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⁽¹⁾ Text with EEA relevance

I

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

REGULATIONS

COMMISSION REGULATION (EC) No 1411/2007

of 30 November 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 December 2007.

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

Done at Brussels, 30 November 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 30 November 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	IL	114,0
	MA	70,5
	TR	86,7
	ZZ	90,4
0707 00 05	JO	196,3
	MA	51,7
	TR	103,2
	ZZ	117,1
0709 90 70	MA	46,7
	TR	127,3
	ZZ	87,0
0709 90 80	EG	301,9
	ZZ	301,9
0805 20 10	MA	67,0
	ZZ	67,0
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	CN	62,9
	HR	26,3
	IL	67,2
	TR	90,4
	UY	82,5
	ZZ	65,9
0805 50 10	AR	72,2
	EG	79,1
	TR	107,4
	ZA	59,3
	ZZ	79,5
0808 10 80	AR	87,7
	CA	108,3
	CL	86,0
	CN	87,6
	MK	30,6
	US	95,5
	ZA	95,7
	ZZ	84,5
0808 20 50	AR	49,2
	CN	59,7
	TR	145,7
	US	109,4
	ZZ	91,0

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

COMMISSION REGULATION (EC) No 1412/2007**of 30 November 2007****fixing the import duties in the cereals sector applicable from 1 December 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 December 2007, and should apply until new import duties are fixed and enter into force,

HAS ADOPTED THIS REGULATION:

Article 1

From 1 December 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 December 2007.

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

Done at Brussels, 30 November 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). Regulation (EEC) No 1784/2003 will be replaced by Regulation (EC) No 1234/2007 (OJ L 299, 16.11.2007, p. 1) as from 1 July 2008.

⁽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 December 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

16.11.2007-29.11.2007

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	234,78	102,09	—	—	—	—
Fob price USA	—	—	408,20	398,20	378,20	154,00
Gulf of Mexico premium	—	19,26	—	—	—	—
Great Lakes premium	15,42	—	—	—	—	—

(*) 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: 54,40 EUR/t

Freight costs: Great Lakes–Rotterdam: 47,16 EUR/t

COMMISSION REGULATION (EC) No 1413/2007**of 30 November 2007****fixing the coefficient of reduction concerning the area per farmer for which aid for energy crops is claimed for 2007**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1782/2003 of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and amending Regulations (EEC) No 2019/93, (EC) No 1452/2001, (EC) No 1453/2001, (EC) No 1454/2001, (EC) No 1868/94, (EC) No 1251/1999, (EC) No 1254/1999, (EC) No 1673/2000, (EEC) No 2358/71 and (EC) No 2529/2001⁽¹⁾, and in particular Article 89(2) thereof,

Whereas:

- (1) Article 89(1) of Regulation (EC) No 1782/2003 establishes a maximum guaranteed area of 2 000 000 ha eligible for aid for energy crops under Article 88 of that Regulation. Article 89(2) states that where the area for which aid is claimed exceeds the maximum guaranteed area, the area per farmer for which aid is claimed shall be reduced proportionately in that year.
- (2) Under Article 4 of Commission Regulation (EC) No 1973/2004 of 29 October 2004 laying down detailed rules for the application of Council Regulation (EC) No 1782/2003 as regards the support schemes provided for in Titles IV and IVa of that Regulation and the use of land set aside for the production of raw materials⁽²⁾, the coefficient of reduction of areas is to be fixed before the

payments are granted to the farmers and at the latest by 31 January of the following year on the basis of the data communicated in accordance with Article 3(1)(b) of that Regulation.

- (3) In accordance with Article 3(1)(b) of Regulation (EC) No 1973/2004, Member States have communicated to the Commission data on the total area for which aid for energy crops under Article 88 of Regulation (EC) No 1782/2003 was fixed for 2007. Based on those communications, it has been established that the total area for 2007 was 2 843 450 ha.
- (4) Since the above amount of 2 843 450 ha exceeds the maximum guaranteed area of 2 000 000 ha eligible for aid, it is necessary to fix the coefficient of reduction to be applied to the area per farmer for which aid is claimed for 2007.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Direct Payments,

HAS ADOPTED THIS REGULATION:

Article 1

The coefficient of reduction to be applied to the area per farmer for which aid for energy crops under Article 88 of Regulation (EC) No 1782/2003 is claimed for 2007 shall be 0,70337.

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 Brussels, 30 November 2007.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 1. Regulation as last amended by Commission Regulation (EC) No 1276/2007 (OJ L 284, 30.10.2007, p. 11).

⁽²⁾ OJ L 345, 20.11.2004, p. 1. Regulation as last amended by Regulation (EC) No 993/2007 (OJ L 222, 28.8.2007, p. 10).

COMMISSION REGULATION (EC) No 1414/2007**of 30 November 2007****establishing a prohibition of fishing for cod in ICES zone of Kattegat (South of IIIa) by vessels flying the flag of Germany**

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, 30 November 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	75
Member State	Germany
Stock	COD/03AS.
Species	Cod (<i>Gadus morhua</i>)
Zone	Kattegat
Date	13.11.2007

II

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

DECISIONS

COUNCIL

COUNCIL DECISION

of 8 November 2007

establishing a Community Civil Protection Mechanism (recast)

(Text with EEA relevance)

(2007/779/EC, Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 308 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 203 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 European Economic and Social Committee ⁽²⁾,

Whereas:

- (1) A number of substantial changes are to be made to Council Decision 2001/792/EC, Euratom of 23 October 2001 establishing a Community mechanism to facilitate reinforced cooperation in civil protection assistance interventions ⁽³⁾ (hereinafter the Mechanism) in order to make the European Union's emergency response more consistent and efficient. In the interests of clarity, that Decision should be recast.
- (2) Recent years have witnessed a significant increase in the occurrence and severity of natural and man-made disasters, resulting in the loss of human lives and

property, including cultural heritage, the destruction of economic and social infrastructure and damage to the environment.

- (3) Action by the Community to implement the resolution of the Council and of the representatives of the Governments of the Member States, meeting within the Council, of 8 July 1991 on improving mutual aid between Member States in the event of natural or technological disaster ⁽⁴⁾ has helped protect people, the environment and property. The Convention of the United Nations Economic Commission for Europe of 17 March 1992 on the Transboundary Effects of Industrial Accidents, approved by the Community by Council Decision 98/685/EC ⁽⁵⁾, has helped to further improve the prevention and management of industrial disasters.

- (4) The general purpose of the Mechanism is to provide, on request, support in the event of major emergencies and to facilitate improved coordination of assistance intervention provided by the Member States and the Community, taking into account the special needs of the isolated, outermost and other regions or islands of the Community. Recent years have seen a considerable growth in the number of countries calling upon the Mechanism for civil protection assistance. The Mechanism should be strengthened to ensure a more effective and visible demonstration of European solidarity and to allow for the development of a European rapid response capability based on the civil protection modules of the Member States, as called for by the European Council held on 16 and 17 June 2005 and by the European Parliament in its Resolution of 13 January 2005 on the tsunami disaster.

⁽¹⁾ Opinion of 24 October 2006 (not yet published in the OJ).

⁽²⁾ OJ C 195, 18.8.2006, p. 40.

⁽³⁾ OJ L 297, 15.11.2001, p. 7.

⁽⁴⁾ OJ C 198, 27.7.1991, p. 1.

⁽⁵⁾ OJ L 326, 3.12.1998, p. 1.

- (5) The Mechanism would take due account of relevant Community legislation and international commitments. This Decision should therefore not affect the reciprocal rights and obligations of the Member States under bilateral or multilateral treaties, which relate to the matters covered by this Decision.
- (6) The Mechanism should facilitate the civil protection response to all types of major emergencies occurring inside or outside the Community, including natural and man-made disasters, acts of terrorism and technological, radiological and environmental accidents, including accidental marine pollution. Civil protection assistance may be required in all of these emergencies to complement the response capabilities of the affected country.
- (7) Prevention is of significant importance for protection against natural, technological and environmental disasters and would require further action to be considered. By contributing to the further development of detection and early warning systems, the Community should assist Member States in minimising the lead time to respond to disasters and in alerting EU citizens. These systems should take into account and build upon existing information sources.
- (8) Preparatory measures need to be taken at Member State and Community level to enable assistance intervention teams in emergencies to be mobilised rapidly and coordinated with the requisite flexibility and to ensure, through a training programme, the effective response capability and complementarity of assessment and/or coordination teams, intervention teams and other resources, as appropriate.
- (9) Other preparatory measures include pooling of information related to necessary medical resources and stimulation of the use of new technologies. That information concerns medical resources which Member States might make available on a voluntary basis for the protection of public health following a request for intervention under the Mechanism. In accordance with Article 296 of the Treaty establishing the European Community, no Member State is to be obliged to supply information the disclosure of which it considers contrary to the essential interests of its security.
- (10) The development of additional civil protection assistance intervention modules, consisting of resources of one or more Member States which aim to be fully interoperable, should be considered in order to contribute to the development of a civil protection rapid response capability. Modules are organised at the level of the Member States and subject to their direction and command.
- (11) In the event of a major emergency within the Community, or imminent threat thereof, which causes, or is capable of causing, transboundary effects or which may result in a call for assistance from one or more Member States, there is a need for relevant notification to be made as appropriate through an established reliable common emergency communication and information system.
- (12) The Mechanism should make it possible to mobilise, and facilitate coordination of, assistance interventions in order to help ensure better protection primarily of people but also of the environment and property, including cultural heritage, thereby reducing loss of human life, injury, material damage, economic and environmental damage, and making achievement of the objectives of social cohesion and solidarity more tangible. The reinforced cooperation in civil protection assistance interventions should be based on a Community civil protection structure consisting of a monitoring and information centre and a common emergency communication and information system managed by the Commission and contact points in the Member States. It should provide a framework for collecting validated emergency information, for disseminating that information to the Member States and for sharing lessons learnt from interventions.
- (13) The contact points in the Member States should be in a position to provide information on the availability of the civil protection assistance requested by the affected country, including information on the availability of military assets and capabilities.
- (14) The availability of adequate means of transport needs to be improved to support the development of a rapid response capability at Community level. The Community should support and complement the efforts of Member States by facilitating the pooling of transport resources of Member States and contributing, where necessary, to the financing of additional means of transport.
- (15) With respect to civil protection assistance interventions outside the Community, the Mechanism should facilitate and support the actions undertaken by the Community and the Member States. Assistance interventions outside the Community can either be conducted autonomously or as a contribution to an operation led by an international organisation, for which case the Community should develop its relations with relevant international organisations.

(16) The United Nations, where present, have an overall coordinating role for relief operations in third countries. The civil protection assistance provided under the Mechanism should be coordinated with the United Nations and other relevant international actors to maximise the use of available resources and avoid any unnecessary duplication of effort. Enhanced coordination of civil protection assistance through the Mechanism is a prerequisite to supporting the overall coordination effort and ensuring a comprehensive European contribution to the overall relief effort. In major emergencies where assistance is provided under both the Mechanism and Council Regulation (EC) No 1257/96 of 20 June 1996 concerning humanitarian aid ⁽¹⁾, the Commission should ensure the effectiveness, coherence and complementarity of the overall Community response.

(17) The Mechanism could also be a tool for facilitating and supporting crisis management in accordance with the Joint Declaration by the Council and the Commission of 29 September 2003 on the use of the Community Civil Protection Mechanism in crisis management referred to in Title V of the Treaty on the European Union. This Decision is without prejudice to the competences and role of the Presidency in crisis management under the said Title.

(18) The Mechanism could also be used for supporting consular assistance to EU citizens in major emergencies in third countries, regarding civil protection activities, if requested by the consular authorities of the Member States.

(19) Where the use of military assets and capabilities is considered to be appropriate, cooperation with the military will follow the modalities, procedures and criteria established by the Council or its competent bodies for making available to the Mechanism military assets and capabilities relevant to the protection of civilian populations.

(20) The use of military assets and capabilities should also be consistent with the principles of relevant United Nations Guidelines.

(21) Participation of candidate countries and cooperation with other third countries and with international and regional organisations should be possible.

(22) The measures necessary for the implementation of this Decision should be adopted in accordance with Council

Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽²⁾.

(23) The objective of this Decision, namely to facilitate reinforced cooperation between the Community and the Member States in civil protection assistance intervention in the event of major emergencies or the imminent threat thereof, cannot be sufficiently achieved by the Member States, and can therefore, by reason of the scale or effects of the proposed action, taking into account the benefits resulting from the operation of the Mechanism in terms of reducing the loss of human life and damage, be better achieved at Community level.

If a major emergency overwhelms the response capabilities of an affected Member State, this State should be able to appeal to the Mechanism to supplement its own civil protection resources. The Community may therefore adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty establishing the European Community. In accordance with the principle of proportionality as set out in that Article, this Decision does not go beyond what is necessary in order to achieve that objective.

(24) The Treaty establishing the European Community and the Treaty establishing the European Atomic Energy Community do not provide powers for adopting this Decision other than those of Articles 308 and 203, respectively,

HAS ADOPTED THIS DECISION:

CHAPTER I

Subject matter and scope

Article 1

1. A Community Mechanism to facilitate reinforced cooperation between the Community and the Member States in civil protection assistance intervention in the event of major emergencies, or the imminent threat thereof, is hereby established (hereinafter the Mechanism).

2. The protection to be ensured by the Mechanism shall cover primarily people but also the environment and property, including cultural heritage, in the event of natural and man-made disasters, acts of terrorism and, technological, radiological or environmental accidents, including accidental marine pollution, occurring inside or outside the Community, taking also into account the special needs of the isolated, outermost and other regions or islands of the Community.

⁽¹⁾ OJ L 163, 2.7.1996, p. 1. Regulation as amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).

⁽²⁾ OJ L 184, 17.7.1999, p. 23. Decision as amended by Decision 2006/512/EC (OJ L 200, 22.7.2006, p. 11).

The Mechanism shall not affect obligations under existing relevant legislation of the European Community or the European Atomic Energy Community or existing international agreements.

Article 2

The Mechanism consists of a series of elements and actions including:

1. the identification of intervention teams and other intervention support available in Member States for assistance intervention in the event of emergencies;
2. the setting-up and implementation of a training programme for intervention teams and other intervention support, and for experts for the teams responsible for assessment and/or coordination (hereinafter assessment and/or coordination teams);
3. workshops, seminars and pilot projects on major aspects of interventions;
4. the establishment and dispatch of assessment and/or coordination teams;
5. the establishment and management of a Monitoring and Information Centre (MIC), which is accessible and able to react immediately 24 hours a day and serving the Member States and the Commission for the purposes of the Mechanism;
6. the establishment and management of a Common Emergency Communication and Information System (CECIS) to enable communication and sharing of information between the MIC and the contact points of the Member States;
7. contributing to the development of detection and early warning systems for disasters which may affect the territory of the Member States, in order to enable a rapid response by the Member States and the Community, as well as to their establishment through studies and assessments on the need for and feasibility of those systems and through actions to promote their interlinkage and their linkage to the MIC and the CECIS. Those systems shall take into account and build upon existing information, monitoring and detection sources;
8. supporting Member States in obtaining access to equipment and transport resources by:

- (a) providing and sharing information on equipment and transport resources that can be made available by the Member States, with a view to facilitating the pooling of such equipment or transport resources;
 - (b) assisting Member States to identify, and facilitating their access to, transport resources that may be available from other sources, including the commercial market;
 - (c) assisting Member States to identify equipment that may be available from other sources including the commercial market;
9. complementing the transport provided by Member States by providing additional transport resources necessary for ensuring a rapid response to major emergencies;
 10. supporting consular assistance to EU citizens in major emergencies in third countries regarding civil protection activities if requested by the consular authorities of the Member States;
 11. other supporting and complementary action necessary in the framework of the Mechanism as mentioned in Article 4 of Council Decision 2007/162/EC, Euratom of 5 March 2007 establishing a Civil Protection Financial Instrument ⁽¹⁾.

Article 3

For the purpose of this Decision, the following definitions shall apply:

1. 'major emergency' means any situation which has or may have an adverse impact on people, the environment or property and which may result in a call for assistance under the Mechanism;
2. 'response' means any action taken under the Mechanism during or after a major emergency to address its immediate consequences;
3. 'preparedness' means a state of readiness and capability of human and material means enabling them to ensure an effective rapid response to an emergency, obtained as a result of action taken in advance;
4. 'early warning' means the timely and effective provision of information that allows action to be taken to avoid or reduce risks and ensure preparedness for an effective response;

⁽¹⁾ OJ L 71, 10.3.2007, p. 9.

5. 'module' means a self-sufficient and autonomous predefined task- and needs-driven arrangement of Member States' capabilities or a mobile operational team of the Member States representing a combination of human and material means, that can be described in terms of its capacity for intervention or by the task(s) it is able to undertake.

CHAPTER II

Preparedness

Article 4

1. Member States shall identify in advance intervention teams or modules within their competent services and, in particular, their civil protection services or other emergency services, which might be available for intervention or could be established at very short notice and be dispatched, generally within 12 hours following a request for assistance. They shall take into account that team or module composition should depend on the type of major emergency and on particular needs in that emergency.

2. Member States shall select experts who can be called on to serve on the site of an emergency in an assessment and/or coordination team.

3. Member States shall work on a voluntary basis towards developing modules, in particular to meet priority intervention or support needs under the Mechanism, that:

(a) are made up of the resources of one or more States participating in the Mechanism;

(b) are able to perform tasks in the areas of response;

(c) are able to perform their tasks in accordance with acknowledged international guidelines and therefore able:

(i) to be dispatched at very short notice following a request for assistance;

(ii) to work self-sufficiently and autonomously for a given period of time if circumstances on site require it;

(d) are interoperable with other modules;

(e) have undertaken training and exercises in order to meet the interoperability requirements under points (a) and (d);

(f) are placed under the authority of a person who is responsible for their operation;

(g) are able to provide assistance to other EU bodies and/or international institutions, especially the United Nations.

4. Member States shall consider the possibility of providing, as required, other intervention support which might be available from the competent services, such as specialised personnel and equipment to deal with a particular emergency, and of calling upon resources which may be provided by non-governmental organisations and other relevant entities.

5. Member States wishing to do so, may, subject to appropriate security constraints, provide information about relevant military assets and capabilities that could be used as a last resort as part of the civil protection assistance through the Mechanism, such as transport and logistical or medical support.

6. Member States shall provide relevant general information on the teams, experts, modules and other intervention support referred to in paragraphs 1 to 4 of this Article within six months of the adoption of this Decision, and promptly update this information when necessary, as well as on medical resources referred to in Article 5(6).

7. Member States, supported by the Commission if they so request, shall take the necessary measures to ensure the timely transport of the civil protection assistance they offer.

8. Member States shall designate the contact points and inform the Commission accordingly.

Article 5

The Commission shall carry out the following tasks:

1. establishing and managing the MIC;

2. establishing and managing the CECIS;

3. contributing to the development detection and early warning systems for disasters as provided for in Article 2(7);

4. establishing the capability to mobilise and dispatch, as quickly as possible, small teams of experts responsible for:

(a) assessing the civil protection needs of the State requesting assistance in view of the assistance available from the Member States and the Mechanism;

(b) facilitating, when necessary, coordination of civil protection assistance operations on site and liaising, when necessary and appropriate, with the competent authorities of the State requesting assistance;

5. setting up a training programme, with a view to enhancing the coordination of civil protection assistance intervention by ensuring compatibility and complementarity between the intervention teams and modules referred to in Article 4(1) or as appropriate other intervention support as referred to in Article 4(4), and by improving the competence of the experts referred to in Article 4(2). The programme shall include joint courses and exercises and an exchange system whereby individuals may be seconded to other Member States;
6. pooling and compiling in the event of a major emergency, information on the capabilities of the Member States for maintaining a production of serums and vaccines or other necessary medical resources and on the stocks thereof which might be available for intervention;
7. setting up a programme of lessons learned from the interventions conducted within the framework of the Mechanism and disseminating these lessons through the information system;
8. stimulating and encouraging the introduction and use of new technologies for the purpose of the Mechanism;
9. taking the measures listed in Article 2(8) and (9);
10. establishing the capability to provide basic logistical support for assessment and/or coordination experts;
11. taking any other supporting and complementary action necessary in the framework of the Mechanism as mentioned in Article 4 of Decision 2007/162/EC, Euratom.

CHAPTER III

Response

Article 6

1. In the event of a major emergency within the Community, or of an imminent threat thereof, which causes or is capable of causing transboundary effects, the Member State in which the emergency has occurred shall, without delay, notify the Commission and those Member States which may be affected by the emergency.

The first subparagraph shall not apply where the obligation of notification has already been addressed under relevant legislation of the European Community or the European Atomic Energy Community or existing international agreements.

2. In the event of a major emergency within the Community, or of an imminent threat thereof, which may result in a call for assistance from one or more Member States, the Member State in which the emergency has occurred shall, without delay,

notify the Commission, when a possible request for assistance through the MIC can be anticipated, in order to enable the Commission, as appropriate, to inform the other Member States and activate its competent services.

3. The notifications referred to in paragraphs 1 and 2 shall, as appropriate, be made through the CECIS.

Article 7

1. Where a major emergency occurs within the Community, a Member State may request assistance through the MIC or directly from the other Member States. The request shall be as specific as possible.

2. In the case of a request for assistance through the MIC, the Commission shall, upon receiving such a request, as appropriate and without delay:

(a) forward the request to the contact points of the other Member States;

(b) facilitate the mobilisation of teams, experts, modules and other intervention support;

(c) collect validated information on the emergency and disseminate it to the Member States.

3. Any Member State to which a request for assistance is addressed shall promptly determine whether it is in a position to render the assistance required, and inform the requesting Member State thereof, either through the MIC or directly, indicating the scope and terms of any assistance it might render. If a Member State informs the requesting Member State directly, it shall also inform the MIC accordingly. The MIC shall keep the Member States informed.

4. The requesting Member State shall be responsible for directing assistance interventions. The authorities of the requesting Member State shall lay down guidelines and, if necessary, define the limits of the tasks entrusted to the intervention teams or modules. The details of the execution of those tasks shall be left to the person in charge appointed by the Member State rendering assistance.

5. Where the requesting Member State asks the intervention teams to direct the intervention on its behalf, the teams or modules provided by the Member States and the Community shall endeavour to coordinate their interventions.

6. Where assessment and/or coordination teams are dispatched, they shall facilitate coordination between intervention teams and liaise with the competent authorities of the requesting Member State.

Article 8

1. In the event of a major emergency occurring outside the Community, Article 7 may also, upon request, be applied in respect of civil protection assistance interventions outside the Community.

Such interventions may either be conducted as an autonomous assistance intervention or as a contribution to an intervention led by an international organisation.

The scope of the coordination arrangements contained in this Article shall only include assistance channelled through the Mechanism.

The measures taken pursuant to this Article shall be without prejudice to the measures adopted under Title V of the Treaty on European Union.

2. Where civil protection assistance as referred to in paragraph 1 is provided in response to a request distributed through the MIC, the Member State holding the Presidency of the Council of the European Union (hereinafter referred to as the Presidency) shall ensure the overall coordination of the civil protection assistance interventions while respecting the operational coordination role of the Commission as set out in paragraph 4.

3. Regarding political and strategic coordination, the Presidency shall in particular:

- (a) assess the appropriateness of the possible use of the Mechanism as a tool for facilitating and supporting crisis management;
- (b) where it deems it necessary, establish relations with the affected third country at political level and liaise with that country at all stages of the emergency in respect of the overall political and strategic framework of the assistance intervention.

Where appropriate, the Presidency may request another Member State to take responsibility, in whole or in part, for political and strategic coordination or request the Commission to support that coordination.

4. Operational coordination shall be undertaken by the Commission in close cooperation with the Presidency within the framework of the political and strategic coordination referred to in paragraph 3. Operational coordination shall consist of the following activities as appropriate:

- (a) maintaining a continuous dialogue with Member States' contact points in order to ensure an effective and coherent European civil protection contribution through the Mechanism to the overall relief effort, in particular:
 - (i) informing the Member States without delay of the full requests for assistance;
 - (ii) dispatching on site assessment and/or coordination teams to undertake an assessment of the situation and the needs and/or to facilitate the operational coordination on site of the assistance channelled through the Mechanism;
 - (iii) establishing needs assessments in cooperation with the assessment and/or coordination teams and other actors, including other services of the EU;
 - (iv) sharing relevant assessments and analyses with all relevant actors;
 - (v) providing an overview of assistance being offered by Member States and other sources;
 - (vi) advising on the type of assistance required in order to ensure that the civil protection assistance provided is consistent with the needs assessments;
 - (vii) assisting in overcoming any practical difficulties in the delivery of assistance in areas such as transit and customs;
- (b) liaising with the affected third country on technical details such as the precise needs for assistance, the acceptance of offers and the practical arrangements for the local reception and distribution of assistance;
- (c) liaising or cooperating with the United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA) when present and other relevant actors contributing to the overall relief effort in order to maximise synergies, seek complementarities and avoid duplication and gaps;
- (d) liaising with all relevant actors, in particular in the closing phase of the assistance intervention under the Mechanism, to facilitate a smooth handover.

5. Where appropriate, the Commission may, on a case-by-case basis, undertake additional operational tasks with the agreement of the Presidency.

6. The Commission may, in close cooperation with the Presidency, appoint the assessment and/or coordination teams referred to in paragraph 4(a)(ii). The teams shall be composed of experts and a team leader provided by the Member States on a case-by-case basis. The Commission shall select the experts and the leader for this team on the basis of their qualifications and experience, including the level of the Mechanism training undertaken, previous experience of missions under the Mechanism and other international relief work. The selection shall also be based on other criteria, including language skills, so as to ensure that the team as a whole has available the skills needed for the specific situation.

The MIC shall maintain close contact with the assessment and/or coordination teams and provide them with support and guidance.

7. The Presidency and the Commission shall ensure close cooperation and maintain a continuous dialogue at all stages of the emergency regarding the intervention.

The operational coordination shall be fully integrated with the overall coordination provided by UNOCHA, when it is present, and respect its leading role.

Coordination through the Mechanism does not affect bilateral contacts between the participating Member States and the affected country, nor cooperation between the Member States and the United Nations. Such bilateral contacts may also be used to contribute to the coordination through the Mechanism.

Synergies and complementarities shall be sought with other instruments of the Union or the Community. In particular, the Commission shall ensure the complementarity and coherence of actions under the Mechanism and actions financed under Regulation (EC) No 1257/96.

In the event of a major emergency occurring outside the Community, the possible use of military assets and capabilities available to support civil protection should be consistent with the principles of relevant United Nations Guidelines.

8. The coordination roles of the Presidency and the Commission referred to in this Article shall not affect the Member States' competences and responsibility for their teams, modules and other support, including military assets and capabilities. In particular, the coordination by the Presidency and the Commission shall not entail giving orders to Member States' teams, modules and other support, which shall be deployed on a voluntary basis in accordance with the coordination at headquarters level and on site.

9. In order to enable the coordination referred to in paragraphs 1 to 8 and to ensure a comprehensive contribution to the overall relief effort:

- (a) all Member States providing civil protection assistance as referred to in paragraph 1 in response to a request distributed through the MIC shall keep the MIC fully informed of their activities; and
- (b) Member States' teams and modules on site participating in the intervention through the Mechanism shall liaise closely with the MIC coordination and/or assessment teams on site.

Article 9

The Commission may support and complement the civil protection assistance provided by the Member States within the context of the Mechanism by taking the measures listed in Article 2(8) and (9).

CHAPTER IV

Final provisions

Article 10

Participation in the Mechanism shall be open to candidate countries.

Other third countries as well as international or regional organisations may cooperate in activities under the Mechanism where agreements between these third countries or organisations and the Community so allow.

Article 11

For the purposes of applying this Decision, Member States shall appoint the competent authorities and inform the Commission accordingly.

Article 12

The Commission shall, in accordance with the procedures referred to in Article 13(2), establish implementing rules particularly on the following matters:

- 1. resources available for assistance intervention, as provided for in Article 4;
- 2. the MIC, as provided for in Article 2(5);
- 3. the CECIS, as provided for in Article 2(6);

4. the assessment and/or coordination teams, as provided for in Article 2(4), including criteria for the selection of experts;
5. the training programme, as provided for in Article 2(2);
6. the modules as provided for in Article 4(3);
7. the detection and early warning systems as provided for in Article 2(7);
8. information on medical resources, as provided for in Article 5(6);
9. the interventions inside the Community, as provided for in Article 7 as well as the interventions outside the Community, as provided for in Article 8.

Article 13

1. The Commission shall be assisted by the committee set up by Article 13 of Decision 2007/162/EC, Euratom.
2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

Article 14

The Commission shall evaluate the application of this Decision every third year from the date of its notification and transmit the conclusions of that evaluation to the European Parliament and the Council.

The conclusions shall be accompanied, if appropriate, by proposals for amendments to this Decision.

Article 15

Decision 2001/792/EC, Euratom shall be repealed.

References to the repealed Decision shall be construed as references to this Decision and shall be read in accordance with the correlation table in the Annex.

Article 16

This Decision is addressed to the Member States.

Done at Brussels, 8 November 2007.

For the Council

The President

R. PEREIRA

ANNEX

Correlation table

Council Decision 2001/792/EC, Euratom	This Decision
Article 1(1)	Article 1(1)
Article 1(2), first and second subparagraphs	Article 1(2), first and second subparagraphs
Article 1(2), third subparagraph	Recital 4, second sentence
Article 1(3), introductory sentence	Article 2, introductory sentence
Article 1(3), first indent	Article 2, point (1)
Article 1(3), second indent	Article 2, point (2)
Article 1(3), third indent	Article 2, point (3)
Article 1(3), fourth indent	Article 2, point (4)
Article 1(3), fifth indent	Article 2, point (5)
Article 1(3), sixth indent	Article 2, point (6)
—	Article 2, point (7)
—	Article 2, point (8)
—	Article 2, point (9)
—	Article 2, point (10)
Article 1(3), seventh indent	Article 2, point (11)
—	Article 3
Article 2(1)	Article 6(1) and (2)
Article 2(2)	Article 6(3)
Article 3, introductory sentence	—
Article 3, point (a)	Article 4(1)
Article 3, point (b)	Article 4(2)
—	Article 4(3)
Article 3, point (c)	Article 4(6)
Article 3, point (d)	Article 4(4)
—	Article 4(5)
—	Article 4(7)
Article 3, point (e)	Article 4(8) and Article 11
Article 4, introductory sentence	Article 5, introductory sentence
Article 4, point (a)	Article 5, point (1)
Article 4, point (b)	Article 5, point (2)
—	Article 5, point (3)
Article 4, point (c)	Article 5, point (4)
Article 4, point (d)	Article 5, point (5)
Article 4, point (e)	Article 5, point (6)

Council Decision 2001/792/EC, Euratom	This Decision
Article 4, point (f)	Article 5, point (7)
Article 4, point (g)	Article 5, point (8)
Article 4, point (h)	Article 5, point (9)
—	Article 5, point (10)
—	Article 5, point (11)
Article 5(1)	Article 7(1) and (2)
Article 5(2)	Article 7(3)
Article 5(3)	Article 7(4)
Article 5(4)	Article 7(5)
Article 5(5)	Article 7(6)
Article 6, first subparagraph	Article 8(1)
Article 6, second subparagraph	Article 8(2) to (9)
—	Article 9
Article 7	Article 10, first subparagraph
—	Article 10, second subparagraph
Article 8(1)	—
Article 8(2), introductory sentence	Article 12, introductory sentence
Article 8(2)(a)	Article 12, point (1)
Article 8(2)(b)	Article 12, point (2)
Article 8(2)(c)	Article 12, point (3)
Article 8(2)(d)	Article 12, point (4)
Article 8(2)(e)	Article 12, point (5)
—	Article 12, point (6)
—	Article 12, point (7)
Article 8(2)(f)	Article 12, point (8)
Article 8(2)(g)	Article 12, point (9)
Article 9(1)	Article 13(1)
Article 9(2)	—
Article 9(3)	Article 13(2)
Article 9(4)	—
Article 10	Article 14
—	Article 15
Article 11	—
Article 12	Article 16

COUNCIL DECISION**of 26 November 2007****amending Decision 2003/17/EC on the equivalence of field inspections carried out in third countries on seed-producing crops and on the equivalence of seed produced in third countries****(Text with EEA relevance)**

(2007/780/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed ⁽¹⁾, and in particular Article 16(1) thereof,Having regard to Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed ⁽²⁾, and in particular Article 16(1) thereof,Having regard to Council Directive 2002/54/EC of 13 June 2002 on the marketing of beet seed ⁽³⁾, and in particular Article 23(1) thereof,Having regard to Council Directive 2002/57/EC of 13 June 2002 on the marketing of seed of oil and fibre plants ⁽⁴⁾, and in particular Article 20(1) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) Council Decision 2003/17/EC ⁽⁵⁾ provides that for a limited period field inspections carried out in third countries on seed-producing crops of certain species are considered as equivalent to field inspections carried out in accordance with Community legislation and that seed of certain species produced in third countries is considered as equivalent to seed produced in accordance with Community legislation.

(2) It appears that those field inspections continue to afford the same guarantees as those carried out by the Member States. Those field inspections should therefore continue to be considered as equivalent.

(3) As Decision 2003/17/EC will expire on 31 December 2007, the period for which equivalence is recognised under that Decision should be extended. It appears desirable to limit that period to five years.

(4) Decision 2003/17/EC should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

In Article 6 of Decision 2003/17/EC, '31 December 2007' shall be replaced by '31 December 2012'.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 26 November 2007.

For the Council
The President
J. SILVA

⁽¹⁾ OJ L 125, 11.7.1966, p. 2298. Directive as last amended by Directive 2004/117/EC (OJ L 14, 18.1.2005, p. 18).

⁽²⁾ OJ L 125, 11.7.1966, p. 2309. Directive as last amended by Commission Directive 2006/55/EC (OJ L 159, 13.6.2006, p. 13).

⁽³⁾ OJ L 193, 20.7.2002, p. 12. Directive as last amended by Directive 2004/117/EC.

⁽⁴⁾ OJ L 193, 20.7.2002, p. 74. Directive as last amended by Directive 2004/117/EC.

⁽⁵⁾ OJ L 8, 14.1.2003, p. 10. Decision as last amended by Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p. 1).

COMMISSION

COMMISSION DECISION

of 21 August 2007

declaring a concentration compatible with the common market and the functioning of the EEA Agreement

(Case COMP/M.4523 — Travelport/Worldspan)

(notified under document number C(2007) 3938)

(Only the English text is authentic)

(Text with EEA relevance)

(2007/781/EC)

On 21 August 2007 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⁽¹⁾, and in particular Article 8(1) of that Regulation. A non-confidential version of the full decision can be found in the authentic language of the case and in the working languages of the Commission 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) Travelport LLC, a subsidiary of the Blackstone Group (Blackstone, USA), operates Galileo — a global distribution system (GDS) and Gulliver's Travel Associates. In addition, Travelport operates a number of online travel agencies and websites, including ebookers, Orbitz, Cheaptickets, Octopus Travel, HotelClub and RatesToGo.
- (2) Worldspan Technologies Inc. (Worldspan) provides travel distribution services through the Worldspan GDS. The company focuses on providing GDS services to on-line and, more recently also traditional travel agencies, primarily in the leisure sector. Furthermore, Worldspan provides IT services to airlines (e.g. internal reservation systems and flight operations technology services).
- (3) Pursuant to the operation, based on a referral pursuant to Article 4(5) of Council Regulation (EC) No 139/2004 (the Merger Regulation) Travelport acquires within the meaning of Article 3(1)(b) of the Merger Regulation control of the whole of Worldspan by way of purchase of shares.
- (4) The Commission's market investigation has revealed 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

II.1. Relevant Product Market and Possible Alternative Market Definitions

- (5) In previous cases, the Commission has defined a GDS as a tool provided to travel agencies (TAs) in order to allow them to obtain information and make reservations related to travel service providers (TSPs), i.e. airlines, hotels and rental car firms, who in turn supply the GDS with data on the products they provide.
- (6) The product market affected by this transaction is defined in the Decision as the market for electronic travel distribution services through a GDS. This market is of a two-sided nature, with two separate customer categories. GDS providers act as intermediaries, allowing on the one hand TSPs, (upstream of the GDS provider) to distribute their travel content to TAs and ultimately to end-consumers and on the other hand TAs (downstream of the GDS provider) to access and book travel content for the end-consumers. The in-depth investigation has confirmed these characteristics of the product market.
- (7) The Commission has assessed whether — as the notifying party has stated — the relevant product market consists not only of the GDS providers themselves but also of alternative technologies by which GDS providers can be by-passed and their use avoided. These alternatives are (i) meta search engines, (ii) direct links, (iii) so-called 'GDS New Entrants' (GNEs) and the (iv) 'supplier.com'.

⁽¹⁾ OJ L 24, 29.1.2004, p. 1.

- (8) The inclusion of the first three in the relevant product market is dismissed in the Decision, since the in-depth investigation has clearly shown that they are either not real GDS substitutes, or that their presence and/or impact in the EEA is very limited. In order to determine whether the services provided via 'supplier.com' are substitutable to GDS services and would be part of the same product market, a complex assessment covering both sides of the market has been carried out.
- (9) On the upstream side of the market, 'supplier.com' allow TSPs to significantly reduce their average and marginal distribution costs, since they ultimately save the booking fee charged by the GDS as well as the possible booking commission paid to the TA doing the GDS booking.
- (10) Conventional airlines are thus able to compete better with Low Cost Carriers (LCCs), whose main channel is 'supplier.com'. An additional incentive for TSPs to promote 'supplier.com' is the fact that comparison-shopping between TSPs by the end user becomes more difficult as individual web-sites have to be consulted. This partially explains the growth of supplier.com in recent years. According to IATA data, on average, 25 % of all bookings of the 20 largest airlines in the EEA were direct bookings in 2005 (compared to 20 % in 2004 and 16 % in 2003).
- (11) The in-depth investigation has shown that the extent to which TSPs are able to shift bookings away from GDS providers to their 'supplier.com' varies considerably, according to the business model chosen by the TSP. It is also dependent on the size and behavioural profile of its end-consumer base, which is to some extent 'captive' to travel content distribution through a GDS.
- (12) On the downstream side of the market, when booking through a GDS, TAs receive substantial incentive payments by the GDS providers but also possible booking commissions paid by the TSPs. This revenue will be lost if TAs book through a 'supplier.com'. In order to compensate this loss of revenue, TAs would need to charge the end-user a service fee (which in its turn gives the end-user the incentive to book his tickets himself via 'supplier.com' instead of the TA, further decreasing the revenues of the TA). Therefore, the Commission concludes in the Decision that TAs have strong incentives to keep using a GDS and not to substitute bookings via GDS with bookings via 'supplier.com'. The Commission in-depth investigation has also confirmed that TAs consider that using 'supplier.com' is cumbersome and lacks the versatility of inventory and price comparability offered by GDSs.
- (13) Considering that substitution upstream is only partial, leaving substantial volumes of TSP's bookings 'captive' for the GDS providers and the fact that downstream substitution is very limited, the Decision concludes that 'supplier.com' should not be included in the relevant product market in which GDS-providers are active.
- (14) The Decision recognises however that the rapid uptake of 'supplier.com' has an impact on the competitive conditions in the market for GDS services and constrains the market behaviour of the merged firms.

II.2. Relevant Geographic Markets

- (15) The Decision defines the geographic market delineation of the upstream side of the market as EEA-wide. The global agreements between TSPs and GDSs normally include separate regional pricing schemes for the EEA, the US and other parts of the world. Booking fees paid by TSPs for a booking made in a GDS are substantially higher in the EEA than in the U.S. Moreover, the EEA market is regulated by the EU Code of Conduct, whereas the US market was deregulated in 2006. Finally, the market shares of the GDS providers vary substantially depending on the region and the country concerned. Therefore, the Commission concludes in the Decision that the competitive conditions in the EEA and the US differ significantly.
- (16) The Decision defines the downstream side of the market as national in scope, since market shares of the GDS providers vary significantly between Member States. This is in line with previous Commission Decisions and is confirmed by the market investigation. Almost all TAs — often including online TAs — are still active in only one country, with the exception of a few TAs which have pan-European (or worldwide) activities. The subscription fees that TAs pay for the use of a GDS and the incentive payments they receive also vary between countries within the EEA. In addition, Amadeus and Galileo have established national sales and service points in almost all EEA Member States, in order to better serve the specific national markets.

II.3. Competitive Assessment of theories of harm

II.3.1. The theories of harm

- (17) In its Decision of 3 May 2007, the Commission found that the notified concentration raised serious doubts as to its compatibility with the common market and the functioning of the EEA agreement. The Commission accordingly initiated proceedings pursuant to Article 6(1)(c) of the Merger Regulation.

(18) In the Article 6(1)(c) Decision it was argued that the merger could theoretically lead to non-coordinated as well as coordinated effects. As regards non-coordinated effects, the Commission identified three theories of harm which it considered *prima facie* plausible. In addition to assessing the risk for coordinated effects, the Commission focused its in-depth investigation of non-coordinated effects on assessing whether:

- (i) the merger would allow the parties to use their strong market position downstream *vis à vis* TAs in order to increase prices *vis à vis* TSPs upstream (vertical cross market effects);
- (ii) the merger would eliminate Worldspan as the alleged 'pricing Maverick' and therefore lead to post-merger price increases;
- (iii) the merger would allow the parties to exploit their post-merger market power *vis à vis* TAs in Member States in which Galileo/Worldspan would have high market shares.

II.3.2. Vertical cross-market effects (multi-homing vs. single-homing)

(19) During the initial stage of the investigation, concerns were raised that Galileo/Worldspan would be able to leverage its post-merger market power *vis à vis* TAs in a number of national downstream markets, in order to strengthen its bargaining power in relation to TSPs operating on the upstream EEA market. This possibility to leverage market power may be labelled as a 'vertical cross-market effect'. Such an effect could be described as follows.

(20) After the merger, Galileo/Worldspan would obtain large market shares with significant increments on the downstream side of the market in Ireland, the UK, Italy, the Netherlands, Hungary and Belgium (see section on the downstream side of the market below).

(21) If a TSP has a particular interest in having an extensive distribution network in a Member State where the merged firm would have a broad TA network, Galileo/Worldspan could possibly leverage its downstream market share in that Member State in order to gain concessions from the TSP when negotiating a worldwide agreement. In other words, the bargaining

position of the merged firm *vis à vis* TSPs could result in greater market power than Galileo/Worldspan's upstream market share of (20 to 30 %) in the EEA would suggest. This bargaining power could possibly allow the combined entity to raise prices unilaterally post merger.

(22) The market for GDS services is characterised by a platform facing 'multi-homing' on one side and 'single-homing' on the other. TSPs generally use 'multi-homing', as they have to distribute their content via all four GDSs in order to obtain the desired market coverage, whereas most TAs use 'single-homing', as one GDS suffices in most cases to provide them with the needed TSP content.

(23) As long as TAs use 'single-homing', GDS providers have exclusive access to TAs belonging to their respective TA networks. Each GDS provider therefore has a certain degree of monopoly power in relation to TSPs that need to reach the TAs exclusively connected to one GDS. This monopoly power allows the GDS provider to charge higher prices to TSPs. These 'monopoly rents' extracted from TSPs are to a large extent used to cover the financial incentives granted to TAs.

(24) The Commission has however found that the bargaining interaction between GDS providers and customers on both sides of the market has started to change. TSPs and TAs have recently increased their bargaining strength relative to GDS providers. These changes in the relative bargaining power result from (i) a consolidation among TAs, (ii) the introduction of direct bookings via 'supplier.com' and (iii) surcharges imposed by TSPs.

(25) Apart from the threat to withhold travel content via 'supplier.com', TSPs have developed an additional tool to put pressure on GDSs. By applying, or threatening to apply surcharges to TAs, TSPs may influence the use of a specific GDS and make it lose volumes in favour of either 'supplier.com' or another GDS.

Impact of the merger

(26) The reduction in the number of GDS providers is unlikely to lead to price increases as a result of 'vertical cross-market effects' of the market for the following reasons.

(27) On the TSP side, the in-depth investigation confirms that TSPs are capable to force GDS providers to lower their prices in exchange for full content, or alternatively, in order to avoid surcharges being applied on their contracted TAs. Airlines in particular have developed a number of bargaining tools (especially, but not only, 'supplier.com') allowing them to retain part of their surplus in the negotiation with GDS providers. Even in a situation with only three GDS providers, none of them will be able to increase prices because TSPs will maintain a strong enough bargaining power, based on (i) the capacity to channel bookings towards the 'supplier.com' websites, (ii) the surcharges imposed on TAs, (iii) the brand recognition in the home market(s) and (iv) the possibility to develop new bargaining tools in the future. Therefore, the Commission concludes in the Decision that a reduction in the number of GDS providers from four to three does not increase the likelihood of unilateral price increases as a result of 'vertical cross-market effects'.

(28) This conclusion also applies to other TSPs, such as rental car companies and hotel chains.

(29) On the TA side, a sufficient number of GDS platforms will remain available to TAs and switching costs are not an insurmountable obstacle to choosing another GDS provider. The fact that GDS providers need to create and maintain a sufficiently broad network of TAs in order to generate demand on the TSP side, leaves TAs in a favourable bargaining position vis à vis GDS providers even after the elimination of one of them.

(30) In the Decision, the Commission concludes that these elements (effective bargaining power of the TSPs and on-going or possible development of additional bargaining tools) suffice to counter the potentially detrimental effect of the merger in terms of the reduction from four to three GDS providers as well as the potential occurrence of vertical cross-market effects.

II.3.3. Loss of Worldspan as 'pricing maverick'

(31) A second theory of harm investigated by the Commission relates to Worldspan acting as a 'price maverick' in the EEA, charging lower prices than its competitors (Galileo, Sabre and Amadeus). During the market investigation, concerns had been expressed that, following the loss of competition between the merging firms, Worldspan's prices would be increased and aligned to those charged by Galileo.

(32) The Commission's in-depth investigation shows however, that this theory of harm cannot be upheld. In order to conclude that the merger would be likely to lead to significant post-merger price increases by Worldspan it would have to be shown that pre-merger Worldspan's prices are significantly lower than those of its competitors, in particular Galileo, and that the merging parties would have the incentives and ability to increase Worldspan's prices post-merger.

II.3.3.1. Worldspan is not charging lower prices

(33) The notifying party submitted a comparison of the merging parties' most basic types of booking for 2006: Galileo's 'Active Net Segment' with Worldspan's 'Full Service'. This shows that Worldspan's list price is actually [...] than Galileo's list price for [...] types of 'Full Service' booking alternatives. Further, if Worldspan's fees for each booking category are weighted as an average across all bookings according to the relative weight of each of the four categories of Worldspan pricing under its 'Full Service' functionality level, the result is USD [...], while Galileo's Active Net Segment price for 2006 is USD [...].

(34) The Commission therefore concludes in the Decision that in most cases Worldspan is not the lowest priced GDS for TSPs. Generally, there is always a cheaper alternative present on the market than Worldspan.

II.3.3.2. Worldspan has lost market share

(35) Another reason why, according to the notifying party, Worldspan does not qualify as a price maverick, is because its alleged low pricing policy has not allowed Worldspan to aggressively expand its market presence. The notifying party argues that, on the contrary, as the smallest GDS in the EEA for more than five years, Worldspan's market share in the EEA has not showed any signs of growth.

(36) The evolution of Worldspan's market share between 2003 and 2006 shows a decrease by (0 to 5 %) in the upstream market (EEA). In relation to the downstream market, Worldspan's market shares have remained relatively stable, with annual average increases/decreases of approximately (0 to 5 %) or less, with the exception of Hungary, where growth took place between 2004 and 2005. Contrary to what one would expect from a company which is alleged to be a maverick, Worldspan's markets shares do not show general signs of growth.

- (37) Finally, according to the notifying party, Worldspan can not be considered as a price maverick in the EEA, since it acts rather as a price taker than as a price setter. The notifying party refers *inter alia* to the fact that other GDSs were first in the EEA in concluding full content agreements with five of the major EEA airlines. This is confirmed by the in-depth investigation.

II.3.3.3. Galileo/Worldspan are not each others' closest competitors

- (38) The notifying party considers that the scope for price increases by Worldspan's prices post merger is further decreased by the fact that Galileo and Worldspan are not each others' closest competitors on the EEA market.
- (39) The in-depth investigation confirms that Galileo is generally perceived by TSPs as stronger in corporate travel, while Worldspan is stronger in leisure travel and on-line TAs. Downstream, the vast majority of the TAs considers Amadeus as the closest competitor of both Galileo and Worldspan.

II.3.3.4. There are no incentives for Worldspan to increase its prices post-merger and align them to Galileo's prices

- (40) The fact that the merging parties are not each others' closest competitors reduces the incentives for the parties to increase Worldspan's prices post-merger. Moreover, the decreasing pre-merger margins of the parties indicate that the scope for higher post-merger prices is limited.
- (41) The likelihood of higher post-merger prices upstream is further reduced by the fact that such a price increase would trigger a potential withdrawal of content from Worldspan's GDS by the TSPs or the imposition of surcharges by the TSPs on TAs which use Worldspan.
- (42) In summary, the Commission's in-depth investigation shows that there is insufficient evidence to conclude that Worldspan charges lower prices than its competitors and that it would act as a price maverick. As a result, the Decision concludes that it is unlikely that the transaction would lead to an increase of Worldspan's prices.

II.3.4. Very large market shares of the parties on the downstream side of the market

- (43) As regards the downstream side of the market, the transaction would lead to high market shares (above 40 %) in

six Member States, with significant increments. In these six Member States the market shares in 2006 range from (40 to 50 %) to (70 to 80 %).

Member State	Galileo	Worldspan	Combined market share
Belgium	[20-30]	[10-20]	[40-50]
Hungary	[20-30]	[20-30]	[50-60]
Ireland	[50-60]	[10-20]	[70-80]
Italy	[40-50]	[0-10]	[40-50]
The Netherlands	[30-40]	[20-30]	[50-60]
United Kingdom	[40-50]	[10-20]	[50-60]

- (44) The size of the high combined market shares in these six Member States could potentially allow the parties to behave independently of their competitors and customers post-merger and exploit their commercial relationship with TAs.

- (45) However, the in-depth investigation shows that the merger will not allow the merged firms to exert market power on the TAs in those national markets where the transaction will lead to high joint market shares.

II.3.4.1. Downward trend of Galileo's market share

- (46) The notifying party argues that Galileo has lost significant market shares in each of the Member States where traditionally it had an important share, due to historical links with national carriers.
- (47) The decrease in Galileo's market shares would, according to the notifying party, demonstrate that Galileo's above average market share does not reflect market power. The transaction is unlikely to reverse the declining trend in Galileo's market share, especially given Worldspan's marginal role at an EEA level and its documented inability to improve its market position on the EEA market over the years.
- (48) The trend in Galileo's market shares as well as the marginal role played by Worldspan at EEA level have been confirmed by the in-depth investigation.

- (49) TAs are in general net receivers as they receive more financial incentives from GDSs than they pay in subscription fees to the GDSs. Incentive payments have consistently increased over the last five years, including in those Member States where the parties have high market shares (above 40 %). The in-depth investigation showed that during the period 2003/2006 TA revenues have in general increased whereas the evolution of their gross margins is positive.
- (50) This development shows the importance of TAs to GDSs and reflects the general view among the respondents to the in-depth investigation that competition between GDSs on the downstream market is strong.

II.3.4.2. Switching costs

- (51) An additional reason why the transaction is unlikely to result in price increases on the downstream market is related to the fact, as confirmed by the in-depth investigation, that switching costs are not insurmountable impediments to switching.
- (52) Although the quantification of switching costs is difficult, both in terms of time and training needed, as well as in financial terms, some general conclusions may be drawn from the in-depth investigation. Small TAs need one or several weeks to change from one GDS to another; the training needs are not significant and their productivity is not negatively affected by the change. However, large TAs estimate the time needed to switch to approximately 12 months at a significant financial cost (more than EUR 1 million). Also the needs in terms of training are higher. In particular cases (e.g. because of technical aspects of the change), the financial cost as well as the timing needed may be even higher.
- (53) Whereas the in-depth investigation confirmed that switching costs exist, it also showed that they have not prevented significant switching in the past. In the period 2003 to 2006, several TAs moved from Galileo to Amadeus. In addition, Worldspan lost two of its major customers in this period, [...] and [...].
- (54) Even if switching cost exist, it seems unlikely that the transaction would lead to competition concerns due to the parties' high combined market shares downstream. This is because of (i) the negative evolution of the parties' joint market shares, (ii) the intense competition between GDSs, even on national markets where they have high market shares downstream, as evidenced by the increase over time in incentives paid to TAs in such national markets and (iii) the generally positive views of the TAs on the merger which is based on their conviction that the merger will create a strong alternative to Amadeus.

- (55) Therefore, the Commission concludes in the Decision that non-coordinated effects are unlikely to be created as a result of the merger with respect to the downstream markets.

II.3.5. Coordinated effects

- (56) Furthermore, the in-depth investigation further analysed the possibility of coordinated effects on both the upstream and downstream side of the GDS market.

II.3.5.1. Upstream

Reaching terms of coordination

- (57) Generally, the less complex and the more stable the economic environment, the easier it is for companies to reach a common understanding on the terms of coordination. In this context volatile demand, substantial internal growth by some firms in the market or frequent entry by new firms may indicate that the situation is not sufficiently stable to make coordination likely.
- (58) Although during the last five years no significant GDS market entry took place, the market share evolution of the last five years confirms that the economic environment in which the GDSs compete in the EEA has been subject to considerable change.
- (59) Further, the growth of 'supplier.com' during the last five years should be taken into account as a destabilising factor in reaching terms of coordination in the GDS market. The market investigation also confirmed that most airlines foresee a further growth of their direct sales via 'supplier.com'. For rental car companies and hotels the distribution of travel content by means of GDS represents a relatively small part of their bookings.
- (60) Even if the above circumstances do not totally rule out the possibility of reaching terms of coordination between the three remaining GDSs on the upstream market, the Commission concludes in the Decision that these circumstances would render such coordination more difficult and thus unlikely.

Monitoring of deviations

- (61) Only the credible threat of timely and sufficient retaliation keeps companies away from deviating from terms of coordination. This requires that markets are sufficiently transparent to allow coordinating companies to monitor to a sufficient degree whether companies are deviating.

(62) Although, the services offered by a GDS are of a rather homogeneous nature, the pricing structure and the product offerings of all GDSs are complex. Currently, in the EEA, GDSs apply different types of agreements in parallel, i.e. standard Participating Carrier Agreements (PCAs) and full content agreements, sometimes complemented by 'opt-in' agreements. The differences in and variety of both the pricing structures and the product offerings in these agreements make sustained coordination impracticable. The transparency on the market that remains is further reduced by the fact that GDSs modify product offerings and price structures on a regular basis.

(63) Although it would appear from the market investigation that the contracts between GDSs and rental car companies and hotels seem less complex in structure, they would still not provide the level of transparency which would make coordination feasible.

(64) A number of respondents to the market investigation pointed to the existence of so-called 'Most Favoured Nation' (MFN) clauses in their agreements with GDSs. The use of these clauses might increase price transparency. It was confirmed however by the market investigation, that in most cases the MFN clauses relate to the obligation on the TSPs to provide the GDS content parity, and are therefore merely a reflection of the obligations laid down in the Code of Conduct.

(65) Considering the characteristics of the relevant markets, and in particular, the limited degree of transparency, the Commission considers in the Decision that it would be difficult for the three remaining GDSs to effectively monitor deviations from the coordinated behaviour.

Deterrent mechanisms

(66) Coordination is not sustainable unless the consequences of deviation are sufficiently severe to convince coordinating companies that it is in their best interest to adhere to the terms of the coordination.

(67) Immediate retaliation through the reduction by the coordinating GDSs of the fees charged to TSPs would be ineffective to retaliate against the deviating GDS, since it would not provoke switching behaviour by TSPs, considering that they need the services of all four GDSs.

(68) A more realistic retaliatory measure would be for a GDS to offer certain important TAs who use the services of the deviating GDS higher incentives or direct lump sum payments in order to provoke a switch from the

deviating GDS to a different GDS. Although such measures would be possible, it would be a costly strategy as the incentive payments offered to the TAs has to be sufficiently large to provoke TAs to switch of GDSs.

(69) The Commission therefore concludes in the Decision that retaliation by means of increased incentive payments to TAs cannot be excluded by itself.

Reactions of outsiders

(70) For coordination to be successful, the actions of non-coordinating companies and potential competitors, as well as customers, should not be able to jeopardise the outcome expected from the coordination.

(71) In the present case there would seem to be significant competitive constraints present on the market which would destabilise any attempt at coordination. These constraints would in particular stem from the possibility of TSPs to withhold content and make this content only available via a direct distribution channel such as 'supplier.com'. In addition, coordination leading to price increases could provoke TSPs in the EEA to invest more in the development of alternatives to GDSs such as GNE's and direct links.

(72) Considering the circumstances described above and the fact that the criteria that have to be fulfilled in order to show coordinated effects are cumulative, the merger is unlikely to result in coordinated effects on the EU market for the supply of GDS services to TSPs.

II.3.5.2. Downstream

Reaching terms of coordination

(73) The issue of coordination could in principle also arise on the downstream market which covers the relationship between GDSs and TAs. The downstream markets in the EEA are characterised by significant differences in market shares between the four GDSs on a country by country basis.

(74) Competition between GDSs on the downstream market is strong and does not show signs of coordinated behaviour. During the last [...] years Galileo and Worldspan have lost [...] market shares to Amadeus. Moreover, the market investigation confirms that competition between GDSs for contracts with TAs is currently intense, a fact which is reflected by the increase of the incentive payments by GDSs to TAs over the last five years.

- (75) The above suggests that the market positions of the merging firms on most downstream markets are relatively unstable, a circumstance which would complicate reaching agreement on terms of coordination.

Monitoring of deviations

- (76) The terms and conditions of TA contracts are generally non-transparent since they are negotiated individually between TAs and GDSs. GDSs have no visibility into the complex terms and conditions offered by competing GDSs. Although some price transparency may exist as a result of a possible exchange of information between TAs and GDSs in the context of contract negotiations, the fact that most contracts are individually negotiated would significantly limit the degree of transparency that might result of this. Therefore, the possibilities to successfully monitor coordinated behaviour would seem very limited, because it would require a monitoring of the level of content, functionalities, services, financial assistance, bonuses and other terms and conditions that each GDS offers to individual travel agencies.
- (77) Considering the limited degree of transparency on the downstream side of the market, the Commission concludes in the Decision that it would be difficult for the three remaining GDSs to monitor deviations from the coordinated behaviour.

Deterrent mechanisms

- (78) The deterrent mechanisms that can be applied are essentially the same as the ones discussed in relation to the upstream market.

Reactions of outsiders

- (79) In case of coordinated behaviour, there are not many readily available alternatives for TAs to turn to. The use of 'supplier.com' is too burdensome for TAs and the other alternatives to GDSs are currently not well developed enough in the EEA to constitute adequate alternatives.
- (80) Considering the fact that the criteria that have to be fulfilled in order to show coordinated effects are cumulative, the Commission concludes in the Decision that also on the downstream side of the market the merger is unlikely to result in coordinated effects.

III. CONCLUSION

- (81) The Commission concludes in the Decision 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. Consequently, the Commission intends to declare the concentration 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 30 November 2007

approving annual and multi-annual national programmes and the financial contribution from the Community for the eradication, control and monitoring of certain animal diseases and zoonoses, presented by the Member States for 2008 and following years

(notified under document number C(2007) 5776)

(2007/782/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field ⁽¹⁾, and in particular Article 24(5) thereof,

Whereas:

- (1) Decision 90/424/EEC lays down the procedures governing the Community's financial contribution for programmes for the eradication, control and monitoring of animal diseases and zoonoses.
- (2) In addition, Article 24(1) of Decision 90/424/EEC provides that a Community financial measure is to be introduced to reimburse the expenditure incurred by the Member States for the financing of national programmes for the eradication, control and monitoring of the animal diseases and zoonoses listed in that Decision.
- (3) Council Decision 2006/965/EC of 19 December 2006 amending Decision 90/424/EEC on expenditure in the veterinary field ⁽²⁾ replaced Article 24 to that Decision by a new provision. By way of transitional measures, Decision 2006/965/EC provided that programmes for enzootic bovine leucosis and for Aujeszky's disease could continue to be funded until 31 December 2010.
- (4) Council Decision 90/638/EEC of 27 November 1990 laying down Community criteria for the eradication and monitoring of certain animal diseases ⁽³⁾ provides that in order to be approved under the measures provided for in Article 24(1) of Decision 90/424/EEC, programmes submitted by the Member States must meet the criteria set out in the Annexes to Decision 90/638/EEC.

- (5) Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies ⁽⁴⁾, provides for annual programmes by Member States for monitoring of transmissible spongiform encephalopathies (TSEs) in bovine, ovine and caprine animals.
- (6) Council Directive 2005/94/EC ⁽⁵⁾ on Community measures for the control of avian influenza also provides for surveillance programmes by Member States to be carried out in respect of poultry and wild birds in order to contribute, *inter alia*, on the basis of regularly updated risk-assessments, to the knowledge on the threats posed by the wild birds in relation to any influenza virus of avian origin in birds. Those annual programmes, and their financing, for monitoring should also be approved.
- (7) Certain Member States have submitted to the Commission annual programmes for the eradication, control and monitoring of animal diseases, programmes of checks aimed at the prevention of zoonoses, and annual monitoring programmes for the eradication and monitoring of certain TSEs for which they wish to receive a financial contribution from the Community.
- (8) Certain Member States have also submitted to the Commission multi-annual programmes for the eradication, control and monitoring of the animal diseases, for which they wish to receive a financial contribution from the Community. The Commitment of the expenditure for the multi-annual programmes shall be adopted in accordance with Article 76(3) of Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Union ⁽⁶⁾. For multi-annual programmes the first budget commitment shall be made after their approval. Each subsequent commitment shall be made by the Commission on the basis of the decision to grant a contribution referred to in Article 24(5) of Decision 90/424/EEC.

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

⁽²⁾ OJ L 397, 30.12.2006, p. 22.

⁽³⁾ OJ L 347, 12.12.1990, p. 27. Decision as amended by Directive 92/65/EEC (OJ L 268, 14.9.1992, p. 54).

⁽⁴⁾ OJ L 147, 31.5.2001, p. 1. Regulation as last amended by Commission Regulation (EC) No 727/2007 (OJ L 165, 27.6.2007, p. 8).

⁽⁵⁾ OJ L 10, 14.1.2006, p. 16.

⁽⁶⁾ OJ L 248, 16.9.2002, p. 12.

(9) The Commission has assessed the annual and multi-annual programmes submitted by the Member States from both the veterinary and the financial point of view. Those programmes were found to comply with relevant Community veterinary legislation, and in particular with the criteria set out in Decision 90/638/EEC.

(10) In the light of the importance of those programmes for the achievement of Community objectives in the field of animal and public health, as well as the obligatory application in all Member States in the case of the TSE and avian influenza programmes, it is appropriate to fix the appropriate rate of financial contribution of the Community to reimburse the costs to be incurred by the Member States concerned for the measures referred to in this Decision up to a maximum amount for each programme.

(11) For the sake of better management, more efficient use of Community funds and improved transparency, it is also necessary to fix for each programme, where appropriate, maximum amounts to be reimbursed to the Member States for certain costs, such as the tests used in the Member States and compensation to owners for their losses due to the slaughter or culling of animals.

(12) Under Council Regulation (EC) No 1290/2005 of 21 June 2005 on the financing of the common agricultural policy ⁽¹⁾, programmes for the eradication and control of animal diseases are to be financed under the European Agricultural Guarantee Fund. For financial control purposes, Articles 9, 36 and 37 of that Regulation are to apply.

(13) The financial contribution from the Community should be granted subject to the condition that the actions planned are efficiently carried out and that the competent authorities supply all the necessary information within the time limits laid down in this Decision. In particular, it appears appropriate to require more frequent intermediates technical reporting in order to evaluate the efficiency of the implementation of the programmes approved.

(14) For reasons of administrative efficiency all expenditure submitted for a financial contribution by the Community should be expressed in euro. In accordance with Regulation (EC) No 1290/2005, the conversion rate for expenditure in a currency other than the euro should be the most recent exchange rate set by the European Central Bank prior to the first day of the month in which the application is submitted by the Member State concerned.

(15) 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:

CHAPTER I

ANNUAL PROGRAMMES

Article 1

Bovine brucellosis

1. The programmes for the eradication of bovine brucellosis submitted by Ireland, Spain, Italy, Cyprus, Portugal and the United Kingdom are hereby approved for the period from 1 January 2008 to 31 December 2008.

2. The financial contribution by the Community shall be at the rate of 50 % of the costs to be incurred by each Member State referred to in paragraph 1 for the cost of carrying out laboratory tests, the compensation to owners for the value of their animals slaughtered subject to those programmes and the purchase of vaccine doses, and shall not exceed:

- (a) EUR 1 200 000 for Ireland;
- (b) EUR 4 400 000 for Spain;
- (c) EUR 2 100 000 for Italy;
- (d) EUR 153 000 for Cyprus;
- (e) EUR 1 900 000 for Portugal;
- (f) EUR 1 200 000 for the United Kingdom.

3. The maximum amounts of the costs to be reimbursed to the Member States for the programmes referred to in paragraph 1 shall not exceed:

- | | |
|------------------------------------|-------------------|
| (a) for a rose bengal test | EUR 0,2 per test; |
| (b) for a SAT test | EUR 0,2 per test; |
| (c) for a complement fixation test | EUR 0,4 per test; |
| (d) for an ELISA test | EUR 1 per test. |

Article 2

Bovine tuberculosis

1. The programmes for the eradication of bovine tuberculosis submitted by Estonia, Spain, Italy, Poland and Portugal are hereby approved for the period from 1 January 2008 to 31 December 2008.

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

2. The financial contribution by the Community shall be at the rate of 50 % of the costs to be incurred by each Member State referred to in paragraph 1 for the costs of carrying out tuberculin tests, laboratory tests and the compensation to owners for the value of their animals slaughtered subject to those programmes, and shall not exceed:

- (a) EUR 24 000 for Estonia;
- (b) EUR 6 100 000 for Spain;
- (c) EUR 2 700 000 for Italy;
- (d) EUR 1 100 000 for Poland;
- (e) EUR 347 000 for Portugal.

3. The maximum amounts of the costs to be reimbursed to the Member States for the programmes referred to in paragraph 1 shall not exceed:

- (a) for a tuberculin test EUR 1 per test;
- (b) for a gamma-interferon test EUR 5 per test.

Article 3

Ovine and caprine brucellosis

1. The programmes for the eradication of ovine and caprine brucellosis submitted by Spain, Italy, Cyprus and Portugal are hereby approved for the period from 1 January 2008 to 31 December 2008.

2. The financial contribution by the Community shall be at the rate of 50 % of the costs to be incurred by each Member State referred to in paragraph 1 for the purchase of vaccines, the cost of carrying out laboratory tests and the compensation to owners for the value of their animals slaughtered subject to those programmes, and shall not exceed:

- (a) EUR 5 600 000 for Spain;
- (b) EUR 2 800 000 for Italy;
- (c) EUR 93 000 for Cyprus;
- (d) EUR 1 100 000 for Portugal.

3. The maximum amounts of the costs to be reimbursed to the Member States for the programmes referred to in paragraph 1 shall not exceed:

- (a) for a rose bengal test EUR 0,2 per test;
- (b) for a complement fixation test EUR 0,4 per test.

Article 4

Bluetongue in endemic or high risk areas

1. The programmes for the eradication and monitoring of bluetongue submitted by Belgium, Bulgaria, Germany, Greece, Spain, France, Italy, Luxembourg the Netherlands, Austria, Portugal, Romania and Slovenia are hereby approved for the period from 1 January 2008 to 31 December 2008.

2. The financial contribution by the Community shall be at the rate of 50 % of the costs to be incurred by each Member State referred to in paragraph 1 for the cost of carrying out the laboratory tests for virological, serological and entomological surveillance and the purchase of traps and vaccines, and shall not exceed:

- (a) EUR 377 000 for Belgium;
- (b) EUR 5 400 for Bulgaria;
- (c) EUR 3 100 000 for Germany;
- (d) EUR 100 000 for Greece;
- (e) EUR 4 100 000 for Spain;
- (f) EUR 351 000 for France;
- (g) EUR 1 300 000 for Italy;
- (h) EUR 70 000 for Luxembourg;
- (i) EUR 527 000 for the Netherlands;
- (j) EUR 245 000 for Austria;
- (k) EUR 1 004 000 for Portugal;
- (l) EUR 43 000 for Romania;
- (m) EUR 61 000 for Slovenia.

3. The maximum amounts of the costs to be reimbursed to the Member States for the programmes referred to in paragraph 1 shall not exceed for an ELISA test EUR 2,5 per test.

Article 5

Salmonellosis (zoonotic salmonella) in breeding flocks of *Gallus gallus*

1. The programmes for the control of certain zoonotic salmonella in breeding flocks of *Gallus gallus* submitted by Belgium, Bulgaria, the Czech Republic, Denmark, Germany, Ireland, Greece, Spain, France, Italy, Cyprus, Latvia, Hungary, the Netherlands, Austria, Poland, Portugal, Romania and Slovakia are hereby approved for the period from 1 January 2008 to 31 December 2008.

2. The financial contribution by the Community shall be at the rate of 50 % of the costs to be incurred by each Member State referred to in paragraph 1 for the cost of carrying out bacteriological and serotyping tests in the framework of official sampling, the compensation to owners for the value of the birds culled, the destruction of eggs and the purchase of vaccine doses and shall not exceed:

- (a) EUR 550 000 for Belgium;
- (b) EUR 10 000 for Bulgaria;
- (c) EUR 200 000 for the Czech Republic;
- (d) EUR 75 000 for Denmark;
- (e) EUR 600 000 for Germany;
- (f) EUR 120 000 for Ireland;
- (g) EUR 150 000 for Greece;
- (h) EUR 800 000 for Spain;
- (i) EUR 500 000 for France;
- (j) EUR 470 000 for Italy;
- (k) EUR 45 000 for Cyprus;
- (l) EUR 60 000 for Latvia;
- (m) EUR 400 000 for Hungary;
- (n) EUR 1 300 000 for the Netherlands;
- (o) EUR 50 000 for Austria;
- (p) EUR 2 000 000 for Poland;
- (q) EUR 600 000 for Portugal;
- (r) EUR 400 000 for Romania;
- (s) EUR 275 000 for Slovakia.

3. The maximum amounts of the costs to be reimbursed to the Member States for the programmes referred to in paragraph 1 shall not exceed:

- | | |
|---|--------------------|
| (a) for a bacteriological test (cultivation) | EUR 5,0 per test; |
| (b) for the purchase of one vaccine dose | EUR 0,05 per dose; |
| (c) for serotyping of relevant isolates of <i>Salmonella</i> spp. | EUR 20,0 per test. |

Article 6

Salmonellosis (zoonotic salmonella) in laying flocks of *Gallus gallus*

1. The programmes for the control of certain zoonotic salmonella in laying flocks of *Gallus gallus* submitted by Belgium, Bulgaria, the Czech Republic, Germany, Estonia, Greece, Spain, France, Italy, Cyprus, Latvia, Luxembourg, Hungary, the Netherlands, Austria, Poland, Portugal, Romania, Slovakia and United Kingdom are hereby approved for the period from 1 January 2008 to 31 December 2008.

2. The financial contribution by the Community shall be at the rate of 50 % of the costs to be incurred by each Member State referred to in paragraph 1 for the cost of carrying out bacteriological and serotyping tests in the framework of official sampling, the compensation to owners for the value of the birds culled, the destruction of eggs and the purchase of vaccine doses, and shall not exceed:

- (a) EUR 750 000 for Belgium;
- (b) EUR 20 000 for Bulgaria;
- (c) EUR 1 000 000 for the Czech Republic;
- (d) EUR 2 000 000 for Germany;
- (e) EUR 20 000 for Estonia;
- (f) EUR 500 000 for Greece;
- (g) EUR 3 500 000 for Spain;
- (h) EUR 2 500 000 for France;
- (i) EUR 1 000 000 for Italy;
- (j) EUR 80 000 for Cyprus;
- (k) EUR 300 000 for Latvia;
- (l) EUR 10 000 for Luxembourg;
- (m) EUR 2 000 000 for Hungary;
- (n) EUR 2 000 000 for the Netherlands;
- (o) EUR 1 000 000 for Austria;
- (p) EUR 2 000 000 for Poland;
- (q) EUR 1 000 000 for Portugal;
- (r) EUR 500 000 for Romania;
- (s) EUR 1 000 000 for Slovakia;
- (t) EUR 80 000 for United Kingdom.

3. The maximum amounts of the costs to be reimbursed to the Member States for the programmes referred to in paragraph 1 shall not exceed:

- (a) for a bacteriological test (cultivation) EUR 5,0 per test;
- (b) for the purchase of one vaccine dose EUR 0,05 per dose;
- (c) for serotyping of relevant isolates of *Salmonella* spp. EUR 20,0 per test.

Article 7

Classical swine fever and African swine fever

1. The programmes for the control and monitoring of:

- (a) Classical swine fever submitted by Bulgaria, Germany, France, Luxembourg, Romania, Slovenia and Slovakia are hereby approved for the period from 1 January 2008 to 31 December 2008.
- (b) Classical swine fever and African swine fever submitted by Italy are hereby approved for the period from 1 January 2008 to 31 December 2008.

2. The financial contribution by the Community shall be at the rate of 50 % of the costs to be incurred by each Member State referred to in paragraph 1 for the cost of carrying out virological and serological tests of domestic pigs and wild boars and for the programmes submitted by Bulgaria, Germany, France, Romania and Slovakia also at the rate of 50 % of the costs to be incurred for the purchase and distribution of vaccines plus baits for the vaccination of wild boars, and shall not exceed:

- (a) EUR 400 000 for Bulgaria;
- (b) EUR 1 000 000 for Germany;
- (c) EUR 650 000 for France;
- (d) EUR 100 000 for Italy;
- (e) EUR 15 000 for Luxembourg;
- (f) EUR 2 500 000 for Romania;
- (g) EUR 40 000 for Slovenia;
- (h) EUR 525 000 for Slovakia.

3. The maximum amounts of the costs to be reimbursed to the Member States for the programmes referred to in paragraph 1 shall not exceed for an ELISA test EUR 2,5 per test.

Article 8

Swine vesicular disease

1. The programme for the eradication of swine vesicular disease submitted by Italy is hereby approved for the period from 1 January 2008 to 31 December 2008.

2. The financial contribution by the Community shall be at the rate of 50 % of the cost of laboratory tests and shall not exceed EUR 300 000.

Article 9

Avian influenza in poultry and wild birds

1. The survey programmes for avian influenza in poultry and wild birds submitted by Belgium, Bulgaria, the Czech Republic, Denmark, Germany, Estonia, Ireland, Greece, Spain, France, Italy, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, the Netherlands, Austria, Poland, Portugal, Romania, Slovenia, Slovakia, Finland, Sweden and the United Kingdom are hereby approved for the period from 1 January 2008 to 31 December 2008.

2. The financial contribution by the Community shall be at the rate of 50 % of the costs to be incurred by each Member State for the costs of carrying out laboratory tests and a lump sum for sampling of wild birds, and shall not exceed:

- (a) EUR 127 000 for Belgium;
- (b) EUR 76 000 for Bulgaria;
- (c) EUR 65 000 for the Czech Republic;
- (d) EUR 202 000 for Denmark;
- (e) EUR 580 000 for Germany;
- (f) EUR 8 000 for Estonia;
- (g) EUR 58 000 for Ireland;
- (h) EUR 72 000 for Greece;
- (i) EUR 306 000 for Spain;
- (j) EUR 155 000 for France;
- (k) EUR 380 000 for Italy;
- (l) EUR 15 000 for Cyprus;
- (m) EUR 33 000 for Latvia;
- (n) EUR 43 000 for Lithuania;

- (o) EUR 12 000 for Luxembourg;
- (p) EUR 184 000 for Hungary;
- (q) EUR 444 000 for the Netherlands;
- (r) EUR 55 000 for Austria;
- (s) EUR 81 000 for Poland;
- (t) EUR 165 000 for Portugal;
- (u) EUR 465 000 for Romania;
- (v) EUR 43 000 for Slovenia;
- (w) EUR 50 000 for Slovakia;
- (x) EUR 35 000 for Finland;
- (y) EUR 290 000 for Sweden;
- (z) EUR 400 000 for the United Kingdom.

3. The maximum amounts of the costs to be reimbursed to the Member States for the tests covered by the programmes shall not exceed:

- | | |
|-------------------------------------|-------------------|
| (a) ELISA test: | EUR 1 per test; |
| (b) agar gel immune diffusion test: | EUR 1,2 per test; |
| (c) HI test for H5/H7: | EUR 12 per test; |
| (d) virus isolation test: | EUR 30 per test; |
| (e) PCR test: | EUR 15 per test; |
| (f) sampling wild birds | EUR 20 per bird. |

Article 10

Transmissible spongiform encephalopathies (TSE)

1. The programmes for the monitoring of transmissible spongiform encephalopathies (TSEs) submitted by Belgium, Bulgaria, the Czech Republic, Denmark, Germany, Estonia, Ireland, Greece, Spain, France, Italy, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, Malta, the Netherlands, Austria, Poland, Portugal, Romania, Slovenia, Slovakia, Finland, Sweden, and the United Kingdom are hereby approved for the period from 1 January 2008 to 31 December 2008.

2. The financial contribution by the Community shall be at the rate of 100 % of the costs to be incurred by each Member State referred to in paragraph 1 for the implementation of those programmes, and shall not exceed:

- (a) EUR 1 950 000 for Belgium;
- (b) EUR 850 000 for Bulgaria;
- (c) EUR 950 000 for the Czech Republic;
- (d) EUR 1 600 000 for Denmark;
- (e) EUR 9 500 000 for Germany;
- (f) EUR 250 000 for Estonia;
- (g) EUR 5 000 000 for Ireland;
- (h) EUR 950 000 for Greece;
- (i) EUR 4 700 000 for Spain;
- (j) EUR 14 750 000 for France;
- (k) EUR 3 050 000 for Italy;
- (l) EUR 250 000 for Cyprus;
- (m) EUR 300 000 for Latvia;
- (n) EUR 550 000 for Lithuania;
- (o) EUR 150 000 for Luxembourg;
- (p) EUR 700 000 for Hungary;
- (q) EUR 37 000 for Malta;
- (r) EUR 3 150 000 for the Netherlands;
- (s) EUR 1 250 000 for Austria;
- (t) EUR 3 250 000 for Poland;
- (u) EUR 1 250 000 for Portugal;
- (v) EUR 7 500 for Romania;
- (w) EUR 200 000 for Slovenia;
- (x) EUR 750 000 for Slovakia;
- (y) EUR 650 000 for Finland;
- (z) EUR 1 150 000 for Sweden;
- (za) EUR 5 300 000 for the United Kingdom.

3. The financial contribution by the Community of the programmes referred to in paragraph 1 shall be for the tests performed and the maximum amount shall not exceed:

- (a) EUR 5 per test, for tests carried out in bovine animals referred to in Annex III to Regulation (EC) No 999/2001;
- (b) EUR 30 per test, for tests carried out in ovine and caprine animals referred to in Annex III to Regulation (EC) No 999/2001;

- (c) EUR 50 per test, for tests carried out in cervid animals referred to in Annex III to Regulation (EC) No 999/2001;
- (d) EUR 175 per test, for primary molecular discriminatory tests carried out as referred to in point 3.2(c)(i) of Chapter C of Annex X to Regulation (EC) No 999/2001.

Article 11

Bovine spongiform encephalopathy (BSE)

1. The programmes for the eradication of bovine spongiform encephalopathy submitted by Belgium, Bulgaria, the Czech Republic, Denmark, Germany, Estonia, Ireland, Greece, Spain, France, Italy, Luxembourg, the Netherlands, Austria, Poland, Portugal, Slovenia, Slovakia, Finland and the United Kingdom are hereby approved for the period from 1 January 2008 to 31 December 2008.

2. The financial contribution by the Community of the programmes referred to in paragraph 1 shall be at the rate of 50 % of the cost incurred by each Member State for the compensation to owners for the value of their animals culled and destroyed in accordance with their eradication programme, up to a maximum of EUR 500 per animal, and shall not exceed:

- (a) EUR 50 000 for Belgium;
- (b) EUR 50 000 for Bulgaria;
- (c) EUR 150 000 for the Czech Republic;
- (d) EUR 50 000 for Denmark;
- (e) EUR 145 000 for Germany;
- (f) EUR 50 000 for Estonia;
- (g) EUR 430 000 for Ireland;
- (h) EUR 50 000 for Greece;
- (i) EUR 500 000 for Spain;
- (j) EUR 100 000 for France;
- (k) EUR 150 000 for Italy;
- (l) EUR 50 000 for Luxembourg;
- (m) EUR 50 000 for the Netherlands;
- (n) EUR 50 000 for Austria;
- (o) EUR 100 000 for Poland;
- (p) EUR 232 000 for Portugal;
- (q) EUR 10 000 for Slovenia;
- (r) EUR 125 000 for Slovakia;

- (s) EUR 25 000 for Finland;
- (t) EUR 176 000 for the United Kingdom.

Article 12

Scrapie

1. The programmes for the eradication of scrapie submitted by Belgium, Bulgaria, the Czech Republic, Denmark, Germany, Estonia, Ireland, Greece, Spain, France, Italy, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, the Netherlands, Austria, Portugal, Romania, Slovenia, Slovakia, Finland, and the United Kingdom are hereby approved for the period from 1 January 2008 to 31 December 2008.

2. The financial contribution by the Community of the programmes referred to in paragraph 1 shall be at the rate of 50 % of the cost incurred by the concerned Member States for compensation to owners for the value of their animals culled and destroyed in accordance with their eradication programme, up to a maximum of EUR 100 per animal and at a rate of 50 % of the cost of the analysis of samples for genotyping, up to a maximum of EUR 10 per genotyping test, and shall not exceed:

- (a) EUR 66 000 for Belgium;
- (b) EUR 26 000 for Bulgaria;
- (c) EUR 88 000 for the Czech Republic;
- (d) EUR 204 000 for Denmark;
- (e) EUR 1 000 000 for Germany;
- (f) EUR 12 100 for Estonia;
- (g) EUR 550 000 for Ireland;
- (h) EUR 700 000 for Greece;
- (i) EUR 3 800 000 for Spain;
- (j) EUR 3 000 000 for France;
- (k) EUR 1 500 000 for Italy;
- (l) EUR 1 100 000 for Cyprus;
- (m) EUR 1 100 for Latvia;
- (n) EUR 3 000 for Lithuania;
- (o) EUR 27 000 for Luxembourg;
- (p) EUR 343 000 for Hungary;
- (q) EUR 258 000 for the Netherlands;
- (r) EUR 26 000 for Austria;
- (s) EUR 35 000 for Portugal;

- (t) EUR 881 000 for Romania;
- (u) EUR 61 000 for Slovenia;
- (v) EUR 302 000 for Slovakia;
- (w) EUR 201 000 for Finland;
- (x) EUR 4 000 000 for the United Kingdom.

period from 1 January to 31 December 2008 is hereby approved.

2. The financial contribution by the Community shall be at the rate of 50 % of the costs to be incurred by each Member State referred to in paragraph 1 for the cost of carrying out laboratory tests and compensation to owners for the value of their animals slaughtered subject to those programmes, and shall not exceed EUR:

Article 13

Rabies

1. The programmes for the eradication of rabies submitted by Bulgaria, Lithuania, Hungary, Austria, Poland, Romania and Slovakia are hereby approved for the period from 1 January 2008 to 31 December 2008.

2. The financial contribution by the Community shall be at the rate of 50 % of the costs to be incurred by each Member State referred to in paragraph 1 for the cost of carrying out laboratory tests and for the purchase and distribution of vaccine plus baits for the programmes, and shall not exceed:

- (a) EUR 700 000 for Bulgaria;
- (b) EUR 700 000 for Lithuania;
- (c) EUR 1 500 000 for Hungary;
- (d) EUR 290 000 for Austria;
- (e) EUR 3 900 000 for Poland;
- (f) EUR 2 500 000 for Romania;
- (g) EUR 575 000 for Slovakia.

3. The maximum amounts of the costs to be reimbursed to the Member States for the programmes referred to in paragraph 1 shall not exceed:

- (a) for an ELISA test EUR 8 per test;
- (b) for a test to detect tetracycline in bone EUR 8 per test.

Article 14

Enzootic bovine leucosis

1. The programme for the eradication of enzootic bovine leucosis submitted by Estonia, Lithuania and Poland for the

- (a) EUR 15 000 for Estonia;
- (b) EUR 200 000 for Lithuania;
- (c) EUR 800 000 for Poland.

3. The maximum amounts of the costs to be reimbursed to the Member States for the programme referred to in paragraph 1 shall not exceed:

- (a) for an ELISA test EUR 0,5 per test;
- (b) for an agar gel immune diffusion test EUR 0,5 per test.

Article 15

Aujeszky's disease

1. The programmes for the eradication of Aujeszky's disease submitted by Spain, Hungary and Poland is hereby approved for the period from 1 January 2008 to 31 December 2008.

2. The financial contribution by the Community of the programmes referred to in paragraph 1 shall be at the rate of 50 % of the costs to be incurred by the concerned Member State for the cost of laboratory tests, and shall not exceed:

- (a) EUR 450 000 for Spain;
- (b) EUR 60 000 for Hungary;
- (c) EUR 5 000 000 for Poland.

3. The maximum amount of the costs to be reimbursed to the Member States for the programmes referred to in paragraph 1 shall not exceed for an ELISA test EUR 1 per test.

CHAPTER II

MULTI-ANNUAL PROGRAMMES

Article 16

Rabies

1. The multi-annual programmes for the eradication of rabies submitted by the Czech Republic, Germany, Estonia, Latvia, Slovenia, and Finland are hereby approved for the period from:

- (a) 1 January 2008 to 31 December 2009 for the Czech Republic and Germany;
- (b) 1 January 2008 to 31 December 2010 for Latvia and Finland;
- (c) 1 January 2008 to 31 December 2011 for Estonia;
- (d) 1 January 2008 to 31 December 2012 for Slovenia.

2. The financial contribution by the Community shall be at the rate of 50 % of the costs to be incurred by each Member State referred to in paragraph 1 for the cost of carrying out laboratory tests and for the purchase and distribution of vaccine plus baits for the programmes.

3. The maximum amounts of the costs to be reimbursed to the concerned Member State for the programmes referred to in paragraph 1 shall not exceed:

- (a) for an ELISA test EUR 8 per test;
- (b) for a test to detect tetracycline in bone EUR 8 per test.

4. The contribution to cover the period for the implement of the multi-annual programmes shall not exceed:

- (a) EUR 1 000 000 for the Czech Republic;
- (b) EUR 800 000 for Germany;
- (c) EUR 4 750 000 for Estonia;
- (d) EUR 3 700 000 for Latvia;
- (e) EUR 1 750 000 for Slovenia;
- (f) EUR 300 000 for Finland.

5. The amounts to be committed for 2008 shall be:

- (a) EUR 500 000 for the Czech Republic;
- (b) EUR 475 000 for Germany;

(c) EUR 1 000 000 for Estonia;

(d) EUR 1 200 000 for Latvia;

(e) EUR 350 000 for Slovenia;

(f) EUR 100 000 for Finland.

6. The amounts to be committed for the following years shall be decided in function of the execution of the programme in 2008. An indication of these amounts (in euro) is given below:

Member state	2009	2010	2011	2012
Czech republic	500 000			
Germany	325 000			
Latvia	1 250 000	1 250 000		
Finland	100 000	100 000		
Estonia	1 250 000	1 250 000	1 250 000	
Slovenia	350 000	350 000	350 000	350 000

Article 17

Aujeszky's disease

1. The multi-annual programme for the eradication of Aujeszky's disease submitted by Belgium is hereby approved for the period from 1 January 2008 to 31 December 2009.

2. The financial contribution by the Community shall be at the rate of 50 % of the cost to be incurred by Belgium of carrying out laboratory tests.

3. The maximum amount of the costs to be reimbursed to Belgium for the programme referred to in paragraph 1 shall not exceed for an ELISA test EUR 1 per test.

4. The contribution to cover the period for the implementation of the multi-annual programme to be carried out by Belgium referred to in paragraph 1 shall not exceed EUR 720 000.

5. The amount to be committed for 2008 shall be EUR 360 000.

6. The amount to be committed for the following year shall be decided in function of the execution of the programme in 2008. EUR 360 000 is an indication thereof.

Article 18

Enzootic bovine leucosis

1. The multi-annual programmes for the eradication of enzootic bovine leucosis submitted by Italy, Latvia, and Portugal are hereby approved for the period from 1 January 2008 to 31 December 2010.

2. The financial contribution by the Community shall be at the rate of 50 % of the costs to be incurred by each Member State referred to in paragraph 1 for the cost of carrying out laboratory tests and compensation to owners for the value of their animals slaughtered subject to those programmes.

3. The maximum amounts of the costs to be reimbursed to the Member States for the programmes referred to in paragraph 1 shall not exceed:

- | | |
|---|-------------------|
| (a) for an ELISA test | EUR 0,5 per test; |
| (b) for an agar gel immune diffusion test | EUR 0,5 per test. |

4. The contribution to cover the period for the implementation of the multi-annual programmes shall not exceed:

- (a) EUR 2 000 000 for Italy;
- (b) EUR 170 000 for Latvia;
- (c) EUR 1 000 000 for Portugal.

5. The amounts to be committed for 2008 shall be:

- (a) EUR 400 000 for Italy;
- (b) EUR 60 000 for Latvia;
- (c) EUR 300 000 for Portugal.

6. The amounts to be committed for the following years shall be decided in function of the execution of the programme in 2008. An indication of these amounts (in euro) is given below:

Member state	2009	2010	2011	2012
Italy	800 000	800 000		
Latvia	55 000	55 000		
Portugal	350 000	350 000		

CHAPTER III

GENERAL AND FINAL PROVISIONS

Article 19

1. For the programmes referred to in Articles 1, 2, 3, 5, 6, 14 and 18, the eligible costs for the compensation to owners for the value of animals due to the slaughtering or culling of their animals shall be limited as provided for in paragraphs 2 and 3 of this Article.

2. The average compensation to be reimbursed to the Member States shall be calculated on the basis of the number of animals slaughtered or culled in the Member State and:

- | | |
|--|---------------------|
| (a) for bovine animals, up to a maximum of | EUR 375 per animal; |
| (b) for sheep and goats, up to a maximum of | EUR 50 per animal; |
| (c) for breeding bird of <i>Gallus gallus</i> , up to a maximum of | EUR 3,5 per bird; |
| (d) for laying bird of <i>Gallus gallus</i> , up to a maximum of | EUR 1,5 per bird. |

3. The maximum amount of compensation to be reimbursed to the Member States per single animal shall not exceed EUR 1 000 per bovine animal and EUR 100 per sheep or goat.

Article 20

1. The expenditure submitted by the Member States for a financial contribution by the Community shall be expressed in euro and shall exclude value added tax and other taxes.

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

Article 21

1. The financial contribution by the Community for the programmes referred to in Articles 1 to 18 shall be granted provided that the Member States concerned:

- (a) implement the programmes in accordance with the relevant provisions of Community law, including rules on competition and on the award of public contracts;
- (b) bring into force by 1 January 2008 at the latest the laws, regulations and administrative provisions necessary for implementing the programmes referred to in Articles 1 to 18;
- (c) forward to the Commission by 1 June 2008 at the latest the intermediate technical and financial reports for the programmes referred to in Articles 1 to 18, in accordance with Article 24(7) (a) of Decision 90/424/EEC;
- (d) for the programmes referred to in Article 9, report to the Commission the positive and negative results of investigations detected during their surveillance of poultry and wild birds through the Commission on-line system every three months by forwarding within a period of four weeks following the end of the month covered by the report;
- (e) for the programmes referred to in Articles 10 to 12, forward a report to the Commission every month on the results of the TSE monitoring programme by forwarding within a period of four weeks following the end of the month covered by the report;
- (f) for the programmes referred to in Articles 1 to 18, forward a final report to the Commission in accordance with Article

24(7)(b) of Decision 90/424/EEC by 30 April 2009 at the latest on the technical execution of the programme accompanied by justifying evidence as to the costs paid by the Member State and the results attained during the period from 1 January 2008 to 31 December 2008;

- (g) for programmes referred to in Articles 1 to 18, implement the programme efficiently;
- (h) do not for the programmes referred to in Articles 1 to 18, submit further requests for other Community contributions for these measures, and have not previously submitted such requests.

2. Where a Member State does not comply with paragraph 1, the Commission shall reduce the financial contribution by the Community having regard to the nature and gravity of the infringement, and to the financial loss for the Community.

Article 22

This Decision shall apply from 1 January 2008.

Article 23

This Decision is addressed to the Member States.

Done at Brussels, 30 November 2007.

For the Commission

Markos KYPRIANOU

Member of the Commission