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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 850/2006
of 9 June 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 10 June 2006.

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

Done at Brussels, 9 June 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 9 June 2006 establishing the standard import values for determining the entry price of certain fruit and vegetables

<i>(EUR/100 kg)</i>		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	63,9
	204	27,4
	999	45,7
0707 00 05	052	65,4
	068	53,2
	999	59,3
0709 90 70	052	86,8
	999	86,8
0805 50 10	052	51,3
	388	65,9
	508	66,9
	528	54,4
	999	59,6
0808 10 80	388	84,1
	400	110,8
	404	108,9
	508	73,5
	512	83,0
	524	48,7
	528	129,2
	720	85,9
	804	110,2
	999	92,7
0809 10 00	052	234,1
	999	234,1
0809 20 95	052	295,4
	068	95,0
	999	195,2

⁽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 851/2006**of 9 June 2006****specifying the items to be included under the various headings in the forms of accounts shown in Annex I to Council Regulation (EEC) No 1108/70****(Codified version)****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1108/70 of 4 June 1970 introducing an accounting system for expenditure on infrastructure in respect of transport by rail, road and inland waterway ⁽¹⁾, and in particular Article 9(1) thereof,

Whereas:

- (1) Regulation (EEC) No 2598/70 of the Commission of 18 December 1970 specifying the items to be included under the various headings in the forms of accounts shown in Annex I to Council Regulation (EEC) No 1108/70 of 4 June 1970 ⁽²⁾, has been substantially amended several times ⁽³⁾. In the interest of clarity and rationality the said Regulation should be codified.
- (2) The Commission is responsible for coordinating all work arising out of Regulation (EEC) No 1108/70. The Commission is in particular responsible for determining what items are to be included under the various headings in the forms of accounts shown in Annex I to that Regulation. The appropriate provisions should be adopted to ensure that the forms of accounts are uniformly applied as between the various Member States and different modes of transport.

- (3) The steps to be taken should include both that of defining the scope of the term 'infrastructure', by specifying for each mode of transport the installations, buildings and equipment covered by that term, and that of specifying the kind of expenditure to be entered under the various headings in the forms of accounts,

HAS ADOPTED THIS REGULATION:

Article 1

The items to be included under the various headings in the forms of accounts shown in Annex I to Regulation (EEC) No 1108/70 shall be determined in accordance with Annexes I and II to this Regulation.

Article 2

Regulation (EEC) No 2598/70 is repealed.

References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex IV.

Article 3

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

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

Done at Brussels, 9 June 2006.

For the Commission
The President
José Manuel BARROSO

⁽¹⁾ OJ L 130, 15.6.1970, p. 4. Regulation as last amended by the 2003 Act of Accession.

⁽²⁾ OJ L 278, 23.12.1970, p. 1. Regulation as last amended by Regulation (EC) No 906/2004 (OJ L 163, 30.4.2004, p. 49).

⁽³⁾ See Annex III.

ANNEX I

Definition and scope of the term 'Transport Infrastructure'

For the purposes of Article 1 of Regulation (EEC) No 1108/70, 'transport infrastructure' means all routes and fixed installations of the three modes of transport being routes and installations necessary for the circulation and safety of traffic.

A. RAIL

Railway infrastructure consists of the following items, provided they form part of the permanent way, including service sidings, but excluding lines situated within railway repair workshops, depots or locomotive sheds, and private branch lines or sidings:

- ground area,
- track and track bed, in particular embankments, cuttings, drainage channels and trenches, masonry trenches, culverts, lining walls, planting for protecting side slopes etc.,
 - passenger and goods platforms,
 - four-foot way and walkways,
 - enclosure walls, hedges, fencing,
 - fire-protection strips,
 - apparatus for heating points, crossings, etc.,
 - snow protection screens,
- engineering structures:
 - bridges, culverts and other overpasses, tunnels, covered cuttings and other underpasses,
 - retaining walls, and structures for protection against avalanches, falling stones, etc.,
- level crossings, including appliances to ensure the safety of road traffic,
- superstructure, in particular:
 - rails, grooved rails and check rails,
 - sleepers and longitudinal ties, small fittings for the permanent way, ballast including stone chippings and sand,
 - points, crossings, etc.,
 - turntables and traversers (except those reserved exclusively for locomotives),
- access way for passengers and goods, including access by road;
- safety, signalling and telecommunications installations on the open track, in stations and in marshalling yards, including plants for generating, transforming and distributing electric current for signalling and telecommunications,
 - buildings for such installations or plants,
 - track brakes,
- lighting installations for traffic and safety purposes,
- plants for transforming and carrying electric power for train haulage: sub-stations, supply cables between substations and contact wires, catenaries and supports; third rail with supports,
- buildings used by the infrastructure department, including a proportion in respect of installations for the collection of transport charges.

B. ROAD

Road infrastructure consists of the following items:

- land,
- roadworks prior to paving:
 - cuttings, embankments, drainage works, etc.,
 - support and back filling,
- pavement and ancillary works:
 - pavement courses, including waterproofing, verges, central reserve, gullies and other drainage facilities, hard shoulders and other emergency stopping areas, lay-bys and parking places on the open road (roads for access and parking and traffic signs), car parks in built-up areas on publicly owned land, planting and landscaping, safety installations, etc.,
- engineering structures:
 - bridges, culverts, overpasses, tunnels, structures for protection against avalanches and falling stones, snowscreens, etc.,
- level crossings,
- traffic signs and signalling and telecommunications installations,
- lighting installations,
- toll collection installations, parking meters,
- buildings used by the infrastructure department.

C. INLAND WATERWAY

Inland waterway infrastructure consists of the following items:

- land,
 - channel (earthworks, canal basins and linings, sills, groynes, berms, tow-paths and service roads), bank protection, canal-carrying aqueducts, siphons and conduits, canal tunnels, service basins used exclusively for sheltering vessels,
 - works for waterway shut-off and safety, spillways for the discharge by gravity of impounded water, basins and reservoirs for storing water for feeding and regulating water level, water control structures, flow gauges, level recorders and warning devices,
 - barrages or weirs (works constructed across the bed of a river to maintain sufficient depth of water for navigation and to reduce the speed of flow by creating pounds or reaches), associated structures (fish ladders, relief channels),
 - navigation locks, lifts and inclined planes, including waiting basins and basins for water economy,
 - mooring equipment and guide jetties (mooring buoys, dolphins, mooring bitts, bollards, rails and fenders),
 - movable bridges,
 - installations for channel buoying, signalling, safety, telecommunications and lighting,
 - installations for controlling traffic,
 - toll collection installations,
 - buildings used by the infrastructure department.
-

ANNEX II

Definition of the expenditure to be entered under the various headings in the forms of accounts shown in Annex I to Regulation (EEC) No 1108/70

A. GENERAL OBSERVATIONS

1. Under the provisions of Article 2(2) of the above mentioned Regulation the expenditure to be entered in the accounts shall be that incurred directly in meeting the cost of work, services and supplies in connection with the construction, upkeep, running and administration of infrastructure. These provisions therefore shall exclude entry in those accounts of yearly appropriations for renewal, insurance or reserve funds set up to meet future expenditure.
2. For any given infrastructure, the expenditure to be taken into account under the various headings in the forms of accounts shall be the total expenditure incurred in respect of that infrastructure, irrespective of how the expenditure is financed.

Nevertheless, where in respect of the same installation expenditure is borne either directly or indirectly by two or more infrastructure administrations, only such net expenditure as is properly chargeable to each administration shall be included in its accounts. Also, where compensation is granted by the public authorities to certain infrastructure administrations, the amount of such compensation shall be deducted from the expenditure incurred by those administrations. In the case of the railways, the amounts deducted shall be shown separately. Such amounts may relate in particular to compensation received in respect of:

— infrastructure expenditure (Council Regulation (EEC) No 1107/70 ⁽¹⁾, Article 3(1)(b)),

— payments in respect of retirement and other pensions (Council Regulation (EEC) No 1192/69 ⁽²⁾, Article 4(1)(c), Class III).

3. The value of dismantled installations or equipment, whether sold or used again, shall be set off against the expenditure entered under the appropriate headings in the forms of accounts, subject, in the case of railways, to any special provisions in this connection in agreements made between railway undertakings and public authorities.
4. Expenditure relating to the purchase, upkeep and operation of specialised equipment and tools used by the infrastructure department and expenditure relating to transport used for service purposes by that department shall be entered under the appropriate headings in the forms of accounts or, failing that, under the heading 'General expenses'.
5. Workshop and warehousing charges shall normally be included in the invoice prices of the articles and materials supplied to the infrastructure department. Where such direct charging is not possible, these charges shall be entered under the heading 'General expenses'.

B. DESCRIPTION OF ITEMS TO BE ENTERED UNDER THE VARIOUS HEADINGS

1. Headings common to all three modes of transport

— *Investment expenditure* (headings A 1, B 1, C 1)

Investment expenditure comprises the total expenditure (in respect of staff, and goods and services provided by third parties) in connection with the construction, extension, reconstruction and renewal of infrastructure installations, including incidental expenses and research costs connected with such work. This definition does not, however, preclude the entry pursuant to provisions of national law of certain minor investment expenditure under the heading 'Current expenditure'.

— *Current expenditure* (headings A 2, B 2, C 2)

Current expenditure comprises the total expenditure (in respect of staff, and goods and services provided by third parties) in connection with the upkeep and operation of infrastructure.

⁽¹⁾ OJ L 130, 15.6.1970, p. 1. Regulation as last amended by Regulation (EC) No 543/97 (OJ L 84, 26.3.1997, p. 6).

⁽²⁾ OJ L 156, 28.6.1969, p. 8. Regulation as last amended by the 2003 Act of Accession.

— *General expenses* (headings A 3, B 4, C 4)

General expenses comprise the total expenditure of the departments concerned with administration, supervision and inspection specifically responsible for the creation and management of infrastructure, and also that portion of the expenditure of the general administrative departments directly concerned which is chargeable to infrastructure. General expenses also cover all other expenditure which has not been taken into account directly under any other heading in the forms of accounts.

The expenses covered include in particular the following:

- staff remuneration costs and operating costs of central, regional and local administrative and technical departments, costs in connection with supervision and taking over of works,
- payments in respect of retirement pensions for permanent staff, and other employers' payments (family allowances, employers' health insurance contributions, accident insurance premiums, contributions to pension schemes for staff other than permanent staff, etc.),
- expenditure relating to service accommodation provided for staff employed in the infrastructure department, less any rents charged,
- expenditure relating to service buildings of the repair and maintenance department (in particular shelters, tool depots) in so far as this has not been taken into account directly under other headings in the forms of accounts.

2. Headings for road transport only

— *Expenditure in respect of the upkeep of road surfaces* (heading B 20)

This covers principally expenditure in respect of works in connection with the mechanical resistance of roads to the loads applied to them. It includes both expenditure in respect of repairs to the surface for flexible pavements and expenditure in respect of the upkeep of sections for rigid pavements.

— *Traffic police* (heading B 3)

Expenditure on traffic police comprises the total expenditure of police services chargeable to their traffic supervision and control functions, including expenditure on buildings, vehicles and equipment for the special use of such services.

3. Heading for inland waterway only

— *Waterway police* (heading C 3)

Expenditure on waterway police comprises the total expenditure in respect of waterway police, including expenditure on buildings, wharfs and vessels for the special use of such services.

ANNEX III

Repealed Regulation with its successive amendments

Regulation (EEC) No 2598/70 of the Commission	(OJ L 278, 23.12.1970, p. 1)
Commission Regulation (EEC) No 2116/78	(OJ L 246, 8.9.1978, p. 7)
Commission Regulation (EC) No 906/2004	(OJ L 163, 30.4.2004, p. 49)

ANNEX IV

Correlation table

Regulation (EEC) No 2598/70	This Regulation
Sole Article	Article 1
—	Article 2
—	Article 3
Annexes I and II	Annexes I and II
—	Annex III
—	Annex IV

COMMISSION REGULATION (EC) No 852/2006

of 9 June 2006

amending Regulation (EC) No 793/2006 laying down certain detailed rules for applying Council Regulation (EC) No 247/2006 laying down specific measures for agriculture in the outermost regions of the Union

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 247/2006 of 30 January 2006 laying down specific measures for agriculture in the outermost regions of the Union ⁽¹⁾, and in particular Article 30 thereof,

Whereas:

(1) Regulation (EC) No 247/2006 replaces the existing arrangements in the outermost regions, which are laid down by Council Regulations (EC) No 1452/2001 ⁽²⁾, (EC) No 1453/2001 ⁽³⁾ and (EC) No 1454/2001 ⁽⁴⁾, and repeals those Regulations. Under Article 33 thereof, it is to apply for each Member State concerned as from the date on which the Commission notifies its approval of the overall programme referred to in Article 24(1).

(2) Article 33 of Regulation (EC) No 247/2006 provides that Regulations (EC) No 1452/2001, (EC) No 1453/2001 and (EC) No 1454/2001 are to apply until the date on which the Commission notifies the Member State concerned of its approval of the overall programme referred to in Article 24(1) of Regulation (EC) No 247/2006. It should be specified, therefore, that the measures adopted to implement Regulations (EC) No 1452/2001, (EC) No 1453/2001 and (EC) No 1454/2001 are to apply only until that date.

(3) In this connection, provision should be made for applications lodged under the measures adopted to implement Regulations (EC) No 1452/2001, (EC) No 1453/2001 and (EC) No 1454/2001 and pending on the date of

notification of the overall programme referred to in Article 24(1) of Regulation (EC) No 247/2006 to be dealt with under the arrangements introduced by that Regulation and, in particular, in the context of the overall programme referred to in Article 24(1) thereof.

(4) Commission Regulation (EC) No 793/2006 ⁽⁵⁾ should therefore be amended in order to introduce the transitional measures required to ensure a smooth transition from the arrangements in force for 2005 to the measures introduced by Regulation (EC) No 247/2006.

(5) 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

The following Article 52a is inserted in Regulation (EC) No 793/2006:

'Article 52a

Transitional measures

1. The measures adopted to implement Regulations (EC) No 1452/2001, (EC) No 1453/2002 and (EC) No 1454/2001 which are valid beyond 31 December 2005 shall remain applicable until the date on which the Commission notifies the Member State concerned of its approval of the overall programme referred to in Article 24(1) of Regulation (EC) No 247/2006.

2. This Regulation shall cover applications which are lodged under the measures adopted to implement, in respect of 2006, Regulations (EC) No 1452/2001, (EC) No 1453/2001 and (EC) No 1454/2001 and are pending on the date of notification referred to in paragraph 1 of this Article, or are lodged after that date.'

⁽¹⁾ OJ L 42, 14.2.2006, p. 1.

⁽²⁾ OJ L 198, 21.7.2001, p. 11. Regulation last amended by Regulation (EC) No 1690/2004 (OJ L 305, 1.10.2004, p. 1).

⁽³⁾ OJ L 198, 21.7.2001, p. 26. Regulation last amended by Regulation (EC) No 1690/2004.

⁽⁴⁾ OJ L 198, 21.7.2001, p. 45. Regulation last amended by Regulation (EC) No 1690/2004.

⁽⁵⁾ OJ L 145, 31.5.2006, p. 1.

Article 2

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

It shall apply from 1 January 2006.

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

Done at Brussels, 9 June 2006.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

COMMISSION REGULATION (EC) No 853/2006**of 9 June 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 ⁽¹⁾,

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 ⁽²⁾,

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 June 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 July 2006 for 958,333 t.

Article 2

This Regulation shall enter into force on 10 June 2006.

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

Done at Brussels, 9 June 2006.

For the Commission

J. L. DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ 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).

⁽²⁾ 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).

COMMISSION REGULATION (EC) No 854/2006**of 9 June 2006****amending Regulation (EC) No 796/2006, as regards the list of Member States where buying-in of butter by tendering is open for the period expiring on 31 August 2006**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾,Having regard to Commission Regulation (EC) No 796/2006 of 29 May 2006 suspending the buying-in of butter at 90 % of the intervention price and opening the buying-in by tendering for the period expiring on 31 August 2006 ⁽²⁾, and in particular Article 2(2) thereof,

Whereas:

- (1) Regulation (EC) No 796/2006 has opened the buying-in of butter by tendering for the period expiring on 31 August 2006 in accordance with the third subparagraph of Article 6(1) of Regulation (EC) No 1255/1999.
- (2) On the basis of most recent communications by Latvia, the Commission has observed that the butter market prices have been equal or above 92 % of the intervention price for two consecutive weeks. Intervention buying-in by tendering should therefore be suspended in this Member State. This Member State should therefore be

removed from the list set out in Regulation (EC) No 796/2006.

- (3) Regulation (EC) No 796/2006 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 2 of Regulation (EC) No 796/2006, paragraph 1 is replaced by the following:

'1. Buying-in of butter by tendering, as provided for in the third subparagraph of Article 6(1) of Regulation (EC) No 1255/1999, is hereby open from 10 June to 31 August 2006 in the following Member States, under the conditions provided for in Section 3a of Regulation (EC) No 2771/1999: Belgium, Czech Republic, Germany, Estonia, Spain, France, Ireland, Italy, Luxembourg, Netherlands, Poland, Portugal, Finland, Sweden and United Kingdom.'

*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, 9 June 2006.

For the Commission

J. L. DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Regulation (EC) No 1913/2005 (OJ L 307, 25.11.2005, p. 2).

⁽²⁾ OJ L 142, 30.5.2006, p. 4.

COMMISSION REGULATION (EC) No 855/2006**of 9 June 2006****on the issue of system B export licences in the fruit and vegetables sector (lemons)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables ⁽¹⁾,

Having regard to Commission Regulation (EC) No 1961/2001 of 8 October 2001 on detailed rules for implementing Council Regulation (EC) No 2200/96 as regards export refunds on fruit and vegetables ⁽²⁾, and in particular Article 6(6) thereof,

Whereas:

- (1) Commission Regulation (EC) No 557/2006 ⁽³⁾ fixes the indicative quantities for which system B export licences may be issued.
- (2) In the light of the information available to the Commission today, there is a risk that the indicative quantities laid down for the current export period for

lemons will shortly be exceeded. This overrun will prejudice the proper working of the export refund scheme in the fruit and vegetables sector.

- (3) To avoid this situation, applications for system B licences for lemons after 9 June 2006 should be rejected until the end of the current export period,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for system B export licences for lemons submitted pursuant to Article 1 of Regulation (EC) No 557/2006, export declarations for which are accepted after 9 June and before 1 July 2006, are hereby rejected.

Article 2

This Regulation shall enter into force on 10 June 2006.

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

Done at Brussels, 9 June 2006.

For the Commission

J. L. DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 297, 21.11.1996, p. 1. Regulation as last amended by Commission Regulation (EC) No 47/2003 (OJ L 7, 11.1.2003, p. 64).

⁽²⁾ OJ L 268, 9.10.2001, p. 8. Regulation as last amended by Regulation (EC) No 386/2005 (OJ L 62, 9.3.2005, p. 3).

⁽³⁾ OJ L 98, 6.4.2006, p. 65.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 7 June 2006

amending Decisions 2005/710/EC, 2005/734/EC, 2005/758/EC, 2005/759/EC, 2005/760/EC, 2006/247/EC and 2006/265/EC as regards certain protection measures in relation to highly pathogenic avian influenza

(notified under document number C(2006) 2177)

(Text with EEA relevance)

(2006/405/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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 ⁽¹⁾, and in particular Article 10(4) thereof,

Having regard to Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC ⁽²⁾, and in particular Article 18(7) thereof,

Having regard to Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of

veterinary checks on products entering the Community from third countries ⁽³⁾, and in particular Article 22(6) thereof,

Having regard to 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 ⁽⁴⁾, and in particular Article 18 thereof,

Whereas:

- (1) Following the outbreak of avian influenza, caused by a highly pathogenic H5N1 virus strain, in south-eastern Asia starting in December 2003, the Commission adopted several protection measures in relation to that disease.
- (2) Commission Decision 2005/710/EC of 13 October 2005 concerning certain protection measures in relation to highly pathogenic avian influenza in Romania ⁽⁵⁾ provides that Member States are to suspend imports of live poultry, ratites and farmed and wild feathered game and hatching eggs of those species from the whole territory of Romania and of certain products from birds from parts of that territory.

⁽¹⁾ 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).

⁽²⁾ OJ L 268, 24.9.1991, p. 56. Directive as last amended by the 2003 Act of Accession.

⁽³⁾ OJ L 24, 30.1.1998, p. 9. Directive as last amended by Regulation (EC) No 882/2004 of the European Parliament and of the Council (OJ L 165, 30.4.2004, p. 1, as corrected by OJ L 191, 28.5.2004, p. 1).

⁽⁴⁾ OJ L 146, 13.6.2003, p. 1. Regulation as last amended by Commission Regulation (EC) No 590/2006 (OJ L 104, 13.4.2006, p. 8).

⁽⁵⁾ OJ L 269, 14.10.2005, p. 42. Decision as last amended by Decision 2006/321/EC (OJ L 118, 3.5.2006, p. 18).

- (3) Commission Decision 2005/734/EC of 19 October 2005 laying down biosecurity measures to reduce the risk of transmission of highly pathogenic avian influenza caused by influenza virus A subtype H5N1 from birds living in the wild to poultry and other captive birds and providing for an early detection system in areas at particular risk ⁽¹⁾ provides that Member States shall take appropriate and practical measures to reduce the risk of transmission of that disease from birds living in the wild to poultry and other captive birds, taking into account certain criteria and risk factors.
- (4) Commission Decision 2005/758/EC of 27 October 2005 concerning certain protection measures in relation to a suspicion of highly pathogenic avian influenza in Croatia and repealing Decision 2005/749/EC ⁽²⁾ provides that Member States are to suspend imports of live poultry, ratites, farmed and wild feathered game, certain live birds other than poultry, including pet birds, and hatching eggs of those species as well as certain products from birds, from parts of the territory of Croatia.
- (5) Commission Decision 2005/759/EC of 27 October 2005 concerning certain protection measures in relation to highly pathogenic avian influenza in certain third countries and the movement from third countries of birds accompanying their owners ⁽³⁾ and Commission Decision 2005/760/EC of 27 October 2005 concerning certain protection measures in relation to highly pathogenic avian influenza in certain third countries for the import of captive birds ⁽⁴⁾ lay down safeguard measures in relation to imports into the Community of birds other than poultry, including the movement of pet birds.
- (6) Commission Decision 2006/247/EC of 27 March 2006 concerning certain protection measures regarding imports from Bulgaria in relation to highly pathogenic avian influenza in that third country ⁽⁵⁾ provides that Member States are to suspend imports of live poultry, ratites and farmed and wild feathered game and hatching eggs of those species from the whole territory of Bulgaria and of certain products from birds from parts of that territory.
- (7) Commission Decision 2006/265/EC of 31 March 2006 concerning certain protection measures in relation to a suspicion of highly pathogenic avian influenza in Switzerland ⁽⁶⁾ provides that Member States are to suspend imports of live poultry, ratites, farmed and wild feathered game, live birds other than poultry, including certain pet birds, and hatching eggs of those species and of certain products of birds from all areas of the territory of Switzerland for which the authorities of that third country have applied equivalent restrictions to those laid down in Commission Decisions 2006/115/EC ⁽⁷⁾ and 2006/135/EC ⁽⁸⁾.
- (8) The threat posed to the Community by the Asian strain of the avian influenza virus has not abated. Outbreaks are still detected in wild birds in the Community and in wild birds and poultry in several third countries, including member countries of the World Organisation for Animal Health (OIE). In addition, that virus appears to become more and more endemic in certain parts of the world. The validity of the protection measures laid down in Decisions 2005/710/EC, 2005/734/EC, 2005/759/EC, 2005/760/EC, 2006/247/EC and 2006/265/EC should therefore be extended.
- (9) Information sent to the Commission by Romania and Bulgaria and the surveillance undertaken in those third countries makes it clear that they have controlled the disease on their territory and also ensured that the virus has not spread to those areas which to date have been free of the disease. Accordingly, it is appropriate to limit the suspension of the imports provided for in Decisions 2005/710/EC and 2006/247/EC to those parts of Romania and Bulgaria that have been affected by the virus and are at risk.
- (10) Croatia has reported further cases of the virus in wild birds outside the area currently regionalised in Decision 2005/758/EC. Accordingly, it is necessary to extend the suspension of certain imports from Croatia as laid down in that Decision to cover the newly affected part of the territory of that third country.
- (11) Decisions 2005/710/EC, 2005/734/EC, 2005/759/EC, 2005/760/EC, 2006/247/EC and 2006/265/EC expired on 31 May 2006. However, in the interests of animal health and in view of the existing epidemiological situation, it is necessary to ensure the continuity of the protection measures provided for in those Decisions. Those measures should therefore continue to apply without interruption. Accordingly, the provisions in this Decision concerning the dates of application of those six Decisions should have retroactive effect.

⁽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 285, 28.10.2005, p. 50. Decision as last amended by Decision 2006/321/EC.

⁽³⁾ OJ L 285, 28.10.2005, p. 52. Decision as last amended by Decision 2006/79/EC (OJ L 36, 8.2.2006, p. 48).

⁽⁴⁾ OJ L 285, 28.10.2005, p. 60. Decision as last amended by Decision 2006/79/EC.

⁽⁵⁾ OJ L 89, 28.3.2006, p. 52.

⁽⁶⁾ OJ L 95, 4.4.2006, p. 9.

⁽⁷⁾ OJ L 48, 18.2.2006, p. 28. Decision as last amended by Decision 2006/277/EC (OJ L 103, 12.4.2006, p. 29).

⁽⁸⁾ OJ L 52, 23.2.2006, p. 41. Decision as last amended by Decision 2006/293/EC (OJ L 107, 20.4.2006, p. 44).

- (12) Decisions 2005/710/EC, 2005/734/EC, 2005/758/EC, 2005/759/EC, 2005/760/EC, 2006/247/EC and 2006/265/EC should therefore be amended accordingly.
- (13) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2005/710/EC is amended as follows:

1. Paragraph 1(a) of Article 1 is replaced by the following:

'Article 1

1. Member States shall suspend the importation of:

(a) live poultry, ratites, farmed and wild feathered game, and hatching eggs of these species coming from the part of the territory of Romania referred to in Part B of the Annex;

2. In Article 4, the date '31 July 2006' is replaced by '31 December 2006'.

Article 2

In Article 4 of Decision 2005/734/EC, the date '31 May 2006' is replaced by '31 December 2006'.

Article 3

The Annex to Decision 2005/758/EC is replaced by the text in the Annex to this Decision.

Article 4

In Article 5 of Decision 2005/759/EC, the date '31 May 2006' is replaced by '31 July 2006'.

Article 5

In Article 6 of Decision 2005/760/EC, the date '31 May 2006' is replaced by '31 July 2006'.

Article 6

Decision 2006/247/EC is amended as follows:

1. Article 1(a) is replaced by the following:

'Article 1

Member States shall suspend imports of:

(a) live poultry, ratites and farmed and wild feathered game, and hatching eggs of these species coming from the part of the territory of Bulgaria referred to in Part B of the Annex;

2. In Article 5, the date '31 May 2006' is replaced by '31 December 2006'.

Article 7

In Article 3 of Decision 2006/265/EC, the date '31 May 2006' is replaced by '31 December 2006'.

Article 8

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

Article 9

Articles 2, 4, 5, Article 6(2) and Article 7 shall apply from 1 June 2006.

Article 10

This Decision is addressed to the Member States.

Done at Brussels, 7 June 2006.

For the Commission
Markos KYPRIANOU
Member of the Commission

ANNEX

'ANNEX

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

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

COMMISSION RECOMMENDATION**of 7 June 2006****Establishing guidelines on the use of claims referring to the absence of tests on animals pursuant to Council Directive 76/768/EEC****(Text with EEA relevance)****(2006/406/EC)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HEREBY RECOMMENDS:

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 76/768/EEC of 27 July 1976 on the approximation of the laws of the Member States relating to cosmetic products ⁽¹⁾, and in particular the second sentence of the second subparagraph of Article 6(3) thereof,

Whereas:

- (1) Article 6(3) of Directive 76/768/EEC provides that the manufacturer or the person responsible for placing a cosmetic product on the Community market may take advantage, on the product packaging or in any document, notice, label, ring or collar accompanying or referring to the product, of the fact that no animal tests have been carried out only if the manufacturer and his suppliers have not carried out or commissioned any animal tests on the finished product, or its prototype or any of the ingredients contained in it, or used any ingredients that have been tested on animals by others for the purpose of developing new cosmetic products.
- (2) It is thus possible to claim on a cosmetic product that no animal testing was carried out in relation to its development.
- (3) It is necessary to establish guidelines aimed at ensuring that common criteria are applied in the use of such claims, that an aligned understanding of the claims is reached and in particular that such claims do not mislead the consumer or lead to unfair competition on the market between manufacturers.
- (4) Moreover, a general understanding of the provision set out in the second subparagraph of Article 6(3) of Directive 76/768/EEC within the framework of good administrative cooperation would facilitate a common implementation by control authorities. This would prevent, for instance, distortions in the internal market.
- (5) The measures provided for in this Recommendation are in accordance with the opinion of the Standing Committee on Cosmetic Products,

For the purposes of the application of the second subparagraph of Article 6(3) of Directive 76/768/EEC, Member States should use the following guidelines.

1. Main principles

The use of claims on a cosmetic product should not mislead the consumer. The consumer should obtain the real benefit of being able to make an informed choice as a result of the 'not tested on animals' labelling claim. The information should be useful for the consumer.

The use of claims should not lead to unfair competition on the market between manufacturers and/or suppliers who use such claims as marketing tools.

2. Voluntary use of claims

Under the second subparagraph of Article 6(3) of Directive 76/768/EEC the manufacturer or the person responsible for placing the product on the market may use a claim to indicate that no animal testing has been carried out. Therefore it is not mandatory, neither for the manufacturer nor for the person responsible for placing the product on the market, to use such a claim. It is a possibility which is offered to those persons if the requirements in the second subparagraph of Article 6(3) of Directive 76/768/EEC, taking into account the present guidelines, are met.

3. Interpretation of the requirements set out in the second subparagraph of Article 6(3) of Directive 76/768/EEC

The definitions of certain terms used in the context of the present guidelines are repeated below for clarity purposes:

— 'cosmetic product' means 'cosmetic product' as defined in Article 1 of Directive 76/768/EEC,

— 'finished cosmetic product' means 'finished cosmetic product' as defined in Article 4a(3)(a) of Directive 76/768/EEC,

⁽¹⁾ OJ L 262, 27.9.1976, p. 169. Directive as last amended by Commission Directive 2005/80/EC (OJ L 303, 22.11.2005, p. 32).

- 'ingredients' means any chemical substance or preparation of synthetic or natural origin, including perfume and aromatic compositions used in composition of cosmetic products (see in that respect Article 5a(1) of Directive 76/768/EEC which excludes 'perfumes and aromatic compositions' only for the purpose compiling of an inventory of ingredients),
- 'prototype of the cosmetic product' means 'prototype' as defined in Article 4a(3)(b) of Directive 76/768/EEC,
- 'animal' means 'animal' as defined in Article 2(a) of Council Directive 86/609/EEC ⁽¹⁾,
- 'testing' means any tests performed in relation to the development or safety evaluation of the product or its ingredients (see in that respect Article 7a(1)(h) of Directive 76/768/EEC),
- 're-testing' means testing a product or its ingredients another time.

The requirements in the second subparagraph of Article 6(3) should be interpreted as follows:

- (a) 'no animal tests have been carried out' means that no animal test whatsoever was carried out in relation to the development or safety evaluation of a cosmetic product or its ingredients. Only the full replacement of the animal tests by an alternative method, and therefore not a reduction or a refinement of animal tests, allows the claim to be made. Furthermore, it does not matter where the test (including re-testing) is performed (in the Community or in third countries) or when the test has been performed.
- (b) 'the manufacturer and his suppliers have not carried out or commissioned any animal tests [...]' means that the manufacturer and his suppliers, including all suppliers in the supply chain:
 - have not directly carried out the animal tests,
 - have not commissioned animal tests, which means that they have not requested or paid for animal tests by means for instance of sponsorship of research by academic institutions.
- (c) The fact that the manufacturer and his suppliers should not have 'used any ingredients that have been tested on animals by others for the purpose of developing new

cosmetic products' means that the manufacturer and his suppliers should not have used ingredients for which data resulting from animal tests made by others for the purpose of developing a new cosmetic product are available for instance in scientific literature. In this context 'the development of new cosmetic product' means either the reformulation of product already on the market or the development of a totally new product (innovation). A new packaging can not be considered as a new cosmetic product.

4. Burden of proof

Any person who claims on a cosmetic product that no animal testing was carried out in relation to its development should be responsible for the claim and should be able to prove the relevance of the claim with regard to Directive 76/768/EEC.

In that context it is recalled that all relevant information for control purposes has to be readily accessible in accordance with Article 7a(1) of Directive 76/768/EEC and in particular points (d) and (h) thereof, which read as follows:

'(d) Assessment of the safety for human health of the finished product.

[...]

(h) data on any animal testing performed by the manufacturer, his agents or suppliers, relating to the development or safety evaluation of the product or its ingredients, including any animal testing performed to meet the legislative or regulatory requirements of non-member countries'.

5. Wording of claims

Any person who wishes to use a claim to indicate that no animal testing has been carried out is free to choose the wording of the claim and/or to use any pictures, figurative or other signs, as long as all the relevant requirements in Directive 76/768/EEC are fulfilled.

Done at Brussels, 7 June 2006.

For the Commission
Günter VERHEUGEN
Vice-President

⁽¹⁾ OJ L 358, 18.12.1986, p. 1.

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

COUNCIL JOINT ACTION 2006/407/CFSP
of 7 June 2006
amending and extending Joint Action 2005/643/CFSP on the European Union Monitoring Mission in Aceh (Indonesia) (Aceh Monitoring Mission — AMM)

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS JOINT ACTION:

Having regard to the Treaty on European Union, and in particular Article 14 thereof,

Article 1

Joint Action 2005/643/CFSP is hereby amended as follows:

Whereas:

in the second paragraph of Article 16 of Joint Action 2005/643/CFSP, the date shall be replaced by the following:

‘15 September 2006’.

- (1) On 27 February 2006 the Council adopted Joint Action 2006/202/CFSP amending and extending Joint Action 2005/643/CFSP on the European Union Monitoring Mission in Aceh (Indonesia) (Aceh Monitoring Mission — AMM) ⁽¹⁾ for a period of three months until 15 June 2006.

Article 2

The financial reference amount intended to cover the additional expenditure related to the mission for the period 16 June 2006 to 15 September 2006 shall be EUR 300 000.

- (2) On 5 May 2006 the Government of Indonesia invited the EU to extend the mandate of the AMM for a further period of three months until 15 September 2006. The Free Aceh Movement (GAM) also indicated its support for such an extension of the mission.

Article 3

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

- (3) On 11 May 2006, the Political and Security Committee reiterated its support for the peace process in Aceh and expressed support for the recommendation of the Secretary-General/High Representative to extend the mandate of the AMM for a further period of three months.

Article 4

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

- (4) Joint Action 2005/643/CFSP should be amended accordingly,

Done at Luxembourg, 7 June 2006.

For the Council

The President

K.-H. GRASSER

⁽¹⁾ OJ L 71, 10.3.2006, p. 57.