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⁽¹⁾ Text with EEA relevance

I

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

REGULATIONS

COUNCIL REGULATION (EC) No 470/2008

of 26 May 2008

amending Regulation (EC) No 1782/2003 as regards the transfer of tobacco aid to the Community Tobacco Fund for the years 2008 and 2009 and Regulation (EC) No 1234/2007 with regard to financing of the Community Tobacco Fund

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular the third subparagraph of Article 37(2) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Whereas:

(1) Pursuant to Article 110j of Council Regulation (EC) No 1782/2003 ⁽²⁾ establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and amending certain Regulations tobacco aid is granted to the producers of raw tobacco for the harvest years 2006 to 2009.

(2) Article 104(2) of Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽³⁾ provides for the funding of the Community Tobacco Fund by the transfer of certain amount of tobacco aid for the calendar years 2006 and 2007 in accordance with Article 110m of Regulation (EC) No 1782/2003. The Community Tobacco Fund has always been funded by the transfer of part of the tobacco aids. Such transfer for calendar years 2006 and 2007 was initially proposed

when the introduction of the tobacco sector into the single payment scheme was to be accompanied by a transitional tobacco aid to be paid in the same years. Council Regulation (EC) No 864/2004 ⁽⁴⁾ finally extended the tobacco aid to 2008 and 2009 without accordingly extending the funding of the Community Tobacco Fund by a reduction of the tobacco aid.

(3) Actions funded by the Community Tobacco Fund have proved to be very successful as well as a positive example of cooperation between agriculture and health policies. In order to ensure the continuation of those actions, and taking into account that the Fund has always been funded by transfer from the tobacco aid, it is appropriate to transfer an amount equal to 5 % of the tobacco aid granted for the calendar years 2008 and 2009 to the Community Tobacco Fund.

(4) Regulation (EC) No 1782/2003 and Regulation (EC) No 1234/2007 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Article 110m of Regulation (EC) No 1782/2003 shall be replaced by the following:

'Article 110m

Transfer to the Community Tobacco Fund

An amount equal to 4 % for the calendar year 2006 and 5 % for the calendar years 2007, 2008 and 2009 of the aid granted in accordance with this Chapter shall finance actions of information under the Community Tobacco Fund provided for in Article 13 of Regulation (EEC) No 2075/92.'

⁽¹⁾ Opinion of 20 May 2008 (not yet published in the Official Journal).

⁽²⁾ OJ L 270, 21.10.2003, p. 1. Regulation as last amended by Commission Regulation (EC) No 293/2008 (OJ L 90, 2.4.2008, p. 5).

⁽³⁾ OJ L 299, 16.11.2007, p. 1. Regulation as last amended by Regulation (EC) No 361/2008 (OJ L 121, 7.5.2008, p. 1).

⁽⁴⁾ OJ L 161, 30.4.2004, p. 48, as corrected by OJ L 206, 9.6.2004, p. 20.

Article 2

Article 104(2)(b) of Regulation (EC) No 1234/2007 shall be replaced by the following:

‘(b) for the calendar years 2006 to 2009, in accordance with Article 110m of Regulation (EC) No 1782/2003.’

Article 3

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

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

Done at Brussels, 26 May 2008.

For the Council
The President
D. RUPEL

COMMISSION REGULATION (EC) No 471/2008**of 29 May 2008****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 30 May 2008.

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

Done at Brussels, 29 May 2008.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 350, 31.12.2007, p. 1.

ANNEX

to Commission Regulation of 29 May 2008 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	MA	101,3
	MK	43,5
	TN	105,3
	TR	71,2
	ZZ	80,3
0707 00 05	MK	30,3
	TR	118,2
	ZZ	74,3
0709 90 70	TR	100,3
	ZZ	100,3
0805 10 20	EG	35,0
	IL	65,9
	MA	51,4
	TN	91,4
	TR	73,6
	US	66,7
	ZA	97,5
	ZZ	68,8
0805 50 10	AR	137,0
	IL	134,6
	TR	149,9
	US	127,1
	UY	61,8
	ZA	113,8
	ZZ	120,7
0808 10 80	AR	97,3
	BR	86,2
	CA	61,8
	CL	97,2
	CN	85,8
	MK	65,0
	NZ	109,8
	TR	65,0
	US	121,8
	UY	77,6
	ZA	81,3
	ZZ	86,3
0809 20 95	TR	532,1
	US	508,1
	ZZ	520,1

⁽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 472/2008

of 29 May 2008

implementing Council Regulation (EC) No 1165/98 concerning short-term statistics as regards the first base year to be applied for time series in NACE Revision 2 and, for time series prior to 2009 to be transmitted according to NACE Revision 2, the level of detail, the form, the first reference period, and the reference period

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

time series prior to 2009 to be transmitted according to NACE Rev. 2, the level of detail, the form, the first reference period, and the reference period.

Having regard to the Treaty establishing the European Community,

- (4) The measures provided for in this Regulation are in accordance with the opinion of the Statistical Programme Committee,

Having regard to Council Regulation (EC) No 1165/98 of 19 May 1998 concerning short-term statistics ⁽¹⁾ and in particular Article 17(k) and (l) thereof,

HAS ADOPTED THIS REGULATION:

Whereas:

Article 1

The first base year to be applied for short-term statistics governed by Regulation (EC) No 1165/98 and produced in accordance with NACE Rev. 2, shall be 2005 (2006 for D-310).

Article 2

- (1) Regulation (EC) No 1165/98 establishes a common framework for the production of short-term Community statistics on the business cycle. The scope of these statistics is defined by reference to Council Regulation (EEC) No 3037/90 of 9 October 1990 on the statistical classification of economic activities in the European Community (NACE Rev. 1) ⁽²⁾.
- (2) Pursuant to Regulation (EC) No 1893/2006 of the European Parliament and of the Council of 20 December 2006 establishing the statistical classification of economic activities NACE Revision 2 and amending Regulation (EEC) No 3037/90 as well as certain EC Regulations on specific statistical domains, short-term statistics governed by Regulation (EC) No 1165/98 shall be produced in accordance with NACE Rev. 2 from 1 January 2009 onwards.
- (3) According to Article 17(k) and (l) of Regulation (EC) No 1165/98, it is necessary to determine the first base year to be applied for time series in NACE Rev. 2 and, for

1. The specific requirements concerning the level of detail, the form, the first reference period, and the reference period for time series prior to 2009 to be transmitted according to NACE Rev. 2, shall be as set out in the Annex.

2. The time series compiled according to the requirements referred to in paragraph 1 shall be transmitted to the Commission (Eurostat) as follows:

- (a) in the case of monthly variables, not later than the corresponding data referring to January 2009;

- (b) in the case of quarterly data, not later than the corresponding data referring to the first quarter of 2009.

⁽¹⁾ OJ L 162, 5.6.1998, p. 1. Regulation as last amended by Regulation (EC) No 1893/2006 of the European Parliament and of the Council (OJ L 393, 30.12.2006, p. 1).

⁽²⁾ OJ L 293, 24.10.1990, p. 1. Regulation as last amended by Regulation (EC) No 1893/2006.

Article 3

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

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

Done at Luxembourg, 29 May 2008.

For the Commission
Joaquín ALMUNIA
Member of the Commission

ANNEX

Specific requirements for time series prior to 2009 to be transmitted according to NACE Rev. 2

The level of detail according to which the individual variables are to be transmitted is the same as set out in sections (f) of Annexes A, B, C and D, respectively, of Regulation (EC) No 1165/98 (in the following referred to as 'STS Regulation').

The form in which the individual variables are to be transmitted is the same as set out in sections (d) of Annexes A, B, C, and D respectively, of the STS Regulation.

The following table indicates the first reference period for which the individual variables are to be transmitted according to NACE Rev. 2. All dates are provided in the format mm/yyyy for monthly and qq/yyyy for quarterly dates.

Especially in Annex D (Other services) of the STS Regulation, the introduction of NACE Rev. 2 requires the availability of data more detailed than under the previous NACE or of data on individual activities not covered by STS prior to the introduction of NACE Rev. 2. In such cases, where in addition it is not possible to produce estimates of good quality, the Member States concerned may chose a first reference period later than 2000 subject to prior approval by the Commission (Eurostat).

Variable	Designation	First reference period
INDUSTRY		
A-110	Production	01/2000
A-120	Turnover	01/2000
A-121	Domestic turnover	01/2000
A-122	Non-domestic turnover	01/2000 01/2005 for the split euro area/non-euro area
A-130	New orders received	01/2000
A-131	Domestic new orders	01/2000
A-132	Non-domestic new orders	01/2000 01/2005 for the split euro area/non-euro area
A-210	Number of persons employed	Q1/2000
A-220	Hours worked	Q1/2000
A-230	Gross wages and salaries	Q1/2000
A-310	Output prices	01/2000
A-311	Output prices of the domestic market	01/2000
A-312	Output prices of the non-domestic market	01/2000 01/2005 for the split euro area/non-euro area
A-340	Import prices	01/2006
CONSTRUCTION		
B-110	Production	01/2005 for monthly data Q1/2000 for quarterly data
B-115	Production of building construction	01/2005 for monthly data Q1/2000 for quarterly data
B-116	Production of civil engineering	01/2005 for monthly data Q1/2000 for quarterly data
B-210	Number of persons employed	Q1/2000
B-220	Hours worked	Q1/2000
B-230	Gross wages and salaries	Q1/2000

Variable	Designation	First reference period
B-320	Construction costs	Q1/2000
B-321	Material costs	Q1/2000
B-322	Labour costs	Q1/2000
B-411	Building permits: number of dwellings	Q1/2000
B-412	Building permits: square meters of useful floor area or alternative size measure	Q1/2000
RETAIL TRADE AND REPAIR		
C-120	Turnover	01/2000
C-210	Number of persons employed	Q1/2000
C-330	Deflator of sales	01/2000
C-123	Volume of sales	01/2000
OTHER SERVICES		
D-120	Turnover	Q1/2000
D-210	Number of persons employed	Q1/2000
D-310	Output prices	Q1/2006

The reference period to be applied for the individual variables is the same as set out in sections (e) of Annexes A, B, C and D, respectively, of the STS Regulation.

COMMISSION REGULATION (EC) No 473/2008**of 29 May 2008****on amending Regulation (EC) No 2037/2000 of the European Parliament and of the Council as regards the adjustment of CN codes for certain ozone depleting substances and mixtures containing ozone depleting substances**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 2037/2000 of the European Parliament and of the Council of 29 June 2000 on substances that deplete the ozone layer⁽¹⁾ and in particular Article 6(5) thereof,

Whereas:

(1) In the Combined Nomenclature for 2007, laid down in Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽²⁾, as amended by Commission Regulation (EC) No 1214/2007⁽³⁾, the combined nomenclature codes (CN codes) for certain substances and products have been amended.

(2) Annex IV to Regulation (EC) No 2037/2000, relating to ozone depleting substances and mixtures containing ozone depleting substances, refers to some of the CN codes which were amended by Regulation (EC) No 1214/2007. It is therefore necessary to adjust that Annex. In view of the number of changes to be made, it is appropriate for reasons of clarity to replace that Annex in its entirety.

(3) Regulation (EC) No 2037/2000 should therefore be amended accordingly.

(4) Since Regulation (EC) No 1214/2007 entered into force on 1 January 2008, this Regulation should apply from the same date.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 18(1) of Regulation (EC) No 2037/2000,

HAS ADOPTED THIS REGULATION:

Article 1

Annex IV to Regulation (EC) No 2037/2000 is replaced by the text set out in the Annex to this Regulation.

Article 2

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

It shall apply from 1 January 2008.

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

Done at Brussels, 29 May 2008.

For the Commission

Stavros DIMAS

Member of the Commission

⁽¹⁾ OJ L 244, 29.9.2000, p. 1. Regulation as last amended by Commission Decision 2007/540/EC (OJ L 198, 31.7.2007, p. 35).

⁽²⁾ OJ L 256, 7.9.1987, p. 1. Regulation as last amended by Commission Regulation (EC) No 360/2008 (OJ L 111, 23.4.2008, p. 9).

⁽³⁾ OJ L 286, 31.10.2007, p. 1.

ANNEX

‘ANNEX IV

Groups, Combined Nomenclature codes (*) and descriptions for the substances referred to in Annexes I and III

Group	CN code	Description
Group I	2903 41 00	Trichlorofluoromethane
	2903 42 00	Dichlorodifluoromethane
	2903 43 00	Trichlorotrifluoroethanes
	2903 44 10	Dichlorotetrafluoroethanes
	2903 44 90	Chloropentafluoroethane
Group II	2903 45 10	Chlorotrifluoromethane
	2903 45 15	Pentachlorofluoroethane
	2903 45 20	Tetrachlorodifluoroethanes
	2903 45 25	Heptachlorofluoropropanes
	2903 45 30	Hexachlorodifluoropropanes
	2903 45 35	Pentachlorotrifluoropropanes
	2903 45 40	Tetrachlorotetrafluoropropanes
	2903 45 45	Trichloropentafluoropropanes
	2903 45 50	Dichlorohexafluoropropanes
	2903 45 55	Chloroheptafluoropropanes
Group III	2903 46 10	Bromochlorodifluoromethane
	2903 46 20	Bromotrifluoromethane
	2903 46 90	Dibromotetrafluoroethanes
Group IV	2903 14 00	Carbon tetrachloride
Group V	2903 19 10	1,1,1-Trichloroethane (methyl chloroform)
Group VI	2903 39 11	Bromomethane (methyl bromide)
Group VII	2903 49 30	Hydrobromofluoromethanes, -ethanes or -propanes
Group VIII	2903 49 11	Chlorodifluoromethane (HCFC-22)
	2903 49 15	1,1-Dichloro-1-fluoroethane (HCFC-141b)
	2903 49 19	Other Hydrochlorofluoromethanes, -ethanes or -propanes (HCFCs)
Group IX	ex 2903 49 80	Bromochloromethane
Mixtures	3824 71 00	Mixtures containing chlorofluorocarbons (CFCs), whether or not containing hydrochlorofluorocarbons (HCFCs), perfluorocarbons (PFCs) or hydrofluorocarbons (HFCs)
	3824 72 00	Mixtures containing bromochlorodifluoromethane, bromotrifluoromethane or dibromo-tetrafluoroethanes
	3824 73 00	Mixtures containing hydrobromofluorocarbons (HBFCs)
	3824 74 00	Mixtures containing hydrochlorofluorocarbons (HCFCs), whether or not containing perfluorocarbons (PFCs) or hydrofluorocarbons (HFCs), but not containing chlorofluorocarbons (CFCs)
	3824 75 00	Mixtures containing carbon tetrachloride
	3824 76 00	Mixtures containing 1,1,1-trichloroethane (methyl chloroform)
	3824 77 00	Mixtures containing bromomethane (methyl bromide) or bromochloromethane

(*) An “ex” before a code implies that also other substances than those referred to in the column “Description” may fall under that subheading.

COMMISSION REGULATION (EC) No 474/2008**of 29 May 2008****fixing the export refunds on white and raw sugar exported without further processing**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 318/2006 of 20 February 2006 on the common organisation of the market in the sugar sector⁽¹⁾, and in particular the second subparagraph of Article 33(2) thereof,

Whereas:

(1) Article 32 of Regulation (EC) No 318/2006 provides that the difference between prices on the world market for the products listed in Article 1(1)(b) of that Regulation and prices for those products on the Community market may be covered by an export refund.

(2) Given the present situation on the sugar market, export refunds should therefore be fixed in accordance with the rules and certain criteria provided for in Articles 32 and 33 of Regulation (EC) No 318/2006.

(3) The first subparagraph of Article 33(2) of Regulation (EC) No 318/2006 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund according to destination.

(4) Refunds should be granted only on products that are allowed to move freely in the Community and that comply with the requirements of Regulation (EC) No 318/2006.

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

HAS ADOPTED THIS REGULATION:

Article 1

Export refunds as provided for in Article 32 of Regulation (EC) No 318/2006 shall be granted on the products and for the amounts set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 30 May 2008.

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

Done at Brussels, 29 May 2008.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 58, 28.2.2006, p. 1. Regulation as last amended by Commission Regulation (EC) No 1260/2007 (OJ L 283, 27.10.2007, p. 1). Regulation (EC) No 318/2006 will be replaced by Regulation (EC) No 1234/2007 (OJ L 299, 16.11.2007, p. 1) as from 1 October 2008.

ANNEX

Export refunds on white and raw sugar exported without further processing applicable from 30 May 2008

Product code	Destination	Unit of measurement	Amount of refund
1701 11 90 9100	S00	EUR/100 kg	27,44 ⁽¹⁾
1701 11 90 9910	S00	EUR/100 kg	27,44 ⁽¹⁾
1701 12 90 9100	S00	EUR/100 kg	27,44 ⁽¹⁾
1701 12 90 9910	S00	EUR/100 kg	27,44 ⁽¹⁾
1701 91 00 9000	S00	EUR/1 % sucrose × 100 kg of net product	0,2984
1701 99 10 9100	S00	EUR/100 kg	29,84
1701 99 10 9910	S00	EUR/100 kg	29,84
1701 99 10 9950	S00	EUR/100 kg	29,84
1701 99 90 9100	S00	EUR/1 % sucrose × 100 kg of net product	0,2984

NB: The destinations are defined as follows:

S00 — All destinations with the exception of:

- (a) third countries: Andorra, Liechtenstein, the Holy See (Vatican City State), Croatia, Bosnia-Herzegovina, Serbia (*), Montenegro, Albania and the former Yugoslav Republic of Macedonia;
- (b) territories of the EU Member States not forming part of the customs territory of the Community: the Faeroe Islands, Greenland, Heligoland, Ceuta, Melilla, the Communes of Livigno and Campione d'Italia, and the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control;
- (c) European territories for whose external relations a Member State is responsible and not forming part of the customs territory of the Community: Gibraltar.

(*) Including Kosovo, under the aegis of the United Nations, pursuant to UN Security Council Resolution 1244 of 10 June 1999.

⁽¹⁾ This amount is applicable to raw sugar with a yield of 92 %. Where the yield for exported raw sugar differs from 92 % the refund amount applicable shall be multiplied, for each exporting operation concerned, by a conversion factor obtained by dividing by 92 the yield of the raw sugar exported, calculated in accordance with paragraph 3 of Point III of the Annex I of Regulation (EC) No 318/2006.

COMMISSION REGULATION (EC) No 475/2008**of 29 May 2008****fixing the export refunds on syrups and certain other sugar products exported without further processing**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 318/2006 of 20 February 2006 on the common organisation of the market in the sugar sector⁽¹⁾, and in particular the second subparagraph of Article 33(2) thereof,

Whereas:

- (1) Article 32 of Regulation (EC) No 318/2006 provides that the difference between prices on the world market for the products listed in Article 1(1)(c), (d) and (g) of that Regulation and prices for those products on the Community market may be covered by an export refund.
- (2) Given the present situation on the sugar market, export refunds should therefore be fixed in accordance with the rules and certain criteria provided for in Articles 32 and 33 of Regulation (EC) No 318/2006.
- (3) The first subparagraph of Article 33(2) of Regulation (EC) No 318/2006 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund according to destination.
- (4) Refunds should be granted only on products that are allowed to move freely in the Community and that comply with the requirements of Commission Regulation (EC) No 951/2006 of 30 June 2006 laying down detailed

rules for the implementation of Regulation (EC) No 318/2006 as regards trade with third countries in the sugar sector⁽²⁾.

- (5) Export refunds may be set to cover the competitive gap between Community and third country's exports. Community exports to certain close destinations and to third countries granting Community products a preferential import treatment are currently in a particular favourable competitive position. Therefore, refunds for exports to those destinations should be abolished.

- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

1. Export refunds as provided for in Article 32 of Regulation (EC) No 318/2006 shall be granted on the products and for the amounts set out in the Annex to this Regulation subject to the conditions provided for in paragraph 2 of this Article.
2. To be eligible for a refund under paragraph 1 products must meet the relevant requirements laid down in Articles 3 and 4 of Regulation (EC) No 951/2006.

Article 2

This Regulation shall enter into force on 30 May 2008.

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

Done at Brussels, 29 May 2008.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 58, 28.2.2006, p. 1. Regulation as last amended by Commission Regulation (EC) No 1260/2007 (OJ L 283, 27.10.2007, p. 1). Regulation (EC) No 318/2006 will be replaced by Regulation (EC) No 1234/2007 (OJ L 299, 16.11.2007, p. 1) as from 1 October 2008.

⁽²⁾ OJ L 178, 1.7.2006, p. 24. Regulation as last amended by Regulation (EC) No 1568/2007 (OJ L 340, 22.12.2007, p. 62).

ANNEX

Export refunds on syrups and certain other sugar products exported without further processing applicable from 30 May 2008

Product code	Destination	Unit of measurement	Amount of refund
1702 40 10 9100	S00	EUR/100 kg dry matter	29,84
1702 60 10 9000	S00	EUR/100 kg dry matter	29,84
1702 60 95 9000	S00	EUR/1 % sucrose × 100 kg of net product	0,2984
1702 90 30 9000	S00	EUR/100 kg dry matter	29,84
1702 90 71 9000	S00	EUR/1 % sucrose × 100 kg of net product	0,2984
1702 90 95 9100	S00	EUR/1 % sucrose × 100 kg of net product	0,2984
1702 90 95 9900	S00	EUR/1 % sucrose × 100 kg of net product	0,2984 ⁽¹⁾
2106 90 30 9000	S00	EUR/100 kg dry matter	29,84
2106 90 59 9000	S00	EUR/1 % sucrose × 100 kg of net product	0,2984

NB: The destinations are defined as follows:

S00 — All destinations with the exception of:

- (a) third countries: Andorra, Liechtenstein, the Holy See (Vatican City State), Croatia, Bosnia-Herzegovina, Serbia (*), Montenegro, Albania and the former Yugoslav Republic of Macedonia;
- (b) territories of the EU Member States not forming part of the customs territory of the Community: the Faeroe Islands, Greenland, Heligoland, Ceuta, Melilla, the Communes of Livigno and Campione d'Italia, and the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control;
- (c) European territories for whose external relations a Member State is responsible and not forming part of the customs territory of the Community: Gibraltar.

(*) Including Kosovo, under the aegis of the United Nations, pursuant to UN Security Council Resolution 1244 of 10 June 1999.

(¹) The basic amount is not applicable to the product defined under point 2 of the Annex to Commission Regulation (EEC) No 3513/92 (OJ L 355, 5.12.1992, p. 12).

COMMISSION REGULATION (EC) No 476/2008**of 29 May 2008****fixing the maximum export refund for white sugar in the framework of the standing invitation to tender provided for in Regulation (EC) No 900/2007**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 318/2006 of 20 February 2006 on the common organisation of the markets in the sugar sector⁽¹⁾, and in particular the second subparagraph and point (b) of the third subparagraph of Article 33(2) thereof,

Whereas:

(1) Commission Regulation (EC) No 900/2007 of 27 July 2007 on a standing invitation to tender to determine refunds on exports of white sugar for the 2007/08 marketing year⁽²⁾ requires the issuing of partial invitations to tender.

(2) Pursuant to Article 8(1) of Regulation (EC) No 900/2007 and following an examination of the tenders submitted

in response to the partial invitation to tender ending on 29 May 2008, it is appropriate to fix a maximum export refund for that partial invitation to tender.

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

HAS ADOPTED THIS REGULATION:

Article 1

For the partial invitation to tender ending on 29 May 2008, the maximum export refund for the product referred to in Article 1(1) of Regulation (EC) No 900/2007 shall be 34,836 EUR/100 kg.

Article 2

This Regulation shall enter into force on 30 May 2008.

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

Done at Brussels, 29 May 2008.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 58, 28.2.2006, p. 1. Regulation as last amended by Commission Regulation (EC) No 1260/2007 (OJ L 283, 27.10.2007, p. 1). Regulation (EC) No 318/2006 will be replaced by Regulation (EC) No 1234/2007 (OJ L 299, 16.11.2007, p. 1) as from 1 October 2008.

⁽²⁾ OJ L 196, 28.7.2007, p. 26. Regulation as last amended by Commission Regulation (EC) No 148/2008 by Commission Regulation (OJ L 46, 21.2.2008, p. 9).

COMMISSION REGULATION (EC) No 477/2008**of 29 May 2008****establishing that no award shall be made in the framework of the standing invitation to tender of white sugar provided for in Regulation (EC) No 1060/2007**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 318/2006 of 20 February 2006 on the common organisation of the markets in the sugar sector⁽¹⁾, and in particular the second subparagraph and point (b) of the third subparagraph of Article 33(2) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1060/2007 of 14 September 2007 opening a standing invitation to tender for the resale for export of sugar held by the intervention agencies of Belgium, the Czech Republic, Spain, Ireland, Italy, Hungary, Poland, Slovakia and Sweden⁽²⁾ requires the issuing of partial invitations to tender.

- (2) Pursuant to Article 4(1) of Regulation (EC) No 1060/2007 and following an examination of the tenders submitted in response to the partial invitation to tender ending on 28 May 2008, it is appropriate to decide that no award shall be made for that partial invitation to tender.

- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

For the partial invitation to tender ending on 28 May 2008, for the product referred to in Article 1(1) of Regulation (EC) No 1060/2007, no award shall be made.

Article 2

This Regulation shall enter into force on 30 May 2008.

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

Done at Brussels, 29 May 2008.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 58, 28.2.2006, p. 1. Regulation as last amended by Commission Regulation (EC) No 1260/2007 (OJ L 283, 27.10.2007, p. 1). Regulation (EC) No 318/2006 will be replaced by Regulation (EC) No 1234/2007 (OJ L 299, 16.11.2007, p. 1) as from 1 October 2008.

⁽²⁾ OJ L 242, 15.9.2007, p. 8. Regulation as last amended by Regulation (EC) No 148/2008 (OJ L 46, 21.2.2008, p. 9).

COMMISSION REGULATION (EC) No 478/2008**of 29 May 2008****fixing the rates of refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex I to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 318/2006 of 20 February 2006 on the common organisation of the market in the sugar sector⁽¹⁾, and in particular Article 33(2)(a) and (4) thereof,

Whereas:

- (1) Article 32(1) and (2) of Regulation (EC) No 318/2006 provides that the differences between the prices in international trade for the products listed in Article 1(1)(b), (c), (d) and (g) of that Regulation and prices within the Community may be covered by an export refund where these products are exported in the form of goods listed in Annex VII to that Regulation.
- (2) Commission Regulation (EC) No 1043/2005 of 30 June 2005 implementing Council Regulation (EC) No 3448/93 as regards the system of granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds⁽²⁾, specifies the products for which a rate of refund is to be fixed, to be applied where these products are exported in the form of goods listed in Annex VII to Regulation (EC) No 318/2006.
- (3) In accordance with the first paragraph of Article 14 of Regulation (EC) No 1043/2005, the rate of the refund per 100 kilograms for each of the basic products in question is to be fixed each month.
- (4) Article 32(4) of Regulation (EC) No 318/2006 lays down that the export refund for a product contained in goods

may not exceed the refund applicable to that product when exported without further processing.

- (5) The refunds fixed under this Regulation may be fixed in advance as the market situation over the next few months cannot be established at the moment.
- (6) The commitments entered into with regard to refunds which may be granted for the export of agricultural products contained in goods not covered by Annex I to the Treaty may be jeopardised by the fixing in advance of high refund rates. It is therefore necessary to take precautionary measures in such situations without, however, preventing the conclusion of long-term contracts. The fixing of a specific refund rate for the advance fixing of refunds is a measure which enables these various objectives to be met.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of the refunds applicable to the basic products listed in Annex I to Regulation (EC) No 1043/2005 and in Article 1(1) and in point (1) of Article 2 of Regulation (EC) No 318/2006, and exported in the form of goods listed in Annex VII to Regulation (EC) No 318/2006, shall be fixed as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 30 May 2008.

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

Done at Brussels, 29 May 2008.

For the Commission

Heinz ZOUREK

Director-General Enterprise and Industry

⁽¹⁾ OJ L 58, 28.2.2006, p. 1. Regulation as last amended by Commission Regulation (EC) No 1260/2007 (OJ L 283, 27.10.2007, p. 1). Regulation (EC) No 318/2006 will be replaced by Regulation (EC) No 1234/2007 (OJ L 299, 16.11.2007, p. 1) as from 1 October 2008.

⁽²⁾ OJ L 172, 5.7.2005, p. 24. Regulation as last amended by Regulation (EC) No 246/2008 (OJ L 75, 18.3.2008, p. 64).

ANNEX

Rates of refunds applicable from 30 May 2008 to certain products from the sugar sector exported in the form of goods not covered by Annex I to the Treaty ⁽¹⁾

CN code	Description	Rate of refund in EUR/100 kg	
		In case of advance fixing of refunds	Other
1701 99 10	White sugar	29,84	29,84

⁽¹⁾ The rates set out in this Annex are not applicable to exports to

- (a) third countries: Andorra, Liechtenstein, the Holy See (Vatican City State), Croatia, Bosnia-Herzegovina, Serbia (*), Montenegro, Albania and the former Yugoslav Republic of Macedonia and to the goods listed in Tables I and II of Protocol 2 to the Agreement between the European Community and the Swiss Confederation of 22 July 1972 exported to the Swiss Confederation.
- (b) territories of the EU Member States not forming part of the customs territory of the Community: the Faeroe Islands, Greenland, Heligoland, Ceuta, Melilla, the Communes of Livigno and Campione d'Italia, and the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control;
- (c) European territories for whose external relations a Member State is responsible and not forming part of the customs territory of the Community: Gibraltar

(*) Including Kosovo, under the aegis of the United Nations, pursuant to UN Security Council Resolution 1244 of 10 June 1999.

II

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

DECISIONS

COMMISSION

COMMISSION DECISION

of 11 March 2008

concerning State aid C 28/07 (ex NN 33/07) where Italy Intends the prolongation of eligible investment expenditure until 2008

(notified under document number C(2008) 831)

(Only the Italian text is authentic)

(Text with EEA relevance)

(2008/400/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Having regard to the Agreement on the European Economic Area, and in particular Article 62(1)(a) thereof,

Having called on interested parties to submit their comments pursuant to those provisions⁽¹⁾ and having regard to their comments,

Whereas:

I. PROCEDURE

(1) On 26 February 2007 Italy adopted the Law No 17/2007⁽²⁾, including Article 4-bis which prolongs the application of a regional aid scheme providing automatic tax credits for new investments in the assisted areas of Italy, which had been approved in 2001 and 2002 by the Commission⁽³⁾ and which expired on 31 December 2006.

(2) By letter dated 7 March 2007 (D/50987) the Commission requested the Italian authorities to submit information on Article 4-bis of the Law No 17/2007. The Italian authorities replied by letter, registered at the Commission on 19 March 2007 (A/32387).

(3) By letter of 10 July 2007⁽⁴⁾, the Commission informed Italy of its decision to initiate the formal investigation procedure laid down in Article 88(2) of the EC Treaty in respect of the measure created by Article 4-bis of the Law No 17/2007.

(4) The Commission Decision to initiate the procedure was published in the *Official Journal of the European Union*⁽⁵⁾. The Commission invited interested parties to submit their comments on the aid.

(5) The Commission received no comments from interested parties.

(6) By letter dated 24 July 2007, registered at the Commission on 25 July 2007, the Commission was informed of the intention of the Italian authorities to repeal the measure. By e-mail of 9 October 2007, the Italian authorities confirmed their intention and submitted a draft legal provision repealing the measure.

⁽¹⁾ OJ C 187, 10.8.2007, p. 13.

⁽²⁾ Gazzetta Ufficiale n. 47 of 26.2.2007.

⁽³⁾ State aid N 646/A/00 Crediti di imposta per gli investimenti nelle aree svantaggiate (OJ C 149, 19.5.2001, p. 11) and State aid N 324/02 Credito d'imposta per gli investimenti nelle regioni ammissibili alla deroga di cui all'articolo 87(3)(a) del trattato e delle zone dell'Abruzzo e del Molise ammissibili alla deroga di cui all'articolo 87(3)(c) (OJ C 239, 4.10.2002, p. 2).

⁽⁴⁾ Letter of the Commission C (2007) 3260 def.

⁽⁵⁾ OJ C 187, 10.8.2007, p. 13.

- (7) On 23 November 2007 the Commission asked the Italian authorities to submit the adopted final legal provision, which repealed the measure in question.

- (8) The Italian authorities submitted the adopted final legal provision to repeal Article 4-bis of Law No 17/2007 by letter registered at the Commission on 15 January 2008.

II. DESCRIPTION OF THE MEASURE

- (9) The measure aimed at prolonging the period during which the investment expenditure under an approved regional aid scheme, which expired on 31 December 2006, could have been incurred.
- (10) Under the regional aid scheme (N 646/A/2000), which aimed at promoting regional development in the Italian regions eligible for regional aid under the regional aid map 2000-2006 ⁽¹⁾ and which expired on 31 December 2006, a beneficiary obtained the legal right to a tax credit by carrying out a positive net investment that was established on the basis of an accountancy/balance sheet approach for eligible expenses to be incurred before 2007. The original scheme was amended in 2002 with the introduction of a budgetary-cap mechanism requiring the beneficiary to apply for a reservation of funds to the fiscal authorities. The amendment did not change the expiry date for the scheme, nor its limitation to expenditure incurred before 2007.
- (11) By adopting Article 4-bis of the law No 17 of 26 February 2007, the Italian authorities extended the period during which expenditure could have been incurred until 2008.

III. GROUNDS FOR INITIATING THE PROCEDURE

- (12) The Commission refers to sections 4.1 and 4.2 of its Decision to open the formal investigation procedure.

IV. COMMENTS FROM ITALY

- (13) On 24 July 2007 the Italian authorities informed the Commission of their intention to repeal the measure.
- (14) On 9 October 2007 the Italian authorities reassured the Commission that the measure would be repealed by Article 3, comma 18 of the 2008 Finance Bill (d.d.l.

Finanziaria 2008), approved by the Council of Ministers on 28 September 2007.

- (15) Following the Commission's request to submit the adopted definite legal provision repealing the measure, the Italian authorities submitted to the Commission the text of Article 1, comma 65 of the Budget Law 2008 ⁽²⁾ (Legge finanziaria) on 15 January 2008 which includes the relevant legal provisions which repeal Article 4-bis of the law No 17 of 26 February 2007.

V. ASSESSMENT

- (16) Article 1, comma 65 of the Budget Law 2008 stipulates that the amendment to the original legal scheme adopted by Article 4-bis of Law No 17/2007, i.e. the possibility to prolong the eligible investment expenditure until 2008, is repealed. Further, Article 2, comma 65 of the Budget Law 2008 also foresees the reallocation of the budgetary appropriations of the measure ⁽³⁾.
- (17) Since the tax credit accrued with reference to the eligible costs incurred in 2007 can only be claimed definitively at the moment of the 2007 fiscal declaration, in 2008, at the time this tax declaration has to be submitted to the fiscal agency, no legal basis or budget for the tax credit exist.
- (18) The measure has therefore become nil and void, and no tax credits can be granted for expenditure incurred after 2006 on the basis of the legal provision adopted by Article 4-bis of L. 17/2007.

VI. CONCLUSION

In view of the foregoing, the Commission considers that the formal investigation procedure initiated under Article 88(2) of the Treaty as regards the prolongation of the eligible investment expenditures until 2008 is without object,

⁽²⁾ Art. 1, comma 65 Legge n. 244 del 24 Dicembre 2007 — Disposizioni per la formazione del bilancio annuale e pluriennale dello Stato (legge finanziaria 2008), G.U. n. 300 del 28 Dicembre 2007 (suppl.ord.) Testo ripubblicato nella G.U. n. 10 del 12 Gennaio 2008 (suppl.ord.).

⁽³⁾ Art. 1, comma 65: 'Il quinto periodo del comma 1 dell'articolo 8 della legge 23 dicembre 2000, n. 388, convertito, con modificazioni, dalla legge 26 Febbraio 2007, è soppresso. In relazione a quanto previsto dal primo periodo del presente comma e in considerazione dell'effettivo utilizzo dei crediti d'imposta previsti dagli articoli 7 e 8 della legge 23 dicembre 2000, n. 388, le risorse finanziarie a tal fine preordinate, esistenti presso la contabilità speciale 1778 — Fondi di bilancio, sono ridotte di 1 500 milioni di euro. Le predette risorse sono versate al bilancio dello Stato nella misura di 450 milioni di euro per l'anno 2008 e di 525 milioni di euro per ciascuno degli anni 2009 e 2010'.

⁽¹⁾ Letter of the Commission of 13.3.2000 (OJ C 175, 24.6.2000, p. 11) and letter of the Commission of 20.9.2000 (OJ C 105, 20.4.2002).

HAS ADOPTED THIS DECISION:

Article 1

Due to the repeal of the measure by Italy, the present procedure has become without object and is hereby closed.

Article 2

This Decision is addressed to the Italian Republic.

Done at Brussels, 11 March 2008.

For the Commission

Neelie KROES

Member of the Commission

COMMISSION DECISION

of 30 April 2008

amending its Rules of Procedure as regards detailed rules for the application of Regulation (EC) No 1367/2006 of the European Parliament and of the Council on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institution and bodies

(2008/401/EC, Euratom)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular Article 218(2) thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 131 thereof,

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

Whereas:

(1) Regulation (EC) No 1367/2006 of the European Parliament and of the Council⁽¹⁾ makes provision for the application of the Aarhus Convention to Community institutions and bodies, as regards access to environmental information, public participation concerning plans and programmes relating to the environment and internal review and access to justice.

(2) In accordance with Article 13 of Regulation (EC) No 1367/2006, where necessary, Community institutions and bodies shall adapt their rules of procedure to the provisions of that Regulation.

(3) Pursuant to Article 7 of Regulation (EC) No 1367/2006, a Community institution or body receiving a request for access to environmental information which it does not hold must, within 15 working days at the latest, inform the applicant of the institution, body or public authority to which it believes the request can be submitted or transfer the request to the institution, body or public authority holding the requested information. There is no such provision in Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European

Parliament, Council and Commission documents⁽²⁾ or in the detailed rules for the application of this Regulation to the Commission laid down in its Rules of Procedure⁽³⁾ as amended by Commission Decision 2001/937/EC, ECSC, Euratom⁽⁴⁾. Consequently, a specific provision should be added to the Rules of Procedure as regards requests for access to environmental information which is not held by the Commission.

(4) As concerns public participation, Article 9 of Regulation (EC) No 1367/2006 requires Community institutions and bodies to provide, through appropriate provisions, early and effective opportunities for the public to participate during the preparation, modification or review of plans and programmes relating to the environment when all options are still open. Modalities for such public participation are specified in paragraphs 3, 4 and 5 of that Article. For the Commission, provisions are laid down in a general way in its Communication 'General principles and minimum standards for consultation of interested parties'⁽⁵⁾. These should be applied by all Commission departments as regards the preparation, modification or review of plans and programmes relating to the environment.

(5) Title IV of Regulation (EC) No 1367/2006 sets out provisions on internal review of administrative acts and omissions, the implementation of which requires the adoption of detailed rules by the Commission.

(6) In order to give effect to Article 1(2) of Regulation (EC) No 1367/2006, a practical guide should inform the public of their rights under that Regulation.

(7) The Rules of Procedure should be amended accordingly.

(8) Pursuant to Article 13 of Regulation (EC) No 1367/2006, this Decision should apply from 28 June 2007,

⁽²⁾ OJ L 145, 31.5.2001, p. 43.

⁽³⁾ OJ L 308, 8.12.2000, p. 26.

⁽⁴⁾ OJ L 345, 29.12.2001, p. 94.

⁽⁵⁾ COM(2002) 704 final of 11.12.2002.

⁽¹⁾ OJ L 264, 25.9.2006, p. 13.

HAS DECIDED AS FOLLOWS:

Article 1

The text set out in the Annex to this Decision is added to the Rules of Procedure.

Article 2

Date of application

This Decision shall apply from 28 June 2007.

Done at Brussels, 30 April 2008.

For the Commission

Stavros DIMAS

Member of the Commission

ANNEX

Detailed rules for the application of Regulation (EC) No 1367/2006 of the European Parliament and of the Council on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies*Article 1***Access to environmental information**

The time-limit of 15 working days referred to in Article 7 of Regulation (EC) No 1367/2006 shall commence on the date of registration of the request by the responsible Commission department.

*Article 2***Public participation**

For the purposes of implementing Article 9(1) of Regulation (EC) No 1367/2006 the Commission shall ensure public participation in accordance with the Communication 'General principles and minimum standards for consultation of interested parties by the Commission' (*).

*Article 3***Requests for internal review**

Requests for internal review of an administrative act or relating to an administrative omission shall be sent by mail, fax or e-mail to the department responsible for the application of the provision on the basis of which the administrative act was adopted, or in respect of which the administrative omission is alleged.

Contact details to that effect shall be made known to the public by all appropriate means.

Where a request is sent to another department than that responsible for the review, that department shall forward the request to the one responsible.

In any case, where the department responsible for the review is not Directorate-General 'Environment', it shall inform the latter of the request being made.

*Article 4***Decisions concerning the admissibility of requests for internal review**

1. As soon as the request for internal review is registered, an acknowledgement of receipt shall be sent to the non-governmental organisation author of the request, where appropriate by electronic means.
2. The Commission department concerned shall determine whether the non-governmental organisation is entitled to make a request for internal review in accordance with Commission Decision 2008/50/EC (**).
3. In accordance with Article 14 of the Rules of Procedure, the power to take decisions on the admissibility of a request for internal review is delegated to the Director-General or the head of department concerned.

Decisions on the admissibility of the request shall cover any decisions on the entitlement, pursuant to paragraph 2 of this Article, of the non-governmental organisation author of the request, the timely submission of the request under the second subparagraph of Article 10(1) of Regulation (EC) No 1367/2006, and on the indication and substantiation of the grounds on which the request is made, as required in Article 1(2) and (3) of Decision 2008/50/EC.

4. Where the Director-General or the head of department referred to in paragraph 3 finds that the request for internal review is inadmissible in full or in part, the non-governmental organisation author of the request shall be informed in writing, if appropriate by electronic means, stating the reasons.

(*) COM(2002) 704 final.

(**) OJ L 13, 16.1.2008, p. 24.

*Article 5***Decisions concerning the substance of requests for internal review**

1. Any decision whereby it is determined that the administrative act whose review is sought, or the alleged administrative omission, is in breach of environmental law shall be taken by the Commission.

2. In accordance with Article 13 of the Rules of Procedure, the Member of the Commission responsible for the application of the provisions on the basis of which the administrative act concerned was adopted or to which the alleged administrative omission relates shall be empowered to decide that the administrative act whose review is sought, or the alleged administrative omission, is not in breach of environmental law.

Sub-delegation of powers conferred under the first subparagraph shall be prohibited.

3. The non-governmental organisation author of the request shall be informed of the outcome of the review in writing, if appropriate by electronic means, stating the reasons.

*Article 6***Remedies**

All replies informing the non-governmental organisation that its request is either inadmissible, in full or part, or that the administrative act whose review is sought, or the alleged administrative omission, is not in breach of environmental law shall apprise the non-governmental organisation of the remedies open to it, namely instituting court proceedings against the Commission, or making a complaint to the Ombudsman, or both, under the conditions laid down in Articles 230 and 195 of the EC Treaty, respectively.

*Article 7***Information of the public**

A practical guide shall provide to the public appropriate information about their rights under Regulation (EC) No 1367/2006.

EUROPEAN CENTRAL BANK

DECISION OF THE EUROPEAN CENTRAL BANK

of 15 May 2008

on security accreditation procedures for manufacturers of euro secure items for euro banknotes

(ECB/2008/3)

(2008/402/EC)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Treaty establishing the European Community, and in particular Article 106(1) thereof,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank (hereinafter the ESCB Statute), and in particular Article 16 thereof,

Whereas:

(4) The ECB is responsible for establishing and maintaining a system that ensures that euro secure items may only be delivered to euro area national central banks, national central banks of Member States that are preparing to adopt the euro (subject to a decision of the Governing Council), other accredited manufacturers and/or the ECB.

(5) It is necessary to amend Guideline ECB/2004/18 of 16 September 2004 on the procurement of euro banknotes ⁽¹⁾, accordingly,

HAS DECIDED AS FOLLOWS:

SECTION I

GENERAL PROVISIONS

Article 1

Definitions

For the purposes of this Decision:

- (1) Article 106(1) of the Treaty and Article 16 of the ESCB Statute provide that the European Central Bank (ECB) has the exclusive right to authorise the issue of euro banknotes within the Community. This right includes the competence to take measures to protect the integrity of euro banknotes as a means of payment.
- (2) To maintain the general public's confidence in euro banknotes as a means of payment, it is necessary to specify minimum security rules for the production, processing, storage and transport of euro banknotes and their components, and other related materials and information requiring security protection, the loss, theft or publication of which could damage the integrity of euro banknotes or contribute to the production of counterfeit euro banknotes or their components. All entities involved in such activities should comply with the security rules, the content of which may, however, vary depending on the type of activity.
- (3) It is necessary to establish a security accreditation procedure which confirms that manufacturers comply with the security rules, as well as procedures to ensure ongoing compliance with the security rules and moreover to provide for various types of consequences in the event of non-compliance with them. Such consequences range from giving a warning to revoking security accreditation and should be proportionate to the nature of the instance of non-compliance identified.

- (a) 'NCB' means the national central bank of a Member State that has adopted the euro;
- (b) 'future Eurosystem NCB' means the national central bank of a Member State that has not adopted the euro but has fulfilled the conditions set for the adoption of the euro and in relation to which a decision on the abrogation of the derogation (pursuant to Article 122(2) of the Treaty) has been taken;
- (c) 'euro secure items' means the first series of euro banknotes and their components and other related materials or information requiring security protection, the loss, theft or publication of which could damage the integrity of euro banknotes or assist in the production of counterfeit euro banknotes or their components;

⁽¹⁾ OJ L 320, 21.10.2004, p. 21.

- (d) 'security rules' means the substantive rules for the acquisition of euro secure items and any euro secure activity, as laid down in separate rules by the ECB from time to time;
- (e) 'purchaser' means a company, organisation or national central bank that is involved in some way in contracting as a purchaser for the production, processing or storage of euro secure items;
- (f) 'manufacturing site' means any premises that a manufacturer uses, or wishes to use, for the production, processing (including destruction) or storage of euro secure items prior to their transport to the purchaser or, where applicable, to a specialist destruction facility;
- (g) 'euro secure activity' means any of the following: production, processing (including destruction), storage or transport of euro secure items;
- (h) 'manufacturer' means any entity that is, or wishes to be, involved in a euro secure activity, except entities that are only, or only wish to be, involved in the transport or destruction of euro secure items, and 'accredited manufacturer' means a manufacturer which has been granted full security accreditation;
- (i) 'full security accreditation' means the status, the scope of which is set out in Article 3, granted by the ECB to a manufacturer for a euro secure activity in respect of a euro secure item;
- (j) 'non-compliance' means an instance in which any of the following do not comply with the relevant parts of the security rules: (i) the security arrangements put in place pursuant to this Decision by a manufacturer; (ii) actions taken by an accredited manufacturer carrying out euro secure activity; or (iii) actions taken by a manufacturer with temporary security accreditation preparing to carry out euro secure activity;
- (k) 'security inspection' means an inspection of a euro secure activity for the purposes of assessing whether the security arrangements at a manufacturing site comply with the security rules; and
- (l) 'temporary security accreditation' means the status, the scope of which is set out in Article 4, granted by the ECB to a manufacturer confirming that it may prepare to carry out a euro secure activity in respect of a euro secure item.

Article 2

General principles

1. The security rules adopted by the ECB are minimum rules. Manufacturers may adopt and implement stricter standards, but the ECB shall only assess compliance with its own security rules.
2. Notwithstanding any provisions laid down by the ECB elsewhere that apply this Decision to specific procedures relating to euro banknotes, this Decision shall not apply to the processing and storage of euro banknotes that are registered with an NCB as having been produced but not issued.
3. An accredited manufacturer may only supply euro secure items to the following:
 - (a) another accredited manufacturer;
 - (b) an NCB;
 - (c) subject to a decision of the Governing Council, a future Eurosystem NCB; or
 - (d) the ECB.
4. The Executive Board shall take all decisions relating to manufacturers' security accreditation taking into account the views of the Banknote Committee. Moreover, it shall be competent to grant any consent pursuant to Article 3(6).
5. All costs and associated losses that a manufacturer incurs in connection with the application of this Decision shall be borne by the manufacturer.

Article 3

Full security accreditation

1. An accredited manufacturer may only carry out a euro secure activity in respect of a euro secure item if the ECB has granted it full security accreditation for that euro secure activity.
2. A manufacturer may be granted full security accreditation for a euro secure activity in respect of a euro secure item provided that:
 - (a) the security arrangements that it has in place at a particular manufacturing site for the planned euro secure activity comply with the relevant parts of the security rules;
 - (b) any printing works involved in the planned euro secure activity is physically located in a Member State; and

(c) any manufacturing site other than a printing works involved in the planned euro secure activity is located in a Member State or in a member state of the European Free Trade Association.

3. The Executive Board may amend the scope of the location requirement determined pursuant to paragraph 2(c), taking into account the views of the Banknote Committee. Any such decision shall be promptly notified to the Governing Council, and the Executive Board shall abide by any decision of the Governing Council on this issue.

4. Full security accreditation shall be granted to a manufacturer for an unlimited period, but its status may be affected or it may be revoked by a decision taken pursuant to Articles 13 to 15.

5. An accredited manufacturer may only carry out a euro secure activity at the manufacturing site for which it has been granted security accreditation and in respect of the particular euro secure items specified for that manufacturing site. An accredited manufacturer may arrange transport of euro secure items to a purchaser and, if necessary, arrange for them to be destroyed on its behalf (including for any transports related thereto) at a specialist destruction facility in accordance with the relevant parts of the security rules. Any non-compliance with the abovementioned parts of the security rules occurring during such destruction or transport shall be treated as an instance of non-compliance by the accredited manufacturer.

6. An accredited manufacturer may not, without the ECB's prior written consent, outsource or transfer to another manufacturing site or to any third party (including the manufacturer's subsidiaries and associated companies) the production, processing (including destruction) or storage of any euro secure items.

Article 4

Temporary security accreditation

1. A manufacturer which has not been granted full security accreditation may be granted temporary security accreditation for a planned euro secure activity in respect of a euro secure item for a period not exceeding one year. If the manufacturer tenders for or is commissioned with a euro secure activity within this period, its temporary security accreditation may be extended until the ECB has taken a decision on whether to grant it full security accreditation.

2. A manufacturer may be granted temporary security accreditation for a planned euro secure activity in respect of a euro secure item provided that:

(a) the security arrangements that it has in place at a particular manufacturing site for the planned euro secure activity, with the exception of process control and audit trail procedures for production, processing, and storage of the euro secure items for which accreditation is applied for, comply with the relevant parts of the security rules;

(b) the manufacturer is able to demonstrate that it is capable of developing and putting in place such process control and audit trail procedures as described in subparagraph (a) that will comply with the security rules;

(c) any printing works involved in the planned euro secure activity is physically located in a Member State; and

(d) any manufacturing site other than a printing works involved in the planned euro secure activity is located in a Member State or in a member state of the European Free Trade Association.

3. A manufacturer with temporary security accreditation for a euro secure activity in respect of a euro secure item may receive confidential euro banknote production specifications and prepare to carry out that euro secure activity.

4. A manufacturer with temporary security accreditation for a euro secure activity in respect of a euro secure item may not carry out that euro secure activity or any other euro secure activity for which it has not yet been granted security accreditation, and it may not transfer or assign its temporary security accreditation to a third party (including any of its subsidiaries and associated companies).

5. Without prejudice to the maximum time limit for expiry of temporary accreditation and any extension thereof as stipulated in Article 4(1), temporary security accreditation shall expire automatically on the date specified by the ECB pursuant to Article 7(1)(d), unless: (a) the manufacturer is granted full security accreditation for euro secure activity in respect of the relevant euro secure item before that date, in which case temporary security accreditation is deemed to expire on the date on which such full security accreditation is granted; or (b) it is revoked by a decision taken pursuant to Article 14.

6. Temporary security accreditation may also be affected by a decision taken pursuant to Article 12 or Article 15.

SECTION II

SECURITY ACCREDITATION PROCEDURE

Article 5

Initiation request and appointment of security inspection team

1. A manufacturer that wishes to carry out a euro secure activity in respect of one or more euro secure items shall make a written request to the ECB to initiate the security accreditation procedure. This request shall:

- (a) specify the euro secure item(s), the manufacturing site and its location and the euro secure activity for which the manufacturer seeks security accreditation;
- (b) provide information showing that its production equipment is capable of producing the euro secure item(s) for which accreditation is sought;
- (c) provide information concerning the physical security arrangements at the manufacturing site;
- (d) include a written undertaking from the manufacturer that it will comply with all applicable provisions of this Decision as it may be amended from time to time and a declaration that it will keep the content of the security rules confidential;
- (e) if the manufacturer intends to use a specialist destruction facility, include information on the manufacturer's reasons for wishing to do so and information on the arrangements concerning that facility. In particular the manufacturer shall provide information on the planned arrangements for transporting euro secure items to and from the specialist destruction facility and on the planned means of monitoring the destruction of euro secure items at such facility; and
- (f) state clearly whether the manufacturer is applying for full or temporary security accreditation for a euro secure activity in respect of a euro secure item.

2. The ECB shall check the initiation request against the requirements laid down in paragraph 1 and inform the manufacturer of the outcome of this check within 20 ECB working days from the date of receipt of the initiation request, in accordance with the procedures laid down in paragraphs 3 and 4. This time limit may be extended once by the ECB, but the ECB must give the manufacturer written notice thereof. While the ECB is carrying out this check, it may request addi-

tional information from the manufacturer in relation to the items listed in paragraph 1. If the ECB requests additional information, it shall inform the manufacturer of the outcome of the check within 20 ECB working days from the date of receipt of the additional information.

3. The ECB shall reject the initiation request and inform the manufacturer in writing of its decision to do so and the reasons therefor by no later than the time limits specified in paragraph 2 if:

- (a) the manufacturer fails to provide the information or the written undertaking required pursuant to paragraph 1;
- (b) the manufacturer fails to supply any additional information requested by the ECB pursuant to paragraph 2;
- (c) the manufacturer has had its security accreditation revoked and the period of prohibition on reapplication specified in the revocation decision has not elapsed; or
- (d) the locations of any printing works involved and the manufacturing site do not meet the requirements laid down in Articles 3(2)(b) and 3(2)(c), where full security accreditation is applied for, or in Articles 4(2)(c) and 4(2)(d) where temporary security accreditation is applied for.

4. If the manufacturer complies with the requirements laid down in paragraph 1 and submits any additional information requested pursuant to paragraph 2, the ECB shall notify the manufacturer of the date of the initial security inspection by no later than the time limits specified in paragraph 2. The ECB shall at the same time provide the manufacturer with:

- (a) a confidential list of all euro secure items, such list forming part of the security rules; and
- (b) a copy of those parts of the security rules that relate to the production, processing (including destruction) and storage of the euro secure items in respect of which the manufacturer seeks security accreditation. The ECB shall provide the manufacturer with any updates of these rules that are issued during the security accreditation procedure.

5. The ECB shall appoint a security inspection team composed of experts from the ECB and NCBS. Such appointments shall respect the principle of avoiding conflicts of interest. If a conflict of interest arises after appointment, the ECB shall immediately replace the member in question with an expert who does not have a conflict of interest.

*Article 6***Initial security inspection**

1. The initial security inspection shall commence no later than 20 ECB working days from the date on which the manufacturer receives the notification referred to in Article 5(4) from the ECB. Where a manufacturer applies for full security accreditation, the security inspection team shall during the initial security inspection, inspect the arrangements for the planned euro secure activity and visit the manufacturing site in respect of which the manufacturer has requested full security accreditation, as well as assess any arrangements in respect of a specialist destruction facility.

2. The security inspection team shall assess whether the security arrangements that the manufacturer has, or proposes to have, in place for all aspects of the euro secure activity comply with the relevant parts of the security rules. In the event that the manufacturer proposes to put in place certain security arrangements or improvements in order to comply with the relevant parts of the security rules, full security accreditation shall not be granted until such arrangements or improvements are in place. The security inspection team may conduct an additional inspection to verify whether such proposed arrangements or improvements comply with the security rules before the report referred to in paragraph 5 is submitted to the manufacturer.

3. Where a manufacturer applies for temporary security accreditation only, the security inspection team shall visit the manufacturing site in respect of which the manufacturer has requested temporary security accreditation and assess whether the security arrangements that the manufacturer has in place, with the exception of the process control and audit trail procedures for production, processing, and storage of euro secure items for which temporary security accreditation is applied for, comply with the relevant parts of the security rules. The security inspection team shall also assess whether the manufacturer demonstrates that it is capable of developing and putting in place such process control and audit trail procedures as will comply with the security rules.

4. On completion of the initial security inspection (or, where applicable, the additional security inspection) and before leaving the manufacturing site, the security inspection team shall provide the manufacturer with an informal and verbal preliminary summary of its factual findings. If the security inspection team finds that there are any departures from the security rules, the ECB shall, within 10 ECB working days of the date on which the initial security inspection (or, where applicable, the additional security inspection) was completed, write to the manufacturer specifying such departures. The manufacturer shall have 10 ECB working days from receipt of the letter in which to communicate to the ECB in writing comments on the contents of the letter and any security arrangements or improvements proposed by the manufacturer.

5. The security inspection team shall set out its findings in a draft report, taking into account any comments received from

the manufacturer pursuant to paragraph 4. Such draft report shall in particular contain details of:

- (a) the security arrangements in place at the manufacturing site that comply with the security rules;
- (b) any instances of non-compliance with the security rules that the team has identified;
- (c) any action taken by the manufacturer during the inspection;
- (d) any security arrangements or improvements proposed by the manufacturer and, in cases where an additional security inspection is carried out, the security inspection team's assessment of whether such arrangements or improvements have been carried out; and
- (e) the security inspection team's assessment of whether full or temporary security accreditation should be granted in accordance with the requirements laid down in Articles 3 and 4.

6. This draft report shall be sent to the manufacturer within 30 ECB working days from the date of completion of the initial security inspection (or, where applicable, the additional security inspection). The manufacturer shall have 30 ECB working days from receipt of the draft report to provide its comments on such report. The ECB shall finalise the draft report taking into account the manufacturer's comments, before taking a decision pursuant to Article 7.

*Article 7***Decision on security accreditation**

1. The ECB shall notify the manufacturer in writing of its decision on the manufacturer's request for security accreditation within 30 ECB working days from receipt of the manufacturer's comments on the draft report, or expiry of the time limit for providing such comments pursuant to Article 6(6). Such decision shall clearly identify:

- (a) the reasons for the decision;
- (b) the manufacturer;
- (c) the euro secure activity at the manufacturing site for which security accreditation is granted;
- (d) whether full or temporary security accreditation is granted and, in the case of temporary security accreditation, the date of its expiry;
- (e) the arrangements for destruction at a specialist facility, if it is envisaged that such destruction may take place;

(f) the euro secure items for which security accreditation is granted; and

(g) any specific conditions with respect to the points set out in (a) to (f) above.

The decision shall be based on the information set out in the final report referred to in Article 6(6), which shall be attached to the decision. The decision to grant security accreditation shall also include a copy of the part of the security rules that relates to the transport of the euro secure items for which security accreditation is granted.

2. If the request for security accreditation is rejected or if the manufacturer requests full security accreditation and is only granted temporary security accreditation, the manufacturer may initiate the review procedure laid down in Article 17.

SECTION III

CONTINUING OBLIGATIONS

Article 8

Continuing obligations of accredited manufacturers and the ECB

1. An accredited manufacturer shall inform the ECB in writing and without undue delay of:

- (a) the commencement of any procedure for the winding-up or reorganisation of the manufacturer or any analogous procedure;
- (b) the appointment of a liquidator, receiver, administrator or similar officer in relation to the manufacturer;
- (c) any intention to subcontract or involve third parties in the euro secure activities for which the manufacturer has security accreditation;
- (d) any change made after security accreditation has been granted that affects, or may affect, the security arrangements covered by the security accreditation; or
- (e) any change of control of the accredited manufacturer pursuant to a change in the structure of the ownership or by any other means.

2. The ECB shall inform accredited manufacturers of any updates to the security rules that concern the euro secure activity for which they have been granted security accreditation.

SECTION IV

FOLLOW-UP SECURITY INSPECTIONS

Article 9

Procedure for follow-up security inspections

1. The ECB shall carry out follow-up security inspections of accredited manufacturing sites following the grant of full or temporary security accreditation to a manufacturer.

2. Such follow-up security inspections may be carried out with or without notice. They shall be carried out on working days between 8:00 and 18:00 local time, unless a different time has been agreed with the manufacturer. In the case of inspections with notice, the ECB shall notify the manufacturer of the timing of the inspection and submit a pre-inspection questionnaire to the manufacturer at least 30 ECB working days before the inspection. The manufacturer shall fill in and return such questionnaire to the ECB at least 10 ECB working days before the inspection.

3. Article 6(2) to (4) and all of Article 6(5) except subparagraph (e) shall apply, *mutatis mutandis*, to such follow-up security inspections. In addition, the security inspection team's report shall contain details of the security inspection team's assessment of whether full or temporary security accreditation should continue to apply, or whether the ECB should take any of the decisions referred to in Articles 12 to 14. If the security inspection team considers that Article 15 should apply, its report shall state the reasons for this as shall the letter from the ECB referred to in Article 6(4). The security inspection team's proposals in relation to such measures shall be proportionate to the seriousness of the instance of non-compliance.

4. A draft report shall be sent to the manufacturer within 30 ECB working days from the date of completion of the follow-up security inspection. The manufacturer shall have 15 ECB working days from receipt of the draft report to provide its comments on such report. The ECB shall finalise the report before informing the manufacturer of the outcome of the follow-up security inspection pursuant to Article 10, taking into account the manufacturer's comments.

Article 10

Outcome of follow-up security inspections

1. If the report referred to in Article 9 concludes that there are no instances of non-compliance, the security inspection team shall inform the manufacturer of the positive conclusion of the follow-up security inspection.

2. If the report referred to in Article 9 identifies an instance of non-compliance that the security inspection team deems not to present an immediate and serious threat to the integrity of euro banknotes or their components, then the manufacturer's full or temporary security accreditation shall remain unaffected.

3. In a case pursuant to paragraph 2, the security inspection team shall inform the manufacturer:

- (a) of the instance of non-compliance;
- (b) of the fact that, for the moment, the ECB does not intend to take any of the decisions set out in Articles 12 to 15; and
- (c) that it must remedy the instance of non-compliance within a time limit that is proportionate to the seriousness of the instance of non-compliance.

4. If the report referred to in Article 9 identifies an instance of non-compliance that requires the ECB to take one of the decisions set out in Articles 12 to 15, the ECB shall take such decision in accordance with the procedure and time limit laid down in Article 11.

5. In relation to the situations set out in paragraphs 1 to 3, the time limit for the security inspection team to inform the manufacturer of the outcome of the follow-up security inspection in writing shall be 20 ECB working days from the receipt of the manufacturer's comments on the draft report referred to in Article 9(4), or expiry of the time limit for providing such comments pursuant to that paragraph. The security inspection team shall attach the finalised report to its communication to the manufacturer.

SECTION V

CONSEQUENCES OF NON-COMPLIANCE

Article 11

Decision-making procedure

1. In taking any of the decisions referred to in Articles 12 to 15, the ECB shall:

- (a) assess the instance of non-compliance, taking into account the final report referred to in Article 9(4); and
- (b) inform the manufacturer in writing of the decision taken within 30 ECB working days from receipt of the manufacturer's comments on the draft report referred to in Article 9(4), specifying:
 - (i) the instance of non-compliance;
 - (ii) the manufacturing site, euro secure item and activity to which the decision relates;
 - (iii) the date on which the decision will become effective; and
 - (iv) the reasons for the decision.

2. In all cases where the ECB takes a decision pursuant to Articles 13 to 15, the decision shall be proportionate to the seriousness of the instance of non-compliance. The ECB may inform the NCBs and all accredited manufacturers of the decision taken, its scope and duration and in such case shall specify that the NCBs will be notified if there is any further change in the manufacturer's status.

Article 12

Warning decision

1. If: (a) the final report referred to in Article 9(4) identifies at least one instance of non-compliance of the type described in Article 10(2); and (b) this type of non-compliance has already been identified on two occasions in the course of the last three security inspections conducted at that manufacturing site (regardless of whether these instances relate to the same provision in the security rules), then the ECB shall issue a warning decision to the manufacturer.

2. A written warning issued pursuant to paragraph 1 shall state that if there is any further instance of non-compliance of the type referred to in Article 10(2) (regardless of whether such instance relates to the same provision in the security rules as any of the previous instances of non-compliance), the ECB will take a decision under Article 14.

Article 13

Suspension of full security accreditation in relation to new orders

If the final report referred to in Article 9(4) identifies an instance of non-compliance that the security inspection team deemed to present an immediate and serious threat to the security of euro banknotes or their components but the manufacturer was able to demonstrate during the security inspection that no loss, theft or publication of euro secure items had occurred, the ECB shall take a decision in which it:

- (a) lays down a reasonable time limit for the manufacturer to remedy the instance of non-compliance;
- (b) suspends the manufacturer's full security accreditation with respect to its ability to accept new orders for the euro secure item in question (including participation in tender procedures relating to that euro secure item) until the time limit in paragraph (a) expires; and
- (c) specifies that the manufacturer's full security accreditation will be automatically revoked when the time limit in paragraph (a) expires unless the manufacturer demonstrates to the ECB before expiry of the time limit that the instance of non-compliance has been remedied.

Article 14

Revocation of full or temporary security accreditation

1. The ECB shall take a decision to revoke a manufacturer's full security accreditation in the following circumstances:

(a) where the final report referred to in Article 9(4) identifies an instance of non-compliance with the security rules that:

(i) is deemed to present an immediate and serious threat to the security of euro banknotes or their components, and the manufacturer failed to demonstrate during the security inspection that no loss, theft or publication of euro secure items had occurred;

(ii) indicates to the security inspection team that an instance of non-compliance which led the ECB to take a decision pursuant to Article 13 had not been remedied within the time limit laid down in that ECB decision; or

(iii) is of the same type as an instance of non-compliance with respect to which a warning has already been issued pursuant to Article 12; or

(b) where:

(i) a manufacturer refuses to grant a security inspection team immediate access to a manufacturing site;

(ii) there is a breach of Article 3(1), 3(5), or 3(6); or

(iii) for any other reason it is reasonable for the ECB to deem that the manufacturer's conduct could put the integrity of euro banknotes as a means of payment at risk.

2. The ECB shall take a decision to revoke a manufacturer's temporary security accreditation where:

(i) there is a breach of Article 4(4); or

(ii) for any other reason it is reasonable for the ECB to deem that the manufacturer's conduct could put the integrity of euro banknotes as a means of payment at risk.

3. In its revocation decision, the ECB shall specify the date following which the manufacturer may reapply for full or temporary security accreditation under Article 5.

4. Where the possession of euro secure items by the manufacturer after revocation could put the integrity of euro

banknotes as a means of payment at risk, the ECB may require the manufacturer to take measures, such as delivery to the ECB or an NCB of specified euro secure items or destruction thereof, to ensure that the manufacturer does not possess any such euro secure items after revocation becomes effective.

Article 15

Procedure to suspend euro secure activity in exceptional circumstances

1. In exceptional circumstances, where the security inspection team identifies an instance of non-compliance that it deems to be so serious that the integrity of euro banknotes as a means of payment could be put at risk unless immediate action is taken, the security inspection team may suspend the relevant euro secure activity with immediate effect. Any such suspension shall be proportionate to the seriousness of the instance of non-compliance. The security inspection team may also require the accredited manufacturer to take the measures referred to in Article 14(4) to ensure that it does not possess specified euro secure items during the period of suspension. The accredited manufacturer shall provide the security inspection team with information concerning any other manufacturer which may, as a customer or supplier, be indirectly affected by the suspension.

2. As soon as possible after a suspension pursuant to paragraph 1, the ECB shall assess the measure and take a decision referred to in Articles 12 to 14, or decide that the suspension should be lifted. In taking such decision, the ECB shall follow the procedure laid down in Article 11.

Article 16

ECB security accreditation register

1. The ECB shall keep a register of security accreditations. The register shall:

(a) list the manufacturers which have been granted full or temporary security accreditation and the relevant manufacturing sites;

(b) indicate in respect of each manufacturing site the euro secure activity and the euro secure items for which full or temporary security accreditation has been granted;

(c) indicate any specific conditions pursuant to Article 7(1)(g); and

(d) record the expiry of any temporary security accreditation.

2. The ECB shall make information from the register available to all NCBs and to other accredited manufacturers.

3. If the ECB takes a decision under Article 13, it shall record the duration of the measure and all changes in status relating to the name of the manufacturer, the affected manufacturing site and the euro secure item and/or euro secure activity concerned.

4. If the ECB takes a decision pursuant to Article 14, it shall remove the name of the manufacturer, manufacturing site, euro secure item and euro secure activity from the register.

5. If euro secure activity is suspended in exceptional circumstances pursuant to Article 15, the ECB shall inform any potentially affected third party manufacturers referred to in Article 15(1) of the suspension and that further information on the status of the suspended accredited manufacturer will be provided after the ECB has assessed the suspension and taken a decision pursuant to Article 15(2).

SECTION VI

FINAL PROVISIONS

Article 17

Review procedure

1. Where the ECB has taken a decision:

- (i) to reject a request to initiate the security accreditation procedure;
- (ii) to refuse to grant full or temporary security accreditation;
- (iii) to grant temporary security accreditation following a request for full security accreditation; or
- (iv) pursuant to Articles 12 to 15;

the manufacturer may within 30 ECB working days of notification of such decision submit a written request to the Governing Council to review the decision. The manufacturer shall include its reasons for such request and include all supporting information.

2. If the manufacturer explicitly so requests in its review request, giving reasons therefor, the Governing Council may suspend the application of the decision that is being reviewed.

3. The Governing Council shall review the decision in the light of the manufacturer's request and communicate a decision in writing to the manufacturer, giving reasons for the decision, within two months of receipt of the request.

4. The application of paragraphs 1 to 3 shall be without prejudice to any rights under Articles 230 and 232 of the Treaty.

Article 18

Consequential amendment

Article 7(1)(c) of Guideline ECB/2004/18 is replaced by the following:

'(c) printing works shall have been granted full or temporary security accreditation by the ECB pursuant to Decision ECB/2008/3 of 15 May 2008 on security accreditation procedures for manufacturers of euro secure items for euro banknotes and have been confirmed as eligible by the Governing Council, acting on the Executive Board's assessment of their compliance with the following:

- (i) the EBQR decided separately by the Executive Board taking into account the Banknote Committee's views;
- (ii) the health and safety requirements decided separately by the Executive Board taking into account the Banknote Committee's views; and
- (iii) the requirements for the environmentally friendly production of euro banknotes decided separately by the Executive Board taking into account the Banknote Committee's views;'

Article 19

Entry into force

This Decision shall enter into force on 2 June 2008.

Done at Frankfurt am Main, 15 May 2008.

The President of the ECB
Jean-Claude TRICHET

III

(Acts adopted under the EU Treaty)

ACTS ADOPTED UNDER TITLE V OF THE EU TREATY

COUNCIL JOINT ACTION 2008/403/CFSP

of 29 May 2008

amending Joint Action 2007/805/CFSP appointing a European Union Special Representative to the African Union

THE COUNCIL OF THE EUROPEAN UNION,

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

Whereas:

- (1) On 6 December 2007, the Council adopted Joint Action 2007/805/CFSP appointing a European Union Special Representative to the African Union ⁽¹⁾ for a period expiring on 31 December 2008.
- (2) Article 5(1) of Joint Action 2007/805/CFSP provided a financial reference amount of EUR 1 200 000 to cover expenditure related to the mandate of the European Union Special Representative (EUSR) until 31 May 2008. This financial reference amount should be increased by EUR 890 000 in order to cover expenditure related to the remaining period of the EUSR's mandate,

HAS ADOPTED THIS JOINT ACTION:

Article 1

Joint Action 2007/805/CFSP is hereby amended as follows:

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

‘1. The financial reference amount intended to cover the expenditure related to the mandate of the EUSR in the period from 6 December 2007 to 31 December 2008 shall be EUR 2 090 000.’

2. Article 5(4) shall be deleted.

Article 2

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

Article 3

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

Done at Brussels, 29 May 2008.

For the Council

The President

A. VIZJAK

⁽¹⁾ OJ L 323, 8.12.2007, p. 45.