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Contents

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

REGULATIONS

- Commission Regulation (EC) No 1145/2007 of 2 October 2007 establishing the standard import values for determining the entry price of certain fruit and vegetables 1
- ★ **Commission Regulation (EC) No 1146/2007 of 2 October 2007 adopting the plan allocating to the Member States resources to be charged to the 2008 budget year for the supply of food from intervention stocks for the benefit of the most deprived persons in the Community ... 3**
- ★ **Commission Regulation (EC) No 1147/2007 of 1 October 2007 establishing a prohibition of fishing for Greenland halibut in NAFO waters 3 LMNO by vessels flying the flag of Portugal 9**
- ★ **Commission Regulation (EC) No 1148/2007 of 2 October 2007 prohibiting fishing for alfonsoinos in ICES areas I, II, III, IV, V, VI, VII, VIII, IX, X, XII and XIV (Community waters and waters not under the sovereignty or jurisdiction of third countries) by vessels flying the Spanish flag 11**

DIRECTIVES

- ★ **Directive 2007/51/EC of the European Parliament and of the Council of 25 September 2007 amending Council Directive 76/769/EEC relating to restrictions on the marketing of certain measuring devices containing mercury ⁽¹⁾ 13**

⁽¹⁾ Text with EEA relevance

(Continued overleaf)

DECISIONS ADOPTED JOINTLY BY THE EUROPEAN PARLIAMENT AND THE COUNCIL

- ★ Decision No 1149/2007/EC of the European Parliament and of the Council of 25 September 2007 establishing for the period 2007-2013 the Specific Programme ‘Civil Justice’ as part of the General Programme ‘Fundamental Rights and Justice’ 16
- ★ Decision No 1150/2007/EC of the European Parliament and of the Council of 25 September 2007 establishing for the period 2007-2013 the Specific Programme ‘Drug prevention and information’ as part of the General Programme ‘Fundamental Rights and Justice’ 23

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

DECISIONS

2007/636/EC:

- ★ Commission Decision of 28 September 2007 concerning a financial contribution from the Community towards a survey on the prevalence of *Salmonella* spp. in herds of breeding pigs to be carried out in the Member States (notified under document number C(2007) 4434) 30

I

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

REGULATIONS

COMMISSION REGULATION (EC) No 1145/2007

of 2 October 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 3 October 2007.

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

Done at Brussels, 2 October 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 2 October 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	42,1
	TR	97,2
	XS	28,3
	ZZ	55,9
0707 00 05	EG	135,3
	JO	151,2
	TR	110,0
	ZZ	132,2
0709 90 70	JO	139,2
	TR	115,1
	ZZ	127,2
0805 50 10	AR	83,7
	TR	91,9
	UY	82,6
	ZA	70,8
	ZZ	82,3
0806 10 10	BR	275,6
	IL	284,6
	MK	11,8
	TR	104,7
	US	230,0
	ZZ	181,3
0808 10 80	AR	87,7
	AU	173,8
	BR	45,1
	CL	83,4
	NZ	91,9
	US	96,7
	ZA	79,6
	ZZ	94,0
0808 20 50	CN	69,7
	TR	124,2
	ZA	78,1
	ZZ	90,7

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

COMMISSION REGULATION (EC) No 1146/2007**of 2 October 2007****adopting the plan allocating to the Member States resources to be charged to the 2008 budget year for the supply of food from intervention stocks for the benefit of the most deprived persons in the Community**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3730/87 of 10 December 1987 laying down the general rules for the supply of food from intervention stocks to designated organisations for distribution to the most deprived persons in the Community ⁽¹⁾, and in particular Article 6 thereof,

Having regard to Council Regulation (EC) No 2799/98 of 15 December 1998 establishing agrimonetary arrangements for the euro ⁽²⁾, and in particular Article 3(2) thereof,

Whereas:

(1) In accordance with Article 2 of Commission Regulation (EEC) No 3149/92 laying down detailed rules for the supply of food from intervention stocks for the benefit of the most deprived persons in the Community ⁽³⁾, the Commission must adopt a distribution plan to be financed from resources available in the 2008 budget year. The plan should lay down in particular, for each of the Member States applying the measure, the maximum financial resources available to carry out its part of the plan, and the quantity of each type of product to be withdrawn from the stocks held by the intervention agencies.

(2) The Member States involved in the plan for the 2008 budget year have supplied the information required in accordance with Article 1 of Regulation (EEC) No 3149/92.

(3) For the purposes of resource allocation, account must be taken of experience and of the degree to which the Member States used the resources allocated to them in previous years.

(4) Article 2(3)(c) of Regulation (EEC) No 3149/92 provides for the allocation of resources for the purchase on the market of products temporarily unavailable in intervention stocks. Given that the stocks of cereals, skimmed-milk powder and rice currently held by the intervention agencies are very low and that measures have already been taken, regarding both their sale on the market and their distribution under Regulation (EEC) No 3149/92, and given the fact that no sale of these foods is planned for 2007, these resource allocations should be fixed to enable the purchase on the market of cereals, skimmed-milk powder and rice as required to implement the plan for the 2008 budget year.

(5) Article 7(1) of Regulation (EEC) No 3149/92 provides for the transfer between Member States of products unavailable in the intervention stocks of the Member State in which such products are required to implement the annual plan. Accordingly the intra-Community transfers necessary to implement the plan for 2008 should be authorised, subject to the conditions laid down in Article 7 of Regulation (EEC) No 3149/92.

(6) To implement the plan, the operative event within the meaning of Article 3 of Regulation (EC) No 2799/98 should be the date on which the financial year for administration of stocks in public storage starts.

(7) In accordance with Article 2(2) of Regulation (EEC) No 3149/92, the Commission has consulted the major organisations familiar with the problems of the most deprived persons in the Community when drawing up the plan.

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

HAS ADOPTED THIS REGULATION:

Article 1

In 2008, the distribution of food to the most deprived persons in the Community under Regulation (EEC) No 3730/87 shall be implemented in accordance with the annual distribution plan set out in Annex I to this Regulation.

⁽¹⁾ OJ L 352, 15.12.1987, p. 1. Regulation as amended by Regulation (EC) No 2535/95 (OJ L 260, 31.10.1995, p. 3).

⁽²⁾ OJ L 349, 24.12.1998, p. 1.

⁽³⁾ OJ L 313, 30.10.1992, p. 50. Regulation as last amended by Regulation (EC) No 758/2007 (OJ L 172, 30.6.2007, p. 47).

Article 2

Allocations to Member States for the purchase of cereals, skimmed-milk powder and rice on the market, as required under the plan referred to in Article 1, shall be as set out in Annex II.

Article 3

The intra-Community transfer of the products listed in Annex III to this Regulation shall be authorised, subject to the conditions laid down in Article 7 of Regulation (EEC) No 3149/92.

Article 4

For the purpose of implementing the annual plan referred to in Article 1 of this Regulation, the date of the operative event within the meaning of Article 3 of Regulation (EC) No 2799/98 shall be 1 October 2007.

Article 5

This Regulation shall enter into force on the 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, 2 October 2007.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

ANNEX I

ANNUAL DISTRIBUTION PLAN FOR 2008

(a) Financial resources made available to implement the plan in each Member State:

(in EUR)

Member State	Distribution
Belgique/België	8 461 690
България	6 883 712
Česká republika	155 443
Eesti	192 388
Éire/Ireland	155 965
Elláda	13 228 830
España	50 419 083
France	48 605 224
Italia	66 367 975
Latvija	153 910
Lietuva	4 249 149
Luxembourg	81 090
Magyarország	7 788 270
Malta	360 603
Polska	47 640 750
Portugal	12 568 188
România	23 126 824
Slovenija	1 429 303
Suomi/Finland	2 631 603
Total	294 500 000

(b) Quantity of each type of product to be withdrawn from Community intervention stocks for distribution in each Member State subject to the maximum amounts laid down in (a):

(tonnes)

Member State	Sugar
Belgique/België	4 154
България	6 385
Česká republika	67
España	6 500
France	3 718
Italia	7 000
Lietuva	2 889

(tonnes)	
Member State	Sugar
Magyarország	1 544
Malta	397
Polska	14 826
Portugal	1 627
România	15 157
Slovenija	769
Total	65 034

ANNEX II

Allocations to Member States for purchase on the Community market, subject to the maximum amounts laid down in Annex I(a):

(in EUR)

Member State	Cereals	Rice	Skimmed-milk powder
Belgique/België	2 120 960	800 000	3 300 000
България	1 990 461	1 768 251	
Česká republika	36 472		81 843
Eesti	182 358		
Éire/Ireland			147 834
Elláda	4 535 189		8 003 986
España	11 144 100	1 800 000	32 030 700
France	8 718 857	5 225 181	30 516 427
Italia	10 637 550	2 800 000	46 438 083
Latvija	145 886		
Lietuva	1 463 223	606 607	706 455
Luxembourg			76 864
Magyarország	5 713 309		1 000 000
Malta	62 275	25 078	82 327
Polska	16 569 956		22 164 340
Portugal	1 208 732	1 423 588	8 575 856
România	15 355 270		
Slovenija	173 087	102 509	746 140
Suomi/Finland	1 620 960		873 450
Total	81 678 645	14 551 214	154 744 304

ANNEX III

Intra-Community transfers of sugar authorised under the plan for the 2008 budget year

	Quantity (tonnes)	Holder	Recipient
1.	3 718	BIRB, Belgique	ONIGC, France
2.	2 889	BIRB, Belgique	The Lithuanian Agricultural and Food Products Market regulation Agency, Lietuva
3.	6 385	MVH, Magyarország	ДФЗ, България
4.	14 826	MVH, Magyarország	ARR, Polska
5.	15 157	MVH, Magyarország	APIA, România
6.	769	MVH, Magyarország	AAMRD, Slovenija
7.	397	AGEA, Italia	National Research and Development Centre, Malta
8.	1 627	FEGA, España	INGA, Portugal

COMMISSION REGULATION (EC) No 1147/2007**of 1 October 2007****establishing a prohibition of fishing for Greenland halibut in NAFO waters 3 LMNO by vessels flying the flag of Portugal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

*Article 1***Quota exhaustion**

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

*Article 2***Prohibitions**

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

*Article 3***Entry into force**

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

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

Done at Brussels, 1 October 2007.

For the Commission

Fokion FOTIADIS

Director-General for Fisheries and Maritime Affairs

⁽¹⁾ OJ L 358, 31.12.2002, p. 59. Regulation as amended by Regulation (EC) No 865/2007 (OJ L 192, 24.7.2007, p. 1).

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

⁽³⁾ OJ L 15, 20.1.2007, p. 1. Regulation as last amended by Commission Regulation (EC) No 898/2007 (OJ L 196, 28.7.2007, p. 22).

ANNEX

No	21
Member State	Portugal
Stock	GHL/N3LMNO
Species	Greenland halibut (<i>Reinhardtius hippoglossoides</i>)
Zone	NAFO 3LMNO
Date	28.8.2007

COMMISSION REGULATION (EC) No 1148/2007**of 2 October 2007****prohibiting fishing for alfonosinos in ICES areas I, II, III, IV, V, VI, VII, VIII, IX, X, XII and XIV
(Community waters and waters not under the sovereignty or jurisdiction of third countries) by
vessels flying the Spanish flag**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

- (1) Council Regulation (EC) No 2015/2006 of 19 December 2006 fixing for 2007 and 2008 the fishing opportunities for Community fishing vessels for certain deep-sea fish stocks ⁽³⁾ lays down quotas for 2007 and 2008.
- (2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of, or registered in, the Member State referred to therein have exhausted the quota allocated for 2007.

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

HAS ADOPTED THIS REGULATION:

*Article 1***Quota exhaustion**

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

*Article 2***Prohibitions**

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

*Article 3***Entry into force**

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

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

Done at Brussels, 2 October 2007.

For the Commission

Fokion FOTIADIS

Director-General for Fisheries and Maritime Affairs

⁽¹⁾ OJ L 358, 31.12.2002, p. 59. Regulation as amended by Regulation (EC) No 865/2007 (OJ L 192, 24.7.2007, p. 1).

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

⁽³⁾ OJ L 15, 20.1.2007, p. 1. Regulation as last amended by Commission Regulation (EC) No 898/2007 (OJ L 196, 28.7.2007, p. 22).

ANNEX

No	38
Member State	Spain
Stock	ALF/1X14-
Species	Alfonsinos (<i>Beryx spp.</i>)
Area	Community waters and waters not under the sovereignty or jurisdiction of third countries of I, II, III, IV,V, VI, VII, VIII, IX, X, XII and XIV
Date	10.8.2007

DIRECTIVES

DIRECTIVE 2007/51/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 25 September 2007

amending Council Directive 76/769/EEC relating to restrictions on the marketing of certain measuring devices containing mercury

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 95 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽²⁾,

Whereas:

(1) The Commission communication of 28 January 2005 on the Community strategy concerning mercury, which considered all uses of mercury, concluded that it would be appropriate to introduce Community-level marketing restrictions on certain non-electrical or non-electronic measuring and control equipment containing mercury, which is the main mercury product group not covered by Community action so far.

(2) There would be benefits for the environment and, in the long term, for human health, through preventing mercury from entering the waste stream, if restrictions on the marketing of measuring devices containing mercury were introduced.

(3) Taking into account technical and economic feasibility, the available evidence concerning measuring and control devices indicates that immediate restrictive measures should cover only those measuring devices that are intended for sale to the general public and, in particular, all fever thermometers.

(4) The import of measuring devices containing mercury that are more than 50 years old concerns either antiques or cultural goods as defined in Council Regulation (EEC) No 3911/92 of 9 December 1992 on the export of cultural goods ⁽³⁾. Such trade is limited in extent and seems to pose no risk to human health or the environment, and should therefore not be restricted.

(5) At present, mercury barometers are manufactured by only a few small specialist enterprises and are sold to the general public mainly as decorative items. An additional phasing-out period should be provided for the placing on the market of such barometers so as to allow the manufacturers to adapt their business in line with the restrictions and move over to the production of mercury-free barometers.

(6) With the aim of minimising the release of mercury into the environment and in order to ensure the phasing-out of the remaining measuring devices containing mercury in professional and industrial use, especially sphygmomanometers in healthcare, the Commission should carry out a review of the availability of reliable safer alternatives that are technically and economically feasible. In the case of sphygmomanometers in healthcare, medical experts should be consulted to ensure that the needs, in terms of diagnosis and treatment, of specific medical conditions are adequately addressed.

(7) In accordance with this Directive only the placing on the market of new measuring devices should be restricted. This restriction should therefore not apply to devices that are already in use or sold second hand.

⁽¹⁾ OJ C 318, 23.12.2006, p. 115.

⁽²⁾ Opinion of the European Parliament of 14 November 2006 (OJ C 314 E, 21.12.2006, p. 111), Council Common Position of 19 April 2007 (OJ C 109 E, 15.5.2007, p. 1) and Position of the European Parliament of 10 July 2007 (not yet published in the Official Journal).

⁽³⁾ OJ L 395, 31.12.1992, p. 1. Regulation as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

- (8) The disparities between the laws or administrative measures adopted by Member States as regards restriction on mercury in various measuring and control devices could create barriers to trade, distort competition in the Community and may thereby have a direct impact on the establishment and functioning of the internal market. It therefore appears necessary to approximate the laws of Member States in the field of measuring and control devices by introducing harmonised provisions with regard to those products containing mercury, thus preserving the internal market whilst ensuring a high level of protection for human health and the environment.
- (9) Council Directive 76/769/EEC of 27 July 1976 on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations⁽¹⁾ should be amended accordingly.
- (10) This Directive should apply without prejudice to Community legislation laying down minimum requirements for the protection of workers contained in Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work⁽²⁾ and individual directives based thereon, in particular Council Directive 98/24/EC of 7 April 1998 on the protection of the health and safety of workers from the risks related to chemical agents at work⁽³⁾.
- (11) In accordance with point 34 of the Interinstitutional agreement on better law-making⁽⁴⁾, Member States are encouraged to draw up, for themselves and in the interest of the Community, their own tables illustrating, as far as possible, the correlation between this Directive and the transposition measures, and to make them public,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Annex I to Directive 76/769/EEC is hereby amended as set out in the Annex to this Directive.

Article 2

1. Member States shall adopt and publish, no later than 3 October 2008, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith inform the Commission thereof.

They shall apply these measures from 3 April 2009.

When these measures are adopted by the Member States, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Strasbourg, 25 September 2007.

For the European Parliament

The President

H.-G. PÖTTERING

For the Council

The President

M. LOBO ANTUNES

⁽¹⁾ OJ L 262, 27.9.1976, p. 201. Directive as last amended by Commission Directive 2006/139/EC (OJ L 384, 29.12.2006, p. 94).

⁽²⁾ OJ L 183, 29.6.1989, p. 1. Directive as last amended by Directive 2007/30/EC of the European Parliament and of the Council (OJ L 165, 27.6.2007, p. 21).

⁽³⁾ OJ L 131, 5.5.1998, p. 11. Directive as amended by Directive 2007/30/EC.

⁽⁴⁾ OJ C 321, 31.12.2003, p. 1.

ANNEX

The following point is inserted in Annex I to Directive 76/769/EEC:

'19a Mercury CAS No 7439-97-6	1. May not be placed on the market: (a) in fever thermometers; (b) in other measuring devices intended for sale to the general public (e.g. manometers, barometers, sphygmomanometers, thermometers other than fever thermometers). 2. The restriction in paragraph 1(b) shall not apply to: (a) measuring devices more than 50 years old on 3 October 2007; or (b) barometers (except barometers within point (a)) until 3 October 2009. 3. By 3 October 2009 the Commission shall carry out a review of the availability of reliable safer alternatives that are technically and economically feasible for mercury-containing sphygmomanometers and other measuring devices in healthcare and in other professional and industrial uses. On the basis of this review or as soon as new information on reliable safer alternatives for sphygmomanometers and other measuring devices containing mercury becomes available, the Commission shall, if appropriate, present a legislative proposal to extend the restrictions in paragraph 1 to sphygmomanometers and other measuring devices in healthcare and in other professional and industrial uses, so that mercury in measuring devices is phased out whenever technically and economically feasible.'
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DECISIONS ADOPTED JOINTLY BY THE EUROPEAN PARLIAMENT AND THE COUNCIL

DECISION No 1149/2007/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 25 September 2007

establishing for the period 2007-2013 the Specific Programme 'Civil Justice' as part of the General Programme 'Fundamental Rights and Justice'

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

the implementation of judicial cooperation in civil matters.

Having regard to the Treaty establishing the European Community, and in particular Article 61(c) and Article 67(5) thereof,

- (3) The Brussels European Council of 4 and 5 November 2004 adopted the Hague Programme: Strengthening freedom, security and justice in the European Union ⁽³⁾ (hereinafter referred to as 'the Hague Programme').

Having regard to the proposal from the Commission,

- (4) In June 2005, the Council and the Commission adopted the Action Plan implementing the Hague Programme ⁽⁶⁾.

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽¹⁾,

Whereas:

- (5) The ambitious objectives set by the Treaty and the Hague Programme should be achieved through the establishment of a flexible and effective programme that will facilitate planning and implementation.

- (1) The Community has set itself the objective of maintaining and developing an area of freedom, security and justice, in which the free movement of persons is assured. To this end, the Community is to adopt, *inter alia*, measures in the field of judicial cooperation in civil matters necessary for the proper functioning of the internal market.

- (6) The programme 'Civil Justice' should provide for initiatives taken by the Commission, in compliance with the principle of subsidiarity, for actions in support of organisations promoting and facilitating judicial cooperation in civil matters, and for actions in support of specific projects.

- (2) Following previous programmes, such as Grotius ⁽²⁾ and the Robert Schuman project ⁽³⁾, Council Regulation (EC) No 743/2002 ⁽⁴⁾ established, for the period 2002-2006, a general Community framework of activities to facilitate

- (7) A general programme in the field of civil justice aimed at better mutual understanding of the legal and judicial systems of the Member States will contribute to lowering the barriers to judicial cooperation in civil matters, which will improve the functioning of the internal market.

⁽¹⁾ Position of the European Parliament of 14 December 2006 (not yet published in the Official Journal), Council Common Position of 13 June 2007 (OJ C 171 E, 24.7.2007, p. 1) and Position of the European Parliament of 11 July 2007 (not yet published in the Official Journal). Council Decision of 18 September 2007.

⁽²⁾ Joint Action 96/636/JHA of 28 October 1996 adopted by the Council on the basis of Article K.3 of the Treaty on European Union, on a programme of incentives and exchanges for legal practitioners (Grotius) (OJ L 287, 8.11.1996, p. 3); Council Regulation (EC) No 290/2001 of 12 February 2001 extending the programme of incentives and exchanges for legal practitioners in the area of civil law (Grotius-civil) (OJ L 43, 14.2.2001, p. 1).

⁽³⁾ Decision No 1496/98/EC of the European Parliament and of the Council of 22 June 1998 establishing an action programme to improve awareness of Community law within the legal professions (Robert Schuman project) (OJ L 196, 14.7.1998, p. 24).

⁽⁴⁾ OJ L 115, 1.5.2002, p. 1.

⁽³⁾ OJ C 53, 3.3.2005, p. 1.

⁽⁶⁾ OJ C 198, 12.8.2005, p. 1.

- (9) This Decision should provide for the possibility to co-finance the activities of certain European networks to the extent that the expenditure is incurred in pursuing an objective of general European interest. However, such co-financing should not imply that a future programme would cover such networks, nor should it prevent other European networks from benefiting from support to their activities in accordance with this Decision.
- (10) Any institution, association or network receiving a grant under the programme 'Civil Justice' should acknowledge the Community support received in accordance with the visibility guidelines to be laid down by the Commission.
- (11) This Decision lays down, for the entire duration of the programme, a financial envelope constituting the prime reference, within the meaning of point 37 of the Inter-institutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management ⁽¹⁾, for the budgetary authority during the annual budgetary procedure.
- (12) Since the objectives of this Decision cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale and effects of the programme, be better achieved at Community level, the Community may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Decision does not go beyond what is necessary in order to achieve those objectives.
- (13) Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽²⁾ (hereinafter referred to as 'the Financial Regulation') and Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002 ⁽³⁾, which safeguard the Community financial interests, have to be applied taking into account the principles of simplicity and consistency in the choice of budgetary instruments, a limitation on the number of cases where the Commission retains direct responsibility for implementation and management, and the required proportionality between the level of resources and the administrative burden related to their use.
- (14) Appropriate measures should also be taken to prevent irregularities and fraud, and the necessary steps should be taken to recover funds lost, wrongly paid or incorrectly used in accordance with Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the Communities' financial interests ⁽⁴⁾, Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities ⁽⁵⁾ and Regulation (EC) No 1073/1999 of the European Parliament and of the Council of 25 May 1999 concerning investigations conducted by the European Anti-Fraud Office (OLAF) ⁽⁶⁾.
- (15) The Financial Regulation requires a basic act to be provided to cover operating grants.
- (16) The measures necessary for the implementation of this Decision should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽⁷⁾, with a distinction being made between those measures which are subject to the management procedure and those which are subject to the advisory procedure, the advisory procedure being in certain cases, with a view to increased efficiency, the more appropriate.
- (17) In accordance with Article 7(3) of Decision 1999/468/EC, the European Parliament should be informed by the Commission of committee proceedings relating to the implementation of this programme. In particular, the European Parliament should receive the draft annual programme when it is submitted to the management committee. In addition, the European Parliament should receive the results of voting and summary records of the meetings of that committee.
- (18) In accordance with Article 3 of the Protocol on the position of the United Kingdom and Ireland, annexed to the Treaty on European Union and to the Treaty establishing the European Community, the United Kingdom and Ireland have notified their wish to take part in the adoption and application of this Decision.
- (19) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark, annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark does not take part in the adoption of this Decision and is not bound by it or subject to its application.

⁽¹⁾ OJ C 139, 14.6.2006, p. 1.

⁽²⁾ OJ L 248, 16.9.2002, p. 1. Regulation as amended by Regulation (EC, Euratom) No 1995/2006 (OJ L 390, 30.12.2006, p. 1).

⁽³⁾ OJ L 357, 31.12.2002, p. 1. Regulation as last amended by Regulation (EC, Euratom) No 478/2007 (OJ L 111, 28.4.2007, p. 13).

⁽⁴⁾ OJ L 312, 23.12.1995, p. 1.

⁽⁵⁾ OJ L 292, 15.11.1996, p. 2.

⁽⁶⁾ OJ L 136, 31.5.1999, p. 1.

⁽⁷⁾ OJ L 184, 17.7.1999, p. 23. Decision as amended by Decision 2006/512/EC (OJ L 200, 22.7.2006, p. 11).

(20) The European Economic and Social Committee has delivered an opinion on this Decision ⁽¹⁾.

(21) In order to ensure the effective and timely implementation of this programme, this Decision should apply from 1 January 2007,

HAVE DECIDED AS FOLLOWS:

Article 1

Establishment of the Programme

1. This Decision establishes the Specific Programme 'Civil Justice', hereinafter referred to as 'the Programme', as part of the General Programme 'Fundamental Rights and Justice', in order to contribute to the progressive establishment of the area of freedom, security and justice.

2. The Programme shall cover the period from 1 January 2007 to 31 December 2013.

3. In this Decision, the term 'Member State' shall mean Member States with the exception of Denmark.

Article 2

General objectives

1. The Programme shall have the following general objectives:

- (a) to promote judicial cooperation with the aim of contributing to the creation of a genuine European area of justice in civil matters based on mutual recognition and mutual confidence;
- (b) to promote the elimination of obstacles to the good functioning of cross-border civil proceedings in the Member States;
- (c) to improve the daily life of individuals and businesses by enabling them to assert their rights throughout the European Union, notably by fostering access to justice;
- (d) to improve the contacts, exchange of information and networking between legal, judicial and administrative authorities and the legal professions, including by way of support of judicial training, with the aim of better mutual understanding among such authorities and professionals.

2. Without prejudice to the objectives and powers of the Community, the general objectives of the Programme shall contribute to the development of Community policies, and more specifically to the creation of a judicial area.

Article 3

Specific objectives

The Programme shall have the following specific objectives:

- (a) to foster judicial cooperation in civil matters aiming at:
 - (i) ensuring legal certainty and improving access to justice;
 - (ii) promoting mutual recognition of decisions in civil and commercial cases;
 - (iii) eliminating obstacles to cross-border litigation created by disparities in civil law and civil procedures and promoting the necessary compatibility of legislation for that purpose;
 - (iv) guaranteeing a proper administration of justice by avoiding conflicts of jurisdiction;
- (b) to improve mutual knowledge of Member States' legal and judicial systems in civil matters and to promote and strengthen networking, mutual cooperation, exchange and dissemination of information, experience and best practices;
- (c) to ensure the sound implementation, the correct and concrete application and the evaluation of Community instruments in the area of judicial cooperation in civil and commercial matters;
- (d) to improve information on the legal systems in the Member States and access to justice;
- (e) to promote the training of legal practitioners in Union and Community law;
- (f) to evaluate the general conditions necessary to reinforce mutual confidence, while fully respecting the independence of the judiciary;
- (g) to facilitate the operation of the European Judicial Network in civil and commercial matters established by Council Decision 2001/470/EC ⁽²⁾.

⁽¹⁾ OJ C 69, 21.3.2006, p. 1.

⁽²⁾ OJ L 174, 27.6.2001, p. 25.

Article 4

Actions

With a view to pursuing the general and specific objectives set out in Articles 2 and 3, the Programme shall support the following types of action under the conditions set out in the annual work programmes referred to in Article 9(2):

- (a) specific actions initiated by the Commission, such as studies and research, opinion polls and surveys, formulation of indicators and common methodologies, collection, development and dissemination of data and statistics, seminars, conferences and expert meetings, organisation of public campaigns and events, development and maintenance of websites, preparation and dissemination of information material, support for and management of networks of national experts, analytical, monitoring and evaluation activities; or
- (b) specific transnational projects of Community interest presented by an authority or any other body of a Member State, an international organisation or a non-governmental organisation, and involving in any case at least two Member States or at least one Member State and one other State which may be either an acceding country or a candidate country; or
- (c) the activities of non-governmental organisations or other entities pursuing an aim of general European interest in accordance with the general objectives of the Programme under the conditions set out in the annual work programmes; or
- (d) operating grants to co-finance expenditure associated with the permanent work programmes of the European Network of Councils for the Judiciary and the Network of the Presidents of the Supreme Judicial Courts of the European Union, insofar as it is incurred in pursuing an objective of general European interest by promoting exchanges of views and experience on matters concerning case-law and the organisation and functioning of the members of those networks in the performance of their judicial and/or advisory functions with regard to Community law.

Article 5

Participation

1. The following countries may participate in the actions of the Programme: the acceding countries, the candidate countries and the Western Balkan countries included in the stabilisation and association process in accordance with the conditions laid down in the association agreements or additional protocols thereto relating to participation in Community programmes concluded or to be concluded with those countries.

2. Projects may associate legal practitioners from Denmark, from candidate countries not participating in the Programme where this would contribute to their preparation for accession, or from other third countries not participating in the Programme where this serves the aim of the projects.

Article 6

Target groups

- 1. The Programme is targeted at, *inter alia*, legal practitioners, national authorities and the citizens of the Union in general.
- 2. For the purposes of this Decision, 'legal practitioners' shall mean judges, prosecutors, advocates, solicitors, notaries, academic and scientific personnel, ministry officials, court officers, bailiffs, court interpreters and other professionals associated with the judiciary in the area of civil law.

Article 7

Access to the Programme

Access to the Programme shall be open to institutions and public or private organisations, including professional organisations, universities, research institutes and legal and judicial training institutes for legal practitioners, international organisations and non-governmental organisations of the Member States.

Article 8

Types of intervention

- 1. Community financing may take the following legal forms:
 - (a) grants;
 - (b) public procurement contracts.
- 2. Community grants shall be awarded further to calls for proposals and shall be provided through operating grants and grants to actions. The maximum rate of co-financing shall be specified in the annual work programmes.
- 3. Furthermore, provision shall be made for expenditure on accompanying measures, by means of public procurement contracts, in which case Community financing shall cover the purchase of goods and services. This shall cover, *inter alia*, expenditure on information and communication, preparation, implementation, monitoring, checking and evaluation of projects, policies, programmes and legislation.

Article 9

Implementing measures

1. The Commission shall implement the Community financial support in accordance with the Financial Regulation.

2. To implement the Programme, the Commission shall, within the limits of the general objectives set out in Article 2, adopt annual work programmes specifying specific objectives, thematic priorities, the accompanying measures referred to in Article 8(3) and, if necessary, a list of other actions.

3. The annual work programmes shall be adopted in accordance with the procedure referred to in Article 10(2).

4. The evaluation and award procedures relating to grants to actions shall take into account, *inter alia*, the following criteria:

(a) conformity of the proposed action with the annual work programme, the objectives set out in Articles 2 and 3 and the types of action set out in Article 4;

(b) quality of the proposed action in terms of its design, organisation, presentation and expected results;

(c) amount requested for Community financing and its appropriateness in relation to expected results;

(d) impact of the expected results on the objectives set out in Articles 2 and 3 and on the actions referred to in Article 4.

5. Applications for operating grants referred to in Article 4(d) shall be assessed in the light of:

(a) consistency with the objectives of the Programme;

(b) quality of the planned activities;

(c) likely multiplier effect on the public of these activities;

(d) geographical impact of the activities carried out;

(e) citizens' involvement in the organisation of the bodies concerned;

(f) cost/benefit ratio of the activity proposed.

6. The Commission shall examine each of the proposed actions submitted to it under Article 4(b) and (c). Decisions relating to these actions shall be adopted in accordance with the procedure referred to in Article 11(2).

Article 10

Management Committee

1. The Commission shall be assisted by a Management Committee.

2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at three months.

Article 11

Advisory Committee

1. The Commission shall be assisted by an Advisory Committee.

2. Where reference is made to this paragraph, Articles 3 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

Article 12

Complementarity

1. Synergies and complementarity shall be sought with other Community instruments, in particular the Specific Programme 'Criminal Justice' as part of the General Programme 'Fundamental Rights and Justice', and the General Programmes 'Security and Safeguarding Liberties' and 'Solidarity and Management of Migration Flows'. The statistical element of information on civil justice shall be developed in collaboration with Member States, using as necessary the Community Statistical Programme.

2. The Programme may exceptionally share resources with other Community instruments, in particular the Specific Programme 'Criminal Justice', as part of the General Programme 'Fundamental Rights and Justice', in order to implement actions meeting the objectives of both Programmes.

3. Operations financed under this Decision shall not receive financial support for the same purpose from other Union or Community financial instruments. The beneficiaries of the Programme shall provide the Commission with information about financing received from the general budget of the European Union and from other sources, as well as information about ongoing applications for financing.

*Article 13***Budgetary resources**

1. The financial envelope for the implementation of this Decision shall be set at EUR 109 300 000 for the period set out in Article 1.

2. The budgetary resources allocated to the actions provided for in the Programme shall be entered in the annual appropriations of the general budget of the European Union. The available annual appropriations shall be authorised by the budgetary authority within the limits of the financial framework.

*Article 14***Monitoring**

1. The Commission shall ensure that for any action financed by the Programme, the beneficiary submits technical and financial reports on the progress of work and that a final report is submitted within three months of the completion of the action. The Commission shall determine the form and content of the reports. The Commission shall make the reports available to Member States.

2. Without prejudice to the audits carried out by the Court of Auditors in liaison with the competent national audit bodies or departments pursuant to Article 248 of the Treaty, or any inspection carried out pursuant to point (b) of the first subparagraph of Article 279(1) of the Treaty, officials and other staff of the Commission may carry out on-the-spot checks, including sample checks, on actions financed under the Programme.

3. The Commission shall ensure that contracts and agreements resulting from the implementation of the Programme provide in particular for supervision and financial control by the Commission (or any representative authorised by it), if necessary on-the-spot, and for audits by the Court of Auditors.

4. The Commission shall ensure that for a period of five years following the last payment in respect of any action, the beneficiary of financial support keeps available for the Commission all the supporting documents regarding expenditure on the action.

5. On the basis of the results of the reports and sample checks referred to in paragraphs 1 and 2, the Commission shall ensure that, if necessary, the scale or the conditions of allocation of the financial support originally approved and also the timetable for payments are adjusted.

6. The Commission shall ensure that every other step necessary to verify that the actions financed are carried out properly and in compliance with the provisions of this Decision and the Financial Regulation, is taken.

*Article 15***Protection of Community financial interests**

1. The Commission shall ensure that, when actions financed under this Decision are implemented, the financial interests of the Community are protected by the application of preventive measures against fraud, corruption and any other illegal activities, by effective checks and by the recovery of the amounts wrongly paid and, if irregularities are detected, by effective, proportional and dissuasive penalties, in accordance with Regulations (EC, Euratom) No 2988/95, (Euratom, EC) No 2185/96 and (EC) No 1073/1999.

2. For the Community actions financed under this Decision, Regulations (EC, Euratom) No 2988/95 and (Euratom, EC) No 2185/96 shall apply to any infringement of a provision of Community law, including infringements of a contractual obligation stipulated on the basis of the Programme, resulting from an act or omission by an economic operator, which has, or would have, the effect of prejudicing the general budget of the European Union or budgets managed by the European Communities by an unjustified item of expenditure.

3. The Commission shall ensure that the amount of financial support granted for an action is reduced, suspended or recovered if it finds irregularities, including non-compliance with the provisions of this Decision or the individual decision or the contract or agreement granting the financial support in question, or if it transpires that, without Commission approval having been sought, the action has been subjected to a change which conflicts with the nature or implementing conditions of the project.

4. If the time limits have not been observed or if only part of the allocated financial support is justified by the progress made with implementing an action, the beneficiary shall submit observations to the Commission within a specified period. If the beneficiary does not give a satisfactory answer, the Commission shall ensure that the remaining financial support may be cancelled and that sums already paid are demanded to be repaid.

5. The Commission shall ensure that any undue payment is repaid to the Commission. Interest shall be added to any sums not repaid in good time under the conditions laid down by the Financial Regulation.

*Article 16***Evaluation**

1. The Programme shall be monitored regularly in order to follow the implementation of activities carried out under it.

2. The Commission shall ensure a regular, independent and external evaluation of the Programme.

3. The Commission shall submit to the European Parliament and the Council:

- (a) an annual presentation on the implementation of the Programme;
- (b) an interim evaluation report on the results obtained and the qualitative and quantitative aspects of the implementation of the Programme, including on the work carried out by the beneficiaries of operating grants referred to in Article 4(d), not later than 31 March 2011;
- (c) a communication on the continuation of the Programme not later than 30 August 2012;
- (d) an *ex-post* evaluation report not later than 31 December 2014.

Article 17

Publication of actions

Each year the Commission shall publish a list of the actions financed under the Programme with a short description of each project.

Article 18

Visibility

The Commission shall lay down guidelines to ensure the visibility of the financial support granted under this Decision.

Article 19

Entry into force

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

It shall apply from 1 January 2007.

Done at Strasbourg, 25 September 2007.

For the European Parliament

The President

H.-G. PÖTTERING

For the Council

The President

M. LOBO ANTUNES

**DECISION No 1150/2007/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 25 September 2007**

**establishing for the period 2007-2013 the Specific Programme 'Drug prevention and information' as
part of the General Programme 'Fundamental Rights and Justice'**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE
EUROPEAN UNION,

Having regard to the Treaty establishing the European
Community, and in particular Article 152 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and
Social Committee ⁽¹⁾,

Having regard to the opinion of the Committee of the
Regions ⁽²⁾,

Acting in accordance with the procedure laid down in Article
251 of the Treaty ⁽³⁾,

Whereas:

(1) According to the Treaty, a high level of human health
should be ensured in the definition and implementation
of all Community policies and activities. Community
action is required to include a contribution to the
attainment of a high level of health protection.

(2) Community action should complement national policies
directed towards improving public health, obviating
sources of danger to human health and reducing
health-related harm associated with drug dependence,
including information and prevention policies.

(3) Given that, according to research, the morbidity and the
mortality associated with drug dependence affects a

sizeable number of European citizens, the health-related
harm associated with drug dependence constitutes a
major problem for public health.

(4) The Communication from the Commission to the
Council and the European Parliament on the results of
the final evaluation of the EU Drugs Strategy and Action
Plan on Drugs (2000 to 2004) pointed out the need
regularly to involve civil society in the formulation of
the EU's policies on drugs.

(5) Decision No 1786/2002/EC of the European Parliament
and of the Council of 23 September 2002 adopting a
programme of Community action in the field of public
health (2003 to 2008) ⁽⁴⁾ includes the development of
strategies and measures on drug dependence, as one of
the important lifestyle-related health determinants.

(6) In Recommendation 2003/488/EC of 18 June 2003 on
the prevention and reduction of health-related harm asso-
ciated with drug dependence ⁽⁵⁾, the Council recom-
mended that Member States set as a public health
objective the prevention of drug dependence and the
reduction of related risks, and that they develop and
implement comprehensive strategies accordingly.

(7) In December 2004, the European Council endorsed the
EU Drugs Strategy 2005 to 2012, which covers all
European Union drug-related activities and sets main
targets. These targets include the attainment of a high
level of health protection, well-being and social
cohesion by preventing and reducing drug use,
dependence and drug-related harm to health and society.

(8) The Council adopted the EU Drugs Action Plan (2005 to
2008) ⁽⁶⁾ as a crucial instrument for transposing the EU
Drugs Strategy 2005 to 2012 into concrete actions. The
ultimate aim of the Action Plan is to reduce significantly
the prevalence of drug use among the population and to
reduce the social harm and health damage caused by the
use of and trade in illicit drugs.

⁽¹⁾ OJ C 69, 21.3.2006, p. 1.

⁽²⁾ OJ C 192, 16.8.2006, p. 25.

⁽³⁾ Opinion of the European Parliament of 14 December 2006 (not yet
published in the Official Journal), Council Common Position of
23 July 2007 (not yet published in the Official Journal) and position
of the European Parliament of 6 September 2007 (not yet published
in the Official Journal).

⁽⁴⁾ OJ L 271, 9.10.2002, p. 1. Decision as amended by Decision No
786/2004/EC (OJ L 138, 30.4.2004, p. 7).

⁽⁵⁾ OJ L 165, 3.7.2003, p. 31.

⁽⁶⁾ OJ C 168, 8.7.2005, p. 1.

- (9) The specific programme, 'Drug prevention and information', established under this Decision (hereinafter referred to as 'the Programme') aims at implementing targets identified by the EU Drugs Strategy 2005 to 2012 and the EU Drugs Action Plans 2005 to 2008 and 2009 to 2012, by supporting projects aimed at preventing drug use, including by addressing reduction of drug-related harm and treatment methods taking into account the latest scientific knowledge.
- (10) It is important and necessary to recognise the serious, immediate and long-term implications of drugs for health, for psychological and social development including the equal opportunities of those concerned, for individuals, families and communities, and to recognise the high social and economic costs to society as a whole.
- (11) Special attention should be paid to the prevention of drug use among young people who are the most vulnerable in the population. The main challenge in prevention is to encourage young people to adopt healthy lifestyles.
- (12) The European Community can bring added value to the actions to be undertaken by Member States in the field of drug prevention and information, including treatment and reduction of drug-related harm, by complementing those actions and by promoting synergies.
- (13) In accordance with Article 7(3) of Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽¹⁾, the European Parliament should be informed by the Commission of committee proceedings relating to the implementation of this programme. In particular, the European Parliament should receive the draft annual programme when it is submitted to the management committee. In addition, the European Parliament should receive the results of voting and summary records of the meetings of that Committee.
- (14) Complementarity with the technical expertise of the European Monitoring Centre for Drugs and Drug Addiction (hereinafter referred to as 'the Centre') should be assured by making use of methodology and best practices developed by the Centre and by its involvement in the preparation of the annual work programme.
- (15) Since the objectives of this Decision cannot, because of the need for an exchange of information at Community level and for the Community-wide dissemination of good practices, be sufficiently achieved by the Member States and can therefore, due to the need for a coordinated and multidisciplinary approach and by reason of the scale and effects of the Programme, be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Decision does not go beyond what is necessary in order to achieve those objectives.
- (16) Bearing in mind the importance of visibility of the Community funding, the Commission should provide guidance to ensure that any authority, non-governmental organisation, international organisation or other entity receiving a grant under the Programme acknowledges properly the support received.
- (17) This Decision lays down for the entire duration of the Programme, a financial envelope constituting the prime reference within the meaning of point 37 of the Inter-institutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management ⁽²⁾ for the budgetary authority during the annual budgetary procedure.
- (18) Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽³⁾, (hereinafter referred to as 'the Financial Regulation'), and Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002 ⁽⁴⁾, which safeguard the Community's financial interests, should be applied taking into account the principles of simplicity and consistency in the choice of budgetary instruments, a limitation on the number of cases where the Commission retains direct responsibility for their implementation and management, and the required proportionality between the amount of resources and the administrative burden related to their use.

⁽¹⁾ OJ L 184, 17.7.1999, p. 23. Decision as last amended by Decision 2006/512/EC (OJ L 200, 22.7.2006, p. 11).

⁽²⁾ OJ C 139, 14.6.2006, p. 1.

⁽³⁾ OJ L 248, 16.9.2002, p. 1. Regulation as last amended by Regulation (EC, Euratom) No 1995/2006 (OJ L 390, 30.12.2006, p. 1).

⁽⁴⁾ OJ L 357, 31.12.2002, p. 1. Regulation as last amended by Regulation (EC, Euratom) No 478/2007 (OJ L 111, 28.4.2007, p. 13).

(19) Appropriate measures should also be taken to prevent irregularities and fraud and the necessary steps should be taken to recover funds lost, wrongly paid or incorrectly used in accordance with Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities financial interests ⁽¹⁾, Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities ⁽²⁾ and Regulation (EC) No 1073/1999 of the European Parliament and of the Council of 25 May 1999 concerning investigations conducted by the European Anti-Fraud Office (OLAF) ⁽³⁾.

(20) The Financial Regulation requires a basic act to be provided to cover operating grants.

(21) The measures necessary for the implementation of this Decision should be adopted in accordance with Council Decision 1999/468/EC, with a distinction being made between those measures which are subject to the management procedure and those which are subject to the advisory procedure, the advisory procedure being in certain cases, with a view to increased efficiency, the more appropriate.

(22) In order to ensure the effective and timely implementation of the Programme, this Decision should apply from 1 January 2007,

HAVE DECIDED AS FOLLOWS:

Article 1

Establishment and scope of the Programme

1. This Decision establishes the Specific Programme 'Drug prevention and information', (hereinafter referred to as 'the Programme'), as part of the General Programme 'Fundamental Rights and Justice', in order to contribute to ensuring a high level of human health protection and to reducing drug-related health damage.

2. The Programme shall cover the period from 1 January 2007 to 31 December 2013.

Article 2

General objectives

The Programme shall have the following general objectives:

- (a) to prevent and reduce drug use, dependence and drug-related harm;
- (b) to contribute to the improvement of information on drug use; and
- (c) to support the implementation of the EU Drugs Strategy.

Article 3

Specific objectives

The Programme shall have the following specific objectives:

- (a) to promote transnational actions to:
 - (i) set up multidisciplinary networks;
 - (ii) ensure the expansion of the knowledge base, the exchange of information and the identification and dissemination of good practices, including through training, study visits and staff exchange;
 - (iii) raise awareness of the health and social problems caused by drug use and to encourage an open dialogue with a view to promoting a better understanding of the phenomenon of drugs; and
 - (iv) support measures aimed at preventing drug use, including by addressing reduction of drug-related harm and treatment methods taking into account the latest state of scientific knowledge;
- (b) to involve civil society in the implementation and development of the EU Drugs Strategy and EU Action plans; and
- (c) to monitor, implement and evaluate the implementation of specific actions under the Drugs Action Plans 2005 to 2008 and 2009 to 2012. The European Parliament is involved in the evaluation process through its participation in the Commission's evaluation steering group.

Article 4

Actions

With a view to pursuing the general and specific objectives set out in Articles 2 and 3, the Programme shall support the following types of action under the conditions set out in the annual work programme referred to in Article 9(2):

⁽¹⁾ OJ L 312, 23.12.1995, p. 1.

⁽²⁾ OJ L 292, 15.11.1996, p. 2.

⁽³⁾ OJ L 136, 31.5.1999, p. 1.

- (a) specific actions taken by the Commission, such as studies and research, opinion polls and surveys, formulation of indicators and common methodologies, collection, development and dissemination of data and statistics, seminars, conferences and experts' meetings, organisation of public campaigns and events, development and maintenance of websites, preparation and dissemination of information materials, support to and animation of networks of national experts, analytical, monitoring and evaluation activities;
- (b) specific transnational projects of Community interest presented by at least two Member States, or at least one Member State and one other state which may either be an acceding or a candidate country under the conditions set out in the annual work programme; or
- (c) the activities of non-governmental organisations or other entities pursuing an aim of general European interest regarding the general objectives of the Programme under the conditions set out in the annual work programme.

Article 5

Participation

The following countries may participate in the actions of the Programme:

- (a) the EFTA States which are party to the EEA Agreement, in accordance with the provisions of that Agreement; and
- (b) the candidate countries and the western Balkan countries included in the stabilisation and association process in accordance with the conditions laid down in the association agreements or their additional protocols relating to participation in Community programmes concluded or to be concluded with those countries.

Candidate countries not participating in the Programme may be associated with projects where this would contribute to their preparation for accession, as may other third countries or international organisations not participating in the Programme where this serves the aim of the projects.

Article 6

Target groups

1. The Programme is targeted at all groups that directly or indirectly deal with the phenomenon of drugs.
2. With regard to drugs, youth, women, vulnerable groups and people living in socially disadvantaged areas are groups at

risk and shall be identified as target groups. Other target groups include teachers and educational staff, parents, social workers, local and national authorities, medical and paramedical staff, judicial staff, law enforcement and penitentiary authorities, non-governmental organisations, trade unions and religious communities.

Article 7

Access to the Programme

Access to the Programme shall be open to public or private organisations and institutions (local authorities at the relevant level, university departments and research centres) working in the area of information on and prevention of drug use including the reduction and treatment of drug-related harm.

Bodies and organisations which are profit-oriented shall have access to grants under the Programme only in conjunction with non-profit or state organisations.

Article 8

Types of intervention

1. Community financing may take the following legal forms:

- (a) grants; or
- (b) public procurement contracts.

2. Community grants shall be awarded further to calls for proposals, save in duly substantiated exceptional cases as provided for in the Financial Regulation, and shall be provided through operating grants and grants to actions.

The annual work programme shall specify the minimum rate of the annual expenditure to be awarded to grants and the maximum rate of co-financing.

3. Furthermore, provision is made for expenditure for accompanying measures, through public procurement contracts, in which case Community financing shall cover the purchase of goods and services. This shall cover, *inter alia*, expenditure on information and communication, preparation, implementation, monitoring, checking and evaluation of projects, policies, programmes and legislation.

Article 9

Implementing measures

1. The Commission shall implement the Community financial support in accordance with the Financial Regulation.

2. To implement the Programme, the Commission shall, within the limits of the general objectives set out in Article 2, adopt an annual work programme taking into account the technical expertise of the Centre. The Programme shall set out the specific objectives, thematic priorities, a description of accompanying measures referred to in Article 8 and, if necessary, a list of other actions.

The first annual work programme shall be adopted by 23 January 2008.

3. The annual work programme shall be adopted in accordance with the management procedure referred to in Article 10(3).

4. The evaluation and award procedures relating to grants to actions shall take into account, *inter alia*, the following criteria:

- (a) conformity of the proposed action with the annual work programme, the objectives set out in Articles 2 and 3 and the types of action set out in Article 4;
- (b) quality of the proposed action in terms of its design, organisation, presentation and expected results;
- (c) amount requested for Community financing and its appropriateness in relation to expected results; and
- (d) impact of the expected results on the objectives set out in Articles 2 and 3 and on the actions referred to in Article 4.

5. Applications for operating grants as referred to in Article 4(c) shall be assessed in the light of:

- (a) their consistency with the Programme objectives;
- (b) the quality of the planned activities;
- (c) the likely multiplier effect on the public of these activities;
- (d) the geographic and social impact of the activities carried out;
- (e) citizen involvement in the organisation of the bodies concerned;
- (f) the cost/benefit ratio of the activity proposed.

6. Decisions related to proposed actions referred to in Article 4(a) shall be adopted by the Commission in accordance with the management procedure referred to in Article 10(3). Decisions related to projects and activities referred to in Article 4(b) and (c) respectively shall be adopted by the Commission in accordance with the advisory procedure referred to in Article 10(2).

Decisions on applications for grants involving profit-oriented bodies or organisations shall be adopted by the Commission in accordance with the management procedure referred to in Article 10(3).

Article 10

Committee

1. The Commission shall be assisted by a committee.

2. Where reference is made to this paragraph, Articles 3 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

3. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at three months.

Article 11

Complementarity

1. Synergies and complementarity shall be sought with other Community instruments, in particular with the General Programme 'Security and Safeguarding Liberties', the 7th Research and Development Framework Programme and the Community Programme on Public Health. Complementarity with the methodology and best practices developed by the Centre shall be assured, in particular with regard to the statistical element of information on drugs.

2. The Programme may share resources with other Community instruments, in particular the General Programmes 'Security and Safeguarding Liberties', 'Solidarity and Management of Migration Flows' and the 7th Research and Development Framework Programme in order to implement actions meeting the objectives of all the programmes.

3. Operations financed under this Decision shall not receive financial support for the same purpose from other Community financial instruments. The Commission shall require that the beneficiaries of the Programme provide the Commission with information about financing received from the general budget of the European Union and from other sources, as well as information about ongoing applications for financing.

Article 12

Budgetary resources

1. The financial envelope for the implementation of this Decision from 1 January 2007 to 31 December 2013 shall be EUR 21 350 000.

2. The budgetary resources allocated to the actions provided for in the Programme shall be entered in the annual appropriations of the general budget of the European Union. The available annual appropriations shall be authorised by the budgetary authority within the limits of the financial framework.

Article 13

Monitoring

1. The Commission shall ensure that for any action financed by the Programme, the beneficiary submits technical and financial reports on the progress of work and that a final report is submitted within three months of the completion of the action. The Commission shall determine the form and content of the reports.

2. The Commission shall ensure that the contracts and agreements resulting from the implementation of the Programme provide in particular for supervision and financial control by the Commission (or any representative authorised by it), if necessary by means of on-the-spot checks, including sample checks, and audits by the Court of Auditors.

3. For a period of five years following the last payment in respect of any action, the Commission shall require that the beneficiary of financial support keeps available for the Commission all the supporting documents regarding expenditure on the action.

4. On the basis of the results of the reports and on-the-spot checks referred to in paragraphs 1 and 2, the Commission shall, if necessary, adjust the scale or the conditions of allocation of the financial support originally approved and also the timetable for payments.

5. The Commission shall take every other step necessary to verify that the actions financed are carried out properly and in compliance with the provisions of this Decision and the Financial Regulation.

Article 14

Protection of Community financial interests

1. The Commission shall ensure that, when actions financed under this Decision are implemented, the financial interests of the Community are protected by the application of preventive measures against fraud, corruption and any other illegal activities, by effective checks and by the recovery of the amounts wrongly paid and, if irregularities are detected, by effective, proportional and dissuasive penalties, in accordance with Regulations (EC, Euratom) No 2988/95, (Euratom, EC) No 2185/96 and (EC) No 1073/1999.

2. For the Community actions financed under this Decision, Regulations (EC, Euratom) No 2988/95 and (Euratom, EC) No 2185/96 shall apply to any infringement of a provision of Community law, including infringements of a contractual obligation stipulated on the basis of the Programme, resulting from an act or omission by an economic operator, which has, or would have, the effect of prejudicing the general budget of the European Union or budgets managed by the Communities, by an unjustified item of expenditure.

3. The Commission shall reduce, suspend or recover the amount of financial support granted for an action, if it finds irregularities, including non-compliance with the provisions of this Decision or the individual decision or the contract or agreement granting the financial support in question, or if it transpires that, without Commission approval having been sought, the action has been subjected to a change which conflicts with the nature or implementing conditions of the project.

4. If the time limits have not been observed or if only part of the allocated financial support is justified by the progress made with implementing an action, the Commission shall request the beneficiary to submit observations within a specified period. If the beneficiary does not give a satisfactory answer, the Commission may cancel the remaining financial support and require repayment of sums already paid.

5. The Commission shall ensure that any undue payment is repaid to the Commission. Interest shall be added to any sums not repaid in good time under the conditions laid down by the Financial Regulation.

*Article 15***Evaluation**

1. The Programme shall be monitored regularly in order to follow the implementation of activities carried out under it.
2. The Commission shall ensure the regular, independent, external evaluation of the Programme.
3. The Commission shall provide the European Parliament and the Council with:
 - (a) an annual presentation on the implementation of the Programme;
 - (b) an interim evaluation report on the results obtained and the qualitative and quantitative aspects of the implementation of the Programme not later than 31 March 2011;
 - (c) a Communication on the continuation of the Programme not later than 30 August 2012; and
 - (d) an *ex-post* evaluation report not later than 31 December 2014.

*Article 16***Publication of projects**

Each year, the Commission shall publish the list of projects financed under the Programme with a short description of each project.

*Article 17***Visibility**

The Commission shall lay down guidelines to ensure the visibility of the financing granted under this Decision.

*Article 18***Entry into force**

This Decision shall enter into force on the 20th day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2007, with the exception of Article 9(2) and (3) and Article 10(3), which shall apply from the date when this Decision enters into force.

Done at Strasbourg, 25 September 2007.

For the European Parliament

The President

H.-G. PÖTTERING

For the Council

The President

M. LOBO ANTUNES

II

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

DECISIONS

COMMISSION DECISION

of 28 September 2007

concerning a financial contribution from the Community towards a survey on the prevalence of *Salmonella* spp. in herds of breeding pigs to be carried out in the Member States

(notified under document number C(2007) 4434)

(2007/636/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

April 2007 a Report on a proposal for technical specifications for a baseline study on the prevalence of *Salmonella* in breeding pigs ⁽³⁾ (the EFSA report).

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field ⁽¹⁾, and in particular Article 20 thereof,

Whereas:

(1) Decision 90/424/EEC lays down procedures governing a financial contribution by the Community towards specific veterinary measures, including technical and scientific measures. It provides for the Community to undertake, or assist Member States in undertaking, the technical and scientific measures necessary for the development of Community veterinary legislation and for the development of veterinary education or training.

(2) Under Article 4 and Annex I of Regulation (EC) No 2160/2003 of the European Parliament and of the Council of 17 November 2003 on the control of *Salmonella* and other specified food-borne zoonotic agents ⁽²⁾, a Community target is to be established for reducing the prevalence of *Salmonella* in populations of herds of breeding pigs.

(3) The Task Force on Zoonoses Data Collection of the European Food Safety Authority (EFSA) adopted on 30

(4) In order to set the Community target, comparable data on the percentage of *Salmonella* infected holdings of breeding pigs in the Member States needs to be available. Such information is not available and a special survey should therefore be carried out to monitor the prevalence of *Salmonella* in breeding pigs over a suitable period in order to take account of possible seasonal variations. The survey should be based on the EFSA report.

(5) The EFSA report also recommends additional sampling for the estimation of within-holding prevalence. Such sampling should be carried out by a number of Member States geographically representing the different situations in the Community.

(6) The survey is to provide technical information necessary for the development of Community veterinary legislation. Given the importance of collecting comparable data on the prevalence of *Salmonella* in breeding pigs in the Member States, they should be granted a Community financial contribution for implementing the specific requirements of the survey. It is appropriate to reimburse 100 % of the costs incurred on the laboratory testing, subject to a ceiling. All other costs incurred such as sampling, travel, administration, etc. should not be eligible for any Community financial contribution.

⁽¹⁾ OJ L 224, 18.8.1990, p. 19. Decision as last amended by Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p. 1).

⁽²⁾ OJ L 325, 12.12.2003, p. 1. Regulation as last amended by Regulation (EC) No 1791/2006.

⁽³⁾ The EFSA Journal (2007) 99, pp. 1-28.

- (7) The financial contribution from the Community should be granted provided that the survey is carried out in accordance with the relevant provisions of Community law and subject to compliance with certain other conditions.
- (8) The financial contribution from the Community should be granted insofar as the actions provided for are effectively carried out and provided that the competent authorities furnish all the necessary information within the time limits provided for.
- (9) For reasons of administrative efficiency all expenditure presented for a financial contribution by the Community should be expressed in euro. In accordance with Council Regulation (EC) No 1290/2005 of 21 June 2005 on the financing of the common agricultural policy ⁽¹⁾, the conversion rate for expenditure in a currency other than euro should be the rate most recently set by the European Central Bank prior to the first day of the month in which the application is submitted by the Member State concerned.
- (10) 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

Subject matter and scope

This Decision lays down rules on the financial contribution from the Community towards a baseline survey to be carried out in the Member States to assess the prevalence of *Salmonella* spp. across the Community in breeding pigs sampled at farm level (the survey).

The results of the survey shall be used to set a Community target as provided for in Article 4 of Regulation (EC) No 2160/2003 and to consider the best approach to evaluate in the future the achievement of such target.

Article 2

Definition

For the purposes of this Decision, 'competent authority' shall be the authority or authorities of a Member State as designated pursuant to Article 3 of Regulation (EC) No 2160/2003.

⁽¹⁾ OJ L 209, 11.8.2005, p. 1. Regulation as last amended by Regulation (EC) No 378/2007 (OJ L 95, 5.4.2007, p. 1).

Article 3

Scope of the survey

1. The Member States shall carry out a survey to assess the prevalence of *Salmonella* spp. in breeding pigs sampled at farm level in accordance with Annex I.
2. The survey shall cover a one-year period commencing on 1 January 2008.

Article 4

Performance of sampling and analyses

Sampling and analysis shall be performed by the competent authority or under its supervision, in accordance with the technical specifications set out in Annex I.

Article 5

Conditions for granting a Community financial contribution

1. The financial contribution from the Community towards the costs of analyses shall be granted to the Member States up to the maximum total amount for co-financing set out in Annex II for the duration of the survey.
2. The financial contribution from the Community provided for in paragraph 1 shall be granted to the Member States provided that the survey is implemented in accordance with the relevant provisions of Community law, including the rules on competition and on the award of public contracts, and subject to compliance with the following conditions:
 - (a) the national laws, regulations and administrative provisions required to implement the survey must enter into force by 1 January 2008 at the latest;
 - (b) a progress report containing the information listed in point 5.1 of Annex I and covering the period from 1 January 2008 to 31 March 2008 must be submitted to the Commission by 31 May 2008 at the latest;
 - (c) a final report on the implementation of the survey, together with supporting evidence for the costs incurred by the Member States for the analyses and the results attained during the period from 1 January 2008 to 31 December 2008 must be submitted to the Commission by 28 February 2009 at the latest;
 - (d) the survey must be implemented effectively.

The supporting evidence for the costs incurred as referred to in paragraph 2(c) shall comprise at least the information set out in Annex III.

3. Failure to submit the final report referred to in paragraph 2(c) shall entail a progressive reduction of the financial contribution to be paid by the Community, amounting to 25 % of the total amount by 31 March 2009, 50 % by 30 April 2009 and 100 % by 31 May 2009.

Article 6

Maximum amounts to be reimbursed

The maximum amounts of the financial contribution from the Community towards the costs to be reimbursed to the Member States for analyses covered by the survey shall not exceed the following:

- (a) EUR 20 per test for bacteriological detection of *Salmonella* spp.;
- (b) EUR 30 for serotyping of the relevant isolates.

Article 7

Collection of data, assessment and reporting

1. The competent authority responsible for preparing the yearly national report pursuant to Article 9(1) of Directive 2003/99/EC of the European Parliament and of the Council ⁽¹⁾ shall collect and assess the results of the survey.

2. The Commission shall forward the national data and the assessment referred to in paragraph 1 to the European Food Safety Authority, which shall examine them.

3. National data and results shall be made publicly available in a form that ensures confidentiality.

Article 8

Conversion rate for expenditure

Where a Member State's expenditure is in a currency other than the euro, the Member State concerned shall convert it into euro by applying the most recent exchange rate set by the European Central Bank prior to the first day of the month in which the application for the financial contribution from the Community is submitted by the Member State.

Article 9

Application

This Decision shall apply from 1 January 2008.

Article 10

Addressees

This Decision is addressed to the Member States.

Done at Brussels, 28 September 2007.

For the Commission

Markos KYPRIANOU

Member of the Commission

⁽¹⁾ OJ L 325, 12.12.2003, p. 31.

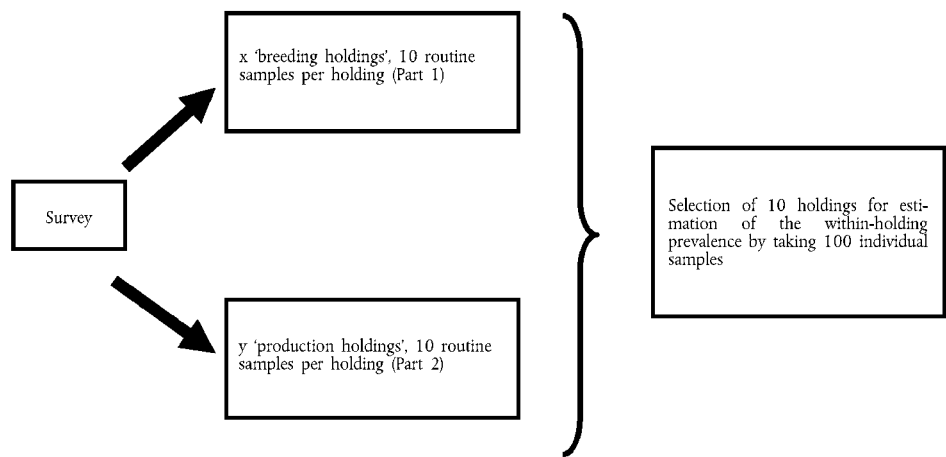
ANNEX I

Technical specifications referred to in Articles 3(1), 4 and 5(2)(b)

1. OVERVIEW OF THE SURVEY

The survey shall be performed according to the overview in Figure 1.

Figure 1: overview of the survey



2. SAMPLING FRAME

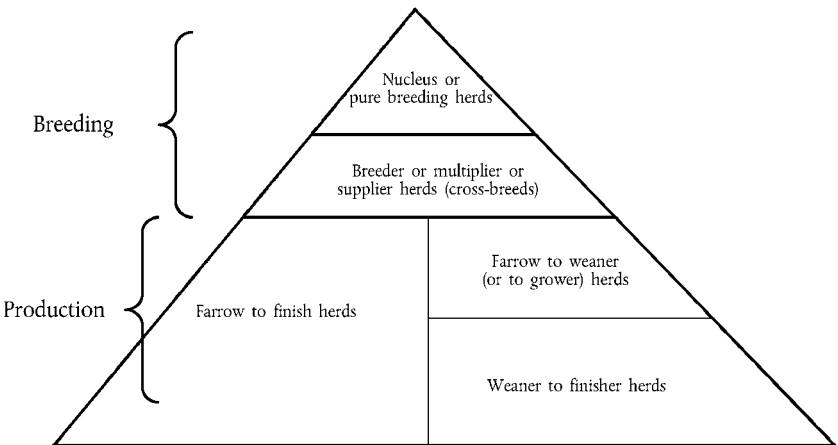
2.1. The delineation of the population

The survey shall be carried out on holdings harbouring at least 80 % of the breeding pig population in a Member State. Preferentially holdings having 50 breeding pigs or more shall be sampled. However, if those holdings having 50 breeding pigs or more do not contain 80 % of the national herd of breeding pigs, then smaller holdings with less than 50 breeding pigs shall also be sampled.

Holdings with breeding pigs shall be classified either as 'breeding holdings' or as 'production holdings'. Breeding holdings sell gilts and/or boars for breeding purposes. Typically, they sell 40 % or more of the gilts that they rear for breeding whilst the remainder are sold for slaughter. In contrast, production holdings mainly sell pigs for fattening or slaughter.

The *Salmonella* prevalence must be measured separately in breeding holdings (part 1 of the survey) and in production holdings (part 2 of the survey), representing the herds as indicated in Figure 2, but excluding weaner to finisher herds.

Figure 2: overview of holdings



2.2. The sample and the sampling strategy

Both parts of the survey shall have a similar two-stage sampling design. In the first stage, a random sample of holdings shall be selected in every Member State from the breeding holdings and a second random sample shall be selected from the production holdings group. The number of holdings required is discussed in section 2.3. In the second stage, a number of pens shall be selected for sampling within every selected holding (see section 2.2.2).

2.2.1. First stage: selection of holdings

Each Member State must create two sampling frames. The first shall list all eligible breeding holdings (usually, those holdings with at least 50 breeding pigs — see section 2.1) and the second shall list all eligible production holdings. The required number of holdings for each part of the survey will then be selected at random from each list. A random sample is intended to ensure that the survey includes holdings with a range of herd sizes and from all regions of a Member State where pig keeping is practised. It is recognised that in some Member States, there may be a few holdings (e.g. fewer than 10 % of all eligible holdings) with a very large herd size. Thus, random selection may by chance result in none of these very large herds being selected. A Member State may use a stratification criterion prior to holding selection — for example, to define a stratum containing the 10 % of largest herds and to allocate 10 % of the required sample size to this stratum. Similarly, a Member State may stratify the sample across administrative regions according to the proportion of eligible herds within each region. Any stratification that is considered should be described in the report that a Member State submits to the Commission in accordance with paragraph 5(1).

If a selected holding cannot be sampled (for example, if it no longer exists when sampling is carried out) a new holding shall be selected at random from the same sampling frame. If any stratification (e.g. on herd size or region) was in operation, then the new holding should be selected from the same stratum.

The primary sample size (number of holdings to be sampled) shall be approximately equally distributed over the year to cover the different seasons, as far as possible. Samples shall be taken from approximately one twelfth of the number of holdings each month.

Outdoor holdings must be included in the survey but there shall be no mandatory stratification on this production type.

2.2.2. Second stage: sampling on the holding

In each selected breeding herd and production herd the pens, yards or groups of breeding pigs over six months of age to be sampled will be randomly selected.

The number of pens, yards or groups to be sampled must be proportionally allocated according to the numbers of breeding pigs in the different stages of production (pregnant, non-pregnant and other categories of breeding pigs). The exact age categories to be sampled are not prescribed, but this information shall be collected during the sampling.

Breeding pigs that have arrived recently to the herd and are held in quarantine shall not be included in the survey.

2.3. The sample size calculation

2.3.1. Primary sample size (first-stage sample size)

A regular primary sample size calculation shall be conducted for the breeding holdings and a second regular primary sample size calculation shall be conducted for the production holdings. The primary sample size shall be the number of breeding holdings to be sampled and the number of production holdings to be sampled in each Member State and it shall be determined taking into account the following criteria, assuming simple random sampling:

- (a) the total number of breeding holdings (breeding holdings, part 1 of the survey);
- (b) the total number of production holdings (production holdings, part 2 of the survey);
- (c) annual expected prevalence (p): 50 %;

(d) desired confidence level (Z): 95 %, corresponding to a Z_{α} value of 1,96;

(e) accuracy (L): 7,5 %;

(f) using these values and the formula: $n_{\infty} = \frac{(Z_{\alpha})^2 p(1-p)}{L^2}$

The calculation shall be conducted firstly, for the breeding holdings and secondly, for the production holdings. In each case, the assumptions in steps (c)-(e) above are the same.

For practical purposes, if there are 100 000 or more holdings in either the breeding herds sampling frame or the production herds sampling frame then that population can be considered to be infinite and the number of holdings to be randomly selected from that sampling frame is 171 (see Table 1). Where the number of breeding herds or production herds is less than 100 000 a finite population correction factor is applied and fewer holdings need to be sampled as shown in Table 1.

As an example, if there are in a Member State 1 000 holdings belonging to the production holding group and 250 holdings belonging to the breeding holding group, 147 holdings must be sampled in the production holding group and 102 holdings must be sampled in the breeding holding group.

Table 1

Number of holdings with breeding pigs to sample in either part of the survey as a function of the finite population size (total number of holdings with breeding pigs in the Member States)

Number of holdings with breeding pigs (N)	Sample size (n) for finite population size 7,5 % accuracy
100 000	171
10 000	169
5 000	166
2 000	158
1 000	147
500	128
250	102
150	80
125	73
100	64
90	59
80	55
70	50
60	45
50	39
40	33
30	26
20	18
10	10

Non-response shall be anticipated, e.g. by increasing the sample size in each group by 10 %. Any unsuitable holding shall be replaced in the process of the survey (see Section 2.2.1).

In case an estimation of the number of 'breeding holdings' is not possible prior to the start of the survey, a number of holding shall be selected for sampling as in Table 1 based on the total number of holdings with sows (X holdings). The number of holdings to be sampled shall be increased by at least 30 % ((X + 30 %) holdings). Prior to the survey, the competent authority shall identify a number of breeding holdings, equal to at least this additional 30 %. While visiting the farms, the holding will be classified as breeding or production holding according to the definitions above.

2.3.2. *Secondary sample size (second-stage sample size)*

In each selected holding routine faecal samples (see section 3.1) shall be collected from 10 randomly chosen pens, yards or groups of breeding pigs. If necessary (for example, in farrowing accommodation or where sows are kept in small groups of less than 10 individuals), a group can consist of more than one pen. At least 10 individual breeding pigs should contribute to each routine sample.

However, where on small holdings or holdings with large numbers of breeding pigs kept outdoors in paddocks, the number of pens, yards or groups is less than 10, sampling of the same pen, yard or group shall be required so that a total of 10 routine samples are submitted.

3. **SAMPLE COLLECTION IN THE HERDS**

3.1. **Type and detail of the routine sample**

The material collected for bacteriological analysis shall be freshly voided faeces representing the whole holding, which is the unit of interest. Since every holding is unique, it shall be decided, before starting the sampling, which pens, yards or groups within the holding are sampled. The sample collected shall be placed in a separate container avoiding cross contamination and sent to the laboratory.

Each pooled sample shall total at least 25 g and two approaches may be employed to collect these pooled faeces samples:

- (1) where there is an accumulation of mixed faeces within an area of a pen or yard, a large swab (e.g. 20 cm × 20 cm) can be used to pass through the faecal mass, ensuring that at least 25 g of mixed material is collected. This may be achieved by for example, moving the swab along a two-metre zig-zag path such that it is well coated with faecal material. If necessary, for example due to hot weather or on slatted flooring then the swab may be moistened with an appropriate liquid such as drinking water;
- (2) where there is no such accumulation, for example in a field, a large yard, a farrowing house, or pens or other accommodation with low numbers of pigs per group, then individual pinches shall be selected from individual fresh faecal masses or places so that a minimum of 10 individuals, contribute to a total sample volume of at least 25 g. The sites from which these pinches are collected should be distributed in a representative manner across the area concerned.

Approach 1 shall be preferred where practical. In this approach at least 10 individual pigs must contribute to each sample taken, otherwise approach 2 shall be applied.

3.2. **Additional sampling for the within-holding prevalence study**

Together, 10 holdings, selected at random from the overall sample of breeding holdings and of production holdings are subjected to more intensive sampling. On these holdings 10 routine samples shall be collected in the same manner as described previously (section 3.1). In addition, 10 individual samples of at least 30 g shall be collected in each selected pen and shall be identified in such a manner that these 10 individual samples can be associated with the routine sample from that pen. Thus in total, 10 routine samples and 100 (10 × 10) individual samples shall be collected from each of these 10 holdings. The processing of these samples is described in section 4.3.1.

This sampling should be applied in the Czech Republic, Denmark, Romania, Slovenia, Sweden and the United Kingdom.

3.3. **Sample information**

All relevant information available from the sample shall be recorded on a sampling form produced by the competent authority to enable the data requirements in Part 5 to be fulfilled.

Each sample and its sample form shall be labelled with a unique number which shall be used from sampling to testing, and with the code of the pen. The competent authority must arrange for the issue and use of a unique numbering system.

3.4. Transport of samples

Samples shall be preferably kept at between + 2 to + 8 °C and free of external contamination during transportation. The samples shall be sent to the laboratory as quick as possible within 36 hours by fast mail or courier and shall reach the laboratory no later than 72 hours after sampling.

4. LABORATORY ANALYTICAL METHODS

4.1. Laboratories

Analysis and serotyping shall take place at the National Reference Laboratory (NRL). Where the NRL does not have the capacity to perform all analyses or if it is not the laboratory that performs detection routinely, the competent authorities may decide to designate a limited number of other laboratories involved in official control of *Salmonella* to perform the analyses. These laboratories shall have proven experience of using the required detection method and have a quality assurance system complying with ISO standard 17025 and be submitted to the supervision of the NRL.

4.2. Receipt of samples

At the laboratory, samples shall be kept refrigerated until bacteriological examination, which shall preferably be carried out within 24 hours after receipt but in any case no later than 96 hours after the sample was collected.

4.3. Sample analysis

Member States shall guarantee that all involved parties have been sufficiently trained to carry out the analyses.

4.3.1. Preparation

In the laboratory, routine samples shall be mixed carefully and thoroughly before 25 g are collected for analysis.

For evaluation of the within-holding prevalence in accordance with paragraph 3.2, each of the individual collected samples (30 g) needs to be divided into two parts. One part, weighing at least 25 g, shall be mixed carefully and thoroughly and subsequently cultured individually. The remaining second part is to be used to prepare an artificially pooled sample from the 10 individual samples in the selected pen, group or yard. This latter part shall be prepared by adding 10 times 2,5 g of the individual samples to create an artificially pooled sample of 25 g. The artificially pooled samples are mixed carefully and thoroughly before analysis. In total, 10 routine samples, 10 artificially pooled sample and 100 individual samples shall be analysed from each of the 10 holdings selected for the estimation of the within-holding prevalence.

4.3.2. Detection and identification methods

4.3.2.1. Detection of *Salmonella*

The method recommended by the Community Reference Laboratory (CRL) for *Salmonella* in Bilthoven, the Netherlands, shall be used. This method is described in the Annex D of ISO 6579: 'Detection of *Salmonella* spp. in animal faeces and in samples of the primary production stage'. The latest version of Annex D shall be used.

4.3.2.2. Serotyping of *Salmonella*

All strains isolated and confirmed as *Salmonella* spp. shall be serotyped according to the Kaufmann-White scheme, by the NRL for *Salmonella*.

For quality assurance, 16 typable strains and 16 non-typable isolates shall be sent to the CRL for *Salmonella*. A proportion of these isolates shall be sent to the CRL on a quarterly basis. If fewer strains have been isolated all shall be sent.

4.3.2.3. Phage typing of *Salmonella*

In case isolates of *Salmonella* Enteritidis and *Salmonella* Typhimurium are phage typed (optional), the methods described by the WHO reference centre for phage typing of *Salmonella* of the Health Protection Agency (HPA) Colindale, London, shall be used.

5. REPORTING FROM THE MEMBER STATES

5.1. Overall description on the implementation of the survey

A report in text format shall include at least:

- (a) Member State;
- (b) description of the population of holdings with breeder pigs:
 - (1) breeding holdings:
 - (i) total number of breeder holdings;
 - (ii) total number of nucleus holdings;
 - (iii) total number of multiplier holdings;
 - (iv) number of breeder holdings planned to be sampled, and number of breeder holdings actually sampled; number of holdings planned for sampling but not sampled and the reason therefor;
 - (v) comments on the overall representativeness of the breeding holdings sampling programme;
 - (2) production holdings:
 - (i) total number of production holdings;
 - (ii) total number of farrow to weaner/grower holdings;
 - (iii) total number of farrow to finish holdings;
 - (iv) number of production holdings planned to be sampled, and number of production holdings actually sampled; number of holdings planned for sampling but not sampled and the reason therefor;
 - (v) possible comments on overall representativeness of the production holdings sampling programme;
- (c) number of samples obtained and analysed:
 - (i) from breeding holdings;
 - (ii) from production holdings;
 - (iii) from holdings sampled for within-holding prevalence study;
- (d) overall results:
 - (i) prevalence of breeding holdings and of production holdings infected with *Salmonella*, and serovars of *Salmonella*;
 - (ii) outcome of within-holding prevalence study;
- (e) list of laboratories responsible in the baseline study for *Salmonella*:
 - (i) detection;
 - (ii) serotyping;
 - (iii) phage typing (if carried out).

5.2. Complete data on each holding sampled and corresponding tests results

The Member States shall submit the results of the investigation electronically in the form of raw data using a data dictionary and data collection forms provided by the Commission. This dictionary and forms shall be established by the Commission.

5.2.1. *The following information shall be collected in Member States for each holding selected for sampling:*

- (a) code of the holding;
- (b) holding production type;
 - (i) indoor versus 'any stage of the production kept outdoors';
 - (ii) nucleus, multiplier, farrow to weaner, farrow to finish and farrow to grower;
- (c) holding size: the number of breeding pigs present at the time of sampling (adult inventory);
- (d) replacement policy: all replacement breeding pigs purchased; some replacement breeding pigs homebred or all replacement breeding pigs homebred;
- (e) (voluntarily) clinical symptoms of diarrhoea: were there symptoms of diarrhoea within the three months before the sampling?

5.2.2. *The following information shall be collected in Member States for each sample sent to the laboratory:*

- (a) code of the sample;
- (b) code of the laboratory involved in initial analysis;
- (c) date of sample collection;
- (d) date laboratory analysis begun;
- (e) detection of *Salmonella*: qualitative result (positive/negative);
- (f) serotyping of *Salmonella*: serovar(s) detected (may be more than one);
- (g) age of the pigs: all gilts versus mixed age breeding pigs;
- (h) sex: only sows; sows and boars or only boars;
- (i) production stage: maternity; mating, gestation (other?);
- (j) housing: slatted floor (fully/partly); solid floor; deep straw or other;
- (k) diet: are pigs in this pen, yard or group fed compound feed exclusively?;
- (l) feed supplement: is there any *Salmonella* reducing substance added to the feed (like organic acid, a probiotic)?;
- (m) systematic use of antibiotics: are antibiotics used in all animals of this group by any route of administration;
- (n) the last date of administration of antimicrobials to the animals (within the last four weeks).

5.2.3. *The following additional information shall be collected in Member States for each individual sample sent to the laboratory within the frame of the sampling for the within-holding prevalence:*

- (a) code of the pooled sample;
 - (b) detection of *Salmonella* in each individual sample: qualitative result (positive/negative);
 - (c) serotyping of *Salmonella* in each individual sample: serovar(s) detected (may be more than one).
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ANNEX II

Maximum Community financial contribution to the Member States referred to in Article 5

Member State	Maximum total amount for co-financing of analyses (EUR)
Belgium — BE	59 800
Bulgaria — BG	52 260
Czech republic — CZ	102 960
Denmark — DK	98 280
Germany — DE	57 980
Estonia — EE	9 360
Ireland — IE	43 420
Greece — EL	39 260
Spain — ES	82 680
France — FR	82 680
Italy — IT	79 300
Cyprus — CY	20 020
Latvia — LV	3 380
Lithuania — LT	13 780
Luxembourg — LU	11 960
Hungary — HU	74 360
Malta — MT	0
Netherlands — NL	87 100
Austria — AT	59 020
Poland — PL	85 020
Portugal — PT	54 860
Romania — RO	107 900
Slovenia — SI	81 120
Slovakia — SK	54 080
Finland — FI	64 740
Sweden — SE	81 120
United Kingdom — UK	102 960
Total	1 609 400

ANNEX III

Certified financial report on the implementation of the baseline survey on the prevalence of *Salmonella* spp. in herds of breeding pigs

Reporting period: to

Statement on costs incurred on the survey and eligible for Community financial contribution:

Reference number of Commission Decision providing Community financial contribution:

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Costs incurred related to functions at/by	Number of tests	Total costs of testing incurred during reporting period (national currency)
Bacteriology for <i>Salmonella</i> spp.		
Serotyping <i>Salmonella</i> isolates		

Declaration by the beneficiary

We certify that:

- the above costs are genuine and have been incurred in carrying out the tasks laid down in this Decision and were essential for the proper performance of those tasks,
- all supporting documents for the costs are available for audit purposes,
- no other Community contribution was requested for this survey.

Date:

Person financially responsible:

Signature:
