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Contents

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

REGULATIONS

Commission Regulation (EC) No 1361/2007 of 22 November 2007 establishing the standard import values for determining the entry price of certain fruit and vegetables	1
★ Commission Regulation (EC) No 1362/2007 of 22 November 2007 entering a designation in the register of protected designations of origin and protected geographical indications (Salame Cremona (PGI))	3
Commission Regulation (EC) No 1363/2007 of 22 November 2007 fixing the export refunds on white and raw sugar exported without further processing	9
Commission Regulation (EC) No 1364/2007 of 22 November 2007 fixing the export refunds on syrups and certain other sugar products exported without further processing	11
Commission Regulation (EC) No 1365/2007 of 22 November 2007 fixing the maximum export refund for white sugar in the framework of the standing invitation to tender provided for in Regulation (EC) No 900/2007	13
Commission Regulation (EC) No 1366/2007 of 22 November 2007 establishing that no award shall be made in the framework of the standing invitation to tender of white sugar provided for in Regulation (EC) No 1060/2007	14
Commission Regulation (EC) No 1367/2007 of 22 November 2007 on the issuing of export licences for wine-sector products	15
Commission Regulation (EC) No 1368/2007 of 22 November 2007 fixing the rates of refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex I to the Treaty	16

Commission Regulation (EC) No 1369/2007 of 22 November 2007 fixing the rates of the refunds applicable to certain cereal and rice products exported in the form of goods not covered by Annex I to the Treaty	18
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DIRECTIVES

★ Commission Directive 2007/67/EC of 22 November 2007 amending Council Directive 76/768/EEC, concerning cosmetic products, for the purpose of adapting Annex III thereto to technical progress ⁽¹⁾	22
--	----

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

DECISIONS

Council

2007/754/EC:

★ Decision No 1/2007 of the EU-Tunisia Association Council of 9 November 2007 setting up a Subcommittee on Human Rights and Democracy	24
--	----

2007/755/EC:

★ Council Decision of 19 November 2007 on the appointment of the Special Coordinator of the Stability Pact for south-eastern Europe	28
--	----

Commission

2007/756/EC:

★ Commission Decision of 9 November 2007 adopting a common specification of the national vehicle register provided for under Articles 14(4) and (5) of Directives 96/48/EC and 2001/16/EC (notified under document number C(2007) 5357)	30
--	----

2007/757/EC:

★ Commission Decision of 14 November 2007 on a financial contribution from the Community towards certain measures in the field of animal health and welfare and certain technical and scientific measures	52
--	----

2007/758/EC:

★ Commission Decision of 15 November 2007 allowing Member States to extend provisional authorisations granted for the new active substance boscalid (notified under document number C(2007) 5477) ⁽¹⁾	54
---	----

2007/759/EC:

★ Commission Decision of 19 November 2007 amending Decision 2006/504/EC as regards frequency of controls on peanuts and derived products originating in or consigned from Brazil due to contamination risks of these products by aflatoxins (notified under document number C(2007) 5516) ⁽¹⁾	56
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⁽¹⁾ Text with EEA relevance

III *Acts adopted under the EU Treaty*

ACTS ADOPTED UNDER TITLE V OF THE EU TREATY

★ Council Joint Action 2007/760/CFSP of 22 November 2007 amending and extending Joint Action 2005/190/CFSP on the European Union Integrated Rule of Law Mission for Iraq, EUJUST LEX	58
★ Council Common Position 2007/761/CFSP of 22 November 2007 renewing the restrictive measures imposed against Côte d'Ivoire	61
★ Council Common Position 2007/762/CFSP of 22 November 2007 on participation by the European Union in the Korean Peninsula Energy Development Organisation (KEDO)	62

I

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

REGULATIONS

COMMISSION REGULATION (EC) No 1361/2007

of 22 November 2007

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the

standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto.

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 23 November 2007.

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

Done at Brussels, 22 November 2007.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

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

ANNEX

to Commission Regulation of 22 November 2007 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	IL	125,5
	MA	55,2
	MK	46,0
	TR	87,6
	ZZ	78,6
0707 00 05	JO	196,3
	MA	55,0
	TR	85,5
	ZZ	112,3
0709 90 70	MA	54,3
	TR	110,4
	ZZ	82,4
0709 90 80	EG	342,2
	ZZ	342,2
0805 20 10	MA	63,3
	ZZ	63,3
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	CN	63,3
	HR	55,3
	IL	68,9
	TR	76,9
	UY	83,0
	ZZ	69,5
0805 50 10	AR	64,5
	TR	100,3
	ZA	54,7
	ZZ	73,2
0808 10 80	AR	87,7
	CA	88,9
	CL	86,0
	CN	84,2
	MK	32,9
	US	98,8
	ZA	86,3
	ZZ	80,7
0808 20 50	AR	48,7
	CN	46,6
	TR	145,7
	ZZ	80,3

⁽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 1362/2007

of 22 November 2007

entering a designation in the register of protected designations of origin and protected geographical indications (Salame Cremona (PGI))

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

accordance with the procedure outlined in Article 15(2) of Regulation (EC) No 510/2006.

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs⁽¹⁾, and in particular the third and fourth subparagraphs of Article 7(5) thereof,

Whereas:

- (1) Under Article 6(2) and pursuant to Article 17(2) of Regulation (EC) No 510/2006, Italy's application to register the name 'Salame Cremona' was published in the *Official Journal of the European Union*⁽²⁾.
- (2) Germany and the Netherlands submitted an objection to the registration under Article 7(1) of Regulation (EC) No 510/2006. Germany and the Netherlands indicated in their statements of objection that the conditions laid down in Article 2 of Regulation (EC) No 510/2006 had not been met. In particular, in Germany's view, the link between the product and the region had not been shown. In the view of the Netherlands, the link between the geographical area (of production) in question and the name 'Salame Cremona' had not been shown sufficiently, on the one hand, and on the other hand, in the absence of any additional requirement, limiting the origin of the basic pork ingredients to the north and centre of Italy (or even to the geographical area identified in point 4.3) must be deemed simply a barrier to trade; finally, it is not established in point 4.5 how requiring that Salame Cremona be produced, packaged and sliced only in the area of production is helpful as regards controls and traceability, or in preserving the qualitative characteristics of the product.
- (3) By letters dated 2 March 2006, the Commission asked the Member States concerned to seek agreement among themselves in accordance with their internal procedures.
- (4) Given that no agreement was reached between Italy, Germany and the Netherlands within the designated time frame, the Commission must adopt a decision in

- (5) Following consultation between Italy, Germany and the Netherlands, details have been added to the product specification of the designation in question. In response to the comment from Germany and the Netherlands that the link between the product and the region had not been shown, it has been clearly stated that the link is based on reputation. In response to the second comment from the Netherlands, the restriction regarding the regions from which the basic ingredient may come has been dropped and more details have been included as to specific conditions for the breeding and feeding of the pigs, and the influence of these factors on the characteristics of the final product. Finally, the Italian authorities have argued that it is necessary for control reasons that the product be sliced and packaged in the area. The Italian authorities have also argued that, were the product to be transported in temperature-controlled conditions and sliced 'at a remove in terms of time and space', the organoleptic characteristics of the sausage would be affected. The Dutch authorities have said that they accept these explanations on condition that they be included in the application, which they now have been.
- (6) In the Commission's opinion, the amended version of the product specification is fully in compliance with Regulation (EC) No 510/2006.
- (7) In light of the above, the designation should be entered into the 'Register of protected designations of origin and protected geographical indications'.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Protected Geographical Indications and Protected Designations of Origin,

HAS ADOPTED THIS REGULATION:

Article 1

The designation contained in Annex I to this Regulation shall be entered in the register.

⁽¹⁾ OJ L 93, 31.3.2006, p. 12. Regulation as amended by Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p. 1).

⁽²⁾ OJ C 126, 25.5.2005, p. 14.

Article 2

A summary of the main points of the specification is given in Annex II to this Regulation.

Article 3

This Regulation shall enter into force on the 20th 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, 22 November 2007.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

ANNEX I

Agricultural products intended for human consumption listed in Annex I of the Treaty:

Class 1.2	Meat products (cooked, salted, smoked, etc.)
ITALY	
Salame Cremona (PGI)	

ANNEX II

TEXT OF SUMMARY

COUNCIL REGULATION (EC) No 510/2006 on protected geographical indications and protected designations of origin for agricultural products and foodstuffs

'SALAME CREMONA'

EC No: IT/PGI/005/0265/27.12.2002

PDO (...) PGI (X)

This summary sets out the main points of the product specification for information purposes.

1. Responsible department in the Member State:

Name: Ministero delle politiche agricole alimentari e forestali
Address: Via XX Settembre, 20 — I-00187 ROMA
Tel.: (39) 064 81 99 68/06 46 65 51 04
Fax: (39) 06 42 01 31 26
E-mail: qpa3@politicheagricole.it

2. Group:

Name: Consorzio Salame Cremona
Address: Piazza Cadorna, 6 — I-26100 CREMONA
Tel.: (39) 03 72 41 71
Fax: (39) 03 72 41 73 40
E-mail: info@salamecremona.it
Composition: producers/processors (X) other categories (...)

3. Type of product:

Class 1.2: Meat products

4. Specification:

(Summary of requirements under Article 4(2) of Regulation (EC) No 510/2006)

4.1. Name:

'Salame Cremona'

4.2. Description:

'Salame Cremona' is an uncooked cured and matured sausage product, with the following characteristics when released for consumption:

Physico-morphological characteristics:

- weight of not less than 500 g after maturing
- diameter of not less than 65 mm when prepared
- length of not less than 150 mm when prepared

Chemical and physico-chemical characteristics:

- total protein: min. 20,0 %
- collagen/protein ratio: max. 0,10
- water/protein ratio: max. 2,00

— fat/protein ratio: max. 2,00

— pH: 5,20 or higher

Microbiological characteristics:

— mesophilic total colony units: $> 1 \times 10^7$ per gram, with a prevalence of lactic acid bacteria and *coccus*.

Organoleptic characteristics:

— appearance: cylindrical, with irregular features

— consistency: the product should be compact and tender

— appearance on slicing: slices are compact and homogenous, with typical binding of fragments of muscle and fat, the edges of which are not clearly visible (so called 'smelmato' appearance). There is no visible gristle.

— colour: deep red

— odour: typical spicy fragrance.

4.3. Geographical area:

The area where Salame Cremona is manufactured comprises the following regions: Lombardy, Emilia Romagna, Piedmont and Veneto.

4.4. Proof of origin:

As regards controls on the origin certification of PGI production, proof that the Salame Cremona originates from the restricted geographical area is certified by the inspection body referred to in point 7 on the basis of the various formalities which the producers fulfil throughout the production cycle. The main features of these formalities, which ensure traceability of the product at each stage in the process and are followed by the producers, are as follows:

— inclusion on an *ad hoc* list kept by the inspection body referred to in point 7 below;

— declaration to the inspection body of the quantities of Salame Cremona produced annually;

— keeping of appropriate Salame Cremona production registers.

4.5. Method of production:

The production process may be summed up as follows: the basic ingredients for PGI production must come from pigs treated according to a series of provisions governing feed composition and feeding practice. Among the pigs that may be used are the traditional Large White Italiana and Landrace Italiana breeds, as improved by the Italian herdbook (Libro Genealogico Italiano), or the progeny of boars of such breeds; the progeny of boars of the Duroc Italiana breed, as improved by the Italian herdbook; the progeny of boars of other breeds or cross-bred boars provided they come from selection or crossing schemes whose purposes are compatible with those of the Italian herd book for the production of heavy pigs.

The pigs are sent for slaughter between the end of their ninth month and their fifteenth month. The average weight of each pig sent for slaughter must lie between 144 kg and 176 kg.

The pork used in the sausage consists of muscle tissue from carcasses and pieces of striated muscle and fat.

Ingredients: salt, spices, peppercorns and roughly milled pepper, garlic crushed and worked into the mixture.

Other ingredients (if any): still white or red wine, sugar and/or dextrose and/or fructose and/or lactose, starter ferment, sodium and/or potassium nitrite, ascorbic acid and sodium salt.

The use of mechanically recovered meat is prohibited.

Preparation: the pieces of muscle and fat are carefully trimmed, with removal of the larger bits of connective tissue, soft fat, lymph nodes and nerves. The meat is ground in mincers using blades with 6 mm holes. During mincing, the meat must be at a temperature higher than 0 °C; the meat is salted during slaughter; the other ingredients and flavourings are added to the minced meat. The ingredients are mixed in a vacuum machine or at atmospheric pressure for a long period. Salame Cremona is packed into natural porcine, bovine, equine or ovine casings of an initial diameter of 65 mm or more. The sausage is tied off manually or mechanically with string. The product may be kept in storage chambers for up to one day at a temperature between 2 °C and 10 °C. The product is warm-dried at a temperature of between 15 °C and 25 °C.

Maturing takes place in premises where there is adequate air circulation at a temperature between 11 °C and 16 °C for a period of at least five weeks. The period of maturing varies, according to the initial diameter of the casing.

Salame Cremona may be released for consumption by the piece, in vacuum packs or in protective atmosphere packs, whole or in thick or thin slices.

Producers who wish to use the PGI must respect the rules deposited with the European Union in every particular.

Production, packaging and slicing must be carried out under the supervision of the control body referred to in Article 7 of the specification, exclusively in the production area defined in Article 3 of the specification, in order to permit checks and ensure traceability and preserve the product's quality features.

If the product were to be packaged outside the geographical area specified in the specification, it would be impossible to guarantee continuous controls on all the producers, which would mean that there were serious loopholes in the PGI certification system. With such loopholes it would no longer be possible to guarantee that the name was being used correctly, which would be in the interests neither of the producers nor of the consumer. In other words, not ensuring that packaging operations were subject to controls would lead directly to the elimination of two other basic elements: the guarantee of a consistent level of quality, which is checked in the course of each control operation, and the guarantee of origin, that is the assurance of perfect traceability throughout each stage of processing, including packaging.

In addition, authorising packaging outside the traditional geographical area would also jeopardise the quality of Salame Cremona, given that the product would be transported in temperature controlled conditions and sliced 'at a remove in terms of both time and space', which would affect the organoleptic characteristics of the sausage.

4.6. *Link:*

Salame Cremona is a very well-known product with a long-established reputation, as is clear from its traditional presence in agricultural and food fairs in the Po valley, and its wide distribution on the major national and international markets, which itself justifies the application for it to be recognised as a protected geographical indication. This is confirmed by the appearance of Salame Cremona on lists of the main agri-food products with designation of Italian origin, in annexes on the protection of geographical designations of origin to bilateral agreements between Italy and other European countries (Germany, France, Austria, Spain) from the 1950s to the 1970s.

The production of salame is very closely linked with local pig breeding establishments, which go back to Roman times. Salame Cremona is also closely connected with its environment, resulting from the growth, first in the Cremona area and then across the whole Po river plain, of pig-breeding alongside cheese-making and maize-growing.

The excellent synergy between traditional production methods and the area in question, which is characterised by a climate prone to fog and not too windy, gives Salame Cremona its unique — and thus distinctive — softness, tenderness and spicy aroma.

The production area has soils typical of alluvial regions and has been used for pig raising for many centuries, first on family farms and then on an increasingly commercial scale. The production area is made up of very uniform countryside in this part of the Po plain: completely flat, crossed by rivers and canals and marked by crop products, particularly grassland and maize. Throughout the production area autumns and winters are fairly harsh, and very wet and foggy, while springs are mild and rainy and in summers there are quite high temperatures and frequent short, and very often heavy, rainy periods.

However, all this would not have been enough to produce the distinctive quality necessary for Salame Cremona without the human factor: over time, highly specific techniques of preparation and maturing of salame have been perfected in the production area.

Even today, Salame Cremona is produced according to processes that fully respect tradition, whilst applying new production technology.

The environmental factor (the climate) and the human factor (the highly specialised technical capacity of the various groups of skilled workers producing Salame Cremona), are still nowadays basic and irreplaceable in the specificity and reputation of the product.

The main historical records, clearly and precisely mentioning the origin of the product and its link with the region, go back to 1231 and are preserved in the Cremona official archives. They confirm the existence of trade in pigs and meat products between the Cremona region and neighbouring states. Documents from the time of the Renaissance that are included in the 'litterarum' and the 'fragmentorum' bear irrefutable testimony to the presence, but above all the importance, of 'sausage' in the production area identified in the specification. Accounts of the visit of bishop Cesare Speciano (1599-1606) to convents in the region mention that it was customary to distribute a certain quantity of sausage on 'days when meat was eaten'.

Still today, Salame Cremona plays an increasingly important role in the main agri-food fairs in Lombardy and the Po valley. Socio-economic sources refer to the presence of a number of producers specialising in the processing of pork who established themselves throughout the Po plain because this activity so perfectly complements the dairy and cheese industry and cereal (mainly maize) production.

4.7. *Inspection body:*

Name: Istituto Nord Est Qualità
Address: Via Rodeano, 71 — I-33038 SAN DANIELE DEL FRIULI (UD)
Tel.: (39) 04 32 94 03 49
Fax: (39) 04 32 94 33 57
E-mail: info@ineq.it

4.8. *Labelling:*

The label must bear, in clear, indelible letters larger than those of any other words on the label, the words 'Salame Cremona', and the words 'Indicazione Geografica Protetta' and/or 'IGP' (PGI). This second term must also be translated into the language of the country in which the product is marketed.

It is prohibited to add any other description not expressly provided for.

However, references to the name of a person or company, or a private mark, are permitted, as long as they do not constitute praise of the product and are not such as to mislead the consumer.

The label must also bear the Community symbol referred to in Article 1 of Commission Regulation (EC) No 1726/98 ⁽¹⁾.

⁽¹⁾ OJ L 224, 11.8.1998, p. 1.

COMMISSION REGULATION (EC) No 1363/2007**of 22 November 2007****fixing the export refunds on white and raw sugar exported without further processing**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Article 32 of Regulation (EC) No 318/2006 provides that the difference between prices on the world market for the products listed in Article 1(1)(b) of that Regulation and prices for those products on the Community market may be covered by an export refund.
- (2) Given the present situation on the sugar market, export refunds should therefore be fixed in accordance with the rules and certain criteria provided for in Articles 32 and 33 of Regulation (EC) No 318/2006.

- (3) The first subparagraph of Article 33(2) of Regulation (EC) No 318/2006 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund according to destination.
- (4) Refunds should be granted only on products that are allowed to move freely in the Community and that comply with the requirements of Regulation (EC) No 318/2006.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 23 November 2007.

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

Done at Brussels, 22 November 2007.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 58, 28.2.2006, p. 1. Regulation as last amended by Commission Regulation (EC) No 247/2007 (OJ L 69, 9.3.2007, p. 3).

ANNEX

Export refunds on white and raw sugar exported without further processing applicable from 23 November 2007 ^(a)

Product code	Destination	Unit of measurement	Amount of refund
1701 11 90 9100	S00	EUR/100 kg	28,88 ⁽¹⁾
1701 11 90 9910	S00	EUR/100 kg	28,88 ⁽¹⁾
1701 12 90 9100	S00	EUR/100 kg	28,88 ⁽¹⁾
1701 12 90 9910	S00	EUR/100 kg	28,88 ⁽¹⁾
1701 91 00 9000	S00	EUR/1 % sucrose × 100 kg of net product	0,3140
1701 99 10 9100	S00	EUR/100 kg	31,40
1701 99 10 9910	S00	EUR/100 kg	31,40
1701 99 10 9950	S00	EUR/100 kg	31,40
1701 99 90 9100	S00	EUR/1 % sucrose × 100 kg of net product	0,3140

NB: The destinations are defined as follows:

S00 — All destinations with the exception of:

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

^(a) The amounts set out in this Annex are not applicable with effect from 1 February 2005 pursuant to Council Decision 2005/45/EC of 22 December 2004 concerning the conclusion and application of the Agreement between the European Economic Community and the Swiss Confederation of 22 July 1972 as regards the provisions applicable to processed agricultural products (OJ L 23, 26.1.2005, p. 17).

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

COMMISSION REGULATION (EC) No 1364/2007**of 22 November 2007****fixing the export refunds on syrups and certain other sugar products exported without further processing**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

- (5) Export refunds may be set to cover the competitive gap between Community and third country's exports. Community exports to certain close destinations and to third countries granting Community products a preferential import treatment are currently in a particular favourable competitive position. Therefore, refunds for exports to those destinations should be abolished.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 23 November 2007.

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

Done at Brussels, 22 November 2007.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 58, 28.2.2006, p. 1. Regulation as last amended by Commission Regulation (EC) No 247/2007 (OJ L 69, 9.3.2007, p. 3).

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

ANNEX

Export refunds on syrups and certain other sugar products exported without further processing applicable from 23 November 2007 ^(a)

Product code	Destination	Unit of measurement	Amount of refund
1702 40 10 9100	S00	EUR/100 kg dry matter	31,40
1702 60 10 9000	S00	EUR/100 kg dry matter	31,40
1702 60 95 9000	S00	EUR/1 % sucrose × 100 kg of net product	0,3140
1702 90 30 9000	S00	EUR/100 kg dry matter	31,40
1702 90 60 9000	S00	EUR/1 % sucrose × 100 kg of net product	0,3140
1702 90 71 9000	S00	EUR/1 % sucrose × 100 kg of net product	0,3140
1702 90 99 9900	S00	EUR/1 % sucrose × 100 kg of net product	0,3140 ⁽¹⁾
2106 90 30 9000	S00	EUR/100 kg dry matter	31,40
2106 90 59 9000	S00	EUR/1 % sucrose × 100 kg of net product	0,3140

NB: The destinations are defined as follows:

S00 — All destinations with the exception of:

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

^(a) The amounts set out in this Annex are not applicable with effect from 1 February 2005 pursuant to Council Decision 2005/45/EC of 22 December 2004 concerning the conclusion and application of the Agreement between the European Economic Community and the Swiss Confederation of 22 July 1972 as regards the provisions applicable to processed agricultural products (OJ L 23, 26.1.2005, p. 17).

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

COMMISSION REGULATION (EC) No 1365/2007**of 22 November 2007****fixing the maximum export refund for white sugar in the framework of the standing invitation to tender provided for in Regulation (EC) No 900/2007**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

(1) Commission Regulation (EC) No 900/2007 of 27 July 2007 on a standing invitation to tender to determine refunds on exports of white sugar for the 2007/2008 marketing year ⁽²⁾ requires the issuing of partial invitations to tender.

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

in response to the partial invitation to tender ending on 22 November 2007, it is appropriate to fix a maximum export refund for that partial invitation to tender.

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

HAS ADOPTED THIS REGULATION:

Article 1

For the partial invitation to tender ending on 22 November 2007, the maximum export refund for the product referred to in Article 1(1) of Regulation (EC) No 900/2007 shall be 36,395 EUR/100 kg.

Article 2

This Regulation shall enter into force on 23 November 2007.

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

Done at Brussels, 22 November 2007.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 58, 28.2.2006, p. 1. Regulation as last amended by Commission Regulation (EC) No 247/2007 (OJ L 69, 9.3.2007, p. 3).

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

COMMISSION REGULATION (EC) No 1366/2007**of 22 November 2007****establishing that no award shall be made in the framework of the standing invitation to tender of white sugar provided for in Regulation (EC) No 1060/2007**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

- (2) Pursuant to Article 4(1) of Regulation (EC) No 1060/2007 and following an examination of the tenders submitted in response to the partial invitation to tender ending on 21 November 2007, it is appropriate to decide that no award shall be made for that partial invitation to tender.

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

HAS ADOPTED THIS REGULATION:

Article 1

For the partial invitation to tender ending on 21 November 2007, for the product referred to in Article 1(1) of Regulation (EC) No 1060/2007, no award shall be made.

Article 2

This Regulation shall enter into force on 23 November 2007.

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

Done at Brussels, 22 November 2007.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 58, 28.2.2006, p. 1.

⁽²⁾ OJ L 11, 18.1.2007, p. 4.

COMMISSION REGULATION (EC) No 1367/2007
of 22 November 2007
on the issuing of export licences for wine-sector products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 883/2001 of 24 April 2001, laying down detailed rules for implementing Council Regulation (EC) No 1493/1999 as regards trade with third countries in products in the wine sector⁽¹⁾, and in particular Article 7 and Article 9(3) thereof,

Whereas:

- (1) Article 63(7) of Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine⁽²⁾, limits the grant of export refunds for wine-sector products to the volumes and expenditure contained in the Agreement on Agriculture concluded during the Uruguay Round multilateral trade negotiations.
- (2) Article 9 of Regulation (EC) No 883/2001 lays down the conditions under which the Commission may take specific measures to prevent an overrun of the quantity laid down or the budget available under the said Agreement.
- (3) On the basis of information on export licence applications available to the Commission on 21 November

2007, the quantity still available for the period until 15 January 2008, for destination zones (1) Africa, referred to in Article 9(5) of Regulation (EC) No 883/2001, could be exceeded unless the issue of export licences with advance fixing of the refund is restricted. Therefore, a single percentage for the acceptance of applications submitted from 16 to 20 November 2007 should be applied and the submission of applications and the issue of licences suspended for this zone until 16 January 2008,

HAS ADOPTED THIS REGULATION:

Article 1

1. Export licences with advance fixing of the refund for wine-sector products for which applications are submitted from 16 to 20 November 2007 under Regulation (EC) No 883/2001 shall be issued in concurrence with 61,39 % of the quantities requested for zone (1) Africa.

2. The issue of export licences for wine-sector products referred to in paragraph 1 for which applications are submitted from 21 November 2007 and the submission of export licence applications from 23 November 2007 for destination zone (1) Africa shall be suspended until 16 January 2008.

Article 2

This Regulation shall enter into force on 23 November 2007.

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

Done at Brussels, 22 November 2007.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 128, 10.5.2001, p. 1. Regulation as last amended by Regulation (EC) No 1211/2007 (OJ L 274, 18.10.2007, p. 5).

⁽²⁾ OJ L 179, 14.7.1999, p. 1. Regulation as last amended by Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p. 1).

COMMISSION REGULATION (EC) No 1368/2007
of 22 November 2007

fixing the rates of refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex I to the Treaty

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 23 November 2007.

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

Done at Brussels, 22 November 2007.

For the Commission

Heinz ZOUREK

Director-General Enterprise and Industry

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

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

ANNEX

Rates of refunds applicable from 23 November 2007 to certain products from the sugar sector exported in the form of goods not covered by Annex I to the Treaty ⁽¹⁾

CN code	Description	Rate of refund in EUR/100 kg	
		In case of advance fixing of refunds	Other
1701 99 10	White sugar	31,40	31,40

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

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

COMMISSION REGULATION (EC) No 1369/2007**of 22 November 2007****fixing the rates of the refunds applicable to certain cereal and rice products exported in the form of goods not covered by Annex I to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 23 November 2007.

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

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

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

⁽⁴⁾ OJ L 275, 29.9.1987, p. 36.

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

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

Done at Brussels, 22 November 2007.

For the Commission
Heinz ZOUREK
Director-General Enterprise and Industry

ANNEX

Rates of the refunds applicable from 23 November 2007 to certain cereals and rice products exported in the form of goods not covered by Annex I to the Treaty (*)

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

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

(EUR/100 kg)

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

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

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

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

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

DIRECTIVES

COMMISSION DIRECTIVE 2007/67/EC

of 22 November 2007

amending Council Directive 76/768/EEC, concerning cosmetic products, for the purpose of adapting Annex III thereto to technical progress

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 76/768/EEC of 27 July 1976 on the approximation of the laws of the Member States relating to cosmetic products⁽¹⁾, and in particular Article 8(2) thereof,

After consulting the Scientific Committee on Consumer Products,

Whereas:

(1) According to the assessment strategy for hair dye substances, it was agreed with the Member States and stakeholders that the date of July 2005 would be appropriate for the submission to the Scientific Committee on Consumer Products (SCCP) of the additional information on the hair dye substances listed in Part 2 of Annex III to Directive 76/768/EEC.

(2) Commission Directive 2006/65/EC of 19 July 2006 amending Council Directive 76/768/EEC, concerning cosmetic products, for the purpose of adapting Annexes II and III thereto to technical progress⁽²⁾, extended until 31 December 2007 the provisional use of fifty six hair dye substances listed in Part 2 of Annex III.

(3) For 14 hair dye substances listed in Part 2 of Annex III to Directive 76/768/EEC additional information has not been submitted. Therefore their use in hair dye products was banned by Directive 2007/54/EC.

(4) For 42 hair dye substances listed in Part 2 of Annex III to Directive 76/768/EEC additional information has been submitted by the industry. This information is currently being evaluated by the SCCP. Definitive regulation of those hair dye substances, on the basis of such evaluations, and its implementation into the laws of Member States will take place at the latest by the 31 December 2009. Therefore, their provisional use in cosmetic products under the restrictions and conditions laid down in Part 2 of Annex III thereto should be extended until 31 December 2009.

(5) Annex III to Directive 76/768/EEC should therefore be amended accordingly.

(6) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Cosmetic Products,

HAS ADOPTED THIS REGULATION:

Article 1

In reference numbers 3, 4, 5, 6, 7, 9, 10, 11, 12, 14, 16, 18, 19, 20, 21, 22, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, 36, 37, 38, 39, 44, 47, 48, 49, 50, 55, 56, 57, 58, 59, and 60 of column g in Part 2 of Annex III to Directive 76/768/EEC, the date '31.12.2007' is replaced by '31.12.2009'.

Article 2

1. Member States shall adopt and publish, by 31 December 2007 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

They shall apply those provisions from 1 January 2008.

⁽¹⁾ OJ L 262, 27.9.1976, p. 169. Directive as last amended by Commission Directive 2007/54/EC (OJ L 226, 30.8.2007, p. 21).

⁽²⁾ OJ L 198, 20.7.2006, p. 11.

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

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

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 22 November 2007.

For the Commission
Günter VERHEUGEN
Vice-President

II

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

DECISIONS

COUNCIL

DECISION No 1/2007 OF THE EU-TUNISIA ASSOCIATION COUNCIL

of 9 November 2007

setting up a Subcommittee on Human Rights and Democracy

(2007/754/EC)

THE EU-TUNISIA ASSOCIATION COUNCIL,

Having regard to the Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and the Tunisian Republic, of the other part (hereinafter referred to as the 'Association Agreement'),

Whereas:

(1) Respect for democratic principles, human rights and fundamental freedoms forms an integral and essential part of the framework governing relations between the European Union (EU) and its Mediterranean partners.

(2) These matters are an essential component of the Association Agreement. They will be duly discussed in the various bodies provided for by the Agreement.

(3) The neighbourhood policy sets ambitious aims, based on a mutually recognised commitment to shared values encompassing democracy, the rule of law and respect for and promotion of human rights in their entirety, including the right to development.

(4) The EU's relations with the southern Mediterranean countries are becoming increasingly dynamic as a result of the implementation of Euro-Mediterranean Agreements, Neighbourhood Action Plans and the continuation of the Euro-Mediterranean partnership. The implementation of the Euro-Mediterranean partnership's priorities with each country and the approximation of the legislation of these countries relating to those priorities need to be monitored regularly.

(5) Relations and cooperation with the Mediterranean countries can be developed in a way that takes account of the EU's competencies, the need for the whole Barcelona Process to be coherent and balanced and the specificities and requirements of each Mediterranean country.

(6) The Association Council has already decided to set up subcommittees of the EU-Tunisian Association Committee to provide an appropriate institutional framework for implementing and enhancing cooperation.

(7) Article 84 of the Association Agreement provides for the setting up of the working groups or bodies necessary for the implementation of the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

1. The Subcommittee on Human Rights and Democracy is hereby set up within the EU-Tunisia Association Committee (hereinafter referred to as the 'Association Committee').

Its rules of procedure are set out in the Annex.

2. Issues within the remit of the Subcommittee may also be addressed at higher levels in the political dialogue between the European Union and Tunisia.

3. The Association Committee shall propose to the Association Council any other action needed to ensure that the Subcommittee operates properly.

Article 2

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

Done at Brussels, 9 November 2007.

For the EU-Tunisia Association Council

L. AMADO

ANNEX

Rules of Procedure of the Subcommittee on Human Rights and Democracy**1. Composition and chair**

The Subcommittee on Human Rights and Democracy (hereinafter referred to as the 'Subcommittee') shall be composed of representatives of the Commission and the Member States, of the one part, and representatives of the Government of the Tunisian Republic, of the other part. It shall be chaired alternately by the two parties.

2. Role

The Subcommittee shall work under the authority of the EU-Tunisia Association Committee (hereinafter referred to as the 'Association Committee'), to which it shall report after each meeting. The Subcommittee shall have no decision-making power. It may, however, submit proposals to the Association Committee.

3. Topics

The Subcommittee shall examine the implementation of the EU-Tunisia Association Agreement in the sectors listed below. It shall also serve as the principal technical mechanism for monitoring the implementation of human rights and democracy measures under the EU-Tunisia Neighbourhood Policy Action Plan. It shall assess progress on the approximation and implementation of laws. Where relevant, cooperation between public administrations may be discussed in accordance with the Neighbourhood Policy Action Plan. The Subcommittee shall evaluate progress in the sectors listed below and shall propose steps that might be taken:

- (a) the rule of law and democracy, including strengthening democracy and the rule of law, the independence of the courts, access to justice and the modernisation of the legal system;
- (b) implementing the principal international conventions on human rights and fundamental freedoms, including consideration of the possibility of accession to optional protocols to those conventions;
- (c) strengthening of national administrative and institutional capacity.

The above list is not exhaustive and other relevant subjects may be added by the Association Committee following agreement by both parties.

A meeting of the Subcommittee may discuss matters relating to one, several or all of the above sectors.

4. Secretariat

An official of the European Commission and an official of the Government of the Tunisian Republic shall act jointly as permanent secretaries of the Subcommittee and shall be in charge of the preparation for its meetings.

5. Meetings

The Subcommittee shall meet at least once a year. A meeting may be convened on a request from either party. The permanent secretary of the requesting party will pass the request on to the other party. Upon receipt of a request, the permanent secretary of the other party shall reply within 15 working days.

Each meeting of the Subcommittee shall be held at a time and place agreed by the two parties.

The meetings shall be convened for each party by its permanent secretary in agreement with the chair. Before each meeting, the chair will be informed of the composition of each party's delegation.

If the two parties agree, the Subcommittee may commission reports in order to obtain specific information on previously agreed topics.

6. *Agenda for meetings*

All proposals from either of the two parties for items to be entered on the Subcommittee's agenda shall be forwarded to the Subcommittee permanent secretaries.

The provisional agenda shall include items for which the permanent secretaries have received requests for entry on the agenda at least fifteen days before the meeting.

The provisional agenda for each meeting shall be drawn up by the chair in consultation with the other party at least 10 days before the meeting.

Supporting documentation must be received by both parties at least seven days before the meeting. These periods may be reduced, provided both parties agree.

The agenda shall be adopted by the Subcommittee at the beginning of each meeting.

7. *Minutes*

Minutes shall be taken and agreed by both permanent secretaries after each meeting. A copy of the minutes shall be forwarded by the permanent secretaries of the Subcommittee to the secretaries and chair of the Association Committee.

8. *Publication*

The meetings of the Subcommittee shall not be public and minutes of those meetings shall be confidential.

COUNCIL DECISION
of 19 November 2007
on the appointment of the Special Coordinator of the Stability Pact for south-eastern Europe
(2007/755/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1080/2000 of 22 May 2000 on support for the United Nations Interim Mission in Kosovo (UNMIK), the Office of the High Representative in Bosnia and Herzegovina (OHR) and the Stability Pact for south-eastern Europe (SP) ⁽¹⁾, and in particular Article 1a thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) On 10 June 1999 the Foreign Ministers of the Member States of the European Union and the Commission of the European Communities, together with the other participants in the Stability Pact for south-eastern Europe, agreed to establish a Stability Pact for south-eastern Europe, hereinafter called the 'Stability Pact'.
- (2) Article 1a of Regulation (EC) No 1080/2000 provides for the Special Coordinator of the Stability Pact to be appointed on an annual basis.
- (3) It is necessary to establish, together with the appointment, a mandate for the Special Coordinator. The mandate laid down in Council Decision 2006/921/EC of 11 December 2006 on the appointment of the Special Coordinator of the Stability Pact for south-eastern Europe ⁽²⁾ for 2006 is appropriate. Further to the conclusions of the Stability Pact's Regional Table held in Zagreb on 10 May 2007, the south-east European Cooperation Process (SEECP) Ministerial and Summit meetings held on 10 and 11 May 2007, as well as the Council Conclusions of May 2007 calling upon the Special Coordinator of the Stability Pact, the new Secretary-General and the Bulgarian SEECP Chairmanship in Office to

ensure a smooth and timely final hand-over from the Stability Pact to the new structures, this mandate includes a special emphasis on the requirements of the transition to regional ownership and the need to ensure a smooth and timely hand-over to the Secretary-General of the Regional Cooperation Council (RCC) until the end of the mandate.

- (4) It is appropriate to lay down clear lines of responsibility as well as guidance on coordination and reporting,

HAS DECIDED AS FOLLOWS:

Article 1

Dr Erhard BUSEK is hereby appointed Special Coordinator of the Stability Pact for south-eastern Europe.

Article 2

The Special Coordinator shall carry out the functions provided for in point 13 of the Stability Pact of 10 June 1999.

Article 3

In order to achieve the objective referred to in Article 2, the mandate of the Special Coordinator shall be to:

- (a) promote achievement of the Pact's objectives within, and between, the individual countries, where the Pact proves to have an added value;
- (b) chair the south-eastern Europe Regional Table;
- (c) maintain close contact with all participants and facilitating States, organisations and institutions of the Stability Pact, as well as relevant regional initiatives and organisations, with a view to fostering regional cooperation and enhancing regional ownership;
- (d) cooperate closely with all institutions of the European Union and with its Member States in order to promote the role of the European Union in the Pact in accordance with points 18, 19, and 20 of the Stability Pact and to ensure complementarity between the work of the Stability Pact and the Stabilisation and Association Process;

⁽¹⁾ OJ L 122, 24.5.2000, p. 27. Regulation as amended by Regulation (EC) No 2098/2003 (OJ L 316, 29.11.2003, p. 1).

⁽²⁾ OJ L 351, 13.12.2006, p. 19.

- (e) meet periodically and collectively as appropriate with the Chairs of the Working Tables to ensure strategic overall coordination and act as the secretariat of the South-Eastern Europe Regional Table and its instruments;
- (f) work on the basis of a list, agreed in advance and in consultation with the participants in the Stability Pact, of priority actions for the Stability Pact to implement in the first half of 2008, and adjust the working methods and structures of the Stability Pact to the needs of the transition to regional ownership, ensuring consistency and efficient use of resources;
- (g) facilitate the implementation of the transition to regional ownership in accordance with the conclusions of the Regional Table on 30 May 2006 and to this purpose work closely with the south-east European Cooperation Process, the Regional Cooperation Council and its Secretary-General; particular attention shall be given to the establishment of the Regional Cooperation Council and of its secretariat; special emphasis shall be put on the streamlining of the various Task Forces and initiatives of the Stability Pact;
- (h) ensure a smooth and timely hand-over to the Secretary-General of the Regional Cooperation Council and the closing down of remaining administrative operations of the Stability Pact.

Article 4

The Special Coordinator shall conclude a financing agreement with the Commission.

Article 5

The activities of the Special Coordinator shall be coordinated with those of the Secretary-General of the Council/High Representative for the CFSP, the Presidency of the Council and the Commission, notably in the framework of the Informal Consultative Committee. In the field, close liaison shall be maintained with the Presidency of the Council, the Commission, the Member States' Heads of Mission, the Special Representatives of the European Union, as well as with the Office of the High Representative in Bosnia and Herzegovina and the United Nations Civil Administration in Kosovo.

Article 6

The Special Coordinator shall report, as appropriate, to the Council and the Commission. He shall continue to inform the European Parliament regularly about his activities.

Article 7

This Decision shall take effect on the day following its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2008 to 30 June 2008.

Done at Brussels, 19 November 2007.

For the Council

The President

L. AMADO

COMMISSION

COMMISSION DECISION

of 9 November 2007

adopting a common specification of the national vehicle register provided for under Articles 14(4) and (5) of Directives 96/48/EC and 2001/16/EC

(notified under document number C(2007) 5357)

(2007/756/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 96/48/EC of 23 July 1996 on the interoperability of the trans-European high-speed rail system ⁽¹⁾, and in particular Articles 14(4) and (5) thereof,

Having regard to Directive 2001/16/EC of 19 March 2001 of the European Parliament and of the Council on the interoperability of the trans-European conventional rail system ⁽²⁾, and in particular Articles 14(4) and (5) thereof,

Whereas:

- (1) Where Member States authorise the placing in service of rolling stock, they have to ensure that an identification code is assigned to each individual vehicle. This code should then be entered in a national vehicle register (hereafter NVR). This register must be accessible for consultation by authorised representatives from competent authorities and stakeholders. The different national registers should be consistent as regards data contents and data formatting. This requires their establishment on the basis of common operational and technical specifications.
- (2) The common specifications for the NVR should be adopted on the basis of the draft specification prepared by the European Railway Agency (hereafter the Agency). These draft specifications should include in particular the definition of: the content, the functional and technical architecture, the data format, the operating modes, including rules for data input and consultation.
- (3) This Decision has been prepared on the basis of the recommendation of the Agency No ERA/REC/INT/01-2006 dated 28 July 2006.

The NVR of a Member State should contain all vehicles authorised in that Member State. However freight wagons and passenger cars should be only registered in the NVR of the Member State where they are first placed in service.

- (4) A standard form should be used for purposes of vehicles registration, confirmation of registration, alteration of registration item(s) and confirmation of the change(s).
- (5) Each Member State should establish a computer-based NVR. All NVRs should be linked to a central Virtual Vehicle Register (hereafter VVR) managed by the Agency in order to establish the register of documents on interoperability provided for Article 19 of Regulation (EC) No 881/2004 ⁽³⁾. The VVR should allow users to search all NVRs through a single portal and enable exchange of data between national NVRs. However, for technical reasons, the link to the VVR cannot be set up immediately. Therefore, Member States should only be required to connect their NVRs to the central VVR once the effective functioning of the VVR has been demonstrated. To this end, the Agency will carry out a pilot project.
- (6) According to item No 8 of the minutes of the meeting No 40 of the Regulatory Committee established under Article 21 of Directive 2001/16/EC, all existing vehicles should be registered in the NVR of the Member State where they were formerly registered. The transfer of data should take into account an adequate transition period and data availability.
- (7) In accordance with Article 14(4)(b) of Directive 96/48/EC and Article 14(4)(b) of Directive 2001/16/EC, the NVR should be kept and updated by a body independent of any railway undertaking. Member States should inform the Commission and the other Member States of the body which they have designated for this purpose, *inter alia*, in order to facilitate the exchange of information between these bodies.

⁽¹⁾ OJ L 235, 17.9.1996, p. 6. Directive as last amended by Commission Directive 2007/32/EC (OJ L 141, 2.6.2007, p. 63).

⁽²⁾ OJ L 110, 20.4.2001, p. 1. Directive as last amended by Commission Directive 2007/32/EC.

⁽³⁾ OJ L 164, 30.4.2004, p. 1, as corrected by OJ L 220, 21.6.2004, p. 3.

- (8) Some Member States have an extensive 1 520 mm gauge network operating a fleet of wagons that is common to the Commonwealth of Independent States (CIS) countries. This has resulted in a common registration system that is an important element of the interoperability and safety of this 1 520 mm network. This specific situation should be recognized and specific rules established to avoid lack of consistency in the EU- and CIS-related obligations for the same vehicle.
- (9) The rules laid down in Annex P of the TSI on traffic operations and management are applicable with regard to the numbering system of vehicles for the purpose of registration in the NVR. The Agency will develop a guide for the harmonised application of these rules.
- (10) The measures provided for in this Decision are in accordance with the opinion of the Committee established under Article 21 of Directive 96/48/EC,

HAS ADOPTED THIS DECISION:

Article 1

The common specifications of the National Vehicle Register in accordance with Article 14(5) of Directive 96/48/EC and Article 14(5) of Directive 2001/16/EC, as set out in the Annex, are hereby adopted.

Article 2

When registering vehicles after the entry into force of this Decision, Member States shall use the common specifications laid down in the Annex.

Article 3

Member States shall register existing vehicles as provided for in section 4 of the Annex.

Article 4

1. In accordance with Article 14(4)(b) of Directive 96/48/EC and Article 14(4)(b) of Directive 2001/16/EC, Member States

shall designate a national body which shall be responsible for the keeping and updating of the National Vehicle Register. This body can be the National Safety Authority of the Member State concerned. Member States shall ensure that these bodies cooperate and share information in order to ensure that data changes are communicated in a timely manner.

2. Member States shall inform the Commission and the other Member States, within one year of the entry into force of this decision, of the body designated in accordance with paragraph 1.

Article 5

1. Rolling stock placed in service for the first time in Estonia, Latvia or Lithuania and intended to be used outside the European Union as part of common 1 520 mm rail system wagons fleet shall be registered in both the NVR and the Information Database of the Council of Railway Transport of the Commonwealth of Independent States. In this case, the 8-digit numbering system may be applied instead of the numbering system specified in the Annex.

2. Rolling stock placed in service for the first time in a third country and intended to be used inside the European Union as part of the common 1 520 mm rail system wagons fleet shall not be registered in the NVR. However, in conformity with article 14(4) of Directive 2001/16/EC, it must be possible to retrieve information listed in Article 14(5)(c), (d) and (e) from the Information Database of the CIS Council of Railway Transport.

Article 6

This Decision is addressed to the Member States.

Done at Brussels, 9 November 2007.

For the Commission

Jacques BARROT

Vice-President

ANNEX

1. DATA

The following list presents the proposed data format of the NVR.

The item numbering follows the logic of the proposed standard registration form in Appendix 4.

In addition, field(s) for comments may be added such as identification of vehicles under investigation (see Section 3.4).

1.	European Vehicle Number	Compulsory
Content	Numeric identification code as defined in Annex P of the TSI on 'traffic operation and management' (hereafter OPE TSI) ⁽¹⁾ .	
Format	1.1. Number	12 digit (*)
	1.2. Previous number (if applicable, for renumbered vehicle)	12 digit (*)
2.	Member State and NSA	Compulsory
Content	Identification of the Member State and NSA where the vehicle has been authorised. For vehicles coming from a third country, the MS where it was authorised.	
Format	2.1. Member State numeric code as defined in Annex P of OPE TSI	a 2-digit code
	2.2. Name of the NSA	Text
3.	Manufacturing year	Compulsory
Content	The year in which the vehicle left the factory.	
Format	3. Manufacturing year	YYYY
4.	EC reference	Compulsory
Content	References to the 'EC' declaration of verification and the issuing body (the contracting entity).	
Format	4.1. Date of the declaration	Date
	4.2. EC reference	Text
	4.3. Name of the issuing body (contracting entity)	Text
	4.4. Registered business number	Text
	4.5. Address of the organisation, street and number	Text
	4.6. Town	Text
	4.7. Country code	ISO
	4.8. Postcode	Alphanumeric code

⁽¹⁾ On 11 August 2006, the Commission adopted Decision 2006/920/EC concerning the technical specification of interoperability relating to the subsystem 'Traffic Operation and Management' of the trans-European conventional rail system (notified on 14 August 2006). The corresponding TSI for High-Speed is expected to be adopted in 2007 and uses the same numbering system.

^(*) According to Article 5.1 of this Decision, the 8-digit numbering system of the Council of Railway Transport of the Commonwealth of Independent States might also apply.

5.	Reference to the Register of Rolling Stock	Compulsory
Content	Reference to the entity in charge of the register of RS ⁽¹⁾ .	
Format	5.1. Entity in charge of the register	Text
	5.2. Address of the entity, street and number	Text
	5.3. Town	Text
	5.4. Country code	ISO
	5.5. Postcode	Alphanumeric code
	5.6. E-mail address	E-mail
	5.7. Reference allowing the retrieval of the relevant technical data of the Rolling Stock register	Alphanumeric code
6.	Restrictions	Compulsory
Content	Any restrictions on how the vehicle may be used.	
Format	6.1. Coded restrictions (see Appendix 1)	Code
	6.2. Non-coded restrictions	Text
7.	Owner	Optional
Content	Identification of the owner of the vehicle.	
Format	7.1. Name of the organisation	Text
	7.2. Registered business number	Text
	7.3. Address of the organisation, street and number	Text
	7.4. Town	Text
	7.5. Country code	ISO
	7.6. Postcode	Alphanumeric code
8.	Keeper	Compulsory
Content	Identification of the keeper of the vehicle.	
Format	8.1. Name of the organisation	Text
	8.2. Registered business number	Text
	8.3. Address of the organisation, street and number	Text
	8.4. Town	Text
	8.5. Country code	ISO
	8.6. Postcode	Alphanumeric code
	8.7. VKM – optional	Alphanumeric code

⁽¹⁾ The registers provided for in Article 22a of Directive 96/48/EC and Article 24 of Directive 2001/16/EC.

9.	Entity in charge of maintenance	Compulsory
Content	Reference to the entity in charge of the maintenance ⁽¹⁾ .	
Format	9.1. Entity in charge of the maintenance	Text
	9.2. Address of the entity, street and number	Text
	9.3. Town	Text
	9.4. Country code	ISO
	9.5. Postcode	Alphanumeric code
	9.6. E-mail address	E-mail
10.	Withdrawal	Compulsory when applicable
Content	Date of official scrapping and/or other disposal arrangement and the code for the withdrawal mode.	
Format	10.1. Mode of disposal (see Appendix 3)	2-digit code
	10.2. Withdrawal date	Date
11.	MS where the vehicle is authorised	Compulsory
Content	List of the MS where the vehicle is authorised.	
Format	11. Member State numeric code as defined in Annex P.4 of OPE TSI	List
12.	Authorisation number	Compulsory
Content	Harmonised authorisation number for placing in service, generated by NSA.	
Format	12. Authorisation number	Alphanumeric code based on EIN, see Appendix 2.
13.	Authorisation of placing in service	Compulsory
Content	Date of authorisation for placing in service ⁽²⁾ of the vehicle and its validity.	
Format	13.1. Date of the authorisation	Date (YYYYMMDD)
	13.2. Authorisation valid until	Date (included)
	13.3. Suspension of authorisation	Yes/No

2. ARCHITECTURE

2.1. Links with other registers

Several registers are being set up as a consequence of the new EU regulatory regime. The table below summarises which registers and databases might have links with the NVR when they are implemented.

⁽¹⁾ This entity can be the Railway Undertaking using the vehicle, a subcontractor to it, or the keeper.

⁽²⁾ Authorisation delivered in accordance with Article 14 of Directive 96/48/EC or Directive 2001/16/EC.

Register or Databases	Entity responsible for	Other entities having access to
NVR (Interoperability Directives)	RE ⁽¹⁾ /NSA	Other NSA/RE/RU/IM/IB/RB/Keeper/ Owner/ERA/OTIF
RRS (Interoperability Directives)	To be decided by Member States	RU/IM/NSA/ERA/OTIF/Keeper/ Workshops
RSRD (TAF TSI & SEDP)	Keeper	RU/IM/NSA/ERA/Keeper/Workshops
WIMO (TAF TSI & SEDP)	Not yet decided	RU/IM/NSA/ERA/Keeper/Workshops/ User
Railway rolling stock registry ⁽²⁾ (Cape Town Convention)	Registrar	Public
OTIF register (COTIF '99 — ATMF)	OTIF	Competent Authorities/RU/IM/IB/RB/ Keeper/Owner/ERA/OTIF Sec.

It is not possible to wait for the development of all registers for implementing the NVR. Therefore the specification of the NVR must allow for later interfacing with the other registers. To this end:

- RRS: reference is made to this in the NVR, by mentioning the entity responsible for the RRS. The key for linking both registers shall be item No 5.7,
- RSRD: this includes some 'administrative' items of the NVR. Under specification within the TAF TSI SEDP. The SEDP shall take account of the NVR specification,
- WIMO: this includes data from RSRD and maintenance data. No link with the NVR is foreseen,
- VKMR: this should be managed by ERA and OTIF in cooperation (ERA for the EU and OTIF for all non-EU OTIF Member States). The keeper is recorded in the NVR. The TSI OPE specifies other global central registers (such as vehicle type codes, interoperability codes, country codes, etc.) that should be managed by a 'central body' resulting from a cooperation of ERA and OTIF,
- railway rolling stock registry (Cape Town Convention): this is a registration of financial information related to mobile equipment. This register may be developed as a result of the Diplomatic conference to be held in February 2007. There is a possible link because the UNIDROIT register needs information on the vehicle number and owner. The key for linking both registers shall be the EVN,
- OTIF register: the OTIF register will be specified taking account of this Decision and the other EU registers.

The definition of the architecture of the whole system, as well as the links between the NVR and the other registers, will be specified in such a way so as to allow retrieval of the requested information when necessary.

2.2. The EU global NVR architecture

The NVR registers shall be implemented by means of a decentralised solution. The objective is to implement a search engine on distributed data, using a common software application, which allows Users to retrieve data from all the Local Registers (LR) in the Member States.

NVR data is stored at national level and will be accessible by using a web-based application (with its own web address).

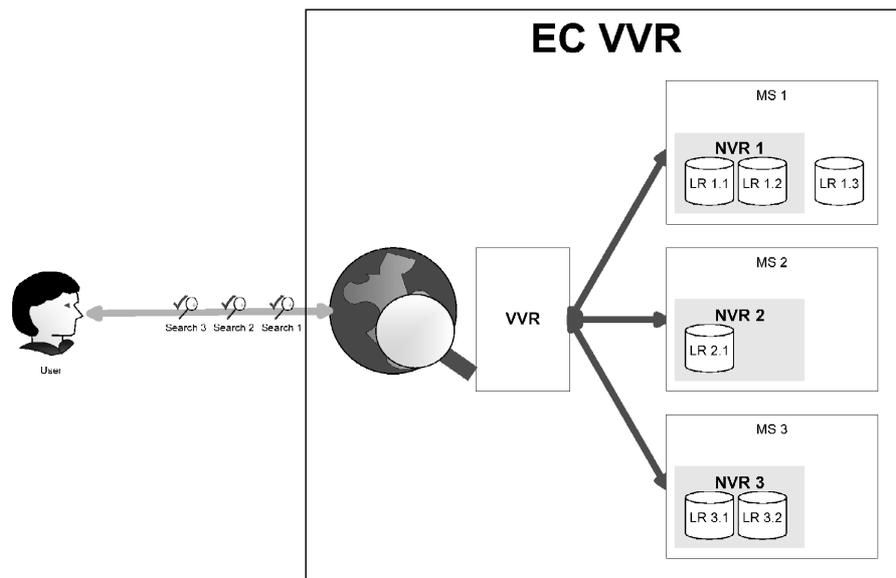
⁽¹⁾ The registration entity (hereafter RE) is the entity designated by each Member State, in accordance with Article 14(4)(b) of Directive 96/48/EC and Article 14(4)(b) of Directive 2001/16/EC, for keeping and updating the NVR.

⁽²⁾ As provided for in the Draft Protocol to the convention on international interests in mobile equipment on matters specific to railway rolling stock.

The European Centralised Virtual Vehicle Register (EC VVR) is composed of two subsystems:

- the Virtual Vehicle Register (VVR), which is the central search engine in ERA,
- the National Vehicle Register(s) (NVR), which are the LR in the MS,

Figure 1
EC-VVR architecture



This architecture is based on two complementary subsystems that enable searches on data which are stored locally in all MS and consists of:

- establishing computerised registers at the national level and opening them to cross-consultation,
- replacing paper registers by computerised records. This will allow the MS to manage and share information with other MS,
- allowing connections between the NVRs and the VVR, using common standards and terminology.

The main principles of this architecture are:

- all NVRs will become part of the computer-based network system,
- all MS when accessing the system will view the common data,
- double registration of data and the related possible errors will be avoided once the VVR has been established,
- up-to-date data.

This architecture will be implemented through the following steps:

- adoption of this Decision,
- implementation of a pilot project by the Agency, including the VVR with at least three Member States' NVRs connected to it, including a successful connection of an existing NVR using a translation engine,
- evaluation of the pilot project and, where appropriate, updating of this decision,

- publication by the Agency of the specification to be used by Member States to connect their NVRs with the central VVR,
- as a last step, by a separate decision and following an evaluation of the pilot project, the connection of all national NVRs to the central VVR.

3. OPERATING MODE

3.1. **The use of the NVR**

The NVR shall be used with the following purposes:

- record of authorisation,
- record of the EVN allocated to vehicles,
- looking for Europe-wide, brief information related to a particular vehicle,
- follow up legal aspects like obligations and juridical information,
- information for inspections mainly related to safety and maintenance,
- enable contact with the owner and keeper,
- cross-check some safety requirements before issuing Safety Certificate,
- follow up a particular vehicle.

3.2. **Application forms**

3.2.1. **Application for registration**

The form to be used is in Appendix 4.

The entity applying for a vehicle registration ticks in the box corresponding to 'New registration'. It then fills in the first part of the form with all the necessary information from item 2 to item 9 & item 11 and then forwards it to the:

- RE of the MS where registration is sought,
- RE of the first MS where it intends to operate for a vehicle coming from a third country.

3.2.2. **Registering a vehicle and issuing a European Vehicle Number.**

In the case of first registration, the RE concerned issues the European Vehicle number.

It is possible to have an individual registration form per vehicle or a single form for a whole set of vehicles of the same series or order attached with a list of the vehicle numbers.

The RE shall take reasonable steps to ensure the accuracy of the data it enters in the NVR. To this end the RE can request information from other REs, in particular when the entity applying for registration in a Member State is not established in that Member State.

3.2.3. **Changing one or more registration item(s)**

The entity applying for a change of its vehicle registration item(s):

- ticks in the box corresponding to 'Modification',
- fills in the actual EVN (item No 0),

- ticks in the box related to the modified item(s),
- indicates the new content of the modified item(s), and then forwards the form to the RE of any Member State where the vehicle is registered.

The use of the standard form might not be sufficient for certain cases. If necessary, the RE concerned may, therefore use additional documents, either paper or electronic.

Should a keeper change, it is the responsibility of the keeper currently registered to notify the RE and the RE has to notify the new keeper of the change of registration. The former keeper is only removed from the NVR and relieved of his responsibilities when the new keeper has acknowledged the acceptance of keeper status.

Should an owner change, it is the responsibility of the owner currently registered to notify the RE. Then the former owner will be removed from the NVR. The new owner may request his details to be entered into the NVR.

Following the registration of changes, the NSA may deliver a new authorisation number and in some cases a new EVN.

3.2.4. **Withdrawal of registration**

The entity applying for a withdrawal of registration ticks in the box corresponding to 'Withdrawal'. It then fills in the item No 10 and forwards it to the RE of any Member State where the vehicle is registered.

The RE delivers the withdrawal registration by filling in the date of withdrawal and acknowledging the withdrawal to the said entity.

3.2.5. **Authorisation in several Member States**

When a vehicle already authorised and registered in one Member State is authorised in another Member State, it needs to be registered in the NVR of the latter Member State. However, in this case, only data related to Items 1, 2, 6, 11, 12 and 13 have to be recorded, as these data only relate to the latter Member State.

As long as the VVR and the link with all NVRs are not fully operational, the Registration Entities concerned shall exchange information in order to ensure that data relating to the same vehicle is consistent.

Freight wagons and passenger cars are only registered in the NVR of the Member State where they are first placed in service.

3.3. **Access rights**

The access rights to data of a NVR from a given MS 'XX' are listed in the table below, in which the access codes are defined as follows:

Access code	Type of access
0.	No access
1.	Restricted consultation (conditions in column 'Read rights')
2.	Unrestricted consultation
3.	Restricted consultation and updating
4.	Unrestricted consultation and updating

Each RE shall have full access and update rights only for the data in its own database. Therefore, the access coding is shown as 3.

Entity	Definition	Read rights	Update rights	Item No 7	All other items
RE/NSA'XX'	Registration Entity/ NSA in MS 'XX'	All data	All data	4	4
Other NSA/REs	Other NSAs and/or other Registration Entities.	All data	None	2	2
ERA	European Railway Agency	All data	None	2	2
Keepers	Vehicle Keeper	All data of vehicles for which he is keeper	None	1	1
Fleet managers	Managing vehicles as appointed by the Keeper	Vehicles for which he has been appointed by the keeper	None	1	1
Owners	Owner of the vehicle	All data of vehicles for which he is owner	None	1	1
RUs	Train Operator	All data based on vehicle number	None	0	1
IMs	Infrastructure Manager	All data based on vehicle number	None	0	1
IBs and RBs	Checking and auditing bodies notified by MS	All data for vehicles being checked or audited	None	2	2
Other legitimate users	All casual users recognised by NSA or ERA	To define occasional, duration could be limited	None	0	1

3.4. Historical records

All data in the NVR must be retained for 10 years from the date a vehicle is withdrawn and de-registered. As a minimum, for the first three years data must be available online. After three years data may be kept either electronically, in paper form or any other archival system. If at any time during the 10-year period an investigation involving a vehicle or vehicles is started, data relating to these vehicles must be retained beyond the 10-year period if so required.

Any changes in the NVR should be recorded. The management of the historical changes could be solved by IT technical functions.

4. EXISTING VEHICLES

4.1. Considered data content

Each of the 13 retained items have been considered in order to specify which of them are compulsory and which are not.

4.1.1. Item No 1 — European Vehicle Number (Compulsory)

a) Case of vehicles already numbered with a 12-digit identification

Countries where there is a unique country code: the vehicles should keep their current number. The 12-digit number should be registered as such without any modification.

Countries where there are both a main country code and a specific code allocated formerly:

- Germany with the main country code 80 and the specific code 68 for AAE (Ahaus Alstätter Eisenbahn),
- Switzerland with the main country code 85 and the specific code 63 for BLS (Bern-Lötschberg-Simplon Eisenbahn),
- Italy with the main country code 83 and the specific code 64 for FNME (Ferrovie Nord Milano Esercizio),
- Hungary with the main country code 55 and the specific code 43 for GySEV/ROeEE (Győr-Sopron-Ebenfurti Vasút Részvénytársaság/Raab-Ödenburg-Ebenfurter Eisenbahn).

The vehicles should keep their current number. The 12-digit number should be registered as such without any modification ⁽¹⁾.

The IT system has to consider both codes (main country code and specific code) as related to the same country.

b) *Case of vehicles used in international traffic without a 12-digit identification*

A two-step procedure should apply:

- to allocate in the NVR a 12-digit number (according to OPE TSI) that shall be defined according to the vehicle's characteristics. The IT system should link this registered number to the current vehicle number,
- to physically apply the 12-digit number to the vehicle itself within a period of six years,

c) *Case of vehicles used in domestic traffic without a 12-digit identification*

The above mentioned procedure might apply for vehicles used solely in domestic traffic on a voluntary basis.

4.1.2. **Item No 2 — Member State and NSA (compulsory)**

The item 'Member State' must always refer to the MS where the vehicle is being registered in its NVR. The item 'NSA' refers to the entity which has delivered the authorisation of placing the vehicle in service.

4.1.3. **Item No 3 — Manufacturing Year**

Where the manufacturing year is not known precisely the approximate year should be entered.

4.1.4. **Item No 4 — EC Reference**

Normally such a reference does not exist for existing vehicles except with a handful of HS RS. To be recorded only if available.

4.1.5. **Item No 5 — Reference to the RRS**

To be recorded only if available.

4.1.6. **Item No 6 — Restrictions**

To be recorded only if available.

4.1.7. **Item No 7 — Owner**

To be recorded only if available and/or required.

4.1.8. **Item No 8 — Keeper (compulsory)**

Normally available and compulsory.

⁽¹⁾ However any new vehicles placed in service for AAE, BLS, FNME and GySEV/ROeEE should be given the standard country code.

4.1.9. **Item No 9 — Entity in charge of maintenance**

This item is compulsory.

4.1.10. **Item No 10 — Withdrawal**

Applicable as such.

4.1.11. **Item No 11 — MS where the Vehicle is authorised**

Normally RIV wagons, RIC coaches and vehicles under bilateral or multilateral agreements are registered as such. If this information is available it should be recorded accordingly.

4.1.12. **Item No 12 — Authorisation number**

To be recorded only if available.

4.1.13. **Item No 13 — Placing in service (compulsory)**

Where the date of placing into service is not known precisely, the approximate year should be entered.

4.2. **Procedure**

The entity which was previously responsible for vehicle registration should make all information available to the NSA or RE of the country where it is located.

Existing freight wagons and passenger cars should only be registered in the NVR of the Member State where the former registration entity was located.

If an existing vehicle had been authorised in several Member States, the RE which registers this vehicle shall send the relevant data to the REs of the other Member States concerned.

The NSA or RE takes over the information in its NVR.

The NSA or RE informs all the involved parties when the information transfer is completed. At least the following entities should be informed:

- the entity previously responsible for vehicle registration,
- the keeper,
- ERA.

4.3. **Transition period**

4.3.1. **Making registration information available to NSA**

The former registering entity responsible for vehicle registration should make all required information available according to an agreement between itself and the RE. The data transfer should be done at least within 12 months following the Commission's decision. If possible electronic format should be used.

4.3.2. **Vehicles used in international traffic**

The RE of each MS should take these vehicles into its NVR within two years, at the latest, after the Commission's decision.

See also 4.1.1 (b)

4.3.3. **Vehicles used in domestic traffic**

The RE of each MS should take these vehicles into its NVR within three years, at the latest, after the Commission's decision.

Appendix 1

RESTRICTIONS CODING

1. PRINCIPLES

Restrictions (technical characteristics) already recorded in other Registers to which access is given to NSAs do not need to be repeated in the NVR.

Acceptance in cross-border traffic is based on:

- the information coded in the vehicle number,
- the alphabetical coding,
- and the vehicle marking.

Therefore such information does not need to be repeated in the NVR.

2. STRUCTURE

The codes structured for three levels:

- 1st level: Category of restriction,
- 2nd level: Type of restriction,
- 3rd level: Value or specification.

Restriction coding

Cat	Type	Value	Name
1			Technical restriction related to construction
	1	Numeric (3)	Minimum curve radius in meters
	2	—	Track circuit restrictions
	3	Numeric (3)	Speed restrictions in Km/h (Marked on wagons and coaches but not marked on locos)
2			Geographical restriction
	1	Alphanumeric (3)	Kinematic gauge (coding WAG TSI annex C)
	2	Coded list	Wheelset gauge
		1	Variable gauge 1435/1520
		2	Variable gauge 1435/1668
	3	—	No CCS on board
	4	—	ERTMS A on board
	5	Numeric (3)	B System on board (*)

Cat	Type	Value	Name
3			Environmental restrictions
	1	Coded list	Climatic zone EN50125/1999
		1	T1
		2	T2
		3	T3
4			Restrictions on use included in the authorisation certificate
	1	—	Time based
	2	—	Condition based (distance travelled, wear, etc.)

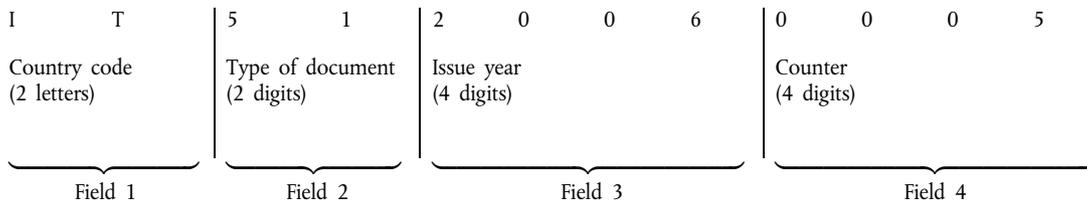
- (*) If the vehicle is equipped with more than one B system, an individual code for each system shall be indicated.
The numeric code is composed of three characters where:
- 1xx is used for a vehicle equipped with a signalling system
 - 2xx is used for a vehicle equipped with radio
 - Xx corresponds to the numerical coding of Annex B to the CCS TSI

Appendix 2

STRUCTURE AND CONTENT OF THE EIN

Code for the harmonised numbering system, called European Identification Number (EIN), for Safety Certificates and other documents

Example:



FIELD 1 — COUNTRY CODE (2 LETTERS)

The codes are those officially published and updated on the European website in the *Interinstitutional style guide* (<http://publications.eu.int/code/en/en-5000600.htm>)

State	Code	State	Code	State	Code
Austria	AT	Hungary	HU	Poland	PL
Belgium	BE	Iceland	IS	Portugal	PT
Bulgaria	BG	Ireland	IE	Romania	RO
Cyprus	CY	Italy	IT	Slovak Republic	SK
Czech Republic	CZ	Latvia	LV	Slovenia	SI
Denmark	DK	Liechtenstein	LI	Spain	ES
Estonia	EE	Lithuania	LT	Sweden	SE
Finland	FI	Luxembourg	LU	Switzerland	CH
France	FR	Norway	NO	United Kingdom	UK
Germany	DE	Malta	MT		
Greece	EL	Netherlands	NL		

The code for multinational safety authorities should be composed in the same way. Currently there is only one authority: the Channel Tunnel Safety Authority. It is proposed to use the following code:

Multinational safety authority	Code
Channel Tunnel Safety Authority	CT

FIELD 2 — TYPE OF DOCUMENT (2 DIGIT NUMBER)

Two digits allow identifying the type of document:

- the first digit identifies the general classification of the document,
- the second digit specifies the subtype of document.

With the need for other codes this numbering system can be extended. The following is the proposed list of known, possible combinations of two digit numbers extended with the proposal for authorisation for placing in service of vehicles:

Number combination for field 2	Document Type	Subtype of document
[0 1]	Licences	Licences for RUs
[0 x]	Licences	Others
[1 1]	Safety Certificate	Part A
[1 2]	Safety Certificate	Part B
[1 x]	Safety Certificate	Others
[2 1]	Safety Authorisation	Part A
[2 2]	Safety Authorisation	Part B
[2 x]	Safety Authorisation	Others
[3 x]	reserved e.g. maintenance for rolling stock, for infrastructure or others	
[4 x]	reserved for Notified Bodies	e.g. different kinds of Notified Bodies
[5 1] and [5 5] (*)	Authorisation for placing in service	Tractive rolling stock
[5 2] and [5 6] (*)	Authorisation for placing in service	Hauled passenger vehicles
[5 3] and [5 7] (*)	Authorisation for placing in service	Wagons
[5 4] and [5 8] (*)	Authorisation for placing in service	Special vehicles
[6 x] ... [9 x]	Reserved (4 document types)	Reserved (10 subtypes each)

(*) If the 4 digits foreseen for field 4 'Counter' is fully used within a year, the first two digits of field 2 will move respectively from:

- [5 1] to [5 5] for tractive rolling stock,
- [5 2] to [5 6] for hauled passenger vehicles,
- [5 3] to [5 7] for wagons,
- [5 4] to [5 8] for special vehicles.

FIELD 3 — ISSUE YEAR (4 DIGIT NUMBER)

This field indicates the year (in the specified format yyyy, i.e. 4 digits) in which the authorisation has been issued.

FIELD 4 — COUNTER

The counter shall be a progressive number to be incremented by one unit each time a document is issued, regardless if it is a new, renewed or updated/amended authorisation. Even in the case when a certificate is revoked or an authorisation is suspended, the number to which it refers cannot be used again.

Every year the counter shall restart from zero.

Appendix 3

WITHDRAWAL CODING

Code	Withdrawal mode	Description
00	None	The vehicle has a valid registration.
10	Registration suspended No reason specified	The vehicle's registration is suspended at the request of the owner or keeper or by a decision of the NSA or RE.
11	Registration suspended	The vehicle is destined for storage in working order as an inactive or strategic reserve.
20	Registration transferred	The vehicle is known to be re-registered under a different number or by a different NVR, for continued use on (a whole or part of the) European railway network.
30	De-registered No reason specified	The vehicle's registration for operating on the European railway network has ended without known re-registration.
31	De-registered	The vehicle is destined for continued use as a rail vehicle, outside the European railway network.
32	De-registered	The vehicle is destined for the recovery of major interoperable constituents/modules/spares or major rebuilding.
33	De-registered	The vehicle is destined for scrapping and disposal of materials (including major spares) for recycling.
34	De-registered	The vehicle is destined as 'historic preserved rolling stock' for operation on a segregated network, or for static display, outside the European railway network.

Use of codes

- If the reason for withdrawal is not specified, codes 10, 20 & 30 shall be used to indicate the change of registration status,
- If the reason for withdrawal is available: codes 11; 31; 32; 33 & 34 are options available within the NVR database. These codes are based solely on information provided by the keeper or owner to the RE.

Registration issues

- A vehicle with registration suspended or de-registered may not operate on the European railway network under the recorded registration,
- A reactivation of a registration shall require a re-authorisation by the NSA, under conditions related to the cause or reason for the suspension and de-registration,
- A transfer of registration takes place within the framework set by EU-Directives for vehicle approval and authorisation for putting into service.

Appendix 4

STANDARD FORM FOR REGISTRATION

Standard form for registration of authorised vehicles ⁽¹⁾

in conformity with Directive 1996/48/EC and 2001/16/EC and applicable national legislation

 Application objective: New registration Modification ⁽²⁾ Withdrawal

INFORMATION ABOUT THE VEHICLE

0. European Vehicle number ⁽³⁾ _ _ _ _ _ - _ _
2. Member State and the competent NSA where the authorisation is sought
- 2.1. Member State: _ _
- 2.2. Name of the NSA:
3. Manufacturing year: _ _ _ _
4. EC reference
- 4.1. Date of the declaration: _ _ _ _ _
- 4.2. EC reference:
- 4.3. Name of the issuing body:
- 4.4. Registered business number:
- Address of the organisation
- 4.5. Street and number:
- 4.6. Town:
- 4.7. Country code: 4.8. Postcode:
5. Reference to the register of rolling stock
- 5.1. Entity in charge of the register:
- Address of the entity
- 5.2. Street and number:
- 5.3. Town:
- 5.4. Country code: 5.5. Postcode:
- 5.6. E-mail address:
- 5.7. Reference to the register of RS:

⁽¹⁾ This form may also be produced electronically.
⁽²⁾ The box before the modified item also has to be ticked.⁽³⁾ Not applicable for the first registration.

Identification of the entity applying for registration:

Date: _ _ _ _ _

Name of the responsible officer and Signature:

SAFETY AUTHORITY REFERENCES

1.1. Allocated European Vehicle number (1) _ _ _ _ _ - _

12. Authorisation number _ _ _ _ _

13. Placing in service

13.1. Date of the authorisation: _ _ _ _ _

13.2. Authorisation valid until: _ _ _ _ _

Date application received: _ _ _ _ _

Date of withdrawal: _ _ _ _ _

(1) It is possible to attach a list for several vehicles of the same series or order.

Appendix 5

GLOSSARY

Abbreviation	Definition
CCS	Control Command System
CIS	Commonwealth of Independent States
COTIF	Convention concerning International Carriage by Rail
CR	Conventional Rail (System)
DB	Database
EC	European Commission
EC VVR	European Centralized Virtual Vehicle Register
EIN	European Identification Number
EN	European Standard (Euro Norm)
EVN	European vehicle number
ERA	European Railway Agency, also referred to as 'the Agency'
ERTMS	European Rail Traffic Management System
EU	European Union
HS	High speed (System)
IB	Investigating Body
ISO	International Organization for Standardization
IM	Infrastructure Manager
INF	Infrastructure
IT	Information Technology
LR	Local Register
MS	Member State of the European Union
NoBo	Notified Body
NSA	National Safety Authority
NVR	National Vehicle Register
OPE (TSI)	Traffic Operation and management (TSI)
OTIF	Intergovernmental Organisation for International Carriage by Rail
RE	Registration Entity, e.g. the body responsible for keeping and updating the NVR

Abbreviation	Definition
RB	Regulatory Body
RIC	Regulations governing the reciprocal use of carriages and brake vans in international traffic
RIV	Regulations concerning the reciprocal use of wagons in international traffic
RS or RST	Rolling Stock
RSRD (TAF)	Rolling Stock Reference Database (TAF)
RU	Railway Undertaking
SEDP (TAF)	Strategic European Deployment Plan (TAF)
TAF (TSI)	Telematic Application for Freight (TSI)
TSI	Technical Specification for Interoperability
VKM	Vehicle Keeper Marking
VKMR	Vehicle Keeper Marking Register
VVR	Virtual Vehicle Register
WAG (TSI)	Wagon (TSI)
WIMO (TAF)	Wagon and Intermodal Operational Database (TAF)

COMMISSION DECISION

of 14 November 2007

on a financial contribution from the Community towards certain measures in the field of animal health and welfare and certain technical and scientific measures

(2007/757/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 Articles 17 and 20 thereof,

Whereas:

(1) Decision 90/424/EEC lays down the procedures governing financial contributions from the Community towards specific veterinary measures, including measures in the field of animal health and welfare and technical and scientific measures.

(2) More particularly, the Community is to make a financial contribution to the establishment of an information policy in the field of animal health and welfare, including the performance of studies necessary for the preparation and development of legislation in the field of animal welfare. The Community is also to undertake, or assist the Member States or international organisations in undertaking, the technical and scientific measures necessary for the development of Community veterinary legislation and for the development of veterinary education or training.

(3) Emerging animal breeding technologies, such as animal cloning conducted by somatic cell nuclear transfer (SCNT), are used for research purposes. SCNT, which is expected to be used in livestock breeding and food production in the future, may have an impact on animal health and animal welfare, but also carries an ethical and societal dimension. It is therefore necessary, in addition to the ongoing consultation of the European Food Safety Authority and the European Groups on Ethics, to carry out an Eurobarometer survey to investigate the attitudes of consumers towards the possible use

of SCNT in the agro-food sector and, in particular, the need for information about the use of the technology in the food chain and ways in which consumers may wish to be informed. The results of the Eurobarometer survey will provide necessary information for the evaluation of the need for Community legislation in this area. A financial contribution from the Community should therefore be granted towards the financing of that survey.

(4) Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97 ⁽²⁾ requires that the Commission establishes a new range of maximum and minimum temperatures for the transport of animals.

(5) In addition, in 2004 the European Food Safety Authority adopted an opinion on standards for microclimate inside animal road transport vehicles ⁽³⁾. It is therefore necessary to establish the temperature conditions under which animals are transported over long journeys in the Community and to carry out a study for that purpose. The study will provide the information necessary for the preparation and development of legislation in the field of animal protection. A financial contribution from the Community should therefore be granted towards the financing of that study.

(6) The Communication from the Commission to the European Parliament and to the Council on a Community Action Plan on the Protection and Welfare of Animals 2006 to 2010 ⁽⁴⁾ calls for full support for the animal welfare activities of international organisations such as the World Organisation for Animal Health (OIE).

(7) In 2005, the OIE adopted guidelines on animal welfare concerning the transport of animals by land and sea, the slaughter of animals for human consumption and the humane killing of animals for disease control. The OIE intends to further develop those guidelines and to take measures to ensure their implementation by OIE member countries, in particular by providing training and guidance.

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

⁽²⁾ OJ L 3, 5.1.2005, p. 1.

⁽³⁾ *The EFSA Journal* (2004), 122, 1-25, Standards for microclimate inside animal road transport vehicles.

⁽⁴⁾ COM(2006) 13 final.

- (8) The planned training and communication events of the OIE are necessary for the development of veterinary legislation in force, and also the development of veterinary education and training, in the participating countries. Such improvements in third countries respond to the wish of the majority of European citizens⁽¹⁾ that the animal welfare conditions in countries exporting to the Community are equivalent to those applied in the Community. The Community should therefore contribute towards the financing of these events.
- (9) The incursion of bluetongue into Belgium, Germany, France, Luxembourg and the Netherlands is unprecedented. To limit the negative consequences of that incursion, it is necessary that the most up-to-date scientific knowledge is made available to veterinarians, in order to enhance the passive clinical surveillance based on rapid identification and notification of suspicions, that constitute an essential part of the bluetongue contingency plans.
- (10) In addition, the OIE and the Community intend to co-edit a booklet on the bluetongue epidemic in those Member States, containing up-to-date information and describing the Community policy on bluetongue control. It is therefore appropriate to make a Community financial contribution to the OIE activities and to finance the edition and publication of that booklet.
- (11) The publication of this booklet will make a significant contribution to the development of the necessary veterinary education and training and will be an essential tool for the development of national and Community bluetongue surveillance programmes that are an important part of bluetongue veterinary legislation.
- (12) The payment of the financial contribution from the Community should be made subject to the condition that the actions planned have actually been carried out and that all necessary information is supplied.

- (13) 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 DECIDED AS FOLLOWS:

Article 1

A Community financial contribution, as provided for in Article 16 of Decision 90/424/EEC, for a Eurobarometer survey on the possible use of animal cloning in the agro-food sector, up to a maximum amount of EUR 250 000, is hereby approved.

Article 2

A Community financial contribution, as provided for in Article 16 of Decision 90/424/EEC, of a study on temperatures under which animals are transported over long journeys, up to a maximum amount of EUR 300 000, is hereby approved.

Article 3

A Community financial contribution, as provided for in Article 19 of Decision 90/424/EEC, for the financing of training seminars on the implementation of the OIE Guidelines on animal welfare, organised by the World Organisation for Animal Health (OIE), up to a maximum amount of EUR 100 000 to the World Animal Health and Welfare Fund, is hereby approved.

Article 4

A Community financial contribution, as provided for in Article 19 of Decision 90/424/EEC, for the edition of approximately 1 800 copies of a booklet on bluetongue, at a maximum rate of 50 % of eligible costs and up to a maximum amount of EUR 10 000 to the World Organisation for Animal Health (OIE), is hereby approved.

Done at Brussels, 14 November 2007.

For the Commission

Markos KYPRIANOU

Member of the Commission

⁽¹⁾ Special Eurobarometer 270: Attitudes of EU citizens towards Animal Welfare, http://ec.europa.eu/food/animal/welfare/survey/sp_barometer_aw_en.pdf, p. 32.

COMMISSION DECISION**of 15 November 2007****allowing Member States to extend provisional authorisations granted for the new active substance boscalid***(notified under document number C(2007) 5477)***(Text with EEA relevance)**

(2007/758/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

91/414/EEC, for the uses proposed by the applicant. The rapporteur Member State submitted the draft assessment report to the Commission on 22 November 2002.

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market ⁽¹⁾, and in particular the fourth subparagraph of Article 8(1) thereof,

- (4) Following submission of the draft assessment report by the rapporteur Member State, it has been found to be necessary to request further information from the applicant and to have the rapporteur Member State examine that information and submit its assessment. Therefore, the examination of the dossier is still ongoing and it will not be possible to complete the evaluation within the timeframe provided for in Directive 91/414/EEC.

Whereas:

(1) In accordance with Article 6(2) of Directive 91/414/EEC, in April 2001 Germany received an application from BASF AG for the inclusion of the active substance boscalid in Annex I to Directive 91/414/EEC. Commission Decision 2002/268/EC ⁽²⁾ confirmed that the dossier was complete and could be considered as satisfying, in principle, the data and information requirements of Annex II and Annex III to that Directive.

- (5) As the evaluation so far has not identified any reason for immediate concern, Member States should be given the possibility of prolonging provisional authorisations granted for plant protection products containing the active substance concerned for a period of 24 months in accordance with the provisions of Article 8 of Directive 91/414/EEC so as to enable the examination of the dossier to continue. It is expected that the evaluation and decision-making process with respect to a decision on possible Annex I inclusion for boscalid will have been completed within 24 months.

(2) Confirmation of the completeness of the dossier was necessary in order to allow it to be examined in detail and to allow Member States the possibility of granting provisional authorisations, for periods of up to three years, for plant protection products containing the active substance concerned, while complying with the conditions laid down in Article 8(1) of Directive 91/414/EEC and, in particular, the condition relating to the detailed assessment of the active substance and the plant protection product in the light of the requirements laid down by that Directive.

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

(3) For this active substance, the effects on human health and the environment have been assessed, in accordance with the provisions of Article 6(2) and (4) of Directive

HAS ADOPTED THIS DECISION:

Article 1

Member States may extend provisional authorisations for plant protection products containing boscalid for a period not exceeding 24 months from the date of adoption of this Decision.

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

⁽²⁾ OJ L 92, 9.4.2002, p. 34.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 15 November 2007.

For the Commission
Markos KYPRIANOU
Member of the Commission

COMMISSION DECISION

of 19 November 2007

amending Decision 2006/504/EC as regards frequency of controls on peanuts and derived products originating in or consigned from Brazil due to contamination risks of these products by aflatoxins*(notified under document number C(2007) 5516)***(Text with EEA relevance)**

(2007/759/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety⁽¹⁾, and in particular Article 53(1)(b)(ii) thereof,

Whereas:

- (1) Commission Decision 2006/504/EC⁽²⁾ establishes special conditions governing certain foodstuffs imported from certain third countries due to contamination risks of these products by aflatoxins.
- (2) The Scientific Committee for Food has noted that aflatoxin B1 is a potent genotoxic carcinogen and, even at extremely low levels, contributes to the risk of liver cancer. Commission Regulation (EC) No 1881/2006 of 19 December 2006 setting maximum levels for certain contaminants in foodstuffs⁽³⁾ lays down permitted maximum levels of aflatoxins in foodstuffs. However, in 2005 and 2006 an increasing number of notifications through the Rapid Alert System for Feed and Food (RASFF) indicated that those maximum levels have been regularly exceeded in peanuts and derived products from Brazil.
- (3) Such contamination constitutes a threat to public health in the Community. It is therefore appropriate to adopt special measures at Community level.

- (4) The Commission Food and Veterinary Office (FVO) carried out a mission in Brazil from 25 April to 4 May 2007 in order to assess the control systems in place to prevent aflatoxin contamination levels in peanuts intended for export to the Community⁽⁴⁾. That mission revealed that the system for control of peanuts exported to the Community is in place but not fully implemented. Therefore the current system does not fully ensure that peanuts exported to the Community comply with the relevant requirements as regards aflatoxin.
- (5) In the interest of public health, the import of peanuts and derived products into the Community from Brazil should be subject to increased frequency of sampling and analysis of aflatoxin levels by the competent authority of the importing Member State, prior to the release of these products onto the market.
- (6) Article 15(5) of the Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules⁽⁵⁾ provides that a list of feed and food of non-animal origin shall be drawn up to be subject to an increased level of official control on the basis of a known or emerging risk. The measures referred to in Article 15(5) of that Regulation will not apply before 2008. For the protection of public health it is appropriate to impose increased frequency of controls as regards aflatoxins in peanuts from Brazil without delay. For the time being, no health certificate issued by the competent authorities of Brazil is required for the import of peanuts and derived products from Brazil.
- (7) Commission Decision 2006/504/EC should therefore be amended accordingly.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

⁽¹⁾ OJ L 31, 1.2.2002, p. 1. Regulation as last amended by Commission Regulation (EC) No 575/2006 (OJ L 100, 8.4.2006, p. 3).

⁽²⁾ OJ L 199, 21.7.2006, p. 21. Decision as last amended by Decision 2007/563/EC (OJ L 215, 18.8.2007, p. 18).

⁽³⁾ OJ L 364, 20.12.2006, p. 5. Regulation as amended by Regulation (EC) No 1126/2007 (OJ L 255, 29.9.2007, p. 14).

⁽⁴⁾ Report of a mission carried out in Brazil from 25 April to 4 May 2007 in order to assess the control systems in place to control aflatoxin contamination in peanuts intended for export into the European Union (DG (SANCO)/7182/2007 — MR).

⁽⁵⁾ OJ L 165, 30.4.2004, p. 1, as corrected by OJ L 191, 28.5.2004, p. 1. Regulation as last amended by Council Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p. 1).

HAS ADOPTED THIS DECISION:

Article 1

Decision 2006/504/EC is amended as follows:

1. In point (a) of the second paragraph of Article 1, the following points (iii), (iv) and (v) are added:

‘(iii) peanuts falling within CN code 1202 10 90 or 1202 20 00;

(iv) peanuts falling within CN code 2008 11 94 (in immediate packings of a net content exceeding 1 kg) or 2008 11 98 (in immediate packings of a net content not exceeding 1 kg);

(v) roasted peanuts falling within CN codes 2008 11 92 (in immediate packings of a net content exceeding 1 kg) or 2008 11 96 (in immediate packings of a net content not exceeding 1 kg);’

2. In Article 3, the following paragraph 9 is added:

‘9. This Article does not apply to the imports of the peanuts referred to in points (a) (iii), (iv) and (v) of the second paragraph of Article 1.’

3. In paragraph 2 of Article 5, point (a) is replaced by the following:

‘(a) each consignment of foodstuffs from Brazil; except for the peanuts referred to in points (a)(iii), (iv) and (v) of the second paragraph of Article 1, where sampling must be carried out on 50 % of such consignments of peanuts from Brazil;’.

4. In Article 7, the following paragraph 3 is added:

‘3. This Article does not apply to the imports of the peanuts referred to in points (a) (iii), (iv) and (v) of the second paragraph of Article 1.’

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 19 November 2007.

For the Commission
Markos KYPRIANOU
Member of the Commission

III

(Acts adopted under the EU Treaty)

ACTS ADOPTED UNDER TITLE V OF THE EU TREATY

COUNCIL JOINT ACTION 2007/760/CFSP**of 22 November 2007****amending and extending Joint Action 2005/190/CFSP on the European Union Integrated Rule of Law Mission for Iraq, EUJUST LEX**

THE COUNCIL OF THE EUROPEAN UNION,

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

Whereas:

(1) On 7 March 2005, the Council adopted Joint Action 2005/190/CFSP on the European Union Integrated Rule of Law Mission for Iraq, EUJUST LEX ⁽¹⁾.

(2) On 25 September 2007, the Political and Security Committee (hereinafter referred to as 'PSC') agreed that EUJUST LEX should be extended for another 18 months after the expiry of the existing mandate on 31 December 2007, until 30 June 2009. This Joint Action should cover the first phase of this extension until 30 April 2008.

(3) On 18 June 2007, the Council approved Guidelines for Command and Control Structure for EU Civilian Operations in Crisis Management. These Guidelines notably provide that a Civilian Operation Commander will exercise command and control at strategic level for the planning and conduct of all civilian crisis management operations, under the political control and strategic direction of the PSC and the overall authority of the Secretary-General/High Representative for the CFSP (hereinafter referred to as 'SG/HR'). These Guidelines further provide that the Director of the Civilian Planning and Conduct Capability (CPCC) established within the Council Secretariat will, for each civilian crisis management operation, be the Civilian Operation Commander.

(4) The abovementioned Command and Control Structure is without prejudice to the contractual responsibilities of the Head of Mission towards the Commission for implementing the budget of the Mission.

(5) The watch-keeping capability established within the Council Secretariat should be activated for this Mission.

(6) Joint Action 2005/190/CFSP should be amended accordingly,

HAS ADOPTED THIS JOINT ACTION:

Article 1

Joint Action 2005/190/CFSP is hereby amended as follows:

1. the following Article shall be inserted:

*'Article 3a***Civilian Operation Commander**

1. The Civilian Planning and Conduct Capability (CPCC) Director shall be the Civilian Operation Commander for EUJUST LEX.

2. The Civilian Operation Commander, under the political control and strategic direction of the PSC and the overall authority of the SG/HR, shall exercise command and control of EUJUST LEX at the strategic level.

3. The Civilian Operation Commander shall ensure proper and effective implementation of the Council's decisions as well as the PSC's decisions, including by issuing instructions at strategic level as required to the Head of Mission.

⁽¹⁾ OJ L 62, 9.3.2005, p. 37. Joint Action as last amended by Joint Action 2006/708/CFSP (OJ L 291, 21.10.2006, p. 43).

4. All seconded staff shall remain under the full command of the national authorities of the sending State or EU institution. National authorities shall transfer Operational Control (OPCON) of their personnel, teams and units to the Civilian Operation Commander.

5. The Civilian Operation Commander shall have overall responsibility for ensuring that the EU's duty of care is properly discharged.;

2. Article 4 shall be replaced by the following:

'Article 4

Head of Mission

1. The Head of Mission shall assume responsibility and exercise command and control of the mission at theatre level.

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

3. The Head of Mission shall issue instructions to all mission staff, including the Brussels Coordinating Office and the Baghdad Liaison Office, for the effective conduct of EUJUST LEX, assuming its coordination and day-to-day management, following the instructions at strategic level of the Civilian Operation Commander.

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

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

6. The Head of Mission shall represent EUJUST LEX and shall ensure appropriate visibility of the Mission.;

3. Article 6(4) shall be replaced by the following:

'4. All staff shall carry out their duties and act in the interest of the Mission. All staff shall respect the security principles and minimum standards established by Council

Decision 2001/264/EC of 19 March 2001 adopting the Council's security regulations (*).

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

4. Article 8 shall be replaced by the following:

'Article 8

Chain of Command

1. EUJUST LEX shall have a unified chain of command, as a crisis management operation.

2. Under the responsibility of the Council, the PSC shall provide the political control and strategic direction of EUJUST LEX.

3. The Civilian Operation Commander, under the political control and strategic direction of the PSC and the overall authority of the SG/HR, shall be the commander of EUJUST LEX at strategic level and, as such, shall issue instructions to the Head of Mission and provide him with advice and technical support.

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

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

5. Article 9 shall be replaced by the following:

'Article 9

Political control and strategic direction

1. The PSC shall exercise, under the responsibility of the Council, the political control and strategic direction of the mission. The Council hereby authorises the PSC to take the relevant decisions in accordance with Article 25 of the Treaty on the European Union. This authorisation shall include the powers to amend the CONOPS and the OPLAN. It shall also include powers to take subsequent decisions regarding the appointment of the Head of Mission. The powers of decision with respect to the objectives and termination of the mission shall remain vested in the Council.

2. The PSC shall report to the Council at regular intervals.
3. The PSC shall receive on a regular basis and as required reports by the Civilian Operation Commander and the Head of Mission on issues within their areas of responsibility;
6. Article 10 shall be replaced by the following:

Article 10

Security

1. The Civilian Operation Commander shall direct the Head of Mission's planning of security measures and ensure their proper and effective implementation for EUJUST LEX in accordance with Articles 3a and 8 and in coordination with the Security Office of the General Secretariat of the Council (hereinafter referred to as "GSC Security Office").
2. The Head of Mission shall be responsible for the security of the operation and for ensuring compliance with minimum security requirements applicable to the operation, in line with the policy of the European Union on the security of personnel deployed outside the EU in an operational capacity under Title V of the Treaty on European Union and its supporting documents.
3. For the elements of the Mission which are carried out in Member States, the host Member State shall take all necessary and appropriate measures to ensure the security of the participants and the trainers on its territory.
4. For the Coordinating Office in Brussels, the necessary and appropriate measures shall be organised by the GSC Security Office in collaboration with the host Member State authorities.
5. Should the training take place in a third State, the EU, with the involvement of the Member States concerned, shall ask the third State's authorities to make the appropriate arrangements regarding the security of the participants and the trainers on its territory.
6. EUJUST LEX shall have a dedicated mission Security Officer reporting to the Head of Mission.

7. The Head of Mission shall consult with the PSC on security issues affecting the deployment of the Mission as directed by the SG/HR.

8. EUJUST LEX staff members shall undergo mandatory security training organised by the GSC Security Office and medical checks prior to any deployment or travel to Iraq.

9. Member States shall endeavour to provide EUJUST LEX, in particular the Liaison Office, with secure accommodation, body armour and close protection within Iraq;

7. the following Article shall be inserted:

Article 13a

Watch-keeping

The watch-keeping capability shall be activated for EUJUST LEX.;

8. the second subparagraph of Article 14 shall be replaced by the following:

'It shall expire on 30 April 2008.'

Article 2

The financial reference amount intended to cover the expenditure related to the mission for the period 1 November 2006 to 30 April 2008 shall be EUR 11,2 million.

Article 3

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

Article 4

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

Done at Brussels, 22 November 2007.

For the Council
The President
 M. PINHO

COUNCIL COMMON POSITION 2007/761/CFSP
of 22 November 2007
renewing the restrictive measures imposed against Côte d'Ivoire

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 15 thereof,

Whereas:

- (1) On 13 December 2004, the Council adopted Common Position 2004/852/CFSP concerning restrictive measures against Côte d'Ivoire⁽¹⁾ in order to implement the measures imposed against Côte d'Ivoire by United Nations Security Council Resolution (UNSCR) 1572(2004).
- (2) On 23 January 2006, the Council adopted Common Position 2006/30/CFSP⁽²⁾ renewing the restrictive measures imposed against Côte d'Ivoire by Common Position 2004/852/CFSP for a further period of 12 months and supplementing them with the restrictive measures imposed by paragraph 6 of UNSCR 1643(2005).
- (3) On 12 February 2007, the Council adopted Common Position 2007/92/CFSP⁽³⁾ renewing the restrictive measures imposed against Côte d'Ivoire until 31 October 2007.
- (4) On 29 October 2007, following a review of the measures imposed by UNSCR 1572(2004) and 1643(2005), the United Nations Security Council adopted UNSCR 1782(2007) renewing the restrictive measures against Côte d'Ivoire until 31 October 2008.

- (5) The measures imposed by Common Position 2004/852/CFSP and Common Position 2006/30/CFSP should therefore be renewed with effect from 1 November 2007 until 31 October 2008 in order to give effect to UNSCR 1782(2007),

HAS ADOPTED THIS COMMON POSITION:

Article 1

The measures imposed by Common Position 2004/852/CFSP and Common Position 2006/30/CFSP shall be applied until 31 October 2008, unless the Council decides otherwise in accordance with any future relevant United Nations Security Council Resolution.

Article 2

This Common Position shall take effect on the date of its adoption.

It shall apply from 1 November 2007 until 31 October 2008.

Article 3

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

Done at Brussels, 22 November 2007.

For the Council
The President
M. PINHO

⁽¹⁾ OJ L 368, 15.12.2004, p. 50. Common Position as last amended by Decision 2006/483/CFSP (OJ L 189, 12.7.2006, p. 23).

⁽²⁾ OJ L 19, 24.1.2006, p. 36.

⁽³⁾ OJ L 41, 13.2.2007, p. 16.

COUNCIL COMMON POSITION 2007/762/CFSP**of 22 November 2007****on participation by the European Union in the Korean Peninsula Energy Development Organisation (KEDO)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 15 thereof,

Whereas:

- (1) On the basis of Council Common Position 2001/869/CFSP of 6 December 2001 on participation by the European Union in the Korean Peninsula Energy Development Organisation (KEDO) ⁽¹⁾, the European Union has participated in the KEDO, in order to contribute to finding an overall solution to the issue of nuclear non-proliferation in the Korean Peninsula.
- (2) On the basis of Council Common Position 2006/244/CFSP of 20 March 2006 on participation by the European Union in the Korean Peninsula Energy Development Organisation (KEDO) ⁽²⁾, the European Union has participated in the process to terminate the light water reactor project and to wind up KEDO in an orderly manner.
- (3) The EU Strategy against Proliferation of Weapons of Mass Destruction, adopted by the European Council on 12 December 2003, attaches particular importance to compliance by all parties with the provisions of the Treaty on the Non-Proliferation of Nuclear Weapons.
- (4) The Executive Board of KEDO decided in May 2007 that KEDO's future activities would be limited to defending its financial and legal interests in an orderly winding up process, to be implemented as soon as possible.
- (5) There is consensus amongst members of the Executive Board of KEDO to continue cooperation with the objective of implementing the termination of the light water reactor project and an orderly winding-up of KEDO.
- (6) To that end, the European Atomic Energy Community (Euratom) has negotiated the renewal of its membership of KEDO with the specific purpose of supporting the

objective of protecting the Community's financial and legal interests in the orderly winding up of KEDO, to be implemented as soon as possible.

- (7) The existing detailed arrangements for the representation of the European Union on the Executive Board of KEDO should be kept in place. In that connection, the Council and the Commission have agreed that if, in spite of its decision of May 2007, the Executive Board of KEDO were to address any new matter falling outside Euratom's competence, it is the Presidency of the Council which should take the floor to express a position on such matters, as determined by the Council.
- (8) Common Position 2006/244/CFSP expired on 31 December 2006 and should be replaced by this Common Position,

HAS ADOPTED THIS COMMON POSITION:

Article 1

The objective of this Common Position is to enable the European Union to protect its interests in the orderly winding up of KEDO, to be implemented as soon as possible, but by 31 May 2012, at the latest.

Article 2

1. For matters falling outside the competence of Euratom, the position of the European Union within the Executive Board of KEDO shall be determined by the Council and expressed by the Presidency.

2. The Presidency shall therefore be fully associated with the proceedings of the Executive Board of KEDO in accordance with this Common Position.

3. The Commission shall regularly report to the Council on the situation of the winding up process, on an annual basis and as the need arises, under the authority of the Presidency assisted by the Secretary-General/High Representative for the CFSP. The reports shall contain detailed information, in particular, on all measures, taken by the Executive Board of KEDO, in order to implement as soon as possible the orderly winding-up of KEDO.

⁽¹⁾ OJ L 325, 8.12.2001, p. 1.

⁽²⁾ OJ L 88, 25.3.2006, p. 73.

Article 3

1. This Common Position shall take effect on the date of its adoption.

It shall apply until 31 May 2008.

2. Subject to Article 4, the application of this Common Position shall be automatically renewed each year on 1 June for a period of one year, unless the Council decides otherwise.

The application of this Common Position may be terminated at any time by the Council, in particular, if it should emerge that any of the political conditions for the participation of the European Union in KEDO is not being complied with (sole objective of winding up KEDO, participation of all current members of KEDO, no financial contribution).

Article 4

This Common Position shall expire on 31 May 2012.

Article 5

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

Done at Brussels, 22 November 2007.

For the Council
The President
M. PINHO
