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### Legislation

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## I

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

## REGULATIONS

## COUNCIL REGULATION (EC) No 830/2007

of 16 July 2007

**amending Regulation (EC) No 817/2006 renewing the restrictive measures in respect of  
Burma/Myanmar**

THE COUNCIL OF THE EUROPEAN UNION,

(b) in Article 7, paragraph 1 shall be replaced by the following:

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

Having regard to Council Common Position 2006/318/CFSP of 27 April 2006 renewing restrictive measures in respect of Burma/Myanmar <sup>(1)</sup>,

Having regard to the proposal from the Commission,

Whereas it is expedient to amend Council Regulation (EC) No 817/2006 <sup>(2)</sup> in order to align it with recent Council practice regarding the identification of competent authorities and exchanges of information between them,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 817/2006 is amended as follows:

(a) in Article 4, paragraph 1, the introductory paragraph shall be replaced by the following:

‘1. By way of derogation from Articles 2 and 3, the competent authorities as indicated in the websites listed in Annex II, may authorise, under such conditions as they deem appropriate:’;

‘1. The competent authority as indicated in a website listed in Annex II, may authorise the release of certain frozen funds or economic resources or the making available of certain funds or economic resources, under such conditions as it deems appropriate, after having determined that the funds or economic resources concerned are:

(a) necessary to satisfy the basic needs of persons listed in Annex III and their dependent family members, including payments for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges;

(b) intended exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services;

(c) intended exclusively for payment of fees or service charges for routine holding or maintenance of frozen funds or economic resources;

(d) necessary for extraordinary expenses, provided that the Member State concerned has notified the other Member States and the Commission of the grounds on which it considers that a specific authorisation should be granted, at least two weeks before the authorisation.

Member States shall inform the other Member States and the Commission of any authorisation granted under this paragraph.’;

<sup>(1)</sup> OJ L 116, 29.4.2006, p. 77. Common Position as amended by Common Position 2007/248/CFSP (OJ L 107, 25.4.2007, p. 8).

<sup>(2)</sup> OJ L 148, 2.6.2006, p. 1. Regulation as last amended by Commission Regulation (EC) No 481/2007 (OJ L 111, 28.4.2007, p. 50).

(c) Article 8, paragraphs 1 and 2 shall be replaced by the following:

‘1. Without prejudice to the applicable rules concerning reporting, confidentiality and professional secrecy, natural and legal persons, entities and bodies shall:

(a) supply immediately the competent authorities indicated in the websites listed in Annex II where they are resident or located with any information which would facilitate compliance with this Regulation, such as accounts and amounts frozen in accordance with Article 6, and shall forward such information, directly or through these competent authorities, to the Commission;

(b) cooperate with the competent authorities indicated in the websites listed in Annex II in any verification of this information.

2. Any additional information directly received by the Commission shall be made available to the Member State concerned.’;

(d) Article 9, paragraph 5, shall be replaced by the following:

‘5. The prohibition in paragraph 1(b) shall not prevent the extension of a participation in Burmese State-owned

enterprises as listed in Annex IV, if such extension is compulsory under an agreement concluded with the Burmese State-owned enterprise concerned before 25 October 2004. The relevant competent authority, as indicated in a website listed in Annex II, and the Commission shall be informed before any such transaction takes place. The Commission shall inform the other Member States.’;

(e) a new Article shall be inserted as follows:

*‘Article 13a*

1. Member States shall designate the competent authorities referred to in this Regulation and identify them in, or through, the websites listed in Annex II.

2. Member States shall notify the Commission of their competent authorities without delay after the entry into force of this Regulation and shall notify it of any subsequent changes.’;

(f) Annex II shall be replaced by the text in the Annex to this Regulation.

*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, 16 July 2007.

*For the Council*  
*The President*  
J. SILVA

## ANNEX

## ‘ANNEX II

Websites for information on the competent authorities referred to in Articles 4, 7, 8, 9, 12 and 13(a) and address for notifications to the European Commission

## BELGIUM

<http://www.diplomatie.be/eusanctions>

## BULGARIA

<http://www.mfa.government.bg>

## CZECH REPUBLIC

<http://www.mfcr.cz/mezinarodnisankce>

## DENMARK

<http://www.um.dk/da/menu/Udenrigspolitik/FredSikkerhedOgInternationalRetsorden/Sanktioner/>

## GERMANY

<http://www.bmwi.de/BMWi/Navigation/Aussenwirtschaft/Aussenwirtschaftsrecht/embargos.html>

## ESTONIA

[http://www.vm.ee/est/kat\\_622/](http://www.vm.ee/est/kat_622/)

## IRELAND

[http://www.dfa.ie/un\\_eu\\_restrictive\\_measures\\_ireland/competent\\_authorities](http://www.dfa.ie/un_eu_restrictive_measures_ireland/competent_authorities)

## GREECE

<http://www.ypex.gov.gr/www.mfa.gr/en-US/Policy/Multilateral+Diplomacy/International+Sanctions/>

## SPAIN

[www.mae.es/es/MenuPpal/Asuntos/Sanciones+Internacionales](http://www.mae.es/es/MenuPpal/Asuntos/Sanciones+Internacionales)

## FRANCE

<http://www.diplomatie.gouv.fr/autorites-sanctions/>

## ITALY

<http://www.esteri.it/UE/deroghe.html>

## CYPRUS

<http://www.mfa.gov.cy/sanctions>

## LATVIA

<http://www.mfa.gov.lv/en/security/4539>

## LITHUANIA

<http://www.urm.lt>

## LUXEMBOURG

<http://www.mae.lu/sanctions>

## HUNGARY

[http://www.kulugyminiszterium.hu/kum/hu/bal/nemzetkozi\\_szankciok.htm](http://www.kulugyminiszterium.hu/kum/hu/bal/nemzetkozi_szankciok.htm)

## MALTA

[http://www.doi.gov.mt/EN/bodies/boards/sanctions\\_monitoring.asp](http://www.doi.gov.mt/EN/bodies/boards/sanctions_monitoring.asp)

## NETHERLANDS

<http://www.minbuza.nl/sancties>

## AUSTRIA

[http://www.bmeia.gv.at/view.php?f\\_id=12750&LNG=en&version=](http://www.bmeia.gv.at/view.php?f_id=12750&LNG=en&version=)

## POLAND

<http://www.msz.gov.pl>

## PORTUGAL

<http://www.min-nestrangeiros.pt>

## ROMANIA

<http://www.mae.ro/index.php?unde=doc&id=32311&idlnk=1&cat=3>

## SLOVENIA

[http://www.mzz.gov.si/si/zunanja\\_politika/mednarodna\\_varnost/omejevalni\\_ukrepi/](http://www.mzz.gov.si/si/zunanja_politika/mednarodna_varnost/omejevalni_ukrepi/)

## SLOVAKIA

<http://www.foreign.gov.sk>

## FINLAND

<http://formin.finland.fi/kvyhteistyo/pakotteet>

## SWEDEN

<http://www.ud.se/sanktioner>

## UNITED KINGDOM

<http://www.fco.gov.uk/competentauthorities>

*Address for notifications to the European Commission:*

Commission of the European Communities

Directorate-General for External Relations

Directorate A. Crisis Platform and Policy Coordination in CFSP

Unit A.2. Crisis management and conflict prevention

CHAR 12/108

B-1049 Brussels

Tel. (32-2) 299 1176/295 5585

Fax (32-2) 299 0873'

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**COMMISSION REGULATION (EC) No 831/2007****of 16 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 <sup>(1)</sup>, 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 17 July 2007.

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

Done at Brussels, 16 July 2007.

*For the Commission*

Jean-Luc DEMARTY

*Director-General for Agriculture and  
Rural Development*

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<sup>(1)</sup> OJ L 337, 24.12.1994, p. 66. Regulation as last amended by Regulation (EC) No 756/2007 (OJ L 172, 30.6.2007, p. 41).

## ANNEX

**to Commission Regulation of 16 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 <sup>(1)</sup> | Standard import value |
| 0702 00 00             | MK                                | 52,4                  |
|                        | TR                                | 83,4                  |
|                        | ZZ                                | 67,9                  |
| 0707 00 05             | MK                                | 68,1                  |
|                        | TR                                | 92,6                  |
|                        | ZZ                                | 80,4                  |
| 0709 90 70             | TR                                | 93,4                  |
|                        | ZZ                                | 93,4                  |
| 0805 50 10             | AR                                | 64,0                  |
|                        | UY                                | 65,1                  |
|                        | ZA                                | 51,1                  |
|                        | ZZ                                | 60,1                  |
| 0808 10 80             | AR                                | 87,7                  |
|                        | BR                                | 83,7                  |
|                        | CL                                | 84,2                  |
|                        | CN                                | 94,2                  |
|                        | NZ                                | 99,1                  |
|                        | US                                | 104,3                 |
|                        | UY                                | 60,7                  |
|                        | ZA                                | 88,8                  |
|                        | ZZ                                | 87,7                  |
| 0808 20 50             | AR                                | 80,5                  |
|                        | CL                                | 95,3                  |
|                        | NZ                                | 144,9                 |
|                        | ZA                                | 101,7                 |
|                        | ZZ                                | 105,6                 |
| 0809 10 00             | TR                                | 190,0                 |
|                        | ZZ                                | 190,0                 |
| 0809 20 95             | TR                                | 289,5                 |
|                        | US                                | 343,3                 |
|                        | ZZ                                | 316,4                 |
| 0809 30 10, 0809 30 90 | TR                                | 152,4                 |
|                        | ZZ                                | 152,4                 |
| 0809 40 05             | IL                                | 128,3                 |
|                        | ZZ                                | 128,3                 |

<sup>(1)</sup> 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 832/2007****of 16 July 2007****amending Regulation (EC) No 197/2006 as regards uses of former foodstuffs and the extension of the validity of the transitional measures relating to such foodstuffs****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

in Article 22(1)(a) and (b) of Regulation (EC) No 1774/2002.

Having regard to the Treaty establishing the European Community,

(5) Regulation (EC) No 197/2006 should therefore be amended accordingly.

Having regard to Regulation (EC) No 1774/2002 of the European Parliament and the Council of 3 October 2002 laying down health rules concerning animal by-products not intended for human consumption <sup>(1)</sup>, and in particular Article 32(1) thereof,

(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,

Whereas:

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 197/2006 is amended as follows:

(1) Regulation (EC) No 1774/2002 provides for a complete revision of Community rules on animal by-products and introduces a number of strict requirements as regards their use and disposal. In particular, its Article 22(1)(a) and (b) lays down general restrictions on uses of animal by-products and processed products.

1. Article 3 point (c) is replaced by the following:

(2) Commission Regulation (EC) No 197/2006 <sup>(2)</sup> on transitional measures under Regulation (EC) No 1774/2002 as regards the collection, transport, treatment, use and disposal of former foodstuffs sets out a number of transitional measures that are due to expire on 31 July 2007. In particular, Article 3(c) of Regulation (EC) No 197/2006 provides that Member States may authorise former foodstuffs to be used in feed or for other purposes, without further treatment, subject to certain conditions set out therein.

‘(c) used in feed without further treatment or used for other purposes without further treatment if:

(i) such former foodstuffs have not been in contact with raw material of animal origin and the competent authority is satisfied that such use does not pose a risk to public or animal health; and

(3) The economic operators concerned by those transitional measures have asked for the period of validity of such measures to be extended, and it is appropriate to do so in the circumstances.

(ii) in the case of use in feed, such use shall be without prejudice to the restrictions on use laid down in Article 22(1)(a) and (b) of Regulation (EC) No 1774/2002.’

(4) In the interests of clarity of Community legislation, it is appropriate to clearly specify that the uses that may be authorised under Article 3(c) of Regulation (EC) No 197/2006 do not affect the general restrictions set out

2. In Article 5, the date ‘31 July 2007’ is replaced by the date ‘31 July 2009’.

*Article 2*This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Union*.<sup>(1)</sup> OJ L 273, 10.10.2002, p. 1. Regulation as last amended by Commission Regulation (EC) No 2007/2006 (OJ L 379, 28.12.2006, p. 98).<sup>(2)</sup> OJ L 32, 4.2.2006, p. 13.

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

Done at Brussels, 16 July 2007.

*For the Commission*  
Markos KYPRIANOU  
*Member of the Commission*

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**COMMISSION REGULATION (EC) No 833/2007****of 16 July 2007****ending the transitional period provided for in Council Regulation (EC) No 1172/98 on statistical returns in respect of the carriage of goods by road****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1172/98 of 25 May 1998 on statistical returns in respect of the carriage of goods by road <sup>(1)</sup>, and in particular Article 5(4) and (5) thereof,

Whereas:

(1) Under Regulation (EC) No 1172/98, during a transitional period from 1 January 1999 Member States have been permitted to use simplified coding for places of loading and unloading; full regional coding has not been required for international transport within the EEA.

(2) In accordance with Article 5(5) of Regulation (EC) No 1172/98, it is necessary to fix the date of expiry of the transitional period, now that the technical conditions exist to enable an effective system of regional coding to be used for both national and international transport in accordance with sections 1 and 2 of Annex G thereto.

(3) It is necessary to ensure that Regulation (EC) No 1059/2003 of the European Parliament and of the Council of 26 May 2003 on the establishment of a common classification of territorial units for statistics (NUTS) <sup>(2)</sup>, which entered into force in 2003, is applied.

(4) This Regulation does not change the status or content of the variables which are declared optional in Regulation (EC) No 1172/98.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Statistical Programme Committee set up by Council Decision 89/382/EEC, Euratom <sup>(3)</sup>,

HAS ADOPTED THIS REGULATION:

*Article 1*

The transitional period referred to in Article 5 of Regulation (EC) No 1172/98 shall end on 31 December 2007.

*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, 16 July 2007.

*For the Commission*

Joaquín ALMUNIA

*Member of the Commission*

<sup>(1)</sup> OJ L 163, 6.6.1998, p. 1. Regulation as last amended by Regulation (EC) No 1893/2006 of the European Parliament and of the Council (OJ L 393, 30.12.2006, p. 1).

<sup>(2)</sup> OJ L 154, 21.6.2003, p. 1. Regulation as last amended by Commission Regulation (EC) No 105/2007 (OJ L 39, 10.2.2007, p. 1).

<sup>(3)</sup> OJ L 181, 28.6.1989, p. 47.

## II

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

## DECISIONS

## COMMISSION

## COMMISSION DECISION

of 7 February 2007

**on the aid scheme under Law No 21/2003 (Articles 14, 15 and 16) of the Region of Sicily C 31/2005  
(ex N 329/2004) which Italy is planning to implement**

(notified under document number C(2007) 285)

(Only the Italian version is authentic)

(Text with EEA relevance)

(2007/498/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular the first subparagraph of Article 88(2) thereof,

Having regard to the Agreement on the European Economic Area, and in particular Article 62(1)(a) thereof,

Having called on interested parties to submit their comments pursuant to those provisions <sup>(1)</sup> and having regard to their comments,

Whereas:

**I. PROCEDURE**

(1) By letter of 28 July 2004, the Italian authorities notified Articles 14, 15 and 16 of Regional Law No 21 of 29 December 2003 (hereinafter referred to as 'Regional Law No 21/2003'). By letter of 22 September 2004, the Commission requested further information. By letter of 24 January 2005, the Italian authorities requested a deadline extension which was accepted by the Commission by letter of 25 January 2005.

(2) By letter of 26 January 2005, the Italian authorities stated that the aid provided for in Articles 14 and 15 is being implemented under Commission Regulation (EC) No 69/2001 of 12 January 2001 on the application of Articles 87 and 88 of the EC Treaty to *de minimis* aid <sup>(2)</sup> pending clearance by the European Commission.

(3) By letter of 29 March 2005, the Commission asked the Italian authorities for further information. Following a reminder sent to them on 27 April 2005, the Italian authorities submitted the requested information by letters of 18 May and 2 June 2006.

(4) Further information was requested by letter of 10 June 2005. The Italian authorities replied by letters of 12 July and 14 July 2005.

(5) By letter of 6 September 2005, the Commission informed Italy of its decision to initiate the procedure laid down in Article 88(2) of the EC Treaty and Article 62 of the EEA Agreement in respect of the measure.

(6) The Commission decision to initiate the procedure was published in the *Official Journal of the European Union* <sup>(3)</sup>. The Commission invited interested parties to submit their comments on the aid.

<sup>(1)</sup> OJ C 263, 22.10.2005, p. 30.

<sup>(2)</sup> OJ L 10, 13.1.2001, p. 30.

<sup>(3)</sup> See footnote 1.

- (7) The Commission did not receive any comments from interested parties.
- (8) By letter of 10 November 2005, the Italian authorities asked the Commission to suspend the procedure pending the ruling by the Court of Justice in Case C-475/2003 concerning the compatibility of the Italian regional tax on productive activity (IRAP) with Article 33(1) of the Sixth Council Directive 77/388/EEC of 17 May 1977 on harmonisation of the laws of the Member States relating to turnover taxes — Common system of value added tax: uniform basis of assessment <sup>(4)</sup>. The Commission accepted the request by letter of 18 October 2005. The Court of Justice has subsequently declared the IRAP to be compatible with Article 33(1) of Directive 77/388/EEC <sup>(5)</sup>.
- (9) By letter of 10 May 2006, the Italian authorities informed the Commission about an amendment to the measures provided for in Articles 14 and 15. By means of this amendment, the measures are implemented under the *de minimis* Regulation also 'in the case of a negative decision being adopted by the Commission'.
- (14) Articles 14 and 15 provide for a five-year exemption from IRAP for certain new companies that started operations in 2004 and for certain existing companies.
- (15) Article 14 provides for successive five-year exemptions from IRAP (as from the start of operations) for:
- (a) companies in the tourism sector, the hotel sector and the craft sector, companies in the cultural sector, agri-food companies and ITC companies that started operations in 2004;
  - (b) all industrial companies starting operations in 2004 with a turnover of less than EUR 10 million.
- (16) Article 15 provides for successive five-year exemptions as of 2004 from IRAP payable on the share of the tax bases exceeding the average for the years 2001 to 2003 for all existing companies, except those operating in the chemical and petrochemical sectors.

## II. DESCRIPTION OF THE MEASURE

### (a) Legal basis of the measure

- (10) Articles 14, 15 and 16 of Regional Law No 21/2003.

### (b) Objective of the measure

- (11) According to the Italian authorities, the measure is designed to promote the setting up of new companies and to narrow the gap between companies in Sicily and companies located in other regions of Italy.
- (12) Moreover, the measure in question is aimed at fostering the integration of the economy of the European Union with the economies of the countries which signed the Final Declaration of the Barcelona Euro-Mediterranean Ministerial Conference on 27 and 28 November 1995 (Barcelona Conference).
- (13) The measure comprises two schemes: Articles 14 and 15 of Regional Law No 21/2003 provide for an exemption from IRAP for certain companies, and Article 16 of the same Law provides for the setting up of the Euro-Mediterranean Financial Services and Insurance Centre.
- (17) Only companies having cumulatively their registered office, their administrative headquarters and their place of business in Sicily are eligible for the aid scheme.
- (18) Article 16 establishes the Euro-Mediterranean Financial Services and Insurance Centre, which comprises subsidiaries or associated enterprises of credit institutions, real estate brokerages, trust companies, insurance companies and finance companies that collect funds on international markets for use exclusively outside of the territory of the Italian State with non-residents. Active within the Centre are also companies providing intermediation and assistance services for international trade. A monitoring committee has been appointed by the President of the Region of Sicily with the task of granting and withdrawing authorisation for companies to operate within the Centre.
- (19) These companies enjoy the following benefits:
- (a) 50 % reduction in the rate of IRAP for revenue generated within the Centre,
  - (b) exemption from duties on regional concessions,
  - (c) fixedrate discount on registration duty, mortgage tax and cadastral duties,

<sup>(4)</sup> OJ L 145, 13.6.1977, p. 1.

<sup>(5)</sup> Case C-475/2003 of 3 October 2006 Banca popolare di Cremona Soc.coop.arl v Agenzia Entrate Ufficio Cremona, not yet published.

(d) exemption from corporate tax on revenue generated in Sicily <sup>(6)</sup> in connection with activities conducted within the Centre.

also 'in the case of a negative decision being adopted by the Commission'.

(20) The tax benefits available under the scheme are granted only in respect of transactions with third countries that signed the Barcelona Declaration of 27 and 28 November 1995 <sup>(7)</sup>.

(26) The measure provided for in Article 14 has applied with effect from 2005. The Italian authorities have undertaken to apply it for five tax years.

(21) The precise location of the Centre within Sicily and the criteria for granting authorisation to carry on business at the Centre is to be determined in the implementing regulations.

(27) The measure provided for in Article 15 is also being applied for five tax years, from 2004 to 2009.

(22) The measures stem from the implementation by the Region of Sicily of the tax autonomy granted by Articles 36 and 38 of the Sicilian Regional Statute, which ranks as a constitutional act.

(28) The measure provided for in Article 16 applies from the entry into force of the measure until the tax year following that in which the free trade area referred to in the Barcelona Declaration is effectively put in place (2010).

#### (c) Budget for the measure

(23) The Italian authorities estimate that, once they have introduced the above clauses, the budgetary impact of Articles 14 and 15 will be around EUR 170 million (EUR 120 million and EUR 48 million respectively) between 2004 and 2009. They have not provided any estimate of the impact of Article 16.

#### III. GROUNDS FOR INITIATING THE PROCEDURE

##### (a) Articles 14 and 15: IRAP exemptions

(29) In its letter of 6 September 2005, the Commission took the view that the notified aid scheme constituted State aid within the meaning of Article 87(1) of the EC Treaty since State resources are involved, since it is selective through being targeted at particular sectors and/or particular categories of undertaking, since it confers a financial advantage on certain categories of undertaking in terms of a reduced tax burden and since it might distort competition and affect trade at Community level.

#### (d) Duration of the measure

(24) Regional Law No 21/2003 entered into force on 30 December 2003, but the coming into force of Articles 14, 15 and 16 is explicitly subject to clearance by the European Commission.

(30) One of the reasons for initiating the procedure was that the Commission had doubts as to whether the aid provided for in Articles 14, 15 and 16 of Regional Law No 21/2003 was compatible with the single market.

(25) By letter of 26 January 2005, the Italian authorities informed the Commission that the aid provided for in Articles 14 and 15 was implemented under the *de minimis* Regulation, pending clearance by the Commission. Subsequently, by letter of 10 May 2006, they stated that the aid provided for in Articles 14 and 15 was implemented under the *de minimis* Regulation

(31) First of all, the Commission had doubts whether the measure fulfilled the conditions set out in the Guidelines on national regional aid <sup>(8)</sup> ('the Guidelines'). In fact, according to the notification, the measure would grant operating aid to Sicilian companies meeting the criteria indicated at points 14 and 17 and to companies operating in the Euro-Mediterranean Financial Services and Insurance Centre.

<sup>(6)</sup> To be precise, Sicily would assume, within the meaning of Article 8(2) of Law No 212/2000 of 27 July 2000 laying down provisions on the status of the rights of the taxpayer (Official Gazette No 177 of 31 July 2000), the corporate tax debt payable by beneficiaries with their tax domicile outside of Sicily. Revenue from corporate taxes paid by Sicilian companies accrue to the Region of Sicily.

<sup>(7)</sup> The 'third countries' in question are Algeria, Cyprus, Egypt, Israel, Jordan, Lebanon, Malta, Morocco, Syria, Tunisia, Turkey and the Palestinian Authority.

<sup>(8)</sup> OJ C 74, 10.3.1998, p. 9.

- (32) In point 4.15 of the Guidelines, operating aid may be granted if the measure is justified in terms of its contribution to regional development and its nature and if its level is proportional to the handicaps it seeks to alleviate. In this regard, the Commission doubted whether the Italian authorities had succeeded in justifying the granting of operating aid by demonstrating the existence of any handicaps and gauging their importance and whether the aid would be justified in terms of its contribution to regional development.
- (33) The Commission had doubts that the operating aid provided for in Articles 14 and 15 of Regional Law No 21/2003 could be compatible with the common market and that it would contribute to the creation of new companies and reduce the gap between companies operating in Sicily and companies operating elsewhere in Italy. In this respect, the Commission noted that the link between the lowering of IRAP for beneficiaries (e.g. those covered by Article 15) and the creation of new companies in Sicily is unclear and left unexplained by the Italian authorities. Then, the fact that, in theory, lowering IRAP will increase the number of new companies is not sufficient in itself for the aid to be considered compatible.
- (34) In the notification, the Italian authorities argued that the threshold of EUR 10 million was low enough to ensure that Article 14 applied only to SMEs. The Commission argued that Article 14 was only superficially *de facto* restricted to SMEs because it did not take into account the number of employees and, above all, the fact that the company benefiting from the measure was a 'linked' or 'partner' enterprise within the meaning of the SME guidelines<sup>(9)</sup>. Moreover, even if the Italian authorities could prove that only SMEs within the meaning of the guidelines benefit from the measure, the Commission observes that the measure in question still constitutes operating aid.
- (35) Furthermore, the Italian authorities claimed that the prevalence of micro enterprises resulted in higher financing costs and greater labour intensity; labour and debt costs constitute a large part of the IRAP's tax base, thereby placing Sicilian companies at a disadvantage. The Commission noted that, even if the problem facing the Sicilian economy was the high ratio of micro enterprises and its consequences, a general IRAP reduction for companies of all sizes would not address the issue because it was not targeted at micro enterprises. Moreover, the aid did not seem to be designed to address the problems associated with Sicily's island status in that it is not related to extra costs linked to insularity, such as transport costs. For example, it does not seem evident to the Commission that companies operating in the sectors of tourism, hotels and cultural goods encounter particular disadvantages as a result of being located in Sicily (Article 14).
- (36) In addition, the Commission notes that the submissions by the Italian authorities do not contain enough information to guarantee that the aid will be on a declining scale over time. In the example given, it seems that the Italian authorities intend to reduce the proportion of the IRAP exemption. However, this does not guarantee *per se* that the aid amount will be on a declining scale.
- (37) Furthermore, it does not seem to the Commission that, as Article 15 provides aid to companies of all sizes, the use of data concerning only companies with a turnover of less than EUR 10 million and with fewer than 10 employees in the industrial, ITC and tourist/hotel sectors can demonstrate the proportionality of the measure in question.
- (38) The Commission argued that the measure seems to be materially selective in that the tax advantages provided for in Articles 14 and 15 exclude from the group of possible beneficiaries various categories of company (see point 56), favouring in particular the tourism, hotel, cultural goods, agri-food and ITC sectors. Moreover, the measure seems to favour existing and new industrial companies with a turnover of less than EUR 10 million but excludes those operating in the chemical and petrochemical sectors.
- (39) In their submissions, the Italian authorities stated that companies in the chemical and petrochemical sectors were excluded from the benefit of Article 15 because they were not affected by the high transport costs associated with the island status of Sicily and because the number of companies in those sectors was very small. However, it does not seem to the Commission that companies in all the sectors eligible for the aid measure are affected by high transport costs; moreover, the number of beneficiaries has no influence on the classification of a particular measure as aid.
- (40) Lastly, the Commission noted that the measure discriminates between 'Sicilian' and 'non-Sicilian' companies in so far as it prevents companies with their registered office in another Member State benefiting from the aid. It seems to the Commission that there is no objective reason to justify this choice on the part of
- <sup>(9)</sup> Commission Regulation (EC) No 70/2001 (OJ L 10, 13.1.2001, p. 33). Regulation as last amended by Regulation (EC) No 1976/2006 (OJ L 368, 23.12.2006, p. 85). See in particular, the Annex to the Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).

the Italian authorities and that this provision of the aid scheme is, therefore, in breach of Article 43 of the EC Treaty. For this reason, too, the Commission observed that the measure cannot be compatible with the common market<sup>(10)</sup>. It also noted that the measure confers a selective advantage on Sicilian companies in that only taxable undertakings having cumulatively their registered office, their administrative headquarters and their place of business in Sicily can benefit from the scheme. This does not seem to be the case of all companies that carry on a productive or commercial activity in Sicily and are subject to IRAP on that activity. The Italian authorities did not provide any argument about that aspect in their submissions.

#### (b) Article 16

- (41) First of all, the Commission argued that the Italian authorities did not clarify in their submissions why they believe that the aid for the establishment of the Euro-Mediterranean Financial Services and Insurance Centre can qualify for the exemption laid down in Article 87(3)(a) of the EC Treaty.
- (42) The Italian authorities stated in their submissions that the measure in question constitutes operating aid. The Commission took the view that the distortion of competition resulting from aid in the financial sector can be very marked and that financial activities do not help significantly to remedy the handicaps faced by regions eligible for the exemption under Article 87(3)(a), as stated in the Commission notice on the application of State aid rules to measures relating to direct business taxation<sup>(11)</sup> and in various decisions taken since. The Commission recalled that the aforementioned notice clearly states that, in order to be considered compatible with the common market, State aid intended to promote the economic development of particular areas must be 'in proportion to, and targeted at, the aims sought'. From this perspective, offshore activities and activities that have little or no impact on the local economy are unlikely to be allowed as compatible State aid. The Commission doubted therefore that there is proportionality between the level of aid and the handicap it seeks to offset.
- (43) Lastly, the Commission doubted that the measure provided for in Article 16 could be considered to be a project of common European interest within the meaning of Article 87(3)(b) of the EC Treaty.
- (44) In fact, the main justification put forward by the Italian authorities in support of the aid was that the measure is considered to be a project of common European interest within the meaning of Article 87(3)(b) of the EC Treaty

because Article 16 is similar to a provision in Law No 19/1991 on the development of economic activities and international cooperation in the region of Friuli-Venezia Giulia, the province of Belluno and neighbouring areas, which set up the Trieste Financial Services and Insurance Centre, which was found incompatible by the Commission in 2003 after being authorised by it in 1995 under the exemption of Article 87(3)(b)<sup>(12)</sup> of the EC Treaty. In this regard, the Commission remarked that, in its first decision, the aid for the establishment of the Trieste Financial Services and Insurance Centre was considered compatible with the common market under the exemption in Article 92(3)(c) (now Article 87(3)(c)) and not under the exemption in Article 87(3)(b)<sup>(13)</sup>.

- (45) The Italian authorities claimed that the reasons for overturning the previous decision of compatibility by the Commission are based on the fact that Sicily is a region eligible for state aid under Article 87(3)(a) of the EC Treaty and that, in the present case, the European capital market is not integrated with the African capital market so that favouring this integration in accordance with the Barcelona Declaration remains a major European objective.
- (46) The Commission remarked that each analysis has to be carried out on a case-by-case basis, taking into account the different characteristics of seemingly similar schemes that might though be very significant, as in the economic context. In this connection, it stressed, for example, that the total aid (over the five-year duration of the scheme) provided for the establishment of the Trieste Financial Services and Insurance Centre was capped and that the total amount of loans and investments by companies at the Centre was limited.
- (47) Moreover, the Commission considers that the same reasoning as that applied in 2003 in the case of Trieste still holds in this case, for the following reasons:
  - (a) One of the main arguments for overturning the Trieste decision was that this kind of measure constitutes operating aid which the Commission authorises only exceptionally in sectors of activity which require special treatment. This is not the case in the financial sector and the Commission has taken the view that, nowadays, aid to participants in the financial markets can engender very significant distortions in this sector.

<sup>(10)</sup> See Case C-156/98 Germany v Commission (2000) ECR I-6857, paragraphs 76 to 87.

<sup>(11)</sup> OJ C 384, 10.12.1998, p. 3 (see point 33).

<sup>(12)</sup> To be more precise, the Centre was established by Article 3 of Law No 19/1991 of 19 January 1991. The relevant Commission decisions are Decision 95/452/EC of 12 April 1995 (OJ L 264, 7.11.1995, p. 30) and Decision 2003/230/EC of 11 December 2002 on the existing aid scheme that Italy was authorised to implement for the Trieste Financial Services and Insurance Centre (OJ L 91, 8.4.2003, p. 47).

<sup>(13)</sup> See footnote 12.

(b) Another argument for overturning the Trieste decision was that, in its assessment made in the light of the State aid rules, the Commission may also take into account the adverse effects on competition that have been highlighted by the work on the Code of Conduct for Business Taxation<sup>(14)</sup>. This work showed that tax incentives on internationally mobile activities, such as finance, insurance and intra-group services, may have adverse effects on other Member States, in particular because they create opportunities for tax avoidance. The Trieste regime, which was assessed as a harmful regime under criteria laid down in the Code, may have such potential. The Commission points out that the Italian authorities, in their comments at the time on appropriate measures for the Trieste scheme, referred to the meeting on 19 March 2002 of the Code of Conduct Group, at which Italy stated that the Centre would be closed within a period compatible with the programme of work on the Code of Conduct.

(48) Lastly, after stressing that two of the countries that had signed the Barcelona Declaration, Cyprus and Malta, were already members of the European Union at the time of notification of the present measure, the Commission considers that the situation in the countries that will benefit from investments by the companies established at the Centre differs in many respects from the situation of the eastern European countries in 1995. In particular, the special problems of transition have either never been encountered by many of the signatories to the Barcelona Declaration or have been encountered in the past (for example, Turkey and Israel are clearly free market economies) and the transitional period has ended (for example, in Algeria).

(49) Therefore, the Commission doubts that Article 16 qualifies for the exemption provided for by Article 87(3)(b) of the EC Treaty.

(50) The Commission has therefore explained that it considered a more thorough analysis of the issue to be necessary. Such an analysis would need to include any comments made by interested third parties. Only after considering such comments could the Commission decide whether the measure proposed by the Italian authorities affects trading conditions to an extent contrary to the common interest.

<sup>(14)</sup> The EU's Finance Ministers established the Code of Conduct Group (Business Taxation) at a Council meeting on 9 March 1998, under the chairmanship of UK Paymaster General Dawn Primarolo, to assess the tax measures that may fall within the scope of the Code of Conduct. In a report of November 1999 the Group identified 66 harmful tax measures, one of which was the measure establishing the Trieste Financial Services and Insurance Centre.

#### IV. COMMENTS FROM ITALY

- (51) The Commission received no comments from the Italian authorities or from interested third parties wishing to allay the doubts raised when the formal investigation procedure was initiated.

#### V. ASSESSMENT OF THE MEASURE

##### V.1. Legality

- (52) By notifying the aid scheme with a standstill clause or, in the case of Articles 14 and 15, by implementing it under the *de minimis* Regulation until authorised by the Commission, the Italian authorities have complied with the procedural requirements of Article 88(3) of the EC Treaty.

##### V.2. State aid character of the scheme

- (53) The Commission considers that the measure constitutes State aid within the meaning of Article 87(1) of the EC Treaty for the following reasons:

##### *Presence of state resources:*

- (54) The measure involves the use of State resources in terms of tax revenues forgone by the Region of Sicily and corresponding to the reduced tax liability of the beneficiary.

##### *Economic advantage:*

- (55) The measure confers on the beneficiary an economic advantage resulting from the reduction in the effective tax burden, which translates into a financial advantage in terms of a reduced payment of tax from which the companies benefit immediately in the years when the reduction is applied.

##### *Presence of selectivity in that the measure favours 'certain undertakings or the production of certain goods':*

— Articles 14 and 15

- (56) The Commission notes that Articles 14 and 15 have to be examined together because they confer similar advantages on different categories of beneficiary. The two articles combined exclude from the group of possible beneficiaries various categories of undertaking:

- (a) new companies with a turnover of more than EUR 10 million which operate in all sectors other than those mentioned in Article 14(1) (i.e. tourism, hotels, cultural goods, agri-food, ITC and craft activities);

(b) new companies with a turnover of less than EUR 10 million which operate in all sectors other than those mentioned in Article 14(2) (i.e. industry); these are basically companies in the agricultural and service sectors);

(c) existing companies operating in the chemical and petrochemical sectors (Article 15).

(57) Consequently, the measure favours certain productive sectors, in particular the sectors of tourism, hotels, cultural goods, agri-food and ITC, in which all companies are eligible for the five-year exemptions from IRAP. Secondly, it favours existing and new industrial companies with a turnover of less than EUR 10 million, excluding companies operating in the chemical and petrochemical sectors.

(58) Even if the Italian authorities were to prove that there were no new companies with a turnover of more than EUR 10 million in industry, excluding the chemical and petrochemical sectors, the measure, according to established case law<sup>(15)</sup>, would amount to a selective measure favouring the abovementioned productive sector because the five-year IRAP exemption is not available to companies active in sectors other than industry.

(59) Lastly, the measure seems to confer a selective advantage on Sicilian companies in that only the taxable undertakings having cumulatively their registered office, their administrative headquarters and their place of business in Sicily can benefit from the scheme. This does not seem to be the case with all undertakings carrying on a productive or commercial activity in Sicily and which are subject to IRAP on that activity.

— Article 16: *Euro-Mediterranean Financial Services and Insurance Centre*

(60) The Commission observes that Article 16 confers selective advantages insofar as only certain companies can benefit from them. Indeed, the advantages are provided only to insurance and finance companies authorised to operate at the Centre. The measure therefore excludes all companies collecting funds on the international markets in order to invest them in the countries referred to in footnote 7 and whose activities with those countries are not carried on at the Centre.

<sup>(15)</sup> See, for example, Case C-143/99 *Adria-Wien Pipeline GmbH and Wietersdorfer & Peggauer Zementwerke GmbH v Finanzlandesdirektion für Kärnten* [2001] ECR I-08365 concerning a rebate granted only to undertakings manufacturing goods.

(61) Moreover, the measure is selective insofar as it excludes insurance and finance companies investing in Italy and in other countries which do not appear on the exhaustive list given in footnote 7.

(62) Accordingly, the Commission concludes that the proposed measure is selective.

### ***Distortion of competition and trade between Member States***

(63) In accordance with settled case law<sup>(16)</sup>, for a measure to distort competition it is sufficient that the recipient of the aid competes with other undertakings on markets open to competition.

(64) The Commission observes that the measures contained in Articles 14 and 15 seem to distort competition and affect trade between Member States because they have the effect of relieving beneficiaries of a burden that they would otherwise have to bear.

(65) In the present case, the beneficiaries are companies of all sizes that operate mainly in industry, excluding the chemical and petrochemical sectors. These companies compete with other companies on markets open to competition so that, in accordance with settled case law, the IRAP exemption potentially distorts competition and affects trade.

(66) Similarly, the Commission considers that the measure contained in Article 16 distorts competition and affects trade between Member States. Indeed, given the very nature of their business, finance companies, insurance companies, real estate brokerages and trust companies compete with other companies at European level.

(67) Accordingly, the Commission concludes that the proposed scheme constitutes State aid.

<sup>(16)</sup> Case T-214/95 *Het Vlaamse Gewest v Commission* [1998] ECR II-717.

### V.3. Compatibility

- (68) Insofar as the measure constitutes State aid within the meaning of Article 87(1) of the EC Treaty, its compatibility must be assessed in the light of the exemptions provided for in Article 87(2) and (3). The exemptions in Article 87(2), which concern aid having a social character and granted to individual consumers, aid to make good the damage caused by natural disasters or exceptional occurrences and aid granted to certain areas of the Federal Republic of Germany, do not apply in this case. The measure cannot be considered to be an important project of common European interest or to remedy a serious disturbance in the Italian economy, as provided for in Article 87(3)(b). Nor can the measure qualify for the exemption under Article 87(3)(c), which provides for authorisation to be granted for aid to facilitate the development of certain economic activities or of certain economic areas, where such aid does not adversely affect trading conditions to an extent that is contrary to the common interest. Lastly, the measure does not have as its objective the promotion of culture and heritage conservation as provided for in Article 87(3)(d).
- (69) Article 87(3)(a) provides for the authorisation of aid to promote the economic development of areas where the standard of living is abnormally low or where there is serious underemployment. Sicily is a region eligible for that exemption.
- (70) In its decision to initiate the formal investigation procedure, the Commission explained the reasons, summarised in paragraphs 29 to 50, why it doubted that the measure could qualify for the exemption in Article 87(3)(a). Furthermore, it ruled out the possibility that the measure provided for in Article 16 of Regional Law No 21/2003 could qualify for the exemption in Article 87(3)(b), which provides for the authorisation of aid to promote the execution of a project of common European interest or to remedy a serious disturbance in the economy of Italy.

- (71) In the absence of any comments from Italy or interested third parties, the Commission can simply note that these doubts are confirmed.

### VI. CONCLUSION

- (72) The Commission concludes that the measure notified by Italy and described in paragraphs 10 to 28 is not compatible with the common market and is not covered by any of the exemptions laid down in the EC Treaty. The measure must therefore be prohibited. According to the Italian authorities, the aid has not been granted, and therefore there is no need to recover it,

HAS ADOPTED THIS DECISION:

#### *Article 1*

The aid scheme which Italy is planning to implement under Articles 14, 15 and 16 of Law No 21/2003 of the Region of Sicily constitutes State aid.

The aid referred in the preceding paragraph is incompatible with the common market and may not therefore be implemented.

#### *Article 2*

Italy shall inform the Commission, within two months of notification of this Decision, of the measures taken to comply with it.

#### *Article 3*

This Decision is addressed to Italy.

Done at Brussels, 7 February 2007.

*For the Commission*  
Neelie KROES  
*Member of the Commission*

**COMMISSION DECISION****of 21 February 2007****on State aid No C 16/2006 (ex NN 34/2006) to be implemented by the Region of Sicily for  
Nuova Mineraria Silius SpA***(notified under document number C(2007) 473)***(Only the Italian text is authentic)****(Text with EEA relevance)***(2007/499/EC)*

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular the first subparagraph of Article 88(2) thereof,

Having regard to the Agreement on the European Economic Area, and in particular Article 62(1)(a) thereof,

Having called on interested parties to submit their comments pursuant to the provisions cited above <sup>(1)</sup> and having regard to their comments,

Whereas:

**PROCEDURE**

- (1) The aid that Italy is planning to grant to Nuova Mineraria Silius was notified to the Commission by letter of 30 November 2005. The Commission requested further information on 21 December 2005 and Italy replied by letter registered as received on 7 February 2006.
- (2) By letter of 26 April 2006, the Commission informed Italy that it had decided to initiate the procedure laid down in Article 88(2) of the EC Treaty in respect of the aid.
- (3) The Commission decision to initiate the procedure was published in the *Official Journal of the European Union* <sup>(2)</sup>. The Commission invited interested parties to submit their comments on the measure.
- (4) A meeting with the Italian authorities took place on 12 May 2006. The same authorities reacted to the initiation

of the procedure by means of letters dated 14 July and 30 August. The Commission requested additional information by letter of 18 September 2006, to which Italy replied on 3 November and 31 December.

- (5) The Commission received comments from interested parties. It forwarded them to Italy, which was given the opportunity to react. The reply by the Italian authorities was submitted by letter of 3 November 2006.

**DESCRIPTION OF THE BENEFICIARY AND AID MEASURES**

- (6) The aid beneficiary would be Nuova Mineraria Silius S.p.A. (hereinafter 'NMS'), a company wholly owned by the Autonomous Region of Sardinia ('RAS'). NMS exploits a deposit of fluorite <sup>(3)</sup> in the municipality of Silius, Sardinia. In 2004 (the most recent year for which data are available) the company had a turnover of EUR 4,96 million and 163 employees.
- (7) NMS was established in 1992 by RAS and the Minmet Financing Company. RAS subsequently assigned ownership (97,5 % in 1996 and currently 100 %) to the public entity Ente Minerario Sardo ('EMSA'). In 1998 EMSA was put into liquidation. The official receiver was charged with privatising the activities where possible and otherwise with arranging their closure. However, when the attempts to privatise NMS failed and EMSA ceased activities (June 2002), NMS was not wound up.
- (8) Following the failure of the privatisation, Italy notified to the Commission a plan for a new capital injection into the company of some EUR 24 million. According to Italy, the new capital would allow investments in preparation for the exploitation of new, deeper deposits, leading to an increase in the fluorite content of the minerals extracted and in overall production at the mine.

<sup>(1)</sup> OJ C 210, 1.9.2006, p. 39.

<sup>(2)</sup> See footnote 1.

<sup>(3)</sup> Fluorite is used in the synthesis of organic molecules for the production of plastic materials such as teflon, resins, aerosols and lubricants.

(9) Italy argued that the measure had been notified solely for purposes of legal certainty as it did not involve State aid, and this for two reasons:

(a) Intra-Community trade would not be affected as the supply of fluorite in the Community covers hardly 30 % of demand. Hence, the only likely results of the plan would have been a reduction in imports from third countries and a moderation of price increases.

(b) RAS was behaving in the same way as a market economy investor since (i) exports of fluorite from China, which account for some 50 % of world production, are declining because of increased domestic consumption, and this is likely to have a positive impact on fluorite prices, (ii) the company had prepared a new industrial plan for the next eight years which foresaw a full recovery in investment and a generation of profits as from the fourth year, even given current market conditions, and (iii) by continuing business activities, the shareholder avoided loss of its previous investments in the company and probably a number of legal disputes with clients.

In the alternative, if the Commission concluded that there might be an element of State aid in the planned measure, Italy claims that the aid element would have been limited to the amount in excess of the profits to be obtained from the investment project. According to Italy's calculations, this excess would not be greater than 26 % of the investment, which would be below the threshold for compatible regional aid in the area <sup>(4)</sup>.

(10) In addition to the notified measure, the information provided by the Italian authorities shows that NMS has benefited in recent years from a continuous transfer of public funds from its single shareholder RAS <sup>(5)</sup>, with the objective of covering losses during the pre-liquidation period. Since 1997, these transfers have amounted to EUR 90,7 million:

| (EUR) |                    |
|-------|--------------------|
| Year  | Amount transferred |
| 1997  | 7 230 397          |
| 1998  | 9 296 224          |
| 1999  | 5 706 849          |
| 2000  | 12 496 708         |

<sup>(4)</sup> The municipality of Silius is located in the NUTS III region of Cagliari, Sardinia, and is eligible under Article 87(3)(a) with an aid intensity of 35 % nge for the entire period 2000-06. For SMEs there is a top-up of 15 % gge.

<sup>(5)</sup> Including funds from the Sardinian public holding EMSA until 2003.

(EUR)

| Year  | Amount transferred |
|-------|--------------------|
| 2001  | 11 671 925         |
| 2002  | 11 834 000         |
| 2003  | 14 379 827         |
| 2004  | 6 890 000          |
| 2005  | 11 200 000         |
| Total | 90 705 931         |

The transfers are entered in the company balance sheet under the items 'RAS cover for future losses' and 'EMSA cover for future losses'.

(11) Furthermore, the Italian authorities confirmed that NMS had benefited from the following public support:

(a) By the Ministerial Decree of 9 May 2002, the company was granted EUR 7,66 million under Law No 488/92 <sup>(6)</sup> of 19 December 1992 in respect of eligible investments amounting to EUR 14,31 million.

(b) By the Ministerial Decree of 28 December 2000 <sup>(7)</sup>, the company was granted EUR 1,869 million under Article 9 of Law No 752/82 of 6 October 1982 in order to finance 60 % of the cost of prospecting for deeper deposits at the mine. However, according to the Italian authorities, this amount has not yet been paid.

#### INITIATION OF THE FORMAL INVESTIGATION PROCEDURE

(12) In its decision to initiate the formal investigation procedure, the Commission raised doubts as to the compatibility of the above measures with the common market, and in particular their compliance with the Community Guidelines on State aid for rescuing and restructuring firms in difficulty <sup>(8)</sup> ('the Guidelines').

<sup>(6)</sup> Law No 488/92 concerns a regional aid scheme approved by the Commission by decision of 12 July 2000 (Case N 715/99). The scheme expired on 31 December 2006.

<sup>(7)</sup> Extended by the Ministerial Decree of 20 December 2002, which provided for its expiry in December 2004. The company's accounts for 2004 show an amount of EUR 1,41 million entered under this heading. They also show that a request for a further extension beyond 2004 was envisaged.

<sup>(8)</sup> OJ C 244, 1.10.2004, p. 2; these Guidelines replaced the text adopted in 1999 (OJ C 288, 9.10.1999, p. 2).

**COMMENTS FROM INTERESTED PARTIES**

- (13) The Commission's invitation to submit comments on the measure resulted in reactions from three competitors.
- (14) According to the first competitor, the situation at NMS has been critical for the last twenty years and the company is able to survive only thanks to the constant provision of public funds. Even though market prices have increased significantly in the last five years, leading other companies to expand their existing mines or to open new ones, NMS remained unprofitable throughout. Furthermore, it was impossible to privatise because it was not considered viable despite the State aid it had already received. According to this competitor, the aid amounts are spectacular, scandalous, and incredibly disproportionate, as shown by the fact that during 2004 they exceeded the company's turnover two-fold.
- (15) The second competitor expressed its astonishment at the situation. NMS and the other European fluorite producers suffered severely from the adverse market conditions of the 1990s, which were triggered by dumping from China and eased only after 2000. Whereas it was known that NMS received public funds, this competitor claims not to have been aware of the magnitude of the aid, which, in its view, was unreasonably high. On the basis of its own rough calculations, it estimates that the funds received by NMS from RAS during the last five to six years have been about 10 times the amount of a typical investment per tonne applying normal industry standards. This competitor concludes that, as a European producer operating in the very competitive market for fluorite, it cannot accept a situation where a single company is kept afloat by means of large state transfers over many years.
- (16) The third competitor expressed its strong opposition to the granting of aid to NMS that was, in its view, substantial and disproportionate. According to this submission, the amount of financial support intended for a company with such small mining activities appears to represent extremely poor value for money, and it risks being used merely to support uneconomic employment at the mine.

**REACTION FROM ITALY**

- (17) In their reaction to the initiation of the formal investigation procedure, the Italian authorities announced that RAS had decided not to implement the notified aid and, in view of its financial difficulties, to wind up the company. By letter of 30 August 2006, the Italian authorities

confirmed that NMS was indeed to be wound up, as decided by the extraordinary general meeting held on 28 July 2006.

- (18) Italy further claimed (i) that the liquidation of NMS assets would not permit the repayment of RAS financing, (ii) that, with the company's exit from the market, there would be no further effects on intra-Community trade, and (iii) that, under those circumstances, any order to recover the aid could not produce any practical effects. By way of conclusion, Italy requested the Commission to refrain from issuing a recovery order.
- (19) As regards the comments made by NMS competitors, Italy considers that they are no longer relevant insofar as the notification has been withdrawn and the company will be wound up.

**ASSESSMENT OF THE MEASURE****1. Existence of State aid**

- (20) Article 87(1) of the EC Treaty declares incompatible with the common market any aid granted by a Member State or through state resources in any form whatsoever which distorts or threatens to distort competition by favouring certain undertakings or the production of certain goods and affects trade between Member States.

***Investment project and loss cover***

- (21) The Commission notes that the measures listed in paragraphs 8 and 10 involve the allocation of state resources attributable to the public authorities. As the public support is directed to one individual company, the selectivity criterion is met. Furthermore, since NMS has been active in the fluorite market, a sector in which trade exists between Member States, the criterion of effect on intra-Community trade is also fulfilled. In particular, the argument by the Italian authorities according to which there would be no effect on intra-Community trade has to be rejected since, according to settled caselaw, when aid granted by a State or through state resources strengthens the position of an undertaking compared with all other undertakings competing in intra-Community trade, the latter must be regarded as being affected by that aid<sup>(9)</sup>. Furthermore, the presence of intra-Community trade is borne out by the observations received from competing suppliers of fluorite in different Member States in reaction to the decision to initiate the procedure.

<sup>(9)</sup> See, for example, Case 730/79 Philip Morris v Commission [1980] ECR 2671, paragraph 11, and Case C-156/98 Germany v Commission [2000] ECR I-6857, paragraph 33.

(22) As regards the argument in the original notification to the effect that RAS behaved in a manner comparable to that of a market economy investor, the Commission points out that, in view of its performance in recent years and the change in its financial ratios<sup>(10)</sup>, NMS had to be considered a 'firm in difficulty' within the meaning of Section 2.1 of the Guidelines.

(23) Accordingly, and taking into consideration the company's continuing need for loss cover in recent years, it seems very unlikely if there is no improvement in its financial situation that a market economy investor would have committed additional funds of EUR 24 million to a project that had hitherto proved unprofitable. This conclusion is further supported by the fact that all attempts to privatise the company in the period from 1998 to 2002 resulted in failure. This has also been confirmed by the reactions received from competitors in the industry.

(24) In addition, RAS showed no interest in the past in weighing the costs to be borne in the event of liquidation against the costs of continuing with NMS activities. On the contrary, liquidation was explicitly avoided in June 2002, when it became clear that the privatisation procedure had failed.

(25) Furthermore, it was apparent from the notification that, to a large extent, RAS had been supporting NMS on the basis of public welfare considerations, such as the fact that it was one of the few industrial companies remaining in the region. However, arguments of that kind are not relevant for a market economy investor.

(26) Accordingly, as the Commission concluded in the decision initiating the procedure and would again stress, the investments proposed in the original notification, together with all previous contributions from the shareholder designed to cover losses and amounting to EUR 114,7 million constitute State aid within the meaning of Article 87(1) of the EC Treaty. The latter aid (loss cover) is illegal as it was granted in breach of Article 88(3) of the Treaty. As regards the measure in the original notification, the Italian authorities have confirmed that some of the funds had already been granted to the beneficiary in order to undertake some urgent and non-delayable works. Therefore, this part of the aid, totalling an unknown amount, was granted unlawfully.

### **Funds provided under Laws Nos 488/92 and 752/82**

(27) As regards the measures mentioned in paragraph 11, it is not contested that they constitute State aid within the meaning of Article 87(1) of the EC Treaty. Nevertheless, Italy has declared that no aid has as yet been paid under Law No 752/82.

### **2. Derogations under Article 87(2) and (3) of the EC Treaty**

(28) The primary objective of the measures mentioned in paragraphs 8 and 10 seems to be to assist a firm in difficulty. In such cases, provided that the relevant conditions are met, only the derogation in Article 87(3)(c), which permits State aid designed to facilitate the development of certain economic activities where such aid does not adversely affect trading conditions to an extent contrary to the common interest can apply.

(29) Rescue or restructuring aid to ailing firms is currently governed by the Guidelines.

(30) The transitional provisions stipulate that the Guidelines will apply for the assessment of any rescue or restructuring aid granted without the authorisation of the Commission (unlawful aid) if some or all of the aid is granted after 1 October 2004, the date of publication of the new Guidelines in the *Official Journal of the European Union* (point 104). Consequently, the new Guidelines are applicable in the present case as the notification took place in 2005 and at least EUR 11 million of public aid (out of the EUR 90,7 loss cover mentioned in paragraph 10) was granted after 1 October 2004.

(31) As regards the aid granted under Law No 488/92 and possibly under Law No 752/82, its compatibility must also be assessed in the light of the Guidelines insofar as the Commission considers that aid to firms in difficulty may contribute to the development of economic activities without adversely affecting trade to an extent contrary to the Community interest *only* if the conditions set out in the Guidelines are met<sup>(11)</sup>. As firms in difficulty are explicitly excluded from the scope of Law No 488/92, the Commission concludes that NMS was not eligible for regional aid under Law No 488/92, the firm already being in difficulty at the time the aid was granted (May 2002)<sup>(12)</sup>.

<sup>(10)</sup> In particular, the 2004 annual accounts show losses totalling EUR 10,46 million, equivalent to 101 % of the subscribed capital at the time (EUR 10,33 million). Losses in 2003 were EUR 9,61 million. Turnover also followed a downward trend, from EUR 7,31 million in 2003 to EUR 4,96 million in 2004.

<sup>(11)</sup> Point 20 of the Guidelines.

<sup>(12)</sup> According to point 56 of the Guidelines, the fact that the firm is located in an assisted area under Article 87(3)(a) plays a role only as regards the implementation of compensatory measures and the size of the beneficiary's contribution.

(32) For the same reason, the subsidiary argument by the Italian authorities according to which the supposed aid would have to be regarded as falling below the threshold set for regional aid in Sardinia has to be rejected.

(33) As regards the eligibility of NMS for restructuring aid, the Commission considers that the criteria for compatible aid laid down in the Guidelines are not met. In particular:

(a) the successive amounts of aid for loss cover have artificially kept in business a company that otherwise would have gone into bankruptcy; apparently, no restructuring was carried out; the measures must therefore be regarded as operating aid;

(b) neither the loss cover in the past nor the measure indicated in the original notification can be considered as compatible rescue aid since they both extend over a period of several years, they were granted in a non-eligible form and no reimbursement/restructuring plan/liquidation of the company was planned within a period of six months;

(c) the industrial plan sent to the Commission in the notification consisted in an analysis of the profitability prospects in the light of the new investment project, with no mention of restructuring measures, with no conditions for the granting of public aid and without taking into account the illegal support in the past;

(d) in the absence of a restructuring plan, the Commission is not able to ascertain whether the proposed aid could restore long-term viability and would be kept to a minimum and whether undue distortions of competition could be avoided (notably having regard to the continuous debt cover provided in recent years, in breach of the Deggendorf ruling <sup>(13)</sup>).

#### **Withdrawal of the notification and winding-up of the company**

(34) The Commission takes note of the announcement by Italy that RAS has decided not to implement the notified aid of some EUR 24 million and, in view of the financial difficulties of NMS, to wind up the

company. However, contrary to the claims by Italy, the Commission considers pursuant to Council Regulation (EC) No 659/1999 <sup>(14)</sup> laying down detailed rules for the application of Article 93 of the EC Treaty that, in cases of unlawful aid which is not compatible with the common market, effective competition should be restored and that, for this purpose, the aid, including interest, needs to be recovered without delay.

#### **CONCLUSION**

(35) The Commission finds that Italy has unlawfully implemented, in breach of Article 88(3) of the Treaty, the measures consisting in repeated cover for NMS losses, in the granting of aid to NMS under Law No 488/92 and the Ministerial Decree of 28 December 2000, and potentially in a partial payment of additional aid under the notified measure. In addition, the Commission finds that the aid indicated in the original notification and the aid granted by the Ministerial Decree of 28 December 2000 under Article 9 of Law No 752/82, are neither compatible with the common market nor eligible for any derogation under the EC Treaty. Therefore, the parts of the above measures that have not yet been granted or paid must not be implemented <sup>(15)</sup>, and the aid already paid totalling EUR 98,36 million, including EUR 90,7 million of loss cover (see paragraph 10) and EUR 7,66 million granted by the Ministerial Decree of 9 May 2002 (see paragraph 1), has to be recovered,

HAS ADOPTED THIS DECISION:

#### *Article 1*

1. The State aid which Italy has implemented for Nuova Mineraria Silius S.p.A., amounting to EUR 98 360 000, is incompatible with the common market.

2. The State aid which Italy is planning to grant to Nuova Mineraria Silius S.p.A., amounting to EUR 25 869 000, is also incompatible with the common market and may not therefore be implemented.

#### *Article 2*

1. Italy shall recover from the beneficiary the aid referred to in Article 1(1).

2. The sums to be recovered shall include interest for the entire period running from the date on which they were at the disposal of the beneficiary until the date of their recovery.

<sup>(14)</sup> OJ L 83, 27.3.1999, p. 1.

<sup>(15)</sup> According to the information submitted by Italy, this would include EUR 24 million in the original notification plus EUR 1,869 million pursuant to the Ministerial Decree of 28 December 2000 and Italian Law No 752/82 (see paragraph 11).

<sup>(13)</sup> Case C-355/95 P *Textilwerke Deggendorf v Commission and others* [1997] ECR I-2549.

3. The interest shall be calculated on a compound basis in conformity with Chapter V of Commission Regulation (EC) No 794/2004 of 21 April 2004 implementing Council Regulation (EC) No 659/1999 laying down detailed rules for the application of Article 93 of the EC Treaty <sup>(16)</sup>.

#### *Article 3*

1. Italy shall take all necessary measures to recover from the beneficiary the illegal and incompatible aid referred to in Article 1(1).

2. Recovery shall take place without delay and in accordance with the procedures under national law provided that they allow the immediate and effective execution of the decision.

3. Italy shall ensure that the present decision is implemented within four months of the date of notification.

#### *Article 4*

1. Italy shall keep the Commission informed of the progress of the national proceedings to implement this decision until these proceedings have been completed.

2. Within two months of notification of this decision, Italy shall submit information specifying the total amount (principal and interest) to be recovered from the beneficiary and a detailed description of the measures already taken or planned to comply with the present decision. By the same deadline, it shall send to the Commission all the documents demonstrating that the beneficiary has been ordered to repay the aid.

3. After the period of two months referred to in paragraph 2, Italy shall submit, on a simple request by the Commission, a report on the measures already taken or planned to comply with this decision. This report shall also provide detailed information on the amounts of aid and interest already recovered from the beneficiary.

#### *Article 5*

This decision is addressed to Italy.

Done at Brussels, 21 February 2007.

*For the Commission*

Neelie KROES

*Member of the Commission*

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<sup>(16)</sup> OJ L 140, 30.4.2004, p. 1.

## COMMISSION DECISION

of 16 July 2007

**amending Decision 2001/781/EC adopting a manual of receiving agencies and a glossary of documents that may be served under Council Regulation (EC) No 1348/2000 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters**

*(notified under document number C(2007) 3365)*

(2007/500/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the Economic Community,

Having regard to Council Regulation (EC) No 1348/2000 of 29 May 2000 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters <sup>(1)</sup>, and in particular Article 17(a) thereof,

After consulting the committee established by Article 18 of Regulation (EC) No 1348/2000,

Whereas:

- (1) In order to implement Regulation (EC) No 1348/2000 it was necessary to draw up and publish a manual containing information about the receiving agencies designated pursuant to Article 2 of that Regulation. That manual is in Annex I to Commission Decision 2001/781/EC of 25 September 2001 adopting a manual of receiving agencies and a glossary of documents that may be served under Council Regulation (EC) No 1348/2000 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters <sup>(2)</sup>.

- (2) Following a modification of the information communicated to the Commission by France pursuant to Article 2(4) of Regulation (EC) No 1348/2000, it is necessary to amend the manual.

- (3) Decision 2001/781/EC should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

*Sole Article*

The Manual containing the information relating to the receiving agencies in Annex I to Decision 2001/781/EC is amended in accordance with the Annex to this Decision.

This Decision is addressed to the Member States.

Done at Brussels, 16 July 2007.

*For the Commission*

Franco FRATTINI

Vice-President

<sup>(1)</sup> OJ L 160, 30.6.2000, p. 37.

<sup>(2)</sup> OJ L 298, 15.11.2001, p. 1. Decision as amended by Decision 2002/350/EC amending Decision 2001/781/EC (OJ L 125, 13.5.2002, p. 1).

## ANNEX

In the manual containing the information relating to the receiving agencies the section relating to France is amended as follows:

1. The title is replaced by the following:

**‘Франция — Francie — Frankrig — Frankreich — Prantsusmaa — Γαλλία — France — Francia — France — Francia — Francija — Prancūzija — Franciaország — Franza — Frankrijk — Francja — França — Franța — Francúzsko — Francija — Ranska — Frankrike’**

2. In point I, the entry relating to France is replaced by the following:

|    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| BG | <p>Във Франция приемашите агенции са съдия-изпълнителите.</p> <p>Териториален обхват на техните компетенции: съдия-изпълнителят е компетентен да връчва документи на всички адресати, които се намират в обхвата на компетентност на съда, към който работи съдия-изпълнителят.</p> <p>Адресът, телефонният номер и факсът, електронната поща на съдия-изпълнителите, както и координатите за връзка (име и пощенски код на населеното място, компетентни съдия-изпълнители за населеното място) се намират в наръчника на приемашите агенции, който е достъпен на уебсайта на Европейския съдебен атлас по граждански дела:</p> <p><a href="http://ec.europa.eu/justice_home/judicialatlascivil/">http://ec.europa.eu/justice_home/judicialatlascivil/</a></p>                                 |
| CS | <p>Ve Francii jsou přijímací subjekty soudní exekutoři.</p> <p>Místní příslušnost: soudní exekutor může doručit písemnosti všem adresátům, kteří spadají do pravomoci okresního soudu, pro který pracuje i příslušný exekutor.</p> <p>Adresy, telefonní čísla, čísla faxu a e-mailové adresy soudních exekutorů a další příslušné údaje (jméno a poštovní směrovací číslo lokality, jména soudních exekutorů způsobilých pro danou lokalitu) lze nalézt v příručce přijímajících subjektů, která je k dispozici v Evropském soudním atlase v civilních věcech na adrese:</p> <p><a href="http://ec.europa.eu/justice_home/judicialatlascivil/">http://ec.europa.eu/justice_home/judicialatlascivil/</a></p>                                                                                     |
| DA | <p>I Frankrig er de modtagende instanser stævningsmænd (huissiers de justice).</p> <p>Stedlig kompetence: En stævningsmand har kompetence til at forkynde dokumenter for alle modtagere, som befinder sig i den retskreds, der dækkes af den byret, som den pågældende stævningsmand er tilknyttet.</p> <p>Adresser, telefon- og faxnumre og e-mail-adresser for stævningsmændene og andre oplysninger (lokaliteternes navn og postnummer, de stævningsmænd, som er kompetente med hensyn til de pågældende lokaliteter) findes i håndbogen med oplysninger om de modtagende instanser, der kan findes på hjemmesiden for det europæiske civilretlige atlas:</p> <p><a href="http://ec.europa.eu/justice_home/judicialatlascivil/">http://ec.europa.eu/justice_home/judicialatlascivil/</a></p> |
| DE | <p>Empfangsstellen sind in Frankreich die Gerichtsdienere.</p> <p>Territoriale Zuständigkeit: Der Gerichtsdienere ist für die Zustellung sämtlicher Gerichtsakte an Empfänger im territorialen Zuständigkeitsbereich des Amtsgerichts, dem er zugeteilt ist, zuständig.</p> <p>Die Adressen, Telefon- und Faxnummern und E-Mail-Adressen der Gerichtsdienere sowie die Anschriften der zuständigen Gerichte (Name des Gerichts, Postleitzahl, zuständige Gerichtsdienere) sind dem Handbuch der Übermittlungsstellen auf der Website „Europäischer Gerichts atlas für Zivilsachen“ zu entnehmen:</p> <p><a href="http://ec.europa.eu/justice_home/judicialatlascivil/">http://ec.europa.eu/justice_home/judicialatlascivil/</a></p>                                                             |
| ET | <p>Prantsusmaal on vastuvõtivateks asutusteks kohtutäiturid.</p> <p>Territoriaalne pädevus: kohtutäiturid on pädevad andma kätte dokumente kõikidele adressaatidele, kes asuvad selle ringkonnakohtu tegevuspiirkonnas, kelle juures kohtutäitur töötab.</p> <p>Kohtutäiturite aadressid, telefoni- ja faksinumbriid, e-posti aadressid ja muud andmed (ringkond ja selle sihtnumber, ringkonna pädevad kohtutäiturid) on avaldatud vastuvõtivate asutuste teatmikusk, mis on kättesaadav Euroopa tsiviilasjade justiitsatlase kodulehel:</p> <p><a href="http://ec.europa.eu/justice_home/judicialatlascivil/">http://ec.europa.eu/justice_home/judicialatlascivil/</a></p>                                                                                                                    |

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| EL | <p>Στη Γαλλία, οι υπηρεσίες παραλαβής είναι οι δικαστικοί επιμελητές.</p> <p>Κατά τόπον αρμοδιότητα: Ο δικαστικός επιμελητής είναι αρμόδιος να επιδίδει τις πράξεις σε όλους τους αποδέκτες οι οποίοι υπάγονται στη δικαιοδοσία του πρωτοβάθμιου δικαστηρίου στο οποίο είναι διορισμένος.</p> <p>Οι διευθύνσεις, οι αριθμοί τηλεφώνου και φαξ, οι διευθύνσεις ηλεκτρονικού ταχυδρομείου των δικαστικών επιμελητών και τα στοιχεία (ονομασία και ταχυδρομικός τομέας, δικαστικοί επιμελητές για κάθε τομέα) βρίσκονται στο εγχειρίδιο των υπηρεσιών παραλαβής το οποίο είναι διαθέσιμο στο δικτυακό τόπο του ευρωπαϊκού δικαστικού άτλαντα στον τομέα των αστικών υποθέσεων:</p> <p><a href="http://ec.europa.eu/justice_home/judicialatlascivil/">http://ec.europa.eu/justice_home/judicialatlascivil/</a></p> |
| EN | <p>In France, the receiving agencies are the bailiffs.</p> <p>Geographical areas in which they have jurisdiction: bailiffs are empowered to serve documents on all addressees within the territory covered by the Tribunal d'instance to which they are attached.</p> <p>The addresses, telephone and fax numbers and e-mail addresses of bailiffs and their contact details (name and postcode of localities, bailiffs empowered to act in the localities) are in the manual of receiving agencies accessible on the European Judicial Atlas in Civil Matters website:</p> <p><a href="http://ec.europa.eu/justice_home/judicialatlascivil/">http://ec.europa.eu/justice_home/judicialatlascivil/</a></p>                                                                                                     |
| ES | <p>En Francia, los organismos receptores son los «huissiers de justice».</p> <p>Ámbito territorial en el que son competentes: los «huissiers de justice» son competentes en el ámbito territorial jurisdiccional del tribunal de primera instancia del lugar de su residencia.</p> <p>Sus direcciones, números de teléfono y de fax, direcciones de correo electrónico y otros datos (nombre y código postal de las localidades, «huissiers de justice» competentes para las localidades) se encuentran en el manual de organismos receptores disponible en el sitio Internet del Atlas judicial europeo en materia civil:</p> <p><a href="http://ec.europa.eu/justice_home/judicialatlascivil/">http://ec.europa.eu/justice_home/judicialatlascivil/</a></p>                                                  |
| FR | <p>En France, les entités requises sont les huissiers de justice.</p> <p>Ressort de compétence territoriale: L'huissier de justice est compétent pour signifier les actes à tous les destinataires se trouvant dans le ressort du tribunal d'instance auquel l'huissier est rattaché.</p> <p>Les adresses, les numéros de téléphone et fax, les adresses de courrier électronique des huissiers de justice et les coordonnées (nom et code postal des localités, huissiers de justice compétentes pour les localités) se trouvent dans le manuel des entités requises qui est disponible sur le site de l'atlas judiciaire européen en matière civile:</p> <p><a href="http://ec.europa.eu/justice_home/judicialatlascivil/">http://ec.europa.eu/justice_home/judicialatlascivil/</a></p>                      |
| IT | <p>In Francia, gli organi riceventi sono gli ufficiali giudiziari.</p> <p>Rispettive competenze territoriali: l'ufficiale giudiziario è competente per notificare gli atti a tutti i destinatari che si trovano nella circoscrizione del tribunale (<i>Tribunal d'instance</i>) cui l'ufficiale è assegnato.</p> <p>Gli indirizzi, i numeri di telefono e di fax, gli indirizzi di posta elettronica degli ufficiali giudiziari e gli estremi (nome e codice postale delle località, ufficiali giudiziari competenti per le località) figurano nel manuale degli organi riceventi disponibile sul sito dell'Atlante giudiziario europeo in materia civile:</p> <p><a href="http://ec.europa.eu/justice_home/judicialatlascivil/">http://ec.europa.eu/justice_home/judicialatlascivil/</a></p>                  |
| LV | <p>Francijā saņēmējas iestādes ir tiesu izpildītāji.</p> <p>Ģeogrāfiskie apgabali, kas ir to jurisdikcijā: tiesu izpildītājs ir tiesīgs izsniegt dokumentus visiem adresātiem, kas atrodas tās rajona tiesas jurisdikcijā, pie kuras pastāv tiesu izpildītājs.</p> <p>Tiesu izpildītāju adreses, tālruna un faksa numuri, elektroniskā pasta adreses un citi dati (vietas nosaukums un pasta indekss, attiecīgajā vietā kompetentie tiesu izpildītāji) atrodami rokasgrāmatā par saņēmējām iestādēm, kas pieejama Eiropas Tiesu atlantā civilīetās:</p> <p><a href="http://ec.europa.eu/justice_home/judicialatlascivil/">http://ec.europa.eu/justice_home/judicialatlascivil/</a></p>                                                                                                                         |
| LT | <p>Gaunančiosios agentūros yra antstoliai (<i>huissiers de Justice</i>).</p> <p>Teritorinis teisingumas: antstolis yra kompetentingas įteikti dokumentus visiems gavėjams, esantiems apylinkės teismo (<i>Tribunal d'instance</i>), kuriam antstolis priskirtas, jurisdikcijai priklausančioje teritorijoje.</p> <p>Antstolių adresai, telefono ir fakso numeriai, elektroninio pašto adresai ir informacija (vietovių pavadinimai ir pašto kodai, taip pat tose vietovėse kompetentingi antstoliai) nurodyti gaunančiųjų agentūrų vadove, kuris skelbiamas Europos teisminiame atlase civilinėse bylose</p> <p><a href="http://ec.europa.eu/justice_home/judicialatlascivil/">http://ec.europa.eu/justice_home/judicialatlascivil/</a></p>                                                                    |

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| HU | <p>Franciaországban az átvevő intézmények a végrehajtók.</p> <p>Területi illetékesség: a végrehajtó illetékes aláírni a jogi aktusokat minden címzettnek a városi bíróság illetékességi területén, amelyhez a végrehajtó tartozik.</p> <p>A végrehajtó címei, telefon- és faxszámai, e-mail címei és az elérhetőségek (a helység neve és postai irányítószáma, a helység illetékes végrehajtói) az átvevő intézmények kézikönyvében találhatók, amely rendelkezésre áll a Polgári ügyek európai igazságügyi atlasza honlapján:</p> <p><a href="http://ec.europa.eu/justice_home/judicialatlascivil/">http://ec.europa.eu/justice_home/judicialatlascivil/</a></p>                                                                                                                                                                                      |
| MT | <p>Fi Franza, l-aġenziji li jirċievu huma l-marixxalli tal-Qorti.</p> <p>Żoni ġeografiċi li fihom ikollhom ġurisdizzjoni: il-marixxall tal-Qorti huwa kompetenti biex jinnotifika l-atti ġudizzjarji lid-destinatarij kollha li jinsabu fiż-żona ġeografika tal-Qorti distrettwali li tahtha jaqa' l-marixxall.</p> <p>L-indirizzi, in-numri tat-telefown u l-faks, l-e-Mails tal-marixxalli u l-kuntatti (isem u kodiċi postali tal-lokalitajiet, marixxalli tal-Qorti kompetenti għal-lokalitajiet) jinsabu fil-manwal ta' l-aġenziji li jirċievu li huwa disponibbli fuq is-sit ta' l-Atlas ġudizzjarju Ewropew fi kwistjonijiet ċivili:</p> <p><a href="http://ec.europa.eu/justice_home/judicialatlascivil/">http://ec.europa.eu/justice_home/judicialatlascivil/</a></p>                                                                         |
| NL | <p>In Frankrijk zijn de gerechtsdeurwaarders de ontvangende instanties.</p> <p>Territoriale bevoegdheid: de gerechtsdeurwaarder is bevoegd voor de betekening van stukken aan personen die zich in het rechtsgebied van het Tribunal d'instance bevinden waaraan de gerechtsdeurwaarder is verbonden.</p> <p>De adressen, de telefoon- en faxnummers, de e-mailadressen van de gerechtsdeurwaarders en de verdere gegevens (naam en postcode van de plaats, bevoegde gerechtsdeurwaarders van de plaats) zijn opgenomen in de handleiding van ontvangende instanties die beschikbaar is op de website van de Europese justitiële atlas voor burgerlijke zaken:</p> <p><a href="http://ec.europa.eu/justice_home/judicialatlascivil/">http://ec.europa.eu/justice_home/judicialatlascivil/</a></p>                                                      |
| PL | <p>We Francji rolę agencji przyjmujących pełnią komornicy sądowi (<i>huissiers de Justice</i>).</p> <p>Właściwość miejscowa: Komornicy mogą doręczać dokumenty wszystkim adresatom znajdującym się w okręgu sądu (Tribunal d'instance), przy którym działają.</p> <p>Adresy, numery telefonu i faksu, adresy poczty elektronicznej komorników sądowych i inne dane na ich temat (nazwa i kod pocztowy miejscowości, komornicy właściwi dla danej miejscowości) znajdują się w podręczniku agencji przyjmujących dostępnym na stronie internetowej Europejskiego atlasu sądowniczego w sprawach cywilnych.</p> <p><a href="http://ec.europa.eu/justice_home/judicialatlascivil/">http://ec.europa.eu/justice_home/judicialatlascivil/</a></p>                                                                                                           |
| PT | <p>Em França, as entidades requeridas são os <i>huissiers de justice</i> (oficiais de justiça).</p> <p>Áreas de competência territorial: o <i>huissier de justice</i> é competente para proceder à citação ou notificação dos actos a todos os destinatários que se encontram na área de competência do tribunal (Tribunal d'instance) ao qual está adstrito.</p> <p>Os endereços, números de telefone e de fax, endereços de correio electrónico dos oficiais de justiça e as coordenadas (nome e código postal das localidades, oficiais de justiça competentes para as localidades) figuram no manual das entidades requeridas que se encontra disponível no sítio do Atlas Judiciário Europeu em Matéria Civil:</p> <p><a href="http://ec.europa.eu/justice_home/judicialatlascivil/">http://ec.europa.eu/justice_home/judicialatlascivil/</a></p> |
| RO | <p>În Franța, autoritățile de destinație sunt executorii judecătorești.</p> <p>Competență teritorială: executorul judecătoresc are competența de a comunica actele tuturor destinatarilor din circumscripția tribunalului de instanță la care este înregistrat respectivul executor judecătoresc.</p> <p>Adresele, numerele de telefon și fax, adresele electronice ale executorilor judecătorești precum și coordonatele (denumirea și codul poștal al localităților, executorii judecătorești cu competență pentru localitățile respective) figurează în manualul autorităților de destinație, disponibil pe site-ul Atlasului judiciar european în materie civilă:</p> <p><a href="http://ec.europa.eu/justice_home/judicialatlascivil/">http://ec.europa.eu/justice_home/judicialatlascivil/</a></p>                                               |
| SK | <p>Vo Francúzsku sú prijímajúcimi orgánmi súdni vykonávatelia.</p> <p>Miestna príslušnosť: Súdny vykonávateľ môže doručovať písomnosti všetkým adresátom, pre ktorých je miestne príslušný okresný súd, ku ktorému súdny vykonávateľ patrí.</p> <p>Adresy, telefónne a faxové čísla, e-mailové adresy súdnych vykonávateľov a ďalšie údaje (názvy a poštové smerovacie čísla oblastí, súdni vykonávatelia príslušní pre jednotlivé oblasti) sú uvedené v príručke prijímajúcich orgánov, ktorá je k dispozícii na stránke Európskeho justičného atlasu pre občianske veci:</p> <p><a href="http://ec.europa.eu/justice_home/judicialatlascivil/">http://ec.europa.eu/justice_home/judicialatlascivil/</a></p>                                                                                                                                          |

|    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| SL | <p>V Franciji so sprejemni organi sodni izvršitelji.</p> <p>Geografska območja pristojnosti: Sodni izvršitelj je pooblaščen za vročanje pisanj vsem naslovnikom, ki so v sodnem okraju okrožnega sodišča, pod katerega spada sodni izvršitelj.</p> <p>Naslovi, telefonske številke, številke telefaksa, elektronski naslovi sodnih izvršiteljev in drugi podatki (ime in poštna številka kraja ter pristojni sodni izvršitelji za posamezne kraje) so v priročniku s podatki o sprejemnih organih, ki je na voljo v Evropskem pravosodnem atlasu v civilnih zadevah na spletnem naslovu: <a href="http://ec.europa.eu/justice_home/judicialatlascivil/">http://ec.europa.eu/justice_home/judicialatlascivil/</a></p>                                                                                                             |
| FI | <p>Ranskassa vastaanottavia viranomaisia ovat haastemiehet.</p> <p>Alueellinen toimivalta: Haastemies on toimivaltainen antamaan asiakirjat tiedoksi kaikille vastaanottajille sen vähäisiä riita-asioita käsittelevän tuomioistuimen (<i>Tribunal d'instance</i>) tuomiopiirissä, jonka palveluksessa hän on.</p> <p>Haastemiesten yhteystiedot, kuten osoitteet, puhelin- ja faksinumerot, sähköpostiosoitteet, sekä yhteys sivustolle, jolla on mahdollisuus hakea tietyllä paikkakunnalla toimivaltainen haastemies muun muassa nimen, postinumeron tai paikkakunnan nimen perusteella, esitetään Euroopan siviilioikeudellisen atlaksen sivustolla kohdassa vastaanottavat viranomaiset:</p> <p><a href="http://ec.europa.eu/justice_home/judicialatlascivil/">http://ec.europa.eu/justice_home/judicialatlascivil/</a></p> |
| SV | <p>I Frankrike är <i>huissiers de justice</i> mottagande organ.</p> <p>Geografisk behörighet: En <i>huissier de justice</i> är behörig att delge handlingar till alla adressater som bor inom behörighetsområdet för den underrätt för civilmål (<i>Tribunal d'instance</i>) som denna <i>huissier de justice</i> är knuten till.</p> <p>Adresser, telefon- och faxnummer, e-postadresser till <i>huissiers de justice</i> m.m. (postnummer och ortnamn, vilken <i>huissier de justice</i> som ansvarar för vilken ort) återfinns i handboken för de mottagande organen som finns tillgänglig på webbplatsen Europeisk civilrättsatlas:</p> <p><a href="http://ec.europa.eu/justice_home/judicialatlascivil/">http://ec.europa.eu/justice_home/judicialatlascivil/</a></p>                                                       |

3. In point II, the entry relating to France is replaced by the following:

|    |                                                                                                                                                                                                                                                                                                                                                                                                  |
|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| BG | <p>Начини за приемане на документите: пощенски писма.</p> <p>Връчването или уведомяването за съдебни или извънсудебни документи от друга държава-членка водят до получаване от страна на приемащата агенция на сума от 50 EUR. Предаването на документите трябва да бъде придружено от съответното плащане, при спазването на разпоредбите относно съдебната помощ.</p>                          |
| CS | <p>Způsoby přijímání, které jsou k dispozici: poštovní zásilky.</p> <p>Doručení soudních nebo mimosoudních písemností pocházejících z členského státu podléhá paušální platbě ve výši 50 EUR, která je provedena při převzetí zásilky doručovacím subjektem. Při zaslání písemnosti musí být provedena příslušná platba, s výhradou ustanovení o právní pomoci.</p>                              |
| DA | <p>De måder, instanserne kan modtage dokumenter på: pr. post.</p> <p>Ved forkyndelse eller meddelelse af retslige eller udenretslige dokumenter fra en anden medlemsstat opkræver den modtagende instans et gebyr på 50 EUR. Betalingen skal fremsendes sammen med dokumenterne, medmindre andet er fastsat i bestemmelserne om retshjælp.</p>                                                   |
| DE | <p>Empfangsmöglichkeiten: Postweg.</p> <p>Für die Zustellung gerichtlicher und außergerichtlicher Schriftstücke aus anderen Mitgliedstaaten erhebt die Empfangsstelle eine Gebühr von 50 EUR. Den zuzustellenden Schriftstücken ist die entsprechende Gebühr beizufügen, es sei denn, der Antragsteller erhält Prozesskostenhilfe.</p>                                                           |
| ET | <p>Dokumente võetakse vastu tavaposti teel.</p> <p>Teisest liikmesriigist pärit kohtu- ja kohtuvälise dokumendi kätteandmise eest tuleb tasuda 50 eurot. See summa tuleb tasuda dokumentide kätteandmisel, välja arvatud juhul, kui kohaldatakse tasuta õigusabi sätteid.</p>                                                                                                                    |
| EL | <p>Διαθέσιμα μέσα παραλαβής: ταχυδρομείο.</p> <p>Η επίδοση ή κοινοποίηση των δικαστικών ή εξωδικών πράξεων προερχόμενων από άλλο κράτος μέλος συνεπάγονται την εισπραξη εκ μέρους της υπηρεσίας παραλαβής ενός κατ' αποκοπή ποσού ύψους 50 ευρώ. Η διαβίβαση των πράξεων πρέπει να συνοδεύεται από την αντίστοιχη πληρωμή, με την επιφύλαξη των διατάξεων που αφορούν τη δικαστική συνδρομή.</p> |
| EN | <p>Means of receipt of documents available to the agencies: post.</p> <p>Where judicial or extra-judicial documents from another Member State are to be served, the receiving agency charges a flat-rate fee of EUR 50. The document to be served must be accompanied by the payment, subject to the legal aid provisions.</p>                                                                   |

|    |                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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| ES | <p>Medios de recepción de documentos a su disposición: correo postal.</p> <p>La notificación o traslado de documentos judiciales o extrajudiciales procedentes de otro Estado miembro da lugar a la percepción por el organismo receptor de un importe a tanto alzado de 50 EUR. La transmisión de los documentos debe acompañarse del pago correspondiente, excepto en caso de que el solicitante hubiere obtenido el beneficio de justicia gratuita.</p> |
| FR | <p>Moyens de réception disponibles: courriers postaux.</p> <p>Les significations ou notifications d'actes judiciaires ou extrajudiciaires en provenance d'un autre État membre donnent lieu à la perception par l'entité requise d'une somme forfaitaire d'un montant de 50 EUR. La transmission des actes doit être accompagnée du paiement correspondant, sous réserve des dispositions relatives à l'assistance judiciaire.</p>                         |
| IT | <p>Mezzi a disposizione per la ricezione degli atti: servizio postale.</p> <p>Per notificazioni o comunicazioni di atti giudiziari o extragiudiziali provenienti da un altro Stato membro, l'organo ricevente percepisce una somma forfettaria pari a 50 EUR. La trasmissione degli atti deve essere accompagnata dal pagamento corrispondente, fatte salve le disposizioni sul patrocinio a spese dello Stato.</p>                                        |
| LV | <p>Iestādēm pieejamie dokumentu saņemšanas veidi: pasta sūtījumi.</p> <p>Citas dalībvalsts tiesas vai ārpustiesas dokumentu izsniegšanu saņēmēja iestāde veic par samaksu, kas noteikta 50 euro apmērā. Nosūtot dokumentus, jāpievieno attiecīgais maksājums saskaņā ar noteikumiem, kas attiecas uz tiesisko palīdzību.</p>                                                                                                                               |
| LT | <p>Dokumentų gavimo priemonė: paštas.</p> <p>Už teisminių ir neteisminių dokumentų, gaunamų iš kitos valstybės narės, įteikimą imamas 50 EUR mokestis, kurį renka gaunančioji agentūra. Ši suma turi būti pridedama prie siunčiamų dokumentų; atsižvelgiant į teisinę pagalbą reglamentuojančias nuostatas, jeigu šaliai teikiama teisinė pagalba, šios sumos pridėti nereikia.</p>                                                                        |
| HU | <p>Az iratok fogadására alkalmas eszközök: postai küldemények.</p> <p>Egy másik tagállamból érkező bírósági és bíróságon kívüli iratok kézbesítéséért vagy arról szóló értesítésért az átvevő intézmény 50 euro összegű átalánydíjat számít fel. Az iratok átadását a kapcsolódó kifizetésnek kell kísérnie, a jogi segítségnyújtásra vonatkozó rendelkezések figyelembevételével.</p>                                                                     |
| MT | <p>Mezzi ta' wasla disponibbli: il-posta.</p> <p>In-notifika jew il-komunikazzjoni ta' atti ġudizzjarji jew extra-ġudizzjarji ġejjin minn Stat Membru jagħtu lok għal pagament ta' taxxa mill-agenzija li tirċievi ta' somma b'rata fissa ta' ammont ta' EUR 50. It-trażmissjoni ta' l-atti għandha tkun akkumpanjata mill-pagament korrispondenti, soġġett għad-dispożizzjonijiet dwar l-ghajnuna ġudizzjarja.</p>                                        |
| NL | <p>De wijze waarop zij stukken kunnen ontvangen: via de post.</p> <p>Voor de betekeningen en de kennisgevingen van gerechtelijke en buitengerechtelijke stukken uit een andere lidstaat moet bij ontvangst aan de ontvangende instantie een vast bedrag van 50 EUR worden betaald, onverminderd de bepalingen betreffende rechtsbijstand.</p>                                                                                                              |
| PL | <p>Możliwe metody doręczenia: poczta.</p> <p>Z tytułu doręczenia lub zawiadomienia o dokumentach sądowych lub pozasądowych pochodzących z innego państwa członkowskiego agencja przyjmująca pobiera opłatę zryczałtowaną w wysokości 50 EUR. Opłata musi zostać wniesiona przy przekazywaniu dokumentów, z zastrzeżeniem przepisów dotyczących pomocy prawnej.</p>                                                                                         |
| PT | <p>Meios de recepção disponíveis: via postal.</p> <p>As citações ou notificações de actos judiciais ou extrajudiciais provenientes de outro Estado-Membro dão lugar à cobrança pela entidade requerida de um montante fixo de 50 EUR. A transmissão dos actos deve ser acompanhada do pagamento correspondente, sob reserva das disposições relativas ao apoio judiciário.</p>                                                                             |
| RO | <p>Mijloace disponibile pentru primirea actelor: serviciile poștale.</p> <p>Comunicarea sau notificarea actelor judiciare sau extrajudiciare provenite dintr-un alt stat membru generează perceperea de către autoritatea de destinație a unei sume fixe în cuantum de 50 EUR. Transmiterea actelor trebuie însoțită de dovada efectuării plății respective, sub rezerva dispozițiilor referitoare la asistența judiciară.</p>                             |

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|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| SK | Spôsoby prijímania, ktoré sú k dispozícii: poštové zásielky.<br>Doručenie súdnych alebo mimosúdnych písomností vyhotovených v inom členskom štáte podlieha zaplateniu paušálneho poplatku vo výške 50 EUR prijímajúcemu orgánu. Príslušná platba sa musí uskutočniť pri zasielaní písomnosti, s výhradou ustanovení o právnej pomoci.                            |
| SL | Razpoložljiva sredstva za sprejem: poštne pošiljke.<br>Za vročanje sodnih in zunajsodnih pisanj, ki izhajajo iz druge države članice, sprejemni organ prejme pavšalni znesek v višini 50 EUR. Pri pošiljanju pisanj je treba dodati ustrezno plačilo, razen v primeru določb o pravni pomoči.                                                                    |
| FI | Käytettävissä olevat asiakirjojen vastaanottotavat: postilähetykset.<br>Vastaanottava viranomainen perii toisesta jäsenvaltiosta peräisin olevien oikeudenkäynti- ja muiden asiakirjojen tiedoksiantamisesta kiinteämääräisen 50 euron maksun. Maksu on suoritettava asiakirjojen toimitamisen yhteydessä, ellei oikeusapua koskevista säännöksistä muuta johdu. |
| SV | Sätt på vilka handlingar kan tas emot: post.<br>För delgivning av handlingar från en annan medlemsstat uppbär det mottagande organet ett schablonbelopp på 50 euro. Betalningen skall göras samtidigt som handlingen översänds, med förbehåll för bestämmelser rörande rättshjälp.                                                                               |

4. In point III, the table is replaced by the following:

|    |                                                                                                 |
|----|-------------------------------------------------------------------------------------------------|
| BG | Езици, на които може да се попълва стандартният формуляр: френски, английски.                   |
| CS | Jazyky, které lze využít pro vyplnění standardního formuláře: francouzština, angličtina.        |
| DA | De sprog, der kan benyttes ved udfyldelsen af standardformularen: fransk, engelsk.              |
| DE | Sprachen, in denen das Formblatt ausgefüllt werden kann: Französisch oder Englisch.             |
| ET | Keeled, mida võib kasutada tüüpvormi täitmiseks: prantsuse ja inglise.                          |
| EL | Γλώσσες που μπορούν να χρησιμοποιηθούν για τη συμπλήρωση του εντύπου: γαλλική, αγγλική.         |
| EN | Languages that may be used for completion of the standard form: French, English.                |
| ES | Lenguas que pueden utilizarse para completar el formulario normalizado: francesa, inglesa.      |
| FR | Langues qui peuvent être utilisées pour remplir le formulaire type: français et anglais.        |
| IT | Lingue che possono essere usate per la compilazione del modulo: francese, inglese.              |
| LV | Standarta veidlapas aizpildīšanai lietojamās valodas: franču, angļu.                            |
| LT | Tipinė forma gali būti pildoma prancūzų arba anglų kalbomis.                                    |
| HU | A standard adatlap kitöltéséhez használható nyelvek: francia, angol.                            |
| MT | Il-formola standard tista' timela bil-Franciz jew bl-Ingiliz.                                   |
| NL | Talen die voor het invullen van het modelformulier kunnen worden gebruikt: Frans, Engels.       |
| PL | Języki, w których można wypełnić standardowy formularz: francuski, angielski.                   |
| PT | Línguas que podem ser utilizadas no preenchimento do formulário normalizado: francês e inglês.  |
| RO | Limbile care pot fi folosite pentru completarea formularului standardizat: franceză și engleză. |
| SK | Jazyky, ktoré možno používať na vyplňanie štandardného tlačiva: francúzština, angličtina.       |
| SL | Jeziki, v katerih se lahko izpolni standardni obrazec: francoščina in angleščina.               |
| FI | Vakiolomakkeen täyttökiele: ranska, englanti.                                                   |
| SV | Standardformuläret kan fyllas i på franska eller engelska.                                      |

## III

(Acts adopted under the EU Treaty)

## ACTS ADOPTED UNDER TITLE V OF THE EU TREATY

## COUNCIL JOINT ACTION 2007/501/CFSP

of 16 July 2007

**on cooperation with the African Centre for Study and Research on Terrorism in the framework of the implementation of the European Union counter-terrorism strategy**

THE COUNCIL OF THE EUROPEAN UNION,

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

Whereas:

- (1) On 15 December 2005 the European Council adopted the European Union counter-terrorism strategy, which provided in particular for the development of cooperation with the European Union's external partners in preventing and combating terrorism.
- (2) On 15 December 2005 the European Union adopted the strategy 'The European Union and Africa: towards a strategic partnership', in which the European Union undertook to support the efforts of the African states in the fight against terrorism.
- (3) On 14 September 2002 the African Union approved a Plan of Action on the Prevention and Combating of Terrorism in Africa, which provided in particular for the creation of the African Centre for Study and Research on Terrorism (ACSRT).
- (4) The ACSRT was created on 13 October 2004 by the African Union. It is responsible for evaluating the terrorist threat in Africa and for promoting intra-African cooperation against terrorism. It wishes to receive support from Europe.
- (5) The terrorist threat is developing in certain African countries and represents a growing danger not only for them, but also for the European Union.

- (6) The efficiency of the fight against terrorism in Africa is undermined by certain local weaknesses, particularly in the area of institutional organisation,

HAS ADOPTED THIS JOINT ACTION:

*Article 1*

**Objective**

The objective of this Joint Action is to provide the Member States of the African Union with support from the European Union in improving the organisation of their capacities in the fight against terrorism in the framework of the provisions of the European Union counter-terrorism strategy on the promotion of a partnership in this area outside the European Union, in particular with international organisations. By means of this Joint Action, the European Union is also seeking to strengthen cooperation between the African Union countries in the field of counter-terrorism, in particular through the exchange of information.

*Article 2*

**Description of the project**

For the purposes of this Joint Action, the European Union shall provide the ACSRT with financial support for the implementation of the project described below, which aims to improve the efficiency of the counter-terrorism arrangements of the African countries.

The project shall consist in carrying out audit missions on national counter-terrorism arrangements and providing advice on reorganisation in the Member States of the African Union. These missions shall be based on an action plan, drawn up in collaboration with the ACSRT, which the European Union shall present at a seminar held beforehand in Addis Ababa with all member countries of the African Union.

A detailed description of the project is set out in the Annex.

*Article 3***Implementation**

1. The Presidency, assisted by the Secretary-General of the Council/High Representative for the CFSP (SG/HR), shall be responsible for the implementation of this Joint Action. The Commission shall be fully associated.

2. The technical implementation of the project referred to in Article 2 shall be entrusted to the ACSRT, which shall perform this task under the control of the SG/HR. For this purpose, the SG/HR shall enter into the necessary arrangements with the ACSRT.

*Article 4***Financial provisions**

1. The financial reference amount for the implementation of the project referred to in Article 2 is EUR 665 000, funded from the general budget of the European Communities for 2007.

2. The expenditure shall be managed under the responsibility of the Commission in accordance with the rules and procedures of the European Community applicable to the general budget of the European Communities.

3. The Commission shall supervise the proper management of the expenditure referred to in paragraph 2, which will take the form of a grant. For this purpose, the Commission shall conclude a financing agreement with the ACSRT. The financing agreement provides that the ACSRT shall ensure that the European Union's contribution is fully visible, appropriate to its size.

4. The Commission shall endeavour to conclude the financing agreement referred to in paragraph 3 as soon as possible after the entry into force of this Joint Action. It shall inform the Council of any difficulties in that process and of the date of conclusion of the financing agreement.

*Article 5***Reporting and evaluation**

The Presidency, assisted by the SG/HR, shall report to the Council on the implementation of this Joint Action on the basis of regular reports to be provided by the ACSRT. The reports drawn up for the Council shall include an evaluation of the project referred to in Article 2. The Commission shall be fully associated and shall provide information on the financial aspects of the implementation of this Joint Action.

*Article 6***Consistency and cooperation**

The Council and the Commission shall, each within their respective powers, ensure consistency between the implementation of this Joint Action and other external activities of the Community in accordance with the second paragraph of Article 3 of the Treaty on the European Union. The Council and the Commission shall cooperate to this end.

*Article 7***Entry into force and duration**

This Joint Action shall enter into force on the day of its adoption. It shall expire 18 months after the financing agreement between the Commission and the ACSRT, referred to in Article 4(3), has been concluded, or on 16 July 2008 if the financing agreement has not been concluded before that date.

*Article 8***Publication**

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

Done at Brussels, 16 July 2007.

*For the Council*  
*The President*  
J. SILVA

## ANNEX

**European Union action to support the African Union in the fight against terrorism***Description of the action*

The Convention on the Prevention and Combating of Terrorism, signed in Algiers on 14 July 1999 by the member countries of the Organisation of African Unity (OAU), is the first instrument specifically designed to combat terrorism across the entire African continent.

This convention contains a definition of terrorism <sup>(1)</sup>, the obligation to classify terrorist acts as crimes under national law, the undertaking not to support terrorist activities, the obligation for states to cooperate in combating terrorism by exchanging information, and provisions on the extradition of terrorists and on facilitating criminal investigations by foreign authorities on national territory.

On this basis, the African Union (AU), which replaced the OAU in 2001, approved the Plan of Action on the Prevention and Combating of Terrorism in Africa on 14 September 2002 in Algiers. The plan aims to implement the OAU Convention by means of specific measures.

In particular, Section H of the Plan of Action provides for the creation of the African Centre for Study and Research on Terrorism (ACSRT), with responsibility for carrying out training measures, conducting studies on terrorism, setting up a database system for gathering, exchanging and analysing intelligence, as well as for terrorism-related surveillance and alerts. The Centre has a correspondent, called the 'focal point', in each country.

*Content of the project*

The EU's support for the AU in the fight against terrorism forms part of a phased approach which makes it possible to identify cooperation needs and the added value of a measure.

A joint seminar will be organised by the ACSRT in the second half of 2007 in Addis Ababa in which the EU will offer to evaluate the national counter-terrorism arrangements of the African countries and to provide advice on reorganisation. An action plan will be presented during this seminar. At the end, those countries wishing to participate in the implementation of the plan and to host an audit mission on their territory can express their desire to do so. This plan involves carrying out audit missions to improve the organisation of counter-terrorism in Africa.

In a second phase, missions to evaluate the AU countries' local counter-terrorism capacities will be carried out in those countries which request them at the end of the seminar. The audit teams will evaluate the countries' counter-terrorism capacities in situ in order to suggest improvements in a report drawn up by the Head of Mission and then forwarded to the ACSRT, which will be responsible for sending it to the Council for communication to the Member States.

In a third phase and on the basis of these evaluations, the ACSRT (with the agreement of the EU) will make recommendations to the audited countries, which will be responsible for implementing their conclusions.

<sup>(1)</sup> Article 1(3) of this Convention defines a 'terrorist act' as 'any act which is a violation of the criminal laws of a State Party and which may endanger the life, physical integrity or freedom of, or cause serious injury or death to, any person, any number or group of persons or causes or may cause damage to public or private property, natural resources, environmental or cultural heritage and is calculated or intended to:

- i) intimidate, put in fear, force, coerce or induce any government, body, institution, the general public or any segment thereof, to do or abstain from doing any act, or to adopt or abandon a particular standpoint, or to act according to certain principles; or
- ii) disrupt any public service, the delivery of any essential service to the public or to create a public emergency; or
- iii) create general insurrection in a State.'

The definition in this Article also covers the financing of terrorism, insofar as it includes 'any promotion, sponsoring, contribution to, command, aid, incitement, encouragement, attempt, threat, conspiracy, organizing, or procurement of any person, with the intent to commit any act referred to in [the preceding] paragraph.'

*Arrangements for implementing the joint action*

In receiving CFSP funds, the ACSRT is given a central role in the implementation of the Joint Action. The ACSRT will take charge of the organisation of the Addis Ababa seminar. In order to prepare the audit missions, it will be in permanent contact with the States which have accepted the action plan; it will also manage the missions in operational and financial terms and play a coordinating role. The Member States will be briefed regularly on the progress of this Joint Action which will take place over a period of 18 months.

A seminar bringing together two representatives from the 53 countries of the AU, Morocco, the UNODC, the ACSRT and each EU Member State, as well as the EU Counter-terrorism Coordinator, will be held in Addis Ababa, seat of the AU, in the second half of 2007. The representatives will be high-level experts and senior officials.

Opened by a representative of the AU, it will include contributions by:

- the ACSRT on evaluating the terrorist threat,
- the UNODC on international agreements,
- the coordinator of European counter-terrorism policy,
- European representatives from the national counter-terrorism coordination units,
- AU representatives.

The seminar will close with the presentation of an action plan drawn up in advance by the EU proposing missions, for those countries wishing to have them, to audit national counter-terrorism arrangements and give advice on reorganisation.

The provisional budget for the seminar will cover the travel and subsistence expenses of the representatives of the 53 countries of the AU and of Morocco, the representatives from Europe and from the international organisations, as well as a preparatory mission and a mission to put the logistics of the seminar in place. The working languages of the seminar will be those of the AU: English, French, Arabic and Portuguese.

At the close of the seminar, the African states will state whether they wish to receive an audit mission or not. The audit teams will be made up of two specialists from the EU Member States and one member of the ACSRT. They must have free access to all relevant information and their aim will be to evaluate the counter-terrorism arrangements in each State. At the end of their mission, they will draft reports containing recommendations, which, if accepted by the authorities of the audited countries, will be implemented by these authorities with monitoring by the ACSRT.

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### NOTICE TO READERS

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

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

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

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

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

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

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