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⁽¹⁾ Text with EEA relevance

I

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

REGULATIONS

COMMISSION REGULATION (EC) No 1351/2007

of 20 November 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 21 November 2007.

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

Done at Brussels, 20 November 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 756/2007 (OJ L 172, 30.6.2007, p. 41).

ANNEX

to Commission Regulation of 20 November 2007 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	IL	125,5
	MA	52,8
	MK	46,0
	TR	82,2
	ZZ	76,6
0707 00 05	JO	196,3
	MA	55,2
	TR	92,7
	ZZ	114,7
0709 90 70	MA	56,4
	TR	104,3
	ZZ	80,4
0709 90 80	EG	336,4
	ZZ	336,4
0805 20 10	MA	71,3
	ZZ	71,3
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	HR	55,3
	IL	70,2
	TR	75,1
	UY	83,0
	ZZ	70,9
0805 50 10	AR	71,4
	TR	98,4
	ZA	54,7
	ZZ	74,8
0808 10 80	AR	91,9
	BR	82,0
	CA	88,9
	CL	86,0
	CN	86,3
	MK	30,6
	US	105,7
	ZA	81,3
	ZZ	81,6
0808 20 50	AR	49,0
	CN	62,6
	TR	105,2
	ZZ	72,3

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

COMMISSION REGULATION (EC) No 1352/2007**of 16 November 2007****amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Customs Tariff**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹⁾, and in particular Article 9(1)(a) thereof,

Whereas:

- (1) Commission Regulation (EEC) No 2568/91 of 11 July 1991 on the characteristics of olive oil and on the relevant methods of analysis⁽²⁾ has been updated by Regulation (EC) No 702/2007 to take account of the conclusions of chemical experts. The adjustments introduced in Regulation (EEC) No 2568/91 consisted in particular in the determination of the percentage of 2-glyceryl monopalmitate which is more precise for the detection of esterified oils, and the decreasing of the limit value for stigmastadiene in virgin olive oils which makes it possible to achieve a better separation of virgin and refined olive oils.
- (2) As a consequence, Additional note 2 to Chapter 15 of the Combined Nomenclature on olive oils should also be adjusted.

(3) Regulation (EEC) No 2658/87 should therefore be amended accordingly.

(4) The amendment made to Regulation (EEC) No 2568/91 in 2007 is to be applied from 1 January 2008. To be consistent, this Regulation should apply from the same date.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EEC) No 2658/87 is amended as set out in the Annex.

Article 2

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

It shall apply from 1 January 2008.

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

Done at Brussels, 16 November 2007.

For the Commission

László KOVÁCS

Member of the Commission

⁽¹⁾ OJ L 256, 7.9.1987, p. 1. Regulation as last amended by Commission Regulation (EC) No 1214/2007 (OJ L 286, 31.10.2007, p. 1).

⁽²⁾ OJ L 248, 5.9.1991, p. 1. Regulation as last amended by Regulation (EC) No 702/2007 (OJ L 161, 22.6.2007, p. 11).

ANNEX

In Chapter 15 of Annex I to Regulation (EEC) No 2658/87, Additional note 2 is amended as follows:

(1) Additional note 2.B.1 is amended as follows:

(a) Point (a) is replaced by the following:

‘(a) one of the following wax contents:

(i) a wax content not more than 300 mg/kg or

(ii) a wax content more than 300 mg/kg but not more than 350 mg/kg provided that:

— the total aliphatic alcohol content is not more than 350 mg/kg or

— the erythrodiol and uvaol content is not more than 3,5 %.’

(b) Point (c) is replaced by the following:

‘(c) one of the following two characteristics:

(i) a content in 2-glycerol monopalmitate not more than 0,9 % if palmitic acid is not more than 14 % of the total content in fatty acids;

(ii) a content in 2-glycerol monopalmitate not more than 1,1 % if palmitic acid is not more than 14 % of the total content in fatty acids;’

(2) Additional note 2.B.2 is amended as follows:

(a) Point (ij) is replaced by the following:

‘(ij) one of the following two characteristics:

(i) a content in 2-glycerol monopalmitate not more than 0,9 % if palmitic acid is not more than 14 % of the total content in fatty acids;

(ii) content in 2-glycerol monopalmitate not more than 1,0 % if palmitic acid is not more than 14 % of the total content in fatty acids;’

(b) Point (l) is replaced by the following:

‘(l) a content in stigmastadienes not more than 0,10 mg/kg;’

(3) In additional note 2.C point (f) is replaced by the following:

‘(f) one of the following two characteristics:

(i) a content in 2-glycerol monopalmitate not more than 0,9 % if palmitic acid is not more than 14 % of the total content in fatty acids;

(ii) a content in 2-glycerol monopalmitate not more than 1,0 % if palmitic acid is not more than 14 % of the total content in fatty acids;’

(4) In additional note 2.D points (a) – (d) are replaced by the following points (a) – (e):

‘(a) one of the following wax contents:

(i) a wax content more than 350 mg/kg or

(ii) a wax content more than 300 mg/kg but not more than 350 mg/kg provided that:

— the total aliphatic alcohol content is more than 350 mg/kg and

— the erythrodiol and uvaol content is more than 3,5 %.

(b) an erythrodiol and uvaol content more than 4,5 %;

(c) a content in 2-glyceryl monopalmitate not more than 1,4 %;

(d) the sum of transoleic isomers not more than 0,20 % and the sum of translinoleic + translinolenic isomers not more than 0,10 %;

(e) a difference between the HPLC and theoretical content of triglycerides with ECN42 of not more than 0,6.’

(5) In additional note 2.E the second sentence is replaced by the following:

‘Oils of this subheading must have a content in 2-glyceryl monopalmitate not more than 1,4 %, a sum of transoleic isomers of less than 0,4 %, a sum of translinoleic + translinolenic isomers of less than 0,35 % and a difference between the HPLC and theoretical content of triglycerides with ECN42 not more than 0,5.’

COMMISSION REGULATION (EC) No 1353/2007**of 20 November 2007****amending Annex I to Council Regulation (EEC) No 2377/90 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin, as regards Monensin, Lasalocid and Tylvalosin****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2377/90 of 26 June 1990 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin ⁽¹⁾, and in particular Article 2 thereof,

Having regard to the opinion of the European Medicines Agency formulated by the Committee for Medicinal Products for Veterinary Use,

Whereas:

- (1) All pharmacologically active substances used in the Community in veterinary medicinal products intended for food-producing animals should be evaluated in accordance with Regulation (EEC) No 2377/90.
- (2) An application for establishing maximum residue limits for Monensin, an antibiotic and anticoccidial belonging to the group of ionophores, has been submitted to the European Medicines Agency. On the basis of the recommendation of the Committee for Medicinal Products for Veterinary Use, this substance should be added in Annex I to Regulation (EEC) No 2377/90 for bovine species (muscle, fat, liver, kidney and milk).
- (3) The substance Lasalocid is currently included in Annex I to Regulation (EEC) No 2377/90 for poultry for muscle, skin and fat, liver and kidney and in Annex III to Regulation (EEC) No 2377/90 for poultry from which eggs are produced for human consumption, awaiting validation of analytical method. Those scientific studies have been now completed and the analytical method has been validated by the Committee for Medicinal Products for Veterinary Use. Lasalocid belongs to the group of antibiotic ionophores having anticoccidial

properties. Consequently, Lasalocid should be added in Annex I to Regulation (EEC) No 2377/90 for poultry from which eggs are produced for human consumption, under the new point 1.2.16, while the Lasalocid entry under point 2.4.4 of Annex I to Regulation (EEC) No 2377/90 should be deleted.

- (4) The substance Acetylisovaleryltylosin, an antibiotic belonging to the group of macrolides is currently included in Annex I to Regulation (EEC) No 2377/90 for porcine and poultry species. A change to the International Non-proprietary Name (INN) of this active substance has been notified to the European Medicines Agency. The substance's name Acetylisovaleryltylosin should be replaced by the new INN, Tylvalosin.
- (5) Regulation (EEC) No 2377/90 should therefore be amended accordingly.
- (6) An adequate period should be allowed before the applicability of this Regulation in order to enable Member States to make any adjustment which may be necessary in the light of this Regulation to the authorisations to place the veterinary medicinal products concerned on the market which have been granted in accordance with Directive 2001/82/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to veterinary medicinal products ⁽²⁾ to take account of the provisions of this Regulation.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Veterinary Medicinal Products,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EEC) No 2377/90 is amended in accordance with the Annex to this Regulation.

⁽¹⁾ OJ L 224, 18.8.1990, p. 1. Regulation as last amended by Commission Regulation (EC) No 1323/2007 (OJ L 294, 13.11.2007, p. 11).

⁽²⁾ OJ L 311, 28.11.2001, p. 1. Directive as last amended by Directive 2004/28/EC (OJ L 136, 30.4.2004, p. 58).

Article 2

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

It shall apply from 20 January 2008.

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

Done at Brussels, 20 November 2007.

For the Commission
Günter VERHEUGEN
Vice-President

ANNEX

Annex I to Regulation (EEC) No 2377/90 is amended as follows:

(1) in point 1.2.4, the entry for 'Acetylisovaleryltylosin' is replaced by the following:

1.2.4. Macrolides

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues
Tylvalosin	Sum of tylvalosin and 3-O-acetyltylosin	Porcine	50 µg/kg 50 µg/kg 50 µg/kg 50 µg/kg	Muscle Fat ⁽¹⁾ Liver Kidney
		Poultry ⁽²⁾	50 µg/kg 50 µg/kg	Fat ⁽³⁾ Liver

(1) For porcine species, this MRL relates to "skin and fat in natural proportions".
(2) Not for use in animals from which eggs are produced for human consumption.
(3) For poultry species, this MRL relates to "skin and fat in natural proportions".

(2) the following point 1.2.16 is added:

'1.2.16. Ionophores

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues
Monensin	Monensin A	Bovine	2 µg/kg 10 µg/kg 30 µg/kg 2 µg/kg 2 µg/kg	Muscle Fat Liver Kidney Milk
			20 µg/kg 100 µg/kg 100 µg/kg 50 µg/kg 150 µg/kg	Muscle Fat ⁽¹⁾ Liver Kidney Eggs
Lasalocid	Lasalocid A	Poultry		

(1) For poultry species, this MRL relates to "skin and fat in natural proportions".

(3) in point 2.4.4, the entry for 'Lasalocid' is deleted.

II

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

DECISIONS

COUNCIL

COUNCIL DECISION

of 28 September 2007

concerning the signature and provisional application of an Agreement between the European Community and the Swiss Confederation in the audio-visual field, establishing the terms and conditions for the participation of the Swiss Confederation in the Community programme MEDIA 2007, and a Final Act

(2007/745/EC)

THE COUNCIL OF THE EUROPEAN UNION,

MEDIA 2007 Community programme, and a Final Act to the said Agreement.

Having regard to the Treaty establishing the European Community, and in particular Articles 150(4) and 157(3), in conjunction with the first sentence of Article 300(2) thereof,

- (3) The negotiations were concluded on 2 July 2007 by the initialling of a draft Agreement between the European Community and the Swiss Confederation in the audio-visual field, establishing the terms and conditions for the participation of the Swiss Confederation in the Community programme MEDIA 2007 (hereinafter referred to as 'the Agreement'), and a Final Act.

Having regard to the proposal from the Commission,

Whereas:

- (1) Decision No 1718/2006/EC of the European Parliament and of the Council of 15 November 2006 concerning the implementation of a programme of support for the European audio-visual sector (MEDIA 2007) ⁽¹⁾, and in particular Article 8 thereof, provides that the programme shall be open to the participation of countries which are parties to the Council of Europe Convention on Transfrontier Television other than EFTA countries party to the EEA Agreement and candidate countries for accession to the European Union, on the basis of supplementary appropriations, in accordance with conditions to be established in agreements between the parties concerned.

- (4) Article 13 of the Agreement provides that the Agreement shall be applied provisionally as from 1 September 2007.

- (5) Subject to conclusion at a later date, the Agreement and the Final Act should be signed,

HAS DECIDED AS FOLLOWS:

Article 1

- (2) The Council has authorised the Commission to negotiate, on behalf of the European Community, an Agreement to enable the Swiss Confederation to participate in the

The signing of the Agreement between the European Community and the Swiss Confederation in the audio-visual field, establishing the terms and conditions for the participation of the Swiss Confederation in the Community programme MEDIA 2007 (hereinafter referred to as 'the Agreement'), and of the Final Act, is hereby approved on behalf of the Community, subject to the conclusion.

⁽¹⁾ OJ L 327, 24.11.2006, p. 12.

The texts of the Agreement and the Final Act are attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement and the Final Act on behalf of the European Community, subject to the conclusion.

Article 3

The Agreement shall be applied provisionally from 1 September 2007.

Article 4

The Commission shall represent the Community in the Joint Committee established by Article 8 of the Agreement.

Article 5

The Agreement is related to the seven Agreements with the Swiss Confederation signed on 21 June 1999 and concluded

by Council and Commission Decision 2002/309/EC, Euratom of 4 April 2002 ⁽¹⁾.

The Agreement shall not be extended or renegotiated in accordance with its Article 12 in case the Agreements referred to in the first paragraph of this Article have been terminated.

Article 6

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

Done at Brussels, 28 September 2007.

For the Council

The President

M. PINHO

⁽¹⁾ OJ L 114, 30.4.2002, p. 1.

AGREEMENT**between the European Community and the Swiss Confederation in the audiovisual field,
establishing the terms and conditions for the participation of the Swiss Confederation in the
Community programme MEDIA 2007**

THE EUROPEAN COMMUNITY, hereinafter referred to as 'the Community',

of the one part, and

THE SWISS CONFEDERATION, hereinafter referred to as 'Switzerland',

of the other part,

hereinafter together referred to as 'the Contracting Parties',

WHEREAS the Community, pursuant to Decision No 1718/2006/EC of the European Parliament and of the Council of 15 November 2006 concerning the implementation of a programme of support for the European audiovisual sector (MEDIA 2007) ⁽¹⁾, (hereinafter referred to as the 'Decision establishing the MEDIA 2007 programme'), has established a programme of support for the European audiovisual sector;

WHEREAS Article 8 of the Decision establishing the MEDIA 2007 programme provides, under certain conditions, for the participation of third countries which are party to the Council of Europe Convention on Transfrontier Television, other than EFTA countries party to the EEA Agreement and candidate countries for accession to the European Union, on the basis of supplementary appropriations and specific procedures to be established in agreements between the parties concerned;

WHEREAS the abovementioned provision makes the opening up of the programme to these third countries subject to a prior examination of the compatibility of their legislation with the relevant *acquis communautaire*;

WHEREAS Switzerland took part in the MEDIA Plus and MEDIA Training programmes that came to an end on 31 December 2006;

WHEREAS Switzerland is committed to completing its legislative framework in order to ensure the required level of compatibility with the *acquis communautaire*; whereas, therefore, on the date of entry into force of this Agreement, Switzerland fulfils the participation conditions laid down in Article 8 of the Decision establishing the MEDIA 2007 programme;

WHEREAS, in particular, cooperation between the Community and Switzerland, with a view to pursuing the objectives fixed for the MEDIA 2007 programme, within the context of transnational cooperation activities involving the Community and Switzerland, by its nature enriches the impact of the different actions undertaken pursuant to that programme and strengthens the skill levels of human resources in the Community and Switzerland;

WHEREAS the Contracting Parties have a common interest in the development of the European audiovisual programme industry in the context of wider cooperation;

WHEREAS the Contracting Parties consequently expect to obtain mutual benefits from the participation of Switzerland in the MEDIA 2007 programme,

HAVE AGREED AS FOLLOWS:

⁽¹⁾ OJ L 327, 24.11.2006, p. 12.

Article 1

Subject matter

The objective of the cooperation between the Community and Switzerland established by this Agreement is the participation of Switzerland in all actions under the MEDIA 2007 programme. Unless otherwise provided by this Agreement, this shall take place with due regard for the objectives, criteria, procedures and deadlines laid down by the Decision establishing the MEDIA 2007 programme.

Article 2

Compatibility of legislative frameworks

In order to be able to fulfil the participation conditions laid down by the Decision establishing the MEDIA 2007 programme on the date of entry into force of this Agreement, Switzerland shall implement the measures described in Annex I, with a view to completing its legislative framework so as to ensure the required level of compatibility with the *acquis communautaire*.

Article 3

Eligibility

Unless otherwise provided in this Agreement:

1. The conditions for the participation of organisations and individuals from Switzerland in each of the actions shall be the same as those applicable to organisations and individuals from the Member States of the Community.
2. The eligibility of institutions, organisations and individuals from Switzerland shall be governed by the relevant provisions in the Decision establishing the MEDIA 2007 programme.
3. In order to ensure the Community dimension of the programme, all projects and activities necessitating a European partnership shall, in order to be eligible for Community financial support, include at least one partner from one of the Member States of the Community. Other projects and actions shall present a clear European and Community dimension.

Article 4

Procedures

1. The terms and conditions for the submission, assessment and selection of applications from institutions, organisations and individuals from Switzerland shall be the same as those applicable to eligible institutions, organisations and individuals from the Member States of the Community.
2. In accordance with the relevant provisions of the Decision establishing the MEDIA 2007 programme, the Commission of the European Communities (hereinafter referred to as 'the

Commission') may consider Swiss experts when appointing independent experts to assist it with project evaluation.

3. The language to be used in all contacts with the Commission, as regards the application process, contracts, reports to be submitted and other administrative aspects of the programme, shall be one of the official languages of the Community.

Article 5

National structures

1. Switzerland shall establish the appropriate structures and mechanisms at national level and shall adopt all other necessary measures for national coordination and organisation of activities to implement the MEDIA 2007 programme in accordance with the relevant provisions of the Decision establishing the MEDIA 2007 programme. In particular, Switzerland undertakes to establish a MEDIA Desk in cooperation with the Commission.
2. The maximum amount of financial support to be allocated by the programme to the activities of the MEDIA Desk shall not exceed 50 % for the total budget for those activities.

Article 6

Financial provisions

To cover the costs resulting from its participation in the MEDIA 2007 programme, Switzerland shall each year pay a contribution to the general budget of the European Union in accordance with the terms and conditions set out in Annex II.

Article 7

Financial control

The rules on financial control relating to Swiss participants in the MEDIA 2007 programme are set out in Annex III.

Article 8

Joint Committee

1. A Joint Committee is hereby established.
2. The Joint Committee shall consist of representatives of the Community and representatives of Switzerland. It shall act by mutual agreement.
3. The Joint Committee shall be responsible for the management and proper implementation of this Agreement.
4. At the request of either one of them, the Contracting Parties shall exchange information and hold consultations within the Joint Committee on the activities covered by this Agreement and related financial aspects.

5. In order to discuss the proper functioning of this Agreement, the Joint Committee shall meet at the request of either of the Contracting Parties. It shall adopt its rules of procedure and may create working groups to assist it with its task.

6. The Contracting Parties may submit any disputes relating to the interpretation or application of this Agreement to the Joint Committee. The Joint Committee may settle such disputes and shall be provided with any information which might be useful for an in-depth examination of the situation with a view to finding an acceptable solution. To this end, the Joint Committee shall examine all possibilities for maintaining the proper functioning of this Agreement.

7. The Joint Committee shall periodically examine the Annexes to this Agreement. Acting on a proposal from either of the Contracting Parties, it may decide to amend them.

Article 9

Monitoring, evaluation and reports

Without prejudice to the responsibilities of the Community in relation to programme monitoring and evaluation pursuant to the relevant provisions in the Decision establishing the MEDIA 2007 programme, the participation of Switzerland in the MEDIA 2007 programme shall be continuously monitored in the context of a partnership between the Community and Switzerland. In order to help it to prepare reports on the experience acquired in the application of the MEDIA 2007 programme, Switzerland shall submit to the Commission a contribution describing the national measures taken by Switzerland in this regard. It shall take part in any other specific activity proposed by the Community for this purpose.

Article 10

Annexes

Annexes I, II and III shall form an integral part of this Agreement.

Article 11

Territorial application

This Agreement shall apply to the territories in which the Treaty establishing the European Community is applicable, under the

conditions laid down in that Treaty, and to the territory of Switzerland.

Article 12

Duration and termination

1. This Agreement is concluded for the duration of the MEDIA 2007 programme.

2. If the Community adopts a new multi-annual programme of support for the European audiovisual sector, this Agreement may be extended or renegotiated under mutually agreed conditions.

3. Either the Community or Switzerland may terminate this Agreement by notifying the other Party of its decision. The Agreement shall cease to apply 12 months after the date of such notification. Projects and activities in progress at the time of termination shall continue until their completion according to the conditions laid down in this Agreement. The Contracting Parties shall settle by mutual agreement any other consequences of termination.

Article 13

Entry into force and provisional application

This Agreement shall enter into force on the first day of the first month following the notification by the Contracting Parties of the completion of their respective procedures. It shall be provisionally applied as from 1 September 2007.

Article 14

Use of languages

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

Съставено в Брюксел на единадесети октомври две хиляди и седма година.

Hecho en Bruselas, el once de octubre de dos mil siete.

V Bruselu dne jedenáctého října dva tisíce sedm.

Udfærdiget i Bruxelles, den ellevte oktober to tusind og syv.

Geschehen zu Brüssel am elften Oktober zweitausendsieben.

Kahe tuhande seitsmenda aasta oktoobrikuu üheteistkümnendal päeval Brüsselis.

Έγινε στις Βρυξέλλες, στις ένδεκα Οκτωβρίου δύο χιλιάδες επτά.

Done at Brussels on the eleventh day of October in the year two thousand and seven.

Fait à Bruxelles, le onze octobre deux mille sept.

Fatto a Bruxelles, addì undici ottobre duemilasette.

Briselē, divtūkstoš septītā gada vienpadsmitajā oktobrī.

Priimta du tūkstančiai septintųjų metų spalio vienuoliką dieną Briuselyje.

Kelt Brüsszelben, a kétézer-hetedik év október havának tizenegyedik napján.

Magħmul fi Brussell, fil-ħdax-il jum ta' Ottubru tas-sena elfejn u sebgħa.

Gedaan te Brussel, de elfde oktober tweeduizend zeven.

Sporządzono w Brukseli, dnia jedenastego października roku dwa tysiące siódmego.

Feito em Bruxelas, em onze de Outubro de dois mil e sete.

Încheiat la Bruxelles, unsprezece octombrie două mii șapte.

V Bruseli jedenásteho októbra dvetisícšedem.

V Bruslju, dne enajstega oktobra leta dva tisoč sedem.

Tehty Brysselissä yhdentenätoista päivänä lokakuuta vuonna kaksituhattaseitsemän.

Som skedde i Bryssel den elfte oktober tjugohundrasju.

За Европейската общност
Por la Comunidad Europea
Za Evropské společenství
For Det Europæiske Fællesskab
Für die Europäische Gemeinschaft
Euroopa Ühenduse nimel
Για την Ευρωπαϊκή Κοινότητα
For the European Community
Pour la Communauté européenne
Per la Comunità europea
Eiropas Kopienas vārdā
Europos bendrijos vardu
az Európai Közösség részéről
Ghall-Komunitá Ewropea
Voor de Europese Gemeenschap
W imieniu Wspólnoty Europejskiej
Pela Comunidade Europeia
Pentru Comunitatea Europeană
Za Európske spoločenstvo
Za Evropsko skupnost
Euroopan yhteisön puolesta
På Europeiska gemenskapens vägnar

За Конфедерация Швейцария
Por la Confederación Suíza
Za Švýcarskou konfederaci
For Det Schweiziske Forbund
Für die Schweizerische Eidgenossenschaft
Šveitsi Konföderatsiooni nimel
Για την Ελβετική Συνομοσπονδία
For the Swiss Confederation
Pour la Confédération suisse
Per la Confederazione svizzera
Šveices Konfederācijas vārdā
Šveicarijos Konfederācijas vardu
a Svájci Államszövetség részéről
Ghall-Konfederazzjoni Žvizzera
Voor de Zwitserse Bondsstaat
W imieniu Konfederacji Szwajcarskiej
Pela Confederação Suíça
Pentru Confederația Elvețiană
Za Švajčiarsku konfederáciu
Za Švicarsko konfederacijo
Sveitsin valaliiton puolesta
På Schweiziska edsförbundets vägnar

ANNEX I

Article 1

Freedom of broadcast reception and retransmission

1. Switzerland shall ensure freedom of reception and retransmission on its territory with regard to television broadcasts under the jurisdiction of a Member State of the Community, as determined pursuant to Council Directive 89/552/EEC of 3 October 1989 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities ⁽¹⁾, (hereinafter referred to as the 'Television without Frontiers Directive'), in accordance with the following procedures:

Switzerland shall maintain the right to:

- (a) suspend retransmission of broadcasts from a television broadcasting organisation under the jurisdiction of a Member State of the Community which has manifestly, seriously and gravely infringed the rules on the protection of minors and human dignity set out in Articles 22 and 22a of the 'Television without Frontiers' Directive;
- (b) take action against a television broadcasting organisation which is established in the territory of a Member State of the Community but whose activity is entirely or mainly directed towards Swiss territory, if the place of establishment was chosen with a view to evading the rules which would have applied to the organisation had it been established on Swiss territory. These conditions will be interpreted in the light of the relevant case law of the Court of Justice of the European Communities.

2. In the cases referred to in paragraph 1 of this Article, action shall be taken after an exchange of views within the Joint Committee established under this Agreement.

Article 2

Events of major importance for society

1. Switzerland shall ensure that broadcasters within its jurisdiction will not exercise exclusive rights on events of major importance according to the list of a Member State of the Community in such a way that a substantial proportion of the public of this Member State is deprived of following these events, according to Article 3a of the 'Television without Frontiers' Directive.

2. In accordance with the provisions established in Article 3a of the 'Television without Frontiers' Directive, Switzerland shall inform the European Commission of the measures taken or to be taken in this regard.

Article 3

Promotion of distribution and production of European works

For the purpose of implementing the measures regarding the promotion and distribution of European works, the definition of a European work shall be that set out in Article 6 of the 'Television without Frontiers' Directive.

Article 4

Transitional provisions

Article 1 of this Annex shall apply from 30 November 2009.

Before 30 November 2009, the provisions set out in Article 1 of Annex II of the Agreement of 26 October 2004 between the European Community and the Swiss Confederation in the audiovisual field, establishing the terms and conditions for the participation of the Swiss Confederation in the Community programmes MEDIA Plus and MEDIA Training ⁽²⁾ shall continue to apply.

⁽¹⁾ OJ L 298, 17.10.1989, p. 23. Directive as amended by Directive 97/36/EC of the European Parliament and of the Council (OJ L 202, 30.7.1997, p. 60).

⁽²⁾ OJ L 90, 28.3.2006, p. 22.

ANNEX II

FINANCIAL CONTRIBUTION OF SWITZERLAND TO THE MEDIA 2007 PROGRAMME

1. The financial contribution to be made by Switzerland to the budget of the European Union in order to participate in the MEDIA 2007 programme shall be as follows (in euro):

2007	2008	2009	2010	2011	2012	2013
4 205 000	5 805 677	5 921 591	6 039 823	6 160 419	6 283 427	6 408 897

2. Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽¹⁾ and Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002 ⁽²⁾ shall apply, in particular to the management of Switzerland's contribution.
3. The travel and subsistence expenses of representatives and experts from Switzerland in connection with their participation in meetings organised by the Commission in relation to the implementation of the programme shall be reimbursed by the Commission on the same basis and in accordance with the procedures currently in force for experts from the Member States of the Community.
4. Following the provisional application of this Agreement, and at the beginning of each subsequent year, the Commission will send to Switzerland a request for funds corresponding to its contribution to the budget for the programme, in accordance with this Agreement. This contribution shall be expressed in euro and shall be paid into a euro bank account held by the Commission.
5. Switzerland shall pay its contribution by 1 April, if the request for funds is sent by the Commission before 1 March, or no later than 30 days after the request for funds if this is sent by the Commission after that date. Any delay in the payment of the contribution will entail the payment of interest by Switzerland on the outstanding amount from the due date. The interest rate shall correspond to the rate applied by the European Central Bank, on the due date, for its operations in euro, increased by 3,5 percentage points.

⁽¹⁾ OJ L 248, 16.9.2002, p. 1. Regulation as amended by Regulation (EC, Euratom) No 1995/2006 (OJ L 390, 30.12.2006, p. 1).

⁽²⁾ OJ L 357, 31.12.2002, p. 1. Regulation as last amended by Regulation (EC, Euratom) No 478/2007 (OJ L 111, 28.4.2007, p. 13).

ANNEX III

FINANCIAL CONTROL OF SWISS PARTICIPANTS IN THE MEDIA 2007 PROGRAMME*Article 1***Direct communication**

The Commission shall communicate directly with programme participants established in Switzerland and with their subcontractors. These may submit directly to the Commission all relevant information and documentation which they are required to provide on the basis of the instruments referred to in this Agreement and of the contracts concluded to implement them.

*Article 2***Audits**

1. In accordance with Regulation (EC, Euratom) No 1605/2002 and Regulation (EC, Euratom) No 2342/2002 and with the other provisions referred to in this Agreement, the grant agreement decisions involving programme participants established in Switzerland may provide for scientific, financial, technological or other audits to be conducted at any time on the premises of participants or their subcontractors by Commission staff or other persons mandated by the Commission.

2. Commission staff and other persons mandated by the Commission shall have appropriate access to sites, works and documents and to all the information required in order to carry out such audits, including information in electronic form. This right of access shall be stated explicitly in the contracts entered into to implement the instruments referred to in this Agreement.

3. The Court of Auditors of the European Communities shall have the same rights as the Commission.

4. Audits may be conducted after the programme or this Agreement expire, on the terms laid down in the contracts in question.

5. The Swiss Federal Audit Office shall be informed in advance of audits to be conducted on Swiss territory. This information shall not be a legal condition for carrying out such audits.

*Article 3***On-the-spot checks**

1. Within the framework of this Agreement, the Commission (and OLAF) shall be authorised to carry out on-the-spot checks and inspections on Swiss territory, in accordance with the terms and conditions laid down in Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities ⁽¹⁾.

2. On-the-spot checks and inspections shall be prepared and conducted by the Commission in close collaboration with the Swiss Federal Audit Office or with the other competent Swiss authorities designated by the Swiss Federal Audit Office, which shall be notified in good time of the object, purpose and legal basis of the checks and inspections, so that they can provide all the requisite help. To that end, officials of the competent Swiss authorities may participate in on-the-spot checks and inspections.

3. If the Swiss authorities concerned so wish, on-the-spot checks and inspections may be carried out jointly by the Commission and by them.

4. Where the participants in the MEDIA 2007 programme resist an on-the-spot check or inspection, the Swiss authorities, acting in accordance with national rules, shall give Commission inspectors such assistance as they need to allow them to discharge their duty of carrying out an on-the-spot check or inspection.

⁽¹⁾ OJ L 292, 15.11.1996, p. 2.

5. The Commission shall report as soon as possible to the Swiss Federal Audit Office any fact or suspicion relating to an irregularity which has come to its notice in the course of an on-the-spot check or inspection. In any event, the Commission shall be required to inform the abovementioned authority of the result of such checks and inspections.

Article 4

Information and consultation

1. For the purposes of proper implementation of this Annex, the competent Swiss and Community authorities shall regularly exchange information and, at the request of one of the Parties, shall conduct consultations.

2. The competent Swiss authorities shall inform the Commission without delay of any information which has come to their notice suggesting an irregularity in connection with the conclusion and implementation of contracts or agreements concluded to implement the instruments referred to in this Agreement.

Article 5

Confidentiality

Information communicated or acquired in any form under this Annex shall be covered by professional secrecy and protected in the same way as similar information is protected by Swiss law and by the corresponding provisions applicable to the Community institutions. Such information may not be communicated to persons other than those in the Community institutions, in the Member States or in Switzerland whose functions require them to know it, nor may it be used for purposes other than to ensure effective protection of the Contracting Parties' financial interests.

Article 6

Administrative measures and penalties

Without prejudice to application of Swiss criminal law, administrative measures and penalties may be imposed by the Commission in accordance with Regulation (EC, Euratom) No 1605/2002, Regulation (EC, Euratom) No 2342/2002 and Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities' financial interests ⁽¹⁾.

Article 7

Recovery and enforcement

Decisions taken by the Commission under the MEDIA 2007 programme within the scope of this Agreement which impose a pecuniary obligation on persons other than States shall be enforceable in Switzerland. The enforcement order shall be issued, without any checks other than verification of the authenticity of the act, by the authority designated by the Swiss government, which shall inform the Commission thereof without any undue delay. Enforcement shall take place in accordance with the Swiss rules of procedure. The legality of the enforcement decision shall be subject to control by the Court of Justice of the European Communities. Judgments of the Court of Justice of the European Communities and the Court of First Instance pursuant to an arbitration clause shall be enforceable on the same terms.

⁽¹⁾ OJ L 312, 23.12.1995, p. 1. Regulation as amended by Commission Regulation (EC) No 1233/2007 (OJ L 279, 23.10.2007, p. 10).

FINAL ACT

The plenipotentiaries:

of the EUROPEAN COMMUNITY

and

of the SWISS CONFEDERATION,

meeting at Brussels on the eleventh day of October in the year two thousand and seven, for the signature of the Agreement between the European Community and the Swiss Confederation in the audiovisual field, establishing the terms and conditions for the participation of the Swiss Confederation in the Community programme MEDIA 2007, have adopted the following Joint Declarations, which are attached to this Final Act:

Joint Declaration by the Contracting Parties on the development of a mutually beneficial dialogue on audiovisual policy.

Joint Declaration by the Contracting Parties on the adaptation of the Agreement to the new Community Directive.

They have also noted the following declarations, which are attached to this Final Act:

Declaration of the Council on Swiss participation in committees.

Declaration of the Council on Annex I to the Agreement.

Съставено в Брюксел на единадесети октомври две хиляди и седма година.

Hecho en Bruselas, el once de octubre de dos mil siete.

V Bruselu dne jedenáctého října dva tisíce sedm.

Udfærdiget i Bruxelles, den ellefte oktober to tusind og syv.

Geschehen zu Brüssel am elften Oktober zweitausendsieben.

Kahe tuhande seitsmenda aasta oktoobrikuu üheteistkümnendal päeval Brüsselis.

Έγινε στις Βρυξέλλες, στις ένδεκα Οκτωβρίου δύο χιλιάδες επτά.

Done at Brussels on the eleventh day of October in the year two thousand and seven.

Fait à Bruxelles, le onze octobre deux mille sept.

Fatto a Bruxelles, addì undici ottobre duemilasette.

Briselē, divtūkstoš septītā gada vienpadsmitajā oktobrī.

Priimta du tūkstančiai septintųjų metų spalio vienuoliktą dieną Briuselyje.

Kelt Brüsszelben, a kétézer-hetedik év október havának tizenegyedik napján.

Magħmul fi Brussell, fil-ħdax-il jum ta' Ottubru tas-sena elfejn u sebgħa.

Gedaan te Brussel, de elfde oktober tweeduizend zeven.

Sporządzono w Brukseli, dnia jedenastego października roku dwa tysiące siódmego.

Feito em Bruxelas, em onze de Outubro de dois mil e sete.

Încheiat la Bruxelles, unsprezece octombrie două mii șapte.

V Bruseli jedenásteho októbra dvetisícšedem.

V Bruslju, dne enajstega oktobra leta dva tisoč sedem.

Tehty Brysselissä yhdenentoista päivänä lokakuuta vuonna kaksituhattaseitsemän.

Som skedde i Bryssel den elfte oktober tjugohundrasju.

За Европейската общност
Por la Comunidad Europea
Za Evropské společenství
For Det Europæiske Fællesskab
Für die Europäische Gemeinschaft
Euroopa Ühenduse nimel
Για την Ευρωπαϊκή Κοινότητα
For the European Community
Pour la Communauté européenne
Per la Comunità europea
Eiropas Kopienas vārdā
Europos bendrijos vardu
az Európai Közösség részéről
Għall-Komunità Ewropea
Voor de Europese Gemeenschap
W imieniu Wspólnoty Europejskiej
Pela Comunidade Europeia
Pentru Comunitatea Europeană
Za Európske spoločenstvo
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За Конфедерация Швейцария
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Šveices Konfederācijas vārdā
Šveicarijos Konfederācijas vardu
a Svájci Államszövetség részéről
Għall-Konfederazzjoni Żvizzera
Voor de Zwitserse Bondsstaat
W imieniu Konfederacji Szwajcarskiej
Pela Confederação Suíça
Pentru Confederația Elvețiană
Za švajčiarsku konfederáciu
Za švicarsko konfederacijo
Sveitsin valaliiton puolesta
På Schweiziska edsförbundets vägnar

JOINT DECLARATION BY THE CONTRACTING PARTIES ON THE DEVELOPMENT OF A MUTUALLY BENEFICIAL DIALOGUE ON AUDIO-VISUAL POLICY

The two Parties declare that, with a view to ensuring the proper implementation of the Agreement and consolidating the spirit of cooperation in matters relating to audio-visual policy, the development of a dialogue on these subjects is a matter of mutual interest. The two Parties declare that this dialogue will take place both within the Joint Committee established under the Agreement and in other arenas, wherever appropriate and whenever necessary. The two Parties declare that, with this in mind, representatives of Switzerland may be invited to meetings held on the fringe of meetings of the 'Contact Committee' established by Directive 97/36/EC of the European Parliament and of the Council of 30 June 1997 amending Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities ⁽¹⁾.

⁽¹⁾ OJ L 202, 30.7.1997, p. 60.

JOINT DECLARATION BY THE CONTRACTING PARTIES ON THE ADAPTATION OF THE AGREEMENT TO THE NEW COMMUNITY DIRECTIVE

The Parties declare that when a new Directive is adopted on the basis of the Commission proposal for a Directive of the European Parliament and of the Council amending Directive 89/552/EEC (COM(2005) 646 final), the Joint Committee shall decide on the updating of the reference in Article 1 of Annex I to the Directive 89/552/EEC as amended, with a reference to the above mentioned new Directive.

DECLARATION OF THE COUNCIL ON SWISS PARTICIPATION IN COMMITTEES

The Council agrees that Switzerland's representatives shall, insofar as the items concern them, attend meetings of the MEDIA programme committees and expert groups as observers. These committees and expert groups shall meet without the Swiss representatives when voting.

DECLARATION OF THE COUNCIL ON ANNEX I TO THE AGREEMENT

For the good functioning of the Agreement,

- (i) corresponding to Switzerland's commitment regarding the freedom of broadcast reception and retransmission, television broadcasts under the jurisdiction of Switzerland will be granted the same treatment that Switzerland applies to television broadcasts under the jurisdiction of a Member State of the Community, as established in Article 1 in this Annex;
 - (ii) corresponding to Switzerland's commitment to facilitate the application of provisions concerning the measures taken by the Member States to ensure the broadcasting of events of major importance for society, equal treatment to that given to Member States measures contemplated under Article 3a of the 'Television without Frontiers' Directive, shall be granted to measures taken or to be taken by Switzerland in this regard.
-

COMMISSION

COMMISSION DECISION

of 19 November 2007

amending Decision 2007/554/EC concerning certain protection measures against foot-and-mouth disease in the United Kingdom

(notified under document number C(2007) 5533)

(Text with EEA relevance)

(2007/746/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market ⁽¹⁾, and in particular Article 9(4) thereof,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market ⁽²⁾, and in particular Article 10(4) thereof,

Having regard to Council Directive 2003/85/EC of 29 September 2003 on Community measures for the control of foot-and-mouth disease repealing Directive 85/511/EEC and Decisions 89/531/EEC and 91/665/EEC, and amending Directive 92/46/EEC ⁽³⁾, and in particular Article 60(2) and Article 62(1) and (3) thereof,

Whereas:

- (1) Following recent outbreaks of foot-and-mouth disease in Great Britain, Commission Decision 2007/554/EC of 9 August 2007 concerning certain protection measures against foot-and-mouth disease in the United Kingdom ⁽⁴⁾ was adopted to reinforce the control

measures against foot-and-mouth disease taken by that Member State in the framework of Council Directive 2003/85/EC.

- (2) Decision 2007/554/EC lays down rules applicable to the dispatch from the high risk areas, listed in Annex I, and the low risk areas listed in Annex II, to that Decision (restricted areas), in Great Britain of products considered safe that either were produced before the restrictions were put in place in the United Kingdom, from raw material sourced from outside those restricted areas, or that have undergone a treatment proven effective in inactivating possible foot-and-mouth disease virus.
- (3) In Decision 2007/554/EC, as amended by Decision 2007/664/EC, the Commission laid down rules for the dispatch of certain categories of meat from certain areas listed in Annex III to Decision 2007/554/EC, as thus amended, that have not recorded any outbreak of foot-and-mouth disease for a period of at least 90 days prior to slaughter and which comply with certain specified conditions.
- (4) On the basis of the evolution of the animal health situation in the United Kingdom, Decision 2007/554/EC was amended by Decision 2007/709/EC, and Annex III to Decision 2007/554/EC was replaced, in order to enlarge the area from which exports of fresh meat are allowed, and the date of application of that Decision was prolonged until 15 December 2007.
- (5) The United Kingdom has now defined a foot-and-mouth disease risk area of about 150 km around the first outbreak that is subject to intensified surveillance to verify the absence of infection with the foot-and-mouth disease virus in that Member State. It does not include areas currently listed in Annex III to Decision 2007/554/EC. That 150 km area should be listed as a high risk area in Annex I to that Decision following the implementation of regionalisation by defining the areas listed in Annex II as different form 'Great Britain'.

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

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

⁽³⁾ OJ L 306, 22.11.2003, p. 1. Directive as last amended by Directive 2006/104/EC (OJ L 363, 20.12.2006, p. 352).

⁽⁴⁾ OJ L 210, 10.8.2007, p. 36. Decision as last amended by Decision 2007/709/EC (OJ L 287, 1.11.2007, p. 29).

- (6) The amendments to the lists of restricted areas in Annexes I and II to Decision 2007/554/EC are required in order to permit the dispatch from those areas listed in Annex II of products of animal origin, such as meat, meat products, milk, dairy products and other animal products, while maintaining a high level of protection with regard to the prohibition on dispatch of live animals and their semen, ova and embryos from the whole of Great Britain, including the areas listed in both Annex I and Annex II.
- (7) In the interest of clarity and consistency, it is also appropriate to correct minor omissions in relation to embryos in Article 6 and to make the wording of Article 7 more precise in relation to medicinal products.
- (8) After the completion with satisfactory results of the clinical and serological surveillance carried out in the surveillance zone to confirm the absence of infection with the foot-and-mouth disease virus, the United Kingdom has removed the measures implemented in the surveillance zone around the confirmed outbreaks on 5 November 2007 in accordance with Article 44 of Directive 2003/85/EC.
- (9) Article 60 of Directive 2003/85/EC provides that a Member State may only recover its previous foot-and-mouth disease and infection-free status when certain measures laid down in that Directive have been completed, and at least three months have elapsed since the last recorded outbreak of that disease, and the absence of infection has been confirmed in accordance with the provisions of that Directive.
- (10) At the same time Article 62 of the Directive allows a modification of the measures necessary to recover the free status maintaining only restrictions on the movement of live animals. It is therefore appropriate that those provisions of Decision 2007/554/EC that relate to the movement of live animals, their semen, ova and embryos remain applicable until the relevant conditions of Article 60 of Directive 2003/85/EC have been fulfilled.
- (11) The period of applicability of Decision 2007/554/EC should therefore be prolonged until 31 December 2007, three months after the completion of the preliminary cleansing and disinfection following the last recorded outbreak on 30 September 2007. At the same time provisions should be in place that limit the application of certain restrictions on products of animal origin to the date of 15 December 2007 as previously envisaged.
- (12) Decision 2007/554/EC should therefore be amended accordingly.
- (13) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,
- HAS ADOPTED THIS DECISION:
- Article 1*
- Decision 2007/554/EEC is amended as follows:
1. The following paragraphs (8), (9) and (10) are added to Article 1:

‘8. By way of derogation from paragraph 2 the competent authorities of the United Kingdom may authorise the transport of live animals of the bovine, ovine, caprine and porcine species and other biungulates from holdings situated in areas listed in Annex II to holdings or slaughterhouses situated in the areas listed in Annex I.

9. By way of derogation from paragraph 2 the competent authorities of the United Kingdom may authorise the transport of live animals of the bovine, ovine, caprine and porcine species and other biungulates from holdings situated in areas listed in Annex I directly or through no more than a single assembly centre, under official control to designated slaughterhouses situated in the areas listed in Annex II.

10. By way of derogation from paragraph 2 the competent authorities of the United Kingdom may authorise the transport of live animals of the bovine, ovine, caprine and porcine species and other biungulates from holdings situated in areas listed in Annex I directly and under official control to designated holdings situated in the areas listed in Annex II without coming into contact with animals of a lower health status, provided that:

 - (a) the animals show no clinical signs of foot-and-mouth disease on inspection immediately prior to loading and either:
 - (i) were subjected with negative results to a test for antibodies against foot-and-mouth disease virus carried out on a blood sample taken within 10 days prior to the date of transport; or

(ii) come from a holding that was subjected with negative results to a serological survey pursuant to a sampling protocol suitable to detect 5 % prevalence of foot-and-mouth disease with at least a 95 % level of confidence; or

(iii) come from a holding situated in an area listed in Annex III and comply with the following conditions:

— the animals have been reared for at least 90 days, or since birth if less than 90 days of age, on holdings situated within the areas specified in columns 1, 2 and 3 of Annex III, where there has been no outbreak of foot-and-mouth disease during at least that period;

— during the 21 days prior to the date of transport the animals have remained under the supervision of the competent veterinary authorities on a single holding which is situated in the centre of a circle around the holding of at least 10 km radius, where there has been no outbreak of foot-and-mouth disease during at least 30 days prior to the date of loading;

— no animals of species susceptible to foot-and-mouth disease have been introduced into the holding referred to in the second indent during the 21 days prior to the date of loading, except in the case of pigs coming from a supplying holding which complies with the conditions laid down in the second indent, in which case the period of 21 days may be reduced to seven days;

(iv) are live animals of the porcine species moving within the framework of a pyramid breeding structure from holdings approved for the purpose of this Decision by the competent authority and situated in the centre of a circle around the holding of at least 10 km radius, where there has been no outbreak of foot-and-mouth disease during at least 30 days prior to the date of loading.'

2. Article 2 is replaced by the following:

'Article 2

Meats

1. For the purposes of this Article, "meats" means "fresh meat", "minced meat", "mechanically separated meat" and "meat preparations" as defined in points 1.10, 1.13, 1.14 and 1.15 of Annex I to Regulation (EC) No 853/2004.

2. The United Kingdom shall not dispatch meats of the bovine, ovine, caprine and porcine species and other b ungulates coming from or obtained from animals originating in the areas listed in Annex I.

3. Meats not eligible for dispatch from the United Kingdom in accordance with this Decision shall be marked in accordance with the second subparagraph of Article 4(1) of Directive 2002/99/EC or in accordance with Decision 2001/304/EC.

4. The prohibition set out in paragraph 2 shall not apply to meats bearing the health mark in accordance with Chapter III of Section I of Annex I to Regulation (EC) No 854/2004, provided that:

(a) the meat is clearly identified, and has been transported and stored since the date of production separately from meat which is not eligible, in accordance with this Decision, for dispatch outside the areas listed in Annex I;

(b) the meat complies with one of the following conditions:

(i) it was obtained before 15 July 2007; or

(ii) it is derived from animals reared for at least 90 days prior to the date of slaughter, or since birth if less than 90 days of age, and slaughtered outside the areas listed in Annexes I and II; or in the case of meat obtained from wild game of species susceptible to foot-and-mouth disease (wild game) killed, outside those areas; or

(iii) it complies with the conditions set out in points (c), (d) and (e) and paragraph 6;

(c) the meat was obtained from domestic ungulates or from farmed game of species susceptible to foot-and-mouth disease (farmed game), as specified for the respective category of meat in one of the appropriate columns 4 to 7 in Annex III, and complies with the following conditions:

(i) the animals have been reared for at least 90 days prior to the date of slaughter, or since birth if less than 90 days of age, on holdings situated within the areas specified in columns 1, 2 and 3 of Annex III, where there has been no outbreak of foot-and-mouth disease during at least that period;

- (ii) during the 21 days prior to the date of transport to the slaughterhouse, or in the case of farmed game prior to the date of on-farm slaughtering, the animals have remained under the supervision of the competent veterinary authorities on a single holding which is situated in the centre of a circle around the holding of at least 10 km radius, where there has been no outbreak of foot-and-mouth disease during at least 30 days prior to the date of loading;
- (iii) no animals of species susceptible to foot-and-mouth disease have been introduced into the holding referred to in point (ii) during the 21 days prior to the date of loading, or in the case of farmed game prior to the date of on-farm slaughtering, except in the case of porcine animals coming from a supplying holding which complies with the conditions laid down in point (ii), in which case the period of 21 days may be reduced to seven days;

However, the competent authority may authorise the introduction into the holding referred to in point (ii) of animals of species susceptible to foot-and-mouth disease which comply with the conditions set out in points (i) and (ii) and which:

- come from a holding where no animals of species susceptible to foot-and-mouth disease have been introduced during the 21 days prior to the date of transport to the holding referred to in point (ii), except in the case of porcine animals coming from a supplying holding in which case the period of 21 days may be reduced to seven days; or
- were subjected with negative results to a test for antibodies against the foot-and-mouth disease virus carried out on a blood sample taken within 10 days prior to the date of transport to the holding referred to in point (ii); or
- come from a holding that was subjected with negative results to a serological survey pursuant to a sampling protocol suitable to detect 5 % prevalence of foot-and-mouth disease with at least a 95 % level of confidence;
- (iv) the animals or, in the case of farmed game slaughtered on the farm, the carcasses have been transported under official control in means of transport that have been cleansed and disinfected before loading from the holding referred to in point (ii) to the designated slaughterhouse;

- (v) the animals have been slaughtered less than 24 hours following the time of arrival at the slaughterhouse and separately from animals the meat of which is not eligible for dispatch from the area listed in Annex I;
- (d) the meat, if positively marked in column 8 of Annex III, was obtained from wild game that was killed in areas where there has been no outbreak of foot-and-mouth disease for a period of at least 90 days before the date of killing and at a distance of at least 20 km from areas not specified in columns 1, 2 and 3 of Annex III;
- (e) Meat referred to in points (c) and (d) must in addition comply with the following conditions:
 - (i) the dispatch of such meat is only to be authorised by the competent veterinary authority of the United Kingdom, if the animals referred to in point (c)(iv) have been transported to the slaughterhouse without any contact with holdings situated in areas not specified in columns 1, 2 and 3 of Annex III;
 - (ii) the meat is at all times clearly identified, handled, stored and transported separately from meat which is not eligible for dispatch from the area listed in Annex I;
 - (iii) during the post-mortem inspection by the official veterinarian in the slaughterhouse of dispatch, or in the case of on-farm slaughtering of farmed game on the holding referred to in point (c)(ii), or in the case of wild game at the game-handling establishment, no clinical signs or post-mortem evidence of foot-and-mouth disease were established;
 - (iv) the meat has remained in the slaughterhouse, holding or establishment referred to in point (e)(iii) for at least 24 hours following the post-mortem inspection of the animals referred to in points (c) and (d);
 - (v) any further preparation of meat for dispatch outside the area listed in Annex I shall be suspended;

- in the case where foot-and-mouth disease has been diagnosed in the slaughterhouse, holding or establishment referred to in point (e)(iii), until the slaughter of all animals present and the removal of all meat and dead animals has been completed, and at least 24 hours have elapsed since the completion of the total cleansing and disinfection of those establishments and holdings under the control of an official veterinarian; and
 - in the case of slaughter in the same establishment of animals susceptible to foot-and-mouth disease coming from holdings situated in areas listed in Annex I that do not comply with the conditions set out in point 4(c) or (d), until the slaughter of all such animals and the cleansing and disinfection of the slaughterhouse, holding or establishment have been completed under the control of an official veterinarian;
- (vi) the central veterinary authorities shall communicate to the other Member States and the Commission a list of those slaughterhouses, holdings and establishments which they have approved for the purposes of application of points (c), (d) and (e).
5. Compliance with the conditions set out in paragraphs 3 and 4 shall be checked by the competent veterinary authority under the supervision of the central veterinary authorities.
6. The prohibition set out in paragraph 2 of this Article shall not apply to fresh meat obtained from bovine, ovine, caprine and porcine species and other ruminants reared outside the areas listed in Annex I and transported, by way of derogation from Article 1(2) and (3), directly and under official control without any contact with holdings situated in areas listed in Annex I to a slaughterhouse situated in the areas listed in Annex I for immediate slaughter, provided that such fresh meat complies with the following conditions:
- (a) all such fresh meat bears the health mark in accordance with Chapter III of Section I of Annex I to Regulation (EC) No 854/2004;
 - (b) the slaughterhouse:
 - (i) is operated under strict veterinary control;
 - (ii) suspends any further preparation of meat for dispatch outside the area listed in Annex I in the case of slaughter in the same slaughterhouse of animals susceptible to foot-and-mouth disease coming from holdings situated in areas listed in Annex I until the slaughter of all such animals and the cleansing and disinfection of the establishment have been completed under the control of an official veterinarian;
 - (c) the fresh meat is clearly identified, and transported and stored separately from meat which is not eligible for dispatch outside the United Kingdom.
- Compliance with the conditions set out in the first subparagraph shall be checked by the competent veterinary authority under the supervision of the central veterinary authorities.
- The central veterinary authorities shall communicate to the Commission and to the other Member States a list of the establishments which they have approved for the purposes of application of this paragraph.
7. The prohibition set out in paragraph 2 shall not apply to fresh meat obtained from cutting plants situated in the areas listed in Annex I under the following conditions:
- (a) only fresh meat as described in paragraph 4(b) and paragraph 6 is processed in that cutting plant, on the same day. Cleansing and disinfection shall be carried out after processing of any meat not meeting these requirements;
 - (b) all meat bears the health mark in accordance with Chapter III of Section I of Annex I to Regulation (EC) No 854/2004;
 - (c) the cutting plant is operated under strict veterinary control;
 - (d) the fresh meat is clearly identified, and transported and stored separately from meat which is not eligible for dispatch outside the areas listed in Annex I.
- Compliance with the conditions set out in the first subparagraph shall be checked by the competent veterinary authority under the supervision of the central veterinary authorities.

The central veterinary authorities shall communicate to the other Member States and the Commission a list of the establishments which they have approved for the purpose of application of this paragraph.

8. Meat dispatched from the United Kingdom to other Member States shall be accompanied by an official certificate, which shall bear the following words:

“Meat conforming to Commission Decision 2007/554/EC of 9 August 2007 concerning certain protection measures against foot-and-mouth disease in the United Kingdom”.

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

‘2. The prohibition set out in paragraph 1 shall not apply to meat products bearing the health mark in accordance with Chapter III of Section I of Annex I to Regulation (EC) No 854/2004, provided that the meat products:

(a) are clearly identified and have been transported and stored since the date of production separately from meat products not eligible, in accordance with this Decision, for dispatch outside the areas listed in Annex I;

(b) comply with one of the following conditions:

(i) they are made from meats described in Article 2(4)(b) and (6), or

(ii) they have undergone at least one of the relevant treatments laid down for foot-and-mouth disease in Part 1 of Annex III to Directive 2002/99/EC.

Compliance with the conditions set out in the first subparagraph shall be checked by the competent veterinary authority under the supervision of the central veterinary authorities.

The central veterinary authorities shall communicate to the other Member States and the Commission a list of the establishments which they have approved for the purpose of application of this paragraph.’

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

‘2. The prohibitions set out in paragraph 1 shall not apply to:

(a) semen, ova and embryos produced before 15 July 2007;

(b) frozen bovine semen and embryos, frozen porcine semen, and frozen ovine and caprine semen and embryos imported into the United Kingdom in accordance with the conditions laid down in Directives 88/407/EEC, 89/556/EEC, 90/429/EEC or 92/65/EEC respectively, and which since their introduction into the United Kingdom have been stored and transported separately from semen, ova and embryos not eligible for dispatch in accordance with paragraph 1;

(c) frozen semen and embryos obtained from bovine, porcine, ovine and caprine animals kept for at least 90 days prior to the date of and during collection within the areas listed in Annex II or moved into the areas listed in Annex II from areas outside Annex I during the 90 days prior to the date of collection and which:

(i) have been stored in approved conditions for a minimum period of 30 days prior to the date of dispatch; and

(ii) have been collected from donor animals standing in centres or on holdings which:

— have been free from foot-and-mouth disease for a period of at least 90 days prior to and until at least 30 days after the date of collection of the semen or embryos; and

— are situated in the centre of a circle around the centre or holding of at least 10 km radius in which there has been no case of foot-and-mouth disease for at least 30 days prior to the date of collection.

Before the dispatch of the semen or embryos referred to in points (a), (b) and (c) the central veterinary authorities shall communicate to the other Member States and the Commission a list of centres and teams approved for the purpose of application of this paragraph.’

5. In Article 7, paragraph 2 is replaced by the following:

‘2. The prohibition set out in paragraph 1 shall not apply to hides and skins which:

(a) were produced in the United Kingdom before 15 July 2007; or

(b) comply with the requirements provided for in point (2)(c) or (d) of Part A of Chapter VI of Annex VIII to Regulation (EC) No 1774/2002; or

(c) were produced outside the areas listed in Annex I in accordance with the conditions laid down in Regulation (EC) No 1774/2002, and have since introduction into the areas listed in Annex I been stored and transported separately from hides and skins not eligible for dispatch in accordance with paragraph 1; or

(d) were produced from animals slaughtered in a slaughterhouse, or in the case of farmed game slaughtered on a holding, or in the case of wild game killed, for the production of meat in accordance with Article 2(4)(b) or Article 2(6).

Treated hides and skins shall be separated from untreated hides and skins.'

6. In Article 8(2), point (a) is replaced by the following:

'(a) animal products which:

(i) have been subjected to a heat treatment:

— in a hermetically sealed container with a Fo value of 3,00 or more, or

— in which the centre temperature is raised to at least 70 °C; or

(ii) were produced outside the areas listed in Annex I in accordance with the conditions laid down in Regulation (EC) No 1774/2002, and which since introduction into the areas listed in Annex I have been stored and transported separately from animal products not eligible for dispatch in accordance with paragraph 1; or

(iii) were produced from animals slaughtered in a slaughterhouse, or in the case of farmed game slaughtered on a holding, or in the case of wild game killed, for the production of meat in accordance with Article 2(4)(b) or Article 2(6), and

— comply with the requirements of Part A(1) of Chapter II of Annex VIII to Regulation (EC) No 1774/2002, and

— have been stored and transported separately from animal products not eligible for dispatch in accordance with paragraph 1 of this Article and Article 2(2);'

7. In Article 8, paragraph 7 is replaced by the following:

'7. By way of derogation from paragraph 3, it shall be sufficient, in the case of products referred to in paragraph 2(i) and (j), to be accompanied by a commercial document stating that the products are for use as invitro diagnostic, laboratory reagents, medical products or medical devices, provided that the products are clearly labelled "for invitro diagnostic use only" or "for laboratory use only", as "medicinal products" or as "medical devices".'

8. The first sentence in Article 9(2) is replaced by the following:

'2. In case of products for retail sale to the final consumer, the competent authorities of the United Kingdom may authorise consolidated consignments of animal products, each of which is eligible for dispatch in accordance with this Decision, to be accompanied by a commercial document endorsed by the attachment of a copy of an official veterinary certificate confirming that:'

9. Article 17 is replaced by the following:

'This Decision shall apply until 31 December 2007.

However, the prohibitions of dispatch laid down in Articles 2, 3, 4, 5, 7 and 8 as well as the provisions laid down in Articles 9 and 11 related to those prohibitions and the provisions in Article 14 shall apply until 15 December 2007.'

10. Annexes I, II and III are replaced by the text in the Annex.

Article 2

Implementation

Member States shall amend the measures which they apply to trade so as to bring them into compliance with this Decision. They shall immediately inform the Commission thereof.

*Article 3***Addressees**

This Decision is addressed to the Member States.

Done at Brussels, 19 November 2007.

For the Commission

Markos KYPRIANOU

Member of the Commission

ANNEX

'ANNEX I

The following areas in the United Kingdom:

1	2	3
GROUP	ADNS	Administrative Unit
England	41	Bracknell Forest
	42	Brighton and Hove
	49	City of Southampton
	56	Luton
	57	Medway
	59	Milton Keynes
	63	Reading
	66	Slough
	67	Southend-on-Sea
	70	Swindon
	72	Thurrock
	75	West Berkshire
	76	Windsor and Maidenhead
	77	Wokingham
	135	City of Portsmouth
	137	Bedfordshire County
	138	Buckinghamshire County
	139	Cambridgeshire County
	145	East Sussex County
	146	Essex County
	147	Gloucestershire County
	148	Hampshire County
	149	Hertfordshire County
	150	Kent
	155	Northamptonshire County
	158	Oxfordshire County
	163	Surrey
	164	Warwickshire County
	165	West Sussex County
	166	Wiltshire County
	168	London

ANNEX II

The following areas in the United Kingdom:

1	2	3
GROUP	ADNS	Administrative Unit
Scottish Islands	131	Shetland Islands
	123	Orkney Islands
	124	NA H-Eileanan An Iar
Scotland	121	Highland
	122	Moray
	126	Aberdeenshire
	128	Aberdeen City
	79	Angus
	81	Dundee City
	80	Clackmannanshire
	90	Perth & Kinross
	127	Fife
	85	Falkirk
	88	Midlothian
	96	West Lothian
	129	City of Edinburgh
	130	East Lothian
	92	Scottish Borders
	94	Stirling
	125	Argyll and Bute
	83	East Dunbartonshire
	84	East Renfrewshire
	86	City of Glasgow
	87	Inverclyde
	89	North Lanarkshire
	91	Renfrewshire
	93	South Lanarkshire
	95	West Dunbartonshire
	82	East Ayrshire
	132	North Ayrshire
	133	South Ayrshire
	134	Dumfries & Galloway
England	141	Cumbria
	169	Northumberland
	10	Gateshead
	16	Newcastle upon Tyne
	17	North Tyneside
	26	South Tyneside
	29	Sunderland
	144	Durham
	52	Darlington
	55	Hartlepool
	58	Middlesbrough
	64	Redcar and Cleveland
	69	Stockton-on-Tees
	151	Lancashire
	38	Blackburn with Darwen
	39	Blackpool

1	2	3
GROUP	ADNS	Administrative Unit
	176 177 78	North Yorkshire excluding Selby Selby District York
	53 45 60 61	East Riding of Yorkshire City of Kingston upon Hull North East Lincolnshire North Lincolnshire
	32 11 6 4 13	West Yorkshire consisting of Wakefield District Kirklees District Calderdale District Bradford Leeds
	1 8 20 24	South Yorkshire consisting of Barnsley District Doncaster District Rotherham District Sheffield District
	30 18 19 5 3 21 31 15 27 34	Greater Manchester consisting of Tameside District Oldham District Rochdale District Bury District Bolton District Salford District Trafford District Manchester District Stockport District Wigan District
	12 14 23 28 74	Merseyside consisting of Knowsley District Liverpool District Sefton District St. Helens District Warrington
	140 54 35	Cheshire County Halton Wirral District
	142 44	Derbyshire County City of Derby
	157 47	Nottinghamshire County City of Nottingham
	153	Lincolnshire
	159 71	Shropshire Telford and Wrekin
	161 50	Staffordshire County City of Stoke-on-Trent
	170 73 136	Devon County Torbay Plymouth
	171	Cornwall County
	143	Dorset County
	62	Poole

1	2	3
GROUP	ADNS	Administrative Unit
	40	Bournemouth
	160	Somerset County
	120	North Somerset
	37	Bath and North East Somerset
	43	City of Bristol
	68	South Gloucestershire
	51	Herefordshire County
	167	Worcestershire County
	9	Dudley District
	2	Birmingham District
	22	Sandwell District
	36	Wolverhampton District
	33	Walsall District
	25	Solihull District
	7	Coventry District
	152	Leicestershire County
	46	City of Leicester
	65	Rutland
	48	City of Peterborough
	154	Norfolk County
	162	Suffolk County
	172	Isles of Scilly
	114	Isle of Wight
Wales	115	Sir Ynys Mon — Isle of Anglesey
	116	Gwynedd
	103	Conwy
	108	Sir Ddinbych-Denbigshir
	111	Sir Y Fflint-Flintshire
	113	Wrecsam-Wrexham
	173	North Powys
	174	South Powys
	118	Sir Ceredigion-Ceredigion
	110	Sir Gaerfyrddin-Carmarthen
	119	Sir Benfro-Pembrokeshire
	97	Abertawe-Swansea
	102	Castell-Nedd Port Talbot-Neath Port Talbot
	105	Pen-y-Bont Ar Ogwr — Bridgend
	107	Rhondda/Cynon/Taf
	99	Bro Morgannwg — The Vale of Glamorgan
	98	Bleanau Gwent
	112	Tor-Faen — Tor Faen
	101	Casnewydd — Newport
	104	Merthyr Tudful-Merthyr Tydfil
	100	Caerffili — Caerphilly
	117	Caerdydd — Cardiff
	109	Sir Fynwy — Monmouthshire

ANNEX III

The following areas listed in Annex I shall have the status of areas listed in Annex III:

1	2	3	4	5	6	7	8
GROUP	ADNS	Administrative Unit	B	S/G	P	FG	WG
England	42	Brighton and Hove	+	+	+	+	
	56	Luton	+	+	+	+	
	57	Medway	+	+	+	+	
	59	Milton Keynes	+	+	+	+	
	67	Southend-on Sea	+	+	+	+	
	72	Thurrock	+	+	+	+	
	75	West Berkshire	+	+	+	+	
	137	Bedfordshire	+	+	+	+	
	145	East Sussex County	+	+	+	+	
	146	Essex County	+	+	+	+	
	149	Hertfordshire County	+	+	+	+	
	150	Kent	+	+	+	+	
	158	Oxfordshire County	+	+	+	+	
	166	Wiltshire County	+	+	+	+	
	147	Gloucestershire County	+	+	+	+	
	139	Cambridgeshire County	+	+	+	+	
	155	Northamptonshire County	+	+	+	+	
	164	Warwickshire County	+	+	+	+	
	70	Swindon	+	+	+	+	

ADNS = Animal Disease Notification System Code (Decision 2005/176/EC)

B = bovine meat

S/G = sheep and goat meat

P = pig meat

FG = farmed game of species susceptible to foot-and-mouth disease

WG = wild game of species susceptible to foot-and-mouth disease'

COMMISSION DECISION

of 19 November 2007

on the recognition of certification procedures in accordance with Article 9 of Regulation (EC) No 761/2001 of the European Parliament and of the Council allowing voluntary participation by organisations in a Community eco-management and audit scheme (EMAS) and repealing Decision 97/264/EC

(notified under document number C(2007) 5291)

(Text with EEA relevance)

(2007/747/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 761/2001 of the European Parliament and of the Council of 19 March 2001 allowing voluntary participation by organisations in a Community eco-management and audit scheme (EMAS) ⁽¹⁾, and in particular Article 9 thereof,

Whereas:

- (1) The Commission has identified revised international standards and European accreditation requirements of certification bodies that meet the requirements of Article 9 of Regulation (EC) No 761/2001 and should therefore be recognised by the Commission.
- (2) The standards and accreditation requirements recognised by Commission Decision 97/264/EC of 16 April 1997 on the recognition of certification procedures in accordance with Article 12 of Council Regulation (EEC) No 1836/93 allowing voluntary participation by companies in the industrial sector in a Community eco-management and audit scheme ⁽²⁾ are no longer used and Decision 97/264/EC should therefore be repealed.
- (3) The measures provided for in this Decision are in accordance with the opinion of the Committee established pursuant to Article 14 of Regulation (EC) No 761/2001,

HAS ADOPTED THIS DECISION:

Article 1

For the purposes of Article 9 of Regulation (EC) No 761/2001, the Commission recognises the following standards and accreditation requirements for the certification bodies:

1. in Austrian legislation: Environmental Management Law (UMG BGBl.I Nr.96/2001) in the relevant version applicable

to environmental verifier organisations and individual environmental verifiers;

2. in German legislation: guidelines for accreditation of certification bodies for environmental management systems (EMS) and certification procedures for EMS — issued September 1996 by the German Federal Ministries of Environment, Nature Conservation and Nuclear Safety and for Economics and approved by the Environmental Verification Committee pursuant to Article 21 of the German EMAS Act (*Umwelt-auditgesetz*);
3. accreditation requirements, based on the corresponding Guidelines endorsed and made publicly available by the European cooperation for Accreditation (EA), for ISO 14001:2004 certification bodies accredited according to either of the following:
 - (a) ISO/IEC 17021:2006 (Conformity assessment — Requirements for bodies providing audit and certification of management systems);
 - (b) ISO/IEC Guide 66:1999 (General Requirements for bodies operating assessment and certification/registration of environmental management systems EMS) until 15 September 2008.

Article 2

Decision 97/264/EC is repealed.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 19 November 2007.

For the Commission

Stavros DIMAS

Member of the Commission

⁽¹⁾ OJ L 114, 24.4.2001, p. 1. Regulation as last amended by Council Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p. 1).

⁽²⁾ OJ L 104, 22.4.1997, p. 35.

III

(Acts adopted under the EU Treaty)

ACTS ADOPTED UNDER TITLE V OF THE EU TREATY

COUNCIL JOINT ACTION 2007/748/CFSP

of 19 November 2007

**amending Joint Action 2007/87/CFSP amending and extending the mandate of the European Union
Special Representative in Bosnia and Herzegovina**

THE COUNCIL OF THE EUROPEAN UNION,

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

Whereas:

- (1) On 7 February 2007, the Council adopted Joint Action 2007/87/CFSP ⁽¹⁾.
- (2) On 18 June 2007, the Council adopted Decision 2007/427/CFSP ⁽²⁾ appointing Mr Miroslav Lajčák as the European Union Special Representative (EUSR) in Bosnia and Herzegovina.
- (3) On 19 December 2006, the Political and Security Committee endorsed recommendations aimed at achieving optimal coordination and coherence in situations where at least two EU actors in the field of crisis management are active in the same country, notably through closer consultation between an EU Force Commander and the EUSR and, respectively, between an EU Force Commander and a Head of an EU Police Mission.
- (4) On 18 June 2007 the Council approved the above recommendations for the purpose of the European Union military operation ALTHEA.
- (5) On 19 November 2007, the Council adopted Joint Action 2007/749/CFSP on the European Union Police Mission (EUPM) in Bosnia and Herzegovina (BiH) ⁽³⁾, reflecting inter alia the new command and control structure for EU civilian crisis management operations, as approved by the Council on 28 June 2007.

- (6) The mandate of the EUSR in BiH should be amended to reflect his role in relation to the EU military operation ALTHEA, in line with the recommendations approved by the Council on 18 June 2007, and to the EUPM in BiH, in line with the new command and control structure for EU civilian crisis management operations,

HAS ADOPTED THIS JOINT ACTION:

Article 1

Joint Action 2007/87/CFSP shall be amended as follows:

1. Article 3 shall be replaced by the following:

'Article 3

Mandate

In order to achieve the policy objectives of the EU in BiH, the mandate of the EUSR shall be to:

- (a) offer the EU's advice and facilitation in the political process;
- (b) promote overall EU political coordination in BiH;
- (c) promote overall EU coordination of, and give local political direction to, EU efforts in tackling organised crime, without prejudice to the European Union Police Mission (EUPM)'s leading role in the coordination of policing aspects of these efforts and to the ALTHEA (EUFOR) military chain of command;
- (d) without prejudice to the military chain of command, offer the EU Force Commander political guidance on military issues with a local political dimension, in particular concerning sensitive operations, relations with local authorities and relations with the local media;

⁽¹⁾ OJ L 35, 8.2.2007, p. 35.

⁽²⁾ OJ L 159, 20.6.2007, p. 63.

⁽³⁾ See page 40 of this Official Journal.

- (e) consult with the EU Force Commander before taking political action that may have an impact on the security situation;
 - (f) consult with the Head of the EUPM before taking political action that may have an impact on the police and security situation;
 - (g) contribute to reinforcement of internal EU coordination and coherence in BiH, including through briefings to EU Heads of Mission and through participation in, or representation at, their regular meetings, through chairing a coordination group composed of all EU actors present in the field with a view to coordinating the implementation aspects of the EU's action, and through providing them with guidance on relations with the BiH authorities;
 - (h) ensure consistency and coherence of EU action towards the public. The EUSR spokesperson shall be the main EU point of contact for BiH media on Common Foreign and Security Policy/European Security and Defence Policy (CFSP/ESDP) issues;
 - (i) maintain an overview of the whole range of activities in the field of the rule of law and in this context provide the Secretary-General/High Representative (SG/HR) and the Commission with advice as necessary;
 - (j) provide the Head of Mission of the EUPM with local political guidance. The EUSR and the Civilian Operation Commander will consult each other as required;
 - (k) as part of the international community's and the BiH authorities' broader approach to the rule of law, and drawing upon the EUPM's provision of technical policing expertise and assistance in this respect, support the preparation and implementation of police restructuring;
 - (l) provide support for a reinforced and more effective BiH criminal justice/police interface, in close liaison with the EUPM;
 - (m) as far as activities under Title VI of the Treaty, including Europol, and related Community activities are concerned, provide the SG/HR and the Commission with advice as necessary, and take part in the required local coordination;
 - (n) with a view to coherence and possible synergies, continue to be consulted on priorities for Instrument of Pre-accession Assistance;
 - (o) support planning for a reinforced EUSR office in the context of the closure of the Office of the High Representative (OHR), including advice on public information aspects of the transition, in close coordination with the Commission;
 - (p) contribute to the development and consolidation of respect for human rights and fundamental freedoms in BiH, in accordance with EU human rights policy and EU Guidelines on Human Rights;
 - (q) engage with relevant BiH authorities on their full cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY);
 - (r) provide political advice and facilitation in the process of constitutional reform;
 - (s) without prejudice to the applicable chains of command, help to ensure that all EU instruments in theatre act coherently to attain the political objectives set out by the Council.;
2. point (v) of Article 8(2) shall be deleted.
- Article 2*
- This Joint Action shall enter into force on the day of its adoption.
- Article 3*
- This Joint Action shall be published in the *Official Journal of the European Union*.
- Done at Brussels, 19 November 2007.
- For the Council*
The President
L. AMADO

COUNCIL JOINT ACTION 2007/749/CFSP**of 19 November 2007****on the European Union Police Mission (EUPM) in Bosnia and Herzegovina (BiH)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union and, in particular, Article 14 and the third subparagraph of Article 25 thereof,

Whereas:

(1) On 24 November 2005 the Council adopted Joint Action 2005/824/CFSP on the European Union Police Mission (EUPM) in Bosnia and Herzegovina (BiH) ⁽¹⁾. That Joint Action expires on 31 December 2007.

(2) In a letter of invitation of 19 September 2007, the authorities of BiH invited the European Union to extend the EUPM in BiH.

(3) In a letter of 22 October 2007 the Secretary-General/High Representative for the CFSP (SG/HR) sent a positive reply to the BiH authorities' letter of invitation.

(4) On 18 June 2007, the Council approved Guidelines for Command and Control Structure for EU Civilian Operations in Crisis Management. These Guidelines notably provide that a Civilian Operation Commander will exercise command and control at strategic level for the planning and conduct of all civilian crisis management operations, under the political control and strategic direction of the Political and Security Committee (PSC) and the overall authority of the SG/HR. These Guidelines further provide that the Director of the Civilian Planning and Conduct Capability (CPCC) established within the Council Secretariat will, for each civilian crisis management operation, be the Civilian Operation Commander.

(5) The above mentioned Command and Control Structure is without prejudice to the contractual responsibilities of the Head of Mission towards the Commission for implementing the budget of the EUPM.

(6) The mandate of EUPM will be implemented in the context of a situation which may deteriorate and could harm the objectives of the Common Foreign and Security Policy as set out in Article 11 of the Treaty.

(7) The watch-keeping capability established within the Council Secretariat should be activated for the EUPM,

HAS ADOPTED THIS JOINT ACTION:

Article 1**Mission**

1. The European Union Police Mission (EUPM) in Bosnia and Herzegovina (BiH), established by Joint Action 2002/210/CFSP ⁽²⁾ and continued by Joint Action 2005/824/CFSP, shall be continued from 1 January 2008.

2. The EUPM shall operate in accordance with the objectives and other provisions as contained in the mission statement set out in Article 2.

Article 2**Mission statement**

The EUPM, in coordination with and under the local political guidance of the European Union Special Representative in BiH (EUSR) and as part of the broader rule of law approach in BiH and in the region, shall aim, through mentoring, monitoring and inspecting, to establish in BiH a sustainable, professional and multi-ethnic police service operating in accordance with European and international standards.

This police service shall operate in accordance with commitments made as part of the Stabilisation and Association Process with the European Union, in particular with regard to the fight against organised crime and police reform.

⁽¹⁾ OJ L 307, 25.11.2005, p. 55.

⁽²⁾ OJ L 70, 13.3.2002, p. 1. Joint Action as last amended by Joint Action 2005/143/CFSP (OJ L 48, 19.2.2005, p. 46).

The EUPM shall operate in line with the general objectives of Annex 11 of the General Framework Agreement for Peace in Bosnia and Herzegovina and its objectives shall be supported by European Community instruments. The EUPM shall continue to lead the coordination of the policing aspects of the ESDP efforts in the fight against organised crime, without prejudice to the agreed chains of command. The EUPM shall assist local authorities in planning and conducting major and organised crime investigations, in contributing to an improved functioning of the whole criminal justice system in general and enhancing police-prosecutor relations in particular. The EUPM shall, together with the European Commission, assist BiH authorities to identify remaining police development needs which could be addressed through Community assistance.

Article 3

Review

A six-monthly review process, in accordance with the assessment criteria set out in the Concept of Operations (CONOPS) and the Operation Plan (OPLAN) and taking into account developments in police reform, shall enable adjustments to be made to the EUPM's activities, as necessary.

Article 4

Structure

1. The EUPM shall be structured as follows:

- (a) main headquarters in Sarajevo, composed of the Head of the Mission and staff as defined in the OPLAN;
- (b) co-locations within the various BiH police services at senior level, including within the State Investigation and Protection Agency, the BiH Border Police, Interpol/EUROPOL Bureau, Entities, Public Security Centres, Cantons, and the Brcko district.

2. These elements shall be developed in the CONOPS and the OPLAN. The Council shall approve the CONOPS and the OPLAN.

Article 5

Civilian Operation Commander

1. The Civilian Planning and Conduct Capability (CPCC) Director shall be the Civilian Operation Commander for the EUPM.

2. The Civilian Operation Commander, under the political control and strategic direction of the PSC and the overall authority of the SG/HR, shall exercise command and control of the EUPM at the strategic level.

3. The Civilian Operation Commander shall ensure proper and effective implementation of the Council's decisions as well as the PSC's decisions, including by issuing instructions at strategic level as required to the Head of Mission.

4. All seconded staff shall remain under the full command of the national authorities of the seconding State or EU institution. National authorities shall transfer Operational Control (OPCON) of their personnel, teams and units to the Civilian Operation Commander.

5. The Civilian Operation Commander shall have overall responsibility for ensuring that the EU's duty of care is properly discharged.

6. The Civilian Operation Commander and the EUSR shall consult each other as required.

Article 6

Head of Mission

1. The Head of Mission shall assume responsibility and exercise command and control of the EUPM at theatre level.

2. The Head of Mission shall exercise command and control over personnel, teams and units from contributing States as assigned by the Civilian Operation Commander together with administrative and logistic responsibility including over assets, resources and information put at the disposal of the EUPM.

3. The Head of Mission shall issue instructions to all EUPM staff for the effective conduct of the EUPM in theatre, assuming its day-to-day management and the coordination of EUPM activities, following the instructions at strategic level of the Civilian Operation Commander.

4. The Head of Mission shall be responsible for the implementation of the EUPM's budget. For this purpose, the Head of Mission shall sign a contract with the Commission.

5. The Head of Mission shall be responsible for disciplinary control over the staff. For seconded staff, disciplinary action shall be exercised by the national or EU authority concerned.

6. The Head of Mission shall represent the EUPM in the operations area and shall ensure its appropriate visibility.

7. The Head of Mission shall coordinate, as appropriate, with other actors on the ground. The Head of Mission shall, without prejudice to the chain of command, receive local political guidance from the EUSR.

Article 7

EUPM Staff

1. The numbers and competence of the EUPM staff shall be consistent with the mission statement set out in Article 2 and the structure set out in Article 4.

2. Police officers shall be seconded by Member States. Each Member State shall bear the costs related to the police officers seconded by it, including salaries, allowances and travel expenses to and from BiH.

3. International civilian staff and local staff shall be recruited on a contractual basis by the EUPM, as required.

4. Member States or EU institutions may also second international civilian staff if required, for a minimum period of one year. Each Member State or EU institution shall bear the costs related to any of the staff seconded by it, including salaries, allowances and travel expenses to and from BiH.

5. All staff shall carry out their duties and act in the interest of the EUPM. All staff shall respect the security principles and minimum standards established by Council Decision 2001/264/EC of 19 March 2001 adopting the Council's security regulations⁽¹⁾ (hereinafter referred to as 'Council's security regulations').

Article 8

Status of EUPM staff

1. The necessary arrangements shall be made regarding the continuation of the Agreement between the EU and BiH of 4 October 2002 on the activities of the EUPM in BiH for the duration of the EUPM.

2. The Member State or EU institution having seconded a staff member shall be responsible for answering any claims linked to the secondment, from or concerning the staff

member. The Member State or EU institution in question shall be responsible for bringing any action against the seconded person.

3. The conditions of employment and the rights and obligations of international and local contracted staff shall be laid down in the contracts between the Head of Mission/Police Commissioner and the staff member.

Article 9

Chain of command

1. The EUPM shall have a unified chain of command, as a crisis management operation.

2. Under the responsibility of the Council, the PSC shall exercise political control and strategic direction of EUPM.

3. The Civilian Operation Commander, under the political control and strategic direction of the PSC and the overall authority of the SG/HR, is the commander of the EUPM at strategic level and, as such, shall issue instructions to the Head of Mission and provide him with advice and technical support.

4. The Civilian Operation Commander shall report to the Council through the SG/HR.

5. The Head of Mission shall exercise command and control of EUPM at theatre level and shall be directly responsible to the Civilian Operation Commander.

Article 10

Political control and strategic direction

1. The PSC shall exercise, under the responsibility of the Council, political control and strategic direction of the EUPM. The Council hereby authorises the PSC to take the relevant decisions for this purpose in accordance with Article 25 of the Treaty. This authorisation shall include the powers to amend the OPLAN. It shall also include powers to take subsequent decisions regarding the appointment or extension of the Head of Mission. The powers of decision with respect to the objectives and termination of the EUPM shall remain vested in the Council.

⁽¹⁾ OJ L 101, 11.4.2001, p. 1. Decision as last amended by Decision 2007/438/EC (OJ L 164, 26.6.2007, p. 24).

2. The PSC shall report to the Council at regular intervals.

3. The PSC shall receive on a regular basis and as required reports by the Civilian Operation Commander and the Head of Mission on issues within their areas of responsibility.

Article 11

Participation of third States

1. Without prejudice to the decision-making autonomy of the Union and its single institutional framework, third States may be invited to contribute to the EUPM on the basis that they bear the cost of sending the police officers and/or the international civilian staff seconded by them, including salaries, allowances and travel expenses to and from BiH, and contribute to the running costs of the EUPM, as appropriate.

2. Third States making contributions to the EUPM shall have the same rights and obligations in terms of day-to-day management of the operation as Member States taking part in the operation.

3. The Council hereby authorises the PSC to take the relevant decisions on acceptance of the proposed contributions and to establish a Committee of Contributors.

4. Detailed arrangements regarding the participation of third States shall be subject to agreements to be concluded in accordance with procedures laid down in Article 24 of the Treaty.

Article 12

Financial arrangements

1. The budgets for the years 2008 and 2009 shall be decided on an annual basis.

2. The expenditure of the EUPM shall be managed in accordance with the procedures and rules applicable to the general budget of the European Union with the exception that any pre-financing shall not remain the property of the Community. Nationals of third States participating financially in the EUPM and of the host country shall be allowed to tender for contracts.

3. The Head of Mission/Police Commissioner shall report fully to, and be supervised by, the Commission on the activities undertaken in the framework of his contract.

4. The financial arrangements shall respect the operational requirements of the EUPM.

5. Expenditure shall be eligible as of the date of entry into force of this Joint Action.

Article 13

Security

1. The Civilian Operation Commander shall direct the Head of Mission's planning of security measures and ensure their proper and effective implementation for the EUPM in accordance with Articles 5 and 9, in coordination with the Security Office of the General Secretariat of the Council.

2. The Head of Mission shall be responsible for the security of the EUPM and for ensuring compliance with minimum security requirements applicable to the EUPM, in line with the policy of the European Union on the security of personnel deployed outside the European Union in an operational capacity under Title V of the Treaty and its supporting documents.

3. The Head of Mission shall be assisted by a Senior Mission Security Officer (SMSO), who will report to the Head of Mission and also maintain a close functional relationship with the Security Office of the General Secretariat of the Council.

4. The Head of Mission shall appoint Area Security Officers in the four regional co-locations, who, under the authority of the SMSO, shall be responsible for the day-to-day management of all security aspects of the respective EUPM elements.

5. EUPM staff shall undergo mandatory security training before their entry into function, in accordance with the OPLAN. They shall also receive regular in-theatre refresher training organized by the SMSO.

Article 14

Community action

1. The Council and the Commission shall, each in accordance with their respective powers, ensure consistency between the implementation of this Joint Action and the external activities of the Community in accordance with the second subparagraph of Article 3 of the Treaty. The Council and the Commission shall cooperate to this end.

2. The Council notes that coordination arrangements already exist in the EUPM area as well as in Brussels.

Article 15

Release of classified information

1. The SG/HR is hereby authorised to release to third States associated with this Joint Action, as appropriate and in accordance with the operational needs of the EUPM, EU classified information and documents up to the level 'RESTREINT UE' generated for the purposes of the EUPM, in accordance with the Council's security regulations.

2. In the event of a specific and immediate operational need, the SG/HR is also hereby authorised to release to the local authorities EU classified information and documents up to the level 'RESTREINT UE' generated for the purposes of the EUPM, in accordance with the Council's security regulations. In all other cases, such information and documents shall be released to the local authorities in accordance with the procedures appropriate to their level of cooperation with the European Union.

3. The SG/HR is hereby authorised to release to third States associated with this Joint Action and to the local authorities EU non-classified documents related to the deliberations of the Council with regard to the EUPM covered by the obligation of professional secrecy pursuant to Article 6(1) of the Council's Rules of Procedure ⁽¹⁾.

Article 16

Watch-keeping capability

The watch-keeping capability shall be activated for the EUPM.

Article 17

Entry into force and duration

This Joint Action shall enter into force on 1 January 2008.

It shall apply until 31 December 2009.

Article 18

Publication

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

Done at Brussels, 19 November 2007.

For the Council

The President

L. AMADO

⁽¹⁾ Council Decision 2006/683/EC, Euratom of 15 September 2006 adopting the Council's Rules of Procedure (OJ L 285, 16.10.2006, p. 47). Decision amended by Decision 2007/4/EC, Euratom (OJ L 1, 4.1.2007, p. 9).