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⁽¹⁾ Text with EEA relevance

I

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

REGULATIONS

COMMISSION REGULATION (EC) No 966/2007**of 17 August 2007****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 18 August 2007.

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

Done at Brussels, 17 August 2007.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

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

ANNEX

to Commission Regulation of 17 August 2007 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	MK	48,8
	TR	60,0
	XK	43,2
	XS	33,5
	ZZ	46,4
0707 00 05	TR	134,7
	ZZ	134,7
0709 90 70	TR	85,9
	ZZ	85,9
0805 50 10	AR	64,0
	UY	52,9
	ZA	54,0
	ZZ	57,0
0806 10 10	EG	148,4
	MA	138,0
	TR	99,7
	US	164,3
	ZZ	137,6
0808 10 80	AR	64,4
	BR	77,5
	CL	77,6
	CN	89,9
	NZ	92,5
	US	101,0
	ZA	84,9
	ZZ	84,0
0808 20 50	AR	52,9
	NZ	109,7
	TR	125,7
	ZA	94,4
	ZZ	95,7
0809 30 10, 0809 30 90	TR	132,3
	US	172,7
	ZA	80,5
	ZZ	128,5
0809 40 05	IL	153,3
	ZZ	153,3

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

COMMISSION REGULATION (EC) No 967/2007**of 17 August 2007****on the issue of system B export licences in the fruit and vegetables sector (table grapes)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables ⁽¹⁾,

Having regard to Commission Regulation (EC) No 1961/2001 of 8 October 2001 on detailed rules for implementing Council Regulation (EC) No 2200/96 as regards export refunds on fruit and vegetables ⁽²⁾, and in particular Article 6(6) thereof,

Whereas:

- (1) Commission Regulation (EC) No 628/2007 ⁽³⁾ fixes the indicative quantities for which system B export licences may be issued.
- (2) In the light of the information available to the Commission today, there is a risk that the indicative quantities laid down for the current export period for

table grapes will shortly be exceeded. This overrun will prejudice the proper working of the export refund scheme in the fruit and vegetables sector.

- (3) To avoid this situation, applications for system B licences for table grapes after 17 August 2007 should be rejected until the end of the current export period,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for system B export licences for table grapes submitted pursuant to Article 1 of Regulation (EC) No 628/2007, export declarations for which are accepted after 17 August and before 1 November 2007, are hereby rejected.

Article 2

This Regulation shall enter into force on 18 August 2007.

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

Done at Brussels, 17 August 2007.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 297, 21.11.1996, p. 1. Regulation as last amended by Commission Regulation (EC) No 47/2003 (OJ L 7, 11.1.2003, p. 64).

⁽²⁾ OJ L 268, 9.10.2001, p. 8. Regulation as last amended by Regulation (EC) No 548/2007 (OJ L 30, 22.5.2007, p. 3).

⁽³⁾ OJ L 145, 7.6.2007, p. 7.

COMMISSION REGULATION (EC) No 968/2007**of 17 August 2007****as regards the Community contribution to the costs of restructuring and conversion provided for in
Council Regulation (EC) No 1493/1999 for the 2007/08 wine year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

contrary, the territory of Bulgaria and Romania is covered by the Convergence objective but was obviously not covered by Objective 1.

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine ⁽¹⁾, and in particular Article 80(b) thereof,

(4) This causes specific practical problems in case of the application of restructuring and conversion plans to be prepared and approved for the wine year 2007/08 since the present wording of Article 13(3) of Regulation (EC) No 1493/1999 allows neither the higher funding for Objective 1 regions, as they no longer exist, nor for Convergence regions, as they are not targeted by the said provision. Yet, the objective should evidently be to provide for a higher aid rate for less developed regions.

Whereas:

(1) Article 13(3) of Regulation (EC) No 1493/1999 provides for that in regions classified as Objective 1 in accordance with Council Regulation (EC) No 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds ⁽²⁾, the Community contribution to the costs of restructuring and conversion is limited to 75 % of those costs.

(5) The transitional arrangement applicable at present, provided for in Commission Regulation (EC) No 225/2007 ⁽⁴⁾, offers a solution only for the 2006/07 wine year. Therefore, pending the reform of the common organisation of the market in wine, it is appropriate to provide for the possibility, for the wine year 2007/08, to grant the higher support rate foreseen in Article 13(3) of Regulation (EC) No 1493/1999 for Convergence regions.

(2) Regulation (EC) No 1260/1999 was repealed by Council Regulation (EC) No 1083/2006 ⁽³⁾, which lays down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund, with effect from 1 January 2007. In accordance with Article 3(1) of Regulation (EC) No 1260/1999, regions covered by Objective 1 were the regions corresponding to level II of the Nomenclature of Territorial Statistical Units (NUTS) whose per capita GDP, measured in purchasing power parities has been less than 75 % of the Community average. In accordance with Article 5(1) of Regulation (EC) No 1083/2006, such regions are eligible for funding under the Convergence objective.

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

(3) Some regions which have been covered by Objective 1 are not covered by the Convergence objective. On the

HAS ADOPTED THIS REGULATION:

Article 1

Article 13(3) of Regulation (EC) No 1493/1999 shall apply for the 2007/08 wine year to regions which are classified as Convergence regions in accordance with Regulation (EC) No 1083/2006, excluding the regions referred to in Article 8(1) and (2) of that Regulation.

Article 2

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

⁽¹⁾ OJ L 179, 14.7.1999, p. 1. Regulation as last amended by Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p. 1).

⁽²⁾ OJ L 161, 26.6.1999, p. 1. Regulation as last amended by Regulation (EC) No 1198/2006 (OJ L 223, 15.8.2006, p. 1).

⁽³⁾ OJ L 210, 31.7.2006, p. 25. Regulation as amended by Regulation (EC) No 1989/2006 (OJ L 411, 30.12.2006, p. 6).

⁽⁴⁾ OJ L 64, 2.3.2007, p. 25.

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

Done at Brussels, 17 August 2007.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

COMMISSION REGULATION (EC) No 969/2007**of 17 August 2007****amending for the 83rd time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, and repealing Council Regulation (EC) No 467/2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 881/2002 of 27 May 2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, and repealing Council Regulation (EC) No 467/2001 prohibiting the export of certain goods and services to Afghanistan, strengthening the flight ban and extending the freeze of funds and other financial resources in respect of the Taliban of Afghanistan ⁽¹⁾, and in particular Article 7(1), first indent, thereof,

Whereas:

- (1) Annex I to Regulation (EC) No 881/2002 lists the persons, groups and entities covered by the freezing of funds and economic resources under that Regulation.

- (2) On 18 and on 27 July 2007, the Sanctions Committee of the United Nations Security Council decided to amend the list of persons, groups and entities to whom the freezing of funds and economic resources should apply. Annex I should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 881/2002 is hereby amended as set out in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 17 August 2007.

For the Commission

Eneko LANDÁBURU

Director-General for External Relations

⁽¹⁾ OJ L 139, 29.5.2002, p. 9. Regulation as last amended by Commission Regulation (EC) No 859/2007 (OJ L 190, 21.7.2007, p. 7).

ANNEX

Annex I to Regulation (EC) No 881/2002 is amended as follows:

- (1) The entry 'Nashwan Abd Al-Razzaq **Abd Al-Baqi** (*alias* (a) Abdal Al-Hadi Al-Iraqi, (b) Abd al-Hadi al-Iraqi, (c) Abu Abdallah). Date of birth: 1961. Place of birth: Mosul, Iraq. Nationality: Iraqi. Other information: Senior official of Al-Qaida.' under the heading 'Natural persons' shall be replaced by:

'Nashwan Abd Al-Razzaq **Abd Al-Baqi** (*alias* (a) Abdal Al-Hadi Al-Iraqi, (b) Abd Al-Hadi Al-Iraqi, (c) Abu Abdallah). Date of birth: 1961. Place of birth: Mosul, Iraq. Nationality: Iraqi. Other information: (a) Al-Qaida senior official, (b) In custody of the United States of America, as of July 2007.'

- (2) The entry 'Jalil, Abdul, Mullah (Deputy Minister of Foreign Affairs)' under the heading 'Natural persons' shall be replaced by:

'**Abdul Jalil** (*alias* Nazar Jan). Title: (a) Maulavi, (b) Mullah. Function: Deputy Minister of Foreign Affairs of the Taliban regime. Date of birth: approximately 1963. Place of birth: Arghandaab district, Kandahar province, Afghanistan. Nationality: Afghan. Other information: (a) Believed to be in the Afghanistan/Pakistan border area, (b) Member of the Taliban's leadership Council as of May 2007.'

- (3) The entry 'Abdul Qadeer. Title: General. Function: Military Attaché, Taliban "Embassy", Islamabad, Pakistan. Date of birth: 1964. Place of birth: Nangarhar, Afghanistan. Nationality: Afghan. Passport No: D 000974 (Afghan passport)' under the heading 'Natural persons' shall be replaced by:

'Abdul Qadeer **Abdul Baseer**. Title: (a) General, (b) Maulavi. Function: Military Attaché, Taliban "Embassy", Islamabad, Pakistan. Date of birth: 1964. Place of birth: Nangarhar, Afghanistan. Nationality: Afghan. Passport No: D 000974 (Afghan passport). Other information: repatriated to Afghanistan in February 2006.'

- (4) The entry 'Mutawakil, Abdul Wakil (Minister of Foreign Affairs)' under the heading 'Natural persons' shall be replaced by:

'Wakil Ahmad Mutawakil **Abdul Ghaffar** (*alias* Abdul Wakil Mutawakil). Title: Maulavi. Function: Minister of Foreign Affairs of the Taliban regime. Address: Spin Kalay intersection, Khan Mina district Ward, Khoshhal, Kabul, Afghanistan. Date of birth: 1970. Place of birth: Maiwand district, Kandahar province, Afghanistan. Passport No: (a) OR 35914 (Afghan passport issued 26.8.2005 valid until 27.3.2008). National identification No: 615565. Nationality: Afghan.'

- (5) The entry 'Hottak, M. Musa, Maulavi (Deputy Minister of Planning)' under the heading 'Natural persons' shall be replaced by:

'Mohammad Musa Hottak **Abdul Mehdi**. Title: (a) Maulavi, (b) Haji. Function: Deputy Minister of Planning of the Taliban regime. Address: Deh Now District Ward, Kabul, Afghanistan. Date of birth: 1954. Place of birth: Jelrez district, Maidan, Wardak province, Afghanistan. Nationality: Afghan. Other information: (a) Member of Parliament elected from Wardak province, (b) Deputy Head of the Internal Security Committee of Afghanistan parliament as of May 2007.'

- (6) The entry 'Agha, Sayyed Ghiassouddine, Maulavi (Minister of Haj and Religious Affairs)' under the heading 'Natural persons' shall be replaced by:

'Sayyed Ghiassouddine **Agha** (*alias* (a) Sayed Ghias, (b) Sayed Ghiasuddin Sayed Ghousuddin, (c) Sayyed Ghayasudin). Title: Maulavi. Function: (a) Minister of Haj and Religious Affairs of the Taliban regime, (b) Education Minister of the Taliban regime. Date of birth: Between 1958 and 1963. Place of birth: Faryab province, Afghanistan. Nationality: Afghan. Other information: Taliban member responsible for Faryab province, Afghanistan as of May 2007.'

- (7) The entry 'Ahmadulla, Qari (Minister of Security (Intelligence))' under the heading 'Natural persons' shall be replaced by:

'Ahmadullah (*alias* Ahmadulla) Title: Qari. Function: Minister of Security (Intelligence) of the Taliban regime. Date of birth: approximately 1975. Place of birth: Qarabagh district, Ghazni province, Afghanistan. Nationality: Afghan.'

- (8) The entry 'Tariq Anwar El-Sayed **Ahmed** (*alias* (a) Hamdi Ahmad Farag, (b) Amr al-Fatih Fathi). Date of birth: 15.3.1963. Place of birth: Alexandria, Egypt.' under the heading 'Natural persons' shall be replaced by:

'Tariq Anwar El Sayed **Ahmed** (*alias* (a) Hamdi Ahmad Farag, (b) Amr Al-Fatih Fathi). Date of birth: 15.3.1963. Place of birth: Alexandria, Egypt. Other information: reportedly deceased in October 2001.'

- (9) The entry 'Bari, Abdul, Maulavi (Governor of Helmand Province)' under the heading 'Natural persons' shall be replaced by:

'Abdul Bari **Akhund** (*alias* Haji Mullah Sahib). Title: (a) Maulavi, (b) Mullah. Function: Governor of Helmand Province under the Taliban regime. Date of birth: approximately 1953. Place of birth: Helmand province, Afghanistan. Nationality: Afghan. Other information: (a) Member of a seven member Taliban leadership committee in Kandahar, Afghanistan, as of May 2007, (b) Believed to be in the Afghanistan/Pakistan border area.'

- (10) The entry 'Akhund, Hadji Ubaidullah, Mullah (Minister of Defence)' under the heading 'Natural persons' shall be replaced by:

'Ubaidullah **Akhund** (*alias* (a) Obaidullah Akhund, (b) Obaid Ullah Akhund). Title (a) Mullah, (b) Hadji, (c) Maulavi. Function: Minister of Defence of the Taliban regime. Date of birth: approximately 1968. Place of birth: Kandahar province, Afghanistan. Nationality: Afghan. Other information: (a) One of the deputies of Mullah Omar, (b) Member of the Taliban's leadership, in charge of military operations.'

- (11) The entry 'Al-Jaziri, Abu Bakr; nationality: Algerian; address: Peshawar, Pakistan — affiliated with Afghan Support Committee' under the heading 'Natural persons' shall be replaced by:

'Abu Bakr **Al-Jaziri** (*alias* Yasir Al-Jazari). Nationality: (a) Algerian, (b) Palestinian; Address: Peshawar, Pakistan. Other information: (a) Affiliated with Afghan Support Committee (ASC), (b) Al-Qaida facilitator and communication expert.'

- (12) The entry 'Ahmad Fadil Nazal Al-Khalayleh (*alias* (a) Abu Musab Al-Zarqawi; (b) Muhannad; (c) Al-Muhajer; (d) Garib, (e) Abou Musaab El Zarquawi, (f) Ahmed Fad Al Nazzar Khalaylah Said, (g) Al Zarqawi Abu Musa'ab, (h) Al Zarqawi Abu Musab, (i) Al Zarqawi Ahmed Fad Al Nazzar Khalaylah Said Abu Musab, (j) Alkhalayleh Ahmed, (k) Azzarkaoui Abou Moussab, (l) El Zarquawi Abu Musaab, (m) Zarkaoui Abou Moussaab, (n) Abu Ahmad, (o) Abu Ibrahim). Date of birth: (a) 30.10.1966, (b) 20.10.1966. Place of birth: (a) Al-Zarqaa, Jordan, (b) Al Zarqa, Jordan (c) Al Zarquaa, Jordan. Passport No: (a) Z 264958 (Jordanian passport issued on 4.4.1999 in Al Zarqaa, Jorda), (b) 1433038 (Jordanian identity card issued on 4.4.1999 in Al Zarqaa, Jordan). Other information: Reportedly deceased.' under the heading 'Natural persons' shall be replaced by:

'Ahmad Fadil Nazal **Al-Khalayleh** (*alias* (a) Abu Musab Al-Zarqawi, (b) Muhannad, (c) Al-Muhajer, (d) Garib). Date of birth: 30.10.1966. Place of birth: Al-Zarqaa, Jordan. Other information: reportedly deceased in June 2006.'

- (13) The entry 'Aiman Muhammed Rabi **Al-Zawahiri** (*alias* (a) Ayman Al-Zawahari, (b) Ahmed Fuad Salim, (c) Al Zawahry Aiman Mohamed Rabi Abdel Muaz, (d) Al Zawahiri Ayman, (e) Abdul Qader Abdul Aziz Abdul Moez Al Doctor, (f) Al Zawahry Aiman Mohamed Rabi, (g) Al Zawahry Aiman Mohamed Rabie, (h) Al Zawahry Aiman Mohamed Robi, (i) Dhawahri Ayman, (j) Eddaouahiri Ayman, (k) Nur Al Deen Abu Mohammed, (l) Abu Fatma, (m) Abu Mohammed); Title: (a) Doctor, (b) Dr. Date of birth: 19.6.1951. Place of birth: Giza, Egypt. Passport No: (a) 1084010 (Egypt), (b) 19820215. Nationality: thought to be an Egyptian national. Other information: (a) Operational and Military Leader of Jihad Group, (b) former leader of Egyptian Islamic Jihad, (c) close associate of Usama Bin Laden' under the heading 'Natural persons' shall be replaced by:

'Aiman Muhammed Rabi **Al-Zawahiri** (*alias* (a) Ayman Al-Zawahari, (b) Ahmed Fuad Salim). Title: Doctor. Date of birth: 19.6.1951. Place of birth: Giza, Egypt. Nationality: thought to be an Egyptian national. Passport No: (a) 1084010 (Egypt), (b) 19820215. Other information: (a) Former operational and military leader of Egyptian Islamic Jihad Group, now a close associate of Usama Bin Laden, (b) Lives in the Afghanistan/Pakistan border area.'

- (14) The entry 'Asem, Sayed Esmatullah, Maulavi (Deputy Minister of Preventing Vice and Propagating Virtue)' under the heading 'Natural persons' shall be replaced by:

'Sayed Esmatullah **Asem** (*alias* Esmatullah Asem). Title: Maulavi. Function: (a) Deputy Minister of Preventing Vice and Propagating Virtue of the Taliban regime, (b) Secretary General of the Afghan Red Crescent Society (ARCS) under the Taliban regime. Date of birth: approximately 1967. Place of birth: Ningarhar province, Afghanistan. Nationality: Afghan. Other information: (a) Member of the Taliban's leadership as of May 2007, (b) Believed to be in the Afghanistan/Pakistan border area.'

- (15) The entry 'Muhsin Moussa Matwalli **Atwah Dewedar** (*alias* (a) Al-Muhajir, Abdul Rahman; (b) Al-Namer, Mohammed K.A.; (c) Abdel Rahman; (d) Abdul Rahman) Date of birth: 19.6.1964. Place of birth: Dakahliya, Egypt. Nationality: Egyptian. Other information: Afghanistan.' under the heading 'Natural persons' shall be replaced by:

'Muhsin Moussa Matwalli **Atwah Dewedar** (*alias* (a) Al-Muhajir, Abdul Rahman, (b) Al-Namer, Mohammed K.A., (c) Abdel Rahman, (d) Abdul Rahman). Date of birth: 19.6.1964. Place of birth: Dakahliya, Egypt. Nationality: Egyptian. Other information: reportedly deceased in April 2006.'

- (16) The entry 'Baradar, Mullah (Deputy, Minister of Defence)' under the heading 'Natural persons' shall be replaced by:

'Abdul Ghani **Baradar** (*alias* Mullah Baradar Akhund). Title: Mullah. Function: Deputy, Minister of Defence of the Taliban regime. Date of birth: Approximately 1968. Place of birth: Weetmak village, Dehrawood district, Uruzgan province, Afghanistan. Nationality: Afghan. Other information: (a) Belongs to Popalzai tribe, (b) Senior Taliban military commander and member of Taliban "Quetta Council" as of May 2007, (c) Believed to be in the Afghanistan/Pakistan border area.'

- (17) The entry 'Ramzi Mohamed Abdullah **Binalshibh** (*alias* (a) Binalsheidah, Ramzi Mohamed Abdullah, (b) Bin al Shibh, Ramzi, (c) Omar, Ramzi Mohamed Abdellah, (d) Mohamed Ali Abdullah Bawazir, (e) Binalshibh Ramzi Mohammed Abdullah, (f) Ramzi Binalshib, (g) Ramzi Mohamed Abdellah Omar Hassan Alassiri, (h) Binalshibh Ramsi Mohamed Abdullah, (i) Ramzi Omar). Date of birth: (a) 1.5.1972, (b) 16.9.1973, (c) 15.7.1975. Place of birth: (a) Gheil Bawazir, Hadramawt, Yemen, (b) Khartoum, Sudan. Nationality: (a) Yemen, (b) Sudan. Passport No: 00085243 (issued on 17.11.1997 in Sanaa, Yemen). Other information: arrested in Karachi, Pakistan, on 30.9.2002.' under the heading 'Natural persons' shall be replaced by:

'Ramzi Mohamed Abdullah **Binalshibh** (*alias* (a) Binalsheidah, Ramzi Mohamed Abdullah, (b) Bin Al Shibh, Ramzi, (c) Omar, Ramzi Mohamed Abdellah, (d) Mohamed Ali Abdullah Bawazir, (e) Binalshibh Ramzi Mohammed Abdullah, (f) Ramzi Binalshib, (g) Ramzi Mohamed Abdellah Omar Hassan Alassiri, (h) Binalshibh Ramsi Mohamed Abdullah, (i) Abu Ubaydah, (j) Umar Muhammad "Abdallah Ba" Amar, (k) Ramzi Omar). Date of birth: (a) 1.5.1972, (b) 16.9.1973, (c) 15.7.1975. Place of birth: (a) Gheil Bawazir, Hadramawt, Yemen, (b) Khartoum, Sudan. Nationality: (a) Yemen, (b) Sudan. Passport No: 00085243 (issued on 17.11.1997 in Sanaa, Yemen). Other information: (a) Arrested in Karachi, Pakistan, on 30.9.2002, (b) In custody of the United States of America, as of July 2007.'

- (18) The entry 'Rahmani, Arsalan, Maulavi (Deputy Minister of Higher Education)' under the heading 'Natural persons' shall be replaced by:

'Arsalan Rahmani Mohammad **Daulat** (*alias* Arsala Rahmani). Title: Maulavi. Function: Deputy Minister of Higher Education of the Taliban regime. Address: Dehbori district Ward, Kabul, Afghanistan. Date of birth: 1941. Place of birth: Khaleqdad village, Urgon district, Paktika province, Afghanistan. National identification No: 106517. Nationality: Afghan. Other information: (a) Member of the Upper House (Mashrano Jerga) of the Afghan Parliament, (b) Head of the Education and Religious Committee of the House as of May 2007.'

- (19) The entry 'Delawar, Shahabuddin, Maulavi (Deputy of High Court)' under the heading 'Natural persons' shall be replaced by:

'Shahabuddin **Delawar**. Title: Maulavi. Function: Deputy of High Court of the Taliban regime. Date of birth: 1957. Place of birth: Logar province, Afghanistan. Nationality: Afghan. Other information: believed to be in the Afghanistan/Pakistan border area.'

- (20) The entry 'Mohammad, Dost, Mullah (Governor of Ghazni Province)' under the heading 'Natural persons' shall be replaced by:

'Dost Mohammad (*alias* Doost Mohammad). Title: (a) Mullah, (b) Maulavi. Function: Governor of Ghazni Province under the Taliban regime. Date of birth: Between 1968 and 1973. Place of birth: Daman district, Kandahar province, Afghanistan. Nationality: Afghan. Other information: (a) One the Taliban military commanders as of May 2007, (b) Believed to be in the Afghanistan/Pakistan border area.'

- (21) The entry 'Elmi, Mohammad Azam, Maulavi (Deputy Minister of Mines and Industries)' under the heading 'Natural persons' shall be replaced by:

'Mohammad Azam **Elmi**. Title: Maulavi. Function: Deputy Minister of Mines and Industries of the Taliban regime. Date of birth: approximately 1968. Nationality: Afghan. Other information: reportedly deceased in 2005.'

- (22) The entry 'Ezatullah, Maulavi (Deputy Minister of Planning)' under the heading 'Natural persons' shall be replaced by:

'**Ezatullah**. Title: Maulavi. Function: Deputy Minister of Planning of the Taliban regime. Date of birth: approximately 1957. Place of birth: Laghman province, Afghanistan. Nationality: Afghan. Other information: believed to be in the Afghanistan/Pakistan border area.'

- (23) The entry 'Ahmed Khalfan Ghailani (aka Ahmed the Tanzanian; aka Foopie; aka Fupi; aka Ahmad, Abu Bakr; aka Ahmed, A; aka Ahmed, Abubakar; aka Ahmed, Abubakar K.; aka Ahmed, Abubakar Khalfan; aka Ahmed, Abubakary K.; aka Ahmed, Ahmed Khalfan; aka Al Tanzani, Ahmad; aka Ali, Ahmed Khalfan; aka Bakr, Abu; aka Ghailani, Abubakary Khalfan Ahmed; aka Ghailani, Ahmed; aka Ghilani, Ahmad Khalafan; aka Hussein, Mahafudh Abubakar Ahmed Abdallah; aka Khabar, Abu; aka Khalfan, Ahmed; aka Mohammed, Shariff Omar); born 14.3.1974 or 13.4.1974 or 14.4.1974 or 1.8.1970, Zanzibar, Tanzania; citizen Tanzania.' under the heading 'Natural persons' shall be replaced by:

'Ahmed Khalfan **Ghailani** (*alias* (a) Ahmad, Abu Bakr, (b) Ahmed, Abubakar, (c) Ahmed, Abubakar K., (d) Ahmed, Abubakar Khalfan, (e) Ahmed, Abubakary K., (f) Ahmed, Ahmed Khalfan, (g) Ali, Ahmed Khalfan, (h) Ghailani, Abubakary Khalfan Ahmed, (i) Ghailani, Ahmed, (j) Ghilani, Ahmad Khalafan, (k) Hussein, Mahafudh Abubakar Ahmed Abdallah, (l) Khalfan, Ahmed, (m) Mohammed, Shariff Omar, (n) Haytham al-Kini, (o) Ahmed The Tanzanian, (p) Foopie, (q) Fupi, (r) Ahmed, A, (s) Al Tanzani, Ahmad, (t) Bakr, Abu, (u) Khabar, Abu). Date of birth: (a) 14.3.1974, (b) 13.4.1974, (c) 14.4.1974, (d) 1.8.1970. Place of birth: Zanzibar, Tanzania. Nationality: Tanzania. Other information: apprehended in July 2004 and in custody of the United States of America, as of July 2007.'

- (24) The entry 'Nuristani, Rostam, Maulavi (Deputy Minister of Public Works)' under the heading 'Natural persons' shall be replaced by:

'Rustum Hanafi **Habibullah** (*alias* Rostam Nuristani). Title: Maulavi. Function: Deputy Minister of Public Works of the Taliban regime. Date of birth: approximately 1963. Place of birth: Dara Kolum, Do Aab district, Nuristan province, Afghanistan. Nationality: Afghan. Other information: Taliban member in charge of Nuristan province, Afghanistan, as of May 2007.'

- (25) The entry 'Haqani, Djallalouddine, Maulavi (Minister of Frontier Affairs)' under the heading 'Natural persons' shall be replaced by:

'Jallalouddine **Haqani** (*alias* (a) Jalaluddin Haqani, (b) Jallalouddin Haqqani). Title: Maulavi. Function: Minister of Frontier Affairs of the Taliban regime. Date of birth: approximately 1942. Place of birth: Khost province, Zadran district, Afghanistan. Nationality: Afghan. Other information: (a) He is an active Taliban leader, (b) Believed to be in the Afghanistan/Pakistan border area.'

- (26) The entry 'Haqani, Sayeedur Rahman, Maulavi (Deputy Minister of Mines and Industries)' under the heading 'Natural persons' shall be replaced by:

'Sayeedur Rahman **Haqani** (*alias* Sayed Urrahman). Title: Maulavi. Function: Deputy Minister of Mines and Industries of the Taliban regime. Date of birth: approximately 1952. Place of birth: Kunar province, Afghanistan. Nationality: Afghan. Other information: from Laghman Province, Afghanistan.'

- (27) The entry 'Haqqani, Mohammad Salim, Maulavi (Deputy Minister of Preventing Vice and Propagating Virtue)' under the heading 'Natural persons' shall be replaced by:

'Mohammad Salim **Haqqani**. Title: Maulavi. Function: Deputy Minister of Preventing Vice and Propagating Virtue of the Taliban regime. Date of birth: Approximately 1967. Nationality: Afghan. Other information: from Laghman province.'

- (28) The entry 'Haqqani, Moslim, Maulavi (Deputy Minister of Haj and Religious Affairs)' under the heading 'Natural persons' shall be replaced by:

'Moslim **Haqqani**. Title: Maulavi. Function: (a) Deputy Minister of Haj and Religious Affairs of the Taliban regime, (b) Deputy Minister of Higher Education of the Taliban regime. Date of birth: approximately 1958. Place of birth: Baghlan province, Afghanistan. Nationality: Afghan. Other information: (a) Ethnic Pashtun from Baghlan province, (b) Believed to be in the Afghanistan/Pakistan border area.'

- (29) The entry 'Sayyed Mohammed **Haqqani**. Title: Maulavi. Nationality: Afghan. Other information: (a) Director of Administrative Affairs (Taliban regime), (b) Graduate of the Haqqaniya Madrassa in Pakistan.' under the heading 'Natural persons' shall be replaced by:

'Sayyed Mohammed **Haqqani**. (*alias* Sayyed Mohammad Haqqani). Title: Mullah. Function: (a) Director of Administrative Affairs of the Taliban regime, (b) Head of Information and Culture in Kandahar province during the Taliban regime. Date of birth: approximately 1965. Place of birth: Kandahar Province, Afghanistan. Nationality: Afghan. Other information: (a) Graduate of the Haqqaniya Madrassa in Pakistan, (b) Believed to have had close relations with Taliban leader Mullah Mohammad Omar, (b) Believed to be in the Afghanistan/Pakistan border area.'

- (30) The entry 'Zayn al-Abidin Muhammad Hussein (*alias* (a) Abu Zubaida, (b) Abd Al-Hadi Al-Wahab, (c) Zain Al-Abidin Muhahhad Husain, (d) Zayn Al-Abidin Muhammad Husayn, (e) Zeinulabideen Muhammed Husein Abu Zubeidah, (f) Abu Zubaydah, (g) Tariq). Date of birth: 12.3.1971. Place of birth: Riyadh, Saudi Arabia. Nationality: Palestinian. Passport No: 484824 (Egyptian passport issued on 18.1.1984 at the Egyptian Embassy in Riyadh). Other information: Close associate of Usama Bin Laden and facilitator of terrorist travel.' under the heading 'Natural persons' shall be replaced by:

'Zayn Al-Abidin Muhammad **Hussein** (*alias* (a) Abu Zubaida, (b) Abd Al-Hadi Al-Wahab, (c) Zain Al-Abidin Muhahhad Husain, (d) Zayn Al-Abidin Muhammad Husayn, (e) Zeinulabideen Muhammed Husein Abu Zubeidah, (f) Abu Zubaydah, (g) Tariq Hani). Date of birth: 12.3.1971. Place of birth: Riyadh, Saudi Arabia. Nationality: Palestinian. Passport No: 484824 (Egyptian passport issued on 18.1.1984 at the Egyptian Embassy in Riyadh). Other information: (a) Close associate of Usama Bin Laden and facilitator of terrorist travel, (b) In custody of the United States of America as of July 2007.'

- (31) The entry 'Haqqani, Najibullah, Maulavi (Deputy Minister of Public Works)' under the heading 'Natural persons' shall be replaced by:

'Najibullah Haqqani **Hydayetullah** (*alias* Najibullah Haqqani). Title: Maulavi. Function: (a) Deputy Minister of Public Works of the Taliban regime, (b) Deputy Minister of Finance of the Taliban regime. Date of birth: approximately 1964. Nationality: Afghan. Other information: (a) From Eastern Afghanistan, (b) Member of Taliban "Council" in Kunar province, Afghanistan, as of May 2007, (c) Cousin of Moulavi Noor Jalal.'

- (32) The entry 'Nurjaman Riduan Isamuddin (*alias* (a) Hambali, (b) Nurjaman, (c) Isomuddin, Nurjaman Riduan, (d) Hambali Bin Ending, (e) Encep Nurjaman, (f) Hambali Ending Hambali, (g) Isamuddin Riduan, (h) Isamudin Ridwan). Date of birth: 4.4.1964. Place of birth: Cianjur, West Java, Indonesia. Nationality: Indonesian. Other information: born: Encep Nurjaman.' under the heading 'Natural persons' shall be replaced by:

'Nurjaman Riduan **Isamuddin** (*alias* (a) Hambali, (b) Nurjaman, (c) Isomuddin, Nurjaman Riduan, (d) Hambali Bin Ending, (e) Encep Nurjaman, (f) Hambali Ending Hambali, (g) Isamuddin Riduan, (h) Isamudin Ridwan). Date of birth: 4.4.1964. Place of birth: Cianjur, West Java, Indonesia. Nationality: Indonesian. Other information: (a) Born: Encep Nurjaman, (b) In custody of the United States of America, as of July 2007.'

- (33) The entry 'Jamal, Qudratullah, Maulavi (Minister of Information)' under the heading 'Natural persons' shall be replaced by:

'Qudratullah **Jamal** (*alias* Haji Sahib). Title: Maulavi. Function: Minister of Information of the Taliban regime. Date of birth: Approximately 1963. Place of birth: Gardez, Paktia province, Afghanistan. Nationality: Afghan. Other information: believed to be in the Afghanistan/Pakistan border area.'

- (34) The entry 'Rahamatullah **Kakazada**. Title: Maulavi. Function: Consul General, Taliban "Consulate General", Karachi, Pakistan. Date of birth: 1968. Place of birth: Ghazni, Afghanistan. Nationality: Afghan. Passport No: D 000952 (issued on 7.1.1999).' under the heading 'Natural persons' shall be replaced by:

'Rahamatullah **Kakazada** (*alias* (a) Rehmatullah, (b) Kakazada, (c) Mullah Nasir). Title: (a) Maulavi, (b) Mullah. Function: Consul General, Taliban "Consulate General", Karachi, Pakistan. Date of birth: 1968. Place of birth: Ghazni, Afghanistan. Nationality: Afghan. Passport No: D 000952 (Afghan passport issued on 7.1.1999). Other information: Taliban "Governor" of the province of Ghazni, Afghanistan, as of May 2007.'

- (35) The entry 'Khaksar, Abdul Samad, Mullah (Deputy (Security) Minister of Interior Affairs)' under the heading 'Natural persons' shall be replaced by:

'Abdul Samad **Khaksar**. Title: (a) Mullah, (b) Maulavi. Function: Deputy (Security) Minister of Interior Affairs of the Taliban regime. Address: Kandahar province, Afghanistan. Date of birth: between 1958 and 1963. Place of birth: Kandahar, Afghanistan. Nationality: Afghan. Other information: reportedly deceased in January 2006.'

- (36) The entry 'Ahmed Said Zaki Khedr (*alias* (a) Ahmed Said Al Kader, (b) Al-Kanadi, Abu Abd Al-Rahman). Date of birth: 1.3.1948. Place of birth: Cairo, Egypt. Nationality: Canadian.' under the heading 'Natural persons' shall be replaced by:

'Ahmed Said Zaki **Khedr** (*alias* (a) Ahmed Said Al Kader, (b) Abdul Rehman Khadr Al-Kanadi, (c) Shaikh Said Abdul Rehman, (d) Al-Kanadi, Abu Abd Al-Rahman). Date of birth: 1.3.1948. Place of birth: Cairo, Egypt. Nationality: Canadian. Other information: reportedly deceased in October 2003.'

- (37) The entry 'Razaq, Abdul, Mullah (Minister of Interior Affairs)' under the heading 'Natural persons' shall be replaced by:

'Abdul Razaq Akhund **Lala Akhund**. Title: Mullah. Function: (a) Minister of Interior Affairs of the Taliban regime, (b) Chief of Kabul police under the Taliban regime. Date of birth: approximately 1958. Place of birth: Spin Boldak District, Kandahar province, Afghanistan, in the area bordering Chaman district, Quetta, Pakistan. Other information: believed to be in Afghanistan/Pakistan border area.'

- (38) The entry 'Madani, Zia-ur-Rahman, Maulavi (Governor of Logar Province)' under the heading 'Natural persons' shall be replaced by:

'Zia-ur-Rahman **Madani** (*alias* (a) Ziaurrahman Madani, (b) Zaia u Rahman Madani, (c) Madani Saheb) Title: Maulavi. Function: Governor of Logar Province under the Taliban regime. Date of birth: approximately 1960. Place of birth: Taliqan, Takhar province, Afghanistan. Nationality: Afghan. Other information: in charge of Taliban's military affairs in Takhar province, Afghanistan, as of May 2007.'

- (39) The entry 'Habibullah **Faizi**. Function: Second secretary. Date of birth: 1961. Place of birth: Ghazni, Afghanistan. Nationality: Afghan. Passport No: D 010678 (issued on 19.12.1993)' under the heading 'Natural persons' shall be replaced by:

'Habibullah Fauzi Mohammad **Mangal** (*alias* Habibullah Faizi). Title: Qazi. Function: (a) Second secretary, Taliban "Embassy", Islamabad, Pakistan (b) First Secretary, Taliban "Embassy", Islamabad, Pakistan, (c) "Ambassador" at Large, (d) Head of United Nations Department of the Ministry of Foreign Affairs of the Taliban regime. Address: Dehbori district Ward, Kabul, Afghanistan. Date of birth: 1961. Place of birth: Atal village, Ander district, Ghazni, Afghanistan. Nationality: Afghan. Passport No: (a) D 010678 (Afghan passport issued on 19.12.1993), (b) OR 733375 (Afghan passport issued on 28.6.2005, valid until 2010).'

- (40) The entry 'Mansur, Abdul Latif, Maulavi (Minister of Agriculture)' under the heading 'Natural persons' shall be replaced by:

'Abdul Latif **Mansur** (*alias* Abdul Latif **Mansoor**). Title: Maulavi. Function: Minister of Agriculture of the Taliban regime. Date of birth: approximately 1968. Place of birth: Zurmat district, Paktia province, Afghanistan. Nationality: Afghan. Other information: Member of Taliban "Miram Shah Council", as of May 2007.'

- (41) The entry 'Mustasaed, Mullah (Head of Academy of Sciences)' under the heading 'Natural persons' shall be replaced by:

'Mohammad Husayn **Mustasaed** (*alias* (a) Mohammad Hassan Mastasaed, (b) Mstasaed, (c) Mostas'eed). Title: Mullah. Function: Head of Academy of Sciences under the Taliban regime. Date of birth: approximately 1964. Other information: believed to be in the Afghanistan/Pakistan border area.'

- (42) The entry 'Akhtar Mohammad **Maz-Hari**. Title: Maulavi. Function: Education Attaché, Taliban "Consulate General", Peshawar, Pakistan. Date of birth: 1970. Place of birth: Kunduz, Afghanistan. Nationality: Afghan. Passport No: SE 012820 (issued on 4.11.2000).' under the heading 'Natural persons' shall be replaced by:

'Akhtar Mohammad **Maz-Hari**. Title: Maulavi. Function: Education Attaché, Taliban "Consulate General", Peshawar, Pakistan. Date of birth: 1970. Place of birth: Kunduz, Afghanistan. Nationality: Afghan. Passport No: SE 012820 (Afghan passport issued on 4.11.2000). Other information: reportedly deceased in 2007.'

- (43) The entry 'Wahidyar, Ramatullah (Deputy Minister for Martyrs and Repatriation)' under the heading 'Natural persons' shall be replaced by:

'Rahmatullah Wahidyar Faqir **Mohammad** (*alias* Ramatullah Wahidyar). Function: Deputy Minister for Martyrs and Repatriation of the Taliban regime. Address: Dehbori district Ward, Kabul, Afghanistan. Date of birth: 1957. Place of birth: Kotakhel village, Zormat district, Paktia province, Afghanistan. Nationality: Afghan. National identification No: 110675.'

- (44) The entry 'Abdul **Kabir** (*alias* A. Kabir). Title: Maulavi. Date of birth: between 1958 and 1963. Place of birth: Zardran tribe, Paktja province, Afghanistan. Nationality: Afghan. Other information: (a) Second Deputy, Council of Ministers (Taliban regime), (b) Governor of Nangahar Province, (c) Head of Eastern Zone, (d) active in terrorist operations in Eastern Afghanistan.' under the heading 'Natural persons' shall be replaced by:

'Abdul Kabir **Mohammad Jan** (*alias* A. Kabir). Title: Maulavi. Function: (a) Second Deputy, Economic affairs, Council of Ministers of the Taliban regime, (b) Governor of Nangahar Province under the Taliban regime, (c) Head of Eastern Zone under the Taliban regime. Date of birth: approximately 1963. Place of birth: Zardran tribe, Paktja province, Afghanistan. Nationality: Afghan. Other information: Active in terrorist operations in Eastern Afghanistan, (b) Believed to be in the Afghanistan/Pakistan border area.'

- (45) The entry 'Islam, Muhammad (Governor of Bamiyan Province)' under the heading 'Natural persons' shall be replaced by:

'Muhammad Islam **Mohammadi**. Function: Governor of Bamiyan Province, Afghanistan. Date of birth: between 1953 and 1958. Place of birth: Rori-Du-Aab district, Samangan province, Afghanistan. Nationality: Afghan. Other information: reportedly deceased in 2007.'

- (46) The entry 'Mujahid, Abdul Hakim, Taliban envoy to the United Nations' under the heading 'Natural persons' shall be replaced by:

'Abdul Hakim Mujahid **Moh Aurang** (*alias* Abdul Hakim Mojahed). Title: Maulavi. Function: Taliban "envoy" to the United Nations. Address: Dehbori district Ward, Kabul, Afghanistan. Date of birth: 1956. Place of birth: Khajakhel village, Sharan district, Paktika province, Afghanistan. Nationality: Afghan. National identification No: 106266.'

- (47) The entry 'Tayeb, Haji Alla Dad, Mullah (Deputy Minister of Communication)' under the heading 'Natural persons' shall be replaced by:

'Allah Dad Tayeb Wali **Muhammad** (*alias* (a) Allah Dad Tayyab, (b) Allah Dad Tabeeb). Title: (a) Mullah, (b) Haji. Function: Deputy Minister of Communication of the Taliban regime. Date of birth: approximately 1963. Place of birth: Kandahar city, Afghanistan. Nationality: Afghan.'

- (48) The entry 'Abdul Hakim Monib. Title: Maulavi. Function: Deputy Minister of Frontier Affairs. Date of birth: Between 1973 and 1976. Place of birth: Zurmat district, Paktia province, Afghanistan. Nationality: Afghan. Other information: Renounced the Taliban and joined the government representing the Zurmat district in the Loya Jirga.' under the heading 'Natural persons' shall be replaced by:

'Abdul Hakim Monib Mohammad **Nazar**. Title: Maulavi. Function: Deputy Minister of Frontier Affairs of the Taliban regime. Address: (a) Hazarkhel village, Zormat district, Paktia province, Afghanistan, (b) Uruzgan province, Afghanistan. Date of birth: 1974. Place of birth: Hazarkhel village, Zurmat district, Paktia province, Afghanistan. Nationality: Afghan. Passport No: D 004548 (Afghan passport). National identification No: 22273. Other information: (a) Renounced the Taliban and joined the government representing the Zurmat district in the Loya Jirga, (b) Governor of Uruzgan province, Afghanistan, as of May 2007.'

- (49) The entry 'Nyazi, Manan, Mullah (Governor of Kabul Province)' under the heading 'Natural persons' shall be replaced by:

'Abdul Manan **Nyazi** (*alias* (a) Abdul Manan **Nayazi**, (b) Abdul Manan **Niazi**, (c) Baryaly, (d) Baryalai). Title: Mullah. Function: Governor of Kabul Province under the Taliban regime. Date of birth: approximately 1968. Place of birth: Pashtoon Zarghoon district, Herat province, Afghanistan. Nationality: Afghan. Other information: believed to be in the Afghanistan/Pakistan border area.'

- (50) The entry 'Paktis, Abdul Satar, Dr, (Protocol Dept, Ministry of Foreign Affairs)' under the heading 'Natural persons' shall be replaced by:

'Abdul Satar **Paktin** (*alias* (a) Abdul Sattar Paktis). Title: Doctor. Function: (a) Protocol Dept., Ministry of Foreign Affairs of the Taliban regime, (b) Deputy Minister of Public Health of the Taliban regime. Address: Charkh District, Logar Province, Afghanistan. Place of birth: Paktia, Afghanistan. Nationality: Afghan. Other information: apprehended in 2005 and repatriated to Afghanistan.'

- (51) The entry 'Hanafi, Mohammad Nasim, Mullah (Deputy Minister of Education)' under the heading 'Natural persons' shall be replaced by:

'Abdul Salam Hanafi Ali Mardan **Qul** (*alias* (a) Abdussalam Hanifi, (b) Hanafi Saheb). Title: (a) Mullah, (b) Maulavi. Function: Deputy Minister of Education of the Taliban regime. Date of birth: Approximately 1968. Place of birth: Darzab district, Faryab district, Afghanistan. Nationality: Afghan. Other information: Taliban member responsible for Jawzjan province, Afghanistan as of May 2007.'

- (52) The entry 'Faizan, Faiz Mohammad, Maulavi (Deputy Minister of Commerce)' under the heading 'Natural persons' shall be replaced by:

'Fazl Mohammad Faizan **Qamaruddin** (*alias* Faiz Mohammad Faizan). Title: Maulavi. Function: Deputy Minister of Commerce of the Taliban regime. Address: Khair Kot district, Paktika province, Afghanistan. Date of birth: 1969. Place of birth: Khair Kot district, Paktika province, Afghanistan. Nationality: Afghan. Other information: Election registration card number is 07503858.'

- (53) The entry 'Qurishi, Abdul Ghafar, Maulavi (Repatriation Attaché, Taliban 'Embassy', Islamabad)' under the heading 'Natural persons' shall be replaced by:

'Abdul Ghafar **Qurishi** (*alias* Abdul Ghaffar Qureshi). Title: Maulavi. Function: Repatriation Attaché, Taliban "Embassy", Islamabad. Nationality: Afghan.'

- (54) The entry 'Al-Haq, Amin (aka Amin, Muhammad; aka Ah Haq, Dr Amin; aka Ul-Haq, Dr Amin); born 1960, Nangahar Province, Afghanistan' under the heading 'Natural persons' shall be replaced by:

'Amin Muhammad Ul Haq **Saam Khan** (*alias* (a) Al-Haq, Amin, (b) Amin, Muhammad, (c) Dr Amin, (d) Ul-Haq, Dr Amin). Date of birth: 1960. Place of birth Nangahar Province, Afghanistan. Nationality: Afghan. Other information: (a) Security coordinator for Usama bin Laden, (b) Repatriated to Afghanistan in February 2006.'

- (55) The entry 'Qalamudin Muhmand (*alias* Qalamuddin). Title: Maulavi. Date of birth: between 1958 and 1963. Place of birth: Ningarhar province, Afghanistan. Nationality: Afghan. Other information: (a) Deputy Minister of Haj Affairs (Taliban regime), (b) Head of Olympic Committee, (c) was in custody in July 2003 in Kabul, Afghanistan.' under the heading 'Natural persons' shall be replaced by:

'Qalamudin **Sar Andaz** (*alias* Qalamuddin). Title: Maulavi. Function: (a) Deputy Minister of Haj Affairs of the Taliban regime, (b) Head of Olympic Committee of the Taliban regime. Address: Baraki Barak district, Logar province, Afghanistan. Date of birth: Between 1958 and 1963. Place of birth: Baraki Barak district, Logar province, Afghanistan. Nationality: Afghan. Other information: in July 2003 he was in custody in Kabul, Afghanistan. Released from jail in 2005.'

- (56) The entry 'Mansour, Akhtar Mohammad (Minister of Civil Aviation and Transportation)' under the heading 'Natural persons' shall be replaced by:

'Akhtar Mohammad Mansour **Shah Mohammed** (*alias* (a) Akhtar Mohammad Mansour Khan Muhammad, (b) Akhtar Muhammad Mansoor, (c) Akhtar Mohammad Mansoor). Title: (a) Maulavi, (b) Mullah. Function: Minister of Civil Aviation and Transportation of the Taliban regime. Date of birth: Approximately 1960. Place of birth: (a) Kandahar, Afghanistan, (b) Kalanko Joftian, Zurmat district, Paktia province, Afghanistan. Nationality: Afghan. Other information: (a) Repatriated to Afghanistan in September 2006, (b) Member of Taliban leadership, (c) active in the provinces of Khost, Paktia and Paktika, Afghanistan as of May 2007; Taliban "Governor" of Kandahar as of May 2007.'

- (57) The entry 'Nazirullah **Aanafi**. Title: Maulavi. Function: Commercial Attaché, Taliban 'Embassy', Islamabad, Pakistan. Date of birth: 1962. Place of birth: Kandahar, Afghanistan. Nationality: Afghan. Passport No: D 000912 (issued on 30.6.1998)' under the heading 'Natural persons' shall be replaced by:

'Nazirullah Aanafi **Waliullah**. Title: (a) Maulavi, (b) Haji. Function: Commercial Attaché, Taliban "Embassy", Islamabad, Pakistan. Date of birth: 1962. Place of birth: Kandahar, Afghanistan. Nationality: Afghan. Passport No: D 000912 (Afghan passport issued on 30.6.1998). Other information: repatriated to Afghanistan in October 2006.'

- (58) The entry 'Abdul Salam **Zaeef**. Title: Mullah. Function: (a) Deputy Minister of Mines and Industries, (b) Ambassador Extraordinary and Plenipotentiary, Taliban "Embassy", Islamabad, Pakistan. Date of birth: 1968. Place of birth: Kandahar, Afghanistan. Nationality: Afghan. Passport No: D 001215 (issued on 29.8.2000)' under the heading 'Natural persons' shall be replaced by:

'Abdul Salam **Zaeef** (*alias* Abdussalam Zaeef). Title: Mullah. Function: (a) Deputy Minister of Mines and Industries of the Taliban regime, (b) Ambassador Extraordinary and Plenipotentiary, Taliban "Embassy", Islamabad, Pakistan. Date of birth: 1968. Place of birth: Kandahar, Afghanistan. Nationality: Afghan. Passport No: D 001215 (Afghan passport issued on 29.8.2000). Other information: apprehended and repatriated to Afghanistan. Released from prison. Living in Kabul as of May 2007.'

- (59) The entry 'Zahed, Abdul Rahman (Deputy Minister of Foreign Affairs)' under the heading 'Natural persons' shall be replaced by:

'Abdul Rahman **Zahed** (*alias* Abdul Rehman Zahid). Title: Mullah. Function: Deputy Minister of Foreign Affairs of the Taliban regime. Date of birth: between 1963 and 1968. Place of birth: Logar province, Kharwar district, Afghanistan. Nationality: Afghan.'

COMMISSION REGULATION (EC) No 970/2007**of 17 August 2007****amending Council Regulation (EC) No 1184/2005 imposing certain specific restrictive measures directed against certain persons impeding the peace process and breaking international law in the conflict in the Darfur region in Sudan**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1184/2005 of 18 July 2005 imposing certain specific restrictive measures directed against certain persons impeding the peace process and breaking international law in the conflict in the Darfur region in Sudan ⁽¹⁾, and in particular Article 9(1)(a) thereof,

Whereas:

- (1) Annex I to Regulation (EC) No 1184/2005 lists the natural or legal persons, entities or bodies covered by the freezing of funds and economic resources under that Regulation.

- (2) On 7 August 2007, the Sanctions Committee of the United Nations Security Council amended the list of persons, entities and bodies to whom the freezing of funds and economic resources should apply. Annex I should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 1184/2005 is hereby amended as set out in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 17 August 2007.

For the Commission

Eneko LANDÁBURU

Director-General for External Relations

⁽¹⁾ OJ L 193, 23.7.2005, p. 9. Regulation as last amended by Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p. 1).

ANNEX

Annex I to Council Regulation (EC) No 1184/2005 is amended as follows:

- (1) The entry 'Gaffar Mohamed ELHASSAN. Title: Major General. Other information: Commander of the Western Military Region for the Sudanese Air Force' shall be replaced by:

'Gaffar Mohammed **Elhassan** (*alias* Gaffar Mohmed **Elhassan**). Title: Major General. Function: Commander of the Western Military Region for the Sudanese Air Force. Date of birth: 24.6.1953.'

- (2) The entry 'Gabril Abdul Kareem BADRI. Other information: Field Commander of the National Movement for Reform and Development' shall be replaced by:

'Gabril Abdul Kareem **Badri** (*alias* Gibril Abdul Kareem **Barey**). Title: General. Function: Field Commander of the National Movement for Reform and Development.'

II

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

DECISIONS

COMMISSION

COMMISSION DECISION

of 1 August 2007

amending Decision 2006/504/EC on special conditions governing certain foodstuffs imported from certain third countries due to contamination risks of these products by aflatoxins as regards almonds and derived products originating in or consigned from the United States of America

(notified under document number C(2007) 3613)

(Text with EEA relevance)

(2007/563/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Commission Decision 2006/504/EC⁽²⁾ establishes special conditions governing certain foodstuffs imported from certain third countries due to contamination risks of these products by aflatoxins.
- (2) The Scientific Committee for Food has noted that aflatoxin B1 is a potent genotoxic carcinogen and, even at extremely low levels, contributes to the risk of liver cancer. Commission Regulation (EC) No 1881/2006 of 19 December 2006 setting maximum levels for certain

contaminants in foodstuffs⁽³⁾ lays down permitted maximum levels of aflatoxins in foodstuffs. However, in 2005 and 2006 an increasing number of notifications through the Rapid Alert System for Feed and Food (RASFF) indicated that those maximum levels have been regularly exceeded in almonds and derived products from the United States of America.

- (3) Such contamination constitutes a threat to public health in the Community. It is therefore appropriate to adopt special measures at Community level.
- (4) The Commission Food and Veterinary Office (FVO) carried out a mission in the United States of America from 11 to 15 September 2006 to assess the control systems in place to prevent aflatoxin contamination levels in almonds intended for export to the Community⁽⁴⁾. That mission revealed the absence of any compulsory legal requirements to control aflatoxin levels in almond production and processing and the inadequacy of the current control system to offer guarantees concerning the compliance of exported products with Community standards. Furthermore, it showed the inadequacy of the laboratories visited to provide any guarantees for exports and demonstrated failures to comply with almost all aspects of EN ISO/IEC 17025 on 'General requirements for the competence of testing and calibration laboratories'.

⁽¹⁾ OJ L 31, 1.2.2002, p. 1. Regulation as last amended by Commission Regulation (EC) No 575/2006 (OJ L 100, 8.4.2006, p. 3).

⁽²⁾ OJ L 199, 21.7.2006, p. 21. Decision as amended by Decision 2007/459/EC (OJ L 174, 4.7.2007, p. 8).

⁽³⁾ OJ L 364, 20.12.2006, p. 5.

⁽⁴⁾ Report of a mission carried out in the United States of America from 11 to 15 September 2006 in order to assess the control systems in place to control aflatoxin contamination in almonds intended for export to the European Union (DG (SANCO)/8300/2006 — MR).

- (5) In response to that FVO report, the United States of America announced its intention to undertake action to address those shortcomings. However, the proposed action is insufficient to provide guarantees for compliance of future shipments of almonds with Community legislation on aflatoxins, in particular due to the voluntary nature of the aflatoxin control system. It is therefore appropriate to subject almonds and derived products originating in or consigned from the United States of America to strict conditions in order to provide a high level of protection to public health.
- (6) In the interest of public health, all consignments of almonds and derived products imported into the Community from the United States of America should be subjected to sampling and analysis for aflatoxin levels by the competent authority of the importing Member State, prior to release onto the market insofar as they are not covered by the Voluntary Aflatoxin Sampling Plan set up by the Almond Board of California in May 2006 (VASP). The consignments covered by the VASP should be accompanied by a health certificate and made subject to random sampling and analysis at the point of import into the Community. The measures will be reviewed within one year on the basis of the reports by the Member States and additional guarantees provided by the competent authorities of the United States of America.
- (7) Decision 2006/504/EC should therefore be amended accordingly.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2006/504/EC is amended as follows:

1. in Article 1:

- (a) the first paragraph is replaced by the following:

'This Decision shall apply to the foodstuffs referred to in points (a) to (g) and to processed and compound foodstuffs derived from or containing a significant amount of the foodstuffs referred to in points (b) to (g). However, it shall not apply to consignments of foodstuffs with a gross weight not exceeding 5 kg.;

- (b) in the second paragraph:

— the first sentence is replaced by the following:

'Foodstuffs shall be considered as containing a significant amount of the foodstuffs referred to in

points (b) to (g), where they are present therein in a quantity of at least 10 %;'

— the following points (f) and (g) are added:

'(f) The following foodstuffs originating in or consigned from the United States of America, which are covered by the Voluntary Aflatoxin Sampling Plan set up by the Almond Board of California in May 2006 (the Voluntary Aflatoxin Sampling Plan):

(i) almonds in shell or shelled falling within CN code 0802 11 or 0802 12;

(ii) roasted almonds falling within CN codes 2008 19 13 (in immediate packings of a net content exceeding 1 kg) and 2008 19 93 (in immediate packings of a net content not exceeding 1 kg);

(iii) mixtures of nuts or dried fruits falling within CN code 0813 50 and containing almonds;

(g) The following foodstuffs imported from the United States of America, which are not covered by the Voluntary Aflatoxin Sampling Plan:

(i) almonds in shell or shelled falling within CN code 0802 11 or 0802 12;

(ii) roasted almonds falling within CN codes 2008 19 13 (in immediate packings of a net content exceeding 1 kg) and 2008 19 93 (in immediate packings of a net content not exceeding 1 kg);

(iii) mixtures of nuts or dried fruits falling within CN code 0813 50 and containing almonds;'

2. in Article 3:

- (a) in the first paragraph, the following point (f) is added:

'(f) the United States Department of Agriculture (USDA) for foodstuffs from the United States of America;'

- (b) the following paragraph 8 is added:

'8. By way of derogation from paragraphs 1 to 6, consignments of foodstuffs referred to in point (g) of the second paragraph of Article 1 may be imported into the Community without being accompanied by the results of sampling and analysis and a health certificate;'

3. in Article 5, paragraph 2, the following points (f) and (g) are added:

(f) approximately 5 % of the consignments of foodstuffs from the United States of America, referred to in point (f) of the second paragraph of Article 1;

(g) each consignment of foodstuffs from the United States of America, referred to in point (g) of the second paragraph of Article 1.;

4. the following Article 7a is inserted:

'Article 7a

Additional conditions as regards imports of foodstuffs from the United States of America

1. As regards imports from the United States of America, the analysis provided for in Article 3(1) must be performed by an USDA approved laboratory for aflatoxin analysis or a laboratory undergoing the USDA approval process, which has been accredited in accordance with EN ISO/IEC 17025.

However, where the laboratory has not yet been so accredited, it must:

(a) have initiated and be pursuing the necessary accreditation procedures; and

(b) provide sufficient guarantees that quality control schemes for the aflatoxin analyses it conducts are in place.

2. The health certificate provided for in Article 3(1) accompanying consignments of foodstuffs referred to in point (f) of the second paragraph of Article 1 shall make a reference to the Voluntary Aflatoxin Sampling Plan.;

5. Article 8 is replaced by the following:

'Article 8

Costs related to imports of foodstuffs from Brazil, Iran and the United States of America

1. All costs resulting from sampling, analysis, storage and issuing of accompanying official documents and of copies of the health certificate and accompanying documents pursuant to Articles 3(1) and 5(3) for foodstuffs from Brazil, Iran and the United States of America as referred to in points (a), (d) and (g) of the second paragraph of Article 1 and to processed and compound foodstuffs derived from or containing the foodstuffs referred to in those points shall be borne by the food business operator responsible for the consignment or its representative.

2. All costs related to official measures taken by the competent authorities as regards non-compliance of consignments of foodstuffs referred to in points (a) to (g) of the second paragraph of Article 1 and to processed and compound foodstuffs derived from or containing the foodstuffs referred to in these points shall be borne by the food business operator responsible for the consignment or its representative.'

Article 2

This Decision shall apply from 1 September 2007.

This Decision is not applicable to consignments of almonds and derived products which left the United States of America before 1 September 2007.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 1 August 2007.

For the Commission

Markos KYPRIANOU

Member of the Commission

COMMISSION DECISION

of 6 August 2007

exempting certain services in the postal sector in Finland, excluding the Åland Islands, from the application of Directive 2004/17/EC of the European Parliament and of the Council coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors

*(notified under document number C(2007) 3700)***(Only the Finnish and the Swedish texts are authentic)****(Text with EEA relevance)**

(2007/564/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Business (BtB) and Business to Consumer (BtC)),
both domestic and international;

Having regard to the Treaty establishing the European Community,

(b) addressed direct mail services;

Having regard to Directive 2004/17/EC of the European Parliament and of the Council of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors ⁽¹⁾, and in particular Article 30(4) and (6) thereof,

(c) unaddressed direct mail services;

(d) BtB standard parcel services, domestic and international;

Having regard to the request submitted by Finland by e-mail of 9 February 2007,

(e) BtC standard parcel services, domestic and international;

(f) consumer standard parcel services (CtC and CtB), domestic and international;

After consulting the Advisory Committee for Public Contracts,

(g) express and courier parcel services, domestic and international;

Whereas:

(h) early delivery of newspapers;

I. FACTS

(1) On 9 February 2007, Finland transmitted a request pursuant to Article 30(4) of Directive 2004/17/EC to the Commission by e-mail. The Commission requested additional information by e-mails of 21 March, 18 April and 15 May 2007, which was transmitted by the Finnish authorities by e-mails of 4 April, 24 April and 16 May 2007.

(i) standard delivery of newspapers;

(2) The request submitted by Finland on behalf of Suomen Posti Oyj, which as of 1 June 2007 changed its name to Itella Oyj, (hereinafter referred to as Finland Post) concerns certain postal services as well as certain services other than postal services in Finland, excluding the Åland Islands. The services described in the request are as follows:

(j) light goods services (also called single consignments) and freight services;

(k) warehousing services;

(l) contract logistics;

(m) overall solutions in respect of direct mail;

(n) printing services;

(o) data management services;

(a) addressed letters services (Consumer to Consumer (CtC), Consumer to Business (CtB), Business to

(p) e-transaction services;

⁽¹⁾ OJ L 134, 30.4.2004, p. 1. Directive as last amended by Council Directive 2006/97/EC (OJ L 363, 20.12.2006, p. 107).

(q) philatelic services.

- (3) The request is accompanied by the conclusions of the independent national authority, Kilpailuvirasto/Konkurrenssverket (the Finnish Competition Authority), which, on the one hand, does not see 'any particular reason to oppose the granting of the exclusion referred to in Article 30 ...', while stating on the other hand that 'it should be remembered that Finland Post Corporation still has a very strong market position in its traditional core business, i.e. the collection and distribution of letters, packages and other addressed items, even though the entire postal sector was opened up to competition in Finland as early as 1994 pursuant to the Act on Postal Operations. Nevertheless, no competition has emerged in Finland Post Corporation's traditional core business.'
- (7) Although narrower market definitions might be envisaged in certain cases, the precise definition of the relevant market can be left open for the purposes of this Decision as far as a number of the services listed in the request submitted by Finland are concerned to the extent that the result of the analysis remains the same whether it is based on a narrow or a broader definition.
- (8) This Decision is without prejudice to the application of the rules on competition.

II. LEGAL FRAMEWORK

- (4) Article 30 of Directive 2004/17/EC provides that contracts intended to enable the performance of one of the activities to which Directive 2004/17/EC applies shall not be subject to that Directive if, in the Member State in which it is carried out, the activity is directly exposed to competition on markets to which access is not restricted. Direct exposure to competition is assessed on the basis of objective criteria, taking account of the specific characteristics of the sector concerned. Access is deemed to be unrestricted if the Member State has implemented and applied the relevant Community legislation opening a given sector or a part of it.
- (5) Since Finland has implemented and applied Directive 97/67/EC of the European Parliament and of the Council of 15 December 1997 on common rules for the development of the internal market of Community postal services and the improvement of quality of service⁽¹⁾, access to the market should be deemed not to be restricted in accordance with the first subparagraph of Article 30(3) of Directive 2004/17/EC. Direct exposure to competition in a particular market should be evaluated on the basis of various criteria, none of which are, per se, decisive.
- (6) In respect of the markets concerned by this decision, the market share of the main players on a given market constitutes one criterion which should be taken into account. Another criterion is the degree of concentration on those markets. As the conditions vary for the different activities that are concerned by this Decision, the examination of the competitive situation should take into account the different situations on different markets.

III. ASSESSMENT

Services not covered by Directive 2004/17/EC

- (9) In accordance with Article 6(2)(c) of Directive 2004/17/EC, logistics services, such as warehousing services and contract logistics, and added-value services, such as printing services, data management services and e-transaction services, are covered by that Directive on condition that such services are provided by entities which also provide postal services within the meaning of Article 6(2)(b) of Directive 2004/17/EC. According to the information available to the Commission, that condition is not met in Finland in respect of warehousing, printing, data management and e-transactions services. The Directive 2004/17/EC consequently does not apply to the provision of those services in Finland.

Services to which Article 30(1) of Directive 2004/17/EC is not applicable

Addressed letter services

- (10) In respect of consumer letters (CtC and CtB addressed letter services, domestic and international), Finland Post has a market share of 100 %. For business letters, its estimated market share varies between 85 % (for BtB addressed letter services, domestic and international) and 95 % (for BtC addressed letter services, domestic and international), with none of its competitors having obtained an estimated market share exceeding 10 %. According to the available information, Finland Post's market shares for international addressed letter services (inbound and outbound letters) are the same as for purely domestic services. According to the Finnish authorities, those services are directly exposed to competition, first because of competitive pressure from the possibility to substitute 'traditional' paper-based letter services with electronic means of communication (such as e-mail or SMS) and, second, because the existing unrestricted access to the market exposes it to potential competition

⁽¹⁾ OJ L 15, 21.1.1998, p. 14. Directive as last amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).

from possible newcomers. In respect of substitution, it should be noted that according to EC competition rules, substitutability should be analysed, inter alia, on the basis of product characteristics, price of the products and barriers associated with the switching of demand to potential substitutes. It appears that the characteristics of paper-based mail and of electronic communications differ significantly and that there is a significant barrier to switching between paper-based mail and electronic mail⁽¹⁾. This indicates that electronic communications belong to a different product market and therefore they cannot exercise a direct competitive restraint on Finland Post's addressed letter services. Furthermore, it would seem that the main effect of the increased use of electronic mail would substantially reduce the overall size of the paper-based mail market, rather than introduce competition within it. For example, according to the information supplied, the response by Finland Post to an increased marketing of e-invoicing by Finland's banks was to offer its own electronic services and not take any initiative concerning 'traditional', paper-based communications. Second, as to the potential competition, it is significant that the entire postal sector has been opened to competition since 1994 and that this has until now only resulted in competitors gaining an aggregate estimated market share of just 15 % even in the most readily competitive segment (BtB addressed letter services, domestic and international). As a result, there is no indication that the potential competition will play any significant role in the foreseeable future. Consistent with conclusions of the independent national authority, Kilpailuvirasto/Konkurrensverket (the Finnish Competition Authority), it should be concluded that the services examined in this recital are not directly exposed to competition in Finland. Therefore Article 30(1) of Directive 2004/17/EC does not apply to contracts intended to enable the pursuit of those activities in Finland.

Addressed direct mail services

- (11) In respect of addressed direct mail which for the purposes of this Decision means addressed deliveries intended as marketing communications, Finland Post has an estimated market share of 90 % with none of its competitors having obtained a market share estimated to exceed 10 %. In view of this high level of concentration on this market and in the absence of any other indicators to the contrary, it should be concluded that addressed direct mail services are not directly exposed to competition in Finland. Therefore Article 30(1) of Directive 2004/17/EC does not apply to contracts intended to enable the pursuit of that activity in Finland.

⁽¹⁾ For instance, roughly one third of Finnish households are not connected to the Internet. Furthermore, the part of the Finnish population that has access to e-mail at home is stated to be 'over half', which, conversely, means that almost half do not have such access at home.

Consumer standard parcel services (CtC and CtB), domestic and international

- (12) In respect of these services, Finland Post's position is quite strong with an estimated market share of 80 %⁽²⁾. The market share of the biggest (and only significant) competitor of Finland Post covers virtually the remaining 20 %⁽³⁾. Consistent with the conclusions of the Finnish competition authority, it should be concluded that the category of services examined is not directly exposed to competition in Finland. Therefore Article 30(1) of Directive 2004/17/EC does not apply to contracts intended to enable the pursuit of those activities in Finland.

Early delivery of newspapers

- (13) This service is defined as morning delivery, seven days a week, of newspapers published at least three times per week. In respect of this service, Finland Post has a market share estimated at almost three quarters (74 %) and that of its biggest competitor amounts to approximately 10 %. In view of the high market share of Finland Post and conversely the relatively low market share of even its biggest competitor, it should be concluded that early delivery of newspapers is not directly exposed to competition in Finland. Therefore Article 30(1) of Directive 2004/17/EC does not apply to contracts intended to enable the pursuit of this activity in Finland.

Standard delivery of newspapers

- (14) With a market share of 100 % Finland Post is the only supplier of these services. As the delivery of these newspapers takes place at the same time as the delivery of letters and using the same circuits as those used for the delivery of addressed letter services examined under recital 10, the same conclusion as to the competitive situation applies, particularly since the different characteristics of printed newspaper and electronic communication are even more obvious here. For these reasons it should be concluded that standard delivery of newspapers is not directly exposed to competition in Finland. Therefore Article 30(1) of Directive 2004/17/EC does not apply to contracts intended to enable the pursuit of that activity in Finland.

⁽²⁾ The estimated market share of Finland Post remains the same, namely 80 %, regardless of whether the markets are defined as CtC or CtB and it is also the same regardless of whether the markets are defined as domestic or international.

⁽³⁾ In other words, the share of this competitor barely reaches one quarter of that of Finland Post.

Overall solutions in respect of direct mail

- (15) According to the notification and the supplementary information submitted by the Finnish authorities, overall solutions in respect of direct mail are seen as different combinations of various services such as printing services, addressing and focusing services, copy services and (electronic) feedback services in combination with addressed and/or unaddressed direct mail services⁽¹⁾. The precise combination of services depends on the demands of the individual customers. Taken individually, Finland Post's estimated market shares for some of the services that could be combined within an 'overall solution', vary quite widely: for addressed direct mail: 90 %, unaddressed direct mail: 41 %, printing services: 36 %, data management services (which include feedback services): 4 %. This would seem to indicate that the competitive situation cannot be the same irrespective of the chosen combination of services. Also, unaddressed direct mail can be considered as being directly exposed to competition, whereas that is not the case for addressed direct mail. Since it cannot be ascertained which services may be grouped together if one or more customers decide to request them, a decision as to the legal regime applicable to overall solutions would entail substantial legal uncertainty. Under these circumstances, overall solutions in respect of direct mail as defined in the Finnish notification cannot be the subject of a decision pursuant to Article 30 of Directive 2004/17/EC as a single category of services.

Services to which Article 30(1) of Directive 2004/17/EC is applicable**Unaddressed direct mail services**

- (16) On this market, Finland Post's market share amounts to an estimated 41 %. Considering the degree of concentration on this market, where the biggest competitor has obtained a share estimated at approximately 30 %, these factors should be taken as an indication of direct exposure to competition.

BtB standard parcel services, domestic and international

- (17) In respect of domestic BtB standard parcel services, Finland Post's market share amounts to an estimated 35 %. For international services, Finland Post's market share, according to the available information, is lower

than for domestic services, between the order of 13 and 15 %. Considering that the estimated aggregate market shares of the two biggest competitors with regard to domestic services amount to 28 %, which is not substantially different from the market share of Finland Post, it is concluded that the activity is directly exposed to competition.

BtC standard parcel services, domestic and international

- (18) Finland Post's market share for domestic services amounts to an estimated 63 %, which is a relatively high level per se. For international services, Finland Post's market share, according to the available information, is lower than for domestic services, between 13 and 15 %. However, at 37 % for domestic services, the estimated market share of the biggest competitor amounts to more than half of that of Finland Post and at that level it can be considered that that competitor would be able to exert a significant competitive pressure on Finland Post. These factors should therefore be taken as an indication of direct exposure to competition.

Express and courier parcel services, domestic and international

- (19) On this market, Finland Post does not have the biggest market share and its estimated share of 10 % is several times smaller than that of its biggest competitor, whose market share lies in a range between a third and up to a half of the market. These factors should therefore be taken as an indication of direct exposure to competition of express and courier parcel services, domestic and international.

Light goods services and freight services

- (20) On the market for light goods services, defined as transportation of single consignments in transportation units of 35 to 2 500 kg, and the market for freight, defined as transportation services concerning heavy container loads, over 5 000 kg or heavy container loads, 2 500-5 000 kg, Finland Post has an estimated market share of 6,7 % as regards the market for light goods services and 1,7 % as regards the market for freight. Those shares are several times smaller than the aggregate market shares of its two biggest competitors. On the market for light goods services, the two biggest competitors have estimated shares amounting to 51 % and 30 %, i.e. an estimated aggregate share of 81 %. On the freight market, the two biggest competitors have an estimated aggregate share of

⁽¹⁾ The supplementary information given also refers to the development of advertising content as a service that might fall within the concept of 'overall solutions in respect of direct mail'. However, as such services are neither a relevant activity pursuant to Article 6 of Directive 2004/17/EC nor offered by Finland Post or its subsidiaries, they have not been examined.

92 % (80 % and 12 % respectively). These factors should therefore be taken as an indication of direct exposure to competition.

Contract logistics

- (21) As stated in recital 9, contract logistics, defined as outsourced logistics and the associated data system services/logistics application and consultation services, are covered by Directive 2004/17/EC only to the extent these services are being provided by entities which also provide postal services within the meaning of its Article 6(2)(b). According to the available information, Finland Post is the only such entity on this market in Finland. On the market for contract logistics Finland Post's market share is negligible as it amounts to barely 1 %. This can therefore be taken as an indication of direct exposure to competition.

Philatelic services

- (22) Beside Finland Post, which issues stamps in Finland (to the exclusion of the Åland Islands), two other categories of actors are active on the market for philatelic services: stamp dealers and (stamp) auction houses. Finland Post's estimated market share on the overall market for philatelic services in Finland, whether provided by dealers or auction houses, amounts to 50 %, whereas the estimated aggregate shares of the two biggest stamp dealers on that market amounts to 20 % and the estimated global share of the two largest auction houses on the overall market amounts to 12 %. The estimated aggregate shares of these four actors (32 %) thus amount to more than half of that of Finland Post (50 %). Furthermore, if services rendered by stamp dealers and auction houses are considered separately, then the estimated aggregate market shares of the two largest actors for each of these two categories amount to substantially higher levels. For stamp dealers, the estimated aggregate share is 55 % of the stamp-dealing market and, for auction houses, the estimated aggregate share is 75 % of the stamp auction market. These factors should therefore be taken as an indication of direct exposure to competition for philatelic services, whether the market considered is the overall market or the separate stamp-dealing market and the stamp auction market.

IV. CONCLUSIONS

- (23) In view of the factors examined in recitals 9 to 22, the condition of direct exposure to competition laid down in Article 30(1) of Directive 2004/17/EC should be considered to be met in Finland, excluding the Åland Islands, in respect of the following services:

(a) unaddressed direct mail advertising;

(b) standard business to business parcel services, domestic and international;

(c) standard business to consumer parcel services, domestic and international;

(d) express and courier parcel services, domestic and international;

(e) light goods services (also called single consignments) and freight services;

(f) contract logistics;

(g) philatelic services.

- (24) Since the condition of unrestricted access to the market is deemed to be met, Directive 2004/17/EC should not apply when contracting entities award contracts intended to enable the services listed in points (a) to (g) of recital 23 to be carried out in Finland, excluding the Åland Islands, nor when design contests are organised for the pursuit of such an activity in Finland.

- (25) This Decision is based on the legal and factual situation as of February to May 2007 as it appears from the information submitted by the Republic of Finland. It may be revised, should significant changes in the legal or factual situation mean that the conditions for the applicability of Article 30(1) of Directive 2004/17/EC are no longer met,

HAS ADOPTED THIS DECISION:

Article 1

Directive 2004/17/EC shall not apply to contracts awarded by contracting entities and intended to enable the following services to be carried out in Finland, excluding the Åland Islands:

(a) unaddressed direct mail advertising;

(b) standard business to business parcel services, domestic and international;

(g) philatelic services.

(c) standard business to consumer parcel services, domestic and international;

Article 2

This Decision is addressed to the Republic of Finland.

(d) express and courier parcel services, domestic and international;

Done at Brussels, 6 August 2007.

(e) light goods services (also called single consignments) and freight services;

For the Commission

Charlie McCREEVY

(f) contract logistics;

Member of the Commission

CORRIGENDA

Corrigendum to Council Regulation (EC) No 192/2007 of 22 February 2007 imposing a definitive anti-dumping duty on imports of certain polyethylene terephthalate originating in India, Indonesia, Malaysia, the Republic of Korea, Thailand and Taiwan following an expiry review and a partial interim review pursuant to Article 11(2) and Article 11(3) of Regulation (EC) No 384/96

(Official Journal of the European Union L 59 of 27 February 2007)

On page 30, Article 1(2), list of companies, second mention of the Republic of Korea:

for: ‘KP Chemicals Group:
 Honam Petrochemicals Corp.
 KP Chemicals Corp.’,

read: ‘KP Chemical Group:
 Honam Petrochemicals Corp.
 KP Chemical Corp.’
