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I

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

REGULATIONS

COUNCIL REGULATION (EC) No 1447/2007

of 4 December 2007

fixing for the 2008 fishing year the guide prices and Community producer prices for certain fishery products pursuant to Regulation (EC) No 104/2000

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products ⁽¹⁾, and in particular Article 18(3) and Article 26(1) thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) Article 18(1) and Article 26(1) of Regulation (EC) No 104/2000 provide that a guide price and a Community producer price should be fixed for each fishing year in order to determine price levels for intervention on the market for certain fisheries products.

(2) Article 18(1) of Regulation (EC) No 104/2000 requires the guide price to be fixed for each of the products and groups of products listed in Annexes I and II to that Regulation.

(3) On the basis of currently available data on the prices for the products concerned and the criteria referred to in Article 18(2) of Regulation (EC) No 104/2000, the guide prices should be increased, maintained or reduced for the 2008 fishing year depending on the species.

(4) Article 26(1) of Regulation (EC) No 104/2000 requires the Community producer price to be fixed for the

products listed in Annex III to that Regulation. It is appropriate to establish the Community producer price for one of those products and calculate the Community producer price for the others by means of the conversion factors established by Commission Regulation (EC) No 802/2006 of 30 May 2006 fixing the conversion factors applicable to fish of the genera *Thunnus* and *Euthynnus* ⁽²⁾.

(5) On the basis of the criteria laid down in the first and second indents of Article 18(2) and in Article 26(1) of Regulation (EC) No 104/2000, the Community producer price for the 2008 fishing year should be adjusted.

(6) Given the urgency of the matter, it is important to grant an exception to the six-week period mentioned in paragraph 1(3) of the Protocol on the role of national parliaments in the European Union annexed to the Treaty on European Union,

HAS ADOPTED THIS REGULATION:

Article 1

For the fishing year from 1 January to 31 December 2008, the guide prices as provided for in Article 18(1) of Regulation (EC) No 104/2000 shall be as set out in Annex I to this Regulation.

Article 2

For the fishing year from 1 January to 31 December 2008, the Community producer prices as provided for in Article 26(1) of Regulation (EC) No 104/2000 shall be as set out in Annex II to this Regulation.

⁽¹⁾ OJ L 17, 21.1.2000, p. 22. Regulation as last amended by Regulation (EC) No 1759/2006 (OJ L 335, 1.12.2006, p. 3).

⁽²⁾ OJ L 144, 31.5.2006, p. 15.

Article 3

This Regulation shall enter into force on 1 January 2008.

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

Done at Brussels, 4 December 2007.

For the Council

The President

F. TEIXEIRA DOS SANTOS

ANNEX I

Annexes	Species Products listed in Annexes I and II to Regulation (EC) No 104/2000	Commercial presentation	Guide price (EUR/tonne)
I	1. Herring of the species <i>Clupea harengus</i>	Whole fish	277
	2. Sardines of the species <i>Sardina pilchardus</i>	Whole fish	563
	3. Dogfish (<i>Squalus acanthias</i>)	Whole fish or gutted fish with head	1 112
	4. Spotted dogfish (<i>Scyliorhinus spp.</i>)	Whole fish or gutted fish with head	725
	5. Redfish (<i>Sebastes spp.</i>)	Whole fish	1 176
	6. Cod of the species <i>Gadus morhua</i>	Whole fish or gutted fish with head	1 647
	7. Saithe (<i>Pollachius virens</i>)	Whole fish or gutted fish with head	784
	8. Haddock (<i>Melanogrammus aeglefinus</i>)	Whole fish or gutted fish with head	1 038
	9. Whiting (<i>Merlangius merlangus</i>)	Whole fish or gutted fish with head	965
	10. Ling (<i>Molva spp.</i>)	Whole fish or gutted fish with head	1 214
	11. Mackerel of the species <i>Scomber scombrus</i>	Whole fish	326
	12. Mackerel of the species <i>Scomber japonicus</i>	Whole fish	294
	13. Anchovy (<i>Engraulis spp.</i>)	Whole fish	1 294
	14. Plaice (<i>Pleuronectes platessa</i>)	Whole fish or gutted fish with head from 1.1.2008 to 30.4.2008	1 079
		Whole fish or gutted fish with head from 1.5.2008 to 31.12.2008	1 499
	15. Hake of the species <i>Merluccius merluccius</i>	Whole fish or gutted fish with head	3 638
	16. Megrim (<i>Lepidorhombus spp.</i>)	Whole fish or gutted fish with head	2 541
	17. Dab (<i>Limanda limanda</i>)	Whole fish or gutted fish with head	863
	18. Common flounder (<i>Platichthys flesus</i>)	Whole fish or gutted fish with head	527
	19. Albacore or longfinned tunas (<i>Thunnus alalunga</i>)	Whole fish	2 165
		Gutted fish with head	2 391
	20. Cuttlefish (<i>Sepia officinalis</i> and <i>Rossia macrosoma</i>)	Whole	1 687
	21. Monkfish (<i>Lophius spp.</i>)	Whole fish or gutted fish with head	2 968
		Without head	6 107
	22. Shrimp of the species <i>Crangon crangon</i>	Simply boiled in water	2 425
	23. Northern prawn (<i>Pandalus borealis</i>)	Simply boiled in water	6 506
		Fresh or chilled	1 606
	24. Edible crab (<i>Cancer pagurus</i>)	Whole	1 801
	25. Norway lobster (<i>Nephrops norvegicus</i>)	Whole	5 497
		Tails	4 386
	26. Sole (<i>Solea spp.</i>)	Whole fish or gutted fish with head	6 949

Annexes	Species Products listed in Annexes I and II to Regulation (EC) No 104/2000	Commercial presentation	Guide price (EUR/tonne)
II	1. Greenland halibut (<i>Reinhardtius hippoglossoides</i>)	Frozen, in original packages containing the same products	1 975
	2. Hake of the genus <i>Merluccius</i> spp.	Frozen, whole, in original packages containing the same products	1 214
		Frozen, filleted, in original packages containing the same products	1 506
	3. Sea bream (<i>Dentex dentex</i> and <i>Pagellus</i> spp.)	Frozen, in lots or in original packages containing the same products	1 594
	4. Swordfish (<i>Xiphias gladius</i>)	Frozen, whole, in original packages containing the same products	4 038
	5. Cuttlefish (<i>Sepia officinalis</i>) (<i>Rossia macrosoma</i>) (<i>Sepiola rondeletti</i>)	Frozen, in original packages containing the same products	1 916
	6. Octopus (<i>Octopus</i> spp.)	Frozen, in original packages containing the same products	2 119
	7. Squid (<i>Loligo</i> spp.)	Frozen, in original packages containing the same products	1 168
	8. Squid (<i>Ommastrephes sagittatus</i>)	Frozen, in original packages containing the same products	961
	9. <i>Illex argentinus</i>	Frozen, in original packages containing the same products	869
	10. Prawn of the family <i>Penaeidae</i> — Prawn of the species <i>Parapenaeus longirostris</i> — Other species of the family <i>Penaeidae</i>	Frozen, in original packages containing the same products	4 032
		Frozen, in original packages containing the same products	7 819

ANNEX II

Species Products listed in Annex III to Regulation (EC) No 104/2000	Weight	Commercial specifications	Community producer price (EUR/tonne)
Yellowfin tuna (<i>Thunnus albacares</i>)	weighing more than 10 kg each	Whole	1 250
		Gilled and gutted	
		Other	
	weighing not more than 10 kg each	Whole	
		Gilled and gutted	
		Other	
Albacore (<i>Thunnus alalunga</i>)	weighing more than 10 kg each	Whole	
		Gilled and gutted	
		Other	
	weighing not more than 10 kg each	Whole	
		Gilled and gutted	
		Other	
Skipjack (<i>Katsuwonus pelamis</i>)		Whole	
		Gilled and gutted	
		Other	
Bluefin tuna (<i>Thunnus thynnus</i>)		Whole	
		Gilled and gutted	
		Other	
Other species of the genera <i>Thunnus</i> and <i>Euthynnus</i>		Whole	
		Gilled and gutted	
		Other	

COMMISSION REGULATION (EC) No 1448/2007**of 7 December 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 8 December 2007.

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

Done at Brussels, 7 December 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 7 December 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	148,5
	MA	70,3
	SY	68,2
	TR	120,8
	ZZ	102,0
0707 00 05	JO	196,3
	MA	52,5
	TR	111,0
	ZZ	119,9
0709 90 70	MA	58,8
	TR	110,8
	ZZ	84,8
0805 10 20	AR	9,2
	AU	19,4
	BR	12,7
	SZ	31,4
	TR	90,5
	ZA	41,4
	ZW	27,6
	ZZ	33,2
0805 20 10	MA	67,9
	ZZ	67,9
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	CN	61,4
	HR	32,2
	IL	66,8
	TR	71,3
	UY	95,3
	ZZ	65,4
0805 50 10	EG	61,6
	TR	100,6
	ZA	65,9
	ZZ	76,0
0808 10 80	AR	87,7
	CA	87,3
	CL	86,0
	CN	87,0
	MK	30,6
	US	99,5
	ZA	82,4
	ZZ	80,1
0808 20 50	AR	71,4
	CN	73,2
	TR	145,7
	ZZ	96,8

⁽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 1449/2007

of 7 December 2007

derogating from Regulations (EC) Nos 2402/96, 2058/96, 2375/2002, 2305/2003, 950/2006, 955/2005, 969/2006, 1100/2006, 1918/2006, 1964/2006, 1002/2007 and 508/2007 as regards the dates for lodging applications and the issuing of import licences in 2008 under the tariff quotas for sweet potatoes, manioc starch, cereals, rice, sugar and olive oil and derogating from Regulations (EC) Nos 1445/95, 1518/2003, 596/2004 and 633/2004 as regards the dates of issuing of export licences in 2008 in the beef and veal, pigmeat, eggs and poultrymeat sectors

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

originating in and coming from Egypt ⁽⁶⁾, and in particular Article 2 thereof,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 318/2006 of 20 February 2006 on the common organisation of the markets in the sugar sector ⁽⁷⁾, and in particular Article 40(1)(e) thereof,Having regard to Council Regulation (EC) No 1095/96 of 18 June 1996 on the implementation of the concessions set out in Schedule CXL drawn up in the wake of the conclusion of the GATT XXIV.6 negotiations ⁽¹⁾, and in particular Article 1(1) thereof,Having regard to Council Regulation (EC) No 865/2004 of 29 April 2004 on the common organisation of the market in olive oil and table olives and amending Regulation (EEC) No 827/68 ⁽⁸⁾, and in particular Article 10(4) thereof,Having regard to Council Decision 96/317/EC of 13 May 1996 concerning the conclusion of the results of consultations with Thailand under GATT Article XXIII ⁽²⁾,Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal ⁽⁹⁾, and in particular Article 29(2) thereof,Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals ⁽³⁾, and in particular Article 12(1) thereof,Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organisation of the market in pigmeat ⁽¹⁰⁾, and in particular Article 8(2) thereof,Having regard to Council Regulation (EEC) No 3491/90 of 26 November 1990 on imports of rice originating in Bangladesh ⁽⁴⁾, and in particular Article 3 thereof,Having regard to Regulation (EEC) No 2771/75 of the Council of 29 October 1975 on the common organisation of the market in eggs ⁽¹¹⁾, and in particular Article 3(2) thereof,Having regard to Council Regulation (EC) No 1785/2003 of 29 September 2003 on the common organisation of the market in rice ⁽⁵⁾, and in particular Articles 10(2), 11(4) and 13(1) thereof,Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organisation of the market in poultrymeat ⁽¹²⁾, and in particular Article 3(2) thereof,

Having regard to Council Regulation (EC) No 2184/96 of 28 October 1996 concerning imports into the Community of rice

⁽¹⁾ OJ L 146, 20.6.1996, p. 1.⁽²⁾ OJ L 122, 22.5.1996, p. 15.⁽³⁾ 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).⁽⁴⁾ OJ L 337, 4.12.1990, p. 1.⁽⁵⁾ OJ L 270, 21.10.2003, p. 96. Regulation as last amended by Regulation (EC) No 797/2006 (OJ L 144, 31.5.2006, p. 1).⁽⁶⁾ OJ L 292, 15.11.1996, p. 1.⁽⁷⁾ OJ L 58, 28.2.2006, p. 1. Regulation as last amended by Regulation (EC) No 1260/2007 (OJ L 283, 27.10.2007, p. 1).⁽⁸⁾ OJ L 161, 30.4.2004, p. 97, as corrected by OJ L 206, 9.6.2004, p. 37.⁽⁹⁾ OJ L 160, 26.6.1999, p. 21. Regulation as last amended by Regulation (EC) No 1913/2005 (OJ L 307, 25.11.2005, p. 2).⁽¹⁰⁾ OJ L 282, 1.11.1975, p. 1. Regulation as last amended by Regulation (EC) No 1913/2005.⁽¹¹⁾ OJ L 282, 1.11.1975, p. 49. Regulation as last amended by Regulation (EC) No 679/2006 (OJ L 119, 4.5.2006, p. 1).⁽¹²⁾ OJ L 282, 1.11.1975, p. 77. Regulation as last amended by Regulation (EC) No 679/2006.

Whereas:

(1) Commission Regulation (EC) No 2402/96 of 17 December 1996 opening and setting administrative rules for certain annual tariff quotas for sweet potatoes and manioc starch ⁽¹⁾ lays down specific provisions for the lodging of applications and the issuing of import licences for sweet potatoes under quotas 09.4013 and 09.4014, on the one hand, and for manioc starch under quotas 09.4064 and 09.4065, on the other.

(2) Commission Regulations (EC) Nos 2375/2002 of 27 December 2002 opening and providing for the administration of Community tariff quotas for common wheat of a quality other than high quality from third countries ⁽²⁾, 2305/2003 of 29 December 2003 opening and providing for the administration of a Community tariff quota for imports of barley from third countries ⁽³⁾ and 969/2006 of 29 June 2006 opening and providing for the administration of a Community tariff quota for imports of maize from third countries ⁽⁴⁾ lay down specific provisions for the lodging of applications and the issuing of import licences for common wheat of a quality other than high quality under quotas 09.4123, 09.4124 and 09.4125, for barley under quota 09.4126 and for maize under quota 09.4131.

(3) Commission Regulations (EC) Nos 2058/96 of 28 October 1996 opening and providing for the management of a tariff quota for broken rice of CN code 1006 40 00 for production of food preparations of CN code 1901 10 ⁽⁵⁾, 1964/2006 of 22 December 2006 laying down detailed rules for the opening and administration of an import quota for rice originating in Bangladesh, pursuant to Council Regulation (EEC) No 3491/90 ⁽⁶⁾, 1002/2007 of 29 August 2007 laying down detailed rules for the application of Council Regulation (EC) No 2184/96 concerning imports into the Community of rice originating in and coming from Egypt ⁽⁷⁾ and 955/2005 of 23 June 2005 opening a

Community import quota for rice originating in Egypt ⁽⁸⁾ lay down specific provisions for the lodging of applications and the issuing of import licences for broken rice under quota 09.4079, for rice originating in Bangladesh under quota 09.4517, for rice under quota 09.4094 and for rice originating in Egypt under quota 09.4097.

(4) Commission Regulation (EC) No 950/2006 of 28 June 2006 laying down detailed rules of application for the 2006/2007, 2007/2008 and 2008/2009 marketing years for the import and refining of sugar products under certain tariff quotas and preferential agreements ⁽⁹⁾ lays down specific provisions for the lodging of applications and the issuing of import licences under quotas 09.4331 to 09.4351, 09.4315 to 09.4320, 09.4324 to 09.4328, 09.4380 and 09.4390.

(5) Commission Regulation (EC) No 1100/2006 of 17 July 2006 laying down, for the marketing years 2006/2007, 2007/2008 and 2008/2009, detailed rules for the opening and administration of tariff quotas for raw cane-sugar for refining, originating in the least developed countries, as well as detailed rules applying to the importation of products of tariff heading 1701 originating in least developed countries ⁽¹⁰⁾ lays down specific provisions for the lodging of applications and the issuing of import licences under quotas 09.4361 and 09.4362.

(6) Article 2 of Council Regulation (EC) No 508/2007 of 7 May 2007 opening tariff quotas for imports into Bulgaria and Romania of raw cane sugar for supply to refineries in the marketing years 2006/2007, 2007/2008 and 2008/2009 ⁽¹¹⁾ provides that the rules on import licences laid down in Regulation (EC) No 950/2006 are to apply to sugar imports under tariff quotas 09.4365 and 09.4366.

(7) Commission Regulation (EC) No 1918/2006 of 20 December 2006 opening and providing for the administration of tariff quota for olive oil originating in Tunisia ⁽¹²⁾ lays down specific provisions for the lodging of applications and the issuing of import licences for olive oil under quota 09.4032.

⁽¹⁾ OJ L 327, 18.12.1996, p. 14. Regulation as last amended by Regulation (EC) No 1884/2006 (OJ L 364, 20.12.2006, p. 44).

⁽²⁾ OJ L 358, 31.12.2002, p. 88. Regulation as last amended by Regulation (EC) No 932/2007 (OJ L 204, 4.8.2007, p. 3).

⁽³⁾ OJ L 342, 30.12.2003, p. 7. Regulation as last amended by Regulation (EC) No 2022/2006 (OJ L 384, 29.12.2006, p. 70).

⁽⁴⁾ OJ L 176, 30.6.2006, p. 44. Regulation as amended by Regulation (EC) No 2022/2006.

⁽⁵⁾ OJ L 276, 29.10.1996, p. 7. Regulation as last amended by Regulation (EC) No 2019/2006 (OJ L 384, 29.12.2006, p. 48).

⁽⁶⁾ OJ L 408, 30.12.2006, p. 19, as corrected by OJ L 47, 16.2.2007, p. 15.

⁽⁷⁾ OJ L 226, 30.8.2007, p. 15.

⁽⁸⁾ OJ L 164, 24.6.2005, p. 5. Regulation as last amended by Regulation (EC) No 2019/2006.

⁽⁹⁾ OJ L 178, 1.7.2006, p. 1. Regulation as last amended by Regulation (EC) No 371/2007 (OJ L 92, 3.4.2007, p. 6).

⁽¹⁰⁾ OJ L 196, 18.7.2006, p. 3.

⁽¹¹⁾ OJ L 122, 11.5.2007, p. 1.

⁽¹²⁾ OJ L 365, 21.12.2006, p. 84.

- (8) In view of the public holidays in 2008, derogations should be made, at certain times, from Regulations (EC) Nos 2402/96, 2058/96, 2375/2002, 2305/2003, 955/2005, 950/2006, 969/2006, 1100/2006, 1918/2006, 1964/2006, 508/2007 and 1002/2007 as regards the dates for the lodging of import-licence applications and the issuing of such licences in order to ensure compliance with the quota volumes in question.
- (9) The second subparagraph of Article 10(1) of Commission Regulation (EC) No 1445/95 of 26 June 1995 on rules of application for import and export licences in the beef and veal sector and repealing Regulation (EEC) No 2377/80⁽¹⁾, Article 3(3) of Commission Regulation (EC) No 1518/2003 of 28 August 2003 laying down detailed rules for implementing the system of export licences in the pigmeat sector⁽²⁾, Article 3(3) of Commission Regulation (EC) No 596/2004 of 30 March 2004 laying down detailed rules for implementing the system of export licences in the egg sector⁽³⁾ and Article 3(3) of Commission Regulation (EC) No 633/2004 of 30 March 2004 laying down detailed rules for implementing the system of export licences in the poultrymeat sector⁽⁴⁾ provide that export licences are to be issued on the Wednesday following the week in which the licence applications are lodged, provided that the Commission does not take any specific action in the meantime.
- (10) In view of the public holidays in 2008 and the resulting impact on the publication of the *Official Journal of the European Union*, the period between the lodging of applications and the day on which the licences are to be issued will be too short to ensure proper management of the market. That period should therefore be extended.
- (11) The measures provided for in this Regulation are in accordance with the opinions of all the Management Committees concerned,

HAS ADOPTED THIS REGULATION:

Article 1

Sweet potatoes

1. By way of derogation from Article 3 of Regulation (EC) No 2402/96, applications for import licences for sweet potatoes under quotas 09.4013 and 09.4014 for 2008 may not be

⁽¹⁾ OJ L 143, 27.6.1995, p. 35. Regulation as last amended by Regulation (EC) No 586/2007 (OJ L 39, 31.5.2007, p. 5).

⁽²⁾ OJ L 217, 29.8.2003, p. 35. Regulation as last amended by Regulation (EC) No 1713/2006 (OJ L 321, 21.11.2006, p. 11).

⁽³⁾ OJ L 94, 31.3.2004, p. 33. Regulation as last amended by Regulation (EC) No 1713/2006.

⁽⁴⁾ OJ L 100, 6.4.2004, p. 8. Regulation as last amended by Regulation (EC) No 1713/2006.

lodged before Wednesday 2 January 2008 or after Monday 15 December 2008.

2. By way of derogation from Article 8(1) of Regulation (EC) No 2402/96, import licences for sweet potatoes applied for on the dates indicated in Annex I hereto under quotas 09.4013 and 09.4014 shall be issued on the dates indicated in that Annex, subject to the measures adopted pursuant to Article 7(2) of Commission Regulation (EC) No 1301/2006⁽⁵⁾.

Article 2

Manioc starch

1. By way of derogation from the first paragraph of Article 9 of Regulation (EC) No 2402/96, applications for import licences for manioc starch under quotas 09.4064 and 09.4065 for 2008 may not be lodged before Wednesday 2 January 2008 or after Monday 15 December 2008.

2. By way of derogation from Article 13(1) of Regulation (EC) No 2402/96, import licences for manioc starch applied for on the dates indicated in Annex II hereto under quotas 09.4064 and 09.4065 shall be issued on the dates indicated in that Annex, subject to the measures adopted pursuant to Article 7(2) of Regulation (EC) No 1301/2006.

Article 3

Cereals

1. By way of derogation from the second subparagraph of Article 5(1) of Regulation (EC) No 2375/2002, the first period for lodging applications for import licences for common wheat of a quality other than high quality under quotas 09.4123, 09.4124 and 09.4125 for 2008 shall only start on 2 January 2008. Such applications may no longer be lodged after 13:00 hours (Brussels time) on Friday 12 December 2008.

2. By way of derogation from the second subparagraph of Article 3(1) of Regulation (EC) No 2305/2002, the first period for lodging applications for import licences for barley under quota 09.4126 for 2008 shall only start on 2 January 2008. Such applications may no longer be lodged after 13:00 hours (Brussels time) on Friday 12 December 2008.

3. By way of derogation from the second subparagraph of Article 4(1) of Regulation (EC) No 969/2002, the first period for lodging applications for import licences for maize under quota 09.4131 for 2008 shall only start on 2 January 2008. Such applications may no longer be lodged after 13:00 hours (Brussels time) on Friday 12 December 2008.

⁽⁵⁾ OJ L 238, 1.9.2006, p. 13.

Article 4

Rice

1. By way of derogation from the third subparagraph of Article 2(1) of Regulation (EC) No 2058/96, the first period for lodging applications for import licences for broken rice under quota 09.4079 for 2008 shall only start on 2 January 2008. Such applications may no longer be lodged after 13:00 hours (Brussels time) on Friday 12 December 2008.

2. By way of derogation from the first subparagraph of Article 4(3) of Regulation (EC) No 1964/2006, the first period for lodging applications for import licences for rice originating in Bangladesh under quota 09.4517 for 2008 shall only start on 2 January 2008. Such applications may no longer be lodged after 13:00 hours (Brussels time) on Friday 12 December 2008.

3. By way of derogation from Article 2(3) of Regulation (EC) No 1002/2006, the first period for lodging applications for import licences for rice originating in and coming from Egypt under quota 09.4094 for 2008 shall only start on 2 January 2008. Such applications may no longer be lodged after 13:00 hours (Brussels time) on Friday 12 December 2008.

4. By way of derogation from Article 4(1) of Regulation (EC) No 955/2005, the first period for lodging applications for import licences for rice originating in Egypt under quota 09.4097 for 2008 shall only start on 2 January 2008. Such applications may no longer be lodged after 13:00 hours (Brussels time) on Friday 12 December 2008.

Article 5

Sugar

1. By way of derogation from Article 4(2) of Regulation (EC) No 950/2006 and Article 2 of Regulation (EC) No 508/2007, applications for import licences for sugar products under quotas 09.4331 to 09.4351, 09.4315 to 09.4320, 09.4324 to 09.4328, 09.4365, 09.4366, 09.4380 and 09.4390 for 2008 may no longer be lodged after 13:00 hours (Brussels time) on Friday 12 December 2008.

2. By way of derogation from Article 5(5) of Regulation (EC) No 1100/2006, applications for import licences for sugar products under quotas 09.4361 and 09.4362 for 2008 may no longer be lodged after 13:00 hours (Brussels time) on Friday 12 December 2008.

Article 6

Olive oil

By way of derogation from Article 3(3) of Regulation (EC) No 1918/2006, import licences for olive oil applied for on Monday 17 or Tuesday 18 March 2008 under quota 09.4032 shall be issued on Friday 28 March 2008, subject to the measures adopted pursuant to Article 7(2) of Regulation (EC) No 1301/2006.

Article 7

Licences for exports of beef and veal, pigment, eggs and poultrymeat attracting refunds

By way of derogation from the second subparagraph of Article 10(1) of Regulation (EC) No 1445/95, Article 3(3) of Regulation (EC) No 1518/2003, Article 3(3) of Regulation (EC) No 596/2004 and Article 3(3) of Regulation (EC) No 633/2004, export licences applied for during the periods referred to in Annex III hereto shall be issued on the corresponding dates set out therein.

The derogation provided for in the first paragraph shall apply only where no special measure as provided for in Article 10(2) of Regulation (EC) No 1445/95, Article 3(4) of Regulation (EC) No 1518/2003, Article 3(4) of Regulation (EC) No 596/2004 and Article 3(4) of Regulation (EC) No 633/2004 is taken before those dates of issue.

Article 8

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

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

Done at Brussels, 7 December 2007.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

ANNEX I

Import licences for sweet potatoes to be issued under quotas 09.4013 and 09.4014 for certain periods of 2008

Dates for lodging applications	Dates of issue of licences
Tuesday 18 March 2008	Friday 28 March 2008
Tuesday 29 April 2008	Friday 9 May 2008

ANNEX II

Import licences for manioc starch to be issued under quotas 09.4064 and 09.4065 for certain periods of 2008

Dates for lodging applications	Dates of issue of licences
Tuesday 18 March 2008	Friday 28 March 2008
Tuesday 29 April 2008	Friday 9 May 2008

ANNEX III

Periods for lodging applications for licences for beef and veal, pigmeat, eggs and poultrymeat exports	Dates of issue of licences
17 to 21 March 2008	27 March 2008
5 to 9 May 2008	15 May 2008
14 to 18 July 2008	24 July 2008

II

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

DECISIONS

COUNCIL

COUNCIL DECISION

of 12 October 2006

on the signature, on behalf of the Community, of the Protocol on the Implementation of the Alpine Convention in the field of transport (Transport Protocol)

(2007/799/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 71 in conjunction with Article 300 paragraph 2, first sentence of the first subparagraph thereof,

Having regard to the proposal of the Commission,

Whereas:

(1) Promoting measures at international level to deal with regional and European problems hindering sustainable mobility in transport and resulting in risks to the environment is one of the objectives of the Community's policy on transport.

(2) The Council authorised the Commission on 14 May 1991 to participate, on behalf of the Community, in the negotiations on the Alpine Convention and the protocols thereto, in consultation with the Member States.

(3) By Council Decision 96/191/EC ⁽¹⁾, the Community concluded the Convention on the Protection of the Alps (Alpine Convention).

(4) A Protocol on the Implementation of the Alpine Convention in the field of Transport, based on Article 2(2) and (3) of the Alpine Convention, was adopted on 24-26 May 2000 on the occasion of the 16th Meeting of the Standing Committee of the Alpine Convention.

(5) The Transport Protocol provides a framework, based on the precautionary principle, the preventive principle and the polluter-pays principle, for ensuring sustainable mobility and protection of the environment, for all modes of transport, in the Alpine region.

(6) The Transport Protocol, pursuant to Article 24 thereof, was open for signature by the Contracting Parties at the Ministerial meeting of the Alpine Convention held in Lucerne on 30 and 31 October 2000, and in the Republic of Austria, as the depositary, thereafter.

(7) Preponderant Community competence linked with the principle of unity in the international representation of the Community militate in favour of simultaneous signature and eventual deposit of the respective instruments of ratification or approval, if possible, by the Community and its Member States, which are contracting parties to the Convention.

(8) It is convenient that the Protocol on the Implementation of the Alpine Convention in the field of Transport (Transport Protocol) be signed, on behalf of the Community, subject to subsequent conclusion,

⁽¹⁾ OJ L 61, 12.3.1996, p. 31.

HAS DECIDED AS FOLLOWS:

Sole Article

The President of the Council is hereby authorised to designate the person or persons empowered to sign on behalf of the Community, subject to subsequent conclusion, the Protocol on the Implementation of the Alpine Convention in the field of Transport (Transport Protocol) and to confer upon them the powers necessary for that purpose.

Done at Luxembourg, 12 October 2006.

For the Council
The President
S. HUOVINEN

TRANSLATION

**PROTOCOL ON THE IMPLEMENTATION OF THE 1991 ALPINE CONVENTION IN THE FIELD OF
TRANSPORT****Transport protocol**

THE FEDERAL REPUBLIC OF GERMANY,

THE FRENCH REPUBLIC,

THE ITALIAN REPUBLIC,

THE PRINCIPALITY OF LIECHTENSTEIN,

THE PRINCIPALITY OF MONACO,

THE REPUBLIC OF AUSTRIA,

THE SWISS CONFEDERATION,

THE REPUBLIC OF SLOVENIA,

and

THE EUROPEAN COMMUNITY —

In accordance with their task, arising from the Convention on the Protection of the Alps (Alpine Convention) of 7 November 1991, of pursuing a comprehensive policy for the protection and the sustainable development of the Alpine region;

In compliance with their obligations under Article 2(2) and (3) of the Alpine Convention;

Aware that the ecosystems and landscapes of the Alpine region are particularly sensitive, that its geographical conditions and topography are likely to increase pollution and noise and that it contains unique natural resources and a unique cultural heritage;

Aware that, without appropriate measures, transport and the environmental damage which it causes will continue to increase owing to the further integration of markets, socioeconomic development and leisure activities;

Convinced that the local population must be able to determine its own social, cultural and economic development plan and take part in its implementation in the existing institutional framework;

Aware that transport is not without an environmental impact and that the environmental damage it causes produces increasing negative effects on and risks to the ecology, health and safety, which need to be tackled through a common approach;

Aware that enhanced safety measures are needed during the transport of hazardous materials;

Aware of the need to make comprehensive arrangements for observation, research, the provision of information and consultation in order to establish the links between transport, health, environment and economic development and to make clear the need to reduce environmental damage;

Aware that, in the Alpine region, a transport policy based on the principles of sustainability is in the interests of both the Alpine and extra-Alpine populations and that it is also necessary to preserve the Alpine regions as both a habitat and a natural and economic region;

Aware that on the one hand the present potential of modes of transport is to some extent not used sufficiently and on the other hand not enough account is taken of the importance of infrastructures for more environmentally-friendly transport systems (such as railway transport, shipping and combined transport) or of the transnational compatibility and operability of the various means of transport, and that it is therefore necessary to optimise such transport systems by a major strengthening of the networks inside and outside the Alpine region;

Aware that regional-planning and economic-policy decisions taken inside and outside the Alpine region have major repercussions for the development of Alpine transport;

Desiring to make a decisive contribution to sustainable development and to improvement of the quality of life by reducing the volume of traffic, managing transport in a more environmentally-friendly manner and increasing the effectiveness and efficiency of existing transport systems;

Convinced that it is necessary to balance economic interests, social needs and environmental requirements;

With due regard for the bilateral and multilateral conventions concluded between the Contracting Parties and the European Community, in particular in the field of transport;

Convinced that certain problems can only be resolved in a cross-border framework and require joint measures on the part of the Alpine States —

HAVE AGREED AS FOLLOWS:

CHAPTER I

GENERAL PROVISIONS

Article 1

Objectives

1. The Contracting Parties undertake to pursue a sustainable transport policy which will:

- (a) reduce the negative effects of and risks posed by intra-Alpine and transalpine transport to a level which is not harmful to people, flora and fauna and their environments and habitats, *inter alia*, by transferring an increasing amount of transport, especially freight transport, to the railways, in particular by creating appropriate infrastructures and incentives in line with market principles;
- (b) contribute to the sustainable development of the habitats and economic areas in which people living in the Alpine region dwell and work by implementing a transport policy which encompasses all modes of transport and is harmonised between the various Contracting Parties;
- (c) help to reduce and, as far as possible, avoid any impact which might endanger the role and natural resources of the Alpine region, the importance of which goes beyond the boundaries of the Alpine areas, and threaten its natural and cultural heritage;
- (d) ensure the movement of intra-Alpine and transalpine transport at economically bearable costs by increasing the efficiency of transport systems and promoting modes of

transport which are more environmentally-friendly and more economic in terms of natural resources;

- (e) ensure fair competition between modes of transport.

2. The Contracting Parties undertake to develop the transport sector while observing the precautionary principle, the preventive principle and the polluter-pays principle.

Article 2

Definitions

For the purposes of this Protocol:

‘Transalpine transport’ is transport made up of journeys whose points of departure and arrival are outside the Alpine region.

‘Intra-Alpine transport’ is transport made up of journeys whose points of departure and arrival are inside the Alpine region (inland transport) including transport made up of journeys whose points of departure or arrival are inside the Alpine region.

‘Bearable negative effects and risks’ are negative effects and risks to be defined through environmental-impact assessment and risk analysis with the aim of putting an end to any further increase in negative effects and risks and, where necessary, reducing them by means of appropriate measures in the case of both new building works and existing infrastructures which have a significant impact on the land.

'External costs' are costs which are not borne by the user of goods or services. They include the costs of infrastructure where use is free, the costs of environmental pollution and noise and the costs of damage to people and property caused by transport.

'New, large-scale building works, or major alterations or extensions of existing transport infrastructures' are infrastructure projects having effects which, in accordance with national impact assessment legislation or international conventions in force, are subject to an environmental impact assessment.

'Large-capacity roads' are all motorways and roads with two or more lanes, without intersections, or any road the traffic impact of which is similar to that of a motorway.

'Environmental quality objectives' are objectives which describe the environmental quality level to be attained, with due regard for the effects on ecosystems. They lay down (updateable) quality criteria for the protection of the natural and cultural heritage from a material, geographical and time-related viewpoint.

'Environmental quality standards' are specific standards which enable the environmental quality objectives to be met. They determine the objectives applicable to certain parameters, the measuring procedures or the overall requirements.

'Environmental quality indicators' are indicators which make it possible to measure or evaluate the present state of environmental damage and to forecast any change.

'The precautionary principle' is the principle whereby measures intended to avoid, control or reduce serious or irreversible effects on health and the environment should not be postponed by arguing that scientific research has not yet strictly proven the existence of a cause-and-effect relationship between the substances concerned and their potential harmfulness to health and the environment.

'The "polluter-pays" principle', including the acceptance of liability for effects caused, is the principle whereby the costs of preventing, controlling and reducing environmental damage and restoring the environment to an acceptable state are to be paid by polluters. The latter should, as far as possible, pay the entire cost of the impact of transport on health and the environment.

'Advisability study' is an investigation, in accordance with national laws, during the planning of new, large-scale building works, or major alterations or extensions of existing transport infrastructures concerning the advisability of projects from the

angle of both transport policy and economic, environmental and socio-cultural impact.

Article 3

Sustainable transport and mobility

1. To enable transport to develop in a sustainable manner, the Contracting Parties undertake to contain, by means of a concerted transport and environmental policy, the negative effects and risks due to transport by taking account of:

(a) the importance of the environment so that:

- (aa) the use of natural resources is reduced to a level which, as far as possible, does not exceed their natural capacity for regeneration;
- (bb) harmful emissions are reduced to a level which is not detrimental to the absorption capacity of the environments concerned;
- (cc) the input of substances into the environment is limited so as to avoid harming environmental structures and natural materials cycles;

(b) the requirements of the population so as to:

- (aa) allow accessibility for persons, labour, goods and services, while effectively preserving the environment, saving energy and space and meeting the essential needs of the population;
- (bb) avoid endangering human health and reduce the risks of environmental disasters and the number and severity of accidents;

(c) the importance of economic criteria so as to:

- (aa) increase the profitability of the transport sector and internalise external costs;
- (bb) encourage optimum use of existing infrastructures;
- (cc) guarantee employment in undertakings which are performing well in the various sectors of the economy;

(d) the need to take enhanced measures against noise because of the special topography of the Alps.

2. In keeping with the national and international transport legislation in force, the Contracting Parties undertake to develop national, regional and local strategies, objectives and measures which:

- (a) take account of the different environmental, economic and socio-cultural data and different needs;
- (b) make it possible to reduce environmental damage due to transport by putting in place economic tools combined with measures for regional and transport planning.

Article 4

Taking the objectives into account in other policies

1. The Contracting Parties undertake to take account of the objectives of this Protocol in their other policies as well.
2. The Contracting Parties undertake to anticipate and evaluate the effects of other policies, strategies and concepts on transport.

Article 5

Participation of regional and local authorities

1. The Contracting Parties shall encourage international cooperation between the competent institutions in order to find the best possible cross-border harmonised solutions.
2. Each Contracting Party shall define, within its institutional framework, the best level of coordination and cooperation between the institutions and regional and local authorities directly concerned so as to encourage solidarity of responsibility, in particular in order to exploit and develop synergies when implementing transport policies and the resulting measures.
3. The regional and local authorities directly concerned shall be parties to the various stages of preparing and implementing these policies and measures within the limits of their competence and within the existing institutional framework.

Article 6

Reinforced national regulations

In order to protect the ecologically sensitive Alpine region and without prejudice to international conventions in force, the Contracting Parties may take measures going beyond those

provided for in this Protocol because of special situations relating in particular to their natural areas or on grounds of public health, safety or protection of the environment.

CHAPTER II

SPECIFIC MEASURES

(A) STRATEGIES, CONCEPTS, PROJECTS

Article 7

General transport-policy strategy

1. In order to ensure sustainability, the Contracting Parties undertake to promote rational, safe transport management in a harmonised, cross-border network that:

- (a) ensures coordination between different carriers, modes and types of transport and encourages intermodality;
- (b) optimises the use of existing transport systems and infrastructures in the Alps, including through the use of electronic data transmission, and charges external and infrastructure costs to polluters in line with the damage caused;
- (c) encourages, by means of structural and regional planning measures, the transfer of the carriage of passengers and goods to more environmentally-friendly means of transport and to intermodal transport systems;
- (d) recognises and utilises the opportunities for reducing traffic volume.

2. The Contracting Parties undertake to adopt the necessary measures so as to ensure as far as possible:

- (a) the protection of communication routes against natural hazards;
- (b) in areas particularly damaged by transport, the protection of persons and of the environment;
- (c) the gradual reduction of emissions of harmful substances and noise by all modes of transport, including through the use of the best technologies available;
- (d) greater transport safety.

Article 8

Evaluation and intergovernmental consultation procedure

1. In the case of new, large-scale building works and major alterations or extensions of existing transport infrastructures, the Contracting Parties undertake to carry out advisability studies, environmental impact assessments and risk analyses and to evaluate the results in the light of the objectives of this Protocol.

2. The planning of transport infrastructure in the Alps must be carried out in a coordinated, concerted manner. In the case of projects with a significant cross-border impact, each Contracting Party undertakes to carry out, at the latest once the studies have been presented, prior consultations with the other Contracting Parties concerned. These provisions shall be without prejudice to the right of each Contracting Party to construct transport infrastructure which has been adopted in accordance with their internal legal order at the time of adoption of this Protocol or the need for which has been established in accordance with the law.

3. The Contracting Parties shall encourage the increased consideration of transport policy in the environmental management of undertakings in their countries.

(B) TECHNICAL MEASURES

Article 9

Public transport

In order to maintain and improve the settlement pattern and the economic organisation of the Alps as well as their attractiveness for recreation and leisure purposes in a sustainable manner, the Contracting Parties undertake to encourage the creation and development of user-friendly, environmentally-adapted public transport systems.

Article 10

Rail transport and shipping

1. In order to make better use of the particular suitability of the railways for meeting the requirements of long-distance transport, and use of the railway network for economic activity and tourism in the Alps, the Contracting Parties shall, within the limit of their competences, promote:

- (a) the improvement of railway infrastructure by constructing and developing the major transalpine railway routes, including connecting routes and suitable terminals;
- (b) the further optimisation and modernisation of railway undertakings, in particular for cross-border transport;

(c) the adoption of measures designed in particular to transfer the long-distance carriage of goods to rail and to further harmonise transport-infrastructure user charges;

(d) intermodal transport systems and the further development of rail transport;

(e) the increased use of rail and the creation of user-friendly synergies between long-distance passenger transport, regional transport and local transport.

2. In order to reduce the volume of transit goods carried by land, the Contracting Parties shall encourage additional efforts to increase the use of shipping.

Article 11

Road transport

1. The Contracting Parties shall refrain from constructing any new, large-capacity roads for transalpine transport.

2. Large-capacity road projects for intra-Alpine transport may be carried out only if:

(a) the objectives set out in Article 2(2)(j) of the Alpine Convention can be attained by means of appropriate precautionary and compensatory measures as determined by the environmental impact assessment;

(b) the transport requirements cannot be met by making better use of existing road and railway capacity, by extending or constructing new railway transport and shipping infrastructures, by improving combined transport, or by any other transport organisation measures;

(c) the results of the advisability study have shown that the project is economically viable, the risks are contained and the result of the environmental impact assessment is positive;

(d) regional planning and/or programmes and sustainable development are taken into consideration.

3. However, in view of the geography and the settlement pattern of the Alpine region, which cannot always be efficiently served by public transport alone, the Contracting Parties shall recognise the need, in these remote areas, to create and maintain sufficient transport infrastructures for private transport to function.

*Article 12***Air transport**

1. The Contracting Parties undertake to reduce as far as possible the environmental damage caused by air transport, including aircraft noise, without transferring it to other regions. Taking account of the objectives of this Protocol, they shall make efforts to limit or, where appropriate, prohibit airdrops in places other than airfields. In order to protect the wild fauna, the Contracting Parties shall take appropriate measures to impose time and place limits on non-motorised air transport for leisure purposes.

2. The Contracting Parties undertake to improve public transport systems from airports on the fringes of the Alps to the various Alpine regions so as to be able to satisfy transport demand without further damage to the environment. In this context, the Contracting Parties shall restrict as far as possible the construction of new airports and any major extension of existing airports in the Alps.

*Article 13***Tourist facilities**

1. The Contracting Parties undertake to evaluate, in the light of the objectives of this Protocol, the transport impact of new tourist facilities and, if necessary, to take precautionary or compensatory measures to fulfil the objectives of this or other Protocols. Priority shall be given in this case to public transport.

2. The Contracting Parties shall support the creation and maintenance of low-traffic and traffic-free areas, the exclusion of cars from certain tourist sites and measures to encourage tourists not to arrive by car or use cars.

*Article 14***Real costs**

In an attempt to influence the routing of transport by taking greater account of the real costs of the various transport modes, the Contracting Parties agree to apply the 'polluter-pays' principle and to support the establishment and use of a system to calculate infrastructure costs and external costs. The objective is gradually to introduce transport-specific charging systems to cover such real costs in an equitable manner and to:

- (a) encourage the use of the most environmentally-friendly modes and means of transport;
- (b) achieve a more balanced use of transport infrastructure;
- (c) provide incentives to make more use of opportunities for the reduction of environmental and socioeconomic costs by means of structural and regional planning measures which have an impact on transport.

*(C) MONITORING AND CONTROL**Article 15***Supply and use of transport infrastructure**

1. The Contracting Parties undertake to record and periodically update in a reference document the state, development, and use of or improvement in large-capacity transport infrastructure and transport systems and the reduction in environmental damage. They shall use a uniform presentation for this purpose.

2. On the basis of the above reference document, the Contracting Parties shall consider the extent to which implementing measures have contributed to the achievement and further development of the objectives of the Alpine Convention and, in particular, this Protocol.

*Article 16***Environmental quality objectives, standards and indicators**

1. The Contracting Parties shall lay down and implement environmental quality objectives for the establishment of sustainable transport.

2. They agree on the need to have suitable standards and indicators for the specific requirements of the Alpine region.

3. The application of these standards and indicators is intended to measure damage to the environment and health caused by transport.

CHAPTER III

COORDINATION, RESEARCH, TRAINING AND INFORMATION*Article 17***Coordination and information**

The Contracting Parties agree, where necessary, to hold joint meetings in order to:

- (a) evaluate the impact of measures taken under this Protocol;
- (b) consult each other prior to any major transport-policy decisions which are likely to have an impact on the other Contracting States;
- (c) encourage exchanges of information on the implementation of this Protocol, giving priority to the use of existing information systems;

- (d) reach agreement prior to any major transport-policy decisions, in particular in order to incorporate them in a harmonised cross-border regional planning policy.

Article 18

Research and observation

1. The Contracting Parties shall cooperate closely in encouraging and harmonising research on and systematic observation of the interaction between transport and the environment in the Alps and specific technological developments which will increase the economic efficiency of environmentally-friendly transport systems.
2. The results of the joint research and observation shall be duly taken into account when reviewing the implementation of this Protocol, in particular in order to devise methods and criteria for defining sustainable traffic development.
3. The Contracting Parties shall ensure that the various results of national research and systematic observation are included in a common permanent observation and information system and that they are made accessible to the public under the existing institutional framework.
4. The Contracting Parties shall support pilot projects for the implementation of sustainable transport concepts and technologies.
5. The Contracting Parties shall support research into the applicability of methods for intermodal strategic environmental impact assessment in the Alps.

Article 19

Training and provision of information to the public

The Contracting Parties shall encourage basic and further training and the provision of information to the public on the objectives, measures and implementation of this Protocol.

CHAPTER IV

MONITORING AND EVALUATION

Article 20

Implementation

The Contracting Parties undertake to ensure the implementation of this Protocol by taking any appropriate measures within the existing institutional framework.

Article 21

Monitoring of compliance with Protocol obligations

1. The Contracting Parties shall regularly report to the Standing Committee on measures taken under this Protocol. The reports shall also cover the effectiveness of the measures taken. The Alpine Conference shall determine the intervals at which the reports must be submitted.
2. The Standing Committee shall examine these reports in order to ensure that the Contracting Parties have fulfilled their obligations arising from this Protocol. It may also ask for additional information from the Contracting Parties concerned or have recourse to other information sources.
3. The Standing Committee shall draw up a report on compliance by the Contracting Parties with the obligations arising from this Protocol, for the attention of the Alpine Conference.
4. The Alpine Conference shall take note of this report. If it finds that obligations have not been met, it may adopt recommendations.

Article 22

Evaluation of the effectiveness of the provisions

1. The Contracting Parties shall regularly examine and evaluate the effectiveness of the provisions of this Protocol. They shall initiate appropriate amendments to this Protocol where necessary in order to achieve objectives.
2. The regional and local authorities shall be associated with this evaluation within the existing institutional framework. Non-governmental organisations active in this field may be consulted.

CHAPTER V

FINAL PROVISIONS

Article 23

Links between the Alpine Convention and the Protocol

1. This Protocol constitutes a Protocol to the Alpine Convention within the meaning of Article 2 and any other relevant articles of the Convention.
2. Only Contracting Parties to the Alpine Convention may become a party to this Protocol. Any denunciation of the Alpine Convention also implies denunciation of this Protocol.
3. Where the Alpine Conference discusses matters relating to this Protocol, only the Contracting Parties to this Protocol may take part in the vote.

*Article 24***Signature and ratification**

1. This Protocol shall be open for signature by the signatory States of the Alpine Convention and by the European Community on 31 October 2000 and in the Republic of Austria, as the depositary, from 6 November 2000.

2. This Protocol shall enter into force for the Contracting Parties which have expressed their agreement to be bound by the said Protocol three months after the date on which three States have deposited their instruments of ratification, acceptance or approval.

3. For Parties which later express their agreement to be bound by the Protocol, the Protocol shall enter into force three months after the date of deposit of the instrument of ratification, acceptance or approval. After the entry into force of an amendment to the Protocol, any new Contracting Party to the said Protocol shall become a Contracting Party to the Protocol, as amended.

*Article 25***Notification**

The depositary shall, in respect of this Protocol, notify each State referred to in the Preamble and the European Community of:

- (a) any signature;
- (b) the deposit of any instrument of ratification, acceptance or approval;
- (c) any date of entry into force;
- (d) any declaration made by a Contracting Party or signatory;
- (e) any denunciation notified by a Contracting Party, including the date on which it becomes effective.

In witness whereof, the undersigned, being duly authorised thereto, have signed this Protocol.

Done at Lucerne this thirty-first day of October two thousand, in the French, German, Italian and Slovene languages, the four texts being equally authentic, in a single original which shall be deposited in the Austrian State Archives. The depositary shall send a certified copy to each of the signatory States.

For the Federal Republic of Germany,
For the French Republic,
For the Italian Republic,
For the Principality of Liechtenstein,
For the Principality of Monaco,
For the Republic of Austria,
For the Swiss Confederation,
For the Republic of Slovenia,
For the European Community.

COUNCIL DECISION

of 5 June 2007

on the signing of the Agreement between the European Community and the Republic of Turkey on the participation of the Republic of Turkey in the work of the European Monitoring Centre for Drugs and Drug Addiction

(2007/800/EC)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Community, and in particular Article 152 in conjunction with the first sentence of the first subparagraph of Article 300(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) Council Regulation (EEC) No 302/93 of 8 February 1993 on the establishment of a European Monitoring Centre for Drugs and Drug Addiction ⁽¹⁾ provides, in Article 13 thereof, that the Centre is to be open to the participation of non-Community countries which share the Community's interests and those of its Member States in the Centre's objectives and work.
- (2) The Commission has negotiated, on behalf of the Community, an Agreement with the Republic of Turkey on the participation of the Republic of Turkey in the work of the European Monitoring Centre for Drugs and Drug Addiction.
- (3) Subject to its conclusion, the Agreement should be signed on behalf of the Community,

Article 1

The signing of the Agreement between the European Community and the Republic of Turkey on the participation of the Republic of Turkey in the work of the European Monitoring Centre for Drugs and Drug Addiction is hereby approved on behalf of the Community, subject to the Council Decision concerning the conclusion of the said Agreement.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement on behalf of the Community, subject to its conclusion.

Done at Luxembourg, 5 June 2007.

For the Council

The President

P. STEINBRÜCK

⁽¹⁾ OJ L 36, 12.2.1993, p. 1. Regulation as last amended by Regulation (EC) No 1651/2003 (OJ L 245, 29.9.2003, p. 30).

AGREEMENT**between the European Community and the Republic of Turkey on the participation of the Republic of Turkey in the work of the European Monitoring Centre for Drugs and Drug Addiction**

THE EUROPEAN COMMUNITY, hereinafter referred to as 'the Community',

of the one part, and

THE REPUBLIC OF TURKEY, hereinafter referred to as 'Turkey',

of the other part,

hereinafter referred to as 'the Contracting Parties',

RECALLING that the Luxembourg European Council in 1997 made participation in the Community programmes and agencies a way of stepping up the pre-accession strategy,

CONSIDERING that the Community, by Council Regulation (EEC) No 302/93 ⁽¹⁾ (the Regulation) has established the European Monitoring Centre for Drugs and Drug Addiction (the Centre),

WHEREAS the Regulation provides in its Article 13 that the Centre shall be open to the participation of those non-Community countries which share the Community's interests and those of its Member States,

WHEREAS Turkey shares in the aims and objectives laid down for the Centre in the Regulation because Turkey's ultimate objective is to become a member of the European Union,

WHEREAS Turkey subscribes to the description of the tasks of the Centre and to its work method and priority areas as described in the Regulation,

WHEREAS there exists in Turkey an institution suitable to be linked to the European Information Network on Drugs and Drug Addiction,

HAVE AGREED AS FOLLOWS:

*Article 1***Participation**

Turkey shall participate fully in the work of the European Monitoring Centre for Drugs and Drug Addiction (the Centre), on the terms set out in this Agreement.

*Article 2***European Information Network on Drugs and Drug Addiction**

1. Turkey shall be linked to the European Information Network on Drugs and Drug Addiction (REITOX).
2. Turkey shall notify the Centre of the main elements of its national information network within 28 days of the entry into

force of this Agreement, including its national monitoring centre, and name any other specialised centres which could make a useful contribution to the Centre's work.

*Article 3***Management Board**

The Management Board of the Centre shall invite a representative of Turkey to participate in its meetings. The representative shall participate fully without the right to vote. The Management Board may convoke exceptionally a meeting restricted to representatives of Member States and of the European Commission on issues of interest particular to the Community and its Member States.

The Management Board, in session with representatives of Turkey, will lay down the detailed arrangements concerning the participation of Turkey in the work of the Centre.

⁽¹⁾ OJ L 36, 12.2.1993, p. 1. Regulation as last amended by Regulation (EC) No 1651/2003 (OJ L 245, 29.9.2003, p. 30).

*Article 4***Budget**

Turkey shall contribute financially to the activities of the Centre in accordance with the provisions laid down in Annex I to this Agreement, which shall form an integral part thereof.

*Article 5***Protection and confidentiality of data**

1. Where, on the basis of this Agreement, personal data which do not enable natural persons to be identified are forwarded by the Centre to the Turkish authorities in accordance with Community and Turkish law, such data may be used only for the stated purpose and under the conditions prescribed by the forwarding authority.

2. Data on drugs and drug addiction provided to the Turkish authorities by the Centre may be published subject to compliance with Community and Turkish rules on the dissemination and confidentiality of information. Personal data may not be published or made accessible to the public.

3. Designated specialised centres in Turkey shall be under no obligation to provide information classified as confidential under Turkish legislation.

4. In relation to data supplied by the Turkish authorities to the Centre, the latter will be bound by the rules laid down in Article 6 of the Regulation.

*Article 6***Legal status**

The Centre shall have legal personality under Turkish law and shall enjoy in Turkey the most extensive legal capacity accorded to legal persons under Turkish law.

*Article 7***Liability**

The liability of the Centre shall be governed by the rules laid down in Article 16 of the Regulation.

*Article 8***Privileges and immunities**

Turkey shall apply to the Centre the Protocol on the Privileges and Immunities of the European Communities, which, as Annex II to this Agreement, shall form an integral part thereof.

*Article 9***Staff Regulations**

By way of derogation from Article 12(2)(a) of the Conditions of employment of other servants of the European Communities, Turkish nationals enjoying their full rights as citizens may be engaged under contract by the Executive Director of the Centre.

*Article 10***Entry into force**

The Contracting Parties shall approve this Agreement in accordance with their own procedures.

This Agreement shall enter into force on the first day of the month following the date on which the Contracting Parties notify each other that the procedures referred to in the first subparagraph have been completed.

*Article 11***Validity and termination**

1. This Agreement is concluded for an unlimited period. It shall expire on Turkey's accession to the European Union.

2. Either Contracting Party may denounce this Agreement by a written notification to the other Contracting Party. The Agreement shall cease to be in force six months after the date of such notification.

Съставено в Брюксел на тридесети октомври две хиляди и седма година.

Hecho en Bruselas, el treinta de octubre de dos mil siete.

V Bruselu dne třicátého října dva tisíce sedm.

Udfærdiget i Bruxelles, den tredivte oktober to tusind og syv.

Geschehen zu Brüssel am dreißigsten Oktober zweitausendsieben.

Kahe tuhande seitsmenda aasta oktoobrikuu kolmekümnendal päeval Brüsselis.

Έγινε στις Βρυξέλλες, στις τριάντα Οκτωβρίου δύο χιλιάδες επτά.

Done at Brussels on the thirtieth day of October in the year two thousand and seven.

Fait à Bruxelles, le trente octobre deux mille sept.

Fatto a Bruxelles, addì trenta ottobre duemilasette.

Briselē, divtūkstoš septītā gada trīsdesmitajā oktobrī.

Priimta du tūkstančiai septintųjų metų spalio trisdešimtą dieną Briuselyje.

Kelt Brüsszelben, a kétezzer-hetedik év október harmincadik napján.

Magħmul fi Brussell, fit-tletin-il jum ta' Ottubru tas-sena elfejn u sebgha.

Gedaan te Brussel, de dertigste oktober tweeduizend zeven.

Sporządzono w Brukseli, dnia trzydziestego października roku dwa tysiące siódmego.

Feito em Bruxelas, em trinta de Outubro de dois mil e sete.

Înceiat la Bruxelles, treizeci octombrie două mii șapte.

V Bruseli dna tridsiateho októbra dvetisícšedem.

V Bruslju, dne tridesetega oktobra leta dva tisoč sedem.

Tehty Brysselissä kolmantenakymmenentenä päivänä lokakuuta vuonna kaksituhattaseitsemän.

Som skedde i Bryssel den trettionde oktober tjugohundrasju.

Brüksel'de, otuz Ekim ikibinyedi gününde yapılmıştır.

Za Европейската общност
Por la Comunidad Europea
Za Evropské společenství
For Det Europæiske Fællesskab
Für die Europäische Gemeinschaft
Euroopa Ühenduse nimel
Για την Ευρωπαϊκή Κοινότητα
For the European Community
Pour la Communauté européenne
Per la Comunità europea
Eiropas Kopienas vārdā
Europos bendrijos vardu
az Európai Közösség részéről
Għall-Komunità Ewropea
Voor de Europese Gemeenschap
W imieniu Wspólnoty Europejskiej
Pela Comunidade Europeia
Pentru Comunitatea Europeană
Za Európske spoločenstvo
Za Evropsko skupnost
Euroopan yhteisön puolesta
På Europeiska gemenskapens vägnar
Avrupa Topluluğu adına

За Република Турция
Por la Republica de Turquía
Za Tureckou republiku
For Republiken Tyrkiet
Für die Republik Türkei
Türgi Vabariigi nimel
Για την Τουρκική Δημοκρατία
For the Republic of Turkey
Pour la République de Turquie
Per la Repubblica di Turchia
Turcijas Republikas vārdā
Turkijos Respublikos vardu
A Torök Köztársaság részéről
Għar-Repubblika tat-Turkija
Voor de Republiek Turkije
W imieniu Republiki Turcji
Pela República da Turquia
Pentru Republica Turcia
Za Tureckú republiku
Za Republiko Turčijo
Turkin tasavallan puolesta
För Republiken Turkiet
Türkiye Cumhuriyeti adına

ANNEX I

FINANCIAL CONTRIBUTION OF TURKEY TO THE EUROPEAN MONITORING CENTRE FOR DRUGS AND DRUG ADDICTION

1. The financial contribution to be paid by Turkey to the general budget of the European Union to participate in the European Monitoring Centre for Drugs and Drug Addiction (the Centre) will progressively increase in a four-year period during which the activities will be phased in by Turkey. The financial contributions required are:

— during the first year of participation	EUR 100 000
— during the second year of participation	EUR 150 000
— during the third year of participation	EUR 210 000
— during the fourth year of participation	EUR 271 000

From the fifth year of participation, the annual financial contribution to be paid by Turkey to the Centre shall be the contribution of the fourth year of participation indexed by the rate of increase of the Community subvention to the Centre.

2. Turkey may partially use Community assistance to pay the contribution to the Centre with a maximum Community contribution of 75 % in the first year of participation, 60 % in the second year of participation and 50 % thereafter. Subject to a separate programming procedure, the requested Community funds will be transferred to Turkey by means of a separate financing memorandum. The remaining part of the contribution will be covered by Turkey.
3. The contribution of Turkey will be managed in accordance with the financial regulation applicable to the general budget of the European Union.

Travel costs and subsistence costs incurred by representatives and experts of Turkey for the purposes of taking part in the Centre's activities or meetings related to the implementation of the Centre's work programme shall be reimbursed by the Centre on the same basis as, and in accordance with, the procedures currently in force for the Member States of the European Union.

4. For the first calendar year of its participation Turkey will pay a contribution calculated from the date of participation to the end of the year on a pro rata basis. For the following years the contribution will be in accordance with this Agreement.
-

ANNEX II

PROTOCOL ON THE PRIVILEGES AND IMMUNITIES OF THE EUROPEAN COMMUNITIES

THE HIGH CONTRACTING PARTIES,

CONSIDERING that, in accordance with Article 28 of the Treaty establishing a Single Council and a Single Commission of the European Communities, these Communities and the European Investment Bank shall enjoy in the territories of the Member States such privileges and immunities as are necessary for the performance of their tasks,

HAVE AGREED upon the following provisions, which shall be annexed to this Treaty:

CHAPTER I

PROPERTY, FUNDS, ASSETS AND OPERATIONS OF THE EUROPEAN COMMUNITIES*Article 1*

The premises and buildings of the Communities shall be inviolable. They shall be exempt from search, requisition, confiscation or expropriation. The property and assets of the Communities shall not be the subject of any administrative or legal measure of constraint without the authorisation of the Court of Justice.

Article 2

The archives of the Communities shall be inviolable.

Article 3

The Communities, their assets, revenues and other property shall be exempt from all direct taxes.

The Governments of the Member States shall, wherever possible, take the appropriate measures to remit or refund the amount of indirect taxes or sales taxes included in the price of moveable or immovable property, where the Communities make, for their official use, substantial purchases the price of which includes taxes of this kind. These provisions shall not be applied, however, so as to have the effect of distorting competition within the Communities.

No exemption shall be granted in respect of taxes and dues which amount merely to charges for public utility services.

Article 4

The Communities shall be exempt from all customs duties, prohibitions and restrictions on imports and exports in respect of articles intended for their official use: articles so imported shall not be disposed of, whether or not in return for payment, in the territory of the country into which they have been imported, except under conditions approved by the government of that country.

The Communities shall also be exempt from any customs duties and any prohibitions and restrictions on import and exports in respect of their publications.

Article 5

The European Coal and Steel Community may hold currency of any kind and operate accounts in any currency.

CHAPTER II

COMMUNICATIONS AND LAISSEZ-PASSER*Article 6*

For their official communications and the transmission of all their documents, the institutions of the Communities shall enjoy in the territory of each Member State the treatment accorded by that State to diplomatic missions.

Official correspondence and other official communications of the institutions of the Communities shall not be subject to censorship.

Article 7

1. *Laissez-passer* in a form to be prescribed by the Council, which shall be recognised as valid travel documents by the authorities of the Member States, may be issued to members and servants of the institutions of the Communities by the Presidents of these institutions. These *laissez-passer* shall be issued to officials and other servants under conditions laid down in the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the Communities.

The Commission may conclude agreements for these *laissez-passer* to be recognised as valid travel documents within the territory of non-member countries.

2. The provisions of Article 6 of the Protocol on the privileges and immunities of the European Coal and Steel Community shall, however, remain applicable to members and servants of the institutions who are at the date of entry into force of this Treaty in possession of the *laissez-passer* provided for in that Article, until the provisions of paragraph 1 of this Article are applied.

CHAPTER III

MEMBERS OF THE EUROPEAN PARLIAMENT*Article 8*

No administrative or other restriction shall be imposed on the free movement of Members of the European Parliament travelling to or from the place of meeting of the European Parliament.

Members of the European Parliament shall, in respect of customs and exchange control, be accorded:

- (a) by their own government, the same facilities as those accorded to senior officials travelling abroad on temporary official missions;
- (b) by the Government of other Member States, the same facilities as those accorded to representatives of foreign governments on temporary official missions.

Article 9

Members of the European Parliament shall not be subject to any form of inquiry, detention or legal proceedings in respect of opinions expressed or votes cast by them in the performance of their duties.

Article 10

During the sessions of the European Parliament, its Members shall enjoy:

- (a) in the territory of their own State, the immunities accorded to members of their parliament;
- (b) in the territory of any other Member State, immunity from any measure of detention and from legal proceedings.

Immunity shall likewise apply to Members while they are travelling to and from the place of meeting of the European Parliament.

Immunity cannot be claimed when a Member is found in the act of committing an offence and shall not prevent the European Parliament from exercising its right to waive the immunity of one of its Members.

CHAPTER IV

REPRESENTATIVES OF MEMBER STATES TAKING PART IN THE WORK OF THE INSTITUTIONS OF THE EUROPEAN COMMUNITIES*Article 11*

Representatives of Member States taking part in the work of the institutions of the Communities, their advisers and technical experts shall, in the performance of their duties and during their travel to and from the place of meeting, enjoy the customary privileges, immunities and facilities.

This Article shall also apply to members of the advisory bodies of the Communities.

CHAPTER V

OFFICIALS AND OTHER SERVANTS OF THE EUROPEAN COMMUNITIES

Article 12

In the territory of each Member State and whatever their nationality, officials and other servants of the Communities shall:

- (a) subject to the provisions of the Treaties relating, on the one hand, to the rules on the liability of officials and other servants towards the Communities and, on the other hand, to the jurisdiction of the Court in disputes between the Communities and their officials and other servants, be immune from legal proceedings in respect of acts performed by them in their official capacity, including their words spoken or written. They shall continue to enjoy this immunity after they have ceased to hold office;
- (b) together with their spouses and dependent members of their families, not be subject to immigration restrictions or to formalities for the registration of aliens;
- (c) in respect of currency or exchange regulations, be accorded the same facilities as are customarily accorded to officials of international organisations;
- (d) enjoy the right to import free of duty their furniture and effects at the time of first taking up their post in the country concerned, and the right to re-export free of duty their furniture and effects, on termination of their duties in that country, subject in either case to the conditions considered to be necessary by the government of the country in which this right is exercised;
- (e) have the right to import free of duty a motor car for their personal use, acquired either in the country of their last residence or in the country of which they are nationals on the terms ruling in the home market in that country, and to re-export it free of duty, subject in either case to the conditions considered to be necessary by the government of the country concerned.

Article 13

Officials and other servants of the Communities shall be liable to a tax for the benefit of the Communities on salaries, wages and emoluments paid to them by the Communities, in accordance with the conditions and procedure laid down by the Council, acting on a proposal from the Commission.

They shall be exempt from national taxes on salaries, wages and emoluments paid by the Communities.

Article 14

In the application of income tax, wealth tax and death duties and in the application of conventions on the avoidance of double taxation concluded between Member States of the Communities, officials and other servants of the Communities who, solely by reason of the performance of their duties in the service of the Communities, establish their residence in the territory of a Member State other than their country of domicile for tax purposes at the time of entering the service of the Communities, shall be considered, both in the country of their actual residence and in the country of domicile for tax purposes, as having maintained their domicile in the latter country provided that it is a member of the Communities. This provision shall also apply to a spouse, to the extent that the latter is not separately engaged in a gainful occupation, and to children dependent on and in the care of the persons referred to in this Article.

Moveable property belonging to persons referred to in the preceding paragraph and situated in the territory of the country where they are staying shall be exempt from death duties in that country; such property shall, for the assessment of such duty, be considered as being in the country of domicile for tax purposes, subject to the rights of non-member countries and to the possible application of provisions of international conventions on double taxation.

Any domicile acquired solely by reason of the performance of duties in the service of other international organisations shall not be taken into consideration in applying the provisions of this Article.

Article 15

The Council shall, acting unanimously on a proposal from the Commission, lay down the scheme of social security benefits for officials and other servants of the Communities.

Article 16

The Council shall, acting on a proposal from the Commission and after consulting the other institutions concerned, determine the categories of officials and other servants of the Communities to whom the provisions of Article 12, the second paragraph of Article 13, and Article 14 shall apply, in whole or in part.

The names, grades and addresses of officials and other servants included in such categories shall be communicated periodically to the Governments of the Member States.

CHAPTER VI

PRIVILEGES AND IMMUNITIES OF MISSIONS OF NON-MEMBER COUNTRIES ACCREDITED TO THE EUROPEAN COMMUNITIES*Article 17*

The Member State in whose territory the Communities have their seat shall accord the customary diplomatic immunities and privileges to missions of non-member countries accredited to the Communities.

CHAPTER VII

GENERAL PROVISIONS*Article 18*

Privileges, immunities and facilities shall be accorded to officials and other servants of the Communities solely in the interests of the Communities.

Each institution of the Communities shall be required to waive the immunity accorded to an official or other servant wherever that institution considers that the waiver of such immunity is not contrary to the interests of the Communities.

Article 19

The institutions of the Communities shall, for the purpose of applying this Protocol, cooperate with the responsible authorities of the Member States concerned.

Article 20

Articles 12 to 15 and Article 18 shall apply to Members of the Commission.

Article 21

Articles 12 to 15 and Article 18 shall apply to the Judges, the Advocates General, the Registrar and the Assistant Rapporteurs of the Court of Justice and to the Members and Registrar of the Court of First Instance, without prejudice to the provisions of Article 3 of the Protocols on the Statute of the Court of Justice concerning immunity from legal proceedings of Judges and Advocates General.

Article 22

This Protocol shall also apply to the European Investment Bank, to the members of its organs, to its staff and to the representatives of the Member States taking part in its activities, without prejudice to the provisions of the Protocol on the Statute of the Bank.

The European Investment Bank shall in addition be exempt from any form of taxation or imposition of a like nature on the occasion of any increase in its capital and from the various formalities which may be connected therewith in the State where the Bank has its seat. Similarly, its dissolution or liquidation shall not give rise to any imposition. Finally, the activities of the Bank and of its organs carried on in accordance with its Statute shall not be subject to any turnover tax.

Article 23

This Protocol shall also apply to the European Central Bank, to the members of its organs and to its staff, without prejudice to the provisions of the Protocol on the Statute of the European System of Central Banks and the European Central Bank.

The European Central Bank shall, in addition, be exempt from any form of taxation or imposition of a like nature on the occasion of any increase in its capital and from the various formalities which may be connected therewith in the State where the Bank has its seat. The activities of the Bank and of its organs carried on in accordance with the Statute of the European System of Central Banks and of the European Central Bank shall not be subject to any turnover tax.

The above provisions shall also apply to the European Monetary Institute. Its dissolution or liquidation shall not give rise to any imposition.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries have signed this Protocol. Done at Brussels this eighth day of April in the year one thousand nine hundred and sixty-five.

COUNCIL DECISION

of 6 December 2007

on the full application of the provisions of the Schengen *acquis* in the Czech Republic, the Republic of Estonia, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic

(2007/801/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the 2003 Act of Accession, and in particular Article 3(2) thereof,

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

Whereas:

- (1) Article 3(2) of the 2003 Act of Accession provides that the provisions of the Schengen *acquis* other than those mentioned in Annex I to the said Act shall only apply in a new Member State within the meaning of that instrument pursuant to a Council Decision to that effect after verification that the necessary conditions for the application of that *acquis* have been met.
- (2) The Council, having verified that the necessary conditions for the application of the data protection part of the Schengen *acquis* concerned had been met by the Czech Republic, the Republic of Estonia, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic (hereinafter the Member States concerned), rendered the provisions of the Schengen *acquis* related to the Schengen Information System applicable to the Member States concerned from 1 September 2007.
- (3) The Council has now verified, in accordance with the applicable Schengen evaluation procedures as set out in the Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen (SCH/Com-ex (98) 26 def.) ⁽²⁾, that the necessary conditions for the application of the Schengen *acquis* — Air Borders, Land Borders, Police Cooperation, the Schengen Information System, Sea Borders and Visas — in the Member States concerned.
- (4) On 8 November 2007, the Council concluded that the conditions in each of the areas mentioned had been fulfilled by the Member States concerned.

- (5) It is possible to set dates for the application of the Schengen *acquis* in full by those Member States, i.e. dates from which checks on persons at the internal borders with those Member States should be lifted.
- (6) From the earliest such dates, the restrictions on the use of the Schengen Information System, provided for in Council Decision 2007/471/EC of 12 June 2007 on the application of the provisions of the Schengen *acquis* relating to the Schengen Information System in the Czech Republic, the Republic of Estonia, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic ⁽³⁾, should be lifted.
- (7) In order to avoid the enlargement of the Schengen area causing travel within the area to become more difficult for certain categories of persons, the facilitation provided by Decision No 895/2006/EC ⁽⁴⁾ for third-country nationals holding a national short-term visa issued by one of the Member States concerned for transit through the territory of other Member States concerned, should be maintained. Consequently, certain provisions of that Decision should continue to apply for a limited, transitional period.
- (8) In accordance with the second subparagraph of Article 3(2) of the 2003 Act of Accession and as a result of the partial application of the Schengen *acquis* by the United Kingdom of Great Britain and Northern Ireland provided for in Council Decision 2004/926/EC of 22 December 2004 on the putting into effect of parts of the Schengen *acquis* by the United Kingdom of Great Britain and Northern Ireland ⁽⁵⁾, and in particular the first subparagraph of Article 1 thereof, only part of the provisions of the Schengen *acquis* applicable to the Member States concerned in their relations with Member States applying the Schengen *acquis* in full should apply in the relations of the Member States concerned with the United Kingdom of Great Britain and Northern Ireland.

⁽³⁾ OJ L 179, 7.7.2007, p. 46.

⁽⁴⁾ Decision No 895/2006/EC of the European Parliament and of the Council of 14 June 2006 introducing a simplified regime for the control of persons at the external borders based on the unilateral recognition by the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia of certain documents as equivalent to their national visas for the purposes of transit through their territories (OJ L 167, 20.6.2006, p. 1).

⁽⁵⁾ OJ L 395, 31.12.2004, p. 70.

⁽¹⁾ Opinion delivered on 15 November 2007 (not yet published in the Official Journal).

⁽²⁾ OJ L 239, 22.9.2000, p. 138.

- (9) As regards Iceland and Norway, this Decision constitutes a development of provisions of the Schengen *acquis* within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen *acquis*, which fall within the area referred to in Article 1, points B, C, D, F and H of Council Decision 1999/437/EC⁽¹⁾, on certain arrangements for the application of that Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

1. The provisions of the Schengen *acquis* referred to in Annex I shall apply to the Member States concerned amongst themselves and in their relations with the Kingdom of Belgium, the Kingdom of Denmark, the Federal Republic of Germany, the Hellenic Republic, the Kingdom of Spain, the Republic of France, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria, the Portuguese Republic, the Republic of Finland and the Kingdom of Sweden, as well as with the Republic of Iceland and the Kingdom of Norway as from 21 December 2007.

To the extent that those provisions regulate the abolition of checks on persons at internal borders, they shall apply as from 30 March 2008 to air borders.

All restrictions on the use of the Schengen Information System by the Member States concerned shall be lifted as from 21 December 2007.

2. The provisions of the Schengen *acquis* referred to in Annex II shall apply to the Member States concerned in their relations with the United Kingdom of Great Britain and Northern Ireland as from 21 December 2007.

Article 2

Until 30 June 2008, and during their period of validity, national short-term visas issued before 21 December 2007 shall remain valid for the purpose of transit through the territory of the other Member States concerned in so far as they recognised such short-term visas for the purpose of transit in accordance with Decision No 895/2006/EC. The conditions set out in that Decision shall apply.

Article 3

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

Done at Brussels, 6 December 2007.

For the Council

The President

A. COSTA

⁽¹⁾ OJ L 176, 10.7.1999, p. 31.

ANNEX I

List of the provisions of the Schengen *acquis* within the meaning of Article 3(2) of the 2003 Act of Accession to be rendered applicable to the Member States concerned in their relations with the Member States applying the Schengen *acquis* in full as well as Iceland and Norway

1. In respect of the provisions of the Schengen Convention:

Article 1 to the extent that it relates to the provisions of this paragraph, Articles 9-12, Articles 14-25 excluding Article 19(2), Articles 40-43, and Articles 126-130 to the extent that they relate to the provisions of this paragraph, of the Schengen Convention, as amended by certain of the acts listed in point (2)(c) below;

2. Other provisions:

(a) The following provisions of the Agreements on Accession to the Convention signed in Schengen on 19 June 1990 implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of checks at their common borders, their Final Acts and the related Declarations:

- the Agreement signed on 27 November 1990 on the Accession of the Italian Republic: Article 2, Article 3 and Joint Declaration on Articles 2 and 3 of the Agreement on the Accession of the Italian Republic to the Convention Implementing the Schengen Agreement of 14 June 1985,
- the Agreement signed on 25 June 1991 on the Accession of the Kingdom of Spain: Article 2 and Article 3,
- the Agreement signed on 25 June 1991 on the Accession of the Portuguese Republic: Article 2, Article 3, and Declaration 1 in Part III of the Final Act,
- the Agreement signed on 6 November 1992 on the Accession of the Hellenic Republic: Article 2,
- the Agreement signed on 28 April 1995 on the Accession of the Republic of Austria: Article 2 and Article 3,
- the Agreement signed on 19 December 1996 on the Accession of the Kingdom of Denmark: Article 2 and Article 3,
- the Agreement signed on 19 December 1996 on the Accession of the Republic of Finland: Article 2 and Article 3,
- the Agreement signed on 19 December 1996 on the Accession of the Kingdom of Sweden: Article 2 and Article 3;

(b) The following Decisions of the Executive Committee established by the Schengen Convention:

- Decision of the Executive Committee of 14 December 1993 extending the uniform visa (SCH/Com-ex (93) 21);
- Decision of the Executive Committee of 14 December 1993 on the common principles for cancelling, rescinding or shortening the length of validity of the uniform visa (SCH/Com-ex (93) 24);
- Decision of the Executive Committee of 21 November 1994 introducing a computerised procedure for consulting the central authorities referred to in Article 17(2) of the Convention (SCH/Com-ex (94) 15 rev.);
- Decision of the Executive Committee of 22 December 1994 on the exchange of statistical information on the issuing of uniform visas (SCH/Com-ex (94) 25);
- Decision of the Executive Committee of 5 May 1995 on common visa policy. Decision contained in the minutes of the meeting of the Executive Committee held in Brussels on 28 April 1995 (SCH/Com-ex (95) PV 1 rev.);
- Decision of the Executive Committee of 27 June 1996 on the principles for issuing Schengen visas in accordance with Article 30(1)(a) of the Convention implementing the Schengen Agreement (SCH/Com-ex (96) 13 rev. 1);
- Decision of the Executive Committee of 15 December 1997 on the guiding principles for means of proof and indicative evidence within the framework of readmission agreements between Schengen States (SCH/Com-ex (97) 39 rev.);

- Decision of the Executive Committee of 21 April 1998 on the exchange of statistics on issued visas (SCH/Com-ex (98) 12);
- Decision of the Executive Committee of 23 June 1998 on measures to be taken in respect of countries posing problems with regard to the issue of documents required for expulsion from the Schengen territory (SCH/Com-ex (98) 18 rev.);
- Decision of the Executive Committee of 23 June 1998 on Monegasque residence permits (SCH/Com-ex (98) 19);
- Decision of the Executive Committee of 23 June 1998 on the stamping of passports of visa applicants (SCH/Com-ex (98) 21);
- Decision of the Executive Committee of 23 June 1998 on a catch-all clause to cover the whole technical Schengen *acquis* (SCH/Com-ex (98) 29 rev.);
- Decision of the Executive Committee of 16 December 1998 on the Handbook on cross-border police cooperation (SCH/Com-ex (98) 52);
- Decision of the Executive Committee of 16 December 1998 concerning the compilation of a manual of documents to which a visa may be affixed (SCH/Com-ex (98) 56);
- Decision of the Executive Committee of 28 April 1999 on the definitive versions of the Common Manual and the Common Consular Instructions (SCH/Com-ex (99) 13) insofar as it relates to provisions of the Common Consular Instructions that have not already been rendered applicable by virtue of the 2003 Act of Accession;
- Decision of the Executive Committee of 28 April 1999 on the compilation of a manual of documents to which a visa may be affixed (SCH/Com-ex (99) 14);

(c) The following other instruments:

- Council Decision 2000/645/EC of 17 October 2000 correcting the Schengen *acquis* as contained in Schengen Executive Committee SCH/Com-ex (94) 15 Rev (OJ L 272, 25.10.2000, p. 24. Decision as amended by Decision 2003/330/EC (OJ L 116, 13.5.2003, p. 22));
- Council Regulation (EC) No 1091/2001 of 28 May 2001 on freedom of movement with a long-stay visa (OJ L 150, 6.6.2001, p. 4);
- Council Decision 2001/420/EC of 28 May 2001 on the adaptation of Parts V and VI and Annex 13 of the Common Consular Instructions on Visas and Annex 6a to the Common Manual with regard to long-stay visas valid concurrently as short-stay visas (OJ L 150, 6.6.2001, p. 47) insofar as it relates to the Common Consular Instructions;
- Council Directive 2001/40/EC of 28 May 2001 on the mutual recognition of decisions on the expulsion of third country nationals (OJ L 149, 2.6.2001, p. 34) and Council Decision No 2004/191/EC of 23 February 2004 setting out the criteria and practical arrangements for the compensation of the financial imbalances resulting from the application of Directive 2001/40/EC on the mutual recognition of decisions on the expulsion of third country nationals (OJ L 60, 27.2.2004, p. 55);
- Council Decision 2002/44/EC of 20 December 2001 amending Part VII and Annex 12 to the Common Consular Instructions and Annex 14a to the Common Manual (OJ L 20, 23.1.2002, p. 5) insofar as it relates to the Common Consular Instructions;
- Council Decision 2002/354/EC of 25 April 2002 on the adaptation of Part III of, and the creation of an Annex 16 to, the Common Consular Instructions (OJ L 123, 9.5.2002, p. 50);
- Council Decision 2002/585/EC of 12 July 2002 on the adaptation of Parts III and VIII of the Common Consular Instructions (OJ L 187, 16.7.2002, p. 44);
- Council Decision 2002/586/EC of 12 July 2002 on the amendment of Part VI of the Common Consular Instructions (OJ L 187, 16.7.2002, p. 48);
- Council Regulation (EC) No 415/2003 of 27 February 2003 on the issue of visas at the border, including the issue of such visas to seamen in transit (OJ L 64, 7.3.2003, p. 1);

- Council Regulation (EC) No 693/2003 of 14 April 2003 establishing a specific Facilitated Transit Document (FTD), a Facilitated Rail Transit Document (FRTD) and amending the Common Consular Instructions and the Common Manual (OJ L 99, 17.4.2003, p. 8) insofar as it relates to the Common Consular Instructions;
 - Council Decision 2003/454/EC of 13 June 2003 amending Annex 12 to the Common Consular Instructions and Annex 14a to the Common Manual on visa fees (OJ L 152, 20.6.2003, p. 82) insofar as it relates to the Common Consular Instructions;
 - Council Decision 2003/585/EC of 28 July 2003 amending Annex 2, Schedule A, of the Common Consular Instructions and Annex 5, Schedule A, to the Common Manual on the visa requirements for holders of Pakistani diplomatic passports (OJ L 198, 6.8.2003, p. 13) insofar as it relates to the Common Consular Instructions;
 - Council Decision 2003/586/EC of 28 July 2003 on the amendment of Annex 3, Part I, of the Common Consular Instructions and Annex 5a, Part I, to the Common Manual on third country nationals subject to airport visa requirements (OJ L 198, 6.8.2003, p. 15) insofar as it relates to the Common Consular Instructions;
 - Council Decision 2003/725/JHA of 2 October 2003 amending the provisions of Article 40 (1) and (7) of the Convention implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of checks at common borders (OJ L 260, 11.10.2003, p. 37);
 - Council Decision 2004/14/EC of 22 December 2003 amending the third subparagraph (basic criteria for examining applications) of Part V of the Common Consular Instructions (OJ L 5, 9.1.2004, p. 74);
 - Council Decision 2004/15/EC of 22 December 2003 amending point 1.2 of Part II of the Common Consular Instructions and drawing up a new Annex thereto (OJ L 5, 9.1.2004, p. 76);
 - Council Decision 2004/17/EC of 22 December 2003 amending Part V, point 1.4, of the Common Consular Instructions and Part I, point 4.1.2 of the Common Manual as regards inclusion of the requirement to be in possession of travel medical insurance as one of the supporting documents for the grant of a uniform entry visa (OJ L 5, 9.1.2004, p. 79) insofar as it relates to the Common Consular Instructions;
 - Council Decision 2004/573/EC of 29 April 2004 on the organisation of joint flights for the removal, from the territory of two or more Member States, of third-country nationals who are the subjects of individual removal orders (OJ L 261, 6.8.2004, p. 28);
 - Recommendation 2005/761/EC of the European Parliament and of the Council of 28 September 2005 to facilitate the issue by the Member States of uniform short-stay visas for researchers from third countries travelling within the Community for the purpose of carrying out scientific research (OJ L 289, 3.11.2005, p. 23);
 - The first sentence of Article 1 and Title III of Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) (OJ L 105, 13.4.2006, p. 1);
 - Council Decision 2006/440/EC of 1 June 2006 amending Annex 12 to the Common Consular Instructions and Annex 14a to the Common Manual on the fees to be charged corresponding to the administrative costs of processing visa applications (OJ L 175, 29.6.2006, p. 77) insofar as it relates to the Common Consular Instructions;
 - Articles 4(b) and 9(c) of Regulation (EC) No 1931/2006 of the European Parliament and of the Council of 20 December 2006 laying down rules on local border traffic at the external land borders of the Member States and amending the provisions of the Schengen Convention (OJ L 405, 30.12.2006, p. 1);
 - Council Decision 2006/684/EC of 5 October 2006 amending Annex 2, Schedule A, to the Common Consular Instructions on the visa requirements for holders of Indonesian diplomatic and service passports (OJ L 280, 12.10.2006, p. 29);
 - Council Decision 2007/519/EC of 16 July 2007 amending Part 2 of the Schengen consultation network (technical specifications) (OJ L 192, 24.7.2007, p. 26).
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ANNEX II

List of the provisions of the Schengen acquis within the meaning of Article 3(2) of the 2003 Act of Accession to be rendered applicable to the Member States concerned in their relations with the United Kingdom of Great Britain and Northern Ireland

1. In respect of the provisions of the Schengen Convention:

Article 40 and Articles 42 and 43 to the extent that they relate to Article 40.

2. Other provisions:

(a) The following Decisions of the Executive Committee established by the Schengen Convention:

Decision of the Executive Committee of 16 December 1998 on the Handbook on cross-border police cooperation (SCH/Com-ex (98) 52).

(b) The following other instruments:

Council Decision 2003/725/JHA of 2 October 2003 amending the provisions of Article 40(1) and (7) of the Convention implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of checks at common borders (OJ L 260, 11.10.2003, p. 37).

COMMISSION

COMMISSION DECISION

of 4 December 2007

amending Decision 2002/840/EC as regards the list of approved facilities in third countries for the irradiation of foods

(notified under document number C(2007) 5823)

(Text with EEA relevance)

(2007/802/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 1999/2/EC of the European Parliament and of the Council of 22 February 1999 on the approximation of the laws of the Member States concerning foods and food ingredients treated with ionising radiation ⁽¹⁾, and in particular Article 9(2) thereof,

Whereas:

- (1) According to Directive 1999/2/EC a foodstuff treated with ionising radiation may not be imported from a third country unless it has been treated in an irradiation facility approved by the Community.
- (2) A list of approved facilities has been established by Commission Decision 2002/840/EC ⁽²⁾.
- (3) The Commission received an application for approval of two irradiation facilities in Thailand through their competent authorities. Commission experts inspected the irradiation facilities in order to check whether they comply with the requirements of Directive 1999/2/EC and in particular whether official supervision guarantees that they comply with the requirements of Article 7 of that Directive.

(4) The facilities in Thailand complied with most of the requirements of Directive 1999/2/EC. The shortcomings identified by the Commission have been adequately addressed by the Thai competent authorities.

(5) Decision 2002/840/EC should therefore be amended accordingly.

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

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 2002/840/EC is amended in accordance with the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 4 December 2007.

For the Commission

Markos KYPRIANOU

Member of the Commission

⁽¹⁾ OJ L 66, 13.3.1999, p. 16. Directive as amended by Regulation (EC) No 1882/2003 (OJ L 284, 31.10.2003, p. 1).

⁽²⁾ OJ L 287, 25.10.2002, p. 40. Decision as amended by Decision 2004/691/EC (OJ L 314, 13.10.2004, p. 14).

ANNEX

The following facilities are added to the list in the Annex to Decision 2002/840/EC:

Reference No: EU-AIF 07-2006

THAI IRRADIATION CENTER
Thailand Institute of Nuclear Technology (Public Organisation)
37 Moo 3, TECHNOPOLIS
Klong 5, Klong Luang
Pathumthani 12120
Thailand
Tel. (662) 577 4167 to 71
Fax (662) 577 1945

Reference No: EU-AIF 08-2006

ISOTRON (THAILAND) LTD
Bangpakong Industrial Park (Amata Nakorn)
700/465 Moo 7, Tambon Donhuaroh,
Amphur Muang,
Chonburi 20000
Thailand
Tel. (66) (0) 38 458431 to 4
Fax (66) (0) 38 458435

COMMISSION DECISION**of 6 December 2007****amending Decisions 2005/731/EC and 2005/734/EC as regards the extension of their period of application***(notified under document number C(2007) 5887)***(Text with EEA relevance)***(2007/803/EC)*

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market ⁽¹⁾, and in particular Article 10(4) thereof,

Whereas:

- (1) Commission Decisions 2005/731/EC of 17 October 2005 laying down additional requirements for the surveillance of avian influenza in wild birds ⁽²⁾ and 2005/734/EC of 19 October 2005 laying down bio-security measures to reduce the risk of transmission of highly pathogenic avian influenza caused by Influenza virus A subtype H5N1 from birds living in the wild to poultry and other captive birds and providing for an early detection system in areas at particular risk ⁽³⁾ expire on 31 December 2007.
- (2) However, as outbreaks of highly pathogenic avian influenza of subtype H5N1 have recently occurred in the Community in poultry and wild birds and continue to occur in third countries, it is appropriate to prolong the validity of those Decisions.

(3) Decisions 2005/731/EC and 2005/734/EC should therefore be amended accordingly.

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

HAS ADOPTED THIS DECISION:

Article 1

In Article 4 of Decision 2005/731/EC, the date '31 December 2007' is replaced by '31 December 2008'.

Article 2

In Article 4 of Decision 2005/734/EC, the date '31 December 2007' is replaced by '31 December 2008'.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 6 December 2007.

For the Commission

Markos KYPRIANOU

Member of the Commission

⁽¹⁾ OJ L 224, 18.8.1990, p. 29. Directive as last amended by Directive 2002/33/EC of the European Parliament and of the Council (OJ L 315, 19.11.2002, p. 14).

⁽²⁾ OJ L 274, 20.10.2005, p. 93. Decision as last amended by Decision 2007/105/EC (OJ L 46, 16.2.2007, p. 54).

⁽³⁾ OJ L 274, 20.10.2005, p. 105. Decision as last amended by Decision 2007/105/EC.

COMMISSION DECISION**of 6 December 2007****amending Decision 2002/627/EC establishing the European Regulators Group for Electronic Communications Networks and Services****(Text with EEA relevance)**

(2007/804/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Decision 2002/627/EC establishing the European Regulators Group for Electronic Communications Networks and Services ⁽¹⁾, and in particular Article 4(2) thereof,

Whereas:

- (1) In accordance with Article 4(2) of Decision 2002/627/EC, the Commission is to keep under review the list of the relevant regulatory authorities established by each Member State with responsibilities for day-to-day oversight of the market for electronic communications networks and services.
- (2) The list of the relevant regulatory authorities needs to be updated to take account of the accession of Bulgaria and

Romania and of changes introduced by some Member States to the names or the responsibilities of these authorities,

HAS DECIDED AS FOLLOWS:

Article 1

The Annex to Decision 2002/627/EC is replaced by the text in the Annex to this Decision.

Article 2

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

Done at Brussels, 6 December 2007.

For the Commission

Viviane REDING

Member of the Commission

⁽¹⁾ OJ L 200, 30.7.2002, p. 38. Decision as amended by Decision 2004/641/EC (OJ L 293, 16.9.2004, p. 30).

ANNEX

ПРИЛОЖЕНИЕ — ANEXO — PŘÍLOHA — BILAG — ANHANG — ANNEKS — ΠΑΡΑΡΤΗΜΑ — ANNEX —
 ANNEXE — ALLEGATO — PIELIKUMS — PRIEDAS — MELLÉKLET — ANNESS — BIJLAGE — ZAŁĄCZNIK —
 ANEXO — PRÍLOHA — PRILOGA — LIITE — BILAGA — ANEXĂ

LIST OF MEMBERS OF THE ERG

Country	National Regulatory Authority
Belgique/België	Institut belge des services postaux et des télécommunications (IBPT) Belgisch Instituut voor postdiensten en telecommunicatie (BIPT)
България Bulgaria	Комисия за регулиране на съобщенията (КРС) Communications Regulation Commission (CRC)
Česká republika	Český telekomunikační úřad (ČTÚ)
Danmark	IT- og Telestyrelsen — National IT and Telecom Agency (NITA)
Deutschland	Bundesnetzagentur für Elektrizität, Gas, Telekommunikation, Post und Eisenbahnen (BNetzA)
Eesti	Sideamet (SIDEAMET)
Ελλάδα Elláda	Εθνική Επιτροπή Τηλεπικοινωνιών και Ταχυδρομείων Hellenic Telecommunications and Post Commission (EETT)
España	Comisión del Mercado de las Telecomunicaciones (CMT)
France	Autorité de régulation des communications électroniques et des postes (ARCEP)
Ireland	Commission for Communications Regulation (ComReg)
Italia	Autorità per le garanzie nelle comunicazioni (AGCOM)
Κύπρος Kypros	Γραφείο Επιτρόπου Ρυθμίσεως Ηλεκτρονικών Επικοινωνιών και Ταχυδρομείων (IEPHET) Office of the Commissioner of Electronic Communications and Postal Regulation (OCECPR)
Latvija	Sabiedrisko pakalpojumu regulēšanas komisija (SPRK)
Lietuva	Ryšių reguliavimo tarnyba (RRT)
Luxembourg	Institut luxembourgeois de régulation (ILR)
Magyarország	Nemzeti Hírközlési Hatóság (NHH)
Malta	L-Awtorità ta' Malta dwar il-Komunikazzjoni/Malta Communications Authority (MCA)
Nederland	Onafhankelijke Post en Telecommunicatie Autoriteit (OPTA)
Österreich	Rundfunk und Telekom Regulierungs-GmbH (RTR)
Polska	Urząd Komunikacji Elektronicznej (UKE)
Portugal	Autoridade Nacional de Comunicações (Anacom)
România	Autoritatea Națională pentru Reglementare în Comunicații și Tehnologia Informației (ANRCTI)
Slovenija	Agencija za pošto in elektronske komunikacije Republike Slovenije (APEK)
Slovensko	Telekomunikačný úrad Slovenskej republiky (TÚ SR)
Suomi/Finland	Viestintävirasto/Kommunikationsverket (FICORA)
Sverige	Post- och telestyrelsen (PTS)
United Kingdom	Office of Communications (Ofcom)

III

(Acts adopted under the EU Treaty)

ACTS ADOPTED UNDER TITLE V OF THE EU TREATY

COUNCIL JOINT ACTION 2007/805/CFSP

of 6 December 2007

appointing a European Union Special Representative to the African Union

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 14, 18(5) and 23(2) thereof,

Whereas:

(1) The African Union (AU) has over the past years become a strategic continental actor and a key international partner of the European Union (EU).

(2) The EU has on numerous occasions recognised the important role and achievements of the AU, including in the EU Strategy 'EU and Africa: Towards a Strategic Partnership' (hereinafter referred to as the EU Africa Strategy) adopted at the European Council on 15 and 16 December 2005.

(3) On 14 and 15 December 2006, the European Council committed itself to strengthening the EU's strategic partnership with Africa and, as one concrete measure in the framework of relevant priority actions for 2007, to enhancing the EU presence with the AU in Addis Ababa.

(4) The appointment of a European Union Special Representative (EUSR) to the AU, based permanently in Addis Ababa, has been identified as a suitable measure to ensure enhanced EU presence with the AU.

(5) The SG/HR has recommended that Mr Koen Vervaeke be appointed as the EUSR to the AU.

(6) Within six months from the entry into force of this Joint Action, the long-term structures of the EUSR office will be further elaborated and consolidated, on the basis of a report prepared by the Presidency in close cooperation with the SG/HR, the EUSR and the Commission.

(7) The EUSR is to implement his mandate in the context of a situation which may deteriorate and could harm the objectives of the Common Foreign and Security Policy, as set out in Article 11 of the Treaty,

HAS ADOPTED THIS JOINT ACTION:

*Article 1***Appointment**

Mr Koen Vervaeke is hereby appointed EUSR to the AU for the period from 6 December 2007 to 31 December 2008. The EUSR shall be permanently based in Addis Ababa.

*Article 2***Policy objectives**

The mandate of the EUSR shall be based on the EU's comprehensive policy objectives in support of African efforts to build a peaceful, democratic and prosperous future as set out in the EU Africa Strategy. These objectives include:

(a) enhancing the EU's political dialogue and broader relationship with the AU;

(b) strengthening the EU-AU partnership in all areas outlined in the EU Africa Strategy, contributing to the development and implementation of the EU Africa Strategy in partnership with the AU, respecting the principle of African ownership and working more closely with African representatives in multilateral fora in coordination with multilateral partners;

(c) working with, and providing support to the AU by supporting institutional development and strengthening the relationship between EU and AU Institutions, including through development assistance, to promote:

— peace and security: predict, prevent, manage, mediate and resolve conflict, support efforts to promote peace and stability, support post-conflict reconstruction,

— human rights and governance: promote and protect human rights; promote fundamental freedoms and respect for the rule of law; support, through political dialogue and financial and technical assistance, African efforts to monitor and improve governance; support growth of participatory democracy and accountability; support the fight against corruption and organised crime and further promote efforts to address the issue of children and armed conflict in all its aspects,

— sustainable growth, regional integration and trade: support efforts towards interconnectivity and facilitate people's access to water and sanitation, energy and information technology; promote a stable, efficient and harmonised legal business framework; assist to integrate Africa into the world trade system, assist African countries to comply with EU rules and standards; support Africa in countering the effects of climate change,

— investment in people: support efforts in the fields of gender, health, food security and education, promote exchange programmes, networks of universities and centres of excellence, address the root causes of migration.

Furthermore, the EU and Africa intend to establish a Joint Strategy which shall further develop and consolidate their strategic partnership. The AU shall be the key actor in implementing the Joint Strategy.

Article 3

Mandate

In order to achieve the Common Foreign and Security Policy (CFSP)/European Security and Defence Policy (ESDP) aspects of the objectives referred to in Article 2, the mandate of the EUSR shall be to:

(a) strengthen the overall EU influence in, and coordination of, the Addis Ababa-based dialogue with the AU and its Commission, on the whole range of CFSP/ESDP issues covered by the EU-AU relationship;

(b) ensure an appropriate level of political representation, reflecting the importance of the EU as a political, financial and institutional partner of the AU, and the stepchange in that partnership necessitated by the growing political profile of the AU on the world stage;

(c) represent, should the Council so decide, EU positions and policies, when the AU plays a major role in a crisis situation for which no EUSR has been appointed;

(d) help achieve better coherence, consistency and coordination of EU policies and actions towards the AU, and contribute to enhance coordination of the broader partner group and its relation with the AU;

(e) follow closely, and report on, all relevant developments at AU level;

(f) maintain close contact with the AU Commission, other AU organs, missions of African Sub-regional organisations to the AU and the missions of the AU Member States to the AU;

(g) facilitate the relations/cooperation between the AU and African Subregional organisations, especially in those areas where the EU is providing support;

(h) offer advice and provide support to the AU upon request in the areas outlined in the EU Africa Strategy;

(i) offer advice and provide support to the building up of the AU's crisis management capabilities;

(j) on the basis of a clear division of tasks, coordinate with, and support, the actions of EUSRs with mandates in AU Member States/Regions; and

(k) maintain close contacts and promote coordination with key international partners of the AU present in Addis Ababa, especially the United Nations, but also with non-state actors on the whole range of the CFSP/ESDP issues covered by the EU-AU relationship.

Article 4

Implementation of the mandate

1. The EUSR shall be responsible for the implementation of the mandate acting under the authority and operational direction of the Secretary General/High Representative (SG/HR).

2. The Political and Security Committee (PSC) shall maintain a privileged link with the EUSR and shall be the primary point of contact with the Council. The PSC shall provide the EUSR with strategic guidance and political direction within the framework of the mandate.

Article 5

Financing

1. The financial reference amount intended to cover the expenditure related to the mandate of the EUSR in the period from 6 December 2007 to 31 May 2008 shall be EUR 1 200 000.

2. The expenditure financed by the amount stipulated in paragraph 1 shall be eligible as from 6 December 2007. The expenditure shall be managed in accordance with the procedures and rules applicable to the general budget of the European Communities with the exception that any pre-financing shall not remain the property of the Community.

3. The management of the expenditure shall be subject to a contract between the EUSR and the Commission. The EUSR shall be accountable to the Commission for all expenditure.

4. Expenditure related to the mandate of the EUSR in the period from 1 June 2008 to 31 December 2008 shall be covered through a separate Council act providing for the corresponding financial reference amount.

Article 6

Constitution and composition of the team

1. Within the limits of his mandate and the corresponding financial means made available, the EUSR shall be responsible for constituting his team in consultation with the Presidency,

assisted by the SG/HR, and in full association with the Commission. The team shall include the expertise on specific policy issues as required by the mandate. The EUSR shall keep the SG/HR, the Presidency and the Commission informed of the composition of his team.

2. Member States and institutions of the European Union may propose the secondment of staff to work with the EUSR. The salary of personnel who are seconded by a Member State or an institution of the EU to the EUSR shall be covered by the Member State or the institution of the EU concerned respectively. Experts seconded by Member States to the General Secretariat of the Council may also be posted to the EUSR. International contracted staff shall have the nationality of an EU Member State.

3. All seconded personnel shall remain under the administrative authority of the sending Member State or EU institution and shall carry out their duties and act in the interest of the mandate of the EUSR.

4. After completion of the initial phase referred to in Article 14, the EUSR's staff will work in principle in a policy section, a peace and security section, and an administrative section.

Article 7

Privileges and immunities of the EUSR and his staff

The privileges, immunities and further guarantees necessary for the completion and smooth functioning of the mission of the EUSR and the members of his staff shall be agreed with the host party/parties as appropriate. Member States and the Commission shall grant all necessary support to such effect.

Article 8

Security of EU classified information

The EUSR and the members of his team shall respect security principles and minimum standards established by Council Decision 2001/264/EC of 19 March 2001 adopting the Council's security regulations⁽¹⁾, in particular when managing EU classified information.

Article 9

Access to information and logistical support

1. Member States, the Commission and the General Secretariat of the Council shall ensure that the EUSR is given access to any relevant information.

⁽¹⁾ OJ L 101, 11.4.2001, p. 1. Decision as last amended by Decision 2007/438/EC (OJ L 164, 26.6.2007, p. 24).

2. The Presidency, the Commission and/or Member States, as appropriate, shall provide logistical support in the region.

Article 10

Security

In accordance with the EU's policy on the security of personnel deployed outside the EU in an operational capacity under Title V of the Treaty, the EUSR shall take all reasonably practicable measures, in conformity with his mandate and the security situation in his geographical area of responsibility, for the security of all personnel under his direct authority, notably by:

- (a) establishing a mission-specific security plan based on guidance from the General Secretariat of the Council, including mission-specific physical, organisational and procedural security measures, governing management of the secure movement of personnel to, and within, the mission area, the management of security incidents and a mission contingency and evacuation plan;
- (b) ensuring that all personnel deployed outside the EU are covered by high risk insurance as required by the conditions in the mission area;
- (c) ensuring that all members of his team to be deployed outside the EU, including locally contracted personnel, have received appropriate security training before or upon arriving in the mission area, based on the risk ratings assigned to the mission area by the General Secretariat of the Council;
- (d) ensuring that all agreed recommendations made following regular security assessments are implemented and providing the SG/HR, the Council and the Commission with written reports on their implementation and on other security issues within the framework of the mid-term and mandate implementation reports.

Article 11

Reporting

The EUSR shall regularly provide the SG/HR and the PSC with oral and written reports. The EUSR shall also report as necessary to working groups. Regular written reports shall be circulated through the COREU network. Upon recommendation of the SG/HR or the PSC, the EUSR may provide General Affairs and External Relations Council with reports.

Article 12

Coordination

The EUSR shall promote overall EU political coordination. He shall help to ensure that all EU instruments in the field are

engaged coherently to attain the EU's policy objectives. The activities of the EUSR shall be coordinated with those of the Presidency and the Commission, as well as those of other EUSRs active in the region as appropriate. The EUSR shall provide Member States' missions and Commission's delegations with regular briefings.

In the field, close liaison shall be maintained with the Presidency, Commission and Member States' Heads of Mission who shall make best efforts to assist the EUSR in the implementation of the mandate. The EUSR shall also liaise with other international and regional actors in the field.

Article 13

Review

The implementation of this Joint Action and its consistency with other contributions from the EU to the region shall be kept under regular review. The EUSR shall present the SG/HR, the Council and the Commission with a comprehensive mandate implementation report before the end of September 2008. This report shall form a basis for evaluation of the mandate in the relevant working groups and by the PSC. The SG/HR shall make appropriate recommendations to the PSC in this context.

Article 14

Initial set-up and further build-up

1. By mid-April 2008 the Presidency, in close cooperation with the SG/HR, the EUSR and the Commission, shall report to the Council on the set-up of the office over the initial period of the mandate as well as on its further build-up and structuring until the end of the mandate period as specified in Article 1. This report shall in particular address the following matters:

- the long-term structures and procedures,
- the system of reporting,
- achieving equivalent conditions for staff performing similar functions, at all levels.

The report shall be examined by the Council, which shall decide on the appropriate follow up.

2. Before the end of October 2008, the Presidency, in close cooperation with the SG/HR, the EUSR and the Commission, shall provide the Council with a comprehensive report on the future of the office and its organisation.

*Article 15***Entry into force**

This Joint Action shall enter into force on the day of its adoption.

*Article 16***Publication**

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

Done at Brussels, 6 December 2007.

For the Council
The President
A. COSTA

COUNCIL JOINT ACTION 2007/806/CFSP**of 6 December 2007****amending Joint Action 2005/797/CFSP on the European Union Police Mission for the Palestinian Territories**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the European Union, and in particular Article 14 thereof,

Whereas:

- (1) On 14 November 2005, the Council adopted Joint Action 2005/797/CFSP on the European Union Police Mission for the Palestinian Territories ⁽¹⁾ for a period of three years. The operational phase of EUPOL COPPS started on 1 January 2006.
- (2) On 18 June 2007, the Council approved Guidelines for Command and Control Structure for EU Civilian Operations in Crisis Management; these Guidelines notably provide that a Civilian Operation Commander will exercise command and control at strategic level for the planning and conduct of all civilian crisis management operations, under the political control and strategic direction of the Political and Security Committee and the overall authority of the Secretary-General/High Representative for the CFSP; these Guidelines further provide that the Director of the Civilian Planning and Conduct Capability established within the Council Secretariat will, for each civilian crisis management operation, be the Civilian Operation Commander.
- (3) The above mentioned Command and Control Structure is without prejudice to the contractual responsibilities of the Head of Mission towards the Commission for implementing the budget of the Mission.
- (4) The Watch-Keeping Capability established within the Council Secretariat should be activated for the Mission.
- (5) Joint Action 2005/797/CFSP should be amended accordingly,

HAS ADOPTED THIS JOINT ACTION:

Article 1

Joint Action 2005/797/CFSP is hereby amended as follows:

1. the following Article shall be inserted:

⁽¹⁾ OJ L 300, 17.11.2005, p. 65.

*'Article 5a***Civilian Operation Commander**

1. The Civilian Planning and Conduct Capability (CPCC) Director shall be the Civilian Operation Commander for EUPOL COPPS.
2. The Civilian Operation Commander, under the political control and strategic direction of the PSC and the overall authority of the SG/HR, shall exercise command and control of EUPOL COPPS at the strategic level.
3. The Civilian Operation Commander shall ensure proper and effective implementation of the Council's decisions as well as the PSC's decisions, including by issuing instructions at the strategic level as required to the Head of Mission.
4. All seconded staff shall remain under the full command of the national authorities of the sending State or EU institution. National authorities shall transfer Operational Control of their personnel, teams and units to the Civilian Operation Commander.
5. The Civilian Operation Commander shall have overall responsibility for ensuring that the EU's duty of care is properly discharged.
6. The Civilian Operation Commander and the European Union Special Representative (EUSR) shall consult each other as required.;

2. Article 6 shall be replaced by the following:

*'Article 6***Head of Mission**

1. The Head of Mission shall assume responsibility and exercise command and control of the mission at theatre level.
2. The Head of Mission shall exercise command and control over personnel, teams and units from contributing States as assigned by the Civilian Operation Commander together with administrative and logistic responsibility including over assets, resources and information put at the disposal of the mission.

3. The Head of Mission shall issue instructions to all mission staff, for the effective conduct of EUPOL COPPS in theatre, assuming its coordination and day-to-day management, following the instructions at the strategic level of the Civilian Operation Commander.

4. The Head of Mission shall be responsible for the implementation of the Mission's budget. For this purpose, the Head of Mission shall sign a contract with the Commission.

5. The Head of Mission shall be responsible for disciplinary control over the staff. For seconded staff, disciplinary action shall be exercised by the national authorities or EU institution concerned.

6. The Head of Mission shall represent EUPOL COPPS in the operations area and shall ensure appropriate visibility of the Mission.

7. The Head of Mission shall coordinate, as appropriate, with other EU actors on the ground. The Head of Mission shall, without prejudice to the chain of command, receive local political guidance from the EUSR.;

3. Article 8(5) shall be replaced by the following:

'5. All staff shall carry out their duties and act in the interest of the Mission. All staff shall respect the security principles and minimum standards established by Council Decision 2001/264/EC of 19 March 2001 adopting the Council's security regulations (*).

(*) OJ L 101, 11.4.2001, p. 1. Decision as amended by Decision 2007/438/EC (OJ L 164, 26.6.2007, p. 24).;

4. Article 10 shall be replaced by the following:

'Article 10

Chain of Command

1. EUPOL COPPS shall have a unified chain of command, as a crisis management operation.

2. Under the responsibility of the Council, the PSC shall exercise political control and strategic direction of EUPOL COPPS.

3. The Civilian Operation Commander, under the political control and strategic direction of the PSC and the overall authority of the SG/HR, shall be the commander of EUPOL COPPS at strategic level and, as such, shall issue instructions

to the Head of Mission and provide him with advice and technical support.

4. The Civilian Operation Commander shall report to the Council through the SG/HR.

5. The Head of Mission shall exercise command and control of EUPOL COPPS at theatre level and shall be directly responsible to the Civilian Operation Commander.;

5. Article 11 shall be replaced by the following:

'Article 11

Political control and strategic direction

1. The PSC shall exercise, under the responsibility of the Council, political control and strategic direction of the mission. The Council hereby authorises the PSC to take the relevant decisions for this purpose in accordance with Article 25 of the Treaty. This authorisation shall include the powers to appoint a Head of Mission, upon proposal of the SG/HR, and to amend the OPLAN. It shall also include powers to take subsequent decisions regarding the appointment of the Head of Mission. The powers of decision with respect to the objectives and termination of the mission shall remain vested in the Council.

2. The PSC shall report to the Council at regular intervals.

3. The PSC shall receive on a regular basis and as required reports by the Civilian Operation Commander and the Head of Mission on issues within their areas of responsibility.;

6. Article 13 shall be replaced by the following:

'Article 13

Security

1. The Civilian Operation Commander shall direct the Head of Mission's planning of security measures and ensure their proper and effective implementation for EUPOL COPPS in accordance with Articles 5a and 10, in coordination with the Council Security Office.

2. The Head of Mission shall be responsible for the security of the operation and for ensuring compliance with minimum security requirements applicable to the operation, in line with the policy of the European Union on the security of personnel deployed outside the EU in an operational capacity under Title V of the Treaty and its supporting documents.

3. The Head of Mission shall be assisted by a Mission Security Officer (MSO), who will report to the Head of Mission and also maintain a close functional relationship with the Council Security Office.

4. EUPOL COPPS staff shall undergo mandatory security training before their entry into function, in accordance with the OPLAN. They shall also receive regular in-theatre refresher training organised by the MSO.;

7. the following Article shall be inserted:

'Article 16a

Watch-Keeping

The Watch-Keeping Capability shall be activated for EUPOL COPPS.;

8. the following paragraph shall be added to Article 18:

'The Decisions of the PSC pursuant to Article 11(1), regarding the appointment of the Head of Mission, shall

also be published in the *Official Journal of the European Union*.'

Article 2

This Joint Action shall enter into force on the day of its adoption.

Article 3

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

Done at Brussels, 6 December 2007

For the Council

The President

A. COSTA

COUNCIL JOINT ACTION 2007/807/CFSP**of 6 December 2007****amending Joint Action 2005/889/CFSP on establishing a European Union Border Assistance Mission for the Rafah Crossing Point (EU BAM Rafah)**

THE COUNCIL OF THE EUROPEAN UNION,

1. The following Article shall be inserted:

Having regard to the Treaty on the European Union, and in particular Article 14 thereof,

Whereas:

- (1) On 25 November 2005, the Council adopted Joint Action 2005/889/CFSP on establishing a European Union Border Assistance Mission for the Rafah Crossing Point (EU BAM Rafah) ⁽¹⁾.
- (2) On 18 June 2007, the Council approved Guidelines for Command and Control Structure for EU Civilian Operations in Crisis Management. These Guidelines notably provide that a Civilian Operation Commander will exercise command and control at strategic level for the planning and conduct of all civilian crisis management operations, under the political control and strategic direction of the Political and Security Committee and the overall authority of the Secretary-General/High Representative for the CFSP. These Guidelines further provide that the Director of the Civilian Planning and Conduct Capability established within the Council Secretariat will, for each civilian crisis management operation, be the Civilian Operation Commander.
- (3) The above mentioned Command and Control Structure should be without prejudice to the contractual responsibilities of the Head of Mission towards the Commission for implementing the budget of the Mission.
- (4) The Watch-Keeping Capability established within the Council Secretariat should be activated for the Mission.
- (5) Joint Action 2005/889/CFSP should be amended accordingly,

HAS ADOPTED THIS JOINT ACTION:

Article 1

Joint Action 2005/889/CFSP is hereby amended as follows:

*'Article 4a***Civilian Operation Commander**

1. The Civilian Planning and Conduct Capability Director shall be the Civilian Operation Commander for EU BAM Rafah.
2. The Civilian Operation Commander, under the political control and strategic direction of the Political and Security Committee (PSC) and the overall authority of the Secretary-General/High Representative, shall exercise command and control of EU BAM Rafah at the strategic level.
3. The Civilian Operation Commander shall ensure proper and effective implementation of the Council's decisions as well as the PSC's decisions, including by issuing instructions at the strategic level as required to the Head of Mission.
4. All seconded staff shall remain under the full command of the national authorities of the sending State or EU institution. National authorities shall transfer Operational Control of their personnel, teams and units to the Civilian Operation Commander.
5. The Civilian Operation Commander shall have overall responsibility for ensuring that the EU's duty of care is properly discharged.
6. The Civilian Operation Commander and the EU Special Representative shall consult each other as required.'

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

- '2. The Head of Mission shall assume responsibility and exercise command and control of the mission at theatre level.
3. The Head of Mission shall exercise command and control over personnel, teams and units from contributing States as assigned by the Civilian Operation Commander together with administrative and logistic responsibility including over assets, resources and information put at the disposal of the mission.

⁽¹⁾ OJ L 327, 14.12.2005, p. 28.

4. The Head of Mission shall issue instructions to all mission staff, for the effective conduct of EU BAM Rafah in theatre, assuming its coordination and day-to-day management, following the instructions at the strategic level of the Civilian Operation Commander.

5. The Head of Mission shall be responsible for the implementation of the Mission's budget. For this purpose, the Head of Mission shall sign a contract with the Commission.

6. The Head of Mission shall be responsible for disciplinary control over the staff. For seconded staff, disciplinary action shall be exercised by the national authorities or EU institution concerned.

7. The Head of Mission shall represent EU BAM Rafah in the operations area and shall ensure appropriate visibility of the Mission.

8. The Head of Mission shall coordinate, as appropriate, with other EU actors on the ground. The Head of Mission shall, without prejudice to the chain of command, receive local political guidance from the EU Special Representative.'

3. Article 7(5) shall be replaced by the following:

'5. All staff shall carry out their duties and act in the interest of the Mission. All staff shall respect the security principles and minimum standards established by Council Decision 2001/264/EC of 19 March 2001 adopting the Council's security regulations (*).

(*) OJ L 101, 11.4.2001, p. 1. Decision as last amended by Decision 2007/438/EC (OJ L 164, 26.6.2007, p. 24).'

4. Article 9 shall be replaced by the following:

'Article 9

Chain of Command

1. EU BAM Rafah shall have a unified chain of command, as a crisis management operation.

2. Under the responsibility of the Council, the PSC shall exercise political control and strategic direction of EU BAM Rafah.

3. The Civilian Operation Commander, under the political control and strategic direction of the PSC and the overall authority of the Secretary-General/High Representative, is the commander of EU BAM Rafah at strategic level and, as such, shall issue instructions to the Head of Mission and provide him with advice and technical support.

4. The Civilian Operation Commander shall report to the Council through the Secretary-General/High Representative.

5. The Head of Mission shall exercise command and control of EU BAM Rafah at theatre level and shall be directly responsible to the Civilian Operation Commander.'

5. Article 10 shall be replaced by the following:

'Article 10

Political control and strategic direction

1. The PSC shall exercise, under the responsibility of the Council, political control and strategic direction of the mission. The Council hereby authorises the PSC to take the relevant decisions for this purpose in accordance with Article 25 of the Treaty. This authorisation shall include the powers to appoint a Head of Mission, upon a proposal from the Secretary-General/High Representative, and to amend the OPLAN. It shall also include powers to take subsequent decisions regarding the appointment of the Head of Mission. The powers of decision with respect to the objectives and termination of the mission shall remain vested in the Council.

2. The PSC shall report to the Council at regular intervals.

3. The PSC shall receive on a regular basis and as required reports by the Civilian Operation Commander and the Head of Mission on issues within their areas of responsibility.'

6. Article 12 shall be replaced by the following:

'Article 12

Security

1. The Civilian Operation Commander shall direct the Head of Mission's planning of security measures and ensure their proper and effective implementation for EU BAM Rafah in accordance with Articles 4a and 9, in coordination with the Security Office of the General Secretariat of the Council (GSC Security Office).

2. The Head of Mission shall be responsible for the security of the operation and for ensuring compliance with minimum security requirements applicable to the operation, in line with the policy of the European Union on the security of personnel deployed outside the EU in an operational capacity under Title V of the Treaty and its supporting documents.

3. The Head of Mission shall be assisted by a Chief Security Officer (CSO), who will report to the Head of Mission and also maintain a close functional relationship with the GSC Security Office.

4. EU BAM Rafah staff shall undergo mandatory security training before their entry into function, in accordance with the OPLAN. They shall also receive regular in-theatre refresher training organised by the CSO.

7. The following Article shall be inserted:

'Article 15a

Watch-Keeping

The Watch-Keeping Capability shall be activated for EU BAM Rafah.'

8. The following paragraph shall be added to Article 18:

'The Decisions of the PSC pursuant to Article 10(1), regarding the appointment of the Head of Mission, shall also be published in the *Official Journal of the European Union*.'

Article 2

This Joint Action shall enter into force on the day of its adoption.

Article 3

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

Done at Brussels, 6 December 2007.

For the Council

The President

A. COSTA

COUNCIL DECISION 2007/808/CFSP**of 6 December 2007****amending Decision 2006/807/CFSP on the European Union Police Mission for the Palestinian Territories**

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Article 1

Having regard to Council Joint Action 2005/797/CFSP of 14 November 2005 on the European Union Police Mission for the Palestinian Territories ⁽¹⁾, and in particular Article 14(2) thereof, in conjunction with the second indent of Article 23(2) of the Treaty on European Union,

Article 1 of Decision 2006/807/CFSP should be replaced by the following:

'Article 1

1. The final budget intended to cover the expenditure related to the mission from 1 January 2007 to 29 February 2008 shall be EUR 2 800 000.

2. The budget of EUPOL COPPS for the period from 1 March 2008 to 31 December 2008 shall be decided by the Council before 29 February 2008.'

Article 2

This Decision shall enter into force on the date of its adoption.

Article 3

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

Done at Brussels, 6 December 2007.

For the Council

The President

A. COSTA

Whereas:

(1) On 14 November 2005 the Council adopted Joint Action 2005/797/CFSP on the European Union Police Mission for the Palestinian territories for a period of three years. The operational phase of the Mission started on 1 January 2006.

(2) On 20 November 2006, the Council adopted Decision 2006/807/CFSP ⁽²⁾ establishing that the budget intended to cover the expenditure related to the mission from 1 January 2007 to 31 December 2007 was to be EUR 2 800 000.

(3) This budget should also cover the expenditure related to the mission from 1 January 2007 to 29 February 2008,

⁽¹⁾ OJ L 300, 17.11.2005, p. 65.

⁽²⁾ OJ L 329, 25.11.2006, p. 76.

COUNCIL JOINT ACTION 2007/809/CFSP**of 6 December 2007****amending Joint Action 2007/108/CFSP extending the mandate of the European Union Special Representative for Sudan**

THE COUNCIL OF THE EUROPEAN UNION,

2. Article 3 shall be replaced by the following:

Having regard to the Treaty on European Union and, in particular, Articles 14, 18(5) and 23(2) thereof,

‘Article 3

Whereas:

Mandate

1. In order to achieve the policy objectives, the EUSR's mandate shall be to:

(1) On 15 February 2007, the Council adopted Joint Action 2007/108/CFSP extending the mandate of the European Union Special Representative for Sudan ⁽¹⁾.

(a) liaise with the AU, the Government of Sudan, the Government of Southern Sudan, the Darfur armed movements and other Sudanese parties as well as non-governmental organisations and maintain close collaboration with the UN and other relevant international actors, with the aim of pursuing the Union's policy objectives;

(2) On 19 April 2007, the Council adopted Decision 2007/238/CFSP ⁽²⁾ appointing Mr Torben Brylle as European Union Special Representative (EUSR) for Sudan from 1 May 2007 to 29 February 2008.

(b) represent the Union at the Darfur-Darfur dialogue, at high-level meetings of the Joint Commission, as well as other relevant meetings as requested;

(3) On 15 October 2007, the Council adopted Joint Action 2007/677/CFSP on the European Union military operation in the Republic of Chad and in the Central African Republic ⁽³⁾ (EUFOR Tchad/RCA), which also defines a role for the EUSR for Sudan in relation to the EU military operation.

(c) represent the Union, whenever possible, at the CPA and DPA Assessment and Evaluation Commissions;

(4) The mandate of the EUSR for Sudan should be amended accordingly,

(d) follow developments regarding the implementation of the ESPA;

HAS ADOPTED THIS JOINT ACTION:

(e) ensure coherence between the Union's contribution to crisis management in Darfur and the overall political relationship of the Union with Sudan;

Article 1

Joint Action 2007/108/CFSP is hereby amended as follows:

1. in Article 2 the present text shall become paragraph 1 and the following paragraph shall be added:

(f) with regard to human rights, including the rights of children and women, and the fight against impunity in Sudan, follow the situation and maintain regular contacts with the Sudanese authorities, the AU and the UN, in particular with the Office of the High Commissioner for Human Rights, the human rights observers active in the region and the Office of the Prosecutor of the International Criminal Court;

‘2. The mandate of the EUSR shall furthermore be based on the policy objectives of the European Union in relation to Council Joint Action 2007/677/CFSP of 15 October 2007 on the European Union military operation in the Republic of Chad and in the Central African Republic ^(*) (EUFOR Tchad/RCA).

(g) liaise with the Presidency, the Secretary-General/High Representative (SG/HR), the EU Operation Commander and the EU Force Commander of Operation EUFOR Tchad/RCA in order to ensure close coordination of their respective activities with respect to the implementation of Joint Action 2007/677/CFSP; close coordination shall also be ensured with the local Commission Delegations;

(*) OJ L 279, 23.10.2007, p. 21.;

⁽¹⁾ OJ L 46, 16.2.2007, p. 63.

⁽²⁾ OJ L 103, 20.4.2007, p. 52.

⁽³⁾ OJ L 279, 23.10.2007, p. 21.

(h) with respect to the implementation of Joint Action 2007/677/CFSP, assist the SG/HR in relation to his contacts with the United Nations, the Chadian authorities, the authorities of the Central African Republic and neighbouring countries as well as with other relevant actors;

(i) without prejudice to the military chain of command, provide the EU Force Commander of Operation EUFOR Tchad/RCA with political guidance in particular on issues with a regional political dimension;

(j) with respect to his tasks related to Operation EUFOR Tchad/RCA, consult the EU Force Commander on political issues with a security dimension.

2. For the purpose of the fulfilment of his mandate, the EUSR shall, *inter alia*:

(a) maintain an overview of all activities of the Union;

(b) ensure coordination and coherence of the Union's contributions to AMIS;

(c) ensure close coordination and coherence of the activities of the Union with respect to Operation EUFOR Tchad/RCA;

(d) support the political process and activities relating to the implementation of the CPA, the DPA and the ESPA; and

(e) follow up and report on compliance by the Sudanese parties with the relevant UN Security Council Resolutions, notably 1556 (2004), 1564 (2004), 1591 (2005), 1593 (2005), 1672 (2006), 1679 (2006), 1706 (2006) and 1769 (2007).';

3. Article 4(3) shall be replaced by the following:

'3. The EUSR shall regularly report to the PSC on the situation in Darfur, the Union's assistance to AMIS and on the situation in Sudan as a whole, as well as on the situation in the Republic of Chad and the Central African Republic in relation to EUFOR Tchad/RCA.'

Article 2

This Joint Action shall enter into force on the day of its adoption.

Article 3

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

Done at Brussels, 6 December 2007.

For the Council

The President

A. COSTA

CORRIGENDA

Corrigendum to Commission Decision 2007/775/EC of 13 November 2007 repealing Decision 1999/572/EC accepting undertakings offered in connection with the anti-dumping proceedings concerning imports of steel wire ropes and cables originating in the People's Republic of China, Hungary, India, the Republic of Korea, Mexico, Poland, South Africa and Ukraine

(Official Journal of the European Union L 312 of 30 November 2007)

The publication of Decision 2007/775/EC should be considered as null and void.

Corrigendum to Regulation (EC) No 1781/2006 of the European Parliament and of the Council of 15 November 2006 on information on the payer accompanying transfers of funds

(Official Journal of the European Union L 345 of 8 December 2006)

On page 6, Article 6(1):

for: '1. By way of derogation from Article 5(1), where both the payment service provider of the payer and the payment service provider of the payee are situated in the Community, transfers of funds shall be required to be accompanied only by the account number of the payer or a unique identifier allowing the transaction to be traced back to the payer.'

read: '1. By way of derogation from Article 5(1), transfers of funds, where both the payment service provider of the payer and the payment service provider of the payee are situated in the Community, shall only be required to be accompanied by the account number of the payer or a unique identifier allowing the transaction to be traced back to the payer.'
