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I

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REGULATIONS

COMMISSION REGULATION (EC) No 561/2007**of 24 May 2007****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables ⁽¹⁾, and in particular Article 4(1) thereof,

Whereas:

- (1) Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the

standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto.

- (2) In compliance with the above criteria, the standard import values must be fixed at the levels set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 4 of Regulation (EC) No 3223/94 shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 25 May 2007.

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

Done at Brussels, 24 May 2007.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 337, 24.12.1994, p. 66. Regulation as last amended by Regulation (EC) No 386/2005 (OJ L 62, 9.3.2005, p. 3).

ANNEX

to Commission Regulation of 24 May 2007 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	MA	39,1
	TR	106,0
	ZZ	72,6
0707 00 05	JO	151,2
	TR	125,7
	ZZ	138,5
0709 90 70	TR	89,2
	ZZ	89,2
0805 10 20	EG	35,8
	IL	43,8
	MA	43,5
	ZZ	41,0
0805 50 10	AR	51,6
	ZA	67,6
	ZZ	59,6
0808 10 80	AR	101,2
	BR	79,1
	CL	78,0
	CN	97,3
	NZ	112,0
	US	132,3
	UY	73,3
	ZA	90,3
	ZZ	95,4
0809 20 95	TR	589,4
	ZZ	589,4

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

COMMISSION REGULATION (EC) No 562/2007
of 24 May 2007
fixing the export refunds on milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, and in particular Article 31(3) thereof,

Whereas:

- (1) Article 31(1) of Regulation (EC) No 1255/1999 provides that the difference between prices on the world market for the products listed in Article 1 of that Regulation and prices for those products on the Community market may be covered by an export refund.
- (2) Given the present situation on the market in milk and milk products, export refunds should therefore be fixed in accordance with the rules and certain criteria provided for in Article 31 of Regulation (EC) No 1255/1999.
- (3) The second subparagraph of Article 31(3) of Regulation (EC) No 1255/1999 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund according to destination.

- (4) In accordance with the Memorandum of Understanding between the European Community and the Dominican Republic on import protection for milk powder in the Dominican Republic ⁽²⁾ approved by Council Decision 98/486/EC ⁽³⁾, a certain amount of Community milk products exported to the Dominican Republic can benefit from reduced customs duties. For this reason, export refunds granted to products exported under this scheme should be reduced by a certain percentage.

- (5) The Management Committee for Milk and Milk Products has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

Export refunds as provided for in Article 31 of Regulation (EC) No 1255/1999 shall be granted on the products and for the amounts set out in the Annex to this Regulation subject to the conditions provided for in Article 3(2) of Commission Regulation (EC) No 1282/2006 ⁽⁴⁾.

Article 2

This Regulation shall enter into force on 25 May 2007.

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

Done at Brussels, 24 May 2007.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Regulation (EC) No 1913/2005 (OJ L 307, 25.11.2005, p. 2).

⁽²⁾ OJ L 218, 6.8.1998, p. 46.

⁽³⁾ OJ L 218, 6.8.1998, p. 45.

⁽⁴⁾ OJ L 234, 29.8.2006, p. 4. Regulation as last amended by Regulation (EC) No 1919/2006 (OJ L 380, 28.12.2006, p. 1).

ANNEX

Export refunds on milk and milk products applicable from 25 May 2007

Product code	Destination	Unit of measurement	Refunds	Product code	Destination	Unit of measurement	Refunds
0401 30 31 9100	L20	EUR/100 kg	9,35	0402 29 19 9900	L20	EUR/100 kg	—
0401 30 31 9400	L20	EUR/100 kg	14,60	0402 29 99 9100	L20	EUR/100 kg	—
0401 30 31 9700	L20	EUR/100 kg	16,11	0402 29 99 9500	L20	EUR/100 kg	—
0401 30 39 9100	L20	EUR/100 kg	9,35	0402 91 11 9370	L20	EUR/100 kg	—
0401 30 39 9400	L20	EUR/100 kg	14,60	0402 91 19 9370	L20	EUR/100 kg	—
0401 30 39 9700	L20	EUR/100 kg	16,11	0402 91 31 9300	L20	EUR/100 kg	—
0401 30 91 9100	L20	EUR/100 kg	18,37	0402 91 39 9300	L20	EUR/100 kg	—
0401 30 99 9100	L20	EUR/100 kg	18,37	0402 91 99 9000	L20	EUR/100 kg	11,29
0401 30 99 9500	L20	EUR/100 kg	26,99	0402 99 11 9350	L20	EUR/100 kg	—
0402 10 11 9000	L20 ⁽¹⁾	EUR/100 kg	—	0402 99 19 9350	L20	EUR/100 kg	—
0402 10 19 9000	L20 ⁽¹⁾	EUR/100 kg	—	0402 99 31 9300	L20	EUR/100 kg	6,76
0402 10 99 9000	L20	EUR/100 kg	—	0403 90 11 9000	L20	EUR/100 kg	—
0402 21 11 9200	L20	EUR/100 kg	—	0403 90 13 9200	L20	EUR/100 kg	—
0402 21 11 9300	L20	EUR/100 kg	—	0403 90 13 9300	L20	EUR/100 kg	—
0402 21 11 9500	L20	EUR/100 kg	—	0403 90 13 9500	L20	EUR/100 kg	—
0402 21 11 9900	L20 ⁽¹⁾	EUR/100 kg	—	0403 90 13 9900	L20	EUR/100 kg	—
0402 21 17 9000	L20	EUR/100 kg	—	0403 90 33 9400	L20	EUR/100 kg	—
0402 21 19 9300	L20	EUR/100 kg	—	0403 90 59 9310	L20	EUR/100 kg	9,35
0402 21 19 9500	L20	EUR/100 kg	—	0403 90 59 9340	L20	EUR/100 kg	13,68
0402 21 19 9900	L20 ⁽¹⁾	EUR/100 kg	—	0403 90 59 9370	L20	EUR/100 kg	13,68
0402 21 91 9100	L20	EUR/100 kg	—	0404 90 21 9120	L20	EUR/100 kg	—
0402 21 91 9200	L20 ⁽¹⁾	EUR/100 kg	—	0404 90 21 9160	L20	EUR/100 kg	—
0402 21 91 9350	L20	EUR/100 kg	—	0404 90 23 9120	L20	EUR/100 kg	—
0402 21 99 9100	L20	EUR/100 kg	—	0404 90 23 9130	L20	EUR/100 kg	—
0402 21 99 9200	L20 ⁽¹⁾	EUR/100 kg	—	0404 90 23 9140	L20	EUR/100 kg	—
0402 21 99 9300	L20	EUR/100 kg	—	0404 90 23 9150	L20	EUR/100 kg	—
0402 21 99 9400	L20	EUR/100 kg	—	0404 90 81 9100	L20	EUR/100 kg	—
0402 21 99 9500	L20	EUR/100 kg	—	0404 90 83 9110	L20	EUR/100 kg	—
0402 21 99 9600	L20	EUR/100 kg	—	0404 90 83 9130	L20	EUR/100 kg	—
0402 21 99 9700	L20	EUR/100 kg	—	0404 90 83 9150	L20	EUR/100 kg	—
0402 29 15 9200	L20	EUR/100 kg	—	0404 90 83 9170	L20	EUR/100 kg	—
0402 29 15 9300	L20	EUR/100 kg	—	0405 10 11 9500	L20	EUR/100 kg	49,00
0402 29 15 9500	L20	EUR/100 kg	—	0405 10 11 9700	L20	EUR/100 kg	50,00
0402 29 19 9300	L20	EUR/100 kg	—				
0402 29 19 9500	L20	EUR/100 kg	—				

Product code	Destination	Unit of measurement	Refunds	Product code	Destination	Unit of measurement	Refunds
0405 10 19 9500	L20	EUR/100 kg	49,00	0406 30 39 9500	L04	EUR/100 kg	1,74
0405 10 19 9700	L20	EUR/100 kg	50,00		L40	EUR/100 kg	4,07
0405 10 30 9100	L20	EUR/100 kg	49,00	0406 30 39 9700	L04	EUR/100 kg	2,52
0405 10 30 9300	L20	EUR/100 kg	50,00		L40	EUR/100 kg	5,93
0405 10 30 9700	L20	EUR/100 kg	50,00	0406 30 39 9930	L04	EUR/100 kg	2,52
0405 10 50 9500	L20	EUR/100 kg	48,79		L40	EUR/100 kg	5,93
0405 10 50 9700	L20	EUR/100 kg	50,00	0406 30 39 9950	L04	EUR/100 kg	2,86
0405 10 90 9000	L20	EUR/100 kg	51,85		L40	EUR/100 kg	6,70
0405 20 90 9500	L20	EUR/100 kg	45,74	0406 40 50 9000	L04	EUR/100 kg	15,31
0405 20 90 9700	L20	EUR/100 kg	47,57		L40	EUR/100 kg	19,13
0405 90 10 9000	L20	EUR/100 kg	62,39	0406 40 90 9000	L04	EUR/100 kg	15,73
0405 90 90 9000	L20	EUR/100 kg	49,89		L40	EUR/100 kg	19,66
0406 10 20 9640	L04	EUR/100 kg	13,02	0406 90 13 9000	L04	EUR/100 kg	17,43
	L40	EUR/100 kg	16,28		L40	EUR/100 kg	24,94
0406 10 20 9650	L04	EUR/100 kg	10,85	0406 90 15 9100	L04	EUR/100 kg	18,02
	L40	EUR/100 kg	13,56		L40	EUR/100 kg	25,78
0406 10 20 9830	L04	EUR/100 kg	4,03	0406 90 17 9100	L04	EUR/100 kg	18,02
	L40	EUR/100 kg	5,03		L40	EUR/100 kg	25,78
0406 10 20 9850	L04	EUR/100 kg	4,88	0406 90 21 9900	L04	EUR/100 kg	17,51
	L40	EUR/100 kg	6,10		L40	EUR/100 kg	25,00
0406 20 90 9913	L04	EUR/100 kg	9,67	0406 90 23 9900	L04	EUR/100 kg	15,70
	L40	EUR/100 kg	12,08		L40	EUR/100 kg	22,57
0406 20 90 9915	L04	EUR/100 kg	13,12	0406 90 25 9900	L04	EUR/100 kg	15,40
	L40	EUR/100 kg	16,40		L40	EUR/100 kg	22,03
0406 20 90 9917	L04	EUR/100 kg	13,94	0406 90 27 9900	L04	EUR/100 kg	13,94
	L40	EUR/100 kg	17,43		L40	EUR/100 kg	19,96
0406 20 90 9919	L04	EUR/100 kg	15,57	0406 90 32 9119	L04	EUR/100 kg	12,89
	L40	EUR/100 kg	19,48		L40	EUR/100 kg	18,48
0406 30 31 9730	L04	EUR/100 kg	1,74	0406 90 35 9190	L04	EUR/100 kg	18,35
	L40	EUR/100 kg	4,07		L40	EUR/100 kg	26,40
0406 30 31 9930	L04	EUR/100 kg	1,74	0406 90 35 9990	L04	EUR/100 kg	18,35
	L40	EUR/100 kg	4,07		L40	EUR/100 kg	26,40
0406 30 31 9950	L04	EUR/100 kg	2,52	0406 90 37 9000	L04	EUR/100 kg	17,43
	L40	EUR/100 kg	5,93		L40	EUR/100 kg	24,94
				0406 90 61 9000	L04	EUR/100 kg	19,84
					L40	EUR/100 kg	28,71

Product code	Destination	Unit of measurement	Refunds	Product code	Destination	Unit of measurement	Refunds
0406 90 63 9100	L04	EUR/100 kg	19,55	0406 90 86 9200	L04	EUR/100 kg	15,82
	L40	EUR/100 kg	28,19		L40	EUR/100 kg	23,44
0406 90 63 9900	L04	EUR/100 kg	18,79	0406 90 86 9400	L04	EUR/100 kg	16,94
	L40	EUR/100 kg	27,23		L40	EUR/100 kg	24,78
0406 90 69 9910	L04	EUR/100 kg	19,07	0406 90 86 9900	L04	EUR/100 kg	17,83
	L40	EUR/100 kg	27,63		L40	EUR/100 kg	25,68
0406 90 73 9900	L04	EUR/100 kg	16,04	0406 90 87 9300	L04	EUR/100 kg	14,73
	L40	EUR/100 kg	22,98		L40	EUR/100 kg	21,76
0406 90 75 9900	L04	EUR/100 kg	16,36	0406 90 87 9400	L04	EUR/100 kg	15,04
	L40	EUR/100 kg	23,52		L40	EUR/100 kg	21,98
0406 90 76 9300	L04	EUR/100 kg	14,53	0406 90 87 9951	L04	EUR/100 kg	15,98
	L40	EUR/100 kg	20,79		L40	EUR/100 kg	22,87
0406 90 76 9400	L04	EUR/100 kg	16,26	0406 90 87 9971	L04	EUR/100 kg	15,98
	L40	EUR/100 kg	23,29		L40	EUR/100 kg	22,87
0406 90 76 9500	L04	EUR/100 kg	15,06	0406 90 87 9973	L04	EUR/100 kg	15,68
	L40	EUR/100 kg	21,38		L40	EUR/100 kg	22,46
0406 90 78 9100	L04	EUR/100 kg	15,93	0406 90 87 9974	L04	EUR/100 kg	16,80
	L40	EUR/100 kg	23,28		L40	EUR/100 kg	23,94
0406 90 78 9300	L04	EUR/100 kg	15,78	0406 90 87 9975	L04	EUR/100 kg	16,66
	L40	EUR/100 kg	22,54		L40	EUR/100 kg	23,55
0406 90 79 9900	L04	EUR/100 kg	13,03	0406 90 87 9979	L04	EUR/100 kg	15,70
	L40	EUR/100 kg	18,74		L40	EUR/100 kg	22,57
0406 90 81 9900	L04	EUR/100 kg	16,26	0406 90 88 9300	L04	EUR/100 kg	13,00
	L40	EUR/100 kg	23,29		L40	EUR/100 kg	19,15
0406 90 85 9930	L04	EUR/100 kg	17,83	0406 90 88 9500	L04	EUR/100 kg	13,41
	L40	EUR/100 kg	25,68		L40	EUR/100 kg	19,16
0406 90 85 9970	L04	EUR/100 kg	16,36				
	L40	EUR/100 kg	23,52				

(¹) As for the relevant products intended for exports to Dominican Republic under the quota 2007/2008 referred to in the Decision 98/486/EC, and complying with the conditions laid down in Chapter III, Section 3 of Regulation (EC) No 1282/2006, the following rates should apply:

- (a) products falling within CN codes 0402 10 11 9000 and 0402 10 19 9000 0,00 EUR/100 kg
- (b) products falling within CN codes 0402 21 11 9900, 0402 21 19 9900, 0402 21 91 9200 and 0402 21 99 9200 0,00 EUR/100 kg

The destinations are defined as follows:

L20: All destinations except Andorra, Gibraltar, Ceuta, Melilla, Holy See (Vatican City State), Liechtenstein, the Communes of Livigno and Campione d'Italia, Heligoland, Greenland, the Farøe Islands, the United States of America and the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control.

L04: Albania, Bosnia and Herzegovina, Kosovo, Serbia, Montenegro and the former Yugoslav Republic of Macedonia.

L40: All destinations except L04, Andorra, Gibraltar, Ceuta, Melilla, Iceland, Liechtenstein, Norway, Switzerland, Holy See (Vatican City State), the Communes of Livigno and Campione d'Italia, Heligoland, Greenland, the Farøe Islands, the United States of America, Croatia, Turkey, Australia, Canada, New Zealand and the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control.

COMMISSION REGULATION (EC) No 563/2007**of 24 May 2007****fixing the export refunds on white and raw sugar exported without further processing**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 25 May 2007.

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

Done at Brussels, 24 May 2007.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 58, 28.2.2006, p. 1. Regulation as last amended by Commission Regulation (EC) No 247/2007 (OJ L 69, 9.3.2007, p. 3).

ANNEX

**Export refunds on white and raw sugar exported without further processing applicable from
25 May 2007 ^(a)**

Product code	Destination	Unit of measurement	Amount of refund
1701 11 90 9100	S00	EUR/100 kg	28,41 ⁽¹⁾
1701 11 90 9910	S00	EUR/100 kg	28,41 ⁽¹⁾
1701 12 90 9100	S00	EUR/100 kg	28,41 ⁽¹⁾
1701 12 90 9910	S00	EUR/100 kg	28,41 ⁽¹⁾
1701 91 00 9000	S00	EUR/1 % sucrose × 100 kg of net product	0,3089
1701 99 10 9100	S00	EUR/100 kg	30,89
1701 99 10 9910	S00	EUR/100 kg	30,89
1701 99 10 9950	S00	EUR/100 kg	30,89
1701 99 90 9100	S00	EUR/1 % sucrose × 100 kg of net product	0,3089

NB: The destinations are defined as follows:

S00: all destinations except Albania, Croatia, Bosnia and Herzegovina, Serbia, Montenegro, Kosovo, the former Yugoslav Republic of Macedonia, Andorra, Gibraltar, Ceuta, Melilla, Holy See (Vatican City), Liechtenstein, Communes of Livigno and Campione d'Italia, Heligoland, Greenland, Faeroe Islands and the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control.

^(a) The amounts set out in this Annex are not applicable with effect from 1 February 2005 pursuant to Council Decision 2005/45/EC of 22 December 2004 concerning the conclusion and application of the Agreement between the European Economic Community and the Swiss Confederation of 22 July 1972 as regards the provisions applicable to processed agricultural products (OJ L 23, 26.1.2005, p. 17).

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

COMMISSION REGULATION (EC) No 564/2007**of 24 May 2007****fixing the maximum export refund for white sugar in the framework of the standing invitation to tender provided for in Regulation (EC) No 958/2006**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

(1) Commission Regulation (EC) No 958/2006 of 28 June 2006 on a standing invitation to tender to determine refunds on exports of white sugar for the 2006/2007 marketing year ⁽²⁾ requires the issuing of partial invitations to tender.

(2) Pursuant to Article 8(1) of Regulation (EC) No 958/2006 and following an examination of the tenders submitted

in response to the partial invitation to tender ending on 24 May 2007, it is appropriate to fix a maximum export refund for that partial invitation to tender.

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

HAS ADOPTED THIS REGULATION:

Article 1

For the partial invitation to tender ending on 24 May 2007, the maximum export refund for the product referred to in Article 1(1) of Regulation (EC) No 958/2006 shall be 35,885 EUR/100 kg.

Article 2

This Regulation shall enter into force on 25 May 2007.

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

Done at Brussels, 24 May 2007.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 58, 28.2.2006, p. 1. Regulation as last amended by Commission Regulation (EC) No 247/2007 (OJ L 69, 9.3.2007, p. 3).

⁽²⁾ OJ L 175, 29.6.2006, p. 49. Regulation as amended by Regulation (EC) No 203/2007 (OJ L 61, 28.2.2007, p. 3).

COMMISSION REGULATION (EC) No 565/2007**of 24 May 2007****fixing the export refunds on syrups and certain other sugar products exported without further processing**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 25 May 2007.

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

Done at Brussels, 24 May 2007.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 58, 28.2.2006, p. 1. Regulation as last amended by Commission Regulation (EC) No 247/2007 (OJ L 69, 9.3.2007, p. 3).

⁽²⁾ OJ L 178, 1.7.2006, p. 24. Regulation as amended by Regulation (EC) No 2031/2006 (OJ L 414, 30.12.2006, p. 43).

ANNEX

Export refunds on syrups and certain other sugar products exported without further processing applicable from 25 May 2007 ^(a)

Product code	Destination	Unit of measurement	Amount of refund
1702 40 10 9100	S00	EUR/100 kg dry matter	30,89
1702 60 10 9000	S00	EUR/100 kg dry matter	30,89
1702 60 95 9000	S00	EUR/1 % sucrose × 100 kg of net product	0,3089
1702 90 30 9000	S00	EUR/100 kg dry matter	30,89
1702 90 60 9000	S00	EUR/1 % sucrose × 100 kg of net product	0,3089
1702 90 71 9000	S00	EUR/1 % sucrose × 100 kg of net product	0,3089
1702 90 99 9900	S00	EUR/1 % sucrose × 100 kg of net product	0,3089 ⁽¹⁾
2106 90 30 9000	S00	EUR/100 kg dry matter	30,89
2106 90 59 9000	S00	EUR/1 % sucrose × 100 kg of net product	0,3089

NB: The destinations are defined as follows:

S00: all destinations except Albania, Croatia, Bosnia and Herzegovina, Serbia, Montenegro, Kosovo and the former Yugoslav Republic of Macedonia, Andorra, Gibraltar, Ceuta, Melilla, Holy See (Vatican City), Liechtenstein, Communes of Livigno and Campione d'Italia, Heligoland, Greenland, Faeroe Islands and the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control.

^(a) The amounts set out in this Annex are not applicable with effect from 1 February 2005 pursuant to Council Decision 2005/45/EC of 22 December 2004 concerning the conclusion and application of the Agreement between the European Economic Community and the Swiss Confederation of 22 July 1972 as regards the provisions applicable to processed agricultural products (OJ L 23, 26.1.2005, p. 17).

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

COMMISSION REGULATION (EC) No 566/2007**of 24 May 2007****removing the Republic of Chile from the list of beneficiary countries in Annex I to Council Regulation (EC) No 980/2005 applying a scheme of generalised tariff preferences**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 980/2005 of 27 June 2005 applying a scheme of generalised tariff preferences ⁽¹⁾, and in particular Article 26 thereof,

Whereas:

- (1) The Republic of Chile is included in the list of beneficiary countries of the Community's scheme of generalised tariff preferences, set out in Annex I to Regulation (EC) No 980/2005.
- (2) The incorporation, into the Agreement establishing an association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part, of all of the tariff preferences granted to Chile under the Community's scheme of generalised tariff preferences has been completed with the consolidation effected by Decision No 2/2006 of the EU-Chile Association Council of 16 October 2006 on the amendment of Annex I to the Agreement ⁽²⁾.

(3) Article 3(2) of Regulation (EC) No 980/2005 provides for the removal of a country from the list of beneficiary countries in Annex I thereto, when it benefits from a preferential commercial agreement with the Community which covers at least all of the preferences provided by that scheme for that country.

(4) Annex I to Regulation (EC) No 980/2005 should therefore be amended accordingly.

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

HAS ADOPTED THIS REGULATION:

Article 1

The Republic of Chile shall be removed from the list of beneficiary countries of the Community's scheme of generalised tariff preferences, set out in Annex I to Regulation (EC) No 980/2005.

Article 2

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

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

Done at Brussels, 24 May 2007.

For the Commission

Peter MANDELSON

Member of the Commission

⁽¹⁾ OJ L 169, 30.6.2005, p. 1.

⁽²⁾ OJ L 322, 22.11.2006, p. 5. Decision 2006/792/EC.

COMMISSION REGULATION (EC) No 567/2007**of 24 May 2007****amending Regulation (EC) No 297/2003 laying down detailed rules for the application of the tariff quota for beef and veal originating in Chile**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Article 1

Regulation (EC) No 297/2003 is amended as follows:

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal ⁽¹⁾, and in particular the first subparagraph of Article 32(1) thereof,

1. in Article 1, paragraph 2 is deleted;

Whereas:

2. Article 2 is replaced by the following:

(1) Commission Regulation (EC) No 297/2003 ⁽²⁾ provides for the opening and administration, on a multi-annual basis, of an import tariff quota for certain beef and veal products.

'Article 2

Regulation (EC) No 1445/95, Regulation (EC) No 1291/2000 and Chapter III of Commission Regulation (EC) No 1301/2006 ^(*) shall apply, save as otherwise provided for in this Regulation.

(2) Commission Regulation (EC) No 1301/2006 of 31 August 2006 laying down common rules for the administration of import tariff quotas for agricultural products managed by a system of import licences ⁽³⁾ applies to import licences for import tariff quota periods starting from 1 January 2007. That Regulation limits the period of validity of licences to the last day of the import tariff quota period. The provisions of Chapter III of Regulation (EC) No 1301/2006 should apply, from 1 July 2007, to imports licences issued pursuant to Regulation (EC) No 297/2003, without prejudice to additional conditions laid down in that Regulation. It is necessary to align the provisions of Regulation (EC) No 297/2003 on Regulation (EC) No 1301/2006 where appropriate.

^(*) OJ L 238, 1.9.2006, p. 13.'

(3) Some provisions of Regulation (EC) No 297/2003 relating to an import tariff quota period in the past are obsolete. For the sake of clarity, those provisions should be deleted.

3. In Article 3, paragraph 1 is replaced by the following:

'1. The import licences shall give rise to an obligation to import from the specified country. Section 8 of licence applications and licences shall show the country of origin and the box indicating "yes" shall be ticked.'

(4) Regulation (EC) No 297/2003 should therefore be amended accordingly.

4. In Article 4(1), the second subparagraph is replaced by the following:

'The original of the certificate of authenticity and a duly certified copy thereof shall be submitted to the competent authority of the Member State in question (hereinafter referred to as the competent authority) at the time the initial application for an import licence in connection with the certificate of authenticity is made.'

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

Article 2

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 2007.

⁽¹⁾ OJ L 160, 26.6.1999, p. 21. Regulation as last amended by Regulation (EC) No 1913/2005 (OJ L 307, 25.11.2005, p. 2).

⁽²⁾ OJ L 43, 18.2.2003, p. 26. Regulation as last amended by Regulation (EC) No 1965/2006 (OJ L 408, 30.12.2006, p. 26).

⁽³⁾ OJ L 238, 1.9.2006, p. 13. Regulation as amended by Regulation (EC) No 289/2007 (OJ L 78, 17.3.2007, p. 17).

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

Done at Brussels, 24 May 2007.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

COMMISSION REGULATION (EC) No 568/2007**of 24 May 2007****amending Regulation (EC) No 996/97 on the opening and administration of an import tariff quota for frozen thin skirt of bovine animals falling within CN code 0206 29 91**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal ⁽¹⁾, and in particular the first subparagraph of Article 32(1) thereof,

Whereas:

(1) Commission Regulation (EC) No 996/97 ⁽²⁾ provides for the opening and administration, on a multi-annual basis, of an import tariff quota for frozen thin skirt of bovine animals falling within CN code 0206 29 91.

(2) Commission Regulation (EC) No 1301/2006 of 31 August 2006 laying down common rules for the administration of import tariff quotas for agricultural products managed by a system of import licences ⁽³⁾ applies to import licences for import tariff quota periods starting from 1 January 2007.

(3) For the quantities originating in and coming from Argentina, as referred to in Article 1(3)(a) of Regulation (EC) No 996/97, the provisions of Chapter III of Regulation (EC) No 1301/2006 should apply, from 1 July 2007, to import licences issued pursuant to Regulation (EC) No 996/97, without prejudice to additional conditions laid down in that Regulation.

(4) For the quantities originating in and coming from third countries other than Argentina, as referred to in Article

1(3)(b) of Regulation (EC) No 996/97, the provisions of Regulation (EC) No 1301/2006 on applications for import licences, the status of applicants and the issue of licences should apply. Chapter I and II of Regulation (EC) No 1301/2006 should therefore apply, from 1 July 2007, to imports licences issued for those quantities pursuant to Regulation (EC) No 996/97, without prejudice to additional conditions laid down in that Regulation.

(5) It is necessary to align the provisions of Regulation (EC) No 996/97 on Regulation (EC) No 1301/2006 where appropriate. That Regulation, in particular, limits the period of validity of licences to the last day of the import tariff quota period.

(6) Regulation (EC) No 996/97 should therefore be amended accordingly.

(7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 996/97 is amended as follows:

1. Article 1 is amended as follows:

(a) paragraph 1 is replaced by the following:

‘1. A Community import tariff quota for frozen thin skirt of bovine animals falling within CN code 0206 29 91 is hereby opened every year for an annual volume of 1 500 tonnes for periods from 1 July to 30 June of the following year, hereinafter referred to as the “import tariff quota period”.

The order number of the quota shall be 09.4020.’

⁽¹⁾ OJ L 160, 26.6.1999, p. 21. Regulation as last amended by Regulation (EC) No 1913/2005 (OJ L 307, 25.11.2005, p. 2).

⁽²⁾ OJ L 144, 4.6.1997, p. 6. Regulation as last amended by Regulation (EC) No 1965/2006 (OJ L 408, 30.12.2006, p. 26).

⁽³⁾ OJ L 238, 1.9.2006, p. 13. Regulation as amended by Regulation (EC) No 289/2007 (OJ L 78, 17.3.2007, p. 17).

(b) the following paragraph 6 is added:

‘6. For the import arrangements referred to in paragraph 3(a) of this Article, the provisions of Regulation (EC) No 1445/95, Commission Regulation (EC) No 1291/2000 (*) and Chapter III of Commission Regulation (EC) No 1301/2006 (**) shall apply, save as otherwise provided for in this Regulation.

For the import arrangements referred to in paragraph 3(b) of this Article, the provisions of Regulations (EC) No 1445/95, (EC) No 1291/2000 and (EC) No 1301/2006 shall apply, save as otherwise provided for in this Regulation.

(*) OJ L 152, 24.6.2000, p. 1.

(**) OJ L 238, 1.9.2006, p. 13.’

2. Article 2 is amended as follows:

(a) paragraph 1 is deleted;

(b) in paragraph 2, point (a) is replaced by the following:

‘(a) in section 8, the country of origin and, for the import of the quantities referred to in Article 1(3)(a), the box “yes” shall be ticked;’.

(c) paragraph 3 is deleted;

3. in Article 5(2), the second subparagraph is deleted;

4. Article 7 is replaced by the following:

‘Article 7

In order to qualify for the import arrangements referred to in Article 1(3)(b), the licence application lodged by the applicant may relate to a maximum of 80 tonnes.’

5. Article 8 is replaced by the following:

‘Article 8

1. The licence applications referred to in Article 7 shall be lodged only during the first 10 days of each import tariff quota period.

2. No later than 16.00, Brussels time, on the seventh working day following the end of the period for the lodging of applications, the Member States shall notify the Commission of the total quantity per country of origin covered by applications.

3. Import licences shall be issued as from the seventh and no later than the 16th working day following the end of the period for the notifications referred to in paragraph 2.’

6. Article 9 is deleted.

Article 2

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 2007.

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

Done at Brussels, 24 May 2007.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

COMMISSION REGULATION (EC) No 569/2007**of 24 May 2007****modifying Regulation (EC) No 210/2007 derogating from Regulation (EC) No 1282/2006 as regards the term of validity of export licences with advance fixing of the refund in the milk and milk products sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, and in particular Article 31(14) thereof,

Whereas:

(1) Article 8 of Commission Regulation (EC) No 1282/2006 of 17 August 2006 laying down special detailed rules for the application of Council Regulation (EEC) No 1255/1999 as regards export licences and export refunds in the case of milk and milk products ⁽²⁾ lays down the term of validity of export licences.

(2) As a precautionary measure, with a view to protect the Community budget from unnecessary expenditures and to avoid a speculative application of the export refund regime in the dairy sector, Commission Regulation (EC) No 210/2007 ⁽³⁾ provided for that, by way of derogation from Regulation (EC) No 1282/2006, the term of validity of export licences for milk products for which an application has been lodged from 1 March 2007 on should be limited to 30 June 2007.

(3) A close monitoring of both the internal and the world market has shown a longer validity period of the licences

may be progressively re-established without any risk of destabilisation of the proper functioning of the common market organisation. It is therefore appropriate to modify Regulation (EC) No 210/2007.

(4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

Article 1 of Regulation (EC) No 210/2007 is replaced by the following:

'By way of derogation from Article 8 of Regulation (EC) No 1282/2006, the term of validity of export licences with advance fixing of the refund, which are applied for until 14 June 2007 in respect of the products referred to in point (c) of that Article, shall expire on 30 June 2007.'

Article 2

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

It shall apply from 25 May 2007.

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

Done at Brussels, 24 May 2007.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Regulation (EC) No 1913/2005 (OJ L 307, 25.11.2005, p. 2).

⁽²⁾ OJ L 234, 29.8.2006, p. 4. Regulation as last amended by Regulation (EC) No 532/2007 (OJ L 125, 15.5.2007, p. 7).

⁽³⁾ OJ L 61, 28.2.2007, p. 23.

COMMISSION REGULATION (EC) No 570/2007**of 24 May 2007****fixing the rates of the refunds applicable to certain milk products 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 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products⁽¹⁾, and in particular Article 31(3) thereof,

Whereas:

(1) Article 31(1) of Regulation (EC) No 1255/1999 provides that the difference between prices in international trade for the products listed in Article 1(a), (b), (c), (d), (e), and (g) of that Regulation and prices within the Community may be covered by an export refund.

(2) Commission Regulation (EC) No 1043/2005 of 30 June 2005 implementing Council Regulation (EC) No 3448/93 as regards the system of granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds⁽²⁾, specifies the products for which a rate of refund is to be fixed, to be applied where these products are exported in the form of goods listed in Annex II to Regulation (EC) No 1255/1999.

(3) In accordance with the first paragraph of Article 14 of Regulation (EC) No 1043/2005, the rate of the refund per 100 kilograms for each of the basic products in question is to be fixed each month.

(4) However, in the case of certain milk products exported in the form of goods not covered by Annex I to the Treaty, there is a danger that, if high refund rates are fixed in advance, the commitments entered into in relation to

those refunds may be jeopardised. In order to avert that danger, it is therefore necessary to take appropriate precautionary measures, but without precluding the conclusion of long-term contracts. The fixing of specific refund rates for the advance fixing of refunds in respect of those products should enable those two objectives to be met.

(5) Article 15(2) of Regulation (EC) No 1043/2005 provides that, when the rate of the refund is being fixed, account is to be taken, where appropriate, of production refunds, aids or other measures having equivalent effect applicable in all Member States in accordance with the Regulation on the common organisation of the market in the product in question to the basic products listed in Annex I to Regulation (EC) No 1043/2005 or to assimilated products.

(6) Article 12(1) of Regulation (EC) No 1255/1999 provides for the payment of aid for Community-produced skimmed milk processed into casein if such milk and the casein manufactured from it fulfil certain conditions.

(7) Commission Regulation (EC) No 1898/2005 of 9 November 2005 laying down detailed rules for implementing Council Regulation (EC) No 1255/1999 as regards measures for the disposal of cream, butter and concentrated butter⁽³⁾, lays down that butter and cream at reduced prices should be made available to industries which manufacture certain goods.

(8) The Management Committee for Milk and Milk Products has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of the refunds applicable to the basic products listed in Annex I to Regulation (EC) No 1043/2005 and in Article 1 of Regulation (EC) No 1255/1999, and exported in the form of goods listed in Annex II to Regulation (EC) No 1255/1999, shall be fixed as set out in the Annex to this Regulation.

⁽¹⁾ OJ L 160, 26.6.1999, p. 48. Regulation as amended by Commission Regulation (EC) No 1913/2005 (OJ L 307, 25.11.2005, p. 2).

⁽²⁾ OJ L 172, 5.7.2005, p. 24. Regulation as last amended by Regulation (EC) No 447/2007 (OJ L 106, 24.4.2007, p. 31).

⁽³⁾ OJ L 308, 25.11.2005, p. 1. Regulation as last amended by Regulation (EC) No 96/2007 (OJ L 25, 1.2.2007, p. 6).

Article 2

This Regulation shall enter into force on 25 May 2007.

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

Done at Brussels, 24 May 2007.

For the Commission

Heinz ZOUREK

Director-General Enterprise and Industry

ANNEX

Rates of the refunds applicable from 25 May 2007 to certain milk products exported in the form of goods not covered by Annex I to the Treaty ⁽¹⁾

(EUR/100 kg)

CN code	Description	Rate of refund	
		In case of advance fixing of refunds	Other
ex 0402 10 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content not exceeding 1,5 % by weight (PG 2):		
	(a) on exportation of goods of CN code 3501	—	—
	(b) on exportation of other goods	0,00	0,00
ex 0402 21 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content of 26 % by weight (PG 3):		
	(a) where goods incorporating, in the form of products assimilated to PG 3, reduced-price butter or cream obtained pursuant to Regulation (EC) No 1898/2005 are exported	10,30	10,30
	(b) on exportation of other goods	0,00	0,00
ex 0405 10	Butter, with a fat content by weight of 82 % (PG 6):		
	(a) where goods containing reduced-price butter or cream which have been manufactured in accordance with the conditions provided for in Regulation (EC) No 1898/2005 are exported	32,50	32,50
	(b) on exportation of goods of CN code 2106 90 98 containing 40 % or more by weight of milk fat	51,17	51,17
	(c) on exportation of other goods	50,00	50,00

⁽¹⁾ The rates set out in this Annex are not applicable to exports to Andorra, Gibraltar, Ceuta, Melilla, Holy See (Vatican City State), Liechtenstein, the Communes of Livigno and Campione d'Italia, Heligoland, Greenland, the Faerøe Islands, the United States of America and the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control 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.

COMMISSION REGULATION (EC) No 571/2007**of 24 May 2007****fixing the rates of refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex I to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 25 May 2007.

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

Done at Brussels, 24 May 2007.

For the Commission

Heinz ZOUREK

Director-General Enterprise and Industry

⁽¹⁾ OJ L 58, 28.2.2006, p. 1. Regulation as amended by Commission Regulation (EC) No 1585/2006 (OJ L 294, 25.10.2006, p. 19).

⁽²⁾ OJ L 172, 5.7.2005, p. 24. Regulation as last amended by Regulation (EC) No 447/2007 (OJ L 106, 24.4.2007, p. 31).

ANNEX

Rates of refunds applicable from 25 May 2007 to certain products from the sugar sector exported in the form of goods not covered by Annex I to the Treaty ⁽¹⁾

CN code	Description	Rate of refund in EUR/100 kg	
		In case of advance fixing of refunds	Other
1701 99 10	White sugar	30,89	30,89

⁽¹⁾ The rates set out in this Annex are not applicable to exports to Albania, Croatia, Bosnia and Herzegovina, Serbia, Montenegro, Kosovo, the former Yugoslav Republic of Macedonia, Andorra, Gibraltar, Ceuta, Melilla, Holy See (Vatican City State), Liechtenstein, the Communes of Livigno and Campione d'Italia, Heligoland, Greenland, the Faeroe Islands and the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control 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.

COMMISSION REGULATION (EC) No 572/2007**of 24 May 2007****fixing the maximum export refund for white sugar in the framework of the standing invitation to tender provided for in Regulation (EC) No 38/2007**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Commission Regulation (EC) No 38/2007 of 17 January 2007 opening a standing invitation to tender for the resale for export of sugar held by the intervention agencies of Belgium, the Czech Republic, Spain, Ireland, Italy, Hungary, Poland, Slovakia and Sweden ⁽²⁾ requires the issuing of partial invitations to tender.
- (2) Pursuant to Article 4(1) of Regulation (EC) No 38/2007 and following an examination of the tenders submitted

in response to the partial invitation to tender ending on 23 May 2007, it is appropriate to fix a maximum export refund for that partial invitation to tender.

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

HAS ADOPTED THIS REGULATION:

Article 1

For the partial invitation to tender ending on 23 May 2007, the maximum export refund for the product referred to in Article 1(1) of Regulation (EC) No 38/2007 shall be 403,00 EUR/tonne.

Article 2

This Regulation shall enter into force on 25 May 2007.

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

Done at Brussels, 24 May 2007.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 58, 28.2.2006, p. 1. Regulation as last amended by Commission Regulation (EC) No 247/2007 (OJ L 69, 9.3.2007, p. 3).

⁽²⁾ OJ L 11, 18.1.2007, p. 4. Regulation as amended by Regulation (EC) No 203/2007 (OJ L 61, 28.2.2006, p. 3).

II

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

DECISIONS

COMMISSION

COMMISSION DECISION

of 14 March 2006

declaring a concentration compatible with the common market and the functioning of the EEA Agreement

(Case COMP/M.3868 — DONG/Elsam/Energi E2)

(notified under document number C(2006) 793)

(Only the English text is authentic)

(Text with EEA relevance)

(2007/353/EC)

On 14 March 2006 the Commission adopted a Decision in a merger case under Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (the EC Merger Regulation) ⁽¹⁾, and in particular Article 8(2) of that Regulation. A non-confidential version of the full Decision can be found in the authentic language of the case on the website of the Directorate-General for Competition, at the following address: http://ec.europa.eu/comm/competition/index_en.html

I. SUMMARY

(1) This case concerns the acquisition of control by DONG of Elsam, Energi E2, KE and FE.

(2) DONG is the Danish state-owned gas incumbent. Elsam and Energi E2 (E2) are the Danish electricity generation incumbents in West Denmark (Elsam) and East Denmark (E2), respectively. KE and FE are the electricity retail incumbents in the Copenhagen area.

(3) The Decision concludes that the transaction leads to a significant impediment of effective competition, in particular through the strengthening of dominant positions on the following markets

— supply of wholesale gas for Denmark (and potentially also for Sweden),

— gas storage or gas flexibility (irrespective of whether only for Denmark or also for Sweden),

— supply of gas to large business customers and decentral CHPs, as 1 or 2 markets, in Denmark,

— supply of gas to small business customers and/or households, as 1 or 2 markets, in Denmark.

(4) The Decision concludes that the Commitments proposed by the parties sufficiently remedy the competition problems identified. As regards the storage/flexibility market, the main effect of the proposed Commitments emanates from the divestiture of the storage facility in Lille Torup, which will have a positive impact on competition with respect to storage/flexibility in Denmark. As regards the gas wholesale and gas retail markets, the Decision concludes that the gas release programme offered by DONG, in combination with the storage divestiture, is sufficient to remove all competition concerns identified by the Commission as relating to these markets.

⁽¹⁾ OJ L 24, 29.1.2004, p. 1.

- (5) Consequently, the Commission declares the notified transaction compatible with the common market and the EEA Agreement, in accordance with Articles 2(2) and Article 8(2) of the Merger Regulation, and Article 57 of the EEA Agreement.

II. EXPLANATORY MEMORANDUM

1. THE PARTIES

- (6) DONG is the Danish state-owned gas incumbent active in exploration, production, offshore transport and sale of oil and natural gas, as well as storage and distribution of natural gas. It also has minor activities related to wind electricity generation and supply of electricity and heat.
- (7) Elsam and Energi E2 (E2) are the Danish electricity generation incumbents in West Denmark (Elsam) and East Denmark (E2), respectively. They are both active in production and trading of electricity (financial and physical) on the wholesale market and in production of district heating. Since its acquisition of the (East Danish) electricity retailer Nesa in 2004, Elsam also has substantial activities in electricity retailing to household and business customers. Elsam and E2 have, on the one hand, a core ownership of local authorities, and on the other hand, substantial shareholdings by DONG and Vattenfall (in Elsam) and by Nesa and KE (in E2).
- (8) KE and FE supply household and business customers with electricity in the Copenhagen area. They are currently owned by the City of Copenhagen and the City of Frederiksberg, respectively.

2. THE OPERATION AND THE CONCENTRATION

- (9) This part of the Decision describes the proposed operation, constituting a concentration, by which DONG acquires control of Elsam, E2, KE and FE, less certain generation assets of Elsam and E2 that will be attributed to Vattenfall. The asset acquisition by Vattenfall constitutes a separate concentration.

3. LEGAL AND REGULATORY FRAMEWORK

- (10) The Decision discusses the applicable regulatory framework for gas and electricity.
- (11) The Danish natural gas market was first opened to competition for the largest customers on 1 July 2000 with all customers being able to choose supplier since 2004. The onshore gas transmission network and the transmission system operator were fully unbundled in

2004 and is today owned and operated by Energinet.dk, an independent public corporation owned by the Danish state. The onshore transmission network operations are subject to regulated third party access (TPA). Storages and the offshore pipelines connecting the fields in the Danish part of the North Sea with mainland Denmark are both owned by DONG. Access to these infrastructures is obtained by negotiated TPA. TPA rules are supervised by the Danish Energy Regulatory Authority (DERA), an independent supervisory body in the energy sector.

4. RELEVANT MARKETS

A. NATURAL GAS

1. Relevant product markets

- (12) With respect to the relevant product markets in the field of gas, the Commission's market investigation focused on the definition of the markets for gas storage/flexibility, gas wholesale and gas supply.

Market for gas storage and gas flexibility

- (13) With regard to gas storage and/or other gas flexibility tools, the exact product market definition of such a market is left open in the Decision.
- (14) The parties proposed a product market for gas flexibility including storage in dedicated storage facilities, changes in production, international trade, line-pack, switching to other fuels, interruptible contracts and market hubs with forward markets.
- (15) According to the Commission, these different flexibility tools can be divided into five groups, namely:

- storage in dedicated storage facilities,
- interruptibility or other modulation of customers' demand, e.g. of central CHPs,
- flexible supply contracts (irrespective of whether they are based on imports, domestic production or secondary domestic supply contracts),
- flexible trading in gas on hubs or bilaterally (irrespective of whether forward looking or ad hoc),
- line-pack, i.e. storage in transport pipelines by increasing or decreasing the gas pressure in those pipelines.

- (16) The Commission's market investigation showed that, for Denmark, none of the four flexibility alternatives to storage in dedicated storage facilities mentioned above are considered as fully viable or sufficiently developed flexibility alternatives. However, the Commission considers that the question of the relevant product market (either flexibility or storage) can remain open.

Market for gas wholesale supplies

- (17) As regards gas wholesale supplies for Denmark, the Decision concludes that there exists a market for wholesale supplies of gas for Denmark, which comprises all sales:

— irrespective of whether via the GTF, supply contracts or other agreements,

— by physical or contractual importers ⁽¹⁾, re-importers (in case of turnaround gas), producers (if applicable in the future) and traders,

— to other traders (such as supply companies) or to central CHPs (the latter to the extent that they take over at least some of the services regularly provided by a supplier for delivery at the site or intend to resell the gas),

which satisfy the needs of these customers to have access to wholesale gas in Denmark.

- (18) The Commission's market investigation provided strong indications for the existence of a separate market for wholesale supplies of natural gas. In its reply to the Article 6(1)(c) decision, DONG recognised 'the existence of gas sales and trading at the wholesale level' and did not contest this or the above product market definition relating to the wholesale market in their reply to the Statement of Objections.

- (19) The proposed transaction also has an impact on wholesale in Sweden. The Decision concludes that there exists a separate market for wholesale supplies of gas destined for consumption in Sweden. The reasons are that the market situation and conditions for wholesale supplies in Sweden are different from those in Denmark.

⁽¹⁾ In this context, the term 'physical imports' is understood as all deliveries into the Danish onshore system/transmission grid. A Danish producer in the Danish part of the continental North Sea shelf thus only becomes a direct participant in the Danish wholesale market if it delivers the gas into the Danish onshore grid.

Market for supply of natural gas to central CHP plants

- (20) The Decision considers that the supply of natural gas to central CHP plants (i.e. large combined heat and power plants) constitutes a separate market because supply to central CHPs is distinct from the wholesale market. However, a central CHP power producer can enter the wholesale market as a buyer or a seller and entry barriers for wholesalers wanting to supply some segments of retail supply to central CHPs are surmountable.

- (21) Supply to central CHPs is also distinct from other retail supply markets, due to higher flexibility and level of consumption, different demand patterns, prices and contract types, different regulation and the fact that central CHPs are able to directly participate on the wholesale market.

Market(s) for supply of gas to decentral CHPs and to large industrial customers

- (22) The Decision considers that the supply of natural gas to decentral CHPs (i.e. small combined heat and power plants) and the supply of natural gas to large industrial customers constitute one or two different product markets.

- (23) Small business customers do not belong to this product market because of differences in inter alia prices, margins, marketing and distribution channels storage costs, market structure, switching rates and metering requirements.

- (24) The Decision considers that supply to large industrial customers and decentralised CHPs have some similarities (level of gas consumption, types of gas contracts) but also some differences (regularity of demand, different ownership structure, customer loyalty and switching rates).

Market(s) for supplies of gas to households and small businesses

- (25) The Decision considers that there exist(s) one or two separate market(s) for non-metered customers, i.e. customers with an annual consumption below 300 000 m³. Sales to small business customers below 300 000 m³ and household customers may thereby either belong to the same or to different product markets.

- (26) Demand and supply conditions between these two types of customers in Denmark show many similarities (higher gas prices, lower propensity to switch supplier, customer portfolio management tools requirements, standardised general offers, and importance of brand image, market structure, storage costs and high entry barriers). There are also a number of relevant differences (average level of consumption, prices, costs and margins and different marketing strategies).
- (27) The competitive assessment does not differ significantly between these two customer groups and whether or not supplies to households and supplies to small business customers form different segments of the same relevant market or two different relevant markets are therefore left open.

2. Relevant geographic markets

Market for gas storage and gas flexibility

- (28) DONG submitted that the relevant geographic market for gas flexibility tools is wider than Denmark and also embraces Sweden, northern Germany and the Netherlands.
- (29) However, the results of the market investigation showed that the geographic market for storage (or flexibility) is, irrespective of the scope of the relevant product market, limited to Denmark. Main reasons for this conclusion are:
- most flexibility tools are available only on a national level,
 - cross-border flexibility is only available in the form of physical storage, however in Sweden the storage capacity is very small (Sweden depends almost entirely on Danish storage facilities) and the usage of storage facilities in Germany is limited due to the longer transport distances and higher transport costs. During the Commission's market investigation, doubts were expressed concerning the possibility of storage abroad,
 - the parties themselves use local storage facilities for their operations in the Netherlands and Germany.
- (30) As regards the Swedish market for storage/other flexibility tools, the Decision concludes that the market is either Swedish in scope or Danish-Swedish.

Market for gas wholesale supplies

- (31) DONG submitted that the relevant geographic market for gas wholesale supplies is wider than Denmark (or Denmark and Sweden) and also embraces at least Germany.
- (32) The market investigation provides strong indications that the market for wholesale supplies is limited to Denmark. The Decision concludes that Sweden is not part of the same geographical market as Denmark; it forms a separate market which is Swedish or Danish-Swedish in scope since the wholesale supplies in Sweden does not exercise a strong competitive constraint on wholesale supplies in Denmark. Similarly, it is concluded that Germany, the Netherlands and the United Kingdom are not part of the same geographic market as Denmark. The reasons are:
- all gas consumed in Denmark is Danish (offshore) gas,
 - in 2003-05, (commercial) imports represented only less than 12 % of total Danish consumption,
 - as regards transactions that generally do not affect wholesale gas needs in Denmark (i.e. transactions on the Benelux, United Kingdom or Emden hubs), prices appear to have an insufficient impact on wholesale prices in Denmark,
 - the different wholesale players in the different countries mentioned above have considerable different market shares in these countries,
 - the market investigation shows that Danish gas customers have little knowledge about wholesale prices in Germany, and import of gas is considered a weak substitute to purchasing gas on wholesale level in Denmark,
 - wholesale gas suppliers wishing to import gas from Germany to Denmark face significant transport costs, capacity constraints and administrative obstacles.
- (33) In its reply to the Article 6(1) (c) decision, DONG argued that gas deliveries at the German side of the Danish entry/exit point at Ellund belong to the Danish gas wholesale market. On the basis of the results of the market investigation, the Decision leaves open whether these deliveries should be included in the geographic scope of the Danish gas wholesale supply market.

Market for the supply of natural gas to central CHPs

- (34) The market for the supply of natural gas to central CHP plants is likely to be national in scope and may at most include Denmark and Sweden since it cannot be wider than the geographic scope of the wholesale market. Moreover, only parts of the supply needed by central CHPs can be sourced from neighbouring countries.

Market(s) for supply of gas to decentralised CHPs and large industrial customers

- (35) The market or markets for the supply of natural gas to decentralised CHPs and large industrial customers is/are national in scope since there are no direct imports. Moreover, the market structures are clearly different between the neighbouring countries. The existence of substantial price differences between Denmark, Germany, Sweden and the Netherlands further confirms the existence of national markets.

Market(s) for supplies of gas to households and small businesses

- (36) The Decision considers that the market(s) for supply to businesses and household customers in Denmark is not wider than national and possibly still regional in scope. The question of whether the market(s) is/are national or regional can be left open. On the one hand, sales on this market require a national sales- and service office and all suppliers to non-metering customers in Denmark are Danish, Danish companies and there exist large price differences between national markets. On the other hand, only less than 1 % of the customers have so far decided to change supplier. Regional distribution companies therefore still have very large market shares in their respective areas and prices to end consumers are different in the three regional areas. The existence of large differences in market share as well as price differences between regions would normally be indications that regional markets are not integrated.

3. Conclusion on relevant markets in the natural gas sector

- (37) The Decision considers that the following relevant markets exist:
1. the Danish market for storage or alternatively the Danish market for flexibility of natural gas; the Swedish market for storage or alternatively the Swedish market for flexibility of natural gas (Swedish or alternatively Swedish-Danish in scope);
 2. the market for wholesale of natural gas for Denmark (Danish in scope); the market for wholesale of natural gas for Sweden (Swedish or alternatively Swedish-Danish in scope);

3. the Danish market for the supply of natural gas to central CHPs; the Swedish market for the supply of natural gas to central CHPs (Swedish in scope or Swedish-Danish scope);

4. the market or markets for the supply of natural gas to large industrial customers and to decentralised CHPs (Danish in scope);

5. the market or markets for the supply of natural gas to small business customers and to households (Danish or regional in scope).

B. ELECTRICITY

1. Relevant product markets

Generation and wholesale of physical electricity; Ancillary services

- (38) An important part of the sales and purchases of wholesale electricity in the Nordic area is conducted via the Nordic electricity power exchange Nord Pool Spot ASA (Nord Pool). In addition to these Nord Pool-based forms of trading of physical electricity at wholesale level, producers/traders and customers also engage in bilateral contracts of physical wholesale electricity.
- (39) The immediate customers of ancillary services are TSOs, who are responsible for maintaining the balance in the grid and for securing supply in emergency situations. The Commission's market investigation has led to clear indications that ancillary services/system services are not easily substitutable with other electricity supply at the wholesale level. Moreover, an operator's share of regulating power may vary significantly over time without any apparent relation to its position on the market for electricity production.
- (40) However, the Decision considers that the precise delineation of this market/these markets can be left open. Bilateral supplies to customers without a direct access to Nord Pool may or may not constitute a separate product market and the same can be said for ancillary services.

Financial derivatives of electricity

- (41) The Decision considers a separate market for financial electricity, since fundamentally the financial market is about trading of risk while the physical market is about trading of electricity for consumption and therefore not fully substitutable. Whether the distinct financial product of CfDs (or contracts for difference) belongs to the same market or to a separate market is left open.

Electricity retail

- (42) The Decision considers separate markets for supplies to customers with hourly metering requirements and one for customers without metering requirements. This distinction was clearly confirmed by the market investigation. These customer groups pay different prices, consume different products and purchase in different ways.

2. Relevant geographic markets

Wholesale of physical electricity

- (43) The Decision considers that the competitive effects of the merger should be assessed on separate East Danish/West Danish Nord Pool price areas or on a combination of the two areas plus Sweden, since the parties' Nordic activities are almost exclusively limited to Denmark. If the concentration does not lead to negative effects on competition in such combinations of areas then it cannot lead to negative effects in any wider price area.
- (44) All other geographic market definition issues for the wholesale electricity market with regard to the current operation are left open.

Ancillary services

- (45) The Decision regards that ancillary services are national in scope, since these are dependent on immediate and reliable availability within a certain price area and since congestion of interconnectors exist.

Financial derivatives of electricity

- (46) As regards *financial derivatives of electricity*, the Decision considers the market to be at least pan-Nordic as financial derivatives of electricity trading takes place on Nord Pool, while the CfDs could comprise the particular price area only, since companies trading in these products will mainly be the wholesale suppliers and customers in these very price areas.

Electricity retail

- (47) In *electricity retail* markets, the Decision considers that the market for metered customers is national, while for non-metered it is national-regional. There is no direct entry by foreign supply companies, and non-metered customers have largely remained with their local USO supplier.

3. Conclusion on relevant markets in electricity

- (48) The Decision therefore defines the following electricity markets:
1. wholesale of electricity (being East Danish and West Danish respectively or wider);
 2. possibly, bilateral wholesales to customers not having access to Nord Pool (being East Danish and West Danish respectively);
 3. possibly, ancillary services (being East Danish and West Danish respectively);
 4. financial derivatives of electricity (encompassing the Nord Pool area if excluding CfDs);
 5. possibly CfDs (being East Danish and West Danish respectively);
 6. electricity sales to metered (business) customers (being Danish-national);
 7. electricity sales to non-metered (predominantly household) customers (being Danish-national or Danish-regional).

C. OTHER MARKETS

- (49) A number of other markets are affected by the proposed concentration but there is no negative impact on competition, either due to low market shares or no geographical overlaps: District heating (local), Fly ash production (regional scope left open) and CO₂ trading (likely EU-wide).

5. COMPETITIVE ASSESSMENT

PRELIMINARY REMARK ON MINORITY SHAREHOLDINGS

- (50) The Decision examines the argument set out by DONG concerning the effect of pre-merger links between the merging parties and between the merging parties and third parties but finds that, in any event, a consideration of any such effect cannot offset the negative effects of the merger.

A. NATURAL GAS

1. Market for gas storage and gas flexibility

- (51) Based on the market investigation undertaken in this case, the Commission has concluded that DONG currently is dominant in the Danish market for storage/flexibility.

- (52) The Decision considers that access to storage/flexibility is a necessary complement to other gas activities, the market for storage/flexibility is considered adjacent to other gas markets. Even though two separate legal entities within DONG are responsible respectively for storage and trading of gas, the Commission considers that both these activities are pursued with the joint aim of increasing the profitability of the DONG group, and has analysed the effect on the Danish market for storage/flexibility against this background.
- (53) Therefore, the Decision considers that the acquisition of E2 and Elsam as the main independent sources of flexibility in Denmark will give DONG the ability and incentive to reduce its storage needs by replacing the use of its own storage facilities by the use of E2 and Elsam as flexibility sources. At the same time, the flexibility alternatives available to competing gas suppliers will be reduced. As a result, and due to the way the Danish storage tariffs apply, other gas suppliers' storage costs will increase and their ability to exercise competitive pressure on DONG will thereby decrease.
- (54) For these reasons, the Decision concludes that the operation would lead to a significant impediment to effective competition on the possible Danish market for storage or on the possible Danish market for storage/flexibility in particular through the strengthening of DONG's dominant position on such markets.
- (55) As regards the Swedish storage/flexibility market, the Decision concludes that the finding of potential harm in Denmark may in principle be extended to Sweden, but that a detailed assessment of the particular features of the Swedish market is unnecessary considering that the overall assessment of the transaction in independent thereof.
- 2. Market for gas wholesale supplies**
- (56) During the investigation, the Commission and DONG have taken different views as regards the relevance of analysing gas wholesale supplies beyond [...] (*). DONG questioned the relevance of looking beyond a [...] * years horizon. According to the Commission, the gas market is signified by long-term investments in infrastructure and long-term supply contracts, which justifies an analysis including a time-horizon beyond [...] *. However, the Decision concludes that even in the absence of any consideration of the market situation beyond [...] *, the merger will have significant anti-competitive effects on Danish wholesale supplies, through the elimination of the BGI project's constraining impact, and the fact that entry decisions of competitors will be guided by the beginning in 2008 of negotiations of supply contracts with Elsam and E2.
- (57) The Decision concludes that DONG is dominant on the Danish market for gas wholesale supplies, considering that the company's market share was [80-90 %] * in 2004 ⁽¹⁾. The Commission analysed potential competitive constraints on DONG's dominant position from the following five sources:
- operators in the Danish offshore area,
 - imports from Germany south of the DEUDAN pipeline,
 - turnaround of gas at Ellund,
 - a liquid Danish wholesale market, and
 - new pipeline capacity or other import facilities.
- (58) The Decision concludes that these competitive constraints are weak or not sufficiently certain to in the short term constitute an effective constraint on DONG's market position.
- (59) The Decision thereafter examines whether the transaction will lead to a strengthening of DONG's dominant position by the removal of actual and/or potential competition. As regards the E2's and Elsam's commercial interest to become active players in the Danish gas wholesale market, DONG disputes that E2 and Elsam constitute potential competitors and argues that they are not the most important competitive constraints on DONG.
- (60) According to the Commission, it is sufficient that E2 and Elsam constitute important competitive constraints (and not necessarily the most important), the removal of which would lead to competition concerns.
- (61) The Commission's investigation and the Decision conclude that the proposed concentration will remove E2 as an actual competitor, and Elsam as a credible potential competitor to DONG. The Commission's analysis of the five potential competitive constraints mentioned in recital 57 above will not change this conclusion. Moreover, the Decision concludes that Vattenfall's acquisition of a small share of E2's and Elsam's gas-fired power plants will not be sufficient to outweigh the loss of competitive pressure caused by the E2's and Elsam's integration in the DONG group.

(*) Business secret.

⁽¹⁾ As is expected to be [80-90 %] * in the first half of 2005.

(62) In addition to these horizontal effects, the Decision concludes that the transaction will lead to customer foreclosure, and as a result, to a significant impediment to effective competition, due to a vertical integration of DONG with E2 and Elsam, which account for about [20-30 %] * of total Danish consumption. It will thus be more difficult for DONG's competitors to enter Danish gas markets, both as wholesale suppliers and as suppliers of final customers, thereby raising barriers to entry to these markets.

(63) The parties submitted that so far Elsam has sourced from third parties only to a limited extent, since it has only engaged in some swapping and short-term purchasing agreements. The Commission, however, considers that supplies to Elsam by DONG's rivals would at least have constituted a potential constraint on DONG's behaviour.

(64) The Decision concludes that even if the foreclosure effect was limited to the foreclosure of demand from E2, such foreclosure would significantly strengthen DONG's dominant position on the Danish wholesale market through creating further disincentives to third parties entering this market on a significant scale. This is because nearly all independent (non-captive) third party demand for Denmark has so far arisen through E2. The proposed merger will as a result raise entry barriers to the Danish wholesale market because it eliminates a company that has purchased important quantities of natural gas on the wholesale market with a view both of using it internally and of supplying natural gas to other users.

(65) The Decision concludes the proposed concentration removes significant competitive constraints to DONG, on the Danish gas wholesale market. Given DONG's entrenched dominant position on such a market, the proposed transaction is likely to lead to a significant impediment to effective competition, in particular through the strengthening of DONG's dominant position.

(66) As regards gas wholesale supplies in Sweden, DONG has a very strong position also on that market⁽¹⁾. The Decision leaves open the question as to whether DONG is in a position of single or joint dominance in a Swedish or Danish-Swedish wholesale supplies market, since any harmful effects on any of these markets would be derived from a harmful effect the operation would have on the wholesale market for Denmark.

⁽¹⁾ At least [45-55 %] * according to DONG sales strategy for 2005, and [70-80 %] * in 2003, according to a recent decision (556/2004) by the Swedish Competition Authority.

3. The market for the supply of natural gas to central CHPs

(67) The Decision considers that no customer foreclosure or input foreclosure can arise on the markets for supply of natural gas to central CHPs in Denmark and Sweden, since a) at least until 2009 no central CHP customers would suffer harm on either the Danish or the Swedish markets for supply to central CHPs, and, b) CHPs would post 2009 be protected if the functioning of the wholesale market is reinforced through the gas release program proposed by the parties.

(68) As regards potential competition, the Decision concludes that it is not likely that E2 and/or Elsam could be considered potential entrants on the market for supply to central CHPs since it would seem unlikely that other central CHPs would be willing to satisfy its gas needs by supplies from its direct competitors.

(69) The Decision therefore considers that the concentration does not lead to a significant impediment of effective competition on the markets for supplies to central CHPs in neither Denmark nor Sweden.

4. Market(s) for supplies to industrial customers and decentral CHPs

(70) The Decision finds that DONG is dominant and will remain dominant in the foreseeable future with a market share of [60-70 %] * in 2004, which is the latest year with reliable market share data. There is no reason to believe that DONG's market share would fall below 50 % in the foreseeable future.

(71) DONG's dominance upstream in wholesale, storage, offshore gas and import pipes further supports DONG's position in this market/these markets of supply to large business customers and decentralised CHPs, since storage facilities and access to gas are important competitive parameters in the context of supplies to these customer groups.

(72) Furthermore, DONG's competitors cannot challenge DONG's dominance, since HNG/MN and Statoil Gazelle are small companies, since HNG/MN is a financially weak competitor and since there exist strong ties between DONG and HNG/MN.

(73) E.ON and Shell both have a very modest market share in the Danish market(s) for sales to large business customers and decentralised CHPs and E.ON is likely to focus its Nordic efforts on the Swedish market.

- (74) The Decision also finds other indications of DONG's entrenched dominance pre-merger: DONG clearly has the lowest switching rate among the large players on the market. DONG is the best placed company to offer dual fuel products and DONG has been able to develop relatively close relations with a number of decentralised CHPs.
- (75) The Decision finds that the proposed operation strengthens DONG's dominance due to the raising of entry barriers and due to the elimination of potential competition.
- (76) The proposed operation raises entry barriers because it will be more difficult for other players to attain critical size in gas supply if some 20 % of total Danish gas consumption is removed from the market. Moreover, DONG's already privileged access to decentral CHPs will be further strengthened as a consequence of the merger. The merger also raises the risk of gas storage input foreclosure or raising of rivals' costs in connection with storage, which will further increase entry barriers. Furthermore, the concentration is likely to raise entry barriers on wholesale markets thereby making it more difficult for DONG's competitors to source supplies competitively. DONG will post merger also be in a privileged position to offer dual fuel products, whereas other competitors will find it more difficult to match DONG's offer.
- (77) The proposed operation furthermore strengthens DONG's dominance due to elimination of the potential competitors Elsam, E2, Nesa and KE.
- (78) E2 and Elsam both have access to large quantities of natural gas at competitive prices. They also have access to storage and means of flexibility. Moreover, they have the necessary 'energy' brand. A clear majority of respondents to the Commission's market investigation has stated that Elsam and E2 could sell on extra quantities of gas to them. Finally, the Commission has found strong evidence for such entry opportunities and intentions by E2, who has already submitted offers to wholesale regional supply companies in Sweden and Denmark in 2003 and 2004.
- (79) NESA and KE have strong energy brands and can achieve cost synergies and increased customer loyalty by sales of dual fuel. They have access to a large customer base of industrial customers. Also DONG and Statoil Gazelle considered KE, Elsam and Energi E2 potential competitors on Danish gas markets.
- (80) For these reasons, the Decision concludes that the proposed operation will lead to a significant impediment of effective competition, in particular as a result of the creation or strengthening of dominant positions on the market or markets of the supply of natural gas to large business customers and decentralised CHPs.
- 5. Market(s) for supplies of gas to households and small businesses**
- (81) The Decision finds that DONG is dominant in two regional areas with a market share above [90-100 %] * and that this dominance is reinforced by high entry barriers, DONG's control over storages and access to offshore gas as well as its dominant position on the wholesale market.
- (82) On the alternative assumption of a national market, DONG and HNG/MN are considered joint dominant with market shares of [25-35 %] * and [55-65 %] * respectively. There exist strong ties between these companies. The market is very transparent and any deviation from oligopolistic behaviour could therefore be detected easily. The product is very homogenous and facilitates tacit coordination. There are very high customer loyalty rates which result in high entry barriers. Moreover, there are effective retaliation mechanisms against a deviating oligopolist and a high joint interest in maintaining the status quo.
- (83) The Decision finds that DONG's dominance will be strengthened by raising entry barriers and, to a certain extent, by elimination of potential competition.
- (84) The concentration will raise entry barriers due to higher storage cost and to higher difficulties of achieving critical size and reaching the economies of scale and scope necessary for entry to be financially viable. Furthermore, the operation removes larger customers on different markets whose flexibility could be balanced against the flexibility requirements of household and small business customers. Finally, the likely reduction of liquidity on the Danish wholesale gas market increases the ability of DONG to foreclose access to wholesale gas to its competitors.
- (85) The concentration will eliminate some potential competition from KE and to NESA, who are electricity retailers, both with a base in the greater Copenhagen area. They have already sales offices, large sales forces, IT equipment and billing systems in place. They have large customer portfolios, which could be built upon with the aim to enter gas retail markets. Both companies also have considerable brand strength both at a national and especially at a regional level. Thus, NESA and KE do not face the high barriers to entry that most other entrants would meet. [...] *.

(86) On the other hand, many of KE's customers already will have its energy requirements for cooking covered by city gas and their heating requirements covered by district heating. It also has to be taken into account that the bulk of NESA's and KE's electricity customer base could only have been used to compete with HNG/MN whose gas distribution areas geographically overlap with NESA and KE, and not with DONG.

(87) The Decision also acknowledges that other electricity supply companies could enter the market for supply of gas to small business and household customers, but concludes that KE and NESA have a special position when it comes to access to gas, that would be difficult for other electricity companies to duplicate.

(88) For these reasons, the Decision concludes that the proposed merger will significantly impede competition on the market or markets for the supply of gas to households and small business customers, irrespective of whether these markets are/this market is defined as regional or as national, in particular through the strengthening of a dominant position.

6. Conclusion on the assessment of the natural gas markets prior to consideration of modifications to the notified concentration

(89) The Decision concludes that the transaction leads to a significant impediment of effective competition, in particular through the strengthening of dominant positions on the following product markets:

- supply of wholesale gas for Denmark (and potentially also for Sweden),
- gas storage or gas flexibility (irrespective of whether only for Denmark or also for Sweden),
- supply of gas to large business customers and decentral CHPs, as one or two markets, in Denmark,
- supply of gas to small business customers and/or households, as one or two markets, in Denmark.

B. ELECTRICITY

(90) The Decision finds that the concentration does not give rise to competition concerns on the electricity market.

1. Electricity wholesale

(91) The Decision finds, that *prima facie* Elsam and E2 hold a dominant position in their respective Nord Pool areas in electricity wholesale whenever these areas are isolated from other Nord Pool areas, since the effective constraint exerted by intra-area windmills and decentral CHP's are low.

(92) However, the horizontal effects of the proposed transaction will most likely be substantially surpassed by the loss of market share due to the Vattenfall conditionally linked divestitures of power plants to Vattenfall in both East and West Denmark, which create a viable competitor to the area incumbents, reducing their market shares substantially. The Decision also concludes that intentions by Elsam and E2 to enter into each other's territories have not been established and that DONG had rejected to enter into electricity generation via a gas-fired power plant. Therefore the Decision concludes that any potential horizontal effects are by far outweighed by the more certain and immediate positive effect of Vattenfall's entry.

(93) As to vertical effects, the Decision finds that DONG is unlikely to raise rivals' costs (gas as input) post merger. A model simulation confirmed that in order for the reduction in output to be of any importance very significant increases in gas prices would be required. Such increases based on *merger-related* vertical effects would not be realistic in light of the competitive constraints which, despite its dominant position, would nevertheless exist on DONG after the merger. This conclusion is reinforced by the remedies offered by DONG which will increase the availability of alternative sources of gas to decentral CHPs after the merger. Furthermore, even if the merged entity post merger had an incentive to seek to increase prices of gas to decentral CHPs, it is unlikely that this would translate into higher electricity prices in light of the increased competition in Denmark East and West brought about by the divestiture of the power plants to Vattenfall.

(94) DONG is also unlikely in the future to be able to exercise any direct influence on decentral CHPs due to the commitment by Elsam to the Danish Competition Authority in March 2004 in connection with the acquisition by Elsam of Nesa, where Elsam and Nesa undertook to divest all their shares in decentral gas-fired CHPs.

(95) The effect of the merger on the otherwise positive impact of the Great Belt Interconnector, connecting East Denmark and West Denmark and expected for 2010 is also examined. It is concluded that in the absence of the merger, the constraint that could be caused through this probably 600 MW interconnector is in any event less than the constraint caused by the entry of Vattenfall in both areas. This has also been confirmed by a model simulation.

(96) These considerations and findings concerning horizontal and vertical effects of the proposed merger also apply to bilateral wholesales of electricity to customers within both East and West Denmark assuming a separate market for wholesale customers who may not have direct access to the Nord Pool wholesale market.

(97) In a wider Nord Pool context, the parties will have market shares below 10 % even on a market encompassing only Sweden and both parts of Denmark.

2. Ancillary services

(98) The Decision finds that pre-merger Elsam and E2 had to face little competition in their respective areas, whereas post-merger DONG will be faced, in each area, with a serious competitor, namely Vattenfall. The merger, therefore, will not lead to competition problem on the possible markets for ancillary services in East Denmark and West Denmark.

3. Financial derivatives of electricity

(99) On a Nordic market for trading in *financial derivatives of electricity* the merging parties have a combined market share of $\leq 10\%$. This small market share dispels all concerns on such a market.

(100) Regarding potential area markets for CfDs for East and West Denmark, E2 and Elsam are clearly the major sellers of CfDs in their respective areas. However, it is to be expected that the divestment of generation assets to Vattenfall will have the effect of introducing Vattenfall as a major seller of CfDs in both East and West Denmark.

4. Retail supply of electricity to business customers

(101) The Decision finds that that the current competition level in the Danish market for electricity supplies to metered customers is high. The merged entity will have a combined market share of $[20-30\%]$ *. After the merger, the merged entity will largely close the gap up to the number one player, EnergiDanmark. Furthermore a number of other competitors are considered viable alternatives by customers.

5. Retail supply of electricity to small standard load profile customers

(102) The operation will also lead to some market share overlaps in the market for retail supply of electricity to small customers. The competitive landscape in this market in Denmark is quite fragmented with only a small number of household customers having so far switched from their incumbent local supplier. On a national, Danish, market DONG will become the largest company, albeit with a limited market share of around $[25-30\%]$ *.

(103) Even though NESA and KE were among the more important companies to which customers have switched, other competitors have comparable customer acquisition rates.

(104) On the assumption of regional markets, the Decision finds that the operation would not lead to a significant strengthening of Nesa's, KE's and FE's positions in their respective incumbency areas since third party competitors such as OK and EnergiDanmark are as well placed competitors to the area incumbents as are the other parties to the merger.

6. Conclusion on competitive assessment for electricity markets

(105) The Decision finds that the concentration does not lead to a significant impediment to effective competition, in particular as a result of the creation or strengthening of a dominant position on either any possible affected market for electricity wholesale, ancillary services, financial derivatives of electricity, retail supply to business customers or electricity supply to small customers.

6. COMMITMENTS

A. DESCRIPTION OF THE COMMITMENTS

1. Storage divestiture

(106) With a view to addressing the competition concerns on the storage/flexibility market, DONG has submitted a commitment to divest before 1 May 2007 its larger gas storage facility in Lille Torup in Jutland. Only the purchaser shall be entitled to sell storage capacity in the Lille Torup storage facility for the gas storage year 2007/08 which runs from 1 May 2007 to 30 April 2008. DONG commits not to acquire, for a period of 10 years from closing of the sale to the purchaser, direct or indirect influence over the whole or part of the storage unless the Commission has previously accepted it.

2. Gas Release Programme

- (107) With a view to addressing the competition concerns put forward on wholesale markets, DONG has submitted, as a commitment, a Gas Release Programme in order to make available to third parties natural gas in Denmark. The amount of gas to be released will be 400 mcm per year, (a total of 2 400 mcm), to be auctioned in the years 2006 through 2011 for delivery in the gas years following each auction. The volumes correspond to approximately 10 % of total Danish consumption in 2005. In the event that market conditions change significantly, DONG may, under certain conditions, apply to the Commission to have the Gas Release Programme terminated with respect to the two last auctions. The Gas Release Programme foresees a two-step auction process: in the 'Primary Auction', DONG will make gas available at the virtual trading point/hub in Denmark and, as in a swap, successful bidders will make the same volume of gas available to DONG at one of four specified gas hubs in north-western Europe. Any quantities not sold in the Primary Auction, will be sold in a traditional gas release auction to be held later in the same year. In addition, the Commitments foresee a customer release clause according to which existing direct customers of DONG which participate in the auction process or which purchase gas from a trader/wholesaler who was awarded lots in the auction, are entitled to reduce their contractual purchase obligation vis-à-vis DONG.

B. ASSESSMENT OF THE COMMITMENTS SUBMITTED

1. Effect of the proposed commitments on the storage/flexibility market

- (108) The main effect of the proposed Commitments on the storage/flexibility market emanates from the divestiture of the storage facility in Lille Torup. In addition, the Gas Release Programme will increase the liquidity of the Danish wholesale market and thereby also provide new sources of flexibility.
- (109) The divestiture of the larger of the two Danish storage facilities which has a capacity of approximately 400 mcm with no capacity reservations exceeding one year, will result in increased competition on this market, whether regarded as a storage market or on a wider market for flexibility. These storage/flexibility volumes amount to more than 57 % of the Danish storage capacity and thereby for a very large part of the overall flexibility available in Denmark.
- (110) The divestiture of the Lille Torup storage facility is generally viewed by market participants as having a positive impact on competition with respect to storage/flexibility in Denmark.

- (111) A positive impact on flexibility available in Denmark will also emanate from the Gas Release Programme, which thus complements the flexibility offered to the market by the Lille Torup storage facility.

- (112) Both elements of the Commitments, i.e. the storage divestiture and the Gas Release Programme, will also have a positive impact on the Swedish markets. Competition between DONG and the future storage operator of Lille Torup will also benefit Swedish storage customers. The same applies to the effects of the Gas Release Programme.

2. Effect of the proposed commitments on the wholesale market for natural gas

- (113) The Commission has concluded that the gas release programme offered by DONG, in combination with the storage divestiture, is sufficient to remove all the competition concerns identified by the Commission as relating to the wholesale market.
- (114) As to the gas release programme, the quantities offered of 400 mcm per year to be swapped or sold via either the primary or the secondary auction make up approximately 10 % of Danish demand.
- (115) First, with regard to customer foreclosure, these quantities will, in combination with the customer release provision, compensate for the volumes which E2 has sourced in the past years on a short-term basis both inside and outside Denmark, and which accounted for approximately 5 % of the Danish demand. The released quantities also compensate for any additional volumes which would potentially have been purchased by both Elsam and E2 prior to the expiry of their long-term supply contracts with DONG in 2009.
- (116) The quantities will, secondly, compensate for the elimination of potential competition by Elsam and especially E2. It is, however, difficult to establish with sufficient certainty what quantities would have been sold by these companies in the foreseeable future. However, imports by and for E2 plus all competitors' market shares (except for [...]*) together (i.e. all independent competition to DONG taken together), amounted to about 10 % of Danish demand in 2004.

- (117) It should also be considered that these quantities will include flexibility provisions that will make this gas attractive for all purposes of the Danish wholesale market.
- (118) An element of specific importance is the customer release provision which provides an incentive for the purchasers of this gas to use it in Denmark, facilitates entry, and addresses the customer foreclosure concern.
- (119) Regarding the duration and volume of the gas release programme a large number of market participants have qualified this as sufficient for offsetting the harmful effects of the merger on the Danish wholesale market.
- (120) Also the storage divestiture remedy will have a beneficial effect on the Danish wholesale market. This is because access to non-discriminatory storage capacity independent from DONG is an essential facilitator of third parties' wholesale operations in Denmark.

3. Effect of the proposed commitments on natural gas retail markets

Market(s) for supplies to industrial customers and decentral CHPs and Market(s) for supplies to small businesses and households

(i) The raising of entry barriers (vertical problems)

- (121) The Decision finds that the gas release programme remedies any concerns relating to the raising of entry barriers on these markets.
- (122) More specifically, the Gas Release Programme addresses the concern relating to customer foreclosure effect and the attainment of critical size, through the customer release part of the programme. The 400 mcm volume auctioned amounts to 17 % of the market for supplies to industrial customers and decentral CHPs and 45 % of the market for supplies to small businesses and households.
- (123) The annual amount of gas to be released will have an important impact on liquidity on the Danish wholesale gas market and will facilitate the possibility of competitors which are active, or wishing to become active, on these markets to offer dual fuel natural gas/electricity supplies in competition with DONG.
- (124) Any concerns relating to the removal of flexibility of central CHPs as a balancing possibility to the flexibility requirements of suppliers and input foreclosure, are remedied by the flexibility provisions of the Gas Release Programme as well as the divestiture of the Lille Torup storage facility, which introduces competition between the two Danish storages.
- (125) The Decision therefore concludes that as an effect of the undertakings submitted entry barriers will not be higher as compared to the pre-merger situation.
- (ii) Elimination of potential competition*
- (126) The Decision considers that the overall lowering of entry barriers on these markets will have the effect of offsetting the loss of potential competition on these markets.
- (127) Regarding the Gas Release Programme this is in particular achieved in two ways. First, the improved access to gas under the Gas Release Program with the associated flexibility facilitates entry by other potential competitors. Secondly, the customer release mechanism ensures that potential competitors wanting to enter the Danish gas market(s) who have acquired gas through the Release Programme, will have comparatively easy access to customers.
- (128) Second, the storage divestiture remedy will facilitate entry by introducing competition between the two Danish storages, eliminating the risk of input foreclosure and strengthening overall confidence in non-discriminatory access to storage facilities.

7. CONCLUSION

- (129) The Decision concludes that the proposed concentration with the submitted commitments will not significantly impede effective competition in the common market or in a substantial part of it, in particular as a result of the creation or strengthening of a dominant position.
- (130) Consequently, the Commission declares the notified transaction compatible with the common market and the EEA Agreement, in accordance with Articles 2(2) and Article 8(2) of the Merger Regulation, and Article 57 of the EEA Agreement.

COMMISSION DECISION
of 21 May 2007
amending Decision 2005/393/EC as regards restricted zones in relation to bluetongue

(notified under document number C(2007) 2090)

(Text with EEA relevance)

(2007/354/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Community trade and export, after having obtained the prior approval of the competent authority of the place of destination.

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2000/75/EC of 20 November 2000 laying down specific provisions for the control and eradication of bluetongue⁽¹⁾, and in particular the second subparagraph of Article 6(1), Article 11 and Article 12 thereof,

(5) Commission Decision 2005/393/EC of 23 May 2005 on protection and surveillance zones in relation to bluetongue and conditions applying to movements from or through these zones⁽²⁾ provides for the demarcation of the global geographic areas where protection and surveillance zones (the restricted zones) are to be established by the Member States in relation to bluetongue.

Whereas:

(1) Directive 2000/75/EC lays down control rules and measures to combat bluetongue in the Community, including the establishment of protection and surveillance zones and a ban on susceptible species leaving those zones.

(2) Article 6(1)(c) of Directive 2000/75/EC provides that where the presence of the bluetongue virus is officially confirmed, the official veterinarian is to extend certain measures provided for in Article 4 of that Directive to holdings located within a radius of 20 kilometres around the infected holding. Those measures aim at containing the disease in an initial state after virus introduction into a newly infected zone.

(3) However, in accordance with Article 6(2) those measures may be modulated by the affected Member State on the basis of the positive outcome of a risk assessment which takes into account geographical, epidemiological, ecological, entomological, meteorological and historical data and active surveillance results, including percentage of seropositive animals, virus serotype circulating and occurrence of vectors likely to be competent.

(4) It is therefore appropriate to lay down requirements for the exemption from the movement ban for animals leaving the 20 kilometres area around the infected holding, including animals destined for intra-

(6) Commission Decision 93/444/EEC of 2 July 1993 on detailed rules governing intra-Community trade in certain live animals and products intended for exportation to third countries⁽³⁾ provides that animals intended for export must be accompanied until the exit point from the Community by a certificate which contains, where necessary, the additional guarantees provided for by Community legislation for animals intended for slaughter. Accordingly, the certificate covering animals for export should include a reference to any insecticide treatment carried out pursuant to Decision 2005/393/EC.

(7) It is appropriate to provide for the conditions for the treatment of the animals and the means of transport with authorised insecticides at the place of loading from the restricted zones destined for or passing through areas outside a restricted zone. When during the transit through a restricted zone, a rest period is foreseen in a control post the animals must be protected from any attacks by vectors.

(8) Decision 2005/393/EC should therefore be amended accordingly.

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

⁽¹⁾ OJ L 327, 22.12.2000, p. 74. Directive as last amended by the Directive 2006/104/EC (OJ L 363, 20.12.2006, p. 352).

⁽²⁾ OJ L 130, 24.5.2005, p. 22. Decision as last amended by Decision 2007/227/EC (OJ L 98, 13.4.2007, p. 23).

⁽³⁾ OJ L 208, 19.8.1993, p. 34.

HAS ADOPTED THIS DECISION:

Article 1

Decision 2005/393/EC is amended as follows:

1. Article 2a is replaced by the following:

'Article 2a

Derogation from the movement ban

1. By way of derogation from Article 6(1)(c) of Directive 2000/75/EC, the following animals shall be exempted from the ban on movement in the 20 km zone:

(a) animals destined for a holding within a radius of 20 km around an infected holding;

(b) animals destined for direct transport to a slaughterhouse situated within the restricted zone around the holding of dispatch;

(c) animals destined for a holding which is situated in the restricted zone around the holding of dispatch and outside a radius of 20 km around an infected holding, subject to:

(i) either prior approvals of the competent authorities of the place of the holdings of dispatch and destination and compliance with any animal health guarantees required by those competent authorities concerning measures against the spread of the bluetongue virus, and protection against attacks by vectors; or

(ii) an agent identification test as set out in Section A(1)(c) of Annex II carried out with negative results on a sample taken, within 48 hours prior to the time of dispatch, from the animal concerned which must be protected from attacks by vectors at least from the time that sample was taken and must not leave the holding of destination, except for direct slaughter or in accordance with Section A of that Annex;

(d) animals destined for a holding or for direct transport to a slaughterhouse which is situated outside the restricted zone around the holding of dispatch, including animals for intra-Community trade or export, subject to:

(i) prior approvals of the competent authorities of the Member States where the holdings of dispatch and destination are located and compliance with any

animal health guarantees required by those competent authorities concerning measures against the spread of the bluetongue virus, and protection against attacks by vectors; and

(ii) compliance with at least the conditions set out in Article 3 or Article 4; and

(iii) in case of animals destined for intra-Community trade, the Member State of origin shall ensure that the following additional wording is added to the corresponding health certificates laid down in Council Directives 64/432/EEC, 91/68/EEC and 92/65/EEC, or, where the animals are destined for export, the health certificate laid down in Decision 93/444/EEC

"Animals in compliance with Decision 2005/393/EC";

2. Article 6 is replaced by the following:

'Article 6

Transit of animals

1. Animals from a restricted zone destined for or in transit through areas outside a restricted zone and the means in which they are transported shall be treated with authorised insecticides at the place of loading or in any case prior to leaving the restricted zone.

Animals dispatched from an area outside a restricted zone in transit through a restricted zone and the means in which they are transported shall be treated with authorised insecticides at the place of loading or in any case prior to entry into the restricted zone.

When during the transit through a restricted zone, a rest period is foreseen in a control post the animals must be protected from any attacks by vectors.

2. The following additional wording shall be added to the corresponding health certificates laid down in Directives 64/432/EEC, 91/68/EEC and 92/65/EEC, in the case of intra-Community trade, or to the health certificate laid down in Decision 93/444/EEC where the animals are intended for export:

"Insecticide treatment with ... (insert name of the product) on ... (insert date) at ... (insert time) in conformity with Decision 2005/393/EC."

3. Where in an epidemiological relevant area of the restricted zones more than 40 days have elapsed from the date when the vector ceased to be active, the provisions of paragraphs 1 and 2 of this Article shall no longer apply.

However, the competent authority shall ensure that that exemption no longer applies where on the base of the epidemiosurveillance programme provided for in Article 9(1)(b) of Directive 2000/75/EC it is detected that the vector's activity in the restricted zone concerned has restarted.'

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 21 May 2007.

For the Commission

Markos KYPRIANOU

Member of the Commission

COMMISSION DECISION

of 21 May 2007

concerning the non-inclusion of carbaryl in Annex I to Council Directive 91/414/EEC and the withdrawal of authorisations for plant protection products containing that substance

*(notified under document number C(2007) 2093)***(Text with EEA relevance)**

(2007/355/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

with Article 8(1) of Regulation (EC) No 451/2000. For carbaryl the rapporteur Member State was Spain and all relevant information was submitted on 29 April 2004.

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market ⁽¹⁾, and in particular the fourth subparagraph of Article 8(2) thereof,

Whereas:

- (1) Article 8(2) of Directive 91/414/EEC provides that a Member State may, during a period of 12 years following the notification of that Directive, authorise the placing on the market of plant protection products containing active substances not listed in Annex I of that Directive that are already on the market two years after the date of notification, while those substances are gradually being examined within the framework of a programme of work.
- (2) Commission Regulations (EC) No 451/2000 ⁽²⁾ and (EC) No 703/2001 ⁽³⁾ lay down the detailed rules for the implementation of the second stage of the programme of work referred to in Article 8(2) of Directive 91/414/EEC and establish a list of active substances to be assessed with a view to their possible inclusion in Annex I to Directive 91/414/EEC. That list includes carbaryl.
- (3) For carbaryl the effects on human health and the environment have been assessed in accordance with the provisions laid down in Regulations (EC) No 451/2000 and (EC) No 703/2001 for a range of uses proposed by the notifier. Moreover, those Regulations designate the rapporteur Member States which have to submit the relevant assessment reports and recommendations to the European Food Safety Authority (EFSA) in accordance

- (4) The assessment report was peer reviewed by the Member States and the EFSA and presented to the Commission on 12 May 2006 in the format of the EFSA conclusion regarding the peer review of the pesticide risk assessment of the active substance carbaryl ⁽⁴⁾. This report was reviewed by the Member States and the Commission within the Standing Committee on the Food Chain and Animal Health and finalised on 29 September 2006 in the format of the Commission review report for carbaryl.

- (5) During the evaluation of this active substance, a number of concerns were identified. In particular based on the available data it has not been demonstrated that the consumer exposure is acceptable. The information available indicates concerns for metabolites which are at the same level of toxicity as the active substance, and their presence at levels which might be of toxicological concerns can not be excluded. Moreover there are concerns on potential carcinogenic properties of the active substance. There is also a high long-term risk for insectivorous birds and a high acute risk to herbivorous mammals, a high acute and long-term risk to aquatic organisms and a high risk for beneficial arthropods.
- (6) The Commission invited the notifier to submit its comments on the results of the peer review and on its intention or not to further support the substance. The notifier submitted its comments which have been carefully examined. However, despite the arguments advanced, the above concerns remained unsolved, and assessments made on the basis of the information submitted and evaluated during the EFSA expert meetings have not demonstrated that it may be expected that, under the proposed conditions of use, plant protection products containing carbaryl satisfy in general the requirements laid down in Article 5(1)(a) and (b) of Directive 91/414/EEC.

- (7) Carbaryl should therefore not be included in Annex I to Directive 91/414/EEC.

⁽¹⁾ OJ L 230, 19.8.1991, p. 1. Directive as last amended by Commission Directive 2007/25/EC (OJ L 106, 24.04.2007, p. 34).

⁽²⁾ OJ L 55, 29.2.2000, p. 25. Regulation as last amended by Regulation (EC) No 1044/2003 (OJ L 151, 19.6.2003, p. 32).

⁽³⁾ OJ L 98, 7.4.2001, p. 6.

⁽⁴⁾ EFSA Scientific Report (2006) 80, 1-71, Conclusion regarding the peer review of pesticide risk assessment of carbaryl.

- (8) Measures should be taken to ensure that authorisations granted for plant protection products containing carbaryl are withdrawn within a fixed period of time and are not renewed and that no new authorisations for such products are granted.
- (9) Any period of grace granted by a Member State for the disposal, storage, placing on the market and use of existing stocks of plant protection products containing carbaryl, should be limited to twelve months in order to allow existing stocks to be used in one further growing season.
- (10) This decision does not prejudice the submission of an application for carbaryl according to the provisions of Article 6(2) of Directive 91/414/EEC in view of a possible inclusion in its Annex I.
- (11) 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

Carbaryl shall not be included as an active substance in Annex I to Directive 91/414/EEC.

Article 2

Member States shall ensure that:

- (a) authorisations for plant protection products containing carbaryl are withdrawn by 21 November 2007;
- (b) no authorisations for plant protection products containing carbaryl are granted or renewed from the date of publication of this Decision.

Article 3

Any period of grace granted by Member States in accordance with the provisions of Article 4(6) of Directive 91/414/EEC, shall be as short as possible and shall expire 21 November 2008 at the latest.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 21 May 2007.

For the Commission

Markos KYPRIANOU

Member of the Commission

COMMISSION DECISION

of 21 May 2007

concerning the non-inclusion of trichlorfon in Annex I to Council Directive 91/414/EEC and the withdrawal of authorisations for plant protection products containing that substance

(notified under document number C(2007) 2096)

(Text with EEA relevance)

(2007/356/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market ⁽¹⁾, and in particular the fourth subparagraph of Article 8(2) thereof,

Whereas:

- (1) Article 8(2) of Directive 91/414/EEC provides that a Member State may, during a period of 12 years following the notification of that Directive, authorise the placing on the market of plant protection products containing active substances not listed in Annex I of that Directive that are already on the market two years after the date of notification, while those substances are gradually being examined within the framework of a programme of work.
- (2) Commission Regulations (EC) No 451/2000 ⁽²⁾ and (EC) No 703/2001 ⁽³⁾ lay down the detailed rules for the implementation of the second stage of the programme of work referred to in Article 8(2) of Directive 91/414/EEC and establish a list of active substances to be assessed with a view to their possible inclusion in Annex I to Directive 91/414/EEC. That list includes trichlorfon.
- (3) For trichlorfon the effects on human health and the environment have been assessed in accordance with the provisions laid down in Regulations (EC) No 451/2000 and (EC) No 703/2001 for a range of uses proposed by the notifier. Moreover, those regulations designate the Rapporteur Member States which have to submit the relevant assessment reports and recommendations to the European Food Safety Authority (EFSA) in accordance

with Article 8(1) of Regulation (EC) No 451/2000. For trichlorfon the Rapporteur Member State was Spain and all relevant information was submitted on 23 August 2004.

- (4) The assessment report has been peer reviewed by the Member States and the EFSA within its Working Group Evaluation and presented to the Commission on 12 May 2006 in the format of the EFSA Conclusion regarding the peer review of the pesticide risk assessment of the active substance trichlorfon ⁽⁴⁾. This report has been reviewed by the Member States and the Commission within the Standing Committee on the Food Chain and Animal Health and finalised on 29 September 2006 in the format of the Commission review report for trichlorfon.
- (5) Due to significant lack of supporting studies, it has not been possible to demonstrate a safe use of the substance. Based on the available information it was not possible to perform the risk assessment of consumers, operators, workers and bystanders exposure. Moreover, the evaluation of fate and behaviour of the substance in the environment was limited and its eco-toxicological properties were not completely assessed.
- (6) The Commission invited the notifier to submit its comments within four weeks on the results of the peer review and on its intention or not to further support the substance. The notifier submitted its comments which have been carefully examined. However, despite the arguments advanced, the above concerns remained unsolved, and assessments made on the basis of the information submitted and evaluated during the EFSA expert meetings have not demonstrated that it may be expected that, under the proposed conditions of use, plant protection products containing trichlorfon satisfy in general the requirements laid down in Article 5(1)(a) and (b) of Directive 91/414/EEC.
- (7) Trichlorfon should therefore not be included in Annex I to Directive 91/414/EEC.

⁽¹⁾ OJ L 230, 19.8.1991, p. 1. Directive as last amended by Commission Directive 2007/25/EC (OJ L 106, 24.4.2007, p. 34).

⁽²⁾ OJ L 55, 29.2.2000, p. 25. Regulation as last amended by Regulation (EC) No 1044/2003 (OJ L 151, 19.6.2003, p. 32).

⁽³⁾ OJ L 98, 7.4.2001, p. 6.

⁽⁴⁾ EFSA Scientific Report (2006) 76, 1-62, 'Conclusion on the peer review of trichlorfon'.

- (8) Measures should be taken to ensure that existing authorisations for plant protection products containing trichlorfon are withdrawn within a prescribed period and are not renewed and that no new authorisations for such products are granted.
- (9) Any period of grace for disposal, storage, placing on the market and use of existing stocks of plant protection products containing trichlorfon allowed by Member States, should be limited to a period no longer than twelve months to allow existing stocks to be used in no more than one further growing season.
- (10) This Decision does not prejudice the submission of an application for trichlorfon according to the provisions of Article 6(2) of Directive 91/414/EEC in view of a possible inclusion in its Annex I.
- (11) 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

Trichlorfon shall not be included as active substance in Annex I to Directive 91/414/EEC.

Article 2

Member States shall ensure that:

- (a) authorisations for plant protection products containing trichlorfon are withdrawn by 21 November 2007;
- (b) from 25 May 2007 no authorisations for plant protection products containing trichlorfon are granted or renewed under the derogation provided for in Article 8(2) of Directive 91/414/EEC.

Article 3

Any period of grace granted by Member States in accordance with the provisions of Article 4(6) of Directive 91/414/EEC, shall be as short as possible and shall expire not later than 21 November 2008.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 21 May 2007.

For the Commission

Markos KYPRIANOU

Member of the Commission

COMMISSION DECISION**of 22 May 2007****amending Decision 2005/393/EC as regards restricted zones in relation to bluetongue***(notified under document number C(2007) 2091)***(Text with EEA relevance)***(2007/357/EC)*

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2000/75/EC of 20 November 2000 laying down specific provisions for the control and eradication of bluetongue ⁽¹⁾, and in particular Article 8(3) thereof,

Whereas:

- (1) Directive 2000/75/EC lays down control rules and measures to combat bluetongue in the Community, including the establishment of protection and surveillance zones and a ban on animals leaving those zones.
- (2) Commission Decision 2005/393/EC of 23 May 2005 on protection and surveillance zones in relation to bluetongue and conditions applying to movements from or through these zones ⁽²⁾ provides for the demarcation of the global geographic areas where protection and surveillance zones (the restricted zones) are to be established by the Member States in relation to bluetongue.
- (3) Following the notification of outbreaks of bluetongue in mid-August and early September 2006 by Belgium, Germany, France and the Netherlands, the Commission has amended several times Decision 2005/393/EC as regards the demarcation of the restricted zones concerned.

(4) Following a substantiated request submitted by Germany, it is appropriate to amend the demarcation of the restricted zone in Germany.

(5) Decision 2005/393/EC should 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

Annex I to Decision 2005/393/EC is amended in accordance with the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 22 May 2007.

For the Commission

Markos KYPRIANOU

Member of the Commission

⁽¹⁾ OJ L 327, 22.12.2000, p. 74. Directive as last amended by Directive 2006/104/EC (OJ L 363, 20.12.2006, p. 352).

⁽²⁾ OJ L 130, 24.5.2005, p. 22. Decision as last amended by Decision 2007/227/EC (OJ L 98, 13.4.2007, p. 23).

ANNEX

In Annex I to Decision 2005/393/EC, the list of restricted zones in Zone F (serotype 8) which relates to Germany is replaced by the following:

'Germany:

Baden-Württemberg

Landkreis Böblingen

Landkreis Calw

Stadtkreis Baden-Baden

Landkreis Enzkreis

Landkreis Esslingen

Landkreis Freudenstadt

Landkreis Göppingen

Stadtkreis Heidelberg

Stadtkreis Heilbronn

Landkreis Heilbronn

Hohenlohekreis

Landkreis Karlsruhe

Stadtkreis Karlsruhe

Landkreis Ludwigsburg

Stadtkreis Mannheim

Main-Tauber-Kreis

Neckar-Odenwald-Kreis

Im Ortenaukreis: Achern, Appenweier, Bad Peterstal-Griesbach, Durbach, Kappelrodeck, Kehl, Lauf, Lautenbach, Neuried, Oberkirch, Offenburg, Oppenau, Ottenhöfen im Schwarzwald, Renchen, Rheinau, Sasbach, Sasbachwalden, Schutterwald, Seebach, Willstätt

Im Ostalbkreis: Abtsgmünd, Adelsmannsfelden, Durlangen, Eschach, Göggingen, Gschwend, Iggingen, Jagstzell, Leinzell, Lorch, Mutlangen, Obergröningen, Rosenberg, Ruppertshofen, Schechingen, Schwäbisch Gmünd, Spraitbach, Täferrot, Waldstetten

Stadtkreis Pforzheim

Landkreis Rastatt

Rems-Murr-Kreis

Landkreis Reutlingen: Walddorfhäslach, Pliezhausen

Rhein-Neckar-Kreis

Landkreis Schwäbisch-Hall

Stadtkreis Stuttgart

Landkreis Tübingen

Bayern

Im Landkreis Ansbach: Adelshofen, Buch am Wald, Diebach, Gebsattel, Geslau, Insing, Neusitz, Ohrenbach, Rothenburg ob der Tauber, Schillingsfürst, Schnelldorf, Steinsfeld, Wettingen, Windelsbach, Wörnitz

Landkreis Aschaffenburg

Stadt Aschaffenburg

Landkreis Bad Kissingen

Im Landkreis Hassberge: Gädheim, Theres

Landkreis Kitzingen ohne die Gemeinde Geiselwind

Landkreis Main-Spessart

Landkreis Miltenberg

Im Landkreis Neustadt a.d.Aisch-Bad Windsheim: Burgbernheim, Ergersheim, Gallmersgarten, Gollhofen, Hemmersheim, Ippesheim, Markt Bibart, Markt Nordheim, Oberickelsheim, Oberscheinfeld, Simmershofen, Sugenheim, Uffenheim, Weigenheim

Landkreis Rhön-Grabfeld

Landkreis Schweinfurt

Stadt Schweinfurt

Landkreis Würzburg

Stadt Würzburg

Brandenburg

Im Landkreis Prignitz: Besandten, Eldenburg, Wootz

Freie Hansestadt Bremen

Gesamtes Landesgebiet

Freie und Hansestadt Hamburg

Gesamtes Landesgebiet

Hessen

Gesamtes Landesgebiet

Mecklenburg-Vorpommern

Im Landkreis Ludwigslust: Belsch, Bengerstorf, Besitz, Stadt Boizenburg, Brahlstorf, Derselow, Stadt Dömitz, Gresse, Greven, Gallin, Grebs-Niendorf, Karenz, Leussow, Stadt Lübbtheen, Malk Göhren, Malliß, Neu Gülze, Neu Kaliß, Nostorf, Pritzier, Redefin, Schwanheide, Teldau, Tessin/Bzbg., Vellahn, Vielank, Warlitz

Niedersachsen

Gesamtes Landesgebiet

Nordrhein-Westfalen

Gesamtes Landesgebiet

Rheinland-Pfalz

Gesamtes Landesgebiet

Saarland

Gesamtes Landesgebiet

Sachsen-Anhalt

Landkreis Altmarkkreis Salzwedel

Landkreis Aschersleben-Stafffurt

Im Landkreis Bernburg: Güsten

Landkreis Bördekreis

Im Burgenlandkreis: Billroda, Bucha, Herrngosserstedt, Kahlwinkel, Lossa, Memleben, Saubach, Steinburg, Tromsdorf, Wangen, Wischroda, Wohlmirstedt

Landkreis Halberstadt

Im Landkreis Jerichower Land: Hohenwarte, Lostau

Landeshauptstadt Magdeburg

Im Kreis Mansfelder Land: Abberode, Ahlsdorf, Alterode, Annarode, Arnstedt, Benndorf, Bischofrode, Biesenrode, Bornstedt, Bräunrode, Braunschwende, Eisleben, Friesdorf, Gorenzen, Greifenhagen, Großörner, Harkerode, Helbra, Hergisdorf, Hermerode, Hettstedt, Klostermansfeld, Mansfeld, Möllendorf, Molmerswende, Osterhausen, Piskaborn, Quenstedt, Ritterode, Ritzgerode, Rothenschirmbach, Schmalzerode, Siebigerode, Stangerode, Sylta, Ulzigerode, Vatterode, Walbeck, Welbsleben, Wiederstedt, Wimmelburg, Wippa, Wolferode

Im Landkreis Merseburg-Querfurt: Farnstädt, Grockstädt, Leimbach, Querfurt, Schmon, Vitzenburg, Weißenschirmbach, Ziegelroda

Landkreis Ohre-Kreis

Landkreis Quedlinburg

Landkreis Sangerhausen

Im Landkreis Schönebeck: Atzendorf, Biere, Eickendorf, Förderstedt, Löbnitz(Bode), Schönebeck(Elbe), Welsleben

Im Landkreis Stendal: Aulosen, Badingen, Ballerstedt, Berkau, Bismark(Altmark), Boock, Bretsch, Büste, Dobberkau, Flessau, Gagel, Garlipp, Gladigau, Gollensdorf, Grassau, Groß Garz, Heiligenfelde, Hohenwulsch, Holzhausen, Insel, Käthen, Kläden, Könnigde, Kossebau, Kremkau, Krevese, Lückstedt, Lüderitz, Meßdorf, Möringen, Nahrstedt, Pollitz, Querstedt, Rochau, Rossau, Schäplitz, Schernebeck, Schinne, Schorstedt, Staats, Steinfeld, Tangerhütte, Uchtdorf, Uchtspringe, Vinzelberg, Volgfelde, Wanzer, Windberge, Wittenmoor

Landkreis Wernigerode

Schleswig-Holstein

Im Kreis Herzogtum Lauenburg: Alt Mölln, Aumühle, Bälau, Basedow, Basthorst, Besenthal, Börsen, Borstorf, Breitenfelde, Bröthen, Brunstorf, Buchhorst, Büchen, Dahmker, Daldorf, Dassendorf, Elmenhorst, Escheburg, Fitzen, Fuhlenhagen, Geesthacht, Götting, Grabau, Grambek, Groß Pampau, Grove, Gudow, Gülzow, Güster, Hamfelde, Hamwarde, Havekost, Hohenhorn, Hornbek, Juliusburg, Kankelau, Kasseburg, Klein Pampau, Koberg, Köthel, Kollow, Kröppelshagen-Fahrendorf, Krüzen, Krukow, Kuddewörde, Langenlehsten, Lanze, Lauenburg/Elbe, Lehmrade, Linau, Lüttau, Möhnsen, Mölln, Mühlenrade, Müssen, Niendorf/Stecknitz, Poggensee, Roseburg, Forstgutsbezirk Sachsenwald, Sahms, Schnakenbek, Schönberg, Schretstaken, Schulendorf, Schwarzenbek, Siebeneichen, Sirksfelde, Talkau, Tramm, Walksfelde, Wangelau, Wentorf bei Hamburg, Wentorf (Amt Sandesneben), Wiershop, Witzeze, Wohltorf, Woltersdorf, Worth

Im Kreis Pinneberg: Appen, Barmstedt, Bevern, Bilsen, Bönningstedt, Bokholt-Hanredder, Borstel-Hohenraden, Bullenkuhlen, Ellerbek, Ellerhoop, Elmshorn, Groß Nordende, Halstenbek, Haselau, Haseldorf, Hasloh, Heede, Heidgraben, Heist, Hemdingen, Hetlingen, Holm, Klein Nordende, Klein Offenseth-Sparrieshoop, Kölln-Reisiek, Kummerfeld, Seester, Moorrege, Neuendeich, Pinneberg, Prisdorf, Quickborn, Raa-Besenbek, Rellingen, Schenefeld, Seester, Seestermühle, Seeth-Ekholz, Tangstedt, Tornesch, Uetersen, Wedel

Im Kreis Segeberg: Alveslohe, Ellerau, Henstedt-Ulzburg, Norderstedt

Im Kreis Steinburg: Altenmoor, Borsfleth, Engelbrechtsche Wildnis, Glückstadt, Herzhorn, Horst (Holstein), Kiebitzreihe, Kollmar, Neuendorf b. Elmshorn, Sommerland

Im Kreis Stormarn: Ahrensburg, Ammersbek, Bargteheide, Barsbüttel, Braak, Brunsbek, Delingsdorf, Glinde, Grande, Groenwohld, Grossensee, Grosshansdorf, Hamfelde, Hammoor, Hohenfelde, Hoisdorf, Jersbek, Koethel, Luetjensee, Oststeinbek, Rausdorf, Reinbek, Siek, Stapelfeld, Steinburg, Tangstedt, Todendorf, Trittau, Witzhave

Thüringen

Landkreis Eichsfeld

Stadt Eisenach

Stadt Erfurt

Landkreis Gotha

Landkreis Hildburghausen

Ilmkreis

Kyffhäuserkreis

Landkreis Nordhausen

Im Landkreis Saalfeld-Rudolstadt: Allendorf, Bad Blankenburg, Bechstedt, Dröbischau, Katzhütte, Königsee, Mellenbach-Glasbach, Meuselbach-Schwarzmühle, Oberhain, Remda-Teichel, Rottenbach, Rudolstadt, Schwarzburg

Landkreis Schmalkalden-Meiningen

Landkreis Sömmerda

Stadt Suhl

Unstrut-Hainich-Kreis

Wartburgkreis

Stadt Weimar

Landkreis Weimarer Land'

III

(Acts adopted under the EU Treaty)

ACTS ADOPTED UNDER TITLE V OF THE EU TREATY

POLITICAL AND SECURITY COMMITTEE DECISION EUPT/1/2007

of 15 May 2007

extending the mandate of the Head of the EU Planning Team (EUPPT Kosovo) regarding a possible EU crisis management operation in the field of rule of law and possible other areas in Kosovo

(2007/358/CFSP)

THE POLITICAL AND SECURITY COMMITTEE,

Having regard to the Treaty on European Union, and in particular Article 25 thereof,

Having regard to Council Joint Action 2006/304/CFSP of 10 April 2006 on the establishment of an EU Planning Team (EUPPT Kosovo) regarding a possible EU crisis management operation in the field of rule of law and possible other areas in Kosovo ⁽¹⁾, and in particular Article 6(2) thereof,

Whereas:

(1) Article 6 of Joint Action 2006/304/CFSP provides for the Council to authorise the Political and Security Committee (PSC) to take the relevant decisions in accordance with Article 25 of the Treaty, including the decision to appoint, upon a proposal by the Secretary-General/High Representative (SG/HR), a Head of the EU Planning Team (EUPPT Kosovo).

(2) On 2 May 2006, the PSC adopted Decision EUPT/1/2006 ⁽²⁾ appointing Mr Casper Klynge as Head of the EU Planning Team (EUPPT Kosovo).

(3) On 11 December 2006, the Council adopted Joint Action 2006/918/CFSP ⁽³⁾ amending and extending Joint Action 2006/304/CFSP until 31 May 2007.

(4) On 12 December 2006, the PSC adopted Decision EUPT/2/2006 ⁽⁴⁾ extending the mandate of Mr Casper Klynge as Head of the EU Planning Team (EUPPT Kosovo) until 31 May 2007.

(5) On 14 May 2007, the Council adopted Joint Action 2007/334/CFSP amending and extending Joint Action 2006/304/CFSP until 1 September 2007.

(6) The SG/HR has proposed the extension of the mandate of Mr Casper Klynge as Head of the EU Planning Team (EUPPT Kosovo) until the end of the mandate of EUPPT Kosovo.

(7) The mandate of the Head of the EU Planning Team (EUPPT Kosovo) should therefore be extended until the end of the mandate of EUPPT Kosovo,

HAS DECIDED AS FOLLOWS:

Article 1

The mandate of Mr Casper Klynge as Head of the EU Planning Team (EUPPT Kosovo) regarding a possible EU crisis management operation in the field of rule of law and possible other areas in Kosovo is hereby extended until the end of the mandate of EUPPT Kosovo.

⁽¹⁾ OJ L 112, 26.4.2006, p. 19. Joint Action as last amended by Joint Action 2007/334/CFSP (OJ L 125, 15.5.2007, p. 29).

⁽²⁾ OJ L 130, 18.5.2006, p. 42.

⁽³⁾ OJ L 349, 12.12.2006, p. 57.

⁽⁴⁾ OJ L 365, 21.12.2006, p. 88.

Article 2

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

It shall apply until the end of the mandate of EUPT Kosovo.

Done at Brussels, 15 May 2007.

For the Political and Security Committee

The President

C. von GOETZE

COUNCIL JOINT ACTION 2007/359/CFSP**of 23 May 2007****amending and extending Joint Action 2005/889/CFSP on establishing a European Union Border Assistance Mission for the Rafah Crossing Point (EU BAM Rafah)**

THE COUNCIL OF THE EUROPEAN UNION,

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

Whereas:

- (1) On 25 November 2005 the Council adopted Joint Action 2005/889/CFSP establishing a European Union Border Assistance Mission for the Rafah Crossing Point (EU BAM Rafah) ⁽¹⁾ for a period of 12 months.
- (2) On 13 November 2006 the Council adopted Joint Action 2006/773/CFSP, amending and extending the mandate of the mission until 24 May 2007.
- (3) On 15 and 16 May 2007, both Palestinian and Israeli parties requested the extension of the Mission for 12 months.
- (4) On 21 May 2007, the Political and Security Committee welcomed the request for the extension of EU BAM Rafah, and recommended the extension of the Mission's mandate for 12 months.
- (5) Joint Action 2005/889/CFSP should be amended accordingly,

HAS ADOPTED THIS JOINT ACTION:

Article 1

Joint Action 2005/889/CFSP is hereby amended as follows:

1. The following subparagraph shall be added to Article 13(1):

'The financial reference amount intended to cover the expenditure related to the mission for the period from 25 May 2007 until 24 May 2008 shall be EUR 7 000 000.'

2. The second subparagraph of Article 16 shall be replaced by the following:

'It shall expire on 24 May 2008.'

3. Article 17 shall be replaced by the following:

'Article 17

This Joint Action shall be reviewed by 31 March 2008 at the latest.'

Article 2

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

Article 3

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

Done at Brussels, 23 May 2007.

For the Council

The President

F.-W. STEINMEIER

⁽¹⁾ OJ L 327, 14.12.2005, p. 28. Joint Action as amended by Joint Action 2006/773/CFSP (OJ L 313, 14.11.2006, p. 15).