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Legislation

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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 161/2006

of 23 January 2006

amending Regulation (EC) No 950/2001 imposing a definitive anti-dumping duty on imports of certain aluminium foil originating, *inter alia*, in Russia

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⁽¹⁾ (the basic Regulation), and in particular Article 11(3) thereof,

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

Whereas:

A. PROCEDURE

1. Measures in force

- (1) Following an investigation (the original investigation), the Council, by Regulation (EC) No 950/2001⁽²⁾, imposed a definitive anti-dumping duty of 14,9 % on imports of certain aluminium foil (AHF) originating in Russia. Following the acceptance of an undertaking from the Russian exporting producer 'United Company Siberian Aluminium', joint stock company, which has since changed its name⁽³⁾ to Open Joint Stock Company Rusal Sayanal (Sayanal), imports from this exporter were exempted from the anti-dumping duty by Commission Decision 2001/381/EC⁽⁴⁾.

2. Request for an interim review

- (2) A request for a partial interim review of Regulation (EC) No 950/2001 was received from Sayanal, an exporting producer of AHF subject to a price undertaking and part of the Russian Aluminium group of companies (Rusal).
- (3) In its request pursuant to Article 11(3) of the basic Regulation, Sayanal claimed that the circumstances with regard to dumping, on the basis of which the measures in force were established, had changed and that these changes were of a lasting nature. Sayanal further alleged and provided *prima facie* evidence to show that a comparison of normal value based on its own costs or domestic prices and export prices to the Community

would lead to a reduction of dumping significantly below the level of the current measures (14,9 %). Therefore it claimed that the continued imposition of measures at the existing levels, which were based on the level of dumping previously established, was no longer necessary to offset dumping.

3. Initiation

- (4) Having determined, after consulting the Advisory Committee, that sufficient evidence existed for the initiation of a partial interim review, the Commission, by a notice published in the *Official Journal of the European Union*⁽⁵⁾, initiated a partial interim review limited in scope to the examination of dumping in accordance with Article 11(3) of the basic Regulation and commenced its investigation.
- (5) The Commission officially advised the applicant, as well as the representatives of the exporting country, of the initiation of the interim review. Interested parties were given the opportunity to make their views known in writing and to request a hearing.
- (6) The Commission also sent a questionnaire to the applicant and received a reply within the deadline. The Commission sought and verified all the information it deemed necessary for the determination of dumping and carried out verification visits at the premises of the following companies:
- Sayanal, Sayanogorsk, Russia, and its related companies within the Rusal group;
 - SAZ, Sayanogorsk, Russia (aluminium smelter),
 - Rusal Sayanskaya Folga, Dmitrov, Russia (processor of small rolls),
 - Trading House Russian Foil, Moscow, Russia,

⁽¹⁾ OJ L 56, 6.3.1996, p. 1. Regulation as last amended by Regulation (EC) No 2117/2005 (OJ L 340, 23.12.2005, p. 17).

⁽²⁾ OJ L 134, 17.5.2001, p. 1. Regulation as amended by Regulation (EC) No 998/2004 (OJ L 183, 20.5.2004, p. 4).

⁽³⁾ See Notice 2004/C 193/03, OJ C 193, 29.7.2004, p. 3.

⁽⁴⁾ OJ L 134, 17.5.2001, p. 67.

⁽⁵⁾ OJ C 285, 23.11.2004, p. 3.

- Trading House Safoil, Moscow, Russia,
- Rual Trade (BVI) Limited, Moscow, Russia,
- Sibirsky Aluminium GmbH, Düsseldorf, Germany.

Folga (RSF), which processes the jumbo reels into small rolls and then sells them to independent customers within Russia.

4. Review investigation period

- (7) The investigation of dumping covered the period from 1 October 2003 to 30 September 2004 (the investigation period or IP).

- (12) There are no sales of jumbo reels to independent customers in Russia, and no representative sales of small rolls to independent customers in the Community. As such, no proper comparison on a model-to-model basis could be made. Therefore normal value was constructed according to Article 2(3) of the basic Regulation on the basis of the company's cost of production plus a reasonable amount for selling, general and administrative costs (SG&A) and for profits.

B. PRODUCT CONCERNED AND LIKE PRODUCT

1. Product concerned

- (8) The product concerned by the current review is the same as that defined in the original investigation, i.e. certain aluminium foil of a thickness of not less than 0,009 mm and not more than 0,018 mm, not backed, not further worked than rolled, in reels of a width not exceeding 650 mm originating in Russia, currently classifiable under CN code 7607 11 10.

- (13) Article 2(5) of the basic Regulation provides for the cost of manufacturing to be adjusted where 'costs associated with the production and sale of the product under investigation are not reasonably reflected in the records of the party concerned'.

2. Like product

- (9) Unlike in the previous investigation, Sayanal and its related companies sold AHF also on the Russian domestic market. Whereas the product concerned sold to the EC is in the form of 'jumbo reels', sales on the Russian domestic market were in the form of 'small rolls'. Small rolls are processed from jumbo reels, by cutting them to smaller lengths and packaging them for sale to end-users. However, it was found that AHF in jumbo reels and small rolls both shared the same physical and chemical characteristics and uses.
- (10) Consequently, both AHF produced and sold on the Russian domestic market and that exported to the Community have the same basic physical and chemical characteristics and uses and are therefore considered to be alike within the meaning of Article 1(4) of the basic Regulation.

- (14) The investigation established that the related smelting company was charged a very low price for its electricity, which is generated at the Sayano-Shushenskoe Hydro-Electricity Plant, compared to prices charged in third countries with comparable hydro-electricity plants. The prices are set by the Regional Energy Commission. These prices were considered abnormally low and not reflecting the normal costs. Therefore they were adjusted on the basis of the 2004 price of electricity for energy-intensive manufacturing in another representative market, i.e. Norway, which was found to be EUR 14/MWh.

- (15) As regards the SG&A, they were determined on the basis of the company's own data pursuant to the chapeau of Article 2(6) of the basic Regulation. However, an adjustment was necessary in order to reflect the fact that, as pointed out in recital 12, the company does not sell the same type of AHF rolls on the EC and Russian markets and that, in addition, these types are sold at a different level of trade.

C. RESULTS OF THE INVESTIGATION

1. Normal value

- (11) Sales on the domestic market are made by Sayanal via Trading House Russian Foil (THRF) to Rusal Sayanskaya

- (16) For the same reason, the profit on domestic sales had to be adjusted as well. In order to make such adjustment, and given the existence of intra-group transfer prices, it was considered appropriate to determine the profit on the basis of the profit margin (32,1 %) found for the audited consolidated accounts of the Rusal Group, expressed as a percentage of total costs.

2. Export price

- (17) Sales to the EU are made through a series of sales companies within the Rusal group: THRF, Trading House Safoil (Safoil), Rual Trade (BVI) Limited (Rual) and Sibirsky Aluminium GmbH (SAG).
- (18) Where sales were made via a related importer in the Community, the export price was constructed on the basis of the resale prices to independent customers. Adjustments were made for all costs incurred between importation and resale by that importer, including SG&A expenses, and a reasonable profit margin, in accordance with Article 2(9) of the basic Regulation. The latter was based on the profit margin found for an unrelated importer in the previous investigation.
- (19) For sales made through a related company outside the Community, the export price was established on the basis of the resale price paid by the first independent buyer in the Community.

3. Comparison

- (20) The comparison of the export price with the constructed normal value was made on an ex-factory basis and at the same level of trade. In order to ensure a fair comparison, account was taken, in accordance with Article 2(10) of the basic Regulation, of differences in factors which were demonstrated to affect prices and price comparability. On this basis, allowances for differences in transport costs, handling costs, insurance and duty payments were made, where applicable, and justified. Adjustments were also made where the export sales were made via a related company located in a country other than the country concerned or the Community, pursuant to Article 2(10)(i) of the basic Regulation.

4. Dumping margin

- (21) As provided for under Article 2(11) of the basic Regulation, the weighted average constructed normal value by type was compared with the weighted average net ex-works export price of the corresponding type of the product concerned.
- (22) The comparison as described above did not show the existence of any dumping.

D. LASTING NATURE OF CHANGED CIRCUMSTANCES

- (23) In accordance with Article 11(3) of the basic Regulation it was also examined whether the changed circumstances could reasonably be said to be of a lasting nature.
- (24) In this respect, it was considered first of all that Sayanal has complied with its price undertaking through its subsidiary sales company in the Community, Sibirsky Aluminium GmbH (SAG), since the imposition of measures. At the same time, Sayanal has retained a substantial share of the Community market, indicating that it is able to compete at non-dumped price levels.
- (25) The prices of the product concerned sold on third-country markets were also examined in order to assess the behaviour of the company in markets where no trade defence measures are in force. It was found that these prices were only slightly below the current export prices to the Community, and no indications of dumping on these markets were found. It is therefore considered that there is no reason to believe that this change of circumstances and the findings on the absence of dumping would not be of a lasting nature.

E. ANTI-DUMPING MEASURES

- (26) As a result of the investigation it is considered appropriate to amend the anti-dumping measures applicable to imports of AHF from Sayanal.
- (27) Interested parties were informed of the essential facts and considerations on the basis of which it is intended to recommend an amendment of Council Regulation (EC) No 950/2001 and were given an opportunity to comment. Their comments were considered and taken into account where appropriate,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1(2) of Council Regulation (EC) No 950/2001 the table shall be replaced by the following:

Country	Company	Rate of duty (%)	TARIC additional code
The PRC	All companies	15,0	—
Russia	Open Joint Stock Company Rusal Sayanal, Prompleshadka, Sayanogorsk, Republic of Khakasia 655600, Russia	0	A255
	All other companies	14,9	A999'

Article 2

Articles 1(3) and 2 of Council Regulation (EC) No 950/2001 are hereby repealed.

Article 3

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

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

Done at Brussels, 23 January 2006.

For the Council
The President
J. PRÖLL

COMMISSION REGULATION (EC) No 162/2006
of 30 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 ⁽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 31 January 2006.

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

Done at Brussels, 30 January 2006.

For the Commission

J. L. DEMARTY

*Director-General for Agriculture and
Rural Development*

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

ANNEX

to Commission Regulation of 30 January 2006 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	76,8
	204	43,2
	212	102,0
	624	120,2
	999	85,6
0707 00 05	052	93,4
	204	102,3
	628	155,5
	999	117,1
0709 10 00	220	80,1
	624	91,7
	999	85,9
0709 90 70	052	122,9
	204	147,5
	999	135,2
0805 10 20	052	43,5
	204	56,8
	212	48,0
	220	50,6
	624	58,4
	999	51,5
0805 20 10	204	82,4
	999	82,4
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	61,6
	204	101,1
	400	85,6
	464	144,8
	624	79,0
	662	36,9
	999	84,8
0805 50 10	052	40,2
	220	61,7
	999	51,0
0808 10 80	400	130,0
	404	99,2
	720	73,8
	999	101,0
0808 20 50	388	83,3
	400	83,9
	720	45,8
	999	71,0

⁽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 163/2006**of 30 January 2006****amending the rates of refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex I to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽¹⁾, and in particular Article 27(5)(a) and (15) thereof,

Whereas:

- (1) The rates of the refunds applicable from 20 January 2006 to the products listed in the Annex, exported in the form of goods not covered by Annex I to the Treaty, were fixed by Commission Regulation (EC) No 90/2006 ⁽²⁾.

- (2) It follows from applying the rules and criteria contained in Regulation (EC) No 90/2006 to the information at present available to the Commission that the export refunds at present applicable should be altered as shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of refund fixed by Regulation (EC) No 90/2006 are hereby altered as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 31 January 2006.

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

Done at Brussels, 30 January 2006.

For the Commission

Günter VERHEUGEN

Vice-President

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

⁽²⁾ OJ L 15, 20.1.2006, p. 32.

ANNEX

Rates of refunds applicable from 31 January 2006 to certain products from the sugar sector exported in the form of goods not covered by Annex I to the Treaty ⁽¹⁾

CN code	Description	Rate of refund in EUR/100 kg	
		In case of advance fixing of refunds	Other
1701 99 10	White sugar	26,02	26,02

⁽¹⁾ The rates set out in this Annex are not applicable to exports to Bulgaria, with effect from 1 October 2004, to Romania with effect from 1 December 2005, and to the goods listed in Tables I and II to Protocol No 2 to the Agreement between the European Community and the Swiss Confederation of 22 July 1972 exported to the Swiss Confederation or to the Principality of Liechtenstein with effect from 1 February 2005.

COMMISSION REGULATION (EC) No 164/2006
of 30 January 2006
altering the export refunds on white sugar and raw sugar exported in the natural state fixed by
Regulation (EC) No 93/2006

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 ⁽¹⁾, and in particular the third subparagraph of Article 27(5) thereof,

Whereas:

- (1) The export refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EC) No 93/2006 ⁽²⁾. These refunds have been amended by Regulation (EC) No 112/2006 ⁽³⁾.

- (2) Since the data currently available to the Commission are different to the data at the time Regulation (EC) No 93/2006 was adopted, those refunds should be adjusted,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1)(a) of Regulation (EC) No 1260/2001, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EC) No 93/2006 are hereby altered to the amounts shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 31 January 2006.

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

Done at Brussels, 30 January 2006.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

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

⁽²⁾ OJ L 15, 20.1.2006, p. 37.

⁽³⁾ OJ L 19, 24.1.2006, p. 6.

ANNEX

AMENDED AMOUNTS OF REFUNDS ON WHITE SUGAR AND RAW SUGAR EXPORTED WITHOUT FURTHER PROCESSING APPLICABLE FROM 31 JANUARY 2006 ^(e)

Product code	Destination	Unit of measurement	Amount of refund
1701 11 90 9100	S00	EUR/100 kg	23,93 ^(f)
1701 11 90 9910	S00	EUR/100 kg	23,93 ^(f)
1701 12 90 9100	S00	EUR/100 kg	23,93 ^(f)
1701 12 90 9910	S00	EUR/100 kg	23,93 ^(f)
1701 91 00 9000	S00	EUR/1 % of sucrose × 100 kg product net	0,2602
1701 99 10 9100	S00	EUR/100 kg	26,02
1701 99 10 9910	S00	EUR/100 kg	26,02
1701 99 10 9950	S00	EUR/100 kg	26,02
1701 99 90 9100	S00	EUR/1 % of sucrose × 100 kg of net product	0,2602

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

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

The other destinations are:

S00: all destinations (third countries, other territories, victualling and destinations treated as exports from the Community) with the exception of Albania, Croatia, Bosnia and Herzegovina, Serbia and Montenegro (including Kosovo, as defined in UN Security Council Resolution No 1244 of 10 June 1999), the former Yugoslav Republic of Macedonia, save for sugar incorporated in the products referred to in Article 1(2)(b) of Council Regulation (EC) No 2201/96 (OJ L 297, 21.11.1996, p. 29).

^(e) The amounts set out in this Annex are not applicable with effect from 1 February 2005 pursuant to Council Decision 2005/45/EC of 22 December 2004 concerning the conclusion and the provisional application of the Agreement between the European Community and the Swiss Confederation amending the Agreement between the European Economic Community and the Swiss Confederation of 22 July 1972 as regards the provisions applicable to processed agricultural products (OJ L 23, 26.1.2005, p. 17).

^(f) This amount is applicable to raw sugar with a yield of 92 %. Where the yield for exported raw sugar differs from 92 %, the refund amount applicable shall be calculated in accordance with Article 28(4) of Regulation (EC) No 1260/2001.

COMMISSION REGULATION (EC) No 165/2006
of 30 January 2006
amending the export refunds on syrups and certain other sugar sector products exported in the
natural state, as fixed by Regulation (EC) No 94/2006

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 ⁽¹⁾, and in particular the third indent of Article 27(5) thereof,

Whereas:

- (1) The refunds on syrups and certain other sugar products were fixed by Commission Regulation (EC) No 94/2006 ⁽²⁾. These refunds have been amended by Regulation (EC) No 113/2006 ⁽³⁾.

- (2) Since the information at present available to the Commission is different to that available to it at the time Regulation (EC) No 94/2006 was adopted, these refunds should be amended,

HAS ADOPTED THIS REGULATION:

Article 1

The refunds to be granted on the products listed in Article 1(1)(d), (f) and (g), of Regulation (EC) No 1260/2001, fixed by Regulation (EC) No 94/2006 for the marketing year 2005/06, are hereby amended and detailed in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 31 January 2006.

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

Done at Brussels, 30 January 2006.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

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

⁽²⁾ OJ L 15, 20.1.2006, p. 39.

⁽³⁾ OJ L 19, 24.1.2006, p. 8.

ANNEX

AMENDED AMOUNTS FOR EXPORT REFUNDS ON SYRUPS AND CERTAIN OTHER SUGAR PRODUCTS EXPORTED WITHOUT FURTHER PROCESSING ^(a)

Product code	Destination	Unit of measurement	Amount of refund
1702 40 10 9100	S00	EUR/100 kg dry matter	26,02 ⁽¹⁾
1702 60 10 9000	S00	EUR/100 kg dry matter	26,02 ⁽¹⁾
1702 60 80 9100	S00	EUR/100 kg dry matter	49,44 ⁽²⁾
1702 60 95 9000	S00	EUR/1 % sucrose × net 100 kg of product	0,2602 ⁽³⁾
1702 90 30 9000	S00	EUR/100 kg dry matter	26,02 ⁽¹⁾
1702 90 60 9000	S00	EUR/1 % sucrose × net 100 kg of product	0,2602 ⁽³⁾
1702 90 71 9000	S00	EUR/1 % sucrose × net 100 kg of product	0,2602 ⁽³⁾
1702 90 99 9900	S00	EUR/1 % sucrose × net 100 kg of product	0,2602 ⁽³⁾ ⁽⁴⁾
2106 90 30 9000	S00	EUR/100 kg dry matter	26,02 ⁽¹⁾
2106 90 59 9000	S00	EUR/1 % sucrose × net 100 kg of product	0,2602 ⁽³⁾

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

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

The other destinations are defined as follows:

S00: all destinations (third countries, other territories, victualling and destinations treated as exports from the Community) with the exception of Albania, Croatia, Bosnia and Herzegovina, Serbia and Montenegro (including Kosovo as defined by the United Nations Security Council Resolution 1244 of 10 June 1999), the former Yugoslav Republic of Macedonia, except for sugar incorporated into the products referred to in Article 1(2)(b) of Council Regulation (EC) No 2201/96 (OJ L 297, 21.11.1996, p. 29).

^(a) The amounts set out in this Annex are not applicable with effect from 1 February 2005 pursuant to Council Decision 2005/45/EC of 22 December 2004 concerning the conclusion and the provisional application of the Agreement between the European Community and the Swiss Confederation amending the Agreement between the European Economic Community and the Swiss Confederation of 22 July 1972 as regards the provisions applicable to processed agricultural products (OJ L 23, 26.1.2005, p. 17).

⁽¹⁾ Applicable only to products referred to in Article 5 of Regulation (EC) No 2135/95.

⁽²⁾ Applicable only to products referred to in Article 6 of Regulation (EC) No 2135/95.

⁽³⁾ The basic amount is not applicable to syrups which are less than 85 % pure (Regulation (EC) No 2135/95). Sucrose content is determined in accordance with Article 3 of Regulation (EC) No 2135/95.

⁽⁴⁾ The basic amount is not applicable to the product defined under point 2 of the Annex to Commission Regulation (EEC) No 3513/92 (OJ L 355, 5.12.1992, p. 12).

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 20 December 2005

repealing Decision 2001/381/EC accepting an undertaking offered in connection with imports into the Community of certain aluminium foil originating in Russia

(2006/45/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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⁽¹⁾ (‘the basic Regulation’), and in particular Article 8 thereof,

After consulting the Advisory Committee,

Whereas:

A. PREVIOUS PROCEDURE

- (1) By Regulation (EC) No 950/2001⁽²⁾ the Council imposed a definitive anti-dumping duty on imports of certain aluminium foil (‘AHF’) originating, *inter alia*, in Russia. By Decision 2001/381/EC⁽³⁾ the Commission accepted an undertaking offered by the Russian exporting producer Joint Stock ‘United Company Siberian Aluminium’, which since then has changed its name⁽⁴⁾ to Open Joint Stock Company Rusal Sayanal (‘Sayanal’).

B. REPEAL OF DECISION 2001/381/EC

- (2) Further to a request lodged by Sayanal, the Commission initiated⁽⁵⁾ a partial interim review limited in scope to the examination of dumping in accordance with Article 11(3) of the basic Regulation.

- (3) The findings of the review, which are set out in detail in Council Regulation (EC) No 161/2006⁽⁶⁾, showed that Sayanal is no longer dumping. As a consequence, by the aforementioned Regulation, the anti-dumping duty rate applicable to imports of AHF from Sayanal has been set at 0 %.

- (4) In view of the above, Decision 2001/381/EC, by which the Commission accepted an undertaking from Sayanal, should be repealed,

HAS DECIDED AS FOLLOWS:

Article 1

Decision 2001/381/EC is hereby repealed.

Article 2

This Decision shall take effect on the day following its publication in the *Official Journal of the European Union*.

Done at Brussels, 20 December 2005.

For the Commission

Peter MANDELSON

Member of the Commission

⁽¹⁾ 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).

⁽²⁾ OJ L 134, 17.5.2001, p. 1. Regulation as amended by Regulation (EC) No 998/2004 (OJ L 183, 20.5.2004, p. 4).

⁽³⁾ OJ L 134, 17.5.2001, p. 67.

⁽⁴⁾ See Notice 2004/C 193/03, (OJ C 193, 29.7.2004, p. 3).

⁽⁵⁾ OJ C 285, 23.11.2004, p. 3.

⁽⁶⁾ See page 1 of this Official Journal.

DECISION No 3/2005 OF THE ACP-EC CUSTOMS COOPERATION COMMITTEE

of 13 January 2006

derogating from the definition of the concept of 'originating products' to take account of the special situation of the Kingdom of Swaziland with regard to its manufacturing of core spun yarns

(2006/46/EC)

THE ACP-EC CUSTOMS COOPERATION COMMITTEE,

certain conditions relating to quantities, surveillance and duration are respected.

Having regard to the ACP-EC Partnership Agreement signed at Cotonou on 23 June 2000, and in particular Article 38 of Protocol 1 to Annex V thereto,

- (6) The derogation cannot be granted for five years because, in conformity with Article 37 of the ACP-EC Partnership Agreement, new trading arrangements shall enter into force by 1 January 2008. This Decision shall therefore apply from 1 April 2006 until the end of 2007 pending the adoption of these new trading arrangements.

Whereas:

- (1) Article 38(1) of the said Protocol provides for derogations from the rules of origin to be granted whenever the development of an existing industry or the establishment of a new one warrants it.

- (7) Therefore, pursuant to Article 38, a derogation can be granted to the Kingdom of Swaziland in respect of core spun yarns for 1 300 tonnes per annum from 1 April 2006 to 31 December 2007,

- (2) On 10 May 2001 Decision No 3/2001 of the ACP-EC Customs Cooperation Committee derogating from the definition of the concept of 'originating products' to take account of the special situation of the Kingdom of Swaziland with regard to its manufacturing of core spun yarns ⁽¹⁾ (HS headings 5206.22, 5206.42, 5402.52 and 5402.62) was adopted. The derogation provided for in Article 1 of this Decision shall apply during the period of 1 April 2001 to 31 March 2006.

HAS DECIDED AS FOLLOWS:

Article 1

By way of derogation from the special provisions in the list in Annex II to Protocol 1 to Annex V of the ACP-EC Partnership Agreement, core spun yarns of HS headings 5206.22, 5206.42, 5402.52 and 5402.62 manufactured in Swaziland from non-originating materials shall be regarded as originating in Swaziland in accordance with the terms of this Decision.

- (3) In view of the expiry of this provision, the African, Caribbean and Pacific States submitted on 8 July 2005, on behalf of the Kingdom of Swaziland, a request for a new derogation from the rules of origin, as contained in the ACP-EC Partnership Agreement, for core spun yarns in respect of an annual quantity of 1 300 tonnes, produced by this country during a period of five years and imported into the Community from 1 April 2006 onwards.

Article 2

The derogation provided for in Article 1 shall apply to the products and the quantities shown in the Annex to this Decision which are imported into the Community from Swaziland during the period of 1 April 2006 to 31 December 2007.

- (4) The requested derogation is justified under the relevant provisions of Article 38(5) and (6) especially as regards the development of existing industries in Swaziland, the fact that the applicant is a landlocked State and the inapplicability of the rules on cumulation of origin.

Article 3

The quantities set out in the Annex shall be managed by the Commission, which shall take all administrative action it deems advisable for their efficient management. Articles 308a, 308b and 308c of Commission Regulation (EEC) No 2454/93 ⁽²⁾ relating to the management of tariff quotas shall apply *mutatis mutandis* to the management of the quantities referred to in the Annex.

- (5) The derogation would not cause serious injury to an established Community industry taking into account the quantities of the imports envisaged, provided that

⁽¹⁾ OJ L 144, 30.5.2001, p. 35.

⁽²⁾ 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).

Article 4

1. The customs authorities of Swaziland shall take the necessary steps to carry out quantitative checks on exports of the products referred to in Article 1. To that end, all the certificates they issue pursuant to this Decision shall bear a reference to it.

2. The competent authorities of Swaziland shall forward to the Commission every three months a statement of the quantities in respect of which movement certificates EUR.1 have been issued pursuant to this Decision and the serial numbers of those certificates.

Article 5

Box 7 of EUR.1 certificates issued under this Decision shall contain the words:

'Derogation — Decision No 3/2005'

Article 6

The African, Caribbean and Pacific States, the Member States and the European Community shall take the measures necessary on their part to implement this Decision.

Article 7

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

This Decision shall apply from 1 April 2006.

Done at Brussels, 13 January 2006.

*For the ACP-EC
Customs Cooperation Committee
The Joint Chairmen*

Robert VERRUE
Peter H. KATJAVIVI

ANNEX

Swaziland

Order No	HS heading	Description of goods	Period	Quantities
09.1698	5206.22	Core spun yarns	1.4.2006 to 31.3.2007	1 300 tonnes
	5206.42 5402.52 5402.62		1.4.2007 to 31.12.2007	975 tonnes

COMMISSION DECISION

of 16 January 2006

concerning the placing on the market, in accordance with Directive 2001/18/EC of the European Parliament and of the Council, of a maize product (*Zea mays* L., hybrid MON 863 × MON 810) genetically modified for resistance to corn rootworm and certain lepidopteran pests of maize

(notified under document number C(2005) 5980)

(Only the German text is authentic)

(2006/47/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

the development and assignment of unique identifiers for genetically modified organisms ⁽³⁾.

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC ⁽¹⁾, and in particular the first subparagraph of Article 18(1) thereof,

After consulting the European Food Safety Authority,

Whereas:

(1) Pursuant to Directive 2001/18/EC, the placing on the market of a product containing or consisting of a genetically modified organism or a combination of genetically modified organisms is subject to written consent being granted by the competent authority of a Member State, in accordance with the procedure laid down in that Directive.

(2) A notification concerning the placing on the market of two genetically modified maize products (*Zea mays* L., line MON 863 and hybrid MON 863 × MON 810) was submitted by Monsanto Europe S.A. to the competent authority of Germany (Reference C/DE/02/9). A unique identifier (MON-ØØ863-5×MON-ØØ81Ø-6) has been assigned to the MON 863 × MON 810 maize for the purposes of Regulation (EC) No 1830/2003 of the European Parliament and of the Council of 22 September 2003 concerning the traceability and labelling of genetically modified organisms and the traceability of food and feed products produced from genetically modified organisms and amending Directive 2001/18/EC ⁽²⁾ and Commission Regulation (EC) No 65/2004 of 14 January 2004 establishing a system for

(3) The notification originally covered importation and use as for any other maize grains including feed, with the exception of food use and cultivation in the Community of varieties derived from the MON 863 transformation event and of the MON 863 × MON 810 hybrid.

(4) In accordance with the procedure provided for in Article 14 of Directive 2001/18/EC, the competent authority of Germany prepared an assessment report, which was forwarded in April 2003 to the Commission. The Commission forwarded the full notification and assessment report to the other Member States in May 2003. That assessment report concludes that no reasons have emerged on the basis of which consent for the placing on the market of MON 863 as well as MON 863 × MON 810 should be withheld, if specific conditions are fulfilled.

(5) The competent authorities of other Member States raised objections to the placing on the market of MON 863 as well as MON 863 × MON 810.

(6) The placing on the market of MON 810 maize is authorised in accordance with 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), pursuant to Council Directive 90/220/EEC ⁽⁴⁾. The placing on the market of MON 863 is authorised in accordance with Commission Decision 2005/608/EC of 8 August 2005 concerning the placing on the market, in accordance with Directive 2001/18/EC of the European Parliament and of the Council, of a maize product (*Zea mays* L., line MON 863) genetically modified for resistance to corn rootworm ⁽⁵⁾.

⁽¹⁾ OJ L 106, 17.4.2001, p. 1. Directive as last amended by Regulation (EC) No 1830/2003 (OJ L 268, 18.10.2003, p. 24).

⁽²⁾ OJ L 268, 18.10.2003, p. 24.

⁽³⁾ OJ L 10, 16.1.2004, p. 5.

⁽⁴⁾ OJ L 131, 5.5.1998, p. 32.

⁽⁵⁾ OJ L 207, 10.8.2005, p. 17.

- (7) On 2 April 2004, the European Food Safety Authority considered that it is scientifically valid to use the data from the single lines MON 863 and MON 810 to support the safety assessment of MON 863 × MON 810, but decided, with regard to the need for confirmatory data for the safety assessment of the hybrid itself, to request a 90-day sub-chronic rat study with the maize hybrid in order to complete its safety assessment.
- (8) The opinion adopted on 8 June 2005 by the European Food Safety Authority, concluded, from all evidence provided, that MON 863 × MON 810 is unlikely to have an adverse effect on human and animal health or the environment in the context of its proposed use. The European Food Safety Authority also deemed that the scope of the monitoring plan provided by the applicant was in line with the intended uses of MON 863 × MON 810.
- (9) On 8 July 2005, Monsanto Europe S.A. agreed to limit the scope of the present Decision to import and processing. An application for the placing on the market of food and feed containing, consisting of, or produced from MON 863 × MON 810 has been made by Monsanto Europe S.A. under Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed ⁽¹⁾.
- (10) An examination of the information submitted in the notification, the objections maintained by Member States in the framework of Directive 2001/18/EC, and the opinion of the European Food Safety Authority, discloses no reason to believe that the placing on the market of *Zea mays* L. hybrid MON 863 × MON 810 will adversely affect human or animal health or the environment.
- (11) Adventitious or technically unavoidable traces of genetically modified organisms in products are exempted from labelling and traceability requirements in accordance with thresholds established under Directive 2001/18/EC and Regulation (EC) No 1829/2003.
- (12) In the light of the opinion of the European Food Safety Authority, it is not necessary to establish specific conditions for the intended uses with regard to the handling or packaging of the product and the protection of particular ecosystems, environments or geographical areas.
- (13) Prior to the placing on the market of the product, the necessary measures to ensure its labelling and traceability

at all stages of its placing on the market, including verification by appropriate validated detection methodology, should be applicable.

- (14) The measures provided for in this Decision are not in accordance with the opinion of the Committee established under Article 30 of Directive 2001/18/EC and the Commission therefore submitted to the Council a proposal relating to these measures. Since on the expiry of the period laid down in Article 30(2) of Directive 2001/18/EC, the Council had neither adopted the proposed measures nor indicated its opposition to them, in accordance with Article 5(6) of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽²⁾, the measures should be adopted by the Commission,

HAS ADOPTED THIS DECISION:

Article 1

Consent

Without prejudice to other Community legislation, in particular Regulation (EC) No 258/97 of the European Parliament and of the Council ⁽³⁾ and Regulation (EC) No 1829/2003, written consent shall be granted by the competent authority of Germany to the placing on the market, in accordance with this Decision, of the product identified in Article 2, as notified by Monsanto Europe S.A. (Reference C/DE/02/9).

The consent shall, in accordance with Article 19(3) of Directive 2001/18/EC, explicitly specify the conditions to which the consent is subject, which are set out in Articles 3 and 4.

Article 2

Product

The genetically modified organisms to be placed on the market as or in products, hereinafter 'the product', are grains of maize (*Zea mays* L. MON 863 × MON 810), obtained by conventional breeding of MON 863 and MON 810. Descriptions of the MON 810 and MON 863 maizes are provided for in Decisions 98/294/EC and 2005/608/EC respectively.

Article 3

Conditions for placing on the market

The product may be put to the same uses as any other maize, with the exception of cultivation and uses as or in food and feed, and may be placed on the market subject to the following conditions:

⁽²⁾ OJ L 184, 17.7.1999, p. 23.

⁽³⁾ OJ L 43, 14.2.1997, p. 1. Regulation as amended by Regulation (EC) No 1882/2003 (OJ L 284, 31.10.2003, p. 1).

⁽¹⁾ OJ L 268, 18.10.2003, p. 1.

- (a) the period of validity of the consent shall be 10 years starting from the date on which the consent is issued;
- (b) the unique identifier of the product shall be MON-ØØ863-5×MON-ØØ81Ø-6;
- (c) without prejudice to Article 25 of Directive 2001/18/EC, the consent holder shall, whenever requested to do so, make positive and negative control samples of the product, or its genetic material, or reference materials available to the competent authorities and inspection services of Member States as well as to the Community control laboratories;
- (d) without prejudice to specific labelling requirements provided by Regulation (EC) No 1829/2003 the words 'This product contains genetically modified maize' or 'This product contains genetically modified MON 863 × MON 810' shall appear either on a label or in a document accompanying the product, except where other Community legislation sets a threshold below which such information is not required;
- (e) as long as the product has not been authorised for the placing on the market for the purpose of cultivation, the words 'not for cultivation' shall appear either on a label or in a document accompanying the product.

Article 4

Monitoring

1. Throughout the period of validity of the consent, the consent holder shall ensure that the monitoring plan, contained in the notification and consisting of a general surveillance plan, the objective of which is to check for any adverse effects on human and animal health or the environment arising from handling or use of the product, is put in place and implemented.
2. The consent holder shall directly inform the operators and users concerning the safety and general characteristics of the product and of the conditions as to monitoring, including the appropriate management measures to be taken in case of accidental grain spillage.
3. The consent holder shall submit to the Commission and to the competent authorities of the Member States annual reports on the results of the monitoring activities.

4. Without prejudice to Article 20 of Directive 2001/18/EC the monitoring plan as notified shall, where appropriate and subject to the agreement of the Commission and the competent authority of the Member State which received the original notification, be revised by the consent holder and/or by the competent authority of the Member State which received the original notification, in the light of the results of the monitoring activities. Proposals for a revised monitoring plan shall be submitted to the competent authorities of the Member States.

5. The consent holder shall be in the position to give evidence to the Commission and the competent authorities of the Member States:

- (a) that the monitoring networks as specified in the monitoring plan contained in the notification collect the information relevant for the monitoring of the product, and
- (b) that the members of these networks have agreed to make available that information to the consent holder before the date of the submission of the monitoring reports to the Commission and competent authorities of the Member States in accordance with paragraph 3.

Article 5

Applicability

This Decision shall apply from the date on which a Community Decision authorising the placing on the market of the product referred to in Article 1 for uses as or in food and feed within the meaning of Regulation (EC) No 178/2002 of the European Parliament and of the Council⁽¹⁾ and including a method, validated by the Community reference laboratory, for detection of the product is applicable.

Article 6

Addressee

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 16 January 2006.

For the Commission

Stavros DIMAS

Member of the Commission

⁽¹⁾ OJ L 31, 1.2.2002, p. 1. Regulation as amended by Regulation (EC) No 1642/2003 (OJ L 245, 29.9.2003, p. 4).

COMMISSION DECISION

of 27 January 2006

amending Decision 2004/233/EC as regards the list of laboratories authorised to check the effectiveness of vaccination against rabies in certain domestic carnivores

(notified under document number C(2006) 122)

(Text with EEA relevance)

(2006/48/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 2000/258/EC of 20 March 2000 designating a specific institute responsible for establishing the criteria necessary for standardising the serological tests to monitor the effectiveness of rabies vaccines ⁽¹⁾, and in particular Article 3 thereof,

Whereas:

- (1) Decision 2000/258/EC designates the laboratory of the Agence française de sécurité sanitaire des aliments de Nancy (the AFSSA Laboratory, Nancy), France, as the specific institute responsible for establishing the criteria necessary for standardising the serological tests to monitor the effectiveness of rabies vaccines.
- (2) Decision 2000/258/EC also provides that the AFSSA Laboratory, Nancy, is to send the Commission the list of Community laboratories to be authorised to carry out those serological tests. Accordingly, the AFSSA Laboratory, Nancy, performs the established proficiency testing procedure for appraising laboratories prior to authorisation to perform the serological tests.
- (3) Commission Decision 2004/233/EC of 4 March 2004 authorising laboratories to check the effectiveness of vaccination against rabies in certain domestic carnivores ⁽²⁾, establishes a list of authorised laboratories in the Member States on the ground of the results of the proficiency tests communicated by the AFSSA Laboratory, Nancy.

- (4) An additional laboratory in Germany has been authorised by the AFSSA Laboratory, Nancy, in compliance with Decision 2000/258/EC.
- (5) That laboratory should accordingly be added to the list of authorised laboratories in the Member States set out in the Annex to Decision 2004/233/EC.
- (6) Decision 2004/233/EC should therefore be amended accordingly.
- (7) 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

In Annex I to Decision 2004/233/EC, in the section on Germany, the following point 8 is added:

‘8. Vet Med Labor GmbH
Mörikestr. 28/3
D-71636 Ludwigsburg’.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 27 January 2006.

For the Commission
Markos KYPRIANOU
Member of the Commission

⁽¹⁾ OJ L 79, 30.3.2000, p. 40. Decision as amended by Commission Decision 2003/60/EC (OJ L 23, 28.1.2003, p. 30).

⁽²⁾ OJ L 71, 10.3.2004, p. 30. Decision as last amended by Decision 2005/656/EC (OJ L 241, 17.9.2005, p. 63).

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

COUNCIL JOINT ACTION 2006/49/CFSP

of 30 January 2006

appointing the European Union Special Representative in Bosnia and Herzegovina

THE COUNCIL OF THE EUROPEAN UNION,

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

Whereas:

- (1) The mandate of the European Union Special Representative (EUSR) in Bosnia and Herzegovina (BiH), as set out in Joint Action 2004/569/CFSP⁽¹⁾ on 12 July 2004, is due to expire on 28 February 2006.
- (2) On 24 November 2005, the Council adopted Joint Action 2005/824/CFSP on the European Union Police Mission (EUPM) in Bosnia and Herzegovina⁽²⁾, which provides for a continuation of the EUPM with an adjusted mandate and size.
- (3) On 14 December 2005, the Peace Implementation Council Steering Board appointed Mr Christian Schwarz-Schilling as High Representative in Bosnia and Herzegovina, as the successor to Lord Ashdown, with effect from 1 February 2006.
- (4) Mr Schwarz-Schilling should be appointed as the new EUSR in Bosnia and Herzegovina with effect from 1 February 2006 and Joint Action 2004/569/CFSP should be repealed with effect from the same date.
- (5) On the basis of a review of Joint Action 2004/569/CFSP, the mandate of the EUSR should be extended until 28 February 2007.
- (6) The EUSR's mandate should be implemented in coordination with the Commission in order to ensure consistency with other relevant activities falling within Community competence.

- (7) The EUSR will implement his mandate in the context of a situation which may deteriorate and could harm the objectives of the CFSP as set out in Article 11 of the Treaty on European Union,

HAS ADOPTED THIS JOINT ACTION:

Article 1

Mr Christian SCHWARZ-SCHILLING is hereby appointed European Union Special Representative (EUSR) in Bosnia and Herzegovina with effect from 1 February 2006 until 28 February 2007.

Article 2

The mandate of the EUSR shall be based on the policy objectives of the EU in BiH. These centre around continued progress in the implementation of the General Framework Agreement for Peace (GFAP) in Bosnia and Herzegovina, in accordance with the Office of the High Representative's Mission Implementation Plan, and in the Stabilisation and Association Process, with the aim of a stable, viable, peaceful and multi-ethnic BiH, cooperating peacefully with its neighbours and irreversibly on track towards EU membership.

Article 3

In order to achieve the policy objectives of the EU in BiH, the mandate of the EUSR shall be to:

- (a) offer the EU's advice and facilitation in the political process;
- (b) promote overall EU political coordination in BiH;
- (c) promote overall EU coordination of, and give local political direction to, EU efforts in tackling organised crime, without prejudice to the European Union Police Mission (EUPM)'s leading role in the coordination of policing aspects of these efforts and to the ALTHEA (EUFOR) military chain of command;
- (d) provide the EU Force Commander with local political advice, including with respect to the Integrated Police Unit style capability, on which the EUSR may draw, in agreement with the said Commander, without prejudice to the chain of command;

⁽¹⁾ OJ L 252, 28.7.2004, p. 7. Joint Action as last amended by Joint Action 2005/825/CFSP (OJ L 307, 25.11.2005, p. 59 and corrigendum in OJ L 349, 31.12.2005, p. 35).

⁽²⁾ OJ L 307, 25.11.2005, p. 55.

- (e) contribute to reinforcement of internal EU coordination and coherence in BiH, including through briefings to EU Heads of Mission and through participation in, or representation at, their regular meetings, through chairing a coordination group composed of all EU actors present in the field with a view to coordinating the implementation aspects of the EU's action, and through providing them with guidance on relations with the BiH authorities;
- (f) ensure consistency and coherence of EU action towards the public. The EUSR spokesperson shall be the main EU point of contact for BiH media on Common Foreign and Security Policy/European Security and Defence Policy (CFSP/ESDP) issues;
- (g) maintain an overview of the whole range of activities in the field of the rule of law and in this context provide the Secretary-General/High Representative (SG/HR) and the Commission with advice as necessary;
- (h) provide the Head of Mission of the EUPM with local political guidance as part of his wider responsibilities and his role in the chain of command for EUPM;
- (i) as part of the international community's and the BiH authorities' broader approach to the rule of law, and drawing upon the EUPM's provision of technical policing expertise and assistance in this respect, support the preparation and implementation of police restructuring;
- (j) provide support for a reinforced and more effective BiH criminal justice/police interface, in close liaison with EUPM;
- (k) as far as activities under Title VI of the Treaty, including Europol, and related Community activities are concerned, provide the SG/HR and the Commission with advice as necessary, and take part in the required local coordination;
- (l) with a view to coherence and possible synergies, continue to be consulted on priorities for Community Assistance for Reconstruction, Development and Stabilisation.

Article 4

1. The EUSR shall be responsible for the implementation of the mandate acting under the authority and operational direction of the SG/HR. The EUSR shall be accountable to the Commission for all expenditure.
2. The Political and Security Committee (PSC) shall maintain a privileged link with the EUSR and shall be the primary point of contact with the Council. The PSC shall provide strategic

guidance and political input to the EUSR within the framework of the mandate.

Article 5

The role of the EUSR shall not in any way prejudice the mandate of the High Representative in Bosnia and Herzegovina, including his coordinating role with regard to all activities of all civilian organisations and agencies as set out in GFAP and subsequent Peace Implementation Council conclusions and declarations.

Article 6

1. The financial reference amount intended to cover the expenditure related to the mandate of the EUSR shall be EUR 770 000.

2. The expenditure financed by the amount stipulated in paragraph 1 shall be managed in accordance with the procedures and rules applicable to the general budget of the European Union with the exception that any prefinancing shall not remain the property of the Community. Nationals of the host and neighbouring countries shall be allowed to tender for contracts.

3. The management of the expenditure shall be subject to a contract between the EUSR and the Commission. Expenditure shall be eligible as from 1 February 2006.

4. The Presidency, Commission, and/or Member States, as appropriate, shall provide logistical support in the region.

Article 7

1. An EU dedicated staff projecting an EU identity shall be assigned to assist the EUSR to implement his mandate and contribute to the coherence, visibility and effectiveness of the overall EU action in BiH, in particular in political, politico-military and security affairs, and with regard to communication and media relations. Within the limits of his mandate and the corresponding financial means made available, the EUSR shall be responsible for constituting his team in consultation with the Presidency, assisted by the SG/HR, and in full association with the Commission. The EUSR shall inform the Presidency and the Commission of the final composition of his team.

2. EU Member States and Institutions may propose the secondment of staff to work with the EUSR. The remuneration of staff who might be seconded by an EU Member State or Institution to the EUSR shall be covered by the EU Member State or Institution concerned, respectively.

3. All A-type posts, which are not covered by secondment, shall be advertised as appropriate by the General Secretariat of the Council and also notified to EU Member States and Institutions in order to recruit the best-qualified applicants.

4. The privileges, immunities and further guarantees necessary for the completion and smooth functioning of the mission of the EUSR and the members of his staff shall be defined with the parties. Member States and the Commission shall grant all necessary support to such effect.

Article 8

As a rule, the EUSR shall report in person to the SG/HR and to the PSC and may report also to the relevant working group. Regular written reports shall be circulated to the SG/HR, Council and Commission. The EUSR may report to the Council on the recommendation of the SG/HR and the PSC.

Article 9

To ensure consistency of the EU external action, the activities of the EUSR shall be coordinated with those of the SG/HR, the Presidency and the Commission. The EUSR shall provide regular briefings to Member States' missions and Commission delegations. In the field, close liaison shall be maintained with the Presidency, the Commission and Heads of Mission who shall make best efforts to assist the EUSR in the implementation of the mandate. The EUSR shall also liaise with other international and regional actors in the field, including, *inter alia*, the OSCE.

Article 10

The implementation of this Joint Action and its consistency with other contributions from the European Union to the

region shall be kept under regular review. The EUSR shall present to the SG/HR, Council and Commission a progress report before the end of June 2006 and a comprehensive mandate implementation report by mid-November 2006. These reports shall form a basis for evaluation of this Joint Action in the relevant Working Groups and by the PSC. In the context of overall priorities for deployment, the SG/HR shall make recommendations to the PSC concerning the Council's decision on renewal, amendment or termination of the mandate.

Article 11

Joint Action 2004/569/CFSP shall be repealed with effect from 1 February 2006.

Article 12

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

Article 13

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

Done at Brussels, 30 January 2006.

For the Council

The President

U. PLASSNIK

COUNCIL COMMON POSITION 2006/50/CFSP**of 30 January 2006****extending and amending Common Position 2004/133/CFSP on restrictive measures against extremists in the former Yugoslav Republic of Macedonia (FYROM)**

THE COUNCIL OF THE EUROPEAN UNION,

Article 2

Having regard to the Treaty on European Union, and in particular Article 15 thereof,

The Annex to Common Position 2004/133/CFSP shall be replaced by the text appearing in the Annex to this Common Position.

Whereas:

Article 3

(1) On 10 February 2004, the Council adopted Common Position 2004/133/CFSP on restrictive measures against extremists in the former Yugoslav Republic of Macedonia (FYROM) ⁽¹⁾.

This Common Position shall take effect on the date of its adoption.

(2) Common Position 2004/133/CFSP was amended by Council Common Position 2005/80/CFSP of 31 January 2005 ⁽²⁾ and extended until 9 February 2006.

It shall apply as of 10 February 2006.

Article 4

(3) Following a review of Common Position 2004/133/CFSP, it is considered appropriate to extend its application for a further period of 12 months, as well as to review the list of persons contained in the Annex thereto,

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

HAS ADOPTED THIS COMMON POSITION:

Done at Brussels, 30 January 2006.

Article 1

Common Position 2004/133/CFSP is hereby extended until 9 February 2007.

*For the Council**The President*

U. PLASSNIK

⁽¹⁾ OJ L 39, 11.2.2004, p. 19.

⁽²⁾ OJ L 29, 2.2.2005, p. 45.

ANNEX

'ANNEX

List of persons referred to in Article 1

Name: ADILI Gafur
Aka: Valdet Vardari
Date of birth: 5.1.1959
Place of birth/origin: Harandjell (Kicevo), the former Yugoslav Republic of Macedonia

Name: ALIJA, Shukri
Aka:
Date of birth: 6.11.1974
Place of birth/origin: Shterpche (Ferisaj/Urosevac), Serbia and Montenegro (Kosovo)

Name: BEQIRI Idajet
Aka:
Date of birth: 20.2.1951
Place of birth/origin: Mallakaster, Fier, Albania

Name: BUTKA Spiro
Aka: Vigan Gradica
Date of birth: 29.5.1949
Place of birth/origin: Serbia and Montenegro (Kosovo)

Name: HYSENI Xhemail
Aka: Xhimi Shea
Date of birth: 15.8.1958
Place of birth/origin: Lojane (Lipkovo), the former Yugoslav Republic of Macedonia

Name: JAKUPI Avdil
Aka: Cakalla
Date of birth: 20.4.1974
Place of birth/origin: Tanusevci, the former Yugoslav Republic of Macedonia

Name: JAKUPI Lirim
Aka: "Commander Nazi"
Date of birth: 1.8.1979
Place of birth/origin: Bujanovac, Serbia and Montenegro

Name: KRASNIQI Agim
Aka:
Date of birth: 15.9.1979
Place of birth/origin: Kondovo, the former Yugoslav Republic of Macedonia

Name: LIMANI Fatmir
Aka:
Date of birth: 14.1.1973
Place of birth/origin: Kicevo, the former Yugoslav Republic of Macedonia

Name: MISIMI Naser
Aka:
Date of birth: 8.1.1959
Place of birth/origin: Mala Recica (Tetovo), the former Yugoslav Republic of Macedonia

Name: MUSTAJAJ Taip
Aka: Mustafai, Mustafi or Mustafa
Date of birth: 23.1.1964
Place of birth/origin: Bacin Dol (Gostivar), the former Yugoslav Republic of Macedonia

Name: REXHEPI Daut
Aka: Leka
Date of birth: 6.1.1966
Place of birth/origin: Poroj, the former Yugoslav Republic of Macedonia

Name: RUSHITI Sait
Aka:
Date of birth: 7.7.1966
Place of birth/origin: Tetovo, the former Yugoslav Republic of Macedonia

Name: SAMIU Izair
Aka: Baci
Date of birth: 23.7.1963
Place of birth/origin: Semsevo, the former Yugoslav Republic of Macedonia

Name: SHITI Ramadan
Aka:
Date of birth: 9.5.1983
Place of birth/origin: Dimce (Pristina), Serbia and Montenegro (Kosovo)

Name: STOJKOV Goran
Aka:
Date of birth: 25.2.1970
Place of birth/origin: Strumica, the former Yugoslav Republic of Macedonia

Name: SUMA Emrush
Aka:
Date of birth: 27.5.1974
Place of birth/origin: Dirnce, Serbia and Montenegro (Kosovo)

Name: SULEJMANI Gyner

Aka:

Date of birth: 3.3.1954

Place of birth/origin: Turkey

Name: UKSHINI Sami

Aka: "Commander Sokoli [Falcon]"

Date of birth: 5.3.1963

Place of birth/origin: Gjakova, Serbia and Montenegro (Kosovo)

COUNCIL COMMON POSITION 2006/51/CFSP
of 30 January 2006
renewing restrictive measures against Zimbabwe

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS COMMON POSITION:

Having regard to the Treaty on European Union, and in particular Article 15 thereof,

Article 1

Common Position 2004/161/CFSP shall be extended until 20 February 2007.

Whereas:

Article 2

This Common Position shall take effect on the date of its adoption.

(1) On 19 February 2004, the Council adopted Common Position 2004/161/CFSP⁽¹⁾ renewing restrictive measures against Zimbabwe for a period of 12 months from 21 February 2004.

Article 3

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

(2) Council Common Position 2005/146/CFSP⁽²⁾, adopted on 21 February 2005, extended Common Position 2004/161/CFSP until 20 February 2006.

Done at Brussels, 30 January 2006.

(3) In view of the situation in Zimbabwe, Common Position 2004/161/CFSP should be extended for a further period of 12 months,

For the Council
The President
U. PLASSNIK

⁽¹⁾ OJ L 50, 20.2.2004, p. 66.

⁽²⁾ OJ L 49, 22.2.2005, p. 30.

CORRIGENDA**Corrigendum to Commission Regulation (EC) No 143/2006 of 26 January 2006 fixing the export refunds on products processed from cereals and rice**

(Official Journal of the European Union L 23 of 27 January 2006)

On page 57, in the Annex, in the table, second part, last line, second column 'Destination', concerning product code '2106 90 55 9000':

for: 'C10',

read: 'C14'.
