ISSN 1725-2555

Official Journal of the European Union

L 44

English edition

Legislation

Volume 49

15 February 2006

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[1] Text with EEA relevance

(Continued overleaf)

EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other acts are printed in bold type and preceded by an asterisk.

Contents (continued)

EN

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 251/2006

of 14 February 2006

establishing the standard import values for determining the entry price of certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables [1], and in particular Article 4(1) thereof,

Whereas:

(1) Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto.

(2) In compliance with the above criteria, the standard import values must be fixed at the levels set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 4 of Regulation (EC) No 3223/94 shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 15 February 2006.

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

Done at Brussels, 14 February 2006.

For the Commission

J. L. DEMARTY

Director-General for Agriculture and Rural Development

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

ANNEX

to Commission Regulation of 14 February 2006 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code (1)	Standard import value
0702 00 00	052	95,8
	204	41,8
	212	122,6
	624	106,4
	999	91,7
0707 00 05	052	147,8
	204	101,5
	628	155,5
	999	134,9
0709 10 00	220	57,6
	624	101,9
	999	79,8
0709 90 70	052	73,4
	204	72,1
	999	72,8
0805 10 20	052	51,8
	204	49,3
	212	41,5
	220	42,7
	448	47,7
	624	59,4
	999	48,7
0805 20 10	204	93,1
	999	93,1
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	60,8
	204	116,5
	464	141,5
	624	78,2
	999	99,3
0805 50 10	052	57,2
	220	44,8
	999	51,0
0808 10 80	400	119,2
	404	109,1
	528	80,3
	720	72,3
	999	95,2
0808 20 50	388	95,9
	400	106,9
	512	67,9
	528	86,8
	720	54,1
	999	82,3

(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 252/2006

of 14 February 2006

concerning the permanent authorisations of certain additives in feedingstuffs and the provisional authorisations of new uses of certain additives already authorised in feedingstuffs

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

(1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition.

(2) Article 25 of Regulation (EC) No 1831/2003 lays down transitional measures for applications for the authorisation of feed additives submitted in accordance with Directive 70/524/EEC before the date of application of Regulation (EC) No 1831/2003.

(3) The applications for the authorisation of the additives listed in the Annexes to this Regulation were submitted before the date of application of Regulation (EC) No 1831/2003.

(4) Initial comments on those applications, as provided for in Article 4(4) of Directive 70/524/EEC, were forwarded to the Commission before the date of application of Regulation (EC) No 1831/2003. Those applications are therefore to continue to be treated in accordance with Article 4 of Directive 70/524/EEC.

(5) The use of the micro-organism preparation of *Enterococcus faecium* NCIMB 10415 was provisionally authorised for the first time for piglets by Commission Regulation (EC) No 866/1999 [3]. New data were submitted in support of an application for authorisation without a time-limit of that micro-organism preparation. The assessment shows that the conditions laid down in Article 3a of Directive 70/524/EEC for such authorisation are satisfied. Accordingly, the use of that micro-organism preparation, as specified in Annex I, should be authorised without a time-limit.

(6) The use of the enzyme preparation of 3-phytase produced by *Trichoderma reesei* (CBS 528.94) was provisionally authorised for the first time for chickens for fattening by Commission Regulation (EC) No 418/2001 [4]. New data were submitted in support of an application for authorisation without a time-limit of that enzyme preparation. The assessment shows that the conditions laid down in Article 3a of Directive 70/524/EEC for such authorisation are satisfied. Accordingly, the use of that enzyme preparation, as specified in Annex II, should be authorised without a time-limit.

(7) The use of the enzyme preparation of 3-phytase produced by *Trichoderma reesei* (CBS 528.94) was provisionally authorised for the first time for sows and turkeys for fattening by Commission Regulation (EC) No 358/2005 [5]. It was authorised without a time-limit for pigs for fattening and piglets by Commission Regulation (EC) No 943/2005 [6]. New data were submitted in support of an application to extend the authorisation of the use of this enzyme preparation to laying hens. The European Food Safety Authority (EFSA) has delivered an opinion on the use of this preparation which concludes that it does not present a risk for this additional animal category. The assessment shows that the conditions laid down in Article 9e(1) of Directive 70/524/EEC for an authorisation of that preparation for that use are satisfied. Accordingly, the use of that enzyme preparation, as specified in Annex III, should be provisionally authorised for four years.

[1] OJ L 270, 14.12.1970, p. 1. Directive as last amended by Commission Regulation (EC) No 1800/2004 (OJ L 317, 16.10.2004, p. 37).
[2] OJ L 268, 18.10.2003, p. 29. Regulation as amended by Commission Regulation (EC) No 378/2005 (OJ L 59, 5.3.2005, p. 8).
[3] OJ L 108, 27.4.1999, p. 21.
[4] OJ L 62, 2.3.2001, p. 3.
[5] OJ L 57, 3.3.2005, p. 3.
[6] OJ L 159, 22.6.2005, p. 6.

(8) The use of the enzyme preparation of endo-1,3(4)-beta-glucanase produced by *Trichoderma longibrachiatum* (ATCC 2106) and endo-1,4-beta-xylanase produced by *Trichoderma longibrachiatum* (ATCC 2105) was authorised without a time-limit for pigs for fattening by Commission Regulation (EC) No 833/2005 [1]. New data were submitted in support of an application to extend the authorisation of the use of this enzyme preparation to piglets. The EFSA has delivered an opinion on the use of this preparation which concludes that it does not present a risk for this additional animal category. The assessment shows that the conditions laid down in Article 9e(1) of Directive 70/524/EEC for an authorisation of that preparation for that use are satisfied. Accordingly, the use of that enzyme preparation, as specified in Annex III, should be provisionally authorised for four years.

(9) The use of the enzyme preparation of endo-1,3(4)-beta-glucanase produced by *Aspergillus aculeatus* (CBS 589.94), endo-1,4-beta-glucanase produced by *Trichoderma longibrachiatum* (CBS 592.94), alpha-amylase produced by *Bacillus amyloliquefaciens* (DSM 9553), bacillolysin produced by *Bacillus amyloliquefaciens* (DSM 9554) and endo-1,4-beta-xylanase produced by *Trichoderma viride* (NIBH FERM BP 4842) was provisionally authorised for the first time for piglets by Commission Regulation (EC) No 2437/2000 [2]. It was authorised without a time-limit for chickens for fattening by Regulation (EC) No 358/2005. New data were submitted in support of an application to extend the authorisation of the use of this enzyme preparation to turkeys for fattening. The EFSA has delivered an opinion on the use of this preparation which concludes that it does not present a risk for this additional animal category. The assessment shows that the conditions laid down in Article 9e(1) of Directive 70/524/EEC for an authorisation of that preparation for that use are satisfied. Accordingly, the use of that enzyme preparation, as specified in Annex III, should be provisionally authorised for four years.

(10) The assessment of these applications shows that certain procedures should be required to protect workers from exposure to the additives set out in the Annexes. Such protection should be assured by the application of Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work [3].

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

HAS ADOPTED THIS REGULATION:

Article 1

The preparation belonging to the group 'Micro-organisms', as specified in Annex I, is authorised without a time-limit as additive in animal nutrition under the conditions laid down in that Annex.

Article 2

The preparation belonging to the group 'Enzymes', as specified in Annex II, is authorised without a time-limit as additive in animal nutrition under the conditions laid down in that Annex.

Article 3

The preparations belonging to the group 'Enzymes', as specified in Annex III, are authorised provisionally for four years as additives in animal nutrition under the conditions laid down in that Annex.

Article 4

This Regulation shall enter into force on the twentieth 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, 14 February 2006.

For the Commission
Markos KYPRIANOU
Member of the Commission

[1] OJ L 138, 1.6.2005, p. 5. Regulation as amended by Regulation (EC) No 1812/2005 (OJ L 291, 5.11.2005, p. 18).
[2] OJ L 280, 4.11.2000, p. 28.
[3] OJ L 183, 29.6.1989, p. 1. Directive as amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).

ANNEX I

EC No	Additive	Chemical formula, description	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
					CFU/kg of complete feedingstuff			
Micro-organisms								
'E 1705	*Enterococcus faecium* NCIMB 10415	Preparation of *Enterococcus faecium* containing a minimum of: Microencapsulated form: 1×10^{10} CFU/g additive Granulated form: $3,5 \times 10^{10}$ CFU/g additive	Piglets	—	$0,35 \times 10^{9}$	1×10^{9}	1. In the directions for use of the additive and premixture, indicate the storage temperature, storage life and stability to pelleting. 2. Granulated form to be used exclusively in milk replacers. 3. For use in piglets until approximately 35 kg.	Without a time-limit'

ANNEX II

EC No	Additive	Chemical formula, description	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
					Units of activity/kg of complete feedingstuff			
Enzymes								
'E 1632	3-Phytase EC 3.1.3.8	Preparation of 3-phytase produced by *Trichoderma reesei* (CBS 528.94) having a minimum phytase activity of: Solid form: 5 000 PPU (1)/g Liquid form: 5 000 PPU/g	Chickens for fattening	—	250 PPU	—	1. In the directions for use of the additive and pre-mixture, indicate the storage temperature, storage life, and stability to pelleting. 2. Recommended dose per kg of complete feedingstuff: 250-750 PPU. 3. For use in compound feed containing more than 0,22 % phytin bound phosphorus.	Without a time-limit

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

ANNEX III

EC No or No	Additive	Chemical formula, description	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
					Units of activity/kg of complete feedingstuff			
Enzymes								
‘28	3-Phytase EC 3.1.3.8	Preparation of 3-phytase produced by *Trichoderma reesei* (CBS 528.94) having a minimum phytase activity of: Solid form: 5 000 PPU [1]/g Liquid form: 5 000 PPU/g	Laying hens	—	250 PPU	—	1. In the directions for use of the additive and pre-mixture, indicate the storage temperature, storage life and stability to pelleting. 2. Recommended dose per kg of complete feedingstuff: 250-1 000 PPU. 3. For use in compound feed containing more than 0,22 % phytin bound phosphorus.	7.3.2010
39	Endo-1,3(4)-beta-glucanase EC 3.2.1.6 Endo-1,4-beta-xylanase EC 3.2.1.8	Preparation of endo-1,3(4)-beta-glucanase produced by *Trichoderma longibrachiatum* (ATCC 2106) and endo-1,4-beta-xylanase produced by *Trichoderma longibrachiatum* (ATCC 2105) having a minimum activity of: Endo-1,3(4)-beta-glucanase: 800 U [2]/g Endo-1,4-beta-xylanase: 800 U [3]/g	Piglets (weaned)	—	endo-1,3(4)-beta-glucanase: 400 U endo-1,4-beta-xylanase: 400 U	— —	1. In the directions for use of the additive and premixture, indicate the storage temperature, storage life and stability to pelleting. 2. Recommended dose per kg of complete feedingstuff: endo-1,3(4)-beta-glucanase: 400 U endo-1,4-beta-xylanase: 400 U. 3. For use in compound feed rich in non-starch polysaccharides (mainly beta-glucans and arabinoxylans) e.g. containing more than 65 % barley. 4. For weaned piglets up to approximately 35 kg.	7.3.2010

EC No or No	Additive	Chemical formula, description	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
					Units of activity/kg of complete feedingstuff			
53	Endo-1,3(4)-beta-glucanase EC 3.2.1.6 Endo-1,4-beta-glucanase EC 3.2.1.4 Alpha-amylase EC 3.2.1.1 Bacillolysin EC 3.4.24.28 Endo-1,4-beta-xylanase EC 3.2.1.8	Preparation of endo-1,3(4)-beta-glucanase produced by *Aspergillus aculeatus* (CBS 589.94), endo-1,4-beta-glucanase produced by *Trichoderma longibrachiatum* (CBS 592.94), alpha-amylase produced by *Bacillus amyloliquefaciens* (DSM 9553), bacillolysin produced by *Bacillus amyloliquefaciens* (DSM 9554) and endo-1,4-beta-xylanase produced by *Trichoderma viride* (NIBH FERM BP 4842) having a minimum activity of: Endo-1,3(4)-beta-glucanase: 2 350 U ([4])/g Endo-1,4-beta-glucanase: 4 000 U ([5])/g Alpha-amylase: 400 U ([6])/g Bacillolysin: 450 U ([7])/g Endo-1,4-beta-xylanase: 20 000 U ([8])/g	Turkeys for fattening	—	Endo-1,3(4)-beta-glucanase: 587 U Endo-1,4-beta-glucanase: 1 000 U Alpha-amylase: 100 U Bacillolysin: 112 U Endo-1,4-beta-xylanase: 5 000 U	— — — — —	1. In the directions for use of the additive and premixture, indicate the storage temperature, storage life, and stability to pelleting. 2. Recommended dose per kilogram of complete feedingstuff: endo-1,3(4)-beta-glucanase: 587-2 350 U endo-1,4-beta-glucanase: 1 000-4 000 U alpha-amylase: 100-400 U bacillolysin: 112-450 U endo-1,4-beta-xylanase: 5 000-20 000 U 3. For use in compound feed rich in non-starch polysaccharides (mainly beta-glucans and especially arabinoxylans), e.g. containing more than 30 % of wheat.	7.3.2010

([1]) 1 PPU is the amount of enzyme which liberates 1 micromole of inorganic phosphate from sodium phytate per minute at pH 5 and 37 °C.
([2]) 1 U is the amount of enzyme which liberates 1 micromole of reducing sugars (glucose equivalents) from barley beta-glucan per minute at pH 5,0 and 30 °C.
([3]) 1 U is the amount of enzyme which liberates 1 micromole of reducing sugars (xylose equivalents) from oat spelt xylan per minute at pH 5,3 and 50 °C.
([4]) 1 U is the amount of enzyme which liberates 0,0056 micromoles of reducing sugars (glucose equivalents) from barley beta-glucan per minute at pH 7,5 and 30 °C.
([5]) 1 U is the amount of enzyme which liberates 0,0056 micromoles of reducing sugars (glucose equivalents) from carboxymethylcellulose per minute at pH 4,8 and 50 °C.
([6]) 1 U is the amount of enzyme which hydrolyses 1 micromole of glucosidic linkages from water insoluble cross-linked starch polymer per minute at pH 7,5 and 37 °C.
([7]) 1 U is the amount of enzyme which makes 1 microgram of azo-casein soluble in trichloracetic acid per minute at pH 7,5 and 37 °C.
([8]) 1 U is the amount of enzyme which liberates 0,0067 micromoles of reducing sugars (xylose equivalents) from birchwood xylan per minute at pH 5,3 and 50 °C.'

COMMISSION REGULATION (EC) No 253/2006

of 14 February 2006

amending Regulation (EC) No 999/2001 of the European Parliament and of the Council as regards rapid tests and measures for the eradication of TSEs in ovine and caprine animals

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies ([1]), and in particular the first paragraph of Article 23 thereof,

Whereas:

(1) Regulation (EC) No 999/2001 lays down rules for the eradication of transmissible spongiform encephalopathies (TSEs) after confirmation of TSEs in a flock of ovine or caprine animals and sets out a list of rapid tests approved for TSE monitoring.

(2) In accordance with Regulation (EC) No 999/2001, as amended by Commission Regulation (EC) No 260/2003 ([2]), since 1 October 2003 certain measures have applied following the confirmed presence of a TSE in ovine or caprine flocks. At the time, two types of TSE potentially present in ovine or caprine animals, namely scrapie and bovine spongiform encephalopathy (BSE), could not be routinely discriminated in ovine or caprine animals. Strict measures were therefore introduced on the grounds that every TSE case in ovine or caprine animals could be BSE.

(3) In accordance with Regulation (EC) No 999/2001, as amended by Commission Regulation (EC) No 36/2005 ([3]), since January 2005 discriminatory testing has been mandatory in all confirmed TSE cases in ovine and caprine animals. Following the stepping-up of surveillance in ovine and caprine animals in 2005 in accordance with Regulation (EC) No 999/2001, as amended by Commission Regulation (EC) No 214/2005 ([4]), preliminary results indicate that BSE can be ruled out in all positive TSE cases to date. Measures for the eradication of TSEs in ovine and caprine animals will be reconsidered in the framework of the TSE road map. Discussion on the subject will, however, not be finalised before the end of 2005.

(4) In order to prevent stricter measures to eradicate TSEs in ovine animals becoming applicable despite ongoing discussion on their possible review, transitional measures currently applying until 1 January 2006 on the restocking of flocks culled in connection with TSE eradication should be extended.

(5) In its report of 2 September 2005, the European Food Safety Authority (EFSA) recommended the approval of a new BSE rapid post-mortem test. That test should be included in the list of rapid tests for monitoring BSE.

(6) Until now, no formal evaluation of tests specifically for the purpose of testing ovine or caprine animals has been completed. Five rapid tests currently listed in Annex X to Regulation (EC) No 999/2001 were provisionally approved, pending evaluation, for the monitoring programme in ovine and caprine animals on the basis of data provided by the test manufacturers.

(7) In its reports of 17 May and 26 September 2005 on the evaluation of rapid post-mortem tests intended for ovine and caprine animals, the EFSA recommended the approval of eight new rapid post-mortem tests, including the five provisionally approved rapid tests. These tests should be included in the list of rapid tests for monitoring TSEs in ovine and caprine animals.

(8) Changes to rapid tests and to test protocols may only be made with the approval of the Community Reference Laboratory (CRL) for TSEs. The CRL has approved changes to the BSE rapid post-mortem test called 'Inpro CDI'. The CRL has also accepted the change of name to 'Beckman Coulter InPro CDI kit'.

(9) Regulation (EC) No 999/2001 should therefore be amended accordingly.

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

([1]) OJ L 147, 31.5.2001, p. 1. Regulation as last amended by Commission Regulation (EC) No 1974/2005 (OJ L 317, 3.12.2005, p. 4).
([2]) OJ L 37, 13.2.2003, p. 7.
([3]) OJ L 10, 13.1.2005, p. 9.
([4]) OJ L 37, 10.2.2005, p. 9.

HAS ADOPTED THIS REGULATION:

Article 1

Annexes VII and X to Regulation (EC) No 999/2001 are amended in accordance with the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 14 February 2006.

For the Commission
Markos KYPRIANOU
Member of the Commission

ANNEX

1. In Annex VII to Regulation (EC) No 999/2001, point 6 is replaced by the following:

'6. During a transitional period until 1 January 2007 at the latest and by way of derogation from the restriction set out in point 4(b), where it is difficult to obtain replacement ovine animals of a known genotype, Member States may decide to allow non-pregnant ewes of an unknown genotype to be introduced onto the holdings to which the measures referred to in point 2(b)(i) and (ii) apply.'

2. In Annex X to Regulation (EC) No 999/2001, Chapter C, point 4 is replaced by the following:

'4. ***Rapid tests***

For the purposes of carrying out the rapid tests in accordance with Articles 5(3) and 6(1), the following methods shall be used as rapid tests for the monitoring of BSE in bovine animals:

— immuno-blotting test based on a Western blotting procedure for the detection of the Proteinase K resistant fragment PrP^{Res} (Prionics-Check Western test),

— chemiluminescent ELISA test involving an extraction procedure and an ELISA technique, using an enhanced chemiluminescent reagent (Enfer test & Enfer TSE Kit version 2.0, automated sample preparation),

— sandwich immunoassay for PrP^{Res} carried out following denaturation and concentration steps (Bio-Rad TeSeE test),

— microplate based immunoassay (ELISA) which detects Proteinase Kresistant PrP^{Res} with monoclonal antibodies (Prionics-Check LIA test),

— conformation-dependent immunoassay, BSE antigen test kit (Beckman Coulter InPro CDI kit),

— chemiluminescent ELISA for qualitative determination of PrP^{Sc} (CediTect BSE test),

— immunoassay using a chemical polymer for selective PrP^{Sc} capture and a monoclonal detection antibody directed against conserved regions of the PrP molecule (IDEXX HerdChek BSE Antigen Test Kit, EIA),

— microplate based chemiluminiscent immunoassay for the detection of PrP^{Sc} in bovine tissues (Institut Pourquier Speed'it BSE),

— lateral flow immunoassay using two different monoclonal antibodies to detect Proteinase K resistant PrP fractions (Prionics Check PrioSTRIP),

— two-sided immunoassay using two different monoclonal antibodies directed against two epitopes presented in a highly unfolded state of bovine PrP^{Sc} (Roboscreen Beta Prion BSE EIA Test Kit),

— sandwich ELISA for the detection of Proteinase K resistant PrP^{Sc} (Roche Applied Science PrionScreen),

— antigen-capture ELISA using two different monocloncal antibodies to detect Proteinase K resistant PrP fractions (Fujirebio FRELISA BSE post-mortem rapid BSE Test).

For the purposes of carrying out the rapid tests in accordance with Articles 5(3) and 6(1), the following methods shall be used as rapid tests for the monitoring of TSE ovine and caprine animals:

— conformation-dependent immunoassay, BSE antigen test kit (Beckman Coulter InPro CDI kit),

— sandwich immunoassay for PrP^{Res} carried out following denaturation and concentration steps (Bio-Rad TeSeE test),

— sandwich immunoassay for PrP^{Res} carried out following denaturation and concentration steps (Bio-Rad TeSeE Sheep/Goat test),

— chemiluminescent ELISA test involving an extraction procedure and an ELISA technique, using an enhanced chemiluminescent reagent (Enfer TSE Kit version 2.0),

— immunoassay using a chemical polymer for selective PrP^{Sc} capture and a monoclonal detection antibody directed against conserved regions of the PrP molecule (IDEXX HerdChek BSE-Scrapie Antigen Test Kit, EIA),

— microplate based chemiluminiscent immunoassay for the detection of PrP^{Sc} in ovine tissues (POURQUIER'S-LIA Scrapie),

— immuno-blotting test based on a Western blotting procedure for the detection of the Proteinase K resistant fragment PrP^{Res} (Prionics-Check Western Small Ruminant test),

— microplate based chemiluminescent immunoassay for the detection of Proteinase K resistant PrP^{Sc} (Prionics Check LIA Small Ruminants).

In the case of all tests, sample tissue on which the test must be applied must comply with the manufacturer's instructions for use.

The producer of the rapid tests must have put in place a quality assurance system, approved by the Community Reference Laboratory (CRL) that ensures that the test performance does not change. The producer must provide the test protocol to the Community Reference Laboratory.

Changes to rapid tests and to test protocols may only be made after prior notification to the Community Reference Laboratory and provided that the Community Reference Laboratory finds that the change does not alter the sensitivity, specificity or reliability of the rapid test. That finding shall be communicated to the Commission and to the national reference laboratories.'

COMMISSION REGULATION (EC) No 254/2006

of 14 February 2006

fixing the export refunds on poultrymeat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organisation of the market in poultrymeat [1], and in particular the third subparagraph of Article 8(3) thereof,

Whereas:

(1) Article 8(1) of Regulation (EEC) No 2777/75 provides that the difference between prices on the world market for the products listed in Article 1(1) of that Regulation and prices for those products on the Community market may be covered by an export refund.

(2) Given the present situation on the market in poultrymeat, export refunds should therefore be fixed in accordance with the rules and criteria provided for in Article 8 of Regulation (EEC) No 2777/75.

(3) Article 8(3), second subparagraph of Regulation (EEC) No 2777/75 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund according to destination.

(4) Refunds should be granted only on products that are allowed to move freely in the Community and that bear the identification mark as provided for in Article 5(1)(b) of Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin [2]. Those products should also comply with the requirements of Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs [3].

(5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Poultrymeat and Eggs,

HAS ADOPTED THIS REGULATION:

Article 1

1. Export refunds as provided for in Article 8 of Regulation (EEC) No 2777/75 shall be granted on the products and for the amounts set out in the Annex to this Regulation subject to the condition provided for in paragraph 2 of this Article.

2. The products eligible for a refund under paragraph 1 must meet the relevant requirements of Regulations (EC) No 852/2004 and (EC) No 853/2004, notably preparation in an approved establishment and compliance with the identification marking requirements laid down in Annex II, Section I to Regulation (EC) No 853/2004.

Article 2

This Regulation shall enter into force on 15 February 2006.

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

Done at Brussels, 14 February 2006.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

[1] OJ L 282, 1.11.1975, p. 77. Regulation as last amended by Regulation (EC) No 1913/2005 (OJ L 307, 25.11.2005, p. 2).

[2] OJ L 139, 30.4.2004, p. 55, as corrected by OJ L 226, 25.6.2004, p. 22.

[3] OJ L 139, 30.4.2004, p. 1, as corrected by OJ L 226, 25.6.2004, p. 3.

ANNEX

Export refunds on poultrymeat applicable from 15 February 2006

Product code	Destination	Unit of measurement	Amount of refund
0105 11 11 9000	A02	EUR/100 pcs	0,80
0105 11 19 9000	A02	EUR/100 pcs	0,80
0105 11 91 9000	A02	EUR/100 pcs	0,80
0105 11 99 9000	A02	EUR/100 pcs	0,80
0105 12 00 9000	A02	EUR/100 pcs	1,60
0105 19 20 9000	A02	EUR/100 pcs	1,60
0207 12 10 9900	V03	EUR/100 kg	30,00
0207 12 90 9190	V03	EUR/100 kg	30,00
0207 12 90 9990	V03	EUR/100 kg	30,00
0207 14 20 9900	V03	EUR/100 kg	10,00
0207 14 60 9900	V03	EUR/100 kg	10,00
0207 14 70 9190	V03	EUR/100 kg	10,00
0207 14 70 9290	V03	EUR/100 kg	10,00

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

The numeric destination codes are set out in Commission Regulation (EC) No 750/2005 (OJ L 126, 19.5.2005, p. 12).

The other destinations are defined as follows:

V03 A24, Angola, Saudi Arabia, Kuwait, Bahrain, Qatar, Oman, United Arab Emirates, Jordan, Yemen, Lebanon, Iraq and Iran.

COMMISSION DIRECTIVE 2006/19/EC

of 14 February 2006

amending Council Directive 91/414/EEC to include 1-methylcyclopropene as active substance

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market [1], and in particular Article 6(1) thereof,

Whereas:

(1) In accordance with Article 6(2) of Directive 91/414/EEC the Netherlands received on 28 February 2002 an application from Rohm and Haas France S.A. for the inclusion of the active substance 1-methylcyclopropene in Annex I to Directive 91/414/EEC. Commission Decision 2003/35/EC [2] confirmed that the dossier was 'complete' in the sense that it could be considered as satisfying, in principle, the data and information requirements of Annexes II and III to Directive 91/414/EEC.

(2) For this active substance, the effects on human health and the environment have been assessed, in accordance with the provisions of Article 6(2) and (4) of Directive 91/414/EEC, for the uses proposed by the applicant. The designated rapporteur Member States submitted a draft assessment report concerning the substance to the European Food Safety Authority (EFSA) on 22 March 2003.

(3) The assessment report has been peer reviewed by the Member States and the EFSA within its Working Group Evaluation and presented to the Commission on 14 January 2005 in the format of the EFSA Scientific Report for 1-methylcyclopropene [3]. This report has been reviewed by the Member States and the Commission within the Standing Committee on the Food Chain and Animal Health and finalised on 23 September 2005 in the format of the Commission review report for 1-methylcyclopropene.

(4) The review of 1-methylcyclopropene did not reveal any open questions or concerns, which would have required a consultation of the Scientific Committee on Plants or of the European Food Safety Authority which has taken over the role of that Committee.

(5) It has appeared from the various examinations made that plant protection products containing the active substance concerned may be expected to satisfy, in general, the requirements laid down in Article 5(1)(a) and (b) and Article 5(3) of Directive 91/414/EEC, in particular with regard to the uses which were examined and detailed in the Commission review report. It is therefore appropriate to include 1-methylcyclopropene in Annex I to that Directive, in order to ensure that in all Member States the authorisations of plant protection products containing this active substance may be granted in accordance with the provisions of that Directive.

(6) Without prejudice to the obligations defined by Directive 91/414/EEC as a consequence of including an active substance in Annex I, Member States should be allowed a period of six months after inclusion to review existing provisional authorisations of plant protection products containing 1-methylcyclopropene to ensure that the requirements laid down by Directive 91/414/EEC, in particular in its Article 13 and the relevant conditions set out in Annex I, are satisfied. Member States should transform existing provisional authorisations into full authorisations, amend them or withdraw them in accordance with the provisions of Directive 91/414/EEC. By derogation from the above deadline, a longer period should be provided for the submission and assessment of the complete Annex III dossier of each plant protection product for each intended use in accordance with the uniform principles laid down in Directive 91/414/EEC.

(7) It is therefore appropriate to amend Directive 91/414/EEC accordingly.

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

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[1] OJ L 230, 19.8.1991, p. 1. Directive as last amended by Commission Directive 2006/6/EC (OJ L 12, 18.1.2006, p. 21).

[2] OJ L 11, 16.1.2003, p. 52.

[3] *EFSA Scientific Report* (2005) 30, 1-46, Conclusion regarding the peer review of the pesticide risk assessment of the active substance 1-methylcyclopropene (finalised: 14 January 2005).

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex I to Directive 91/414/EEC is amended as set out in the Annex to this Directive.

Article 2

1. Member States shall adopt and publish by 30 September 2006 at the latest the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

They shall apply those provisions from 1 October 2006.

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

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

Article 3

1. Member States shall in accordance with Directive 91/414/EEC, where necessary, amend or withdraw existing authorisations for plant protection products containing 1-methylcyclopropene as active substance by 30 September 2006. By that date, they shall in particular verify that the conditions in Annex I to that Directive relating to 1-methylcyclopropene are met, with the exception of those identified in part B of the entry concerning the active substance, and that the holder of the authorisation has, or has access to, a dossier satisfying the requirements of Annex II to that Directive in accordance with the conditions of Article 13.2.

2. By way of derogation from paragraph 1, for each authorised plant protection product containing 1-methylcyclopropene as either the only active substance or as one of several active substances all of which were listed in Annex I to Directive 91/414/EEC by 31 March 2006 at the latest, Member States shall re-evaluate the product in accordance with the uniform principles provided for in Annex VI to Directive 91/414/EEC, on the basis of a dossier satisfying the requirements of Annex III to that Directive and taking into account part B of the entry in Annex I to that Directive concerning 1-methylcyclopropene. On the basis of that evaluation, they shall determine whether the product satisfies the conditions set out in Article 4(1)(b), (c), (d) and (e) of Directive 91/414/EEC.

Following that determination Member States shall:

(a) in the case of a product containing 1-methylcyclopropene as the only active substance, where necessary, amend or withdraw the authorisation by 30 September 2007 at the latest; or

(b) in the case of a product containing 1-methylcyclopropene as one of several active substances, where necessary, amend or withdraw the authorisation by 30 September 2007 or by the date fixed for such an amendment or withdrawal in the respective Directive or Directives which added the relevant substance or substances to Annex I to Directive 91/414/EEC, whichever is the latest.

Article 4

This Directive shall enter into force on 1 April 2006.

Article 5

This Directive is addressed to the Member States.

Done at Brussels, 14 February 2006.

For the Commission
Markos KYPRIANOU
Member of the Commission

ANNEX

In Annex I to Directive 91/414/EEC, the following rows are added at the end of the table

No	Common name, identification numbers	IUPAC name	Purity [1]	Entry into force	Expiration of inclusion	Specific provisions
'118	1-methylcyclopropene (an ISO Common Name will not be considered for this active substance) CAS No 3100-04-7 CIPAC No not allocated	1-methylcyclopropene	≥ 960 g/kg The manufacturing impurities 1-chloro-2-methylpropene and 3-chloro-2-methylpropene are of toxicological concern and each of them must not exceed 0,5 g/kg in the technical material.	1 April 2006	31 March 2016	PART A Only uses as plant growth regulator for post harvest storage in sealable warehouse may be authorised. PART B For the implementation of the uniform principles of Annex VI, the conclusions of the review report on 1-methylcyclopropene, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 23 September 2005 shall be taken into account.

[1] Further details on identity and specification of active substances are provided in the review report.'

II

(Acts whose publication is not obligatory)

COMMISSION

DECISION No 1/2006 OF THE EC-SWITZERLAND JOINT COMMITTEE

of 31 January 2006

replacing Tables III and IV(b) of Protocol No 2

(2006/92/EC)

THE JOINT COMMITTEE,

Having regard to the Agreement between the European Economic Community, of the one part, and the Swiss Confederation, of the other part signed in Brussels on 22 July 1972, hereinafter referred to as 'the Agreement', as amended by the Agreement between the European Community and the Swiss Confederation amending the Agreement as regards the provisions applicable to processed agricultural products signed in Luxembourg on 26 October 2004, and its Protocol No 2, and in particular Article 7 thereof,

Whereas:

(1) For the implementation of Protocol No 2 to the Agreement, internal reference prices are fixed for the Contracting Parties by the Joint Committee.

(2) Actual prices have changed on the domestic markets of the Contracting Parties as regards raw materials for which price compensation measures are applied.

(3) It is therefore necessary to update the reference prices and amounts listed in Tables III and IV(b) to Protocol No 2 accordingly,

HAS DECIDED AS FOLLOWS:

Article 1

Table III and the table under Table IV point (b) of Protocol No 2 are replaced by the tables in Annex I and Annex II to this Decision.

Article 2

This decision shall enter into force on 1 February 2006.

Done at Brussels, 31 January 2006.

For the Joint Committee

The Chairman

Bernhard MARFURT

ANNEX I

'TABLE III

EC and Swiss domestic reference prices

(in CHF per 100 kg net)

Agricultural raw material	Swiss domestic reference price	EC domestic reference price	Difference Swiss/EC reference price
Common wheat	55,36	17,88	37,48
Durum wheat	35,39	26,51	8,88
Rye	48,45	17,82	30,63
Barley	26,48	20,33	6,15
Maize	29,42	20,67	8,75
Common wheat flour	99,96	37,36	62,60
Whole-milk powder	583,10	370,70	212,40
Skimmed-milk powder	456,50	315,29	141,21
Butter	897,00	433,29	463,71
White sugar	—	—	0,00
Eggs [1]	255,00	205,50	49,50
Fresh potatoes	42,00	21,00	21,00
Vegetable fat [2]	390,00	160,00	230,00

[1] Derived from the prices for liquid birds' eggs, not in shell multiplied with factor 0,85.
[2] Prices for vegetable fats (for the baking and food industry) with 100 % fat content.'

ANNEX II

'TABLE IV

(b) The basic amounts for agricultural raw materials taken into account for the calculation of the agricultural components:

(in CHF per 100 kg net)

Agricultural raw material	Applied basic amount as from the entry into force	Applied basic amount as from three years after the entry into force
Common wheat	34,00	32,00
Durum wheat	8,00	8,00
Rye	28,00	26,00
Barley	6,00	5,00
Maize	8,00	7,00
Common wheat flour	54,00	51,00
Whole-milk powder	191,00	181,00
Skimmed-milk powder	127,00	120,00
Butter	464,00 [1]	464,00 [1]
White sugar	Zero	Zero
Eggs	36,00	36,00
Fresh potatoes	19,00	18,00
Vegetable fat	207,00	196,00

[1] Taking into account benefits from the aid for butter granted under Commission Regulation (EC) No 2571/97 of 15 December 1997 and its successors, the applied basic amount of butter is not reduced compared to the price difference in Table III.'

DECISION No 2/2006 OF THE EC-SWITZERLAND JOINT COMMITTEE

of 31 January 2006

amending Table I, Table II, Table IV(c) and the Appendix to Table IV of Protocol 2

(2006/93/EC)

THE JOINT COMMITTEE,

Having regard to the Agreement between the European Economic Community, of the one part, and the Swiss Confederation, of the other part signed in Brussels on 22 July 1972, hereinafter referred to as 'the Agreement', as amended by the Agreement between the European Community and the Swiss Confederation amending the Agreement as regards the provisions applicable to processed agricultural products signed in Luxembourg on 26 October 2004, and its Protocol 2, and in particular Article 7 thereof,

Whereas:

(1) The mutual free market access for undenatured ethyl alcohol shall be completed by adding undenatured ethyl alcohol of an alcoholic strength by volume of less than 80 % vol. of the HS heading No 2208.90 to Table I and Table IV(c) of Protocol 2.

(2) The Swiss customs tariff does not classify products containing fat in tariff no 1901.2099. Therefore, the standard recipe of this tariff number in the Appendix to Table IV shall be adapted by removing the butter content and replacing it partially by an increased wheat flour content.

(3) Beverages containing milk components shall be subject to price compensation measures and therefore listed in Table I of Protocol 2. Following the modification of Table I, Table II of Protocol 2 must also be amended. As no import duties are imposed on preferential imports to Switzerland, these products shall be listed in Table IV(c) of Protocol 2 as well,

HAS DECIDED AS FOLLOWS:

Article 1

Table I, Table II, Table IV(c) and Appendix to Table IV of Protocol 2 are amended as indicated in Annex I to Annex IV to this Decision.

Article 2

This Decision shall enter into force on 1 February 2006.

Done at Brussels, 31 January 2006.

For the Joint Committee
The Chairman
Bernhard MARFURT

ANNEX I

'TABLE I

HS Heading No	Description of products
0403 to 2106	*unchanged*
2202	Waters, including mineral waters and aerated waters, containing added sugar or other sweetening matter or flavoured, and other non-alcoholic beverages, not including fruit or vegetable juices of heading No 2009
.90	- Other:
ex .90	- - Containing milk components of headings No 0401 and No 0402
2208	Undenatured ethyl alcohol of an alcoholic strength by volume of less than 80 % vol.; spirits, liqueurs and other spirituous beverages:
.90	- Other:
ex .90	- - Other than concentrated grape juice containing added spirit
3501	*unchanged*'

ANNEX II

'TABLE II

HS Heading No	Description of products
0501 to 2201	*unchanged*
2202	Waters, including mineral waters and aerated waters, containing added sugar or other sweetening matter or flavoured, and other non-alcoholic beverages, not including fruit or vegetable juices of heading No 2009
.10	- Waters, including mineral waters and aerated waters, containing added sugar or other sweetening matter or flavoured
.90	- Other:
ex .90	- - Other than fruit juice or vegetable juice diluted with water or aerated and other than containing milk components of headings No 0401 and No 0402
2203 to 2209	*unchanged*'

ANNEX III

Part (c) of Table IV is amended as follows:

'(c) The customs duty for the products listed in the table below is zero.

Swiss tariff heading	Comments
1901.9099	
1904.9020	
1905.9040	
2103.2000	
ex 2103.9000	Other than mango chutney, liquid
2104.1000	
2106.9010	
2106.9024	
2106.9029	
2106.9030	
2106.9040	
2106.9099	
ex 2202.9090	Containing milk components of headings 0401 and 0402
2208.9010	
2208.9099'	

ANNEX IV

The Appendix to Table IV is replaced by the following text:

'*Appendix*

Swiss tariff heading	Comments	Common wheat	Durum wheat	Rye	Barley	Maize	Common wheat flour	Whole-milk powder	Skimmed-milk powder	Butter	Sugar	Eggs	Fresh potatoes	Vegetable fat
		Kg of raw material per 100 kg net of finished product												
1901.2099							90				20'			

COMMISSION DECISION

of 14 February 2006

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

(notified under document number C(2006) 517)

(Only the German text is authentic)

(2006/94/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

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

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

Whereas:

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

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

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

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

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

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

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

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

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

(9) Regulation (EC) No 1774/2002 of the European Parliament and of the Council of 3 October 2002 laying down health rules concerning animal by-products not intended for human consumption [2] authorises the placing on the market of a range of animal by-products, such as gelatine for technical use, materials for pharmaceutical use and others, originating in areas of the Community under animal health restrictions, because those products are considered safe due to the specific conditions of production, processing and utilisation that effectively inactivate possible pathogens or prevent contact with susceptible animals. It is therefore appropriate to permit the transport from protection zones of unprocessed used litter or manure for the purposes of treatment in accordance with that Regulation and of animal by-products complying with the conditions set out therein.

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

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

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

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

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

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

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

HAS ADOPTED THIS DECISION:

Article 1

Subject matter, scope and definitions

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

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

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

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

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

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

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

Article 2

Establishment of protection and surveillance zones

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

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

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

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

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

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

Article 3

Measures in the protection zone

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(g) the hunting of wild birds.

Article 4

Measures in the surveillance zone

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

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

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

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

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

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

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

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

(c) the hunting of wild birds.

Article 5

Duration of the measures

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

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

Article 6

Derogations for live birds and day-old chicks

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

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

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

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

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

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

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

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

Article 7

Derogations for hatching eggs

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

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

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

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

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

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

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

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

'The animal health conditions of this consignment are in accordance with Commission Decision 2006/94/EC'

Article 8

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

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

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

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

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

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

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

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

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

'The animal health conditions of this consignment are in accordance with Commission Decision 2006/94/EC'

Article 9

Conditions for animal by-products

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

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

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

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

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

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

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

Article 10

Conditions for movements

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

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

Article 11

Compliance

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

Article 12

Addressee

This Decision is addressed to the Austrian Republic.

Done at Brussels, 14 February 2006.

For the Commission

Markos KYPRIANOU

Member of the Commission

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

COUNCIL COMMON POSITION 2006/95/CFSP

of 14 February 2006

renewing restrictive measures against the leadership of the Transnistrian region of the Republic of Moldova

THE COUNCIL OF THE EUROPEAN UNION,

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

Whereas:

(1) On 23 February 2004, the Council adopted Common Position 2004/179/CFSP [1] concerning restrictive measures, in the form of restrictions on admission, against the leadership of the Transnistrian region of the Republic of Moldova. These measures were renewed by Common Position 2005/147/CFSP [2], and are due to expire on 27 February 2006.

(2) On the basis of a re-examination of Common Position 2004/179/CFSP, the restrictive measures should be renewed for a further period of 12 months,

HAS ADOPTED THIS COMMON POSITION:

Article 1

Common Position 2004/179/CFSP shall be extended until 27 February 2007.

Article 2

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

Article 3

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

Done at Brussels, 14 February 2006.

For the Council
The President
K.-H. GRASSER

[1] OJ L 55, 24.2.2004, p. 68. Common Position as last amended by Decision 2006/96/CFSP (see page 32 of this Official Journal).
[2] OJ L 49, 22.2.2005, p. 31.

COUNCIL DECISION 2006/96/CFSP

of 14 February 2006

implementing Common Position 2004/179/CFSP concerning restrictive measures against the leadership of the Transnistrian region of the Republic of Moldova

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Common Position 2004/179/CFSP [1], and in particular Article 2(1) thereof, in conjunction with Article 23(2) of the Treaty on European Union,

Whereas:

(1) On 23 February 2004, the Council adopted Common Position 2004/179/CFSP concerning restrictive measures, in the form of restrictions on admission, against the leadership of the Transnistrian region of the Republic of Moldova. These measures were renewed by Common Position 2006/95/CFSP [2].

(2) Annex I to Common Position 2004/179/CFSP should be amended following the changes in the functions of the persons covered by the restrictive measures,

HAS DECIDED AS FOLLOWS:

Article 1

Annex I to Common Position 2004/179/CFSP shall be replaced by the text set out in the Annex to this Decision.

Article 2

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

Article 3

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

Done at Brussels, 14 February 2006.

For the Council
The President
K.-H. GRASSER

[1] OJ L 55, 24.2.2004, p. 68. Common Position as last amended by Decision 2005/890/CFSP (OJ L 327, 14.12.2005, p. 33).
[2] See page 31 of this Official Journal.

ANNEX

'ANNEX I

List of persons referred to in Article 1(1), first indent

1. SMIRNOV, Igor Nikolayevich, "President", born on 23 October 1941 in Khabarovsk, Russian Federation, Russian passport No 50 NO. 0337530.

2. SMIRNOV, Vladimir Igorevich, son of No 1 and "Chairman of the State Customs Committee", born on 3 April 1961 in Kupiansk (?), Kharkovskaya Oblast, Ukraine, Russian passport No 50 NO. 00337016.

3. SMIRNOV, Oleg Igorevich, son of No 1 and "Adviser to the State Customs Committee", born on 8 August 1967 in Novaya Kakhovka, Khersonskaya Oblast, Ukraine, Russian passport No 60 NO. 1907537.

4. LEONTIYEV, Serghey Fedorovich, "Vice-President", born on 9 February 1944 in Leontiyevka, Odesskaya Oblast, Ukraine, Russian passport No 50 NO. 0065438.

5. MARAKUTSA, Grigory Stepanovich, "Member of the Supreme Soviet", born on 15 October 1942 in Teya, Grigoriopolsky Raion, Moldova, old Soviet passport No 8BM724835.

6. KAMINSKY, Anatoly Vladimirovich, "Vice-Chairman of the Supreme Soviet", born on 15 March 1950 in Chita, Russian Federation, old Soviet passport No A25056238.

7. SHEVCHUK, Evgheny Vassilyevich, "Chairman of the Supreme Soviet", born on 21 June 1946 in Novosibirsk, Russian Federation, old Soviet passport No A25004230.

8. LITSKAI, Valery Anatolyevich, "Minister for Foreign Affairs", born on 13 February 1949 in Tver, Russian Federation, Russian passport No 51 NO. 0076099, issued 9 August 2000.

9. KHAZHEYEV, Stanislav Galimovich, "Minister for Defence", born on 28 December 1941 in Chelyabinsk, Russian Federation.

10. ANTYUFEYEV, Vladimir Yuryevich, alias SHEVTSOV, Vadim, "Minister for State Security", born in 1951 in Novosibirsk, Russian Federation, Russian passport.

11. KOROLYOV, Alexandr Ivanovich, "Minister for Internal Affairs", born in 1951 in Briansk, Russian Federation, Russian passport.

12. BALALA, Viktor Alekseyevich, born in 1961 in Vinnitsa, Ukraine.

13. AKULOV, Boris Nikolayevich, "Representative of Transnistria in Ukraine".

14. ZAKHAROV, Viktor Pavlovich, "Prosecutor of Transnistria", born in 1948 in Kamenka, Moldova.

15. LIPOVTSEV, Alexey Valentinovich, "Deputy Chairman of State Customs Service".

16. GUDYMO, Oleg Andreyevich, "Deputy Minister for State Security", born on 11 September 1944 in Alma-Ata, Kazakhstan, Russian passport No 51 NO. 0592094.

17. KOSOVSKY, Eduard Alexandrovich, "Chairman of the Transnistrian Republican Bank", born on 7 October 1958 in Floreşti, Moldova.'