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REGULATIONS

COUNCIL REGULATION (EC) No 783/2007

of 25 June 2007

**granting derogations to Bulgaria and Romania from certain provisions of Regulation (EC)
No 2371/2002 relating to reference levels of fishing fleets**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

(1) Article 12 of Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy ⁽¹⁾ provides that reference levels are to be established for each Member State's fleet as the sum of the objectives per segment of the Multiannual Guidance Programme 1997-2002.

(2) Bulgaria and Romania do not have objectives as referred to in Article 12 of Regulation (EC) No 2371/2002.

(3) Reference levels could be established for those Member States only by reference to the level of their fleets at the time of accession. But, if that was the case, the obligations provided for in Article 11(2) and (4) of Regu-

lation (EC) No 2371/2002 would be superfluous, since they would overlap with the obligations arising from the entry/exit scheme provided for in Article 13 of that Regulation.

(4) It is therefore not appropriate to fix the reference levels provided for in Article 12 of Regulation (EC) No 2371/2002 for Bulgaria and Romania, nor to apply Article 11(2) and (4) of that Regulation to them, since that would not have any effect on the management of the fleet by those Member States.

(5) Accordingly, derogations should be granted to Bulgaria and Romania from those provisions of Regulation (EC) No 2371/2002,

HAS ADOPTED THIS REGULATION:

Article 1

By way of derogation, Articles 11(2) and (4) and Article 12 of Regulation (EC) No 2371/2002 shall not apply to Bulgaria and Romania.

Article 2

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

It shall apply from 1 January 2007.

⁽¹⁾ OJ L 358, 31.12.2002, p. 59.

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

COMMISSION REGULATION (EC) No 784/2007**of 4 July 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 5 July 2007.

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

Done at Brussels, 4 July 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 4 July 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	36,7
	TR	97,2
	ZZ	67,0
0707 00 05	TR	107,1
	ZZ	107,1
0709 90 70	IL	42,1
	TR	89,1
	ZZ	65,6
0805 50 10	AR	49,8
	ZA	59,5
	ZZ	54,7
0808 10 80	AR	92,0
	BR	81,4
	CA	99,5
	CL	87,8
	CN	74,2
	NZ	103,7
	US	124,1
	UY	47,3
	ZA	108,2
	ZZ	90,9
0808 20 50	AR	82,9
	CL	86,1
	NZ	161,9
	ZA	105,6
	ZZ	109,1
0809 10 00	EG	88,7
	TR	207,1
	ZZ	147,9
0809 20 95	TR	263,6
	US	422,9
	ZZ	343,3
0809 30 10, 0809 30 90	US	120,3
	ZZ	120,3
0809 40 05	IL	150,7
	ZZ	150,7

⁽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 785/2007

of 4 July 2007

concerning the authorisation of 6-phytase EC 3.1.3.26 (Phyzyme XP 5000G Phyzyme XP 5000L) as a feed additive

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition⁽¹⁾, and in particular Article 9(2) thereof,

Whereas:

- (1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition and for the grounds and procedures for granting such authorisation.
- (2) In accordance with Article 7 of Regulation (EC) No 1831/2003, an application was submitted for the authorisation of the preparation set out in the Annex to this Regulation. That application was accompanied by the particulars and documents required under Article 7(3) of Regulation (EC) No 1831/2003.
- (3) The application concerns the authorisation of a new use of the preparation of 6-phytase EC 3.1.3.26 produced by *Schizosaccharomyces pombe* (ATCC 5233) (Phyzyme XP 5000G Phyzyme XP 5000L), as a feed additive for chickens for fattening, turkeys for fattening, laying hens, ducks for fattening, piglets (weaned), pigs for fattening, and sows to be classified in the additive category 'zootechnical additives'.
- (4) The use of 6-phytase EC 3.1.3.26 produced by *Schizosaccharomyces pombe* (ATCC 5233) was authorised without a time limit for chickens for fattening by Commission Regulation (EC) No 1743/2006⁽²⁾.

- (5) New data were submitted in support of an application for authorisation for chickens for fattening, turkeys for fattening, laying hens, ducks for fattening, piglets (weaned), pigs for fattening, and sows. The European Food Safety Authority (the Authority) concluded in its opinion of 17 October 2006 that the preparation 6-phytase EC 3.1.3.26 produced by *Schizosaccharomyces pombe* (ATCC 5233) (Phyzyme XP 5000G Phyzyme XP 5000L) does not have an adverse effect on animal health, human health or the environment⁽³⁾. It further concluded that that preparation does not present any other risk which would, in accordance with Article 5(2) of Regulation (EC) No 1831/2003, exclude authorisation. According to that opinion, the use of that preparation does not have an adverse effect on these additional animal categories. The opinion of the Authority recommends appropriate measures for user safety. It does not consider that there is a need for specific requirements of post-market monitoring. This opinion also verifies the report on the method of analysis of the feed additive submitted by the Community Reference Laboratory set up by Regulation (EC) No 1831/2003.
- (6) The assessment of that preparation shows that the conditions for authorisation, provided for in Article 5 of Regulation (EC) No 1831/2003, are satisfied. Accordingly, the use of that preparation should be authorised, as specified in the Annex to this Regulation.
- (7) 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

The preparation specified in the Annex, belonging to the additive category 'zootechnical additives' and to the functional group 'digestibility enhancers', is authorised as an additive in animal nutrition subject to the conditions laid down in that Annex.

⁽¹⁾ OJ L 268, 18.10.2003, p. 29. Regulation as amended by Commission Regulation (EC) No 378/2005 (OJ L 59, 5.3.2005, p. 8).

⁽²⁾ OJ L 329, 25.11.2006, p. 16.

⁽³⁾ Opinion of the Scientific Panel on Additives and Products or Substances used in Animal Feed on the safety and efficacy of the enzyme preparation Phyzyme™ XP 5000L and Phyzyme™ XP 5000G as feed additive for chickens for fattening, turkeys for fattening, laying hens, ducks for fattening, piglets (weaned), pigs for fattening, sows in accordance with Regulation (EC) No 1831/2003. Adopted on 17 October 2006. The EFSA Journal (2006) 404, p. 1.

Article 2

This Regulation shall enter into force on the 20th 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, 4 July 2007.

For the Commission
Markos KYPRIANOU
Member of the Commission

COMMISSION REGULATION (EC) No 786/2007**of 4 July 2007****concerning the authorisation of endo-1,4-beta-mannanase EC 3.2.1.78 (Hemicell) as a feed additive****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition⁽¹⁾, and in particular Article 9(2) thereof,

Whereas:

- (1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition and for the grounds and procedures for granting such authorisation.
- (2) In accordance with Article 7 of Regulation (EC) No 1831/2003, an application was submitted for the authorisation of the preparation set out in the Annex to this Regulation. That application was accompanied by the particulars and documents required under Article 7(3) of Regulation (EC) No 1831/2003.
- (3) The application concerns the authorisation of the preparation of endo-1,4-beta-mannanase EC 3.2.1.78 (Hemicell), produced by *Bacillus lentus* (ATCC 55045), as a feed additive for chickens for fattening, to be classified in the additive category 'zootechnical additives'.
- (4) The European Food Safety Authority (the Authority) concluded in its opinion of 21 November 2006 that the preparation of endo-1,4-beta-mannanase EC 3.2.1.78 produced by *Bacillus lentus* (ATCC 55045) (Hemicell) does not have an adverse effect on animal

health, human health or the environment⁽²⁾. It further concluded that that preparation does not present any other risk which would, in accordance with Article 5(2) of Regulation (EC) No 1831/2003, exclude authorisation. The opinion of the Authority recommends appropriate measures for user safety. It does not consider that there is a need for specific requirements of post-market monitoring. This opinion also verifies the report on the method of analysis of the feed additive in feed submitted by the Community Reference Laboratory set up by Regulation (EC) No 1831/2003.

- (5) The assessment of that preparation shows that the conditions for authorisation, provided for in Article 5 of Regulation (EC) No 1831/2003, are satisfied. Accordingly, the use of that preparation should be authorised, as specified in the Annex to this Regulation.
- (6) 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

The preparation specified in the Annex, belonging to the additive category 'zootechnical additives' and to the functional group 'digestibility enhancers', is authorised as an additive in animal nutrition subject to the conditions laid down in that Annex.

Article 2

This Regulation shall enter into force on the 20th 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, 4 July 2007.

For the Commission

Markos KYPRIANOU

Member of the Commission

⁽¹⁾ OJ L 268, 18.10.2003, p. 29. Regulation as amended by Commission Regulation (EC) No 378/2005 (OJ L 59, 5.3.2005, p. 8).

⁽²⁾ Opinion of the Scientific Panel on Additives and Products or Substances used in Animal Feed on the safety and efficacy of the enzymatic preparation Hemicell® Feed Enzyme (beta-D-mannanase) as a feed additive for chickens for fattening in accordance with Regulation (EC) No 1831/2003. Adopted on 21 November 2006. The EFSA Journal (2006) 412, 1-12.

ANNEX

Identification number of the additive	Name of the holder of authorisation	Additive (Trade name)	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content		Maximum content	Other provisions	End of period of authorisation
						Unit of activity/kg of complete feedingstuff with a moisture content of 12 %				
Category of zootechnical additives. Functional group: digestibility enhancers										
4a3	ChemGen Corp., represented by Disproquima S.L.	Endo-1,4-beta-mannanase EC 3.2.1.78 (Hemicell)	Additive composition: Preparation of endo-1,4-beta-mannanase produced by <i>Bacillus lentus</i> (ATCC 55045) having a minimum activity of: Liquid form: 7,2 × 10 ⁵ U ⁽¹⁾ /ml Characterisation of the active substance: Endo-1,4-beta-mannanase produced by <i>Bacillus lentus</i> (ATCC 55045) Analytical method ⁽²⁾ Reducing sugar assay for Endo-1,4-beta-mannanase by colorimetric reaction of di-nitrosalicylic acid reagent on reducing sugar yield	Chickens for fattening	—	79 200 U	—	1. In the directions for use of the additive and premixture, indicate the storage temperature, storage life, and stability to pelleting. 2. Breathing protection during handling and safety glasses shall be used. 3. For use in compound feed rich of galactomannan-containing hemicelluloses (e.g. soya, maize)	25 July 2017	

⁽¹⁾ One unit activity is defined as the amount of enzyme that generates 0,72 micrograms of reducing sugar (mannose equivalents) from mannan containing substrate (locust bean gum) per minute at pH 7,5 and 40 °C.

⁽²⁾ Details of the analytical methods are available at the following address of the Community Reference Laboratory: www.irmm.jrc.be/html/crlfaa/

COMMISSION REGULATION (EC) No 787/2007**of 4 July 2007****amending Commission Regulation (EC) No 474/2006 establishing the Community list of air carriers which are subject to an operating ban within the Community****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 2111/2005 of the European Parliament and the Council of 14 December 2005 on the establishment of a Community list of air carriers subject to an operating ban within the Community and on informing air transport passengers of the identity of the operating air carrier, and repealing Article 9 of Directive 2004/36/EC ⁽¹⁾, and in particular Article 4 thereof,

Whereas:

(1) Commission Regulation (EC) No 474/2006 of 22 March 2006 established the Community list of air carriers which are subject to an operating ban within the Community referred to in Chapter II of Regulation (EC) No 2111/2005 ⁽²⁾.

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

(3) In accordance with Article 4(2) of Regulation (EC) No 2111/2005 and Article 2 of Commission Regulation (EC) No 473/2006 of 22 March 2006 laying down implementing rules for the Community list of air carriers which are subject to an operating ban within the Community referred to in Chapter II of Regulation (EC) No 2111/2005 ⁽³⁾, a Member State requested to update the Community list.

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

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

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

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

Pakistan International Airlines

(7) On 14 May 2007 Pakistan International Airlines submitted a recovery action plan to the Commission, followed by evidence confirming the implementation of a number of corrective actions. The Commission takes note that significant progress has been made by the carrier following its inclusion in the Community list, and that the carrier, supported by its oversight authorities, confirmed that it has rectified safety deficiencies on part of its fleet. The competent authorities of Pakistan have endorsed these measures.

(8) As a consequence, on the basis of the common criteria, it is assessed that Pakistan International Airlines should be allowed to operate to the Community also with the following eleven aircraft: three Boeing 747-300s with registration marks AP-BFU, AP-BGG and AP-BFX; two Boeing 747-200s with registration marks AP-BAK and AP-BAT; six Airbus A-310s with registration marks AP-BEU, AP-BGP, AP-BGR, AP-BGN, AP-BEC and AP-BEG. The mentioned aircraft should consequently be removed from Annex B.

⁽¹⁾ OJ L 344, 27.12.2005, p. 15.

⁽²⁾ OJ L 84, 23.3.2006, p. 14. Regulation as amended by Regulation (EC) No 235/2007 (OJ L 66, 6.3.2007, p. 3).

⁽³⁾ OJ L 84, 23.3.2005, p. 8.

⁽⁴⁾ OJ L 373, 31.12.1991, p. 4.

(9) The competent authorities of the Islamic Republic of Pakistan have agreed that, before the resumption of operations of each individual aircraft concerned, they shall provide the authorities of the Member State of the airport of destination, as well as the Commission, with a safety inspection report of the aircraft which they have conducted before the aircraft is due to operate. On receipt of the report, the relevant Member State may, if necessary, ban the aircraft in accordance with Article 6 of Regulation (EC) No 2111/2005. On arrival, a complete SAFA ramp inspection of the aircraft should be carried out, and its report should be submitted without delay to the Commission which will forward it to the other Member States. Member States intend to ensure further verification of effective compliance with relevant safety standards through systematic ramp inspections on this carrier.

(10) The remaining aircraft in this carrier's fleet still do not meet fully the relevant safety standards and should therefore be retained in Annex B pending rectification of outstanding deficiencies. An on-site follow-up visit should be organised before further reviews of the operational restrictions imposed on the carrier, in order to verify the full implementation of the recovery action plan and its progress. Both the carrier and its competent authorities have confirmed acceptance of this visit.

TAAG — Angola Airlines

(11) There is verified evidence of serious safety deficiencies on the part of TAAG Angola Airlines certified in Angola. These deficiencies have been identified by France during ramp inspections performed under the SAFA programme. The repetition of these inspection findings shows systemic safety deficiencies ⁽¹⁾.

(12) TAAG Angola Airlines demonstrated a lack of ability to address safety deficiencies in response to requests by France, in spite of guarantees given by the carrier and its competent authorities as demonstrated by persistent safety deficiencies. Also, there is insufficient ability of the competent authorities of Angola to enforce the relevant safety standards, despite the guarantees given by these authorities.

(13) The competent authorities of Angola demonstrated a lack of ability to implement and enforce the relevant safety standards, when concerns about the safety of the operation of TAAG certified in that State were raised.

⁽¹⁾ DGAC/F-2003-419, DGAC/F-2003-1026, DGAC/F-2005-394, DGAC/F-2005-1185, DGAC/F-2006-27, DGAC/F-2006-566, DGAC/F-2006-1598, DGAC/F-2006-1966, DGAC/F-2006-2087, DGAC/F-2006-2069, DGAC/F-2007-418, DGAC/F-2007-838, DGAC/F-2007-841, DGAC/F-2007-1113, DGAC/F-2007-1141.

(14) Whilst acknowledging the effort made by the carrier towards the identification of the actions necessary to redress its safety situation, as well as the disposition towards cooperation shown by both the carrier and the competent authorities of civil aviation of Angola, the Commission considers that the satisfactory implementation of an adequate corrective action plan by the carrier is not completed.

(15) Therefore, on the basis of the common criteria, it is assessed that TAAG Angola Airlines does not meet the relevant safety standards. The air carrier should be subject to a ban to all its operations and should be included in Annex A.

Volare Aviation

(16) The Netherlands has submitted to the Commission a request to update the Community list in accordance with Article 4(2) of Regulation (EC) No 2111/2005 in view of imposing an operating ban on the whole fleet of Volare Aviation.

(17) There is verified evidence of serious safety deficiencies on the part of Volare Aviation certified in Ukraine. These deficiencies have been identified by the Netherlands during ramp inspections performed under the SAFA programme, and confirmed by ramp inspections performed in other Member States. The repetition of these inspection findings shows systemic safety deficiencies ⁽²⁾.

(18) Volare Aviation demonstrated a lack of ability to address safety deficiencies at systemic level in response to requests by the Netherlands, as demonstrated by the insufficient corrective action plan presented in response to identified safety deficiencies.

(19) The competent authorities of Ukraine demonstrated a lack of ability to implement and enforce the relevant safety standards, when concerns about the safety of the operation of Volare Aviation certified in that state were raised.

⁽²⁾ BCAA-2004-58, CAA-N-2006-228, CAA-N-2007-56, CAA-N-2007-73, CAA-NL-2005-37, CAA-NL-2006-243, CAA-NL-2007-1, CAA-NL-2007-2, CAA-NL-2007-3, CAA-NL-2007-23, CAA-NL-2007-24, CAA-NL-2007-44, CAA-NL-2007-45, CAA-NL-2007-46, CAA-NL-2007-47, CAA-NL-2007-48, CAA-UK-2007-31, CAAFIN-2004-14, CAAFIN-2004-27, DGAC-E-2006-1131, DGAC-E-2006-1386, DGAC-E-2007-376, DGAC/F-2006-138, DGAC/F-2006-830, DGAC/F-2006-1041, DGAC/F-2006-1928, DGAC/F-2007-446, DGAC/F-2007-738, DGAC/F-2007-739, ENAC-IT-2004-477, ENAC-IT-2005-118, ENAC-IT-2006-299, ENAC-IT-2006-445, LBA/D-2004-425, LBA/D-2006-697, MOTLUX-2005-7.

- (20) Therefore, on the basis of the common criteria, it is assessed that Volare Aviation does not meet the relevant safety standards. This carrier should therefore be subject to a ban to all its operations and should be included in Annex A.

Air carriers from Indonesia

- (21) There is verified evidence of serious safety deficiencies on the part of all air carriers certified in Indonesia. These deficiencies have been identified by a safety audit report carried out by Indonesia's civil aviation authority following a succession of accidents, which revealed that none of the country's air carriers meet relevant safety standards.
- (22) The US Department of Transportation's Federal Aviation Administration (FAA) lowered Indonesia's safety rating in its IASA programme, for the reason that Indonesia fails to comply with international safety standards set by the International Civil Aviation Organization (ICAO). Such a measure amounts effectively to an operating ban on all carriers certified by Indonesia. As a consequence, Indonesian carriers will not be permitted to commence service to the United States.
- (23) The last ICAO Universal Safety Oversight Audit Programme (USOAP) report, as well as its follow-up report, has indicated serious shortcomings with regard to the capability of the civil aviation authorities of Indonesia to perform their air safety oversight responsibilities.
- (24) The competent authorities of Indonesia demonstrated an insufficient ability to implement and enforce the relevant safety standard. Furthermore, these authorities did not reply adequately and in a timely manner when concerns about the safety of the operation of carriers licensed in Indonesia were raised by the Commission.
- (25) Therefore, on the basis of the common criteria, it is assessed that all air carriers certified in Indonesia should be subject to an operating ban and included in Annex A.

Air carriers from the Kyrgyz Republic

- (26) The authorities of the Kyrgyz Republic have provided the Commission with information indicating that they granted an Air Operator's Certificate to the following air carriers: Eastok Avia, Kyrgyz Trans Avia, and S Group Aviation. Since these new air carriers are certified by the authorities of the Kyrgyz Republic which have shown a lack of ability to carry out adequate safety oversight, they should be included in Annex A.

- (27) The authorities of the Kyrgyz Republic have provided the Commission with evidence of the withdrawal of the Air Operator's Certificates of the following air carriers: British Gulf International Airlines FEZ and Kyrgyz General Aviation. Since these carriers certified in the Kyrgyz Republic have consequently ceased their activities, they should be withdrawn from Annex A.

Air carriers from Albania

- (28) The last ICAO Universal Safety Oversight Audit Programme (USOAP) report, the results of the recent assessment mission conducted in Albania in the framework of the European Common Aviation Area (ECAA) and information provided by Italy, have indicated serious shortcomings with regard to the capability of the civil aviation authorities of Albania to perform their air safety oversight responsibilities.
- (29) Following the invitation of the Albanian civil aviation authority, a team of European experts conducted a fact-finding mission to the Albania from 4 to 8 June 2007. Its report shows that despite many efforts, the civil aviation authorities of Albania still lack the resources, legal framework and expertise which are necessary to allow them to perform their air safety oversight responsibilities in a satisfactory manner.
- (30) With regard to two carriers certified in Albania — Albanian Airlines and Belle Air — the above mentioned report shows that both carriers are operating in accordance with the relevant safety standards and indeed taking additional measures to ensure their own safety oversight given the recognised deficiencies of the national civil aviation authorities.
- (31) No serious safety deficiencies were detected during several SAFA ramp inspections conducted on aircraft operated by both carriers to European airports.
- (32) The civil aviation authorities of Albania have agreed to submit a comprehensive corrective action plan aimed at addressing all safety oversight deficiencies identified in the various reports cited above, particularly the report of the fact-finding mission conducted in Albania by a team of European experts from 4 to 8 June 2007.
- (33) The Government of Albania has reiterated its full political commitment towards a sound restructuring programme for its civil aviation authority and that it will not issue any further Air Operator Certificates until the said programme has been satisfactorily implemented.

- (34) On the basis of the common criteria, it is assessed that being in compliance with the relevant safety standards, Albanian Airlines and Belle Air should not be included in the Community list. The competent authorities of Albania should provide the Commission, within a period not exceeding three months, with all the necessary information regarding the formulation and progress in implementation of a corrective action plan. In addition, Member States intend to ensure further verification of effective compliance with relevant safety standards through systematic ramp inspections on these carriers.

Air carriers from Bulgaria

- (35) As envisaged in recital 35 of Commission Regulation (EC) No 235/2007, the situation of five Bulgarian carriers — Air Sofia, Bright Aviation Services, Heli Air Services, Scorpion Air and Vega Airlines — should be closely monitored. Accordingly, the civil aviation authority of Bulgaria conducted, with the assistance of experts from the Commission, EASA and Member States, verification visits of these carriers in order to determine the appropriate measures as regards the operational restrictions imposed on them since 21 February 2007.

- (36) In the light of the results of the visit carried out from 27 May to 2 June, it is assessed that there is verified evidence of serious safety deficiencies on the part of Air Sofia, Bright Aviation Services, Scorpion Air and Vega Airlines. The persistence of these inspection findings shows systemic safety deficiencies.

- (37) Furthermore, the visit has revealed evidence that the carrier Air Scorpio is from a corporate point of view, administratively, financially and technically managed and controlled by the carrier Scorpion Air and that aircraft operated by Air Scorpio for commercial transport were previously operated and owned by Scorpion Air. There is verified evidence of serious safety deficiencies on the part of Air Scorpio.

- (38) The Commission has taken note of the revocation of the AOC of Vega Airlines, Bright Aviation, Scorpion Air, and Air Sofia as well as the suspension of the AOC of Air Scorpio decided by the competent authorities of Bulgaria on 21 June 2007. Therefore, as these air carriers cannot operate any air services, no further action is warranted by the Commission.

- (39) The Commission has also taken note of the decision by the competent authorities of Bulgaria on 21 June 2007 to modify the AOC of Heli Air Service by suspending

until further notice the operation in the European Community, Switzerland, Norway and Iceland of the aircraft of type LET 410 with registration marks LZ-CCT, LZ-CCS, LZ-CCR, LZ-CCE, LZ-CCF and LZ-LSB. The aircraft of type LET 410 with registration mark LZ-CCP of this carrier is permitted to operate flights within the Community, as this is the only aircraft currently equipped with the necessary obligatory safety equipment (EGPWS and TCAS) and therefore able to ensure safe operation within the Community. The Commission should closely monitor the situation of this carrier and verify the implementation of its corrective action plan with the assistance of EASA and the Member States.

- (40) With regard to the exercise by the competent authorities of Bulgaria, the Commission acknowledges the progress made by the Bulgarian authorities in fulfilling its responsibilities. The Commission supports the efforts of the Bulgarian authorities to continue the exercise of oversight responsibilities. It shall continue monitoring this process with the assistance of EASA and the Member States.

Air carriers from Mauritania

- (41) As envisaged in recital 36 of Commission Regulation (EC) No 910/2006 of 20 June 2006⁽¹⁾ a team of European experts conducted a follow-up mission to Mauritania from 18 to 21 June 2007 to assess the progress in the implementation of the new legislation, requirements and procedures. Its report shows that the Agence Nationale de l'Aviation Civile (ANAC) is meeting its obligations and has also continued to develop the technical regulation and the necessary working procedures to ensure its oversight of the civil aviation industry.

- (42) In addition, Air Mauritanie took the necessary actions to correct the deficiencies identified through ramp inspections carried out at Community airports and improve its procedures.

- (43) On the basis of the common criteria, it is assessed that Mauritania has taken the necessary measures to reach an acceptable level of performance in the discharge of its oversight obligations to ensure that Mauritanian carriers comply with international safety standards.

⁽¹⁾ Commission Regulation (EC) No 910/2006 of 20 June 2006 amending Regulation (EC) No 474/2006 establishing the Community list of air carriers which are subject to an operating ban within the Community referred to in Chapter II of Regulation (EC) No 2111/2005 of the European Parliament and of the Council (OJ L 168, 21.6.2006, p. 16).

Air carriers from the Republic of Moldova

- (44) There is verified evidence of serious safety deficiencies on the part of Aeronordgroup, Aeroportul International Marculesti, Grixona, Jet Line International, Jetstream, and Tiramavia certified in the Republic of Moldova. These deficiencies have been identified by Belgium, Croatia, France, Germany, Italy, Lithuania, Malta, the Netherlands, Spain and Turkey during ramp inspections performed under the SAFA programme. The repetition of these inspection findings shows systemic safety deficiencies ⁽¹⁾.
- (45) Following the invitation of the civil aviation authority of the Republic of Moldova, a team of European experts conducted a fact-finding mission to Moldova from 4 to 8 June 2007. Its report shows that the Moldovan Civil Aviation Authority has revealed an insufficient ability to implement and enforce the relevant safety standards in accordance with their obligations under the Chicago Convention, as regards the following carriers: Valan International Cargo Charter, Aeronord Group, Grixona, Jet Line International, Jet Stream, Pecotox Air, Aeroportul International Marculesti, and Tiramavia.
- (46) In addition, the eight abovementioned carriers, although holders of an Air Operator's Certificate (AOC) issued by the Republic of Moldova, do not have their principal place of business in the Republic of Moldova, contrary to the requirements of Annex 6 to the Chicago Convention.
- (47) The Commission has taken note that the authorities of the Republic of Moldova have withdrawn the Air Operator's Certificates of the above mentioned carriers, which have consequently ceased their activities.
- (48) Furthermore, the Commission takes note that the authority of the Republic of Moldova has committed

not to issue any further Air Operator's Certificates until satisfactory implementation of the corrective action plan and to consult for such purpose the Commission.

- (49) The civil aviation authority of the Republic of Moldova has agreed to submit by the end of September 2007 a comprehensive corrective action plan with a roadmap, aimed at addressing all safety oversight deficiencies identified during the fact-finding mission conducted in the Republic of Moldova by a team of European experts from 4 to 8 June 2007.
- (50) In the light of the various measures taken by the competent authority of the Republic of Moldova, and pending the submission of a corrective action plan, the Commission considers that remaining carriers holder of an AOC issued by the Republic of Moldova (Air Moldova, Moldavian Airlines, Tandem Aero and Nobil Air) should not be included in the Community list. The Commission should monitor the safety situation of these carriers. For this purpose, Member States intend to ensure further verification of effective compliance with the relevant safety standards through systematic ramp inspection of the aircraft operated by these carriers.

Air carriers from the Russian Federation

- (51) As envisaged in recitals 36 and 39 of Commission Regulation (EC) No 235/2007, the Commission, assisted by experts from Member States visited the Russian Federation from 15 to 21 April 2007 with a view to determining the status of implementation of corrective actions of the carrier Rossyia (ex Pulkovo) and verifying the situation of the safety of certain other Russian air carriers subject to operational restrictions by decision of the competent authorities of the Russian Federation since 12 February 2007 as well as the exercise of oversight obligations of these authorities.
- (52) With regard to the carrier Rossyia, the results of the visit show that the company is making improvements on the internal safety oversight procedures and on implementing ICAO safety standards. Its quality management is under development. Additional information was presented by the competent authorities of the Russian Federation on 26 June 2007. As all corrective actions have not yet been completed, the carrier should remain under the close scrutiny of the competent authorities of Russia to monitor the further implementation of the corrective action plan.

⁽¹⁾ BCAA-2006-64, BCAA-2007-9, CAA-NL-2005-227, CAA-NL-2006-262, CAA-NL-2007-4, CAACRO-2005-3, CAAMA-2005-12, CAIEY-2006-7, DGAC-E-2007-153, DGAC-E-2007-274, DGAC/F-2005-4, DGAC/F-2005-56, DGAC/F-2005-401, DGAC/F-2005-626, DGAC/F-2005-810, DGAC/F-2005-1204, DGAC/F-2005-1221, DGAC/F-2005-1266, DGAC/F-2005-1292, DGAC/F-2005-1465, DGAC/F-2006-34, DGAC/F-2006-41, DGAC/F-2006-249, DGAC/F-2006-333, DGAC/F-2006-465, DGAC/F-2006-819, DGAC/F-2006-1879, DGAC/F-2007-207, DGAC/F-2007-335, DGAC/F-2007-487, DGAC/F-2007-649, DGAC/F-2007-748, DGCATR-2006-29, DGCATR-2007-120, ENAC-IT-2005-74, ENAC-IT-2005-148, ENAC-IT-2005-455, ENAC-IT-2005-751, ENAC-IT-2006-74, ENAC-IT-2006-576, LBA/D-2005-672, LBA/D-2006-14, LBA/D-2006-100.

- (53) With regard to the nine carriers subject to operational restrictions by decision of the competent authorities of the Russian Federation since 12 February 2007, the results of the visit show that overall, all companies confirmed to be closely supervised since the introduction of the operating restrictions and the pre-flight authorisations by the competent authorities. These measures led in all cases to immediate positive reactions. The results of the visit also showed that any positive developments still need to become sustainable solutions and lead to the introduction of fully fledged internal safety systems. The competent authorities of the Russian Federation decided on 27 April 2007 and informed thereof the Commission on 2 May 2007 to lift the restrictions on the following six air carriers: Aero Rent, Gazpromavia, Lukoil, Tatarstan, Atlant Soyuz and Aviacon Zitotrans. The carriers Centre Avia and Russian Sky (Russkoe Nebo) remain as per the same decision under the operating restrictions; furthermore, the pre-flight authorisation system has been extended to also cover the regular flights operated by UTAir.
- (54) Also during the visit certain other Russian carriers, Krasnoyarsky Airlines ⁽¹⁾ and Kuban Airlines ⁽²⁾ for which the Commission had information indicating systemic deficiencies with regard to safety and whose safety situation had also drawn the attention of the competent authorities of Russia, were discussed. The measures decided by the latter authorities on 27 April 2007 foresee that pre-flight inspections are intensified on these carriers.
- (55) With regard to the exercise of oversight obligations by the competent authorities of the Russian Federation, the results of the visit show that they have to accelerate further their work to bring the Russian safety rules in line with ICAO standards and that they should concentrate on the implementation of these standards and the recommendations of the last ICAO safety audit. Moreover, they should intensify their cooperation with Russian manufacturers to ensure compliance of Russian designed aircraft with ICAO standards. This appears also necessary to avoid double standards applying to airworthiness inside the Russian Federation — one for operators and aircraft flying to the Community, and a second (lower) standard for operators and aircraft operating inside the Russian Federation or the CIS. Furthermore, the competent authorities should further increase their efforts with regard to continued airworthiness and ensure that Western built aircraft increasingly acquired and operated by Russian carriers are adequately maintained by the companies concerned.
- (56) Since the visit to the Russian Federation results of ramp inspections of all the aforementioned carriers show that certain carriers among those which were subject to operating restrictions have not been operating any services to the Community.
- (57) The carriers Gazpromavia and Atlant Soyuz, which were previously subject to operating restrictions, have been operating services into the Community and have undergone ramp inspections ⁽³⁾. The results of these inspections indicates a repetition of serious findings in the same areas as before the imposition of operating restrictions showing systemic safety deficiencies and likely to have a significant impact on safety of operations.
- (58) The carrier UTAir, has also been inspected ⁽⁴⁾. The results of this inspection show a repetition of the inspection findings in the same areas as before the imposition of operating restrictions indicating that the carrier has still not fully completed the corrective actions proposed in February 2007. These results along with verified evidence of serious safety deficiencies on the part of Airlines 400 ⁽⁵⁾, Kavminvodyavia ⁽⁶⁾, Ural
- ⁽¹⁾ ACG-2007-1, ACG-2007-7, CAACRO-2004-35, CAACRO-2004-37, CAACRO-2004-38, CAACRO-2004-48, CAACRO-2004-50, CAO-2004-101, DGAC/F-2005-15, DGAC/F-2006-2105, DGAC/F-2007-477, DGAC/F-2007-481, DGCATR-2006-102, DGCATR-2007-112, ENAC-IT-2004-73, ENAC-IT-2004-110, ENAC-IT-2004-225, ENAC-IT-2004-237, ENAC-IT-2004-296, ENAC-IT-2004-366, ENAC-IT-2004-480, ENAC-IT-2004-487, ENAC-IT-2004-548, ENAC-IT-2005-24, ENAC-IT-2005-187, ENAC-IT-2005-188, ENAC-IT-2005-205, ENAC-IT-2005-454, ENAC-IT-2005-492, ENAC-IT-2005-694, ENAC-IT-2006-34, ENAC-IT-2006-117, ENAC-IT-2006-175, ENAC-IT-2006-180, ENAC-IT-2006-326, ENAC-IT-2006-403, ENAC-IT-2006-508, ENAC-IT-2006-674, ENAC-IT-2007-9, ENAC-IT-2007-24, ENAC-IT-2007-53, ENAC-IT-2007-66, ENAC-IT-2007-140, HCAAGR-2006-35, HCAAGR-2007-66, LBA/D-2006-66, LBA/D-2006-308, LBA/D-2006-354, OK-2004-4, OK-2004-8.
- ⁽²⁾ BCAA-2007-27, DGAC/F-2007-474, DGAC/F-2006-246, DGAC/F-2006-400, DGAC/F-2007-539, DGCATR-2006-79, ENAC-IT-2004-44, ENAC-IT-2004-494, ENAC-IT-2005-72, ENAC-IT-2005-114, FOCA-2004-225, LBA/D-2005-261, LBA/D-2006-4, LBA/D-2006-429, LBA/D-2007-125, LBA/D-2007-134.
- ⁽³⁾ Gazpromavia: CAA-NL-2007-43 on 11.5.2007; Atlant Soyuz: CAA-N-2007-86 on 31.5.2007 and INAC/P-2007-12 on 1.6.2007.
- ⁽⁴⁾ UTAir: SDAT-2007-12 on 24.5.2007, LBA/D 2007 — 308 on 19.6.2007.
- ⁽⁵⁾ CAACRO-2004-44, DGAC-E-2006-853, DGAC-E-2006-1004, DGAC/F-2004-1011, DGAC/F-2005-19, DGAC/F-2005-883, DGAC/F-2005-1128, DGAC/F-2006-2008, DGAC/F-2007-24, ENAC-IT-2004-76, ENAC-IT-2004-86, ENAC-IT-2004-216, ENAC-IT-2004-259, ENAC-IT-2004-277, ENAC-IT-2004-297, ENAC-IT-2004-298, ENAC-IT-2006-195, ENAC-IT-2006-793, LBA/D-2005-185, RCAAARO-2006-39.
- ⁽⁶⁾ BCAA-2007-25, BCAA-2007-29, CAACRO-2004-36, CAACRO-2004-46, CAACRO-2006-37, CAIEY-2005-6, CAIEY-2005-8, DGAC-E-2006-877, DGAC-E-2006-878, DGAC-E-2006-948, DGAC-E-2006-949, DGAC-E-2006-1122, DGAC-E-2006-1501, DGAC/F-2006-2102, ENAC-IT-2004-516, ENAC-IT-2004-573, ENAC-IT-2005-313, ENAC-IT-2005-446, ENAC-IT-2005-453, ENAC-IT-2006-184, ENAC-IT-2006-545, ENAC-IT-2006-570, ENAC-IT-2006-664, ENAC-IT-2007-107, EST-2006-2, FOCA-2007-25, LBA/D-2004-431, LBA/D-2007-238.

Airlines ⁽¹⁾, Yakutia Airlines ⁽²⁾ were transmitted to the competent authorities on 29 May and 5 June 2007.

- (59) In view of all the above, on the basis of the common criteria, the Commission invited the air carriers Atlant Soyuz, Gazpromavia, UTAir, Krasnoyarsky Airlines, Kuban Airlines, Airlines 400, Kavminvodyavia, Ural Airlines and Yakutia Airlines to present their observations pursuant Article 7 of Regulation (EC) No 2111/2005 and launched consultations with the competent authorities of the Russian Federation. On the basis of the observations submitted by the air carriers, those made by the Commission and by the competent authorities of the Russian Federation, the latter decided on 23 June 2007 effective from 25 June, to impose operating restrictions on 10 carriers until their safety deficiencies have been resolved to the mutual satisfaction of both the competent authorities of the Russian Federation and the Commission.
- (60) Accordingly, the competent authorities of the Russian Federation decided to ban all operations into the Community of four of the carriers in question: Kavminvodyavia, Kuban Airlines, Yakutia Airlines, Airlines 400. In particular, Airlines 400 saw its AOC suspended.
- (61) Also, they decided to restrict the operations of certain carriers allowing only specific aircraft to be operated into the Community: Krasnoyarsky Airlines is allowed to operate only with the following Boeing 737 EI-DNH, EI-DNS, EI-DNT, EI-CBQ, EI-CLZ, EI-CLW, Boeing-757 EI-DUC, EI-DUE and Boeing-767 EI-DMH, EI-DMP; Ural Airlines is allowed to operate only with the following Airbus A-320 VP-BQY, VP-BQZ; Gazpromavia is allowed to operate only with the following Falcon Mystère 900 RA-09000, RA-09001, RA-09006, RA-09008; Atlant-Soyuz is allowed to operate only with the following Boeing 737 VP-BBL, VP-BBM; UTAir is allowed to operate only with the following ATR 42 VP-BCB, VP-BCF, VP-BPJ, VP-BPK, the following Gulfstream IV RA-10201, RA-10202 and the following Tu-154M RA-85805, RA-85808. Rossyia (ex-Pulkovo) is not permitted to operate into the Community with the aircraft IL-62M (RA-86467).
- (62) The Commission takes note of the decision of the competent authorities of the Russian Federation and in particular of the fact that any modifications to these

restrictions can be adopted by these authorities only in coordination with the Commission. Also, it takes note of the fact that all Russian air carriers which operate international services including into the Community, are informed, that any ramp inspection resulting in significant (category 2) and major (category 3) findings, if not duly rectified, would lead to the imposition of operating restrictions by the Russian authorities.

- (63) In view of the above, the Commission considers that the measures taken by the competent authorities of the Russian Federation are sufficient to redress the serious safety deficiencies detected in certain carriers in the short term. In order to ensure that there are adequate corrective actions put in place ensuring a sustainable systemic solution of these deficiencies, it intends to verify the situation of the safety of the above mentioned carriers before any modification of the restrictions contained in the decision of the competent authorities of the Russian Federation of 23 June 2007. To that end, the Commission intends to carry out a visit with the assistance of Member States before the next update of the present Regulation. Member States should ensure the verification of effective compliance with relevant safety standards through systematic ramp inspections on all operations of these carriers.

General considerations concerning carriers which have ceased activities

- (64) As carriers removed from the list due to declared cessation of activities may reappear with another identity or nationality, the Commission should actively continue to monitor any transfers and moves related to these entities.

General considerations concerning the other carriers included in the list

- (65) No evidence of the full implementation of appropriate remedial actions by the other carriers included in the Community list updated on 5 March 2007 and by the authorities with responsibility for regulatory oversight of these air carriers has been communicated to the Commission so far in spite of specific requests submitted by the latter. Therefore, on the basis of the common criteria, it is assessed that these air carriers should continue to be subject to an operating ban.

⁽¹⁾ ACG-2007-6, CAACRO-2006-27, DGAC-E-2006-873, DGAC/F-2006-238, DGAC/F-2006-1709, ENAC-IT-2004-318, ENAC-IT-2006-392, ENAC-IT-2007-12, EST-2006-22, EST-2006-23, HCAAGR-2006-27, OK-2005-14, OK-2005-38, OK-2006-9, OK-2007-3.

⁽²⁾ BCAA-2006-54, DGAC/F-2007-135, ENAC-IT-2004-75 ENAC-IT-2006-604, ENAC-IT-2006-864, ENAC-IT-2006-867, ENAC-IT-2007-15.

- (66) The measures provided for in this Regulation are in accordance with the opinion of the Air Safety Committee,

HAS ADOPTED THIS REGULATION:

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

Article 1

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

Article 2

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

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

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

Done at Brussels, 4 July 2007.

For the Commission

Jacques BARROT

Vice-President

ANNEX A

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

Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)	Air Operator Certificate (AOC) Number or Operating Licence Number	ICAO airline designation number	State of the Operator
AIR KORYO	Unknown	KOR	Democratic People's Republic of Korea (DPRK)
AIR WEST CO. LTD	004/A	AWZ	Sudan
ARIANA AFGHAN AIRLINES	009	AFG	Afghanistan
BLUE WING AIRLINES	SRSH-01/2002	BWI	Surinam
SILVERBACK CARGO FREIGHTERS	Unknown	VRB	Rwanda
TAAG ANGOLA AIRLINES	001	DTA	Angola
VOLARE AVIATION ENTREPRISE	143	VRE	Ukraine
All air carriers certified by the authorities with responsibility for regulatory oversight of Democratic Republic of Congo (RDC), with the exception of Hewa Bora Airways ⁽²⁾, including,		—	Democratic Republic of Congo (RDC)
AFRICA ONE	409/CAB/MIN/TC/0114/2006	CFR	Democratic Republic of Congo (RDC)
AFRICAN AIR SERVICES COMMUTER SPRL	409/CAB/MIN/TC/0005/2007	Unknown	Democratic Republic of Congo (RDC)
AIGLE AVIATION	409/CAB/MIN/TC/0042/2006	Unknown	Democratic Republic of Congo (RDC)
AIR BENI	409/CAB/MIN/TC/0019/2005	Unknown	Democratic Republic of Congo (RDC)
AIR BOYOMA	409/CAB/MIN/TC/0049/2006	Unknown	Democratic Republic of Congo (RDC)
AIR INFINI	409/CAB/MIN/TC/006/2006	Unknown	Democratic Republic of Congo (RDC)
AIR KASAI	409/CAB/MIN/TC/0118/2006	Unknown	Democratic Republic of Congo (RDC)
AIR NAVETTE	409/CAB/MIN/TC/015/2005	Unknown	Democratic Republic of Congo (RDC)
AIR TROPQUES S.P.R.L.	409/CAB/MIN/TC/0107/2006	Unknown	Democratic Republic of Congo (RDC)
BEL GLOB AIRLINES	409/CAB/MIN/TC/0073/2006	Unknown	Democratic Republic of Congo (RDC)
BLUE AIRLINES	409/CAB/MIN/TC/0109/2006	BUL	Democratic Republic of Congo (RDC)

Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)	Air Operator Certificate (AOC) Number or Operating Licence Number	ICAO airline designation number	State of the Operator
BRAVO AIR CONGO	409/CAB/MIN/TC/0090/2006	Unknown	Democratic Republic of Congo (RDC)
BUSINESS AVIATION S.P.R.L.	409/CAB/MIN/TC/0117/2006	Unknown	Democratic Republic of Congo (RDC)
BUTEMBO AIRLINES	409/CAB/MIN/TC/0056/2006	Unknown	Democratic Republic of Congo (RDC)
CARGO BULL AVIATION	409/CAB/MIN/TC/0106/2006	Unknown	Democratic Republic of Congo (RDC)
CETRACA AVIATION SERVICE	409/CAB/MIN/TC/037/2005	CER	Democratic Republic of Congo (RDC)
CHC STELLAVIA	409/CAB/MIN/TC/0050/2006	Unknown	Democratic Republic of Congo (RDC)
COMAIR	409/CAB/MIN/TC/0057/2006	Unknown	Democratic Republic of Congo (RDC)
COMPAGNIE AFRICAINE D'AVIATION (CAA)	409/CAB/MIN/TC/0111/2006	Unknown	Democratic Republic of Congo (RDC)
DOREN AIR CONGO	409/CAB/MIN/TC/0054/2006	Unknown	Democratic Republic of Congo (RDC)
EL SAM AIRLIFT	409/CAB/MIN/TC/0002/2007	Unknown	Democratic Republic of Congo (RDC)
ESPACE AVIATION SERVICE	409/CAB/MIN/TC/0003/2007	Unknown	Democratic Republic of Congo (RDC)
FILAIR	409/CAB/MIN/TC/0008/2007	Unknown	Democratic Republic of Congo (RDC)
FREE AIRLINES	409/CAB/MIN/TC/0047/2006	Unknown	Democratic Republic of Congo (RDC)
GALAXY INCORPORATION	409/CAB/MIN/TC/0078/2006	Unknown	Democratic Republic of Congo (RDC)
GOMA EXPRESS	409/CAB/MIN/TC/0051/2006	Unknown	Democratic Republic of Congo (RDC)
GOMAIR	409/CAB/MIN/TC/0023/2005	Unknown	Democratic Republic of Congo (RDC)
GREAT LAKE BUSINESS COMPANY	409/CAB/MIN/TC/0048/2006	Unknown	Democratic Republic of Congo (RDC)
I.T.A.B. — INTERNATIONAL TRANS AIR BUSINESS	409/CAB/MIN/TC/0022/2005	Unknown	Democratic Republic of Congo (RDC)
KATANGA AIRWAYS	409/CAB/MIN/TC/0088/2006	Unknown	Democratic Republic of Congo (RDC)

Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)	Air Operator Certificate (AOC) Number or Operating Licence Number	ICAO airline designation number	State of the Operator
KIVU AIR	409/CAB/MIN/TC/0044/2006	Unknown	Democratic Republic of Congo (RDC)
LIGNES AÉRIENNES CONGOLAISES	Ministerial signature (ordonnance 78/205)	LCG	Democratic Republic of Congo (RDC)
MALU AVIATION	409/CAB/MIN/TC/0113/2006	Unknown	Democratic Republic of Congo (RDC)
MALILA AIRLIFT	409/CAB/MIN/TC/0112/2006	MLC	Democratic Republic of Congo (RDC)
MANGO AIRLINES	409/CAB/MIN/TC/0007/2007	Unknown	Democratic Republic of Congo (RDC)
PIVA AIRLINES	409/CAB/MIN/TC/0001/2007	Unknown	Democratic Republic of Congo (RDC)
RWAKABIKA BUSHI EXPRESS	409/CAB/MIN/TC/0052/2006	Unknown	Democratic Republic of Congo (RDC)
SAFARI LOGISTICS SPRL	409/CAB/MIN/TC/0076/2006	Unknown	Democratic Republic of Congo (RDC)
SAFE AIR COMPANY	409/CAB/MIN/TC/0004/2007	Unknown	Democratic Republic of Congo (RDC)
SERVICES AIR	409/CAB/MIN/TC/0115/2006	Unknown	Democratic Republic of Congo (RDC)
SUN AIR SERVICES	409/CAB/MIN/TC/0077/2006	Unknown	Democratic Republic of Congo (RDC)
TEMBO AIR SERVICES	409/CAB/MIN/TC/0089/2006	Unknown	Democratic Republic of Congo (RDC)
THOM'S AIRWAYS	409/CAB/MIN/TC/0009/2007	Unknown	Democratic Republic of Congo (RDC)
TMK AIR COMMUTER	409/CAB/MIN/TC/020/2005	Unknown	Democratic Republic of Congo (RDC)
TRACEP CONGO	409/CAB/MIN/TC/0055/2006	Unknown	Democratic Republic of Congo (RDC)
TRANS AIR CARGO SERVICE	409/CAB/MIN/TC/0110/2006	Unknown	Democratic Republic of Congo (RDC)
TRANSPORTS AERIENS CONGOLAIS (TRACO)	409/CAB/MIN/TC/0105/2006	Unknown	Democratic Republic of Congo (RDC)
VIRUNGA AIR CHARTER	409/CAB/MIN/TC/018/2005	Unknown	Democratic Republic of Congo (RDC)
WIMBI DIRA AIRWAYS	409/CAB/MIN/TC/0116/2006	WDA	Democratic Republic of Congo (RDC)

Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)	Air Operator Certificate (AOC) Number or Operating Licence Number	ICAO airline designation number	State of the Operator
ZAABU INTERNATIONAL	409/CAB/MIN/TC/0046/2006	Unknown	Democratic Republic of Congo (RDC)
All air carriers certified by the authorities with responsibility for regulatory oversight of Equatorial Guinea, including,			Equatorial Guinea
EUROGUINEANA DE AVIACION Y TRANSPORTES	2006/001/MTTCT/DGAC/SOPS	EUG	Equatorial Guinea
GENERAL WORK AVIACION	002/ANAC	n/a	Equatorial Guinea
GETRA — GUINEA ECUATORIAL DE TRANSPORTES AEREOS	739	GET	Equatorial Guinea
GUINEA AIRWAYS	738	n/a	Equatorial Guinea
UTAGE — UNION DE TRANSPORT AEREO DE GUINEA ECUATORIAL	737	UTG	Equatorial Guinea
All air carriers certified by the authorities with responsibility for regulatory oversight of Indonesia, including,			Indonesia
ADAMSKY CONNECTION AIRLINES	unknown	DHI	Indonesia
AIR TRANSPORT SERVICES	unknown	unknown	Indonesia
BALAI KALIBRASI PENERBANGAN	unknown	unknown	Indonesia
EKSPRES TRANSPORTASI ANTARBENUA	unknown	unknown	Indonesia
GARUDA	unknown	GIA	Indonesia
INDONESIA AIRASIA	unknown	AWQ	Indonesia
KARTIKA AIRLINES	unknown	KAE	Indonesia
LION MENTARI AIRLINES	unknown	LNI	Indonesia
MANDALA AIRLINES	unknown	MDL	Indonesia
MANUNGAL AIR SERVICE	unknown	unknown	Indonesia
MEGANTARA	unknown	unknown	Indonesia
MERPATI NUSANTARA AIRLINES	unknown	MNA	Indonesia
METRO BATAVIA	unknown	BTV	Indonesia
PELITA AIR SERVICE	unknown	PAS	Indonesia
PT. AIR PACIFIC UTAMA	unknown	unknown	Indonesia
PT. AIRFAST INDONESIA	unknown	AFE	Indonesia
PT. ASCO NUSA AIR	unknown	unknown	Indonesia

Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)	Air Operator Certificate (AOC) Number or Operating Licence Number	ICAO airline designation number	State of the Operator
PT. ASI PUDJIASTUTI	unknown	unknown	Indonesia
PT. AVIASTAR MANDIRI	unknown	unknown	Indonesia
PT. ATLAS DELTASATYA	unknown	unknown	Indonesia
PT. DABI AIR NUSANTARA	unknown	unknown	Indonesia
PT. DERAYA AIR TAXI	unknown	DRY	Indonesia
PT. DERAZONA AIR SERVICE	unknown	unknown	Indonesia
PT. DIRGANTARA AIR SERVICE	unknown	DIR	Indonesia
PT. EASTINDO	unknown	unknown	Indonesia
PT. EKSPRES TRANSPORTASI ANTARBENUA	unknown	unknown	Indonesia
PT. GATARI AIR SERVICE	unknown	GHS	Indonesia
PT. GERMANIA TRISILA AIR	unknown	unknown	Indonesia
PT. HELIZONA	unknown	unknown	Indonesia
PT. KURA-KURA AVIATION	unknown	unknown	Indonesia
PT. INDONESIA AIR TRANSPORT	unknown	IDA	Indonesia
PT. INTAN ANGKASA AIR SERVICE	unknown	unknown	Indonesia
PT. NATIONAL UTILITY HELICOPTER	unknown	unknown	Indonesia
PT. PELITA AIR SERVICE	unknown	unknown	Indonesia
PT. PENERBANGAN ANGKASA SEMESTA	unknown	unknown	Indonesia
PT. PURA WISATA BARUNA	unknown	unknown	Indonesia
PT. SAMPOERNA AIR NUSANTARA	unknown	unknown	Indonesia
PT. SAYAP GARUDA INDAH	unknown	unknown	Indonesia
PT. SMAC	unknown	SMC	Indonesia
PT. TRANSWISATA PRIMA AVIATION	unknown	unknown	Indonesia
PT. TRAVIRA UTAMA	unknown	unknown	Indonesia
PT. TRIGANA AIR SERVICE	unknown	unknown	Indonesia
REPUBLIC EXPRESS AIRLINES	unknown	RPH	Indonesia
RIAU AIRLINES	unknown	RIU	Indonesia
SRIWIJAYA AIR	unknown	SJY	Indonesia

Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)	Air Operator Certificate (AOC) Number or Operating Licence Number	ICAO airline designation number	State of the Operator
SURVEI UDARA PENAS	unknown	PNS	Indonesia
TRANS WISATA PRIMA AVIATION	unknown	unknown	Indonesia
TRAVEL EXPRESS AVIATION SERVICE	unknown	XAR	Indonesia
TRI MG INTRA ASIA AIRLINES	unknown	TMG	Indonesia
TRIGANA AIR SERVICE	unknown	TGN	Indonesia
WING ABADI AIRLINES	unknown	WON	Indonesia
All air carriers certified by the authorities with responsibility for regulatory oversight of the Kyrgyz Republic, including,		—	Kyrgyz Republic
AIR CENTRAL ASIA	34	AAT	Kyrgyz Republic
AIR MANAS	17	MBB	Kyrgyz Republic
ASIA ALPHA AIRWAYS	32	SAL	Kyrgyz Republic
AVIA TRAFFIC COMPANY	23	AVJ	Kyrgyz Republic
BISTAIR-FEZ BISHKEK	08	BSC	Kyrgyz Republic
BOTIR AVIA	10	BTR	Kyrgyz Republic
CLICK AIRWAYS	11	CGK	Kyrgyz Republic
DAMES	20	DAM	Kyrgyz Republic
EASTOK AVIA	15	Unknown	Kyrgyz Republic
ESEN AIR	2	ESD	Kyrgyz Republic
GALAXY AIR	12	GAL	Kyrgyz Republic
GOLDEN RULE AIRLINES	22	GRS	Kyrgyz Republic
INTAL AVIA	27	INL	Kyrgyz Republic
ITEK AIR	04	IKA	Kyrgyz Republic
KYRGYZ TRANS AVIA	31	KTC	Kyrgyz Republic
KYRGYZSTAN	03	LYN	Kyrgyz Republic
KYRGYZSTAN AIRLINES	01	KGA	Kyrgyz Republic
MAX AVIA	33	MAI	Kyrgyz Republic
OHS AVIA	09	OSH	Kyrgyz Republic
S GROUP AVIATION	6	Unknown	Kyrgyz Republic

Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)	Air Operator Certificate (AOC) Number or Operating Licence Number	ICAO airline designation number	State of the Operator
SKY GATE INTERNATIONAL AVIATION	14	SGD	Kyrgyz Republic
SKY WAY AIR	21	SAB	Kyrgyz Republic
TENIR AIRLINES	26	TEB	Kyrgyz Republic
TRAST AERO	05	TSJ	Kyrgyz Republic
WORLD WING AVIATION	35	WWM	Kyrgyz Republic
All air carriers certified by the authorities with responsibility for regulatory oversight of Liberia		—	Liberia
All air carriers certified by the authorities with responsibility for regulatory oversight of Sierra Leone, including,	—	—	Sierra Leone
AIR RUM, LTD	Unknown	RUM	Sierra Leone
BELLVIEW AIRLINES (S/L) LTD	Unknown	BVU	Sierra Leone
DESTINY AIR SERVICES, LTD	Unknown	DTY	Sierra Leone
HEAVYLIFT CARGO	Unknown	Unknown	Sierra Leone
ORANGE AIR SIERRA LEONE LTD	Unknown	ORJ	Sierra Leone
PARAMOUNT AIRLINES, LTD	Unknown	PRR	Sierra Leone
SEVEN FOUR EIGHT AIR SERVICES LTD	Unknown	SVT	Sierra Leone
TEEBAH AIRWAYS	Unknown	Unknown	Sierra Leone
All air carriers certified by the authorities with responsibility for regulatory oversight of Swaziland, including,	—	—	Swaziland
AERO AFRICA (PTY) LTD	Unknown	RFC	Swaziland
JET AFRICA SWAZILAND	Unknown	OSW	Swaziland
ROYAL SWAZI NATIONAL AIRWAYS CORPORATION	Unknown	RSN	Swaziland
SCAN AIR CHARTER, LTD	Unknown	Unknown	Swaziland
SWAZI EXPRESS AIRWAYS	Unknown	SWX	Swaziland
SWAZILAND AIRLINK	Unknown	SZL	Swaziland

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

(²) Hewa Bora Airways is allowed to use the specific aircraft mentioned in Annex B for its current operations within the European Community.

ANNEX B

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

Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)	Air Operator Certificate (AOC) Number	ICAO airline designation number	State of the Operator	Aircraft type	Registration mark(s) and, when available, construction serial number(s)	State of registry
AIR BANGLADESH	17	BGD	Bangladesh	B747-269B	S2-ADT	Bangladesh
AIR SERVICE COMORES	06-819/TA-15/DGACM	KMD	Comoros	All fleet with the exception of: LET 410 UVP	All fleet with the exception of: D6-CAM (851336)	Comoros
HEWA BORA AIRWAYS (HBA) ⁽²⁾	409/CAB/MIN/TC/0108/2006	ALX	Democratic Republic of Congo (RDC)	All fleet with the exception of: B767-266 ER	All fleet with the exception of: 9Q-CJD (cons. No 23178)	Democratic Republic of Congo (RDC)
PAKISTAN INTERNATIONAL AIRLINES	003/96 AL	PIA	Islamic Republic of Pakistan	All fleet with the exception of: all B-777; 3 B-747-300; 2 B-747-200. 6 A-310	All fleet with the exception of: AP-BHV, AP-BHW, AP-BGJ, AP-BGK, AP-BGL, AP-BGY, AP-BGZ; AP-BFU, AP-BGG, AP-BFX, AP-BAK, AP-BAT, AP-BEU, AP-BGP, AP-BGR, AP-BGN, AP-BEC, AP-BEG	Islamic Republic of Pakistan

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

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

COMMISSION REGULATION (EC) No 788/2007**of 4 July 2007****fixing the allocation coefficient to be applied to applications for import licences lodged from 25 June to 2 July 2007 under the Community tariff quota for maize opened by Regulation (EC) No 969/2006**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals ⁽¹⁾,

Having regard to 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 ⁽²⁾, and in particular Article 7(2) thereof,

Whereas:

- (1) Commission Regulation (EC) No 969/2006 ⁽³⁾ has opened an annual import tariff quota of 242 074 tonnes of maize (serial number 09.4131).
- (2) Article 2(1) of Regulation (EC) No 969/2006 fixes a quantity of 121 037 tonnes for subperiod 2 for the period from 1 July to 31 December 2007.
- (3) Based on the notification made under Article 4(3) of Regulation (EC) No 969/2006, the applications lodged from 25 June 2007 at 13.00 until 2 July 2007 at

13.00 (Brussels time) in accordance with Article 4(1) of that Regulation, relate to quantities in excess of those available. The extent to which import licences may be issued should therefore be determined and the allocation coefficient laid down to be applied to the quantities applied for.

- (4) Import licences should no longer be issued under Regulation (EC) No 969/2006 for the current quota period,

HAS ADOPTED THIS REGULATION:

Article 1

1. Each import licence application for maize under the quota referred to in Regulation (EC) No 969/2006 and lodged from 25 June 2007 at 13.00 until 2 July 2007 at 13.00 (Brussels time) shall give rise to the issue of a licence for the quantities applied for, multiplied by an allocation coefficient of 1,542232 %.

2. The issue of licences for the quantities applied for from 13.00 (Brussels time) on 2 July 2007 is hereby suspended for the current quota period.

Article 2

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

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

Done at Brussels, 4 July 2007.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 270, 21.10.2003, p. 78. Regulation as amended by Commission Regulation (EC) No 1154/2005 (OJ L 187, 19.7.2005, p. 11).

⁽²⁾ 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).

⁽³⁾ OJ L 176, 30.6.2006, p. 44. Regulation as amended by Regulation (EC) No 2022/2006 (OJ L 384, 29.12.2006, p. 70).

COMMISSION REGULATION (EC) No 789/2007**of 4 July 2007****amending, for the eleventh time, Regulation (EC) No 1763/2004 imposing certain restrictive measures in support of effective implementation of the mandate of the International Criminal Tribunal for the former Yugoslavia (ICTY)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1763/2004 imposing certain restrictive measures in support of effective implementation of the mandate of the International Criminal Tribunal for the former Yugoslavia (ICTY) ⁽¹⁾, and in particular Article 10(a) thereof,

Whereas:

- (1) Annex I to Regulation (EC) No 1763/2004 lists the persons covered by the freezing of funds and economic resources under that Regulation.
- (2) The Commission is empowered to amend that Annex, taking into account Council Decisions implementing

Common Position 2004/694/CFSP on further measures in support of the effective implementation of the mandate of ICTY ⁽²⁾. Council Decision 2007/449/CFSP ⁽³⁾ of 28 June 2007 implements that Common Position. Annex I to Regulation (EC) No 1763/2004 should, therefore, be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 1763/2004 is hereby amended as set out in the Annex to this Regulation.

*Article 2*This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 4 July 2007.

For the Commission

Eneko LANDÁBURU

Director-General for External Relations

⁽¹⁾ OJ L 315, 14.10.2004, p. 14. Regulation as last amended by Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p. 1).

⁽²⁾ OJ L 315, 14.10.2004, p. 52.

⁽³⁾ OJ L 169, 29.6.2007, p. 75.

ANNEX

The following persons shall be removed from Annex I to Regulation (EC) No 1763/2004:

1. Tolimir, Zdravko. Date of birth: 27.11.1948.
 2. Djordjevic, Vlastimir. Date of birth: 1948. Place of birth: Vladicin Han, Serbia and Montenegro. Nationality: Serbia and Montenegro.
-

COMMISSION REGULATION (EC) No 790/2007**of 4 July 2007****establishing a prohibition of fishing for common sole in zone IIIa, EC waters of IIIb, IIIc and IIId by vessels flying the flag of Sweden**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy ⁽¹⁾, and in particular Article 26(4) thereof,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to common fisheries policy ⁽²⁾, and in particular Article 21(3) thereof,

Whereas:

- (1) Council Regulation (EC) No 41/2007 of 21 December 2006 fixing for 2007 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks applicable in Community waters and for Community vessels, in waters where catch limitations are required ⁽³⁾, lays down quotas for 2007.
- (2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2007.

- (3) It is therefore necessary to prohibit fishing for that stock and its retention on board, transhipment and landing,

HAS ADOPTED THIS REGULATION:

*Article 1***Quota exhaustion**

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2007 shall be deemed to be exhausted from the date set out in that Annex.

*Article 2***Prohibitions**

Fishing for the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein shall be prohibited from the date set out in that Annex. It shall be prohibited to retain on board, tranship or land such stock caught by those vessels after that date.

*Article 3***Entry into force**

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

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

Done at Brussels, 4 July 2007.

For the Commission

Fokion FOTIADIS

Director-General for Fisheries and Maritime Affairs

⁽¹⁾ OJ L 358, 31.12.2002, p. 59.

⁽²⁾ OJ L 261, 20.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 1967/2006 (OJ L 409, 30.12.2006, p. 11, as corrected by OJ L 36, 8.2.2007, p. 6).

⁽³⁾ OJ L 15, 20.1.2007, p. 1. Regulation as amended by Commission Regulation (EC) No 444/2007 (OJ L 106, 24.4.2007, p. 22).

ANNEX

No	15
Member State	SWEDEN
Stock	SOL/3A/BCD
Species	Common sole (<i>Solea solea</i>)
Zone	IIIa, EC waters of IIIb, IIIc, and IIId
Date	11.6.2007

II

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

DECISIONS

COUNCIL

DECISION No 1/2007 OF THE ACP-EC COUNCIL OF MINISTERS

of 25 May 2007

on reassigning part of the reserve of the Ninth European Development Fund (EDF) envelope for long-term development to the allocation for intra-ACP cooperation in the Ninth EDF envelope for regional cooperation and integration

(2007/460/EC)

THE ACP-EC COUNCIL OF MINISTERS,

in export earnings regardless of the level of the uncommitted balances under their national B-envelopes.

Having regard to the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000 ⁽¹⁾ as revised by the Agreement ⁽²⁾ amending the said ACP-EC Partnership Agreement, signed in Luxembourg on 25 June 2005, and in particular paragraph 8 of Annex I thereto,

Whereas:

- (1) Following the completion of the Ninth European Development Fund (EDF) end-of-term review in accordance with Articles 5 and 11 of Annex IV of the ACP-EC Partnership Agreement, the resource allocation should be revised in the light of current needs and performance.
- (2) The funds reserved for the financing of support for regional cooperation and integration and the expected decommitments transferred to this reserve before the end of 2007 are insufficient to meet new needs for increasing the impact of intra-ACP activities.
- (3) Additional funds should be allocated to set up an intra-ACP funding mechanism for FLEX for each of the years 2006 and 2007 (application years 2005 and 2006 respectively), thereby ensuring minimal support to those countries subject to the adverse effects of instability

- (4) The uncommitted balances of the national B-envelopes may not cover expected needs and should be transferred to the intra-ACP reserve at the date of adoption of this Decision, to create five regionalised B-envelopes to finance future humanitarian and emergency assistance in each of these regions, based on regional solidarity, and an intra-ACP reserve for emergency assistance under Article 72(3)(a) and (b) of the ACP-EC Partnership Agreement in exceptional circumstances where such assistance cannot be financed from the Community budget.
- (5) The regionalised B-envelope for Eastern and Southern Africa and the Indian Ocean is a net amount after the deduction of EUR 20 million to compensate for the *ad hoc* increase in the B-envelope of Sudan funded out of the long-term development reserve; no regionalised B-envelope is being set up for the Pacific as the balances of the B-envelopes have already been used to a large extent for a regional natural disaster mitigation programme.
- (6) Additional resources should be allocated to replenish the African Peace Facility for the year 2007.
- (7) Additional resources should be allocated to finance part of the running costs of the ACP Secretariat for the year 2008 to bridge the period until the entry into force of the Tenth EDF.

⁽¹⁾ OJ L 317, 15.12.2000, p. 3.

⁽²⁾ OJ L 209, 11.8.2005, p. 27. Agreement provisionally applied pursuant to Decision No 5/2005 (OJ L 287, 28.10.2005, p. 1).

- (8) Additional resources should be allocated to reinforce the intra-ACP technical cooperation facility, which is primarily used to cover technical assistance needs, especially for project preparation.
- (9) An additional contribution to the Global Fund against HIV/AIDS, Tuberculosis and Malaria (GFATM) has been requested.
- (10) A need for a further contribution to the Caribbean Knowledge and Learning Network has been identified at the ACP-EC Council of 2 June 2006 for capacity building and institutional support.
- (11) A small prudential reserve must be established to be able to meet new and unexpected intra-ACP needs in the period to 31 December 2007, including possible post natural disaster rehabilitation needs in the Pacific region which can be committed before the end of 2007 and cannot be covered by a regionalised B-envelope for unforeseen needs, and to meet possible additional transitional needs in 2008.
- (12) Funds under the Ninth EDF, including expected decommitments, can no longer be committed beyond 31 December 2007 and a mechanism has to be found to commit available balances before that date in an efficient and effective way in support of the overall objectives of the ACP-EC Partnership Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

Replenishment of the intra-ACP reserve in the envelope for regional cooperation and integration

1. All funds available in the long-term development reserve on 31 March 2007 and adjusted for the results of the end of term decisions which had not yet been processed in the accounts at that date, with the exception of the funds to support the Centre for the Development of Enterprise (CDE) and the Technical Centre for Agricultural and Rural Cooperation (CTA) budgets for 2008 (EUR 32 million), the funds for 'high risk programmes' in countries with a signed country strategy paper (EUR 72,4 million as of 1 March 2007), the funds for political priorities in countries without a signed country strategy paper (EUR 30,2 million as of 1 March 2007) and the funds for the Somalia special assistance programme (EUR 36,1 million), shall be transferred to the intra-ACP reserve in the envelope for regional cooperation and integration.

2. All funds set aside under the reserve to support the CDE and CTA budgets for 2008 to fund 'high risk programmes' in countries with a signed country strategy paper and to fund political priorities in countries without a signed country strategy paper as referred to in paragraph 1 that have not been committed by 31 October 2007 shall be transferred to the intra-ACP reserve in the envelope for regional cooperation and integration.

3. All decommitments from the Ninth EDF and previous EDFs initiated in the accounting system of the Commission as from 1 April until 31 December 2007 which accrue to the long-term development reserve shall be transferred to the intra-ACP reserve in the envelope for regional cooperation and integration.

4. All remaining funds under the national indicative programmes that become available under the long-term development reserve between 1 August and 31 December 2007 shall be transferred to the intra-ACP reserve in the envelope for regional cooperation and integration.

Article 2

Allocation of the intra-ACP funds

1. The funds available in the intra-ACP reserve shall be used for the following purposes:

- (a) setting up:
- (i) one intra-ACP reserve open to all ACP States for emergency assistance under Article 72(3)(a) and (b) of the ACP-EC Partnership Agreement in exceptional circumstances where such assistance cannot be financed from the Community budget; this envelope shall amount to EUR 26 741 326 and shall be constituted by taking 15 % of the amounts of uncommitted balances remaining in the B-envelopes of the constituent countries of those regions referred to under point (ii) at the date the end-of-term reallocation decisions entered into force;
- (ii) five regionalised B-envelopes amounting to EUR 17 511 615 for the Southern African region, EUR 48 920 391 for the region of Eastern and Southern Africa and the Indian Ocean, EUR 31 945 340 for the West African region, EUR 16 139 355 for the Central African region and EUR 35 422 478 for the Caribbean region, based on 85 % of the amounts of uncommitted balances remaining in the B-envelopes of the constituent countries of those regions at the date the end-of-term reallocation decisions entered into force;

the regionalised B-envelopes shall be mobilised for contributions to internationally agreed debt relief initiatives as provided for in Article 3(2)(b) of Annex IV to the ACP-EC Partnership Agreement and for humanitarian and emergency assistance in accordance to Articles 72 and 73 of the ACP-EC Partnership Agreement on the basis of regional solidarity in exceptional circumstances where such assistance cannot be financed from the Community budget;

- (b) setting up an intra-ACP FLEX programme of EUR 50 million for 2006 (application year 2005) in order to ensure minimal support to those countries subject to the adverse effects of instability in export earnings regardless of the level of the uncommitted balances under their national B-envelopes before the end-of-term review reallocation decisions entered into force;
- (c) replenishing the African Peace Facility for an amount of up to EUR 100 million as a further EDF contribution to bridge the financial gap until the entry into force of the Tenth EDF, for various peace support, training and capacity-building activities, of which EUR 45 million on the basis of the available intra-ACP funds before its replenishment referred to in Article 1 and EUR 35 million after this replenishment, and an additional amount of up to EUR 20 million which may be financed by uncommitted funds from the prudential reserves referred to in points (h) and (i) or by decommitments transferred to the intra-ACP reserve under Article 1(3) and (4) in excess of initial estimates;
- (d) complementing the institutional support given to the ACP Secretariat in order to bridge the period until the entry into force of the Tenth EDF with an amount of EUR 5,5 million to contribute to the running costs of the ACP Secretariat for the year 2008;
- (e) adding EUR 2,5 million to the intra-ACP technical cooperation facility;
- (f) mobilising EUR 4 million as an urgent carry-over of a rinderpest eradication programme in Africa (PACE);
- (g) contributing an additional EUR 5 million to the Caribbean Knowledge and Learning Network (CKLN) trust fund for capacity building and institutional support;
- (h) setting up a regional prudential reserve of EUR 10 million to supplement the regional indicative programme for the Southern African region in the case of the Milange-Mocuba

road upgrading programme (Mozambique) being appraised and passing the management procedure of the EDF Committee before 1 August 2007; if this programme cannot be appraised in time, this prudential reserve shall be transferred to the intra-ACP reserve;

- (i) setting up an intra-ACP prudential reserve of EUR 15 million for new and unexpected needs which cannot be funded from the regionalised B-envelopes, including for post natural-disaster rehabilitation programmes in the Pacific region and possible additional priority transitional needs in 2008;
- (j) setting up an intra-ACP FLEX programme, provisionally fixed at EUR 35 million for 2007 (application year 2006) in order to ensure minimal support to those countries subject to the adverse effects of instability in export earnings after the regionalisation of the B-envelopes for humanitarian and emergency assistance referred to in paragraph 1(a); this programme may be supplemented by up to EUR 15 million by uncommitted funds from the prudential reserves referred to in points (h) and (i) or by decommitments transferred to the intra-ACP reserve under Article 1(3) and (4) in excess of initial estimates and the need to complement the contribution to the African Peace Facility by EUR 20 million as referred to in point (c);
- (k) complementing the support given to the Global Fund against HIV/AIDS, Tuberculosis and Malaria (GFATM) with an amount of EUR 38 million.

2. Should the amounts accrued to the intra-ACP reserve be insufficient to cover all needs identified, the programme referred to in paragraph 1(j) shall be reduced accordingly. Should the shortfall of funds be larger than the amount referred to in point (j), the prudential reserve referred to in paragraph 1, point (i) shall be reduced accordingly. A further shortfall of funds shall lead to a reduction of the amount referred to in paragraph 1(c).

3. Should the amounts accrued to the intra-ACP reserve exceed the initial estimates or should funds earmarked under paragraph 1, points (c), (d), (e), (g) and/or (i) be under-used, the additional funds becoming available above the ceiling set for the programmes referred to in paragraph 1, points (c) and (j) will be mobilised to top up the CKLN trust fund with an additional amount of up to EUR 5 million, if feasible, and subsequently, if excess funds are still available, to top up the EU-ACP Infrastructure Trust Fund as an advance on the allocations foreseen under the Tenth EDF.

*Article 3***Request for support**

In accordance with Article 13(2) of Annex IV of the ACP-EC Partnership Agreement, the ACP-EC Council of Ministers calls on the Commission to finance the actions laid down in Article 2.

*Article 4***Entry into force**

This Decision shall enter into force on the day it is adopted.

Done at Brussels, 25 May 2007.

For the ACP-EC Council of Ministers

The President

Mohlabi K. TSEKOA

DECISION No 2/2007 OF THE ACP-EC COUNCIL OF MINISTERS**of 25 May 2007****allowing additional bilateral contributions, to be managed by the Commission, in support of the objectives of the African Peace Facility**

(2007/461/EC)

THE ACP-EC COUNCIL OF MINISTERS,

Having regard to the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000 ⁽¹⁾, as revised by the Agreement ⁽²⁾ amending the said ACP-EC Partnership Agreement, signed in Luxembourg on 25 June 2005, and in particular paragraph 8 of Annex I thereto,

Whereas:

- (1) Decision No 3/2003 of the ACP-EC Council of Ministers of 11 December 2003 on the use of resources from the long-term development envelope of the Ninth European Development Fund (EDF) for the creation of a Peace Facility for Africa ⁽³⁾ provided the necessary financial support for the establishment of the African Peace Facility.
- (2) The General Affairs and External Relations Council of 5 March 2007 acknowledged the need urgently to address the funding needs of the African Union peacekeeping mission in Darfur/Sudan (AMIS).
- (3) The estimated resources provided for in the intra-ACP envelope for replenishment of the African Peace Facility until the 10th EDF enters into force are not enough to run AMIS until that date. EU Member States have therefore expressed their willingness to make additional bilateral contributions. Such additional contributions should be pooled in the African Peace Facility and managed by the Commission to improve coordination and monitoring of the use of the funds until the 10th EDF enters into force.
- (4) Decision 2005/446/EC of the Representatives of the Governments of the Member States meeting within the Council of 30 May 2005 setting the deadline for the

commitment of the funds of the Ninth EDF ⁽⁴⁾ sets 31 December 2007 as the date beyond which the funds from the Ninth EDF may no longer be committed.

- (5) Provision therefore needs to be made for additional contributions by EU Member States, to be managed by the Commission, in support of the objectives of the African Peace Facility,

HAS DECIDED AS FOLLOWS:

*Article 1***Voluntary contributions**

Until 30 September 2007 any EU Member State may provide the Commission with voluntary additional contributions to support the objectives of the African Peace Facility under the Financial Protocol.

The Commission shall be entrusted with the responsibility for managing such contributions within the framework of the African Peace Facility in accordance with the procedures of the Ninth EDF, except for the decommitments which will be refunded to the EU Member States pro rata of their voluntary additional contributions.

*Article 2***Entry into force**

This Decision shall enter into force on the day of its adoption.

Done at Brussels, 25 May 2007.

*For the ACP-EC Council of Ministers**The President*

Mohlabi K. TSEKOA

⁽¹⁾ OJ L 317, 15.12.2000, p. 3.

⁽²⁾ OJ L 209, 11.8.2005, p. 27. Agreement provisionally applied pursuant to Decision No 5/2005 (OJ L 287, 28.10.2005, p. 1).

⁽³⁾ OJ L 345, 31.12.2003, p. 108.

⁽⁴⁾ OJ L 156, 18.6.2005, p. 19.

DECISION No 3/2007 OF THE ACP-EC COUNCIL OF MINISTERS**of 25 May 2007****amending Decision No 3/2001 on the allocation of resources to Somalia from the Eighth and Ninth European Development Fund**

(2007/462/EC)

THE ACP-EC COUNCIL OF MINISTERS,

Having regard to the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States, of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000 ⁽¹⁾, as revised by the Agreement ⁽²⁾ amending the said ACP-EC Partnership Agreement, signed in Luxembourg on 25 June 2005, and in particular Article 93(6) thereof,

Whereas:

- (1) Article 93(6) of the ACP-EC Partnership Agreement allows the ACP-EC Council of Ministers the possibility of according special support to ACP States party to previous ACP-EC Conventions which, in the absence of normally established government institutions, have not been able to sign or ratify the ACP-EC Partnership Agreement. This support may concern institution building as well as economic and social development activities, taking particular account of the needs of the most vulnerable sections of the population. This provision applies to Somalia.
- (2) By Decision No 3/2001 of 20 December 2001 ⁽³⁾, the ACP-EC Council of Ministers allocated an amount of EUR 149 million from the Ninth European Development Fund (EDF) to Somalia for financial and technical cooperation. The function of National Authorising Officer for the programming and implementation of this allocation was entrusted to the Chief Authorising Officer of the EDF.
- (3) Article 3(5) of Annex IV to the ACP-EC Partnership Agreement allows the Community the possibility of increasing a country's allocation in order to take account of special needs or exceptional performance.

- (4) Article 5(2) of that Annex IV provides for the possibility of carrying out a review in exceptional circumstances that are referred to in the provisions on humanitarian and emergency assistance. In the light of the conclusions of the ad hoc review of the cooperation programme with Somalia, additional funds are required from the Ninth EDF in order to ensure continuation of the support to the population of Somalia until the entry into force of the 10th EDF,

HAS DECIDED AS FOLLOWS:

Article 1

The following Article shall be inserted in Decision No 3/2001 of the ACP-EC Council of Ministers:

'Article 3a

On the basis of the conclusions of an ad hoc review, an additional amount of EUR 36 144 798 from the Ninth EDF shall be allocated to Somalia for financial and technical cooperation, from the long-term development envelope referred to in paragraph 3(a) of the Financial Protocol set out in Annex I to the ACP-EC Partnership Agreement.'

Article 2

This Decision shall enter into force on the day of its adoption.

Done at Brussels, 25 May 2007.

For the ACP-EC Council of Ministers

The President

Mohlabi K. TSEKOA

⁽¹⁾ OJ L 317, 15.12.2000, p. 3.

⁽²⁾ OJ L 209, 11.8.2005, p. 27. Agreement provisionally applied pursuant to Decision No 5/2005 (OJ L 287, 28.10.2005, p. 1).

⁽³⁾ OJ L 56, 27.2.2002, p. 23.

COMMISSION

COMMISSION DECISION

of 4 July 2007

amending Decision 2005/942/EC authorising Member States to take decisions under Council Directive 1999/105/EC on assurances afforded in respect of forest reproductive material produced in third countries

(notified under document number C(2007) 3173)

(2007/463/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 1999/105/EC of 22 December 1999 on the marketing of forest reproductive material ⁽¹⁾, and in particular Article 19(3) thereof,

Whereas:

- (1) Commission Decision 2005/942/EC ⁽²⁾ authorises Member States to take decisions under Directive 1999/105/EC on assurances afforded in respect of forest reproductive material of specified species produced in specified third countries.
- (2) The scope of the current regime should be extended in so far as the necessary assurances are afforded.
- (3) It is appropriate to add New Zealand as authorised third country as regards the forest reproductive material of the Category Source identified of the species *Pinus radiata* and to add that species in the case of the United States of

America. Decision 2005/942/EC should be therefore amended accordingly.

- (4) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 2005/942/EC is amended as set out in the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 4 July 2007.

For the Commission
Markos KYPRIANOU
Member of the Commission

⁽¹⁾ OJ L 11, 15.1.2000, p. 17.

⁽²⁾ OJ L 342, 24.12.2005, p. 92. Decision as last amended by Regulation (EC) No 1792/2006 (OJ L 362, 20.12.2006, p. 1).

ANNEX

The Annex to Decision 2005/942/EC is hereby amended as follows:

1. The following is inserted in the table between the entries for Croatia and Norway:

'Country of origin	Species	Category	Type of basic material
New Zealand	<i>Pinus radiata</i> D. Don	SI	SS, St'

2. The entry in the table for the United States of America is replaced by the following:

'Country of origin	Species	Category	Type of basic material
United States of America (Washington, Oregon, California)	<i>Abies grandis</i> Lindl.	SI, Q, T	SS, St, SO, PF
	<i>Picea sitchensis</i> Carr.	SI	SS, St
	<i>Pinus contorta</i> Loud	SI	SS, St
	<i>Pinus radiata</i> D. Don	SI	SS, St
	<i>Pseudotsuga menziesii</i> Franco	SI, Q, T	SS, St, SO, PF

CORRIGENDA**Corrigendum to Commission Regulation (EC) No 743/2007 of 28 June 2007 fixing the export refunds on white and raw sugar exported without further processing**

(Official Journal of the European Union L 169 of 29 June 2007)

On page 32, in the Annex, NB:

Destination code S00 should read 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.'
