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### Legislation

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## I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 711/2006**

**of 20 March 2006**

**concerning the implementation of the Agreement in the form of an Exchange of Letters between the European Community and the United States of America pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedules of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic in the course of their accession to the European Union, amending and supplementing Annex I to Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff**

THE COUNCIL OF THE EUROPEAN UNION,

closing negotiations initiated pursuant to Article XXIV:6 of GATT 1994.

Having regard to the Treaty establishing the European Community, and in particular Article 133 thereof,

(3) Regulation (EEC) No 2658/87 should therefore be amended and supplemented accordingly,

Having regard to the proposal from the Commission,

HAS ADOPTED THIS REGULATION:

Whereas:

*Article 1*

Annex I to Regulation (EEC) No 2658/87 shall be amended as follows:

(1) Regulation (EEC) No 2658/87<sup>(1)</sup> established a goods nomenclature, hereinafter referred to as the 'Combined Nomenclature', and set out the conventional duty rates of the Common Customs Tariff.

(a) in Part two, Schedule of customs duties, the duty rates shall be amended as shown in point (a) of the Annex to this Regulation;

(2) By Decision 2006/333/EC of 20 March 2006 on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the United States of America pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedules of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic in the course of their accession to the European Union<sup>(2)</sup> the Council approved the said Agreement on behalf of the Community, with a view to

(b) Annex 7 of Section III of Part three, WTO Tariff Quotas to be opened by the competent Community authorities, shall be amended with the duties and supplemented with the volumes following the terms and conditions shown in point (b) of the Annex to this Regulation.

*Article 2*

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

<sup>(1)</sup> OJ L 256, 7.9.1987, p. 1. Regulation as last amended by Regulation (EC) No 486/2006 (OJ L 88, 25.3.2006, p. 1).

<sup>(2)</sup> See page 13 of this Official Journal.

Article 1, point (b) shall apply six weeks from the date of the publication of this Regulation.

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

Done at Brussels, 20 March 2006.

*For the Council*

*The President*

U. PLASSNIK

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## ANNEX

Notwithstanding the rules for the interpretation of the Combined Nomenclature, the wording for the description of the products is to be considered as having no more than an indicative value, the concessions being determined, within the context of this Annex, by the coverage of the CN codes as they exist at the time of adoption of the current Regulation. Where ex CN codes are indicated, the concessions are to be determined by application of the CN code and corresponding description taken together.

(a) In Annex I to Regulation (EEC) No 2658/87, Part two, Schedule of customs duties, the duty rates are the following:

CN code	Description	Duty rate
Tariff item number 0304 20 58	Frozen fillets of hake	Bound duty of 6,1 %
Tariff item number 0304 20 85	Frozen fillets of Alaska pollack ( <i>Theragra chalcogramma</i> )	Bound duty of 14,2 %
Tariff item number 0304 90 05	Surimi	Bound duty of 14,2 %
Tariff item number 2106 10 80	Protein concentrates	Elimination of the ad valorem duty of 9 %
Tariff item number 3920 91 00	Polyvinyl butyral	Bound duty of 6,1 %
Tariff item number 7609 00 00	Aluminium tube	Bound duty of 5,9 %
Tariff number 8102 96 00	Molybdenum wire	Bound duty of 6,1 %

(b) Annex 7, WTO Tariff Quotas to be opened by the competent Community authorities, Part three, Section III of Annex I to Regulation (EEC) No 2658/87, the other terms and conditions are the following:

CN code	Description	Other terms and conditions
Tariff item numbers 0102 90 05, 0102 90 29, 0102 90 49, 0102 90 59, 0102 90 69, 0102 90 79	Live bovine animals, bulls, cows and heifers (other than for slaughter) of the following mountain breeds: spotted Simmental, Schwyz and Fribourg	Adjust the EC tariff rate quota ( <i>erga omnes</i> ) to 711 heads, in-quota rate 4 %
Tariff item numbers 0102 90 05, 0102 90 29, 0102 90 49, 0102 90 59, 0102 90 69	Live bovine animals, heifers and cows (other than for slaughter) of the following mountain breeds: grey, brown, yellow, spotted Simmental and Pinzgau	Adjust the EC tariff rate quota ( <i>erga omnes</i> ) to 710 heads, in-quota rate 6 %
Tariff item numbers 0102 90 05, 0102 90 29, 0102 90 49	Live bovine animals weighing 300 kg or less intended for fattening	Adjust the EC tariff rate quota ( <i>erga omnes</i> ) to 24 070 heads, in-quota rate 16 % + EUR 582/t
Tariff item numbers 0104 10 30, 0104 10 80, 0104 20 90	Live sheep, other than pure-bred breeding animals	Adjust the EC tariff rate quota to 5 676 tonnes, in-quota rate 10 %
Tariff item numbers 0202 20 30, 0202 30, 0206 29 91	Meat of bovine animals, frozen; un-separated or separated forequarters; boneless and edible offal of bovine animals, frozen; thick skirt and thin skirt. The meat imported shall be used for processing	Add 4 003 tonnes ( <i>erga omnes</i> ) in EC tariff rate quota
Tariff item numbers ex 0203 19 55 and ex 0203 29 55	Frozen boneless hams and loins	Open a country allocated (US) tariff rate quota 4 722 tonnes, in-quota rate EUR 250/t

CN code	Description	Other terms and conditions
Tariff item numbers ex 0203 19 55, ex 0203 29 55	Frozen boneless hams and loins	Add 1 265 tonnes ( <i>erga omnes</i> ) in the EC tariff rate quota
Tariff item numbers 0203 11 10, 0203 21 10	Carcasses and half carcasses of domestic swine, fresh, chilled or frozen	Add 67 tonnes ( <i>erga omnes</i> ) in the EC tariff rate quota
Tariff item numbers 0203 12 11, 0203 12 19, 0203 19 11, 0203 19 13, 0203 19 15, 0203 19 55, 0203 19 59, 0203 22 11, 0203 22 19, 0203 29 11, 0203 29 13, 0203 29 15, 0203 29 55, 0203 29 59	Cuts of domestic swine, fresh, chilled or frozen, with or without bone, excluding tenderloin, presented separately	Add 35 tonnes ( <i>erga omnes</i> ) in the EC tariff rate quota
Tariff item numbers and in-quota rates (see footnote (!))	Poultry	Open a country allocated (US) tariff rate quota 16 665 tonnes
Tariff item numbers 0207 11 10, 0207 11 30, 0207 11 90, 0207 12 10, 0207 12 90	Chicken carcasse, fresh, chilled or frozen	Add 49 tonnes ( <i>erga omnes</i> ) in the EC tariff rate quota
Tariff item numbers 0207 13 10, 0207 13 20, 0207 13 30, 0207 13 40, 0207 13 50, 0207 13 60, 0207 13 70, 0207 14 20, 0207 14 30, 0207 14 40, 0207 14 60	Chicken cuts, fresh, chilled or frozen	Add 4 070 tonnes ( <i>erga omnes</i> ) in the EC tariff rate quota
Tariff item number 0207 14 10	Cuts of fowl	Add 1 605 tonnes ( <i>erga omnes</i> ) in the EC tariff rate quota, in quota rate EUR 795/t
Tariff item numbers 0207 24 10, 0207 24 90, 0207 25 10, 0207 25 90, 0207 26 10, 0207 26 20, 0207 26 30, 0207 26 40, 0207 26 50, 0207 26 60, 0207 26 70, 0207 26 80, 0207 27 30, 0207 27 40, 0207 27 50, 0207 27 60, 0207 27 70	Turkey meat, fresh, chilled or frozen	Add 201 tonnes ( <i>erga omnes</i> ) in the EC tariff rate quota

CN code	Description	Other terms and conditions
Tariff item numbers 0207 27 10, 0207 27 20, 0207 27 80	Turkey cuts, frozen	Add 2 485 tonnes ( <i>erga omnes</i> ) in the EC tariff rate quota
Tariff item numbers ex 0406 10 20, ex 0406 10 80	Pizza cheese	Add 60 tonnes ( <i>erga omnes</i> ) in the EC tariff rate quota
Tariff item numbers ex 0406 30 10, 0406 90 13	Emmentaler	Add 38 tonnes ( <i>erga omnes</i> ) in the EC tariff rate quota
Tariff item numbers ex 0406 30 10, 0406 90 15	Gruyère, sbrinz	Add 213 tonnes ( <i>erga omnes</i> ) in the EC tariff rate quota
Tariff item number 0406 90 01	Cheese for processing	Add 7 tonnes ( <i>erga omnes</i> ) in the EC tariff rate quota
Tariff item number 0406 90 21	Cheddar	Add 5 tonnes ( <i>erga omnes</i> ) in the EC tariff rate quota
Tariff item numbers ex 0406 10 20, ex 0406 10 80, 0406 20 90, 0406 30 31, 0406 30 39, 0406 30 90, 0406 40 10, 0407 40 50, 0407 40 90, 0406 90 17, 0406 90 18, 0406 90 23, 0406 90 25, 0406 90 27, 0406 90 29, 0406 90 31, 0406 90 33, 0406 90 35, 0406 90 37, 0406 90 39, 0406 90 50, ex 0406 90 63, 0406 90 69, 0406 90 73, ex 0406 90 75, ex 0406 90 76, 0406 90 78, ex 0406 90 79, ex 0406 90 81, 0406 90 82, 0406 90 84, 0406 90 86, 0406 90 87, 0406 90 88, 0406 90 93, 0406 90 99	Fresh cheeses	Add 25 tonnes ( <i>erga omnes</i> ) in the EC tariff rate quota
Tariff item number ex 0701 90 51	Fresh or chilled new potatoes	Add 295 tonnes ( <i>erga omnes</i> ) in EC tariff rate quota
Tariff item number 0702 00 00	Tomatoes	Open a tariff rate quota 472 tonnes ( <i>erga omnes</i> ), in-quota rate 12 %
Tariff item number 0706 10 00	Carrots and turnips	Add 44 tonnes ( <i>erga omnes</i> ) in EC tariff rate quota
Tariff item number ex 0707 00 05	Cucumbers	Add 34 tonnes ( <i>erga omnes</i> ) in EC tariff rate quota

CN code	Description	Other terms and conditions
Tariff item number 1001 90 99	Common wheat	Add 6 787 tonnes ( <i>erga omnes</i> ) in EC tariff rate quota, in quota rate EUR 12/t
Tariff item number 1003 00	Barley	Add 6 215 tonnes ( <i>erga omnes</i> ) in EC tariff rate quota, in quota rate EUR 16/t
Tariff item numbers 1005 10 90, 1005 90 00	Maize	Open a tariff rate quota 242 074 tonnes ( <i>erga omnes</i> ), in quota rate 0 %
Tariff item number 1006 10	Paddy rice	Implemented through Regulation (EC) No 683/2006
Tariff item number 1006 20	Husked rice	Implemented through Regulation (EC) No 683/2006
Tariff item number 1006 30	Milled and semi-milled rice	Implemented through Regulation (EC) No 683/2006
Tariff item number 1006 40	Broken rice	Implemented through Regulation (EC) No 683/2006
Tariff item numbers 1601 00 91, 1601 00 99	Sausages, dry or for spreading, uncooked	Add 2 tonnes ( <i>erga omnes</i> ) in the EC tariff rate quota
Tariff item numbers 1602 41 10, 1602 42 10, 1602 49 11, 1602 49 13, 1602 49 15, 1602 49 19, 1602 49 30, 1602 49 50	Preserved meat of domestic swine	Add 61 tonnes ( <i>erga omnes</i> ) in the EC tariff rate quota
Tariff item number 1701 11 10	Raw cane sugar	Add 1 413 tonnes ( <i>erga omnes</i> ) in EC tariff rate quota, in-quota rate EUR 98/t
Tariff item number 1702 50 00	Fructose	Open a tariff rate quota 1 253 tonnes ( <i>erga omnes</i> ), in-quota rate 20 %
Tariff item number 1806	Chocolate	Open a tariff rate quota 107 tonnes ( <i>erga omnes</i> ), in-quota rate 43 %
Tariff item numbers 1901 90 99, 1904 30 00, 1904 90 80, 1905 90 20	Food preparations with cereals	Open a tariff rate quota 191 tonnes ( <i>erga omnes</i> ), in-quota rate 33 %
Tariff item number 1902; 1902 20 10 and 1902 20 30 excluded	Pasta	Open a tariff rate quota 532 tonnes ( <i>erga omnes</i> ), in-quota rate 11 %
Tariff item numbers (see footnote (2))	Preserved pineapples, citrus fruit, pears, apricots, cherries, peaches and strawberries	Open a tariff rate quota of 2 838 tonnes ( <i>erga omnes</i> ), in-quota rate 20 %. The existing out-of-quota rates of the EC shall apply



CN code	Description	Other terms and conditions
Tariff item numbers 2009 11 11, 2009 11 19, 2009 19 11, 2009 19 19, 2009 29 11, 2009 29 19, 2009 39 11, 2009 39 19, 2009 49 11, 2009 49 19, 2009 79 11, 2009 79 19, 2009 80 11, 2009 80 19, 2009 80 32, 2009 80 33, 2009 80 35, 2009 80 36, 2009 80 38, 2009 90 11, 2009 90 19, 2009 90 21, 2009 90 29	Fruit juices	Open a tariff rate quota 7 044 tonnes ( <i>erga omnes</i> ), in quota rate 20 %
Tariff item numbers 2009 61 90, 2009 69 11, 2009 69 19, 2009 69 51, 2009 69 90	Grape juice	Add 29 tonnes ( <i>erga omnes</i> ) in EC tariff rate quota
Tariff item number 2106 90 98	Food preparations	Open a tariff rate quota 921 tonnes ( <i>erga omnes</i> ), in-quota rate 18 %
Tariff item number 2303 10 11	Corn gluten	Open a country allocated (US) tariff rate quota 10 000 tonnes, in-quota rate 16 %
Tariff item numbers 2309 10 13, 2309 10 15, 2309 10 19, 2309 10 33, 2309 10 39, 2309 10 51, 2309 10 53, 2309 10 59, 2309 10 70	Dog and cat food	Open a tariff rate quota 2 058 tonnes ( <i>erga omnes</i> ), in-quota rate 7 %.

( <sup>1</sup> ) 0207 11 10 (EUR 131/t)	0207 11 30 (EUR 149/t)	0207 11 90 (EUR 162/t)	0207 12 10 (EUR 149/t)
0207 12 90 (EUR 162/t)	0207 13 10 (EUR 512/t)	0207 13 20 (EUR 179/t)	0207 13 30 (EUR 134/t)
0207 13 40 (EUR 93/t)	0207 13 50 (EUR 301/t)	0207 13 60 (EUR 231/t)	0207 13 70 (EUR 504/t)
0207 14 10 (EUR 795/t)	0207 14 20 (EUR 179/t)	0207 14 30 (EUR 134/t)	0207 14 40 (EUR 93/t)
0207 14 50 (0 %)	0207 14 60 (EUR 231/t)	0207 14 70 (0 %)	0207 24 10 (EUR 170/t)
0207 24 90 (EUR 186/t)	0207 25 10 (EUR 170/t)	0207 25 90 (EUR 186/t)	0207 26 10 (EUR 425/t)
0207 26 20 (EUR 205/t)	0207 26 30 (EUR 134/t)	0207 26 40 (EUR 93/t)	0207 26 50 (EUR 339/t)
0207 26 60 (EUR 127/t)	0207 26 70 (EUR 230/t)	0207 26 80 (EUR 415/t)	0207 27 10 (0 %)
0207 27 20 (0 %)	0207 27 30 (EUR 134/t)	0207 27 40 (EUR 93/t)	0207 27 50 (EUR 339/t)
0207 27 60 (EUR 127/t)	0207 27 70 (EUR 230/t)	0207 27 80 (0 %)	
( <sup>2</sup> ) 2008 20 11: EUR 25,6 + 2,5/100 kg/net	2008 20 19: 25,6	2008 20 31: EUR 25,6 + 2,5/100 kg/net	
2008 20 39: 25,6	2008 20 71: 20,8	2008 30 11: 25,6	
2008 30 19: EUR 25,6 + 4,2/100 kg/net	2008 30 31: 24	2008 30 39: 25,6	
2008 30 79: 20,8	2008 40 11: 25,6	2008 40 19: EUR 25,6 + 4,2/100 kg/net	
2008 40 21: 24	2008 40 29: 25,6	2008 40 31: EUR 25,6 + 4,2/100 kg/net	
2008 40 39: 25,6	2008 50 11: 25,6	2008 50 19: EUR 25,6 + 4,2/100 kg/net	
2008 50 31: 24	2008 50 39: 25,6	2008 50 51: EUR 25,6 + 4,2/100 kg/net	
2008 50 59: 25,6	2008 50 71: 20,8	2008 60 11: 25,6	
2008 60 19: EUR 25,6 + 4,2/100 kg/net	2008 60 31: 24	2008 60 39: 25,6	
2008 60 60: 20,8	2008 70 11: 25,6	2008 79 19: EUR 25,6 + 4,2/100 kg/net	
2008 70 31: 24	2008 70 39: 25,6	2008 70 51: EUR 25,6 + 4,2/100 kg/net	
2008 70 59: 25,6	2008 80 11: 25,6	2008 80 19: EUR 25,6 + 4,2/100 kg/net	
2008 80 31: 24	2008 80 39: 25,6	2008 80 70: 20,8	

**COMMISSION REGULATION (EC) No 712/2006**  
**of 10 May 2006**  
**establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the

standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 11 May 2006.

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

Done at Brussels, 10 May 2006.

*For the Commission*

J. L. DEMARTY

*Director-General for Agriculture and  
Rural Development*

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

## ANNEX

**to Commission Regulation of 10 May 2006 establishing the standard import values for determining the entry price of certain fruit and vegetables**

*(EUR/100 kg)*

CN code	Third country code <sup>(1)</sup>	Standard import value
0702 00 00	052	108,6
	204	105,7
	999	107,2
0707 00 05	052	124,1
	628	155,5
	999	139,8
0709 90 70	052	119,5
	204	25,1
	999	72,3
0805 10 20	052	46,6
	204	37,6
	212	64,4
	220	43,2
	400	40,9
	448	50,4
	624	56,2
	999	48,5
0805 50 10	388	50,9
	528	56,6
	624	55,6
	999	54,4
0808 10 80	388	85,6
	400	135,2
	404	105,5
	508	80,8
	512	81,9
	524	94,6
	528	80,5
	720	86,8
	804	103,9
	999	95,0

<sup>(1)</sup> Country nomenclature as fixed by Commission Regulation (EC) No 750/2005 (OJ L 126, 19.5.2005, p. 12). Code '999' stands for 'of other origin'.

**COMMISSION REGULATION (EC) No 713/2006****of 10 May 2006****amending Regulation (EC) No 1695/2005 as regards the quantity covered by the standing invitation to tender for the export of common wheat held by the French 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 <sup>(1)</sup>, and in particular Article 6 thereof,

Whereas:

- (1) Commission Regulation (EC) No 1695/2005 <sup>(2)</sup> opened a standing invitation to tender for the export of 1 700 000 tonnes of common wheat held by the French intervention agency.
- (2) The invitations to tender made since this invitation to tender was opened have almost completely exhausted the quantities made available to the economic operators. In view of the strong demand recorded in recent weeks and the market situation, new quantities should be made available and the French intervention agency should be authorised to increase by 97 250 tonnes the quantity put out to tender for export.
- (3) Regulation (EC) No 1695/2005 should 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 2 of Regulation (EC) No 1695/2005 is hereby replaced by the following:

*'Article 2*

The invitation to tender shall cover a maximum of 1 797 250 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 (\*) and Switzerland.

(\*) Including Kosovo as defined in 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, 10 May 2006.

*For the Commission*

Mariann FISCHER BOEL

*Member of the Commission*

<sup>(1)</sup> 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).

<sup>(2)</sup> OJ L 272, 18.10.2005, p. 3. Regulation as last amended by Regulation (EC) No 504/2006 (OJ L 92, 30.3.2006, p. 3).

**COMMISSION REGULATION (EC) No 714/2006****of 10 May 2006****amending Regulation (EC) No 1164/2005 as regards the quantity covered by the standing invitation to tender for the resale on the Community market of maize held by the Polish 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 <sup>(1)</sup>, and in particular Article 6 thereof,

Whereas:

- (1) Commission Regulation (EC) No 1164/2005 <sup>(2)</sup> opened a standing invitation to tender for the resale on the Community market of 155 197 tonnes of maize held by the Polish intervention agency.
- (2) Given the current market situation, the quantities of maize put up for sale by the Polish intervention agency on the internal market should be increased, taking the permanent invitation to tender to 246 437 tonnes.
- (3) Regulation (EC) No 1164/2005 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*

Regulation (EC) No 1164/2005 is hereby amended as follows:

1. in Article 1, '155 197 tonnes' is replaced by '246 437 tonnes';
2. in the title of the Annex, '155 197 tonnes' is replaced by '246 437 tonnes'.

*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, 10 May 2006.

*For the Commission*  
Mariann FISCHER BOEL  
*Member of the Commission*

<sup>(1)</sup> 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).

<sup>(2)</sup> OJ L 188, 20.7.2005, p. 4. Regulation as last amended by Regulation (EC) No 1989/2005 (OJ L 320, 8.12.2005, p. 22).

**COMMISSION REGULATION (EC) No 715/2006****of 10 May 2006****on the issue of import licences for high-quality fresh, chilled or frozen beef and veal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal <sup>(1)</sup>,

Having regard to Commission Regulation (EC) No 936/97 of 27 May 1997 opening and providing for the administration of tariff quotas for high-quality fresh, chilled and frozen beef and for frozen buffalo meat <sup>(2)</sup>,

Whereas:

- (1) Regulation (EC) No 936/97 provides in Articles 4 and 5 the conditions for applications and for the issue of import licences for meat referred to in Article 2(f).
- (2) Article 2(f) of Regulation (EC) No 936/97 fixes the amount of high-quality fresh, chilled or frozen beef and veal meeting the definition laid down therein which may

be imported on special terms for the period 1 July 2005 to 30 June 2006 at 11 500 t.

- (3) It should be recalled that licences issued pursuant to this Regulation will, throughout the period of validity, be open for use only in so far as provisions on health protection in force permit,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. All applications for import licences from 1 to 5 May 2006 for high-quality fresh, chilled or frozen beef and veal as referred to in Article 2(f) of Regulation (EC) No 936/97 shall be granted in full.

2. Applications for licences may be submitted, in accordance with Article 5 of Regulation (EC) No 936/97, during the first five days of June 2006 for 10 283,529 t.

*Article 2*

This Regulation shall enter into force on 11 May 2006.

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

Done at Brussels, 10 May 2006.

*For the Commission*

J. L. DEMARTY

*Director-General for Agriculture and  
Rural Development*

<sup>(1)</sup> OJ L 160, 26.6.1999, p. 21. Regulation as last amended by Regulation (EC) No 1913/2005 (OJ L 307, 25.11.2005, p. 2).

<sup>(2)</sup> OJ L 137, 28.5.1997, p. 10. Regulation as last amended by Regulation (EC) No 408/2006 (OJ L 71, 10.3.2006, p. 3).

## II

(Acts whose publication is not obligatory)

## COUNCIL

## COUNCIL DECISION

of 20 March 2006

**on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the United States of America pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedules of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic in the course of their accession to the European Union**

(2006/333/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 in conjunction with the first sentence of the first subparagraph of Article 300(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) On 22 March 2004 the Council authorised the Commission to open negotiations with certain other Members of the WTO under Article XXIV:6 of the General Agreement on Tariffs and Trade (GATT) 1994, in the course of the accessions to the European Union of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic.
- (2) Negotiations have been conducted by the Commission in consultation with the Committee established by Article 133 of the Treaty and within the framework of the negotiating directives issued by the Council.
- (3) The Commission has finalised negotiations for an Agreement in the form of an Exchange of Letters

between the European Community and the United States of America. The said Agreement should therefore be approved.

- (4) The measures necessary for the implementation of this Decision should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission <sup>(1)</sup>,

HAS DECIDED AS FOLLOWS:

*Article 1*

The Agreement in the form of an Exchange of Letters between the European Community and the United States of America pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994, relating to the modification of concessions in the schedules of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic in the course of their accession to the European Union, is hereby approved on behalf of the Community.

The text of the Agreement in the form of an Exchange of Letters is attached to this Decision.

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

*Article 2*

The Commission shall adopt the detailed rules for implementing the Agreement in the form of an Exchange of Letters in accordance with the procedure laid down in Article 3(2) of this Decision.

*Article 3*

1. The Commission shall be assisted by the Management Committee for Cereals instituted by Article 25 of Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals<sup>(1)</sup> or the relevant committee instituted by the corresponding Article of the Regulation for the common market organisation for the product concerned.

2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply. The period laid down

in Article 4(3) of Decision 1999/468/EC shall be set at one month.

3. The Committee shall adopt its Rules of Procedure.

*Article 4*

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement in order to bind the Community<sup>(2)</sup>.

Done at Brussels, 20 March 2006.

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

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<sup>(1)</sup> 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).

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<sup>(2)</sup> The date of entry into force of the Agreement will be published in the *Official Journal of the European Union*.



**AGREEMENT IN THE FORM OF AN EXCHANGE OF LETTERS**

**between the European Community and the United States of America pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedules of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic in the course of their accession to the European Union**

*A. Letter from the European Community*

Geneva, **22 MARS 2006**

Sir,

Pursuant to negotiations under Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade 1994 (GATT) relating to the modification of the Schedules of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic in the course of their accession to the European Union, and to bring those negotiations to a conclusion, the European Communities and the United States of America (United States) have agreed as follows:

No later than 1 April 2006, the EC shall incorporate and bind in its Schedule for the Customs territory of the EC-25 (the EC of 25 Countries) the concessions that were included in its schedule CXL for the customs territory of the EC-15 (the EC of 15 countries) with the modifications set out in the Annex to this letter.

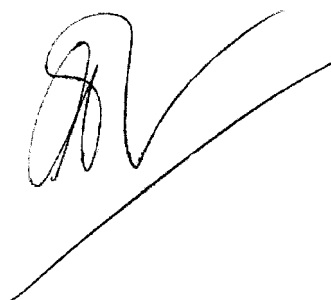
The EC shall reduce tariffs and adjust tariff rate quotas as indicated in the Annex as soon as possible and no later than 1 July 2006.

As regards tariff quotas, the full year quota volume shall be available regardless of when the quotas are established.

Consultations shall be held with regard to matters in this agreement at any time at the request of either party.

I would be grateful if you would confirm, following consideration in accordance with your domestic procedures, that this agreement is shared by your Government, and that this letter and your affirmative reply shall constitute an agreement, which shall enter into force on the date of your letter.

Please accept, Sir, the assurance of my highest consideration.



*On behalf of the European Community*

## ANNEX

0304 20 58 (frozen fillets of hake) a bound duty of 6,1 %

0304 20 85 (frozen fillets of Alaska Pollack): a bound duty of 14,2 %

0304 90 05 (surimi): a bound duty of 14,2 %

3920 91 00 (polyvinyl butyral): a bound duty of 6,1 %

7609 00 00 (aluminium tube): a bound duty of 5,9 %

8102 93 00 (molybdenum wire): a bound duty of 6,1 %.

— add 4 003 tonnes (*erga omnes*) in EC tariff rate quota for 'meat of bovine animals, frozen; un-separated or separated forequarters; boneless' and 'edible offal of bovine animals, frozen; thick skirt and thin skirt. The meat imported shall be used for processing' (tariff item numbers 0202 20 30, 0202 30, 0206 29 91),

— adjust the EC tariff rate quota (*erga omnes*) for 'live bovine animals, heifers and cows (other than for slaughter) of the following mountain breeds: grey, brown, yellow, spotted Simmental and Pinzgau' to 710 heads (tariff item numbers 0102 90 05, 0102 90 29, 0102 90 49, 0102 90 59, 0102 90 69), in-quota rate 6 %,

— adjust the EC tariff rate quota (*erga omnes*) for 'live bovine animals, bulls, cows and heifers (other than for slaughter) of the following mountain breeds: spotted Simmental, Schwyz and Fribourg' to 711 heads (tariff item numbers 0102 90 05, 0102 90 29, 0102 90 49, 0102 90 59, 0102 90 69, 0102 90 79), in-quota rate 4 %,

— adjust the EC tariff rate quota (*erga omnes*) for 'live bovine animals weighing 300 kg or less intended for fattening' to 24 070 heads (tariff item numbers 0102 90 05, 0102 90 29, 0102 90 49), in-quota rate 16 % + EUR 582/t,

— a country allocated (US) tariff rate quota 16 665 tonnes of poultry (tariff item numbers and in-quota rates)

0207 11 10 (EUR 131/t)	0207 11 30 (EUR 149/t)	0207 11 90 (EUR 162/t)	0207 12 10 (EUR 149/t)
0207 12 90 (EUR 162/t)	0207 13 10 (EUR 512/t)	0207 13 20 (EUR 179/t)	0207 13 30 (EUR 134/t)
0207 13 40 (EUR 93/t)	0207 13 50 (EUR 301/t)	0207 13 60 (EUR 231/t)	0207 13 70 (EUR 504/t)
0207 14 10 (EUR 795/t)	0207 14 20 (EUR 179/t)	0207 14 30 (EUR 134/t)	0207 14 40 (EUR 93/t)
0207 14 50 (0 %)	0207 14 60 (EUR 231/t)	0207 14 70 (0 %)	0207 24 10 (EUR 170/t)
0207 24 90 (EUR 186/t)	0207 25 10 (EUR 170/t)	0207 25 90 (EUR 186/t)	0207 26 10 (EUR 425/t)
0207 26 20 (EUR 205/t)	0207 26 30 (EUR 134/t)	0207 26 40 (EUR 93/t)	0207 26 50 (EUR 339/t)
0207 26 60 (EUR 127/t)	0207 26 70 (EUR 230/t)	0207 26 80 (EUR 415/t)	0207 27 10 (0 %)
0207 27 20 (0 %)	0207 27 30 (EUR 134/t)	0207 27 40 (EUR 93/t)	0207 27 50 (EUR 339/t)
0207 27 60 (EUR 127/t)	0207 27 70 (EUR 230/t)	0207 27 80 (0 %)	

— add 49 tonnes (*erga omnes*) in the EC tariff rate quota for 'chicken carcass, fresh, chilled or frozen', (tariff item numbers 0207 11 10, 0207 11 30, 0207 11 90, 0207 12 10, 0207 12 90),

— add 4 070 tonnes (*erga omnes*) in the EC tariff rate quota for 'chicken cuts, fresh, chilled or frozen' (tariff item numbers 0207 13 10, 0207 13 20, 0207 13 30, 0207 13 40, 0207 13 50, 0207 13 60, 0207 13 70, 0207 14 20, 0207 14 30, 0207 14 40, 0207 14 60),

— add 1 605 tonnes (*erga omnes*) in the EC tariff rate quota for 'cuts of fowls' (tariff item number 0207 14 10), in quota rate EUR 795/t,

- add 201 tonnes (*erga omnes*) in the EC tariff rate quota for 'turkey meat, fresh, chilled or frozen' (tariff item numbers 0207 24 10, 0207 24 90, 0207 25 10, 0207 25 90, 0207 26 10, 0207 26 20, 0207 26 30, 0207 26 40, 0207 26 50, 0207 26 60, 0207 26 70, 0207 26 80, 0207 27 30, 0207 27 40, 0207 27 50, 0207 27 60, 0207 27 70),
- add 2 485 tonnes (*erga omnes*) in the EC tariff rate quota for 'turkey cuts, frozen' (tariff item numbers 0207 27 10, 0207 27 20, 0207 27 80),
- a country allocated (US) tariff rate quota 4 722 tonnes of 'frozen boneless hams and loins' (tariff item numbers ex 0203 19 55 and ex 0203 29 55), in-quota rate EUR 250/t,
- add 1 265 tonnes (*erga omnes*) in the EC tariff rate quota for 'frozen boneless hams and loins' (tariff item numbers ex 0203 19 55, ex 0203 29 55),
- add 67 tonnes (*erga omnes*) in the EC tariff rate quota for 'carcasses and half carcasses of domestic swine, fresh, chilled or frozen' (tariff item numbers 0203 11 10, 0203 21 10),
- add 35 tonnes (*erga omnes*) in the EC tariff rate quota for 'cuts of domestic swine, fresh, chilled or frozen, with or without bone, excluding tenderloin, presented separately' (tariff item numbers 0203 12 11, 0203 12 19, 0203 19 11, 0203 19 13, 0203 19 55, 0203 19 59, 0203 22 11, 0203 22 19, 0203 29 11, 0203 29 13, 0203 29 15, 0203 29 55, 0203 29 59),
- add 2 tonnes (*erga omnes*) in the EC tariff rate quota for 'sausages, dry or for spreading, uncooked' (tariff item numbers 1601 00 91, 1601 00 99),
- add 61 tonnes (*erga omnes*) in the EC tariff rate quota for 'preserved meat of domestic swine' (tariff item numbers 1602 41 10, 1602 42 10, 1602 49 11, 1602 49 13, 1602 49 15, 1602 49 19, 1602 49 30, 1602 49 50),
- adjust the EC tariff rate quota for 'live sheep, other than pure-bred breeding animals' to 5 676 tonnes (tariff item numbers 0104 10 30, 0104 10 80, 0104 20 90), in-quota rate 10 %,
- add 60 tonnes (*erga omnes*) in the EC tariff rate quota for 'pizza cheese' (tariff item numbers ex 0406 10 20, ex 0406 10 80),
- add 38 tonnes (*erga omnes*) in the EC tariff rate quota for 'emmentaler' (tariff item numbers ex 0406 30 10, 0406 90 13),
- add 213 tonnes (*erga omnes*) in the EC tariff rate quota for 'gruyere, sbrinz' (tariff item numbers ex 0406 30 10, 0406 90 15),
- add 7 tonnes (*erga omnes*) in the EC tariff rate quota for 'cheese for processing' (tariff item number 0406 90 01),
- add 5 tonnes (*erga omnes*) in the EC tariff rate quota for 'cheddar' (tariff item number 0406 90 21),
- add 25 tonnes (*erga omnes*) in the EC tariff rate quota for 'fresh cheeses' (tariff item numbers ex 0406 10 20, ex 0406 10 80, 0406 20 90, 0406 30 31, 0406 30 39, 0406 30 90, 0406 40 10, 0407 40 50, 0407 40 90, 0406 90 17, 0406 90 18, 0406 90 23, 0406 90 25, 0406 90 27, 0406 90 29, 0406 90 31, 0406 90 33, 0406 90 35, 0406 90 37, 0406 90 39, 0406 90 50, ex 0406 90 63, 0406 90 69, 0406 90 73, ex 0406 90 75, ex 0406 90 76, 0406 90 78, ex 0406 90 79, ex 0406 90 81, 0406 90 82, 0406 90 84, 0406 90 86, 0406 90 87, 0406 90 88, 0406 90 93, 0406 90 99),
- open a tariff rate quota 7 tonnes (*erga omnes*) for paddy rice (tariff item number 1006 10), in-quota rate 15 %,
- open a tariff rate quota 1 634 tonnes (*erga omnes*) for husked rice (tariff item number 1006 20), in-quota rate 15 %,

- add 25 516 tonnes (*erga omnes*) in EC tariff rate quota for semi milled and wholly milled rice (tariff item number 1006 30), in-quota rate 0 %,
- add 31 788 tonnes (*erga omnes*) in EC tariff rate quota for broken rice (tariff item number 1006 40), in-quota rate 0 %,
- add 6 215 tonnes (*erga omnes*) in EC tariff rate quota for barley (tariff item number 1003 00), in-quota rate EUR 16/t,
- add 6 787 tonnes (*erga omnes*) in EC tariff rate quota for common wheat (tariff item number 1001 90 99), in-quota rate EUR 12/t,
- open a tariff rate quota 242 074 tonnes (*erga omnes*) for maize (tariff item numbers 1005 10 90, 1005 90 00), in-quota rate 0 %,
- add 1 413 tonnes (*erga omnes*) in EC tariff rate quota for raw cane sugar (tariff item number 1701 11 10), in-quota rate EUR 98/t,
- open a tariff rate quota 1 253 tonnes (*erga omnes*) for fructose (tariff item number 1702 50 00), in-quota rate 20 %,
- add 44 tonnes (*erga omnes*) in EC tariff rate quota for carrots and turnips (tariff item number 0706 10 00),
- add 34 tonnes (*erga omnes*) in EC tariff rate quota for cucumbers (tariff item number ex 0707 00 05),
- open a tariff rate quota 472 tonnes (*erga omnes*) for tomatoes (tariff item number 0702 00 00),
- open a tariff rate quota 2 838 tonnes (*erga omnes*) for preserved pineapples, citrus fruit, pears, apricots, cherries, peaches and strawberries (tariff item numbers 2008 20 11, 2008 20 19, 2008 20 31, 2008 20 39, 2008 20 71, 2008 30 11, 2008 30 19, 2008 30 31, 2008 30 39, 2008 30 79, 2008 40 11, 2008 40 19, 2008 40 21, 2008 40 29, 2008 40 31, 2008 40 39, 2008 50 11, 2008 50 19, 2008 50 31, 2008 50 39, 2008 50 51, 2008 50 59, 2008 50 71, 2008 60 11, 2008 60 19, 2008 60 31, 2008 60 39, 2008 60 60, 2008 70 11, 2008 70 19, 2008 70 31, 2008 70 39, 2008 70 51, 2008 70 59, 2008 80 11, 2008 80 19, 2008 80 31, 2008 80 39, 2008 80 70), in-quota rate 20 %,
- open a tariff rate quota 7 044 tonnes (*erga omnes*) for fruit juices (tariff item numbers 2009 11 11, 2009 11 19, 2009 19 11, 2009 19 19, 2009 29 11, 2009 29 19, 2009 39 11, 2009 39 19, 2009 49 11, 2009 49 19, 2009 79 11, 2009 79 19, 2009 80 11, 2009 80 19, 2009 80 32, 2009 80 33, 2009 80 35, 2009 80 36, 2009 80 38, 2009 90 11, 2009 90 19, 2009 90 21, 2009 90 29), in-quota rate 20 %,
- add 29 tonnes (*erga omnes*) in EC tariff rate quota for grape juice (tariff item numbers 2009 61 90, 2009 69 11, 2009 69 19, 2009 69 51, 2009 69 90),
- add 295 tonnes (*erga omnes*) in EC tariff rate quota for fresh or chilled new potatoes (tariff item number ex 0701 90 51),
- eliminate ad valorem duty of 9 % on protein concentrates (tariff item number 2106 10 80),
- A country allocated (US) tariff rate quota 10 000 tonnes of corn gluten (tariff item number 2303 10 11), in-quota rate 16 %,
- open a tariff rate quota 532 tonnes (*erga omnes*) for pasta (tariff item number 1902; 1902 20 10 and 1902 20 30 excluded), in-quota rate 11 %,
- open a tariff rate quota 107 tonnes (*erga omnes*) for chocolate (tariff item number 1806), in-quota rate 43 %,
- open a tariff rate quota 921 tonnes (*erga omnes*) for food preparations (tariff item number 2106 90 98), in-quota rate 18 %,

- 
- open a tariff rate quota 191 tonnes (*erga omnes*) for food preparations with cereals (tariff item numbers 1901 90 99, 1904 30 00, 1904 90 80, 1905 90 20), in-quota rate 33 %,
  - open a tariff rate quota 2 058 tonnes (*erga omnes*) for dog and cat food (tariff item numbers 2309 10 13, 2309 10 15, 2309 10 19, 2309 10 33, 2309 10 39, 2309 10 51, 2309 10 53, 2309 10 59, 2309 10 70), in-quota rate 7 %.

The exact tariff descriptions of the EC-15 shall apply to all tariff lines and quotas above.

*B. Letter from the United States of America*Geneva, **22 MARS 2006**

Sir,

Reference is made to your letter stating:

Pursuant to negotiations under Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade 1994 (GATT) relating to the modification of the Schedules of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic in the course of their accession to the European Union, and to bring those negotiations to a conclusion, the European Communities and the United States of America (United States) have agreed as follows:

No later than 1 April 2006, the EC shall incorporate and bind in its Schedule for the Customs territory of the EC-25 (the EC of 25 Countries) the concessions that were included in its schedule CXL for the customs territory of the EC-15 (the EC of 15 countries) with the modifications set out in the Annex to this letter.

The EC shall reduce tariffs and adjust tariff rate quotas as indicated in the Annex as soon as possible and no later than 1 July 2006.

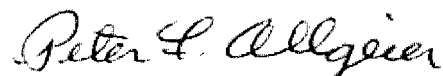
As regards tariff quotas, the full year quota volume shall be available regardless of when the quotas are established.

Consultations shall be held with regard to matters in this agreement at any time at the request of either party.

I would be grateful if you would confirm, following consideration in accordance with your domestic procedures, that this agreement is shared by your Government, and that this letter and your affirmative reply shall constitute an agreement, which shall enter into force on the date of your letter.'

I hereby have the honour to express my government's agreement.

Please accept, Sir, the assurance of my highest consideration.



*On behalf of the United States of America*

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# COMMISSION

## COMMISSION DECISION

of 28 April 2006

**excluding from Community financing certain expenditure incurred by the Member States under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF)**

*(notified under document number C(2006) 1702)*

**(Only the Spanish, German, Greek, English, French, Italian, Dutch, Portuguese, Finnish and Swedish texts are authentic)**

(2006/334/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

accounts of the European Agricultural Guidance and Guarantee Fund (EAGGF) Guarantee Section <sup>(4)</sup>.

Having regard to the Treaty establishing the European Community,

- (2) The Member States have had an opportunity to request that a conciliation procedure be initiated. That opportunity has been used in some cases and the report issued on the outcome has been examined by the Commission.

Having regard to Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy <sup>(1)</sup>, and in particular Article 5(2)(c) thereof,

- (3) Pursuant to Articles 2 and 3 of Regulation (EEC) No 729/70 and Article 2 of Regulation (EC) No 1258/1999, only refunds on exports to third countries and intervention to stabilise agricultural markets, granted and undertaken respectively according to Community rules within the framework of the common organisation of the agricultural markets, may be financed.

Having regard to Council Regulation (EC) No 1258/1999 of 17 May 1999 on the financing of the common agricultural policy <sup>(2)</sup>, and in particular Article 7(4) thereof,

Having consulted the Fund Committee,

Whereas:

- (1) Article 5 of Regulation (EEC) No 729/70, Article 7 of Regulation (EC) No 1258/1999, and Article 8(1) and (2) of Commission Regulation (EC) No 1663/95 of 7 July 1995 laying down detailed rules for the application of Council Regulation (EEC) No 729/70 regarding the procedure for the clearance of the accounts of the EAGGF Guarantee Section <sup>(3)</sup> provide that the Commission is to make the necessary verifications, inform the Member States of its findings, take account of the Member States' comments, initiate bilateral discussions with a view to reaching agreement with the Member States concerned and then formally communicate its conclusions to them, referring to Commission Decision 94/442/EC of 1 July 1994 setting up a conciliation procedure in the context of the clearance of the

- (4) In the light of the checks carried out, the outcome of the bilateral discussions and the conciliation procedures, part of the expenditure declared by the Member States does not fulfil these requirements and cannot, therefore, be financed under the EAGGF Guarantee Section.
- (5) The amounts that are not recognised as being chargeable to the EAGGF Guarantee Section should be indicated. Those amounts do not relate to expenditure incurred more than twenty-four months before the Commission's written notification of the results of the checks to the Member States.
- (6) As regards the cases covered by this Decision, the assessment of the amounts to be excluded on grounds of non-compliance with Community rules was notified by the Commission to the Member States in a summary report on the subject.

<sup>(1)</sup> OJ L 94, 28.4.1970, p. 13. Regulation as last amended by Commission Regulation (EC) No 1287/95 (OJ L 125, 8.6.1995, p. 1).

<sup>(2)</sup> OJ L 160, 26.6.1999, p. 103.

<sup>(3)</sup> OJ L 158, 8.7.1995, p. 6. Regulation as last amended by Regulation (EC) No 465/2005 (OJ L 77, 23.3.2005, p. 6).

<sup>(4)</sup> OJ L 182, 16.7.1994, p. 45. Decision as last amended by Decision 2001/535/EC (OJ L 193, 17.7.2001, p. 25).

- (7) This Decision is without prejudice to any financial conclusions that the Commission may draw from the judgements of the Court of Justice in cases pending on 25 November 2005 and relating to its content,

HAS ADOPTED THIS DECISION:

*Article 1*

The expenditure itemised in the Annex hereto that has been incurred by the Member States' accredited paying agencies and declared under the EAGGF Guarantee Section shall be excluded from Community financing because it does not comply with Community rules.

*Article 2*

This Decision is addressed to the Kingdom of Belgium, the Federal Republic of Germany, the Kingdom of Spain, the French Republic, the Hellenic Republic, the Italian Republic, the Kingdom of the Netherlands, the Portuguese Republic, the Republic of Finland, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 28 April 2006.

*For the Commission*  
Mariann FISCHER BOEL  
*Member of the Commission*



## ANNEX

## Total corrections

Sector	Member State	Budget item	Reason	Nat. Currency	Expenditure to exclude from financing	Deductions already made	Financial impact of this decision	Financial year
Milk and milk products	BE	2040	Control deficiencies: 5 % flat-rate correction. Incorrect treatment of result of physical checks: one-off correction	EUR	- 5 851 253,86	0,00	- 5 851 253,86	2001-2003
	<b>Total BE</b>				<b>- 5 851 253,86</b>	0,00	<b>- 5 851 253,86</b>	
Milk and milk products	DE	2040	Non-compliance with the requirement to perform unannounced checks. 10 % flat-rate correction (1 operator)	EUR	- 396 063,56	0,00	- 396 063,56	2002-2004
	<b>Total DE</b>				<b>- 396 063,56</b>	<b>0,00</b>	<b>- 396 063,56</b>	
Fruit and vegetables	GR	1515	Partial annulment of Commission Decision 2002/881/EC, amount to be reimbursed to Greece.	EUR	623 385,74	0,00	623 385,74	1998-2000
Public storage	GR	3231	Partial annulment of Commission Decision 2003/102/EC, amount to be reimbursed to Greece.	EUR	9 926 005,21	0,00	9 926 005,21	1999-2001
Irregularities	GR	Miscellaneous	Partial annulment of Commission Decision 2003/481/EC, amount to be reimbursed to Greece.	EUR	41 884,90	0,00	41 884,90	
	<b>Total GR</b>				<b>10 591 275,85</b>	<b>0,00</b>	<b>10 591 275,85</b>	
Public storage	ES	2111, 2112, 2113, 2114	Control deficiencies: 5 % flat-rate correction	EUR	- 2 763 696,91	0,00	- 2 763 696,91	2001-2003
Animal premiums	ES	2220, 2221, 2222	Premium paid to farmers not having the minimum quota rights. One-off correction	EUR	- 78 720,15	0,00	- 78 720,15	2003-2004
Rural development	ES	4000, 4010	Various shortcomings in the management and control system. 5 % flat-rate correction	EUR	- 135 394,00	0,00	- 135 394,00	2002-2003
Financial audit	ES	Miscellaneous	Partial annulment of Commission Decision 2002/461/EC, amount to be reimbursed to Spain.	EUR	451 482,55	0,00	451 482,55	2001
	<b>Total ES</b>				<b>- 2 526 328,51</b>	<b>0,00</b>	<b>- 2 526 328,51</b>	

Sector	Member State	Budget item	Reason	Nat. Currency	Expenditure to exclude from financing	Deductions already made	Financial impact of this decision	Financial year
Milk and milk products	FI	2040	Control weakness. 5 % flat-rate correction (1 operator)	EUR	- 65 903,93	0,00	- 65 903,93	2002-2003
Ceiling overshoot	FI	2128	Overshoot of financial ceilings	EUR	- 6 820,82	- 6 820,82	0,00	2003
	<b>Total FI</b>				<b>- 72 724,75</b>	<b>- 6 820,82</b>	<b>- 65 903,93</b>	
Fruit and vegetables	FR	1508	Aid over-estimated (calculated on the basis of quantities loaded rather than quantities marketed), non-application of sanction in respect of claim submitted after the deadline: one-off correction. Non-performance of several key controls: 10 % flat-rate correction	EUR	- 32 072 056,72	0,00	- 32 072 056,72	2002-2004
Public storage	FR	2111, 2112, 2113, 2114	Control deficiencies: 5 % flat-rate correction. Payment delays: one-off correction	EUR	- 7 135 187,50	0,00	- 7 135 187,50	2001-2003
Rural development	FR	4040	Incorrect application of a procedure for verifying one of the conditions of eligibility. One-off correction	EUR	- 870 374,00	0,00	- 870 374,00	2002
	<b>Total FR</b>				<b>- 40 077 618,22</b>	<b>0,00</b>	<b>- 40 077 618,22</b>	
Fruit and vegetables	IT	1501, 1502, 1515	Non-application of sanctions, deficiencies in controls on composting and bio-degradation. 10 % flat-rate correction and one-off correction	EUR	- 30 021 060,00	0,00	- 30 021 060,00	1999-2002
Fruit and vegetables	IT	1512	Non-compliance with payment deadlines. One-off correction	EUR	- 4 414 265,04	0,00	- 4 414 265,04	2002
Fruit and vegetables	IT	1502	Key controls are not applied in the number, frequency, or depth required by the regulations. 5 % flat-rate correction	EUR	- 7 708 059,40	0,00	- 7 708 059,40	2000-2003
Milk and milk products	IT	2040	Non-compliance with the regulations: one-off correction. Control deficiencies: 5 % flat-rate correction. Non-compliance with minimum rate of control: 10 % flat-rate	EUR	- 297 002,44	0,00	- 297 002,44	2002-2004
Arable crops	IT	1040- 1062, 1310, 1858	Failure to apply sanctions. 3 % flat-rate correction	EUR	- 7 975 231,00	0,00	- 7 975 231,00	2002
Arable crops	IT	1040- 1060, 1310, 1858	Poor quality of classical field inspections. 5 % flat-rate correction	EUR	- 603 692,00	- 36 829,00	- 566 863,00	2001-2003

Sector	Member State	Budget item	Reason	Nat. Currency	Expenditure to exclude from financing	Deductions already made	Financial impact of this decision	Financial year
Rural development	IT	4000, 4010, 4040	Weaknesses in the management, control and sanctions system. 2 % flat-rate correction	EUR	- 3 748 761,00	0,00	- 3 748 761,00	2001-2002
Payment deadline	IT	Miscellaneous	Failure to meet payment deadlines	EUR	- 30 938 245,66	- 31 631 666,68	693 421,02	2003
	<b>Total IT</b>				<b>- 85 706 316,54</b>	<b>- 31 668 495,68</b>	<b>- 54 037 820,86</b>	
Milk and milk products	NL	2040	Unsatisfactory sampling procedure: 10 % flat-rate correction (1 operator). Incorrect treatment of result of physical checks: one-off correction	EUR	- 158 235,60	0,00	- 158 235,60	2002-2003
	<b>Total NL</b>				<b>- 158 235,60</b>	<b>0,00</b>	<b>- 158 235,60</b>	
Fat	PT	1400, 1402	The control system put in place w as not adequate to prevent irregular practices on the part of all the actors concerned in the flax sector. 100 % financial correction	EUR	- 3 135 348,71	0,00	- 3 135 348,71	2001
	<b>Total PT</b>				<b>- 3 135 348,71</b>	<b>0,00</b>	<b>- 3 135 348,71</b>	
Arable crops	SE	1040, 1062, 1310	Shortcomings in the application of the rules regarding set-aside, incorrect application of technical tolerances, obvious errors applied over-generously. One-off correction.	SEK	- 1 308 192,00	0,00	- 1 308 192,00	2001-2002
	<b>Total SE</b>				<b>- 1 308 192,00</b>	<b>0,00</b>	<b>- 1 308 192,00</b>	
Financial audit	UK	Miscellaneous	Unidentified corrections to be credited to EAGGF. One-off correction	GBP	- 497 130,69	0,00	- 497 130,69	2004
	<b>Total UK</b>				<b>- 497 130,69</b>	<b>0,00</b>	<b>- 497 130,69</b>	

## COMMISSION DECISION

of 8 May 2006

**authorising the Republic of Poland to prohibit on its territory the use of 16 genetically modified varieties of maize with the genetic modification MON 810 listed in the Common catalogue of varieties of agricultural plant species, pursuant to Council Directive 2002/53/EC**

(notified under document number C(2006) 1795)

(Only the Polish text is authentic)

(2006/335/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2002/53/EC of 13 June 2002 on the Common catalogue of varieties of agricultural plant species <sup>(1)</sup>, and in particular Article 16(2)(b) thereof,

Whereas:

(1) The Commission, in accordance with Article 17 of Directive 2002/53/EC, published on 17 September 2004, in the C series of the *Official Journal of the European Union* a list of 17 genetically modified varieties of maize derived from the genetically modified organism MON 810 in the 13th supplement to the 22nd complete edition of the Common catalogue of varieties of agricultural plant species <sup>(2)</sup>.

(2) Pursuant to Article 16(1) of the said Directive, Member States are to ensure that, with effect from the publication referred to in Article 17, seed of varieties accepted in accordance with that Directive or in accordance with the principles corresponding to those of that Directive is not subject to any marketing restrictions relating to the variety.

(3) Article 7(4) of the said Directive provides that genetically modified varieties may only be accepted for inclusion in a national catalogue after having been accepted for marketing in accordance with Council Directive 90/220/EEC <sup>(3)</sup>, now replaced by Directive 2001/18/EC of the European Parliament and of the Council <sup>(4)</sup>, which provides for the evaluation of the risks for human health and the environment of genetically modified organisms.

(4) Commission Decision 98/294/EC of 22 April 1998 concerning the placing on the market of genetically modified maize (*Zea mays* L. line MON 810) decided pursuant to Council Directive 90/220/EEC <sup>(5)</sup> that consent should be given for the placing on the market of that product. On 3 August 1998, the French authorities effectively allowed the placing on the market of that product.

(5) On 31 March 2005, the Commission received from the Republic of Poland a request for the prohibition, on the basis of Article 16(2) of Directive 2002/53/EC, of the use and placing on the market of seed material from 17 genetically modified varieties of maize line MON 810. A modified request was sent on 24 June 2005 specifying that it was based on Article 16(2)(b). On 9 December 2005, Poland informed the Commission that the request does not apply to the Novelis variety mentioned in the original request. Poland also specified that the request for the remaining varieties is for an unlimited period of time.

(6) From the information available for the 16 varieties concerned, it is well known that they are not suitable for cultivation in any part of Poland because of their too high maturity class which is at least of 350 FAO index or equivalent maturity class. The climatic and agricultural factors concerned provide a permanent obstacle to cultivating these varieties in Poland.

(7) Under these circumstances, the application of the Republic of Poland should be granted on the basis of Article 16(2)(b) for the 16 genetically modified varieties of maize concerned.

(8) In order to allow the Commission to inform the other Member States and update the Common catalogue of varieties of agricultural plant species provided for in Directive 2002/53/EC, Poland should be required to inform the Commission when it makes use of the authorisation granted by this Decision.

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

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

<sup>(3)</sup> OJ L 117, 8.5.1990, p. 15.

<sup>(4)</sup> OJ L 106, 17.4.2001, p. 1. Directive as last amended by Regulation (EC) No 1830/2003 (OJ L 268, 18.10.2003, p. 24).

<sup>(5)</sup> OJ L 131, 5.5.1998, p. 32.

- (9) The Republic of Poland has made a similar request for varieties of non-genetically modified maize. As such requests are governed by a different procedure, this will be the subject of a separate decision.
- (10) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DECISION:

*Article 1*

The Republic of Poland is authorised to prohibit the use, in any part of its territory, of the 16 genetically modified varieties of maize listed in the 13th supplement to the 22nd complete edition of the Common catalogue of varieties of agricultural plant species and listed in the Annex to this Decision.

*Article 2*

In order to allow the Commission to inform the other Member States, the Republic of Poland shall notify the Commission of the date from which it makes use of the authorisation given under Article 1.

*Article 3*

This Decision is addressed to the Republic of Poland.

Done at Brussels, 8 May 2006.

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

## ANNEX

1. Aliacan BT
  2. Aristis BT
  3. Bolsa
  4. Campero BT
  5. Cuartal BT
  6. DK 513
  7. DKC6550
  8. DKC6575
  9. Elgina
  10. Gambier BT
  11. Jaral BT
  12. Lévína
  13. Olimpica
  14. PR32P76
  15. PR33P67
  16. Protect
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**COMMISSION DECISION**  
**of 10 May 2006**  
**amending Decision 2005/380/EC establishing a group of non-governmental experts on corporate governance and company law**  
(2006/336/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Community,

Having regard to Commission Decision 2005/380/EC of 28 April 2005 establishing a group of non-governmental experts on corporate governance and company law <sup>(1)</sup>, and in particular Articles 3 and 4 thereof,

Whereas:

A member of the group has resigned during his period of appointment. Therefore, the Commission should appoint a new member of the group,

*Article 1*

Mr. Lajos Váradi is appointed member of the group of non-governmental experts on corporate governance and company law, as a replacement for Mr. Józef Okolski.

*Article 2*

This Decision shall apply until 27 April 2008.

Done at Brussels, 10 May 2006.

*For the Commission*  
Charlie McCREEVY  
*Member of the Commission*

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<sup>(1)</sup> OJ L 126, 19.5.2005, p. 40.