ISSN 1725-2555

Official Journal of the European Union

L 190

English edition

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Volume 50

21 July 2007

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EN

(1) Text with EEA relevance

I

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

REGULATIONS

COUNCIL REGULATION (EC) No 856/2007

of 16 July 2007

extending the suspension of the definitive anti-dumping duty imposed by Regulation (EC) No 215/2002 on imports of ferro molybdenum originating in the People's Republic of China

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community [1] (the basic Regulation), and in particular Article 14 thereof,

Having regard to the proposal submitted by the Commission after consulting the Advisory Committee,

Whereas:

A. PROCEDURE

(1) The Council, by Regulation (EC) No 215/2002 [2], imposed a definitive anti-dumping duty on imports of ferro molybdenum originating in the People's Republic of China (PRC), falling under CN code 7202 70 00 (the product concerned). The rate of the anti-dumping duty is 22,5 %.

(2) The Commission by Decision 2006/714/EC [3], suspended for a period of nine months the definitive anti-dumping duty imposed by Regulation (EC) No 215/2002 on imports of the product concerned originating in the PRC.

(3) The decision to suspend the definitive anti-dumping duty imposed by Regulation (EC) No 215/2002 was taken in line with the provisions of Article 14(4) of the basic Regulation which provides that, in the Community interest, anti-dumping measures may be suspended on the grounds that market conditions have temporarily changed to an extent that injury would be unlikely to resume as a result of such suspension, provided that the Community industry has been given an opportunity to comment and these comments have been taken into account.

(4) The Commission concluded in Decision 2006/714/EC that the injury linked to the imports of the product concerned originating in the PRC was unlikely to resume as a result of the suspension because of the temporary change in market conditions, and in particular the high level of prices of the product concerned practised on the Community market, which was far above the injurious level found in the original investigation, together with the alleged demand-supply imbalance of the product concerned.

(5) The Commission undertook in Decision 2006/714/EC the obligation to monitor the development of imports and the prices of the product concerned and to repeal the suspension in case increased volumes at dumped prices of the product concerned from the PRC resume and consequently cause injury to the Community industry.

(6) On 31 October 2006 an *ex officio* full interim review was initiated by a notice published in the *Official Journal of the European Union* [4] since the corpus of evidence at the Commission's disposal indicated that the circumstances on the basis of which the existing measures were established have changed to an extent that the existing measures may no longer be adequate and that certain of these changes appeared to be of a lasting nature.

[1] OJ L 56, 6.3.1996, p. 1. Regulation as last amended by Regulation (EC) No 2117/2005 (OJ L 340, 23.12.2005, p. 17).
[2] OJ L 35, 6.2.2002, p. 1.
[3] OJ L 293, 24.10.2006, p. 15.
[4] OJ C 262, 31.10.2006, p. 28.

B. **GROUNDS**

(7) Article 14(4) of the basic Regulation provides that, in the Community interest, anti-dumping measures may be suspended for a period of nine months but the suspension may be extended for a further period, not exceeding one year, if the Council so decides, acting on a proposal of the Commission.

(8) Since the suspension of measure there was no change in the situation set out in recitals 5 to 10 of Decision 2006/714/EC with respect to imports and prices of the product concerned. Only insignificant volumes of ferro molybdenum originating in the PRC were imported into the EC.

(9) With regard to the *ex officio* full interim review it is recalled that this should be concluded within 15 months of initiation, i.e. by 31 January 2008.

C. **CONCLUSION**

(10) Given that the situation in the Community market has remained unchanged following the suspension of the anti-dumping duty in October 2006 and since the interim review has not been concluded yet, it is considered appropriate to extend the suspension of the measures in force in accordance with Article 14(4) of the basic Regulation. On the basis of the general principle of predictability of trade inflows and in anticipation of the results of the currently conducted interim review it is concluded that the suspension of the measures in force should be extended until 31 January 2008, i.e. until the final time limit for the conclusion of the interim review. No indications have been found as to why the extension of the suspension would not be in the Community interest.

(11) Pursuant to Article 14(4) of the basic Regulation, the Commission has informed the Community industry of its intention to extend the suspension of the anti-dumping measures in force. The Community industry has been given an opportunity to comment but its comments did not alter the conclusion that the situation has remained as set out in Decision 2006/714/EC.

(12) The Commission therefore considers that all requirements for extending the suspension of the anti-dumping duty imposed on the product concerned are met, in accordance with Article 14(4) of the basic Regulation. Consequently, the suspension of the anti-dumping duty imposed by Regulation (EC) No 215/2002 should be extended until 31 January 2008.

(13) The Commission will monitor the development of imports and the prices of the product concerned. Should a situation arise at any time in which increased volumes at dumped prices of the product concerned from the PRC resume and consequently cause injury to the Community industry, the Commission will propose reinstating the anti-dumping duty by repealing the present suspension,

HAS ADOPTED THIS REGULATION:

Article 1

The suspension of the definitive anti-dumping duty imposed by Council Regulation (EC) No 215/2002 on imports of ferro molybdenum, falling within CN code 7202 70 00, and originating in the People's Republic of China is hereby extended until 31 January 2008.

Article 2

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

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

Done at Brussels, 16 July 2007.

For the Council
The President
J. SILVA

COMMISSION REGULATION (EC) No 857/2007

of 20 July 2007

establishing the standard import values for determining the entry price of certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables [1], and in particular Article 4(1) thereof,

Whereas:

(1) Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto.

(2) In compliance with the above criteria, the standard import values must be fixed at the levels set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 4 of Regulation (EC) No 3223/94 shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 21 July 2007.

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

Done at Brussels, 20 July 2007.

For the Commission

Jean-Luc DEMARTY

Director-General for Agriculture and Rural Development

[1] OJ L 337, 24.12.1994, p. 66. Regulation as last amended by Regulation (EC) No 756/2007 (OJ L 172, 30.6.2007, p. 41).

ANNEX

to Commission Regulation of 20 July 2007 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code (1)	Standard import value
0702 00 00	MK	52,4
	TR	106,7
	ZZ	79,6
0707 00 05	MK	68,1
	TR	145,6
	ZZ	106,9
0709 90 70	TR	87,6
	ZZ	87,6
0805 50 10	AR	55,2
	UY	55,7
	ZA	61,2
	ZZ	57,4
0808 10 80	AR	89,3
	BR	89,3
	CA	101,7
	CL	85,0
	CN	87,0
	NZ	99,5
	US	105,3
	UY	36,3
	ZA	97,9
	ZZ	87,9
0808 20 50	AR	70,7
	CL	82,3
	NZ	99,2
	TR	138,6
	ZA	112,3
	ZZ	100,6
0809 10 00	TR	174,3
	ZZ	174,3
0809 20 95	CA	324,1
	TR	287,4
	US	354,3
	ZZ	321,9
0809 30 10, 0809 30 90	TR	163,9
	ZZ	163,9
0809 40 05	IL	135,2
	ZZ	135,2

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

COMMISSION REGULATION (EC) No 858/2007

of 20 July 2007

on the issue of licences for the import of garlic in the subperiod from 1 September to 30 November 2007

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables [1],

Having regard to Commission Regulation (EC) No 1301/2006 of 31 August 2006 laying down common rules for the administration of import tariff quotas for agricultural products managed by a system of import licences [2], and in particular Article 7(2) thereof,

Whereas:

(1) Commission Regulation (EC) No 341/2007 [3] opens and provides for the administration of tariff quotas and introduces a system of import licences and certificates of origin for garlic and other agricultural products imported from third countries.

(2) The quantities for which 'A' licence applications have been lodged by traditional importers and by new importers during the first five working days of July 2007, pursuant to Article 10(1) of Regulation (EC) No 341/2007 exceed the quantities available for products originating in China and all third countries other than China and Argentina.

(3) Therefore, in accordance with Article 7(2) of Regulation (EC) No 1301/2006, it is now necessary to establish the extent to which the 'A' licence applications sent to the Commission by 15 July 2007 in accordance with Article 12 of Regulation (EC) No 341/2007 can be met,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for 'A' import licences lodged pursuant to Article 10(1) of Regulation (EC) No 341/2007 during the first five working days of July 2007 and sent to the Commission by 15 July 2007, shall be met at a percentage rate of the quantities applied for as set out in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 20 July 2007.

For the Commission

Jean-Luc DEMARTY

Director-General for Agriculture and Rural Development

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[1] OJ L 297, 21.11.1996, p. 1. Regulation as last amended by Commission Regulation (EC) No 47/2003 (OJ L 7, 11.1.2003, p. 64).

[2] OJ L 238, 1.9.2006, p. 13. Regulation as amended by Regulation (EC) No 289/2007 (OJ L 78, 17.3.2007, p. 17).

[3] OJ L 90, 30.3.2007, p. 12.

ANNEX

Origin	Order number	Allocation coefficient
Argentina		
— traditional importers	09.4104	X
— new importers	09.4099	X
China		
— traditional importers	09.4105	25,646149 %
— new importers	09.4100	0,575177 %
Other third countries		
— traditional importers	09.4106	100 %
— new importers	09.4102	62,084331 %

'X': No quota for this origin for the subperiod in question.

COMMISSION REGULATION (EC) No 859/2007

of 20 July 2007

amending for the 82nd time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, and repealing Council Regulation (EC) No 467/2001

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

(2) On 9 July 2007, the Sanctions Committee of the United Nations Security Council decided to amend the list of persons, groups and entities to whom the freezing of funds and economic resources should apply. Annex I should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

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

Done at Brussels, 20 July 2007.

For the Commission
Eneko LANDÁBURU
Director-General for External Relations

[1] OJ L 139, 29.5.2002, p. 9. Regulation as last amended by Commission Regulation (EC) No 844/2007 (OJ L 186, 18.7.2007, p. 24).

ANNEX

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

(1) The entry 'Agha, Abdul Rahman (Chief Justice of Military Court).' under the heading 'Natural persons' shall be replaced by:

'Abdul Rahman **Agha** Title: Maulavi. Function: Chief Justice of Military Court of the Taliban regime. Date of birth: Approximately 1958. Place of birth: Arghandab district, Kandahar province, Afghanistan. Nationality: Afghan.'

(2) The entry 'Agha, Saed M. Azim, Maulavi (Passport and Visa Dept).' under the heading 'Natural persons' shall be replaced by:

'Sayed Mohammad Azim **Agha**. (*alias* (a) Sayed Mohammad Azim Agha, (b) Agha Saheb). Title: Maulavi. Function: Employee of the Passport and Visa Department of the Taliban regime. Date of birth: Approximately 1966. Place of birth: Kandahar province, Afghanistan. Nationality: Afghan.'

(3) The entry 'Hamidullah, Mullah, Head of Ariana Afghan Airlines' under the heading 'Natural persons' shall be replaced by:

'Hamidullah **Akhund**. Title: Mullah. Function: Head of Ariana Afghan Airlines under the Taliban regime. Date of birth: Approximately 1968. Place of birth: Kandahar province, Afghanistan. Nationality: Afghan.'

(4) The entry 'Mohammad **Hassan**. Title: (a) Mullah, (b) Hadji. Date of birth: approximately 1958. Place of birth: Kandahar, Afghanistan. Nationality: Afghan. Other information: (a) First Deputy, Council of Ministers (Taliban regime), (b) from the Malwhavi Khaalis faction, one of the seven factions of Jihad against the Soviets, (c) graduated from a madrrassa in Queta, Pakistan, (d) a close associate of Mullah Omar.' under the heading 'Natural persons' shall be replaced by:

'Mohammad Hassan **Akhund**. Title: (a) Mullah, (b) Haji. Function: (a) First Deputy, Council of Ministers of the Taliban regime, (b) Foreign Minister before Wakil Ahmad Mutawakil under the Taliban regime, (c) Governor of Kandahar under the Taliban regime. Date of birth: Approximately 1958. Place of birth: Kandahar, Afghanistan. Nationality: Afghan. Other information: (a) from the Malwhavi Khaalis faction, one of the seven factions of Jihad against the Soviets, (b) graduated from a madrrassa in Quetta, Pakistan, (c) a close associate of Mullah Omar.'

(5) The entry 'Anwari, Mohammad Tahre, Mullah (Administrative Affairs)' under the heading 'Natural persons' shall be replaced by:

'Muhammad Taher **Anwari** (*alias* (a) Mohammad Taher Anwari, (b) Haji Mudir). Title: Mullah. Function: Director of Administrative Affairs of the Taliban regime, (b) Minister of Finance of the Taliban. Date of birth: Approximately 1961. Place of birth: Zurmat district, Paktia province, Afghanistan. Nationality: Afghan.'

(6) The entry 'Faiz, Maulavi (Information Dept, Ministry of Foreign Affairs).' under the heading 'Natural persons' shall be replaced by:

'Faiz. Title: Maulavi. Function: Head of the Information Department, Ministry of Foreign Affairs of the Taliban regime. Date of birth: Approximately 1969. Place of birth: Ghazni province, Afghanistan. Nationality: Afghan.'

(7) The entry 'Hanif, Qari Din Mohammad (Minister of Planning).' under the heading 'Natual persons' shall be replaced by:

'Din Mohammad **Hanif** (*alias* Qari Din Mohammad). Title: Qari. Function: (a) Minister of Planning of the Taliban regime, (b) Minister of Higher Education of the Taliban regime. Date of birth: Approximately 1955. Place of birth: Badakhshan province, Afghanistan. Nationality: Afghan.'

(8) The entry 'Hottak, Abdul Rahman Ahmad, Maulavi (Deputy (Cultural) Minister of Information and Culture)' under the heading 'Natural persons' shall be replaced by:

'Abdul Rahman Ahmad **Hottak** (*alias* Hottak Sahib). Title: Maulavi. Function: Deputy (Cultural) Minister of Information and Culture of the Taliban regime. Date of birth: Approximately 1957. Place of birth: Ghazni province, Afghanistan. Nationality: Afghan.'

(9) The entry 'Jalal, Noor, Maulavi (Deputy (Administrative) Minister of Interior Affairs).' under the heading 'Natural persons' shall be replaced by:

'Noor **Jalal** (*alias* Nur Jalal). Title: Maulavi. Function: Deputy (Administrative) Minister of Interior Affairs of the Taliban regime. Date of birth: Approximately 1960. Place of birth: Kunar province, Afghanistan. Nationality: Afghan.'

(10) The entry 'Motasem, Abdul Wasay Aghajan, Mullah (Minister of Finance).' under the heading 'Natural persons' shall be replaced by:

'Abdul Wasay Agha Jan **Motasem** (*alias* Mutasim Aga Jan). Title: Mullah. Function: Minister of Finance of the Taliban regime. Date of birth: Approximately 1968. Place of birth: Kandahar city, Afghanistan. Nationality: Afghan.'

(11) The entry 'Naim, Mohammad, Mullah (Deputy Minister of Civil Aviation)' under the heading 'Natural persons' shall be replaced by:

'Mohammad **Naim** (*alias* Mullah Naeem). Title: Mullah. Function: Deputy Minister of Civil Aviation of the Taliban regime. Nationality: Afghan.'

COMMISSION REGULATION (EC) No 860/2007

of 20 July 2007

amending the representative prices and additional duties for the import of certain products in the sugar sector fixed by Regulation (EC) No 1002/2006 for the 2006/2007 marketing year

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],

Having regard to Commission Regulation (EC) No 951/2006 of 30 June 2006 laying down detailed rules for the implementation of Council Regulation (EC) No 318/2006 as regards trade with third countries in the sugar sector [2], and in particular of the Article 36,

Whereas:

(1) The representative prices and additional duties applicable to imports of white sugar, raw sugar and certain syrups for the 2006/2007 marketing year are fixed by Commission Regulation (EC) No 1002/2006 [3]. These prices and duties have been last amended by Commission Regulation (EC) No 710/2007 [4].

(2) The data currently available to the Commission indicate that the said amounts should be changed in accordance with the rules and procedures laid down in Regulation (EC) No 951/2006,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and additional duties on imports of the products referred to in Article 36 of Regulation (EC) No 951/2006, as fixed by Regulation (EC) No 1002/2006 for the 2006/2007 marketing year are hereby amended as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 21 July 2007.

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

Done at Brussels, 20 July 2007.

For the Commission

Jean-Luc DEMARTY

Director-General for Agriculture and Rural Development

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[1] OJ L 58, 28.2.2006, p. 1. Regulation as last amended by Commission Regulation (EC) No 2011/2006 (OJ L 384, 29.12.2006, p. 1).

[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).

[3] OJ L 179, 1.7.2006, p. 36.

[4] OJ L 163, 23.6.2007, p. 3.

ANNEX

Amended representative prices and additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99 applicable from 21 July 2007

(EUR)

CN code	Representative price per 100 kg of the product concerned	Additional duty per 100 kg of the product concerned
1701 11 10 (1)	22,10	5,25
1701 11 90 (1)	22,10	10,48
1701 12 10 (1)	22,10	5,06
1701 12 90 (1)	22,10	10,05
1701 91 00 (2)	23,43	14,01
1701 99 10 (2)	23,43	9,00
1701 99 90 (2)	23,43	9,00
1702 90 99 (3)	0,23	0,41

(1) Fixed for the standard quality defined in Annex I.III to Council Regulation (EC) No 318/2006 (OJ L 58, 28.2.2006, p. 1).
(2) Fixed for the standard quality defined in Annex I.II to Regulation (EC) No 318/2006.
(3) Fixed per 1 % sucrose content.

II

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

DECISIONS

COUNCIL

COUNCIL DECISION

of 10 July 2007

approving the accession of the European Atomic Energy Community to the amended Convention on the Physical Protection of Nuclear Material and Nuclear Facilities

(2007/513/Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular the second paragraph of Article 101 thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) Article 2(e) of the Treaty establishing the European Atomic Energy Community (Euratom Treaty) states that the European Atomic Energy Community (the Community) shall make certain, by appropriate supervision, that nuclear materials are not diverted to purposes other than those for which they are intended.

(2) The Convention on the Physical Protection of Nuclear Material (CPPNM) was adopted in 1979 and entered into force in 1987. As of 27 June 2006, 118 States and the Community were parties to the CPPNM. All the Member States are Parties to the CPPNM.

(3) An Amendment Conference in accordance with Article 20 of the CPPNM was convened on 4 July 2005 under the auspices of the IAEA. The final act regarding the amendments to the CPPNM was signed by the Commission on behalf of the Community on 8 July 2005.

(4) The Court of Justice of the European Communities (Court of Justice) ([1]) decided that the participation of the Member States in the CPPNM is compatible with the provisions of the Euratom Treaty only subject to the conditions that, in so far as its own powers and jurisdiction are concerned, the Community as such is a party to the CPPNM on the same lines as the Member States and that certain commitments of the CPPNM can only be implemented, where the Community is concerned, by means of close association between the Community and the Member States, both in the negotiation and conclusion process and in fulfilment of the commitments assumed.

(5) The Court of Justice confirmed further that Article 2(e) of the Euratom Treaty gives the Community the task of making certain, by appropriate supervision, that nuclear materials are not diverted to purposes other than those for which they are intended, without making any distinction with regard to the nature of such diversions and the circumstances in which they might take place and finally that the very expression 'safeguards' which the Treaty uses to characterize the provisions of chapter VII has a wider scope than the mere substitution of a different destination for the one declared by a user of nuclear materials. Consequently, according to the Court of Justice, it includes also measures of physical protection ([2]). The Court of Justice also stated in its Ruling 1/78 that provisions related to criminal prosecution and extradition relate to matters falling within the jurisdiction of the Member States ([3]).

(6) According to Article 18(4) of the CPPNM, when becoming party to the Convention the Community must communicate to the depositary a declaration indicating which articles of the CPPNM do not apply to it. That declaration is attached to this Decision.

([1]) Ruling 1/78 of 14 November 1978, ECR 1978, p. 2151, in particular First operative part of the Ruling and paragraph 34.

([2]) Paragraph 21.

([3]) Paragraph 31.

(7) Article 7 of the CPPNM requires each party to make certain offences punishable by appropriate penalties which take into account their grave nature. It is understood that this provision leaves to the parties the choice of the nature, type and level of the penalties to be adopted. In particular, it does not require that the parties make the conducts described therein punishable by criminal penalties. Consequently, Article 7 applies to the Community, at least to some extent.

(8) Therefore the accession of the Community to the amended CPPNM should be approved,

HAS DECIDED AS FOLLOWS:

Sole Article

The accession of the European Atomic Energy Community to the Convention on the Physical Protection of Nuclear Material and Nuclear Facilities, as amended by the Final Act signed on 8 July 2005, is hereby approved.

The texts of the amended Convention and of the declaration by the Community according to Articles 18(4) and 17(3) of the Convention are attached to this Decision.

Done at Brussels, 10 July 2007.

For the Council

The President

F. TEIXEIRA DOS SANTOS

Declaration by the European Atomic Energy Community according to Articles 18(4) and 17(3) of the CPPNM

The following States are presently members of the European Atomic Energy Community: the Kingdom of Belgium, the Republic of Bulgaria, the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, Ireland, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Italian Republic, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, the Republic of Hungary, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, Romania, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden, the United Kingdom of Great Britain and Northern Ireland.

The Community declares that Articles 8 to 13 and Article 14, paragraphs (2) and (3) of the Convention on the Physical Protection of Nuclear Material and Nuclear Facilities do not apply to it.

Furthermore, pursuant to Article 17(3) of that Convention, the Community also declares that since only States may be parties in cases before the International Court of Justice, the Community is bound only by the arbitration procedure referred to in 17(2).

COUNCIL DECISION

of 10 July 2007

appointing members of the Advisory Committee of the Euratom Supply Agency

(2007/514/Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular the second and third subparagraphs of Article 54 thereof,

Having regard to Article X of the Statutes of the Euratom Supply Agency [1] as last amended by Decision 95/1/EC, Euratom, ECSC of 1 January 1995 [2],

Having regard to the Council Decision of 12 July 2005 appointing the members of the Advisory Committee of the Euratom Supply Agency [3],

Having regard to the opinion of the Commission,

Whereas:

(1) The term of office of the members of the Advisory Committee of the Euratom Supply Agency expired on 28 March 2007.

(2) The members of the Committee for the period from 29 March 2007 to 28 March 2009 should be appointed, having regard to the nominations submitted by the Governments of the Member States,

HAS DECIDED AS FOLLOWS:

Sole Article

The following persons are hereby appointed members of the Advisory Committee of the Euratom Supply Agency:

Belgium (3 places)	Mr Théo VAN RENTERGEM Mr Gérard PAULUS Mr Jean VAN VLIET
Czech Republic (3 places)	Mr Miroslav ŠEDINA Mr Zdeněk HUBÁČEK Mr Vladimír HLAVINKA
Denmark (2 places) [4]	Mr Casper LEIHOLT
Germany (6 places)	Mr Walter SANDTNER Mr Thomas LEHLE Mr Joachim OHNEMUS Mr Kurt SCHREIBER Mr Klaus TÄGDER Mr Gerhard HOTTENROTT
Estonia (1 place)	Ms Merle LUST

[1] OJ 27, 6.12.1958, p. 534/58.
[2] OJ L 1, 1.1.1995, p. 1.
[3] OJ C 178, 20.7.2005, p. 1.
[4] One place remains vacant at this stage.

Greece (3 places)	Mr Konstantinos POTIRIADIS Mr Ioannis G. KOLLAS Ms Anastasia SAVVIDOU
Spain (5 places)	Mr Rafael MÁRQUEZ OSORIO Mr José Manuel REDONDO Ms Maria Jesús ONEGA Mr Germán GARCÍA-CALDERÓN Mr Eduardo GONZÁLEZ
France (6 places)	Mr Thierry ARNOLD Mr Louis-François DURRET Ms Marie-Claire GUYADER Ms Caroline JORANT Ms Jeanne MARCUCCI Mr Jean-Luc SALANAVE
Ireland (1 place)	Mr Patrick Terence SHERIDAN
Italy (6 places)	Mr Ugo BOLLETTINI Mr Raffaele DI SAPIA Mr Angelo PAPA Mr Roberto RANIERI Mr Giuseppe SEDDA Mr Paolo VENDITTI
Cyprus (1 place)	Mr Panicos DEMETRIADES
Latvia (1 place)	Mr Andrejs SALMIŅŠ
Lithuania (1 place)	Mr Donaldas JASULAITIS
Hungary (3 places)	Mr Kristóf HORVÁTH Mr Attila NAGY Ms Ágnes Bajor SZÉLNÉ
Netherlands (3 places)	Mr Jan WIEMAN Mr Huub RAKHORST Ms Marlies HOEDEMAKERS
Austria (2 places)	Mr Andres MOLIN Ms Christine GÖSTL
Poland (5 places) [1]	Mr Grzegorz KRZYSZTOSZEK Ms Elżbieta WRÓBLEWSKA Mr Jacek Tadeusz KANIEWSKI
Portugal (3 places) [2]	Mr José Joaquim GONÇALVES MARQUES Mr Luís José RODRIGUES DA COSTA
Slovenia (1 place)	Mr Ivo NOVAK
Slovakia (2 places)	Mr Marián NANIAŠ Mr Eduard ĎURČEK
Finland (2 places)	Mr Riku Eino Juhani HUTTUNEN Ms Tuula Inkeri PURRA
Sweden (3 places)	Mr Sven-Olov ERICSON Mr Ali ETEMAD Mr Sven NORDLÖF

[1] Two places remain vacant at this stage.
[2] One place remains vacant at this stage.

United Kingdom (6 places)	Ms Megan PRESTON Mr David POWELL Mr Mark ELLIOTT Mr John LUKE Mr Martin OLIVA Ms Louise ROBSON
Romania (4 places)	Mr Dragos Paul POPESCU Mr Razvan Eugen NICOLESCU Mr Tudor LAVRIC Ms Elena POPESCU
Bulgaria (2 places)	Mr Mitko YANKOV Ms Katerina KOSTADINOVA

Done at Brussels, 10 July 2007.

For the Council
The President
F. TEIXEIRA DOS SANTOS

COMMISSION

COMMISSION DECISION

of 21 March 2007

on the measure implemented by Germany for Bavaria Film GmbH — C 51/03 (ex NN 57/03)

(notified under document number C(2007) 1170)

(Only the German version is authentic)

(Text with EEA relevance)

(2007/515/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular the first subparagraph of Article 88(2) thereof,

Having regard to the Agreement on the European Economic Area, and in particular Article 62(1)(a) thereof,

Having called on interested parties to submit their comments [1] and having regard to their comments,

Whereas:

1. PROCEDURE

(1) Following complaints concerning alleged State aid to Bavaria Film GmbH (hereinafter called 'BAV'), the Commission opened a formal investigation procedure on 23 July 2003. Germany submitted comments on 20 October 2003; no comments were received from competitors or other interested parties. The Commission requested information on 3 May 2005, which Germany provided by letter dated 1 July 2005. Following a meeting on 12 October 2005, Germany submitted further information on 9 and 21 November 2006.

2. DESCRIPTION OF THE ORIGINAL MEASURE

2.1. Introduction

(2) In 1999, the construction and fitting-out of a state-of-the-art film studio (hereinafter called 'the studio') was begun on a site owned by BAV. BAV has its headquarters on the site, called Filmstadt Geiselgasteig, in the German *Land* of Bavaria. BAV is a privately incorporated film production company [2].

2.2. The investor — the special-purpose vehicle BFH

(3) The abovementioned investment was effected through a special-purpose vehicle called Bayerische Filmhallen GmbH (hereinafter called 'BFH').

(4) BFH's equity capital amounts to EUR 50 000. The company is owned 49 % by the publicsector bank LfA Förderbank Bayern (hereinafter called 'LfA'), 21 % is held in trust by a private individual, Lothar Wedel [3], while the remaining 30 % belongs to BAV. The nominal value of BAV's equity stake is, therefore, EUR 15 000. The stakes held by LfA and BAV were determined on the basis of their respective funding contributions to BFH.

2.3. Investment conditions

(5) In addition to the paid-up equity capital, LfA awarded BFH a grant of EUR 3,8 million and a loan (to be converted into a grant at a later stage) of EUR 3,1 million [4]. The total of EUR 6,9 million was intended to finance the full cost of building the new studio.

[1] OJ C 249, 17.10.2003, p. 2.

[2] From its early beginnings as a studio in 1919, Bavaria Film has steadily grown until it now has more than 30 subsidiaries and joint ventures in Germany, Austria, Italy and the Czech Republic. The Bavaria group operates worldwide in every sector of the audio-visual industry. BAV's share capital is more than 50 % owned by regional public broadcasters.

[3] It was originally intended that LfA should hold 70 %. For legal reasons (exceeding of the single large loan ceiling under the Banking Act), a 21 % share was made over to a lawyer, Mr Lothar Wedel.

[4] Contrary to what was stated in the decision opening the procedure, the EUR 3,1 million was only partly converted into a grant. Following the Commission's decision to open the procedure, the last loan instalment of EUR 1,345 million was not converted into a grant, the loan plus interest being instead prolonged.

(6) In addition to the paid-up equity capital of EUR 15 000, BAV leased the land on which the studio stood to BFH free of charge for 25 years. At the end of the 25-year period, ownership of BFH's new building together with its fixtures and fittings was to revert free of charge to BAV.

(7) BAV administers the facility on behalf of BFH. Under a business management contract, the income earned from renting out the studio was allocated for the first three years, from October 1999 to October 2002, as follows:

(a) BAV guaranteed BFH a rental income of at least DEM 300 000 (EUR 153 000) a year.

(b) Rental income of between DEM 300 000 (EUR 153 000) and DEM 500 000 (EUR 256 000) was retained by BAV to compensate it for the cost of repairs, maintenance, insurance and marketing.

(c) Any income in excess of DEM 500 000 was to be divided between BAV and BFH ([5]).

Table 1 shows the actual income from renting out the new studio during the first three years and its distribution:

Table 1

Income and payments 1999 to 2002

(EUR)

	From October 1999	2000	2001	Up to September 2002
Rental income	61 000	333 000	250 000	174 000
Guaranteed rent for BFH	38 000	153 000	153 000	115 000
Remaining income of which:	23 000	180 000	97 000	59 000
— compensation for BAV	23 000	103 000	97 000	59 000
— surplus divided between BAV and BFH		77 000 of which: — 39 000BFH — 38 000BAV		
Total BFH	38 000	192 000	153 000	115 000
Total BAV	23 000	141 000	97 000	59 000
of which direct costs incurred for repairs and maintenance, water, electricity, heating, etc. (*)	7 000	53 000	66 000	52 000

(*) There are other, indirect costs for administering the facility, such as security costs, overheads (marketing, client acquisition, etc.) which have not been included here.

(8) After the three-year start-up phase, as of the fourth year starting in October 2002, the business management contract provides that the income from renting out the new studio — less the cost of repairs, maintenance, insurance and marketing — will be divided among the shareholders in proportion to their equity stakes in BFH ([6]).

Table 2 shows the actual income from renting out the new studio from 2002 to 2005 and its distribution:

([5]) The underlying reason for this roughly 50/50 split, which does not correspond to the actual shareholdings of 30 % and 70 %, is the recognition that the value of the infrastructure services and activities provided by BAV (including the rent-free use of the site) far exceeds the share it receives by way of compensation from the rental income (i.e. a maximum of EUR 103 000).

([6]) It was agreed that the approach would change after three years, because the first few years were considered to be a start-up phase needed to stabilise BFH.

Table 2

Income and payments 2002 to 2005

(EUR)

	From October 2002	2003	2004	2005
Income	31 000	252 000	258 000	181 000
Repair and maintenance costs (real cost to BAV)	10 000	18 000	42 000	31 000
Overall security (BAV)	3 000	13 000	13 000	13 000
Overall marketing (BAV)	12 000	48 000	48 000	48 000
After deduction of costs, the remaining income is distributed as follows:				
70 % of remaining income (BFH)	4 000	121 000	109 000	62 000
30 % of remaining income (BAV)	2 000	52 000	46 000	27 000
Total BAV	17 000	113 000	107 000	85 000

3. OPENING OF THE PROCEDURE

(9) In opening the procedure, the Commission took the view that the terms on which the respective parties had invested in BFH were such that LfA's investment amounted to aid within the meaning of Article 87(1) of the EC Treaty, and it expressed doubts about the compatibility of the financing with the common market. In particular, the Commission expressed doubts whether LfA's shareholding in BFH was in keeping with the principle of a private investor in a market economy, since BAV and LfA did not invest in BFH on equal terms. In fact, LfA had received a 70 % share of BFH's share capital in return for a EUR 6,9 million cash injection on top of the cash payment for BFH's shares, while BAV had received a 30 % share in exchange for EUR 15 000 plus the 25 years rent-free lease of the site, the value of which was tentatively put at around EUR 3 million.

(10) In its decision to open the procedure, the Commission reasoned that LfA was a publicsector bank and that the investment financed by it through state resources potentially constituted aid incompatible with the common market of which BAV was the ultimate beneficiary.

4. COMMENTS FROM GERMANY

(11) Germany essentially took the view that no aid was involved as the investment was in infrastructure and no advantage was conferred on any particular undertaking. If aid was involved, however, in Germany's opinion it fell under the so-called cultural exception in Article 87(3)(d) of the EC Treaty.

(12) The studio is rented out for film productions. According to Germany, all tenants — including, therefore, BAV and its subsidiaries — rent the studio under the same conditions. This is laid down, moreover, in the business management contract, which governs the way in which BAV manages the complex and runs the studio. In Germany's view, BAV does not, therefore, enjoy any favourable treatment.

(13) Germany submitted a list of films produced in the studio, demonstrating that more than two thirds of the films had been produced by companies unrelated to BAV ([7]).

(14) In order to prove that neither BAV nor any other user of the facility enjoyed preferential treatment, in 2005 Germany submitted a price list showing the rental prices for 25 film studios (ranging in size from 748 m^2 to 4 225 m^2) located inter alia in Germany, the Czech Republic, Slovakia, Bulgaria, the United Kingdom and Italy. The rental prices varied between EUR 0,27/m^2 (Italy) and EUR 4,34/m^2 (United Kingdom). In 2005, the rental price for BFH's new 3 060 m^2 studio was EUR 1,02/m^2. All users of the studio, including BAV, were charged this price.

([7]) Of the 14 films produced in the studio between 1999 and 2005, two were produced by BAV and another two by Odeon Film AG or Odeon Pictures GmbH. In 2000, when these films were produced, BAV held between 32,75 % and 38,45 % of Odeon Film AG, which in turn held 100 % of Odeon Pictures.

5. **DEVELOPMENTS IN THE COURSE OF THE PROCEDURE**

(15) Following the opening of the procedure, Germany proposed, in order to remove any doubts that aid was involved and to make the transaction more transparent, to amend the scheme as follows (hereinafter called the new approach):

(a) LfA will become BFH's sole owner. It will purchase BAV's 30 % shareholding at its total nominal value of EUR 15 000. It should be pointed out here that BFH's articles of association make provision for the sale of the shares at their nominal (original) value to the other shareholder(s). LfA will also acquire the remaining 21 % ([8]);

(b) BAV will waive its 30 % share of the profits corresponding to its original shareholding and will henceforth be responsible only for running the new studio. BAV will charge BFH annually for the actual cost of administering the business. For 2006, this cost has been estimated at EUR 106 405 and will be audited by an independent expert.

Table 3

2006 business administration costs

(EUR)

Cost centre	Explanation	2006 costs
Services concerning land and buildings: cleaning, snow clearing and gritting, gardening; maintenance and repair work, waste disposal, etc.	The calculation basis is the land and buildings share of 6 %. Comparative offers were in same price range.	21 539,29
Commercial transactions, e.g. issuing of invoices, drawing up of contracts.	2 hours per week at EUR 40	4 160
Property management	1 hour per week at EUR 40	2 080
Fire brigade, security services, alarm system, maintenance of fire installations	BAV is obliged by law to have its own fire brigade. The overall cost comes to EUR 1 million per year	50 906,13
Marketing, distribution, services; including secretarial services, client acquisition, marketing, budget calculations, project management, production supervision, etc.	Overall costs of the department: EUR 175 000 secretarial services: EUR 200 per month; coordination of distribution: EUR 100 per month; coordination of marketing: EUR 100 per month; marketing activities: EUR 400 per month; regular client care: EUR 200 per month; acquisition of new clients in Germany: EUR 200 per month; international acquisition of new clients: EUR 100 per month; calculation of budget: EUR 100 per month; production supervision: EUR 200 per month; project management: EUR 150 per month; client complaints: EUR 200 per month; analyses of competitors: EUR 100 per month	25 800
Press: press releases, press cuttings, Intranet and Internet, etc.	2 hours per week at EUR 40	960
Accountancy	2 hours per week at EUR 40	960
		106 405,42

([8]) LfA will buy the shares held by Lothar Wedel at their nominal value of EUR 10 500.

(c) BFH undertakes to pay a market rent for use of the site. This rent, following market practice, amounts to 5 % of the site's value, which was assessed by an independent expert in January 2006 at EUR 3 670 000. The rent was accordingly set at EUR 183 500 per annum, plus VAT. It will be linked to the consumer price index. However, BFH will not pay the rent monthly but will accumulate it as debt, to which interest amounting to the base rate plus 4 % will be applied.

(d) In 2024, the market value of the new studio will be assessed by an independent expert and BAV will pay BFH that market price to acquire the new studio's assets, possibly offsetting it against the accumulated unpaid rent plus interest. If the value of the studio exceeds the debt, BAV will pay the difference to BFH (LfA).

6. **ASSESSMENT**

(16) The original measure under investigation is composed of the EUR 6,9 million investment in the new studio by LfA and its shareholding in BFH.

(17) As indicated in the decision opening the procedure, the operation could constitute State aid within the meaning of Article 87(1) of the EC Treaty in favour of BAV for the following reasons:

(a) LfA is a publicsector bank whose acts and decisions are imputable to the State (the *Land* of Bavaria); State resources are thus involved.

(b) LfA's investment might have conferred on BAV an economic advantage stemming from possible overcompensation for the costs of administration, benefits from the BFH share acquisition on unwarranted preferential terms compared with those of LfA, the unconditional ownership of the new studio after 25 years, and, finally, preferential access to, and the low-cost availability of, the studio, which BAV might not have obtained under normal market conditions.

(c) Since the advantage was selectively granted to BAV and not to its competitors, LfA's investment might have distorted competition.

(d) Finally, the operation of the new studio might have had an effect on trade between Member States in view of the fact that BAV competes with other undertakings on international markets.

6.1. **Existence of aid — effect of the new approach**

6.1.1. *For the future*

(18) Germany has prepared all the amendments needed to implement the new approach, eliminating all possible aid elements both for the past and for the future, and has undertaken to put it into effect as soon as the Commission's decision is adopted.

(19) With regard to BAV's 30 % stake in BFH, LfA will buy it back from BAV for EUR 15 000. This price was provided for in BFH's articles of association, being the price BAV originally paid for the shares. BAV will not receive any advantage which could be regarded as aid in return for selling its shares in BFH. LfA will own 100 % of the shares and will accordingly receive 100 % of the revenues from BFH.

(20) In future BAV will invoice BFH annually for the 'actual costs' incurred in administering the new studio. According to the information provided by Germany in November 2006, the annual costs in 2006 amounted to EUR 106 405. The actual costs will be calculated and charged on an annual basis and will be audited by an independent expert. It will be ensured that BAV will be paid only for services actually provided, so that any overcompensation can be ruled out. There will therefore be no advantage to BAV in the form of excessive compensatory payments for administering the facility, which would be tantamount to aid.

(21) BFH will pay BAV a market rent for the site until 2024. This rent amounts to 5 % of the site's value, as assessed by an independent expert ([9]). It can thus be considered to be a market rent and to provide BAV with a reasonable return on its asset. However, BFH will not pay the rent monthly in cash but can accumulate as debt the unpaid rent plus interes ([10]). It will be ensured that BAV will be paid only for the use of the site, so that any overcompensation can be ruled out.

([9]) The value of the site is estimated at EUR 3 670 000. The annual payment will be EUR 183 500, thus ensuring a nominal rate of return of 5 %, reflecting normal market conditions.

([10]) BAV will charge a market interest rate. The interest rate is the prime lending rate plus 4 %, which would appear to reflect the rate that can be expected from lending money to an undertaking such as BFH.

(22) After 25 years, in 2024, the market value of the new studio will be assessed by an independent expert and BAV will be able to buy the new studio from BFH at that price, possibly offsetting it against the accumulated unpaid rent plus interest. If the market value of the building in 2024 exceeds the accumulated debt to BAV, BAV will have to pay the difference. It can be excluded, therefore, that BAV will enjoy any advantage in acquiring the studio ([11]). It can thus be concluded that the new approach ensures that, in future, BAV will not derive any advantage within the meaning of Article 87(1) of the EC Treaty from the operation of the new studio and that, accordingly, possible future State aid to BAV can be excluded. BAV will give up its 30 % shareholding and charge BFH the real cost of administering the new studio and of renting the building. After 25 years, BAV will also have to pay the market price for acquiring the facility. It was originally planned that, when the 25 years were up, ownership of BFH's new building, together with its fixtures and fittings, would be transferred free of charge to BAV.

6.1.2. *For the past - effects already produced by the operation prior to the new approach*

(23) Tables 1 and 2 indicate the payments received by BAV from 1999 to 2005. These payments can be divided into two categories: compensation for administering the site and BAV's agreed share of the earnings. They can be summarised as follows:

Table 4

Payments to BAV — compensation and profit

(EUR)

	From October 1999	2000	2001	2002	2003	2004	2005
A. Total income	61 000	333 000	250 000	205 000	252 000	258 000	181 000
B. Guaranteed payments to BFH	38 000	153 000	153 000	115 000			
C. Operating costs (paid to BAV)	23 000	103 000	97 000	84 000	79 000	103 000	92 000
of which:							
D. Maintenance, water, electricity, heating, etc.	7 000	53 000	66 000	62 000	18 000	42 000	31 000
E. Security, marketing, overheads and administration	16 000	50 000	31 000	22 000	61 000	61 000	61 000
F = A-B-C Profits	0	77 000	0	6 000	173 000	155 000	89 000
of which:							
G. Profits to BFH		39 000		4 200	121 100	108 500	62 300
H. Profits to BAV		38 000		1 800	51 900	46 500	26 700
Total payments to BAV: I = C + H	23 000	141 000	97 000	85 800	130 900	149 500	118 700

(24) The payments which BAV has received for administering the site (see item C and the breakdown in items D and E of Table 4) reflect in part actual expenditure and in part estimated costs agreed exante in the business management contract. These sums are, even allowing for the 'good' years 2000 and 2004, when payments to BAV amounted to EUR 103 000, consistently lower than the detailed cost projections made for 2006, amounting to more than EUR 106 405 (see Table 3), and have not conferred on BAV any undue advantage.

(25) As regards BAV's share in the earnings, this was intended to compensate BAV for the rent-free use of the land. These payments are lower than the market price for renting the land, which currently amounts to EUR 183 500 per annum (see paragraph 15).

([11]) In view of the fact that payment of the rent is deferred, according to Germany the possibility can be excluded that BFH might become insolvent and that BAV might derive in the course of the insolvency proceedings an advantage from the fact that the studio is built on its land.

(26) Even adding up all revenues accrued to BAV (administration and profits, as indicated in item I), it can be concluded from Table 4 that the sum of all payments made to BAV during the period 1999 to 2005 is lower overall than the estimated market value of the use of the site (currently EUR 183 500 per annum). The reason for this is that it was originally planned that, at the end of 25 years, ownership of BFH's new building, together with its fixtures and fittings, would be transferred free of charge to BAV, and this would have constituted an 'additional' advantage for BAV. Under the new approach, however, BAV will pay a market price for acquiring the studio. On the basis of these considerations, it can be concluded that BAV has not derived from the operation – in the years from 1999 to 2005 — any advantage within the meaning of Article 87(1) of the EC Treaty.

(27) Accordingly, concerning the past operation of the new studio, it can be concluded that BAV has not received any State aid.

6.2. **Possible aid in connection with the use of the studio**

(28) It could be argued that, apart from any possible overpayments to BAV for administering the studio (see Table 4), BAV might benefit from preferential treatment when using the studio.

(29) According to the information provided by Germany, most of the films were produced by companies unrelated to BAV ([12]). Germany has confirmed that BAV does not have preferential access to the studio. Furthermore, all film producers have been, and will continue to be, entitled to use the studio under the same conditions and at the same price as BAV. The Commission has been assured that BAV is treated on an equal footing with all its competitors and that it did not and will not benefit from any preferential treatment and thus has not derived and will not derive any advantage within the meaning of Article 87(1) of the EC Treaty from the use of the new studio.

6.3. **Conformity of the new approach with the market economy investor principle**

(30) As for the market economy investor principle, to which reference was made in the decision opening the procedure, this had to do with the fact that LfA and BAV did not invest on equal terms in BFH, which was considered tantamount to aid in favour of BAV. The new approach tackles this problem by making LfA sole owner of BFH. Under the new approach, LfA will own 100 % of the income earned by BFH, which will be charging all users of the studio market prices, and it will receive all the dividends paid by BFH. Finally, in 2024, LfA will receive the market price for the sale of the studio. Therefore, prima facie, LfAs investment in BFH is in line with the market economy investor principle.

7. **CONCLUSIONS**

(31) In the light of the foregoing, the Commission has found that, under the terms of the new approach, the measure under review does not confer any advantage on BAV and therefore does not constitute State aid within the meaning of Article 87(1) of the EC Treaty in favour of BAV,

HAS ADOPTED THIS DECISION:

Article 1

LfA Förderbank Bayern's investment in Bayerische Filmhallen GmbH, as communicated by Germany in an amended form, does not constitute State aid within the meaning of Article 87(1) of the EC Treaty in favour of Bavaria Film GmbH.

Article 2

This Decision is addressed to Germany.

Done in Brussels, 21 March 2007.

For the Commission
Neelie KROES
Member of the Commission

([12]) See footnote 7.

COMMISSION DECISION

of 19 July 2007

concerning a financial contribution from the Community towards a survey on the prevalence and antimicrobial resistance of *Campylobacter* spp. in broiler flocks and on the prevalence of *Campylobacter* spp. and *Salmonella* spp. in broiler carcasses to be carried out in the Member States

(notified under document number C(2007) 3440)

(2007/516/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field [1], and in particular Article 20 thereof,

Whereas:

(1) Decision 90/424/EEC lays down procedures governing a financial contribution by the Community towards specific veterinary measures, including technical and scientific measures. It provides for the Community to undertake, or assist Member States in undertaking the technical and scientific measures necessary for the development of Community veterinary legislation and for the development of veterinary education or training.

(2) According to the Report of the European Food Safety Authority (EFSA) on Trends and Sources of zoonoses, zoonotic agents and antimicrobial resistance in the Community in 2005 [2], a total of 194 695 cases of campylobacteriosis in humans were reported in 22 Member States. Broiler meat is considered the most common source of infection. Up to 66,4 % positive samples in broiler meat were reported. In broiler flocks, 0,2 to 86 % of the reported samples were positive.

(3) In addition, according to the EFSA report, a total of 168 929 cases of human salmonellosis were reported in 22 Member States in 2005. Typical contamination rates of fresh poultry meat vary from 4 to 10 %, being the highest rates of all foodstuffs analysed.

(4) The EFSA also indicates in its report that a relatively high proportion of *Campylobacter* and *Salmonella* isolates from animals and food were resistant to antimicrobials commonly used in treatment of human diseases. This specially applies to the case of resistance to fluoroquinolones in *Campylobacter* isolates from poultry, where up to 94 % of isolates were reported resistant to ciprofloxacin. Food-borne infections caused by these resistant bacteria pose a particular risk to humans due to possible treatment failure.

(5) In accordance with Commission Decision 2005/636/EC of 1 September 2005 concerning a financial contribution by the Community towards a baseline survey on the prevalence of *Salmonella* spp. in broiler flocks of *Gallus gallus* to be carried out in the Member States [3], comparable information was collected with regard to the prevalence of *Salmonella* in such flocks. It is, however, very difficult to compare prevalence of *Campylobacter* in broiler flocks and broiler meat, and of *Salmonella* in broiler meat from different Member States as there is no harmonised monitoring.

(6) Under Article 5 of Directive 2003/99/EC of the European Parliament and of the Council of 17 November 2003 on the monitoring of zoonoses and zoonotic agents, amending Council Decision 90/424/EEC and repealing Council Directive 92/117/EEC [4], coordinated monitoring programmes may be established, especially when specific needs are identified, to assess risks and to establish baseline values related to zoonoses and zoonotic agents at the level of Member States.

(7) Scientific experts in collaboration with the EFSA prepared technical specifications for a baseline study on a harmonised monitoring of *Campylobacter* in broiler flocks. Training was organised in 2006 for laboratory staff in all Member States on the detection methods for *Campylobacter* in such flocks and is scheduled in 2007 with regard to the enumeration method for *Campylobacter* on carcasses.

[1] OJ L 224, 18.8.1990, p. 19. Decision as last amended by Decision 2006/965/EC (OJ L 397, 30.12.2006, p. 22).
[2] The EFSA Journal (2006) 94.
[3] OJ L 228, 3.9.2005, p. 14.
[4] OJ L 325, 12.12.2003, p. 31. Directive as amended by Council Directive 2006/104/EC (OJ L 363, 20.12.2006, p. 352).

(8) The Task Force on Monitoring of Zoonoses Data Collection of EFSA adopted during its meeting on 16 and 17 October 2006 the report on proposed technical specifications for a coordinated monitoring programme for *Salmonella* and *Campylobacter* in broiler meat in the EU [1].

(9) The Task Force also adopted a Report including a proposal for a harmonised monitoring scheme of antimicrobial resistance in *Salmonella* in fowl (*Gallus gallus*), turkeys and pigs and *Campylobacter jejuni* and *C. coli* in broilers [2] on 20 February 2007. The report makes recommendations on a harmonised monitoring scheme and harmonised methodology for susceptibility testing.

(10) Pursuant to Article 7(3) and Annex II(B) of Directive 2003/99/EC, detailed rules should be laid down on the antimicrobial resistance monitoring of *Campylobacter jejuni* and *Campylobacter coli* in poultry. Data needs to be collected in order for such rules to be laid down Therefore, testing of the antimicrobial resistance should be included in the survey in order to gather the necessary data.

(11) Taking into account the high number of *Salmonella* and *Campylobacter* cases in humans, the importance of broilers and broiler meat as source of infection and the increasing concern on antimicrobial resistance development, comparable data on the prevalence of *Campylobacter* in broilers and broiler meat, *Salmonella* in broiler meat in the Member States should be collected to consider the need, feasibility, cost and benefit of Community-wide control measures.

(12) The survey is to provide technical information necessary for the development of Community veterinary legislation including on the use of antimicrobials in zoonoses control programmes in poultry. Given the importance of collecting comparable data on the prevalence of *Salmonella* and *Campylobacter* in broilers and broiler meat and antimicrobial resistance of *Campylobacter* in broiler flocks in the Member States, they should be granted a Community financial contribution for implementing the specific requirements of the survey. It is appropriate to reimburse 100 % of the costs incurred on the laboratory testing, subject to a ceiling. All other costs incurred, such as costs for sampling, travel and administration should not be eligible for any Community financial contribution.

(13) A financial contribution from the Community should be granted provided that the survey is carried out in accordance with Community law and subject to compliance with certain other conditions.

(14) A financial contribution from the Community should be granted insofar as the actions provided for are effectively carried out and provided that the competent authorities furnish all the necessary information within the time limits provided for in this Decision.

(15) For reasons of administrative efficiency all expenditure presented for a financial contribution by the Community should be expressed in euro. In accordance with Council Regulation (EC) No 1290/2005 of 21 June 2005 on the financing of the common agricultural policy [3], the conversion rate for expenditure in a currency other than euro should be the rate most recently set by the European Central Bank prior to the first day of the month in which the application is submitted by the Member State concerned.

(16) 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

Subject matter and scope

This Decision lays down rules on a financial contribution from the Community towards a survey to be carried out in the Member States on the prevalence of:

(a) *Campylobacter* spp. in broiler flocks and their antimicrobial resistance; and

(b) *Campylobacter* spp. and *Salmonella* spp. in broiler carcasses.

Article 2

Definitions

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

(a) 'flock' means all poultry (such as broiler) of the same health status kept on the same premises or in the same enclosure and constituting a single epidemiological unit; in the case of housed poultry, it includes all birds sharing the same airspace;

[1] The EFSA Journal (2007) 96, 1-46.
[2] The EFSA Journal (2006) 403, 1-62.
[3] OJ L 209, 11.8.2005, p. 1. Regulation as last amended by Regulation (EC) No 378/2007 (OJ L 95, 5.4.2007, p. 1).

(b) 'slaughter batch' means a delivery of broilers which have been raised in the same flock to a slaughterhouse on one single day;

(c) 'competent authority' means the authority or authorities of a Member State as designated under Article 3 of Regulation (EC) No 2160/2003 of the European Parliament and of the Council [1].

Article 3

Zoonoses and zoonotic agents covered by the survey

The Member States shall carry out a survey to assess the prevalence of the following zoonoses and zoonotic agents in samples taken in slaughterhouses selected at random in accordance with Annex I:

(a) *Campylobacter* spp. in broiler flocks and their antimicrobial resistance;

(b) *Campylobacter* spp. in broiler carcasses;

(c) *Salmonella* spp. in broiler carcasses;

across the Community sampled in slaughterhouses. Only broilers produced from day one within the Member State shall be included in the survey.

Article 4

Performance of sampling and analyses

1. Sampling shall be performed by the competent authority or under its supervision in accordance with the technical specifications set out in Annex I.

2. National reference laboratories (NRLs) for *Salmonella* spp., *Campylobacter* spp. and antimicrobial resistance testing shall perform the relevant parts of the analyses of samples and isolates.

3. However, the competent authority may decide to designate other laboratories involved in official controls of *Salmonella* spp., *Campylobacter* spp. and antimicrobial resistance testing, to perform the analyses of samples and isolates.

In such cases, the NRLs shall provide support and training to the designated laboratories and ensure that they comply with rules on quality controls by arranging regular ring tests.

The laboratories designated in accordance with the third paragraph of this Article which perform testing must comply which the following conditions:

(a) they must have proven experience of using the methods required for the testing;

(b) they must have a quality assurance system complying with EN/ISO standard 17025;

(c) they must be subjected to the supervision of the relevant NRLs.

Article 5

Conditions for paying a Community financial contribution

1. The Community financial contribution towards the costs for sampling and analyses shall be paid to the Member States up to the maximum total amount for the co-financing set out in Annex II.

2. The Community financial contribution provided for in paragraph 1 shall be paid to the Member States provided that the survey is implemented in accordance with the relevant provisions of Community law, including rules on competition and on the award of public contracts, and subject to compliance with the following conditions:

(a) the laws, regulations and administrative provisions required to implement the survey must enter into force by 31 December 2007 at the latest;

(b) a progress report containing the information listed in Part E(1) to Annex I and covering the first three months of the survey shall be submitted to the Commission by 31 May 2008 at the latest;

(c) a final report on the implementation of the survey containing all information in points 1 and 2 of Part E to Annex I, together with supporting evidence for the costs incurred by the Member States for the sampling and analyses and the results attained during the period from 1 January 2008 to 31 December 2008 shall be submitted to the Commission by 28 February 2009 at the latest; and the evidence as to costs incurred must comprise at least the information set out in Annex III;

(d) the survey must be implemented effectively.

[1] OJ L 325, 12.12.2003, p. 1. Regulation as last amended by Council Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p. 1).

3. Failure to submit the final report referred to in paragraph 2(c) by 28 February 2009 at the latest shall entail a progressive reduction of the financial contribution to be paid, amounting to 25 % of the total amount by 30 March 2009, 50 % by 30 April 2009 and 100 % by 30 May 2009.

Article 6

Maximum amounts to be reimbursed

The maximum amounts of the Community financial contribution towards the costs to be reimbursed to the Member States for sampling and analyses covered by the survey shall not exceed the following:

(a) EUR 20 for each detection testing of *Campylobacter* and *Salmonella* spp;

(b) EUR 30 for each confirmation, speciation and enumeration of *Campylobacter* spp. isolates and the serotyping of *Salmonella* spp. isolates;

(c) EUR 30 for antimicrobial testing of *Campylobacter* isolates from broiler flocks.

Article 7

Collection of data, assessment and reporting

1. The competent authority responsible for preparing the yearly national report pursuant to Article 9(1) of Directive 2003/99/EC shall collect and assess the results of the sampling and analyses with regard to the prevalence of *Salmonella* and *Campylobacter* carried out pursuant to Article 4 of this Decision and shall report all necessary data and its assessment thereof by the Member States to the Commission by 28 February 2009 at the latest. The results from antimicrobial resistance testing will be reported before the end of May 2009 in the frame of the annual reporting in accordance with Article 9(1) of Directive 2003/99/EC.

2. The Commission shall forward those results obtained during the implementation of the survey together with the national aggregated data and the assessments thereof by the Member States to the European Food Safety Authority, which shall examine them.

Any use of the data submitted by the Member States for the purpose other than the survey shall be subject to prior agreement of the Member States.

3. National aggregated data and results shall be made available publicly in a form that ensures confidentiality.

Article 8

Conversion rate for expenditure

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

Article 9

Application

This Decision shall apply from 1 January 2008.

Article 10

Addressees

This Decision is addressed to the Member States.

Done at Brussels, 19 July 2007.

For the Commission

Markos KYPRIANOU

Member of the Commission

ANNEX I

TECHNICAL SPECIFICATIONS REFERRED TO IN ARTICLE 4

PART A

Sampling frame

To avoid age-related effects the monitoring shall be carried out on slaughter batches at the slaughterhouse.

As prevalence of *Campylobacter* spp. has been shown to vary significantly depending on the season, this merits stratification. For that purpose a 12-month period must be divided in 12 periods of one month. In each of those periods 1/12th of the total sample size must be taken.

The sampling must otherwise be based on a random selection, both regarding slaughterhouses, sampling days each month and which batches are to be sampled on a selected sampling day. In particular, the randomisation scheme shall guarantee a selection of slaughter batches proportionate to the number of flocks fattened according to the different production types (conventional, free-range, organic). In addition, the *Salmonella* spp. or *Campylobacter* spp. status, if known at slaughter, must not bias the randomisation. The competent authority shall take responsibility for generating the randomization scheme and ensuring it is implemented correctly. An example of a randomisation procedure is provided in the Report of the EFSA Task Force on Monitoring of Zoonosis Data Collection on proposed technical specifications for a coordinated monitoring programme for *Salmonella* and *Campylobacter* in broiler meat in the EU. Details of the randomisation scheme shall be reported to the Commission.

PART B

Sample size

1. ***Primary sample size***

(a) The primary sample size gives the number of slaughter batches to be tested.

(b) At least 384 slaughter batches shall be sampled. Non-response shall be anticipated by sampling about 10 % more than the indicated numbers.

(c) By way of derogation from point (b), the following numbers of slaughter batches [1] shall be sampled in Estonia, Latvia and Luxembourg:

(i) in Estonia, at least 96 slaughter batches;

(ii) in Latvia, at least 120 slaughter batches;

(iii) in Luxembourg, at least 12 slaughter batches.

2. ***Secondary sample size***

The secondary sample size gives the number of individual broiler chickens per slaughter batch to be sampled. That number shall be 10 birds for the detection of *Campylobacter* in caeca and one bird for the detection of *Campylobacter* and *Salmonella* on carcasses. These caeca samples and carcass sample must be from the same slaughter batch.

PART C

Specimen collection, handling and analysis for the detection and antimicrobial testing of *Campylobacter* spp. in broiler flocks

1. ***Collection and transport***

Campylobacters are relatively fragile organisms, which die quickly outside the host gut. Therefore, care shall be taken to ensure that samples are taken appropriately and analysed quickly. Extreme temperatures have to be avoided and transport shall be as fast as possible.

Samples to be collected shall be intact caeca. Caecal samples shall be taken at the time of evisceration.

[1] Estimation: number of holdings (four in Estonia, five in Latvia) × two flocks per holding × two slaughter batches per flock × six rounds per year. In Luxembourg, only broilers from three small flocks are slaughtered. A slaughter batch from each of them will be sampled each trimester.

Only staff trained in standard sampling procedures shall collect samples. The main objective shall be to minimise external contamination from caecal content while sampling. That is best achieved by careful manual traction at the junction with the intestine. One intact caecum shall be taken per bird, and samplers shall verify that the caecum is full or it shall be disregarded. Birds shall preferably be sampled at random throughout the batch (avoiding the first part of the batch to be slaughtered), collecting samples from non-consecutive birds. The 10 caeca collected may be placed in a single sterile bag/pack for transport.

All relevant information available from the sample must be recorded on a sampling form produced by the competent authority to enable the reporting requirements in Part E to be fulfilled. Each sample and its sample form must be labelled with a unique number which must be used from sampling to testing. The competent authority must arrange for the issue and use of a unique numbering system. The same identifier of the slaughter batch shall be used as the one for the carcass sample.

Caecal samples shall be transported as intact caeca to the laboratory within 24 hours (i.e. overnight postage or courier) and analysed there immediately. In cases where that cannot be managed, the samples shall be kept refrigerated at least until transported to the laboratory and they shall be analysed no later than 72-80 hours after sampling. At the laboratory, samples that cannot be tested on the day of arrival shall be kept refrigerated until analysis.

At the laboratory, the caecal contents shall be aseptically removed and pooled to one composite sample.

2. ***Diagnostic method***

2.1. *Culture*

Direct culture on a selective medium provides a good estimate of the prevalence of *Campylobacters*. Direct culture of the sample shall be carried out on a selective medium suitable for *Campylobacter*, (i.e. modified *Campylobacter* blood free selective medium (CCDA); Karmali; or Preston Agar).

The plates shall be incubated at 41,5 ± 1 °C, in a micro-aerobic atmosphere, for at least 48 +/– 2 hours. Growth may be detected after 24 hours.

The micro-aerobic atmosphere may be obtained in commercially available micro-aerobic incubators (gas mixture 10 % CO_2/6 % O_2). In the absence of such incubators, micro-aerobic culture systems can be used i.e. gas jars. Commercial gas pack systems providing the appropriate micro-aerobic atmosphere are available.

Suitable positive and negative controls shall be included for each batch of samples cultured.

2.2. *Confirmation and speciation of the genus* Campylobacter

Isolation and confirmation of *Campylobacter* organisms should be undertaken as described in ISO 10272-1:2006(E). At least one *Campylobacter* isolate per batch must be speciated using phenotypic methods as described in ISO 10272-1:2006(E) or published molecular methods such as Polymerase Chain Reaction (PCR) techniques. The method used shall be indicated. The isolate speciated should be used for subsequent antimicrobial testing.

If a laboratory is less experienced in speciation, it shall store the isolate as set out in 2.4 pending additional training or send it to a more experience laboratory in consultation of the Community reference laboratory for *Campylobacter*.

2.3. *Quality control*

For quality assurance, a proportion of *Campylobacter* spp. isolates with a maximum of eight isolates shall be sent to the Community reference laboratory for *Campylobacter* for confirmation and speciation.

A proportion of those isolates shall be sent to that laboratory either in one batch or on a quarterly basis. If isolates are to be transported between laboratories, appropriate conditions (for example charcoal swabs) shall be used.

2.4. *Storage*

At least one isolate per positive sample shall be stored at the NRLs using the normal method for NRL culture collection, as long as it ensures viability of the strains for a minimum of two years.

2.5. *Antimicrobial resistance testing*

The number of *Campylobacter* isolates to be included in the antimicrobial resistance monitoring per Member State shall be 170. Not more than one isolate per *Campylobacter* species from the same slaughter batch shall be included in the monitoring.

In those Member States where, in any given year, a lower number of isolates than the target sample size is available, all these isolates shall be included in the antimicrobial resistance monitoring.

In those Member States where a higher number of isolates is available all isolates, or a representative random selection equal or larger than the target sample size, shall be included.

Member States shall test at least the antimicrobials that are specified in Table 1, using the cut-off values given and an appropriate concentration range to determine the susceptibility of *Campylobacter*.

Table 1

	Antimicrobial	Cut-off value (mg/L) R >
Campylobacter Jejuni	Erythromycin	4
	Ciprofloxacin	1
	Tetracycline	2
	Streptomycin	2
	Gentamicin	1
Campylobacter Coli	Erythromycin	16
	Ciprofloxacin	1
	Tetracycline	2
	Streptomycin	4
	Gentamicin	2

Dilution methods shall be performed according to the methods described in CLSI guidelines M31-A3 — Third Edition, Performance Standards for Antimicrobial Disk and Dilution Susceptibility Tests for Bacteria Isolated from Animals and M100-S16, Performance Standards for Antimicrobial Susceptibility testing; Sixteenth International Supplement.

PART D

Specimen collection, handling and analysis for the detection of *Campylobacter* spp. and *Salmonella* Spp. in broiler carcasses

1. ***Collection and transport***

One whole carcass per slaughter batch shall be collected immediately after chilling but before further processing such as freezing, cutting or packaging. In some slaughterhouses this may mean that samples are taken after pre-chilling when this is the last step before further processing.

The sample collected shall be placed in a separate sterile plastic bag, avoiding cross-contamination and be sent to the laboratory where skin sampling shall be undertaken.

Cross-contamination by other carcasses or caeca samples must be avoided during the collection of the carcasses. Precautions must therefore be taken at all stages to ensure that the equipment used during sampling, transport and storage are not contaminated with the pathogens investigated in the survey.

All relevant information available from the sample shall be recorded on a sampling form produced by the competent authority to enable the recording requirements in Part E to be fulfilled.

Each sample and its sample form shall be labelled with a unique number which shall be used from sampling to testing. The competent authority must arrange for the issue and use of a unique numbering system. The same identifier of the slaughter batch shall be used as the one for the caeca samples.

The samples shall be kept at between + 2 to 8 °C and free of external contamination during transportation.

All samples shall ideally reach the laboratory within 24 hours of sampling. In exceptional situations (for example, long journeys, weekends and public holidays) that period may be extended to 80 hours.

In the case that different laboratories are used for *Campylobacter* and *Salmonella* testing then the laboratory testing *Campylobacter* should take preference in receipt of the sample.

2. ***Sampling in the laboratory and the analytical methods***

2.1. *Receipt of samples*

On receipt of the samples, laboratories shall check the information recorded by the sampler and complete the relevant sections of the sample form.

Samples shall be held at + 2-8 °C in the laboratory and the laboratory sampling procedure shall begin as soon as possible after the arrival of the samples at the laboratory and in any case within 72-80 hours from the time of sampling.

2.2. *Sample preparation*

All samples received shall be examined to ensure that the transport packaging is intact before testing.

Handlers must avoid cross-contamination between samples and from the surrounding environment at all stages.

Wearing disposable gloves, the chicken shall be removed from its sample bag, taking care not to contaminate the outer surface of the chicken.

Using a sterile instrument and aseptic technique, the neck skin shall be removed, if present, together with the skin from one side of the carcass avoiding any fat to make a 27 g test portion and placed into a stomacher bag (or pulsifier).

2.3. *Initial suspension*

The 27 g test portion shall be transferred to NINE volumes (243 ml) buffered peptone water (BPW), brought to room temperature before adding. The mixture shall be treated in a stomacher or pulsifier for approximately ONE minute (27 g are needed to perform analyses for *Salmonella* spp. and *Campylobacter* spp. from one sample in parallel). Foaming shall be avoided by removing the air from the stomacher bag as much as possible.

This initial suspension shall be used as follows:

(a) 10 ml (~1g) shall be transferred to 90 ml enrichment medium for *Campylobacter* spp. detection;

(b) 10 ml (~1g) shall be transferred to an empty sterile tube; 1 ml is used for the enumeration of *Campylobacter* spp. on selective plates.

The rest of the initial suspension (250 ml ~ 25g) shall be used for the detection of *Salmonella* spp.

2.4. *Detection, identification methods for* Salmonella *spp.*

2.4.1. Detection of *Salmonella* spp.

The detection of *Salmonella* spp. shall be done according to ISO 6579-2002 (E). 'Microbiology of food and animal feeding stuffs — Horizontal method for the detection of *Salmonella* spp.'

2.4.2. Serotyping of *Salmonella* spp.

At least one isolate from each positive sample shall be typed by the National Reference Laboratory for *Salmonella*, using the Kaufmann-White scheme.

For quality assurance, a proportion of the non-typeable isolates shall be sent to the Community Reference Laboratory for *Salmonella*, with a maximum of 16 non-typeable isolates. A proportion of those isolates shall be sent to that laboratory on a quarterly basis.

2.4.3. Phage typing of *Salmonella* spp.

For *S. Enteritidis* and *S. Typhimurium* it is recommended that at least one isolate from each positive sample shall be phage typed, using the protocol defined by the Health Protection Agency (HPA), Colindale, London.

2.5. *Detection, identification and quantification methods for* Campylobacter *spp.*

2.5.1. Detection of *Campylobacter* spp.

Isolation and confirmation of *Campylobacter* organisms should be undertaken as described in ISO 10272-1:2006(E). At least one *Campylobacter* isolate per batch must be speciated using phenotypic methods as described in ISO 10272-1:2006(E) or published molecular methods such as Polymerase Chain Reaction (PCR) techniques. The method used shall be indicated.

For quality assurance, a proportion of *Campylobacter* spp. isolates with a maximum of eight isolates shall be sent to the Community reference laboratory for *Campylobacter* for confirmation and speciation.

A proportion of those isolates shall be sent to that laboratory on a quarterly basis. If isolates are to be transported between laboratories, appropriate conditions (for example charcoal swabs) shall be used.

2.5.2. Quantification of *Campylobacter* spp.

The quantitative detection of *Campylobacter* spp. shall be carried out according to ISO/TS 10272-2:2006 'Microbiology of food and animal feeding stuffs — Horizontal method for detection and enumeration of *Campylobacter* spp. Part 2: Colony-count technique'. Starting with 10 ml initial suspension 0,1 ml of this initial suspension and of further dilutions thereof shall be examined to allow the enumeration of up to 10^6 cfu/g. In addition, 1 ml of the undiluted initial suspension shall be examined to obtain a limit of enumeration of 10 cfu/g. All plate determinations shall be done in duplicate.

To enable correct comparison and judgement of data (for future risk assessment) the measurement uncertainty (MU) of the quantitative determination method shall be estimated for each laboratory.

To estimate the MU the technical specification ISO/TS 19036:2006 shall be used with the exception that the parallel dilutions from the initial suspension is applied for estimation of the MU.

The MU is derived from the intra-laboratory standard deviation of reproducibility. Data on MU estimation shall be collected from May to September in order to ensure positive samples. A total of 12 positive samples shall be examined in duplicate and parallel dilutions prepared from the 10 ml initial suspension. Raw data on MU estimation shall be reported separately as part of the overall description on the implementation of the survey as set out in Part E.

3. ***Storage of isolates***

In order to allow for e.g. later testing for antimicrobial susceptibility storage of a representative subset of isolates is recommended. One isolate per positive sample shall be stored. The *Campylobacter* isolate obtained from the quantitative analysis must be preferred. The isolates must be stored at the NRLs using the normal method for NRL culture collection, as long as it ensures viability of the strains for a minimum of two years.

PART E

Reporting

Reports shall be made including at least the following information:

1. Overall description on the implementation of the survey:

— slaughterhouses: total number per country and the number that were sampled,

— primary sample size realised,

— description of the stratification and randomisation procedures,

— description of the quality control activities, inclusive a report on the 12 MU estimations per laboratory for *Campylobacter* quantification,

— overall results.

2. Specific information with regard to prevalence data

Member States shall submit the results of the investigation in the form of raw data using a data dictionary and data collection forms provided by the Commission.

That data shall include at least the following information:

— name/code of the slaughterhouse,

— identifier of the slaughter batch,

— name/code of the holding (farm) of origin of the slaughter batch,

— holding size if known,

— *Salmonella* vaccination status of the flock if known,

— age of the broilers at sampling (slaughter),

— information regarding if this was the first or a subsequent batch to be slaughtered from the flock (preceding thinning or not),

— production type (i.e. conventional, free-range, organic),

— results of previous *Salmonella* and *Campylobacter* testing in the same flock,

— date of sampling,

— number of birds slaughtered per year in that slaughterhouse,

— type of chilling method used (air, immersion, spray),

— details of transport protocol (as specified: Y/N),

— date received at laboratory,

— date of testing,

— identification of the laboratory,

— type of sample,

— description of the culture methods used, in particular the selective medium/media,

— *Campylobacter* isolate: Method used for speciation,

— *Campylobacter*: result of the bacteriological testing, including speciation from the caecal sample,

— *Campylobacter*: result of the bacteriological testing, including speciation and quantification from the carcass sample,

— *Salmonella*: result of bacteriological testing and serotyping,

— time between sampling and analysis (per 12 hour period).

3. Specific information with regard to antimicrobial resistance testing of *Campylobacter* isolates of caecal samples.

The results of the antimicrobial resistance monitoring shall be assessed and reported, in accordance with Article 9 of Directive 2003/99/EC, in the yearly report on trends and sources of zoonoses, zoonotic agents and antimicrobial resistance.

Without prejudice to the provisions of Annex IV of Directive 2003/99/EC the following information shall be reported:

— origin of isolates i.e. baseline study, control programme, passive surveillance,

— number of isolates susceptibility tested per *Campylobacter* species,

— number of isolates found to be resistant per antimicrobial per *Campylobacter* species, and

— number of fully-susceptible isolates and number of isolates resistant to 1, 2, 3, 4 and > 4 antimicrobials listed in Table 1 per *Campylobacter* species.

ANNEX II

Maximum Community financial contribution to the Member States

(EUR)

Member State	Maximum total amount for co-financing of sampling and analyses
Belgium — BE	58 092
Bulgaria — BG	58 092
Czech Republic — CZ	58 092
Denmark — DK	58 092
Germany — DE	58 092
Estonia — EE	14 688
Ireland — IE	58 092
Greece — EL	58 092
Spain — ES	58 092
France — FR	58 092
Italy — IT	58 092
Cyprus — CY	58 092
Latvia — LV	18 360
Lithuania — LT	58 092
Luxembourg — LU	1 836
Hungary — HU	58 092
Malta — MT	58 092
Netherlands — NL	58 092
Austria — AT	58 092
Poland — PL	58 092
Portugal — PT	58 092
Romania — RO	58 092
Slovenia — SI	58 092
Slovakia — SK	58 092
Finland — FI	58 092
Sweden — SE	58 092
United Kingdom — UK	58 092
Total	1 429 092

ANNEX III

Certified financial report on the implementation of a survey on the prevalence of *Campylobacter* spp. in broiler flocks and their antimicrobial resistance and on the prevalence of *Campylobacter* spp. and *Salmonella* spp. in broiler carcasses

Reporting period: ..... to .....

Statement on costs incurred on the survey and eligible for Community financial contribution:

Reference number of Commission Decision providing Community financial contribution:

.....

.....

Costs incurred related to functions at/by	Number of tests	Total costs of testing incurred during reporting period (national currency)
Bacteriological detection of *Campylobacter* spp.		
Bacteriological detection of *Salmonella* spp.		
Confirmation of *Campylobacter* spp.		
Speciation of *Campylobacter* isolates		
Enumeration of *Campylobacter* isolates		
Serotyping of *Salmonella* isolates		
Antimicrobial resistance testing of *Campylobacter* isolates		

Declaration by the beneficiary

We certify that:

— the above costs are genuine and have been incurred in carrying out the tasks laid down in this Decision and were essential for the proper performance of those tasks;

— all supporting documents supporting for the costs are available for audit purposes;

— no other Community contribution was requested for this programme.

Date: .....

Person financially responsible: .....

Signature: .....

III

(Acts adopted under the EU Treaty)

ACTS ADOPTED UNDER TITLE V OF THE EU TREATY

COUNCIL JOINT ACTION 2007/517/CFSP

of 16 July 2007

amending and extending Joint Action 2006/623/CFSP on the establishment of a EU team to contribute to the preparations of the establishment of a possible international civilian mission in Kosovo, including a European Union Special Representative component (ICM/EUSR Preparation Team)

THE COUNCIL OF THE EUROPEAN UNION,

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

Whereas:

(1) On 15 September 2006 the Council adopted Joint Action 2006/623/CFSP [1], which expires on 31 July 2007.

(2) In the light of the Comprehensive Proposal for the Kosovo Status Settlement, dated 26 March 2007, which provides for an International Civilian Representative in Kosovo, who will also be a European Union Special Representative and who will be supported by an International Civilian Office (ICO) in Kosovo, including a European Union Special Representative component, the ICM/EUSR Preparation Team should be renamed ICO/EUSR Preparation Team.

(3) The mandate of the ICM/EUSR Preparation Team should be amended and extended until 30 November 2007, or until 30 days after the adoption of a new United Nations Security Council Resolution (UNSCR) replacing UNSCR 1244 and endorsing the appointment of an International Civilian Representative, if such new UNSCR is adopted before 1 November 2007.

(4) Joint Action 2006/623/CFSP should be amended and extended accordingly,

HAS ADOPTED THIS JOINT ACTION:

Article 1

Joint Action 2006/623/CFSP is hereby amended as follows:

1. The references to the 'international civilian mission', 'ICM' and the 'ICM/EUSR Preparation Team' shall be read as references to the 'International Civilian Office', 'ICO' and the 'ICO/EUSR Preparation Team' respectively.

2. The following point shall be added to Article 2:

'5. working with the Kosovo authorities, UNMIK and other key international partners in planning for the transition of authority from UNMIK and in preparing for the implementation of the status settlement.'

3. Article 4(1) shall be replaced by the following:

'1. Mr Jonas Jonsson is hereby appointed Head of the ICO/EUSR Preparation Team.'

4. The following subparagraph shall be added to Article 9(1):

'The financial reference amount intended to cover the expenditure related to the ICO/EUSR Preparation Team from 1 August 2007 to 30 November 2007 shall be EUR 1 875 000.'

[1] OJ L 253, 16.9.2006, p. 29. Joint Action as extended by Joint Action 2007/203/CFSP (OJ L 90, 30.3.2007, p. 94).

5. Article 14(2) shall be replaced by the following:

'2. It shall expire on 30 November 2007, or 30 days after the adoption of an UNSCR replacing UNSCR 1244 and endorsing the appointment of an International Civilian Representative, if such new UNSCR is adopted before 1 November 2007.'

Article 2

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

Point 3 of Article 1 shall apply from 1 August 2007.

Article 3

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

Done at Brussels, 16 July 2007.

For the Council
The President
J. SILVA

NOTICE TO READERS

In view of the situation which has arisen following enlargement, some editions of the Official Journal of 27, 29 and 30 December 2006 have been published, in a simplified manner, in the official languages of that date.

It has been decided to republish, as corrigenda and in the Official Journal's traditional presentation, Acts which appear in those Official Journals.

It is for this reason that Official Journals which contain only those corrigenda have been published in the pre-enlargement language versions. The translations of Acts in the languages of the new Member States will be published in a special edition of the *Official Journal of the European Union* comprising texts of the institutions and the European Central Bank adopted prior to 1 January 2007.

Given below is a list of the Official Journals published on 27, 29 and 30 December 2006 and their corresponding corrigenda.

OJ of 27 December 2006	Corrected OJ (2007)
L 370	L 30
L 371	L 45
L 373	L 121
L 375	L 70

OJ of 29 December 2006	Corrected OJ (2007)
L 387	L 34

OJ of 30 December 2006	Corrected OJ (2007)
L 396	L 136
L 400	L 54
L 405	L 29
L 407	L 44
L 408	L 47
L 409	L 36
L 410	L 40
L 411	L 27
L 413	L 50