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I

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

REGULATIONS

COUNCIL REGULATION (EC) No 587/2008

of 16 June 2008

amending Regulation (EC) No 866/2004 on a regime under Article 2 of Protocol 10 to the Act of Accession concerning rules on goods, services and persons crossing the Green Line in Cyprus

THE COUNCIL OF THE EUROPEAN UNION,

effective control should be generally removed. To allow for that, the safeguard clause in Regulation (EC) No 866/2004 needs to be strengthened.

Having regard to Protocol No 10 on Cyprus ⁽¹⁾ to the 2003 Act of Accession, and in particular Article 2 thereof,

Having regard to Protocol No 3 on the Sovereign Base Areas of the United Kingdom of Great Britain and Northern Ireland in Cyprus ⁽²⁾ to the 2003 Act of Accession, in particular Article 6 thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) Council Regulation (EC) No 866/2004 ⁽³⁾ lays down special rules concerning goods, services and persons crossing the line between the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control and those areas of the Republic of Cyprus in which the Government of the Republic of Cyprus exercises effective control.

(2) Trade and economic interaction on the island need to be enhanced in the light of experience gained since Regulation (EC) No 866/2004 including the previous amendment entered into force.

(3) To that end, the duties on agricultural products originating in the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise

(4) The temporary introduction of goods from the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control into the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus exercises effective control should be regulated, in order to encourage the provision of services by companies established in the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control across the line and in order to facilitate participation by those companies in trade fairs or similar events in areas of the Republic of Cyprus in which the Government of the Republic of Cyprus exercises effective control. Furthermore, goods destined to be repaired in the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus exercises effective control should be allowed to cross the line.

(5) Reasonable evidence should be provided that the introduction of such goods is effected on a temporary basis. The customs authorities of the Republic of Cyprus or the authorities of the Eastern Sovereign Base Area may ask for a guarantee to cover any potential customs or fiscal debts if certain temporarily introduced goods are not returned to the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control.

(6) In connection with persons crossing the line from the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control into the areas of the Republic of Cyprus in which that Government exercises effective control, it should be clarified that their personal effects shall be considered to have been declared for temporary introduction. The same should apply to means of transport.

⁽¹⁾ OJ L 236, 23.9.2003, p. 955.

⁽²⁾ OJ L 236, 23.9.2003, p. 940.

⁽³⁾ OJ L 161, 30.4.2004, p. 128. Corrected by OJ L 206, 9.6.2004, p. 51. Regulation as last amended by Commission Regulation (EC) No 1283/2005 (OJ L 203, 4.8.2005, p. 8).

- (7) The total value of goods contained in the personal luggage of persons crossing the line from the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control into the areas of the Republic of Cyprus in which that Government exercises effective control needs to be substantially increased so as to encourage economic development in the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control.
- (8) Regulation (EC) No 866/2004 should therefore be amended accordingly,

- (d) goods destined to be repaired;
- (e) goods to be exhibited or used at a public event.

2. The goods referred to in paragraph 1 may be introduced for a period of up to six months.

3. The goods referred to in paragraph 1 do not need to fulfil the conditions laid down in Article 4(1).

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 866/2004 is amended as follows:

1. in Article 4, paragraph 2 shall be replaced by the following:

‘2. The goods referred to in paragraph 1 shall not be subject to a customs declaration. They shall not be subject to customs duties or charges having equivalent effect. In order to ensure effective controls, the quantities crossing the line shall be registered.’;

2. the following Article shall be inserted:

‘Article 4a

Temporary introduction of goods

1. With the exception of goods which are subject to veterinary and phytosanitary requirements, the following goods may be temporarily introduced from the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control into the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus exercises effective control:

- (a) the personal effects of persons crossing the line reasonably required for the journey and goods for sport purposes;
- (b) means of transport;
- (c) professional equipment;

4. If the goods referred to in paragraph 1, are not returned to the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control on the expiry of the period of temporary introduction provided for under paragraph 2, they shall be subject to confiscation by the customs authorities of the Republic of Cyprus.

5. In the event of the temporary introduction of the goods referred to in points (a) and (b) of paragraph 1 of this Article, Articles 229, 232, 579 and 581 of Commission Regulation (EEC) No 2454/93 (*) shall apply *mutatis mutandis*.

In the event of the temporary introduction of the goods referred to in points (c), (d) and (e) of paragraph 1 of this Article, the following procedure shall be followed:

- (a) the goods shall be accompanied by a declaration by the person introducing them stating the purpose of the temporary introduction and supporting documentation, as appropriate, providing reasonable evidence that the goods fall into one of the three categories listed in points (c), (d) and (e) of paragraph 1 of this Article;
- (b) the goods shall be registered by the customs authorities of the Republic of Cyprus or by the authorities of the Eastern Sovereign Base Area when they enter and leave the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus exercises effective control or the Eastern Sovereign Base Area;
- (c) the customs authorities of the Republic of Cyprus and the authorities of the Eastern Sovereign Base Area may make the temporary introduction of the goods conditional upon the provision of a guarantee in order to ensure that any customs or fiscal debt which may be incurred in respect of those goods will be paid.

6. The Commission may adopt specific rules in accordance with the procedure referred to in Article 4(12).

(*) 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 (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).'

3. In Article 6, paragraph 1 and paragraph 2 shall be replaced by the following:

'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 (*) and Regulation (EEC) No 918/83 of 28 March 1983 setting up a Community system of reliefs from customs duty (**) shall not apply, but goods contained in the personal luggage of persons crossing the line shall be exempt from turnover tax and excise duty as well as from other duties provided they have no commercial character and their total value does not exceed EUR 260 per person.

2. The quantitative limits for exemptions from turnover tax and excise duty as well as from other duties shall be 40 cigarettes and 1 litre of spirits for personal consumption.

(*) OJ L 133, 4.6.1969, p. 6. Directive as last amended by Council Directive 2007/74/EC (OJ L 346, 29.12.2007, p. 6).
(**) OJ L 105, 23.4.1983, p. 1. Regulation as last amended by Regulation (EC) No 274/2008 (OJ L 85, 27.3.2008, p. 1).'

4. in Article 11(4), the second sentence shall be replaced by the following:

'In the event of other emergencies, in particular those caused by irregularities, trade distortions or fraud, or where other exceptional circumstances arise which require immediate action, the Commission may, in consultation with the Government of the Republic of Cyprus, apply forthwith such measures as are strictly necessary to remedy the situation.'

Article 2

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

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

Done at Luxembourg, 16 June 2008.

For the Council
The President
D. RUPEL

COMMISSION REGULATION (EC) No 588/2008
of 23 June 2008
establishing the standard import values for determining the entry price of certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1580/2007 of 21 December 2007 laying down implementing rules of Council Regulations (EC) No 2200/96, (EC) No 2201/96 and (EC) No 1182/2007 in the fruit and vegetable sector ⁽¹⁾, and in particular Article 138(1) thereof,

Whereas:

- (1) Regulation (EC) No 1580/2007 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 138 of Regulation (EC) No 1580/2007 shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 24 June 2008.

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

Done at Brussels, 23 June 2008.

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

⁽¹⁾ OJ L 350, 31.12.2007, p. 1.

ANNEX

to Commission Regulation of 23 June 2008 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	MA	41,8
	MK	34,1
	TR	53,4
	ZZ	43,1
0707 00 05	JO	151,2
	MK	22,9
	TR	104,5
	ZZ	92,9
0709 90 70	TR	89,8
	ZZ	89,8
0805 50 10	AR	104,9
	EG	120,2
	TR	135,6
	US	93,5
	ZA	108,3
	ZZ	112,5
0808 10 80	AR	93,6
	BR	89,4
	CL	102,5
	CN	87,2
	NZ	115,8
	US	103,6
	UY	58,3
	ZA	93,7
	ZZ	93,0
0809 10 00	IL	89,8
	TR	192,3
	US	236,6
	ZZ	172,9
0809 20 95	TR	372,0
	US	368,8
	ZZ	370,4
0809 30 10, 0809 30 90	US	245,1
	ZZ	245,1
0809 40 05	IL	121,3
	TR	131,9
	ZZ	126,6

⁽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 589/2008**of 23 June 2008****laying down detailed rules for implementing Council Regulation (EC) No 1234/2007 as regards marketing standards for eggs**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾, and in particular Article 121(d) in conjunction with Article 4 thereof,

Whereas:

- (1) As of 1 July 2008, Council Regulation (EC) No 1028/2006 of 19 June 2006 on marketing standards for eggs ⁽²⁾ is repealed by Regulation (EC) No 1234/2007.
- (2) Certain provisions and obligations laid down in Regulation (EC) No 1028/2006 have not been incorporated in Regulation (EC) No 1234/2007.
- (3) Certain appropriate provisions and obligations should therefore be adopted within the framework of a regulation laying down detailed rules for implementing Regulation (EC) No 1234/2007 in order to ensure the continuity and smooth running of the common organisation of the market, and in particular marketing standards.
- (4) Regulation (EC) No 1234/2007 lays down the basic requirements which eggs must satisfy to be marketed in the Community. For the sake of clarity, new detailed rules for the implementation of those requirements should be laid down. Commission Regulation (EC) No 557/2007 ⁽³⁾, which laid down detailed rules for the application of Regulation (EC) No 1028/2006, should therefore be repealed and replaced by a new Regulation.
- (5) Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs ⁽⁴⁾ and Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin ⁽⁵⁾ apply to eggs. Therefore, reference should be made to the extent possible to those horizontal Regulations.
- (6) The quality characteristics for Class A eggs should be fixed in order to guarantee the high quality of eggs to be delivered directly to the final consumer and to set criteria that can be checked by inspection services. Such quality characteristics should be based on Standard No 42 of the United Nations Economic Commission for Europe (UN/ECE) concerning the marketing and commercial quality controls of eggs-in-shell moving in international trade between and to UN/ECE member countries.
- (7) Cold eggs left out at room temperature may become covered in condensation, facilitating the growth of bacteria on the shell and probably their ingress into the egg. Therefore, eggs should be stored and transported preferably at a constant temperature, and should in general not be refrigerated before sale to the final consumer.
- (8) In general, eggs should not be washed or cleaned because such practices can cause damage to the egg shell, which is an effective barrier to bacterial ingress with an array of antimicrobial properties. However, some practices, such as the treatment of eggs with ultra-violet rays, should not be interpreted as constituting a cleaning process. Moreover, Class A eggs should not be washed because of the potential damage to the physical barriers, such as the cuticle, which can occur during or after washing. Such damage may favour trans-shell contamination with bacteria and moisture loss and thereby increase the risk to consumers, particularly if subsequent drying and storage conditions are not optimal.

⁽¹⁾ OJ L 299, 16.11.2007, p. 1. Regulation as last amended by Regulation (EC) No 510/2008 (OJ L 149, 7.6.2008, p. 61).

⁽²⁾ OJ L 186, 7.7.2006, p. 1.

⁽³⁾ OJ L 132, 24.5.2007, p. 5. Regulation as amended by Regulation (EC) No 1336/2007 (OJ L 298, 16.11.2007, p. 3).

⁽⁴⁾ OJ L 139, 30.4.2004, p. 1. Corrected version in OJ L 226, 25.6.2004, p. 3.

⁽⁵⁾ OJ L 139, 30.4.2004, p. 55. Corrected version in OJ L 226, 25.6.2004, p. 22. Regulation as last amended by Commission Regulation (EC) No 1243/2007 (OJ L 281, 25.10.2007, p. 8).

- (9) However, egg-washing systems subject to authorisation and operating under carefully controlled conditions are used in some Member States with good results. According to the opinion of the European Food Safety Authority, Scientific Panel on Biological Hazards on the request from the Commission related to the Microbiological risks on washing of table eggs adopted on 7 September 2005 ⁽¹⁾, the egg-washing practice as performed in certain packing centres can be sustained from a hygienic standpoint, provided, inter alia, that a code of practice for egg-washing systems is developed.
- (10) Class A eggs should be graded by weight. A limited number of weight grades and corresponding clear terms should therefore be fixed as well as minimum labelling requirements, which do not rule out additional voluntary labelling, provided the requirements of Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs ⁽²⁾ are met.
- (11) Only undertakings whose premises and technical equipment are suited to the scale and type of their operations, and which therefore allow eggs to be handled properly, should be authorised, as packing centres, to grade eggs by quality and weight.
- (12) Maximum time limits for the grading, marking and packing of eggs and the marking of packs should be fixed.
- (13) In addition to the general obligation to establish traceability of food, feed, food-producing animals, and any other substance intended to be, or expected to be, incorporated into food or feed at all stages of production, processing and distribution in accordance with Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety ⁽³⁾, certain information to be indicated on transport packaging containing eggs and on accompanying documents, for the purpose of carrying out checks, should be laid down.
- (14) The marking of eggs with the producer code at the production site is essential where eggs are delivered to another Member State. With regard to Class B eggs in particular, it should be specified that if the producer code alone does not clearly indicate the quality grading, Class B eggs should be marked with another indication.
- (15) The composition of the producer code provided for in point 1 of part A, III of Annex XIV to Regulation (EC) No 1234/2007 should be fixed. Moreover, it should be clarified that an exception to the marking requirement with the producer code may be made if the technical equipment for egg marking does not allow for marking cracked or soiled eggs.
- (16) The characteristics of the other possible indications for marking Class B eggs as referred to in the second subparagraph of point 1 of part A, III of Annex XIV to Regulation (EC) No 1234/2007 should be defined.
- (17) When eggs are delivered directly to the food industry for processing and there is sufficient guarantee of their final destination, Member States may grant exemptions from the marking requirement to operators who so request.
- (18) Directive 2000/13/EC lays down rules of a general nature applicable to all foodstuffs put on the market. However, some specific marking requirements should be provided for packs.
- (19) Article 9 of Directive 2000/13/EC defines the date of minimum durability of a foodstuff to be the date until which the foodstuff retains its specific properties when properly stored. For the sake of clarity, this date should be fixed at not more than 28 days after laying.
- (20) Eggs may be sold with an indication highlighting the particular freshness of the egg. For this purpose, a maximum time limit should be fixed for such indications.
- (21) Eggs may be sold with an indication highlighting the particular feed formula fed to the laying hens. Minimum requirements for the use of such indications should be laid down.

⁽¹⁾ *The EFSA Journal* No 269, 2005, p. 1.

⁽²⁾ OJ L 109, 6.5.2000, p. 29. Directive as last amended by Commission Directive 2007/68/EC (OJ L 310, 28.11.2007, p. 11).

⁽³⁾ OJ L 31, 1.2.2002, p. 1. Regulation as last amended by Commission Regulation (EC) No 202/2008 (OJ L 60, 5.3.2008, p. 17).

- (22) When eggs are sold loose, certain information normally on the pack should be accessible to the consumer.
- (23) In addition to the general hygiene requirements for the wrapping and packaging of foodstuffs, some additional requirements should be laid down in order to minimise the risk of deterioration or contamination of eggs during storage and transport. Such standards should be based on UN/ECE Standard No 42.
- (24) Industrial eggs are unfit for human consumption. Special bands or labels should therefore be required for the easy identification of packaging containing such eggs.
- (25) Only packing centres have the premises and technical equipment suitable for repacking eggs. Any repacking activities should therefore be restricted to packing centres.
- (26) Food business operators are obliged to establish traceability in accordance with Regulation (EC) No 178/2002. Producers, collectors and packing centres should be obliged to keep specific additional records in order to allow inspection services to check compliance with the marketing standards.
- (27) The methods and criteria for conducting checks should be laid down.
- (28) It is appropriate to check compliance with the marketing standards for a batch as a whole, and the marketing of a batch found not to be compliant should be prohibited unless compliance can be proven.
- (29) Certain tolerances should be allowed when checking compliance with the marketing standards. Such tolerances should differ according to the different requirements and marketing stages.
- (30) Third countries may have requirements different from those fixed for the Community for the marketing of eggs. In order to facilitate exports, eggs packed and intended for export should be allowed to conform to such requirements.
- (31) Details should be fixed regarding the assessment of the equivalence of third-country marketing standards with Community legislation to be conducted by the Commission at the request of third countries. Certain marking and labelling requirements for eggs imported from third countries should be laid down.
- (32) It is useful for the Commission to have data available on the number of establishments registered as keeping laying hens.
- (33) Member States should communicate any significant infringement of the marketing standards so that other Member States that may be affected can be alerted in an appropriate manner.
- (34) Egg supply for the retail trade in the French overseas departments relies partly on the supply of eggs from the European continent. In view of the duration of transport and of climatic conditions, the preservation of eggs transported to the French overseas departments presupposes the fulfilment of specific supply arrangements, including the possibility to dispatch eggs chilled. These special arrangements can be justified by the current lack of sufficient local egg production capacities. Until sufficient local production capacities are built up, these exceptional arrangements should be prolonged for a reasonable period of time.
- (35) Point 2 of part A, I of Annex XIV to Regulation (EC) No 1234/2007 allows Member States to exempt certain forms of direct sales of eggs from producers to the final consumer from the requirements of that Regulation. In order to take account of the specific conditions of egg marketing in certain regions in Finland, sales from producers to retail outlets in those regions should be exempted from the requirements of Regulation (EC) No 1234/2007 and of this Regulation.
- (36) In accordance with Article 5(2) of Council Directive 1999/74/EC of 19 July 1999 laying down minimum standards for the protection of laying hens⁽¹⁾, Member States should ensure that rearing of laying hens in unenriched cage systems is prohibited with effect from 1 January 2012. The Commission should therefore evaluate the application of the voluntary labelling provisions foreseen with regard to enriched cages before that date in order to examine the need of rendering this labelling compulsory.

⁽¹⁾ OJ L 203, 3.8.1999, p. 53. Directive as amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

(37) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

Definitions

The definitions in Article 2(1) of Regulation (EC) No 852/2004 and points 5 and 7.3 of Annex I to Regulation (EC) No 853/2004 shall apply as appropriate.

In addition, the following definitions shall apply for the purpose of this Regulation:

- (a) 'pack' means a wrapping containing Class A or B eggs, excluding transport packaging and containers of industrial eggs;
- (b) 'loose sales' means the offer for retail sale of eggs to the final consumer, other than in packs;
- (c) 'collector' means any establishment registered in accordance with Article 6 of Regulation (EC) No 852/2004 to collect eggs from a producer for delivery to a packing centre, to a market selling exclusively to wholesalers whose undertakings are approved as packing centres, or to the food or non-food industry;
- (d) 'sell-by date' means the maximum time limit for delivery of the egg to the final consumer according to point 3 of Chapter I of Section X of Annex III to Regulation (EC) No 853/2004;
- (e) 'food industry' means any establishment producing egg products intended for human consumption, excluding mass caterers;
- (f) 'non-food industry' means any business producing products containing eggs not intended for human consumption;
- (g) 'mass caterers' means the entities referred to in Article 1(2) of Directive 2000/13/EC;
- (h) 'industrial eggs' means eggs not intended for human consumption;
- (i) 'batch' means the eggs in packs or loose from one and the same production site or packing centre, situated in one place, in the same packs or loose, with one and the same laying date or date of minimum durability or packing date, the same farming method, and in the case of graded eggs, the same quality and weight grading;
- (j) 'repacking' means the physical transfer of eggs to another pack or the re-marking of a pack containing eggs;
- (k) 'eggs' means eggs in shell — other than broken, incubated or cooked eggs — that are produced by hens of the species *Gallus gallus* and are fit for direct human consumption or for the preparation of egg products;
- (l) 'broken eggs' means eggs showing breaks of both the shell and the membranes, resulting in the exposure of their contents;
- (m) 'incubated eggs' means eggs from the time of insertion in the incubator onwards;
- (n) 'marketing' means holding eggs for the purpose of sale, including offering for sale, storage, packing, labelling, delivery, or any other form of transfer, whether free of charge or not;
- (o) 'operator' means a producer and any other natural or legal person involved in the marketing of eggs;
- (p) 'production site' means an establishment keeping laying hens, registered in accordance with Commission Directive 2002/4/EC⁽¹⁾;
- (q) 'packing centre' means a packing centre within the meaning of Regulation (EC) No 853/2004 that is authorised according to Article 5(2) of this Regulation and where eggs are graded by quality and weight;
- (r) 'final consumer' means the ultimate consumer of a foodstuff who will not use the food as part of any food business operation or activity;
- (s) 'producer code' means the distinguishing number of the production site according to point 2 of the Annex to Directive 2002/4/EC.

⁽¹⁾ OJ L 30, 31.1.2002, p. 44.

*Article 2***Quality characteristics of eggs**

1. Class A eggs shall have the following quality characteristics:

- (a) shell and cuticle: normal shape, clean and undamaged;
- (b) air space: height not exceeding 6 mm, stationary; however, for eggs to be marketed as 'extra', it may not exceed 4 mm;
- (c) yolk: visible on candling as a shadow only, without clearly discernible outline, slightly mobile upon turning the egg, and returning to a central position;
- (d) white: clear, translucent;
- (e) germ: imperceptible development;
- (f) foreign matter: not permissible;
- (g) foreign smell: not permissible.

2. Class A eggs shall not be washed or cleaned, before or after grading, except as provided for in Article 3.

3. Class A eggs shall not be treated for preservation or chilled in premises or plants where the temperature is artificially maintained at less than 5 °C. However, eggs which have been kept at a temperature below 5 °C during transport for not more than 24 hours or on retail premises or in annexes thereto for not more than 72 hours shall not be considered as chilled.

4. Class B eggs shall be eggs which do not meet the quality characteristics provided for in paragraph 1. Class A eggs which no longer have those characteristics may be downgraded to Class B.

*Article 3***Washed eggs**

1. Member States which, on 1 June 2003, authorised packing centres to wash eggs may continue to authorise packing centres to wash eggs, provided that those centres operate in accordance with the national guides for egg-washing systems. Washed eggs may only be marketed in the Member States in which such authorisations have been issued.

2. The Member States referred to in paragraph 1 shall encourage the development of national guides to good

practice for egg-washing systems by the food business operators, in accordance with Article 8 of Regulation (EC) No 852/2004.

*Article 4***Grading of Class A eggs by weight**

1. Class A eggs shall be graded by weight as follows:

- (a) XL — very large: weight ≥ 73 g;
- (b) L — large: weight ≥ 63 g and < 73 g;
- (c) M — medium: weight ≥ 53 g and < 63 g;
- (d) S — small: weight < 53 g.

2. The weight-grading shall be indicated by the corresponding letters or terms as defined in paragraph 1 or by a combination of both, which may be supplemented by the corresponding weight ranges. Other additional indications may be used, provided that such indications are not likely to be mistaken for the letters or terms defined in paragraph 1 and comply with Directive 2000/13/EC.

3. By way of derogation from paragraph 1, where Class A eggs of different sizes are packed together in the same pack, the minimum net weight of the eggs shall be given in grams and the indication 'Eggs of different sizes' or equivalent terms shall appear on the outer surface of the pack.

*Article 5***Packing centres**

1. Only packing centres shall grade and pack eggs and label their packs.

Only undertakings satisfying the conditions laid down in this Article shall be authorised as packing centres.

2. The competent authority shall authorise packing centres to grade eggs and shall allot a packing centre code to any operator whose premises and technical equipment are suitable for grading eggs by quality and weight. No suitable technical equipment for grading eggs by weight shall be required for packing centres working exclusively for the food and non-food industry.

The competent authority shall allot the packing centre a packing centre code with an initial code for the Member State concerned as specified in point 2.2 of the Annex to Directive 2002/4/EC.

3. Packing centres shall have the technical equipment necessary to ensure that eggs are handled properly. This should include as appropriate:

- (a) suitable candling equipment, automatic or continuously staffed throughout, allowing the quality of each egg to be examined separately, or other appropriate equipment;
- (b) devices for measuring the height of the air space;
- (c) equipment for grading eggs by weight;
- (d) one or more approved balances for weighing eggs;
- (e) equipment for marking eggs.

4. The authorisation referred to in paragraphs 1 and 2 may be withdrawn at any time if the conditions provided for in this Article are no longer fulfilled.

Article 6

Time limit for grading, marking and packing eggs and marking packs

1. Eggs shall be graded, marked and packed within 10 days of laying.
2. Eggs marketed in accordance with Article 14 shall be graded, marked and packed within four days of laying.
3. The date of minimum durability referred to in Article 12(1)(d) shall be marked at the time of packing in accordance with Article 9(2) of Directive 2000/13/EC.

Article 7

Information displayed on transport packaging

1. Without prejudice to Article 18 of Regulation (EC) No 178/2002, at the production site, each transport packaging containing eggs shall be identified by the producer by:

- (a) the producer's name and address;
- (b) the producer code;
- (c) the number of eggs and/or their weight;
- (d) the laying date or period;
- (e) the date of dispatch.

In the case of packing centres supplied with unpacked eggs from their own production units, situated at the same site, identification on transport packaging may take place at the packing centre.

2. The information referred to in paragraph 1 shall be applied to the transport packaging and be contained in accompanying documents. A copy of those documents shall be kept by any intervening operator to whom the eggs are delivered. The originals of the accompanying documents shall be kept by the packing centre that grades the eggs.

Where batches received by a collector are subdivided for delivery to more than one operator, the accompanying documents may be substituted by appropriate transport container labels, provided that the latter include the information referred to in paragraph 1.

3. The information referred to in paragraph 1 applied to the transport packaging shall not be modified and shall remain on the transport packaging until removal of eggs for immediate grading, marking, packing or further processing.

Article 8

Marking of eggs for cross-border delivery

1. Eggs delivered from a production site to a collector, a packing centre or non-food industry situated in another Member State shall be marked with the producer code before leaving the production site.
2. A Member State on whose territory the production site is situated may grant an exemption from the requirement provided for in paragraph 1, where a producer has signed a delivery contract with a packing centre in another Member State requiring the marking in accordance with this Regulation. Such an exemption may be granted only at the request of both operators concerned and with the prior written agreement of the Member State where the packing centre is situated. In such cases, a copy of the delivery contract shall accompany the consignment.

3. The minimum duration of delivery contracts referred to in paragraph 2 may not be less than one month.

4. The inspection services, referred to in Article 24, of the Member States concerned, and of any transit Member States, shall be informed before an exemption is granted in accordance with paragraph 2 of this Article.

5. Class B eggs marketed in another Member State shall be marked in accordance with the second subparagraph of point 1 of part A, III of Annex XIV to Regulation (EC) No 1234/2007 and, where appropriate, bear an indication in accordance with Article 10 of this Regulation so as to ensure that they can easily be distinguished from Class A eggs.

Article 9

Producer code

1. The producer code shall consist of the codes and letters provided for in point 2 of the Annex to Directive 2002/4/EC. It shall be easily visible and clearly legible and be at least 2 mm high.

2. Without prejudice to point 1 of part A, III of Annex XIV to Regulation (EC) No 1234/2007, where it is not possible for technical reasons to mark cracked or soiled eggs, marking with the producer code shall not be compulsory.

Article 10

Indications on Class B eggs

The indication referred to in point 1 of part A, III of Annex XIV to Regulation (EC) No 1234/2007 shall be a circle at least 12 mm in diameter around the letter 'B' at least 5 mm high, or an easily visible colour spot of at least 5 mm in diameter.

Article 11

Marking of eggs delivered directly to the food industry

Member States may exempt operators at their request from the marking obligations provided for in point 1 of part A, III of Annex XIV to Regulation (EC) No 1234/2007, where eggs are delivered directly from the production site to the food industry.

Article 12

Marking of packs

1. Packs containing Class A eggs shall bear on the outer surface in easily visible and clearly legible type:

- (a) the packing centre code;
- (b) the quality grading; packs shall be identified either by the words 'Class A' or the letter 'A', whether alone or in combination with the word 'fresh';
- (c) the weight grading in accordance with Article 4(2) of this Regulation;
- (d) the date of minimum durability in accordance with Article 13 of this Regulation;
- (e) the wording 'washed eggs' for eggs washed in accordance with Article 3 of this Regulation;
- (f) as a special storage condition in accordance with Article 3(1)(6) of Directive 2000/13/EC, an indication advising consumers to keep eggs chilled after purchase.

2. In addition to the requirements laid down in paragraph 1, packs containing Class A eggs shall bear on the outer surface in easily visible and clearly legible type the farming method.

For the identification of the farming method only the following terms shall be used:

- (a) for conventional farming, the terms set out in Part A of Annex I, and only if the relevant conditions laid down in Annex II are fulfilled;
- (b) for organic production, the terms set out in Article 2 of Council Regulation (EEC) No 2092/91 ⁽¹⁾.

The meaning of the producer code shall be explained on or inside the pack.

Where laying hens are kept in systems of production in accordance with the requirements laid down in Chapter III of Council Directive 1999/74/EC, the identification of the farming method may be complemented by one of the indications listed in Part B of Annex I to this Regulation.

⁽¹⁾ OJ L 198, 22.7.1991, p. 1.

3. Paragraph 2 shall apply without prejudice to national technical measures going beyond the minimum requirements laid down in Annex II, which may apply only to producers of the Member State concerned and provided that they are compatible with Community law.

4. Packs containing Class B eggs shall bear on the outer surface in easily visible and clearly legible type:

- (a) the packing centre code;
- (b) the quality grading; packs shall be identified either by the words 'Class B' or the letter 'B';
- (c) the packing date.

5. The Member States may require, for packs of eggs produced on their territory, that the labels be affixed in such a way so as to be broken when opening the packs.

Article 13

Indication of the date of minimum durability

The date of minimum durability referred to in Article 3(1)(5) of Directive 2000/13/EC shall be fixed at not more than 28 days after laying. Where the period of laying is indicated, the date of minimum durability shall be determined from the first day of that period.

Article 14

Packs marked as 'extra'

1. The words 'extra' or 'extra fresh' may be used as an additional quality indication on packs containing Class A eggs until the ninth day after laying of the eggs.

2. Where indications referred to in paragraph 1 are used, the laying date and the time limit of nine days shall be shown on the pack in such a way as to be easily visible and clearly legible.

Article 15

Indication of how laying hens are fed

Where an indication of how the laying hens are fed is used, the following minimum requirements shall apply:

- (a) reference may be made to cereals as a feed ingredient only where they account for at least 60 % in weight of the feed formula given, of which no more than 15 % of cereal by-products may be part;

- (b) without prejudice to the minimum of 60 % referred to in point (a), where reference is made to a specific cereal, it shall account for at least 30 % of the feed formula used. If specific reference is made to more than one cereal, each shall account for at least 5 % of the feed formula.

Article 16

Information to be displayed for loose egg sales

For loose egg sales, the following information shall be given in such a manner as to be easily visible and clearly legible to the consumer:

- (a) the quality grading;
- (b) the weight grading in accordance with Article 4;
- (c) an indication of the farming method equivalent to that referred to in Article 12(2);
- (d) an explanation of the meaning of the producer code;
- (e) the date of minimum durability.

Article 17

Quality of packs

Without prejudice to the requirements laid down in Chapter X of Annex II to Regulation (EC) No 852/2004, packs shall be shock-resistant, dry, clean and in good repair, and be of materials which protect the eggs from extraneous odour and the risk of quality deterioration.

Article 18

Industrial eggs

Industrial eggs shall be marketed in packaging containers with a red band or label.

Those bands and labels shall show:

- (a) the name and address of the operator for whom the eggs are intended;
- (b) the name and address of the operator who has dispatched the eggs;
- (c) the words 'industrial eggs' in capital letters 2 cm high, and the words 'unsuitable for human consumption' in letters at least 8 mm high.

*Article 19***Repacking**

Packed Class A eggs may be repacked only by packing centres. Each pack shall contain only eggs of a single batch.

*Article 20***Records to be kept by producers**

1. Producers shall record information on the farming methods, specifying for each farming method used:

- (a) the date of placing, age at placing and number of laying hens;
- (b) the date of culling and the number of hens culled;
- (c) daily egg production;
- (d) the number and/or weight of eggs sold per day or delivered daily by other means;
- (e) the names and addresses of purchasers.

2. Where the feeding method is indicated in accordance with Article 15 of this Regulation, producers shall, without prejudice to the requirements laid down in part A, III of Annex I to Regulation (EC) No 852/2004, record the following information, specifying for each feeding method used:

- (a) the quantity and type of feed supplied or mixed on-site;
- (b) the date of delivery of feed.

3. Where a producer uses different farming methods on a single production site, the information referred to in paragraphs 1 and 2 shall be broken down by hen house.

4. For the purposes of this Article, instead of keeping records of sales and deliveries, producers may keep files of invoices and delivery notes marked as indicated in paragraphs 1 and 2.

*Article 21***Records to be kept by collectors**

1. Collectors shall record separately, by farming method and by day:

- (a) the quantity of eggs collected, broken down by producer, giving the name, address and producer code, and the laying date or period;
- (b) the quantity of eggs delivered to the relevant packing centres, broken down by producer, giving the name, address, packing centre code and the laying date or period.

2. For the purposes of this Article, instead of keeping records of sales and deliveries, collectors may keep files of invoices and delivery notes marked as indicated in paragraph 1.

*Article 22***Records to be kept by packing centres**

1. Packing centres shall record separately, by farming method and by day:

- (a) the quantities of ungraded eggs they receive, broken down by producer, giving the name, address and producer code and the laying date or period;
- (b) after the eggs are graded, the quantities by quality and weight grade;
- (c) the quantities of graded eggs received coming from other packing centres, including the code of those packing centres and the date of minimum durability;

(d) the quantities of ungraded eggs delivered to other packing centres, broken down by producer, including the code of those packing centres and the laying date or period;

(e) the number and/or weight of eggs delivered, by quality and weight grade, packing date in the case of Class B eggs or the date of minimum durability in the case of Class A eggs, and by purchaser, with the name and address of the latter.

Packing centres shall update their physical stock records each week.

2. Where Class A eggs and their packs bear an indication of how laying hens are fed in accordance with Article 15, packing centres using such indications shall keep separate records in accordance with paragraph 1.

3. For the purposes of this Article, instead of keeping records of sales and deliveries, packing centres may keep files of invoices and delivery notes marked as indicated in paragraphs 1 and 2.

Article 23

Time limits for keeping records

Records and files referred to in Articles 7(2), 20, 21 and 22 shall be kept for at least 12 months from the date of their creation.

Article 24

Checks

1. The Member States shall appoint inspection services to check compliance with this Regulation.

2. The inspection services referred to in paragraph 1 shall check the products covered by this Regulation at all stages of marketing. Apart from random sampling, checks shall be carried out on the basis of a risk analysis, taking into account the type and throughput of the establishment concerned, as well as the operator's past records as regards compliance with the marketing standards for eggs.

3. For Class A eggs imported from third countries, the checks provided for in paragraph 2 shall be made at the time of customs clearance and prior to the release for free circulation.

Class B eggs imported from third countries shall be released for free circulation only after checking at the time of customs clearance that their final destination is the processing industry.

4. Apart from random sampling, operators shall be inspected at a frequency to be determined by the inspection services on the basis of a risk analysis as referred to in paragraph 2, taking account, at least, of:

- (a) the results of previous checks;
- (b) the complexity of the marketing channels followed by the eggs;
- (c) the degree of segmentation in the production or packing establishment;
- (d) the quantity of eggs produced or packed;
- (e) any substantial changes from previous years in the type of eggs produced or processed or in the marketing method.

5. Inspections shall be conducted regularly and be unannounced. Records referred to in Articles 20, 21 and 22 shall be made available on first request to the inspection services.

Article 25

Decisions on non-compliance

1. Decisions by inspection services following inspections provided for in Article 24 indicating non-compliance with this Regulation may only be taken for the whole of the batch which has been checked.

2. Where the checked batch is deemed not to comply with this Regulation, the inspection service shall prohibit its marketing, or importation if the batch comes from a third country, unless and until proof is forthcoming that it has been made to comply with this Regulation.

3. The inspection service which made the check shall verify whether the rejected batch has been or is being made to comply with this Regulation.

Article 26

Tolerance for quality defects

1. The following tolerances shall be allowed when checking batches of Class A eggs:

- (a) at the packing centre, just before dispatch: 5 % of eggs with quality defects;
- (b) at the other marketing stages: 7 % of eggs with quality defects.

2. For eggs marketed as 'extra' or 'extra fresh', no tolerance shall be allowed for the height of the air space at the time of packing or import.

3. Where the batch checked contains fewer than 180 eggs, the percentages referred to in paragraph 1 shall be doubled.

Article 27

Tolerance for egg weight

1. Except in the case provided for in Article 4(3), in the checking of batches of Class A eggs, a tolerance shall be allowed as regards the weight per egg. Such batches may contain not more than 10 % of eggs of weight grades adjacent to that marked on the packing, but not more than 5 % of eggs of the next lower weight grade.

2. Where the batch checked contains fewer than 180 eggs, the percentages referred to in paragraph 1 shall be doubled.

Article 28

Tolerance for marking eggs

A tolerance of 20 % of eggs with marks that are illegible shall be allowed in the checking of batches and packs.

Article 29

Eggs for export to third countries

Eggs packed and intended for export may be made to comply with requirements different from those laid down in Annex XIV to Regulation (EC) No 1234/2007 and this Regulation as regards quality, marking and labelling, or with additional requirements.

Article 30

Imported eggs

1. Any evaluation of equivalence of rules as referred to in point 1 of part A, IV of Annex XIV to Regulation (EC) No 1234/2007 shall include an assessment of whether the requirements contained in this Regulation are effectively met by operators in the third country concerned. It shall be updated regularly.

The Commission shall publish the result of the evaluation in the *Official Journal of the European Union*.

2. Eggs imported from third countries shall be clearly and legibly marked in the country of origin with its ISO 3166 country code.

3. Where there is not sufficient guarantee as to the equivalence of rules as referred to in point 3 of part A, IV of Annex XIV to Regulation (EC) No 1234/2007, packs containing eggs imported from the countries in question shall bear on the outer surface in easily visible and clearly legible type:

- (a) the country of origin;
- (b) the farming method as 'non-EC standard'.

Article 31

Reporting

Before 1 April each year, each Member State shall notify the Commission by electronic means of the number of production sites with the breakdown of farming methods, including the maximum capacity of the establishment in number of birds present at one time.

Article 32

Notification of infringements

Member States shall notify the Commission within five working days by electronic means of any infringements found by inspection services, or any serious suspicion thereof, which are liable to affect intra-Community trade in eggs. Intra-Community trade is deemed to be affected in particular in the event of serious infringements by operators that produce or market eggs for sale in another Member State.

Article 33

Exceptions for the French overseas departments

1. By way of derogation from Article 2(3), eggs intended for retail trade in the French overseas departments may be dispatched chilled to those departments. In that case, the sell-by date may be extended to 33 days.

2. In the case referred to in paragraph 1 of this Article, in addition to the requirements provided for in Articles 12 and 16, the wording 'chilled eggs' shall appear and particulars as to refrigeration shall be given on the outer surface of the pack.

The distinguishing mark for 'chilled eggs' shall be an equilateral triangle of at least 10 mm along the sides.

Article 34

Exceptions for certain regions of Finland

Eggs sold directly by the producer to retail outlets in the regions listed in Annex III shall be exempted from the requirements of Annex XIV to Regulation (EC) No 1234/2007 and of this Regulation. However, the farming method must be duly identified in accordance with Articles 12(2) and 16(c) of this Regulation.

Article 35

Evaluation of practices regarding certain voluntary labelling

By 31 December 2009 at the latest, the Commission shall evaluate the use made of the voluntary labelling in accordance with the last subparagraph of Article 12(2), with a view, if necessary, to rendering it compulsory.

Article 36

Penalties

The Member States shall lay down the rules on penalties applicable to infringements of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive.

*Article 37***Communications**

The Member States and the Commission shall communicate to each other the information necessary for the application of this Regulation.

*Article 38***Repeal**

Regulation (EC) No 557/2007 is hereby repealed with effect from 1 July 2008.

References to the repealed Regulation and to Regulation (EC) No 1028/2006 shall be construed as references to this Regu-

lation and shall be read in accordance with the correlation table in Annex IV.

*Article 39***Entry into force**

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

It shall apply from 1 July 2008.

Article 33 shall apply until 30 June 2009.

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

Done at Brussels, 23 June 2008.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

ANNEX I

PART A

Terms referred to in point (a) of the second subparagraph of Article 12(2)

Code language	1	2	3
BG	'Яйца от кокошки – свободно отглеждане на открито'	'Яйца от кокошки – подово отглеждане'	'Яйца от кокошки – клетъчно отглеждане'
ES	'Huevos de gallinas camperas'	'Huevos de gallinas criadas en el suelo'	'Huevos de gallinas criadas en jaula'
CS	'Vejce nosnic ve volném výběhu'	'Vejce nosnic v halách'	'Vejce nosnic v klecích'
DA	'Frilandsæg'	'Skraabeæg'	'Buræg'
DE	'Eier aus Freilandhaltung'	'Eier aus Bodenhaltung'	'Eier aus Käfighaltung'
ET	'Vabalt peetavate kanade munad'	'Õrrekanade munad'	'Puuris peetavate kanade munad'
EL	'Αυγά ελεύθερης βοσκής'	'Αυγά αχυρώνα ή αυγά στρωμνής'	'Αυγά κλωβοστοιχίας'
EN	'Free range eggs'	'Barn eggs'	'Eggs from caged hens'
FR	'Œufs de poules élevés en plein air'	'Œufs de poules élevés au sol'	'Œufs de poules élevés en cage'
GA	'Uibheacha saor-raoin'	'Uibheacha sciobóil'	'Uibheacha ó chearca chúbarnaí'
IT	'Uova da allevamento all'aperto'	'Uova da allevamento a terra'	'Uova da allevamento in gabbie'
LV	'Brīvās turēšanas apstākļos dētās olas'	'Kūti dētās olas'	'Sprostos dētās olas'
LT	'Laisvai laikomų vištų kiaušiniai'	'Ant kraiko laikomų vištų kiaušiniai'	'Narvuose laikomų vištų kiaušiniai'
HU	'Szabad tartásban termelt tojás'	'Alternatív tartásban termelt tojás'	'Ketreces tartásból származó tojás'
MT	'Bajd tat-tiġieġ imrobbija barra'	'Bajd tat-tiġieġ imrobbija ma' l-art'	'Bajd tat-tiġieġ imrobbija fil-ġaġeġ'
NL	'Eieren van hennen met vrije uitloop'	'Scharreleieren'	'Kooieieren'
PL	'Jaja z chowu na wolnym wybiegu'	'Jaja z chowu ściółkowego'	'Jaja z chowu klatkowego'
PT	'Ovos de galinhas criadas ao ar livre'	'Ovos de galinhas criadas no solo'	'Ovos de galinhas criadas em gaiolas'
RO	'Ouă de găini crescute în aer liber'	'Ouă de găini crescute în hale la sol'	'Ouă de găini crescute în baterii'
SK	'Vajcia z chovu na voľnom výbehu'	'Vajcia z podostielkového chovu'	'Vajcia z klieťkového chovu'
SL	'Jajca iz proste reje'	'Jajca iz hlevske reje'	'Jajca iz baterijske reje'
FI	'Ulkokanojen munia'	'Lattiakanojen munia'	'Häkkikanojen munia'
SV	'Ägg från utehöns'	'Ägg från frigående höns inomhus'	'Ägg från burhöns'

PART B

Terms referred to in the fourth subparagraph of Article 12(2)

Language	
BG	‘Уголемени клетки’
ES	‘Jaulas acondicionadas’
CS	‘Obohacené klece’
DA	‘Stimulusberigede bure’
DE	‘ausgestalteter Käfig’
ET	‘Täiustatud puurid’
EL	‘Αναβαθμισμένοι/Διευθετημένοι κλωβοί’
EN	‘Enriched cages’
FR	‘Cages aménagées’
GA	‘Cásanna Saibhrithe’
IT	‘Gabbie attrezzate’
LV	‘Uzlaboti būri’
LT	‘Pagerinti narveliai’
HU	‘Feljavított ketrecek’
MT	‘Gageg arrikkiti’
NL	‘Aangepaste kooi’ of ‘Verrijkte kooi’
PL	‘Klatki ulepszone’
PT	‘Gaiolas melhoradas’
RO	‘Cuști îmbunătățite’
SK	‘Obohatené kľetky’
SL	‘Obogatene kletke’
FI	‘Varustellut häkit’
SV	‘Inredd bur’

ANNEX II

Minimum requirements for systems of production for the various egg farming methods

1. 'Free-range eggs' must be produced in systems of production which satisfy at least the conditions specified in Article 4 of Council Directive 1999/74/EC.
In particular, the following conditions must be satisfied:
 - (a) hens must have continuous daytime access to open-air runs. However, this requirement does not prevent a producer from restricting access for a limited period of time in the morning hours in accordance with usual good farming practice, including good animal husbandry practice.

In case of other restrictions, including veterinary restrictions, adopted under Community law to protect public and animal health, having the effect of restricting access of hens to open-air runs, eggs may continue to be marketed as 'free-range eggs' for the duration of the restriction, but under no circumstances for more than 12 weeks;
 - (b) open-air runs to which hens have access must be mainly covered with vegetation and not be used for other purposes except for orchards, woodland and livestock grazing if the latter is authorised by the competent authorities;
 - (c) the maximum stocking density of open-air runs must not be greater than 2 500 hens per hectare of ground available to the hens or one hen per 4 m² at all times. However, where at least 10 m² per hen is available and where rotation is practised and hens are given even access to the whole area over the flock's life, each paddock used must at any time assure at least 2,5 m² per hen;
 - (d) open-air runs must not extend beyond a radius of 150 m from the nearest pophole of the building. However, an extension of up to 350 m from the nearest pophole of the building is permissible provided that a sufficient number of shelters as referred to in Article 4(1)(3)(b)(ii) of Directive 1999/74/EC are evenly distributed throughout the whole open-air run with at least four shelters per hectare.
 2. 'Barn eggs' must be produced in systems of production which satisfy at least the conditions specified in Article 4 of Directive 1999/74/EC.
 3. 'Eggs from caged hens' must be produced in systems of production which satisfy at least:
 - (a) the conditions specified in Article 5 of Directive 1999/74/EC until 31 December 2011; or
 - (b) the conditions specified in Article 6 of Directive 1999/74/EC.
 4. Member States may authorise derogations from points 1 and 2 of this Annex for establishments with fewer than 350 laying hens or rearing breeding laying hens as regards the obligations referred to in the second sentence of points 1(d), 1(e), 2, 3(a)(i) and 3(b)(i) of Article 4(1) of Directive 1999/74/EC.
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*ANNEX III***Regions of Finland referred to in Article 34**

The provinces of:

- Lappi,
 - Oulu,
 - the regions of North Karelia and North Savo of the province of Eastern Finland,
 - Åland.
-

ANNEX IV

Correlation table referred to in Article 38

Regulation (EC) No 1028/2006	Regulation (EC) No 557/2007	This Regulation
—	Article 1, first paragraph	Article 1, first paragraph
—	Article 1, second paragraph, introductory wording	Article 1, second paragraph, introductory wording
—	Article 1, second paragraph, points (a) to (j)	Article 1, second paragraph, points (a) to (j)
Article 2(1) to (9)	—	Article 1, second paragraph, points (k) to (s)
—	Article 2	Article 2
—	Article 3	Article 3
—	Article 4	Article 4
Article 5(1)	—	Article 5(1), first subparagraph
—	Article 5(1)	Article 5(1), second subparagraph
Article 5(2)	—	Article 5(2), first subparagraph
—	Article 5(2)	Article 5(2), second subparagraph
—	Article 5(3)	Article 5(3)
Article 5(3)	—	Article 5(4)
—	Article 6	Article 6
—	Article 7	Article 7
—	Article 8	Article 8
—	Article 9	Article 9
—	Article 10	Article 10
—	Article 11(2)	Article 11
—	Article 12	Article 12
—	Article 13	Article 13
—	Article 14	Article 14
—	Article 15	Article 15
—	Article 16	Article 16
—	Article 17	Article 17
—	Article 18	Article 18
—	Article 19	Article 19
—	Article 20	Article 20
—	Article 21	Article 21
—	Article 22	Article 22
—	Article 23	Article 23
Article 7	—	Article 24(1), (2) and (3)
—	Article 24	Article 24(4) and (5)
—	Article 25	Article 25
—	Article 26	Article 26
—	Article 27	Article 27
—	Article 28	Article 28

Regulation (EC) No 1028/2006	Regulation (EC) No 557/2007	This Regulation
—	Article 29	Article 29
—	Article 30	Article 30
—	Article 31	Article 31
—	Article 32	Article 32
—	Article 33	Article 33
—	Article 34	Article 34
—	Article 35	Article 35
Article 8	—	Article 36
Article 9	—	Article 37
—	Article 36	Article 38
—	Article 37	Article 39
—	ANNEX I	ANNEX I
—	ANNEX II	ANNEX II
—	ANNEX III	ANNEX III
—	ANNEX IV	ANNEX IV
—	ANNEX V	—

COMMISSION REGULATION (EC) No 590/2008**of 23 June 2008****amending Regulation (EC) No 1580/2007 laying down implementing rules of Council Regulations (EC) No 2200/96, (EC) No 2201/96 and (EC) No 1182/2007 in the fruit and vegetable sector and derogating from that Regulation**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

postpone the approval of operational programmes and funds until 20 January.

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1182/2007 of 26 September 2007 laying down specific rules as regards the fruit and vegetable sector, amending Directives 2001/112/EC and 2001/113/EC and Regulations (EEC) No 827/68, (EC) No 2200/96, (EC) No 2201/96, (EC) No 2826/2000, (EC) No 1782/2003 and (EC) No 318/2006 and repealing Regulation (EC) No 2202/96 ⁽¹⁾, and in particular Article 42(b), (f) and (j),

Whereas:

- (1) Article 11 of Regulation (EC) No 1182/2007 provides that national financial assistance may be granted in regions where the degree of organisation of producers is particularly low. This assistance should be additional to the operational fund. In order to permit a producer organisation to include the additional support in its operational programme, the operational programme should be amended if necessary. In this case Member States should be able to increase the percentage limit set in Article 67(2)(c) of Commission Regulation (EC) No 1580/2007 ⁽²⁾ by which the amount of the operational fund initially approved can be increased.
- (2) Article 82(2)(d) of Regulation (EC) No 1580/2007 provides that payment for transport costs for free distribution shall be subject to the presentation of documents certifying the transport costs actually incurred. However, the transport costs related to free distribution are financed by flat-rate amounts set in Annex XI to that Regulation, so there is no need for such information, but instead information should be required on the distance which is used as a basis for the calculation of the flat-rate amount.
- (3) It is appropriate to change the date set in Article 94(1) of Regulation (EC) No 1580/2007 by which Member States shall submit a request to the Commission for authorisation to grant national financial assistance to producer organisations to 31 January, in order to take into account the existing possibility for Member States to

- (4) Article 97(1) of Regulation (EC) No 1580/2007 establishes that Member States should request Community reimbursement of approved national financial assistance actually paid to producer organisations before 1 March of the year following the yearly implementation of the operational programmes. Since Member States pay the producer organisations by 15 October of the year following the year of implementation of the programme, the deadline for Member States to request reimbursement from the Commission, should therefore be extended to 1 January of the second year following the year of implementation of the programme.

- (5) The fourth subparagraph of Article 116(2) of Regulation (EC) No 1580/2007 provides that Member States may make payments after the deadline set out in Article 71 of that Regulation where this is necessary. However, a final deadline should be set for such payments for reasons of good financial management. A similar set of provisions should also be added to Article 116(3) of that Regulation for the same reasons.

- (6) Point (b) of the first paragraph of Article 122 of Regulation (EC) No 1580/2007 requires that producer organisations be required to reimburse the Community contribution where recipients of products withdrawn from the market are obliged to repay the value of the products they received plus the related sorting, packaging and transport costs due to irregularities. However, producer organisations should not be made responsible for irregularities attributable to the recipients of withdrawn products and therefore this requirement should be removed.

- (7) In order to ensure legal certainty and equality between Member States, it should be made clear that for operational programmes implemented in 2007 provisions identical to those contained in Commission Regulation (EC) No 544/2001 of 20 March 2001 laying down rules for the application of Council Regulation (EC) No 2200/96 as regards additional financial assistance to operational funds ⁽³⁾ should continue to apply.

⁽¹⁾ OJ L 273, 17.10.2007, p. 1.

⁽²⁾ OJ L 350, 31.12.2007, p. 1. Regulation as last amended by Regulation (EC) No 498/2008 (OJ L 146, 5.6.2008, p. 7).

⁽³⁾ OJ L 81, 21.3.2001, p. 20.

- (8) Article 47(2) of Regulation (EC) No 1580/2007 provides that applications for aid covering semestrial periods may be submitted only if the recognition plan is broken into semestrial periods. However, such applications could be made for plans approved prior to 2008 under Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organization of the market in fruit and vegetables⁽¹⁾. It is appropriate to provide for a transitional measure to allow for such applications in this case.
- (9) In the interests of legal certainty, and to ensure a smooth transition between the regime under Regulation (EC) No 2200/96 and that under Regulation (EC) No 1182/2007, it is important to clarify that the aid rates should remain unchanged for recognition plans accepted under Regulation (EC) No 2200/96 which continue to benefit from acceptance pursuant to Article 55(4) of Regulation (EC) No 1182/2007 for producer groups not in Member States which acceded to the Community on 1 May 2004 or after that date and not in the outermost regions of the Community as referred to in Article 299(2) of the Treaty or in the smaller Aegean islands as referred to in Article 1(2) of Council Regulation (EC) No 1405/2006 of 18 September 2006 laying down specific measures for agriculture in favour of the smaller Aegean islands and amending Regulation (EC) No 1782/2003⁽²⁾ and for producer groups which benefitted from Article 14(7) of Regulation (EC) No 2200/96.
- (10) In the interests of legal certainty, and to protect acquired rights, it is important to clarify that payments of Community withdrawal compensation and related checks which concern 2007 withdrawals but which were not yet made by 31 December 2007 may nevertheless be made after that date in accordance with the rules in force at that date.
- (11) In the interests of legal certainty, and to protect legitimate expectations, it should be clarified that sanctions should not be applied on an application for aid for operational programmes implemented in 2007 for acts or omissions in that period which would be more severe than that applicable under the legislation in force at the time.
- (12) Regulation (EC) No 1580/2007 should therefore be amended accordingly.
- (13) Given the difficulties of Member States to adapt to the new rules on national financial assistance in Regulation (EC) No 1580/2007 for operational programmes implemented in 2007 and 2008, it is appropriate to adopt transitional rules to allow for derogations from the dates set in Article 94 of that Regulation.
- (14) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1580/2007 is amended as follows:

1. in Article 67(2), point (c) is replaced by the following:

‘(c) increase the amount of the operational fund by a maximum of 25 %, and decrease it by a percentage to be fixed by Member States, of the amount initially approved provided the overall objectives of the operational programme are maintained. Member States may increase this percentage in case of mergers of producer organisations as referred to in Article 31(1) and in case of application of Article 94a.’;

2. in Article 82(2), point (d) is replaced by the following:

‘(d) the distance between the place of withdrawal and the place of delivery.’;

3. in Article 94(1), the first subparagraph is replaced by the following:

‘Member States shall submit a request to the Commission for authorisation to grant national financial assistance pursuant to the first subparagraph of Article 11(1) of Regulation (EC) No 1182/2007 for operational programmes to be implemented in any given calendar year by 31 January of that year.’;

4. after Article 94, the following Article 94a is inserted:

‘Article 94a

Modifications to the operational programme

A producer organisation wishing to apply for national financial assistance shall, if necessary, modify its operational programme pursuant to Article 67.’;

5. in Article 97, paragraph 1 is replaced by the following:

‘1. Member States shall request Community reimbursement of approved national financial assistance actually paid to producer organisations, before 1 January of the second year following the year of implementation of the programme.

⁽¹⁾ OJ L 297, 21.11.1996, p. 1. Regulation as last amended by Regulation (EC) No 1234/2007 (OJ L 299, 16.11.2007, p. 1).

⁽²⁾ OJ L 265, 26.9.2006, p. 1.

The request shall be accompanied by evidence showing that the conditions set out in the second subparagraph of Article 11(1) of Regulation (EC) No 1182/2007 have been fulfilled in three of the previous four years, as well as details of the producer organisations concerned, the amount of assistance actually paid and a description of the operational fund broken out between total amount, contributions from Community, Member State (national financial assistance) and producer organisations and members.;

6. Article 116 is amended as follows:

- (a) the fourth subparagraph of paragraph 2 is replaced by the following:

'Member States may make payments after the deadline set out in Article 71 where this is necessary in order to apply this paragraph. However, these later payments may not in any case be made later than 15 October of the second year following the year of implementation of the programme.;

- (b) after the first subparagraph of paragraph 3, the following subparagraph is inserted:

'Member States may make payments after the deadline set out in Article 71 where this is necessary in order to apply this paragraph. However, these later payments may not in any case be made later than 15 October of the second year following the year of implementation of the programme.;

7. in point (b) of the first paragraph of Article 122, the second sentence is deleted;

8. in Article 152, the following paragraphs are added:

'4. By way of derogation from Article 47(2) of this Regulation, producers groups which are implementing recognition plans to which Article 55(4) of Regulation (EC) No 1182/2007 applies and which are not broken into semestrial periods may submit applications for aid covering semestrial periods. Such applications may cover only semestrial periods corresponding to the yearly segments which started before 2008.

5. By way of derogation from Article 96, in respect of operational programmes implemented in 2007, additional financial assistance to operational funds shall be financed by EAGF at a level of 50 % of the financial assistance granted to the producer organisation.

6. Recognition plans accepted under Regulation (EC) No 2200/96 which continue to benefit from acceptance pursuant to Article 55(4) of Regulation (EC) No 1182/2007 for producer groups not in Member States which acceded to the Community on 1 May 2004 or after that date and not in the outermost regions of the Community as referred to in Article 299(2) of the Treaty or in the smaller Aegean islands as referred to in Article 1(2) of Regulation (EC) No 1405/2006 shall be financed at the rates set out in Article 7(5)(b) of Regulation (EC) No 1182/2007.

Recognition plans accepted under Regulation (EC) No 2200/96 which benefitted from Article 14(7) of that Regulation and continue to benefit from acceptance pursuant to Article 55(4) of Regulation (EC) No 1182/2007 shall be financed at the rates set out in Article 7(5)(a) of Regulation (EC) No 1182/2007.

7. Payments of Community withdrawal compensation and related checks which concern 2007 withdrawals but which were not yet made by 31 December 2007 may nevertheless be made after that date in accordance with Title IV of Regulation (EC) No 2200/96 as it existed at that date.

8. Where, in respect of an application for aid submitted for operational programmes implemented in 2007 or before, and in relation to acts or omissions which occurred in that period, a sanction would apply under Section 3 of Chapter V of Title III but a less severe sanction or no sanction would have applied under the legislation in force at the time, then that less severe sanction, or as the case may be, no sanction, shall apply.'

Article 2

By way of derogation from Article 94 of Regulation (EC) No 1580/2007, in respect of operational programmes implemented in 2007 and 2008, Member States shall submit a request to the Commission for authorisation to pay national financial assistance pursuant to the first subparagraph of Article 11(1) of Regulation (EC) No 1182/2007 by 1 July 2008.

Article 3

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

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

Done at Brussels, 23 June 2008.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

COMMISSION REGULATION (EC) No 591/2008**of 23 June 2008****amending Regulation (EC) No 712/2007 opening standing invitations to tender for the resale on the Community market of cereals held by the intervention agencies of the Member States**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾, and in particular Article 43 in conjunction with Article 4 thereof,

Whereas:

- (1) Commission Regulation (EC) No 712/2007 ⁽²⁾ opened standing invitations to tender for the resale on the Community market of cereals held by the intervention agencies of the Member States. The closing date for the submission of tenders for the last partial invitation to tender is 25 June 2008.
- (2) In order to guarantee livestock farmers and the livestock-feed industry supplies at competitive prices at the beginning of the 2008/09 marketing year, the intervention stocks held by the Hungarian intervention agency, the only agency with stocks currently still at its disposal, should continue to be made available on the cereal market, and the days and dates on which tenders may be submitted by operators should be specified in accordance with the meetings scheduled by the

Management Committee for the Common Organisation of Agricultural Markets.

- (3) Regulation (EC) No 712/2007 should be amended accordingly.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

The following subparagraph is added to Article 3(1) of Regulation (EC) No 712/2007:

'From 1 July 2008, the closing dates for the submission of tenders for partial invitations to tender shall be 13.00 (Brussels time) on Wednesday, 9 July 2008, 23 July 2008, 6 August 2008, 27 August 2008 and 10 September 2008.'

Article 2

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

It shall apply with effect from 1 July 2008.

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

Done at Brussels, 23 June 2008.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 299, 16.11.2007, p. 1. Regulation as last amended by Commission Regulation (EC) No 510/2008 (OJ L 149, 7.6.2008, p. 61).

⁽²⁾ OJ L 163, 23.6.2007, p. 7. Regulation as last amended by Regulation (EC) No 58/2008 (OJ L 22, 25.1.2008, p. 3).

II

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

DECISIONS

COUNCIL

COUNCIL DECISION

of 23 June 2008

implementing Article 7(2) of Regulation (EC) No 423/2007 concerning restrictive measures against Iran

(2008/475/EC)

THE COUNCIL OF THE EUROPEAN UNION,

that Regulation for the individual and specific reasons given,

Having regard to the Treaty establishing the European Community,

HAS DECIDED AS FOLLOWS:

Having regard to Council Regulation (EC) No 423/2007 of 19 April 2007 ⁽¹⁾, and in particular Article 15(2) thereof,

Article 1

Annex V to Regulation (EC) No 423/2007 shall be replaced by the text set out in the Annex to this Decision.

Whereas:

Article 2

This Decision shall take effect on the day of its publication.

(1) On 19 April 2007, the Council adopted Regulation (EC) No 423/2007 concerning restrictive measures against Iran. Article 15(2) of that Regulation provides that the Council shall establish, review and amend the list of persons, entities and bodies referred to in Article 7(2) of that Regulation.

Done at Luxembourg, 23 June 2008.

(2) The Council has determined that certain additional persons, entities and bodies fulfil the conditions laid down in Article 7(2) of Regulation (EC) No 423/2007 and that they should therefore be listed in Annex V to

For the Council

The President

I. JARC

⁽¹⁾ OJ L 103, 20.4.2007, p. 1. Regulation as last amended by Regulation (EC) No 219/2008 (OJ L 68, 12.3.2008, p. 5).

ANNEX

'ANNEX V

A. Natural persons

	Name	Identifying information	Reasons	Date of listing
1.	Reza AGHAZADEH	DoB: 15.3.1949 Passport number: S4409483 valid 26.4.2000 – 27.4.2010 Issued: Tehran, Diplomatic passport number: D9001950, issued on 22.1.2008 valid until 21.1.2013, Place of birth: Khoy	Head of the Atomic Energy Organisation of Iran (AEOI). The AEOI oversees Iran's nuclear programme and is designated under UNSCR 1737 (2006).	24.4.2007
2.	IRGC Brigadier-General Javad DARVISH-VAND		MODAFL Deputy for Inspection. Responsible for all MODAFL facilities and installations	24.6.2008
3.	IRGC Brigadier-General Seyyed Mahdi FARAHI		Managing Director of the Defence Industries Organisation (DIO) which is designated under UNSCR 1737 (2006)	24.6.2008
4.	Dr Hoseyn (Hossein) FAQIHIAN	Address of NFPC: AEOI-NFPD, P.O. Box: 11365-8486, Tehran/Iran	Deputy and Director-General of the Nuclear Fuel Production and Procurement Company (NFPC), part of the AEOI. The AEOI oversees Iran's nuclear programme and is designated under UNSCR 1737 (2006). The NFPC involved in enrichment-related activities that Iran is required by the IAEA Board and Security Council to suspend.	24.4.2007
5.	Engineer Mojtaba HAERI		MADAFL Deputy for Industry. Supervisory role over AIO and DIO	24.6.2008
6.	IRGC Brigadier-General Ali HOSEYNITASH		Head of the General Department of the Supreme National Security Council and involved in formulating policy on the nuclear issue	24.6.2008
7.	Mohammad Ali JAFARI, IRGC		Occupe un poste de commandement au sein des IRGC	24.6.2008
8.	Mahmood JANNATIAN		Deputy Head of the Atomic Energy Organisation of Iran	24.6.2008
9.	Said Esmail KHALILIPOUR	DoB: 24.11.1945, PoB: Langroud	Deputy Head of AEOI. The AEOI oversees Iran's nuclear programme and is designated under UNSCR 1737 (2006).	24.4.2007
10.	Ali Reza KHANCHI	Address of NRC: AEOI-NRC P.O. Box: 11365-8486 Tehran/Iran; Fax: (+9821) 8021412	Head of AEOI's Tehran Nuclear Research Centre. The IAEA is continuing to seek clarification from Iran about plutonium separation experiments carried out at the TNRC, including about the presence of HEU particles in environmental samples taken at the Karaj Waste Storage Facility where containers used to store depleted uranium targets used in those experiments are located. The AEOI oversees Iran's nuclear programme and is designated under UNSCR 1737 (2006).	24.4.2007
11.	Ebrahim MAHMUDZADEH		Managing Director of Iran Electronic Industries	24.6.2008

	Name	Identifying information	Reasons	Date of listing
12.	Brigadier-General Beik MOHAMMADLU		MODAFL Deputy for Supplies and Logistics	24.6.2008
13.	Anis NACCACHE		Administrateur des Barzagani Tejarat Tavanmad Saccal companies; sa société a tenté d'acquérir des biens sensibles, au bénéfice d'entités listées au titre de la résolution 1737	24.6.2008
14.	Brigadier-General Mohammad NADERI		Head of Aerospace Industries Organisation (AIO), AIO a participé à des programmes sensibles iraniens	24.6.2008
15.	IRGC Brigadier-General Mostafa Mohammad NAJJAR		Minister of MODAFL, responsable de l'ensemble des programmes militaires, y compris des programmes de missiles balistiques.	24.6.2008
16.	Dr Javad RAHIQI	DoB: 21.4.1954, PoB: Mashad	Head of AEOI's Esfahan Nuclear Technology Centre. This oversees the uranium conversion plant at Esfahan. Iran is required by the IAEA Board and the Security Council to suspend all enrichment-related activities. This includes all uranium conversion work. AEOI oversees Iran's nuclear programme and is designated under UNSCR 1737 (2006).	24.4.2007
17.	Rear Admiral Mohammad SHAFI RUDSARI		MODAFL Deputy for Co-ordination	24.6.2008
18.	IRGC Brigadier-General Ali SHAMSHIRI		MODAFL Deputy for Counter-Intelligence, responsible for security of MODAFL personnel and Installations	24.6.2008
19.	Abdollah SOLAT SANA		Managing Director of the Uranium Conversion Facility (UCF) in Esfahan. This is the facility that produces the feed material (UF6) for the enrichment facilities at Natanz. On 27 August 2006, Solat Sana received a special award from President Ahmadinejad for his role.	24.4.2007
20.	IRGC Brigadier-General Ahmad VAHIDI		Deputy Head of MODAFL	24.6.2008

B. Legal persons, entities and bodies

	Name	Identifying information	Reasons	Date of listing
1.	Aerospace Industries Organisation, AIO	AIO, 28 Shian 5, Lavizan, Tehran	AIO oversees Iran's production of missiles, including Shahid Hemmat Industrial Group, Shahid Bagheri Industrial Group and Fajr Industrial Group, which were all designated under UNSCR 1737 (2006). The head of AIO and two other senior officials were also designated under UNSCR 1737 (2006)	24.4.2007
2.	Armament Industries	Pasdaran Av., P.O. Box 19585/777, Tehran	A subsidiary of the DIO (Defence Industries Organisation).	24.4.2007

	Name	Identifying information	Reasons	Date of listing
3.	Armed Forces Geographical Organisation		Assessed to provide geospatial data for the Ballistic Missile programme	24.6.2008
4.	Bank Melli, Melli Bank Iran and all branches and subsidiaries including (a) Melli Bank plc (b) Bank Melli Iran Zao	Ferdowsi Avenue, P.O. Box 11365-171, Tehran London Wall, 11th floor, London EC2Y 5EA, United Kingdom Number 9/1, Ulitsa Mashkova, Moscow, 130064, Russia	Providing or attempting to provide financial support for companies which are involved in or procure goods for Iran's nuclear and missile programmes (AIO, SHIG, SBIG, AEOL, Novin Energy Company, Mesbah Energy Company, Kalaye Electric Company and DIO). Bank Melli serves as a facilitator for Iran's sensitive activities. It has facilitated numerous purchases of sensitive materials for Iran's nuclear and missile programmes. It has provided a range of financial services on behalf of entities linked to Iran's nuclear and missile industries, including opening letters of credit and maintaining accounts. Many of the above companies have been designated by UNSCRs 1737 and 1747.	24.6.2008
5.	Defence Technology and Science Research Centre (DTSRC) – also known as the Educational Research Institute/Moassese Amozeh Va Tahgiaghati (ERI/MAVT Co.)	Pasdaran Av., P.O. Box 19585/777, Tehran	Responsible for R&D. A subsidiary of the DIO. The DTSRC handles much of the procurement for the DIO.	24.4.2007
6.	Iran Electronic Industries	P.O. Box 18575-365, Tehran, Iran	Wholly-owned subsidiary of MODAFL (and therefore a sister-organisation to AIO, AvIO and DIO). Its role is to manufacture electronic components for Iranian weapons systems.	24.6.2008
7.	IRGC Air Force		Operates Iran's inventory of short and medium range ballistic missiles. The head of the IRGC air force was designated by UNSCR 1737.	24.6.2008
8.	Khatem-ol Anbiya Construction Organisation	Number 221, North Falamak-Zarafshan Intersection, 4th Phase, Shahkrak-E-Ghods, Tehran 14678, Iran	IRGC-owned group of companies. Uses IRGC engineering resources for construction acting as prime contractor on major projects including tunnelling, assessed to support the Iranian ballistic missile and nuclear programmes.	24.6.2008
9.	Malek Ashtar University		Liée au Ministère de la Défense, a crée en 2003 une formation sur les missiles, en étroite collaboration avec l'AIO	24.6.2008
10.	Marine Industries	Pasdaran Av., P.O. Box 19585/777, Tehran	A subsidiary of the DIO.	24.4.2007
11.	Mechanic Industries Group		A participé à la production de composants pour le programme balistique	24.6.2008
12.	Ministry of Defence and Armed Forces Logistics (MODAFL)	West side of Dabestan Street, Abbas Abad District, Tehran	Responsible for Iran's defence research, development and manufacturing programmes, including support to missile and nuclear programmes	24.6.2008

	Name	Identifying information	Reasons	Date of listing
13.	Ministry of Defence Logistics Export (MODLEX)	P.O. Box 16315-189, Tehran, Iran	It is the export arm of MODAFL, and the agency used for exporting finished weapons in state-to-state transactions. Under UNSCR 1747 (2007) MODLEX should not be trading.	24.6.2008
14.	3M Mizan Machinery Manufacturing		Société écran de l'AIO, participant à des acquisitions dans le domaine balistique.	24.6.2008
15.	Nuclear Fuel Production and Procurement Company (NFPC)	AEOI-NFPD, P.O. Box: 11365-8486, Tehran/Iran	Nuclear Fuel Production Division (NFPD) of AEOI is research and development in the field of nuclear fuel cycle including: uranium exploration, mining, milling, conversion and nuclear waste management. The NFPC is the successor to the NFPD, the subsidiary company under the AEOI that runs research and development in the nuclear fuel cycle including conversion and enrichment	24.4.2007
16.	Parchin Chemical Industries		A travaillé sur des techniques de propulsion pour le programme balistique iranien	24.6.2008
17.	Special Industries Group	Pasdaran Av., P.O. Box 19585/777, Tehran	A subsidiary of the DIO.	24.4.2007
18.	State Purchasing Organisation (SPO)		The SPO appears to facilitate the import of whole weapons. It appears to be a subsidiary of MODAFL	24.6.2008'

COMMISSION

COMMISSION DECISION

of 6 June 2008

amending Decision 2008/185/EC to include the departments of Côtes-d'Armor, Finistère, Ille-et-Vilaine, Morbihan and Nord, France, in the list of regions free of Aujeszky's disease

(notified under document number C(2008) 2387)

(Text with EEA relevance)

(2008/476/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine ⁽¹⁾, and in particular Articles 9(2) and 10(2) thereof,

Whereas:

(1) Directive 64/432/EEC lays down rules applicable to intra-Community trade in certain animals. Article 9 of that Directive provides for compulsory national programmes for certain contagious disease, including Aujeszky's disease, to be submitted to the Commission for approval. In addition, Article 10 of Directive 64/432/EEC provides for Member States to submit documentation to the Commission concerning the status of those diseases in their territory.

(2) Commission Decision 2008/185/EC of 21 February 2008 on additional guarantees in intra-Community trade of pigs relating to Aujeszky's disease and criteria to provide information on this disease ⁽²⁾ contains a list of Member States or regions thereof free of Aujeszky's disease and where vaccination is prohibited in Annex I thereto. Annex II to Decision 2008/185/EC contains a list of Member States or regions thereof where disease control programme for that disease are in place.

(3) A programme for the eradication of Aujeszky's disease has been implemented in France for several years and the departments of Côtes-d'Armor, Finistère, Ille-et-Vilaine, Morbihan and Nord are listed as regions where an approved Aujeszky's disease control programme is in place.

(4) France has submitted supporting documentation to the Commission as regards the Aujeszky's disease-free status of the departments of Côtes-d'Armor, Finistère, Ille-et-Vilaine, Morbihan and Nord demonstrating that the disease has been eradicated from those departments.

(5) The Commission has examined the documentation submitted by France and found it to comply with Article 10(1) of Directive 64/432/EEC. Accordingly, those departments should be included in the list in Annex I to Decision 2008/185/EC.

(6) Decision 2008/185/EC should therefore be amended accordingly.

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

HAS ADOPTED THIS DECISION:

Article 1

Annexes I and II to Decision 2008/185/EC are replaced by the text in the Annex to this Decision.

⁽¹⁾ OJ L 121, 29.7.1964, p. 1977/64. Directive as last amended by Commission Decision 2007/729/EC (OJ L 294, 13.11.2007, p. 26).

⁽²⁾ OJ L 59, 4.3.2008, p. 19.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 6 June 2008.

For the Commission
Androulla VASSILIOU
Member of the Commission

ANNEX

‘ANNEX I

Member States or regions thereof free of Aujeszky's disease and where vaccination is prohibited

ISO code	Member State	Regions
CZ	Czech Republic	All regions
DK	Denmark	All regions
DE	Germany	All regions
FR	France	The departments of Ain, Aisne, Allier, Alpes-de-Haute-Provence, Alpes-Maritimes, Ardèche, Ardennes, Ariège, Aube, Aude, Aveyron, Bas-Rhin, Bouches-du-Rhône, Calvados, Cantal, Charente, Charente-Maritime, Cher, Corrèze, Côte-d'Or, Côtes-d'Armor, Creuse, Deux-Sèvres, Dordogne, Doubs, Drôme, Essonne, Eure, Eure-et-Loir, Finistère, Gard, Gers, Gironde, Hautes-Alpes, Hauts-de-Seine, Haute Garonne, Haute-Loire, Haute-Marne, Hautes-Pyrénées, Haut-Rhin, Haute-Saône, Haute-Savoie, Haute-Vienne, Hérault, Ille-et-Vilaine, Indre, Indre-et-Loire, Isère, Jura, Landes, Loire, Loire-Atlantique, Loir-et-Cher, Loiret, Lot, Lot-et-Garonne, Lozère, Maine-et-Loire, Manche, Marne, Mayenne, Meurthe-et-Moselle, Meuse, Morbihan, Moselle, Nièvre, Nord, Oise, Orne, Paris, Pas de Calais, Pyrénées-Atlantiques, Pyrénées-Orientales, Puy-de-Dôme, Réunion, Rhône, Sarthe, Saône-et-Loire, Savoie, Seine-et-Marne, Seine-Maritime, Seine-Saint-Denis, Somme, Tarn, Tarn-et-Garonne, Territoire de Belfort, Val-de-Marne, Val-d'Oise, Var, Vaucluse, Vendée, Vienne, Vosges, Yonne, Yvelines
CY	Cyprus	Whole territory
LU	Luxembourg	All regions
AT	Austria	Whole territory
SK	Slovakia	All regions
FI	Finland	All regions
SE	Sweden	All regions
UK	United Kingdom	All regions in England, Scotland and Wales

ANNEX II

Member States or regions thereof where approved Aujeszky's disease control programmes are in place

ISO code	Member State	Regions
BE	Belgium	Whole territory
ES	Spain	The territory of the Autonomous Communities of Galicia, País Vasco, Asturias, Cantabria, Navarra, La Rioja The territory of the provinces of León, Zamora, Palencia, Burgos, Valladolid and Ávila in the Autonomous Community of Castilla y León The territory of the province of Las Palmas in the Canary Islands
IT	Italy	The province of Bolzano
NL	Netherlands	Whole territory'

COMMISSION DECISION

of 13 June 2008

on the harmonisation of the 2 500-2 690 MHz frequency band for terrestrial systems capable of providing electronic communications services in the Community

(notified under document number C(2008) 2625)

(Text with EEA relevance)

(2008/477/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Decision No 676/2002/EC of the European Parliament and of the Council of 7 March 2002 on a regulatory framework for radio spectrum policy in the European Community (Radio Spectrum Decision)⁽¹⁾, and in particular Article 4(3) thereof,

Whereas:

- (1) The Commission has supported a more flexible use of spectrum in its Communication on 'Rapid access to spectrum for wireless electronic communications services through more flexibility'⁽²⁾, which, *inter alia*, addresses the 2 500-2 690 MHz band. Technological neutrality and service neutrality have been underlined by Member States in the Radio Spectrum Policy Group (RSPG) opinion on Wireless Access Policy for Electronic Communications Services (WAPECS) of 23 November 2005 as important policy goals to achieve a more flexible use of spectrum. Moreover, according to this opinion, these policy goals should not be introduced abruptly, but in a gradual manner to avoid disruption of the market.
- (2) The designation of the 2 500-2 690 MHz band for systems capable of providing electronic communications services is an important element addressing the convergence of the mobile, fixed and broadcasting sectors and reflecting technical innovation. The services provided in this frequency band should mainly target end-user access to broadband communications.
- (3) It is expected that the wireless broadband electronic communications services for which the 2 500-

2 690 MHz band is to be designated will to a large extent be pan-European in the sense that users of such electronic communications services in one Member State could also gain access to equivalent services in any other Member State.

- (4) Pursuant to Article 4(2) of Decision No 676/2002/EC, on 5 July 2006 the Commission gave a mandate to the European Conference of Postal and Telecommunications Administrations (hereinafter the CEPT) to develop least restrictive technical conditions for frequency bands addressed in the context of WAPECS.
- (5) In response to that mandate, the CEPT has issued a report (CEPT Report 19) on least restrictive technical conditions for frequency bands addressed in the context of WAPECS. This report contains technical conditions and guidance for the application of least restrictive conditions to base stations and terminal stations operating in the 2 500-2 690 MHz band, which are appropriate to manage the risk of harmful interference within as well as outside of national territories, without requiring that any type of particular technology is used, based on optimised parameters for the most likely use of the band.
- (6) In accordance with CEPT Report 19 this Decision introduces the concept of Block Edge Masks (BEM), which are technical parameters that apply to the entire block of spectrum of a specific user, irrespective of the number of channels occupied by the user's chosen technology. These masks are intended to form part of the authorisation conditions for spectrum usage. They cover both emissions within the block of spectrum (i.e. in-block power) as well as emissions outside the block (i.e. out-of-block emission). They are regulatory requirements aimed at managing the risk of harmful interference between neighbouring networks and are without prejudice to limits set in equipment standards under Directive 1999/5/EC of the European Parliament and of the Council of 9 March 1999 on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity⁽³⁾ (the R&TTE Directive).

⁽¹⁾ OJ L 108, 24.4.2002, p. 1.

⁽²⁾ COM(2007) 50.

⁽³⁾ OJ L 91, 7.4.1999, p. 10. Directive as amended by Regulation (EC) No 1882/2003 (OJ L 284, 31.10.2003, p. 1).

- (7) The designation and making available of the 2 500-2 690 MHz band in accordance with the results of the mandate to CEPT recognises the fact that there are other existing applications. Appropriate sharing criteria for coexistence between some systems have been developed in the Electronic Communications Committee's ECC Report 45. For other systems and services appropriate sharing criteria for coexistence may be based on national considerations.
- (8) To achieve compatibility a separation of 5 MHz is needed between the edges of spectrum blocks used for unrestricted TDD (time division duplex) and FDD operation (frequency division duplex) or in the case of two unsynchronised networks operating in TDD mode. Such separation should be achieved by either leaving these 5 MHz blocks unused as guard blocks; or through usage that complies with parameters of the restricted BEM when adjacent to an FDD (uplink) or between two TDD blocks; or through usage that complies with parameters of either restricted or unrestricted BEMs when adjacent to an FDD (downlink) block. Any usage of a 5 MHz guard block is subject to an increased risk of interference.
- (9) The results of the mandate to the CEPT should be made applicable in the Community and implemented by the Member States without delay given the increasing requirements identified in studies at European and global levels for terrestrial electronic communications services providing broadband communications.
- (10) Harmonisation under this Decision should not exclude the possibility for a Member State to apply, where justified, transitional periods that could include radio spectrum sharing arrangements, pursuant to Article 4(5) of the Radio Spectrum Decision.
- (11) In order to ensure effective use of the 2 500-2 690 MHz band also in the longer term, administrations should continue with studies that may increase efficiency and innovative use. Such studies should be taken into account when considering a review of this Decision.
- (12) The measures provided for in this Decision are in accordance with the opinion of the Radio Spectrum Committee,

HAS ADOPTED THIS DECISION:

Article 1

This Decision aims at harmonising the conditions for the availability and efficient use of the 2 500-2 690 MHz band for terrestrial systems capable of providing electronic communications services in the Community.

Article 2

1. No later than six months after entry into force of this Decision Member States shall designate and subsequently make available, on a non-exclusive basis, the 2 500-2 690 MHz band for terrestrial systems capable of providing electronic communications services, in compliance with the parameters set out in the Annex to this Decision.

2. By way of derogation from paragraph 1, Member States may request transitional periods that may include radio spectrum sharing arrangements, pursuant to Article 4(5) of Decision No 676/2002/EC.

3. Member States shall ensure that systems referred to in paragraph 1 give appropriate protection to systems in adjacent bands.

Article 3

Member States shall keep the use of the 2 500-2 690 MHz band under scrutiny and report their findings to the Commission to allow regular and timely review of this Decision.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 13 June 2008.

For the Commission

Viviane REDING

Member of the Commission

ANNEX

PARAMETERS REFERRED TO IN ARTICLE 2

The following technical parameters called Block Edge Mask (BEM) shall be applied as an essential component of conditions necessary to ensure coexistence in the absence of bilateral or multilateral agreements between neighbouring networks, without precluding less stringent technical parameters if agreed among the operators of such networks. Member States should ensure that network operators are free to enter into bilateral or multilateral agreements to develop less stringent technical parameters and, if agreed among all affected parties, these less stringent technical parameters may be used.

Equipment operating in this band may also make use of equivalent isotropically radiated power (e.i.r.p.) limits other than those set out below provided that appropriate mitigation techniques are applied which comply with Directive 1999/5/EC and which offer at least an equivalent level of protection to that provided by these technical parameters.

A. GENERAL PARAMETERS

1. The assigned blocks shall be in multiple of 5,0 MHz.
2. Within the band 2 500–2 690 MHz, the duplex spacing for FDD operation shall be 120 MHz with terminal station transmission (up link) located in the lower part of the band starting at 2 500 MHz (extending to a maximum limit of 2 570 MHz) and base station transmission (down link) located in the upper part of the band starting at 2 620 MHz.
3. The sub-band 2 570–2 620 MHz can be used by TDD or other usage modes complying with the BEMs in this Annex. Outside of the sub-band 2 570–2 620 MHz such usage can be decided at national level and shall be in equal parts in both the upper part of the band starting at 2 690 MHz (extending downwards) and the lower part of the band starting at 2 570 MHz (extending downwards).

B. UNRESTRICTED BEM FOR BASE STATIONS

The BEM for an unrestricted spectrum block is built up by combining Tables 1, 2 and 3 in such a way that the limit for each frequency is given by the higher value out of the baseline requirements and the block specific requirements.

Table 1

Baseline requirements — Base Station out-of-block e.i.r.p. BEM

Frequency range in which out-of-block emissions are received	Maximum mean e.i.r.p. (integrated over a 1 MHz bandwidth)
Frequencies allocated to FDD down link and ± 5 MHz outside the range of frequency blocks allocated to FDD down link.	+ 4 dBm/MHz
Frequencies in the band 2 500-2 690 MHz not covered by the definition above.	- 45 dBm/MHz

Table 2

Block specific requirements — Base Station in-block e.i.r.p. BEM

Maximum in-block e.i.r.p.	+ 61 dBm/5 MHz
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NB: Member States can relax this limit to 68 dBm/5 MHz for specific deployments e.g. in areas of low population density provided that this does not significantly increase the risk of terminal station receiver blocking.

Table 3

Block specific requirements — base station out-of-block e.i.r.p. BEM

Offset from relevant block edge	Maximum mean e.i.r.p.
Start of band (2 500 MHz) to - 5 MHz (lower edge)	Baseline requirement level
- 5,0 to - 1,0 MHz (lower edge)	+ 4 dBm/MHz
- 1,0 to - 0,2 MHz (lower edge)	+ 3 + 15(Δ_F + 0,2) dBm/30 kHz
- 0,2 to 0,0 MHz (lower edge)	+ 3 dBm/30 kHz
0,0 to + 0,2 MHz (upper edge)	+ 3 dBm/30 kHz
+ 0,2 to + 1,0 MHz (upper edge)	+ 3-15(Δ_F - 0,2) dBm/30 kHz
+ 1,0 to + 5,0 MHz (upper edge)	+ 4 dBm/MHz
+ 5,0 MHz (upper edge) to end of band (2 690 MHz)	Baseline requirement level

Where: Δ_F is the frequency offset from the relevant block edge (in MHz).

C. RESTRICTED BEM FOR BASE STATIONS

The BEM for a restricted spectrum block is built up by combining Tables 1 and 4 in such a way that the limit for each frequency is given by the higher value out of the baseline requirements and the block specific requirements.

Table 4

Block specific requirements — base station in-block e.i.r.p. BEM for restricted block

Maximum in-block e.i.r.p.	+ 25 dBm/5 MHz
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D. RESTRICTED BEM FOR BASE STATIONS WITH RESTRICTIONS ON ANTENNA PLACEMENT

In cases where antennas are placed indoors or where the antenna height is below a certain height, a Member State may use alternative parameters in line with Table 5, provided that at geographical borders to other Member States Table 1 applies and that Table 4 remains valid nationwide.

Table 5

Block specific requirements — base station out-of-block e.i.r.p. BEM for restricted block with additional restrictions on antenna placement

Offset from relevant block edge	Maximum mean e.i.r.p.
Start of band (2 500 MHz) to - 5 MHz (lower edge)	- 22 dBm/MHz
- 5,0 to - 1,0 MHz (lower edge)	- 18 dBm/MHz
- 1,0 to - 0,2 MHz (lower edge)	- 19 + 15(Δ_F + 0,2) dBm/30 kHz
- 0,2 to 0,0 MHz (lower edge)	- 19 dBm/30 kHz
0,0 to + 0,2 MHz (upper edge)	- 19 dBm/30 kHz
+ 0,2 to + 1,0 MHz (upper edge)	- 19-15(Δ_F - 0,2) dBm/30 kHz
+ 1,0 to + 5,0 MHz (upper edge)	- 18 dBm/MHz
+ 5,0 MHz (upper edge) to end of band (2 690 MHz)	- 22 dBm/MHz

Where: Δ_F is the frequency offset from the relevant block edge (in MHz).

E. LIMITS FOR TERMINAL STATIONS

Table 6

In-block power limits for terminal stations

	Maximum mean power (including Automatic Transmitter Power Control (ATPC) range)
Total radiated power (TRP)	31 dBm/5 MHz
e.i.r.p.	35 dBm/5 MHz

NB: E.i.r.p. should be used for fixed or installed terminal stations and the TRP should be used for the mobile or nomadic terminal stations. TRP is a measure of how much power the antenna actually radiates. The TRP is defined as the integral of the power transmitted in different directions over the entire radiation sphere.

COMMISSION DECISION

of 17 June 2008

amending Decision 1999/217/EC as regards the register of flavouring substances used in or on foodstuffs

(notified under document number C(2008) 2336)

(Text with EEA relevance)

(2008/478/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 2232/96 of the European Parliament and of the Council of 28 October 1996 laying down a Community procedure for flavouring substances used or intended for use in or on foodstuffs⁽¹⁾, and in particular Article 4(3) thereof,

Whereas:

- (1) Regulation (EC) No 2232/96 lays down the procedure for the establishment of rules in respect of flavouring substances used or intended to be used in foodstuffs. That Regulation provides for the adoption of a register of flavouring substances (the register) following notification by the Member States of a list of the flavouring substances which may be used in or on foodstuffs marketed in their territory and on the basis of scrutiny by the Commission of that notification. That register was adopted by Commission Decision 1999/217/EC⁽²⁾.
- (2) In addition, Regulation (EC) No 2232/96 provides for a programme for the evaluation of flavouring substances in order to check whether they comply with the general criteria for the use of flavouring substances set out in the Annex to that Regulation.
- (3) The European Food Safety Authority concluded in its opinion of 29 November 2007 on aliphatic and aromatic hydrocarbons, that 2-Methylbuta-1,3-diene

(registered with FL-No 01 049) showed genotoxic potential *in vivo* and carcinogenic effect in experimental animals. Accordingly, its use as a flavouring substance is not acceptable, because it does not comply with the general criteria for the use of flavouring substances set out in the Annex to the Regulation (EC) No 2232/96. As a consequence, the substance should be deleted from the register.

- (4) Decision 1999/217/EC should be amended accordingly.
- (5) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

In the Annex to Decision 1999/217/EC, in Part A, the row in the table for the substance bearing FL-No 01 049 (2-Methylbuta-1,3-diene) is deleted.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 17 June 2008.

For the Commission
Androulla VASSILIOU
Member of the Commission

⁽¹⁾ OJ L 299, 23.11.1996, p. 1. Regulation as amended by Regulation (EC) No 1882/2003 (OJ L 284, 31.10.2003, p. 1).

⁽²⁾ OJ L 84, 27.3.1999, p. 1. Decision as last amended by Decision 2006/252/EC (OJ L 91, 29.3.2006, p. 48).

III

(Acts adopted under the EU Treaty)

ACTS ADOPTED UNDER TITLE V OF THE EU TREATY

COUNCIL COMMON POSITION 2008/479/CFSP

of 23 June 2008

amending Common Position 2007/140/CFSP concerning restrictive measures against Iran

THE COUNCIL OF THE EUROPEAN UNION,

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

Whereas:

- (1) Following the adoption of United Nations Security Council Resolution 1737 (2006), the Council of the European Union adopted on 27 February 2007 Common Position 2007/140/CFSP concerning restrictive measures against Iran ⁽¹⁾.
- (2) The prohibition on making funds or economic resources available to the persons and entities subject to restrictive measures should not prevent payments to frozen accounts due under contracts, agreements or obligations that were concluded or arose before the date on which those accounts became subject to restrictive measures provided that any such payments also remain frozen.
- (3) The Council has identified additional persons and entities that fulfil the criteria set out in Articles 4(1)(b) and 5(1)(b) of Common Position 2007/140/CFSP. These persons and entities should therefore be listed in Annex II to that Common Position,

HAS ADOPTED THIS COMMON POSITION:

Article 1

Common Position 2007/140/CFSP is hereby amended as follows:

1. in Article 5, subparagraph (b) of paragraph 5 shall be replaced by the following:

‘(b) payments to frozen accounts due under contracts, agreements or obligations that were concluded or arose before the date on which those accounts became subject to restrictive measures;’

2. Annex II to Common Position 2007/140/CFSP shall be replaced by the text appearing in the Annex to this Common Position.

Article 2

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

Article 3

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

Done at Luxembourg, 23 June 2008.

For the Council

The President

I. JARC

⁽¹⁾ OJ L 61, 28.2.2007, p. 49. Common Position as amended by Common Position 2007/246/CFSP (OJ L 106, 24.4.2007, p. 67).

ANNEX

A. Natural persons

	Name	Identifying information	Reasons	Date of listing
1.	Reza AGHAZADEH	DoB: 15.3.1949 Passport number: S4409483 valid 26.4.2000 — 27.4.2010 Issued: Tehran, Diplomatic passport number: D9001950, issued on 22.1.2008 valid until 21.1.2013, Place of birth: Khoy	Head of the Atomic Energy Organisation of Iran (AEOI). The AEOI oversees Iran's nuclear programme and is designated under UNSCR 1737 (2006).	23.4.2007
2.	Amir Moayyed ALAI		Involved in managing the assembly and engineering of centrifuges. Iran is required by the IAEA Board and Security Council to suspend all enrichment-related activities. This includes all centrifuge-related work. On 27 August 2006, Alai received a special award from President Ahmadinejad for his role in managing the assembly and engineering of centrifuges.	23.4.2007
3.	Mohammed Fedai ASHIANI		Involved in the production of ammonium uranyl carbonate (AUC) and the management of the Natanz enrichment complex. Iran is required to suspend all enrichment-related activities. On 27 August 2006, Ashiani received a special award from President Ahmadinejad for his role in the AUC production process and for his role in the management and engineering design for the enrichment complex at Natanz (Kashan) site.	23.4.2007
4.	Haleh BAKHTIAR		Involved in the production of magnesium at a concentration of 99,9%. On 27 August 2006, Bakhtiar received a special award from President Ahmadinejad for her role in producing magnesium at a concentration of 99,9%. Magnesium of this purity is used to produce uranium metal, which can be cast into material for a nuclear weapon. Iran has refused to provide the IAEA access to a document on the production of uranium metal hemispheres, only applicable for nuclear weapons use.	23.4.2007
5.	Morteza BEHZAD		Involved in making centrifuge components. Iran is required to suspend all enrichment-related activities. This includes all centrifuge-related work. On 27 August 2006, Behzad received a special award from President Ahmadinejad for his role making complex and sensitive centrifuge components.	23.4.2007
6.	IRGC Brigadier-General Javad DARVISH-VAND		MODAFL Deputy for Inspection. Responsible for all MODAFL facilities and installations	23.6.2008
7.	Dr. Mohammad ESLAMI		Head of Defence Industries Training and Research Institute	23.6.2008
8.	IRGC Brigadier-General Seyyed Mahdi FARAHI		Managing Director of the Defence Industries Organisation (DIO) which is designated under UNSCR 1737 (2006)	23.6.2008

	Name	Identifying information	Reasons	Date of listing
9.	Dr Hoseyn (Hossein) FAQIHIAN	Address of NFPC: AEOI-NFPD, P.O. Box: 11365-8486, Tehran/Iran	Deputy and Director-General of the Nuclear Fuel Production and Procurement Company (NFPC), part of the AEOI. The AEOI oversees Iran's nuclear programme and is designated under UNSCR 1737 (2006). The NFPC involved in enrichment-related activities that Iran is required by the IAEA Board and Security Council to suspend.	23.4.2007
10.	Engineer Mojtaba HAERI		MADAFL Deputy for Industry. Supervisory role over AIO and DIO	23.6.2008
11.	IRGC Brigadier-General Ali HOSEYNITASH		Head of the General Department of the Supreme National Security Council and involved in formulating policy on the nuclear issue	23.6.2008
12.	Seyyed Hussein (Hossein) HUSSEINI (HOSSEINI)	DoB: 27.7.1973, Passport number: K8196482, issued on 8.4.2006 valid until 8.4.2011	AEOI official involved in the heavy water research reactor (IR40) project at Arak. UNSCR 1737 (2006) required Iran to suspend all work on heavy water related projects.	23.4.2007
13.	Mohammad Ali JAFARI, IRGC		Occupe un poste de commandement au sein des IRGC	23.6.2008
14.	Mahmood JANNATIAN		Deputy Head of the Atomic Energy Organisation of Iran	23.6.2008
15.	M. Javad KARIMI SABET		Head of the Novin Energy Company. In August 2006 Karimi Sabet received an award from President Ahmadinejad for his role in designing, producing, installing and commissioning nuclear equipment at the Natanz site.	23.4.2007
16.	Said Esmail KHALILIPOUR	DoB: 24.11.1945, PoB: Langroud	Deputy Head of AEOI. The AEOI oversees Iran's nuclear programme and is designated under UNSCR 1737 (2006).	23.4.2007
17.	Ali Reza KHANCHI	Address of NRC: AEOI-NRC P.O. Box: 11365-8486 Tehran/Iran; Fax: (+9821) 8021412	Head of AEOI's Tehran Nuclear Research Centre. The IAEA is continuing to seek clarification from Iran about plutonium separation experiments carried out at the TNRC, including about the presence of HEU particles in environmental samples taken at the Karaj Waste Storage Facility where containers used to store depleted uranium targets used in those experiments are located. The AEOI oversees Iran's nuclear programme and is designated under UNSCR 1737 (2006).	23.4.2007
18.	Ebrahim MAHMUDZADEH		Managing Director of Iran Electronic Industries	23.6.2008
19.	Hamid-Reza MOHAJERANI		Involved in production management at the Uranium Conversion Facility (UCF) at Esfahan. On 27 August 2006, Mohajerani received a special award from President Ahmadinejad for his role in production management at the UCF and in planning, building and installing the UF6 unit (UF6 is the feed material for enrichment).	23.4.2007

	Name	Identifying information	Reasons	Date of listing
20.	Brigadier-General Beik MOHAMMADLU		MODAFL Deputy for Supplies and Logistics	23.6.2008
21.	Anis NACCACHE		Administrateur des Barzagani Tejarat Tavanmad Saccal companies; sa société a tenté d'acquérir des biens sensibles, au bénéfice d'entités listées au titre de la résolution 1737	23.6.2008
22.	Brigadier-General Mohammad NADERI		Head of Aerospace Industries Organisation (AIO), AIO a participé à des programmes sensibles iraniens	23.6.2008
23.	IRGC Brigadier-General Mostafa Mohammad NAJJAR		Minister of MODAFL, responsable de l'ensemble des programmes militaires, y compris des programmes de missiles balistiques.	23.6.2008
24.	Houshang NOBARI		Involved in the management of the Natanz enrichment complex. Iran is required by the IAEA Board and Security Council to suspend all enrichment-related activities. These include activities at the enrichment complex at Natanz (Kashan). On 27 August 2006, Nobari received a special award from President Ahmadinejad for his role in the successful management and execution of the Natanz (Kashan) site plan.	23.4.2007
25.	Dr Javad RAHIQI	DoB: 21.4.1954, PoB: Mashad	Head of AEOI's Esfahan Nuclear Technology Centre. This oversees the uranium conversion plant at Esfahan. Iran is required by the IAEA Board and the Security Council to suspend all enrichment-related activities. This includes all uranium conversion work. AEOI oversees Iran's nuclear programme and is designated under UNSCR 1737 (2006).	23.4.2007
26.	Abbas RASHIDI		Involved in enrichment work at Natanz. Iran is required by the IAEA Board and Security Council to suspend all enrichment-related activities. On 27 August 2006, Rashidi received a special award from President Ahmadinejad for his management and notable role in the successful operation of the 164-centrifuge enrichment cascade at Natanz.	23.4.2007
27.	Rear Admiral Mohammad SHAFI RUDSARI		MODAFL Deputy for Co-ordination	23.6.2008
28.	IRGC Brigadier-General Ali SHAMSHIRI		MODAFL Deputy for Counter-Intelligence, responsible for security of MODAFL personnel and Installations	23.6.2008
29.	Abdollah SOLAT SANA		Managing Director of the Uranium Conversion Facility (UCF) in Esfahan. This is the facility that produces the feed material (UF ₆) for the enrichment facilities at Natanz. On 27 August 2006, Solat Sana received a special award from President Ahmadinejad for his role.	23.4.2007
30.	IRGC Brigadier-General Ahmad VAHIDI		Deputy Head of MODAFL	23.6.2008

B. Entities

	Name	Identifying information	Reasons	Date of listing
1.	Abzar Boresh Kaveh Co. (ABK Co. Kaveh Cutting Tools Co.)		Participe à la production de composants de centrifugeuses.	23.6.2008
2.	Aerospace Industries Organisation, AIO	AIO, 28 Shian 5, Lavizan, Tehran	AIO oversees Iran's production of missiles, including Shahid Hemmat Industrial Group, Shahid Bagheri Industrial Group and Fajr Industrial Group, which were all designated under UNSCR 1737 (2006). The head of AIO and two other senior officials were also designated under UNSCR 1737 (2006)	23.4.2007
3.	Armament Industries	Pasdaran Av., P.O. Box 19585/777, Tehran	A subsidiary of the DIO (Defence Industries Organisation).	23.4.2007
4.	Armed Forces Geographical Organisation		Assessed to provide geospatial data for the Ballistic Missile programme	23.6.2008
5.	Bank Melli, Melli Bank Iran and all branches and subsidiaries including (a) Melli Bank plc (b) Bank Melli Iran Zao	Ferdowsi Avenue, P.O. Box 11365-171, Tehran London Wall, 11th floor, London EC2Y 5EA, United Kingdom Number 9/1, Ulitsa Mashkova, Moscow, 130064, Russia	Providing or attempting to provide financial support for companies which are involved in or procure goods for Iran's nuclear and missile programmes (AIO, SHIG, SBIG, AEOI, Novin Energy Company, Mesbah Energy Company, Kalaye Electric Company and DIO). Bank Melli serves as a facilitator for Iran's sensitive activities. It has facilitated numerous purchases of sensitive materials for Iran's nuclear and missile programmes. It has provided a range of financial services on behalf of entities linked to Iran's nuclear and missile industries, including opening letters of credit and maintaining accounts. Many of the above companies have been designated by UNSCRs 1737 and 1747.	23.6.2008
6.	Defence Technology and Science Research Centre (DTSRC) – also known as the Educational Research Institute/Moassese Amozesh Va Tahgiaghati (ERI/MAVT Co.)	Pasdaran Av., P.O. Box 19585/777, Tehran	Responsible for R&D A subsidiary of the DIO. The DTSRC handles much of the procurement for the DIO.	23.4.2007
7.	Electro Sanam Company (E.S.Co.)		Société écran de l'AIO, participant à des acquisitions dans le domaine balistique.	23.6.2008
8.	Ettehad Technical Group		Société écran de l'AIO, participant à des acquisitions dans le domaine balistique.	23.6.2008
9.	Industrial Factories of Precision-Machinery (IFP) (Instrumentation Factories Plant, Fajr Industrial Group)		Utilisé par l'AIO pour des tentatives d'acquisition.	23.6.2008
10.	Iran Electronic Industries	P.O. Box 18575-365, Tehran, Iran	Wholly-owned subsidiary of MODAFL (and therefore a sister-organisation to AIO, AvIO and DIO). Its role is to manufacture electronic components for Iranian weapons systems.	23.6.2008
11.	IRGC Air Force		Operates Iran's inventory of short and medium range ballistic missiles. The head of the IRGC air force was designated by UNSCR 1737.	23.6.2008

	Name	Identifying information	Reasons	Date of listing
12.	Jaber Ibn Hayan	AEIOI-JIHRD P.O. Box: 11365-8486; Tehran; 84, 20th Av. Entehaye Karegar Shomali Street; Tehran	Jaber Ibn Hayan is an AEIOI (Atomic Energy Organisation of Iran) laboratory involved in fuel-cycle activities. Located within the Tehran Nuclear Research Centre (TNRC), it was not declared by Iran under its safeguards agreement prior to 2003, although conversion work was being carried out there.	23.4.2007
13.	Joza Industrial Co.		Société écran de l'AIO impliquée dans le programme balistique.	23.6.2008
14.	Khatem-ol Anbiya Construction Organisation	Number 221, North Falamak-Zarafshan Intersection, 4th Phase, Shahkrak-E-Ghods, Tehran 14678, Iran	IRGC-owned group of companies. Uses IRGC engineering resources for construction acting as prime contractor on major projects including tunnelling, assessed to support the Iranian ballistic missile and nuclear programmes.	23.6.2008
15.	Khorasan Metallurgy Industries		Filiale de la Ammunition Industries Group, dépendant du DIO, impliquée dans la production de composants de centrifugeuses.	23.6.2008
16.	Malek Ashtar University		Liée au Ministère de la Défense, a crée en 2003 une formation sur les missiles, en étroite collaboration avec l'AIO	23.6.2008
17.	Marine Industries	Pasdaran Av., P.O. Box 19585/777, Tehran	A subsidiary of the DIO.	23.4.2007
18.	Mechanic Industries Group		A participé à la production de composants pour le programme balistique	23.6.2008
19.	Ministry of Defence and Armed Forces Logistics (MODAFL)	West side of Dabestan Street, Abbas Abad District, Tehran	Responsible for Iran's defence research, development and manufacturing programmes, including support to missile and nuclear programmes	23.6.2008
20.	Ministry of Defence Logistics Export (MODLEX)	P.O. Box 16315-189, Tehran, Iran	It is the export arm of MODAFL, and the agency used for exporting finished weapons in state-to-state transactions. Under UNSCR 1747 (2007) MODLEX should not be trading.	23.6.2008
21.	3M Mizan Machinery Manufacturing		Société écran de l'AIO, participant à des acquisitions dans le domaine balistique.	23.6.2008
22.	Nuclear Fuel Production and Procurement Company (NFPC)	AEIOI-NFPD, P.O. Box: 11365-8486, Tehran/Iran	Nuclear Fuel Production Division (NFPD) of AEIOI is research and development in the field of nuclear fuel cycle including: uranium exploration, mining, milling, conversion and nuclear waste management. The NFPC is the successor to the NFPD, the subsidiary company under the AEIOI that runs research and development in the nuclear fuel cycle including conversion and enrichment	23.4.2007
23.	Parchin Chemical Industries		A travaillé sur des techniques de propulsion pour le programme balistique iranien	23.6.2008
24.	Pishgam (Pioneer) Energy Industries Company		A participé à la construction de l'usine de conversion de l'uranium à Ispahan	23.6.2008
25.	Safety Equipment Procurement		Société écran de l'AIO impliquée dans le programme balistique.	23.6.2008
26.	Special Industries Group	Pasdaran Av., P.O. Box 19585/777, Tehran	A subsidiary of the DIO.	23.4.2007

	Name	Identifying information	Reasons	Date of listing
27.	State Purchasing Organisation (SPO)		The SPO appears to facilitate the import of whole weapons. It appears to be a subsidiary of MODAFL	23.6.2008
28.	TAMAS Company		TAMAS is involved in enrichment-related activities, which Iran is required by the IAEA Board and Security Council to suspend. TAMAS is the overarching body, under which four subsidiaries have been established, including one doing uranium extraction to concentration and another in charge of uranium processing, enrichment and waste.	23.4.2007

COUNCIL JOINT ACTION 2008/480/CFSP
of 23 June 2008
amending and extending Joint Action 2005/190/CFSP on the European Union Integrated Rule of Law Mission for Iraq, EUJUST LEX

THE COUNCIL OF THE EUROPEAN UNION,

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

Whereas:

- (1) On 7 March 2005, the Council adopted Joint Action 2005/190/CFSP on the European Union Integrated Rule of Law Mission for Iraq, EUJUST LEX ⁽¹⁾.
- (2) On 14 April 2008, the Council adopted Joint Action 2008/304/CFSP amending and extending Joint Action 2005/190/CFSP until 30 June 2008.
- (3) Joint Action 2005/190/CFSP should be further extended until 30 June 2009.
- (4) A new financial reference amount should be provided in order to cover expenditure related to the Mission for the period from 1 July 2008 to 30 June 2009.
- (5) The mandate of the Mission is being carried out in a security context that is liable to deteriorate and to undermine the objectives of the Common Foreign and Security Policy as defined in Article 11 of the Treaty,

HAS ADOPTED THIS JOINT ACTION:

Article 1

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

1. The following subparagraph shall be added to Article 11(1):

‘The financial reference amount intended to cover the expenditure related to the Mission for the period 1 July 2008 to 30 June 2009 shall be EUR 7,2 million.’;

2. In Article 14 the second subparagraph shall be replaced by the following:

‘It shall expire on 30 June 2009.’

Article 2

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

Article 3

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

Done at Luxembourg, 23 June 2008.

For the Council
The President
I. JARC

⁽¹⁾ OJ L 62, 9.3.2005, p. 37. Joint Action as last amended by Joint Action 2008/304/CFSP (OJ L 105, 15.4.2008, p. 10).

COUNCIL JOINT ACTION 2008/481/CFSP**of 23 June 2008****amending Joint Action 2008/131/CFSP extending the mandate of the European Union Special Representative for Afghanistan**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 14, 18(5) and 23(2) thereof,

Whereas:

- (1) On 18 February 2008, the Council adopted Joint Action 2008/131/CFSP ⁽¹⁾ extending the mandate of Mr Francesc Vendrell as the Special Representative of the European Union for Afghanistan until 31 May 2008, and on 26 May 2008 it adopted Joint Action 2008/391/CFSP ⁽²⁾ extending his mandate until 30 June 2008.
- (2) Mr Francesc Vendrell has informed the Secretary-General/High Representative that he is available to continue serving as European Union Special Representative (EUSR) until 31 August 2008. His mandate as EUSR should be further extended until that date. The Council intends to appoint a new EUSR for the following period until 28 February 2009.
- (3) Article 5(1) of Joint Action 2008/131/CFSP, as amended by Joint Action 2008/391/CFSP, provided a financial reference amount of EUR 975 000 to cover expenditure related to the mandate of the EUSR until 30 June 2008. This financial reference amount should be increased by EUR 678 000 in order to cover expenditure related to the remaining period of the EUSR's mandate,

HAS ADOPTED THIS JOINT ACTION:

*Article 1***Amendment**

Joint Action 2008/131/CFSP is hereby amended as follows:

1. Article 1 shall be replaced by the following:

*'Article 1***European Union Special Representative**

The mandate of Mr Francesc Vendrell as the European Union Special Representative (EUSR) for Afghanistan is hereby extended until 31 August 2008.;

2. Article 5(1) shall be replaced by the following:

'1. The financial reference amount intended to cover the expenditure related to the mandate of the EUSR in the period from 1 March 2008 to 31 August 2008 shall be EUR 1 653 000.'

*Article 2***Entry into force**

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

*Article 3***Publication**

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

Done at Luxembourg, 23 June 2008.

For the Council

The President

I. JARC

⁽¹⁾ OJ L 43, 19.2.2008, p. 26.

⁽²⁾ OJ L 137, 27.5.2008, p. 52.

COUNCIL DECISION 2008/482/CFSP**of 23 June 2008****amending Decision 2008/134/CFSP on the European Union Police Mission for the Palestinian Territories**

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to Council Joint Action 2005/797/CFSP of 14 November 2005 on the European Union Police Mission for the Palestinian Territories ⁽¹⁾, and in particular Article 14(2) thereof, in conjunction with the second indent of Article 23(2) of the Treaty on European Union,

Whereas:

- (1) On 14 November 2005 the Council adopted Joint Action 2005/797/CFSP establishing a European Union Police Mission for the Palestinian Territories (EUPOL COPPS) for a period of three years. The operational phase of EUPOL COPPS started on 1 January 2006.
- (2) On 18 February 2008 the Council adopted Decision 2008/134/CFSP implementing Joint Action 2005/797/CFSP on the European Union Police Mission for the Palestinian Territories ⁽²⁾, which established a financial reference amount to cover the expenditure related to EUPOL COPPS for the period from 1 March 2008 to 31 December 2008.
- (3) The financial reference amount for EUPOL COPPS should be increased in order to allow for the reinforcement of its activities,

Article 1

Article 1 of Decision 2008/134/CFSP shall be replaced by the following:

'Article 1

The financial reference amount intended to cover the expenditure related to the European Union Police Mission for the Palestinian Territories (EUPOL COPPS) from 1 March 2008 to 31 December 2008 shall be EUR 6 000 000.'

Article 2

This Decision shall take effect on the date of its adoption.

Article 3

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

Done at Luxembourg, 23 June 2008.

For the Council

The President

I. JARC

⁽¹⁾ OJ L 300, 17.11.2005, p. 65. Joint Action as amended by Joint Action 2007/806/CFSP (OJ L 323, 8.12.2007, p. 50).

⁽²⁾ OJ L 43, 19.2.2008, p. 38.

CORRIGENDA

Corrigendum to Commission Decision 2008/269/EC of 19 March 2008 amending Decision 2001/618/EC to include the departments of Côtes-d'Armor, Finistère, Ille-et-Vilaine, Morbihan and Nord, France, in the list of regions free of Aujeszky's disease

(Official Journal of the European Union L 85 of 27 March 2008)

The publication of Decision 2008/269/EC should be considered as null and void.
