

Official Journal

of the European Union

L 119

English edition

Legislation

Volume 50

9 May 2007

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I

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

REGULATIONS

COUNCIL REGULATION (EC) No 501/2007

of 7 May 2007

amending Annex I to Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 26 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) With the enlargement of the European Union the number of small and medium sized enterprises (SME) using unwrought, not alloyed aluminium for the production of semi-finished and finished industrial goods has significantly increased. Furthermore, the market situation within the European Union has significantly changed due to takeovers of Community industries by global industrial holdings and further concentration of manufacturers of aluminium on the world market. At the same time costs for electricity, an important cost factor in the production of not alloyed aluminium, has dramatically increased and the development of the world economy has led to a shortage of supply of raw aluminium.
- (2) These factors have led to a significant increase in prices for raw aluminium and excluded to a very large extent independent small and medium sized users of not alloyed aluminium from duty free purchases of this product. The payment of customs duties of 6 % for the basic raw material has therefore the effect that the competitiveness of such companies is at risk and creates the danger that a larger number of these companies will not be able to survive.
- (3) The elimination of these companies from the Community market would certainly reduce competition for semi-finished aluminium products on this market. In addition such elimination would have negative effects on the employment in the Community especially in some

rural areas of the new Member States. The partial suspension of the customs duty for non-alloyed aluminium would therefore improve to a certain extent the competitiveness of the SME and thus improve the competition for semi-finished and finished aluminium products on the Community market.

- (4) This situation has to be weighed against the impact of a customs duty suspension on the manufacturing plants of not alloyed aluminium which still exist within the Community and in countries with a preferential tariff arrangement with the European Union. Almost all these plants belong either directly or indirectly to major industrial holdings located outside the European Union. The aluminium produced in these plants and supplied duty free is mainly used for further transformation within companies linked to these holdings. Only a relative small share of duty free non alloyed aluminium is made available to independent SME. Nevertheless taking into account the relative high level of the conventional rate of customs duty of 6 % the autonomous partial suspension of this duty will have an impact on the profitability of the production and the subsequent transformation operations of these companies due to an increased price pressure on the products resulting from transformation as well as on the raw aluminium sold on the open market to independent companies.
- (5) In view of this situation it appears therefore appropriate to suspend the autonomous rate of customs duty partially. This will allow the independent SMEs to reduce their costs and to benefit from a significant increase in competitiveness.
- (6) This partial suspension of the autonomous customs duty for unwrought, not alloyed aluminium is appropriate to balance the economic interest of the operators concerned.

(7) Taking into account possible future changes in the market situation of unwrought, not alloyed aluminium, a review should be foreseen after three years of the entry into force of this Regulation.

(8) Since the partial suspension should cover all products falling within CN code 7601 10 00 and given the permanent character of the measure, Annex I to Council Regulation (EEC) No 2658/87 ⁽¹⁾ should be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

In Annex I to Regulation (EEC) No 2658/87, the text in column 3 for CN code 7601 10 00 in Chapter 76, Section XV of Part

Two (Schedule of Customs Duties) shall be replaced by the following:

‘6 (*)

(*) Autonomous rate of duty: 3’.

Article 2

Three years after the entry into force of this Regulation, the Council, acting on a proposal from the Commission, may adjust the autonomous customs duty of 3 % for unwrought, not alloyed aluminium falling within CN code 7601 10 00.

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 Luxembourg, 7 May 2007.

For the Council
The President
H. SEEHOFER

⁽¹⁾ OJ L 256, 7.9.1987, p. 1. Regulation as last amended by Regulation (EC) No 301/2007 (OJ L 81, 22.3.2007, p. 11).

COMMISSION REGULATION (EC) No 502/2007**of 8 May 2007****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 9 May 2007.

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

Done at Brussels, 8 May 2007.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 337, 24.12.1994, p. 66. Regulation as last amended by Regulation (EC) No 386/2005 (OJ L 62, 9.3.2005, p. 3).

ANNEX

to Commission Regulation of 8 May 2007 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	MA	41,4
	TN	110,8
	TR	84,2
	ZZ	78,8
0707 00 05	JO	196,3
	MK	53,2
	TR	118,8
	ZZ	122,8
0709 90 70	TR	107,6
	ZZ	107,6
0805 10 20	CU	43,2
	EG	47,6
	IL	36,4
	MA	50,5
	ZZ	44,4
0805 50 10	AR	37,5
	ZZ	37,5
0808 10 80	AR	77,6
	BR	73,9
	CL	87,6
	CN	91,5
	NZ	115,0
	US	127,2
	UY	70,5
	ZA	87,4
	ZZ	91,3

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

COMMISSION REGULATION (EC) No 503/2007

of 8 May 2007

registering certain names in the Register of protected designations of origin and protected geographical indications (Pohořelický kapr (PDO) — Žatecký chmel (PDO) — Pomme du Limousin PDO) — Tome des Bauges (PDO))

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs ⁽¹⁾ and in particular the first subparagraph of Article 7(4) thereof,

Whereas:

- (1) In accordance with the first subparagraph of Article 6(2) and pursuant to Article 17(2) of Regulation (EC) No 510/2006, the Czech Republic's application to register the two names 'Pohořelický kapr' and 'Žatecký chmel' and France's application to register the two names 'Pomme du Limousin' and 'Tome des Bauges' were published in the *Official Journal of the European Union* ⁽²⁾.

- (2) As no objection under Article 7 of Regulation (EC) No 510/2006 was sent to the Commission, these names should be entered in the 'Register of protected designations of origin and protected geographical indications',

HAS ADOPTED THIS REGULATION:

Article 1

The names in the Annex to this Regulation are hereby registered.

Article 2

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

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

Done at Brussels, 8 May 2007.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

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

⁽²⁾ OJ C 202, 25.8.2006, p. 2 (Pohořelický kapr); OJ C 204, 26.8.2006, p. 30 (Žatecký chmel); OJ C 204, 26.8.2006, p. 26 (Pomme du Limousin); OJ C 211, 2.9.2006, p. 8 (Tome des Bauges).

ANNEX

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

Class 1.3. — Cheeses

FRANCE

Tome des Bauges (PDO).

Class 1.6. — Fruit, vegetables and cereals, fresh or processed

FRANCE

Pomme du Limousin (PDO).

Class 1.7. — Fresh fish and products derived therefrom

CZECH REPUBLIC

Pohořelický kapr (PDO).

Class 1.8. — Other products of Annex I of the Treaty (spices etc.)

CZECH REPUBLIC

Žatecký chmel (PDO).

COMMISSION REGULATION (EC) No 504/2007**of 8 May 2007****laying down detailed rules for the application of the arrangements for additional import duties in the milk and milk products sector****(Codified version)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, and in particular Article 28(4) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1598/95 of 30 June 1995 laying down detailed rules for the application of the arrangements for additional import duties in the milk and milk products sector ⁽²⁾ has been substantially amended several times ⁽³⁾. In the interests of clarity and rationality the said Regulation should be codified.
- (2) Regulation (EC) No 1255/1999 subjects imports of one or more of the products covered by the said Regulation to the payment of an additional duty where certain conditions resulting from the Agreement on Agriculture ⁽⁴⁾ concluded in connection with the Uruguay Round of multilateral trade negotiations are met, unless the imports are unlikely to disturb the Community market, or where the effects would be disproportionate to the intended objective. Such additional import duties may in particular be imposed if import prices are below the trigger prices.
- (3) Detailed rules for the application of this system should therefore be laid down for the milk and milk products sectors and the trigger prices should be published.
- (4) The import prices to be taken into consideration for charging an additional import duty should be checked on the basis of the representative prices for the product in question on the world market or on the Community import market for the product. It should

be laid down that the Member States are to transmit prices at the various marketing stages at regular intervals to enable the Commission to fix the representative prices and the corresponding additional duties.

- (5) The importer has the possibility of opting for the additional duty to be calculated on a basis other than the representative price. However, in such case provision should be made for the lodging of a security equal to the additional duties which he would have paid if the calculation had been based on the representative prices. The security should be released if proof is furnished within a specified time limit that the conditions have been met for disposal of the consignment in question. In connection with *a posteriori* checks it should be specified that duties payable are subject to recovery in accordance with Article 220 of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ⁽⁵⁾. It is also equitable to lay down that, in connection with all checks, duties payable are subject to interest. It emerges from the regular monitoring of the data on which the checking of import prices for milk and milk products is based that imports of certain products should be subjected to additional duties taking account of variations in prices according to origin. The prices should therefore be published.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

1. The additional import duties referred to in Article 28(1) of Regulation (EC) No 1255/1999, hereinafter referred to as 'additional duties' shall apply to the products listed in Annex I hereto.

2. The trigger prices referred to in Article 28(2) of Regulation (EC) No 1255/1999 shall be those shown in Annex I hereto.

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

⁽²⁾ OJ L 151, 1.7.1995, p. 1. Regulation as last amended by Regulation (EC) No 2325/96 (OJ L 316, 5.12.1996, p. 11).

⁽³⁾ See Annex II.

⁽⁴⁾ OJ L 336, 23.12.1994, p. 22.

⁽⁵⁾ OJ L 302, 19.10.1992, p. 1. Regulation as last amended by Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p. 1).

3. For the purposes of this Regulation, representative price shall mean the price established in accordance with Article 2.

Article 2

1. The representative prices referred to in Article 28(3) of Regulation (EC) No 1255/1999 shall be established taking into account in particular:

- (a) the prices charged on third country markets;
- (b) free-at-Community-frontier offer prices;
- (c) prices charged for imported products at the various stages of marketing in the Community.

2. Representative prices shall be fixed by the Commission. They shall remain in force until amended.

3. The additional duties applicable pursuant to Article 4(3) shall be fixed by the Commission at the same time as the representative prices.

Article 3

Where the difference between the trigger price and the import price to be taken into consideration for establishing the additional duty in accordance with Article 4(1) or (3), hereinafter referred to as the 'import price':

- (a) does not exceed 10 % of the trigger price, the additional duty shall be zero;
- (b) is more than 10 % but not more than 40 % of the trigger price, the additional duty shall be 30 % of the amount exceeding 10 %;
- (c) is more than 40 % but not more than 60 % of the trigger price, the additional duty shall be 50 % of the amount exceeding 40 %, plus the additional duty referred to in (b);
- (d) is more than 60 % but not more than 75 % of the trigger price, the additional duty shall be 70 % of the amount exceeding 60 %, plus the additional duties referred to in (b) and (c);
- (e) is more than 75 % of the trigger price, the additional duty shall be 90 % of the amount exceeding 75 %, plus the additional duties referred to in (b), (c), and (d).

The calculations under points (a) to (e) of the first subparagraph are made in accordance with the table contained in Annex I.

Article 4

1. The importer may, on request, for the establishment of the additional duty, have the cif import price of the consignment in question applied, where this is more than the applicable representative price referred to in Article 2(2).

The application of the cif import price of the consignment in question for establishing the additional levy shall be conditional upon the interested party presenting to the competent authorities of the importing Member State at least the following documentary evidence:

- (a) the purchase contract or other equivalent proof;
- (b) the insurance contract;
- (c) the invoice;
- (d) the transport contract (where applicable);
- (e) the certificate of origin;
- (f) and, in the case of shipping, the bill of lading.

2. In the case referred to in paragraph 1, the importer must provide a security equal to the amounts of the additional duties he would have paid if they had been calculated on the basis of the representative price applicable to the product concerned.

The importer shall have one month from the sale of the products in question, within a time limit of four months from the date of acceptance of the declaration of free circulation, to prove that the consignment has proceeded in accordance with such conditions as confirm the reality of the prices referred to in paragraph 1. Failure to observe one or other of the abovementioned time limits shall entail loss of the security provided. However, the four-month time limit may be extended by the competent authority by up to three months at the request of the importer, provided due justification is given.

The security shall be released provided that the proof that the conditions of disposal have been met is furnished to the satisfaction of the customs authorities.

If not, the security shall be forfeited by way of payment of the additional duties. If, on verification, the competent authorities find that the conditions of this Article have not been met, they shall recover the duties payable in accordance with Article 220 of Regulation (EEC) No 2913/92. In establishing the amount of duties to be recovered or remaining to be recovered, account shall be taken of a current interest from the date of entry of the goods into free circulation until the date of recovery. The rate of interest applied shall be that in force for recovery operations under national law.

3. In the absence of the request referred to in paragraph 1, the cif import price of the consignment in question to be taken into consideration for charging an additional levy shall be the representative price referred to in Article 2(2). In such case the additional duty shall be calculated on the basis of the table contained in Annex I.

Article 5

Regulation (EC) No 1598/95 is repealed.

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

Article 6

This Regulation shall enter into force on the 20th 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, 8 May 2007.

For the Commission

The President

José Manuel BARROSO

ANNEX I

Additional import duties in the milk and milk products sector

CN code	Trigger price	if the import price is:		the additional duty is:	if the import price is:		the additional duty is:	if the import price is:		the additional duty is:	if the import price is less than ⁽⁴⁾ :	(in EUR/100 kg)
		Less than ⁽¹⁾ :	but equal to or more than:		less than ⁽²⁾ :	but equal to or more than:		less than ⁽³⁾ :	but equal to or more than:			
0401 10 10	37,50	33,75	22,50	30 % of [(¹)] — import price]	22,50	15,00	3,38 + 50 % of [(²)] — import price]	15,00	9,38	7,13 + 70 % of [(³)] — import price]	9,38	11,06 + 90 % of [(⁴)] — import price]
0401 10 90	25,80	23,22	15,48	30 % of [(¹)] — import price]	15,48	10,32	2,32 + 50 % of [(²)] — import price]	10,32	6,45	4,90 + 70 % of [(³)] — import price]	6,45	7,61 + 90 % of [(⁴)] — import price]
0401 20 11	41,10	36,99	24,66	30 % of [(¹)] — import price]	24,66	16,44	3,70 + 50 % of [(²)] — import price]	16,44	10,28	7,81 + 70 % of [(³)] — import price]	10,28	12,12 + 90 % of [(⁴)] — import price]
0401 20 19	18,80	16,92	11,28	30 % of [(¹)] — import price]	11,28	7,52	1,69 + 50 % of [(²)] — import price]	7,52	4,70	3,57 + 70 % of [(³)] — import price]	4,70	5,55 + 90 % of [(⁴)] — import price]
0401 20 91	48,80	43,92	29,28	30 % of [(¹)] — import price]	29,28	19,52	4,39 + 50 % of [(²)] — import price]	19,52	12,20	9,27 + 70 % of [(³)] — import price]	12,20	14,40 + 90 % of [(⁴)] — import price]
0401 20 99	19,90	17,91	11,94	30 % of [(¹)] — import price]	11,94	7,96	1,79 + 50 % of [(²)] — import price]	7,96	4,98	3,78 + 70 % of [(³)] — import price]	4,98	5,87 + 90 % of [(⁴)] — import price]
0401 30 11	300,00	270,00	180,00	30 % of [(¹)] — import price]	180,00	120,00	27,00 + 50 % of [(²)] — import price]	120,00	75,00	57,00 + 70 % of [(³)] — import price]	75,00	88,50 + 90 % of [(⁴)] — import price]
0401 30 19	250,00	225,00	150,00	30 % of [(¹)] — import price]	150,00	100,00	22,50 + 50 % of [(²)] — import price]	100,00	62,50	47,50 + 70 % of [(³)] — import price]	62,50	73,75 + 90 % of [(⁴)] — import price]
0401 30 31	233,30	209,97	139,98	30 % of [(¹)] — import price]	139,98	93,32	21,00 + 50 % of [(²)] — import price]	93,32	58,33	44,33 + 70 % of [(³)] — import price]	58,33	68,82 + 90 % of [(⁴)] — import price]
0401 30 39	231,70	208,53	139,02	30 % of [(¹)] — import price]	139,02	92,68	20,85 + 50 % of [(²)] — import price]	92,68	57,93	44,02 + 70 % of [(³)] — import price]	57,93	68,35 + 90 % of [(⁴)] — import price]

CN code	Trigger price	if the import price is:		the additional duty is:	if the import price is:		the additional duty is:	if the import price is:		if the import price is less than ⁽⁴⁾ :	(in EUR/100 kg)
		Less than ⁽¹⁾ :	but equal to or more than:		less than ⁽²⁾ :	but equal to or more than:		less than ⁽³⁾ :	but equal to or more than:		
0401 30 99	100,00	90,00	60,00	30 % of [(¹) — import price]	60,00	40,00	9,00 + 50 % of [(²) — import price]	40,00	25,00	25,00	29,50 + 90 % of [(⁴) — import price]
0402 10 11	132,00	118,80	79,20	30 % of [(¹) — import price]	79,20	52,80	11,88 + 50 % of [(²) — import price]	52,80	33,00	33,00	38,94 + 90 % of [(⁴) — import price]
0402 10 19	70,60	63,54	42,36	30 % of [(¹) — import price]	42,36	28,24	6,35 + 50 % of [(²) — import price]	28,24	17,65	17,65	20,83 + 90 % of [(⁴) — import price]
0402 10 91	85,50	76,95	51,30	30 % of [(¹) — import price]	51,30	34,20	7,70 + 50 % of [(²) — import price]	34,20	21,38	21,38	25,22 + 90 % of [(⁴) — import price]
0402 10 99	166,70	150,03	100,02	30 % of [(¹) — import price]	100,02	66,68	15,00 + 50 % of [(²) — import price]	66,68	41,68	41,68	49,18 + 90 % of [(⁴) — import price]
0402 21 11	146,80	132,12	88,08	30 % of [(¹) — import price]	88,08	58,72	13,21 + 50 % of [(²) — import price]	58,72	36,70	36,70	43,31 + 90 % of [(⁴) — import price]
0402 21 17	145,90	131,31	87,54	30 % of [(¹) — import price]	87,54	58,36	13,13 + 50 % of [(²) — import price]	58,36	36,48	36,48	43,04 + 90 % of [(⁴) — import price]
0402 21 19	145,90	131,31	87,54	30 % of [(¹) — import price]	87,54	58,36	13,13 + 50 % of [(²) — import price]	58,36	36,48	36,48	43,04 + 90 % of [(⁴) — import price]
0402 21 91	185,60	167,04	111,36	30 % of [(¹) — import price]	111,36	74,24	16,70 + 50 % of [(²) — import price]	74,24	46,40	46,40	54,75 + 90 % of [(⁴) — import price]

CN code	Trigger price	if the import price is:		the additional duty is:	if the import price is:			the additional duty is:	if the import price is:		the additional duty is:	if the import price is less than ⁽⁴⁾ :	(in EUR/100 kg)
		Less than ⁽¹⁾ :	but equal to or more than:		the additional duty is:	less than ⁽²⁾ :	but equal to or more than:		the additional duty is:				
										less than ⁽³⁾ :			
0402 21 99	148,40	133,56	89,04	30 % of [(1) — import price]	89,04	59,36	13,36 + 50 % of [(2) — import price]	59,36	37,10	28,20 + 70 % of [(3) — import price]	37,10	43,78 + 90 % of [(4) — import price]	
0402 29 11	400,40	360,36	240,24	30 % of [(1) — import price]	240,24	160,16	36,04 + 50 % of [(2) — import price]	160,16	100,10	76,08 + 70 % of [(3) — import price]	100,10	118,12 + 90 % of [(4) — import price]	
0402 29 15	85,00	76,50	51,00	30 % of [(1) — import price]	51,00	34,00	7,65 + 50 % of [(2) — import price]	34,00	21,25	16,15 + 70 % of [(3) — import price]	21,25	25,08 + 90 % of [(4) — import price]	
0402 91 11	83,40	75,06	50,04	30 % of [(1) — import price]	50,04	33,36	7,51 + 50 % of [(2) — import price]	33,36	20,85	15,85 + 70 % of [(3) — import price]	20,85	24,60 + 90 % of [(4) — import price]	
0402 91 19	83,40	75,06	50,04	30 % of [(1) — import price]	50,04	33,36	7,51 + 50 % of [(2) — import price]	33,36	20,85	15,85 + 70 % of [(3) — import price]	20,85	24,60 + 90 % of [(4) — import price]	
0402 91 31	76,60	68,94	45,96	30 % of [(1) — import price]	45,96	30,64	6,89 + 50 % of [(2) — import price]	30,64	19,15	14,55 + 70 % of [(3) — import price]	19,15	22,60 + 90 % of [(4) — import price]	
0402 91 39	76,60	68,94	45,96	30 % of [(1) — import price]	45,96	30,64	6,89 + 50 % of [(2) — import price]	30,64	19,15	14,55 + 70 % of [(3) — import price]	19,15	22,60 + 90 % of [(4) — import price]	
0402 91 59	141,20	127,08	84,72	30 % of [(1) — import price]	84,72	56,48	12,71 + 50 % of [(2) — import price]	56,48	35,30	26,83 + 70 % of [(3) — import price]	35,30	41,65 + 90 % of [(4) — import price]	
0402 91 91	100,00	90,00	60,00	30 % of [(1) — import price]	60,00	40,00	9,00 + 50 % of [(2) — import price]	40,00	25,00	19,00 + 70 % of [(3) — import price]	25,00	29,50 + 90 % of [(4) — import price]	

CN code	Trigger price	if the import price is:		the additional duty is:	if the import price is:		the additional duty is:	if the import price is:		if the import price is less than ⁽⁴⁾ :	(in EUR/100 kg)
		Less than ⁽¹⁾ :	but equal to or more than:		Less than ⁽²⁾ :	but equal to or more than:		Less than ⁽³⁾ :	but equal to or more than:		
0402 91 99	75,00	67,50	45,00	30 % of [(1) — import price]	45,00	30,00	6,75 + 50 % of [(2) — import price]	30,00	18,75	14,25 + 70 % of [(3) — import price]	22,13 + 90 % of [(4) — import price]
0402 99 11	83,20	74,88	49,92	30 % of [(1) — import price]	49,92	33,28	7,49 + 50 % of [(2) — import price]	33,28	20,80	15,81 + 70 % of [(3) — import price]	24,54 + 90 % of [(4) — import price]
0402 99 31	400,00	360,00	240,00	30 % of [(1) — import price]	240,00	160,00	36,00 + 50 % of [(2) — import price]	160,00	100,00	76,00 + 70 % of [(3) — import price]	118,00 + 90 % of [(4) — import price]
0403 10 11	116,90	105,21	70,14	30 % of [(1) — import price]	70,14	46,76	10,52 + 50 % of [(2) — import price]	46,76	29,23	22,21 + 70 % of [(3) — import price]	34,49 + 90 % of [(4) — import price]
0403 10 13	170,00	153,00	102,00	30 % of [(1) — import price]	102,00	68,00	15,30 + 50 % of [(2) — import price]	68,00	42,50	32,30 + 70 % of [(3) — import price]	50,15 + 90 % of [(4) — import price]
0403 10 19	174,50	157,05	104,70	30 % of [(1) — import price]	104,70	69,80	15,71 + 50 % of [(2) — import price]	69,80	43,63	33,16 + 70 % of [(3) — import price]	51,48 + 90 % of [(4) — import price]
0403 10 31	93,30	83,97	55,98	30 % of [(1) — import price]	55,98	37,32	8,40 + 50 % of [(2) — import price]	37,32	23,33	17,73 + 70 % of [(3) — import price]	27,52 + 90 % of [(4) — import price]
0403 10 33	90,90	81,81	54,54	30 % of [(1) — import price]	54,54	36,36	8,18 + 50 % of [(2) — import price]	36,36	22,73	17,27 + 70 % of [(3) — import price]	26,82 + 90 % of [(4) — import price]
0403 10 39	90,90	81,81	54,54	30 % of [(1) — import price]	54,54	36,36	8,18 + 50 % of [(2) — import price]	36,36	22,73	17,27 + 70 % of [(3) — import price]	26,82 + 90 % of [(4) — import price]

CN code	Trigger price	if the import price is:		the additional duty is:	if the import price is:		the additional duty is:	if the import price is:		the additional duty is:	if the import price is less than ⁽⁴⁾ :	(in EUR/100 kg)
		Less than ⁽¹⁾ :	but equal to or more than:		less than ⁽²⁾ :	but equal to or more than:		less than ⁽³⁾ :	but equal to or more than:			
0403 90 11	62,50	56,25	37,50	30 % of [(¹) — import price]	37,50	25,00	5,63 + 50 % of [(²) — import price]	25,00	15,63	11,88 + 70 % of [(³) — import price]	15,63	18,44 + 90 % of [(⁴) — import price]
0403 90 13	184,50	166,05	110,70	30 % of [(¹) — import price]	110,70	73,80	16,61 + 50 % of [(²) — import price]	73,80	46,13	35,06 + 70 % of [(³) — import price]	46,13	54,43 + 90 % of [(⁴) — import price]
0403 90 19	172,40	155,16	103,44	30 % of [(¹) — import price]	103,44	68,96	15,52 + 50 % of [(²) — import price]	68,96	43,10	32,76 + 70 % of [(³) — import price]	43,10	50,86 + 90 % of [(⁴) — import price]
0403 90 33	175,00	157,50	105,00	30 % of [(¹) — import price]	105,00	70,00	15,75 + 50 % of [(²) — import price]	70,00	43,75	33,25 + 70 % of [(³) — import price]	43,75	51,63 + 90 % of [(⁴) — import price]
0403 90 51	166,70	150,03	100,02	30 % of [(¹) — import price]	100,02	66,68	15,00 + 50 % of [(²) — import price]	66,68	41,68	31,67 + 70 % of [(³) — import price]	41,68	49,18 + 90 % of [(⁴) — import price]
0403 90 53	160,00	144,00	96,00	30 % of [(¹) — import price]	96,00	64,00	14,40 + 50 % of [(²) — import price]	64,00	40,00	30,40 + 70 % of [(³) — import price]	40,00	47,20 + 90 % of [(⁴) — import price]
0403 90 59	50,00	45,00	30,00	30 % of [(¹) — import price]	30,00	20,00	4,50 + 50 % of [(²) — import price]	20,00	12,50	9,50 + 70 % of [(³) — import price]	12,50	14,75 + 90 % of [(⁴) — import price]
0403 90 61	100,00	90,00	60,00	30 % of [(¹) — import price]	60,00	40,00	9,00 + 50 % of [(²) — import price]	40,00	25,00	19,00 + 70 % of [(³) — import price]	25,00	29,50 + 90 % of [(⁴) — import price]
0403 90 63	100,00	90,00	60,00	30 % of [(¹) — import price]	60,00	40,00	9,00 + 50 % of [(²) — import price]	40,00	25,00	19,00 + 70 % of [(³) — import price]	25,00	29,50 + 90 % of [(⁴) — import price]
0403 90 69	100,00	90,00	60,00	30 % of [(¹) — import price]	60,00	40,00	9,00 + 50 % of [(²) — import price]	40,00	25,00	19,00 + 70 % of [(³) — import price]	25,00	29,50 + 90 % of [(⁴) — import price]

CN code	Trigger price	if the import price is:		the additional duty is:	if the import price is:		the additional duty is:	if the import price is:		the additional duty is:	if the import price is less than ⁽⁴⁾ :	(in EUR/100 kg)
		Less than ⁽¹⁾ :	but equal to or more than:		less than ⁽²⁾ :	but equal to or more than:		less than ⁽³⁾ :	but equal to or more than:			
0406 10 20	277,60	249,84	166,56	30 % of [(1) — import price]	166,56	111,04	24,98 + 50 % of [(2) — import price]	111,04	69,40	52,74 + 70 % of [(3) — import price]	69,40	81,89 + 90 % of [(4) — import price]
0406 10 80	380,00	342,00	228,00	30 % of [(1) — import price]	228,00	152,00	34,20 + 50 % of [(2) — import price]	152,00	95,00	72,20 + 70 % of [(3) — import price]	95,00	112,10 + 90 % of [(4) — import price]
0406 20 90	381,30	343,17	228,78	30 % of [(1) — import price]	228,78	152,52	34,32 + 50 % of [(2) — import price]	152,52	95,33	72,45 + 70 % of [(3) — import price]	95,33	112,48 + 90 % of [(4) — import price]
0406 30 10	329,50	296,55	197,70	30 % of [(1) — import price]	197,70	131,80	29,66 + 50 % of [(2) — import price]	131,80	82,38	62,61 + 70 % of [(3) — import price]	82,38	97,20 + 90 % of [(4) — import price]
0406 30 31	315,30	283,77	189,18	30 % of [(1) — import price]	189,18	126,12	28,38 + 50 % of [(2) — import price]	126,12	78,83	59,91 + 70 % of [(3) — import price]	78,83	93,01 + 90 % of [(4) — import price]
0406 30 39	336,90	303,21	202,14	30 % of [(1) — import price]	202,14	134,76	30,32 + 50 % of [(2) — import price]	134,76	84,23	64,01 + 70 % of [(3) — import price]	84,23	99,39 + 90 % of [(4) — import price]
0406 30 90	327,30	294,57	196,38	30 % of [(1) — import price]	196,38	130,92	29,46 + 50 % of [(2) — import price]	130,92	81,83	62,19 + 70 % of [(3) — import price]	81,83	96,55 + 90 % of [(4) — import price]
0406 40 10	257,50	231,75	154,50	30 % of [(1) — import price]	154,50	103,00	23,18 + 50 % of [(2) — import price]	103,00	64,38	48,93 + 70 % of [(3) — import price]	64,38	75,96 + 90 % of [(4) — import price]
0406 40 50	257,50	231,75	154,50	30 % of [(1) — import price]	154,50	103,00	23,18 + 50 % of [(2) — import price]	103,00	64,38	48,93 + 70 % of [(3) — import price]	64,38	75,96 + 90 % of [(4) — import price]

CN code	Trigger price	if the import price is:		the additional duty is:	if the import price is:		the additional duty is:	if the import price is:		if the import price is less than ⁽⁴⁾ :	(in EUR/100 kg)
		Less than ⁽¹⁾ :	but equal to or more than:		less than ⁽²⁾ :	but equal to or more than:		less than ⁽³⁾ :	but equal to or more than:		
0406 40 90	257,50	231,75	154,50	30 % of [(1) — import price]	154,50	103,00	23,18 + 50 % of [(2) — import price]	103,00	64,38	48,93 + 70 % of [(3) — import price]	64,38
0406 90 01	288,90	260,01	173,34	30 % of [(1) — import price]	173,34	115,56	26,00 + 50 % of [(2) — import price]	115,56	72,23	54,89 + 70 % of [(3) — import price]	72,23
0406 90 13	495,40	445,86	297,24	30 % of [(1) — import price]	297,24	198,16	44,59 + 50 % of [(2) — import price]	198,16	123,85	94,13 + 70 % of [(3) — import price]	123,85
0406 90 15	495,40	445,86	297,24	30 % of [(1) — import price]	297,24	198,16	44,59 + 50 % of [(2) — import price]	198,16	123,85	94,13 + 70 % of [(3) — import price]	123,85
0406 90 17	495,40	445,86	297,24	30 % of [(1) — import price]	297,24	198,16	44,59 + 50 % of [(2) — import price]	198,16	123,85	94,13 + 70 % of [(3) — import price]	123,85
0406 90 18	526,80	474,12	316,08	30 % of [(1) — import price]	316,08	210,72	47,41 + 50 % of [(2) — import price]	210,72	131,70	100,09 + 70 % of [(3) — import price]	131,70
0406 90 21	271,00	243,90	162,60	30 % of [(1) — import price]	162,60	108,40	24,39 + 50 % of [(2) — import price]	108,40	67,75	51,49 + 70 % of [(3) — import price]	67,75
0406 90 23	264,10	237,69	158,46	30 % of [(1) — import price]	158,46	105,64	23,77 + 50 % of [(2) — import price]	105,64	66,03	50,18 + 70 % of [(3) — import price]	66,03
0406 90 25	264,10	237,69	158,46	30 % of [(1) — import price]	158,46	105,64	23,77 + 50 % of [(2) — import price]	105,64	66,03	50,18 + 70 % of [(3) — import price]	66,03

CN code	Trigger price	if the import price is:		the additional duty is:	if the import price is:		the additional duty is:	if the import price is:		the additional duty is:	if the import price is less than ⁽⁴⁾ :	(in EUR/100 kg)
		Less than ⁽¹⁾ :	but equal to or more than:		less than ⁽²⁾ :	but equal to or more than:		less than ⁽³⁾ :	but equal to or more than:			
0406 90 27	264,10	237,69	158,46	30 % of [(1) — import price]	158,46	105,64	23,77 + 50 % of [(2) — import price]	105,64	66,03	50,18 + 70 % of [(3) — import price]	66,03	77,91 + 90 % of [(4) — import price]
0406 90 29	264,10	237,69	158,46	30 % of [(1) — import price]	158,46	105,64	23,77 + 50 % of [(2) — import price]	105,64	66,03	50,18 + 70 % of [(3) — import price]	66,03	77,91 + 90 % of [(4) — import price]
0406 90 32	264,10	237,69	158,46	30 % of [(1) — import price]	158,46	105,64	23,77 + 50 % of [(2) — import price]	105,64	66,03	50,18 + 70 % of [(3) — import price]	66,03	77,91 + 90 % of [(4) — import price]
0406 90 35	264,10	237,69	158,46	30 % of [(1) — import price]	158,46	105,64	23,77 + 50 % of [(2) — import price]	105,64	66,03	50,18 + 70 % of [(3) — import price]	66,03	77,91 + 90 % of [(4) — import price]
0406 90 37	264,10	237,69	158,46	30 % of [(1) — import price]	158,46	105,64	23,77 + 50 % of [(2) — import price]	105,64	66,03	50,18 + 70 % of [(3) — import price]	66,03	77,91 + 90 % of [(4) — import price]
0406 90 39	264,10	237,69	158,46	30 % of [(1) — import price]	158,46	105,64	23,77 + 50 % of [(2) — import price]	105,64	66,03	50,18 + 70 % of [(3) — import price]	66,03	77,91 + 90 % of [(4) — import price]
0406 90 50	306,40	275,76	183,84	30 % of [(1) — import price]	183,24	122,56	27,58 + 50 % of [(2) — import price]	122,56	76,60	58,22 + 70 % of [(3) — import price]	76,60	90,39 + 90 % of [(4) — import price]
0406 90 61	313,80	282,42	188,28	30 % of [(1) — import price]	188,28	125,52	28,24 + 50 % of [(2) — import price]	125,52	78,45	59,62 + 70 % of [(3) — import price]	78,45	92,57 + 90 % of [(4) — import price]
0406 90 63	313,80	282,42	188,28	30 % of [(1) — import price]	188,28	125,52	28,24 + 50 % of [(2) — import price]	125,52	78,45	59,62 + 70 % of [(3) — import price]	78,45	92,57 + 90 % of [(4) — import price]

CN code	Trigger price	if the import price is:		the additional duty is:	if the import price is:		the additional duty is:	if the import price is:		if the import price is less than ⁽⁴⁾ :	(in EUR/100 kg)
		Less than ⁽¹⁾ :	but equal to or more than:		less than ⁽²⁾ :	but equal to or more than:		less than ⁽³⁾ :	but equal to or more than:		
0406 90 69	313,80	282,42	188,28	30 % of [(1) — import price]	188,28	125,52	28,24 + 50 % of [(2) — import price]	125,52	78,45	78,45	92,57 + 90 % of [(4) — import price]
0406 90 73	310,40	279,36	186,24	30 % of [(1) — import price]	186,24	124,16	27,94 + 50 % of [(2) — import price]	124,16	77,60	77,60	91,57 + 90 % of [(4) — import price]
0406 90 75	310,40	279,36	186,24	30 % of [(1) — import price]	186,24	124,16	27,94 + 50 % of [(2) — import price]	124,16	77,60	77,60	91,57 + 90 % of [(4) — import price]
0406 90 76	310,40	279,36	186,24	30 % of [(1) — import price]	186,24	124,16	27,94 + 50 % of [(2) — import price]	124,16	77,60	77,60	91,57 + 90 % of [(4) — import price]
0406 90 78	310,40	279,36	186,24	30 % of [(1) — import price]	186,24	124,16	27,94 + 50 % of [(2) — import price]	124,16	77,60	77,60	91,57 + 90 % of [(4) — import price]
0406 90 79	310,40	279,36	186,24	30 % of [(1) — import price]	186,24	124,16	27,94 + 50 % of [(2) — import price]	124,16	77,60	77,60	91,57 + 90 % of [(4) — import price]
0406 90 81	310,40	279,36	186,24	30 % of [(1) — import price]	186,24	124,16	27,94 + 50 % of [(2) — import price]	124,16	77,60	77,60	91,57 + 90 % of [(4) — import price]
0406 90 82	310,40	279,36	186,24	30 % of [(1) — import price]	186,24	124,16	27,94 + 50 % of [(2) — import price]	124,16	77,60	77,60	91,57 + 90 % of [(4) — import price]
0406 90 84	310,40	279,36	186,24	30 % of [(1) — import price]	186,24	124,16	27,94 + 50 % of [(2) — import price]	124,16	77,60	77,60	91,57 + 90 % of [(4) — import price]

CN code	Trigger price	if the import price is:		the additional duty is:	if the import price is:			the additional duty is:	if the import price is less than ⁽⁴⁾ :	(in EUR/100 kg)		
		Less than ⁽¹⁾ :	but equal to or more than:		less than ⁽²⁾ :	but equal to or more than:						
0406 90 85	310,40	279,36	186,24	30 % of [(¹) — import price]	186,24	124,16	27,94 + 50 % of [(²) — import price]	124,16	77,60	58,98 + 70 % of [(³) — import price]	77,60	91,57 + 90 % of [(⁴) — import price]
0406 90 86	310,40	279,36	186,24	30 % of [(¹) — import price]	186,24	124,16	27,94 + 50 % of [(²) — import price]	124,16	77,60	58,98 + 70 % of [(³) — import price]	77,60	91,57 + 90 % of [(⁴) — import price]
0406 90 87	310,40	279,36	186,24	30 % of [(¹) — import price]	186,24	124,16	27,94 + 50 % of [(²) — import price]	124,16	77,60	58,98 + 70 % of [(³) — import price]	77,60	91,57 + 90 % of [(⁴) — import price]
0406 90 88	310,40	279,36	186,24	30 % of [(¹) — import price]	186,24	124,16	27,94 + 50 % of [(²) — import price]	124,16	77,60	58,98 + 70 % of [(³) — import price]	77,60	91,57 + 90 % of [(⁴) — import price]
0404 90 93	320,00	288,00	192,00	30 % of [(¹) — import price]	192,00	128,00	28,80 + 50 % of [(²) — import price]	128,00	80,00	60,80 + 70 % of [(³) — import price]	80,00	94,40 + 90 % of [(⁴) — import price]
0406 90 99	413,50	372,15	248,10	30 % of [(¹) — import price]	248,10	165,40	37,22 + 50 % of [(²) — import price]	165,40	103,38	78,57 + 70 % of [(³) — import price]	103,38	121,98 + 90 % of [(⁴) — import price]

ANNEX II

Repealed Regulation with a list of its successive amendments

Commission Regulation (EC) No 1598/95 (OJ L 151, 1.7.1995, p. 1)

Commission Regulation (EC) No 2931/95 (OJ L 307, 20.12.1995, p. 10) only Article 8

Commission Regulation (EC) No 1756/96 (OJ L 230, 11.9.1996, p. 6)

Commission Regulation (EC) No 2325/96 (OJ L 316, 5.12.1996, p. 11) only Article 1

ANNEX III

Correlation table

Regulation (EC) No 1598/95	This Regulation
Article 1	Article 1
Article 2(1) first indent	Article 2(1)(a)
Article 2(1) second indent	Article 2(1)(b)
Article 2(1) third indent	Article 2(1)(c)
Article 2(2)	Article 2(2)
Article 2(3)	Article 2(3)
Article 3, introductory phrase and points (a) to (e)	Article 3, first paragraph
Article 3, concluding phrase	Article 3, second paragraph
Article 4	Article 4
—	Article 5
Article 5	Article 6
Annex	Annex I
—	Annex II
—	Annex III

COMMISSION REGULATION (EC) No 505/2007**of 8 May 2007****provisionally setting delivery obligations for cane sugar to be imported under the ACP Protocol and the Agreement with India for the 2007/2008 delivery period**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 318/2006 of 20 February 2006 on the common organisation of the markets in the sugar sector ⁽¹⁾, and in particular Article 31 thereof,

Whereas:

- (1) Article 12 of Commission Regulation (EC) No 950/2006 of 28 June 2006 laying down detailed rules of application for the 2006/07, 2007/08 and 2008/09 marketing years for the import and refining of sugar products under certain tariff quotas and preferential agreements ⁽²⁾ provides for detailed rules for setting delivery obligations at zero duty for products falling within CN code 1701, expressed in white-sugar equivalent, for imports originating in the countries that are signatories to the ACP Protocol and to the Agreement with India.
- (2) Application of Articles 3 and 7 of the ACP Protocol, Articles 3 and 7 of the Agreement with India and Article 12(3) and Articles 14 and 15 of Regulation (EC) No 950/2006 has resulted in the Commission calculating delivery obligations for each exporting country for

the 2007/2008 delivery period, on the basis of the information currently available.

- (3) It is therefore necessary to provisionally determine the delivery obligations for the period 2007/2008 in accordance with point (a) of Article 12(2) of Regulation (EC) No 950/2006.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

The delivery obligations for imports originating in the countries that are signatories to the ACP Protocol and to the Agreement with India in respect of products falling within CN code 1701, expressed in white-sugar equivalent, in the 2007/2008 delivery period for each exporting country concerned, are provisionally determined as set out in the Annex.

Article 2

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

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

Done at Brussels, 8 May 2007.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

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

⁽²⁾ OJ L 178, 1.7.2006, p. 1. Regulation as last amended by Regulation (EC) No 371/2007 (OJ L 92, 3.4.2007, p. 6).

ANNEX

Delivery obligations for imports of preferential sugar, expressed in white-sugar equivalent, originating in countries which are signatories to the ACP Protocol and to the Agreement with India for the 2007/2008 delivery period:

ACP Protocol/Agreement with India signatory country	Delivery obligations 2007/2008
Barbados	32 097,40
Belize	40 348,80
Congo	10 186,10
Fiji	165 348,30
Guyana	159 410,10
India	10 000,00
Côte d'Ivoire	10 186,10
Jamaica	118 696,00
Kenya	5 000,00
Madagascar	10 760,00
Malawi	20 824,40
Mauritius	491 030,50
Mozambique	6 000,00
St Kitts and Nevis	0,00
Suriname	0,00
Swaziland	117 844,50
Tanzania	10 186,10
Trinidad and Tobago	47 717,60
Uganda	0,00
Zambia	7 215,00
Zimbabwe	30 224,80
Total	1 293 075,70

COMMISSION REGULATION (EC) No 506/2007

of 8 May 2007

imposing testing and information requirements on the importers or manufacturers of certain priority substances in accordance with Council Regulation (EEC) No 793/93 on the evaluation and control of the risks of existing substances

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 793/93 of 23 March 1993 on the evaluation and control of risks of existing substances ⁽¹⁾, and in particular Article 10(2) thereof,

Whereas:

- (1) The rapporteurs designated by the Member States in accordance with Article 10(1) of Regulation (EEC) No 793/93 have evaluated the information submitted by the manufacturers and importers in respect of certain priority substances. After consultation of those manufacturers and importers, the rapporteurs have determined that it is necessary for the purposes of the risk evaluation to require those manufacturers and importers to submit further information and carry out further testing.
- (2) The information needed to evaluate the substances in question is not available from former manufacturers or importers. The manufacturers and importers have checked that tests on animals cannot be replaced or limited by using other methods.
- (3) It is therefore appropriate to request manufacturers and importers of priority substances to submit further information and carry out further testing of those substances. The protocols submitted by the rapporteurs to the Commission should be used for performing those tests.

- (4) The provisions of this Regulation are in accordance with the opinion of the Committee established pursuant to Article 15 of Regulation (EEC) No 793/93,

HAS ADOPTED THIS REGULATION:

Article 1

The manufacturers and importers of the substances listed in the Annex, who have submitted information in accordance with the requirements of Articles 3, 4, 7 and 9 of Regulation (EEC) No 793/93, shall provide the information and perform the tests indicated in the Annex and shall deliver the results to the relevant rapporteurs.

The tests shall be performed according to the protocols specified by the rapporteurs.

The results shall be delivered within the time limits laid down in the Annex.

Article 2

This Regulation shall enter into force on the 20th 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, 8 May 2007.

For the Commission

Stavros DIMAS

Member of the Commission

⁽¹⁾ OJ L 84, 5.4.1993, p. 1. Regulation as amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).

ANNEX

No	Einecs No	CAS No	Substance name	Rapporteur	Testing/Information requirements	Time limit from the date of entry into force of this Regulation
1.	237-158-7	13674-84-5	Tris(2-chloro-1-methyl-ethyl) phosphate (TCPP)	IE/UK	— 2-generation study — fertility effects (OECD 416-B35)	24 months
					— <i>In vivo</i> Comet assay in rat liver	12 months
					— <i>In vitro</i> percutaneous absorption of radiolabelled TCPP through human skin (OECD 428)	12 months
2.	237-159-2	13674-87-8	Tris[2-chloro-1-(chloromethyl)ethyl] phosphate (TDCP)	IE/UK	— Sorption/desorption study (modified OECD 106 test)	6 months
3.	253-760-2	38051-10-4	2,2-Bis(chloromethyl) trimethylene bis(bis(2-chloroethyl)phosphate (V6)	IE/UK	— 2-generation study — fertility effects (OECD 416-B35)	24 months
					— <i>In vitro</i> percutaneous absorption of radiolabelled V6 through human skin (OECD 428)	12 months
4.	202-679-0	98-54-4	4-Tert-butylphenol	NO	— Endocrine effects study with fish (draft OECD ext. ELS test)	18 months
5.	202-411-2	95-33-0	N-cyclohexylbenzothiazole-2-sulphenamide	DE	— Measured data from road border soils and surface waters receiving runoff from roads. The degradation products to be measured are 2-mercaptobenzothiazole, benzothiazole, 2-benzothiazolone, 2-methylthiobenzothiazole and 2-methylbenzothiazole	4 years
					— Measured data on landfill leachate. The degradation products to be measured are 2-mercaptobenzothiazole, benzothiazole, 2-benzothiazolone, 2-methylthiobenzothiazole and 2-methylbenzothiazole	4 years
					— Use and exposure information on tyre recycling, especially on tyre shredding facilities, on sport grounds using recycled tyre material and on other similar open uses of recycled tyres	4 years
6.	233-118-8	10039-54-0	Bis(hydroxylammonium) sulphate	DE	— <i>Daphnia magna</i> reproduction test (OECD 211)	3 months
					— Exposure information from production and processing	3 months
					— Literature data on/or an Activated sludge respiration inhibition test (OECD 209)	3 months

No	Einecs No	CAS No	Substance name	Rapporteur	Testing/Information requirements	Time limit from the date of entry into force of this Regulation
7.	201-245-8	80-05-7	4,4'-isopropylidenedi-phenol	UK	— Terrestrial plants growth test (OECD 208)	6 months
					— Enchytraeid reproduction test (OECD 220)	6 months
					— Reproduction test with a suitable springtail species	6 months
8.	266-028-2	65996-93-2	Pitch, coal tar, high temp.	NL	— STP sludge inhibition test (OECD 209 — C11)	3 months

COMMISSION REGULATION (EC) No 507/2007**of 8 May 2007****amending for the 76th time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, and repealing Council Regulation (EC) No 467/2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 881/2002 of 27 May 2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, and repealing Council Regulation (EC) No 467/2001 prohibiting the export of certain goods and services to Afghanistan, strengthening the flight ban and extending the freeze of funds and other financial resources in respect of the Taliban of Afghanistan ⁽¹⁾, and in particular Article 7(1), first indent, thereof,

Whereas:

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

- (2) On 24 April 2007, the Sanctions Committee of the United Nations Security Council decided to amend the list of persons, groups and entities to whom the freezing of funds and economic resources should apply. Annex I should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on the day following 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, 8 May 2007.

For the Commission

Eneko LANDÁBURU

Director General for External Relations

⁽¹⁾ OJ L 139, 29.5.2002, p. 9. Regulation as last amended by Commission Regulation (EC) No 492/2007 (OJ L 116, 4.5.2007, p. 5).

ANNEX

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

- (1) The entry 'Dr. Abdul Latif Saleh (*alias* (a) Abdul Latif A.A. Saleh, (b) Abdyl Latif Saleh, (c) Dr. Abd al-Latif Saleh, (d) Abdul Latif A.A. Saleh Abu Hussein, (e) Abd al-Latif Salih, (f) Abu Amir). Address: Last known residence: United Arab Emirates. Date of birth: 5.3.1957. Place of birth: Baghdad, Iraq. Nationality: (a) Jordanian, (b) Albanian. Jordanian passport No D366 871.' under the heading 'Natural persons' shall be replaced by:

'Abdul Latif **Saleh** (*alias* (a) Abdul Latif A.A. Saleh, (b) Abdyl Latif Saleh, (c) Abd al-Latif Saleh, (d) Abdul Latif A.A. Saleh Abu Hussein, (e) Abd al-Latif Salih, (f) Abu Amir). Title: Dr. Address: Last known residence: United Arab Emirates. Date of birth: 5.3.1957. Place of birth: Baghdad, Iraq. Nationality: (a) Jordanian, (b) Albanian (since 1992). Passport No: (a) D366 871 (Jordanian passport), (b) 314772 (Albanian passport issued on 8.3.1993), (c) 0334695 (Albanian passport issued on 1.12.1995). Other information: Expelled from Albania in 1999.'

- (2) The entry 'Salafist Group for Call and Combat (GSPC) (aka Le Groupe Salafiste pour la Prédiction et le Combat)' under the heading 'Legal persons, groups and entities' shall be replaced by:

'The Organization of Al-Qaida in the Islamic Maghreb (*alias* (a) Al Qaïda au Maghreb islamique (AQMI), (b) Le Groupe Salafiste pour la Prédication et le Combat (GSPC), (c) Salafist Group For Call and Combat.'

II

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

DECISIONS

COUNCIL

COUNCIL DECISION

of 16 April 2007

establishing the position to be adopted on behalf of the Community within the International Sugar Council as regards the extension of the International Sugar Agreement 1992

(2007/316/EC)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Community, and in particular Article 133 in conjunction with the second subparagraph of Article 300(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

The International Sugar Agreement 1992 was concluded by the Community by Decision 92/580/EEC ⁽¹⁾ and entered into force on 1 January 1993 for a period of three years until 31 December 1995. Since then, it has been regularly extended for further periods of two years. The Agreement was last extended by decision of the International Sugar Council in May 2005 and remains in force until 31 December 2007. A further extension is in the interest of the Community. The Commission, which represents the Community in the International Sugar Council, should therefore be authorised to vote in favour of such extension,

Sole Article

The Community's position within the International Sugar Council shall be to vote in favour of the extension of the International Sugar Agreement 1992 for a further period of up to two years.

The Commission is hereby authorised to express this position within the International Sugar Council.

Done at Luxembourg, 16 April 2007.

For the Council

The President

H. SEEHOFER

⁽¹⁾ OJ L 379, 23.12.1992, p. 15.

COUNCIL DECISION**of 16 April 2007****establishing the position to be adopted, on behalf of the Community, within the International Grains Council with respect to the extension of the Grains Trade Convention 1995**

(2007/317/EC)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Community, and in particular Article 133 in conjunction with the second subparagraph of Article 300(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

The Grains Trade Convention 1995 was concluded by the Community by Decision 96/88/EC⁽¹⁾ and was regularly extended for further periods of two years. The Convention was extended last time by decision of the International Grains Council in June 2005 and remains in force until 30 June 2007. A further extension is in the interest of the Community. The Commission, which represents the Community in the International Grains Council, should therefore be authorised to vote in favour of such extension,

Sole Article

The Community's position within the International Grains Council shall be to vote in favour of the extension of the Grains Trade Convention 1995 for a further period of up to two years.

The Commission is hereby authorised to express this position within the International Grains Council.

Done at Luxembourg, 16 April 2007.

*For the Council**The President*

H. SEEHOFER

⁽¹⁾ OJ L 21, 27.1.1996, p. 47.

COUNCIL DECISION

of 23 April 2007

on the signing and provisional application of a Protocol to the Partnership and Cooperation Agreement, establishing a partnership between the European Communities and their Member States, of the one part, and the Russian Federation, of the other part, to take account of the accession of the Republic of Bulgaria and Romania to the European Union

(2007/318/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 44(2), the last sentence of Article 47(2), and Articles 55, 57(2), 71, 80(2), 93, 94, 133 and 181a, in conjunction with the second sentence of the first subparagraph of Article 300(2) and the first subparagraph of Article 300(3), thereof,

Having regard to the Treaty of Accession of the Republic of Bulgaria and Romania, and in particular Article 4(3) thereof,

Having regard to the Act of Accession of Bulgaria and Romania, and in particular Article 6(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) On 23 October 2006, the Council authorised the Commission, on behalf of the Community and its Member States, to negotiate with the Russian Federation a Protocol to the Agreement on partnership and cooperation establishing a partnership between the European Communities and their Member States, of one part, and the Russian Federation, of the other part⁽¹⁾, to take account of the accession of the Republic of Bulgaria and Romania to the European Union.

(2) Subject to its possible conclusion at a later date, the Protocol should be signed on behalf of the European Communities and their Member States.

(3) The Protocol should be applied on a provisional basis as from its date of signature, pending completion of the relevant procedures for its formal conclusion,

HAS DECIDED AS FOLLOWS:

Article 1

The President of the Council is hereby authorised to designate the person(s) empowered to sign, on behalf of the European Communities and their Member States, the Protocol to the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Russian Federation, of the other part, to take account of the accession of the Republic of Bulgaria and Romania to the European Union, subject to possible conclusion at a later stage.

The text of the Protocol is attached to this Decision.

Article 2

Pending its entry into force, the Protocol shall be applied on a provisional basis from its date of signature.

Done at Luxembourg, 23 April 2007.

For the Council

The President

F.-W. STEINMEIER

⁽¹⁾ OJ L 327, 28.11.1997, p. 3.

PROTOCOL

to the Partnership and Cooperation Agreement, establishing a partnership between the European Communities and their Member States, of the one part, and the Russian Federation, of the other part, to take account of the accession of the Republic of Bulgaria and Romania to the European Union

THE KINGDOM OF BELGIUM,

THE REPUBLIC OF BULGARIA,

THE CZECH REPUBLIC,

THE KINGDOM OF DENMARK,

THE FEDERAL REPUBLIC OF GERMANY,

THE REPUBLIC OF ESTONIA,

THE HELLENIC REPUBLIC,

THE KINGDOM OF SPAIN,

THE FRENCH REPUBLIC,

IRELAND,

THE ITALIAN REPUBLIC,

THE REPUBLIC OF CYPRUS,

THE REPUBLIC OF LATVIA,

THE REPUBLIC OF LITHUANIA,

THE GRAND DUCHY OF LUXEMBOURG,

THE REPUBLIC OF HUNGARY,

THE REPUBLIC OF MALTA,

THE KINGDOM OF THE NETHERLANDS,

THE REPUBLIC OF AUSTRIA,

THE REPUBLIC OF POLAND,

THE PORTUGUESE REPUBLIC,

ROMANIA,

THE REPUBLIC OF SLOVENIA,

THE SLOVAK REPUBLIC,

THE REPUBLIC OF FINLAND,

THE KINGDOM OF SWEDEN,

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,

hereinafter referred to as the 'Member States', represented by the Council of the European Union, and

THE EUROPEAN COMMUNITY AND THE EUROPEAN ATOMIC ENERGY COMMUNITY, hereinafter referred to as 'the Communities', represented by the Council of the European Union and the European Commission,

of the one part, and

THE RUSSIAN FEDERATION,

of the other part,

hereinafter referred to as 'the Parties' for the purposes of this Protocol,

HAVING REGARD TO the accession of the Republic of Bulgaria and Romania to the European Union, on 1 January 2007,

CONSIDERING the new situation in relations between the Russian Federation and the European Union arising from the accession to the EU of two new Member States, which opens opportunities and brings about challenges for cooperation between the Russian Federation and the European Union,

TAKING INTO ACCOUNT the desire of the Parties to ensure the attainment and implementation of the objectives and principles of the Partnership and Cooperation Agreement, establishing a partnership between the European Communities and their Member States, of the one part, and the Russian Federation, of the other part,

HAVE AGREED AS FOLLOWS:

Article 1

The Republic of Bulgaria and Romania shall be Parties to the Partnership and Cooperation Agreement, establishing a partnership between the European Communities and their Member States, of the one part, and the Russian Federation, of the other part, signed in Corfu on 24 June 1994 and entered into force on 1 December 1997, (hereinafter the Agreement), and shall adopt and take note, in the same manner as the other Member States of the Community, of the texts of the Agreement, and of the Joint Declarations, Declarations and Exchanges of Letters annexed to the Final Act signed on the same date and the Protocol to the Agreement of 21 May 1997, that entered into force on 1 December 2000, and the Protocol to the Agreement of 27 April 2004 that entered into force on 1 March 2005.

Article 2

This Protocol shall form an integral part of the Agreement.

Article 3

1. This Protocol shall be approved by the Communities, by the Council of the European Union on behalf of the Member States and by the Russian Federation in accordance with their own procedures.

2. The Parties shall notify each other of the completion of the procedures referred to in the preceding paragraph. The instruments of approval shall be deposited with the General Secretariat of the Council of the European Union.

Article 4

1. This Protocol shall enter into force on the first day of the first month following the date of deposit of the last instrument of approval.

2. Pending the date of its entry into force, this Protocol shall apply provisionally with effect from its date of signature.

Article 5

1. The texts of the Agreement, the Final Act and all documents annexed to it, and the Protocols to the Agreement of 21 May 1997 and 27 April 2004 are drawn up in the Bulgarian and Romanian languages.

2. They are annexed to this Protocol and are equally authentic with the texts in the other languages in which the Agreement, the Final Act and the documents annexed to it, and the Protocols to the Agreement of 21 May 1997 and 27 April 2004 are drawn up.

Article 6

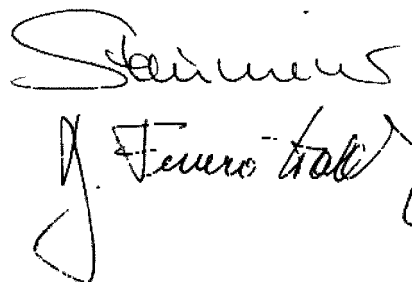
This Protocol is drawn up in duplicate in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovene, Spanish, Swedish and Russian languages, each of these texts being equally authentic.

Съставено в Люксембург на двадесет и трети април две хиляди и седма година
Hecho en Luxemburgo, el veintitrés de abril de dos mil siete.
V Lucemburku dne dvacátého třetího dubna dva tisíce sedm.
Udfærdiget i Luxembourg den treogtyvende april to tusind og syv.
Geschehen zu Luxemburg am dreiundzwanzigsten April zweitausendsieben.
Kahe tuhande seitsmenda aasta aprillikuu kahekümne kolmandal päeval Luxembourgis.
Έγινε στο Λουξεμβούργο, στις είκοσι τρεις Απριλίου δύο χιλιάδες επτά.
Done at Luxembourg on the twenty-third day of April in the year two thousand and seven.
Fait à Luxembourg, le vingt-trois avril deux mille sept.
Fatto a Lussemburgo, addì ventitré aprile duemilasette.
Luksemburgā, divi tūkstoši septītā gada divdesmit trešajā aprīlī.
Priimta du tūkstančiai septintųjų metų balandžio dvidešimt trečią dieną Liuksemburge.
Kelt Luxembourgban, a kettőezer hetedik év április havának huszonharmadik napján.
Magħmul fil-Lussemburgu, fit-tlieta u għoxrin jum ta' April tas-sena elfejn u sebgha
Gedaan te Luxemburg, de drieëntwintigste april tweeduizend zeven.
Sporządzono w Luksemburgu dnia dwudziestego trzeciego kwietnia roku dwa tysiące siódmego.
Feito no Luxemburgo, em vinte e três de Abril de dois mil e sete.
Încheiat la Luxemburg la douăzeci și trei aprilie, anul două mii șapte.
V Luxemburgu dňa dvadsiateho tretieho apríla dvetisísedem.
V Luxembourggu, triindvajsetega aprila leta dva tisoč sedem.
Tehty Luxemburgissa kahdentenäkymmenentenäkolmantena päivänä huhtikuuta vuonna kaksituhattaseitsemän.
Som skedde i Luxemburg den tjugotredje april tjugohundrasju.
Совершено в Люксембурге двадцать третьего апреля две тысячи седьмого года.

За държавите-членки
Por los Estados miembros
Za členské státy
For medlemsstaterne
Für die Mitgliedstaaten
Liikmesriikide nimel
Για τα κράτη μέλη
For the Member States
Pour les États membres
Per gli Stati membri
Dalībvalstu vārdā
Valstybių narių vardu
A tagállamok részéről
Ghall-Istati Membri
Voor de lidstaten
W imieniu państw członkowskich
Pelos Estados-Membros
Pentru statele membre
Za členské štáty
Za države članice
Jäsenvaltioiden puolesta
På medlemsstaternas vägnar
За государства-члены



За Европейската общност
Por las Comunidades Europeas
Za Evropská společnost
For De Europæiske Fællesskaber
Für die Europäischen Gemeinschaften
Euroopa ühenduste nimel
Για τις Ευρωπαϊκές Κοινότητες
For the European Communities
Pour les Communautés européennes
Per le Comunità europee
Eiropas Kopienu vārdā
Europos Bendrijų vardu
Az Európai Közösségek részéről
Ghall-Komunitajiet Ewropej
Voor de Europese Gemeenschappen
W imieniu Wspólnot Europejskich
Pelas Comunidades Europeias
Pentru Comunitatea Europeană
Za Európske spoločenstvá
Za Evropske skupnosti
Euroopan yhteisöjen puolesta
På europeiska gemenskapernas vägnar
За Европейские сообщества



За Руската Федерация
Por la Federación de Rusia
Za Ruskou federaci
For Den Russiske Føderation
Für die Russische Föderation
Venemaa Föderatsiooni nimel
Για τη Ρωσική Ομοσπονδία
For the Russian Federation
Pour la Fédération de russie
Per la Federazione russa
Krievijas Federācijas vārdā
Rusijos Federacijos vardu
Az Orosz Föderáció részéről
Ghall-Federazzjoni Russa
Voor de Russische Federatie
W imieniu Federacji Rosyjskiej
Pela Federação da Rússia
Pentru Federația Rusă
Za Ruskú federáciu
Za Rusko federacijo
Venäjän federaation puolesta
För Ryska Federationen
За Российскую Федерацию



COMMISSION

COMMISSION DECISION

of 8 September 2006

on State aid C 45/04 (ex NN 62/04) in favour of the Czech steel producer Třinecké železářny a.s.

(notified under document number C(2006) 5245)

(Only the Czech text is authentic)

(Text with EEA relevance)

(2007/319/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Having regard to Protocol 2 on the restructuring of the Czech steel industry to the 2003 Accession Treaty,

Having called on interested parties to submit their comments pursuant to the provisions cited above ⁽¹⁾,

Whereas:

1. PROCEDURE

(1) On 12 November 2003 the Commission received information that the Czech Government had adopted the 'Resolution concerning the finalisation of the restructuring of the steel sector and proposing a solution for Třinecké železářny, a.s.' (hereinafter referred to as TŽ). The Resolution indicated that the Government planned to grant State aid amounting to around CZK 1,9 billion (approximately EUR 67 million) ⁽²⁾ to TŽ.

(2) In the Resolution the Czech Government gave its consent to the following transactions:

- the Czech Government acquires from TŽ, through the Czech Consolidation Agency (CCA), the 10,54 % stake held by TŽ in the steel company ISPAT Nová Huť (INH). The price for these shares will be determined by the Ministry of Finance in agreement with the Ministry of Industry and Trade,
- the CCA transfers 10 000 bonds with a nominal value of CZK 1 billion (EUR 35 million), issued by TŽ and currently held by CCA, back to their issuer, TŽ, for a total price of CZK 100 million (EUR 3,5 million), i.e. only 10 % of their nominal value.

(3) The Resolution also stipulates that both transactions can only come into force after receiving a positive decision of the Czech Office for the Protection of Competition (OPC) issued following consultation with the European Commission.

(4) By letter dated 26 November 2003, the Commission requested information concerning the above mentioned transactions.

(5) On 10 December 2003 and 7 January 2004 meetings were held between the Czech Prime Minister and Minister of Trade and Industry and the Commissioner for Competition. It was agreed that the last statement of the Resolution would be respected (see point 3).

(6) On 20 February 2004 the Commission received a description of all the projects for which the Czech Government intended to grant State aid to TŽ. On 17 March 2004 a technical consultation between the Commission departments, the representatives of the Czech authorities and the company took place in Brussels.

(7) On 29 March and 29 April 2004 the Commission sent comments to the Czech authorities indicating that on the basis of the information provided it could not be excluded that the planned acquisition by the Czech Government of the INH shares held by TŽ would be done above the market price, thereby involving State aid in favour of the latter, and that State aid financing different TŽ projects did not seem to be compatible with the current Community State aid rules.

⁽¹⁾ OJ C 22, 27.1.2005, p. 2.

⁽²⁾ The currency conversion used in this Decision is EUR 1 = CZK 28,43 (as at 20 September 2006) and is provided for information only.

(8) On 22 and 30 April 2004 the Czech Office for the Protection of Competition authorised the State aid to TŽ.

- (9) By letter dated 14 December 2004 the Commission informed the Czech Republic that it had decided to initiate the procedure laid down in Article 88(2) of the EC Treaty in respect of the measures and requested certain information.
- (10) The Commission decision to initiate the procedure was published in the *Official Journal of the European Union* ⁽³⁾. The Commission invited interested parties to submit their comments on the measure. No comments were received.
- (11) By letters of 31 January 2005, registered as received on 1 February 2005, the Czech Republic replied to some questions raised in the decision to initiate the formal investigation procedure.
- (12) By letter of 18 April 2005, the Commission requested additional information, which was provided by letter of 16 May 2005, registered as received on 18 May 2005.
- (13) By letter of 4 July 2005, the Commission requested a copy of certain documents quoted by the Czech authorities, which were submitted by letter of 21 July 2005, registered as received on 25 July 2005.
- (14) By electronic mail of 10 August 2005, the Czech authorities informed the Commission about new elements.
- (15) By letter of 28 September 2005, the Commission requested additional information, which was submitted during a meeting with the Czech authorities on 29 September 2005 and by letter of 18 October 2005, registered as received on 19 October 2005.
- (16) By letter of 15 December 2005, the Commission requested further information, which was submitted by letter of 20 March 2006, registered as received on 21 March 2006. In this letter, the Czech authorities indicated that they would not pay the closure aid as TŽ had modified its business strategy.
- (17) By letter of 18 July 2006, the Commission requested further information, which was submitted by letter of 16 August 2006.

⁽³⁾ See footnote 1.

(a) Measures adopted in April 2004

- (18) On 14 April 2004 the Government of the Czech Republic passed a resolution specifying that a purchase price of CZK 1 250 per share would be paid to TŽ for the 1 306 920 INH shares in its possession, representing 10,54 % of the capital of this latter company. On 22 April 2004 the OPC considered that this transaction did not involve State aid within the meaning of Article 87(1) of the EC Treaty. The transaction was executed at the end of that month.
- (19) On 30 April 2004 the OPC authorised State aid in favour of TŽ provided in the form of a transfer of bonds in the total nominal value of approximately CZK 576,7 million (EUR 20 million) for environmental, research and development, training and closure projects for the years 2004-06. Part of this was aid of CZK 44 088 300 (EUR 1,5 million) for training projects and CZK 4 152 500 (EUR 0,14 million) for a closure project.

(b) Information about the company

- (20) TŽ was privatised in the mid-1990s and has been fully restructured without State support.
- (21) The main scope of business of TŽ is metallurgical (steel) production with a closed metallurgical cycle. Apart from production of coke, crude iron and steel, the main products of the company are the products produced by rolling mills, i.e. blooms, slabs, billets, rolled wire, reinforcing steel, and light, middle and heavy section steel. TŽ is the only producer of rails in the Czech Republic.

2. GROUNDS FOR INITIATING THE PROCEDURE

- (22) The Commission decision to initiate the formal investigation procedure concerned three of the measures taken by the State in favour of TŽ, namely the shares purchase, the training aid, and the closure aid. The other aid measures (R&D and environmental protection) were found to comply with the relevant rules and are not the subject of the present procedure ⁽⁴⁾. In its decision to initiate the procedure, the Commission expressed doubts that these three measures implemented by the Czech Republic before accession involved disguised restructuring aid to TŽ, which would be in contradiction with Protocol 2 to the 2003 Accession Treaty (hereinafter Protocol 2).

⁽⁴⁾ The Czech authorities informed the Commission by letter of 20 March 2006 that they might consider changes in these projects. The Commission understands that such changes would be notified in compliance with Article 88(3) of the Treaty.

(23) Regarding the training aid and the closure aid, the Commission had doubts that they complied with all the requirements of the corresponding Community State aid rules in force at the time the aid was granted ⁽⁵⁾. The documents submitted to the Commission in February and March 2004 were not clear about the objective and the conditions of these two aid measures. The vague information provided in the decisions of the OPC did not allow checking whether this aid had indeed been granted in line with the relevant rules.

(24) Regarding the purchase of the INH shares held by TŽ, the Commission doubted whether the price of CZK 1 250 per share paid by the State would have been acceptable to a market economy investor and was free of aid in favour of the seller. Indeed, in March 2004 the Czech Securities Commission (CSC) authorised INH to buy back its own shares on the stock market at a price of CZK 550. In its submission to the CSC, INH underpinned the proposed price by the valuation report of an expert. The Commission observed that the State did not take into account the much lower price approved by the CSC a few weeks before and accepted to pay the price calculated by its own expert (KPMG).

(25) The title of Resolution of the Government of the Czech Republic No 1126 adopted on 12 November 2003, which stated that this resolution 'concerns the finalisation of the restructuring of the steel sector and proposes a solution for Trinecké železářny, a.s', reinforced the Commission's doubts.

(26) The Commission therefore decided to investigate whether these three measures constituted disguised restructuring aid to the steel producer TŽ and thus were in contradiction with Protocol 2.

3. COMMENTS FROM THE CZECH REPUBLIC

Training aid

(27) The Czech authorities submitted to the Commission copies of all the projects of TŽ for training of employees in the period 2004-06, which were assessed by the OPC and on the basis of which the State aid was granted. Moreover, they explained in details all activities covered by general and specific training and indicated how the training aid would improve and update the

skill levels of the company's workforce and thus its employability in the light of the new challenges of the market.

(28) The training projects, to be carried out from 2004 to 2006, consist of a comprehensive training programme of many different courses (personal development, communication, marketing, management training, auditing, new technologies, engineering, quality etc.). The total eligible costs of these projects amount to CZK [...] (*). The total aid amounts to CZK 44 088 300 (EUR 1,5 million).

Closure aid

(29) In their letter of 20 March 2006, the Czech authorities indicated that they would not be paying the closure aid, amounting to CZK 4 152 500 (EUR 0,14 million), covering part of the redundancy payments to employees of the closedown furnace because TŽ had changed its business strategy.

Purchase of INH shares held by TŽ

(30) The Czech authorities assert that they acted like a market economy investor in not taking into account the price of CZK 550 approved by the CSC and consecutively negotiating the price with the seller — TŽ — only on the basis of their expert's report (KPMG report). In support of this assertion, the Czech authorities have put forward several elements, including the following.

(31) First, they claim that a market economy investor knows that the interest of a company (INH in this case), when buying back its own shares, is to pay the lowest price possible. Therefore, during the negotiation of the price of the shares with the seller, the rational investor will not consider the price proposed within the framework of the buy-back offer as constituting the market value.

(32) Second, the Czech authorities claim that it cannot be concluded from the fact that the price proposed by INH was underpinned by an expert report and was approved by the CSC that it represented the market value of the shares:

(a) indeed, regarding the expert report, the market economy investor knows that the expert is chosen and paid by INH, which was particularly interested in setting a low purchase price. Therefore the impartiality of the expert report could be questioned and a tendency to set a lower price suspected;

⁽⁵⁾ The other aid measures granted fully comply with the Community Guidelines on State Aid for Environmental Protection (OJ C 37, 3.2.2001, p. 3) and the Community Framework for State Aid for Research and Development (OJ C 45, 17.2.1996, p. 5).

(*) Business secret.

(b) regarding the fact that the price was approved by the CSC, the Czech authorities stress that, contrary to the hypothesis of the Commission expressed in the opening decision, the CSC assesses the bid on the basis of the applicable law and its internal methodology on 'Expert reports for setting the price of participating securities within a mandatory take-over bid and within a public offer to purchase shares' and it does not have the competence to set the price of the shares itself or to replace the expert valuation report by its own analysis. The CSC decided only whether all legal requirements for the tender offer to buy back the company's shares and for the expert valuation report were satisfied.

(33) Third, in addition to the last consideration, the Czech authorities indicate that, before eventually granting its approval in March 2004, the CSC had already rejected one submission by INH and one by LNM (the majority shareholder of INH). Indeed, in both cases the expert report which formed the basis for the price proposed contained serious deficiencies with regard to the regulatory requirements for an expert report. INH then made a new submission on the basis of a valuation report respecting all the regulatory requirements. The CSC no longer had any grounds to reject this last submission and consequently approved it. According to the Czech authorities, a market economy investor would have interpreted this earlier double rejection by the CSC as confirming its expectation that INH and LNM were trying, through these deficiencies identified by the CSC in the expert reports, to undervalue the company in order to pay the lowest possible price for the shares they planned to buy back.

(34) Fourth, the Czech authorities indicate that a market economy investor will consider that the price of CZK 550 is underestimated given the fact that it corresponds to an exaggeratedly low price-earnings ratio (P/E). This ratio is obtained by dividing the price of a share by the net profit per share. On the basis of the net profit of INH for 2003, which could be estimated at the beginning of 2004 when the transaction was performed, a price per share of CZK 550 gives a P/E equal to around 1,25. A price of CZK 1 250 per share gives a P/E of 2,8, which was at the extreme bottom of the range of P/E observable for the steel producers quoted on a stock exchange. In other words, the price calculated by INH's expert corresponds to a very low valuation of the company, which was not reconcilable with the valuation by the financial markets of the companies operating in the steel sector at that time.

(35) Finally, the Czech authorities point out that the public offer by INH to buy back its shares at a price of CZK 550 met with very little response. The large majority of the eligible investors decided not to sell their shares at this price. Several of them have even lodged complaints alleging breach of their rights.

4. ASSESSMENT OF THE AID

4.1. Applicable law

- (36) Protocol 2 allows the granting of restructuring State aid to the Czech steel industry in connection with its restructuring in the period between 1997 and 2003 of up to a maximum of CZK 14 147 million (EUR 453 million). The Protocol combines the granting of State aid with several conditions, *inter alia*, with re-establishing viability and the commitment to reduce capacity.
- (37) Point 1 of Protocol 2 provides that 'notwithstanding Articles 87 and 88 of the EC Treaty, State aid granted by the Czech Republic for restructuring purposes to specified parts of the Czech steel industry shall be deemed to be compatible with the common market' if, *inter alia*, the conditions set out in the Protocol are met.
- (38) Point 3 of Protocol 2 provides that 'only companies listed in Annex 1 shall be eligible for State aid in the framework of the Czech steel restructuring programme.' TŽ is not mentioned in Annex 1.
- (39) The last sentence of point 6 of Protocol 2 prohibits granting any additional aid for the purpose of restructuring to the Czech steel industry. To this end, point 20 gives the Commission the power to take 'appropriate steps requiring any company concerned to reimburse any aid granted in breach of the conditions laid down in this Protocol' should the monitoring of the restructuring show non-compliance by way of granting 'additional incompatible State aid to the steel industry'.
- (40) The grace period for granting restructuring aid to the Czech steel industry under the Europe Agreement was extended by the Council until 31 December 2006. This arrangement was recognised by Protocol 2. In order to achieve this objective, the Protocol covers a timeframe extending before and after accession. More precisely, it authorised a limited amount of restructuring aid for the years 1997-2003 and forbids any further State aid for restructuring purposes to the Czech steel industry between 1997 and 2006. In this respect, it clearly differs from other provisions of the 2003 Accession Treaty, such as the interim mechanism set out in Annex IV (the 'existing aid procedure'), which only concerns State aid granted before accession in so far as it is 'still applicable after' the date of accession. Protocol 2 can, therefore, be regarded as a *lex specialis* which, for the matters that it covers, supersedes any other provision of the Accession Treaty.

(41) Consequently, while Articles 87 and 88 of the EC Treaty would not normally apply to aid granted before accession, which is not applicable after accession, the provisions of Protocol 2 extend State aid control under the EC Treaty to any aid granted before accession for the restructuring of the Czech steel industry between 1997 and 2006.

(42) Protocol 2 does not apply to other State aid measures granted to the Czech steel industry for specific purposes that can be declared compatible on other grounds, such as research and development aid, environmental protection aid, training aid, closure aid, etc. These aid measures do not fall under the scope of Articles 87 and 88 if they are granted before accession and are not applicable after accession. In any event, the Protocol does not limit the possibility to grant other kinds of aid to the Czech steel companies in accordance with the Community *acquis*. Of course, it does not limit the possibility to adopt measures that do not qualify as aid, e.g. capital injections in accordance with the market economy private investor test. On the other hand, a measure concerning Czech steel companies which constitutes State aid and which cannot be held to be compatible with the common market under other rules is to be considered as restructuring aid — or, in any event, as aid related to restructuring of the Czech steel sector and will therefore be subject to Protocol 2.

(43) Therefore, in accordance with its constant practice and with point 20 of Protocol 2, the Commission can thus assess the measures in a formal investigation procedure under Article 88(2) of the EC Treaty where it suspects that the Czech authorities have granted aid to steel companies that is not compatible with the common market on grounds other than restructuring and that, therefore, Protocol 2 is not being complied with by the Czech Republic. Also Council Regulation (EC) No 659/1999 of 22 March 1999 laying down detailed rules for the application of Article 93 ⁽⁶⁾ applies.

4.2. Existence of aid

Training aid

(44) Training subsidies in favour of TŽ constitute State aid within the meaning of Article 87(1) of the EC Treaty.

They are financed by the State or through State resources. These additional financial means are liable to distort competition in the Community by giving TŽ an advantage over competitors not receiving aid. Lastly, there is extensive trade between the Member States in the steel sector in which TŽ is a non-negligible player, so the aid is likely to affect trade between Member States.

Closure aid

(45) The Czech authorities will not pay to TŽ the closure aid covering part of the redundancy payments to employees of the closedown furnace because of a change in the business strategy of TŽ. The company will therefore not receive the grant of CZK 4 152 500 (EUR 0,146 million) promised to it subject to certain conditions. This measure of the Czech authorities has therefore become inoperative.

Purchase of INH shares held by TŽ

(46) The Commission will analyse, in the order in which they appear in the preceding section 'Comments from the Czech Republic', the elements put forward by the Czech authorities to underpin their assertion that they acted like a market economy investor ⁽⁷⁾ is not taking into account, within the framework of the negotiation with the seller, the price of CZK 550 submitted by INH and approved by the CSC.

(47) The Commission accepts the first claim of the Czech authorities that a market economy investor, as well as the seller, knows that the interest of a company (i.e. INH in this case), when buying back its own shares, is to pay the lowest price possible. Therefore, during their negotiation of the price of the shares, the rational investor and the seller will treat with suspicion the price proposed within the framework of such a buy-back offer. They will only consider it as constituting a reflection of the market value if this price is underpinned by additional elements. For instance, if the buy-back offer is completed and has been a success among investors, meaning that a significant percentage of investors are ready to sell their shares at that price, the market economy investor will normally take this price into account. However, in the present case, the buy-back offer was still running at the time of the transaction and there was no information available indicating that it would be a success.

⁽⁶⁾ OJ L 83, 27.3.1999, p. 1. Regulation as last amended by Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p. 1).

⁽⁷⁾ The market economy investor principle has long been recognised by the Court of Justice. See, for instance, Case C-305/89 *ALFA Romeo*, ECR [1991], p. I-603, (points 19 *et seq.*).

- (48) As regards the second assertion of the Czech authorities, the Commission would emphasise that the specificities of the case need to be analysed. First, there was no stock market price which could be used as a clear and indisputable basis for the market value of the company⁽⁸⁾. Consequently, in order to value the company, it was necessary to make forecasts of future cash flows or dividends and then calculate their present value. Second, the company to be valued was going through a deep reorganisation. The company had recently been sold by the State, which was controlling it until that day, to a large private steel group. The latter undertook to modernise the company and to make substantial investments. Considering this dramatic change in the company and in its management, past financial data could not be considered a reliable guide to future performance. Forecasts about future cash flows or dividends could not be based on observable existing series. In conclusion, the valuation of the company was dependant on forecasts, for which no indisputable base could be used. The Commission agrees that, in these particular circumstances, it cannot be concluded from the fact that the price proposed by INH was underpinned by an expert report and had been approved by the CSC that it represented the market value of the shares:
- (a) the Commission accepts that, regarding the expert report, the market economy investor and the seller know that the expert is selected and paid by INH. Given the fact that the valuation of the company INH could only be derived from hypotheses about future developments, which given the recent privatisation were difficult to verify, and not from observable indicators, the hired consultant can make a conservative hypothesis about the future developments in order to arrive at the price expected by the ordering company without committing any formal mistake and endangering its reputation. The Commission observes that the forecasts made by the expert selected by INH were indeed conservative (see below);
- (b) on the basis of the information submitted by the Czech authorities, the Commission observes that the CSC did not produce its own expert report on the value of the shares, which would replace the expert valuation report presented by INH. The CSC decided only whether all legal requirements for the tender offer to buy back the company's shares and for the expert valuation report were satisfied. In the present case the Commission would observe that the valuation had to be derived from hypotheses on the development of a company undergoing dramatic changes, and not from factors such as the stock market price or past financial data which can be formally verified by the CSC. The Commission would note that it follows from the information provided by the Czech authorities that, if the expert valuation contains no deficiencies and incoherencies, the CSC cannot reject it simply because it is based on 'conservative' hypotheses and consequently arrives at a low price for the valued shares.
- (49) The Commission accepts the third element put forward by the Czech authorities, namely that a market economy investor would have interpreted the prior double rejection by the CSC as confirming its expectation that INH and LNM (the majority shareholder of INH, which is the driving force behind this operation since it will buy from INH the shares that the company has bought back) were trying to undervalue the company in order to pay the lowest possible price for the shares they wished to buy back.
- (50) As regard the fourth assertion of the Czech authorities, the Commission would observe that, at the time of preparation of the valuation reports respectively ordered by INH and the State in the first quarter of 2004, INH's profit for the full year 2003 was not yet known but could be estimated on the basis of the figures of the first quarters which were already known. Accordingly, the forecast net profits for the full year 2003 included in both valuation reports are of similar magnitude. On the basis of the net profit they forecast for 2003, a price per share of CZK 550 gives a P/E equal to around 1,5. (The Czech authorities calculated the P/E ratio of 1,25 on the basis of the effective profit, which was not known at that time and which turned out to be better than forecast by both experts, hence the lower P/E ratio.) The latter figure is very low. A market economy investor will value a company at such a depressed price only if he has exceptionally negative expectations for the growth of the net income in the future. The Commission would observe that the expert hired by INH indeed considers that the net profit achieved in 2003 is very exceptional and anticipates that profits will decrease by two thirds over the coming years. In other words, this expert anticipates for the years after 2003 a nearly complete return to the 2002 profit level (CZK 0,9 billion), a period when INH was still suffering from weak management and a lack of investment following from State ownership. The expert forecasts low sales growth and limited cost reductions. The Commission would observe that the valuation report does not clearly explain why LNM, which took control of INH at the beginning of 2003, would be inefficient at restructuring the company, at reducing the operating and input costs, and at developing more profitable products and business relations. In comparison, the price of CZK 1 250 calculated by the expert hired by the State, KPMG, gives a P/E between 3 and 3,5. This is at the bottom
- ⁽⁸⁾ In the opening decision, the Commission acknowledges that, while the stock market price normally constitutes the best indicator of the value of shares, the price observable on the Prague Stock Exchange for INH shares does not constitute a reliable indicator of the value of a 10 % stake in INH capital. Indeed, monthly and yearly statistics show that the value of the trades is very limited. The stock market price, therefore, does not result from the interaction of a substantial number of significant investors.

of the P/E range observed on the financial markets at that time for steel producers. This low ratio reflects a prudent forecast for the growth of profit. KPMG indeed foresees a (limited) decline in profit after 2003. KPMG therefore acknowledges, like the expert hired by INH, the favourable situation on the steel market in 2003 and its cyclical nature. However, KPMG also anticipates that, under the control of LNM, the operational restructuring of the formerly State-owned company will continue, cheaper sources of inputs will be found thanks to the integration in a large steel group, and production will be reoriented towards higher-added-value products. In conclusion, the Commission agrees that a market economy investor would have considered the price of CZK 550 as underestimated given the fact that it corresponds to an exceptionally low P/E, which is difficult to justify on the basis of the expected improvement in the financial performance of the company which could reasonably be expected following its privatisation and the investment and restructuring programme launched by its new private shareholder.

- (51) The Commission concludes that the combination of the four foregoing elements helps to explain why, at the time of the Government purchase, the price of CZK 550 proposed by INH within the framework of the buy-back operation and endorsed by the CSC would not have been seriously taken into account by a market economy investor and could not constitute a serious bargaining tool to force the seller to decrease its price. In the absence of any other available reference price, a market economy investor would therefore have negotiated with the seller on the basis of the price calculated by its expert⁽⁹⁾. As the price paid by the Czech Government is in the price range calculated by KPMG, these State resources have been invested in a way acceptable to a market economy investor. Accordingly, the Commission considers that the shares purchase does not constitute State aid within the meaning of Article 87(1). The Commission wishes to stress that this conclusion is totally dependent on the particular circumstances of the present case.

- (52) Finally, regarding the fifth element put forward by the Czech authorities, namely the fact that the public offer by INH to buy back its shares at a price of CZK 550 met

with very little response, the Commission acknowledges that it was not known at the time of the transaction analysed and therefore concludes that this fact cannot justify why the proposed price was not taken into account by the State.

4.3. Compatibility of the aid

- (53) As explained in recitals 42 and 43, the Commission has to assess the potential compatibility with the applicable regulations of the measure found to be State aid, in order to ensure that it does not constitute restructuring aid, which is forbidden under the Protocol 2.
- (54) Training aid is assessed on the basis of Commission Regulation (EC) No 68/2001 of 12 January 2001 on the application of Articles 87 and 88 of the EC Treaty to training aid⁽¹⁰⁾.
- (55) The distinction between specific training and general training actions is drawn under Article 2 of the Regulation. Specific training is defined in Article 2(d) of the Regulation as training involving tuition directly and principally applicable to the employee's present or future position in the assisted firm and providing qualifications which are not, or only to a limited extent, transferable to other firms or fields of work.
- (56) General training is defined in Article 2(e) of Regulation (EC) No 68/2001 as training involving tuition which is not applicable only or principally to the employee's present or future position in the assisted firm, but which provides qualifications that are largely transferable to other firms or fields of work and thereby substantially improve the employability of the employee.

⁽⁹⁾ Insofar as the experts valuation report does not contain deficiencies. However, in its decision to initiate the formal investigation procedure, the Commission did not express doubts about the plausibility of the views expressed in this report. Nor does the above analysis indicate that its conclusions are unreasonable.

⁽¹⁰⁾ OJ L 10, 13.1.2001, p. 3. Regulation as last amended by Regulation (EC) No 1976/2006 (OJ L 368, 23.12.2006, p. 85).

(57) The Czech Republic has provided detailed information on the proposed training courses. On the basis of this information, the Commission was able to verify that the distinction between general and specific training applied by the Czech Republic was in conformity with Article 2 of Regulation (EC) No 68/2001. Thus, the courses described as general training relate to qualifications, such as management, personal development, communication, marketing and auditing skills, that are largely transferable to other firms or fields of work. On the same basis, courses which relate particularly to products, new technologies, engineering, technical projects, environmental management, quality improvement, and thus had limited applicability to other functions, were described as specific training, in line with Article 2(d) of the Regulation. According to the information submitted to the Commission, the training aid was necessary to achieve the envisaged objectives.

(58) Article 4(7) of Regulation (EC) No 68/2001 defines the eligible costs of a training project and requires the information on costs to be transparent and itemised. The Czech Republic has supplied to the Commission detailed information on the costs related to the project, itemised in such a way that it was possible to identify these costs with those set out in Article 4(7) of the Regulation. This information was found to be in conformity with the requirements of Article 4(7) of the Regulation.

(59) Further, the aid intensities applied by the Czech Republic were found to be in conformity with the maximum aid intensities allowed under Article 4(2) and (3) of Regulation (EC) No 68/2001. Thus, the aid intensities proposed correspond to those allowed under the Regulation for specific and general training, respectively, with regard to a large enterprise located in areas which qualify for regional aid under Articles 87(3)(a) of the EC Treaty.

(60) In conclusion, the aid is in line with the requirements laid down in Regulation (EC) No 68/2001.

5. CONCLUSION

(61) The Commission concludes that the training aid of CZK 44 088 300 (EUR 1,55 million) in favour of TŽ complies with Regulation (EC) No 68/2001.

(62) The closure aid of CZK 4 152 500 (EUR 0,14 million) will not be paid to TŽ as TŽ has changed its business plan.

(63) The purchase of the INH shares held by TŽ does not constitute State aid.

(64) Accordingly, these three measures do not constitute disguised restructuring aid to TŽ, which would have been in contradiction with Protocol 2,

HAS ADOPTED THIS DECISION:

Article 1

The training aid of CZK 44 088 300 in favour of Třinecké železářny, a.s. complies with the criteria laid down in Regulation (EC) No 68/2001 and it does not constitute restructuring aid within the meaning of Protocol 2 to the 2003 Accession Treaty.

The purchase of the shares of ISPAT Nová Huť held by Třinecké železářny, a.s. does not constitute State aid within the meaning of Article 87(1) of the EC Treaty.

Article 2

This Decision is addressed to the Czech Republic.

Done at Brussels, 8 September 2006.

For the Commission

Neelie KROES

Member of the Commission

COMMISSION DECISION**of 22 March 2007****setting up the Member States' Expert Group on Digitisation and Digital Preservation**

(2007/320/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Whereas:

and digital preservation ⁽⁴⁾ (hereinafter referred to as the Council Conclusions), invite the Commission to contribute to improved policy co-ordination in these domains, in particular through the creation of a group of Member States' experts.

(1) Article 157 of the Treaty assigns the Community and the Member States the task of ensuring that the conditions necessary for the competitiveness of the Community's industry exist. Article 151 provides that the Community is to contribute to the flowering of the cultures of the Member States, while respecting their national and regional diversity and at the same time bringing the common cultural heritage to the fore.

(2) The Communication from the Commission entitled 'i2010 — A European Information Society for growth and employment' ⁽¹⁾ announced a flagship initiative on digital libraries.

(3) The Communication from the Commission entitled 'i2010: Digital Libraries' ⁽²⁾ launched an initiative on digital libraries consisting of actions in the areas of digitisation, online accessibility and digital preservation of cultural material and scientific information.

(4) The Commission Recommendation 2006/585/EC of 24 August 2006 on the digitisation and online accessibility of cultural material and digital preservation ⁽³⁾ (hereinafter referred to as the Commission Recommendation) calls on Member States to take action to improve their policies in these areas.

(5) The Council Conclusions of 13 November 2006 on the digitisation and online accessibility of cultural material

(6) With a view to achieving these objectives, the Commission needs to call upon the expertise of specialists from the Member States in an advisory group.

(7) The group should contribute to monitoring progress and assessing the impact of the implementation of the Commission Recommendation and the Council Conclusions. It should also assist co-ordination at European level and exchange information and good practices about Member States' policies on the digitisation and online accessibility of cultural material and digital preservation.

(8) It is therefore necessary to set up a Member States' Expert Group on Digitisation and Digital Preservation and to define its tasks and its structure.

(9) The group should be composed of representatives from the Member States with competence in the field concerned. The Commission should have the possibility to invite observers, in particular from other European countries and international organisations, or experts with specific competence in a subject on the agenda of the group, in order to achieve effective European cooperation.

(10) Rules on disclosure of information by members of the group should be provided for, without prejudice to the Commission's rules on security as set out in the Annex to Commission Decision 2001/844/EC, ECSC, Euratom ⁽⁵⁾.

⁽¹⁾ COM(2005) 229 final.

⁽²⁾ COM(2005) 465 final.

⁽³⁾ OJ L 236, 31.8.2006, p. 28.

⁽⁴⁾ OJ C 297, 7.12.2006, p. 1.

⁽⁵⁾ OJ L 317, 3.12.2001, p. 1. Decision as last amended by Decision 2006/548/EC, Euratom (OJ L 215, 5.8.2006, p. 38).

- (11) Personal data relating to members of the group should be processed in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data ⁽¹⁾.

- (12) It is appropriate to fix a period for the application of this Decision. The Commission will in due time consider the advisability of an extension,

HAS DECIDED AS FOLLOWS:

Article 1

The Member States' Expert Group on Digitisation and Digital Preservation

The group of experts 'Member States' Expert Group on Digitisation and Digital Preservation', hereinafter referred to as 'the group', is hereby set up with effect from the date of adoption of this Decision.

Article 2

Task

The group's tasks shall be:

- (a) to monitor progress and assess the impact of the implementation of the Commission Recommendation of 24 August 2006 on the digitisation and online accessibility of cultural material and digital preservation and of the Council Conclusions of 13 November 2006 on the digitisation and online accessibility of cultural material and digital preservation;
- (b) to provide a forum for cooperation between Member State bodies and the Commission at European level and to exchange information and good practices of Member States' policies and strategies on the digitisation and online accessibility of cultural material and digital preservation.

In implementing the above mentioned tasks, the group will take into account the work carried out by other groups set up by the Commission in the area of digitisation and digital preservation.

Article 3

Consultation

The Commission may consult the group on any matter relating to the digitisation and online accessibility of cultural material and digital preservation.

Article 4

Membership — Appointment

1. The group shall normally be composed of up to two representatives appointed by each Member State. In duly justified circumstances, Member States may appoint a third representative. Members shall be appointed taking into account their competence in the domains of digitisation and online accessibility of cultural material and digital preservation.

2. Member States may appoint alternate members for the members of the group in equal numbers and on the same conditions as the members to replace members who are absent.

3. Members of the group shall remain in office until such time as they are replaced or their mandate is renewed.

4. Members who are no longer capable of contributing effectively to the group's deliberations, who resign or who do not comply with the conditions set out in paragraph 3 of this Article, or Article 287 of the Treaty may be replaced.

5. The names of members shall be collected, processed and published in accordance with Regulation (EC) No 45/2001. The names of members shall be published on the i2010 Digital libraries website ⁽²⁾.

⁽¹⁾ OJ L 8, 12.1.2001, p. 1.

⁽²⁾ http://europa.eu.int/information_society/activities/digital_libraries/index_en.htm

*Article 5***Operation**

1. The group shall be chaired by the Commission.
2. In agreement with the Commission, sub-groups may be set up to examine specific questions under the terms of reference established by the group. Such sub-groups shall be dissolved as soon as their mandates are fulfilled.
3. The Commission's representative may ask observers, in particular from other European countries and international organisations, or experts with specific competence on a subject on the agenda to participate in the group's or sub-group's deliberations as appropriate for achieving effective European cooperation.
4. Information obtained by participating in the deliberations of a group or sub-group shall not be divulged if, in the opinion of the Commission, that information relates to confidential matters.
5. The group and its sub-groups shall normally meet on Commission premises in accordance with the procedures and schedule established by it. The Commission shall provide secretarial services. Other Commission officials with an interest in the proceedings may attend meetings of the group and its sub-groups.
6. The group shall adopt its rules of procedure on the basis of the standard rules of procedure adopted by the Commission.

7. The Commission may publish in the original language of the document concerned, any summary, conclusion, or partial conclusion or working document of the group.

*Article 6***Meeting expenses**

The Commission shall reimburse travel and, where appropriate, subsistence expenses for members, experts and observers in connection with the group's activities in accordance with the Commission's rules on the compensation of external experts. Reimbursement of expenses for members is limited to one expert per Member State.

The members, experts and observers shall not be remunerated for the services they render.

Meeting expenses are reimbursed within the limits of the annual budget allocated to the group by the responsible Commission services.

*Article 7***Applicability**

This Decision shall apply until 31 December 2010.

Done at Brussels, 22 March 2007.

For the Commission

Viviane REDING

Member of the Commission

COMMISSION DECISION

of 2 May 2007

releasing the United Kingdom from certain obligations for the marketing of vegetable seed under
Council Directive 2002/55/EC

(notified under document number C(2007) 1836)

(Only the English text is authentic)

(2007/321/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2002/55/EC of 13 June 2002 on the marketing of vegetable seed ⁽¹⁾, and in particular Article 49 thereof,

Having regard to the request submitted by the United Kingdom,

Whereas:

(1) Under Directive 2002/55/EC the Commission may, subject to certain conditions, release a Member State from obligations for the marketing of vegetable seed set out in that Directive.

(2) The United Kingdom has applied for release from its obligations in respect of certain species and a sub-species.

(3) Since the seed of those species and of that sub-species is not normally reproduced in the United Kingdom and the normal reproduction concerns exclusively propagating and planting material other than seed, the United Kingdom should be released from certain obligations under Directive 2002/55/EC in respect of the species and the sub-species in question.

(4) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DECISION:

Article 1

The United Kingdom is released from the obligation to apply Directive 2002/55/EC, with the exception of Articles 2 to 20, 34(1) and 39, to the following species or sub-species.

Allium cepa L.

— *Aggregatum* Group Shallot

Allium fistulosum L. Japanese bunching onion or Welsh onion

Allium sativum L. Garlic

Allium schoenoprasum L. Chives

Rheum rhabarbarum L. Rhubarb

Article 2

This Decision is addressed to the United Kingdom.

Done at Brussels, 2 May 2007.

For the Commission

Markos KYPRIANOU

Member of the Commission

⁽¹⁾ OJ L 193, 20.7.2002, p. 33. Directive as last amended by Commission Directive 2006/124/EC (OJ L 339, 6.12.2006, p. 12).

COMMISSION DECISION

of 4 May 2007

laying down protective measures concerning uses of plant protection products containing tolylfluanid leading to the contamination of drinking water

(notified under document number C(2007) 1865)

(Text with EEA relevance)

(2007/322/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market ⁽¹⁾, and in particular Article 11(2) thereof,

Whereas:

- (1) Tolylfluanid is an active substance included in Annex I to Directive 91/414/EEC by Commission Directive 2006/6/EC ⁽²⁾.
- (2) On 23 February 2007 Germany informed the Commission that it has recently been discovered that tolylfluanid can have an unexpected effect on drinking water. Specifically, the use of a certain plant protection product, 'Eurparen M WG' which contains tolylfluanid, leads to the formation of a metabolite of tolylfluanid, namely dimethylsulfamide, which is likely to be found in the soil, and in groundwater and surface water. By a standard drinking water preparation process (ozonisation) this metabolite is converted into a nitrosamine (NDMA) which is harmful to health.
- (3) Other active substances with a similar molecular structure as tolylfluanid could undergo the same degradation path.
- (4) Nitrosamines are suspected or proven genotoxic and carcinogenic substances and their presence in drinking water should therefore be avoided.

- (5) Article 11(1) of Directive 91/414/EEC provides that if a Member State has valid reasons to consider that a product which it has authorised or is bound to authorise under Article 10 constitutes a risk to human or animal health or the environment, it may provisionally restrict or prohibit the use and/or sale of that product on its territory. It shall immediately inform the Commission and the other Member States of such action and give reasons for its decision.
- (6) According to information received, the Czech Republic, Germany, Ireland, Spain, Italy, Luxembourg, Austria, Poland, Sweden and the United Kingdom, have already suspended the outdoor use of products containing tolylfluanid.
- (7) Article 11(2) of Directive 91/414/EEC provides that a decision is to be taken on the matter at Community level. In this case, urgent measures are needed to ensure that uses of plant protection products containing tolylfluanid do not lead to drinking water contamination. The problem is not limited to a single Member State, because contamination of groundwater or drinking water could have effects across national borders. As set out in its ninth recital, Directive 91/414/EEC aims for a high level of protection of health, groundwater and the environment. The fifth recital to Directive 91/414/EEC shows that it also aims at preventing unnecessary barriers to trade. Unilateral measures by Member States could lead to differing levels of protection, and also hinder trade in plant protection products. As a consequence, it is necessary to adopt measures at Community level.
- (8) In the present case, warning through labelling is not sufficient to protect human health.
- (9) Additional information should be collected to allow the Commission to review if necessary Directive 91/414/EEC as regards tolylfluanid. It should also be investigated whether the same problems could arise with other substances currently being assessed or already assessed at Community level. As a consequence, each Member State which has been appointed as a rapporteur for assessing an active substance under Directive 91/414/EEC should investigate without delay whether the use of plant protection products containing that substance could lead to similar concerns.

⁽¹⁾ OJ L 230, 19.8.1991, p. 1. Directive as last amended by Commission Directive 2007/25/EC (OJ L 106, 24.4.2007, p. 34).

⁽²⁾ OJ L 12, 18.1.2006, p. 21.

- (10) 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

Member States in which ozone is used for treatment of drinking water shall vary or withdraw authorisations of plant protection products containing tolylfluanid by prohibiting any uses which may lead to contamination of groundwater or surface water by tolylfluanid or its metabolites, which results in contamination of drinking water by nitrosamines during the ozonisation process.

Article 2

Member States shall, for the active substances for which they are rapporteur, investigate without delay whether the use of plant protection products containing such substances could lead to similar concerns. If the Member States referred to in Article 1 have indications that nitrosamines are formed and contaminate drinking water they shall take similar measures as those provided for in Article 1.

Article 3

The Member States referred to in Article 1 shall ensure that the notifiers, at whose request tolylfluanid has been included in Annex I to Directive 91/414/EEC, submit to the rapporteur

Member State within three months from the date of notification of this Decision studies on:

- (a) the leaching behaviour of this active substance; and
- (b) the conditions in which the formation of nitrosamines can be excluded.

Article 4

Member States concerned by Articles 1 and 2 shall immediately inform the Commission on the measures taken. Within three months from the date of notification of this Decision, they shall also provide to the Commission an overview of actions they have taken as a result of this Decision.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 4 May 2007.

For the Commission
Markos KYPRIANOU
Member of the Commission