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Contents

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

REGULATIONS

- ★ **Council Regulation (EC) No 719/2007 of 25 June 2007 amending Regulation (EC) No 234/2004 concerning certain restrictive measures in respect of Liberia** 1
- Commission Regulation (EC) No 720/2007 of 25 June 2007 establishing the standard import values for determining the entry price of certain fruit and vegetables 2
- ★ **Commission Regulation (EC) No 721/2007 of 25 June 2007 adapting Regulation (EC) No 884/2006 laying down detailed rules for the application of Council Regulation (EC) No 1290/2005 as regards the financing by the European Agricultural Guarantee Fund (EAGF) of intervention measures in the form of public storage operations and the accounting of public storage operations by the paying agencies of the Member States by reason of the accession of Bulgaria and Romania to the European Union** 4
- ★ **Commission Regulation (EC) No 722/2007 of 25 June 2007 amending Annexes II, V, VI, VIII, IX and XI to Regulation (EC) No 999/2001 of the European Parliament and of the Council laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies ⁽¹⁾** 7

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

DECISIONS

Council

2007/438/EC:

- ★ **Council Decision of 18 June 2007 amending Decision 2001/264/EC adopting the Council's security regulations** 24

⁽¹⁾ Text with EEA relevance

(Continued overleaf)

Commission

2007/439/EC:

★ **Commission Decision of 25 June 2007 amending Decision 2004/452/EC laying down a list of bodies whose researchers may access confidential data for scientific purposes** (*notified under document number C(2007) 2565*) ⁽¹⁾ 30

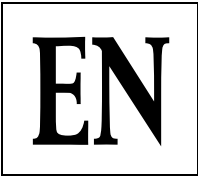
2007/440/EC:

★ **Commission Decision of 25 June 2007 repealing Decision 2005/704/EC accepting an undertaking offered in connection with the anti-dumping proceeding concerning imports of certain magnesite bricks originating in the People's Republic of China** 32

Corrigenda

★ **Corrigendum to Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001)** 36

Notice to readers (see page 3 of the cover)



⁽¹⁾ Text with EEA relevance

I

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

REGULATIONS

COUNCIL REGULATION (EC) No 719/2007

of 25 June 2007

amending Regulation (EC) No 234/2004 concerning certain restrictive measures in respect of Liberia

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Common Position 2007/400/CFSP of 11 June 2007 terminating certain restrictive measures imposed against Liberia ⁽¹⁾,

Having regard to the proposal from the Commission,

Whereas:

- (1) Common Position 2004/137/CFSP of 10 February 2004 concerning restrictive measures against Liberia ⁽²⁾ provided for the implementation of the measures set out in United Nations Security Council Resolution 1521(2003) concerning Liberia, including *inter alia*, a ban on the import of rough diamonds from Liberia. That ban was most recently renewed by Common Position 2007/93/CFSP of 12 February 2007 modifying and renewing Common Position 2004/137/CFSP ⁽³⁾ for a period of six months. On 27 April 2007, the UN Security Council adopted Resolution 1753(2007). It decided, *inter alia*, to terminate the restrictive measures on diamonds from Liberia. Subsequently, Liberia was admitted as of 4 May 2007 to the Kimberley Process Certification Scheme. Accordingly, Liberia should be

listed as a Participant in Annex II to Council Regulation (EC) No 2368/2002 of 20 December 2002 implementing the Kimberley Process certification scheme for the international trade in rough diamonds ⁽⁴⁾.

- (2) Council Regulation (EC) No 234/2004 ⁽⁵⁾ prohibits, *inter alia*, the import of rough diamonds from Liberia.
- (3) Article 6(1) of Regulation (EC) No 234/2004, which prohibits the import into the Community of rough diamonds from Liberia, and Article 6(3) which prohibits circumvention of that prohibition, should therefore be repealed with retroactive effect as of 27 April 2007,

HAS ADOPTED THIS REGULATION:

Article 1

Paragraphs (1) and (3) of Article 6 of Regulation (EC) No 234/2004 shall be repealed.

Article 2

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

It shall apply from 27 April 2007.

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

Done at Luxembourg, 25 June 2007.

For the Council

The President

A. SCHAVAN

⁽¹⁾ OJ L 150, 12.6.2007, p. 15.

⁽²⁾ OJ L 40, 12.2.2004, p. 35. Common Position last modified and renewed by Common Position 2007/93/CFSP (OJ L 41, 13.2.2007, p. 17).

⁽³⁾ OJ L 41, 13.2.2007, p. 17.

⁽⁴⁾ OJ L 358, 31.12.2002, p. 28. Regulation as last amended by Commission Regulation (EC) No 613/2007 (OJ L 141, 2.6.2007, p. 56).

⁽⁵⁾ OJ L 40, 12.2.2004, p. 1. Regulation as last amended by Regulation (EC) No 1819/2006 (OJ L 351, 13.12.2006, p. 1).

COMMISSION REGULATION (EC) No 720/2007**of 25 June 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 26 June 2007.

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

Done at Brussels, 25 June 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 25 June 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	41,5
	MK	39,3
	TR	96,0
	ZZ	58,9
0707 00 05	JO	159,1
	TR	152,1
	ZZ	155,6
0709 90 70	TR	88,0
	ZZ	88,0
0805 50 10	AR	49,6
	TR	92,6
	UY	68,9
	ZA	59,5
	ZZ	67,7
0808 10 80	AR	91,1
	BR	93,8
	CA	102,7
	CL	84,7
	CN	80,2
	CO	90,0
	NZ	97,7
	US	108,0
	UY	91,5
	ZA	101,5
	ZZ	94,1
0809 10 00	TR	206,1
	ZZ	206,1
0809 20 95	TR	275,3
	US	382,9
	ZZ	329,1
0809 30 10, 0809 30 90	CL	101,4
	ZA	88,5
	ZZ	95,0
0809 40 05	IL	251,9
	ZZ	251,9

⁽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 721/2007**of 25 June 2007**

adapting Regulation (EC) No 884/2006 laying down detailed rules for the application of Council Regulation (EC) No 1290/2005 as regards the financing by the European Agricultural Guarantee Fund (EAGF) of intervention measures in the form of public storage operations and the accounting of public storage operations by the paying agencies of the Member States by reason of the accession of Bulgaria and Romania to the European Union

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty of Accession of the Republic of Bulgaria and Romania,

Having regard to the Act of Accession of the Republic of Bulgaria and Romania, and in particular Article 56 thereof,

Whereas:

- (1) Certain technical amendments are needed to Annexes IV and VI of Commission Regulation (EC) No 884/2006 ⁽¹⁾, by reason of the accession of Bulgaria and Romania to the European Union.
- (2) These amendments concern the reference interest rates referred to in point I.2 of Annex IV of Regulation (EC) No 884/2006 necessary for Bulgaria and Romania in order to calculate the financing costs to be reimbursed to the Member States concerned for their public storage operations and the 2007 reference period for Bulgaria and Romania in order to calculate the standard costs

to be reimbursed to the Member States concerned for their public storage operations for the budget year 2008.

- (3) Regulation (EC) No 884/2006 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 884/2006 is amended as follows:

1. The Appendix to Annex IV is replaced by the Appendix in Annex I of the present Regulation.
2. Point I.1 of Annex VI is replaced by point I.1 in Annex II of the present Regulation.

Article 2

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

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

Done at Brussels, 25 June 2007.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 171, 23.6.2006, p. 35.

ANNEX I

Appendix

Reference interest rates referred to in Annex IV

1. Bulgaria
Sofia interbank borrowing offered rate three months (SOFIBOR)
 2. Czech Republic
Prague interbank borrowing offered rate three months (PRIBOR)
 3. Denmark
Copenhagen interbank borrowing offered rate three months (CIBOR)
 4. Estonia
Tallinn interbank borrowing offered rate three months (TALIBOR)
 5. Cyprus
Nicosia interbank borrowing offered rate three months (NIBOR)
 6. Latvia
Riga interbank borrowing offered rate three months (RIGIBOR)
 7. Lithuania
Vilnius interbank borrowing offered rate three months (VILIBOR)
 8. Hungary
Budapest interbank borrowing offered rate three months (BUBOR)
 9. Malta
Malta interbank borrowing offered rate three months (MIBOR)
 10. Poland
Warsaw interbank borrowing offered rate three months (WIBOR)
 11. Romania
Bucharest interbank borrowing offered rate three months (BUBOR)
 12. Slovenia
Slovenian Interbank borrowing offered rate three months (SITIBOR)
 13. Slovakia
Bratislava interbank borrowing offered rate three months (BRIBOR)
 14. Sweden
Stockholm interbank borrowing offered rate three months (STIBOR)
 15. United Kingdom
London interbank borrowing offered rate three months (LIBOR)
 16. For the other Member States
Euro interbank borrowing offered rate three months (EURIBOR)
-

ANNEX II

- '1. Standard amounts to apply throughout the Community shall be established, by product, on the basis of the lowest real costs recorded during a reference period beginning on 1 October of year n and ending on 30 April the following year. For the budget year 2008, the reference period, for Bulgaria and Romania, begins on 1 January 2007 and ends on 30 April 2007.'
-

COMMISSION REGULATION (EC) No 722/2007**of 25 June 2007****amending Annexes II, V, VI, VIII, IX and XI to Regulation (EC) No 999/2001 of the European Parliament and of the Council laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

procedure for the classification of countries according to their BSE risk based on three categories was adopted.

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001, laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies ⁽¹⁾, and in particular Article 23 thereof,

Whereas:

- (1) Regulation (EC) No 999/2001 lays down rules for the prevention, control and eradication of transmissible encephalopathies (TSEs) in animals. It applies to the production and placing on the market of live animals and products of animal origin and in certain specific cases to exports thereof.
- (2) Article 5 of Regulation (EC) No 999/2001 provides that the bovine spongiform encephalopathy (BSE) status of Member States or third countries or regions thereof (countries or regions) is to be determined by classification into one of three categories. Annex II to that Regulation lays down rules for the determination of the BSE status of countries or regions. Article 5 of that Regulation also provides for a reassessment of the Community categorisation of countries following the establishment by the World Organisation for Animal health (OIE) of a procedure for the classification of countries by category.
- (3) Annex V to Regulation (EC) No 999/2001 lays down the rules for the collection and disposal of specified risk materials and Annex IX to that Regulation lays down the rules for the importation into the Community of live animals, embryos, ova and products of animal origin.
- (4) During the General Session of the World Organisation for Animal health (OIE) in May 2005, a new simplified

- (5) Regulation (EC) No 999/2001 was amended by Regulation (EC) No 1923/2006 in order to transpose that new simplified categorisation system into Community legislation. Following that amendment, Annexes II, V and IX to Regulation (EC) No 999/2001 should be amended to take account of the new categorisation system.

- (6) In the absence of a decision on the classification of countries in accordance with Article 5(2) or (4) of Regulation (EC) No 999/2001, the provisions in Article 9 and Annex VI did not apply. In view of the fact that the new categorisation system is to apply from 1 July 2007 and in order to align this Annex with the rules applicable under the transitional measures based on scientific evidence and with the amendments made to the Articles, Annex VI should be amended.

- (7) Annex VIII to Regulation (EC) No 999/2001 lays down the conditions for the placing on the market and export of live animals, their semen, embryos, ova and products of animal origin. Chapter C of that Annex lays down the conditions for intra-Community trade in certain products of animal origin. Those conditions should be amended to take into account of the new categorisation system.

- (8) Point 5 of Part D of Annex XI to Regulation (EC) No 999/2001 lays down measures concerning intra-Community trade of bovine animals born or reared on the United Kingdom before 1 August 1996 and importation into the Community of meat products derived from cervid animals. For human and animal health protection reasons, these measures should continue to apply after 1 July 2007.

- (9) For clarity and consistency reasons the provisions for intra-Community trade and export to third countries of bovine animals born or reared on the United Kingdom before 1 August 1996 should be laid down in Annex VIII and the provisions for importation of meat products derived from cervid animals should be laid down in Annex IX.

⁽¹⁾ OJ L 147, 31.5.2001, p. 1. Regulation as last amended by Regulation (EC) No 1923/2006 (OJ L 404, 30.12.2006, p. 1).

- (10) The transitional measures concerning specified risk material contained in Annex XI to Regulation (EC) No 999/2001 should cease to apply with respect to each country or region immediately following the date of adoption of a decision on classification of that country or region. Annex XI should therefore be repealed.
- (11) Regulation (EC) No 999/2001 should therefore be amended accordingly.
- (12) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes II, V, VI, VIII, IX and XI to Regulation (EC) No 999/2001 are amended in accordance with the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 25 June 2007.

For the Commission

Markos KYPRIANOU

Member of the Commission

ANNEX

Annexes II, V, VI, VIII, IX and XI to Regulation (EC) No 999/2001 are amended as follows:

(1) Annex II to Regulation (EC) No 999/2001 is replaced by the following:

'ANNEX II

DETERMINATION OF BSE STATUS

CHAPTER A

Criteria

The BSE status of Member States or third countries or regions thereof (hereinafter referred to as countries or regions), shall be determined on the basis of the criteria set out in points (a) to (e).

In the country or region:

- (a) a risk analysis in accordance with the provisions of Chapter B, identifying all the potential factors for BSE occurrence and their historic perspective in the country or region, is carried out;
- (b) a system of continuous surveillance and monitoring of BSE relating in particular to the risks described in Chapter B and complying with the minimal surveillance requirements laid down in Chapter D is in place;
- (c) an on-going awareness programme for veterinarians, farmers, and workers involved in transportation, marketing and slaughter of bovine animals, to encourage reporting of all cases showing clinical signs consistent with BSE in target sub-populations as defined in Chapter D of this Annex is in place;
- (d) an obligation to notify and investigate all bovine animals showing clinical signs consistent with BSE is in force;
- (e) the examination of brain or other tissues collected within the framework of the surveillance and monitoring system referred to in point (b) is carried out in an approved laboratory.

CHAPTER B

Risk analysis**1. Structure of the risk analysis**

The risk analyses shall comprise a release assessment and an exposure assessment.

2. Release assessment (external challenge)

- 2.1. The release assessment shall consist of assessing the likelihood that the BSE agent has either been introduced into the country or region via commodities potentially contaminated with a BSE agent, or is already present in the country or region.

The following risk factors shall be taken into account:

- (a) the presence or absence of the BSE agent in the country or region and, if the agent is present, its prevalence based on the outcome of surveillance activities;
- (b) the production of meat-and-bone meal or greaves from the BSE indigenous ruminant population;
- (c) imported meat-and-bone meal or greaves;
- (d) imported bovine and ovine and caprine animals;
- (e) imported animal feed and feed ingredients;

- (f) imported products of ruminant origin for human consumption, which may have contained tissues listed in point 1 of Annex V and may have been fed to bovine animals;
 - (g) imported products of ruminant origin for *in vivo* use in bovine animals.
- 2.2. Special eradication schemes, surveillance and other epidemiological investigations (especially surveillance for BSE conducted on the bovine animals population) relevant to the risk factors listed in point 2.1 should be taken into account in carrying out the release assessment.

3. **Exposure assessment**

The exposure assessment shall consist of assessing the likelihood of exposure of bovine animals to the BSE agent, through a consideration of the following:

- (a) recycling and amplification of the BSE agent through consumption by bovine animals of meat-and-bone meal or greaves of ruminant origin, or other feed or feed ingredients contaminated with these;
- (b) the use of ruminant carcasses (including from fallen stock), by-products and slaughterhouse waste, the parameters of the rendering processes and the methods of animal feed manufacture;
- (c) the feeding or not of ruminants with meat-and-bone meal and greaves derived from ruminants, including measures to prevent cross-contamination of animal feed;
- (d) the level of surveillance for BSE conducted on the bovine animals population to that time and the results of that surveillance.

CHAPTER C

Definition of categories

I. COUNTRY OR REGION WITH A NEGLIGIBLE BSE RISK

A country or region:

- (1) where a risk analysis in accordance with Chapter B has been conducted in order to identify the historical and existing risk factors;
- (2) which has demonstrated that appropriate specific measures have been taken for the relevant period of time defined below to manage each identified risk;
- (3) which has demonstrated that Type B surveillance, in accordance with Chapter D, is in place, and the relevant points target, in accordance with Table 2 thereof, has been met; and
- (4) which is:
 - (a) either in the following situation:
 - (i) in the country or region there has been no case of BSE, or, any case of BSE has been demonstrated to have been imported and has been completely destroyed;
 - (ii) the criteria in points (c), (d) and (e) of Chapter A of this Annex have been complied with for at least seven years; and
 - (iii) it has been demonstrated through an appropriate level of control and audit that for at least eight years neither meat-and-bone meal nor greaves derived from ruminants has been fed to ruminants;

(b) or in the following situation:

- (i) there has been one or more BSE indigenous cases in the country or region but every BSE indigenous case was born more than 11 years ago;
- (ii) the criteria in points (c), (d) and (e) of Chapter A have been complied with for at least seven years;
- (iii) it has been demonstrated through an appropriate level of control and audit that for at least eight years neither meat-and-bone meal nor greaves derived from ruminants has been fed to ruminants;
- (iv) the following animals, if alive in the country or region, are permanently identified, and their movements controlled, and, when slaughtered or at death, are completely destroyed:
 - all BSE cases,
 - all bovine animals which, during their first year of life, were reared with the BSE cases during their first year of life, and which investigation showed consumed the same potentially contaminated feed during that period, or
 - if the results of the investigation referred to in the second indent are inconclusive, all bovine animals born in the same herd as, and within 12 months of the birth of, the BSE cases.

II. COUNTRY OR REGION WITH A CONTROLLED BSE RISK

A country or region

- (1) where a risk analysis based on the information laid down in Chapter B has been conducted in order to identify the historical and existing risk factors;
- (2) which has demonstrated that appropriate measures are been taken to manage all identified risks, but those measures have not been taken for the relevant period of time;
- (3) which has demonstrated that Type A surveillance, in accordance with Chapter D, is in place and the relevant points target, in accordance with Table 2, has been met. Type B surveillance may replace Type A surveillance once the relevant points target is met; and
- (4) which is:

(a) either in the following situation:

- (i) in the country or region there has been no case of BSE, or, any case of BSE has been demonstrated to have been imported and has been completely destroyed, the criteria in points (c), (d) and (e) of Chapter A are complied with, and it can be demonstrated through an appropriate level of control and audit that neither meat-and-bone meal nor greaves derived from ruminants has been fed to ruminants;
- (ii) the criteria in points (c), (d) and (e) of Chapter A have been complied with for a period shorter than seven years; and/or
- (iii) it cannot be demonstrated that controls over the feeding of meat-and-bone meal or greaves derived from ruminants to ruminants have been in place for eight years;

(b) or in the following situation:

- (i) in the country or region there has been a BSE indigenous case, the criteria in points (c), (d) and (e) of Chapter A are complied with, and it can be demonstrated through an appropriate level of control and audit that neither meat-and-bone meal nor greaves derived from ruminants has been fed to ruminants;

- (ii) the criteria in points (c) to (e) of Chapter A of this Annex have been complied with for a period shorter than seven years; and/or
- (iii) it cannot be demonstrated that controls over the feeding of meat-and-bone meal or greaves derived from ruminants to ruminants have been in place for at least eight years;
- (iv) the following animals, if alive in the country or region, are permanently identified, and their movements controlled, and, when slaughtered or at death, are completely destroyed: and
 - all BSE cases, and
 - all bovine animals which, during their first year of life, were reared with the BSE cases during their first year of life, and which investigation showed consumed the same potentially contaminated feed during that period, or
 - if the results of the investigation referred to in the second indent are inconclusive, all bovine animals born in the same herd as, and within 12 months of the birth of, the BSE cases.

III. COUNTRY OR REGION WITH UNDETERMINED BSE RISK

A country or region for which the determination of BSE status has not been concluded, or which does not meet the conditions to be fulfilled by the country or region to be classified in one of the other categories.

CHAPTER D

Minimal surveillance requirements

1. Surveillance types

For the purpose of this Annex, the following definitions shall apply:

(a) *Type A surveillance*

The application of Type A surveillance will allow the detection of BSE at a design prevalence ⁽¹⁾ of at least one case per 100 000 in the adult bovine animals population in the country or region of concern, at a confidence level of 95 %;

(b) *Type B surveillance*

The application of Type B surveillance will allow the detection of BSE at a design prevalence of at least one case per 50 000 in the adult bovine animals population in the country or region of concern, at a confidence level of 95 %.

Type B surveillance may be carried out by countries or region of negligible BSE risk status to confirm the conclusions of the risk analysis, for example by demonstrating the effectiveness of the measures mitigating any risk factors identified, through surveillance targeted to maximise the likelihood of identifying failures of such measures.

Type B surveillance may also be carried out by countries or regions of controlled BSE risk status, following the achievement of the relevant points target using Type A surveillance, to maintain confidence in the knowledge gained through Type A surveillance.

For the purpose of this Annex, the following four sub-populations of bovine animals have been identified for surveillance purposes:

- (a) bovine animals over 30 months of age displaying behavioural or clinical signs consistent with BSE (clinical suspects);

⁽¹⁾ Design prevalence is used to determine the size of a testing survey expressed in terms of target points. If the actual prevalence is greater than the selected design prevalence, the survey is highly likely to detect disease.

- (b) bovine animals over 30 months of age that are non-ambulatory, recumbent, unable to rise or to walk without assistance; bovine animals over 30 months of age sent for emergency slaughter or with abnormal observations at ante-mortem inspection (casualty or emergency slaughter);
- (c) bovine animals over 30 months of age which are found dead or killed on farm, during transport or at an abattoir (fallen stock);
- (d) bovine animals over 36 months of age at routine slaughter.

2. Surveillance strategy

- 2.1. The surveillance strategy shall be designed to ensure that samples are representative of the herd of the country or region, and include consideration of demographic factors such as production type and geographic location, and the potential influence of culturally unique husbandry practices. The approach used and the assumptions made shall be fully documented, and the documentation retained for seven years.
- 2.2. In order to implement the surveillance strategy for BSE, a country shall use documented records or reliable estimates of the age distribution of the adult bovine animals population and the number of bovine animals tested for BSE stratified by age and by sub-population within the country or region.

3. Points values and point targets

Surveillance samples must meet the point targets set out in Table 2, on the basis of "point values" fixed in Table 1. All clinical suspects shall be investigated, regardless of the number of points accumulated. A country shall sample at least three out of the four sub-populations. The total points for samples collected shall be accumulated over a period of a maximum of seven consecutive years to achieve the target number of points. The total points accumulation shall be periodically compared to the target number of points for a country or region.

Table 1

Surveillance point values for samples collected from animals in the given sub-population and age category

Surveillance sub-population			
Routine slaughter ⁽¹⁾	Fallen stock ⁽²⁾	Casualty slaughter ⁽³⁾	Clinical suspect ⁽⁴⁾
Age ≥ 1 year and < 2 years			
0,01	0,2	0,4	N/A
Age ≥ 2 years and < 4 years (young adult)			
0,1	0,2	0,4	260
Age ≥ 4 years and < 7 years (middle adult)			
0,2	0,9	1,6	750
Age ≥ 7 years and < 9 years (older adult)			
0,1	0,4	0,7	220
Age ≥ 9 years (aged)			
0,0	0,1	0,2	45

⁽¹⁾ Bovine animals over 36 months of age at routine slaughter.

⁽²⁾ Bovine animals over 30 months of age which are found dead or killed on farm, during transport or at an abattoir (fallen stock).

⁽³⁾ Bovine animals over 30 months of age that are non-ambulatory, recumbent, unable to rise or to walk without assistance; bovine animals over 30 months of age sent for emergency slaughter or with abnormal observations at ante-mortem inspection (casualty or emergency slaughter).

⁽⁴⁾ Bovine animals over 30 months of age displaying behavioural or clinical signs consistent with BSE (clinical suspects).

Table 2

Points targets for different adult bovine animals population sizes in a country or region

Points targets for countries or regions		
Adult bovine animals population size (24 months and older)	Type A surveillance	Type B surveillance
≥ 1 000 000	300 000	150 000
800 000-1 000 000	240 000	120 000
600 000-800 000	180 000	90 000
400 000-600 000	120 000	60 000
200 000-400 000	60 000	30 000
100 000-200 000	30 000	15 000
50 000-100 000	15 000	7 500
25 000-50 000	7 500	3 750

4. Specific targeting

Within each of the sub-populations above in a country or region, a country may target bovine animals identifiable as imported from countries or regions where BSE has been detected and bovine animals which have consumed potentially contaminated feedstuffs from countries or regions where BSE has been detected.

5. BSE surveillance model

A country may choose to use the full BSurVE model or an alternative method based on the BSurVE model to estimate its BSE presence/prevalence.

6. Maintenance surveillance

Once the points target has been achieved, and in order to continue to designate the status of a country or region as controlled BSE risk or negligible risk, surveillance can be reduced to Type B surveillance (provided all other indicators remain positive). However, to continue to comply with the requirements laid down in this Chapter, ongoing annual surveillance must continue to include at least three of the four prescribed sub-populations. In addition all bovine animals clinically suspected of being infected with BSE shall be investigated regardless of the number of points accumulated. The annual surveillance in a country or region following the achievement of the required points target, shall be no less than the amount required for one-seventh of its total Type B surveillance target.'

(2) Annex V is replaced by the following:

'ANNEX V**SPECIFIED RISK MATERIAL****1. Definition of specified risk material**

The following tissues shall be designated as specified risk material if they come from animals whose origin is in a Member State or third country or of one of their region with a controlled or undetermined BSE risk:

(a) as regards bovine animals:

- (i) the skull excluding the mandible and including the brain and eyes, and the spinal cord of animals aged over 12 months;
- (ii) the vertebral column excluding the vertebrae of the tail, the spinous and transverse processes of the cervical, thoracic and lumbar vertebrae and the median sacral crest and wings of the sacrum, but including the dorsal root ganglia of animals aged over 24 months; and

(iii) the tonsils, the intestines from the duodenum to the rectum and the mesentery of animals of all ages.

(b) as regards ovine and caprine animals

(i) the skull including the brain and eyes, the tonsils and the spinal cord of animals aged over 12 months or which have a permanent incisor erupted through the gum, and

(ii) the spleen and ileum of animals of all ages.

2. **Derogation for Member States**

By way of derogation from point 1, tissues listed in that point whose origin is in Member States with a negligible BSE risk shall continue to be considered as specified risk material.

3. **Marking and disposal**

Specified risk material shall be stained with a dye or, as appropriate, otherwise marked, immediately on removal, and disposed of in accordance with the provisions laid down in Regulation (EC) No 1774/2002, and in particular in Article 4(2) thereof.

4. **Removal of specified risk material**

4.1. Specified risk material shall be removed at:

(a) slaughterhouses, or, as appropriate, other places of slaughter;

(b) cutting plants, in the case of vertebral column of bovine animals;

(c) where appropriate, in intermediate plants referred to in Article 10 of Regulation (EC) No 1774/2002 or users and collection centres authorised and registered pursuant to Article 23(2)(c)(iv), (vi) and (vii) of Regulation (EC) No 1774/2002.

4.2. By way of derogation from point 4.1, the use of an alternative test to the removal of specified risk material may be authorised under the following conditions:

(a) tests must be carried out in slaughterhouses on all animals eligible for the removal of specified risk material;

(b) no bovine, ovine or caprine product intended for human food or animal feed may leave the slaughterhouse before the competent authority has received and accepted the results of the tests on all slaughtered animals potentially contaminated if BSE has been confirmed in one of them;

(c) when an alternative test gives a positive result, all bovine, ovine and caprine material which has been potentially contaminated in the slaughterhouse is destroyed in accordance with point 3, unless all parts of the body including the hide of the affected animal can be identified and kept separate.

4.3. By way of derogation from point 4.1, Member States may decide to allow:

(a) the removal of spinal cord of ovine and caprine animals in cutting plants specifically authorised for this purpose;

(b) the removal of bovine vertebral column from carcasses or parts of carcasses in butcher shops specifically authorised, monitored and registered for this purpose;

(c) the harvesting of head meat from bovine animals in cutting plants specifically authorised for this purpose in accordance with the provisions laid down in point 9.

4.4. The rules on removal of specified risk material laid down in this Chapter shall not apply to Category 1 material as defined in Regulation (EC) No 1774/2002 used under the supervision of competent authorities for feeding of endangered and protected species of necrophagous birds.

5. Measures concerning mechanically separated meat

Notwithstanding the individual decisions referred to in Article 5(2), and by way of derogation from Article 9(3), it shall be prohibited in all Member States to use bones or bone-in cuts of bovine, ovine and caprine animals for the production of mechanically separated meat.

6. Measures concerning laceration of tissues

Notwithstanding the individual decisions referred to in Article 5(2), and by way of derogation from Article 8(3), in all Member States, until all Member States are classified as countries with negligible BSE risk, laceration of central nervous tissue by means of an elongated rod-shaped instrument introduced into the cranial cavity after stunning shall be prohibited in bovine, ovine or caprine animals whose meat is intended for human or animal consumption.

7. Harvesting of tongues from bovine animals

Tongues of bovine animals of all ages intended for human or animal consumption shall be harvested at the slaughterhouse by a transverse cut rostral to the lingual process of the basihyoid bone.

8. Harvesting of bovine head meat

- 8.1. Head meat of bovine animals above 12 months of age shall be harvested at slaughterhouses, in accordance with a control system, recognised by the competent authority, to ensure the prevention of possible contamination of head meat with central nervous system tissue. The system shall include at least the following provisions:

- (a) harvesting shall take place in a dedicated area, physically separated from the other parts of the slaughterline;
- (b) where the heads are removed from the conveyor or hooks before harvesting the head meat, the frontal shot hole and foramen magnum shall be sealed with an impermeable and durable stopper. Where the brainstem is sampled for laboratory testing for BSE, the foramen magnum shall be sealed immediately after that sampling;
- (c) head meat shall not be harvested from heads where the eyes are damaged or lost immediately prior to, or after slaughter, or which are otherwise damaged in a way which might result in contamination of the head with central nervous tissue;
- (d) head meat shall not be harvested from heads which have not been properly sealed in accordance with the second indent;
- (e) without prejudice to general rules on hygiene, specific working instructions shall be in place to prevent contamination of the head meat during the harvesting, in particular in the case when the seal referred to in the second indent is lost or the eyes damaged during the activity;
- (f) a sampling plan using an appropriate laboratory test to detect central nervous system tissue shall be in place to verify that the measures to reduce contamination are properly implemented.

- 8.2. By way of derogation from the requirements of point 8.1, Member States may decide to apply at the slaughterhouse an alternative control system for the harvesting of bovine head meat, leading to an equivalent reduction in the level of contamination of head meat with central nervous system tissue. A sampling plan using an appropriate laboratory test to detect central nervous system tissue shall be in place to verify that the measures to reduce contamination are properly implemented. Member States using this derogation shall inform the Commission and the other Member States in the framework of the Standing Committee of the Food Chain and Animal Health of their control system and the results of the sampling.

- 8.3. If the harvesting is performed without removing the bovine head from the conveyor or hooks, points 8.1 and 8.2 shall not apply.

9. Harvesting of bovine head meat in authorised cutting plants

By way of derogation from point 8, Member States may decide to allow the harvesting of head meat from bovine in cutting plants specifically authorised for this purpose and provided that the following conditions are complied with:

- (a) the heads intended for transport to the cutting plant shall be suspended on a rack during the storing period and the transport from the slaughterhouse to the cutting plant;

- (b) the frontal shot hole and the foramen magnum shall be properly sealed with an impermeable and durable stopper before being moved from the conveyor or hooks to the racks. Where the brainstem is sampled for laboratory testing for BSE, the foramen magnum shall be sealed immediately after that sampling;
- (c) the heads which have not been properly sealed in accordance with point (b), where the eyes are damaged or lost immediately prior to or after slaughter or which were otherwise damaged in a way which might result in contamination of the head meat with central nervous tissue shall be excluded from transport to the specifically authorised cutting plants;
- (d) a sampling plan for the slaughterhouse using an appropriate laboratory test to detect central nervous system tissue shall be in place to verify the proper implementation of the measures to reduce contamination;
- (e) the harvesting of head meat shall be carried out in accordance with a control system, recognized by the competent authority, to ensure the prevention of possible contamination of head meat. The system shall include at least:
 - (i) all heads shall be visually checked for signs of contamination or damage and proper sealing before the harvesting of the head meat begins;
 - (ii) head meat shall not be harvested from heads which have not been properly sealed, where the eyes are damaged or which were otherwise damaged in a way which might result in contamination of the head meat with central nervous tissue. Head meat shall also not be harvested from any head where contamination from such heads is suspected;
 - (iii) without prejudice to general rules on hygiene, specific working instructions shall be in place to prevent contamination of the head meat during transport and harvesting, in particular where the seal is lost or the eyes damaged during the activity;
- (f) a sampling plan for the cutting plant using an appropriate laboratory test to detect central nervous system tissue shall be in place to verify that the measures to reduce contamination are properly implemented.

10. Rules on trade and export

- 10.1. Member States may allow dispatch of heads or of un-split carcasses containing specified risk material to another Member State only after that Member State has agreed to receive the material and has approved the conditions of dispatch and transport.
- 10.2. By way of derogation from point 10.1, carcasses, half carcasses or half carcasses cut into no more than three wholesale cuts, and quarters containing no specified risk material other than the vertebral column, including dorsal root ganglia, may be dispatched from one Member State to another without the latter's prior agreement.
- 10.3. Exports outside the Community of heads and of fresh meat of bovine, ovine or caprine animals containing specified risk materials shall be prohibited.

11. Controls

- 11.1. Member States shall carry out frequent official controls to verify the correct application of this Annex and shall ensure that measures are taken to avoid any contamination, particularly in slaughterhouses, cutting plants or other places where specified risk material is removed, such as butcher shops or establishments referred in point 4.1 (c).
- 11.2. Member States shall in particular set up a system to ensure and check that specified risk material is handled and disposed of in accordance with Regulation (EC) No 999/2001 and Regulation (EC) No 1774/2002.
- 11.3. A control system shall be put in place for the removal of the vertebral column as specified in point 1(a). The system shall include at least the following measures:
 - (a) when removal of the vertebral column is not required, carcasses or wholesale cuts of carcasses of bovine animals containing vertebral column shall be identified by a clearly visible blue stripe on the label referred to in Regulation (EC) No 1760/2000;

(b) specific information on the number of bovine carcasses or wholesale cuts of carcasses, from which removal of the vertebral column is required as well as the number where removal of the vertebral column is not required, shall be added on the commercial document relating to consignments of meat. When applicable, the specific information shall be added to the document referred to in Article 2(1) of Commission Regulation (EC) No 136/2004 (*) in the case of imports;

(c) butcher shops shall keep, for at least one year, the commercial documents referred to in (b).

(*) OJ L 21, 28.1.2004, p. 11.'

(3) Annex VI is replaced by the following:

'ANNEX VI

PRODUCTS OF ANIMAL ORIGIN DERIVED FROM OR CONTAINING RUMINANT MATERIAL, AS REFERRED TO IN ARTICLE 9(1)

(4) Annex VIII is amended as follows:

(a) Chapter A is amended as follows:

(i) The title of Part I is replaced by the following:

'I. Conditions which apply to ovine and caprine animals and semen and embryos thereof.

(ii) Part II is replaced by the following:

'II. Conditions which apply to bovine animals

The United Kingdom shall ensure that bovine animals born or reared on its territory before 1 August 1996 are not dispatched from its territory to other Member States or third countries.'

(b) Chapter C is replaced by the following:

'CHAPTER C

Conditions for intra-Community trade in certain products of animal origin

SECTION A

Products

The following products of animal origin are exempt from the prohibition referred to in Article 16(3), provided that they are derived from bovine, ovine and caprine animals that satisfy the requirements of Section B:

- fresh meat,
- minced meat,
- meat preparations,
- meat products.

SECTION B

Requirements

The products referred to in Section A must satisfy the following requirements:

- (a) the animals from which the products of bovine, ovine and caprine animal origin were derived have not been fed meat-and-bone meal or greaves derived from ruminants and passed ante-mortem and post-mortem inspections;

- (b) the animals from which the products of bovine, ovine and caprine animal origin were derived have not been slaughtered after stunning by means of gas injected into the cranial cavity or killed by the same method or slaughtered by laceration after stunning of central nervous tissue by means of an elongated rod-shaped instrument introduced into the cranial cavity;
 - (c) the products of bovine, ovine and caprine animal origin are not derived from:
 - (i) specified risk material as defined in Annex V;
 - (ii) nervous and lymphatic tissues exposed during the deboning process; and
 - (iii) mechanically separated meat obtained from bones of bovine, ovine or caprine animals.'
- (5) Annex IX is amended as follows:
- (a) Chapter A is deleted;
 - (b) Chapters B, C and D are replaced by the following:

'CHAPTER B

Imports of bovine animals

SECTION A

Imports from a country or a region with a negligible BSE risk

Imports of bovine animals from a country or a region with a negligible BSE risk shall be subject to the presentation of an animal health certificate attesting that:

- (a) the animals were born and continuously reared in a country or region classified in accordance with Article 5(2) of Regulation (EC) No 999/2001 as a country or region posing a negligible BSE risk;
- (b) the animals are identified by a permanent identification system enabling them to be traced back to the dam and herd of origin, and are not exposed bovine animals as described in Chapter C, part I, point (4) (b) (iv) of Annex II; and
- (c) if there have been BSE indigenous cases in the country concerned, the animals were born after the date from which the ban on the feeding of ruminants with meat-and-bone meal and greaves derived from ruminants had been effectively enforced or after the date of birth of the last BSE indigenous case if born after the date of the feed ban.

SECTION B

Imports from a country or a region with a controlled BSE risk

Imports of bovine animals from a country or a region with a controlled BSE risk shall be subject to the presentation of an animal health certificate attesting that:

- (a) the country or region is classified in accordance with Article 5(2) of Regulation (EC) No 999/2001 as a country or region posing a controlled BSE risk;
- (b) the animals are identified by a permanent identification system enabling them to be traced back to the dam and herd of origin, and are not exposed bovine animals as described in Chapter C, Part II, point (4)(b)(iv) of Annex II;
- (c) the animals were born after the date from which the ban on the feeding of ruminants with meat-and-bone meal and greaves derived from ruminants had been effectively enforced or after the date of birth of the last BSE indigenous case if born after the date of the feed ban.

SECTION C

Imports from a country or a region with undetermined BSE risk

Imports of bovine animals from a country or a region with an undetermined BSE risk shall be subject to the presentation of an animal health certificate attesting that:

- (a) the country or region has not been categorized in accordance with Article 5(2) of Regulation (EC) No 999/2001 or has been categorized as a country or region with undetermined BSE risk;
- (b) the animals are identified by a permanent identification system enabling them to be traced back to the dam and herd of origin, and are not exposed bovine animals as described in Chapter C, Part II, point (4)(b)(iv) of Annex II;
- (c) the animals were born at least two years after the date from which the ban on the feeding of ruminants with meat-and-bone meal and greaves derived from ruminants had been effectively enforced or after the date of birth of the last BSE indigenous case if born after the date of the feed ban.

CHAPTER C

Imports of products of animal origin from bovine, ovine or caprine animals

SECTION A

Products

The following products of bovine, ovine and caprine animal origin, as defined by Regulation (EC) No 853/2004 of the European Parliament and of the Council (*) listed below shall be subject to the conditions laid down in Sections B, C and D depending on the BSE risk category of the country of origin:

- fresh meat,
- minced meat and meat preparations,
- meat products,
- rendered animal fats,
- greaves, and
- gelatine.

SECTION B

Imports from a country or a region with a negligible BSE risk

Imports of products of bovine, ovine and caprine animal origin referred to in Section A from a country or a region with a negligible BSE risk shall be subject to the presentation of an animal health certificate attesting that:

- (a) the country or region is classified in accordance with Article 5(2) of Regulation (EC) No 999/2001 as a country or region posing a negligible BSE risk;
- (b) the animals from which the products of bovine, ovine and caprine animal origin were derived were born, continuously reared and slaughtered in the country with negligible BSE risk and passed ante-mortem and post-mortem inspections;
- (c) if in the country or region there have been BSE indigenous cases:
 - (i) the animals were born after the date from which the ban on the feeding of ruminants with meat-and-bone meal and greaves derived from ruminants had been enforced; or

- (ii) the products of bovine, ovine and caprine animal origin do not contain and are not derived from specified risk material as defined in Annex V to Regulation (EC) No 999/2001, or mechanically separated meat obtained from bones of bovine, ovine or caprine animals.

SECTION C

Imports from a country or a region with a controlled BSE risk

1. Imports of products of bovine, ovine and caprine animal origin referred to in section A from a country or a region with a controlled BSE risk shall be subject to the presentation of an animal health certificate attesting that:
 - (a) the country or region is classified in accordance with Article 5(2) of Regulation (EC) No 999/2001 as a country or region posing a controlled BSE risk;
 - (b) the animals from which the products of bovine, ovine and caprine animal origin were derived passed ante-mortem and post-mortem inspections;
 - (c) animals from which the products of bovine, ovine and caprine animal origin destined for export were derived have not been slaughtered after stunning by means of gas injected into the cranial cavity or killed by the same method or slaughtered by laceration after stunning of central nervous tissue by means of an elongated rod-shaped instrument introduced into the cranial cavity;
 - (d) the products of bovine, ovine and caprine animal origin do not contain and are not derived from specified risk material as defined in Annex V to Regulation (EC) No 999/2001, or mechanically separated meat obtained from bones of bovine, ovine or caprine animals.
2. By way of derogation from point 1(d) carcasses, half carcasses or half carcasses cut into no more than three wholesale cuts, and quarters containing no specified risk material other than the vertebral column, including dorsal root ganglia, may be imported.
3. When removal of the vertebral column is not required, carcasses or wholesale cuts of carcasses of bovine animals containing vertebral column, shall be identified by a blue stripe on the label referred to in Regulation (EC) No 1760/2000.
4. The number of bovine carcasses or wholesale cuts of carcasses, from which removal of the vertebral column is required as well as the number where removal of the vertebral column is not required shall be added to the document referred to in Article 2(1) of Regulation (EC) No 136/2004 in case of imports.

SECTION D

Imports from a country or a region with an undetermined BSE risk

1. Imports of products of bovine, ovine and caprine animal origin referred to in Section A from a country or a region with an undetermined BSE risk, shall be subject to the presentation of an animal health certificate attesting that:
 - (a) the animals from which the products of bovine, ovine and caprine animal origin were derived have not been fed meat-and-bone meal or greaves derived from ruminants and passed ante-mortem and post-mortem inspections;
 - (b) the animals from which the products of bovine, ovine and caprine animal origin were derived have not been slaughtered after stunning by means of gas injected into the cranial cavity or killed by the same method or slaughtered by laceration after stunning of central nervous tissue by means of an elongated rod-shaped instrument introduced into the cranial cavity;
 - (c) the products of bovine, ovine and caprine animal origin are not derived from:
 - (i) specified risk material as defined in Annex V;
 - (ii) nervous and lymphatic tissues exposed during the deboning process;
 - (iii) mechanically separated meat obtained from bones of bovine, ovine or caprine animals.

2. By way of derogation from point 1(c), carcasses, half carcasses or half carcasses cut into no more than three wholesale cuts, and quarters containing no specified risk material other than the vertebral column, including dorsal root ganglia, may be imported.
3. When removal of the vertebral column is not required, carcasses or wholesale cuts of carcasses of bovine animals containing vertebral column, shall be identified by a clearly visible blue stripe on the label referred to in Regulation (EC) No 1760/2000.
4. Specific information on the number of bovine carcasses or wholesale cuts of carcasses, from which removal of the vertebral column is required and from which removal of the vertebral column is not required shall be added to the document referred to in Article 2(1) of Regulation (EC) No 136/2004 in case of imports.

CHAPTER D

Imports of animal by-products and processed products derived therefrom from bovine, ovine and caprine animal origin

SECTION A

Animal by-products

This Chapter shall apply to the following animal by-products and processed products derived therefrom from bovine, ovine and caprine animal origin as referred to in Regulation (EC) No 1774/2002:

- rendered fats,
- pet food,
- blood products,
- the processed animal protein,
- bones and bone products,
- category 3 material, and
- gelatine.

SECTION B

Imports of the animal by-products processed products derived therefrom from bovine, ovine and caprine animal origin referred to in Section A. shall be subject to the presentation of an animal health certificate attesting that:

- (a) the animal by-product does not contain and is not derived from specified risk material as defined in Annex V or mechanically separated meat obtained from bones of bovine, ovine or caprine animals;
 - (b) the animals from which this animal by-product is derived, have not been slaughtered after stunning by means of gas injected into the cranial cavity or killed by the same method or slaughtered by laceration of central nervous tissue by means of an elongated rod-shaped instrument introduced into the cranial cavity,
- or
- (c) the animal by-product does not contain and is not derived from bovine, ovine and caprine materials other than those derived from animals born, continuously reared and slaughtered in a country or region classified in accordance with Article 5(2) of Regulation (EC) No 999/2001 as a country or region posing a negligible BSE risk.

(*) OJ L 139, 30.4.2004, p. 55, as corrected by OJ L 226, 25.6.2004, p. 22.'

(c) Chapter F is replaced by the following:

‘CHAPTER F

Imports of products of animal origin from farmed and wild cervid animals

1. When fresh meat, minced meat, meat preparations and meat products as defined by Regulation (EC) No 853/2004, derived from farmed cervid animals, are imported into the Community from Canada or the United States of America, the health certificates shall be accompanied by a declaration signed by the competent authority of the country of production, worded as follows:

“This product contains or is derived exclusively from meat, excluding offal and spinal cord, of farmed cervid animals which have been examined for chronic wasting disease by histopathology, immunohistochemistry or other diagnostic method recognized by the competent authority with negative results and is not derived from animals coming from a herd where chronic wasting disease has been confirmed or is officially suspected.”

2. When fresh meat, minced meat, meat preparations and meat products as defined by Regulation (EC) No 853/2004, derived from wild cervid animals, are imported into the Community from Canada or the United States of America, the health certificates shall be accompanied by a declaration signed by the competent authority of the country of production, worded as follows:

“This product contains or is derived exclusively from meat, excluding offal and spinal cord, of wild cervid animals which have been examined for chronic wasting disease by histopathology, immunohistochemistry or other diagnostic method recognized by the competent authority with negative results and is not derived from animals coming from a region where chronic wasting disease has been confirmed in the last three years or is officially suspected.”

(d) Chapter G is deleted.

(6) Annex XI is deleted.

II

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

DECISIONS

COUNCIL

COUNCIL DECISION

of 18 June 2007

amending Decision 2001/264/EC adopting the Council's security regulations

(2007/438/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community and in particular Article 207(3) thereof,

Having regard to Council Decision 2006/683/EC, Euratom of 15 September 2006 adopting the Council's Rules of Procedure ⁽¹⁾, and in particular Article 24 thereof,

Whereas:

(1) Appendices 1 and 2 to the Security Regulations of the Council of the European Union annexed to Council Decision 2001/264/EC of 19 March 2001 adopting the Council's security regulations ⁽²⁾ contain a list of national security authorities and a table of comparison including national security classifications, respectively. Appendices 1 and 2 to the Security Regulations of the Council of the European Union were last modified by Council Decision 2005/571/EC of 12 July 2005 amending Decision 2001/264/EC ⁽³⁾.

(2) On 25 April 2005, the Republic of Bulgaria and Romania signed the Treaty concerning their accession to the European Union, which entered into force on 1 January 2007.

(3) According to Article 2(2) of Decision 2001/264/EC, Member States have to take appropriate measures to

ensure that, when EU classified information is handled, the Council's security regulations are respected.

(4) In order to take into account the accession of the Republic of Bulgaria and Romania in the Appendices referred to in Recital (1), it is therefore necessary, from a technical point of view, to amend Decision 2001/264/EC,

HAS DECIDED AS FOLLOWS:

Article 1

In Decision 2001/264/EC, Appendix 1 and Appendix 2 shall be replaced by the text appearing in the Annex to this Decision.

Article 2

This Decision shall take effect on the day of its publication in the *Official Journal of the European Union*.

Done at Luxembourg, 18 June 2007.

For the Council

The President

F.-W. STEINMEIER

⁽¹⁾ OJ L 285, 16.10.2006, p. 47. Decision as last amended by Decision 2007/4/EC, Euratom (OJ L 1, 4.1.2007, p. 9).

⁽²⁾ OJ L 101, 11.4.2001, p. 1. Decision as last amended by Decision 2005/952/EC (OJ L 346, 29.12.2005, p. 18).

⁽³⁾ OJ L 193, 23.7.2005, p. 31.

ANNEX

‘Appendix 1

List of national security authorities

BELGIUM

Nationale veiligheidsoverheid/
Autorité nationale de sécurité
FOD Buitenlandse Zaken, Buitenlandse Handel en
Ontwikkelingssamenwerking/SPF affaires étrangères,
commerce extérieur et coopération au développement
Karmelietenstraat 15/Rue des Petits Carmes 15
B-1000 Brussel/B-1000 Bruxelles

Tel. secretariaat/secrétariat: (32-2) 501 45 42
Fax (32-2) 501 45 96

BULGARIA

Държавна комисия по сигурността на информацията
ул. Ангел Кънчев 1
София 1000
България

Телефон: (359-2) 921 59 11
Факс: (359-2) 987 37 50

State Commission on Information Security
1 Angel Kanchev Str.
BG-1000 Sofia

Телефон: (359-2) 921 59 11
Факс: (359-2) 987 37 50

CZECH REPUBLIC

Národní bezpečnostní úřad
(National Security Authority)
Na Popelce 2/16
CZ-150 06 Praha 56

Tel.: (420) 257 28 33 35
Fax: (420) 257 28 31 10

DENMARK

Politiets Efterretningstjeneste
Klausdalsbrovej 1
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Telefon (45) 33 14 88 88
Fax (45) 33 43 01 90

Forsvarets Efterretningstjeneste
Kastellet 30
DK-2100 København Ø

Telefon (45) 33 32 55 66
Fax (45) 33 93 13 20

GERMANY

Bundesministerium des Innern
Referat IS 4
Alt-Moabit 101 D
D-11014 Berlin

Telefon (49-1) 88 86 81 15 26
Fax (49-1) 888 68 15 15 26

ESTONIA

Estonian National Security Authority
Security Department
Ministry of Defence of the Republic of Estonia
Sakala 1
EE-15094 Tallinn

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Faks: + 372/7170 213

GREECE

Γενικό Επιτελείο Εθνικής Αμύνης (ΓΕΕΘΑ)
Διακλαδική Διεύθυνση Στρατιωτικών Πληροφοριών (ΔΔΣΠ)
Διεύθυνση Ασφαλείας και Αντιπληροφοριών
ΣΤΤ 1020
Χολαργός — Αθήνα
Ελλάδα

Τηλέφωνα: (30-210) 657 20 09 (ώρες γραφείου)
(30-210) 657 20 10 (ώρες γραφείου)
Φαξ (30-210) 642 64 32
(30-210) 652 76 12

Hellenic National Defence General Staff (HNDGS)
Military Intelligence Sectoral Directorate
Security Counterintelligence Directorate
GR-STG 1020
Holargos — Athens

Τηλέφωνα: (30-210) 657 20 09 (ώρες γραφείου)
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Φαξ (30-210) 642 64 32
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SPAIN

Autoridad Nacional de Seguridad
Oficina Nacional de Seguridad
Avenida Padre Huidobro s/n
Carretera Nacional Radial VI, km 8,5
E-28023 Madrid

Tel. (34) 913 72 57 07
(34) 913 72 50 27
Fax (34) 913 72 58 08

FRANCE

Secrétariat général de la défense nationale
Service de sécurité de défense (SGDN/SSD)
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IRELAND

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ITALY

Presidenza del Consiglio dei Ministri
Autorità Nazionale per la Sicurezza
Cesis III Reparto (UCSi)
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I-1187 Roma
Tel. (39) 06 61 17 42 66
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CYPRUS

Υπουργείο Άμυνας
Στρατιωτικό Επιτελείο του Υπουργού
Εθνική Αρχή Ασφάλειας (ΕΑΑ)
Υπουργείο Άμυνας
Λεωφόρος Εμμανουήλ Ροΐδη 4
1432 Λευκωσία
Κύπρος
Τηλέφωνα: (357-22) 80 75 69, (357-22) 80 76 43,
(357-22) 80 77 64, (357) 99 35 80 00
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Ministry of Defence
Minister's Military Staff
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(357-22) 80 77 64, (357) 99 35 80 00
Φαξ (357-22) 30 23 51

LATVIA

National Security Authority of Constitution Protection
Bureau of the Republic of Latvia
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LV-1001 Riga
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Autorité nationale de sécurité
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HUNGARY

Nemzeti Biztonsági Felügyelet
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H-1357 Budapest
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Ministeru tal-Ġustizzja u l-Affarijiet Interni
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Ministerie van Defensie
Beveiligingsautoriteit
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POLAND

Agencja Bezpieczeństwa Wewnętrznego – ABW
Departament Ochrony Informacji Niejawnych
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Autoridade Nacional de Segurança
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SLOVENIA

Urad Vlade RS za varovanje tajnih podatkov
Gregorčičeva 27
SI-1000 Ljubljana
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Budatínska 30
P.O. Box 16
850 07 Bratislava 57
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Appendix 2

Comparison of security classifications

EU Classification	Très secret UE/EU top secret	Secret UE	Confidentiel UE	Restreint UE
Belgium	Très Secret Zeer Geheim	Secret Geheim	Confidentiel Vertrouwelijk	Diffusion restreinte Beperkte Verspreiding
Bulgaria	Строго секретно	Секретно	Поверително	За служебно ползване
Czech Republic	Prísne tajné	Tajné	Důvěrné	Vyhrazené
Denmark	Yderst hemmeligt	Hemmeligt	Fortroligt	Til tjenestebrug
Germany	Streng geheim	Geheim	VS ⁽¹⁾ — Vertraulich	VS — Nur für den Dienstgebrauch
Estonia	Täiesti salajane	Salajane	Konfidentsiaalne	Piiratud
Greece	Άκρως Απόρρητο Abr: ΑΑΠ	Απόρρητο Abr: (ΑΠ)	Εμπιστευτικό Abr: (ΕΜ)	Περιορισμένης Χρήσης Abr: (ΠΧ)
Spain	Secreto	Reservado	Confidencial	Difusión Limitada
France	Très Secret Défense ⁽²⁾	Secret Défense	Confidentiel Défense	Néant ⁽³⁾
Ireland	Top Secret	Secret	Confidential	Restricted
Italy	Segretissimo	Segreto	Riservatissimo	Riservato
Cyprus	Άκρως Απόρρητο Abr: (ΑΑΠ)	Απόρρητο Abr: (ΑΠ)	Εμπιστευτικό Abr: (ΕΜ)	Περιορισμένης Χρήσης Abr: (ΠΧ)
Latvia	Sevišķi slepeni	Slepeni	Konfidenciali	Dienesta vajadzībām
Lithuania	Visiškai slaptai	Slaptai	Konfidencialiai	Riboto naudojimo
Luxembourg	Très Secret Lux	Secret Lux	Confidentiel Lux	Restreint Lux
Hungary	Szigorúan titkos!	Titkos!	Bizalmas!	Korlátozott terjesztésű!
Malta	L-Oghla Segretezza	Sigriet	Kunfidenzjali	Ristrett
Netherlands	STG Zeer Geheim	STG Geheim	STG Confidentieel	Departementaal vertrouwelijk
Austria	Streng Geheim	Geheim	Vertraulich	Eingeschränkt
Poland	Ścisłe Tajne	Tajne	Poufne	Zastrzeżone

EU Classification	Très secret UE/EU top secret	Secret UE	Confidentiel UE	Restreint UE
Portugal	Muito Secreto	Secreto	Confidencial	Reservado
Romania	Strict secret de importanță deosebită	Strict secret	Secret	Secret de serviciu
Slovenia	Strogo tajno	Tajno	Zaupno	Interno
Slovakia	Prísne tajné	Tajné	Dôverné	Výhradné
Finland	ERITTÄIN SALAINEN	SALAINEN	LUOTTAMUKSELLINEN	KÄYTTÖ RAJOITETTU
Sweden	Kvalificerat hemlig	Hemlig	Hemlig	Hemlig
United Kingdom	Top Secret	Secret	Confidential	Restricted

NATO Classification	Cosmic Top Secret	NATO Secret	NATO Confidential	NATO Restricted
WEU Classification	Focal Top Secret	WEU Secret	WEU Confidential	WEU Restricted

(¹) Germany: VS = Verschlusssache.

(²) France: the classification Très Secret Défense, which covers governmental priority issues, may be changed only with the Prime Minister's authorisation.

(³) France does not use the classification category "DIFFUSION RESTREINTE" in its national system. France handles and protects documents bearing the marking "RESTREINT UE" according to its national laws and regulations in force, which are not less stringent than the provisions of the Council's security regulations.'

COMMISSION

COMMISSION DECISION

of 25 June 2007

amending Decision 2004/452/EC laying down a list of bodies whose researchers may access confidential data for scientific purposes

(notified under document number C(2007) 2565)

(Text with EEA relevance)

(2007/439/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 322/97 of 17 February 1997 on Community statistics ⁽¹⁾, and in particular Article 20(1) thereof,

Whereas:

(1) Commission Regulation (EC) No 831/2002 of 17 May 2002 implementing Council Regulation (EC) No 322/97 on Community Statistics, concerning access to confidential data for scientific purposes ⁽²⁾ establishes, for the purpose of enabling statistical conclusions to be drawn for scientific purposes, the conditions under which access to confidential data transmitted to the Community authority may be granted and the rules of cooperation between the Community and national authorities in order to facilitate such access.

(2) Commission Decision 2004/452/EC ⁽³⁾ has laid down a list of bodies whose researchers may access confidential data for scientific purposes.

(3) The Canada Research Chair of the School of Social Science in the Atkinson Faculty of Liberal and Profes-

sional Studies at York University, Ontario, Canada, has to be regarded as a body fulfilling the required conditions and should therefore be added to the list of agencies, organisations and institutions referred to in Article 3(1)(c) of Regulation (EC) No 831/2002.

(4) The measures provided for in this Decision are in accordance with the opinion of the Committee on Statistical Confidentiality,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 2004/452/EC is replaced by the text set out in the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 25 June 2007.

For the Commission

Joaquín ALMUNIA

Member of the Commission

⁽¹⁾ OJ L 52, 22.2.1997, p. 1. Regulation as amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).

⁽²⁾ OJ L 133, 18.5.2002, p. 7. Regulation as amended by Regulation (EC) No 1104/2006 (OJ L 197, 19.7.2006, p. 3).

⁽³⁾ OJ L 156, 30.4.2004, p. 1, as corrected by OJ L 202, 7.6.2004, p. 1. Decision as last amended by Decision 2007/229/EC (OJ L 99, 14.4.2007, p. 11).

ANNEX

'ANNEX

BODIES WHOSE RESEARCHERS MAY ACCESS CONFIDENTIAL DATA FOR SCIENTIFIC PURPOSES

European Central Bank

Spanish Central Bank

Italian Central Bank

University of Cornell (New York State, United States of America)

Department of Political Science, Baruch College, New York City University (New York State, United States of America)

German Central Bank

Employment Analysis Unit, Directorate-General for Employment, Social Affairs and Equal Opportunities of the European Commission

University of Tel Aviv (Israel)

World Bank

Center of Health and Wellbeing (CHW) of the Woodrow Wilson School of Public and International Affairs at Princeton University, New Jersey, United States of America

The University of Chicago (UofC), Illinois, United States of America

Organisation for Economic Cooperation and Development (OECD)

Family and Labour Studies Division of Statistics Canada, Ottawa, Ontario, Canada

Econometrics and Statistical Support to Antifraud (ESAF) Unit, Directorate-General Joint Research Centre of the European Commission

Support to the European Research Area (SERA) Unit, Directorate-General Joint Research Centre of the European Commission

Canada Research Chair of the School of Social Science in the Atkinson Faculty of Liberal and Professional Studies at York University, Ontario, Canada.'

COMMISSION DECISION**of 25 June 2007****repealing Decision 2005/704/EC accepting an undertaking offered in connection with the anti-dumping proceeding concerning imports of certain magnesia bricks originating in the People's Republic of China****(2007/440/EC)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community ⁽¹⁾ (the basic Regulation), and in particular Articles 8 and 9 thereof,

After consulting the Advisory Committee,

Whereas:

(4) The terms of the undertaking also oblige the Company to provide the Commission with regular and detailed information in the form of a quarterly report of its sales of the product concerned to the European Community.

(5) For the purpose of ensuring compliance with the undertaking, the Company also undertook to allow on-the-spot verification visits at its premises in order to verify the accuracy and veracity of data submitted in the said quarterly reports and to provide all information considered necessary by the Commission.

(b) Other provisions of the undertaking

(6) In addition, and as stipulated in the undertaking, the acceptance of the undertaking by the European Commission is based on trust and any action which would harm the relationship of trust established with the European Commission shall justify the immediate withdrawal of the undertaking.

A. EXISTING MEASURES

(1) In October 2005, the Council, by Regulation (EC) No 1659/2005 ⁽²⁾, imposed a definitive anti-dumping duty on imports of certain magnesia bricks originating in the People's Republic of China ('the product concerned').

(2) The Commission, by Decision 2005/704/EC ⁽³⁾, accepted a price undertaking offered by Yingkou Qinghua Refractories Co. Ltd, ('the Company').

(7) Furthermore, and as stipulated in the undertaking, any changes in circumstances occurring during the period of implementation of the undertaking from those circumstances prevailing at the time of acceptance of the undertaking which were relevant to the decision to accept the undertaking may give rise to the withdrawal of the undertaking by the European Commission.

2. Verification visit to the Company**B. BREACHES OF THE UNDERTAKING****1. The undertaking****(a) Obligations of the company with regard to the undertaking**

(3) In the framework of the undertaking, the Company agreed, inter alia, not to sell the product concerned to the European Community below certain minimum prices (MIPs) laid down in the undertaking.

(8) In this regard, a verification visit was carried out at the premises of the Company in the People's Republic of China.

(9) Two days before the verification visit, the Company submitted revised versions of the undertaking reports for the second and third quarter of 2006. The revisions submitted concerned — inter alia — a prolongation of the terms of payment for five transactions. These adjustments for the time allowed for payment have led to prices below the MIP.

⁽¹⁾ OJ L 56, 6.3.1996, p. 1. Regulation as last amended by Regulation (EC) No 2117/2005 (OJ L 340, 23.12.2005, p. 17.)

⁽²⁾ OJ L 267, 12.10.2005, p. 1.

⁽³⁾ OJ L 267, 12.10.2005, p. 27.

- (10) Furthermore, the verification visit established a change in the pattern of trade to the European Community after imposition of anti-dumping measures. During the investigation period of the investigation that led to the imposition of the existing measures, the Company sold to the Community exclusively the product concerned. After imposition of measures the Company started to sell also other products to its clients in the Community.
- (11) Such a change in the pattern of trade affects the undertaking insofar as it constitutes a serious risk of cross-compensation, i.e. the product not covered by the undertaking may be sold at artificially low prices in order to compensate the MIP for the product covered by the undertaking.
- (12) In order to further assess whether such compensation actually took place, the Company was requested to provide copies of invoices of the product not covered by the undertaking, issued to other clients inside and outside the European Community.
- (13) The Company argued that an analysis of prices of other products is not meaningful to identify cross-compensation since the qualities and associated prices of these products may vary from client to client. In order to address those concerns, the Company was asked to provide a price list broken down by different qualities and clients but refused to do so and alleged that it concerned confidential information for products not covered by measures.
- (14) Finally, the Company provided copies of five invoices for products not covered by the undertaking, issued in 2005 and 2006. One invoice was issued to a customer buying at the same time the product covered by the undertaking, another invoice concerned a customer inside the Community that did not buy the product concerned from the Company. The remaining invoices were issued to customers outside the Community.
- (15) Taking into account the various qualities purchased by these five customers, it was found that the price charged to the customer in the Community, who bought also the product covered by the undertaking, was significantly lower than the price charged for similar qualities to the other client in the Community who did not buy the product covered by the undertaking. A similar price difference applied to the other clients outside the Community. This pricing policy is therefore considered as a clear indication that cross-compensation actually took place.

3. Reasons to withdraw acceptance of the undertaking

- (16) The obligation of the Company to respect the MIP for all sales of the product covered by the undertaking was not met, as described in recital 9 above.
- (17) Furthermore, a change in the pattern of trade since the imposition of measures has led to a significant risk of cross-compensation which no longer allows the Commission to effectively monitor the undertaking and therefore renders the undertaking impractical.
- (18) It appears that this change in the pattern of trade allowed the Company to compensate customers in the Community for sales subject to the MIP by artificially low prices for the product not covered by the undertaking.
- (19) This change in the pattern of trade is considered as a relevant change in circumstances compared to those prevailing at the time of acceptance of the undertaking and should lead, taking into account the findings set out above in recitals 10 to 12, to the withdrawal of the undertaking.
- (20) In addition, by withholding the price lists for products not covered by the undertaking, the Company failed to comply with the obligation to provide relevant information in accordance with Article 8(7) of the basic Regulation and the provisions of the undertaking.
- (21) Furthermore, the unwillingness of the Company to provide these price lists harmed the relationship of trust which formed the basis for the acceptance of the undertaking.

4. Written submissions

(a) Proportionality

- (22) With regard to the price violation, the Company admitted that a price violation occurred. The Company argued, however, that the sales prices of all other transactions were strictly in compliance with the MIP. Moreover, it was submitted that the final price was not significantly lower than the MIP. The Company claimed that, on this basis, the withdrawal of the undertaking would be disproportionate to the breaches that occurred.
- (23) In response to these arguments, regarding the issue of proportionality, it should be pointed out that in accordance with the undertaking, the Company undertook to ensure that the Net Sales Price of all sales covered by the undertaking shall be at or above the MIPs set out in the undertaking.

(24) Moreover, the basic Regulation contains no direct or indirect requirement that a breach of an undertaking must relate to a minimum percentage of sales or must relate to a minimum percentage of the MIP.

(25) This approach has also been confirmed by the jurisprudence of the Court of First Instance which has ruled that any breach of an undertaking is sufficient to justify the withdrawal of acceptance of an undertaking ⁽¹⁾.

(26) Accordingly, the arguments presented by the Company with regard to proportionality do not alter the Commission's view that a breach of the undertaking occurred and that the withdrawal of the undertaking would be proportionate to that breach.

(b) Change in the pattern of trade

(27) With regard to the change in the pattern of trade, the Company submitted that it did not deliberately change its pattern of trade in order to compensate customers in the Community for sales subject to the MIP by artificially low prices for the product not covered by the undertaking.

(28) It was argued that the price increase caused by the imposition of anti-dumping measures and the consequential decline in sales to the EU of the product concerned has led the Company to develop new products outside the scope of measures in order to maintain trade with the Community.

(29) In response to these arguments, it should be underlined that the change in the pattern of trade as such constitutes a serious risk of cross-compensation, regardless for what reason it occurred. It is standing practice of the Commission not to accept price undertakings if the risk of cross-compensation is high. Consequently, if such a change in the pattern of trade occurs during the period of application of an undertaking, the change in itself is sufficient enough for the Commission to withdraw the undertaking, because it renders a proper monitoring of the undertaking impractical, regardless of whether or not a cross-compensation actually took place.

(30) Accordingly, the arguments presented by the Company in this respect do not alter the Commission's view that the change in the pattern of trade had led to a significant risk of cross-compensation.

(c) Compensation scheme

(31) The Company further submitted that it is a reasonable strategy and common business practice to offer favourable prices when trying to penetrate a market with a new product and that therefore it cannot be concluded that compensation actually took place, in particular since the volume of sales of the new product were nowhere near enough to fully compensate the loss in sales of the product covered by the undertaking.

(32) In response to this submission, it has to be stressed that a favourable price was only offered to a client buying both the product covered by the undertaking and other products. It was not offered to another client in the EU which does not buy the product covered by the undertaking. Therefore, the very high price charged to the other client in the EU for a similar quality undermines this argumentation and strengthens the argument that cross-compensation actually took place.

(33) Furthermore, as concerns the issue of materiality and proportionality, it should be stressed that there is no requirement on the Commission to demonstrate that a drop in sales of the product concerned has been offset by an equivalent rise in sales of new products when assessing whether cross-compensation has taken place.

(d) Information to be provided

(34) Additionally, the Company contested having denied providing a price list for products not covered by the undertaking but argued that it does not have a universal price list since different prices apply to different customers in different regions.

(35) In reply to this submission, it has to be recalled that the Company has been asked to provide those price lists that are available in order to overcome that problem, but was unwilling to do so since it was alleged that it concerned confidential information for products not covered by measures.

(36) Accordingly, the arguments presented by the Company in this respect do not alter the Commission's view that the Company failed to comply with the obligation to permit verification of pertinent data in accordance with Article 8(7) of the basic Regulation.

⁽¹⁾ In this context, see case T-51/96 *Miwon v Council* (ECR 2000, p. II-1841) paragraph 52; case T-340/99 *Arne Mathisen AS v Council* (ECR 2002, p. II-2905) paragraph 80.

C. REPEAL OF DECISION 2005/704/EC*Article 2*

- (37) In view of the above, the acceptance of the undertaking should be withdrawn and Decision 2005/704/EC should be repealed. Accordingly, the definitive anti-dumping duty imposed by Article 1(2) of Regulation (EC) No 1659/2005 on imports of the product concerned from the Company should apply,

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

Done at Brussels, 25 June 2007.

HAS DECIDED AS FOLLOWS:

Article 1

Decision 2005/704/EC is hereby repealed.

For the Commission

Peter MANDELSON

Member of the Commission

CORRIGENDA**Corrigendum to Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data**

(Official Journal of the European Union L 8 of 12 January 2001)

On page 15, second sentence of the second subparagraph in Article 26:

for: 'The registers may be inspected by any person directly or indirectly through the European Data Processing Supervisor.';

read: 'The registers may be inspected by any person directly or indirectly through the European Data Protection Supervisor.'.

NOTICE TO READERS

In view of the situation which has arisen following enlargement, some editions of the Official Journal of 27, 29 and 30 December 2006 have been published, in a simplified manner, in the official languages of that date.

It has been decided to republish, as corrigenda and in the Official Journal's traditional presentation, Acts which appear in those Official Journals.

It is for this reason that Official Journals which contain only those corrigenda have been published in the pre-enlargement language versions. The translations of Acts in the languages of the new Member States will be published in a special edition of the *Official Journal of the European Union* comprising texts of the institutions and the European Central Bank adopted prior to 1 January 2007.

Given below is a list of the Official Journals published on 27, 29 and 30 December 2006 and their corresponding corrigenda.

OJ of 27 December 2006	Corrected OJ (2007)
L 370	L 30
L 371	L 45
L 373	L 121
L 375	L 70

OJ of 29 December 2006	Corrected OJ (2007)
L 387	L 34

OJ of 30 December 2006	Corrected OJ (2007)
L 396	L 136
L 400	L 54
L 405	L 29
L 407	L 44
L 408	L 47
L 409	L 36
L 410	L 40
L 411	L 27
L 413	L 50