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⁽¹⁾ Text with EEA relevance

I

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

REGULATIONS

COUNCIL REGULATION (EC, EURATOM) No 337/2007

of 27 March 2007

adjusting from 1 January 2007 the scale applicable to missions by officials and other servants of the European Communities in Bulgaria and Romania

THE COUNCIL OF THE EUROPEAN UNION,

(in EUR)

Having regard to the Treaty establishing the European Community,

Having regard to the Treaty establishing the European Atomic Energy Community,

Having regard to the Staff Regulations of officials and the Conditions of employment of other servants of the European Communities, laid down in Regulation (EEC, Euratom, ECSC) No 259/68⁽¹⁾, and in particular Article 13 of Annex VII thereto,

Having regard to the proposal from the Commission,

Whereas:

Because of the accession of the Republic of Bulgaria and Romania to the European Union on 1 January 2007, the reimbursement to officials and other servants of expenditure incurred on missions in these countries should from that date be subject to the rules set out in Article 13 of Annex VII to the Staff Regulations,

HAS ADOPTED THIS REGULATION:

Destination	Hotel ceiling	Daily allowance
Belgium	140	92
Bulgaria	169	58
Czech Republic	155	75
Denmark	150	120
Germany	115	93
Estonia	110	71
Greece	140	82
Spain	125	87
France	150	95
Ireland	150	104
Italy	135	95
Cyprus	145	93
Latvia	145	66
Lithuania	115	68
Luxembourg	145	92
Hungary	150	72
Malta	115	90
Netherlands	170	93
Austria	130	95
Poland	145	72
Portugal	120	84
Romania	170	52
Slovenia	110	70
Slovakia	125	80
Finland	140	104
Sweden	160	97
United Kingdom	175	101

Article 1

The scale of mission allowances in Article 13(2)(a) of Annex VII to the Staff Regulations is hereby replaced by the following table:

Article 2

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

⁽¹⁾ OJ L 56, 4.3.1968, p. 1. Regulation as last amended by Regulation (EC, Euratom) No 1066/2006 (OJ L 194, 14.7.2006, p. 1).

It shall apply from 1 January 2007.

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

Done at Brussels, 27 March 2007.

For the Council

The President

P. STEINBRÜCK

COMMISSION REGULATION (EC) No 338/2007**of 29 March 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 30 March 2007.

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

Done at Brussels, 29 March 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 386/2005 (OJ L 62, 9.3.2005, p. 3).

ANNEX

to Commission Regulation of 29 March 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	175,4
	MA	101,9
	SN	320,6
	TN	162,2
	TR	123,6
	ZZ	176,7
0707 00 05	JO	171,8
	MA	99,2
	TR	117,3
	ZZ	129,4
0709 90 70	MA	60,6
	TR	109,1
	ZZ	84,9
0709 90 80	EG	242,2
	IL	80,8
	ZZ	161,5
0805 10 20	CU	38,6
	EG	43,5
	IL	49,2
	MA	49,9
	TN	53,5
	TR	53,8
	ZZ	48,1
0805 50 10	IL	62,2
	TR	52,4
	ZZ	57,3
0808 10 80	AR	84,9
	BR	78,1
	CA	101,7
	CL	84,3
	CN	78,3
	NZ	114,6
	US	110,9
	UY	78,7
	ZA	82,6
ZZ	90,5	
0808 20 50	AR	70,6
	CL	117,6
	CN	54,5
	ZA	77,0
	ZZ	79,9

⁽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 339/2007**of 29 March 2007****fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex I to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

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

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

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

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

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

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

(8) The Management Committee for Milk and Milk Products has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

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

⁽¹⁾ OJ L 160, 26.6.1999, p. 48. Regulation as amended by Commission Regulation (EC) No 1913/2005 (OJ L 307, 25.11.2005, p. 2).

⁽²⁾ OJ L 172, 5.7.2005, p. 24. Regulation as last amended by Commission Regulation (EC) No 1713/2006 (OJ L 321, 21.11.2006, p. 11).

⁽³⁾ OJ L 308, 25.11.2005, p. 1. Regulation as amended by Regulation (EC) No 2107/2005 (OJ L 337, 22.12.2005, p. 20).

Article 2

This Regulation shall enter into force on 30 March 2007.

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

Done at Brussels, 29 March 2007.

For the Commission
Günter VERHEUGEN
Vice-President

ANNEX

Rates of the refunds applicable from 30 March 2007 to certain milk products exported in the form of goods not covered by Annex I to the Treaty ⁽¹⁾

(EUR/100 kg)

CN code	Description	Rate of refund	
		In case of advance fixing of refunds	Other
ex 0402 10 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content not exceeding 1,5 % by weight (PG 2):		
	(a) on exportation of goods of CN code 3501	—	—
	(b) on exportation of other goods	0,00	0,00
ex 0402 21 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content of 26 % by weight (PG 3):		
	(a) where goods incorporating, in the form of products assimilated to PG 3, reduced-price butter or cream obtained pursuant to Regulation (EC) No 1898/2005 are exported	20,02	21,09
	(b) on exportation of other goods	0,00	0,00
ex 0405 10	Butter, with a fat content by weight of 82 % (PG 6):		
	(a) where goods containing reduced-price butter or cream which have been manufactured in accordance with the conditions provided for in Regulation (EC) No 1898/2005 are exported	63,14	66,50
	(b) on exportation of goods of CN code 2106 90 98 containing 40 % or more by weight of milk fat	81,61	85,96
	(c) on exportation of other goods	79,75	84,00

⁽¹⁾ The rates set out in this Annex are not applicable to exports to Andorra, Gibraltar, Ceuta, Melilla, Holy See (Vatican City State), Liechtenstein, the Communes of Livigno and Campione d'Italia, Heligoland, Greenland, the Faerøe Islands and the United States of America and to the goods listed in Tables I and II to Protocol 2 to the Agreement between the European Community and the Swiss Confederation of 22 July 1972 exported to the Swiss Confederation.

COMMISSION REGULATION (EC) No 340/2007

of 29 March 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 Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

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 30 March 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 1713/2006 (OJ L 321, 21.11.2006, p. 8).

⁽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, 29 March 2007.

For the Commission

Günter VERHEUGEN

Vice-President

ANNEX

Rates of the refunds applicable from 30 March 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	—	—
	– other (including unprocessed)	—	—
	Potato starch of CN code 1108 13 00 similar to a product obtained from processed maize:	—	—
	– where Article 15(3) of Regulation (EC) No 1043/2005 applies ⁽²⁾	—	—
	– where goods falling within subheading 2208 ⁽³⁾ are exported	—	—
	– in other cases	—	—

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

(EUR/100 kg)

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

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

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

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

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

COMMISSION REGULATION (EC) No 341/2007

of 29 March 2007

opening and providing for the administration of tariff quotas and introducing a system of import licences and certificates of origin for garlic and certain other agricultural products imported from third countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables ⁽¹⁾, and in particular Articles 31(2) and 34(1) thereof,

Whereas:

- (1) Since 1 June 2001 the normal customs duty for imports of garlic falling within CN code 0703 20 00 has consisted of an *ad valorem* customs duty of 9,6 % and a specific amount of EUR 1 200 per tonne net. However, a quota of 38 370 tonnes free of specific duty was opened by an Agreement in the form of an Exchange of Letters between the European Community and the Argentine Republic pursuant to Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 for the modification of concessions with respect to garlic provided for in Schedule CXL annexed to the GATT ⁽²⁾, approved by Council Decision 2001/404/EC ⁽³⁾.
- (2) The Agreement in the form of an Exchange of Letters between the European Community and the People's Republic of China pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedules of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic in the course of their accession to the European Union ⁽⁴⁾, approved by Council Decision 2006/398/EC ⁽⁵⁾, provides, for China, for an increase by 20 500 tonnes of the tariff quota for garlic.
- (3) The conditions for the administration of those quotas (hereinafter the 'GATT quota') were set out in Commission Regulation (EC) No 1870/2005 of 16 November 2005 opening and providing for the administration of tariff quotas and introducing a system of import licences and certificates of origin for garlic imported from third countries ⁽⁶⁾. For the sake of clarity, that Regulation should be repealed and replaced by a new regulation from 1 April 2007. However, Regulation (EC) No 1870/2005 should continue to apply with regard to import licences issued in accordance with that Regulation for the import tariff quota period expiring on 31 May 2007.
- (4) Garlic may also be imported outside the GATT quota at the normal duty or on preferential terms under agreements concluded between the Community and certain third countries.
- (5) Garlic is an important product of the Community's fruit and vegetables sector, with an annual production of around 250 000 tonnes in the Community. The annual import from third countries is also significant, ranging from 60 000 to 80 000 tonnes. The two main third country suppliers are China (30 000 to 40 000 tonnes per year) and Argentina (around 15 000 tonnes per year).
- (6) Commission Regulation (EC) No 1301/2006 of 31 August 2006 laying down common rules for the administration of import tariff quotas for agricultural products managed by a system of import licences ⁽⁷⁾ applies to import licences for import tariff quota periods starting from 1 January 2007. Regulation (EC) No 1301/2006 lays down in particular detailed provisions on applications for import licences, the status of applicants and the issue of licences. That Regulation limits the period of validity of licences to the last day of the import tariff quota period. The provisions of Regulation (EC) No 1301/2006 should apply to import tariff quotas under this Regulation without prejudice to additional conditions and derogations concerning the applicants and notifications to the Commission, laid down in this Regulation.

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

⁽²⁾ OJ L 142, 29.5.2001, p. 8.

⁽³⁾ OJ L 142, 29.5.2001, p. 7.

⁽⁴⁾ OJ L 154, 8.6.2006, p. 24.

⁽⁵⁾ OJ L 154, 8.6.2006, p. 22.

⁽⁶⁾ OJ L 300, 17.11.2005, p. 19. Regulation as last amended by Regulation (EC) No 2000/2006 (OJ L 379, 28.12.2006, p. 37).

⁽⁷⁾ OJ L 238, 1.9.2006, p. 13. Regulation as amended by Regulation (EC) No 289/2007 (OJ L 78, 17.3.2007, p. 17).

- (7) Since there is a specific duty on non-preferential imports outside the GATT quota, the management of the GATT quota requires the introduction of a system of import licences. Such a system should permit the detailed monitoring of all garlic imports. The detailed rules for that system should supplement, and might need to derogate from, those laid down by Commission Regulation (EC) No 1291/2000 of 9 June 2000 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products ⁽¹⁾.
- (8) In order to monitor all imports as closely as possible, in particular following recent incidents involving fraud through misdescription of the origin or the product, all imports of garlic and other products likely to be used for the misdescription of garlic should be subject to the issue of an import licence. There should be two categories of import licences, one for imports under the GATT quota, the other for all other imports.
- (9) In the interest of existing importers, who normally import substantial quantities of garlic, and also in that of new importers joining the market, who should also have a fair opportunity to apply for import licences for a quantity of garlic under tariff quotas, a distinction should be drawn between traditional importers and new importers. A clear definition of those two categories of importers should be provided and certain criteria relating to the status of the applicants and the use of the import licences allocated should be laid down.
- (10) The quantities to be allocated to those categories of importers should be determined on the basis of the quantities actually imported rather than on the basis of the import licences issued.
- (11) Special rules should be laid down in order to allow importers in Bulgaria, the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Romania, Slovenia and Slovakia to benefit from the import quotas. Those rules should be replaced by the normal rules as soon as these importers are able to fulfil them.
- (12) In order to take account of the different trade patterns in Bulgaria, the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Romania, Slovenia and Slovakia, the competent authorities of those countries should be allowed to choose between two methods for establishing the reference quantity of their traditional importers.
- (13) Applications for import licences to import garlic from third countries submitted by importers of both categories should be subject to certain restrictions. Such restrictions are necessary to ensure not only that competition between importers is safeguarded but also that importers genuinely engaged in commercial activity in the fruit and vegetable market are given the opportunity to defend their legitimate trading positions *vis-à-vis* other importers and that no single importer is able to control the market.
- (14) In order to safeguard competition between genuine importers and to prevent speculation in the allocation of import licences for garlic under the GATT quota and any abuse of the system that would run contrary to the legitimate trading positions of new and traditional importers, more stringent controls on the correct use of import licences should be put in place. To that end, the transfer of import licences should be prohibited, and a penalty in the event of submission of multiple applications should be introduced.
- (15) Measures are also needed to keep to a minimum speculative applications for import licences that may result in the tariff quotas not being fully utilised. Because of the nature and the value of the product, a security should be lodged in respect of each tonne of garlic for which an import licence application is lodged. The security should be of an amount that is high enough to discourage speculative applications but not so high as to discourage importers genuinely engaged in commercial activity in garlic. The most appropriate objective level for the security is 5 % of the average additional duty applicable to imports of garlic falling within CN code 0703 20 00.
- (16) To improve controls and prevent any risk of deflection of trade based on inaccurate documentation, the existing system of certificates of origin for garlic imported from certain third countries and the requirement for such garlic to be transported direct from the third country of origin to the Community should be maintained and the list of countries extended in the light of additional information. Such certificates of origin should be issued by the competent national authorities in accordance with Articles 55 to 62 of Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽²⁾.
- (17) In addition to those provided for in Regulation (EC) No 1301/2006, the necessary communications between Member States and the Commission should be specified, in particular for the purpose of administering tariff quotas, taking measures against fraud and monitoring the market.

⁽¹⁾ OJ L 152, 24.6.2000, p. 1. Regulation as last amended by Regulation (EC) No 1913/2006 (OJ L 365, 21.12.2006, p. 52).

⁽²⁾ OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 214/2007 (OJ L 62, 1.3.2007, p. 6).

(18) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fresh Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

CHAPTER I

GENERAL PROVISIONS

Article 1

Opening of tariff quotas and applicable duties

1. In accordance with the agreements approved by Decisions 2001/404/EC and 2006/398/EC, tariff quotas are hereby opened for imports into the Community of fresh or chilled garlic falling within CN code 0703 20 00 (hereinafter referred to as 'garlic'), subject to the conditions laid down in this Regulation. The volume of each tariff quota, the import tariff quota period and subperiods for which it applies and the order number are specified in Annex I to this Regulation.

2. The *ad valorem* duty applicable to garlic imported under the quotas referred to in paragraph 1 shall be 9,6 %.

Article 2

Application of Regulations (EC) No 1291/2000 and (EC) No 1301/2006

Regulations (EC) No 1291/2000 and (EC) No 1301/2006 shall apply, save as otherwise provided for in this Regulation.

Article 3

Definitions

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

1. 'import tariff quota period' means the period from 1 June to the following 31 May;
2. 'competent authorities' means the body or bodies designated by the Member State for the implementation of this Regulation.

Article 4

Categories of importers

1. By way of derogation from Article 5 of Regulation (EC) No 1301/2006, applicants for 'A' licences within the meaning

of Article 5(2) shall comply with the relevant requirements laid down in paragraphs 2, 3 and 4 of this Article.

2. 'Traditional importers' shall mean importers who can prove that they have:

- (a) obtained and used import licences for garlic pursuant to Commission Regulation (EC) No 565/2002, or 'A' licences under Regulation (EC) No 1870/2005 or this Regulation in each of the previous three completed import tariff quota periods; and
- (b) imported into the Community at least 50 tonnes of fruit and vegetables as referred to in Article 1(2) of Regulation (EC) No 2200/96 during the last completed import tariff quota period preceding their application.

For the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, for the 2007/2008 import tariff quota period:

- (a) point (a) of the first subparagraph shall not apply; and
- (b) 'import into the Community' shall be understood as import from countries of origin other than the Member States of the Community as constituted at 31 December 2006.

For Bulgaria and Romania, for the 2007/2008, 2008/2009, 2009/2010 and 2010/2011 import tariff quota periods:

- (a) point (a) of the first subparagraph shall not apply; and
- (b) 'import into the Community' shall be understood as import from countries of origin other than the Member States of the Community as constituted at 1 January 2007.

3. 'New importers' shall mean importers other than those referred to in paragraph 2, who have imported into the Community at least 50 tonnes of fruit and vegetables as referred to in Article 1(2) of Regulation (EC) No 2200/96 in each of the previous two completed import tariff quota periods, or in each of the previous two calendar years.

The Member States shall choose and apply one of the two methods referred to in the first subparagraph to all new importers, in accordance with objective criteria and in such a way as to ensure equal treatment between operators.

4. Traditional and new importers shall submit, at the time of their first application for import licences for a given import tariff quota period, to the competent authorities of the Member State in which they are established and in which they are registered for VAT purposes, the proof that the criteria laid down in paragraphs 2 or 3 are met.

Proof of trade with third countries shall be furnished exclusively by means of the customs documents of release for free circulation, duly endorsed by the customs authorities and containing a reference to the applicant concerned as being the consignee.

Article 5

Presentation of import licences

1. Any release for free circulation in the Community of products listed in Annex II shall be subject to presentation of an import licence issued in accordance with this Regulation.

2. The import licences for garlic released for free circulation under the quotas referred to in Annex I shall hereinafter be referred to as ‘‘A’’ licences’.

Other import licences shall hereinafter be referred to as ‘‘B’’ licences’.

CHAPTER II

‘A’ LICENCES

Article 6

General provisions concerning ‘A’ licence applications and licences

1. By way of derogation from Article 23 of Regulation (EC) No 1291/2000, ‘A’ licences shall be valid only for the subperiod for which they have been issued. Box 24 thereof shall show one of the entries listed in Annex III.

2. The security referred to in Article 15(2) of Regulation (EC) No 1291/2000 shall amount to EUR 50 per tonne.

3. The country of origin shall be entered in box 8 of ‘A’ licence applications and of licences and the word ‘yes’ shall be marked with a cross. The import licence shall be valid only for imports originating in the country indicated.

4. By way of derogation from Article 9(1) of Regulation (EC) No 1291/2000, rights arising under ‘A’ licences shall not be transferable.

Article 7

Allocation of total quantities among traditional and new importers

The total quantity allocated to Argentina, China and other third countries pursuant to Annex I shall be distributed as follows:

- (a) 70 % to traditional importers;
- (b) 30 % to new importers.

Article 8

Reference quantity of traditional importers

For the purposes of this Chapter, the ‘reference quantity’ shall be the quantity of garlic imported by a traditional importer within the meaning of Article 4, as follows:

- (a) for traditional importers who imported garlic between 1998 and 2000 into the Community as constituted at 1 January 1995, the maximum quantity of garlic imported during one of the 1998, 1999 and 2000 calendar years;
- (b) for traditional importers who imported garlic between 2001 and 2003 into the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia or Slovakia, the maximum quantity of garlic imported during:
 - (i) either the 2001, 2002 or 2003 calendar year;
 - (ii) or the 2001/2002, 2002/2003 or 2003/2004 import tariff quota period;
- (c) for traditional importers who imported garlic between 2003 and 2005 into Bulgaria or Romania, the maximum quantity of garlic imported during:
 - (i) either the 2003, 2004 or 2005 calendar year;
 - (ii) or the 2003/2004, 2004/2005 or 2005/2006 import tariff quota period;
- (d) for traditional importers who do not fall within points (a), (b) or (c), the maximum quantity of garlic imported during one of the first three completed import tariff quota periods during which they have obtained import licences pursuant to Regulation (EC) No 565/2002⁽¹⁾, Regulation (EC) No 1870/2005 or this Regulation.

Garlic originating in Member States of the Community as constituted at 1 January 2007 shall not be taken into account in the calculation of the reference quantity.

⁽¹⁾ OJ L 86, 3.4.2002, p. 11. Regulation repealed by Regulation (EC) No 1870/2005.

The Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia shall choose and apply one of the two methods referred to in point (b) of the first paragraph to all traditional importers, in accordance with objective criteria and in such a way as to ensure equal treatment between operators.

Bulgaria and Romania shall choose and apply one of the two methods referred to in point (c) of the first paragraph to all traditional importers, in accordance with objective criteria and in such a way as to ensure equal treatment between operators.

Article 9

Restrictions applicable to 'A' licence applications

1. The total quantity covered by 'A' licence applications submitted by a traditional importer in any import tariff quota period may not exceed that importer's reference quantity. Applications not complying with this rule shall be rejected by the competent authorities.

2. The total quantity covered by 'A' licence applications submitted by a new importer in any subperiod may not exceed 10 % of the total quantity referred to in Annex I for that subperiod and that origin. Applications not complying with this rule shall be rejected by the competent authorities.

Article 10

Lodging of 'A' licence applications

1. Importers shall submit their applications for 'A' licences during the first five working days of April, July, October and January prior to the respective subperiod.

2. Box 20 of 'A' licence applications shall indicate 'traditional importer' or 'new importer' as appropriate.

3. No 'A' licence applications may be lodged for a specific subperiod and for a specific origin where no quantity is indicated in Annex I for that subperiod and for that origin.

4. Where applicants lodge more than one application, none of those applications shall be admissible and the securities lodged when the applications were submitted shall be forfeited to the Member State concerned.

5. No 'B' licence may be issued in response to an 'A' licence application.

Article 11

Issuing of 'A' licences

'A' licences shall be issued by the competent authorities on the seventh working day following the deadline for notification provided for in Article 12(1).

Article 12

Notifications to the Commission

1. By the 15th day of each month referred to in Article 10(1), the Member States shall notify the Commission of the quantities in kilograms, including nil returns, for which 'A' licence applications have been lodged in respect of the relevant subperiod.

By way of derogation from the second subparagraph of Article 11(1) of Regulation (EC) No 1301/2006, the Member States shall notify the information referred to in that subparagraph by the same date.

Notifications shall be broken down by origin. Notifications shall also give separate figures for the quantities of garlic applied for by traditional and new importers.

2. The Member States shall communicate to the Commission the list of traditional and new importers applying for 'A' licences in respect of the relevant subperiod by the last day of each month referred to in Article 10(1). In the case of groups of operators set up in accordance with national law, the operators making up the group shall also be listed. This notification shall be made by electronic means using the form made available to the Member States by the Commission.

CHAPTER III

'B' LICENCES

Article 13

Provisions concerning 'B' licence applications and licences

1. Applicants may only lodge applications for 'B' licences with the competent authorities of the Member State in which they are established and in which they are registered for VAT purposes.

2. Article 6(2), (3) and (4) shall apply *mutatis mutandis* to 'B' licences.

3. 'B' licences shall be issued without delay.

4. 'B' licences shall be valid for three months.

*Article 14***Notifications to the Commission**

The Member States shall notify the Commission of the total quantities, including nil returns, covered by 'B' licence applications; by the second working day of each week in respect of applications received the previous week.

The quantities concerned shall be broken down by day of import licence application, origin and CN code. For products other than garlic, the name of the product, as shown in Box 14 of the import licence application, shall also be communicated.

This notification shall be made by electronic means using the form made available to the Member States by the Commission.

CHAPTER IV

CERTIFICATES OF ORIGIN AND DIRECT TRANSPORT*Article 15***Certificates of origin**

Garlic originating in a third country listed in Annex IV may only be released for free circulation in the Community if the following conditions are met:

- (a) a certificate of origin issued by the competent national authorities of that country in accordance with Articles 55 to 62 of Regulation (EEC) No 2454/93 is presented;
- (b) the product has been transported direct to the Community from that country in accordance with Article 16.

*Article 16***Direct transport**

1. The following shall be considered as having been transported direct to the Community from the third countries listed in Annex IV:

- (a) products transported without passing through the territory of any other third country;
- (b) products transported through one or more third countries other than the country of origin, with or without transhipment or temporary warehousing in those countries, provided that such passage is justified for geographical reasons or transport requirements and provided that the products:

- (i) have remained under the supervision of the customs authorities of the country or countries of transit or warehousing;
- (ii) have not been placed on the market or released for consumption there;
- (iii) have not undergone operations there other than unloading and reloading or any other operation to keep them in good condition.

2. Proof that the conditions referred to in paragraph 1(b) are satisfied shall be submitted to the competent authorities of the Member States, together with:

- (a) a single transport document issued in the country of origin and covering passage through the country or countries of transit; or
- (b) a certificate issued by the customs authorities of the country or countries of transit and containing:
 - (i) a precise description of the goods;
 - (ii) the dates of unloading and reloading, with particulars identifying the transport vehicles used;
 - (iii) a statement certifying the conditions in which they have been kept; or
- (c) where the proof referred to in points (a) or (b) cannot be provided, any other substantiating documents.

*Article 17***Administrative cooperation with certain third countries**

1. As soon as the information needed to set up an administrative cooperation procedure pursuant to Articles 63, 64 and 65 of Regulation (EEC) No 2454/93 has been forwarded by each third country listed in Annex IV to this Regulation, a communication concerning the forwarding of that information shall be published in the 'C' series of the *Official Journal of the European Union*.

2. 'A' licences for imports of garlic originating in the countries listed in Annex IV may only be issued if the country concerned has forwarded to the Commission the information referred to in paragraph 1. That information shall be deemed to have been forwarded on the date of publication as provided for in paragraph 1.

CHAPTER V

FINAL PROVISIONS

Article 18

Repeal

Regulation (EC) No 1870/2005 is repealed.

However, Regulation (EC) No 1870/2005 shall continue to apply with regard to import licences issued in accordance

with that Regulation for the import tariff quota period expiring on 31 May 2007.

Article 19

Entry into force

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

It shall apply from 1 April 2007.

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

Done at Brussels, 29 March 2007.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

ANNEX I

Tariff quotas opened pursuant to Decisions 2001/404/EC and 2006/398/EC for imports of garlic falling within CN code 0703 20 00

Origin	Order number	Quota (tonnes)				Total
		First subperiod (June to August)	Second subperiod (September to November)	Third subperiod (December to February)	Fourth subperiod (March to May)	
Argentina		—	—			19 147
Traditional importers	09.4104			9 590	3 813	
New importers	09.4099			4 110	1 634	
<i>Total</i>				13 700	5 447	
China						33 700
Traditional importers	09.4105	6 108	6 108	5 688	5 688	
New importers	09.4100	2 617	2 617	2 437	2 437	
<i>Total</i>		8 725	8 725	8 125	8 125	
Other third countries						6 023
Traditional importers	09.4106	941	1 960	929	386	
New importers	09.4102	403	840	398	166	
<i>Total</i>		1 344	2 800	1 327	552	
Total	—	10 069	11 525	23 152	14 124	58 870

ANNEX II

List of products as referred to in Article 5(1)

CN code	Description
0703 20 00	Garlic, fresh or chilled
ex 0703 90 00	Other alliaceus vegetables, fresh or chilled
ex 0710 80 95	Garlic ⁽¹⁾ and <i>Allium ampeloprasum</i> (uncooked or cooked by steaming or boiling in water), frozen
ex 0710 90 00	Mixtures of vegetables containing garlic ⁽¹⁾ and/or <i>Allium ampeloprasum</i> (uncooked or cooked by steaming or boiling in water), frozen
ex 0711 90 80	Garlic ⁽¹⁾ and <i>Allium ampeloprasum</i> provisionally preserved (for example, by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in this state for immediate consumption
ex 0711 90 90	Mixtures of vegetables containing garlic ⁽¹⁾ and/or <i>Allium ampeloprasum</i> , provisionally preserved (for example, by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in this state for immediate consumption
ex 0712 90 90	Dried garlic ⁽¹⁾ and <i>Allium ampeloprasum</i> and mixtures of dried vegetables containing garlic ⁽¹⁾ and/or <i>Allium ampeloprasum</i> , whole, cut, sliced, broken or in powder, but not further prepared

⁽¹⁾ This shall also include products where the word 'garlic' is only part of the description. Such terms may include, but are not limited to 'solo garlic', 'elephant garlic', 'single clove garlic' or 'great-headed garlic'.

ANNEX III

Entries referred to in Article 5(2)

- *in Bulgarian:* Лицензия, издадена и валидна само за под-периода от 1 месец/година до 28/29/30/31 (месец/година).
- *in Spanish:* certificado expedido y válido solamente para el subperiodo comprendido entre el 1 [mes y año] y el 28/29/30/31 [mes y año].
- *in Czech:* Licence vydaná a platná pouze pro období od 1. [měsíc/rok] do 28./29./30./31. [měsíc/rok].
- *in Danish:* Licens, der kun er udstedt og gyldig for delperioden 1. [måned/år] – 28./29./30./31. [måned/år]
- *in German:* Lizenz nur erteilt und gültig für den Teilzeitraum vom 1. [Monat/Jahr] bis zum 28./29./30./31. [Monat/Jahr].
- *in Estonian:* Litsents on välja antud üheks alaperioodiks alates 1. [kuu/aasta] kuni 28./29./30./31. [kuu/aasta] ja kehtib selle aja jooksul
- *in Greek:* Πιστοποιητικό εκδοθέν και ισχύον μόνο για την υποπερίοδο από την 1η [μήνας/έτος] έως τις 28/29/30/31 [μήνας/έτος]
- *in English:* licence issued and valid only for the subperiod 1 [month/year] to 28/29/30/31 [month/year]
- *in French:* certificat émis et valable seulement pour la sous-période du 1^{er} [mois/année] au 28/29/30/31 [mois/année]
- *in Irish:* ceadúnas a eiseofar don fhothréimhse ón 1[mí/bliain] go dtí an 28/29/30/31[mí/bliain] nach bailí dó ach ar feadh na fothréimhse sin
- *in Italian:* titolo rilasciato e valido unicamente per il sottoperiodo dal 1° [mese/anno] al 28/29/30/31 [mese/anno]
- *in Latvian:* atļauja izdota un derīga tikai attiecībā uz vienu apakšperiodu no 1. [mēnesis/gads] līdz 28./29./30./31. [mēnesis/gads]
- *in Lithuanian:* Licencija išduota ir galioja tik vieną laikotarpio dalį nuo [metai, mėnuo] 1 d. iki [metai, mėnuo] 28/29/30/31 d.
- *in Hungarian:* Az engedélyt kizárólag a [év/hó] 1-jétől [év/hó] 28/29/30/31-ig terjedő alidőszakra állították ki és kizárólag erre az időszakra érvényes
- *in Maltese:* Liċenzja maħruġa u valida biss għas-subperjodu mill-1 ta' (xahar/sena) sa' 28/29/30/31 ta' (xahar/sena)
- *in Dutch:* certificaat afgegeven voor en slechts geldig in de deelperiode van 1 [maand/jaar] tot en met 28/29/30/31 [maand/jaar]
- *in Polish:* Pozwolenie wydane i ważne tylko na podokres od dnia 1 [miesiąc/rok] r. do dnia 28/29/30/31 [miesiąc/rok] r.
- *in Portuguese:* certificado emitido e válido apenas para o subperíodo de 1 de [mês/ano] a 28/29/30/31 de [mês/ano]
- *in Romanian:* licență emisă și valabilă numai pentru subperioada de la 1 [lună/an] până la 28/29/30/31[lună/an]
- *in Slovak:* licencia vydaná a platná len pre obdobie od 1. [mesiac/rok] do 28./29./30./31. [mesiac/rok]
- *in Slovenian:* dovoljenje, izdano in veljavno izključno za podobdobje od 1. (mesec/leto) do 28./29./30./31. (mesec/leto)
- *in Finnish:* todistus on myönnetty osakiintiökaudeksi 1 päivästä [kuukausi/vuosi] 28/29/30/31 päivään [kuukausi/vuosi] ja se on voimassa ainoastaan kyseisenä osakiintiökautena
- *in Swedish:* licens utfärdad och giltig endast för delperioden den 1 [månad/år] till den 28/29/30/31 [månad/år]

ANNEX IV

List of third countries referred to in Articles 15, 16 and 17

Iran

Lebanon

Malaysia

United Arab Emirates

Vietnam.

COMMISSION REGULATION (EC) No 342/2007**of 29 March 2007****amending Regulation (EC) No 489/2005 as regards determining the intervention centres and the taking over of paddy rice by the intervention agencies as a result of the accession of Bulgaria and Romania to the European Union**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1785/2003 of 29 September 2003 on the common organisation of the market in rice ⁽¹⁾, and in particular Article 6(3) and Article 7(5) thereof,

Whereas:

(1) Article 6(2) of Regulation (EC) No 1785/2003 provides that the list of intervention centres for taking over paddy rice is to be drawn up by the Commission after consultation with the Member States. That list is set forth in Annex I to Commission Regulation (EC) No 489/2005 of 29 March 2005 laying down detailed rules for implementing Council Regulation (EC) No 1785/2003 as regards determining the intervention centres and the taking over of paddy rice by the intervention agencies ⁽²⁾. Following the accession of Bulgaria and Romania to the European Union on 1 January 2007, it is necessary to determine the intervention centres for these new Member States and add them to the above mentioned list.

(2) Article 7(1) of Regulation (EC) No 1785/2003 limits the quantities that may be bought in by the intervention agencies in all of the Community to 75 000 tonnes. To distribute this quantity fairly, the quantities for each producer Member State were laid down in Regulation (EC) No 489/2005, taking account of the national base areas laid down in Council Regulation (EC) No 1782/2003 of 29 September 2003 establishing

common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers ⁽³⁾ and the average yields set out in Annex VII to that Regulation. Following the accession of Bulgaria and Romania, the distribution among the producer Member States should be revised, applying the same distribution criteria as those used when Regulation (EC) No 489/2005 was adopted but taking account of the base areas of Bulgaria and Romania.

(3) Regulation (EC) No 489/2005 should therefore be amended accordingly.

(4) 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

Regulation (EC) No 489/2005 is hereby amended as follows:

1. Annex I is amended in accordance with Annex I to this Regulation.

2. Annex V is replaced by Annex II to this Regulation.

*Article 2*This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union*.

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

⁽²⁾ OJ L 81, 30.3.2005, p. 26.

⁽³⁾ OJ L 270, 21.10.2003, p. 1. Regulation as last amended by Regulation (EC) No 2013/2006 (OJ L 384, 29.12.2006, p. 13).

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

Done at Brussels, 29 March 2007.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

ANNEX I

The following points 7 and 8 are added to Annex I to Regulation (EC) No 489/2005:

7. Bulgaria

Regions	Name of centre
Пазарджишка област	Пазарджик
Пловдивска област	Пловдив
Старозагорска област	Стара Загора

8. Romania

Region	Name of centre
Ialomita	Slobozia'

ANNEX II

'ANNEX V

Tranche 1 referred to in Article 5

Member State	Tranche 1
Bulgaria	584 t
Greece	4 636 t
Spain	20 320 t
France	4 148 t
Italy	40 432 t
Hungary	305 t
Portugal	4 549 t
Romania	26 t'

COMMISSION REGULATION (EC) No 343/2007**of 29 March 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 30 March 2007.

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

Done at Brussels, 29 March 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 amended by Commission Regulation (EC) No 1585/2006 (OJ L 294, 25.10.2006, p. 19).

ANNEX

**Export refunds on white and raw sugar exported without further processing applicable from
30 March 2007 ^(a)**

Product code	Destination	Unit of measurement	Amount of refund
1701 11 90 9100	S00	EUR/100 kg	22,61 ⁽¹⁾
1701 11 90 9910	S00	EUR/100 kg	22,61 ⁽¹⁾
1701 12 90 9100	S00	EUR/100 kg	22,61 ⁽¹⁾
1701 12 90 9910	S00	EUR/100 kg	22,61 ⁽¹⁾
1701 91 00 9000	S00	EUR/1 % sucrose × 100 kg of net product	0,2458
1701 99 10 9100	S00	EUR/100 kg	24,58
1701 99 10 9910	S00	EUR/100 kg	24,58
1701 99 10 9950	S00	EUR/100 kg	24,58
1701 99 90 9100	S00	EUR/1 % sucrose × 100 kg of net product	0,2458

NB: The destinations are defined as follows:

S00: all destinations except Albania, Croatia, Bosnia and Herzegovina, Serbia, Montenegro, Kosovo, the former Yugoslav Republic of Macedonia, Andorra, Gibraltar, Ceuta, Melilla, Holy See (Vatican City), Liechtenstein, Communes of Livigno and Campione d'Italia, Heligoland, Greenland, 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 I of Regulation (EC) No 318/2006.

COMMISSION REGULATION (EC) No 344/2007**of 29 March 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 30 March 2007.

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

Done at Brussels, 29 March 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 amended by Commission Regulation (EC) No 1585/2006 (OJ L 294, 25.10.2006, p. 19).

⁽²⁾ OJ L 178, 1.7.2006, p. 24.

ANNEX

Export refunds on syrups and certain other sugar products exported without further processing applicable from 30 March 2007 ^(e)

Product code	Destination	Unit of measurement	Amount of refund
1702 40 10 9100	S00	EUR/100 kg dry matter	24,58
1702 60 10 9000	S00	EUR/100 kg dry matter	24,58
1702 60 95 9000	S00	EUR/1 % sucrose × 100 kg of net product	0,2458
1702 90 30 9000	S00	EUR/100 kg dry matter	24,58
1702 90 60 9000	S00	EUR/1 % sucrose × 100 kg of net product	0,2458
1702 90 71 9000	S00	EUR/1 % sucrose × 100 kg of net product	0,2458
1702 90 99 9900	S00	EUR/1 % sucrose × 100 kg of net product	0,2458 ⁽¹⁾
2106 90 30 9000	S00	EUR/100 kg dry matter	24,58
2106 90 59 9000	S00	EUR/1 % sucrose × 100 kg of net product	0,2458

NB: The destinations are defined as follows:

S00: all destinations except Albania, Croatia, Bosnia and Herzegovina, Serbia, Montenegro, Kosovo and the former Yugoslav Republic of Macedonia, Andorra, Gibraltar, Ceuta, Melilla, Holy See (Vatican City), Liechtenstein, Communes of Livigno and Campione d'Italia, Heligoland, Greenland, Faeroe Islands and the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control.

^(e) 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 345/2007**of 29 March 2007****fixing the maximum export refund for white sugar in the framework of the standing invitation to tender provided for in Regulation (EC) No 958/2006**

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 958/2006 of 28 June 2006 on a standing invitation to tender to determine refunds on exports of white sugar for the 2006/2007 marketing year ⁽²⁾ requires the issuing of partial invitations to tender.

(2) Pursuant to Article 8(1) of Regulation (EC) No 958/2006 and following an examination of the tenders submitted

in response to the partial invitation to tender ending on 29 March 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 29 March 2007, the maximum export refund for the product referred to in Article 1(1) of Regulation (EC) No 958/2006 shall be 29,583 EUR/100 kg.

Article 2

This Regulation shall enter into force on 30 March 2007.

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

Done at Brussels, 29 March 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 amended by Commission Regulation (EC) No 1585/2006 (OJ L 294, 25.10.2006, p. 19).

⁽²⁾ OJ L 175, 29.6.2006, p. 49.

COMMISSION REGULATION (EC) No 346/2007
of 29 March 2007
fixing the export refunds on milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Article 31(1) of Regulation (EC) No 1255/1999 provides that the difference between prices on the world market for the products listed in Article 1 of that Regulation and prices for those products on the Community market may be covered by an export refund.
- (2) Given the present situation on the market in milk and milk products, export refunds should therefore be fixed in accordance with the rules and certain criteria provided for in Article 31 of Regulation (EC) No 1255/1999.
- (3) The second subparagraph of Article 31(3) of Regulation (EC) No 1255/1999 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) In accordance with the Memorandum of Understanding between the European Community and the Dominican Republic on import protection for milk powder in the Dominican Republic ⁽²⁾ approved by Council Decision 98/486/EC ⁽³⁾, a certain amount of Community milk products exported to the Dominican Republic can benefit from reduced customs duties. For this reason, export refunds granted to products exported under this scheme should be reduced by a certain percentage.

(5) The Management Committee for Milk and Milk Products has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

Export refunds as provided for in Article 31 of Regulation (EC) No 1255/1999 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 Article 3(2) of Commission Regulation (EC) No 1282/2006 ⁽⁴⁾.

Article 2

This Regulation shall enter into force on 30 March 2007.

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

Done at Brussels, 29 March 2007.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Regulation (EC) No 1913/2005 (OJ L 307, 25.11.2005, p. 2).

⁽²⁾ OJ L 218, 6.8.1998, p. 46.

⁽³⁾ OJ L 218, 6.8.1998, p. 45.

⁽⁴⁾ OJ L 234, 29.8.2006, p. 4. Regulation as last amended by Regulation (EC) No 1919/2006 (OJ L 380, 28.12.2006, p. 1).

ANNEX

Export refunds on milk and milk products applicable from 30 March 2007

Product code	Destination	Unit of measurement	Refunds	Product code	Destination	Unit of measurement	Refunds
0401 30 31 9100	L20	EUR/100 kg	15,71	0402 29 19 9900	L20	EUR/100 kg	—
0401 30 31 9400	L20	EUR/100 kg	24,54	0402 29 99 9100	L20	EUR/100 kg	—
0401 30 31 9700	L20	EUR/100 kg	27,07	0402 29 99 9500	L20	EUR/100 kg	—
0401 30 39 9100	L20	EUR/100 kg	15,71	0402 91 11 9370	L20	EUR/100 kg	—
0401 30 39 9400	L20	EUR/100 kg	24,54	0402 91 19 9370	L20	EUR/100 kg	—
0401 30 39 9700	L20	EUR/100 kg	27,07	0402 91 31 9300	L20	EUR/100 kg	—
0401 30 91 9100	L20	EUR/100 kg	30,86	0402 91 39 9300	L20	EUR/100 kg	—
0401 30 99 9100	L20	EUR/100 kg	30,86	0402 91 99 9000	L20	EUR/100 kg	18,97
0401 30 99 9500	L20	EUR/100 kg	45,35	0402 99 11 9350	L20	EUR/100 kg	—
0402 10 11 9000	L20 ⁽¹⁾	EUR/100 kg	—	0402 99 19 9350	L20	EUR/100 kg	—
0402 10 19 9000	L20 ⁽¹⁾	EUR/100 kg	—	0402 99 31 9300	L20	EUR/100 kg	11,35
0402 10 99 9000	L20	EUR/100 kg	—	0403 90 11 9000	L20	EUR/100 kg	—
0402 21 11 9200	L20	EUR/100 kg	—	0403 90 13 9200	L20	EUR/100 kg	—
0402 21 11 9300	L20	EUR/100 kg	—	0403 90 13 9300	L20	EUR/100 kg	—
0402 21 11 9500	L20	EUR/100 kg	—	0403 90 13 9500	L20	EUR/100 kg	—
0402 21 11 9900	L20 ⁽¹⁾	EUR/100 kg	—	0403 90 13 9900	L20	EUR/100 kg	—
0402 21 17 9000	L20	EUR/100 kg	—	0403 90 33 9400	L20	EUR/100 kg	—
0402 21 19 9300	L20	EUR/100 kg	—	0403 90 59 9310	L20	EUR/100 kg	15,71
0402 21 19 9500	L20	EUR/100 kg	—	0403 90 59 9340	L20	EUR/100 kg	22,99
0402 21 19 9900	L20 ⁽¹⁾	EUR/100 kg	—	0403 90 59 9370	L20	EUR/100 kg	22,99
0402 21 91 9100	L20	EUR/100 kg	—	0404 90 21 9120	L20	EUR/100 kg	—
0402 21 91 9200	L20 ⁽¹⁾	EUR/100 kg	—	0404 90 21 9160	L20	EUR/100 kg	—
0402 21 91 9350	L20	EUR/100 kg	—	0404 90 23 9120	L20	EUR/100 kg	—
0402 21 99 9100	L20	EUR/100 kg	—	0404 90 23 9130	L20	EUR/100 kg	—
0402 21 99 9200	L20 ⁽¹⁾	EUR/100 kg	—	0404 90 23 9140	L20	EUR/100 kg	—
0402 21 99 9300	L20	EUR/100 kg	—	0404 90 23 9150	L20	EUR/100 kg	—
0402 21 99 9400	L20	EUR/100 kg	—	0404 90 81 9100	L20	EUR/100 kg	—
0402 21 99 9500	L20	EUR/100 kg	—	0404 90 83 9110	L20	EUR/100 kg	—
0402 21 99 9600	L20	EUR/100 kg	—	0404 90 83 9130	L20	EUR/100 kg	—
0402 21 99 9700	L20	EUR/100 kg	—	0404 90 83 9150	L20	EUR/100 kg	—
0402 29 15 9200	L20	EUR/100 kg	—	0404 90 83 9170	L20	EUR/100 kg	—
0402 29 15 9300	L20	EUR/100 kg	—	0405 10 11 9500	L20	EUR/100 kg	83,00
0402 29 15 9500	L20	EUR/100 kg	—	0405 10 11 9700	L20	EUR/100 kg	84,00
0402 29 19 9300	L20	EUR/100 kg	—				
0402 29 19 9500	L20	EUR/100 kg	—				

Product code	Destination	Unit of measurement	Refunds	Product code	Destination	Unit of measurement	Refunds
0405 10 19 9500	L20	EUR/100 kg	83,00	0406 30 39 9500	L04	EUR/100 kg	2,42
0405 10 19 9700	L20	EUR/100 kg	84,00		L40	EUR/100 kg	5,67
0405 10 30 9100	L20	EUR/100 kg	83,00	0406 30 39 9700	L04	EUR/100 kg	3,51
0405 10 30 9300	L20	EUR/100 kg	84,00		L40	EUR/100 kg	8,25
0405 10 30 9700	L20	EUR/100 kg	84,00	0406 30 39 9930	L04	EUR/100 kg	3,51
0405 10 50 9500	L20	EUR/100 kg	81,96		L40	EUR/100 kg	8,25
0405 10 50 9700	L20	EUR/100 kg	84,00	0406 30 39 9950	L04	EUR/100 kg	3,98
0405 10 90 9000	L20	EUR/100 kg	87,10		L40	EUR/100 kg	9,33
0405 20 90 9500	L20	EUR/100 kg	76,84	0406 40 50 9000	L04	EUR/100 kg	21,31
0405 20 90 9700	L20	EUR/100 kg	79,91		L40	EUR/100 kg	26,63
0405 90 10 9000	L20	EUR/100 kg	104,82	0406 40 90 9000	L04	EUR/100 kg	21,89
0405 90 90 9000	L20	EUR/100 kg	83,83		L40	EUR/100 kg	27,36
0406 10 20 9640	L04	EUR/100 kg	18,12	0406 90 13 9000	L04	EUR/100 kg	24,26
	L40	EUR/100 kg	22,66		L40	EUR/100 kg	34,72
0406 10 20 9650	L04	EUR/100 kg	15,11	0406 90 15 9100	L04	EUR/100 kg	25,08
	L40	EUR/100 kg	18,88		L40	EUR/100 kg	35,89
0406 10 20 9830	L04	EUR/100 kg	5,61	0406 90 17 9100	L04	EUR/100 kg	25,08
	L40	EUR/100 kg	7,00		L40	EUR/100 kg	35,89
0406 10 20 9850	L04	EUR/100 kg	6,79	0406 90 21 9900	L04	EUR/100 kg	24,38
	L40	EUR/100 kg	8,49		L40	EUR/100 kg	34,80
0406 20 90 9913	L04	EUR/100 kg	13,46	0406 90 23 9900	L04	EUR/100 kg	21,85
	L40	EUR/100 kg	16,81		L40	EUR/100 kg	31,42
0406 20 90 9915	L04	EUR/100 kg	18,26	0406 90 25 9900	L04	EUR/100 kg	21,43
	L40	EUR/100 kg	22,83		L40	EUR/100 kg	30,67
0406 20 90 9917	L04	EUR/100 kg	19,41	0406 90 27 9900	L04	EUR/100 kg	19,41
	L40	EUR/100 kg	24,26		L40	EUR/100 kg	27,78
0406 20 90 9919	L04	EUR/100 kg	21,68	0406 90 32 9119	L04	EUR/100 kg	17,94
	L40	EUR/100 kg	27,11		L40	EUR/100 kg	25,72
0406 30 31 9730	L04	EUR/100 kg	2,42	0406 90 35 9190	L04	EUR/100 kg	25,55
	L40	EUR/100 kg	5,67		L40	EUR/100 kg	36,75
0406 30 31 9930	L04	EUR/100 kg	2,42	0406 90 35 9990	L04	EUR/100 kg	25,55
	L40	EUR/100 kg	5,67		L40	EUR/100 kg	36,75
0406 30 31 9950	L04	EUR/100 kg	3,51	0406 90 37 9000	L04	EUR/100 kg	24,26
	L40	EUR/100 kg	8,25		L40	EUR/100 kg	34,72
				0406 90 61 9000	L04	EUR/100 kg	27,62
					L40	EUR/100 kg	39,97

Product code	Destination	Unit of measurement	Refunds	Product code	Destination	Unit of measurement	Refunds
0406 90 63 9100	L04	EUR/100 kg	27,21	0406 90 86 9200	L04	EUR/100 kg	22,02
	L40	EUR/100 kg	39,24		L40	EUR/100 kg	32,63
0406 90 63 9900	L04	EUR/100 kg	26,15	0406 90 86 9400	L04	EUR/100 kg	23,58
	L40	EUR/100 kg	37,90		L40	EUR/100 kg	34,49
0406 90 69 9910	L04	EUR/100 kg	26,54	0406 90 86 9900	L04	EUR/100 kg	24,82
	L40	EUR/100 kg	38,46		L40	EUR/100 kg	35,74
0406 90 73 9900	L04	EUR/100 kg	22,33	0406 90 87 9300	L04	EUR/100 kg	20,50
	L40	EUR/100 kg	31,99		L40	EUR/100 kg	30,29
0406 90 75 9900	L04	EUR/100 kg	22,78	0406 90 87 9400	L04	EUR/100 kg	20,93
	L40	EUR/100 kg	32,74		L40	EUR/100 kg	30,59
0406 90 76 9300	L04	EUR/100 kg	20,22	0406 90 87 9951	L04	EUR/100 kg	22,24
	L40	EUR/100 kg	28,94		L40	EUR/100 kg	31,83
0406 90 76 9400	L04	EUR/100 kg	22,64	0406 90 87 9971	L04	EUR/100 kg	22,24
	L40	EUR/100 kg	32,42		L40	EUR/100 kg	31,83
0406 90 76 9500	L04	EUR/100 kg	20,97	0406 90 87 9973	L04	EUR/100 kg	21,83
	L40	EUR/100 kg	29,76		L40	EUR/100 kg	31,26
0406 90 78 9100	L04	EUR/100 kg	22,18	0406 90 87 9974	L04	EUR/100 kg	23,39
	L40	EUR/100 kg	32,40		L40	EUR/100 kg	33,33
0406 90 78 9300	L04	EUR/100 kg	21,97	0406 90 87 9975	L04	EUR/100 kg	23,19
	L40	EUR/100 kg	31,38		L40	EUR/100 kg	32,78
0406 90 79 9900	L04	EUR/100 kg	18,14	0406 90 87 9979	L04	EUR/100 kg	21,85
	L40	EUR/100 kg	26,08		L40	EUR/100 kg	31,42
0406 90 81 9900	L04	EUR/100 kg	22,64	0406 90 88 9300	L04	EUR/100 kg	18,10
	L40	EUR/100 kg	32,42		L40	EUR/100 kg	26,66
0406 90 85 9930	L04	EUR/100 kg	24,82	0406 90 88 9500	L04	EUR/100 kg	18,66
	L40	EUR/100 kg	35,74		L40	EUR/100 kg	26,67
0406 90 85 9970	L04	EUR/100 kg	22,78				
	L40	EUR/100 kg	32,74				

(¹) As for the relevant products intended for exports to Dominican Republic under the quota 2007/2008 referred to in the Decision 98/486/EC, and complying with the conditions laid down in Chapter III, Section 3 of Regulation (EC) No 1282/2006, the following rates should apply:

- (a) products falling within CN codes 0402 10 11 9000 and 0402 10 19 9000 0,00 EUR/100 kg
- (b) products falling within CN codes 0402 21 11 9900, 0402 21 19 9900, 0402 21 91 9200 and 0402 21 99 9200 0,00 EUR/100 kg

The destinations are defined as follows:

L20: All destinations except Andorra, Gibraltar, Ceuta, Melilla, Holy See (Vatican City State), Liechtenstein, the Communes of Livigno and Campione d'Italia, Heligoland, Greenland, the Farøe Islands, the United States of America and the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control.

L04: Albania, Bosnia and Herzegovina, Kosovo, Serbia, Montenegro and the former Yugoslav Republic of Macedonia.

L40: All destinations except L04, Andorra, Gibraltar, Ceuta, Melilla, Iceland, Liechtenstein, Norway, Switzerland, Holy See (Vatican City State), the Communes of Livigno and Campione d'Italia, Heligoland, Greenland, the Farøe Islands, the United States of America, Croatia, Turkey, Australia, Canada, New Zealand 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 347/2007**of 29 March 2007****fixing the maximum export refund for butter in the framework of the standing invitation to tender provided for in Regulation (EC) No 581/2004**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Commission Regulation (EC) No 581/2004 of 26 March 2004 opening a standing invitation to tender for export refunds concerning certain types of butter ⁽²⁾ provides for a permanent tender.
- (2) Pursuant to Article 5 of Commission Regulation (EC) No 580/2004 of 26 March 2004 establishing a tender procedure concerning export refunds for certain milk products ⁽³⁾ and following an examination of the

tenders submitted in response to the invitation to tender, it is appropriate to fix a maximum export refund for the tendering period ending on 27 March 2007.

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

HAS ADOPTED THIS REGULATION:

Article 1

For the permanent tender opened by Regulation (EC) No 581/2004, for the tendering period ending on 27 March 2007, the maximum amount of refund for the products referred to in Article 1(1) of that Regulation shall be as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 30 March 2007.

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

Done at Brussels, 29 March 2007.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Regulation (EC) No 1913/2005 (OJ L 307, 25.11.2005, p. 2).

⁽²⁾ OJ L 90, 27.3.2004, p. 64. Regulation as last amended by Regulation (EC) No 276/2007 (OJ L 76, 16.3.2007, p. 16).

⁽³⁾ OJ L 90, 27.3.2004, p. 58. Regulation as amended by Regulation (EC) No 128/2007 (OJ L 41, 13.2.2007, p. 6).

ANNEX

(EUR/100 kg)

Product	Export refund Code	Maximum amount of export refund for export to the destinations referred to in the second subparagraph of Article 1(1) of Regulation (EC) No 581/2004
Butter	ex 0405 10 19 9700	90,00
Butteroil	ex 0405 90 10 9000	110,00

COMMISSION REGULATION (EC) No 348/2007**of 29 March 2007****fixing the export refunds on products processed from cereals and rice**

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 of Regulation (EC) No 1784/2003 and Article 14 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 those Regulations and prices for those products within the Community may be covered by an export refund.

(2) Article 14 of Regulation (EC) No 1785/2003 provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals, rice and broken rice on the Community market on the one hand and prices for cereals, rice, broken rice and cereal products on the world market on the other. The same Articles provide that it is also important to ensure equilibrium and the natural development of prices and trade on the markets in cereals and rice and, furthermore, to take into account the economic aspect of the proposed exports, and the need to avoid disturbances on the Community market.

(3) Article 4 of Commission Regulation (EC) No 1518/95 ⁽³⁾ on the import and export system for products processed from cereals and from rice defines the specific criteria to be taken into account when the refund on these products is being calculated.

⁽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 1549/2004 (OJ L 280, 31.8.2004, p. 13).

⁽³⁾ OJ L 147, 30.6.1995, p. 55. Regulation as last amended by Regulation (EC) No 2993/95 (OJ L 312, 23.12.1995, p. 25).

(4) The refund to be granted in respect of certain processed products should be graduated on the basis of the ash, crude fibre, tegument, protein, fat and starch content of the individual product concerned, this content being a particularly good indicator of the quantity of basic product actually incorporated in the processed product.

(5) There is no need at present to fix an export refund for manioc, other tropical roots and tubers or flours obtained therefrom, given the economic aspect of potential exports and in particular the nature and origin of these products. For certain products processed from cereals, the insignificance of Community participation in world trade makes it unnecessary to fix an export refund at the present time.

(6) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination.

(7) The refund must be fixed once a month. It may be altered in the intervening period.

(8) Certain processed maize products may undergo a heat treatment following which a refund might be granted that does not correspond to the quality of the product; whereas it should therefore be specified that on these products, containing pregelatinised starch, no export refund is to be granted.

(9) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 of Regulation (EC) No 1518/95 are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 30 March 2007.

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

Done at Brussels, 29 March 2007.

For the Commission
Jean-Luc DEMARTY
*Director-General for Agriculture and
Rural Development*

ANNEX

to Commission Regulation of 29 March 2007 fixing the export refunds on products processed from cereals and rice

Product code	Destination	Unit of measurement	Refunds	Product code	Destination	Unit of measurement	Refunds
1102 20 10 9200 ⁽¹⁾	C10	EUR/t	0,00	1104 23 10 9300	C10	EUR/t	0,00
1102 20 10 9400 ⁽¹⁾	C10	EUR/t	0,00	1104 29 11 9000	C10	EUR/t	0,00
1102 20 90 9200 ⁽¹⁾	C10	EUR/t	0,00	1104 29 51 9000	C10	EUR/t	0,00
1102 90 10 9100	C10	EUR/t	0,00	1104 29 55 9000	C10	EUR/t	0,00
1102 90 10 9900	C10	EUR/t	0,00	1104 30 10 9000	C10	EUR/t	0,00
1102 90 30 9100	C10	EUR/t	0,00	1104 30 90 9000	C10	EUR/t	0,00
1103 19 40 9100	C10	EUR/t	0,00	1107 10 11 9000	C10	EUR/t	0,00
1103 13 10 9100 ⁽¹⁾	C10	EUR/t	0,00	1107 10 91 9000	C10	EUR/t	0,00
1103 13 10 9300 ⁽¹⁾	C10	EUR/t	0,00	1108 11 00 9200	C10	EUR/t	0,00
1103 13 10 9500 ⁽¹⁾	C10	EUR/t	0,00	1108 11 00 9300	C10	EUR/t	0,00
1103 13 90 9100 ⁽¹⁾	C10	EUR/t	0,00	1108 12 00 9200	C10	EUR/t	0,00
1103 19 10 9000	C10	EUR/t	0,00	1108 12 00 9300	C10	EUR/t	0,00
1103 19 30 9100	C10	EUR/t	0,00	1108 13 00 9200	C10	EUR/t	0,00
1103 20 60 9000	C10	EUR/t	0,00	1108 13 00 9300	C10	EUR/t	0,00
1103 20 20 9000	C10	EUR/t	0,00	1108 19 10 9200	C10	EUR/t	0,00
1104 19 69 9100	C10	EUR/t	0,00	1108 19 10 9300	C10	EUR/t	0,00
1104 12 90 9100	C10	EUR/t	0,00	1109 00 00 9100	C10	EUR/t	0,00
1104 12 90 9300	C10	EUR/t	0,00	1702 30 51 9000 ⁽²⁾	C10	EUR/t	0,00
1104 19 10 9000	C10	EUR/t	0,00	1702 30 59 9000 ⁽²⁾	C10	EUR/t	0,00
1104 19 50 9110	C10	EUR/t	0,00	1702 30 91 9000	C10	EUR/t	0,00
1104 19 50 9130	C10	EUR/t	0,00	1702 30 99 9000	C10	EUR/t	0,00
1104 29 01 9100	C10	EUR/t	0,00	1702 40 90 9000	C10	EUR/t	0,00
1104 29 03 9100	C10	EUR/t	0,00	1702 90 50 9100	C10	EUR/t	0,00
1104 29 05 9100	C10	EUR/t	0,00	1702 90 50 9900	C10	EUR/t	0,00
1104 29 05 9300	C10	EUR/t	0,00	1702 90 75 9000	C10	EUR/t	0,00
1104 22 20 9100	C10	EUR/t	0,00	1702 90 79 9000	C10	EUR/t	0,00
1104 22 30 9100	C10	EUR/t	0,00	2106 90 55 9000	C14	EUR/t	0,00
1104 23 10 9100	C10	EUR/t	0,00				

⁽¹⁾ No refund shall be granted on products given a heat treatment resulting in pregelatinisation of the starch.

⁽²⁾ Refunds are granted in accordance with Council Regulation (EEC) No 2730/75 (OJ L 281, 1.11.1975, p. 20), as amended.

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

The numeric destination codes are set out in Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11).

The other destinations are as follows:

C10: All destinations

C14: All destinations except for Switzerland and Liechtenstein.

COMMISSION REGULATION (EC) No 349/2007**of 29 March 2007****fixing the export refunds on cereal-based compound feedingstuffs**

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,

Whereas:

- (1) Article 13 of Regulation (EC) No 1784/2003 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) Commission Regulation (EC) No 1517/95 of 29 June 1995 laying down detailed rules for the application of Regulation (EC) No 1784/2003 as regards the arrangements for the export and import of compound feedingstuffs based on cereals and amending Regulation (EC) No 1162/95 laying down special detailed rules for the application of the system of import and export licences for cereals and rice ⁽²⁾ in Article 2 lays down general rules for fixing the amount of such refunds.
- (3) That calculation must also take account of the cereal products content. In the interest of simplification, the refund should be paid in respect of two categories of 'cereal products', namely for maize, the most commonly used cereal in exported compound feeds

and maize products, and for 'other cereals', these being eligible cereal products excluding maize and maize products. A refund should be granted in respect of the quantity of cereal products present in the compound feedingstuff.

- (4) Furthermore, the amount of the refund must also take into account the possibilities and conditions for the sale of those products on the world market, the need to avoid disturbances on the Community market and the economic aspect of the export.
- (5) The current situation on the cereals market and, in particular, the supply prospects mean that the export refunds should be abolished.
- (6) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the compound feedingstuffs covered by Regulation (EC) No 1784/2003 and subject to Regulation (EC) No 1517/95 are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 30 March 2007.

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

Done at Brussels, 29 March 2007.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽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 147, 30.6.1995, p. 51.

ANNEX

to the Commission Regulation of 29 March 2007 fixing the export refunds on cereal-based compound feedingstuffs

Product codes benefiting from export refund:

2309 10 11 9000, 2309 10 13 9000, 2309 10 31 9000,
2309 10 33 9000, 2309 10 51 9000, 2309 10 53 9000,
2309 90 31 9000, 2309 90 33 9000, 2309 90 41 9000,
2309 90 43 9000, 2309 90 51 9000, 2309 90 53 9000.

Cereal products	Destination	Unit of measurement	Amount of refunds
Maize and maize products: CN codes 0709 90 60, 0712 90 19, 1005, 1102 20, 1103 13, 1103 29 40, 1104 19 50, 1104 23, 1904 10 10	C10	EUR/t	0,00
Cereal products excluding maize and maize products	C10	EUR/t	0,00

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

C10: All destinations.

COMMISSION REGULATION (EC) No 350/2007
of 29 March 2007
fixing production refunds on cereals

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 8(2) thereof,

Whereas:

- (1) Commission Regulation (EEC) No 1722/93 of 30 June 1993 laying down detailed rules for the application of Council Regulations (EEC) No 1766/92 and (EEC) No 1418/76 concerning production refunds in the cereals and rice sectors respectively ⁽²⁾ lays down the conditions for granting production refunds. The basis for calculating the refund is laid down in Article 3 of that Regulation. The refund thus calculated, differentiated where necessary for potato starch, must be fixed once a month and may be amended if the price of maize and/or wheat changes significantly.

- (2) The production refunds fixed in this Regulation should be adjusted by the coefficients listed in the Annex II to Regulation (EEC) No 1722/93 to establish the exact amount to be paid.
- (3) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The refund per tonne of starch referred to in Article 3(2) of Regulation (EEC) No 1722/93, is hereby fixed at:

- (a) EUR/tonne 0,00 for starch from maize, wheat, barley and oats;
- (b) EUR/tonne 0,00 for potato starch.

Article 2

This Regulation shall enter into force on 30 March 2007.

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

Done at Brussels, 29 March 2007.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽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 159, 1.7.1993, p. 112. Regulation as last amended by Regulation (EC) No 1950/2005 (OJ L 312, 29.11.2005, p. 18).

COMMISSION REGULATION (EC) No 351/2007**of 29 March 2007****on the issue of import licences for olive oil under the Tunisian tariff quota**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 2000/822/EC of 22 December 2000 on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the Republic of Tunisia concerning reciprocal liberalisation measures and amendment of the Agricultural Protocols to the EC/Tunisia Association Agreement ⁽¹⁾,

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

Whereas:

- (1) Article 3(1) and (2) of Protocol No 1 to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Tunisia, of the other part ⁽³⁾ opens a tariff quota, at a zero rate of duty, for imports of untreated olive oil falling within CN codes 1509 10 10 and 1509 10 90 wholly obtained in Tunisia and transported directly from Tunisia to the Community, up to the limit laid down for each year.

- (2) Article 2(2) of Commission Regulation (EC) No 1918/2006 of 20 December 2006 opening and providing for the administration of tariff quota for olive oil originating in Tunisia ⁽⁴⁾

- (3) Applications were submitted to the competent authorities in accordance with Article 3(1) of Regulation (EC) No 1918/2006 for import licences covering a total quantity exceeding the limit of 5 000 tonnes laid down for March.

- (4) Under these circumstances, the Commission must set a percentage allocation to allow the issue of licences in proportion to the quantity available,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for import licences submitted on 26 and 27 March 2007 under Article 3(1) of Regulation (EC) No 1918/2006 shall be accepted for 24,897202 % of the quantity applied for. The limit of 5 000 tonnes laid down for March has been reached.

Article 2

This Regulation shall enter into force on 30 March 2007.

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

Done at Brussels, 29 March 2007.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 336, 30.12.2000, p. 92.

⁽²⁾ OJ L 238, 1.9.2006, p. 13.

⁽³⁾ OJ L 97, 30.3.1998, p. 1.

⁽⁴⁾ OJ L 365, 21.12.2006, p. 84.

COMMISSION REGULATION (EC) No 352/2007**of 29 March 2007****fixing the maximum export refund for white sugar in the framework of the standing invitation to tender provided for in Regulation (EC) No 38/2007**

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 38/2007 of 17 January 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 38/2007 and following an examination of the tenders submitted

in response to the partial invitation to tender ending on 28 March 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 28 March 2007, the maximum export refund for the product referred to in Article 1(1) of Regulation (EC) No 38/2007 shall be 363,50 EUR/tonne.

Article 2

This Regulation shall enter into force on 30 March 2007.

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

Done at Brussels, 29 March 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 amended by Commission Regulation (EC) No 1585/2006 (OJ L 294, 25.10.2006, p. 19).

⁽²⁾ OJ L 11, 18.1.2007, p. 4.

COMMISSION REGULATION (EC) No 353/2007**of 29 March 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 30 March 2007.

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

Done at Brussels, 29 March 2007.

For the Commission

Günter VERHEUGEN

Vice-President

⁽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 1713/2006 (OJ L 321, 21.11.2006, p. 11).

ANNEX

Rates of refunds applicable from 30 March 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	24,58	24,58

⁽¹⁾ The rates set out in this Annex are not applicable to exports to Albania, Croatia, Bosnia and Herzegovina, Serbia, Montenegro, Kosovo, the former Yugoslav Republic of Macedonia, Andorra, Gibraltar, Ceuta, Melilla, Holy See (Vatican City), Liechtenstein, the Communes of Livigno and Campione d'Italia, Heligoland, Greenland, the Faeroe Islands and 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.

COMMISSION REGULATION (EC) No 354/2007**of 29 March 2007****amending Regulation (EC) No 195/2007 opening the buying-in of butter in certain Member States for the period 1 March to 31 August 2007**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 2771/1999 of 16 December 1999 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards intervention on the market in butter and cream ⁽²⁾, and in particular Article 2 thereof,

Whereas:

- (1) Commission Regulation (EC) No 195/2007 ⁽³⁾ establishes the list of Member States in which buying-in for butter is open, as provided for in Article 6(1) of Regulation (EC) No 1255/1999.
- (2) On the basis of most recent communications by Spain, the Commission has observed that butter market prices have been equal or superior to 92 % of the intervention price for two consecutive weeks. Intervention buying-in should therefore be suspended in that Member State. Spain should therefore be withdrawn from the list established in Regulation (EC) No 195/2007.

- (3) Regulation (EC) No 195/2007 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Article 1 of Regulation (EC) No 195/2007 is replaced by the following text:

'Article 1

Buying-in of butter as provided for in Article 6(1) of Regulation (EC) No 1255/1999 is hereby open in the following Member States:

— Portugal.'

Article 2

This Regulation shall enter into force on 30 March 2007.

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

Done at Brussels, 29 March 2007.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Regulation (EC) No 1913/2005 (OJ L 307, 25.11.2005, p. 2).

⁽²⁾ OJ L 333, 24.12.1999, p. 11. Regulation as last amended by Regulation (EC) No 2107/2005 (OJ L 337, 22.12.2005, p. 20).

⁽³⁾ OJ L 59, 27.2.2007, p. 62.

COMMISSION REGULATION (EC) No 355/2007**of 29 March 2007****fixing the export refunds on cereals and on wheat or rye flour, groats and meal**

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,

Whereas:

- (1) Article 13 of Regulation (EC) No 1784/2003 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products in the Community may be covered by an export refund.
- (2) The refunds must be fixed taking into account the factors referred to in Article 1 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽²⁾.
- (3) As far as wheat and rye flour, groats and meal are concerned, when the refund on these products is being calculated, account must be taken of the quantities of cereals required for their manufacture. These quantities were fixed in Regulation (EC) No 1501/95.
- (4) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination.
- (5) The refund must be fixed once a month. It may be altered in the intervening period.
- (6) It follows from applying the detailed rules set out above to the present situation on the market in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto.
- (7) 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 export refunds on the products listed in Article 1(a), (b) and (c) of Regulation (EC) No 1784/2003, excluding malt, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 April 2007.

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

Done at Brussels, 29 March 2007.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽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 147, 30.6.1995, p. 7. Regulation as last amended by Regulation (EC) No 777/2004 (OJ L 123, 27.4.2004, p. 50).

ANNEX

**to the Commission Regulation of 29 March 2007 fixing the export refunds on cereals and on wheat or rye flour,
groats and meal**

Product code	Destination	Unit of measurement	Amount of refunds	Product code	Destination	Unit of measurement	Amount of refunds
1001 10 00 9200	—	EUR/t	—	1101 00 15 9130	C01	EUR/t	0
1001 10 00 9400	A00	EUR/t	0	1101 00 15 9150	C01	EUR/t	0
1001 90 91 9000	—	EUR/t	—	1101 00 15 9170	C01	EUR/t	0
1001 90 99 9000	A00	EUR/t	—	1101 00 15 9180	C01	EUR/t	0
1002 00 00 9000	A00	EUR/t	0	1101 00 15 9190	—	EUR/t	—
1003 00 10 9000	—	EUR/t	—	1101 00 90 9000	—	EUR/t	—
1003 00 90 9000	A00	EUR/t	—	1102 10 00 9500	A00	EUR/t	0
1004 00 00 9200	—	EUR/t	—	1102 10 00 9700	A00	EUR/t	0
1004 00 00 9400	A00	EUR/t	0	1102 10 00 9900	—	EUR/t	—
1005 10 90 9000	—	EUR/t	—	1103 11 10 9200	A00	EUR/t	0
1005 90 00 9000	A00	EUR/t	0	1103 11 10 9400	A00	EUR/t	0
1007 00 90 9000	—	EUR/t	—	1103 11 10 9900	—	EUR/t	—
1008 20 00 9000	—	EUR/t	—	1103 11 90 9200	A00	EUR/t	0
1101 00 11 9000	—	EUR/t	—	1103 11 90 9800	—	EUR/t	—
1101 00 15 9100	C01	EUR/t	0				

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

C01: All third countries with the exception of Albania, Croatia, Bosnia and Herzegovina, Montenegro, Serbia, the former Yugoslav Republic of Macedonia, Lichtenstein and Switzerland.

COMMISSION REGULATION (EC) No 356/2007**of 29 March 2007****fixing the corrective amount applicable to the refund on cereals**

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 15(2) thereof,

Whereas:

- (1) Article 14(2) of Regulation (EC) No 1784/2003 provides that the export refund applicable to cereals on the day on which an application for an export licence is made must be applied on request to exports to be effected during the period of validity of the export licence. In this case, a corrective amount may be applied to the refund.
- (2) Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽²⁾, allows for the fixing of a corrective amount for the products listed in Article 1(a), (b) and (c) of Regulation (EC) No 1784/2003. That corrective amount must be calculated taking account of the factors referred to in Article 1 of Regulation (EC) No 1501/95.

- (3) The world market situation or the specific requirements of certain markets may make it necessary to vary the corrective amount according to destination.
- (4) The corrective amount must be fixed according to the same procedure as the refund; it may be altered in the period between fixings.
- (5) It follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 1(a), (b) and (c) of Regulation (EC) No 1784/2003 which is applicable to export refunds fixed in advance except for malt shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 April 2007.

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

Done at Brussels, 29 March 2007.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽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 147, 30.6.1995, p. 7. Regulation as last amended by Regulation (EC) No 777/2004 (OJ L 123, 27.4.2004, p. 50).

ANNEX

to the Commission Regulation of 29 March 2007 fixing the corrective amount applicable to the refund on cereals

Product code	Destination	(EUR/t)						
		Current 4	1st period 5	2nd period 6	3rd period 7	4th period 8	5th period 9	6th period 10
1001 10 00 9200	—	—	—	—	—	—	—	—
1001 10 00 9400	A00	0	0	0	0	0	—	—
1001 90 91 9000	—	—	—	—	—	—	—	—
1001 90 99 9000	C01	0	0	0	0	0	—	—
1002 00 00 9000	A00	0	0	0	0	0	—	—
1003 00 10 9000	—	—	—	—	—	—	—	—
1003 00 90 9000	C02	0	0	0	0	0	—	—
1004 00 00 9200	—	—	—	—	—	—	—	—
1004 00 00 9400	C03	0	0	0	0	0	—	—
1005 10 90 9000	—	—	—	—	—	—	—	—
1005 90 00 9000	A00	0	0	0	0	0	—	—
1007 00 90 9000	—	—	—	—	—	—	—	—
1008 20 00 9000	—	—	—	—	—	—	—	—
1101 00 11 9000	—	—	—	—	—	—	—	—
1101 00 15 9100	C01	0	0	0	0	0	—	—
1101 00 15 9130	C01	0	0	0	0	0	—	—
1101 00 15 9150	C01	0	0	0	0	0	—	—
1101 00 15 9170	C01	0	0	0	0	0	—	—
1101 00 15 9180	C01	0	0	0	0	0	—	—
1101 00 15 9190	—	—	—	—	—	—	—	—
1101 00 90 9000	—	—	—	—	—	—	—	—
1102 10 00 9500	A00	0	0	0	0	0	—	—
1102 10 00 9700	A00	0	0	0	0	0	—	—
1102 10 00 9900	—	—	—	—	—	—	—	—
1103 11 10 9200	A00	0	0	0	0	0	—	—
1103 11 10 9400	A00	0	0	0	0	0	—	—
1103 11 10 9900	—	—	—	—	—	—	—	—
1103 11 90 9200	A00	0	0	0	0	0	—	—
1103 11 90 9800	—	—	—	—	—	—	—	—

NB: The product codes and the 'A' series destination codes are set out in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1) as amended. The numeric destination codes are set out in Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11).

C01: All third countries with the exception of Albania, Croatia, Bosnia and Herzegovina, Montenegro, Serbia, the former Yugoslav Republic of Macedonia, Liechtenstein and Switzerland.

C02: Algeria, Saudi Arabia, Bahrain, Egypt, United Arab Emirates, Iran, Iraq, Israel, Jordan, Kuwait, Lebanon, Lybia, Morocco, Mauritania, Oman, Qatar, Syria, Tunisia and Yemen.

C03: All countries with the exception of Norway, Switzerland and Liechtenstein.

COMMISSION REGULATION (EC) No 357/2007
of 29 March 2007
fixing the export refunds on malt

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,

Whereas:

- (1) Article 13 of Regulation (EC) No 1784/2003 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) The refunds must be fixed taking into account the factors referred to in Article 1 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽²⁾.
- (3) The refund applicable in the case of malts must be calculated with amount taken of the quantity of cereals required to manufacture the products in question. The said quantities are laid down in Regulation (EC) No 1501/95.

- (4) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination.
- (5) The refund must be fixed once a month. It may be altered in the intervening period.
- (6) It follows from applying these rules to the present situation on markets in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto.
- (7) 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 export refunds on malt listed in Article 1(c) of Regulation (EC) No 1784/2003 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 April 2007.

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

Done at Brussels, 29 March 2007.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽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 147, 30.6.1995, p. 7. Regulation as last amended by Regulation (EC) No 777/2004 (OJ L 123, 27.4.2004, p. 50).

ANNEX

to the Commission Regulation of 29 March 2007 fixing the export refunds on malt

Product code	Destination	Unit of measurement	Amount of refunds
1107 10 19 9000	A00	EUR/t	0,00
1107 10 99 9000	A00	EUR/t	0,00
1107 20 00 9000	A00	EUR/t	0,00

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

The numeric destination codes are set out in Commission Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11).

COMMISSION REGULATION (EC) No 358/2007**of 29 March 2007****fixing the corrective amount applicable to the refund on malt**

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 organization of the market in cereals ⁽¹⁾, and in particular Article 15(2),

Whereas:

- (1) Article 14(2) of Regulation (EC) No 1784/2003 provides that the export refund applicable to cereals on the day on which application for an export licence is made must be applied on request to exports to be effected during the period of validity of the export licence. In this case, a corrective amount may be applied to the refund.
- (2) Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽²⁾ allows for the fixing of a corrective amount for the malt referred

to in Article 1(1)(c) of Regulation (EC) No 1784/2003. That corrective amount must be calculated taking account of the factors referred to in Article 1 of Regulation (EC) No 1501/95.

- (3) It follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto.
- (4) 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 corrective amount referred to in Article 15(3) of Regulation (EC) No 1784/2003 which is applicable to export refunds fixed in advance in respect of malt shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 April 2007.

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

Done at Brussels, 29 March 2007.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽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 147, 30.6.1995, p. 7. Regulation as last amended by Regulation (EC) No 777/2004 (OJ L 123, 27.4.2004, p. 50).

ANNEX

to the Commission Regulation of 29 March 2007 fixing the corrective amount applicable to the refund on malt*(EUR/t)*

Product code	Destination	Current 4	1st period 5	2nd period 6	3rd period 7	4th period 8	5th period 9
1107 10 11 9000	A00	0	0	0	0	0	0
1107 10 19 9000	A00	0	0	0	0	0	0
1107 10 91 9000	A00	0	0	0	0	0	0
1107 10 99 9000	A00	0	0	0	0	0	0
1107 20 00 9000	A00	0	0	0	0	0	0

(EUR/t)

Product code	Destination	6th period 10	7th period 11	8th period 12	9th period 1	10th period 2	11th period 3
1107 10 11 9000	A00	0	0	0	0	0	0
1107 10 19 9000	A00	0	0	0	0	0	0
1107 10 91 9000	A00	0	0	0	0	0	0
1107 10 99 9000	A00	0	0	0	0	0	0
1107 20 00 9000	A00	0	0	0	0	0	0

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

The numeric destination codes are set out in Commission Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11).

COMMISSION REGULATION (EC) No 359/2007**of 29 March 2007****fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid**

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 2 of Council Regulation (EEC) No 2681/74 of 21 October 1974 on Community financing of expenditure incurred in respect of the supply of agricultural products as food aid ⁽³⁾ lays down that the portion of the expenditure corresponding to the export refunds on the products in question fixed under Community rules is to be charged to the European Agricultural Guidance and Guarantee Fund, Guarantee Section.
- (2) In order to make it easier to draw up and manage the budget for Community food aid actions and to enable the Member States to know the extent of Community participation in the financing of national food aid actions, the level of the refunds granted for these actions should be determined.
- (3) The general and implementing rules provided for in Article 13 of Regulation (EC) No 1784/2003 and in Article 13 of Regulation (EC) No 1785/2003 on export refunds are applicable *mutatis mutandis* to the abovementioned operations.
- (4) The specific criteria to be used for calculating the export refund on rice are set out in Article 14 of Regulation (EC) No 1785/2003.
- (5) 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

For Community and national food aid operations under international agreements or other supplementary programmes, and other Community free supply measures, the refunds applicable to cereals and rice sector products shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 1 April 2007.

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

Done at Brussels, 29 March 2007.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽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 288, 25.10.1974, p. 1.

ANNEX

to the Commission Regulation of 29 March 2007 fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid

(EUR/t)

Product code	Refund
1001 10 00 9400	0,00
1001 90 99 9000	0,00
1002 00 00 9000	0,00
1003 00 90 9000	0,00
1005 90 00 9000	0,00
1006 30 92 9100	0,00
1006 30 92 9900	0,00
1006 30 94 9100	0,00
1006 30 94 9900	0,00
1006 30 96 9100	0,00
1006 30 96 9900	0,00
1006 30 98 9100	0,00
1006 30 98 9900	0,00
1006 30 65 9900	0,00
1007 00 90 9000	0,00
1101 00 15 9100	0,00
1101 00 15 9130	0,00
1102 10 00 9500	0,00
1102 20 10 9200	0,00
1102 20 10 9400	0,00
1103 11 10 9200	0,00
1103 13 10 9100	0,00
1104 12 90 9100	0,00

NB: The product codes are defined in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1), amended.

II

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

DECISIONS

COUNCIL

COUNCIL DECISION

of 27 March 2007

establishing the European Joint Undertaking for ITER and the Development of Fusion Energy and conferring advantages upon it

(2007/198/Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular the third and fourth subparagraph of Article 47 and Article 48 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) The Community, through strong, continuous and coordinated Community support from the European Atomic Energy Community (Euratom) research and training programmes, together with the development of knowledge and human resources in the national fusion laboratories, working together notably in the framework of the European Fusion Development Agreement (EFDA), has created a single and fully integrated fusion research programme that has taken a leading international role in the development of fusion as a potentially limitless, safe, sustainable, environmentally responsible and economically competitive source of energy.
- (2) The establishment of the Joint European Torus (JET) fusion research project in 1978⁽¹⁾, which has met or exceeded all of its design objectives including demonstrating the release of significant amounts of fusion energy in a controlled manner and going on to hold

world records for both fusion power and energy, has demonstrated the added value of pooling resources and expertise at Community level in the form of a Joint Undertaking.

- (3) The Community has played a key role in the development of a next step international fusion project, the ITER, starting in 1988 with Conceptual Design Activities⁽²⁾, continuing in 1992 with Engineering Design Activities⁽³⁾ which were extended by three years in 1998⁽⁴⁾ and followed by a second agreement in 1994⁽⁵⁾ which, in 2001, produced a detailed, complete and fully integrated engineering design for a research facility aimed at demonstrating the feasibility of fusion as an energy source from which the Community could derive significant benefit, in particular in the context of ensuring the security and diversity of its long-term energy supply.
- (4) The seven parties to the ITER negotiations (Euratom, People's Republic of China, India, Japan, Republic of Korea, Russia and the United States), representing over one half of the world's population, have concluded the Agreement on the Establishment of the ITER International Fusion Energy Organisation for the Joint Implementation of the ITER Project⁽⁶⁾ (the ITER Agreement) which establishes the ITER International Fusion Energy Organisation (the ITER Organisation) with headquarters in St Paul-lès-Durance (Bouches-du-Rhône) (France). The ITER Organisation has full responsibility for constructing, operating, exploiting and de-activating the ITER facilities.

⁽¹⁾ Council Decision 78/471/Euratom of 30 May 1978 on the establishment of the Joint European Torus (JET), Joint Undertaking (OJ L 151, 7.6.1978, p. 10). Decision as last amended by Decision 98/585/Euratom (OJ L 282, 20.10.1998, p. 65).

⁽²⁾ Commission Decision 88/229/Euratom (OJ L 102, 21.4.1988, p. 31).

⁽³⁾ Commission Decision 92/439/Euratom (OJ L 244, 26.8.1992, p. 13).

⁽⁴⁾ Council Decision 98/704/Euratom (OJ L 335, 10.12.1998, p. 61).

⁽⁵⁾ Commission Decision 94/267/Euratom (OJ L 114, 5.5.1994, p. 25).

⁽⁶⁾ OJ L 358, 16.12.2006, p. 62.

- (5) The ITER Agreement requires all parties to provide contributions to the ITER Organisation through appropriate legal entities referred to as 'Domestic Agencies'. To enable ITER construction to commence without delay and given that Euratom, as host party, will have special responsibilities as a member of the ITER Organisation including bearing the largest share of the contributions and the responsibility for the preparation of the site, the Domestic Agency of Euratom should be established as soon as possible.
- (6) Euratom and Japan have concluded a bilateral Agreement for the Joint Implementation of the Broader Approach Activities (the 'Broader Approach Agreement with Japan') setting out complementary joint fusion research activities as part of a 'Broader Approach' to the rapid realisation of fusion energy agreed during negotiations on the ITER Agreement. The Broader Approach Agreement with Japan foresees that such Broader Approach Activities should be carried out by Euratom through the Domestic Agency of Euratom as the implementing Agency.
- (7) To achieve maximum synergy and economies of scale, the Domestic Agency of Euratom, in the context of the 'fast track' approach to fusion examined by a group of independent experts at the request of the research ministers during the Belgian Presidency, should also implement a long-term programme of activities to prepare the construction of demonstration fusion reactors and related facilities to reinforce European industrial competitiveness in this respect.
- (8) In its Conclusions of 26-27 November 2003, the European Council, by unanimous decision, authorised the Commission to put forward France as the ITER host State and Cadarache as the ITER site and decided that the Domestic Agency for Euratom should be located in Spain.
- (9) The fundamental importance of the ITER Project and Broader Approach Activities for harnessing fusion as a potentially limitless, safe, sustainable, environmentally responsible and economically competitive source of energy makes it necessary to establish the Domestic Agency of Euratom in the form of a Joint Undertaking as provided for in Chapter 5 of the Euratom Treaty.
- (10) The Joint Undertaking, which should be responsible for public research activities of European and international interest, and discharge commitments pursuant to international agreements, should be considered as an international body within the meaning of Article 151(1)(b) of Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax⁽¹⁾, and as an international organisation within the meaning of the second indent of Article 23(1) of Council Directive 92/12/EEC of 25 February 1992 on the general arrangements for products subject to excise duty and on the holding, movement and monitoring of such products⁽²⁾, Article 22 of Directive 2004/17/EC of the European Parliament and of the Council of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors⁽³⁾, and Article 15 of Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts⁽⁴⁾.
- (11) This Decision establishes, for the duration foreseen for the Joint Undertaking, a financial reference amount which illustrates the will of the legislative authority and which will not affect the powers of the budgetary authority as defined in the Treaty.
- (12) The Joint Undertaking should have, subject to prior consultation with the Commission, its own financial regulation based on the principles of Commission Regulation (EC, Euratom) No 2343/2002 of 19 November 2002 on the Framework Financial Regulation for the bodies referred to in Article 185 of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities⁽⁵⁾ (the Framework Financial Regulation) taking into account its specific operating needs arising, in particular, from its international obligations.
- (13) To strengthen international research cooperation, the Joint Undertaking should be open to the participation of countries that have concluded cooperation agreements with Euratom in the field of nuclear fusion that associate their respective programmes with the Euratom programmes.
- (14) The proposal for the Council Decision for the seventh framework programme of the European Atomic Energy Community (Euratom) for nuclear research and training activities (2007 to 2011), and the specific programme implementing that framework programme (FP7) put ITER at the heart of the European strategy for fusion and make provision for the Euratom contribution, through the Joint Undertaking to the ITER Organisation, Broader Approach Activities and other related activities with a view to preparing for demonstration fusion reactors.

(1) OJ L 347, 11.12.2006, p. 1. Directive as last amended by Directive 2006/138/EC (OJ L 384, 29.12.2006, p. 92).

(2) OJ L 76, 23.3.1992, p. 1. Directive as last amended by Directive 2004/106/EC (OJ L 359, 4.12.2004, p. 30).

(3) OJ L 134, 30.4.2004, p. 1. Directive as last amended by Directive 2006/97/EC (OJ L 363, 20.12.2006, p. 107).

(4) OJ L 134, 30.4.2004, p. 114. Directive as last amended by Directive 2006/97/EC.

(5) OJ L 357, 31.12.2002, p. 72.

- (15) The need to ensure stable employment conditions and equal treatment of staff, taking into account the experience gained from the JET Joint Undertaking, in order to attract specialised scientific and technical staff of the highest calibre, requires the application of the Staff Regulations of Officials of the European Communities and the Conditions of Employment of Other Servants of the European Communities, laid down by Regulation (EEC, Euratom, ECSC) No 259/68 ⁽¹⁾ (the Staff Regulations) to all the staff recruited by the Joint Undertaking.
- (16) Taking into account that the Joint Undertaking is not designed to fulfill an economic purpose and is responsible for managing Euratom participation in an international research project of public interest, it is necessary for the performance of its tasks that the Protocol on the Privileges and Immunities of the European Communities of 8 April 1965 ⁽²⁾ apply to the Joint Undertaking, its Director and staff.
- (17) In view of the particular nature of the activities of the Joint Undertaking and its importance for the development of fusion research and in order to promote a sound and economic management of the public funding to be provided to the Joint Undertaking, all the advantages provided for in Annex III to the Treaty should be conferred on the Joint Undertaking.
- (18) As a body possessing legal personality, the Joint Undertaking should be accountable for its actions. As regards the resolution of disputes in contractual matters, it should be possible that the contracts concluded by the Joint Undertaking provide that the Court of Justice have jurisdiction.
- (19) Taking into account the rights and obligations of the Community under Title II, Chapter 2 of the Treaty concerning the dissemination of information, the Joint Undertaking should make appropriate arrangements in that regard with the Commission.
- (20) A host agreement should be concluded between the Joint Undertaking and Spain concerning office accommodation, privileges and immunities and other support to be provided by Spain to the Joint Undertaking.
- (21) This Decision takes into account the outcome of the enquiry conducted by the Commission and, in particular, the positive opinion of the Consultative Committee for the Euratom Specific Research and Training Programme in the Field of Nuclear Energy (Fusion) on the proposals,

HAS ADOPTED THIS DECISION:

Article 1

Establishment of a Joint Undertaking

1. A European Joint Undertaking for ITER and the Development of Fusion Energy (Fusion for Energy) (the Joint Undertaking) is hereby established for a period of 35 years starting on 19 April 2007.
2. The tasks of the Joint Undertaking shall be as follows:
 - (a) to provide the contribution of the European Atomic Energy Community (Euratom) to the ITER International Fusion Energy Organisation;
 - (b) to provide the contribution of Euratom to Broader Approach Activities with Japan for the rapid realisation of fusion energy;
 - (c) to prepare and coordinate a programme of activities in preparation for the construction of a demonstration fusion reactor and related facilities including the International Fusion Materials Irradiation Facility (IFMIF).
3. The Joint Undertaking shall have its seat in Barcelona in Spain.
4. The Joint Undertaking shall be considered as an international body within the meaning of Article 151(1)(b) of Council Directive 2006/112/EC, and as an international organisation within the meaning of the second indent of Article 23(1) of Directive 92/12/EEC, of Article 22 point (c) of Directive 2004/17/EC and of Article 15 point (c) of Directive 2004/18/EC.

Article 2

Members

The Joint Undertaking shall have the following Members:

- (a) Euratom, represented by the Commission;
- (b) the Member States of Euratom;
- (c) third countries which have concluded a cooperation agreements with Euratom in the field of controlled nuclear fusion that associate their respective research programmes with the Euratom programmes and which have expressed their wish to become Members of the Joint Undertaking.

⁽¹⁾ OJ L 56, 4.3.1968, p. 1. Regulation as last amended by Regulation (EC, Euratom) No 1895/2006 (OJ L 397, 30.12.2006, p. 6).

⁽²⁾ OJ 152, 13.7.1967, p. 13. Protocol as amended by the Treaty of Amsterdam and the Treaty of Nice.

*Article 3***Statutes**

The Statutes of the Joint Undertaking, as set out in the Annex, are hereby adopted.

*Article 4***Financing**

1. The resources required for the Joint Undertaking to carry out its tasks shall be determined as follows:

- (a) as regards the tasks referred to in Article 1(2)(a), in accordance with the ITER Agreement;
- (b) as regards the tasks referred to in Article 1(2)(b), in accordance with the Broader Approach Agreement with Japan;
- (c) as regards the tasks referred to in Article 1(2)(c), in accordance with research and training programmes adopted pursuant to Article 7 of the Treaty.

2. The resources of the Joint Undertaking shall consist of a contribution from Euratom, contributions from the ITER host State, the annual membership contributions and voluntary contributions from Members of the Joint Undertaking other than Euratom, and additional resources.

3. The indicative total resources deemed necessary for the Joint Undertaking in accordance with paragraph 1 shall be EUR 9 653 million ⁽¹⁾. This is detailed as follows:

<i>(EUR million)</i>				
2007-2016		2017-2041		2007-2041
	of which 2007-2011		Constant values	Total
4 127	1 717	5 526	3 544	9 653

4. The indicative total contribution from Euratom to the resources referred to in paragraph 3 shall be EUR 7 649 million, of which a maximum of 15 % shall be for administrative expenditure. This is detailed as follows:

⁽¹⁾ All figures shown are expressed in current values unless otherwise stated and subject to the adoption of the corresponding budgets for Community research and training programmes pursuant to Article 7 of the Treaty.

(EUR million)

2007-2016		2017-2041		2007-2041
	of which FP7 2007-2011		Constant values	Total
3 147	1 290	4 502	2 887	7 649

*Article 5***Financial Regulation**

1. The Joint Undertaking shall have a distinct financial regulation based on the principles of the Framework Financial Regulation. The financial regulation of the Joint Undertaking (the financial regulation) may depart from the Framework Financial Regulation where the specific operating needs of the Joint Undertaking so require and subject to prior consultation with the Commission.

2. The Joint Undertaking shall establish its own internal audit service.

3. Discharge for the implementation of the budget of the Joint Undertaking shall be given by the European Parliament on the recommendation of the Council.

*Article 6***Staff**

The Staff Regulations, as well as the rules adopted jointly by the institutions of the European Community for the purposes of the application of those Staff Regulations, shall apply to the staff of the Joint Undertaking.

*Article 7***Privileges and immunities**

The Protocol on the Privileges and Immunities of the European Communities shall apply to the Joint Undertaking, its Director and staff.

*Article 8***Advantages**

The Member States shall confer all the advantages provided for in Annex III to the Treaty on the Joint Undertaking within the scope of its official activities, for as long as the Joint Undertaking exists.

*Article 9***Liability and jurisdiction of the Court of Justice**

1. The contractual liability of the Joint Undertaking shall be governed by the relevant contractual provisions and by the law applicable to the contract in question.

The Court of Justice of the European Communities shall have jurisdiction to give judgment pursuant to any arbitration clause contained in a contract concluded by the Joint Undertaking.

2. In the case of non-contractual liability, the Joint Undertaking shall, in accordance with the general principles common to the laws of the Member States, make good any damage caused by its servants in the performance of their duties.

The Court of Justice of the European Communities shall have jurisdiction in disputes relating to compensation for such damage.

3. The Court of Justice shall have jurisdiction in actions brought against the Joint Undertaking, including decisions of its Governing Board, under the conditions provided for in Articles 146 and 148 of the Treaty.

4. Any payment by the Joint Undertaking in respect of the liability referred to in paragraphs 1 and 2 and the costs and expenses incurred in connection therewith shall be considered as expenditure of the Joint Undertaking and shall be covered by the resources of the Joint Undertaking.

Article 10

Dissemination of information

The Joint Undertaking shall agree with the Commission appropriate provisions which will allow the Community to exercise its rights and obligations under Title II, Chapter 2 of the Treaty.

Article 11

Host agreement

A host agreement shall be concluded between the Joint Undertaking and Spain within three months from the establishment of the Joint Undertaking.

Article 12

Application

This Decision shall apply from the 20th day following its publication in the *Official Journal of the European Union*.

This Decision is addressed to the Member States.

Done at Brussels, 27 March 2007.

For the Council
The President
P. STEINBRÜCK

ANNEX

STATUTES OF THE EUROPEAN JOINT UNDERTAKING FOR ITER AND THE DEVELOPMENT OF FUSION ENERGY

(FUSION FOR ENERGY)

Article 1

Name, seat, members

1. The name of the Joint Undertaking shall be 'The European Joint Undertaking for ITER and the Development of Fusion Energy (Fusion for Energy)' (the Joint Undertaking).
2. The seat of the Joint Undertaking shall be in Barcelona in Spain.
3. The Joint Undertaking shall have the following Members:
 - (a) the European Atomic Energy Community (Euratom) represented by the Commission;
 - (b) the Member States of Euratom;
 - (c) third countries which have concluded a cooperation agreement with Euratom in the field of controlled nuclear fusion that associates their respective research programmes with the Euratom programmes and which have expressed their wish to become Members of the Joint Undertaking.

Article 2

Objectives

The objectives of the Joint Undertaking shall be:

- 1) to provide the contribution of Euratom to the ITER International Fusion Energy Organisation (the ITER Organisation), in accordance with the Agreement on the Establishment of the ITER International Fusion Energy Organisation for the Joint Implementation of the ITER Project (the ITER Agreement);
- 2) to provide the contribution of Euratom to broader approach activities with Japan for the rapid realisation of fusion energy (Broader Approach Activities), in accordance with the bilateral Agreement for the Joint Implementation of Broader Approach Activities (the Broader Approach Agreement with Japan);
- 3) to prepare and coordinate a programme of activities in preparation for the construction of a demonstration fusion reactor and related facilities including the International Fusion Materials Irradiation Facility (IFMIF).

Article 3

Activities

1. As the Euratom Domestic Agency for ITER, the Joint Undertaking shall discharge the obligations of Euratom to the ITER Organisation as defined in, and for the duration of, the ITER Agreement. In particular, it shall:
 - (a) oversee preparation of the ITER project site;
 - (b) provide components, equipment, materials and other resources to the ITER Organisation;
 - (c) manage procurement arrangements vis-à-vis the ITER Organisation and, in particular, associated quality assurance procedures;
 - (d) prepare and coordinate Euratom's participation in the scientific and technical exploitation of the ITER Project;
 - (e) coordinate scientific and technological research and development activities in support of Euratom's contribution to the ITER Organisation;
 - (f) provide Euratom's financial contribution to the ITER Organisation;
 - (g) arrange to make human resources available for the ITER Organisation;
 - (h) interface with the ITER Organisation and carry out any other activities in furtherance of the ITER Agreement.
2. As the Implementing Agency in the context of the Broader Approach Agreement with Japan, the Joint Undertaking shall discharge Euratom obligations for the implementation of Broader Approach Activities. In particular, it shall:
 - (a) provide components, equipment, materials and other resources for Broader Approach Activities;
 - (b) prepare and coordinate Euratom's participation in the implementation of Broader Approach Activities;
 - (c) coordinate scientific and technological research and development activities;
 - (d) provide the Euratom financial contribution to Broader Approach Activities;
 - (e) arrange to make human resources available for Broader Approach Activities;

(f) carry out any other activities necessary for meeting Euratom's obligations in furtherance of the Broader Approach Agreement with Japan.

3. In preparation for the construction of a demonstration fusion reactor and related facilities, including the IFMIF, the Joint Undertaking shall prepare and coordinate a programme of research, development and design activities other than ITER and Broader Approach Activities.

4. The Joint Undertaking shall carry out any other activities in furtherance of the overall objectives set out in Article 2, including activities to raise public awareness of the Joint Undertaking and its mission.

Article 4

Legal personality

The Joint Undertaking shall have legal personality. In the territory of each of its Members, it shall enjoy the most extensive legal capacity granted to legal persons under their respective laws. It may, in particular, conclude contracts, obtain licences, acquire or dispose of movable and immovable property, take out loans and be a party to legal proceedings.

Article 5

Bodies

1. The bodies of the Joint Undertaking shall be the Governing Board and the Director.

2. The Governing Board shall be assisted by the Executive Committee in accordance with Article 7.

3. The Governing Board and the Director shall seek advice from the Scientific Programme Board(s) in accordance with Article 9.

Article 6

Governing Board

1. The Governing Board shall be responsible for the supervision of the Joint Undertaking in the pursuit of its objectives set out in Article 2 and ensure close collaboration between the Joint Undertaking and its Members in the implementation of its activities.

2. Each Member of the Joint Undertaking shall be represented in the Governing Board by two members, one of whom shall have scientific and/or technical expertise in the areas related to the activities of the Joint Undertaking.

3. The Governing Board shall make recommendations and take decisions on any questions, matters or issues within the scope of and

in accordance with these Statutes. The Governing Board shall in particular:

- (a) approve proposals for amendments to these Statutes in accordance with Article 21;
- (b) decide all matters referred to it by the Executive Committee;
- (c) appoint the Chairman and members of the Executive Committee;
- (d) adopt the project plan, work programmes, resource estimates plan, the staff establishment plan and the staff policy plan;
- (e) adopt the annual budget, approve the annual accounts, including the specific parts related to the administrative and staff costs, and discharge the Director in respect of the implementation of the budget, in accordance with the financial regulation;
- (f) exercise the powers referred to in Article 10(3) in respect of the Director;
- (g) approve the basic organisational structure of the Joint Undertaking;
- (h) adopt the financial regulation and its implementing rules in accordance with Article 13(1);
- (i) adopt the implementing provisions referred to in the second subparagraph of Article 10(2) and in Article 10(4) in respect of the staff;
- (j) adopt implementing rules for making human resources available for the ITER Organisation and for Broader Approach Activities;
- (k) adopt and apply measures and guidelines to combat fraud, irregularities and manage potential conflicts of interest;
- (l) approve the host agreement between the Joint Undertaking and Spain (the Host State) provided for in Article 18;
- (m) decide on any acquisition, sale and mortgaging of land and other titles to real property, as well as on the giving of any sureties or guarantees, taking out of shares in other undertakings or institutions, and granting or taking of loans;
- (n) approve the conclusion of agreements or arrangements regarding cooperation with third countries and with institutions, undertakings or persons of third countries or with international organisations;
- (o) approve the annual activity reports on the progress of the Joint Undertaking with respect to its work programmes and its resources;
- (p) adopt rules on industrial policy, intellectual property rights and the dissemination of information in agreement with the Commission;
- (q) establish the Scientific Programme Board(s) and appoint their members;

(r) exercise such other powers and perform such other functions, including the establishment of subsidiary bodies, as may be necessary for the exercise of its functions in furtherance of its objectives.

4. The voting rights of the Members of the Joint Undertaking shall be as set out in Annex I. The votes of each Member shall be indivisible.

5. Decisions by the Governing Board under paragraph 3(a) shall require unanimity.

Decisions by the Governing Board under paragraph 3(b) to (m) shall require a two-thirds majority of the total votes.

Unless otherwise stated, all other Governing Board decisions shall require a simple majority of the total votes.

6. Euratom shall have the right to make a reservation to a decision by the Governing Board, when it considers that that decision may be contrary to Community law, including notably its international commitments arising from the ITER International Agreement. Euratom shall give due legal justification to such reservation.

In this case the decision shall be suspended and the matter referred to the Commission for a review of its legality, together with the view of the Governing Board.

The Commission may take a decision on the legality of the decision of the Governing Board within one month of the matter being referred to the Commission, failing which the decision of the Governing Board shall be deemed to have been upheld.

The Governing Board shall re-examine its decision in the light of the Commission's views and take a final decision.

7. The Governing Board shall elect its Chairman from among its members upon a proposal by Euratom, by a two-thirds majority of the total votes. He shall serve for a term of two years and may be re-elected once.

8. The Governing Board shall meet when convened by the Chairman, at least two times per year. The Governing Board may also be convened at the request of a simple majority of its members, or at the request of the Director or of Euratom. The meetings shall normally take place at the seat of the Joint Undertaking.

9. Unless otherwise decided in particular cases, the Director of the Joint Undertaking and the Chairman of the Executive Committee shall participate in the meetings of the Governing Board.

10. The Governing Board shall adopt its rules of procedure and shall approve the rules of procedure of the Executive Committee by a two-thirds majority of the total votes.

Article 7

Executive Committee

1. The Executive Committee shall assist the Governing Board in the preparation of its decisions and shall carry out any other tasks which the Governing Board may delegate to it.

2. The Executive Committee shall be composed of 13 members appointed by the Governing Board from among persons of recognised standing and professional experience in scientific, technical and financial matters relevant to the functions set out in this Article. One Member of the Executive Committee shall be Euratom.

3. The Executive Committee shall in particular:

(a) approve the award of contracts in accordance with the financial regulation;

(b) comment on and make recommendations to the Governing Board on the proposal for the project plan, work programmes, resource estimates plan, annual budget and accounts drawn up by the Director;

(c) submit to the Governing Board, upon request by Euratom or a majority of members, decisions on the awarding of contracts or any other decisions entrusted to it.

4. Each Executive Committee member shall have one vote.

5. Unless otherwise stated, decisions by the Executive Committee shall require a majority of nine votes in favour.

6. The term of office for members of the Executive Committee shall be two years renewable once. Every two years at least half of the members shall be replaced.

7. On expiry of their term of office members shall remain in office until their appointment is renewed or they are replaced. If a member resigns, he shall remain in office until he is replaced.

8. The Chairman of the Executive Committee shall be appointed by the Governing Board for a period of two years, renewable once.

9. The Executive Committee shall meet when convened by the Chairman, at least six times per year. The Executive Committee may also be convened at the request of at least three members, or at the request of the Director or of Euratom. The meetings shall normally take place at the seat of the Joint Undertaking.

10. The Chairman of the Executive Committee shall participate in the meetings of the Governing Board, unless the Governing Board decides otherwise.

11. Subject to the prior approval of the Governing Board, the Executive Committee shall adopt its rules of procedure.

Article 8

The Director

1. The Director shall be the chief executive officer responsible for the day-to-day management of the Joint Undertaking and shall be its legal representative.

2. The Director shall be appointed by the Governing Board, on the basis of a list of candidates proposed by the Commission following a call for expressions of interest published in the *Official Journal of the European Union* and in other periodicals or on Internet sites. The Director shall be appointed for a period of five years. After an evaluation of the Director's performance during this period by Euratom, and upon its proposal, the Governing Board may extend the term of office once for a further period of not more than five years.

3. The Director shall be subject to the Staff Regulations of officials of the European Communities and the Conditions of Employment of other servants of the European Communities, laid down by Regulation (EEC, Euratom, ECSC) No 259/68 (the Staff Regulations) as well as the rules adopted jointly by the institutions of the European Community for the purposes of the application of those Staff Regulations save as otherwise provided in these Statutes.

4. The Director shall implement the work programmes and direct the execution of the activities set out in Article 3. He shall supply the Governing Board, the Executive Committee, the Scientific Programme Board(s) and any subsidiary bodies with all information necessary for the performance of their functions.

In particular, the Director shall:

- (a) organise, direct and supervise the staff and exercise in respect of the staff the powers devolved on the appointing authority;
- (b) define the basic organisational structure of the Joint Undertaking and submit it to the Governing Board for approval;
- (c) draw up and regularly update the project plan, the work programmes of the Joint Undertaking and the staff policy plan;
- (d) draw up, in accordance with the ITER Agreement and with the Broader Approach Agreement with Japan, implementing rules for making human resources available for the ITER Organisation and for Broader Approach Activities;
- (e) draw up, in accordance with the financial Regulation, the resource estimates plan and annual draft budget including the staff establishment plan of the Joint Undertaking;
- (f) implement the budget, keep the inventory and draw up the annual accounts in accordance with the financial regulation;
- (g) ensure the application of sound financial management and internal controls;
- (h) draw up the rules on intellectual property rights and industrial policy, and on the dissemination of information;
- (i) draw up the annual activity report on the progress of the implementation of the activities of the Joint Undertaking set out in the work programmes and resource estimates plan;
- (j) draw up such other reports as may be requested by the Governing Board or Executive Committee;
- (k) assist the Governing Board, the Executive Committee and any subsidiary bodies by providing their secretariat;
- (l) participate in the meetings of the Governing Board, unless the Governing Board decides otherwise, and participate in the meetings of the Executive Committee;
- (m) ensure that scientific and technical expertise is made available to the Joint Undertaking for the development of its activities;
- (n) carry out other activities and, as may be necessary and make other proposals to the Governing Board in furtherance of the objectives of the Joint Undertaking.

Article 9

Scientific Programme Board(s)

1. The Governing Board shall appoint the members of Scientific Programme Board(s). The Chairman of the Programme Board(s) shall be elected from among its members.

2. The Scientific Programme Board(s) shall advise the Governing Board and the Director, as necessary, on the adoption and implementation of the project plan and work programmes.

Article 10

Staff

1. The staff of the Joint Undertaking shall assist the Director in the performance of his duties and shall in general be nationals of the Members of the Joint Undertaking.

2. The Staff Regulations as well as the rules adopted jointly by the institutions of the European Community for the purposes of the application of those Staff Regulations shall apply to the staff of the Joint Undertaking.

The Governing Board, in agreement with the Commission, shall adopt the necessary implementing provisions, in accordance with the arrangements provided for in Article 110 of the Staff Regulations.

3. The Joint Undertaking shall exercise, with regard to its staff, the powers which are devolved on the appointing authority.

4. The Governing Board may adopt provisions to allow national experts from Members of the Joint Undertaking to be seconded to the Joint Undertaking.

Article 11

Work programmes and resource estimates plan

The Director shall prepare each year the submission of the project plan to the Governing Board, the resource estimates plan and the detailed annual work programmes and budget. One work programme shall be prepared for each of the groups of activities of the Joint Undertaking as set out in Article 3.

Article 12

Resources

1. The resources of the Joint Undertaking shall consist of a contribution from Euratom, annual membership contributions and voluntary contributions from the Members other than Euratom, contributions from the ITER host State and from additional resources:

- (a) the Euratom contribution shall be made available through the Community research and training programmes adopted pursuant to Article 7 of the Treaty;
- (b) annual membership contributions shall take the form of financial contributions and shall be made available in accordance with Annex II;
- (c) voluntary contributions may be made in cash or in kind and shall not count towards annual membership contributions.
- (d) contributions from the ITER host State;
- (e) additional resources may be received under terms approved by the Governing Board.

2. The resources of the Joint Undertaking shall be solely used in furtherance of its objectives as defined in Article 2. The value of contributions in kind shall be determined by the Joint Undertaking. Without prejudice to Article 19, no payment by way of division of any excess of resources over expenditure shall be made to the Members of the Joint Undertaking.

Article 13

Financial regulation

1. The financial regulation and its implementing rules shall be adopted by the Governing Board.

2. The financial regulation lays down the rules for the establishment and implementation of the budget of the Joint Undertaking.

3. The financial regulation shall be in accordance with the general principles set out in Annex III.

Article 14

Annual activity report

The annual activity report shall record the implementation of the work programmes by the Joint Undertaking. It shall in particular outline the activities conducted by the Joint Undertaking and evaluate the results with respect to the objectives and the timetable set, the risks associated with the activities carried out, the use of resources and the general operation of the Joint Undertaking. The annual activity report shall be prepared by the Director, approved by the Governing Board and sent to the Members, the Commission, the European Parliament and the Council of the European Union.

Article 15

Annual accounts and supervision

1. Within two months after the end of each financial year the provisional accounts of the Joint Undertaking shall be submitted to the Commission and the Court of Auditors of the European Communities (the Court of Auditors).

The Court of Auditors shall, by 15 June after the end of each financial year, make its observations on the provisional accounts of the Joint Undertaking.

Within six months after the end of each financial year, the Director shall submit the final accounts of the Joint Undertaking to the Commission, the Council, the European Parliament and the Court of Auditors.

The European Parliament, on the recommendation of the Council acting by a qualified majority, shall, before 30 April of year $n+2$, give a discharge to the Director in respect of the implementation of the budget of the Joint Undertaking for year n .

2. The European Anti-Fraud Office (OLAF) set up by Commission Decision 1999/352/EC, ECSC, Euratom⁽¹⁾ shall enjoy the same powers in respect of the Joint Undertaking and its staff as it enjoys in respect of Commission departments. As soon as the Joint Undertaking is established, it shall accede to the Interinstitutional Agreement of 25 May 1999 between the European Parliament, the Council and the Commission concerning internal investigations by OLAF⁽²⁾. The Governing Board shall approve that accession and adopt the necessary measures needed to facilitate internal investigations conducted by OLAF.

3. All decisions adopted and contracts concluded by the Joint Undertaking, shall provide explicitly that OLAF and the Court of Auditors may carry out on-the-spot inspections of the documents of all contractors and sub-contractors which have received Community funds, including at the premises of the final beneficiaries.

⁽¹⁾ OJ L 136, 31.5.1999, p. 20.

⁽²⁾ OJ L 136, 31.5.1999, p. 15.

*Article 16***Accession**

1. Upon accession to Euratom, any new Member State of the European Union shall become a Member of the Joint Undertaking.
2. Any third country which concludes a cooperation agreement with Euratom in the field of controlled nuclear fusion that associates its respective research programmes with the Euratom programmes and expresses its wish to become a Member of the Joint Undertaking shall become a Member.

*Article 17***Duration**

The Joint Undertaking shall be established for a period of 35 years starting on 19 April 2007.

*Article 18***Support from the host State**

A host agreement shall be concluded between the Joint Undertaking and the host State concerning, in particular, the site and support to be provided.

*Article 19***Winding up**

1. At the end of the period provided for in Article 17, or following a decision by the Council, the Joint Undertaking shall be wound up.
2. For the purpose of conducting the proceedings in winding up the Joint Undertaking, the Governing Board shall appoint one or more liquidators, who shall comply with the instructions issued by the Governing Board.
3. When the Joint Undertaking is being wound up, it shall return to the Host State any physical support item made available by the host State in accordance with the host agreement provided for in Article 18.
4. When any physical support item has been dealt with as provided for in Paragraph 3, any further assets shall be used to cover the liabilities of the Joint Undertaking and the costs relating to its winding up. Any surplus or deficit shall be distributed among or met by the Members existing at the time of the winding up in proportion to their actual total contributions to the Joint Undertaking.

*Article 20***Ownership and assignment of rights**

1. The Joint Undertaking shall own all resources, tangible and intangible, and financial assets created by it or acquired by it unless otherwise agreed between the Commission and the Joint Undertaking.

2. Members and their national fusion organisations shall offer free of charge to the Joint Undertaking any title, rights and obligations arising under contracts concluded and orders placed by or with the support of Euratom in relation to the activities of the Joint Undertaking prior to its establishment.

3. The Joint Undertaking may take over any contract and order referred to in paragraph 2.

*Article 21***Amendments**

1. Any Member of the Joint Undertaking may make a proposal to the Governing Board for the amendment of these Statutes.

However, proposals for changes in the voting system and rights, and for determining the voting rights of new Members shall be made by Euratom.

2. Upon approval by the Governing Board the proposal shall be submitted to the Commission.

3. The Commission will make a proposal to the Council for the approval of such amendments in accordance with Article 50 of the Treaty.

*Article 22***Settlement of disputes**

1. Without prejudice to Article 154 of the Treaty, any dispute either between Members of the Joint Undertaking or between one or more Members and the Joint Undertaking concerning the interpretation or application of these Statutes, which is not settled by the good offices of the Governing Board, may, at the request of any party to the dispute, be submitted to an arbitration tribunal.
2. The arbitration tribunal shall be established in each individual case. The tribunal shall be composed of three members nominated jointly by the parties to the dispute. The members of the arbitration tribunal shall elect the chairman from amongst themselves.
3. If the parties in the dispute fail to nominate the members of the arbitration tribunal within two months of the request for submission of a dispute to an arbitration tribunal, or if within one month of the nomination of the members these members do not elect a chairman, such member or members or the chairman shall be nominated by the President of the Court of Justice of the European Communities at the request of one of the parties to the dispute.
4. The arbitration tribunal shall reach its decision by a majority of votes. Such decision shall be binding and final.

ANNEX I TO THE STATUTES OF THE JOINT UNDERTAKING

GOVERNING BOARD VOTING RIGHTS

The voting rights of the Members of the Governing Board shall be distributed as follows:

Euratom	5
Austria	2
Belgium	2
Bulgaria	1
Cyprus	1
Czech Republic	2
Denmark	2
Estonia	1
Finland	2
France	5
Greece	2
Germany	5
Hungary	2
Ireland	2
Italy	5
Latvia	2
Lithuania	2
Luxembourg	1
Malta	1
Poland	3
Portugal	2
Romania	2
Slovakia	2
Slovenia	2
Sweden	2
Switzerland	2
Spain	3
The Netherlands	2
United Kingdom	5

*ANNEX II TO THE STATUTES OF THE JOINT UNDERTAKING***ANNUAL MEMBERSHIP CONTRIBUTIONS**

1. Members other than Euratom shall make annual membership contributions to the Joint Undertaking.
2. The total amount of annual membership contributions for year n shall be calculated on the basis of the annual resources required for the administration of the Joint Undertaking in that year, as adopted by the Governing Board.
3. The total amount of annual membership contributions shall not exceed 10 % of the annual resources required for the administration of the Joint Undertaking, as set out in point 2.
4. The annual membership contribution of each Member, unless otherwise decided by the Governing Board by unanimity, shall be composed of:
 - (a) a minimum contribution of 0,1 % of the total amount of annual membership contributions set out in point 2;
 - (b) an additional contribution calculated in proportion to the Euratom financial participation ⁽¹⁾ (expressed in EUR) in the Member's expenditure in the framework of the Community Fusion research programme in the year n-2 without including its voluntary contribution to the Euratom obligations included in the Broader Approach Agreement with Japan.

⁽¹⁾ Excluding Euratom financial participation for JET Operation.

ANNEX III TO THE STATUTES OF THE JOINT UNDERTAKING

FINANCIAL REGULATION: GENERAL PRINCIPLES

1. The financial Regulation shall follow the budgetary principles of:
 - (a) unity and budget accuracy;
 - (b) annuality;
 - (c) equilibrium;
 - (d) unit of account;
 - (e) universality;
 - (f) specification;
 - (g) sound financial management;
 - (h) transparency.
2. The Joint Undertaking shall have internal control standards and mechanisms in place, including rules for financial circuits and procedures for financial operations.
3. The Joint Undertaking shall establish an internal audit unit.
4. Notwithstanding the principle of equilibrium referred to in point 1(c), the Joint Undertaking shall have the possibility to take out loans in accordance with Article 4 of these Statutes, following approval of the Governing Board and under the conditions set out in the financial Regulation.
5. The financial Regulation shall, in particular, set out:
 - (a) the financial year, which shall begin on the first day of January and end on the last day of December;
 - (b) rules and procedures for the multi-annual project plan and resource estimates plan, their presentation and structure, including budgetary provisions and estimates for a period of five years;
 - (c) rules and procedures for the annual work programmes and resource estimates plan and their presentation and structure, including budgetary provisions and estimates for a period of two years;
 - (d) rules and procedures for the preparation and adoption of the annual budget, and its implementation, including procedures for commitments and payments;
 - (e) the principles for the collection of recovery and for the interest yielded by the resources contributed by the members;
 - (f) rules and procedures for the internal financial control, including delegated powers, in particular concerning the ceilings, below which the Director can award contracts with or without the approval of the Executive Committee;
 - (g) rules and procedures for the method of calculating and transferring payments of the contributions by the Members of the Joint Undertaking;

- (h) rules and procedures for the management of resources, including procedures for purchasing, selling and determining the value of tangible and intangible assets;
 - (i) rules and procedures for the keeping and presentation of accounts and inventory records and the drawing up and presentation of the annual balance sheet;
 - (j) rules and procedures for the management of conflicts of interest and the reporting of suspected irregularities and fraud.
6. The Joint Undertaking shall keep accrual-based accounts in accordance with international accounting standards and international financial reporting standards. Income and expenditures shall be managed and accounted for separately in the annual accounts, which shall include budgetary implementation of commitments and payments together with administrative expenses. The Joint Undertaking shall have no separate accounts by membership origin, but shall account for annual membership contributions received and activities undertaken.
7. The establishment plan of the Joint Undertaking shall be drawn up in agreement with the Commission and in accordance with Article 46 of Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽¹⁾.
8. The estimates of revenue and expenditure, together with the operating accounts and the balance sheets of the Joint Undertaking for each financial year, shall be placed before the Commission, the Council and the European Parliament.
9. The Joint Undertaking shall adopt provisions and rules forming a procurement system, integrated and compatible with the ITER Organisation's procurement system and taking into account the Joint Undertaking's specific operational needs stemming, inter alia, from international commitments, thereby allowing the Joint Undertaking to accomplish efficiently and timely the scheduled procurement activities.
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⁽¹⁾ OJ L 248, 16.9.2002, p. 1. Regulation as last amended by Regulation (EC, Euratom) No 1995/2006.

COMMISSION

COMMISSION DECISION

of 6 December 2006

on the aid scheme for research and development in the aircraft industry implemented by Belgium

(notified under document number C(2006) 5792)

(Only the French and Dutch versions are authentic)

(Text with EEA relevance)

(2007/199/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

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

Having regard to Council Regulation (EC) No 659/1999 of 22 March 1999 laying down detailed rules for the application of Article 93 of the EC Treaty ⁽¹⁾, and in particular Article 7 thereof,

Having regard to the Commission Decision of 22 June 2006 ⁽²⁾ initiating the procedure laid down in Article 88(2) of the EC Treaty in respect of aid C 27/2006 (ex NN 22/2004),

Having called on interested parties to submit their comments pursuant to that Article,

Whereas:

(2) By letter of 22 June 2006, the Commission informed Belgium that it had decided to initiate the procedure laid down in Article 88(2) of the EC Treaty in respect of this aid.

(3) By letter of 11 September 2006, registered as received on the same date, Belgium submitted its comments to the Commission.

(4) By letter of 2 October 2006, the Commission asked Belgium for additional information which was provided by letters of 23 and 24 November 2006, registered as received on the same dates.

(5) The Commission decision to initiate the procedure was published in the *Official Journal of the European Union* ⁽³⁾. The Commission invited interested parties to submit their comments.

(6) The Commission received no comments from interested parties.

1. PROCEDURE

(1) By letter of 13 February 2004, registered as received by the Commission on 18 February, Belgium notified the Commission of an aid scheme for research and development (R & D) in the aircraft industry. By letters of 23 December 2004 and 1 July 2005, registered as received by the Commission on 3 January and 5 July 2005 respectively, it provided the Commission with further information.

2. DESCRIPTION OF THE AID

2.1. Objective, legal basis, duration and budget

(7) The aim of the scheme is to boost the technological capabilities of Belgian enterprises taking part in a civil aircraft development programme and to safeguard and create jobs in this industry. The Belgian authorities believe that the scheme may lead to the creation of between 2 500 and 3 000 new jobs over the next 20 years.

⁽¹⁾ OJ L 83, 27.3.1999, p. 1. Regulation as last amended by Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p. 1).

⁽²⁾ OJ C 196, 19.8.2006, p. 7.

⁽³⁾ See footnote 2.

- (8) On 1 December 2000 the Belgian Cabinet decided to grant financing for an aid scheme for research and development in the aircraft industry. The aid is granted by the Federal Government under an agreement concluded by it with the regional authorities on 20 November 2001 on the basis of budget law (Law of 27 July 2001 on the first adjustment of the 2001 general expenditure budget, published in the Belgian Official Gazette on 14 May 2002).
- (9) Under this scheme, the State can pay advances to the beneficiary enterprises between 2002 and 2006. According to the Belgian Cabinet's decision of 1 December 2000, the overall budget of EUR 195 038 000 has been distributed as follows: EUR 112 457 000 for the airframe manufacturers, EUR 41 307 000 for the component manufacturers and EUR 41 274 000 for the engine manufacturers.

2.2. Beneficiaries, research activities and eligible costs

- (10) The scheme is open to enterprises established in Belgium which are partners or subcontractors of suppliers of engines or components for a civil aircraft development programme. These enterprises must have a technology that is of interest to the constructor or to the constructor's partners for the type of aircraft concerned.
- (11) The aid granted by the Belgian Government is to be used towards the costs of industrial research (IR) and pre-competitive development (PCD) within the meaning of Annex I to the Community framework for State aid for research and development⁽⁴⁾ (R & D framework).
- (12) The eligible R & D costs are those directly associated with the project, with the exception of all the commercial and/or marketing costs that have to be incurred in order to obtain contracts, provided that these costs were incurred after 1 December 2000, that they are substantiated by the enterprise and controlled and accepted by the Federal Government and that they are necessary to carry out R & D work as defined above. These costs must be eligible costs as defined in Annex II to the R & D framework. Certification costs are excluded.

2.3. Aid instrument, intensity and cumulation of aid

- (13) The aid is granted in the form of repayable advances by way of payments to the Government that are linked to sales of the products or technologies concerned, up to a maximum of 75 % of the IR costs (a basic 60 % plus any applicable bonuses, but never more than 75 %) plus a maximum of 50 % of the PCD costs (a basic 40 % plus any applicable bonuses, but never more than 50 %).
- (14) The advance is repayable in full in the form of a proportion of the turnover generated by the project. The standard model agreement between the Belgian Government and the beneficiary enterprise stipulates that the company will not under any circumstances have to pay interest on the amount advanced. Repayments cease when the advance principal has been reimbursed.
- (15) The Belgian authorities undertake to comply with the rules on cumulation with other schemes and to limit the aid intensity to the maximums specified in the R & D framework. No state aid other than that granted by the Federal Government will be granted for the same project.

2.4. Incentive effect of the aid and commitments

- (16) Aid granted under the scheme must be necessary and must have an incentive effect. To be eligible, projects must involve a degree of technical and/or financial risk that prevents the enterprise from financing the project in full. The enterprise must submit a complete technical and financial dossier before the aid is granted. All dossiers must be individually analysed by the ministry responsible for the economy and scientific policy. The Belgian authorities also undertake to assess the incentive effect of the aid through surveys of the beneficiary firms and to provide evidence of this effect in annual reports to the Commission.
- (17) Under point 4.7 of the R & D framework, the authorities must notify the Commission of individual grants of aid to major projects. They have notified the Commission of the aid granted to the company Techspace Aero for the low-pressure part of the GP7000 engine (Aid C 28/2006 — ex NN 23/2004).

⁽⁴⁾ OJ C 45, 17.2.1996, p. 5.

2.5. Grounds for initiating the procedure

- (18) In its decision of 22 June 2006 the Commission examined the aid in the light of the R & D framework and raised doubts regarding its compatibility with this framework.
- (19) The Commission noted that the aid was granted in the form of an advance repayable on the basis of sales of the product resulting from the research activity. Advances of this kind, repayable in the event of a successful outcome of research activities, are very common in the aircraft industry.
- (20) Point 5.6 of the R & D framework makes specific provision for this type of advance. It indicates that the allowable level of aid intensity for such aid instruments (25 % for PCD and 50 % for IR) may be increased based on a case-by-case assessment of the repayment conditions.
- (21) Since the entry into force of the R & D framework, the Commission has received notification of numerous cases of aid in the form of advances repayable in the event of a successful outcome. It has developed a body of practice for interpreting point 5.6 of the framework⁽⁵⁾.
- (22) In the cases analysed by the Commission to date, the beneficiary has, in the event of the success of a programme, been required to repay, in addition to the advance principal, interest based on the reference and discount rate set by the Commission for the Member State concerned at the time the aid was granted. For particularly successful programmes, the repayment rates have been even higher.
- (23) Under the circumstances, the Commission's practice has been to limit the advance to a maximum of 40 % of eligible costs for PCD activities and 60 % for IR activities. These basic rates may be exceeded by the extra percentage points (bonuses) provided for in point 5.10 of the R & D framework.
- (24) In the aid scheme in question, however, the Commission notes that the Belgian authorities have applied these

maximum levels of 40 % and 60 % (plus the possible bonuses provided for in point 5.10 of the R & D framework), whereas the arrangements for repayment of the advance do not envisage payment of any interest, even in the event of the success of the programme.

- (25) Thus, the arrangements for repaying of the aid in question are considerably more favourable for the enterprises benefiting from it than the traditional arrangements for aid beneficiaries in the cases hitherto examined by the Commission. Since they do not have to pay any interest, the beneficiary companies are guaranteed to benefit from the aid whatever the outcome of the project, whereas under traditional repayment arrangements the aid may not be granted at all in the event of a successful outcome (and may even be negative in cases of highly successful projects where the enterprise may enable the State to earn money including in real terms).

3. COMMENTS FROM BELGIUM

3.1. Budget for the measure

- (26) Following the decision of 22 June 2006, the Belgian authorities have stated that the aid scheme in question is not intended to finance airframe manufacturers. The Belgian Cabinet's decision of 1 December 2000 drew a distinction between the budget for aid to airframe manufacturers and that for aid to component and engine manufacturers. The procedures for granting aid to the airframe manufacturers are completely distinct from those for aid granted to the component and engine manufacturers. The State aid introduced by the Belgian Cabinet's decision of 1 December 2000 concerns only the component and engine manufacturers.

3.2. Adaptation of the State aid granted to the component and engine manufacturers

- (27) The Belgian authorities have submitted two alternatives for modifying the aid granted to the component and engine manufacturers so as to bring it into line with the model contracts submitted to the Commission on 23 November 2006. Only one alternative has been adopted for each of the projects for which aid is granted.

- (28) The first alternative is to recover part of the aid granted in order to bring its intensity level down to that stipulated by the R & D framework (50 % maximum for IR activities and 25 % maximum for PCD activities, plus any applicable bonuses). The Belgian authorities will recover the surplus amount of the aid by 31 March 2007 and will charge interest on this amount at the Commission's reference and discount rate in force at the time the aid was granted. As provided for in the grant agreement, in the event of the success of the project the Belgian authorities will, in addition to this initial recovery, require repayment, free of interest, of the part of the aid kept by the enterprise.

⁽⁵⁾ See the cases cited in footnote 5 of the Commission decision of 22 June 2006 (OJ C 196, 19.8.2006, p. 7).

Table 1

Advances reduced to aid intensity levels

Beneficiaries	Eligible costs (EUR thousand)		Final intensity		Advance paid (EUR thousand)	Recovery with interest (EUR thousand)	Rate
	IR	PCD	IR	PCD			
Septentrio	[...] (*)	[...]	60 %	35 %	5 454	912	3,95 %
ASCO	[...]	[...]	50 %	25 %	1 473	407	3,95 %
ASCO	[...]	[...]	50 %	25 %	2 434	988	3,95 %
ASCO	[...]	[...]	50 %	25 %	3 308	1 180	3,70 %
LMS	[...]	[...]	50 %	25 %	3 264	782	4,43 %
BARCO	[...]	[...]	50 %	25 %	0	0	—
BARCO	[...]	[...]	50 %	25 %	2 120	575	3,95 %
BARCO	[...]	[...]	50 %	25 %	904	189	4,08 %
Advanced products	[...]	[...]	60 %	35 %	23	8	4,43 %

(*) Business secret.

- (29) The second alternative is to maintain the repayable advance only in the event of the success of the project and to bring repayment of the advance into line with Commission practice. The Belgian authorities have adopted progressive repayment arrangements enabling recovery, once the project has become successful, of the principal and of interest based on the Commission's reference and discount rate in force at the time the aid was granted.

Table 2

Repayment of advances in line with Community practice

Beneficiaries	Eligible costs (EUR thousand)		Intensity		Advance (EUR thousand)	Interest (EUR thousand) ⁽¹⁾	Rate	Success (shipsets sold)
	IR	PCD	IR	PCD				
Eurolasma	[...]	[...]	75 %	50 %	1 262	525	4,80 %	[...]
Eurolasma	[...]	[...]	75 %	50 %	719	290	4,80 %	[...]
Eurolasma	[...]	[...]	75 %	50 %	1 202	362	4,80 %	[...]
Electronic Apparatus	[...]	[...]	70 %	50 %	8 131	3 062	4,08 %	[...]
Samtech	[...]	[...]	70 %	50 %	1 075	305	4,36 %	[...]
XenICS/FOS & S	[...]	[...]	70 %	50 %	8 214	3 482	4,08 %	[...]

⁽¹⁾ Recovered as the advance is repaid.

(30) The commercial success of the projects is measured in terms of sales projections at the time the aid is granted. Total sales are taken into account when calculating repayment of the advance.

(31) Electronic Apparatus et XenICS/FOS & S make fixed repayments linked to each sale. This fixed payment enables both repayment of the principal and payment of the interest.

(32) However, Europlasma and Samtech make variable repayments linked to each sale, broken down as follows:

— a fixed amount corresponding to the principal of the amount advanced spread over the number of sales defining the success of the project, and

— a variable amount based on sales made, which covers the interest on the outstanding principal of the amount advanced.

(33) Europlasma makes straight-line repayments.

(34) Electronic Apparatus makes repayments in stages (five stages of [...] shipsets each). If the programme is interrupted in the middle of a stage before a successful outcome is achieved, the enterprise makes a final repayment in proportion to the sales made since the last stage reached.

(35) Lastly, Samtech and XenICS/FOS & S make 'exponential' repayments in three phases:

— a first phase corresponding to the first third of sales,

— a second phase corresponding to the second third of sales, with repayments twice as high as in the first phase,

— a third phase corresponding to the last third of sales, with repayments three times as high as in the first phase.

(36) Since the aid was granted recently, the Belgian authorities have set 31 December 2018 as the final date for repayment for all the contracts listed in Table 2, with the exception of the contract with Samtech, for which the final date is 31 December 2021.

3.3. Commitments

(37) The Belgian authorities undertake:

— to amend the initial contracts by 31 December 2006 to bring them into line with the model contracts submitted on 23 November 2006 and the repayment conditions laid down in paragraphs 28 to 36 of this Decision,

— to submit the amended and signed contracts by 31 December 2006,

— to comply with Commission practice as regards repayment conditions if further advances are granted before 31 December 2006 with higher intensities than those specified in the R & D framework,

— to take the appropriate measures if new aid were to be granted under this scheme after the entry into force of the Community framework on State aid for research, development and innovation.

4. ASSESSMENT

4.1. Existence of State aid

(38) The scheme is financed by the Belgian Federal Government. It confers an advantage on certain component and engine manufacturers in the aircraft industry. The advances are repaid only in the event of the commercial success of the product being researched, and in some cases repayments are free of interest. This makes the advances more advantageous than loans at market rates. Lastly, given that component and engine manufacturers from other Member States operate in this industry, the scheme may distort competition and affect trade between Member States. It therefore meets the cumulative criteria for determining the existence of State aid as defined in Article 87(1) of the EC Treaty.

(39) The total volume of State aid granted under the scheme in question amounts to EUR 82 581 000, broken down into EUR 41 307 000 for component manufacturers and EUR 41 274 000 for engine manufacturers.

4.2. Unlawfulness of the State aid

(40) The individual aid provided under the scheme was granted under agreements between the State and the beneficiary enterprises. The model agreement submitted by the Belgian authorities does not have a suspension clause whereby payment of the advances is subject to analysis of the scheme by the Commission in accordance with Community State aid rules. Since the scheme has already been implemented, it must be considered to be unlawful within the meaning of Article 1(b) and (f) of Regulation (EC) No 659/1999.

4.3. Compatibility of the State aid

- (41) Modification of the aid scheme in accordance with the first alternative described in recital 28 takes away the advantage initially conferred on the beneficiaries by reducing the aid intensity to the level stipulated in the R & D framework (50 % for IR activities and 25 % for PCD activities, plus any applicable bonuses). In addition to recovery, with interest, of the surplus aid, repayment of the remaining aid goes beyond the requirements of the R & D framework. The aid thus modified is therefore compatible with that framework.
- (42) Modification of the aid in accordance with the second alternative, which is described in recitals 29 to 36, brings the arrangements for repayment of the advances into line with Commission practice: repayment is progressive and, in the event of success, is increased to the amount of the principal of the advance plus the accrued interest. The aid thus modified is therefore in line with Commission practice.
- (43) Tables 1 and 2 list the enterprises that have benefited from the scheme so far. The Belgian authorities undertake to take away the additional advantage temporarily granted to these enterprises relative to the beneficiaries of aid in the form of repayable advances in the cases hitherto examined by the Commission. Furthermore, the Belgian authorities undertake to comply with Commission practice as regards arrangements for repayment if, prior to 31 December 2006, further advances are granted with higher intensities than those specified in the R & D framework for grants. They also undertake to take the appropriate measures if new aid is granted under this scheme after the entry into force of the Community guidelines on State aid for research, development and innovation.

5. CONCLUSION

- (44) The Commission notes that Belgium has unlawfully implemented the R & D aid scheme for the aircraft industry, under which it has granted aid for component and engine manufacturers in breach of Article 88(3) of the EC Treaty. However, Belgium undertakes to adapt this State aid by 31 December 2006 so as to bring it into line with the Community framework on State aid for research and development and with Commission practice,

HAS ADOPTED THIS DECISION:

Article 1

The aid implemented by Belgium for component and engine manufacturers under the aid scheme for research and development in the aircraft industry is compatible with the common market subject to the conditions spelt out in Article 2.

Article 2

Belgium shall require the beneficiaries of the scheme referred to in Article 1 to repay the advances in accordance with one of the two methods described in recitals 28 to 36.

To this end, Belgium shall amend, by 31 December 2006, its contracts with the beneficiaries of the aid scheme referred to in Article 1 so as to bring them into line with the model contracts submitted to the Commission by the Belgian authorities on 23 November 2006, which incorporate the new repayment arrangements described in recitals 28 to 36.

The amended and signed contracts shall be submitted to the Commission by 31 December 2006.

Article 3

Belgium shall inform the Commission within two months of receipt of this Decision of the measures taken to comply with it.

Article 4

This Decision is addressed to the Kingdom of Belgium.

Done at Brussels, 6 December 2006.

For the Commission

Neelie KROES

Member of the Commission

COMMISSION DECISION

of 6 December 2006

on State aid for research and development implemented by Belgium for Techspace Aero

(notified under document number C(2006) 5799)

(Only the French and Dutch versions are authentic)

(Text with EEA relevance)

(2007/200/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

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

Having regard to Council Regulation (EC) No 659/1999 of 22 March 1999 laying down detailed rules for the application of Article 93 of the EC Treaty ⁽¹⁾, and in particular Article 7 thereof,

Having regard to the Commission Decision of 22 June 2006 ⁽²⁾ initiating the procedure laid down in Article 88(2) of the EC Treaty in respect of aid C 28/2006 (ex NN 23/2004),

Having called on interested parties to submit their comments pursuant to that Article,

Whereas:

1. PROCEDURE

- (1) By letter of 13 February 2004, registered as received by the Commission on 18 February, Belgium notified the Commission of aid for research and development (R & D) to Techspace Aero. By letters of 23 December 2004, 1 July 2005 and 8 March 2006, registered as received by the Commission on 3 January 2005, 5 July 2005 and 13 March 2006 respectively, Belgium provided the Commission with further information.
- (2) This notification was sent together with the notification of an aid scheme for research and development in the aircraft industry since the aid in question was granted under that scheme and individual notification was therefore required under point 4.7 of the Community framework on State aid for research and development ⁽³⁾ (R & D framework). This aid scheme has been examined individually as scheme No C 27/2006 (ex NN 22/2004).

- (3) By letter of 22 June 2006, the Commission informed Belgium that it had decided to initiate the procedure provided for in Article 88(2) of the EC Treaty in respect of the individual aid granted to Techspace Aero.
- (4) By letter dated 11 September 2006, registered as received on the same date, Belgium submitted its comments to the Commission.
- (5) By letter of 2 October 2006, the Commission asked Belgium for additional information, which was provided by letters of 23 and 24 November 2006, registered as received on the same dates.
- (6) The Commission decision to initiate the procedure was published in the *Official Journal of the European Union* ⁽⁴⁾. The Commission called on interested parties to submit their comments.
- (7) The Commission received no comments from interested parties.

2. DESCRIPTION OF THE AID

2.1. Beneficiary

- (8) Techspace Aero is a Belgian company that specialises in the manufacture of subassemblies for aircraft and spacecraft engines. According to the information on its website, the company is owned by the French group Safran (51 %), by the Walloon region (28,4 %), by the US firm Pratt & Whitney (19 %) and by Société Wallonne d'Investissement (1,6 %). In 2004 it employed 1 230 staff and had a turnover of EUR 271 million.
- (9) Techspace Aero specialises in low-pressure compressors. It has taken part in numerous developments of major civil aircraft engines with integrators such as General Electric, Pratt & Whitney and the company SNECMA.

⁽¹⁾ OJ L 83, 27.3.1999, p. 1. Regulation as last amended by Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p. 1).

⁽²⁾ OJ C 196, 19.8.2006, p. 16.

⁽³⁾ OJ C 45, 17.2.1996, p. 5.

⁽⁴⁾ See footnote 2.

2.2. R & D project for which the aid has been granted

- (10) Techspace Aero is participating in the GP7000 civil aviation engine project. The GP7000 engine is produced by a collaboration between General Electric and Pratt & Whitney. Other European firms, such as MTU (Germany) and SNECMA (France), are also taking part in this project.
- (11) Techspace Aero is in charge of developing the low-pressure compressor for the GP7000. The company's total eligible costs for the R & D work for this project amount to [...] (*), spread over the period 2002 to 2006. According to the Belgian authorities, the total cost of the project breaks down as follows: [...] for industrial research (IR) activities plus [...] for pre-competitive development (PCD) activities within the meaning of Annex I to the R & D framework.
- (12) The activities classified as IR correspond to the project phases prior to the first engine tests. The PCD activities correspond to the engine test phases. Certification costs are not eligible for aid.

2.3. Aid arrangements

- (13) Techspace Aero requested the aid for the aforementioned project from the Belgian Government in 2000. It was granted by the authorities on 1 October 2003.
- (14) The aid is granted in the form of a repayable advance of a maximum amount of EUR 41 274 000, of which 65 % is for IR costs and 45 % for PCD costs.
- (15) The advance is repaid in stages in the form of a contribution per finished component sold based on the importance of the component, plus contributions based on the turnover generated by sales of replacement parts and by repairs. Under the agreement between the Belgian Government and Techspace Aero, the company will not under any circumstances have to pay interest on the amount advanced. Repayments will cease when the principal of the advance has been reimbursed.
- (16) According to the scenario described by the Belgian authorities in letters to the Commission and based, among other projections, on projected sales of [...] shipsets by 2018, Techspace Aero is to repay the advance in full by 2019.

2.4. Incentive effect of the aid

- (17) According to the Belgian authorities, Techspace Aero's R & D expenditure increased from [...] per annum prior to the launch of the programme to [...] per annum in 2005. Similarly, the ratio of R & D expenditure to turnover rose from [...] to [...].

2.5. Grounds for initiating the procedure

- (18) In its decision of 22 June 2006 the Commission examined the aid in the light of the R & D framework and raised doubts regarding its compatibility with this framework.
- (19) The Commission noted that the aid was granted in the form of an advance repayable on the basis of sales of the product resulting from the research activity. Advances of this kind, repayable in the event of a successful outcome of research activities, are very common in the aircraft industry.
- (20) Point 5.6 of the R & D framework makes specific provision for this type of advance. It indicates that the allowable level of aid intensity for such aid instruments (25 % for PCD and 50 % for IR) may be increased based on a case-by-case assessment of the repayment conditions.
- (21) Since the entry into force of the R & D framework, the Commission has received notification of numerous cases of aid in the form of advances repayable in the event of a successful outcome. It has developed a body of practice for interpreting point 5.6 of the framework⁽⁵⁾.
- (22) In the cases analysed by the Commission to date, the beneficiary has, in the event of the success of a programme, been required to repay, in addition to the advance principal, interest based on the reference and discount rate set by the Commission for the Member State concerned at the time the aid was granted. For particularly successful programmes, the repayment rates have been even higher.
- (23) Under the circumstances, the Commission's practice has been to limit the advance to a maximum of 40 % of eligible costs for PCD activities and 60 % for IR activities. These basic rates may be exceeded by the extra percentage points (bonuses) provided for in point 5.10 of the R & D framework.

(*) Business secret.

⁽⁵⁾ See the cases cited in footnote 4 of the Commission Decision of 22 June 2006 (OJ C 196, 19.8.2006, p. 16).

- (24) In the aid scheme in question, however, the Commission notes that the Belgian authorities have applied these maximum levels of 40 % and 60 % (plus a bonus of 5 % in accordance with point 5.10.2 of the R & D framework), whereas the arrangements for repayment of the advance do not envisage payment of any interest, even in the event of the success of the programme.
- (25) As indicated in the Commission decision of 22 June 2006, the arrangements for repaying of the aid are

considerably more favourable for Techspace Aero than the traditional arrangements for aid beneficiaries in the cases hitherto examined by the Commission. Since they do not have to pay any interest, the beneficiary companies are guaranteed to benefit from the aid whatever the outcome of the project, whereas under traditional repayment arrangements the aid may not be granted at all in the event of a successful outcome (and may even be negative in cases of highly successful projects where the enterprise may enable the government to earn money, including in real terms).

3. COMMENTS FROM BELGIUM

- (26) The Belgian authorities have modified the arrangements for granting aid to Techspace Aero by means of an amendment to the contract signed by the parties and sent to the Commission on 24 November 2006. This amendment provides for recovery of part of the aid granted in order to reduce its intensity level to that stipulated by the R & D framework (50 % maximum for IR activities and 25 % maximum for PCD activities, increased by 5 % if the project is carried out in one of the regions covered by Article 87(3)(c)). The Belgian authorities will recover the surplus amount of the aid by 31 March 2007 and will charge interest on this amount at the Commission's reference and discount rate in force at the time the aid was granted. As provided for in the grant agreement, in the event of the success of the project the Belgian authorities will, in addition to this initial recovery, require repayment, free of interest, of the part of the aid kept by the enterprise.

Table

Advance reduced to aid intensity level

Beneficiary	Eligible costs (EUR '000)		Final intensity		Advance paid (EUR '000)	Recovery with interest (EUR '000)	Rate
	IR	PCD	IR	PCD			
Techspace Aero	[...]	[...]	55 %	30 %	34 800	8 397	3,95 %

- (27) The advance finally granted to Techspace Aero amounts to EUR 31 978 850, corresponding to an intensity level of [...], which is the weighted average of the intensities applicable to the relative costs of IR and PCD activities.

mining the existence of State aid as defined in Article 87(1) of the EC Treaty.

4. ASSESSMENT

4.1. Existence of State aid

- (28) The advance was granted by the Belgian Federal Government to a single company. It is repaid only in the event of the success of the product being researched. This makes the advance more advantageous than a loan at market rates. Lastly, Techspace Aero is engaged in an area in which there is significant trade between Member States. It therefore meets the cumulative criteria for deter-

4.2. Unlawfulness of State aid

- (29) The aid was granted on 1 October 2003, even before it was notified to the Commission and therefore necessarily before it had been approved by the Commission. There is no suspension clause whereby payment of the advance is subject to analysis of the scheme by the Commission in accordance with Community State aid rules. Since the scheme has already been implemented, it must be considered to be unlawful within the meaning of Article 1(b) and (f) of Regulation (EC) No 659/1999.

4.3. Compatibility of State aid

- (30) Modification of the aid scheme as described in paragraphs 26 and 27 takes away the advantage initially conferred on the beneficiary by reducing the aid intensity to the level stipulated in the R & D framework (50 % for IR activities and 25 % for PCD activities, increased by 5 % if the project is carried out in one of the regions covered by Article 87(3)(c)). In addition to recovery, with interest, of the surplus aid, repayment of the remaining aid goes beyond the requirements of the R & D framework. The aid thus modified is therefore compatible with that framework.
- (31) The Belgian authorities undertake to take away the additional advantage temporarily granted to Techspace Aero relative to the beneficiaries of aid in the form of repayable advances in the cases hitherto examined by the Commission.

5. CONCLUSION

- (32) The Commission notes that Belgium has unlawfully implemented the R & D aid for Techspace Aero in breach of Article 88(3) of the EC Treaty. However,

Belgium has adapted State aid granted so as to bring it into line with the Community framework on State aid for research and development,

HAS ADOPTED THIS DECISION:

Article 1

The aid for research and development implemented by Belgium for Techspace Aero for an initial amount of EUR 41 274 000 and modified as described in paragraphs 26 and 27 is compatible with the common market.

Article 2

This Decision is addressed to the Kingdom of Belgium.

Done at Brussels, 6 December 2006.

For the Commission

Neelie KROES

Member of the Commission

COMMISSION DECISION

of 27 March 2007

amending Decision 2002/757/EC on provisional emergency phytosanitary measures to prevent the introduction into and the spread within the Community of *Phytophthora ramorum* Werres, De Cock & Man in 't Veld sp.nov.

(notified under document number C(2007) 1292)

(2007/201/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community⁽¹⁾, and in particular the fourth sentence of Article 16(3) thereof,

Whereas:

(1) By Commission Decision 2002/757/EC⁽²⁾ the Member States were provisionally required to take emergency phytosanitary measures to prevent the introduction into and the spread within the Community of *Phytophthora ramorum* Werres, De Cock & Man in 't Veld sp.nov. (hereinafter referred to as: 'the harmful organism').

(2) On the basis of recent scientific information on the possible damage caused by the harmful organism, it appears that the list of plants, wood and bark susceptible for the harmful organism should be extended and updated.

(3) In order to avoid misinterpretation, it should be laid down clearly that plant passports are necessary for each movement of specific species of susceptible plants within the Community.

(4) As a result of the official surveys carried out under Decision 2002/757/EC, it appears that at least two official inspections of specific species of susceptible plants in places of production are needed annually during the growing period to confirm the absence of the harmful organism. In order to allow sufficient time to adjust to this requirement, it should apply as of 1 May 2007.

(5) From follow-up experience with the implementation of eradication measures on outbreak sites, it appears that measures should cover not only plants, but also associated growing media and plant debris. Those measures should also include phytosanitary measures on the growing surface around such sites.

(6) It further appears necessary to continue the surveys carried out by the Member States as regards evidence of infestation by the harmful organism and to notify the results thereof on an annual basis.

(7) It is appropriate that the results of such measures be reviewed after the next growing season, and possible subsequent measures be considered in the light of the results of that review. The subsequent measures should also take into account the information to be provided and the scientific opinions to be delivered by the Member States.

(8) Decision 2002/757/EC should therefore be amended accordingly.

(9) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2002/757/EC is amended as follows:

⁽¹⁾ OJ L 169, 10.7.2000, p. 1. Directive as last amended by Commission Directive 2006/35/EC (OJ L 88, 25.3.2006, p. 9).

⁽²⁾ OJ L 252, 20.9.2002, p. 37. Decision as amended by Decision 2004/426/EC (OJ L 154, 30.4.2004, p. 1, as corrected by OJ L 189, 27.5.2004, p. 1).

1. In Article 1, paragraphs 2, 3 and 4 are replaced by the following:

‘2. “susceptible plants” means plants, other than fruit and seeds, of *Acer macrophyllum* Pursh, *Acer pseudoplatanus* L., *Adiantum aleuticum* (Rupr.) Paris, *Adiantum jordanii* C. Muell., *Aesculus californica* (Spach) Nutt., *Aesculus hippocastanum* L., *Arbutus menziesii* Pursch., *Arbutus unedo* L., *Arctostaphylos* spp. Adans, *Calluna vulgaris* (L.) Hull, *Camellia* spp. L., *Castanea sativa* Mill., *Fagus sylvatica* L., *Frangula californica* (Eschsch.) Gray, *Frangula purshiana* (DC.) Cooper, *Fraxinus excelsior* L., *Griselinia littoralis* (Raoul), *Hamamelis virginiana* L., *Heteromeles arbutifolia* (Lindley) M. Roemer, *Kalmia latifolia* L., *Laurus nobilis* L., *Leucothoe* spp. D. Don, *Lithocarpus densiflorus* (Hook. & Arn.) Rehd., *Lonicera hispidula* (Lindl.) Dougl. ex Torr.&Gray, *Magnolia* spp. L., *Michelia doltsopa* Buch.-Ham. ex DC, *Nothofagus obliqua* (Mirbel) Blume, *Osmanthus heterophyllus* (G. Don) P. S. Green, *Parrotia persica* (DC) C.A. Meyer, *Photinia x fraseri* Dress, *Pieris* spp. D. Don, *Pseudotsuga menziesii* (Mirbel) Franco, *Quercus* spp. L., *Rhododendron* spp. L., other than *Rhododendron simsii* Planch., *Rosa gymnocarpa* Nutt., *Salix caprea* L., *Sequoia sempervirens* (Lamb. ex D. Don) Endl., *Syringa vulgaris* L., *Taxus* spp. L., *Trientalis latifolia* (Hook), *Umbellularia californica* (Hook. & Arn.) Nutt., *Vaccinium ovatum* Pursh and *Viburnum* spp. L.

3. “susceptible wood” means wood of *Acer macrophyllum* Pursh, *Aesculus californica* (Spach) Nutt., *Lithocarpus densiflorus* (Hook. & Arn.) Rehd., *Quercus* spp. L. and *Taxus brevifolia* Nutt.

4. “susceptible bark” means isolated bark of *Acer macrophyllum* Pursh, *Aesculus californica* (Spach) Nutt., *Lithocarpus densiflorus* (Hook. & Arn.) Rehd., *Quercus* spp. L. and *Taxus brevifolia* Nutt.’

2. In Article 5, ‘from their place of production’ is replaced by ‘within the Community’.

3. In Article 6, paragraph 2 is replaced by the following:

‘2. Without prejudice to the provisions of Article 16(1) of Directive 2000/29/EC, the results of these surveys provided for in the first paragraph shall be notified to the Commission and to the other Member States annually by 1 December.’

4. In Article 8, ‘31 December 2004’ is replaced by ‘31 January 2008’.

5. The Annex is amended in accordance with the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 27 March 2007.

For the Commission
Markos KYPRIANOU
Member of the Commission

ANNEX

Point 3 of the Annex to Decision 2002/757/EC is amended as follows:

1. In the first sentence, 'moved from the place of production' is replaced by 'moved within the Community'
2. In point (b), the following sentence is inserted before 'or':

'and, from 1 May 2007 onwards, carried out at least twice during the growing season at appropriate times when the plants are in active growth; the intensity of these inspections shall take into account the particular production system of the plants,'

3. Point (c) is replaced by the following:

'(c) in cases where signs of the harmful organism have been found on the plants at the place of production, appropriate procedures have been implemented aiming at eradicating the harmful organism, consisting at least of the following:

- (i) destruction of the infected plants and all susceptible plants within 2 m radius of the infected plants, including associated growing media and plant debris,
 - (ii) for all susceptible plants within 10 m radius of the infected plants, and any remaining plants from the affected lot:
 - the plants have been retained at the place of production,
 - official additional inspections have been carried out at least twice in the three months after the eradication measures have been taken when the plants are in active growth,
 - while during this three months-period no treatments that may suppress symptoms of the harmful organism have been carried out,
 - the plants have been found free from the harmful organism in these official inspections,
 - (iii) for all other susceptible plants at the place of production, the plants have been subject to official intensive re-inspection following the finding and have been found free from the harmful organisms in these inspections,
 - (iv) appropriate phytosanitary measures have been taken on the growing surface within a 2 m radius of infected plants.'
-

COMMISSION DECISION

of 27 March 2007

amending Appendix B to Annex XII to the 2003 Act of Accession as regards certain establishments in the meat, fish and milk sectors in Poland

(notified under document number C(2007) 1305)

(Text with EEA relevance)

(2007/202/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Act of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, and in particular Annex XII, Chapter 6, Section B, Subsection I(1), paragraph (e) thereto,

Whereas:

- (1) Poland has been granted transitional periods for certain establishments listed in Appendix B ⁽¹⁾ to Annex XII to the 2003 Act of Accession.
- (2) Appendix B to Annex XII to the 2003 Act of Accession has been amended by Commission Decisions 2004/458/EC ⁽²⁾, 2004/471/EC ⁽³⁾, 2004/474/EC ⁽⁴⁾, 2005/271/EC ⁽⁵⁾, 2005/591/EC ⁽⁶⁾, 2005/854/EC ⁽⁷⁾, 2006/14/EC ⁽⁸⁾, 2006/196/EC ⁽⁹⁾, 2006/404/EC ⁽¹⁰⁾, 2006/555/EC ⁽¹¹⁾ and 2006/935/EC ⁽¹²⁾.
- (3) According to an official declaration from the Polish competent authority certain establishments in the meat, fish and milk sectors have completed their upgrading process and are now in full compliance with Community legislation. Certain establishments have ceased activities for which they have obtained a transi-

tional period. Those establishments should therefore be deleted from the list of establishments in transition.

- (4) Appendix B to Annex XII to the 2003 Act of Accession should therefore be amended accordingly.
- (5) The Standing Committee on the Food Chain and Animal Health has been informed of the measures provided for in this Decision,

HAS ADOPTED THIS DECISION:

Article 1

The establishments listed in the Annex to this Decision are deleted from Appendix B to Annex XII to the 2003 Act of Accession.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 27 March 2007.

For the Commission
Markos KYPRIANOU
Member of the Commission

⁽¹⁾ OJ L 236, 23.9.2003, p. 33.

⁽²⁾ OJ L 156, 30.4.2004, p. 53; corrected version in OJ L 202, 7.6.2004, p. 39.

⁽³⁾ OJ L 160, 30.4.2004, p. 56; corrected version in OJ L 212, 12.6.2004, p. 31.

⁽⁴⁾ OJ L 160, 30.4.2004, p. 73; corrected version in OJ L 212, 12.6.2004, p. 44.

⁽⁵⁾ OJ L 86, 5.4.2005, p. 13.

⁽⁶⁾ OJ L 200, 30.7.2005, p. 96.

⁽⁷⁾ OJ L 316, 2.12.2005, p. 17.

⁽⁸⁾ OJ L 10, 14.1.2006, p. 66.

⁽⁹⁾ OJ L 70, 9.3.2006, p. 80.

⁽¹⁰⁾ OJ L 156, 9.6.2006, p. 16.

⁽¹¹⁾ OJ L 218, 9.8.2006, p. 17.

⁽¹²⁾ OJ L 355, 15.12.2006, p. 105.

ANNEX

List of establishments to be deleted from Appendix B to Annex XII to the 2003 Act of Accession**Meat establishments***Initial list*

No	Veterinary No	Name of establishment
63	12070108	Zakład Uboju Zwierząt Rzeźnych
91	14170305	Zakład Garmazeryjny sp.j.
105	14250310	Zakład Masarski 'Sadelko' – Czapla-Świniarski sp.j.
197	30020201	Gminna Spółdzielnia 'SCH' Masarnia Osuch

Meat establishments low capacity*Initial list*

No	Veterinary No	Name of establishment
4		FHU 'Pierozki-smakoszki', ul. Parkowa 15, 30-014 Kraków

Meat establishments*Supplementary list*

No	Veterinary No	Name of establishment
12	06080302	IMPERIAL sp. z o.o.
14	10010205	Zakład Przetwórstwa Mięsnego J.S.A.J. Mielczarek, sp.j.
15	10030201	Zakład Przetwórstwa Mięsnego Krzysztof Bartos
17	10030204	Zakład Mięсны Waclaw Szaflik
26	10184001	Zakład Produkcji Konserw 'Marko-Pek' sp. z o.o.
27	10190201	Gminna Spółdzielnia Samopomoc Chłopska
28	10190204	ZPHU Ubojnia Masarnia, J. Karczmarek
30	10200322	Przedsiębiorstwo Produkcyjno-Handlowe ALFA, Jan Chrzęst, Ignacy Karolak sp.j.
31	12070104	Bogdan Grabiec i Wspólnicy sp.j.
35	12100103	Ubojnia Zwierząt Kazimierz Mółka
36	12100104	Zakład Usługowo-Handlowy Zakup Żywca, Ubój i Sprzedaż Mięsa, Mieczysław Gawlik
37	12100105	Obrót Zwierzętami Rzeźnymi Skup i Ubój oraz Sprzedaż Mięsa, Ireneusz Bieniek
43	12120131	Ubój Zwierząt Rzeźnych, Skup, Sprzedaż Żywca i Mięsa, Stanisław Ogonek
44	12120218	Z.P.M. Edmund Barczyk
49	14230102	Rzeźnia Ubojnia, ZUH Jan Tomczyk
51	14250104	Zakład Masarski 'SADEŁKO' sp.j.
52	14250205	Przedsiębiorstwo Produkcyjno-Usługowo-Handlowe 'DURO' sp. z o.o.
60	18030105	Zakład Handlowo-Produkcyjno-Przetwórczy A. Leja i Wspólnicy sp.j. w Jodłowej
62	18060302	Zakład Uboju i Przetwórstwa Mięsnego 'Radikal'

No	Veterinary No	Name of establishment
67	20070205	APIS sp.j.
70	22020201	Zakład Rzeźniczo-Wędliniarski, W. Gierszewski
71	22070301	Zakład Przetwórstwa Mięsnego W. Zieliński i Spółka, sp.j.
74	24060212	ZPU Ubój i Przetwórstwo Mięsa, Jan Matyja
87	28030202	ZPHU sp.j., R.S.M. Kamiński
88	28030203	Zakład Przetwórstwa Mięsnego Karscy sp.j., Filia Uzdowo
90	28070202	Masarnia Matis, sp. z o.o.
92	28120102	GOLDMAS sp.j. Szafarnia
93	28140313	BIO-LEGIZ SA, ul. Głowackiego 28, 10-448 Olsztyn, Zakład w Jezioranach
103	06080302	Zakład Przetwórstwa Mięsnego w Kamionce firmy 'IMPERIAL' SA, 20-211 Lublin, ul. Gospodarcza 27
105	08030201	Rzeźnictwo i Wędliniarstwo Szczerba Augustyn, 66-300 Międzyrzecz, ul. Polna 1
106	12060220	Firma 'Świerczek' Zakład Uboju, Rozbioru i Przetwórstwa Mięsa, 32-043 Skała, ul. Rzeźnicza 1
108	24050201	ZPU Tadeusz Marciniuszyn, Pniew, ul. Pyskowicka 2, 42-120 Pyskowice
113	24100202	PPH 'HIT' sp. z o.o., 43-229 Ćwiklice, ul. Spokojna 48
114	30220201	Ubojnia Masarnia Folmas sp. z o.o., Rawicz, Folwark 49
116	0203806	'Agro-Tusz' sp.j., A. Okaj, R. Kręgulewski, J. Głodowski, 55-106 Zawonia, Tarnowiec 92a
128	14340309	'Wisapis' Zakład Mięsny – Andrzej Jurzyk, 05-200 Zielonka, ul. Bankowa 2
132	22050303	Zakład Przetwórstwa Mięsnego 'BALERONIK' Ziegert Henryk, 83-300 Kartuzy, ul. Mściwoja II
134	22060201	Zakłady Mięsne Kościerzyna sp. z o.o., 83-400 Kościerzyna, ul. Strzelecka 30B
135	22060203	Zakład Mięsny Gminna Spółdzielnia 'Samopomoc Chłopska' w Karsinie, ul. Długa 184, 83-440 Karsin
136	22123801	Zakład Mięsny 'Wiklino' Dorota Jaworska, Andrzej Jaworski, spółka jawna, 76-200 Słupsk, Wiklino 2
137	22140301	'PiA' sp. z o.o., 83-130 Pelplin, ul. Podgórna 8
138	24010317	Prywatny Zakład Mięsny 'GAIK', sp. z o.o. 42-460 Najdziszów, ul. Topolowa 14
142	24650301	Zakład Mięsny 'ANTOSIK', 41-300 Dąbrowa Górnicza, ul. Łącząca 39
143	24040206	Zakład Produkcyjno-Handlowy 'Admar', ul. Częstochowska 34, 42-253 Siedlec gm. Janów
144	24040203	PHP 'YABRA' sp. z o.o., 42-297 Poraj, ul. Wschodnia 15 Zakład Przetwórstwa Mięsnego i Produkcji Konserw w Kamienicy Polskiej, ul. Konopnickiej 404, 42-260 Kamienica Polska
145	24640307	PPHU 'ROMAN' Eksport-Import sp. z o.o. 42-200 Częstochowa, ul. Ks. Kordeckiego 85/87
147	24090304	Zakłady Mięsne 'PORAJ' Marian Pucek, 42-360 Poraj, ul. Nadrzeczna 11
148	24100201	Warsztat Rzeźniczo-Wędliniarski, F. Szostok, 43-211 Czarków, ul. Boczna 1
149	24120102	Zakład Wędliniarski Andrzej Stania, 44-266 Świerklany, ul. Zygmunta Starego 14, Zakład Uboju Zwierząt w Jankowicach, ul. Sportowa 2, 44-264 Jankowice
151	24130301	Zakłady Mięsne Ryszard Wojtacha, 42-600 Tarnowskie Góry, ul. Nakielska 9/11

No	Veterinary No	Name of establishment
158	24080305	Rzeźnictwo-Wędliniarstwo Grzegorz Zdrzałek, 43-178 Ornontowice, ul. Leśna 2
159	28010103	Zakład Mięсны Bekon, ul. Prusa 2, 11-210 Sępopol
161	30050202	Zakład Mięсно-Wędliniarski Paweł Matysiak, 62-067 Rakoniew, Garbary 2a
165	30280102	PPH 'ROMEX' Pachela, Łęgowo, Rzeźnia Wągrowiec, 62-100 Wągrowiec, ul. Skocka 14

Poultry meat

Initial list

No	Veterinary No	Name of establishment
5	08010505	'Ekpols' sp. z o.o
6	08010504	PHPU 'DROSAN' sp. z o.o
11	10080801	Rabbits Slaughterhouse

Poultry meat

Supplementary list

No	Veterinary No	Name of establishment
173	14323901	Ejko – E. Kolczyńska, J. Kolczyński w Radonicach
176	20110501	Spółdzielnia Producentów Drobiu 'Eko-Gril' w Sokółce
179	28070503	Zakład Drobiarski 'Lech Drób' w Zalewie
181	10010501	PPHU 'Kusy', Przetwórstwo Mięsne, spółka jawna, 97-400 Bełchatów, Korczew 6a
184	10160404	Specjalistyczne Gospodarstwo Rolne Mariola Tonder, 97-217 Lubochnia, Dąbrowa 54
187	22120501	PUH – Ubojnia Drobiu 'Hubart', Piotr i Maria Powęzka, 76-206 Słupsk 8, Bruskowo Wielkie 24
191	28090401	Zbigniew Jaworski Przedsiębiorstwo Wielobranżowe HASPO
193	30193901	Rzeźnia Drobiu Krystyna Skowrońska, Chrustowo 43, Ujście
195	30210504	Ubojnia Drobiu Krystyna Hamrol, Dębienko, Stęszew

Cold stores

Initial list

No	Veterinary No	Name of establishment
7	30641101	Przedsiębiorstwo Przemysłu Chłodniczego

Fish sector

Initial list

No	Veterinary No	Name of establishment
3	06611802	Zakład Przetwórstwa Ryb
4	10031801	PHU 'Słodmor'

No	Veterinary No	Name of establishment
7	14191801	ZPR 'Fileryb' s.c.
18	22621802	'Syrena' Royal sp. z o.o
20	24021802	PHU 'Komers-Mag' s.j.
26	28051802	PW 'Doryb'
30	30221801	PHU 'Panix' P. Niziołek
31	32031801	ZPUH Z. Stebnicki
32	32071804	PPH 'Mors' M. Wdzięczny
34	32081808	HPU 'Tuka' M. Pozorski, J. Szyszko, s.j.

Fish sector

Supplementary list

No	Veterinary No	Name of establishment
3	14251802	PPH 'MARK' M.K. Szczęsny
10	02641801	'REX' PPHiU Przetwórnia Artykułów Spożywczych i Ryb, Roman Boniewski, 52-311 Wrocław, ul. Łanowa 2
15	22111820	Zakład Rybny 'ARPOL', 84-120 Władysławowo, ul. Portowa 5
16	22111844	Przetwórstwo Ryb oraz Handel Obwoźny Halina Szymańska, 84-120 Władysławowo, ul. Róży Wiatrów 24
18	22151804	'REDRYB' mgr Helena Truszkowska, 84-240 Reda, ul. Spółdzielcza 13

Milk sector

Initial list

No	Veterinary No	Name of establishment
1	02011601	OSM Bolesławiec
4	02111601	OSM Lubin
5	02111602	OSM Lubin, Oddz. w Ścinawie
9	04621601	Grudziądzka SM
10	04021601	MPPH 'Bromilk' sp. z o.o
15	06111601	SM Łuków
22	08051601	'Osmos' sp. z o.o w upadłości
25	08061601	Strzelecka SM
27	10081602	ZM 'Zarębski'
34	12061601	OSM Skąpa
35	12081601	Oddz. Produkcyjny w Charsznicy OSM Miechów
40	12111601	SM Nowy Targ
45	14221603	SM 'Mazowsze'
48	16011601	OSM Brzeg
54	18181601	OSM w Stalowej Woli

No	Veterinary No	Name of establishment
60	22151604	ZM 'Śnieżka' Perlino
65	24041601	PPH 'Pak' A.P. Kwiatkowscy
69	24071601	OSM Lubliniec-Dobrodzień
72	24151601	OSM Belsznica
82	26091601	OSM w Sandomierzu
88	28071603	OSM Susz
94	30111602	OSM Śrem
97	30121602	OSM Kalisz, Zakład Produkcyjny w Koźminie Wlkp.
99	30131602	PPH 'Emma' E
106	30221601	OSM w Rawiczu

Milk sector

Supplementary list

No	Veterinary No	Name of establishment
10	14021601	Ciechanowska Spółdzielnia Mleczarska w Ciechanowie
28	22011601	Zakład Produkcyjno-Handlowy 'SER-MILK' J. Kazubski, S. Kazubski, 77-235 Trzebielino, Zieliń 1
34	06141601	Spółdzielnia Mleczarska 'Kurów', 24-170 Kurów, ul. I. Armii Wojska Polskiego 66
35	14361601	Rolnicza Spółdzielnia Mleczarska 'Rolmlecz' w Radomiu, Zakład Mleczarski w Zwoleniu, 26-700 Zwoleń, ul. Puławska 88

AGREEMENTS

COUNCIL

Information relating to the entry into force of the Agreement in the form of an Exchange of Letters between the European Community and the People's Republic of China pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994

The above Agreement (OJ L 154, 8.6.2006, p. 24) has entered into force on 13 April 2006.

Information relating to the entry into force of the Agreement in the form of an Exchange of Letters between the European Community and the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994

The above Agreement (OJ L 176, 30.6.2006, p. 102) has entered into force on 26 June 2006 ⁽¹⁾.

⁽¹⁾ The amendment to Annex I of Regulation (EEC) No 2658/87 has been implemented through Council Regulation (EC) No 838/2006 (OJ L 154, 8.6.2006, p. 1).

Information relating to the entry into force of the Agreement in the form of an Exchange of Letters between the European Community and Malaysia pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994

The above Agreement (OJ L 335, 1.12.2006, p. 40) has entered into force on 30 October 2006.

Information relating to the entry into force of the Agreement in the form of an Exchange of Letters between the European Community and the Argentine Republic relating to the modification of concessions in the schedules of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic in the course of accession to the European Community

The above Agreement (pursuant to Article XXIV:6 of the General Agreement on Tariffs and Trade (GATT) 1994) (OJ L 355, 15.12.2006, p. 92) has entered into force on 29 November 2006.

Information relating to the entry into force of the Agreement in the form of an Exchange of Letters between the European Community and Brazil relating to the modification of concessions in the schedules of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic in the course of accession to the European Community

The above Agreement (pursuant to Article XXIV:6 of the General Agreement on Tariffs and Trade (GATT) 1994) (OJ L 397, 30.12.2006, p. 11) has entered into force on 18 December 2006.

Information relating to the entry into force of the Agreement in the form of an Exchange of Letters between the European Community and Uruguay relating to the modification of concessions in the schedules of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic in the course of accession to the European Community

The above Agreement (pursuant to Article XXIV:6 of the General Agreement on Tariffs and Trade (GATT) 1994) (OJ L 406, 30.12.2006, p. 11) has entered into force on 18 December 2006.

III

(Acts adopted under the EU Treaty)

ACTS ADOPTED UNDER TITLE V OF THE EU TREATY

COUNCIL JOINT ACTION 2007/203/CFSP

of 27 March 2007

**extending the mandate of the EU-team to contribute to the preparations of the establishment of a possible International Civilian Mission in Kosovo, including a European Union Special Representative component
(ICM/EUSR Preparation Team)**

THE COUNCIL OF THE EUROPEAN UNION,

Article 2

Having regard to the Treaty on European Union, and in particular Article 14 and Article 25(3) thereof,

The financial reference amount of EUR 869 000 as set out in Article 9(1) of Joint Action 2006/623/CFSP shall be increased by EUR 807 000 in order to cover the expenditure related to the mandate of the ICM/EUSR Preparation Team from 15 September 2006 to 31 July 2007.

Whereas:

(1) On 15 September 2006 the Council adopted Joint Action 2006/623/CFSP on the establishment of a EU-team to contribute to the preparations of the establishment of a possible International Civilian Mission in Kosovo, including a European Union Special Representative component (ICM/EUSR Preparation Team) ⁽¹⁾. That Joint Action expires on 31 March 2007.

Article 3

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

(2) On 27 February 2007 the Political and Security Committee recommended that the mandate of the ICM/EUSR Preparation Team be extended.

Article 4

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

(3) Joint Action 2006/623/CFSP should be extended accordingly,

Done at Brussels, 27 March 2007.

HAS ADOPTED THIS JOINT ACTION:

Article 1

Joint Action 2006/623/CFSP is hereby extended until 31 July 2007.

For the Council
The President
P. STEINBRÜCK

⁽¹⁾ OJ L 253, 16.9.2006, p. 29.