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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 934/2006
of 23 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 24 June 2006.

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

Done at Brussels, 23 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 23 June 2006 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	60,8
	204	44,1
	999	52,5
0707 00 05	052	92,2
	999	92,2
0709 90 70	052	95,6
	999	95,6
0805 50 10	388	55,2
	528	57,7
	999	56,5
0808 10 80	388	90,7
	400	104,3
	404	105,9
	508	93,6
	512	98,8
	524	55,6
	528	84,2
	720	112,2
	800	180,6
	804	107,6
	999	103,4
0809 10 00	052	185,7
	204	61,1
	624	217,3
	999	154,7
0809 20 95	052	315,7
	068	107,3
	999	211,5
0809 40 05	624	193,7
	999	193,7

⁽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 935/2006**of 23 June 2006****opening an invitation to tender for the refund on barley exports to certain third countries**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals ⁽¹⁾, and in particular the first subparagraph of Article 13(3) thereof,

Whereas:

(1) Given the present market situation for cereals, an invitation to tender for the export refund on barley should be opened in accordance with Article 4 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽²⁾.

(2) The tendering procedure rules to be followed for establishing export refunds are laid down in Regulation (EC) No 1501/95. The requirements under that procedure include an obligation to submit an application for an export licence and lodge a security. The rate of that security should be established.

(3) A specific period of validity must be set for the licences issued under this invitation to tender. That validity period should be commensurate with world market requirements for the 2006/07 marketing year.

(4) To ensure that all parties are treated equally, all licences issued should have the same period of validity.

(5) The satisfactory operation of tendering procedures for exports requires that a minimum quantity be set, and that the time limit and means of transmission for tenders lodged with the competent authority be established.

(6) 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

1. Under Article 4 of Regulation (EC) No 1501/95, an invitation to tender for the export refund is hereby opened.

2. This invitation to tender shall cover barley for export to Algeria, Bahrain, Egypt, United Arab Emirates, Iran, Iraq, Israel, Jordan, Kuwait, Lebanon, Libya, Morocco, Mauritania, Oman, Qatar, Saudi Arabia, Syria, Tunisia and Yemen.

3. The invitation to tender shall be open until 28 June 2007. During that period, weekly awards shall be made. The quantities and dates for submitting tenders shall be set out in the notice of invitation to tender.

Notwithstanding Article 4(4) of Regulation (EC) No 1501/95, the time limit for submitting tenders for the first partial invitation to tender shall be 6 July 2006.

Article 2

Tenders shall be valid only if they cover a quantity of at least 1 000 tonnes.

Article 3

The security referred to in Article 5(3)(a) of Regulation (EC) No 1501/95 shall be EUR 12 per tonne.

Article 4

1. Notwithstanding Article 23(1) of Commission Regulation (EC) No 1291/2000 ⁽³⁾, export licences issued in accordance with Article 8(1) of Regulation (EC) No 1501/95 shall, for the purpose of determining their period of validity, be deemed to have been issued on the day on which the tender was submitted.

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

⁽²⁾ OJ L 147, 30.6.1995, p. 7. Regulation as last amended by Regulation (EC) No 777/2004 OJ L 123, 27.4.2004, p. 50).

⁽³⁾ OJ L 152, 24.6.2000, p. 1.

2. Export licences issued under the invitation to tender provided for in this Regulation shall be valid from their date of issue within the meaning of paragraph 1 until the end of the fourth month thereafter.

Article 5

Member States shall electronically send the Commission the tenders submitted within one and a half hours of the expiry of the weekly time-limit for lodging tenders, as laid down in the notice of invitation to tender, using the form set out in the Annex.

If no tenders are lodged, Member States shall inform the Commission within the time-limit referred to in the first paragraph.

The times set for the submission of tenders shall correspond to Belgian time.

Article 6

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

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

Done at Brussels, 23 June 2006.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

ANNEX

Award of the refund on barley exports to certain third countries

Form (*)

(Regulation (EC) No 935/2006)

(Time-limit for submission of tenders)

1	2	3
Numbering of tenderers	Quantity (tonnes)	Export refund rate (EUR/tonne)
1		
2		
3		
etc.		

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

COMMISSION REGULATION (EC) No 936/2006**of 23 June 2006****opening an invitation to tender for the refund on common wheat exports to certain third countries**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals ⁽¹⁾, and in particular the first subparagraph of Article 13(3) thereof,

Whereas:

- (1) Given the present market situation for cereals, an invitation to tender for the export refund on common wheat should be opened in accordance with Article 4 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽²⁾.
- (2) The tendering procedure rules to be followed for establishing export refunds are laid down in Regulation (EC) No 1501/95. The requirements under that procedure include an obligation to submit an application for an export licence and lodge a security. The rate of that security should be established.
- (3) A specific period of validity must be set for the licences issued under this invitation to tender. That validity period should be commensurate with world market requirements for the 2006/2007 marketing year.
- (4) To ensure that all parties are treated equally, all licences issued should have the same period of validity.
- (5) In order to prevent re-imports, the exports under this invitation to tender should be limited to certain third countries.

(6) The satisfactory operation of tendering procedures for exports requires that a minimum quantity be set, and that the time-limit and means of transmission for tenders lodged with the competent authority be established.

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Under Article 4 of Regulation (EC) No 1501/95, an invitation to tender for the export refund is hereby opened.

2. The invitation to tender covers common wheat for exportation to destinations with the exception of Albania, Bulgaria, Croatia, Bosnia and Herzegovina, Serbia and Montenegro ⁽³⁾ and the former Yugoslav Republic of Macedonia, Liechtenstein, Romania and Switzerland.

3. The invitation to tender shall be open until 28 June 2007. During that period, weekly awards shall be made. The quantities and dates for submitting tenders shall be set out in the notice of invitation to tender.

Notwithstanding Article 4(4) of Regulation (EC) No 1501/95, the time-limit for submitting tenders for the first partial invitation to tender shall be 6 July 2006.

Article 2

Tenders shall be valid only if they cover a quantity of at least 1 000 tonnes.

Article 3

The security referred to in Article 5(3)(a) of Regulation (EC) No 1501/95 shall be EUR 12 per tonne.

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

⁽²⁾ OJ L 147, 30.6.1995, p. 7. Regulation as last amended by Regulation (EC) No 777/2004 (OJ L 123, 27.4.2004, p. 50).

⁽³⁾ Including Kosovo, as defined in UN Security Council Resolution 1244 of 10 June 1999.

Article 4

1. Notwithstanding Article 23(1) of Commission Regulation (EC) No 1291/2000 ⁽¹⁾, export licences issued in accordance with Article 8(1) of Regulation (EC) No 1501/95 shall, for the purpose of determining their period of validity, be deemed to have been issued on the day on which the tender was submitted.

2. Export licences issued under the invitation to tender provided for in this Regulation shall be valid from their date of issue within the meaning of paragraph 1 until the end of the fourth month thereafter.

Article 5

Member States shall electronically send the Commission the tenders submitted within one and a half hours of the expiry

of the weekly time-limit for lodging tenders, as laid down in the notice of invitation to tender, using the form set out in the Annex.

If no tenders are lodged, Member States shall inform the Commission within the time-limit referred to in the first paragraph.

The times set for the submission of tenders shall correspond to Belgian time.

Article 6

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

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

Done at Brussels, 23 June 2006.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 152, 24.6.2000, p. 1. Regulation as last amended by Regulation (EC) No 410/2006 (OJ L 71, 10.3.2006, p. 7).

ANNEX

Weekly award of the refund on common wheat exports to certain third countries

Form (*)

(Regulation (EC) No 936/2006)

(Time-limit for submission of tenders)

1	2	3
Numbering of tenderers	Quantity (tonnes)	Export refund rate (EUR/tonne)
1		
2		
3		
etc.		

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

COMMISSION REGULATION (EC) No 937/2006**of 23 June 2006****opening and providing for the administration of a Community tariff quota of corn gluten originating in the United States of America**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

certificate of origin issued by those authorities should be required on import, in accordance with Community legislation.

Having regard to the Treaty establishing the European Community,

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

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals ⁽¹⁾, and in particular Article 12(1) thereof,

HAS ADOPTED THIS REGULATION:

Whereas:

Article 1

- (1) Under 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 ⁽²⁾, approved by Council Decision 2006/333/EC ⁽³⁾, the Community undertook to open, each calendar year, a tariff quota at a rate below the common external tariff, at an *ad valorem* rate of 16 %, for corn gluten falling within CN subheading ex 2303 10 11 of the tariff and statistical nomenclature and the common customs tariff originating in the United States of America.

Imports of corn gluten falling within CN subheading ex 2303 10 11 (TARIC subheading 10) originating in the United States of America shall attract an *ad valorem* customs duty of 16 % within the tariff quota of 10 000 tonnes net for each calendar year starting in 2006.

This tariff quota shall be administered under serial number 09.0090.

Article 2

- (2) To ensure the proper administration of this tariff quota, provision should be made to allow traders to benefit from it in accordance with the rules laid down in Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽⁴⁾, allowing it to be used in the chronological order of the dates on which the customs declarations are accepted.
- (3) The origin of the products is determined in accordance with the provisions in force in the Community. To verify the origin of the products, account should be taken of the control measures introduced by the competent authorities of the United States of America, and the

1. The tariff quota referred to in Article 1 shall be managed by the Commission in accordance with Articles 308a, 308b and 308c of Regulation (EEC) No 2454/93.

2. Use of the tariff quota shall be subject to presentation of a certificate of origin issued by the competent authorities of the United States of America in accordance with Articles 55 to 65 of Regulation (EEC) No 2454/93. The origin of the products covered by this Regulation shall be determined in accordance with the provisions in force in the Community.

Article 3

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

⁽²⁾ OJ L 124, 11.5.2006, p. 15.

⁽³⁾ OJ L 124, 11.5.2006, p. 13.

⁽⁴⁾ OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 402/2006 (OJ L 70, 9.3.2006, p. 35).

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

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

Done at Brussels, 23 June 2006.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

COMMISSION REGULATION (EC) No 938/2006

of 23 June 2006

opening crisis distillation as provided for in Article 30 of Council Regulation (EC) No 1493/1999 for certain wine in France

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine ⁽¹⁾, and in particular Article 33(1)(f) thereof,

Whereas:

(1) Article 30 of Regulation (EC) No 1493/1999 provides for the possibility of a crisis distillation measure in the event of exceptional market disturbance due to major surpluses. Such measures may be limited to certain categories of wine and/or certain areas of production, and may apply to quality wines produced in specified regions (quality wines psr) at the request of the Member State concerned.

(2) By letter of 8 March 2006, the French Government requested that crisis distillation be opened for table wine produced in France and for quality wines psr.

(3) Considerable surpluses have been recorded on the market in table wine and quality wines psr in France, which are reflected in a fall in prices and a worrying rise in stocks towards the end of the current marketing year. In order to reverse this negative trend, and so remedy the difficult market situation, stocks of French wine should be reduced to a level that can be regarded as normal in terms of covering market requirements.

(4) Since the conditions laid down in Article 30(5) of Regulation (EC) No 1493/1999 are satisfied, a crisis distillation measure should be opened for a maximum of 1,5 million hectolitres of table wine and 1,5 million hectolitres of quality wines produced in specified regions (quality wines psr).

(5) The crisis distillation opened by this Regulation must comply with the conditions laid down by Commission Regulation (EC) No 1623/2000 of 25 July 2000 laying down detailed rules for implementing Regulation (EC) No 1493/1999 on the common organisation of the market in wine with regard to market mechanisms ⁽²⁾ as regards the distillation measure provided for in Article 30 of Regulation (EC) No 1493/1999. Other provisions of Regulation (EC) No 1623/2000 must also apply, in particular those concerning the delivery of alcohol to intervention agencies and the payment of advances.

(6) The price distillers must pay producers should be set at a level that permits the market disturbance to be dealt with by allowing producers to take advantage of the possibility afforded by this measure.

(7) The product of crisis distillation must be raw or neutral alcohol only, for compulsory delivery to the intervention agency in order to avoid disturbing the market for potable alcohol, which is supplied largely by the distillation provided for in Article 29 of Regulation (EC) No 1493/1999.

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

HAS ADOPTED THIS REGULATION:

Article 1

Crisis distillation as provided for in Article 30 of Regulation (EC) No 1493/1999 is hereby opened for a maximum of 1,5 million hectolitres of table wine and 1,5 million hectolitres of quality wines produced in specified regions (quality wines psr) in France, in accordance with the provisions of Regulation (EC) No 1623/2000 concerning this type of distillation.

Article 2

Producers may conclude contracts as provided for in Article 65 of Regulation (EC) No 1623/2000 (hereinafter referred to as contracts) from 29 June to 28 July 2006.

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

⁽²⁾ OJ L 194, 31.7.2000, p. 45. Regulation as last amended by Regulation (EC) No 1820/2005 (OJ L 293, 9.11.2005, p. 8).

Contracts shall be accompanied by proof that a security equal to EUR 5 per hectolitre has been lodged.

Contracts may not be transferred.

Article 3

1. If the total quantities covered by the contracts submitted to the intervention agency exceed the quantities laid down in Article 1, France shall determine the rates of reduction to be applied to those contracts.

2. France shall take the administrative steps necessary to approve the contracts not later than 22 August 2006. The approval shall specify any rate of reduction applied and the quantity of wine accepted per contract and shall stipulate that the producer may cancel the contract where the quantity to be distilled is reduced.

France shall notify the Commission before 29 August 2006 of the quantities of wine covered by approved contracts.

3. France may limit the number of contracts that individual producers may conclude under this Regulation.

Article 4

1. The quantities of wine covered by approved contracts shall be delivered to the distilleries not later than 28 February 2007. The alcohol obtained shall be delivered to the intervention agency in accordance with Article 6(1) not later than 31 May 2007.

2. The security shall be released in proportion to the quantities delivered when the producer presents proof of delivery to a distillery.

The security shall be forfeit where no delivery is made within the time limit laid down in paragraph 1.

Article 5

The minimum price paid for wine delivered for distillation under this Regulation shall be EUR 1,914/% vol/hl for table wine and EUR 3,000/% vol/hl for quality wines psr.

Article 6

1. Distillers shall deliver the product obtained from distillation to the intervention agency. That product shall be of an alcoholic strength of at least 92 % vol.

2. The price to be paid to the distiller by the intervention agency for the raw alcohol delivered shall be EUR 2,281/% vol/hl where it is produced from table wine and EUR 3,367/% vol/hl where it is produced from quality wines psr. The payment shall be made in accordance with Article 62(5) of Regulation (EC) No 1623/2000.

Distillers may receive an advance on those amounts of EUR 1,122/% vol/hl in the case of alcohol produced from table wine and EUR 2,208/% vol/hl in the case of alcohol produced from quality wines psr. In that case the advances shall be deducted from the prices actually paid. Articles 66 and 67 of Regulation (EC) No 1623/2000 shall apply.

Article 7

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

It shall apply from 29 June 2006.

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

Done at Brussels, 23 June 2006.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

COMMISSION REGULATION (EC) No 939/2006**of 23 June 2006****setting the amount of the aid for pears for processing for the 2006/07 marketing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2201/96 of 28 October 1996 on the common organisation of the markets in processed fruit and vegetable products ⁽¹⁾, and in particular Article 6(1) thereof,

Whereas:

- (1) Article 3(3)(c) of Commission Regulation (EC) No 1535/2003 of 29 August 2003 laying down detailed rules for applying Council Regulation (EC) No 2201/96 as regards the aid scheme for products processed from fruit and vegetables ⁽²⁾ provides that the Commission is to publish the amount of aid applicable to pears for processing no later than 15 June.
- (2) The average quantity of pears processed under the aid scheme in the last three marketing years is 8 574 tonnes higher than the Community threshold.
- (3) For those Member States that have overrun their processing threshold, the amount of the aid for pears for processing for the 2006/07 marketing year must therefore be adjusted in relation to the level set in Article 4(2) of Regulation (EC) No 2201/96, in accordance with Article 5(2) of that Regulation.

- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Products Processed from Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

For the 2006/07 marketing year, the amount of the aid for pears under Article 2 of Regulation (EC) No 2201/96 shall be:

- EUR 161,70 per tonne in the Czech Republic,
- EUR 101,58 per tonne in Greece,
- EUR 150,77 per tonne in Spain,
- EUR 161,70 per tonne in France,
- EUR 148,47 per tonne in Italy,
- EUR 161,70 per tonne in Hungary,
- EUR 41,99 per tonne in the Netherlands,
- EUR 161,70 per tonne in Austria,
- EUR 161,70 per tonne in Portugal.

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

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

Done at Brussels, 23 June 2006.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

⁽¹⁾ OJ L 297, 21.11.1996, p. 29. Regulation last amended by Commission Regulation (EC) No 386/2004 (OJ L 64, 2.3.2004, p. 25).

⁽²⁾ OJ L 218, 30.8.2003, p. 14. Regulation last amended by Regulation (EC) No 1663/2005 (OJ L 267, 12.10.2005, p. 22).

COMMISSION REGULATION (EC) No 940/2006
of 23 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 below 92 % of the intervention price for two consecutive weeks. Intervention buying-in by tendering should therefore be opened in this Member

State. This Member State should therefore be added to 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 24 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, Latvia, 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, 23 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.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 22 June 2006

establishing a common fiscal marker for gas oils and kerosene*(notified under document number C(2006) 2383)*

(2006/428/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 95/60/EC of 27 November 1995 on fiscal marking of gas oils and kerosene ⁽¹⁾, and in particular Article 2(2) thereof,

Whereas:

- (1) For the proper functioning of the internal market, and in particular to prevent tax evasion, Directive 95/60/EC provides for a common marking system to identify gas oils, falling within CN code 2710 00 69, and kerosene, falling within CN code 2710 00 55, which have been released for consumption exempt from excise duty, or subject to a reduced excise duty rate. Since 2002, the first code has been split into CN codes 2710 19 41, 2710 19 45 and 2710 19 49, in order to take into account the sulphur content of gas oil, and the second code has been transposed as CN code 2710 19 25.
- (2) Commission Decision 2001/574/EC ⁽²⁾ established the product identified by the scientific name N-ethyl-N-[2-(1-isobutoxyethoxy)ethyl]-4-(phenylazo)aniline (Solvent Yellow 124) as the common fiscal marker provided for by Directive 95/60/EC, for the marking of gas oils and kerosene which have not borne duty at the full rate applicable to such mineral oils used as propellant.
- (3) Article 2 of Decision 2001/574/EC requires that the Decision be reviewed by 31 December 2006 at the latest, in the light of technical developments in the

field of marking systems and taking into account the need to counteract fraudulent use of mineral oils exempt from excise duty, or subject to a reduced excise duty rate.

- (4) As part of the review process a consultation of the Member States was undertaken. Member States are generally satisfied that Solvent Yellow 124 has met its objectives of counteracting fraudulent use of mineral oils exempt from excise duty, or subject to a reduced excise duty rate.
- (5) No problems have been reported with regard to the health and environmental effects of the use of Solvent Yellow 124.
- (6) No alternative product, as a potential replacement for Solvent Yellow 124, meeting all the criteria under which Solvent Yellow 124 was selected as the common fiscal marker, has been presented or supported so far with the relevant scientific information.
- (7) Consequently, Solvent Yellow 124 should continue to be used as the common fiscal marker within the meaning of Directive 95/60/EC and subject to the conditions set out in that Directive.
- (8) This Decision does not release any undertaking from its obligations under Article 82 of the Treaty.
- (9) The opportunities offered by future developments in science should be taken into account by setting a time limit for the review of this Decision.

⁽¹⁾ OJ L 291, 6.12.1995, p. 46.

⁽²⁾ OJ L 203, 28.7.2001, p. 20. Decision as last amended by Decision 2003/900/EC (OJ L 336, 23.12.2003, p. 107).

- (10) However, a review of this Decision should be undertaken at any time prior to this time limit if Solvent Yellow 124 is found to be causing additional health or environmental damage.
- (11) In the interests of clarity and transparency Decision 2001/574/EC should be replaced.
- (12) The measures provided for in this Decision are in accordance with the opinion of the Committee on Excise Duties,

HAS ADOPTED THIS DECISION:

Article 1

The common fiscal marker provided for by Directive 95/60/EC, for the marking of all gas oils falling within CN codes 2710 19 41, 2710 19 45, and 2710 19 49, as well as of kerosene falling within CN code 2710 19 25, shall be Solvent Yellow 124, as specified in the Annex to this Decision.

Member States shall fix a marking level of at least 6 mg and not more than 9 mg of marker per litre of mineral oil.

Article 2

This Decision shall be reviewed by 31 December 2011 at the latest, taking into account technical developments in the field of marking systems and the need to counteract fraudulent use of mineral oils exempt from excise duty or subject to a reduced excise duty rate.

An earlier review shall be undertaken if it is found that Solvent Yellow 124 is causing additional health or environmental damage.

Article 3

Decision 2001/574/EC is repealed.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 22 June 2006.

For the Commission

László KOVÁCS

Member of the Commission

ANNEX

1. Identification according to the Colour Index: *Solvent Yellow 124*
 2. Scientific name: *N-Ethyl-N-[2-(1-isobutoxyethoxy)ethyl]-4-(phenylazo)aniline.*
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COMMISSION DECISION

of 22 June 2006

amending Decision 2004/452/EC concerning the list of bodies whose researchers may access confidential data for scientific purposes

(notified under document number C(2006) 2411)

(Text with EEA relevance)

(2006/429/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 322/97 of 17 February 1997 on Community Statistics ⁽¹⁾, and in particular Article 20(1) thereof,

Whereas:

- (1) Commission Regulation (EC) No 831/2002 of 17 May 2002 implementing Council Regulation (EC) No 322/97 on Community statistics, concerning access to confidential data for scientific purposes ⁽²⁾ aims at establishing, for the purpose of enabling statistical conclusions to be drawn for scientific purposes, the conditions under which access to confidential data transmitted to the Community authority may be granted and the rules of cooperation between the Community and national authorities in order to facilitate such access.
- (2) Commission Decision 2004/452/EC of 29 April 2004 laying down a list of bodies whose researchers may access confidential data for scientific purposes ⁽³⁾ has laid down a list of bodies whose researchers may access confidential data for scientific purposes.
- (3) The Department of Political Science of the Baruch College of the City University of New York (New York State, United States of America), the German Central Bank, the Employment Analysis Unit of the Direc-

torate-General of Employment, Social Affairs and Equal Opportunities of the European Commission, the World Bank and the University of Tel Aviv (Israel) have to be regarded as a bodies fulfilling the required conditions and therefore have to be added to the list of agencies, organisations and institutions referred to in Article 3(1)(c) of Regulation (EC) No 831/2002.

- (4) The measures provided for in this Decision are in accordance with the opinion of the Committee on Statistical Confidentiality,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 2004/452/EC is replaced by the text in annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 22 June 2006.

For the Commission
Joaquín ALMUNIA
Member of the Commission

⁽¹⁾ OJ L 52, 22.2.1997, p. 1. Regulation as amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).

⁽²⁾ OJ L 133, 18.5.2002, p. 7.

⁽³⁾ OJ L 156, 30.4.2004, p. 1, as corrected by OJ L 202, 7.6.2004, p. 1. Decision as last amended by Decision 2005/746/EC (OJ L 280, 25.10.2005, p. 16).

ANNEX

'ANNEX

Bodies whose researchers may access confidential data for scientific purposes

European Central Bank

Spanish Central Bank

Italian Central Bank

University of Cornell (New York State, United States of America)

Department of Political Science, Baruch College, City University of New York (New York State, United States of America)

German Central Bank

Unit Employment Analysis, Directorate-General of Employment, Social Affairs and Equality Opportunities of the European Commission

University of Tel Aviv (Israel)

World Bank'
