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Contents

I Acts whose publication is obligatory

Commission Regulation (EC) No 255/2006 of 15 February 2006 establishing the standard import values for determining the entry price of certain fruit and vegetables	1
★ Commission Regulation (EC) No 256/2006 of 15 February 2006 opening a standing invitation to tender for the export of barley held by the Czech intervention agency in Belgium	3
★ Commission Regulation (EC) No 257/2006 of 15 February 2006 opening a standing invitation to tender for the export of common wheat held by the Czech intervention agency in Belgium	9
★ Commission Regulation (EC) No 258/2006 of 15 February 2006 amending Regulation (EC) No 1065/2005 as regards the quantity covered by the standing invitation to tender for the export of barley held by the German intervention agency	15
★ Commission Regulation (EC) No 259/2006 of 15 February 2006 amending Regulation (EC) No 1516/2005 as regards the quantity covered by the standing invitation to tender for the export of barley held by the Austrian intervention agency	16
★ Commission Regulation (EC) No 260/2006 of 15 February 2006 amending Regulation (EC) No 1573/2005 opening a standing invitation to tender for the resale on the Community market of rye held by the German intervention agency for processing into bioethanol and its subsequent use for the production of biofuel in the Community	17
★ Commission Regulation (EC) No 261/2006 of 15 February 2006 amending Regulation (EC) No 753/2002 laying down certain rules for applying Council Regulation (EC) No 1493/1999 as regards the description, designation, presentation and protection of certain wine sector products	18

2

(Continued overleaf)



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.

★ Commission Regulation (EC) No 262/2006 of 15 February 2006 amending Regulation (EC) No 2729/2000 laying down detailed implementing rules on controls in the wine sector	22
★ Commission Regulation (EC) No 263/2006 of 15 February 2006 amending Regulations (EC) No 796/2004 and (EC) No 1973/2004 as regards nuts	24
Commission Regulation (EC) No 264/2006 of 15 February 2006 on granting of import licences for cane sugar for the purposes of certain tariff quotas and preferential agreements	26
Commission Regulation (EC) No 265/2006 of 15 February 2006 fixing the import duties in the cereals sector applicable from 16 February 2006	28

II Acts whose publication is not obligatory

Council

2006/97/EC, Euratom:

★ Council Decision of 14 February 2006 appointing a German member of the European Economic and Social Committee	31
--	----

Commission

2006/98/EC:

★ Commission Decision of 14 February 2006 Setting up a High Level Expert Group on Digital Libraries	32
--	----

2006/99/EC:

★ Commission Decision of 3 February 2006 amending Decision 2004/370/EC authorising methods for grading pig carcasses in the United Kingdom (notified under document number C(2006) 213)	34
--	----

2006/100/EC:

★ Commission Decision of 3 February 2006 amending Decision 2005/7/EC authorising a method for grading pig carcasses in Cyprus (notified under document number C(2006) 215)	38
---	----

2006/101/EC:

★ Commission Decision of 6 February 2006 on the implementation of survey programmes for avian influenza in poultry and wild birds to be carried out in the Member States in 2006 (notified under document number C(2006) 251)	40
--	----

2006/102/EC:

★ Commission Decision of 7 February 2006 on the Community's financial contribution to a programme for the control of organisms harmful to plants and plant products in the French overseas departments for 2006 (notified under document number C(2006) 250)	47
---	----



2006/103/EC:

- ★ **Commission Decision of 14 February 2006 adjusting the thresholds referred to in Articles 157(b) and 158(1)(a) and (c) of Regulation (EC, Euratom) No 2342/2002 laying down detailed rules for the implementation of the Financial Regulation** 52

2006/104/EC:

- ★ **Commission Decision of 15 February 2006 concerning certain interim protection measures in relation to suspected cases of highly pathogenic avian influenza in wild birds in Germany (notified under document number C(2006) 520)** 53

2006/105/EC:

- ★ **Commission Decision of 15 February 2006 concerning certain interim protection measures in relation to suspected cases of highly pathogenic avian influenza in wild birds in Hungary (notified under document number C(2006) 526)** 59

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 255/2006
of 15 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 16 February 2006.

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

Done at Brussels, 15 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 15 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	112,2
	204	44,6
	212	139,7
	624	111,0
	999	101,9
0707 00 05	052	128,6
	204	101,3
	628	147,3
	999	125,7
0709 10 00	220	89,7
	624	95,8
	999	92,8
0709 90 70	052	116,2
	204	69,1
	999	92,7
0805 10 20	052	51,0
	204	50,1
	212	43,6
	220	46,1
	448	47,7
	624	60,6
	999	49,9
0805 20 10	204	99,5
	999	99,5
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	61,0
	204	122,3
	220	82,2
	464	141,5
	624	78,7
	999	97,1
0805 50 10	052	51,4
	220	44,3
	999	47,9
0808 10 80	400	114,3
	404	99,5
	528	80,3
	720	73,4
	999	91,9
0808 20 50	388	90,1
	400	106,9
	512	67,9
	528	83,3
	720	63,0
	999	82,2

⁽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 256/2006

of 15 February 2006

opening a standing invitation to tender for the export of barley held by the Czech intervention agency in Belgium

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

transmission of the information required by the Commission.

Having regard to the Treaty establishing the European Community,

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

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

HAS ADOPTED THIS REGULATION:

Whereas:

Article 1

(1) Commission Regulation (EEC) No 2131/93 ⁽²⁾ lays down the procedure and conditions for the disposal of cereals held by intervention agencies.

The Czech intervention agency shall issue a standing invitation to tender for the export of barley held by it in the places listed in Annex I to this Regulation, in accordance with Regulation (EEC) No 2131/93, save as otherwise provided in this Regulation.

(2) Commission Regulation (EEC) No 3002/92 ⁽³⁾ lays down common detailed rules for verifying the use and/or destination of products from intervention.

Article 2

(3) Given the current market situation, a standing invitation to tender should be opened for the export of 53 665 tonnes of barley held by the Czech intervention agency in Belgium, under the Commission Decision authorising the Czech Republic to store outside its territory 300 000 tonnes of cereals from the 2004/05 marketing year ⁽⁴⁾.

The invitation to tender shall cover a maximum of 53 665 tonnes of barley for export to third countries with the exception of Albania, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, the former Yugoslav Republic of Macedonia, Liechtenstein, Mexico, Romania, Serbia and Montenegro ⁽⁵⁾, Switzerland and the United States of America.

(4) Special procedures must be laid down to ensure that the operations and their monitoring are properly effected. To that end, provision should be made for a security lodgement scheme which ensures that aims are met while avoiding excessive costs for the operators. Derogations should accordingly be made to certain rules, in particular those laid down in Regulation (EEC) No 2131/93.

Article 3

1. No export refund or tax or monthly increase shall be granted on exports carried out under this Regulation.

(5) To forestall reimportation, exports under this invitation to tender should be limited to certain third countries.

2. Article 8(2) of Regulation (EEC) No 2131/93 shall not apply.

(6) With a view to modernising the management of the system, provision should be made for the electronic

3. Notwithstanding the third paragraph of Article 16 of Regulation (EEC) No 2131/93, the price to be paid for the export shall be that quoted in the tender, with no monthly increase.

Article 4

1. Export licences shall be valid from their date of issue within the meaning of Article 9 of Regulation (EEC) No 2131/93 until the end of the fourth month thereafter.

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

⁽²⁾ OJ L 191, 31.7.1993, p. 76. Regulation as last amended by Regulation (EC) No 749/2005 (OJ L 126, 19.5.2005, p. 10).

⁽³⁾ OJ L 301, 17.10.1992, p. 17. Regulation as last amended by Regulation (EC) No 1169/2005.

⁽⁴⁾ Notified to the Czech Republic on 17 June 2005, as amended by Decision 4013/2005 notified to the Czech Republic on 11 October 2005.

⁽⁵⁾ Including Kosovo, as defined in UN Security Council Resolution 1244 of 10 June 1999.

2. Tenders submitted in response to this invitation to tender need not be accompanied by export licence applications submitted under Article 49 of Commission Regulation (EC) No 1291/2000 ⁽¹⁾.

Article 5

1. Notwithstanding Article 7(1) of Regulation (EEC) No 2131/93, the time-limit for submission of tenders under the first partial invitation to tender shall be 09.00 (Brussels time) on 23 February 2006.

The time-limit for submitting tenders under subsequent partial invitations to tender shall be 09.00 (Brussels time) each Thursday thereafter, with the exception of 13 April 2006 and 25 May 2006, i.e. weeks in which no invitation to tender shall be made.

The last partial invitation to tender shall expire at 09.00 (Brussels time) on 22 June 2006.

2. Tenders must be lodged with the Czech intervention agency:

Státní zemědělský intervenční fond
Odbor rostlinných komodit
Ve Smečkách 33
CZ-110 00, Praha 1
Tel. (420-2) 22 87 16 67
Fax (420-2) 96 80 64 04.

Article 6

The intervention agency, the storer and a successful tenderer shall, at the request of the latter and by common agreement, either before or at the time of removal from storage as the tenderer chooses, take reference samples for counter-analysis at the rate of at least one sample for every 500 tonnes and shall analyse the samples. The intervention agency may be represented by a proxy, provided this is not the storer.

Reference samples for counter-analysis shall be taken and analysed within seven working days of the date of the successful tenderer's request or within three working days if the samples are taken on removal from storage.

In the event of a dispute, the analysis results shall be forwarded electronically to the Commission.

Article 7

1. The successful tenderer must accept the lot as established if the final result of the sample analyses indicates a quality:

(a) higher than that specified in the notice of invitation to tender;

(b) higher than the minimum characteristics laid down for intervention but below the quality described in the notice of invitation to tender, providing that the differences having regard to those criteria do not exceed the following limits:

— 1 kilogram per hectolitre as regards specific weight, which must not, however, be less than 64 kg/hl,

— one percentage point as regards moisture content,

— half a percentage point as regards the impurities referred to in points B.2 and B.4 of Annex I to Commission Regulation (EC) No 824/2000 ⁽²⁾

— half a percentage point as regards the impurities referred to in point B.5 of Annex I to Regulation (EC) No 824/2000, the percentages admissible for noxious grains and ergot remaining unchanged, however.

2. If the final result of the analyses carried out on the samples indicates a quality higher than the minimum characteristics laid down for intervention but below the quality described in the notice of invitation to tender and the difference exceeds the limits set out in paragraph 1(b), the successful tenderer may:

(a) accept the lot as established; or

(b) refuse to take over the lot concerned.

In the case of (b) above, the successful tenderer shall be discharged of all obligations relating to the lot in question and the security shall be released provided the Commission and the intervention agency are immediately notified using the form in Annex II.

3. Where the final result of sample analyses indicates a quality below the minimum characteristics laid down for intervention, the successful tenderer may not remove the lot in question. The successful tenderer shall be discharged of all obligations relating to the lot in question and the security shall be released provided the Commission and the intervention agency are immediately notified using the form in Annex II.

⁽¹⁾ OJ L 152, 24.6.2000, p. 1.

⁽²⁾ OJ L 100, 20.4.2000, p. 31. Regulation as last amended by Regulation (EC) No 1068/2005 (OJ L 174, 7.7.2005, p. 65).

Article 8

Should the cases mentioned in point (b) of the first subparagraph of Article 7(2) and in Article 7(3) arise, the successful tenderer may ask the intervention agency to supply an alternative lot of barley of the requisite quality, at no extra cost. In that case, the security shall not be released. The lot must be replaced within three days of the date of the successful tenderer's request. The successful tenderer shall immediately inform the Commission thereof using the form in Annex II.

If, following successive replacements, the successful tenderer has not received a replacement lot of the quality laid down within one month of the date of the first request for a replacement, the successful tenderer shall be discharged of all obligations and the security shall be released, provided the Commission and the intervention agency have been immediately informed using the form in Annex II.

Article 9

1. If the barley is removed before the results of the analyses provided for in Article 6 are known, all risks shall be borne by the successful tenderer from the time the lot is removed, without prejudice to any means of redress the tenderer might have against the storer.

2. The costs of taking the samples and conducting the analyses provided for in Article 6, with the exception of those referred to in Article 7(3), shall be borne by the European Agricultural Guidance and Guarantee Fund (EAGGF) for up to one analysis per 500 tonnes, with the exception of the cost of inter-bin transfers. The costs of inter-bin transfers and any additional analyses requested by a successful tenderer shall be borne by that tenderer.

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

Done at Brussels, 15 February 2006.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

Article 10

Notwithstanding Article 12 of Commission Regulation (EEC) No 3002/92, the documents relating to the sale of barley under this Regulation, and in particular the export licence, the removal order referred to in Article 3(1)(b) of Regulation (EEC) No 3002/92, the export declaration and, where applicable, the T5 copy shall carry one of the entries set out in Annex III.

Article 11

1. The security lodged under Article 13(4) of Regulation (EEC) No 2131/93 shall be released once the export licences have been issued to the successful tenderers.

2. Notwithstanding Article 17(1) of Regulation (EEC) No 2131/93, the obligation to export shall be covered by a security equal to the difference between the intervention price applying on the day of the award and the price awarded, but not less than EUR 25 per tonne. Half of the security shall be lodged when the licence is issued and the balance shall be lodged before the cereals are removed.

Article 12

Within two hours of the expiry of the time-limit for the submission of tenders, the Czech intervention agency shall notify the Commission electronically of tenders received. This notification shall be made by e-mail, using the form in Annex IV.

Article 13

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

ANNEX I

Place of storage	Quantity (tonnes)
Ghent	53 665

ANNEX II

Communication of refusal and possible replacement of lots under the standing invitation to tender for the export of barley held by the Czech intervention agency in Belgium

(Regulation (EC) No 256/2006)

- Name of successful tenderer:
- Date of award:
- Date of refusal of the lot by the successful tenderer:

Lot number	Quantity (tonnes)	Silo address	Reason for refusal to take over
			<ul style="list-style-type: none"> — SW (kg/hl) — % of sprouted grains — % of miscellaneous impurities (Schwarzbesatz) — % of matter other than basic cereals of unimpaired quality — Other

ANNEX III

Entries referred to in Article 10

- *in Spanish:* Cebada de intervención sin aplicación de restitución ni gravamen, Reglamento (CE) n° 256/2006
- *in Czech:* Intervenční ječmen nepodléhá vývozní náhradě ani clu, nařízení (ES) č. 256/2006
- *in Danish:* Byg fra intervention uden restitutionsydelse eller -avgift, forordning (EF) nr. 256/2006
- *in German:* Interventionsgerste ohne Anwendung von Ausfuhrerstattungen oder Ausfuhrabgaben, Verordnung (EG) Nr. 256/2006
- *in Estonian:* Sekkumisoder, mille puhul ei rakendata toetust või maksu, määrus (EÜ) nr 256/2006
- *in Greek:* Κριθή παρέμβασης χωρίς εφαρμογή επιστροφής ή φόρου, κανονισμός (ΕΚ) αριθ. 256/2006
- *in English:* Intervention barley without application of refund or tax, Regulation (EC) No 256/2006
- *in French:* Orge d'intervention ne donnant pas lieu à restitution ni taxe, règlement (CE) n° 256/2006
- *in Italian:* Orzo d'intervento senza applicazione di restituzione né di tassa, regolamento (CE) n. 256/2006
- *in Latvian:* Intervences mieži bez kompensācijas vai nodokļa piemērošanas, Regula (EK) Nr. 256/2006
- *in Lithuanian:* Intervenciniai miežiai, kompensacija ar mokesčiai netaikytini, Reglamentas (EB) Nr. 256/2006
- *in Hungarian:* Intervenciós árpa, visszatérítés, illetve adó nem alkalmazandó, 256/2006/EK rendelet
- *in Dutch:* Gerst uit interventie, zonder toepassing van restitutie of belasting, Verordening (EG) nr. 256/2006
- *in Polish:* Jęczmień interwencyjny nie dający prawa do refundacji ani do opłaty, rozporządzenie (WE) nr 256/2006
- *in Portuguese:* Cevada de intervenção sem aplicação de uma restituição ou imposição, Regulamento (CE) n.º 256/2006
- *in Slovak:* Intervenčný jačmeň, nepodlieha vývozným náhradám ani clu, nariadenie (ES) č. 256/2006
- *in Slovenian:* Intervencija ječmena brez zahtevkov za nadomestila ali carine, Uredba (ES) št. 256/2006
- *in Finnish:* Interventio-ohra, johon ei sovelleta vientitukea eikä vientimaksua, asetus (EY) N:o 256/2006
- *in Swedish:* Interventionskorn, utan tillämpning av bidrag eller avgift, förordning (EG) nr 256/2006.

ANNEX IV

Form (*)

Standing invitation to tender for the export of barley held by the Czech intervention agency in Belgium

(Regulation (EC) No 256/2006)

1	2	3	4	5	6	7
Serial numbers of tenderers	Lot number	Quantity (tonnes)	Tender price (EUR/tonne) ⁽¹⁾	Increases (+) Reductions (-) (EUR/tonne) (p.m.)	Commercial costs ⁽²⁾ (EUR/tonne)	Destination
1						
2						
3						
etc.						

⁽¹⁾ This price includes increases and reductions affecting the lot covered by the tender.

⁽²⁾ The commercial costs corresponding to insurance and services provision borne after the exit of the intervention stock up to the FOB stage at the port of export, with the exception of transport costs. The notified costs shall be established on the basis of the average real costs recorded by the intervention agency in the six months preceding the opening of the tendering period and shall be expressed in euro per tonne.

(*) To be sent to DG AGRI (Unit D.2).

COMMISSION REGULATION (EC) No 257/2006

of 15 February 2006

opening a standing invitation to tender for the export of common wheat held by the Czech intervention agency in Belgium

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Commission Regulation (EEC) No 2131/93 ⁽²⁾ lays down the procedure and conditions for the disposal of cereals held by intervention agencies.
- (2) Commission Regulation (EEC) No 3002/92 ⁽³⁾ lays down common detailed rules for verifying the use and/or destination of products from intervention.
- (3) Given the current market situation, a standing invitation to tender should be opened for the export of 105 797 tonnes of common wheat held by the Czech intervention agency in Belgium, under the Commission Decision authorising the Czech Republic to store outside its territory 300 000 tonnes of cereals from the 2004/05 marketing year ⁽⁴⁾.
- (4) Special procedures must be laid down to ensure that the operations and their monitoring are properly effected. To that end, provision should be made for a security lodgement scheme which ensures that aims are met while avoiding excessive costs for the operators. Derogations should accordingly be made to certain rules, in particular those laid down in Regulation (EEC) No 2131/93.

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

⁽²⁾ OJ L 191, 31.7.1993, p. 76. Regulation as last amended by Regulation (EC) No 749/2005 (OJ L 126, 19.5.2005, p. 10).

⁽³⁾ OJ L 301, 17.10.1992, p. 17. Regulation as last amended by Regulation (EC) No 1169/2005.

⁽⁴⁾ Notified to the Czech Republic on 17 June 2005, as amended by Decision 4013/2005 notified to the Czech Republic on 11 October 2005.

(5) To forestall reimportation, exports under this invitation to tender should be limited to certain third countries.

(6) With a view to modernising the management of the system, provision should be made for the electronic transmission of the information required by the Commission.

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

HAS ADOPTED THIS REGULATION:

Article 1

The Czech intervention agency shall issue a standing invitation to tender for the export of common wheat held by it in the places listed in Annex I to this Regulation, in accordance with Regulation (EEC) No 2131/93, save as otherwise provided in this Regulation.

Article 2

The invitation to tender shall cover a maximum of 105 797 tonnes of common wheat for export to third countries with the exception of Albania, Bosnia and Herzegovina, Bulgaria, Croatia, the former Yugoslav Republic of Macedonia, Liechtenstein, Romania, Serbia and Montenegro ⁽⁵⁾ and Switzerland.

Article 3

1. No export refund or tax or monthly increase shall be granted on exports carried out under this Regulation.

2. Article 8(2) of Regulation (EEC) No 2131/93 shall not apply.

3. Notwithstanding the third paragraph of Article 16 of Regulation (EEC) No 2131/93, the price to be paid for the export shall be that quoted in the tender, with no monthly increase.

⁽⁵⁾ Including Kosovo, as defined in UN Security Council Resolution 1244 of 10 June 1999.

Article 4

1. Export licences shall be valid from their date of issue within the meaning of Article 9 of Regulation (EEC) No 2131/93 until the end of the fourth month thereafter.

2. Tenders submitted in response to this invitation to tender need not be accompanied by export licence applications submitted under Article 49 of Commission Regulation (EC) No 1291/2000 ⁽¹⁾.

Article 5

1. Notwithstanding Article 7(1) of Regulation (EEC) No 2131/93, the time-limit for submission of tenders under the first partial invitation to tender shall be 09.00 (Brussels time) on 23 February 2006.

The time-limit for submitting tenders under subsequent partial invitations to tender shall be 09.00 (Brussels time) each Thursday thereafter, with the exception of 13 April 2006 and 25 May 2006, i.e. weeks in which no invitation to tender shall be made.

The last partial invitation to tender shall expire at 09.00 (Brussels time) on 22 June 2006.

2. Tenders must be lodged with the Czech intervention agency:

Statní zemědělský intervenční fond
Odbor Rostlinných Komodit
Ve Smečkách 33
CZ-110 00, Praha 1
Tel.: (420-2) 22 87 16 67
Fax: (420-2) 96 80 64 04.

Article 6

The intervention agency, the storer and a successful tenderer shall, at the request of the latter and by common agreement, either before or at the time of removal from storage as the tenderer chooses, take reference samples for counter-analysis at the rate of at least one sample for every 500 tonnes and shall analyse the samples. The intervention agency may be represented by a proxy, provided this is not the storer.

Reference samples for counter-analysis shall be taken and analysed within seven working days of the date of the successful tenderer's request or within three working days if the samples are taken on removal from storage.

In the event of a dispute, the analysis results shall be forwarded electronically to the Commission.

Article 7

1. The successful tenderer must accept the lot as established if the final result of the sample analyses indicates a quality:

(a) higher than that specified in the notice of invitation to tender;

(b) higher than the minimum characteristics laid down for intervention but below the quality described in the notice of invitation to tender, providing that the differences having regard to those criteria do not exceed the following limits:

— one kilogram per hectolitre as regards specific weight, which must not, however, be less than 75 kg/hl,

— one percentage point as regards moisture content,

— half a percentage point as regards the impurities referred to in points B.2 and B.4 of Annex I to Commission Regulation (EC) No 824/2000 ⁽²⁾,

— half a percentage point as regards the impurities referred to in point B.5 of Annex I to Regulation (EC) No 824/2000, the percentages admissible for noxious grains and ergot remaining unchanged, however.

2. If the final result of the analyses carried out on the samples indicates a quality higher than the minimum characteristics laid down for intervention but below the quality described in the notice of invitation to tender and the difference exceeds the limits set out in paragraph 1(b), the successful tenderer may:

(a) accept the lot as established; or

(b) refuse to take over the lot concerned.

⁽¹⁾ OJ L 152, 24.6.2000, p. 1.

⁽²⁾ OJ L 100, 20.4.2000, p. 31. Regulation as last amended by Regulation (EC) No 1068/2005 (OJ L 174, 7.7.2005, p. 65).

In the case of (b), the successful tenderer shall be discharged of all obligations relating to the lot in question and the security shall be released provided the Commission and the intervention agency are immediately notified using the form in Annex II.

3. Where the final result of sample analyses indicates a quality below the minimum characteristics laid down for intervention, the successful tenderer may not remove the lot in question. The successful tenderer shall be discharged of all obligations relating to the lot in question and the security shall be released provided the Commission and the intervention agency are immediately notified using the form in Annex II.

Article 8

Should the cases mentioned in point (b) of the first subparagraph of Article 7(2) and Article 7(3) arise, the successful tenderer may ask the intervention agency to supply an alternative lot of common wheat of the requisite quality, at no extra cost. In that case, the security shall not be released. The lot must be replaced within three days of the date of the successful tenderer's request. The successful tenderer shall immediately inform the Commission thereof using the form in Annex II.

If, following successive replacements, the successful tenderer has not received a replacement lot of the quality laid down within one month of the date of the first request for a replacement, the successful tenderer shall be discharged of all obligations and the security shall be released, provided the Commission and the intervention agency have been immediately informed using the form in Annex II.

Article 9

1. If the common wheat is removed before the results of the analyses provided for in Article 6 are known, all risks shall be borne by the successful tenderer from the time the lot is removed, without prejudice to any means of redress the tenderer might have against the storer.

2. The costs of taking the samples and conducting the analyses provided for in Article 6, with the exception of

those referred to in Article 7(3), shall be borne by the European Agricultural Guidance and Guarantee Fund (EAGGF) for up to one analysis per 500 tonnes, with the exception of the cost of inter-bin transfers. The costs of inter-bin transfers and any additional analyses requested by a successful tenderer shall be borne by that tenderer.

Article 10

Notwithstanding Article 12 of Commission Regulation (EEC) No 3002/92, the documents relating to the sale of common wheat under this Regulation, and in particular the export licence, the removal order referred to in Article 3(1)(b) of Regulation (EEC) No 3002/92, the export declaration and, where applicable, the T5 copy shall carry one of the entries set out in Annex III.

Article 11

1. The security lodged under Article 13(4) of Regulation (EEC) No 2131/93 shall be released once the export licences have been issued to the successful tenderers.

2. Notwithstanding Article 17(1) of Regulation (EEC) No 2131/93, the obligation to export shall be covered by a security equal to the difference between the intervention price applying on the day of the award and the price awarded, but not less than EUR 25 per tonne. Half of the security shall be lodged when the licence is issued and the balance shall be lodged before the cereals are removed.

Article 12

Within two hours of the expiry of the time-limit for the submission of tenders, the Czech intervention agency shall electronically notify the Commission of tenders received. This notification shall be made by e-mail, using the form in Annex IV.

Article 13

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

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

Done at Brussels, 15 February 2006.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

ANNEX I

Place of storage	Quantity (tonnes)
Ghent	105 797

ANNEX II

Communication of refusal and possible replacement of lots under the standing invitation to tender for the export of common wheat held by the Czech intervention agency in Belgium

(Regulation (EC) No 257/2006)

- Name of successful tenderer:
- Date of award:
- Date of refusal of the lot by the successful tenderer:

Lot number	Quantity (tonnes)	Silo address	Reason for refusal to take over
			<ul style="list-style-type: none"> — SW (kg/hl) — % of sprouted grains — % of miscellaneous impurities (Schwarzbesatz) — % of matter other than basic cereals of unimpaired quality — Other

ANNEX III

Entries referred to in Article 10

- *in Spanish:* Trigo blando de intervención sin aplicación de restitución ni gravamen, Reglamento (CE) n° 257/2006
- *in Czech:* Intervenční pšenice obecná nepodléhá vývozní náhradě ani clu, nařízení (ES) č. 257/2006
- *in Danish:* Blød hvede fra intervention uden restitutionsydelse eller -afgift, forordning (EF) nr. 257/2006
- *in German:* Weichweizen aus Interventionsbeständen ohne Anwendung von Ausfuhrerstattungen oder Ausfuhr-abgaben, Verordnung (EG) Nr. 257/2006
- *in Estonian:* Pehme nisu sekkumisvarudest, mille puhul ei rakendata toetust või maksu, määrus (EÜ) nr 257/2006
- *in Greek:* Μαλακός σίτος παρέμβασης χωρίς εφαρμογή επιστροφής ή φόρου, κανονισμός (ΕΚ) αριθ. 257/2006
- *in English:* Intervention common wheat without application of refund or tax, Regulation (EC) No 257/2006
- *in French:* Blé tendre d'intervention ne donnant pas lieu à restitution ni taxe, règlement (CE) n° 257/2006
- *in Italian:* Frumento tenero d'intervento senza applicazione di restituzione né di tassa, regolamento (CE) n. 257/2006
- *in Latvian:* Intervences mīkstie kvieši bez kompensācijas vai nodokļa piemērošanas, Regula (EK) Nr. 257/2006
- *in Lithuanian:* Intervenciniai paprastieji kviečiai, kompensacija ar mokesčiai netaikytini, Reglamentas (EB) Nr. 257/2006
- *in Hungarian:* Intervenció búza, visszatérítés, illetve adó nem alkalmazandó, 257/2006/EK rendelet
- *in Dutch:* Zachte tarwe uit interventie, zonder toepassing van restitutie of belasting, Verordening (EG) nr. 257/2006
- *in Polish:* Pszenica zwyczajna interwencyjna niedająca prawa do refundacji ani do opłaty, rozporządzenie (WE) nr 257/2006
- *in Portuguese:* Trigo mole de intervenção sem aplicação de uma restituição ou imposição, Regulamento (CE) n.º 257/2006
- *in Slovak:* Intervenčná pšenica obyčajná nepodlieha vývozným náhradám ani clu, nariadenie (ES) č. 257/2006
- *in Slovenian:* Intervencija navadne pšenice brez zahtevkov za nadomestila ali carine, Uredba (ES) št. 257/2006
- *in Finnish:* Interventiovehnä, johon ei sovelleta vientitukea eikä vientimaksua, asetus (EY) N:o 257/2006
- *in Swedish:* Interventionsvete, utan tillämpning av bidrag eller avgift, förordning (EG) nr 257/2006.

ANNEX IV

Standing invitation to tender for the export of common wheat held by the Czech intervention agency in Belgium

Form (*)

(Regulation (EC) No 257/2006)

1	2	3	4	5	6	7
Serial numbers of tenderers	Lot number	Quantity (tonnes)	Tender price (EUR/tonne) ⁽¹⁾	Increases (+) Reductions (-) (EUR/tonne) (p.m.)	Commercial costs ⁽²⁾ (EUR/tonne)	Destination
1						
2						
3						
etc.						

⁽¹⁾ This price includes increases and reductions affecting the lot covered by the tender.

⁽²⁾ The commercial costs corresponding to insurance and services provision borne after the exit of the intervention stock up to the fob stage at the port of export, with the exception of transport costs. The notified costs shall be established on the basis of the average real costs recorded by the intervention agency in the six months preceding the opening of the tendering period and shall be expressed in euro per tonne.

(*) To be sent to DG AGRI (Unit D.2).

COMMISSION REGULATION (EC) No 258/2006**of 15 February 2006****amending Regulation (EC) No 1065/2005 as regards the quantity covered by the standing invitation to tender for the export of barley held by the German intervention agency**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Commission Regulation (EEC) No 2131/93 ⁽²⁾ lays down the procedure and conditions for the disposal of cereals held by intervention agencies.
- (2) Commission Regulation (EC) No 1065/2005 ⁽³⁾ has opened a standing invitation to tender for the export of 932 272 tonnes of barley held by the German intervention agency.
- (3) Germany has informed the Commission of its intervention agency's intention to increase by 150 000 tonnes the quantity put out to tender for export. In view of this request, of the quantity available and of the market situation, the request made by Germany should be granted.
- (4) Regulation (EC) No 1065/2005 should therefore be amended.

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

HAS ADOPTED THIS REGULATION:

Article 1

Article 2 of Regulation (EC) No 1065/2005 is replaced by the following:

'Article 2

The invitation to tender shall cover a maximum of 1 082 272 tonnes of barley for export to third countries with the exception of Albania, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, the former Yugoslav Republic of Macedonia, Liechtenstein, Mexico, Romania, Serbia and Montenegro ^(*), Switzerland and the United States of America.

^(*) Including Kosovo, as defined by UN Security Council Resolution 1244 of 10 June 1999.'

Article 2

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

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

Done at Brussels, 15 February 2006.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

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

⁽²⁾ OJ L 191, 31.7.1993, p. 76. Regulation as last amended by Regulation (EC) No 749/2005 (OJ L 126, 19.5.2005, p. 10).

⁽³⁾ OJ L 174, 7.7.2005, p. 48. Regulation as last amended by Regulation (EC) No 78/2006 (OJ L 14, 19.1.2006, p. 3).

COMMISSION REGULATION (EC) No 259/2006**of 15 February 2006****amending Regulation (EC) No 1516/2005 as regards the quantity covered by the standing invitation to tender for the export of barley held by the Austrian intervention agency**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Commission Regulation (EEC) No 2131/93 ⁽²⁾ lays down the procedure and conditions for the disposal of cereals held by intervention agencies.
- (2) Commission Regulation (EC) No 1516/2005 ⁽³⁾ has opened a standing invitation to tender for the export of 30 530 tonnes of barley held by the Austrian intervention agency.
- (3) Austria has informed the Commission of its intervention agency's intention to increase by 32 638 tonnes the quantity put out to tender for export. In view of this request, of the quantity available and of the market situation, the request made by Austria should be granted.
- (4) Regulation (EC) No 1516/2005 should therefore be amended.

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

HAS ADOPTED THIS REGULATION:

Article 1

Article 2 of Regulation (EC) No 1516/2005 is replaced by the following:

'Article 2

The invitation to tender shall cover a maximum of 63 168 tonnes of barley for export to third countries with the exception of Albania, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, the former Yugoslav Republic of Macedonia, Liechtenstein, Mexico, Romania, Serbia and Montenegro ^(*), Switzerland and the United States of America.

^(*) Including Kosovo, as defined by UN Security Council Resolution 1244 of 10 June 1999.'

Article 2

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

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

Done at Brussels, 15 February 2006.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

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

⁽²⁾ OJ L 191, 31.7.1993, p. 76. Regulation as last amended by Regulation (EC) No 749/2005 (OJ L 126, 19.5.2005, p. 10).

⁽³⁾ OJ L 244, 20.9.2005, p. 3.

COMMISSION REGULATION (EC) No 260/2006**of 15 February 2006****amending Regulation (EC) No 1573/2005 opening a standing invitation to tender for the resale on the Community market of rye held by the German intervention agency for processing into bioethanol and its subsequent use for the production of biofuel in the Community**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) The use of bioethanol obtained from rye made available under the invitation to tender opened by Commission Regulation (EC) No 1573/2005 ⁽²⁾ for the final production of biofuel involves various economic operators and the transport of the bioethanol to the premises of the industrialists responsible for adding the bioethanol to other fuels.
- (2) As the economic circuits used require the transport of the bioethanol, provision should be made for the possibility of storing it with intermediaries by mixing it with identical products not obtained under the invitation to tender concerned. It is, however, necessary to maintain traceability of the flows of the quantities obtained under the invitation to tender.
- (3) Regulation (EC) No 1573/2005 should therefore be amended accordingly.

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

HAS ADOPTED THIS REGULATION:

Article 1

Article 8(3) of Regulation (EC) No 1573/2005 is replaced by the following:

'3. Notwithstanding Article 7(1)(a) of Regulation (EEC) No 3002/92, proof that the rye has been properly used shall be provided where it is stored in a bioethanol processing undertaking, its processing into bioethanol has taken place and the biofuel producer shows that this bioethanol has been processed into biofuel. Proof of processing into biofuel shall be provided by the stock records kept by the various parties involved and by the submission of supporting documents for the movement of the products. Under these conditions, the intermediate storage of the bioethanol may be carried out by mixing with other bioethanols.'

*Article 2*This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 15 February 2006.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

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

⁽²⁾ OJ L 253, 29.9.2005, p. 6.

COMMISSION REGULATION (EC) No 261/2006**of 15 February 2006****amending Regulation (EC) No 753/2002 laying down certain rules for applying Council Regulation (EC) No 1493/1999 as regards the description, designation, presentation and protection of certain wine sector products**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine ⁽¹⁾, and in particular Article 53 thereof,

Whereas:

- (1) In accordance with Article 37(1)(e)(ii) of Commission Regulation (EC) No 753/2002 ⁽²⁾, third countries may use, as optional particulars, additional traditional terms listed in Annex III to that Regulation, provided the conditions laid down in that Article are fulfilled.
- (2) South Africa has requested to be able to use on the Community market the terms 'ruby', 'tawny' and 'vintage'. These terms, which are identical to Community additional traditional terms listed in Annex III to Regulation (EC) No 753/2002, are used for fortified wines, are regulated in South Africa and have been traditionally used for more than 10 years in the territory of that country. As these terms are strictly defined in an equivalent way as they are for certain Community wines and are used on labels indicating the true place of origin

of the wines in question, they are not, therefore, used in a manner so as to mislead consumers. Accordingly, their use should be permitted on the Community market.

- (3) Regulation (EC) No 753/2002 should therefore, be amended accordingly.
- (4) The Management Committee for Wine has not delivered an opinion within the time-limit set by its Chairman,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 753/2002 is amended as follows:

1. the part of Annex III referring to Portugal is replaced by Annex I to this Regulation;
2. Annex IX is replaced by Annex II to this Regulation.

*Article 2*This Regulation shall enter into force on the seventh day following its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 15 February 2006.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

⁽¹⁾ OJ L 179, 14.7.1999, p. 1. Regulation as last amended by Regulation (EC) No 2165/2005 (OJ L 345, 28.10.2005, p. 1).

⁽²⁾ OJ L 118, 4.5.2002, p. 1. Regulation as last amended by Regulation (EC) No 1512/2005 (OJ L 241, 17.9.2005, p. 15).

ANNEX I

Traditional term	Wines concerned	Product categories	Language	Date added to Annex III	Third country concerned
PORTUGAL Traditional specific terms referred to in Article 29					
Denominação de origem (DO)	All	Quality wine psr, quality sparkling wine psr, quality semi-sparkling wine psr, quality liqueur wine psr	Portuguese		
Denominação de origem controlada (DOC)	All	Quality wine psr, quality sparkling wine psr, quality semi-sparkling wine psr, quality liqueur wine psr	Portuguese		
Indicação de proveniência regulamentada (IPR)	All	Quality wine psr, quality sparkling wine psr, quality semi-sparkling wine psr, quality liqueur wine psr	Portuguese		
Vinho doce natural	All	Quality liqueur wine psr	Portuguese		
Vinho generoso	DO Porto, Madeira, Moscatel de Setúbal, Carcavelos	Quality liqueur wine psr	Portuguese		
Terms referred to in Article 28					
Vinho regional	All	Table wine with GI	Portuguese		
Additional traditional terms referred to in Article 23					
Canteiro	DO Madeira	Quality liqueur wine psr	Portuguese		
Colheita Seleccionada	All	Quality wine psr, table wine with GI	Portuguese		
Crusted/Crusting	DO Porto	Quality liqueur wine psr	English		
Escolha	All	Quality wine psr, table wine with GI	Portuguese		
Escuro	DO Madeira	Quality liqueur wine psr	Portuguese		
Fino	DO Porto DO Madeira	Quality liqueur wine psr	Portuguese		
Frasqueira	DO Madeira	Quality liqueur wine psr	Portuguese		

Traditional term	Wines concerned	Product categories	Language	Date added to Annex III	Third country concerned
Garrafeira	All	Quality wine psr, table wine with GI Quality liqueur wine psr	Portuguese		
Lágrima	DO Porto	Quality liqueur wine psr	Portuguese		
Leve	Table wine with GI Estremadura and Ribatejano DO Madeira, DO Porto	Table wine with GI Quality liqueur wine psr	Portuguese		
Nobre	DO Dão	Quality wine psr	Portuguese		
Reserva	All	Quality wine psr, quality liqueur wine psr, quality sparkling wine psr, table wine with GI	Portuguese		
Reserva velha (or grande reserva)	DO Madeira	Quality sparkling wine psr, quality liqueur wine psr	Portuguese		
Ruby	DO Porto	Quality liqueur wine psr	English	2006	South Africa (*)
Solera	DO Madeira	Quality liqueur wine psr	Portuguese		
Super reserva	All	Quality sparkling wine psr	Portuguese		
Superior	All	Quality wine psr, quality liqueur wine psr, table wine with GI	Portuguese		
Tawny	DO Porto	Quality liqueur wine psr	English	2006	South Africa (*)
Vintage supplemented by Late Bottle (LBV) or Character	DO Porto	Quality liqueur wine psr	English		
Vintage	DO Porto	Quality liqueur wine psr	English	2006	South Africa (*)

(*) "Ruby", "Tawny" and "Vintage" are used in association with the South African geographical indication "CAPE".

ANNEX II

'ANNEX IX

List of representative trade organisations referred to in Article 37a and their members

Third country	Name of representative professional organisation	Members of representative professional organisation
— South Africa	— South African Fortified Wine Producers Association (SAFPA)	— Allesverloren Estate — Axe Hill — Beaumont Wines — Bergsig Estate — Boplaas Wine Cellar — Botha Wine Cellar — Bredell Wines — Calitzdorp Wine Cellar — De Krans Wine Cellar — De Wet Co-op — Dellrust Wines — Distell — Domein Doornkraal — Du Toitskloof Winery — Groot Constantia Estate — Grundheim Wine Cellar — Kango Wine Cellar — KWV International — Landskroon Wine — Louiesenhof — Morgenhog Estate — Overgaauw Estate — Riebeek Cellars — Rooiberg Winery — Swartland Winery — TTT Cellars — Vergenoegd Wine Estate — Villiera Wines — Withoek Estate'

COMMISSION REGULATION (EC) No 262/2006

of 15 February 2006

amending Regulation (EC) No 2729/2000 laying down detailed implementing rules on controls in the wine sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine ⁽¹⁾, and in particular Article 72(4) thereof,

Whereas:

(1) Under Article 5(1) of Commission Regulation (EC) No 2729/2000 ⁽²⁾ plots which are the subject of an application for aid for permanent abandonment are to be systematically verified on the spot.

(2) Under Article 8(1)(b) and (e) of Commission Regulation (EC) No 1227/2000 of 31 May 2000 laying down detailed rules for the application of Council Regulation (EC) No 1493/1999 on the common organisation of the market in wine, as regards production potential ⁽³⁾, the application procedure for the permanent abandonment premium to be laid down by the Member States must provide for subsequent verification of the existence of the vines concerned, of the area concerned and of its average yield or production capacity, and verification that grubbing-up has taken place.

(3) Since developments in remote-sensing technology have made it a reliable tool, those Member States who wish to do so should be given the option of using it provided that this maintains the level of verification.

(4) To verify the existence of the vines concerned, of the area concerned and of its average yield or production capacity, an on-the-spot check is indispensable as these factors cannot be verified through remote sensing.

(5) However, remote sensing can be used to verify that vines have actually been grubbed up and therefore its use should be permitted for this stage of control.

(6) In view of the difficulties in calculating area through remote sensing, this method should be authorised only in cases of abandonment of entire vineyard parcels.

(7) Regulation (EC) No 2729/2000 should therefore be amended accordingly.

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

HAS ADOPTED THIS REGULATION:

Article 1

In Article 5(1) of Regulation (EC) No 2729/2000 the following third subparagraph is added:

'Verification that grubbing-up has actually taken place as provided for in Article 8(1)(e) of Regulation (EC) No 1227/2000 may be carried out by remote sensing, in the case of abandonment of the entire vineyard parcel.'

Article 2

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

⁽¹⁾ OJ L 179, 14.7.1999, p. 1. Regulation as last amended by Regulation (EC) No 2165/2005 (OJ L 345, 28.12.2005, p. 1).

⁽²⁾ OJ L 316, 15.12.2000, p. 16. Regulation as amended by Regulation (EC) No 2120/2004 (OJ L 367, 14.12.2004, p. 11).

⁽³⁾ OJ L 143, 16.6.2000, p. 1. Regulation as last amended by Regulation (EC) No 1216/2005 (OJ L 199, 29.7.2005, p. 32).

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

Done at Brussels, 15 February 2006.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

COMMISSION REGULATION (EC) No 263/2006**of 15 February 2006****amending Regulations (EC) No 796/2004 and (EC) No 1973/2004 as regards nuts**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1782/2003 of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and amending Regulations (EEC) No 2019/93, (EC) No 1452/2001, (EC) No 1453/2001, (EC) No 1454/2001, (EC) No 1868/94, (EC) No 1251/1999, (EC) No 1254/1999, (EC) No 1673/2000, (EEC) No 2358/71 and (EC) No 2529/2001 ⁽¹⁾, and in particular Article 145(c), (l) and (m) thereof,

Whereas:

- (1) Regulation (EC) No 1782/2003 introduced support arrangements for nuts to avoid the potential disappearance of nut production in traditional areas and the subsequent negative environmental, rural, social and economic consequences.
- (2) Regulation (EC) No 1782/2003 made the area payment conditional on minimum tree density and parcel size.
- (3) In order to simplify the management of the area payment scheme for nuts, while complying with the eligibility conditions laid down by Regulation (EC) No 1782/2003 and pursuing the objectives laid down by that Regulation, the conditions relating to the identification of agricultural parcels and the content of aid applications laid down in Commission Regulation (EC) No 796/2004 of 21 April 2004 laying down detailed rules for the implementation of cross-compliance, modulation and the integrated administration and control system provided for in of Council Regulation (EC) No 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers ⁽²⁾, should be amended. Commission Regulation (EC) No

1973/2004 of 29 October 2004 laying down detailed rules for the application of Council Regulation (EC) No 1782/2003 as regards the support schemes provided for in Titles IV and IVa of that Regulation and the use of land set aside for the production of raw materials ⁽³⁾, concerning the conditions for the area payments for nuts, should also be amended.

- (4) To adapt the control system to the standard control rate applicable to area payment schemes, the terms laid down in Regulation (EC) No 796/2004 should be amended.
- (5) Regulations (EC) No 796/2004 and (EC) No 1973/2004 should therefore be amended accordingly.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Direct Payments,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 796/2004 is hereby amended as follows:

1. Article 6(3) is deleted;
2. Article 13(5) is replaced by the following:

‘5. In the case of an application for an area payment for nuts as provided for in Chapter 4 of Title IV of Regulation (EC) No 1782/2003, the single application shall contain the number of nut trees by species.’;
3. point (d) of the second subparagraph of Article 26(1) is replaced by the following:

‘(d) 5 % of all farmers applying for the aid for nuts provided for in Chapter 4 of Title IV of Regulation (EC) No 1782/2003.’

⁽¹⁾ OJ L 270, 21.10.2003, p. 1. Regulation as last amended by Commission Regulation (EC) No 2183/2005 (OJ L 347, 30.12.2005, p. 56).

⁽²⁾ OJ L 141, 30.4.2004, p. 18. Regulation as last amended by Regulation (EC) No 2184/2005 (OJ L 347, 30.12.2005, p. 61).

⁽³⁾ OJ L 345, 20.11.2004, p. 1. Regulation as last amended by Regulation (EC) No 2184/2005.

Article 2

Article 15 of Regulation (EC) No 1973/2004 shall be replaced by the following:

*'Article 15***Conditions of payment of Community aid**

1. Only agricultural parcels planted with nut trees and meeting the conditions provided for in paragraphs 2 and 3 of this Article at the date to be fixed in accordance with Article 11(2) of Regulation (EC) No 796/2004 shall be eligible for the area payment provided for in Article 83 of Regulation (EC) No 1782/2003.

In the case of a parcel planted with different species of nut trees and when the aid is differentiated by species, eligibility shall be conditional on compliance for at least one of the species of nuts with the minimum number of trees per hectare laid down in paragraph 3 of this Article.

2. The minimum size of the parcel eligible for the area payment provided for in Article 83 of Regulation (EC) No 1782/2003 shall be 0,10 hectare. However, Member States may fix a higher minimum parcel size on the basis of objective criteria and taking into account the specific characteristics of the areas concerned.

3. The number of nut trees per hectare may not be less than:

- (i) 125 for hazelnuts;
- (ii) 50 for almonds;
- (iii) 50 for walnuts;
- (iv) 50 for pistachios;
- (v) 30 for locust beans.

However, Member States may fix a higher tree density on the basis of objective criteria and taking into account the specific characteristics of the production concerned.

4. In the cases referred to in the second subparagraph of paragraph 1, the level of the aid to be granted is the level corresponding to the species for which the eligibility conditions are met and for which the amount is highest.'

Article 3

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

It shall apply to aid applications submitted in respect of 2006 and following years.

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

Done at Brussels, 15 February 2006.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

COMMISSION REGULATION (EC) No 264/2006**of 15 February 2006****on granting of import licences for cane sugar for the purposes of certain tariff quotas and preferential agreements**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

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

Whereas:

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

countries to the ACP Protocol and the Agreement with India.

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

HAS ADOPTED THIS REGULATION:

Article 1

In the case of import licence applications presented from 6 to 10 February 2006 in line with Article 5(1) of Regulation (EC) No 1159/2003 licences shall be issued for the quantities indicated in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 16 February 2006.

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

Done at Brussels, 15 February 2006.

For the Commission

J. L. DEMARTY

*Director-General for Agriculture and
Rural Development*

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

⁽²⁾ OJ L 146, 20.6.1996, p. 1.

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

ANNEX

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

Country	Week of 6.2.2006-10.2.2006: percentage of requested quantity to be granted	Limit
Barbados	100	
Belize	100	
Congo	100	
Fiji	100	
Guyana	100	
India	17,3577	reached
Côte d'Ivoire	100	
Jamaica	100	
Kenya	100	
Madagascar	100	
Malawi	100	
Mauritius	100	
Mozambique	100	
Saint Kitts and Nevis	100	
Swaziland	0	reached
Tanzania	100	
Trinidad and Tobago	100	
Zambia	100	
Zimbabwe	100	

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

Country	Week of 6.2.2006-10.2.2006: percentage of requested quantity to be granted	Limit
India	0	reached
ACP	0	reached

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

Country	Week of 6.2.2006-10.2.2006: percentage of requested quantity to be granted	Limit
Brazil	0	reached
Cuba	100	
Other third countries	0	reached

COMMISSION REGULATION (EC) No 265/2006**of 15 February 2006****fixing the import duties in the cereals sector applicable from 16 February 2006**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1249/96 of 28 June 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector ⁽²⁾, and in particular Article 2(1) thereof,

Whereas:

- (1) Article 10 of Regulation (EC) No 1784/2003 provides that the rates of duty in the Common Customs Tariff are to be charged on import of the products referred to in Article 1 of that Regulation. However, in the case of the products referred to in paragraph 2 of that Article, the import duty is to be equal to the intervention price valid for such products on importation and increased by 55 %, minus the cif import price applicable to the consignment in question. However, that duty may not exceed the rate of duty in the Common Customs Tariff.
- (2) Pursuant to Article 10(3) of Regulation (EC) No 1784/2003, the cif import prices are calculated on the basis of the representative prices for the product in question on the world market.

(3) Regulation (EC) No 1249/96 lays down detailed rules for the application of Regulation (EC) No 1784/2003 as regards import duties in the cereals sector.

(4) The import duties are applicable until new duties are fixed and enter into force.

(5) In order to allow the import duty system to function normally, the representative market rates recorded during a reference period should be used for calculating the duties.

(6) Application of Regulation (EC) No 1249/96 results in import duties being fixed as set out in Annex I to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import duties in the cereals sector referred to in Article 10(2) of Regulation (EC) No 1784/2003 shall be those fixed in Annex I to this Regulation on the basis of the information given in Annex II.

Article 2

This Regulation shall enter into force on 16 February 2006.

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

Done at Brussels, 15 February 2006.

For the Commission

J. L. DEMARTY

*Director-General for Agriculture and
Rural Development*

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

⁽²⁾ OJ L 161, 29.6.1996, p. 125. Regulation as last amended by Regulation (EC) No 1110/2003 (OJ L 158, 27.6.2003, p. 12).

ANNEX I

**Import duties for the products covered by Article 10(2) of Regulation (EC) No 1784/2003 applicable from
16 February 2006**

CN code	Description	Import duty ⁽¹⁾ (EUR/tonne)
1001 10 00	Durum wheat high quality	0,00
	medium quality	0,00
	low quality	0,00
1001 90 91	Common wheat seed	0,00
ex 1001 90 99	Common high quality wheat other than for sowing	0,00
1002 00 00	Rye	40,33
1005 10 90	Maize seed other than hybrid	55,13
1005 90 00	Maize other than seed ⁽²⁾	55,13
1007 00 90	Grain sorghum other than hybrids for sowing	40,33

⁽¹⁾ For goods arriving in the Community via the Atlantic Ocean or via the Suez Canal (Article 2(4) of Regulation (EC) No 1249/96), the importer may benefit from a reduction in the duty of:

— EUR 3/t, where the port of unloading is on the Mediterranean Sea, or

— EUR 2/t, where the port of unloading is in Ireland, the United Kingdom, Denmark, Estonia, Latvia, Lithuania, Poland, Finland, Sweden or the Atlantic coasts of the Iberian peninsula.

⁽²⁾ The importer may benefit from a flat-rate reduction of EUR 24/t, where the conditions laid down in Article 2(5) of Regulation (EC) No 1249/96 are met.

ANNEX II

Factors for calculating duties

period from 1.2.2006-14.2.2006

1. Averages over the reference period referred to in Article 2(2) of Regulation (EC) No 1249/96:

Exchange quotations	Minneapolis	Chicago	Minneapolis	Minneapolis	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2	YC3	HAD2	Medium quality (*)	Low quality (**)	US barley 2
Quotation (EUR/t)	137,63 (***)	72,62	179,40	169,40	149,40	103,78
Gulf premium (EUR/t)	47,28	16,36	—			—
Great Lakes premium (EUR/t)	—	—	—			—

(*) A discount of 10 EUR/t (Article 4(3) of Regulation (EC) No 1249/96).

(**) A discount of 30 EUR/t (Article 4(3) of Regulation (EC) No 1249/96).

(***) Premium of 14 EUR/t incorporated (Article 4(3) of Regulation (EC) No 1249/96).

2. Averages over the reference period referred to in Article 2(2) of Regulation (EC) No 1249/96:

Freight/cost: Gulf of Mexico–Rotterdam: 15,77 EUR/t; Great Lakes–Rotterdam: — EUR/t.

3. Subsidy within the meaning of the third paragraph of Article 4(2) of Regulation (EC) No 1249/96: 0,00 EUR/t (HRW2)
0,00 EUR/t (SRW2).

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 14 February 2006

appointing a German member of the European Economic and Social Committee

(2006/97/EC, Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Community, and in particular Article 259 thereof,

Article 1

Mr Wilfried WOLLER is hereby appointed a member of the European Economic and Social Committee in place of Mr Alfred GEISSLER for the remainder of his term of office, namely until 20 September 2006.

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 167 thereof,

Article 2

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

Having regard to the Council Decision 2002/758/EC, Euratom of 17 September 2002 appointing the members of the Economic and Social Committee for the period from 21 September 2002 to 20 September 2006 ⁽¹⁾,

Having regard to the nomination submitted by the German government,

It shall take effect on the date of its adoption.

Having regard to the opinion of the European Commission,

Done at Brussels, 14 February 2006.

Whereas:

A member's seat on the European Economic and Social Committee has fallen vacant following the resignation of Mr Alfred GEISSLER, of which the Council was informed on 19 July 2005,

For the Council

The President

K.-H. GRASSER

⁽¹⁾ OJ L 253, 21.9.2002, p. 9.

COMMISSION

COMMISSION DECISION

of 14 February 2006

Setting up a High Level Expert Group on Digital Libraries

(2006/98/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Article 2

Having regard to the Treaty establishing the European Community,

Task

The Commission may consult the group on any matter relating to the implementation of the digital libraries initiative as set out in the Communication.

Whereas:

- (1) Article 157 of the Treaty establishing the European Community assigns the Community and the Member States the task of ensuring that the conditions necessary for the competitiveness of the Community's industry exist. Article 151 provides that the Community shall contribute to the flowering of the cultures of the Member States, while respecting their national and regional diversity and at the same time bringing the common cultural heritage to the fore.
- (2) The Communication from the Commission 'i2010 — A European Information Society for growth and employment' ⁽¹⁾ announced a flagship initiative on digital libraries.
- (3) The Communication from the Commission 'i2010: Digital Libraries' ⁽²⁾ (hereafter 'the Communication') announced the creation of a High Level Expert Group on Digital Libraries that will advise the Commission on how to best address the organisational, legal and technical challenges at European level.
- (4) The group must contribute to a shared strategic vision for European digital libraries.
- (5) The group must be made up of highly qualified experts with competence on digital libraries, appointed in a personal capacity.
- (6) The 'High Level Expert Group on Digital Libraries' therefore has to be set up and its terms of reference and structure detailed,

The group's task is to:

- advise the Commission on how to best address the organisational, legal and technical challenges at European level;
- contribute to a shared strategic vision for European digital libraries.

Article 3

Composition — Appointment

1. The Director General of DG 'Information Society and Media' or by his/her representative, is in charge of appointing the members of the group. They shall be appointed as high level experts with competence on digital libraries.
2. The group shall be composed of up to 20 members.
3. The following provisions shall apply:
 - Members are appointed in a personal capacity as high level experts on digital libraries and are required to advise the Commission independently of any outside influence.
 - Members will be appointed to ensure, as far as possible, an adequate balance in terms of:
 - range of competencies;
 - geographical origin;
 - gender.

HAS DECIDED AS FOLLOWS:

Article 1

A group of experts 'High Level Expert Group on Digital Libraries', hereinafter referred to as 'the group', is hereby set up by the Commission.

⁽¹⁾ COM(2005) 229 final.

⁽²⁾ COM(2005) 465 final.

- The Group will include experts from the following categories:
 - memory organisations (libraries, archives, museums);
 - authors, publishers and content providers;
 - ICT industry (e.g. search engines, technology providers);
 - scientific and research organisations, academia.
- Members may not designate an alternate to replace them.
- Members are appointed for a two year renewable mandate. They shall remain in office until such time as they are replaced or their mandate ends.
- Members who are no longer able to contribute effectively to the group's deliberations, who resign or who do not respect the conditions set out in the first or fifth indent of this paragraph or Article 287 of the Treaty establishing the European Community may be replaced for the remaining period of their mandate.
- Members shall each year sign an undertaking to act in the public interest and a declaration indicating the absence or existence of any interest which may undermine their objectivity.
- The names of members are published on the Internet site of the DG 'Information Society and Media'. The names of members are collected, processed and published in accordance with the provisions of Regulation (EC) No 45/2001.

Article 4

Operation

1. The group is chaired by a representative of the Commission.
2. In agreement with the Commission, sub-groups may be set up to examine specific questions under terms of reference established by the group; they shall be disbanded as soon as their tasks have been fulfilled.
3. The Commission's representative may ask experts or observers with specific competence on a subject on the agenda to participate in the group's or sub-group's deliberations if this is useful and/or necessary.

4. Information obtained by participating in the group's or sub-group's deliberations may not be divulged if the Commission indicates that this relates to confidential matters.

5. The group and its sub-groups normally meet on Commission premises in accordance with the procedures and schedule established by it. The Commission provides secretarial services. Other Commission officials with an interest in the proceedings may attend these meetings.

6. The group shall adopt its rules of procedure on the basis of the standard rules of procedure adopted by the Commission ⁽¹⁾.

7. The Commission may publish, in the original language of the document concerned, any résumé, conclusion, or partial conclusion or working document of the group.

Article 5

Meeting expenses

The Commission may reimburse travel and subsistence expenses for members, experts and observers in connection with the group's activities in accordance with the provisions in force at the Commission. The members shall not be paid for their duties.

Article 6

Entry into force

The decision shall take effect on the day of its publication in the *Official Journal of the European Union*. It is applicable until 31 December 2008. The Commission shall decide on a possible extension before that date.

Done at Brussels, 14 February 2006.

For the Commission

Viviane REDING

Member of the Commission

⁽¹⁾ SEC(2005) 1004, Annex III.

COMMISSION DECISION

of 3 February 2006

amending Decision 2004/370/EC authorising methods for grading pig carcasses in the United Kingdom

(notified under document number C(2006) 213)

(Only the English text is authentic)

(2006/99/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3220/84 of 13 November 1984 determining the Community scale for grading pig carcasses ⁽¹⁾, and in particular Article 5(2) thereof,

Whereas:

- (1) By Commission Decision 2004/370/EC ⁽²⁾, the use of three methods for grading pig carcasses in Northern Ireland has been authorised.
- (2) Due to technical adaptations, the United Kingdom has requested the Commission to authorise in Northern Ireland the use of new formulae for two apparatus used for grading pig carcasses and to authorise two new methods for grading pig carcasses, and has therefore submitted the elements required in Article 3 of Commission Regulation (EEC) No 2967/85 of 24 October 1985 laying down detailed rules for the application of the Community scale for grading pig carcasses ⁽³⁾. As the apparatus 'Fat-O-Meater' has never been used in Northern Ireland, it should be deleted from the scope of this Decision concerning Northern Ireland.
- (3) The evaluation of this request has revealed that the conditions for using the new formulae and the new methods are fulfilled.
- (4) Decision 2004/370/EC should therefore be amended accordingly.
- (5) The measures provided for in this Decision are in accordance with the opinion of the Management Committee for Pigmeat,

Article 1

Decision 2004/370/EC is amended as follows:

1. Article 2 is replaced by the following:

'Article 2

The use of the following methods is hereby authorised for grading pig carcasses pursuant to Regulation (EEC) No 3220/84 in Northern Ireland:

- the apparatus termed "Intrascop (Optical Probe)" and assessment methods related thereto, details of which are given in Part 1 of Annex II,
- the apparatus termed "Mark II Ulster Probe" and assessment methods related thereto, details of which are given in Part 2 of Annex II,
- the apparatus termed "Hennessy Grading Probe (HGP 4)" and assessment methods related thereto, details of which are given in Part 3 of Annex II,
- the apparatus termed "Fully automatic ultrasonic carcass grading (Autofom)" and assessment methods related thereto, details of which are in Part 4 of Annex II.'

2. Annex II is amended in accordance with the Annex to this Decision.

Article 2

This Decision is addressed to the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 3 February 2006.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 301, 20.11.1984, p. 1. Regulation as last amended by Regulation (EC) No 3513/93 (OJ L 320, 22.12.1993, p. 5).

⁽²⁾ OJ L 116, 22.4.2004, p. 32.

⁽³⁾ OJ L 285, 25.10.1985, p. 39. Regulation as amended by Regulation (EC) No 3127/94 (OJ L 330, 21.12.1994, p. 43).

ANNEX

Annex II to Decision 2004/370/EC is hereby amended as follows:

1. Point 3 of Part 1 (Intrascopie (Optical Probe)) is replaced by the following:

'3. The lean meat content of the carcass shall be calculated according to the following formula:

$$\hat{y} = 71,4802 - 0,83659 x$$

where:

\hat{y} = the estimated lean meat percentage in the carcass,

x = the thickness of the backfat (including rind) in millimetres measured at 6 centimetres off the midline of the carcass at the last rib (known as "P2")

The formula shall be valid for carcasses weighing between 50 and 140 kilograms.'

2. Point 3 of Part 2 (Mark II Ulster Probe) is replaced by the following:

'3. The lean meat content of the carcass shall be calculated according to the following formula:

$$\hat{y} = 71,4384 - 0,84119 x$$

where:

\hat{y} = the estimated lean meat percentage in the carcass,

x = the thickness of the backfat (including rind) in millimetres measured at 6 centimetres off the midline of the carcass at the last rib (known as "P2")

The formula shall be valid for carcasses weighing between 50 and 140 kilograms.'

3. Part 3 is replaced by the following:

PART 3

Hennessy Grading Probe (HGP 4)

1. Grading of pig carcasses shall be carried out by means of the apparatus termed "Hennessy Grading Probe (HGP 4)".

2. The apparatus shall be equipped with a probe of 5,95 millimetres diameter (and of 6,3 millimetres at the blade of the top of the probe) containing a photodiode (Siemens LED of the type LYU 260-EO and photodetector of the type 58 MR) and having an operating distance of between 0 and 120 millimetres. The results of the measurements shall be converted into estimated lean meat content by means of the HGP 4 itself or a computer linked to it.

3. The lean meat content of the carcass shall be calculated according to the following formula:

$$\hat{y} = 71,5278 - 0,86638 x$$

where:

\hat{y} = the estimated lean meat percentage in the carcass,

x = the thickness of the backfat (including rind) in millimetres measured at 6 centimetres off the midline of the carcass at the last rib (known as "P2")

The formula shall be valid for carcasses weighing between 50 and 140 kilograms.'

4. The following Part 4 is added:

PART 4

Fully automatic ultrasonic carcass grading (Autofom)

1. Pig carcass grading shall be carried out using the apparatus termed Autofom (Fully automatic ultrasonic carcass grading).
2. The apparatus shall be equipped with 16 16,2 MHz ultrasonic transducers (Krautkrämer, SFK 2 NP), with an operating distance between transducers of 25 mm.

The ultrasonic data shall comprise measurements of back-fat thickness and muscle thickness.

The results of the measurements are converted into estimated lean meat content using a computer.

3. The carcass's lean meat content shall be calculated on the basis of 127 measurement points using the following formula:

$$\hat{y} = b_0 + ip_1b_1 + ip_2b_2 + ip_3b_3 + \dots + ip_{127}b_{127}$$

where:

\hat{y} = the estimated lean meat content of the carcass,

ip_1 - ip_{127} = Input parameters of Autofom image analysis

b_0 - b_{127} = Constants from the model calibration

The 127 b -coefficients are, in order $IP1$ - $IP127$:

- 1,6866978E-002	- 2,7395384E-002	- 1,9907279E-002	- 8,5862307E-003	- 1,7233329E-002
- 1,2928455E-002	- 7,2069578E-003	0,0000000E+000	0,0000000E+000	9,9210571E-003
- 2,7280254E-002	- 1,1866679E-002	- 1,6877903E-002	- 3,3714309E-002	- 2,2873893E-002
- 1,2976709E-002	- 1,9736953E-002	0,0000000E+000	- 1,0441692E-002	- 2,6023159E-002
- 1,6019909E-002	- 1,2085976E-002	- 2,0802582E-002	- 1,2004912E-002	4,9544591E-003
2,1012272E-003	3,5626963E-003	5,4210355E-003	2,8231265E-003	0,0000000E+000
3,4462682E-003	4,9613826E-003	3,1486694E-003	0,0000000E+000	3,3405393E-003
0,0000000E+000	0,0000000E+000	1,0592665E-003	0,0000000E+000	0,0000000E+000
2,3835478E-003	0,0000000E+000	- 2,3957171E-002	- 1,6251475E-002	0,0000000E+000
- 2,1446949E-002	0,0000000E+000	- 2,4741126E-002	- 2,2376098E-002	- 1,6962735E-002
- 2,8594572E-002	- 1,9001560E-002	- 2,7471537E-002	- 3,2565221E-002	- 3,1170983E-002
- 2,9708274E-002	- 2,7283320E-002	- 2,5577871E-002	- 3,2280222E-002	- 3,1662315E-002
- 3,3039205E-002	- 3,2290529E-002	- 3,0902216E-002	- 2,9116826E-002	- 2,5646536E-002
- 2,3514079E-002	- 2,7472775E-002	- 2,6122212E-002	- 2,3694078E-002	- 2,7969513E-002
- 2,8660055E-002	- 2,8413385E-002	- 3,2624107E-002	- 3,2517981E-002	- 3,1576648E-002
- 3,1543616E-002	- 3,1162977E-002	- 3,0734278E-002	- 3,4127805E-002	- 3,4164313E-002
- 3,4327772E-002	- 3,4017213E-002	- 3,3313580E-002	- 3,3459395E-002	- 2,4075206E-002
- 2,5336761E-002	- 2,6048595E-002	- 2,6499119E-002	- 2,6947299E-002	- 2,7433341E-002
- 3,1328205E-002	- 3,1818397E-002	- 2,7329659E-002	6,0837399E-003	6,8703182E-003
7,7951970E-003	8,3265398E-003	7,6311678E-003	6,6542262E-003	5,8027613E-003
8,4376512E-003	8,3114961E-003	8,2320096E-003	8,0569442E-003	7,7763004E-003
7,6648975E-003	7,3420489E-003	7,2652618E-003	7,1755257E-003	7,1458751E-003
7,1670651E-003	6,9467919E-003	7,0396927E-003	7,2869365E-003	5,7384889E-003
7,6241307E-003	7,3343012E-003	6,9868541E-003	6,6073379E-003	6,9390922E-003
6,3295597E-003	6,0446505E-003	1,0994689E-002	9,2938738E-003	4,4189114E-003
4,3836362E-003	4,6389205E-003			

The b_0 -coefficient is 6,3457577E+001

4. Descriptions of the measurement points and the statistical method can be found in Part II of the United Kingdom protocol forwarded to the Commission in accordance with Article 3(3) of Regulation (EEC) No 2967/85.

The formula shall be valid for carcasses weighing between 50 and 140 kilograms.'

COMMISSION DECISION
of 3 February 2006
amending Decision 2005/7/EC authorising a method for grading pig carcasses in Cyprus

(notified under document number C(2006) 215)

(Only the Greek text is authentic)

(2006/100/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3220/84 of 13 November 1984 determining the Community scale for grading pig carcasses ⁽¹⁾, and in particular Article 5(2) thereof,

Whereas:

- (1) Due to technical adaptations, Cyprus has requested the Commission to authorise the application of a new formula for the calculation of the lean meat content of carcasses in the framework of the method for grading pig carcasses authorised by Commission Decision 2005/7/EC ⁽²⁾, and has submitted the details required in Article 3 of Commission Regulation (EEC) No 2967/85 of 24 October 1985 laying down detailed rules for the application of the Community scale for grading pig carcasses ⁽³⁾.
- (2) The evaluation of this request has revealed that the conditions for authorising the new formula are fulfilled.

(3) Decision 2005/7/EC should therefore be amended accordingly.

(4) The measures provided for in this Decision are in accordance with the opinion of the Management Committee for Pigmeat,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 2005/7/EC is amended in accordance with the Annex to this Decision.

Article 2

This Decision is addressed to the Republic of Cyprus.

Done at Brussels, 3 February 2006.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

⁽¹⁾ OJ L 301, 20.11.1984, p. 1. Regulation as last amended by Regulation (EC) No 3513/93 (OJ L 320, 22.12.1993, p. 5).

⁽²⁾ OJ L 2, 5.1.2005, p. 19.

⁽³⁾ OJ L 285, 25.10.1985, p. 39. Regulation as amended by Regulation (EC) No 3127/94 (OJ L 330, 21.12.1994, p. 43).

ANNEX

Point 3 of the Annex to Decision 2005/7/EC is replaced by the following:

- '3. The lean meat content of the carcass shall be calculated according to the following formula:

$$\hat{y} = 61,436 - 0,815 X + 0,144 W$$

Where:

\hat{y} = the estimated percentage of lean meat in the carcass,

X = the thickness of back-fat (including rind) in millimetres, measured at 6 cm off the midline of the carcass between the third and fourth last rib,

W = the thickness of muscle in millimetres measured at the same time and in the same place as X.

The formula shall be valid for carcasses weighing between 55 and 120 kilograms.'

COMMISSION DECISION

of 6 February 2006

on the implementation of survey programmes for avian influenza in poultry and wild birds to be carried out in the Member States in 2006

(notified under document number C(2006) 251)

(2006/101/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field ⁽¹⁾ and in particular Article 20 thereof,

Whereas:

- (1) Decision 90/424/EEC provides for a Community financial contribution for the undertaking of technical and scientific measures necessary for the development of Community veterinary legislation and for veterinary education and training.
- (2) The Scientific Committee on Animal Health and Animal Welfare in a report of 27 June 2000 and the EFSA opinion of 20 September 2005 in relation to wild bird species recommended that surveys be carried out on poultry flocks and wild birds for avian influenza, in particular to determine the prevalence of infections with avian influenza virus subtypes H5 and H7.
- (3) Council Directive 92/40/EEC of 19 May 1992 introducing Community measures for the control of avian influenza ⁽²⁾ defines Community control measures to be applied in the event of an outbreak of avian influenza in poultry. However, it does not provide for regular surveys of that disease in poultry and wild birds.
- (4) Commission Decisions 2002/649/EC ⁽³⁾, 2004/111/EC ⁽⁴⁾ and 2005/464/EC ⁽⁵⁾ provided for the submission of surveillance programmes concerning avian influenza by the Member States to the Commission.

- (5) Commission Decisions 2002/673/EC ⁽⁶⁾, 2004/630/EC ⁽⁷⁾ and 2005/732/EC ⁽⁸⁾ approved programmes submitted by the Member States for surveys of avian influenza in poultry and wild birds for the periods specified in those programmes.

- (6) During those surveys, the presence of different subtypes of H5 and H7 low pathogenic avian influenza viruses has been detected in several Member States. Although the current prevalence of avian influenza viruses can be considered rather low, it is important to continue and to improve the surveillance so as to better understand the epidemiology of the low pathogenic avian influenza viruses and prevent that viruses do not circulate unnoticed in the poultry population. The results of the surveys carried out in the Member States have proven to be very useful in monitoring the presence of avian influenza virus subtypes that could present a substantial risk if they mutated into a more virulent form. Furthermore, it is appropriate to strengthen avian influenza surveillance taking into account the current disease situation in Europe. The total amount of Community contribution to the Member States for these actions should ensure increased surveillance.

- (7) Accordingly, Member States should submit their programmes for surveys for avian influenza to the Commission for approval so that the financial assistance by the Community may be granted.

- (8) Concerning the surveillance in wild birds, results from ongoing scientific work currently being undertaken by EFSA and DG Environment should be taken into account as it becomes available. These results will also be used to review the present Decision.

- (9) All naturally occurring wild birds species in the Community are covered by the protection regime of Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds ⁽⁹⁾ and therefore full regard shall be taken of the requirements of this Directive in any surveillance for avian influenza.

⁽¹⁾ OJ L 224, 18.8.1990, p. 19. Decision as last amended by the Directive 2003/99/EC of the European Parliament and of the Council (OJ L 325, 12.12.2003, p. 31).

⁽²⁾ OJ L 167, 22.6.1992, p. 1. Directive as last amended by the 2003 Act of Accession.

⁽³⁾ OJ L 213, 9.8.2002, p. 38.

⁽⁴⁾ OJ L 32, 5.2.2004, p. 20. Decision as amended by Decision 2004/615/EC (OJ L 278, 27.8.2004, p. 59).

⁽⁵⁾ OJ L 164, 24.6.2005, p. 52. Decision as amended by Decision 2005/726/EC (OJ L 273, 19.10.2005, p. 21).

⁽⁶⁾ OJ L 228, 24.8.2002, p. 27. Decision as amended by Decision 2003/21/EC (OJ L 8, 14.1.2003, p. 37).

⁽⁷⁾ OJ L 287, 8.9.2004, p. 7. Decision as last amended by 2004/679/EC (OJ L 310, 7.10.2004, p. 75).

⁽⁸⁾ OJ L 274, 20.10.2005, p. 95.

⁽⁹⁾ OJ L 103, 25.4.1979, p. 1. Directive as last amended by Regulation (EC) No 807/2003 (OJ L 122, 16.5.2003, p. 36).

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

HAS ADOPTED THIS DECISION:

Article 1

By 7 February 2006, Member States shall submit for approval to the Commission programmes for the implementation of surveys for avian influenza in poultry and wild birds in accordance with the Annex.

Article 2

The Community's financial contribution towards the measures provided for in Article 1 shall be at the rate of 50 % of the costs incurred in Member States up to a maximum of EUR 2 000 000 for the Member States in total.

Article 3

The maximum amounts of the testing costs to be reimbursed shall not exceed:

(a) ELISA test:	EUR 1 per test;
(b) agal gel immune diffusion test:	EUR 1,2 per test;
(c) HI test for H5/H7:	EUR 12 per test;
(d) virus isolation test:	EUR 30 per test;
(e) PCR test:	EUR 15 per test.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 6 February 2006.

For the Commission
Markos KYPRIANOU
Member of the Commission

ANNEX

PROGRAMMES FOR SURVEILLANCE OF AVIAN INFLUENZA IN POULTRY AND WILD BIRDS TO BE CARRIED OUT IN THE MEMBER STATES IN FEBRUARY-DECEMBER 2006**A. Objectives, general requirements and criteria for the surveys****A.1. OBJECTIVES**

1. To detect the incidence of infections with avian influenza virus subtypes H5 and H7 in different species of poultry by repeating previous screening exercises in a modified, more targeted manner.
2. To continue surveillance for avian influenza in wild birds for an early warning system of avian influenza strains that may be introduced into poultry flocks from wild birds.
3. To contribute to the knowledge on the threats of avian influenza to animal health from wildlife.
4. To foster the connection and integration of human and veterinary networks for influenza surveillance.

A.2. GENERAL REQUIREMENTS AND CRITERIA

1. Sampling shall not extend beyond 31 December 2006.
For poultry, sampling shall cover a period appropriate to production periods for each poultry category as required.
2. 31 March 2007 shall be the date for the submission of the final survey results.
3. Testing of samples shall be carried out at National Laboratories for avian influenza (NL) in Member States or by other laboratories authorised by the competent authorities and under the control of the NL.
4. All results (both serological and virological) shall be sent to the Community Reference Laboratory for Avian Influenza (CRL) for collation. A good flow of information must be ensured. The CRL shall provide technical support and keep an enlarged stock of diagnostic reagents. Antigens for use in the survey shall be supplied to NL's by the CRL to ensure uniformity.
5. All avian influenza virus isolates shall be submitted to the CRL in accordance with Community legislation. Viruses of H5/H7 subtype shall be submitted without delay and shall be subjected to the standard characterisation tests (nucleotide sequencing/IVPI) according to Directive 92/40/EEC. In addition, the CRL shall require that H5 or H7 positive sera collected from anseriformes be submitted 'blind' in order that an archive be established to facilitate future test development.

B. Survey for avian influenza in poultry

1. All positive findings shall be retrospectively investigated at the holding and the conclusions of this investigation shall be reported to the Commission and the CRL.
2. Specific protocols to accompany the sending of material to the CRL and reporting tables for collection of survey data shall be provided by the CRL. In those tables the laboratory testing methods used shall be indicated. The tables provided shall be used to submit results in a single document.
3. Blood samples for serological examination shall be collected from all species of poultry including those reared in free-range systems, from at least 5 to 10 birds (except ducks geese and quail) per holding, and from the different sheds, if more than one shed is present on a holding.
4. Sampling shall be stratified throughout the territory of the whole Member State, so that samples can be considered as representative for the whole of the Member State, taking into account:

- (a) the number of holdings to be sampled (excluding ducks, geese and turkeys); that number shall be defined so as to ensure the identification of at least one infected holding if the prevalence of infected holdings is at least 5 %, with a 95 % confidence interval; (see table 1) and
- (b) the number of birds sampled from each holding shall be defined so as to ensure 95 % probability of identifying at least one positive bird if the prevalence of sero-positive birds is ≥ 30 %.
5. Based on a risk assessment and the specific situation in the Member State concerned, the sampling design shall also consider:
- (a) The types of production and their specific risks, shall be targeted to free range production, outdoor keeping and backyard flocks plus taking into account other factors such as multi age, use of surface water, a relatively longer life span, the presence of more than one species on the holding or other relevant factors.
- (b) The number of turkey, duck and goose holdings to be sampled shall be defined to ensure the identification of at least one infected holding if the prevalence of infected holdings is at least 5 %, with a 99 % confidence interval (see table 2).
- (c) Where significant number of holdings producing game, ratites and quails are present in a Member State they shall be included in the programme. With regard to quails only adult (or laying) breeders shall be sampled.
- (d) The time period for sampling shall coincide with seasonal production. However, where appropriate, sampling can be adapted to other identified periods at local level, during which time the presence of other poultry hosts on a holding might pose a greater risk for disease introduction.
- (e) Member States that must carry out sampling for Newcastle disease to maintain their status as Newcastle disease non-vaccinating countries in accordance with Commission Decision 94/327/EC ⁽¹⁾ may utilise these samples from breeding flocks for the surveillance of H5/H7 antibodies.

Table 1

Number of holdings to be sampled of each poultry category (except turkey, duck and goose holdings)

Number of holdings per poultry category per Member State	Number of holdings to be sampled
Up to 34	All
35 to 50	35
51 to 80	42
81 to 250	53
> 250	60

Table 2

Number of turkey, duck and goose holdings to be sampled

Number of holdings per Member State	Number of holdings to be sampled
Up to 46	All
47 to 60	47
61 to 100	59
101 to 350	80
> 350	90

⁽¹⁾ OJ L 146, 11.6.1994, p. 17.

C. Specific requirements for detection of infections with H5/H7 subtypes of avian influenza in ducks, geese and quail

1. Blood samples for serological testing shall be taken preferably from birds which are kept outside in fields.
2. From each selected holding 40 to 50 blood samples shall be taken for serological testing.

D. Survey for avian influenza in wild birds

D.1. SURVEY DESIGN AND IMPLEMENTATION

1. Liaisons with bird conservation/watching institutions and ringing stations will be necessary. Sampling where appropriate shall be carried out under the supervision of staff from these groups/stations or by hunters.
 2. Active surveillance on living or hunted birds shall be targeted on:
 - (a) the population of wild bird species presenting a higher risk to be identified, based upon:
 - (i) origin and migratory flyways;
 - (ii) numbers of wild birds in the Community; and
 - (iii) likelihood of contact with domestic poultry.
 - (b) identify sites at risk, based upon:
 - (i) mixing sites of high number of migratory birds involving different species and in particular those listed in Part F;
 - (ii) proximity to domestic poultry farms; and
 - (iii) location along migratory flyways.
- Sampling must take account of the seasonality of migration patterns, which may vary in different Member States and the species of birds listed in Annex F.

3. Passive surveillance on wild birds found dead shall primarily target the occurrence of abnormal mortality or significant disease outbreaks in:
 - (a) wild birds species listed in Part F and other wild birds living in contact with them; and
 - (b) at sites as referred to in point 2(b)(i).

The occurrence of mortality in several species at the same site shall be an additional factor to be considered.

D.2. SAMPLING PROCEDURES

1. Cloacal swabs for virological examination shall be taken. In addition to 'first year' birds in autumn, host species with high susceptibility and increased contact with poultry (such as mallard ducks) may offer the highest chance of success.
2. In addition to cloacal swabs or fresh faeces, tissues (namely the brain, heart, lung, kidney and intestines) from wild birds found dead or shot shall also be sampled for virus isolation and molecular detection (PCR). Molecular techniques shall only be carried out in laboratories able to guarantee quality assurance and using methods recognised by the CRL for avian influenza.

3. Samples shall be taken from different species of free living birds. Anseriformes (waterfowl) and Charadriiformes (shorebirds) shall be the main sampling targets.
4. Swabs containing faeces, or carefully collected fresh faeces shall be taken from wild birds trapped, hunted and found freshly dead.
5. Pooling of up to five samples from the same species collected at the same site and same time may be permitted. It must be ensured when pooling samples that, in case of a positive finding, the individual samples can be retested.
6. Specific care has to be taken for the storage and transport of samples. If rapid transport within 48 hours to the laboratory (in transport medium at 4 °C) is not guaranteed, samples shall be stored and then transported in dry ice at minus 70 °C (temperatures between 4 °C and –70 °C are advisable only for very short time storage but should be avoided as much as possible).

E. Laboratory testing

1. Laboratory tests shall be carried out in accordance with the diagnostic procedures for the confirmation and differential diagnostic of avian influenza set out in Annex III to Directive 92/40/EEC (including examination of sera from ducks and geese by haemagglutination-inhibition (HI) test).
2. However, if laboratory tests not laid down in Directive 92/40/EEC nor described in the OIE Terrestrial Manual are envisaged, Member States shall provide the necessary validation data to the CRL, in parallel to submitting their programme to the Commission for approval.
3. All positive serological findings shall be confirmed by the National Laboratories for avian influenza by an haemagglutination-inhibition test, using designated strains supplied by the Community Reference Laboratory for Avian Influenza:

H5

- (a) Initial test using Ostrich/Denmark/72420/96 (H5N2)
- (b) Test all positives with Duck/Denmark/64650/03 (H5N7) to eliminate N2 cross reactive antibody.

H7

- (a) Initial test using Turkey/England/647/77 (H7N7)
 - (b) Test all positives with African Starling/983/79 (H7N1) to eliminate N7 cross reactive antibody.
4. All samples collected in the survey for avian influenza in wild birds (Chapter D) shall be tested as soon as possible by PCR for H5 but within two weeks and in case of a positive finding analysis of the cleavage site should be undertaken as soon as possible to determine whether or not it has a highly pathogenic avian influenza (HPAI) or a low pathogenic avian influenza (LPAI) motif.
 5. Serological surveillance shall not be applied for avian influenza in wild birds.
 6. Member States shall report to the Commission the H5 and H7 positive samples detected during their surveillance of poultry and wild birds every two months. This is without prejudice to the obligation of the Member States, laid down in the respective Community legislation, to notify cases of HPAI to the Commission immediately, irrespective of host.

F. Provisional list of wild birds species presenting a higher risk in relation to avian influenza (*)

Latin name	English language name
1. <i>Anser albifrons</i>	White-fronted goose
2. <i>Anser fabalis</i>	Bean goose
3. <i>Anas platyrhynchos</i>	Mallard
4. <i>Anas strepera</i>	Gadwal
5. <i>Anas acuta</i>	Northern pintail
6. <i>Anas clypeata</i>	Northern shoveler
7. <i>Anas penelope</i>	Eurasian wigeon
8. <i>Anas crecca</i>	Common teal
9. <i>Anas querquedula</i>	Garganey
10. <i>Aythya ferina</i>	Common pochard
11. <i>Aythya fuligula</i>	Tufted duck
12. <i>Vanellus vanellus</i>	Northern lapwing
13. <i>Philomachus pugnax</i>	Ruff
14. <i>Larus ridibundus</i>	Black-headed gull
15. <i>Larus canus</i>	Common gull

(*) This list is not a limitative list but is only meant to identify migratory species that may pose a higher risk for introduction of avian influenza into the Community. It is to be updated continuously following results of scientific studies as they come available.

COMMISSION DECISION

of 7 February 2006

on the Community's financial contribution to a programme for the control of organisms harmful to plants and plant products in the French overseas departments for 2006*(notified under document number C(2006) 250)***(Only the French text is authentic)**

(2006/102/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1452/2001 of 28 June 2001 introducing specific measures for certain agricultural products for the French overseas departments, amending Directive 72/462/EEC and repealing Regulations (EEC) No 525/77 and (EEC) No 3763/91 (Poseidom) ⁽¹⁾, and in particular Article 20(3),

Having regard to the programme submitted by France for the control of organisms harmful to plants or plant products in the French overseas departments,

Whereas:

(1) Commission Decision 93/522/EEC of 30 September 1993 on the definition of the measures eligible for Community financing in the programmes for the control of organisms harmful to plants or plant products in the French overseas departments, in the Azores and in Madeira ⁽²⁾.

(2) Specific growing conditions in the French overseas departments call for particular attention and measures concerning crop production, in particular plant health measures, must be adopted or strengthened in those regions. The plant health measures to be adopted or strengthened are particularly costly.

(3) A programme of measures has been presented to the Commission by the competent French authorities; this programme specifies the objectives to be achieved, the operations to be carried out, their duration and their cost with a view to a possible Community financial contribution.

(4) According to Article 20(4) of Regulation (EC) No 1452/2001 the Community's financial contribution may cover up to 60 % of eligible expenditure, protective measures for bananas being excluded.

(5) In accordance with Article 3(2) of Council Regulation (EC) No 1258/1999 ⁽³⁾, veterinary and plant health measures undertaken in accordance with Community rules shall be financed under the Guarantee section of the European Agricultural Guidance and Guarantee Fund. Financial control of these measures comes under Articles 8 and 9 of the above Regulation.

(6) The technical information provided by France has enabled the Standing Committee on Plant Health to analyse the situation accurately and comprehensively.

(7) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DECISION:

Article 1

A Community financial contribution to the official programme for the control of organisms harmful to plants and plant products in the French overseas for 2006 is hereby approved.

Article 2

The Community's financial contribution to the programme in 2006 shall be 60 % of expenditure related to eligible measures as defined by Decision 93/522/EEC, with a maximum of EUR 249 600 (VAT excluded).

The programme, the schedule of its costs and their financing is set out as Annex I to this Decision.

The breakdown of costs is set out as Annex II to this Decision.

⁽¹⁾ OJ L 198, 21.7.2001, p. 11. Regulation as last amended by Regulation (EC) No 1690/2004 (OJ L 305, 1.10.2004, p. 1).

⁽²⁾ OJ L 251, 8.10.1993, p. 35. Decision as last amended by Decision 96/633/EC (OJ L 283, 5.11.1996, p. 58).

⁽³⁾ OJ L 160, 26.6.1999, p. 103.

Article 3

An advance of EUR 100 000 shall be paid within 60 days after reception of a request of payment by France.

Article 4

1. The eligibility period for the costs related to this project shall start on 1 January 2006 and end on 31 December 2006.
2. The period may exceptionally be extended only with the express written agreement of the Monitoring Committee as referred to in point I.I of Annex III before the tasks have been completed.

Article 5

The financial contribution by the Community shall be granted provided that the implementation of the programme shall be in conformity with the relevant provisions of Community law, including rules of competition and on the award of public contracts, and that no other Community contribution for these measures was or will be asked for.

Article 6

1. The actual expenditure incurred shall be notified to the Commission broken down by type of action or subprogramme in a way demonstrating the link between the indicative financial plan and expenditure actually incurred. Such notifications may be in electronic form.
2. The balance of the financial contribution referred to in Article 3 shall be paid provided that the document specified

in the second paragraph of point I.II.4 of Annex III shall be submitted before 15 March 2007.

3. The Commission may, on duly justified request of the French Republic, adjust the financing plans within a limit of 15 % of the Community contribution to a subprogramme or measure for the entire period, provided that the total amount of eligible costs scheduled in the programme is not exceeded and that the main objectives of the programme are not thereby compromised.

4. All payments of aid granted by the Community under this Decision shall be made to the French Republic, which will also be responsible for repayment to the Community of any excess amount.

Article 7

The French Republic shall ensure compliance with the information to be supplied to the Commission set out in Annex III.

Article 8

This Decision is addressed to the French Republic.

Done at Brussels, 7 February 2006.

For the Commission
Markos KYPRIANOU
Member of the Commission

ANNEX I

PROGRAMME AND FINANCIAL TABLE FOR 2006

The programme for 2006 shall consist of three subprogrammes:

1. an inter-departmental subprogramme for Martinique, Guadeloupe, Guyana and La Réunion in two parts:
 - setting up of a database on harmful organisms present in the French overseas departments,
 - development of detection methods for naturally spread citrus psorosis;
2. a subprogramme drawn up for the department of Martinique in two parts:
 - plant health evaluation and diagnostics by use of the regional laboratory and its mobile unit (labo vert),
 - integrated pest management in fruit and vegetable production;
3. a subprogramme drawn up for the department of Guyana:
 - set up of an agricultural phytosanitary warning system for rice production,
 - Strengthening of the diagnosis capacity by the use of the regional laboratory and its mobile unit (labo vert).

Financial table for 2006

(EUR)

	EC contribution	National contribution	Eligible expenditure 2006
Database on harmful organisms	54 000	36 000	90 000
Detection methods for citrus psorosis	30 000	20 000	50 000
Martinique	57 600	38 400	96 000
Guyana	108 000	72 000	180 000
Total	249 600	166 400	416 000

ANNEX II

COST BREAKDOWN TABLE FOR 2006

(EUR)

	Staff	Equipment	Consumables	Other costs	Total
Database on harmful organisms	76 000	6 000	4 000	4 000	90 000
Detection methods for citrus psorosis	28 500	6 000	13 000	2 500	50 000
Martinique	76 000	2 500	7 500	10 000	96 000
Guyana	155 000	3 000	22 000	0	180 000
Total	335 500	17 500	46 500	16 500	416 000

ANNEX III

I. PROVISIONS ON THE IMPLEMENTATION OF THE PROGRAMME MONITORING AND ASSESSMENT**I. Monitoring Committee**

1. Establishment

Independent of the financing of this action, a monitoring committee for the programme shall be set up, composed of representatives of France and the Commission. It shall review implementation of the programme regularly and, in appropriate cases, propose any adjustments required.

2. The Committee shall establish its own internal procedures within one month of the notification of the present decision to France.

3. Competence of the Monitoring Committee

The Committee:

— shall be generally responsible for the satisfactory progress of the programme towards attainment of the objectives set. Its competence shall include the programme measures within the limits of the Community aid granted. It shall monitor those aspects with regard to the regulatory provisions, including those on eligibility of operations and projects,

— shall, on the basis of information on the selection of projects already approved and implemented, form an opinion by application of the selection criteria set out in the programme,

— shall propose any action necessary to accelerate implementation of the programme should the information supplied periodically by the interim monitoring and assessment indicators reveal a delay,

— shall give its opinion on the adjustments proposed to the Commission,

— shall issue an opinion on technical assistance projects scheduled in the programme,

— shall give its opinion on the final report,

— shall report during the relevant period to the Standing Committee on Plant Health on the progress of the programme and expenditure incurred.

II. Monitoring and assessment of the programme during the implementation period (continuous monitoring and assessment)

1. The national agency responsible for implementation shall also be responsible for continuous monitoring and assessment of the programme.

2. Continuous monitoring means an information system on the state of progress of the programme. Continuous monitoring will cover the measures included in the programme. It involves reference to the financial and physical indicators structured so as to enable assessment of the correspondence between expenditure on each measure and predefined physical indicators showing the degree of achievement.

3. Continuous assessment of a programme will involve analysis of the quantitative results of implementation on the basis of operational, legal and procedural considerations. The purpose is to guarantee correspondence between measures and programme objectives.

Implementation report and scrutiny of programme

4. France shall notify to the Commission, within one month of adoption of the programme, the name of the authority responsible for compilation and presentation of the final implementation report.

The final implementation report on the present programme will be presented by the competent authority to the Commission on 15 March 2007 at the latest and shall thereafter be presented to the Standing Committee on Plant Health as soon as possible after that date.

It shall contain:

- a concise technical evaluation of the entire programme (degree of achievement of physical and qualitative objectives and of progress accomplished) and an assessment of the immediate phytosanitary and economic impact,
 - a financial cost statement, including expenditure and income, and a declaration from France stating that no other Community contribution was or will be asked for these measures to be included in the programme.
5. The Commission may, jointly with France, call in an independent assessor who shall, on the basis of the continuous monitoring, carry out the continuous assessment referred to in point 3. He may submit proposals for adjustment of the subprogrammes and/or measures, and amend the selection criteria for projects, etc., in the light of difficulties encountered in the course of implementation. On the basis of monitoring of management, he shall give an opinion on the administrative measures to be taken.

II. COMPLIANCE WITH COMMUNITY POLICIES

The programme shall be implemented in accordance with the provisions on coordination of and compliance with Community policies. The following information must be supplied by France in the final report.

Protection of the environment

(a) *General information:*

- description of the main environmental features and problems of the region concerned, giving, *inter alia*, a description of the important conservation areas (sensitive zones),
- a comprehensive description of the major beneficial and harmful effects that the programme, given the investments planned, is likely to have on the environment,
- a description of the action planned to prevent, reduce or offset any serious harmful effects on the environment,
- a report on consultations with the responsible environmental authorities (opinion of the Ministry for the Environment or its equivalent) and, if there were any such consultations, with the public concerned.

(b) *Description of planned activities*

For programme measures liable to have a significantly harmful effect on the environment:

- the procedures which will be applied for assessing individual projects during implementation of the programme,
 - the mechanisms planned for monitoring environmental impact during implementation, assessing results and eliminating, reducing or offsetting harmful effects.
-

COMMISSION DECISION**of 14 February 2006****adjusting the thresholds referred to in Articles 157(b) and 158(1)(a) and (c) of Regulation (EC, Euratom) No 2342/2002 laying down detailed rules for the implementation of the Financial Regulation****(2006/103/EC)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽¹⁾, and in particular Article 271 thereof,

Whereas:

- (1) Article 271(2) stipulates that the thresholds applicable to public procurement contracts are to be adjusted every two years pursuant to the provisions of the directives on the coordination of public procurement procedures.
- (2) The euro equivalents of the thresholds fixed in Directive 2004/18/EC of the European Parliament and of the Council ⁽²⁾ apply from 1 January 2006,

HAS DECIDED AS FOLLOWS:

Article 1

The euro equivalents of the thresholds applicable to public procurement contracts shall be adjusted as set out below, with effect from 1 January 2006:

Two-yearly adjustment	Threshold at 1.1.2004	Threshold at 5.8.2005	Threshold at 1.1.2006
Article 157(b)	EUR 5 923 624	EUR 5 923 000	EUR 5 278 000
Article 158(1)(a)	EUR 154 014	EUR 154 000	EUR 137 000
Article 158(1)(c)	EUR 5 923 624	EUR 5 923 000	EUR 5 278 000

Article 2

This Decision shall enter into force on the day of its publication in the *Official Journal of the European Union*. It shall be notified to the other institutions and bodies by the Commission's accounting officer.

Done at Brussels, 14 February 2006.

For the Commission
Dalia GRYBAUSKAITĖ
Member of the Commission

⁽¹⁾ OJ L 357, 31.12.2002, p. 1. Regulation as amended by Regulation (EC, Euratom) No 1261/2005 (OJ L 201, 2.8.2005, p. 3).

⁽²⁾ OJ L 134, 30.4.2004, p. 114. Directive as last amended by Commission Regulation (EC) No 2083/2005 (OJ L 333, 20.12.2005, p. 28).

COMMISSION DECISION

of 15 February 2006

concerning certain interim protection measures in relation to suspected cases of highly pathogenic avian influenza in wild birds in Germany*(notified under document number C(2006) 520)***(Only the German text is authentic)**

(2006/104/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

circumstances allow the suspicion of highly pathogenic avian influenza caused by influenza A virus of subtype H5N1.

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,

(3) Germany 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⁾.

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,

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

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,

(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⁾.

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.

(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.

(2) Germany 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

⁽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 bio-security 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 Germany 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. Germany 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, Germany shall collaborate with the authorities of those Member States to establish the zones.

4. Germany 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. Germany 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. Germany 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. Germany 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. Germany 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), Germany 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), Germany 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 Germany 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 Germany;

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

(e) pet birds referred to in Article 1(2)(c)(i), to premises on the territory of Germany 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), Germany may authorise:

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

(b) the dispatch of hatching eggs from the protection zone to hatcheries situated outside the territory of Germany 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 2006/104/EC'

Article 8

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

1. By way of derogation from Article 3(2)(e), Germany 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. Germany 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 2006/104/EC'

*Article 9***Conditions for animal by-products**

1. In accordance with Article 3(1)(e), Germany 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. Germany 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**

Germany 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 Federal Republic of Germany.

Done at Brussels, 15 February 2006.

For the Commission
Markos KYPRIANOU
Member of the Commission

COMMISSION DECISION

of 15 February 2006

concerning certain interim protection measures in relation to suspected cases of highly pathogenic avian influenza in wild birds in Hungary*(notified under document number C(2006) 526)***(Only the Hungarian text is authentic)**

(2006/105/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

circumstances allow the suspicion of highly pathogenic avian influenza caused by influenza A virus of subtype H5N1.

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,

- (3) Hungary 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⁾.

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,

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

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,

- (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⁾.

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.

- (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.

- (2) Hungary 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

⁽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 bio-security 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 Hungary 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. Hungary 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, Hungary shall collaborate with the authorities of those Member States to establish the zones.

4. Hungary 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. Hungary 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. Hungary 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. Hungary 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. Hungary 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), Hungary 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), Hungary 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 Hungary 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 Hungary;

- (d) ready-to-lay pullets and turkeys for fattening from the surveillance zone to holdings under official control on the territory of Hungary;
- (e) pet birds referred to in Article 1(2)(c)(i), to premises on the territory of Hungary 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), Hungary may authorise:

- (a) the transport of hatching eggs from the protection zone to a designated hatchery within the territory of Hungary;
- (b) the dispatch of hatching eggs from the protection zone to hatcheries situated outside the territory of Hungary 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 2006/105/EC'

Article 8

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

1. By way of derogation from Article 3(2)(e), Hungary 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. Hungary 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 2006/105/EC'

*Article 9***Conditions for animal by-products**

1. In accordance with Article 3(1)(e), Hungary 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. Hungary 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**

Hungary 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 Republic of Hungary.

Done at Brussels, 15 February 2006.

For the Commission
Markos KYPRIANOU
Member of the Commission