

# Official Journal

## of the European Union

L 7

Volume 49

12 January 2006

English edition

### Legislation

Contents

#### I Acts whose publication is obligatory

- ★ **Council Regulation (EC) No 33/2006 of 9 January 2006 extending the definitive anti-dumping duty imposed by Regulation (EC) No 2074/2004 on imports of certain ring-binder mechanisms originating in the People's Republic of China to imports of the same product consigned from the Lao People's Democratic Republic** ..... 1
- Commission Regulation (EC) No 34/2006 of 11 January 2006 establishing the standard import values for determining the entry price of certain fruit and vegetables ..... 6
- ★ **Commission Regulation (EC) No 35/2006 of 11 January 2006 amending Annexes I, V and VII to Council Regulation (EEC) No 3030/93 on common rules for imports of certain textile products from third countries** ..... 8
- ★ **Commission Regulation (EC) No 36/2006 of 10 January 2006 establishing unit values for the determination of the customs value of certain perishable goods** ..... 15
- Commission Regulation (EC) No 37/2006 of 11 January 2006 on granting of import licences for cane sugar for the purposes of certain tariff quotas and preferential agreements ..... 21

#### II Acts whose publication is not obligatory

##### Commission

2006/9/EC:

- ★ **Commission Decision of 6 January 2006 amending Annex I to Council Decision 79/542/EEC as regards transitional measures for transit of live animals from Bulgaria and Romania via the former Yugoslav Republic of Macedonia, Serbia and Montenegro (notified under document number C(2005) 5885) <sup>(1)</sup>** ..... 23

<sup>(1)</sup> Text with EEA relevance

(Continued overleaf)

2006/10/EC:

- ★ **Commission Decision of 10 January 2006 concerning the provisional prohibition in Greece of the marketing of seeds of maize hybrids with the genetic modification MON 810 inscribed in the common catalogue of varieties of agricultural plant species, pursuant to Directive 2002/53/EC (notified under document number C(2005) 5964) .....** 27

2006/11/EC:

- ★ **Commission Decision of 11 January 2006 amending Decision 2005/758/EC concerning certain protection measures in relation to a suspicion of highly pathogenic avian influenza in Croatia and repealing Decision 2005/749/EC (notified under document C(2005) 6025) <sup>(1)</sup> .....** 29
- 

**Corrigenda**

- ★ **Corrigendum to Commission Regulation (EC) No 2024/2005 of 12 December 2005 amending Council Regulation (EC) No 872/2004 concerning further restrictive measures in relation to Liberia (OJ L 326, 13.12.2005) .....** 32
- ★ **Corrigendum to Commission Directive 74/268/EEC of 2 May 1974 laying down special conditions concerning the presence of 'Avena fatua' in fodder plant and cereal seed (OJ L 141, 24.5.1974) .....** 32



<sup>(1)</sup> Text with EEA relevance

## I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 33/2006**

**of 9 January 2006**

**extending the definitive anti-dumping duty imposed by Regulation (EC) No 2074/2004 on imports of certain ring-binder mechanisms originating in the People's Republic of China to imports of the same product consigned from the Lao People's Democratic Republic**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community<sup>(1)</sup> (the basic Regulation), and in particular Articles 9 and 13 thereof,

Having regard to the proposal submitted by the Commission after consulting the Advisory Committee,

Whereas:

**A. PROCEDURE**

**1. Existing measures**

- (1) By Regulation (EC) No 119/97<sup>(2)</sup> (the original Regulation), the Council imposed definitive anti-dumping duties on imports of certain ring-binder mechanisms (RBMs or the product concerned) originating in the People's Republic of China (China), equal to the difference between the minimum import price of EUR 325 per 1 000 pieces for mechanisms with 17 and 23 rings and the net, free-at-Community-frontier price, before duty, ranging from 32,5 % to 39,4 % for mechanisms other than with 17 and 23 rings.
- (2) Following an investigation pursuant to Article 12 of Regulation (EC) No 384/96, the Council amended and increased the above duties for mechanisms other than with 17 or 23 rings through Regulation (EC) No 2100/2000<sup>(3)</sup> (the anti-absorption investigation). The amended definitive anti-dumping duties ranged from 51,2 % to 78,8 %.

- (3) By Council Regulation (EC) No 1208/2004<sup>(4)</sup>, the Council extended the measures imposed by the original Regulation to imports of RBMs consigned from the socialist Republic of Vietnam (Vietnam).

- (4) Following an expiry review, the duties were re-imposed by Council Regulation (EC) No 2074/2004<sup>(5)</sup>.

**2. Request**

- (5) On 28 February 2005, the Commission received a request pursuant to Article 13(3) of the basic Regulation to investigate the alleged circumvention of the anti-dumping measures imposed on imports of certain RBMs originating in China. The request was submitted by Ring Alliance Ringbuchtechnik GmbH on behalf of producers representing a major proportion of the Community production of certain RBMs (the applicants). The request alleged that the anti-dumping measures in force on imports of certain RBMs originating in China were being circumvented by means of transshipment via Lao People's Democratic Republic (Laos).
- (6) The request further alleged that there was insufficient due cause or justification other than the imposition of anti-dumping measures for such change in the pattern of trade and that the remedial effects of the existing anti-dumping measures were being undermined both in terms of quantity and price. Significant volumes of imports of certain RBMs from Laos appeared to have replaced imports of certain RBMs from China and Vietnam. In addition, there was sufficient evidence that this increase in imports was made at prices below the non-injurious price established in the investigation that led to the existing measures.
- (7) Finally, the applicants alleged that the prices of certain RBMs consigned from Laos were dumped in relation to the normal value previously established for the product concerned.

<sup>(1)</sup> OJ L 56, 6.3.1996, p. 1. Regulation as last amended by Regulation (EC) No 461/2004 (OJ L 77, 13.3.2004, p. 12).

<sup>(2)</sup> OJ L 22, 24.1.1997, p. 1.

<sup>(3)</sup> OJ L 250, 5.10.2000, p. 1.

<sup>(4)</sup> OJ L 232, 1.7.2004, p. 1.

<sup>(5)</sup> OJ L 359, 4.12.2004, p. 11.

### 3. Initiation

- (8) Having determined, after consulting the Advisory Committee, that sufficient evidence existed for the initiation of an investigation pursuant to Article 13 of the basic Regulation, the Commission initiated an investigation according to Regulation (EC) No 559/2005<sup>(1)</sup> (the initiating Regulation). Pursuant to Articles 13(3), 14(3) and 14(5) of the basic Regulation, the Commission, by the initiating Regulation, also directed the customs authorities to register imports of certain RBMs consigned from Laos, whether declared as originating in Laos or not, as from 14 April 2005.

### 4. Investigation

- (9) The Commission officially advised the authorities of China and Laos, the producers/exporters and the importers in the Community known to be concerned as well as the applicant Community industry of the initiation of the investigation. Questionnaires were sent to the producers/exporters in China and Laos as well as to the importers in the Community named in the request or known to the Commission from the original investigation. Interested parties were given the opportunity to make their views known in writing and to request a hearing within the time limit set in the initiating Regulation. All parties were informed that non-cooperation might lead to the application of Article 18 of the basic Regulation and to findings being made on the basis of the facts available.
- (10) No replies to the questionnaires were received from exporters/producers in China or in Laos, nor did the Commission receive any comments from the Chinese or the Laotian authorities.
- (11) One Community importer replied by declaring that it had not imported any type of RBMs from Laos during the investigation period but did not submit any other information.

### 5. Investigation period

- (12) The investigation period covered the period from 1 January 2004 to 31 December 2004 (the IP). Data were collected from 2001 up to the end of the IP to investigate the alleged change in the pattern of trade.

## B. RESULTS OF THE INVESTIGATION

### 1. General considerations/degree of cooperation

- (13) As mentioned above in recitals 10 and 11, no producers/exporters of RBMs in China or in Laos cooperated in the

investigation nor did any Community importers submit information relevant for the investigation. Accordingly, findings in respect of RBMs consigned from Laos to the Community had to be made on the basis of the facts available in accordance with Article 18 of the basic Regulation.

### 2. Product concerned and like product

- (14) The product concerned is, as defined in the original investigation, certain ring-binder mechanisms currently classifiable within CN code ex 8305 10 00. These RBMs consist of two rectangular steel sheets or wires with at least four half-rings made of steel wire fixed on it and which are kept together by a steel cover. They can be opened either by pulling the half-rings or by using a small steel-made trigger mechanism fixed to the product concerned. Generally, RBMs are composed of elements such as ring, blade, cover, eyelet and, where applicable, trigger.
- (15) From the information available, it was concluded that RBMs exported to the Community from China and those consigned from Laos to the Community have the same basic physical characteristics and the same uses. Therefore, they are considered as like products within the meaning of Article 1(4) of the basic Regulation and Eurostat. No submissions to the contrary were made during the investigation.

### 3. Change in the pattern of trade between third countries and the Community

- (16) Due to the non-cooperation of any Laotian company, the volume and value of Laotian exports of the product concerned to the Community were determined on the basis of the information available, which in this case was statistical data collected by Member States and compiled by the Commission pursuant to Article 14(6) of the basic Regulation and Eurostat.
- (17) Following the imposition of definitive measures on imports of the product concerned from China into the Community, imports from China decreased significantly, i.e. from 1 684 tonnes in 1999 to 302 tonnes in 2001 and 2002 and started to increase slightly to 330 tonnes in 2003 and 354 tonnes in 2004. It should be noted, however, that in the second half of 2004 imports from China started to show again a decreasing trend, as shown in the table below. At the same time, imports into the Community of RBMs from Laos have increased from a situation of zero imports between 2001 and 2003 up to 492 tonnes in 2004 (= IP). Statistics show that imports from Laos continue to increase in 2005.

<sup>(1)</sup> OJ L 94, 13.4.2005, p. 26.

- (18) It is also noted that the pattern found, consisting of a coinciding decrease of imports from China and parallel significant increase of imports from Laos in 2004, shows a direct link with the pattern found in the anti-circumvention investigation leading to the extension of the measures imposed by the original investigation to imports of RBMs from Vietnam. Indeed, from 1999 on, imports of RBMs from Vietnam increased significantly, i.e. from zero tonnes between 1999 and 2001 to 1 105 tonnes in 2002 and to 1 778 tonnes in 2003. Following the extension of the measures imposed by the original investigation to imports of RBMs from Vietnam, imports from Vietnam into the Community decreased substantially to 353 tonnes in 2004 (= IP). Statistics show no imports in 2005. In fact, when analysed on a per-six-months basis, imports from Vietnam almost stopped in the first semester 2004, when measures in place in respect of imports of RBMs from China were extended to imports consigned from Vietnam (publication on 1 July 2004, see recital 3). As from the same time, imports from Laos started from nil in the preceding periods to 100 tonnes in the first semester 2004 and to 392 tonnes in the second semester 2004; it is clear therefore that imports from Laos replaced, at least partially imports from Vietnam and China. The reported imports from Laos thus confirm a pattern of trade that commenced from 1999, since before the extension of the measures to Vietnam, there were no imports from Laos into the Community.

Country	2001	2002	2003	2004 (IP) 1st semester	2004 (IP) 2nd semester
China <sup>(1)</sup>	302	302	330	212	142
Vietnam <sup>(2)</sup>	0	1 105	1 778	353	0
Laos <sup>(3)</sup>	0	0	0	100	392

<sup>(1)</sup> Starting from 1 684 tonnes in 1999.

<sup>(2)</sup> Starting from nil in 1999.

<sup>(3)</sup> Starting from nil in 1999.

Source: Statistical data collected by Member States and compiled by the Commission pursuant to Article 14(6) of the basic Regulation and Eurostat.

#### 4. Insufficient due cause or economic justification

- (19) The imports into the Community from Laos started in 2004 after the initiation of the investigation on imports of RBMs from Vietnam in August 2003 coinciding with the change of pattern of trade between China, Vietnam and Laos on the one hand, and the Community on the other hand, as shown in recital 18.
- (20) There is a coincidence in time between the significant decrease of imports of RBMs from Vietnam, which

occurred at the time of the extension of the measures following the anti-circumvention investigation, and the parallel increase of imports of RBMs from Laos. It is recalled that the authorities in Laos as well as potential producers/exporters in this country were informed of the ongoing investigation. However, no evidence was received that there was a genuine production of this product in Laos nor in fact, did any Laotian company cooperate with the investigation. On the basis of the available information, it is therefore concluded that, in the absence of any other sufficient due cause or economic justification within the meaning of the second sentence of Article 13(1) of the basic Regulation, the change in the pattern of trade stemmed from the extension of the anti-dumping duty to goods consigned from Vietnam.

#### 5. Undermining of the remedial effects of the duty in terms of the prices and/or the quantities of the like product

- (21) It is evident from the data mentioned in recital 18 that a clear quantitative change in the pattern of Community imports of the product concerned occurred since the extension of measures on RBMs from China to Vietnam in 2004. Following this extension, Vietnamese imports into the Community decreased significantly in 2004 and have stopped in 2005, while there was a parallel surge of exports of the product concerned to the Community from Laos. According to the Eurostat data, in 2004 the total amount of the Laotian exports to the Community was 492 tonnes, while the first quarter of 2005 shows the same trend. It is therefore clear that the marked change in trade flows undermined the remedial effects of the measures in terms of the quantities imported into the Community market.
- (22) With regard to prices of the products concerned consigned from Laos, in the absence of cooperation, it was necessary to refer to Eurostat data, which was the best evidence available. It was found that the average export price of the Laotian exports to the Community were below the injury elimination level of Community prices as established in the original investigation. Hence, the remedial effects of the duty imposed in terms of prices are undermined.
- (23) It is therefore concluded that the imports of the product concerned from Laos undermine the remedial effects of the duty both in terms of quantities and prices.

### 6. Evidence of dumping in relation to the normal values previously established for like or similar products

- (24) As explained in recital 13, given the absence of cooperation, in order to determine whether evidence of dumping could be found with respect to the exports of the product concerned to the Community from Laos during the IP, Eurostat data at CN level were used pursuant to Article 18 of the basic Regulation as the basis for establishing export prices to the EU.
- (25) In accordance with Article 13(1) of the basic Regulation, these export prices were compared with the normal value previously established, in this case the normal value established in the most recent expiry review. In the expiry review (see recital 4), India was considered to be the appropriate market economy analogue country for China and normal value was established on the basis of prices as well as constructed normal value in that analogue country.
- (26) In the absence of cooperation and pursuant to Article 18 of the basic Regulation, for the purpose of comparing the export price and normal value, it was considered appropriate to assume that the product mix of the goods observed during this investigation was the same as in the expiry review on imports of RBMs originating in China.
- (27) In accordance with Article 2(11) and 2(12) of the basic Regulation, a comparison of the weighted average normal value as established during the expiry review investigation and the weighted average of export prices during this investigation's IP, expressed as a percentage of CIF price at the Community frontier duty unpaid, revealed significant dumping.

#### C. MEASURES

- (28) In view of the findings above it is found that circumvention has taken place within the meaning of Article 13(1), second sentence, of the basic Regulation. In accordance with Article 13(1) first sentence of the basic Regulation, the existing anti-dumping measures on imports of the product concerned originating in China, as amended by the anti-absorption investigation, should be extended to imports of the same product consigned from Laos, whether declared as originating in Laos or not.
- (29) In accordance with Article 14(5) of the basic Regulation, which provides that measures shall be applied on registered imports from the date of registration, the anti-dumping duty should be collected on imports of RBMs consigned from Laos which entered the

Community under registration imposed by the initiating Regulation.

- (30) The measures to be extended should be the ones established in Article 1(2) of the original Regulation as last amended by the expiry review, and are as follows:
- (a) for mechanisms with 17 and 23 rings the amount of duty shall be equal to the difference between the minimum import price of EUR 325 per 1 000 pieces and the net, free-at-Community-frontier price before duty;
- (b) for mechanisms other than those with 17 or 23 rings, the residual duty of 78,8 %.
- (31) In accordance with Article 14(5) of the basic Regulation, which provides that any extended measure should apply to imports which entered the Community under registration imposed by the initiating Regulation, duties should be collected on those registered imports of certain RBMs consigned from Laos.

#### D. REQUESTS FOR EXEMPTION

- (32) Although during this investigation no genuine exporter of RBMs to the Community was found to exist in Laos or made itself known to the Commission, other exporters concerned which would consider lodging a request for an exemption from the extended anti-dumping duty pursuant to Article 13(4) of the basic Regulation will be required to complete a questionnaire in order to enable the Commission to determine whether an exemption may be warranted. Such exemption may be granted after the assessment of the market situation of the product concerned, production capacity and capacity utilisation, procurement and sales and the likelihood of continuation of practices for which there is insufficient due cause or economic justification and the evidence of dumping. The Commission would normally also carry out an on-spot verification visit. The request would have to be addressed to the Commission forthwith, with all relevant information, in particular any modification in the company's activities linked to production and sales.

#### E. PROCEDURE

- (33) Interested parties were informed of the essential facts and considerations on the basis of which the Council intended to extend the definitive anti-dumping duty in force and were given the opportunity to comment and to be heard. No comments which were of a nature to change the above conclusions were received,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. The definitive anti-dumping duty imposed by Regulation (EC) No 2074/2004 on imports of certain ring-binder mechanisms falling within CN code ex 8305 10 00 originating in the People's Republic of China:

- (a) for mechanisms with 17 and 23 rings (TARIC codes 8305 10 00 21, and 8305 10 00 29) equal to the difference between the minimum import price of EUR 325 per 1 000 pieces and the net free-at-Community-frontier price before duty;
- (b) for mechanisms other than those with 17 or 23 rings (TARIC codes 8305 10 00 11, and 8305 10 00 19) of 78,8 %;

is hereby extended to imports of certain ring-binder mechanisms consigned from the Lao People's Democratic Republic whether declared as originating in the Lao People's Democratic Republic or not (TARIC codes 8305 10 00 13 and 8305 10 00 23).

For the purpose of this Regulation, ring-binder mechanisms shall consist of two rectangular steel sheets or wires with at least four half-rings made of steel wire fixed on it and which are kept together by a steel cover. They can be opened either by pulling the half-rings or with a small steel-made trigger mechanism fixed to the ring-binder mechanism.

2. The duties extended by paragraph 1 of this Article shall be collected on imports registered in accordance with Articles 13(3) and 14(5) of Regulation (EC) No 384/96.

3. The provisions in force concerning customs duties shall apply.

*Article 2*

1. Requests for exemption from the duty extended by Article 1 shall be made in writing in one of the official languages of the Community and must be signed by a person authorised to represent the applicant. The request must be sent to the following address:

European Commission  
Directorate-General for Trade  
Directorate B  
Office: J-79 05/17  
B-1049 Brussels  
Fax (32-2) 295 65 05  
Telex COMEU B 21877.

2. In accordance with Article 13(4) of Regulation (EC) No 384/96, the Commission, after consulting the Advisory Committee, may authorise by decision, the exemption of imports which do not circumvent the anti-dumping measures imposed by Regulation (EC) No 2074/2004 from the duty extended by Article 1.

*Article 3*

Customs authorities are hereby directed to discontinue the registration of imports, established in accordance with Article 2 of Regulation (EC) No 559/2005.

*Article 4*

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, 9 January 2006.

*For the Council*  
*The President*  
U. PLASSNIK

---

**COMMISSION REGULATION (EC) No 34/2006**  
**of 11 January 2006**  
**establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables <sup>(1)</sup>, 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 12 January 2006.

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

Done at Brussels, 11 January 2006.

*For the Commission*

J. L. DEMARTY

*Director-General for Agriculture and  
Rural Development*

---

<sup>(1)</sup> 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 11 January 2006 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 <sup>(1)</sup>	Standard import value
0702 00 00	052	85,0
	204	40,5
	212	88,1
	999	71,2
0707 00 05	052	150,1
	204	79,9
	999	115,0
0709 90 70	052	113,0
	204	72,4
	999	92,7
0805 10 20	052	48,5
	204	57,8
	220	49,9
	624	51,9
	999	52,0
0805 20 10	052	74,2
	204	81,7
	999	78,0
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	71,2
	204	62,8
	400	86,4
	464	143,2
	624	70,6
	662	35,9
	999	78,4
0805 50 10	052	50,7
	999	50,7
0808 10 80	400	111,9
	404	102,5
	720	88,2
	999	100,9
0808 20 50	400	87,5
	720	63,2
	999	75,4

<sup>(1)</sup> 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 35/2006**  
**of 11 January 2006**  
**amending Annexes I, V and VII to Council Regulation (EEC) No 3030/93 on common rules for**  
**imports of certain textile products from third countries**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3030/93 of 12 October 1993 on common rules for imports of certain textile products from third countries <sup>(1)</sup>, and in particular Article 19 thereof,

Whereas:

- (1) For the implementation of the Memorandum of Understanding between the European Commission and its Chinese counterpart it is necessary to reintroduce the original provisions under Annex I regarding the product description.
- (2) The Council has approved by Decision 2005/948/EC <sup>(2)</sup> the signing and the provisional application of a bilateral agreement between the European Community and the Republic of Belarus on trade in textile products.
- (3) Regulation (EEC) No 3030/93 should therefore be amended accordingly.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Textile Committee set up by Article 17 of Regulation (EEC) No 3030/93,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EEC) No 3030/93 is amended as follows:

1. in Annex I, paragraph 2 is replaced by the following:
  - ‘2. When the constitutive material of the products of categories 1 to 114 originating in Vietnam and China is not specifically mentioned, these products shall be taken to be made exclusively of wool of or fine animal hair, of cotton or of man-made fibres.’;
2. Annex V is replaced by the text in Annex I to this Regulation;
3. in Annex VII, the table is replaced by the table in Annex II to this Regulation.

*Article 2*

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

It shall apply with effect from 1 January 2006.

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

Done at Brussels, 11 January 2006.

*For the Commission*  
Peter MANDELSON  
*Member of the Commission*

---

<sup>(1)</sup> OJ L 275, 8.11.1993, p. 1. Regulation as last amended by Commission Regulation (EC) No 1478/2005 (OJ L 236, 13.9.2005, p. 3).

<sup>(2)</sup> OJ L 345, 28.12.2005, p. 21.

## ANNEX I

Annex V to Regulation (EEC) No 3030/93 is replaced by the following:

## 'ANNEX V

## COMMUNITY QUANTITATIVE LIMITS

(a) applicable for the year 2006

<i>(The complete description of the goods is shown in Annex I)</i>			Community quantitative limits
Third country	Category	Unit	2006
Belarus	GROUP IA		
	1	tonnes	1 585
	2	tonnes	6 000
	3	tonnes	242
	GROUP IB		
	4	1 000 pieces	1 672
	5	1 000 pieces	1 105
	6	1 000 pieces	1 550
	7	1 000 pieces	1 252
	8	1 000 pieces	1 160
	GROUP IIA		
	9	tonnes	363
	20	tonnes	329
	22	tonnes	524
	23	tonnes	255
	39	tonnes	241
	GROUP IIB		
	12	1 000 pairs	5 959
	13	1 000 pieces	2 651
	15	1 000 pieces	1 569
	16	1 000 pieces	186
	21	1 000 pieces	930
	24	1 000 pieces	844
	26/27	1 000 pieces	1 117
	29	1 000 pieces	468
	73	1 000 pieces	329
	83	tonnes	184
	GROUP IIIA		
	33	tonnes	387
	36	tonnes	1 309
37	tonnes	463	
50	tonnes	207	
GROUP IIIB			
67	tonnes	356	
74	1 000 pieces	377	
90	tonnes	208	

<i>(The complete description of the goods is shown in Annex I)</i>			Community quantitative limits
Third country	Category	Unit	2006
	GROUP IV		
	115	tonnes	95
	117	tonnes	2 100
	118	tonnes	471
Serbia <sup>(1)</sup>	GROUP IA		
	1	tonnes	
	2	tonnes	
	2a	tonnes	
	3	tonnes	
	GROUP IB		
	5	1 000 pieces	
	6	1 000 pieces	
	7	1 000 pieces	
	8	1 000 pieces	
	GROUP IIA		
	9	tonnes	
	GROUP IIB		
	15	1 000 pieces	
	16	1 000 pieces	
GROUP IIIB			
67	tonnes		
Vietnam <sup>(2)</sup>	GROUP IB		
	4	1 000 pieces	
	5	1 000 pieces	
	6	1 000 pieces	
	7	1 000 pieces	
	8	1 000 pieces	
	GROUP IIA		
	9	tonnes	
	20	tonnes	
	39	tonnes	
	GROUP IIB		
	12	1 000 pairs	
	13	1 000 pieces	
	14	1 000 pieces	
	15	1 000 pieces	
	18	tonnes	
	21	1 000 pieces	
	26	1 000 pieces	
	28	1 000 pieces	
	29	1 000 pieces	
	31	1 000 pieces	
68	tonnes		
73	1 000 pieces		
76	tonnes		
78	tonnes		
83	tonnes		

<i>(The complete description of the goods is shown in Annex I)</i>			Community quantitative limits
Third country	Category	Unit	2006
	GROUP IIIA		
	35	tonnes	
	41	tonnes	
	GROUP IIIB		
	10	1 000 pairs	
	97	tonnes	
	GROUP IV		
	118	tonnes	
	GROUP V		
	161	tonnes	

<sup>(1)</sup> Quantitative restrictions for Serbia do not apply pursuant to the Agreement between the European Community and Serbia on trade in textile products (OJ L 90, 8.4.2005, p. 36). The European Community retains the right to reapply quantitative restrictions under certain circumstances.

<sup>(2)</sup> Quantitative restrictions for Vietnam are suspended pursuant to the Agreement between the European Community and the Government of the Socialist Republic of Vietnam on market access (OJ L 75, 22.3.2005, p. 35). The European Community retains the right to reapply quantitative restrictions under certain circumstances.

(b) **applicable for the years 2005, 2006 and 2007**

<i>(The complete description of the goods is shown in Annex I)</i>			Agreed levels		
Third country	Category	Unit	11 June to 31 December 2005 <sup>(1)</sup>	2006	2007
China	GROUP IA				
	2 (including 2a)	tonnes	20 212	61 948	69 692
	GROUP IB				
	4 <sup>(2)</sup>	1 000 pieces	161 255	540 204	594 225
	5	1 000 pieces	118 783	189 719	219 674
	6	1 000 pieces	124 194	338 923	382 880
	7	1 000 pieces	26 398	80 493	88 543
	GROUP IIA				
	20	tonnes	6 451	15 795	17 770
	39	tonnes	5 521	12 349	13 892
	GROUP IIB				
	26	1 000 pieces	8 096	27 001	29 701
	31	1 000 pieces	108 896	219 882	248 261

<i>(The complete description of the goods is shown in Annex I)</i>			Agreed levels		
Third country	Category	Unit	11 June to 31 December 2005 <sup>(1)</sup>	2006	2007
	GROUP IV				
	115	tonnes	2 096	4 740	5 214

<sup>(1)</sup> Imports into the Community of products which were shipped to the Community before 11 June 2005 but presented for free circulation on or after that date shall not be subject to quantitative limits. Import authorisations for such products shall be granted automatically and without quantitative limits by the competent authorities of the Member States, upon adequate proof, such as the bill of lading, and the presentation of a signed declaration by the importer, that the goods have been shipped to the Community before that date. By way of derogation of Article 2(2) of Regulation (EEC) No 3030/93, imports of goods shipped before 11 June 2005 shall also be released for free circulation upon the presentation of a surveillance document issued in accordance with Article 10a(2a) of Regulation (EEC) No 3030/93.

Import authorisations for goods shipped to the Community between 11 June 2005 and 12 July shall be granted automatically and cannot be denied on the grounds that there are no quantities available within the 2005 quantitative limits. However, the import of all products shipped from 11 June 2005 will be counted against the 2005 quantitative limits.

The granting of import authorisations will not require the presentation of the corresponding export licenses for goods shipped to the Community before China has put in place its export licensing system (20 July 2005).

Applications for import licences for the import, from the date of entry into force of this Regulation, of goods that have been shipped between 11 June 2005 and 19 July 2005 (inclusive) shall be presented to the competent authorities of a Member State no later than 20 September 2005.

Goods shipped before 12 July do not need to have been shipped directly to the Community to benefit from the exemption of quantitative limits, although the competent authorities of the Community may deny such benefits if they have reasons to suspect that they have been shipped to another destination before 12 July in order to circumvent this Regulation, in case such transactions do not respond to normal business practices or purely logistical reasons. By way of example, are considered as corresponding to a normal conduct of business goods shipped to distribution centres for the importing companies, or when the importer can present a contract or letter of credit preceding the date of shipment, or when the goods have been transhipped outside China onto another means of transport within a reasonably short period of time.

The increases to the agreed levels introduced by the Regulation are made available to enable the issuance of import licences for goods shipped to the Community between 13 and 19 July 2005, or for goods shipped to the Community after 20 July 2005 with a valid Chinese export licence, which are in excess of the agreed levels introduced by Commission Regulation (EC) No 1084/2005 (OJ L 177, 9.7.2005, p. 19) in Annex V to Regulation (EEC) No 3030/93.

Should any goods shipped to the Community between 13 and 19 July 2005 exceed these levels, the Commission may authorise the issuance of further import licences after informing the Textiles Committee, and after effecting the transfer of 2 072 924 kg of products of category 2 as provided for in Annex VIII.

<sup>(2)</sup> See Appendix A.

*Appendix A to Annex V*

Category	Third country	Remarks
4	China	For the purpose of setting off exports against the agreed levels a conversion rate of five garments (other than babies' garments) of a maximum commercial size of 130 cm for three garments whose commercial size exceeds 130 cm may be applied for up to 5 % of the agreed levels.  The export licence concerning these products must bear, in box 9, the words "The conversion rate for garments of a commercial size of not more than 130 cm must be applied".

## ANNEX II

In Annex VII to Regulation (EEC) No 3030/93 the table is replaced by the following:

TABLE  
COMMUNITY QUANTITATIVE LIMITS FOR GOODS REIMPORTED UNDER OPT

Community quantitative limits			
Third country	Category	Unit	2006
Belarus	GROUP IB		
	4	1 000 pieces	5 055
	5	1 000 pieces	7 047
	6	1 000 pieces	9 398
	7	1 000 pieces	7 054
	8	1 000 pieces	2 402
	GROUP IIB		
	12	1 000 pairs	4 749
	13	1 000 pieces	744
	15	1 000 pieces	4 120
	16	1 000 pieces	839
	21	1 000 pieces	2 741
	24	1 000 pieces	706
	26/27	1 000 pieces	3 434
	29	1 000 pieces	1 392
	73	1 000 pieces	5 337
	83	tonnes	709
	GROUP IIIB		
	74	1 000 pieces	931
Serbia <sup>(1)</sup>	GROUP IB		
	5	1 000 pieces	
	6	1 000 pieces	
	7	1 000 pieces	
	8	1 000 pieces	
	GROUP IIB		
15	1 000 pieces		
16	1 000 pieces		

Community quantitative limits			
Third country	Category	Unit	2006
Vietnam <sup>(2)</sup>	GROUP IB		
	4	1 000 pieces	
	5	1 000 pieces	
	6	1 000 pieces	
	7	1 000 pieces	
	8	1 000 pieces	
	GROUP IIB		
	12	1 000 pairs	
	13	1 000 pieces	
	15	1 000 pieces	
	18	tonnes	
	21	1 000 pieces	
	26	1 000 pieces	
	31	1 000 pieces	
	68	tonnes	
76	tonnes		
78	tonnes		

<sup>(1)</sup> Quantitative restrictions for Serbia do not apply pursuant to the Agreement between the European Community and Serbia on trade in textile products (OJ L 90, 8.4.2005, p. 36). The European Community retains the right to reapply quantitative restrictions under certain circumstances.

<sup>(2)</sup> Quantitative restrictions for Vietnam are suspended pursuant to the Agreement between the European Community and the Government of the Socialist Republic of Vietnam on market access (OJ L 75, 22.3.2005, p. 35). The European Community retains the right to reapply quantitative restrictions under certain circumstances.

Third country	Category	Unit	Specific agreed levels		
			11 June to 31 December 2005 <sup>(1)</sup>	2006	2007
China	GROUP IB				
	4	1 000 pieces	208	408	449
	5	1 000 pieces	453	886	975
	6	1 000 pieces	1 642	3 216	3 538
	7	1 000 pieces	439	860	946
	GROUP IIB				
	26	1 000 pieces	791	1 550	1 705
31	1 000 pieces	6 301	12 341	13 575	

<sup>(1)</sup> The relevant textile products sent from the Community to the People's Republic of China for processing before 11 June 2005 and reimported into the Community after that date will, upon adequate proof such as the export declaration, benefit from these provisions.



**COMMISSION REGULATION (EC) No 36/2006****of 10 January 2006****establishing unit values for the determination of the customs value of certain perishable goods**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code <sup>(1)</sup>,

Having regard to Commission Regulation (EEC) No 2454/93 <sup>(2)</sup> laying down provisions for the implementation of Regulation (EEC) No 2913/92, and in particular Article 173(1) thereof,

Whereas:

- (1) Articles 173 to 177 of Regulation (EEC) No 2454/93 provide that the Commission shall periodically establish unit values for the products referred to in the classification in Annex 26 to that Regulation.

- (2) The result of applying the rules and criteria laid down in the abovementioned Articles to the elements communicated to the Commission in accordance with Article 173(2) of Regulation (EEC) No 2454/93 is that unit values set out in the Annex to this Regulation should be established in regard to the products in question,

HAS ADOPTED THIS REGULATION:

*Article 1*

The unit values provided for in Article 173(1) of Regulation (EEC) No 2454/93 are hereby established as set out in the table in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 13 January 2006.

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

Done at Brussels, 10 January 2006.

*For the Commission*  
Günter VERHEUGEN  
*Vice-President*

---

<sup>(1)</sup> OJ L 302, 19.10.1992, p. 1. Regulation as last amended by Regulation (EC) No 648/2005 (OJ L 117, 4.5.2005, p. 13).

<sup>(2)</sup> OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 883/2005 (OJ L 148, 11.6.2005, p. 5).

## ANNEX

Code	Description	Amount of unit values per 100 kg					
	Species, varieties, CN code	EUR LTL SEK	CYP LVL GBP	CZK MTL	DKK PLN	EEK SIT	HUF SKK
1.10	New potatoes 0701 90 50	89,04	51,08	2 575,90	664,27	1 393,16	22 330,07
		307,43	61,98	38,22	339,31	21 323,93	3 348,57
		829,30	61,33				
1.30	Onions (other than seed) 0703 10 19	23,69	13,59	685,35	176,74	370,67	5 941,22
		81,80	16,49	10,17	90,28	5 673,52	890,93
		220,65	16,32				
1.40	Garlic 0703 20 00	145,83	83,67	4 218,98	1 087,98	2 281,81	36 573,73
		503,54	101,52	62,61	555,74	34 925,81	5 484,53
		1 358,28	100,45				
1.50	Leeks ex 0703 90 00	77,08	44,22	2 229,92	575,05	1 206,04	19 330,89
		266,14	53,66	33,09	293,74	18 459,89	2 898,82
		717,92	53,09				
1.60	Cauliflowers 0704 10 00	—	—	—	—	—	—
1.80	White cabbages and red cabbages 0704 90 10	49,51	28,40	1 432,32	369,36	774,66	12 416,61
		170,95	34,46	21,25	188,67	11 857,15	1 861,97
		461,13	34,10				
1.90	Sprouting broccoli or calabrese ( <i>Brassica oleracea</i> L. convar. <i>botrytis</i> (L.) Alef var. <i>italica</i> Plenck) ex 0704 90 90	—	—	—	—	—	—
		—	—	—	—	—	—
		—	—				
1.100	Chinese cabbage ex 0704 90 90	104,01	59,67	3 009,01	775,96	1 627,40	26 084,67
		359,13	72,40	44,65	396,36	24 909,35	3 911,61
		968,74	71,64				
1.110	Cabbage lettuce (head lettuce) 0705 11 00	—	—	—	—	—	—
1.130	Carrots ex 0706 10 00	30,30	17,38	876,58	226,05	474,09	7 598,94
		104,62	21,09	13,01	115,47	7 256,55	1 139,52
		282,21	20,87				
1.140	Radishes ex 0706 90 90	63,28	36,30	1 830,69	472,09	990,12	15 869,99
		218,49	44,05	27,17	241,15	15 154,93	2 379,83
		589,38	43,59				
1.160	Peas ( <i>Pisum sativum</i> ) 0708 10 00	479,10	274,86	13 860,40	3 574,29	7 496,31	120 153,84
		1 654,24	333,50	205,68	1 825,76	114 739,99	18 018,05
		4 462,30	330,01				

Code	Description Species, varieties, CN code	Amount of unit values per 100 kg					
		EUR LTL SEK	CYP LVL GBP	CZK MTL	DKK PLN	EER SIT	HUF SKK
1.170	Beans:						
1.170.1	— Beans ( <i>Vigna</i> spp., <i>Phaseolus</i> spp.) ex 0708 20 00	131,92 455,50 1 228,70	75,68 91,83 90,87	3 816,48 56,63	984,18 502,72	2 064,12 31 593,78	33 084,49 4 961,29
1.170.2	— Beans ( <i>Phaseolus</i> spp., <i>vulgaris</i> var. <i>Compressus Savi</i> ) ex 0708 20 00	151,09 521,68 1 407,24	86,68 105,17 104,07	4 371,03 64,86	1 127,19 575,77	2 364,04 36 184,54	37 891,86 5 682,19
1.180	Broad beans ex 0708 90 00	—	—	—	—	—	—
1.190	Globe artichokes 0709 10 00	—	—	—	—	—	—
1.200	Asparagus:						
1.200.1	— green ex 0709 20 00	268,17 925,95 2 497,75	153,85 186,68 184,72	7 758,28 115,13	2 000,69 1 021,96	4 196,01 64 225,04	67 255,41 10 085,50
1.200.2	— other ex 0709 20 00	397,58 1 372,77 3 703,05	228,09 276,76 273,85	11 502,07 170,68	2 966,13 1 515,11	6 220,82 95 217,08	99 709,77 14 952,29
1.210	Aubergines (eggplants) 0709 30 00	122,07 421,48 1 136,95	70,03 84,97 84,08	3 531,49 52,40	910,69 465,18	1 909,98 29 234,54	30 613,94 4 590,81
1.220	Ribbed celery ( <i>Apium graveolens</i> L., var. <i>dulce</i> (Mill.) Pers.) ex 0709 40 00	103,56 357,57 964,55	59,41 72,09 71,33	2 995,99 44,46	772,60 394,65	1 620,36 24 801,58	25 971,81 3 894,68
1.230	Chantarelles 0709 59 10	334,34 1 154,41 3 114,01	191,81 232,73 230,29	9 672,46 143,53	2 494,31 1 274,10	5 231,28 80 071,09	83 849,13 12 573,86
1.240	Sweet peppers 0709 60 10	132,07 456,02 1 230,12	75,77 91,94 90,97	3 820,89 56,70	985,32 503,31	2 066,50 31 630,33	33 122,76 4 967,03
1.250	Fennel 0709 90 50	—	—	—	—	—	—
1.270	Sweet potatoes, whole, fresh (intended for human consumption) 0714 20 10	88,83 306,70 827,31	50,96 61,83 61,18	2 569,73 38,13	662,68 338,50	1 389,82 21 272,87	22 276,60 3 340,56
2.10	Chestnuts ( <i>Castanea</i> spp.) fresh ex 0802 40 00	—	—	—	—	—	—
2.30	Pineapples, fresh ex 0804 30 00	87,36 301,63 813,65	50,12 60,81 60,17	2 527,28 37,50	651,73 332,91	1 366,87 20 921,51	21 908,66 3 285,38

Code	Description Species, varieties, CN code	Amount of unit values per 100 kg					
		EUR LTL SEK	CYP LVL GBP	CZK MTL	DKK PLN	EEK SIT	HUF SKK
2.40	Avocados, fresh ex 0804 40 00	145,29	83,35	4 203,29	1 083,93	2 273,32	36 437,68
		501,66	101,14	62,37	553,68	34 795,89	5 464,13
		1 353,23	100,08				
2.50	Guavas and mangoes, fresh ex 0804 50	—	—	—	—	—	—
2.60	Sweet oranges, fresh:						
2.60.1	— Sanguines and semi-sanguines ex 0805 10 20	—	—	—	—	—	—
		—	—	—	—	—	—
		—	—	—	—	—	—
2.60.2	— Navels, navelines, navelates, salustianas, vernas, Valencia lates, Maltese, shamoutis, ovalis, trovita and hamlins ex 0805 10 20	—	—	—	—	—	—
		—	—	—	—	—	—
		—	—	—	—	—	—
2.60.3	— Others ex 0805 10 20	—	—	—	—	—	—
		—	—	—	—	—	—
		—	—	—	—	—	—
2.70	Mandarins (including tangerines and satsumas), fresh; clementines, wilkins and similar citrus hybrids, fresh:						
2.70.1	— Clementines ex 0805 20 10	—	—	—	—	—	—
		—	—	—	—	—	—
		—	—	—	—	—	—
2.70.2	— Monreales and satsumas ex 0805 20 30	—	—	—	—	—	—
		—	—	—	—	—	—
		—	—	—	—	—	—
2.70.3	— Mandarines and wilkins ex 0805 20 50	—	—	—	—	—	—
		—	—	—	—	—	—
		—	—	—	—	—	—
2.70.4	— Tangerines and others ex 0805 20 70 ex 0805 20 90	—	—	—	—	—	—
		—	—	—	—	—	—
		—	—	—	—	—	—
2.85	Limes ( <i>Citrus aurantifolia</i> , <i>Citrus latifolia</i> ), fresh 0805 50 90	79,57	45,65	2 301,97	593,63	1 245,00	19 955,41
		274,74	55,39	34,16	303,23	19 056,27	2 992,48
		741,11	54,81				
2.90	Grapefruit, fresh:						
2.90.1	— white ex 0805 40 00	65,87	37,79	1 905,63	491,42	1 030,65	16 519,66
		227,44	45,85	28,28	251,02	15 775,33	2 477,26
		613,51	45,37				
2.90.2	— pink ex 0805 40 00	89,01	51,06	2 575,01	664,04	1 392,68	22 322,42
		307,33	61,96	38,21	339,19	21 316,62	3 347,43
		829,02	61,31				

Code	Description Species, varieties, CN code	Amount of unit values per 100 kg					
		EUR LTL SEK	CYP LVL GBP	CZK MTL	DKK PLN	EEK SIT	HUF SKK
2.100	Table grapes 0806 10 10	198,91	114,11	5 754,43	1 483,94	3 112,25	49 884,34
		686,79	138,46	85,39	758,00	47 636,67	7 480,56
		1 852,62	137,01				
2.110	Water melons 0807 11 00	41,42	23,76	1 198,28	309,01	648,08	10 387,72
		143,01	28,83	17,78	157,84	9 919,68	1 557,72
		385,78	28,53				
2.120	Melons (other than water melons):						
2.120.1	— Amarillo, cuper, honey dew (including cantalene), onte- niente, piel de sapo (including verde liso), rochet, tendral, futuro ex 0807 19 00	50,68	29,08	1 466,20	378,10	792,98	12 710,24
		174,99	35,28	21,76	193,13	12 137,54	1 906,00
		472,04	34,91				
2.120.2	— Other ex 0807 19 00	90,35	51,84	2 613,95	674,08	1 413,74	22 659,98
		311,98	62,90	38,79	344,32	21 638,98	3 398,05
		841,55	62,24				
2.140	Pears						
2.140.1	— Pears — nashi ( <i>Pyrus pyrifolia</i> ), Pears — Ya ( <i>Pyrus bretschneideri</i> ) ex 0808 20 50	—	—	—	—	—	—
		—	—	—	—	—	—
		—	—	—	—	—	—
2.140.2	— Other ex 0808 20 50	—	—	—	—	—	—
		—	—	—	—	—	—
		—	—	—	—	—	—
2.150	Apricots 0809 10 00	214,34	122,97	6 200,77	1 599,04	3 353,65	53 753,60
		740,06	149,20	92,01	816,80	51 331,59	8 060,79
		1 996,31	147,64				
2.160	Cherries 0809 20 95 0809 20 05	504,68	289,54	14 600,52	3 765,15	7 896,60	126 569,83
		1 742,57	351,31	216,66	1 923,25	120 866,89	18 980,17
		4 700,58	347,63				
2.170	Peaches 0809 30 90	259,07	148,63	7 494,99	1 932,79	4 053,61	64 972,97
		894,53	180,34	111,22	987,28	62 045,44	9 743,22
		2 412,98	178,45				
2.180	Nectarines ex 0809 30 10	173,71	99,66	5 025,52	1 295,97	2 718,02	43 565,53
		599,80	120,92	74,58	661,99	41 602,57	6 533,01
		1 617,95	119,65				
2.190	Plums 0809 40 05	215,27	123,50	6 227,87	1 606,03	3 368,30	53 988,47
		743,30	149,85	92,42	820,36	51 555,87	8 096,01
		2 005,04	148,28				
2.200	Strawberries 0810 10 00	330,04	189,35	9 548,18	2 462,26	5 164,07	82 771,81
		1 139,58	229,74	141,69	1 257,73	79 042,31	12 412,31
		3 074,00	227,33				

Code	Description Species, varieties, CN code	Amount of unit values per 100 kg					
		EUR LTL SEK	CYP LVL GBP	CZK MTL	DKK PLN	EEK SIT	HUF SKK
2.205	Raspberries 0810 20 10	841,58	482,81	24 346,92	6 278,53	13 167,87	211 059,97
		2 905,81	585,82	361,29	3 207,09	201 550,11	31 650,16
		7 838,40	579,68				
2.210	Fruit of the species <i>Vaccinium myrtillus</i> 0810 40 30	1 030,95	591,46	29 825,38	7 691,30	16 130,86	258 551,95
		3 559,66	717,64	442,59	3 928,74	246 902,22	38 771,97
		9 602,17	710,12				
2.220	Kiwi fruit ( <i>Actinidia chinensis</i> Planch.) 0810 50 00	132,12	75,80	3 822,23	985,67	2 067,23	33 134,37
		456,18	91,97	56,72	503,48	31 641,42	4 968,77
		1 230,55	91,00				
2.230	Pomegranates ex 0810 90 95	201,31	115,49	5 823,90	1 501,85	3 149,82	50 486,53
		695,08	140,13	86,42	767,15	48 211,73	7 570,87
		1 874,98	138,66				
2.240	Khakis (including sharon fruit) ex 0810 90 95	132,41	75,97	3 830,73	987,86	2 071,82	33 208,01
		457,20	92,17	56,85	504,60	31 711,73	4 979,81
		1 233,29	91,21				
2.250	Lychees ex 0810 90	—	—	—	—	—	—

**COMMISSION REGULATION (EC) No 37/2006****of 11 January 2006****on granting of import licences for cane sugar for the purposes of certain tariff quotas and preferential agreements**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector <sup>(1)</sup>,

Having regard to Council Regulation (EC) No 1095/96 of 18 June 1996 on the implementation of the concessions set out in Schedule CXL drawn up in the wake of the conclusion of the GATT XXIV.6 negotiations <sup>(2)</sup>,

Having regard to Commission Regulation (EC) No 1159/2003 of 30 June 2003 laying down detailed rules of application for the 2003/04, 2004/05 and 2005/06 marketing years for the import of cane sugar under certain tariff quotas and preferential agreements and amending Regulations (EC) No 1464/95 and (EC) No 779/96 <sup>(3)</sup>, and in particular Article 5(3) thereof,

Whereas:

- (1) Article 9 of Regulation (EC) No 1159/2003 stipulates how the delivery obligations at zero duty of products of CN code 1701, expressed in white sugar equivalent, are to be determined for imports originating in signatory countries to the ACP Protocol and the Agreement with India.
- (2) Article 16 of Regulation (EC) No 1159/2003 stipulates how the zero duty tariff quotas for products of CN code 1701 11 10, expressed in white sugar equivalent, are to be determined for imports originating in signatory countries to the ACP Protocol and the Agreement with India.

- (3) Article 22 of Regulation (EC) No 1159/2003 opens tariff quotas at a duty of EUR 98 per tonne for products of CN code 1701 11 10 for imports originating in Brazil, Cuba and other third countries.
- (4) In the week of 2 to 6 January 2006 applications were presented to the competent authorities in line with Article 5(1) of Regulation (EC) No 1159/2003 for import licences for a total quantity exceeding a country's delivery obligation quantity of ACP-India preferential sugar determined pursuant to Article 9 of that Regulation.
- (5) In the week 2 to 6 January 2006 applications were presented to the competent authorities in line with Article 5(1) of Regulation (EC) No 1159/2003 for import licences for a total quantity exceeding the contingent stipulated in Article 16 of Regulation (EC) No 1159/2003 for special preferential sugar.
- (6) In these circumstances the Commission must set reduction coefficients to be used so that licences are issued for quantities scaled down in proportion to the total available and must indicate that the limit in question has been reached,

HAS ADOPTED THIS REGULATION:

*Article 1*

In the case of import licence applications presented from 2 to 6 January 2006 in line with Article 5(1) of Regulation (EC) No 1159/2003 licences shall be issued for the quantities indicated in the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on 12 January 2006.

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

Done at Brussels, 11 January 2006.

*For the Commission*

J. L. DEMARTY

*Director-General for Agriculture and  
Rural Development*

<sup>(1)</sup> OJ L 178, 30.6.2001, p. 1. Regulation as last amended by Commission Regulation (EC) No 987/2005 (OJ L 167, 29.6.2005, p. 12).

<sup>(2)</sup> OJ L 146, 20.6.1996, p. 1.

<sup>(3)</sup> OJ L 162, 1.7.2003, p. 25. Regulation as last amended by Regulation (EC) No 568/2005 (OJ L 97, 15.4.2005, p. 9).

## ANNEX

**ACP-INDIA preferential sugar****Title II of Regulation (EC) No 1159/2003****2005/06 marketing year**

Country	Week of 2.1.2006-6.1.2006: percentage of requested quantity to be granted	Limit
Barbados	100	
Belize	100	
Congo	0	reached
Fiji	100	
Guyana	100	
India	0	reached
Côte d'Ivoire	100	
Jamaica	100	
Kenya	100	
Madagascar	100	
Malawi	100	
Mauritius	100	
Mozambique	0	reached
Saint Kitts and Nevis	100	
Swaziland	100	
Tanzania	100	reached
Trinidad and Tobago	100	
Zambia	100	
Zimbabwe	0	reached

**Special preferential sugar****Title III of Regulation (EC) No 1159/2003****2005/06 marketing year**

Country	Week of 2.1.2006-6.1.2006: percentage of requested quantity to be granted	Limit
India	100	
ACP	70,2359	reached

**CXL concessions sugar****Title IV of Regulation (EC) No 1159/2003****2005/06 marketing year**

Country	Week of 2.1.2006-6.1.2006: percentage of requested quantity to be granted	Limit
Brazil	0	reached
Cuba	100	
Other third countries	0	reached



## II

(Acts whose publication is not obligatory)

## COMMISSION

## COMMISSION DECISION

of 6 January 2006

**amending Annex I to Council Decision 79/542/EEC as regards transitional measures for transit of live animals from Bulgaria and Romania via the former Yugoslav Republic of Macedonia, Serbia and Montenegro**

(notified under document number C(2005) 5885)

(Text with EEA relevance)

(2006/9/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2004/68/EC of 26 April 2004 laying down animal health rules for the importation into and transit through the Community of certain live ungulate animals, amending Directives 90/426/EEC and 92/65/EEC and repealing Directive 72/462/EEC <sup>(1)</sup> in particular Article 3(1) and Article 17 thereof,

Whereas:

- (1) Part 1 of Annex I to Council Decision 79/542/EEC of 21 December 1979 drawing up a list of third countries or parts of third countries, and laying down animal and public health and veterinary certification conditions, for importation into the Community of certain live animals and their fresh meat <sup>(2)</sup> sets out a list of third countries and parts of third countries from which Member States are authorised to import certain live animals.
- (2) The former Yugoslav Republic of Macedonia, Serbia and Montenegro are listed in Part 1 of Annex II to Decision

79/542/EEC for import into the Community of meat but are not listed in Part 1 of Annex I and therefore import and transit through the EU of the live animals covered by this Decision is not presently authorised.

- (3) However the disease situation in these countries is acceptable and, in addition, in the interest of animal welfare it would be preferable to allow transit of slaughter animals through these countries subject to certain conditions. Therefore for a transitional period until 31 December 2006 and pending a Commission mission to these countries, transit through these countries of consignments of live animals referred to in Decision 79/542/EEC for direct slaughter may be allowed coming from the acceding countries of Bulgaria and Romania and destined to a Member State. This transitional period should apply only for Bulgaria and Romania in view of their intended accession.
- (4) In order to ensure the health status of the individual consignments additional conditions such as sealing of the lorries and stamping of the certificate must be laid down.
- (5) Part 1 of Annex I to Decision 79/542/EEC should be amended accordingly.
- (6) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

<sup>(1)</sup> OJ L 139, 30.4.2004, p. 321, as corrected by OJ L 226, 25.6.2004, p. 128.

<sup>(2)</sup> OJ L 146, 14.6.1979, p. 15. Decision as last amended by Commission Decision 2005/753/EC (OJ L 282, 26.10.2005, p. 22).

HAS ADOPTED THIS DECISION:

*Article 3*

This Decision is addressed to the Member States.

*Article 1*

Part 1 of Annex I to Decision 79/542/EEC is replaced by the Annex to this Decision.

Done at Brussels, 6 January 2006.

*Article 2*

This Decision shall apply from 12 January 2006.

*For the Commission*  
Markos KYPRIANOU  
*Member of the Commission*

---

## ANNEX

## 'ANNEX I

## LIVE ANIMALS

## Part 1

## LIST OF THIRD COUNTRIES OR PARTS THEREOF (\*)

Country (*)	Code of territory	Description of territory	Veterinary certificate		Specific conditions
			Model(s)	SG	
1	2	3	4	5	6
BG — Bulgaria	BG-0	Whole country	—		VI
	BG-1	The provinces of Varna, Dobrich, Silistra, Choumen, Targovitchte, Razgrad, Rousse, V. Tarnovo, Gabrovo, Pleven, Lovetch, Plovdic, Smolian, Pasardjik, Sofia distric, Sofia city, Pernik, Kustendil, Blagoevgrad, Sliven, Starazagora, Vratza, Montana and Vidin	BOV-X, BOV-Y, RUM, OVI-X, OVI-Y	A	
CA — Canada	CA-0	Whole country	POR-X		IVb IX
	CA-1	Whole country except the Okanagan Valley region of British Columbia described as follows: — From a point on the Canada/United States border 120° 15' longitude, 49° latitude — Northerly to a point 119° 35' longitude, 50° 30' latitude — North-easterly to a point 119° longitude, 50° 45' latitude  Southerly to a point on the Canada/United States border 118° 15' longitude, 49° latitude	BOV-X, OVI-X, OVI-Y, RUM (**)	A	
CH — Switzerland	CH-0	Whole country	BOV-X, BOV-Y, OVI-X, OVI-Y, RUM		
			POR-X, POR-Y, SUI	B	
CL — Chile	CL-0	Whole country	OVI-X, RUM		
			POR-X, SUI	B	
GL — Greenland	GL-0	Whole country	OVI-X, RUM		V
HR — Croatia	HR-0	Whole country	BOV-X, BOV-Y, RUM, OVI-X, OVI-Y		
IS — Iceland	IS-0	Whole country	BOV-X, BOV-Y, RUM, OVI-X, OVI-Y		I
			POR-X, POR-Y	B	
MK — The former Yugoslav Republic of Macedonia (***)	MK-0	Whole country			X
NZ — New Zealand	NZ-0	Whole country	BOV-X, BOV-Y, RUM, POR-X, POR-Y, OVI-X, OVI-Y		I
PM — Saint Pierre and Miquelon	PM-0	Whole country	BOV-X, BOV-Y, RUM, OVI-X, OVI-Y, CAM		

1	2	3	4	5	6
RO — Romania	RO-0	Whole country	BOV-X, BOV-Y, RUM, OVI-X, OVI-Y		V
XM — Montenegro (***)	XM-0	Whole custom territory <sup>(e)</sup>			X
XS — Serbia (***)	XS-0	Whole custom territory <sup>(e)</sup>			X

(\*) Without prejudice to specific certification requirements provided for by any relevant Community agreement with third countries.

(\*\*) Exclusively for live animals other than animals belonging to the *cervidae* species.

(\*\*\*) Not including Kosovo as defined by United Nations Security Council Resolution 1244 of 10 June 1999.

(\*\*\*\*) The former Yugoslav Republic of Macedonia; provisional code that does not affect the definitive denomination of the country to be attributed after the conclusion of the negotiations currently taking place in the United Nations.

(e) Serbia and Montenegro are republics with individual customs forming a State Union and therefore are listed separately.

*Specific conditions* (see footnotes in each certificate):

- “I”: territory where the presence of BSE in native cattle has been assessed as highly unlikely, for the purpose of exporting to the European Community animals certified according to the models of certificate BOV-X and BOV-Y.
- “II”: territory recognised as having an official tuberculosis-free status for the purposes of exports to the European Community of animals certified according to the model of certificate BOV-X.
- “III”: territory recognised as having an official brucellosis-free status for the purposes of exports to the European Community of animals certified according to the model of certificate BOV-X.
- “IVa”: territory recognised as having an official enzootic-bovine-leukosis (EBL)-free status for the purposes of exports to the European Community of animals certified according to the model of certificate BOV-X.
- “IVb”: territory with approved holdings recognised as having an official enzootic-bovine-leukosis (EBL)-free status for the purposes of exports to the European Community of animals certified according to the model of certificate BOV-X.
- “V”: territory recognised as having an official brucellosis-free status for the purposes of exports to the European Community of animals certified according to the model of certificate OVI-X.
- “VI”: Geographical constraints:
- “VII”: territory recognised as having an official tuberculosis-free status for the purposes of exports to the European Community of animals certified according to the model of certificate RUM.
- “VIII”: territory recognised as having an official brucellosis-free status for the purposes of exports to the European Community of animals certified according to the model of certificate RUM.
- “IX”: territory recognised as having an official Aujeszky's disease-free status for the purposes of exports to the European Community of animals certified according to the model of certificate POR-X.
- “X”: only until 31.12.2006 for transit through the territory of animals for direct slaughter which are consigned from Bulgaria or Romania and destined to a Member States in lorries which have been sealed with a serially numbered seal. The seal number must be entered on the health certificate and the seal must be intact on arrival at the designated border inspection post of entry into the Community and recorded in TRACES . The certificate must be stamped at the exit point of Bulgaria or Romania by the competent veterinary authorities prior to transiting a third country with the following appropriate wording “ONLY FOR TRANSIT TO THE EU FROM BULGARIA/ROMANIA (delete country as applicable) VIA THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA/MONTENEGRO/SERBIA (delete country as applicable)”.

## COMMISSION DECISION

of 10 January 2006

**concerning the provisional prohibition in Greece of the marketing of seeds of maize hybrids with the genetic modification MON 810 inscribed in the common catalogue of varieties of agricultural plant species, pursuant to Directive 2002/53/EC**

(notified under document number C(2005) 5964)

(Only the Greek text is authentic)

(2006/10/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2002/53/EC of 13 June 2002 on the common catalogue of varieties of agricultural plant species <sup>(1)</sup>, and in particular Article 18 thereof,

Whereas:

- (1) The Commission has, in accordance with Article 17 of Directive 2002/53/EC, published on 17 September 2004 in the C series of the *Official Journal of the European Union* a list of seventeen genetically modified varieties of maize derived from the genetically modified organism MON 810 in the 13th supplement to the 22nd complete edition of the common catalogue of varieties of agricultural plant species <sup>(2)</sup>.
- (2) Under Article 16(1) of the Directive, Member States shall ensure that, with effect from the publication referred to in Article 17, seed of varieties accepted in accordance with this Directive or in accordance with the principles corresponding to those of this Directive is not subject to any marketing restrictions relating to the variety.
- (3) According to Article 7(4) of the said Directive, genetically modified varieties shall only be accepted for inclusion in a national catalogue after having been accepted for marketing in accordance with Council Directive 90/220/EEC <sup>(3)</sup>, which provides for the assessment of the risks for human health and the environment of genetically modified organisms.
- (4) Commission Decision 98/294/EC of 22 April 1998 concerning the placing on the market of genetically modified maize (*Zea mays* L. line MON 810), decided pursuant to Council Directive 90/220/EEC <sup>(4)</sup> that

consent shall be given for the placing on the market of that product. On 3 August 1998 the French authorities effectively allowed the placing on the market of that product.

- (5) On 7 April 2005, the Greek authorities notified to the Commission a Ministerial Order No 243267 of 3.3.2005 prohibiting for the growing seasons of 2005 and 2006 the marketing of seeds of the seventeen above-mentioned varieties and asked the Commission to authorise this national measure in accordance with Article 18 of Directive 2002/53/EC.

- (6) Article 18 of Directive 2002/53/EC, provides that if it is established that the cultivation of a variety included in the common catalogue of varieties could in any Member State be harmful from a point of view of plant health to the cultivation of other varieties or species, or present a risk for the environment or for human health, that Member State may upon application, be authorised to prohibit the marketing of the seed in question in all or part of its territory. Where there is imminent danger of the spread of harmful organisms or imminent danger for human health or for the environment, that prohibition may be imposed by the Member State concerned as soon as its application has been lodged until such time as a final decision has been taken.

- (7) The Greek authorities explained in the notification that the prohibition measure is deemed necessary in so far as the cultivation of the genetically modified varieties may cause adverse effects to the rural environment. Greece did not supply information supporting its measure which could have been referred to the European Food Safety Authority for a risk assessment as regards human health or the environment of these genetically modified varieties. On 4 May 2005, the Commission wrote to the Greek authorities and asked for clarifications, in particular, on the possible effects of the marketing of those seeds on the rural environment. The Greek authorities replied on 12 May 2005, that adverse effects caused to the rural environment by the seeds of those 17 genetically modified varieties, are of an economic nature and do not concern the environment in general or human health. In this regard, the response also stated that the Greek authorities are aware that in application of Community legislation for environmental risk assessment, MON 810 has already been assessed as safe for the environment and human health.

<sup>(1)</sup> OJ L 193, 20.7.2002, p. 1. Directive as amended by Regulation (EC) No 1829/2003 of the European Parliament and of the Council (OJ L 268, 18.10.2003, p. 1).

<sup>(2)</sup> OJ C 232 A, 17.9.2004, p. 1.

<sup>(3)</sup> OJ L 117, 8.5.1990, p. 15. Directive as last amended by Commission Directive 97/35/EC (OJ L 169, 27.6.1997, p. 72).

<sup>(4)</sup> OJ L 131, 5.5.1998, p. 32.

- (8) On this basis, none of the specific provisions of Article 18 of Directive 2002/53/EC are applicable in the case of the prohibition of the cultivation of these varieties by the Greek authorities and an authorisation for such a prohibition may thus not be granted.
- (9) The Standing Committee on Seeds and Plant Propagating Material for Agriculture, Horticulture and Forestry did not deliver a favourable opinion in the time limit laid down by its chairman. The Commission therefore submitted a proposal relating to these measures to the Council on 30 August 2005, pursuant to Article 23, paragraph 3 of Directive 2002/53/EC and in accordance with Article 5 of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission <sup>(1)</sup>.
- (10) Since, on the expiry of the period laid down in Article 23(3) of Directive 2002/53/EC, the Council had neither adopted the proposed measures nor indicated its opposition to them, in accordance with Article 5(6) of Decision 1999/468/EC, the measures should be adopted by the Commission,

HAS ADOPTED THIS DECISION:

*Article 1*

The Hellenic Republic is not authorised to prohibit the marketing of seeds of maize hybrids with the genetic modification MON 810 inscribed in the common catalogue of varieties.

*Article 2*

The Hellenic Republic shall take the necessary steps to comply with this Decision within 20 days after its notification, at the latest.

*Article 3*

This Decision is addressed to the Hellenic Republic.

Done at Brussels, 10 January 2006.

*For the Commission*  
Markos KYPRIANOU  
*Member of the Commission*

---

<sup>(1)</sup> OJ L 184, 17.7.1999, p. 23.

## COMMISSION DECISION

of 11 January 2006

## amending Decision 2005/758/EC concerning certain protection measures in relation to a suspicion of highly pathogenic avian influenza in Croatia and repealing Decision 2005/749/EC

(notified under document C(2005) 6025)

(Text with EEA relevance)

(2006/11/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC <sup>(1)</sup>, and in particular Article 18(7) thereof,

Having regard to Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries <sup>(2)</sup>, and in particular Article 22(6) thereof,

Whereas:

(1) Avian influenza is an infectious viral disease in poultry and other birds, causing mortality and disturbance which can quickly take on epizootic proportions liable to present a serious threat to animal and public health and to reduce the profitability of poultry farming sharply. There is a risk that the disease agent might be introduced via international trade in live poultry and poultry products.

(2) Croatia has notified the Commission of the isolation of an influenza A virus of subtype H5N1 Asian strain collected from a clinical case in a wild species.

Commission Decision 2005/749/EC <sup>(3)</sup> was therefore adopted and later replaced by Commission Decision 2005/758/EC of 27 October 2005 concerning certain protection measures in relation to a suspicion of highly pathogenic avian influenza in Croatia and repealing Decision 2005/749/EC <sup>(4)</sup>.

(3) Croatia has applied strict disease control measures and has sent further information on the disease situation to the Commission which justify limiting the suspension of imports to the affected part of the territory of Croatia.

(4) Decision 2005/758/EC should therefore be amended accordingly.

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

HAS ADOPTED THIS DECISION:

*Article 1*

Decision 2005/758/EC is amended as follows:

1. In Article 1(1), the introductory phrase is replaced by the following:

'Member States shall suspend imports of the following from that part of the territory of Croatia referred to in the Annex:';

2. The Annex the text of which is set out in the Annex to this Decision is added.

<sup>(1)</sup> OJ L 268, 24.9.1991, p. 56. Directive as last amended by the 2003 Act of Accession.

<sup>(2)</sup> OJ L 24, 30.1.1998, p. 9. Directive as last amended by Regulation (EC) No 882/2004 of the European Parliament and of the Council (OJ L 165, 30.4.2004, p. 1, corrected by OJ L 191, 28.5.2004, p. 1).

<sup>(3)</sup> OJ L 280, 25.10.2005, p. 23.

<sup>(4)</sup> OJ L 285, 28.10.2005, p. 50.

*Article 2*

Member States shall immediately take the necessary measures to comply with this Decision and publish those measures. They shall immediately inform the Commission thereof.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 11 January 2006.

*For the Commission*  
Markos KYPRIANOU  
*Member of the Commission*

---



## ANNEX

## 'ANNEX

Part of the territory of Croatia referred to in Article 1(1)

ISO country code	Name of country	Part of territory
HR	Croatia	In Croatia the counties of: — Viroviticko-Podravska — Osjecko-Baranjska'

---

**CORRIGENDA****Corrigendum to Commission Regulation (EC) No 2024/2005 of 12 December 2005 amending Council Regulation (EC) No 872/2004 concerning further restrictive measures in relation to Liberia**

*(Official Journal of the European Union L 326 of 13 December 2005)*

On page 11, point 2, under (f):

*for:* 'Bukava Aviation Transport',

*read:* 'Bukavu Aviation Transport'.

On page 11, point 2, under (n):

*for:* 'DHH Enterprise, Inc.'

*read:* 'DHH Enterprises, Inc.'.

On page 12, point 2, under (u):

*for:* 'Orient Star Cooperation',

*read:* 'Orient Star Corporation'.

---

**Corrigendum to Commission Directive 74/268/EEC of 2 May 1974 laying down special conditions concerning the presence of 'Avena fatua' in fodder plant and cereal seed**

*(Official Journal of the European Communities L 141 of 24 May 1974)*

On page 19, Article 2, first paragraph:

*for:* 'Member States shall issue the official certificate provided for in Article 11 of the Directive on the marketing of cereal seed,';

*read:* 'Member States shall issue, on request, the official certificate provided for in Article 11 of the Directive on the marketing of cereal seed,'.

---