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⁽¹⁾ Text with EEA relevance

I

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

REGULATIONS

COMMISSION REGULATION (EC) No 1467/2007

of 13 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 14 December 2007.

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

Done at Brussels, 13 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 13 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	168,9
	MA	95,9
	TN	157,6
	TR	123,9
	ZZ	136,6
0707 00 05	JO	209,9
	MA	47,6
	TR	114,3
	ZZ	123,9
0709 90 70	JO	149,8
	MA	53,3
	TR	109,7
	ZZ	104,3
0709 90 80	EG	359,4
	ZZ	359,4
0805 10 20	AR	13,9
	AU	10,4
	BR	25,6
	TR	60,8
	ZA	41,4
	ZW	20,3
	ZZ	28,7
0805 20 10	MA	76,9
	ZZ	76,9
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	IL	68,5
	TR	70,2
	ZZ	69,4
0805 50 10	EG	81,3
	IL	82,7
	MA	119,9
	TR	112,3
	ZA	65,9
	ZZ	92,4
0808 10 80	AR	79,2
	CA	97,8
	CN	92,7
	MK	30,1
	US	87,4
	ZZ	77,4
0808 20 50	AR	71,4
	CN	56,5
	TR	145,7
	US	108,8
	ZZ	95,6

⁽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 1468/2007**of 13 December 2007****fixing representative prices in the poultrymeat and egg sectors and for egg albumin, and amending Regulation (EC) No 1484/95**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organisation of the market in eggs ⁽¹⁾, and in particular Article 5(4) thereof,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organisation of the market in poultrymeat ⁽²⁾, and in particular Article 5(4) thereof,

Having regard to Council Regulation (EEC) No 2783/75 of 29 October 1975 on the common system of trade for ovalbumin and lactalbumin ⁽³⁾, and in particular Article 3(4) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1484/95 ⁽⁴⁾, fixes detailed rules for implementing the system of additional import duties and fixes representative prices in the poultrymeat and egg sectors and for egg albumin.

- (2) It results from regular monitoring of the information providing the basis for the verification of the import prices in the poultrymeat and egg sectors and for egg albumin that the representative prices for imports of certain products should be amended taking into account variations of prices according to origin. Therefore, representative prices should be published.

- (3) It is necessary to apply this amendment as soon as possible, given the situation on the market.

- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Poultrymeat and Eggs,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 1484/95 is hereby replaced by the Annex hereto.

Article 2

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

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

Done at Brussels, 13 December 2007.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ 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). Regulation (EEC) No 2771/75 will be replaced by Regulation (EC) No 1234/2007 (OJ L 299, 16.11.2007, p. 1) as from 1 July 2008.

⁽²⁾ OJ L 282, 1.11.1975, p. 77. Regulation as last amended by Regulation (EC) No 679/2006 (OJ L 119, 4.5.2006, p. 1).

⁽³⁾ OJ L 282, 1.11.1975, p. 104. Regulation as last amended by Commission Regulation (EC) No 2916/95 (OJ L 305, 19.12.1995, p. 49).

⁽⁴⁾ OJ L 145, 29.6.1995, p. 47. Regulation as last amended by Regulation (EC) No 1341/2007 (OJ L 298, 16.11.2007, p. 20).

ANNEX

to the Commission Regulation of 13 December 2007 fixing representative prices in the poultrymeat and egg sectors and for egg albumin, and amending Regulation (EC) No 1484/95

‘ANNEX I

CN code	Description	Representative price (EUR/100 kg)	Security referred to in Article 3(3) (EUR/100 kg)	Origin ⁽¹⁾
0207 12 10	Chicken carcasses 70 % presented, frozen	103,9	0	01
		101,2	0	02
0207 12 90	Chickens, plucked and drawn, without heads and feet and without necks, hearts, livers and gizzards, known as “65 % chickens”, or otherwise presented, frozen	112,6	2	01
		104,7	4	02
		131,6	0	03
0207 14 10	Boneless cuts of fowl of the species Gallus domesticus, frozen	236,1	19	01
		252,0	14	02
		332,7	0	03
0207 14 60	Legs and cuts of chicken, frozen	111,2	10	01
0207 14 70	Other parts of chickens, frozen	211,9	22	01
0207 25 10	Turkey carcasses, known as 80 % turkeys, frozen	138,3	6	01
0207 27 10	Boneless cuts of turkey, frozen	350,5	0	01
		365,5	0	03
0408 11 80	Dried egg yolks	318,9	0	02
0408 91 80	Dried eggs, not in shell	329,1	0	02
1602 32 11	Preparations of uncooked fowl of the species Gallus domesticus	226,8	18	01
		376,2	0	04
3502 11 90	Dried eggs, albumin	475,4	0	02

⁽¹⁾ Origin of imports:

- 01 Brazil
- 02 Argentina
- 03 Chile
- 04 Thailand.’

COMMISSION REGULATION (EC) No 1469/2007**of 13 December 2007****amending the Annex to Council Regulation No 79/65/EEC as regards the list of divisions**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 79/65/EEC of 15 June 1965 setting up a network for the collection of accountancy data on the incomes and business operation of agricultural holdings in the European Economic Community ⁽¹⁾, and in particular Article 2a thereof,

Having regard to the request of Portugal,

Whereas:

- (1) A list of divisions within the meaning of Article 2(d) of Regulation No 79/65/EEC is laid down in the Annex to that Regulation.
- (2) According to that Annex, Portugal is divided into five divisions. For the purposes of Regulation No 79/65/EEC Portugal has requested to reduce the

number of divisions by merging the divisions 'Entre Douro e Minho e Beira Litoral' and 'Trás-os-montes e Beira Interior' into one division 'Norte e Centro'.

- (3) Regulation No 79/65/EEC should therefore be amended accordingly.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Community Committee for the Farm Accountancy Data Network,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation No 79/65/EEC is amended in accordance with the Annex to this Regulation.

Article 2

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

It shall apply from the 2008 accounting year.

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

Done at Brussels, 13 December 2007.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ 109, 23.6.1965, p. 1859. Regulation as last amended by Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p. 1).

ANNEX

In the Annex to Regulation No 79/65/EEC, the part concerning Portugal is replaced by the following:

Portugal

1. Norte e Centro;
 2. Ribatejo-Oeste;
 3. Alentejo e Algarve;
 4. Açores e Madeira.'
-

COMMISSION REGULATION (EC) No 1470/2007**of 13 December 2007****amending Regulation (EEC) No 1859/82 concerning the selection of returning holdings for the purpose of determining incomes of agricultural holdings**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 79/65/EEC of 15 June 1965 setting up a network for the collection of accountancy data on the incomes and business operation of agricultural holdings in the European Economic Community ⁽¹⁾, and particular Article 4(4) thereof,

Whereas:

- (1) Annex I to Commission Regulation (EEC) No 1859/82 ⁽²⁾ fixes the number of returning holdings per division.
- (2) Taking into account the changes in the Italian agricultural structures and the use of improved statistical methodologies for defining the number of holdings to be selected by region, type of farming and economic size class, the number of returning holdings per division in Italy should be adjusted so that the sample may better represent all the farm types present in the field of observation.
- (3) Taking into account the changes in the Polish agricultural structures and the use of an increased number of types of farming used for stratification of the field of observation, the number of returning holdings per division in Poland should be adjusted so that the sample better represents all farm types present in the field of observation.

(4) Following the merging of the divisions 'Entre Douro e Minho e Beira Litoral' and 'Trás-os-montes e Beira Interior' into one division 'Norte e Centro' by Commission Regulation (EC) No 1469/2007 of 13 December 2007 amending the Annex to Council Regulation No 79/65/EEC as regards the list of divisions ⁽³⁾, the number of returning holdings per division in Portugal should be adjusted.

(5) Regulation (EEC) No 1859/82 should therefore be amended accordingly.

(6) The measures provided for in this Regulation are in accordance with the opinion of the Community Committee for the Farm Accountancy Data Network,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EEC) No 1859/82 is amended in accordance with the Annex to this Regulation.

Article 2

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

It shall apply from the 2008 accounting year.

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

Done at Brussels, 13 December 2007.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ 109, 23.6.1965, p. 1859. Regulation as last amended by Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p. 1).

⁽²⁾ OJ L 205, 13.7.1982, p. 5. Regulation as last amended by Regulation (EC) No 800/2007 (OJ L 179, 7.7.2007, p. 3).

⁽³⁾ See page 5 of this Official Journal.

ANNEX

Annex I to Regulation (EEC) No 1859/82 is amended as follows:

- (1) The part concerning Italy is replaced by the following:

Reference number	Name of division	Number of returning holdings
	ITALY	
221	Valle d'Aosta	197
222	Piemonte	619
230	Lombardia	710
241	Trentino	388
242	Alto Adige	405
243	Veneto	907
244	Friuli-Venezia Giulia	735
250	Liguria	508
260	Emilia-Romagna	1 166
270	Toscana	956
281	Marche	601
282	Umbria	498
291	Lazio	528
292	Abruzzo	504
301	Molise	354
302	Campania	478
303	Calabria	346
311	Puglia	453
312	Basilicata	450
320	Sicilia	470
330	Sardegna	413
	Total Italy	11 686'

- (2) The part concerning Poland is replaced by the following:

Reference number	Name of division	Number of returning holdings
	POLAND	
785	Pomorze and Mazury	1 870
790	Wielkopolska and Śląsk	4 470
795	Mazowsze and Podlasie	4 460
800	Małopolska and Pogórze	1 300
	Total Poland	12 100'

- (3) The part concerning Portugal is replaced by the following:

Reference number	Name of division	Number of returning holdings
	PORTUGAL	
615	Norte e Centro	1 233
630	Ribatejo e Oeste	351
640	Alentejo e Algarve	399
650	Açores e Madeira	317
	Total Portugal	2 300'

COMMISSION REGULATION (EC) No 1471/2007

of 13 December 2007

amending Regulation (EC) No 753/2002 laying down certain rules for applying Council Regulation (EC) No 1493/1999 as regards the description, designation, presentation and protection of certain wine sector products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

2. Article 29 is amended as follows:

Having regard to the Treaty establishing the European Community,

(a) in paragraph 1, point (b) is replaced by the following:

Having regard to Council Regulation (EC) No 1493/1999 of 17 May 1999 on common organisation of the market in wine ⁽¹⁾, and in particular Article 53(1) thereof,

‘(b) Germany:

accompanying the indication of origin of the wine

Whereas:

— “Qualitätswein”,

(1) The list of terms set up in Article 28 of Commission Regulation (EC) No 753/2002 ⁽²⁾, has to be completed with the appropriate terms used by Denmark.

— “Prädikatswein”, supplemented by “Kabinett”, “Spätlese”, “Auslese”, “Beerenauslese”, “Trockenbeerenauslese” or “Eiswein”,

(2) The list of traditional specific terms set up in Article 29 of Regulation (EC) No 753/2002 and in Annex III to that Regulation have to be adapted in accordance with the appropriate terms used by Germany, Slovenia and Slovakia.

— “Qualitätswein mit Prädikat”, supplemented by “Kabinett”, “Spätlese”, “Auslese”, “Beerenauslese”, “Trockenbeerenauslese” or “Eiswein” until 1 August 2009;

(3) Bearing in mind that Germany has amended its legislation with effect from 1 August 2007, the amendments made in this Regulation concerning that Member State should also apply from that date, in order to avoid any trade disruption at Community level.

(b) in paragraph 1, point (o) is replaced by the following:

‘(o) Slovenia:

(4) Regulation (EC) No 753/2002 should, therefore, be amended accordingly.

— “kakovostno vino z zaščitnim geografskim poreklom” or “kakovostno vino ZGP”; these terms may be supplemented by the expression “mlado vino”,

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

— “vino s priznanim tradicionalnim poimenovanjem”, “vino PTP” or “renome”,

HAS ADOPTED THIS REGULATION:

— “vrhunsko vino z zaščitnim geografskim poreklom”, “vrhunsko vino ZGP” or “eminentno”; this term may be accompanied by “pozna trgatva”, “izbor”, “jagodni izbor”, “suhi jagodni izbor”, “ledeno vino”, “vino iz sušenega grozdja”, “arhivsko vino”, “arhiva”, “starano vino” or “slamno vino”;

Article 1

Regulation (EC) No 753/2002 is amended as follows:

1. In the first paragraph of Article 28 the following indent is added:

(c) in paragraph 1, point (p) is replaced by the following:

— “regional vin” in the case of table wines originating in Denmark,

‘(p) Slovakia:

names accompanying the indication of origin of the wine:

⁽¹⁾ OJ L 179, 14.7.1999, p. 1. Regulation as last amended by Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p. 1).

⁽²⁾ OJ L 118, 4.5.2002, p. 1. Regulation as last amended by Regulation (EC) No 1207/2007 (OJ L 272, 17.10.2007, p. 23).

— “akostné víno”,

- “akostné víno s prívlastkom” plus “kabinetné”, “neskorý zber”, “výber z hrozna”, “bobuľový výber”, “hroziakový výber”, “cibébový výber”, “slamové víno”, “ľadový zber”,

as well as the following expressions:

- “esencia”,
- “forditáš”,
- “másľák”,
- “samorodné”,
- “výberová esencia”,
- “výber ... putňový”, completed by the numbers 3-6.;

(d) in paragraph 2, point (a) is deleted;

(e) in paragraph 2, the following point is added:

‘(j) Slovakia:

- “sekt vinohradníckej oblasti”,
- “pestovateľský sekt”.

3. Annex III is amended in accordance with the Annex to this Regulation.

Article 2

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

Article 1(2)(a) and (d) and Article 1(3) shall apply from 1 August 2007.

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

Done at Brussels, 13 December 2007.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

ANNEX

The rows for Germany in Annex III to Regulation (EC) No 753/2002 are replaced by the following rows:

‘GERMANY					
Traditional specific terms referred to in Article 29					
Qualitätswein	All	Quality wine psr	German		
Qualitätswein mit Prädikat (*)/Q.b.A. m. Pr./Prädikatswein	All	Quality wine psr	German		
Auslese	All	Quality wine psr	German	—	Switzerland
Beerenauslese	All	Quality wine psr	German		
Eiswein	All	Quality wine psr	German		
Kabinett	All	Quality wine psr	German		
Spätlese	All	Quality wine psr	German	—	Switzerland
Trockenbeerenauslese	All	Quality wine psr	German		
Terms referred to in Article 28					
Landwein	All	Table wine with GI	German		
Additional traditional terms referred to in Article 23					
Affentaler	Altschweier, Bühl, Eisental, Neusatz/Bühl, Bühlertal, Neuweiler/Baden-Baden	Quality wine psr	German		
Badisch Rotgold	Baden	Quality wine psr	German		
Ehrentrudis	Baden	Quality wine psr	German		
Hock	Rhein, Ahr, Hessische Bergstraße, Mittelrhein, Nahe, Rheinhessen, Pfalz, Rheingau	Table wine with GI Quality wine psr	German		
Klassik or Classic		Quality wine psr	German		
Liebfrau(en)milch	Nahe, Rheinhessen, Pfalz, Rheingau	Quality wine psr	German		
Riesling-Hochgewächs	All	Quality wine psr	German		
Schillerwein	Württemberg	Quality wine psr	German		
Weißherbst	All	Quality wine psr	German		
Winzersekt	All	Quality sparkling wine psr	German		

(*) This traditional specific term can be used for wine bottled before 1 August 2009.*

COMMISSION REGULATION (EC) No 1472/2007**of 13 December 2007****derogating, for the 2007/08 wine year, from Regulation (EC) No 1623/2000 laying down detailed rules for implementing Council Regulation (EC) No 1493/1999 on the common organisation of the market in wine with regard to market mechanisms**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine ⁽¹⁾, and in particular Article 33 thereof,

Whereas:

- (1) Under Article 27(3) of Regulation (EC) No 1493/1999 any natural or legal person or group of persons having made wine is required to deliver for distillation all the by-products of that winemaking.
- (2) Commission Regulation (EC) No 1623/2000 ⁽²⁾ lays down detailed rules for the implementation of this obligation to distil and Article 49 thereof provides for certain possible exemptions, in particular the possibility of replacing the distillation obligation by withdrawal of the by-products under supervision in the case of small producers who produce less than 80 hl per year.
- (3) The by-product collection capacity in some Member States is insufficient. To remedy this situation, the Member States should therefore be authorised to exempt other categories of producers from the obligation to distil by-products of winemaking.

- (4) In order that this exception may be applied to the entire wine year, this Regulation should apply from 1 August 2007.

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

HAS ADOPTED THIS REGULATION:

Article 1

By way of exemption from Article 49(4)(a) of Regulation (EC) No 1623/2000, for the 2007/08 wine year Member States may lay down, for all or part of their territory, that producers who do not exceed a production level of 100 hl obtained by them on their individual premises may fulfil the obligation to deliver by-products for distillation by having those products withdrawn under supervision.

Article 2

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

It shall apply from 1 August 2007.

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

Done at Brussels, 13 December 2007.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 179, 14.7.1999, p. 1. Regulation as last amended by Regulation (EC) No 1234/2007 (OJ L 299, 16.11.2007, p. 1).

⁽²⁾ OJ L 194, 31.7.2000, p. 45. Regulation as last amended by Regulation (EC) No 923/2007 (OJ L 201, 2.8.2007, p. 9).

COMMISSION REGULATION (EC) No 1473/2007**of 13 December 2007****on a transitional measure relating to the treatment of the by-products of winemaking provided for in Council Regulation (EC) No 1493/1999 for the 2007/08 wine year in Bulgaria**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty of Accession of Bulgaria and Romania,

Having regard to the Act of Accession of Bulgaria and Romania, and in particular the first paragraph of Article 41 thereof,

Whereas:

- (1) Under Article 27(3) of Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine ⁽¹⁾, any natural or legal person or group of persons having made wine is required to deliver for distillation all the by-products of that winemaking. Since the accession of Bulgaria to the Community on 1 January 2007, that requirement also applies to wine producers in that Member State although the practice is not traditional in Bulgaria.
- (2) Commission Regulation (EC) No 1623/2000 ⁽²⁾ lays down detailed rules for the implementation of this obligation to distil and Article 49 thereof provides for certain possible exemptions.
- (3) Despite the measures already established by Bulgaria, the distilleries in that Member State do not have sufficient capacity to distil all by-products. Bulgaria should therefore be authorised to exempt certain categories of

producers from the obligation to distil by-products of winemaking.

- (4) In order that the exception granted to Bulgaria may be applied to the entire wine year, this Regulation should apply from 1 August 2007.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Wine,

HAS ADOPTED THIS REGULATION:

Article 1

By way of exemption from Article 49(4)(a) of Regulation (EC) No 1623/2000, Bulgaria may lay down that, for the 2007/08 wine year, producers who do not exceed a production level of 7 500 hl obtained by them on their individual premises may fulfil the obligation to deliver by-products for distillation by having those products withdrawn under supervision.

Article 2

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

It shall apply from 1 August 2007.

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

Done at Brussels, 13 December 2007.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 179, 14.7.1999, p. 1. Regulation as last amended by Regulation (EC) No 1234/2007 (OJ L 299, 16.11.2007, p. 1).

⁽²⁾ OJ L 194, 31.7.2000, p. 45. Regulation as last amended by Regulation (EC) No 923/2007 (OJ L 201, 2.8.2007, p. 9).

COMMISSION REGULATION (EC) No 1474/2007**of 13 December 2007****amending Regulation (EEC) No 1538/91 introducing detailed rules for implementing Council Regulation (EEC) No 1906/90 on certain marketing standards for poultrymeat**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1906/90 of 26 June 1990 on certain marketing standards for poultrymeat ⁽¹⁾, and in particular to Article 9 thereof,

Whereas:

(1) Annex VIII to Commission Regulation (EEC) No 1538/91 ⁽²⁾ contains the list of national reference laboratories for monitoring the water content in poultrymeat. The French authorities have communicated to the Commission the name and the address of the new National Reference Laboratory for France.

(2) Regulation (EEC) No 1538/91 should therefore be amended accordingly.

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

HAS ADOPTED THIS REGULATION:

Article 1

In Annex VIII to Regulation (EEC) No 1538/91 the name and address of the National Reference Laboratory for France is replaced by the following:

'France
SCL — Laboratoire de Lyon
10, avenue des Saules
BP 74
FR-69922 Oullins'

Article 2

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

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

Done at Brussels, 13 December 2007.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 173, 6.7.1990, p. 1. Regulation as last amended by Regulation (EC) No 1029/2006 (OJ L 186, 7.7.2006, p. 6).

⁽²⁾ OJ L 143, 7.6.1991, p. 11. Regulation as last amended by Regulation (EC) No 2029/2006 (OJ L 414, 30.12.2006, p. 29).

COMMISSION REGULATION (EC) No 1475/2007**of 13 December 2007****opening a Community tariff quota from 2008 for manioc originating from Thailand**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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,

Whereas:

- (1) During the World Trade Organisation multilateral trade negotiations, the Community undertook to open a tariff quota restricted to 21 million tonnes of products falling within CN code 0714 10 originating in Thailand per four-year period, with customs duty reduced to 6 %. This quota must be opened and administered by the Commission.
- (2) Taking into account the specifications of the product and the market, the use of the first-come first-served management method appears to be appropriate. In the interest of administrative simplification, the quota concerning manioc products under the application of Commission Regulation (EC) No 1342/2003 of 28 July 2003 laying down special detailed rules for the application of the system of import and export licences for cereals and rice ⁽²⁾, as regards the imports and export products in the cereal and rice sector, should be managed in conformity with Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals ⁽³⁾. The management should be done in accordance with Articles 308a, 308b and 308c (1) of Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽⁴⁾.
- (3) Article 9 (1) of Regulation (EC) No 1784/2003 provides for a possible exemption from the requirement to submit an import licence for products having no significant appreciable impact on the supply situation of the cereals market. In the last years, the Community imports less than 10 percent of the annual quantity of manioc falling within CN code 0714 10. This involves a limited quantity of very specific products, with no impact on the cereals market. The exemption from the import licence requirement provided for in Article 9(1) of Regulation (EC) No 1784/2003 can therefore be applied.
- (4) It is necessary to keep an administration system which ensures that only products originating from Thailand may be imported under the quota. It should be clarified which kind of proof certifying the origin of products has to be provided to benefit from the tariff quotas under the first-come, first served system. This is laid out in Articles 55 to 65 of Commission Regulation (EEC) No 2454/93.
- (5) Given that equivalent tariff quotas have not been quickly exhausted in the last two years, tariff quotas under this Regulation should be regarded initially as non-critical within the meaning of Article 308c of Regulation (EEC) No 2454/93 when managed under the first-come first-served system. Therefore, customs authorities should be authorised to waive the requirement for security in respect of goods initially imported under those quotas in accordance with Articles 308c(1) and 248(4) of Regulation (EEC) No 2454/93. Due to the particularities of the transfer from one management system to the other Article 308c(2) and (3) of that Regulation should not apply.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for cereals,

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation opens a Community tariff quota for manioc originating from Thailand. It shall be managed on a calendar-year basis, from 1 January 2008.

⁽¹⁾ OJ L 146, 20.6.1996, p. 1.

⁽²⁾ OJ L 189, 29.7.2003, p. 12. Regulation as last amended by Regulation (EC) No 1996/2006 (OJ L 398, 30.12.2006, p. 1).

⁽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 253, 11.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 214/2007 (OJ L 62, 1.3.2007, p. 6).

Article 2

The quantity, expressed in net weight, for the import of manioc falling within the CN code 0714 10, as well as the customs duty applicable shall be those laid down in the Annex.

Article 3

The tariff quota set out in the Annex to this Regulation shall be managed by the Community on a first-come, first-served basis in accordance with Articles 308a, 308b and 308c(1) of Regulation (EEC) No 2454/93. Article 308c(2) and (3) of that Regulation shall not apply.

Article 4

Imports of manioc under the tariff quota referred to Article 1 shall not require the submission of an import licence.

Article 5

Release for free circulation within the quota referred to in Article 1 of this Regulation shall be subject to the presentation of a certificate of origin issued by the competent authorities of Thailand in accordance with Articles 55 to 65 of Regulation (EEC) No 2454/93.

Article 6

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

It shall apply as from 1 January 2008.

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

Done at Brussels, 13 December 2007.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

ANNEX

COMMUNITY TARIFF QUOTAS FOR THAILAND

MANIOC

CN codes	Rate of duty %	Description of products	Tariff quota number ⁽¹⁾	Origin	Annual quantity million tonnes ⁽²⁾ (net weight)
0714 10	6	Manioc	09.0708	Thailand	5,75

⁽¹⁾ Previous tariff quota number 09.4008.

⁽²⁾ Tariff quota restricted to 21 million tonnes per four-year-period.

COMMISSION REGULATION (EC) No 1476/2007

of 13 December 2007

opening a standing invitation to tender for the resale for industrial use of sugar held by the intervention agencies of Belgium, the Czech Republic, Ireland, Spain, Italy, Hungary, Slovakia and Sweden and amending Regulations (EC) No 1059/2007 and (EC) No 1060/2007

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 318/2006 of 20 February 2006 on the common organisation of the markets in the sugar sector ⁽¹⁾, and in particular Articles 40(1)(g) and 40(2)(d) thereof,

Whereas:

- (1) Article 39(1) of Commission Regulation (EC) No 952/2006 of 29 June 2006 laying down detailed rules for the application of Council Regulation (EC) No 318/2006 as regards the management of the Community market in sugar and the quota system ⁽²⁾ provides that the intervention agencies may sell sugar only after a decision to that effect has been adopted by the Commission. Given the continued existence of intervention stocks, it is appropriate to provide for the possibility to sell for industrial use sugar held by the intervention agencies.
- (2) Pursuant to Article 42(2)(c) of Regulation (EC) No 952/2006, it is appropriate to fix a minimum quantity per tenderer or per lot.
- (3) To take account of the situation on the Community market, provision should be made for the Commission to fix a minimum selling price for each partial invitation to tender.
- (4) The intervention agencies of Belgium, the Czech Republic, Ireland, Spain, Italy, Hungary, Slovakia and Sweden should communicate the tenders to the Commission. The tenderers should remain anonymous.
- (5) In order to ensure proper management of sugar in storage, provision should be made for a communication from the Member States to the Commission on the quantities actually sold.
- (6) The provisions on processor's records, checks and penalties laid down by Commission Regulation (EC) No 967/2006 of 29 June 2006 laying down detailed rules for the application of Council Regulation (EC) No 318/2006 as regards sugar production in excess of the quota ⁽³⁾ should apply to the quantities awarded under this Regulation.
- (7) To ensure that the quantities awarded pursuant to this Regulation are used as industrial sugar, financial penalties must be laid down for tenderers at a dissuasive level to avoid any risk of these quantities being used for other purposes.
- (8) The second paragraph of Article 59 of Regulation (EC) No 952/2006 provides that Commission Regulation (EC) No 1262/2001 ⁽⁴⁾ continues to apply to sugar accepted into intervention before 10 February 2006. However, for the resale of intervention sugar, this distinction is unnecessary and its implementation would create administrative difficulties for Member States. It is therefore appropriate to exclude the application of Regulation (EC) No 1262/2001 to the resale of intervention sugar pursuant to this Regulation.
- (9) The quantities available for a Member State that can be awarded pursuant to this Regulation should take into account the quantities awarded pursuant to Commission Regulation (EC) No 1059/2007 of 14 September 2007 opening a standing invitation to tender for the resale on the Community market of sugar held by the intervention agencies of Belgium, the Czech Republic, Ireland, Spain, Italy, Hungary, Slovakia, and Sweden ⁽⁵⁾.
- (10) The quantities awarded under this Regulation should also be taken into account for the quantities that can be awarded under Commission Regulation (EC) No 1060/2007 of 14 September 2007 opening a standing invitation to tender for the resale for export of sugar held by the intervention agencies of Belgium, the Czech Republic, Ireland, Spain, Italy, Hungary, Slovakia and Sweden ⁽⁶⁾. A relevant provision should therefore be inserted in Regulation (EC) No 1060/2007.

⁽¹⁾ 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).

⁽²⁾ OJ L 178, 1.7.2006, p. 39. Regulation as amended by Regulation (EC) No 551/2007 (OJ L 131, 23.5.2007, p. 7).

⁽³⁾ OJ L 176, 30.6.2006, p. 22. Regulation as amended by Regulation (EC) No 1913/2006 (OJ L 365, 21.12.2006, p. 52).

⁽⁴⁾ OJ L 178, 30.6.2001, p. 48. Regulation repealed by Regulation (EC) No 952/2006.

⁽⁵⁾ OJ L 242, 15.9.2007, p. 3.

⁽⁶⁾ OJ L 242, 15.9.2007, p. 8.

- (11) The maximum quantities of intervention sugar held by the Spanish intervention agency according to Annex I to Regulation (EC) No 1059/2007 and Annex I to Regulation (EC) No 1060/2007 did not take into account 18 000 tonnes of sugar accepted into intervention in April 2006.
- (12) Regulations (EC) No 1059/2007 and (EC) No 1060/2007 should therefore be amended accordingly.
- (13) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

The intervention agencies of Belgium, the Czech Republic, Ireland, Spain, Italy, Hungary, Slovakia and Sweden shall offer for sale by standing invitation to tender for industrial use a maximum total quantity of 477 924 tonnes of sugar accepted into intervention and available for sale for industrial use.

The maximum quantities involved per Member State are set out in Annex I.

Article 2

1. The period during which tenders may be submitted in response to the first partial invitation to tender shall begin on 1 January 2008 and shall end on 9 January 2008 at 15.00, Brussels time.

The periods during which tenders may be submitted in response to the second and subsequent partial invitations shall begin on the first working day following the end of the preceding period. They shall end at 15.00, Brussels time on:

- 30 January 2008,
- 13 and 27 February 2008,
- 12 and 26 March 2008,
- 9 and 23 April 2008,
- 7 and 28 May 2008,
- 11 and 25 June 2008,
- 9 and 23 July 2008,
- 6 and 27 August 2008,

— 10 and 24 September 2008.

2. The minimum quantity of the tender per lot referred to in Article 42(2)(c) of Regulation (EC) No 952/2006 shall be 100 tonnes, unless the available quantity for that lot is less than 100 tonnes. In such cases the available quantity must be tendered.

3. Tenders shall be lodged with the intervention agency holding the sugar as set out in Annex I.

4. Tenders may be submitted only by processors within the meaning of Article 2(d) of Regulation (EC) No 967/2006.

Article 3

The intervention agencies concerned shall communicate to the Commission tenders submitted within two hours after the expiry of the deadline for the submissions laid down in Article 2(1).

The tenderers shall not be identified.

Tenders submitted shall be communicated in electronic form according to the model laid down in Annex II.

When no tenders are submitted, the Member State shall communicate this to the Commission within the same time limit.

Article 4

1. The Commission shall fix per Member State concerned the minimum selling price for each partial invitation to tender or decide not to accept the tenders in accordance with the procedure referred to in Article 39(2) of Regulation (EC) No 318/2006.

2. The available quantity for a lot shall be reduced by the quantities awarded the same day for that lot by Regulation (EC) No 1059/2007.

Where an award at a minimum selling price set pursuant to paragraph 1 would result in the available quantity for the Member State concerned being exceeded, that award shall be limited to such quantity as is still available.

Where awards for a Member State to all tenderers offering the same selling price would result in the quantity for that Member State being exceeded, then the quantity available shall be awarded as follows:

- (a) by division among the tenderers concerned in proportion of the total quantities in each of their tenders;

(b) by apportionment among the tenderers concerned by reference to a maximum tonnage fixed for each of them; or

(c) by drawing of lots.

3. On the fifth working day at the latest after the Commission fixes the minimum selling price, the intervention agencies involved shall communicate to the Commission, in the form laid down in Annex III, the quantity actually sold by partial invitation to tender.

Article 5

1. Articles 11, 12 and 13 of Regulation (EC) No 967/2006 shall apply *mutatis mutandis* to processors in respect of the quantities of sugar awarded under this Regulation.

2. At the request of the successful tenderer, the competent authority of the Member State which granted him its approval as processor within the meaning of Article 2(d) of Regulation (EC) No 967/2006 may permit a quantity, in white sugar equivalent, of sugar produced under quota to be used for the purposes of production of the products referred to in the Annex to Regulation (EC) No 967/2006 in place of the same quantity, in white sugar equivalent, of intervention sugar awarded. The competent authorities of the Member States concerned shall coordinate checks and monitoring of such an operation.

Article 6

1. Each successful tenderer shall supply proof, to the satisfaction of the competent authorities of the Member State, that the quantity awarded by a partial invitation to tender has been used for the purposes of production of the products referred to in the Annex to Regulation (EC) No 967/2006 and in accordance with the approval referred to in Article 5 of Regulation (EC) No 967/2006. This proof shall consist of the computerised recording in the records during or at the end of the production process of the quantities of the products concerned.

2. If processors have not supplied the proof referred to in paragraph 1 by the end of the fifth month following the month of award, they shall pay, for each day of delay, a sum of EUR 5 per tonne of the quantity concerned.

3. If processors have not supplied the proof referred to in paragraph 1 by the end of the seventh month following the month of award, the quantity concerned shall be considered to be overdeclared for the purposes of applying Article 13 of Regulation (EC) No 967/2006.

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

Done at Brussels, 13 December 2007.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

Article 7

By way of derogation from the second paragraph of Article 59 of Regulation (EC) No 952/2006, Regulation (EC) No 1262/2001 shall not apply to the resale, as referred to in Article 1 of this Regulation, of sugar accepted into intervention before 10 February 2006.

Article 8

In Annex I to Regulation (EC) No 1059/2007, the row concerning Spain is replaced by the following:

'Spain	Fondo Español de Garantía Agraria C/Beneficencia, 8 E-28004 Madrid Tel. (34) 91 347 64 66 Fax (34) 91 347 63 97	42 084'
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Article 9

Regulation (EC) No 1060/2007 is amended as follows:

(a) In Article 4(2), the first subparagraph is replaced by the following:

'The available quantity for a lot shall be reduced by the quantities awarded the same day for that lot by Regulation (EC) No 1059/2007 and Regulation (EC) No 1476/2007.'

(b) In Annex I the row concerning Spain is replaced by the following:

'Spain	Fondo Español de Garantía Agraria C/Beneficencia, 8 E-28004 Madrid Tel. (34) 91 347 64 66 Fax (34) 91 347 63 97	42 084'
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Article 10

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

ANNEX I

Member States holding intervention sugar

Member State	Intervention agency	Maximum quantities held by the intervention agency (in tonnes)
Belgium	Bureau d'intervention et de restitution belge/ Belgisch Interventie- en Restitutiebureau (BIRB) Rue de Trèves, 82/Trierstraat 82 B-1040 Bruxelles/B-1040 Brussel Tél. (32-2) 287 24 11 Fax (32-2) 287 25 24	10 648
Czech Republic	Státní zemědělský intervenční fond Oddělení pro cukr a škrob Ve Smečkách 33 CZ-11000 PRAHA 1 Tel.: (420) 222 871 427 Fax: (420) 222 871 875	30 687
Ireland	Intervention Section On Farm Investment Subsidies & storage Division Department of Agriculture & Food Johnstown Castle Estate Wexford Tel. (353-53) 63437 Fax (353-91) 42843	12 000
Spain	Fondo Español de Garantía Agraria C/Beneficencia, 8 E-28004 Madrid Tel. (34) 913 47 64 66 Fax (34) 913 47 63 97	9 873
Italy	AGEA — Agenzia per le erogazioni in Agricoltura Ufficio ammassi pubblici e privati e alcool Via Torino, 45 00185 Roma Tel. (39-06) 49 49 95 58 Fax (39-06) 49 49 97 61	282 916
Hungary	Mezőgazdasági és Vidékfejlesztési Hivatal (MVH) (Agricultural and Rural Development Agency) Soroksári út 22-24. HU-1095 Budapest Tel.: (36-1) 219 45 76 Fax: (36-1) 219 89 05 or (36-1) 219 62 59	41 443
Slovakia	Pôdohospodárska platobná agentúra Oddelenie cukru a ostatných komodít Dobrovičova 12 SK – 815 26 Bratislava Tel.: (421-4) 58 24 32 55 Fax: (421-2) 53 41 26 65	34 000
Sweden	Statens jordbruksverk Vallgatan 8 S-551 82 Jönköping Tfn (46-36) 15 50 00 Fax (46-36) 19 05 46	56 357

ANNEX II

Model for the communication to the Commission as referred to in Article 3

Form (*)

Standing invitation to tender for the resale of sugar held by the intervention agencies

Regulation (EC) No 1476/2007

1	2	3	4	5
Member State selling intervention sugar	Numbering of tenderers	Lot No	Quantity (t)	Tender price EUR/100 kg
	1			
	2			
	3			
	etc.			

(*) To be faxed to the following number: (32-2) 292 10 34.

ANNEX III

Model for the notification to the Commission as referred to in Article 4(3)

Form (*)

Partial invitation to tender of ... for the resale of sugar held by the intervention Agencies

Regulation (EC) No 1476/2007

1	2
Member State selling intervention sugar	Quantity actually sold (in tonnes)

(*) To be faxed to the following number: (32-2) 292 10 34.

COMMISSION REGULATION (EC) No 1477/2007**of 13 December 2007****amending Regulation (EC) No 622/2003 laying down measures for the implementation of the common basic standards on aviation security****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 2320/2002 of the European Parliament and the Council of 16 December 2002 establishing common rules in the field of civil aviation security ⁽¹⁾, and in particular Article 4(2) thereof,

Whereas:

- (1) The Commission is required, by virtue of Regulation (EC) No 2320/2002, when necessary, to adopt measures for the implementation of common basic standards for aviation security throughout the Community. Commission Regulation (EC) No 622/2003 of 4 April 2003 laying down measures for the implementation of the common basic standards on aviation security ⁽²⁾ was the first act laying down such measures.
- (2) The measures provided for by Regulation (EC) No 622/2003 on restricting liquids carried by passengers arriving on flights from third countries and transferring at Community airports are subject to review in the light of technical developments, operational implications at airports and the impact on passengers.
- (3) Such a review has shown that the restrictions on liquids carried by passengers arriving on flights from third countries and transferring at Community airports create certain operational difficulties at these airports and cause inconvenience to the passengers concerned.

(4) In particular, the Commission has verified certain security standards at an airport in a third country and found them satisfactory, and that country has a good record of cooperation with the Community and its Member States. On that basis the Commission has decided to take steps to alleviate the problems identified above, in the case of passengers carrying liquids obtained at that airport.

(5) Regulation (EC) No 622/2003 should be amended accordingly.

(6) The measures contained in the present Regulation are not included among those which, according to Article 8(1) of Regulation (EC) No 2320/2002, shall be secret and not published.

(7) The measures provided for in this Regulation are in accordance with the opinion of the Committee on Civil Aviation Security,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 622/2003 is amended as set out in the Annex to this Regulation.

Article 3 of that Regulation shall not apply as regards the confidential nature of this Annex.

Article 2

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 13 December 2007.

For the Commission

Jacques BARROT

Vice-President

⁽¹⁾ OJ L 355, 30.12.2002, p. 1. Regulation as amended by Regulation (EC) No 849/2004 (OJ L 158, 30.4.2004, p. 1).

⁽²⁾ OJ L 89, 5.4.2003, p. 9. Regulation as last amended by Regulation (EC) No 915/2007 (OJ L 200, 1.8.2007, p. 3).

ANNEX

Attachment 3 shall be replaced by the following text:

'Attachment 3

Republic of Singapore

Changi airport'.

COMMISSION REGULATION (EC) No 1478/2007**of 13 December 2007****fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex I to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products⁽¹⁾, and in particular Article 31(3) thereof,

Whereas:

(1) Article 31(1) of Regulation (EC) No 1255/1999 provides that the difference between prices in international trade for the products listed in Article 1(a), (b), (c), (d), (e), and (g) of that Regulation and prices within the Community may be covered by an export refund.

(2) Commission Regulation (EC) No 1043/2005 of 30 June 2005 implementing Council Regulation (EC) No 3448/93 as regards the system of granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds⁽²⁾, specifies the products for which a rate of refund is to be fixed, to be applied where these products are exported in the form of goods listed in Annex II to Regulation (EC) No 1255/1999.

(3) In accordance with the first paragraph of Article 14 of Regulation (EC) No 1043/2005, the rate of the refund per 100 kilograms for each of the basic products in question is to be fixed each month.

(4) However, in the case of certain milk products exported in the form of goods not covered by Annex I to the Treaty, there is a danger that, if high refund rates are fixed in advance, the commitments entered into in relation to

those refunds may be jeopardised. In order to avert that danger, it is therefore necessary to take appropriate precautionary measures, but without precluding the conclusion of long-term contracts. The fixing of specific refund rates for the advance fixing of refunds in respect of those products should enable those two objectives to be met.

(5) Article 15(2) of Regulation (EC) No 1043/2005 provides that, when the rate of the refund is being fixed, account is to be taken, where appropriate, of production refunds, aids or other measures having equivalent effect applicable in all Member States in accordance with the Regulation on the common organisation of the market in the product in question to the basic products listed in Annex I to Regulation (EC) No 1043/2005 or to assimilated products.

(6) Article 12(1) of Regulation (EC) No 1255/1999 provides for the payment of aid for Community-produced skimmed milk processed into casein if such milk and the casein manufactured from it fulfil certain conditions.

(7) Commission Regulation (EC) No 1898/2005 of 9 November 2005 laying down detailed rules for implementing Council Regulation (EC) No 1255/1999 as regards measures for the disposal of cream, butter and concentrated butter⁽³⁾, lays down that butter and cream at reduced prices should be made available to industries which manufacture certain goods.

(8) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of the refunds applicable to the basic products listed in Annex I to Regulation (EC) No 1043/2005 and in Article 1 of Regulation (EC) No 1255/1999, and exported in the form of goods listed in Annex II to Regulation (EC) No 1255/1999, shall be fixed as set out in the Annex to this Regulation.

⁽¹⁾ OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Council Regulation (EC) No 1152/2007 (OJ L 258, 4.10.2007, p. 3).

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

⁽³⁾ OJ L 308, 25.11.2005, p. 1. Regulation as last amended by Regulation (EC) No 96/2007 (OJ L 25, 1.2.2007, p. 6).

Article 2

This Regulation shall enter into force on 14 December 2007.

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

Done at Brussels, 13 December 2007.

For the Commission

Heinz ZOUREK

Director-General Enterprise and Industry

ANNEX

Rates of the refunds applicable from 14 December 2007 to certain milk products exported in the form of goods not covered by Annex I to the Treaty ⁽¹⁾

(EUR/100 kg)

CN code	Description	Rate of refund	
		In case of advance fixing of refunds	Other
ex 0402 10 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content not exceeding 1,5 % by weight (PG 2):		
	(a) on exportation of goods of CN code 3501	—	—
	(b) on exportation of other goods	0,00	0,00
ex 0402 21 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content of 26 % by weight (PG 3):		
	(a) where goods incorporating, in the form of products assimilated to PG 3, reduced-price butter or cream obtained pursuant to Regulation (EC) No 1898/2005 are exported	0,00	0,00
	(b) on exportation of other goods	0,00	0,00
ex 0405 10	Butter, with a fat content by weight of 82 % (PG 6):		
	(a) where goods containing reduced-price butter or cream which have been manufactured in accordance with the conditions provided for in Regulation (EC) No 1898/2005 are exported	0,00	0,00
	(b) on exportation of goods of CN code 2106 90 98 containing 40 % or more by weight of milk fat	0,00	0,00
	(c) on exportation of other goods	0,00	0,00

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

- (a) third countries: Andorra, the Holy See (Vatican City State), Liechtenstein, the United States of America and the goods listed in Tables I and II of Protocol 2 to the Agreement between the European Community and the Swiss Confederation of 22 July 1972 exported to the Swiss Confederation.
- (b) territories of EU Member States not forming part of the customs territory of the Community: Ceuta, Melilla, the Communes of Livigno and Campione d'Italia, Heligoland, Greenland, the Faeroe Islands and the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control.
- (c) European territories for whose external relations a Member State is responsible and not forming part of the customs territory of the Community: Gibraltar.

COMMISSION REGULATION (EC) No 1479/2007**of 13 December 2007****fixing the rates of the refunds applicable to eggs and egg yolks exported in the form of goods not covered by Annex I to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organisation of the market in eggs ⁽¹⁾, and in particular Article 8(3) thereof,

Whereas:

(1) Article 8(1) of Regulation (EEC) No 2771/75 provides that the difference between prices in international trade for the products listed in Article 1(1) of that Regulation and prices within the Community may be covered by an export refund where these goods are exported in the form of goods listed in the Annex to that Regulation.

(2) Commission Regulation (EC) No 1043/2005 of 30 June 2005 implementing Council Regulation (EC) No 3448/93 as regards the system of granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds ⁽²⁾, specifies the products for which a rate of refund is to be fixed, to be applied where these products are exported in the form of goods listed in Annex I to Regulation (EEC) No 2771/75.

(3) In accordance with the second paragraph of Article 14 of Regulation (EC) No 1043/2005, the rate of the refund per 100 kilograms for each of the basic products in question is to be fixed for a period of the same duration as that for which refunds are fixed for the same products exported unprocessed.

(4) Article 11 of the Agreement on Agriculture concluded under the Uruguay Round lays down that the export refund for a product contained in a good may not exceed the refund applicable to that product when exported without further processing.

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

HAS ADOPTED THIS REGULATION:

Article 1

The rates of the refunds applicable to the basic products listed in Annex I to Regulation (EC) No 1043/2005 and in Article 1(1) of Regulation (EEC) No 2771/75, and exported in the form of goods listed in Annex I to Regulation (EEC) No 2771/75, shall be fixed as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 14 December 2007.

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

Done at Brussels, 13 December 2007.

For the Commission

Heinz ZOUREK

Director-General Enterprise and Industry

⁽¹⁾ 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).

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

ANNEX

Rates of the refunds applicable from 14 December 2007 to eggs and egg yolks exported in the form of goods not covered by Annex I to the Treaty

(EUR/100 kg)			
CN code	Description	Destination ⁽¹⁾	Rate of refund
0407 00	Birds' eggs, in shell, fresh, preserved or cooked:		
	– Of poultry:		
0407 00 30	– – Other:		
	(a) On exportation of ovalbumin of CN codes 3502 11 90 and 3502 19 90	02	0,00
		03	20,00
		04	0,00
	(b) On exportation of other goods	01	0,00
0408	Birds' eggs, not in shell and egg yolks, fresh, dried, cooked by steaming or by boiling in water, moulded, frozen or otherwise preserved, whether or not containing added sugar or other sweetening matter:		
	– Egg yolks:		
0408 11	– – Dried:		
ex 0408 11 80	– – – Suitable for human consumption:		
	not sweetened	01	50,00
0408 19	– – Other:		
	– – – Suitable for human consumption:		
ex 0408 19 81	– – – – Liquid:		
	not sweetened	01	25,00
ex 0408 19 89	– – – – Frozen:		
	not sweetened	01	25,00
	– Other:		
0408 91	– – Dried:		
ex 0408 91 80	– – – Suitable for human consumption:		
	not sweetened	01	63,00
0408 99	– – Other:		
ex 0408 99 80	– – – Suitable for human consumption:		
	not sweetened	01	16,00

⁽¹⁾ The destinations are as follows:

- 01 Third countries. For Switzerland and Liechtenstein these rates are not applicable to the goods listed in Tables I and II to Protocol No 2 to the Agreement between the European Community and the Swiss Confederation of 22 July 1972,
- 02 Kuwait, Bahrain, Oman, Qatar, United Arab Emirates, Yemen, Turkey, Hong Kong SAR and Russia,
- 03 South Korea, Japan, Malaysia, Thailand, Taiwan and the Philippines,
- 04 all destinations except Switzerland and those of 02 and 03.

COMMISSION REGULATION (EC) No 1480/2007**of 13 December 2007****fixing the export refunds on eggs**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organisation of the market in eggs ⁽¹⁾, and in particular the third subparagraph of Article 8(3) thereof,

Whereas:

- (1) Article 8 of Regulation (EEC) No 2771/75 provides that the difference between prices on the world market for the products listed in Article 1(1) of that regulation and prices for those products on the Community market may be covered by an export refund.
- (2) Given the present situation on the market in eggs, export refunds should therefore be fixed in accordance with the rules and certain criteria provided for in Article 8 of Regulation (EEC) No 2771/75.
- (3) Article 8(3), second subparagraph of Regulation (EEC) No 2771/75 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund according to destination.
- (4) Refunds should be granted only on products that are allowed to move freely in the Community and that comply with the requirements of Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs ⁽²⁾ and of Regulation (EC) No 853/2004 of the European

Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin ⁽³⁾ as well as marking requirements of Council Regulation (EEC) No 1907/90 of 26 June 1990 on certain marketing standards for eggs ⁽⁴⁾.

- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Poultrymeat and Eggs,

HAS ADOPTED THIS REGULATION:

Article 1

1. Export refunds as provided for in Article 8 of Regulation (EEC) No 2771/75 shall be granted on the products and for the amounts set out in the Annex to this Regulation subject to the conditions provided for in paragraph 2 of this Article.

2. The products eligible for a refund under paragraph 1 must meet the relevant requirements of Regulations (EC) No 852/2004 and (EC) No 853/2004, notably preparation in an approved establishment and compliance with the marking requirements laid down in Annex II, Section I to Regulation (EC) No 853/2004 and those laid down in Regulation (EEC) No 1907/90.

Article 2

This Regulation shall enter into force on 14 December 2007.

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

Done at Brussels, 13 December 2007.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ 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). Regulation (EEC) No 2771/75 will be replaced by Regulation (EC) No 1234/2007 (OJ L 299, 16.11.2007, p. 1) as from 1 July 2008.

⁽²⁾ OJ L 139, 30.4.2004, p. 1. Corrected version in OJ L 226, 25.6.2004, p. 3.

⁽³⁾ OJ L 139, 30.4.2004, p. 55. Corrected version in OJ L 226, 25.6.2004, p. 22. Regulation as last amended by Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p. 1).

⁽⁴⁾ OJ L 173, 6.7.1990, p. 5. Regulation as last amended by Regulation (EC) No 1582/2006 (OJ L 294, 25.10.2006, p. 1).

ANNEX

Export refunds on eggs applicable from 14 December 2007

Product code	Destination	Unit of measurement	Amount of refund
0407 00 11 9000	A02	EUR/100 pcs	1,98
0407 00 19 9000	A02	EUR/100 pcs	0,99
0407 00 30 9000	E09	EUR/100 kg	0,00
	E10	EUR/100 kg	20,00
	E19	EUR/100 kg	0,00
0408 11 80 9100	A03	EUR/100 kg	50,00
0408 19 81 9100	A03	EUR/100 kg	25,00
0408 19 89 9100	A03	EUR/100 kg	25,00
0408 91 80 9100	A03	EUR/100 kg	63,00
0408 99 80 9100	A03	EUR/100 kg	16,00

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

The other destinations are defined as follows:

E09 Kuwait, Bahrain, Oman, Qatar, the United Arab Emirates, Yemen, Hong Kong SAR, Russia and Turkey.

E10 South Korea, Japan, Malaysia, Thailand, Taiwan and the Philippines.

E19 all destinations except Switzerland and those of E09 and E10.

COMMISSION REGULATION (EC) No 1481/2007**of 13 December 2007****fixing the export refunds on poultrymeat**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organisation of the market in poultrymeat ⁽¹⁾, and in particular the third subparagraph of Article 8(3) thereof,

Whereas:

- (1) Article 8(1) of Regulation (EEC) No 2777/75 provides that the difference between prices on the world market for the products listed in Article 1(1) of that Regulation and prices for those products on the Community market may be covered by an export refund.
- (2) Given the present situation on the market in poultrymeat, export refunds should therefore be fixed in accordance with the rules and criteria provided for in Article 8 of Regulation (EEC) No 2777/75.
- (3) Article 8(3), second subparagraph of Regulation (EEC) No 2777/75 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund according to destination.
- (4) Refunds should be granted only on products that are allowed to move freely in the Community and that bear the identification mark as provided for in Article 5(1)(b) of Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April

2004 laying down specific hygiene rules for food of animal origin ⁽²⁾. Those products should also comply with the requirements of Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs ⁽³⁾.

- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Poultrymeat and Eggs,

HAS ADOPTED THIS REGULATION:

Article 1

1. Export refunds as provided for in Article 8 of Regulation (EEC) No 2777/75 shall be granted on the products and for the amounts set out in the Annex to this Regulation subject to the condition provided for in paragraph 2 of this Article.

2. The products eligible for a refund under paragraph 1 must meet the relevant requirements of Regulations (EC) No 852/2004 and (EC) No 853/2004, notably preparation in an approved establishment and compliance with the identification marking requirements laid down in Annex II, Section I to Regulation (EC) No 853/2004.

Article 2

This Regulation shall enter into force on 14 December 2007.

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

Done at Brussels, 13 December 2007.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 282, 1.11.1975, p. 77. Regulation as last amended by Regulation (EC) No 679/2006 (OJ L 119, 4.5.2006, p. 1). Regulation (EEC) No 2777/75 will be replaced by Regulation (EC) No 1234/2007 (OJ L 299, 16.11.2007, p. 1) as from 1 July 2008.

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

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

ANNEX

Export refunds on poultrymeat applicable from 14 December 2007

Product code	Destination	Unit of measurement	Amount of refund
0105 11 11 9000	A02	EUR/100 pcs	1,2
0105 11 19 9000	A02	EUR/100 pcs	1,2
0105 11 91 9000	A02	EUR/100 pcs	1,2
0105 11 99 9000	A02	EUR/100 pcs	1,2
0105 12 00 9000	A02	EUR/100 pcs	2,4
0105 19 20 9000	A02	EUR/100 pcs	2,4
0207 12 10 9900	V03	EUR/100 kg	52,0
0207 12 90 9190	V03	EUR/100 kg	52,0
0207 12 90 9990	V03	EUR/100 kg	52,0

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

The other destinations are defined as follows:

V03 A24, Angola, Saudi Arabia, Kuwait, Bahrain, Qatar, Oman, United Arab Emirates, Jordan, Yemen, Lebanon, Iraq and Iran.

DIRECTIVES

COMMISSION DIRECTIVE 2007/71/EC

of 13 December 2007

amending Annex II of Directive 2000/59/EC of the European Parliament and the Council on port reception facilities for ship-generated waste and cargo residues

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2000/59/EC of the European Parliament and the Council of 27 November 2000 on port reception facilities for ship-generated waste and cargo residues ⁽¹⁾, and in particular Article 15 thereof,

Whereas:

- (1) Annex IV to Marpol 73/78 on the prevention of pollution by sewage from ships entered into force on 27 September 2003 and its revised version entered into force on 1 August 2005.
- (2) Article 16 of Directive 2000/59/EC provides that the implementation of the Directive as regards sewage will be suspended for 12 months after the entry into force of Annex IV to Marpol.
- (3) The master of a ship bound for a port located in the Community has an obligation under Article 6 of Directive 2000/59/EC to complete the form in Annex II of the Directive and notify the information to the authority or body designated for this purpose by the Member States in which the port is located.
- (4) Annex II does not refer to sewage and therefore should be amended to include sewage as an additional type of waste to be notified before entry into the port. The

provisions of the Directive as regards sewage should be seen in connection with Marpol Annex IV Regulations which provide, under specific conditions, for the possibility to discharge sewage at sea. This should apply without prejudice to more stringent delivery requirements for ships adopted in accordance with international law.

- (5) The measures provided for in this Directive are in accordance with the opinion of the Committee on Safe Seas and the Prevention of Pollution from Ships set up by Regulation (EC) No 2099/2002 of the European Parliament and the Council ⁽²⁾,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex II of Directive 2000/59/EC is replaced by the text in the Annex to this Directive.

*Article 2***Transposition**

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 15 June 2009 at the latest. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

⁽¹⁾ OJ L 332, 28.12.2000, p. 81. Directive as amended by Directive 2002/84/EC (OJ L 324, 29.11.2002, p. 53).

⁽²⁾ OJ L 324, 29.11.2002, p. 1. Regulation as last amended by Commission Regulation (EC) No 93/2007 (OJ L 22, 31.1.2007, p. 12).

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 13 December 2007.

Article 3

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

For the Commission

Jacques BARROT

Vice-President

ANNEX

INFORMATION TO BE NOTIFIED BEFORE ENTRY INTO THE PORT OF

(Port of destination as referred to in Article 6 of Directive 2000/59/EC)

1. Name, call sign and, where appropriate, IMO identification number of the ship:
2. Flag State:
3. Estimated time of arrival (ETA):
4. Estimated time of departure (ETD):
5. Previous port call:
6. Next port of call:
7. Last port and date when ship-generated waste was delivered:
8. Are you delivering (tick appropriate box):
all ☐ some ☐ none ☐
of your waste into a port reception facilities?
9. Type and amount of waste and residues to be delivered and/or remaining on board, and percentage of maximum storage capacity:

If delivering all waste, complete second column as appropriate.

If delivering some or no waste, complete all columns.

Type	Waste to be delivered m ³	Maximum dedicated storage capacity m ³	Amount of waste retained on board m ³	Port at which remaining waste will be delivered	Estimated amount of waste to be generated between notification and next port of call m ³
Waste oils					
Sludge					
Bilge water					
Others (specify)					
Garbage					
Food waste					
Plastic					
Other					
Sewage ⁽¹⁾					
Cargo-associated waste ⁽²⁾ (specify)					
Cargo residues ⁽²⁾ (specify)					

(1) Sewage may be discharged at sea in accordance with Regulation 11 of Annex IV of Marpol 73/78. The corresponding boxes do not need to be completed if it is the intention to make an authorised discharge at sea.

(2) May be estimates.

Notes

1. This information may be used for port State control and other inspection purposes.
2. Member States will determine which bodies will receive copies of this notification.
3. This form is to be completed unless the ship is covered by an exemption in accordance with Article 9 of Directive 2000/59/EC.

I confirm that:

- the above details are accurate and correct, and
- there is sufficient dedicated onboard capacity to store all waste generated between notification and the next port at which waste will be delivered.

Date

Time

Signature

COMMISSION DIRECTIVE 2007/72/EC**of 13 December 2007****amending Council Directive 66/401/EEC as regards the inclusion of the species *Galega orientalis* Lam.****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed ⁽¹⁾, and in particular Article 2(1a) thereof,

Whereas

- (1) *Galega orientalis* Lam. is a fodder plant largely grown in certain Member States and plays a significant role in improving the quality of feed for farm animals.
- (2) That species is currently not covered by uniform rules on seed certification under Directive 66/401/EEC and therefore the relevant seed cannot benefit from free circulation.
- (3) Since it meets all relevant conditions for certification, the species *Galega orientalis* Lam. should therefore be included in the list in Directive 66/401/EEC.
- (4) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 66/401/EEC is amended as follows:

1. in Article 2(1)(A)(b), the following entry is inserted between the heading 'Leguminosae' and 'Hedysarum coronarium L. Sulla':

'*Galega orientalis* Lam. fodder galega';

2. in Article 3(1), the following entry is inserted between 'Festuca rubra L. x Festulolium' and 'Lolium multiflorum Lam.':

'*Galega orientalis* Lam. fodder galega';

3. Annexes II and III are amended as set out in the Annex to this Directive.

Article 2**Transposition**

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 December 2008 at the latest. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

Article 3

This Directive shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 13 December 2007.

For the Commission

Markos KYPRIANOU

Member of the Commission

⁽¹⁾ OJ L 125, 11.7.1966, p. 2298/66. Directive as last amended by Directive 2004/117/EC (OJ L 14, 18.1.2005, p. 18).

ANNEX

1. Annex II to Directive 66/401/EEC is amended as follows:

(a) in the table in point 2.A of Section I 'CERTIFIED SEED', the following line is inserted between the heading 'LEGUMINOSAE' and 'Hedysarum coronarium':

Species	Germination		Analytical purity							Maximum content of seeds of other plant species in a sample of the weight specified in column 4 of Annex III (total per column)				Conditions as regards content of lupin seeds of another colour and of bitter lupin seeds
	Minimum germination (% of pure seed)	Maximum content of hard seed (% of pure seed)	Minimum analytical purity (% by weight)	Maximum content of seeds of other plant species (% by weight)										
				Total	A single species	Agropyron repens	Alopecurus myosuroides	Melilotus spp.	Raphanus raphanistrum	Sinapis arvensis				
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
'Galega orientalis Lam.	60	40	97	2,0	1,5			0,3	0	0	0	0 (l) (m)	10 (e)	

(b) in the table in point 2.A of Section II 'BASIC SEED', the following line is inserted between the heading 'LEGUMINOSAE' and 'Hedysarum coronarium':

Species	Maximum content of seeds of other plant species						Other standards or conditions
	Total (% by weight)	Content by number in a sample of the weight specified in column 4 of Annex III (total per column)					
		A single species	<i>Rumex</i> spp. other than <i>Rumex acetosella</i> and <i>Rumex maritimus</i>	<i>Agropyron repens</i>	<i>Alopecurus myosuroides</i>	<i>Melilotus</i> spp.	
1	2	3	4	5	6	7	8
‘ <i>Galega orientalis</i> Lam.	0,3	20	2			(e)	(j)’

2. in Annex III, in the table the following line is inserted between the heading 'LEGUMINOSAE' and 'Hedysarum coronarium':

Species	Maximum weight of a lot (tonnes)	Minimum weight of a sample to be drawn from a lot (grams)	Weight of the sample for the determinations by number provided for in columns 12 to 14 of Annex II (I) (2) (A) and columns 3 to 7 of Annex II (II) (2) (A) (grams)
1	2	3	4
'Galega orientalis Lam.	10	250	200'

COMMISSION DIRECTIVE 2007/73/EC**of 13 December 2007****amending certain Annexes to Council Directives 86/362/EEC and 90/642/EEC as regards maximum residue levels for acetamiprid, atrazine, deltamethrin, imazalil, indoxacarb, pendimethalin, pymetrozine, pyraclostrobin, thiacloprid and trifloxystrobin****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 86/362/EEC of 24 July 1986 on the fixing of maximum levels for pesticide residues in and on cereals ⁽¹⁾, and in particular Article 10 thereof,

Having regard to Council Directive 90/642/EEC of 27 November 1990 on the fixing of maximum levels for pesticide residues in and on certain products of plant origin, including fruit and vegetables ⁽²⁾, and in particular Article 7 thereof,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market ⁽³⁾, and in particular Article 4(1)(f) thereof,

Whereas:

(1) In accordance with Directive 91/414/EEC, authorisations of plant protection products for use on specific crops are the responsibility of the Member States. Such authorisations have to be based on the evaluation of effects on human and animal health and influence on the environment. Elements to be taken into account in such evaluations include operator and bystander exposure and impact on the terrestrial, aquatic and aerial environments, as well as impact on humans and animals through consumption of residues on treated crops.

(2) Maximum residue levels (MRLs) reflect the use of minimum quantities of pesticides to achieve effective

protection of plants, applied in such a manner that the amount of residue is the smallest practicable and is toxicologically acceptable, in particular in terms of estimated dietary intake.

(3) For atrazine temporary MRLs have been set in Directive 86/362/EEC by Commission Directive 2007/7/EC ⁽⁴⁾, pending submission of data by the applicant. Upon further examination, it appeared that more time should be allowed for the generation of residue trials data. It is therefore appropriate to prolong the validity of temporary MRLs for atrazine.

(4) MRLs for pesticides covered by Directive 90/642/EEC are to be kept under review and may be modified to take account of new or changed uses. Information about new or changed uses has been communicated to the Commission which should lead to changes in the residue levels of acetamiprid, deltamethrin, indoxacarb, pendimethalin, pymetrozine, pyraclostrobin, thiacloprid and trifloxystrobin.

(5) For imazalil a Member State informed the Commission of its desire to revise national MRLs in accordance with Article 8 of Directive 90/642/EEC in the light of concerns about consumer intake. Proposals for the review of Community MRLs were submitted to the Commission.

(6) The lifetime exposure of consumers to the pesticides referred to in this Directive via food products that may contain residues of those pesticides has been assessed and evaluated in accordance with the procedures and practices used within the Community, taking account of guidelines published by the World Health Organisation ⁽⁵⁾. Based on those assessments and evaluations, the MRLs for those pesticides should be set so as to ensure that the acceptable daily intake is not exceeded.

⁽¹⁾ OJ L 221, 7.8.1986, p. 37. Directive as last amended by Commission Directive 2007/62/EC (OJ L 260, 5.10.2007, p. 4).

⁽²⁾ OJ L 350, 14.12.1990, p. 71. Directive as last amended by Commission Directive 2007/62/EC.

⁽³⁾ OJ L 230, 19.8.1991, p. 1. Directive as last amended by Commission Directive 2007/52/EC (OJ L 214, 17.8.2007, p. 3).

⁽⁴⁾ OJ L 43, 15.2.2007, p. 19.

⁽⁵⁾ Guidelines for predicting dietary intake of pesticide residues (revised), prepared by the GEMS/Food Programme in collaboration with the Codex Committee on Pesticide Residues, published by the World Health Organisation 1997 (WHO/FSF/FOS/97.7).

- (7) An acute reference dose (ARfD) has been set for acetamiprid, deltamethrin, imazalil, indoxacarb, pymetrozine, pyraclostrobin and thiacloprid. The acute exposure of consumers via each of the food products that may contain residues of these pesticides has been assessed and evaluated in accordance with the procedures and practices currently used within the Community, taking account of guidelines published by the World Health Organisation. The opinions of the Scientific Committee on Plants (SCP), in particular advice and recommendations concerning the protection of consumers of food products treated with pesticides⁽¹⁾, have been taken into account. Based on the dietary intake assessment, the MRLs for those pesticides should be fixed so as to ensure that the ARfD will not be exceeded. In the case of the other substances, an assessment of the available information has shown that no ARfD is required and that therefore a short term assessment is not needed.
- (8) Where authorised uses of plant protection products do not result in detectable levels of pesticide residues in or on the food product, or where there are no authorised uses, or where uses which have been authorised by Member States have not been supported by the necessary data, or where uses in third countries resulting in residues in or on food products which may enter into circulation in the Community market have not been supported with such necessary data, MRLs should be fixed at the lower limit of analytical determination.
- (9) The setting or modification at Community level of provisional MRLs does not prevent the Member States from establishing provisional MRLs for acetamiprid, indoxacarb, pyraclostrobin, thiacloprid and trifloxystrobin in accordance with Article 4(1)(f) of Directive 91/414/EEC and Annex VI to that Directive. It is considered that a period of four years is sufficient to permit further uses of these substances. The provisional Community MRLs should then become definitive.
- (10) It is therefore necessary to modify the MRLs set in Directives 86/362/EEC and 90/642/EEC, to allow proper surveillance and control of the uses of the plant protection products concerned and to protect the consumer. Where MRLs have already been defined in the Annexes to those Directives, it is appropriate to amend them. Where MRLs have not yet been defined, it is appropriate to set them for the first time.
- (11) Through the World Trade Organisation, the Community's trading partners have been consulted about the new MRLs and their comments on these levels have been taken into account.
- (12) Directives 86/362/EEC and 90/642/EEC should therefore be amended accordingly.
- (13) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 86/362/EEC is amended in accordance with Annex I to this Directive.

Article 2

Directive 90/642/EEC is amended in accordance with Annex II to this Directive.

Article 3

Member States shall adopt and publish, by 14 June 2008 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive, except for deltamethrin and atrazine, for which they shall adopt and publish these by 18 December 2007 and for imazalil, for which they shall adopt and publish these by 14 September 2008. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

They shall apply those provisions from 15 June 2008, except for deltamethrin and atrazine for which they shall be applied from 19 December 2007 and for imazalil, for which they shall be applied from 15 September 2008.

When Member States adopt those provisions they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

Article 4

This Directive shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

⁽¹⁾ Opinion regarding questions relating to amending the Annexes to Council Directives 86/362/EEC, 86/363/EEC and 90/642/EEC (Opinion expressed by the SCP on 14 July 1998); Opinion regarding variable pesticide residues in fruit and vegetables (Opinion expressed by the SCP on 14 July 1998) http://europa.eu.int/comm/food/fs/sc/scp/outcome_ppp_en.html.

Article 5

This Directive is addressed to the Member States.

Done at Brussels, 13 December 2007.

For the Commission
Markos KYPRIANOU
Member of the Commission

ANNEX I

In Part A of Annex II to Directive 86/362/EEC, the line for 'Atrazine' is replaced by the following:

Pesticide residues	Maximum levels in mg/kg
'Atrazine	0,1 ^(†) CEREALS

^(†) Temporary MRLs valid until 1 June 2009, pending submission of residue data by the applicant.'

Groups and examples of individual products to which the MRLs apply	Pesticide residue and maximum residue level (mg/kg)								
	Acetamiprid	Deltamethrin (cis-deltamethrin) ^(e)	Imazalil	Indoxacarb as sum of the isomers S and R	Pendimethalin	Pymetrozine	Pyraclostrobin	Thiacloprid	Trifloxystrobin
Pecans									
Pine nuts									
Pistachios							1 (p)		
Walnuts									
Others							0,02 (*) (p)		
(iii) POME FRUIT	1 (p)		2			0,02 (*)	0,3 (p)	0,3 (p)	0,5 (p)
Apples		0,2		0,5 (p)					
Pears									
Quinces									
Others		0,1		0,3 (p)					
(iv) STONE FRUIT			0,05 (*)						
Apricots	0,1 (p)			0,3 (p)		0,05	0,2 (p)	0,3 (p)	1 (p)
Cherries	0,2 (p)	0,2					0,3 (p)	0,3 (p)	1 (p)
Peaches (including nectarines and similar hybrids)	0,1 (p)			0,3 (p)		0,05	0,2 (p)	0,3 (p)	1 (p)
Plums	0,02 (p)						0,1 (p)	0,1 (p)	0,2 (p)
Others	0,01 (*) (p)	0,1		0,02 (*) (p)		0,02 (*)	0,02 (*) (p)	0,02 (*) (p)	0,02 (*) (p)
(v) BERRIES AND SMALL FRUIT	0,01 (*) (p)		0,05 (*)						
(a) Table and wine grapes		0,2		2 (p)		0,02 (*)		0,02 (*) (p)	5 (p)
Table grapes							1 (p)		
Wine grapes							2 (p)		
(b) Strawberries (other than wild)		0,2		0,02 (*) (p)		0,5	0,5 (p)	0,5 (p)	0,5 (p)

[illegible]

Groups and examples of individual products to which the MRLs apply	Pesticide residue and maximum residue level (mg/kg)								
	Acetamiprid	Deltamethrin (cis-deltamethrin) ^(e)	Imazalil	Indoxacarb as sum of the isomers S and R	Pendimethalin	Pymetrozine	Pyraclostrobin	Thiacloprid	Trifloxystrobin
Mangoes							0,05 ^(p)		0,5 ^(p)
Olives (table consumption)		1							
Olives (oil extraction)		1							
Papaya							0,05 ^(p)	0,5 ^(p)	1 ^(p)
Passion fruit									
Pineapples									
Pomegranate									
Others		0,05 ^(*)	0,05 ^(*)	0,02 ^(*) ^(p)			0,02 ^(*) ^(p)	0,02 ^(*) ^(p)	0,02 ^(*) ^(p)
2. Vegetables, fresh or uncooked, frozen or dry									
(i) ROOT AND TUBER VEGETABLES	0,01 ^(*) ^(p)	0,05 ^(*)	0,05 ^(*)			0,02 ^(*)		0,02 ^(*) ^(p)	
Beetroot									
Carrots					0,2		0,1 ^(p)		0,05 ^(p)
Cassava									
Celeriac					0,1				
Horseradish					0,2		0,3 ^(p)		
Jerusalem artichokes									
Parsnips					0,2		0,3 ^(p)		
Parsley root					0,2		0,1 ^(p)		
Radishes				0,2 ^(p)					
Salsify							0,1 ^(p)		

[illegible]

Groups and examples of individual products to which the MRLs apply	Pesticide residue and maximum residue level (mg/kg)								
	Acetamiprid	Deltamethrin (cis-deltamethrin) ^(e)	Imazalil	Indoxacarb as sum of the isomers S and R	Pendimethalin	Pymetrozine	Pyraclostrobin	Thiacloprid	Trifloxystrobin
(c) Cucurbits — inedible peel	0,01 (*) (p)	0,2		0,1 (p)		0,2	0,02 (*) (p)		
Melons			2					0,2 (p)	0,3 (p)
Squashes									
Watermelons								0,2 (p)	0,2
Others			0,05 (*)					0,02 (*) (p)	0,02 (*) (p)
(d) Sweet corn	0,01 (*) (p)	0,05 (*)	0,05 (*)	0,02 (*) (p)		0,02 (*)	0,02 (*) (p)	0,02 (*) (p)	0,02 (*) (p)
(iv) BRASSICA VEGETABLES	0,01 (*) (p)		0,05 (*)		0,05 (*)				
(a) Flowering brassica		0,1		0,3 (p)		0,02 (*)	0,1 (p)	0,02 (*) (p)	
Broccoli (including Calabrese)									0,05 (p)
Cauliflower									0,05 (p)
Others									0,02 (*) (p)
(b) Head brassica		0,1						0,02 (*) (p)	0,2 (p)
Brussels sprouts							0,2 (p)		
Head cabbage				3 (p)		0,05	0,2 (p)		
Others				0,02 (*) (p)		0,02 (*)	0,02 (*) (p)		
(c) Leafy brassica		0,5				0,2	0,02 (*) (p)	0,02 (*)	0,02 (*) (p)
Chinese cabbage				0,2 (p)					
Kale				0,2 (p)					
Others				0,02 (*) (p)					
(d) Kohlrabi		0,05 (*)		0,02 (*) (p)		0,02 (*)	0,02 (*) (p)	0,02 (*) (p)	0,02 (*) (p)

Groups and examples of individual products to which the MRLs apply	Pesticide residue and maximum residue level (mg/kg)								
	Acetamiprid	Deltamethrin (cis-deltamethrin) ^(e)	Imazalil	Indoxacarb as sum of the isomers S and R	Pendimethalin	Pymetrozine	Pyraclostrobin	Thiacloprid	Trifloxystrobin
(v) LEAF VEGETABLES AND FRESH HERBS			0,05 (*)		0,05 (*)				0,02 (*) (p)
(a) Lettuce and similar		0,5				2		2 (p)	
Cress									
Lamb's lettuce	5 (p)			1 (p)			10 (p)		
Lettuce	5 (p)			2 (p)					
Scarole (broad-leaf endive)	5 (p)			2 (p)					
Ruccola									
Leaves and stems of brassica, including turnip greens									
Others	0,01 (*) (p)			0,02 (*) (p)			2 (p)		
(b) Spinach and similar	0,01 (*) (p)	0,5				0,02 (*)	0,02 (*) (p)	0,02 (*) (p)	
Spinach				2					
Beet leaves (chard)									
Others				0,02 (*) (p)					
(c) Watercress	0,01 (*) (p)	0,05 (*)		0,02 (*) (p)		0,02 (*)	0,02 (*) (p)	0,02 (*) (p)	
(d) Witloof	0,01 (*) (p)	0,05 (*)		0,02 (*) (p)		0,02 (*)	0,02 (*) (p)	0,02 (*) (p)	
(e) Herbs		0,5		2 (p)		1	2 (p)	3 (p)	
Chervil									
Chives									
Parsley	5 (p)								
Celery leaves									
Others	0,01 (*) (p)								

[illegible]

Groups and examples of individual products to which the MRLs apply	Pesticide residue and maximum residue level (mg/kg)								
	Acetamiprid	Deltamethrin (cis-deltamethrin) ^(e)	Imazalil	Indoxacarb as sum of the isomers S and R	Pendimethalin	Pymetrozine	Pyraclostrobin	Thiacloprid	Trifloxystrobin
Peas									
Lupines									
Others									
4. Oilseeds			0,05 (*)		0,1 (*)		0,02 (*) (p)		0,05 (*) (p)
Linseed									
Peanuts									
Poppy seed									
Sesame seed									
Sunflower seed									
Rape seed		0,1						0,3 (p)	
Soya bean				0,5 (p)					
Mustard seed		0,1						0,2 (p)	
Cotton seed	0,02 (p)					0,05			
Hemp seed									
Pumpkin seed									
Others	0,01 (*) (p)	0,05 (*)		0,05 (*) (p)		0,02 (*)		0,05 (*) (p)	
5. Potatoes	0,01 (*) (p)	0,05 (*)	3	0,02 (*) (p)	0,05 (*)	0,02 (*)	0,02 (*) (p)	0,02 (*) (p)	0,02 (*) (p)
Early potatoes									
Ware potatoes									
6. Tea (dried leaves and stalks, fermented or otherwise, <i>Camellia sinensis</i>)	0,1 (*) (p)	5	0,1 (*)	0,05 (*) (p)	0,1 (*)	0,1 (*)	0,05 (*) (p)	0,05 (*) (p)	0,05 (*) (p)
7. Hops (dried), including hop pellets and unconcentrated powder	0,1 (*) (p)	5	0,1 (*)	0,05 (*) (p)	0,1 (*)	15	10 (p)	0,05 (*) (p)	30 (p)

(*) Indicates lower limit of analytical determination.

(p) Temporary MRLs valid until 1 November 2008, pending review of the Annex III dossier under Directive 91/414/EEC and re-registration of deltamethrin formulations at Member State level.

(p) Indicates that the maximum residue level has been established provisionally in accordance with Article 4(1)(f) of Directive 91/414/EEC.

II

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

DECISIONS

COMMISSION

COMMISSION DECISION

of 13 September 2007

relating to a proceeding pursuant to Article 81 of the EC Treaty

(Case COMP/E-2/39.142 — Toyota)

(notified under document number C(2007) 4273)

(Only the English text is authentic)

(2007/831/EC)

- (1) This Decision adopted pursuant to Article 9(1) of Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty ⁽¹⁾ is addressed to Toyota Motor Europe NV/SA (hereinafter Toyota) and concerns the supply of technical information for the repair of vehicles of the Toyota brand ⁽²⁾.
- (2) Technical information consists of data, processes and instructions which are necessary to check, repair and replace defective/broken/used parts of a motor vehicle or to fix failures in any of a vehicle's systems. It includes seven main categories:
- basic parameters (documentation of all reference values and set points of the measurable values concerning the vehicle, such as torque settings, brake clearance measurements, hydraulic and pneumatic pressures),
 - diagrams and descriptions of stages in repair and maintenance operations (service handbooks, technical documents such as work plans, descriptions of tools used to carry out a given repair, and diagrams such as wiring schematics or hydraulics),
 - testing and diagnosis (including diagnostic fault/trouble-shooting codes, software and other information needed to diagnose faults on vehicles) — much, but not all, of this information is contained in specialised electronic tools,
 - codes, software and other information needed to re-program, re-set or re-initialise the electronic control units ('ECUs') embarked on a vehicle. This category is linked to the preceding one, in that often the same electronic tools are used to diagnose the fault, and then make the necessary adjustments via the ECUs to deal with it,
 - spare parts information, including parts catalogues with codes and descriptions, and vehicle identification methods (that is to say, data relating to a specific vehicle which enable a repairer to identify the individual codes for the parts fitted during vehicle assembly, and to identify the corresponding codes for compatible original replacement parts for that specific vehicle),
 - special information (recall notices and notification of frequent faults),
 - training materials.
- ⁽¹⁾ OJ L 1, 4.1.2003, p. 1. Regulation as last amended by Regulation (EC) No 411/2004 (OJ L 68, 6.3.2004, p. 1).
- ⁽²⁾ In the following sections, the expression 'Toyota' is used to designate 'Toyota Motor Europe NV/SA' while the expression 'Toyota brand' or 'Toyota vehicle/car' is used to indicate the motor vehicles commercialised by Toyota under the Toyota brand name.

- (3) In December 2006, the Commission opened proceedings, and addressed a preliminary assessment to Toyota, containing the preliminary view that Toyota's agreements with its after-sales service partners raised concerns as to their compatibility with Article 81(1) of the EC Treaty.
- (4) In the Commission's preliminary assessment, Toyota seemed to have failed to release certain categories of technical repair information well after the end of the transitional period provided for in Commission Regulation (EC) No 1400/2002 of 31 July 2002 on the application of Article 81(3) of the Treaty to categories of vertical agreements and concerted practices in the motor vehicle sector⁽¹⁾. Moreover, at the time that the Commission's investigation was launched, Toyota had still not put in place an effective system to allow independent repairers to have access to technical repair information in an unbundled manner. Although Toyota improved the accessibility of its technical information over the course of the Commission investigation, notably by increasing the information available on its technical information website known as TechDoc website (the TI website) and by increasing model range covered by this website, the information made available to independent repairers seemed still to be incomplete.
- (5) That preliminary assessment found that the relevant markets affected by the practice at issue were the market for the provision of repair and maintenance services for passenger cars, and the market for the provision of technical information to repairers. The Toyota authorised networks had very high market shares on the first of these markets, while on the second, Toyota was the only supplier able to offer all of the technical information needed by repairers of its vehicles.
- (6) In essence, Toyota's service and parts distribution agreements require the members of its authorised networks to carry out a full range of brand-specific repair services, and act as spare parts wholesalers. The Commission is concerned that possible negative effects stemming from such agreements could be strengthened by Toyota's failure to provide independent repairers with appropriate access to technical information thereby foreclosing firms which would be willing and able to offer repair services through a different business model.
- (7) The Commission's preliminary conclusion was that Toyota's arrangements for providing its technical information to independent repairers did not correspond to the latter's needs either as regards the *scope* of the information available or as regards its *accessibility*, and that such a practice, in combination with similar practices by other car manufacturers, could have contributed to a decline in the market position of independent repairers. In turn, this could have caused considerable consumer harm in terms of a significant reduction in choice of spare parts, higher prices for repair services, a reduction in choice of repair outlets, potential safety issues, and a lack of access to innovative repair shops.
- (8) Moreover, Toyota's apparent failure to provide independent repairers with appropriate access to technical information might prevent the agreements with its after-sales service partners from benefiting from the exemption granted by Regulation (EC) No 1400/2002, since according to Article 4(2) of the Regulation, the exemption granted therein does not apply where the supplier of motor vehicles refuses to give independent operators access to any technical information, diagnostic and other equipment, tools, including any relevant software, or training required for the repair and maintenance of these motor vehicles. As clarified in recital 26 of the Regulation, the conditions of access must not discriminate between authorised and independent operators.
- (9) Finally, the Commission came to the preliminary view that in the context of lack of access to technical repair information, the agreements between Toyota and its authorised repairers were unlikely to benefit from the provision of Article 81(3).
- (10) On 22 January 2007, Toyota offered commitments to the Commission in order to meet the competition concerns addressed in the preliminary assessment.
- (11) According to those commitments, the principle determining the scope of the information to be provided is that of non-discrimination between independent and authorised repairers. In this light, Toyota will ensure that all technical information, tools, equipment, software and training required for the repair and maintenance of its vehicles which is provided to authorised repairers and/or independent importers in any EU Member State by or on behalf of Toyota is also made available to independent repairers.

⁽¹⁾ OJ L 203, 1.8.2002, p. 30.

- (12) The commitments specify that 'technical information' within the meaning of Article 4(2) of Regulation (EC) No 1400/2002 includes all information provided to authorised repairers for the repair or maintenance of Toyota vehicles. Particular examples include software, fault codes and other parameters, together with updates, which are required to work on electronic control units (ECUs) with a view to introducing or restoring settings recommended by Toyota, vehicle identification methods, parts catalogues, working solutions resulting from practical experience and relating to problems typically affecting a given model or batch, and recall notices as well as other notices identifying repairs that may be carried out without charge within the authorised repair network.
- (13) Access to tools includes access to electronic diagnostic and other repair tools, together with related software, including periodic updates thereof, and after-sales services for such tools.
- (14) The commitments shall bind Toyota and its connected undertakings but shall not be directly binding on independent importers of Toyota's vehicle brands, known as 'non-affiliated national marketing and sales companies' (non affiliated NMSCs). In those Member States in which Toyota distributes its vehicles via non affiliated NMSCs, Toyota has therefore agreed to make its best efforts to contractually oblige these undertakings to supply Toyota with any technical information or language versions of technical information that they have provided to authorised repairers in the Member State concerned. Toyota commits itself to place this technical information or language versions on its TI website without delay.
- (15) According to recital 26 of Regulation (EC) No 1400/2002, Toyota is not obliged to provide independent repairers with technical information that would enable a third party to bypass or disarm on-board anti-theft devices and/or recalibrate ⁽¹⁾ electronic devices, or to tamper with devices which limit a vehicle's performance. As with any exception under EU law, recital 26 is to be interpreted narrowly. The commitments note that if Toyota were to invoke this exception as a reason for withholding any technical information from independent repairers, it has committed itself to ensure that the information withheld is limited to that necessary to provide the protection described in recital 26, and that the lack of the information in question does not prevent independent repairers from carrying out operations other than those listed in recital 26, including work on devices such as engine management ECUs, airbags, seatbelt pre-tensioners, or central locking elements.
- (16) Article 4(2) of Regulation (EC) No 1400/2002 provides that technical information must be made available in a way that is proportionate to independent repairers' needs. This implies both unbundling of information and pricing that takes account of the extent to which independent repairers use the information.
- (17) In line with this principle, the commitments specify that Toyota will include on the TI website all technical information relating to models launched as of 1 January 1997, and will ensure that all updated technical information is on the TI website or on any successor site at all times. Moreover, Toyota will at all times ensure that the website may be easily located and provides an equivalent level of performance to the methods used for providing technical information to members of its authorised networks. When Toyota or another undertaking acting on Toyota's behalf makes a piece of technical information available to authorised repairers in a particular EU language, Toyota will ensure that this language version of the information is placed on the TI website without delay.
- (18) As regards technical information concerning models launched by Toyota as of 1 January 1997 and prior to 1 January 2000, Toyota has committed itself to place it there by 31 December 2007.
- (19) The commitments specify that Toyota's access fee structure for the site will be based on the cost that the authorised repairers incur for a yearly subscription to the Toyota intranet, namely EUR 2 400. However, in order to respect the proportionality requirement laid down in the Regulation, Toyota agrees to provide for a *pro rata* breakdown into monthly, weekly, daily, four-hourly, three-hourly, two-hourly and hourly time windows at a price of EUR 3 per hour, EUR 6 per two hours, EUR 9 per three hours, EUR 12 per four hours, EUR 16 per day, EUR 72 per week and EUR 240 per month. Toyota agrees to maintain this access fee structure, and not to increase fee levels above the average inflation rate within the EU during the whole currency of the commitments.
- (20) Toyota's commitments are without prejudice to any current or future requirement established by Community or national law which might extend the scope of the technical information that Toyota is to provide to independent operators and/or might set out more favourable ways for such information to be provided.
- (21) Toyota has committed itself to implement a specified complaint handling procedure, which may be applied to deal with any complaint issued by an independent repairer or association of independent repairers established in the European Union regarding access to technical information.
- ⁽¹⁾ I.e. to modify the original settings of an ECU in a way not recommended by Toyota.

- (22) According to this procedure, following initial notification, the national marketing and sales company (NMSC) will first handle any complaint at its level, by the appointment of a complaint handler. This complaint handler will investigate the complaint, provide additional information or explanation and/or propose a solution to the complainant. If the complaint handler and the complainant fail to reach an agreement or settlement regarding the complaint, the complaint handler shall promptly refer the complaint to the helpdesk facility set up by Toyota, except if the absence of agreement or settlement is the result of a lack of responsiveness from the independent repairer or association of independent repairers. Toyota will then investigate the matter and either confirm the position of the complaint handler or propose an alternative solution. In the event that Toyota and the complainant fail to reach an agreement or settlement regarding the complaint, Toyota commits itself to accept arbitration. In any event, the complainant may request such arbitration twenty business days after the initial notification of its complaint to an NMSC.
- (23) This arbitration will be governed by the respective national rules of arbitration, and the arbitral tribunal will consist of three arbitrators appointed in accordance with these rules. The place of arbitration will be in the Member State where the complainant's registered seat is located. The language of the arbitral proceedings shall be the official language at the place of arbitration. Arbitration will not prejudice any right to file an application with the competent national court.
- (24) The Decision finds that, in view of the commitments, there are no longer grounds for action by the Commission. The commitments will be binding until 31 May 2010.
- (25) The Advisory Committee on Restrictive Practices and Dominant Positions issued a favourable opinion on 9 July 2007.
-

COMMISSION DECISION

of 13 December 2007

amending Decision 2007/718/EC concerning certain protection measures against foot-and-mouth disease in Cyprus

(notified under document number C(2007) 6251)

(Text with EEA relevance)

(2007/832/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

(1) Following recent outbreaks of foot-and-mouth disease in Cyprus, Commission Decision 2007/718/EC of 6 November 2007 concerning certain protection measures against foot-and-mouth disease in Cyprus ⁽³⁾ was adopted to reinforce the control measures against foot-and-mouth disease taken by that Member State in the framework of Council Directive 2003/85/EC of 29 September 2003 on Community measures for the control of foot-and-mouth disease ⁽⁴⁾,

(2) Decision 2007/718/EC lays down rules applicable to the dispatch from the high risk areas, listed in Annex I, and the low risk areas listed in Annex II, to that Decision ('restricted areas'), in Cyprus of products considered safe that either were produced before the restrictions were put

in place in Cyprus, from raw material sourced from outside those restricted areas, or that have undergone a treatment proven effective in inactivating possible foot-and-mouth disease virus.

(3) In Decision 2007/718/EC, the Commission laid down rules for the dispatch of certain categories of meat from certain areas listed in Annex III to that Decision that have not recorded any outbreak of foot-and-mouth disease for a period of at least 90 days prior to slaughter and which comply with certain specified conditions. There are presently no areas listed in that Annex.

(4) On the basis of the evolution of the animal health situation in Cyprus, and in particular the favourable results of the ongoing surveillance, it is now possible to define those areas that should be included in Annex III to Decision 2007/718/EC.

(5) It is also necessary in view of the current animal health situation to extend the validity of Decision 2007/718/EC until 31 January 2008.

(6) Decision 2007/718/EC should therefore be amended accordingly.

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

HAS ADOPTED THIS DECISION:

Article 1

Decision 2007/718/EC is amended as follows:

1. In Article 16 '15 December 2007' is replaced by '31 January 2008'.
2. Annex III is replaced by the text in the Annex to this Decision.

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

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

⁽³⁾ OJ L 289, 7.11.2007, p. 45.

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

Article 2

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

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 13 December 2007.

For the Commission

Markos KYPRIANOU

Member of the Commission

ANNEX

'ANNEX III

1	2	3	4	5	6	7	8
GROUP	ADNS	Administrative Unit	B	S/G	P	FG	WG
Cyprus	00001	Lefkosia			+		
	00003	Ammochostos			+		
	00004	Larnaca, except the administrative units of:			+		
		Agia Anna			—		
		Alethriko			—		
		Aradippou			—		
		Dromolaxia			—		
		Kalo Chorio			—		
		Kellia			—		
		Kiti			—		
		Kivisili			—		
		Klavdia			—		
		Kochi			—		
		Larnaka			—		
		Livadia			—		
		Meneou			—		
		Softades			—		
		Tersefanou			—		
	00005	Lemesos			+		
	00006	Paphos			+		

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

B = bovine meat

S/G = sheep and goat meat [meat of ovine and caprine animals]

P = pig meat [meat of porcine animals]

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

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

COMMISSION DECISION

of 13 December 2007

amending Decision 2007/554/EC concerning certain protection measures against foot-and-mouth disease in the United Kingdom*(notified under document number C(2007) 6256)***(Text with EEA relevance)**

(2007/833/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Having regard to Council Directive 2003/85/EC of 29 September 2003 on Community measures for the control of foot-and-mouth disease repealing Directive 85/511/EEC and Decisions 89/531/EEC and 91/665/EEC, and amending Directive 92/46/EEC ⁽³⁾, and in particular Article 60(2) and Article 62(1) and (3) thereof,

Whereas:

(1) Following recent outbreaks of foot-and-mouth disease in Great Britain, Commission Decision 2007/554/EC of 9 August 2007 concerning certain protection measures against foot-and-mouth disease in the United Kingdom ⁽⁴⁾ was adopted to reinforce the control measures against foot-and-mouth disease taken by that Member State in the framework of Directive 2003/85/EC.

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

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

⁽³⁾ OJ L 306, 22.11.2003, p. 1. Directive as last amended by Directive 2006/104/EC (OJ L 363, 20.12.2006, p. 352).

⁽⁴⁾ OJ L 210, 10.8.2007, p. 36. Decision as last amended by Decision 2007/796/EC (OJ L 322, 7.12.2007, p. 37).

(2) Decision 2007/554/EC lays down rules applicable to the dispatch from the high risk areas, listed in Annex I, and the low risk areas listed in Annex II, to that Decision ('restricted areas'), in Great Britain of products considered safe that either were produced before the restrictions were put in place in the United Kingdom, from raw material sourced from outside those restricted areas, or that have undergone a treatment proven effective in inactivating possible foot-and-mouth disease virus.

(3) In Decision 2007/554/EC, as amended by Decision 2007/664/EC, the Commission laid down rules for the dispatch of certain categories of meat from certain areas listed in Annex III to Decision 2007/554/EC, as thus amended, that have not recorded any outbreak of foot-and-mouth disease for a period of at least 90 days prior to slaughter and which comply with certain specified conditions.

(4) On the basis of the favourable evolution of the animal health situation in the United Kingdom, and in particular the favourable results of the completed surveillance, it is now possible to exclude certain areas in Great Britain from the scope of Decision 2007/554/EC and retaining a low-risk area of about 50 km around the outbreak sites the administrative units of which should be listed in Annex II to that Decision.

(5) The favourable evolution of the animal health situation also allows to remove certain certification requirements for products of animal origin, such as meat, milk and animal by products, because such products are no longer under the restrictions pertaining to areas listed in Annex I and are therefore no longer of different animal health status.

(6) Decision 2007/554/EC should therefore be amended accordingly.

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

HAS ADOPTED THIS DECISION:

Article 1

Decision 2007/554/EC is amended as follows:

1. Article 17 is replaced by the following:

‘This Decision shall apply until 31 December 2007.

However, the prohibitions of dispatch laid down in Articles 2, 3, 4, 5, 7 and 8 as well as the provisions laid down in Articles 9 and 11 related to those prohibitions and the provisions in Article 14 shall cease to apply.’

2. The Annexes are replaced by the text in the Annex to this Decision.

Article 2

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

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 13 December 2007.

For the Commission

Markos KYPRIANOU

Member of the Commission

ANNEX

'ANNEX I

The following areas in the United Kingdom:

1	2	3
GROUP	ADNS	Administrative Unit

ANNEX II

The following areas in the United Kingdom:

1	2	3
GROUP	ADNS	Administrative Unit
England	41	Bracknell Forest Borough
	66	Slough
	76	Windsor and Maidenhead
	77	Wokingham
	138	Buckinghamshire County, the districts of: South Buckinghamshire
	148	Hampshire County, the districts of: Hart Rushmoor
	163	Surrey (except Tandridge District)
	168	Greater London Authority, the boroughs of: Hillingdon Hounslow Richmond upon Thames Kingston upon Thames Ealing Harrow Brent Hammersmith and Fulham Wandsworth Merton Sutton

ANNEX III

1	2	3	4	5	6	7	8
GROUP	ADNS	Administrative Unit	B	S/G	P	FG	WG

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

B = bovine meat

S/G = sheep and goat meat [meat of ovine and caprine animals]

P = pig meat [meat of porcine animals]

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

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

III

(Acts adopted under the EU Treaty)

ACTS ADOPTED UNDER TITLE V OF THE EU TREATY

POLITICAL AND SECURITY COMMITTEE DECISION EUPM/3/2007

of 30 November 2007

**concerning the appointment of the Head of Mission/Police Commissioner of the European Union
Police Mission (EUPM) in Bosnia and Herzegovina (BiH)**

THE POLITICAL AND SECURITY COMMITTEE,

Having regard to the Treaty on European Union and in particular the third paragraph of Article 25 thereof,

Having regard to Council Joint Action 2007/749/CFSP of 19 November 2007 on the European Union Police Mission (EUPM) in Bosnia and Herzegovina (BiH) ⁽¹⁾, and, in particular, Article 17 thereof,

Having regard to Council Joint Action 2005/824/CFSP of 24 November 2005 on the European Union Police Mission (EUPM) in Bosnia and Herzegovina (BiH) ⁽²⁾, and, in particular, Article 9(1) thereof,

Whereas:

(1) Article 9(1) of Joint Action 2005/824/CFSP provides that the Council authorises the Political and Security Committee (PSC) to take the relevant decisions in accordance with Article 25 of the Treaty, including the decision to appoint a Head of Mission/Police Commissioner.

(2) On 5 December 2006, the PSC adopted Decision EUPM/1/2006 ⁽³⁾ extending the mandate of Brigadier General Vincenzo Coppola as Head of Mission/Police

Commissioner of the European Union Police Mission (EUPM) in Bosnia and Herzegovina until 31 December 2007.

(3) The Secretary General/High Representative has proposed to the PSC that the mandate of Brigadier General Vincenzo Coppola be extended,

HAS DECIDED AS FOLLOWS:

Article 1

The mandate of Brigadier General Vincenzo Coppola is hereby extended as Head of Mission/Police Commissioner of the European Union Police Mission (EUPM) in Bosnia and Herzegovina, until 31 December 2008.

Article 2

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

It shall apply until 31 December 2008.

Done at Brussels, 30 November 2007.

For the Political and Security Committee

The President

C. DURRANT PAIS

⁽¹⁾ OJ L 303, 21.11.2007, p. 40.

⁽²⁾ OJ L 307, 25.11.2005, p. 55.

⁽³⁾ OJ L 365, 21.12.2006, p. 87.