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I

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

REGULATIONS

COMMISSION REGULATION (EC) No 1286/2007

of 31 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 1 November 2007.

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

Done at Brussels, 31 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 31 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	63,3
	MK	36,3
	TR	66,9
	ZZ	55,5
0707 00 05	JO	180,9
	MA	36,4
	MK	56,1
	TR	130,3
	ZZ	100,9
0709 90 70	MA	62,8
	TR	73,7
	ZZ	68,3
0805 50 10	AR	75,8
	TR	88,5
	ZA	52,1
	ZZ	72,1
0806 10 10	BR	244,8
	MK	26,1
	TR	121,4
	US	238,9
	ZA	189,6
	ZZ	164,2
0808 10 80	CA	102,5
	CL	161,2
	MK	33,9
	NZ	45,9
	US	98,5
	ZA	95,6
	ZZ	89,6
0808 20 50	AR	49,6
	CN	75,8
	TR	124,1
	ZZ	83,2

⁽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 1287/2007**of 31 October 2007****fixing the import duties in the cereals sector applicable from 1 November 2007**

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⁾,

Having regard to Commission Regulation (EC) No 1249/96 of 28 June 1996 on rules of application (cereal sector import duties) for Council Regulation (EEC) No 1766/92 ⁽²⁾, and in particular Article 2(1) thereof,

Whereas:

(1) Article 10(2) of Regulation (EC) No 1784/2003 states that the import duty on products falling within CN codes 1001 10 00, 1001 90 91, ex 1001 90 99 (high quality common wheat), 1002, ex 1005 other than hybrid seed, and ex 1007 other than hybrids for sowing, is to be equal to the intervention price valid for such products on importation and increased by 55 %, minus the cif import price applicable to the consignment in question. However, that duty may not exceed the rate of duty in the Common Customs Tariff.

(2) Article 10(3) of Regulation (EC) No 1784/2003 lays down that, for the purposes of calculating the import

duty referred to in paragraph 2 of that Article, representative cif import prices are to be established on a regular basis for the products in question.

(3) Under Article 2(2) of Regulation (EC) No 1249/96, the price to be used for the calculation of the import duty on products of CN codes 1001 10 00, 1001 90 91, ex 1001 90 99 (high quality common wheat), 1002 00, 1005 10 90, 1005 90 00 and 1007 00 90 is the daily cif representative import price determined as specified in Article 4 of that Regulation.

(4) Import duties should be fixed for the period from 1 November 2007, and should apply until new import duties are fixed and enter into force,

HAS ADOPTED THIS REGULATION:

Article 1

From 1 November 2007, the import duties in the cereals sector referred to in Article 10(2) of Regulation (EC) No 1784/2003 shall be those fixed in Annex I to this Regulation on the basis of the information contained in Annex II.

Article 2

This Regulation shall enter into force on 1 November 2007.

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

Done at Brussels, 31 October 2007.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

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

⁽²⁾ OJ L 161, 29.6.1996, p. 125. Regulation as last amended by Regulation (EC) No 1816/2005 (OJ L 292, 8.11.2005, p. 5).

ANNEX I

Import duties on the products referred to in Article 10(2) of Regulation (EC) No 1784/2003 applicable from 1 November 2007

CN code	Description	Import duties ⁽¹⁾ (EUR/t)
1001 10 00	Durum wheat, high quality	0,00
	medium quality	0,00
	low quality	0,00
1001 90 91	Common wheat seed	0,00
ex 1001 90 99	High quality common wheat, other than for sowing	0,00
1002 00 00	Rye	0,00
1005 10 90	Maize seed other than hybrid	0,00
1005 90 00	Maize, other than seed ⁽²⁾	0,00
1007 00 90	Grain sorghum other than hybrids for sowing	0,00

⁽¹⁾ For goods arriving in the Community via the Atlantic Ocean or via the Suez Canal the importer may benefit, under Article 2(4) of Regulation (EC) No 1249/96, from a reduction in the duty of:

- 3 EUR/t, where the port of unloading is on the Mediterranean Sea, or
- 2 EUR/t, where the port of unloading is in Denmark, Estonia, Ireland, Latvia, Lithuania, Poland, Finland, Sweden, the United Kingdom or the Atlantic coast of the Iberian peninsula.

⁽²⁾ The importer may benefit from a flatrate reduction of EUR 24 per tonne where the conditions laid down in Article 2(5) of Regulation (EC) No 1249/96 are met.

ANNEX II

Factors for calculating the duties laid down in Annex I

17.10.2007-30.10.2007

1. Averages over the reference period referred to in Article 2(2) of Regulation (EC) No 1249/96:

(EUR/t)

	Common wheat (*)	Maize	Durum wheat, high quality	Durum wheat, medium quality (**)	Durum wheat, low quality (***)	Barley
Exchange	Minneapolis	Chicago	—	—	—	—
Quotation	231,22	100,86	—	—	—	—
Fob price USA	—	—	406,55	396,55	376,55	167,66
Gulf of Mexico premium	—	20,20	—	—	—	—
Great Lakes premium	13,64	—	—	—	—	—

(*) Premium of 14 EUR/t incorporated (Article 4(3) of Regulation (EC) No 1249/96).

(**) Discount of 10 EUR/t (Article 4(3) of Regulation (EC) No 1249/96).

(***) Discount of 30 EUR/t (Article 4(3) of Regulation (EC) No 1249/96).

2. Averages over the reference period referred to in Article 2(2) of Regulation (EC) No 1249/96:

Freight costs: Gulf of Mexico–Rotterdam: 52,63 EUR/t

Freight costs: Great Lakes–Rotterdam: 50,64 EUR/t

COMMISSION REGULATION (EC) No 1288/2007**of 31 October 2007****establishing a prohibition of fishing for haddock in EC waters of ICES zones Vb and VIa by vessels flying the flag of Spain**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

*Article 1***Quota exhaustion**

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

*Article 2***Prohibitions**

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

*Article 3***Entry into force**

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

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

Done at Brussels, 31 October 2007.

For the Commission

Fokion FOTIADIS

Director-General for Fisheries and Maritime Affairs

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

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

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

ANNEX

No	61
Member State	Spain
Stock	HAD/5BC6A.
Species	Haddock (<i>Melanogrammus aeglefinus</i>)
Zone	EC waters of Vb and VIa
Date	19.9.2007

COMMISSION REGULATION (EC) No 1289/2007**of 31 October 2007****establishing a prohibition of fishing for cod in Kattegat by vessels flying the flag of Sweden**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

*Article 1***Quota exhaustion**

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

*Article 2***Prohibitions**

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

*Article 3***Entry into force**

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

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

Done at Brussels, 31 October 2007.

For the Commission

Fokion FOTIADIS

Director-General for Fisheries and Maritime Affairs

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

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

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

ANNEX

No	63
Member State	Sweden
Stock	COD/03AS.
Species	Cod (<i>Gadus morhua</i>)
Zone	Kattegat
Date	15.10.2007

COMMISSION REGULATION (EC) No 1290/2007**of 31 October 2007****reopening the fishery for cod in Skagerrak by vessels flying the flag of Sweden**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

- (1) Council Regulation (EC) No 41/2007 of 21 December 2006 fixing for 2007 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks applicable in Community waters and for Community vessels, in waters where catch limitations are required ⁽³⁾, lays down quotas for 2007.
- (2) On 4 June 2007 Sweden notified the Commission, pursuant to Article 21(2) of Regulation (EEC) No 2847/93, that it would close the fishery for cod in Skagerrak for its vessels from 1 June 2007.
- (3) On 21 June 2007 the Commission, pursuant to Article 21(3) of Regulation (EEC) No 2847/93 and Article 26(4) of Regulation (EC) No 2371/2002, adopted Regulation

(EC) No 713/2007 prohibiting fishing for cod in Skagerrak by vessels flying the flag of Sweden or registered in Sweden, with effect from the same date.

- (4) According to the information received by the Commission from the Swedish authorities, a quantity of cod is still available in the Swedish quota in Skagerrak. Consequently, fishing for cod in this zone by vessels flying the flag of Sweden or registered in Sweden should be authorised.
- (5) This authorisation should take effect on 1 October 2007, in order to allow the quantity of cod in question to be fished before the end of the current year.
- (6) Commission Regulation (EC) No 713/2007 should be repealed with effect from 1 October 2007,

HAS ADOPTED THIS REGULATION:

*Article 1***Repeal**

Regulation (EC) No 713/2007 is hereby repealed.

*Article 2***Entry into force**

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*. It shall apply from 1 October 2007.

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

Done at Brussels, 31 October 2007.

For the Commission

Fokion FOTIADIS

Director-General for Fisheries and Maritime Affairs

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

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

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

ANNEX

No	58 — Reopening
Member State	Sweden
Stock	COD/03AN.
Species	Cod (<i>Gadus morhua</i>)
Zone	Skagerrak
Date	1.10.2007

COMMISSION REGULATION (EC) No 1291/2007**of 31 October 2007****amending for the 88th time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

- (2) On 17 October 2007, the Sanctions Committee of the United Nations Security Council decided to amend the list of persons, groups and entities to whom the freezing of funds and economic resources should apply. Annex I should therefore be amended accordingly.

- (3) The entry 'Mohammad Shafiq Ahmadi' should be corrected taking into account the Sanctions Committee's decision of 21 September 2007,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on the day following 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, 31 October 2007.

For the Commission

Eneko LANDÁBURU

Director General for External Relations

⁽¹⁾ OJ L 139, 29.5.2002, p. 9. Regulation as last amended by Commission Regulation (EC) No 1239/2007 (OJ L 280, 24.10.2007, p. 11).

ANNEX

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

- (1) The entry 'Youssef Ben Abdul Baki Ben Youcef **Abdaoui** (*alias* (a) Abu Abdullah, (b) Abdellah, (c) Abdullah). Address: (a) via Romagnosi 6, Varese, Italy, (b) Piazza Giovane Italia 2, Varese, Italy. Date of birth: (a) 4.6.1966, (b) 4.9.1966. Place of birth: Kairouan, Tunisia. Nationality: Tunisian. Passport No: G025057 (Tunisian passport issued on 23.6.1999 which expired on 5.2.2004). Other information: Italian fiscal code: BDA YSF 66P04 Z352Q' under the heading 'Natural persons' shall be replaced by:

'Youssef Ben Abdul Baki Ben Youcef **Abdaoui** (*alias* (a) Abu Abdullah, (b) Abdellah, (c) Abdullah). Address: (a) via Romagnosi 6, Varese, Italy, (b) Piazza Giovane Italia 2, Varese, Italy. Date of birth: (a) 4.6.1966, (b) 4.9.1966. Place of birth: Kairouan, Tunisia. Nationality: Tunisian. Passport No: G025057 (Tunisian passport issued on 23.6.1999, expired on 5.2.2004). Other information: (a) Italian fiscal code: BDA YSF 66P04 Z352Q, (b) In January 2003 sentenced in Italy to 2 years and 6 months imprisonment. On 17 May 2004 the Italian Court of Appeal cancelled the sentence and ordered a retrial.'

- (2) The entry 'Mohamed Ben Mohamed Ben Khalifa **Abdelhedi**. Address: via Catalani 1, Varese, Italy. Date of birth: 10.8.1965 Place of birth: Sfax, Tunisia. Nationality: Tunisian. Passport No: L965734 (Tunisian passport issued on 6.2.1999, expired on 5.2.2004). Other information: Italian fiscal code: BDL MMD 65M10 Z352S' under the heading 'Natural persons' shall be replaced by:

'Mohamed Ben Mohamed Ben Khalifa **Abdelhedi**. Address: via Catalani 1, Varese, Italy. Date of birth: 10.8.1965. Place of birth: Sfax, Tunisia. Nationality: Tunisian. Passport No: L965734 (Tunisian passport issued on 6.2.1999, expired on 5.2.2004). Other information: (a) Italian fiscal code: BDL MMD 65M10 Z352S, (b) Sentenced on 3.12.2004 by Milan's first instance Court to 4 years and 8 months imprisonment. On 29.9.2005, Milan's Appeal Court reduced his term to 3 years and 4 months. The decision was confirmed by the Court of Cassation on 10.11.2006. He was in prison or under alternative measures from 24.6.2003 to 6.5.2005. He is subject to a decree of expulsion from Italian territory.'

- (3) The entry 'Mohammad Shafiq **Ahmadi**. Title: Mullah. Function: Governor of Samangan Province (Afghanistan) under the Taliban regime' under the heading 'Natural persons' shall be replaced by:

'Mohammad Shafiq **Ahmadi**. Title: Mullah. Function: Governor of Samangan Province (Afghanistan) under the Taliban regime. Nationality: Afghan.'

- (4) The entry 'Mohamed Amine Akli (*alias* (a) Akli Amine Mohamed, (b) Killech Shamir, (c) Kali Sami, (d) Elias). Place of birth: Bordj el Kiffane, Algeria. Date of birth: 30.3.1972' under the heading 'Natural persons' shall be replaced by:

'Mohamed Amine **Akli** (*alias* (a) Akli Amine Mohamed, (b) Killech Shamir, (c) Kali Sami, (d) Elias). Address: of no fixed address in Italy. Place of birth: Bordj el Kiffane, Algeria. Date of birth: 30.3.1972. Other information: in January 2003 sentenced in Italy to 4 years imprisonment.'

- (5) The entry 'Mehrez Ben Mahmoud Ben Sassi **Al-Amdouni** (*alias* (a) Fabio Fusco, (b) Mohamed Hassan, (c) Abu Thale). Date of birth: 18.12.1969. Place of birth: Asima-Tunis, Tunisia. Nationality: (a) Tunisian, (b) Bosnia and Herzegovina. Passport No: (a) G737411 (Tunisian passport issued on 24.10.1990 which expired on 20.9.1997), (b) 0801888 (Bosnia and Herzegovina). Other information: reportedly arrested in Istanbul, Turkey and deported to Italy' under the heading 'Natural persons' shall be replaced by:

'Mehrez Ben Mahmoud Ben Sassi **Al-Amdouni** (*alias* (a) Fabio Fusco, (b) Mohamed Hassan, (c) Abu Thale). Address: of no fixed address in Italy. Date of birth: 18.12.1969. Place of birth: Asima-Tunis, Tunisia. Nationality: (a) Tunisian, (b) Bosnia and Herzegovina. Passport No: (a) G737411 (Tunisian passport issued on 24.10.1990, expired on 20.9.1997), (b) 0801888 (Bosnia and Herzegovina). Other information: (a) reportedly arrested in Istanbul, Turkey and deported to Italy, (b) in January 2003 sentenced in Italy to 3 years imprisonment, (c) on 17 May 2004 sentenced in Italy by the Appeal Court to 2 years and 6 months imprisonment.'

- (6) The entry 'Chiheb Ben Mohamed Ben Mokhtar **Al-Ayari** (*alias* Hichem Abu Hchem). Address: Via di Saliceto 51/9, Bologna, Italy. Date of birth: 19.12.1965. Place of birth: Tunis, Tunisia. Nationality: Tunisian. Passport No L246084 (Tunisian passport issued on 10.6.1996 which expired on 9.6.2001)' under the heading 'Natural persons' shall be replaced by:

'Chiheb Ben Mohamed Ben Mokhtar **Al-Ayari** (*alias* Hichem Abu Hchem). Address: Via di Saliceto 51/9, Bologna, Italy. Date of birth: 19.12.1965. Place of birth: Tunis, Tunisia. Nationality: Tunisian. Passport No: L246084 (Tunisian passport issued on 10.6.1996, expired on 9.6.2001). Other information: in January 2003 sentenced in Italy to 2 years 1 month imprisonment.'

- (7) The entry 'Mondher Ben Mohsen Ben Ali **Al-Baazaoui** (*alias* Hamza). Address: Via di Saliceto 51/9, Bologna, Italy. Date of birth: 18.3.1967. Place of birth: Kairouan, Tunisia. Nationality: Tunisian. Passport No: K602878 (Tunisian passport issued on 5.11.1993 which expired on 9.6.2001)' under the heading 'Natural persons' shall be replaced by:

'Mondher Ben Mohsen Ben Ali **Al-Baazaoui** (*alias* Hamza). Address: Via di Saliceto 51/9, Bologna, Italy. Date of birth: 18.3.1967. Place of birth: Kairouan, Tunisia. Nationality: Tunisian. Passport No: K602878 (Tunisian passport issued on 5.11.1993, expired on 9.6.2001). Other information: in January 2003 sentenced in Italy to 2 years 6 months imprisonment.'

- (8) The entry 'Ibrahim Ben Hedhili Ben Mohamed **Al-Hamami**. Address: Via de' Carracci 15, Casalecchio di Reno (Bologna) Italy. Date of birth: 20.11.1971. Place of birth: Koubellat, Tunisia. Nationality: Tunisian. Passport No: Z106861 (Tunisian passport number issued on 18.2.2004 which expires on 17.2.2009)' under the heading 'Natural persons' shall be replaced by:

'Ibrahim Ben Hedhili Ben Mohamed **Al-Hamami**. Address: Via de' Carracci 15, Casalecchio di Reno (Bologna) Italy. Date of birth: 20.11.1971. Place of birth: Koubellat, Tunisia. Nationality: Tunisian. Passport No: Z106861 (Tunisian passport issued on 18.2.2004, expires on 17.2.2009). Other information: in January 2003 sentenced in Italy to 3 years imprisonment.'

- (9) The entry 'Imad Ben Bechir Ben Hamda **Al-Jammali**. Address: via Dubini 3, Gallarate, Varese, Italy. Date of birth: 25.1.1968. Place of birth: Menzel Temime, Tunisia. Nationality: Tunisian. Passport No: K693812 (Tunisian passport issued on 23.4.1999 which expired on 22.4.2004). Other information: (a) Italian fiscal code: JMM MDI 68A25 Z352D. (b) Currently in jail in Tunisia' under the heading 'Natural persons' shall be replaced by:

'Imad Ben Bechir Ben Hamda **Al-Jammali**. Address: via Dubini 3, Gallarate (Varese), Italy. Date of birth: 25.1.1968. Place of birth: Menzel Temime, Tunisia. Nationality: Tunisian. Passport No: K693812 (Tunisian passport issued on 23.4.1999, expired on 22.4.2004). Other information: (a) Italian fiscal code: JMM MDI 68A25 Z352D, (b) currently imprisoned in Tunis, Tunisia, (c) Italian Judicial Authorities have issued a warrant of arrest against him, which had not been executed as of September 2007.'

- (10) The entry 'Faouzi Ben Mohamed Ben Ahmed **Al-Jendoubi** (*alias* (a) Said, (b) Samir). Address: (a) Via Agucchi 250, Bologna, Italy, (b) Via di Saliceto 51/9, Bologna, Italy. Date of birth: 30.1.1966. Place of birth: Beja, Tunisia. Nationality: Tunisian. Passport No: K459698 (Tunisian passport issued on 6.3.1999 which expired on 5.3.2004)' under the heading 'Natural persons' shall be replaced by:

'Faouzi Ben Mohamed Ben Ahmed **Al-Jendoubi** (*alias* (a) Said, (b) Samir). Address: (a) Via Agucchi 250, Bologna, Italy, (b) Via di Saliceto 51/9, Bologna, Italy. Date of birth: 30.1.1966. Place of birth: Beja, Tunisia. Nationality: Tunisian. Passport No: K459698 (Tunisian passport issued on 6.3.1999, expired on 5.3.2004). Other information: in January 2003 sentenced in Italy to 2 years imprisonment.'

- (11) The entry 'Habib Ben Ahmed **Al-Loubiri**. Address: via Brughiera 5, Castronno, Varese, Italy. Date of birth: 17.11.1961. Place of birth: Menzel Temime, Tunisia. Nationality: Tunisian. Passport No: M788439 (Tunisian passport issued on 20.10.2001 which expires on 19.10.2006). Other information: Italian fiscal code: LBR HBB 61S17 Z352F' under the heading 'Natural persons' shall be replaced by:

'Habib Ben Ahmed **Al-Loubiri**. Address: via Brughiera 5, Castronno (Varese), Italy. Date of birth: 17.11.1961. Place of birth: Menzel Temime, Tunisia. Nationality: Tunisian. Passport No: M788439 (Tunisian passport issued on 20.10.2001, expired on 19.10.2006). Other information: (a) Italian fiscal code: LBR HBB 61S17 Z352F, (b) sentenced on 3.12.2004 by Milan's first instance Court to 6 years and 6 months imprisonment. On 29.9.2005, the Milan Appeal Court reduced his term to 4 years and 1 month. He was in prison from 24.6.2003 to 17.11.2006. He was expelled from Italian territory to Tunis (Tunisia) on 30.8.2006.'

- (12) The entry 'Chabaane Ben Mohamed Ben Mohamed **Al-Trabelsi**. Address: via Cuasso 2, Porto Ceresio, Varese, Italy. Date of birth: 1.5.1966. Place of birth: Rainneen, Tunisia. Nationality: Tunisian. Passport No: L945660 (Tunisian passport issued on 4.12.1998 which expired on 3.12.2001). Other information: Italian fiscal code: TRB CBN 66E01 Z352O' under the heading 'Natural persons' shall be replaced by:

'Chabaane Ben Mohamed Ben Mohamed **Al-Trabelsi**. Address: via Cuasso 2, Porto Ceresio (Varese), Italy. Date of birth: 1.5.1966. Place of birth: Rainneen, Tunisia. Nationality: Tunisian. Passport No: L945660 (Tunisian passport issued on 4.12.1998 which expired on 3.12.2001). Other information: (a) Italian fiscal code: TRB CBN 66E01 Z352O, (b) acquitted on 3.12.2004 by Milan's first instance Court. The appeal process was pending at Milan Court of appeal as of September 2007.'

- (13) The entry 'Najib Ben Mohamed Ben Salem **Al-Waz**. Address: Vicolo dei Prati 2/2, Bologna, Italy. Date of birth: 12.4.1960. Place of birth: Hekaima Al-Mehdiya, Tunisia. Nationality: Tunisian. Passport No: K815205 (Tunisian passport issued on 17.9.1994 which expired on 16.9.1999)' under the heading 'Natural persons' shall be replaced by:

'Najib Ben Mohamed Ben Salem **Al-Waz** (*alias* Ouaz Najib). Address: Vicolo dei Prati 2/2, Bologna, Italy. Date of birth: 12.4.1960. Place of birth: Hekaima Al-Mehdiya, Tunisia. Nationality: Tunisian. Passport No: K815205 (Tunisian passport issued on 17.9.1994, expired on 16.9.1999). Other information: in January 2003 sentenced in Italy to 6 months imprisonment.'

- (14) The entry 'Kamal Ben Mohamed Ben Ahmed **Darraj**. Address: via Belotti 16, Busto Arsizio (Varese), Italy. Date of birth: 22.7.1967. Place of birth: Menzel Bouzelfa, Tunisia. Nationality: Tunisian. Passport No: L029899 (Tunisian passport issued on 14.8.1995 which expired on 13.8.2000). Other information: Italian fiscal code: (a) DDR KML 67L22 Z352Q, (b) DRR KLB 67L22 Z352S' under the heading 'Natural persons' shall be replaced by:

'Kamal Ben Mohamed Ben Ahmed **Darraj**. Address: via Belotti 16, Busto Arsizio (Varese), Italy. Date of birth: 22.7.1967. Place of birth: Menzel Bouzelfa, Tunisia. Nationality: Tunisian. Passport No: L029899 (Tunisian passport issued on 14.8.1995, expired on 13.8.2000). Other information: Italian fiscal code: (a) DDR KML 67L22 Z352Q, (b) DRR KLB 67L22 Z352S, (c) sentenced on 3.12.2004 by Milan's first instance Court to 5 years and 10 months imprisonment. On 29.9.2005, Milan's Appeal Court reduced his term to 3 years and 7 months. He was in prison or under alternative measures from 24.6.2003 to 17.11.2006. He is subject to a decree of expulsion from Italian territory.'

- (15) The entry 'Lionel **Dumont** (*alias* (a) Jacques Brougere, (b) Abu Hamza (c) Di Karlo Antonio (d) Merlin Oliver Christian Rene (e) Arfauni Imad Ben Yousset Hamza (f) Imam Ben Yussuf Arfaj, (g) Abou Hamza, (h) Arfauni Imad, (i) Bilal, (j) Hamza, (k) Koumkal, (l) Kumkal, (m) Merlin, (n) Tinnet, (o) Brugere, (p) Dimon). Address: no fixed address in Italy. Date of birth: (a) 21.1.1971, (b) 29.1.1975, (c) 1971, (d) 21.1.1962, (e) 24.8.1972. Place of birth: Roubaix, France. Other information: international arrest warrant issued for him by Interpol. Arrested in Germany on 13.12.2003, extradited to France on 18.5.2004. As of October 2004 he is in detention' under the heading 'Natural persons' shall be replaced by:

'Lionel **Dumont** (*alias* (a) Jacques Brougere, (b) Abu Hamza (c) Di Karlo Antonio (d) Merlin Oliver Christian Rene (e) Arfauni Imad Ben Yousset Hamza (f) Imam Ben Yussuf Arfaj, (g) Abou Hamza, (h) Arfauni Imad, (i) Bilal, (j) Hamza, (k) Koumkal, (l) Kumkal, (m) Merlin, (n) Tinnet, (o) Brugere, (p) Dimon). Address: no fixed address in Italy. Date of birth: (a) 21.1.1971, (b) 29.1.1975, (c) 1971, (d) 21.1.1962, (e) 24.8.1972. Place of birth: Roubaix, France. Other information: (a) international arrest warrant issued for him by Interpol. Arrested in Germany on 13.12.2003, extradited to France on 18.5.2004. As of October 2004 he is in detention, (b) In January 2003 sentenced in Italy to 5 years imprisonment. On 17 May 2004 the Appeal Court of Bologna remanded for a new separate trial because in May 2004 he was already detained in France.'

- (16) The entry 'Mohamed **El Mahfoudi**. Address: via Puglia 22, Gallarate (Varese, Italy). Date of birth: 24 September 1964. Place of birth: Agadir (Morocco). Fiscal code: LMH MMD 64P24 Z330F' under the heading 'Natural persons' shall be replaced by:

'Mohamed **El Mahfoudi**. Address: via Puglia 22, Gallarate (Varese), Italy. Date of birth: 24.9.1964. Place of birth: Agadir, Morocco. Other information: (a) fiscal code: LMH MMD 64P24 Z330F, (b) sentenced on 3.12.2004 by Milan's first instance Court to 1 year and 4 months imprisonment with suspended sentence following "Abbreviated trial procedure". The appeal process was pending at Milan's Court of appeal as of September 2007. He was in Morocco as of September 2007.'

- (17) The entry 'Moussa Ben Omar Ben Ali **Essaadi** (*alias* (a) Dah Dah, (b) Abdelrahmman, (c) Bechir). Address: Via Milano 108, Brescia, Italy. Date of birth: 4.12.1964. Place of birth: Tabarka, Tunisia. Nationality: Tunisian. Passport No: L335915 (Tunisian passport issued on 8.11.1996 which expired on 7.11.2001)' under the heading 'Natural persons' shall be replaced by:

'Moussa Ben Omar Ben Ali **Essaadi** (*alias* (a) Dah Dah, (b) Abdelrahmman, (c) Bechir). Address: Via Milano 108, Brescia, Italy. Date of birth: 4.12.1964. Place of birth: Tabarka, Tunisia. Nationality: Tunisian. Passport No: L335915 (Tunisian passport issued on 8.11.1996, expired on 7.11.2001). Other information: in January 2003 sentenced in Italy to 2 years imprisonment.'

- (18) The entry 'Rachid **Fettar** (*alias* (a) Amine del Belgio, (b) Djaffar), Via degli Apuli 5, Milan, Italy. Place of birth: Boulogin (Algeria). Date of birth: 16 April 1969' under the heading 'Natural persons' shall be replaced by:

'Rachid **Fettar** (*alias* (a) Amine del Belgio, (b) Djaffar). Address: Via degli Apuli 5, Milan, Italy. Date of birth: 16.4.1969. Place of birth: Boulogin, Algeria. Other information: in January 2003 sentenced in Italy to 2 years 6 months imprisonment.'

- (19) The entry 'Khalil Ben Ahmed Ben Mohamed **Jarraya** (*alias* (a) Khalil **Yarraya**, (b) Ben Narvan Abdel Aziz, (c) Amro, (d) Omar, (e) Amrou, (f) Amr). Address: (a) Via Bellaria 10, Bologna, Italy, (b) Via Lazio 3, Bologna, Italy, (c) Dr Fetah Becirbegovic St. 1, Sarajevo, Bosnia and Herzegovina. Date of birth: 8.2.1969. Place of birth: Sfax (Tunisia). Nationality: (a) Tunisian, (b) Bosnia and Herzegovina. Other information: he has also been identified as Abdel Aziz Ben Narvan, born in Sereka (former Yugoslavia) on 15.8.1970' under the heading 'Natural persons' shall be replaced by:

'Khalil Ben Ahmed Ben Mohamed **Jarraya** (*alias* (a) Khalil **Yarraya**, (b) Ben Narvan Abdel Aziz, (c) Amro, (d) Omar, (e) Amrou, (f) Amr). Address: (a) Via Bellaria 10, Bologna, Italy, (b) Via Lazio 3, Bologna, Italy, (c) Dr Fetah Becirbegovic St. 1, Sarajevo, Bosnia and Herzegovina. Passport No: K989895 (Tunisian passport issued on 26.7.1995, expired on 25.7.2000). Date of birth: 8.2.1969. Place of birth: Sfax, Tunisia. Nationality: (a) Tunisian, (b) Bosnia and Herzegovina. Other information: (a) he has also been identified as Abdel Aziz Ben Narvan, born in Sereka (former Yugoslavia) on 15.8.1970, (b) in January 2003 sentenced in Italy to 5 years 6 months imprisonment. On 10 May 2004 sentenced in Italy by the Appeal Court to 4 years 6 months of imprisonment.'

- (20) The entry 'Mounir Ben Habib Ben Al-Taher **Jarraya** (*alias* **Yarraya**). Address: (a) Via Mirasole 11, Bologna, Italy, (b) Via Ariosto 8, Casalecchio di Reno (Bologna), Italy. Date of birth: 25.10.1963. Place of birth: Sfax, Tunisia. Nationality: Tunisian. Passport No: L065947 (Tunisian passport issued on 28.10.1995 which expired on 27.10.2000)' under the heading 'Natural persons' shall be replaced by:

'Mounir Ben Habib Ben Al-Taher **Jarraya** (*alias* **Yarraya**). Address: (a) Via Mirasole 11, Bologna, Italy, (b) Via Ariosto 8, Casalecchio di Reno (Bologna), Italy. Date of birth: 25.10.1963. Place of birth: Sfax, Tunisia. Nationality: Tunisian. Passport No: L065947 (Tunisian passport issued on 28.10.1995, expired on 27.10.2000). Other information: in January 2003 sentenced in Italy to 2 years 6 months imprisonment. On 10 May 2004 sentenced in Italy by the Appeal Court to 3 years and 6 months of imprisonment.'

- (21) The entry 'Fethi Ben Al-Rabei Ben Absha **Mnasri** (*alias* (a) Fethi Alic, (b) Amor, (c) Omar Abu). Address: (a) Via Toscana 46, Bologna, Italy, (b) Via di Saliceto 51/9, Bologna, Italy. Date of birth: 6.3.1969. Place of birth: Baja, Tunisia. Nationality: Tunisian. Passport No: L497470 (Tunisian passport issued on 3.6.1997 which expired on 2.6.2002)' under the heading 'Natural persons' shall be replaced by:

'Fethi Ben Al-Rabei Ben Absha **Mnasri** (*alias* (a) Fethi Alic, (b) Amor, (c) Omar Abu). Address: (a) Via Toscana 46, Bologna, Italy, (b) Via di Saliceto 51/9, Bologna, Italy. Date of birth: 6.3.1969. Place of birth: Baja, Tunisia. Nationality: Tunisian. Passport No: L497470 (Tunisian passport issued on 3.6.1997, expired on 2.6.2002. Other information: in January 2003 sentenced in Italy to 8 months imprisonment.'

- (22) The entry 'Ahmed Hosni **Rarrbo** (*alias* Abdallah, Abdullah). Place of birth: Bologhine (Algeria). Date of birth: 12 September 1974' under the heading 'Natural persons' shall be replaced by:

'Ahmed Hosni **Rarrbo** (*alias* (a) Rarrbo Abdallah, (b) Rarrbo Abdullah). Address: Of no fixed address in Italy. Date of birth: 12.9.1974. Place of birth: Bologhine, Algeria. Other information: In January 2003 sentenced in Italy to 2 years 4 months imprisonment. On 17 May 2004 sentenced in Italy by the Appeal Court to 8 months imprisonment.'

- (23) The entry 'Nedal Mahmoud **Saleh** (*alias* (a) Nedal Mahmoud N. Saleh, (b) Salah Nedal, (c) Hitem). Address: (a) Via Milano 105, Casal di Principe (Caserta), Italy, (b) Via di Saliceto 51/9, Bologna, Italy. Date of birth: (a) 1.3.1970, (b) 26.3.1972. Place of birth: Taiz, Yemen. Nationality: Yemeni. Other information: arrested in Italy on 19.8.2003' under the heading 'Natural persons' shall be replaced by:

'Nedal Mahmoud **Saleh** (*alias* (a) Nedal Mahmoud N. **Saleh**, (b) **Salah** Nedal, (c) Hitem). Address: (a) Via Milano 105, Casal di Principe (Caserta), Italy, (b) Via di Saliceto 51/9, Bologna, Italy. Date of birth: (a) 1.3.1970, (b) 26.3.1972. Place of birth: Taiz, Yemen. Nationality: Yemeni. Other information: in January 2003 sentenced in Italy to 2 years imprisonment. On 17 May 2004 the Appeal Court of Bologna confirmed the sentence (*in absentia*).'

II

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

DECISIONS

COMMISSION

COMMISSION DECISION

of 29 October 2007

exempting the production and sale of electricity in Sweden from the application of Directive 2004/17/EC of the European Parliament and of the Council of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors

(notified under document number C(2007) 5197)

(Only the Swedish text is authentic)

(Text with EEA relevance)

(2007/706/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to the request submitted by the Kingdom of Sweden by e-mail of 29 June 2007,

After consulting the Advisory Committee for Public Contracts,

Whereas:

I. Facts

- (1) On 29 June 2007, Sweden transmitted a request pursuant to Article 30(4) of Directive 2004/17/EC to the Commission by e-mail. The Commission requested

additional information by e-mail of 20 July 2007, which, following a prolongation of the initial deadline, was transmitted by the Swedish authorities by e-mail of 17 August 2007.

- (2) The request submitted by the Kingdom of Sweden concerns production and sale (wholesale and retail) of electricity.
- (3) The request is accompanied by the conclusions of the independent national authority, Konkurrensverket (the Swedish Competition Authority), that the conditions for the applicability of Article 30(1) of Directive 2004/17/EC would be met.

II. Legal framework

- (4) Article 30 of Directive 2004/17/EC provides that contracts intended to enable the performance of one of the activities to which the Directive applies shall not be subject to which the Directive if, in the Member State in which it is carried out, the activity is directly exposed to competition on markets to which access is not restricted. Direct exposure to competition is assessed on the basis of objective criteria, taking account of the specific characteristics of the sector concerned. Access is deemed to be unrestricted if the Member State has implemented and applied the relevant Community legislation opening a

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

given sector or a part of it. This legislation is listed in Annex XI of Directive 2004/17/EC, which, for the electricity sector, refers to Directive 96/92/EC of the European Parliament and of the Council of 19 December 1996 concerning common rules for the internal market in electricity ⁽¹⁾. Directive 96/92/EC has been superseded by Directive 2003/54/EC of the European Parliament and of the Council of 26 June 2003 concerning common rules for the internal market in electricity and repealing Directive 96/92/EC ⁽²⁾, which requires an even higher degree of market opening.

- (5) Sweden has implemented and applied not only Directive 96/92/EC but also Directive 2003/54/EC, opting for full ownership unbundling for transmission networks and legal and functional unbundling for distribution networks except for the smallest companies, which are exempted from the requirements of functional unbundling. Consequently, and in accordance with the first subparagraph of Article 30(3), access to the market should be deemed not to be restricted.
- (6) Direct exposure to competition should be evaluated on the basis of various indicators, none of which are, *per se*, decisive. In respect of the markets concerned by this decision, the market share of the main players on a given market constitutes one criterion which should be taken into account. Another criterion is the degree of concentration on those markets. Given the characteristics of the markets concerned, further criteria should also be taken into account such as the degree of liquidity, the functioning of the balancing market, price competition and the degree of customer switching.
- (7) This Decision is without prejudice to the application of the rules on competition.

III. Assessment

- (8) The request submitted by Sweden concerns production as well as the sale (wholesale and retail) of electricity.
- (9) The wholesale electricity market in Sweden is to a large degree integrated into the Nordic power market, which consists of Denmark, Norway, Sweden and Finland. It

consists of a bilateral trading market between generators on one hand and suppliers and industrial companies on the other hand, and a voluntary Nordic power exchange 'Nord Pool' which has a spot market and a forward market. This and the integrated market design of 'Nord Pool' ⁽³⁾ shows that there is a clear development towards a Nordic regional wholesale market. However, transmission bottlenecks (congestion) part of the time divide the Nordic area up into six geographically distinct price areas, of which Sweden is one. Sweden has five main connections between its networks and those of other parts of the European Economic Area (Western Denmark — Sweden, Eastern Denmark — Sweden, Sweden — Southern Norway, Sweden — Northern Norway and Sweden — Finland). In 2005, the most congested of these five connections was congested for 52 % of the time and the least congested for 8 % of the time ⁽⁴⁾. However, this seldom occurred simultaneously on all five connections. Thus, according to the Swedish authorities, Sweden was a fully separate price area, that is, it had no connections with any other price area, during 0,5 % of the time in 2005. Furthermore, an overview of the number of areas connected with Sweden since 2001 shows that Sweden was connected to at least 4 of the then 6 other price areas — Norway was then divided into three areas as opposed to the current two — in 82,4 % of the time ⁽⁵⁾. Consequently, and in line with previous Commission practice ⁽⁶⁾, the issue of whether the market is national or regional will be left open as the result of the analysis remains the same whether it is based on a narrow or a broader definition.

- (10) For essentially the same reasons, there is also a clear development towards a Nordic regional market in the case of electricity production, although transmission bottlenecks and the limits to capacity — of the order of 24 % of the installed generation capacity in Sweden — of the connections between the Swedish networks and those of other areas of the European Economic Area can have the effect of temporarily limiting the market to the territory of Sweden. Here as well the issue of whether the market is national or regional will be left open as the result of the analysis remains the same whether it is based on a narrow or a broader definition.

⁽¹⁾ OJ L 27, 30.1.1997, p. 20.

⁽²⁾ OJ L 176, 15.7.2003, p. 37.

⁽³⁾ Cf. p. 334, paragraph A.2 5) of COM(2006) 851 final of 10.1.2007: Commission Communication: Inquiry pursuant to Article 17 of Regulation (EC) No 1/2003 into the European gas and electricity sectors, hereinafter referred to as 'Final Report'.

⁽⁴⁾ Cf. p. 333, paragraph A.1, table c, of the Final Report.

⁽⁵⁾ Point 28 of Case COMP/M.3867 Vattenfall/Elsam and E2 Assets of 22.12.2005.

⁽⁶⁾ Cf. the just mentioned Case COMP/M.3867, points 22-33, and Commission Decision 2006/422/EC of 19 June 2006 establishing that Article 30(1) of Directive 2004/17/EC of the European Parliament and of the Council coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors applies to the production and sale of electricity in Finland, excluding the Åland Islands, OJ L 168 of 21.6.2006, p. 33. See also in that sense the Final Report, p. 334, paragraph A.2.5.

(11) As confirmed by the Swedish authorities, the retail market area corresponds to the territory of Sweden, due to, among others, differences in taxation and the rules for balance responsibility between Nordic countries. Furthermore, Konkurrensverket explicitly states that the retail market 'is national, primarily because several technical and regulatory obstacles prevent the end user from buying electricity from energy brokers in other countries.'

(12) The Communication from the Commission to the Council and the European Parliament: Report on progress in creating the internal gas and electricity market⁽¹⁾, hereafter referred to as the '2005 Report' states that 'many national markets display a high degree of concentration of the industry, impeding the development of effective competition'⁽²⁾. Consequently, it considered that, in respect of electricity generation, 'one indicator for the degree of competition on national markets is the total market share of the biggest three producers'⁽³⁾. According to the 'Technical Annex'⁽⁴⁾, the aggregate market share of the three largest generators of the total production in the Nordic area is 40 %⁽⁵⁾, which is a satisfactorily low level. When referred to the Swedish territory, the aggregate market shares of the three largest generators are, of course, higher at 86,7 %⁽⁶⁾ in 2004. However, the periods in which the Swedish market is isolated were limited to 0,5 % of the time in 2005⁽⁷⁾. There is therefore during significant parts of the year a competitive pressure on the Swedish market deriving from the potential to import electricity from outside the Swedish territory, the more so as no transmission fee is charged between the Nordic countries. The frequently uncongested links between Sweden and other price areas ensure that investment in the electricity sector inside the Swedish territory cannot be made without taking into account other producers in the Nordic market. These factors should therefore be taken as an indication of direct exposure to competition for the production market whether taken as the national Swedish market or the emerging regional one.

(13) The degree of concentration is also a good indicator of competition on the wholesale market for electricity as is the degree of liquidity. At the regional level, 42,82 % of electricity consumption in the Nordic countries was sold

through Nord Pool Spot AS — the voluntary Nordic power exchange described in recital 9 — in 2004-2005⁽⁸⁾. According to the Final Report, on that type of power exchange 'the concentration in generation finds [...] direct expression in a rather stable *equivalent*'⁽⁹⁾ concentration in the power exchanges'⁽¹⁰⁾. For the three largest generators in the Nordic area, this amounts to 40 %⁽¹¹⁾, which, referred to a regional market, is at a satisfactory level. When referred to the sole Swedish market, the aggregate market shares of the three largest actors on the wholesale market are, of course, higher at 86 %⁽¹²⁾ in 2006. It should, however, be stressed that there is competition between the three large and several smaller wholesale actors on the Swedish market. Furthermore, as regards the connection to the Nordic area, it should be noted again that the aforementioned bottleneck problems (congestion) are not constant, only temporary. There is therefore, in addition to domestic competition, a frequent external competitive pressure on the Swedish market deriving from the potential to obtain electricity from outside the Swedish territory. This is the more so as Sweden is the third biggest net importer of electricity in the EU in terms of percentage of its domestic consumption⁽¹³⁾ and no transmission fee is charged between the Nordic countries. It should further be noted that the conditions of competition in wholesale trade in electricity are also greatly influenced by financial trade in electricity in the market area concerned, which, in terms of volume via Nord Pool, represented almost twice the amount consumed in the Nordic countries in 2005⁽¹⁴⁾ (and, if other identified transactions such as OTC — Over The Counter or direct sale — are included, more than five times the amount in 2005⁽¹⁵⁾). In the Technical Annex⁽¹⁶⁾, this degree of liquidity was considered as being satisfactory, i. e. it is such as to constitute an indicator of a well-functioning and competitive market. Given the strong link between the Swedish wholesale market and the Nordic market, this degree of liquidity should also be considered as providing a competitive pressure on the Swedish market. The Final Report also ranges Nord Pool among the 'most liquid and efficient wholesale electricity markets'⁽¹⁷⁾. These factors should therefore be taken as an indication of direct exposure to competition for the wholesale market whether taken as the national Swedish market or the emerging regional one.

(14) Taking the size of the country into account, the number of economic operators on the retail market is fairly

⁽¹⁾ COM(2005) 568 final of 15.11.2005.

⁽²⁾ The 2005 Report, p. 2.

⁽³⁾ Cf. the 2005 Report, p. 7.

⁽⁴⁾ Commission Staff Working Document, Technical Annex to the 2005 Report, SEC(2005) 1448.

⁽⁵⁾ P. 44, table 4.1, of the Technical Annex.

⁽⁶⁾ According to the Final Report, Annex C, p. 338.

⁽⁷⁾ Cf. recital 9.

⁽⁸⁾ Final Report, p. 126, paragraph 380, table 16.

⁽⁹⁾ Emphasis added for ease of reading.

⁽¹⁰⁾ P. 141, paragraph 424.

⁽¹¹⁾ P. 44, table 4.1, of the Technical Annex.

⁽¹²⁾ According to the information supplied by the Swedish authorities.

⁽¹³⁾ Final Report, p. 112, paragraph 319.

⁽¹⁴⁾ Final Report, p. 127, paragraph 383, table 17.

⁽¹⁵⁾ See the Final Report, p. 127, paragraph 383, table 17.

⁽¹⁶⁾ P. 44-45.

⁽¹⁷⁾ P. 193, paragraph 581.

large ⁽¹⁾ (approximately 130, according to the Swedish authorities, a considerable number of which are offering their services on a nationwide basis) as is the number of companies with a market share above 5 %. At the end of 2004, the aggregate market share of the three largest companies in terms of supply to all categories of users (large industrial users, small and medium sized businesses and very small commercial customers and households) is at a satisfactorily low level at 50 % ⁽²⁾. According to the information supplied by the Swedish authorities, the aggregate shares of the three biggest companies on the Swedish retail market amounted to 43 % in terms of number of customers in 2006. These factors should therefore be taken as an indication of direct exposure to competition.

- (15) Furthermore, the functioning of the balancing markets should also be considered as an indicator, not only in respect of production but also for the wholesale and retail markets. In fact, 'any market participant who cannot easily match its generation portfolio to the characteristics of its customers may find itself exposed to the difference between the price at which the transmission system operator [hereinafter TSO] will sell imbalance energy, and the price at which it will buy back excess production. These prices may either be directly imposed by the regulator on the TSO; or alternatively a market based mechanism will be used in which the price is determined by bids from other producers to regulate their production upwards or downwards [...]. A key difficulty for small market participants arises where there is the risk of a large spread between the buying price from the TSO and the selling price. This occurs in a number of Member States and is likely to be detrimental to the development of competition. A high spread may be indicative of an insufficient level of competition in the balancing market which may be dominated by only one or two main generators. Such difficulties are made worse where network users are unable to adjust their positions close to real time' ⁽³⁾. There is an almost fully integrated balancing market in the Nordic area for supplying balancing energy and its main characteristics — market based pricing, hourly gate closures, that is the possibility

for network users to adjust their position each hour, and a low spread between the buying price from the TSO and the selling price — are such that it should be taken as an indicator of direct exposure to competition.

- (16) Given the characteristics of the product concerned (electricity) and the scarcity or unavailability of suitable substitutable products or services, price competition and price formation assume greater importance when assessing the competitive state of the electricity markets. The number of customers switching supplier is an indicator of genuine price competition and, thus, indirectly, 'a natural indicator of the effectiveness of competition. If few customers are switching, there is likely to be a problem with the functioning of the market, even if the benefits from the possibility of renegotiating with the historical supplier should not be ignored' ⁽⁴⁾. Furthermore, 'the existence of regulated end-user prices is clearly a key determinant of customer behaviour [...]. Although the retaining of controls may be justified in a period of transition, these will increasingly cause distortions as the need for investment approaches' ⁽⁵⁾.
- (17) A recent Commission Staff Document ⁽⁶⁾ states that 'Customer switching is very common in the Swedish retail electricity market. In total 54 per cent of electricity customers have either renegotiated their contracts or switched supplier since the market reform in 1996. Generally speaking competition on final customers is considered to work' ⁽⁷⁾. Furthermore, there is no end-user price control ⁽⁸⁾ in Sweden, that is, prices are set by the economic operators themselves and do not have to be approved by any authority prior to their application. The situation in Sweden is therefore satisfactory as far as switching and end-user price control are concerned and should be taken as an indicator of direct exposure to competition.

⁽¹⁾ In comparison, there are six main suppliers active in the household market with additional companies active in the large user sector in the U. K., cf. Commission Decision 2007/141/EC of 26 February 2007 establishing that Article 30(1) of Directive 2004/17/EC of the European Parliament and of the Council coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors applies to the supply of electricity and gas in England, Scotland and Wales, OJ L 62 of 1.3.2007, p. 23, whereas the number of economic operators on the retail market in Finland is more than 60, cf. the above-mentioned Decision 2006/422/EC.

⁽²⁾ Technical Annex, p. 45.

⁽³⁾ Technical Annex, p. 67-68.

⁽⁴⁾ 2005 Report, p. 9.

⁽⁵⁾ Technical Annex, p. 17.

⁽⁶⁾ SEC(2006) 1709 of 10.1.2007 'Accompanying document to the Communication from the Commission to the Council and the European Parliament: prospects for the internal gas and electricity market — implementation report, COM(2006) 841 final'. Hereinafter, these documents will be referred to, respectively, as 2007 Staff Document and 2007 Communication.

⁽⁷⁾ 2007 Staff Document, p. 158.

⁽⁸⁾ Technical Annex p. 124.

IV. Conclusions

- (18) In view of the factors examined in recitals (8) to (17), the condition of direct exposure to competition laid down in Article 30(1) of Directive 2004/17/EC should be considered to be met in respect of production and sale (wholesale and retail) of electricity in Sweden.

changes in the legal or factual situation mean that the conditions for the applicability of Article 30(1) of Directive 2004/17/EC are no longer met,

HAS ADOPTED THIS DECISION:

Article 1

- (19) Furthermore, since the condition of unrestricted access to the market is deemed to be met, Directive 2004/17/EC should not apply when contracting entities award contracts intended to enable electricity generation or the sale (wholesale and retail) of electricity to be carried out in Sweden nor when they organise design contests for the pursuit of such an activity in Sweden.

Directive 2004/17/EC shall not apply to contracts awarded by contracting entities and intended to enable them to carry out electricity generation or the sale of electricity in Sweden.

Article 2

This Decision is addressed to the Kingdom of Sweden.

- (20) This Decision is based on the legal and factual situation as of June to August 2007 as it appears from the information submitted by the Kingdom of Sweden, the 2005 Report and the Technical Annex thereto, the 2007 Communication and the 2007 Staff Document as well as the Final Report. It may be revised, should significant

Done at Brussels, 29 October 2007.

For the Commission
Charlie McCREEVY
Member of the Commission

COMMISSION DECISION

of 30 October 2007

on the allocation to Germany of three additional fishing days for an enhanced observer coverage programme in accordance with Annex IIA to Council Regulation (EC) No 41/2007

(notified under document number C(2007) 5221)

(Only the German text is authentic)

(2007/707/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 41/2007 of 21 December 2006 fixing for 2007 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where catch limitations are required ⁽¹⁾, and in particular points 11.1 and 11.3 of Annex IIA,

Whereas:

- (1) Regulation (EC) No 41/2007 fixes for the year 2007 the fishing opportunities for certain fish stocks and groups of fish stocks, and the associated conditions under which such fishing opportunities may be used.
- (2) Annex IIA to Regulation (EC) No 41/2007 specifies the maximum number of days per year for which a Community fishing vessel may be present within any one of the geographical areas as defined in point 2.1 of that Annex having carried on board one of the fishing gears referred to in point 4.1 thereof.
- (3) Annex IIA enables the Commission to allocate three additional fishing days on which a vessel may be present within those areas when carrying on board any of the gears referred to in point 4.1 of that Annex on the basis of an enhanced programme of observer coverage in partnership between scientists and the fishing industry.
- (4) On 1 March 2007, Germany submitted to the Commission an enhanced programme of observer coverage in partnership between scientists and the fishing industry.
- (5) Interest in such programme, which would be complementary to the obligations laid down in the Council Regulation (EC) No 1543/2000 of 29 June 2000 establishing a Community framework for the collection and

management of the data needed to conduct the common fisheries policy ⁽²⁾, was confirmed by the Scientific, Technical and Economic Committee for Fisheries after consultation, as provided for in point 11.3 of Annex IIA of Regulation (EC) No 41/2007.

- (6) In view of the programme submitted on 1 March 2007, three additional days at sea should be allocated to Germany for the period between 1 February 2007 and 31 January 2008 for the vessels involved in the submitted enhanced programme of observer coverage.

- (7) The measures provided for in this Decision are in accordance with the opinion of the Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS DECISION:

Article 1

For vessels flying the flag of Germany which are involved in the enhanced observer coverage programme submitted to the Commission on 1 March 2007, the maximum number of days on which such vessels may be present within any one of the geographical areas defined in point 2.1 of Annex IIA to Regulation (EC) No 41/2007, as shown in Table I of that Annex, shall be increased by three additional days for vessels having on board the fishing gears referred to in point 4.1 of that Annex.

Article 2

1. Seven days after the publication of this Decision in the *Official Journal of the European Union*, Germany shall submit to the Commission an exhaustive list of vessels selected for the sampling plans related to the enhanced observer coverage programme referred to in Article 1.

2. Only vessels selected for those sampling plans, and which have participated until the end of the enhanced observer coverage programme referred to in Article 1, shall benefit from the allocation of three additional days as provided for in that Article.

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

⁽²⁾ OJ L 176, 15.7.2000, p. 1.

Article 3

Two months after the end of the enhanced observer coverage programme referred to in Article 1, Germany shall provide a report to the Commission on the outcomes of that programme for the species and areas covered by it.

Article 4

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 30 October 2007.

For the Commission

Joe BORG

Member of the Commission

COMMISSION DECISION

of 31 October 2007

amending the list of experts appointed as members of the Scientific Committees in the field of consumer safety, public health and the environment and the prolongation of their term of office

(2007/708/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular Articles 152 and 153 thereof,

Having regard to Commission Decision 2004/210/EC of 3 March 2004 setting up Scientific Committees in the field of consumer safety, public health and the environment ⁽¹⁾, and in particular Article 3 and the first subparagraph of Article 7(1) thereof,

Whereas:

amended to take into account the entry into force of Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) and establishing the European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC ⁽²⁾. In addition, in order for the Commission to adequately prepare the review of the provision of scientific advice in view of the future tasks of the Scientific Committees, without disrupting the continuity of the scientific advice in the transition period until the establishment of European Chemicals Agency, the term of office of members should be prolonged until 31 December 2008.

(1) Decision 2004/210/EC provides for the establishment of the Scientific Committee on Consumer Products (the SCCP), the Scientific Committee on Health and Environmental Risks (the SCHER) and the Scientific Committee on Emerging and Newly Identified Health Risks (the SCENIHR) (the Scientific Committees). Pursuant to Article 3(4) of that Decision, the Commission is to appoint the members of those Scientific Committees.

(2) Under Article 7(1) of that Decision, as amended by Commission Decision 2007/263/EC, the term of office of the members of the Scientific Committees is limited to three years, and to three consecutive terms. However, the Commission may, in exceptional circumstances, prolong the terms of office of the members of such committees for a period not exceeding 18 months in order to safeguard the continuity of the expertise.

(3) Decision C(2004)2788 on the appointment of the members of the three Scientific Committees set up by Decision 2004/210/EC provides that the experts listed in Annex I to that Decision are appointed as members of the three Scientific Committees set up by Decision 2004/210/EC.

(4) The term of office of current members of the Scientific Committees is due to expire in July 2007. However, the composition of the Scientific Committees needs be

(5) The Commission should therefore appoint the members of the Scientific Committees for the period ending 31 December 2008.

(6) Some of the current members of the Scientific Committees have expressed their intention not to remain in office for an additional period until the 31 December 2008. Those members should therefore be deleted from the list of experts appointed as members of the Scientific Committees set out in Annex I to Decision C(2004) 2788.

(7) Decision C(2004) 2788 should therefore be amended accordingly,

HAS DECIDED AS FOLLOWS:

Article 1

The amended list of experts appointed as members of the Scientific Committees set out in Annex I to Decision C(2004) 2788 and published in the *Official Journal of the European Union* C 209 of 31 August 2006 is replaced by the text in the Annex to this Decision.

⁽¹⁾ OJ L 66, 4.3.2004, p. 45. Decision as amended by Decision 2007/263/EC (OJ L 114, 1.5.2007, p. 14).

⁽²⁾ OJ L 396, 30.12.2006, p. 1; corrected version in OJ L 136, 29.5.2007, p. 3.

Article 2

The term of office of the members of the Scientific Committees referred to Article 1 is prolonged until 31 December 2008.

Done at Brussels, 31 October 2007.

For the Commission
Markos KYPRIANOU
Member of the Commission

ANNEX

List of experts appointed as members of the Scientific Committees

Amended list in alphabetical order of the scientists appointed by the Commission as members of the Scientific Committees established by Decision 2004/210/EC of 3 March 2004 as amended by Decision 2007/263/EC. This list replaces the list published in the Official Journal C 209 of 31 August 2006.

Scientific Committee on Consumer Products (SCCP)

Dr. Claire Chambers	Consultant Toxicologist, Chambers Toxicological Consulting, Research associate at the University of Dublin, Ireland.
Prof. Gisela Degen	Head of Biochemical-Toxicological Laboratory, Institut für Arbeitsphysiologie, University of Dortmund, Germany.
Prof. Ruta Dubakiene	Head of Allergy Centre, Vilnius University Antakalnis Clinical Hospital, Lithuania.
Dr. Bożena Jazwicz-Kanyon	Environmental scientist at the Institute of Occupational Medicine and Environmental Health, Poland.
Prof. Em. Vassilios Kapoulas	Emeritus Professor of Biochemistry, University of Ioannina, Greece.
Prof. Jean Krutmann	Director, Institut für Umweltmedizinische Forschung (IUF), Heinrich-Heine-University, Düsseldorf, Germany.
Prof. Carola Lidén	Head of Department of Occupational and Environmental Health, Stockholm Centre for Public Health, Sweden.
Prof. Jean-Paul Marty	Professor of Pharmacology, Laboratory of Dermopharmacology and Cosmetology, Faculty of Pharmacy, University of Paris South, France.
Prof. Thomas Platzek	Professor, Dr. rer. nat., Bundesinstitut für Risikobewertung, Germany.
Dr. Suresh Chandra Rastogi	Senior Research Scientist, Department of Environmental Chemistry and Microbiology, National Environmental Institute, Denmark.
Prof. Jean Revuz	Chef de service, Service universitaire de dermatologie, hôpital Henri-Mondor, France.
Prof. Vera Maria Rogiers	Head of Department, Department of Toxicology, Dermato-Cosmetology and Pharmacognosy, Vrije Universiteit Brussel (VUB), Belgium.
Prof. Tore Sanner	Head of Department of Environmental and Occupational Cancer, The Norwegian Radium Hospital Institute for Cancer Research, Norway.
Prof. Günter Speit	Professor of Human Genetics, Department of Human Genetics, University Clinic Ulm, Germany.
Dr. Jacqueline van Engelen	Centre for Substances and Integrated Risk Assessment, Senior scientist, National Institute for Public Health and the Environment, (RIVM), Netherlands.
Dr. Ian White	Consultant Dermatologist, St. John's Institute of Dermatology, St Thomas' Hospital, United Kingdom.

Scientific Committee on Health and Environmental Risks (SCHER)

Prof. Herman Autrup	Professor of Environmental Medicine, Department of Environmental and Occupational Medicine, University of Aarhus, Denmark.
Prof. Peter Calow	Guest Professor at the Department of Life Sciences and Chemistry, Roskilde University, Denmark.
Prof. Dr. Wolfgang Dekant	Professor at the Institut für Toxikologie Universität Würzburg, Germany.
Prof. Em. Helmut Greim	Professor of Toxicology at the Institute of Toxicology and Environmental Hygiene, Technical University of Munich, Germany.
Prof. Wojciech Hanke	Head of Environmental Reproductive Hazard Unit, Department of Environmental Epidemiology, Nofer Institute of Occupational Medicine, Poland.
Prof. Dr. Colin Janssen	Professor of Ecotoxicology, Ghent University, Belgium.

Prof. Bo Oscar Jansson	Professor at the Institute of Applied Environmental Research, Stockholm University, Sweden.
Dr. Hannu Komulainen	Head of Laboratory of Toxicology, Division of Environmental Health, National Public Health Institute, Finland.
Dr. Ole Ladefoged	Senior Scientist Danish Food and Veterinary Research, Institute of Food Safety and Nutrition, Denmark.
Prof. Johannes Linders	Risk evaluator, expert in Pesticides, Centre for Substances and Risk Assessment, National Institute of Public Health and Environment (IRVM), Netherlands.
Dr. Inge Mangelsdorf	Head of Department of Chemical Risk Assessment, Fraunhofer Institute for Toxicology and Experimental Medicine, Germany.
Prof. Marco Nuti	Professor, Dipartimento di Chimica e biotecnologie agrarie, Pisa University, Italia.
Prof. Anne Steenhout	Professor of Ecotoxicology, Institute for Environmental Management and Physical Planning (GEEPSIH), Université Libre de Bruxelles, Belgium.
Dr. Jose Tarazona	Director of Department of the Environment INIA, Spanish National Institute For Agriculture and Food Research and Technology, Spain.
Dr. Emanuela Testai	Senior Scientist, Environment and Primary Prevention Mechanisms of Toxicity Unit, Istituto superiore di Sanità, Italy.
Prof. Marco Vighi	Professor of Ecology and Applied Ecology, Department of Environmental Sciences, University of Milano Bicocca, Italy.
Dr. Matti Viluksela	Senior researcher on Toxicology, Environmental Health Department, National Public Health Institute, Finland.

Scientific Committee on Emerging and Newly Identified Health Risks (SCENIHR)

Prof. Anders Ahlbom	Professor and Head of Division of Epidemiology, Institute of Environmental Medicine. Director of Division of Epidemiology, Stockholm County Council, Karolinska Institutet, Sweden.
Prof. James Bridges	Professor of Toxicology and Environmental Health, United Kingdom.
Dr. Wilhelmus De Jong	Toxicological Pathologist Laboratory for Toxicology Pathology and Genetics, National Institute for Public Health and the Environment (RIVM), Netherlands.
Prof. Philippe Hartemann	Professeur de santé publique, Département environnement et santé publique, Faculté de médecine, université de Nancy, France.
Dr. Thomas Jung	Research group leader, Laboratory of Micro- and Nanostructure, Paul Scherrer Institut, Switzerland.
Prof. Mats-Olof Mattsson	Professor in Biology, Department of Natural Sciences, Orebro University, Sweden.
D ^r Jean-Marie Pagès	Directeur de recherche, Institut national de la santé et de la recherche médicale (INSERM), Faculté de médecine, université de Marseille, France.
Prof. Konrad Rydzynski	Director General Nofer Institute of Occupational Medicine, Poland.
Dr. Dorothea Stahl	Assistant Medical Director, Institute for Transfusion Medicine and Transplantation Immunology, University of Muenster, Germany.
D ^r Mogens Thomsen	Directeur de recherche, Institut national de la santé et de la recherche médicale (INSERM), Rangueil, France.
Prof. David Williams	Director Centre for Tissue Engineering, Department of Clinical Engineering, University of Liverpool, United Kingdom.

COMMISSION DECISION

of 31 October 2007

amending Decision 2007/554/EC concerning certain protection measures against foot-and-mouth disease in the United Kingdom*(notified under document number C(2007) 5284)***(Text with EEA relevance)**

(2007/709/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

restricted areas, or that have undergone a treatment proven effective in inactivating possible foot-and-mouth disease virus.

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market ⁽¹⁾, and in particular Article 9(4) thereof,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market ⁽²⁾, and in particular Article 10(4) thereof,

Whereas:

- (1) Following recent outbreaks of foot-and-mouth disease in Great Britain, Commission Decision 2007/554/EC of 9 August 2007 concerning certain protection measures against foot-and-mouth disease in the United Kingdom ⁽³⁾ was adopted to reinforce the control measures against foot-and-mouth disease taken by that Member State in the framework of Council Directive 2003/85/EC of 29 September 2003 on Community measures for the control of foot-and-mouth disease ⁽⁴⁾.
- (2) Decision 2007/554/EC lays down rules applicable to the dispatch from high and low risk areas in Great Britain of products considered safe that either were produced before the restrictions were put in place in the United Kingdom, from raw material sourced from outside those

- (3) By adopting Decision 2007/664/EC the Commission laid down rules for the dispatch of certain categories of meat from certain areas listed in an additional Annex III that have not recorded any outbreak of foot-and-mouth disease for at least 90 days prior to slaughter and which comply with certain specified conditions.
- (4) On the basis of information provided by the United Kingdom, it is now, more than an incubation period after the last confirmed outbreak, appropriate to further lift certain restrictions applied to meat and frozen semen, ova and embryos, produced from animals that have been resident in areas that did not experience an outbreak of foot-and-mouth disease in 2007.
- (5) However, given the epidemiological situation in and regionalisation of the United Kingdom, and taking into account the conditions for the recovery of a foot-and-mouth disease free status, it is necessary to extend the application of Decision 2007/554/EC until 15 December 2007.
- (6) Decision 2007/554/EC should therefore be amended accordingly.
- (7) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2007/554/EC is amended as follows:

1. In Article 2, paragraph 4 is replaced by the following:

'4. The prohibition set out in paragraph 2 shall not apply to meats bearing the health mark in accordance with Chapter III of Section I of Annex I to Regulation (EC) No 854/2004, provided that:

⁽¹⁾ OJ L 395, 30.12.1989, p. 13. Directive as last amended by Directive 2004/41/EC of the European Parliament and of the Council (OJ L 157, 30.4.2004, p. 33), corrected version OJ L 195, 2.6.2004, p. 12.

⁽²⁾ OJ L 224, 18.8.1990, p. 29. Directive as last amended by Directive 2002/33/EC of the European Parliament and of the Council (OJ L 315, 19.11.2002, p. 14).

⁽³⁾ OJ L 210, 10.8.2007, p. 36. Decision as last amended by Decision 2007/664/EC (OJ L 270, 13.10.2007, p. 21).

⁽⁴⁾ OJ L 306, 22.11.2003, p. 1. Directive as last amended by Directive 2006/104/EC (OJ L 363, 20.12.2006, p. 352).

- (a) the meat is clearly identified, and has been transported and stored since the date of production separately from meat which is not eligible, in accordance with this Decision, for dispatch outside the areas listed in Annex I;
- (b) the meat complies with one of the following conditions:
- (i) it was obtained before 15 July 2007; or
 - (ii) it is derived from animals reared for at least 90 days prior to the date of slaughter and slaughtered; or in the case of meat obtained from wild game of species susceptible to foot-and-mouth disease ("wild game") killed, outside the areas listed in Annexes I and II; or
 - (iii) it complies with the conditions set out in points (c), (d) and (e);
- (c) the meat was obtained from domestic ungulates or from farmed game of species susceptible to foot-and-mouth disease ("farmed game"), as specified for the respective category of meat in one of the appropriate columns 4 to 7 in Annex III, and complies with the following conditions:
- (i) the animals have been reared for at least 90 days prior to the date of slaughter on holdings situated within the areas specified in columns 1, 2 and 3 of Annex III, where there has been no outbreak of foot-and-mouth disease during at least that period;
 - (ii) during the 21 days prior to the date of transport to the slaughterhouse, or in the case of farmed game prior to the date of on-farm slaughtering, the animals have remained under the supervision of the competent veterinary authorities on a single holding which is situated in the centre of a circle around the holding of at least 10 km radius, where there has been no outbreak of foot-and-mouth disease during at least 30 days prior to the date of loading;
 - (iii) no animals of species susceptible to foot-and-mouth disease have been introduced into the holding referred to in point (ii) during the 21 days prior to the date of loading, or in the case of farmed game prior to the date of on-farm slaughtering, except in the case of pigs coming from a supplying holding which complies with the conditions laid down in point (ii), in which case the period of 21 days may be reduced to 7 days;
- However, the competent authority may authorise the introduction into the holding referred to in point (ii) of animals of species susceptible to foot-and-mouth disease which comply with the conditions set out in points (i) and (ii) and which
- come from a holding where no animals of species susceptible to foot-and-mouth disease have been introduced during the 21 days prior to the date of transport to the holding referred to in point (ii), except in the case of pigs coming from a supplying holding in which case the period of 21 days may be reduced to 7 days; or
 - were subjected with negative results to a test for antibodies against the foot-and-mouth disease virus carried out on a blood sample taken within 10 days prior to the date of transport to the holding referred to in point (ii); or
 - come from a holding that was subjected with negative results to a serological survey pursuant to a sampling protocol suitable to detect 5 % prevalence of foot-and-mouth disease with at least a 95 % level of confidence;
- (iv) the animals or, in the case of farmed game slaughtered on the farm, the carcasses have been transported under official control in means of transport that have been cleansed and disinfected before loading from the holding referred to in point (ii) to the designated slaughterhouse;
- (v) the animals have been slaughtered less than 24 hours following the time of arrival at the slaughterhouse and separately from animals the meat of which is not eligible for dispatch from the area listed in Annex I;
- (d) the meat, if positively marked in column 8 of Annex III, was obtained from wild game, that was killed in areas where there has been no outbreak of foot-and-mouth disease for at least a period of 90 days before the date of killing and at a distance of at least 20 km from areas not specified in columns 1, 2 and 3 of Annex III;
- (e) Meat referred to in points (c) and (d) must in addition comply with the following conditions:
- (i) the dispatch of such meat is only to be authorised by the competent veterinary authority of the United Kingdom, if

- the animals referred to in point (c)(iv) have been transported to the establishment without contact to holdings situated in areas not specified in columns 1, 2 and 3 of Annex III; and
 - the establishment is not situated in the county of Surrey;
 - (ii) the meat is at all times clearly identified, handled, stored and transported separately from meat which is not eligible for dispatch from the area listed in Annex I;
 - (iii) during *post-mortem* inspection by the official veterinarian in the establishment of dispatch, or in the case of on-farm slaughtering of farmed game on the holding referred to in point (c)(ii), or in the case of wild game at the game-handling establishment, no clinical signs or *post-mortem* evidence of foot-and-mouth disease were established;
 - (iv) the meat has remained in the establishments or holdings referred to in point (e)(iii) for at least 24 hours following the *post-mortem* inspection of the animals referred to in points (c) and (d),
 - (v) any further preparation of meat for dispatch outside the area listed in Annex I shall be suspended;
 - in the case where foot-and-mouth disease has been diagnosed in the establishments or holdings referred to in point (e)(iii), until the slaughter of all animals present and the removal of all meat and dead animals has been completed, and at least 24 hours have elapsed since the completion of the total cleansing and disinfection of those establishments and holdings under the control of an official veterinarian, and
 - in the case of slaughter in the same establishment of animals susceptible to foot-and-mouth disease coming from holdings situated in areas in Annex I that do not comply with the conditions set out in point 4(c) or (d), until the slaughter of all such animals and the cleansing and disinfection of those establishments have been completed under the control of an official veterinarian;
 - (vi) the central veterinary authorities shall communicate to the other Member States and the Commission a list of those establishments and holdings which they have approved for the purposes of application of points (c), (d) and (e).'
2. In Article 6, paragraph 2 is replaced by the following:
- '2. The prohibitions set out in paragraph 1 shall not apply to:
- (a) semen, ova and embryos produced before 15 July 2007;
 - (b) frozen bovine semen and embryos, frozen porcine semen, and frozen ovine and caprine semen and embryos imported into the United Kingdom in accordance with the conditions laid down in Directives 88/407/EEC, 89/556/EEC, 90/429/EEC or 92/65/EEC respectively, and which since their introduction into the United Kingdom have been stored and transported separately from semen, ova and embryos not eligible for dispatch in accordance with paragraph 1;
 - (c) frozen semen and embryos obtained from bovine, porcine, ovine and caprine animals kept for at least 90 days prior to the date of and during collection within the areas specified in columns 1, 2 and 3 of Annex III and which:
 - (i) have been stored in approved conditions for a minimum period of 30 days prior to the date of dispatch, and
 - (ii) have been collected from donor animals standing in centres or on holdings which have been free from foot-and-mouth disease for at least three months prior to the date of collection of the semen and 30 days after the date of collection and which are situated in the centre of an area of 10 kilometres radius in which there has been no case of foot-and-mouth disease for at least 30 days prior to the date of collection.
- Before the dispatch of the semen referred to in points (a), (b) and (c) the central veterinary authorities shall communicate to the other Member States and the Commission a list of centres and teams approved for the purpose of application of this paragraph.'
3. In Article 17, '15 November 2007' is replaced by '15 December 2007'.
4. Annex III is replaced by the text in the Annex to this Decision.

Article 2

Member States shall amend the measures which they apply to trade so as to bring them into compliance with this Decision. They shall immediately inform the Commission thereof.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 31 October 2007.

For the Commission

Markos KYPRIANOU

Member of the Commission

ANNEX

'ANNEX III

1	2	3	4	5	6	7	8
GROUP	ADNS	Administrative Unit	B	S/G	P	FG	WG
Scottish Islands	131	Shetland Islands	+	+	+	+	+
	123	Orkney Islands	+	+	+	+	+
	124	NA H-Eileanan An Iar	+	+	+	+	+
Scotland	121	Highland	+	+	+	+	
	122	Moray	+	+	+	+	
	126	Aberdeenshire	+	+	+	+	
	128	Aberdeen City	+	+	+	+	
	79	Angus	+	+	+	+	
	81	Dundee City	+	+	+	+	
	80	Clackmannanshire	+	+	+	+	
	90	Perth & Kinross	+	+	+	+	
	127	Fife	+	+	+	+	
	85	Falkirk	+	+	+	+	
	88	Midlothian	+	+	+	+	
	96	West Lothian	+	+	+	+	
	129	City of Edinburgh	+	+	+	+	
	130	East Lothian	+	+	+	+	
	92	Scottish Borders	+	+	+	+	
	94	Stirling	+	+	+	+	
	125	Argyll and Bute	+	+	+	+	
	83	East Dunbartonshire	+	+	+	+	
	84	East Renfrewshire	+	+	+	+	
	86	City of Glasgow	+	+	+	+	
	87	Inverclyde	+	+	+	+	
	89	North Lanarkshire	+	+	+	+	
	91	Renfrewshire	+	+	+	+	
	93	South Lanarkshire	+	+	+	+	
	95	West Dunbartonshire	+	+	+	+	
	82	East Ayrshire	+	+	+	+	
	132	North Ayrshire	+	+	+	+	
	133	South Ayrshire	+	+	+	+	
	134	Dumfries & Galloway	+	+	+	+	
England	141	Cumbria	+	+	+	+	
	169	Northumberland	+	+	+	+	
	10	Gateshead	+	+	+	+	
	16	Newcastle upon Tyne	+	+	+	+	
	17	North Tyneside	+	+	+	+	
	26	South Tyneside	+	+	+	+	
	29	Sunderland	+	+	+	+	
	144	Durham	+	+	+	+	
	52	Darlington	+	+	+	+	
	55	Hartlepool	+	+	+	+	
	58	Middlesbrough	+	+	+	+	
	64	Redcar and Cleveland	+	+	+	+	
	69	Stockton-on-Tees	+	+	+	+	
	151	Lancashire	+	+	+	+	
	38	Blackburn with Darwen	+	+	+	+	
	39	Blackpool	+	+	+	+	

1	2	3	4	5	6	7	8
GROUP	ADNS	Administrative Unit	B	S/G	P	FG	WG
	176	North Yorkshire excluding Selby	+	+	+	+	
	177	Selby District	+	+	+	+	
	78	York	+	+	+	+	
	53	East Riding of Yorkshire	+	+	+	+	
	45	City of Kingston upon Hull	+	+	+	+	
	60	North East Lincolnshire	+	+	+	+	
	61	North Lincolnshire	+	+	+	+	
	32	West Yorkshire consisting of Wakefield District	+	+	+	+	
	11	Kirklees District	+	+	+	+	
	6	Calderdale District	+	+	+	+	
	4	Bradford	+	+	+	+	
	13	Leeds	+	+	+	+	
	1	South Yorkshire consisting of Barnsley District	+	+	+	+	
	8	Doncaster District	+	+	+	+	
	20	Rotherham District	+	+	+	+	
	24	Sheffield District	+	+	+	+	
	30	Greater Manchester consisting of Tameside District	+	+	+	+	
	18	Oldham District	+	+	+	+	
	19	Rochdale District	+	+	+	+	
	5	Bury District	+	+	+	+	
	3	Bolton District	+	+	+	+	
	21	Salford District	+	+	+	+	
	31	Trafford District	+	+	+	+	
	15	Manchester District	+	+	+	+	
	27	Stockport District	+	+	+	+	
	34	Wigan District	+	+	+	+	
	12	Merseyside consisting of Knowsley District	+	+	+	+	
	14	Liverpool District	+	+	+	+	
	23	Sefton District	+	+	+	+	
	28	St. Helens District	+	+	+	+	
	74	Warrington	+	+	+	+	
	140	Cheshire County	+	+	+	+	
	54	Halton	+	+	+	+	
	35	Wirral District	+	+	+	+	
	142	Derbyshire County	+	+	+	+	
	44	City of Derby	+	+	+	+	
	157	Nottinghamshire County	+	+	+	+	
	47	City of Nottingham	+	+	+	+	
	153	Lincolnshire	+	+	+	+	
	159	Shropshire	+	+	+	+	
	71	Telford and Wrekin	+	+	+	+	
	161	Staffordshire County	+	+	+	+	
	50	City of Stoke-on-Trent	+	+	+	+	
	170	Devon County	+	+	+	+	
	73	Torbay	+	+	+	+	
	136	Plymouth	+	+	+	+	
	171	Cornwall County	+	+	+	+	
	143	Dorset County	+	+	+		

1	2	3	4	5	6	7	8
GROUP	ADNS	Administrative Unit	B	S/G	P	FG	WG
	62	Poole	+	+	+		
	40	Bournemouth	+	+	+		
	160	Somerset County	+	+	+		
	120	North Somerset	+	+	+		
	37	Bath and North East Somerset	+	+	+		
	43	City of Bristol	+	+	+		
	68	South Gloucestershire	+	+	+		
	51	Herefordshire County	+	+	+		
	167	Worcestershire County	+	+	+		
	9	Dudley District	+	+	+		
	2	Birmingham District	+	+	+		
	22	Sandwell District	+	+	+		
	36	Wolverhampton District	+	+	+		
	33	Walsall District	+	+	+		
	25	Solihull District	+	+	+		
	7	Coventry District	+	+	+		
	152	Leicestershire County	+	+	+		
	46	City of Leicester	+	+	+		
	65	Rutland	+	+	+		
	48	City of Peterborough	+	+	+		
	154	Norfolk County	+	+	+		
	162	Suffolk County	+	+	+		
	172	Isles of Scilly	+	+	+	+	
	114	Isle of Wight	+	+	+	+	
Wales	115	Sir Ynys Mon — Isle of Anglesey	+	+	+	+	
	116	Gwynedd	+	+	+	+	
	103	Conwy	+	+	+	+	
	108	Sir Ddinbych-Denbigshir	+	+	+	+	
	111	Sir Y Fflint-Flintshire	+	+	+	+	
	113	Wrexham-Wrexham	+	+	+	+	
	173	North Powys	+	+	+	+	
	174	South Powys	+	+	+	+	
	118	Sir Ceredigion-Ceredigion	+	+	+	+	
	110	Sir Gaerfyrddin — Carmarthen	+	+	+	+	
	119	Sir Benfro-Pembrokeshire	+	+	+	+	
	97	Abertawe-Swansea	+	+	+	+	
	102	Castell-Nedd Port Talbot-Neath Port Talbot	+	+	+	+	
	105	Pen-y-Bont Ar Ogwr — Bridgend	+	+	+	+	
	107	Rhondda/Cynon/Taf	+	+	+	+	
	99	Bro Morgannwg-The Vale of Glamorgan	+	+	+	+	
	98	Bleanau Gwent	+	+	+	+	
	112	Tor-Faen — Tor Faen	+	+	+	+	
	101	Casnewydd — Newport	+	+	+	+	
	104	Merthyr Tudful-Merthyr Tydfil	+	+	+	+	

1	2	3	4	5	6	7	8
GROUP	ADNS	Administrative Unit	B	S/G	P	FG	WG
	100	Caerffili — Caerphilly	+	+	+	+	
	117	Caerdydd — Cardiff	+	+	+	+	
	109	Sir Fynwy — Monmouthshire	+	+	+	+	

ADNS = Animal Disease Notification System Code (Decision 2005/176/EC)

B = bovine meat

S/G = sheep and goat meat

P = pig meat

FG = farmed game of species susceptible to foot-and-mouth disease

WG = wild game of species susceptible to foot-and-mouth disease'