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I

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

REGULATIONS

COUNCIL REGULATION (EC) No 1247/2007

of 22 October 2007

amending Regulation (EC) No 1947/2005 as regards national aid granted by Finland for seeds and cereal seed

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 36 and the third subparagraph of Article 37(2) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas:

(1) Pursuant to the first subparagraph of Article 8(2) of Council Regulation (EC) No 1947/2005⁽¹⁾, Finland may, subject to authorisation by the Commission, grant aid respectively for certain quantities of seeds and for certain quantities of cereal seed produced solely in Finland because of its specific climatic conditions.

(2) On the basis of information sent by Finland to the Commission, the Commission transmitted to the Council a report in accordance with the second subparagraph of Article 8(2) of Regulation (EC) No 1947/2005. That report shows that seeds and cereal seed producers in Finland have access to other aid schemes and can therefore benefit from subsidies aimed at compensating Finnish farmers for the climatic conditions in which they operate.

(3) The report also shows that the production volume of cereal seed in Finland has experienced an upward trend and that the quantity of imported cereal seed is small compared to the domestically produced quantity. Furthermore, the report points out that when domestic seeds production has decreased, imports have increased and vice versa, leading to the conclusion that substitution of imports for domestically produced seeds is possible and that national Finnish aid may distort competition with imported products.

(4) Timothy seed is multiplied in Finland in nearly optimal and relatively competitive conditions. Maintaining coupled aid for timothy production will undoubtedly permit a high level of timothy seed production to be maintained in Finland. National aid for timothy seed production should therefore be abolished.

(5) For the above reasons and for the proper functioning of the internal market, it is appropriate to discontinue the possibility for Finland to grant national aid for seeds and cereal seed. However, in order to enable farmers in Finland to prepare for the new situation created by the abolition of national aid, aid for the production of seeds and cereal seed, with the exception of timothy seeds, should be maintained during a final transitional period, after which it will be abolished.

(6) With a view to an interim review of the national aid system, Finland should be required to provide a detailed report on the results of the national aid granted.

(7) Regulation (EC) No 1947/2005 should therefore be amended accordingly,

⁽¹⁾ OJ L 312, 29.11.2005, p. 3.

HAS ADOPTED THIS REGULATION:

Article 1

Article 8(2) of Regulation (EC) No 1947/2005 shall be replaced by the following:

‘2. Finland may, subject to authorisation by the Commission, grant aid for certain quantities of seeds, with the exception of timothy seeds (*Phleum pratense* L.), and for certain quantities of cereal seed produced solely in Finland up to and including the 2010 harvest.

By 31 December 2008 at the latest, Finland shall transmit to the Commission a detailed report on the results of the aid authorised.’

Article 2

This Regulation shall enter into force on the third 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 Luxembourg, 22 October 2007.

For the Council
The President
J. SILVA

COUNCIL REGULATION (EC) No 1248/2007
of 22 October 2007
repealing Regulation (EC) No 2040/2000 on budgetary discipline

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 37, 279 and 308 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Having regard to the opinion of the Court of Auditors ⁽²⁾,

Whereas:

(1) Council Regulation (EC) No 2040/2000 of 26 September 2000 on budgetary discipline ⁽³⁾ lays down rules designed to ensure the proper management of Community expenditure, relating both to the Guarantee Section of the European Agricultural Guidance and Guarantee Fund and to the reserves for external operations, in accordance with the principles of sound financial administration agreed in the Interinstitutional Agreement of 6 May 1999 between the European Parliament, the Council and the Commission on budgetary discipline and improvement of the budgetary procedure ⁽⁴⁾.

(2) As regards Part I of Regulation (EC) No 2040/2000, concerning agricultural expenditure, the ceilings set in the financial framework 2007-2013 set out in Annex I of the Interinstitutional Agreement between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management ⁽⁵⁾ of 17 May 2006 ('the 2006 Interinstitutional Agreement') preclude the need to maintain the agricultural guideline provided for therein.

(3) The remaining provisions concerning budgetary discipline for agriculture in Part I of Regulation (EC) No 2040/2000 have been superseded by Articles 18, 19 and 20 of Council Regulation (EC) No 1290/2005 of 21 June 2005 on the financing of the common agricultural policy ⁽⁶⁾.

(4) As regards Part II of Regulation (EC) No 2040/2000, concerning reserves for external operations, there is no longer any need for specific provisions and measures, which are exceptional in the context of the own resources system, for the financing of the Guarantee Fund and the reserve for Emergency Aid. The reserve for loan guarantees has been replaced in the financial framework 2007-2013 of the 2006 Interinstitutional Agreement by a budget line under heading 4 'the EU as a global player'. The main principles regarding the reserve for Emergency Aid are laid down in Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽⁷⁾, while the amount and the conditions for utilisation are set out in the 2006 Interinstitutional Agreement. Since the interests of third parties are not directly involved, there is no need to incorporate the latter in a regulation.

(5) All the provisions laid down in Regulation (EC) No 2040/2000 have therefore been rendered obsolete.

(6) Regulation (EC) No 2040/2000 should therefore be repealed,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2040/2000 shall be repealed with effect from 1 January 2007.

Article 2

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

⁽¹⁾ Opinion of 13 March 2007 (not yet published in the Official Journal).

⁽²⁾ OJ C 8, 12.1.2007, p. 3.

⁽³⁾ OJ L 244, 29.9.2000, p. 27.

⁽⁴⁾ OJ C 172, 18.6.1999, p. 1.

⁽⁵⁾ OJ C 139, 14.6.2006, p. 1.

⁽⁶⁾ 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).

⁽⁷⁾ 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).

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

Done at Luxembourg, 22 October 2007.

For the Council
The President
J. SILVA

COMMISSION REGULATION (EC) No 1249/2007**of 25 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 26 October 2007.

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

Done at Brussels, 25 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 25 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	57,7
	MK	35,2
	ZZ	46,5
0707 00 05	EG	151,2
	JO	190,9
	MA	35,8
	MK	45,9
	TR	149,9
	ZZ	114,7
0709 90 70	TR	124,8
	ZZ	124,8
0805 50 10	AR	76,8
	TR	88,5
	UY	73,9
	ZA	54,4
	ZZ	73,4
0806 10 10	BR	246,8
	MK	26,1
	TR	124,5
	US	212,4
	ZZ	152,5
0808 10 80	AU	148,5
	CL	161,2
	MK	35,3
	NZ	104,7
	US	96,8
	ZA	102,6
0808 20 50	ZZ	108,2
	AR	49,1
	CN	65,0
	TR	124,4
	ZZ	79,5

⁽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 1250/2007**of 25 October 2007****fixing the export refunds on white and raw sugar exported without further processing**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 318/2006 of 20 February 2006 on the common organisation of the market in the sugar sector ⁽¹⁾, and in particular the second subparagraph of Article 33(2) thereof,

Whereas:

(1) Article 32 of Regulation (EC) No 318/2006 provides that the difference between prices on the world market for the products listed in Article 1(1)(b) of that Regulation and prices for those products on the Community market may be covered by an export refund.

(2) Given the present situation on the sugar market, export refunds should therefore be fixed in accordance with the rules and certain criteria provided for in Articles 32 and 33 of Regulation (EC) No 318/2006.

(3) The first subparagraph of Article 33(2) of Regulation (EC) No 318/2006 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund according to destination.

(4) Refunds should be granted only on products that are allowed to move freely in the Community and that comply with the requirements of Regulation (EC) No 318/2006.

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

HAS ADOPTED THIS REGULATION:

Article 1

Export refunds as provided for in Article 32 of Regulation (EC) No 318/2006 shall be granted on the products and for the amounts set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 26 October 2007.

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

Done at Brussels, 25 October 2007.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 58, 28.2.2006, p. 1. Regulation as last amended by Commission Regulation (EC) No 247/2007 (OJ L 69, 9.3.2007, p. 3).

ANNEX

Export refunds on white and raw sugar exported without further processing applicable from 26 October 2007 ^(a)

Product code	Destination	Unit of measurement	Amount of refund
1701 11 90 9100	S00	EUR/100 kg	28,57 ⁽¹⁾
1701 11 90 9910	S00	EUR/100 kg	28,57 ⁽¹⁾
1701 12 90 9100	S00	EUR/100 kg	28,57 ⁽¹⁾
1701 12 90 9910	S00	EUR/100 kg	28,57 ⁽¹⁾
1701 91 00 9000	S00	EUR/1 % sucrose × 100 kg of net product	0,3106
1701 99 10 9100	S00	EUR/100 kg	31,06
1701 99 10 9910	S00	EUR/100 kg	31,06
1701 99 10 9950	S00	EUR/100 kg	31,06
1701 99 90 9100	S00	EUR/1 % sucrose × 100 kg of net product	0,3106

NB: The destinations are defined as follows:

S00 — All destinations with the exception of:

- (a) third countries: Albania, Croatia, Bosnia-Herzegovina, Montenegro, Serbia, Kosovo, the former Yugoslav Republic of Macedonia, Andorra, Liechtenstein and the Holy See (Vatican City State);
- (b) territories of the EU Member States not forming part of the customs territory of the Community: Gibraltar, Ceuta, Melilla, the Communes of Livigno and Campione d'Italia, Heligoland, Greenland, the Faeroe Islands and the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control.

^(a) The amounts set out in this Annex are not applicable with effect from 1 February 2005 pursuant to Council Decision 2005/45/EC of 22 December 2004 concerning the conclusion and application of the Agreement between the European Economic Community and the Swiss Confederation of 22 July 1972 as regards the provisions applicable to processed agricultural products (OJ L 23, 26.1.2005, p. 17).

⁽¹⁾ This amount is applicable to raw sugar with a yield of 92 %. Where the yield for exported raw sugar differs from 92 % the refund amount applicable shall be multiplied, for each exporting operation concerned, by a conversion factor obtained by dividing by 92 the yield of the raw sugar exported, calculated in accordance with paragraph 3 of Point III of the Annex I of Regulation (EC) No 318/2006.

COMMISSION REGULATION (EC) No 1251/2007**of 25 October 2007****fixing the export refunds on syrups and certain other sugar products exported without further processing**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 318/2006 of 20 February 2006 on the common organisation of the market in the sugar sector ⁽¹⁾, and in particular the second subparagraph of Article 33(2) thereof,

Whereas:

- (1) Article 32 of Regulation (EC) No 318/2006 provides that the difference between prices on the world market for the products listed in Article 1(1)(c), (d) and (g) of that Regulation and prices for those products on the Community market may be covered by an export refund.
- (2) Given the present situation on the sugar market, export refunds should therefore be fixed in accordance with the rules and certain criteria provided for in Articles 32 and 33 of Regulation (EC) No 318/2006.
- (3) The first subparagraph of Article 33(2) of Regulation (EC) No 318/2006 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund according to destination.
- (4) Refunds should be granted only on products that are allowed to move freely in the Community and that comply with the requirements of Commission Regulation (EC) No 951/2006 of 30 June 2006 laying down detailed

rules for the implementation of Regulation (EC) No 318/2006 as regards trade with third countries in the sugar sector ⁽²⁾.

- (5) Export refunds may be set to cover the competitive gap between Community and third country's exports. Community exports to certain close destinations and to third countries granting Community products a preferential import treatment are currently in a particular favourable competitive position. Therefore, refunds for exports to those destinations should be abolished.

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Export refunds as provided for in Article 32 of Regulation (EC) No 318/2006 shall be granted on the products and for the amounts set out in the Annex to this Regulation subject to the conditions provided for in paragraph 2 of this Article.
2. To be eligible for a refund under paragraph 1 products must meet the relevant requirements laid down in Articles 3 and 4 of Regulation (EC) No 951/2006.

Article 2

This Regulation shall enter into force on 26 October 2007.

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

Done at Brussels, 25 October 2007.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 58, 28.2.2006, p. 1. Regulation as last amended by Commission Regulation (EC) No 247/2007 (OJ L 69, 9.3.2007, p. 3).

⁽²⁾ OJ L 178, 1.7.2006, p. 24. Regulation as amended by Regulation (EC) No 2031/2006 (OJ L 414, 30.12.2006, p. 43).

ANNEX

Export refunds on syrups and certain other sugar products exported without further processing applicable from 26 October 2007 ^(a)

Product code	Destination	Unit of measurement	Amount of refund
1702 40 10 9100	S00	EUR/100 kg dry matter	31,06
1702 60 10 9000	S00	EUR/100 kg dry matter	31,06
1702 60 95 9000	S00	EUR/1 % sucrose × 100 kg of net product	0,3106
1702 90 30 9000	S00	EUR/100 kg dry matter	31,06
1702 90 60 9000	S00	EUR/1 % sucrose × 100 kg of net product	0,3106
1702 90 71 9000	S00	EUR/1 % sucrose × 100 kg of net product	0,3106
1702 90 99 9900	S00	EUR/1 % sucrose × 100 kg of net product	0,3106 ⁽¹⁾
2106 90 30 9000	S00	EUR/100 kg dry matter	31,06
2106 90 59 9000	S00	EUR/1 % sucrose × 100 kg of net product	0,3106

NB: The destinations are defined as follows:

S00 — All destinations with the exception of:

- (a) third countries: Albania, Croatia, Bosnia-Herzegovina, Montenegro, Serbia, Kosovo, the former Yugoslav Republic of Macedonia, Andorra, Liechtenstein and the Holy See (Vatican City State);
- (b) territories of the EU Member States not forming part of the customs territory of the Community: Gibraltar, Ceuta, Melilla, the Communes of Livigno and Campione d'Italia, Heligoland, Greenland, the Faeroe Islands and the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control.

^(a) The amounts set out in this Annex are not applicable with effect from 1 February 2005 pursuant to Council Decision 2005/45/EC of 22 December 2004 concerning the conclusion and application of the Agreement between the European Economic Community and the Swiss Confederation of 22 July 1972 as regards the provisions applicable to processed agricultural products (OJ L 23, 26.1.2005, p. 17).

⁽¹⁾ The basic amount is not applicable to the product defined under point 2 of the Annex to Commission Regulation (EEC) No 3513/92 (OJ L 355, 5.12.1992, p. 12).

COMMISSION REGULATION (EC) No 1252/2007**of 25 October 2007****fixing the maximum export refund for white sugar in the framework of the standing invitation to tender provided for in Regulation (EC) No 900/2007**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 318/2006 of 20 February 2006 on the common organisation of the markets in the sugar sector ⁽¹⁾, and in particular the second subparagraph and point (b) of the third subparagraph of Article 33(2) thereof,

Whereas:

(1) Commission Regulation (EC) No 900/2007 of 27 July 2007 on a standing invitation to tender to determine refunds on exports of white sugar for the 2007/2008 marketing year ⁽²⁾ requires the issuing of partial invitations to tender.

(2) Pursuant to Article 8(1) of Regulation (EC) No 900/2007 and following an examination of the tenders submitted

in response to the partial invitation to tender ending on 25 October 2007, it is appropriate to fix a maximum export refund for that partial invitation to tender.

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

HAS ADOPTED THIS REGULATION:

Article 1

For the partial invitation to tender ending on 25 October 2007, the maximum export refund for the product referred to in Article 1(1) of Regulation (EC) No 900/2007 shall be 36,062 EUR/100 kg.

Article 2

This Regulation shall enter into force on 26 October 2007.

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

Done at Brussels, 25 October 2007.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 58, 28.2.2006, p. 1. Regulation as last amended by Commission Regulation (EC) No 247/2007 (OJ L 69, 9.3.2007, p. 3).

⁽²⁾ OJ L 196, 28.7.2007, p. 26.

COMMISSION REGULATION (EC) No 1253/2007**of 25 October 2007****fixing the maximum export refund for white sugar in the framework of the standing invitation to tender provided for in Regulation (EC) No 1060/2007**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 318/2006 of 20 February 2006 on the common organisation of the markets in the sugar sector ⁽¹⁾, and in particular the second subparagraph and point (b) of the third subparagraph of Article 33(2) thereof,

Whereas:

tenders submitted in response to the partial invitation to tender ending on 24 October 2007, it is appropriate to fix a maximum export refund for that partial invitation to tender.

- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

- (1) Commission Regulation (EC) No 1060/2007 of 14 September 2007 opening a standing invitation to tender for the resale for export of sugar held by the intervention agencies of Belgium, the Czech Republic, Spain, Ireland, Italy, Hungary, Poland, Slovakia and Sweden ⁽²⁾ requires the issuing of partial invitations to tender.

Article 1

For the partial invitation to tender ending on 24 October 2007, the maximum export refund for the product referred to in Article 1(1) of Regulation (EC) No 1060/2007 shall be 436,40 EUR/t.

- (2) Pursuant to Article 4(1) of Regulation (EC) No 1060/2007 and following an examination of the

Article 2

This Regulation shall enter into force on 26 October 2007.

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

Done at Brussels, 25 October 2007.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 58, 28.2.2006, p. 1. Regulation as last amended by Commission Regulation (EC) No 247/2007 (OJ L 69, 9.3.2007, p. 3).

⁽²⁾ OJ L 242, 15.9.2007, p. 8.

COMMISSION REGULATION (EC) No 1254/2007**of 25 October 2007****fixing the export refunds on products processed from cereals and rice**

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 13(3) thereof,

Having regard to Council Regulation (EC) No 1785/2003 of 29 September 2003 on the common organisation of the market in rice ⁽²⁾, and in particular Article 14(3) thereof,

Whereas:

(1) Article 13 of Regulation (EC) No 1784/2003 and Article 14 of Regulation (EC) No 1785/2003 provide that the difference between quotations or prices on the world market for the products listed in Article 1 of those Regulations and prices for those products within the Community may be covered by an export refund.

(2) Article 14 of Regulation (EC) No 1785/2003 provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals, rice and broken rice on the Community market on the one hand and prices for cereals, rice, broken rice and cereal products on the world market on the other. The same Articles provide that it is also important to ensure equilibrium and the natural development of prices and trade on the markets in cereals and rice and, furthermore, to take into account the economic aspect of the proposed exports, and the need to avoid disturbances on the Community market.

(3) Article 2 of Commission Regulation (EC) No 1518/95 ⁽³⁾ on the import and export system for products processed from cereals and from rice defines the specific criteria to be taken into account when the refund on these products is being calculated.

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

⁽²⁾ OJ L 270, 21.10.2003, p. 96. Regulation as last amended by Commission Regulation (EC) No 1549/2004 (OJ L 280, 31.8.2004, p. 13).

⁽³⁾ OJ L 147, 30.6.1995, p. 55. Regulation as last amended by Regulation (EC) No 2993/95 (OJ L 312, 23.12.1995, p. 25).

(4) The refund to be granted in respect of certain processed products should be graduated on the basis of the ash, crude fibre, tegument, protein, fat and starch content of the individual product concerned, this content being a particularly good indicator of the quantity of basic product actually incorporated in the processed product.

(5) There is no need at present to fix an export refund for manioc, other tropical roots and tubers or flours obtained therefrom, given the economic aspect of potential exports and in particular the nature and origin of these products. For certain products processed from cereals, the insignificance of Community participation in world trade makes it unnecessary to fix an export refund at the present time.

(6) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination.

(7) The refund must be fixed once a month. It may be altered in the intervening period.

(8) Certain processed maize products may undergo a heat treatment following which a refund might be granted that does not correspond to the quality of the product; whereas it should therefore be specified that on these products, containing pregelatinised starch, no export refund is to be granted.

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 of Regulation (EC) No 1518/95 are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 26 October 2007.

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

Done at Brussels, 25 October 2007.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

ANNEX

to Commission Regulation of 25 October 2007 fixing the export refunds on products processed from cereals and rice

Product code	Destination	Unit of measurement	Refunds	Product code	Destination	Unit of measurement	Refunds
1102 20 10 9200 ⁽¹⁾	C10	EUR/t	0,92	1104 23 10 9300	C10	EUR/t	0,76
1102 20 10 9400 ⁽¹⁾	C10	EUR/t	0,79	1104 29 11 9000	C10	EUR/t	0,00
1102 20 90 9200 ⁽¹⁾	C10	EUR/t	0,79	1104 29 51 9000	C10	EUR/t	0,00
1102 90 10 9100	C10	EUR/t	0,00	1104 29 55 9000	C10	EUR/t	0,00
1102 90 10 9900	C10	EUR/t	0,00	1104 30 10 9000	C10	EUR/t	0,00
1102 90 30 9100	C10	EUR/t	0,00	1104 30 90 9000	C10	EUR/t	0,17
1103 19 40 9100	C10	EUR/t	0,00	1107 10 11 9000	C10	EUR/t	0,00
1103 13 10 9100 ⁽¹⁾	C10	EUR/t	1,19	1107 10 91 9000	C10	EUR/t	0,00
1103 13 10 9300 ⁽¹⁾	C10	EUR/t	0,92	1108 11 00 9200	C10	EUR/t	0,00
1103 13 10 9500 ⁽¹⁾	C10	EUR/t	0,79	1108 11 00 9300	C10	EUR/t	0,00
1103 13 90 9100 ⁽¹⁾	C10	EUR/t	0,79	1108 12 00 9200	C10	EUR/t	1,06
1103 19 10 9000	C10	EUR/t	0,00	1108 12 00 9300	C10	EUR/t	1,06
1103 19 30 9100	C10	EUR/t	0,00	1108 13 00 9200	C10	EUR/t	1,06
1103 20 60 9000	C10	EUR/t	0,00	1108 13 00 9300	C10	EUR/t	1,06
1103 20 20 9000	C10	EUR/t	0,00	1108 19 10 9200	C10	EUR/t	0,00
1104 19 69 9100	C10	EUR/t	0,00	1108 19 10 9300	C10	EUR/t	0,00
1104 12 90 9100	C10	EUR/t	0,00	1109 00 00 9100	C10	EUR/t	0,00
1104 12 90 9300	C10	EUR/t	0,00	1702 30 51 9000 ⁽²⁾	C10	EUR/t	1,03
1104 19 10 9000	C10	EUR/t	0,00	1702 30 59 9000 ⁽²⁾	C10	EUR/t	0,79
1104 19 50 9110	C10	EUR/t	1,06	1702 30 91 9000	C10	EUR/t	1,03
1104 19 50 9130	C10	EUR/t	0,86	1702 30 99 9000	C10	EUR/t	0,79
1104 29 01 9100	C10	EUR/t	0,00	1702 40 90 9000	C10	EUR/t	0,79
1104 29 03 9100	C10	EUR/t	0,00	1702 90 50 9100	C10	EUR/t	1,03
1104 29 05 9100	C10	EUR/t	0,00	1702 90 50 9900	C10	EUR/t	0,79
1104 29 05 9300	C10	EUR/t	0,00	1702 90 75 9000	C10	EUR/t	1,08
1104 22 20 9100	C10	EUR/t	0,00	1702 90 79 9000	C10	EUR/t	0,75
1104 22 30 9100	C10	EUR/t	0,00	2106 90 55 9000	C14	EUR/t	0,79
1104 23 10 9100	C10	EUR/t	0,99				

⁽¹⁾ No refund shall be granted on products given a heat treatment resulting in pregelatinisation of the starch.

⁽²⁾ Refunds are granted in accordance with Council Regulation (EEC) No 2730/75 (OJ L 281, 1.11.1975, p. 20), as amended.

NB: The product codes and the 'A' series destination codes are set out in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1) as amended.

The numeric destination codes are set out in Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11).

The other destinations are as follows:

C10: All destinations

C14: All destinations except for Switzerland and Liechtenstein.

COMMISSION REGULATION (EC) No 1255/2007**of 25 October 2007****amending Commission Regulation (EC) No 874/2004 laying down public policy rules concerning the implementation and functions of the .eu Top Level Domain and the principles governing registration****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 733/2002 of the European Parliament and of the Council of 22 April 2002 on the implementation of the .eu Top Level Domain ⁽¹⁾, and in particular Article 5(1) thereof,

Having consulted the Registry in accordance with Article 5(1) of Regulation (EC) No 733/2002,

Whereas:

- (1) Commission Regulation (EC) No 874/2004 of 28 April 2004 ⁽²⁾ implements Regulation (EC) No 733/2002 by laying down the public policy rules concerning the implementation and functions of the .eu Top Level Domain and the principles governing registration.
- (2) Article 8 of Regulation (EC) No 874/2004 implements the public policy rules concerning geographical concepts by providing for a procedure to permit Member States, candidate countries and all the members of the European Economic Area to request the registration or the reservation of their name by their national governments. In pursuance of this objective, and with a view to fully guaranteeing the geopolitical and linguistic diversity of the European Union and the interest of both Member States and European citizens, on 10 October 2005 Regulation (EC) No 874/2004 was amended by Commission Regulation (EC) No 1654/2005 amending Regulation (EC) No 874/2004 laying down public policy rules concerning the implementation and functions of the .eu Top Level Domain and the principles governing registration.

Article 1(3) of Regulation (EC) No 1654/2005 added an Annex including a list of names which are reserved for each Member State for registration and a list of names which can be reserved by certain third countries, including candidate countries to accession to the European Union.

- (3) On 1 January 2007 Bulgaria and Romania acceded to the European Union. Accordingly, Bulgaria and Romania should have the possibility to register the domain names that have been reserved for them according to Article 8 of Regulation (EC) No 874/2004. In order to ensure legal clarity that these two Member States have such possibility, the annex included by Regulation (EC) No 874/2004 should be amended.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Communications Committee established by Article 22(1) of Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive) ⁽³⁾,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Commission Regulation (EC) No 874/2004 is 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, 25 October 2007.

For the Commission

Viviane REDING

Member of the Commission

⁽¹⁾ OJ L 113, 30.4.2002, p. 1.

⁽²⁾ OJ L 162, 30.4.2004, p. 40. Regulation as amended by Regulation (EC) No 1654/2005 (OJ L 266, 11.10.2005, p. 35).

⁽³⁾ OJ L 108, 24.4.2002, p. 33. Directive as amended by Regulation (EC) No 717/2007 (OJ L 171, 29.6.2007, p. 32).

ANNEX

1. List of names per country and the countries that can register them

AUSTRIA

1. österreich	22. oesterrike	43. republicaustria
2. oesterreich	23. republik-österrike	44. repúblicaaustria
3. republik-österreich	24. rakousko	45. républiqueautriche
4. republik-oesterreich	25. republika-rakousko	46. repubblicaustria
5. afstria	26. repubblica-austria	47. republiekoostenrijk
6. dimokratia-afstria	27. austrija	48. repúblicaaustria
7. østrig	28. republika-austrija	49. tasavaltaitävalta
8. republikken-østrig	29. respublika-austrija	50. republikösterrike
9. oestrig	30. ausztria	51. republikarakousko
10. austria	31. Osztrák-Köztársaság	52. republikaaustrija
11. republic-austria	32. Republika-Austriacka	53. respublikaaustrija
12. república-austria	33. rakúsko	54. OsztrákKöztársaság
13. autriche	34. republika-rakúsko	55. RepublikaAustriacka
14. république-autriche	35. avstrija	56. republikarakúsko
15. oostenrijk	36. republika-avstrija	57. republikaavstrija
16. republiek-oostenrijk	37. awstrija	58. republikaawstrija
17. república-austria	38. republika-awstrija	59. aostria
18. itävalta	39. republikösterreich	60. vabariik-aostria
19. itävallan-tasavalta	40. republikoesterreich	61. vabariikaostria
20. itaevalta	41. dimokratiaafstria	
21. österrike	42. republikkenøstrig	

BELGIUM

1. belgie	18. vlaams-gewest	35. flandern
2. belgië	19. waals-gewest	36. wallonien
3. belgique	20. brussels-hoofdstedelijk-gewest	37. bruessel
4. belgien	21. flandre	38. brüssel
5. belgium	22. bruxelles	39. flaemische-gemeinschaft
6. bélgica	23. communauté-flamande	40. flämische-gemeinschaft
7. belgica	24. communauté-flamande	41. französische-gemeinschaft
8. belgio	25. communauté-française	42. deutschsprachige-gemeinschaft
9. belgia	26. communauté-française	43. flämische-region
10. belgija	27. communauté-germanophone	44. wallonische-region
11. vlaanderen	28. communauté-germanophone	45. region-bruessel-hauptstadt
12. wallonie	29. région-flamande	46. region-brüssel-hauptstadt
13. wallonië	30. région-flamande	47. flanders
14. brussel	31. région-wallonne	48. wallonia
15. vlaamse-gemeenschap	32. région-wallonne	49. brussels
16. franse-gemeenschap	33. région-de-bruxelles-capitale	
17. duitstalige-gemeenschap	34. region-de-bruxelles-capitale	

52. flemish-community	79. regione-fiamminga	106. regionen-bruxelles-hovedstadsomraadet
53. french-community	80. regione-vallona	107. flanderi
54. german-speaking-community	81. regione-di-bruxelles-capitale	108. flaaminkielinen-yhteiso
55. flemish-region	82. flandres	109. ranskankielinen-yhteiso
56. walloon-region	83. bruxelas	110. saksankielinen-yhteiso
57. brussels-capital-region	84. comunidade-flamenga	111. flanderin-alue
58. flandes	85. comunidade-francofona	112. vallonian-alue
59. valonia	86. comunidade-germanofona	113. brysselin-alue
60. bruselas	87. regio-flamenga	114. flandry
61. comunidad-flamenca	88. região-flamenga	115. valonsko
62. comunidad-francesa	89. regio-vala	116. brusel
63. comunidad-germanófono	90. região-vala	117. vlamske-spolecenstvi
64. comunidad-germanofona	91. regio-de-bruxelas-capital	118. francouzské-spolecenstvi
65. region-flamenca	92. região-de-bruxelas-capital	119. germanofonni-spolecenstvi
66. región-flamenca	93. vallonien	120. vlamsky-region
67. region-valona	94. bryssel	121. valonsky-region
68. región-valona	95. flamländskt-spraakomraade	122. region-brusel
69. region-de-bruselas-capital	96. fransktalande-spraakomraade	123. flandrija
70. región-de-bruselas-capital	97. tysktalande-spraakomraade	124. valonija
71. fiandre	98. flamländska-regionen	125. bruselj
72. valonia	99. vallonska-regionen	126. flamska-skupnost
73. communita-fiamminga	100. bryssel-huvustad	127. frankofonska-skupnost
74. comunità-fiamminga	101. det-flamske-sprogsamfund	128. germanofonska-skupnost
75. communita-francese	102. det-franske-sprogsamfund	129. flamska-regija
76. comunità-francese	103. det-tysktalande-sprogsamfund	130. valonska-regija
77. communita-di-lingua-tedesca	104. den-flamske-region	131. regija-bruselj
78. comunità-di-lingua-tedesca	105. den-vallonske-region	

BULGARIA

1. България	16. republicbulgaria	31. демокра̀тиа̀тѣ̀с̀бу̀лѣ̀гариа̀с̀
2. bulgaria	17. republic-bulgaria	32. демокра̀тиа̀-тѣ̀с̀-бу̀лѣ̀гариа̀с̀
3. bulharsko	18. republic_bulgaria	33. демокра̀тиа̀_тѣ̀с̀_бу̀лѣ̀гариа̀с̀
4. bulgarien	19. repubblicadibulgaria	34. republiekbulgarije
5. bulgaaria	20. repubblica-di-bulgaria	35. republiek-bulgarije
6. бу̀лѣ̀гариа̀	21. repubblica_di_bulgaria	36. republiek_bulgarije
7. bulgarie	22. repubblicabulgaria	37. republikabolgarija
8. bulgarija	23. repubblica-bulgaria	38. republika-bolgarija
9. bulgarije	24. repubblica_bulgaria	39. republika_bolgarija
10. bolgarija	25. republikbulgarien	40. republikabulgaria
11. republicofbulgaria	26. republik-bulgarien	41. republika-bulgaria
12. the-republic-of-bulgaria	27. republik_bulgarien	42. republika_bulgaria
13. the_republic_of_bulgaria	28. bulgaariavabariik	43. bulharskarepublica
14. republic-of-bulgaria	29. bulgaaria-vabariik	44. bulharska-republica
15. republic_of_bulgaria	30. bulgaaria_vabariik	45. bulharska_republica

46. republiquesbulgarie	55. repúblicabulgaria	64. republiken-bulgarien
47. republique-bulgarie	56. república-bulgaria	65. republiken_bulgarien
48. republique_bulgarie	57. república_bulgaria	66. repulicabulgaria
49. republicabulgarija	58. bulgarja	67. repulica-bulgaria
50. republica-bulgārija	59. bālgarija	68. repulica_bulgaria
51. republica_bulgārija	60. bulgariantasavalta	69. köztársaságbulgária
52. repúblikabulgária	61. bulgarian-tasavalta	70. köztársaság-bulgária
53. repúblika-bulgária	62. bulgarian_tasavalta	71. köztársaság_bulgária
54. repúblika_bulgária	63. republikenbulgarien	

CYPRUS

1. cypem	16. kipras	31. republicadechipre
2. cyprus	17. kipra	32. republicadechipre
3. cyprus	18. ícipru	33. cypemnsrepublik
4. kypros	19. cypm	34. poblachtnacipíre
5. chypre	20. ciper	35. kyperskarepublika
6. zyperm	21. cyprus	36. küprosevabariik
7. κυπρος	22. kibriis	37. ciprusiköztársaság
8. cipm	23. republikkencypem	38. kiprorespublika
9. chipre	24. republikcyprus	39. kiprasrepublika
10. chipre	25. republicofcyprus	40. republikata'ícipru
11. cypem	26. kyproksentasavalta	41. republikacypryjska
12. anchipír	27. republiquedechypre	42. republikaciper
13. kypm	28. republikzyperm	43. cyperskarepublika
14. küpros	29. κυπριακηδημοκρατια	44. kibriscumhuriyeti
15. ciprus	30. repubblicadicipro	

CZECH REPUBLIC

1. ceska-republika	16. republica-checa	31. cekijosrepublika
2. den-tjekskiske-republik	17. ceska-republika	32. csehkoytarsasag
3. tschechische-republik	18. ceska-republika	33. republicaceka
4. tsehhi-vabariik	19. tsekin-tasavalta	34. tsjechischerepubliek
5. τσεχικη-δημοκρατια	20. tjeckiska-republiken	35. republikaczeska
6. czech-republic	21. ceskarepublika	36. republicacheca
7. repulica-checa	22. dentjekkiskerepublik	37. ceskarepublika
8. republique-tcheque	23. tschechischerepublik	38. ceskarepublika
9. repubblica-ceca	24. tsehhi-vabariik	39. tsekin-tasavalta
10. cehijas-republika	25. τσεχικηδημοκρατια	40. tjeckiskarepubliken
11. cekijos-respublika	26. czechrepublic	41. czech
12. cseh-koztarsasag	27. repulicaceka	42. cesko
13. repubblica-ceka	28. republiquetcheque	43. tjekkiet
14. tsjechische-republiek	29. repubblicaceca	44. tschechien
15. republika-czeska	30. cehijasrepublika	45. tsehhi

46. τσεχία
47. czechia
48. chequia
49. tchequie
50. cechia
51. cehija
52. cekija
53. csehország
54. tsjechie
55. czechy
56. chequia
57. ceska
58. tsekinmaa
59. tjeckien

60. cechy
61. česka-republika
62. tsehhi-vabariik
63. republica-checa
64. republique-tcheque
65. čehijas-republika
66. cseh-köztársaság
67. republica-checa
68. česka-republika
69. českarepublika
70. tsehhivabariik
71. republicacheca
72. republiquetcheque
73. čehijasrepublika

74. csehköztársaság
75. republicacheca
76. českarepublika
77. česko
78. tsjechië
79. tsehhi
80. chequia
81. tchequie
82. čehija
83. csehország
84. česka
85. čechy

DENMARK

1. danmark
2. denemarken
3. danmark
4. danmark
5. tanska
6. δανία

7. danimarca
8. dinamarca
9. dänemark
10. dánsko
11. taani
12. danija

13. dānija
14. id-danimarka
15. dania
16. danska
17. dánia

ESTONIA

1. eesti
2. estija
3. estland
4. estonia

5. estónia
6. estonie
7. estonija
8. estonja

9. εσθονία
10. igaunija
11. viro

FINLAND

1. suomi
2. finland
3. finska
4. finskó
5. finlândia

6. finlandia
7. finlandja
8. finnország
9. suomija
10. somija

11. finlande
12. φινλανδία
13. soomi
14. finnland
15. finsko

FRANCE

1. francia
2. francie
3. frankrig
4. frankreich
5. prantsusmaa
6. γαλλία
7. gallia
8. france
9. france

10. francia
11. francija
12. prancūzija
13. prancuzija
14. franciaország
15. franciaország
16. franza
17. frankrijk
18. francja

19. frança
20. francúzsko
21. francuzsko
22. francija
23. ranska
24. frankrike
25. französischerepublik
26. französische-republik
27. französische_republik

28. franzosischerepublik	61. franche-comté	94. guyane
29. franzosische-republik	62. franchecomte	95. martinique
30. franzosische_republik	63. franchecomté	96. reunion
31. franzoeschischerepublik	64. haute-normandie	97. réunion
32. franzoeschische-republik	65. hautenormandie	98. mayotte
33. franzoeschische_republik	66. ile-de-France	99. saint-pierre-et-miquelon
34. frenchrepublic	67. île-de-France	100. saintpierreetmiquelon
35. french-republic	68. iledeFrance	101. polynesie-française
36. french_republic	69. îledeFrance	102. polynésie-française
37. republiuefrançaise	70. languedoc-roussillon	103. polynesie-francaise
38. republique-française	71. languedocroussillon	104. polynésie-francaise
39. republique_française	72. limousin	105. polynesiefrançaise
40. républiquefrançaise	73. lorraine	106. polynésiefrançaise
41. république-française	74. midi-pyrenees	107. polynesiefrancaise
42. république_française	75. midi-pyrénées	108. polynésiefrancaise
43. republiuefrancaise	76. midipyrenees	109. nouvelle-caledonie
44. republique-francaise	77. midipyrénées	110. nouvelle-calédonie
45. republique_francaise	78. nord-pas-de-calais	111. nouvellecaledonie
46. républiquefrancaise	79. nordpasdecalais	112. nouvellecalédonie
47. république-francaise	80. paysdelaloire	113. wallis-et-futuna
48. république_francaise	81. pays-de-la-loire	114. wallisetfutuna
49. alsace	82. picardie	115. terres-australes-et-antarctiques-françaises
50. auvergne	83. poitou-charentes	116. terres-australes-et-antarctiques-françaises
51. aquitaine	84. poitoucharentes	117. terresaustralesetantarctiquesfrançaises
52. basse-normandie	85. provence-alpes-cote-d-azur	118. terresaustralesetantarctique-françaises
53. bassenormandie	86. provence-alpes-côte-d-azur	119. saint-barthélémy
54. bourgogne	87. provencealpescotedazur	120. saintbarthélémy
55. bretagne	88. provencealpescôtédazur	121. saint-barthelemy
56. centre	89. rhone-alpes	122. saintbarthelemy
57. champagne-ardenne	90. Rhône-alpes	123. saint-martin
58. champagneardenne	91. rhonealpes	124. saintmartin
59. corse	92. Rhônealpes	
60. franche-comte	93. guadeloupe	

GERMANY

1. deutschland	12. federalrepublicofgermany	23. németország
2. federalrepublicofgermany	13. tyskland	24. németországiszövétségiköztársaság
3. bundesrepublik-deutschland	14. forbundsrepublikentyskland	25. vokitijos
4. bundesrepublikdeutschland	15. duitsland	26. vokitijosfederacinerespublika
5. allemagne	16. bondsrepublikduitsland	27. vacija
6. republiuefederaled'allemagne	17. nemecko	28. vacijasfederativarepublika
7. alemanna	18. spolkovárepublikanemecko	29. däitschland
8. repúblicafederaldealemania	19. alemanha	30. bundesrepublikdäitschland
9. germania	20. republicafederaldaalemanha	31. germanja
10. repubblicafederaledigermania	21. niemczech	32. republikafederalitagermanja
11. germany	22. republika federalnaniemiec	33. gearmaine

34. poblachtchnaidhmenagearmaine	70. BadenWürttemberg	106. hamburk
35. saksamaa	71. BadenWuerttemberg	107. hesse
36. saksamaaliitvabariik	72. badewurtemberg	108. hassia
37. nemcija	73. lebadewurtemberg	109. nordrheinwestfalen
38. zweznarepublikanemcija	74. BadenWurttemberg	110. northrhinewestphalia
39. γερμανία	75. Baviera	111. northrhine-westfalia
40. saksa	76. Bavière	112. northrhinewestfalia
41. saksanliittotasavalta	77. Freistaat-Bayern	113. rhenanie-du-nord-westphalie
42. Baden-Württemberg	78. FreistaatBayern	114. rhenaniedunordwestphalie
43. Bavaria	79. Free-State-of-Bavaria	115. lasaxe
44. Bayern	80. Stato-Libero-di-Baviera	116. sachsen
45. Berlin	81. Etat-Libre-Bavière	117. sajonia
46. Brandenburg	82. Brandebourg	118. sajónia
47. Bremen	83. Brandeburgo	119. saksen
48. Hamburg	84. Brandenburgii	120. saksimaa
49. Hessen	85. freieundhansestadthamburg	121. saksio
50. Lower-Saxony	86. freie-und-hansestadt-hamburg	122. saksonia
51. Mecklenburg-Western-Pomerania	87. freiehansestadthamburg	123. saksonijos
52. Mecklenburg-Vorpommern	88. freie-hansestadt-hamburg	124. saška
53. niedersachsen	89. hansestadt-hamburg	125. saska
54. nordrhein-Westfalen	90. hansestadthamburg	126. sasko
55. northrhine-Westphalia	91. stadthamburg	127. sassonia
56. Rheinland-Pfalz	92. stadt-hamburg	128. saxe
57. Rhineland-Palatinate	93. hamburg-stadt	129. saxonía
58. Saarland	94. hamburg	130. saxónia
59. Sachsen	95. landhamburg	131. szászország
60. Sachsen-Anhalt	96. land-hamburg	132. szaszország
61. Saxony	97. hamburku	133. Σαξωνία
62. Saxony-Anhalt	98. hampuriin	134. саксония
63. Schleswig-Holstein	99. hamborg	135. freistaat-sachsen
64. Thüringen	100. hamburgo	136. sorben
65. Thuringia	101. hambourg	137. serbja
66. Baden-Wuerttemberg	102. amburgo	138. Sorben-Wenden
67. bade-wurtemberg	103. hamburgu	139. Wenden
68. le-bade-wurtemberg	104. hanbao	140. lausitzer-sorben
69. Baden-Wurttemberg	105. hamburuku	141. domowina

GREECE

1. Grecia	8. Griekenland	15. Graikija
2. Graekenland	9. Grecia	16. Gorogorszag
3. Griechenland	10. Kreikka	17. Grecja
4. Hellas	11. Grekland	18. Grecja
5. Greece	12. Recko	19. Grecko
6. Grece	13. Kreeka	20. Grcija
7. Grecia	14. Graecia	

HUNGARY

- | | | |
|----------------------------|------------------------|------------------------|
| 1. magyarkoztarsasag | 18. hongrie | 35. ουγγαρια |
| 2. republicofhungary | 19. ungarn | 36. ουγκρικιδημοκρατια |
| 3. republiquedehongrie | 20. hungria | 37. nyugatdunántúl |
| 4. republikungarn | 21. ungheria | 38. közép-dunántúl |
| 5. republicadehungria | 22. ungern | 39. déldunántúl |
| 6. repubblicadiungheria | 23. unkari | 40. közép-magyarország |
| 7. republicadahungria | 24. hongarije | 41. észak-magyarország |
| 8. ungerskarepubliken | 25. wegry | 42. északalföld |
| 9. unkarintasavaltá | 26. madarsko | 43. délalföld |
| 10. denungarskerekrepublik | 27. ungari | 44. nyugatdunántul |
| 11. derepublikhongarije | 28. ungarija | 45. kozepdunantul |
| 12. republikawegierska | 29. vengrija | 46. deldunantul |
| 13. ungarivabariik | 30. magyarköztársaság | 47. kozepmagyarország |
| 14. ungarijasrepublika | 31. magyarország | 48. eszakmagyarország |
| 15. vengrijosrepublika | 32. madarskarepublika | 49. eszakalfold |
| 16. magyarország | 33. republikamadzarska | 50. delalfold |
| 17. hungary | 34. madzarsko | |

IRELAND

- | | | |
|------------|---------------|-----------------------|
| 1. irlanda | 9. Airija | 17. irlanti |
| 2. irsko | 10. Írország | 18. irland |
| 3. irland | 11. L-Irlanda | 19. .irlande |
| 4. iirimaa | 12. ἱρλανδία | 20. ἱρλανδία |
| 5. ireland | 13. ierland | 21. irlande |
| 6. irlande | 14. irlandia | 22. republicofireland |
| 7. irlanda | 15. Írsko | 23. eire |
| 8. Īrija | 16. irska | |

ITALY

- | | | |
|------------------------|--------------------------|------------------------|
| 1. Repubblica-Italiana | 14. Itālija | 27. Liguria |
| 2. RepubblicaItaliana | 15. Włochy | 28. Lombardia |
| 3. Italia | 16. Itālia | 29. Marche |
| 4. Italy | 17. Italja | 30. Molise |
| 5. Italian | 18. Taliansko | 31. Piemonte |
| 6. Italien | 19. Itaalia | 32. Puglia |
| 7. Italija | 20. Abruzzo | 33. Sardegna |
| 8. Itália | 21. Basilicata | 34. Sicilia |
| 9. Italië | 22. Calabria | 35. Toscana |
| 10. Italien | 23. Campania | 36. Trentino-AltoAdige |
| 11. Itálie | 24. Emilia-Romagna | 37. Umbria |
| 12. Italie | 25. Friuli-VeneziaGiulia | 38. Valled'Aosta |
| 13. Olaszország | 26. Lazio | 39. Veneto |

LATVIA

- | | | |
|---------------|--------------|---------------------------|
| 1. Λετοβία | 8. Latvija | 15. Letonia |
| 2. Lettorszag | 9. Lettland | 16. Lettonie |
| 3. Latvja | 10. Latvia | 17. Lettonia |
| 4. Letland | 11. Lotyšsko | 18. Republicoflatvia |
| 5. Lotwa | 12. Letland | 19. Latvijskajarespublika |
| 6. Letonia | 13. Lettland | |
| 7. Lotyšsko | 14. Lati | |

LITHUANIA

- | | | |
|---------------------------|-------------------------------|----------------------------|
| 1. lietuva | 33. republique-de-lituanie | 65. liettuantasavalta |
| 2. leedu | 34. republique_de_lituanie | 66. liettuan-tasavalta |
| 3. liettua | 35. republiquelituanie | 67. liettuan_tasavalta |
| 4. litauen | 36. republiquesdelituanie | 68. republikenLitauen |
| 5. lithouania | 37. republica-de-lituania | 69. republiken-litauen |
| 6. lithuania | 38. republica_de_lituania | 70. republiken_litauen |
| 7. litouwen | 39. republicalituania | 71. litevskárepublika |
| 8. lituania | 40. republicadelituania | 72. litevská-republika |
| 9. lituanie | 41. litovskajarespublika | 73. litevská_republika |
| 10. litva | 42. litovskaja-respublika | 74. leeduvabariik |
| 11. litván | 43. litovskaja_respublika | 75. leedu-vabariik |
| 12. litvania | 44. litauensrepublik | 76. leedu_vabariik |
| 13. litvanya | 45. litauens-republik | 77. lietuvarespublika |
| 14. litwa | 46. litauens_republic | 78. lietuvarespublika |
| 15. litwanja | 47. republiklitauen | 79. lietuvarespublika |
| 16. liettuan | 48. republik-litauen | 80. litvánköztársaság |
| 17. litevská | 49. republic_litauen | 81. litván-köztársaság |
| 18. lietuvos | 50. δημοκρατιατηςλιθουανιας | 82. litván_köztársaság |
| 19. litwy | 51. δημοκρατια-της-λιθουανιας | 83. republikatalitwanja |
| 20. litovska | 52. δημοκρατια_της_λιθουανιας | 84. republika-tal-litwanja |
| 21. aukstaitija | 53. δημοκρατιατηςΛιθουανιας | 85. republika_tal_litwanja |
| 22. zemaitija | 54. δημοκρατια-της-Λιθουανιας | 86. republikalitwy |
| 23. dzukija | 55. δημοκρατια_της_Λιθουανιας | 87. republika-litwy |
| 24. suvalkija | 56. republicadilituania | 88. republika_litwy |
| 25. suduva | 57. repubblica-di-lituania | 89. litovskarepublika |
| 26. lietuvos-respublika | 58. repubblica_di_lituania | 90. litovska-republika |
| 27. lietuvos_respublika | 59. republiklitouwen | 91. litovska_republika |
| 28. lietuvosrepublika | 60. republik-litouwen | 92. republikalitva |
| 29. republic-of-lithuania | 61. republik_litouwen | 93. republika-litva |
| 30. republic_of_lithuania | 62. republicadalituania | 94. republika_litva |
| 31. republiclithuania | 63. republica-da-lituania | |
| 32. republicoflithuania | 64. republica_da_lituania | |

LUXEMBOURG

- | | | |
|---------------|--------------|---------------|
| 1. luxembourg | 2. luxemburg | 3. letzebuerg |
|---------------|--------------|---------------|

MALTA

- | | | |
|----------------------|--------------------------|---------------------|
| 1. malta | 6. therepublicofmalta | 11. maltarepubblika |
| 2. malte | 7. the-republic-of-malta | 12. gozo |
| 3. melita | 8. repubblikatamalta | 13. ghawdex |
| 4. republicofmalta | 9. repubblika-ta-malta | |
| 5. republic-of-malta | 10. maltarepublic | |

NETHERLANDS

- | | | |
|-------------------|----------------|-------------------|
| 1. nederland | 4. netherlands | 7. dieniederlande |
| 2. holland | 5. lespaysbas | 8. lospaisesbajos |
| 3. thenetherlands | 6. hollande | 9. holanda |

POLAND

- | | | |
|--------------------------|------------|------------|
| 1. rzeczpospolitapolska | 5. polonia | 9. pologne |
| 2. rzeczpospolita_polska | 6. lenkija | 10. polsko |
| 3. rzeczpospolita-polska | 7. poland | 11. poola |
| 4. polska | 8. polen | 12. puola |

PORTUGAL

- | | | |
|------------------------|--------------------|---------------------------------|
| 1. republicaportuguesa | 18. coimbra | 35. altoalentejo |
| 2. portugal | 19. evora | 36. baixoalentejo |
| 3. português | 20. faro | 37. beiraalta |
| 4. portugalía | 21. guarda | 38. beirabaixa |
| 5. portugali | 22. leiria | 39. beirainterior |
| 6. portugalska | 23. lisboa | 40. beiralitoral |
| 7. portugalsko | 24. portalegre | 41. beiratransmontana |
| 8. portogallo | 25. porto | 42. douro |
| 9. portugalija | 26. santarem | 43. dourolitoral |
| 10. portekiz | 27. setubal | 44. entredouroeminho |
| 11. πορτογαλία | 28. vianadocastelo | 45. estremadura |
| 12. portugāle | 29. viseu | 46. minho |
| 13. aveiro | 30. vilareal | 47. ribatejo |
| 14. beja | 31. madeira | 48. tras-os-montes-e-alto-douro |
| 15. braga | 32. açores | 49. acores |
| 16. bragança | 33. alentejo | |
| 17. castelobranco | 34. algarve | |

ROMANIA

1. românia	8. roménia	15. rumunija
2. romania	9. romênia	16. rumeenia
3. roumanie	10. romenia	17. ρουμανία
4. rumänien	11. rumunia	18. románia
5. rumanien	12. rumunsko	19. rumanija
6. rumanía	13. romunija	20. roemenië
7. rumænien	14. rumänija	

SLOVAKIA

1. slowakische-republik	28. slovakiantasavalta	55. ολοβακιη
2. republique-slovaque	29. szlovakkoztarsasag	56. slovakien
3. slovakiiki-dimokratia	30. slovakrepublic	57. république-slovaque
4. slovenska-republika	31. repubblicaslovacca	58. slovenská-republika
5. slowakiske-republik	32. slovakijasrepublika	59. szlovák-köztársaság
6. slovaki-vabariik	33. slovakijosrepublika	60. slovākijos-respublika
7. slovakian-tasavalta	34. repubblikaslovacka	61. republika-słowacka
8. slovakiidimokratia	35. slowaakserepubliek	62. república-eslovaca
9. slovakiiki-dimokratia	36. republikaslowacka	63. slovaška-republika
10. szlovak-koztarsasag	37. republicaeslovaca	64. slovačka-republika
11. slovak-republic	38. slovaskarepublika	65. lýdveldid-slovakia
12. repubblica-slovacca	39. republicaeslovaca	66. républiqueslovaque
13. slovakijas-republika	40. slovakiskarepubliken	67. slovenskárepublika
14. slovakijos-respublika	41. ολοβακιηδημοκρατια	68. szlovákköztársaság
15. repubblika-slovakka	42. slowakei	69. slovākijosrepublika
16. slowaakse-republiek	43. slovaquie	70. republikasłowacka
17. republika-slowacka	44. slovakia	71. repúblicaeslovaca
18. republica-eslovaca	45. slovensko	72. slovaškarepublika
19. slovaska-republika	46. slovakiet	73. slovačkarepublika
20. republica-eslovaca	47. slovakkia	74. lýdveldidslovakia
21. slovakiska-republiken	48. szlovakia	75. szlovákia
22. ολοβακιη-δημοκρατια	49. slovacchia	76. slovākija
23. slowakischerepublik	50. slovakija	77. słowacja
24. republiqueslovaque	51. slowakije	78. slovaška
25. slovenskarepublika	52. slowacija	79. slovačka
26. slovakiskerepublik	53. eslovaquia	
27. slovakivabariik	54. slovaska	

SLOVENIA

1. slovenija	4. slovenie	7. eslovenia
2. slovenia	5. la-slovenie	8. republikaslovenija
3. slowenien	6. laslovenie	9. republika-slovenija

10. republicofslovenia
 11. republic-of-slovenia
 12. szlovenia

13. szlovenkoztarsasag
 14. szloven-koztarsasag
 15. repubblicadislovenia

16. repubblica-di-slovenia

SPAIN

1. españa
 2. reinodeespana
 3. reino-de-espana
 4. espagne
 5. espana
 6. espanha
 7. espanja
 8. espanya
 9. hispaania
 10. hiszpania
 11. ispanija
 12. spagna
 13. spain
 14. spanielsko
 15. spanien
 16. spanija
 17. spanje
 18. reinodeespaña
 19. reino-de-españa
 20. španielsko
 21. špānija
 22. španija
 23. španičlsko
 24. espainia
 25. ispania
 26. ισπανία
 27. andalucia
 28. andalucía
 29. andalousie
 30. andalusia
 31. andalusien
 32. juntadeandalucia
 33. juntadeandalucía
 34. aragon
 35. aragón
 36. gobiernodearagon
 37. gobiernoaragón
 38. principadodeasturias
 39. principaudasturies

40. asturias
 41. asturies
 42. illesbalears
 43. islasbalears
 44. canarias
 45. gobiernodecanarias
 46. canaryisland
 47. kanarischeinseln
 48. cantabria
 49. gobiernodecantabria
 50. castillalamancha
 51. castilla-lamancha
 52. castillayleon
 53. castillayleón
 54. juntadecastillayleon
 55. juntadecastillayleón
 56. generalitatdecatalunya
 57. generalitatdecataluña
 58. catalunya
 59. cataluña
 60. katalonien
 61. catalonia
 62. catalogna
 63. catalogne
 64. catalonië
 65. katalonias
 66. catalunha
 67. kataloniens
 68. katalonian
 69. catalonië
 70. extremadura
 71. comunidadautonomadeextremadura
 72. comunidadautónomadeextremadura
 73. xuntadegalicia
 74. comunidadautonomadegalicia
 75. comunidaautónomadegalicia
 76. comunidadeautonomadegalicia
 77. comunidadeautónomadegalicia
 78. larioja

79. gobiernodelarioja
 80. comunidadmadrid
 81. madridregion
 82. regionmadrid
 83. madrid
 84. murciaregion
 85. murciaregión
 86. murciaregione
 87. murciaregiaio
 88. regiondemurcia
 89. regióndemurcia
 90. regionofmurcia
 91. regionvonmurcia
 92. regionedimurcia
 93. regiaodomurcia
 94. navarra
 95. nafarroa
 96. navarre
 97. navarracomunidadforal
 98. nafarroaforukomunitatea
 99. nafarroaforuerkidegoa
 100. communauteforaledenavarre
 101. communautéforaledenavarre
 102. foralcommunityofnavarra
 103. paisvasco
 104. paísvasco
 105. euskadi
 106. euskalherria
 107. paisbasc
 108. basquecountry
 109. paysbasque
 110. paesebasco
 111. baskenland
 112. paisbasco
 113. χώρωνβάσκων
 114. gobiernovasco
 115. euskojaurlaritza
 116. governbasc

117. basquegovernment
 118. gouvernementbasque
 119. governobasco
 120. baskischeregierung
 121. baskitschebestuur

122. κυβερνησητωνβάσκων
 123. comunidad-valenciana
 124. comunidadvalenciana
 125. comunitat-valenciana
 126. comunitatvalenciana

127. ceuta
 128. gobiernoceuta
 129. melilla
 130. gobiernomelilla

SWEDEN

1. suecia
 2. reinodesuecia
 3. sverige
 4. kongerietsverige
 5. schweden
 6. königreichschweden
 7. konigreichschweden
 8. σουηδία
 9. ΒασιλείατηςΣουηδίας
 10. sweden
 11. kingdomofsweden
 12. suède

13. suede
 14. royaumesuède
 15. royaumesuede
 16. svezia
 17. regnodisvezia
 18. zweden
 19. koninkrijkweden
 20. suécia
 21. reinodasuécia
 22. reinodasuecia
 23. ruotsi
 24. ruotsinkuningaskunta

25. konungariketsverige
 26. švédsko
 27. rootsi
 28. svedija
 29. svédország
 30. svedország
 31. l-isvezja
 32. szweja
 33. švedska
 34. svedska

UNITED KINGDOM

1. unitedkingdom
 2. united-kingdom
 3. united_kingdom
 4. greatbritain
 5. great-britain

6. great_britain
 7. britain
 8. cymru
 9. england
 10. northernireland

11. northern-ireland
 12. northern_ireland
 13. scotland
 14. wales

2. List of names per country and the countries that can reserve them

CROATIA

1. croatia
 2. kroatia
 3. kroatien
 4. kroatien
 5. croazia
 6. kroatien
 7. croacia
 8. croatie
 9. horvátország
 10. horvatorszag

11. kroatïë
 12. kroatie
 13. chorwacja
 14. κροατία
 15. chorvatsko
 16. charvátsko
 17. horvaatia
 18. kroaatia
 19. croácia
 20. croacia

21. horvātija
 22. horvatija
 23. kroatija
 24. kroazja
 25. chorvátsko
 26. chrovatsko
 27. hrvaška
 28. hrvaska

ICELAND

- | | | |
|--------------------------|---------------------------|------------------------------|
| 1. arepublicadeislândia | 16. islandrepublik | 31. republicadiislanda |
| 2. deijslandrepublik | 17. islandskylisejnik | 32. republikataisland |
| 3. deijslandrepublik | 18. islannintasavalta | 33. republicoficeland |
| 4. derepubliekvanijsland | 19. islanti | 34. republikaisland |
| 5. derepubliekvanijsland | 20. izland | 35. republikaislandia |
| 6. iceland | 21. ísland | 36. republikavisland |
| 7. icelandrepublic | 22. íslenskalýðveldið | 37. republikkenisland |
| 8. iepublikaislande | 23. köztársaságizland | 38. republikvonisland |
| 9. ijsland | 24. larepublicadiislanda | 39. repúblicadeislandia |
| 10. island | 25. larepúblicadeislandia | 40. repúblicadeislândia |
| 11. islanda | 26. larépubliqueslande | 41. républiqueslande |
| 12. islande | 27. lislande | 42. Δημοκρατία της Ισλανδίας |
| 13. islandia | 28. lýðveldið ísland | 43. Ισλανδία |
| 14. islândia | 29. puklerkaislandska | |
| 15. islandica | 30. rahvavabariikisland | |

LIECHTENSTEIN

- | | | |
|----------------------------------|---------------------------------|--------------------------------|
| 1. fyrstendømmetliechtenstein | 9. principatodeliechtenstein | 17. furstendömetliechtenstein |
| 2. fürstentumliechtenstein | 10. lichtenšteínokunigaikštystė | 18. lichtenštajnské knížatstvo |
| 3. principality of liechtenstein | 11. lihtenšteinasfirstiste | 19. kneževina lihtenštajn |
| 4. liechtensteinivürstiriiki | 12. principatàtal-liechtenstein | 20. principadodeliechtenstein |
| 5. liechtensteininruhtinaskunta | 13. vorstendomliechtenstein | 21. lichtenštejské knížectví |
| 6. principauté deliechtenstein | 14. fyrstendømmetliechtenstein | 22. lichtensteinihercegség |
| 7. πριγκιπάτο του Λιχτενστάιν | 15. księstwo liechtenstein | |
| 8. furstadæmisins liechtensteins | 16. principadodoliechtenstein | |

NORWAY

- | | | |
|-------------|---------------|--------------|
| 1. norge | 9. norvégia | 17. Νορβηγία |
| 2. noreg | 10. norsko | 18. norvegja |
| 3. norway | 11. nórsko | 19. norveğja |
| 4. norwegen | 12. norra | 20. norveska |
| 5. norvege | 13. norja | 21. norveška |
| 6. norvège | 14. norvegija | 22. norwegia |
| 7. noruega | 15. norvēģija | 23. norga |
| 8. norvegia | 16. noorwegen | |

TURKEY

- | | |
|------------|-----------------------|
| 1. turkiye | 3. turkiyecumhuriyeti |
| 2. türkiye | 4. türkiyecumhuriyeti |

COMMISSION REGULATION (EC) No 1256/2007**of 25 October 2007****amending Regulation (EC) No 829/2007 as regards the transitional period granted for the use of commercial documents and health certificates for animal by-products****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 1774/2002 of the European Parliament and of the Council of 3 October 2002 laying down health rules concerning animal by-products not intended for human consumption⁽¹⁾ and in particular the second paragraph of Article 28, the first subparagraph of Article 29(3) and Article 32(1),

Whereas:

(1) Regulation (EC) No 1774/2002 lays down animal and public health requirements for trade and for imports into and transit through the Community of certain animal by-products and products derived there from.

(2) Regulation (EC) No 829/2007 of 28 June 2007 amending Annexes I, II, VII, VIII, X and XI to Regulation (EC) No 1774/2002 of the European Parliament and of the Council as regards placing on the market of certain animal by-products amends Annex II to Regulation (EC) No 1774/2002, as regards model commercial documents and Annex X to that Regulation, as regards health certificates for imports of certain animal by-products.

(3) Article 2 of Regulation (EC) No 829/2007 provides for a transitional period of six months from the date of entry into force of that Regulation for the use of the relevant commercial documents and health certificates provided for in Annexes II and X to Regulation (EC) No 1774/2002, which were completed in conformity with

the provisions applicable before the date of entry into force of Regulation (EC) No 829/2007. Since the publication of that Regulation however several requests for clarification concerning the provisions applicable during this transitional period have been addressed to the Commission.

(4) In order to ensure legal certainty, it should be clarified that until the end of the transitional period, commercial documents and health certificates which correspond to the models required prior to the entry into force of Regulation (EC) No 829/2007 may still be completed and signed by commercial operators and the veterinary authorities of third countries, as appropriate.

(5) In addition, a practical solution should be provided for consignments for which such documents have been issued within the transitional period, but which do not arrive at their place of destination within the Community before that date. Such consignments should continue to be accepted for trade in or for import into the Community, as appropriate, within two months after that date.

(6) In order to facilitate the application of this Regulation for stakeholders and third country authorities, the original transitional period of six months from 24 July 2007 introduced by Regulation (EC) No 829/2007 should be extended until 30 April 2008. An additional period should be provided for accepting such documents and certificates for trade in and for import into the Community.

(7) Regulation (EC) No 829/2007 should therefore be amended accordingly.

(8) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

⁽¹⁾ OJ L 273, 10.10.2002, p. 1. Regulation as last amended by Commission Regulation (EC) No 829/2007 (OJ L 191, 21.7.2007, p. 1).

HAS ADOPTED THIS REGULATION:

conformity with the provisions of Regulation (EC) No 1774/2002 applying until 23 July 2007.

Article 1

Article 2 of Regulation (EC) No 829/2007 is replaced by the following:

Until 30 June 2008, Member States shall accept such consignments if the accompanying commercial documents and health certificates were completed and signed before 1 May 2008.'

'Article 2

For a transitional period until 30 April 2008, Member States shall accept consignments accompanied by commercial documents and health certificates completed and signed in

Article 2

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

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

Done at Brussels, 25 October 2007.

For the Commission

Markos KYPRIANOU

Member of the Commission

COMMISSION REGULATION (EC) No 1257/2007**of 25 October 2007****on the issue of licences for importing rice under the tariff quotas opened for the October 2007 subperiod by Regulation (EC) No 327/98**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1785/2003 of 29 September 2003 on the common organisation of the markets in rice ⁽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 327/98 of 10 February 1998 opening and providing for the administration of certain tariff quotas for imports of rice and broken rice ⁽³⁾ opened and provided for the administration of certain import tariff quotas for rice and broken rice, broken down by country of origin and split into several subperiods in accordance with Annex IX of the Regulation.
- (2) October is the only subperiod for the quota with serial number 09.4138 laid down in Article 1(1)(a) of Regulation (EC) No 327/98. This quota comprises the balance of the unused quantities from the quotas with serial numbers 09.4127-09.4128-09.4129-09.4130 in the previous subperiod. October is the last subperiod for the quotas with serial numbers 09.4148 and 09.4168 laid down in Article 1(1)(b) and (e) of Regulation (EC) No 327/98, which comprise the balance of the unused quantities from the previous subperiod.

- (3) The notifications presented under Article 8(a) of Regulation (EC) No 327/98 show that, for the quota(s) with serial numbers 09.4138-09.4148, the applications lodged in the first 10 working days of October 2007 under Article 4(1) of the Regulation cover a quantity greater than that available. The extent to which import licences may be issued should therefore be determined by establishing the allocation coefficient to be applied to the quantities requested under the quotas in question.
- (4) The final percentage take-up for 2007 of each quota provided for by Regulation (EC) No 327/98 should also be made known,

HAS ADOPTED THIS REGULATION:

Article 1

1. For import licence applications for rice under the quotas with the serial numbers 09.4138-09.4148 as referred to in Regulation (EC) No 327/98 lodged in the first 10 working days of October 2007, licences shall be issued for the quantities requested, multiplied by the allocation coefficients set out in the Annex to this Regulation.

2. The final percentage take-up for 2007 of each quota provided for by Regulation (EC) No 327/98 is given 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, 25 October 2007.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 270, 21.10.2003, p. 96. Regulation as amended by Commission Regulation (EC) No 797/2006 (OJ L 144, 31.5.2006, p. 1).

⁽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 37, 11.2.1998, p. 5. Regulation last amended by Commission Regulation (EC) No 2019/2006 (OJ L 384, 29.12.2006, p. 48).

ANNEX

Quantities to be allocated for the October 2007 subperiod under Regulation (EC) No 327/98 and percentage take-ups for 2007.

- (a) Quota for wholly milled or semi-milled rice falling within CN code 1006 30 provided for by Article 1(1)(a) of Regulation (EC) No 327/98

Origin	Serial number	Allocation coefficient for October 2007 subperiod	Final percentage take-up of the quota for 2007
United States of America	09.4127		60,02 %
Thailand	09.4128		96,63 %
Australia	09.4129		100 %
Other origins	09.4130		100 %
All countries	09.4138	11,348671 %	100 %

- (b) Quota for husked rice falling within CN code 1006 20 provided for in Article 1(1)(b) of Regulation (EC) No 327/98

Origin	Serial number	Allocation coefficient for October 2007 subperiod	Final percentage take-up of the quota for 2007
All countries	09.4148	19,768872 %	100 %

- (c) Quota for broken rice falling within CN code 1006 40 provided for in Article 1(1)(c) of Regulation (EC) No 327/98

Origin	Serial number	Final percentage take-up of the quota for 2007
Thailand	09.4149	47,03 %
Australia	09.4150	0 %
Guyana	09.4152	0 %
United States of America	09.4153	7,78 %
Other origins	09.4154	100 %

- (d) Quota for wholly milled or semi-milled rice falling within CN code 1006 30 provided for in Article 1(1)(d) of Regulation (EC) No 327/98

Origin	Serial number	Final percentage take-up of the quota for 2007
Thailand	09.4112	100 %
United States of America	09.4116	96,98 %
India	09.4117	100 %
Pakistan	09.4118	100 %
Other origins	09.4119	100 %
All countries	09.4166	99,93 %

- (e) Quota for broken rice falling within CN code 1006 40 provided for in Article 1(1)(e) of Regulation (EC) No 327/98

Origin	Serial number	Allocation coefficient for October 2007 subperiod	Final percentage take-up of the quota for 2007
All countries	09.4168	— ⁽¹⁾	100 %

⁽¹⁾ No quantity available for this subperiod.

COMMISSION REGULATION (EC) No 1258/2007**of 25 October 2007****fixing the rates of the refunds applicable to certain cereal and rice products exported in the form of goods not covered by Annex I to the Treaty**

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 13(3) thereof,

Having regard to Council Regulation (EC) No 1785/2003 of 29 September 2003 on the common organisation of the market in rice ⁽²⁾, and in particular Article 14(3) thereof,

Whereas:

- (1) Article 13(1) of Regulation (EC) No 1784/2003 and Article 14(1) of Regulation (EC) No 1785/2003 provide that the difference between quotations or prices on the world market for the products listed in Article 1 of each of those Regulations and the prices within the Community may be covered by an export refund.
- (2) Commission Regulation (EC) No 1043/2005 of 30 June 2005 implementing Council Regulation (EC) No 3448/93 as regards the system of granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds ⁽³⁾, specifies the products for which a rate of refund is to be fixed, to be applied where these products are exported in the form of goods listed in Annex III to Regulation (EC) No 1784/2003 or in Annex IV to Regulation (EC) No 1785/2003 as appropriate.
- (3) In accordance with the first paragraph of Article 14 of Regulation (EC) No 1043/2005, the rate of the refund per 100 kilograms for each of the basic products in question is to be fixed each month.
- (4) The commitments entered into with regard to refunds which may be granted for the export of agricultural products contained in goods not covered by Annex I to the Treaty may be jeopardised by the fixing in advance of high refund rates. It is therefore necessary to take precautionary measures in such situations without, however, preventing the conclusion of long-

term contracts. The fixing of a specific refund rate for the advance fixing of refunds is a measure which enables these various objectives to be met.

- (5) Taking into account the settlement between the European Community and the United States of America on Community exports of pasta products to the United States, approved by Council Decision 87/482/EEC ⁽⁴⁾, it is necessary to differentiate the refund on goods falling within CN codes 1902 11 00 and 1902 19 according to their destination.
- (6) Pursuant to Article 15(2) and (3) of Regulation (EC) No 1043/2005, a reduced rate of export refund has to be fixed, taking account of the amount of the production refund applicable, pursuant to Commission Regulation (EEC) No 1722/93 ⁽⁵⁾, for the basic product in question, used during the assumed period of manufacture of the goods.
- (7) Spirituous beverages are considered less sensitive to the price of the cereals used in their manufacture. However, Protocol 19 of the Act of Accession of the United Kingdom, Ireland and Denmark provides that the necessary measures must be decided to facilitate the use of Community cereals in the manufacture of spirituous beverages obtained from cereals. Accordingly, it is necessary to adapt the refund rate applying to cereals exported in the form of spirituous beverages.
- (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

The rates of the refunds applicable to the basic products listed in Annex I to Regulation (EC) No 1043/2005 and in Article 1 of Regulation (EC) No 1784/2003 or in Article 1 of Regulation (EC) No 1785/2003, and exported in the form of goods listed in Annex III to Regulation (EC) No 1784/2003 or in Annex IV to Regulation (EC) No 1785/2003 respectively, shall be fixed as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 26 October 2007.

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

⁽²⁾ OJ L 270, 21.10.2003, p. 96. Regulation as last amended by Commission Regulation (EC) No 797/2006 (OJ L 144, 31.5.2006, p. 1).

⁽³⁾ OJ L 172, 5.7.2005, p. 24. Regulation as last amended by Regulation (EC) No 447/2007 (OJ L 106, 24.4.2007, p. 31).

⁽⁴⁾ OJ L 275, 29.9.1987, p. 36.

⁽⁵⁾ OJ L 159, 1.7.1993, p. 112. Regulation as last amended by Regulation (EC) No 1584/2004 (OJ L 280, 31.8.2004, p. 11).

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

Done at Brussels, 25 October 2007.

For the Commission
Heinz ZOUREK
Director-General Enterprise and Industry

ANNEX

Rates of the refunds applicable from 26 October 2007 to certain cereals and rice products exported in the form of goods not covered by Annex I to the Treaty (*)

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product ^(EUR/100 kg)	
		In case of advance fixing of refunds	Other
1001 10 00	Durum wheat:		
	– on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	—	—
	– in other cases	—	—
1001 90 99	Common wheat and meslin:		
	– on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	—	—
	– in other cases:		
	– – where Article 15(3) of Regulation (EC) No 1043/2005 applies ⁽²⁾	—	—
	– – where goods falling within subheading 2208 ⁽³⁾ are exported	—	—
	– – in other cases	—	—
1002 00 00	Rye	—	—
1003 00 90	Barley		
	– where goods falling within subheading 2208 ⁽³⁾ are exported	—	—
	– in other cases	—	—
1004 00 00	Oats	—	—
1005 90 00	Maize (corn) used in the form of:		
	– starch:		
	– – where Article 15(3) of Regulation (EC) No 1043/2005 applies ⁽²⁾	—	—
	– – where goods falling within subheading 2208 ⁽³⁾ are exported	—	—
	– – in other cases	—	—
	– glucose, glucose syrup, maltodextrine, maltodextrine syrup of CN codes 1702 30 51, 1702 30 59, 1702 30 91, 1702 30 99, 1702 40 90, 1702 90 50, 1702 90 75, 1702 90 79, 2106 90 55 ⁽⁴⁾ :		
	– – where Article 15(3) of Regulation (EC) No 1043/2005 applies ⁽²⁾	—	—
	– – where goods falling within subheading 2208 ⁽³⁾ are exported	—	—
	– – in other cases	—	—
	– other (including unprocessed)	—	—
	Potato starch of CN code 1108 13 00 similar to a product obtained from processed maize:		
	– where Article 15(3) of Regulation (EC) No 1043/2005 applies ⁽²⁾	—	—
	– where goods falling within subheading 2208 ⁽³⁾ are exported	—	—
	– in other cases	—	—

(*) The rates set out in this Annex are not applicable to the goods listed in Tables I and II to Protocol No 2 to the Agreement between the European Community and the Swiss Confederation of 22 July 1972 exported to the Swiss Confederation or to the Principality of Liechtenstein.

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product (EUR/100 kg)	
		In case of advance fixing of refunds	Other
ex 1006 30	Wholly milled rice:		
	– round grain	—	—
	– medium grain	—	—
	– long grain	—	—
1006 40 00	Broken rice	—	—
1007 00 90	Grain sorghum, other than hybrid for sowing	—	—

⁽¹⁾ As far as agricultural products obtained from the processing of a basic product or/and assimilated products are concerned, the coefficients set out in Annex V to Commission Regulation (EC) No 1043/2005 is applicable.

⁽²⁾ The goods concerned fall under CN code 3505 10 50.

⁽³⁾ Goods listed in Annex III to Regulation (EC) No 1784/2003 or referred to in Article 2 of Regulation (EEC) No 2825/93 (OJ L 258, 16.10.1993, p. 6).

⁽⁴⁾ For syrups of CN codes NC 1702 30 99, 1702 40 90 and 1702 60 90, obtained from mixing glucose and fructose syrup, the export refund relates only to the glucose syrup.

COMMISSION REGULATION (EC) No 1259/2007**of 25 October 2007****fixing the rates of refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex I to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 318/2006 of 20 February 2006 on the common organisation of the market in the sugar sector⁽¹⁾, and in particular Article 33(2)(a) and (4) thereof,

Whereas:

- (1) Article 32(1) and (2) of Regulation (EC) No 318/2006 provides that the differences between the prices in international trade for the products listed in Article 1(1)(b), (c), (d) and (g) of that Regulation and prices within the Community may be covered by an export refund where these products are exported in the form of goods listed in Annex VII to that Regulation.
- (2) Commission Regulation (EC) No 1043/2005 of 30 June 2005 implementing Council Regulation (EC) No 3448/93 as regards the system of granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds⁽²⁾, specifies the products for which a rate of refund is to be fixed, to be applied where these products are exported in the form of goods listed in Annex VII to Regulation (EC) No 318/2006.
- (3) In accordance with the first paragraph of Article 14 of Regulation (EC) No 1043/2005, the rate of the refund per 100 kilograms for each of the basic products in question is to be fixed each month.
- (4) Article 32(4) of Regulation (EC) No 318/2006 lays down that the export refund for a product contained in goods

may not exceed the refund applicable to that product when exported without further processing.

- (5) The refunds fixed under this Regulation may be fixed in advance as the market situation over the next few months cannot be established at the moment.
- (6) The commitments entered into with regard to refunds which may be granted for the export of agricultural products contained in goods not covered by Annex I to the Treaty may be jeopardised by the fixing in advance of high refund rates. It is therefore necessary to take precautionary measures in such situations without, however, preventing the conclusion of long-term contracts. The fixing of a specific refund rate for the advance fixing of refunds is a measure which enables these various objectives to be met.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of the refunds applicable to the basic products listed in Annex I to Regulation (EC) No 1043/2005 and in Article 1(1) and in point (1) of Article 2 of Regulation (EC) No 318/2006, and exported in the form of goods listed in Annex VII to Regulation (EC) No 318/2006, shall be fixed as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 26 October 2007.

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

Done at Brussels, 25 October 2007.

For the Commission

Heinz ZOUREK

Director-General Enterprise and Industry

⁽¹⁾ OJ L 58, 28.2.2006, p. 1. Regulation as amended by Commission Regulation (EC) No 1585/2006 (OJ L 294, 25.10.2006, p. 19).

⁽²⁾ OJ L 172, 5.7.2005, p. 24. Regulation as last amended by Regulation (EC) No 447/2007 (OJ L 106, 24.4.2007, p. 31).

ANNEX

Rates of refunds applicable from 26 October 2007 to certain products from the sugar sector exported in the form of goods not covered by Annex I to the Treaty ⁽¹⁾

CN code	Description	Rate of refund in EUR/100 kg	
		In case of advance fixing of refunds	Other
1701 99 10	White sugar	31,06	31,06

⁽¹⁾ The rates set out in this Annex are not applicable to exports to

- a) third countries: Albania, Croatia, Bosnia and Herzegovina, Serbia, Montenegro, Kosovo, the former Yugoslav Republic of Macedonia, Andorra, Holy See (Vatican City State), Liechtenstein and to the goods listed in Tables I and II of Protocol 2 to the Agreement between the European Community and the Swiss Confederation of 22 July 1972 exported to the Swiss Confederation.
- b) territories of EU Member States not forming part of the customs territory of the Community: Gibraltar, Ceuta, Melilla, the Communes of Livigno and Campione d'Italia, Heligoland, Greenland, the Faeroe Islands and the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control.

II

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

DECISIONS

COMMISSION

COMMISSION DECISION

of 30 November 2005

relating to a proceeding under Article 81 of the Treaty establishing the European Community against Armando Álvarez SA, Bernay Film Plastique, Bischof + Klein France SAS, Bischof + Klein GmbH & Co. KG, Bonar Technical Fabrics NV, British Polythene Industries PLC, Cofira-Sac SA, Combipac BV, Fardem Packaging BV, FLSmidth & Co. A/S, FLS Plast A/S, Groupe Gascogne, JM Gesellschaft für industrielle Beteiligungen mbH & Co. KGaA, Kendrion NV, Koninklijke Verpakingsindustrie Stempher CV, Low & Bonar PLC, Nordenia International AG, Nordfolien GmbH, Plásticos Españoles SA, RKW AG Rheinische Kunststoffwerke, Sachsa Verpackung GmbH, Stempher BV, Trioplast Industrier AB, Trioplast Wittenheim SA, UPM-Kymmene Oyj

(Case COMP/38354 — Industrial bags)

(notified under document number C(2005) 4634)

(Only the French, English, Dutch, German and Spanish versions are authentic)

(2007/686/EC)

On 30 November 2005 the Commission adopted a decision relating to a proceeding under Article 81 of the EC Treaty. In accordance with the provisions of Article 30 of Council Regulation (EC) No 1/2003 ⁽¹⁾, the Commission herewith publishes the names of the parties and the main content of the decision, including any penalties imposed, having regard to the legitimate interest of undertakings in the protection of their business secrets.

1. SUMMARY OF THE CASE

1.1. Addressees

(1) The decision is addressed to the following undertakings for having infringed Article 81(1) of the EC Treaty:

— Combipac BV and British Polythene Industries plc;

— Bischof + Klein GmbH & Co., KG;

— Bischof + Klein France SAS;

— RKW AG Rheinische Kunststoffwerke and JM Gesellschaft für industrielle Beteiligungen mbH & Co. KGaA;

— Fardem Packaging BV and Kendrion NV;

— Nordenia International AG and Nordfolien GmbH;

— Trioplast Wittenheim SA and Trioplast Industrier AB;

— FLS Plast A/S and FLSmidth & Co. A/S;

— Cofira-Sac SA;

— Plásticos Españoles SA (hereinafter Aspla) and Armando Álvarez SA;

— Sachsa Verpackung GmbH and Groupe Gascogne;

— UPM-Kymmene Oyj;

⁽¹⁾ OJ L 1, 4.1.2003, p. 1. Regulation as amended by Regulation (EC) No 411/2004 (OJ L 68, 6.3.2004, p. 1).

- Bernay Film Plastique, formerly Conditionnement et Industrie SA;
- Bonar Technical Fabrics NV and Low & Bonar PLC;
- Stempheer BV and Koninklijke Verpakkingsindustrie Stempheer CV.

- (2) The addressees referred to above participated in a single and continuous infringement of Article 81 of the EC Treaty, covering the Benelux, France, Germany and Spain ⁽¹⁾, by which they agreed to fix prices of industrial bags, to set common models for price calculation, to allocate market shares and quotas, to allocate customers and deals, to proceed to concerted submissions to tenders and to exchange individualised information. The duration of the infringement proper to each addressee retained in the decision is ranging from three to 20 years.

1.2. The industrial bags sector

- (3) Plastic industrial bags ⁽²⁾, commonly referred to as 'industrial bags', are used for packaging basic commodities, and more generally raw materials, fertilisers, polymers, building materials, agricultural and horticultural products and animal feeding stuffs.
- (4) Plastic industrial bags can be divided into four categories:
- open mouth bags,
 - valve bags,
 - FFS (form, fill and seal) bags,
 - Block bags.

1.3. The supply

- (5) Since the beginning of the 1990s a trend towards concentration can be observed among manufacturers of plastic films and bags, and several acquisitions have taken place in recent years. Nevertheless, alongside European players based in several EU Member States, smaller companies that have opted for a local development strategy are also present on this market.

1.4. The demand

- (6) Until the 1950s, industry used textile and paper bags for carrying commodities. With the development of bulk maritime transport, the textile bags industry went into decline. The introduction of the polyethylene bag in the

1950s triggered growing demand for this type of bag, which among other things met industry's needs for waterproof packaging.

- (7) Since the mid-1970s, FFS bags have gradually been replacing the other types of industrial bags. Their success is due notably to the automated filling process, which allows large volumes to be handled, and the limited need for labour.

1.5. Scope of the infringement

- (8) The investigation showed that the cartel covered the Benelux, the French, German and Spanish markets. The market concerned was estimated at around EUR 220 million in 1996 and between EUR 250 and 300 million in 2001. The cartel members represented around 75 % of the market in 1996.

1.6. Origin and procedure

- (9) In November 2001, the company BPI informed the Commission of the existence of a cartel in the industrial bags sector and expressed the wish to cooperate with the Commission under the 1996 Notice on immunity from fines and reduction of fines in cartel cases (Leniency Notice) ⁽³⁾. BPI provided the Commission with evidence that allowed the carrying out of inspections in June 2002.

1.7. Functioning of the cartel

- (10) The cartel operated basically at two levels:
- the global level under the umbrella of an official professional organization called 'Valve-Plast'. The meetings were held at least since 1982 and three or four times a year. A functional sub-group dedicated to block bags was set up in 1994,
 - the sub-group level composed of five regional subgroups (France, Germany, Benelux, Belgium and Netherlands).
- (11) The anticompetitive practices identified covered in particular:
- fixation of prices and setting of common models for calculating prices,
 - allocation of quotas,

⁽¹⁾ Stempheer's participation to the infringement was limited to the Netherlands and occasionally Belgium.

⁽²⁾ There are also industrial bags made of paper, but these do not fall within the scope of this investigation.

⁽³⁾ OJ C 207, 18.7.1996, p. 4.

- allocation of clients and deals,
- discussions during the meetings over lists of major clients, designation of account managers in charge of coordinating the offers to those clients,
- multilateral and bilateral discussions over specific customers, submissions of concerted bids,
- regular exchange of sensitive information related to market shares.

category with a market share of 8,9 %. Aspla (7,2 %) and Fardem (6,6 %) are placed in the third category. UPM-Kymmene (4,8 %), RKW (4,6 %) and Stempher (4,3 %) are placed in the fourth category. Bonar Technical Fabrics (3,1 %), Cofira (2,9 %) and Trioplast Wittenheim (2,8 %) are placed in the fifth category. Sachsa (2,3 %), Bischof + Klein France (1,9 %) and Bernay Film Plastique (1,6 %) are placed in the sixth category.

- (17) For Stempher (Koninklijke Verpakingsindustrie Stempher CV and Stempher BV), there is no evidence in the file of its knowledge of the global scheme of the cartel. Its participation has been limited to one of the subgroups dealing only with the Dutch market (and from time to time with Belgium). Therefore a reduction of 25 % is applied to the basic amount of the fine imposed on Stempher.

2. FINES

2.1. Basic Amount

- (12) The basic amount of the fine is determined according to the gravity and duration of the infringement.

2.1.1. Gravity

- (13) Regarding the nature of the infringement and its geographic scope, the infringement must be qualified as very serious.

2.1.2. Differential treatment

- (14) Within the category of very serious infringements, the scale of applicable fines makes it possible to apply differential treatment to undertakings in order to take account of the effective economic capacity to cause significant damage to competition. This is appropriate where, as in this case, there are considerable disparities in terms of importance between the undertakings participating in the infringement.

- (15) The undertakings have been divided into six categories according to their relative importance in the relevant market in 1996. 1996 was used as a reference year because it was the closest complete year of infringement in which all the undertakings implicated in the cartel were still present on the relevant market.

- (16) With market shares estimated at 12,5 % and 11,5 %, Wavin/BPI and Bischof + Klein are placed in the first category. Nordenia/Nordfolien are placed in the second

2.1.3. Sufficient deterrence

- (18) Within the category of very serious infringements, the scale of the fines that can be imposed also makes it possible to set the fines at a level which ensures that they have sufficient deterrent effect, having regard to the size and the economic power of each undertaking. In this respect, the Commission notes that in 2004, the most recent business year preceding this decision, the turnover of the UPM-Kymmene group was EUR 9 820 million. Accordingly, it is considered appropriate, to apply a multiplication factor of two to the fine imposed on UPM-Kymmene.

2.1.4. Duration

- (19) Individualised percentage increases are applied accordingly to the duration of the infringement proper to each company. Bischof + Klein Co., KG, Cofira-Sac SA, Fardem Packaging, Nordenia International AG, Trioplast Wittenheim, RKW and JM Gesellschaft für industrielle Beteiligungen took part in the infringement during a period of more than 20 years leading to a percentage increase of the starting amount of 200 %. Combipac took part in the infringement during a period of 19 years and 10 months leading to a percentage increase of the starting amount of 195 %. Bischof + Klein France SAS took part in the infringement during a period of 18 years and 11 months leading to a percentage increase of the starting amount of 185 %. Sachsa took part in the infringement during a period of 14 years and four months leading to a percentage increase of the starting amount of 140 %. Aspla and Armando Álvarez SA took part in the infringement during a period of 11 years and three months leading to a percentage increase of the starting amount of 110 %. Groupe Gascogne, FLS Plast and FLSmidth & Co took part in the infringement during a period of eight years (and five months for Groupe Gascogne) leading to a percentage increase of the starting amount of 80 %. Kendrion NV took part in the infringement during

a period of seven years leading to a percentage increase of the starting amount of 70 %. Nordfolien took part in the infringement during a period of nine years and seven months leading to a percentage increase of the starting amount of 95 %. Bonar Technical Fabrics and Low & Bonar took part in the infringement during a period of six years and two months leading to a percentage increase of the starting amount of 60 %. UPM-Kymmene and British Polythene Industries plc took part in the infringement during a period of four years and six months leading to a percentage increase of the starting amount of 45 %. K.V. Stempfer CV and Stempfer BV took part in the infringement during a period of four years leading to a percentage increase of the starting amount of 40 %. Finally, Trioplast Industrier AB and Bernay Film Plastique took part in the infringement during a period of more than three years leading to a percentage increase of the starting amount of 30 %.

2.2. Aggravating circumstances

2.2.1. Repeated infringements

- (20) At the time the infringement took place, UPM-Kymmene had already been subject to previous Commission prohibition decisions for cartel activities in Decision 94/601/CE in the Cartonboard case (IV/C/33.833). This aggravating circumstance justifies an increase of 50 % in the basic amount of the fine to be imposed on UPM-Kymmene.

2.2.2. Obstruction to the investigation

- (21) During the inspection, one manager of Bischof + Klein destroyed a document selected by the Commission officials. It is considered that irrespective of its effects, such behaviour necessarily disrupted the Commission's investigation and hindered its inspectors in the exercise of their investigative powers. This deliberate obstruction constitutes an aggravating circumstance, as provided for in the Guidelines on Fines, that has to be penalised by an increase of 10 % on the basic amount of the fine.

2.3. Attenuating circumstances

- (22) Several undertakings claimed for the application of attenuating circumstances indicating several factors such as their passive role, the absence of an effective implementation of the practices, the early termination of the infringement, the implementation of compliance programs and crisis situation of the industrial bags sector. These claims are all rejected as being unfounded.

2.4. Application of the 10 % turnover limit

- (23) Article 15(2) of Regulation No 17 and Article 23(2) of Regulation (EC) No 1/2003 provide that the fine imposed on each undertaking is not to exceed 10 % of its turnover. As regards the 10 % ceiling, if 'several addressees constitute the "undertaking", that is the economic entity responsible for the infringement penalised, (...) at the date when the decision is adopted, (...) the ceiling can be calculated on the basis of the overall turnover of that undertaking, that is to say of all its constituent parts taken together. By contrast, if that economic unit has subsequently broken up, each addressee of the decision is entitled to have the ceiling in question applied individually to it' ⁽¹⁾.
- (24) The 10 % ceiling is applied when appropriate, namely to Stempfer, Bernay Film Plastique, Nordenia International AG, Nordefolien GmbH, Cofira-Sac, Fardem, Combipac BV, Bischof + Klein GmbH & Co. KG and Bischof + Klein France.

2.5. Application of the 1996 Leniency Notice

- (25) Given the fact BPI applied for leniency before the entry into force of the 2002 leniency notice, the provisions of the 1996 notice apply to this case.

2.5.1. Section B (reduction from 75 % to 100 %)

- (26) In November 2001, BPI was the first undertaking to provide the Commission with decisive elements of proof of the infringement that allowed the Commission to conduct successful inspections. BPI maintained its cooperation throughout the investigation and thus fulfilled its obligations imposed by the leniency notice.
- (27) Three parties stated in their reply to the Statement of Objections that BPI had participated after November 2001 to a collusive arrangement concerning a tender. After a close investigation of these allegations and since no decisive material evidence is produced, the Commission considers that BPI should be retained under section B of the notice. Therefore, the Commission considers that BPI (including its subsidiary Combipac BV) is entitled to benefit from a 100 % reduction in the amount of the fine that would otherwise have been imposed.

⁽¹⁾ See judgment of Court of First Instance in Cases T-71/03, T-74/03, T-87/03 and T-91/03, *Tokai Carbon and Co., Ltd and others v Commission*, cited above, point 390.

2.5.2. Section D (reduction from 10 % to 50 %)

- (28) Trioplast-Wittenheim applied for leniency soon after having received the request for information which the Commission addressed to it pursuant to Article 11 of Regulation No 17. The explanations it gave concerning the functioning of the cartel and on some documents helped to confirm the existence of the infringement. In view of its cooperation, the Commission considers that Trioplast Wittenheim and Trioplast Industrier are entitled to benefit from a 30 % reduction in the amount of the fine that would otherwise have been imposed, in accordance with the Section D of the 1996 Leniency Notice.
- (29) Bischof + Klein and Cofira provided some information or documents that exceeded the required replies to the Article 11 letter and did not contest the facts. In view of their cooperation, the Commission considers that Bischof + Klein GmbH & Co. KG, Bischof and Klein France SAS and Cofira-Sac SA are entitled to benefit from a 25 % reduction in the amount of the fine that would otherwise have been imposed.
- (30) The Commission considers that Nordfolien ⁽¹⁾ and Bonar Technical Fabrics ⁽²⁾ are entitled to benefit from a 10 % reduction in the amount of the fine that would otherwise have been imposed for not contesting the facts.
- (31) The Commission considers that the information provided voluntarily by Sachsa did not contribute substantially to the establishment of the infringement and does therefore not qualify for a reduction of the fine.
- (32) The claims of FLS-Plast and FLSmidth for a reduction of the fine for not contesting the facts are rejected.

3. DECISION

- (33) The following undertakings have infringed Article 81 of the Treaty by participating, during the periods indicated, in a complex of agreements and concerted practices in the plastic industrial bags sector in Belgium, Germany, Spain, France, Luxembourg and the Netherlands, consisting in the fixing of prices and the establishment of common price calculation models, the sharing of markets and the allocation of sales quotas, the assignment of customers, deals and orders, the submission of concerted bids in response to certain invi-

tations to tender and the exchange of individualised information:

- (a) Combipac BV, from 6 January 1982 until 9 November 2001, and British Polythene Industries plc, from 25 April 1997 until 9 November 2001;
- (b) Bischof + Klein GmbH & Co. KG, from 6 January 1982 until 26 June 2002, and Bischof + Klein France SAS, from 6 January 1982 until 18 December 2000;
- (c) RKW AG Rheinische Kunststoffwerke and JM Gesellschaft für industrielle Beteiligungen mbH & Co. KGaA, from 6 January 1982 until 26 June 2002;
- (d) Fardem Packaging BV, from 6 January 1982 until 26 June 2002, and Kendrion N.V., from 8 June 1995 until 26 June 2002;
- (e) Nordenia International AG, from 6 January 1982 until 26 June 2002;
- (f) Nordfolien GmbH, from 24 November 1992 until 26 June 2002;
- (g) Trioplast Wittenheim SA, from 6 January 1982 until 26 June 2002, and Trioplast Industrier AB, from 21 January 1999 until 26 June 2002;
- (h) FLS Plast A/S and FLSmidth & Co A/S from 31 December 1990 until 19 January 1999;
- (i) Cofira-Sac SA, from 24 March 1982 until 26 June 2002;
- (j) Plásticos Españoles SA and Armando Álvarez SA, from 8 March 1991 until 26 June 2002;
- (k) Sachsa Verpackung GmbH, from 9 February 1988 until 26 June 2002, and Groupe Gascogne, from 1 January 1994 until 26 June 2002;
- (l) UPM-Kymmene Oyj, from 18 July 1994 until 31 January 1999;

⁽¹⁾ Since Nordfolien and Nordenia International AG have belonged to two different undertakings since 2003, the cooperation on which Nordfolien seeks to rely should be regarded as imputable solely to that company, and there are therefore no grounds for allowing Nordenia International AG to benefit from the reduction in the fine granted to Nordfolien.

⁽²⁾ As Low & Bonar plc forms a common undertaking with Bonar Technical Fabrics, it is also entitled to benefit from this reduction.

- (m) Bernay Film Plastique, from 31 August 1995 until 9 November 1998;
- (n) Bonar Technical Fabrics NV and Low & Bonar PLC, from 13 September 1991 until 28 November 1997.
- (34) Stempfer BV and Koninklijke Verpakkingsindustrie Stempfer CV have infringed Article 81 of the Treaty by participating, from 25 October 1993 until 31 October 1997, in a complex of agreements and concerted practices in the plastic industrial bags sector in the Netherlands and, occasionally, in Belgium, consisting in the fixing of prices and the establishment of common price calculation models, the sharing of markets, the assignment of customers, deals and orders and the exchange of individualised information.
- (35) For these infringements the following fines are imposed:
- (a) Combipac BV: EUR 0. Of this amount, British Polythene Industries plc shall be jointly and severally liable for the sum of EUR 0;
- (b) Bischof + Klein GmbH & Co. KG: EUR 29,15 million and Bischof + Klein France SAS: EUR 3,96 million;
- (c) RKW AG Rheinische Kunststoffwerke and JM Gesellschaft für industrielle Beteiligungen mbH & Co. KGaA, jointly and severally: EUR 39 million;
- (d) Kendrion NV: EUR 34 million. Of this amount, Fardem Packaging BV shall be jointly and severally liable for the sum of EUR 2,20 million;
- (e) Nordenia International AG: EUR 39,10 million. Of this amount, Nordfolien GmbH shall be jointly and severally liable for the sum of EUR 7,18 million;
- (f) Trioplast Wittenheim SA: EUR 17,85 million. Of this amount, FLSmidth & Co. A/S and FLS Plast A/S shall be jointly and severally liable for the sum of EUR 15,30 million and Trioplast Industrier AB shall be jointly and severally liable for the sum of EUR 7,73 million;
- (g) Cofira-Sac SA: EUR 350 000;
- (h) Plásticos Españoles SA and Armando Álvarez SA, jointly and severally: EUR 42 million;
- (i) Sachsa Verpackung GmbH: EUR 13,20 million. Of this amount, Groupe Gascogne shall be jointly and severally liable for the sum of EUR 9,90 million;
- (j) UPM-Kymmene Oyj: EUR 56,55 million;
- (k) Bernay Film Plastique: EUR 940 000;
- (l) Bonar Technical Fabrics NV and Low & Bonar PLC, jointly and severally: EUR 12,24 million;
- (m) Stempfer BV and Koninklijke Verpakkingsindustrie Stempfer CV, jointly and severally: EUR 2,37 million.
- (36) The undertakings listed above shall immediately bring to an end the infringements referred to in recitals 33 and 34 above, in so far as they have not already done so. They shall refrain from repeating any act or conduct described in recitals 33 and 34 and from any act or conduct having the same or similar object or effect.
- (37) A non-confidential version of the full text of the Decision will be published in the authentic languages of the case at DG Competition web-site at http://ec.europa.eu/comm/competition/index_en.html
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COMMISSION DECISION**of 18 August 2006****declaring a concentration compatible with the common market and the functioning of the EEA Agreement****(Case COMP/M.3848 — Sea-Invest/EMO-EKOM)***(notified under document number C(2006) 3710)***(Only the English text is authentic)****(Text with EEA relevance)****(2007/687/EC)**

On 18 August 2006 the Commission adopted a Decision in a merger case under Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (the EC Merger Regulation) ⁽¹⁾, and in particular Article 8(2) of that Regulation. A non-confidential version of the full Decision can be found in the authentic language of the case on the website of the Directorate-General for Competition, at the following address: http://ec.europa.eu/comm/competition/index_en.html

I. SUMMARY

- (1) Sea-Invest NV (Sea-Invest) is a privately owned company providing terminal services in a number of ports in Belgium, France, Germany and South Africa. Its core business is the handling of dry bulk and other non-containerised cargo. Sea-Invest controls among others the following terminals handling coal, iron ore and other dry bulk: ABT in Antwerp, GCT and CBM in Ghent and Sea-Bulk in Dunkirk.
- (2) Europees Massagoed-Overslagbedrijf BV and Erts- en Kolen Overslagbedrijf BV (EMO-EKOM) provides terminal services for coal and iron ore in Rotterdam. EMO is operating the terminal while EKOM owns the facilities. The existing shareholders in EMO-EKOM are ThyssenKrupp Veerhaven BV (TKV), RAG Logistic GmbH (RAG), HES Beheer NV (HES) and Manufrance BV (Manufrance).
- (3) TKV is the seaport forwarder for ThyssenKrupp Steel for the ports of Amsterdam, Rotterdam and Antwerp. It operates push boat and barge services via the river Rhine to the group's blast furnaces in Duisburg. TKV also operates a coal and iron ore terminal in the port of Rotterdam, entirely dedicated to the ThyssenKrupp group.
- (4) HES holds, apart from its shareholding in EMO-EKOM, stakes in other companies which handle dry bulk in the ports of Rotterdam, Amsterdam and Zeeland. Its subsidiary EBS handles coal, iron ore and other dry bulk in Rotterdam. It has also joint control in the RBT terminal for iron ore, coal and other dry bulk in Rotterdam and the OBA terminal handling coal and other dry bulk in Amsterdam. Further, it holds a non-controlling stake in the OVET terminal handling coal, iron ore and other dry bulk in Zeeland.
- (5) Manufrance holds, apart from its shareholding in EMO-EKOM, controlling interests in OVET and OBA. It is a subsidiary of ATIC Services, a joint venture between the Total, EDF and Arcelor groups (however, none of these shareholders are controlling ATIC Services). ATIC Services holds interests in companies offering services related to coal trading, inland-waterways logistics, maritime transportation and quality control of coal and iron ore cargoes.
- (6) Pursuant to the proposed transaction, Sea-Invest acquires joint control of EMO-EKOM by means of a purchase of shares in a pure holding company SNV from the current shareholder RAG. After the transaction, EMO-EKOM will be jointly controlled by Sea-Invest, TKV, HES and Manufrance.
- (7) The Commission's market investigation has revealed that that the proposed concentration will not give rise to any competition concerns as a result of which effective competition would be significantly impeded in the Common Market or in a substantial part of it.

II. EXPLANATORY MEMORANDUM**1. THE RELEVANT PRODUCT MARKETS**

- (8) The Commission has in the past suggested that the market for terminal services (cargo handling and storage in ports) could be subdivided according to the three main types of cargo: (i) parcel goods (in particular containers), (ii) dry bulk goods and (iii) liquid bulk

⁽¹⁾ OJ L 24, 29.1.2004, p. 1.

goods. A previous decision also suggested that the market for terminal services for dry bulk cargo could be further subdivided according to the type of commodity handled. Dry bulk is usually split into several categories: coal and iron ore, agri-bulk (e.g. grains or cereals) and other dry bulk ⁽¹⁾. Since terminals for agri-bulk do not compete, mainly due to food safety reasons, with terminals handling the two other types of dry bulk, the investigation focused on determining whether handling coal and iron ore on the one hand and other dry bulk on the other hand form separate product markets.

- (9) Coal and iron ore are major bulk products handled in large quantities for which speed of discharging is crucial while handling and storage does not require special attention. Terminal companies are able to switch between handling coal and iron ore and many of them do handle both products with the same equipment. Both iron ore and coal are stored in the open air and basically in the same area, only in separate stockpiles. Further, the customers for handling coal and iron ore are in both cases usually the end users of these commodities, i.e. large steel companies and electricity companies. Both these commodities are also transported in larger sea-going vessels and the preferred means of inland transport are in particular barges and to a lower extent rail.
- (10) On the other hand, other dry bulk commodities require a different handling as they are often more fragile than coal and iron ore, cannot be handled by the high-speed conveyor belts used for coal and iron ore and may sometimes require a covered storage. Other dry bulk is also transported and handled in significantly smaller volumes. Much smaller sea-going vessels are used for other dry bulk than for coal and iron ore which are able to enter into more draught restricted ports. As the volumes are smaller, the inland transportation of other dry bulk products is more flexible. Also the customers for other dry bulk are different and traders and logistics companies play a greater role.
- (11) Even though some smaller terminals do switch between handling coal and iron ore on the one hand and other dry bulk on the other hand, there are substantial differences between handling these two categories of products which limit effective and immediate supply-side substitution. Important coal and iron ore customers also confirmed that they do not consider other dry bulk terminals as a viable alternative because of the lack of storage capacity and the inability to quickly load and unload large volumes of cargo.

- (12) In view of the above, the decision concludes that handling of coal and iron ore represents a separate market from handling of other dry bulk.

- (13) Further, the Commission has in the past distinguished between the markets for terminal services for hinterland traffic ⁽²⁾ on the one hand and transshipment traffic ⁽³⁾ on the other hand. This distinction was confirmed also in this case. Therefore, the decision defines the main affected product market as terminal services for hinterland traffic for coal and iron ore which are distinct from terminal services for transshipment traffic for coal and iron ore.

2. THE RELEVANT GEOGRAPHIC MARKETS

- (14) In the Art 6(1)(c) decision the Commission stated that the relevant geographic market could either extend to all ports in the ARA range (i.e. Antwerp, Rotterdam, Amsterdam, including Zeeland) or could solely be limited to the port of Antwerp on the one hand and to the Dutch ports (Rotterdam, Amsterdam, Zeeland) on the other hand. The in-depth market investigation thus focused on the substitutability between the Sea-Invest's ABT terminal in Antwerp (as well as its terminals in Ghent and Dunkirk) and EMO-EKOM as well as other terminals in the Dutch ports.
- (15) The coal and iron ore terminals have three main groups of customers: steel producers, electricity producers and traders. When deciding on the use of the terminal, the customer has to take into consideration the whole logistic chain in order to optimise the total logistic costs connected with importing coal and iron ore. The market investigation showed that this imposes significant constraints on its ultimate choice for a specific terminal. The most important cost elements of the logistic chain besides terminal handling and storage are sea freight and inland transport. Terminal handling and storage fees represent only around 10-15 % of the total logistic costs. The relatively low importance of terminal fees makes switching in response to 10 % or even 15 % increase in the terminal tariffs unlikely, as the selection of the port and terminal of discharge is driven rather by the more important cost elements — sea freight costs and inland transport costs — as well as other factors specific to each customer.
- (16) The decision therefore first analyses the most important parts of the total logistic costs for importing coal and iron ore. Further, the decision summarises the results of the in-depth investigation as regards the possibilities of individual customers of Sea-Invest, EMO-EKOM and other terminals to switch between Antwerp (or even Ghent and Dunkirk) on the one hand and Rotterdam and other Dutch ports on the other hand.

⁽¹⁾ A wide range of various commodities such as zinc concentrates and other non-ferrous concentrates, cement clinkers, pig iron, kaolin, phosphates and other minerals, cokes, pet-cokes, anthracites, etc.

⁽²⁾ I.e. from deep-sea ship directly to inland barge, train or truck.

⁽³⁾ I.e. from deep-sea ship to relay/feeder vessel.

- (17) The sea freight costs are for the majority of customers the most important factor influencing the choice of a particular terminal. It is in general more economical to use as large vessels as possible for the maritime leg of the transport of coal and even more so of iron ore. However, the choice for a vessel of a particular size is limited by the draught of the ports. The market investigation confirmed that Antwerp is more draught restricted than Rotterdam and other ports in the ARA range and that therefore large vessels (exceeding around 140 000 dwt) cannot enter the port of Antwerp fully loaded. To the contrary, these large vessels bring 79 % of coal and even 93 % of iron ore discharged in the port of Rotterdam. The quantitative analysis of the sea transport costs confirmed the importance of draught and the relative significance of the resulting cost disadvantage of the ABT terminal as compared to the EMO-EKOM terminal. In case of coal transported from non-draught restricted origins (representing more than 70 % of all coal discharged in the ARA range), the sea transport costs difference between Antwerp and Rotterdam amounts in average to around 50 % of the handling tariff. This in itself makes switching in reaction to a 10 % price increase unlikely.
- (18) The inland transport costs may have a significant effect as well on the choice of a particular terminal, depending on the location of the customers. The comparison of average inland transport costs for different regions from Antwerp and Rotterdam shows that Antwerp is significantly cheaper in particular for Belgium and to some extent for Northern France. Rotterdam, on the other hand, is cheaper for Germany — Ruhrgebiet, Germany — Saarland, Southern Germany and to some extent for the Netherlands. The cost difference between Antwerp and Rotterdam for these regions ranges between 20 % and 50 % of the average terminal fee. This limits the economic incentive of customers to switch between Antwerp and Rotterdam in reaction to a 10 % increase in the terminal fee. It is also in line with statements of Sea-Invest and respondents in the investigation that Antwerp and Rotterdam to a large extent serve different hinterlands and that the choice of a terminal is significantly predetermined by the location of the customer.
- (19) Further, the decision analyses the prices of terminal services at ABT and EMO-EKOM that are paid by customers located in different geographic areas. This showed both for ABT and EMO-EKOM that there are no specific regions where customers pay significantly lower or higher prices as compared to other regions. This seems to indicate that there are no particular regions where the competitive pressure between terminals would be particularly strong. The analysis of terminal prices also showed that prices differ significantly between individual customers of both ABT and EMO-EKOM.
- (20) As to the specific situation for each of the customer groups identified above, the decision summarises the terminals used by individual groups of customers located in different areas and their real possibilities to switch between terminals. This analysis is based on replies of the customers to detailed questionnaires as well as on interviews conducted with a number of customers. All customers emphasised that their choice of the terminal is very much determined by the sea freight costs and the inland transport costs. Further, there are many other factors determining and limiting the choice of the terminals for each customer, such as the participation in part cargo services ⁽¹⁾, additional services and storage capacity of terminals, risk of congestions, the number and location of the customer's plants, accessibility to and suitability of barge or train connection, the security of supply (e.g. in the periods of low water in the river Rhine) or the existence of long-term contracts with the providers of the inland transport.
- (21) This analysis confirmed that the scope for substitution between the ABT terminal and the EMO-EKOM terminal is very limited. Based on the market investigation, the decision quantifies the actual possibilities of substitution: the volumes for which ABT can substitute EMO-EKOM are marginal in relation to EMO-EKOM's total volume (less than 5 %). These volumes do not put competitive pressure on EMO-EKOM, in particular as the most important customers do not intend to switch. The volumes for which EMO-EKOM can substitute ABT are also small in relation to ABT's volume (less than 10 %). These volumes only put very limited competitive pressure on ABT, in particular because ABT's most important customers do not intend to switch.
- (22) All this supports the conclusion that Rotterdam/Amsterdam/Zeeland is a separate geographic market from Antwerp/Ghent/Dunkirk ⁽²⁾. Conditions of competition are not the same in these two areas. However, there is some limited fringe competition between these geographic markets. This fringe competition mainly targets volumes of traders.
- (23) On the other hand, as regards the transshipment traffic for coal and iron ore, the relevant geographic would be broader, covering all main deep-sea ports in the Gothenburg — Le Havre range including UK and Irish deep-sea ports.
- ⁽¹⁾ Also called 'parcel services'. A part cargo service carries cargo of several customers who do not import sufficient quantities to make it economical to charter a vessel independently.
- ⁽²⁾ It can be left open whether the ports of Ghent and Dunkirk are in the same geographic market as Antwerp or form a separate market (which is in any case different to the Dutch ports). Under both alternatives, the transaction does not lead to competition concerns.

3. COMPETITIVE ASSESSMENT

1. Terminals services for hinterland traffic for coal and iron ore**(a) Unilateral effects***(i) Strengthening of ABT's dominance in Antwerp*

(24) ABT is dominant on the Antwerp market (market share 100 %) for terminal services for hinterland traffic for coal and iron ore ⁽¹⁾ where it is only facing fringe competition. The decision analyses whether Sea-Invest may have the possibilities and incentives to use its joint control in EMO-EKOM to restrict or eliminate this fringe competition. This joint control in EMO-EKOM will provide Sea-Invest it with a possibility to veto (but not actively determine) strategic decisions, in particular concerning the business plan and budget, appointment of management or major investments. Its participation in the board also provides it with some general information about EMO-EKOM's business policy and strategic planning.

(25) However, these powers cannot strengthen Sea-Invest's position because the fringe customers can switch to alternative terminals. The in-depth investigation confirmed that none of the fringe customers of ABT would solely depend on EMO-EKOM. On the contrary, most of these customers identified other terminals, e.g. OBA and Rietlanden in Amsterdam and RBT in Rotterdam, as the best possible alternatives to ABT. Similarly, the fringe customers which are able to switch volumes from EMO-EKOM to ABT confirmed to have more and better alternatives, in particular other terminals in Rotterdam and Amsterdam. Given the limited volumes of the fringe customers, these terminals would also have necessary available capacities to absorb their tonnages.

(26) Further, the investigation showed that Sea-Invest would not have any incentive to use its veto powers to block important decisions in order to try to further decrease the limited competitive pressure from EMO-EKOM. Considering the limited volumes of fringe customers and focus of EMO-EKOM on the increasing coal imports to Germany, the costs of such veto for Sea-Invest would not be outweighed by its benefits.

(ii) Unilateral price increase of EMO-EKOM

(27) Another possible theory of harm concerns the unilateral effect of the transaction which might provide EMO-EKOM with the ability and incentive to increase prices.

⁽¹⁾ Sea-Invest is also dominant if the ports of Ghent and Dunkirk were included in the geographic market as the terminals handling coal and iron ore for non-captive customers are controlled by Sea-Invest. The following analysis would be the same if Ghent and Dunkirk were in the same market as Antwerp.

Such unilateral effect would be possible if pre-merger (i) Sea-Invest represented competitive constraints for EMO-EKOM preventing it from increasing its prices and (ii) the concentration eliminated or substantially weakened these competitive constraints on EMO-EKOM. The in-depth market investigation demonstrated that none of these two conditions is fulfilled.

(28) First, EMO-EKOM and Sea-Invest are in different geographic markets and any possible constraints exercised by Sea-Invest terminals on EMO-EKOM are limited only to the less than 5 % of the total volumes handled by EMO-EKOM. Further, customers of EMO-EKOM identified most often as possible substitutes other terminals in Rotterdam or Amsterdam, in particular OBA or Rietlanden. Second, even if there were any competitive constraints by Sea-Invest terminals on EMO-EKOM, it is highly unlikely that the acquisition of a co-controlling stake would substantially weaken these constraints. Sea-Invest would have no incentive to relax ABT's competition vis-à-vis EMO-EKOM as it will need to attract tonnages to Antwerp as it will not, contrary to Rotterdam, profit in any significant way from the increased imports of coal to Germany.

(29) The transaction thus does not lead to any competition concerns due to unilateral effects strengthening the dominance of Sea-Invest or enabling a price increase by EMO-EKOM.

(b) Coordinated effects

(30) The Art 6(1)(c) decision identified as a possible competition concern also the coordination of behaviour between Sea-Invest and EMO-EKOM as well as other terminals (OBA, EBS, RBT, OVET) controlled by the shareholders of EMO-EKOM due to the structural links created between Sea-Invest and EMO-EKOM, HES and Manufrance. However, taking into account the geographic markets defined above, terminals controlled by Sea-Invest on the one hand, and EMO-EKOM and other terminals controlled by HES and Manufrance on the other hand are active on separate markets. Therefore, anti-competitive coordination of their behaviour due to the transaction is unlikely considering the limited competitive constraints between them.

(31) To the extent that there is some fringe competition between ABT and other terminals in the ARA range, the in-depth investigation brought no evidence that the transaction might lead to coordinated effects. The investigation showed that the management of the terminals is rather independent in the operational running of terminals, including pricing policy for individual customers or expansion plans. Any coordination is also

less likely due to the fact that the shareholders of EMO-EKOM would still be rather heterogeneous as regards their scope of activities and vertical integration. The transparency of the market as regard price conditions agreed upon in negotiations with individual customers is limited. Due to particularities of each customer in particular as regards its geographic location, the terminal services cannot be regarded as homogenous. Further, the in-depth investigation did not provide any evidence of a credible deterrent mechanism. Finally, both other competitors (in particular Rietlanden) as well as large customers represent important constraints able to jeopardise the outcome expected from the coordination.

- (32) Taking into account the above, the transaction does not lead to competition concerns due to coordinated effects between Sea-Invest, EMO-EKOM, HES and Manufrance.

(c) Article 2(4)

- (33) The market investigation also confirmed that the transaction will not lead to any coordination between Sea-Invest, HES and Manufrance in the market for terminal services for other dry bulk. There are no indications that the entry of Sea-Invest as a shareholder in the coal and iron ore terminal EMO-EKOM could lead to coordination with HES and Manufrance in other dry bulk. Further,

there are a number of independent terminals handling other dry bulk in the ARA range.

2. *Terminals services for transshipment traffic for coal and iron ore*

- (34) The decision concludes that the transaction does not lead to any competition concerns in the market for terminal services for transshipment traffic for coal and iron ore considering the limited transshipment volumes of Sea-Invest and EMO-EKOM and the presence of multiple alternatives terminals.

4. CONCLUSION

- (35) The Decision concludes that the proposed concentration will not give rise to any competition concerns as a result of which effective competition would be significantly impeded in the Common Market or in a substantial part of it.
- (36) Consequently, the Commission declares the notified transaction compatible with the Common Market and the EEA Agreement, in accordance with Article 8(1) of the Merger Regulation and Article 57 of the EEA Agreement.

COMMISSION DECISION**of 19 October 2007****amending Decision 2005/393/EC as regards restricted zones in relation to bluetongue***(notified under document number C(2007) 5054)***(Text with EEA relevance)****(2007/688/EC)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2000/75/EC of 20 November 2000 laying down specific provisions for the control and eradication of bluetongue ⁽¹⁾, and in particular Article 8(3) thereof,

Whereas:

- (1) Directive 2000/75/EC lays down control rules and measures to combat bluetongue in the Community, including the establishment of protection and surveillance zones and a ban on animals leaving those zones.
- (2) Commission Decision 2005/393/EC of 23 May 2005 on protection and surveillance zones in relation to bluetongue and conditions applying to movements from or through these zones ⁽²⁾ provides for the demarcation of the global geographic areas where protection and surveillance zones ('the restricted zones') are to be established by the Member States in relation to bluetongue.
- (3) Following the notification of outbreaks of bluetongue serotype 1 in July 2007 in the south of Spain, Spain has established a restriction zone on account of this outbreak.
- (4) Following a substantiated request by Spain, it is appropriate to amend the demarcation of the restricted zone E in Annex I to Decision 2005/393/EC and to create a new zone where serotypes 1 and 4 are coexisting.
- (5) Following the notification of outbreaks of bluetongue in mid-August and early September 2006 by Belgium, Germany, France and the Netherlands, the Commission

has amended several times Decision 2005/393/EC as regards the demarcation of the restricted zones concerned.

- (6) Following a substantiated request submitted by France and Germany, it is appropriate to amend the demarcation of the restricted zone in France and Germany.
- (7) Following the enlargement of the restricted zone in Germany due to the recent outbreaks in Bavaria and Schleswig-Holstein, it is appropriate to demarcate restricted zones in the Czech Republic and in Denmark.
- (8) Decision 2005/393/EC should be amended accordingly.
- (9) 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

Annex I to Decision 2005/393/EC is amended in accordance with the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 19 October 2007.

For the Commission

Markos KYPRIANOU

Member of the Commission

⁽¹⁾ OJ L 327, 22.12.2000, p. 74. Directive as last amended by Directive 2006/104/EC (OJ L 363, 20.12.2006, p. 352).

⁽²⁾ OJ L 130, 24.5.2005, p. 22. Decision as last amended by Decision 2007/357/EC (OJ L 133, 25.5.2007, p. 44).

ANNEX

Annex I to Decision 2005/393/EC, is amended as follows:

1. The list of restricted zones in *Zone E (serotype 4)* which relates to Spain is replaced by the following:

Spain:

- Autonomous Region of Extremadura: provinces of Cáceres, Badajoz,
- Autonomous Region of Andalusia: provinces of Cádiz, Córdoba, Huelva, Jaén (comarcas of Alcalá la Real, Andújar, Huelma, Jaén, Linares, Santiesteban del Puerto, Ubeda), Málaga, Sevilla,
- Autonomous Region of Castilla-La Mancha: provinces of Albacete (comarca of Alcaraz), Ciudad Real, Toledo,
- Autonomous Region of Castilla y León: provinces of Avila (comarcas of Arenas de San Pedro, Candeleda, Cebreros, El Barco De Ávila, Las Navas del Marqués, Navalunga, Sotillo de la Adrada), Salamanca (comarcas of Béjar, Ciudad Rodrigo and Sequeros),
- Autonomous Region of Madrid: province of Madrid (comarcas of Alcalá de Henares, Aranjuez, Arganda del Rey, Colmenar Viejo, El Escorial, Grinon, Municipio de Madrid, Navacarnero, San Martín de Valdeiglesias, Torrelaguna, Villarejo de Salvanés).'

2. The list of restricted zones in *Zone F (serotype 8)* which relates to France is replaced by the following:

France:

Protection zone:

- Département de l'Aisne,
- Département des Ardennes,
- Département de l'Aube,
- Département du Cher: cantons d'Aix-d'Angillon, de Baugy, de La Guerche-sur-l'Aubois, de Henrichemont, de Léré, de Nérondes, de Sancerres, de Sancerre, de Sancoins, de Vailly-sur-Sauldre,
- Département de la Côte-d'Or,
- Département de l'Eure: arrondissement des Andelys,
- Département du Loiret: arrondissement de Montargis,
- Département de la Marne,
- Département de la Haute-Marne,
- Département de Meurthe-et-Moselle,
- Département de la Meuse,
- Département de la Moselle,
- Département de la Nièvre,
- Département du Nord,
- Département de l'Oise,
- Département du Pas-de-Calais,

- Département du Bas-Rhin,
- Département de Saône-et-Loire: arrondissement d'Autun,
- Département de la Seine-Maritime,
- Département de Seine-et-Marne,
- Département de la Somme,
- Département du Val-d'Oise,
- Département des Vosges,
- Département de l'Yonne.

Surveillance zone:

- Département de l'Allier,
- Département du Calvados: arrondissements de Bayeux, de Caen, de Lisieux,
- Département du Cher: arrondissement de Vierzon et cantons de Bourges, de Charenton-du-Cher, de Charost, de Châteaumeillant, de Châteauneuf-du-Cher, du Châtelet, de Dun-sur-Auron, de Levet, de Lignières, de Saint-Amand-Montron, de Saint-Martin-d'Auxigny, de Saulzais-le-Potier, de Saint-Doulchard,
- Département du Doubs: arrondissements de Besançon et de Montbéliard,
- Département de l'Essonne,
- Département de l'Eure: arrondissements de Bernay et d'Evreux,
- Département d'Eure-et-Loir: arrondissement de Dreux et cantons d'Auneau, de Chartres-Nord-Est, de Janville, de Maintenon,
- Département de l'Indre: arrondissement d'Issoudun,
- Département du Jura: arrondissement de Dole,
- Département de Loir-et-Cher: arrondissement de Romorantin-Lanthenay,
- Département du Loiret: arrondissements d'Orléans et de Pithiviers,
- Département de l'Orne: cantons d'Aigle-Est, d'Aigle-Ouest, d'Argentan-Est, d'Argentan-Ouest, de Bazoches-sur-Hoëne, de Courtomer, d'Ecouché, d'Exmes, de La Ferté-Frênel, de Gacé, de Longny-au-Perche, du Mêle-sur-Sarthe, du Merlerault, de Mortagne-au-Perche, de Mortrée, de Moulins-la-Marche, de Putanges-Pont-Ecrepin, de Sées, de Tourouvre, de Trun, de Vimoutiers,
- Département du Haut-Rhin,
- Département de la Haute-Saône,
- Département de Saône-et-Loire: arrondissements de Chalon-sur-Saône, de Charolles, de Louhans, de Mâcon,
- Département des Hauts-de-Seine,
- Département de la Seine-Saint-Denis,
- Département du Val-de-Marne,
- Département de la ville de Paris,
- Département du Territoire de Belfort,
- Département des Yvelines.'

3. The list of restricted zones in *Zone F (serotype 8)* which relates to Germany is replaced by the following:

'Germany:

Baden-Württemberg

Gesamtes Landesgebiet

Bayern

Stadt Amberg

Landkreis Amberg-Weizsach

Landkreis Ansbach

Stadt Ansbach

Landkreis Aschaffenburg

Stadt Aschaffenburg

Landkreis Bad Kissingen

Stadt Bamberg

Landkreis Bamberg

Stadt Bayreuth

Landkreis Bayreuth

Landkreis Cham ohne die Gemeinde Lohberg

Stadt Coburg

Landkreis Coburg

Im Landkreis Dillingen: Bachingen a. d. Brenz, Blindheim, Medlingen, Haunsheim, Wittislingen, Mödingen, Finningen, Bissingen, Lutzingen, Ziertheim, Bachhagel, Zöschingen, Syrgenstein, Gundelfingen a.d. Donau und Lauingen (Donau)

Landkreis Donau-Ries

Im Landkreis Eichstätt: Gemeinden Adelschlag, Altmannstein, Beilngries, Böhmfeld, Buxheim, Denkendorf, Dollnstein, Egweil, Eichstätt, Eitensheim, Gaimersheim, Haunstetter Forst, Hepberg, Hitzhofen, Kinding, Kipfenberg, Kösching, Lenting, Mörsheim, Nassenfels, Pollenfeld, Schernfeld, Stammham, Titting, Walting, Wellheim, Wettstetten

Stadt Erlangen

Landkreis Erlangen-Höchstadt

Landkreis Forchheim

Stadt Fürth

Landkreis Fürth

Landkreis Hassberge

Stadt Hof

Landkreis Hof

Stadt Ingolstadt

Landkreis Kitzingen

Landkreis Kronach

Landkreis Kulmbach

Landkreis Lichtenfels

Landkreis Main-Spessart

Landkreis Miltenberg

Landkreis Neuburg-Schrobenhausen: Bergheim, Neuburg a.d. Donau, Rennertshofen

Landkreis Neumarkt in der Oberpfalz

Landkreis Neustadt an der Waldnaab

Landkreis Neustadt a.d. Aisch – Bad Windsheim

Im Landkreis Neu-Ulm: Elchingen

Stadt Neu-Ulm

Landkreis Nürnberger Land

Stadt Nürnberg

Landkreis Regensburg

Stadt Regensburg

Landkreis Rhön-Grabfeld

Landkreis Roth

Stadt Schwabach

Landkreis Schwandorf

Landkreis Schweinfurt

Stadt Schweinfurt

Landkreis Tirschenreuth

Stadt Weiden

Landkreis Weißenburg – Gunzenhausen

Landkreis Würzburg

Stadt Würzburg

Landkreis Wunsiedel i. F.

Brandenburg

Im Landkreis Havelland: Gemeinden Bamme, Bützer, Döberitz, Großderschau, Großwudicke, Havelaue, Jerchel, Milow, Mögeln, Möthlitz, Nitzahn, Premnitz, Rathenow, Rhinow, Schönholz-Neuwerder, Seeblick, Stölln, Vieritz, Zollchow

Im Landkreis Ostprignitz-Ruppin: Gemeinden Breddin und Kötzlin

Im Landkreis Potsdam-Mittelmark: Gemeinden Bensdorf, Boecke, Buckau, Bücknitz, Dretzen, Fohrde, Glienecke, Görzke, Gräben, Köpenitz, Pritzerbe, Rosenau, Rottstock, Steinberg, Wenzlow, Wollin, Wusterwitz, Ziesar

Landkreis Prignitz ausgenommen Gemeinden Demerthin, Vehlow, Wutike

Freie Hansestadt Bremen

Gesamtes Landesgebiet

Freie und Hansestadt Hamburg

Gesamtes Landesgebiet

Hessen

Gesamtes Landesgebiet

Mecklenburg-Vorpommern

Im Landkreis Bad Doberan: Gemeinden Admannshagen-Bargeshagen, Alt Bukow, Stadt Bad Doberan, Bartenshagen-Parkentin, Bastorf, Benitz, Biendorf, Börgerende-Rethwisch, Bröbberow, Carinerland, Elmenhorst/Lichtenhagen, Hohenfelde, Kassow, Kirch Mulsow, Kritzmow, Stadt Kröpelin, Stadt Kühlungsborn, Lambrechtshagen, Stadt Neubukow, Nienhagen, Papendorf, Reddelich, Stadt Rerik, Retschow, Rukieten, Satow, Am Salzhaff, Stadt Schwaan, Stäbelow, Steffenshagen, Vorbeck, Wiendorf, Wittenbeck, Ziesendorf

Im Landkreis Güstrow: Gemeinden Baumgarten, Bernitt, Bützow, Dobbin-Linstow, Dolgen am See, Dreetz, Gülzow-Prüzen, Güstrow, Jürgenshagen, Klein Belitz, Krakow am See, Kuchelmiß, Lohmen, Lüssow, Penzin, Tarnow, Warnow, Weitendorf, Zehna, Zepelin

Landkreis Ludwigslust

Im Landkreis Müritz: Gemeinden Alt Schwerin, Altenhof, Fünfseen, Jaebetz, Stadt Malchow, Nossentiner Hütte, Stuer, Zislow

Landkreis Nordwestmecklenburg

Landkreis Parchim

Landeshauptstadt Schwerin

Hansestadt Wismar

Niedersachsen

Gesamtes Landesgebiet

Nordrhein-Westfalen

Gesamtes Landesgebiet

Rheinland-Pfalz

Gesamtes Landesgebiet

Saarland

Gesamtes Landesgebiet

Sachsen

Landkreis Annaberg

Landkreis Aue-Schwarzenberg

Stadt Chemnitz

Landkreis Chemnitzer Land

Landkreis Delitzsch

Landkreis Döbeln

Landkreis Freiberg

Stadt Leipzig

Landkreis Leipziger Land

Im Landkreis Meißen: Heynitz, Käbschütztal, Ketzerbachtal, Leuben-Schleinitz, Lommatzsch, Nossen, Taubenheim, Triebischtal

Landkreis Mittlerer Erzgebirgskreis

Landkreis Mittweida

Landkreis Muldentalkreis

Stadt Plauen

Im Landkreis Riesa-Großenhain: Riesa, Röderau-Bobersen, Stauchitz, Strehla, Zeithain

Landkreis Stollberg

Landkreis Torgau-Oschatz

Landkreis Vogtlandkreis

Landkreis Weißeritzkreis

Stadt Zwickau

Landkreis Zwickauer Land

Sachsen-Anhalt

Gesamtes Landesgebiet

Schleswig-Holstein

Gesamtes Landesgebiet

Thüringen

Gesamtes Landesgebiet'.

4. The list of restricted zones in *Zone F (serotype 8)* is amended adding the following territories of the Czech Republic:

Czech Republic:

- Region of Karlovy Vary: district Sokolov, district Cheb and district Karlovy Vary,
- Region of Plzeň: district Tachov, district Domažlice, district Klatovy, district Plzeň-město, district Plzeň-jih, district Plzeň-sever and district Rokycany,
- Central Bohemian Region: district Rakovník,
- Region of Ústí nad Labem: district Chomutov, district Louny, district Most and district Teplice'.

5. The list of restricted zones in *Zone F (serotype 8)* is amended adding the following territories of Denmark:

Denmark:

- In South Jutland county: municipalities of Haderslev, Tønder, Aabenraa and Sønderborg,
- In Funen county: municipalities of Assens, Fåborg-Midtfyn, Langeland, Svendborg and Ærø,
- In Storstroem county: municipality of Lolland'.

6. The following new zone is added:

'Zone I

(serotypes 1 and 4)

Spain:

- Autonomous Region of Extremadura: province of Badajoz,
 - Autonomous Region of Andalucía: provinces of Cádiz, Huelva, Córdoba, Sevilla, Málaga and province of Jaén (comarcas of Alcalá la Real, Huelma, Úbeda, Linares, Andújar, Jaén y Santiesteban del Puerto),
 - Autonomous Region of Castilla-La Mancha: province of Ciudad Real (comarcas of Almadén, Almodóvar del Campo, Calzada de Calatrava, Ciudad Real y Piedrabuena).'
-

COMMISSION DECISION

of 25 October 2007

amending the Appendix to Annex VI to the Act of Accession of Bulgaria and Romania as regards certain milk processing establishments in Bulgaria

(notified under document number C(2007) 5170)

(Text with EEA relevance)

(2007/689/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Act of Accession of Bulgaria and Romania, and in particular the first subparagraph of paragraph (f) of Chapter 4 of Section B of Annex VI thereto,

Whereas:

- (1) Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs⁽¹⁾ and Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin⁽²⁾ provide for certain structural requirements for establishments falling within the scope of those Regulations.
- (2) Annex VI, Chapter 4, Section B, paragraphs (a) and (c) to the Act of Accession of Bulgaria and Romania provide that certain structural requirements laid down in those Regulations are not to apply to establishments in Bulgaria listed in Chapter I and II of the Appendix to Annex VI to the Act of Accession until 31 December 2009, subject to certain conditions.
- (3) Chapter I of the Appendix to Annex VI lists compliant establishments authorised to receive and process without separation compliant and non-compliant milk while Chapter II of that Appendix lists compliant establishments authorised to receive and process separately compliant and non-compliant milk.
- (4) Those lists of establishments have been amended by Commission Decision 2007/26/EC of 22 December 2006 amending the Appendix to Annex VI to the Act of Accession of Bulgaria and Romania as regards certain milk processing establishments in Bulgaria⁽³⁾.

- (5) Bulgaria has now reviewed the situation in the milk sector and re-evaluated the establishments listed in Chapter I and Chapter II of the Appendix to Annex VI.
- (6) According to that assessment establishments listed in Chapter I do not comply with the structural requirements of Regulation (EC) No 852/2004/EC. Therefore those establishments should be deleted from the list in Chapter I. Only 11 establishments which have no practical difficulties in handling properly two separate production lines should remain on the list in Chapter II.
- (7) In the interests of clarity of Community legislation, it is appropriate to replace the lists of establishments set out in Chapters I and II of the Appendix to Annex VI to the Act of Accession of Bulgaria and Romania by the lists set out in the Annex to this Decision.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

The Appendix to Annex VI to the Act of Accession of Bulgaria and Romania is replaced by the text in the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 25 October 2007.

For the Commission
Markos KYPRIANOU
Member of the Commission

⁽¹⁾ OJ L 139, 30.4.2004, p. 1, corrected by OJ L 226, 25.6.2004, p. 3.

⁽²⁾ OJ L 139, 30.4.2004, p. 55, corrected by OJ L 226, 25.6.2004, p. 22. Regulation as last amended by Council Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p. 1).

⁽³⁾ OJ L 8, 13.1.2007, p. 35.

ANNEX

‘Appendix to Annex VI

CHAPTER I

List of milk processing establishments processing non-compliant milk referred to in Chapter 4, Section B, paragraph (a), of Annex VI

CHAPTER II

List of milk establishments for dual milk processing — compliant and non-compliant milk referred to in Chapter 4, Section B, paragraphs (a) and (c), of Annex VI

No	Vet. No	Name and address of establishment	Site of premises concerned
Veliko Tarnovo Region — No 4			
1.	BG 0412010	“Bi Si Si Handel” OOD	gr. Elena ul. “Treti mart” 19
Vidin Region — No 5			
2.	BG 0512025	“El Bi Bulgarikum” EAD	gr. Vidin YUPZ
Vratsa Region — No 6			
3.	BG 0612027	“Mlechen ray — 99” EOOD	gr. Vratsa
4.	BG 0612043	ET “Zorov-91-Dimitar Zorov”	gr. Vratsa
Plovdiv Region — No 16			
5.	BG 1612001	“OMK” AD	gr. Plovdiv bul. “Dunav” 3
6.	BG 1612011	“Em Dzhey Deriz” EOOD	gr. Karlovo bul. “Osvobozhdenie” 69
Silistra Region — No 19			
7.	BG 1912013	“ZHOSI” OOD	s. Chernolik
Sliven Region — No 20			
8.	BG 2012020	“Yotovi” OOD	gr. Sliven kv. “Rechitsa”
Targovishte Region — No 25			
9.	BG 2512020	“Mizia-Milk” OOD	gr. Targovishte Industrialna zona
Haskovo Region — No 26			
10.	BG 2612047	“Balgarsko sirene” OOD	gr. Haskovo bul. “Saedinenie” 94
Shumen Region — No 27			
11.	BG 2712014	“Stars kampani” OOD	gr. Shumen ul. “Trakiyska” 3’

III

(Acts adopted under the EU Treaty)

ACTS ADOPTED UNDER TITLE V OF THE EU TREATY

COUNCIL DECISION 2007/690/CFSP

of 22 October 2007

implementing Joint Action 2005/557/CFSP on the European Union civilian-military supporting action to the African Union missions in the Darfur region of Sudan and in Somalia

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Council Joint Action 2005/557/CFSP of 18 July 2005 on the European Union civilian-military supporting action to the African Union missions in the Darfur region of Sudan and in Somalia ⁽¹⁾, and in particular Article 8(1), second subparagraph thereof, in conjunction with Article 23(2) of the Treaty on European Union,

Whereas:

(1) On 23 April 2007, the Council adopted Decision 2007/244/CFSP concerning the implementation of Joint Action 2005/557/CFSP on the European Union civilian-military supporting action to the African Union missions in the Darfur region of Sudan and in Somalia ⁽²⁾, which extended the financing for its civilian component until 31 October 2007.

(2) Pending transition of the African Union mission to a UN/AU hybrid operation (UNAMID), it has been decided to continue the European Union civilian-military supporting action to the African Union missions in the Darfur region of Sudan and in Somalia up to 31 December 2007.

(3) UNSC Resolution 1769 of 31 July 2007 stipulates that the transfer of authority (TOA) from AMIS to UNAMID is to intervene no later than 31 December 2007.

(4) On 21 September 2007, the Political and Security Committee agreed that the civilian component of the European Union civilian-military supporting action to the African Union missions in the Darfur region of

Sudan and in Somalia should be closed on the date when the transfer of authority from AMIS to UNAMID takes place.

(5) As concerns the civilian component, the Council should consequently decide on the financing of the continuation of this supporting action according to the timeframes defined above.

(6) The supporting action will be conducted in the context of a situation which may deteriorate and could harm the objectives of the CFSP as set out in Article 11 of the Treaty,

HAS DECIDED AS FOLLOWS:

Article 1

1. The financial reference amount intended to cover the expenditure related to the implementation of Section II of Joint Action 2005/557/CFSP from 1 May 2007 until 30 April 2008 shall be EUR 2 125 000. This amount shall cover the period of the current mandate of the AU Mission in the Darfur region of Sudan (AMIS II) and the subsequent liquidation period of the civilian component of the European Union civilian-military supporting action to the African Union missions in the Darfur region of Sudan and in Somalia.

2. The expenditure financed by the amount stipulated in paragraph 1 shall be managed in accordance with the European Community procedures and rules applicable to the general budget of the European Union, with the exception that any pre-financing shall not remain the property of the Community.

Nationals of third states shall be allowed to tender for contracts.

3. The expenditure shall be eligible from 1 May 2007.

⁽¹⁾ OJ L 188, 20.7.2005, p. 46. Joint Action as amended by Joint Action 2007/245/CFSP (OJ L 106, 24.4.2007, p. 65).

⁽²⁾ OJ L 106, 24.4.2007, p. 63.

Article 2

Council Decision 2007/244/CFSP of 23 April 2007 is hereby repealed.

Article 3

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

Article 4

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

Done at Luxembourg, 22 October 2007.

For the Council

The President

J. SILVA
