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⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 2103/2005**of 12 December 2005****amending Regulation (EC) No 3605/93 as regards the quality of statistical data in the context of the excessive deficit procedure**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular the third subparagraph of Article 104(14) 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 Central Bank ⁽²⁾,

Whereas:

(1) Statistical data to be used for the application of the Protocol on the excessive deficit procedure annexed to the Treaty establishing the European Community must be provided by the Commission. The Commission does not directly compile these data but relies on data compiled and reported by the national authorities pursuant to Article 3 of that Protocol.

(2) The role of the Commission, as statistical authority, in that context is specifically exercised by Eurostat, on behalf of the Commission. As the Commission department responsible for carrying out the tasks devolving on the Commission as regards the production of Community statistics, Eurostat is required to execute its tasks in accordance with the principles of impartiality,

reliability, relevance, cost-effectiveness, statistical confidentiality and transparency, as laid down in Commission Decision 97/281/EC of 21 April 1997 on the role of Eurostat as regards the production of Community statistics ⁽³⁾. The implementation by the national and Community statistical authorities of the Recommendation of the Commission of 25 May 2005 on the independence, integrity and accountability of the national and Community statistical authorities should enhance the principle of professional independence, adequacy of resources and quality of statistical data.

(3) Council Regulation (EC) No 3605/93 of 22 November 1993 on the application of the Protocol on the excessive deficit procedure annexed to the Treaty establishing the European Community ⁽⁴⁾ contains the relevant definitions for the purpose of the excessive deficit procedure and lays down a timetable for the reporting to the Commission of annual government deficit and debt and of other annual government data. In its current wording, the Regulation does not contain provisions concerning the assessment of the quality of the data reported by Member States or to the provision of data by the Commission.

(4) Following a proposal by the Commission, the Council (ECOFIN) adopted on 18 February 2003 a Code of Best Practice on the compilation and reporting of data in the context of the excessive deficit procedure, in an attempt to clarify and streamline procedures, at both Member States and Commission levels, when compiling and reporting the European System of Accounts 1995 (ESA 95) ⁽⁵⁾, government accounts, and in particular data for government deficit and debt, in the context of the excessive deficit procedure.

⁽³⁾ OJ L 112, 29.4.1997, p. 56.

⁽⁴⁾ OJ L 332, 31.12.1993, p. 7. Regulation as last amended by Commission Regulation (EC) No 351/2002 (OJ L 55, 26.2.2002, p. 23).

⁽⁵⁾ Council Regulation (EC) No 2223/96 of 25 June 1996 on the European system of national and regional accounts in the Community (OJ L 310, 30.11.1996, p. 1). Regulation as last amended by Regulation (EC) No 1267/2003 of the European Parliament and of the Council (OJ L 180, 18.7.2003, p. 1).

⁽¹⁾ Opinion delivered on 23 June 2005 (not yet published in the Official Journal).

⁽²⁾ OJ C 116, 18.5.2005, p. 11.

- (5) A revision of the deadlines for reporting data in the context of the excessive deficit procedure should ensure full consistency with the deadlines of the ESA transmission programme⁽¹⁾ on government expenditure and revenue, financial balance sheets, financial transactions and debt with quarterly and annual frequency. The purpose of the revision of reporting deadlines is to streamline the Member States' reporting obligations, and the revision implies some future amendment of the ESA 95 transmission programme, to be carried out by a Commission Regulation.
- (6) The credibility of budgetary surveillance crucially hinges upon reliable budgetary statistics. It is of the utmost importance that data reported by Member States under Regulation (EC) No 3605/93 and provided by the Commission to the Council in accordance with the Protocol be of high quality.
- (7) It is necessary to specify measures to improve the quality of actual government data reported in the context of the excessive deficit procedure which build on existing best practices and which would allow the Council and the Commission to perform their duties under the Treaty. Core elements for the evaluation of quality are laid down in the Quality Declaration of the European Statistical System, adopted by the Statistical Programme Committee in September 2001.
- (8) In accordance with the principle of proportionality, as set out in Article 5 of the Treaty, the measures provided for in this Regulation necessary to achieve the objective of strengthening the statistical monitoring of the quality of the reported data in the context of the excessive deficit procedure do not go beyond what is required to achieve this objective.
- (9) The compilation of budgetary statistics is governed by the principles laid down in Council Regulation (EC) No 322/97 of 17 February 1997 on Community statistics⁽²⁾, most notably the principles of impartiality, reliability, relevance and transparency.
- (10) Eurostat shall be responsible, on behalf of the Commission, for assessing the quality of the data and for providing the data to be used in the context of the excessive deficit procedure, in accordance with Commission Decision 97/281/EC.
- (11) A permanent dialogue should be established between the Commission and the Member States' statistical authorities in order to ensure the quality both of the actual data reported by Member States and of the underlying government sector accounts compiled in accordance with ESA 95. To that end, regular dialogue visits, as well as possible methodological visits, may be carried out by the Commission, thus enhancing the monitoring of the reported data and providing continuing assurance of data quality. Member States are to provide the Commission with prompt access to the information. Dialogue visits should be the rule. Methodological visits should only be undertaken in cases where the Commission (Eurostat) identifies substantial risks or potential problems with the quality of the data, especially where it relates to the methods, concepts and classifications applied to the data, which Member States are obliged to report. The conduct of these possible methodological visits will be based on exchange of information amongst all the relevant fora, in particular the Economic and Financial Committee.
- (12) Detailed inventories of the methods, procedures and sources used for the compilation of actual deficit and debt data and the underlying government sector accounts compiled according to ESA 95 are to be provided to the Commission, updated and made public by the Member States.
- (13) Prompt decisions by the Commission (Eurostat) on the correct accounting treatment of a transaction in accordance with Council Regulation (EC) No 2223/96 are needed in cases of doubt as to the correct accounting treatment of a government transaction or in cases which are either complex or of general interest.
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- ⁽¹⁾ — Commission Regulation (EC) No 264/2000 of 3 February 2000 on the implementation of Council Regulation (EC) No 2223/96 with respect to short term public finance statistics (OJ L 29, 4.2.2000, p. 4).
— Regulation (EC) No 1221/2002 of the European Parliament and of the Council of 10 June 2002 on quarterly non-financial accounts for general government (OJ L 179, 9.7.2002, p. 1).
— Regulation (EC) No 501/2004 of the European Parliament and of the Council of 10 March 2004 on quarterly financial accounts for general government (OJ L 81, 19.3.2004, p. 1).
— Council Regulation (EC) No 1222/2004 of 28 June 2004 concerning the compilation and transmission of data on the quarterly government debt (OJ L 233, 2.7.2004, p. 1).
— Commission Regulation (EC) No 1500/2000 of 10 July 2000 implementing Council Regulation (EC) No 2223/96 with respect to general government expenditure and revenue (OJ L 172, 12.7.2000, p. 3).
— Council Regulation (EC) No 2223/96 (OJ L 310, 30.11.1996, p. 1).
- ⁽²⁾ OJ L 52, 22.2.1997, p. 1.

- (14) Rules governing the provision of data by the Commission (Eurostat) are to be clarified in terms of the time limit for such provision and any reservations and amendments.
- (15) Coverage of the reporting needs to be brought in line with the data currently reported by the Member States. More generally, Regulation (EC) No 3605/93 needs to be updated in the light of the experience gained through the implementation of the Code of Best Practice.
- (16) Regulation (EC) No 3605/93 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 3605/93 is hereby amended as follows:

1. Article 3 shall be replaced by the following:

'Article 3

1. Planned government deficit and government debt level figures mean the figures established for the current year by the Member States. They shall be the most recent official forecasts, taking into account the most recent budgetary decisions and economic developments and prospects. They should be produced in as short a time as possible before the reporting deadline.

2. Actual government deficit and government debt level figures mean estimated, provisional, half-finalised or final results for a past year. The planned data together with the actual data must form a consistent time series as far as the definitions and concepts are concerned.;

2. in Article 4, paragraphs 1, 2 and 3 shall be replaced by the following:

'1. As from the beginning of 1994, Member States shall report to the Commission their planned and actual government deficits and levels of government debt twice a year, the first time before 1 April of the current year (year n) and the second time before 1 October of year n.

Member States shall inform the Commission which national authorities are responsible for the excessive deficit procedure reporting.

2. Before 1 April of year n, Member States:

— shall report to the Commission their planned government deficit for year n, an up-to-date estimate of their actual government deficit for year n-1 and their actual government deficits for years n-2, n-3 and n-4,

— shall simultaneously provide the Commission with their planned data for year n and the actual data for years n-1, n-2, n-3 and n-4 of their corresponding public accounts budget deficits in accordance with the definition which is given most prominence nationally and with the figures which explain the transition between the public accounts budget deficit and their government deficit for the sub-sector S.1311,

— shall simultaneously provide the Commission with their actual data for years n-1, n-2, n-3 and n-4 of their corresponding working balances and with the figures which explain the transition between the working balances of each government sub-sector and their government deficit for the sub-sectors S.1312, S.1313 and S.1314,

— shall report to the Commission their planned level of government debt at the end of year n and their levels of actual government debt at the end of years n-1, n-2, n-3 and n-4,

— shall simultaneously provide the Commission, for years n-1, n-2, n-3 and n-4, with the figures which explain the contribution of the government deficit and other factors relevant to the variation in the level of their government debt by sub-sector.

3. Before 1 October of year n, Member States shall report to the Commission:

— their updated planned government deficit for year n and their actual government deficits for years n-1, n-2, n-3 and n-4 and shall comply with the requirements of the second and third indents of paragraph 2,

— their updated planned level of government debt at the end of year n and their levels of actual government debt at the end of years n-1, n-2, n-3 and n-4, and shall comply with the requirements of the fifth indent of paragraph 2.;

3. Articles 7 and 8 shall be replaced by the following:

‘Article 7

1. Member States shall inform the Commission, as soon as it becomes available, of any major revision in their actual and planned government deficit and debt figures already reported.

2. Major revisions in the actual deficit and debt figures already reported shall be properly documented. In any case, revisions which result in the reference values as specified in the relevant Treaty Protocol being exceeded, or revisions which mean that a Member State's data no longer exceed the reference values, must be reported and properly documented.

Article 8

Member States shall make public the actual deficit and debt data and other data for past years reported to the Commission in accordance with Articles 4, 5, 6 and 7.;

4. After Article 8, the following sections shall be inserted:

‘SECTION 2a

QUALITY OF DATA

Article 8a

1. The Commission (Eurostat) shall regularly assess the quality both of actual data reported by Member States and of the underlying government sector accounts compiled according to ESA 95 (hereinafter referred to as government accounts). Quality of actual data means compliance with accounting rules, completeness, reliability, timeliness, and consistency of the statistical data. The assessment will focus on areas specified in the inventories of Member States such as the delimitation of the government sector, the classification of government transactions and liabilities, and the time of recording.

2. Member States shall provide the Commission (Eurostat), as promptly as possible, with the relevant statistical information requested for the needs of the data quality assessment, without prejudice to the provisions relating to statistical confidentiality of Regulation (EC) No 322/97.

“Statistical information” referred to in the first subparagraph should be limited to the information strictly necessary to check the compliance to ESA rules. In particular, statistical information means:

— data from national accounts,

— inventories,

— EDP notification tables,

— additional questionnaires and clarification related to the notifications.

The questionnaires' format shall be defined by the Commission (Eurostat) after consultation of the Committee on Monetary, Financial and Balance of Payments Statistics (hereinafter referred to as CMFB) established by Council Decision 91/115/EEC (*).

3. The Commission (Eurostat) shall report regularly to the European Parliament and to the Council on the quality of the actual data reported by Member States. The report shall address the overall assessment of the actual data reported by Member States as regards to the compliance with accounting rules, completeness, reliability, timeliness, and consistency of the data.

Article 8b

1. Member States shall provide the Commission (Eurostat) with a detailed inventory of the methods, procedures and sources used to compile actual deficit and debt data and the underlying government accounts.

2. The inventories shall be prepared in accordance with guidelines adopted by the Commission (Eurostat) after consultation of CMFB.

3. The inventories shall be updated following revisions in the methods, procedures and sources adopted by Member States to compile their statistical data.

4. Member States shall make their inventories public.

5. The issues referred to in paragraphs 1, 2 and 3 may be addressed in the visits mentioned in Article 8d.

Article 8c

1. In the event of a doubt regarding the correct implementation of the ESA 95 accounting rules, the Member State concerned shall request clarification from the Commission (Eurostat). The Commission (Eurostat) shall promptly examine the issue and communicate its clarification to the Member State concerned and, when appropriate, to the CMFB.

2. For cases which are either complex or of general interest in the view of the Commission or the Member State concerned, the Commission (Eurostat) shall take a decision after consultation of the CMFB. The Commission (Eurostat) shall make decisions public, together with the opinion of the CMFB, without prejudice to the provisions relating to statistical confidentiality of Regulation (EC) No 322/97.

Article 8d

The Commission (Eurostat) shall ensure a permanent dialogue with Member States' statistical authorities. To this end, the Commission (Eurostat) will carry out in all Member States regular dialogue visits, as well as possible methodological visits. The methodological visits should only be undertaken in cases where substantial risks or potential problems with the quality of the data are identified, especially as they relate to the methods, concepts and classification applied to the data, which Member States are obliged to report.

The dialogue visits are designed to review reported data, to examine methodological issues, to discuss statistical processes and sources described in the inventories, and to assess compliance with the accounting rules. The dialogue visits should be used to identify risks or potential problems about the quality of the reported data. The methodological visits are designed to monitor the processes and the government accounts which justify the reported actual data and to draw detailed conclusions as to the quality of reported data, as defined in Article 8a(1). The methodological visits should not go beyond the purely statistical domain. This should be reflected in the composition of the delegations referred to in Article 8e.

When organising dialogue and methodological visits, the Commission (Eurostat) shall transmit its provisional findings to the Member States concerned for comments.

Article 8e

1. When carrying out methodological visits in Member States, the Commission (Eurostat) may request the assistance of national accounts experts, proposed by other Member States on a voluntary basis, and of officials from other Commission departments.

The list of national accounts' experts from which the Commission may request assistance, will be constituted on the basis of proposals sent to the Commission by the national authorities responsible for the excessive deficit reporting.

2. Member States shall take all necessary measures to facilitate the methodological visits. These visits should be confined to the national authorities involved in the excessive deficit procedure reporting. Member States shall, however, ensure that their services which are directly or indirectly involved in the production of government accounts and debt, and where necessary their national authorities which have a functional responsibility for the control of the public accounts, provide the Commission officials or other experts referred to in paragraph 1 with the assistance necessary to carry out their duties, including making documents available to justify the reported actual deficit and debt data and the underlying government accounts. Confidential records of the national statistical system should only be provided to the Commission (Eurostat).

Without prejudice to the general obligation of the Member States to take all measures required to facilitate the methodological visits, the interlocutors of Eurostat for the methodological visits referred to in the first subparagraph are, in each Member State, the services responsible for the excessive deficit procedure reporting.

3. The Commission (Eurostat) shall ensure that officials and experts participating in these visits meet every guarantee as regards technical competence, professional independence and observance of confidentiality.

Article 8f

The Commission (Eurostat) shall report to the Economic and Financial Committee on the findings of dialogue and methodological visits, including any comments on these findings made by the Member State concerned. These reports, along with any comments made by the Member State concerned, after having been transmitted to the Economic and Financial Committee, shall be made public, without prejudice to the provisions concerning statistical confidentiality in Regulation (EC) No 322/97.

SECTION 2b

PROVISION OF DATA BY THE COMMISSION

Article 8g

1. The Commission (Eurostat) shall provide the actual government deficit and debt data for the application of the Protocol on the excessive deficit procedure, within three weeks after the reporting deadlines referred to in Article 4(1) or after revisions as referred to in Article 7(1). This provision of data shall be effected through publication.

2. The Commission (Eurostat) shall not delay the provision of the actual government deficit and debt data of Member States where a Member State has not reported its own data.

Article 8h

1. The Commission (Eurostat) may express a reservation on the quality of the actual data reported by the Member States. No later than three working days before the planned publication date, the Commission (Eurostat) shall communicate to the Member State concerned and to the President of the Economic and Financial Committee the reservation it intends to express and make public. Where the issue is resolved after publication of the data and the reservation, withdrawal of the reservation shall be made public immediately thereafter.

2. The Commission (Eurostat) may amend actual data reported by Member States and provide the amended data and a justification of the amendment where there is evidence that actual data reported by Member States do not comply with the requirements of Article 8a(1). No later than three working days before the planned publication date, the Commission (Eurostat) shall communicate to the Member State concerned and to the President of the Economic and Financial Committee the amended data and the justification for the amendment.

SECTION 2c

GENERAL PROVISIONS

Article 8i

1. Member States shall ensure that the actual data reported to the Commission are provided in accordance

with the principles established by Article 10 of Regulation (EC) No 322/97. In this regard, the responsibility of the National Statistical Authorities is to ensure the compliance of reported data with Articles 1 and 2 and the underlying ESA 95 accounting rules.

2. Member States shall take all appropriate measures to ensure that officials responsible for the reporting of the actual data to the Commission and of the underlying government accounts act in accordance with the principles established by Article 10 of Regulation (EC) No 322/97.

Article 8j

In the event of a revision of ESA 95 or of an amendment to its methodology decided on by the European Parliament and the Council or the Commission in accordance with the rules of competence and procedure laid down in the Treaty and in Regulation (EC) No 2223/96, the Commission shall introduce the new references to ESA 95 into Articles 1, 2 and 4.

(*) OJ L 59, 6.3.1991, p. 19.'

Article 2

Entry into force

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

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

Done at Brussels, 12 December 2005.

For the Council
The President
J. STRAW

COUNCIL REGULATION (EC, EURATOM) No 2104/2005**of 20 December 2005****adjusting, with effect from 1 July 2005, the remuneration to pensions of officials to other servants of the European Communities to the correction coefficients applied thereto**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Protocol on the Privileges and Immunities of the European Communities, to in particular Article 13 thereof,

Having regard to the Staff Regulations of officials to the Conditions of employment of other servants of the European Communities laid down by Regulation (EEC, Euratom, ECSC) No 259/68 ⁽¹⁾, and in particular Articles 63, 64, 65 and 82 of the Staff Regulations to Annexes VII, XI and XIII thereto, and the first paragraph of Article 20 and Articles 64 and 92 of the Conditions of employment of other servants,

Having regard to the proposal from the Commission,

Whereas:

in order to guarantee that the purchasing power of Community officials to other servants develops in parallel with that of national civil servants in the Member States, the remuneration to pensions of officials to other servants of the European Communities should be adjusted under the 2005 annual review,

HAS ADOPTED THIS REGULATION:

Article 1

With effect from 1 July 2005, the date '1 July 2004' in the second paragraph of Article 63 of the Staff Regulations shall be replaced by '1 July 2005'.

Article 2

With effect from 1 July 2005, the table of basic monthly salaries in Article 66 of the Staff Regulations applicable for the purposes of calculating remuneration to pensions shall be replaced by the following:

1.7.2005 Grade	Step				
	1	2	3	4	5
16	15 255,00	15 896,04	16 564,01		
15	13 482,88	14 049,45	14 639,82	15 047,12	15 255,00
14	11 916,61	12 417,36	12 939,16	13 299,15	13 482,88
13	10 532,30	10 974,88	11 436,06	11 754,22	11 916,61
12	9 308,79	9 699,96	10 107,56	10 388,77	10 532,30
11	8 227,42	8 573,15	8 933,40	9 181,94	9 308,79
10	7 271,67	7 577,23	7 895,64	8 115,30	8 227,42
9	6 426,94	6 697,01	6 978,42	7 172,57	7 271,67
8	5 680,34	5 919,04	6 167,76	6 339,36	6 426,94
7	5 020,47	5 231,44	5 451,27	5 602,93	5 680,34

⁽¹⁾ OJ L 56, 4.3.1968, p. 1. Regulation as last amended by Regulation (EC, Euratom) No 723/2004 (OJ L 124, 27.4.2004, p. 1).

1.7.2005	Step				
	1	2	3	4	5
Grade					
6	4 437,26	4 623,72	4 818,01	4 952,06	5 020,47
5	3 921,80	4 086,60	4 258,32	4 376,79	4 437,26
4	3 466,22	3 611,87	3 763,65	3 868,36	3 921,80
3	3 063,56	3 192,29	3 326,43	3 418,98	3 466,22
2	2 707,67	2 821,45	2 940,01	3 021,81	3 063,56
1	2 393,13	2 493,69	2 598,48	2 670,77	2 707,67

Article 3

With effect from 1 July 2005, the correction coefficients applicable under Article 64 of the Staff Regulations to the remuneration of officials and other servants shall be as indicated in column 2 of the following table.

With effect from 1 January 2006, the correction coefficients applicable under Article 17(3) of Annex VII to the Staff Regulations to transfers by officials and other servants shall be as indicated in column 3 of the following table.

With effect from 1 July 2005, the correction coefficients applicable to pensions under Article 20(2) of Annex XIII to the Staff Regulations shall be as indicated in column 4 of the following table.

With effect from 1 May 2006, the correction coefficients applicable to pensions under Article 20(2) of Annex XIII to the Staff Regulations shall be as indicated in column 5 of the following table.

1	2	3	4	5
Country/Place	Remuneration 1.7.2005	Transfer 1.1.2006	Pension 1.7.2005	Pension 1.5.2006
Czech Republic	90,6	78,6	100,0	100,0
Denmark	135,9	130,8	133,9	132,8
Germany	100,2	102,1	101,0	101,3
Bonn	96,0			
Karlsruhe	95,0			
Munich	106,4			
Estonia	80,3	78,1	100,0	100,0
Greece	93,0	91,2	100,0	100,0
Spain	101,2	95,3	100,0	100,0
France	119,0	106,3	113,9	111,4
Ireland	122,4	116,3	120,0	118,7
Italy	111,8	107,6	110,1	109,3
Varese	99,0			
Cyprus	92,0	97,2	100,0	100,0
Latvia	76,1	72,9	100,0	100,0
Lithuania	77,1	73,6	100,0	100,0
Hungary	90,0	73,0	100,0	100,0
Malta	89,6	92,3	100,0	100,0
Netherlands	109,7	101,3	106,3	104,7
Austria	107,1	107,0	107,1	107,0
Poland	81,4	74,9	100,0	100,0

1	2	3	4	5
Portugal	91,5	90,1	100,0	100,0
Slovenia	83,0	80,8	100,0	100,0
Slovakia	92,9	82,1	100,0	100,0
Finland	117,7	112,8	115,7	114,8
Sweden	112,4	105,1	109,5	108,0
United Kingdom	143,8	117,4	133,2	128,0
Culham	115,4			

Article 4

With effect from 1 July 2005, the amount of the parental leave allowance referred to in Article 42a of the Staff Regulations shall be EUR 822,06 to EUR 1 096,07 for single parents.

Article 5

With effect from 1 July 2005 the basic amount of the household allowance referred to in Article 1(1) of Annex VII to the Staff Regulations shall be EUR 153,75.

With effect from 1 July 2005 the amount of the dependent child allowance referred to in Article 2(1) of Annex VII to the Staff Regulations shall be EUR 335,96.

With effect from 1 July 2005 the amount of the education allowance referred to in Article 3(1) of Annex VII to the Staff Regulations shall be EUR 227,96.

With effect from 1 July 2005 the amount of the education allowance referred to in Article 3(2) of Annex VII to the Staff Regulations shall be EUR 82,07.

With effect from 1 July 2005, the minimum amount of the expatriation allowance referred to in Article 69 of the Staff Regulations and in the second subparagraph of Article 4(1) of Annex VII thereto shall be EUR 455,69.

Article 6

With effect from 1 January 2006, the kilometric allowance referred to in Article 8 of Annex VII to the Staff Regulations shall be adjusted as follows:

- EUR 0 for every km from: 0 to 200 km
- EUR 0,3417 for every km from: 201 to 1 000 km
- EUR 0,5695 for every km from: 1 001 to 2 000 km
- EUR 0,3417 for every km from: 2 001 to 3 000 km
- EUR 0,1139 for every km from: 3 001 to 4 000 km
- EUR 0,0548 for every km from: 4 001 to 10 000 km
- EUR 0 for every km over: 10 000 km.

A flat-rate supplement shall be added to the above kilometric allowance, amounting to:

- EUR 170,84 if the distance by train between the place of employment and the place of origin is between 725 km and 1 450 km,
- EUR 341,66 if the distance by train between the place of employment and the place of origin is greater than 1 450 km.

Article 7

With effect from 1 July 2005 the daily subsistence allowance referred to in Article 10 of Annex VII to the Staff Regulations shall be:

- EUR 35,31 for an official who is entitled to the household allowance,
- EUR 28,47 for an official who is not entitled to the household allowance.

Article 8

With effect from 1 July 2005, the lower limit for the installation allowance referred to in Article 24(3) of the conditions of employment of other servants shall be:

- EUR 1 005,33 for a servant who is entitled to the household allowance,
- EUR 597,77 for a servant who is not entitled to the household allowance.

Article 9

With effect from 1 July 2005, for the unemployment allowance referred to in the second subparagraph of Article 28a(3) of the Conditions of employment of other servants, the lower limit shall be EUR 1 205,67, the upper limit shall be EUR 2 411,35 and the standard allowance shall be EUR 1 096,07.

Article 10

With effect from 1 July 2005, the table of basic monthly salaries in Article 63 of the Conditions of employment of other servants shall be replaced by the following:

1.7.2005	Step				
Category	Group	1	2	3	4
A	I	6 144,76	6 905,90	7 667,04	8 428,18
	II	4 459,77	4 894,34	5 328,91	5 763,48
	III	3 747,74	3 914,68	4 081,62	4 248,56
B	IV	3 600,20	3 952,65	4 305,10	4 657,55
	V	2 827,89	3 014,30	3 200,71	3 387,12
C	VI	2 689,53	2 847,87	3 006,21	3 164,55
	VII	2 407,22	2 489,13	2 571,04	2 652,95
D	VIII	2 175,76	2 303,90	2 432,04	2 560,18
	IX	2 095,34	2 124,53	2 153,72	2 182,91

Article 11

With effect from 1 July 2005, the table of basic monthly salaries in Article 93 of the Conditions of employment of other servants shall be replaced by the following:

Function group	1.7.2005	Step						
	Grade	1	2	3	4	5	6	7
IV	18	5 258,78	5 368,14	5 479,78	5 593,73	5 710,06	5 828,81	5 950,02
	17	4 647,85	4 744,50	4 843,17	4 943,89	5 046,70	5 151,65	5 258,78
	16	4 107,89	4 193,31	4 280,52	4 369,53	4 460,40	4 553,16	4 647,85
	15	3 630,66	3 706,16	3 783,23	3 861,91	3 942,22	4 024,20	4 107,89
	14	3 208,87	3 275,60	3 343,72	3 413,25	3 484,23	3 556,69	3 630,66
	13	2 836,08	2 895,06	2 955,26	3 016,72	3 079,46	3 143,50	3 208,87
III	12	3 630,61	3 706,10	3 783,17	3 861,84	3 942,14	4 024,12	4 107,80
	11	3 208,85	3 275,57	3 343,69	3 413,22	3 484,19	3 556,65	3 630,61
	10	2 836,08	2 895,06	2 955,26	3 016,71	3 079,44	3 143,48	3 208,85
	9	2 506,62	2 558,74	2 611,95	2 666,27	2 721,71	2 778,31	2 836,08
	8	2 215,43	2 261,50	2 308,53	2 356,53	2 405,53	2 455,56	2 506,62
II	7	2 506,55	2 558,69	2 611,90	2 666,23	2 721,69	2 778,29	2 836,08
	6	2 215,31	2 261,39	2 308,42	2 356,44	2 405,45	2 455,48	2 506,55
	5	1 957,91	1 998,64	2 040,21	2 082,64	2 125,96	2 170,17	2 215,31
	4	1 730,42	1 766,41	1 803,15	1 840,66	1 878,94	1 918,02	1 957,91
I	3	2 131,74	2 175,98	2 221,14	2 267,24	2 314,29	2 362,32	2 411,35
	2	1 884,55	1 923,66	1 963,58	2 004,33	2 045,93	2 088,39	2 131,74
	1	1 666,02	1 700,60	1 735,89	1 771,92	1 808,69	1 846,23	1 884,55

Article 12

With effect from 1 July 2005, the lower limit for the installation allowance referred to in Article 94 of the Conditions of employment of other servants shall be:

- EUR 756,18 for a servant who is entitled to the household allowance,
- EUR 448,32 for a servant who is not entitled to the household allowance.

Article 13

With effect from 1 July 2005, for the unemployment allowance referred to in the second subparagraph of Article 96(3) of the Conditions of employment of other servants, the lower limit shall be EUR 904,26, the upper limit shall be EUR 1 808,51 and the standard allowance shall be EUR 822,06.

Article 14

With effect from 1 July 2005, the allowances for shiftwork laid down in Article 1 of Council Regulation (ECSC, EEC, Euratom) No 300/76 ⁽¹⁾ shall be EUR 344,58, EUR 520,10, EUR 568,66 and EUR 775,27.

Article 15

With effect from 1 July 2005, the amounts in Article 4 of Regulation (EEC, Euratom, ECSC) No 260/68 ⁽²⁾ shall be subject to a coefficient of 4,974173.

Article 16

With effect from 1 July 2005, the table in Article 8 of Annex XIII to the Staff Regulations shall be replaced by the following:

1.7.2005 Grade	Step							
	1	2	3	4	5	6	7	8
16	15 255,00	15 896,04	16 564,01	16 564,01	16 564,01	16 564,01		
15	13 482,88	14 049,45	14 639,82	15 047,12	15 255,00	15 896,04		
14	11 916,61	12 417,36	12 939,16	13 299,15	13 482,88	14 049,45	14 639,82	15 255,00
13	10 532,30	10 974,88	11 436,06	11 754,22	11 916,61			
12	9 308,79	9 699,96	10 107,56	10 388,77	10 532,30	10 974,88	11 436,06	11 916,61
11	8 227,42	8 573,15	8 933,40	9 181,94	9 308,79	9 699,96	10 107,56	10 532,30
10	7 271,67	7 577,23	7 895,64	8 115,30	8 227,42	8 573,15	8 933,40	9 308,79
9	6 426,94	6 697,01	6 978,42	7 172,57	7 271,67			
8	5 680,34	5 919,04	6 167,76	6 339,36	6 426,94	6 697,01	6 978,42	7 271,67
7	5 020,47	5 231,44	5 451,27	5 602,93	5 680,34	5 919,04	6 167,76	6 426,94
6	4 437,26	4 623,72	4 818,01	4 952,06	5 020,47	5 231,44	5 451,27	5 680,34
5	3 921,80	4 086,60	4 258,32	4 376,79	4 437,26	4 623,72	4 818,01	5 020,47
4	3 466,22	3 611,87	3 763,65	3 868,36	3 921,80	4 086,60	4 258,32	4 437,26
3	3 063,56	3 192,29	3 326,43	3 418,98	3 466,22	3 611,87	3 763,65	3 921,80
2	2 707,67	2 821,45	2 940,01	3 021,81	3 063,56	3 192,29	3 326,43	3 466,22
1	2 393,13	2 493,69	2 598,48	2 670,77	2 707,67			

Article 17

With effect from 1 July 2005 the amount of the dependent child allowance referred to in Article 14(1) of Annex XIII to the Staff Regulations shall be as follows:

1.7.2005-31.12.2005: EUR 282,04

1.1.2006-31.12.2006: EUR 295,52

1.1.2007-31.12.2007: EUR 309,00

1.1.2008-31.12.2008: EUR 322,47.

⁽¹⁾ Council Regulation (ECSC, EEC, Euratom) No 300/76 of 9 February 1976 determining the categories of officials entitled to allowances for shiftwork, and the rates and conditions thereof (OJ L 38, 13.2.1976, p. 1). Regulation as last amended by Regulation (EC, Euratom) No 860/2004 (OJ L 161, 30.4.2004, p. 26).

⁽²⁾ Regulation (EEC, Euratom, ECSC) No 260/68 of the Council of 29 February 1968 laying down the conditions and procedure for applying the tax for the benefit of the European Communities (OJ L 56, 4.3.1968, p. 8). Regulation as last amended by Regulation (EC, Euratom) No 1750/2002 (OJ L 264, 2.10.2002, p. 15).

Article 18

With effect from 1 July 2005 the amount of the education allowance referred to in Article 15(1) of Annex XIII to the Staff Regulations shall be as follows:

1.7.2005-31.8.2005: EUR 16,41

1.9.2005-31.8.2006: EUR 32,83

1.9.2006-31.8.2007: EUR 49,23

1.9.2007-31.8.2008: EUR 65,65.

Article 19

With effect from 1 July 2005, for the purposes of application of Article 18 of Annex XIII to the Staff Regulations, the amount of the fixed allowance mentioned in Article 4a of Annex VII to the Staff Regulations in force before 1 May 2004 shall be:

- EUR 118,88 per month for officials in Grade C4 or C5,
- EUR 182,26 per month for officials in Grade C1, C2 or C3.

Article 20

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

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

Done at Brussels, 20 December 2005.

For the Council
The President
M. BECKETT

COMMISSION REGULATION (EC) No 2105/2005
of 21 December 2005
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 22 December 2005.

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

Done at Brussels, 21 December 2005.

For the Commission
J. M. SILVA RODRÍGUEZ
*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 21 December 2005 establishing the standard import values for determining the entry price of certain fruit and vegetables

<i>(EUR/100 kg)</i>		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	71,2
	204	51,0
	212	87,2
	999	69,8
0707 00 05	052	128,1
	204	59,9
	220	196,3
	628	155,5
	999	135,0
0709 90 70	052	109,0
	204	112,3
	999	110,7
0805 10 20	052	59,8
	204	62,5
	220	65,0
	388	22,5
	624	59,8
	999	53,9
0805 20 10	052	60,4
	204	53,0
	999	56,7
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	77,0
	220	36,7
	400	81,3
	464	143,9
	624	83,2
	999	84,4
0805 50 10	052	44,9
	999	44,9
0808 10 80	096	18,3
	400	87,8
	404	96,7
	528	48,0
	720	74,2
	999	65,0
0808 20 50	052	125,5
	400	103,9
	720	63,3
	999	97,6

⁽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 2106/2005

of 21 December 2005

amending Regulation (EC) No 1725/2003 adopting certain international accounting standards in accordance with Regulation (EC) No 1606/2002 of the European Parliament and of the Council, as regards International Accounting Standard (IAS) 39

(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 1606/2002 of the European Parliament and of the Council of 19 July 2002 on the application of international accounting standards ⁽¹⁾, and in particular Article 3(1) thereof,

Whereas:

(1) By Commission Regulation (EC) No 1725/2003 ⁽²⁾, certain international standards and interpretations that were extant at 14 September 2002 were adopted.

(2) The Commission adopted International Accounting Standard (IAS) 39 with the exclusion of certain provisions relating to the full Fair Value Option and hedge accounting, by Commission Regulation (EC) No 2086/2004 of 19 November 2004 amending Regulation (EC) No 1725/2003 on the adoption of certain international accounting standards in accordance with Regulation (EC) No 1606/2002 of the European Parliament and of the Council as regards the insertion of IAS 39 ⁽³⁾. The Commission adopted improved IAS 39 standard for limited fair value option by Commission Regulation (EC) No 1864/2005 ⁽⁴⁾.

(3) On 14 April 2005, the International Accounting Standards Board (IASB) published an amendment to IAS 39 allowing entities in particular to designate, in certain circumstances, a forecast intragroup transaction denominated in a foreign currency as the hedged item

in consolidated financial statements. It is a common risk management practice to designate the foreign currency risk of a forecast intragroup transaction as the hedged item and the current IAS 39 did not permit hedge accounting for this. Under the current IAS 39 only a transaction external to the entity can be designated as a hedged item.

(4) The consultation with technical experts in the field confirms that the amendments to IAS 39 meet the technical criteria for adoption set out in Article 3 of Regulation (EC) No 1606/2002.

(5) Regulation (EC) No 1725/2003 should therefore be amended accordingly.

(6) The measures provided for in this Regulation are in accordance with the opinion of the Accounting Regulatory Committee,

HAS ADOPTED THIS REGULATION:

Article 1

In the Annex to Regulation (EC) No 1725/2003 International Accounting Standard (IAS) 39 is amended as set out in the Annex to this Regulation.

Article 2

Each company shall apply the amendments to IAS 39 as set out in the Annex to this Regulation as from the commencement date of its 2006 financial year at the latest.

⁽¹⁾ OJ L 243, 11.9.2002, p. 1.

⁽²⁾ OJ L 261, 13.10.2003, p. 1. Regulation as last amended by Regulation (EC) No 1910/2005 (OJ L 305, 24.11.2005, p. 4).

⁽³⁾ OJ L 363, 9.12.2004, p. 1.

⁽⁴⁾ OJ L 299, 16.11.2005, p. 45.

Article 3

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, 21 December 2005.

For the Commission
Charlie McCREEVY
Member of the Commission

ANNEX

International Accounting Standard (IAS) 39 is amended as follows:

INTERNATIONAL ACCOUNTING STANDARDS

IAS No	Title
IAS 39	<i>Financial Instruments: Recognition and measurement</i>

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1. Paragraph 80 is replaced by the following:

'80. For hedge accounting purposes, only assets, liabilities, firm commitments or highly probable forecast transactions that involve a party external to the entity can be designated as hedged items. It follows that hedge accounting can be applied to transactions between entities or segments in the same group only in the individual or separate financial statements of those entities or segments and not in the consolidated financial statements of the group. As an exception, the foreign currency risk of an intragroup monetary item (e.g. a payable/receivable between two subsidiaries) may qualify as a hedged item in the consolidated financial statements if it results in an exposure to foreign exchange rate gains or losses that are not fully eliminated on consolidation in accordance with IAS 21 "The Effects of Changes in Foreign Exchange Rates". In accordance with IAS 21, foreign exchange rate gains and losses on intragroup monetary items are not fully eliminated on consolidation when the intragroup monetary item is transacted between two group entities that have different functional currencies. In addition, the foreign currency risk of a highly probable forecast intragroup transaction may qualify as a hedged item in consolidated financial statements provided that the transaction is denominated in a currency other than the functional currency of the entity entering into that transaction and the foreign currency risk will affect consolidated profit or loss.'

2. The following paragraphs 108A and 108B are inserted:

'108A. An entity shall apply the last sentence of paragraph 80, and paragraphs AG99A and AG99B, for annual periods beginning on or after 1 January 2006. Earlier application is encouraged. If an entity has designated as the hedged item an external forecast transaction that

- (a) is denominated in the functional currency of the entity entering into the transaction,
- (b) gives rise to an exposure that will have an effect on consolidated profit or loss (ie is denominated in a currency other than the group's presentation currency), and
- (c) would have qualified for hedge accounting had it not been denominated in the functional currency of the entity entering into it,

it may apply hedge accounting in the consolidated financial statements in the period(s) before the date of application of the last sentence of paragraph 80, and paragraphs AG99A and AG99B.

108B. An entity need not apply paragraph AG99B to comparative information relating to periods before the date of application of the last sentence of paragraph 80 and paragraph AG99A.'

3. In Appendix A, Application Guidance, paragraphs AG99A and AG99B are renumbered AG99C and AG99D and following paragraphs AG99A, AG99B and AG133 are inserted:

- 'AG99A. Paragraph 80 states that in consolidated financial statements the foreign currency risk of a highly probable forecast intragroup transaction may qualify as a hedged item in a cash flow hedge, provided the transaction is denominated in a currency other than the functional currency of the entity entering into that transaction and the foreign currency risk will affect consolidated profit or loss. For this purpose an entity can be a parent, subsidiary, associate, joint venture or branch. If the foreign currency risk of a forecast intragroup transaction does not affect consolidated profit or loss, the intragroup transaction cannot qualify as a hedged item. This is usually the case for royalty payments, interest payments or management charges between members of the same group unless there is a related external transaction. However, when the foreign currency risk of a forecast intragroup transaction will affect consolidated profit or loss, the intragroup transaction can qualify as a hedged item. An example is forecast sales or purchases of inventories between members of the same group if there is an onward sale of the inventory to a party external to the group. Similarly, a forecast intragroup sale of plant and equipment from the group entity that manufactured it to a group entity that will use the plant and equipment in its operations may affect consolidated profit or loss. This could occur, for example, because the plant and equipment will be depreciated by the purchasing entity and the amount initially recognised for the plant and equipment may change if the forecast intragroup transaction is denominated in a currency other than the functional currency of the purchasing entity.
- AG99B. If a hedge of a forecast intragroup transaction qualifies for hedge accounting, any gain or loss that is recognised directly in equity in accordance with paragraph 95(a) shall be reclassified into profit or loss in the same period or periods during which the foreign currency risk of the hedged transaction affects consolidated profit or loss.
- AG133. An entity may have designated a forecast intragroup transaction as a hedged item at the start of an annual period beginning on or after 1 January 2005 (or, for the purpose of restating comparative information, the start of an earlier comparative period) in a hedge that would qualify for hedge accounting in accordance with this Standard (as amended by the last sentence of paragraph 80). Such an entity may use that designation to apply hedge accounting in consolidated financial statements from the start of the annual period beginning on or after 1 January 2005 (or the start of the earlier comparative period). Such an entity shall also apply paragraphs AG99A and AG99B from the start of the annual period beginning on or after 1 January 2005. However, in accordance with paragraph 108B, it need not apply paragraph AG99B to comparative information for earlier periods.'
-

COMMISSION REGULATION (EC) No 2107/2005

of 21 December 2005

amending Regulations (EC) No 174/1999, (EC) No 2771/1999, (EC) No 2707/2000, (EC) No 214/2001 and (EC) No 1898/2005 in the milk sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products⁽¹⁾, and in particular Articles 10, 15, 31(14) and 40 thereof,

Whereas:

(1) As from 1 January 2006 Council Directive 92/46/EEC of 16 June 1992 laying down the health rules for the production and placing on the market of raw milk, heat-treated milk and milk-based products⁽²⁾, is repealed by Directive 2004/41/EC of the European Parliament and of the Council⁽³⁾ and replaced by Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs⁽⁴⁾ and by 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⁽⁵⁾.

(2) For reasons of clarity it is appropriate to adapt accordingly the references made to Directive 92/46/EEC in Commission Regulation (EC) No 174/1999 of 26 January 1999 laying down special detailed rules for the application of Council Regulation (EEC) No 804/68 as regards export licences and export refunds in the case of milk and milk products⁽⁶⁾, in Commission Regulation (EC) No 2771/1999 of 16 December 1999 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards intervention on the market in butter and cream⁽⁷⁾, in Commission Regulation (EC) No 2707/2000 of 11 December 2000 laying down rules for applying Council Regulation (EC) No 1255/1999 as regards Community aid for supplying

milk and certain milk products to pupils in educational establishments⁽⁸⁾, in Commission Regulation (EC) No 214/2001 of 12 January 2001 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards intervention on the market in skimmed-milk powder⁽⁹⁾, and in Commission Regulation (EC) No 1898/2005 of 9 November 2005 laying down detailed rules for implementing Council Regulation (EC) No 1255/1999 as regards measures for the disposal of cream, butter and concentrated butter on the Community market⁽¹⁰⁾.

(3) In accordance with Article 1 point (a) of Regulation (EC) No 1898/2005, intervention butter bought in under Article 6(2) of Regulation (EC) No 1255/1999 to be sold at reduced prices shall have been taken into storage before 1 January 2003. In view of the quantity still available and the market situation, that date should be amended to 1 January 2004. Article 1 point (a) of the abovementioned Regulation must therefore be amended.

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

HAS ADOPTED THIS REGULATION:

Article 1

Article 1(4) of Regulation (EC) No 174/1999 is replaced by the following:

'4. For a refund to be granted on the products listed in Article 1 of Regulation (EC) No 1255/1999 they must meet the relevant requirements of Regulation (EC) No 852/2004 of the European Parliament and of the Council^(*) and Regulation (EC) No 853/2004 of the European Parliament and of the Council^(**), notably preparation in an approved establishment and compliance with the identification marking requirements specified in Section I of Annex II to Regulation (EC) No 853/2004.

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

⁽²⁾ OJ L 268, 14.9.1992, p. 1. Directive as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

⁽³⁾ OJ L 157, 30.4.2004, p. 33.

⁽⁴⁾ OJ L 139, 30.4.2004, p. 1. Corrected version in OJ L 226, 25.6.2004, p. 3.

⁽⁵⁾ OJ L 139, 30.4.2004, p. 55. Corrected version in OJ L 226, 25.6.2004, p. 22.

⁽⁶⁾ OJ L 20, 27.1.1999, p. 8. Regulation last amended by Regulation (EC) No 1513/2005 (OJ L 241, 17.9.2005, p. 45).

⁽⁷⁾ OJ L 333, 24.12.1999, p. 11. Regulation last amended by Regulation (EC) No 1802/2005 (OJ L 290, 4.11.2005, p. 3).

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

^(**) OJ L 139, 30.4.2004, p. 55. Corrected by OJ L 226, 25.6.2004, p. 22.

⁽⁸⁾ OJ L 311, 12.12.2000, p. 37. Regulation last amended by Regulation (EC) No 865/2005 (OJ L 144, 8.6.2005, p. 41).

⁽⁹⁾ OJ L 37, 7.2.2001, p. 100. Regulation last amended by Regulation (EC) No 1195/2005 (OJ L 194, 26.7.2005, p. 8).

⁽¹⁰⁾ OJ L 308, 25.11.2005, p. 1.

Article 2

Article 5(1)(a) of Regulation (EC) No 2771/1999 is replaced by the following:

'(a) are approved in accordance with Article 4 of Regulation (EC) No 853/2004 of the European Parliament and of the Council (*) and have the appropriate technical equipment;

(*) OJ L 139, 30.4.2004, p. 55. Corrected by OJ L 226, 25.6.2004, p. 22.'

Article 3

Article 3(6) of Regulation (EC) No 2707/2000 is replaced by the following:

'6. An aid shall only be granted on the products listed in the Annex I to this Regulation if the products comply with the requirements of Regulation (EC) No 852/2004 of the European Parliament and of the Council (*) and Regulation (EC) No 853/2004 of the European Parliament and of the Council (**), and in particular the requirements concerning preparation in an approved establishment and the identification marking requirements specified in Section I of Annex II to Regulation (EC) No 853/2004.

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

(**) OJ L 139, 30.4.2004, p. 55. Corrected by OJ L 226, 25.6.2004, p. 22.'

Article 4

Regulation (EC) No 214/2001 is amended as follows:

1. Article 3(1)(a) is replaced by the following:

'(a) are approved in accordance with Article 4 of Regulation (EC) No 853/2004 of the European Parliament and of the Council (*) and have the appropriate technical equipment;

(*) OJ L 139, 30.4.2004, p. 55. Corrected by OJ L 226, 25.6.2004, p. 22.;

2. in Annex I, footnote 5 is replaced by the following:

'(5) Raw milk used for the manufacture of skimmed-milk powder must meet the requirements specified in Section IX of Annex III to Regulation (EC) No 853/2004.'

Article 5

Regulation (EC) No 1898/2005 is amended as follows:

1. in Article 1(a), '1 January 2003' is replaced by '1 January 2004'.

2. in Article 5(1) the second subparagraph is replaced by the following:

'Butter, concentrated butter, cream and the intermediate products referred to in the first subparagraph shall meet the requirements of Regulation (EC) No 852/2004 of the European Parliament and of the Council (*) and Regulation (EC) No 853/2004 of the European Parliament and of the Council (**), in particular as regards preparation in an approved establishment and compliance with the identification marking requirements specified in Section I of Annex II to Regulation (EC) No 853/2004.

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

(**) OJ L 139, 30.4.2004, p. 55. Corrected by OJ L 226, 25.6.2004, p. 22.;

3. Article 13(1)(b) is replaced by the following:

'(b) where applicable, they have been approved in accordance with Article 4 of Regulation (EC) No 853/2004';

4. Article 47(1) the second subparagraph is replaced by the following:

'It shall meet the requirements of Regulations (EC) No 852/2004 and (EC) No 853/2004, in particular as regards preparation in an approved establishment and compliance with the identification marking requirements specified in Section I of Annex II to Regulation (EC) No 853/2004.';

5. Article 63(2)(a) is replaced by the following:

'(a) they have been approved in accordance with Article 4 of Regulation (EC) No 853/2004';

6. Article 72(b)(ii) is replaced by the following:

'(ii) the requirements of Regulations (EC) No 852/2004 and (EC) No 853/2004, in particular as regards preparation in an approved establishment and compliance with the identification marking requirements specified in Section I of Annex II to Regulation (EC) No 853/2004.';

7. Article 81(1) is replaced by the following:

Article 6

'1. The butter shall be delivered to the beneficiary in packages bearing in clear and indelible lettering the national quality class and identification marking in accordance with Article 72(b) and one or more of the entries listed in Annex XVI(1).'

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

It shall apply from 1 January 2006 except Article 5(1) which shall apply from 16 December 2005.

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

Done at Brussels, 21 December 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

COMMISSION REGULATION (EC) No 2108/2005

of 21 December 2005

amending Regulation (EC) No 923/2005 on the transfer and sale on the Portuguese market of 80 000 tonnes of common wheat, 80 000 tonnes of maize and 40 000 tonnes of barley held by the Hungarian intervention agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals ⁽¹⁾, and in particular Article 6 thereof,

Whereas:

(1) On account of weather conditions in Portugal during the 2004/05 marketing year which led to severe drought, the Commission adopted Regulation (EC) No 923/2005 ⁽²⁾ authorising the transfer and sale on the Portuguese market of certain quantities of cereals held by the Hungarian intervention agency.

(2) Article 1 of Regulation (EC) No 923/2005 provides that the transport of the products to Portugal and their disposal for use as animal feed must take place before 31 December 2005.

(3) Article 7 of Regulation (EC) No 923/2005 reserves the sale of cereals exclusively for cattle, sheep and goat farmers' associations or cooperatives and processing plants that have concluded cooperation contracts with those associations or cooperatives.

(4) Because of administrative delays in arranging the transport contract, the Portuguese authorities have requested the extension of the deadline for the transfer, sale on the Portuguese market and disposal of the products to 30 April 2006. They have also requested that sales may be extended to all the sectors concerned by the drought which affected the Portuguese agricultural economy.

(5) In view of the situation on the Portuguese market, and in particular of the prolonged effects of the drought on the Portuguese agricultural economy and on the conditions for the supply of cereals to economic operators on satisfactory terms, a favourable response should be given to the request from the Portuguese authorities by authorising the supply of cereals to all the economic operators concerned.

(6) Regulation (EC) No 923/2005 should therefore be amended accordingly.

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 923/2005 is amended as follows:

1. In Article 1(2), '31 December 2005' is replaced by '30 April 2006'.

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

'In accordance with Article 4 of Regulation (EEC) No 2131/93, the sale shall be reserved exclusively for the use of the cereals in Portugal.'

Article 2

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

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

⁽²⁾ OJ L 156, 18.6.2005, p. 8.

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

Done at Brussels, 21 December 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

COMMISSION REGULATION (EC) No 2109/2005**of 21 December 2005****amending Regulation (EC) No 716/96 adopting exceptional support measures for the beef market in the United Kingdom**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

bovine animals born or reared within the United Kingdom before 1 August 1996 should be placed on the market.

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal ⁽¹⁾, and in particular Article 39 thereof,

Whereas:

(1) Commission Regulation (EC) No 716/96 ⁽²⁾ provided for a Community co-financed scheme authorising the United Kingdom to purchase bovine animals aged more than 30 months and to kill them in specifically designated slaughterhouses.

(2) The opinion of the Scientific Panel on biological hazards of the European Food Safety Authority of 21 April 2004 on the scientific justification for proposing amendments to the United Kingdom Date Based Export Scheme and to the Over Thirty Months rule, concludes that cattle born or reared in the United Kingdom before 1 August 1996 should be kept out of the food and feed chain, because of the higher bovine spongiform encephalopathy (BSE) incidence in this group. For cattle born after that date, the opinion concludes that the BSE risk to consumers is in a range comparable with that in other Member States.

(3) In view of this opinion, Commission Decision 2005/598/EC of 2 August 2005 prohibiting the placing on the market of products derived from bovine animals born or reared within the United Kingdom before 1 August 1996 for any purpose and exempting such animals from certain control and eradication measures laid down in Regulation (EC) No 999/2001 ⁽³⁾ establishes that no products consisting of or incorporating materials, other than milk, derived from

(4) Article 2(1) and Article 2(3) of Regulation (EC) No 716/96 lay down, respectively, the price to be paid per kilogram of animals going into the scheme provided for by that Regulation, and the rate per animal at which the Community shall co-finance the purchases of the animals. In view of Decision 2005/598/EC, it is necessary to restrict the purchases and the Community co-financing provided for in Regulation (EC) No 716/96 to animals born or reared within the United Kingdom before 1 August 1996.

(5) With a view to simplification, a flat-rate purchase price per head should be established for any animal purchased under the scheme. In order to give an incentive to producers not to defer the disposal of these animals, the purchase price should be gradually reduced in subsequent years.

(6) The Community should co-finance 50 % of the purchases under the scheme.

(7) In order to ensure a smooth transition between the current over-30 month scheme and the scheme limited to animals born or reared within the United Kingdom before 1 August 1996, it is necessary to specify the date as of which the latter will apply.

(8) In view of the decision of the United Kingdom authorities to apply as of 1 January 2005 the single payment scheme provided for in Title III of 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 and amending Regulations (EEC) No 2019/93, (EC) No 1452/2001, (EC) No 1453/2001, (EC) No 1454/2001, (EC) 1868/94, (EC) No 1251/1999, (EC) No 1254/1999, (EC) No 1673/2000, (EEC) No 2358/71 and (EC) No 2529/2001 ⁽⁴⁾, the provisions in Article 2(4) of Regulation (EC) No 716/96 have become obsolete and should therefore be deleted.

⁽¹⁾ 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).

⁽²⁾ OJ L 99, 20.4.1996, p. 14. Regulation as last amended by Regulation (EC) No 667/2003 (OJ L 96, 12.4.2003, p. 13).

⁽³⁾ OJ L 204, 5.8.2005, p. 22.

⁽⁴⁾ OJ L 270, 21.10.2003, p. 1. Regulation as last amended by Commission Regulation (EC) No 118/2005 (OJ L 24, 27.1.2005, p. 15).

- (9) Regulation (EC) No 716/96 should be amended accordingly.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 716/96 is amended as follows:

1. in Article 1, paragraph 1 is replaced by the following:

'1. The United Kingdom competent authority shall be authorised to purchase any bovine animal born or reared within the United Kingdom before 1 August 1996, which does not show any clinical sign of BSE, presented to it by any producer or his agent, which was, during a period of at least six months prior to its sale, present on a holding located on the territory of the United Kingdom.'

2. Article 2 is amended as follows:

- (a) Paragraph 1 is replaced by the following:

'1. The price to be paid to producers or their agents by the United Kingdom competent authority pursuant to Article 1(1) shall be:

- EUR 360 per animal for purchases made until 31 December 2006,
- EUR 324 per animal for purchases made during the period from 1 January 2007 until 31 December 2007,

— EUR 292 per animal for purchases made during the period from 1 January 2008 until 31 December 2008.'

- (b) paragraph 2 is deleted.

- (c) the first subparagraph of paragraph 3 is replaced by the following:

'For each purchased animal destroyed in accordance with the provisions in Article 1, the Community shall co-finance the expenditure incurred by the United Kingdom for the purchases referred to under Article 1(1) at a rate of:

- EUR 180 per animal for purchases made until 31 December 2006,
- EUR 162 per animal for purchases made during the period from 1 January 2007 until 31 December 2007,
- EUR 146 per animal for purchases made during the period from 1 January 2008 until 31 December 2008.'

- (d) paragraph 4 is deleted.

Article 2

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

It shall apply from 23 January 2006.

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

Done at Brussels, 21 December 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 2 December 2005

on the signing on behalf of the European Community of the Protocol on Soil Protection, the Protocol on Energy and the Protocol on Tourism to the Alpine Convention

(2005/923/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 175(1) in conjunction with the first sentence of the first subparagraph of Article 300(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) The Convention on the Protection of the Alps (Alpine Convention) was concluded on behalf of the Community by Council Decision 96/191/EC ⁽¹⁾.
- (2) The Protocol on Soil Protection, the Protocol on Energy and the Protocol on Tourism to the Alpine Convention are an important step in the implementation of the Alpine Convention, and the Community is committed to the objectives of this Convention.
- (3) The economic, social and ecological cross-border problems of the Alps remain a major challenge to be addressed in this highly sensitive area.
- (4) Community Policies, in particular the priority areas of the 6th Environment Action Programme ⁽²⁾, should be promoted and strengthened within the Alpine region.

- (5) These Protocols should be signed and the attached Declarations be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The signing of the Protocol on Soil Protection, the Protocol on Energy and the Protocol on Tourism to the Alpine Convention, done at Salzburg on 7 November 1991, is hereby approved on behalf of the Community, subject to the conclusion of the said Protocols.

The text of the Protocols and the Declarations thereto is attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Protocols referred to in Article 1, on behalf of the Community subject to their conclusion, and to deposit the declarations.

Done at Brussels, 2 December 2005.

For the Council
The President
M. BECKETT

⁽¹⁾ OJ L 61, 12.3.1996, p. 31.

⁽²⁾ OJ L 242, 10.9.2002, p. 1.

DECLARATIONS BY THE EUROPEAN COMMUNITY**Declaration by the European Community regarding Article 12(3) of the Protocol on 'Soil Protection' to the Alpine Convention**

The European Community points out that Article 12(3) of the Protocol on 'Soil Protection' should be interpreted in accordance with existing EC legislation and in particular Council Directive 86/278/EEC of 12 June 1986 on the protection of the environment, and in particular of the soil, when sewage sludge is used in agriculture ⁽¹⁾. The European Community is of the opinion that sludge can have valuable agronomic properties and can be used in agriculture, provided it is used correctly. Its use must not impair the quality of the soil and of agricultural products, as stated in recital 7 of that Directive, nor give rise to harmful effects on man (direct and indirect consequences on human health), animals, plants and the environment, as stated in recital 5 and Article 1 of that Directive. Sludge may be used in cases where it would benefit the soil or for the nutrition of crops and plants.

Declaration by the European Community on Article 17(2) of the Protocol on 'Soil Protection' to the Alpine Convention

Article 17(2) of the Protocol on 'Soil Protection' should be read in accordance with EC legislation and in such a way as to ensure that waste management plans for the pre-treatment, treatment and disposal of waste and residual materials are drawn up and implemented, in order to avoid soil contamination and to ensure compatibility, not only with the environment, but also with human health.

Declaration by the European Community on Articles 19(2) and 21(2) of the Protocol on 'Soil Protection' to the Alpine Convention

With regard to Articles 19(2) and 21(2) of the Protocol on 'Soil Protection', the common observation system should be compatible where appropriate with the Global Earth Observation System of Systems (GEOSS) and should take into consideration the database set up by Member States according to EC legislation on observation, data collection and meta data.

Declaration for reservation by the European Community on Article 9 of the Protocol on 'Energy' to the Alpine Convention

Article 9 of the Protocol on 'Energy' concerns nuclear power issues. As far as the European Community is concerned, the requirements referred to in Article 9 are provided for in the Treaty establishing the Atomic Energy Community (Euratom). The decision by which the Alpine Convention was ratified was not based on the Euratom Treaty, but solely on the EC Treaty. The decision authorising the signing of the Protocol will have the same legal basis. Consequently, the European Community will not be bound by Article 9 of the Protocol on Energy, when the Protocol enters into force for the Community.

⁽¹⁾ OJ L 181, 4.7.1986, p. 6.

TRANSLATION

PROTOCOL

**on the implementation of the Alpine Convention of 1991 in the field of soil conservation
Soil Conservation Protocol**

Preamble

THE FEDERAL REPUBLIC OF GERMANY,

THE REPUBLIC OF AUSTRIA,

THE FRENCH REPUBLIC,

THE ITALIAN REPUBLIC,

THE PRINCIPALITY OF LIECHTENSTEIN,

THE PRINCIPALITY OF MONACO,

THE REPUBLIC OF SLOVENIA,

THE SWISS CONFEDERATION,

and

THE EUROPEAN COMMUNITY,

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

IN COMPLIANCE with their obligations under Article 2(2) and (3) of the Alpine Convention;

AIMING to reduce quantitative and qualitative soil impairments, in particular by applying agricultural and silvicultural production processes which have a minimal detrimental impact on the soil, by using land economically, controlling erosion and restricting soil sealing;

AWARE of the fact that the protection of the Alpine soils, their sustainable management and the restoration of their natural functions in impaired locations are matters of general interest;

RECOGNISING that the Alps, constituting one of the largest continuous natural areas in Europe, are characterised by an ecological diversity and by highly sensitive ecosystems whose functionality must be preserved;

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

AWARE that, on the one hand, the Alps are an important living and economic environment for the resident populations and a recreational environment for the populations of other regions and that, on the other hand, the preservation of soil functions is jeopardised by diverging claims on soil utilisation which clash within the narrow confines of the Alpine region; and that for this reason, economic interests must be reconciled with ecological requirements;

RECOGNISING that the soil occupies a special position within ecosystems, that its formation as well as the regeneration of impaired soils happen very slowly, that increased soil erosion is to be expected owing to topographical conditions in the Alpine region, and that the soil constitutes a sink for harmful substances while contaminated soils can be a source of inputs of those substances into neighbouring ecosystems, thus putting at risk humans, animals and plants;

AWARE that soil utilisation, especially for the purposes of human settlement, the development of trade and industry, infrastructures, the extraction of mineral resources, tourism, agriculture, forestry and transport can lead to quantitative or qualitative soil impairments and that accordingly, adequate integrated measures should be proposed to prevent, control and repair damage to the soil;

CONSIDERING that soil conservation has manifold implications for other policies in the Alpine region and should therefore be coordinated in a cross-disciplinary and cross-sectoral fashion;

CONVINCED that certain problems can only be resolved in a cross-border framework and require joint measures on the part of the Alpine States, to be implemented by the Signatories in accordance with the available means,

HAVE AGREED AS FOLLOWS:

CHAPTER I

GENERAL OBLIGATIONS

Article 1

Objectives

1. This Protocol serves to implement the obligations in the field of soil conservation entered into by the Contracting Parties to the Alpine Convention.

2. The Alpine soil shall be preserved in a sustainable manner to allow it to perform:

1. its natural functions as

- (a) a livelihood resource and a living environment for humans, animals, plants and micro-organisms,
- (b) a characteristic element of nature and the landscape,
- (c) an integral part of the ecological balance, especially with regard to its water and nutrient cycles,
- (d) a conversion and compensating medium to offset inputs of substances, especially due to its filtering, buffering and storage qualities, in particular for the protection of groundwater,
- (e) a genetic reservoir,

2. its function as an archive of natural history and the history of civilisation, as well as

3. its functions as

- (a) a location for agricultural use including pasture farming and forestry,
- (b) a space for human settlement and tourism activities,
- (c) a location for other commercial usages, for transport, supply and distribution, and water and waste disposal,
- (d) a source of raw materials.

In particular, the ecological functions of soil, which are essential elements of the ecological balance, shall be safeguarded and preserved both qualitatively and quantitatively on a long-term basis. The restoration of impaired soils shall be promoted.

3. The measures to be taken are aimed specifically at soil utilisation which suits its location, at the economical use of land resources, at the avoidance of erosion and detrimental changes to the soil structure, and at minimising the input of substances harmful to the soil.

4. The diversity of soils, which is typical of the Alpine region, and its characteristic locations shall be preserved and promoted in particular.

5. In this endeavour the principle of prevention, which comprises the safeguarding of the functionality of soils and the possibility to use them for various purposes as well as their availability to future generations with a view to sustainable development, is of particular significance.

*Article 2***Fundamental obligations**

1. The Contracting Parties undertake to initiate the requisite legal and administrative measures for ensuring the conservation of soils in the Alpine region. The respective national authorities shall be responsible for monitoring those measures.
2. If there is a risk of serious and sustained damage to the functionality of soils, protection shall, as a matter of principle, be given priority over utilisation.
3. The Contracting Parties shall explore the possibilities of supporting, through fiscal and/or financial measures, the actions for soil conservation in the Alpine region targeted by this Protocol. Measures compatible with soil conservation and with the objectives of a prudent and environmentally sound utilisation of soils shall be specially supported.

*Article 3***Taking account of the objectives in other policies**

The Contracting Parties undertake to take account of the objectives of this Protocol in their other policies as well. In the Alpine region, this applies specifically to regional planning, settlement and transport, energy management, agriculture and forestry, raw material extraction, trade and industry, tourism, nature conservation and landscape upkeep, water and waste management, and clean air.

*Article 4***Participation of regional and local authorities**

1. Each Contracting Party shall define, within its existing institutional framework, the best level of coordination and cooperation between the institutions and regional and local authorities directly concerned so as to encourage shared responsibility, in particular to exploit and develop synergies when implementing soil conservation policies and the resulting measures in the Alpine region.
2. The regional and local authorities directly concerned shall be involved in the various stages of preparing and implementing these policies and measures, within their sphere of competence and within the existing institutional framework.

*Article 5***International cooperation**

1. The Contracting Parties shall encourage stronger international cooperation among the competent institutions, especially

with regard to the drawing up of soil registers, soil monitoring, the designation and monitoring of protected and impaired areas and danger zones, the provision and harmonisation of databases, the coordination of Alpine-specific soil conservation research, and mutual reporting.

2. The Contracting Parties undertake to remove obstacles to international cooperation between territorial authorities in the Alpine region, and to encourage solutions to shared problems at the most suitable level.

3. If the definition of measures relating to soil conservation falls within the sphere of national or international competence, the territorial authorities shall be given possibilities to efficiently represent the interests of the population.

CHAPTER II

SPECIFIC MEASURES

*Article 6***Designation of protected areas**

The Contracting Parties shall see to it that soils worthy of protection are included in the designation of protected areas. Specifically, soil and rock formations which have particularly characteristic features or a particular significance for the documentation of earth's history, shall be preserved.

*Article 7***Economical and prudent use of soils**

1. In drawing up and implementing plans and/or programmes according to Article 9(3) of the Protocol on Spatial Planning and Sustainable Development, matters regarding soil conservation, especially the economical use of soil and land, shall be taken into consideration.
2. In order to limit soil sealing and soil consumption, the Contracting Parties shall provide for space-saving construction and an economical use of soil resources. They shall preferably seek to keep the development of human settlements within existing boundaries and to limit settlement growth outside these boundaries.
3. When assessing the spatial and environmental compatibility of large-scale projects in the fields of trade and industry, construction and infrastructure, especially in the transport, energy and tourism sectors, soil conservation and the scarcity of space in the Alpine region shall be taken into account within the framework of the national procedures.

4. Where natural conditions allow it, disused or impaired soils, especially landfills, slag heaps, infrastructures or ski runs, shall be restored to their original state or shall be recultivated.

Article 8

Economical use and prudent extraction of mineral resources

1. The Contracting Parties shall see to it that mineral resources are used economically. They shall work towards ensuring that preference is given to the utilisation of substitute materials and that recycling options are fully used or their development is encouraged.

2. When extracting, processing and utilising mineral resources, impairments of other soil functions shall be reduced to a minimum. In those areas which are particularly important for the protection of soil functions and in areas specifically designated as drinking water resources, the extraction of mineral resources shall be foregone.

Article 9

Conservation of soils in wetlands and moors

1. The Contracting Parties undertake to preserve high moors and lowland moors. To achieve this objective, the use of peat shall be discontinued completely in the medium term.

2. Drainage schemes in wetlands and moors shall be limited to the upkeep of existing networks unless there are sound reasons for exceptions. Remedial measures shall be promoted to minimise the environmental impact of existing drainage systems.

3. On principle, moor soils shall not be utilised or, when used for agricultural purposes, shall be managed so that their characteristic features remain intact.

Article 10

Designation and management of endangered areas

1. The Contracting Parties agree to draw up maps of Alpine areas which are endangered by geological, hydrogeological and hydrological risks, in particular by land movement (mass slides, mudslides, landslides), avalanches and floods, to register those areas and to designate danger zones when necessary. If applicable, seismic risks shall also be considered.

2. The Contracting Parties shall make sure that engineering techniques are used in endangered areas which are as compatible with nature as possible, and that local and traditional building materials which suit the local countryside are used. These measures shall be supported by appropriate silvicultural measures.

Article 11

Designation and management of Alpine areas threatened by erosion

1. The Contracting Parties undertake to map Alpine areas threatened by extensive erosion on the basis of comparable criteria for quantifying soil erosion, and to register those areas in as far as this is necessary for the protection of material goods.

2. Soil erosion shall be limited to the inevitable minimum. Areas damaged by erosion and land movement shall be rehabilitated in as far as this is necessary for the protection of human beings and material goods.

3. To protect human beings and material goods, measures to control water erosion as well as measures to reduce surface runoff shall preferably comprise hydraulic, engineering and silvicultural techniques with minimal environmental impact.

Article 12

Agriculture, pasture farming and forestry

1. To ensure protection against erosion and harmful soil compaction, the Contracting Parties undertake to use sound practices in agriculture, pasture farming and forestry which are adapted to suit local conditions.

2. As regards the input of substances through the use of fertilisers, herbicides and pesticides, the Contracting Parties shall strive to elaborate and implement shared standards for sound expert practices. The type, quantity and time of fertilisation shall be suited to the needs of the plants, taking into account the nutrients available in the soil, the organic substance as well as the location of the plants and the conditions in which they are cultivated. This is achieved by using ecological/biological and integrated methods of cultivation, as well as by matching livestock to natural local growth conditions.

3. In Alpine pasture areas, the usage of mineral fertilisers and synthetic herbicides and pesticides in particular shall be minimised. The use of sewage sludges shall be foregone.

*Article 13***Silvicultural and other measures**

1. With regard to mountain forests which offer a high degree of protection to their own location, or above all to human settlements, transport infrastructures, croplands and similar areas, the Contracting Parties undertake to give priority to the protective function of these forests and to gear their silvicultural management towards preserving this function. Such mountain forests shall be preserved in their original locations.

2. Specifically, forests shall be used and maintained in such a way that soil erosion and harmful soil compaction are avoided. To achieve this, silvicultural measures adapted to local conditions as well as natural forest rejuvenation shall be promoted.

*Article 14***Effects of tourism infrastructures**

1. The Contracting Parties shall use their influence in the most appropriate manner to ensure that:

- detrimental effects of tourism activities on Alpine soils are avoided,
- soils impaired by intensive tourism are stabilised, especially and whenever possible by restoring the vegetation cover and applying environmentally sound engineering techniques. Further utilisation of the soils shall seek to prevent such damage from recurring,
- permits for the construction and levelling of ski runs in forests with a protective function are granted only in exceptional cases and with the proviso that compensatory action is taken, and that such permits are not granted for fragile areas.

2. Chemical and biological additives for the grooming of ski runs are permissible only if proof of their ecological harmlessness has been furnished.

3. Where significant damage to soils and vegetation is found to exist, the Contracting Parties shall take the necessary remedial action at the earliest possible point in time.

*Article 15***Limiting inputs of harmful substances**

1. The Contracting Parties shall do everything in their power to minimise, through preventive action, inputs of harmful substances into the soils through water, air, waste and other substances harmful to the environment. Preference shall be given to measures limiting emissions at their sources.

2. To avoid soil contamination when using dangerous substances, the Contracting parties shall issue technical regulations, provide for checks, carry out research programmes and engage in educational work.

*Article 16***Environmentally compatible utilisation of gritting materials**

The Contracting Parties undertake to minimise the use of gritting salt and, wherever possible, to use slippage-preventing and less contaminating materials such as gravel and sand.

*Article 17***Contaminated soils, environmental liabilities, waste management concepts**

1. The Contracting Parties undertake to survey and document their environmental liabilities and suspicious landfills (environmental liabilities register), to analyse the condition of those areas and to assess their hazard potential using comparable methods.

2. To avoid soil contamination and to ensure the environmentally compatible pretreatment, treatment and disposal of waste and residual materials, waste management concepts shall be drawn up and implemented.

*Article 18***Further measures**

The Contracting Parties may take measures regarding soil conservation which go beyond the measures provided for in this Protocol.

CHAPTER III

RESEARCH, EDUCATION AND INFORMATION*Article 19***Research and monitoring**

1. The Contracting Parties shall cooperate closely to promote and harmonise research projects and systematic monitoring programmes which are conducive to achieving the objectives of this Protocol.

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

3. The Contracting Parties agree to coordinate their Alpine-specific research projects on soil conservation while taking into account other national and international research developments, and to envisage joint research activities.

4. Special attention shall be given to evaluations of soil sensitivity regarding diverse human activities, to assessments of the regenerative capacity of soils, and to the examination of the most suitable pertinent technologies.

Article 20

Establishment of harmonised databases

1. The Contracting Parties agree to create comparable databases (soil parameters, sampling, analysis, evaluation) within the framework of the Alpine monitoring and information system, and to establish possibilities for data exchange.
2. The Contracting Parties shall reach agreement about soil-endangering substances which require priority treatment, and they shall strive for comparable evaluation parameters.
3. The Contracting Parties shall strive to establish representative records of the condition of Alpine soils taking into account the geological and hydrogeological situation, on the basis of identical evaluation systems and harmonised methods.

Article 21

Establishment of permanent monitoring areas and coordination of environmental monitoring

1. The Contracting Parties undertake to establish permanent monitoring areas in the Alpine region and to integrate them in an Alpine-wide soil monitoring network.
2. The Contracting Parties agree to coordinate their national soil monitoring programmes with the environmental monitoring programmes for air, water, flora and fauna.
3. Within the framework of their monitoring programmes, the Contracting Parties shall establish soil sample databases according to comparable parameters.

Article 22

Education and information

The Contracting Parties shall promote the education and further training as well as the information of the public regarding the objectives, measures and implementation of this Protocol.

CHAPTER IV

IMPLEMENTATION, MONITORING AND EVALUATION

Article 23

Implementation

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

Article 24

Monitoring of compliance with obligations

1. The Contracting Parties shall regularly report to the Standing Committee on measures taken under this Protocol. The reports shall also cover the effectiveness of the measures taken. The Alpine Conference shall determine the intervals at which the reports must be submitted.
2. The Standing Committee shall examine these reports in order to ensure that the Contracting Parties have fulfilled their obligations under this Protocol. It may also ask for additional information from the Contracting Parties concerned or have recourse to other information sources.
3. The Standing Committee shall draw up a report on the compliance of the Contracting Parties with the obligations arising from the Protocol, for the attention of the Alpine Conference.
4. The Alpine Conference shall take note of this report. If it finds that obligations have not been met, it may adopt recommendations.

Article 25

Evaluation of the effectiveness of the provisions

1. The Contracting Parties shall regularly examine and evaluate the effectiveness of the provisions of this Protocol. They shall consider the adoption of appropriate amendments to this Protocol where necessary in order to achieve objectives.
2. The regional and local authorities shall be associated with this evaluation within the existing institutional framework. Non-governmental organisations active in this field may be consulted.

CHAPTER V

FINAL PROVISIONS

Article 26

Links between the Alpine Convention and the Protocol

1. This Protocol constitutes a Protocol to the Alpine Convention within the meaning of Article 2 thereof and any other relevant articles of the Convention.
2. Only Contracting Parties to the Alpine Convention may become a party to this Protocol. Any denunciation of the Alpine Convention also implies denunciation of this Protocol.
3. Where the Alpine Conference discusses matters relating to this Protocol, only the Contracting Parties to this Protocol may take part in the vote.

Article 27

Signature and ratification

1. This Protocol shall be open for signature by the Signatory States of the Alpine Convention and the European Community on 16 October 1998 and from 16 November 1998 in the Republic of Austria as the depositary.
2. This Protocol shall enter into force for the Contracting Parties which have expressed their agreement to be bound by the said Protocol three months after the date on which three States have deposited their instrument of ratification, acceptance or approval.
3. For Parties which express their agreement to be bound by the Protocol at a later date, the Protocol shall enter into force three months after the date of deposit of the instrument of

ratification, acceptance or approval. After the entry into force of an amendment to the Protocol, any new Contracting Party to the said Protocol shall become a Contracting Party to the Protocol, as amended.

Article 28

Notifications

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

- (a) any signature,
- (b) the deposit of any instrument of ratification, acceptance or approval,
- (c) any date of entry into force,
- (d) any declaration made by a Contracting Party or signatory,
- (e) any denunciation notified by a Contracting Party, including the date on which it becomes effective.

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

Done at Bled on 16 October 1998 in the French, German, Italian and Slovene languages, the four texts being equally authentic, the original text being deposited in the Austrian State archives. The depositary shall send a certified copy to each of the signatory States.

PROTOCOL
on the implementation of the Alpine Convention of 1991 in the field of energy
Energy Protocol

Preamble

THE FEDERAL REPUBLIC OF GERMANY,

THE REPUBLIC OF AUSTRIA,

THE FRENCH REPUBLIC,

THE ITALIAN REPUBLIC,

THE PRINCIPALITY OF LIECHTENSTEIN,

THE PRINCIPALITY OF MONACO,

THE REPUBLIC OF SLOVENIA,

THE SWISS CONFEDERATION,

and

THE EUROPEAN COMMUNITY,

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

IN COMPLIANCE with their obligations under Article 2(2) and (3) of the Alpine Convention;

CONSCIOUS of the importance of establishing forms of energy production, distribution and use which are not harmful to nature and the countryside, which are environmentally friendly and compatible with the promotion of energy-saving measures;

TAKING account of the need to reduce greenhouse gases in the Alpine region and thereby comply with commitments under the United Nations Framework Convention on Climate Change;

CONVINCED of the need to harmonise economic interests and ecological requirements;

CONSCIOUS that the Alpine region is of particular importance in Europe and that, in terms of geomorphology, its climate, water, vegetation, fauna, countryside and culture, this is a heritage as unique as it is diverse, and that the region's high mountains, valleys and the Pre-Alps are environmental entities which all States, not just Alpine ones, have a duty to protect;

CONSCIOUS that the Alps are more than where the local population live and work but are also very important to extra-Alpine regions, in particular because it is a transit region with a high level of trans-European traffic of people and goods, but also international energy distribution networks;

TAKING ACCOUNT of the environmental sensitivity of the Alpine region, particularly concerning production, transport and energy-use activities which interact with the key aspects of nature protection, town and country planning and land use;

TAKING ACCOUNT of the fact that, faced with risks to environmental protection, in particular due to possible climate change caused by humans, it has become necessary to pay particular attention to the close links between mankind's social and economic activities and the conservation of ecosystems which require, especially in the Alpine region, appropriate and diversified measures to be adopted in agreement with the local population, political institutions and economic and social organisations;

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

CONVINCED that certain problems can only be resolved in a cross-border framework and require joint measures on the part of the Alpine States and the local communities directly concerned;

CONVINCED that meeting energy needs is an important factor in economic and social development, both within and outside the Alpine region;

CONSCIOUS of the extent of the use and further development of economic instruments which could enable the actual costs to be better taken into account when calculating energy prices;

CONVINCED that the Alpine region will make a long-term contribution to meeting Europe's energy needs and that it must itself have, apart from sufficient drinking water, sufficient energy resources to improve local living conditions and economic productivity;

CONVINCED that the Alpine region plays a particularly important role in the interconnection of European countries' energy systems;

CONVINCED that, in the Alpine region, measures aimed at rational energy use and sustainable use of water and wood resources contribute towards meeting national energy needs and that it is increasingly important to make use of biomass and solar energy;

HAVE AGREED AS FOLLOWS:

CHAPTER I

GENERAL PROVISIONS

Article 1

Objectives

The Contracting Parties shall commit themselves to creating framework conditions and adopting measures for energy saving, production, transport, distribution and utilisation within the territorial scope of the Alpine Convention in order to establish sustainable development in the energy sector which is compatible with the Alpine region's specific tolerance limits. In so doing the Contracting Parties will make an important contribution to protecting local communities and the environment and to safeguarding resources and the climate.

Article 2

Basic commitments

1. In accordance with this Protocol, the Contracting Parties shall:

- (a) harmonise their energy-saving plans with their plans for the general development of the Alpine region;
- (b) adapt production, transport and energy distribution systems in order to make optimal overall use of the infrastructure system in the Alpine region, taking account of the need for environmental protection;
- (c) limit the impact of energy on the environment by optimising the provision of services to energy end-users through, amongst other things and as far as possible, adopting the following measures:
 - reducing energy needs through the use of more efficient technologies;
 - making wider use of renewable energy sources to meet remaining energy needs;
 - optimising existing plants which produce energy from non-renewable sources;

(d) limit the negative effects of power plants on the environment and the landscape, including those concerning the management of waste produced by them, by adopting preventive measures for the new plants and, if necessary, improving existing ones;

2. In the event of the construction of new, large power plants and a significant increase in the capacity of existing ones, the Contracting Parties, in accordance with current law, shall proceed to evaluate the impact on the Alpine environment and to evaluate the territorial and socioeconomic effects of this in accordance with Article 12. The Parties shall recognise the right to consultation at international level on projects with cross-border effects.

3. The Contracting Parties shall take account in their energy policies of the fact that the Alpine region lends itself to using renewable energy sources and shall encourage mutual collaboration in development programmes in this area.

4. The Contracting Parties shall preserve protected areas and their buffer zones, other protected and quiet zones as well as areas of unspoilt nature and countryside; they shall optimise energy infrastructures according to the different levels of vulnerability, tolerance and the ongoing deterioration of the Alpine ecosystem.

5. The Contracting Parties should be aware that an appropriate research and development policy instigating preventive and improving measures can make a significant contribution to protecting the Alps from the impact of energy infrastructures on the environment. They shall encourage research and development activities on this subject and shall exchange the main results.

6. The Contracting Parties shall cooperate with a view to developing methods for taking better account of the true costs in the field of energy.

Article 3

Conformity with international law and other policies

1. This Protocol shall be implemented in accordance with international legal standards, particularly those of the Alpine Convention and the Protocols drafted pursuant to it, and in accordance with current international agreements.

2. The Contracting Parties shall undertake to also take account of the aims of this Protocol in their other policies, particularly in the fields of town and country planning and regional development, transport, agriculture and forestry as well as tourism in order to avoid negative or conflicting effects in the Alpine region.

Article 4

Participation of regional and local authorities

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

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

3. The Contracting Parties shall encourage international cooperation between the institutions directly concerned by the problems linked to energy and the environment so as to encourage an agreement on the solutions to common problems.

CHAPTER II

SPECIFIC MEASURES

Article 5

Energy saving and rational use

1. The Alpine region requires specific measures for saving, distributing and making rational use of energy. These measures must take account of:

(a) energy needs which are spread over vast areas and which vary greatly according to altitude, the season and the demands of tourism;

(b) the local availability of renewable energy resources;

(c) the particular impact of atmospheric immissions in basins and valleys due to their geomorphological configuration.

2. The Contracting Parties shall seek to make energy use more environmentally friendly and shall, as a priority, encourage energy saving and rational energy use, particularly concerning production processes, public services and large hotel complexes, as well as facilities for transport and sport and leisure activities.

3. They shall adopt measures and make provisions, particularly in the following areas:

- (a) improving insulation in buildings and the efficiency of heating systems;
- (b) optimising the performance of heating, ventilation and air conditioning systems;
- (c) periodic monitoring and reduction, where appropriate, of polluting emissions from thermal plants;
- (d) saving energy through modern technological processes for energy use and conversion;
- (e) individual calculation of the costs of heating and hot water;
- (f) planning and promoting new buildings which use low-energy technologies;
- (g) promoting and implementing municipal or local energy and climate projects in accordance with measures provided for in Article 2, paragraph 1.c;
- (h) improving energy performance in buildings undergoing renovation and encouraging the use of environmentally-friendly heating systems.

Article 6

Renewable energy resources

1. The Contracting Parties shall undertake, within the limits of their financial resources, to promote and give preferential treatment to renewable energy resources which are environmentally friendly and do not harm the countryside.
2. They shall also encourage the use of decentralised plants for the use of renewable energy sources such as water, the sun and biomass.
3. The Contracting Parties shall encourage the use of renewable energy resources, even in combination with existing conventional supplies.
4. The Contracting Parties shall particularly encourage energy produced through the rational use of water and wood from sustainably managed mountain forests.

Article 7

Hydroelectric power

1. The Contracting Parties shall ensure that the ecological functions of watercourses and the integrity of the landscape are maintained through appropriate measures, such as establishing minimum flows, implementing standards for the reduction of artificial fluctuations in water level and shall guarantee animal migration in the case of new hydroelectric plants, and existing ones where possible.
2. The Contracting Parties may adopt measures aimed at improving the competitiveness of existing hydroelectric plants, subject to compliance with their safety and environmental standards.
3. They shall also undertake to protect water resources in areas reserved for drinking water, in protected areas and their buffer zones, other protected and quiet zones as well as areas of unspoilt nature and countryside.
4. The Contracting Parties shall recommend reopening disused hydroelectric plants rather than building new ones. The provision under paragraph (1) on the protection of aquatic ecosystems and other related systems shall also be applied to the reopening of existing hydroelectric plants.
5. The Contracting Parties may, in the framework of their national legislation, examine how they can make end-consumers of Alpine resources pay market-related prices, and the extent to which the local population can be fairly compensated for services supplied in the general interest.

Article 8

Energy from fossil fuels

1. The Contracting Parties shall ensure that the best available techniques are used in new thermal plants using fossil fuels to produce electricity or heat. The Contracting Parties shall limit emissions from existing plants in the Alpine region as far as possible through the use of appropriate technologies and/or fuel types.
2. The Contracting Parties shall examine the technical and economic feasibility and the environmental compatibility of replacing fossil fuel thermal plants with ones which use renewable energy sources or are decentralised.
3. The Contracting Parties shall adopt measures in favour of cogeneration in order for energy to be used more rationally.

4. In border regions, the Contracting Parties shall, as far as possible, harmonise and connect their emission and immission monitoring systems.

Article 9

Nuclear energy

1. The Contracting Parties shall undertake, within the framework of international conventions, to exchange comprehensive information on plants and other nuclear installations which have, or could have, consequences for the Alpine region, with the aim of ensuring the long-term protection of the health of the people, the flora and fauna, and their biocoenosis, habitat and interactions.

2. Furthermore, the Contracting Parties shall ensure the harmonisation and connection, as far as possible, of their systems for monitoring environmental radioactivity.

Article 10

Transport and energy distribution

1. The Contracting Parties shall continue to rationalise and optimise all existing infrastructures while taking account of requirements for environmental protection and especially the need to preserve very sensitive ecosystems and the landscape, while at the same time, where appropriate, taking steps to protect the local people and the Alpine environment.

2. When constructing electricity transmission lines and power stations linked to them, as well as oil and gas pipelines, including pumping stations and booster stations and plants which are very significant from an environmental point of view, the Contracting Parties shall implement all the necessary measures to avoid disturbance to the local people and the environment, including, if possible, the use of pre-existing facilities and grids.

3. Concerning electricity transmission lines, the Contracting Parties shall take particular account of the importance of protected areas and their buffer zones, other protected and quiet zones as well as areas of unspoilt nature and landscape, as well as birdlife.

Article 11

Renaturalisation and environmental engineering

The Contracting Parties shall use pilot studies and environmental impact studies provided for under current legislation to establish arrangements for the restoration of aquatic

locations and environments following the completion of public or private works in the energy field relating to the Alpine environment and ecosystems. This shall be done, as far as possible, by employing environmental engineering techniques.

Article 12

Environmental impact analysis

1. The Contracting Parties shall, in accordance with national legislation and international conventions and agreements, carry out an initial evaluation of the environmental impact of any planned power plant under Articles 7, 8, 9 and 10 of the present Protocol, and of any substantial change made to these plants.

2. The Contracting Parties shall recognise the advisability of adopting, as far as possible, the best available techniques so as to eliminate or limit environmental impact by making provision for the decommissioning of disused and non-environmentally friendly plants.

Article 13

Dialogue

1. The Contracting Parties shall undertake to consult one another prior to starting any project which may have cross-border effects.

2. For projects which may have cross-border effects, the Contracting Parties concerned must be able to present their comments in good time, and these will be taken into account when issuing permits.

Article 14

Further action

The Contracting Parties may take further action than measures on energy and sustainable development set out in this Protocol.

CHAPTER III

RESEARCH, TRAINING AND INFORMATION

Article 15

Research and observation

1. The Contracting Parties shall, in close collaboration and taking account of results already achieved at various national and international levels, encourage and harmonise research and systematic observation in order to achieve the targets set out in this Protocol; in particular concerning the methods and criteria for analysis and for evaluation of the impact on the environment and the climate, as well as specific technologies for saving and making rational use of energy in the Alpine region.

2. They shall also take account of the results of research in the process of defining and checking targets and energy policy measures as well as in their training and technical assistance activities at local level for the benefit of local people, economic operators and regional and local authorities.

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

Article 16

Training and information

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

2. They shall particularly encourage the further development of training, continuous training and technical assistance concerning energy, including protecting the environment, nature and the climate.

CHAPTER IV

IMPLEMENTATION, MONITORING AND EVALUATION

Article 17

Implementation

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

Article 18

Monitoring of compliance with obligations

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

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

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

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

Article 19

Evaluation of the effectiveness of the provisions

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

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

CHAPTER V

FINAL PROVISIONS

Article 20

Links between the Alpine Convention and the Protocol

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

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

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

Article 21

Signature and ratification

1. This Protocol shall be open for signature by the signatory States of the Alpine Convention and the European Community on 16 October 1998 and in the Republic of Austria, as the depositary, from 16 November 1998.

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

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

Article 22

Notification

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

- (a) any signature,
- (b) the deposit of any instrument of ratification, acceptance or approval,
- (c) any date of entry into force,
- (d) any declaration made by a Contracting Party or signatory,
- (e) any denunciation notified by a Contracting Party, including the date on which it becomes effective.

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

Done at Bled on 16 October 1998 in French, German, Italian and Slovene, all four texts being equally binding, in one copy to be deposited in the Austrian State archives. The depositary shall send a certified copy to each of the signatory Parties.

PROTOCOL
on the implementation of the Alpine Convention of 1991 in the field of tourism
Tourism Protocol

Preamble

THE FEDERAL REPUBLIC OF GERMANY,

THE REPUBLIC OF AUSTRIA,

THE FRENCH REPUBLIC,

THE ITALIAN REPUBLIC,

THE PRINCIPALITY OF LIECHTENSTEIN,

THE PRINCIPALITY OF MONACO,

THE REPUBLIC OF SLOVENIA,

THE SWISS CONFEDERATION,

and

THE EUROPEAN COMMUNITY,

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

IN COMPLIANCE with their obligations under Article 2(2) and (3) of the Alpine Convention;

DESIRING to harmonise economic interests and ecological requirements, and establish sustainable development;

AWARE that the Alps are the living and economic environment for the local population;

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

CONSIDERING that in our urban civilisation, there is an ever-growing need for varied tourism and leisure activities that are appropriate to today's way of life;

CONSIDERING that the Alps remain one of the most important areas for tourism and leisure in Europe due to the extensive range of leisure activities on offer, the rich variety of landscapes and the diversity of its ecosystems, and that protection of the Alpine region should go beyond national frameworks;

CONSIDERING that for certain Contracting Parties, a significant proportion of their population live in the Alps, and that tourism in the Alpine region is of public interest given that it helps to maintain a permanent population;

CONSIDERING that mountain tourism is facing competition in an increasingly globalised context and contributes significantly to the economic performance of the Alpine region;

CONSIDERING that recent trends seem to be moving towards greater harmony between tourism and the environment; for customers, an increasing interest in attractive natural surroundings that are protected summer and winter alike, and for local decision makers, concern for making tourist destinations more environmentally-friendly;

CONSIDERING that in the Alpine region, individual attention must be given to limitations to the ability of each location's ecosystem to adapt, and each ecosystem must be appreciated for its specific features;

CONSIDERING that natural and cultural heritage as well as the countryside constitute an essential part of tourism in the Alps;

AWARE that the Alpine States are characterised by natural, cultural, economic and institutional differences which have caused them to develop independently, giving rise to very varied tourist facilities which, far from becoming more standardised at international level should be a source of diverse but complementary tourist activities;

AWARE of the need for sustainable development in the tourist industry to be based on developing natural heritage and providing high-quality services, given that the majority of Alpine regions are dependent on tourism which also provides a livelihood for the local population;

AWARE that it is appropriate to encourage holidaymakers to respect nature, to give them a greater understanding of the people living and working in tourist destinations and to create the best conditions possible for them to truly discover the diversity of nature in the Alpine region;

AWARE that it is the responsibility of professional tourist organisations and regional and local authorities to put into place, within a defined framework for the Alpine region, means of improving production structures and their efficiency;

DESIRING to contribute to sustainable development in the Alps by encouraging environmentally-friendly tourism, which is also an essential basis for the standard of living and economy of the local people;

CONVINCED that certain problems can only be resolved in a cross-border framework and require joint measures on the part of the Alpine States,

HAVE AGREED AS FOLLOWS:

CHAPTER I

GENERAL PROVISIONS

Article 1

Objective

The objective of this Protocol is to contribute to sustainable development in the Alpine region within the existing institutional framework, by encouraging environmentally-friendly tourism through specific measures and recommendations which take the interests of both the local population and tourists into account.

Article 2

International cooperation

1. The Contracting Parties undertake to eliminate barriers to international cooperation between regional and local authorities

in the Alpine region, and to promote collaboration at the appropriate territorial level in order to solve common problems.

2. The Contracting Parties shall encourage stronger international cooperation between the relevant competent bodies. They shall ensure, in particular, the development of cross-border areas by coordinating environmentally-friendly tourist and leisure activities.

3. When local and regional authorities are unable to implement measures because they are a matter of national or international competence, they must be given the opportunity to effectively represent the interests of the population.

*Article 3***Taking account of the objectives in other policies**

The Contracting Parties undertake to take account of the objectives of this Protocol in their other policies as well, in particular in the fields of regional planning, transport, agriculture, forestry, protection of the environment and nature, and water and energy supplies, with a view to reducing any negative or contradictory effects.

*Article 4***Participation of regional and local authorities**

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

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

CHAPTER II

SPECIFIC MEASURES

*Article 5***Managing tourism**

1. The Contracting Parties undertake to combine sustainable development with environmentally-friendly tourism. To this end, they shall support the preparation and implementation of guidelines, development programmes and sectoral plans which take the objectives of this Protocol into account and which are initiated by the competent bodies at the most appropriate level.

2. These measures will allow the advantages and disadvantages of planned developments to be evaluated and compared, in particular in terms of:

(a) the socioeconomic consequences for the local population;

(b) the consequences for soil, water, the air, natural balances and the countryside, taking into account specific ecological data, natural resources and limitations to the ability of ecosystems to adapt;

(c) the consequences for public finances.

*Article 6***Guidelines for developing tourism**

1. The Contracting Parties shall, when developing tourism, take account of issues such as the conservation of nature and the countryside. They undertake to promote, as far as possible, projects which enhance the countryside and are environmentally acceptable.

2. They shall adopt a sustainable policy to make environmentally-friendly tourism in the Alps more competitive, and by doing so shall make an important contribution to the socio-economic development of the Alpine region. Priority shall be given to measures promoting innovation and diversity in tourism.

3. The Contracting Parties shall ensure that in areas attracting high numbers of tourists, a balance is struck between intensive and extensive forms of tourism.

4. When incentives are established, the following requirements should be met:

(a) for intensive tourism, the adaptation of existing tourist facilities and equipment to meet ecological requirements, and the development of new facilities conforming to the objectives of this Protocol;

(b) for extensive tourism, the continuation or development of environmentally-friendly tourism, and the promotion of the natural and cultural heritage of tourist areas.

*Article 7***Research on quality**

1. The Contracting Parties shall adopt a policy of permanent and systematic research on the quality of tourism across the whole of the Alpine region, taking ecological requirements into account.

2. They shall encourage the exchange of experiences and the implementation of joint action plans, pursuing qualitative improvements particularly in:

- (a) the development of amenities in the countryside and natural areas;
- (b) urban development and architecture (new buildings and village restoration);
- (c) accommodation and range of tourist services;
- (d) diversity in tourism for the Alpine region, promoting cultural activities in the various areas concerned.

Article 8

Controlling tourists flows

The Contracting Parties shall encourage the control of tourist flows, particularly in protected areas, organising a way to evenly disperse and accommodate tourists in order to guarantee the sustainability of these areas.

Article 9

Natural limitations to development

The Contracting Parties shall ensure that tourism development is adapted to the specific environment and available resources of the area or region concerned. It is appropriate to establish prior assessment for projects likely to have a marked impact on the environment, within the existing institutional framework, which will be taken into account when decisions are made.

Article 10

Quiet areas

The Contracting Parties undertake, in accordance with their laws and ecological criteria, to establish designated quiet areas where no tourist facilities will be developed.

Article 11

Accommodation policy

The Contracting Parties shall develop accommodation policies, taking account of how little space is available and giving priority to commercial accommodation, restoring and using

existing buildings, and modernising and improving the quality of existing accommodation.

Article 12

Ski lifts

1. The Contracting Parties undertake, within the framework of national authorisation procedures for ski lifts, to implement a policy that goes beyond economic and safety needs, responding to ecological requirements and the countryside.

2. Both new authorisations to operate ski lifts and concessions will be subject to disused ski lifts being dismantled and removed, and areas no longer in use being returned to nature, giving priority to plant species native to the area.

Article 13

Tourist traffic and transport

1. The Contracting Parties shall encourage measures to reduce dependence on motorised vehicles in tourist resorts.

2. Furthermore, they shall promote both private and public initiatives to improve access by public transport to resorts and tourist areas, and shall encourage tourists to use these services.

Article 14

Specific development techniques

1. Ski slopes

1. The Contracting Parties shall ensure that the development, maintenance and use of ski slopes blend into the natural surroundings as much as possible, taking account of natural balances and biotope sensitivity.

2. Developments affecting the landscape shall be avoided as much as possible and, when natural conditions allow, developed areas should be replanted, giving priority to plant species native to the area.

2. Artificial snow machines

National legislation may authorise the use of artificial snow during cold seasons specific to each location, particularly to make exposed areas safer and if the location's hydrological, climatic and ecological conditions allow.

*Article 15***Sporting activities**

1. The Contracting Parties undertake to define a policy for controlling outdoor sporting activities, especially in protected areas, in order to avoid causing damage to the environment. This control may mean prohibiting a particular activity, if necessary.

2. The Contracting Parties undertake to limit as much as possible, and if necessary prohibit, sporting activities using motorised vehicles outside areas designated by competent bodies.

*Article 16***Landing by air**

The Contracting Parties undertake to limit as much as possible, and if necessary prohibit, landing by air outside of airfields for the purpose of sporting activities.

*Article 17***Developing economically weak regions and local and regional authorities**

It is recommended that the Contracting Parties examine solutions adapted to the appropriate territorial level to promote the balanced development of economically weak regions and local and regional authorities.

*Article 18***Staggering holidays**

1. The Contracting Parties shall endeavour to spread out the demand for tourist resorts more effectively, in terms of time and location.

2. To this end, it is appropriate to support cooperation between States on staggering holidays and experimenting with extending holiday seasons.

*Article 19***Encouraging innovation**

It is recommended that the Contracting Parties develop incentives to encourage the implementation of the objectives

of this Protocol. To this end they will examine, in particular, the implementation of an Alpine competition with a view to rewarding innovative tourist initiatives and products which respect the objectives of this Protocol.

*Article 20***Cooperation between tourism, agriculture, forestry and handicrafts**

The Contracting Parties shall support cooperation between tourism, agriculture, forestry and handicrafts. They shall particularly encourage combinations of activities which generate employment in the context of sustainable development.

*Article 21***Further measures**

The Contracting Parties may take further measures to promote sustainable tourism than the measures provided for in this Protocol.

CHAPTER III

RESEARCH, TRAINING AND INFORMATION*Article 22***Research and observation**

1. The Contracting Parties shall encourage and harmonise, in close cooperation, research and systematic observation relevant to improving understanding of the relationship between tourism and the environment in the Alps, and analysing future developments.

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

3. The Contracting Parties undertake to share information about their own experiences relevant to implementing the measures and recommendations in this Protocol and to gathering valuable information in terms of qualitative tourism development.

*Article 23***Training and information**

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

2. It is recommended that the Contracting Parties include knowledge of nature and the environment in vocational training for jobs directly involving or linked to tourism. New types of training bringing tourism and the environment together could then be introduced. For example:

— 'nature activity leaders',

— 'resort quality assurance officers',

— 'tourism assistants for the disabled'.

CHAPTER IV

IMPLEMENTATION, MONITORING AND EVALUATION*Article 24***Implementation**

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

*Article 25***Monitoring compliance with obligations**

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

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

information from the Contracting Parties concerned or have recourse to other information sources.

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

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

*Article 26***Evaluation of the effectiveness of the provisions**

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

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

CHAPTER V

FINAL PROVISIONS*Article 27***Links between the Alpine Convention and the Protocol**

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

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

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

*Article 28***Signature and ratification**

1. This Protocol shall be open for signature by the signatory States of the Alpine Convention and the European Community on 16 October 1998 and in the Republic of Austria, as the depositary, from 16 November 1998.

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

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

*Article 29***Notification**

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

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

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

Done at Bled, on 16 October 1998 in German, French, Italian and Slovene, the four texts being equally authentic, the original text being deposited in the Austrian State archives. The depositary shall send a certified copy to each of the signatory States.

COMMISSION

COMMISSION DECISION

of 21 December 2005

on the list of the beneficiary countries which qualify for the special incentive arrangement for sustainable development and good governance, provided for by Article 26(e) of Council Regulation (EC) No 980/2005 applying a scheme of generalised tariff preferences

(2005/924/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Community,

Sole Article

Having regard to Council Regulation (EC) No 980/2005 of 27 June 2005 applying a scheme of generalised tariff preferences ⁽¹⁾, and in particular Articles 11 and 26 thereof,

The following developing countries shall benefit from the special incentive arrangement for sustainable development and good governance provided for in Regulation (EC) No 980/2005 from 1 January 2006 to 31 December 2008:

Whereas:

- (1) Regulation (EC) No 980/2005 provides for the granting of a special incentive arrangement to developing countries which satisfy certain requirements for sustainable development and good governance.
- (2) Each developing country wishing to avail itself of the special incentive arrangement has submitted its request in writing by 31 October 2005, accompanied by the comprehensive information concerning ratification of the relevant conventions, the legislation and measures to implement effectively the provisions of the conventions and its commitment to accept and comply fully with the monitoring and review mechanism envisaged in the relevant conventions and related instruments.
- (3) The Commission has examined these requests, in accordance with the provisions of Article 11 of Regulation (EC) No 980/2005, and has established the final list of beneficiary countries which fulfil the relevant criteria. Accordingly, the special incentive arrangement should be granted to those countries from 1 January 2006 to 31 December 2008.
- (4) The measures provided for in this Decision are in accordance with the opinion of the Generalised Preferences Committee,

(BO) Bolivia
(CO) Colombia
(CR) Costa Rica
(EC) Ecuador
(GE) Georgia
(GT) Guatemala
(HN) Honduras
(LK) Sri Lanka
(MD) Republic of Moldova
(MN) Mongolia
(NI) Nicaragua
(PA) Panama
(PE) Peru
(SV) El Salvador
(VE) Venezuela

Done at Brussels, 21 December 2005.

For the Commission
Peter MANDELSON
Member of the Commission

⁽¹⁾ OJ L 169, 30.6.2005, p. 1.

COMMISSION RECOMMENDATION**of 14 December 2005****on the coordinated inspection programme in the field of animal nutrition for the year 2006 in accordance with Council Directive 95/53/EC**

(2005/925/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 95/53/EC of 25 October 1995 fixing the principles governing the organisation of official inspections in the field of animal nutrition⁽¹⁾, and in particular Article 22(3) thereof,

Whereas,

- (1) In 2005 Member States identified certain issues as worthy of a coordinated inspection programme to be carried out in the year 2006.
- (2) Although Directive 2002/32/EC of the European Parliament and of the Council of 7 May 2002 on undesirable substances in animal feed⁽²⁾ establishes maximum contents of aflatoxin B₁ in feedingstuffs, there are no Community rules for other mycotoxins, such as ochratoxin A, zearalenone, deoxynivalenol, fumonisins, T-2 and HT-2 toxins. Gathering information on the presence of those mycotoxins through random sampling could provide useful data for an assessment of the situation with a view to the development of the legislation. Furthermore, certain feed materials such as cereals and oil seeds are particularly exposed to mycotoxin contamination because of harvesting, storage and transport conditions. As mycotoxin concentration varies from year to year, it is appropriate to collect data from consecutive years for all mycotoxins mentioned.
- (3) Previous results of checks for the presence of antibiotics and coccidiostats in certain feedingstuffs intended for animal species or category for which those active substances are not authorised indicate that this type of infringement still occurs. Furthermore, in accordance with the provisions of Article 11(2) of Regulation (EC) No 1831/2003 of the European Parliament and of the

Council of 22 September 2003 on additives for use in animal nutrition⁽³⁾, it is important to ensure that the phasing out of antibiotic feed additives is effectively enforced.

- (4) It is important to ensure that the restrictions on the use of feed materials of animal origin in feedingstuffs, as laid down in the relevant Community legislation, are effectively enforced.
- (5) It is appropriate to ensure that the levels of the trace elements copper and zinc in compound feedingstuffs for pigs do not exceed the maximum content laid down by Commission Regulation (EC) No 1334/2003 of 25 July 2003 amending the conditions for authorisation of a number of additives in feedingstuffs belonging to the group of trace elements⁽⁴⁾.
- (6) The measures provided for in this Recommendation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HEREBY RECOMMENDS THAT MEMBER STATES:

1. carry out during the year 2006 a coordinated inspection programme aimed to check:
 - (a) the concentration of mycotoxins (aflatoxin B₁, ochratoxin A, zearalenone, deoxynivalenol, fumonisins, T-2 and HT-2 toxins) in feedingstuffs, indicating the methods of analysis; the method of sampling should comprise both random and targeted sampling; in the case of targeted sampling, the samples should be feed materials suspected of containing higher concentrations of mycotoxins, such as cereal grains, oil seeds, oil fruits, their products and by-products, and feed materials stored for a long time or transported by sea over a long distance; in the case of aflatoxin B₁, particular attention should also be paid to compound feedingstuffs for dairy animals other than dairy cattle; the results of the checks should be reported using the model set out in Annex I;

⁽¹⁾ 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, 1.9.2001, p. 55).

⁽²⁾ OJ L 140, 30.5.2002, p. 10. Directive as last amended by Commission Directive 2005/8/EC (OJ L 27, 29.1.2005, p. 44).

⁽³⁾ 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).

⁽⁴⁾ OJ L 187, 26.7.2003, p. 11. Regulation as amended by Regulation (EC) No 2112/2003 (OJ L 317, 2.12.2003, p. 22).

- (b) coccidiostats and/or histomonostats, whether or not authorised as feed additives for certain animal species and categories, that occur frequently in non-medicated pre-mixtures and compound feedingstuffs in which these substances are not authorised; the checks should target those substances in pre-mixtures and compound feedingstuffs if the competent authority considers that there is a greater probability of finding irregularities; the results of the checks should be reported using the model set out in Annex II;
- (c) the implementation of the phasing out of antibiotics as feed additives as set out in Annex II;
- (d) the implementation of restrictions on the production and use of feed materials of animal origin, as set out in Annex III;
- (e) the levels of copper and zinc in compound feedingstuffs for pigs, as set out in Annex IV.
2. include the results of the co-ordinated inspection programme provided for in paragraph 1 in a separate Chapter in the annual report on inspection activities to be transmitted by 1 April 2007 and the latest version of the harmonised reporting model.

Done at Brussels, 14 December 2005.

For the Commission
Markos KYPRIANOU
Member of the Commission

ANNEX I

Concentration of certain mycotoxins (aflatoxin B₁, ochratoxin A, zearalenone, deoxynivalenol, fumonisins, T-2 and HT-2-toxins) in feedingstuffs

Individual results of all tested samples; model for reports as referred to in paragraph 1(a)

Feedingstuffs			Sampling (random or targeted)	Type and concentration of mycotoxins (µg/kg relative to a feedingstuff with a moisture content of 12 %)					
Class ^(a)	Type ^(b)	Country of origin		Aflatoxin B ₁	Ochrato- xin A	Zeara- lenone	Deoxyni- valenol	Fumo- nisins ^(c)	T-2- and HT-2- toxins ^(d)

^(a) Select one of the following classes: feed material, feed additive, premixture, complementary feed, complete feed, compound feed.

^(b) Select one of the following types: (a) for feed materials, the name of the feed material as laid down in Part B of the Annex to Council Directive 96/25/EC (OJ L 125, 23.5.1996, p. 35); (b) for other feedingstuffs, the target species.

^(c) The concentration of fumonisins B₁ and B₂ can be reported as the sum of both.

^(d) The concentration of the T-2 and HT-2 toxins can be reported as the sum of both.

The competent authority should also indicate:

- the action taken when maximum levels for aflatoxin B₁ are exceeded;
- the methods of analysis used;
- the limits of detection.

ANNEX II

Presence of certain medicinal substances not authorised as feed additives

Certain medicinal substances may be legally present as additives in pre-mixtures and compound feedingstuffs for certain animal species and categories, when fulfilling the requirements of Article 10 of Regulation (EC) No 1831/2003.

The presence of unauthorised medicinal substances in feedingstuffs for certain animal species and categories constitutes an infringement.

The medicinal substances to be controlled should be chosen from the following:

1. Medicinal substances authorised as feed additives for certain animal species or categories only:

decoquinat (Deccox)
diclazuril (Clinacox 0,2 %)
halofuginone hydrobromide (Stenorol)
lasalocid A sodium (Avatec 15 %)
maduramicin ammonium alpha (Cygro 1 %)
monensin sodium (Elancoban G100, 100, G200, 200)
narasin (Monteban)
narasin — nicarbazin (Maxiban G160)
robenidine hydrochloride (Cycostat 66 G)
salinomycin sodium (Sacox 120G, 120)
semduramicin sodium (Aviax 5 %)

2. Medicinal substances no longer authorised as feed additives:

amprolium
amprolium/ethopabate
arprinocid
avilamycin
avoparcin
carbadox
dimetridazole
dinitolmid
flavophospholipol
ipronidazol
meticlorpindol
meticlorpindol/methylbenzoquate
nicarbazin
nifursol
olaquinox
ronidazol
spiramycin
tetracyclines
tylosin phosphate
virginiamycin

zinc bacitracin
other antimicrobial substances

3. Medicinal substances never authorised as feed additives:

other substances

Individual results of all non-compliant samples; model for reports as referred to in paragraph 1(b)

Type of feedingstuff (animal species and category)	Substance detected	Level found	Reason for the infringement ^(e)	Action taken

^(e) Reason leading to the presence of the unauthorised substance in the feedingstuff, as concluded after an investigation carried out by the competent authority.

The competent authority should also indicate:

- the total number of samples tested,
 - the names of the substances which have been investigated,
 - the methods of analysis used,
 - the limits of detection.
-

ANNEX III

Restrictions on the production and use of feed materials of animal origin

Without prejudice to Article 3 of Regulation (EC) No 882/2004 of the European Parliament and of the Council ⁽¹⁾, Member States should during 2006 undertake a coordinated inspection programme to determine whether restrictions on the production and use of feed materials of animal origin have been complied with.

In particular, in order to ensure that the ban on feeding processed animal protein to certain animals, as laid down in Annex IV to Regulation (EC) No 999/2001 of the European Parliament and of the Council ⁽²⁾, are effectively applied, Member States should implement a specific control programme based on targeted controls. In accordance with Article 3 of Regulation (EC) No 882/2004, that control programme should be based on a risk-based strategy where all stages of production and all types of premises where feed is produced, handled and administered are included. Member States should pay special attention to the definition of criteria that can be related to a risk. The weighting given to each criterion should be proportional to the risk. The inspection frequency and the number of samples analysed in the premises should be in correlation to the sum of weightings allocated to those premises.

The following indicative premises and criteria should be considered when drawing up a control programme:

Premises	Criteria	Weighting
Feed mills	<ul style="list-style-type: none"> — Double-stream feed mills producing ruminant compound feed and non-ruminant compound feed containing derogated processed animal proteins — Feed mills with previous history, or suspicion, of non-compliance — Feed mills with a large amount of imported feedingstuffs with high protein content such as fishmeal, soybean meal, corn gluten meal and protein concentrates — Feed mills with a high production of compound feed — Risk of cross-contamination resulting from internal operational procedures (dedication of silos, control of the effective separation of lines, control of ingredients, internal laboratory, sampling procedures) 	
Border Inspection Posts and other points of entry into the Community	<ul style="list-style-type: none"> — Large/small amount of imports of feedingstuffs — Feedingstuffs with high protein content 	
Farms	<ul style="list-style-type: none"> — Home mixers using derogated processed animal proteins — Farms keeping ruminants and other species (risk of cross feeding) — Farms purchasing feedingstuffs in bulk 	
Dealers	<ul style="list-style-type: none"> — Warehouses and intermediate storage of feedingstuffs with high protein content — High volume of bulk feedingstuffs traded — Dealers in compound feedingstuffs produced abroad 	
Mobile mixers	<ul style="list-style-type: none"> — Mixers producing for both ruminants and non-ruminants — Mixers with previous history, or suspicion, of non-compliance — Mixers incorporating feedingstuffs with high protein content — Mixers with high production of feedingstuffs — Large number of farms served including farms which keep ruminants 	

⁽¹⁾ OJ L 165, 30.4.2004, p. 1.

⁽²⁾ OJ L 147, 31.5.2001, p. 1.

Premises	Criteria	Weighting
Means of transportation	— Vehicles used for the transportation of processed animal proteins and feedingstuffs	
	— Vehicles with previous history, or suspicion, of non-compliance	

As an alternative to these indicative premises and criteria, Member States may forward their own risk assessment to the Commission before 31 March 2006.

Sampling should be targeted on batches or events where cross-contamination with prohibited processed proteins is most likely (first batch after the transport of feedingstuffs containing animal protein prohibited in this batch, technical problems or changes in production lines, changes in storage bunkers or silos for bulk material).

Controls could also be extended to the analysis of dust in vehicles, manufacturing equipment and storage areas.

The minimum number of inspections per year in a Member State should be 10 per 100 000 tonnes of compound feed produced. The minimum number of official samples per year in a Member State should be 20 per 100 000 tonnes of compound feed produced. Pending the approval of alternative methods, microscopic identification and estimation as described in Commission Directive 2003/126/EC ⁽¹⁾ should be used for analysing samples. The detection of animal proteins shall be interpreted in line with the provisions in Regulation (EC) No 999/2001.

The results of the inspection programmes should be communicated to the Commission using the following formats.

Summary of checks concerning feeding restrictions for feed of animal origin (feeding of prohibited processed animal proteins)

A. Documented inspections

Stage	Number of inspections comprising checks on the presence of processed animal proteins	Number of breaches based on documentary checks etc. rather than laboratory testing
Import of feed materials		
Storage of feed materials		
Feed mills		
Home mixers/mobile mixers		
Intermediaries of feedingstuffs		
Means of transport		
Farms keeping non-ruminants		
Farms keeping ruminants		
Others:.....		

⁽¹⁾ OJ L 339, 24.12.2003, p. 78.

B. *Sampling and testing of feed materials and compound feedingstuffs for processed animal proteins*

Premises	Number of official samples tested for processed animal proteins			Number of non-compliant samples					
				Presence of processed animal protein from terrestrial animals			Presence of processed animal protein from fish		
	Feed materials	Compound feedingstuffs		Feed materials	Compound feedingstuffs		Feed materials	Compound feedingstuffs	
for ruminants		for non-ruminants	for ruminants		for non-ruminants	for ruminants		for non-ruminants	
At import									
Feed mills									
Intermediaries/ storage									
Means of transport									
Home mixers/ mobile mixers									
On farm									
Others:									

C. *Summary of prohibited processed animal proteins found in samples of feedingstuffs intended for ruminants*

	Month of sampling	Type degree and origin of contamination	Sanctions (or other measures) applied
1			
2			
3			
4			
5			
...			

ANNEX IV

Individual results of all samples (both compliant and non-compliant) concerning the content of copper and zinc in compound feedingstuffs for pigs

Type of compound feedingstuff (animal category)	Trace element (copper or zinc)	Level found (mg/kg of complete feedingstuff)	Reason for exceeding the maximum content ⁽⁴⁾	Action taken

⁽⁴⁾ As concluded after an investigation carried out by the competent authority.

COMMISSION DECISION

of 21 December 2005

on introducing supplementary measures to control infections with low pathogenic avian influenza in Italy and repealing Decision 2004/666/EC*(notified under document number C(2005) 5566)***(Text with EEA relevance)**

(2005/926/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Having regard to Council Directive 92/40/EEC of 19 May 1992 introducing Community measures for the control of avian influenza ⁽³⁾, and in particular Article 16 thereof,

Having regard to 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 ⁽⁴⁾, and in particular Articles 4(3) and 13(3) thereof,

Whereas:

(1) Under Commission Decision 2002/975/EC of 12 December 2002 on introducing vaccination to supplement the measures to control infections with low pathogenic avian influenza in Italy and on specific movement control measures ⁽⁵⁾ a vaccination programme was carried out in parts of Northern Italy to control infections with low pathogenic avian influenza strain subtype H7N3. A differentiating

infected from vaccinated animals (DIVA) strategy was applied by using a heterologous vaccine of H7N1 subtype, which allows differentiation between infected and vaccinated poultry.

(2) Under Commission Decision 2004/666/EC of 29 September 2004 on introducing vaccination to supplement the measures to control infections with low pathogenic avian influenza in Italy and on specific movement control measures and repealing Decision 2002/975/EC ⁽⁶⁾ a new vaccination programme was approved in a smaller area of Italy compared to the previous vaccination campaign under Decision 2002/975/EC. The new programme is carried out with a bivalent vaccine containing both avian influenza subtypes H5 and H7. This kind of vaccination is carried out until at least 31 December 2005. That Decision also provides for a prohibition on intra-Community trade in live poultry and hatching eggs coming from and/or originating from the vaccination area and conditions for intra-Community trade in fresh meat originating from vaccinated poultry in accordance with article 3 of Decision 2004/666/EC.

(3) The results of the vaccination programme, as provided for in Decision 2004/666/EC and reported at several meetings of the Standing Committee on the Food Chain and Animal Health, were generally favourable.

(4) As a result of the favourable situation within the vaccination area provided for in Decision 2004/666/EC and in the light of the increased experience on the application of vaccination, dispatch of slaughter poultry, hatching eggs and day-old chicks from Italy should be permitted if certain conditions are fulfilled.

(5) In the light of the particular risk of introduction of avian influenza in the areas of Italy in question, and the submission by Italy of an amended vaccination programme by the letter dated 23 June 2005 for approval, it appears appropriate to continue vaccination in the areas at higher risk of disease introduction. Furthermore, an intensive monitoring and surveillance should be performed both in the vaccination area and in its surroundings.

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

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

⁽³⁾ OJ L 167, 22.6.1992, p. 1. Directive as last amended by 2003 Act of Accession.

⁽⁴⁾ OJ L 18, 23.1.2003, p. 11.

⁽⁵⁾ OJ L 337, 13.12.2002, p. 87. Decision as last amended by Decision 2004/159/EC (OJ L 50, 20.2.2004, p. 63).

⁽⁶⁾ OJ L 303, 30.9.2004, p. 35. Decision as amended by Decision 2005/10/EC (OJ L 4, 6.1.2005, p. 15).

- (6) Special sampling and testing procedures should also be applicable to slaughter poultry.
- (7) In the interests of clarity of Community legislation, it is appropriate to repeal Decision 2004/666/EC and replace it by this Decision.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

Approval of the vaccination programme

1. The amended vaccination programme against avian influenza, submitted by Italy to the Commission on 23 June 2005, is approved ('the vaccination programme').

The vaccination programme shall be carried out with a bivalent vaccine in the areas listed in Annex I ('the vaccination area'). The vaccination programme shall be implemented efficiently.

2. Intensive monitoring and surveillance, as set out in the vaccination programme shall be carried out in the vaccination area and in the areas listed in Annex III.

Article 2

Restrictions on movements of live poultry, hatching eggs, day-old chicks and fresh meat of poultry

The restrictions on movements of live poultry, hatching eggs, day-old chicks and fresh meat of poultry into, out of and within the vaccination area and from holdings located in a restriction zone established in accordance with the provisions laid down in the vaccination programme shall apply in accordance with Article 3 to 9 of this Decision.

Article 3

Restrictions on dispatch of live poultry, hatching eggs and day-old chicks

No live poultry, hatching eggs and day-old chicks coming from and/or originating from holdings in the vaccination area and from holdings located in a restriction zone established in accordance with the provisions laid down in the vaccination programme shall be dispatched from Italy.

Article 4

Derogation from restrictions on dispatch of slaughter poultry

1. By way of derogation from Article 3, slaughter poultry that come from and/or originate from holdings in the vaccination area, may be dispatched from Italy if the poultry:

- (a) come from holdings that are not located in a restriction zone established in accordance with the provisions laid down in the vaccination programme;
- (b) originate from flocks which have been regularly inspected and tested with negative results for avian influenza, with particular attention paid to sentinel birds;
- (c) originate from flocks which have been clinically inspected by an official veterinarian within 48 hours before loading, with particular attention paid to sentinel birds;
- (d) originate from flocks which have been tested serologically for avian influenza with negative results at the national laboratory for avian influenza, by using the sampling and testing procedure laid down in Annex II to this Decision;
- (e) are sent directly to a slaughterhouse and slaughtered immediately upon arrival.

2. For the testing of flocks, as provided for in point (b) of paragraph 1, the following tests shall be used:

- (a) for vaccinated birds, the developed indirect Immunofluorescence Assay ('iIFA-test');
- (b) for non-vaccinated birds:
- (i) the Haemagglutination-Inhibition Test (HI);
- (ii) the AGID-test;
- (iii) the ELISA-test; or
- (iv) the iIFA-test, if necessary.

Article 5

Derogation from restrictions on dispatch of hatching eggs

By way of derogation from Article 3, hatching eggs that come from and/or originate from holdings in the vaccination area, may be dispatched from Italy if:

- (a) they come from holdings that are not located in a restriction zone established in accordance with the provisions laid down in the vaccination programme;

- (b) they come from flocks which have been regularly inspected and tested with negative results for avian influenza using the tests as provided for in Article 4(2);
- (c) they are disinfected before departure from the holding;
- (d) they are transported directly to the hatchery of destination;
- (e) the hatchery of destination can ensure the traceability of the hatching eggs by means of the records of the holding of origin of the hatching eggs and of the destination of the day-old chicks hatched from such eggs.

Article 6

Derogation from restrictions on dispatch of day-old chicks

By way of derogation from Article 3, day-old chicks that come from and/or originate from holdings located in the vaccination area, may be dispatched from Italy if they originate from hatching eggs that comply with the conditions set out in Article 5.

Article 7

Animal health certificates for consignments of live poultry, hatching eggs and day-old chicks

Animal health certificates accompanying consignments of live poultry, hatching eggs and day-old chicks from Italy shall include the words: 'The animal health conditions of this consignment are in accordance with Commission Decision 2005/926/EC'.

Article 8

Restrictions on dispatch and special marking of fresh meat of poultry

1. Fresh meat of poultry as provided in Article 2 shall be marked in accordance with paragraph 2 and shall not be dispatched from Italy if it is derived from:

- (a) poultry originating from holdings located in a restriction zone established in accordance with the provisions laid down in the vaccination programme;
- (b) poultry vaccinated against avian influenza;
- (c) poultry from avian influenza sero-positive poultry flocks destined for slaughter under official control in accordance with the vaccination programme.

2. Fresh meat of poultry as provided in paragraph 1 shall be marked with a special health or identification mark which cannot be confused with the health mark as provided in Chapter XII, Annex I to Council Directive 71/118/EEC⁽¹⁾ and

shall, in particular, not be oval. That mark shall contain the approval number of the establishment but not the letters C.E.

Article 9

Derogation from restrictions on dispatch of fresh meat of poultry

By way of derogation from Article 8(1)(b) and paragraph 2, fresh meat derived from turkeys and chickens vaccinated against avian influenza with a heterologous vaccine of subtype (H7N1) and (H5N9) may be dispatched from Italy, provided that the meat comes from turkeys and chickens which:

- (a) originate from flocks which have been regularly inspected and tested with negative results for avian influenza, with particular attention paid to sentinel birds;
- (b) originate from flocks which have been clinically inspected by an official veterinarian within 48 hours before loading, with particular attention paid to sentinel birds;
- (c) originate from flocks which have been tested serologically for avian influenza with negative results at the national laboratory for avian influenza, by using the sampling and testing procedure laid down in Annex II to this Decision;
- (d) come from flocks which have been tested with negative results for avian influenza using the tests as provided for in Article 4(2);
- (e) are kept separated from other flocks which do not comply with this Article;
- (f) are sent directly to a slaughterhouse and slaughtered immediately upon arrival.

Article 10

Health certificate for fresh meat of turkey and chicken

Fresh meat of turkey and chicken complying with the conditions set out in Article 9 shall be accompanied by a health certificate in accordance with the model set out in Annex VI to 1 Directive 71/118/EEC, which shall include under point IV (a) of that certificate the following attestation of the official veterinarian:

'The turkey meat/chicken meat (*) described above is in accordance with Commission Decision 2005/926/EC.

⁽¹⁾ OJ L 55, 8.3.1971, p. 23.

(*) Delete as appropriate.'

*Article 11***Washing and disinfection of packaging and means of transport**

Italy shall ensure that in the vaccination area listed in Annex I:

- (a) only disposable packaging material, or packaging material which can be effectively washed and disinfected, is used for the collection, storage and transport of hatching eggs and day-old chicks;
- (b) all means of transport used for transporting live poultry, hatching eggs, day-old chicks, fresh poultry meat and poultry feedstuff are cleaned and disinfected immediately before and after each transport with disinfectants and methods of use approved by the competent authority.

*Article 12***Reports**

Italy shall submit a report to the Commission containing information on the effectiveness of the vaccination programme within six months from the date of application of this Decision and thereafter at six-monthly intervals.

*Article 13***Repeals**

Decision 2004/666/EC is repealed.

*Article 14***Applicability**

This Decision shall apply from the tenth day following that of its publication in the *Official Journal of the European Union*.

*Article 15***Addresses**

This Decision is addressed to the Member States.

Done at Brussels, 21 December 2005.

For the Commission

Markos KYPRIANOU

Member of the Commission

ANNEX I

VACCINATION AREA WHERE VACCINATION IS CARRIED OUT WITH A BIVALENT VACCINE

Veneto Region

Verona Province

ALBAREDO D'ADIGE	
ANGIARI	
ARCOLE	
BELFIORE	
BONAVIGO	
BOVOLONE	
BUTTAPIETRA	
CALDIERO	area to the south of the A4 motorway
CASALEONE	
CASTEL D'AZZANO	
CASTELNUOVO DEL GARDA	area to the south of the A4 motorway
CEREA	
COLOGNA VENETA	
COLOGNOLA AI COLLI	area to the south of the A4 motorway
CONCAMARISE	
ERBÈ	
GAZZO VERONESE	
ISOLA DELLA SCALA	
ISOLA RIZZA	
LAVAGNO	area to the south of the A4 motorway
MINERBE	
MONTEFORTE D'ALPONE	area to the south of the A4 motorway
MOZZECANE	
NOGARA	
NOGAROLE ROCCA	
OPPEANO	
PALÙ	
PESCHIERA DEL GARDA	area to the south of the A4 motorway
POVEGLIANO VERONESE	
PRESSANA	
RONCO ALL'ADIGE	
ROVERCHIARA	
ROVEREDO DI GUÀ	
SALIZZOLE	
SAN BONIFACIO	area to the south of the A4 motorway
SAN GIOVANNI LUPATOTO	area to the south of the A4 motorway
SANGUINETTO	
SAN MARTINO BUON ALBERGO	area to the south of the A4 motorway
SAN PIETRO DI MORUBIO	
SOAVE	area to the south of the A4 motorway
SOMMACAMPAGNA	area to the south of the A4 motorway
SONA	area to the south of the A4 motorway
SORGÀ	
TREVENZUOLO	

VALEGGIO SUL MINCIO
VERONA
VERONELLA
VIGASIO
VILLAFRANCA DI VERONA
ZEVIO
ZIMELLA

area to the south of the A4 motorway

Lombardia Region

Brescia Province

ACQUAFREDDA
ALFIANELLO
BAGNOLO MELLA
BASSANO BRESCIANO
BORGOSATOLLO
BRESCIA
CALCINATO
CALVISANO
CAPRIANO DEL COLLE
CARPENEDOLO
CASTENEDOLO
CIGOLE
DELLO
DESENZANO DEL GARDA
FIESSE
FLERO
GAMBARA
GHEDI
GOTTOLENGO
ISORELLA
LENO
LONATO
MANERBIO
MILZANO
MONTICHIARI
MONTIRONE
OFFLAGA
PAVONE DEL MELLA
PONCARALE
PONTEVICO
POZZOLENGO
PRALBOINO
QUINZANO D'OGGIO
REMEDELLO
REZZATO
SAN GERVASIO BRESCIANO
SAN ZENO NAVIGLIO
SENIGA
VEROLANUOVA
VEROLAVECCHIA
VISANO

area to the south of the A4 motorway

area to the south of the A4 motorway

area to the south of the A4 motorway

area to the south of the A4 motorway

area to the south of the A4 motorway

area to the south of the A4 motorway

area to the south of the A4 motorway

Mantova Province

CASTIGLIONE DELLE STIVIERE

CAVRIANA

CERESARA

GOITO

GUIDIZZOLO

MARMIROLO

MEDOLE

MONZAMBANO

PONTI SUL MINCIO

ROVERBELLA

SOLFERINO

VOLTA MANTOVANA

ANNEX II

SAMPLING AND TESTING PROCEDURE**1. Introduction and general use**

The developed indirect Immunofluorescence Assay (iIFA-test) is aimed at the differentiation between vaccinated/field exposed and vaccinated/non field exposed turkeys and chickens in the framework of a Differentiating Infected from Vaccinated Animals (DIVA) vaccination strategy using a heterologous subtype vaccine from the field virus subtype.

2. Use of the test for the purpose of dispatching fresh turkey and chicken meat from the vaccination area in Italy

Meat originating from turkey and chicken flocks vaccinated against avian influenza may be dispatched from Italy provided that, where all the birds are kept in one building, blood samples have been taken by the official veterinarian within seven days prior to slaughter from at least 10 vaccinated turkeys or chickens destined for slaughter.

However, where the poultry are kept in more than one group or shed, at least 20 vaccinated birds selected randomly from all the groups or sheds on the farm shall be sampled.

3. Use of the test for the purpose of dispatching slaughter poultry from the vaccination area in Italy

Slaughter poultry originating from the vaccination area may be dispatched from Italy provided that, where all the birds have been kept in one building, blood samples from at least 10 birds destined for slaughter have been taken by the official veterinarian within seven days prior dispatch. However, where the poultry are kept in more than one group or shed, at least 20 birds selected randomly from all the groups or sheds on the farm shall be sampled.

ANNEX III

AREAS BORDERING THE VACCINATION AREA WHERE INTENSIVE MONITORING AND SURVEILLANCE IS CARRIED OUT**Lombardia Region***Bergamo province*

ANTEGNATE	
BAGNATICA	area to the south of the A4 motorway
BARBATA	
BARIANO	
BOLGARE	area to the south of the A4 motorway
CALCINATE	
CALCIO	
CASTELLI CALEPIO	area to the south of the A4 motorway
CAVERNAGO	
CIVIDATE AL PIANO	
COLOGNO AL SERIO	
CORTENUOVA	
COSTA DI MEZZATE	area to the south of the A4 motorway
COVO	
FARA OLIVANA CON SOLA	
FONTANELLA	
GHISALBA	
GRUMELLO DEL MONTE	area to the south of the A4 motorway
ISSO	
MARTINENGO	
MORENGO	
MORNICO AL SERIO	
PAGAZZANO	
PALOSCO	
PUMENENGO	
ROMANO DI LOMBARDIA	
SERiate	area to the south of the A4 motorway
TELGATE	area to the south of the A4 motorway
TORRE PALLAVICINA	

Brescia province

AZZANO MELLA	
BARBARIGA	
BASSANO BRESCIANO	
BERLINGO	
BORGO SAN GIACOMO	
BRANDICO	
CASTEGNATO	area to the south of the A4 motorway
CASTEL MELLA	
CASTELCOVATI	
CASTREZZATO	
CAZZAGO SAN MARTINO	area to the south of the A4 motorway
CHIARI	

COCCAGLIO
COLOGNE
COMEZZANO-CIZZAGO
CORZANO
ERBUSCO area to the south of the A4 motorway
LOGRATO
LONGHENA
MACLODIO
MAIRANO
ORZINUOVI
ORZIVECCHI
OSPITALETTO area to the south of the A4 motorway
PALAZZOLO SULL'OGGIO area to the south of the A4 motorway
POMPIANO
PONTOGLIO
ROCCAFRANCA
RONCADELLE area to the south of the A4 motorway
ROVATO area to the south of the A4 motorway
RUDIANO
SAN PAOLO
TORBOLE CASAGLIA
TRAVAGLIATO
TRENZANO
URAGO D'OGGIO
VILLACHIARA

Cremona province

CAMISANO
CASALE CREMASCO-VIDOLASCO
CASALETTO DI SOPRA
CASTEL GABBIANO
SONCINO

Mantova province

ACQUANEGRA SUL CHIESE
ASOLA
BIGARELLO
CANNETO SULL'OGGIO
CASALMORO
CASALOLDO
CASALROMANO
CASTEL D'ARIO
CASTEL GOFFREDO
CASTELBELFORTE
GAZOLDO DEGLI IPPOLITI
MARIANA MANTOVANA
PIUBEGA
PORTO MANTOVANO
REDONDESCO
RODIGO

RONCOFERRARO
SAN GIORGIO DI MANTOVA
VILLIMPENTA

Veneto Region

Padua province

CARCERI
CASALE DI SCODOSIA
ESTE
LOZZO ATESTINO
MEGLIADINO SAN FIDENZIO
MEGLIADINO SAN VITALE
MONTAGNANA
OSPEDALETTO EUGANEO
PONSO
SALETTO
SANTA MARGHERITA D'ADIGE
URBANA

Verona province

BEVILACQUA
BOSCHI SANT'ANNA
BUSSOLENGO
PESCANTINA
SOMMACAMPAGNA
SONA

area to the north of the A4 motorway
area to the north of the A4 motorway

Vicenza province

AGUGLIARO
ALBETTONE
ALONTE
ASIGLIANO VENETO
BARBARANO VICENTINO
CAMPIGLIA DEI BERICI
CASTEGNERO
LONIGO
MONTEGALDA
MONTEGALDELLA
MOSSANO
NANTO
NOVENTA VICENTINA
ORGIANO
POIANA MAGGIORE
SAN GERMANO DEI BERICI
SOSSANO
VILLAGA

(Acts adopted under Title V of the Treaty on European Union)

COUNCIL DECISION 2005/927/CFSP

of 21 December 2005

implementing Common Position 2004/694/CFSP on further measures in support of the effective implementation of the mandate of the International Criminal Tribunal for the former Yugoslavia (ICTY)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to Common Position 2004/694/CFSP⁽¹⁾, and in particular Article 2 thereof, in conjunction with the second indent of Article 23(2) of the Treaty on European Union,

Article 1

The list of persons set out in the Annex to Common Position 2004/694/CFSP shall be replaced by the text set out in the Annex to this Decision.

Whereas:

(1) Under the terms of Common Position 2004/694/CFSP, the Council adopted measures in order to freeze all funds and economic resources belonging to natural persons indicted by the International Criminal Tribunal for the former Yugoslavia (ICTY).

Article 2

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

(2) On 6 October, the Council adopted Common Position 2005/689/CFSP; extending Common Position 2004/694/CFSP and amending the list set out in the Annex.

Article 3

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

(3) Following the transfer of Mr Ante GOTOVINA to ICTY detention units, his name should be removed from the list.

Done at Brussels, 21 December 2005.

(4) It is necessary to adapt the list contained in the Annex to Common Position 2004/694/CFSP accordingly,

For the Council

The President

B. BRADSHAW

⁽¹⁾ OJ L 315, 14.10.2004, p. 52. Common Position as last extended by Common Position 2005/689/CFSP (OJ L 261, 7.10.2005, p. 29).

ANNEX

'ANNEX

LIST OF PERSONS REFERRED TO IN ARTICLE 1

1. Name: DJORDJEVIC Vlastimir
Date of birth: 1948
Place of birth: Vladicin Han, Serbia and Montenegro
Nationality: Serbia and Montenegro
 2. Name: HADZIC Goran
Date of birth: 7.9.1958
Place of birth: Vinkovci, Republic of Croatia
Nationality: Serbia and Montenegro
 3. Name: KARADZIC Radovan
Date of birth: 19.6.1945
Place of birth: Petnjica, Savnik, Montenegro, Serbia and Montenegro
Nationality: Bosnia and Herzegovina
 4. Name: LUKIC Milan
Date of birth: 6.9.1967
Place of birth: Visegrad, Bosnia and Herzegovina
Nationality: Bosnia and Herzegovina
Possibly Serbia and Montenegro
 5. Name: MLADIC Ratko
Date of birth: 12.3.1942
Place of birth: Bozanovici, Municipality of Kalinovik, Bosnia and Herzegovina
Nationality: Bosnia and Herzegovina
Possibly Serbia and Montenegro
 6. Name: TOLIMIR Zdravko
Date of birth: 27.11.1948
Place of birth:
Nationality: Bosnia and Herzegovina
 7. Name: ZELENOVIC Dragan
Date of birth: 12.2.1961
Place of birth: Foca, Bosnia and Herzegovina
Nationality: Bosnia and Herzegovina
 8. Name: ZUPLJANIN Stojan
Date of birth: 22.9.1951
Place of birth: Kotor Varos, Bosnia and Herzegovina
Nationality: Bosnia and Herzegovina'
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