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I Acts whose publication is obligatory

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⁽¹⁾ Text with EEA relevance

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Price: EUR 18

EN

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⁽¹⁾ Text with EEA relevance

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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 1437/2006
of 29 September 2006
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 30 September 2006.

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

Done at Brussels, 29 September 2006.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

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

ANNEX

to Commission Regulation of 29 September 2006 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	052	65,6
	096	42,0
	999	53,8
0707 00 05	052	107,1
	999	107,1
0709 90 70	052	85,4
	999	85,4
0805 50 10	052	52,2
	388	64,5
	524	55,3
	528	52,8
	999	56,2
0806 10 10	052	83,1
	400	179,3
	624	139,2
	999	133,9
0808 10 80	388	88,2
	400	91,4
	508	72,4
	512	81,4
	720	72,4
	800	133,2
	804	100,0
0808 20 50	999	91,3
	052	115,7
	388	89,9
0809 30 10, 0809 30 90	999	102,8
	052	100,0
	999	100,0
0809 40 05	052	111,4
	066	66,6
	624	114,6
	999	97,5

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 750/2005 (OJ L 126, 19.5.2005, p. 12). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 1438/2006**of 29 September 2006****fixing the minimum selling prices for butter for the 17th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 1898/2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, and in particular Article 10 thereof,

Whereas:

- (1) In accordance with Commission Regulation (EC) No 1898/2005 of 9 November 2005 laying down detailed rules for implementing Council Regulation (EC) No 1255/99 as regards measures for the disposal of cream, butter and concentrated butter on the Community market ⁽²⁾, the intervention agencies may sell by standing invitation to tender certain quantities of butter from intervention stocks that they hold and may grant aid for cream, butter and concentrated butter. Article 25 of that Regulation lays down that in the light of the tenders received in response to each individual invitation to tender a minimum selling price shall be fixed for butter and maximum aid shall be fixed for cream, butter and concentrated butter. It is further laid down

that the price or aid may vary according to the intended use of the butter, its fat content and the incorporation procedure. The amount of the processing security as referred to in Article 28 of Regulation (EC) No 1898/2005 should be fixed accordingly.

- (2) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

For the 17th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 1898/2005 the minimum selling prices for butter from intervention stocks and the amount of the processing security, as referred to in Articles 25 and 28 of that Regulation respectively, are fixed as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 30 September 2006.

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

Done at Brussels, 29 September 2006.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

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

⁽²⁾ OJ L 308, 25.11.2005, p. 1. Regulation as last amended by Regulation (EC) No 2107/2005 (OJ L 337, 22.12.2005, p. 20).

ANNEX

Minimum selling prices for butter and processing security for the 17th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 1898/2005

(EUR/100 kg)

Formula			A		B	
Incorporation procedure			With tracers	Without tracers	With tracers	Without tracers
Minimum selling price	Butter ≥ 82 %	Unaltered	206	210	—	—
		Concentrated	204,1	—	—	—
Processing security		Unaltered	45	45	—	—
		Concentrated	45	—	—	—

COMMISSION REGULATION (EC) No 1439/2006**of 29 September 2006****fixing the maximum aid for cream, butter and concentrated butter for the 17th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 1898/2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, and in particular Article 10 thereof,

Whereas:

- (1) In accordance with Commission Regulation (EC) No 1898/2005 of 9 November 2005 laying down detailed rules for implementing Council Regulation (EC) No 1255/99 as regards measures for the disposal of cream, butter and concentrated butter on the Community market ⁽²⁾, the intervention agencies may sell by standing invitation to tender certain quantities of butter of intervention stocks that they hold and may grant aid for cream, butter and concentrated butter. Article 25 of that Regulation lays down that in the light of the tenders received in response to each individual invitation to tender a minimum selling price shall be fixed for butter and maximum aid shall be fixed for cream, butter and concentrated butter. It is further laid down

that the price or aid may vary according to the intended use of the butter, its fat content and the incorporation procedure. The amount of the processing security as referred to in Article 28 of Regulation (EC) No 1898/2005 should be fixed accordingly.

- (2) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

For the 17th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 1898/2005 the amount of the maximum aid for cream, butter and concentrated butter and the amount the processing security, as referred to in Articles 25 and 28 of that Regulation respectively, are fixed as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 30 September 2006.

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

Done at Brussels, 29 September 2006.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

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

⁽²⁾ OJ L 308, 25.11.2005, p. 1. Regulation as last amended by Regulation (EC) No 2107/2005 (OJ L 337, 22.12.2005, p. 20).

ANNEX

Maximum aid for cream, butter and concentrated butter and processing security for the 17th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 1898/2005

(EUR/100 kg)

Formula		A		B	
Incorporation procedure		With tracers	Without tracers	With tracers	Without tracers
Maximum aid	Butter $\geq 82\%$	18,5	15	17	15
	Butter $< 82\%$	—	—	—	—
	Concentrated butter	22	18,5	22	—
	Cream	—	—	10	6,3
Processing security	Butter	20	—	19	—
	Concentrated butter	24	—	24	—
	Cream	—	—	11	—

COMMISSION REGULATION (EC) No 1440/2006**of 29 September 2006****fixing the maximum aid for concentrated butter for the 17th individual invitation to tender opened under the standing invitation to tender provided for in Regulation (EC) No 1898/2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, and in particular Article 10 thereof,

Whereas:

- (1) In accordance with Article 47 of Commission Regulation (EC) No 1898/2005 of 9 November 2005 laying down detailed rules for implementing Council Regulation (EC) No 1255/99 as regards measures for the disposal of cream, butter and concentrated butter on the Community market ⁽²⁾, the intervention agencies are opening a standing invitation to tender for the granting of aid for concentrated butter. Article 54 of that Regulation provides that in the light of the tenders received in response to each special invitation to tender, a maximum amount of aid is to be fixed for concentrated butter with a minimum fat content of 96 %.
- (2) An end-use security provided for in Article 53(4) of Regulation (EC) No 1898/2005 is to be lodged to

ensure the taking over of the concentrated butter by the retail trade.

- (3) In the light of the tenders received, the maximum aid should be fixed at the appropriate level and the end-use security should be determined accordingly.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

For the 17th individual tender under the standing invitation to tender opened in accordance with Regulation (EC) No 1898/2005 the maximum amount of the aid for concentrated butter with a minimum fat content of 96 %, as referred to in Article 47(1) of that Regulation, is fixed at 19,8 EUR/100 kg,

The end-use security provided for in Article 53(4) of Regulation (EC) No 1898/2005 is fixed at 22 EUR/100 kg.

Article 2

This Regulation shall enter into force on 30 September 2006.

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

Done at Brussels, 29 September 2006.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

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

⁽²⁾ OJ L 308, 25.11.2005, p. 1. Regulation as last amended by Regulation (EC) No 2107/2005 (OJ L 337, 22.12.2005, p. 20).

COMMISSION REGULATION (EC) No 1441/2006**of 29 September 2006****fixing the minimum selling price for butter for the 49th individual invitation to tender issued under the standing invitation to tender referred to in Regulation (EC) No 2771/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, and in particular Article 10(c) thereof,

Whereas:

- (1) Pursuant to Article 21 of Commission Regulation (EC) No 2771/1999 of 16 December 1999 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards intervention on the market in butter and cream ⁽²⁾, intervention agencies have put up for sale by standing invitation to tender certain quantities of butter held by them.
- (2) In the light of the tenders received in response to each individual invitation to tender a minimum selling price shall be fixed or a decision shall be taken to make no

award, in accordance with Article 24a of Regulation (EC) No 2771/1999.

- (3) In the light of the tenders received, a minimum selling price should be fixed.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

For the 49th individual invitation to tender pursuant to Regulation (EC) No 2771/1999, in respect of which the time limit for the submission of tenders expired on 26 September 2006, the minimum selling price for butter is fixed at 233,60 EUR/100 kg.

Article 2

This Regulation shall enter into force on 30 September 2006.

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

Done at Brussels, 29 September 2006.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

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

⁽²⁾ OJ L 333, 24.12.1999, p. 11. Regulation as last amended by Regulation (EC) No 1802/2005 (OJ L 290, 4.11.2005, p. 3).

COMMISSION REGULATION (EC) No 1442/2006**of 29 September 2006****fixing the import duties in the cereals sector applicable from 1 October 2006**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals ⁽¹⁾,

Having regard to Commission Regulation (EC) No 1249/96 of 28 June 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector ⁽²⁾, and in particular Article 2(1) thereof,

Whereas:

- (1) Article 10 of Regulation (EC) No 1784/2003 provides that the rates of duty in the Common Customs Tariff are to be charged on import of the products referred to in Article 1 of that Regulation. However, in the case of the products referred to in paragraph 2 of that Article, the import duty is to be equal to the intervention price valid for such products on importation and increased by 55 %, minus the cif import price applicable to the consignment in question. However, that duty may not exceed the rate of duty in the Common Customs Tariff.
- (2) Pursuant to Article 10(3) of Regulation (EC) No 1784/2003, the cif import prices are calculated on the basis of the representative prices for the product in question on the world market.

- (3) Regulation (EC) No 1249/96 lays down detailed rules for the application of Regulation (EC) No 1784/2003 as regards import duties in the cereals sector.

- (4) The import duties are applicable until new duties are fixed and enter into force.

- (5) In order to allow the import duty system to function normally, the representative market rates recorded during a reference period should be used for calculating the duties.

- (6) Application of Regulation (EC) No 1249/96 results in import duties being fixed as set out in Annex I to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import duties in the cereals sector referred to in Article 10(2) of Regulation (EC) No 1784/2003 shall be those fixed in Annex I to this Regulation on the basis of the information given in Annex II.

Article 2

This Regulation shall enter into force on 1 October 2006.

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

Done at Brussels, 29 September 2006.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 270, 21.10.2003, p. 78. Regulation as amended by Commission Regulation (EC) No 1154/2005 (OJ L 187, 19.7.2005, p. 11).

⁽²⁾ OJ L 161, 29.6.1996, p. 125. Regulation as last amended by Regulation (EC) No 1110/2003 (OJ L 158, 27.6.2003, p. 12).

ANNEX I

Import duties for the products covered by Article 10(2) of Regulation (EC) No 1784/2003 applicable from 1 October 2006

CN code	Description	Import duty ⁽¹⁾ (EUR/tonne)
1001 10 00	Durum wheat high quality	0,00
	medium quality	0,00
	low quality	0,00
1001 90 91	Common wheat seed	0,00
ex 1001 90 99	Common high quality wheat other than for sowing	0,00
1002 00 00	Rye	4,19
1005 10 90	Maize seed other than hybrid	34,02
1005 90 00	Maize other than seed ⁽²⁾	34,02
1007 00 90	Grain sorghum other than hybrids for sowing	4,19

⁽¹⁾ For goods arriving in the Community via the Atlantic Ocean or via the Suez Canal (Article 2(4) of Regulation (EC) No 1249/96), the importer may benefit from a reduction in the duty of:

— EUR 3/t, where the port of unloading is on the Mediterranean Sea, or

— EUR 2/t, where the port of unloading is in Ireland, the United Kingdom, Denmark, Estonia, Latvia, Lithuania, Poland, Finland, Sweden or the Atlantic coasts of the Iberian peninsula.

⁽²⁾ The importer may benefit from a flat-rate reduction of EUR 24/t, where the conditions laid down in Article 2(5) of Regulation (EC) No 1249/96 are met.

ANNEX II

Factors for calculating duties

(15.9.2006-28.9.2006)

1. Averages over the reference period referred to in Article 2(2) of Regulation (EC) No 1249/96:

Exchange quotations	Minneapolis	Chicago	Minneapolis	Minneapolis	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2	YC3	HAD2	Medium quality (*)	Low quality (**)	US barley 2
Quotation (EUR/t)	146,20 (***)	78,36	163,76	153,76	133,76	120,05
Gulf premium (EUR/t)	—	19,25	—			—
Great Lakes premium (EUR/t)	14,83	—	—			—

(*) A discount of 10 EUR/t (Article 4(3) of Regulation (EC) No 1249/96).

(**) A discount of 30 EUR/t (Article 4(3) of Regulation (EC) No 1249/96).

(***) Premium of 14 EUR/t incorporated (Article 4(3) of Regulation (EC) No 1249/96).

2. Averages over the reference period referred to in Article 2(2) of Regulation (EC) No 1249/96:

Freight/cost: Gulf of Mexico–Rotterdam: 25,40 EUR/t; Great Lakes–Rotterdam: 32,80 EUR/t.

3. Subsidy within the meaning of the third paragraph of Article 4(2) of Regulation (EC) No 1249/96: 0,00 EUR/t (HRW2)
-
- 0,00 EUR/t (SRW2).

COMMISSION REGULATION (EC) No 1443/2006

of 29 September 2006

concerning the permanent authorisations of certain additives in feedingstuffs and an authorisation for 10 years for a coccidiostat

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 70/524/EEC of 23 November 1970 concerning additives in feedingstuffs ⁽¹⁾, and in particular Articles 3, 9 and 9d(1) thereof,

Having regard to Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition ⁽²⁾, and in particular Article 25 thereof,

Whereas:

- (1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition.
- (2) Article 25 of Regulation (EC) No 1831/2003 lays down transitional measures for applications for the authorisation of feed additives submitted in accordance with Directive 70/524/EEC before the date of application of Regulation (EC) No 1831/2003.
- (3) The applications for the authorisation of the additives listed in the Annexes to this Regulation were submitted before the date of application of Regulation (EC) No 1831/2003.
- (4) Initial comments on those applications, as provided for in Article 4(4) of Directive 70/524/EEC, were forwarded to the Commission before the date of application of Regulation (EC) No 1831/2003. Those applications are therefore to continue to be treated in accordance with Article 4 of Directive 70/524/EEC.
- (5) Data were submitted in support of an application for authorisation without a time limit of the enzyme preparation of 3-phytase produced by *Hansenula polymorpha* (DSM 15087) for chickens for fattening, turkeys

for fattening, laying hens, piglets, pigs for fattening and sows. On 7 March 2006 the European Food Safety Authority (the Authority) delivered its opinion on the use of this preparation which concludes that it does not present a risk for the consumer, the user, the animal category targeted or the environment. The assessment shows that the conditions laid down in Article 3a of Directive 70/524/EEC for such authorisation are satisfied. Accordingly, the use of that enzyme preparation, as specified in Annex I to this Regulation, should be authorised without a time limit.

- (6) The use of the enzyme preparation of endo-1,4-beta-xylanase produced by *Trichoderma longibrachiatum* (ATCC 2105) was provisionally authorised for the first time for piglets by Commission Regulation (EC) No 1411/1999 ⁽³⁾. New data were submitted in support of an application for authorisation without a time limit of that enzyme preparation. The assessment shows that the conditions laid down in Article 3a of Directive 70/524/EEC for such authorisation are satisfied. Accordingly, the use of that enzyme preparation, as specified in Annex I to this Regulation, should be authorised without a time limit.
- (7) The use of the coccidiostat preparation of semduramicin sodium (AVIAX 5 %) was provisionally authorised for the first time for chickens for fattening, by Commission Regulation (EC) No 1041/2002 ⁽⁴⁾. New data were submitted in support of an application for authorisation for 10 years of that coccidiostat. The assessment shows that the conditions laid down in Article 3a of Directive 70/524/EEC for such authorisation are satisfied. Accordingly, the use of that substance, as specified in the Annex II, should be authorised for 10 years.
- (8) Data were submitted in support of an application for authorisation without a time limit of 25-hydroxycholecalciferol, belonging to the group 'Vitamins, provitamins and chemically well-defined substances having similar effect' for chickens for fattening, laying hens and turkeys. On 26 May 2005 the Authority has delivered an opinion on the use of this preparation which concludes that it does not present a risk for the consumer, the user, the animal category targeted or the environment. The assessment shows that the conditions laid down in Article 3a of Directive 70/524/EEC for such authorisation are satisfied. Accordingly, the use of that vitamin preparation, as specified in Annex III, should be authorised without time limit.

⁽¹⁾ OJ L 270, 14.12.1970, p. 1. Directive as last amended by Commission Regulation (EC) No 1800/2004 (OJ L 317, 16.10.2004, p. 37).

⁽²⁾ OJ L 268, 18.10.2003, p. 29. Regulation as amended by Commission Regulation (EC) No 378/2005 (OJ L 59, 5.3.2005, p. 8).

⁽³⁾ OJ L 164, 30.6.1999, p. 56.

⁽⁴⁾ OJ L 157, 15.6.2002, p. 41.

(9) The assessment of these applications shows that certain procedures should be required to protect workers from exposure to the additives set out in the Annexes. Such protection should be assured by the application of Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work ⁽¹⁾.

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

HAS ADOPTED THIS REGULATION:

Article 1

The preparations belonging to the group 'Enzymes', as specified in Annex I, are authorised without a time limit as additives in animal nutrition under the conditions laid down in that Annex.

Article 2

The preparation belonging to the group 'Coccidiostat and other medicinal substances', as specified in Annex II, is authorised for 10 years as additive in animal nutrition under the conditions laid down in that Annex.

Article 3

The preparation belonging to the group 'Vitamins, provitamins and chemically well-defined substances having similar effect', as specified in Annex III, is authorised without a time limit as additive in animal nutrition under the conditions laid down in that Annex.

Article 4

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

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

Done at Brussels, 29 September 2006.

For the Commission

Markos KYPRIANOU

Member of the Commission

⁽¹⁾ OJ L 183, 29.6.1989, p. 1. Directive as amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).

ANNEX I

EC No	Additive	Chemical formula, description	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
					Units of activity/kg of complete feedingstuff			
Enzymes								
E 1639	3-phytase EC 3.1.3.8	Preparation of 3-phytase produced by <i>Hansenula polymorpha</i> (DSM 15087) having a minimum activity of: Coated form: 2 500 U (1)/g Liquid forms: 5 000 U/g	Chickens for fattening	—	250 U	—	1. In the directions for use of the additive and premixture, indicate the storage temperature, storage life, and stability to pelleting. 2. Recommended dose per kg of complete feedingstuff: 250-1 000 U/kg 3. For use in compound feed rich in phytin-bound phosphorus such as maize, soya, wheat, barley, rye.	Without a time limit
			Turkeys for fattening	—	250 U	—	1. In the directions for use of the additive and premixture, indicate the storage temperature, storage life, and stability to pelleting. 2. Recommended dose per kg of complete feedingstuff: 250-1 000 U/kg 3. For use in compound feed rich in phytin-bound phosphorus such as maize, soya, wheat, barley, rye.	Without a time limit
			Laying hens	—	250 U	—	1. In the directions for use of the additive and premixture, indicate the storage temperature, storage life, and stability to pelleting. 2. Recommended dose per kg of complete feedingstuff: 250-1 000 U/kg 3. For use in compound feed rich in phytin-bound phosphorus such as maize, soya, wheat, barley, rye.	Without a time limit

EC No	Additive	Chemical formula, description	Species or category of animal	Maximum age	Minimum content		Maximum content	Other provisions	End of period of authorisation
					Units of activity/kg of complete feedingstuff				
			Piglets	Four months	500 U	—		1. In the directions for use of the additive and premixture, indicate the storage temperature, storage life, and stability to pelleting.	Without a time limit
								2. Recommended dose per kg of complete feedingstuff: 500-1 000 U/kg	
			3. For use in compound feed rich in phytinbound phosphorus such as maize, soya, wheat, barley, rye.						
			Pigs for fattening	—	250 U	—		1. In the directions for use of the additive and premixture, indicate the storage temperature, storage life, and stability to pelleting.	Without a time limit
								2. Recommended dose per kg of complete feedingstuff: 250-1 000 U/kg	
			3. For use in compound feed rich in phytinbound phosphorus such as maize, soya, wheat, barley, rye.						
			Sows	—	500 U	—		1. In the directions for use of the additive and premixture, indicate the storage temperature, storage life, and stability to pelleting.	Without a time limit
								2. Recommended dose per kg of complete feedingstuff: 500-1 000 U/kg	
			3. For use in compound feed rich in phytinbound phosphorus such as maize, soya, wheat, barley, rye.						

EC No	Additive	Chemical formula, description	Species or category of animal	Maximum age	Minimum content		Maximum content	Other provisions	End of period of authorisation
					Units of activity/kg of complete feedingstuff				
E 1628	Endo-1,4-beta-xylanase EC 3.2.1.8	Preparation of endo-1,4-beta-xylanase produced by <i>Trichoderma longibrachiatum</i> (ATCC 2105) having a minimum activity of: Powder form: Endo-1,4-beta-xylanase: 8 000 U ⁽²⁾ /g Liquid form: Endo-1,4-beta-xylanase: 8 000 U/ml	Piglets (weaned)	—	Endo-1,4-beta-xylanase: 4 000 U	—		1. In the directions for use of the additive and premixture, indicate the storage temperature, storage life, and stability to pelleting. 2. Recommended dose per kg of complete feedingstuff: Endo-1,4-beta-xylanase: 4 000 U. 3. For use in compound feed rich in nonstarch polysaccharides (mainly arabinoxylans), e.g. containing more than 35 % wheat. 4. For use in weaned piglets until approximately 35 kg.	Without a time limit

(1) 1 U is the amount of enzyme which liberates 1 micromole of inorganic phosphate from phytate per minute at pH 5.5 and 37 °C.

(2) 1 U is the amount of enzyme which liberates 1 micromole of reducing sugars (xylose equivalents) from oat spelt xylan per minute at pH 5.3 and 50 °C.

⁽¹⁾ 1 U is the amount of enzyme which liberates 1 micromole of inorganic phosphate from phytate per minute at pH 5,5 and 37 °C.

⁽²⁾ 1 U is the amount of enzyme which liberates 1 micromole of reducing sugars (xylose equivalents) from oat spelt xylan per minute at pH 5,3 and 50 °C.

ANNEX II

Regis- tration number of additive	Name and registration number of person responsible for putting additive into circulation	Additive (Trade name)	Composition, chemical formula, description	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
						mg of active substance/kg of complete feedingsstuff			
Coccidiostats and other medicinal substances									
E 773	Phibro Animal Health, s.a.	Semduramicin sodium (Aviax 5 %)	Additive composition: Semduramicin sodium: 51,3 g/kg Sodium carbonate: 40 g/kg Mineral oil: 30-50 g/kg Sodium aluminosilicate: 20 g/kg Soybean mill run: 838,7-858,7 g/kg Active substance: Semduramicin C ₄₅ H ₇₆ O ₁₆ CAS number: 113378-31-7 Semduramicin sodium C ₄₅ H ₇₅ O ₁₆ Na CAS number: 119068-77-8 sodium salt of a monocarboxylic acid polyether ionophore produced by <i>Actinonadura roseonifa</i> (ATCC 53664) Related impurities: Descarboxylsemduramicin, ≤ 2 % Desmethoxylsemduramicin, ≤ 2 % Hydroxysemduramicin, ≤ 2 % Total: ≤ 5 %	Chickens for fattening	—	20	25	Use prohibited at least five days before slaughter. Simultaneous use of semduramicin and tiamulin may induce a temporary reduction of feed consumption and water intake.	10 years from the date to entry into force of Regulation

ANNEX III

EC No	Additive	Chemical formula, description	Species or category of animal	Maximum age	Maximum content mg ⁽¹⁾ /kg of complete feedingstuff	Other provisions	End of period of authorisation
Vitamins, provitamins and chemically well defined substances having similar effect							
2. Vitamin D							
E 670 a	25-hydroxycholecalciferol	25-hydroxycholecalciferol (minimum 94 % purity)					
			Chickens for fattening	—	0,100 mg	The mixture of 25-hydroxycholecalciferol with vitamin D ₃ (cholecalciferol) is allowed, provided that the total amount of the mixture does not exceed 0,125 mg/kg complete feedingstuff	Without a time limit
			Laying hens	—	0,080 mg	The mixture of 25-hydroxycholecalciferol with vitamin D ₃ (cholecalciferol) is allowed, provided that the total amount of the mixture does not exceed 0,080 mg/kg complete feedingstuff	Without a time limit
			Turkeys	—	0,100 mg	The mixture of 25-hydroxycholecalciferol with vitamin D ₃ (cholecalciferol) is allowed, provided that the total amount of the mixture does not exceed 0,125 mg/kg complete feedingstuff.	Without a time limit

⁽¹⁾ 40 IU cholecalciferol (vitamin D₃) = 0,001 mg cholecalciferol (vitamin D₃).

COMMISSION REGULATION (EC) No 1444/2006
of 29 September 2006
concerning the authorisation of *Bacillus subtilis* C-3102 (Calsporin) as a feed additive
(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition⁽¹⁾, and in particular Article 9(2) thereof,

Whereas:

- (1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition and for the grounds and procedures for granting such authorisation.
- (2) In accordance with Article 7 of Regulation (EC) No 1831/2003, an application was submitted for the authorisation of the preparation set out in the Annex. That application was accompanied by the particulars and documents required under Article 7(3) of that Regulation.
- (3) The application concerns authorisation of the preparation *Bacillus subtilis* C-3102 (Calsporin) a feed additive for chickens for fattening, to be classified in the additive category 'zootechnical additives'.
- (4) The method of analysis included in the application for authorisation in accordance with Article 7(3)(c) of Regulation (EC) No 1831/2003 concerns the determination of the active substance of the feed additive in feed. The method of analysis referred to in the Annex to this Regulation is therefore not to be understood as a Community method of analysis within the meaning of Article 11 of Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules⁽²⁾.

- (5) The European Food Safety Authority (the Authority) concluded in its opinion of 8 March 2006 that *Bacillus subtilis* C-3102 (Calsporin) does not have an adverse effect on animal health, human health or the environment⁽³⁾. It further concluded that *Bacillus subtilis* C-3102 (Calsporin) does not present any other risk which would, in accordance with Article 5(2) of Regulation (EC) No 1831/2003, exclude authorisation. According to that opinion, the use of that preparation can improve the zootechnical parameters in chickens for fattening. It does not consider that there is a need for specific requirements of post market monitoring. The opinion of the Authority recommends appropriate measures for user safety. This opinion also verifies the report on the method of analysis of the feed additive in feed submitted by the Community Reference Laboratory set up by Regulation (EC) No 1831/2003. The assessment of that preparation shows that the conditions for authorisation, provided for in Article 5 of Regulation (EC) No 1831/2003, are satisfied. Accordingly, the use of that preparation should be authorised, as specified in the Annex to this Regulation.

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

HAS ADOPTED THIS REGULATION:

Article 1

The preparation specified in the Annex, belonging to the additive category 'zootechnical additives' and to the functional group 'gut flora stabilisers', is authorised as an additive in animal nutrition subject to the conditions laid down in that Annex.

Article 2

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

⁽¹⁾ OJ L 268, 18.10.2003, p. 29. Regulation as amended by Commission Regulation (EC) No 378/2005 (OJ L 59, 5.3.2005, p. 8).

⁽²⁾ OJ L 165, 30.4.2004, as corrected by OJ L 191, 28.5.2004, p. 1. Regulation as amended by Commission Regulation (EC) No 776/2006 (OJ L 136, 24.5.2006, p. 3).

⁽³⁾ Opinion of the Scientific Panel on Additives and Products or Substances used in Animal Feed on the safety and efficacy of the product Calsporin a preparation of *Bacillus subtilis* C-3102, as a feed additive for chickens for fattening in accordance with Regulation (EC) No 1831/2003. Adopted on 8 March 2006. *The EFSA Journal* (2006) 336, p. 1 to 15.

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

Done at Brussels, 29 September 2006.

For the Commission
Markos KYPRIANOU
Member of the Commission

ANNEX

Identification number of the additive	Name of the holder of authorisation	Additive (Trade name)	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
						CFU/kg of complete feedingstuff with a moisture content of 12 %			
Category of zootechnical additives. Functional group: gut flora stabilisers.									
4b1820	Calpis Co. Ltd Represented in the Community by Orffa International Holding BV	<i>Bacillus subtilis</i> C-3102 (DSM 15544) (Calsporin)	Additive composition: <i>Bacillus subtilis</i> C-3102 (DSM 15544) with minimum of $1,15 \times 10^{10}$ CFU/g preparation of additive (25-30 %) Calcium carbonate (70-75 %) Characterisation of the active substance: Viable spores (CFU) of <i>Bacillus subtilis</i> C-3102 (DSM 15544) Analytical method (1) Enumeration spread plate method using tryptone soya agar with preheat treatment of feed samples	Chickens for fattening	—	1×10^9	1×10^9	For user safety: breathing protection during handling and safety glasses In the directions for use of the additive and premixture, indicate the storage temperature, storage life and stability to pelleting. The use is permitted in feed containing the permitted coccidiostats: monensin sodium, salinomycin sodium, seduramycin sodium, lasalocid sodium, maduramycin ammonium narasin-nicarbazin, diclazuril	20 October 2016

⁽¹⁾ Details of the analytical methods are available at the following address of the Community Reference Laboratory: www.irmm.jrc.be/html/crlfaa/

COMMISSION REGULATION (EC) No 1445/2006

of 29 September 2006

amending Regulation (EC) No 1200/2005 as regards the authorisation of the feed additive '*Bacillus cereus* var. *toyoi*', belonging to the group of micro-organisms

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition⁽¹⁾, and in particular Article 9(2) thereof,

Whereas:

- (1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition and for the grounds and procedures for granting such authorisation.
- (2) The preparation *Bacillus cereus* var. *toyoi* (NCIMB 40112/CNCM I-1012), belonging to the group of 'micro-organisms', was authorised in accordance with Council Directive 70/524/EEC⁽²⁾ without a time-limit as a feed additive for chickens for fattening and rabbits for fattening by Commission Regulation (EC) No 1200/2005⁽³⁾. This additive was subsequently entered in the Community Register of Feed Additives as an existing product, in accordance with Article 10 of Regulation (EC) No 1831/2003.
- (3) In accordance with Article 7 of Regulation (EC) No 1831/2003, an application for an amendment of the authorisation of that preparation was submitted to allow its use in feed containing the following coccidiostats: diclazuril (Clinacox 0,5 % and Clinacox 0,2 %), narasin-nicarbazina (Maxiban G160) and maduramicin ammonium (Cygro 1 %) for chickens for fattening. That application was accompanied by the particulars and documents required under Article 7(3) of that Regulation.

(4) The European Food Safety Authority (the Authority) concluded in its opinion of 5 November 2005 that the compatibility of the additive *Bacillus* var. *toyoi* (NCIMB 40112/CNCM I-1012) with diclazuril (Clinacox 0,5 % and Clinacox 0,2 %), narasin-nicarbazina (Maxiban G160) and maduramicin ammonium (Cygro 1 %) was established⁽⁴⁾. The opinion of the Authority also verifies the report on the method of analysis of the feed additive in feed submitted by the Community Reference Laboratory set up by Regulation (EC) No 1831/2003.

(5) The assessment of that preparation shows that the conditions provided for in Article 5 of Regulation (EC) No 1831/2003 are satisfied.

(6) Regulation (EC) No 1200/2005 should therefore be amended accordingly.

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

HAS ADOPTED THIS REGULATION:

Article 1

Annex II to Regulation (EC) No 1200/2005 is amended in accordance with the Annex to this Regulation.

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*.

⁽¹⁾ OJ L 268, 18.10.2003, p. 29. Regulation as amended by Commission Regulation (EC) No 378/2005 (OJ L 59, 5.3.2005, p. 8).

⁽²⁾ OJ L 270, 14.12.1970, p. 1. Directive repealed by Regulation (EC) No 1831/2003.

⁽³⁾ OJ L 195, 27.7.2005, p. 6.

⁽⁴⁾ Opinion of the Scientific Panel on Additives and Products or Substances used in Animal Feed on the modification of terms of authorisation of the micro-organism preparation of *Bacillus cereus* var. *toyoi* (NCIMB 40112/CNCM I-1012) (Toyocerin®) authorised as a feed additive in accordance with Council Directive 70/524/EEC. Adopted on 30 November 2005. The EFSA Journal (2005) 288, pp. 1 to 7.

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

Done at Brussels, 29 September 2006.

For the Commission
Markos KYPRIANOU
Member of the Commission

ANNEX

In Annex II to Regulation (EC) No 1200/2005 the entry for E 1701, *Bacillus cereus* var. *toyoi* (NCIMB 40112/CNCM I-1012), is replaced by the following:

EC No	Additive	Chemical formula, description	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
					CFU/kg of complete feedingstuff			
Micro-organisms								
E 1701	<i>Bacillus cereus</i> var. <i>toyoi</i> NCIMB 40112/CNCM I-1012	Preparation of <i>Bacillus cereus</i> var. <i>toyoi</i> containing a minimum of: 1×10^{10} CFU/g additive	Rabbits for fattening	—	$0,1 \times 10^9$	5×10^9	In the directions for use of the additive and premixture, indicate the storage temperature, storage life and stability to pelleting. May be used in compound feed containing the permitted coccidiostats: robenidine, salinomycin sodium.	Without a time-limit
			Chickens for fattening	—	$0,2 \times 10^9$	1×10^9	In the directions for use of the additive and premixture, indicate the storage temperature, storage life and stability to pelleting. May be used in compound feed containing the permitted coccidiostats: monensin sodium, lasalocid sodium, salinomycin sodium, decoquinone, robenidine, narasin, halofuginone, diclazuril, narasin/nicarbazin, maduramicin ammonium.	Without a time-limit'

COMMISSION REGULATION (EC) No 1446/2006
of 29 September 2006
concerning the authorisation of *Enterococcus faecium* (Biomim IMB52) as a feed additive
(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition⁽¹⁾, and in particular Article 9(2) thereof,

Whereas:

- (1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition and for the grounds and procedures for granting such authorisation.
- (2) In accordance with Article 7 of Regulation (EC) No 1831/2003, an application was submitted for the authorisation of the preparation set out in the Annex. That application was accompanied by the particulars and documents required under Article 7(3) of that Regulation.
- (3) The application concerns authorisation of the preparation *Enterococcus faecium* (Biomim IMB52) a feed additive for chickens for fattening, to be classified in the additive category 'zootechnical additives'.
- (4) The method of analysis included in the application for authorisation in accordance with Article 7(3)(c) of Regulation (EC) No 1831/2003 concerns the determination of the active substance of the feed additive in feed. The method of analysis referred to in the Annex to this Regulation is therefore not to be understood as a Community method of analysis within the meaning of Article 11 of Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April

2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules⁽²⁾.

- (5) The use of the preparation *Enterococcus faecium* DSM 3530 was already authorised for calves up to six months of age by Commission Regulation (EC) No 418/2001 of 1 March 2001 concerning the authorisation of new additives and uses of additives in feedingstuffs⁽³⁾. New data were submitted in support of an application for authorisation for chickens for fattening. In its assessment, the European Food Safety Authority (the Authority) concludes that the safety of this additive for the consumer, the user and the environment have already been established and will not be changed by the proposed new use. It further concludes that the use of the preparation does not have an adverse effect on this additional animal category and that the use of that preparation can improve the zootechnical parameters in chickens for fattening. It does not consider that there is a need for specific requirements of post-market monitoring. The opinion of the Authority recommends appropriate measures for user safety. This opinion also verifies the report on the method of analysis of the feed additive in feed submitted by the Community Reference Laboratory set up by Regulation (EC) No 1831/2003. The assessment of that preparation shows that the conditions for authorisation, provided for in Article 5 of Regulation (EC) No 1831/2003, are satisfied. Accordingly, the use of that preparation should be authorised, as specified in the Annex to this Regulation.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

The preparation specified in the Annex, belonging to the additive category 'zootechnical additives' and to the functional group 'gut flora stabilisers', is authorised as an additive in animal nutrition subject to the conditions laid down in that Annex.

⁽¹⁾ OJ L 268, 18.10.2003, p. 29. Regulation as amended by Commission Regulation (EC) No 378/2005 (OJ L 59, 5.3.2005, p. 8).

⁽²⁾ OJ L 165, 30.4.2004, as corrected by OJ L 191, 28.5.2004, p. 1. Regulation as amended by Commission Regulation (EC) No 776/2006 (OJ L 36, 24.5.2006, p. 3).

⁽³⁾ OJ L 62, 2.3.2001, p. 3.

Article 2

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

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

Done at Brussels, 29 September 2006.

For the Commission
Markos KYPRIANOU
Member of the Commission

ANNEX

Identification number of the additive	Name of the holder of authorisation	Additive (Trade name)	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content		Maximum content	Other provisions	End of period of authorisation
						CFU/kg of complete feedingsstuff with a moisture content of 12 %				
Category of zootechnical additives. Functional group: gut flora stabilisers.										
4b1850	Biomim GmbH	<i>Enterococcus faecium</i> DSM 3530 (Biomim IMB52)	Additive composition: <i>Enterococcus faecium</i> DSM 3530 with minimum content of $1,0 \times 10^{11}$ CFU/g preparation of additive Skimmed milk powder (food grade) 10 +/– 5 % Glucose 15 +/– 5 % Hydrogenated fats (food grade) 50 +/– 5 % Characterisation of the active substance: Pure culture of viable microorganisms (lactic acid bacteria <i>Enterococcus faecium</i> DSM 3530) Analytical method ⁽¹⁾ Enumeration spread plate method using bile esculin azide agar.	Chickens for fattening	—	5×10^8	$2,5 \times 10^9$	In the directions for use of the additive and premixture, indicate the storage temperature, storage life and stability to pelleting. The use is permitted in feed containing the permitted coccidiostats: monensin sodium or narasin-nicarbazin. For user safety: breathing protection during handling and safety glasses.	10 years from the date of entry into force of this Regulation	

⁽¹⁾ Details of the analytical methods are available at the following address of the Community Reference Laboratory: www.irmm.jrc.be/html/crlfaa/

COMMISSION REGULATION (EC) No 1447/2006

of 29 September 2006

concerning the authorisation of a new use of *Saccharomyces cerevisiae* (Biosaf SC 47) as a feed additive

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition⁽¹⁾, and in particular Article 9(2) thereof,

Whereas:

- (1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition and for the grounds and procedures for granting such authorisation.
- (2) In accordance with Article 7 of Regulation (EC) No 1831/2003, an application was submitted for the authorisation of the preparation set out in the Annex. That application was accompanied by the particulars and documents required under Article 7(3) of that Regulation.
- (3) The application concerns authorisation of a new use of the preparation *Saccharomyces cerevisiae* (NCYC Sc 47) (Biosaf SC 47) as a feed additive for lambs for fattening, to be classified in the additive category 'zootechnical additives'.
- (4) The method of analysis included in the application for authorisation in accordance with Article 7(3)(c) of Regulation (EC) No 1831/2003 concerns the determination of the active substance of the feed additive in feed. The method of analysis referred to in the Annex to this Regulation is therefore not to be understood as a Community method of analysis within the meaning of Article 11 of Regulation (EC) No 882/2004 of the

European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules⁽²⁾.

- (5) The use of the preparation of *Saccharomyces cerevisiae* (NCYC Sc 47) was authorised for dairy cows by Commission Regulation (EC) No 1811/2005 of 4 November 2005⁽³⁾ concerning the provisional and permanent authorisation of certain additives in feedingstuffs and the provisional authorisation of a new use of an additive already authorised in feedingstuffs, for cattle for fattening by Commission Regulation (EC) No 316/2003 of 19 February 2003 concerning the permanent authorisation of an additive in feedingstuffs and the provisional authorisation of a new use of an additive already authorised in feedingstuffs⁽⁴⁾, for piglets (weaned) by Commission Regulation (EC) No 2148/2004 of 16 December 2004 concerning the permanent and provisional authorisation of certain additives in feedingstuffs and the authorisation of a new use of an additive already authorised in feedingstuffs⁽⁵⁾, for sows by Commission Regulation (EC) No 1288/2004 of 14 July 2004 concerning the permanent authorisation of certain additives and the provisional authorisation of a new use of an additive already authorised in feedingstuffs⁽⁶⁾ and for rabbits for fattening by Commission Regulation (EC) No 600/2005 of 18 April 2005 concerning a new authorisation for 10 years of a coccidiostat as an additive in feedingstuffs, the provisional authorisation of an additive and the permanent authorisation of certain additives in feedingstuffs⁽⁷⁾. New data were submitted in support of an application for authorisation for lambs for fattening. In its assessment, the European Food Safety Authority (the Authority) concludes that the safety of this organism (and its growth medium) for the consumer, the user and the environment have already been established and will not be changed by the proposed new use. It further concludes that the use of the preparation does not present a risk for this additional animal category and that the use of that preparation can improve average daily weight gain in lambs for fattening. The Authority does not consider that there is a need for specific requirements of post-market monitoring. This opinion

⁽¹⁾ OJ L 268, 18.10.2003, p. 29. Regulation as amended by Commission Regulation (EC) No 378/2005 (OJ L 59, 5.3.2005, p. 8).

⁽²⁾ OJ L 165, 30.4.2004, as corrected by OJ L 191, 28.5.2004, p. 1. Regulation as amended by Commission Regulation (EC) No 776/2006 (OJ L 136, 24.5.2006, p. 3).

⁽³⁾ OJ L 291, 5.11.2005, p. 12.

⁽⁴⁾ OJ L 46, 20.2.2003, p. 15.

⁽⁵⁾ OJ L 370, 17.12.2004, p. 24. Regulation as amended by Regulation (EC) No 1980/2005 (OJ L 318, 6.12.2005, p. 3).

⁽⁶⁾ OJ L 243, 15.7.2004, p. 10. Regulation as amended by Regulation (EC) No 1812/2005 (OJ L 291, 5.11.2005, p. 18).

⁽⁷⁾ OJ L 99, 19.4.2005, p. 5.

also verifies the report on the method of analysis of the feed additive in feed submitted by the Community Reference Laboratory set up by Regulation (EC) No 1831/2003. The assessment of that preparation shows that the conditions for authorisation, provided for in Article 5 of Regulation (EC) No 1831/2003, are satisfied. Accordingly, the use of that preparation should be authorised, as specified in the Annex to this Regulation.

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

HAS ADOPTED THIS REGULATION:

Article 1

The preparation specified in the Annex, belonging to the additive category 'zootechnical additives' and to the functional group 'gut flora stabilisers', is authorised as an additive in animal nutrition subject to the conditions laid down in that Annex.

Article 2

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

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

Done at Brussels, 29 September 2006.

For the Commission

Markos KYPRIANOU

Member of the Commission

ANNEX

Identification number of the additive	Name of the holder of authorisation	Additive (Trade name)	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
Category of zootechnical additives. Functional group: gut flora stabilisers.									
E 1702	LEA Lesaffre Feed Additives	<i>Saccharomyces cerevisiae</i> (NCYC Sc 47) (Biosaf Sc 47)	Additive composition: <i>Saccharomyces cerevisiae</i> (NCYC Sc 47) Preparation containing a minimum of 5×10^9 CFU/g of additive Analytical methods ⁽¹⁾ Pour plate method using a chloramphenicol yeast extract agar based on the ISO 7954 method Polymerase chain reaction (PCR)	Lambs for fattening	—	$1,4 \times 10^9$	$1,4 \times 10^{10}$	In the directions for use of the additive and the premixture, indicate the storage temperature, storage life and stability to pelleting. (Stable for pellets at a temperature up to 83 °C)	10 years from the date of entry into force of this Regulation

⁽¹⁾ Details of the analytical methods are available at the following address of the Community Reference Laboratory: www.irmm.jrc.be/html/crfaa/

COMMISSION REGULATION (EC) No 1448/2006**of 29 September 2006****amending Regulation (EC) No 622/2003 laying down measures for the implementation of the common basic standards on aviation security****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

as by harmonised procedures for the classification, including test conditions, of EDS equipment.

Having regard to the Treaty establishing the European Community,

(4) The normal depreciation for EDS equipment is between seven and ten years. This should be taken into consideration when setting the expiry dates for such equipment.

Having regard to Regulation (EC) No 2320/2002 of the European Parliament and the Council of 16 December 2002 establishing common rules in the field of civil aviation security ⁽¹⁾ and in particular Article 4(2) thereof,

(5) In accordance with Regulation (EC) No 2320/2002 and in order to prevent acts of unlawful interference, the measures laid down in the Annex to Regulation (EC) No 622/2003 should be secret and should not be published. The same rule necessarily applies to any amending act.

Whereas:

(1) The Commission is required, by virtue of Regulation (EC) No 2320/2002, to adopt measures for the implementation of common basic standards for aviation security throughout the Community. Commission Regulation (EC) No 622/2003 of 4 April 2003 laying down measures for the implementation of the common basic standards on aviation security ⁽²⁾ was the first act laying down such measures.

(6) Regulation (EC) No 622/2003 should be amended accordingly.

(7) The measures provided for in this Regulation are in accordance with the opinion of the Committee on Civil Aviation Security,

(2) The common basic standards should be made more precise. In particular, as regards Explosive Detection Systems (EDS), performance requirements should be laid down, without prejudice to reviewing them on a regular basis and at least every 2 years to ensure that they continue to reflect technical developments and taking into account throughput, costs and availability of EDS equipment on the market.

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 622/2003 is amended as set out in the Annex to this Regulation.

(3) The performance requirements for EDS equipment and the requirements relating to the image quality of standard 1 and standard 2 EDS equipment should be considered as a first step in the full harmonisation of technical specifications for such systems. They should be complemented as swiftly as possible by requirements relating to the image quality of standard 3 EDS equipment, as well

Article 3 of that Regulation shall apply as regards the confidential nature of this 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*.

⁽¹⁾ OJ L 355, 30.12.2002, p. 1. Regulation as amended by Regulation (EC) No 849/2004 (OJ L 229, 29.6.2004, p. 3).

⁽²⁾ OJ L 89, 5.4.2003, p. 9. Regulation as last amended by Regulation (EC) No 240/2006 (OJ L 40, 11.2.2006, p. 3).

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

Done at Brussels, 29 September 2006.

For the Commission
Jacques BARROT
Vice-President

ANNEX

In accordance with Article 1 the Annex is secret and shall not be published in the *Official Journal of the European Union*.

COMMISSION REGULATION (EC) No 1449/2006**of 29 September 2006****reducing, for the 2006/07 marketing year, the amount of aid to producers of certain citrus fruits following an overrun of the processing threshold in certain Member States**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Portugal have overrun their threshold. The amounts of aid for oranges indicated in Annex I to Regulation (EC) No 2202/96 for the 2006/07 marketing year should therefore be reduced by 28,63 % in Italy and 20,68 % in Portugal.

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2202/96 of 28 October 1996 establishing a support system for producers of certain citrus fruits ⁽¹⁾, and in particular Article 6 thereof,

Whereas:

(1) Article 5(1) of Regulation (EC) No 2202/96 establishes a Community processing threshold for certain citrus fruits, distributed among the Member States in accordance with Annex II thereto.

(2) Article 5(2) of Regulation (EC) No 2202/96 provides that when this threshold is overrun the amounts of aid indicated in Annex I thereto are to be reduced in each Member State in which the threshold has been overrun. The overrun of the processing threshold is assessed on the basis of the average quantities processed under the aid scheme during the three marketing years preceding the marketing year for which the aid is to be fixed, or during an equivalent period.

(3) The Member States have communicated the quantities of oranges processed under the aid scheme in accordance with Article 39(1)(c) of Commission Regulation (EC) No 2111/2003 ⁽²⁾ which lays down detailed rules for the application of Regulation (EC) No 2202/96. Based on this information, it has been established that the Community processing threshold has been overrun by 205 989 tonnes. Within that overrun, Italy and

(4) The Member States have communicated the quantities of small citrus fruits processed under the aid scheme in accordance with Article 39(1)(c) of Regulation (EC) No 2111/2003. Based on this information, it has been established that the Community processing threshold has been overrun by 79 306 tonnes. Within that overrun, Italy, Cyprus and Portugal have overrun their threshold. The amounts of aid for mandarins, clementines and satsumas indicated in Annex I to Regulation (EC) No 2202/96 for the 2006/07 marketing year should therefore be reduced by 64,94 % in Italy, 36,52 % in Cyprus and 86,80 % in Portugal.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Products Processed from Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

Where Italy and Portugal are concerned, and for the 2006/07 marketing year, the amounts of aid to be granted under Regulation (EC) No 2202/96 for oranges delivered for processing shall be as indicated in Annex I to this Regulation.

Article 2

Where Italy, Cyprus and Portugal are concerned, and for the 2006/07 marketing year, the amounts of aid to be granted under Regulation (EC) No 2202/96 for mandarins, clementines and satsumas delivered for processing shall be as indicated in Annex II to this Regulation.

⁽¹⁾ OJ L 297, 21.11.1996, p. 49. Regulation last amended by the 2003 Act of Accession.

⁽²⁾ OJ L 317, 2.12.2003, p. 5.

Article 3

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

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

Done at Brussels, 29 September 2006.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

ANNEX I

		(EUR/100 kg)	
	Multiannual Contracts	Contracts covering a single marketing year	Individual producers
Italy	8,04	6,99	6,30
Portugal	8,94	7,77	7,00

ANNEX II

		(EUR/100 kg)	
	Multiannual contracts	Contracts covering a single marketing year	Individual producers
Italy	3,67	3,19	2,87
Portugal	1,38	1,20	1,08
Cyprus	6,65	5,78	5,20

COMMISSION REGULATION (EC) No 1450/2006
of 29 September 2006
amending Regulation (EC) No 1555/96 as regards the trigger levels for additional duties on tomatoes

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables ⁽¹⁾, and in particular Article 33(4) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1555/96 of 30 July 1996 on rules of application for additional import duties on fruit and vegetables ⁽²⁾ provides for surveillance of imports of the products listed in the Annex thereto. That surveillance is to be carried out in accordance with the rules laid down in Article 308(d) of Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽³⁾.
- (2) For the purposes of Article 5(4) of the Agreement on Agriculture ⁽⁴⁾ concluded during the Uruguay Round of

multilateral trade negotiations and in the light of the latest data available for 2003, 2004 and 2005, the trigger levels for additional duties on tomatoes should be adjusted.

- (3) As a result, Regulation (EC) No 1555/96 should be amended.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fresh Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 1555/96 is hereby replaced by the Annex hereto.

Article 2

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

It shall apply from 1 October 2006.

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

Done at Brussels, 29 September 2006.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

⁽¹⁾ OJ L 297, 21.11.1996, p. 1. Regulation as last amended by Commission Regulation (EC) No 47/2003 (OJ L 7, 11.1.2003, p. 64).

⁽²⁾ OJ L 193, 3.8.1996, p. 1. Regulation as last amended by Regulation (EC) No 1242/2006 (OJ L 226, 18.8.2006, p. 7).

⁽³⁾ OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 402/2006 (OJ L 70, 9.3.2006, p. 35).

⁽⁴⁾ OJ L 336, 23.12.1994, p. 22.

ANNEX

‘ANNEX

Without prejudice to the rules governing the interpretation of the combined nomenclature, the description of the products is deemed to be indicative only. The scope of the additional duties for the purposes of this Annex is determined by the scope of the CN codes as they exist at the time of the adoption of this Regulation.

Serial No	CN code	Description	Trigger period	Trigger level (tonnes)
78.0015	0702 00 00	Tomatoes	— 1 October to 31 May	260 852
78.0020			— 1 June to 30 September	18 281
78.0065	0707 00 05	Cucumbers	— 1 May to 31 October	9 278
78.0075			— 1 November to 30 April	11 060
78.0085	0709 10 00	Artichokes	— 1 November to 30 June	90 600
78.0100	0709 90 70	Courgettes	— 1 January to 31 December	68 401
78.0110	0805 10 20	Oranges	— 1 December to 31 May	271 073
78.0120	0805 20 10	Clementines	— 1 November to end of February	150 169
78.0130	0805 20 30 0805 20 50 0805 20 70 0805 20 90	Mandarins (including tangerines and satsumas); wilkings and similar citrus hybrids	— 1 November to end of February	94 492
78.0155	0805 50 10	Lemons	— 1 June to 31 December	301 899
78.0160			— 1 January to 31 May	34 287
78.0170	0806 10 10	Table grapes	— 21 July to 20 November	189 604
78.0175	0808 10 80	Apples	— 1 January to 31 August	922 228
78.0180			— 1 September to 31 December	51 920
78.0220	0808 20 50	Pears	— 1 January to 30 April	263 711
78.0235			— 1 July to 31 December	33 052
78.0250	0809 10 00	Apricots	— 1 June to 31 July	4 569
78.0265	0809 20 95	Cherries, other than sour cherries	— 21 May to 10 August	46 088
78.0270	0809 30	Peaches, including nectarines	— 11 June to 30 September	17 411
78.0280	0809 40 05	Plums	— 11 June to 30 September	11 155'

COMMISSION REGULATION (EC) No 1451/2006

of 29 September 2006

amending Annexes I and II 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 fluazuron, sodium nitrite and peforelin

(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 Articles 2 and 3 thereof,

Having regard to the opinions 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) The substance fluazuron is included in Annex III to Regulation (EEC) No 2377/90 for bovine for muscle, fat, liver and kidney, excluding animals from which milk is produced for human consumption. Additional data were provided and assessed leading to the recommendation that fluazuron should be included in Annex I to Regulation (EEC) No 2377/90 for bovine for muscle, fat, liver and kidney, excluding animals from which milk is produced for human consumption.

(3) Following examination of an application for the establishment of maximum residue limits for sodium nitrite in dairy cattle, it is considered appropriate to include this substance in Annex II to Regulation (EEC) No 2377/90 for the bovine species for topical use only.

(4) Following examination of an application for the establishment of maximum residue limits for peforelin in porcine species, it is considered appropriate to include this substance in Annex II to Regulation (EEC) No 2377/90 for the porcine species.

(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

Annexes I and II to Regulation (EEC) No 2377/90 are amended in accordance with the Annex to this Regulation.

Article 2

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

It shall apply from 29 November 2006.

⁽¹⁾ OJ L 224, 18.8.1990, p. 1. Regulation as last amended by Commission Regulation (EC) No 1231/2006 (OJ L 225, 17.8.2006, p. 3).

⁽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).

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

Done at Brussels, 29 September 2006.

For the Commission
Günter VERHEUGEN
Vice-President

ANNEX

A. The following substance is inserted in Annex I to Regulation (EEC) No 2377/90:

- 2. Anti-parasitic agents
- 2.2. Agents acting against ecto-parasites
- 2.2.4. Acyl urea derivatives

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues
'Fluazuron	Fluazuron	Bovine ⁽¹⁾	200 µg/kg 7 000 µg/kg 500 µg/kg 500 µg/kg	Muscle Fat Liver Kidney

⁽¹⁾ Not for use in animals from which milk is produced for human consumption.'

B. The following substances are inserted in Annex II to Regulation (EEC) No 2377/90:

- 1. Inorganic chemicals

Pharmacologically active substance(s)	Animal species
'Sodium nitrite	Bovine ⁽¹⁾
⁽¹⁾ For topical use only.'	

- 2. Organic compounds

Pharmacologically active substance(s)	Animal species
'Peforelin	Porcine'

COMMISSION REGULATION (EC) No 1452/2006**of 29 September 2006****providing for interim measures for the management of a tariff quota for New Zealand butter from October to December 2006 and derogating from Regulation (EC) No 2535/2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, and in particular Article 29(1) thereof,

Whereas:

- (1) Commission Regulation (EC) No 2535/2001 of 14 December 2001 laying down detailed rules for applying Council Regulation (EC) No 1255/1999 as regards the import arrangements for milk and milk products and opening tariff quotas ⁽²⁾ set out in particular rules for 'New Zealand butter' as referred to in Article 25(1) of that Regulation.
- (2) In order to comply with Articles 26 and 29 of Regulation (EC) No 1255/1999 which stipulate that the Commission is to ensure that import licences are issued to all applicants irrespective of where in the Community they are established and that discrimination between importers must be avoided, as interpreted by the Court of Justice of the European Communities in its judgment of 11 July 2006 in Case C-313/04 *Franz Egenberger GmbH Molkerei und Trockenwerk v Bundesanstalt für Landwirtschaft und Ernährung*, Commission Regulation (EC) No 1118/2006 ⁽³⁾ provided for the suspension of import licences under the current New Zealand butter quota as from 12 July 2006.
- (3) The establishment of the appropriate instruments for managing the tariff quota cannot be completed in time in order to allow imports to take place for the remaining quantities of 2006. Interim measures should therefore be adopted for the issue of import licences for the period ending 31 December 2006 in order to ensure the continuity of trade flows with New Zealand, until such time as the definitive arrangements for managing the tariff quota as from 1 January 2007 are put in place, ensuring non-discriminatory access of importers to the quota in conformity with the Court's judgment in Case C-313/04.

- (4) To ensure that the interim measures operate effectively and that the quantities allocated to each operator are economically viable, it is appropriate, in view of the limited time available for deliveries, to require that each application must be for a certain minimum quantity. To ensure that applications for import licences are genuine and to secure maximum utilisation of the quota it is appropriate to provide for the import licence applications to be accompanied by a contract with the exporter and for the non-transferability of the import licences.
- (5) In order to ensure that the quota is managed correctly and fairly, it is necessary to provide that if there are not a certain minimum number of applications, a new licensing round should start as quickly as possible with the ultimate result that, if there are not at least six contracts, no import licence will be issued under the transitional regime.
- (6) Imports of New Zealand butter must comply with certain quality requirements laid down in Regulation (EC) No 2535/2001. The IMA 1 certificate should be presented at the time of import to show compliance with those requirements and to prove the origin of the butter.
- (7) For the remaining quantities to be imported in 2006 under quota No 09.4589 as referred to in Annex III (A) to Regulation (EC) No 2535/2001 it is therefore necessary to lift the suspension of the issuing of import licences by repealing Regulation (EC) No 1118/2006 and to derogate from certain provisions of Regulation (EC) No 2535/2001.
- (8) The Management Committee for Milk and Milk Products has not delivered an opinion within the time-limit set by its Chairman,

HAS ADOPTED THIS REGULATION:

*Article 1***Import of New Zealand butter**

Save as otherwise provided for in this Regulation, Chapter III of Title 2 of Regulation (EC) No 2535/2001 shall apply to the import of a quantity of 14 294,6 tonnes of butter for the year 2006 under quota number 09.4589 referred to in Annex III(A) to that Regulation (hereinafter referred to as 'New Zealand butter') for which the issue of licences was suspended under Regulation (EC) No 1118/2006.

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

⁽²⁾ OJ L 341, 22.12.2001, p. 29. Regulation as last amended by Regulation (EC) No 926/2006 (OJ L 170, 23.6.2006, p. 8).

⁽³⁾ OJ L 199, 21.7.2006, p. 11.

*Article 2***Conditions for applications for import licences**

1. Applications for licences for import of New Zealand butter under this Regulation shall be admissible only if the following conditions are satisfied:

- (a) the importers must be approved under Article 8 of Regulation (EC) No 2535/2001 and, by way of derogation from Article 35(2) of Regulation (EC) No 2535/2001, lodge licence applications in the Member State in which they are approved;
- (b) importers must submit the original or an authenticated copy of a purchase contract with a New Zealand exporter for the import of butter as described in Annex III(A) to Regulation (EC) No 2535/2001 for a quantity at least equal to that mentioned in the application;
- (c) importers may lodge only one application and if they lodge more than one application, all those applications shall be rejected;
- (d) applications must relate to a quantity of at least 1 000 tonnes but to no more than 30 % of the quantity referred to in Article 1.

2. Licence applications shall be lodged from 16 to 18 October 2006.

*Article 3***Issue of licences**

1. By 20 October 2006 at the latest, Member States shall notify the Commission by fax or electronic mail of the licence applications lodged under this Regulation, specifying the names of the applicants and the quantities applied for by each one.

2. The Commission shall decide within three working days following the date referred to in paragraph 1 to what extent licence applications may be accepted and shall inform the Member States of its decision. Where in total less than six valid applications have been lodged, no applications shall be accepted and Article 4 shall apply.

3. Where the total quantity covered by licence applications exceeds the quantity referred to in Article 1, the Commission shall apply an allocation coefficient to the quantities applied for. In that case, the part of the security corresponding to the quantities not allocated shall be released.

4. Licences shall only be issued to applicants whose licence applications have been notified under paragraph 1. The issue of such licences shall be made no more than two working days after the Member States have been informed of the decision referred to in paragraph 2.

*Article 4***New licensing round**

1. If the Commission has decided that no licence applications should be accepted, pursuant to Article 3(2), a new licensing round shall be opened under this Regulation, for the purposes of which:

- (a) the period referred to in Article 2(2) shall be deemed to be from 2 to 6 November 2006; and
- (b) the date referred to in Article 3(1) shall be deemed to be 8 November 2006.

2. If in the period referred to in paragraph 1(a), fewer than six valid applications have been lodged, no import licences shall be issued for the quota referred to in Article 1.

*Article 5***Entries on applications and licences**

By way of derogation from Article 28(1)(c) of Regulation (EC) No 2535/2001, Box 16 of licence applications may show one or more of the CN codes listed under quota number 09.4589 referred to in Annex III(A) to that Regulation. If a licence application indicates more than one CN code, it must specify the quantity requested for each code and a separate licence shall be issued for each code.

By way of derogation from Article 28(1)(d) of Regulation (EC) No 2535/2001, licence applications and licences shall show in Box 20 a reference to this Regulation.

*Article 6***Licences**

1. Import licences issued under this Regulation shall be valid until 31 December 2006.

2. By way of derogation from Article 9 of Commission Regulation (EC) No 1291/2000 ⁽¹⁾, import licences issued under this Regulation may not be transferred.

3. Article 35(3) of Regulation (EC) No 2535/2001 shall not apply.

⁽¹⁾ OJ L 152, 24.6.2000, p. 1. Regulation as last amended by Regulation (EC) No 410/2006 (OJ L 71, 10.3.2006, p. 7).

4. By way of derogation from Article 36, second paragraph, of Regulation (EC) No 2535/2001, where a consignment of butter does not meet the compositional requirements set out in Annex III(A) to that Regulation, the customs authorities shall not send the licence to the issuing authorities.

The quantity shall not be booked off of the import licence.

Article 7

IMA 1 certificates

1. By way of derogation from Article 25(1) of Regulation (EC) No 2535/2001, the duty rate provided for in Annex III(A) to Regulation (EC) No 2535/2001 shall be applied to New Zealand butter imported under the present Regulation only on presentation of the declaration of release for free circulation accompanied by an IMA 1 certificate, proving the eligibility requirements and the origin of the butter covered by that declaration.

2. The IMA 1 certificate shall not be valid beyond 31 December 2006.

3. The undertaking referred to in Article 33(1)(d) of Regulation (EC) No 2535/2001 to issue the IMA 1 certificate for the

total quantity covered before the product it covers leaves the territory of the issuing country shall not apply.

Article 8

Information to the Commission

Without prejudice to Article 39 of Regulation (EC) No 2535/2001, Member States shall, by 28 February 2007, communicate to the Commission the quantity of New Zealand butter imported under the present Regulation and released for free circulation for which the security has been released.

Article 9

Repeal of Regulation (EC) No 1118/2006

Regulation (EC) No 1118/2006 is repealed.

Article 10

Entry into force

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

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

Done at Brussels, 29 September 2006.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

COMMISSION REGULATION (EC) No 1453/2006**of 29 September 2006****fixing the export refunds on cereals and on wheat or rye flour, groats and meal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals ⁽¹⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) Article 13 of Regulation (EC) No 1784/2003 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products in the Community may be covered by an export refund.
- (2) The refunds must be fixed taking into account the factors referred to in Article 1 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽²⁾.
- (3) As far as wheat and rye flour, groats and meal are concerned, when the refund on these products is being calculated, account must be taken of the quantities of cereals required for their manufacture. These quantities were fixed in Regulation (EC) No 1501/95.

- (4) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination.
- (5) The refund must be fixed once a month. It may be altered in the intervening period.
- (6) It follows from applying the detailed rules set out above to the present situation on the market in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(a), (b) and (c) of Regulation (EC) No 1784/2003, excluding malt, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 October 2006.

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

Done at Brussels, 29 September 2006.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 270, 21.10.2003, p. 78. Regulation as amended by Commission Regulation (EC) No 1154/2005 (OJ L 187, 19.7.2005, p. 11).

⁽²⁾ OJ L 147, 30.6.1995, p. 7. Regulation as last amended by Regulation (EC) No 777/2004 (OJ L 123, 27.4.2004, p. 50).

ANNEX

to the Commission Regulation of 29 September 2006 fixing the export refunds on cereals and on wheat or rye flour, groats and meal

Product code	Destination	Unit of measurement	Amount of refunds	Product code	Destination	Unit of measurement	Amount of refunds
1001 10 00 9200	—	EUR/t	—	1101 00 15 9130	C01	EUR/t	0
1001 10 00 9400	A00	EUR/t	0	1101 00 15 9150	C01	EUR/t	0
1001 90 91 9000	—	EUR/t	—	1101 00 15 9170	C01	EUR/t	0
1001 90 99 9000	A00	EUR/t	0	1101 00 15 9180	C01	EUR/t	0
1002 00 00 9000	A00	EUR/t	0	1101 00 15 9190	—	EUR/t	—
1003 00 10 9000	—	EUR/t	—	1101 00 90 9000	—	EUR/t	—
1003 00 90 9000	A00	EUR/t	0	1102 10 00 9500	A00	EUR/t	0
1004 00 00 9200	—	EUR/t	—	1102 10 00 9700	A00	EUR/t	0
1004 00 00 9400	A00	EUR/t	0	1102 10 00 9900	—	EUR/t	—
1005 10 90 9000	—	EUR/t	—	1103 11 10 9200	A00	EUR/t	0
1005 90 00 9000	A00	EUR/t	0	1103 11 10 9400	A00	EUR/t	0
1007 00 90 9000	—	EUR/t	—	1103 11 10 9900	—	EUR/t	—
1008 20 00 9000	—	EUR/t	—	1103 11 90 9200	A00	EUR/t	0
1101 00 11 9000	—	EUR/t	—	1103 11 90 9800	—	EUR/t	—
1101 00 15 9100	C01	EUR/t	0				

NB: The product codes and the 'A' series destination codes are set out in the Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1), as amended.

C01: All third countries with the exception of Albania, Bulgaria, Romania, Croatia, Bosnia and Herzegovina, Montenegro, Serbia, the former Yugoslav Republic of Macedonia, Lichtenstein and Switzerland.

COMMISSION REGULATION (EC) No 1454/2006
of 29 September 2006
fixing the corrective amount applicable to the refund on cereals

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals⁽¹⁾, and in particular Article 15(2) thereof,

Whereas:

- (1) Article 14(2) of Regulation (EC) No 1784/2003 provides that the export refund applicable to cereals on the day on which an application for an export licence is made must be applied on request to exports to be effected during the period of validity of the export licence. In this case, a corrective amount may be applied to the refund.
- (2) Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the cereals and the measures to be taken in the event of disturbance on the market for cereals⁽²⁾, allows for the fixing of a corrective amount for the products listed in Article 1(a), (b) and (c) of Regulation (EC) No 1784/2003. That corrective amount must be calculated taking account of the factors referred to in Article 1 of Regulation (EC) No 1501/95.

- (3) The world market situation or the specific requirements of certain markets may make it necessary to vary the corrective amount according to destination.
- (4) The corrective amount must be fixed according to the same procedure as the refund; it may be altered in the period between fixings.
- (5) It follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 1(a), (b) and (c) of Regulation (EC) No 1784/2003 which is applicable to export refunds fixed in advance except for malt shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 October 2006.

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

Done at Brussels, 29 September 2006.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 270, 21.10.2003, p. 78. Regulation as amended by Commission Regulation (EC) No 1154/2005 (OJ L 187, 19.7.2005, p. 11).

⁽²⁾ OJ L 147, 30.6.1995, p. 7. Regulation as last amended by Regulation (EC) No 777/2004 (OJ L 123, 27.4.2004, p. 50).

ANNEX

to the Commission Regulation of 29 September 2006 fixing the corrective amount applicable to the refund on cereals

(EUR/t)								
Product code	Destination	Current 10	1st period 11	2nd period 12	3rd period 1	4th period 2	5th period 3	6th period 4
1001 10 00 9200	—	—	—	—	—	—	—	—
1001 10 00 9400	A00	0	0	0	0	0	—	—
1001 90 91 9000	—	—	—	—	—	—	—	—
1001 90 99 9000	C01	0	0	0	0	0	—	—
1002 00 00 9000	A00	0	0	0	0	0	—	—
1003 00 10 9000	—	—	—	—	—	—	—	—
1003 00 90 9000	C02	0	0	0	0	0	—	—
1004 00 00 9200	—	—	—	—	—	—	—	—
1004 00 00 9400	C03	0	0	0	0	0	—	—
1005 10 90 9000	—	—	—	—	—	—	—	—
1005 90 00 9000	A00	0	0	0	0	0	—	—
1007 00 90 9000	—	—	—	—	—	—	—	—
1008 20 00 9000	—	—	—	—	—	—	—	—
1101 00 11 9000	—	—	—	—	—	—	—	—
1101 00 15 9100	C01	0	0	0	0	0	—	—
1101 00 15 9130	C01	0	0	0	0	0	—	—
1101 00 15 9150	C01	0	0	0	0	0	—	—
1101 00 15 9170	C01	0	0	0	0	0	—	—
1101 00 15 9180	C01	0	0	0	0	0	—	—
1101 00 15 9190	—	—	—	—	—	—	—	—
1101 00 90 9000	—	—	—	—	—	—	—	—
1102 10 00 9500	A00	0	0	0	0	0	—	—
1102 10 00 9700	A00	0	0	0	0	0	—	—
1102 10 00 9900	—	—	—	—	—	—	—	—
1103 11 10 9200	A00	0	0	0	0	0	—	—
1103 11 10 9400	A00	0	0	0	0	0	—	—
1103 11 10 9900	—	—	—	—	—	—	—	—
1103 11 90 9200	A00	0	0	0	0	0	—	—
1103 11 90 9800	—	—	—	—	—	—	—	—

NB: The product codes and the 'A' series destination codes are set out in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1) as amended. The numeric destination codes are set out in Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11).

C01: All third countries with the exception of Albania, Bulgaria, Romania, Croatia, Bosnia and Herzegovina, Montenegro, Serbia, the former Yugoslav Republic of Macedonia, Lichtenstein and Switzerland.

C02: Algeria, Saudi Arabia, Bahrain, Egypt, United Arab Emirates, Iran, Iraq, Israel, Jordan, Kuwait, Lebanon, Lybia, Morocco, Mauritania, Oman, Qatar, Syria, Tunisia and Yemen.

C03: All third countries with the exception of Bulgaria, Norway, Romania, Switzerland and Lichtenstein.

COMMISSION REGULATION (EC) No 1455/2006
of 29 September 2006
fixing the export refunds on malt

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals⁽¹⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) Article 13 of Regulation (EC) No 1784/2003 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) The refunds must be fixed taking into account the factors referred to in Article 1 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals⁽²⁾.
- (3) The refund applicable in the case of malts must be calculated with amount taken of the quantity of cereals required to manufacture the products in question. The said quantities are laid down in Regulation (EC) No 1501/95.

- (4) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination.
- (5) The refund must be fixed once a month. It may be altered in the intervening period.
- (6) It follows from applying these rules to the present situation on markets in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on malt listed in Article 1(c) of Regulation (EC) No 1784/2003 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 October 2006.

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

Done at Brussels, 29 September 2006.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 270, 21.10.2003, p. 78. Regulation as amended by Commission Regulation (EC) No 1154/2005 (OJ L 187, 19.7.2005, p. 11).

⁽²⁾ OJ L 147, 30.6.1995, p. 7. Regulation as last amended by Regulation (EC) No 777/2004 (OJ L 123, 27.4.2004, p. 50).

ANNEX

to the Commission Regulation of 29 September 2006 fixing the export refunds on malt

Product code	Destination	Unit of measurement	Amount of refunds
1107 10 19 9000	A00	EUR/t	0,00
1107 10 99 9000	A00	EUR/t	0,00
1107 20 00 9000	A00	EUR/t	0,00

NB: The product codes and the 'A' series destination codes are set out in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1) as amended.

The numeric destination codes are set out in Commission Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11).

COMMISSION REGULATION (EC) No 1456/2006
of 29 September 2006
fixing the corrective amount applicable to the refund on malt

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organization of the market in cereals ⁽¹⁾, and in particular Article 15(2),

Whereas:

- (1) Article 14(2) of Regulation (EC) No 1784/2003 provides that the export refund applicable to cereals on the day on which application for an export licence is made must be applied on request to exports to be effected during the period of validity of the export licence. In this case, a corrective amount may be applied to the refund.
- (2) Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽²⁾ allows for the fixing of a corrective amount for the malt referred

to in Article 1(1)(c) of Regulation (EC) No 1784/2003. That corrective amount must be calculated taking account of the factors referred to in Article 1 of Regulation (EC) No 1501/95.

- (3) It follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 15(3) of Regulation (EC) No 1784/2003 which is applicable to export refunds fixed in advance in respect of malt shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 October 2006.

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

Done at Brussels, 29 September 2006.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 270, 21.10.2003, p. 78. Regulation as amended by Commission Regulation (EC) No 1154/2005 (OJ L 187, 19.7.2005, p. 11).

⁽²⁾ OJ L 147, 30.6.1995, p. 7. Regulation as last amended by Regulation (EC) No 777/2004 (OJ L 123, 27.4.2004, p. 50).

ANNEX

to the Commission Regulation of 29 September 2006 fixing the corrective amount applicable to the refund on malt

(EUR/t)

Product code	Destination	Current 10	1st period 11	2nd period 12	3rd period 1	4th period 2	5th period 3
1107 10 11 9000	A00	0	0	0	0	0	0
1107 10 19 9000	A00	0	0	0	0	0	0
1107 10 91 9000	A00	0	0	0	0	0	0
1107 10 99 9000	A00	0	0	0	0	0	0
1107 20 00 9000	A00	0	0	0	0	0	0

(EUR/t)

Product code	Destination	6th period 4	7th period 5	8th period 6	9th period 7	10th period 8	11th period 9
1107 10 11 9000	A00	0	0	0	0	0	0
1107 10 19 9000	A00	0	0	0	0	0	0
1107 10 91 9000	A00	0	0	0	0	0	0
1107 10 99 9000	A00	0	0	0	0	0	0
1107 20 00 9000	A00	0	0	0	0	0	0

NB: The product codes and the 'A' series destination codes are set out in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1) as amended.

The numeric destination codes are set out in Commission Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11).

COMMISSION REGULATION (EC) No 1457/2006**of 29 September 2006****fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals ⁽¹⁾ and in particular Article 13(3) thereof,

Having regard to Council Regulation (EC) No 1785/2003 of 29 September 2003 on the common organisation of the market in rice ⁽²⁾ and in particular Article 14(3) thereof,

Whereas:

- (1) Article 2 of Council Regulation (EEC) No 2681/74 of 21 October 1974 on Community financing of expenditure incurred in respect of the supply of agricultural products as food aid ⁽³⁾ lays down that the portion of the expenditure corresponding to the export refunds on the products in question fixed under Community rules is to be charged to the European Agricultural Guidance and Guarantee Fund, Guarantee Section.
- (2) In order to make it easier to draw up and manage the budget for Community food aid actions and to enable the Member States to know the extent of Community participation in the financing of national food aid actions, the level of the refunds granted for these actions should be determined.

- (3) The general and implementing rules provided for in Article 13 of Regulation (EC) No 1784/2003 and in Article 13 of Regulation (EC) No 1785/2003 on export refunds are applicable *mutatis mutandis* to the abovementioned operations.

- (4) The specific criteria to be used for calculating the export refund on rice are set out in Article 14 of Regulation (EC) No 1785/2003.

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

HAS ADOPTED THIS REGULATION:

Article 1

For Community and national food aid operations under international agreements or other supplementary programmes, and other Community free supply measures, the refunds applicable to cereals and rice sector products shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 1 October 2006.

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

Done at Brussels, 29 September 2006.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 270, 21.10.2003, p. 78. Regulation as amended by Commission Regulation (EC) No 1154/2005 (OJ L 187, 19.7.2005, p. 11).

⁽²⁾ OJ L 270, 21.10.2003, p. 96. Regulation as last amended by Commission Regulation (EC) No 797/2006 (OJ L 144, 31.5.2006, p. 1).

⁽³⁾ OJ L 288, 25.10.1974, p. 1.

ANNEX

to the Commission Regulation of 29 September 2006 fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid

(EUR/t)	
Product code	Refund
1001 10 00 9400	0,00
1001 90 99 9000	0,00
1002 00 00 9000	0,00
1003 00 90 9000	0,00
1005 90 00 9000	0,00
1006 30 92 9100	0,00
1006 30 92 9900	0,00
1006 30 94 9100	0,00
1006 30 94 9900	0,00
1006 30 96 9100	0,00
1006 30 96 9900	0,00
1006 30 98 9100	0,00
1006 30 98 9900	0,00
1006 30 65 9900	0,00
1007 00 90 9000	0,00
1101 00 15 9100	0,00
1101 00 15 9130	0,00
1102 10 00 9500	0,00
1102 20 10 9200	37,67
1102 20 10 9400	32,29
1103 11 10 9200	0,00
1103 13 10 9100	48,44
1104 12 90 9100	0,00

NB: The product codes are defined in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1), amended.

COMMISSION DIRECTIVE 2006/77/EC**of 29 September 2006****amending Annex I to Directive 2002/32/EC of the European Parliament and of the Council as regards maximum levels for organochlorine compounds in animal feed****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2002/32/EC of the European Parliament and of the Council of 7 May 2002 on undesirable substances in animal feed⁽¹⁾, and in particular Article 8(1) thereof,

Whereas:

(1) Directive 2002/32/EC provides that the use of products intended for animal feed which contain levels of undesirable substances exceeding the maximum levels laid down in Annex I to that Directive is prohibited.

(2) When Directive 2002/32/EC was adopted, the Commission stated that Annex I to that Directive would be reviewed on the basis of updated scientific risk assessments and taking into account the prohibition of any dilution of contaminated non-complying products intended for animal feed.

(3) On a request from the Commission, the European Food Safety Authority (EFSA) adopted an opinion relating to aldrin and dieldrin on 9 November 2005⁽²⁾.

⁽¹⁾ OJ L 140, 30.5.2002, p. 10. Directive as last amended by Commission Directive 2006/13/EC (OJ L 32, 4.2.2006, p. 44).

⁽²⁾ Opinion of the Scientific Panel on contaminants in the Food Chain of the European Food Safety Authority (EFSA) on a request from the Commission related to aldrin and dieldrin as undesirable substance in animal feed, adopted on 9 November 2005
http://www.efsa.europa.eu/etc/medialib/efsa/science/contam/contam_opinions/1251.Par.0001.File.dat/contam_op_ej285_aldrinanddieldrin_en1.pdf

(4) Fish feed, containing relatively high proportion of fish oil in the formulation, was found to contain significant levels of aldrin/dieldrin. It is therefore appropriate to amend the existing provisions, based on the conclusions of the scientific opinion and available monitoring data.

(5) On a request from the Commission, EFSA adopted an opinion relating to endosulfan on 20 June 2005⁽³⁾.

(6) Based on the conclusions of the scientific opinion and available monitoring data, it is appropriate to amend the maximum level for endosulfan in crude vegetable oil in order to take into account to a certain extent the concentration of endosulfan in the crude vegetable oil compared to the level in the oilseed.

(7) On a request from the Commission, EFSA adopted an opinion relating to hexachlorocyclohexanes (α , β , γ HCH) on 4 July 2005⁽⁴⁾ and an opinion on endrin on 9 November 2005⁽⁵⁾.

(8) Based on the conclusions of the scientific opinions and available monitoring data, no modifications to the existing maximum levels as regards hexachlorocyclohexanes and endrin are necessary.

⁽³⁾ Opinion of the Scientific Panel on contaminants in the Food Chain of the European Food Safety Authority (EFSA) on a request from the Commission related to endosulfan as undesirable substance in animal feed, adopted on 20 June 2005
http://www.efsa.europa.eu/etc/medialib/efsa/science/contam/contam_opinions/1025.Par.0001.File.dat/contam_op_ej234_endosulfan_en_updated21.pdf

⁽⁴⁾ Opinion of the Scientific Panel on contaminants in the Food Chain of the European Food Safety Authority (EFSA) on a request from the Commission related to gamma-HCH and other hexachlorocyclohexanes as undesirable substance in animal feed, adopted on 4 July 2005
http://www.efsa.europa.eu/etc/medialib/efsa/science/contam/contam_opinions/1039.Par.0001.File.dat/contam_op_ej250_hexachlorocyclohexanes_en2.pdf

⁽⁵⁾ Opinion of the Scientific Panel on contaminants in the Food Chain of the European Food Safety Authority (EFSA) on a request from the Commission related to endrin as undesirable substance in animal feed, adopted on 9 November 2005
http://www.efsa.europa.eu/etc/medialib/efsa/science/contam/contam_opinions/1252.Par.0001.File.dat/contam_op_ej286_endrin_en1.pdf

- (9) As regards aldrin, dieldrin, chlordane, DDT, endrin, heptachlor, hexachlorobenzene and hexachlorocyclohexanes (HCH), the term 'fats' should be replaced by the terms 'fats and oils' to indicate clearly that all fats and oils, including animal fat, vegetable oils, fish oil, are covered.
- (10) Directive 2002/32/EC should therefore be amended accordingly.
- (11) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex I to Directive 2002/32/EC is amended in accordance with the Annex to this Directive.

Article 2

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this

Directive 12 months after the entry into force at the latest. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 29 September 2006.

For the Commission

Markos KYPRIANOU

Member of the Commission

ANNEX

Rows 17 to 26 of Annex I to Directive 2002/32/EC are replaced by the following:

Undesirable substances	Products intended for animal feed	Maximum content in mg/kg (ppm) relative to a feedingstuff with a moisture content of 12 %
(1)	(2)	(3)
17. Aldrin (*)	All feedingstuffs with the exception of	0,01 (**)
18. Dieldrin (*)	— fats and oils	0,1 (**)
	— fish feed	0,02 (**)
19. Camphechlor (toxaphene) — sum of indicator congeners CHB 26, 50 and 62 (***)	— Fish, other aquatic animals, their products and by-products with the exception of fish oil	0,02
	— Fish oil (****)	0,2
	— Feedingstuffs for fish (****)	0,05
20. Chlordane (sum of cis- and trans-isomers and of oxychlordane, expressed as chlordane)	All feedingstuffs with the exception of	0,02
	— fats and oils	0,05
21. DDT (sum of DDT-, TDE- and DDE-isomers, expressed as DDT)	All feedingstuffs with the exception of	0,05
	— fats and oils	0,5
22. Endosulfan (sum of alpha- and beta-isomers and of endosulfansulphate expressed as endosulfan)	All feedingstuffs with the exception of	0,1
	— maize and maize products derived from the processing thereof	0,2
	— oilseeds and products derived from the processing thereof with the exception of crude vegetable oil	0,5
	— crude vegetable oil	1,0
	— complete feedingstuffs for fish	0,005
23. Endrin (sum of endrin and of delta-ketoidrin, expressed as endrin)	All feedingstuffs with the exception of	0,01
	— fats and oils	0,05
24. Heptachlor (sum of heptachlor and of heptachlorepoxy, expressed as heptachlor)	All feedingstuffs with the exception of	0,01
	— fats and oils	0,2
25. Hexachlorobenzene (HCB)	All feedingstuffs with the exception of	0,01
	— fats and oils	0,2
26. Hexachlorocyclohexane (HCH)		
26.1. alpha-isomers	All feedingstuffs with the exception of	0,02
	— fats and oils	0,2
26.2. beta-isomers	All feed materials with the exception of	0,01
	— fats and oils	0,1
	All compound feedingstuffs with the exception of	0,01
	— compound feedingstuffs for dairy cattle	0,005
26.3. gamma-isomers	All feedingstuffs with the exception of	0,2
	— fats and oils	2,0

(*) Singly or combined expressed as dieldrin.

(**) Maximum level for aldrin and dieldrin, singly or combined, expressed as dieldrin.

(***) Numbering system according to Parlar, prefixed by either "CHB" or "Parlar":

- CHB 26: 2-endo,3-exo,5-endo, 6-exo, 8,8,10,10-octachlorobornane,
- CHB 50: 2-endo,3-exo,5-endo, 6-exo, 8,8,9,10,10-nonachlorobornane,
- CHB 62: 2,2,5,5,8,9,9,10,10-nonachlorobornane.

(****) The levels shall be reviewed by 31 December 2007 with the aim of reducing the maximum levels.'

COMMISSION DIRECTIVE 2006/78/EC
of 29 September 2006
amending Council Directive 76/768/EEC, concerning cosmetic products, for the purposes of
adapting Annex II thereto to technical progress
(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 76/768/EEC of 27 July 1976 on the approximation of the laws of the Member States relating to cosmetic products⁽¹⁾, and in particular Article 8(2) thereof,

After consulting the Scientific Committee of Cosmetic Products and Non-Food Products intended for Consumers,

Whereas:

(3) In accordance with Article 22(1) of Regulation (EC) No 999/2001, the provisions of Part A of Annex XI to that Regulation apply until the date of the adoption of a decision in accordance with Article 5(2) or (4) thereof, after which Article 8 of that Regulation and Annex V thereto become applicable.

(4) Directive 76/768/EEC should therefore be amended accordingly.

(5) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Cosmetic Products,

HAS ADOPTED THIS DIRECTIVE:

(1) Animal by-products falling within Category 1 material or Category 2 material pursuant to Regulation (EC) No 1774/2002 of the European Parliament and of the Council of 3 October 2002 laying down health rules concerning animal by-products not intended for human consumption⁽²⁾ are prohibited from entering the production chain for a technical product, such as a cosmetic product. The sourcing restrictions thus imposed on cosmetic products produced within the Community should be extended to cover imported products.

(2) Since the specified risk material defined in Annex V to Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies⁽³⁾ is included in the Category 1 material provided for in Regulation (EC) No 1774/2002, the reference to that Annex in entry No 419 of Annex II to Directive 76/768/EEC is no longer necessary.

⁽¹⁾ OJ L 262, 27.9.1976, p. 169. Directive as last amended by Commission Directive 2006/65/EC (OJ L 198, 20.7.2006, p. 11).

⁽²⁾ OJ L 273, 10.10.2002, p. 1. Regulation as last amended by Commission Regulation (EC) No 208/2006 (OJ L 36, 8.2.2006, p. 25).

⁽³⁾ OJ L 147, 31.5.2001, p. 1. Regulation as last amended by Commission Regulation (EC) No 1041/2006 (OJ L 187, 8.7.2006, p. 10).

Article 1

In Annex II to Directive 76/768/EEC entry No 419 is replaced by the following:

‘419. Category 1 material and Category 2 material as defined in Articles 4 and 5 respectively of Regulation (EC) No 1774/2002 of the European Parliament and of the Council (*), and ingredients derived therefrom.

(*) OJ L 273, 10.10.2002, p. 1’.

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 30 March 2007 at the latest. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 29 September 2006.

For the Commission

Günter VERHEUGEN

Vice-President

II

(Acts whose publication is not obligatory)

COUNCIL

DECISION No 1/2006 OF THE EC-TURKEY ASSOCIATION COUNCIL

of 15 May 2006

on the implementation of Article 9 of Decision No 1/95 of the EC-Turkey Association Council on implementing the final phase of the Customs Union

(2006/654/EC)

THE EC-TURKEY ASSOCIATION COUNCIL,

Having regard to the Agreement of 12 September 1963 establishing an association between the European Economic Community and Turkey ⁽¹⁾ and in particular Article 22(3) thereof,

Whereas:

(1) Article 9 of Decision No 1/95 of the EC-Turkey Association Council of 22 December 1995 on implementing the final phase of the Customs Union ⁽²⁾ regulates the legal effects of the putting into force by Turkey of the provisions of the Community instrument or instruments necessary for the elimination of technical barriers to trade in a particular product, but does not establish the necessary procedures and modalities for the application of that Article.

(2) Turkey and the Community (the Parties) agree that Article 9 of Decision No 1/95 requires the establishment of the administrative infrastructure necessary for the putting into force of the Community instrument or instruments in question and the continuous, fully effective functioning of that infrastructure to be guaranteed.

(3) The Parties have agreed on the procedural rules for implementing Article 9 of Decision No 1/95.

(4) For the proper functioning of the Customs Union, the principles set out in Decision No 2/97 of the EC-Turkey Association Council of 4 June 1997 establishing the list

of Community instruments relating to the removal of technical barriers to trade and the conditions and arrangements governing their implementation by Turkey ⁽³⁾ and in Articles 8, 54, 55 and 56 of Decision No 1/95 should be effectively implemented.

(5) The close relations between the Community and the Contracting Parties to the Agreement on the European Economic Area make it appropriate to consider the conclusion of parallel European Conformity Assessment Agreements between Turkey and those countries equivalent to this Decision,

HAS DECIDED AS FOLLOWS:

Article 1

Assessment of technical legislation

1. The Customs Union Joint Committee established by Article 52 of Decision No 1/95 shall be competent for ascertaining that Turkey has effectively put into force the provisions of the Community instrument or instruments necessary for the elimination of technical barriers to trade in a particular product. To this end, the Customs Union Joint Committee shall adopt a statement.

2. Without prejudice to the possibility of setting up sub-committees or working parties in accordance with Article 53(4) of Decision No 1/95, the Customs Union Joint Committee may make use of all available information concerning specific elements of the implementing infrastructure in Turkey, including assessments carried out by external contractors.

⁽¹⁾ OJ 217, 29.12.1964, p. 3687/64.

⁽²⁾ OJ L 35, 13.2.1996, p. 1.

⁽³⁾ OJ L 191, 21.7.1997, p. 1.

*Article 2***Notification of Turkish conformity assessment bodies**

1. Following the adoption of a statement as provided for in Article 1(1), Turkey shall notify the Commission and the Member States of the names and full details of any conformity assessment bodies that it has designated, specifying the subject matter and the conformity assessment procedure for which they have been designated.

2. The rules concerning the designation of conformity assessment bodies applicable to the Member States shall apply to Turkey. The Commission shall provide Turkey with detailed information on those rules and on the procedure for notifying those bodies to the Commission.

3. When the notification process has been completed, the results of the conformity assessment procedures carried out by Community bodies and by Turkish bodies shall be mutually recognised without repetition of these procedures or any additional requirements.

*Article 3***Obligation of Parties as regards their authorities and bodies**

1. The Parties shall ensure that authorities under their jurisdiction which are responsible for the effective implementation of Community and national law shall continuously apply it. They shall ensure that those authorities are empowered, where appropriate, to notify, suspend, remove the suspension of and withdraw the notification of the conformity assessment bodies, to ensure the conformity of industrial products with Community or national law and to require, when necessary, their withdrawal from the market.

2. The Parties shall ensure that bodies notified under their respective jurisdiction as competent to assess conformity in relation to requirements of Community or national law, continuously comply with the requirements of Community or national law. They shall take all necessary steps to ensure that those bodies maintain the necessary competence to carry out the tasks assigned to them.

3. If a Party decides to withdraw the notification of a body under its jurisdiction, it shall inform the other Party in writing. The body shall cease to assess conformity at the latest from the

date on which its notification is withdrawn. Conformity assessments carried out before that date shall remain valid, unless otherwise decided by the Customs Union Joint Committee.

*Article 4***Verification of notified bodies**

1. Either Party may request the other Party to verify the technical competence and compliance with relevant legal provisions of a notified body under the jurisdiction of the other Party or under the jurisdiction of a Member State of the Community. Reasons shall be given for such a request in order to allow the Party responsible for the notification to carry out the requested verification and report speedily to the other Party. The Parties may also jointly examine technical competence and compliance of the body. To this end, the Parties shall ensure the full cooperation of bodies under their jurisdiction. The Parties shall take all appropriate steps, and use all available means necessary, in order to resolve any problems which are detected.

2. If the problems cannot be resolved to the satisfaction of both Parties, they may notify the Customs Union Joint Committee of their dissent, giving their reasons. The Customs Union Joint Committee shall decide on appropriate action within a period of two months.

3. Unless decided otherwise by the Customs Union Joint Committee within the period laid down in paragraph 2, the notification of the body and the recognition of its competence to assess conformity in relation to the requirements of Community or national law shall be suspended in part or in full at the end of that period.

4. Without prejudice to paragraph 3, either Party may refer the matter to arbitration under the procedure for the settlement of disputes provided for in Section III of Chapter V of Decision No 1/95.

5. After the expiry of the period laid down in paragraph 2, if new elements emerge, a Party may request the Customs Union Joint Committee to decide that the suspension provided for in paragraph 3 be reviewed. In that case, experts from both Parties shall jointly examine the conformity assessment body concerned. The Party which decided on the suspension shall re-examine its decision in the light of the report of the experts. It may decide to continue the suspension, giving its reasons.

*Article 5***Exchange of information and cooperation**

In order to ensure a correct and uniform application and interpretation of this Decision, the Parties shall ensure that their authorities and their notified bodies:

1. exchange all relevant information concerning the putting into force of the provisions of the Community instruments necessary for the elimination of technical barriers to trade in a particular product referred to in Article 1, including, in particular, information on the procedure to ensure compliance by notified bodies;
2. take part, as appropriate, in the relevant mechanisms of information, coordination and other related activities of the Parties;
3. comply with the requirements of information and communication foreseen in the legal instruments relevant to each sector;
4. cooperate with a view to establishing mutual recognition arrangements in the voluntary sphere.

*Article 6***Management**

The Customs Union Joint Committee shall be responsible for ensuring the effective functioning of this Decision. In particular, it may take decisions regarding:

- (a) the appointment of a team of experts to verify the technical competence of a notified body and its compliance with the requirements;
- (b) the exchange of information on proposed and actual amendments to Community and national law, including agreements with third countries, in accordance with principles set out in Articles 54 and 55 of Decision No 1/95;

- (c) the adoption of measures, where appropriate, to implement this Decision, including detailed rules for the assessment procedure;
- (d) the extension of this Decision to procedures and certificates other than those referred to in Article 2 and the adoption, to that end, of the necessary rules with a view to improving the application of Article 9 of Decision No 1/95 if difficulties emerge;
- (e) any other question relating to the application of this Decision.

*Article 7***Agreements with other countries**

1. Agreements on conformity assessment concluded by either Party with a country which is not a Party to this Decision shall not result in an obligation upon the other Party to accept the results of conformity assessment procedures carried out in that third country, unless there is an explicit agreement between the Parties in the Association Council.
2. The Party holding conformity assessment agreements with third parties shall cooperate with the other Party in the event that the latter considers concluding parallel agreements with the same third parties and shall provide necessary technical and administrative assistance where appropriate.

*Article 8***Entry into force**

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

Done at Brussels, 15 May 2006.

For the Association Council
President
A. GÜL

COUNCIL DECISION

of 19 June 2006

on the approval, on behalf of the European Community, of the Protocol on the implementation of the 1991 Alpine Convention in the field of mountain farming

(2006/655/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Farming (Mountain Farming Protocol) at Chambéry on 20 December 1994.

Having regard to the Treaty establishing the European Community, and in particular Article 37, in conjunction with the first sentence of the first subparagraph of Article 300(2) and the first subparagraph of Article 300(3) thereof,

Having regard to the proposal from the Commission,

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

Whereas:

(1) The Alpine region is characterised by its wealth of natural resources, including water resources, agricultural potential, historical and cultural heritage, value as regards quality of life and economic and leisure activities not only for the local, but also for other populations. However, the Alpine region is also characterised by difficult living and production conditions for farming activities due to geomorphological and climatic conditions.

(2) The Convention on the protection of the Alps (hereinafter Alpine Convention) was signed on behalf of the European Community on 7 November 1991, approved by Council Decision 96/191/EC of 26 February 1996 ⁽²⁾ and entered into force on 4 April 1998. Pursuant to Article 2(2) and (3) of the Alpine Convention, concrete measures to achieve its goals are laid down in different Protocols, such as the Protocol on Mountain Farming.

(3) The Commission of the European Communities took part in the negotiation of the Mountain Farming Protocol, which is greatly influenced by Community policies and legislation. The European Community signed the Protocol on the implementation of the 1991 Alpine Convention in the field of Mountain

(4) Under the overarching goal of sustainable development the aim of the Mountain Farming Protocol, provided for in Article 1, is to ensure and promote a form of agriculture in the Alpine region which suits local conditions, is environmentally compatible and makes an essential contribution to the maintenance of populated sites and sustainable economic activities. This includes producing typical high-quality produce, safeguarding the natural environment, protecting against natural risks and conserving the beauty and the value of the traditional countryside. The Contracting Parties should optimise the multifunctional role of mountain farming.

(5) The goals and measures provided for in the Mountain Farming Protocol, such as encouragement of mountain farming and improvement of living conditions, land use, nature-friendly farming, and promotion and marketing and forestry measures, are in line with Community agricultural legislation and policy and in particular with Council Regulation (EC) No 1698/2005 of 20 September 2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) ⁽³⁾.

(6) The Mountain Farming Protocol provides a single framework to formulate a cross-border approach which integrates common aims and actions to solve particular problems of the Alpine region.

(7) The Alpine Convention and the Mountain Farming Protocol are relevant for 13 million inhabitants and nearly 6 000 communities in an area of 19 million hectares. The Alps are also of great importance for populations of other regions.

(8) The Alpine Convention together with its implementing Protocols, including the Mountain Farming Protocol, are the first international agreements for a mountain region worldwide and serve as a model for other regions.

⁽¹⁾ Opinion of 13 June 2006 (not yet published in the Official Journal).
⁽²⁾ OJ L 61, 12.3.1996, p. 31.

⁽³⁾ OJ L 277, 21.10.2005, p. 1.

- (9) The ratification of the Mountain Farming Protocol would confirm the EC's commitment, would be a strong political signal and would strengthen the ecological process in the whole region, which is of high value for Europe.
- (10) It is therefore appropriate to approve the Protocol on behalf of the Community,

HAS DECIDED AS FOLLOWS:

Article 1

The Protocol on the implementation of the 1991 Alpine Convention in the field of Mountain Farming (Mountain Farming Protocol) is hereby approved on behalf of the Community.

The text of the Protocol and of the related declarations is attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person or persons empowered to deposit, on behalf of the European Community, the instrument of approval in accordance with Article 24 of the Protocol and to deposit the attached declarations.

Article 3

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

Done at Luxembourg, 19 June 2006.

For the Council

The President

J. PRÖLL

TRANSLATION

PROTOCOL**on the implementation of the 1991 Alpine Convention in the field of mountain farming
Mountain Farming Protocol****Preamble**

THE FEDERAL REPUBLIC OF GERMANY,

THE REPUBLIC OF AUSTRIA,

THE FRENCH REPUBLIC,

THE ITALIAN REPUBLIC,

THE PRINCIPALITY OF LIECHTENSTEIN,

THE PRINCIPALITY OF MONACO,

THE REPUBLIC OF SLOVENIA,

THE SWISS CONFEDERATION,

and

THE EUROPEAN COMMUNITY,

IN ACCORDANCE WITH their task, arising from the Convention on the Protection of the Alps (Alpine Convention) of 7 November 1991, of pursuing a comprehensive policy for the protection and the sustainable development of the Alpine region,

IN COMPLIANCE WITH their obligations under Article 2(2) and (3) of the Alpine Convention,

AWARE that it is incumbent upon them, in the general interest, to preserve and promote the management of traditional countryside and farming which suits local conditions and is environmentally compatible, taking into account the more difficult economic conditions,

RECOGNISING that, by virtue of its wealth of natural resources, water resources, agricultural potential, historical and cultural heritage, value for quality of life and for economic and leisure activities in Europe and the transport routes crossing it, the Alpine region will continue to be of vital importance, particularly for the local population but also for the population of other regions,

CONVINCED that the local population must be able to determine its own social, cultural and economic development plan and take part in its implementation in the existing institutional framework,

CONVINCED that it is necessary to balance the economic interests and the environmental requirements, taking account of the specific features of each region and of the central role of farming,

CONSIDERING the importance which farming has always had in the Alpine region and the indispensable contribution which this branch of the economy makes, and will continue to make, particularly in mountain regions, as an essential resource for maintaining an adequate population density, food supply for the population, production of typical high-quality produce, conservation and maintenance of the countryside, particularly for tourism, and, finally, protection of the soil against erosion, avalanches and floods,

RECOGNISING that farming methods and intensity exert a decisive influence on nature and landscapes and that extensively farmed countryside must fulfil an essential function as a habitat for Alpine flora and fauna,

RECOGNISING the fact that the geomorphology and climate of mountain regions create more difficult living and production conditions for farming activity,

CONVINCED that certain problems can only be resolved in a cross-border framework and require joint measures on the part of the Alpine States and, in particular, that economic and social adjustment and accompanying measures should be put in place, at national and European level, so that the future of farmers and their farms in mountain regions is not called into question by the application of exclusively economic parameters,

HAVE AGREED AS FOLLOWS:

CHAPTER I

GENERAL PROVISIONS

Article 1

Objectives

1. This Protocol lays down international measures to preserve and promote mountain farming which suits local conditions and is environmentally compatible; it aims at recognising and securing the continuity of its essential contribution to maintaining the population and safeguarding sustainable economic activities, particularly by means of producing typical high-quality produce, safeguarding the natural environment, preventing natural risks and conserving the beauty and recreational value of nature and the countryside and of cultural life in the Alpine region.

2. In implementing this Protocol, the Contracting Parties shall seek to optimise all the functions of mountain farming.

Article 2

Taking account of the objectives in other policies

The Contracting Parties undertake to take account of the objectives of this Protocol in their other policies as well.

Article 3

Fundamental obligations in the general economic context

The Contracting Parties agree on the need to adapt agricultural policy at all levels, in accordance with general economic policy, to the requirements for balanced, sustainable development in order to make it possible, within the framework of the given financial policy conditions:

- (a) to encourage, particularly in mountain regions, environmentally compatible farming and its functions in the general interest, as provided for in Article 7 of this Protocol;
- (b) to take significant action against abandonment of mountain regions and to ensure adequate living conditions there, by

means of social and structural policy measures accompanied by a series of agricultural and environment policy measures.

Article 4

Role of farmers

The Contracting Parties agree that, in mountain regions in particular farming has, over the centuries, shaped the countryside, giving it its historical character and cultural value. The essential role played by farmers in conservation of nature and the countryside, today and tomorrow, by virtue of their multiple functions, must therefore be recognised and farmers must be associated in the decisions and measures taken for mountain regions.

Article 5

Participation of regional and local authorities

1. Each Contracting Party shall define, within its institutional framework, the best level of coordination and cooperation between the institutions and regional and local authorities directly concerned so as to encourage solidarity of responsibility, in particular to exploit and develop synergies when applying mountain farming policies and implementing measures under them.

2. The regional and local authorities directly concerned shall be parties to the various stages of preparing and implementing these policies and measures, within their competence and within the existing institutional framework.

Article 6

International cooperation

The Contracting Parties agree:

- (a) to proceed with joint evaluations of the development of agricultural policy and to guarantee reciprocal consultation before adopting any major decision on agricultural policy, for the purposes of implementation of this Protocol;

(b) to secure implementation of the objectives and measures laid down by this Protocol, by means of transfrontier co-operation between all the competent authorities, particularly regional administrations and local authorities;

(c) to encourage exchanges of knowledge and experience and joint initiatives, by means of international cooperation between research and training institutes, agricultural and environmental organisations and the media.

CHAPTER II

SPECIFIC MEASURES

Article 7

Encouragement of mountain farming

1. The Contracting Parties shall seek to differentiate agricultural policy measures at all levels, in accordance with the different local conditions, and to encourage mountain farming, taking account of the local natural handicaps. Support shall be given, in particular, to farms ensuring a minimum of agricultural activity in extreme locations.

2. The contribution which mountain farming makes to the conservation and maintenance of nature and the countryside and to the prevention of natural risks, in the general interest, shall give rise to appropriate compensation, in the framework of contractual agreements linked to identified projects and services going beyond the general obligations.

Article 8

Land use and countryside

1. The Contracting Parties undertake, respecting nature and the countryside, to take account of the particular conditions in mountain areas in the context of planning, zoning, reorganising and improving land use.

2. In order to accomplish its multiple tasks, first, mountain farming must have the land necessary for farming which suits local conditions and is environmentally compatible.

3. In this context, it is necessary to ensure conservation, restoration and use of the traditional components of the countryside (woodland, wooded boundaries, hedges, thickets, wet, dry or low-yield pasture and Alpine pastures).

4. Special measures shall be taken for the conservation of traditional farm buildings and rural architecture and for further use of traditional building materials and methods.

Article 9

Nature-friendly farming methods — Typical produce

The Contracting Parties undertake to adopt all necessary measures with a view to applying common criteria to promote employment and wider use, in mountain areas, of nature-friendly extensive farming methods characteristic of the area and to protect and promote typical farm produce, with distinctive, unique, nature-friendly production methods limited to the locality.

Article 10

Livestock farming suited to local conditions and genetic diversity

1. The Contracting Parties agree that livestock farming suited to local conditions and to the available land is an essential component of mountain farming, both as a source of revenue and as a decisive part of the identity of the countryside and culture. Consequently, livestock farming, including traditional domestic animal husbandry, must be maintained, with its characteristic variety of species and typical produce; such husbandry must be suited to local conditions and to the available land and compatible with the environment.

2. To this end, the necessary farming, pasture and forestry facilities shall be maintained, keeping a balance between pasture and livestock which suits local conditions, in the context of suitable, extensive grassland farming.

3. Measures shall also be adopted to maintain the genetic diversity of livestock and crops, particularly in the field of agricultural research and advisory services.

Article 11

Promotion and marketing

1. The Contracting Parties shall seek to create conditions conducive to the marketing of mountain farm produce, with a view to increasing sales on the spot and making such produce more competitive on national and international markets.

2. Promotion shall take the form, *inter alia*, of guarantees of origin and of quality, allowing protection of producers and consumers alike.

*Article 12***Limitation of production**

In case of limitation of agricultural production, the Contracting Parties shall seek to take account of the specific requirements, in mountain areas, for farming which suits local conditions and is environmentally compatible.

*Article 13***Complementary nature of farming and forestry**

The Contracting Parties agree that the complementary nature and partial interdependence of farming and forestry in mountain areas necessitate an integrated approach. Consequently, they shall encourage:

- (a) forestry compatible with nature both as an additional source of revenue for farms and as a sideline activity for farm workers;
- (b) consideration of the protective, productive and recreational as well as the environmental and biogenetic functions of forests, in relation to farmland, taking account of the specific local conditions and in harmony with the countryside;
- (c) regulation of grassland farming and of the game population, to avoid any intolerable damage to forests and crops.

*Article 14***Additional sources of income**

Recognising the traditional importance of family farms in mountain farming, in order to support family farms as an economic activity, whether principal, secondary or sideline, the Contracting Parties shall encourage the creation and development of additional sources of income in mountain areas, particularly on the initiative and in favour of the local population itself, notably in sectors linked to agriculture, such as forestry, tourism and crafts, in harmony with conservation of nature and the countryside.

*Article 15***Improvement of living and working conditions**

The Contracting Parties shall encourage reinforcement and improvement of the quality of the services indispensable in order to overcome the unfavourable conditions faced by farm and forestry workers in mountain areas in order to link improvement of their living and working conditions to economic and social development in other fields and in other parts of the Alpine region. To this end, the decision-making

criteria must not be purely economic. This shall apply principally to links, to construction and restructuring of housing and farm buildings, and to purchase and maintenance of technical installations and equipment.

*Article 16***Further measures**

The Contracting Parties may take further measures on mountain farming than the measures provided for in this Protocol.

CHAPTER III

RESEARCH, TRAINING AND INFORMATION*Article 17***Research and observation**

1. The Contracting Parties shall encourage and harmonise, in close cooperation, research and systematic observation which are conducive to achieving the objectives of this Protocol.

2. In particular, they shall encourage agricultural research specially targeted on mountain farming which shall be conducted in a manner corresponding as closely as possible to the specific local conditions and shall be taken into account in the process of setting and checking agricultural policy objectives and measures, applying the results obtained to training and technical assistance activities for agriculture.

3. The Contracting Parties shall ensure that the national results of the research and systematic observation are integrated in a joint permanent observation and information system and that they are made accessible to the public under the existing institutional framework.

4. As regards the different mountain areas and taking account of the objectives and measures laid down by this Protocol, the Contracting Parties shall, in particular, establish a comparison of the economic and social situation of mountain farming.

5. The comparison shall be updated periodically and shall contain indications of the issues and the locations posing particular problems, of the effectiveness of the measures put in place and of the measures to be adopted. Priority shall be given to data on demographic, social and economic development, in conjunction with the different geographical, environmental and infrastructure indicators for the areas and definition of criteria corresponding to sustainable, balanced development, as provided for in the Alpine Convention and in this Protocol.

6. In addition, the subjects listed in the Annex shall be considered priorities.

Article 18

Training and information

1. The Contracting Parties shall encourage basic and further training and the provision of information to the public about the objectives, measures and implementation of this Protocol.

2. The Contracting Parties shall encourage, in particular:

(a) further development of basic and further training, technical assistance concerning farming, assistance with business and commercial management, without losing sight of protection of nature and the environment. In general, the training offered shall be structured to favour orientation towards and preparation for other alternative or complementary activities in sectors linked to farming;

(b) ample and objective information not restricted to the persons and administrations directly concerned but reaching, via the media in particular, the broadest public inside and outside the Alpine region to raise awareness of and interest in the functions of mountain farming.

3. In addition, the subjects listed in the Annex shall be considered priorities.

CHAPTER IV

IMPLEMENTATION, MONITORING AND EVALUATION

Article 19

Implementation

The Contracting Parties undertake to ensure the implementation of this Protocol by taking any appropriate measures within the existing institutional framework.

Article 20

Monitoring of compliance with obligations

1. The Contracting Parties shall regularly report to the Standing Committee on measures taken under this Protocol. The reports shall also cover the effectiveness of the measures taken. The Alpine Conference shall determine the intervals at which the reports must be submitted.

2. The Standing Committee shall examine these reports in order to ensure that the Contracting Parties have fulfilled their obligations under this Protocol. It may also ask for additional information from the Contracting Parties concerned or have recourse to other information sources.

3. The Standing Committee shall draw up a report on the compliance of the Contracting Parties with the obligations arising from the Protocol, for the attention of the Alpine Conference.

4. The Alpine Conference shall take note of this report. If it finds that obligations have not been met, it may adopt recommendations.

Article 21

Evaluation of the effectiveness of the provisions

1. The Contracting Parties shall regularly examine and evaluate the effectiveness of the provisions of this Protocol. They shall consider the adoption of appropriate amendments to this Protocol where necessary in order to achieve objectives.

2. The regional and local authorities shall be associated with this evaluation within the existing institutional framework. Non-governmental organisations active in this field may be consulted.

CHAPTER V

FINAL PROVISIONS

Article 22

Links between the Alpine Convention and the Protocol

1. This Protocol constitutes a Protocol to the Alpine Convention within the meaning of Article 2 thereof and any other relevant articles of the Convention.

2. Only Contracting Parties to the Alpine Convention may become a party to this Protocol. Any denunciation of the Alpine Convention also implies denunciation of this Protocol.

3. Where the Alpine Conference discusses matters relating to this Protocol, only the Contracting Parties to this Protocol may take part in the vote.

Article 23

Signature and ratification

1. This Protocol shall be open for signature by the signatory States of the Alpine Convention and the European Community on 20 December 1994 and in the Republic of Austria, as the depositary, from 15 January 1995.

2. This Protocol shall enter into force for the Contracting Parties which have expressed their agreement to be bound by the said Protocol three months after the date on which three States have deposited their instrument of ratification, acceptance or approval.

3. For Parties which express their agreement to be bound by the Protocol at a later date, the Protocol shall enter into force three months after the date of deposit of the instrument of ratification, acceptance or approval. After the entry into force of an amendment to the Protocol, any new Contracting Party to the said Protocol shall become a Contracting Party to the Protocol, as amended.

Article 24

Notifications

The depositary shall, in respect of this Protocol, notify each State referred to in the preamble and the European Community of:

- (a) any signature;
- (b) the deposit of any instrument of ratification, acceptance or approval;

- (c) any date of entry into force;
- (d) any declaration made by a Contracting Party or signatory;
- (e) any denunciation notified by a Contracting Party, including the date on which it becomes effective.

In witness whereof, the undersigned, being duly authorised thereto, have signed this Protocol.

Done at Chambéry on 20 December 1994 in the French, German, Italian and Slovene languages, the four texts being equally authentic, the original text being deposited in the Austrian State archives. The depositary shall send a certified copy to each of the signatory States.

RESEARCH AND TRAINING PRIORITIES PURSUANT TO ARTICLES 17 AND 18**Research**

Definition and classification of mountain areas on the basis of their altitude and of the climate, geomorphologic, economic and infrastructure conditions at different locations.

Verification of the effects of the measures adopted on mountain farming at different political decision-making levels (EU/CAP, States, regions, local authorities) and of the ecological functions (social and environmental compatibility).

Evaluation of the economic, ecological, social and cultural functions of farming and forestry and of their development prospects, in the context of the specific local conditions in different mountain areas.

Methods of production and manufacture, criteria for improvement and quality in farm produce in mountain areas.

Genetic research and technical assistance for differentiated conservation of the diversity of the species of livestock reared and crops grown which suits local conditions and is environmentally compatible.

Training

Technical, scientific and socio-economic assistance and training for farms and for food companies processing their produce.

Technical and economic business management aiming, in particular, at diversification of the supply of products and alternative production and income inside and outside farming.

Technical and financial conditions and effects of application of natural farming and production methods compatible with the environment.

Media, presentation and dissemination of information in line with the direction of public opinion, policy and the economy, inside and outside the Alpine region.

DECLARATIONS ON BEHALF OF THE EUROPEAN COMMUNITY**DECLARATION BY THE EUROPEAN COMMUNITY REGARDING ARTICLES 8 AND 9 OF THE PROTOCOL ON MOUNTAIN FARMING**

The European Community recognises the principle of coexistence as the ability of farmers to choose between conventional, organic and genetically modified crop production, in compliance with the legal obligations for GMO labelling and/or purity standards. The relevant articles of the Protocol on Mountain Farming should be interpreted in this light.

DECLARATION BY THE EUROPEAN COMMUNITY REGARDING ARTICLES 7, 9 TO 11, 13, 14 AND 16 OF THE PROTOCOL ON MOUNTAIN FARMING

The European Community considers that public support measures in favour of certain enterprises must be in conformity with its rules on competition as established on the basis of Articles 36 and 87 to 89 EC, and not distort or threaten to distort competition and affect trade between contracting parties.

COMMISSION

COMMISSION DECISION

of 20 September 2006

laying down the animal health conditions and certification requirements for imports of fish for ornamental purpose

(notified under document number C(2006) 4149)

(Text with EEA relevance)

(2006/656/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

the application of Decision 2003/858/EC with respect to ornamental fish.

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/67/EEC of 28 January 1991 concerning the animal health conditions governing the placing on the market of aquaculture animals and products ⁽¹⁾, and in particular Article 19(3), Article 20(3) and Article 21(1) thereof,

Whereas:

(1) A list of third countries or parts thereof from which Member States are authorised to import live fish, their eggs and gametes for farming in the Community and the animal health conditions and certification requirements for such consignments are established by Commission Decision 2003/858/EC of 21 November 2003 laying down the animal health conditions and certification requirements for imports of live fish, their eggs and gametes intended for farming, and live fish of aquaculture origin and products thereof intended for human consumption ⁽²⁾.

(2) Decision 2003/858/EC does not apply to tropical ornamental fish kept permanently in aquaria, and consequently the animal health conditions and certification requirements for tropical ornamental fish are not harmonised at Community level.

(3) There is a significant trade in ornamental fish with third countries and concerns have been raised with regard to

(4) Certain third countries were included in Annex I to Decision 2003/858/EC for the purpose of export of cold-water ornamentals only. These countries should therefore appear in Annex I to this Decision.

(5) Currently, 14 Member States have drawn up national animal health certificates with different animal health conditions for ornamental fish. For the sake of simplification, for the Community Border inspection posts, for European ornamental fish industry, as well as for third country trading partners, those animal health conditions and model certificates should be harmonised.

(6) The specific animal health conditions and model certificates for ornamental fish, should be drawn up in line with the conditions and certificates laid down in Decision 2003/858/EC, taking into account the specific use of these animals in the Community, and animal health situation of the third country concerned, in order to prevent the introduction of disease that could cause significant impact to the farmed and wild fish stock in the Community if introduced and allowed to spread.

(7) Council Directive 96/93/EC of 17 December 1996 on the certification of animals and animal products ⁽³⁾ lays down standards of certification. The rules and principles applied by third-country certifying officers should provide guarantees which are equivalent to those laid down in that Directive.

(8) This Decision should apply without prejudice to Community or national provision on the conservation of species.

⁽¹⁾ OJ L 46, 19.2.1991, p. 1. Directive as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

⁽²⁾ OJ L 324, 11.12.2003, p. 37. Decision as last amended by Decision 2005/742/EC (OJ L 279, 22.10.2005, p. 71).

⁽³⁾ OJ L 13, 16.1.1997, p. 28.

- (9) The Member States and Third countries need some time to adapt to the new import certification requirements. This Decision should therefore not be applicable immediately.
- (10) This Decision has been notified to Third countries for comments in accordance with the WTO agreement on sanitary and phytosanitary measures.
- (11) 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

Scope

1. This Decision establishes harmonised animal health rules for imports of ornamental fish into the Community.
2. This Decision shall apply to:
 - (a) fish caught in the wild, imported for the purpose of being used as ornamental fish,
 - (b) ornamental fish imported by transshippers and wholesalers,
 - (c) ornamental fish imported into pet shops, garden centres, garden ponds, exhibition aquaria and similar businesses without direct contact with Community waters.

Article 2

Definitions

For the purposes of this Decision, in addition to the definitions in Article 2 of Directive 91/67/EEC, the following definitions shall apply:

- (a) '*ornamental fish*' means fish which are kept, reared, or placed on the market for ornamental purposes only;
- (b) '*cold-water ornamental fish*' means ornamental fish of species susceptible to one or more of the following diseases: epizootic haematopoietic necrosis (EHN), infectious salmon anaemia (ISA), viral haemorrhagic septicaemia (VHS), infectious haematopoietic necrosis (IHN), spring viraemia of carp (SVC), bacterial kidney disease (BKD), infectious

pancreatic necrosis (IPN), Koi herpes virus (KHV) and infection with *Gyrodactylus salaris*;

- (c) '*tropical ornamental fish*' means ornamental fish other than cold-water ornamental fish;
- (d) '*transshippers*' means companies or persons which supply ornamental fish to a number of retailers or wholesalers, by importing the consignments on their behalf, and deliver the separate orders directly to the customers in the Community.

Article 3

Conditions for imports of cold-water ornamental fish

Member States shall authorise imports of cold-water ornamental fish into their territory only if:

- (a) the fish originate from a country listed in:
 - (i) Annex I to Decision 2003/858/EC; or
 - (ii) Part I of Annex I to this Decision;
- (b) the consignment complies with the guarantees, including those for packaging and labelling and the appropriate specific additional requirements laid down in the animal health certificate, drawn up in conformity with the model in Annex II, taking into account the explanatory notes in Annex III; and
- (c) the fish have been transported under conditions that do not alter their health status.

Article 4

Conditions for imports of tropical ornamental fish

Member States shall authorise imports of tropical ornamental fish into their territory only if:

- (a) the fish originate from a country listed in Part II of Annex I to this Decision;
- (b) the consignment complies with the guarantees, including those for packaging and labelling and the appropriate specific additional requirements, as laid down in the animal health certificate, drawn up in conformity with the model in Annex IV, taking into account the explanatory notes in Annex III; and

- (c) the fish have been transported under conditions that do not alter their health status.

Article 5

Control procedures

Ornamental fish imported from third countries shall be subject to veterinary checks at the border inspection post in the Member State of arrival in accordance with Article 8 of Council Directive 91/496/EEC ⁽¹⁾ and the common veterinary entry document provided for in Commission Regulation (EC) No 282/2004 ⁽²⁾ shall be completed accordingly.

Article 6

Preventing contamination of natural waters

1. Ornamental fish imported under this Decision shall not be released into fish farms, or other premises from which they could escape into, or otherwise contaminate, natural waters in the Community.

2. Transport water from imported consignments shall be handled in a way which ensures that it does not lead to contamination of natural waters within the Community.

Article 7

Date of application

This Decision shall apply six months after the date of publication.

Article 8

This Decision is addressed to the Member States.

Done at Brussels, 20 September 2006.

For the Commission

Markos KYPRIANOU

Member of the Commission

⁽¹⁾ OJ L 268, 24.9.1991, p. 58.

⁽²⁾ OJ L 49, 19.2.2004, p. 11.

ANNEX I

PART I

Territories from which imports of cold-water ornamental fish into the European Community is authorised

Country		Territory		Comments ⁽¹⁾
ISO-code	Name	Code	Description	
BR	Brazil			Cyprinidae only
CO	Colombia			Cyprinidae only
CG	Republic of the Congo			Cyprinidae only
MK ⁽²⁾	Former Yugoslav Republic of Macedonia			Cyprinidae only
JM	Jamaica			Cyprinidae only
SG	Singapore			Cyprinidae only
LK	Sri Lanka			Cyprinidae only
TH	Thailand			Cyprinidae only

⁽¹⁾ No limitations if left empty. If a country or territory is allowed to export only certain species and/or eggs or gametes, the species should be specified and/or a comment with for example 'eggs only' shall be inserted in this column.

⁽²⁾ Provisional code that does not affect the definitive denomination of the country to be attributed after the conclusion of the negotiations taking place in the United Nations.

PART II

Territories from which imports of tropical ornamental fish into the European Community is authorised

All countries being a member of the World Organisation for Animal health (OIE).

[List of countries is available on http://www.oie.int/eng/OIE/PM/en_PM.htm]

ANNEX II

MODEL ANIMAL HEALTH CERTIFICATE FOR THE IMPORTS OF COLD-WATER ORNAMENTAL FISH INTO THE EUROPEAN COMMUNITY

Note for the importer: This certificate is only for veterinary purposes and has — in its original — to accompany the consignment until it reaches the border inspection post

COUNTRY**Veterinary certificate to EU**

Part I: Details of dispatched consignment	I.1. Consignor Name Address Tel.		I.2. Certificate reference number		I.2.a.			
			I.3. Central Competent Authority					
			I.4. Local Competent Authority					
	I.5. Consignee Name Address Postal code Tel.		I.6.					
	I.7. Country of origin	ISO code	I.8. Region of origin	Code	I.9. Country of destination	ISO code	I.10. Region of destination	Code
	I.11. Place of origin Name Address		I.12.					
	I.13. Place of loading Address		I.14. Date of departure time of departure					
	I.15. Means of transport Aeroplane <input type="checkbox"/> Ship <input type="checkbox"/> Railway wagon <input type="checkbox"/> Road vehicle <input type="checkbox"/> Other <input type="checkbox"/> Identification: Documentary references:		I.16. Entry BIP in EU					
			I.17. No(s) of CITES					
	I.18. Description of commodity				I.19. Commodity code (HS code) 0301 10			
				I.20. Quantity				
I.21.				I.22. Number of packages				
I.23. Identification of container/seal number				I.24.				
I.25. Commodities certified for: Pets <input type="checkbox"/> Quarantine <input type="checkbox"/> Circus/exhibition <input type="checkbox"/> Other <input type="checkbox"/>								
I.26.				I.27. For import or admission into EU <input type="checkbox"/>				
I.28. Identification of the commodities Species (Scientific name) Quantity								

COUNTRY

Cold-water ornamental fish

Part II: Certification	II. Health information	II.a. Certificate reference number	II.b. Local reference number
	1. General requirements for imports of cold-water ornamental fish		
	<p>I, the undersigned official inspector, hereby certify that the cold-water ornamental fish, referred to in Box I.28 of Part I of this certificate:</p> <ul style="list-style-type: none"> — have been inspected within 24 hours prior to the signing of this certificate, and showed no clinical signs of disease — are not intended for destruction or slaughter for the eradication of a disease — originate from a source ⁽¹⁾ where the following diseases are notifiable to the competent authority ⁽²⁾: epizootic haematopoietic necrosis (EHN); infectious salmon anaemia (ISA); viral haemorrhagic septicaemia (VHS); infectious haematopoietic necrosis (IHN); and Koi Herpes Virus disease (KHV) — originate from a source ⁽¹⁾ where there has been no known disease outbreak causing significant impact to the stock during the last six months prior to dispatch, and during the last two years, no cases of the diseases EHN and ISA. 		
	<p>⁽⁴⁾2. Specific animal health requirements for import into Member States or parts of Member States free from VHS and/or IHN</p> <p>I, the undersigned official inspector, hereby certify that the cold-water ornamental fish referred to in Box I.28 of Part I of this certificate, originate from a source ⁽¹⁾ that, in addition to the guarantees given in point 1 of this certificate, is approved by the competent authority of the third country as having an equivalent health status to Member States or zones within the Community, with approved status as regards ⁽³⁾[VHS] ⁽³⁾[and] ⁽³⁾[IHN], as they:</p> <p><i>either</i></p> <ul style="list-style-type: none"> — originate from a source ⁽¹⁾ where none of the species susceptible ⁽⁵⁾ to ⁽³⁾[VHS] ⁽³⁾[and] ⁽³⁾[IHN] are known to be present <p><i>or</i></p> <ul style="list-style-type: none"> — originate from a source ⁽¹⁾ considered free from ⁽³⁾[VHS] ⁽³⁾[and] ⁽³⁾[IHN] in accordance with the relevant EU legislation ⁽⁶⁾ 		
<p>⁽⁷⁾3. Specific animal health requirements for import into Member States with additional guarantees for SVC, BKD, IPN and/or G. salaris</p> <p>I, the undersigned official inspector, hereby certify that the cold-water ornamental fish referred to in Box I.28 of Part I of this certificate, originate from a source ⁽¹⁾ that, in addition to the guarantees given in points 1 and 2 of this certificate, is approved by the competent authority of the third country as having an equivalent health status to those Member States, with additional guarantees as regards ⁽³⁾[SVC] ⁽³⁾[and] ⁽³⁾[BKD] ⁽³⁾[and] ⁽³⁾[IPN] ⁽³⁾[and] ⁽³⁾[<i>Gyrodactylus salaris</i>], as they:</p> <p><i>either</i></p> <ul style="list-style-type: none"> — originate from a source ⁽¹⁾ where none of the species susceptible ⁽⁵⁾ to ⁽³⁾[SVC] ⁽³⁾[and] ⁽³⁾[BKD] ⁽³⁾[and] ⁽³⁾[IPN] ⁽³⁾[and] ⁽³⁾[<i>Gyrodactylus salaris</i>] are known to be present <p><i>or</i></p> <ul style="list-style-type: none"> — originate from a source ⁽¹⁾ where ⁽³⁾[SVC] ⁽³⁾[and] ⁽³⁾[BKD] ⁽³⁾[and] ⁽³⁾[IPN] ⁽³⁾[and] ⁽³⁾[<i>Gyrodactylus salaris</i>] is notifiable to the competent authority, and is considered free in accordance with the relevant EU legislation ⁽⁶⁾ 			
<p>4. Transport requirements</p> <p>Furthermore, immediately before transport, the fish:</p> <ul style="list-style-type: none"> — are placed in water of a quality that does not alter their health status — are placed under conditions that do not alter their health status, and complies with the animal welfare provisions laid down in Article 3 of Regulation (EC) No 1/2005 — are placed in sealed watertight containers which are new, or have been cleaned and disinfected beforehand, which bear on the exterior a legible label with the relevant information referred to in Boxes I.7 to I.13 of Part I of this certificate and with the following statement: <p>'Cold-water ornamental fish intended solely for ornamental purposes in the European Community'</p> 			

Notes

(1) Source can be a country, part of country (zone) or an individual fish farm.

(2) The notification requirement is only relevant where species susceptible to the disease are present in the territory.

(3) Retain as appropriate.

(4) Point 2 of the certificate shall be filled in only if the place of destination (Boxes I.9 and I.10 of Part I of the certificate) is declared free from VHS and/or IHN, or is undergoing a programme for such freedom, and the consignment comprises species susceptible to the disease(s) in question as referred to in Note 5. Member States or parts of Member States covered by these provisions are listed in Annex I to Decision 2002/308/EC, and Annex I to Decision 2003/634/EC, both as last amended.

(5) Known susceptible species

DISEASE SUSCEPTIBLE HOST SPECIES (*)

EHN	Redfin perch (<i>Perca fluviatilis</i>), rainbow trout (<i>Oncorhynchus mykiss</i>)
ISA	Atlantic salmon (<i>Salmo salar</i>) Rainbow trout (<i>Oncorhynchus mykiss</i>), brown trout (<i>Salmo trutta</i>).
VHS	Fish belonging to the family Salmonidae, grayling (<i>Thymallus thymallus</i>), white fish (<i>Coregonus</i> spp.), pike (<i>Esox lucius</i>), turbot (<i>Scophthalmus maximus</i>), herring and sprat (<i>Clupea</i> spp.), Pacific salmon (<i>Oncorhynchus</i> spp.), Atlantic cod (<i>Gadus morhua</i>), Pacific cod (<i>G. macrocephalus</i>), haddock (<i>G. aeglefinus</i>) and rockling (<i>Onos mustelus</i>).
IHN	Fish belonging to the family Salmonidae, pike (<i>Esox lucius</i>)
SVC	Common carp and koi carp (<i>Cyprinus carpio</i>), grass carp (<i>Ctenopharyngodon idellus</i>), silver carp (<i>Hypophthalmichthys molitrix</i>), bighead carp (<i>Aristichthys nobilis</i>), crucian carp (<i>Carassius carassius</i>), goldfish (<i>Carassius auratus</i>), tench (<i>Tinca tinca</i>) and sheatfish (<i>Silurus glanis</i>)
IPN	Rainbow trout (<i>Oncorhynchus mykiss</i>), brook trout (<i>Salvelinus fontinalis</i>), brown trout (<i>Salmo trutta</i>), Atlantic salmon (<i>Salmo salar</i>), and several Pacific salmon species (<i>Oncorhynchus</i> spp.),
BKD	Fish belonging to the family Salmonidae
Koi herpes virus disease	Common carp and koi carp (<i>Cyprinus carpio</i>).
<i>Gyrodactylus salaris</i>	Atlantic salmon (<i>Salmo salar</i>) Rainbow trout (<i>Oncorhynchus mykiss</i>), Arctic char (<i>Salvelinus alpinus</i>), North American brook trout (<i>S. fontinalis</i>), grayling (<i>Thymallus thymallus</i>), North American lake trout (<i>Salvelinus namaycush</i>) and brown trout (<i>Salmo trutta</i>). Other species of fish on sites where any of the above species are present shall also be considered as susceptible species.

(*) And any other species referred to in the most recent edition of the OIE International Aquatic Animal Health Code and/or the OIE Manual of diagnostic tests for aquatic animals as being susceptible for the pathogen/disease in question.

(6) Freedom according to the provisions laid down in Commission Decisions 2001/183/EC (VHS and IHN) and 2004/453/EC (SVC, BKD, IPN and *G. salaris*). With regard to VHS, IHN, SVC, BKD and/or IPN, freedom according to the most current edition of the OIE Code and Manual is also recognised.

(7) Point 3 of the certificate shall be filled in only if the place of destination (Boxes I.9 and I.12 of Part I of the certificate) has additional guarantees for one or more of the diseases SVC, BKD, IPN and *G. salaris*, and the consignment comprises species susceptible to the disease(s) in question as referred to in Note 5. Member States or parts of Member States covered by these provisions are listed in Chapter II of Annex I, and Chapter II of Annex II to Decision 2004/453/EC as last amended.

Official inspector

Name (in capitals):

Date:

Stamp:

Qualification and title:

Signature:

ANNEX III

Explanatory notes

<i>General guidance</i>	<i>Guidance for completing Part I of the certificates</i>
<p>(a) The certificates shall be produced by the competent authorities of the exporting country.</p> <p>(b) The original of each certificate shall consist of a single page, double-sided, or, where more than one page is required, it shall be in such a form that all pages form part of an integrated whole and are indivisible.</p> <p>(c) It shall, on the right hand side of the top of each page, be marked as 'original' and bear a specific code number issued by the competent authority. All pages of the certificate shall be numbered — (page number) of (total number of pages).</p> <p>(d) The original of the certificate and the labels referred to in the model certificate shall be drawn up in at least one official language of the EC Member State in which the inspection at the border post shall be carried out and of the EC Member State of destination. However, these Member States may allow other languages, if necessary, accompanied by an official translation.</p> <p>(e) The original of the certificate must be completed on the day of loading the consignment for exportation to the EC with an official stamp and signed by an official inspector designated by the competent authority. In doing so, the competent authority of the exporting country shall ensure that the principles of certification equivalent to those laid down in Council Directive 96/93/EC are followed.</p> <p>(f) The stamp, unless embossed, and the signature shall be in a colour different to that of the printing.</p> <p>(g) The original of the certificate must accompany the consignment until it reaches the EC border inspection post.</p> <p>(h) The certificate shall be valid for 10 days from the date of issue. In the case of transport by ship, the time of validity is prolonged by the time of journey at sea.</p>	<p>(a) Box I.8 Region of origin: If necessary: concerns only where regionalisation measures or approved zone definition according to this Decision or Decision 2003/858/EC. The regions and the approved zones must be indicated as they appeared in the EU Official Journal.</p> <p>(b) Box I.10. Region of destination: Cf. box I.8.</p> <p>(c) Box I.13. Place of loading: If different from box I.11. give the place where the animals are loaded and particularly, in case of pre-assembly</p> <p>(d) Box I.20. Quantity: give the total gross weight and the total net weight in kg.</p> <p>(e) Box I.22. Number of packages: give the number of boxes in which the animals are being transported.</p> <p>(f) Box I.25. Commodities certified for: give exclusive destination of the fish. (Only the possible options shall appear on each specific certificate)</p> <p>— Quarantine: This refer to quarantine as required under the relevant Community legislation</p> <p>— Pets: This applies also where ornamental aquatic animals are intended for pet-shops of similar businesses for further sale</p> <p>— Circus/exhibition: This applies also where ornamental aquatic animals are intended for exhibition aquaria of similar businesses, not for further sale</p> <p>— 'Other': intended for purposes not listed elsewhere in this classification, such as private import or through transhippers.</p> <p>(g) Box I.28 The common name of the species may be included together with the scientific name.</p>

ANNEX IV

MODEL ANIMAL HEALTH CERTIFICATE FOR THE IMPORTS OF TROPICAL ORNAMENTAL FISH INTO THE EUROPEAN COMMUNITY

Note for the importer: This certificate is only for veterinary purposes and has — in its original — to accompany the consignment until it reaches the border inspection post.

COUNTRY**Veterinary certificate to EU**

Part I: Details of dispatched consignment	I.1. Consignor Name Address Tel.				I.2. Certificate reference number		I.2.a	
					I.3. Central Competent Authority			
					I.4. Local Competent Authority			
	I.5. Consignee Name Address Postal code Tel.				I.6.			
	I.7. Country of origin		ISO code					
	I.9. Country of destination		ISO code		I.10. Region of destination		Code	
	I.11. Place of origin Name Address				I.12.			
	I.13. Place of loading Address							
	I.15. Means of transport Aeroplane <input type="checkbox"/> Ship <input type="checkbox"/> Railway wagon <input type="checkbox"/> Road vehicle <input type="checkbox"/> Other <input type="checkbox"/> Identification: Documentary references:				I.16. Entry BIP in EU			
	I.18. Description of commodity				I.17. No.(s) of CITES			
I.19. Commodity code (HS code) 0301 10								
				I.20. Quantity				
I.21.				I.22. Number of packages				
I.23. Identification of container/seal number				I.24.				
I.25. Commodities certified for:								
Pets <input type="checkbox"/> Quarantine <input type="checkbox"/> Circus/exhibition <input type="checkbox"/> Other <input type="checkbox"/>								
I.26.				I.27. For import or admission into EU <input type="checkbox"/>				
I.28. Identification of the commodities								
Species (Scientific name) Quantity								

COUNTRY

Tropical ornamental fish

Part II: Certification	II. Health information	II.a. Certificate reference number	II.b. Local reference number						
	<p>1. Animal health attestation for imports of tropical ornamental fish</p> <p>I, the undersigned official inspector, hereby certify that the live fish, referred to in box I.28 of Part I of this certificate:</p> <ul style="list-style-type: none"> — have been inspected within 24 hours prior to the signing of this certificate, and showed no clinical signs of disease — are not intended for destruction or slaughter for the eradication of a disease. <p>2. Transport requirements</p> <p>Furthermore, immediately before transport, the fish:</p> <ul style="list-style-type: none"> — are placed in water of a quality that does not alter their health status — are placed under conditions that do not alter their health status, and complies with the animal welfare provisions laid down in Article 3 of Regulation (EC) No 1/2005 — are placed in sealed watertight containers which are new or have been cleaned and disinfected beforehand using an authorised disinfectant, and which bear on the exterior a legible label with the relevant information referred to in boxes I.7 to I.13 of Part I of this certificate and with the following statement: <p>'Tropical ornamental fish intended solely for ornamental purposes in the European Community'</p>								
<p>Official inspector</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">Name (in Capital):</td> <td style="width: 50%;">Qualification and title</td> </tr> <tr> <td>Date:</td> <td>Signature:</td> </tr> <tr> <td>Stamp</td> <td></td> </tr> </table>				Name (in Capital):	Qualification and title	Date:	Signature:	Stamp	
Name (in Capital):	Qualification and title								
Date:	Signature:								
Stamp									

COMMISSION DECISION

of 29 September 2006

conferring management of aid on implementing agencies for pre-accession measures in agriculture and rural development in Bulgaria in the pre-accession period

(2006/657/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

signed on 12 February 2001, 19 February 2002, 4 April 2003, 23 July 2003, 14 April 2005 and 11 January 2006 respectively.

Having regard to the Treaty establishing the European Community,

Having regard to the Council Regulation (EC) No 1266/1999 of 21 June 1999 on co-ordinating aid to the applicant countries in the framework of the pre-accession strategy and amending Regulation (EEC) No 3906/1989 ⁽¹⁾, and in particular Article 12(2) thereof,Having regard to the Council Regulation (EC) No 1268/1999 of 21 June 1999 on Community support for pre-accession measures for agriculture and rural development in the applicant countries of central and eastern Europe in the pre-accession period ⁽²⁾, and in particular Article 4(5) and (6) thereof,

Whereas:

(3) A Sapard-Agency has been appointed by the competent authority of the Republic of Bulgaria for the implementation of some of the measures defined in the Sapard. The Ministry of Finance, National Fund Directorate, has been appointed for the financial functions it is due to perform in the framework of the implementation of the Sapard.

(4) On the basis of a case-by-case analysis of the national and sectorial programme/project management capacity, financial control procedures and structures regarding public finance, as provided for in Article 12(2) of Regulation (EC) No 1266/1999, the Commission adopted the Decision 2001/380/EC of 14 May 2001 ⁽⁴⁾ and the Decision 2003/614/EC of 14 August 2003 ⁽⁵⁾ conferring management of aid on implementing agencies for pre-accession measures in agriculture and rural development in the Republic of Bulgaria in the pre-accession period with regard to certain measures provided for in the Sapard.

(1) The Special Accession Programme for Agriculture and Rural Development for the Republic of Bulgaria (hereinafter 'Sapard') was approved by Commission Decision of 20 October 2000 ⁽³⁾, and amended by Commission Decision of 5 July 2006 in accordance with Article 4(5) of Regulation (EC) No 1268/1999.

(2) The government of the Republic of Bulgaria and the Commission, acting on behalf of the Community, signed on 18 December 2000 the Multiannual Financing Agreement laying down the technical, legal and administrative framework for the execution of the Sapard, amended by the Annual Financing Agreements for the years 2000, 2001, 2002, 2003, 2004 and 2005,

(5) The Commission has since undertaken a further analysis under Article 12(2) of Regulation (EC) No 1266/1999 in respect of measure 1.3 'Development of environmentally friendly agricultural practices and activities', as provided for in the Sapard. The Commission considers that, also with regard to this measure, the Republic of Bulgaria complies with the provisions of Articles 4 to 6 and of the Annex to Commission Regulation (EC) No 2222/2000 of 7 June 2000 laying down financial rules for the application of Council Regulation (EC) No 1268/1999 on Community support for pre-accession measures for agriculture and rural development in the applicant countries of central and eastern Europe in the pre-accession period ⁽⁶⁾ and with the minimum conditions set out in the Annex to Regulation (EC) No 1266/1999.

⁽¹⁾ OJ L 161, 26.6.1999, p. 68.

⁽²⁾ OJ L 161, 26.6.1999, p. 87. Regulation as last amended by Regulation (EC) No 2112/2005 (OJ L 344, 27.12.2005, p. 23).

⁽³⁾ C(2000) 3058 final.

⁽⁴⁾ OJ L 102, 18.4.2002, p. 32.

⁽⁵⁾ OJ L 213, 23.8.2003, p. 10.

⁽⁶⁾ OJ L 253, 7.10.2000, p. 5. Regulation as last amended by Regulation 1052/2006 (OJ L 189, 12.7.2006, p. 3).

- (6) It is therefore appropriate to waive the *ex ante* approval requirement provided for in Article 12(1) of Regulation (EC) No 1266/1999 and to confer, with regard to Measure 1.3. on the State Fund Agriculture and on the Ministry of Finance, National Fund Directorate in the Republic of Bulgaria, the management of aid on a decentralised basis.
- (7) Since the verifications carried out by the Commission for measure 1.3. are based on a system that is not yet fully operating with regard to all relevant elements, however, it is appropriate to confer the management of the Sapard on the State Fund Agriculture and on the Ministry of Finance, National Fund Directorate, according to Article 3(2) of Regulation (EC) No 2222/2000, on a provisional basis.
- (8) The rules for the eligibility of expenditures are provided for in the Sapard.
- (9) Full conferral of management of the Sapard is only envisaged after further verifications to ensure that the system operates satisfactorily have been carried out and after any recommendations which the Commission may issue with regard to the conferral of management of aid on the State Fund Agriculture and on the Ministry of Finance, National Fund Directorate, have been implemented,

HAS DECIDED AS FOLLOWS:

Article 1

The requirement of *ex ante* approval by the Commission of project selection and contracting for measure 1.3 'Development

of environmentally friendly agricultural practices and activities' by the Republic of Bulgaria provided for in Article 12(1) of Regulation (EC) No 1266/1999 is hereby waived.

Article 2

Management of the Sapard is conferred on a provisional basis on:

1. the State Fund Agriculture (Sapard Agency) located at 136 Tzar Boris III Boulevard, 1618 Sofia, Bulgaria, for the implementation of the measure 1.3 of the Sapard as defined in the Programme for Agricultural and Rural Development that was approved by Commission Decision of 20 October 2000; and
2. the Ministry of Finance, National Fund Directorate, located at 102 Rakovski Street, 1040 Sofia, Bulgaria, for the financial functions it is due to perform in the framework of the implementation of the Sapard for measure 1.3 for the Republic of Bulgaria.

Article 3

Without prejudice to any decisions granting aid under the Sapard to individual beneficiaries, the rules for eligibility of expenditure, as specified in the Sapard, shall apply.

Done at Brussels, 29 September 2006.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

COMMISSION DECISION

of 29 September 2006

conferring management of aid on implementing agencies for pre-accession measures in agriculture and rural development in Croatia in the pre-accession period

(2006/658/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Council Regulation (EC) No 1266/1999 of 21 June 1999 on co-ordinating aid to the applicant countries in the framework of the pre-accession strategy and amending Regulation (EEC) No 3906/1989⁽¹⁾, and in particular Article 12(2) thereof,

Having regard to the Council Regulation (EC) No 1268/1999 of 21 June 1999 on Community support for pre-accession measures for agriculture and rural development in the applicant countries of central and eastern Europe in the pre-accession period⁽²⁾, and in particular Article 4(5) and (6) thereof,

Whereas:

(1) The Rural Development Programme for Croatia was approved by Commission Decision C(2006) 301 of 8 February 2006, in accordance with Article 4(5) and (6) of Regulation (EC) No 1268/1999.

(2) The Croatian government and the Commission, acting on behalf of the European Community, signed on 29 December 2005 the Multi-annual Financing Agreement (hereinafter MAFA) laying down the technical, legal and administrative framework for the execution of the Sapard Programme.

(3) The Republic of Croatia notified the Commission of the completion of all the necessary internal procedures for its conclusion on 6 April 2006, what is the date of entry into force of the MAFA.

(4) Regulation (EC) No 1266/1999 provides that the *ex-ante* approval requirement referred to in Article 12(1) of Regulation (EC) No 1266/1999 may be waived on the basis of a case-by-case analysis of the national and sectorial programme/project management capacity, financial control procedures and structures regarding public finance. Commission Regulation (EC) No 2222/2000⁽³⁾ provides for detailed rules for the carrying out of the said analysis.

(5) The Competent Authority of Croatia has appointed the Directorate for Market and Structural Support in Agriculture, an organisational unit of the Ministry of Agriculture, Forestry and Water Management, acting as the Sapard Agency. It will be responsible for implementing the following measures: No 1 'Investments into Agricultural Holdings' and No 2 'Improving the Processing and Marketing of Agricultural and Fishery Products' as defined in the Rural Development Programme that was approved by Decision C(2006) 301; whereas the National Fund, within the Ministry of Finance, has been appointed for the financial functions it is due to perform in the framework of the implementation of the Sapard Programme.

(6) Pursuant to Regulation (EC) No 1266/1999 and Regulation (EC) No 2222/2000, the Commission analysed the national and sectorial programme/project management capacity, financial control procedures and structures regarding public finance and considers that, for the implementation of the aforementioned measures, Croatia complies with the provisions of Articles 4 to 6 and of the Annex to the Regulation (EC) No 2222/2000, with the minimum conditions set out in the Annex to the Regulation (EC) No 1266/1999.

(7) In particular, the Sapard Agency has implemented the following key accreditation criteria satisfactorily: written procedures, segregation of duties, pre-project approval and pre-payment checks, payment procedures, accounting procedures and internal audit.

(8) On 14 March 2006 the Croatian Authorities provided the list of eligible expenditure in conformity with Article 4(1), Section B of the MAFA. This list was partially modified by letter of 11 July 2006. The Commission is called upon to take a decision in this respect.

⁽¹⁾ OJ L 161, 26.6.1999, p. 68.

⁽²⁾ OJ L 161, 26.6.1999, p. 87. Regulation as last amended by Regulation (EC) No 2112/2005 (OJ L 344, 27.12.2005, p. 23).

⁽³⁾ OJ L 253, 7.10.2000, p. 5.

- (9) The National Fund within the Ministry of Finances has implemented the following criteria satisfactorily for the financial functions it is due to perform in the framework of the implementation of the Sapard programme for Croatia: audit trail, treasury management, receipt of funds, disbursement to the Sapard Agency and internal audit.
- (10) It is therefore appropriate to waive the *ex-ante* approval requirement referred to in Article 12(1) of Regulation (EC) No 1266/1999 and to confer on the Sapard Agency and on the National Fund of Croatia the management of aid on a decentralised basis.
- (11) However, since the verifications carried out by the Commission for measure No 1 'Investments into Agricultural Holdings' and No 2 'Improving the Processing and Marketing of Agricultural and Fishery Products' are based on a system that is not yet fully operating with regard to all relevant elements, it is therefore appropriate to confer the management of the Sapard Programme on the Sapard Agency and on the Ministry of Finances, National Fund, according to Article 3(2) of Regulation (EC) No 2222/2000, on a provisional basis.
- (12) Full conferral of management of the Sapard is only envisaged after further verifications, in order to ensure that the system operates satisfactorily, have been carried out and after any recommendations the Commission may issue, with regard to the conferral of management of aid on the Sapard Agency, in the subordination of the Ministry of Agriculture, Forestry and Water Management and on the Ministry of Finances, National Fund, have been implemented.
- (13) In order to take into account the requirements of Article 8(1)b, Section A of the MAFA, the expenditures pursuant of this Decision shall be eligible for Community co-finance only if incurred by beneficiaries from the date of this Decision or, if later, the date of the instrument making them a beneficiary for the project in question, except that for feasibility and related studies, provided in all cases it is not paid by the Sapard Agency prior to the date of this Decision.

HAS DECIDED AS FOLLOWS:

Article 1

The requirement of *ex ante* approval by the Commission of project selection and contracting for measures No 1 'Investments into Agricultural Holdings' and No 2 'Improving the Processing and Marketing of Agricultural and Fishery

Products' by Croatia for in Article 12(1) of Regulation (EC) No 1266/1999 is hereby waived.

Article 2

Management of the Sapard programme is conferred on a provisional basis:

1. Directorate for Market and Structural Support in Agriculture, an organisational unit of the Ministry of Agriculture, Forestry and Water Management, acting as the Sapard Agency of Croatia, Avenija grada Vukovara 269D, 10000 Zagreb, for the implementation of measures No 1 'Investments into Agricultural Holdings' and No 2 'Improving the Processing and Marketing of Agricultural and Fishery Products' as defined in the Rural Development Programme that was approved by Decision C(2006) 301.
2. The National Fund within the Ministry of Finances, Katančičeva 5, 10000 Zagreb, for the financial functions it is due to perform in the framework of the implementation of the Sapard programme for Croatia.

Article 3

Expenditures pursuant to this Decision shall be eligible for Community co-finance only if incurred by beneficiaries from the date of this Decision or, if later, the date of the instrument making them a beneficiary for the project in question, except that for feasibility and related studies, provided in all cases it is not paid by the Sapard Agency prior to the date of this Decision.

Article 4

Without prejudice to any decisions granting aid under the Sapard programme to individual beneficiaries, the rules for eligibility of expenditure proposed by Croatia by letter No 'Klasa: 910-01/05-01/8, Urbroj: 513-05-06/06-28' of 14 March 2006 and registered in the Commission on 21 March 2006 under No 08347, as modified by letter No 'Klasa: 910-01/06-01/221, Urbroj: 513-05-06/06-9' of 23 June 2006 and registered in the Commission on 11 July 2006 under No 20627, shall apply.

Done at Brussels, 29 September 2006.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

CORRIGENDA**Corrigendum to Council Decision 2004/512/EC of 8 June 2004 establishing the Visa Information System (VIS)**

(Official Journal of the European Union L 213 of 15 June 2004)

On page 5, in recital 4:

for: '(4) This Decision constitutes the required legal basis to allow for the inclusion in the general budget of the European Union of the necessary appropriations for the development of VIS and the execution of that part of the budget.'

read: '(4) This Decision constitutes the required legal basis to allow for the inclusion in the general budget of the European Union of the necessary appropriations for the development of VIS and the execution of that part of the budget, including preparatory measures necessary for biometric features to be incorporated at a later stage in accordance with the Council conclusions of 19 February 2004.'
