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## I

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

## REGULATIONS

## COUNCIL REGULATION (EC) No 1579/2007

of 20 December 2007

**fixing the fishing opportunities and the conditions relating thereto for certain fish stocks and groups of fish stocks applicable in the Black Sea for 2008**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy <sup>(1)</sup>, and in particular Article 20 thereof,

Having regard to Council Regulation (EC) No 847/96 of 6 May 1996 introducing additional conditions for year-to-year management of TACs and quotas <sup>(2)</sup>, and in particular Article 2 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) Under Article 4 of Regulation (EC) No 2371/2002 the Council adopts the necessary measures governing access to areas and resources and the sustainable pursuit of fishing activities taking account of available scientific advice and, in particular, the report prepared by the Scientific, Technical and Economic Committee for Fisheries.
- (2) Under Article 20 of Regulation (EC) No 2371/2002 the Council establishes the fishing opportunities by fishery or group of fisheries and the allocation of those opportunities to Member States.

(3) In order to ensure effective management of the fishing opportunities, the specific conditions under which fishing operations are carried out should be established.

(4) Article 3 of Regulation (EC) No 2371/2002 lays down definitions relevant to the allocation of fishing opportunities.

(5) In accordance with Article 2 of Council Regulation (EC) No 847/96, the stocks that are subject to the various measures must be identified therein.

(6) In order to contribute to the conservation of fish stocks, certain supplementary measures relating to the technical conditions of fishing should be implemented in 2008.

(7) Fishing opportunities should be used in accordance with the Community legislation on the subject, in particular with Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy <sup>(3)</sup> and Council Regulation (EC) No 850/98 of 30 March 1998 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms <sup>(4)</sup>.

(8) Bearing in mind that in a Member State where before the entry into force of this Regulation nets with a mesh size less than 200 mm were traditionally used to catch turbot, and in order to allow adequate adaptation to the technical measures introduced in this Regulation, that Member State shall be permitted to fish for turbot using nets with a minimum mesh size of no less than 180 mm.

<sup>(1)</sup> OJ L 358, 31.12.2002, p. 59. Regulation as amended by Regulation (EC) No 865/2007 (OJ L 192, 24.7.2007, p. 1).

<sup>(2)</sup> OJ L 115, 9.5.1996, p. 3.

<sup>(3)</sup> OJ L 261, 20.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 1967/2006 (OJ L 409, 30.12.2006, p. 9).

<sup>(4)</sup> OJ L 125, 27.4.1998, p. 1. Regulation as last amended by Regulation (EC) No 2166/2005 (OJ L 345, 28.12.2005, p. 5).

- (9) In view of the urgency of the matter, it is imperative to grant an exception to the six-week period referred to in paragraph 1(3) of the Protocol on the role of national Parliaments in the European Union, annexed to the Treaty on European Union and to the Treaties establishing the European Communities,

HAS ADOPTED THIS REGULATION:

#### CHAPTER I

##### SUBJECT, SCOPE AND DEFINITIONS

###### Article 1

###### Subject matter

This Regulation fixes fishing opportunities for 2008 for certain fish stocks and groups of fish stocks in the Black Sea and the specific conditions under which such fishing opportunities may be used.

###### Article 2

###### Scope

1. This Regulation shall apply to Community fishing vessels (Community vessels) operating in the Black Sea.
2. By way of derogation from paragraph 1, this Regulation shall not apply to fishing operations conducted solely for the purpose of scientific investigations which are carried out with the permission and under the authority of the Member State concerned and of which the Commission and the Member State in the waters of which the research is carried out have been informed in advance.

###### Article 3

###### Definitions

In addition to the definitions laid down in Article 3 of Regulation (EC) No 2371/2002, for the purposes of this Regulation the following definitions shall apply:

- (a) 'GFCM' shall mean General Fisheries Commission for the Mediterranean;
- (b) 'Black Sea' shall mean the GFCM geographical sub-area as defined in Resolution GFCM/31/2007/2;
- (c) 'total allowable catch (TAC)' shall mean the quantity that can be taken from each stock each year;
- (d) 'quota' shall mean a proportion of the TAC allocated to the Community, a Member State or a third country.

#### CHAPTER II

##### FISHING OPPORTUNITIES AND THE CONDITIONS RELATING THERETO

###### Article 4

###### Catch limits and allocations

The catch limits, the allocation of such limits among Member States, and the additional conditions applicable pursuant to Article 2 of Regulation (EC) No 847/96 are set out in Annex I to this Regulation.

###### Article 5

###### Special provisions on allocations

The allocation of catch limits among Member States as set out in Annex I shall be without prejudice to:

- (a) exchanges made pursuant to Article 20(5) of Regulation (EC) No 2371/2002;
- (b) reallocations made pursuant to Articles 21(4), 23(1) and 32(2) of Regulation (EEC) No 2847/93 and the second subparagraph of Article 23(4) of Regulation (EC) No 2371/2002;
- (c) additional landings allowed under Article 3 of Regulation (EC) No 847/96;
- (d) deductions made pursuant to Article 5 of Regulation (EC) No 847/96 and the first subparagraph of Article 23(4) of Regulation (EC) No 2371/2002.

###### Article 6

###### Conditions for catches and by-catches

1. Fish from stocks for which catch limits are fixed shall be retained on board or landed only if the catches have been taken by fishing vessels of a Member State with a quota and that quota has not been exhausted.
2. All landings shall count against the quota or, if the Community share has not been allocated among Member States by quotas, against the Community share.

###### Article 7

###### Transitional technical measures

The transitional technical measures shall be as set out in Annex II.

## CHAPTER III

**FINAL PROVISIONS***Article 8***Data transmission**

When Member States send data to the Commission relating to landings of quantities of stocks caught pursuant to Article 15(1) of Regulation (EEC) No 2847/93, they shall use the stock codes set out in Annex I to this Regulation.

*Article 9***Entry into force**

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

It shall apply from 1 January 2008.

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

Done at Brussels, 20 December 2007.

*For the Council*  
*The President*  
F. NUNES CORREIA

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## ANNEX I

**Catch limits and the conditions relating thereto for year-to-year management of catch limits applicable to Community vessels in areas where catch limits have been fixed by species and by area**

The following tables set out the TACs and quotas (in tonnes live weight, except where otherwise specified) by stock, the allocation to the Member States and associated conditions for year-to-year management of the quotas.

Within each area, fish stocks are referred to following the alphabetical order of the Latin names of the species. For the purposes of these tables the codes used for the different species are as follows:

Scientific name	Alpha-3 code	Common name
<i>Psetta maxima</i>	TUR	Turbot
<i>Sprattus sprattus</i>	SPR	Sprat

Species:		Zone:
Turbot <i>Psetta maxima</i>		Black Sea
Bulgaria	50	Precautionary TAC Article 3 of Regulation (EC) No 847/96 does not apply. Article 4 of Regulation (EC) No 847/96 does not apply. Article 5 of Regulation (EC) No 847/96 applies.
Romania	50	
EC	100	
TAC	Not relevant	

Species:		Zone:
Sprat <i>Sprattus sprattus</i>		Black Sea
EC	15 000 <sup>(1)</sup>	Precautionary TAC Article 3 of Regulation (EC) No 847/96 applies. Article 4 of Regulation (EC) No 847/96 does not apply. Article 5 of Regulation (EC) No 847/96 applies.
TAC	Not relevant	

<sup>(1)</sup> May be fished only by vessels flying the flag of Bulgaria or Romania.

*ANNEX II***TRANSITIONAL TECHNICAL MEASURES**

1. No fishing activity for turbot shall be permitted from 15 April to 15 June in European Community waters of the Black Sea.
  2. In a Member State where the minimum legal mesh size for nets used to catch turbot was less than 200 mm before the entry into force of this Regulation, nets with a minimum mesh size of no less than 180 mm may be used to catch turbot.
  3. The minimum landing size for turbot shall be 45 cm total length, measured in accordance with Article 18 of Regulation (EC) No 850/98.
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## DIRECTIVES

## COUNCIL DIRECTIVE 2007/74/EC

of 20 December 2007

**on the exemption from value added tax and excise duty of goods imported by persons travelling from third countries**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 93 thereof,

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament,

Having regard to the Opinion of the European Economic and Social Committee,

Whereas:

- (1) Council Directive 69/169/EEC of 28 May 1969 on the harmonisation of provisions laid down by law, regulation or administrative action relating to exemption from turnover tax and excise duty on imports in international travel<sup>(1)</sup> established a Community system of tax exemptions. While it remains necessary to maintain that system in order to prevent double taxation, as well as in cases where, in view of the conditions under which goods are imported, the usual need to protect the economy is absent, it should still apply only to non-commercial imports of goods in the personal luggage of travellers from third countries.
- (2) However, given the number of amendments required, as well as the need to adapt Directive 69/169/EEC to enlargement and to the new external borders of the Community, and to restructure and simplify certain provisions for the sake of clarity, the complete revision and repeal and replacement of Directive 69/169/EEC is justified.
- (3) The quantitative limits and monetary thresholds to which the exemptions are subject should meet the current needs of Member States.
- (4) The monetary threshold should take account of changes in the real value of money since the last increase in 1994 and should also reflect the abolition of quantitative limits on goods subject to excise duties in some Member States which will now fall into the general threshold on VAT.
- (5) The ease of shopping abroad could cause problems to Member States which share land-borders with third countries with significantly lower prices. It is justifiable, therefore, to set a lower monetary threshold for forms of travel other than air and sea travel.
- (6) In the experience of the Commission, the quantities for tobacco products and alcoholic beverages have, in general, been shown to be appropriate and should therefore be maintained.
- (7) The quantitative limits for the exemption of excise goods should reflect the current scheme of taxation of such goods in the Member States. Accordingly, it is appropriate to provide for a limit for beer whereas the limits for perfume, coffee and tea should be discontinued.
- (8) It is appropriate to allow Member States to set lower limits with regard to the monetary threshold for children and to exclude under-aged persons from the exemptions for tobacco products and alcoholic beverages, in order to ensure a high level of health protection.
- (9) Given the need to promote a high level of human health protection for Community citizens, it is appropriate to allow Member States to apply reduced quantitative limits for the exemption of tobacco products.

<sup>(1)</sup> OJ L 133, 4.6.1969, p. 6. Directive as last amended by Directive 2005/93/EC (OJ L 346, 29.12.2005, p. 16).

- (10) In order to take account of the special situation of certain people with regard to their location or working environment, it should also be possible for Member States to apply narrower exemptions in the case of frontier workers, persons residing near Community frontiers and the crew of the means of transport used in international travel.
- (11) It is to be recalled that Austria shares a land border with Samnauntal, a Swiss enclave where a specific tax system is applied which results in significantly lower taxation than that applicable under the rules applying in the rest of Switzerland and, indeed, in the Kanton of Graubünden of which Samnauntal forms part. In view of that special situation, which has led Austria to apply lower quantitative limits for tobacco products with respect to that enclave in accordance with Article 5(8) of Directive 69/169/EEC, it is appropriate to allow that Member State to apply the lower limit provided for tobacco products by this Directive only to Samnauntal.
- (12) For Member States which have not introduced the euro, a mechanism should be set up to enable amounts expressed in national currencies to be converted into euro and thus ensure equal treatment in the Member States.
- (13) The amount on which Member States are free not to levy taxes on the import of goods should be increased in order to reflect current monetary values,

HAS ADOPTED THIS DIRECTIVE:

#### CHAPTER I

#### SUBJECT-MATTER AND DEFINITIONS

##### Article 1

This Directive lays down rules relating to the exemption from value added tax (VAT) and excise duty of goods imported in the personal luggage of persons travelling from a third country or from a territory where the Community provisions on VAT or excise duty, or both, as defined in Article 3, do not apply.

##### Article 2

Where a journey involves transit through the territory of a third country, or begins in a territory as referred to in Article 1, this Directive shall apply if the traveller is unable to establish that the goods transported in his luggage have been acquired subject to the general conditions governing taxation on the domestic market of a Member State and do not qualify for any refunding of VAT or excise duty.

Overflying without landing shall not be regarded as transit.

##### Article 3

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

1. 'third country' means any country which is not a Member State of the European Union;

In view of the Fiscal Agreement between France and the Principality of Monaco dated 18 May 1963 and the Agreement of friendship and neighbourly relations between Italy and the Republic of San Marino dated 31 March 1939, Monaco shall not be regarded as a third country and San Marino shall not be regarded as a third country in respect of excise duty;

2. 'territory where the Community provisions on VAT or excise duty, or both do not apply' means any territory, other than a territory of a third country, where Directives 2006/112/EC <sup>(1)</sup> or 92/12/EEC, or both do not apply;

In view of the Agreement between the Governments of the United Kingdom and the Isle of Man on Customs and Excise and associated matters dated 15 October 1979, the Isle of Man shall not be regarded as a territory where the Community provisions on VAT or excise duty, or both do not apply;

3. 'air travellers' and 'sea travellers' means any passengers travelling by air or sea other than private pleasure-flying or private pleasure-sea-navigation;
4. 'private pleasure-flying' and 'private pleasure-sea-navigation' means the use of an aircraft or a sea-going vessel by its owner or the natural or legal person who enjoys its use either through hire or through any other means, for purposes other than commercial and in particular other than for the carriage of passengers or goods or for the supply of services for consideration or for the purposes of public authorities;
5. 'frontier zone' means a zone which, as the crow flies, does not extend more than 15 kilometres from the frontier of a Member State and which includes the local administrative districts part of the territory of which lies within the zone; Member States may grant exemptions therefrom;
6. 'frontier-zone worker' means any person whose normal activities require that he should go to the other side of the frontier on his work days.

<sup>(1)</sup> OJ L 347, 11.12.2006, p. 1. Directive as amended by Directive 2006/138/EC (OJ L 384, 29.12. 2006, p. 92).

CHAPTER II  
EXEMPTIONS

SECTION 1

**Common provisions**

*Article 4*

Member States shall, on the basis of either monetary thresholds or quantitative limits, exempt from VAT and excise duty goods imported in the personal luggage of travellers, provided that the imports are of a non-commercial character.

*Article 5*

For the purposes of the application of the exemptions, personal luggage shall be regarded as the whole of the luggage which a traveller is able to present to the customs authorities upon arrival, as well as luggage which he presents later to the same authorities, subject to proof that such luggage was registered as accompanied luggage, at the time of his departure, with the company which has been responsible for conveying him. Fuel other than that referred to in Article 11 shall not be regarded as personal luggage.

*Article 6*

For the purposes of the application of the exemptions, imports shall be regarded as being of a non-commercial character if they meet the following conditions:

- (a) they take place occasionally;
- (b) they consist exclusively of goods for the personal or family use of the travellers, or of goods intended as presents.

The nature or quantity of the goods must not be such as to indicate that they are being imported for commercial reasons.

SECTION 2

**Monetary thresholds**

*Article 7*

1. Member States shall exempt from VAT and excise duty imports of goods, other than those referred to in Section 3, the total value of which does not exceed EUR 300 per person.

In the case of air and sea travellers, the monetary threshold specified in the first subparagraph shall be EUR 430.

2. Member States may lower the monetary threshold for travellers under 15 years old, whatever their means of

transport. However, the monetary threshold may not be lower than EUR 150.

3. For the purposes of applying the monetary thresholds, the value of an individual item may not be split up.

4. The value of the personal luggage of a traveller, which is imported temporarily or is re-imported following its temporary export, and the value of medicinal products required to meet the personal needs of a traveller shall not be taken into consideration for the purposes of applying the exemptions referred to in paragraphs 1 and 2.

SECTION 3

**Quantitative limits**

*Article 8*

1. Member States shall exempt from VAT and excise duty imports of the following types of tobacco product, subject either to the following higher or lower quantitative limits:

- (a) 200 cigarettes or 40 cigars;
- (b) 100 cigarillos or 20 cigarillos;
- (c) 50 cigars or 10 cigars;
- (d) 250 g smoking tobacco or 50 g smoking tobacco.

Each amount specified in points (a) to (d) shall represent, for the purposes of paragraph 4, 100 % of the total allowance for tobacco products.

Cigarillos are cigars of a maximum weight of 3 grams each.

2. Member States may choose to distinguish between air travellers and other travellers by applying the lower quantitative limits specified in paragraph 1 only to travellers other than air travellers.

3. By derogation from paragraphs 1 and 2, Austria may, as long as the tax system in the Swiss enclave of Samnaun differs from that applicable in the rest of the Kanton of Graubünden, limit the application of the lower quantitative limit to tobacco products brought into the territory of that Member State by travellers who enter its territory directly from the Swiss enclave of Samnaun.

4. In the case of any one traveller, the exemption may be applied to any combination of tobacco products, provided that the aggregate of the percentages used up from the individual allowances does not exceed 100 %.

#### Article 9

1. Member States shall exempt from VAT and excise duty alcohol and alcoholic beverages other than still wine and beer, subject to the following quantitative limits:

- (a) a total of 1 litre of alcohol and alcoholic beverages of an alcoholic strength exceeding 22 % vol, or undenatured ethyl alcohol of 80 % vol and over;
- (b) a total of 2 litres of alcohol and alcoholic beverages of an alcoholic strength not exceeding 22 % vol.

Each of the amounts specified in points (a) and (b) represent, for the purposes of paragraph 2, 100 % of the total allowance for alcohol and alcoholic beverages.

2. In the case of any one traveller, the exemption may be applied to any combination of the types of alcohol and alcoholic beverage referred to in paragraph 1, provided that the aggregate of the percentages used up from the individual allowances does not exceed 100 %.

3. Member States shall exempt from VAT and excise duty a total of 4 litres of still wine and 16 litres of beer.

#### Article 10

Exemptions under Articles 8 or 9 shall not apply in the case of travellers under 17 years of age.

#### Article 11

Member States shall exempt from VAT and excise duty, in the case of any one means of motor transport, the fuel contained in the standard tank and a quantity of fuel not exceeding 10 litres contained in a portable container.

#### Article 12

The value of goods referred to in Articles 8, 9 or 11 shall not be taken into consideration for the purposes of applying the exemption provided for in Article 7(1).

### CHAPTER III

#### SPECIAL CASES

#### Article 13

1. Member States may lower the monetary thresholds or the quantitative limits, or both, in the case of travellers in the following categories:

- (a) persons resident in a frontier zone;
- (b) frontier-zone workers;

(c) the crew of a means of transport used to travel from a third country or from a territory where the Community provisions on VAT or excise duty, or both do not apply.

2. Paragraph 1 shall not apply where a traveller in one of the categories listed therein produces evidence to show that he is going beyond the frontier zone of the Member State or that he is not returning from the frontier zone of the neighbouring third country.

However, it shall apply where frontier-zone workers or the crew of the means of transport used in international travel import goods when travelling in the course of their work.

### CHAPTER IV

#### GENERAL AND FINAL PROVISIONS

#### Article 14

Member States may choose not to levy VAT or excise duty on the import of goods by a traveller when the amount of the tax which should be levied is equal to, or less than, EUR 10.

#### Article 15

1. The euro equivalent in national currency which shall apply for the implementation of this Directive shall be fixed once a year. The rates applicable shall be those obtaining on the first working day of October. They shall be published in the *Official Journal of the European Union* and shall apply from 1 January of the following year.

2. Member States may round off the amounts in national currency resulting from the conversion of the amounts in euro provided for in Article 7, provided such rounding-off does not exceed EUR 5.

3. Member States may maintain the monetary thresholds in force at the time of the annual adjustment provided for in paragraph 1 if, prior to the rounding-off provided for in paragraph 2, conversion of the corresponding amounts expressed in euro would result in a change of less than 5 % in the exemption expressed in national currency or in a lowering of this exemption.

#### Article 16

Every four years and for the first time in 2012 the Commission shall forward a report on the implementation of this Directive to the Council, where appropriate accompanied by a proposal for amendment.

#### Article 17

In Article 5(9) of Directive 69/169/EEC the date of 31 December 2007 shall be replaced by 30 November 2008.

*Article 18*

Directive 69/169/EEC shall be repealed and replaced by this Directive with effect from 1 December 2008.

References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table in the Annex.

*Article 19*

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Articles 1 to 15 of this Directive with effect from 1 December 2008. They shall forthwith communicate to the Commission the text of those measures.

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

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

*Article 20*

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

It shall apply with effect from 1 December 2008.

However, Article 17 shall apply with effect from 1 January 2008.

*Article 21*

This Directive is addressed to the Member States.

Done at Brussels, 20 December 2007.

*For the Council*  
*The President*  
F. NUNES CORREIA

## ANNEX

## CORRELATION TABLE

Directive 69/169/EEC	This Directive
Article 1(1)	Article 7(1)
Article 1(2)	Article 7(2)
Article 1(3)	Article 7(3)
Article 2	—
Article 3, point one	Article 7(4)
Article 3, point two	Article 6
Article 3, point three, first subparagraph	Article 5
Article 3, point three, second subparagraph	Article 5 and 11
Article 4(1), introductory phrase	Article 8(1) introductory phrase, Article 9(1) introductory phrase
Article 4(1), second column	—
Article 4(1)(a), first column	Article 8(1)
Article 4(1)(b), first column	Article 9(1)
Article 4(1)(c), (d) and (e), first column	—
Article 4(2) first subparagraph	Article 10
Article 4(2) second subparagraph	—
Article 4(3)	Article 12
Article 4(4)	Article 2
Article 4(5)	—
Article 5(1)	—
Article 5(2)	Article 13(1)
Article 5(3)	—
Article 5(4)	Article 13(2)
Article 5(5)	—
Article 5(6), introductory phrase, first indent	Article 3(5)
Article 5(6), introductory phrase, second indent	Article 3(6)
Article 5(7)	—
Article 5(8)	—
Article 5(9)	—
Article 7(1)	—

Directive 69/169/EEC	This Directive
Article 7(2)	Article 15(1)
Article 7(3)	Article 15(2)
Article 7(4)	Article 15(3)
Article 7(5)	—
Article 7a(1)	—
Article 7a(2)	Article 14
Article 7b	—
Article 7c	—
Article 7d	—
Article 8(1)	Article 19(1), first subparagraph
Article 8(2), first subparagraph	Article 19(1), first subparagraph
Article 8(2), second subparagraph	—
Article 9	Article 21

**COUNCIL DIRECTIVE 2007/75/EC****of 20 December 2007****amending Directive 2006/112/EC with regard to certain temporary provisions concerning rates of value added tax**

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS DIRECTIVE:

Having regard to the Treaty establishing the European Community, and in particular Article 93 thereof,

*Article 1*

With effect from 1 January 2008, Directive 2006/112/EC is hereby amended as follows:

Having regard to the proposal from the Commission,

1. Article 123 shall be replaced by the following:

Having regard to the Opinion of the European Parliament <sup>(1)</sup>,

*'Article 123*

Having regard to the Opinion of the European Economic and Social Committee,

The Czech Republic may, until 31 December 2010, continue to apply a reduced rate of not less than 5 % to the supply of construction work for residential housing not provided as part of a social policy, excluding building materials.;

Whereas:

(1) Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax <sup>(2)</sup> provides for certain derogations with respect to VAT rates. Some of the derogations expire on a fixed date, while others last until the adoption of definitive arrangements.

2. Article 124 shall be deleted;

(2) The derogations with respect to VAT rates provided for by Directive 2006/112/EC in conformity with the 2003 Act of Accession, and which allow for the smooth adaptation of the economies of certain new Member States to the internal market, have a fixed date and expire shortly.

3. in Article 125(1) and (2), the words 'until 31 December 2007' shall be replaced by 'until 31 December 2010';

(3) A number of these new Member States have expressed their wish to apply the derogations from which they thus benefit for a further period.

4. Article 126 shall be deleted;

(4) In view of the pending debate on the use of reduced rates and the legislative proposal to be presented by the Commission, it is appropriate to extend certain derogations until the end of 2010, the date to which the experiment on the application of a reduced rate to labour-intensive services has been extended.

5. in Article 127, '1 January 2010' shall be replaced by '31 December 2010';

(5) Directive 2006/112/EC should therefore be amended accordingly,

6. Article 128 shall be replaced by the following:

*'Article 128*

1. Poland may, until 31 December 2010, grant an exemption with deductibility of VAT paid at the preceding stage in respect of the supply of certain books and specialist periodicals.

<sup>(1)</sup> Opinion of 11 December 2007 (not yet published in the Official Journal).

<sup>(2)</sup> OJ L 347, 11.12.2006, p. 1. Directive as amended by Directive 2006/138/EC (OJ L 384, 29.12.2006, p. 92).

2. Poland may, until 31 December 2010 or until the introduction of definitive arrangements, as referred to in Article 402, whichever is the earlier, continue to apply a reduced rate of not less than 7 % to the supply of restaurant services.



3. Poland may, until 31 December 2010, continue to apply a reduced rate of not less than 3 % to the supply of foodstuffs as referred to in point (1) of Annex III.

4. Poland may, until 31 December 2010, continue to apply a reduced rate of not less than 7 % to the supply of services, not provided as part of a social policy, for construction, renovation and alteration of housing, excluding building materials, and to the supply before first occupation of residential buildings or parts of residential buildings, as referred to in Article 12(1)(a).';

7. in Article 129(1) and (2), the words 'until 31 December 2007' shall be replaced by 'until 31 December 2010';

8. Article 130 shall be deleted.

*Article 2*

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

*Article 3*

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

*Article 4*

This Directive is addressed to the Member States.

Done at Brussels, 20 December 2007.

*For the Council*

*The President*

F. NUNES CORREIA

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## II

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

## DECISIONS

## COUNCIL

## COUNCIL DECISION

of 20 December 2007

**authorising France to apply a reduced rate of taxation to unleaded petrol used as motor fuel and consumed in the Corsican departments in accordance with Article 19 of Directive 2003/96/EC**

(Only the French text is authentic)

(2007/880/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2003/96/EC of 27 October 2003 restructuring the Community framework for the taxation of energy products and electricity <sup>(1)</sup>, and in particular Article 19(1) thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) Pursuant to Article 18(1) of Directive 2003/96/EC, read in conjunction with Annex II to that Directive, France was authorised to apply a reduced rate of taxation in respect of consumption in Corsica. The authorisation was granted until 31 December 2006.

(2) By letter dated 16 October 2006, the French authorities requested authorisation to apply a reduced rate of energy tax to unleaded petrol used as motor fuel by way of extension of a practice followed under the above-mentioned derogation, and this before the derogation expired. The reduction amounts to EUR 1 per hectolitre. The authorisation is being requested for the period from 1 January 2007 to 31 December 2012. In Corsica the cost of supplying unleaded petrol to the forecourt is appreciably higher than in mainland France, final prices being EUR 4-7/hl higher than on the mainland.

(3) By reducing the tax on unleaded petrol borne by consumers in Corsica, the consumers in question will be placed on a more equal footing with those on the mainland. The measure therefore meets regional and cohesion policy objectives.

(4) The tax reduction is no larger than what is necessary to allow for the additional transport and distribution costs borne by consumers in Corsica.

(5) The final level of taxation complies with the minimum rates laid down in Directive 2003/96/EC - currently EUR 359/1 000 l (or EUR 35,90/hl). This holds true even allowing for the authorisation conferred by Council Decision 2005/767/EC <sup>(2)</sup>, the effects of which may be combined with those of the present Decision.

(6) In view of the remote and insular nature of the departments to which it applies and the moderateness of the reduction in the rate - which is, moreover, very high compared with the Community minimum - the measure requested will not give rise to any movement specifically linked to the supplying of fuel.

(7) Consequently, the measure is acceptable from the point of view of the proper functioning of the internal market and of the need to ensure fair competition and it is not incompatible with the Community's health, environment, energy and transport policies.

<sup>(1)</sup> OJ L 283, 31.10.2003, p. 51. Directive as last amended by Directive 2004/75/EC (OJ L 157, 30.4.2004, p. 100). Corrected version (OJ L 195, 2.6.2004, p. 31).

<sup>(2)</sup> OJ L 290, 4.11.2005, p. 25.

- (8) France should therefore be authorised, pursuant to Article 19(2) of Directive 2003/96/EC, to apply a reduced rate of taxation to unleaded petrol used as motor fuel and consumed in Corsica, and this until 31 December 2012.
- (9) It should be ensured that, in the context of the derogation provided for in Article 18 of Directive 2003/96/EC, read in conjunction with Annex II to that Directive, France can apply the specific reduction to which this Decision relates seamlessly following on from the situation obtaining under the law applicable before 1 January 2007. The authorisation requested should therefore be granted with effect from 1 January 2007,

HAS ADOPTED THIS DECISION:

*Article 1*

France is hereby authorised to apply a reduced rate of taxation to unleaded petrol used as motor fuel and consumed in the Corsican departments.

In order to avoid any over-compensation, the reduction must not go beyond the additional costs of transport, storage and distribution compared with mainland France.

The reduced rate must comply with the obligations in Directive 2003/96/EC, in particular the minimum rates referred to in Article 7.

*Article 2*

This Decision shall be applicable from 1 January 2007 and shall expire on 31 December 2012.

*Article 3*

This Decision is addressed to the French Republic.

Done at Brussels, 20 December 2007.

*For the Council*

*The President*

F. NUNES CORREIA

**COUNCIL DECISION**  
**of 20 December 2007**  
**amending the Council's Rules of Procedure**  
(2007/881/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular the first subparagraph of Article 207(3) thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 121(3) thereof,

Having regard to the Treaty on European Union, and in particular Articles 28(1) and 41(1) thereof,

Having regard to Article 2(2) of Annex III to the Council's Rules of Procedure <sup>(1)</sup>,

Whereas:

- (1) Article 11(5) of the Council's Rules of Procedure (hereinafter referred to as Rules of Procedure) provides that when a decision is to be adopted by the Council by a qualified majority, and if a member of the Council so requests, it shall be verified that the Member States constituting the qualified majority represent at least 62 % of the total population of the European Union calculated according to the population figures set out in Article 1 of Annex III to the Rules of Procedure.
- (2) Article 2(2) of Annex III to the Rules of Procedure, on detailed rules for implementing the provisions concerning the weighting of votes in the Council, provides that, with effect from 1 January each year, the Council shall, in accordance with the data available to the Statistical Office of the European Communities on 30 September of the preceding year, amend the figures set out in Article 1 of that Annex.
- (3) The Rules of Procedure should therefore be amended accordingly for 2008,

HAS DECIDED AS FOLLOWS:

*Article 1*

Article 1 of Annex III to the Rules of Procedure shall be replaced by the following:

*'Article 1*

For the purposes of implementing Article 205(4) of the EC Treaty, Article 118(4) of the Euratom Treaty, and the third subparagraph of Article 23(2) and Article 34(3) of the EU Treaty, the total population of each Member State for the period from 1 January to 31 December 2008 shall be as follows:

Member State	Population (× 1 000)
Germany	82 314,9
France	63 392,1
United Kingdom	60 823,8
Italy	59 131,3
Spain	44 474,6
Poland	38 125,5
Romania	21 565,1
Netherlands	16 358
Greece	11 171,7
Portugal	10 599,1
Belgium	10 584,5
Czech Republic	10 287,2
Hungary	10 066,1
Sweden	9 113,2
Austria	8 298,9
Bulgaria	7 679,3
Denmark	5 447,1
Slovakia	5 393,6
Finland	5 276,9
Ireland	4 319,4
Lithuania	3 384,9
Latvia	2 281,3
Slovenia	2 010,3
Estonia	1 342,4
Cyprus	778,7
Luxembourg	476,2
Malta	407,8
Total	495 103,9
Threshold (62 %)	306 964,4'

<sup>(1)</sup> Council Decision 2006/683/EC, Euratom of 15 September 2006 adopting the Council's Rules of Procedure (OJ L 285, 16.10.2006, p. 47).

*Article 2*

This Decision shall take effect on 1 January 2008.

It shall be published in the *Official Journal of the European Union*.

Done at Brussels, 20 December 2007.

*For the Council*  
*The President*  
F. NUNES CORREIA

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## COUNCIL DECISION

of 20 December 2007

amending Decision 1999/70/EC concerning the external auditors of the national central banks, as regards the external auditors of the Central Bank of Cyprus

(2007/882/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Protocol on the Statute of the European System of Central Banks and of the European Central Bank annexed to the Treaty establishing the European Community, and in particular to Article 27,1 thereof,

Having regard to Recommendation ECB/2007/12 of the European Central Bank of 15 November 2007 to the Council of the European Union on the external auditors of the Central Bank of Cyprus <sup>(1)</sup>,

Whereas:

- (1) The accounts of the European Central Bank (ECB) and of the national central banks of the Eurosystem are audited by independent external auditors recommended by the ECB's Governing Council and approved by the Council of the European Union.
- (2) Pursuant to Article 1 of Council Decision 2007/503/EC of 10 July 2007 in accordance with Article 122(2) of the Treaty on the adoption by Cyprus of the single currency on 1 January 2008 <sup>(2)</sup>, Cyprus now fulfils the necessary conditions for the adoption of the euro and the derogation in favour of Cyprus referred to in Article 4 of the 2003 Act of Accession should be abrogated with effect from 1 January 2008.
- (3) Pursuant to Section 60(1)(a) of Law 34(I) of 2007 amending the Central Bank of Cyprus Laws of 2002 and 2003, which enters into force on 1 January 2008, the annual financial statements of the Central Bank of Cyprus are audited in accordance with Article 27 of the ESCB Statute.

(4) Following the abrogation of the derogation for Cyprus, the Governing Council of the ECB recommended that the Council approve Pricewaterhouse Coopers Limited as the external auditors of the Bank of Cyprus for the financial years 2008 to 2012.

(5) It is appropriate to follow the recommendation of the Governing Council of the ECB and to amend Council Decision 1999/70/EC <sup>(3)</sup> accordingly,

HAS DECIDED AS FOLLOWS:

*Article 1*

The following paragraph shall be added to Article 1 of Decision 1999/70/EC:

'14. PricewaterhouseCoopers Limited is hereby approved as the external auditors of the Central Bank of Cyprus for the financial years 2008 to 2012.'

*Article 2*

This Decision shall be communicated to the ECB.

*Article 3*

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

Done at Brussels, 20 December 2007.

*For the Council*

*The President*

F. NUNES CORREIA

<sup>(1)</sup> OJ C 277, 20.11.2007, p. 1.

<sup>(2)</sup> OJ L 186, 18.7.2007, p. 29.

<sup>(3)</sup> OJ L 22, 29.1.1999, p. 69. Decision as last amended by Decision 2007/145/EC (OJ L 64, 2.3.2007, p. 35).

**COUNCIL DECISION****of 20 December 2007****amending Decision 1999/70/EC concerning the external auditors of the national central banks, as regards the external auditors of the Central Bank of Malta**

(2007/883/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Protocol on the Statute of the European System of Central Banks and of the European Central Bank, annexed to the Treaty establishing the European Community, and in particular to Article 27(1) thereof,

Having regard to Recommendation ECB/2007/17 of the European Central Bank of 29 November 2007 to the Council of the European Union on the external auditors of the Central Bank of Malta <sup>(1)</sup>,

Whereas:

- (1) The accounts of the European Central Bank (ECB) and of the national central banks of the Eurosystem are to be audited by independent external auditors recommended by the Governing Council of the ECB and approved by the Council of the European Union.
- (2) Pursuant to Article 1 of Council Decision 2007/504/EC of 10 July 2007 in accordance with Article 122(2) of the Treaty on the adoption by Malta of the single currency on 1 January 2008 <sup>(2)</sup>, Malta now fulfils the necessary conditions for the adoption of the euro and the derogation in favour of Malta referred to in Article 4 of the 2003 Act of Accession should be abrogated with effect from 1 January 2008.
- (3) Pursuant to Article 20 of the amended Central Bank of Malta Act, which enters into force on 1 January 2008, the annual financial statements of the Central Bank of Malta are audited in accordance with Article 27 of the ESCB Statute.

(4) Following the abrogation of the derogation for Malta, the Governing Council of the ECB recommended that the Council approve PricewaterhouseCoopers and Ernst & Young as the external auditors of the Bank of Malta for the financial year 2008.

(5) It is appropriate to follow the recommendation of the Governing Council of the ECB and to amend Council Decision 1999/70/EC <sup>(3)</sup> accordingly,

HAS DECIDED AS FOLLOWS:

*Article 1*

The following paragraph shall be added to Article 1 of Decision 1999/70/EC:

'15. PricewaterhouseCoopers and Ernst & Young are hereby approved as the joint external auditors of the Central Bank of Malta for the financial year 2008.'

*Article 2*

This Decision shall be communicated to the European Central Bank.

*Article 3*

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

Done at Brussels, 20 December 2007.

*For the Council**The President*

F. NUNES CORREIA

<sup>(1)</sup> OJ C 304, 15.12.2007, p. 1.

<sup>(2)</sup> OJ L 186, 18.7.2007, p. 32.

<sup>(3)</sup> OJ L 22, 29.1.1999, p. 69. Decision as last amended by Decision 2007/145/EC (OJ L 64, 2.3.2007, p. 35).

## COUNCIL DECISION

of 20 December 2007

**authorising the United Kingdom to continue to apply a measure derogating from Articles 26(1)(a), 168 and 169 of Directive 2006/112/EC on the common system of value added tax**

(2007/884/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax <sup>(1)</sup> (VAT), and in particular Article 395(1) thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) By Decisions 95/252/EC <sup>(2)</sup> and subsequently 98/198/EC <sup>(3)</sup>, the Council authorised the United Kingdom to restrict to 50 % the right of the hirer or lessee to deduct input VAT on charges for the hire or lease of a passenger car where the car is not used entirely for business purposes. The United Kingdom was also allowed not to treat as supplies of services for consideration the private use of a car hired or leased by a taxable person for his business purposes. This simplification measure removed the need for the hirer or the lessee to keep records of private mileage travelled in business cars and to account for tax on the actual private mileage of each car.

(2) By letter registered with the Secretariat-General of the Commission on 5 February 2007, the United Kingdom requested an extension of the period of validity of that derogation, which expires on 31 December 2007.

(3) In accordance with Article 395(2) of Directive 2006/112/EC, the Commission informed the other Member States by letter dated 15 October 2007 of the request made by the United Kingdom. By letter dated 17 October 2007, the Commission notified the United Kingdom that it had all the information necessary to consider the request.

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

<sup>(2)</sup> OJ L 159, 11.7.1995, p. 19.

<sup>(3)</sup> OJ L 76, 13.3.1998, p. 31. Decision as last amended by Directive 2004/855/EC (OJ L 369, 16.12.2004, p. 61).

(4) The legal and factual circumstances which justified granting the authorisation to apply a derogation have not changed and are still relevant.

(5) On 29 October 2004, the Commission presented a proposal for a Council Directive amending Directive 77/388/EEC, now Directive 2006/112/EC, that includes the harmonisation of the categories of expenses for which exclusions of the right to deduct may apply. Under this proposal, exclusions to the right to deduct may be applied to motorised road vehicles. It is therefore appropriate to extend the period of the authorisation until that Directive comes into force. However, the authorisation will in any case expire on 31 December 2010 at the latest if that Directive has not come into force by that date, to enable an assessment of the necessity of this Decision in the light of the percentage of the overall apportionment between business and private use.

(6) The derogation, as extended, will not have an adverse effect on the European Communities' own resources accruing from VAT.

(7) Given the urgency of the matter, it is imperative to grant an exception to the six-week period referred to in paragraph I(3) of the Protocol on the role of the national parliaments in the European Union, annexed to the Treaty on European Union and to the Treaties establishing the European Communities,

HAS ADOPTED THIS DECISION:

*Article 1*

By way of derogation from Articles 168 and 169 of Directive 2006/112/EC, the United Kingdom is hereby authorised to restrict to 50 % the right of the hirer or lessee of a car to deduct the VAT on the cost of the hiring or leasing of that car where it is not used entirely for business purposes.

*Article 2*

By way of derogation from Article 26(1)(a) of Directive 2006/112/EC, the United Kingdom is hereby authorised not to treat as supplies of services for consideration the private use of a business car hired or leased by a taxable person.



*Article 3*

This Decision shall apply with effect from 1 January 2008.

It shall expire on the date of entry into force of Community rules determining what expenditure relating to motorised road vehicles is not to be eligible for full deduction of VAT, but on 31 December 2010 at the latest.

*Article 4*

This Decision is addressed to the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 20 December 2007.

*For the Council*  
*The President*  
F. NUNES CORREIA

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# COMMISSION

## COMMISSION DECISION

of 26 December 2007

### amending Decision 2006/415/EC concerning certain protection measures in relation to highly pathogenic avian influenza of the subtype H5N1 in poultry in Germany

(Text with EEA relevance)

(2007/885/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market <sup>(1)</sup>, and in particular Article 9(3) thereof,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market <sup>(2)</sup>, and in particular Article 10(3) thereof,

Whereas:

- (1) Commission Decision 2006/415/EC of 14 June 2006 concerning certain protection measures in relation to highly pathogenic avian influenza of the subtype H5N1 in poultry in the Community and repealing Decision 2006/135/EC <sup>(3)</sup> lays down certain protection measures to be applied in order to prevent the spread of that disease, including the establishment of areas A and B following a suspected or confirmed outbreak of the disease.
- (2) Following outbreaks of highly pathogenic avian influenza of H5N1 subtype in the United Kingdom, Germany and Poland, Decision 2006/415/EC was last amended by Decision 2007/878/EC of 21 December 2007

amending Decision 2006/415/EC concerning certain protection measures in relation to highly pathogenic avian influenza of the subtype H5N1 in poultry in those Member States <sup>(4)</sup>.

- (3) As a further outbreak of the disease has occurred in Germany outside the restricted area, the delineation of the area under restriction and the duration of the measures should be modified to take account of the epidemiological situation.
- (4) Decision 2006/415/EC should therefore be amended accordingly.
- (5) The measures provided for in this Decision should be reviewed at the next meeting of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

#### Article 1

The Annex to Decision 2006/415/EC is amended in accordance with the text in the Annex to this Decision.

#### Article 2

This Decision is addressed to the Member States.

Done at Brussels, 26 December 2007.

For the Commission  
Markos KYPRIANOU  
Member of the Commission

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

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

<sup>(3)</sup> OJ L 164, 16.6.2006, p. 51. Decision as last amended by Decision 2007/785/EC (OJ L 316, 4.12.2007, p. 62).

<sup>(4)</sup> OJ L 344, 28.12.2007, p. 55.

## ANNEX

The Annex to Decision 2006/415/EC is amended as follows:

1. The following text replaces the entry for Germany in Part A:

ISO Country Code	Member State	Area A		Date until applicable Article 4(4) (b)(iii)
		Code (if available)	Code	
'DE	GERMANY		The 10 km zone established around the outbreak in the commune of Großwoltersdorf including all or parts of the communes of:  Landkreis Oberhavel: Fürstenberg/Havel, Gransee, Großwoltersdorf, Sonnenberg, Stechlin  Landkreis Ostprignitz-Ruppin: Lindow (Mark), Rheinsberg  Landkreis Mecklenburg-Strelitz: Priepert, Wesenberg	15.1.2008
			The 10 km zone established around the outbreak in the commune of Bensdorf including all or parts of the communes of:  Kreisfreie Stadt Brandenburg an der Havel  Landkreis Havelland: Milower Land  Landkreis Potsdam-Mittelmark: Bensdorf, Havelsee, Rosenau, Wusterwitz  Landkreis Jerichower Land: Brettin, Demsin, Genthin, Kade, Karow, Klitsche, Roßdorf, Schlagenthin, Zabakuck	21.1.2008
			The 10 km zone established around the outbreak in the commune of Heiligengrabe including all or parts of the communes of:  im Landkreis Ostprignitz-Ruppin: Heiligengrabe, Kyritz, Wittstock/Dosse, Wusterhausen/Dosse  im Landkreis Prignitz: Groß Pankow, Gumtow, Pritzwalk	25.1.2008'

2. The following text replaces the entry for Germany in Part B:

ISO Country Code	Member State	Area B		Date until applicable Article 4(4) (b)(iii)
		Code (if available)	Code	
'DE	GERMANY		The communes of:  Landkreis Oberhavel: Fürstenberg/Havel, Gransee, Großwoltersdorf, Schönermark, Sonnenberg, Stechlin, Zehdenick  Landkreis Ostprignitz-Ruppin: Lindow (Mark), Rheinsberg  Landkreis Uckermark: Lychen, Templin  Landkreis Mecklenburg-Strelitz: Godendorf, Priepert, Wesenberg, Wokuhl-Dabenow, Wustrow	15.1.2008

ISO Country Code	Member State	Area B		Date until applicable Article 4(4) (b)(iii)
		Code (if available)	Code	
			<p>The communes of:</p> <p>Kreisfreie Stadt Brandenburg an der Havel</p> <p>Landkreis Havelland: Milower Land, Premnitz</p> <p>Landkreis Potsdam-Mittelmark: Beetzsee, Bensdorf, Havelsee, Rosenau, Wenzlow, Wusterwitz, Ziesar</p> <p>Landkreis Jerichower Land: Brettin, Demsin, Genthin, Kade, Karow, Klitsche, Mützel, Paplitz, Parchen, Roßdorf, Schlagenthin, Wulkow, Zabakuck</p>	21.1.2008
			<p>The communes of:</p> <p>im Landkreis Ostprignitz-Ruppin: Heiligengrabe, Kyritz, Wittstock/Dosse, Wusterhausen/Dosse</p> <p>im Landkreis Prignitz: Groß Pankow, Gumtow, Pritzwalk</p>	25.1.2008'

## III

(Acts adopted under the EU Treaty)

## ACTS ADOPTED UNDER TITLE V OF THE EU TREATY

## POLITICAL AND SECURITY COMMITTEE DECISION EUPOL AFGH/2/2007

of 30 November 2007

on the establishment of the Committee of Contributors for the European Union Police Mission in Afghanistan (EUPOL AFGHANISTAN)

(2007/886/CFSP)

THE POLITICAL AND SECURITY COMMITTEE,

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

Having regard to Council Joint Action 2007/369/CFSP of 30 May 2007 on establishment of the European Union Police Mission in Afghanistan (EUPOL AFGHANISTAN) <sup>(1)</sup> and in particular Article 10(1) thereof,

Whereas:

(1) Under Article 10(1) of Joint Action 2007/369/CFSP, the Political and Security Committee (PSC) is to exercise, under the responsibility of the Council, the political control and strategic direction of the Mission and is authorised by the Council to take the relevant decisions in accordance with Article 25 of the Treaty.

(2) The European Council Conclusions of Göteborg of 15 and 16 June 2001 established guiding principles and modalities for third States' contributions to Police Missions. On 10 December 2002, the Council approved the Consultations and modalities for the contribution of non-EU States to EU civilian crisis management

operations, which further developed the arrangements for the participation of third States in civilian crisis management operations, including the setting-up of a Committee of Contributors (CoC).

(3) The CoC for the European Union Police Mission in Afghanistan (EUPOL AFGHANISTAN) is to play a key role in the day-to-day management of the Mission. It is to be the main forum for discussing all problems relating to the day-to-day management of the Mission. The PSC, which exercises the political control and strategic direction of the Mission, is to take account of the CoC's views,

HAS ADOPTED THIS DECISION:

*Article 1*

**Establishment**

A Committee of Contributors (CoC) for the European Union Police Mission in Afghanistan (EUPOL AFGHANISTAN) is hereby established.

*Article 2*

**Functions**

1. The CoC may express views. The PSC shall take such views into account and exercise the political control and strategic direction of the Mission.

2. The CoC's terms of reference are laid down in the document entitled 'Consultations and modalities for the contribution of non-EU States to EU civilian crisis management operations'.

<sup>(1)</sup> OJ L 139, 31.5.2007, p. 33. Joint Action as amended by Joint Action 2007/733/CFSP (OJ L 295, 14.11.2007, p. 31).

*Article 3***Composition**

1. All EU Member States shall be entitled to be present at the CoC's discussions. However, only contributing States shall take part in the day-to-day management of the Mission. Representatives of the third States participating in the Mission may attend the CoC's meetings. A representative of the Commission of the European Communities may also attend the CoC's meetings.

2. The CoC shall receive regular information from the Head of Mission.

*Article 4***Chair**

For the Mission referred to in Article 1, the CoC shall be chaired, in accordance with the Consultations and modalities referred to in Article 2(2), by a representative of the Secretary-General/High Representative, in close consultation with the Presidency.

*Article 5***Meetings**

1. The CoC shall be convened by the Chair on a regular basis. Where circumstances require, emergency meetings may be convened on the Chair's initiative or at the request of a representative of a participating State.

2. The Chair shall circulate in advance a provisional agenda and documents relating to the meeting. The Chairman shall be responsible for conveying the outcome of the CoC's discussions to the PSC.

*Article 6***Confidentiality**

1. The Council Security Regulations shall apply to the CoC's meetings and proceedings. In particular, representatives in the CoC shall possess adequate security clearance.

2. The deliberations of the CoC shall be covered by the obligation of professional secrecy.

*Article 7***Entry into force**

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

Done at Brussels, 30 November 2007.

*For the Political and Security Committee*

*The Chairperson*

C. DURRANT PAIS

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**COUNCIL JOINT ACTION 2007/887/CFSP  
of 20 December 2007**

**repealing Joint Action 2005/557/CFSP on the European Union civilian-military supporting action to  
the African Union missions in the Darfur region of Sudan and in Somalia**

THE COUNCIL OF THE EUROPEAN UNION,

the necessary measures will then be taken for the liquidation of the EU Supporting Action,

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

HAS ADOPTED THIS JOINT ACTION:

Having regard to Joint Action 2005/557/CFSP of 18 July 2005 on the European Union civilian-military supporting action to the African Union missions in the Darfur region of Sudan and in Somalia <sup>(1)</sup>, and in particular Article 16(2) thereof,

*Article 1*

Joint Action 2005/557/CFSP shall be repealed as from 1 January 2008.

Whereas:

*Article 2*

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

(1) By Joint Action 2005/557/CFSP, the European Union established a civilian-military action to support the African Union Missions in the Darfur region of Sudan and in Somalia (AMIS/AMISOM).

*Article 3*

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

(2) Pursuant to United Nations Security Council Resolution 1769 (2007), the African Union/UN Operation in Darfur (UNAMID) is to take over authority from AMIS no later than 31 December 2007.

Done at Brussels, 20 December 2007.

(3) The AMIS/AMISOM EU Supporting Action should be closed when authority is transferred to UNAMID, and

*For the Council*

*The President*

F. NUNES CORREIA

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<sup>(1)</sup> OJ L 188, 20.7.2005, p. 46. Joint Action as amended by Joint Action 2007/245/CFSP (OJ L 106, 24.4.2007, p. 65).

**POLITICAL AND SECURITY COMMITTEE DECISION EUPT/2/2007**  
**of 18 December 2007**  
**concerning the appointment of the Head of the European Union Planning Team (EUPT Kosovo)**  
(2007/888/CFSP)

THE POLITICAL AND SECURITY COMMITTEE,

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

Having regard to Council Joint Action 2006/304/CFSP of 10 April 2006 on the establishment of an EU Planning Team (EUPT Kosovo) regarding a possible EU crisis management operation in the field of rule of law and possible other areas in Kosovo <sup>(1)</sup>, and in particular Article 6 thereof,

Having regard to Council Joint Action 2007/778/CFSP of 29 November 2007 amending and extending Joint Action 2006/304/CFSP on the establishment of an EU Planning Team (EUPT Kosovo) regarding a possible EU crisis management operation in the field of rule of law and possible other areas in Kosovo <sup>(2)</sup>,

Whereas:

Article 6 of Joint Action 2006/304/CFSP provides for the Council to authorise the Political and Security Committee to take the relevant decisions in accordance with Article 25 of the Treaty, including the decision to appoint, upon a proposal by the Secretary-General/High Representative, a Head of the EU Planning Team (EUPT Kosovo).

The Secretary-General/High Representative has proposed the appointment of Roy REEVE,

HAS DECIDED AS FOLLOWS:

*Article 1*

Roy REEVE is hereby appointed Head of the EU Planning Team (EUPT Kosovo) regarding a possible EU crisis management operation in the field of rule of law and possible other areas in Kosovo.

*Article 2*

This Decision shall take effect on 1 January 2008.

It shall apply until 31 March 2008.

Done at Brussels, 18 December 2007.

*For the Political and Security Committee*  
*The President*  
C. DURRANT PAIS

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<sup>(1)</sup> OJ L 112, 26.4.2006, p. 19.

<sup>(2)</sup> OJ L 312, 30.11.2007, p. 68.