the Member States and the Commission. In accordance with Article 15(4) of Regulation (EC) No 1451/2007, the findings of the review were incorporated, within the Standing Committee on Biocidal Products on 21 June 2007, in an assessment report, with a proposal to include carbon dioxide in Annex IA to

- (5) An active substance listed in Annex IA should normally also be listed in Annex I. Inclusion in Annex I would cover those uses for which products may be expected to satisfy the requirements of Article 5 of Directive 98/8/EC, but not those of low-risk products. Such is the case of certain biocidal products used as rodenticides and containing carbon dioxide. It is therefore appropriate to include carbon dioxide in Annex I for product-type 14, in order to ensure that in all Member States authorisations for biocidal products used as rodenticides and containing carbon dioxide can be granted, modified, or cancelled in accordance with Article 16(3) of Directive 98/8/EC.
- (6) The assessment report was modified accordingly, and was reviewed by the Standing Committee on Biocidal Products on 29 November 2007.
- (7) The review of carbon dioxide did not reveal any open questions or concerns to be addressed by the Scientific Committee on Health and Environmental Risks.
- (8) The evaluation at the Community level was carried out for one specific use. In addition, in accordance with Article 8(5) of the Directive, some information was not submitted, and thus not assessed. It is therefore appropriate that Member States assess those risks to the compartments and populations that have not been representatively addressed in the Community level risk assessment and, when granting product authorisations, ensure that appropriate measures are taken or specific conditions imposed in order to mitigate the identified risks to acceptable levels.
- (9) It is important that the provisions of this Directive be applied simultaneously in all the Member States in order to ensure equal treatment of biocidal products on the market containing the active substance carbon dioxide and also to facilitate the proper operation of the biocidal products market in general.

⁽¹⁾ OJ L 123, 24.4.1998, p. 1. Directive as last amended by Directive 2008/31/EC (OJ L 81, 20.3.2008, p. 57).

⁽²⁾ OJ L 325, 11.12.2007, p. 3.

- (10) A reasonable period should be allowed to elapse before an active substance is included in Annex I in order to permit Member States and the interested parties to prepare themselves to meet the new requirements entailed and to ensure that applicants who have prepared dossiers can benefit fully from the 10-year period of data protection, which, in accordance with Article 12(1)(c)(ii) of Directive 98/8/EC, starts from the date of inclusion.
- (11) After inclusion, Member States should be allowed a reasonable period to implement Article 16(3) of Directive 98/8/EC, and in particular, to grant, modify or cancel authorisations of biocidal products in product-type 14 containing carbon dioxide to ensure that they comply with Directive 98/8/EC.
- (12) Directive 98/8/EC should therefore be amended accordingly.
- (13) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Biocidal Products,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex I to Directive 98/8/EC is amended in accordance with the Annex to this Directive.

Article 2

Transposition

1. Member States shall adopt and publish, by 31 March 2009 at the latest, the laws, regulations and administrative

provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

They shall apply those provisions from 1 November 2009.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 24 July 2008.

For the Commission

Stavros DIMAS

Member of the Commission

ANNEX

The following entry 'No 7' is inserted in Annex I to Directive 98/8/EC:

No	Common Name	IUPAC Name Identification Numbers	Minimum purity of the active substance in the biocidal product as placed on the market	Date of inclusion	Deadline for compliance with Article 16(3) (except for products containing more than one active substance, for which the deadline to comply with Article 16(3) shall be the one set out in the last of the inclusion decisions relating to its active substances)	Expiry date of inclusion	Product type	Specific provisions (*)
'7	carbon dioxide	carbon dioxide EC No: 204-696-9 CAS No: 124-38-9	990 ml/l	1 November 2009	31 October 2011	31 October 2019	14	<p>When assessing the application for authorisation of a product in accordance with Article 5 and Annex VI, Member States shall assess, when relevant for the particular product, the populations that may be exposed to the product and the use or exposure scenarios that have not been representatively addressed at the Community level risk assessment.</p> <p>When granting product authorisation, Member States shall assess the risks and subsequently ensure that appropriate measures are taken or specific conditions imposed in order to mitigate the identified risks.</p> <p>Product authorisation can only be granted where the application demonstrates that risks can be reduced to acceptable levels.'</p>

(*) For the implementation of the common principles of Annex VI, the content and conclusions of assessment reports are available on the Commission website: <http://ec.europa.eu/comm/environment/biocides/index.htm>

II

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

DECISIONS

COMMISSION

COMMISSION DECISION

of 24 July 2008

amending Decision 2008/155/EC as regards certain embryo collection and production teams in Canada and the United States

(notified under document number C(2008) 3748)

(Text with EEA relevance)

(2008/610/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 89/556/EEC of 25 September 1989 on animal health conditions governing intra-Community trade in and importation from third countries of embryos of domestic animals of the bovine species ⁽¹⁾, and in particular Article 8(1) thereof,

Whereas:

- (1) Commission Decision 2008/155/EC of 14 February 2008 establishing a list of embryo collection and production teams in third countries approved for imports of bovine embryos into the Community ⁽²⁾ provides that Member States are to import embryos from third countries only if they have been collected, processed and stored by embryo collection and production teams listed in the Annex to that Decision.
- (2) Canada and the United States have requested that amendments be made to the entries for those countries on that list as regards certain embryo collection teams.
- (3) Canada and the United States have provided guarantees regarding compliance with the appropriate rules set out in Directive 89/556/EEC and the embryo collection teams concerned have been officially approved for

exports to the Community by the veterinary services of those countries.

- (4) Decision 2008/155/EC should therefore be amended accordingly.
- (5) 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

The Annex to Decision 2008/155/EC is amended in accordance with the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 24 July 2008.

For the Commission
Androulla VASSILIOU
Member of the Commission

⁽¹⁾ OJ L 302, 19.10.1989, p. 1. Directive as last amended by Commission Decision 2006/60/EC (OJ L 31, 3.2.2006, p. 24).

⁽²⁾ OJ L 50, 23.2.2008, p. 51. Decision as amended by Decision 2008/449/EC (OJ L 157, 17.6.2008, p. 108).

ANNEX

The Annex to Decision 2008/155/EC is amended as follows:

1. the row for Canada embryo collection team No E 71 is replaced by the following:

'CA		E 71 E 953 E 1364 E 1368		Gencor RR 5 Guelph, Ontario N1H 6J2	Dr Ken Christie Dr Everett Hall'
-----	--	-----------------------------------	--	--	-------------------------------------

2. the row for Canada embryo collection team No E 817 is replaced by the following:

'CA		E 817		Hôpital Vétérinaire Ormstown 1430 route 201 Ormstown, Québec J0S 1K0	Dr Mario Lefort'
-----	--	-------	--	---	------------------

3. the following row for Canada is inserted:

'CA		E 1783		Bureau Vétérinaire Ste-Martine 168 Boulevard St-Joseph Ste-Martine, Québec J0S 1V0	Dr Marc Perras'
-----	--	--------	--	---	-----------------

4. the row for the United States embryo collection team No 93MD062 E 1139 is replaced by the following:

'US		93MD062 E 1139		Mid Maryland Dairy Veterinarian 112 Western Maryland PKWY Hagerstown, MD 21742	Dr John Heizer Dr Matthew E. Iager'
-----	--	-------------------	--	--	--

5. the row for the United States embryo collection team No 93MD063 E 1139 is replaced by the following:

'US		93MD063 E 1139		Mid Maryland Dairy Associates 112 Western Maryland PKWY Hagerstown, MD 21742	Dr Tom Mercuro'
-----	--	-------------------	--	--	-----------------

6. the following rows for the United States are inserted:

'US				Trans Ova Genetics 9033 Walker RD Belgrade, MT 59714	Dr Chris Kolste
US				Greencastle Veterinary Hospital 862 Buchanan Trail East Greencastle, PA 17225	Dr Daren Statler
US				Tufts-New England Veterinary Ambulatory Clinic 149 New Sweden RD Woodstock, CT 06281	Dr Kevin Lindell'

III

(Acts adopted under the EU Treaty)

ACTS ADOPTED UNDER TITLE V OF THE EU TREATY

COUNCIL COMMON POSITION 2008/611/CFSP

of 24 July 2008

repealing Common Position 2008/187/CFSP concerning restrictive measures against the illegal government of Anjouan in the Union of Comoros

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS COMMON POSITION:

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

Article 1

Common Position 2008/187/CFSP is hereby repealed.

Whereas:

Article 2

(1) On 3 March 2008, the Council adopted Common Position 2008/187/CFSP concerning restrictive measures against the illegal government of Anjouan in the Union of Comoros ⁽¹⁾, in response to the latter's persistent refusal to work towards the creation of conditions which are favourable to stability and reconciliation in the Comoros.

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

Article 3

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

(2) Following the restoration on 25 March 2008 of the authority of the Union of the Comoros in the island of Anjouan, the restrictive measures imposed by Common Position 2008/187/CFSP should be withdrawn.

Done at Brussels, 24 July 2008.

(3) Common Position 2008/187/CFSP should therefore be repealed,

For the Council
The President
B. HORTEFEUX

⁽¹⁾ OJ L 59, 4.3.2008, p. 32.

COUNCIL JOINT ACTION 2008/612/CFSP**of 24 July 2008****concerning the appointment of the European Union Special Representative for Afghanistan**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union and, in particular, Articles 14, 18(5) and 23(2) thereof,

Whereas:

- (1) On 23 June 2008, the Council adopted Joint Action 2008/481/CFSP ⁽¹⁾ amending Joint Action 2008/131/CFSP extending until 31 August 2008 the mandate of Mr Francesc Vendrell as the European Union Special Representative for Afghanistan.
- (2) Mr Francesc Vendrell has informed the Secretary General/High Representative (SG/HR) that he is not available to serve as the European Union Special Representative (EUSR) beyond 31 August 2008.
- (3) The SG/HR has recommended that Mr Ettore F. Sequi be appointed as the new EUSR for Afghanistan until 28 February 2009.
- (4) The EUSR will implement his mandate in the context of a situation which may deteriorate and could harm the Common Foreign and Security Policy objectives set out in Article 11 of the Treaty,

HAS ADOPTED THIS JOINT ACTION:

*Article 1***Appointment**

Mr Ettore F. Sequi is hereby appointed as the European Union Special Representative (EUSR) for Afghanistan for the period from 1 September 2008 to 28 February 2009.

*Article 2***Policy objectives**

The mandate of the EUSR shall be based on the policy objectives of the European Union in Afghanistan. More specifically, the EUSR shall:

1. contribute to the implementation of the EU-Afghanistan Joint Declaration and the Afghanistan Compact as well as the relevant United Nations (UN) Security Council Resolutions and other relevant UN Resolutions;

2. encourage positive contributions from regional actors in Afghanistan and from neighbouring countries to the peace process in Afghanistan and thereby contribute to the consolidation of the Afghan State;
3. support the pivotal role played by the UN, notably the Special Representative of the Secretary-General; and
4. support work of the SG/HR in the region.

*Article 3***Mandate**

In order to achieve the policy objectives, the mandate of the EUSR shall be to:

- (a) convey the European Union's views on the political process while drawing on the key principles agreed between Afghanistan and the international community, in particular the EU-Afghanistan Joint Declaration and the Afghanistan Compact;
- (b) establish and maintain close contact with, and give support to, the Afghan representative institutions, in particular the government and Parliament. Contact should also be maintained with other Afghan political figures and other relevant actors inside as well as outside the country;
- (c) maintain close contact with relevant international and regional organisations, notably with the local representatives of the UN;
- (d) stay in close contact with neighbouring and other interested countries in the region, so that their views on the situation in Afghanistan and the development of cooperation between these countries and Afghanistan are taken into account in European Union policy;
- (e) advise on the progress achieved in meeting the objectives of the EU-Afghanistan Joint Declaration and the Afghanistan Compact, in particular in the following areas:
 - good governance and the establishment of institutions of the rule of law,
 - security sector reforms, including establishment of judicial institutions, a national army and police force,
 - respect for human rights of all Afghan people, regardless of gender, ethnicity or religion,

⁽¹⁾ OJ L 163, 24.6.2008, p. 51.

- respect of democratic principles, the rule of law, the rights of persons belonging to minorities, the rights of women and children and the principles of international law,
 - fostering participation by women in public administration and civil society,
 - respect for Afghanistan's international obligations, including cooperation in international efforts to combat terrorism, illicit drug trafficking and trafficking in human beings,
 - facilitation of humanitarian assistance and the orderly return of refugees and internally displaced persons,
- (f) in consultation with representatives of Member States and of the Commission, assist in ensuring that the European Union's political approach is reflected in its action for the development of Afghanistan;
- (g) jointly with the Commission, actively participate in the Joint Coordination and Monitoring Board established under the Afghanistan Compact;
- (h) advise on the participation and the positions of the European Union in international conferences on Afghanistan.

Article 4

Implementation of the mandate

1. The EUSR shall be responsible for the implementation of the mandate acting under the authority and operational direction of the SG/HR.
2. The Political and Security Committee (PSC) shall maintain a privileged link with the EUSR and shall be the primary point of contact with the Council. The PSC shall provide the EUSR with strategic guidance and political direction within the framework of the mandate.

Article 5

Financing

1. The financial reference amount intended to cover the expenditure related to the mandate of the EUSR in the period from 1 September 2008 to 28 February 2009 shall be EUR 2 300 000.
2. The expenditure financed by the amount stipulated in paragraph 1 shall be eligible as from 1 September 2008. The expenditure shall be managed in accordance with the procedures and rules applicable to the general budget of the European Communities.

3. The management of the expenditure shall be subject to a contract between the EUSR and the Commission. The EUSR shall be accountable to the Commission for all expenditure.

Article 6

Constitution and composition of the team

1. Within the limits of his mandate and the corresponding financial means made available, the EUSR shall be responsible for constituting his team in consultation with the Presidency, assisted by the SG/HR, and in full association with the Commission. The team must include the expertise on certain specific policy issues, as required by the mandate. The EUSR shall notify the SG/HR, the Presidency and the Commission of the final composition of his team.
2. Member States and institutions of the European Union may propose the secondment of staff to work with the EUSR. The salary of personnel who are seconded by a Member State or an institution of the EU to the EUSR shall be covered by the Member State or the institution of the EU concerned respectively. Experts seconded by Member States to the General Secretariat of the Council may also be posted to the EUSR. International contracted staff must have the nationality of an EU Member State.
3. All seconded personnel shall remain under the administrative authority of the sending Member State or EU institution and shall carry out their duties and act in the interest of the mandate of the EUSR.

Article 7

Privileges and immunities of the EUSR and his staff

The privileges, immunities and further guarantees necessary for the completion and smooth functioning of the mission of the EUSR and the members of his staff shall be agreed with the host party/parties as appropriate. Member States and the Commission shall grant all necessary support to such effect.

Article 8

Security of EU classified information

The EUSR and the members of his team shall respect security principles and minimum standards established by Council Decision 2001/264/EC of 19 March 2001 adopting the Council's security regulations⁽¹⁾, in particular when managing EU classified information.

Article 9

Access to information and logistical support

1. Member States, the Commission and the General Secretariat of the Council shall ensure that the EUSR is given access to any relevant information.

⁽¹⁾ OJ L 101, 11.4.2001, p. 1. Decision as last amended by Decision 2007/438/EC (OJ L 164, 26.6.2007, p. 24).

2. The Presidency, the Commission and/or Member States, as appropriate, shall provide logistical support in the region.

Article 10

Security

The EUSR shall, in accordance with the policy of the EU on the security of personnel deployed outside the EU in an operational capacity under Title V of the Treaty, take all reasonably practicable measures, in conformity with his mandate and the security situation in his geographical area of responsibility, for the security of all personnel under his direct authority, notably by:

- (a) establishing a mission-specific security plan based on guidance from the General Secretariat of the Council, including mission-specific physical, organisational and procedural security measures, governing management of the secure movement of personnel to, and within, the mission area, as well as management of security incidents and including a mission contingency and evacuation plan;
- (b) ensuring that all personnel deployed outside the EU are covered by high risk insurance as required by the conditions in the mission area;
- (c) ensuring that all members of his team to be deployed outside the EU, including locally contracted personnel, have received appropriate security training before or upon arriving in the mission area, based on the risk ratings assigned to the mission area by the General Secretariat of the Council;
- (d) ensuring that all agreed recommendations made following regular security assessments are implemented and providing the SG/HR, the Council and the Commission with written reports on their implementation and on other security issues within the framework of the mandate implementation reports.

Article 11

Reporting

The EUSR shall regularly provide oral and written reports to the SG/HR and the PSC. The EUSR shall also report as necessary to working groups. Regular written reports shall be circulated through the COREU network. Upon recommendation of the SG/HR or the PSC, the EUSR may provide reports to the General Affairs and External Relations Council (GAERC).

Article 12

Coordination

1. The EUSR shall promote overall EU political coordination. He shall help to ensure that all EU instruments in the field are

engaged coherently to attain the EU's policy objectives. The activities of the EUSR shall be coordinated with those of the Presidency and the Commission, as well as those of the EUSR for Central Asia. The EUSR shall provide regular briefings to Member States' missions and Commission's delegations.

2. In the field, close liaison shall be maintained with Presidency, Commission and Member States' Heads of Mission, who shall make best efforts to assist the EUSR in the implementation of the mandate. The EUSR shall provide the Head of the European Union Police Mission in Afghanistan (EUPOL AFGHANISTAN) with local political guidance. The EUSR and the Civilian Operation Commander shall consult each other as required. The EUSR shall also liaise with other international and regional actors in the field.

Article 13

Review

The implementation of this Joint Action and its consistency with other contributions from the European Union to the region shall be kept under regular review. The EUSR shall present the SG/HR, the Council and the Commission with a comprehensive mandate implementation report by mid-November 2008. That report shall form a basis for the evaluation of the mandate in the relevant working groups and by the PSC. In the context of overall priorities for deployment, the SG/HR shall make recommendations to the PSC concerning the Council's decision on renewal, amendment or termination of the mandate

Article 14

Entry into force

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

Article 15

Publication

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

Done at Brussels, 24 July 2008.

For the Council

The President

B. HORTEFEUX

COUNCIL DECISION 2008/613/CFSP**of 24 July 2008****implementing Common Position 2004/694/CFSP on further measures in support of the effective implementation of the mandate of the International Criminal Tribunal for the former Yugoslavia (ICTY)**

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to Common Position 2004/694/CFSP⁽¹⁾, and in particular Article 2 thereof, in conjunction with the second indent of Article 23(2) of the Treaty on European Union,

Article 1

The Annex to Common Position 2004/694/CFSP shall be replaced by the Annex to this Decision.

Whereas:

Article 2

This Decision shall take effect on the date of its adoption.

- (1) Under Common Position 2004/694/CFSP, the Council adopted measures to freeze all funds and economic resources belonging to the natural persons listed in the Annex thereto, who had been indicted by the ICTY.

Article 3

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

- (2) Following the transfer of Mr Stojan ZUPLJANIN to the custody of the ICTY on 21 June 2008, his name should be removed from the list.

Done at Brussels, 24 July 2008.

- (3) The list annexed to Common Position 2004/694/CFSP therefore needs to be adjusted accordingly,

*For the Council**The President*

B. HORTEFEUX

⁽¹⁾ OJ L 315, 14.10.2004, p. 52. Common Position as amended by Council Decision 2007/449/CFSP (OJ L 169, 29.6.2007, p. 75) and extended by Common Position 2007/635/CFSP (OJ L 256, 2.10.2007, p. 30).

ANNEX

List of persons referred to in Article 1

	Individual	Reason
1.	Name: HADZIC Goran (male) Date of birth: 7.9.1958 Place of birth: Vinkovci, Croatia National of Serbia	Indicted by the ICTY and still at large Indictment: 4 June 2004 Case No: IT-04-75
2.	Name: KARADZIC Radovan (male) Date of birth: 19.6.1945 Place of birth: Petnjica, Savnik municipality, Montenegro National of Bosnia and Herzegovina	Indicted by the ICTY and still at large Initial indictment: 25 July 1995; second indictment: 16 November 1995; amended indictment: 31 May 2000 Case No: IT-9-5/18
3.	Name: MLADIC Ratko (male) Date of birth: 12.3.1948 Place of birth: Bozanovici, Kalinovik municipality, Bosnia and Herzegovina National of Bosnia and Herzegovina	Indicted by the ICTY and still at large Initial indictment: 25 July 1995; second indictment: 16 November 1995; amended indictment: 8 November 2002 Case No: IT-95-5/18

COUNCIL DECISION 2008/614/CFSP**of 24 July 2008****implementing Common Position 2004/293/CFSP renewing measures in support of the effective implementation of the mandate of the International Criminal Tribunal for the former Yugoslavia (ICTY)**

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to Common Position 2004/293/CFSP⁽¹⁾, and in particular Article 2 thereof in conjunction with Article 23(2) of the Treaty on European Union,

Article 1

The list of persons set out in the Annex to Common Position 2004/293/CFSP shall be replaced by the list set out in the Annex to this Decision.

Whereas:

Article 2

This Decision shall take effect on the date of its adoption.

Article 3

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

(1) By Common Position 2004/293/CFSP the Council adopted measures to prevent the entry into, or transit through, the territories of Member States of persons who are engaged in activities which help persons at large to continue to evade justice for crimes for which they have been indicted by the International Criminal Tribunal for the former Yugoslavia (ICTY), or who are otherwise acting in a manner which could obstruct the ICTY's effective implementation of its mandate.

Done at Brussels, 24 July 2008.

(2) Following the transfer of Stojan ZUPLJANIN to the custody of the ICTY, certain persons referred to in Article 1 of Common Position 2004/293/CFSP and connected with Mr ZUPLJANIN should be removed from the list.

(3) The list contained in the Annex to Common Position 2004/293/CFSP should be amended accordingly,

For the Council
The President
B. HORTEFEUX

⁽¹⁾ OJ L 94, 31.3.2004, p. 65. Common Position as last amended by Common Position 2008/223/CFSP (OJ L 70, 14.3.2008, p. 22).

ANNEX

1. BILBIJA, Milorad
Son of Svetko BILBIJA
Date of birth/Place of birth: 13.8.1956, Sanski Most, Bosnia and Herzegovina
Passport No: 3715730
ID Card No: 03GCD9986
Personal ID No: 1308956163305
Aliases:
Address: Brace Pantica 7, Banja Luka, Bosnia and Herzegovina
2. BJELICA, Milovan
Date of birth/Place of birth: 19.10.1958, Rogatica, Bosnia and Herzegovina
Passport No: 0000148 issued 26.7.1998 in Srpsko Sarajevo (annulled)
ID Card No: 03ETA0150
Personal ID No: 1910958130007
Aliases: Cicko
Address: CENTREK Company in Pale, Bosnia and Herzegovina
3. ECIM (EĆIM), Ljuban
Date of birth/Place of birth: 6.1.1964, Sviljanac, Bosnia and Herzegovina
Passport No: 0144290 issued 21.11.1998 in Banja Luka (annulled)
ID Card No: 03GCE3530
Personal ID No: 0601964100083
Aliases:
Address: Ulica Stevana Mokranjca 26, Banja Luka, Bosnia and Herzegovina
4. HADZIC (HADŽIĆ), Goranka
Daughter of: Branko and Milena HADZIC (HADŽIĆ)
Date of birth/Place of birth: 18 June 1962 in Vinkovci Municipality, Croatia
Passport No:
ID Card No: 1806962308218 (JMBG), ID Card No 569934/03
Aliases:
Address: Aranž Janosa Street No 9, Novi Sad, Serbia
Relationship to PIFWC: Sister of Goran HADZIC (HADŽIĆ)
5. HADZIC (HADŽIĆ), Ivana
Daughter of: Goran and Živka HADZIC (HADŽIĆ)
Date of birth/Place of birth: born on 25 February 1983 in Vukovar, Croatia
Passport No:
ID Card No:
Aliases:
Address: Aranž Janosa Street No 9, Novi Sad, Serbia
Relationship to PIFWC: Daughter of Goran HADZIC (HADŽIĆ)
6. HADZIC (HADŽIĆ), Srećko (Srećko)
Son of: Goran and Živka HADZIC (HADŽIĆ)
Date of birth/Place of birth: 8 October 1987 in Vukovar, Croatia
Passport No:
ID Card No:
Aliases:
Address: Aranž Janosa Street No 9, Novi Sad, Serbia
Relationship to PIFWC: Son of Goran HADZIC (HADŽIĆ)

7. HADZIC (HADŽIĆ), Zivka (Živka)
Daughter of: Branislav NUDIC (NUDIĆ)
Date of birth/Place of birth: 9 June 1957 in Vinkovci, Croatia
Passport No:
ID Card No:
Aliases:
Address: Aranž Janosa Street No 9, Novi Sad, Serbia
Relationship to PIFWC: Spouse of Goran HADZIC (HADŽIĆ)
8. JOVICIC (JOVIČIĆ), Predrag
Son of Desmir JOVICIC (JOVIČIĆ)
Date of birth/Place of birth: 1.3.1963, Pale, Bosnia and Herzegovina
Passport No: 4363551
ID Card No: 03DYA0852
Personal ID No: 0103963173133
Aliases:
Address: Milana Simovica 23, Pale, Bosnia and Herzegovina
9. KARADZIC (KARADŽIĆ), Aleksandar
Date of birth/Place of birth: 14.5.1973, Sarajevo Centar, Bosnia and Herzegovina
Passport No: 0036395 (expired 12.10.1998)
ID Card No:
Personal ID No:
Aliases: Sasa
Address:
10. KARADZIC (KARADŽIĆ), Ljiljana (maiden name: ZELEN)
Daughter of Vojo and Anka
Date of birth/Place of birth: 27.11.1945, Sarajevo Centar, Bosnia and Herzegovina
Passport No:
ID Card No:
Personal ID No:
Aliases:
Address:
11. KARADZIC (KARADŽIĆ), Luka
Son of: Vuko and Jovanka KARADZIC (KARADŽIĆ)
Date of birth/Place of birth: 31 July 1951 in Savnik municipality, Montenegro
Passport No:
ID Card No:
Aliases:
Address: Dubrovacka Street No 14, Belgrade, Serbia, and Janka Vukotica Street No 24, Rastoci, Municipality of Niksic, Montenegro
Relationship to PIFWC: Brother of Radovan KARADZIC (KARADŽIĆ)
12. KARADZIC-JOVICEVIC (KARADŽIĆ-JOVIČEVIĆ), Sonja
Daughter of: Radovan KARADZIC (KARADŽIĆ) and Ljiljana ZELEN-KARADZIC (ZELEN-KARADŽIĆ)
Date of birth/Place of birth: 22 May 1967 in Sarajevo, Bosnia and Herzegovina
Passport No:
ID Card No: 2205967175003 (JMBG); ID card number 04DYB0041
Aliases: Seki
Address: Dobroslava Jevdjeveca No 9, Pale, Bosnia and Herzegovina
Relationship to PIFWC: Daughter of Radovan KARADZIC (KARADŽIĆ)

13. KESEROVIC (KESEROVIĆ), Dragomir
Son of Slavko
Date of birth/Place of birth: 8.6.1957, Piskavica/Banja Luka, Bosnia and Herzegovina
Passport No: 4191306
ID Card No: 04GCH5156
Personal ID No: 0806957100028
Aliases:
Address:
14. KIJJAC, Dragan
Date of birth/Place of birth: 6.10.1955, Sarajevo, Bosnia and Herzegovina
Passport No:
ID Card No:
Personal ID No:
Aliases:
Address:
15. KOJIC (KOJIĆ), Radomir
Son of Milanko and Zlatana
Date of birth/Place of birth: 23.11.1950, Bijela Voda, Sokolac, Bosnia and Herzegovina
Passport No: 4742002 issued in 2002 in Sarajevo (expires in 2007)
ID Card No: 03DYA1935. Issued on 7.7.2003 in Sarajevo
Personal ID No: 2311950173133
Aliases: Mineur or Ratko
Address: 115 Trifka Grabeza, Pale, or Hotel KRISTAL, Jahorina, Bosnia and Herzegovina
16. KOVAC (KOVAČ), Tomislav
Son of Vaso
Date of birth/Place of birth: 4.12.1959, Sarajevo, Bosnia and Herzegovina
Passport No:
ID Card No:
Personal ID No: 0412959171315
Aliases: Tomo
Address: Bijela, Montenegro; and Pale, Bosnia and Herzegovina
17. KUJUNDZIC (KUJUNDŽIĆ), Predrag
Son of Vasilija
Date of birth/Place of birth: 30.1.1961, Suho Pole, Doboj, Bosnia and Herzegovina
Passport No:
ID Card No: 03GFB1318
Personal ID No: 3001961120044
Aliases: Predo
Address: Doboj, Bosnia and Herzegovina
18. LUKOVIC (LUKOVIĆ), Milorad Ulemek
Date of birth/Place of birth: 15.5.1968, Belgrade, Serbia
Passport No:
ID Card No:
Personal ID No:
Aliases: Legija (forged ID as IVANIC, Zeljko (IVANIĆ, Željko))
Address: incarcerated (Belgrade District Prison, Bacvanska 14, Belgrade)

19. MALIS (MALIŠ), Milomir
Son of Dejan Malis (Mališ)
Date of birth/Place of birth: 3.8.1966, Bjelice
Passport No:
ID Card No:
Personal ID No: 0308966131572
Aliases:
Address: Vojvode Putnika, Foca, Bosnia and Herzegovina
20. MANDIC (MANDIĆ), Momcilo (Momčilo)
Date of birth/Place of birth: 1.5.1954, Kalinovik, Bosnia and Herzegovina
Passport No: 0121391 issued 12.5.1999 in Srpsko Sarajevo, Bosnia and Herzegovina (annulled)
ID Card No:
Personal ID No: 0105954171511
Aliases: Momo
Address: incarcerated
21. MARIC (MARIĆ), Milorad
Son of Vinko Maric (Marić)
Date of birth/Place of birth: 9.9.1957, Visoko, Bosnia and Herzegovina
Passport No: 4587936
ID Card No: 04GKB5268
Personal ID No: 0909957171778
Aliases:
Address: Vuka Karadzica 148, Zvornik, Bosnia and Herzegovina
22. MICEVIC (MIČEVIĆ), Jelenko
Son of Luka and Desanka, maiden name: Simic (Simić)
Date of birth/Place of birth: 8.8.1947, Borci near Konjic, Bosnia and Herzegovina
Passport No: 4166874
ID Card No: 03BIA3452
Personal ID No: 0808947710266
Aliases: Filaret
Address: Milesevo monastery, Serbia
23. MLADIC (MLADIĆ), Biljana (maiden name STOJCEVSKA (STOJČEVSKA))
Daughter of: Strahilo STOJCEVSKI (STOJČEVSKI) and Svetlinka STOJCEVSKA (STOJČEVSKA)
Date of birth/Place of birth: 30 May 1972 in Skopje, the FORMER YUGOSLAVIAN REPUBLIC OF MACEDONIA
Passport No:
ID Card No: 3005972455086 (JMBG)
Aliases:
Address: registered at Blagoja Parovica 117a, Belgrade, but resides at Vidikovacki venac 83, Belgrade, Serbia
Relationship to PIFWC: Daughter-in-law of Ratko MLADIC (MLADIĆ)
24. MLADIC (MLADIĆ), Bosiljka (maiden name JEGDIC (JEGDIĆ))
Daughter of Petar JEGDIC (JEGDIĆ)
Date of birth/Place of birth: 20 July 1947, Okrugljaca, Virovitica Municipality, Croatia
ID Card No: 2007947455100 (JMBG)
Personal ID Card: T77619 issued on 31 May 1992 by SUP Belgrade
Address: Blagoja Parovica 117a, Belgrade, Serbia
Relationship to PIFWC: Wife of Ratko MLADIC (MLADIĆ)

25. MLADIC (MLADIĆ), Darko
Son of: Ratko and Bosiljka MLADIC (MLADIĆ)
Date of birth/Place of birth: 19 August 1969/Skopje, the FORMER YUGOSLAVIAN REPUBLIC OF MACEDONIA
Passport No: SCG passport No 003220335, issued on 26 February 2002
ID Card No: 1908969450106 (JMBG); personal identity card B112059, issued on 8 April 1994 by SUP Belgrade
Aliases:
Address: Vidikovacki venac 83, Belgrade, Serbia
Relationship to PIFWC: Son of Ratko MLADIC (MLADIĆ)
26. NINKOVIC (NINKOVIĆ), Milan
Son of Simo
Date of birth/Place of birth: 15.6.1943, Doboj, Bosnia and Herzegovina
Passport No: 3944452
ID Card No: 04GFE3783
Personal ID No: 1506943120018
Aliases:
Address:
27. OSTOJIC (OSTOJIĆ), Velibor
Son of Jozo
Date of birth/Place of birth: 8.8.1945, Celebici, Foca, Bosnia and Herzegovina
Passport No:
ID Card No:
Personal ID No:
Aliases:
Address:
28. OSTOJIC (OSTOJIĆ), Zoran
Son of Mico OSTOJIC (OSTOJIĆ)
Date of birth/Place of birth: 29.3.1961, Sarajevo, Bosnia and Herzegovina
Passport No:
ID Card No: 04BSF6085
Personal ID No: 2903961172656
Aliases:
Address: Malta 25, Sarajevo, Bosnia and Herzegovina
29. PAVLOVIC (PAVLOVIĆ), Petko
Son of Milovan PAVLOVIC (PAVLOVIĆ)
Date of birth/Place of birth: 6.6.1957, Ratkovici, Bosnia and Herzegovina
Passport No: 4588517
ID Card No: 03GKA9274
Personal ID No: 0606957183137
Aliases:
Address: Vuka Karadjica 148, Zvornik, Bosnia and Herzegovina
30. POPOVIC (POPOVIĆ), Cedomir (Čedomir)
Son of Radomir POPOVIC (POPOVIĆ)
Date of birth/Place of birth: 24.3.1950, Petrovici
Passport No:
ID Card No: 04FAA3580
Personal ID No: 2403950151018
Aliases:
Address: Crnogorska 36, Bileca, Bosnia and Herzegovina

31. PUHALO, Branislav
Son of Djuro
Date of birth/Place of birth: 30.8.1963, Foca, Bosnia and Herzegovina
Passport No:
ID Card No:
Personal ID No: 3008963171929
Aliases:
Address:
32. RADOVIC (RADOVIĆ), Nade
Son of Milorad RADOVIC (RADOVIĆ)
Date of birth/Place of birth: 26.1.1951, Foca, Bosnia and Herzegovina
Passport No: old 0123256 (annulled)
ID Card No: 03GJA2918
Personal ID No: 2601951131548
Aliases:
Address: Stepe Stepanovica 12, Foca/Srbinje, Bosnia and Herzegovina
33. RATIC (RATIĆ), Branko
Date of birth/Place of birth: 26.11.1957, MIHALJEVCI SLAVONSKA POZEGA, Bosnia and Herzegovina
Passport No: 0442022 issued 17.9.1999 in Banja Luka
ID Card No: 03GCA8959
Personal ID No: 2611957173132
Aliases:
Address: Ulica Krfska 42, Banja Luka, Bosnia and Herzegovina
34. ROGULJIC (ROGULJIĆ), Slavko
Date of birth/Place of birth: 15.5.1952, SRPSKA CRNJA HETIN, Serbia
Non-valid passports No 3747158 issued 12.4.2002 in Banja Luka, expired 12.4.2007 and No 0020222 issued 25.8.1988 in Banja Luka, expired 25.8.2003
ID Card No: 04EFA1053
Personal ID No: 1505952103022
Aliases:
Address: 21 Vojvode Misica, Laktasi, Bosnia and Herzegovina
35. SAROVIC (ŠAROVIĆ), Mirko
Date of birth/Place of birth: 16.9.1956, Rusanovici-Rogatica, Bosnia and Herzegovina
Passport No: 4363471 issued at Istocno Sarajevo, expires on 8 October 2008
ID Card No: 04PEA4585
Personal ID No: 1609956172657
Aliases:
Address: Bjelopolska 42, 71216 Srpsko Sarajevo, Bosnia and Herzegovina
36. SKOCAJIC (SKOČAJIĆ), Mrksa (Mrkša)
Son of Dejan SKOCAJIC (SKOČAJIĆ)
Date of birth/Place of birth: 5.8.1953, Blagaj, Bosnia and Herzegovina
Passport No: 3681597
ID Card No: 04GDB9950
Personal ID No: 0508953150038
Aliases:
Address: Trebinjskih Brigade, Trebinje, Bosnia and Herzegovina

37. VRACAR (VRAČAR), Milenko

Date of birth/Place of birth: 15.5.1956, Nisavici, Prijedor, Bosnia and Herzegovina

non-valid passports No 3865548 issued 29.8.2002 in Banja Luka, expired 29.8.2007, No 0280280 issued 4.12.1999 in Banja Luka, expired, and No 0062130 issued 16.9.1998 in Banja Luka, Bosnia and Herzegovina

ID Card No: 03GCE6934

Personal ID No: 1505956160012

Aliases:

Address: 14 Save Ljuboje, Banja Luka, Bosnia and Herzegovina

38. ZOGOVIC (ZOGOVIĆ), Milan

Son of Jovan

Date of birth/Place of birth: 7.10.1939, Dobrusa

Passport No:

ID Card No:

Personal ID No:

Aliases:

Address:
