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I

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

REGULATIONS

COMMISSION REGULATION (EC) No 555/2007**of 23 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 24 May 2007.

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

Done at Brussels, 23 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 23 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	39,1
	TR	112,4
	ZZ	75,8
0707 00 05	JO	151,2
	TR	118,7
	ZZ	135,0
0709 90 70	TR	106,6
	ZZ	106,6
0805 10 20	EG	35,5
	IL	56,8
	MA	45,4
	ZZ	45,9
0805 50 10	AR	59,5
	ZA	67,6
	ZZ	63,6
0808 10 80	AR	86,4
	BR	78,8
	CL	84,1
	CN	92,5
	NZ	114,5
	US	120,8
	UY	72,0
	ZA	88,8
	ZZ	92,2
0809 20 95	TR	658,4
	ZZ	658,4

⁽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 556/2007**of 23 May 2007****amending Regulation (EC) No 1622/2000 laying down certain detailed rules for implementing Council Regulation (EC) No 1493/1999 on the common organisation of the market in wine and establishing a Community code of oenological practices and processes**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine ⁽¹⁾, and in particular Article 46(1) thereof,

Whereas:

- (1) Under Point A(3) of Annex V to Regulation (EC) No 1493/1999, the maximum permissible total sulphur dioxide levels of wine may be increased where climatic conditions have made this necessary.
- (2) Commission Regulation (EC) No 1622/2000 ⁽²⁾ lays down certain detailed rules for implementing Regulation (EC) No 1493/1999 as regards the maximum permissible total sulphur dioxide content of wine in particular. Under Article 19(4) thereof, Annex XIIa to that Regulation lists the cases where the Member States may authorise an increase in the maximum total sulphur dioxide content of wine of less than 300 milligrams per litre by a maximum of 40 milligrams per litre because of weather conditions.
- (3) By letter of 1 March 2007, the French Government requested authorisation to increase the maximum permissible total sulphur dioxide content of wine of less than 300 milligrams per litre by a maximum of 40 milligrams per litre for wine produced in the Bas-Rhin and Haut-Rhin regions from the 2006 grape harvest in the wake of exceptionally unfavourable weather conditions. That request should be acceded to.
- (4) The technical note provided by the competent French authorities shows that the quantities of sulphur dioxide needed to ensure the proper vinification and proper preservation of the wines affected by these unfavourable conditions and to ensure that they are suitable for placing on the market should be increased above the level normally authorised. This temporary measure is the only available option to allow the grapes affected by these unfavourable weather conditions to be used to produce wine suitable for placing on the market. Following measures taken by the French Institute of Winemaking Technology, it has been estimated that approximately 25 % of the total quantity produced in this area is likely to be affected by this derogation.
- (5) Regulation (EC) No 1622/2000 should therefore be amended accordingly.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Wine,

HAS ADOPTED THIS REGULATION:

Article 1

Annex XIIa to Regulation (EC) No 1622/2000 is hereby replaced by the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 23 May 2007.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

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

⁽²⁾ OJ L 194, 31.7.2000, p. 1. Regulation last amended by Regulation (EC) No 389/2007 (OJ L 97, 12.4.2007, p. 5).

ANNEX

'ANNEX XIIa

Increase in the maximum total sulphur-dioxide content where the weather conditions make this necessary*(Article 19)*

	Year	Member State	Wine-growing zone(s)	Wines concerned
1.	2000	Germany	All wine-growing zones of Germany	All wines obtained from grapes harvested in 2000
2.	2006	Germany	The wine-growing zones in the regions of Baden-Württemberg, Bavaria, Hessen and Rhineland-Palatinate	All wines obtained from grapes harvested in 2006
3.	2006	France	The wine-growing areas in the departments of Bas-Rhin and Haut-Rhin.	All wines obtained from grapes harvested in 2006'

COMMISSION REGULATION (EC) No 557/2007**of 23 May 2007****laying down detailed rules for implementing Council Regulation (EC) No 1028/2006 on marketing standards for eggs**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1028/2006 of 19 June 2006 on marketing standards for eggs ⁽¹⁾, and in particular Article 11 thereof,

Whereas:

(1) Regulation (EC) No 1028/2006 lays down the basic requirements which eggs must satisfy to be marketed in the Community. For the sake of clarity, new detailed rules for the implementation of those requirements should be laid down. Commission Regulation (EC) No 2295/2003 of 23 December 2003 introducing detailed rules for implementing Council Regulation (EEC) No 1907/90 on certain marketing standards for eggs ⁽²⁾ should therefore be repealed and replaced by a new Regulation.

(2) Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs ⁽³⁾ and Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin ⁽⁴⁾ apply to eggs. Therefore, reference should be made to the extent possible to those horizontal Regulations.

(3) The quality characteristics for Class A eggs should be fixed in order to guarantee the high quality of eggs to be delivered directly to the final consumer and to set criteria that can be checked by inspection services. Such quality characteristics should be based on Standard No 42 of the United Nations Economic Commission for Europe (UN/ECE) concerning the marketing and commercial quality controls of eggs-in-shell moving in international trade between and to UN/ECE member countries.

(4) Cold eggs left out at room temperature can lead to condensation, facilitating the growth of bacteria on the

shell and probably ingress into the egg. Therefore, eggs must be stored and transported preferably at a constant temperature, and should in general not be refrigerated before sale to the final consumer.

(5) In general, eggs should not be washed or cleaned because such practices can cause damage to the egg shell, which is an effective barrier to bacterial ingress with an array of antimicrobial properties for the egg. However, some practices, such as treatment of eggs with ultra-violet rays, should not be interpreted as constituting a cleaning process. Moreover, Class A eggs should not be washed because of the potential damage to the physical barriers, such as the cuticle, which can occur during or after washing. Such damage may favour trans-shell contamination with bacteria and moisture loss and thereby increase the risk to consumers, particularly if subsequent drying and storage conditions are not optimal.

(6) However, egg-washing systems subject to authorisation and operating under carefully controlled conditions are used in some Member States with good results. According to the opinion of the European Food Safety Authority, Scientific Panel on Biological Hazards on the request from the Commission related to the Microbiological risks on washing of Table Eggs adopted on 7 September 2005 ⁽⁵⁾, the egg-washing practice as performed in certain packing centres can be sustained from a hygienic standpoint provided, inter alia, that a code of practice for egg-washing systems is developed.

(7) Class A eggs should be graded by weight, and a limited number of weight grades and corresponding clear terms should be fixed as minimum labelling requirements, which do not rule out additional voluntary labelling, provided the requirements of Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs ⁽⁶⁾ are met.

(8) Only undertakings whose premises and technical equipment are suited to the scale and type of their operations, and which therefore allow eggs to be handled properly, should be authorised to grade eggs by quality and weight as packing centres.

⁽¹⁾ OJ L 186, 7.7.2006, p. 1.

⁽²⁾ OJ L 340, 24.12.2003, p. 16. Regulation as last amended by Regulation (EC) No 2001/2006 (OJ L 379, 28.12.2006, p. 39).

⁽³⁾ OJ L 139, 30.4.2004, p. 1. Corrected by OJ L 226, 25.6.2004, p. 3.

⁽⁴⁾ OJ L 139, 30.4.2004, p. 55. Corrected by OJ L 226, 25.6.2004, p. 22. Regulation as last amended by Council Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p. 1).

⁽⁵⁾ The EFSA Journal (2005) 269, 1-39.

⁽⁶⁾ OJ L 109, 6.5.2000, p. 29. Directive as last amended by Commission Directive 2006/142/EC (OJ L 368, 23.12.2006, p. 110).

- (9) Maximum time limits for the grading, marking, packing of eggs and marking of packs should be fixed in order to facilitate checks as provided for in Article 7(2) of Regulation (EC) No 1028/2006.
- (10) In addition to the general obligation to establish traceability of food, feed, food-producing animals, and any other substance intended to be, or expected to be, incorporated into food or feed at all stages of production, processing and distribution in accordance with Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety⁽¹⁾, certain information on transport packaging containing eggs and accompanying documents for the purpose of carrying out checks should be laid down.
- (11) For the purpose of performing checks effectively as provided for in Article 7(2) of Regulation (EC) No 1028/2006, the marking of eggs with the producer code at the production site is essential where eggs are delivered to another Member State. In accordance with the second subparagraph of Article 4(1) of Regulation (EC) No 1028/2006, Class B eggs are to be marked with the producer code and/or with another indication if marketed in another Member State. It should be clarified that in case the producer code alone does not allow for a clear distinction of the quality grading, Class B eggs should be marked with another indication.
- (12) The composition of the producer code provided for in Article 4 of Regulation (EC) No 1028/2006 should be fixed. Moreover, it should be clarified that an exception to the marking requirement with the producer code may be made if the technical equipment for egg marking does not allow for marking cracked or soiled eggs.
- (13) The characteristics of the other possible indications for marking Class B eggs as referred to in Article 4(1) of Regulation (EC) No 1028/2006 should be defined.
- (14) Under Article 2(2)(b) of Council Regulation (EEC) No 1907/90 of 26 June 1990 on certain marketing standards for eggs⁽²⁾, provisions on marking did not apply to eggs delivered directly to the food industry for processing. In order to improve controls on such deliveries, Member States should grant exemptions from the marking requirement only on request of such operators. However, in order to allow Member States to grant such exemptions, a reasonable transitional period of one year should be laid down.
- (15) Directive 2000/13/EC lays down rules of a general nature applicable to all foodstuffs put on the market. However, some specific marking requirements should be provided for packs.
- (16) Article 9 of Directive 2000/13/EC defines the date of minimum durability of a foodstuff to be the date until which the foodstuff retains its specific properties when properly stored. For the sake of clarity, this date should be fixed at not more than 28 days after laying.
- (17) Eggs may be sold with an indication highlighting the particular freshness of the egg. For this purpose, a maximum time limit should be fixed clarifying the use of such indications.
- (18) Eggs may be sold with an indication highlighting the particular feed formula fed to the laying hens. It is appropriate to fix minimum requirements for such indications.
- (19) When eggs are sold loose, certain information normally on the pack should be accessible to the consumer.
- (20) In addition to the general hygiene requirements for the wrapping and packaging of foodstuffs, some additional requirements should be laid down in order to minimise the risk of deterioration or contamination of eggs during storage and transport. Such standards should be based on UN/ECE Standard No 42.
- (21) Industrial eggs are unfit for human consumption. It is therefore appropriate to require special bands or labels for the easy identification of packaging containing such eggs.
- (22) Only packing centres have the premises and technical equipment suitable for repacking eggs. It is therefore appropriate to limit any repacking activities to packing centres.
- (23) Food business operators are obliged to establish traceability in accordance with Regulation (EC) No 178/2002. Producers, collectors and packing centres should be obliged to keep specific additional records in order to allow inspection services to check compliance with the marketing standards.
- (24) The methods and criteria for conducting checks should be laid down.

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

⁽²⁾ OJ L 173, 6.7.1990, p. 5. Regulation repealed by Regulation (EC) No 1028/2006 with effect from 1 July 2007.

- (25) It is appropriate to check compliance with the marketing standards for a batch as a whole, and the marketing of a batch found not to be compliant should be prohibited unless compliance can be proven.
- (26) Certain tolerances should be allowed when checking compliance with the marketing standards. Such tolerances should differ according to the different requirements and marketing stages.
- (27) Third countries may have requirements different from those fixed for the Community for the marketing of eggs. In order to facilitate exports, eggs packed and intended for export should be allowed to conform to such requirements.
- (28) Details should be fixed regarding the assessment of the equivalence of third country marketing standards with Community legislation to be conducted by the Commission at the request of third countries. Certain marking and labelling requirements for eggs imported from third countries should be laid down.
- (29) It is useful for the Commission to have data available on the number of laying hen places registered.
- (30) Member States should communicate significant infringements of the marketing standards so that other Member States that may be affected can be alerted in an appropriate manner.
- (31) Egg supply for the retail trade in the French overseas departments relies partly on the supply of eggs from the European continent. In view of the duration of transport and of climatic conditions, the preservation of eggs transported to the French overseas departments presupposes the fulfilment of specific supply arrangements, including the possibility to dispatch eggs chilled. These special arrangements can be justified by the current lack of sufficient local egg production capacities. Until sufficient local production capacities are built up, these exceptional arrangements should be prolonged for a reasonable period of time.
- (32) Article 1(2) of Regulation (EC) No 1028/2006 allows Member States to exempt certain forms of direct sales of eggs from producers to the final consumer from the requirements of that Regulation. In order to take account of the specific conditions of egg marketing in certain regions in Finland, sales from producers to retail outlets in those regions should be exempted from the requirements of Regulation (EC) No 1028/2006 and of this Regulation.
- (33) Member States should ensure that rearing of laying hens in unenriched cage systems is prohibited with effect from 1 January 2012 in accordance with Article 5(2) of Council Directive 1999/74/EC⁽¹⁾. The Commission should therefore evaluate the application of the voluntary labelling provisions foreseen with regard to enriched cages before that date in order to examine the need of rendering this labelling compulsory.
- (34) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Poultrymeat and Eggs,

HAS ADOPTED THIS REGULATION:

Article 1

Definitions

The definitions in Article 2 of Regulation (EC) No 1028/2006, Article 2(1) of Regulation (EC) No 852/2004 and points 5 and 7.3 of Annex I to Regulation (EC) No 853/2004 shall apply as appropriate.

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

- (a) 'pack' means a wrapping containing Class A or B eggs, excluding transport packaging and containers of industrial eggs;
- (b) 'loose sales' means the offer for retail sale of eggs to the final consumer, other than in packs;
- (c) 'collector' means any establishment registered in accordance with Article 6 of Regulation (EC) No 852/2004 to collect eggs from a producer for delivery to a packing centre, to a market selling exclusively to wholesalers whose undertakings are approved as packing centres, or to food and non-food industry;
- (d) 'sell-by date' means the maximum time limit for delivery of the egg to the final consumer according to point 3 of Chapter I of Section X of Annex III to Regulation (EC) No 853/2004;
- (e) 'food industry' means any establishment producing egg products intended for human consumption, excluding mass caterers;
- (f) 'non-food industry' means any business producing products containing eggs not intended for human consumption;

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

(g) 'mass caterers' means the entities referred to in Article 1(2) of Directive 2000/13/EC;

(h) 'industrial eggs' means eggs not intended for human consumption;

(i) 'batch' means the eggs in packs or loose from one and the same production site or packing centre, situated in one place, in the same packs or loose, with one and the same laying date or date of minimum durability or packing date, the same farming method, and in the case of graded eggs, the same quality and weight grading;

(j) 'repacking' means the physical transfer of eggs to another pack or the re-marking of a pack containing eggs.

Article 2

Quality characteristics of eggs

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

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

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

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

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

Article 3

Washed eggs

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

2. The Member States referred to in paragraph 1 shall encourage the development of national guides to good practice for egg-washing systems by the food business operators, in accordance with Article 8 of Regulation (EC) No 852/2004.

Article 4

Grading of Class A eggs by weight

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

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

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

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

Article 5

Authorisation of packing centres

1. Only undertakings satisfying the conditions laid down in this Article shall be authorised as packing centres within the meaning of Article 5 of Regulation (EC) No 1028/2006.

2. The competent authority shall allot the packing centre a packing centre code with an initial code for the Member State concerned as specified in point 2.2 of the Annex to Commission Directive 2002/4/EC ⁽¹⁾.

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

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

Article 6

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

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

Article 7

Information displayed on transport packaging

1. Without prejudice to Article 18 of Regulation (EC) No 178/2002, at the production site, each transport packaging containing eggs shall be identified by the producer by:
 - (a) the producer's name and address;
 - (b) the producer code;
 - (c) the number of eggs and/or their weight;
 - (d) the laying date or period;
 - (e) the date of dispatch.

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

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

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

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

Article 8

Marking of eggs for cross-border delivery

1. Eggs delivered from a production site to a collector, a packing centre or non-food industry situated in another Member State shall be marked with the producer code before leaving the production site.
2. A Member State on whose territory the production site is situated may grant an exemption from the requirement provided for in paragraph 1, where a producer has signed a delivery contract with a packing centre in another Member State requiring the marking in accordance with this Regulation. Such an exemption may be granted only at the request of both operators concerned and with the prior written agreement of the Member State where the packing centre is situated. In such cases, a copy of the delivery contract shall accompany the consignment.
3. The minimum duration of delivery contracts referred to in paragraph 2 may not be less than one month.
4. The inspection services, referred to in Article 7(1) of Regulation (EC) No 1028/2006, of the Member States concerned, and of any transit Member States, shall be informed before an exemption is granted in accordance with paragraph 2 of this Article.

⁽¹⁾ OJ L 30, 31.1.2002, p. 44.

5. Class B eggs marketed in another Member State shall be marked in accordance with Article 4(1) of Regulation (EC) No 1028/2006 and, where appropriate, bear an indication in accordance with Article 10 of this Regulation so as to ensure that they can easily be distinguished from Class A eggs.

Article 9

Producer code

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

2. Without prejudice to the third subparagraph of Article 4(1) of Regulation (EC) No 1028/2006, where it is not possible for technical reasons to mark cracked or soiled eggs, marking with the producer code shall not be compulsory.

Article 10

Indications on Class B eggs

The indication referred to in the second subparagraph of Article 4(1) of Regulation (EC) No 1028/2006 shall be a circle at least 12 mm in diameter around the letter 'B' at least 5 mm high, or an easily visible colour spot of at least 5 mm in diameter.

Article 11

Marking of eggs delivered directly to the food industry

1. Until 30 June 2008, the marking obligations provided for in Article 4(1) of Regulation (EC) No 1028/2006 shall not apply to eggs produced in the Community, collected by the food industry operator itself approved in accordance with Article 4 of Regulation (EC) No 853/2004, directly from its habitual suppliers. In that case, the delivery shall be under the full responsibility of the food industry operator, which accordingly undertakes to use the eggs only for processing.

2. From 1 July 2008, Member States may exempt operators at their request from the marking obligations provided for in Article 4(1) of Regulation (EC) No 1028/2006, where eggs are delivered directly from the production site to the food industry.

Article 12

Marking of packs

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

(a) the packing centre code;

(b) the quality grading; packs shall be identified either by the words 'Class A' or the letter 'A' whether alone or in combination with the word 'fresh';

(c) the weight grading in accordance with Article 4(2) of this Regulation;

(d) the date of minimum durability in accordance with Article 13 of this Regulation;

(e) the wording 'washed eggs' for eggs washed in accordance with Article 3 of this Regulation;

(f) as a special storage condition in accordance with Article 3(1)(6) of Directive 2000/13/EC, an indication advising consumers to keep eggs chilled after purchase.

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

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

(a) for conventional farming, the terms set out in Part A of Annex I, and only if the relevant conditions laid down in Annex II are fulfilled;

(b) for organic production, the terms set out in Article 2 of Council Regulation (EEC) No 2092/91 ⁽¹⁾.

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

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

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

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

(a) the packing centre code;

(b) the quality grading; packs shall be identified either by the words 'Class B' or the letter 'B';

(c) the packing date.

⁽¹⁾ OJ L 198, 22.7.1991, p. 1.

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

Article 13

Indication of the date of minimum durability

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

Article 14

Packs marked as 'extra'

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

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

Article 15

Indication of how laying hens are fed

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

- (a) reference may be made to cereals as a feed ingredient only where they account for at least 60 % in weight of the feed formula given, of which no more than 15 % of cereal by-products may be part;
- (b) without prejudice to the minimum of 60 % referred to in point (a), where reference is made to a specific cereal, it shall account for at least 30 % of the feed formula used. If specific reference is made to more than one cereal, each shall account for at least 5 % of the feed formula.

Article 16

Information to be displayed for loose egg sales

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

- (a) the quality gradings;
- (b) the weight grading in accordance with Article 4;
- (c) an indication of the farming method equivalent to that referred to in Article 12(2);

(d) an explanation of the meaning of the producer code;

(e) the date of minimum durability.

Article 17

Quality of packs

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

Article 18

Industrial eggs

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

Those bands and labels shall show:

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

Article 19

Repacking

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

Article 20

Records to be kept by producers

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

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

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

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

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

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

Article 21

Records to be kept by collectors

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

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

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

Article 22

Records to be kept by packing centres

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

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

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

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

Packing centres shall update their physical stock records each week.

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

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

Article 23

Time limits for keeping records

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

Article 24

Inspection of operators

1. Apart from random sampling, operators shall be inspected at a frequency to be determined by the inspection services on the basis of a risk analysis as referred to in Article 7(2) of Regulation (EC) No 1028/2006 taking account, at least, of:

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

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

Article 25

Decisions on non-compliance

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

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

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

Article 26

Tolerance for quality defects

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

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

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

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

Article 27

Tolerance for egg weight

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

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

Article 28

Tolerance for marking eggs

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

Article 29

Eggs for export to third countries

Eggs packed and intended for export may be made to comply with requirements different from those laid down in Regulation (EC) No 1028/2006 and this Regulation as regards quality, marking and labelling, or with additional requirements.

Article 30

Imported eggs

1. Any evaluation of equivalence as referred to in Article 6(1) of Regulation (EC) No 1028/2006 shall include an assessment of whether the requirements contained in this Regulation are effectively met by operators in the third country concerned. It shall be updated regularly.

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

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

3. Packs containing eggs imported from countries not offering sufficient guarantees as to the equivalence of rules as referred to in Article 6(3) of Regulation (EC) No 1028/2006 shall bear on the outer surface in easily visible and clearly legible type:

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

Article 31

Reporting

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

*Article 32***Notification of infringements**

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

*Article 33***Exceptions for the French overseas departments**

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

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

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

*Article 34***Exceptions for certain regions of Finland**

Eggs sold directly by the producer to retail outlets in the regions listed in Annex III shall be exempted from the requirements of Regulation (EC) No 1028/2006 and of this Regulation. However, the farming method must be duly identified in accordance with Articles 12(2) and 16(c) of this Regulation.

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

Done at Brussels, 23 May 2007.

*Article 35***Evaluation of practices regarding certain voluntary labelling**

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

*Article 36***Repeal**

Regulation (EC) No 2295/2003 is repealed with effect from 1 July 2007.

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 IV.

*Article 37***Entry into force**

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

It shall apply from 1 July 2007.

Article 33 shall apply until 30 June 2009.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

ANNEX I

PART A

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

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

PART B

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

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

ANNEX II

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

1. 'Free-range eggs' must be produced in systems of production which satisfy at least the conditions specified in Article 4 of Directive 1999/74/EC.

In particular, the following conditions must be satisfied:

- (a) hens must have continuous daytime access to open-air runs. However, this requirement does not prevent a producer from restricting access for a limited period of time in the morning hours in accordance with usual good farming practice, including good animal husbandry practice.

In case of other restrictions, including veterinary restrictions, adopted under Community law to protect public and animal health, having the effect of restricting access of hens to open-air runs, eggs may continue to be marketed as 'free-range eggs' for the duration of the restriction, but under no circumstances for more than twelve weeks;

- (b) open-air runs to which hens have access must be mainly covered with vegetation and not be used for other purposes except for orchards, woodland and livestock grazing if the latter is authorised by the competent authorities;
 - (c) the maximum stocking density of open-air runs must not be greater than 2 500 hens per hectare of ground available to the hens or one hen per 4 m² at all times. However, where at least 10 m² per hen is available and where rotation is practised and hens are given even access to the whole area over the flock's life, each paddock used must at any time assure at least 2,5 m² per hen;
 - (d) open-air runs must not extend beyond a radius of 150 m from the nearest pophole of the building. However an extension of up to 350 m from the nearest pophole of the building is permissible provided that a sufficient number of shelters as referred to in Article 4(1)(3)(b)(ii) of Directive 1999/74/EC are evenly distributed throughout the whole open-air run with at least four shelters per hectare.
2. 'Barn eggs' must be produced in systems of production which satisfy at least the conditions specified in Article 4 of Directive 1999/74/EC.
 3. 'Eggs from caged hens' must be produced in systems of production which satisfy at least:
 - the conditions specified in Article 5 of Directive 1999/74/EC until 31 December 2011, or
 - the conditions specified in Article 6 of Directive 1999/74/EC.
 4. Member States may authorise derogations from points 1 and 2 of this Annex for establishments with fewer than 350 laying hens or rearing breeding laying hens as regards the obligations referred to in the second sentence of point 1(d) and points 1(e), 2, 3(a)(i) and 3(b)(i) of Article 4(1) of Directive 1999/74/EC.

*ANNEX III***Regions of Finland referred to in Article 34**

The provinces of:

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

ANNEX IV

Correlation table referred to in Article 36

Regulation (EC) No 2295/2003	This Regulation
Article 1	—
Article 2	—
Article 3	Article 5
Article 4	Article 5
Article 5	Article 2(1), (2) and (3)
Article 6	Article 2(4)
Article 7	Article 4
Article 8(1) to (4)	Article 6
Article 8(5)	Article 8
Article 8(6)	—
Article 8(7)	Article 11
Article 9	Article 13
Article 10	Article 12(4)(c)
Article 11	—
Article 12	Article 14
Article 13(1) and (3)	Article 12
Article 13(2)	Article 16
Article 14	Article 15
Article 15	—
Article 16	Article 30
Article 17	Article 12
Article 18	—
Article 19	Article 18
Article 20	Article 14
Article 21	Article 19
Article 22	Article 2(4)
Article 23	—
Article 24	Article 20
Article 25(1), (2) and (3)	Article 21
Article 25(4)	Article 24
Article 26	Article 23
Article 27	Article 7(2) and Article 22
Article 28	—
Article 29	Article 32

Regulation (EC) No 2295/2003	This Regulation
Article 30	—
Article 31	—
Article 32	—
Article 33	Article 26
Article 34	Article 27
Article 35	Article 4
Article 36	Article 17
Article 37	—
Article 38	Article 36
Article 39	Article 37
ANNEX I	—
ANNEX II	ANNEX I
ANNEX III	ANNEX II
ANNEX IV	Article 15
ANNEX V	—

COMMISSION REGULATION (EC) No 558/2007**of 23 May 2007****opening and providing for the administration of an import tariff quota for young male bovine animals for fattening**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal ⁽¹⁾, and in particular Article 32(1) thereof,

Whereas,

(1) The WTO schedule CXL requires the Community to open an annual import tariff quota for 169 000 heads of young male bovine animals for fattening. However, as a result of negotiations which led to the Agreement in the form of an Exchange of Letters between the European Community and the United States of America pursuant to Article XXIV(6) and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 ⁽²⁾, approved by Council Decision 2006/333/EC ⁽³⁾, the Community undertook to incorporate in its schedule for all Member States an adjustment of that import tariff quota to 24 070 heads.

(2) It is necessary to lay down the detailed rules for the opening and management of this import tariff quota for periods from 1 July to 30 June of the following year.

(3) Pursuant to Article 29(1) of Regulation (EC) No 1254/1999, imports into the Community should be managed using import licences. However, it is appropriate to manage this quota by attributing import rights as a first step and issuing import licences as a second, as provided for in Article 6(3) of Commission Regulation (EC) No 1301/2006 of 31 August 2006 laying down common rules for the administration of import tariff quotas for agricultural products managed

by a system of import licences ⁽⁴⁾. In this way, operators that have obtained import rights should be able to decide, during the course of the quota period, the moment when they wish to apply for import licences, in view of their actual trade flows. In any case, Regulation (EC) No 1301/2006 limits the period of validity of licences to the last day of the import tariff quota period.

(4) Rules should be laid down on the submission of applications and the information to be given on applications and licences, where necessary by addition to or by way of derogation from certain provisions of Commission Regulation (EC) No 1445/95 of 26 June 1995 on rules of application for import and export licences in the beef and veal sector and repealing Regulation (EEC) No 2377/80 ⁽⁵⁾ and of Commission Regulation (EC) No 1291/2000 of 9 June 2000 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products ⁽⁶⁾.

(5) Regulation (EC) No 1301/2006 lays down in particular detailed provisions on applications for import rights, the status of applicants and the issue of import licences. The provisions of that Regulation should apply, from 1 July 2007, to imports licences issued pursuant to this Regulation, without prejudice to additional conditions laid down in this Regulation.

(6) With a view to preventing speculation, the quantities available within the quota should be made accessible to operators able to show that they are genuinely engaged in import of a significant scale from third countries. In consideration of this and in order to ensure efficient management, the traders concerned should be required to have imported a minimum of 50 animals during each of the two reference periods referred to in Article 5 of Regulation (EC) No 1301/2006, given that a consignment of 50 animals may be considered to be a commercial viable consignment. Moreover, for administrative reasons, Member States should be allowed to accept certified copies of the documents proving the existence of trade with third countries.

⁽¹⁾ OJ L 160, 26.6.1999, p. 21. Regulation as last amended by Regulation (EC) No 1913/2006 (OJ L 307, 25.11.2006, p. 2).

⁽²⁾ OJ L 124, 11.5.2006, p. 15.

⁽³⁾ OJ L 124, 11.5.2006, p. 13.

⁽⁴⁾ OJ L 238, 1.9.2006, p. 13. Regulation as last amended by Regulation (EC) No 289/2007 (OJ L 78, 17.3.2007, p. 17).

⁽⁵⁾ OJ L 143, 27.6.1995, p. 35. Regulation as last amended by Regulation (EC) No 1965/2006 (OJ L 408, 30.12.2006, p. 27).

⁽⁶⁾ OJ L 152, 24.6.2000, p. 1. Regulation as last amended by Regulation (EC) No 1913/2006 (OJ L 365, 21.12.2006, p. 52).

- (7) Also in order to prevent speculation, a security should be fixed for import rights, import licences should not be transferable and licences should be issued to traders solely for the quantities for which they have been allocated import rights.
- (8) To oblige operators to apply for import licences for all import rights allocated, it should be established that lodging the licence application for the quantities allocated constitutes, with regard to the import rights security, a primary requirement within the meaning of Commission Regulation (EEC) No 2220/85 of 22 July 1985 laying down common detailed rules for the application of the system of securities for agricultural products ⁽¹⁾.
- (9) Experience shows that a proper management of the quota also requires that the titular holder of the licence is a genuine importer. Therefore, such importer should actively participate in the purchase, transport and import of the animals concerned. Presentation of proof of those activities should thus also be a primary requirement with regard to the licence security, within the meaning of Regulation (EEC) No 2220/85.
- (10) The application of this tariff quota requires effective checks on the specific destination of the imported animals. The animals should therefore be fattened in the Member State which has awarded the import rights.
- (11) A security should be lodged to ensure that the animals are fattened for at least 120 days in designated production units. The amount of the security should cover the difference between the Common Customs Tariff duty and the reduced duty applicable on the date of release for free circulation of the animals in question.
- (12) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

Article 1

1. An import tariff quota for 24 070 young male bovine animals falling within CN code 0102 90 05, 0102 90 29 or 0102 90 49 and intended for fattening in the Community is

hereby opened every year for periods from 1 July to 30 June of the following year (import tariff quota periods).

This tariff quota shall have the order number 09.4005.

2. The customs import duty applicable under the tariff quota referred to in paragraph 1 shall be 16 % *ad valorem* plus EUR 582 per tonne net.

The rate of duty provided for in the first subparagraph shall apply on condition that the imported animals are fattened for at least 120 days in the Member State which has issued the import licence.

Article 2

1. The quota referred to in Article 1(1) shall be managed by attributing import rights as a first step and issuing import licences as a second.

2. Regulations (EC) No 1445/95, (EC) No 1291/2000 and (EC) No 1301/2006 shall apply, save as otherwise provided for in this Regulation.

Article 3

1. For the purposes of application of Article 5 of Regulation (EC) No 1301/2006, applicants shall demonstrate that they have imported at least 50 animals covered by CN code 0102 90 during each of the two reference periods referred to in that Article and that they have been commercially and logistically responsible for the purchase, transport and clearance for free circulation of the animals concerned.

Proof for these conditions shall be furnished exclusively by:

- (a) copies of the documents referred to in the second paragraph of Article 5 of Regulation (EC) No 1301/2006, duly certified by the competent authority;
- (b) the original commercial invoice or an authenticated copy made out in the name of the titular holder by the seller or his representative, both established in the third country of export, and proof of payment by the titular holder or the opening by the titular holder of an irrevocable documentary credit in favour of the seller;
- (c) the bill of lading or, where applicable, the road or air transport document, drawn up in the name of the titular holder, for the animals concerned.

⁽¹⁾ OJ L 205, 3.8.1985, p. 5. Regulation as last amended by Regulation (EC) No 1913/2006.

2. A company formed by the merger of companies each having reference imports complying with the minimum quantity referred to in the first subparagraph of paragraph 1 may use those reference imports as a proof of trade.

Article 4

1. Applications for import rights shall be lodged no later than 13.00, Brussels time, on 1 June preceding the import tariff quota period in question.

2. A security of EUR 3 per head relating to the import rights shall be lodged with the competent authority together with the application for import rights.

3. No later than 16:00, Brussels time, on the 5th working day following the end of the period for the lodging of applications, Member States shall notify the Commission of the total quantities applied for.

Article 5

1. Import rights shall be awarded as from the seventh and no later than the 16th working day following the end of the period for the notifications referred to in Article 4(3).

2. If application of the allocation coefficient referred to in Article 7(2) of Regulation (EC) No 1301/2006 results in fewer import rights to be allocated than had been applied for, the security lodged in accordance with Article 4(2) shall be released proportionally without delay.

Article 6

1. The release into free circulation of the quantities awarded under the quota referred to in Article 1(1) is subject to the presentation of an import licence.

2. Import licence applications shall cover the total quantity allocated. This obligation shall constitute a primary requirement within the meaning of Article 20(2) of Regulation (EEC) No 2220/85.

Article 7

1. Import licence applications may be lodged solely in the Member State where the applicant has applied and obtained import rights under the quota referred to in Article 1(1).

Each issuing of import licence shall result in a corresponding reduction of the import rights obtained and the security lodged in accordance with Article 4(2) shall be released proportionally without delay.

2. Import licences shall be issued on application by and in the name of the operator who has obtained the import rights.

3. Import licence applications and import licences shall show the following:

(a) in box 8, the country of origin;

(b) in box 16, one or several of the following CN codes: 0102 90 05, 0102 90 29 or 0102 90 49;

(c) in box 20, the order number of the quota (09.4005) and one of the endorsements provided for in Annex I.

Article 8

1. By way of derogation from Article 9(1) of Regulation (EC) No 1291/2000, rights deriving from import licences issued pursuant to this Regulation shall not be transferable.

2. The grant of the import licence shall be conditional on the lodging of a security of EUR 12 per head which the applicant shall lodge together with the licence application.

3. By way of derogation from the provisions of Section 4 of Title III of Regulation (EC) No 1291/2000, the security referred to in paragraph 2 of this Article shall not be released until proof has been furnished that the titular holder of the licence has been commercially and logistically responsible for the purchase, transport and clearance for free circulation of the animals concerned, as referred to in the second subparagraph of Article 3(1) of this Regulation.

Article 9

1. At the time of release for free circulation, the importer shall provide proof that he has:

(a) given a written undertaking to inform within one month the competent authority of the Member State of the farm or farms where the young bovine animals are to be fattened;

(b) lodged a security of an amount as laid down for each eligible CN code in Annex II with the competent authority of the Member State. The fattening of the imported animals in that Member State for at least 120 days from the date of acceptance of the customs declaration of release for free circulation is a primary requirement within the meaning of Article 20(2) of Regulation (EEC) No 2220/85.

2. Except in cases of *force majeure*, the security referred to in paragraph 1(b) shall be released only if proof is furnished to the competent authority of the Member State that the young bovine animals:

- (a) have been fattened on the farm or farms indicated pursuant to paragraph 1;
- (b) have not been slaughtered before a period of 120 days from the date of import has elapsed; or
- (c) have been slaughtered for health reasons or have died as a result of sickness or accident before that period has elapsed.

The security shall be released immediately after such proof has been furnished.

However, where the time limit referred to in paragraph 1(a) has not been observed, the security to be released shall be reduced by:

— 15 %, and by

— 2 % of the remaining amount for each day by which the time limit has been exceeded.

The amounts not released shall be forfeited.

3. If the proof referred to in paragraph 2 is not furnished within 180 days from the date of import, the security shall be forfeited.

However, if such proof is not furnished within the period of 180 days provided for in the first subparagraph but is produced within six months following that period, the amount forfeited, less 15 % of the security, shall be repaid.

Article 10

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

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

Done at Brussels, 23 May 2007.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

ANNEX I

Endorsements provided for in Article 7(3)(c)

- *in Bulgarian:* Живи мъжки животни от рода на едрия рогат добитък с живо тегло ненадвишавашо 300 кг за глава добитък, предназначени за утаяване [Регламент (ЕО) № 558/2007]
- *in Spanish:* Bovinos machos vivos de peso vivo inferior o igual a 300 kg [Reglamento (CE) n° 558/2007]
- *in Czech:* Živí býci s živou váhou nepřevyšující 300 kg na kus, na výkrm (Nařízení (ES) č. 558/2007)
- *in Danish:* Levende ungtyre til opfedning, med en levende vægt på ikke over 300 kg pr. dyr (forordning (EF) nr. 558/2007)
- *in German:* Lebende männliche Rinder mit einem Gewicht von höchstens 300 kg je Tier, zur Mast bestimmt (Verordnung (EG) Nr. 558/2007)
- *in Estonian:* Elusad isasveised elusmassiga kuni 300 kg, nuumamiseks (määrus (EÜ) nr 558/2007)
- *in Greek:* Ζώντα βοοειδή με βάρος ζώντος που δεν υπερβαίνει τα 300 kg ανά κεφαλή, προς πάχυνση [κανονισμός (ΕΚ) αριθ. 558/2007]
- *in English:* Live male bovine animals of a live weight not exceeding 300 kg per head, for fattening (Regulation (EC) No 558/2007)
- *in French:* Bovins mâles vivants d'un poids vif inférieur ou égal à 300 kg par tête, destinés à l'engraissement [règlement (CE) n° 558/2007].
- *in Italian:* Bovini maschi vivi di peso vivo non superiore a 300 kg per capo, destinati all'ingrasso [regolamento (CE) n. 558/2007]
- *in Latvian:* Jaunbulli nobarošanai, kuru dzīvsvārs nepārsniedz 300 kg (Regula (EK) Nr. 558/2007)
- *in Lithuanian:* Penėjimui skirti gyvi vyriškos lyties galvijai, kurių vieno gyvasis svoris yra ne didesnis kaip 300 kg (Reglamentas (EB) Nr. 558/2007)
- *in Hungarian:* Legfeljebb 300 kg egyedi élőtömegű élő hím szarvasmarhaféle, hizlalás céljára (558/2007/EK rendelet)
- *in Maltese:* Annimali bovini ħajjin tas-sess maskil b'piż ħaj li ma jisboqx it-300 kg kull ras, għat-tismin (ir-Regolament (KE) Nru 558/2007)
- *in Dutch:* Levende mannelijke mestrunderen met een gewicht van niet meer dan 300 kg per dier (Verordening (EG) nr. 558/2007)
- *in Polish:* Żywe młode byki o żywej wadze nieprzekraczającej 300 kg za sztukę bydła, opasowe (rozporządzenie (WE) nr 558/2007)
- *in Portuguese:* Bovinos machos vivos com peso vivo inferior ou igual a 300 kg por cabeça, para engorda [Regulamento (CE) n.º 558/2007]
- *in Romanian:* Masculi vii din specia bovină cu o greutate în viu mai mică sau egală cu 300 kg per cap, destinați îngrășării [Regulamentul (CE) nr. 558/2007]
- *in Slovakian:* Živé býčky so živou hmotnosťou do 300 kg na kus, určené pre ďalší výkrm [nariadenie (ES) č. 558/2007]
- *in Slovenian:* Živo moško govedo za pitanje, katerega živa teža ne presega 300 kg na glavo (Uredba (ES) št. 558/2007)
- *in Finnish:* Lihotettaviksi tarkoitettuja eläviä urospuolisia nautaeläimiä, elopaino enintään 300 kg/eläin (asetus (EY) N:o 558/2007)
- *in Swedish:* Levande handjur av nötkreatur som väger högst 300 kg, för gödning (förordning (EG) nr 558/2007)

ANNEX II

Security amounts

Male bovine animals for fattening (CN code)	Amount (EUR) per head
0102 90 05	28
0102 90 29	56
0102 90 49	105

COMMISSION REGULATION (EC) No 559/2007**of 23 May 2007****setting the allocation coefficient for issuing of licences applied for from 14 to 18 May 2007 to import sugar products under tariff quotas and preferential agreements**

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⁾,

Having regard to Commission Regulation (EC) No 950/2006 of 28 June 2006 laying down detailed rules for the 2006/07, 2007/08 and 2008/09 marketing years for importing and refining of sugar products under certain tariff quotas and preferential agreements ⁽²⁾, and in particular Article 5(3) thereof,

Whereas:

- (1) Applications for import licences were submitted to the competent authority during the week of 14 to 18 May 2007, in accordance with Regulation (EC) No 950/2006 or Commission Regulation (EC) No 1832/2006 of 13 December 2006 laying down transitional measures in the sugar sector by reason of the accession of Bulgaria

and Romania ⁽³⁾ for a total quantity equal to or exceeding the quantity available for serial number 09.4346 (2006 to 2007).

- (2) In these circumstances, the Commission should fix an allocation coefficient in order to issue licences in proportion to the quantity available and inform the Member States that the set limit has been reached,

HAS ADOPTED THIS REGULATION:

Article 1

Licences shall be issued within the quantitative limits set in the Annex to this Regulation in respect of applications for import licences submitted from 14 to 18 May 2007, in accordance with Article 4(2) of Regulation (EC) No 950/2006 or Article 5 of Regulation (EC) No 1832/2006.

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, 23 May 2007.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 58, 28.2.2006, p. 1.

⁽²⁾ OJ L 178, 1.7.2006, p. 1. Regulation as amended by Regulation (EC) No 2006/2006 (OJ L 379, 28.12.2006, p. 95).

⁽³⁾ OJ L 354, 14.12.2006, p. 8.

ANNEX

ACP-India Preferential Sugar
Title IV of Regulation (EC) No 950/2006
2006/07 marketing year

Serial No	Country	Week of 14 to 18 May 2007: % of requested quantity to be granted	Limit
09.4331	Barbados	100	Reached
09.4332	Belize	0	
09.4333	Côte d'Ivoire	100	
09.4334	Republic of the Congo	100	Reached
09.4335	Fiji	0	
09.4336	Guyana	0	
09.4337	India	0	Reached
09.4338	Jamaica	100	
09.4339	Kenya	100	
09.4340	Madagascar	100	Reached
09.4341	Malawi	100	
09.4342	Mauritius	100	
09.4343	Mozambique	0	Reached
09.4344	Saint Kitts and Nevis	—	
09.4345	Suriname	—	
09.4346	Swaziland	100	Reached
09.4347	Tanzania	0	
09.4348	Trinidad and Tobago	100	
09.4349	Uganda	—	Reached
09.4350	Zambia	100	
09.4351	Zimbabwe	100	

ACP-India Preferential Sugar
Title IV of Regulation (EC) No 950/2006
2007/08 marketing year

Serial No	Country	Week of 14 to 18 May 2007: % of requested quantity to be granted	Limit
09.4331	Barbados	—	
09.4332	Belize	100	
09.4333	Côte d'Ivoire	—	
09.4334	Republic of the Congo	—	
09.4335	Fiji	100	
09.4336	Guyana	100	

Serial No	Country	Week of 14 to 18 May 2007: % of requested quantity to be granted	Limit
09.4337	India	100	
09.4338	Jamaica	—	
09.4339	Kenya	—	
09.4340	Madagascar	—	
09.4341	Malawi	—	
09.4342	Mauritius	—	
09.4343	Mozambique	100	
09.4344	Saint Kitts and Nevis	—	
09.4345	Suriname	—	
09.4346	Swaziland	—	
09.4347	Tanzania	100	
09.4348	Trinidad and Tobago	—	
09.4349	Uganda	—	
09.4350	Zambia	—	
09.4351	Zimbabwe	—	

Complementary Sugar**Title V of Regulation (EC) No 950/2006****2006/07 marketing year**

Serial No	Country	Week of 14 to 18 May 2007: % of requested quantity to be granted	Limit
09.4315	India	100	
09.4316	ACP Protocol signatory countries	100	

CXL Concessions Sugar**Title VI of Regulation (EC) No 950/2006****2006/07 marketing year**

Serial No	Country	Week of 14 to 18 May 2007: % of requested quantity to be granted	Limit
09.4317	Australia	0	Reached
09.4318	Brazil	0	Reached
09.4319	Cuba	0	Reached
09.4320	Other third countries	0	Reached

Balkans sugar**Title VII of Regulation (EC) No 950/2006****2006/07 marketing year**

Serial No	Country	Week of 14 to 18 May 2007: % of requested quantity to be granted	Limit
09.4324	Albania	100	Reached
09.4325	Bosnia and Herzegovina	0	
09.4326	Serbia, Montenegro and Kosovo	100	
09.4327	Former Yugoslav Republic of Macedonia	100	
09.4328	Croatia	100	

Exceptional import sugar and industrial import sugar**Title VIII of Regulation (EC) No 950/2006****2006/07 Marketing year**

Serial No	Type	Week of 14 to 18 May 2007: % of requested quantity to be granted	Limit
09.4380	Exceptional	—	
09.4390	Industrial	100	

Import of sugar under the transitional tariff quotas opened for Bulgaria and Romania**Chapter 1 Section 2 of Regulation (EC) No 1832/2006****2006/07 marketing year**

Order No	Type	Week of 14 to 18 May 2007: % of requested quantity to be granted	Limit
09.4365	Bulgaria	0	Reached
09.4366	Romania	100	

COMMISSION REGULATION (EC) No 560/2007**of 23 May 2007****amending Regulation (EC) No 883/2001 laying down detailed rules for implementing Council Regulation (EC) No 1493/1999 as regards trade with third countries in products in the wine sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine ⁽¹⁾, and in particular Article 63(8) thereof,

Whereas:

(1) Pursuant to Article 63(1) of Regulation (EC) No 1493/1999, to the extent necessary to enable the products listed in Article 1(2)(a) and (b) of that Regulation to be exported on the basis of the prices for those products on the world market and within the limits of the Agreements concluded in accordance with Article 300 of the Treaty, the difference between those prices and the prices in the Community may be covered by an export refund.

(2) Export refunds may be set to cover the competitive gap between Community and third country's exports. Community exports to certain close destinations and to

third countries granting Community products a preferential import treatment are currently in a particular favourable competitive position. Therefore, refunds for exports to those destinations should be abolished.

(3) Commission Regulation (EC) No 883/2001 ⁽²⁾ should therefore be amended accordingly.

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

HAS ADOPTED THIS REGULATION:

Article 1

Annex IV to Regulation (EC) No 883/2001 is amended in accordance with the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 23 May 2007.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

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

⁽²⁾ OJ L 128, 10.5.2001, p. 1. Regulation as last amended by Regulation (EC) No 2016/2006 (OJ L 384, 29.12.2006, p. 38).

ANNEX

In Annex IV to Regulation (EC) No 883/2001, the text under the headings 'zone 3' and 'zone 4' is replaced by the following:

'Zone 3: Eastern Europe and the countries of the Commonwealth of Independent States

Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, Uzbekistan.

Zone 4: Western Europe

Iceland, Norway'

II

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

DECISIONS

COUNCIL

COUNCIL DECISION

of 7 May 2007

appointing a Latvian full member and two Latvian alternate members to the Committee of the Regions

(2007/350/EC)

THE COUNCIL OF THE EUROPEAN UNION,

(a) as member:

Having regard to the Treaty establishing the European Community, and in particular Article 263 thereof,

— Mr Aleksandrs LIELMEŽS, in place of Mr Uldis AUGULIS,

Having regard to the proposals from the Latvian Government,

and

Whereas:

(b) as alternate members:

(1) On 24 January 2006 the Council adopted Decision 2006/116/EC⁽¹⁾ appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2006 to 25 January 2010.

— Ms Līgita GINTERE, Chairman of Jaunpils Local Municipality, in place of Mr Aleksandrs LIELMEŽS,

(2) One member's seat on the Committee of the Regions has become vacant following the end of the mandate of Mr Uldis AUGULIS. One seat as alternate member of the Committee of the Regions becomes vacant with the appointment of Mr Aleksandrs LIELMEŽS as a member of that Committee. One seat as alternate member of the Committee of the Regions has become vacant following the end of the mandate of Mr Gunārs LAICĀNS,

— Mr Jānis NEIMANIS, Chairman of Grobiņa Town Municipality, in place of Mr Gunārs LAICĀNS.

Article 2

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

HAS DECIDED AS FOLLOWS:

Done at Brussels, 7 May 2007.

Article 1

The following are hereby appointed to the Committee of the Regions for the remainder of the current term of office, which runs until 25 January 2010:

For the Council
The President
H. SEEHOFER

⁽¹⁾ OJ L 56, 25.2.2006, p. 75.

COUNCIL DECISION
of 7 May 2007
appointing an Austrian alternate member of the Committee of the Regions
(2007/351/EC)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Community, and in particular Article 263 thereof,

Having regard to the proposal from the Austrian Government,

Whereas:

(1) On 24 January 2006 the Council adopted Decision 2006/116/EC appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2006 to 25 January 2010 ⁽¹⁾.

(2) A seat as an alternate member of the Committee of the Regions has become vacant following the end of the mandate of Mr Andreas SCHIEDER,

Article 1

Ms Elisabeth VITOUCH, Gemeinderätin der Stadt Wien, is hereby appointed an alternate member of the Committee of the Regions in place of Mr Andreas SCHIEDER for the remainder of his term of office, which runs until 25 January 2010.

Article 2

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

Done at Brussels, 7 May 2007.

For the Council
The President
H. SEEHOFER

⁽¹⁾ OJ L 56, 25.2.2006, p. 75.

COUNCIL DECISION
of 14 May 2007
appointing a Deputy Director of Europol
(2007/352/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Convention on the establishment of a European Police Office (Europol Convention) ⁽¹⁾, and in particular Article 29(2) thereof,

Acting as the authority vested with the power to appoint Deputy Director of Europol,

Having regard to the opinion of the Management Board,

Whereas:

- (1) Due to the expiry of the term of office of a Deputy Director of Europol, it is necessary to appoint a Deputy Director.
- (2) The Staff Regulations applicable to Europol employees ⁽²⁾, and in particular their Appendix 8, establish special provisions on the procedure for the selection of the Director or a Deputy Director of Europol.
- (3) The Management Board presented the Council with a short list of suitable applicants for appointment, together with the full file of each of those applicants, as well as the full list of the applicants.

- (4) On the basis of all relevant information provided by the Management Board, the Council wishes to appoint the applicant who, according to the Council, meets all the requirements of the vacant position of Deputy Director,

HAS DECIDED AS FOLLOWS:

Article 1

Mr Eugenio ORLANDI is hereby appointed as Deputy Director of Europol from 1 August 2007 to 31 July 2011.

Article 2

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

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

Done at Brussels, 14 May 2007.

For the Council
The President
F.-W. STEINMEIER

⁽¹⁾ OJ C 316, 27.11.1995, p. 2.

⁽²⁾ See Council Act of 3 December 1998 laying down the Staff Regulations applicable to Europol employees (OJ C 26, 30.1.1999, p. 23) as amended by Council Act of 19 December 2002 (OJ C 24, 31.1.2003, p. 1).

IV

(Other acts)

EUROPEAN ECONOMIC AREA

EFTA SURVEILLANCE AUTHORITY DECISION

No 394/06/COL

of 13 December 2006

approving the up-dated scheme submitted by Norway for the withdrawal of all fish in Norwegian farms infected with infectious salmon anaemia (ISA)

THE EFTA SURVEILLANCE AUTHORITY,

HAVING REGARD to the Agreement on the European Economic Area (hereinafter referred to as the EEA Agreement), in particular Article 109 and Protocol 1 thereof,

HAVING REGARD to the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice, in particular Article 5(2)(d) and Protocol 1 thereof,

HAVING REGARD to the Act referred to at Point 3.1.7 of Chapter I of Annex I to the EEA Agreement, Council Directive 93/53/EEC of 24 June 1993 introducing minimum Community measures for the control of certain fish diseases, as amended, as adapted by way of Protocol 1 to the EEA Agreement, in particular the first indent of Article 6(a) of that Act,

HAVING REGARD to the EFTA Surveillance Authority Decision No 196/04/COL of 14 July 2004 empowering the Member with special responsibility for the free movement of goods to take certain decisions and measures, and in particular Point 1 thereof,

WHEREAS the first indent of Article 6(a) of the Act lays down that, in order to control an outbreak of infectious salmon anaemia (ISA), all fish in an infected farm shall be withdrawn in accordance with a scheme established by the official service and approved by the EFTA Surveillance Authority (hereinafter referred to as the Authority),

WHEREAS the Act referred to at Point 3.2.29 of Chapter I of Annex I to the EEA Agreement, Commission Decision 2003/466/EC of 13 June 2003 establishing criteria for zoning and official surveillance following suspicion or confirmation of the presence of infectious salmon anaemia (ISA) lays down the

sampling plans and diagnostic methods for the detection and confirmation of ISA, as well as criteria for zoning and official surveillance following suspicion or confirmation of ISA,

WHEREAS the Authority, by its Decision No 226/04/COL of 9 September 2004 approved the scheme submitted by Norway for the withdrawal of all fish in Norwegian farms infected with ISA,

WHEREAS Norway, by its letter of 21 March 2006, requested the Authority's approval of certain amendments to its scheme for withdrawal of all fish in Norwegian farms infected with infectious salmon anaemia, as approved by the Authority's Decision No 226/04/COL of 9 September 2004,

WHEREAS the EFTA Surveillance Authority, in close co-operation with the Commission of the European Communities, has examined the proposed amendments to the scheme submitted by Norway in the light of the current state of scientific and technical evidence,

WHEREAS the withdrawal of fish shall be carried out in a way in which the aim is to prevent further spread of the disease to other farms and to the wild population susceptible to this infection,

WHEREAS the withdrawal of fish must be based on a case-by-case analysis of the risks for further spread of the disease, including the seriousness of the outbreak and other circumstances influencing the risks, and must take into account current practical experience and scientific evidence,

WHEREAS the examination shows that the proposed amendments to the Norwegian scheme fulfil the requirements for such a scheme and therefore are to be approved,

WHEREAS the EFTA Surveillance Authority by its Decision No 314/06/COL referred the matter to the EFTA Veterinary Committee assisting the EFTA Surveillance Authority,

WHEREAS as proposed by the EFTA Veterinary Committee assisting the EFTA Surveillance Authority and in order to ensure legal certainty, a new point should be included in this decision indicating that the Authority's Decision No 226/04/COL of 9 September 2004 is repealed,

WHEREAS the measures provided for in this Decision are in accordance with the opinion of the EFTA Veterinary Committee assisting the EFTA Surveillance Authority,

HAS ADOPTED THIS DECISION:

1. The up-dated scheme submitted by Norway for the withdrawal of all fish in Norwegian farms infected with infectious salmon anaemia (ISA) is hereby approved.

2. The EFTA Surveillance Authority Decision No 226/04/COL of 9 September 2004 approving the scheme submitted by Norway for the withdrawal of all fish in Norwegian farms infected with infectious salmon anaemia (ISA) is hereby repealed.

3. This Decision shall enter into force on 13 December 2006.

4. This Decision is addressed to the Kingdom of Norway.

5. This Decision shall be authentic in the English language.

Done at Brussels, 13 December 2006.

For the EFTA Surveillance Authority

Kristján Andri STEFÁNSSON
College Member

Niels FENGER
Director

EFTA SURVEILLANCE AUTHORITY DECISION**No 28/07/COL****of 19 February 2007****concerning the official tuberculosis, brucellosis and enzootic bovine leucosis-free status of Norway
as regards bovine herds**

THE EFTA SURVEILLANCE AUTHORITY,

HAVING REGARD to the Agreement on the European Economic Area (hereinafter referred to as the EEA Agreement), in particular Article 109 and Protocol 1 thereof,

HAVING REGARD to the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice, in particular Article 5(2)(d) and Protocol 1 thereof,

HAVING REGARD to the Act referred to at Point 4.1.1 of Chapter I of Annex I to the EEA Agreement, Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine⁽¹⁾, as amended and as adapted to the EEA Agreement by Protocol 1 thereto, and in particular to Annex A(I)(4), Annex A(II)(7) and Annex D(I)(E) of that Act,

HAVING REGARD to the EFTA Surveillance Authority Decision No 24/07/COL of 14 February 2007, whereby the competent College Member is instructed to adopt the Decision concerning the official tuberculosis, brucellosis and enzootic bovine leucosis-free status of Norway as regards bovine herds if the draft decision is in accordance with the opinion of the EFTA Veterinary Committee (EVC),

WHEREAS Directive 64/432/EEC provides that EEA EFTA States or parts or regions thereof may be declared officially free of tuberculosis, brucellosis and enzootic bovine leucosis as regards bovine herds subject to compliance with certain conditions set out in that Act;

WHEREAS by letter of 29 June 2004, Norway has submitted to the Authority the relevant documentation related to enzootic bovine leucosis in accordance with Annex D(I)(E) and Article 8 of Directive 64/432/EEC;

WHEREAS by letters of 14 February 2005, 13 December 2005 and 26 October 2006, Norway submitted to the Authority updated information related to enzootic bovine leucosis as requested by the latter following discussions with the European Commission;

WHEREAS the EFTA Surveillance Authority, in close cooperation with the European Commission, has examined all the documentation submitted by Norway and this examination shows that the scheme related to enzootic bovine leucosis submitted by Norway complies with all the relevant conditions provided for in Directive 64/432/EEC;

WHEREAS it is therefore appropriate that Norway may be declared as officially free of enzootic bovine leucosis;

WHEREAS by EFTA Surveillance Authority Decisions No 66/94/COL and No 67/94/COL of 27 June 1994, Norway was granted brucellosis-free and tuberculosis-free status of bovine herds, provided that certain conditions were met;

WHEREAS Decisions No 66/94/COL and No 67/94/COL were respectively replaced by the EFTA Surveillance Authority Decisions No 227/96/COL and No 225/96/COL of 4 December 1996;

WHEREAS, in the interests of clarity, the status with regard to the diseases tuberculosis, brucellosis and enzootic bovine leucosis, as regards bovine herds in Norway, should be set out in the same Decision;

WHEREAS, accordingly, EFTA Surveillance Authority Decisions No 225/96/COL and No 227/96/COL should be replaced by this Decision;

WHEREAS the measures provided for in this Decision are in accordance with the opinion of the EFTA Veterinary Committee assisting the EFTA Surveillance Authority,

⁽¹⁾ OJ L121, 29.7.1964, p. 1977/64.

HAS ADOPTED THIS DECISION:

1. In accordance with Directive 64/432/EEC, Norway is declared as officially free of tuberculosis, brucellosis and enzootic bovine leucosis as regards bovine herds.
2. This Decision is addressed to the Kingdom of Norway.
3. Pursuant to Article 109(2) of the EEA Agreement, the EFTA Surveillance Authority shall forward this Decision and any amendments thereto to the European Commission.
4. The EFTA Surveillance Authority Decisions No 227/96/COL and No 225/96/COL of 4 December 1996 are replaced hereby.
5. This Decision shall enter into force on 19 February 2007.
6. This Decision shall be authentic in the English language.

Done at Brussels, 19 February 2007.

For the EFTA Surveillance Authority

Bjørn T. GRYDELAND
President

Niels FENGER
Director

EFTA SURVEILLANCE AUTHORITY DECISION

No 29/07/COL

of 19 February 2007

**approving the plan submitted by Norway for the preventive vaccination of birds kept in zoos
against highly pathogenic avian influenza**

THE EFTA SURVEILLANCE AUTHORITY,

HAVING REGARD to the Agreement on the European Economic Area, and in particular Article 109 and Protocol 1 thereof,

HAVING REGARD to the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice, and in particular Article 5(2)(d) and Protocol 1 thereof,

HAVING REGARD to the Act referred to at Point 3.1.5a of Chapter I of Annex I to the EEA Agreement, Council Directive 2005/94/EC of 20 December 2005 on Community measures for the control of avian influenza and repealing Directive 92/40/EEC ⁽¹⁾, as adapted to the EEA Agreement by Protocol 1 thereto, and in particular to Articles 56(2) and 57(2) thereof,

HAVING REGARD to the Act applicable to Norway following the procedures referred to in Article 3(b) of the introductory part of Chapter I of Annex I to the EEA Agreement, Commission Decision 2006/474/EC of 6 July 2006 concerning measures to prevent the spread of highly pathogenic avian influenza caused by influenza A virus of subtype H5N1 to birds kept in zoos and approved bodies, institutes and centres in the Member States and repealing Decision 2005/744/EC ⁽²⁾,

HAVING REGARD to the EFTA Surveillance Authority Decision No 22/07/COL of 14 February 2007, whereby the competent Member of the College is instructed to adopt the Decision if the draft decision is in accordance with the opinion of the EFTA Veterinary Committee (EVC),

WHEREAS avian influenza is an infectious viral disease in poultry and birds, causing mortality and disturbances which can quickly take epizootic proportions liable to present a serious threat to animal and public health and to reduce sharply the profitability of poultry farming;

WHEREAS due to their confinement, birds kept in zoos and approved bodies, institutes or centres cannot normally come into contact with poultry or other captive birds and do therefore not pose any risk of contamination for poultry or other captive birds and given the value of birds kept in zoos, preventive vaccination of such birds may constitute an appropriate additional preventative measure;

WHEREAS Directive 2005/94/EC lays down rules for the introduction of preventive vaccination against avian influenza, *inter alia*, of captive birds, such as birds kept in zoos and provides for the submission by the EEA EFTA States to the EFTA Surveillance Authority for approval of their preventive vaccination plans for poultry or other captive birds;

WHEREAS Decision 2006/474/EC lays down certain requirements in relation to bio-security measures for the prevention of highly pathogenic avian influenza caused by influenza A virus of subtype H5N1 in birds kept in zoos and in approved bodies, institutes and centres in the EEA EFTA States to protect wild fauna and to conserve bio-diversity;

WHEREAS Decision 2006/474/EC also lays down rules concerning preventive vaccination of birds kept in zoos and approved bodies, institutes and centres that the EEA EFTA States should follow, if they consider it appropriate to vaccinate such birds, and provides for the submission by EEA EFTA States to the EFTA Surveillance Authority of their plans for the vaccination of birds kept in zoos;

WHEREAS the EFTA Surveillance Authority, in close co-operation with the European Commission, has examined the preventive vaccination plans against avian influenza submitted by Norway in accordance with Directive 2005/94/EC and Decision 2006/474/EC and it is therefore appropriate to provide for its approval;

WHEREAS the measures provided for in this Decision are in accordance with the opinion of the EFTA Veterinary Committee assisting the EFTA Surveillance Authority,

⁽¹⁾ OJ L 10, 14.1.2006, p. 16.

⁽²⁾ OJ L 187, 8.7.2006, p. 37.

HAS ADOPTED THIS DECISION:

1. The plan for the preventive vaccination of birds kept in zoos against highly pathogenic avian influenza submitted by Norway on 15 May 2006 in accordance with Article 56(2) of Directive 2005/94/EC and Article 4 of Decision 2006/474/EC is hereby approved.
2. Pursuant to Article 109(2) of the EEA Agreement, the EFTA Surveillance Authority shall forward to the European Commission the preventive vaccination plan submitted by Norway and any amendments thereto.

3. This Decision shall enter into force on 19 February 2007.

4. This Decision shall be authentic in the English language.

Done at Brussels, 19 February 2007.

For the EFTA Surveillance Authority

Bjørn T. GRYDELAND
President

Niels FENGER
Director

EFTA SURVEILLANCE AUTHORITY DECISION

No 30/07/COL

of 19 February 2007

concerning the Norwegian national scrapie control programme and additional guarantees regarding intra-Community trade and import to Norway

THE EFTA SURVEILLANCE AUTHORITY,

HAVING REGARD to the Agreement on the European Economic Area (EEA), in particular Article 109 and Protocol 1 thereof,

HAVING REGARD to the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice, in particular Article 5(2)(d) and Protocol 1 thereof,

HAVING REGARD to the Act referred to at Point 7.1.12 of Chapter I of Annex I to the EEA Agreement, Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies as amended and as adapted to the EEA Agreement by Protocol 1 thereto ⁽¹⁾,

HAVING REGARD to the Act referred to at point 7.2.27 of Chapter I of Annex I to the EEA Agreement, Commission Regulation (EC) No 546/2006 of 31 March 2006 implementing Regulation (EC) No 999/2001 of the European Parliament and of the Council as regards national scrapie control programmes and additional guarantees and derogating from certain requirements of Decision 2003/100/EC and repealing Regulation (EC) No 1874/2003 ⁽²⁾, as adapted to the EEA Agreement by Protocol 1 thereto,

HAVING REGARD to the EFTA Surveillance Authority Decision No 21/07/COL of 14 February 2007, whereby the competent College Member is instructed to adopt the Decision concerning the Norwegian national scrapie control programme and additional guarantees regarding intra-Community trade and import to Norway if the draft decision is in accordance with the opinion of the EFTA Veterinary Committee (EVC),

WHEREAS Regulation (EC) No 999/2001 provides for the approval of the national scrapie control programmes of EEA EFTA States if they comply with certain criteria laid down in that Regulation,

WHEREAS Regulation (EC) No 546/2006 provides for additional guarantees in intra-Community trade and official movements

restrictions relating to holdings of ovine and caprine animals destined for the EEA EFTA States whose national scrapie control programmes have been approved by the EFTA Surveillance Authority,

WHEREAS by letter of 14 February 2006, Norway submitted a national scrapie control programme to the EFTA Surveillance Authority and, on 20 November 2006, following discussions at the package meeting in Oslo, certain amendments to that programme as well as detailed information clarifying the extent of the programme were submitted to the EFTA Surveillance Authority,

WHEREAS the EFTA Surveillance Authority, in close cooperation with the European Commission, has examined the proposed Norwegian national scrapie control programme and this examination shows that the Norwegian programme fulfils the requirement for approval,

WHEREAS it is therefore appropriate to provide for the approval of the national scrapie control programme submitted by Norway in accordance with Regulation (EC) No 999/2001 and Regulation (EC) No 546/2006,

WHEREAS, the measures provided for in this Decision are in accordance with the opinion of the EFTA Veterinary Committee assisting the EFTA Surveillance Authority,

HAS ADOPTED THIS DECISION:

1. The Norwegian national scrapie control programme and the additional guarantees regarding intra-Community trade and import to Norway submitted on 14 February 2006 and on 20 November 2006 are hereby approved.
2. Pursuant to Article 109(2) of the EEA Agreement, the EFTA Surveillance Authority shall forward to the European Commission the Norwegian national scrapie control programme and the additional guarantees regarding intra-Community trade and import to Norway and any amendments thereto.

⁽¹⁾ OJ L 147, 31.5.2001, p. 1.

⁽²⁾ OJ L 94, 1.4.2006, p. 28.

3. This Decision shall enter into force on 19 February 2007.
4. This Decision shall be authentic in the English language.

Done at Brussels, 19 February 2007.

For the EFTA Surveillance Authority

Bjørn T. GRYDELAND
President

Niels FENGER
Director
