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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 247/2006

of 30 January 2006

laying down specific measures for agriculture in the outermost regions of the Union

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 36, 37 and 299(2) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament [1],

Having regard to the opinion of the European Economic and Social Committee [2],

Having regard to the opinion of the Committee of the Regions [3],

Whereas:

(1) The particular geographical situation of the outermost regions imposes additional transport costs in supplying products which are essential for human consumption, for processing or as agricultural inputs. In addition, objective factors arising as a result of insularity and remoteness impose further constraints on economic operators and producers in the outermost regions that severely handicap their activities. In certain cases, operators and producers suffer from double insularity. These handicaps can be alleviated by lowering the price of these essential products. It is therefore appropriate to introduce specific supply arrangements to guarantee supply to the outermost regions and compensate for the additional costs arising from their remoteness, insularity and distant location.

(2) To that end, notwithstanding Article 23 of the Treaty, imports of certain agricultural products from third countries should be exempt from the applicable import duties. To take account of their origin and the customs treatment accorded to them under the Community provisions, products which have entered the Community's customs territory under inward processing or customs warehousing arrangements should be considered as direct imports, for the purpose of granting the benefits of the specific supply arrangements.

(3) In order to achieve the goal of lowering prices in the outermost regions and mitigating the additional costs of their remoteness, insularity and distant location while maintaining the competitiveness of Community products, aid should be granted for the supply of products of Community origin to the outermost regions. Such aid should take account of the additional cost of transport to the outermost regions and the prices applied to exports to third countries and, in the case of agricultural inputs and products intended for processing, the additional costs of insularity and distant location.

(4) Since the quantities covered by the specific supply arrangements are limited to the supply requirements of the outermost regions, those arrangements do not impair the proper functioning of the internal market. Nor should the economic advantages of the specific supply arrangements provoke diversions of trade in the products concerned. Dispatching or exportation of those products from the outermost regions should therefore be prohibited. However, dispatch or exportation of those products should be authorised where the advantage resulting from the specific supply arrangements is reimbursed or, in the case of processed products, to permit regional trade or trade between the two Portuguese outermost regions. Account should also be taken of traditional trade flows with third countries in all the outermost regions, and exports of processed products corresponding to traditional exports for all those regions should accordingly be authorised. Nor should the restriction apply to the traditional dispatching of processed products. For the sake of clarity, the reference period for defining those traditionally exported or dispatched quantities should be specified.

[1] Not yet published in the Official Journal.
[2] See footnote 1.
[3] OJ C 231, 20.9.2005, p. 75.

(5) However, appropriate measures should be taken to allow for the necessary restructuring of the sugar processing sector in the Azores. These measures should take into account that in order for the sugar sector on the Azores to be viable a certain level of production and processing needs to be ensured. Moreover, Portugal will have the means under this Regulation to support local sugar beet production. Against this background, dispatches of sugar from the Azores to the rest of the Community should be allowed exceptionally to exceed traditional flows for a limited period of four years, subject to progressively reduced annual limits. Given that the quantities that may be re-dispatched will be proportional and limited to the extent strictly necessary for ensuring the viability of local sugar production and processing, the temporary dispatching of sugar from the Azores will not adversely affect the internal market of the Community.

(6) In the case of C sugar to supply the Azores, Madeira and the Canary Islands, the arrangements for exemption from import duties provided for in Commission Regulation (EEC) No 2177/92 of 30 July 1992 laying down detailed rules for the application of the specific supply arrangements for the Azores, Madeira and the Canary Islands with regard to sugar [4] should continue to apply for the period laid down in Article 10(1) of Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector [5].

(7) To date the Canary Islands have been supplied under the specific supply arrangements with milk-based preparations falling within CN codes 1901 90 99 and CN codes 2106 90 92 intended for industrial processing. Supply of those products should be allowed to continue for a transitional period, pending restructuring of local industry.

(8) In order to achieve the objectives of the specific supply arrangements, the economic advantages of the arrangements must be in terms of production costs and must cut prices up to the end-user stage. They should therefore be granted only on condition that they are actually passed on, and appropriate checks must be carried out.

(9) Community policy to assist local production in the outermost regions has involved a multitude of products and measures for their production, marketing or processing. These measures have proved effective and ensured that agriculture continues and develops. The Community should continue to support these lines of production, which are a key factor in the environmental, social and economic equilibrium of the outermost regions. Experience has shown that, as in the case of rural development policy, a closer partnership with the local authorities can help to address the particular issues affecting the regions concerned in a more targeted way. Support for local production should thus continue through general programmes at the most appropriate geographical level, to be submitted by the Member State concerned to the Commission.

(10) To help achieve the goals of developing local agricultural production and the supply of agricultural products, the level of programming of supplies to the regions concerned should be harmonised and the approach of partnership between the Commission and the Member States should be systematic. The supply programme should therefore be established by the authorities designated by the Member State and submitted to the Commission for approval.

(11) Farmers in the outermost regions should be encouraged to supply quality products and the marketing of these should be assisted. Use of the graphic symbol introduced by the Community may be useful for that purpose.

(12) Council Regulation (EC) No 1257/1999 of 17 May 1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) [6] defines the rural development measures eligible for Community support and the conditions for obtaining that support. The structures of certain farms or processing and marketing firms in the outermost regions are seriously defective and face specific difficulties. Provision should accordingly be made for the possibility of derogations for certain types of investment from the provisions restricting the grant of some structural aid provided for in Regulation (EC) No 1257/1999.

(13) Article 29(3) of Regulation (EC) No 1257/1999 restricts the grant of forestry support to forests and wooded areas belonging to private owners and municipalities and associations thereof. Parts of the forests and wooded areas located in the outermost regions belong to public authorities other than municipalities. Under these circumstances, the conditions laid down in the said Article should be made more flexible.

[4] OJ L 217, 31.7.1992, p. 71. Regulation repealed by Regulation (EC) No 21/2002 (OJ L 8, 11.1.2002, p. 15).

[5] OJ L 178, 30.6.2001, p. 1. Regulation as amended by Commission Regulation (EC) No 39/2004 (OJ L 6, 10.1.2004, p. 16).

[6] OJ L 160, 26.6.1999, p. 80. Regulation as last amended by Regulation (EC) No 2223/2004 (OJ L 379, 24.12.2004, p. 1).

(14) Article 24(2) of Regulation (EC) No 1257/1999 and the Annex thereto determine the maximum amounts per year eligible for Community agri-environmental aid. To take into account the specific environmental situation of certain very sensitive pasture areas in the Azores and the preservation of the landscape and traditional features of agricultural land, in particular the areas of terrace cultivation in Madeira, provision should be made for the possibility, in the case of certain specific measures, of increasing those amounts up to twofold.

(15) A derogation may be granted from the Commission's consistent policy of not authorising State operating aid for the production, processing and marketing of agricultural products covered by Annex I to the Treaty in order to mitigate the specific constraints on farming in the outermost regions as a result of their remoteness, insularity and distant location, small area, mountainous terrain and climate and their economic dependency on a small number of products.

(16) The plant health of agricultural crops in the outermost regions is subject to particular problems associated with the climate and the inadequacy of the control measures hitherto applied there. Programmes should therefore be implemented to combat harmful organisms, including by organic methods. The Community's financial contribution towards such programmes should be specified.

(17) The maintenance of vineyards, which are the most widespread type of cultivation in the regions of Madeira and the Canary Islands and a very important one for the Azores, is an economic and environmental imperative. To help support production, neither abandonment premiums nor market mechanisms should be applicable in these regions, but nonetheless, in the Canary Islands, it should be possible to apply crisis distillation measures in the event of exceptional market disturbance arising from quality problems. Similarly, technical and socio-economic difficulties have prevented the complete conversion within the time limits set of the areas in the regions of Madeira and the Azores under vines of hybrid varieties prohibited by the common organisation of the market in wine. The wine produced by such vineyards is intended solely for traditional local consumption. Additional time will allow such vineyards to be converted while preserving a regional economic fabric very heavily reliant upon wine-growing. Portugal should notify the Commission, each year, of the progress made in converting the areas concerned.

(18) The restructuring of the milk sector is not yet complete in the Azores. In line with the high dependence of the Azores on milk production, combined with other handicaps connected with their distant location and the absence of profitable alternative lines of production, the derogation from certain provisions of Council Regulation (EC) No 1788/2003 of 29 September 2003 establishing a levy in the milk and milk products sector ([7]), introduced by Article 23 of Council Regulation (EC) No 1453/2001 of 28 June 2001 introducing specific measures for certain agricultural products for the Azores and Madeira (Poseima) ([8]) and renewed by Council Regulation (EC) No 55/2004 ([9]) should be confirmed with respect to the application of the supplementary levy in the milk and milk products sector in the Azores.

(19) Support for the production of cow's milk in Madeira has not succeeded in maintaining the balance between domestic and external supply, chiefly because of the serious structural difficulties affecting the sector and its poor capacity to adapt to new economic environments. Consequently, authorisation to produce reconstituted UHT milk from milk powder of Community origin should continue, with a view to covering local consumption more fully.

(20) The need to maintain local production by means of incentives justifies not applying Regulation (EC) No 1788/2003 in the French overseas departments and Madeira. For Madeira this exemption should be subject to a limit of 4 000 tonnes, corresponding to the current production of 2 000 tonnes and allowing for a reasonable possibility of increased production, estimated at present at a maximum of 2 000 tonnes.

(21) Traditional livestock farming activities should be supported. In order to meet the local consumption needs of the French overseas departments and Madeira, duty-free imports from third countries of male bovine animals intended for fattening should be authorised subject to certain conditions and up to a maximum annual limit. The possibility opened under Council Regulation (EC) No 1782/2003 of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers ([10]) to enable Portugal to transfer rights to the suckler cow premium from the mainland to the Azores should be renewed and that instrument should be adjusted in line with the new support arrangements for the outermost regions.

([7]) OJ L 270, 21.10.2003, p. 123. Regulation as last amended by Regulation (EC) No 2217/2004 (OJ L 375, 23.12.2004, p. 1).
([8]) OJ L 198, 21.7.2001, p. 26. Regulation as last amended by Regulation (EC) No 1690/2004 (OJ L 305, 1.10.2004, p. 1).
([9]) OJ L 8, 14.1.2004, p. 1.
([10]) OJ L 270, 21.10.2003, p. 1. Regulation as last amended by Commission Regulation (EC) No 2183/2005 (OJ L 347, 30.12.2005, p. 56).

(22) Tobacco growing is of historical importance in the Canary Islands. Economically speaking, tobacco preparation continues to be one of the chief industrial activities in the region. In social terms, tobacco cultivation is very labour-intensive and carried out by small farms. Since the crop is not sufficiently profitable, however, it is in danger of dying out. Tobacco is currently cultivated on only a small area on the island of La Palma, for the small-scale manufacture of cigars. Spain should therefore be authorised to continue to grant aid in addition to Community aid so that this traditional crop can be maintained with a view to supporting the artisanal activity associated with it. In addition, to maintain the manufacture of tobacco products, imports into the Canary Islands of raw and semi-manufactured tobacco should continue to be exempt from customs duty, up to an annual limit of 20 000 tonnes of stripped raw tobacco equivalent.

(23) Implementation of this Regulation must not jeopardise the level of special support from which the outermost regions have benefited up to now. For that reason, so that they can carry out the appropriate measures, the Member States should have at their disposal sums equivalent to the support already granted by the Community under Council Regulation (EC) No 1452/2001 of 28 June 2001 introducing specific measures for certain agricultural products for the French overseas departments (Poseidom) ([11]), Council Regulation (EC) No 1453/2001 and Council Regulation (EC) No 1454/2001 of 28 June 2001 introducing specific measures for certain agricultural products for the Canary Islands (Poseican) ([12]) and sums granted to farmers established in those regions under Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal ([13]), Council Regulation (EC) No 2529/2001 of 19 December 2001 on the common organisation of the market in sheepmeat and goatmeat ([14]), Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals ([15]) and sums granted for the supply of rice to the French overseas department of Réunion under Article 5 of Council Regulation (EC) No 1785/2003 of 29 September 2003 on the common organisation of the market in rice ([16]). The new system of support for agricultural production in the outermost regions established by this Regulation should be coordinated with the support for the same lines of production in force in the rest of the Community.

([11]) OJ L 198, 21.7.2001, p. 11. Regulation as last amended by Regulation (EC) No 1690/2004 (OJ L 305, 1.10.2004, p. 1).
([12]) OJ L 198, 21.7.2001, p. 45. Regulation as last amended by Regulation (EC) No 1690/2004.
([13]) OJ L 160, 26.6.1999, p. 21. Regulation as last amended by Regulation (EC) No 1913/2005 (OJ L 307, 25.11.2005, p. 2).
([14]) OJ L 341, 22.12.2001, p. 3. Regulation as last amended by Regulation (EC) No 1913/2005.
([15]) 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).
([16]) OJ L 270, 21.10.2003, p. 96.

(24) Regulations (EC) No 1452/2001, (EC) No 1453/2001 and (EC) No 1454/2001 should be repealed. Regulation (EC) No 1782/2003 and Regulation (EC) No 1785/2003 should also be amended to ensure coordination of the respective arrangements.

(25) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ([17]).

(26) The programmes provided for by this Regulation should start to apply upon notification of their approval by the Commission. To enable the programmes to start at this time, the Member States and the Commission should be permitted to take all the preparatory measures between the date of entry into force of this Regulation and that of the application of the programmes,

HAS ADOPTED THIS REGULATION:

TITLE 1

SUBJECT

Article 1

Subject

This Regulation lays down specific measures on agriculture to remedy the difficulties caused by the remoteness, insularity, distant location, small surface area, terrain, difficult climate and dependence on a limited number of products of the regions of the Union referred to in Article 299(2) of the Treaty, hereinafter referred to as the 'outermost regions'.

TITLE II

SPECIFIC SUPPLY ARRANGEMENTS

Article 2

Forecast supply balance

1. Specific supply arrangements are hereby introduced for the agricultural products listed in Annex I to the Treaty, which are essential in the outermost regions for human consumption, for the manufacture of other products or as agricultural inputs.

([17]) OJ L 184, 17.7.1999, p. 23.

2. A forecast supply balance shall be drawn up stating the quantity of the agricultural products referred to in paragraph 1 needed to meet supply requirements each year. A separate forecast balance may be drawn up for the requirements of undertakings packaging and processing products intended for the local market, for traditional consignment to the rest of the Community or for export as part of regional trade or traditional trade flows.

Article 3

Operation of the arrangements

1. Within the limit of the quantities determined in the forecast supply balance, no duties shall apply to direct imports from third countries into the outermost regions of products covered by the specific supply arrangements.

Products which have entered the Community's customs territory under inward processing or customs warehousing arrangements shall be considered as direct imports from third countries for the purposes of this Title.

2. To ensure coverage of the requirements established in accordance with Article 2(2) in terms of price and quality, while taking care to maintain the Community's share in supplies, aid shall be granted to supply the outermost regions with Community products held in public intervention storage or available on the Community market.

Such aid shall be determined for each type of product concerned to take account of the additional cost of transport to the outermost regions and the prices applied to exports to third countries and, in the case of products intended for processing and agricultural inputs, the additional costs of insularity and distant location.

3. In implementing the specific supply arrangements, account shall be taken, in particular, of the following:

(a) the specific requirements of the outermost regions and, in the case of products intended for processing and agricultural inputs, the quality requirements;

(b) trade flows with the rest of the Community;

(c) the economic aspect of the proposed aid.

4. Entitlement under the specific supply arrangements shall be subject to the condition that the economic advantage derived either from exemption from import duties or from aid is actually passed on to the end user.

Article 4

Export to third countries and dispatch to the rest of the Community

1. Products covered by the specific supply arrangements may be exported to third countries or dispatched to the rest of the Community only on conditions laid down under the procedure referred to in Article 26(2).

Those conditions shall include payment of import duties on the products referred to in Article 3(1) or reimbursement of the aid received under the specific supply arrangements for the products referred to in Article 3(2).

Those conditions shall not apply to trade flows between French overseas departments.

2. The restriction provided for in paragraph 1 shall not apply to products processed in the outermost regions from products having benefited from the specific supply arrangements which are:

(a) exported to third countries or dispatched to the rest of the Community within the limits of traditional exports and traditional dispatches. Those quantities shall be specified by the Commission in accordance with the procedure laid down in Article 26(2), on the basis of the average of exports or dispatches during the years 1989, 1990 and 1991;

(b) exported to third countries as part of regional trade flows in accordance with destinations and conditions specified under the procedure referred to in Article 26(2);

(c) dispatched from the Azores to Madeira or vice versa;

(d) dispatched from Madeira to the Canary Islands or vice versa.

No export refund shall be granted for the products thus exported.

3. By way of derogation from paragraph 2(a), the following maximum quantities of sugar (CN code 1701) may be dispatched from the Azores to the rest of the Community for the following years:

— in 2006: 3 000 tonnes,

— in 2007: 2 285 tonnes,

— in 2008: 1 570 tonnes,

— in 2009: 855 tonnes.

Article 5

Sugar

1. During the period referred to in Article 10(1) of Regulation (EC) No 1260/2001, C sugar referred to in Article 13 of that Regulation, exported in accordance with the relevant provisions of Commission Regulation (EEC) No 2670/81 of 14 September 1981 laying down detailed implementing rules in respect of sugar production in excess of the quota ([18]) and brought in to be consumed in Madeira and in the Canary Islands in the form of white sugar falling within CN code 1701 and to be refined and consumed in the Azores in the form of raw sugar falling within CN code 1701 12 10, shall benefit, under the conditions set out in this Regulation, from the exemption from import duties within the limit of the forecast supply balance referred to in Article 2 of this Regulation.

2. When determining raw sugar requirements of the Azores, account shall be taken of the development of local production of sugar beet. The quantities covered by the supply arrangements shall be determined so as to ensure that the total volume of sugar refined in the Azores each year does not exceed 10 000 tonnes.

Article 6

Milk-based preparations

By way of derogation from Article 2, for the period from 1 January 2006 to 31 December 2009 the Canary Islands may continue to receive supplies of milk-based preparations falling within CN codes 1901 90 99 and 2106 90 92 intended for industrial processing of up to 800 tonnes per year and 45 tonnes per year respectively. Aid granted for supplies of those two products from the Community may not exceed EUR 210 per tonne and EUR 59 per tonne respectively and shall be included in the limit laid down in Article 23.

Article 7

Imports of rice into Réunion

No customs duties shall be charged in the French overseas department of Réunion on products falling within CN codes 1006 10, 1006 20 and 1006 40 00 imported for consumption there.

Article 8

Detailed rules for the application of the arrangements

Detailed rules for the application of this Title shall be adopted in accordance with the procedure referred to in Article 26(2). Such rules shall in particular define the conditions under which the Member States may amend the product quantities and the resources allocated each year to the various products eligible under the specific supply arrangements and, where necessary, establish a system of import licences or delivery certificates.

TITLE III

MEASURES TO ASSIST LOCAL AGRICULTURAL PRODUCTS

Article 9

Support programmes

1. Community support programmes for the outermost regions shall be established containing specific measures to assist local lines of agricultural production within the scope of Title II of Part Three of the Treaty.

2. Community support programmes shall be established at the geographical level which the Member State concerned deems most appropriate. They shall be prepared by the competent authorities designated by the Member State, which shall submit them to the Commission after the competent authorities and organisations have been consulted at the appropriate territorial level.

3. Only one Community support programme per outermost region may be submitted.

Article 10

Measures

Community support programmes shall contain the measures needed to ensure continuity and development of local lines of agricultural production in each outermost region.

([18]) OJ L 262, 16.9.1981, p. 14. Regulation as last amended by Regulation (EC) No 95/2002 (OJ L 17, 19.1.2002, p. 37).

Article 11

Compatibility and consistency

1. Measures taken under support programmes must comply with Community law and be consistent with other Community policies and with the measures taken under those policies.

2. Consistency of the measures taken under support programmes with measures implemented under other instruments of the common agricultural policy, and in particular the common organisations of markets, rural development, product quality, animal welfare and protection of the environment, must be ensured.

In particular, no measure under this Regulation may be financed as:

(a) additional support for premium or aid schemes under a common organisation of the market save in exceptional cases justified by objective criteria;

(b) support for research projects, measures to support research projects or measures eligible for Community financing under Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field ([19]);

(c) support for measures within the scope of Regulation (EC) No 1257/1999 and Council Regulation (EC) No 1698/2005 of 20 September 2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) ([20]).

Article 12

Content of Community support programmes

A Community support programme shall contain:

(a) a quantified description of the current agricultural production situation taking into account the results of available evaluations, showing disparities, gaps and potential for development, the financial resources deployed and the main results of operations undertaken under Council Regulations (EC) No 1452/2001, (EC) No 1453/2001 and (EC) No 1454/2001;

(b) a description of the strategy proposed, the priorities selected, its quantified objectives, and an appraisal showing the expected economic, environmental and social impact, including employment effects;

(c) a description of the measures contemplated, and in particular aid schemes for implementing the programme, and, where appropriate, information on the needs for any studies, demonstration projects, training or technical assistance operations relating to the preparation, implementation or adaptation of the measures concerned;

(d) a schedule for the implementation of the measures and a general indicative financing table showing the resources to be deployed;

(e) proof of the compatibility and consistency between the various measures under the programmes and the criteria and quantitative indicators to be used for monitoring and evaluation;

(f) the steps taken to ensure the programmes are implemented effectively and appropriately, including the arrangements for publicity, monitoring and evaluation, and a specified set of quantified indicators for use in programme evaluation and the provisions for checks and penalties;

(g) the designation of competent authorities and bodies responsible for implementing the programme and the designation at the appropriate levels of authorities or associated bodies and socio-economic partners, and the results of consultations held.

Article 13

Monitoring

The procedures and physical and financial indicators for ensuring effective monitoring of the implementation of Community programmes shall be adopted in accordance with the procedure referred to in Article 26(2).

([19]) OJ L 224, 18.8.1990, p. 19. Decision as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).
([20]) OJ L 277, 21.10.2005, p 1.

TITLE IV

ACCOMPANYING MEASURES

Article 14

Graphic symbol

1. A graphic symbol shall be introduced with a view to ensuring greater awareness and consumption of quality agricultural products, whether natural or processed, specific to the outermost regions.

2. The conditions for using the graphic symbol provided for in paragraph 1 shall be proposed by the trade organisations concerned. The national authorities shall forward such proposals, with their opinion, to the Commission for approval.

Use of the symbol shall be monitored by an official authority or a body approved by the competent national authorities.

Article 15

Rural development

1. Notwithstanding Article 7 of Regulation (EC) No 1257/1999, in the case of the outermost regions, the total value of the aid for investments intended in particular to encourage diversification, restructuring or a shift towards sustainable agriculture on agricultural holdings of small economic size, to be defined in the programme complement referred to in Articles 18(3) and 19(4) of Council Regulation (EC) No 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds [21], expressed as a percentage of the volume of eligible investments, shall not exceed 75 %.

2. Notwithstanding Article 28(2) of Regulation (EC) No 1257/1999, in the case of the outermost regions, the total value of the aid for investments in enterprises engaged in processing and marketing agricultural products consisting mainly of local produce in sectors to be defined in the programme complements referred to in Articles 18(3) and 19(4) of Regulation (EC) No 1260/1999, expressed as a percentage of the volume of eligible investments, shall not exceed 65 %. The total value of the aid for small and medium-sized enterprises, otherwise subject to the same conditions, shall not exceed 75 %.

3. The restriction provided for in Article 29(3) of Regulation (EC) No 1257/1999 shall not apply to tropical or subtropical forests or wooded areas situated in the territory of the French overseas departments, the Azores and Madeira.

4. Notwithstanding Article 24(2) of Regulation (EC) No 1257/1999, the maximum amounts per year eligible for Community aid, as set out in the Annex to that Regulation, may be increased up to twofold in the case of the measure to protect lakes in the Azores and the measure to preserve the landscape and traditional features of agricultural land, in particular the conservation of stone walls supporting terraces in Madeira.

5. A description of the measures planned under this Article shall be included, where appropriate, in the programmes for these regions referred to in Articles 18 and 19 of Regulation (EC) No 1260/1999.

Article 16

State aid

1. For the agricultural products covered by Annex I to the Treaty, to which Articles 87, 88 and 89 thereof apply, the Commission may authorise operating aid in the sectors producing, processing and marketing those products, with a view to mitigating the specific constraints on farming in the outermost regions as a result of their remoteness, insularity and distant location.

2. Member States may grant additional financing for the implementation of the Community support programmes referred to in Title III of this Regulation. In such cases they must notify the Commission of the State aid and the Commission must approve it in accordance with this Regulation as part of those programmes. Aid thus notified shall be regarded as being notified within the meaning of the first sentence of Article 88(3) of the Treaty.

Article 17

Plant health programmes

1. France and Portugal shall submit programmes to the Commission for the control of organisms harmful to plants or plant products in the French overseas departments and the Azores and Madeira respectively. The programmes shall specify in particular the objectives to be achieved, the measures to be carried out, their duration and their cost. The programmes submitted pursuant to this Article shall not concern the protection of bananas.

[21] OJ L 161, 26.6.1999, p. 1. Regulation as last amended by Regulation (EC) No 173/2005 (OJ L 29, 2.2.2005, p. 3).

2. The Community shall contribute to the financing of the programmes provided for in paragraph 1 on the basis of a technical analysis of the regional situations.

3. The financial contribution of the Community provided for in paragraph 2 and the amount of the aid shall be decided in accordance with the procedure referred to in Article 26(1) and (3). The measures eligible for Community financing shall be defined in accordance with the same procedure.

Such contribution may cover up to 60 % of eligible expenditure in the French overseas departments and up to 75 % of eligible expenditure in the Azores and Madeira. Payment shall be made on the basis of documentation provided by the French and Portuguese authorities. If necessary, checks may be organised by the Commission and conducted on its behalf by experts as referred to in Article 21 of Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community ([22]).

Article 18

Wine

1. Chapter II of Title II and Chapters I and II of Title III of Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine ([23]) and Chapter III of Commission Regulation (EC) No 1227/2000 of 31 May 2000 laying down detailed rules for the application of Council Regulation (EC) No 1493/1999 on the common organisation of the market in wine, as regards production potential ([24]) shall not apply to the Azores and Madeira.

2. Notwithstanding Article 19(1) of Regulation (EC) No 1493/1999, grapes from prohibited direct-producer hybrid vine varieties (Noah, Othello, Isabelle, Jacquez, Clinton and Herbemont) harvested in the Azores and Madeira may be used for the production of wine which must remain within those regions.

By 31 December 2013 Portugal shall have gradually eliminated vineyards planted with prohibited direct-producer hybrid vine varieties, with, where appropriate, the support provided for in Chapter III of Title II of Regulation (EC) No 1493/1999.

Portugal shall notify the Commission, each year, of the progress made in converting and restructuring areas planted with prohibited direct-producer hybrid vine varieties.

3. Chapter II of Title II and Title III of Regulation (EC) No 1493/1999 and Chapter III of Regulation (EC) No 1227/2000 shall not apply to the Canary Islands, except for the crisis distillation referred to in Article 30 of Regulation (EC) No 1493/1999, if there is exceptional market disturbance caused by problems of quality.

Article 19

Milk

1. As from the marketing year 1999/2000, for the purposes of sharing the additional levy between the producers referred to in Article 4 of Regulation (EC) No 1788/2003, only producers within the meaning of Article 5(c) of that Regulation, established and producing in the Azores, who market quantities exceeding their reference quantity increased by the percentage referred to in the third subparagraph of this paragraph shall be deemed to have contributed to the overrun.

The additional levy shall be due on quantities exceeding the reference quantity thus increased by the abovementioned percentage, after reallocation of the unused quantities within the margin resulting from this increase among all the producers within the meaning of Article 5(c) of Regulation (EC) No 1788/2003 established and producing in the Azores, and in proportion to the reference quantity available to each producer.

The percentage referred to in the first subparagraph shall be equal to the ratio between the quantities respectively of 73 000 tonnes for the marketing years 1999/2000 to 2004/2005 and 23 000 tonnes as from the marketing year 2005/2006 and the total of the reference quantities available on each holding on 31 March 2000. It shall apply only to the reference quantities available on 31 March 2000.

([22]) OJ L 169, 10.7.2000, p. 1. Directive as last amended by Directive 2005/77/EC (OJ L 296, 12.11.2005, p. 17).
([23]) OJ L 179, 14.7.1999, p. 1. Regulation as last amended by Regulation (EC) No 2165/2005 (OJ L 345, 28.12.2005, p. 1).
([24]) OJ L 143, 16.6.2000, p. 1. Regulation as last amended by Regulation (EC) No 1216/2005 (OJ L 199, 29.7.2005, p. 32).

2. The quantities of milk or milk equivalent marketed which exceed the reference quantities but which comply with the percentage referred to in paragraph 1, after the reallocation referred to in that same paragraph, shall not be taken into account in establishing any overrun by Portugal as calculated in accordance with Article 1 of Regulation (EC) No 1788/2003.

3. The additional levy scheme applicable to producers of cow's milk provided for in Regulation (EC) No 1788/2003 shall not apply in the French overseas departments or, within the limit of local production of 4 000 tonnes of milk, in Madeira.

4. Notwithstanding Articles 2 and 3 of Council Regulation (EC) No 2597/97 of 18 December 1997 laying down additional rules on the common organisation of the market in milk and milk products for drinking milk ([25]), the production in Madeira of UHT milk reconstituted from milk powder originating in the Community shall be authorised within the limits of local consumption requirements, insofar as this measure ensures that locally produced milk is collected and finds outlets. This product shall be used for local consumption only.

Detailed rules for the application of this paragraph shall be adopted in accordance with the procedure referred to in Article 26(2). The detailed rules shall determine, in particular, the quantity of locally produced fresh milk to be incorporated into the reconstituted UHT milk referred to in the first subparagraph.

Article 20

Livestock farming

1. Until the local numbers of young male bovines reach a level sufficient to ensure the maintenance and development of local beef production in the French overseas departments and Madeira, the possibility shall be introduced of importing bovine animals from third countries, without applying the customs duties referred to in Article 30 of Regulation (EC) No 1254/1999, for fattening and consumption in the French overseas departments and Madeira.

Article 3(4) and Article 4(1) shall apply to animals qualifying for the exemption referred to in the first subparagraph of this paragraph.

2. The numbers of animals qualifying for the exemption referred to in paragraph 1 shall be determined when the need to import is justified, taking account of the development of local production. These numbers, and detailed rules for the application of this Article, including in particular the minimum duration of the fattening period, shall be fixed in accordance with the procedure referred to in Article 26(2). Priority for such animals shall be given to producers keeping animals for fattening at least 50 % of which are of local origin.

3. Where Article 67 and Article 68(2)(a)(i) of Regulation (EC) No 1782/2003 are applied, Portugal may reduce the national ceiling for sheep and goat payment and suckler cow premium rights. In such case, in accordance with the procedure referred to in Article 26(2), the corresponding amount shall be transferred from the ceilings set under the abovementioned provisions to the financial resources referred to in the second indent of Article 23(2).

Article 21

State aid for tobacco production

Spain is hereby authorised to grant aid for the production of tobacco in the Canary Islands in addition to the premium provided for in Title I of Regulation (EEC) No 2075/92 of 30 June 1992 on the common organisation of the market in raw tobacco ([26]). The grant of this aid may not result in discrimination between producers in the islands.

The amount of the aid may not exceed EUR 2 980,62 per tonne. The additional aid shall be paid for up to 10 tonnes each year.

Article 22

Exemption of tobacco from customs duties

1. No customs duties shall be applied to direct imports into the Canary Islands of raw and semi-manufactured tobacco falling, respectively, within:

(a) CN code 2401; and

([25]) OJ L 351, 23.12.1997, p. 13. Regulation as last amended by Regulation (EC) No 1602/1999 (OJ L 189, 22.7.1999, p. 43).

([26]) OJ L 215, 30.7.1992, p. 70. Regulation as last amended by Regulation (EC) No 1679/2005 (OJ L 271, 15.10.2005, p. 1).

(b) the following subheadings:

— 2401 10 Tobacco, not stemmed/stripped,

— 2401 20 Tobacco, partly or wholly stemmed/stripped,

— ex 2401 20 Outer coverings for cigars presented on supports, in reels for the manufacture of tobacco,

— 2401 30 Tobacco waste,

— ex 2402 10 Unfinished cigars without wrapping,

— ex 2403 10 Cigarette rag (finished mixtures of tobacco for the manufacture of cigarettes, cigars, cheroots and cigarillos),

— ex 2403 91 Homogenised or reconstituted tobacco, whether or not put up in sheets or strips,

— ex 2403 99 Expanded tobacco.

The exemption provided for in the first subparagraph shall apply to products intended for the local manufacture of tobacco products, up to an annual import limit of 20 000 tonnes of raw stripped tobacco equivalent.

2. Detailed rules for the application of this Article shall be adopted in accordance with the procedure referred to in Article 26(2).

TITLE V

FINANCIAL PROVISIONS

Article 23

Financial resources

1. The measures provided for in this Regulation, except for Article 15, shall constitute intervention intended to stabilise the agricultural markets within the meaning of Article 2(2) of Council Regulation (EC) No 1258/1999 of 17 May 1999 on the financing of the common agricultural policy [27] for the period up to 31 December 2006. With effect from 1 January 2007 the same measures shall constitute intervention to regulate agricultural markets within the meaning of Article 3(1)(b) of Council Regulation (EC) No 1290/2005 of 21 June 2005 on the financing of the common agricultural policy [28].

2. The Community shall finance the measures provided for in Titles II and III of this Regulation up to an annual maximum as follows:

— French overseas departments: EUR 84,7 million,

— Azores and Madeira: EUR 77,3 million,

— Canary Islands: EUR 127,3 million.

3. The amounts allocated annually to the programmes provided for in Title II may not exceed:

— French overseas departments: EUR 20,7 million,

— Azores and Madeira: EUR 17,7 million,

— Canary Islands: EUR 72,7 million.

4. For 2006, the annual amounts referred to in paragraphs 2 and 3 shall be reduced by the amounts of any expenditure incurred under measures implemented in accordance with the Regulations referred to in Article 29.

TITLE VI

GENERAL AND FINAL PROVISIONS

Article 24

1. Member States shall submit the draft of an overall programme to the Commission in the framework of the financial allocation referred to in Article 23(2) and (3) by 14 April 2006 at the latest.

The draft programme shall comprise a draft of the forecast supply balance referred to in Article 2(2) indicating the products, the quantities thereof and the amount of aid for supply from the Community together with a draft of the programme of support for local production referred to in Article 9(1).

2. The Commission shall evaluate the overall programmes proposed and decide on their approval within four months of their submission at the latest in accordance with the procedure referred to in Article 26(2).

3. Each overall programme shall apply from the date of the Commission's notification of its approval to the Member State concerned.

[27] OJ L 160, 26.6.1999, p. 103. Regulation repealed by Regulation (EC) No 1290/2005 (OJ L 209, 11.8.2005, p. 1).
[28] OJ L 209, 11.8.2005, p. 1.

Article 25

Implementing rules

The measures necessary for the implementation of this Regulation shall be adopted in accordance with the procedure referred to in Article 26(2). They shall include in particular:

— the conditions under which Member States may amend the quantities and levels of aid for supply and the support measures or the allocation of resources allotted to support local production,

— the provisions relating to the minimum specifications of the checks and penalties which Member States must apply,

— the fixing of measures and eligible amounts, under Article 23(1), for the studies, demonstration projects, training and technical assistance operations referred to in Article 12(c), and a maximum percentage for the financing of these measures, calculated from the total amount of each programme.

Article 26

Management Committee

1. The Commission shall be assisted by the Management Committee for Direct Payments established by Article 144 of Regulation (EC) No 1782/2003, except for the implementation of Article 15 of this Regulation, for which it shall be assisted by the Committee on Agricultural Structures and Rural Development set up by Article 50 of Regulation (EC) No 1260/1999, and for the implementation of Article 17 of this Regulation, for which it shall be assisted by the Standing Committee on Plant Health established by Decision 76/894/EEC ([29]).

2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply.

The period laid down in Article 4(3) of Decision 1999/468/EC shall set at be one month.

3. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

([29]) OJ L 340, 9.12.1976, p. 25.

Article 27

National measures

Member States shall take the measures necessary to ensure compliance with this Regulation, in particular as regards checks and administrative penalties, and shall inform the Commission thereof.

Article 28

Communications and reports

1. Member States shall communicate to the Commission not later than 15 February each year the appropriations made available to them which they intend to spend in the following year on implementation of the programmes covered by this Regulation.

2. Member States shall submit to the Commission, not later than 31 July each year, a report on the implementation of the measures provided for in this Regulation over the previous year.

3. Not later than 31 December 2009, and thereafter every five years, the Commission shall submit a general report to the European Parliament and the Council showing the impact of the action taken under this Regulation, accompanied if applicable by appropriate proposals.

Article 29

Repeals

Regulations (EC) No 1452/2001, (EC) No 1453/2001 and (EC) No 1454/2001 are hereby repealed.

References to the repealed Regulations shall be understood as references to this Regulation and shall be read in accordance with the correlation table in Annex I.

Article 30

Transitional measures

In accordance with the procedure referred to in Article 26(2), the Commission may adopt the necessary transitional measures to ensure a smooth transition between the arrangements in force for 2005 and the measures introduced by this Regulation.

Article 31

Amendment of Regulation (EC) No 1782/2003

Regulation (EC) No 1782/2003 is amended as follows:

1. Article 70 shall be amended as follows:

   (a) paragraph 1(b) shall be replaced by the following:

   '(b) all other direct payments listed in Annex VI granted to farmers in the reference period in the French overseas departments, the Azores and Madeira, the Canary Islands and the Aegean Islands and the direct payments granted in the reference period under Article 6 of Regulation (EEC) No 2019/93.';

   (b) paragraph 2, first subparagraph, shall be replaced by the following:

   '2. Without prejudice to Article 6(2) of Regulation (EEC) No 2019/93, Member States shall grant the direct payments referred to in paragraph 1 of this Article, within the limit of the ceilings fixed in accordance with Article 64(2) of this Regulation, under the conditions established in Title IV, Chapters 3, 6 and 7 to 13, of this Regulation and in Article 6 of Regulation (EEC) No 2019/93 respectively.';

2. the first subparagraph of Article 71(2) shall be replaced by the following:

   '2. Without prejudice to Article 70(2) of this Regulation, in the transitional period the Member State concerned shall effect each of the direct payments referred to in Annex VI under the conditions established in Title IV, Chapters 3, 6 and 7 to 13, of this Regulation and in Article 6 of Regulation (EEC) No 2019/93 respectively, within the limit of budgetary ceilings corresponding to the component of these direct payments in the national ceiling referred to in Article 41 of this Regulation, fixed in accordance with the procedure referred to in Article 144(2) of this Regulation.';

3. Annexes I and VI shall be amended as set out in Annex II to this Regulation.

Article 32

Amendment of Regulation (EC) No 1785/2003

Regulation (EC) No 1785/2003 is amended as follows:

1. Article 5 shall be deleted;

2. Article 11(3) shall be deleted.

Article 33

Entry into force

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

However, it shall apply for each Member State concerned as from the date on which the Commission notifies its approval of the overall programme referred to in Article 24(1), except as regards Articles 24, 25, 26, 27 and 30, which shall apply from the date of its entry into force and Article 4(3), which shall apply from 1 January 2006.

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

Done at Brussels, 30 January 2006.

For the Council
The President
U. PLASSNIK

ANNEX I

CORRELATION TABLE

Regulation (EC) No 1452/2001	Regulation (EC) No 1453/2001	Regulation (EC) No 1454/2001	Regulation (EC) No 1785/2003	This Regulation
Article 1	Article 1	Article 1		Article 1
Article 2	Article 2	Article 2		Article 2
Article 3(1) to (4)	Article 3(1) to (4)	Article 3(1) to (4)		Article 3
Article 3(5)	Article 3(5)	Article 3(5)		Article 4
	Third subparagraph of Article 3(6)			Article 5
			Article 11(3)	Article 7
First and second subparagraphs of Article 3(6)	First and second subparagraphs of Article 3(6)	First and second subparagraphs of Article 3(6)		Article 8
Article 5				—
Article 6				—
Article 8				—
Article 9				—
Article 11				—
Article 12				—
Article 13				—
Article 14				—
Article 15				—
Article 16				—
Article 17				—
Article 18				—
	Article 5			—
	Article 6			—
	Article 7			—
	Article 9			—
Article 19	Article 11	Article 18		Article 14
	Article 13			—
	Article 14			—
	Article 15			—
	Article 16			—

Regulation (EC) No 1452/2001	Regulation (EC) No 1453/2001	Regulation (EC) No 1454/2001	Regulation (EC) No 1785/2003	This Regulation
	Article 17			—
	Article 18			—
	Article 19			—
	Article 20			—
	Article 22, paragraphs 1 and 2, first and second subparagraphs of paragraph 3, paragraph 4 and paragraph 5			—
	Article 24			—
	Article 25			—
	Article 26			—
	Article 27			—
	Article 28			—
	Article 30			—
		Article 4		—
		Article 5		—
		Article 7		—
		Article 8		—
		Article 9		—
		Article 10		—
		Article 11		—
		Article 13		—
		Article 14		—
		Article 17		—
	Article 31			—
Article 21(1) and (2)	Article 33(1) and (2)	Article 19(1) and (2)		Article 15(1) and (2)
Article 21(3)	Article 33(3)			Article 15(3)
	Article 33(5)			Article 15(4)
Article 21(5)	Article 33(6)	Article 19(4)		Article 15(5)
Article 24	Article 36	Article 22		Article 16(1)
				Article 16(2)
Article 20	Article 32			Article 17

Regulation (EC) No 1452/2001	Regulation (EC) No 1453/2001	Regulation (EC) No 1454/2001	Regulation (EC) No 1785/2003	This Regulation
	Article 8			Article 18(1)
	Article 10			Article 18(2)
		Article 12		Article 18(3)
	Article 23			Article 19(1) and (2)
Article 10(2)	Article 15(3)			Article 19(3)
	Article 15(4)			Article 19(4)
Article 7	Article 12			Article 20(1) and (2)
	Third subparagraph of Article 22(3)			Article 20(3)
		Article 15		Article 21
		Article 16		Article 22
Article 25	Article 37	Article 23		Article 23(1)
				Article 23(2), (3) and (4)
Article 22	Article 34	Article 20		Article 25
Article 23	Article 35	Article 21		Article 26
Article 26	Article 38	Article 24		Article 27
Article 27	Article 39	Article 25		Article 28
				Article 29
				Article 31
				Article 32
Article 29	Article 41	Article 27		Article 33

ANNEX II

Annexes I and VI to Regulation (EC) No 1782/2003 are amended as follows:

1. Annex I shall be replaced by the following:

'ANNEX I

List of support schemes fulfilling the criteria set out in Article 1

Sector	Legal base	Notes
Single payment	Title III of this Regulation	Decoupled payment (see Annex VI) (*)
Single area payment	Title IVa, Article 143b of this Regulation	Decoupled payment replacing all the direct payments listed in this Annex
Durum wheat	Title IV, Chapter 1 of this Regulation	Area payment (quality premium)
Protein crop	Title IV, Chapter 2 of this Regulation	Area payment
Rice	Title IV, Chapter 3 of this Regulation	Area payment
Nuts	Title IV, Chapter 4 of this Regulation	Area payment
Energy crops	Title IV, Chapter 5 of this Regulation	Area payment
Starch potatoes	Title IV, Chapter 6 of this Regulation	Production aid
Milk and milk products	Title IV, Chapter 7 of this Regulation	Dairy premium and additional payment
Arable crops in Finland and in certain regions of Sweden	Title IV, Chapter 8 of this Regulation (**) (*****)	Special regional aid for arable crops
Seeds	Title IV, Chapter 9 of this Regulation (**) (*****)	Production aid
Arable crops	Title IV, Chapter 10 of this Regulation (***) (*****)	Area payment, including set-aside payments, grass silage payments, supplementary amounts (**) and durum wheat supplement and special aid
Sheepmeat and goatmeat	Title IV, Chapter 11 of this Regulation (***) (*****)	Ewe and she-goat premium, supplementary premium and certain additional payments
Beef and veal	Title IV, Chapter 12 of this Regulation (*****)	Special premium (***), deseasonalisation premium, suckler cow premium (including when paid for heifers and including the additional national suckler cow premium when part-financed) (***), slaughter premium (***), extensification payment, additional payments
Grain legumes	Title IV, Chapter 13 of this Regulation (*****)	Area payment
Specific types of farming and quality production	Article 69 of this Regulation (****)	
Dried fodder	Article 71(2) second subparagraph of this Regulation (*****)	
Small farmers' scheme	Article 2a Regulation (EC) No 1259/1999	Transitional area aid for farmers receiving less than EUR 1 250
Olive oil	Title IV, Chapter 10b, of this Regulation	Area payment
Silkworms	Article 1 Regulation (EEC) No 845/72	Aid to encourage rearing

Sector	Legal base	Notes
Bananas	Article 12 Regulation (EEC) No 404/93	Production aid
Dried grapes	Article 7(1) Regulation (EC) No 2201/96	Area payment
Tobacco	Title IV, Chapter 10c, of this Regulation	Production aid
Hops	Title IV, Chapter 10d of this Regulation (***) (*****)	Area payment
Posei	Title III of Council Regulation (EC) No 247/2006 (******)	Direct payments within the meaning of Article 2, under measures established in the programmes
Aegean Islands	Articles 6 (**) (*****), 8, 11 and 12 Regulation (EEC) No 2019/93	Sectors: beef and veal; potatoes; olives; honey
Cotton	Title IV, Chapter 10a, of this Regulation	Area payment

(*) Starting from 1 January 2005 or later in the case of application of Article 71. For 2004, or later on in the case of application of Article 71, the direct payments listed in Annex VI are included in Annex I except for dried fodder.
(**) In the case of application of Article 70.
(***) In the case of application of Articles 66, 67, 68 or 68a.
(****) In the case of application of Article 69.
(*****) In the case of application of Article 71.
(******) OJ L 42, 14.2.2006, p. 1.'

2. Annex VI shall be replaced by the following:

'*ANNEX VI*

List of direct payments in relation to the single payment referred to in Article 33

Sector	Legal base	Notes
Arable crops	Articles 2, 4 and 5 Regulation (EC) No 1251/1999	Area payment, including set-aside payments, grass silage payments, supplementary amounts (*), durum wheat supplement and special aid
Potato starch	Article 8(2) Regulation (EEC) No 1766/92	Payment for farmers producing potatoes for the manufacture of potato starch
Grain legumes	Article 1 Regulation (EC) No 1577/96	Area payment
Rice	Article 6 Regulation (EC) No 3072/95	Area payment
Seeds (*)	Article 3 Regulation (EEC) No 2358/71	Production aid
Beef and veal	Articles 4, 5, 6, 10, 11, 13 and 14 Regulation (EC) No 1254/1999	Special premium, deseasonalisation premium, suckler cow premium (including when paid for heifers and including the additional national suckler cow premium when part-financed), slaughter premium, extensification payment, additional payments
Milk and milk products	Title IV, Chapter 7 of this Regulation	Dairy premium and additional payments (**)

Sector	Legal base	Notes
Sheepmeat and goatmeat	Article 5 Regulation (EC) No 2467/98 Article 1 Regulation (EEC) No 1323/90 Articles 4, 5 and 11(1) and (2), first, second and fourth indents Regulation (EC) No 2529/2001	Ewe and she-goat premium, supplementary premium and certain additional payments
Aegean Islands (*)	Article 6(2) and (3) Regulation (EEC) No 2019/93	Sectors: beef and veal
Dried fodder	Article 3 Regulation (EC) No 603/95	Payment for processed products (as applied according to Annex VII point D of this Regulation)
Cotton	Paragraph 3 of Protocol No 4 on cotton annexed to the Act of Accession of Greece	Support in the form of payment for unginned cotton
Olive oil	Article 5 of Regulation No 136/66/EEC	Production aid
Tobacco	Article 3 of Regulation (EEC) No 2075/92	Production aid
Hops	Article 12 of Regulation (EEC) No 1696/71	Area payment
	Article 2 of Regulation (EC) No 1098/98	Aid for temporary resting

(*) Except in the case of application of Article 70.
(**) Starting from 2007, except in the case of application of Article 62.'

COMMISSION REGULATION (EC) No 248/2006

of 13 February 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 14 February 2006.

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

Done at Brussels, 13 February 2006.

For the Commission

J. L. 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 13 February 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	81,1
	204	42,1
	212	94,2
	624	106,4
	999	81,0
0707 00 05	052	153,9
	204	101,2
	999	127,6
0709 10 00	220	57,6
	624	101,9
	999	79,8
0709 90 70	052	123,6
	204	76,1
	999	99,9
0805 10 20	052	55,1
	204	52,4
	212	41,4
	220	46,7
	448	47,7
	624	79,5
	999	53,8
0805 20 10	204	91,9
	999	91,9
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	61,8
	204	113,2
	464	131,1
	624	76,2
	999	95,6
0805 50 10	052	43,1
	999	43,1
0808 10 80	400	113,6
	404	105,2
	528	80,3
	720	66,0
	999	91,3
0808 20 50	388	96,2
	400	86,9
	512	67,9
	528	85,9
	720	73,7
	999	82,1

(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 249/2006

of 13 February 2006

amending Regulations (EC) No 2430/1999, (EC) No 937/2001, (EC) No 1852/2003 and (EC) No 1463/2004 as regards the terms of the authorisation of certain additives in feedingstuffs belonging to the group of coccidiostats and other medicinal substances

(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 13(3) thereof,

Whereas:

(1) Article 13(3) of Regulation (EC) No 1831/2003 provides for the possibility of changing the terms of authorisation of an additive further to an application from the holder of the authorisation.

(2) The use of the additive halofuginone hydrobromide 6 g/kg (Stenorol) belonging to the group of 'Coccidiostats and other medicinal substances' was authorised for 10 years for chickens for laying by Commission Regulation (EC) No 2430/1999 [2]. The authorisation was linked to the person responsible for putting the additive into circulation.

(3) The use of the additive salinomycin sodium 120 g/kg (Sacox 120) belonging to the group of 'Coccidiostats and other medicinal substances' was authorised for 10 years for rabbits for fattening by Commission Regulation (EC) No 937/2001 [3]. The authorisation was linked to the person responsible for putting the additive into circulation.

(4) The use of the additive salinomycin sodium 120 g/kg (Sacox 120 microGranulate) belonging to the group of 'Coccidiostats and other medicinal substances' was authorised for 10 years for chickens reared for laying by Commission Regulation (EC) No 1852/2003 [4]. The authorisation was linked to the person responsible for putting the additive into circulation.

(5) The use of the additive salinomycin sodium 120 g/kg (Sacox 120 microGranulate) belonging to the group of 'Coccidiostats and other medicinal substances' was authorised for 10 years for chickens for fattening by Commission Regulation (EC) No 1463/2004 [5]. The authorisation was linked to the person responsible for putting the additive into circulation and replaced the previous authorisation of this additive which was not linked to any specific person.

(6) The holder of the authorisations, Hoechst Roussel Vet GmbH and Intervet International BV, have submitted applications pursuant to Article 13(3) of Regulation (EC) No 1831/2003 proposing to change the name of the person responsible for putting into circulation the additives referred to in recitals 2 to 5. With the application they have submitted data showing that the marketing rights for those additives have been transferred to Huvepharma NV with effect from 1 August 2005.

(7) Assigning the authorisation of an additive linked to a person responsible for putting it into circulation to another person, is based on a purely administrative procedure and did not entail a fresh assessment of the additives. The European Food Safety Authority was informed of the application.

(8) To allow Huvepharma NV to exploit its ownership rights, it is necessary to change the name of the person responsible for putting the additives into circulation accordingly.

(9) Regulations (EC) No 2430/1999, (EC) No 937/2001, (EC) No 1852/2003 and (EC) No 1463/2004 should therefore be amended accordingly.

(10) It is appropriate to provide for a transitional period during which existing stocks may be used up.

(11) 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

In column 2 of the entry for E 764 of the Annex I to Regulation (EC) No 2430/1999, the words 'Hoechst Roussel Vet GmbH' are replaced by the words 'Huvepharma nv'.

Article 2

In column 2 of the entry for E 766 of Annex IV to Regulation (EC) No 937/2001, the words 'Intervet International BV' are replaced by the words 'Huvepharma NV'.

[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 296, 17.11.1999, p. 3. Regulation as amended by Council Regulation (EC) No 1756/2002 (OJ L 265, 3.10.2002, p. 1).
[3] OJ L 130, 12.5.2001, p. 25.
[4] OJ L 271, 22.10.2003, p. 13.
[5] OJ L 270, 18.8.2004, p. 5.

Article 3

In column 2 of the entry for E 766 of the Annex to Regulation (EC) No 1852/2003, the words 'Intervet International BV' are replaced by the words 'Huvepharma NV'.

Article 4

In column 2 of the entry for E 766 of the Annex to Regulation (EC) No 1463/2004, the words 'Intervet International BV' are replaced by the words 'Huvepharma NV'.

Article 5

Existing stocks which are in conformity with the provisions applicable before the entry into force of this Regulation may continue to be placed on the market and used until 31 July 2006.

Article 6

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

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

Done at Brussels, 13 February 2006.

For the Commission
Markos KYPRIANOU
Member of the Commission

COMMISSION REGULATION (EC) No 250/2006

of 13 February 2006

amending Council Regulation (EC) No 560/2005 imposing certain specific restrictive measures directed against certain persons and entities in view of the situation in Côte d'Ivoire

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 560/2005 of 12 April 2005 imposing certain specific restrictive measures directed against certain persons and entities in view of the situation in Côte d'Ivoire [1], and in particular Article 11(a) thereof,

Whereas:

(1) Annex I to Regulation (EC) No 560/2005 lists the natural and legal persons and entities covered by the freezing of funds and economic resources under that Regulation.

(2) On 7 February 2006, the Sanctions Committee of the United Nations Security Council decided on a first list of three natural persons to whom the freezing of funds and economic resources should apply. Annex I should therefore be amended accordingly.

(3) In order to ensure that the measures provided for in this Regulation are effective, this Regulation must enter into force immediately,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 560/2005 is hereby amended as set out in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 13 February 2006.

For the Commission
Eneko LANDÁBURU
Director-General for External Relations

[1] OJ L 95, 14.4.2005, p. 1.

ANNEX

Annex I to Council Regulation (EC) No 560/2005 is amended as follows:

The following natural persons shall be added:

(a) Charles **Blé Goudé**. Date of birth: 1.1.1972. Nationality: Côte d'Ivoire. Passport No: PD. AE/088 DH 12.

(b) Eugène Ngoran Kouadio **Djué**. Date of birth: 20.12.1969 or 1.1.1966. Nationality: Côte d'Ivoire.

(c) Martin Kouakou **Fofie**. Date of birth: 1.1.1968. Nationality: Côte d'Ivoire.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION RECOMMENDATION

of 6 February 2006

on the reduction of the presence of dioxins, furans and PCBs in feedingstuffs and foodstuffs

(notified under document number C(2006) 235)

(Text with EEA relevance)

(2006/88/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular the second indent of Article 211 thereof,

Whereas:

(1) Commission Recommendation 2002/201/EC of 4 March 2002 on the reduction of the presence of dioxins, furans and PCBs in feedingstuffs and foodstuffs [1] is a part of an overall strategy to reduce the presence of dioxins, furans and PCBs in environment, feed and food. Its purpose is to recommend action levels and, over-time, target levels for feed and food.

(2) Although, from a toxicological point of view, any level should apply to dioxins and dioxin-like PCBs, maximum levels in foodstuffs were in 2001 set only for dioxins and not for dioxin-like PCBs by Commission Regulation (EC) No 466/2001 of 8 March 2001 setting maximum levels for certain contaminants in foodstuffs [2] given the very limited data available at that moment on the prevalence of the dioxin-like PCBs. Similarly, maximum levels in feedingstuffs were in 2001 set only for dioxins and not for dioxin-like PCBs by Directive 2002/32/EC of the European Parliament and of the Council of 7 May 2002 on undesirable substances in animal feed [3].

(3) According to Regulation (EC) No 466/2001, the Commission should review the provisions as regards dioxins in food for the first time by the end of 2004 in the light of new data on the presence of dioxins and dioxin-like PCBs, in particular with a view to the inclusion of dioxin-like PCBs in the levels to be set. Directive 2002/32/EC contains a similar review clause as regards dioxins in feedingstuffs.

(4) In the meantime more data on the presence of dioxin-like PCBs in feed and food have been made available. As a consequence, maximum levels have been set for the sum of dioxins and dioxin-like PCBs expressed in World Health Organisation (WHO) toxic equivalents, using the WHO-TEFs as this is the most appropriate approach from a toxicological point. In order to ensure a smooth transition, existing maximum levels for dioxins should remain applicable for a transitional period in addition to the newly set levels for the sum of dioxins and dioxin-like PCBs.

(5) Action levels for dioxins have been set by Recommendation 2002/201/EC in order to stimulate a pro-active approach to reduce the presence of dioxins and dioxin-like PCBs in food and feed. These action levels are a tool for competent authorities and operators to highlight those cases where it is appropriate to identify a source of contamination and to take measures for its reduction or elimination. Given the sources of dioxins and dioxin-like PCBs are different, it is appropriate that separate action levels are determined for dioxins on the one hand and for dioxin-like PCBs on the other hand. It is therefore appropriate to replace Recommendation 2002/201/EC.

[1] OJ L 67, 9.3.2002, p. 69.
[2] OJ L 77, 16.3.2001, p. 1. Regulation as last amended by Regulation (EC) 1822/2005 (OJ L 293, 9.11.2005, p. 11).
[3] OJ L 140, 30.5.2002, p. 10. Directive as last amended by Commission Directive 2005/87/EC (OJ L 318, 6.12.2005, p. 19).

(6) Furthermore, the action levels should be periodically adjusted in line with the downward trend in dioxin and dioxin-like PCB presence and the active approach pursued to gradually reduce their presence in feedingstuffs and foodstuffs.

(7) Directive 2002/32/EC provides for the possibility to set action levels. It is therefore appropriate to transfer the action levels for dioxins and dioxin-like PCBs in feedingstuffs to Directive 2002/32/EC.

(8) The target levels indicate the contamination levels to be achieved in feed and food in order to ultimately bring human exposure for the majority of the population of the Community down to the TWI for dioxins and dioxin-like PCBs set by the Scientific Committee for Food (SCF). They should be set in the light of more accurate information on the impact of environmental measures and the source directed measures at the level of feed and food on the reduction of the presence of dioxins and dioxin-like PCBs in the different feed materials, feedingstuffs and foodstuffs. Given that the determination of these target levels involves the consideration of many different factors, the setting of these target levels should be postponed to the end of 2008,

HEREBY RECOMMENDS:

(1) That Member States perform, proportionate to their production, use and consumption of feed materials, feedingstuffs and foodstuffs, random monitoring of the presence of dioxins and dioxin-like PCBs and — if possible- non-dioxin-like PCBs in feed materials, feedingstuffs and foodstuffs. This monitoring should be carried out according to Commission Recommendation 2004/704/EC of 11 October 2004 on the monitoring of background levels of dioxins and dioxin-like PCBs in feedingstuffs [1] and Commission Recommendation 2004/705/EC of 11 October 2004 on the monitoring of background levels of dioxin and dioxin-like PCBs in foodstuffs [2];

(2) That in cases of non-compliance with the provisions of Directive 2002/32/EC and Regulation (EC) No 466/2001, and (subject to point 3) in cases where levels of dioxins and/or dioxin-like PCBs in excess of the action levels specified in Annex I to this Recommendation as regards foodstuffs and in Annex II of Directive 2002/32/EC as regards feedingstuffs are found, Member States, in co-operation with operators,

(a) initiate investigations to identify the source of contamination,

(b) take measures to reduce or eliminate the source of contamination,

(c) check for the presence of non-dioxin-like PCBs;

(3) That Member States in which background levels of dioxin and dioxin-like PCBs are particularly high set national action levels for their domestic production of feed materials, feedingstuffs and foodstuffs, such that for about 5 % of the results obtained in the monitoring referred to in point 1, an investigation is undertaken to identify the source of contamination;

(4) That Member States inform the Commission and the other Member States of their findings, the results of their investigations and the measures taken to reduce or eliminate the source of contamination;

(5) That Member States transmit the information referred to in point 4 by 31 March of each year at the latest for foodstuffs and as part of the annual report to be submitted to the Commission pursuant to Article 22(2) of Council Directive 95/53/EC [3] for feedingstuffs, except where the information is of immediate relevance for the other Member States in which case it should be transmitted immediately. After the implementation of the multi-annual national control plans referred to in Articles 41 and 42 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 [4], the information can be transmitted as part of the annual report to be submitted to the Commission pursuant to Article 44 of Regulation (EC) No 882/2004.

Commission Recommendation 2002/201/EC is hereby repealed as from 14 November 2006.

Done at Brussels, 6 February 2006.

For the Commission
Markos KYPRIANOU
Member of the Commission

[1] OJ L 321, 22.10.2004, p. 38.
[2] OJ L 321, 22.10.2004, p. 45.
[3] OJ L 265, 8.11.1995, p. 17. Directive as last amended by Directive 2001/46/EC of the European Parliament and of the Council (OJ L 234, 2.9.2001, p. 55).
[4] OJ L 165, 30.4.2004, p. 1, as correctd by OJ L 191, 28.5.2004, p. 1.

ANNEX

Dioxins (sum of polychlorinated dibenzo-*para*-dioxins (PCDDs) and polychlorinated dibenzofurans (PCDFs), expressed in World Health Organisation (WHO) toxic equivalents using the WHO-TEFs (toxic equivalency factors, 1997)), and dioxin-like PCBs (sum of polychlorinated biphenyls, expressed in World Health Organisation (WHO) toxic equivalents using the WHO-TEFs (toxic equivalency factors, 1997)).

Food	Action level for dioxins + furans (WHO-TEQ) [1]	Action level for dioxin-like PCBS (WHO-TEQ) [1]	Target level (sum of dioxins, furan and dioxin-like PCBs (WHO-TEQ)) [1]
Meat and meat products [2]			
— of ruminants (bovine animals, sheep)	1,5 pg/g fat [3]	1,0 pg/g fat [3]	[4]
— of poultry and farmed game	1,5 pg/g fat [3]	1,5 pg/g fat [3]	[4]
— of pigs	0,6 pg/g fat [3]	0,5 pg/g fat [3]	[4]
Liver and derived products of terrestrial animals	4,0 pg/g fat [3]	4,0 pg/g fat [3]	[4]
Muscle meat of fish and fishery products and products thereof, with the exception of eel [5] [6] [7]	3,0 pg/g fresh weight	3,0 pg/g fresh weight	[4]
Muscle meat of eel (*Anguilla anguilla*) and products thereof [5] [6] [7]	3,0 pg/g fresh weight	6,0 pg/g fresh weight	[4]
Milk [8] and milk products, including butter fat	2,0 pg/g fat [3]	2,0 pg/g fat [3]	[4]
Hen eggs and egg products [9]	2,0 pg/g fat [3]	2,0 pg/g fat [3]	[4]
Oils and fats			
– Animal fat			
– – from ruminants	1,5 pg/g fat	1,0 pg/g fat	[4]
– – from poultry and farmed game	1,5 pg/g fat	1,5 pg/g fat	[4]
– – from pigs	0,6 pg/g fat	0,5 pg/g fat	[4]
– – mixed animal fats	1,5 pg/g fat	0,75 pg/g fat	[4]
– Vegetable oil and fats	0,5 pg/g fat	0,5 pg/g fat	[4]
– Marine oil (fish body oil, fish liver oil and oils from other marine organisms intended for human consumption)	1,5 pg/g fat	6,0 pg/g fat	[4]
Fruits, vegetables and cereals	0,4 ng/kg product	0,2 ng/kg product	[4]

[1] Upperbound concentrations: upperbound concentrations are calculated assuming that all the values of the different congeners less than the limit of quantification are equal to the limit of quantification.

[2] Meat of bovine animals, sheep, pig, poultry and farmed game as defined in Annex I to Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin (OJ L 139, 30.4.2004, as corrected by OJ L 226, 25.6.2004, p. 22), but not including edible offal as defined in that Annex.

[3] The action levels are not applicable for food products containing < 1 % fat.

[4] The target levels will be set by the end of the year 2008.

[5] Muscle meat of fish and fishery products as defined in categories (a), (b), (c), (e) and (f) of the list in Article 1 of Council Regulation (EC) No 104/2000 (OJ L 17, 21.1.2000, p. 22. Regulation as amended by the 2003 Act of Accession). The action level applies to crustaceans excluding the brown meat of crab and excluding head and thorax meat of lobster and similar large crustaceans (*Nephropidae and Palinuridae*) and to cephalopods without viscera.

[6] Where fish are intended to be eaten whole, the action level shall apply to the whole fish.

[7] When the action level is exceeded, it will be in some cases not necessary to perform an investigation as regards the source of contamination as the background level in some areas for some fish species is close to or exceeding the action level. However it is appropriate in these cases where the action level is exceeded to record all information such as sampling period, geographic origin and fish species in view of future measures as regards the presence of dioxins and dioxin-like compounds in fish and fishery products.

[8] Milk (raw milk, milk for the manufacture of milk-based products and heat treated milk) as defined in Annex I to Regulation (EC) No 853/2004.

[9] Hen eggs and egg products as defined in Annex I to Regulation (EC) No 853/2004.

COMMISSION DECISION

of 10 February 2006

adopting the work plan for 2006 for the implementation of the programme of Community action in the field of public health (2003-2008), including the annual work programme for grants

(Text with EEA relevance)

(2006/89/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities [1], and in particular Article 110 thereof,

Having regard to Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities [2], and in particular Article 166 thereof,

Having regard to Decision No 1786/2002/EC of the European Parliament and of the Council of 23 September 2002 adopting a programme of Community action in the field of public health (2003-2008) [3], and in particular Article 8, paragraph 1, thereof,

Having regard to Commission Decision 2004/858/EC of 15 December 2004 setting up an executive agency, the 'Executive Agency for the Public Health Programme', for the management of Community action in the field of public health — pursuant to Council Regulation (EC) No 58/2003 [4], and in particular Article 6 thereof,

Whereas:

(1) Article 110 of Regulation (EC, Euratom) No 1605/2002 provides that grants are to be subject to an annual programme, to be published at the start of the year.

(2) According to Article 166 of Regulation (EC, Euratom) No 2342/2002, the annual work programme for grants must specify the basic act, the objectives, the schedule of calls for proposals with the indicative amount and the results expected.

(3) According to Article 15(2) of the Commission Decision of 15 March 2005 on the Internal Rules on the implementation of the general budget of the European Communities (Commission section), the decision adopting the annual work programme referred to in Article 110 of the Financial Regulation may be considered to be the financing decision within the meaning of Article 75 of the Financial Regulation, provided that this constitutes a sufficiently detailed framework.

(4) Article 8 of Decision No 1786/2002/EC provides for the adoption by the Commission of an annual plan of work for the implementation of the programme, setting out priorities and actions to be undertaken, including allocation of resources.

(5) The work plan for 2006 should therefore be adopted.

(6) The measures provided for in this Decision are in accordance with the opinion of the Programme Committee issued.

(7) According to Article 6 of Commission Decision 2004/858/EC, the Executive Agency for Public Health shall receive a grant entered in the general budget of the European Union,

HAS DECIDED AS FOLLOWS:

Sole Article

The 2006 work plan for the implementation of the programme of Community action in the field of public health (2003-2008), as set out in Annex, is hereby adopted.

The Director-General for 'Health and Consumer Protection' shall ensure the implementation of this programme.

Done at Brussels, 10 February 2006.

For the Commission

Markos KYPRIANOU

Member of the Commission

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[1] OJ L 248, 16.9.2002, p. 1.
[2] OJ L 357, 31.12.2002, p. 1.
[3] OJ L 271, 9.10.2002, p. 1.
[4] OJ L 369, 16.12.2004, p. 73.

ANNEX

COMMUNITY ACTION IN THE FIELD OF PUBLIC HEALTH

(2003-2008)

WORK PLAN 2006

1. GENERAL CONTEXT

1.1. **Policy and legal context**

Article 152 (1) of the Treaty states that a high level of human health protection should be ensured in the definition and implementation of all Community policies.

On 23 September 2002, the European Parliament and the Council adopted a Decision establishing a programme of Community action in the field of public health (2003-2008) [1] (hereinafter the 'Programme Decision').

The principal aim in the first three years of the programme was to lay the foundations for a comprehensive and coherent approach, by concentrating on three key priorities: health information, health threats, and health determinants. Together, the three strands endeavoured to contribute to a high level of physical and mental health and well-being throughout the EU. Actions under the programme were designed to create self-sustaining mechanisms which enable the Member States to coordinate their health-related activities.

As a result, more than 200 projects have already been selected for financing [2], constituting a solid basis for further actions. The analysis of the implementation of the work plans for 2003-2005 has led to a streamlining of activities in 2006 to ensure coverage of areas which have not been dealt with previously. Synergy and complementarity with the work undertaken by the relevant international organisations working in the health field, such as the World Health Organisation (WHO), the Council of Europe and the Organisation for Economic Co-operation and Development (OECD) will be pursued. Co-operation with such organisations will be further strengthened in 2006.

1.2. **New priorities for 2006**

New priorities have been identified in the 2006 work programme on the basis of the priorities already mentioned in the previous work programmes. Priorities for 2006 will refocus certain key actions which have already been initiated, and will also cover the following new areas:

(1) For health information:

— New focus: Health Indicators (ECHI) at regional level, completion of the Injury Database, European Public Health Portal;

— New priorities: gender specific health problems; rare diseases patient groups and European networks of centres of reference.

(2) For health threats:

— New priority: preparedness and response for influenza pandemic;

— New focus: risk management and communication of health threats and hospital-acquired infections, now that the European Centre for disease prevention and control [3] has become operational and is taking over the risk assessment of health threats.

[1] Decision No 1786/2002/EC of the European Parliament and of the Council of 23 September 2002 adopting a programme of Community action in the field of public health (2003-2008) (OJ L 271, 9.10.2002).
[2] See http://europa.eu.int/comm/health/ph_projects/project_en.htm
[3] Regulation (EC) No 851/2004 of the European Parliament and of the Council of 21 April 2004 establishing a European Centre for disease prevention and control (OJ L 142, 30.4.2004, p. 1).

(3) For health determinants:

— New focus on nutrition, HIV/AIDS, denormalising smoking, reducing harm from drug use particularly in young people;

— New priorities of EU presidencies: United Kingdom (inequalities), Austria (diabetes) ([4]), and Finland (health in all policies).

1.3. **Mechanisms for cooperation with international organisations**

In accordance with Article 11 of the Programme Decision ([1]), cooperation with international organisations competent in the sphere of public health shall be encouraged in the course of implementing the programme.

Cooperation with the WHO

Cooperation with the WHO will be implemented in accordance with:

— the 'Agreement between the United Nations and the European Community on the principles applying to the financing or co-financing by the Community of programmes and projects administered by the United Nations' which entered into force on 9 August 1999, and the Verification Clause Agreement between the European Community and the United Nations which entered into force on 1 January 1995, as amended;

— the exchange of letters between the WHO and the European Commission concerning the consolidation and intensification of cooperation (including the memorandum concerning the framework and arrangements for cooperation between the WHO and the European Commission forming part of the exchange of letters) ([5]).

Financial assistance by the European Commission for activities undertaken by the WHO shall, unless agreed otherwise in exceptional circumstances, be provided in accordance with the Financial and Administrative Framework Agreement between the European Community and the United Nations, which entered into force on 29 April 2003 (to which the WHO acceded on 11 December 2003).

Cooperation with the WHO for 2006 will build on existing initiatives between the two organisations and may be extended to additional areas set out in this work programme, where these can most appropriately be taken forward through the WHO. The areas of cooperation shall be set out in a specific Decision of the Commission.

Cooperation with OECD

The Commission is to conclude direct grant agreements with the OECD covering areas of the Public Health Programme compatible with the OECD Public Health Work Plan 2005-2006, and especially in the areas related to:

— refinement and support for the development of the System of Health Accounts and collection of data not covered by the Community Statistical Programme ([6]), in particular health expenditures by disease categories, by gender and by age (the latter should take existing pilot studies into account);

— issues related to the mobility of health professionals at international level not covered by the existing EU actions.

([4]) http://www.diabeteskonferenz.at/
([5]) http://europa.eu.int/comm/health/ph_international/int_organisations/who_en.htm
([6]) Decision No 2367/2002/EC of the European Parliament and of the Council of 16 December 2002 on the Community statistical programme 2003 to 2007 (OJ L 358, 31.12.2002, p. 1).

Co-operation with the ECDC

In 2006, the European Centre for Disease Prevention and Control will be fully operational. Operational collaboration will continue and be reinforced. In the area of communicable diseases its responsibilities will include risk assessment, scientific and technical advice, surveillance of communicable diseases, co-operation of laboratories, and capacity building. With its scientific capacity the ECDC will directly support Commission and Member States. This will enable Commission and Member States to concentrate more on risk management. The remit of ECDC activities is also reflected in this work programme. In the priority areas of 'responding rapidly and in a co-ordinated fashion to health threats (section 2.2)', projects will focus on subjects that complement ECDC action: management of specific threats, general preparedness planning, health security, and safety of substances of human origin.

1.4. **Allocation of resources**

1.4.1. *Budget outlines*

Actions under this programme must contribute to a high level of health protection and improve public health. Funding can be allocated through project grants. The Commission can also contract the implementation of Community actions in the areas covered by this work programme following public procurement procedures (tenders). This work plan gives an overview of the actions to be launched in 2006.

The budget line for the operating appropriations is 17 03 01 01 — Public health (2003 to 2008).

The budget line for the administrative appropriations is 17 01 04 02 — Public health (2003 to 2008) — Expenditure on administrative management.

The budget line for the administrative appropriations related to the Executive Agency for Public Health is 17 01 04 30.

The total appropriation of the programme for the period 2003-2008 is EUR 353,77 million. The budget available for 2006 (commitments) is estimated at EUR 53 400 000 [7] (the administrative appropriations related to the Executive Agency for Public Health are not taken into account). To this budget should be added:

— the contribution of EEA/EFTA countries: estimated at EUR 1 100 040 [7];

— the contribution of two Acceding Countries (Bulgaria, Romania) and one Applicant Country (Turkey): estimated at EUR 1 317 621 [8];

The total budget for 2006 is therefore estimated at EUR 55 817 661 [7] [8].

This includes both resources for the operating budget (grants and calls for tenders), and resources for technical and administrative assistance:

— the total for the operating budget is estimated at EUR 53 863 521 [7] [8];

— the total for the administrative budget is estimated at EUR 1 954 140 [7] [8].

As far as the allocation of resources is concerned, a balance between the programme's different priority areas will be maintained, so that the financial envelope will be divided equally [9], unless particular public health emergencies (e.g. pandemic influenza) arise, which justify a reallocation of resources.

[7] Indicative amount, subject to approval of the Budget Authority.
[8] Indicative amount: this figure is a maximum amount and depends on the actual amount of the contribution paid by the Candidate Countries.
[9] Each of these percentages could vary by up to 20 %.

1.4.2. *Grants*

The grants should be financed under budget heading 17 03 01 01.

The indicative total amount for grants — including direct grants for international organisations — is estimated at EUR 47 798 344 [7] [8].

A single call for proposals 'Public Health — 2006' will be published in the *Official Journal of the European Union* in January 2006 (indicative date).

The general principles and criteria for the selection and funding of actions under the 'Public Health' programme which were adopted by the Commission on 14 January 2005 are published in a separate document [10]. The general principles (as set out in § 1), the exclusion criteria (§ 2), the selection criteria (§ 3) and the award criteria (§ 4) shall apply to the 2006 call for proposals.

The indicative total amount for the call for proposals is estimated at EUR 43 018 510 [7] [8].

All the actions referred to in this work plan 2006 are eligible for grants.

Applicants have three months from the date of publication of the call for proposals in the *Official Journal of the European Union* to submit proposals. After the submission of proposals, it is estimated that a further five months will be needed to undertake all the procedures leading to the Decision on financial assistance.

Given the complementary and motivational nature of Community grants, at least 40 % of the project costs must be funded from other sources. Consequently, the amount of the financial contribution can be up to 60 % per beneficiary (i.e. per main and per associated beneficiary) of the eligible costs for the projects considered. The Commission will determine in each individual case the maximum percentage to be awarded.

A maximum co-financing per beneficiary (i.e. per main and per associated beneficiary) of 80 % of eligible costs could be envisaged where a project has a significant European added value. No more than 10 % of the number of funded projects should receive co-financing of over 60 %.

The duration of projects to be co-funded should normally not exceed a maximum of three years.

Details concerning eligibility of costs are provided in an annex to this work plan.

1.4.3. *Grants for international organisations*

The grants for international organisations should be financed under budget line 17 03 01 01. Their tasks shall be implemented through direct centralised management.

The amount spent through direct grant agreements with international organisations (WHO, OECD, etc.) may not exceed EUR 4 779 834 [7] [8]. Direct grant agreements will improve the synergies and responsiveness of the European Commission to international organisations where actions are jointly covered. These organisations have certain capacities linked to their specific tasks and responsibilities, which make them particularly qualified to carry out some of the actions set out in this Work Programme and for which direct grant agreements are considered to be the most appropriate procedure.

Additional award decisions for direct grant agreements with international organisations should be adopted by June for WHO and for OECD, which. should receive these direct grants by September.

As regards these direct grant agreements, the general principles, the exclusion criteria, the selection criteria and the award criteria which were adopted by the Commission on 14 January 2005 [10] shall apply.

[10] Commission Decision C(2005)29 of 14 January 2005 adopting the work plan for 2005 for the implementation of the programme of Community action in the field of public health (2003-2008), including the annual work programme for grants and the general principles and criteria for the selection and funding of actions under the 'Public Health' Programme.

1.4.4. *Grant for the Executive Agency for the Public Health Programme*

The grant for the Executive Agency for the Public Health Programme should be financed under budget heading 17 01 04 30.

A total amount of EUR 5 800 000 should be devoted to the administrative appropriations for the Executive Agency for the Public Health Programme, which was set up by a Commission Decision of 15 December 2004 ([11]).

A work plan for the Executive Agency should be adopted by January 2006.

1.4.5. *Calls for tenders*

The services procurements should be financed under the budget lines 17 01 04 02 and 17 03 01 01.

It is proposed that less than 10 % of the operating budget be spent on calls for tenders. The indicative overall amount for the call for tenders would be up to EUR 5 310 927 ([7]) ([8]).

Calls for tenders will be published for specific activities in the work plan.

An additional financing decision for procurement contracts should be adopted by February 2006.

1.4.6. *Scientific Committees*

The Scientific Committees relevant to the Public Health Programme should be financed under budget heading 17 03 01 01.

An overall amount of EUR 254 250 will be earmarked for the payment of allowances to participants in meetings related to the work of the scientific committees and of rapporteurs for completion of scientific committee opinions, in the framework of the Scientific Committees ([12]). These allowances will cover all the fields relevant to the Public Health Programme, i.e. 100 % of these costs for the SCHER (Scientific Committee on Health and Environmental Risks) and 50 % (as an indicative percentage) of these costs for the SCENIHR (Scientific Committee on Emerging and Newly Identified Health Risks) and for Coordination.

1.4.7. *Sub-delegation to Eurostat*

The sub-delegation should be made for budget line 17 03 01 01.

A sub-delegation for a maximum amount of EUR 500 000 shall be given to Eurostat. The latter will implement the following actions through financing grants:

(1) To support national statistical authorities in the implementation in 2006-2008 of the European Core Health Interview Survey modules (as defined in the Statistical Programme 2006);

(2) To support national statistical authorities in the implementation of some special/supplementary modules (as defined by the Steering Committee SANCO/Eurostat for the European Health Survey System) for those health surveys;

(3) To support national statistical authorities in the implementation and further expansion of the System of Health Accounts in the EU (in co-operation with the OECD and WHO);

(4) To support the development of the System of Health Accounts in areas not covered by the direct agreements with the OECD.

([11]) 2004/858/EC: Commission Decision of 15 December 2004 setting up an executive agency, the Executive Agency for the Public Health Programme, for the management of Community action in the field of public health — pursuant to Council Regulation (EC) No 58/2003 (OJ L 369, 16.12.2004, p. 73).

([12]) Commission Decision 2004/210/EC of 3 March 2004 setting up Scientific Committees in the field of consumer safety, public health and the environment (OJ L 66, 4.3.2004, p. 45).

For the actions related to the above, the general principles, the exclusion criteria, the selection criteria and the award criteria which were adopted by the Commission on 14 January 2005 ([10]) shall apply as regards the call for proposals implemented by Eurostat. Nevertheless, as regards the actions referred to under (1), (2) and (3), the grants will be awarded up to a maximum of 80 % of eligible costs per beneficiary and may involve only one eligible country.

The results of these proposed grant actions will be:

— the translation, testing and preparation for the implementation in national surveys, over the period 2006-2008 depending on the Member States, of the health survey modules adopted in 2006 by the European Statistical System (core modules on health determinants, health care use and background module) and the Steering Committee of the European Health Survey System (special modules) respectively;

— supporting the implementation of the common data collection Eurostat-OECD-WHO of the System of Health Accounts (SHA), e.g. via inventory of sources and calculation methods by using the road map, training, development of data collection for sectors not yet covered by the SHA in some countries (for example the private health sector), development of media for data extraction from various administrative sources, etc.

The anticipated end result of these actions is high quality national statistical data collections from the European health survey modules and system of health accounts. *These data will be submitted to and disseminated by Eurostat (web site, publications, calculation of related European Community Health Indicators).*

2. PRIORITY AREAS FOR 2006

All proposals must demonstrate, where relevant, that synergies can be developed with relevant research funded activities, in particular for the area of scientific support to policies. Synergies with the 6th Framework Programme of the European Community for Research ([13]) and its activities ([14]) are to be ensured. The tasks with relevance to public health can be found in the Specific Programme for research, technological development and demonstration 'Integrating and Strengthening the European Research Area (2002-2006) ([15])' under 'Policy-oriented research', strands 1 'Sustainable management of Europe's natural resources' and 2 'Providing health, security and opportunity to the people of Europe'. Furthermore, there are likely to be synergies with existing projects/proposals under negotiation for the Priority 1, *Life Sciences, genomics & Biotechnology for health* ([16]); Priority 5, *Food Safety* and Priority 6, *Sustainable Development, Global Changes & Ecosystems*.

2.1. **Health Information**

The Public Health Programme aims to produce comparable information on health and health-related behaviour. The projects produced under this strand are intended to contribute to the definition of indicators, collection, analysis and dissemination of data, and exchange of best practice (health impact assessment, health technology assessment). Regular reports of a general or specific nature will use the data and information generated, and there will also be more widespread dissemination of information and linking of information resources via the public health portal.

The statistical aspect of health information will be developed, in collaboration with Member States, using the Community Statistical Programme ([6]) as necessary.

2.1.1. *Developing and co-ordinating the health information and knowledge system (Article 3.2.d., Annex — points 1.1., 1.3.)*

The aspects that need to be implemented, in close collaboration with EUROSTAT, are:

— The technical development of the existing tool for presentation of the European Community Health Indicators (the 'ECHI short list');

([13]) Decision No 1513/2002/EC of the European Parliament and of the Council of 27 June 2002 (OJ L 232, 29.8.2002, p. 1).
([14]) Refer also to FP6 Scientific Support to Policies, 5th Call, SSP-5A Areas 2.1 & 2.2.
See: http://fp6.cordis.lu/index.cfm?fuseaction=UserSite.FP6ActivityCallsPage&ID_ACTIVITY=500
([15]) Council Decision 2002/834/EC of 30 September 2002 adopting a specific programme for research, technological development and demonstration 'Integrating and Strengthening the European Research Area' (2002-2006) (OJ L 294, 29.10.2002, p. 1).
([16]) The CORDIS web site links to the FP6 Priority 1 is http://www.cordis.lu/lifescihealth/ssp.htm

— Setting of priorities for technical and scientific work on EU health indicators in the areas not yet covered;

— Implementing the ECHI system at sub-national or regional level in a public database using a web application.

2.1.2. *Operating the health information and knowledge system (Article 3.2.d., Annex — points 1.1., 1.4.)*

This action is intended to support the networks and working parties which develop health information in specific priority areas.

Special attention should be given to preparing reports on:

— gender specific health problems (including infertility);

— other areas of interest, such as young people, the elderly, migrants, ethnic minorities, specific problems of social groups with low living standards;

— sexual and reproductive health.

2.1.3. *Developing mechanisms for reporting and analysis of health issues and producing public health reports (Article 3.2.d., Annex — points 1.3., 1.4.)*

To guarantee the necessary quality and comparability of information, priority in relation to the improvement of health reporting mechanisms will be given to:

— Support for in-depth analyses of Causes of Death (COD) statistics in order to gain new insights into mortality patterns and to monitor changes across the EU;

— Developing the European Health Survey System. Implementing and developing survey modules to collect the necessary data for the European Community Health Indicators. A pilot survey could be implemented;

— Maintaining, updating and expanding the system of inventories of sources of health information with the medium-term aim of implementing it on a routine statistical basis;

— Developing a comprehensive information system by combining the Injury Data Base (IDB) with other sources on fatalities and disabilities, rolling out this system to all Member States, EEA and candidate countries, stabilising the injury data collection in regard to the IDB in countries that are already reporting, and addressing the need for risk assessment of product and service safety in the IDB;

— Information collection in the area of health determinants, based in particular on representative population studies;

— Developing instruments for assessing levels of physical activity in different population groups;

— Improving collection, analysis, reporting and dissemination of environmental health information, and particularly focusing on implementation of the European Environment and Health Action Plan 2004-2010 ([17]) to create, where relevant, synergies with the Environment and Health Working Party of the Public Health Programme and the European Environment Agency ([18]);

— Supporting initiatives for the implementation of the Council recommendation limiting the public exposure to electromagnetic fields (0 Hz to 300 GHz), preparing and revision of information reports.

([17]) Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee 'The European Environment & Health Action Plan 2004-2010' [SEC(2004) 729] — COM/2004/416 Vol. I final.

([18]) Council Regulation (EEC) No 1210/90 of 7 May 1990 on the establishment of the European Environment Agency and the European Environment Information and Observation Network (OJ L 120, 11.5.1990, p. 1).

2.1.4. *Developing strategies and mechanisms for preventing, exchanging information on and responding to non-communicable disease threats, including gender-specific health threats and rare diseases (Article 3.2.d., Annex — point 2.3)*

Indicators and data on non-communicable diseases have to be collected with long-term and sustainable collections in mind, taking into account the ECHI strategy and Eurostat standards. Proposals should set out suggestions and methods to sustain a routine register, a survey basis, or be based on future modules from the European Health Survey System or using a combination of sources.

— Priority areas to be addressed and/or given special attention are: Sustainable routine collection of information and data has to be established or improved for diseases for which a solid indicators base definition exists ([19]); use of this information for evaluating Public Health Programmes ;

— Areas of disease information not yet covered ([20]);

— Information and the definition of indicators on neurodegenerative, neurodevelopment and non-psychiatric brain diseases relating to prevalence, treatments, risk factors, risk reduction strategies, cost of illness and social support ([21]);

— Information and the definition of indicators on health effects of endocrine disruption;

— Information and definition of indicators to improve relevant information for specific aspects of women's gynaecological and menopausal health (e.g. endometriosis);

— Support for reports and consensus building on the above points;

— Proposals contributing to the EU-strategy on Mental Health, as developed following the Commission's Green paper on Mental Health ([14]) ([22]):

  (a) More data on the various determinants of mental health in the EU population and international harmonisation of mental health indicators;

  (b) More information (health/social/economic status) about vulnerable groups at risk of developing mental ill-health and/or of committing suicide in the EU (examples: unemployed, migrants and refugees, sexual and other minorities). The information provided should take the form of data generation.

— Priority being given, for rare diseases, to generalist networks for improving information, monitoring and surveillance. Priority actions will be:

  (a) Reinforcement of the exchange of information using already existing European information networks on rare diseases and promotion of better classification and definition;

  (b) Development of strategies and mechanisms for exchange of information among people affected by a rare disease, or volunteers and professionals involved;

  (c) Definition of relevant health indicators and development of comparable epidemiological data at EU level;

  (d) Organisation of a Second European Conference on Rare Diseases in 2007 or 2008;

([19]) This is the case for mental diseases, oral health, asthma and chronic obstructive respiratory diseases, musculoskeletal diseases (with particular attention to osteoporosis and arthritic and rheumatic disorders) and cardiovascular diseases.

([20]) That includes tasks of inventories of sources and definition of indicators, according to the ECHI strategy, for: haematological diseases (including haemophilia), immunological disorders, allergies except asthma, genito-urinary diseases and nephrology disorders, gastro-enterological diseases, endocrinological diseases, ear-nose and throat disorders, ophthalmology disorders and dermatology diseases as well as diseases related to environmental factors.

([21]) That includes diseases not yet covered by the Public Health Programme as Parkinson, Multiple Sclerosis, Epilepsy, Amyotrophic lateral sclerosis, Attention Deficit Hyperactivity Disorders, Cognitive retardation and disruption of motor, perceptual, language and socio-emotional functions. It will also include stroke, headache disorders and chronic pain (e.g. Chronic Fatigue Syndrome and Fibromyalgia).

([22]) COM 2005(484) of 14 October 2005 — Green paper: Improving the mental health of the population: towards a strategy on mental health for the European Union. See: http://europa.eu.int/comm/health/ph_determinants/life_style/mental/green_paper/mental_gp_en.pdf

(e) Develop European Networks of Centres of Reference for Rare Diseases;

(f) Technical support for exchange of best practice and development of measures for patient groups.

— In the field of mortality, development and analysis of codification practices for causes of death where practices differ at national level or where an appropriate aggregation (e.g. smoking-related deaths) is a problem.

2.1.5. *eHealth (Article 3.2.d., Annex — points 1.7., 1.8)*

Proposals are encouraged for conferences on eHealth that build on conclusions from previous events which would lead to specific web initiatives or programmes. Such proposals might include preparatory work at expert level, and should take account of the political interest in involving all stakeholders in the process. Confidentiality issues in data exchange should be addressed.

— Ensuring improvements in the reliability of information provided to the public through internet sites by examining best practice and proposing common solutions.

— Supporting assessment, evaluation and further development of best practice projects on national and cross-border electronic medical records, e-referrals ([23]) and e-prescriptions.

— Supporting activities focused on promotion of the EU Public Health Portal, including linking to relevant information sources, in order to improve availability of evidence-based health information for professionals and informed citizens.

— Improving provision of timely and reliable information on causes of death; activities towards examining the possibility for the EU-wide introduction of an electronic death certificate;

— Supporting the development of a semantic health promotion and prevention ontology to be used in health-related IT tools, in particular with a view to enabling the provision of 'intelligent information' for practitioners and citizens;

— Supporting existing initiatives for further monitoring and developing Member States' eHealth roadmaps, and exploring, for example through workshops, ways in which the Member States can identify sources of funding, and support and boost their own investment in eHealth.

2.1.6. *Supporting the exchange of information and experiences on good practice (Article 3.2.d., Annex — point 1.7)*

Priority will be given to:

— Supporting actions in the field of harmonising practices of provision of information on hospital activity, especially to improve the quality and the comparability of information related to codification of medical procedures and to assess and map the use of the appropriate financial mechanisms (such as Diagnosis Related Groups) in the EU;

— Studying the use of the International Classification of Primary Care in the EU. Where proposals also deal with health expenditure, links to the System of Health Accounts should be considered;

([23]) Electronic patients' referral system from one health specialist to another one, including cross-border referrals ([14]).

— Exchanging best practices, networking of patients and carers, and related training in diseases mentioned in 2.1.4 (e.g. multiple sclerosis, Parkinson's). Links will be made to work that is underway in the Social Protection Committee through the open method of coordination on health care and long-term care with regard to ageing.

2.1.7. *Health Impact Assessment (Article 3.2.c., Annex — point 1.5.)*

Building on the methodology for health impact assessment at Community level that was previously developed for the Commission, work will focus on developing and applying methodologies to particular proposals and policy areas, as well as the establishment of appropriate support structure providing evidence and data for impact assessment.

2.1.8. *Co-operation between Member States (Article 3.2.d., Annex — point 1.5.)*

Work will be carried out to follow up the high-level process of reflection on patient mobility and health care developments in the European Union and supporting the work of the High Level Group on health services and medical care. This work will involve, in particular: developing frameworks for cross-border healthcare purchasing and provision; pilot projects for European networks of centres of reference; issues relating to the mobility of health professionals; developing and piloting methodologies for health systems impact assessment; sharing best practice and expertise relating to patient safety; and supporting work on other issues of potential European cooperation, such as palliative care or proper use of pharmaceuticals. Actions may also be undertaken on ensuring the provision of supporting data and knowledge on mobility of patients and professionals as well as healthcare and long-term care systems in general. The following priorities will be addressed:

— Strengthening information and knowledge on the quality of health systems with a special focus on patient safety, i.e. establish appropriate mechanisms for enhancing patient safety in the EU, including strengthening networking and sharing good practices in this field;

— Analysing the financial impact of patient mobility on sending and receiving countries and the impact on financial sustainability of the health care systems involved. Supporting surveys on patient mobility focusing on the motivation for patients to move across borders and exploring the need for institutions to purchase treatment abroad for their patients ([24]),

— Collecting and providing information on cross-border care, in particular on quality, safety, sensitivity and continuity of care, patients' rights, responsibilities and liability issues;

— Mapping, analysing and supporting pilot projects on centres of reference based on the guidelines, criteria and areas to be covered being established by the High Level Group's Working Group on Centres of Reference;

— Supporting the EU Health Technology Assessment network;

— Exchange of information on therapeutic added value of new medicines and development of a model including a European database for an efficient prioritisation of medicines and medical technology ([25]). Enhancing information on orphan drugs (prescription, effectiveness, efficiency and price) and their relationship to rare diseases ([26]).

— Assessing links between economics and health; investing in health and impact of better health on economic growth;

— Collecting and providing information on an information system for primary care activity and resources to strengthen comparability of data and create a basis for routine data collection;

([24]) Refer to the research work currently undertaken in the area of patient mobility and quality improvement strategies. See: http://www.iese.edu/en/events/Projects/Health/Home/Home.asp and http://www.marquis.be/Main/wp1114091605/wp1119867442 Refer also to FP6 Scientific Support to Policies, 5th Call, SSP-5A Areas 2.1 & 2.2. See: http://fp6.cordis.lu/index.cfm?fuseaction=UserSite.FP6ActivityCallsPage&ID_ACTIVITY=500

([25]) Refer to Technological Platform on Innovative Medicines. See: http://europa.eu.int/comm/research/fp6/index_en.cfm?p=1_innomed

([26]) Taking account of actions carried out in the framework of Regulation (EC) No 141/2000 of the European Parliament and of the Council of 16 December 1999 on orphan medicinal products and the European Medicines Agency's Committee on Orphan Medicinal Products (COMP) activities.

— Collecting and providing information on home and residential care activity and resources information to strengthen comparability and develop time-series data;

— Collecting and providing information on best practice on palliative care.

2.2. **Responding to health threats rapidly and in a co-ordinated manner**

Activities under this section aim to contribute to capacity building for preparedness and rapid response to public health threats and emergencies. Activities would assist in particular the co-operation undertaken as part of the Community network on communicable diseases ([27]) and other EC legislation in public health and may complement European Research Framework Programme activities.

Since the European Centre for Disease Prevention and Control (ECDC) ([3]) became operational in 2005, this call will no longer include risk assessment activities that were previously supported under the public health programme and now fall under the remit of the ECDC (e.g. surveillance). This call, which has been established in consultation with ECDC, aims instead to promote activities that support management of risks. The Commission and the ECDC will ensure that no duplication of activities will occur.

Activities to counter the threat of deliberate release of biological agents will be undertaken in tandem with on-going activities on communicable diseases. These and the activities on deliberate releases of chemical agents are being developed following the conclusions of the Health Ministers of 15 November 2001 and the subsequent 'Programme of co-operation on preparedness and response to Biological and Chemical attacks' (Health Security) ([28]).

2.2.1. *Capacity to deal with an influenza pandemic and tackle particular health threats (Article 3.2.a., Annex — points 2.1., 2.2., 2.3., 2.4., 2.8.)*

This action aims to foster capacities and strategies to assist Member States, Candidate Countries, and EEA/EFTA Countries, and the Community as a whole, in dealing with particular health threats. **Particular priority is attached to the threat of an influenza pandemic and activities on influenza prevention/management, shared emergency communication strategies and preparedness and the development and sharing of high quality tools and information on health and socio-economic impact of pandemic and related counter-measures,** in coordination with European Research Framework Programme activities ([29]). Other priorities are:

— non-communicable disease threats, such as those related to chemical and environmental issues, requiring rapid intervention;

— further development of early warning system on chemical agents and traceability activities on transportation over borders of dangerous substances relevant to public health;

— communicable disease management aspects of migrant health and cross-border issues;

— risk and threat analysis of emerging infectious disease including zoonotic pathogens, complementing work of ECDC.

([27]) Decision No 2119/98/EC of the European Parliament and of the Council of 24 September 1998 setting up a network for the epidemiological surveillance and control of communicable diseases in the Community (OJ L 268, 3.10.1998, p. 1).
2000/57/EC: Commission Decision of 22 December 1999 on the early warning and response system for the prevention and control of communicable diseases under Decision No 2119/98/EC of the European Parliament and of the Council (notified under document number C(1999) 4016) (OJ L 21, 26.1.2000, p. 32).
2000/96/EC: Commission Decision of 22 December 1999 on the communicable diseases to be progressively covered by the Community network under Decision No 2119/98/EC of the European Parliament and of the Council (notified under document number C(1999) 4015) (OJ L 28, 3.2.2000, p. 50).
2002/253/EC: Commission Decision of 19 March 2002 laying down case definitions for reporting communicable diseases to the Community network under Decision No 2119/98/EC of the European Parliament and of the Council (notified under document number C(2002) 1043) (OJ L 86, 3.4.2002, p. 44).

([28]) See http://europa.eu.int/comm/health/ph_threats/Bioterrorisme/bioterrorism01_en.pdf

([29]) Refer also to FP6 Scientific Support to Policies, 5th Call, SSP-5B INFLUENZA.
See: http://fp6.cordis.lu/index.cfm?fuseaction=UserSite.FP6ActivityCallsPage&ID_ACTIVITY=500

2.2.2. *Generic preparedness and response (Article 3.2.a., Annex — points 2.1., 2.2., 2.3., 2.4.)*

Actions should aim to improve health sector preparedness for crisis situations and foster intersectoral collaboration (e.g. with civil protection, food and animal sectors) to ensure a coherent response to a crisis. Activities should in particular focus on supporting risk and crisis management and risk communication aspects. Of particular interest are:

— activities that support the implementation of generic preparedness planning. This can mean linking hospitals to prepare for mass events, management plan for mass burn accidents, establishing platforms for training and communication and crisis management and medical intelligence initiatives. Furthermore, activities are needed to support traceability, logistics and distribution, transportation issues, psychological effects of crises, and application of new diagnostics;

— activities that support capacity building for joint law enforcement and health authority operations;

— activities that support capacity building and implementation needed to comply with the International Health Regulations adopted by the World Health Assembly ([30]);

— the use of innovative IT tools for health threat analysis, such as geographic information systems (GIS), spatial-temporal analysis, novel early warning and forecasting schemes, automated analysis and exchange of diagnostic data.

2.2.3. *Health security and strategies relevant to communicable disease control (Article 3.2.a., Annex — points 2.2, 2.4, 2.5, 2.9)*

Several projects have been initiated on modelling and surveillance of deliberate releases of biological or chemical agents. However, information and knowledge on the review, development and evaluation of policies and plans for dealing with health security emergencies are still incomplete, and proposals would be supported.

In order to be able to control communicable diseases it is essential to have appropriate strategies and structures in place. This action aims to promote activities for policy implementation and strategies related to preparedness (such as pre-event vaccinations or stockpiling) and control/elimination of communicable diseases. Actions that support communication with various extra-mural professional disciplines (e.g. general practitioners, pharmacists, veterinarians, and relevant non-medical disciplines) and facilitate co-operation through platforms and networking would be supported. Other priorities are:

— activities that foster the exchange of best practice on vaccination and immunisation strategies;

— sharing of best practices on patient safety issues, in particular management and control of healthcare-associated infections and antimicrobial resistance;

— activities on controlling adverse effects (from vaccines, chemicals, antivirals, other medicines and medical devices), in cooperation with EMEA;

— analyses of the feasibility of establishing European reference laboratories in the area of human health.

2.2.4. *Safety of blood, tissues and cells, organs (Article 3.2.a., Annex — points 2.6., 2.7.)*

Activities related to substances of human origin aim to promote quality, safety and sufficiency not only to prevent the transmission of diseases but also to give backing to (sanction) their therapeutic use for the benefit of patients.

— Significant progress has been made with the entry into force of the legislation on blood ([31]) ([32]). There is now a need to give an impetus to ensuring equivalent recognition of inspections of blood establishments among Member States through the development and implementation of commonly accepted criteria and standards;

([30]) See http://www.who.int/gb/ebwha/pdf_files/WHA58/WHA58_3-en.pdf

([31]) Directive 2002/98/EC of the European Parliament and of the Council of 27 January 2003 setting standards of quality and safety for the collection, testing, processing, storage and distribution of human blood and blood components and amending Directive 2001/83/EC (OJ L 33, 8.2.2003, p. 30).

([32]) Commission Directive 2004/33/EC of 22 March 2004 implementing Directive 2002/98/EC of the European Parliament and of the Council as regards certain technical requirements for blood and blood components (Text with EEA relevance) (OJ L 91, 30.3.2004, p. 25).

— Previous efforts to support the optimal use of blood have met with limited success. In order to ensure better therapeutic use of substances of human origin, support needs to be given to the development of tools that promote evidence-based best practice;

— In spite of the adoption of the Directive related to tissues and cells ([33]), specifications related to their designation and therapeutic use in the EU lack commonality. In order to facilitate the exchange of substances of human origin and to monitor the health of living donors, actions are needed to improve measures and procedures, such as common terminologies and development of registers ([14]).

— There is a need to encourage donation and the optimal use of blood products. Actions should be directed towards the sharing of best practice and information on recruitment of donors and on training in the use of blood components.

2.3. **Health Determinants**

The aim of projects and actions in this field is to support and underpin EU policies and activities on health determinants, to support the development of actions for providing and exchanging good practice, to promote cross-cutting and integrated approaches across several health determinants and to promote and stimulate countries' efforts.

In 2006, the projects to be prioritised will be those which:

— **link actions to policy priorities**: Project proposals should be linked to and show awareness of EU public health policies and strategies, for example on alcohol, and nutrition and physical activity. A specific focus will be directed at **projects addressing health inequalities and wider socio-economic determinants**;

— **address children and young people** as a specific target group for public health interventions, across a range of health determinants. This would focus on the years when people are 'forming' their lifestyles and would address both risk factors and periods of risk, and protective factors with an impact on lifestyles and behaviours.

The priorities identified for 2006 are the following:

2.3.1. *Supporting key Community strategies on addictive substances*

(1) In support of further developing the work on **tobacco**, projects proposals should focus on:

— Mapping, assessment evaluation and dissemination of recent developments and best practice in tobacco control in the Member States, targeting in particular young people and women; communication strategies for prevention and cessation and addressing socio-economic aspects;

— Develop and network prevention and cessation activities, focusing on innovative approaches to denormalisation and on reducing exposure to tobacco smoke;

— Other EU and internal activities to implement requirements derived from the Framework Convention on Tobacco Control ([34]), such as work on tobacco ingredients, surveillance or illicit trade in tobacco products.

(2) On **alcohol**, activities will be linked to the overall strategic approach to reducing alcohol-related harm. The priority will be to support networking that brings together a coordinated and comprehensive range of activities in fields such as research, information, consumer protection, transport, commercial communications and other internal market issues, drawing on country-based experiences. This could involve *inter alia*:

— Developing an inventory and monitoring of country-based experiences;

— Economic and health impact assessments of different policy options;

— Capacity building for effective programme and policy implementation.

([33]) Directive 2004/23/EC of the European Parliament and of the Council of 31 March 2004 on setting standards of quality and safety for the donation, procurement, testing, processing, preservation, storage and distribution of human tissues and cells (OJ L 102, 7.4.2004, p. 48).

([34]) Council Decision No 2004/513/EC of 2 June 2004 concerning the conclusion of the WHO Framework Convention on Tobacco Control (OJ L 213, 15.6.2004, p. 8).

(3) On **drugs**, in line with the EU Drugs Strategy ([35]) and Action Plan ([36]) and the Council Recommendation on Drugs ([37]), priority will be given to proposals on:

— Harm reduction responses to emerging trends related to psychoactive substances with a focus on ecstasy, crack/cocaine and cannabis use;

— Development or improvement and implementation of joint prevention programmes in public services, education and relevant NGOs focusing on socially disadvantaged groups;

— An inventory of good practice on drug treatment and its effects, covering also reintegration, to follow-up actions set out in the Action Plan.

2.3.2. *Integrative approaches on lifestyles and sexual and reproductive health*

(1) Regarding **nutrition and physical activity**, work will focus on the identification of good practice and networking in relation to ([14]):

— good practice in school meals and nutritional education programmes;

— evaluating and providing pilot support to collaborative multi-stakeholder initiatives on healthy lifestyle in communities focused on specific vulnerable groups, in particular children;

— the effectiveness of educational programmes and of information campaigns run by the food industry, retailers, consumer organisations, etc. aimed at promoting healthy diets;

— investigation of the effective actions that lead to changes in consumer behaviour with respect to food choice and physical activity;

— good practice in building architecture and urban development to encourage physical activity and healthy lifestyles.

(2) Work on **sexual and reproductive health** will focus on developing innovative strategies to promote safe sex and to address the increase in risk-taking behaviours among young people;

(3) Actions to address **HIV/AIDS** will continue in line with the overall strategies ([38]) ([39]) and will focus on public health actions to develop strategies and identify best practice on

— HIV/AIDS prevention in population groups at high risk, in particular in prisons;

— Maintaining awareness of the need for prevention among lower risk groups and the general population;

— Developing a comprehensive service package with standards and a costing model.

(4) On **mental health**, the following actions will be supported:

— Preparing and implementing best inter-sectoral practices to promote mental health and prevent mental ill-health among vulnerable groups, such as victims of natural and other disasters; children and adolescents, and socially marginalised people ([14]);

— To identify and disseminate best practice to improve the protection of human rights, the dignity and the general health status of residents in health or social care institutions with mental ill-health, mental disability or dependency ([14]);

— To build up a Community-wide network of expertise on Post Traumatic Stress treatment for victims of natural and other disasters, to build capacity, and to organise and strengthen the mental health services of provincial and district health authorities in such situations. The information provided should take the form of synopses of the practices used.

([35]) EU Drugs Strategy [2005-2012]. See http://europa.eu.int/comm/health/ph_determinants/life_style/keydo_drug_en.htm
([36]) EU Action Plan on Drugs [2005-2008]. See http://europa.eu.int/comm/health/ph_determinants/life_style/keydo_drug_en.htm
([37]) Council Recommendation of 18 June 2003 on the prevention and reduction of health-related harm associated with drug dependence (OJ L 165, 3.7.2003, p. 31).
([38]) Coordinated approach to combat AIDS within the European Union and in its neighbourhood http://europa.eu.int/comm/health/ph_threats/com/aids/docs/ev_20040916_rd01_en.pdf
([39]) Commission Communication on Combating HIV/AIDS within the European Union and in the Neighbouring Countries (to be adopted).

2.3.3. *Public health actions to address wider determinants of health*

(1) Work on **social determinants of health** will concentrate on developing actions on policy development, innovative approaches and evaluation, as follows:

— Identify and evaluate the effectiveness of comprehensive policy approaches to address health inequalities — including a social and economic dimension — at national and sub-national level;

— Identify, evaluate and disseminate good practice on including a social determinants focus in strategies to address determinants such as nutrition and physical activity, tobacco, drugs and alcohol, in housing, urban development and health, in ensuring access to health and social services and in developing healthy life-styles;

— Good practice in improvements in access, quality and appropriateness of health and social services for migrants, immigrants and minority populations;

— Economic analysis to quantify the cost and benefits of tackling health inequalities.

(2) In line with the Environment and Health Action Plan ([40]), work on **environmental determinants** will focus on developing networks and good practice with regard to

— Public health actions and activities to address indoor air quality, taking into account the combination effects of building materials, household chemicals, combustion and ETS;

— Public health actions and activities to address noise nuisance;

— Mainstreaming environment and health issues into the training and further education curricula of health professionals;

— Developing and disseminating best practice on risk communication and awareness raising on environment and health issues.

2.3.4. *Disease prevention, and preventing injuries*

(1) The development of guidelines and best practice recommendations for addressing the main diseases relevant to public health, such as cardiovascular diseases, cancer, diabetes and respiratory diseases, will be supported, by building on existing work;

(2) Support will be given to exchanging best practice on child safety for all Member States, EEA and candidate countries and to promoting child safety through a European Conference. Special attention will be paid to tackling physical violence and danger awareness by organising hands-on injury prevention activities.

2.3.5. *Capacity building*

(1) Priority will be given to promoting co-operation between educational institutions on developing the content of common European training courses and modules in key areas of public health. Priority will also be given to the developmentt of tailor-made training curricula for health care personnel and other professionals dealing with people living with HIV/AIDS and with populations that are particularly vulnerable to HIV/AIDS (including intravenous drug users and migrants);

(2) Another priority will be short-term support for **developing the capacities** of selected European networks with high public health importance and very significant European added value, to overcome specific geographic or developmental weaknesses. Specific attention will be given to the development of the capacities of non-governmental organisations active in the field of HIV/AIDS to help in supporting participation people on anti-retroviral therapy.

([40]) Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee — *The European Environment & Health Action Plan 2004-2010 COM* (2004) 416 final of 9 June 2004.

Annex to the Work Plan 2006

Eligibility of travel and subsistence expenses

These guidelines should apply to the reimbursement of travel and subsistence expenses:

— of staff employed by the beneficiary (main and associated beneficiaries) of *grants* and experts invited by the beneficiary to participate in working groups;

— when explicitly provided for in *service contracts*.

(1) **Flat-rate subsistence allowances** cover all subsistence expenses during missions, including hotels, restaurants and local transport (taxis and/or public transport). They apply in respect of each day of a mission at a minimum distance of 100 km from the normal place of work. The subsistence allowance varies depending on the country in which the mission is carried out. The daily rates will correspond to the sum of the daily allowance and the maximum hotel price set out in Commission Decision C(2004) 1313 ([1]) as amended.

(2) Missions in countries other than EU 25, Acceding and Applicant countries and EFTA-EEA countries shall be subject to the prior agreement of the Commission departments. This agreement shall be related to the objectives of the mission, its costs and the reasons therefor.

(3) **Travel expenses** are eligible under the following conditions:

— travel by the most direct and most economic route;

— distance of at least 100 km between the place of the meeting and the normal place of work;

— travel by rail: first class;

— travel by air: economy class, unless a cheaper fare can be used (e.g. Apex); air travel is allowed only for return journeys of more than 800 km;

— travel by car: reimbursed on the basis of the equivalent first class rail fare.

([1]) Commission Decision C(2004) 1313 of 7 April 2004: General implementing provisions adopting the Guide to missions for officials and other servants of the European Commission.

COMMISSION DECISION

of 13 February 2006

concerning certain interim protection measures in relation to suspected cases of highly pathogenic avian influenza in wild birds in Italy

(notified under document number C(2006) 491)

(Only the Italian text is authentic)

(2006/90/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market ([1]), and in particular Article 9(3) thereof,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market ([2]), and in particular Article 10(3) thereof,

Having regard to Regulation (EC) No 998/2003 of 26 May 2003 of the European Parliament and of the Council on the animal health requirements applicable to the non-commercial movement of pet animals and amending Council Directive 92/65/EEC ([3]), and in particular Article 18 thereof,

Whereas:

(1) Avian influenza is an infectious viral disease in poultry and birds, causing mortality and disturbances which can quickly take epizootic proportions liable to present a serious threat to animal and public health and to reduce sharply the profitability of poultry farming. There is a risk that the disease agent might be spread from wild birds to domestic birds, notably poultry, and from one Member State to other Member States and third countries through the international trade in live birds or their products.

(2) Italy has informed the Commission about the isolation of an H5 avian influenza virus collected from a clinical case in wild birds. Pending the determination of the neuraminidase (N) type and of the pathogenicity index, the clinical picture and the epidemiological circumstances allow the suspicion of highly pathogenic avian influenza caused by influenza A virus of subtype H5N1.

(3) Italy has without undue delay implemented certain measures foreseen in the framework of Council Directive 92/40/EEC of 19 May 1992 introducing Community measures for the control of avian influenza ([4]).

(4) Given the disease risk, interim protection measures should be adopted in order to address the particular risks in different areas.

(5) In the interests of consistency, it is appropriate to apply for the purposes of this Decision certain definitions provided for in Council Directive 2005/94/EC of 20 December 2005 on Community measures for the control of avian influenza and repealing Directive 92/40/EEC ([5]), Council Directive 90/539/EEC of 15 October 1990 on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs ([6]), Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin ([7]), Regulation (EC) No 998/2003 of the European Parliament and of the Council of 26 May 2003 on the animal health requirements applicable to the non-commercial movement of pet animals and amending Council Directive 92/65/EEC ([8]).

(6) Protection and surveillance zones should be established around the place where the disease was detected in wild birds. Those zones should be limited to what is necessary to prevent virus introduction into commercial and non-commercial poultry flocks.

([1]) OJ L 395, 30.12.1989, p. 13. Directive as last amended by Directive 2004/41/EC (OJ L 157, 30.4.2004, p. 33).
([2]) OJ L 224, 18.8.1990, p. 29. Directive as last amended by Directive 2002/33/EC of the European Parliament and of the Council (OJ L 315, 19.11.2002, p. 14).
([3]) OJ L 146, 13.6.2003, p. 1. Regulation as last amended by Commission Regulation (EC) No 18/2006 (OJ L 4, 7.1.2006, p. 3).
([4]) OJ L 167, 22.6.1992, p. 1. Directive as last amended by Regulation (EC) No 806/2003.
([5]) OJ L 10, 14.1.2006, p. 16.
([6]) OJ L 303, 31.10.1990, p. 6. Directive as last amended by the 2003 Act of Accession.
([7]) OJ L 139, 30.4.2004, p. 206; corrected version in OJ L 226, 25.6.2004, p. 83. Regulation as last amended by Commission Regulation (EC) No 2076/2005 (OJ L 338, 22.12.2005, p. 83).
([8]) OJ L 146, 13.6.2003, p. 1. Regulation as last amended by Commission Regulation (EC) No 18/2006 (OJ L 4, 7.1.2006, p. 3).

(7) It is appropriate to control and restrict the movement of, in particular, live birds and hatching eggs while allowing the controlled dispatch from the zones of such birds and products of avian origin subject to certain conditions.

(8) The measures laid down in Commission Decision 2005/734/EC of 19 October 2005 laying down biosecurity measures to reduce the risk of transmission of highly pathogenic avian influenza caused by Influenza virus A subtype H5N1 from birds living in the wild to poultry and other captive birds and providing for an early detection system in areas at particular risk [1] should be implemented in protection and surveillance zones, independently of the defined risk status of the area where highly pathogenic avian influenza is suspected or confirmed in wild birds.

(9) 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] authorises the placing on the market of a range of animal by-products, such as gelatine for technical use, materials for pharmaceutical use and others, originating in areas of the Community under animal health restrictions, because those products are considered safe due to the specific conditions of production, processing and utilisation that effectively inactivate possible pathogens or prevent contact with susceptible animals. It is therefore appropriate to permit the transport from protection zones of unprocessed used litter or manure for the purposes of treatment in accordance with that Regulation and of animal by-products complying with the conditions set out therein.

(10) Council Directive 92/65/EEC of 13 July 1992 laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A (I) to Directive 90/425/EEC [3] provides for approved bodies, institutes and centres and a model certificate to accompany animals or their gametes between such approved premises in different Member States. A derogation from the transport restrictions should be envisaged for birds coming from and proceeding to bodies, institutes and centres approved in accordance with that Directive.

(11) Transport of hatching eggs from the protection zones should be permitted under certain conditions. The dispatch of hatching eggs to other countries may be permitted subject in particular to compliance with the conditions referred to in Directive 2005/94/EC. In such cases the animal health certificates provided for in accordance with Directive 90/539/EEC should include a reference to this Decision.

(12) The dispatch from protection zones of meat, minced meat, meat preparations and meat products should be permitted subject to certain conditions, in particular as regards compliance with certain requirements of Regulation (EC) No 853/2004 and of Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption [4].

(13) Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption [5] establishes a list of treatments rendering meat from restricted areas safe, and provides for the possibility to establish a specific health mark and the health mark required for meat not authorised for placing on the market for animal health reasons. It is appropriate to permit the dispatch from the protection zones of meat bearing the health mark provided for in that Directive and meat products subjected to treatment referred to therein.

(14) Pending the meeting of the Standing Committee on the Food Chain and Animal Health and in collaboration with the Member State concerned the Commission should take interim protection measures relating to highly pathogenic avian influenza in wild birds.

(15) The measures provided for in this Decision should be reviewed at the next meeting of the Standing Committee on the Food Chain and Animal Health,

[1] OJ L 274, 20.10.2005, p. 105. Decision as last amended by Decision 2005/855/EC (OJ L 316, 2.12.2005, p. 21).
[2] OJ L 273, 10.10.2002, p. 1. Regulation as last amended by Commission Regulation (EC) No 416/2005 (OJ L 66, 12.3.2005, p. 10).
[3] OJ L 268, 14.9.1992, p. 54. Directive as last amended by Directive 2004/68/EC (OJ L 139, 30.4.2004, p. 321).
[4] OJ L 139, 30.4.2004, p. 55; corrected version in OJ L 226, 25.6.2004, p. 22. Regulation as last amended by Commission Regulation (EC) No 2076/2005 (OJ L 338, 22.12.2005, p. 83).
[5] OJ L 18, 23.1.2003, p. 11.

HAS ADOPTED THIS DECISION:

Article 1

Subject matter, scope and definitions

1. This Decision lays down certain interim protection measures in relation to highly pathogenic avian influenza in wild birds in Italy caused by influenza A virus of subtype H5 suspected to be of the neuraminidase type N1, in order to prevent the spread of avian influenza from wild birds to poultry or other captive birds as well as the contamination of products thereof.

2. Except as otherwise provided, the definitions of Directive 2005/94/EC shall apply. In addition, the following definitions shall apply:

(a) 'hatching eggs' means eggs as defined in Article 2(2) of Directive 90/539/EEC;

(b) 'wild feathered game' means game as defined in point 1.5, second indent, and point 1.7 of Annex I to Regulation (EC) No 853/2004;

(c) 'other captive birds' means birds as defined in point 6 of Article 2 of Directive 2005/94/EC, including:

(i) pet animals of the bird species as referred to in Article 3(a) of Regulation (EC) No 998/2003, and

(ii) birds for zoos, circuses, amusement parks and experimental laboratories.

Article 2

Establishment of protection and surveillance zones

1. Italy shall establish around the area where the presence of highly pathogenic avian influenza caused by influenza A virus of subtype H5 in wild birds is confirmed and the neuraminidase type N1 is either suspected or confirmed:

(a) a protection zone with a radius of at least three kilometres, and

(b) a surveillance zone with a radius of at least 10 kilometres, including the protection zone.

2. The establishment of the protection and surveillance zones referred to in paragraph 1 shall take account of geographical, administrative, ecological and epizootiological factors relating to avian influenza, and of monitoring facilities.

3. If the protection or surveillance zones cover the territories of other Member States, Italy shall collaborate with the authorities of those Member States to establish the zones.

4. Italy shall notify to the Commission and to the other Member States the details of any protection and surveillance zones established under this Article.

Article 3

Measures in the protection zone

1. Italy shall ensure that at least the following measures are applied in the protection zone:

(a) the identification of all holdings within the zone;

(b) periodic and documented visits to all commercial holdings a clinical inspection of poultry including, if necessary, the collection of samples for laboratory examination;

(c) the implementation of appropriate on-farm biosecurity measures, including disinfection at the entrances and exits of the holding, the housing of the poultry or the confinement of poultry to places where the direct and indirect contact with other poultry and captive birds can be prevented;

(d) the implementation of the biosecurity measures laid down in Decision 2005/734/EC;

(e) the control of the movement of products from poultry in accordance with Article 9;

(f) active disease monitoring in the population of wild birds, in particular water fowl, if necessary with the co-operation of hunters and bird-watchers who have been specifically instructed on measures to protect themselves from infection with the virus and to prevent the spread of the virus to susceptible animals;

(g) campaigns to increase disease awareness amongst owners, hunters and bird-watchers.

2. Italy shall ensure that the following are prohibited in the protection zone:

(a) the removal of poultry and other captive birds from the holding on which they are kept;

(b) the assembly of poultry and other captive birds at fairs, markets, shows or other gatherings;

(c) the transport through the zone of poultry and other captive birds, except transit on major roads or railways and transport to a slaughterhouse for direct slaughter;

(d) the dispatch from the zone of hatching eggs;

(e) the dispatch from the zone of fresh meat, minced meat, meat preparations and meat products from poultry and other captive birds and wild feathered game;

(f) the transport or spread outside the zone of unprocessed used litter or manure from holdings within the zone, except the transport for treatment in accordance with Regulation (EC) No 1774/2002;

(g) the hunting of wild birds.

Article 4

Measures in the surveillance zone

1. Italy shall ensure that at least the following measures are applied in the surveillance zone:

(a) the identification of all holdings within the zone;

(b) the implementation of appropriate on-farm biosecurity measures, including the use of appropriate means of disinfection at the entrances and exits of the holding;

(c) the implementation of the biosecurity measures laid down in Decision 2005/734/EC;

(d) the control of movement of poultry and other captive birds and hatching egg within the zone.

2. Italy shall ensure that the following are prohibited in the surveillance zone:

(a) movement of poultry and other captive birds out of the zone for the first 15 days following the establishment of the zone;

(b) the assembly of poultry and other birds at fairs, markets, shows or other gatherings;

(c) the hunting of wild birds.

Article 5

Duration of the measures

If the neuraminidase type is confirmed as being different from N1, the measures provided for in Articles 3 and 4 shall be abolished.

If the presence of an influenza A virus of the subtype H5N1 in wild birds is confirmed, the measures provided for in Articles 3 and 4 shall apply for as long as is necessary having regard to the geographical, administrative, ecological and epizootiological factors relating to avian influenza and for at least 21 in the case of the protection zone and 30 days in the case of the surveillance zone after the date on which an H5 avian influenza virus collected from a clinical case in wild birds has been isolated.

Article 6

Derogations for live birds and day-old chicks

1. By way of derogation from Article 3(2)(a), Italy may authorise the transport of ready-to-lay pullets and turkeys for fattening to holdings under official control situated either in the protection or in the surveillance zone.

2. By way of derogation from Article 3(2)(a) or Article 4(2)(a), Italy may authorise the transport of:

(a) poultry for immediate slaughter, including spent laying hens, to a slaughterhouse located in the protection zone or in the surveillance zone or, if that is not possible, to a slaughterhouse designated by the competent authority outside the zones;

(b) day-old chicks from the protection zone to holdings under official control on the territory of Italy on which there are no other poultry or captive birds, except pet birds referred to in Article 1(2)(c)(i), separated from poultry;

(c) day-old chicks from the surveillance zone to holdings under official control on the territory of Italy;

(d) ready-to-lay pullets and turkeys for fattening from the surveillance zone to holdings under official control on the territory of Italy;

(e) pet birds referred to in Article 1(2)(c)(i), to premises on the territory of Italy not keeping poultry, if the consignment consists of five or fewer caged birds, notwithstanding national rules referred to in Article 1, third paragraph, of Directive 92/65/EEC;

(f) birds referred to in Article 1(2)(c)(ii) coming from bodies, institutes and centres and proceeding to bodies, institutes and centres approved in accordance with Article 13 of Directive 92/65/EEC.

Article 7

Derogations for hatching eggs

1. By way of derogation from Article 3(2)(d), Italy may authorise:

(a) the transport of hatching eggs from the protection zone to a designated hatchery within the territory of Italy;

(b) the dispatch of hatching eggs from the protection zone to hatcheries situated outside the territory of Italy provided that:

(i) the hatching eggs were collected from flocks which:

— are not suspected of being infected with avian influenza, and

— have tested negative in a serological survey for avian influenza capable of detecting 5 % prevalence of disease with at least a 95 % level of confidence, and

(ii) the conditions laid down in Article 26(1)(b), (c) and (d) of Directive 2005/94/EC are fulfilled.

2. The animal health certificates in accordance with Model 1 of Annex IV to Council Directive 90/539/EEC accompanying consignments of hatching eggs referred to in paragraph 1(b) dispatched to other Member States shall include the words:

'The animal health conditions of this consignment are in accordance with Commission Decision 2006/90/EC.'

Article 8

Derogations for meat, minced meat, meat preparations and meat products

1. By way of derogation from Article 3(2)(e), Italy may authorise the dispatch from the protection zone of:

(a) fresh meat from poultry, including meat from ratites, originating in or outside that zone and produced in accordance with Annex II and Sections II and III of Annex III to Regulation (EC) No 853/2004 and controlled in accordance with Sections I, II, III, and Chapters V and VII of Section IV of Annex I to Regulation (EC) No 854/2004;

(b) minced meat, meat preparations and meat products containing meat referred to in point (a) and produced in accordance with Sections V and VI of Annex III to Regulation (EC) No 853/2004;

(c) fresh meat from wild feathered game originating in that zone, if such meat is marked with the health mark provided for in Annex II to Directive 2002/99/EC and is intended for transport to an establishment for treatment as required for avian influenza in accordance with Annex III to that Directive;

(d) meat products produced from meat from wild feathered game which were subjected to a treatment as required for avian influenza in accordance with Annex III to Directive 2002/99/EC;

(e) fresh meat from wild feathered game originating outside the protection zone and produced in establishments within the protection zone in accordance with Section IV of Annex III to Regulation (EC) No 853/2004 and controlled in accordance with Chapter VIII of Section IV of Annex I to Regulation (EC) No 854/2004;

(f) minced meat, meat preparations and meat products containing meat referred to in point (e) and produced in establishments situated in the protection zone in accordance with Sections V and VI of Annex III to Regulation (EC) No 853/2004.

2. Italy shall ensure that the products referred to in paragraph 1(e) and (f) are accompanied by a commercial document stating:

'The animal health conditions of this consignment are in accordance with Commission Decision 2006/90/EC.'

Article 9

Conditions for animal by-products

1. In accordance with Article 3(1)(e), Italy may authorise the dispatch of:

(a) animal by-products complying with the conditions set out in Chapters II (A), III (B), IV (A), VI (A and B), VII (A), VIII (A), IX (A) and X (A) of Annex VII, and Chapter II (B) and Chapter III (II) (A) of Annex VIII to Regulation (EC) No 1774/2002;

(b) unprocessed feathers or parts of feathers in accordance with Chapter VIII (A)(1)(a) of Annex VIII to Regulation (EC) No 1774/2002, produced from poultry coming from outside the protection zone;

(c) processed poultry feathers and parts of poultry feathers that have been treated with a steam current or by some other method that ensures that no pathogens remain;

(d) products derived from poultry or other captive birds which, in accordance with Community legislation, are not subject to any animal health conditions or which are not subject to any ban or restriction for reasons of animal health, including the products referred to in Chapter VII (A)(1)(a) of Annex VIII to Regulation (EC) No 1774/2002.

2. Italy shall ensure that the products referred to in paragraph 1(b) and (c) are accompanied by a commercial document in accordance with Chapter X of Annex II to Regulation (EC) No 1774/2002 stating in point 6.1 of that document that those products have been treated with a steam current or by some other method ensuring that no pathogens remains.

However, that commercial document shall not be required for processed decorative feathers, processed feathers carried by travellers for their private use or consignments of processed feathers sent to private individuals for non-industrial purposes.

Article 10

Conditions for movements

1. Where movements of animals or products thereof covered by this Decision are authorised under Articles 6 to 9, all appropriate biosecurity measures shall be taken to avoid the spread of avian influenza.

2. Where the dispatch, movement or transport of products referred to in paragraph 1 are authorised under Articles 7, 8 and 9, they must be obtained, handled, treated, stored and transported separately from other products fulfilling all the animal health requirements for trade, placing on the market or export to third countries.

Article 11

Compliance

Italy shall immediately take the necessary measures to comply with this Decision and publish those measures. It shall immediately inform the Commission thereof.

Article 12

Addressee

This Decision is addressed to the Italian Republic.

Done at Brussels, 13 February 2006.

For the Commission

Markos KYPRIANOU

Member of the Commission

COMMISSION DECISION

of 13 February 2006

concerning certain interim protection measures in relation to suspected cases of highly pathogenic avian influenza in wild birds in Slovenia

(notified under document number C(2006) 492)

(Only the Slovenian text is authentic)

(2006/91/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market [1], and in particular Article 9(3) thereof,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market [2], and in particular Article 10(3) thereof,

Having regard to Regulation (EC) No 998/2003 of 26 May 2003 of the European Parliament and of the Council on the animal health requirements applicable to the non-commercial movement of pet animals and amending Council Directive 92/65/EEC [3], and in particular Article 18 thereof,

Whereas:

(1) Avian influenza is an infectious viral disease in poultry and birds, causing mortality and disturbances which can quickly take epizootic proportions liable to present a serious threat to animal and public health and to reduce sharply the profitability of poultry farming. There is a risk that the disease agent might be spread from wild birds to domestic birds, notably poultry, and from one Member State to other Member States and third countries through the international trade in live birds or their products.

(2) Slovenia has informed the Commission about the isolation of an H5 avian influenza virus collected from a clinical case in wild birds. Pending the determination of the neuraminidase (N) type and of the pathogenicity index, the clinical picture and the epidemiological circumstances allow the suspicion of highly pathogenic avian influenza caused by influenza A virus of subtype H5N1.

(3) Slovenia has without undue delay implemented certain measures foreseen in the framework of Council Directive 92/40/EEC of 19 May 1992 introducing Community measures for the control of avian influenza [4].

(4) Given the disease risk, interim protection measures should be adopted in order to address the particular risks in different areas.

(5) In the interests of consistency, it is appropriate to apply for the purposes of this Decision certain definitions provided for in Council Directive 2005/94/EC of 20 December 2005 on Community measures for the control of avian influenza and repealing Directive 92/40/EEC [5], Council Directive 90/539/EEC of 15 October 1990 on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs [6], Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin [7], Regulation (EC) No 998/2003 of the European Parliament and of the Council of 26 May 2003 on the animal health requirements applicable to the non-commercial movement of pet animals and amending Council Directive 92/65/EEC [8].

(6) Protection and surveillance zones should be established around the place where the disease was detected in wild birds. Those zones should be limited to what is necessary to prevent virus introduction into commercial and non-commercial poultry flocks.

[1] OJ L 395, 30.12.1989, p. 13. Directive as last amended by Directive 2004/41/EC (OJ L 157, 30.4.2004, p. 33).
[2] OJ L 224, 18.8.1990, p. 29. Directive as last amended by Directive 2002/33/EC of the European Parliament and of the Council (OJ L 315, 19.11.2002, p. 14).
[3] OJ L 146, 13.6.2003, p. 1. Regulation as last amended by Commission Regulation (EC) No 18/2006 (OJ L 4, 7.1.2006, p. 3).
[4] OJ L 167, 22.6.1992, p. 1. Directive as last amended by Regulation (EC) No 806/2003.
[5] OJ L 10, 14.1.2006, p. 16.
[6] OJ L 303, 31.10.1990, p. 6. Directive as last amended by the 2003 Act of Accession.
[7] OJ L 139, 30.4.2004, p. 206; corrected version in OJ L 226, 25.6.2004, p. 83. Regulation as last amended by Commission Regulation (EC) No 2076/2005 (OJ L 338, 22.12.2005, p. 83).
[8] OJ L 146, 13.6.2003, p. 1. Regulation as last amended by Commission Regulation (EC) No 18/2006 (OJ L 4, 7.1.2006, p. 3).

(7) It is appropriate to control and restrict the movement of, in particular, live birds and hatching eggs while allowing the controlled dispatch from the zones of such birds and products of avian origin subject to certain conditions.

(8) The measures laid down in Commission Decision 2005/734/EC of 19 October 2005 laying down biosecurity measures to reduce the risk of transmission of highly pathogenic avian influenza caused by Influenza virus A subtype H5N1 from birds living in the wild to poultry and other captive birds and providing for an early detection system in areas at particular risk [1] should be implemented in protection and surveillance zones, independently of the defined risk status of the area where highly pathogenic avian influenza is suspected or confirmed in wild birds.

(9) 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] authorises the placing on the market of a range of animal by-products, such as gelatine for technical use, materials for pharmaceutical use and others, originating in areas of the Community under animal health restrictions, because those products are considered safe due to the specific conditions of production, processing and utilisation that effectively inactivate possible pathogens or prevent contact with susceptible animals. It is therefore appropriate to permit the transport from protection zones of unprocessed used litter or manure for the purposes of treatment in accordance with that Regulation and of animal by-products complying with the conditions set out therein.

(10) Council Directive 92/65/EEC of 13 July 1992 laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A (I) to Directive 90/425/EEC [3] provides for approved bodies, institutes and centres and a model certificate to accompany animals or their gametes between such approved premises in different Member States. A derogation from the transport restrictions should be envisaged for birds coming from and proceeding to bodies, institutes and centres approved in accordance with that Directive.

(11) Transport of hatching eggs from the protection zones should be permitted under certain conditions. The dispatch of hatching eggs to other countries may be permitted subject in particular to compliance with the conditions referred to in Directive 2005/94/EC. In such cases the animal health certificates provided for in accordance with Directive 90/539/EEC should include a reference to this Decision.

(12) The dispatch from protection zones of meat, minced meat, meat preparations and meat products should be permitted subject to certain conditions, in particular as regards compliance with certain requirements of Regulation (EC) No 853/2004 and of Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption [4].

(13) Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption [5] establishes a list of treatments rendering meat from restricted areas safe, and provides for the possibility to establish a specific health mark and the health mark required for meat not authorised for placing on the market for animal health reasons. It is appropriate to permit the dispatch from the protection zones of meat bearing the health mark provided for in that Directive and meat products subjected to treatment referred to therein.

(14) Pending the meeting of the Standing Committee on the Food Chain and Animal Health and in collaboration with the Member State concerned the Commission should take interim protection measures relating to highly pathogenic avian influenza in wild birds.

(15) The measures provided for in this Decision should be reviewed at the next meeting of the Standing Committee on the Food Chain and Animal Health,

[1] OJ L 274, 20.10.2005, p. 105. Decision as last amended by Decision 2005/855/EC (OJ L 316, 2.12.2005, p. 21).
[2] OJ L 273, 10.10.2002, p. 1. Regulation as last amended by Commission Regulation (EC) No 416/2005 (OJ L 66, 12.3.2005, p. 10).
[3] OJ L 268, 14.9.1992, p. 54. Directive as last amended by Directive 2004/68/EC (OJ L 139, 30.4.2004, p. 321).
[4] OJ L 139, 30.4.2004, p. 55; corrected version in OJ L 226, 25.6.2004, p. 22. Regulation as last amended by Commission Regulation (EC) No 2076/2005 (OJ L 338, 22.12.2005, p. 83).
[5] OJ L 18, 23.1.2003, p. 11.

HAS ADOPTED THIS DECISION:

Article 1

Subject matter, scope and definitions

1. This Decision lays down certain interim protection measures in relation to highly pathogenic avian influenza in wild birds in Slovenia caused by influenza A virus of subtype H5 suspected to be of the neuraminidase type N1, in order to prevent the spread of avian influenza from wild birds to poultry or other captive birds as well as the contamination of products thereof.

2. Except as otherwise provided, the definitions of Directive 2005/94/EC shall apply. In addition, the following definitions shall apply:

(a) 'hatching eggs' means eggs as defined in Article 2(2) of Directive 90/539/EEC;

(b) 'wild feathered game' means game as defined in point 1.5, second indent, and point 1.7 of Annex I to Regulation (EC) No 853/2004;

(c) 'other captive birds' means birds as defined in point 6 of Article 2 of Directive 2005/94/EC, including:

(i) pet animals of the bird species as referred to in Article 3(a) of Regulation (EC) No 998/2003, and

(ii) birds for zoos, circuses, amusement parks and experimental laboratories.

Article 2

Establishment of protection and surveillance zones

1. Slovenia shall establish around the area where the presence of highly pathogenic avian influenza caused by influenza A virus of subtype H5 in wild birds is confirmed and the neuraminidase type N1 is either suspected or confirmed:

(a) a protection zone with a radius of at least three kilometres, and

(b) a surveillance zone with a radius of at least 10 kilometres, including the protection zone.

2. The establishment of the protection and surveillance zones referred to in paragraph 1 shall take account of geographical, administrative, ecological and epizootiological factors relating to avian influenza, and of monitoring facilities.

3. If the protection or surveillance zones cover the territories of other Member States, Slovenia shall collaborate with the authorities of those Member States to establish the zones.

4. Slovenia shall notify to the Commission and to the other Member States the details of any protection and surveillance zones established under this Article.

Article 3

Measures in the protection zone

1. Slovenia shall ensure that at least the following measures are applied in the protection zone:

(a) the identification of all holdings within the zone;

(b) periodic and documented visits to all commercial holdings a clinical inspection of poultry including, if necessary, the collection of samples for laboratory examination;

(c) the implementation of appropriate on-farm biosecurity measures, including disinfection at the entrances and exits of the holding, the housing of the poultry or the confinement of poultry to places where the direct and indirect contact with other poultry and captive birds can be prevented;

(d) the implementation of the biosecurity measures laid down in Decision 2005/734/EC;

(e) the control of the movement of products from poultry in accordance with Article 9;

(f) active disease monitoring in the population of wild birds, in particular water fowl, if necessary with the co-operation of hunters and bird-watchers who have been specifically instructed on measures to protect themselves from infection with the virus and to prevent the spread of the virus to susceptible animals;

(g) campaigns to increase disease awareness amongst owners, hunters and bird-watchers.

2. Slovenia shall ensure that the following are prohibited in the protection zone:

(a) the removal of poultry and other captive birds from the holding on which they are kept;

(b) the assembly of poultry and other captive birds at fairs, markets, shows or other gatherings;

(c) the transport through the zone of poultry and other captive birds, except transit on major roads or railways and transport to a slaughterhouse for direct slaughter;

(d) the dispatch from the zone of hatching eggs;

(e) the dispatch from the zone of fresh meat, minced meat, meat preparations and meat products from poultry and other captive birds and wild feathered game;

(f) the transport or spread outside the zone of unprocessed used litter or manure from holdings within the zone, except the transport for treatment in accordance with Regulation (EC) No 1774/2002;

(g) the hunting of wild birds.

Article 4

Measures in the surveillance zone

1. Slovenia shall ensure that at least the following measures are applied in the surveillance zone:

(a) the identification of all holdings within the zone;

(b) the implementation of appropriate on-farm biosecurity measures, including the use of appropriate means of disinfection at the entrances and exits of the holding;

(c) the implementation of the biosecurity measures laid down in Decision 2005/734/EC;

(d) the control of movement of poultry and other captive birds and hatching egg within the zone.

2. Slovenia shall ensure that the following are prohibited in the surveillance zone:

(a) movement of poultry and other captive birds out of the zone for the first 15 days following the establishment of the zone;

(b) the assembly of poultry and other birds at fairs, markets, shows or other gatherings;

(c) the hunting of wild birds.

Article 5

Duration of the measures

If the neuraminidase type is confirmed as being different from N1, the measures provided for in Articles 3 and 4 shall be abolished.

If the presence of an influenza A virus of the subtype H5N1 in wild birds is confirmed, the measures provided for in Articles 3 and 4 shall apply for as long as is necessary having regard to the geographical, administrative, ecological and epizootiological factors relating to avian influenza and for at least 21 in the case of the protection zone and 30 days in the case of the surveillance zone after the date on which an H5 avian influenza virus collected from a clinical case in wild birds has been isolated.

Article 6

Derogations for live birds and day-old chicks

1. By way of derogation from Article 3(2)(a), Slovenia may authorise the transport of ready-to-lay pullets and turkeys for fattening to holdings under official control situated either in the protection or in the surveillance zone.

2. By way of derogation from Article 3(2)(a) or Article 4(2)(a), Slovenia may authorise the transport of:

(a) poultry for immediate slaughter, including spent laying hens, to a slaughterhouse located in the protection zone or in the surveillance zone or, if that is not possible, to a slaughterhouse designated by the competent authority outside the zones;

(b) day-old chicks from the protection zone to holdings under official control on the territory of Slovenia on which there are no other poultry or captive birds, except pet birds referred to in Article 1(2)(c)(i), separated from poultry;

(c) day-old chicks from the surveillance zone to holdings under official control on the territory of Slovenia;

(d) ready-to-lay pullets and turkeys for fattening from the surveillance zone to holdings under official control on the territory of Slovenia;

(e) pet birds referred to in Article 1(2)(c)(i), to premises on the territory of Slovenia not keeping poultry, if the consignment consists of five or fewer caged birds, notwithstanding national rules referred to in Article 1, third paragraph, of Directive 92/65/EEC;

(f) birds referred to in Article 1(2)(c)(ii) coming from bodies, institutes and centres and proceeding to bodies, institutes and centres approved in accordance with Article 13 of Directive 92/65/EEC.

Article 7

Derogations for hatching eggs

1. By way of derogation from Article 3(2)(d), Slovenia may authorise:

(a) the transport of hatching eggs from the protection zone to a designated hatchery within the territory of Slovenia;

(b) the dispatch of hatching eggs from the protection zone to hatcheries situated outside the territory of Slovenia provided that:

(i) the hatching eggs were collected from flocks which:

— are not suspected of being infected with avian influenza, and

— have tested negative in a serological survey for avian influenza capable of detecting 5 % prevalence of disease with at least a 95 % level of confidence, and

(ii) the conditions laid down in Article 26(1)(b), (c) and (d) of Directive 2005/94/EC are fulfilled.

2. The animal health certificates in accordance with Model 1 of Annex IV to Council Directive 90/539/EEC accompanying consignments of hatching eggs referred to in paragraph 1(b) dispatched to other Member States shall include the words:

'The animal health conditions of this consignment are in accordance with Commission Decision 2006/91/EC.'

Article 8

Derogations for meat, minced meat, meat preparations and meat products

1. By way of derogation from Article 3(2)(e), Slovenia may authorise the dispatch from the protection zone of:

(a) fresh meat from poultry, including meat from ratites, originating in or outside that zone and produced in accordance with Annex II and Sections II and III of Annex III to Regulation (EC) No 853/2004 and controlled in accordance with Sections I, II, III, and Chapters V and VII of Section IV of Annex I to Regulation (EC) No 854/2004;

(b) minced meat, meat preparations and meat products containing meat referred to in point (a) and produced in accordance with Sections V and VI of Annex III to Regulation (EC) No 853/2004;

(c) fresh meat from wild feathered game originating in that zone, if such meat is marked with the health mark provided for in Annex II to Directive 2002/99/EC and is intended for transport to an establishment for treatment as required for avian influenza in accordance with Annex III to that Directive;

(d) meat products produced from meat from wild feathered game which were subjected to a treatment as required for avian influenza in accordance with Annex III to Directive 2002/99/EC;

(e) fresh meat from wild feathered game originating outside the protection zone and produced in establishments within the protection zone in accordance with Section IV of Annex III to Regulation (EC) No 853/2004 and controlled in accordance with Chapter VIII of Section IV of Annex I to Regulation (EC) No 854/2004;

(f) minced meat, meat preparations and meat products containing meat referred to in point (e) and produced in establishments situated in the protection zone in accordance with Sections V and VI of Annex III to Regulation (EC) No 853/2004.

2. Slovenia shall ensure that the products referred to in paragraph 1(e) and (f) are accompanied by a commercial document stating:

'The animal health conditions of this consignment are in accordance with Commission Decision 2006/91/EC.'

Article 9

Conditions for animal by-products

1. In accordance with Article 3(1)(e), Slovenia may authorise the dispatch of:

(a) animal by-products complying with the conditions set out in Chapters II (A), III (B), IV (A), VI (A and B), VII (A), VIII (A), IX (A) and X (A) of Annex VII, and Chapter II (B) and Chapter III (II) (A) of Annex VIII to Regulation (EC) No 1774/2002;

(b) unprocessed feathers or parts of feathers in accordance with Chapter VIII (A) (1) (a) of Annex VIII to Regulation (EC) No 1774/2002, produced from poultry coming from outside the protection zone;

(c) processed poultry feathers and parts of poultry feathers that have been treated with a steam current or by some other method that ensures that no pathogens remain;

(d) products derived from poultry or other captive birds which, in accordance with Community legislation, are not subject to any animal health conditions or which are not subject to any ban or restriction for reasons of animal health, including the products referred to in Chapter VII (A)(1)(a) of Annex VIII to Regulation (EC) No 1774/2002.

2. Slovenia shall ensure that the products referred to in paragraph 1(b) and (c) are accompanied by a commercial document in accordance with Chapter X of Annex II to Regulation (EC) No 1774/2002 stating in point 6.1 of that document that those products have been treated with a steam current or by some other method ensuring that no pathogens remains.

However, that commercial document shall not be required for processed decorative feathers, processed feathers carried by travellers for their private use or consignments of processed feathers sent to private individuals for non-industrial purposes.

Article 10

Conditions for movements

1. Where movements of animals or products thereof covered by this Decision are authorised under Articles 6 to 9, all appropriate biosecurity measures shall be taken to avoid the spread of avian influenza.

2. Where the dispatch, movement or transport of products referred to in paragraph 1 are authorised under Articles 7, 8 and 9, they must be obtained, handled, treated, stored and transported separately from other products fulfilling all the animal health requirements for trade, placing on the market or export to third countries.

Article 11

Compliance

Slovenia shall immediately take the necessary measures to comply with this Decision and publish those measures. It shall immediately inform the Commission thereof.

Article 12

Addressee

This Decision is addressed to the Slovenian Republic.

Done at Brussels, 13 February 2006.

For the Commission
Markos KYPRIANOU
Member of the Commission