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Contents

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

REGULATIONS

Commission Regulation (EC) No 1223/2007 of 19 October 2007 establishing the standard import values for determining the entry price of certain fruit and vegetables	1
Commission Regulation (EC) No 1224/2007 of 19 October 2007 establishing the allocation coefficient to be applied to applications for export licences for cheese to be exported to the United States of America in 2008 under certain GATT quotas	3
Commission Regulation (EC) No 1225/2007 of 19 October 2007 on the issue of licences for the import of garlic in the subperiod from 1 December 2007 to 29 February 2008	5
★ Commission Regulation (EC) No 1226/2007 of 17 October 2007 amending Council Regulation (EC) No 2368/2002 implementing the Kimberley Process certification scheme for the international trade in rough diamonds	7
★ Commission Regulation (EC) No 1227/2007 of 19 October 2007 amending Regulation (EC) No 712/2007 as regards the quantities covered by the standing invitation to tender for the resale on the Community market of cereals held by the intervention agencies of the Member States	10
★ Commission Regulation (EC) No 1228/2007 of 19 October 2007 terminating the investigation concerning possible circumvention of countervailing measures imposed by Council Regulation (EC) No 1628/2004 on imports of certain graphite electrode systems originating in India	15
★ Commission Regulation (EC) No 1229/2007 of 19 October 2007 terminating the investigation concerning possible circumvention of anti-dumping measures imposed by Council Regulation (EC) No 1629/2004 on imports of certain graphite electrode systems originating in India	18

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

DECISIONS

Council

2007/672/EC, Euratom:

- ★ **Council Decision of 15 October 2007 appointing an Austrian member of the European Economic and Social Committee** 22

2007/673/EC:

- ★ **Council Decision of 15 October 2007 amending the Council Act adopting rules applicable to Europol analysis files** 23

Commission

2007/674/EC:

- ★ **Commission Decision of 4 April 2007 on State aid N 575/04 implemented by France for Ernault and measure C 32/05 (ex N 250/05), the subject of proceedings under Article 88(2) of the EC Treaty (notified under document number C(2007) 1405) ⁽¹⁾**..... 25

2007/675/EC:

- ★ **Commission Decision of 17 October 2007 setting up the Group of Experts on Trafficking in Human Beings** 29

Corrigenda

- Corrigendum to Commission Regulation (EC) No 1222/2007 of 18 October 2007 fixing representative prices in the poultrymeat and egg sectors for egg albumin, and amending Regulation (EC) No 1484/95 (OJ L 275, 19.10.2007) 33

I

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

REGULATIONS

COMMISSION REGULATION (EC) No 1223/2007

of 19 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 20 October 2007.

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

Done at Brussels, 19 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 19 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	MA	55,9
	MK	27,8
	TR	117,9
	ZZ	67,2
0707 00 05	JO	151,2
	MA	40,3
	MK	48,1
	TR	164,4
	ZZ	101,0
0709 90 70	TR	120,2
	ZZ	120,2
0805 50 10	AR	81,4
	TR	89,1
	UY	73,9
	ZA	50,3
	ZZ	73,7
0806 10 10	BR	246,8
	TR	129,4
	US	244,5
	ZZ	206,9
0808 10 80	CA	101,5
	CL	86,4
	MK	33,9
	NZ	80,8
	US	96,6
	ZA	81,7
0808 20 50	ZZ	80,2
	CN	65,4
	TR	123,1
	ZA	84,6
	ZZ	91,0

⁽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 1224/2007**of 19 October 2007****establishing the allocation coefficient to be applied to applications for export licences for cheese to be exported to the United States of America in 2008 under certain GATT quotas**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾,

Having regard to Commission Regulation (EC) No 1282/2006 of 17 August 2006 laying down special detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards export licences and export refunds for milk and milk products ⁽²⁾, and in particular Article 25(1) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1022/2007 ⁽³⁾ opens the procedure for the allocation of export licences for cheese to be exported to the United States of America in 2008 under the GATT quotas referred to in Article 23 of Regulation (EC) No 1282/2006.
- (2) Applications for licences for some quotas and product groups exceed the quantities available for the 2008 quota

year. Allocation coefficients as provided for in Article 25(1) of Regulation (EC) No 1282/2006 should therefore be fixed.

- (3) Given the time limit for the implementation of the procedure of determining those coefficients, as provided for in Article 4 of Regulation (EC) No 1022/2007, this Regulation should apply as soon as possible,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for export licences lodged in accordance with Article 2 of Regulation (EC) No 1022/2007 shall be accepted subject to the application of the allocation coefficients set out in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 19 October 2007.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Regulation (EC) No 1913/2005 (OJ L 307, 25.11.2005, p. 2).

⁽²⁾ OJ L 234, 29.8.2006, p. 4. Regulation as last amended by Regulation (EC) No 532/2007 (OJ L 125, 15.5.2007, p. 7).

⁽³⁾ OJ L 230, 1.9.2007, p. 6.

ANNEX

Identification of group in accordance with Additional Notes in Chapter 4 of the Harmonised Tariff Schedule of the United States of America		Identification of group and quota	Quantity available for 2008 (t)	Allocation coefficient provided for under Article 1
Note No	Group			
(1)	(2)	(3)	(4)	(5)
16	Not specifically provided for (NSPF)	16-Tokyo	908,877	0,1698184
		16-Uruguay	3 446,000	0,1102623
17	Blue Mould	17-Uruguay	350,000	0,0833333
18	Cheddar	18-Uruguay	1 050,000	0,2830189
20	Edam/Gouda	20-Uruguay	1 100,000	0,1283547
21	Italian type	21-Uruguay	2 025,000	0,0858779
22	Swiss or Emmenthaler cheese other than with eye formation	22-Tokyo	393,006	0,3294250
		22-Uruguay	380,000	0,3877551
25	Swiss or Emmenthaler cheese with eye formation	25-Tokyo	4 003,172	0,4166784
		25-Uruguay	2 420,000	0,4801587

COMMISSION REGULATION (EC) No 1225/2007**of 19 October 2007****on the issue of licences for the import of garlic in the subperiod from 1 December 2007 to 29 February 2008**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1301/2006 of 31 August 2006 laying down common rules for the administration of import tariff quotas for agricultural products managed by a system of import licences ⁽²⁾, and in particular Article 7(2) thereof,

Whereas:

- (1) Commission Regulation (EC) No 341/2007 ⁽³⁾ opens and provides for the administration of tariff quotas and introduces a system of import licences and certificates of origin for garlic and other agricultural products imported from third countries.
- (2) The quantities for which 'A' licence applications have been lodged by traditional importers and by new

importers during the first five working days of October 2007, pursuant to Article 10(1) of Regulation (EC) No 341/2007 exceed the quantities available for products originating in China, Argentina and all third countries other than China and Argentina.

- (3) Therefore, in accordance with Article 7(2) of Regulation (EC) No 1301/2006, it is now necessary to establish the extent to which the 'A' licence applications sent to the Commission by 15 October 2007 in accordance with Article 12 of Regulation (EC) No 341/2007 can be met,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for 'A' import licences lodged pursuant to Article 10(1) of Regulation (EC) No 341/2007 during the first five working days of October 2007 and sent to the Commission by 15 October 2007, shall be met at a percentage rate of the quantities applied for as set out in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 19 October 2007.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

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

⁽²⁾ OJ L 238, 1.9.2006, p. 13. Regulation as amended by Regulation (EC) No 289/2007 (OJ L 78, 17.3.2007, p. 17).

⁽³⁾ OJ L 90, 30.3.2007, p. 12.

ANNEX

Origin	Order number	Allocation coefficient
Argentina		
— traditional importers	09.4104	50,233470 %
— new importers	09.4099	1,360814 %
China		
— traditional importers	09.4105	20,353575 %
— new importers	09.4100	0,658651 %
Other third countries		
— traditional importers	09.4106	100 %
— new importers	09.4102	14,405889 %

COMMISSION REGULATION (EC) No 1226/2007**of 17 October 2007****amending Council Regulation (EC) No 2368/2002 implementing the Kimberley Process certification scheme for the international trade in rough diamonds**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2368/2002 implementing the Kimberley Process certification scheme for the international trade in rough diamonds ⁽¹⁾, as last amended by Commission Regulation (EC) No 1038/2007 ⁽²⁾, and in particular Article 19 thereof,

Whereas:

- (1) Article 19 of Regulation (EC) No 2368/2002 provides for a list of Community authorities to be maintained by the Commission in Annex III;
- (2) Bulgaria has designated a Community authority and has informed the Commission thereof. The Commission concluded that sufficient evidence was provided that this authority can reliably, timely, effectively and

adequately fulfil the tasks required by Chapters II, III and V of Regulation (EC) No 2368/2002.

- (3) The measures provided for in this Regulation are in accordance with the opinion of the Committee designated in Article 22 of Regulation (EC) No 2368/2002,
- (4) Annex III should be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex III to Regulation (EC) No 2368/2002 is hereby replaced by the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 17 October 2007.

For the Commission

Benita FERRERO-WALDNER

Member of the Commission

⁽¹⁾ OJ L 358, 31.12.2002, p. 28.

⁽²⁾ OJ L 238, 11.9.2007, p. 23.

ANNEX

‘ANNEX III

List of Member States’ competent authorities and their tasks as referred to in Articles 2 and 19

BELGIUM

Federale Overheidsdienst Economie, KMO, Middenstand en Energie, Dienst Vergunningen/Service Public Fédéral Economie, PME, Classes moyennes et Energie, Service Licence,

Italiëlei 124, bus 71
B-2000 Antwerpen
Tel. (32-3) 206 94 70
Fax (32-3) 206 94 90
E-mail: kpcs-belgiumdiamonds@economie.fgov.be

In Belgium the controls of imports and exports of rough diamonds required by Regulation (EC) No 2368/2002 and the customs treatment will only be done at:

The Diamond Office
Hovenierstraat 22
B-2018 Antwerpen

BULGARIA

Ministry of Finance
External Finance Directorate
102, G. Rakovski str.
Sofia, 1040
Bulgaria
Tel. (359-2) 98 59 24 01/98 59 24 10/98 59 24 15
Fax (359-2) 98 12 498
E-mail: extfin@minfin.bg

CZECH REPUBLIC

In the Czech Republic the controls of imports and exports of rough diamonds required by Regulation (EC) No 2368/2002 and the customs treatment will only be done at:

Generální ředitelství cel
Budějovická 7
140 96 Praha 4
Česká republika
Tel. (420-2) 61 33 38 41, (420-2) 61 33 38 59, cell (420-737) 213 793
Fax (420-2) 61 33 38 70
E-mail: diamond@cs.mfcr.cz

GERMANY

In Germany the controls of imports and exports of rough diamonds required by Regulation (EC) No 2368/2002, including the issuing of Community certificates, will only be done at the following authority:

Hauptzollamt Koblenz
Zollamt Idar-Oberstein
Zertifizierungsstelle für Rohdiamanten
Hauptstraße 197
D-55743 Idar-Oberstein
Tel. (49-6781) 56 27-0
Fax (49-6781) 56 27-19
E-mail: poststelle@zabir.bfinv.de

For the purpose of Articles 5(3), 6, 9, 10, 14(3), 15 and 17 of this Regulation, concerning in particular reporting obligations to the Commission, the following authority shall act as competent German authority:

Oberfinanzdirektion Koblenz
Zoll- und Verbrauchsteuerabteilung
Vorort Außenwirtschaftsrecht
Postfach 10 07 64
D-67407 Neustadt/Weinstraße
Tel. (49-6321) 89 43 49
Fax (49-6321) 89 48 50
E-mail: diamond.cert@ofdko-nw.bfinv.de

ROMANIA

Autoritatea Națională pentru Protecția Consumatorilor
Direcția Metale Prețioase și Pietre Prețioase
Strada Georges Clemenceau nr. 5, sectorul 1
București, România
Cod poștal 010295
Tel. (40-21) 3184635, 3129890, 3121275
Fax (40-21) 3184635, 3143462
www.anpc.ro

UNITED KINGDOM

Government Diamond Office
Global Business Group
Room W 3.111.B
Foreign and Commonwealth Office
King Charles Street
London SW1A 2AH
Tel. (44-207) 008 6903
Fax (44-207) 008 3905
E-mail: GDO@gtnet.gov.uk'

COMMISSION REGULATION (EC) No 1227/2007**of 19 October 2007****amending Regulation (EC) No 712/2007 as regards the quantities covered by the standing invitation to tender for the resale on the Community market of cereals held by the intervention agencies of the Member States**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals ⁽¹⁾, and in particular Article 6 thereof,

Whereas:

- (1) Commission Regulation (EC) No 712/2007 ⁽²⁾ opened standing invitations to tender for the resale on the Community market of cereals held by the intervention agencies of the Member States. Annex I to this Regulation provides for 27 502 tonnes of common wheat held by the Hungarian intervention agency.
- (2) Commission Regulation (EC) No 1539/2006 of 13 October 2006 adopting a plan allocating resources to the Member States to be charged against 2007 budget year for the supply of food from intervention stocks for the benefit of the most deprived persons in the Community ⁽³⁾ lays down, amongst other things, the quantity of each type of product to be withdrawn from the stocks held by the intervention agencies. These quantities include, as stated in point 9 of Annex III to Regulation (EC) No 1539/2006 and in the form of authorised intra-Community transfers, 96 712 tonnes of common wheat held by the Hungarian intervention agencies destined for Romania. Under the second subparagraph of Article 3(2) of Commission Regulation (EEC) No 3149/92 of 29 October 1992 laying down detailed rules for the supply of food from intervention stocks

for the benefit of the most deprived persons in the Community ⁽⁴⁾, any quantities that have not been withdrawn from intervention stocks by 30 September in the year of plan implementation are no longer to be allocated to the Member State to which they were assigned. On 5 September 2007 the Romanian authorities informed the Commission that it would be impossible to comply with that deadline. As a result, and in view of the situation on the market in common wheat, that quantity of 96 712 tonnes of common wheat should be recovered and added to the quantity made available for sale under the invitation to tender opened by Regulation (EC) No 712/2007.

- (3) Regulation (EC) No 712/2007 should be amended accordingly.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 712/2007 is hereby replaced by the text in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 19 October 2007.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 78. Regulation as last amended by Regulation (EC) No 735/2007 (OJ L 169, 29.6.2007, p. 6).

⁽²⁾ OJ L 163, 23.6.2007, p. 7. Regulation as last amended by Regulation (EC) No 1046/2007 (OJ L 239, 12.9.2007, p. 65).

⁽³⁾ OJ L 283, 14.10.2006, p. 14. Regulation as last amended by Regulation (EC) No 937/2007 (OJ L 206, 7.8.2007, p. 5).

⁽⁴⁾ OJ L 313, 30.10.1992, p. 50. Regulation as last amended by Regulation (EC) No 1127/2007 (OJ L 255, 29.9.2007, p. 18).

ANNEX

'ANNEX I

LIST OF INVITATIONS TO TENDER

Member State	Quantities made available for sale on the Community market (tonnes)				Intervention Agency Name, address and contact details
	Common wheat	Barley	Maize	Rye	
Belgique/België	0	—	—	—	Bureau d'intervention et de restitution belge Rue de Trèves, 82 B-1040 Bruxelles Tel.: (32-2) 287 24 78 Fax: (32-2) 287 25 24 e-mail: webmaster@birb.be Web site: www.birb.be
БЪЛГАРИЯ	—	—	—	—	State Fund Agriculture 136, Tzar Boris III Blvd. 1618, Sofia, Bulgaria Tel.: (+359 2) 81 87 202 Fax: (+359 2) 81 87 267 e-mail: dfz@dfz.bg Web site: www.mzgar.government.bg
Česká republika	0	0	—	—	Statní zemědělský intervenční fond Odbor rostlinných komodit Ve Smečkách 33 CZ-110 00, Praha 1 Tel.: (420) 222 871 667 – 222 871 403 Fax: (420) 296 806 404 e-mail: dagmar.hejrovska@szif.cz Web site: www.szif.cz
Danmark	—	—	—	—	Direktoratet for FødevareErhverv Nyropsgade 30 DK-1780 København Tel.: (45) 33 95 88 07 Fax: (45) 33 95 80 34 e-mail: mij@dfre.dk and pah@dfre.dk Web site: www.dfre.dk
Deutschland	0	0	—	38 422	Bundesanstalt für Landwirtschaft und Ernährung Deichmanns Aue 29 D-53179 Bonn Tel.: (49-228) 6845-3704 Fax: 1 (49-228) 6845-3985 Fax: 2 (49-228) 6845-3276 e-mail: pflanzlErzeugnisse@ble.de Web site: www.ble.de
Eesti	—	—	—	—	Põllumajanduse Registrite ja Informatsiooni Amet Narva mnt. 3, 51009 Tartu Tel.: (372) 7371 200 Fax: (372) 7371 201 e-mail: pria@pria.ee Web site: www.pria.ee
Eire/Ireland	—	—	—	—	Intervention Operations, OFI, Subsidies & Storage Division, Department of Agriculture & Food Johnstown Castle Estate, County Wexford Tel.: 353 53 91 63400 Fax: 353 53 91 42843 Web site: www.agriculture.gov.ie

Member State	Quantities made available for sale on the Community market (tonnes)				Intervention Agency Name, address and contact details
	Common wheat	Barley	Maize	Rye	
Elláda	—	—	—	—	Payment and Control Agency for Guidance and Guarantee Community Aids (O.P.E.K.E.P.E) 241, Acharmon str., GR-104 46 Athens Tel.: (30-210) 212 47 87 & 47 54 Fax: (30-210) 212 47 91 e-mail: ax17u073@minagric.gr Web site: www.opekepe.gr
España	—	—	—	—	S. Gral. Intervención de Mercados (FEGA) C/Almagro 33 — 28010 Madrid — España Tel.: (34-91) 3474765 Fax: (34-91) 3474838 e-mail: sgintervencion@fega.mapa.es Web site: www.fega.es
France	0	13 218	—	—	Office national interprofessionnel des grandes cultures (ONIGC) 12, rue Henri-Roltanguy TSA 20002 F-93555 Montreuil-sous-Bois Cedex Tel.: (33-1) 73 30 20 20 Fax: (33-1) 73 30 20 08 e-mail: Catherine.LESCOUARCH@onigc.fr; Philippe.BONNARD@onigc.fr Web site: www.onigc.fr
Italia	—	—	—	—	Agenzia per le Erogazioni in Agricoltura — AGEA Via Torino, 45, 00184 Roma Tel.: (39) 0649499558 Fax: (39) 0649499761 e-mail: b.pennacchia@agea.gov.it Web site: www.agea.gov.it
Kypros	—	—	—	—	
Latvija	0	0	—	—	Lauku atbalsta dienests Republikas laukums 2, Rīga, LV-1981 Tel.: (371) 702 7893 Fax: (371) 702 7892 e-mail: lad@lad.gov.lv Web site: www.lad.gov.lv
Lietuva	—	—	—	—	The Lithuanian Agricultural and Food Products Market regulation Agency L. Stuokos-Gucevičiaus Str. 9-12, Vilnius, Lithuania Tel.: (370-5) 268 5049 Fax: (370-5) 268 5061 e-mail: info@litfood.lt Web site: www.litfood.lt
Luxembourg	—	—	—	—	Office des licences 21, rue Philippe II Boîte postale 113 L-2011 Luxembourg Tel.: (352) 478 23 70 Fax: (352) 46 61 38 Telex: 2 537 AGRIM LU
Magyarország	124 214	0	2 199 355	—	Mezőgazdasági és Vidékfejlesztési Hivatal Soroksári út. 22-24 H-1095 Budapest Tel.: (36) 1 219 45 76 Fax: (36) 1 219 89 05 e-mail: ertekesites@mvh.gov.hu Web site: www.mvh.gov.hu

Member State	Quantities made available for sale on the Community market (tonnes)				Intervention Agency Name, address and contact details
	Common wheat	Barley	Maize	Rye	
Malta	—	—	—	—	
Nederland	—	—	—	—	Dienst Regelingen Roermond Postbus 965, NL-6040 AZ Roermond Tel.: (31) 475 355 486 Fax: (31) 475 318939 e-mail: p.a.c.m.van.de.lindeloof@minlnv.nl Web site: www.minlnv.nl
Österreich	—	—	—	—	AMA (Agrarmarkt Austria) Dresdnerstraße 70 A-1200 Wien Tel.: (43-1) 33151 258 (43-1) 33151 328 Fax: (43-1) 33151 4624 (43-1) 33151 4469 e-mail: referat10@ama.gv.at Web site: www.ama.at/intervention
Polska	—	0	—	—	Agencja Rynku Rolnego Biuro Produktów Roślinnych Nowy Świat 6/12 PL-00-400 Warszawa Tel.: (48) 22 661 78 10 Fax: (48) 22 661 78 26 e-mail: cereals-intervention@arr.gov.pl Web site: www.arr.gov.pl
Portugal	—	—	—	—	Instituto Nacional de Intervenção e Garantia Agrícola (INGA) R. Castilho, n.º 45-51, 1269-163 Lisboa Tel.: (351) 21 751 85 00 (351) 21 384 60 00 Fax: (351) 21 384 61 70 e-mail: inga@inga.min-agricultura.pt edalberto.santana@inga.min-agricultura.pt Web site: www.inga.min-agricultura.pt
România	—	—	—	—	Agencia de Plăți și Intervenție pentru Agricultură B-dul Carol I, nr. 17, sector 2 București 030161 România Tel.: + 40 21 3054802, + 40 21 3054842 Fax: + 40 21 3054803 Web site: www.apia.org.ro
Slovenija	—	—	—	—	Agencija Republike Slovenije za kmetijske trge in razvoj podeželja Dunajska 160, 1000 Ljubjana Tel.: (386) 1 580 76 52 Fax: (386) 1 478 92 00 e-mail: aktrp@gov.si Web site: www.arsktrp.gov.si
Slovensko	—	—	—	—	Pôdohospodárska platobná agentúra Oddelenie obilnín a škrobu Dobrovičova 12 SK-815 26 Bratislava Tel.: (421-2) 58 243 271 Fax: (421-2) 53 412 665 e-mail: jvargova@apa.sk Web site: jvargova@apa.sk

Member State	Quantities made available for sale on the Community market (tonnes)				Intervention Agency Name, address and contact details
	Common wheat	Barley	Maize	Rye	
Suomi/Finland	0	0	—	—	Maaseutuvirasto PL 256 FI-00101 HELSINKI Tel.: +358 (0)20 772 007 Fax: +358 (0)20 7725 506, +358 (0)20 7725 508 e-mail: markkinatukiosasto@mavi.fi Web site: www.mavi.fi
Sverige	0	0	—	—	Statens Jordbruksverk S-551 82 Jönköping Tel.: (46) 36 15 50 00 Fax: (46) 36 19 05 46 e-mail: jordbruksverket@sjv.se Web site: www.sjv.se
United Kingdom	—	—	—	—	Rural Payments Agency Lancaster House Hampshire Court Newcastle upon Tyne NE4 7YH Tel.: (44) 191 226 5882 Fax: (44) 191 226 5824 e-mail: cerealsintervention@rpa.gsi.gov.uk Web site: www.rpa.gov.uk

“—” means no intervention stock of this cereal in this Member State.’

COMMISSION REGULATION (EC) No 1228/2007**of 19 October 2007****terminating the investigation concerning possible circumvention of countervailing measures imposed by Council Regulation (EC) No 1628/2004 on imports of certain graphite electrode systems originating in India**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2026/97 of 6 October 1997 on protection against subsidised imports from countries not members of the European Community (the basic Regulation) ⁽¹⁾, and in particular Articles 14 and 23 thereof,

Whereas:

A. PROCEDURE**1. Existing measures and former investigations**

- (1) Following parallel anti-dumping and anti-subsidy proceedings, the Council imposed, by Regulation (EC) No 1628/2004 ⁽²⁾ (the original Regulation), definitive countervailing measures of 15,7 % for Graphite India Limited, 7,0 % for HEG Limited and 15,7 % for all other companies on imports of certain graphite electrode systems originating in India.

2. Request

- (2) On 15 January 2007 the Commission received a request pursuant to Article 23(2) of the basic Regulation to investigate the alleged circumvention of the countervailing measures imposed on imports of certain graphite electrode systems originating in India. The request was submitted by the European Carbon and Graphite Association (ECGA) on behalf of Community producers of certain graphite electrode systems.
- (3) The request contained *prima facie* evidence showing that there had been a change in the pattern of trade following the imposition of the countervailing measures on imports of certain graphite electrode systems originating in India, as shown by a significant increase in imports of artificial graphite from India (the product under investigation) while imports of certain graphite electrode systems from India (the product concerned) had decreased substantially during the same period.

- (4) The request to investigate the alleged circumvention of the duties in force argued that one exporting producer of the product concerned originating in India was, after imposition of the duties, exporting the product under investigation to its related company in the Community. This company was then performing a completion operation in the Community to produce the product concerned from the product under investigation.

- (5) It was alleged that there was insufficient due cause or economic justification for these changes other than the existence of the countervailing duties on certain graphite electrode systems originating in India.

- (6) Finally, the applicant alleged that the remedial effects of the existing countervailing measures on the product concerned were being undermined in terms of quantity and that the imported product still benefited from the subsidy.

3. Initiation

- (7) The Commission initiated an investigation by Regulation (EC) No 217/2007 ⁽³⁾ (the initiating Regulation) into the alleged circumvention and, pursuant to Articles 23(2) and 24(5) of the basic anti-subsidy Regulation, directed the customs authorities to register imports of the product under investigation, being artificial graphite rods of a diameter of 75 mm or more originating in India, falling under CN code ex 3801 10 00 (TARIC code 3801 10 00 10), as from 2 March 2007.

4. Investigation

- (8) The Commission advised the authorities of India of the initiation of the investigation. Questionnaires were sent to the exporting producers in India as well as to importers in the Community named in the request or known to the Commission from the previous investigation. Interested parties were given the opportunity to make their views known in writing and to request a hearing within the time limit set in the initiating Regulation.
- (9) Two exporting producers in India submitted complete replies to the questionnaire. One reply was also received from an importer in the Community.

⁽¹⁾ OJ L 288, 21.10.1997, p. 1. Regulation as last amended by Regulation (EC) No 461/2004 (OJ L 77, 13.3.2004, p. 12).

⁽²⁾ OJ L 295, 18.9.2004, p. 4.

⁽³⁾ OJ L 62, 1.3.2007, p. 19.

- (10) The Commission carried out investigations at the premises of the following companies:

- Graphite India Limited, Durgapur and Bangalore, India (GIL),
- Graphite COVA GmbH, Rothenbach, Germany (COVA).

5. Investigation period

- (11) The investigation period was set as from 1 January 2006 to 31 December 2006.

B. RESULTS OF THE INVESTIGATION

1. General considerations/degree of cooperation

- (12) Two exporting producers of the product concerned and the product under investigation cooperated with the investigation. The information submitted by the two companies could be reconciled to the data available on the imports of the product under investigation so as to show that the two companies, Graphite India Limited and HEG Limited, were the sole exporters of the product under investigation to the Community during the IP.

2. Product concerned and like product

- (13) The product concerned by the possible circumvention is graphite electrodes of a kind used for electric furnaces, with an apparent density of 1,65 g/cm³ or more and an electrical resistance of 6,0 µΩ.m or less, falling within CN code ex 8545 11 00 (Taric code 8545 11 00 10) and nipples used for such electrodes, falling within CN code ex 8545 90 90 (Taric code 8545 90 90 10) whether imported together or separately originating in India (the product concerned).
- (14) The product under investigation is artificial graphite rods of a diameter of 75 mm or more originating in India, normally declared under CN code ex 3801 10 00 (TARIC 3801 10 00 10) (the product under investigation). The product under investigation is an intermediate product in the manufacturing of the product concerned, and it already embodies the basic characteristics of the latter product.

3. Change in the pattern of trade

- (15) According to Eurostat data, imports under CN codes 8545 11 00 and 8545 90 90 from India decreased from 11 866 tonnes in 2004 to 3 244 tonnes in

2006. During the same period, imports under CN code 3801 10 00 increased from 1 348 tonnes in 2004 to 10 289 tonnes in 2006.

- (16) As stated in recital 3, the change in the pattern of trade was alleged to stem from the substitution of imports of finished graphite electrode systems by artificial graphite rods produced in India.

- (17) However, on inspection of the related company in Germany, Graphite COVA, it became clear that the part of the imports from India declared as artificial graphite were in fact imports of re-baked electrodes in the form of rods of carbon which had not yet been through the process of graphitisation. These re-baked electrodes were then graphitised and machined in Germany before being resold.

- (18) The change in the pattern of trade described by the applicant is confirmed by the available data, insofar as the imports under CN codes 8545 11 00 and 8545 90 90 appeared to be partly replaced by an increase in imports under CN code 3801 10 00.

- (19) The latter increase consisted essentially of imports of carbon rods destined for the manufacture of electrodes with a diameter of 600 mm or above, and artificial graphite rods for the manufacture of electrode nipples, imported by COVA from GIL, its parent company in India.

- (20) Regarding HEG, it was found that no such change in the pattern of trade had taken place.

4. Insufficient due cause or economic justification

- (21) The Commissions services examined whether, as alleged, the acquisition of COVA by GIL in 2004, and the subsequent changes in the pattern of trade, could be considered as having an economic justification other than the duty imposed in 2004.

- (22) In particular, the following aspects were examined:

- the nature of the manufacturing activities undertaken by COVA before and after the acquisition by GIL,

- the amount of the investment by GIL in COVA, and the overall volume of business, in electrodes and other products,

- COVAs technical and historical constraints regarding the production of large diameter electrodes and nipples,
 - COVAs capacity constraints in the various stages of production,
 - differences in costs such as labour, energy and manufacturing overheads, at the various stages of production, between COVA and GIL, and,
 - technical and marketing advantages of having the electrodes and electrode nipples finished in Germany as opposed to in India.
- (23) Following examination of these points in both the German and Indian producers, it was found that:
- a number of reasons, in terms of capacity and technical constraints, explain the fact that COVA has not so far taken up the full production of nipples and large diameter electrodes. In particular, COVA has historically not produced the largest diameter electrodes, which used to be outsourced from other producers. Also, electrode nipples used to be produced in a plant which no longer belongs to the group. It is logical therefore that COVA should now procure those materials from its parent company GIL,
 - the difference in the total cost of manufacturing between Germany and India is not very significant, and the small cost advantage of manufacturing the entire product in India is outweighed by other advantages, such as having the products finished in Germany and sold under the COVA label, and being able to offer the entire product range for sale dispatched from the site in Germany,
 - it was alleged that the purchase of COVA by GIL was motivated solely by the imposition of the measures. However the amount of investment by GIL in COVA is of such a magnitude as to make it unlikely that the potential duties payable on those imports could be the main justification for such an investment.

- (24) Therefore, it was concluded that there were reasonable economic grounds, other than the imposition of duties on imports of certain graphite electrode systems originating in India, for the change in the pattern of trade referred to in recital 3.

C. TERMINATION

- (25) In view of the findings mentioned in recital 24, it appears appropriate that the current anti-circumvention investigation be terminated. The registration of imports of certain artificial graphite originating in India introduced by the initiating Regulation should therefore be discontinued, and that Regulation should be repealed.
- (26) Interested parties were informed of the essential facts and considerations on the basis of which the Commission intended to terminate the investigation and were given the opportunity to comment. The comments received were not of a nature to change the above conclusions,

HAS ADOPTED THIS REGULATION:

Article 1

The investigation initiated by Regulation (EC) No 217/2007 concerning the possible circumvention of countervailing measures imposed on imports of certain graphite electrode systems originating in India by imports of certain artificial graphite originating in India is hereby terminated.

Article 2

Customs authorities are hereby directed to discontinue the registration of imports established in accordance to Article 2 of Regulation (EC) No 217/2007.

Article 3

Regulation (EC) No 217/2007 is hereby repealed.

Article 4

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, 19 October 2007.

For the Commission

Peter MANDELSON

Member of the Commission

COMMISSION REGULATION (EC) No 1229/2007**of 19 October 2007****terminating the investigation concerning possible circumvention of anti-dumping measures imposed by Council Regulation (EC) No 1629/2004 on imports of certain graphite electrode systems originating in India**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community (the basic Regulation) ⁽¹⁾, and in particular Articles 9 and 13 thereof,

Whereas:

A. PROCEDURE**1. Existing measures and former investigations**

- (1) Following parallel anti-dumping and anti-subsidy proceedings, the Council imposed, by Regulation (EC) No 1629/2004 ⁽²⁾ (the original Regulation), a definitive anti-dumping duty of 0 % on imports of certain graphite electrode systems originating in India. At the same time, countervailing duties between 7,0 % and 15,7 % were imposed on the same imports by Council Regulation (EC) No 1628/2004 ⁽³⁾.

2. Request

- (2) On 15 January 2007 the Commission received a request pursuant to Article 13(3) of the basic Regulation to investigate the alleged circumvention of the anti-dumping measures imposed on imports of certain graphite electrode systems originating in India. The request was submitted by the European Carbon and Graphite Association (ECGA) on behalf of Community producers of certain graphite electrode systems.
- (3) The request contained *prima facie* evidence showing that there had been a change in the pattern of trade following the imposition of the anti-dumping measures on imports of certain graphite electrode systems originating in India, as shown by a significant increase in imports of artificial

graphite from India (the product under investigation) while imports of certain graphite electrode systems from India (the product concerned) had decreased substantially during the same period.

- (4) The request to investigate the alleged circumvention of the measures in force argued that one exporting producer of the product concerned originating in India was, after imposition of the measures, exporting the product under investigation to its related company in the Community. This company was then performing a completion operation in the Community to produce the product concerned from the product under investigation.

- (5) It was alleged that there was insufficient due cause or economic justification for these changes other than the existence of the anti-dumping duty on certain graphite electrode systems originating in India.

- (6) Finally, the applicant alleged that the remedial effects of the existing anti-dumping duty on the product concerned were being undermined in terms of quantity and that dumping was taking place in relation to the normal value previously established for the product concerned.

3. Initiation

- (7) The Commission initiated an investigation by Regulation (EC) No 216/2007 ⁽⁴⁾ (the initiating Regulation) into the alleged circumvention and, pursuant to Articles 13(3) and 14(5) of the basic Regulation, directed the customs authorities to register imports of the product under investigation, being artificial graphite rods of a diameter of 75 mm or more originating in India, falling under CN code ex 3801 10 00 (TARIC code 3801 10 00 10), as from 2 March 2007.

4. Investigation

- (8) The Commission advised the authorities of India of the initiation of the investigation. Questionnaires were sent to the exporting producers in India as well as to importers in the Community named in the request or known to the Commission from the previous investigation. Interested parties were given the opportunity to make their views known in writing and to request a hearing within the time limit set in the initiating Regulation.

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

⁽²⁾ OJ L 295, 18.9.2004, p. 10.

⁽³⁾ OJ L 295, 18.9.2004, p. 4.

⁽⁴⁾ OJ L 62, 1.3.2007, p. 16.

(9) Two exporting producers in India submitted complete replies to the questionnaire. One reply was also received from an importer in the Community.

(10) The Commission carried out investigations at the premises of the following companies:

— Graphite India Limited, Durgapur and Bangalore, India (GIL),

— Graphite COVA GmbH, Rothenbach, Germany (COVA).

5. Investigation period

(11) The investigation period was set as from 1 January 2006 to 31 December 2006.

B. RESULTS OF THE INVESTIGATION

1. General considerations/degree of cooperation

(12) Two exporting producers of the product concerned and the product under investigation cooperated with the investigation. The information submitted by the two companies could be reconciled to the data available on the imports of the product under investigation so as to show that the two companies, Graphite India Limited and HEG Limited, were the sole exporters of the product under investigation to the Community during the IP.

2. Product concerned and like product

(13) The product concerned by the possible circumvention is graphite electrodes of a kind used for electric furnaces, with an apparent density of 1,65 g/cm³ or more and an electrical resistance of 6,0 µΩ.m or less, falling within CN code ex 8545 11 00 (TARIC code 8545 11 00 10) and nipples used for such electrodes, falling within CN code ex 8545 90 90 (TARIC code 8545 90 90 10) whether imported together or separately originating in India (the product concerned).

(14) The product under investigation is artificial graphite rods of a diameter of 75 mm or more originating in India, normally declared under CN code ex 3801 10 00 (TARIC 3801 10 00 10) (the product under investigation). The product under investigation is an intermediate product in the manufacturing of the product concerned, and it already embodies the basic characteristics of the latter product.

3. Change in the pattern of trade

(15) According to Eurostat data, imports under CN codes 8545 11 00 and 8545 90 90 from India decreased from 11 866 tonnes in 2004 to 3 244 tonnes in 2006. During the same period, imports under CN code 3801 10 00 increased from 1 348 tonnes in 2004 to 10 289 tonnes in 2006.

(16) As stated in recital 3 above, the change in the pattern of trade was alleged to stem from the substitution of imports of finished graphite electrode systems by artificial graphite rods produced in India.

(17) However, on inspection of the related company in Germany, Graphite COVA, it became clear that the part of the imports from India declared as artificial graphite were in fact imports of re-baked electrodes in the form of rods of carbon which had not yet been through the process of graphitisation. These re-baked electrodes were then graphitised and machined in Germany before being resold.

(18) The change in the pattern of trade described by the applicant is confirmed by the available data, insofar as the imports under CN codes 8545 11 00 and 8545 90 90 appeared to be partly replaced by an increase in imports under CN code 3801 10 00.

(19) The latter increase consisted essentially of imports of carbon rods destined for the manufacture of electrodes with a diameter of 600 mm or above, and artificial graphite rods for the manufacture of electrode nipples, imported by COVA from GIL, its parent company in India.

(20) Regarding HEG, it was found that no such change in the pattern of trade had taken place.

4. Insufficient due cause or economic justification

(21) The Commission's services examined whether, as alleged, the acquisition of COVA by GIL in 2004, and the subsequent changes in the pattern of trade, could be considered as having an economic justification other than the duty imposed in 2004.

(22) In particular, the following aspects were examined:

- the nature of the manufacturing activities undertaken by COVA before and after the acquisition by GIL,
- the amount of the investment by GIL in COVA, and the overall volume of business, in electrodes and other products,
- COVAs technical and historical constraints regarding the production of large diameter electrodes and nipples,
- COVAs capacity constraints in the various stages of production,
- differences in costs such as labour, energy and manufacturing overheads, at the various stages of production, between COVA and GIL, and,
- technical and marketing advantages of having the electrodes and electrode nipples finished in Germany as opposed to in India.

(23) Following examination of these points in both the German and Indian producers, it was found that:

- a number of reasons, in terms of capacity and technical constraints, explain the fact that COVA has not so far taken up the full production of nipples and large diameter electrodes. In particular, COVA has historically not produced the largest diameter electrodes, which used to be outsourced from other producers. Also, electrode nipples used to be produced in a plant which no longer belongs to the group. It is logical therefore that COVA should now procure those materials from its parent company GIL,
- the difference in the total cost of manufacturing between Germany and India is not very significant, and the small cost advantage of manufacturing the entire product in India is outweighed by other advantages, such as having the products finished in Germany and sold under the COVA label, and being able to offer the entire product range for sale dispatched from the site in Germany,
- it was alleged that the purchase of COVA by GIL was motivated solely by the imposition of the measures.

However the amount of investment by GIL in COVA is of such a magnitude as to make it unlikely that the potential duties payable on those imports could be the main justification for such an investment.

(24) Therefore, it was concluded that there were reasonable economic grounds, other than the imposition of duties on imports of certain graphite electrode systems originating in India, for the change in the pattern of trade referred to in recital 3.

5. Added value

(25) The operations of completion of the electrodes and nipples in the Community were also examined under the provisions Article 13(2)(b) of the basic Regulation.

(26) The investigation showed that the parts imported from India amount to more than 60 % of the total value of the parts of the final product, but also that the value added to those parts during the finishing operation was greater than 25 % of the manufacturing cost of the product concerned. Therefore, according to Article 13(2)(b) of the basic Regulation circumvention cannot be considered to be taking place.

C. TERMINATION

(27) In view of the findings mentioned in recitals 24 and 26, it appears appropriate that the current anti-circumvention investigation be terminated. The registration of imports of certain artificial graphite originating in India introduced by the initiating Regulation should therefore be discontinued, and that Regulation should be repealed.

(28) Interested parties were informed of the essential facts and considerations on the basis of which the Commission intended to terminate the investigation and were given the opportunity to comment. The comments received were not of a nature to change the above conclusions,

HAS ADOPTED THIS REGULATION:

Article 1

The investigation initiated by Regulation (EC) No 216/2007 concerning the possible circumvention of anti-dumping measures imposed on imports of certain graphite electrode systems originating in India by imports of certain artificial graphite originating in India is hereby terminated.

Article 2

Customs authorities are hereby directed to discontinue the registration of imports established in accordance to Article 2 of Regulation (EC) No 216/2007.

Article 3

Regulation (EC) No 216/2007 is hereby repealed.

Article 4

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, 19 October 2007.

For the Commission
Peter MANDELSON
Member of the Commission

II

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

DECISIONS

COUNCIL

COUNCIL DECISION

of 15 October 2007

appointing an Austrian member of the European Economic and Social Committee

(2007/672/EC, Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 259 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 167 thereof,

Having regard to the nomination submitted by the Austrian government,

After receiving the opinion of the Commission,

Whereas:

- (1) By Decision 2006/524/EC, Euratom appointing Czech, German, Estonian, Spanish, French, Italian, Latvian, Lithuanian, Luxembourg, Hungarian, Maltese, Austrian, Slovenian and Slovak members of the European Economic and Social Committee ⁽¹⁾, the Council appointed the Austrian members of the European Economic and Social Committee for the period from 21 September 2006 to 20 September 2010.

- (2) An Austrian member's seat on the Committee has fallen vacant following the resignation of Mr Hans KLETZMAYR,

HAS DECIDED AS FOLLOWS:

Article 1

Mr Gerfried GRUBER is hereby appointed a member of the European Economic and Social Committee in place of Mr Hans KLETZMAYR for the remainder of the latter's term of office, which runs until 20 September 2010.

Article 2

This Decision shall take effect on the date of its adoption.

Done at Luxembourg, 15 October 2007.

For the Council
The President
L. AMADO

⁽¹⁾ OJ L 207, 28.7.2006, p. 30. Decision as amended by Decision 2007/622/EC, Euratom (OJ L 253, 28.9.2007, p. 39).

COUNCIL DECISION
of 15 October 2007
amending the Council Act adopting rules applicable to Europol analysis files
(2007/673/EC)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to the Convention based on Article K.3 of the Treaty on European Union, on the establishment of a European Police Office (Europol Convention) ⁽¹⁾, and in particular Article 10(1) thereof,

Article 1

Council Act (1999/C 26/01) adopting rules applicable to Europol analysis files is hereby amended as follows:

Having regard to the initiative by the Republic of Finland,

1. in Article 3(1), the third subparagraph shall be replaced by the following:

Having regard to the opinion of the European Parliament ⁽²⁾,

‘After receipt, it shall be determined as soon as possible to what extent the data shall be included in a specific file.’;

Having regard to the draft prepared by the Management Board of Europol,

2. Article 5(3) shall be replaced by the following:

Whereas:

‘3. The orders mentioned in this Article, including later amendments, shall be established in accordance with the procedure established in Article 12 of the Europol Convention.’;

- (1) The Europol Convention makes provision in Title III for work files for the purposes of analysis; amendments thereto were introduced by the Protocol drawn up on the basis of Article 43(1) of the Europol Convention; in particular, amendments were made to Articles 10, 12, 16 and 21 of the Europol Convention, which constitute the framework for the opening of an analysis file and the collection, processing, utilisation and deletion of personal data contained therein.

3. Article 7 shall be amended as follows:

- (a) in paragraph 1, the fourth subparagraph shall be replaced by the following:

- (2) Implementing rules were adopted for work files for the purpose of analysis by Council Act (1999/C 26/01) of 3 November 1998 adopting rules applicable to Europol analysis files ⁽³⁾. These rules need to be amended as a consequence of the amendments made by the said Protocol to the Europol Convention. The Act should therefore be amended accordingly.

‘The review of the need for the continuation of an analysis work file in accordance with Article 12(4) of the Europol Convention shall be carried out by the participants in the analysis. On the basis of this review, a decision shall be taken by the Director on the continuation or closure of the file. The Director shall inform the Management Board of his decision.’;

- (3) After consulting the Joint Supervisory Body,

- (b) paragraph 3 shall be replaced by the following:

⁽¹⁾ OJ C 316, 27.11.1995, p. 2. Convention as last amended by the Protocol drawn up on the basis of Article 43(1) of the Convention on the Establishment of a European Police Office (Europol Convention), amending that Convention (OJ C 2, 6.1.2004, p. 3).

⁽²⁾ Opinion of 4 September 2007 (not yet published in the Official Journal).

⁽³⁾ OJ C 26, 30.1.1999, p. 1. Act as last amended by the Council Act of 19 December 2002 amending the Staff Regulations applicable to Europol employees (OJ C 24, 31.1.2003, p. 1).

‘3. Personal data may not be retained for a period longer than that mentioned in Article 12(4) of the Europol Convention. Where, as a consequence of the continuation of the analysis file, data concerning persons as referred to in Article 6(3) to (6) are stored in a file for a period exceeding five years, the Joint Supervisory Body shall be informed accordingly.’;

4. Article 12 shall be amended as follows:

- (a) in paragraph 2, the first subparagraph shall be deleted and the text of the second subparagraph shall be preceded by the number '2.';

(b) paragraph 3 shall be replaced by the following:

'3. Analysis activities and the dissemination of analysis results may begin immediately after the analysis file has been opened in accordance with Article 12(1) of the Europol Convention. Should the Management Board instruct the Director of Europol to amend an opening order or close the file, data which may not be included in the file or, if the file is to be closed, all data contained in that file, shall be deleted immediately.'

5. The following Article shall be inserted:

'Article 12a

Participants in an analysis project within the meaning of Article 10(2) of the Europol Convention shall only be authorised to retrieve data after they have been accredited by Europol and undergone training on their specific obligations under the Europol legal framework.'

6. Article 15(4) and (5) shall be deleted.

Article 2

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

Done at Luxembourg, 15 October 2007.

For the Council

The President

L. AMADO

COMMISSION

COMMISSION DECISION

of 4 April 2007

on State aid N 575/04 implemented by France for Ernault and measure C 32/05 (ex N 250/05), the subject of proceedings under Article 88(2) of the EC Treaty

(notified under document number C(2007) 1405)

(Only the French text is authentic)

(Text with EEA relevance)

(2007/674/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

under number N 250/05. By letter of 2 June 2005, the Commission asked additional questions about the notification which France answered by letter of 12 July.

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

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

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

Whereas:

(3) By letter of 6 September 2005, the Commission informed France that it had decided to initiate the procedure laid down in Article 88(2) of the Treaty in respect of the measure referred to in paragraph 2. The decision was published in the *Official Journal of the European Union* ⁽³⁾. The Commission invited interested parties to submit their comments.

(4) The Commission received comments from the French authorities, registered as received on 16 November 2005, 16 May 2006, 29 June 2006, 24 July 2006 and 21 September 2006. Meetings were held between the French authorities and Commission staff on 3 July and 26 October 2006.

1. PROCEDURE

(1) By decision of 20 January 2005 ⁽²⁾, the Commission authorised France to grant rescue aid to Ernault. The aid took the form of a loan of EUR 2 million at an interest rate of 4,43 % for a maximum period of six months from the first payment of amounts loaned to the undertaking. According to information provided by the French authorities, this aid was implemented on 14 February 2005.

(2) By letter of 19 May 2005, registered as received by the Commission on 23 May, France notified the European Commission that it intended to grant EUR 2 million in restructuring aid to Ernault. The case was registered

(5) By letter of 13 December 2006, registered as received by the Commission on 14 December, the French authorities informed the Commission that Ernault was in receivership and that they were withdrawing the notification of restructuring aid.

(6) By letter of 2 March 2007, registered as received by the Commission on 5 March, the French authorities informed the Commission that on 13 September 2006 they had registered their claim for the rescue aid with the official receiver in charge of the Ernault case.

⁽¹⁾ OJ C 324, 21.12.2005, p. 23.

⁽²⁾ OJ C 16, 21.1.2006, p. 21. Case N 575/04 — Rescue aid for Ernault.

⁽³⁾ See footnote 1.

2. RESCUE AID

- (7) In its decision of 20 January 2005, the Commission expressed the view that the loan of EUR 2 million was compatible with the common market as rescue aid within the meaning of the Community guidelines on State aid for rescuing and restructuring firms in difficulty ⁽⁴⁾ (the Guidelines). This assessment was based on compliance with certain conditions, in particular the French authorities' undertaking to submit to the Commission, within six months of the Commission's authorisation of the aid, a liquidation plan, a restructuring plan or proof that the loan had been repaid in full.
- (8) The French authorities did notify a restructuring plan to the Commission on 19 May 2005, which was within six months of the Commission's decision. However, they later withdrew the notification.
- (9) Under paragraph 26 of the Guidelines, notification of a restructuring plan to the Commission is a precondition for extending the deadline for repayment. Therefore, when a notification is withdrawn, the extension of the deadline cannot be maintained beyond the date of withdrawal, and the loan becomes repayable immediately.
- (10) The Commission also notes that the French authorities have not provided it with proof of repayment of the loan or informed it about a liquidation plan for Ernault. Therefore none of the conditions for extending the deadline set out in paragraph 26 of the Guidelines is met.
- (11) The Commission must therefore find that the loan granted to Ernault by the French authorities as rescue aid is incompatible with the common market under the Guidelines and has been so since 14 December 2006, the date on which notification of the restructuring plan was withdrawn. It also finds that there is no other legal basis for deeming the aid to be compatible with the common market. The loan granted as rescue aid must therefore be considered to be incompatible state aid as it has been maintained beyond 14 December and must, therefore, be recovered by France from the beneficiary, Ernault.
- (12) The Commission notes that the French authorities have registered the claim for the rescue aid with the official

receiver in charge of the receivership of Ernault.

3. RESTRUCTURING AID

- (13) The Commission notes that, under Article 8 of Council Regulation (EC) No 659/1999 of 22 March 1999 laying down detailed rules for the application of Article 93 of the EC Treaty ⁽⁵⁾, the Member State concerned may withdraw its notification in due time before the Commission has taken a decision on the aid. In cases where the Commission has already initiated the formal investigation procedure, it must close that procedure.
- (14) Therefore, the formal investigation procedure opened by the above-mentioned Decision of 6 September 2005 must be closed since, as the notification has been withdrawn, it no longer serves any purpose in respect of the restructuring aid for Ernault,

HAS ADOPTED THIS DECISION:

Article 1

The state aid which was implemented by France for Ernault as rescue aid and was the subject of the Commission decision of 20 January 2005 is incompatible with the common market since it has been maintained beyond 14 December 2006.

Article 2

1. France shall take all necessary measures to recover from the beneficiary the aid referred to in Article 1 and unlawfully made available to the beneficiary.

2. Recovery shall be effected without delay and in accordance with the procedures of national law provided that they allow the immediate and effective execution of the decision. The aid to be recovered shall include interest from the date on which it was at the disposal of the beneficiary until the date of its recovery. For the period from 14 December 2006, the date on which notification of the restructuring plan was withdrawn, and the date of recovery of the aid, interest shall be calculated in accordance with the provisions of Chapter V of Commission Regulation (EC) No 794/2004 ⁽⁶⁾.

⁽⁵⁾ OJ L 83, 27.3.1999, p. 1. Regulation as last amended by Commission Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p. 1).

⁽⁶⁾ OJ L 140, 30.4.2004, p. 1.

⁽⁴⁾ OJ C 244, 1.10.2004, p. 2.

Article 3

The procedure provided for in Article 88(2) of the Treaty and opened by the Commission decision of 6 September 2006 (measure C 32/05) is closed as a consequence of the withdrawal of the notification of 23 May 2005.

Article 4

France shall inform the Commission, within two months of notification of this Decision, of the measures which it has already taken and plans to take to comply with Articles 1 and 2. It shall supply this information by completing the questionnaire set out in the Annex hereto.

Article 5

This Decision is addressed to the French Republic.

Done in Brussels, 4 April 2007.

For the Commission

Neelie KROES

Member of the Commission

ANNEX

Information regarding the implementation of the Commission Decision of 4 April 2007 on State aid 575/04 implemented by France for Renault, and measure No C 32/05 (ex N 250/05), the subject of proceedings under Article 88(2) of the Treaty

1. Calculation of the amount to be recovered

- 1.1. Please provide the following details regarding the amount of unlawful State aid that has been put at the disposal of the recipient:

Date(s) of payment (*)	Amount of aid (*)	Currency	Identity of recipient

(*) Date or dates on which the aid or individual instalments of aid were put at the disposal of the recipient; if the measure consists of several instalments and reimbursements, use separate rows.

(*) Amount of aid put at the disposal of the recipient, in gross grant equivalent.

Comments:

- 1.2. Please explain in detail how the interest payable on the amount to be recovered will be calculated.

2. Recovery measures planned or already taken

- 2.1. Please describe in detail what measures have been taken and what measures are planned to bring about the immediate and effective recovery of the aid. Where relevant, please indicate the legal basis for the measures taken or planned.

- 2.2. By what date will the recovery of the aid be completed?

3. Recovery already effected

- 3.1. Please provide the following details of aid that has been recovered from the recipient:

Date(s) (*)	Amount of aid repaid	Currency	Identity of recipient

(*) Date or dates on which the aid was repaid.

- 3.2. Please attach supporting documents for the repayments shown in the table at point 3.1.

COMMISSION DECISION
of 17 October 2007
setting up the Group of Experts on Trafficking in Human Beings
(2007/675/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Whereas:

(1) With a view to enhancing the fight against trafficking in human beings at European level and in accordance with the Brussels Declaration ⁽¹⁾ (2002) that expressed the need for a group of experts on trafficking in human beings to be set up by the Commission, the group was created with the Commission Decision 2003/209/EC of 25 March 2003. The consultative group is to be known as the 'Experts Group on Trafficking in Human Beings.' ⁽²⁾.

(2) The Experts Group on Trafficking in Human Beings was mandated to contribute to the further development of the prevention of and the fight against trafficking in human beings, to enable the Commission to gather opinions in view of Commission initiatives relating to trafficking in human beings and to prepare a report based on the recommendations set out in the Brussels Declaration. The Experts Group in December 2004 submitted the report together with a set of recommendations with a view to launching further concrete proposals at European level.

(3) The Commission Communication of 18 October 2005 'Fighting trafficking in human beings — an integrated approach and proposals for an action plan' ⁽³⁾ was largely based upon the report and the recommendations

developed by the Experts Group. On 1 December 2005, the Council adopted the EU plan on best practices, standards and procedures for combating and preventing trafficking in human beings ⁽⁴⁾, which reflects a number of suggestions made in the Commission's Communication.

(4) In the light of the valuable work carried out by the Experts Group on Trafficking in Human Beings since 2003 that has enabled the Commission to further develop its policy in the area and taking into account the increasing importance at global level of the policy area of trafficking in human beings, the Group of Experts should continue its work. A new decision is required in order to take account the enlargement of the European Union. The scope of the group of experts should also be extended and should be able to benefit from a wider range of expertise that is demanded by the changing phenomenon of trafficking in human beings.

(5) The Group of Experts should continue to advise the Commission taking into account current developments at European, national and international level. In particular, it should assist the Commission in the implementation and development of actions envisaged in the EU plan on best practices, standards and procedures for combating and preventing trafficking in human beings of December 2005 while paying special attention to the area of labour exploitation.

(6) The Group of Experts should be composed of 21 members representing a balance of representatives of public bodies of EU Member States and non-profit organisations of the European Union, and Europol. Experts from the academic sector and consultancies specialising in the non-profit sector should also be eligible for membership.

(7) The Group of Experts should be able to establish sub-groups in order to facilitate and accelerate its work by focusing on a specific issue. The terms of reference of such sub-groups should be agreed upon by the Group of Experts as a whole and should be clearly defined.

⁽¹⁾ The Brussels Declaration was adopted at the European Conference on Preventing and Combating Trafficking in Human Beings — Global Challenge for the 21st Century from 18-20 September 2002, OJ C 137, 12.6.2003, p. 1.

⁽²⁾ OJ L 79, 26.3.2003, p. 25.

⁽³⁾ COM(2005) 514 final.

⁽⁴⁾ OJ C 311, 9.12.2005, p. 1.

- (8) Rules on disclosure of information by members of the Group of Experts should be provided for, without prejudice to the Commission's rules on security as set out in the Annex to Commission Decision 2001/844/EC, ECSC, Euratom ⁽¹⁾.
 - (9) Personal data relating to members of the group should be processed in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data ⁽²⁾.
 - (10) The term of office of the Members should be three years and should be renewable.
 - (11) Decision 2003/209/EC should be repealed,
 - (c) to help the Commission assess the evolution of policy in the field of trafficking in human beings at national, European and international levels;
 - (d) to assist the Commission in identifying and defining possible relevant measures and actions at European and national level across the range of the anti-trafficking policy;
 - (e) The Group of Experts shall issue opinions or reports to the Commission at the latter's request or on its own initiative, taking into due consideration the implementation and further development at EU level of the EU Plan on best practices, standards and procedures for combating and preventing trafficking in human beings, and related forms of exploitation. It will also take into account the gender dimension.
3. The Chairperson of the group may advise the Commission that is desirable to consult the group on a specific question.

HAS DECIDED AS FOLLOWS:

Article 1

The group of experts on trafficking in human beings

The 'Group of experts on Trafficking in Human Beings', hereinafter referred to as 'the group', is hereby set up.

Article 2

Consultation

- 1. The Commission may consult the group on any matter relating to trafficking in human beings.
- 2. The group's task shall be:
 - (a) to establish cooperation between Member States, other parties as listed in Article 3 paragraph 2(b) and the Commission on the range of questions relating to trafficking in human beings;
 - (b) to help the Commission, by issuing opinions related to the trafficking in human beings, and ensuring a coherent approach to the subject;

Article 3

Membership — Appointment

- 1. The group shall be composed of 21 members. Call for application to be a member in the group will be published in the Official Journal and at the public website of Directorate-general Justice, liberty and Security.
- 2. The members of the group of experts shall be appointed from specialists with expertise and experience in the fight against trafficking in human beings, including the labour dimension of trafficking in human beings, taken from:
 - (a) administrations of the Member States (up to 11 members);
 - (b) inter-governmental, international and non-governmental organisations active at European level with well documented expertise and experience in the area of trafficking in human beings (up to 5 members);
 - (c) social partners and employers' associations operating at European level (up to 4 members);
 - (d) Europol (1 member);

⁽¹⁾ OJ L 317, 3.12.2001, p. 1. Decision as last amended by Decision 2006/548/EC, Euratom (OJ L 215, 5.8.2006, p. 38).

⁽²⁾ OJ L 8, 12.1.2001, p. 1.

(e) individuals with experience deriving from academic research for public or private universities or institutes in Member States may also become members of the group (up to 2 members).

3. The members referred to in point (a) of paragraph 2 shall be designated and appointed by the Commission on the proposal of Member States. The members referred to in points (b), (c) and (e) of paragraph 2 shall be appointed by the Commission from among those who have responded to the call for applications. The member referred to in (d) of paragraph 2 shall be appointed by Europol.

4. On the basis of the call for applications applicants who were deemed suitable candidates for group membership, but were not appointed, should be placed on a reserve list, with their consent. The Commission will use this list for the appointment of replacements for members, if needed.

5. Members of the group shall remain in office until such time as they are replaced or their terms of office ends.

6. Members who are no longer capable of contributing effectively to the group's deliberations, who resign or who do not comply with the conditions set out in paragraph 3 of this Article, or Article 287 of the Treaty, may be replaced for the remainder of their term of office.

7. Members appointed in a personal capacity shall each year sign an undertaking to act in the public interest and a declaration indicating the absence or existence of any interest which may undermine their objectivity.

8. The names of members appointed in a personal capacity shall be published on the Internet site of the DG Justice, Freedom and Security and in the C Series of the *Official Journal of the European Union*.

9. The names of members shall be collected, processed and published in accordance with Regulation (EC) No 45/2001.

Article 4

Operation

1. The group shall elect a Chairperson and two vice Chairpersons from among its members acting by a simple majority.

2. In agreement with the Commission, sub-groups may be set up within the framework of the group to examine specific questions under terms of reference established by the group.

The sub-groups shall comprise a maximum of nine members and shall be dissolved as soon as their mandates are fulfilled.

3. Information obtained by participating in the deliberations of the group or its sub-group shall not be divulged if, in the opinion of the Commission, that information relates to confidential matters.

4. The group and its sub-groups shall normally meet on Commission premises in accordance with the procedures and schedule established by it. The Commission shall provide secretarial services to the meetings of the group and its sub-groups. Representatives of interested Commission services may attend meetings of the group and its sub-groups.

5. The group shall adopt its rules of procedure on the basis of the standard rules of procedure adopted by the Commission.

6. The Commission may publish, in the original language of the document concerned, any summary, conclusion, or partial conclusion or working document prepared by the group.

Article 5

Additional experts

1. The Commission may invite experts or observers from outside the group with specific competence in a subject on the agenda to take part in the work of the group.

2. The Commission may invite official representatives of Member States, candidate countries or third countries and of international, inter-governmental and non-governmental organisations to participate at the meeting of the Group of Experts.

Article 6

Meeting expenses

1. The Commission shall reimburse travel and, where appropriate, subsistence expenses for member and experts in connection with the group's activities in accordance with the Commission's rules on the compensation of external experts.

2. The members, experts and observers shall not be remunerated for the services they render.

3. Meeting expenses are reimbursed within the limits of the annual budget allocated to the group by the responsible Commission services.

*Article 7***Repeal**

Decision 2003/209/EC is repealed.

*Article 8***Applicability**

The Decision shall apply for 3 years.

Done at Brussels, 17 October 2007.

For the Commission

Franco FRATTINI

Vice-President

CORRIGENDA**Corrigendum to Commission Regulation (EC) No 1222/2007 of 18 October 2007 fixing representative prices in the poultrymeat and egg sectors for egg albumin, and amending Regulation (EC) No 1484/95***(Official Journal of the European Union L 275 of 19 October 2007)*

On page 31, in the table in the Annex, in the third column 'Representative price', for CN code 0207 14 10:

for: '214,1',

read: '241,1'.
