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### Legislation

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

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



**Commission**

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## I

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

## REGULATIONS

**COMMISSION REGULATION (EC) No 752/2008****of 31 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) <sup>(1)</sup>,

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 <sup>(2)</sup>, 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 1 August 2008.

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

Done at Brussels, 31 July 2008.

*For the Commission*

Jean-Luc DEMARTY

*Director-General for Agriculture and  
Rural Development*

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<sup>(1)</sup> 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).

<sup>(2)</sup> 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 <sup>(1)</sup>	Standard import value
0702 00 00	MK	29,6
	TR	74,2
	XS	27,8
	ZZ	43,9
0707 00 05	TR	106,2
	ZZ	106,2
0709 90 70	TR	98,3
	ZZ	98,3
0805 50 10	AR	83,1
	US	47,0
	UY	69,9
	ZA	87,7
	ZZ	71,9
0806 10 10	CL	60,6
	EG	134,7
	IL	145,6
	MK	76,7
	TR	157,0
	ZZ	114,9
0808 10 80	AR	100,7
	BR	102,2
	CL	107,2
	CN	82,9
	NZ	121,6
	US	100,6
	ZA	91,1
	ZZ	100,9
0808 20 50	AR	70,7
	CL	82,0
	TR	155,9
	ZA	99,6
	ZZ	102,1
0809 20 95	CA	344,6
	TR	417,9
	US	570,5
	ZZ	444,3
0809 30	TR	160,6
	ZZ	160,6
0809 40 05	BA	74,5
	IL	117,7
	TR	111,4
	XS	62,1
	ZZ	91,4

<sup>(1)</sup> 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 753/2008****of 31 July 2008****amending Regulation (EC) No 1299/2007 on the recognition of producer groups for hops**

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) <sup>(1)</sup>, and in particular Article 127 in conjunction with Article 4 thereof,

Whereas:

- (1) Council Regulation (EC) No 1952/2005 of 23 November 2005 concerning the common organisation of the market in hops <sup>(2)</sup> 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 relating to the producer groups laid down in Regulation (EC) No 1952/2005 have not been incorporated in the Single CMO Regulation. In order to enable the hops sector to continue to function properly, it is necessary to lay down those provisions in Commission Regulation (EC) No 1299/2007 of 6 November 2007 on the recognition of producer groups for hops <sup>(3)</sup>.
- (3) The Single CMO Regulation has laid down in Article 122 the general conditions for the recognition of producer organisations by the Member States. Those conditions should be specified for the hops sector. For sake of consistency, the term 'producer groups' should continue to be used in that sector.
- (4) To avoid any discrimination between producers and to ensure the unity and effectiveness of any action undertaken, conditions should be laid down, for the whole of the Community, with which producer groups must comply in order to be recognised by the Member States. To achieve an effective centralisation of supply, it is necessary in particular that the groups should be of an economically viable size and that the entire output of producers should be marketed either directly by the group or by the producers, according to common rules.

(5) Regulation (EC) No 1299/2007 should be amended accordingly.

(6) 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*

Regulation (EC) No 1299/2007 is amended as follows:

1. Article 1 is replaced by the following:

*'Article 1*

1. The authority competent to recognise producer organisations as provided for in Article 122 of Council Regulation (EC) No 1234/2007 <sup>(\*)</sup>, hereinafter referred to as "producer groups", shall be the Member State within whose territory the producer group has its registered office.

2. Member States shall recognise producer groups which request recognition and fulfil the following general conditions:

- (a) they have legal personality or sufficient legal capacity to be subject, under national legislation, to rights and obligations;
- (b) they apply common rules for production and the first marketing stage within the meaning of the second subparagraph;
- (c) their statutes include an obligation for producers who are members of groups to:
  - (i) comply with the common rules on production and decisions on the varieties to be grown;

(ii) market all their produce through the group;

<sup>(1)</sup> 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).

<sup>(2)</sup> OJ L 314, 30.11.2005, p. 1.

<sup>(3)</sup> OJ L 289, 7.11.2007, p. 4.



- (d) they provide proof of economically viable activity;
- (e) they exclude throughout their field of activity any discrimination between Community producers or groups in respect of, in particular, their nationality or place of establishment;
- (f) they guarantee all producers who undertake to comply with the statutes, without discrimination, the right to belong to a group;
- (g) their statutes include provisions aimed at ensuring that the members of a group who wish to give up their membership may do so after having been a member for at least three years and provided that they inform the group of their intention at least one year before they leave, without prejudice to the national laws or regulations designed to protect, in specific cases, the group or creditors thereof against the financial consequences which might arise from a member leaving, or to prevent a member from leaving during the financial year;
- (h) their statutes include the obligation to keep separate accounts for the activities in respect of which they have been recognised;
- (i) they do not hold a dominant position in the Community.

The first marketing stage means the sale of hops by the producer himself or, in the case of a producer group, the sale of hops by its members to the wholesale trade or to the user industries.

3. The obligation provided for in paragraph 2(c) shall not apply to products covered by sales contracts concluded by producers before they joined the producer group, provided that the latter was informed of and approved such contracts.

4. By way of derogation from paragraph 2(c)(ii), where the producer group so authorises and under the conditions it lays down, members of a producer group may:

- (a) replace the obligation to have all their production marketed by the producer group provided for in paragraph 2(c)(ii) by the obligation to market in accordance with common rules incorporated in the statutes, in order to ensure that the producer group has the right to monitor selling prices, which it must approve, failure to do so requiring the group to buy back the hops concerned at a higher price;
- (b) market, through the offices of another producer group chosen by their own group, products which by virtue of their characteristics are not necessarily covered by them commercial activities of the latter.

5. The common rules referred to in paragraph 2, points (b) and (c)(i) shall be laid down in writing. These rules shall comprise at least:

- (a) as regards production:
  - (i) provisions concerning the use of one or more specified varieties when renewing plantations or creating new ones;
  - (ii) provisions concerning compliance with certain methods of cultivation and plant protection;
  - (iii) provisions concerning harvesting, drying and, where appropriate, preparation for marketing;
- (b) as regards placing on the market, particularly where concentration and conditions of supply are concerned:
  - (i) general provisions governing sales by the group;
  - (ii) provisions relating to the quantities which the producers are authorised to sell themselves and the rules governing these sales.

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(\*) OJ L 299, 16.11.2007, p. 1.



2. In Article 2, paragraph 2 is replaced by the following:

*Article 2*

‘2. In accordance with the procedure referred to in Article 195(2) of Regulation (EC) No 1234/2007, a Member State may be authorised, on request, to recognise a group whose registered areas comprise less than 60 hectares, if the areas are situated in a recognised production region covering less than 100 hectares.’

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, 31 July 2008.

*For the Commission*

Mariann FISCHER BOEL

*Member of the Commission*

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**COMMISSION REGULATION (EC) No 754/2008****of 31 July 2008****amending Regulation (EC) No 318/2007 laying down animal health conditions for imports of certain birds into the Community and the quarantine conditions thereof****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC <sup>(1)</sup>, and in particular the second subparagraph of Article 10(3) and the first subparagraph of Article 10(4) thereof,

Having regard to Council Directive 92/65/EEC of 13 July 1992 laying down animal health requirements governing trade and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A(I) to Directive 90/425/EEC <sup>(2)</sup>, and in particular the fourth indent of Article 18(1),

Whereas:

- (1) Commission Regulation (EC) No 318/2007 <sup>(3)</sup> lays down the animal health conditions for imports of certain birds other than poultry into the Community and the quarantine conditions applicable to such birds after import.
- (2) Annex V to that Regulation sets out a list of quarantine facilities and centres approved by the competent authori-

ties of the Member States for import of certain birds other than poultry.

- (3) Cyprus, Hungary, Italy, Austria, Portugal and the United Kingdom have reviewed their approved quarantine facilities and centres and have sent an updated list of those quarantine facilities and centres to the Commission. The list of approved quarantine facilities and centres set out in Annex V to Regulation (EC) No 318/2007 should therefore be amended accordingly.
- (4) Regulation (EC) No 318/2007 should therefore be amended accordingly.
- (5) 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*

Annex V to Regulation (EC) No 318/2007 is replaced by the text in the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on the 20th 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, 31 July 2008.

*For the Commission*

Androulla VASSILOU

*Member of the Commission*

<sup>(1)</sup> OJ L 268, 24.9.1991, p. 56. Directive as last amended by Directive 2006/104/EC (OJ L 363, 20.12.2006, p. 352).

<sup>(2)</sup> OJ L 268, 14.9.1992, p. 54. Directive as last amended by Commission Decision 2007/265/EC (OJ L 114, 1.5.2007, p. 17).

<sup>(3)</sup> OJ L 84, 24.3.2007, p. 7. Regulation as last amended by Regulation (EC) No 607/2008 (OJ L 166, 27.6.2008, p. 18).



## ANNEX

## ‘ANNEX V

## LIST OF APPROVED FACILITIES AND CENTRES AS REFERRED TO IN ARTICLE 6(1)

ISO country code	Country name	Approval number of quarantine facility or centre
AT	Austria	AT OP Q1
AT	Austria	AT-KO-Q1
AT	Austria	AT-3-KO-Q2
AT	Austria	AT-3-ME-Q1
AT	Austria	AT-3-HO-Q1
AT	Austria	AT3-KR-Q1
AT	Austria	AT-4-KI-Q1
AT	Austria	AT-4-VB-Q1
AT	Austria	AT 6 10 Q 1
AT	Austria	AT 6 04 Q 1
BE	Belgium	BE VQ 1003
BE	Belgium	BE VQ 1010
BE	Belgium	BE VQ 1011
BE	Belgium	BE VQ 1012
BE	Belgium	BE VQ 1013
BE	Belgium	BE VQ 1016
BE	Belgium	BE VQ 1017
BE	Belgium	BE VQ 3001
BE	Belgium	BE VQ 3008
BE	Belgium	BE VQ 3014
BE	Belgium	BE VQ 3015
BE	Belgium	BE VQ 4009
BE	Belgium	BE VQ 4017
BE	Belgium	BE VQ 7015
CZ	Czech Republic	21750016
CZ	Czech Republic	21750027
CZ	Czech Republic	21750050
CZ	Czech Republic	61750009
DE	Germany	BB-1
DE	Germany	BW-1
DE	Germany	BY-1
DE	Germany	BY-2



ISO country code	Country name	Approval number of quarantine facility or centre
DE	Germany	BY-3
DE	Germany	BY-4
DE	Germany	HE-1
DE	Germany	HE-2
DE	Germany	NI-1
DE	Germany	NI-2
DE	Germany	NI-3
DE	Germany	NW-1
DE	Germany	NW-2
DE	Germany	NW-3
DE	Germany	NW-4
DE	Germany	NW-5
DE	Germany	NW-6
DE	Germany	NW-7
DE	Germany	NW-8
DE	Germany	RP-1
DE	Germany	SN-1
DE	Germany	SN-2
DE	Germany	TH-1
DE	Germany	TH-2
ES	Spain	ES/01/02/05
ES	Spain	ES/05/02/12
ES	Spain	ES/05/03/13
ES	Spain	ES/09/02/10
ES	Spain	ES/17/02/07
ES	Spain	ES/04/03/11
ES	Spain	ES/04/03/14
ES	Spain	ES/09/03/15
ES	Spain	ES/09/06/18
ES	Spain	ES/10/07/20
FR	France	38.193.01
GR	Greece	GR.1
GR	Greece	GR.2
IE	Ireland	IRL-HBQ-1-2003 Unit A
IT	Italy	003AL707



ISO country code	Country name	Approval number of quarantine facility or centre
IT	Italy	305/B/743
IT	Italy	132BG603
IT	Italy	170BG601
IT	Italy	233BG601
IT	Italy	068CR003
IT	Italy	006FR601
IT	Italy	054LCO22
IT	Italy	I – 19/ME/01
IT	Italy	119RM013
IT	Italy	006TS139
IT	Italy	133VA023
IT	Italy	015RM168
MT	Malta	BQ 001
NL	Netherlands	NL-1 3000
NL	Netherlands	NL-1 3001
NL	Netherlands	NL-1 3002
NL	Netherlands	NL-1 3003
NL	Netherlands	NL-1 3004
NL	Netherlands	NL-1 3005
NL	Netherlands	NL-1 3006
NL	Netherlands	NL-1 3007
NL	Netherlands	NL-1 3008
NL	Netherlands	NL-1 3009
NL	Netherlands	NL-1 3010
PL	Poland	14084501
PT	Portugal	05 01 CQA
PT	Portugal	01 02 CQA
PT	Portugal	03 01 CQAR
PT	Portugal	05 07 CQAA
UK	United Kingdom	21/07/01
UK	United Kingdom	21/07/02
UK	United Kingdom	01/08/01
UK	United Kingdom	21/08/01'



**COMMISSION REGULATION (EC) No 755/2008****of 31 July 2008****amending Annex II to Directive 2005/36/EC of the European Parliament and of the Council on the recognition of professional qualifications****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications <sup>(1)</sup>, and in particular Article 11(c)(ii),

Whereas:

(1) Article 2(3) of Directive 2005/36/EC provides that where, for a given regulated profession, other specific arrangements directly related to the recognition of professional qualifications are established, the corresponding provisions of Directive 2005/36/EC shall not apply. Article 3(1) of Directive 2005/45/EC of the European Parliament and of the Council of 7 September 2005 on the mutual recognition of seafarers' certificates issued by the Member States and amending Directive 2001/25/EC <sup>(2)</sup> provides for the automatic recognition of seafarers' certificates issued by Member States in accordance with the requirements laid down in Directive 2001/25/EC of the European Parliament and of the Council of 4 April 2001 on the minimum level of training of seafarers <sup>(3)</sup>. Directive 2005/36/EC should therefore not apply to the recognition of seafarers' qualifications working on board vessels falling within the scope of Directive 2001/25/EC.

(2) The Czech Republic, Denmark, Germany, Italy, Romania and the Netherlands have submitted reasoned requests for removing their seafaring professions falling under the scope of Directive 2001/25/EC from point 3(a) of Annex II to Directive 2005/36/EC.

(3) The Czech Republic, Denmark, Germany, Italy and Romania have asked for the deletion of all the professions and associated description of training listed for their countries under point 3(a) of Annex II to Directive 2005/36/EC. The Netherlands have asked for the deletion of two professions: 'first mate (coastal vessel) (with supplementary training) (stuurman kleine handelsvaart (met aanvulling))' and 'coaster engineer (with diploma) (diploma motordrijver)' as well as the associated description of training from point 3(a) of Annex II to Directive 2005/36/EC.

(4) The United Kingdom has submitted a reasoned request for removing its seafaring professions, falling within the scope of Directive 2001/25/EC, from point 5 of Annex II to Directive 2005/36/EC.

(5) Directive 2005/36/EC should therefore be amended accordingly.

(6) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the recognition of professional qualifications,

HAS ADOPTED THIS REGULATION:

*Article 1*

Annex II to Directive 2005/36/EC is hereby amended as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

<sup>(1)</sup> OJ L 255, 30.9.2005, p. 22. Directive as last amended by Commission Regulation (EC) No 1430/2007 (OJ L 320, 6.12.2007, p. 3).

<sup>(2)</sup> OJ L 255, 30.9.2005, p. 160.

<sup>(3)</sup> OJ L 136, 18.5.2001, p. 17. Directive as last amended by Directive 2005/45/EC (OJ L 255, 30.9.2005, p. 160).



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

Done at Brussels, 31 July 2008.

*For the Commission*  
Charlie McCREEVY  
*Member of the Commission*

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## ANNEX

Annex II to Directive 2005/36/EC is amended as follows:

1. Point 3(a) is replaced by the following:

‘(a) Sea transport

Training for the following:

in Latvia:

- electrical engineer officer on ships (kuģu elektromehāniķis),
- operator of refrigeration machinery (kuģa saldēšanas iekārtu mašīnists);

in the Netherlands:

- VTS-official (VTS-functionaris);

which represent training:

— in Latvia:

(i) for electrical engineer officer on ships (kuģu elektromehāniķis),

1. a person of not less than 18 years of age;

2. represents an education of a total duration of at least 12,5 years, comprising at least nine years of elementary education and at least three years of vocational education. In addition, seagoing service of not less than six months as a ship's electrician or as assistant to the electrical engineer on ships with generator power more than 750 kW is required. Vocational training is completed by a special examination by the competent authority in accordance with the training programme as approved by the Ministry of Transport;

(ii) for operator of refrigeration machinery (kuģa saldēšanas iekārtu mašīnists),

1. a person of not less than 18 years of age;

2. represents an education of a total duration of at least 13 years, comprising at least nine years of elementary education and at least three years of vocational education. In addition, seagoing service of not less than 12 months as assistant to the refrigeration engineer is required. Vocational training is completed by a special examination by the competent authority in accordance with the training programme as approved by the Ministry of Transport;

— in the Netherlands:

An education of a total duration of at least 15 years, comprising at least three years of higher vocational education (HBO) or intermediate vocational training (MBO), which are followed by national and regional specialisation courses, comprising at least 12 weeks of theoretical training each and each culminating in an examination.’

2. Point 5 is amended as follows:

The 10th, 11th, 12th, 13th and 14th indents are deleted.

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**COMMISSION REGULATION (EC) No 756/2008****of 31 July 2008****fixing the import duties in the cereals sector applicable from 1 August 2008**

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) <sup>(1)</sup>,

Having regard to Commission Regulation (EC) No 1249/96 of 28 June 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 in respect of import duties in the cereals sector <sup>(2)</sup>, and in particular Article 2(1) thereof,

Whereas:

- (1) Article 136(1) of Regulation (EC) No 1234/2007 states that the import duty on products falling within CN codes 1001 10 00, 1001 90 91, ex 1001 90 99 (high quality common wheat), 1002, ex 1005 other than hybrid seed, and ex 1007 other than hybrids for sowing, is to be equal to the intervention price valid for such products on importation increased by 55 %, minus the cif import price applicable to the consignment in question. However, that duty may not exceed the rate of duty in the Common Customs Tariff.
- (2) Article 136(2) of Regulation (EC) No 1234/2007 lays down that, for the purposes of calculating the import duty referred to in paragraph 1 of that Article, represen-

tative cif import prices are to be established on a regular basis for the products in question.

- (3) Under Article 2(2) of Regulation (EC) No 1249/96, the price to be used for the calculation of the import duty on products of CN codes 1001 10 00, 1001 90 91, ex 1001 90 99 (high quality common wheat), 1002 00, 1005 10 90, 1005 90 00 and 1007 00 90 is the daily cif representative import price determined as specified in Article 4 of that Regulation.
- (4) Import duties should be fixed for the period from 1 August 2008 and should apply until new import duties are fixed and enter into force.
- (5) However, in accordance with Commission Regulation (EC) No 608/2008 of 26 June 2008 temporarily suspending customs duties on imports of certain cereals for the 2008/2009 marketing year <sup>(3)</sup>, the application of certain duties set by this Regulation is suspended,

HAS ADOPTED THIS REGULATION:

*Article 1*

From 1 August 2008, the import duties in the cereals sector referred to in Article 136(1) of Regulation (EC) No 1234/2007 shall be those fixed in Annex I to this Regulation on the basis of the information contained in Annex II.

*Article 2*

This Regulation shall enter into force on 1 August 2008.

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

Done at Brussels, 31 July 2008.

*For the Commission*

Jean-Luc DEMARTY

*Director-General for Agriculture and  
Rural Development*

<sup>(1)</sup> 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).

<sup>(2)</sup> OJ L 161, 29.6.1996, p. 125. Regulation as last amended by Regulation (EC) No 1816/2005 (OJ L 292, 8.11.2005, p. 5).

<sup>(3)</sup> OJ L 166, 27.6.2008, p. 19.



## ANNEX I

**Import duties on the products referred to in Article 136(1) of Regulation (EC) No 1234/2007 applicable from 1 August 2008**

CN code	Description	Import duties <sup>(1)</sup> (EUR/t)
1001 10 00	Durum wheat, high quality	0,00 <sup>(2)</sup>
	medium quality	0,00 <sup>(2)</sup>
	low quality	0,00 <sup>(2)</sup>
1001 90 91	Common wheat seed	0,00
ex 1001 90 99	High quality common wheat, other than for sowing	0,00 <sup>(2)</sup>
1002 00 00	Rye	0,00 <sup>(2)</sup>
1005 10 90	Maize seed other than hybrid	0,00
1005 90 00	Maize, other than seed <sup>(3)</sup>	0,00 <sup>(2)</sup>
1007 00 90	Grain sorghum other than hybrids for sowing	0,00 <sup>(2)</sup>

<sup>(1)</sup> For goods arriving in the Community via the Atlantic Ocean or via the Suez Canal the importer may benefit, under Article 2(4) of Regulation (EC) No 1249/96, from a reduction in the duty of:

- 3 EUR/t, where the port of unloading is on the Mediterranean Sea, or
- 2 EUR/t, where the port of unloading is in Denmark, Estonia, Ireland, Latvia, Lithuania, Poland, Finland, Sweden, the United Kingdom or the Atlantic coast of the Iberian peninsula.

<sup>(2)</sup> In accordance with Regulation (EC) No 608/2008, application of this duty is suspended.

<sup>(3)</sup> The importer may benefit from a flatrate reduction of EUR 24 per tonne where the conditions laid down in Article 2(5) of Regulation (EC) No 1249/96 are met.



## ANNEX II

## Factors for calculating the duties laid down in Annex I

16.7.2008-30.7.2008

1. Averages over the reference period referred to in Article 2(2) of Regulation (EC) No 1249/96:

(EUR/t)

	Common wheat <sup>(1)</sup>	Maize	Durum wheat, high quality	Durum wheat, medium quality <sup>(2)</sup>	Durum wheat, low quality <sup>(3)</sup>	Barley
Exchange	Minneapolis	Chicago	—	—	—	—
Quotation	218,19	148,57	—	—	—	—
Fob price USA	—	—	272,91	262,91	242,91	130,27
Gulf of Mexico premium	—	8,62	—	—	—	—
Great Lakes premium	15,65	—	—	—	—	—

<sup>(1)</sup> Premium of 14 EUR/t incorporated (Article 4(3) of Regulation (EC) No 1249/96).<sup>(2)</sup> Discount of 10 EUR/t (Article 4(3) of Regulation (EC) No 1249/96).<sup>(3)</sup> Discount of 30 EUR/t (Article 4(3) of Regulation (EC) No 1249/96).

2. Averages over the reference period referred to in Article 2(2) of Regulation (EC) No 1249/96:

Freight costs: Gulf of Mexico–Rotterdam: 42,42 EUR/t

Freight costs: Great Lakes–Rotterdam: 42,44 EUR/t



**COMMISSION REGULATION (EC) No 757/2008****of 31 July 2008****amending the representative prices and additional duties for the import of certain products in the sugar sector fixed by Regulation (EC) No 1109/2007 for the 2007/08 marketing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

for the 2007/08 marketing year are fixed by Commission Regulation (EC) No 1109/2007 <sup>(3)</sup>. These prices and duties have been last amended by Commission Regulation (EC) No 688/2008 <sup>(4)</sup>.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The representative prices and additional duties on imports of the products referred to in Article 36 of Regulation (EC) No 951/2006, as fixed by Regulation (EC) No 1109/2007 for the 2007/08 marketing year are hereby amended as set out in the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on 1 August 2008.

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

Done at Brussels, 31 July 2008.

*For the Commission*

Jean-Luc DEMARTY

*Director-General for Agriculture and  
Rural Development*

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

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

<sup>(3)</sup> OJ L 253, 28.9.2007, p. 5.

<sup>(4)</sup> OJ L 192, 19.7.2008, p. 49.



## ANNEX

**Amended representative prices and additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 95 applicable from 1 August 2008**

(EUR)

CN code	Representative price per 100 kg of the product concerned	Additional duty per 100 kg of the product concerned
1701 11 10 <sup>(1)</sup>	21,79	5,41
1701 11 90 <sup>(1)</sup>	21,79	10,69
1701 12 10 <sup>(1)</sup>	21,79	5,22
1701 12 90 <sup>(1)</sup>	21,79	10,21
1701 91 00 <sup>(2)</sup>	23,89	13,68
1701 99 10 <sup>(2)</sup>	23,89	8,77
1701 99 90 <sup>(2)</sup>	23,89	8,77
1702 90 95 <sup>(3)</sup>	0,24	0,40

<sup>(1)</sup> Fixed for the standard quality defined in Annex I.III to Council Regulation (EC) No 318/2006 (OJ L 58, 28.2.2006, p. 1).<sup>(2)</sup> Fixed for the standard quality defined in Annex I.II to Regulation (EC) No 318/2006.<sup>(3)</sup> Fixed per 1 % sucrose content.



**COMMISSION REGULATION (EC) No 758/2008**  
**of 31 July 2008**  
**amending Regulation (EC) No 711/2008 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 <sup>(1)</sup>, and in particular the fourth subparagraph of Article 33(2) thereof,

Whereas:

- (1) Export refunds on products listed in Article 1(1)(b) of Regulation (EC) No 318/2006 were fixed from 25 July 2008 by Commission Regulation (EC) No 711/2008 <sup>(2)</sup>.

- (2) In the light of additional information available to the Commission, related in particular to the change in the relation between prices in the internal and world market, it is necessary to adjust export refunds currently applying.

- (3) Regulation (EC) No 711/2008 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Annex to Regulation (EC) No 711/2008 is replaced by the text in the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on 1 August 2008.

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

Done at Brussels, 31 July 2008.

*For the Commission*

Jean-Luc DEMARTY

*Director-General for Agriculture and  
Rural Development*

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

<sup>(2)</sup> OJ L 197, 25.7.2008, p. 30.



## ANNEX

**Export refunds on white and raw sugar exported without further processing applicable from 1 August 2008**

Product code	Destination	Unit of measurement	Amount of refund
1701 11 90 9100	S00	EUR/100 kg	16,82 <sup>(1)</sup>
1701 11 90 9910	S00	EUR/100 kg	16,82 <sup>(1)</sup>
1701 12 90 9100	S00	EUR/100 kg	16,82 <sup>(1)</sup>
1701 12 90 9910	S00	EUR/100 kg	16,82 <sup>(1)</sup>
1701 91 00 9000	S00	EUR/1 % sucrose × 100 kg of net product	0,1829
1701 99 10 9100	S00	EUR/100 kg	18,29
1701 99 10 9910	S00	EUR/100 kg	18,29
1701 99 10 9950	S00	EUR/100 kg	18,29
1701 99 90 9100	S00	EUR/1 % sucrose × 100 kg of net product	0,1829

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.

<sup>(1)</sup> 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 759/2008****of 31 July 2008****amending Regulation (EC) No 712/2008 fixing the export refunds on syrup 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 <sup>(1)</sup>, and in particular the fourth subparagraph of Article 33(2) thereof,

Whereas:

- (1) Export refunds on the products listed in Article 1(1)(c), (d) and (g) of Regulation (EC) No 318/2006 were fixed from 25 July 2008 by Commission Regulation (EC) No 712/2008 <sup>(2)</sup>.

- (2) In the light of additional information available to the Commission, related in particular to the change in the relation between prices in the internal and world market, it is necessary to adjust export refunds currently applying.

- (3) Regulation (EC) No 712/2008 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Annex to Regulation (EC) No 712/2008 is replaced by the text in the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on 1 August 2008.

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

Done at Brussels, 31 July 2008.

*For the Commission*

Jean-Luc DEMARTY

*Director-General for Agriculture and  
Rural Development*

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

<sup>(2)</sup> OJ L 197, 25.7.2008, p. 32.



## ANNEX

**Export refunds on syrups and certain other sugar products exported without further processing applicable from 1 August 2008**

Product code	Destination	Unit of measurement	Amount of refund
1702 40 10 9100	S00	EUR/100 kg dry matter	18,29
1702 60 10 9000	S00	EUR/100 kg dry matter	18,29
1702 60 95 9000	S00	EUR/1 % sucrose × 100 kg of net product	0,1829
1702 90 30 9000	S00	EUR/100 kg dry matter	18,29
1702 90 71 9000	S00	EUR/1 % sucrose × 100 kg of net product	0,1829
1702 90 95 9100	S00	EUR/1 % sucrose × 100 kg of net product	0,1829
1702 90 95 9900	S00	EUR/1 % sucrose × 100 kg of net product	0,1829 <sup>(1)</sup>
2106 90 30 9000	S00	EUR/100 kg dry matter	18,29
2106 90 59 9000	S00	EUR/1 % sucrose × 100 kg of net product	0,1829

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.

<sup>(1)</sup> 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 760/2008****of 31 July 2008****laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 as regards authorisations for the use of casein and caseinates in the manufacture of cheeses**

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) <sup>(1)</sup>, and in particular Articles 121(i), 192 and 194 in conjunction with Article 4 thereof,

Whereas:

- (1) Council Regulation (EEC) No 2204/90 of 24 July 1990 laying down additional general rules on the common organisation of the market in milk and milk products as regards cheeses <sup>(2)</sup> is repealed by Regulation (EC) No 1234/2007 as from 1 July 2008.
- (2) The provisions of Article 3 of Regulation (EEC) No 2204/90 on the exchange of information and on controls and administrative measures have not been incorporated in Regulation (EC) No 1234/2007. Pursuant to Articles 192 and 194 of Regulation (EC) No 1234/2007, those provisions should be integrated in Commission Regulation (EC) No 1547/2006 of 13 October 2006 laying down detailed rules for the application of Council Regulation (EEC) No 2204/90 <sup>(3)</sup>.
- (3) In the interests of clarity and rationality Regulation (EC) No 1547/2006 should be repealed and replaced by a new Regulation.
- (4) Article 119 of Regulation (EC) No 1234/2007 stipulates that the use of casein and caseinates in the manufacture of cheese is subject to prior authorisation. It is necessary to lay down detailed rules for the grant of such authorisations, having regard to the requirements as regards checks on undertakings. In order to facilitate the

implementation and monitoring of the derogations concerned authorisations should be granted for a specific period.

- (5) Point (i) of Article 121 of Regulation (EC) No 1234/2007 stipulates that the maximum percentages of casein and caseinates to be incorporated in cheese must be determined on the basis of objective criteria having regard to what is technologically necessary. It is appropriate to determine the said percentages at community level on the basis of available knowledge. In order to facilitate checks to ensure compliance with this provision, it is advisable to set overall percentages rather than percentages for individual products without prejudice to stricter standards at national level.
- (6) When using casein and/or caseinates in cheeses the international standards for cheese should be respected, in particular the respect of the whey protein/casein ratio <sup>(4)</sup>.
- (7) It is necessary to lay down detailed rules on controls and penalties taking into account the structure of the industry. The level of the penalty should be determined when the aid pursuant to Article 100 of Regulation (EC) No 1234/2007 is reintroduced.
- (8) Without prejudice to any national penalties when use of caseins and caseinates in the manufacture of cheeses is made without authorisation, it is appropriate, where an amount of aid is fixed pursuant to Article 100 of Regulation (EC) No 1234/2007, to claim a penalty determined on the basis of the value of the casein and caseinates on one hand and the value of a corresponding quantity of skimmed milk powder on the other hand in order to neutralise at least the economic benefit arising from unauthorised utilisation. As long as the aid for the production of casein and caseinates is fixed at zero it is appropriate not to fix the level of the penalty.
- (9) Article 204(2)(f) of Regulation (EC) No 1234/2007 lays down that the Regulation applies as regards the milk and milk products sector, with the exception of the provisions set out in Chapter III of Title I of Part II, from 1 July 2008. It repeals Regulation (EEC) No 2204/90 as from that date. Therefore, this Regulation should apply from 1 July 2008.

<sup>(1)</sup> 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).

<sup>(2)</sup> OJ L 201, 31.7.1990, p. 7. Regulation as amended by Regulation (EC) No 2583/2001 (OJ L 345, 29.12.2001, p. 6).

<sup>(3)</sup> OJ L 286, 17.10.2006, p. 8.

<sup>(4)</sup> Codex Alimentarius general standard for cheese (CODEX STAN A-6, amended 2006).



(10) In order to allow the industry to adapt to the new maximum percentage to be incorporated and its extension to other cheeses, a derogation for a period of six months should be provided for.

(11) The Management Committee for the Common Organisation of Agricultural Markets has not delivered an opinion within the time limit set by its Chairman,

HAS ADOPTED THIS REGULATION:

#### Article 1

1. Authorisations referred to in Article 119 of Regulation (EC) No 1234/2007 shall be granted for a period of 12 months, at the request of the undertakings concerned, subject to a prior undertaking in writing to accept and comply with the provisions of Article 3 of this Regulation.

2. Authorisations shall be issued with a serial number for each undertaking or, where necessary, for each production unit.

3. Authorisations may cover one or more types of cheese, in accordance with the application made by the undertaking concerned.

#### Article 2

1. The maximum percentage referred to in point (i)(i) of Article 121 of Regulation (EC) No 1234/2007 to be incorporated in products falling under CN code 0406 is 10 %. It shall apply to the weight of the cheese produced by the undertaking or production unit concerned during a six-month period.

The cheeses with added casein or caseinates shall not exceed the whey protein/casein protein ratio of milk and shall respect the national legislation of the country of manufacture on the use of casein and caseinates.

2. By way of derogation from paragraph 1, until 31 December 2008, the maximum percentage referred to in the first subparagraph of that paragraph shall be 5 % for:

- (a) processed cheese falling within CN code 0406 30;
- (b) grated processed cheese covered by CN code ex 0406 20, manufactured by a continuous process, without addition of already manufactured processed cheese;
- (c) processed cheese in powdered form covered by CN code ex 0406 20, manufactured by a continuous process, without addition of already manufactured processed cheese.

#### Article 3

1. Undertakings shall:

- (a) declare to the competent authority the quantities and types of cheese manufactured and the quantities of casein and caseinates incorporated into the various products;
- (b) keep stock accounts enabling verification of the quantities and types of cheese manufactured, the quantities of casein and caseinates purchased and/or manufactured and their destination and/or utilisation.

2. The stock accounts referred to in paragraph 1(b) shall include information as to the origin, composition and quantity of the raw materials used in the manufacture of the cheeses. Member States may require samples to be taken to provide a check on this information. Member States shall ensure that the information collected from undertakings is treated as confidential.

#### Article 4

1. Member States shall ensure compliance with this Regulation by administrative and physical verification notably by:

- (a) frequent, unannounced spot checks in order to cross-check the stock accounts on the one hand and appropriate commercial documents and stocks actually held on the other hand; such checks shall relate to a representative number of the declarations referred to in Article 3(1)(a);
- (b) random checks of undertakings which manufacture cheese and which have not been granted an authorisation.

2. Each undertaking in receipt of an authorisation shall be checked at least once per year.

#### Article 5

Member States shall keep records on:

- (a) the number of authorisations granted and/or revoked;
- (b) the quantities of casein and caseinates declared in respect of these authorisations, and the quantity of cheese produced;
- (c) the cases in which casein and/or caseinates have been used either without authorisation or without abiding the percentages laid down, with the unauthorised quantities of casein and caseinates used.



*Article 6*

1. Without prejudice to the penalties laid down by the Member States concerned, casein and caseinates used without authorisation shall be subject to a penalty. That penalty shall be determined when the level of aid pursuant to Article 100 of Regulation (EC) No 1234/2007 is amended.

2. The sums collected pursuant to paragraph 1 shall be deemed to be assigned revenue in accordance with Article 12 of Commission Regulation (EC) No 883/2006 <sup>(1)</sup> and shall be declared to the Commission in accordance with Article 5 of that Regulation.

*Article 7*

1. Regulation (EC) No 1547/2006 is repealed.

However, authorisations granted in accordance with Article 1 of Regulation (EC) No 1547/2006 shall remain valid until they expire.

2. References to the repealed Regulation and to Article 3 of Regulation (EEC) No 2204/90 shall be construed as references to this Regulation and shall be read in accordance with the correlation table in the Annex.

*Article 8*

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

It shall apply from 1 July 2008. However, Article 2(1) shall apply from 1 January 2009.

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

Done at Brussels, 31 July 2008.

*For the Commission*

Mariann FISCHER BOEL

*Member of the Commission*

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<sup>(1)</sup> OJ L 171, 23.6.2006, p. 1.



## ANNEX

**Correlation Table**

Regulation (EC) No 1547/2006	Regulation (EEC) No 2204/90	This Regulation
Articles 1 and 2	Article 3(1)(a) and (b) Article 3(1)(c)	Articles 1 and 2
Article 3(1)		Article 3(1)
Article 3(2)		Article 4(1)
Article 3(3)		Article 3(2)
Article 4(1)		Article 4(2)
Article 4(2)		Article 5(c)
Article 5		Article 6
Article 6		—
—		Article 5(a) and (b)
Article 7		—
Annex I		Article 7
Annex II		Article 8
Annex III		—
		—



**COMMISSION REGULATION (EC) No 761/2008****of 31 July 2008****amending 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 <sup>(1)</sup>, and in particular Article 33(2)(a) and (4) thereof,

Whereas:

- (1) The rates of the refunds applicable from 25 July 2008 to the products listed in the Annex, exported in the form of goods not covered by Annex I to the Treaty, were fixed by Commission Regulation (EC) No 716/2008 <sup>(2)</sup>.

- (2) It follows from applying the rules and criteria contained in Regulation (EC) No 716/2008 to the information at present available to the Commission that the export refunds at present applicable should be altered as shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

*Article 1*

The rates of refund fixed by Regulation (EC) No 716/2008 are hereby altered as shown in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 August 2008.

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

Done at Brussels, 31 July 2008.

*For the Commission*

Heinz ZOUREK

*Director-General Enterprise and Industry*

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

<sup>(2)</sup> OJ L 197, 25.7.2008, p. 52.



## ANNEX

**Rates of refunds applicable from 1 August 2008 to certain products from the sugar sector exported in the form of goods not covered by Annex I to the Treaty <sup>(1)</sup>**

CN code	Description	Rate of refund in EUR/100 kg	
		In case of advance fixing of refunds	Other
1701 99 10	White sugar	18,29	18,29

<sup>(1)</sup> 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

## COUNCIL DIRECTIVE 2008/72/EC

of 15 July 2008

**on the marketing of vegetable propagating and planting material, other than seed**

(Text with EEA relevance)

(Codified version)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 thereof,

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament <sup>(1)</sup>,

Whereas:

(1) Council Directive 92/33/EEC of 28 April 1992 on the marketing of vegetable propagating and planting material, other than seed <sup>(2)</sup> has been substantially amended several times <sup>(3)</sup>. In the interests of clarity and rationality the said Directive should be codified.

(2) The production of vegetables occupies an important place in agriculture in the Community.

(3) Satisfactory results in the cultivation of vegetables depend to a large extent on the quality and plant health not only of the seed, which is already covered by Council Directive 2002/55/EC of 13 June 2002 on the marketing of vegetable seed <sup>(4)</sup>, but also of the vegetable planting material used for their propagation.

(4) The different treatment accorded to vegetable propagating and planting material in different Member States is likely to create barriers to trade and thus hinder the free movement of these products within the Community.

(5) Harmonised conditions at Community level should ensure that purchasers throughout the Community receive vegetable propagating and planting material which is healthy and of good quality.

(6) In so far as they relate to plant health, such harmonised conditions must be consistent with Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community <sup>(5)</sup>.

(7) Without prejudice to the plant health provisions of Directive 2000/29/EC, it is not appropriate to apply the Community rules on the marketing of vegetable propagating and planting material when it is shown that such products are intended for export to third countries, as the rules applicable there may be different from those contained in this Directive.

(8) The determination of plant health and quality standards for each genus and species of vegetable plant requires lengthy and detailed technical and scientific consideration. A procedure should accordingly be established for that purpose.

(9) In the first instance it is the responsibility of the suppliers of vegetable propagating and planting material to ensure that their products fulfil the conditions laid down in this Directive.

(10) The competent authorities of the Member States should, when carrying out controls and inspections, ensure that suppliers fulfil those conditions.

(11) Community control measures should be provided for to ensure the uniform application in all the Member States of the standards laid down in this Directive.

(12) It is in the interests of the purchasers of vegetable propagating and planting materials that the name of varieties be known and their identity safeguarded.

<sup>(1)</sup> Opinion of 11 March 2008 (not yet published in the Official Journal).

<sup>(2)</sup> OJ L 157, 10.6.1992, p. 1. Directive as last amended by Commission Decision 2007/699/EC (OJ L 284, 30.10.2007, p. 33).

<sup>(3)</sup> See Annex III, Part A.

<sup>(4)</sup> OJ L 193, 20.7.2002, p. 33. Directive as last amended by Commission Directive 2006/124/EC (OJ L 339, 6.12.2006, p. 12).

<sup>(5)</sup> OJ L 169, 10.7.2000, p. 1. Directive as last amended by Commission Directive 2008/64/EC (OJ L 168, 28.6.2008, p. 31).



(13) To that end, provision should be made as far as possible for the application of the rules on the varietal aspect as established with respect to the marketing of vegetable seed.

(14) In order to ensure the identity and orderly marketing of vegetable propagating and planting material, Community rules should be laid down concerning the separation of lots, and marking. The labels used should give the particulars needed both for official controls and for the information of the user.

(15) Rules should be established permitting, in cases of temporary supply difficulties, the marketing of vegetable propagating and planting material subject to requirements less stringent than those contained in this Directive.

(16) Member States should be prohibited in the case of the genera and species referred to in Annex II, for which schedules will be drawn up, from imposing new conditions or restrictions on the marketing, other than those provided for in this Directive.

(17) Provisions should be made for authorising the marketing within the Community of vegetable propagating and planting material produced in third countries, provided always that it affords the same assurances as vegetable propagating and planting material produced in the Community and complying with Community rules.

(18) In order to harmonise technical methods of examination used in the Member States and to compare propagating and planting material and vegetable plants produced in the Community with that produced in third countries, comparative trials should be carried out to check compliance of such products with the requirements of this Directive.

(19) The measures necessary for the implementation of this Directive should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission <sup>(1)</sup>.

(20) This Directive should be without prejudice to the obligations of the Member States relating to the time limits for transposition into national law and application of the Directives set out in Annex III, Part B,

HAS ADOPTED THIS DIRECTIVE:

#### *Article 1*

1. This Directive shall apply to the marketing of vegetable propagating and planting materials, other than seeds, within the Community.

2. Articles 2 to 20 and Article 23 shall apply to the genera and species, and their hybrids, listed in Annex II.

Rootstocks and other parts of plants of other genera or species or their hybrids shall also be subject to those Articles if material of one of those genera or species, or of their hybrids, is, or has to be, grafted on to them.

3. Amendments to the list of genera and species in Annex II shall be adopted in accordance with the procedure referred to in Article 21(3).

#### *Article 2*

This Directive shall not apply to propagating or planting material shown to be intended for export to third countries, if properly identified as such and kept sufficiently isolated, without prejudice to the health rules laid down in Directive 2000/29/EC.

Implementing measures for the first paragraph, with particular reference to identification and isolation, shall be adopted in accordance with the procedure referred to in Article 21(2).

#### *Article 3*

For the purposes of this Directive, the following definitions shall apply:

(a) 'propagating material' means parts of plants and all plant material, including rootstocks intended for the propagation and production of vegetables;

(b) 'planting material' means entire plants and parts of plants including, for grafted plants, the grafted components, intended for planting for the production of vegetables;

<sup>(1)</sup> OJ L 184, 17.7.1999, p. 23. Decision as amended by Decision 2006/512/EC (OJ L 200, 22.7.2006, p. 11).



- (c) 'supplier' means any natural or legal person carrying out professionally at least one of the following activities with regard to vegetable propagating and planting material: reproducing, producing, preserving and/or treating and marketing;
- (d) 'marketing' means the holding available or in stock, displaying or offering for sale, selling and/or delivering to another person, in whatever form, of propagating or planting material;
- (e) 'responsible official body' means:
- (i) the sole and central authority, established or designated by the Member State under the supervision of the national government and responsible for questions concerning quality;
  - (ii) any State authority established:
    - either at national level,
    - or at regional level, under the supervision of the national authorities within the limits set by the national legislation of the Member State concerned.
- (f) 'official measures' means measures taken by the responsible official body;
- (g) 'official inspection' means an inspection carried out by the responsible official body;
- (h) 'official statement' means a statement issued by, or under the responsibility of, the responsible official body;
- (i) 'lot' means a number of units of a single commodity, identifiable by its homogeneity of composition and origin;
- (j) 'laboratory' means a public or private law entity carrying out analysis and proper diagnosis, enabling the producer to monitor production quality.

#### Article 4

In accordance with the procedure referred to in Article 21(3), a schedule shall be established in Annex I for each genus and species referred to in Annex II and for rootstocks of other genera and species if material of the genus or species is, or has to be, grafted on to them, with a reference to the plant health conditions laid down in Directive 2000/29/EC applying to the genus and/or species concerned, and laying down:

- (a) the conditions with which vegetable planting material must comply, in particular those relating to the quality and purity of the crop and, where appropriate varietal characteristics. These conditions shall be added to Annex I, Part A;
- (b) the conditions with which propagating material must comply, in particular those relating to the propagation system applied, the purity of the growing crop and, where appropriate, the varietal characteristics. These conditions shall be set out in Annex I, Part B.

#### Article 5

1. Member States shall ensure that suppliers take all the necessary measures to guarantee compliance with the standards set by this Directive at all stages of the production and marketing of vegetable propagating and planting material.

2. For the purposes of paragraph 1, the said suppliers shall either carry out themselves, or have carried out by an accredited supplier or a responsible official body, checks based on the following principles:

The bodies referred to in (i) and (ii) may, in accordance with their national legislation, delegate the tasks provided for in this Directive to be accomplished under their authority and supervision to any legal person, whether governed by public or private law, which, under its officially approved statute, is charged exclusively with specific public functions, provided that such person, and its members, has no personal interest in the outcome of the measures it takes.

The Member States shall ensure that there is close co-operation between the bodies referred to in (i) and those referred to in (ii).

Moreover, in accordance with the procedure referred to in Article 21(2), another legal person established on behalf of any body referred to in (i) and (ii) and acting under the authority and supervision of such body may be approved, provided that such person has no personal interest in the outcome of the measures it takes.

The Member States shall notify the Commission of their responsible official bodies. The Commission shall forward that information to the other Member States;



- identification of critical points in their production process on the basis of the production methods used,
- establishment and implementation of methods for monitoring and checking the critical points referred to in the first indent,
- taking samples for analysis in a laboratory accredited by the responsible official body for the purpose of checking compliance with the standards established by this Directive,
- keeping a written record or a record registered in an indelible fashion of the data referred to in the first, second and third indents, as well as records on production and marketing of propagating and planting material, to be held at the disposal of the responsible official body. These documents and records shall be kept for a period of at least one year.

However, suppliers whose activity in this connection is confined merely to the distribution of vegetable propagating and planting material produced and packaged on premises other than their own shall be required only to keep a written record or a record registered in an indelible fashion of the buying and selling and/or delivery of such products.

This paragraph shall not apply to suppliers whose activity in this connection is confined to the supply of small quantities of vegetable propagating and planting material to non-professional final consumers.

3. If the result of their own checks or any information at the disposal of the suppliers referred to in paragraph 1 reveals the presence of one or more of the harmful organisms referred to in Directive 2000/29/EC or, in quantities greater than those normally allowed for in order to meet the standards, of those specified in the relevant schedules established pursuant to Article 4 of this Directive, the suppliers shall immediately report this to the responsible official body and shall take the measures indicated by that body or any other measure necessary to reduce the risk of such harmful organisms from spreading. The supplier shall keep records of all occurrences of harmful organisms on his premises and of all measures taken in relation to such occurrences.

4. Detailed rules for the application of the second subparagraph of paragraph 2 shall be established in accordance with the procedure referred to in Article 21(2).

#### Article 6

1. The responsible official body shall accredit suppliers once it has verified that their production methods and establishments meet the requirements of this Directive with regard to the nature of the activities they carry out. Accreditation must be renewed if a supplier decides to carry out activities other than those for which he has received accreditation.

2. The responsible official body shall accredit laboratories once it has verified that these laboratories, their methods and their establishments meet the requirements of this Directive to be specified in accordance with the procedure referred to in Article 21(2), with regard to the testing activities they carry out. Accreditation must be renewed if a laboratory decides to carry out activities other than those for which it has received accreditation.

3. The responsible official body shall take the necessary measures if the requirements referred to in paragraphs 1 and 2 cease to be met. To this end, it shall take particular account of the conclusions of any check carried out in accordance with Article 7.

4. The supervision and monitoring of suppliers, establishments and laboratories shall be carried out regularly by or under the responsibility of the responsible official body, which shall at all times have free access to all parts of establishments, in order to ensure compliance with the requirements of this Directive. Implementing measures concerning supervision and monitoring shall be adopted, as necessary, in accordance with the procedure referred to in Article 21(2).

If such supervision and monitoring reveal that the requirements of this Directive are not being met, the responsible official body shall take appropriate action.

#### Article 7

1. Commission experts may, in cooperation with the responsible official bodies of the Member States, make on-the-spot checks in so far as this is necessary to ensure uniform application of this Directive, and in particular to verify whether suppliers are in effect complying with the requirements of this Directive. A Member State in whose territory a check is being carried out shall give all necessary assistance to the experts in carrying out their duties. The Commission shall inform the Member States of the result of the investigations.

2. Detailed rules for the application of paragraph 1 shall be adopted in accordance with the procedure referred to in Article 21(2).



#### Article 8

1. Vegetable propagating and planting material may be marketed only by accredited suppliers and provided that they meet the requirements laid down in the schedule referred to in Article 4.

2. Without prejudice to the provisions of Directive 2000/29/EC, paragraph 1 shall not apply to vegetable propagating and planting material intended for:

(a) trials or scientific purposes; or

(b) selection work; or

(c) measures aimed at preserving genetic diversity.

3. Detailed rules for the application of points (a), (b) and (c) of paragraph 2 shall be adopted as necessary in accordance with the procedure referred to in Article 21(2).

#### Article 9

1. Without prejudice to Article 2, vegetable propagating and planting material which belongs to genera or species listed in Annex II and is also covered by Directive 2002/55/EC shall not be marketed within the Community unless it belongs to a variety accepted in accordance with that Directive.

2. Without prejudice to Article 2 and paragraph 3 of this Article, vegetable propagating and planting material which belongs to genera or species listed in Annex II but which is not covered by Directive 2002/55/EC shall not be marketed within the Community unless it belongs to a variety officially accepted in at least one Member State.

The provisions laid down in Articles 4 and 5 and Article 9(3) of Directive 2002/55/EC shall apply to the conditions for acceptance.

Article 3(2) and (4), Articles 6, 7, 8, 9(1), (2) and (4) and Articles 10 to 15 of that Directive shall apply *mutatis mutandis* to the procedures and formalities for acceptance and maintenance production.

The results of unofficial tests and practical information gathered in the course of growing may be taken into consideration in each instance.

3. Varieties officially accepted in accordance with paragraph 2 shall be entered in the Common Catalogue of Varieties of

Vegetable Species referred to in Article 17 of Directive 2002/55/EC. Articles 16(2), 17, 18 and 19 of that Directive shall apply *mutatis mutandis*.

#### Article 10

1. While growing and during lifting or removal from the parent material, vegetable propagating and planting material shall be kept in separate lots.

2. If vegetable propagating and planting material of different origins is put together or mixed during packaging, storage, transport or at delivery, the supplier shall keep records including the following data: composition of the lot and origin of the individual components.

3. Member States shall ensure compliance with the requirements of paragraphs 1 and 2 by carrying out official inspections.

#### Article 11

1. Without prejudice to Article 10(2), vegetable propagating and planting material shall be marketed only in sufficiently homogeneous lots and if they are recognised as complying with this Directive and are accompanied by a document made out by the supplier in accordance with the conditions laid down in the schedule established pursuant to Article 4. If an official statement appears on this document, it shall be clearly separated from all other contents of the document.

Requirements on vegetable propagating and planting material for labelling and/or sealing and packaging shall be set out in the schedule referred to in Article 4.

2. In the case of supply by the retailer of vegetable propagating and planting material to a non-professional final consumer, requirements on labelling may be confined to appropriate product information.

#### Article 12

1. Member States may exempt:

(a) from the application of Article 11, small producers all of whose production and sales of vegetable propagating and planting material is intended for final use by persons on the local market who are not professionally involved in plant production ('local circulation');



(b) from the controls and official inspection referred to in Article 18, the local circulation of vegetable propagating and planting materials produced by such exempt persons.

2. Implementing measures relating to other requirements concerning the exemptions referred to in paragraph 1, in particular as regards the concepts of 'small producers' and 'local market', and to the relevant procedures, shall be adopted in accordance with the procedure referred to in Article 21(2).

#### Article 13

In the event of temporary difficulties in the supply of vegetable propagating and planting material satisfying the requirements of this Directive, measures may be adopted, in accordance with the procedure referred to in Article 21(2), concerning the marketing of vegetable propagating and planting material meeting less stringent requirements, without prejudice to the plant health rules laid down in Directive 2000/29/EC.

#### Article 14

1. The marketing of vegetable propagating and planting material which complies with the requirements and conditions of this Directive shall be subject to no restrictions as regards supplier, plant health, growing medium and inspection arrangements other than those laid down in this Directive.

2. The marketing of vegetable propagating and planting material whose variety is entered in the Common Catalogue of Varieties of Vegetable Species shall not be subject to any restriction as regards variety other than those laid down or referred to in this Directive.

#### Article 15

As regards the products referred to in Annex II, Member States shall refrain from imposing more stringent conditions or marketing restrictions other than the conditions laid down in the schedules referred to in Article 4 or, failing that, those existing on 28 April 1992.

#### Article 16

1. In accordance with the procedure referred to in Article 21(2), it shall be decided whether vegetable propagating and planting material produced in a third country and affording the same guarantees as regards obligations on the supplier, identity, characteristics, plant health, growing medium, packaging, inspection arrangements, marking and sealing, is equivalent in all these respects to vegetable propagating and

planting material produced in the Community and complying with the requirements and conditions of this Directive.

2. Pending the decision referred to in paragraph 1, Member States may, until 31 December 2012, and without prejudice to the provisions of Directive 2000/29/EC, apply to the import of vegetable propagating and planting material from third countries conditions at least equivalent to those laid down temporarily or permanently in the schedules referred to in Article 4 of this Directive. Where no such conditions are laid down in those schedules, the import conditions must be at least equivalent to those applicable to production in the Member State concerned.

In accordance with the procedure referred to in Article 21(2), the date referred to in the first subparagraph of this paragraph may, for the various third countries, be deferred pending the decision referred to in paragraph 1 of this Article.

Vegetable propagating and planting material imported by a Member State in accordance with a decision taken by that Member State pursuant to the first subparagraph shall be subject to no marketing restrictions in the other Member States as regards the matters referred to in paragraph 1.

#### Article 17

Member States shall ensure that official inspection by sampling checks on propagating and planting material is carried out during production and marketing, with the aim of verifying compliance with the requirements and conditions of this Directive.

#### Article 18

Detailed implementing procedures for the controls provided for in Article 5 and for the official inspection provided for in Articles 10 and 17, including sampling methods, shall be adopted, as necessary, in accordance with the procedure referred to in Article 21(2).

#### Article 19

1. If, during the supervision and monitoring provided for in Article 6(4), the official inspection provided for in Article 17, or the trials provided for in Article 20, it is found that vegetable propagating and planting material does not meet the requirements of this Directive, the responsible official body of the Member State shall take appropriate action to ensure that it does comply with the provisions of this Directive or, if that is not possible, to ban the marketing of that vegetable propagating and planting material in the Community.



2. If it is found that vegetable propagating and planting material marketed by a particular supplier does not comply with the requirements and conditions of this Directive, the Member State concerned shall ensure that appropriate measures are taken against that supplier. If the supplier is forbidden to market vegetable propagating and planting material, the Member State shall notify the Commission and the competent national authorities in the Member States.

3. Any measures taken under paragraph 2 shall be withdrawn as soon as it has been established with adequate certainty that the vegetable propagating and planting material intended for marketing by the supplier will, in future, comply with the requirements and conditions of this Directive.

#### Article 20

1. Trials, or, where appropriate, tests shall be carried out in the Member States on samples to check that vegetable propagating and planting material complies with the requirements and conditions of this Directive, including those relating to plant health. The Commission may organise inspections of the trials by representatives of the Member States and of the Commission.

2. Community comparative tests and trials may be carried out within the Community for the post-control of samples of vegetable propagating and planting material placed on the market under the provisions of this Directive whether mandatory or discretionary, including those relating to plant health. The comparative tests and trials may include the following:

- vegetable propagating and planting material produced in third countries,
- vegetable propagating and planting material suitable for organic farming,
- vegetable propagating and planting material marketed in relation to measures aimed at preserving genetic diversity.

3. Those comparative tests and trials shall be used to harmonise the technical methods of examination of vegetable propagating and planting material and to check satisfaction of the conditions with which the material must comply.

4. In accordance with the procedure referred to in Article 21(2), the necessary arrangements shall be made for

the comparative tests and trials to be carried out. The Commission shall inform the Committee referred to in Article 21(1) about the technical arrangements for holding those tests and trials and the results thereof. When plant health problems occur, the Commission shall notify the Standing Committee on Plant Health.

5. The Community may make a financial contribution to the performance of the comparative tests and trials provided for in paragraphs 2 and 3.

The financial contribution shall not exceed the annual appropriations decided by the budgetary authority.

6. The comparative tests and trials which may benefit from a Community financial contribution, and detailed rules for the provision of the financial contribution, shall be established in accordance with the procedure referred to in Article 21(2).

7. The comparative tests and trials provided for in paragraphs 2 and 3 may be performed only by State authorities or legal persons acting under the responsibility of the State.

#### Article 21

1. The Commission shall be assisted by the 'Standing Committee on Seeds and Propagating Materials for Agriculture, Horticulture and Forestry', hereinafter referred to as 'the Committee'.

2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at one month.

3. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

#### Article 22

Amendments to the schedules referred to in Article 4 and to the conditions and detailed rules adopted for the implementation of this Directive shall be adopted in accordance with the procedure referred to in Article 21(2).



*Article 23*

1. Member States shall ensure that vegetable propagating and planting material produced in their territory and intended for marketing complies with the requirements of this Directive.

2. If it is found, during an official inspection, that vegetable propagating and planting material cannot, by reason of non-compliance with a condition relating to plant health, be marketed, the Member State concerned shall take appropriate official measures to eliminate any consequent plant health risk.

*Article 24*

As far as Articles 5 to 11, 14, 15, 17, 19 and 23 are concerned, the date of application for each of the genera or species referred to in Annex II shall be fixed in accordance with the procedure referred to in Article 21(2), when the schedule referred to in Article 4 is drawn up.

*Article 25*

Directive 92/33/EEC, as amended by the acts listed in Annex III, Part A, is repealed, without prejudice to the obligations of the Member States relating to the time limits for transposition into national law and application of the Directives set out in Annex III, Part B.

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

*Article 26*

This Directive shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

*Article 27*

This Directive is addressed to the Member States.

Done at Brussels, 15 July 2008.

*For the Council*  
*The President*  
M. BARNIER

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*ANNEX I***Conditions to be laid down in accordance with Article 4****PART A**

Conditions with which planting material must comply.

**PART B**

Schedules for genera and species not listed in Directive 2002/55/EC containing conditions with which propagating material must comply.

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## ANNEX II

## List of the genera and species referred to in Article 1(2)

<i>Allium cepa</i> L.	
— <i>Cepa</i> Group	Onion Echalion
— <i>Aggregatum</i> Group	Shallot
<i>Allium fistulosum</i> L.	Japanese bunching onion or Welsh onion
<i>Allium porrum</i> L.	Leek
<i>Allium sativum</i> L.	Garlic
<i>Allium schoenoprasum</i> L.	Chives
<i>Anthriscus cerefolium</i> (L.) Hoffm.	Chervil
<i>Apium graveolens</i> L.	Celery Celeriac
<i>Asparagus officinalis</i> L.	Asparagus
<i>Beta vulgaris</i> L.	Beetroot including Cheltenham beet Spinach beet or Chard
<i>Brassica oleracea</i> L.	Curly kale Cauliflower Sprouting broccoli or Calabrese Brussels sprouts Savoy cabbage White cabbage Red cabbage Kohlrabi
<i>Brassica rapa</i> L.	Chinese cabbage Turnip
<i>Capsicum annuum</i> L.	Chilli or Pepper
<i>Chicorium endivia</i> L.	Curled-leaved endive Plain-leaved endive
<i>Chicorium intybus</i> L.	Witloof chicory Large-leaved chicory or Italian chicory Industrial chicory
<i>Citrullus lanatus</i> (Thunb.) Matsum. et Nakai	Watermelon
<i>Cucumis melo</i> L.	Melon
<i>Cucumis sativus</i> L.	Cucumber Gherkin
<i>Cucurbita maxima</i> Duchesne	Gourd
<i>Cucurbita pepo</i> L.	Marrow or Courgette



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<i>Cynara cardunculus</i> L.	Globe artichoke Cardoon
<i>Daucus carota</i> L.	Carrot Fodder carrot
<i>Foeniculum vulgare</i> Mill.	Fennel
<i>Lactuca sativa</i> L.	Lettuce
<i>Lycopersicon esculentum</i> Mill.	Tomato
<i>Petroselinum crispum</i> (Mill.) Nyman ex A. W. Hill	Parsley
<i>Phaseolus coccineus</i> L.	Runner bean
<i>Phaseolus vulgaris</i> L.	Dwarf French bean Climbing French bean
<i>Pisum sativum</i> L. (partim)	Wrinkled pea Round pea Sugar pea
<i>Raphanus sativus</i> L.	Radish Black radish
<i>Rheum rhabarbarum</i> L.	Rhubarb
<i>Scorzonera hispanica</i> L.	Scorzonera or Black salsify
<i>Solanum melongena</i> L.	Aubergine or Eggplant
<i>Spinacia oleracea</i> L.	Spinach
<i>Valerianella locusta</i> (L.) Laterr.	Corn salad or Lamb's lettuce
<i>Vicia faba</i> L. (partim)	Broad bean
<i>Zea mays</i> L. (partim)	Sweetcorn Popcorn

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## ANNEX III

## PART A

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

(referred to in Article 25)

Council Directive 92/33/EEC  
(OJ L 157, 10.6.1992, p. 1).

Commission Decision 93/400/EEC  
(OJ L 177, 21.7.1993, p. 27).

Commission Decision 94/152/EC  
(OJ L 66, 10.3.1994, p. 33).

Commission Decision 95/25/EC  
(OJ L 36, 16.2.1995, p. 34).

Commission Decision 97/109/EC  
(OJ L 39, 8.2.1997, p. 21).

Commission Decision 1999/29/EC  
(OJ L 8, 14.1.1999, p. 29).

Commission Decision 2002/111/EC  
(OJ L 41, 13.2.2002, p. 43).

Council Regulation (EC) No 806/2003  
(OJ L 122, 16.5.2003, p. 1). Only Annex II, point 6 and Annex III, point 27

Council Directive 2003/61/EC  
(OJ L 165, 3.7.2003, p. 23). Only Article 1, point 4

Commission Decision 2005/55/EC  
(OJ L 22, 26.1.2005, p. 17).

Commission Directive 2006/124/EC  
(OJ L 339, 6.12.2006, p. 12). Only Article 1 and Annex

Commission Decision 2007/699/EC  
(OJ L 284, 30.10.2007, p. 33).

## PART B

**List of time limits for transposition into national law and application**

(referred to in Article 25)

Directive	Time limit for transposition	Date of application
92/33/EEC	31 December 1992	—
2003/61/EC	10 October 2003	—
2006/124/EC	30 June 2007	1 July 2007 <sup>(1)</sup>

<sup>(1)</sup> In accordance with the second subparagraph of Article 3(1) of Directive 2006/124/EC: 'They shall apply the provisions from 1 July 2007. However, they may postpone until 31 December 2009 the application of the provisions in respect of the official acceptance of varieties belonging to *Allium cepa* L. (aggregatum group), *Allium fistulosum* L., *Allium sativum* L., *Allium schoenoprasum* L., *Rheum rhabarbarum* L. and *Zea mays* L.'



## ANNEX IV

## CORRELATION TABLE

Directive 92/33/EEC	This Directive
Articles 1, 2 and 3	Articles 1, 2 and 3
Article 4, introductory phrase	Article 4, introductory phrase
Article 4, points (i) and (ii)	Article 4, points (a) and (b)
Articles 5, 6 and 7	Articles 5, 6 and 7
Article 8(1)	Article 8(1)
Article 8(2), first subparagraph	Article 8(2)
Article 8(2), second subparagraph	Article 8(3)
Article 9(1) and (2)	Article 9(1) and (2)
Article 9(3)	—
Article 9(4), first subparagraph	Article 9(3)
Article 9(4), second subparagraph	—
Articles 10 and 11	Articles 10 and 11
Article 12, first paragraph, introductory phrase	Article 12(1) introductory phrase
Article 12, first paragraph, first and second indents	Article 12(1)(a) and (b)
Article 12, second paragraph	Article 12(2)
Articles 13 to 20	Articles 13 to 20
Article 21(1) and (2)	Article 21(1) and (2)
Article 21(3)	Article 21(4)
Article 22(1)	—
Article 22(2)	Article 21(3)
Article 23	Article 22
Article 24	Article 23
Article 25(1)	—
Article 25(2)	Article 24
—	Article 25
—	Article 26
Article 26	Article 27
Annexes I and II	Annexes I and II
—	Annexes III and IV



## II

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

## DECISIONS

## COUNCIL

## COUNCIL DECISION

of 25 February 2008

**on the signing and provisional application of a Protocol to the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Kyrgyz Republic, of the other part, to take account of the accession of the Republic of Bulgaria and Romania to the European Union**

(2008/628/EC)

THE COUNCIL OF THE EUROPEAN UNION,

account of the accession of the Republic of Bulgaria and Romania to the European Union.

Having regard to the Treaty establishing the European Community, and in particular Article 44(2), the third sentence of Article 47(2), and Articles 55, 57(2), 71, 80(2), 93, 94, 133 and 181a, in conjunction with the second sentence of the first subparagraph of Article 300(2) thereof,

(2) Subject to its possible conclusion at a later date, the Protocol should be signed on behalf of the European Communities and their Member States.

Having regard to the Treaty of Accession of the Republic of Bulgaria and Romania, and in particular Article 4(3) thereof,

(3) The Protocol should be applied on a provisional basis from 1 January 2007, pending completion of the relevant procedures for its formal conclusion,

Having regard to the Act of Accession of the Republic of Bulgaria and Romania, and in particular Article 6(2) thereof,

HAS DECIDED AS FOLLOWS:

*Article 1*

Having regard to the proposal from the Commission,

The President of the Council is hereby authorised to designate the person(s) empowered to sign, on behalf of the European Communities and their Member States, the Protocol to the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Kyrgyz Republic, of the other part, to take account of the accession of the Republic of Bulgaria and Romania to the European Union, subject to possible conclusion at a later stage.

Whereas:

(1) On 23 October 2006, the Council authorised the Commission, on behalf of the Community and its Member States, to negotiate with the Kyrgyz Republic a Protocol to the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Kyrgyz Republic, of the other part, to take

The text of the Protocol is attached to this Decision <sup>(1)</sup>.

<sup>(1)</sup> See page 42 of this Official Journal.



*Article 2*

Pending its entry into force, the Protocol shall be applied on a provisional basis from 1 January 2007.

Done at Brussels, 25 February 2008.

*For the Council*

*The President*

A. VIZJAK

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**PROTOCOL**

**to the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Kyrgyz Republic, of the other part, to take account of the accession of the Republic of Bulgaria and Romania to the European Union**

THE KINGDOM OF BELGIUM,

THE REPUBLIC OF BULGARIA,

THE CZECH REPUBLIC,

THE KINGDOM OF DENMARK,

THE FEDERAL REPUBLIC OF GERMANY,

THE REPUBLIC OF ESTONIA,

IRELAND,

THE HELLENIC REPUBLIC,

THE KINGDOM OF SPAIN,

THE FRENCH REPUBLIC,

THE ITALIAN REPUBLIC,

THE REPUBLIC OF CYPRUS,

THE REPUBLIC OF LATVIA,

THE REPUBLIC OF LITHUANIA,

THE GRAND DUCHY OF LUXEMBOURG,

THE REPUBLIC OF HUNGARY,

THE REPUBLIC OF MALTA,

THE KINGDOM OF THE NETHERLANDS,

THE REPUBLIC OF AUSTRIA,

THE REPUBLIC OF POLAND,

THE PORTUGUESE REPUBLIC,

ROMANIA,

THE REPUBLIC OF SLOVENIA,



THE SLOVAK REPUBLIC,

THE REPUBLIC OF FINLAND,

THE KINGDOM OF SWEDEN,

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,

hereinafter referred to as the 'Member States', represented by the Council of the European Union,

and

THE EUROPEAN COMMUNITY AND THE EUROPEAN ATOMIC ENERGY COMMUNITY,

hereinafter referred to as 'the Communities', represented by the Council of the European Union and the European Commission,

of the one part, and

THE KYRGYZ REPUBLIC,

of the other part,

hereinafter referred to as 'Parties' for the purposes of this Protocol,

HAVING REGARD TO the provisions of the Treaty between the Kingdom of Belgium, the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, Ireland, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Italian Republic, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, the Republic of Hungary, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland (Member States of the European Union) and the Republic of Bulgaria and Romania concerning the accession of the Republic of Bulgaria and Romania to the European Union, which was signed in Luxembourg on 25 April 2005 and is applied from 1 January 2007,

CONSIDERING the new situation in relations between the Kyrgyz Republic and the European Union arising from the accession to the EU of two new Member States, which opens opportunities and brings about challenges for the cooperation between the Kyrgyz Republic and the European Union,

TAKING INTO ACCOUNT the desire of the Parties to ensure the attainment and implementation of the objectives and principles of the PCA,

HAVE AGREED AS FOLLOWS:

#### *Article 1*

The Republic of Bulgaria and Romania shall be Parties to the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Kyrgyz Republic, of the other part, signed in Brussels on 9 February 1995 and entered into force on 1 July 1999 (hereinafter the Agreement) and shall respectively adopt and take note, in the same manner, as the other Member States, of the texts of the Agreement, as well as of the Joint Declarations, Exchanges of Letters, and Declaration by the Kyrgyz Republic annexed to the Final Act signed on the same date and the Protocol to the Agreement of 30 April 2004, which entered into force on 1 June 2006.

#### *Article 2*

This Protocol shall form an integral part of the Agreement.

#### *Article 3*

1. This Protocol shall be approved by the Communities, by the Council of the European Union on behalf of the Member States and by the Kyrgyz Republic in accordance with their own procedures.

2. The Parties shall notify each other of the completion of the corresponding procedures referred to in the preceding paragraph. The instruments of approval shall be deposited with the General Secretariat of the Council of the European Union.



*Article 4*

1. This Protocol shall enter into force on the first day of the first month following the date of the deposit of the last instrument of approval.
2. Pending the date of its entry into force, this Protocol shall apply provisionally with effect from 1 January 2007.

*Article 5*

1. The texts of the Agreement, the Final Act and all documents annexed to it, as well as the Protocol to the Agreement of 30 April 2004, are drawn up in the Bulgarian and Romanian languages.

2. They are annexed to this Protocol and are equally authentic with the texts in the other languages in which the Agreement, the Final Act and the documents annexed to it, as well as the Protocol to the Agreement of 30 April 2004, are drawn up.

*Article 6*

This Protocol is drawn up in duplicate in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovene, Slovak, Spanish, Swedish and Kyrgyz languages, each of these texts being equally authentic.

Съставено в Брюксел на единадесети юни две хиляди и осма година.

Hecho en Bruselas, el once de junio de dosmil ocho.

V Bruselu dne jedenáctého června dva tisíce osm.

Udfærdiget i Bruxelles den ellefte juni to tusind og otte.

Geschehen zu Brüssel am elften Juni zweitausendacht.

Kahe tuhande kaheksanda aasta juunikuu üheteistkümnendal päeval Brüsselis.

Έγινε στις Βρυξέλλες, στις ένδεκα Ιουνίου δύο χιλιάδες οκτώ.

Done at Brussels on the eleventh day of June in the year two thousand and eight.

Fait à Bruxelles, le onze juin deux mille huit.

Fatto a Bruxelles, addì undici giugno duemilaotto.

Briselė, divtūkstoš astotā gada vienpadsmitajā jūnijā.

Priimta du tūkstančiai aštuntų metų birželio vienuoliką dieną Briuselyje.

Kelt Brüsszelben, a kétézer-nyolcadik év június tizenegyedik napján.

Magħmul fi Brussell, fil-hdax-il jum ta' Ġunju tas-sena elfejn u tmienja.

Gedaan te Brussel, de elfde juni tweeduizend acht.

Sporządzono w Brukseli, dnia jedenastego czerwca dwa tysiące ósmego roku.

Feito em Bruxelas, em onze de Junho de dois mil e oito.

Încheiat la Bruxelles, la unsprezece iunie două mii opt.

V Bruseli dňa jedenásteho júna dvetisícosem.

V Bruslju, dne enajstega junija leta dva tisoč osem.

Tehty Brysselissä yhdenentoista päivänä kesäkuuta vuonna kaksituhattakahdeksan.

Som skedde i Bryssel den elfte juni tjugohundraåtta.

Брюссель шаарында эки миң сегизинчи жылдын он биринчи июнунда түзүлдү.

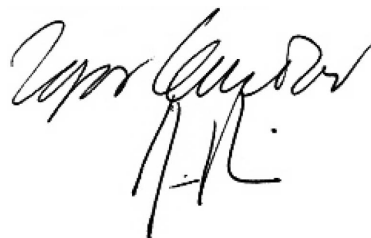
Составлено в Брюсселе одиннадцатого июня две тысячи восьмого года.



За държавите-членки  
Por los Estados miembros  
Za členské státy  
For medlemsstaterne  
Für die Mitgliedstaaten  
Liikmesriikide nimel  
Για τα κράτη μέλη  
For the Member States  
Pour les États membres  
Per gli Stati membri  
Dalīvalstu vārdā  
Valstybių narių vardu  
A tagállamok részéről  
Ghall-Istati Membri  
Voor de lidstaten  
W imieniu państw członkowskich  
Pelos Estados-Membros  
Pentru statele membre  
Za členské štáty  
Za države članice  
Jäsenvaltioiden puolesta  
På medlemsstaternas vägnar  
Мүчө-Мамлекеттер Үчүн  
За Государства-Члены

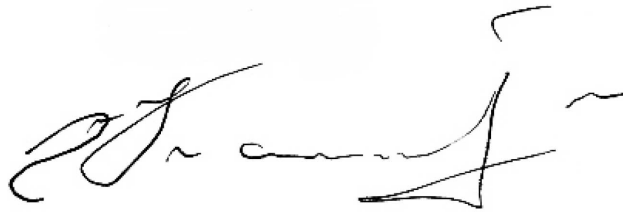


За Европейската общност  
Por las Comunidades Europeas  
Za Evropská společenství  
For De Europæiske Fællesskaber  
Für die Europäischen Gemeinschaften  
Euroopa ühenduste nimel  
Για τις Ευρωπαϊκές Κοινότητες  
For the European Communities  
Pour les Communautés européennes  
Per le Comunità europee  
Eiropas Kopienu vārdā  
Europos Bendrijų vardu  
Az Európai Közösségek részéről  
Ghall-Komunitajiet Ewropej  
Voor de Europese Gemeenschappen  
W imieniu Wspólnot Europejskich  
Pelas Comunidades Europeias  
Pentru Comunitatea Europeană  
Za Európske spoločenstvá  
Za Evropske skupnosti  
Euroopan yhteisöjen puolesta  
På Europeiska gemenskapernas vägnar  
Европалык Шериктештик Үчүн  
За Европейские Сообщества





За Киргизката република  
Por la República Kirguisa  
Za Kyrgyzskou Republiku  
For den Kirgisiske Republik  
Für die Kirgisische Republik  
Kirgiisi Vabariigi nimel  
Για τη Δημοκρατία του Κιργιζιστάν  
For the Kyrgyz Republic  
Pour la République kirghize  
Per la Repubblica del Kirghizistan  
Kirgizijos Respublikos vardu  
Kirgizstānas Republikas vārdā  
A Kirgiz Köztársaság részéről  
Ghar-Repubblika Kirgīza  
Voor de Republiek Kirgizstan  
W imieniu Republiki Kirgiskiej  
Pela República do Quirguizistão  
Pentru Republica Kârgâzstan  
Za Kirgizskú republiku  
Za Kirgiško Republiko  
Kirgisian tasavallan puolesta  
För Republiken Kirgizistan  
Кыргыз Республикасы үчүн  
За Кыргызскую Республику

A handwritten signature in black ink, consisting of a series of loops and strokes, positioned below the list of names.

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# COMMISSION

## COMMISSION DECISION

of 12 June 2008

**amending Decision 2005/56/EC setting up the Education, Audiovisual and Culture Executive Agency for the management of Community action in the fields of education, audiovisual and culture in application of Council Regulation (EC) No 58/2003**

(2008/629/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 58/2003 of 19 December 2002 laying down the statute for executive agencies to be entrusted with certain tasks in the management of Community programmes <sup>(1)</sup>, and in particular Article 3(1) thereof,

Whereas:

(1) Under Article 4(1) of Commission Decision 2005/56/EC <sup>(2)</sup>, the Education, Audiovisual and Culture Executive Agency (hereinafter referred to as the Agency) has been entrusted with the management of certain strands of Community programmes in the fields of education, audiovisual and culture, and in particular with the management of the support programme for the European audiovisual sector MEDIA 2007 (2007-13), established by Decision No 1718/2006/EC of the Parliament and of the Council <sup>(3)</sup>, the programme to encourage the development of European audiovisual works, MEDIA Plus — Development, Distribution and Promotion (2001-06), established by Council Decision 2000/821/EC <sup>(4)</sup>, and with the training programme for professionals of the European audiovisual programme industry MEDIA-Training (2001-06), established by Decision No 163/2001/EC of the European Parliament and of the Council <sup>(5)</sup>.

(2) Following Article 4(3) of Decision 2005/56/EC, the Agency may be empowered by the Commission, after receiving the opinion of the Committee for Executive Agencies, to carry out further tasks of the same type under Community programmes in the fields of education, audiovisual and culture.

(3) The mandate of the Agency should also cover the management and the closure of projects under the training programme for professionals in the European audiovisual programme industry MEDIA II — Training (1996-2000), approved by Council Decision 95/564/EC <sup>(6)</sup>; and the programme encouraging the development and distribution of European audiovisual works MEDIA II — Development and distribution (1996-2000), approved by Council Decision 95/563/EC <sup>(7)</sup>.

(4) Decision 2005/56/EC should consequently be amended.

(5) The provisions set out by this Decision are in accordance with the opinion of the Committee for Executive Agencies,

HAS DECIDED AS FOLLOWS:

### *Sole Article*

In Decision 2005/56/EC the following points 29 and 30 shall be added to Article 4(1):

‘29. the training programme for professionals in the European audiovisual programme industry (MEDIA II — Training) (1996-2000), established by Council Decision 95/564/EC <sup>(\*)</sup>;

<sup>(1)</sup> OJ L 11, 16.1.2003, p. 1.

<sup>(2)</sup> OJ L 24, 27.1.2005, p. 35. Decision as amended by Decision 2007/114/EC (OJ L 49, 17.2.2007, p. 21).

<sup>(3)</sup> OJ L 327, 24.11.2006, p. 12.

<sup>(4)</sup> OJ L 336, 30.12.2000, p. 82. Decision as last amended by Regulation (EC) No 885/2004 (OJ L 168, 1.5.2004, p. 1).

<sup>(5)</sup> OJ L 26, 27.1.2001, p. 1. Decision as last amended by Regulation (EC) No 885/2004.

<sup>(6)</sup> OJ L 321, 30.12.1995, p. 33.

<sup>(7)</sup> OJ L 321, 30.12.1995, p. 25.



30. the programme encouraging the development and distribution of European audiovisual works (MEDIA II — Development and distribution) (1996-2000), established by Council Decision 95/563/EC (\*\*).

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(\*) OJ L 321, 30.12.1995, p. 33.

(\*\*) OJ L 321, 30.12.1995, p. 25.

Done at Brussels, 12 June 2008.

*For the Commission*  
Viviane REDING  
*Member of the Commission*

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## COMMISSION DECISION

of 24 July 2008

**on emergency measures applicable to crustaceous imported from Bangladesh and intended for human consumption***(notified under document number C(2008) 3698)***(Text with EEA relevance)**

(2008/630/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

for the testing of certain residues of veterinary medicinal products in live animals and animal products.

Having regard to the Treaty establishing the European Community,

(5) Bangladesh has recently taken measures concerning those shortcomings as regards the handling and testing of fishery products.

Having regard to Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety <sup>(1)</sup>, and in particular Article 53(1)(b)(ii) thereof,

(6) Since those measures are not sufficient, it is appropriate to adopt, at Community level, certain emergency measures applicable to importations of crustaceous from Bangladesh in order to ensure the effective and uniform protection of human health in all Member States.

Whereas:

(1) Regulation (EC) No 178/2002 lays down the general principles governing food and feed in general, and food and feed safety in particular, at Community and national level. It provides for emergency measures where it is evident that food or feed imported from a third country is likely to constitute a serious risk to human health, animal health or the environment, and that such risk cannot be contained satisfactorily by means of measures taken by the Member State(s) concerned.

(7) Accordingly, Member States should allow importations of crustaceous from Bangladesh only if it can be shown that they have been subjected to an analytical test at origin to verify that they do not contain any unauthorised substances and that the levels of certain residues of veterinary medicinal products do not exceed the maximum residue levels laid down in Community legislation.

(2) Council Directive 96/23/EC of 29 April 1996 on measures to monitor certain substances and residues thereof in live animals and animal products <sup>(2)</sup> provides that the production process of animals and primary products of animal origin is to be monitored for the purpose of detecting the presence of certain residues and substances in live animals, their excrements and body fluids and in tissue, animal products, animal feed and drinking water.

(8) However, it is appropriate to authorise, the importation of consignments that are not accompanied by the results of the analytical tests at origin, provided that the importing Member States ensures that those consignments undergo appropriate checks on arrival at the Community border.

(3) Residues of veterinary medicinal products and unauthorised substances have been detected in crustaceous imported from Bangladesh and intended for human consumption. The presence of those products and substances in food presents a potential risk for human health.

(9) This Decision should be reviewed in the light of the guarantees offered by Bangladesh and on the basis of the results of the analytical tests carried out by the Member States.

(4) The results of the latest Community inspection visit to Bangladesh have revealed serious shortcomings as regards the residue control system in live animals and animal products and a lack of appropriate laboratory capacity

(10) 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*

This Decision shall apply to consignments of crustaceous imported from Bangladesh and intended for human consumption (the products).

<sup>(1)</sup> OJ L 31, 1.2.2002, p. 1. Regulation as last amended by Commission Regulation (EC) No 202/2008 (OJ L 60, 5.3.2008, p. 17).<sup>(2)</sup> OJ L 125, 23.5.1996, p. 10. Directive as last amended by Directive 2006/104/EC (OJ L 363, 20.12.2006, p. 352).



*Article 2*

Member States shall authorise the importation into the Community of the products provided that they are accompanied by the results of an analytical test carried out at origin to ensure that they do not present a danger to human health (the analytical test).

The analytical tests must be carried out, in particular, with a view to detecting the presence of chloramphenicol, metabolites of nitrofurans, tetracycline, malachite green and crystal violet in conformity with Council Regulation (EEC) No 2377/90 <sup>(1)</sup> and Commission Decision 2002/657/EC <sup>(2)</sup>.

*Article 3*

By way of derogation from Article 2, Member States shall authorise the importation of products that are not accompanied by the results of the analytical test provided that the importing Member State ensures that each consignment of such products undergoes all appropriate checks on arrival at the Community border to ensure that they do not present a danger to human health.

However, those consignments must be detained at the Community border until laboratory tests show that the substances referred to in Article 2 that are not authorised under Community legislation are not present or that the maximum residues laid down in Community legislation for the veterinary medical products referred to in that Article are not exceeded.

*Article 4*

1. Member States shall immediately inform the Commission if the analytical tests reveal:

- (a) the presence of any substances not authorised under Community legislation; or
- (b) residues of veterinary medicinal products that exceed the maximum residue limits laid down in Community legislation.

Member States shall use, for the submission of any such information, the rapid alert system for food and feed set up by Regulation (EC) No 178/2002.

2. Member States shall submit to the Commission every three months a report of all the results of the analytical tests.

Those reports shall be submitted during the month following each quarter (April, July, October, and January).

*Article 5*

All expenditure incurred in the application of this Decision shall be charged to the consignor, the consignee or the agent of either.

*Article 6*

Member States shall immediately inform the Commission of the measures they take to comply with this Decision.

*Article 7*

This Decision shall be reviewed on the basis of the guarantees offered by Bangladesh, and the results of the analytical tests carried out by the Member States.

*Article 8*

This Decision is addressed to the Member States.

Done at Brussels, 24 July 2008.

*For the Commission*  
Androulla VASSILIOU  
Member of the Commission

<sup>(1)</sup> OJ L 224, 18.8.1990, p. 1. Regulation as last amended by Commission Regulation (EC) No 542/2008 (OJ L 157, 17.6.2008, p. 43).

<sup>(2)</sup> OJ L 221, 17.8.2002, p. 8. Decision as last amended by Decision 2004/25/EC (OJ L 6, 10.1.2004, p. 38).



## COMMISSION DECISION

of 29 July 2008

**amending Decision 2006/805/EC as regards certain Member State regions set out in the Annex and the extension of application of that Decision***(notified under document number C(2008) 3964)***(Text with EEA relevance)**

(2008/631/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market <sup>(1)</sup>, and in particular Article 9(4) thereof,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market <sup>(2)</sup>, and in particular Article 10(4) thereof,

Whereas:

- (1) Commission Decision 2006/805/EC of 24 November 2006 concerning animal health control measures relating to classical swine fever in certain Member States <sup>(3)</sup> was adopted in response to outbreaks of classical swine fever in certain Member States. That Decision lays down certain disease control measures concerning classical swine fever in those Member States.
- (2) Decision 2006/805/EC applies until 31 July 2008. In the light of the disease situation of classical swine fever in certain areas of Bulgaria, Germany, France, Hungary and Slovakia, it is appropriate to extend the period of application of that Decision until 31 July 2009.
- (3) Bulgaria has informed the Commission about the recent evolution of classical swine fever in feral pigs and pigs on holdings in its territory. According to that information, the disease situation in that Member State has significantly improved as regards feral pigs. In addition, classical swine fever is no longer suspected to be endemic in pigs on holdings. Bulgaria has also

informed the Commission that additional measures have been taken to exclude the presence of classical swine fever virus infection in pigs on commercial farms which are dispatched for slaughter. The prohibition on the dispatch of fresh pork meat, pork meat preparations and pork meat products from Bulgaria to other Member States, provided for in Decision 2006/805/EC should therefore no longer apply.

- (4) Even though the disease situation in feral pigs in Bulgaria has improved, there is still a continuing risk of outbreaks of classical swine fever in that Member State. Therefore the prohibition on the dispatch of live pigs to other Member States should continue to apply as regards the whole territory of Bulgaria. That whole territory should accordingly be included in Part II of the Annex to Decision 2006/805/EC.
- (5) Hungary and Slovakia have also informed the Commission about the recent evolution of classical swine fever in feral pigs in their territories. In the light of the epidemiological information available, the areas in those Member States where control measures relating to classical swine fever apply need to be extended to include also certain areas of the counties of Heves and Borsod-Abaúj-Zemplén in Hungary and the whole districts of Rimaská Sobota, Nové Zámky, Levice and Komárno in Slovakia. Decision 2006/805/EC should therefore be amended accordingly.
- (6) 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*

Decision 2006/805/EC is amended as follows:

1. in Article 14, '31 July 2008' is replaced by '31 July 2009';
2. Parts II and III of the Annex are replaced by the text in the Annex to this Decision.

<sup>(1)</sup> OJ L 395, 30.12.1989, p. 13. Directive as last amended by Directive 2004/41/EC of the European Parliament and of the Council (OJ L 157, 30.4.2004, p. 33, as corrected by OJ L 195, 2.6.2004, p. 12).

<sup>(2)</sup> OJ L 224, 18.8.1990, p. 29. Directive as last amended by Directive 2002/33/EC of the European Parliament and of the Council (OJ L 315, 19.11.2002, p. 14).

<sup>(3)</sup> OJ L 329, 25.11.2006, p. 67. Decision as last amended by Decision 2008/225/EC (OJ L 73, 15.3.2008, p. 32).



*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 29 July 2008.

*For the Commission*

Androulla VASSILIOU

*Member of the Commission*

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ANNEX

**PART II**

**1. Bulgaria**

The whole territory of Bulgaria.

**2. Hungary**

The territory of the county of Nógrád and the territory of the county of Pest located north and east of the Danube, south of the border with Slovakia, west of the border with the county of Nógrád and north of the motorway E71, the territory of the county of Heves located east of the border of the county of Nógrád, south and west of the border with the county of Borsod-Abaúj-Zemplén and north of the motorway E71, and the territory of the county of Borsod-Abaúj-Zemplén located south of the border with Slovakia, east of the border with the county of Heves, north and west of the motorway E71, south of the main road No 37 (the part between the motorway E71 and the main road No 26) and west of the main road No 26.

**3. Slovakia**

The territory of the District Veterinary and Food Administrations (DVFA) of Žiar nad Hronom (comprising the Žiar nad Hronom, Žarnovica and Banská Štiavnica districts), Zvolen (comprising the Zvolen, Krupina and Detva districts), Lučenec (comprising the Lučenec and Poltár districts), Veľký Krtíš (comprising the Veľký Krtíš district), Komárno (comprising the Komárno district), Nové Zámky (comprising the Nové Zámky district), Levice (comprising the Levice district) and Rimavská Sobota (comprising the Rimavská Sobota district).

**PART III'**

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## III

*(Acts adopted under the EU Treaty)*

## ACTS ADOPTED UNDER TITLE V OF THE EU TREATY

## COUNCIL COMMON POSITION 2008/632/CFSP

of 31 July 2008

**amending Common Position 2004/161/CFSP renewing restrictive measures against Zimbabwe**

THE COUNCIL OF THE EUROPEAN UNION,

1. Article 4(1) shall be replaced by the following:

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

Whereas:

(1) By Common Position 2004/161/CFSP<sup>(1)</sup>, the Council renewed restrictive measures against Zimbabwe, intended in particular to encourage the persons targeted to reject policies that lead to the suppression of human rights, of freedom of expression and of good governance.

‘1. Member States shall take the measures necessary to prevent the entry into, or transit through, their territories of members of the Government of Zimbabwe and of physical persons associated with them, as well as of other physical persons whose activities seriously undermine democracy, respect for human rights and the rule of law in Zimbabwe. The individuals referred to in this paragraph are listed in the Annex.’;

(2) Following the violence organised and committed by the Zimbabwean authorities during the presidential election campaign in 2008, which turned the election into a denial of democracy, the Council has decided to add certain persons and entities to the list in the Annex to Common Position 2004/161/CFSP, by adopting Decision 2008/605/CFSP on 22 July 2008.

2. the following point shall be added to Article 4(3):

‘(d) pursuant to the 1929 Treaty of Conciliation (Lateran Pact) concluded by the Holy See (Vatican City State) and Italy.’;

(3) The restrictive measures regarding prohibition of the entry into, or transit through, Member States’ territory of the individuals listed in the Annex to Common Position 2004/161/CFSP should also be made more stringent,

3. Article 4(5) and (6) shall be replaced by the following:

HAS ADOPTED THIS COMMON POSITION:

*Article 1*

Common Position 2004/161/CFSP is amended as follows:

‘5. Member States may grant exemptions from the measures imposed in paragraph 1 where travel is justified on urgent and imperative humanitarian grounds, or in exceptional cases on grounds of attending intergovernmental meetings, including those promoted by the European Union, where a political dialogue is conducted which directly, immediately and significantly promotes democracy, human rights and the rule of law in Zimbabwe.

<sup>(1)</sup> OJ L 50, 20.2.2004, p. 66. Common Position as last amended by Decision 2008/605/CFSP (OJ L 194, 23.7.2008, p. 34).



6. Any Member State wishing to grant exemptions referred to in paragraph 5 shall notify the Council in writing. The exemption shall be deemed to be granted unless one or more of the Council members raise an objection in writing within 48 hours of receiving notification of the proposed exemption. Should one or more of the Council members raise an objection, the exemption shall not be granted, save where a Member State wishes to grant it on urgent and imperative humanitarian grounds. In that event, the Council, acting by a qualified majority, may decide to grant the proposed exemption.’;

4. Article 4(7) shall be replaced by the following:

‘7 In cases where, pursuant to paragraphs 3 to 6, a Member State authorises the entry into, or transit through, its territory of persons listed in the Annex, the authorisation shall be strictly limited to the purpose for which it is given and to the persons directly concerned thereby.’;

5. Article 5(1) shall be replaced by the following:

‘1. All funds and economic resources belonging to individual members of the Government of Zimbabwe or to any

natural or legal persons, entities or bodies associated with them, or belonging to any other natural or legal persons whose activities seriously undermine democracy, respect for human rights and the rule of law in Zimbabwe, shall be frozen. The persons and entities referred to in this paragraph are listed in the Annex.’

#### *Article 2*

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*.

Done at Brussels, 31 July 2008.

*For the Council*

*The President*

B. KOUCHNER

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