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I

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

REGULATIONS

COMMISSION REGULATION (EC) No 87/2008**of 31 January 2008****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 1580/2007 of 21 December 2007 laying down implementing rules of Council Regulations (EC) No 2200/96, (EC) No 2201/96 and (EC) No 1182/2007 in the fruit and vegetable sector ⁽¹⁾, and in particular Article 138(1) thereof,

Whereas:

- (1) Regulation (EC) No 1580/2007 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 138 of Regulation (EC) No 1580/2007 shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 February 2008.

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

Done at Brussels, 31 January 2008.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 350, 31.12.2007, p. 1.

ANNEX

to Commission Regulation of 31 January 2008 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	138,6
	MA	39,0
	SN	192,7
	TN	120,5
	TR	95,2
	ZZ	117,2
0707 00 05	EG	190,8
	JO	202,1
	MA	54,5
	TR	126,9
	ZZ	143,6
0709 90 70	MA	61,7
	TR	149,6
	ZA	79,4
	ZZ	96,9
0709 90 80	EG	191,8
	ZZ	191,8
0805 10 20	EG	44,5
	IL	60,9
	MA	64,8
	TN	53,4
	TR	63,3
	ZA	22,3
	ZZ	51,5
0805 20 10	IL	107,2
	MA	104,8
	TR	98,7
	ZZ	103,6
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	CN	85,9
	IL	76,1
	JM	103,1
	MA	135,9
	PK	46,3
	TR	72,2
	US	60,1
	ZZ	82,8
0805 50 10	EG	74,2
	IL	120,5
	MA	90,6
	TR	121,8
	ZZ	101,8
0808 10 80	CA	103,4
	CL	60,8
	CN	84,8
	MK	37,5
	US	112,1
	ZZ	79,7
0808 20 50	CL	59,3
	CN	57,3
	TR	159,1
	US	99,0
	ZA	95,1
	ZZ	94,0

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

COMMISSION REGULATION (EC) No 88/2008**of 31 January 2008****fixing the export refunds on white and raw sugar exported without further processing**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 February 2008.

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

Done at Brussels, 31 January 2008.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 58, 28.2.2006, p. 1. Regulation as last amended by Commission Regulation (EC) No 1260/2007 (OJ L 283, 27.10.2007, p. 1). Regulation (EC) No 318/2006 will be replaced by Regulation (EC) No 1234/2007 (OJ L 299, 16.11.2007, p. 1) as from 1 October 2008.

ANNEX

Export refunds on white and raw sugar exported without further processing applicable from 1 February 2008

Product code	Destination	Unit of measurement	Amount of refund
1701 11 90 9100	S00	EUR/100 kg	26,52 ⁽¹⁾
1701 11 90 9910	S00	EUR/100 kg	26,52 ⁽¹⁾
1701 12 90 9100	S00	EUR/100 kg	26,52 ⁽¹⁾
1701 12 90 9910	S00	EUR/100 kg	26,52 ⁽¹⁾
1701 91 00 9000	S00	EUR/1 % sucrose × 100 kg of net product	0,2883
1701 99 10 9100	S00	EUR/100 kg	28,83
1701 99 10 9910	S00	EUR/100 kg	28,83
1701 99 10 9950	S00	EUR/100 kg	28,83
1701 99 90 9100	S00	EUR/1 % sucrose × 100 kg of net product	0,2883

NB: The destinations are defined as follows:

S00 — All destinations with the exception of:

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

(*) Including Kosovo, under the aegis of the United Nations, pursuant to UN Security Council Resolution 1244 of 10 June 1999.

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

COMMISSION REGULATION (EC) No 89/2008**of 31 January 2008****fixing the export refunds on syrups and certain other sugar products exported without further processing**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 February 2008.

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

Done at Brussels, 31 January 2008.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 58, 28.2.2006, p. 1. Regulation as last amended by Commission Regulation (EC) No 1260/2007 (OJ L 283, 27.10.2007, p. 1). Regulation (EC) No 318/2006 will be replaced by Regulation (EC) No 1234/2007 (OJ L 299, 16.11.2007, p. 1) as from 1 October 2008.

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

ANNEX

Export refunds on syrups and certain other sugar products exported without further processing applicable from 1 February 2008

Product code	Destination	Unit of measurement	Amount of refund
1702 40 10 9100	S00	EUR/100 kg dry matter	28,83
1702 60 10 9000	S00	EUR/100 kg dry matter	28,83
1702 60 95 9000	S00	EUR/1 % sucrose × 100 kg of net product	0,2883
1702 90 30 9000	S00	EUR/100 kg dry matter	28,83
1702 90 71 9000	S00	EUR/1 % sucrose × 100 kg of net product	0,2883
1702 90 95 9100	S00	EUR/1 % sucrose × 100 kg of net product	0,2883
1702 90 95 9900	S00	EUR/1 % sucrose × 100 kg of net product	0,2883 ⁽¹⁾
2106 90 30 9000	S00	EUR/100 kg dry matter	28,83
2106 90 59 9000	S00	EUR/1 % sucrose × 100 kg of net product	0,2883

NB: The destinations are defined as follows:

S00 — All destinations with the exception of:

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

(*) Including Kosovo, under the aegis of the United Nations, pursuant to UN Security Council Resolution 1244 of 10 June 1999.

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

COMMISSION REGULATION (EC) No 90/2008**of 31 January 2008****fixing the maximum export refund for white sugar in the framework of the standing invitation to tender provided for in Regulation (EC) No 900/2007**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

(1) Commission Regulation (EC) No 900/2007 of 27 July 2007 on a standing invitation to tender to determine refunds on exports of white sugar for the 2007/08 marketing year ⁽²⁾ requires the issuing of partial invitations to tender.

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

in response to the partial invitation to tender ending on 31 January 2008, it is appropriate to fix a maximum export refund for that partial invitation to tender.

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

HAS ADOPTED THIS REGULATION:

Article 1

For the partial invitation to tender ending on 31 January 2008, the maximum export refund for the product referred to in Article 1(1) of Regulation (EC) No 900/2007 shall be 33,832 EUR/100 kg.

Article 2

This Regulation shall enter into force on 1 February 2008.

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

Done at Brussels, 31 January 2008.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 58, 28.2.2006, p. 1. Regulation as last amended by Commission Regulation (EC) No 1260/2007 (OJ L 283, 27.10.2007, p. 1). Regulation (EC) No 318/2006 will be replaced by Regulation (EC) No 1234/2007 (OJ L 299, 16.11.2007, p. 1) as from 1 October 2008.

⁽²⁾ OJ L 196, 28.7.2007, p. 26. Regulation as last amended by Commission Regulation (EC) No 1298/2007 (OJ L 289, 7.11.2007, p. 3).

COMMISSION REGULATION (EC) No 91/2008**of 31 January 2008****fixing the maximum export refund for white sugar in the framework of the standing invitation to tender provided for in Regulation (EC) No 1060/2007**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

tenders submitted in response to the partial invitation to tender ending on 30 January 2008, it is appropriate to fix a maximum export refund for that partial invitation to tender.

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

HAS ADOPTED THIS REGULATION:

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

Article 1

For the partial invitation to tender ending on 30 January 2008, the maximum export refund for the product referred to in Article 1(1) of Regulation (EC) No 1060/2007 shall be 399,00 EUR/t.

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

Article 2

This Regulation shall enter into force on 1 February 2008.

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

Done at Brussels, 31 January 2008.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 58, 28.2.2006, p. 1. Regulation as last amended by Commission Regulation (EC) No 1260/2007 (OJ L 283, 27.10.2007, p. 1). Regulation (EC) No 318/2006 will be replaced by Regulation (EC) No 1234/2007 (OJ L 299, 16.11.2007, p. 1) as from 1 October 2008.

⁽²⁾ OJ L 242, 15.9.2007, p. 8. Regulation as amended by Regulation (EC) No 1476/2007 (OJ L 329, 14.12.2007, p. 17).

COMMISSION REGULATION (EC) No 92/2008**of 31 January 2008****fixing the import duties in the cereals sector applicable from 1 February 2008**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals ⁽¹⁾,

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

Whereas:

- (1) Article 10(2) of Regulation (EC) No 1784/2003 states that the import duty on products falling within CN codes 1001 10 00, 1001 90 91, ex 1001 90 99 (high quality common wheat), 1002, ex 1005 other than hybrid seed, and ex 1007 other than hybrids for sowing, is to be equal to the intervention price valid for such products on importation and increased by 55 %, minus the cif import price applicable to the consignment in question. However, that duty may not exceed the rate of duty in the Common Customs Tariff.
- (2) Article 10(3) of Regulation (EC) No 1784/2003 lays down that, for the purposes of calculating the import duty referred to in paragraph 2 of that Article, representative cif import prices are to be established on a regular basis for the products in question.

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

(4) Import duties should be fixed for the period from 1 February 2008, and should apply until new import duties are fixed and enter into force.

(5) However, in accordance with Council Regulation (EC) No 1/2008 of 20 December 2007 temporarily suspending customs duties on imports of certain cereals for the 2007/08 marketing year ⁽³⁾, the application of certain duties set by this Regulation is suspended,

HAS ADOPTED THIS REGULATION:

Article 1

From 1 February 2008, the import duties in the cereals sector referred to in Article 10(2) of Regulation (EC) No 1784/2003 shall be those fixed in Annex I to this Regulation on the basis of the information contained in Annex II.

Article 2

This Regulation shall enter into force on 1 February 2008.

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

Done at Brussels, 31 January 2008.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 270, 21.10.2003, p. 78. Regulation as last amended by Regulation (EC) No 735/2007 (OJ L 169, 29.6.2007, p. 6). Regulation (EC) No 1784/2003 will be replaced by Regulation (EC) No 1234/2007 (OJ L 299, 16.11.2007, p. 1) as from 1 July 2008.

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

⁽³⁾ OJ L 1, 4.1.2008, p. 1.

ANNEX I

Import duties on the products referred to in Article 10(2) of Regulation (EC) No 1784/2003 applicable from 1 February 2008

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

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

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

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

(*) In accordance with Regulation (EC) No 1/2008, application of this duty is suspended.

ANNEX II

Factors for calculating the duties laid down in Annex I

16.1.2008-30.1.2008

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

(EUR/t)

	Common wheat (*)	Maize	Durum wheat, high quality	Durum wheat, medium quality (**)	Durum wheat, low quality (***)	Barley
Exchange	Minneapolis	Chicago	—	—	—	—
Quotation	323,84	132,63	—	—	—	—
Fob price USA	—	—	491,62	481,62	461,62	200,37
Gulf of Mexico premium	30,32	14,75	—	—	—	—
Great Lakes premium	—	—	—	—	—	—

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

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

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

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

Freight costs: Gulf of Mexico–Rotterdam: 46,94 EUR/t

Freight costs: Great Lakes–Rotterdam: 41,79 EUR/t

COMMISSION REGULATION (EC) No 93/2008

of 31 January 2008

on the withdrawal of a temporary suspension of the duty free regime for the year 2008 for the importation into the Community of certain goods originating in Norway resulting from the processing of agricultural products covered by Council Regulation (EC) No 3448/93

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3448/93 of 6 December 1993 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products ⁽¹⁾, and in particular Article 7(2) thereof,

Having regard to Council Decision 2004/859/EC of 25 October 2004 concerning the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the Kingdom of Norway on Protocol 2 to the bilateral Free Trade Agreement between the European Economic Community and the Kingdom of Norway ⁽²⁾, and in particular Article 3 thereof,

Whereas:

- (1) Protocol 2 to the bilateral Free Trade Agreement between the European Economic Community and the Kingdom of Norway ⁽³⁾, and Protocol 3 to the EEA Agreement ⁽⁴⁾, determine the trade arrangements for certain agricultural and processed agricultural products between the Contracting Parties.
- (2) Protocol 3 to the EEA Agreement, as amended by Decision of the EEA Joint Committee No 138/2004 ⁽⁵⁾, provides for a zero duty applying to certain waters containing added sugar or other sweetening matter or flavoured, classified under CN code 2202 10 00 and certain other non alcoholic beverages containing sugar, classified under CN code ex 2202 90 10.
- (3) The zero duty for the waters and other beverages in question has been temporarily suspended for Norway by the Agreement in the form of an Exchange of Letters between the European Community and the Kingdom of Norway on Protocol 2 to the bilateral free trade Agreement between the European Economic Community and the Kingdom of Norway ⁽⁶⁾, hereinafter

referred to as 'the Agreement', approved by Decision 2004/859/EC. According to point IV of the Agreed Minutes of the Agreement, duty free imports of goods of the CN codes 2202 10 00 and ex 2202 90 10 originating in Norway are — in principle — to be permitted only within the limits of a duty free quota, while a duty is to be paid for imports outside the quota allocation.

- (4) According to statistics provided to the Commission, the annual quota for 2007 for the products in question opened by Commission Regulation (EC) No 1798/2006 ⁽⁷⁾ has not been exhausted on 31 October 2007. Pursuant to Point IV of the Agreed Minutes of the Agreement the products in question should be granted unlimited duty free access to the Community from 1 January 2008 to 31 December 2008.
- (5) It is therefore necessary to withdraw the temporary suspension of the duty free regime applied under Protocol No 2.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for horizontal questions concerning trade in processed products not listed in Annex I to the Treaty,

HAS ADOPTED THIS REGULATION:

Article 1

1. For 1 January to 31 December 2008, the temporary suspension of the duty free regime applied under Protocol No 2 to the bilateral free trade agreement to goods classified under CN codes 2202 10 00 (waters, including mineral waters and aerated waters, containing added sugar or other sweetening matter or flavoured) and ex 2202 90 10 (other non-alcoholic beverages containing sugar (sucrose or invert sugar)) shall be withdrawn.

2. The rules of origin mutually applicable to the goods referred to in paragraph 1 shall be as set out in Protocol 3 of the bilateral Free Trade Agreement between the European Economic Community and the Kingdom of Norway.

⁽¹⁾ OJ L 318, 20.12.1993, p. 18. Regulation as last amended by Regulation (EC) No 2580/2000 (OJ L 298, 25.11.2000, p. 5).

⁽²⁾ OJ L 370, 17.12.2004, p. 70.

⁽³⁾ OJ L 171, 27.6.1973, p. 1.

⁽⁴⁾ OJ L 22, 24.1.2002, p. 37.

⁽⁵⁾ OJ L 342, 18.11.2004, p. 30.

⁽⁶⁾ OJ L 370, 17.12.2004, p. 72.

⁽⁷⁾ OJ L 341, 7.12.2006, p. 24.

Article 2

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

It shall be applicable from 1 January 2008.

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

Done at Brussels, 31 January 2008.

For the Commission
Günter VERHEUGEN
Vice-President

COMMISSION REGULATION (EC) No 94/2008**of 31 January 2008****fixing the rates of the refunds applicable to certain cereal and rice products exported in the form of goods not covered by Annex I to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals ⁽¹⁾, and in particular Article 13(3) thereof,

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 February 2008.

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

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

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

⁽⁴⁾ OJ L 275, 29.9.1987, p. 36.

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

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

Done at Brussels, 31 January 2008.

For the Commission

Heinz ZOUREK

Director-General Enterprise and Industry

ANNEX

Rates of the refunds applicable from 1 February 2008 to certain cereals and rice products exported in the form of goods not covered by Annex I to the Treaty (*)

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

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

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

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

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

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

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

COMMISSION REGULATION (EC) No 95/2008**of 31 January 2008****fixing the rates of refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex I to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 February 2008.

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

Done at Brussels, 31 January 2008.

For the Commission

Heinz ZOUREK

Director-General Enterprise and Industry

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

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

ANNEX

Rates of refunds applicable from 1 February 2008 to certain products from the sugar sector exported in the form of goods not covered by Annex I to the Treaty ⁽¹⁾

CN code	Description	Rate of refund in EUR/100 kg	
		In case of advance fixing of refunds	Other
1701 99 10	White sugar	28,83	28,83

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

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

(*) Including Kosovo, under the aegis of the United Nations, pursuant to UN Security Council Resolution 1244 of 10 June 1999.

II

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

DECISIONS

COUNCIL

COUNCIL DECISION

of 30 October 2007

on the signing and provisional application of the Agreement between the European Community and the United Arab Emirates on certain aspects of air services

(2008/87/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 80(2) in conjunction with the first sentence of the first subparagraph of Article 300(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) The Council authorised the Commission on 5 June 2003 to open negotiations with third countries on the replacement of certain provisions in existing bilateral Agreements with a Community Agreement.
- (2) On behalf of the Community, the Commission has negotiated an Agreement with the United Arab Emirates on certain aspects of air services in accordance with the mechanisms and directives in the Annex to the Council Decision authorising the Commission to open negotiations with third countries on the replacement of certain provisions in existing bilateral Agreements with a Community Agreement.
- (3) The Agreement should be signed and provisionally applied, subject to its conclusion at a later date,

HAS DECIDED AS FOLLOWS:

Article 1

The signing of the Agreement between the European Community and the United Arab Emirates on certain aspects

of air services is hereby approved on behalf of the Community, subject to the conclusion of the said Agreement.

The text of the Agreement is attached to this Decision.

Article 2

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

Article 3

Pending its entry into force, the Agreement shall be applied provisionally from the first day of the first month following the date on which the Contracting Parties have notified each other of the completion of the necessary procedures for this purpose.

Article 4

The President of the Council is hereby authorised to make the notification provided for in Article 9(2) of the Agreement.

Done at Luxembourg, 30 October 2007.

For the Council

The President

F. NUNES CORREIA

AGREEMENT**between the European Community and the United Arab Emirates on certain aspects of air services**

THE EUROPEAN COMMUNITY

of the one part, and

THE UNITED ARAB EMIRATES

of the other part

(hereinafter referred to as the Contracting Parties)

NOTING that the European Court of Justice has found that certain provisions of bilateral agreements entered into by several Member States with third countries are incompatible with European Community law,

NOTING that a number of bilateral air services agreements have been concluded between several Member States of the European Community and the United Arab Emirates containing similar provisions and that there is an obligation on Member States to take all appropriate steps to eliminate incompatibilities between such agreements and the Treaty establishing the European Community,

NOTING that the European Community has exclusive competence with respect to several aspects that may be included in bilateral air services agreements between Member States of the European Community and third countries,

NOTING that under European Community law Community air carriers established in a Member State have the right to non-discriminatory access to agreed air routes between the Member States of the European Community and third countries,

HAVING REGARD to the agreements between the European Community and certain third countries providing for the possibility for the nationals of such third countries to acquire ownership in air carriers licensed in accordance with European Community law,

RECOGNISING that consistency between European Community law and provisions of bilateral air services agreements between Member States of the European Community and the United Arab Emirates will provide a sound legal basis for air services between the European Community and the United Arab Emirates and preserve the continuity and development of such air services,

NOTING that under European Community law air carriers may not, in principle, conclude agreements which may affect trade between Member States of the European Community and which have as their object or effect the prevention, restriction or distortion of competition,

RECOGNISING that provisions in bilateral air services agreements concluded between Member States of the European Community and the United Arab Emirates which (i) require or favour the adoption of agreements between undertakings, decisions by associations of undertakings or concerted practices that prevent, distort or restrict competition between air carriers on the relevant routes; or (ii) reinforce the effects of any such agreement, decision or concerted practice; or (iii) delegate to air carriers or other private economic operators the responsibility for taking measures that prevent, distort or restrict competition between air carriers on the relevant routes may render ineffective the competition rules applicable to undertakings,

NOTING that it is not a purpose of the European Community, as part of this Agreement, to increase the total volume of air traffic between the European Community and the United Arab Emirates, to affect the balance between Community air carriers and air carriers of the United Arab Emirates, or to prevail over the interpretation of the provisions of existing bilateral air services agreements concerning traffic rights,

HAVE AGREED AS FOLLOWS:

Article 1

General provisions

1. For the purposes of this Agreement, 'Member States' shall mean Member States of the European Community, 'Contracting Party' shall mean a contracting Party to this Agreement; 'Party' shall mean the party to the relevant bilateral air services agreement.

2. References in each of the agreements listed in Annex I to nationals of the Member State that is a party to that agreement shall be understood as referring to nationals of the Member States of the European Community.

3. References in each of the agreements listed in Annex I to air carriers or airlines of the Member State that is a party to that agreement shall be understood as referring to air carriers or airlines designated by that Member State.

Article 2

Designation

1. The provisions in paragraphs 2 and 3 of this Article shall supersede the corresponding provisions in the articles listed in Annex II(a) and (b) respectively, in relation to the designation of an air carrier by the Party concerned, its authorisations and permissions granted by the other Party, and the refusal, revocation, suspension or limitation of the authorisations or permissions of the air carrier, respectively.

2. On receipt of such a designation, and of applications from the designated air carrier(s), in the form and manner prescribed for operating authorisations and technical permissions, each Party shall grant the appropriate authorisations and permissions with minimum procedural delay, provided that:

(a) in the case of an air carrier designated by a Member State:

- (i) the air carrier is established in the territory of the designating Member State under the Treaty establishing the European Community and has a valid Operating Licence granted by a Member State in accordance with European Community law; and
- (ii) effective regulatory control of the air carrier is exercised and maintained by the Member State responsible for issuing its Air Operator's Certificate and the relevant aeronautical authority is clearly identified in the designation; and
- (iii) the air carrier has its principal place of business in the territory of the Member State from which it has received the valid Operating Licence; and

(iv) the air carrier is owned, directly or through majority ownership, and is effectively controlled by Member States and/or nationals of Member States, and/or by other states listed in Annex III and/or nationals of such other states;

(b) in the case of an air carrier designated by the United Arab Emirates:

- (i) the air carrier is established in the territory of the United Arab Emirates and is licensed in accordance with the applicable law of the United Arab Emirates; and
- (ii) the United Arab Emirates have and maintain effective regulatory control of the air carrier.

3. Either Party may refuse, revoke, suspend or limit the operating authorisations or technical permissions of an air carrier designated by the other Party where:

(a) in the case of an air carrier designated by a Member State:

- (i) the air carrier is not established in the territory of the designating Member State under the Treaty establishing the European Community or does not have a valid Operating Licence granted by a Member State in accordance with European Community law; or
- (ii) effective regulatory control of the air carrier is not exercised or not maintained by the Member State responsible for issuing its Air Operator's Certificate, or the relevant aeronautical authority is not clearly identified in the designation; or
- (iii) the air carrier does not have its principal place of business in the territory of the Member State from which it has received its Operating Licence; or
- (iv) the air carrier is not owned, directly or through majority ownership, or is not effectively controlled by Member States and/or nationals of Member States, and/or by other states listed in Annex III and/or nationals of such other states; or
- (v) the air carrier holds an Air Operator's Certificate issued by another Member State and it can be demonstrated that by exercising traffic rights under this Agreement on a route that includes a point in that other Member State, including the operation of a service which is marketed as or otherwise constitutes a through service, it would in effect be circumventing restrictions on traffic rights imposed by a bilateral air services agreement between the United Arab Emirates and that other Member State; or

(vi) the air carrier holds an Air Operator's Certificate issued by a Member State and there is no bilateral air services agreement between the United Arab Emirates and that Member State, and it can be demonstrated that the necessary traffic rights to conduct the proposed operation are not reciprocally available to the air carrier(s) designated by the United Arab Emirates;

(b) in the case of an air carrier designated by the United Arab Emirates:

(i) the air carrier is not established in the territory of the United Arab Emirates or is not licensed in accordance with the applicable law of the United Arab Emirates; or

(ii) the United Arab Emirates do not have or do not maintain effective regulatory control of the air carrier; or

(iii) the air carrier is majority owned and controlled by nationals of a state other than the United Arab Emirates and it can be demonstrated that by exercising traffic rights under this Agreement on a route that includes a point in that other state, including the operation of a service which is marketed as or otherwise constitutes a through service, it would in effect be circumventing restrictions on traffic rights imposed by a bilateral air services agreement between a Member State and that other state; or

(iv) the air carrier is majority owned and controlled by nationals of a state other than the United Arab Emirates and there is no bilateral air services agreement between a Member State and that other state, and it can be demonstrated that the necessary traffic rights to conduct the proposed operation are not reciprocally available to the air carrier(s) designated by the Member State concerned.

In exercising its right under this paragraph, and without prejudice to its rights under paragraph 3(a)(v) and (vi) of this Article, the United Arab Emirates shall not discriminate between Community air carriers on the grounds of nationality.

Article 3

Safety

1. The provisions in paragraph 2 of this Article shall complement the corresponding provisions in the articles listed in Annex II(c).

2. Where a Member State has designated an air carrier whose regulatory control is exercised and maintained by another Member State, the rights of the United Arab Emirates under the safety provisions of the agreement between the Member

State that has designated the air carrier and the United Arab Emirates shall apply equally in respect of the adoption, exercise or maintenance of safety standards by that other Member State and in respect of the operating authorisation of that air carrier.

Article 4

Taxation of aviation fuel

1. The provisions in paragraph 2 of this Article shall complement the corresponding provisions in the articles listed in Annex II(d).

2. Notwithstanding any other provision to the contrary, nothing in each of the agreements listed in Annex II(d) shall prevent a Member State from imposing, on a non-discriminatory basis, taxes, levies, duties, fees or charges on fuel supplied in its territory for use in an aircraft of a designated air carrier of the United Arab Emirates that operates between a point in the territory of that Member State and another point in the territory of that Member State or in the territory of another Member State. In such case, the United Arab Emirates would have a similar right to reciprocate without discrimination the imposition of similar taxes, levies, duties, fees or charges on fuel supplied in their territory.

Article 5

Tariffs for carriage within the European Community

1. The provisions in paragraph 2 of this Article shall complement the corresponding provisions in the articles listed in Annex II(e).

2. The tariffs to be charged by the air carrier(s) designated by the United Arab Emirates under an agreement listed in Annex I containing a provision listed in Annex II(e) for carriage wholly within the European Community shall be subject to European Community law.

3. Notwithstanding the provisions in paragraph 2, the air carrier(s) designated by the United Arab Emirates shall be allowed to match existing prices charged by other airlines for carriage wholly within the European Community.

Article 6

Compatibility with competition rules

1. Notwithstanding any other provision to the contrary, nothing in each of the agreements listed in Annex I shall (i) favour the adoption of agreements between undertakings, decisions by associations of undertakings or concerted practices that prevent or distort competition; (ii) reinforce the effects of any such agreement, decision or concerted practice; or (iii) delegate to private economic operators the responsibility for taking measures that prevent, distort or restrict competition.

2. The provisions contained in the agreements listed in Annex I that are incompatible with paragraph 1 of this Article shall not be applied.

Article 7

Annexes to the Agreement

The Annexes to this Agreement shall form an integral part thereof.

Article 8

Revision or amendment

The Contracting Parties may, at any time, revise or amend this Agreement by mutual consent.

Article 9

Entry into force and provisional application

1. This Agreement shall enter into force when the Contracting Parties have notified each other in writing that their respective internal procedures necessary for its entry into force have been completed.

2. Notwithstanding paragraph 1, the Contracting Parties agree to provisionally apply this Agreement from the first day of the month following the date on which the Contracting Parties have notified each other of the completion of the procedures necessary for this purpose.

3. Agreements and other arrangements between Member States and the United Arab Emirates which, at the date of the signature of this Agreement, have not yet entered into force and are not being applied provisionally are listed in Annex I(b). This Agreement shall apply to all such Agreements and arrangements upon their entry into force or provisional application.

Article 10

Termination

1. In the event that an agreement listed in Annex I is terminated, all provisions of this Agreement that relate to the agreement listed in Annex I concerned shall terminate at the same time.

2. In the event that all the agreements listed in Annex I are terminated, this Agreement shall terminate at the same time.

IN WITNESS WHEREOF, the undersigned, being duly authorised, have signed this Agreement.

Done at Brussels in duplicate, on the thirtieth day of November in the year two thousand and seven in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish, Swedish and Arabic languages.

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

عن المجموعة الأوروبية

За Обединените арабски емирства
 Por los Emiratos Árabes Unidos
 Za Spojené arabské emiráty
 For De Forenede Arabiske Emirater
 Für die Vereinigten Arabischen Emirate
 Araabia Ühendemiraatide nimel
 Για τα Ενωμένα Αραβικά Εμιράτα
 For the United Arab Emirates
 Pour les Émirats arabes unis
 Per gli Emirati arabi uniti
 Apvienoto Arābu Emirātu vārdā
 Jungtinių Arabų Emyratų vardu
 Az Egyesült Arab Emírségek részéről
 Għall-Emirati Gharab Magħquda
 Voor de Verenigde Arabische Emiraten
 W imieniu Zjednoczonych Emiratów Arabskich
 Pelos Emirados Árabes Unidos
 Pentru Emiratele Arabe Unite
 Za Spojené arabské emiráty
 Za Združene arabske emirate
 Yhdistyneiden Arabiemiirikuntien puolesta
 För Förenade Arabemiraten

عن دولة الإمارات العربية المتحدة

ANNEX I

LIST OF AGREEMENTS REFERRED TO IN ARTICLE 1 OF THIS AGREEMENT

- (a) Air services agreements between the United Arab Emirates and Member States of the European Community which, at the date of signature of this Agreement, have been concluded, signed and/or are being applied provisionally.

- Agreement between the Government of the People's Republic of Bulgaria and the Government of the United Arab Emirates for the purpose of establishing air services between and beyond their respective territories signed at Sofia on 29 November 1989, hereinafter referred to as 'the United Arab Emirates-Bulgaria Agreement' in Annex II;

To be read together with the Memorandum of Understanding done at Abu Dhabi on 3 February 1988.

- Air Transport Agreement between the Austrian Federal Government and the Government of the United Arab Emirates signed at Abu Dhabi on 23 May 1990, hereinafter referred to as 'the United Arab Emirates-Austria 1990 Agreement' in Annex II;

To be read together with the Confidential Memorandum of Understanding done at Vienna on 14 October 1987.

- Air Services Agreement between the Government of the United Arab Emirates and the Austrian Federal Government initialled at Abu Dhabi on 10 March 2004, hereinafter referred to as 'the United Arab Emirates-Austria 2004 Agreement' in Annex II;

To be read together with the Agreed Minutes done at Abu Dhabi on 10 March 2004;

Modified by the Memorandum of Understanding done at Vienna on 31 March 2005;

Last modified by the Exchange of Letters dated 10 December 2006.

- Agreement between the Government of the Kingdom of Belgium and the Government of the United Arab Emirates for the purpose of establishing air services between and beyond their respective territories signed at Abu Dhabi on 5 March 1990, hereinafter referred to as 'the United Arab Emirates-Belgium Agreement' in Annex II;

To be read together with the Confidential Memorandum of Understanding done at Brussels on 8 July 1986;

Last modified by the Exchange of Letters dated 30 January 2001 and 20 February 2001.

- Air Services Agreement between the Government of the Republic of Cyprus and the Government of the United Arab Emirates signed at Abu Dhabi on 7 December 1999, hereinafter referred to as 'the United Arab Emirates-Cyprus Agreement' in Annex II;

To be read together with the Agreed Minutes done at Abu Dhabi on 7 December 1999;

Supplemented by the Memorandum of Understanding done at Nicosia on 23 February 2001;

Modified by the Memorandum of Understanding done at Dubai on 16 October 2002.

- Air Transport Agreement between the Government of the Czech Republic and the Government of the United Arab Emirates signed at Abu Dhabi on 15 December 2002, hereinafter referred to as 'the United Arab Emirates-Czech Republic Agreement' in Annex II;

To be read together with the Agreed Minutes done at Prague on 24 November 1999.

- Air Services Agreement between the Government of the Kingdom of Denmark and the Government of the United Arab Emirates initialled at Abu Dhabi on 24 February 1999, hereinafter referred to as 'the initialled United Arab Emirates-Denmark Agreement' in Annex II;

To be read together with the Memorandum of Understanding initialled at Abu Dhabi on 24 February 1999.

- Air Services Agreement between the Government of the Republic of Finland and the Government of the United Arab Emirates initialled at Helsinki on 6 April 2004, hereinafter referred to as 'the United Arab Emirates-Finland Agreement' in Annex II;

To be read together with the Agreed Minutes done at Helsinki on 6 April 2004;

To be read together with the Confidential Memorandum of Understanding done at Helsinki on 6 April 2004.

- Agreement between the Government of the French Republic and the Government of the United Arab Emirates for the purpose of establishing air services between and beyond their respective territories signed at Paris on 9 September 1991, hereinafter referred to as 'the United Arab Emirates-France Agreement' in Annex II;

To be read together with the Confidential Memorandum of Understanding done at Paris on 30 October 1986;

Modified by the Memorandum of Understanding done at Paris on 7 October 1997;

Supplemented by the Memorandum of Understanding done at Abu Dhabi on 19 September 2001;

Modified by the Memorandum of Understanding done at Paris on 16 September 2004;

Last modified by the Memorandum of Understanding done at Abu Dhabi on 13 December 2006.

- Air Transport Agreement between the Federal Republic of Germany and the United Arab Emirates signed at Abu Dhabi on 2 March 1994, hereinafter referred to as 'the United Arab Emirates-Germany Agreement' in Annex II;

Supplemented by the Protocol signed at Abu Dhabi on 15 June 1998;

To be read together with the Agreed Minutes done at Bonn on 15 June 2000.

- Agreement between the Government of the Hellenic Republic and the Government of the United Arab Emirates for the purpose of establishing air services between and beyond their respective territories signed at Abu Dhabi on 16 December 1991, hereinafter referred to as 'the United Arab Emirates-Greece Agreement' in Annex II;

To be read together with the Confidential Memorandum of Understanding done at Athens on 6 March 1987;

Modified by the Memorandum of Understanding done at Athens on 11 February 1998;

To be read together with the Memorandum of Understanding done at Athens on 27 April 2004.

- Agreement between the Government of Ireland and the Government of the United Arab Emirates on air transport initialled at Dublin on 28 June 1995, hereinafter referred to as 'the United Arab Emirates-Ireland Agreement' in Annex II;

To be read together with the Confidential Memorandum of Understanding done at Dublin on 28 June 1995.

- Agreement between the Government of the Italian Republic and the Government of the United Arab Emirates for the purpose of establishing air services between and beyond their respective territories signed at Abu Dhabi on 3 April 1991, hereinafter referred to as 'the United Arab Emirates-Italy Agreement' in Annex II;

To be read together with the Memorandum done at Rome on 21 February 1989;

Modified by the Memorandum done at Rome on 10 September 1991;

Modified by the Memorandum of Understanding done at Rome on 8 November 1999;

Modified by the Memorandum of Understanding done at Rome on 4 June 2003;

Modified by the Memorandum of Understanding done at Dubai on 30 March 2004;

Modified by the Memorandum of Understanding done at Rome on 13 December 2005;

Modified by the Exchange of Letters dated 9 January 2007 and 8 February 2007;

Last modified by the Exchange of Letters dated 26 September 2007 and 27 September 2007.

- Air Services Agreement between the Government of the Republic of Latvia and the Government of the United Arab Emirates initialled at Riga on 13 September 2005, hereinafter referred to as 'the United Arab Emirates-Latvia Agreement' in Annex II;

To be read together with the Memorandum of Understanding done at Riga on 13 September 2005.

- Agreement between the Government of the Grand Duchy of Luxembourg and the Government of the United Arab Emirates for the purpose of establishing air services between and beyond their respective territories initialled at Luxembourg on 28 November 1986, hereinafter referred to as 'the United Arab Emirates-Luxembourg Agreement' in Annex II;

To be read together with the Confidential Memorandum of Understanding done at Luxembourg on 28 November 1986.

- Agreement between the Government of Malta and the Government of the United Arab Emirates for the purpose of establishing air services between and beyond their respective territories initialled at Abu Dhabi on 26 November 1991 and signed at Valetta on 10 November 1994, hereinafter referred to as 'the United Arab Emirates-Malta Agreement' in Annex II;

To be read together with the Confidential Memorandum of Understanding done at Abu Dhabi on 26 November 1991;

Modified by the Memorandum of Understanding done at Malta on 24 September 2003.

- Agreement between the Kingdom of the Netherlands and the Government of the United Arab Emirates for the purpose of establishing air services between and beyond their respective territories signed at Abu Dhabi on 31 July 1990, hereinafter referred to as 'the United Arab Emirates-Netherlands Agreement' in Annex II;

To be read together with the Agreed Minutes and the Confidential Memorandum of Understanding done at The Hague on 30 July 1986;

Modified by the Confidential Memorandum of Understanding done at Abu Dhabi on 10 April 2000.

- Agreement between the Government of the Republic of Poland and the Government of the United Arab Emirates for the purpose of establishing air services between and beyond their respective territories signed at Abu Dhabi on 20 November 1994, hereinafter referred to as 'the United Arab Emirates-Poland Agreement' in Annex II;

To be read together with the Confidential Memorandum of Understanding done at Warsaw on 19 May 1992;

Modified by the addendum of 4 September 2001 to the Confidential Memorandum of Understanding.

- Air Services Agreement between the Portuguese Republic and the United Arab Emirates initialled at Lisbon on 18 May 2005, hereinafter referred to as 'the United Arab Emirates-Portugal Agreement' in Annex II;

To be read together with the Memorandum of Understanding done at Lisbon on 18 May 2005.

- Air Services Agreement between the Republic of Slovenia and the United Arab Emirates initialled at Ljubljana on 16 September 2005, hereinafter referred to as 'the United Arab Emirates-Slovenia Agreement' in Annex II;

To be read together with the Memorandum of Understanding done at Ljubljana on 16 September 2005.

- Air Transport Agreement between the Kingdom of Spain and the United Arab Emirates initialled at Madrid on 17 October 2001, hereinafter referred to as 'the United Arab Emirates-Spain Agreement' in Annex II;

To be read together with the Memorandum of Understanding done at Madrid on 17 October 2001.

- Air Services Agreement between the Government of the Kingdom of Sweden and the Government of the United Arab Emirates initialled at Abu Dhabi on 24 February 1999, hereinafter referred to as 'the initialled United Arab Emirates-Sweden Agreement' in Annex II;

To be read together with the Memorandum of Understanding initialled at Abu Dhabi on 24 February 1999.

- Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the United Arab Emirates concerning air services signed at Abu Dhabi on 2 June 2002, hereinafter referred to as 'the United Arab Emirates-United Kingdom Agreement' in Annex II;

To be read together with the Memorandum of Understanding done at Dubai on 26 February 1997;

Supplemented by the Memorandum of Understanding done at London and Abu Dhabi on 16 June 2003 and 29 June 2003 respectively.

- (b) Air services agreements and other arrangements initialled or signed between the United Arab Emirates and Member States of the European Community which, at the date of signature of this Agreement, have not yet entered into force and are not being applied provisionally.

- Agreement between the Government of Romania and the Government of the United Arab Emirates relating to civil air transport initialled at Abu Dhabi on 8 March 1989, hereinafter referred to as 'the United Arab Emirates-Romania Agreement' in Annex II;

To be read together with the Confidential Memorandum of Understanding done at Abu Dhabi on 8 March 1989.

ANNEX II

LIST OF ARTICLES IN THE AGREEMENTS LISTED IN ANNEX I AND REFERRED TO IN ARTICLES 2 TO 6 OF THIS AGREEMENT

(a) Designation:

- Article 3, paragraphs 2 and 4, of the United Arab Emirates-Austria 1990 Agreement;
- Article 3, paragraphs 2(a) and (b) of the United Arab Emirates-Austria 2004 Agreement;
- Article 4, paragraphs 2 and 4 of the United Arab Emirates-Belgium Agreement;
- Article 4, paragraphs 2 and 4 of the United Arab Emirates-Bulgaria Agreement;
- Article 3, paragraph 2 of the United Arab Emirates-Cyprus Agreement;
- Article 3, paragraphs 2 and 4 of the United Arab Emirates-Czech Republic Agreement;
- Article 3, paragraphs 2 and 4 of the initialled United Arab Emirates-Denmark Agreement;
- Article 3, paragraphs 2(a) and (b) of the United Arab Emirates-Finland Agreement;
- Article 4, paragraphs 2 and 4 of the United Arab Emirates-France Agreement;
- Article 3, paragraph 3 of the United Arab Emirates-Germany Agreement;
- Article 4, paragraphs 2(a) and (b) of the United Arab Emirates-Greece Agreement;
- Article 3, paragraph 3 of the United Arab Emirates-Ireland Agreement;
- Article 4, paragraphs 2(a) and (b) of the United Arab Emirates-Italy Agreement;
- Article 3, paragraph 2(a) and (b) of the United Arab Emirates-Latvia Agreement;
- Article 4, paragraphs 2 and 4 of the United Arab Emirates-Luxembourg Agreement;
- Article 3, paragraphs 2 and 4 of the United Arab Emirates-Malta Agreement;
- Article 4, paragraphs 4.2 and 4.4 of the United Arab Emirates-Netherlands Agreement;
- Article 3, paragraphs 2 and 4 of the United Arab Emirates-Poland Agreement;
- Article 3, paragraph 2(a) and (b) of the United Arab Emirates-Portugal Agreement;
- Article 3, paragraphs 2 and 4 of the United Arab Emirates-Romania Agreement;
- Article 3, paragraph 2(a) and (b) of the United Arab Emirates-Slovenia Agreement;
- Article 3, paragraphs 2 and 4 of the United Arab Emirates-Spain Agreement;
- Article 3, paragraphs 2 and 4 of the initialled United Arab Emirates-Sweden Agreement;
- Article 4, paragraphs 2 and 4 of the United Arab Emirates-United Kingdom Agreement.

(b) Refusal, revocation, suspension or limitation of authorisations or permissions:

- Article 4, paragraph 1(a), of the United Arab Emirates-Austria 1990 Agreement;
- Article 4, paragraphs 1(a) and (b) of the United Arab Emirates-Austria 2004 Agreement;
- Article 5, paragraph 1(a) of the United Arab Emirates-Belgium Agreement;
- Article 5, paragraph 1(a) of the United Arab Emirates-Bulgaria Agreement;
- Article 4, paragraph 1(a) of the United Arab Emirates-Cyprus Agreement;

- Article 4, paragraph 1(b) of the United Arab Emirates-Czech Republic Agreement;
- Article 4, paragraph 1(a) of the initialled United Arab Emirates-Denmark Agreement;
- Article 4, paragraphs 1(a) and (b) of the United Arab Emirates-Finland Agreement;
- Article 5, paragraph 1(a) of the United Arab Emirates-France Agreement;
- Article 4, paragraph 1 of the United Arab Emirates-Germany Agreement;
- Article 5, paragraphs 1(a) and (b), and 2 of the United Arab Emirates-Greece Agreement;
- Article 3, paragraph 5 of the United Arab Emirates-Ireland Agreement;
- Article 5, paragraphs 1(a) and (b) of the United Arab Emirates-Italy Agreement;
- Article 4, paragraphs 1(a) and (b), and 3(a) and (b) of the United Arab Emirates-Latvia Agreement;
- Article 5, paragraph 1(a) of the United Arab Emirates-Luxembourg Agreement;
- Article 4, paragraph 1(a) of the United Arab Emirates-Malta Agreement;
- Article 5, paragraph 5.1.1 of the United Arab Emirates-Netherlands Agreement;
- Article 4, paragraph 1(a) of the United Arab Emirates-Poland Agreement;
- Article 4, paragraphs 1(a) and (b) of the United Arab Emirates-Portugal Agreement;
- Article 4, paragraphs 1(a) of the United Arab Emirates-Romania Agreement;
- Article 4, paragraphs 1(a) and (b), and 3 of the United Arab Emirates-Slovenia Agreement;
- Article 4, paragraph 1(a) of the United Arab Emirates-Spain Agreement;
- Article 4, paragraph 1(a) of the initialled United Arab Emirates-Sweden Agreement;
- Article 5, paragraph 1(a) of the United Arab Emirates-United Kingdom Agreement.

(c) Safety:

- Article 6 of the United Arab Emirates-Austria 2004 Agreement;
- Article 7 of the United Arab Emirates-Czech Republic Agreement;
- Article 14 of the initialled United Arab Emirates-Denmark Agreement;
- Article 12 of the United Arab Emirates-Finland Agreement;
- Article 11a of the United Arab Emirates-Germany Agreement;
- Article 9bis of the United Arab Emirates-Greece Agreement;
- Article 6 of the United Arab Emirates-Latvia Agreement;
- Article 8bis of the United Arab Emirates-Malta Agreement;
- Article 17 of the United Arab Emirates-Netherlands Agreement;
- Article 14 of the United Arab Emirates-Portugal Agreement;
- Article 14 of the United Arab Emirates-Slovenia Agreement;
- Article 11 of the United Arab Emirates-Spain Agreement;
- Article 14 of the initialled United Arab Emirates-Sweden Agreement;
- Article 10 of the United Arab Emirates-United Kingdom Agreement.

(d) Taxation of aviation fuel:

- Article 7 of the United Arab Emirates-Austria 1990 Agreement;
- Article 9 of the United Arab Emirates-Austria 2004 Agreement;
- Article 6 of the United Arab Emirates-Belgium Agreement;
- Article 6 of the United Arab Emirates-Bulgaria Agreement;
- Article 6 of the United Arab Emirates-Cyprus Agreement;
- Article 8 of the United Arab Emirates-Czech Republic Agreement;
- Article 6 of the initialled United Arab Emirates-Denmark Agreement;
- Article 6 of the United Arab Emirates-Finland Agreement;
- Article 6 of the United Arab Emirates-France Agreement;
- Article 6 of the United Arab Emirates-Germany Agreement;
- Article 6 of the United Arab Emirates-Greece Agreement;
- Article 11 of the United Arab Emirates-Ireland Agreement;
- Article 6 of the United Arab Emirates-Italy Agreement;
- Article 9 of the United Arab Emirates-Latvia Agreement;
- Article 6 of the United Arab Emirates-Luxembourg Agreement;
- Article 5 of the United Arab Emirates-Malta Agreement;
- Article 7 of the United Arab Emirates-Netherlands Agreement;
- Article 6 of the United Arab Emirates-Poland Agreement;
- Article 6 of the United Arab Emirates-Portugal Agreement;
- Article 9 of the United Arab Emirates-Romania Agreement;
- Article 6 of the United Arab Emirates-Slovenia Agreement;
- Article 5 of the United Arab Emirates-Spain Agreement;
- Article 6 of the initialled United Arab Emirates-Sweden Agreement;
- Article 8 of the United Arab Emirates-United Kingdom Agreement.

(e) Tariffs for carriage within the European Community:

- Article 9 of the United Arab Emirates-Austria 1990 Agreement;
- Article 12 of the United Arab Emirates-Austria 2004 Agreement;
- Article 11 of the United Arab Emirates-Belgium Agreement;
- Article 11 of the United Arab Emirates-Bulgaria Agreement;
- Article 13 of the United Arab Emirates-Cyprus Agreement;
- Article 12 of the United Arab Emirates-Czech Republic Agreement;
- Article 10 of the initialled United Arab Emirates-Denmark Agreement;
- Article 8 of the United Arab Emirates-Finland Agreement;

- Article 12 of the United Arab Emirates-France Agreement;
 - Article 10 of the United Arab Emirates-Germany Agreement;
 - Article 11 of the United Arab Emirates-Greece Agreement;
 - Article 6 of the United Arab Emirates-Ireland Agreement;
 - Article 12 of the United Arab Emirates-Italy Agreement;
 - Article 12 of the United Arab Emirates-Latvia Agreement;
 - Article 11 of the United Arab Emirates-Luxembourg Agreement;
 - Article 10 of the United Arab Emirates-Malta Agreement;
 - Article 6 of the United Arab Emirates-Netherlands Agreement;
 - Article 9 of the United Arab Emirates-Poland Agreement;
 - Article 18 of the United Arab Emirates-Portugal Agreement;
 - Article 13 of the United Arab Emirates-Romania Agreement;
 - Article 18 of the United Arab Emirates-Slovenia Agreement;
 - Article 7 of the United Arab Emirates-Spain Agreement;
 - Article 10 of the initialled United Arab Emirates-Sweden Agreement;
 - Article 7 of the United Arab Emirates-United Kingdom Agreement.
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ANNEX III

LIST OF OTHER STATES REFERRED TO IN ARTICLE 2 OF THIS AGREEMENT

- (a) The Republic of Iceland (under the Agreement on the European Economic Area);
 - (b) The Principality of Liechtenstein (under the Agreement on the European Economic Area);
 - (c) The Kingdom of Norway (under the Agreement on the European Economic Area);
 - (d) The Swiss Confederation (under the Agreement between the European Community and the Swiss Confederation on Air Transport).
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COMMISSION

COMMISSION DECISION

of 28 January 2008

amending Decision 2005/59/EC as regards areas where the plans for the eradication of classical swine fever in feral pigs and the emergency vaccination of feral pigs against classical swine fever are to be implemented in Slovakia

(notified under document number C(2008) 319)

(Only the Slovak text is authentic)

(2008/88/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2001/89/EC of 23 October 2001 on Community measures for the control of classical swine fever ⁽¹⁾, and in particular Article 16(1) and Article 20(2) thereof,

Whereas:

- (1) Commission Decision 2005/59/EC of 26 January 2005 approving the plans for the eradication of classical swine fever in feral pigs and the emergency vaccination of such pigs in Slovakia ⁽²⁾ was adopted as one of a number of measures to combat classical swine fever.
- (2) Slovakia has now informed the Commission that classical swine fever in feral pigs has been successfully eradicated in the territories of the District Veterinary and Food Administrations of Trenčín (comprising Trenčín and Bánovce nad Bebravou districts), Prievidza (comprising the Prievidza and Partizánske districts) and Púchov (comprising the Ilava district only). Accordingly, the approved plans for the eradication of classical swine fever in feral pigs and the emergency vaccination of those pigs against that disease should no longer apply in those areas.
- (3) Slovakia has also informed the Commission about the recent evolution of classical swine fever in feral pigs and the presence of that disease in the districts of Nové Zámky. In the light of the epidemiological information available, the measures of the plan for the eradi-

cation of classical swine fever in feral pigs need to be extended to include part of the districts of Nové Zámky, Komárno and Levice.

- (4) For the sake of transparency of Community legislation, the areas covered by those plans as set out in the Annex to Decision 2005/59/EC should be replaced by the text in the Annex to this Decision.
- (5) Decision 2005/59/EC should therefore be amended accordingly.
- (6) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 2005/59/EC is replaced by the text in the Annex to this Decision.

Article 2

This Decision is addressed to the Slovak Republic.

Done at Brussels, 28 January 2008.

For the Commission
Markos KYPRIANOU
Member of the Commission

⁽¹⁾ OJ L 316, 1.12.2001, p. 5. Directive as last amended by Commission Decision 2007/729/EC (OJ L 294, 13.11.2007, p. 26).

⁽²⁾ OJ L 24, 27.1.2005, p. 46. Decision as last amended by Decision 2006/20/EC (OJ L 15, 20.1.2006, p. 48).

ANNEX

'ANNEX

1. Areas where the plan for the eradication of classical swine fever in feral pigs is to be implemented:

The territory of the District Veterinary and Food Administrations (DVFA) of Žiar nad Hronom (comprising the Žiar nad Hronom, Žarnovica and Banská Štiavnica districts), Zvolen (comprising the Zvolen, Krupina and Detva districts), Lučenec (comprising the Lučenec and Poltár districts), Veľký Krtíš (comprising the Veľký Krtíš district), Komárno (comprising the territory located east of the highway 64, north of the border with Hungary and west of the district Nové Zámky), Nové Zámky (comprising the territory located east of the district Komárno and east of the highway 64, south of highway 75 and north of the border with Hungary) and Levice (comprising the territory located east of the district Nové Zámky and east of the highway 66 (E77), south of highway 75, north of the border with Hungary and west of district Veľký Krtíš).

2. Areas where the plan for the emergency vaccination against classical swine fever of feral pigs is to be implemented:

The territory of the District Veterinary and Food Administrations (DVFA) of Žiar nad Hronom (comprising the Žiar nad Hronom, Žarnovica and Banská Štiavnica districts), Zvolen (comprising the Zvolen, Detva and Krupina districts), Lučenec (comprising the Lučenec and Poltár districts) and Veľký Krtíš (comprising the Veľký Krtíš district).

EUROPEAN CENTRAL BANK

DECISION OF THE EUROPEAN CENTRAL BANK

of 31 December 2007

on the paying-up of capital, transfer of foreign reserve assets and contributions by the Central Bank of Cyprus and the Central Bank of Malta to the European Central Bank's reserves and provisions

(ECB/2007/22)

(2008/89/EC)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank (hereinafter the ESCB Statute), and in particular Articles 30.1, 30.3, 49.1 and 49.2 thereof,

Whereas:

(1) Pursuant to Article 1 of Council Decision 2007/503/EC of 10 July 2007 in accordance with Article 122(2) of the Treaty on the adoption by Cyprus of the single currency on 1 January 2008 ⁽¹⁾ and Article 1 of Council Decision 2007/504/EC of 10 July 2007 in accordance with Article 122(2) of the Treaty on the adoption by Malta of the single currency on 1 January 2008 ⁽²⁾, Cyprus and Malta fulfil the necessary conditions for adoption of the euro and the derogations granted to these Member States under Article 4 of the Act of Accession ⁽³⁾ will be abrogated with effect from 1 January 2008.

(2) Article 49.1 of the ESCB Statute provides that the national central bank (NCB) of a Member State whose derogation has been abrogated must pay up its subscribed share of the capital of the European Central Bank (ECB) to the same extent as the NCBs of the other participating Member States. The NCBs of the existing

participating Member States have paid up their shares in the ECB's subscribed capital in full ⁽⁴⁾. The weightings of the Central Bank of Cyprus and the Central Bank of Malta in the ECB's capital key are 0,1249 % and 0,0622 %, respectively, pursuant to Article 2 of Decision ECB/2006/21 of 15 December 2006 on the national central banks' percentage shares in the key for subscription to the European Central Bank's capital ⁽⁵⁾. The Central Bank of Cyprus and the Central Bank of Malta have already paid up part of their shares in the ECB's subscribed capital, pursuant to Article 1 of Decision ECB/2006/26 of 18 December 2006 laying down the measures necessary for the paying-up of the European Central Bank's capital by the non-participating national central banks ⁽⁶⁾. The outstanding amount is therefore EUR 6 691 401,01 for the Central Bank of Cyprus and EUR 3 332 306,98 for the Central Bank of Malta, which results from multiplying the ECB's subscribed capital (EUR 5 760 652 402,58) by the capital key weightings of the Central Bank of Cyprus and the Central Bank of Malta (0,1249 % and 0,0622 % respectively), minus in each case the part of their shares in the ECB's subscribed capital that has already been paid up.

(3) Article 49.1, in conjunction with Article 30.1, of the ESCB Statute provides that the NCB of a Member State whose derogation has been abrogated must also transfer foreign reserve assets to the ECB. Pursuant to Article 49.1 of the ESCB Statute, the sum to be transferred is determined by multiplying the euro value at current exchange rates of the foreign reserve assets which have already been transferred to the ECB in accordance with Article 30.1 of the ESCB Statute, by the ratio between the number of shares subscribed by the NCB concerned and the number of shares already paid up by the NCBs of the other participating Member States. When determining the 'foreign reserve assets which have already been transferred to the ECB in accordance with Article 30.1', due account should be taken of the ECB preceding capital

⁽¹⁾ OJ L 186, 18.7.2007, p. 29.

⁽²⁾ OJ L 186, 18.7.2007, p. 32.

⁽³⁾ Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded (OJ L 236, 23.9.2003, p. 33).

⁽⁴⁾ Decision ECB/2006/22 of 15 December 2006 laying down the measures necessary for the paying-up of the European Central Bank's capital by the participating national central banks (OJ L 24, 31.1.2007, p. 3).

⁽⁵⁾ OJ L 24, 31.1.2007, p. 1.

⁽⁶⁾ OJ L 24, 31.1.2007, p. 15.

key adjustment ⁽¹⁾ pursuant to Article 29.3 of the ESCB Statute and the ECB capital key expansions pursuant to Article 49.3 of the ESCB Statute ⁽²⁾. As a result, pursuant to Decision ECB/2006/24 of 15 December 2006 laying down the measures necessary for the contribution to the European Central Bank's accumulated equity value and for adjusting the national central banks' claims equivalent to the transferred foreign reserve assets ⁽³⁾, the euro equivalent of the foreign reserve assets which have already been transferred to the ECB under Article 30.1 of the ESCB Statute is EUR 40 848 729 895,96.

- (4) The foreign reserve assets to be transferred by both the Central Bank of Cyprus and the Central Bank of Malta should be denominated in US dollars and gold.
- (5) Article 30,3 of the ESCB Statute provides that the ECB must credit each NCB of a participating Member State with a claim equivalent to the foreign reserve assets that it has transferred to the ECB. The provisions regarding the denomination and remuneration of the claims that have already been credited to the NCBs of the existing participating Member States ⁽⁴⁾ should also apply to the denomination and remuneration of the claims of the Central Bank of Cyprus and the Central Bank of Malta.
- (6) Article 49.2 of the ESCB Statute provides that the NCB of a Member State whose derogation has been abrogated must contribute to the ECB's reserves, to those provisions equivalent to reserves, and to the amount still to be appropriated to the reserves and provisions corresponding to the balance of the profit and loss account as at 31 December of the year prior to abrogation of the derogation. The amount of this contribution is determined in accordance with Article 49.2 of the ESCB Statute.
- (7) In accordance with Article 3.5 of the Rules of Procedure of the European Central Bank, the Governors of the Central Bank of Cyprus and the Central Bank of Malta have been invited to attend the meeting of the Governing Council adopting this Decision,

⁽¹⁾ Decision ECB/2003/17 of 18 December 2003 on the national central banks' percentage shares in the key for subscription to the European Central Bank's capital (OJ L 9, 15.1.2004, p. 27).

⁽²⁾ Decision ECB/2004/5 of 22 April 2004 on the national central banks' percentage shares in the key for subscription to the European Central Bank's capital (OJ L 205, 9.6.2004, p. 5) and Decision ECB/2006/21.

⁽³⁾ OJ L 24, 31.1.2007, p. 9.

⁽⁴⁾ Pursuant to Guideline ECB/2000/15 of 3 November 1998 as amended by the Guideline of 16 November 2000 on the composition, valuation and modalities for the initial transfer of foreign reserve assets, and the denomination and remuneration of equivalent claims (OJ L 336, 30.12.2000, p. 114).

HAS DECIDED AS FOLLOWS:

Article 1

Definitions

For the purposes of this Decision:

- 'participating Member State' means a Member State that has adopted the euro,
- 'cash' means the lawful currency of the United States (US dollar),
- 'gold' means fine troy ounces of gold in the form of London Good Delivery bars, as specified by the London Bullion Market Association,
- 'foreign reserve assets' means gold or cash,
- 'Eurosystème' means the ECB and NCBs of participating Member States.

Article 2

Payment of capital

1. With effect from 1 January 2008, the Central Bank of Cyprus and the Central Bank of Malta shall pay up the remaining parts of their shares in the ECB's subscribed capital, which correspond to EUR 6 691 401,01 for the Central Bank of Cyprus and EUR 3 332 306,98 for the Central Bank of Malta.
2. Each of the above mentioned NCBs shall pay the amount specified for it in paragraph 1 to the ECB on 2 January 2008, by means of a separate transfer through the Trans-European Automated Real-time Gross settlement Express Transfer system (TARGET/TARGET2).
3. Each of the above mentioned NCBs shall, by means of a separate TARGET/TARGET2 transfer, pay to the ECB on 2 January 2008 the interest accruing during the period from 1 January 2008 until 2 January 2008 on the amount due to the ECB under paragraph 2.
4. Any interest accruing under paragraph 3 shall be calculated on a daily basis, using the actual over-360-day method of calculation, at a rate equal to the marginal interest rate used by the Eurosystem in its most recent main refinancing operation.

Article 3

Transfer of foreign reserve assets

1. The Central Bank of Cyprus and the Central Bank of Malta shall each transfer to the ECB, with effect from 1 January 2008 and in accordance with this Article and the arrangements taken pursuant to it, an amount of foreign reserve assets denominated in US dollars and gold that is equivalent to EUR 73 400 447,19 for the Central Bank of Cyprus and EUR 36 553 305,17 for the Central Bank of Malta, as follows:

	Euro-equivalent amount of US dollars	Euro-equivalent amount of gold	Aggregate euro-equivalent amount
Central Bank of Cyprus	62 390 380,11	11 010 067,08	73 400 447,19
Central Bank of Malta	31 070 309,39	5 482 995,78	36 553 305,17

2. The euro-equivalent amounts of foreign reserve assets to be transferred by the Central Bank of Cyprus and the Central Bank of Malta under paragraph 1 shall be calculated on the basis of the exchange rates between the euro and the US dollar established as a result of the 24-hour written consultation procedure on 31 December 2007 between those central banks that participate in that procedure and, in the case of gold, on the basis of the US dollar price of gold per fine troy ounce established in the London gold fixing at 10.30 a.m., London time, on 31 December 2007.

3. The ECB shall confirm to the Central Bank of Cyprus and the Central Bank of Malta as soon as possible the respective amounts calculated in accordance with paragraph 2.

4. The Central Bank of Cyprus and the Central Bank of Malta shall transfer cash to the ECB to such accounts as are specified by the ECB. The settlement date for the cash to be transferred to the ECB shall be 2 January 2008. The Central Bank of Cyprus and the Central Bank of Malta shall give instructions for the transfer of cash to the ECB on the settlement date.

5. The Central Bank of Cyprus and the Central Bank of Malta shall transfer gold on such dates, to such accounts and at such locations as are specified by the ECB.

6. The difference, if any, between the aggregate euro-equivalent amounts mentioned in paragraph 1 and the amounts mentioned in Article 4(1) shall:

(a) in respect of the Central Bank of Cyprus be settled in accordance with the Agreement of 31 December 2007 between the European Central Bank and the Central Bank

of Cyprus regarding the claim credited to the Central Bank of Cyprus by the European Central Bank under Article 30.3 of the Statute of the European System of Central Banks and of the European Central Bank ⁽¹⁾; and

(b) in respect of the Central Bank of Malta be settled in accordance with the Agreement of 31 December 2007 between the European Central Bank and the Central Bank of Malta regarding the claim credited to the Central Bank of Malta by the European Central Bank under Article 30.3 of the Statute of the European System of Central Banks and of the European Central Bank ⁽²⁾.

Article 4

Denomination, remuneration and maturity of the claims equivalent to the contributions

1. With effect from 1 January 2008, and subject to the specifications in Article 3 regarding the settlement dates of the transfers of foreign reserve assets, the ECB shall credit each of the Central Bank of Cyprus and the Central Bank of Malta with a claim denominated in euro, equivalent to the aggregate euro amount of their respective contributions of foreign reserve assets. This claim corresponds to EUR 71 950 548,51 for the Central Bank of Cyprus and EUR 35 831 257,94 for the Central Bank of Malta.

2. The claims credited by the ECB to the Central Bank of Cyprus and the Central Bank of Malta shall be remunerated from the settlement date. The interest accruing shall be calculated on a daily basis, using the actual over-360-day method of calculation, at a rate equivalent to 85 % of the marginal interest rate used by the Eurosystem in its most recent main refinancing operation.

3. The claims shall be remunerated at the end of each financial year. The ECB shall inform the Central Bank of Cyprus and the Central Bank of Malta on a quarterly basis of their respective cumulative amounts.

4. The claims shall not be redeemable.

Article 5

Contributions to the ECB's reserves and provisions

1. With effect from 1 January 2008 and in accordance with paragraphs 5 and 6 and Article 3, the Central Bank of Cyprus and the Central Bank of Malta shall contribute to the ECB's reserves, to those provisions equivalent to reserves, and to the amount still to be appropriated to the reserves and provisions corresponding to the balance of the profit and loss account at 31 December 2007.

⁽¹⁾ Not yet published in the Official Journal.

⁽²⁾ Not yet published in the Official Journal.

2. The amounts to be contributed by the Central Bank of Cyprus and the Central Bank of Malta shall be determined in accordance with Article 49.2 of the ESCB Statute. The references in Article 49.2 to the 'number of shares subscribed by the central bank concerned' and the 'number of shares already paid up by the other central banks' shall refer to the weightings of each of the Central Bank of Cyprus and the Central Bank of Malta, and the NCBs of the existing participating Member States, respectively, in the ECB's capital key, pursuant to Decision ECB/2006/21.

3. For the purposes of paragraph 1, 'the ECB's reserves' and 'provisions equivalent to reserves' shall include, inter alia, the ECB's general reserve fund, balances on revaluation accounts and provisions for foreign exchange rate, interest rate and gold price risks.

4. At the latest on the first working day following the Governing Council's approval of the ECB's annual accounts for the year 2007, the ECB shall calculate and confirm to the Central Bank of Cyprus and the Central Bank of Malta the amount to be contributed by each of them under paragraph 1.

5. On the second working day following the Governing Council's approval of the ECB's annual accounts for the year 2007, the Central Bank of Cyprus and the Central Bank of Malta shall, by means of two separate TARGET/TARGET2 transfers each, pay to the ECB:

(a) the respective amounts due to the ECB under paragraph 4; and

(b) the interest accruing during the period from 1 January 2008 until that date, on the respective amounts due to the ECB under paragraph 4.

6. Any interest accruing under paragraph 5(b) shall be calculated on a daily basis, using the actual over-360-day method of calculation, at a rate equal to the marginal interest rate used by the Eurosystem in its most recent main refinancing operation.

Article 6

Final provision

This Decision shall enter into force on 1 January 2008.

Done at Frankfurt am Main, 31 December 2007.

The President of the ECB
Jean-Claude TRICHET
