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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 962/2006**of 27 June 2006****amending Regulation (EC) No 2505/96 opening and providing for the administration of autonomous Community tariff quotas for certain agricultural and industrial products**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 26 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) On 20 December 1996, the Council adopted Regulation (EC) No 2505/96 opening and providing for the administration of autonomous Community tariff quotas for certain agricultural and industrial products⁽¹⁾. Community demand for the products in question should be met under the most favourable conditions. For that purpose, new Community tariff quotas should be opened at reduced or zero rates of duty for appropriate volumes while avoiding any disturbance to the markets for these products.
- (2) The quota amount for an autonomous Community tariff quota is insufficient to meet the needs of the Community industry for the current quota period and should therefore be increased.

- (3) Regulation (EC) No 2505/96 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

The tariff quotas listed in the Annex to this Regulation shall be added to Annex I to Regulation (EC) No 2505/96.

Article 2

For the quota period from 1 January to 31 December 2006, in Annex I to Regulation (EC) No 2505/96 the amount of the tariff quota for the order number 09.2986 shall be fixed at 14 315 tonnes.

Article 3

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

It shall apply from 1 July 2006.

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

Done at Luxembourg, 27 June 2006.

For the Council
The President
J. PRÖLL

⁽¹⁾ OJ L 345, 31.12.1996, p. 1. Regulation as last amended by Regulation (EC) No 151/2006 (OJ L 25, 28.1.2006, p. 1).

ANNEX

Order No	CN code	TARIC subdi- vision	Description	Quota volume	Quota duty %	Quota period
'09.2967	7011 20 00	30	Glass face plate with a diagonal measurement of 63 cm ($\pm 0,2$ cm) from the outer edge to the outer edge and having a light transmission of 56,8 % (± 3 %) by a glass thickness of 10,16 mm	150 000 units	0	1.7. to 31.12.2006
09.2976	ex 8407 90 10	10	Four-stroke petrol engines of a cylinder capacity not exceeding 250 cm ³ for use in the manufacture of lawnmowers of subheading 8433 11 or mowers with motor of subheading 8433 20 10 ⁽¹⁾	2 500 000 units	0	1.7.2006 to 30.6.2007
09.2977	2926 10 00		Acrylonitrile	40 000 tonnes	0	1.7. to 31.12.2006
09.2986	ex 3824 90 99	76	Mixture of tertiary amines containing: — 60 % by weight of dodecyldimethylamine, or more, — 20 % by weight of dimethyl(tetradecyl)-amine, or more, — 0,5 % by weight of hexadecyldimethyl-amine, or more, for use in the production of amine oxides ⁽¹⁾	14 315 tonnes	0	1.1. to 31.12.2006

⁽¹⁾ Checks on this prescribed end use shall be carried out pursuant to the relevant Community provisions.'

COUNCIL REGULATION (EC) No 963/2006**of 27 June 2006****amending Regulation (EC) No 1255/96 temporarily suspending the autonomous Common Customs
Tariff duties on certain industrial, agricultural and fishery products**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 26 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) It is in the interest of the Community to suspend partially or totally the autonomous Common Customs Tariff duties for a number of new products not listed in the Annex to Regulation (EC) No 1255/96 ⁽¹⁾.
- (2) A number of products which are referred to in the said Regulation should be withdrawn from the list in the Annex because it is no longer in the Community's interest to maintain suspension of autonomous Common Customs Tariff duties or because the description needs to be altered in order to take account of technical product developments and economic trends on the market.
- (3) Accordingly, products whose description needs to be altered should be regarded as new products.
- (4) The validity period of the measure should be 1 July 2006 to 31 December 2008, in order to be able to carry out economic examinations of the individual suspensions in that period. Eight years of experience have shown the need to provide for an expiry date of the suspensions listed in the Annex to this Regulation to ensure that account is taken of technological and economic

changes. This should not exclude the premature termination of certain measures or their continuation beyond this period, if economic reasons are submitted, in accordance with the principles laid down in the Commission Communication concerning autonomous tariff suspensions and quotas ⁽²⁾.

- (5) Regulation (EC) No 1255/96 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 1255/96 is hereby amended as follows:

1. the products listed in Annex I to this Regulation shall be inserted;
2. the products for which the CN codes are set out in Annex II to this Regulation shall be deleted.

Article 2

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

It shall apply from 1 July 2006.

However, for products with TARIC codes 5205 31 00 10 and 8414 30 89 20, it shall apply from 1 January 2006.

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

Done at Luxembourg, 27 June 2006.

For the Council
The President
J. PRÖLL

⁽¹⁾ OJ L 158, 29.6.1996, p. 1. Regulation as last amended by Regulation (EC) No 300/2006 (OJ L 56, 25.2.2006, p. 1).

⁽²⁾ OJ C 128, 25.4.1998, p. 2.

ANNEX I

CN code	TARIC	Description	Rate of autonomous duty	Validity period
ex 2904 90 85	40	3-Bromo-5-nitro-trifluoromethyl benzene	0 %	1.7.2006 to 31.12.2008
ex 2909 19 00	40	Bis(2-ethoxyethyl)ether	0 %	1.7.2006 to 31.12.2008
ex 2912 29 00	20	<i>p</i> -Phenylbenzaldehyde	0 %	1.7.2006 to 31.12.2008
ex 2916 12 90	40	2,4-Di- <i>tert</i> -pentyl-6-[1-(3,5-di- <i>tert</i> -pentyl-2-hydroxyphenyl)ethyl]phenylacrylate	0 %	1.7.2006 to 31.12.2008
ex 2921 42 10	35	2-Nitroaniline	0 %	1.7.2006 to 31.12.2008
ex 2921 42 10	45	2,4,5-Trichloroaniline	0 %	1.7.2006 to 31.12.2008
ex 2921 43 00	40	4-Aminotoluene-3-sulphonic acid	0 %	1.7.2006 to 31.12.2008
ex 2921 51 19	30	2-Methyl- <i>p</i> -phenylenediamine sulphate	0 %	1.7.2006 to 31.12.2008
ex 2922 29 00	25	5-Amino- <i>o</i> -cresol	0 %	1.7.2006 to 31.12.2008
ex 2922 49 95	50	D-(-)-Dihydrophenylglycine	0 %	1.7.2006 to 31.12.2008
ex 2927 00 00	60	4,4'-Dicyano-4,4'-azodivaleric acid	0 %	1.7.2006 to 31.12.2008
ex 2930 90 70	76	2,2'-Dithiodi(benzoic acid)	0 %	1.7.2006 to 31.12.2008
ex 2930 90 70	77	4-[4-(2-Propenyloxy)phenylsulphonyl]phenol	0 %	1.7.2006 to 31.12.2008
ex 2931 00 95	96	3-(Hydroxyphenylphosphinoyl)propionic acid	0 %	1.7.2006 to 31.12.2008
ex 2931 00 95	97	Potassium 4-tolylphosphinate, in the form of an aqueous solution	0 %	1.7.2006 to 31.12.2008
ex 2932 29 85	80	Gibberellic acid with a minimum purity by weight of 88 %	0 %	1.7.2006 to 31.12.2008
ex 2933 19 90	50	Fenpyroximate (ISO)	0 %	1.7.2006 to 31.12.2008
ex 2934 99 90	85	Aprepitant (INN)	0 %	1.7.2006 to 31.12.2008
ex 2935 00 90	81	4-Amino-N-(4-aminophenyl)benzenesulphonamide	0 %	1.7.2006 to 31.12.2008
ex 2935 00 90	82	N-(5,7-Dimethoxy[1,2,4]triazolo[1,5-a]pyrimidin-2-yl)-2-methoxy-4-(trifluoromethyl)pyridine-3-sulphonamide	0 %	1.7.2006 to 31.12.2008
ex 3204 15 00	60	Dyestuff C.I. Vat Blue 4	0 %	1.7.2006 to 31.12.2008

CN code	TARIC	Description	Rate of autonomous duty	Validity period
ex 3204 19 00	81	6,11-Difluoro-3,3-di-(4-methoxyphenyl)-1,3,13-dimethyl-3,13-dihydrobenzo[h]indeno[2,1-f]chromene	0 %	1.7.2006 to 31.12.2008
ex 3204 19 00	82	3-(4-Fluorophenyl)-3-(4-piperidino-phenyl)-1,3,13-dimethyl-3,13-dihydrobenzo[h]indeno[2,1-f]chromene	0 %	1.7.2006 to 31.12.2008
ex 3204 19 00	83	6,7-Dimethoxy-11-cyano-3,3-di-(4-methoxyphenyl)-1,3,13-dimethyl-3,13-dihydrobenzo[h]indeno[2,1-f]chromene	0 %	1.7.2006 to 31.12.2008
ex 3207 30 00	10	Preparation containing: — not more than 85 % by weight of silver, — not less than 2 % by weight of palladium, — barium titanate, — terpineol, and — ethyl cellulose, used for screen printing in the manufacture of multilayer ceramic capacitors ⁽¹⁾	0 %	1.7.2006 to 31.12.2008
ex 3402 13 00	10	Vinyl copolymer surface active agent based on polypropylene glycol	0 %	1.7.2006 to 31.12.2008
ex 3506 91 00	30	Two component microencapsulated epoxy adhesive dispersed in a solvent	0 %	1.7.2006 to 31.12.2008
ex 3707 10 00	30	Preparation based on photosensitive acrylic containing polymer, containing colour pigments, 2-methoxy-1-methyl-ethylacetate and cyclohexanone and whether or not containing ethyl-3-ethoxypropionate	0 %	1.7.2006 to 31.12.2008
ex 3811 90 00	10	Dinonylnaphthylsulphonic acid salt, in a mineral oil solution	0 %	1.7.2006 to 31.12.2008
ex 3815 90 90	16	Initiator based on dimethylaminopropyl urea for the manufacture of polyurethane foam systems ⁽¹⁾	0 %	1.7.2006 to 31.12.2008
ex 3819 00 00	20	Fire resistant hydraulic fluid based on phosphate ester	0 %	1.7.2006 to 31.12.2008

CN code	TARIC	Description	Rate of autonomous duty	Validity period
ex 3824 90 99	12	Oligomer of tetrafluoroethylene, having one iodoethyl end-group	0 %	1.7.2006 to 31.12.2008
ex 3824 90 99	27	Preparation based on: 2-pentanone, 4-methyl-O,O',O''-(methylsilyldiyl) trioxime and 4-methyl-2-butanone-O, O', O'', O'''-silane tetrayl tetraoxime	0 %	1.7.2006 to 31.12.2008
ex 3824 90 99	34	Mixture of phytosterols in the form of a crystalline waxy powder, containing by weight: <ul style="list-style-type: none"> — 36 % or more, but not more than 79 % of sitosterols, — 15 % or more, but not more than 34 % of sitostanols, — 4 % or more, but not more than 25 % of campesterols, — 0 % or more, but not more than 14 % of campestanols 	0 %	1.7.2006 to 31.12.2008
ex 3824 90 99	90	Hollow spheres of fused aluminosilicate containing 65-80 % amorphous aluminosilicate, with the following characteristics: <ul style="list-style-type: none"> — a melting point of between 1 600 °C and 1 800 °C, — a density of 0,6-0,8 g/cm³, for use in the manufacture of particle filters in motor vehicles (!)	0 %	1.7.2006 to 31.12.2008
ex 3904 61 00	60	Mixture of polytetrafluoroethylene (PTFE), sodium chloride and a nonionic surfactant	0 %	1.7.2006 to 31.12.2008
ex 3907 20 21	20	Copolymer of tetrahydrofuran and tetrahydro-3-methylfuran with an average molecular weight of 3 500 (± 100)	0 %	1.7.2006 to 31.12.2008
ex 3907 30 00	50	Liquid epoxide resin of 2-propenenitrile/1,3-butadiene-epoxide copolymer, not containing any solvent, with: <ul style="list-style-type: none"> — a zinc borate hydrate content not exceeding 40 % by weight, — a diantimony trioxide content not exceeding 5 % by weight 	0 %	1.7.2006 to 31.12.2008
ex 3907 99 19	40	Copolymer of isophthalic acid and 5-sodiosulphoisophthalic acid with cyclohexanedimethanol and diethylene glycol	0 %	1.7.2006 to 31.12.2008
ex 3912 90 10	20	Hydroxypropyl methylcellulose phthalate	0 %	1.7.2006 to 31.12.2008

CN code	TARIC	Description	Rate of autonomous duty	Validity period
ex 3917 32 39	30	Thermo-shrinkable polystyrene tube for use in the manufacture of zinc carbon batteries ⁽¹⁾	0 %	1.7.2006 to 31.12.2008
ex 3919 90 31	15	Poly(ethylene terephthalate) film, with a coloured layer on one side and a self adhesive layer on the other, coated on both sides with protective film, with an overall thickness of 100 (\pm 10) μ m, in rolls, for the manufacture of optical filters ⁽¹⁾	0 %	1.7.2006 to 31.12.2008
ex 3920 62 19	77	Sheet of poly(ethylene terephthalate), containing: — temperature-sensitive layers which form primary colours after heating, — reflective layer, — protective layer, to be used in polychromatic thermal printers ⁽¹⁾	0 %	1.7.2006 to 31.12.2008
ex 3920 99 90	10	Biodegradable sheet of a thickness not exceeding 1 mm containing by weight: — 90 % (\pm 5 %) starch, — 10 % (\pm 5 %) of a synthetic polymer, — 0,5 % (\pm 0,5 %) of stearic acid	0 %	1.7.2006 to 31.12.2008
ex 3926 90 98	40	Hollow microspheres of a copolymer of isooctylacrylate and acrylic acid, having a diameter of 10 μ m or more but not exceeding 1 000 μ m, dispersed in water	0 %	1.7.2006 to 31.12.2008
ex 5205 31 00	10	Six ply yarn of bleached cotton, measuring 925 dtex or more but not more than 989 dtex per single yarn, for the manufacture of tampons ⁽¹⁾	0 %	1.1.2006 to 31.12.2008
ex 6805 10 00	10	Abrasive in the form of identically shaped particles on a support	0 %	1.7.2006 to 31.12.2008
ex 6805 20 00	10			
ex 6805 30 80	10			
ex 7019 90 99	30	High modulus glass cord (K) impregnated with rubber, obtained from twisted high modulus glass filament yarns, coated with a latex comprising a resorcinol-formaldehyde resin with or without vinylpyridine and/or hydrogenated acrylonitrile-butadiene rubber (HNBR)	0 %	1.7.2006 to 31.12.2008
ex 8305 20 00	10	Staples of a width of 12 mm (\pm 1 mm) and a depth of 8 mm (\pm 1 mm) for use in copiers and printers ⁽¹⁾	0 %	1.7.2006 to 31.12.2008
ex 8414 30 89	20	Vehicle air conditioning system part, consisting of an open shaft reciprocating compressor of a power exceeding 0,4 kW but not exceeding 10 kW	0 %	1.1.2006 to 31.12.2008

CN code	TARIC	Description	Rate of autonomous duty	Validity period
ex 8414 90 00	40	Drive part, for compressors of air conditioning machines of motor vehicles ⁽¹⁾	0 %	1.7.2006 to 31.12.2008
ex 8505 11 00	33	Magnets consisting of an alloy of neodymium, iron and boron, either in the shape of a rounded rectangle with measurements not exceeding 15 × 10 × 2 mm, or in the shape of disc with a diameter not exceeding 90 mm, whether or not containing a hole in the centre	0 %	1.7.2006 to 31.12.2008
ex 8505 20 00	20	Electromagnetic wrap spring clutch with a diameter not exceeding 40 mm, for use in the manufacture of copiers and printers, including multi-functional copiers ⁽¹⁾	0 %	1.7.2006 to 31.12.2008
ex 8505 20 00	30	Electromagnetic clutch, for use in the manufacture of compressors of air conditioning machines of motor vehicles ⁽¹⁾	0 %	1.7.2006 to 31.12.2008
ex 8529 90 81	45	Integrated circuit package with TV reception functionality containing a channel decoder die, tuner die, power management die, GSM filters and discrete as well as embedded passive circuit elements for reception of digitally broadcasting videosegments of DVB-T and DVB-H formats	0 %	1.7.2006 to 31.12.2008

⁽¹⁾ Entry under this subheading is subject to conditions laid down in the relevant Community provisions (see Articles 291 to 300 of Commission Regulation (EEC) No 2454/93 (OJ L 253, 11.10.1993, p. 1).

ANNEX II

CN code	TARIC
ex 2903 30 80	60
ex 2924 19 00	20
ex 3811 90 00	10
ex 8414 30 89	20
ex 8505 11 00	33

COMMISSION REGULATION (EC) No 964/2006
of 29 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 30 June 2006.

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

Done at Brussels, 29 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 29 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	45,4
	096	65,4
	204	37,6
	999	49,5
0707 00 05	052	129,4
	096	30,2
	999	79,8
0709 90 70	052	94,4
	999	94,4
0805 50 10	388	63,1
	528	38,6
	999	50,9
0808 10 80	388	88,5
	400	114,4
	404	104,4
	508	89,1
	512	102,8
	524	50,0
	528	89,7
	720	113,4
	800	180,6
	804	103,8
999	103,7	
0809 10 00	052	215,9
	999	215,9
0809 20 95	052	335,5
	068	127,8
	999	231,7
0809 40 05	624	193,2
	999	193,2

⁽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 965/2006

of 29 June 2006

amending Regulation (EC) No 327/98 opening and providing for the administration of certain tariff quotas for imports of rice and broken rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1785/2003 of 29 September 2003 on the common organisation of the market in rice ⁽¹⁾, and in particular Articles 10(2) and 11(4) thereof,

Whereas:

- (1) The Agreement in the form of an Exchange of Letters between the European Community and the Kingdom of Thailand 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 ⁽²⁾, approved by Council Decision 2006/324/EC ⁽³⁾, provides for an increase in the current annual global tariff quota at zero duty for wholly milled and semi-milled rice covered by CN code 1006 30 of 25 516 tonnes for all origins and of 1 200 tonnes for Thailand. It also provides for the opening of a new zero-duty tariff quota of 31 788 tonnes of broken rice covered by CN code 1006 40 for all origins.
- (2) The above Decision also provides for new quotas at 15 % duty valid for all origins of 7 tonnes of paddy rice covered by CN code 1006 10 and 1 634 tonnes of husked rice covered by CN code 1006 20.
- (3) For the sake of simplification and given the small volume of the paddy rice quota provided for in Decision

2006/324/EC, that quota should be managed in accordance with 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⁾.

- (4) The quota of 20 000 tonnes of husked rice covered by CN code 1006 20 at a duty of EUR 88 per tonne provided for in Article 1 of Commission Regulation (EC) No 327/98 ⁽⁵⁾ has become obsolete as a result of the amendment of the duty applicable to husked rice laid down in Article 11a of Regulation (EC) No 1785/2003. That quota should therefore be abolished.
- (5) In order not to disturb the normal marketing of rice produced in the Community the quotas should be opened in such a way that the imports can be better absorbed by the Community market. In particular, where the application of a reduction percentage would give rise to the allocation of licences for quantities of less than 20 tonnes and Member States organise that allocation by drawing lots, provision should be made for the redistribution by the competent national authorities of the remaining quantities with a view to utilising the quota to the maximum possible extent and avoiding the allocation of very small quantities. For the same reasons, provision should also be made for redistribution in cases where the application of a reduction percentage fails to result in the constitution of a lot of 20 tonnes.
- (6) To ensure the proper management of the quotas, provision should be made for the compulsory presentation of a certificate of origin when the quota is opened for a specific country and an export licence issued by that country is not required.
- (7) Regulation (EC) No 327/98 should be amended accordingly.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

⁽¹⁾ OJ L 270, 21.10.2003, p. 96. Regulation as last amended by Regulation (EC) No 797/2006 (OJ L 144, 31.5.2006, p. 1).

⁽²⁾ OJ L 120, 5.5.2006, p. 19.

⁽³⁾ OJ L 120, 5.5.2006, p. 17.

⁽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).

⁽⁵⁾ OJ L 37, 11.2.1998, p. 5. Regulation as last amended by Regulation (EC) No 2152/2005 (OJ L 342, 24.12.2005, p. 30).

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 327/98 is hereby amended as follows:

1. Article 1 is replaced by the following:

'Article 1

1. The following annual global tariff quotas are hereby opened on 1 January each year:

- (a) 63 000 tonnes of wholly milled or semi-milled rice covered by CN code 1006 30, at zero duty;
- (b) 1 634 tonnes of husked rice covered by CN code 1006 20 at an *ad valorem* duty fixed at 15 %;
- (c) 100 000 tonnes of broken rice covered by CN code 1006 40 00, with a reduction of 30,77 % in the duty fixed in Article 11d of Council Regulation (EC) No 1785/2003 (*);
- (d) 40 216 tonnes of wholly milled or semi-milled rice covered by CN code 1006 30, at zero duty;
- (e) 31 788 tonnes of broken rice covered by CN code 1006 40 00, at zero duty.

These quotas shall be managed in accordance with this Regulation and broken down by country of origin and by periodical tranches in accordance with Annex IX. However, for 2006 they shall be broken down in accordance with Annex X.

2. An annual quota of 7 tonnes of paddy rice covered by CN code 1006 10, at an *ad valorem* duty fixed at 15 %, shall be opened on 1 January each year under serial number 09.0083.

It shall be managed by the Commission in accordance with Articles 308a to 308c of Regulation (EEC) No 2454/93 (**).

(*) OJ L 270, 21.10.2003, p. 96.

(**) OJ L 253, 11.10.1993, p. 1.'

2. In Article 3, 'Article 1(1)(a), (b) and (c)' is replaced by 'Article 1(1)(a) and (c)'.

3. Article 4 is amended as follows:

- (a) In the third indent of paragraph 2, 'Article 1(1)(c)' is replaced by 'Article 1(1)(c) and (e)';
- (b) In paragraph 4, the following point (e) is added:
 - '(e) in the case of the quota referred to in Article 1(1)(e), one of the indications in Annex XI';
- (c) In paragraph 5, the third indent is replaced by the following:
 - '— if no export licence is required applicants may submit a single application up to the maximum quantity laid down for each tranche and serial number.'

4. Article 5(3) is replaced by the following:

'3. If the reduction referred to in the first indent of paragraph 2 results in one or more quantities of less than 20 tonnes per application, Member States shall allocate the total of such quantities by drawing lots for each lot of 20 tonnes, plus the remaining quantity equally distributed between the 20-tonne lots.

However, where adding together the quantities of less than 20 tonnes does not result in the constitution of a 20-tonne lot the remaining quantity shall be distributed by the Member State equally between the operators whose licence is for 20 tonnes or more.'

5. In the first subparagraph of Article 6(1), 'Article 5(2)' is replaced by 'Article 5(2) and (3)'.

6. Article 7 is amended as follows:

(a) Paragraph 4 is replaced by the following:

'4. Notwithstanding Article 6(1) of Regulation (EC) No 1342/2003 (*) and pursuant to Article 23(2) of Regulation (EC) No 1291/2000 (**), import licences for husked, semi-milled and wholly milled rice shall be valid from the date of their actual issue until the end of the third month following that date.

However, the duration of validity of the import licences may not exceed 31 December of the year of issue.

(*) OJ L 189, 29.7.2003, p. 12.

(**) OJ L 152, 24.6.2000, p. 1.'

(b) The following paragraph 5 is added:

'5. Under the quotas referred to in Article 1(1), the release of the products into free circulation in the Community shall be subject to the presentation of a certificate of origin issued by the competent national authorities of those countries in accordance with Article 47 of Regulation (EEC) No 2454/93.

However, in respect of those parts of the quotas relating to countries for which a certificate of origin is required in accordance with Article 3 of this Regulation or in respect of quotas the origin of which is described as "all countries", a certificate of origin is not required.'

7. Annex VI is replaced by the text of Annex I to this Regulation.

8. Annexes IX and X are replaced by the text of Annex II to this Regulation.

9. The text of Annex III to this Regulation is added as Annex XI.

Article 2

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

It shall apply from 1 July 2006, with the exception of Article 1(6), which shall apply from 1 January 2007.

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

Done at Brussels, 29 June 2006.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

ANNEX I

'ANNEX VI

Indications referred to in Article 4(4)(b)

- *Spanish:* Derechos de aduana limitados al 15 % *ad valorem* hasta la cantidad indicada en las casillas 17 y 18 del presente certificado [Reglamento (CE) n.º 327/98]
- *Czech:* Člá omezená na valorickou sazbu ve výši 15 % až do množství uvedeného v kolonkách 17 a 18 této licence (nařízení (ES) č. 327/98)
- *Danish:* Toldsatsen begrænses til 15 % af værdien op til den mængde, der er angivet i rubrik 17 og 18 i denne licens (forordning (EF) nr. 327/98)
- *German:* Zollsatz beschränkt auf 15 % des Zollwerts bis zu der in den Feldern 17 und 18 dieser Lizenz angegebenen Menge (Verordnung (EG) Nr. 327/98)
- *Estonian:* Väärtuseline tollimaks piiratud 15 protsendini käesoleva sertifikaadi lahtrites 17 ja 18 märgitud kogusteni (määrus (EÜ) nr 327/98)
- *Greek:* Τελωνειακός δασμός κατ' ανώτατο όριο 15 % κατ' αξία έως την ποσότητα που ορίζεται στα τετραγωνίδια 17 και 18 του παρόντος πιστοποιητικού [κανονισμός (ΕΚ) αριθ. 327/98]
- *English:* Customs duties limited to 15 % *ad valorem* up to the quantity indicated in boxes 17 and 18 of this licence (Regulation (EC) No 327/98)
- *French:* Droits de douane limités à 15 % *ad valorem* jusqu'à la quantité indiquée dans les cases 17 et 18 du présent certificat [règlement (CE) n.º 327/98]
- *Italian:* Dazio limitato al 15 % *ad valorem* fino a concorrenza del quantitativo indicato nelle caselle 17 e 18 del presente titolo [regolamento (CE) n. 327/98]
- *Latvian:* Muitas nodoklis 15 % *ad valorem* par daudzumu, kas norādīts šīs atļaujas (Regula (EK) Nr. 327/98) 17. un 18. ailē
- *Lithuanian:* Ne didesnis nei 15 % muitas *ad valorem* neviršijant šios licencijos 17 ir 18 langeliuose nurodyto kiekio (Reglamentas (EB) Nr. 327/98)
- *Hungarian:* 15 %-os értékvám az ezen engedély 17. és 18. rovatában feltüntetett mennyiségig (327/98/EK rendelet)
- *Maltese:* Id-dazji doganali huma stipulati għal 15 % *ad valorem* sal-kwantità indicata fil-kaxxi 17 u 18 ta' din il-licenzja (Regolament (KE) Nru 327/98)
- *Dutch:* Douanerecht beperkt tot 15 % *ad valorem* voor hoeveelheden die niet groter zijn dan de in de vakken 17 en 18 van dit certificaat vermelde hoeveelheid (Verordening (EG) nr. 327/98)
- *Polish:* Cło ograniczone do 15 % *ad valorem* do ilości wskazanej w polach 17 i 18 niniejszego pozwolenia (rozporządzenie (WE) nr 327/98)
- *Portuguese:* Direito aduaneiro limitado a 15 % *ad valorem* até à quantidade indicada nas casas 17 e 18 do presente certificado [Regulamento (CE) n.º 327/98]
- *Slovak:* Člá znížené na 15 % *ad valorem* až po množstvo uvedené v kolónkach 17 a 18 tejto licence [nariadenie (ES) č. 327/98]
- *Slovene:* Carinska dajatev, omejena na 15 % *ad valorem* do količine, navedene v rubrikah 17 in 18 tega dovoljenja (Uredba (ES) št. 327/98)
- *Finnish:* Arvotulli rajoitettu 15 prosenttiin tämän todistuksen 17 ja 18 artiklassa ilmoitettuun määrään asti (asetus (EY) N:o 327/98)
- *Swedish:* Tull begränsad till 15 % av värdet upp till den kvantitet som anges i fält 17 och 18 i den här licensen (förordning (EG) nr 327/98)

ANNEX II

'ANNEX IX

Quotas and tranches with effect from 2007

- (a) Quota of 63 000 tonnes of wholly milled or semi-milled rice covered by CN code 1006 30 as provided for in Article 1(1)(a):

Origin	Quantity (tonnes)	Serial number	Tranches (quantities in tonnes)				
			January	April	July	September	October
United States of America	38 721	09.4127	9 681	19 360	9 680	—	
Thailand	21 455	09.4128	10 727	5 364	5 364	—	
Australia	1 019	09.4129	0	1 019	—	—	
Other origins	1 805	09.4130	0	1 805	—	—	
All countries		09.4138					(¹)
Total	63 000	—	20 408	27 548	15 044	—	

(¹) Remaining quantity not used in previous tranches published by Commission Regulation.

- (b) Quota of 1 634 tonnes of husked rice covered by CN code 1006 20 as provided for in Article 1(1)(b):

Origin	Quantity (tonnes)	Serial number	Tranches (quantities in tonnes)		
			January	July	October
All countries	1 634	09.4148	1 634	—	(¹)
Total	1 634	—	1 634	—	

(¹) Remaining quantity not used in previous tranches published by Commission Regulation.

- (c) Quota of 100 000 tonnes of broken rice covered by CN code 1006 40 00 as provided for in Article 1(1)(c):

Origin	Quantity (tonnes)	Serial number	Tranches (quantities in tonnes)	
			January	July
Thailand	52 000	09.4149	36 400	15 600
Australia	16 000	09.4150	8 000	8 000
Guyana	11 000	09.4152	5 500	5 500
United States of America	9 000	09.4153	4 500	4 500
Other origins	12 000	09.4154	6 000	6 000
Total	100 000	—	60 400	39 600

(d) Quota of 40 216 tonnes of wholly milled or semi-milled rice covered by CN code 1006 30 as provided for in Article 1(1)(d):

Origin	Quantity (tonnes)	Serial number	Tranches (quantities in tonnes)		
			January	July	September
Thailand	5 513	09.4112	5 513	—	—
United States of America	2 388	09.4116	2 388	—	—
India	1 769	09.4117	1 769	—	—
Pakistan	1 595	09.4118	1 595	—	—
Other origins	3 435	09.4119	3 435	—	—
All countries	25 516	09.4166	8 505	17 011	—
Total	40 216	—	23 205	17 011	—

(e) Quota of 31 788 tonnes of broken rice covered by CN code 1006 40 00 as provided for in Article 1(1)(e):

Origin	Quantity (tonnes)	Serial number	Tranches (quantities in tonnes)	
			September	October
All countries	31 788	09.4168	31 788	(¹)
Total	31 788	—	31 788	

(¹) Remaining quantity not used in previous tranches published by Commission Regulation.

ANNEX X

Quotas and tranches for 2006

- (a) Quota of 63 000 tonnes of wholly milled or semi-milled rice covered by CN code 1006 30 as provided for in Article 1(1)(a):

Origin	Quantity (tonnes)	Serial number	Tranches (quantities in tonnes)				
			January	April	July	September	October
United States of America	38 721	09.4127	9 681	19 360	9 680	—	
Thailand	21 455	09.4128	10 727	5 364	5 364	—	
Australia	1 019	09.4129	0	1 019	—	—	
Other origins	1 805	09.4130	0	1 805	—	—	
All countries		09.4138					(¹)
Total	63 000	—	20 408	27 548	15 044	—	

(¹) Remaining quantity not used in previous tranches published by Commission Regulation.

- (b) Quota of 1 634 tonnes of husked rice covered by CN code 1006 20 as provided for in Article 1(1)(b):

Origin	Quantity (tonnes)	Serial number	Tranches (quantities in tonnes)	
			July	October
All countries	1 634	09.4148	1 634	(¹)
Total	1 634	—	1 634	

(¹) Remaining quantity not used in previous tranches published by Commission Regulation.

- (c) Quota of 106 667 tonnes of broken rice as covered by CN code 1006 40 00 provided for in Article 1(1)(c):

Origin	Quantity (tonnes)	Serial number	Tranches (quantities in tonnes)	
			January	July
Thailand	55 467	09.4149	38 827	16 640
Australia	17 067	09.4150	8 533	8 534
Guyana	11 733	09.4152	5 866	5 867
United States of America	9 600	09.4153	4 800	4 800
Other origins	12 800	09.4154	6 400	6 400
Total	106 667	—	64 426	42 241

(d) Quota of 44 716 tonnes of wholly milled or semi-milled rice covered by CN code 1006 30 as provided for in Article 1(1)(d):

Origin	Quantity (tonnes)	Serial number	Tranches (quantities in tonnes)		
			January	July	September
Thailand	6 950	09.4112	5 750	1 200	—
United States of America	3 184	09.4116	3 184	—	—
India	2 358	09.4117	2 358	—	—
Pakistan	2 128	09.4118	2 128	—	—
Other origins	4 580	09.4119	4 580	—	—
All countries	25 516	09.4166		25 516	—
Total	44 716	—	18 000	26 716	—

(e) Quota of 31 788 tonnes of broken rice covered by CN code 1006 40 00 as provided for in Article 1(1)(e):

Origin	Quantity (tonnes)	Serial number	Tranches (quantities in tonnes)	
			September	October
All countries	31 788	09.4168	31 788	(¹)
Total	31 788	—	31 788	

(¹) Remaining quantity not used in previous tranches published by Commission Regulation.'

ANNEX III

'ANNEX XI

Indications referred to in Article 4(4)(e):

- *Spanish:* Exención del derecho de aduana hasta la cantidad indicada en las casillas 17 y 18 del presente certificado [Reglamento (CE) n.º 327/98, artículo 1, apartado 1, letra e)]
- *Czech:* Osvobození od cla až do množství uvedeného v kolonkách 17 a 18 této licence (nařízení (ES) č. 327/98, čl. 1 odst. 1 písm. e))
- *Danish:* Toldfri op til den mængde, der er angivet i rubrik 17 og 18 i denne licens (forordning (EF) nr. 327/98, artikel 1, stk. 1, litra e))
- *German:* Zollfrei bis zu der in den Feldern 17 und 18 dieser Lizenz angegebenen Menge (Verordnung (EG) Nr. 327/98, Artikel 1 Absatz 1 Buchstabe e)
- *Estonian:* Tollimaksuvabastus kuni käesoleva litsentsi lahtrites 17 ja 18 näidatud koguseni (määruse (EÜ) nr 327/98 artikli 1 lõike 1 punkt e))
- *Greek:* Απαλλαγή από τον τελωνειακό δασμό έως την ποσότητα που αναγράφεται στα τετραγωνίδια 17 και 18 του παρόντος πιστοποιητικού [κανονισμός (ΕΚ) αριθ. 327/98, άρθρο 1 παράγραφος 1 στοιχείο ε)]
- *English:* Exemption from customs duty up to the quantity indicated in boxes 17 and 18 of this licence (Regulation (EC) No 327/98, Article 1(1)(e))
- *French:* Exemption du droit de douane jusqu'à la quantité indiquée dans les cases 17 et 18 du présent certificat [règlement (CE) n.º 327/98, article 1^{er}, paragraphe 1, point e)]
- *Italian:* Esenzione dal dazio doganale fino a concorrenza del quantitativo indicato nelle caselle 17 e 18 del presente titolo [regolamento (CE) n. 327/98, articolo 1, paragrafo 1, lettera e)]
- *Latvian:* Atbrīvojumi no muitas nodokļa līdz šīs atļaujas 17. un 18. ailē norādītajam daudzumam (Regulas (EK) Nr. 327/98 1. panta 1. punkta e) apakšpunkts)
- *Lithuanian:* Atleidimas nuo muito mokesčio neviršijant šios licencijos 17 ir 18 langeliuose nurodyto kiekio (Reglamentas (EB) Nr. 327/98, 1 straipsnio 1 dalies e) punktas)
- *Hungarian:* Vámmentes az ezen engedély 17. és 18. rovatában feltüntetett mennyiségig (327/98/EK rendelet 1. cikk (1) bekezdés e) pont)
- *Maltese:* Eżenzjoni tad-dazju tad-dwana sal-kwantità indikata fil-kazi 17 u 18 taċ-ċertifikat preżenti (Regolament (KE) Nru 327/98, Artikolu 1, paragrafu 1, punt e))
- *Dutch:* Vrijstelling van douanerecht voor hoeveelheden die niet groter zijn dan de in de vakken 17 en 18 van dit certificaat vermelde hoeveelheid (artikel 1, lid 1, onder e), van Verordening (EG) nr. 327/98)
- *Polish:* Zwolnienie z cla ilości do wysokości wskazanej w sekcjach 17 i 18 niniejszego pozwolenia (rozporządzenie (WE) nr 327/98, art. 1 ust. 1 lit. e))
- *Portuguese:* Isenção do direito aduaneiro até à quantidade indicada nas casas 17 e 18 do presente certificado [Regulamento (CE) n.º 327/98, alínea e) do n.º 1 do artigo 1.º]
- *Slovak:* Oslobodenie od cla až po množstvo uvedené v kolónkach 17 a 18 tejto licencie [článok 1 ods. 1 písm. e) nariadenia (ES) č. 327/98]
- *Slovene:* Oprostitev carinske dajatve do količine, navedene v poljih 17 in 18 tega dovoljenja (Uredba (ES) št. 327/98, člen 1(1)(e))
- *Finnish:* Tullivapaa tämän todistuksen 17 ja 18 artiklassa ilmoitettua määrää asti (asetuksen (EY) N:o 327/98 1 artiklan 1 kohdan e) alakohta)
- *Swedish:* Tullfri upp till den mängd som anges i fälten 17 och 18 i denna licens (Förordning (EG) nr 327/98, artikel 1.1 e))

COMMISSION REGULATION (EC) No 966/2006**of 29 June 2006****amending Regulation (EC) No 219/2006 opening and providing for the administration of the tariff quota for bananas falling under CN code 0803 00 19 originating in ACP countries for the period 1 March to 31 December 2006**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1964/2005 of 29 November 2005 on the tariff rates for bananas ⁽¹⁾, and in particular Article 2 thereof,

Whereas:

- (1) The import licences issued in accordance with Article 6(3) of Commission Regulation (EC) No 2015/2005 of 9 December 2005 on imports during January and February 2006 of bananas originating in ACP countries under the tariff quota opened by Council Regulation (EC) No 1964/2005 on the tariff rates for bananas ⁽²⁾ were valid from 1 January 2006 to 7 April 2006. In order to ensure that all these imports of bananas are adequately monitored, the Member States should notify the Commission of the quantities released into free circulation on the basis of licences used in March and April 2006 in addition to the quantities released into free circulation on the basis of licences used in January and February.

- (2) Article 6(2)(b) of Commission Regulation (EC) No 219/2006 ⁽³⁾, which provides for such notification, should therefore be amended accordingly.

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

HAS ADOPTED THIS REGULATION:

Article 1

Article 6(2)(b) of Regulation (EC) No 219/2006 is hereby replaced by the following:

- '(b) as soon as possible and not later than 30 June 2006, the quantities of bananas released into free circulation, on the basis of the licences issued in accordance with Article 6(3) of Regulation (EC) No 2015/2005'

Article 2

This Regulation shall enter into force on the 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, 29 June 2006.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 316, 2.12.2005, p. 1.

⁽²⁾ OJ L 324, 10.12.2005, p. 5.

⁽³⁾ OJ L 38, 9.2.2006, p. 22. Regulation as last amended by Regulation (EC) No 566/2006 (OJ L 99, 7.4.2006, p. 6).

COMMISSION REGULATION (EC) No 967/2006**of 29 June 2006****laying down detailed rules for the application of Council Regulation (EC) No 318/2006 as regards sugar production in excess of the quota**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 318/2006 of 20 February 2006 on the common organisation of the markets in the sugar sector⁽¹⁾, and in particular Articles 13(2), 15(2) and 40(1)(c) and (2)(d) thereof,

Whereas:

- (1) Under Article 12 of Regulation (EC) No 318/2006, production in excess of the quota may be used for the processing of certain products, carried forward to the next marketing year or used for the specific supply arrangements for the outermost regions, in accordance with Council Regulation (EC) No 247/2006 laying down specific measures for agriculture in the outermost regions of the Union⁽²⁾, or exported within certain limits.
- (2) Under Article 15 of Regulation (EC) No 318/2006, a surplus amount is to be levied on quantities of surplus sugar, surplus isoglucose and surplus inulin syrup not carried forward or exported, or used for the specific supply arrangements for the outermost regions, and on industrial sugar, industrial isoglucose and industrial inulin syrup for which no proof has been supplied, by a date to be determined, that it has been processed into one of the products referred to in Article 13(2) of that Regulation; and on quantities withdrawn from the market in accordance with Article 19 of that Regulation and for which the obligations provided for in Article 19(3) thereof are not met.
- (3) The levy should be fixed at a high level in order to avoid the accumulation of quantities produced in excess of the quota and likely to disrupt the market. A fixed amount, equal to the level of full import duties on white sugar, would appear appropriate to this end.
- (4) Certain provisions should be laid down for cases where sugar, isoglucose or inulin syrup in excess of the quota may be destroyed and/or become unrecoverable, and for

cases of *force majeure* making it impossible to use the products as provided for in Article 12 of Regulation (EC) No 318/2006.

- (5) Article 17 of Regulation (EC) No 318/2006 provides for approval of undertakings processing sugar, isoglucose or inulin syrup into one of the industrial products referred to in Article 13(2) of that Regulation. The content of the application for approval which processors must submit to the competent authorities of the Member States should be specified. The commitments these undertakings must make in return for approval must be laid down, in particular the obligation to keep an up-to-date record of the quantities of raw materials entering, being processed in and leaving the undertaking in the form of processed products. To ensure that the arrangements for industrial sugar, industrial isoglucose and industrial inulin syrup operate correctly, provision must be made for the imposition of penalties on processors who do not meet their obligations or their commitments.
- (6) Conditions should be laid down for the use of the industrial sugar, industrial isoglucose and industrial inulin syrup referred in Article 12(a) of Regulation (EC) No 318/2006 as regards, in particular, the contracts for deliveries of raw materials between manufacturers and processors, and the list of products referred to in that point should be drawn up in accordance with Article 13(2) of that Regulation, taking into account the experience gained as regards supplies of sugar to the chemicals and pharmaceutical industries.
- (7) To make the control system more effective, the use of industrial sugar, industrial isoglucose and industrial inulin syrup should be restricted to a direct sale between an approved manufacturer and an approved processor.
- (8) To facilitate the use of industrial sugar and access to this raw material by potential users, manufacturers should be allowed to replace a quantity of their industrial sugar with sugar produced by another manufacturer established, if necessary, in another Member State. However, this possibility should only be granted on condition that additional checks on the quantities delivered and actually used by industry are carried out correctly. The decision on whether to grant this possibility must be left to the discretion of the competent authorities of the Member States concerned.

⁽¹⁾ OJ L 58, 28.2.2006, p. 1.

⁽²⁾ OJ L 42, 14.2.2006, p. 1. Regulation as amended by Regulation (EC) No 318/2006.

- (9) To ensure that the sugar, isoglucose or inulin syrup is properly used, financial penalties must be laid down for processors at a dissuasive level to avoid any risk of the raw materials being used for other purposes.
- (10) Under Article 14(1) of Regulation (EC) No 318/2006, each undertaking may decide to carry forward all or part of its production in excess of its sugar quota, its isoglucose quota or its inulin syrup quota to be treated as part of the next marketing year's production. Since a sugar-producing undertaking may carry forward all of its production in excess of the quota, the beet growers concerned should be closely associated with the decision to carry forward by means of an agreement within the trade referred to in Article 6 of that Regulation.
- (11) Isoglucose is produced on an ongoing basis throughout the year and is difficult to store. It should therefore be laid down that the decision to carry forward may be taken *a posteriori* by the isoglucose-producing undertakings.
- (12) For the purposes of monitoring quantities and destinations, it should be laid down that the sugar used in the context of the specific supply arrangements for the outermost regions must be the object of a direct sale from the manufacturer to the undertaking in the outermost regions, in accordance with the rules laid down in Commission Regulation (EC) No 793/2006 of 12 April 2006 laying down certain detailed rules for applying Council Regulation (EC) 247/2006 laying down specific measures for agriculture in the outermost regions of the Union ⁽¹⁾. The proper application of the two regimes requires close cooperation between the authorities of the Member State in which the sugar is produced who are responsible for managing surplus sugar and the authorities in the outermost regions who are responsible for managing the specific supply arrangements.
- (13) Export must be carried out under an export licence without refund issued in accordance with Article 23 of Regulation (EC) No 318/2006 and, for sugar, under quotas to be opened by the Commission taking into account the Community's commitments under the World Trade Organisation. For administrative reasons, the export documents provided for in Commission Regulation (EC) No 1291/2000 laying down common detailed

rules for the application of the system of import and export licences and advance fixing certificates for agricultural products ⁽²⁾ should be used as proof of export. Member States should carry out physical checks in accordance with the rules laid down in Commission Regulation (EC) No 2090/2002 laying down detailed rules for applying Council Regulation (EEC) No 386/90 as regards physical checks carried out when agricultural products qualifying for refunds are exported ⁽³⁾.

- (14) For the sake of transparency and legal clarity, Commission Regulations (EEC) No 2670/81 laying down detailed implementing rules in respect of sugar production in excess of the quota ⁽⁴⁾, (EEC) No 65/82 laying down detailed rules for carrying forward sugar to the following marketing year ⁽⁵⁾ and (EC) No 1265/2001 laying down detailed rules for the application of Council Regulation (EC) No 1260/2001 as regards granting the production refund on certain sugar products used in the chemical industry ⁽⁶⁾ should be repealed with effect from 1 July 2006.
- (15) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

CHAPTER I

SCOPE AND DEFINITIONS

Article 1

Scope

This Regulation lays down the conditions for the use or carry-forward of quantities of sugar, isoglucose and inulin syrup produced in excess of the quota and the rules on the levy charged on the surplus in accordance with Chapter 3 of Title II of Regulation (EC) No 318/2006.

⁽¹⁾ OJ L 145, 31.5.2006, p. 1. Regulation as amended by Regulation (EC) No 852/2006 (OJ L 158, 10.6.2006, p. 9).

⁽²⁾ 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).

⁽³⁾ OJ L 322, 27.11.2002, p. 4. Regulation as last amended by Regulation (EC) No 1454/2004 (OJ L 269, 17.8.2004, p. 9).

⁽⁴⁾ OJ L 262, 16.9.1981, p. 14. Regulation as last amended by Regulation (EC) No 95/2002 (OJ L 17, 19.1.2002, p. 37).

⁽⁵⁾ OJ L 9, 14.1.1982, p. 14. Regulation as last amended by Regulation (EC) No 2223/2000 (OJ L 253, 7.10.2000, p. 15).

⁽⁶⁾ OJ L 178, 30.6.2001, p. 63. Regulation as amended by Regulation (EC) No 493/2006 (OJ L 89, 28.3.2006, p. 11).

*Article 2***Definitions**

For the purposes of this Regulation:

- (a) 'raw material' means sugar, isoglucose or inulin syrup;
- (b) 'industrial raw material' means industrial sugar, industrial isoglucose or industrial inulin syrup as referred to in Article 2(6) and (7) of Regulation (EC) No 318/2006;
- (c) 'manufacturer' means an undertaking producing raw materials, approved in accordance with Article 17 of Regulation (EC) No 318/2006;
- (d) 'processor' means an undertaking processing the raw material into one or more of the products referred to in the Annex, approved in accordance with Article 5 of this Regulation.

Quantities of raw materials and of industrial raw materials shall be expressed in tonnes of white sugar equivalent or in tonnes of dry matter in the case of isoglucose.

CHAPTER II

LEVY*Article 3***Amount**

- 1. The levy provided for in Article 15 of Regulation (EC) No 318/2006 shall be EUR 500 per tonne.
- 2. Before 1 May following the marketing year in which the surplus has been produced, the Member State shall notify manufacturers of the total levy to be paid. This amount shall be paid by the manufacturers in question before 1 June of the same year.
- 3. The quantity on which the levy has been paid shall be considered to have been disposed of on the Community market.

*Article 4***Surplus subject to levy**

1. The levy shall be charged to manufacturers in respect of the surplus produced in excess of their quota for a given marketing year.

However, the levy shall not be charged on the quantities referred to in paragraph 1 which have been:

- (a) delivered to a processor before 30 November of the following marketing year to be used in the manufacture of the products referred to in the Annex;
- (b) carried forward in accordance with Article 14 of Regulation (EC) No 318/2006 and, in the case of sugar, stored by the manufacturer until the last day of the marketing year in question;
- (c) delivered before 31 December of the following marketing year in the context of the specific supply arrangements for the outermost regions provided for in Title II of Regulation (EC) No 247/2006;
- (d) exported before 31 December of the following marketing year under an export licence;
- (e) destroyed or damaged without possibility of recovery, in circumstances recognised by the competent authority of the Member State concerned.

2. Sugar manufacturers shall communicate to the competent authority of the Member State which approved them, before 1 February of the marketing year concerned, the quantity of sugar produced in excess of their production quota.

Sugar manufacturers shall also communicate, where appropriate, before the end of each of the following months, the adjustments to this production made in the course of the previous month of that marketing year.

3. The Member States shall establish and communicate to the Commission, not later than 30 June, the quantities referred to in the second subparagraph of paragraph 1, the total surplus quantities and the levies charged for the previous marketing year.

4. If, in cases of *force majeure*, the operations referred to in paragraph 1(a), (c) and (d) cannot be carried out within the given deadlines, the competent authority of the Member State on whose territory the surplus sugar, isoglucose or inulin syrup was produced shall adopt measures appropriate to the circumstances cited by the party concerned.

CHAPTER III

INDUSTRIAL USE

Article 5

Approvals

1. The competent authorities of the Member States shall grant approval on request to undertakings which have the capacity to use the industrial raw material for the purposes of manufacturing one of the products referred to in the Annex and which undertake, in particular, to:

- (a) keep records in accordance with Article 11;
- (b) provide on request by these authorities any information or supporting documents needed for checking the origin and use made of the raw materials concerned;
- (c) allow these authorities to carry out appropriate administrative and physical checks.

2. Applications for approval shall indicate production capacity and the technical processing coefficients for the raw materials, and shall give a precise description of the product to be manufactured. The data shall be broken down by industrial site.

The competent authorities of the Member States shall take the necessary steps to verify the plausibility of the technical processing coefficients for the raw materials.

The coefficients shall be established on the basis of tests carried out in the processor's undertaking. If there are no coefficients specific to that undertaking, the check shall rely on the coefficients laid down in Community legislation or, if there are no such coefficients, on those generally accepted by the processing industry concerned.

3. Approval shall be granted for the production of one or more specific products. It shall be withdrawn if it is found that one of the conditions listed in paragraph 1 is no longer met. Approval may be withdrawn in the course of a marketing year. It shall not have retroactive effect.

Article 6

Delivery contracts

1. The industrial raw materials shall be the subject of the delivery contract referred in Article 13(1) of Regulation (EC) No 318/2006 between a manufacturer and a processor who guarantee their use in the Community for the purposes of manufacturing the products listed in the Annex to this Regulation.

2. The delivery contract for industrial raw materials shall include at least the following:

- (a) the names, addresses and approval numbers of the contracting parties;
- (b) the duration of the contract and the quantities of each of the raw materials to be delivered per delivery period;
- (c) the prices, qualities and all conditions applicable to the delivery of raw materials;
- (d) the manufacturer's undertaking to deliver a raw material from its production in excess of the quota and the undertaking by the processor to use the quantities delivered exclusively to produce one or more of the products covered by its approval.

3. If the manufacturer and the processor form part of the same undertaking, that undertaking shall draw up a pro forma delivery contract containing all the entries specified in paragraph 2 except for the prices.

4. The manufacturer shall send the competent authorities of the Member State which approved the processor in question a copy of each contract, before the first delivery under that contract. The copy need not show the prices referred to in paragraph 2(c).

*Article 7***Equivalence**

1. From the start of each marketing year until their production reaches their quota manufacturers may, under the delivery contracts referred to in Article 6, replace the industrial raw material with raw material produced under quota.

2. At the request of the manufacturer concerned, the raw material produced under quota delivered in accordance with paragraph 1 shall be entered in the accounts as industrial raw material delivered to a processor as provided for in point (a) of the second subparagraph of Article 4(1) for the same marketing year.

3. At the request of those concerned, the competent authorities of the Member States may permit a quantity of sugar produced in the Community by another manufacturer to be delivered in place of industrial sugar. In this case, the sugar delivered shall be entered in the accounts as industrial sugar delivered to a processor as provided for in point (a) of the second subparagraph of Article 4(1) for the same marketing year.

The competent authorities of the Member States concerned shall coordinate checks and monitoring of these operations.

*Article 8***Delivery of raw materials**

Based on the delivery notes referred to in Article 9(1), manufacturers shall communicate each month to the competent authority of the Member State which approved them the quantities of raw materials delivered the previous month under each of the delivery contracts indicating, where appropriate, the quantities delivered in accordance with Article 7(1) or (3).

The quantities referred to in the first subparagraph shall be considered to have been delivered in accordance with point (a) of the second subparagraph of Article 4(1).

*Article 9***Obligations on processors**

1. For each delivery, the processor shall submit to the manufacturer concerned a delivery note for industrial raw materials under the delivery contract referred to in Article 6, certifying the quantities delivered.

2. Before the end of the fifth month following each delivery, processors shall supply proof, to the satisfaction of the competent authorities of the Member State, of the use of the industrial raw materials for the purposes of manufacturing the products in accordance with the approval referred to in Article 5 and the delivery contract referred to in Article 6. This proof shall consist of the computerised recording in the records during or at the end of the manufacturing process of the quantities of the products concerned.

3. If processors have not supplied proof in accordance with paragraph 2, they shall pay a sum of EUR 5 per tonne of the delivery concerned and for each day of delay from the end of the fifth month following the delivery.

4. If processors have not supplied the proof referred to in paragraph 2 before the end of the seventh month following each delivery, the quantity concerned shall be considered to be overdeclared for the purposes of applying Article 13. The processor's approval shall be withdrawn for a period of between three and six months depending on the seriousness of the situation.

*Article 10***Communications from the Member States**

The Member States shall communicate to the Commission:

(a) not later than the end of the month following the month concerned, the quantity of the industrial raw material delivered;

(b) not later than the end of November for the previous marketing year:

— the quantity of industrial raw material delivered, broken down into white sugar, raw sugar, sugar syrup and isoglucose,

— the quantity of industrial raw material delivered used, broken down into white sugar, raw sugar, sugar syrup and isoglucose, on the one hand, and into the products referred to in the Annex on the other,

— the quantities delivered pursuant to Article 7(3).

*Article 11***Processor's records**

The competent authority of the Member State shall specify the records to be kept by processors and the frequency of such record-keeping, which shall be at least monthly.

These records, which shall be kept by the processor for at least the three years following the current year, shall comprise at least the following information:

- (a) the quantities of the different raw materials purchased for processing;
- (b) the quantities of raw materials processed and the quantities and types of end products, co-products and by-products obtained therefrom;
- (c) the wastage during processing;
- (d) the quantities destroyed and the reasons for such destruction;
- (e) the quantities and types of products sold or transferred by the processor.

*Article 12***Checks on processors**

1. Each marketing year, the competent authorities of the Member States shall carry out checks on at least 50 % of approved processors, selected on the basis of a risk analysis.

2. The checks shall comprise analysis of the processing chain, examination of the commercial documents, and physical checks on stocks to ensure that the raw materials delivered correspond to the end products, co-products and by-products obtained.

The checks shall verify the accuracy of the measuring instruments and laboratory analyses used to determine deliveries of raw materials and their entry into production, the products obtained and stock movements.

Where the competent authorities of the Member States provide that particular elements of the check may be carried out on the basis of a sample, that sample shall guarantee a reliable and representative level of control.

3. Every on-the-spot check shall be the subject of an inspection report signed by the inspector giving the details of the checks carried out. Reports shall indicate in particular:

- (a) the date of the check, and the persons present;
- (b) the period checked and the quantities involved;
- (c) the checking techniques used including, where applicable, reference to sampling methods;
- (d) the results of the check and the recommendations made;
- (e) an assessment of the seriousness, extent, permanence and duration of any faults and discrepancies found and all other elements to be taken into consideration for the purposes of applying penalties.

Each inspection report shall be archived and kept for at least three years following the year in which the check is carried out, in a way that ensures that it is readily useable by the Commission departments responsible for checks and inspections.

*Article 13***Penalties**

1. If the competent authority of the Member State detects a discrepancy between the physical stock, the stock registered in the records and deliveries of raw materials, or the absence of supporting documents to ensure consistency between these elements, the processor's approval shall be withdrawn for a period to be determined by the Member States, which may not be less than three months from the date of the finding. During the period of withdrawal of approval, the processor may not take delivery of industrial raw material, but may use any industrial raw material delivered previously.

In the event of overdeclaration of the quantities of raw materials used, the processor shall be required to pay a sum of EUR 500 per tonne overdeclared.

2. Approval shall not be withdrawn in accordance with paragraph 1 where the discrepancy between the physical stock and the stock registered in the stock records is due to *force majeure* or if it is less than 5 % in weight of the quantity of raw materials checked or due to omissions or simple administrative errors, provided that corrective measures are taken to ensure that similar errors do not recur.

CHAPTER IV

CARRY FORWARD*Article 14***Quantities carried forward**

Manufacturers may, under Article 14 of Regulation (EC) No 318/2006, carry forward to the next marketing year a quantity of raw material equal to or less than the surplus, compared to the quota allocated, of total production in that year, including the quantities previously carried forward to the current marketing year in accordance with that Article or withdrawn from the market in accordance with Article 19 of that Regulation.

*Article 15***Carry-forward of sugar**

1. The conditions for carrying forward sugar in accordance with Article 14 of Regulation (EC) No 318/2006 shall be laid down by an agreement within the trade as referred to in Article 6 of that Regulation and shall concern in particular the quantity of beet corresponding to the quantity of sugar to be carried forward and the breakdown of this quantity among beet producers.

2. Beet which corresponds to the quantity of sugar carried forward shall be paid for by the undertaking in question at a price which is at least equal to the minimum price and under the terms applicable to beet delivered as part of the quota production of the marketing year to which the sugar is carried forward.

*Article 16***Carry-forward of isoglucose**

Isoglucose manufacturers which decide to carry forward in a particular marketing year shall communicate their decision to the competent authorities of the Member State which approved them by 31 October of the following marketing year.

*Article 17***Communications from the Member States**

Member States shall communicate the following information to the Commission:

- (a) not later than 1 May, the quantities of beet sugar and inulin syrup from the current marketing year to be carried forward to the next marketing year;

- (b) not later than 15 July, the quantities of cane sugar from the current marketing year to be carried forward to the next marketing year;

- (c) not later than 15 November, the quantities of isoglucose carried forward from the previous marketing year.

CHAPTER V

SPECIFIC SUPPLY ARRANGEMENTS AND EXPORT*Article 18***Outermost regions**

1. Surplus raw materials used for the purposes of the specific supply arrangements for the outermost regions in accordance with Article 12(c) of Regulation (EC) No 318/2006 and within the quantitative limits set in the programmes referred to in Article 24(1) of Regulation (EC) No 247/2006 shall be the subject of a contract of direct sale from the manufacturer which produced them to an operator entered in one of the registers referred to in Article 9 of Regulation (EC) No 793/2006.

2. The contract referred to in paragraph 1 shall provide in particular for the transmission between the parties of:

- (a) a statement by the manufacturer of the quantity of surplus raw materials delivered under the contract; and
- (b) a statement by the operator concerned that the quantity in question has been delivered under the specific supply arrangements.

For surplus raw materials, the application for the aid certificate referred to in Article 7(4) of Regulation (EC) No 793/2006 shall be accompanied by the statement by the producer referred to in paragraph 2(a) of this Article. Box 20 of the aid certificate shall contain the entry 'C sugar: no aid' as referred to in Part F of Annex I to Regulation (EC) No 793/2006.

The competent authorities who issued the aid certificate shall send a copy of that certificate to the competent authorities of the Member State in which the manufacturer was approved.

The quantities of raw materials for which the manufacturer presents the statement referred to in paragraph 2(b), and for which the Member State concerned has copies of the aid certificate, shall be considered to have been delivered under the specific supply arrangements, as provided for in point (c) of the second subparagraph of Article 4(1).

*Article 19***Export**

1. The export licences referred to in point (d) of the second subparagraph of Article 4(1) shall be issued within the quantitative limits on export without refund to be set by the Commission in accordance with the procedure referred to in Article 39(2) of Regulation (EC) No 318/2006.

2. Surplus quantities shall be considered to have been exported within the meaning of point (d) of the second subparagraph of Article 4(1) of this Regulation where:

- (a) the product has been exported without refund as white sugar, unprocessed isoglucose or unprocessed inulin syrup;
- (b) the Member State of export has accepted the relevant export declaration before 1 January following the end of the marketing year during which the surplus raw material was produced;
- (c) the manufacturer has submitted to the competent authority of the Member State, before 1 April following the marketing year in which the surplus was produced:
 - (i) the export licence issued to it in accordance with Article 23 of Regulation (EC) No 318/2006;
 - (ii) the documents referred to in Articles 32 and 33 of Regulation (EC) No 1291/2000 required to release the guarantee;
 - (iii) a statement that the quantities exported have been entered in the accounts as the surplus quantities referred to in point (d) of the second subparagraph of Article 4(1) of this Regulation.

CHAPTER VI

GENERAL AND FINAL PROVISIONS*Article 20***Exchange rate**

In the Member States which have not adopted the euro, the exchange rate to be used is the exchange rate applicable:

- (a) for the levy referred to in Article 3, on the first day of the marketing year in which the surplus was produced;
- (b) for the amounts to be paid as referred to in Article 9(3) and Article 13(1), on the first day of the month in which they apply.

*Article 21***Checks and national implementing measures**

1. Member States shall carry out physical checks on at least 5 % of:

- (a) the quantities of sugar carried forward as referred to in Article 14;
- (b) the quantities of raw materials delivered in the context of the specific supply arrangements for the outermost regions referred to in Article 18;
- (c) the export declarations referred to in Article 19 in accordance with the detailed rules laid down in Regulation (EC) No 2090/2002.

2. Member States shall send the Commission not later than 30 March following the marketing year concerned an annual report showing the number of checks carried out, in particular those referred to in paragraph 1 of this Article and in Article 12, specifying, for each check carried out, the number of significant and insignificant deficiencies found and the action taken and penalties applied.

3. The Member States shall adopt all measures necessary to ensure that this Regulation is applied properly and may impose appropriate national penalties on operators involved in the procedure.

4. The Member States shall assist one another to ensure effective controls, and to ensure the check on the authenticity of documents submitted and/or the accuracy of the data exchanged.

*Article 22***Repeal**

Regulations (EEC) No 65/82, (EEC) No 2670/81 and (EC) No 1265/2001 are hereby repealed with effect from 1 July 2006.

Regulations (EEC) No 2670/81 and (EC) No 1265/2001 will, however, continue to apply to production in the 2005/06 marketing year.

*Article 23***Entry into force**

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

It shall apply from 1 July 2006.

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

Done at Brussels, 29 June 2006.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

ANNEX

CN code	Description of goods
1302 32	-- Mucilages and thickeners, whether or not modified, derived from locust beans, locust bean seeds or guar seeds:
1302 39 00	-- Other
ex 1702 60 95	-- Syrups for spreading and for the production of rinse applestroop
2102 10	- Active yeasts
ex 2102 20	-- Inactive yeasts
2207 10 00	- Undenatured ethyl alcohol of an alcoholic strength by volume of 80 % vol. or higher (bioethanol)
ex 2207 20 00	- Ethyl alcohol, denatured, of any strength (bioethanol)
ex 2208 40	- Rum
ex 2309 90	- Products with a dry matter content of not less than 60 % lysine
29	Organic chemical products excluding products of subheadings 2905 43 00 and 2905 44
3002 90 50	-- Cultures of micro-organisms
3003	Medicaments (excluding goods of heading 3002, 3005 or 3006) consisting of two or more constituents which have been mixed together for therapeutic or prophylactic uses, not put up in measured doses or in forms or packings for retail sale
3004	Medicaments (excluding goods of heading 3002, 3005 or 3006) consisting of mixed or unmixed products for therapeutic or prophylactic uses, put up in measured doses or in forms or packings for retail sale
3006	Pharmaceutical goods specified in note 4 to chapter 30 of the combined nomenclature
3203 00 90	- Colouring matter of vegetable or animal origin and preparations based thereon
ex 3204	- Synthetic organic colouring matter and preparations as specified in note 3 to chapter 32 of the combined nomenclature based thereon
ex 35	Albuminoidal substances; modified starches; glues; enzymes, excluding products falling within heading 3501 and subheadings 3505 10 10, 3505 10 90 and 3505 20
ex 38	Miscellaneous chemical products except those of headings 3809 60 and 3824 60 00
ex 39	Plastics and articles thereof:
3901 to 3914	- Primary forms
ex 6809	Articles of plaster or of compositions based on plaster - boards, sheets, panels, tiles and similar articles

COMMISSION REGULATION (EC) No 968/2006**of 27 June 2006****laying down detailed rules for the implementation of Council Regulation (EC) No 320/2006
establishing a temporary scheme for the restructuring of the sugar industry in the Community**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 320/2006 of 20 February 2006 establishing a temporary scheme for the restructuring of the sugar industry in the Community and amending Regulation (EC) No 1290/2005 on the financing of the common agricultural policy⁽¹⁾, and in particular Article 12 thereof,

Whereas:

- (1) Regulation (EC) No 320/2006 provides for a restructuring aid for those undertakings which decide to give up their quota production, with part of the aid reserved for beet, cane and chicory growers as well as machinery contractors, in order to compensate for losses resulting from the closure of sugar factories. It also provides for an aid for diversification to Member States for diversification measures in the regions concerned by factory closures, for a transitional aid to full-time refiners and for a transitional aid to certain Member States.
- (2) Before submitting an application for restructuring aid, the undertakings are to consult sugar beet, cane and chicory growers, in accordance with Article 3(2) of Regulation (EC) No 320/2006. In order to ensure that growers and other interested parties are offered a fair opportunity to give their views, detailed rules for the consultation process should be established.
- (3) Restructuring aid is granted in respect of the marketing year for which the quota is renounced. Hence, in the case where sugar, isoglucose or inulin syrup is withdrawn or carried forward from the previous marketing year and becomes the first quota production of the marketing year for which an undertaking plans to renounce its quota, the undertaking should be allowed to make one single application for the renunciation of the quota in two successive marketing years, receiving for each part of the quota the amount of restructuring aid applicable to the marketing year for which the quota is renounced.
- (4) In relation to the renunciation of quotas, Article 3 of Regulation (EC) No 320/2006 sets out the options of full or partial dismantling of the production facilities, which give rise to different amounts of restructuring aid. While the conditions applicable to those two options should take into account that a higher amount of restructuring aid is granted to full dismantling, because of the higher costs involved, it is considered appropriate to allow for the possibility to keep parts of the factory which are not part of the production line, if they can be used for other purposes foreseen in the restructuring plan, especially when such use creates employment. On the other hand, installations not directly linked to sugar production should be dismantled if there is no alternative use for them within a reasonable period of time and maintaining them would be harmful to the environment.
- (5) In order to protect farmers and machinery contractors' interests, the undertakings should be required to pay them their share of the restructuring aid according to criteria established by the Member State and within a reasonable period of time after having received the first instalment of the restructuring aid.
- (6) Because of the financial limits of the temporary restructuring fund, the granting of the aid should depend on the chronological order of the lodging of applications. It is thus necessary to establish the criteria for how this chronological order should be determined.
- (7) The Member State's decision on the eligibility of an application for restructuring aid is based on its acceptance of the restructuring plan submitted together with the application. It is thus necessary to define the criteria and procedure for the acceptance of the restructuring plan, as well as for further amendments to such plan.
- (8) In cases where, due to the financial limits of the temporary restructuring fund, the resources of the fund are momentarily insufficient to grant restructuring aid to an applicant whose application has been found eligible, the applicant should be allowed to withdraw his application within a certain period. In the absence of withdrawal, the application should remain valid with its original date of lodging and become an application for the following marketing year.

⁽¹⁾ OJ L 58, 28.2.2006, p. 42.

(9) The Commission should calculate the amount of aid for diversification and additional aid for diversification, as well as of the transitional aid to certain Member States and inform each Member State of the amount available. The Member States should inform the Commission about their national restructuring programmes, detailing the measures to be undertaken.

(10) In order to make it easier for full-time refiners who have lost certain benefits which they held under Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽¹⁾ to adapt to the new situation following the entry into force of Regulation (EC) No 318/2006 of 20 February 2006 on the common organisation of the markets in the sugar sector ⁽²⁾, Regulation (EC) No 320/2006 introduces a transitional aid allocated in those Member States where refiners within the meaning of Regulation (EC) No 1260/2001 were established in the past. The Member States concerned should award the aid to the full-time refiners established on their territory on the basis of a business plan prepared by the undertaking concerned.

(11) In order to enable Member States to control the restructuring process, undertakings receiving an aid should submit annual progress reports. Member States should submit progress reports about the restructuring plans of those undertakings, refiners' business plans as well as their national restructuring programmes to the Commission.

(12) Arrangements should be laid down for controls to be carried out by Member States in order to ensure in particular that the restructuring plan related to the granting of restructuring aid and the business plan related to the granting of aid to full-time refiners are being complied with.

(13) It is necessary to provide for penalties to be applied in the case where an undertaking does not comply with its obligations under the restructuring plan or the business plan.

(14) The Fund Committee has not delivered an opinion within the time-limit set by its chairman,

HAS ADOPTED THIS REGULATION:

CHAPTER I

INTRODUCTORY PROVISIONS

Article 1

Scope and definitions

1. This Regulation lays down detailed rules for the implementation of the measures provided for in Articles 3, 6, 7, 8 and 9 of Regulation (EC) No 320/2006 and financed by the restructuring fund established by Article 1 of that Regulation.

2. For the purposes of this Regulation, the definitions provided for in Article 2 of Regulation (EC) No 320/2006 shall apply.

The definition of 'working day' provided for in Article 2(2) of Council Regulation (EEC, Euratom) No 1182/71 ⁽³⁾ shall also apply.

CHAPTER II

CONDITIONS FOR GRANTING RESTRUCTURING AID

Article 2

Consultation in the framework of agreements within the trade

1. The consultation conducted in the framework of the relevant agreements within the trade as referred to in the second subparagraph of Article 3(2) of Regulation (EC) No 320/2006 shall be based on a detailed timetable and a draft restructuring plan drawn up by the undertaking concerned.

The relevant agreement with the trade shall be the one concluded for the marketing year in which the consultation takes place.

The representatives of the workers and other parties concerned by the restructuring plan but not taking part in the relevant agreement within the trade may be invited by the undertaking to take part in the consultation as observers.

2. The consultation shall involve all elements of the restructuring plan referred to in Article 4(3) of Regulation (EC) No 320/2006.

3. The invitation to the consultation shall be sent by the undertaking concerned. It shall be accompanied by the draft restructuring plan and a detailed agenda for the meeting to be held. A copy of the invitation and the accompanying documents shall be sent at the same time to the competent authority of the Member State.

⁽¹⁾ OJ L 178, 30.6.2001, p. 1. Regulation repealed by Regulation (EC) No 318/2006.

⁽²⁾ OJ L 58, 28.2.2006, p. 1.

⁽³⁾ OJ L 124, 8.6.1971, p. 1.

4. Unless an agreement can be found earlier, the consultation shall consist of at least two meetings and shall last for up to 30 days as from the day on which the invitation to the consultation was sent.

5. The confirmation that the restructuring plan has been prepared in consultation, as referred to in Article 4(2)(b) of Regulation (EC) No 320/2006, shall be based on:

- (a) the invitation sent by the undertaking concerned and received by the other parties;
- (b) the signatures of the participants to the meetings or a statement of the eventual abstention from participation of any of the invited parties;
- (c) the draft restructuring plan as amended by the undertaking concerned after the consultation, specifying the elements agreed by the parties, as well as the elements not agreed;
- (d) if any, the position papers of the parties to the agreement within the trade, the opinion of the workers' representative and the opinions of the other invited parties.

6. For the 2006/2007 marketing year, Member States may take into account consultations conducted in the framework of the relevant agreements within the trade which took place before the entry into force of this Regulation, even if they do not comply with the requirements of this Regulation.

Article 3

Renunciation of quota

As from the marketing year for which the quota is renounced in accordance with Article 3 of Regulation (EC) No 320/2006, no production of sugar, isoglucose or inulin syrup and no sugar, isoglucose or inulin syrup carried forward or withdrawn from the previous marketing year may be deemed as a production under that quota as regards the factories concerned.

Article 4

Dismantling of production facilities

1. In the case of full dismantling referred to in Article 3(1)(a) of Regulation (EC) No 320/2006, the requirement to dismantle the production facilities shall concern:

- (a) all facilities which are necessary to produce sugar, isoglucose or inulin syrup, as for example: facilities to store, analyse, wash and cut sugar beet, cane, cereals or chicory; all

facilities which are necessary to extract and process or concentrate sugar from sugar beet or cane, starch from cereals, glucose from starch or inulin from chicory;

- (b) the part of the facilities other than those referred to in point (a) which are directly related to the production of sugar, isoglucose or inulin syrup and necessary to deal with production under the quota renounced, even if it could be used in relation with the production of other products, such as: facilities for heating or processing water, or for producing energy; facilities to deal with sugar beet pulp or molasses; facilities for internal transport;
- (c) all other facilities, such as packaging facilities, left unused and to be dismantled and removed for environmental reasons.

2. In the case of partial dismantling referred to in Article 3(1)(b) of Regulation (EC) No 320/2006, the requirement to dismantle the production facilities shall concern the facilities referred to in paragraph 1 of this Article that are not intended to be used for other production or other use of the factory site in accordance with the restructuring plan.

Article 5

Coherence between different sources of funding

The Member States shall ensure the coherence and the complementarity of measures or actions financed by the restructuring fund and by other Community funds at regional or national level, as well as the absence of duplication between them.

CHAPTER III

APPLICATION FOR AND GRANTING OF RESTRUCTURING AID

Article 6

Member States obligations

1. Forty-five days after it has received the copy of the invitation to the consultation as referred to in Article 2(3) at the latest, the Member State shall inform the parties involved in the restructuring plan of its decision on:

- (a) the percentage of the restructuring aid to be distributed to the growers of beet, cane and chicory and to machinery contractors, the objective criteria for the distribution of that part of the aid between the two groups and within each group, as determined after consultation of the interested parties, and the period referred to in Article 3(6) of Regulation (EC) No 320/2006;

(b) the period, expiring on 30 September 2010 at the latest, for dismantling production facilities and for complying with the social and environmental commitments referred to in Articles 3(3)(c) and 3(4)(c) of Regulation (EC) No 320/2006;

(c) if appropriate, the national specific requirements for the social and environmental commitments, in the restructuring plan, which go beyond the statutory minimum requirements imposed by Community law, as referred to in Articles 3(3)(c) and 3(4)(c) of Regulation (EC) No 320/2006.

2. By way of derogation from paragraph 1, the Member State shall, in the case where Article 2(6) applies, inform the parties of its decision no later than 15 July 2006.

3. Machinery contractors shall be compensated for the loss incurred following the loss of value of their specialised machinery, which can not be used for other purposes.

Article 7

Application for restructuring aid

1. Each application for restructuring aid shall cover one product and one marketing year.

2. By way of derogation from paragraph 1, where a quota to be renounced has been partly fulfilled by a production carried forward or withdrawn from the previous marketing year, the undertaking may renounce the full quota for the factory or factories concerned, under full or partial dismantling, in the following two steps:

(a) as from the first marketing year concerned by the application, the part of the quota for which there is no production shall be renounced with a request for the amount of restructuring aid for full or partial dismantling applicable to that marketing year;

(b) the remaining part of the quota concerned shall be subject to the temporary restructuring amount provided for in Article 11 of Regulation (EC) No 320/2006 and shall be renounced as from the next marketing year with a request for the amount of restructuring aid for full or partial dismantling applicable to that marketing year.

In the case of application of this paragraph, the undertaking may submit one single application for the two marketing years concerned.

3. The application for restructuring aid shall specify the amount of allocated quota to be renounced for each of the factories of the undertaking concerned and shall be consistent with the relevant collective agreements, including agreements

concluded by the social partners at sector or company level related to the restructuring of the sugar industry.

Article 8

Receipt of the application for restructuring aid

1. The granting of restructuring aid within the financial limits referred to in Article 10(1) and (2) of Regulation (EC) No 320/2006 shall be based on the chronological order of lodging of the complete applications for restructuring aid, based on dates and hours at local time as stated by acknowledgments of receipt from the Member State concerned in accordance with paragraph 3 of this Article.

2. An application for restructuring aid shall be deemed to be complete after the reception by the competent authority of the Member State concerned of all the elements referred to in Article 4(2) and (3) of Regulation (EC) No 320/2006.

3. The competent authority of the Member State shall send to the undertaking concerned an acknowledgment of receipt indicating the date and hour of the lodging of a complete application for restructuring aid, within five working days after the date on which the application is deemed to be complete.

4. In the case of an incomplete application, the competent authority of the Member State shall, within five working days upon reception, return the application to the applicant and specify the conditions that are not complied with.

5. An application which is not deemed to be complete by the deadline laid down in Article 4(1) of Regulation (EC) No 320/2006 shall not be taken into account for the marketing year concerned.

6. Within two working days after issuing an acknowledgment of receipt, the competent authority of the Member State shall inform the Commission thereof, using the model table set out in the Annex. If applicable, a separate table shall be used for each product and each marketing year concerned.

Article 9

Eligibility for the restructuring aid

1. Without prejudice to the provisions of Article 10, the competent authority of the Member State shall decide on the eligibility of an application for restructuring aid and shall inform the applicant of its decision within 30 working days upon reception of the complete application, but at least 10 working days before the deadline provided for in Article 5(1) of Regulation (EC) No 320/2006.

2. For the application to be considered eligible, the restructuring plan shall:

- (a) include a summary of the main objectives, the measures and actions as well as the estimated costs of these measures and actions, the financial plan and the time schedules;
- (b) specify for each factory concerned the amount of quota to be renounced, which shall be lower than or equal to the production capacity to be fully or partially dismantled;
- (c) include an attestation that the production facilities will be fully or partially dismantled and removed from the production site;
- (d) take into account the losses or costs involved, between the aid referred to in point (b) of paragraph 3 of Article 4 of Regulation (EC) No 320/2006, the closure and dismantling of the facilities referred to in point (c) of that paragraph, the investments referred to in point (e) of that paragraph, the social plan referred to in point (f) of that paragraph and the environmental plan referred to in point (g) of that paragraph;
- (e) clearly determine all the actions and costs financed by the restructuring fund and, if appropriate, the other related elements intended to be financed by other Community funds.

3. If the conditions set out in paragraph 2 are not satisfied, the Member State shall inform the applicant of the reasons for this and fix a deadline within the time-limit referred to in Article 4(1) of Regulation (EC) No 320/2006, by which the restructuring plan may be adjusted accordingly.

The Member State shall decide on the eligibility of the adjusted application within 15 working days after the deadline referred to in the first subparagraph, but at least 10 working days before the deadline provided for in Article 5(1) of Regulation (EC) No 320/2006.

If the adjusted application is not presented in due time or is considered ineligible, the application for restructuring aid shall be rejected and the Member State shall inform the applicant and the Commission thereof within five working days. The lodging of a new application from the same applicant shall be subject to the chronological order referred to in Article 8.

4. Where an application is considered eligible, the Member State shall notify the Commission within two working days after its decision, using the model table set out in the Annex.

5. By way of derogation from paragraphs 1, 3 and 4, for the 2006/2007 marketing year, the Member State shall decide on

the eligibility of an application or an adjusted application at least eight working days before the deadline provided for in Article 5(1) of Regulation (EC) No 320/2006 and notify its decision to the Commission on the same day.

Article 10

Granting of the restructuring aid

1. The Commission shall establish a list of the complete applications for restructuring aid in the chronological order of their lodging as stated by acknowledgments of receipt from the Member State concerned.

2. By the deadline provided for in Article 5(1) of Regulation (EC) No 320/2006, the Commission shall determine the estimated availability of the financial resources in the restructuring fund for all the applications concerning the following marketing year, or in the case of the applications for the 2006/2007 marketing year, the applications concerning that marketing year, received by the deadline set out in Article 4(1) of that Regulation and found eligible by the Member State, as well as all the aids related to them.

3. The Commission shall inform the Committee on the Agricultural Funds referred to in Article 41(1) of Council Regulation (EC) No 1290/2005⁽¹⁾ on the decisions taken in accordance with paragraph 1 of this Article. For the 2006/2007 marketing year, the Commission shall inform the Funds Committee referred to in Article 13(1) of Council Regulation (EC) No 1258/1999⁽²⁾.

4. The Member States shall notify to the applicants the grant of the restructuring aid for their respective eligible restructuring plan by the deadline provided for in Article 5(1) of Regulation (EC) No 320/2006. A full copy of the approved restructuring plan shall be sent by the competent authority of the Member State to the Commission.

Article 11

Amendments to the restructuring plan

1. As soon as the restructuring aid is granted, the beneficiary shall carry out all measures detailed in the approved restructuring plan and respect the commitments included in its application for restructuring aid.

2. Any amendment to an approved restructuring plan shall be agreed by the Member State on the basis of a request from the undertaking concerned:

- (a) explaining the reasons and implementing problems encountered;

⁽¹⁾ OJ L 209, 11.8.2005, p. 1.

⁽²⁾ OJ L 160, 26.6.1999, p. 103.

(b) presenting the adjustments or new measures proposed and the expected effects;

(c) detailing the financial and the timing implications.

The amendments may not modify the total amount of the restructuring aid to be granted or the temporary restructuring amounts to be paid in accordance with Article 11 of Regulation (EC) No 320/2006.

The Member State shall notify the amended restructuring plan to the Commission.

Article 12

Withdrawal or postponement of a restructuring application

1. Eligible applications for which the restructuring aid cannot be granted for the marketing year for which the renunciation of quota has been requested may be withdrawn by the applicant within two months after the deadline provided for in Article 5(1) of Regulation (EC) No 320/2006.

2. If the undertaking concerned does not withdraw its application in accordance with paragraph 1, it shall, within the period referred to in that paragraph, adjust the restructuring plan concerned to take into account the amount of the restructuring aid for the following marketing year as laid down in Article 3(5) of Regulation (EC) No 320/2006.

For the purposes of Article 8(1), the date of lodging of the initial application shall be taken into account.

In the case referred to in the first subparagraph, the applicant shall postpone the renunciation of his quota for one marketing year and shall remain subject to the payment of the temporary restructuring amount provided for in Article 11 of Regulation (EC) No 320/2006.

CHAPTER IV

OTHER AIDS FROM THE RESTRUCTURING FUND

Article 13

Amounts of aid per Member State

1. By 31 October 2006 for the 2006/2007 marketing year, by 31 March 2007 for the 2007/2008 marketing year, by 31 March 2008 for the 2008/2009 marketing year and by 31 March 2009 for the 2009/2010 marketing year, the Commission shall fix the amounts attributed to each Member State under the restructuring fund for:

(a) the aid for diversification provided for in Article 6 of Regulation (EC) No 320/2006;

(b) the additional aid for diversification provided for in Article 7 of Regulation (EC) No 320/2006;

(c) the transitional aid to certain Member States provided for in Article 9 of Regulation (EC) No 320/2006.

2. The amounts referred to in paragraph 1(a) and (b) shall be based on:

(a) the amount of the aid for diversification provided for in Article 6(2) of Regulation (EC) No 320/2006 multiplied by the amount of sugar quota renounced in the Member State concerned for which a restructuring aid is to be granted as from:

— the 2006/2007 marketing year in the case of the amounts determined in October 2006,

— the 2007/2008 marketing year in the case of the amounts determined in March 2007,

— the 2008/2009 marketing year in the case of the amounts determined in March 2008,

— the 2009/2010 marketing year in the case of the amounts determined March 2009;

(b) the amount of the additional aid for diversification corresponding to the highest of the percentages obtained in accordance with Article 7(1) of Regulation (EC) No 320/2006, and multiplied by the total amount of sugar quota referred to in point (a) of this paragraph, up to:

— the 2006/2007 marketing year in the case of the amounts determined in October 2006,

— the 2007/2008 marketing year in the case of the amounts determined in March 2007,

— the 2008/2009 marketing year in the case of the amounts determined in March 2008,

— the 2009/2010 marketing year in the case of the amounts determined in March 2009.

The amount resulting from the calculation referred to in the first subparagraph shall be reduced, if applicable, by all the amounts of the additional diversification aid previously fixed in accordance with the method set out in this point;

(c) if applicable, the amounts of the transitional aid to certain Member States provided for in Article 9 of Regulation (EC) No 320/2006.

3. The amounts resulting from the method laid down in paragraph 2 shall be added to the respective amounts determined pursuant to paragraph 1 for the previous years.

Article 14

National restructuring programmes

1. By 31 December 2006 and by 30 September 2007, 2008 and 2009, the Member States concerned shall notify to the Commission their national restructuring programmes, detailing the measures to be undertaken within the limit of the amount of the aid for diversification determined pursuant to Article 13(2)(a), the amount of the additional aid for diversification determined pursuant to Article 13(2)(b) and the amount for transitional aid to certain member States referred to in Article 13(2)(c).

2. National restructuring programmes shall include at least the following elements:

- (a) a summary of the main objectives, measures, actions, costs, financing interventions and time schedules provided for in each of the regions concerned;
- (b) a description of the regions concerned and an analysis of the problems linked to the restructuring of the sugar sector;
- (c) a presentation of the purposes and the actions or measures foreseen, demonstrating their consistency with the eligible restructuring plans referred to in Article 9, the rural development policy in the regions concerned and other measures undertaken or foreseen in these regions, in particular under other Community funds;
- (d) a time schedule of all the actions or measures provided for and the criteria followed to differentiate them from similar actions or measures intended to be financed by other Community funds;
- (e) if appropriate, the amount of the additional aid for diversification to be granted to growers of sugar beet or cane giving up their production and the objective and non-discriminatory criteria to be followed to distribute that aid;
- (f) a financial plan detailing all the costs by action or measure and the timetable foreseen for the payments.

3. The actions or measures provided for in a national restructuring programme shall be implemented by 30 September 2010.

Article 15

Transitional aid to full-time refiners

1. A full-time refiner who, on 30 June 2006, was a refiner within the meaning of Article 7(4) of Regulation (EC) No 1260/2001 may apply for the transitional aid provided for in Article 8(2) of Regulation (EC) No 320/2006, to be granted by the Member State on whose territory it is situated.

2. The full-time refiner shall lodge the aid application, accompanied by the business plan referred to in Article 8(3) of Regulation (EC) No 320/2006, by a deadline to be determined by the Member State concerned, which shall be no later than 30 September 2007.

3. The business plan referred to in Article 8(3) of Regulation (EC) No 320/2006 shall include at least the following elements:

- (a) a summary of the main objectives, measures, actions, costs, financing interventions and time schedules;
- (b) a description and analysis of the problems encountered to adapt to the reform of the Community sugar market organisation;
- (c) a presentation of the actions or measures foreseen, demonstrating their consistency with other measures undertaken or foreseen under other Community funds in the region concerned under which the applicant is a beneficiary;
- (d) a time schedule of all the actions or measures foreseen and the criteria followed to differentiate them from similar actions or measures intended to be financed by other Community funds under which the applicant is a beneficiary;
- (e) a financial plan detailing all the costs by action or measure and the timetable foreseen for the payments.

4. Actions or measures foreseen in the business plan shall include one or more of the following elements: investments, dismantling of production facilities, contributions to operational costs, provisions for depreciation of equipment and other provisions considered to be necessary in order to adapt to the new situation.

5. The Member State shall decide on the eligibility of the business plan within the financial limits of Article 8(2) of Regulation (EC) No 320/2006 and shall notify the applicant and the Commission of its decision within 30 working days after the deadline referred to in paragraph 2 of this Article.

The Member State shall, within the same period, inform the Commission of the amounts to be awarded to each refiner and, if relevant, of the objective and non-discriminatory criteria used to distribute the aid between the different full-time refiners located on their territory.

6. The actions or measures provided for in the business plan shall be implemented by 30 September 2010.

CHAPTER V

PAYMENT OF THE AIDS

Article 16

Payment of the restructuring aid

1. The payment of the each instalment of the restructuring aid, as referred to in Article 10(4) of Regulation (EC) No 320/2006, shall be subject to the lodging of a security of an amount equal to 120 % of the amount of the instalment concerned.

2. In the case where the payments to growers and machinery contractors are carried out directly by the Member State in accordance with Article 19(2), the amount of the instalment concerned shall be reduced by the amounts to be paid to the growers and machinery contractors.

3. The restructuring aid shall not be paid later than 30 September 2011.

4. If appropriate, the Commission shall fix, by 31 January 2008, 2009, 2010 and 2011, the percentage of the first and second payments referred to in the second subparagraph of Article 10(4) of Regulation (EC) No 320/2006, as well as the provisional date for the second payment.

Article 17

Payment of the aid for diversification, the additional aid for diversification and the transitional aid to certain Member States

1. Within the limit of the amounts determined in accordance with Article 13(3), the payment of the aid for diversification, of the additional aid for diversification and of the transitional aid to certain Member States shall be made by the Member State to the beneficiaries twice a year, in March and September for the eligible expenses actually incurred, documented and controlled.

When a part of the additional aid for diversification is granted to sugar beet or cane growers giving up their production in accordance with Article 7(2) of Regulation (EC) No 320/2006, the Member State shall ensure that the growers concerned have definitively given up sugar beet or cane production.

2. The first payment may be made in September 2007. The aid for diversification, the additional aid for diversification and the transitional aid to certain Member States shall not be paid later than 30 September 2011.

Article 18

Payment of the transitional aid to full-time refiners

1. Within the limits referred to in Article 8(2) of Regulation (EC) No 320/2006, the payments of the transitional aid to full-time refiners, for eligible expenses on the basis of a business plan, shall be made by the Member State to the beneficiaries in two instalments:

(a) 40 % in September 2007;

(b) 60 % in March 2008.

The payment of each instalment shall be subject to the lodging of a security of an amount equal to 120 % of the amount of the instalment concerned.

2. By way of derogation from paragraph 1, the total expenses may be covered by one single payment in September 2007, provided that, before 15 September 2007:

(a) all of the measures and actions foreseen in the business plan have been executed;

(b) the final report referred to in Article 24(2) has been submitted;

(c) the Member State has carried out the controls referred to in Article 25.

The payment shall in this case not be subject to the lodging of a security.

Article 19

Payment to growers and machinery contractors

1. No later than two months after having received the first instalment of the restructuring aid and on the basis of the information given by the Member State in accordance with Article 6(1), the undertakings shall make the payments to growers of beet, cane and chicory as well as to machinery contractors.

2. The payments to growers and machinery contractors may be carried out directly by the Member State, by way of reducing accordingly the amount of restructuring aid to be paid as provided for in Article 16(2), within the limit set out in paragraph 3 of this Article. In that case, the payments shall be made simultaneously with the payment of the part of the restructuring aid due to the undertaking.

3. The amount of the payment referred to in paragraph 1 and 2 shall not be higher than 50 % of the first instalment. If this amount does not cover the entire sum to be paid, the remaining part shall be paid:

- (a) no later than two months after the undertaking has received the second instalment of the aid, where the payment is carried out by the undertaking;
- (b) simultaneously with the payment of the second instalment of the restructuring aid to be paid to the undertaking, where the payment is carried out directly by the Member State.

Article 20

Decision to postpone payments

If the Commission decides to postpone the payments of the aid for diversification, of the additional aid for diversification, of the transitional aid to full-time refiners or of the transitional aid to certain Member States in accordance with Article 10(5) of Regulation (EC) No 320/2006, it shall inform the Member States of its decision before 31 May and 31 January.

Article 21

Currency

1. For the temporary restructuring fund, the amounts of commitments and payments by the Commission and the amounts of the temporary restructuring amount, as well as the amounts of expenditure in declarations of expenditure by the Member States shall be expressed and paid in euro.

2. For any payment made in a currency other than the euro, the exchange rate shall be the most recent exchange rate set by the European Central Bank prior to the first day of the month of the operative event for the payment concerned.

The operative event shall be the date of payment.

Article 22

Release of securities

1. The securities referred to in Articles 16(1) and 18(2) shall be released provided that:

- (a) all of the measures and actions foreseen in the restructuring plan, the national restructuring programmes and the business plan, as appropriate, have been implemented;
- (b) the final report referred to in Article 23(2) has been submitted;
- (c) the Member States have carried out the controls referred to Article 25;
- (d) for the restructuring aid, the aid to growers of sugar beet, cane and chicory and machinery contractors has been paid by the undertaking, unless these payments are carried out directly by the Member State in accordance with Article 19(2);
- (e) if applicable, the surplus levy relating to the out of quota sugar, isoglucose or inulin syrup in stocks at the beginning of the marketing year as from which the quota is renounced, has been paid.

2. By way of derogation paragraph 1, on request of the beneficiary, a security may be partially released for the amount of the expenditure actually incurred with regard to the actions and measures under the restructuring plan or business plan, provided that the inspection referred to in Article 25(1) has been effectively carried out and the inspection report referred to in Article 25(3) has been established.

3. Except in the case of *force majeure*, the security shall be forfeited if the conditions set out in paragraph 1 have not been fulfilled on 30 September 2011 at the latest.

CHAPTER VI

REPORTING, CONTROLS AND PENALTIES

Article 23

Reporting by the undertakings

1. Undertakings applying for restructuring aid shall inform the parties involved in the consultation process referred to in Article 1 of:

- (a) the decisions taken by the Member State in accordance with Articles 8, 9, 10 and 11;
- (b) what has actually been carried out each year under the approved restructuring plan.

2. Undertakings receiving an aid under the restructuring fund shall submit an annual progress report to the competent authority of the Member State that granted the aid, no later than three months after the end of the marketing year during which the corresponding measures are carried out.

The report shall detail the actions or measures taken and expenses incurred during the preceding marketing year, comparing them to the actions or measures and expenses detailed in the restructuring plan or the business plan concerned.

No later than three months after the implementation of all of the actions and measures foreseen under the restructuring plan or the business plan concerned, the undertaking shall submit to the competent authority of the Member State a final report summarising these actions and measures and the expenses incurred.

Article 24

Reporting by the Member States

1. Member States shall submit to the Commission annual progress reports concerning the restructuring plans, the national restructuring programmes and the business plans, no later than six months after the end of the marketing year concerned.

Those reports shall contain:

- (a) a description of actions or measures undertaken and respect of time-frame;
- (b) a statement of the facts according to at least one on-the-spot check per factory site for each restructuring plan or business plan;
- (c) a comparison between expenses foreseen and incurred;
- (d) an analysis of the involvements of other Community funds and their conformity with the aids financed by the restructuring fund;
- (e) if applicable, any changes to a restructuring plan, reasons therefore and implications for the future.

2. By 30 June 2011, the Member State shall submit to the Commission a final progress report comparing the actions or measures implemented and the expenses incurred to the ones foreseen in the restructuring plans, the national restructuring programmes and the business plans and explaining the reasons for deviations.

The final progress report shall also include a list of the penalties applied during the complete period as well as a statement that no levies, penalties or amounts related to the sugar, isoglucose or inulin syrup previously produced by factories partially or fully dismantled have been left unpaid.

Article 25

Controls

1. Each undertaking and production site in respect of which an aid is received under the restructuring fund shall be inspected by the competent authority of the Member State within three months after the deadline referred to in Article 23(2).

The inspection shall check that the restructuring plan or business plan is being complied with and shall verify the accuracy and completeness of the information given by the undertaking in the progress report. The first inspection under a restructuring plan shall also verify any additional information given by the undertaking in its application for restructuring aid, in particular the confirmation referred to in Article 4(2)(b) of Regulation (EC) No 320/2006.

2. The inspection shall in all cases cover the elements of the restructuring plan referred to in Article 4(3) of Regulation (EC) No 320/2006. For each inspection a report shall be established, fully describing the work undertaken, the main findings and any follow-up action required.

3. The inspection report shall be divided into the following parts:

- (a) a general part, containing, in particular, the following information:
 - (i) the beneficiary and the production site subject to the inspection;
 - (ii) the persons present;
 - (iii) whether notice of the visit was given to the beneficiary and, if so, the period of advance notification;
- (b) for each of the elements of the restructuring plan listed in Article 4(3) of Regulation (EC) No 320/2006 and for each business plan, a part reflecting separately the checks carried out and containing, in particular, the following information:
 - (i) the requirements and the standards subject to the inspection;
 - (ii) the nature and extent of the checks carried out;
 - (iii) the findings;
 - (iv) the elements of the restructuring plan or business plan in relation to which non-compliances are found;

(c) an evaluation part giving an assessment of the importance of the non-compliance in respect of each element on the basis of its severity, extent, degree of permanence and previous history with an indication of any non-compliance which has led or should lead to the adoption of measures in accordance with Article 26 or 27.

4. The beneficiary shall be informed of any non-compliance found.

5. The inspection report shall be finalised within one month after the inspection.

Article 26

Recovery

1. Without prejudice to paragraph 3, if a beneficiary does not comply with one or more of his commitments under the restructuring plan, the business plan or a national restructuring programme, as appropriate, the part of the aid granted in respect of the commitment(s) concerned shall be recovered except in the case of *force majeure*.

2. Interest shall be calculated for the period from the 60th day following that on which the beneficiary is notified of the obligation to repay aid to the day on which the aid is actually repaid.

The interest rate shall be the rate applied by the European Central Bank to its principal refinancing operations, as published in the C series of the *Official Journal of the European Union*, in force on the first calendar day of the month in which the due date falls, increased by three and a half percentage points.

3. The Member State may grant the beneficiary a period of two months to achieve compliance with the commitment under the restructuring plan or the business plan.

Article 27

Penalties

1. If a beneficiary does not comply with one or more of his commitments under the restructuring plan, the business plan or the national restructuring programme, as appropriate, it shall be required to pay an amount equal to 10 % of the amount to be recovered under Article 26.

2. The penalties to be imposed pursuant to paragraph 1 shall not be imposed if the undertaking can demonstrate, to the satisfaction of the competent authority, that the non-compliance is due to *force majeure* and if it has clearly identified the non-compliance in the progress report submitted in accordance with Article 23(2).

3. If the non-compliance has been committed intentionally or as a result of grave negligence, the beneficiary shall be required to pay an amount equal to 30 % of the amount to be recovered under Article 26.

CHAPTER VII

FINAL PROVISION

Article 28

Entry into force

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

It shall apply from 1 July 2006.

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

Done at Brussels, 27 June 2006.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

ANNEX

Member State:			
Name and address of undertaking:			
Marketing year:			
Date and time of arrival of the complete application:			
Total quota held:			
		Quota (tonnes) renounced under Article 3(1) of Regulation (EC) No 320/2006	
		Product concerned (sugar, isoglucose or inulin syrup):	
Factory site concerned:	Point (a) Full dismantling (in tonnes)	Point (b) Partial dismantling (in tonnes)	Point (c) No dismantling (in tonnes)
1			
2			
3			
4			
5			
Total			

To be sent to: agri-C1@ec.europa.eu

COMMISSION REGULATION (EC) No 969/2006**of 29 June 2006****opening and providing for the administration of a Community tariff quota for imports of maize from 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 Article 12(1) thereof,

Whereas:

- (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 ⁽²⁾, approved by Council Decision 2006/333/EC ⁽³⁾, provides for the opening of a Community tariff quota for the import of a maximum annual quantity of 242 074 tonnes of maize.
- (2) To ensure that imports of the maize covered by this tariff quota are orderly and not speculative, they should be made subject to the issue of import licences. These licences should be issued, within the quantities set, at the request of the interested parties, subject, where appropriate, to the fixing of an allocation coefficient in respect of the quantities applied for.
- (3) To ensure the proper management of this quota, deadlines should be laid down for the lodging of licence applications and the information to be included in applications and licences should be specified.
- (4) In order to ensure that the actual quantities being requested by individual traders may be verified, it is necessary to specify that traders must submit only one import licence application per weekly period and to provide for a penalty in the event of failure to meet this requirement.

(5) To take account of supply conditions, a derogation should be made concerning the period of validity of the licences.

(6) In order to ensure the sound management of the quota, a derogation should be made from Commission Regulation (EC) No 1291/2000 of 9 June 2000 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products ⁽⁴⁾ as regards the transferable nature of the licences and the tolerance relating to the quantities released into free circulation.

(7) With a view to the sound management of the quota, the security for import licences should be set at a relatively high level, by way of derogation from Article 12 of Commission Regulation (EC) No 1342/2003 of 28 July 2003 laying down special detailed rules for the application of the system of import and export licences for cereals and rice ⁽⁵⁾.

(8) Rapid two-way communication, including electronic communication, should be established between the Commission and the Member States regarding the quantities applied for and imported.

(9) The origin of the products covered by this Regulation should be determined in accordance with the rules in force in the Community. In order to verify the origin of the products concerned, a certificate of origin issued by the authorities of the country from which the maize originates should be required on import, in accordance with Community rules.

(10) Since the Agreement approved by Decision 2006/333/EC provides for implementation on 1 July 2006, this Regulation must apply from the date of its publication in the *Official Journal of the European Union*.

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

⁽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 124, 11.5.2006, p. 15.

⁽³⁾ OJ L 124, 11.5.2006, p. 13.

⁽⁴⁾ 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).

⁽⁵⁾ OJ L 189, 29.7.2003, p. 12. Regulation as last amended by Regulation (EC) No 830/2006 (OJ L 150, 3.6.2006, p. 3).

HAS ADOPTED THIS REGULATION:

Article 1

1. A tariff quota is hereby opened for the import of 242 074 tonnes of maize falling within CN codes 1005 10 90 and 1005 90 00 (serial number 09.4131).

2. The tariff quota shall be opened on 1 January each year. The duty on imports within the tariff quota shall be zero.

Article 2

1. The quota shall be divided into two six-monthly tranches of 121 037 tonnes each for the following periods:

(a) tranche 1: 1 January to 30 June;

(b) tranche 2: 1 July to 31 December.

2. Unused quantities from tranche 1 shall automatically be allocated to tranche 2. Should tranche 1 be exhausted, the Commission may bring forward the opening of tranche 2 in accordance with the procedure laid down in Article 25(2) of Regulation (EC) No 1784/2003.

Article 3

All imports under the quota referred to in Article 1(1) shall be subject to the presentation of an import licence issued in accordance with Regulation (EC) No 1291/2000 and subject to the provisions of this Regulation.

Traders may submit only one import licence application per weekly period as referred to in Article 4(1). Where traders submit more than one application, all their applications shall be rejected and the securities lodged when the applications were submitted shall be forfeited to the Member State concerned.

Article 4

1. Applications for import licences shall be lodged with the competent authorities of the Member States each week no later than Monday at 13.00 (Brussels time).

Applicants shall submit their licence applications to the competent authorities of the Member State in which they are registered for VAT purposes.

Applicants shall lodge a security, in accordance with Article 15(2) of Regulation (EC) No 1291/2000, for the amount specified in Article 9 of this Regulation.

Each licence application shall indicate a quantity which may not exceed the quantity available per tranche concerned. Import licence applications and import licences themselves shall mention a single country of origin.

2. No later than 18.00 Brussels time on the final day for the lodging of licence applications, the competent authorities shall forward to the Commission electronically a notification in accordance with the model given in Annex I and the total quantity for which import licence applications have been submitted. Such notifications shall be made even when no applications have been submitted in a Member State. That information must be notified separately from the information on other import licence applications for cereals.

If a Member State does not send the Commission notification of applications within the given deadlines, the Commission shall consider that no applications have been submitted in the Member State concerned.

3. If the combined total of the quantities granted since the start of the period and the quantities referred to in paragraph 2 exceeds the relevant quota or tranche, the Commission shall fix, no later than the third working day following the final day for the lodging of applications, allocation coefficients to be applied to the quantities requested.

4. On the fourth working day following the final day for the lodging of applications, the competent authorities of the Member States shall, after applying, where necessary, the allocation coefficients fixed in accordance with paragraph 3, issue import licences against the applications notified to the Commission in accordance with paragraph 2.

No later than 18.00 Brussels time on the day the import licences are issued, the competent authorities of the Member States shall notify the Commission electronically, on the basis of the model given in Annex I hereto, of the total quantity for which import licences have been issued on that day.

Article 5

Import licences shall be valid for 45 days from the date of issue. In accordance with Article 23(2) of Regulation (EC) No 1291/2000, the period of validity of the licence shall be calculated from the actual date of issue.

Article 6

By way of derogation from Article 9 of Regulation (EC) No 1291/2000, rights deriving from the import licence shall not be transferable.

Article 7

By way of derogation from Article 8(4) of Regulation (EC) No 1291/2000, the quantity released into free circulation may not exceed that indicated in boxes 17 and 18 of the import licence. To that end, the figure '0' shall be entered in box 19 of the licence.

Article 8

The import licence application and the import licence shall contain the following information:

- (a) in box 8, the country of origin of the product, with a cross in the 'yes' box;
- (b) in box 20, one of the entries given in Annex II;
- (c) in box 24, the words 'zero import duty'.

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

Done at Brussels, 29 June 2006.

Licences shall be valid only for products originating in the country indicated in box 8.

Article 9

By way of derogation from Article 12(a) and (b) of Regulation (EC) No 1342/2003, the security for the import licences provided for in this Regulation shall be EUR 30 per tonne.

Article 10

Importation under the tariff quota provided for in Article 1 shall be subject to the presentation of a certificate of origin issued by the competent authorities of the third country in which the maize originates, in accordance with Article 47 of Commission Regulation (EEC) No 2454/93 ⁽¹⁾. The origin of products covered by this Regulation shall be determined in accordance with the rules in force in the Community.

Article 11

For 2006, the total quota of 242 074 tonnes shall comprise a single tranche open from 1 July to 31 December.

Article 12

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

It shall apply from 1 July 2006.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 253, 11.10.1993, p. 1.

ANNEX I

Model of the notification referred to in Article 4(2) and (4)*Import quota for maize opened by Regulation (EC) No 969/2006*

Week from ... to ...

Serial No 09.4131 — Tranche No ...

Trader's No	Quantity applied for (tonnes)	Country of origin	Quantity supplied (tonnes) (*)

Total quantities applied for (tonnes):

Total quantities supplied (tonnes) (*):

(*) To be completed only for the purposes of the notification referred to in Article 4(4) of Regulation (EC) No 969/2006.

ANNEX II

Entries referred to in Article 8(b)

- *In Spanish:* Reglamento (CE) n° 969/2006
 - *In Czech:* Nařízení (ES) č. 969/2006
 - *In Danish:* Forordning (EF) nr. 969/2006
 - *In German:* Verordnung (EG) Nr. 969/2006
 - *In Estonian:* Määrus (EÜ) nr 969/2006
 - *In Greek:* Κανονισμός (ΕΚ) αριθ. 969/2006
 - *In English:* Regulation (EC) No 969/2006
 - *In French:* Règlement (CE) n° 969/2006
 - *In Hungarian:* 969/2006/EK rendelet
 - *In Italian:* Regolamento (CE) n. 969/2006
 - *In Lithuanian:* Reglamentas (EB) Nr. 969/2006
 - *In Latvian:* Regula (EK) Nr. 969/2006
 - *In Maltese:* Regolament (KE) Nru 969/2006
 - *In Dutch:* Verordening (EG) nr. 969/2006
 - *In Polish:* Rozporządzenie (WE) nr 969/2006
 - *In Portuguese:* Regulamento (CE) n.º 969/2006
 - *In Slovak:* Nariadenie (ES) č. 969/2006
 - *In Slovene:* Uredba (ES) št. 969/2006
 - *In Finnish:* Asetus (EY) N:o 969/2006
 - *In Swedish:* Förordning (EG) nr 969/2006
-

COMMISSION REGULATION (EC) No 970/2006

of 29 June 2006

amending Regulation (EC) No 2305/2003 opening and providing for the administration of a Community tariff quota for imports of barley from 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 Article 12(1) thereof,

Whereas:

(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 ⁽²⁾, approved by Council Decision 2006/333/EC ⁽³⁾, provides for an increase of 6 215 tonnes in the tariff quota for barley.

(2) Commission Regulation (EC) No 2305/2003 ⁽⁴⁾ opens a Community tariff quota for barley. The quantity of barley covered by the quota should be increased in application of the Agreement approved by Decision 2006/333/EC.

(3) In the interests of simplification, the obsolete provisions of Regulation (EC) No 2305/2003, relating to 2004, should be deleted.

(4) In order to clarify the rules, it should be stipulated that import licence applications must be lodged on Monday at the latest but may be lodged earlier.

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

(6) In order to clarify the rules, the expression 'reduction coefficient' should moreover be replaced by 'allocation coefficient'.

(7) Regulation (EC) No 2305/2003 should therefore be amended.

(8) Since the Agreement approved by Decision 2006/333/EC provides for implementation on 1 July 2006, this Regulation must apply from the date of its publication in the *Official Journal of the European Union*.

(9) 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 2305/2003 is hereby amended as follows:

1. Article 1 is replaced by the following:

'Article 1

1. A tariff quota is hereby opened for the import of 306 215 tonnes of barley falling within CN code 1003 00 (serial No 09.4126).

2. The tariff quota shall be opened on 1 January each year. Duties on imports within the tariff quota shall be levied at a rate of EUR 16 per tonne.

Article 10(1) of Regulation (EC) No 1784/2003 shall apply to imports of the products referred to in this Regulation in excess of the quantity provided for in paragraph 1 of this Article.'

⁽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 124, 11.5.2006, p. 15.

⁽³⁾ OJ L 124, 11.5.2006, p. 13.

⁽⁴⁾ OJ L 342, 30.12.2003, p. 7. Regulation as amended by Regulation (EC) No 777/2004 (OJ L 123, 27.4.2004, p. 50).

2. Article 3 is amended as follows:

(a) Paragraph 1 is amended as follows:

(i) The first subparagraph is replaced by the following:

'1. Applications for import licences shall be lodged with the competent authorities of the Member States each week no later than Monday at 13.00 (Brussels time).'

(ii) The third subparagraph is deleted.

(b) In the first subparagraph of paragraph 2, the first sentence is replaced by the following:

'No later than 18.00 Brussels time on the final day for the lodging of licence applications, the competent authorities shall forward to the Commission electronically a notification in accordance with the model given in the Annex and the total quantity for which import licence applications have been submitted.'

(c) Paragraph 3 is replaced by the following:

'3. If the combined total of the quantities granted since the start of the year and the quantity referred to in paragraph 2 exceeds the relevant quota for the year concerned, the Commission shall fix, no later than the third working day following the final day for the lodging of applications, an allocation coefficient to be applied to the quantities requested.'

(d) In paragraph 4, the first sentence is replaced by the following:

'Without prejudice to paragraph 3, licences shall be issued on the fourth working day following the final day for the lodging of applications.'

Article 2

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

It shall apply from 1 July 2006.

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

Done at Brussels, 29 June 2006.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

COMMISSION REGULATION (EC) No 971/2006

of 29 June 2006

amending Regulation (EC) No 2375/2002 opening and providing for the administration of Community tariff quotas for common wheat of a quality other than high quality from third countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Article 1

Regulation (EC) No 2375/2002 is hereby amended as follows:

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,

1. Article 2(1) is replaced by the following:

Whereas:

'1. A tariff quota of 2 988 387 tonnes of common wheat falling within code 1001 90 99 of a quality other than high quality is hereby opened.'

(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 ⁽²⁾, approved by Council Decision 2006/333/EC ⁽³⁾, provides for an increase in the tariff quota for common wheat.

2. Article 3 is amended as follows:

(a) paragraph 1 is replaced by the following:

'1. The overall tariff quota shall be divided into three subquotas:

(2) Commission Regulation (EC) No 2375/2002 ⁽⁴⁾ opens a Community tariff quota for common wheat of a quality other than high quality. Subquota III for third countries other than the United States and Canada should be increased by 6 787 tonnes in application of the Agreement approved by Decision 2006/333/EC.

— subquota I (serial number 09.4123): 572 000 tonnes for the United States of America,

— subquota II (serial number 09.4124): 38 000 tonnes for Canada,

(3) In order to clarify the rules, it should be stipulated that import licence applications must be lodged on Monday at the latest but may be lodged earlier.

— subquota III (serial number 09.4125): 2 378 387 tonnes for other third countries.'

(b) paragraph 3 is replaced by the following:

(4) Regulation (EC) No 2375/2002 should therefore be amended.

'3. Subquota III shall be divided into four quarterly tranches, each for the following periods and quantities:

(5) Since the Agreement approved by Decision 2006/333/EC provides for implementation on 1 July 2006, this Regulation must apply from the date of its publication in the *Official Journal of the European Union*.

(a) tranche No 1: 1 January to 31 March — 594 597 tonnes;

(b) tranche No 2: 1 April to 30 June — 594 597 tonnes;

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

(c) tranche No 3: 1 July to 30 September — 594 597 tonnes;

⁽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 124, 11.5.2006, p. 15.

⁽³⁾ OJ L 124, 11.5.2006, p. 13.

⁽⁴⁾ OJ L 358, 31.12.2002, p. 88. Regulation as last amended by Regulation (EC) No 491/2006 (OJ L 89, 28.3.2006, p. 3).

(d) tranche No 4: 1 October to 31 December — 594 597 tonnes.

For 2006, tranche No 3 shall be 597 991 tonnes.'

3. Article 5 is amended as follows:

- (a) in paragraph 1, the first sentence is replaced by the following:

'1. Applications for import licences shall be lodged with the competent authorities of the Member States each week no later than Monday at 13.00 (Brussels time).';

- (b) in the first subparagraph of paragraph 2, the first sentence is replaced by the following:

'No later than 18.00 Brussels time on the final day for the lodging of licence applications, the competent authorities shall forward to the Commission electronically a notification in accordance with the model given in the Annex and the total quantity for which import licence applications have been submitted.';

- (c) paragraph 3 is replaced by the following:

'3. If the combined total of the quantities granted since the start of the period and the quantities referred

to in paragraph 2 exceeds the relevant subquota or tranche, the Commission shall fix, no later than the third working day following the final day for the lodging of applications, allocation coefficients to be applied to the quantities requested.';

- (d) in the first subparagraph of paragraph 4, the first sentence is replaced by the following:

'On the fourth working day following the final day for the lodging of applications, after applying, where necessary, the allocation coefficients fixed in accordance with paragraph 3, the competent authorities of the Member States shall issue import licences against the applications notified to the Commission in accordance with paragraph 2.'

Article 2

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

It shall apply from 1 July 2006.

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

Done at Brussels, 29 June 2006.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

COMMISSION REGULATION (EC) No 972/2006

of 29 June 2006

laying down special rules for imports of Basmati rice and a transitional control system for determining their origin

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1785/2003 of 29 September 2003 on the common organisation of the market in rice ⁽¹⁾, and in particular Articles 10(2) and 11b thereof,

Whereas:

(1) Pursuant to the Agreement in the form of an Exchange of Letters between the European Community and India pursuant to Article XXVIII of the GATT 1994 relating to the modification of concessions with respect to rice provided for in EC Schedule CXL annexed to the GATT 1994 ⁽²⁾, approved by Council Decision 2004/617/EC ⁽³⁾, the duty applicable to imports of husked rice of certain Basmati varieties is fixed at zero.

(2) Pursuant to the Agreement in the form of an Exchange of Letters between the European Community and Pakistan pursuant to Article XXVIII of the GATT 1994 relating to the modification of concessions with respect to rice provided for in EC Schedule CXL annexed to the GATT 1994 ⁽⁴⁾, approved by Council Decision 2004/618/EC ⁽⁵⁾, the duty applicable to imports of husked rice of certain Basmati varieties originating in Pakistan is fixed at zero.

(3) Pursuant to Article 2(1) of Decision 2004/617/EC and Article 2(1) of Decision 2004/618/EC, the Commission adopted Regulation (EC) No 1549/2004 ⁽⁶⁾, which, until Regulation (EC) No 1785/2003 was amended, derogated therefrom as regards the arrangements for importing rice and laid down separate transitional rules for imports of Basmati rice. Given that Regulation (EC) No 1785/2003 has been amended to that end, for the sake of clarity, Regulation (EC) No 1549/2004 should be replaced by a new Regulation.

(4) The Agreements approved by Decisions 2004/617/EC and 2004/618/EC provide for the introduction of a Community control system based on DNA analysis at the border and transitional arrangements for imports

of Basmati rice pending the entry into force of that control system. Since the definitive control system has not yet been introduced, special transitional rules should be laid down.

(5) To be eligible for zero import duty, Basmati rice must belong to a variety specified in the Agreements. In order to ascertain that Basmati rice imported at a zero rate of duty meets those characteristics, it should be covered by an authenticity certificate drawn up by the competent authorities.

(6) In order to prevent fraud, provision should be made for measures to check the variety of Basmati rice declared. To that end the provisions on sampling 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 ⁽⁷⁾ should be applied.

(7) The transitional import arrangements for Basmati rice provide for a procedure for consulting the exporting country in the event of a market disturbance and possibly applying the full rate of duty if a satisfactory solution has not been found at the end of the consultations. The point at which the market may be considered to be disturbed should be defined.

(8) To ensure sound administrative management of imports of Basmati rice, special rules, whether additional to or derogating from Commission Regulation (EC) No 1291/2000 of 9 June 2000, laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products ⁽⁸⁾ and Commission Regulation (EC) No 1342/2003 of 28 July 2003 laying down special detailed rules for the application of the system of import and export licences for cereals and rice ⁽⁹⁾, should be adopted concerning the lodging of applications, the issue of licences and the use thereof.

(9) So as not to disrupt the continuity of imports of Basmati rice, it should be laid down that authenticity certificates and import licences issued before 1 July 2006 pursuant to Regulation (EC) No 1549/2004 remain valid for their entire period of validity and that the zero rate of duty applies to products imported under those licences.

⁽¹⁾ OJ L 270, 21.10.2003, p. 96. Regulation as last amended by Regulation (EC) No 797/2006 (OJ L 144, 31.5.2006, p. 1).

⁽²⁾ OJ L 279, 28.8.2004, p. 19.

⁽³⁾ OJ L 279, 28.8.2004, p. 17. Decision as amended by Decision 2005/476/EC (OJ L 170, 1.7.2005, p. 67).

⁽⁴⁾ OJ L 279, 28.8.2004, p. 25.

⁽⁵⁾ OJ L 279, 28.8.2004, p. 23. Decision as amended by Decision 2005/476/EC.

⁽⁶⁾ OJ L 280, 31.8.2004, p. 13. Regulation as last amended by Commission Regulation (EC) No 2152/2005 (OJ L 342, 24.12.2005, p. 30).

⁽⁷⁾ 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).

⁽⁸⁾ 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).

⁽⁹⁾ OJ L 189, 29.7.2003, p. 12. Regulation as last amended by Regulation (EC) No 830/2006 (OJ L 150, 3.6.2006, p. 3).

- (10) 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

This Regulation shall apply to husked Basmati rice of the varieties of Basmati rice falling within CN code 1006 20 17 and CN code 1006 20 98, as specified in Annex IIIa to Regulation (EC) No 1785/2003.

Article 2

1. Import licence applications for Basmati rice as referred to in Article 10(1) of Regulation (EC) No 1785/2003 shall contain the following details:

- (a) in box 8, indication of the country of origin and the word 'yes' marked with a cross;
- (b) in box 20, one of the entries listed in Annex I.

2. Import licence applications for Basmati rice shall be accompanied by:

- (a) proof that the applicant is a natural or legal person who has, for at least 12 months, carried on a commercial activity in the rice sector and is registered in the Member State where the application is made;
- (b) a product authenticity certificate issued by a competent body in the exporting country, as listed in Annex II hereto.

Article 3

1. The authenticity certificate shall be drawn up on a form in accordance with the specimen given in Annex III hereto.

The form shall measure approximately 210 × 297 millimetres. The original shall be drawn up on such paper as shall show up any tampering by mechanical or chemical means.

The forms shall be printed and completed in English.

The original and the copies thereof shall be either typewritten or handwritten. In the latter case, they shall be completed in ink and in block capitals.

Each authenticity certificate shall contain a serial number in the top right-hand box. The copies shall bear the same number as the original.

The text of the form in the other Community languages shall be published in the C series of the *Official Journal of the European Union*.

2. The body issuing the import licence shall keep the original of the authenticity certificate and give the applicant a copy.

The authenticity certificate shall be valid for 90 days from the date of issue.

It shall be valid only if the boxes are duly completed and it is signed.

Article 4

1. Import licences for Basmati rice shall contain the following details:

- (a) in box 8, indication of the country of origin and the word 'yes' marked with a cross;
- (b) in box 20, one of the entries listed in Annex IV hereto.

The copy of the authenticity certificate referred to in Article 3(2) shall be annexed to the import licence.

2. Notwithstanding Article 9 of Regulation (EC) No 1291/2000, rights deriving from import licences for Basmati rice shall not be transferable.

3. Notwithstanding Article 12 of Regulation (EC) No 1342/2003, the security relating to import licences for Basmati rice shall be EUR 70 per tonne.

Article 5

Member States shall e-mail the following information to the Commission:

- (a) no later than two working days following a refusal, the quantities in respect of which applications for import licences for Basmati rice have been refused, with an indication of the date of refusal and the grounds, the CN code, the country of origin, the issuing body and the number of the authenticity certificate, as well as the holder's name and address;
- (b) no later than two working days following their issue, the quantities in respect of which applications for import licences for Basmati rice have been issued, with an indication of the date, the CN code, the country of origin, the issuing body and the number of the authenticity certificate, as well as the holder's name and address;
- (c) in the event of the cancellation of a licence, no later than two working days after cancellation, the quantities in respect of which licences have been cancelled and the names and addresses of the holders of the cancelled licences;

(d) on the last working day of each month following the month of release for free circulation, the quantities actually released for free circulation, with an indication of the CN code, the country of origin, the issuing body and the number of the authenticity certificate.

The information referred to in the first paragraph shall be communicated separately from that relating to other import licence applications for rice.

Article 6

1. In the context of random checks or checks targeted at operations entailing a risk of fraud, Member States shall take representative samples of imported Basmati rice as laid down in Article 242 of Regulation (EC) No 2454/93. The samples shall be sent to the competent body in the country of origin, as listed in Annex V, for a DNA-based variety test.

The Member States may also carry out variety tests on the same sample in a Community laboratory.

2. If the results of one of the tests referred to in paragraph 1 show that the product analysed does not correspond to what is indicated on the authenticity certificate, the import duty on husked rice falling within CN code 1006 20, provided for in Article 11a of Regulation (EC) No 1785/2003, shall apply.

3. If the tests referred to in paragraph 1 or other information available to the Commission indicate a serious and lasting problem as regards the control procedures applied by a competent body in the country of origin, the Commission may contact the competent authorities in the country concerned. If such contacts fail to yield a satisfactory solution, the Commission may decide to apply the rate of import duty for husked rice falling within CN code 1006 20, provided for in Article 11a of Regulation (EC) No 1785/2003 to the imports checked by the body in question, based on Article 11b of the said Regulation and under the conditions laid down therein.

Article 7

1. The rice market shall be considered to be disturbed when, *inter alia*, a substantial increase in Basmati rice imports is noted

for one quarter of the year relative to the previous quarter and there is no satisfactory explanation.

2. If a disturbance of the rice market persists and if the Commission's consultations of the exporting countries concerned fail to yield a satisfactory solution, the import duty on husked rice falling within CN code 1006 20, provided for in Article 11a of Regulation (EC) No 1785/2003, may also be applied to imports of Basmati rice, by Commission Decision, on the basis of Article 11b of the said Regulation and subject to the conditions laid down in therein.

Article 8

The Commission shall keep Annexes II and V up to date.

Article 9

Authenticity certificates and import licences for Basmati rice issued prior to 1 July 2006 under Regulation (EC) No 1549/2004 shall remain valid and products imported under such licences shall be eligible for the import duty provided for in Article 11a of Regulation (EC) No 1785/2003.

Article 10

Regulation (EC) No 1549/2004 is hereby repealed.

All references to Articles 2 to 8 of Regulation (EC) No 1549/2004 and Annexes II to VI thereto shall be read as references to Articles 2 to 8 of this Regulation and Annexes I to V hereto.

All references to Annex I to Regulation (EC) No 1549/2004 shall be read as references to Annex IIIa to Regulation (EC) No 1785/2003.

Article 11

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

It shall apply from 1 July 2006.

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

Done at Brussels, 29 June 2006.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

ANNEX I

Indications referred to in Article 2(1)(b)

- *in Spanish:* Arroz Basmati del código NC 1006 20 17 o 1006 20 98 importado con derecho cero en aplicación del Reglamento (CE) n^o 972/2006, acompañado del certificado de autenticidad n^o ... expedido por [*nombre de la autoridad competente*]
- *in Czech:* rýže Basmati kódu KN 1006 20 17 nebo 1006 20 98, která se dovází za nulové clo na základě nařízení (ES) č. 972/2006, a ke které se připojí osvědčení o pravosti č. ... vydané [*název příslušného subjektu*]
- *in Danish:* Basmati-ris henhørende under KN-kode 1006 20 17 eller 1006 20 98 importeres med nultold i henhold til forordning (EF) nr. 972/2006, ledsaget af ægthedscertifikat nr. ... udstedt af [*den kompetente myndigheds navn*]
- *in German:* Basmati-Reis des KN-Codes 1006 20 17 oder 1006 20 98, eingeführt zum Zollsatz Null gemäß der Verordnung (EG) Nr. 972/2006 und begleitet von einem Echtheitszeugnis Nr. ..., ausgestellt durch [*Name der zuständigen Behörde*]
- *in Estonian:* basmati riis CN-koodiga 1006 20 17 või 1006 20 98, mis on imporditud tollimaksu nullmääraga vastavalt määrusele (EÜ) nr 972/2006 ning millega on kaasas [*pädeva asutuse nimi*] välja antud autentsussertifikaat nr ...
- *in Greek:* Ρύζι μπασμάτι του κωδικού 1006 20 17 ή 1006 20 98 εισαγόμενο με μηδενικό δασμό κατ' εφαρμογή του κανονισμού (ΕΚ) αριθ. 972/2006, συνοδευόμενο με το πιστοποιητικό γνησιότητας αριθ. ... που εκδόθηκε από [*ονομασία της αρμόδιας αρχής*]
- *in English:* basmati rice falling within code of CN 1006 20 17 or 1006 20 98 and imported at a zero rate of duty under Regulation (EC) No 972/2006, accompanied by authenticity certificate No ... drawn up by [*name of the competent authority*]
- *in French:* riz Basmati du code NC 1006 20 17 ou 1006 20 98 importé à droit nul en application du règlement (CE) n^o 972/2006, accompagné du certificat d'authenticité n^o ... établi par [*nom de l'autorité compétente*]
- *in Italian:* Riso Basmati di cui al codice NC 1006 20 17 o 1006 20 98 importato a dazio zero ai sensi del regolamento (CE) n. 972/2006, corredato del certificato di autenticità n. ... rilasciato da [*nome dell'autorità competente*]
- *in Latvian:* Basmati rīsi ar KN kodu 1006 20 17 vai 1006 20 98, ko importē bez ievad muitas nodokļa saskaņā ar Regulu (EK) Nr. 972/2006, kuriem pievienota autentiskuma apliecinība Nr. ..., ko izsniegusi [*kompetentās iestādes nosaukums*]
- *in Lithuanian:* Basmati ryžiai klasifikuojami KN kodu 1006 20 17 arba 1006 20 98, įvežti pagal nulinį muito mokestį pagal Reglamentą (EB) Nr. 972/2006, prie kurio pridėtas autentiškumo sertifikatas Nr. ..., išduotas [*kompetentingos institucijos pavadinimas*]
- *in Hungarian:* az 1006 20 17 vagy az 1006 20 98 KN-kód alá sorolt, a/az 972/2006/EK rendelet alkalmazásában nulla vámtétel mellett behozott basmati rizs, a/az [*illetékes hatóság neve*] által kiállított, ... számú eredetiségigazolással együtt
- *in Dutch:* Basmati-rijst van GN-code 1006 20 17 of 1006 20 98, ingevoerd met nulrecht overeenkomstig Verordening (EG) nr. 972/2006, vergezeld van het echtheidscertificaat nr. ..., opgesteld door [*naam van de bevoegde instantie*]
- *in Polish:* Ryż Basmati objęty kodem CN 1006 20 17 lub 1006 20 98, do którego przywiezienia zastosowano zerową stawkę celną zgodnie z rozporządzeniem (WE) nr 972/2006, z załączonym do niego certyfikatem autentyczności nr ... sporządzonym przez [*nazwa właściwego organu*]

- *in Portuguese:* Arroz Basmati do código NC 1006 20 17 ou 1006 20 98 importado com direito nulo em aplicação do Regulamento (CE) n.º 972/2006, acompanhado do certificado de autenticidade n.º ... estabelecido por [nome da autoridade competente]
- *in Slovak:* ryža Basmati s kódom KN 1006 20 17 alebo 1006 20 98 dovážaná s nulovou sadzbou cla v súlade s nariadením (ES) č. 972/2006, sprevádzaná osvedčením o pravosti č. ... vystavenom [názov príslušného orgánu]
- *in Slovenian:* Riž basmati s kodo KN 1006 20 17 ali 1006 20 98, uvožen po stopnji nič ob uporabi Uredbe (ES) št. 972/2006, s priloženim potrdilom o pristnosti št. ..., ki ga je izdal [naziv pristojnega organa]
- *in Finnish:* Asetuksen (EY) N:o 972/2006 mukaisesti tullivapaasti tuotu CN-koodiin 1006 20 17 tai 1006 20 98 kuuluva Basmati-riisi, jonka mukana onn [toimivaltaisen viranomaisen nimi] myöntämän aitoustodistuksen N:o ...
- *in Swedish:* Basmatiris med KN-nummer 1006 20 17 eller 1006 20 98 som importeras tullfritt i enlighet med förordning (EG) nr 972/2006, åtföljt av äkthetsintyg nr ... som utfärdats av [den behöriga myndighetens namn]
-

ANNEX II

Bodies authorised to issue the authenticity certificates referred to in Article 2(2)(b)	
INDIA ⁽¹⁾	Export Inspection Council (Ministry of Commerce, Government of India)
PAKISTAN ⁽²⁾	Trading Corporation of Pakistan (Pvt) Ltd

⁽¹⁾ In respect of the varieties Basmati 370, Basmati 386, Type-3 (Dhradun), Taraori Basmati (HBC-19), Basmati 217, Ranbir Basmati, Pusa Basmati and Super Basmati.

⁽²⁾ In respect of the varieties Kernel (Basmati), Basmati 370, Pusa Basmati and Super Basmati.

ANNEX IV

Indications referred to in Article 4(1)(b)

- *in Spanish:* Arroz Basmati del código NC 1006 20 17 o 1006 20 98 importado con derecho cero en aplicación del Reglamento (CE) n^o 972/2006, acompañado de una copia del certificado de autenticidad n^o ... expedido por [nombre de la autoridad competente]
- *in Czech:* rýže Basmati kódu KN 1006 20 17 nebo 1006 20 98, která se dovází za nulové clo na základě nařízení (ES) č. 972/2006, a ke které se připojí kopie osvědčení o pravosti č. ... vydané [název příslušného subjektu]
- *in Danish:* Basmati-ris henhørende under KN-kode 1006 20 17 eller 1006 20 98 importeres med nultold i henhold til forordning (EF) nr. 972/2006, ledsaget af en kopi af ægthedscertifikat nr. ... udstedt af [den kompetente myndigheds navn]
- *in German:* Basmati-Reis des KN-Codes 1006 20 17 oder 1006 20 98, eingeführt zum Zollsatz Null gemäß der Verordnung (EG) Nr. 972/2006 und begleitet von einer Kopie des Echtheitszeugnisses Nr. ..., ausgestellt durch [Name der zuständigen Behörde]
- *in Estonian:* basmati riis CN-koodiga 1006 20 17 või 1006 20 98, mis on imporditud tollimaksu nullmääraga vastavalt määrusele (EÜ) nr 972/2006 ning millega on kaasas [pädeva asutuse nimi] välja antud autentsussertifikaadi nr ...koopia
- *in Greek:* Ρύζι μπασμάτι του κωδικού 1006 20 17 ή 1006 20 98 εισαγόμενο με μηδενικό δασμό με εφαρμογή του κανονισμού (ΕΚ) αριθ. 972/2006, συνοδευόμενο με αντίγραφο του πιστοποιητικού γνησιότητας αριθ. ... που εκδόθηκε από [ονομασία της αρμόδιας αρχής]
- *in English:* basmati rice falling within code of CN 1006 20 17 or 1006 20 98 and imported at a zero rate of duty under Regulation (EC) No 972/2006, accompanied by a copy of authenticity certificate No ... drawn up by [name of the competent authority]
- *in French:* riz Basmati du code NC 1006 20 17 ou 1006 20 98 importé à droit nul en application du règlement (CE) n^o 972/2006, accompagné d'une copie du certificat d'authenticité n^o ... établi par [nom de l'autorité compétente]
- *in Italian:* Riso Basmati di cui al codice NC 1006 20 17 o 1006 20 98 importato a dazio zero ai sensi del regolamento (CE) n. 972/2006, corredato di una copia del certificato di autenticità n. ... rilasciato da [nome dell'autorità competente]
- *in Latvian:* Basmati rīsi ar KN kodu 1006 20 17 vai 1006 20 98, ko importē bez ievadmuitas nodokļa saskaņā ar Regulu (EK) Nr. 972/2006, kuriem pievienota autentiskuma apliecības Nr. ... kopija, ko izsniegusi [kompetentās iestādes nosaukums]
- *in Lithuanian:* Basmati ryžiai klasifikuojami KN kodu 1006 20 17 arba 1006 20 98, įvežti pagal nulinį muito mokestį pagal Reglament (EB) Nr. 972/2006, prie kurio pridėta autentiškumo sertifikato Nr. išduoto [kompetentingos institucijos pavadinimas], kopija
- *in Hungarian:* az 1006 20 17 vagy az 1006 20 98 KN-kód alá sorolt, a 972/2006/EK rendelet alkalmazásában nulla vámtétel mellett behozott basmati rizs, a/az [illetékes hatóság neve] által kiállított, ... számú eredetiségvizsgálás másolatával együtt
- *in Dutch:* Basmati-rijst van GN-code 1006 20 17 of 1006 20 98, ingevoerd met nulrecht overeenkomstig Verordening (EG) nr. 972/2006, vergezeld van een kopie van het echtheidscertificaat nr. ..., opgesteld door [naam van de bevoegde instantie]
- *in Polish:* Ryż Basmati objęty kodem CN 1006 20 17 lub 1006 20 98, do którego przywiezienia zastosowano zerową stawkę celną zgodnie z rozporządzeniem (WE) nr 972/2006, z załączoną do niego kopią certyfikatu autentyczności nr ... sporządzonego przez [nazwa właściwego organu]

- *in Portuguese:* Arroz *Basmati* do código NC 1006 20 17 ou 1006 20 98 importado com direito nulo em aplicação do Regulamento (CE) n.º 972/2006, acompanhado de uma cópia do certificado de autenticidade n.º ... estabelecido por [nome da autoridade competente]
- *in Slovak:* ryža *Basmati* s kódom KN 1006 20 17 alebo 1006 20 98 dovážaná s nulovou sadzbou cla v súlade s nariadením (ES) č. 972/2006, sprevádzaná kópiou osvedčenia o pravosti č. ... vystavenom [názov príslušného orgánu]
- *in Slovenian:* Riž *basmati* s kodo KN 1006 20 17 ali 1006 20 98, uvožen po stopnji nič ob uporabi Uredbe (ES) št. 972/2006, s priloženo kopijo potrdila o pristnosti št. ..., ki ga je izdal [naziv pristojnega organa]
- *in Finnish:* Asetuksen (EY) N:o 972/2006 mukaisesti tullivapaasti tuotua CN-koodiin 1006 20 17 tai 1006 20 98 kuuluva *Basmati*-riisi, jonka mukana onn [toimivaltaisen viranomaisen nimi] myöntämän aitoustodistuksen N:o ... jäljennös
- *in Swedish:* *Basmatiris* med KN-nummer 1006 20 17 eller 1006 20 98 som importeras tullfritt i enlighet med förordning (EG) nr 972/2006, åtföljt av en kopia av äkthetsintyg nr ... som utfärdats av [den behöriga myndighetens namn]
-

ANNEX V

Bodies authorised to conduct the variety tests referred to in Article 6

INDIA

Export Inspection Council
Department of Commerce
Ministry of Commerce and Industry
3rd Floor
NDYMCA Cultural Central Bulk
1 Jaisingh Road
New Delhi 110 001
India
Tel: (91-11) 374 81 88/89, 336 55 40
Fax: (91-11) 374 80 24
e-mail: eic@eicindia.org

PAKISTAN:

Trading Corporation of Pakistan Limited
4th and 5th Floor
Finance & Trade Centre
Shahrah-e-Faisal
Karachi 75530
Pakistan
Tel: (92-21) 290 28 47
Fax (92-21) 920 27 22 and 920 27 31

COMMISSION REGULATION (EC) No 973/2006**of 29 June 2006****amending Regulation (EC) No 1831/96 opening and providing for the administration of Community tariff quotas bound under GATT for certain fruit and vegetables and processed fruit and vegetable products from 1996**

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⁾, and in particular Article 34(1) thereof,

Whereas:

- (1) The Agreement in the form of an Exchange of Letters between the European Community and the People's Republic of China pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 ⁽²⁾, approved by Council Decision 2006/398/EC ⁽³⁾ and 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 ⁽⁴⁾, approved by Council Decision 2006/333/EC ⁽⁵⁾, provide for the increasing of existing GATT tariff quotas and for the opening of new ones for certain fruit and vegetables and processed fruit and vegetable products.
- (2) Since the adoption of Commission Regulation (EC) No 1831/96 ⁽⁶⁾, several CN codes listed in Annexes I to III of that Regulation have changed.

- (3) To provide for the modified and new tariff quotas and for the sake of clarity, the Annexes to Regulation (EC) No 1831/96 should be replaced.
- (4) Regulation (EC) No 1831/96 should be amended accordingly.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committees for Fresh Fruit and Vegetables and Products Processed from Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1831/96 is amended as follows:

1. Annex I is replaced by the text in Annex I to this Regulation;
2. Annex II is replaced by the text in Annex II to this Regulation;
3. Annex III is replaced by the text in Annex III to this Regulation.

Article 2

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, 29 June 2006.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

⁽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 154, 8.6.2006, p. 24.

⁽³⁾ OJ L 154, 8.6.2006, p. 22.

⁽⁴⁾ OJ L 124, 11.5.2006 p. 15.

⁽⁵⁾ OJ L 124, 11.5.2006 p. 13.

⁽⁶⁾ OJ L 243, 24.9.1996 p. 5.

ANNEX I

'ANNEX I

Order No	CN code TARIC subheading	Description (1)	Quota period	Quota volume (tonnes)	Duty rate (%)
09.0055	0701 90 50	Potatoes, fresh or chilled	1 January to 15 May	4 295	3
09.0056	0706 10 00	Carrots and turnips, fresh or chilled	1 January to 31 December	1 244	7
09.0057	0709 60 10	Sweet peppers	1 January to 31 December	500	1,5
09.0035	0712 20 00	Dried onions, whole, cut, sliced, broken or in powder, but not further prepared	1 January to 31 December	12 000	10
09.0041	0802 11 90 0802 12 90	Almonds, fresh or dried, whether or not shelled, other than bitter	1 January to 31 December	90 000	2
09.0039	0805 50 10	Lemons (<i>Citrus limon</i> , <i>Citrus limonum</i>)	15 January to 14 June	10 000	6
09.0058	0809 10 00	Apricots, fresh	1 August to 31 May	500	10
09.0092	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	Preserved pineapples, citrus fruit, pears, apricots, cherries, peaches and strawberries	1 January to 31 December	2 838	20

Order No	CN code TARIC subheading	Description ⁽¹⁾	Quota period	Quota volume (tonnes)	Duty rate (%)
09.0093	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 35 2009 80 36 2009 80 38 2009 90 11 2009 90 19 2009 90 21 2009 90 29	Fruit juices	1 January to 31 December	7 044	20

⁽¹⁾ The goods descriptions in this Annex are those appearing in the Combined Nomenclature (OJ L 286, 28.10.2005, p. 1), supplemented where necessary by a TARIC code.'

ANNEX II

'ANNEX II

Order No.	CN code TARIC subheading	Description ⁽¹⁾	Quota period	Quota volume (tonnes)	Duty rate (%)
09.0025	0805 10 20 11 0805 10 20 92 0805 10 20 96	High quality sweet oranges, fresh	1 February to 30 April	20 000	10
09.0027	0805 20 90 05 0805 20 90 91	Citrus hybrids known as "minneolas"	1 February to 30 April	15 000	2
09.0033	2009 11 99 11 2009 11 99 19	Frozen concentrated orange juice, without added sugar, of a Brix value not exceeding 50, in containers of two litres or less, containing no blood orange juice	1 January to 31 December	1 500	13

⁽¹⁾ The goods descriptions in this Annex are those appearing in the Combined Nomenclature (OJ L 286, 28.10.2005), supplemented where necessary by a TARIC code.

For the purposes of this Annex:

- (a) "high quality sweet oranges" shall mean oranges similar in variety characteristics, ripe, firm and of good shape, of at least good colour, of flexible unrotted structure, and without unhealed cracks in the skin, hard or dry skin, exanthemata, growth tears, contusions (except as caused by normal handling and packaging), damage caused by dryness or humidity, broad or emergent hispids, folds, scars, oil stains, scales, sun marks, dirt or other foreign matter, disease, insects or damage caused by machinery, movement or otherwise; a maximum of 15 % of the fruit in each consignment may not meet this specification, this percentage including at most 5 % of defects amounting to serious damage, and the latter percentage including at most 0,5 % rot;
- (b) "citrus hybrids known as "minneolas" shall mean citrus hybrids of the Minneola variety (*Citrus paradisi* Macf. CV Duncan and *Citrus reticulata blanca* CV Dancy);
- (c) "Frozen concentrated orange juice, of a Brix value not exceeding 50" shall mean orange juice with a density of no more than 1,229 grams per cubic centimetre at 20°C.'

ANNEX III

'ANNEX III

Order No	CN code TARIC subheading	Description ⁽¹⁾	Quota period	Quota volume (tonnes)	Duty rate (%)
09.0094	0702 00 00	Tomatoes, fresh or chilled	15 May to 31 October	472	12
09.0059	0707 00 05	Cucumbers, fresh or chilled	1 November to 15 May	1 134	2,5
09.0060	0806 10 10 91 0806 10 10 99	Table grapes, fresh	21 July to 31 October	1 500	9
09.0061	0808 10 80 10 0808 10 80 90	Apples, fresh, other than cider apples	1 April to 31 July	600	0
09.0062	0808 20 50	Pears, fresh, other than perry pears	1 August to 31 December	1 000	5
09.0063	0809 10 00	Apricots, fresh	1 June to 31 July	2 500	10
09.0040	0809 20 95	Fresh (sweet) cherries	21 May to 15 July	800	4

⁽¹⁾ The goods descriptions in this Annex are those appearing in the Combined Nomenclature (OJ L 286, 28.10.2005, p. 1), supplemented where necessary by a TARIC code.'

COMMISSION REGULATION (EC) No 974/2006**of 29 June 2006****amending Regulation (EC) No 877/2004 laying down detailed rules for the application of Council Regulation (EC) No 2200/96 as regards notification of the prices recorded on the markets for certain fresh fruit and vegetables**

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⁾, and in particular Article 28(2) thereof,

Whereas:

(1) The Annex to Commission Regulation (EC) No 877/2004 ⁽²⁾ sets out a list of representative markets on which a substantial part of the national output of a given product is marketed throughout the marketing year or during one of the periods into which the year is divided.

(2) In Germany, there has been a shift of the representative market for carrots from Schleswig-Holstein to Nordrhein-Westfalen.

(3) Regulation (EC) No 877/2004 should therefore be amended accordingly.

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

HAS ADOPTED THIS REGULATION:

Article 1

In the Annex to Regulation (EC) No 877/2004, for the product 'Carrots' the market 'Schleswig-Holstein (DE)' is replaced by the market 'Nordrhein-Westfalen (DE)'.

Article 2

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, 29 June 2006.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽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 162, 30.4.2004, p. 54.

COMMISSION REGULATION (EC) No 975/2006

of 29 June 2006

amending Regulation (EC) No 581/2004 opening a standing invitation to tender for export refunds concerning certain types of butter and Regulation (EC) No 582/2004 opening a standing invitation to tender for exports refunds concerning skimmed milk powder

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Article 1

In Article 1(1) of Regulation (EC) No 581/2004, the second subparagraph is replaced by the following:

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⁾, and in particular Article 31(3)(b) and (14) thereof,

‘The products referred to in the first subparagraph are intended for export for all destinations except Andorra, Bulgaria, Ceuta and Melilla, Gibraltar, Romania, the United States of America and Vatican City.’

Whereas:

(1) According to Article 1(1) of Commission Regulation (EC) No 581/2004 ⁽²⁾ and to Article 1(1) of Commission Regulation (EC) No 582/2004 ⁽³⁾, certain destinations are excluded from the granting of an export refund.

Article 2

In Article 1 of Regulation (EC) No 582/2004, paragraph 1 is replaced by the following:

(2) Commission Regulation (EC) No 786/2006 of 24 May 2006 fixing the export refunds for milk and milk products ⁽⁴⁾ has included Bulgaria and Romania, as from 25 May 2006, under the destination zones L 20 and L 21, listing the destinations not eligible for export refunds. It is therefore necessary to exclude Bulgaria and Romania from the export refunds fixed under Regulation (EC) No 581/2004 and Romania from the export refunds fixed under Regulation (EC) No 582/2004.

‘1. A permanent tender is opened in order to determine the export refund on skimmed milk powder referred to in Section 9 of Annex I to Commission Regulation (EEC) No 3846/87 ^(*) in bags of at least 25 kilograms net weight and containing no more than 0,5 % by weight of added non-lactic matter falling under product code ex 0402 10 19 9000, intended for export to all destinations except Andorra, Bulgaria, Ceuta and Melilla, Gibraltar, Romania, the United States of America and Vatican City.’

(3) Regulations (EC) No 581/2004 and (EC) No 582/2004 should be amended accordingly.

^(*) OJ L 366, 24.12.1987, p. 1.’

(4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

Article 3

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

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

⁽²⁾ OJ L 90, 27.3.2004, p. 64. Regulation last amended by Regulation (EC) No 409/2006 (OJ L 71, 10.3.2006, p. 5).

⁽³⁾ OJ L 90, 27.3.2004, p. 67. Regulation last amended by Regulation (EC) No 409/2006.

⁽⁴⁾ OJ L 138, 25.5.2006, p. 10.

It shall apply from 4 July 2006.

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

Done at Brussels, 29 June 2006.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

COMMISSION REGULATION (EC) No 976/2006

of 29 June 2006

adopting exceptional support measures for the pigmeat market in Germany

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organisation of the market in pigmeat ⁽¹⁾, and in particular Article 20(1) and the second paragraph of Article 22 thereof,

Whereas:

(1) The German authorities have established protection and surveillance zones in accordance with Articles 9, 10 and 11 of Council Directive 2001/89/EC of 23 October 2001 on Community measures for the control of classical swine fever ⁽²⁾ on account of outbreaks of classical swine fever in certain production regions in Germany. As a consequence, the marketing of piglets and their transport to fattening units are temporarily prohibited in those zones.

(2) The restrictions on the free movement of goods resulting from the application of these veterinary measures are likely to cause serious disturbance of the pigmeat market in Germany. As a consequence, exceptional market support measures applying solely to piglets from the zones directly affected should be adopted for the time strictly necessary.

(3) With a view to preventing the disease from spreading any further, piglets reared in the zones concerned should be excluded from normal trade and processed into products intended for uses other than human consumption in accordance with Article 3 of Council Directive 90/667/EEC of 27 November 1990 laying down the veterinary rules for the disposal and processing of animal waste, for its placing on the market and for the prevention of pathogens in feedstuffs of animal or fish origin and amending Directive 90/425/EEC ⁽³⁾ or disposed of by incineration.

(4) Aid should be granted for the delivery to the competent German authorities of piglets from the zones concerned.

(5) Provision should be made for the competent German authorities to apply all controls and surveillance measures required and to inform the Commission accordingly.

(6) Restrictions on the free movement of piglets have applied for several weeks in the zones concerned and this situation has led to a substantial increase in the animals' weight and has consequently brought about an intolerable animal-welfare situation. This Regulation should therefore apply from 12 June 2006.

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

HAS ADOPTED THIS REGULATION:

Article 1

1. From 12 June 2006, producers of pigmeat may be eligible, on application, for aid granted by the competent German authorities on delivery to them of:

(a) piglets covered by CN code 0103 91 10 and weighing 8 kg or more on average per batch (hereafter system piglets);

(b) piglets covered by CN code 0103 91 10 and weighing 25 kg or more on average per batch.

2. 50 % of the expenditure on the aid referred to in paragraph 1, covering a total maximum number of 65 000 piglets of which 13 000 'system piglets' at maximum, shall be financed by the Community budget.

Article 2

Only animals reared in the surveillance zones located within the regions referred to in Annex I may be delivered to the competent German authorities, provided that the veterinary measures established by the competent German authorities apply in those zones on the day the animals are delivered.

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

⁽²⁾ OJ L 316, 1.12.2001, p. 5. Directive as amended by the Act of Accession of 2003.

⁽³⁾ OJ L 363, 27.12.1990, p. 51. Directive as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

Article 3

1. On the day they are delivered to the competent German authorities, the animals shall be transported to the slaughterhouse, weighed and slaughtered in such a way as to prevent the disease from spreading. Transport and slaughtering shall take place in accordance with the conditions laid down in Annex II.
2. The animals shall be transported to a rendering plant and processed into products covered by CN codes 1501 00 11, 1506 00 00 or 2301 10 00 in accordance with Article 3 of Directive 90/667/EEC or disposed of by incineration.
3. The transport of the animals to the slaughterhouse, slaughter and transport to the rendering plant shall be carried out under the continuous monitoring of the competent German authorities.

Article 4

1. The aid referred to in Article 1(1) for 'system piglets' weighing 8 kg or more but less than 12 kg on average per batch and for piglets weighing 25 kg or more but less than 32 kg on average per batch shall be calculated per kilogram on the basis of the price reported by the German price reporting agency ZMP for the week preceding the delivery of the piglets to the competent authorities.
2. The aid on 'system piglets' weighing 12 kg or more on average per batch may not exceed the aid fixed in accordance

with paragraph 1 of this Article for 'system piglets' weighing 12 kg on average per batch.

3. The aid on piglets weighing 32 kg or more on average per batch may not exceed the aid fixed in accordance with paragraph 1 of this Article for piglets weighing 32 kg on average per batch.

Article 5

The competent German authorities shall take all measures necessary to ensure compliance with this Regulation and in particular with Article 2. They shall inform the Commission accordingly as soon as possible.

Article 6

The competent German authorities shall communicate each Wednesday to the Commission the number and total weight of 'system piglets' and other piglets delivered in accordance with this Regulation in respect of the previous week.

Article 7

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

It shall apply from 12 June 2006.

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

Done at Brussels, 29 June 2006.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

*ANNEX I***Regions as referred to in Article 2**

In the Federal Land of North Rhine Westphalia, the surveillance zones (area 1) established in accordance with Council Directive 2001/89/EC and defined in the Annex of the 'Schweinepest-Schutzverordnung' of 6 April 2006, published in the electronic 'Bundesanzeiger' of 6 April 2006, as last amended by the fifth Regulation amending the 'Schweinepest-Schutzverordnung' of 31 May 2006, published in the electronic 'Bundesanzeiger' of 2 June 2006.

*ANNEX II***Conditions for transport and slaughter as referred to in Article 3(1)**

1. On the day of delivery to the competent German authorities, the animals are to be weighed by load and slaughtered at a slaughterhouse.
 2. The animals are to be slaughtered but no other operations connected with slaughter are to be performed. The dead pigs are to be transported immediately from the slaughterhouse to the rendering plant. Transport must take place in sealed lorries, which are to be weighed on departure from the slaughterhouse and on arrival at the rendering plant.
 3. The dead pigs are to be sprayed with a denaturing product (methylene blue) to ensure that the meat is not used for human consumption.
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COMMISSION REGULATION (EC) No 977/2006**of 29 June 2006****fixing the maximum export refund for butter in the framework of the standing invitation to tender provided for in Regulation (EC) No 581/2004**

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⁾, and in particular the third subparagraph of Article 31(3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 581/2004 of 26 March 2004 opening a standing invitation to tender for export refunds concerning certain types of butter ⁽²⁾ provides for a permanent tender.
- (2) Pursuant to Article 5 of Commission Regulation (EC) No 580/2004 of 26 March 2004 establishing a tender procedure concerning export refunds for certain milk products ⁽³⁾ and following an examination of the

tenders submitted in response to the invitation to tender, it is appropriate to fix a maximum export refund for the tendering period ending on 27 June 2006.

- (3) The Management Committee for Milk and Milk Products has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

For the permanent tender opened by Regulation (EC) No 581/2004, for the tendering period ending on 27 June 2006, the maximum amount of refund for the products referred to in Article 1(1) of that Regulation shall be as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 30 June 2006.

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

Done at Brussels, 29 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 90, 27.3.2004, p. 64. Regulation as last amended by Regulation (EC) No 409/2006 (OJ L 71, 10.3.2006, p. 5).

⁽³⁾ OJ L 90, 27.3.2004, p. 58. Regulation as amended by Regulation (EC) No 1814/2005 (OJ L 292, 8.11.2005, p. 3).

ANNEX

(EUR/100 kg)

Product	Export refund Code	Maximum amount of export refund for export to the destinations referred to in the second subparagraph of Article 1(1) of Regulation (EC) No 581/2004
Butter	ex 0405 10 19 9500	103,00
Butter	ex 0405 10 19 9700	108,90
Butteroil	ex 0405 90 10 9000	130,00

COMMISSION REGULATION (EC) No 978/2006**of 29 June 2006****granting no refund for skimmed milk powder in the framework of the standing invitation to tender provided for in Regulation (EC) No 582/2004**

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⁾, and in particular the third subparagraph of Article 31(3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 582/2004 of 26 March 2004 opening a standing invitation to tender for export refunds of skimmed milk powder ⁽²⁾, provides for a permanent tender.
- (2) Pursuant to Article 5 of Commission Regulation (EC) No 580/2004 of 26 March 2004 establishing a tender procedure concerning export refunds for certain milk products ⁽³⁾ and following an examination of the

tenders submitted in response to the invitation to tender, it is appropriate not to grant any refund for the tendering period ending on 27 June 2006.

- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

For the permanent tender opened by Regulation (EC) No 582/2004, for the tendering period ending on 27 June 2006, no refund shall be granted for the product and destinations referred to in Article 1(1) of that Regulation.

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, 29 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 90, 27.3.2004, p. 67. Regulation as last amended by Regulation (EC) No 409/2006 (OJ L 71, 10.3.2006, p. 5).

⁽³⁾ OJ L 90, 27.3.2004, p. 58. Regulation as last amended by Regulation (EC) No 1814/2005 (OJ L 292, 8.11.2005, p. 3).

COMMISSION REGULATION (EC) No 979/2006**of 29 June 2006****fixing the export refunds on white sugar and raw sugar exported in its unaltered state**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽¹⁾, and in particular the second subparagraph of Article 27(5) thereof,

Whereas:

- (1) Article 27 of Regulation (EC) No 1260/2001 provides that the difference between quotations or prices on the world market for the products listed in Article 1(1)(a) of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) Regulation (EC) No 1260/2001 provides that when refunds on white and raw sugar, undenatured and exported in its unaltered state, are being fixed account must be taken of the situation on the Community and world markets in sugar and in particular of the price and cost factors set out in Article 28 of that Regulation. The same Article provides that the economic aspect of the proposed exports should also be taken into account.
- (3) The refund on raw sugar must be fixed in respect of the standard quality. The latter is defined in Annex I, point II, to Regulation (EC) No 1260/2001. Furthermore, this refund should be fixed in accordance with Article 28(4) of that Regulation. Candy sugar is defined in Commission Regulation (EC) No 2135/95 of 7 September 1995 laying down detailed rules of application for the grant of export refunds in the sugar sector ⁽²⁾. The refund thus calculated for sugar containing added flavouring or colouring matter must apply to their sucrose content and, accordingly, be fixed per 1 % of the said content.
- (4) In special cases, the amount of the refund may be fixed by other legal instruments.

- (5) The refund must be fixed every two weeks. It may be altered in the intervening period.
- (6) The first subparagraph of Article 27(5) of Regulation (EC) No 1260/2001 provides that refunds on the products referred to in Article 1 of that Regulation may vary according to destination, where the world market situation or the specific requirements of certain markets make this necessary.
- (7) The significant and rapid increase in preferential imports of sugar from the western Balkan countries since the start of 2001 and in exports of sugar to those countries from the Community seems to be highly artificial.
- (8) To prevent any abuse through the re-import into the Community of sugar products in receipt of an export refund, no refund should be set for all the countries of the western Balkans for the products covered by this Regulation.
- (9) In view of the above and of the present situation on the market in sugar, and in particular of the quotations or prices for sugar within the Community and on the world market, refunds should be set at the appropriate amounts.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1)(a) of Regulation (EC) No 1260/2001, undenatured and exported in the natural state, are hereby fixed to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 30 June 2006.

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

Done at Brussels, 29 June 2006.

For the Commission

J. L. DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 178, 30.6.2001, p. 1. Regulation as last amended by Commission Regulation (EC) No 39/2004 (OJ L 6, 10.1.2004, p. 16).

⁽²⁾ OJ L 214, 8.9.1995, p. 16.

ANNEX

**REFUNDS ON WHITE SUGAR AND RAW SUGAR EXPORTED WITHOUT FURTHER PROCESSING
APPLICABLE FROM 30 JUNE 2006 ^(a)**

Product code	Destination	Unit of measurement	Amount of refund
1701 11 90 9100	S00	EUR/100 kg	22,88 ⁽¹⁾
1701 11 90 9910	S00	EUR/100 kg	22,88 ⁽¹⁾
1701 12 90 9100	S00	EUR/100 kg	22,88 ⁽¹⁾
1701 12 90 9910	S00	EUR/100 kg	22,88 ⁽¹⁾
1701 91 00 9000	S00	EUR/1 % of sucrose × 100 kg product net	0,2488
1701 99 10 9100	S00	EUR/100 kg	24,88
1701 99 10 9910	S00	EUR/100 kg	24,88
1701 99 10 9950	S00	EUR/100 kg	24,88
1701 99 90 9100	S00	EUR/1 % of sucrose × 100 kg of net product	0,2488

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

The numeric destination codes are set out in Commission Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11).

The other destinations are:

S00: all destinations (third countries, other territories, victualling and destinations treated as exports from the Community) with the exception of Albania, Croatia, Bosnia and Herzegovina, Montenegro, Serbia (including Kosovo, as defined in UN Security Council Resolution 1244 of 10 June 1999), the former Yugoslav Republic of Macedonia, save for sugar incorporated in the products referred to in Article 1(2)(b) of Council Regulation (EC) No 2201/96 (OJ L 297, 21.11.1996, p. 29).

^(a) The amounts set out in this Annex are not applicable with effect from 1 February 2005 pursuant to Council Decision 2005/45/EC of 22 December 2004 concerning the conclusion and the provisional application of the Agreement between the European Community and the Swiss Confederation amending the Agreement between the European Economic Community and the Swiss Confederation of 22 July 1972 as regards the provisions applicable to processed agricultural products (OJ L 23, 26.1.2005, p. 17).

⁽¹⁾ This amount is applicable to raw sugar with a yield of 92 %. Where the yield for exported raw sugar differs from 92 %, the refund amount applicable shall be calculated in accordance with Article 28(4) of Regulation (EC) No 1260/2001.

COMMISSION REGULATION (EC) No 980/2006**of 29 June 2006****fixing the export refunds on syrups and certain other sugar products exported in the natural state**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector⁽¹⁾, and in particular the second subparagraph of Article 27(5) thereof,

Whereas:

(1) Article 27 of Regulation (EC) No 1260/2001 provides that the difference between quotations or prices on the world market for the products listed in Article 1(1)(d) of that Regulation and prices for those products within the Community may be covered by an export refund.

(2) Article 3 of Commission Regulation (EC) No 2135/95 of 7 September 1995 laying down detailed rules of application for the grant of export refunds in the sugar sector⁽²⁾, provides that the export refund on 100 kilograms of the products listed in Article 1(1)(d) of Regulation (EC) No 1260/2001 is equal to the basic amount multiplied by the sucrose content, including, where appropriate, other sugars expressed as sucrose; the sucrose content of the product in question is determined in accordance with Article 3 of Commission Regulation (EC) No 2135/95.

(3) Article 30(3) of Regulation (EC) No 1260/2001 provides that the basic amount of the refund on sorbose exported in the natural state must be equal to the basic amount of the refund less one hundredth of the production refund applicable, pursuant to Commission Regulation (EC) No 1265/2001 of 27 June 2001 laying down detailed rules for the application of Council Regulation (EC) No 1260/2001 as regards granting the production refund on certain sugar products used in the chemical industry⁽³⁾, to the products listed in the Annex to the last mentioned Regulation.

(4) According to the terms of Article 30(1) of Regulation (EC) No 1260/2001, the basic amount of the refund

on the other products listed in Article 1(1)(d) of the said Regulation exported in the natural state must be equal to one-hundredth of an amount which takes account, on the one hand, of the difference between the intervention price for white sugar for the Community areas without deficit for the month for which the basic amount is fixed and quotations or prices for white sugar on the world market and, on the other, of the need to establish a balance between the use of Community basic products in the manufacture of processed goods for export to third countries and the use of third country products brought in under inward-processing arrangements.

(5) According to the terms of Article 30(4) of Regulation (EC) No 1260/2001, the application of the basic amount may be limited to some of the products listed in Article 1(1)(d) of the said Regulation.

(6) Article 27 of Regulation (EC) No 1260/2001 makes provision for setting refunds for export in the natural state of products referred to in Article 1(1)(f) and (g) and (h) of that Regulation; the refund must be fixed per 100 kilograms of dry matter, taking account of the export refund for products falling within CN code 1702 30 91 and for products referred to in Article 1(1)(d) of Regulation (EC) No 1260/2001 and of the economic aspects of the intended exports; in the case of the products referred to in the said Article 1(1)(f) and (g), the refund is to be granted only for products complying with the conditions in Article 5 of Regulation (EC) No 2135/95; for the products referred to in Article 1(1)(h), the refund shall be granted only for products complying with the conditions in Article 6 of Regulation (EC) No 2135/95.

(7) The abovementioned refunds must be fixed every month; they may be altered in the intervening period.

(8) The first subparagraph of Article 27(5) of Regulation (EC) No 1260/2001 provides that refunds on the products referred to in Article 1 of that Regulation may vary according to destination, where the world market situation or the specific requirements of certain markets make this necessary.

(9) The significant and rapid increase in preferential imports of sugar from the western Balkan countries since the start of 2001 and in exports of sugar to those countries from the Community seems to be highly artificial in nature.

⁽¹⁾ OJ L 178, 30.6.2001, p. 1. Regulation as last amended by Commission Regulation (EC) No 39/2004 (OJ L 6, 10.1.2004, p. 6).

⁽²⁾ OJ L 214, 8.9.1995, p. 16.

⁽³⁾ OJ L 178, 30.6.2001, p. 63.

- (10) In order to prevent any abuses associated with the reimportation into the Community of sugar sector products that have qualified for export refunds, refunds for the products covered by this Regulation should not be fixed for all the countries of the western Balkans.
- (11) In view of the above, refunds for the products in question should be fixed at the appropriate amounts.
- (12) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1)(d), (f), (g) and (h) of Regulation (EC) No 1260/2001, exported in the natural state, shall be set out in the Annex hereto to this Regulation.

Article 2

This Regulation shall enter into force on 30 June 2006.

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

Done at Brussels, 29 June 2006.

For the Commission

J. L. DEMARTY

*Director-General for Agriculture and
Rural Development*

ANNEX

EXPORT REFUNDS ON SYRUPS AND CERTAIN OTHER SUGAR PRODUCTS EXPORTED WITHOUT FURTHER PROCESSING APPLICABLE FROM 30 JUNE 2006 ^(a)

Product code	Destination	Unit of measurement	Amount of refund
1702 40 10 9100	S00	EUR/100 kg dry matter	24,88 ⁽¹⁾
1702 60 10 9000	S00	EUR/100 kg dry matter	24,88 ⁽¹⁾
1702 60 80 9100	S00	EUR/100 kg dry matter	47,27 ⁽²⁾
1702 60 95 9000	S00	EUR/1 % sucrose × net 100 kg of product	0,2488 ⁽³⁾
1702 90 30 9000	S00	EUR/100 kg dry matter	24,88 ⁽¹⁾
1702 90 60 9000	S00	EUR/1 % sucrose × net 100 kg of product	0,2488 ⁽³⁾
1702 90 71 9000	S00	EUR/1 % sucrose × net 100 kg of product	0,2488 ⁽³⁾
1702 90 99 9900	S00	EUR/1 % sucrose × net 100 kg of product	0,2488 ⁽³⁾ ⁽⁴⁾
2106 90 30 9000	S00	EUR/100 kg dry matter	24,88 ⁽¹⁾
2106 90 59 9000	S00	EUR/1 % sucrose × net 100 kg of product	0,2488 ⁽³⁾

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

The numeric destination codes are set out in Commission Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11).

The other destinations are defined as follows:

S00: all destinations (third countries, other territories, victualling and destinations treated as exports from the Community) with the exception of Albania, Croatia, Bosnia and Herzegovina, Montenegro, Serbia (including Kosovo as defined by the United Nations Security Council Resolution 1244 of 10 June 1999), the former Yugoslav Republic of Macedonia, except for sugar incorporated into the products referred to in Article 1(2)(b) of Council Regulation (EC) No 2201/96 (OJ L 297, 21.11.1996, p. 29).

^(a) The amounts set out in this Annex are not applicable with effect from 1 February 2005 pursuant to Council Decision 2005/45/EC of 22 December 2004 concerning the conclusion and the provisional application of the Agreement between the European Community and the Swiss Confederation amending the Agreement between the European Economic Community and the Swiss Confederation of 22 July 1972 as regards the provisions applicable to processed agricultural products (OJ L 23, 26.1.2005, p. 17).

⁽¹⁾ Applicable only to products referred to in Article 5 of Regulation (EC) No 2135/95.

⁽²⁾ Applicable only to products referred to in Article 6 of Regulation (EC) No 2135/95.

⁽³⁾ The basic amount is not applicable to syrups which are less than 85 % pure (Regulation (EC) No 2135/95). Sucrose content is determined in accordance with Article 3 of Regulation (EC) No 2135/95.

⁽⁴⁾ The basic amount is not applicable to the product defined under point 2 of the Annex to Commission Regulation (EEC) No 3513/92 (OJ L 355, 5.12.1992, p. 12).

COMMISSION REGULATION (EC) No 981/2006**of 29 June 2006****fixing the maximum export refund for white sugar to certain third countries for the 31st partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1138/2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽¹⁾ and in particular the second indent of Article 27(5) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1138/2005 of 15 July 2005 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar ⁽²⁾, for the 2005/2006 marketing year, requires partial invitations to tender to be issued for the export of this sugar to certain third countries.
- (2) Pursuant to Article 9(1) of Regulation (EC) No 1138/2005 a maximum export refund shall be fixed,

as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question.

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 31st partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1138/2005 the maximum amount of the export refund shall be 29,877 EUR/100 kg.

Article 2

This Regulation shall enter into force on 30 June 2006.

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

Done at Brussels, 29 June 2006.

For the Commission

J. L. DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 178, 30.6.2001, p. 1. Regulation as last amended by Commission Regulation (EC) No 39/2004 (OJ L 6, 10.1.2004, p. 16).

⁽²⁾ OJ L 185, 16.7.2005, p. 3.

COMMISSION REGULATION (EC) No 982/2006

of 29 June 2006

fixing the rates of the refunds applicable to certain cereal and rice products exported in the form of goods not covered by Annex I to the Treaty

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Council Regulation (EC) No 1785/2003 of 29 September 2003 on the common organisation of the market in rice ⁽²⁾, and in particular Article 14(3) thereof,

Whereas:

- (1) Article 13(1) of Regulation (EC) No 1784/2003 and Article 14(1) of Regulation (EC) No 1785/2003 provide that the difference between quotations or prices on the world market for the products listed in Article 1 of each of those Regulations and the prices within the Community may be covered by an export refund.
- (2) Commission Regulation (EC) No 1043/2005 of 30 June 2005 implementing Council Regulation (EC) No 3448/93 as regards the system of granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds ⁽³⁾, specifies the products for which a rate of refund is to be fixed, to be applied where these products are exported in the form of goods listed in Annex III to Regulation (EC) No 1784/2003 or in Annex IV to Regulation (EC) No 1785/2003 as appropriate.
- (3) In accordance with the first paragraph of Article 14 of Regulation (EC) No 1043/2005, the rate of the refund per 100 kilograms for each of the basic products in question is to be fixed each month.
- (4) The commitments entered into with regard to refunds which may be granted for the export of agricultural products contained in goods not covered by Annex I to the Treaty may be jeopardised by the fixing in advance of high refund rates. It is therefore necessary to take precautionary measures in such situations without, however, preventing the conclusion of long-

term contracts. The fixing of a specific refund rate for the advance fixing of refunds is a measure which enables these various objectives to be met.

- (5) Taking into account the settlement between the European Community and the United States of America on Community exports of pasta products to the United States, approved by Council Decision 87/482/EEC ⁽⁴⁾, it is necessary to differentiate the refund on goods falling within CN codes 1902 11 00 and 1902 19 according to their destination.
- (6) Pursuant to Article 15(2) and (3) of Regulation (EC) No 1043/2005, a reduced rate of export refund has to be fixed, taking account of the amount of the production refund applicable, pursuant to Commission Regulation (EEC) No 1722/93 ⁽⁵⁾, for the basic product in question, used during the assumed period of manufacture of the goods.
- (7) Spirituous beverages are considered less sensitive to the price of the cereals used in their manufacture. However, Protocol 19 of the Act of Accession of the United Kingdom, Ireland and Denmark provides that the necessary measures must be decided to facilitate the use of Community cereals in the manufacture of spirituous beverages obtained from cereals. Accordingly, it is necessary to adapt the refund rate applying to cereals exported in the form of spirituous beverages.
- (8) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of the refunds applicable to the basic products listed in Annex I to Regulation (EC) No 1043/2005 and in Article 1 of Regulation (EC) No 1784/2003 or in Article 1 of Regulation (EC) No 1785/2003, and exported in the form of goods listed in Annex III to Regulation (EC) No 1784/2003 or in Annex IV to Regulation (EC) No 1785/2003 respectively, shall be fixed as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 30 June 2006.

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 270, 21.10.2003, p. 96.

⁽³⁾ OJ L 172, 5.7.2005, p. 24.

⁽⁴⁾ OJ L 275, 29.9.1987, p. 36.

⁽⁵⁾ OJ L 159, 1.7.1993, p. 112. Regulation as last amended by Regulation (EC) No 1584/2004 (OJ L 280, 31.8.2004, p. 11).

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

Done at Brussels, 29 June 2006.

For the Commission
Günter VERHEUGEN
Vice-President

ANNEX

Rates of the refunds applicable from 30 June 2006 to certain cereals and rice products exported in the form of goods not covered by Annex I to the Treaty (*)

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product ^(EUR/100 kg)	
		In case of advance fixing of refunds	Other
1001 10 00	Durum wheat:		
	- on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	—	—
	- in other cases	—	—
1001 90 99	Common wheat and meslin:		
	- on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	—	—
	- in other cases:		
	- - where Article 15(3) of Regulation (EC) No 1043/2005 applies ⁽²⁾	—	—
	- - where goods falling within subheading 2208 ⁽³⁾ are exported	—	—
	- - in other cases	—	—
1002 00 00	Rye	—	—
1003 00 90	Barley		
	- where goods falling within subheading 2208 ⁽³⁾ are exported	—	—
	- in other cases	—	—
1004 00 00	Oats	—	—
1005 90 00	Maize (corn) used in the form of:		
	- starch:		
	- - where Article 15(3) of Regulation (EC) No 1043/2005 applies ⁽²⁾	2,945	2,976
	- - where goods falling within subheading 2208 ⁽³⁾ are exported	1,880	1,880
	- - in other cases	3,903	3,903
	- glucose, glucose syrup, maltodextrine, maltodextrine syrup of CN codes 1702 30 51, 1702 30 59, 1702 30 91, 1702 30 99, 1702 40 90, 1702 90 50, 1702 90 75, 1702 90 79, 2106 90 55 ⁽⁴⁾ :		
	- - where Article 15(3) of Regulation (EC) No 1043/2005 applies ⁽²⁾	1,969	2,000
	- - where goods falling within subheading 2208 ⁽³⁾ are exported	1,410	1,410
	- - in other cases	2,927	2,927
	- where goods falling within subheading 2208 ⁽³⁾ are exported	1,880	1,880
	- other (including unprocessed)	3,903	3,903
	Potato starch of CN code 1108 13 00 similar to a product obtained from processed maize:		
	- where Article 15(3) of Regulation (EC) No 1043/2005 applies ⁽²⁾	2,471	2,471
	- where goods falling within subheading 2208 ⁽³⁾ are exported	1,880	1,880
	- in other cases	3,903	3,903

(*) The rates set out in this Annex are not applicable to exports to Bulgaria with effect from 1 October 2004, to Romania with effect from 1 December 2005, and to the goods listed in Tables I and II to Protocol No 2 to the Agreement between the European Community and the Swiss Confederation of 22 July 1972 exported to the Swiss Confederation or to the Principality of Liechtenstein with effect from 1 February 2005.

(EUR/100 kg)

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product	
		In case of advance fixing of refunds	Other
ex 1006 30	Wholly milled rice:		
	– round grain	—	—
	– medium grain	—	—
	– long grain	—	—
1006 40 00	Broken rice	—	—
1007 00 90	Grain sorghum, other than hybrid for sowing	—	—

⁽¹⁾ As far as agricultural products obtained from the processing of a basic product or/and assimilated products are concerned, the coefficients set out in Annex V to Commission Regulation (EC) No 1043/2005 is applicable.

⁽²⁾ The goods concerned fall under CN code 3505 10 50.

⁽³⁾ Goods listed in Annex III to Regulation (EC) No 1784/2003 or referred to in Article 2 of Regulation (EEC) No 2825/93 (OJ L 258, 16.10.1993, p. 6).

⁽⁴⁾ For syrups of CN codes NC 1702 30 99, 1702 40 90 and 1702 60 90, obtained from mixing glucose and fructose syrup, the export refund relates only to the glucose syrup.

COMMISSION REGULATION (EC) No 983/2006**of 29 June 2006****fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex I to the Treaty**

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 15 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, and in particular Article 31(3) thereof,

Whereas:

(1) Article 31(1) of Regulation (EC) No 1255/1999 provides that the difference between prices in international trade for the products listed in Article 1(a), (b), (c), (d), (e), and (g) of that Regulation and prices within the Community may be covered by an export refund.

(2) Commission Regulation (EC) No 1043/2005 of 30 June 2005 implementing Council Regulation (EC) No 3448/93 as regards the system of granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds ⁽²⁾, specifies the products for which a rate of refund is to be fixed, to be applied where these products are exported in the form of goods listed in Annex II to Regulation (EC) No 1255/1999.

(3) In accordance with the first paragraph of Article 14 of Regulation (EC) No 1043/2005, the rate of the refund per 100 kilograms for each of the basic products in question is to be fixed each month.

(4) However, in the case of certain milk products exported in the form of goods not covered by Annex I to the Treaty, there is a danger that, if high refund rates are fixed in advance, the commitments entered into in relation to those refunds may be jeopardised. In order to avert that danger, it is therefore necessary to take appropriate

precautionary measures, but without precluding the conclusion of long-term contracts. The fixing of specific refund rates for the advance fixing of refunds in respect of those products should enable those two objectives to be met.

(5) Article 15(2) of Regulation (EC) No 1043/2005 provides that, when the rate of the refund is being fixed, account is to be taken, where appropriate, of production refunds, aids or other measures having equivalent effect applicable in all Member States in accordance with the Regulation on the common organisation of the market in the product in question to the basic products listed in Annex I to Regulation (EC) No 1043/2005 or to assimilated products.

(6) Article 12(1) of Regulation (EC) No 1255/1999 provides for the payment of aid for Community-produced skimmed milk processed into casein if such milk and the casein manufactured from it fulfil certain conditions.

(7) Commission Regulation (EC) No 1898/2005 of 9 November 2005 laying down detailed rules for implementing Council Regulation (EC) No 1255/1999 as regards measures for the disposal of cream, butter and concentrated butter ⁽³⁾, lays down that butter and cream at reduced prices should be made available to industries which manufacture certain goods.

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

HAS ADOPTED THIS REGULATION:

Article 1

The rates of the refunds applicable to the basic products listed in Annex I to Regulation (EC) No 1043/2005 and in Article 1 of Regulation (EC) No 1255/1999, and exported in the form of goods listed in Annex II to Regulation (EC) No 1255/1999, shall be fixed as set out in the Annex to this Regulation.

⁽¹⁾ OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Commission Regulation (EC) No 186/2004 (OJ L 29, 3.2.2004, p. 6).

⁽²⁾ OJ L 172, 5.7.2005, p. 24.

⁽³⁾ OJ L 308, 25.11.2005, p. 1. Regulation amended by Regulation (EC) No 2107/2005 (OJ L 337, 22.12.2005, p. 20).

Article 2

This Regulation shall enter into force on 30 June 2006.

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

Done at Brussels, 29 June 2006.

For the Commission
Günter VERHEUGEN
Vice-President

ANNEX

Rates of the refunds applicable from 30 June 2006 to certain milk products exported in the form of goods not covered by Annex I to the Treaty ⁽¹⁾

(EUR/100 kg)

CN code	Description	Rate of refund	
		In case of advance fixing of refunds	Other
ex 0402 10 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content not exceeding 1,5 % by weight (PG 2):		
	(a) on exportation of goods of CN code 3501	—	—
	(b) on exportation of other goods	0,00	0,00
ex 0402 21 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content of 26 % by weight (PG 3):		
	(a) where goods incorporating, in the form of products assimilated to PG 3, reduced-price butter or cream obtained pursuant to Regulation (EC) No 1898/2005 are exported	19,34	19,34
	(b) on exportation of other goods	54,00	54,00
ex 0405 10	Butter, with a fat content by weight of 82 % (PG 6):		
	(a) where goods containing reduced-price butter or cream which have been manufactured in accordance with the conditions provided for in Regulation (EC) No 1898/2005 are exported	61,00	61,00
	(b) on exportation of goods of CN code 2106 90 98 containing 40 % or more by weight of milk fat	106,75	106,75
	(c) on exportation of other goods	99,50	99,50

⁽¹⁾ The rates set out in this Annex are not applicable to exports to Bulgaria, with effect from 1 October 2004, to Romania with effect from 1 December 2005, and to the goods listed in Tables I and II to Protocol No 2 the Agreement between the European Community and the Swiss Confederation of 22 July 1972 exported to the Swiss Confederation or to the Principality of Liechtenstein with effect from 1 February 2005.

COMMISSION REGULATION (EC) No 984/2006**of 29 June 2006****fixing the rates of refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex I to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the market in the sugar sector ⁽¹⁾, and in particular Article 27(5)(a) and (15) thereof,

Whereas:

- (1) Article 27(1) and (2) of Regulation (EC) No 1260/2001 provides that the differences between the prices in international trade for the products listed in Article 1(1)(a), (c), (d), (f), (g) and (h) of that Regulation and prices within the Community may be covered by an export refund where these products are exported in the form of goods listed in Annex V to that Regulation.
- (2) Commission Regulation (EC) No 1043/2005 of 30 June 2005 implementing Council Regulation (EC) No 3448/93 as regards the system of granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds, and the criteria for fixing the amount of such refunds ⁽²⁾, specifies the products for which a rate of refund is to be fixed, to be applied where these products are exported in the form of goods listed in Annex V to Regulation (EC) No 1260/2001.
- (3) In accordance with the first paragraph of Article 14 of Regulation (EC) No 1043/2005, the rate of the refund per 100 kilograms for each of the basic products in question is to be fixed each month.

- (4) Article 27(3) of Regulation (EC) No 1260/2001 lays down that the export refund for a product contained in goods may not exceed the refund applicable to that product when exported without further processing.
- (5) The refunds fixed under this Regulation may be fixed in advance as the market situation over the next few months cannot be established at the moment.
- (6) The commitments entered into with regard to refunds which may be granted for the export of agricultural products contained in goods not covered by Annex I to the Treaty may be jeopardised by the fixing in advance of high refund rates. It is therefore necessary to take precautionary measures in such situations without, however, preventing the conclusion of long-term contracts. The fixing of a specific refund rate for the advance fixing of refunds is a measure which enables these various objectives to be met.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of the refunds applicable to the basic products listed in Annex I to Regulation (EC) No 1043/2005 and in Article 1(1) and (2) of Regulation (EC) No 1260/2001, and exported in the form of goods listed in Annex V to Regulation (EC) No 1260/2001, shall be fixed as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 30 June 2006.

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

Done at Brussels, 29 June 2006.

For the Commission
Günter VERHEUGEN
Vice-President

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

⁽²⁾ OJ L 172, 5.7.2005, p. 24.

ANNEX

Rates of refunds applicable from 30 June 2006 to certain products from the sugar sector exported in the form of goods not covered by Annex I to the Treaty ⁽¹⁾

CN code	Description	Rate of refund in EUR/100 kg	
		In case of advance fixing of refunds	Other
1701 99 10	White sugar	24,88	24,88

⁽¹⁾ The rates set out in this Annex are not applicable to exports to Bulgaria, with effect from 1 October 2004, to Romania with effect from 1 December 2005, and to the goods listed in Tables I and II to Protocol No 2 to the Agreement between the European Community and the Swiss Confederation of 22 July 1972 exported to the Swiss Confederation or to the Principality of Liechtenstein with effect from 1 February 2005.

COMMISSION REGULATION (EC) No 985/2006

of 29 June 2006

fixing the export refunds on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Council Regulation (EC) No 1785/2003 of 29 September 2003 on the common organisation of the market in rice ⁽²⁾, and in particular Article 14(3) thereof,

Whereas:

(1) Article 13 of Regulation (EC) No 1784/2003 and Article 14 of Regulation (EC) No 1785/2003 provide that the difference between quotations or prices on the world market for the products listed in Article 1 of those Regulations and prices for those products within the Community may be covered by an export refund.

(2) Article 14 of Regulation (EC) No 1785/2003 provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals, rice and broken rice on the Community market on the one hand and prices for cereals, rice, broken rice and cereal products on the world market on the other. The same Articles provide that it is also important to ensure equilibrium and the natural development of prices and trade on the markets in cereals and rice and, furthermore, to take into account the economic aspect of the proposed exports, and the need to avoid disturbances on the Community market.

(3) Article 4 of Commission Regulation (EC) No 1518/95 ⁽³⁾ on the import and export system for products processed from cereals and from rice defines the specific criteria to be taken into account when the refund on these products is being calculated.

⁽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 270, 21.10.2003, p. 96. Regulation as last amended by Commission Regulation (EC) No 1549/2004 (OJ L 280, 31.8.2004, p. 13).

⁽³⁾ OJ L 147, 30.6.1995, p. 55. Regulation as last amended by Regulation (EC) No 2993/95 (OJ L 312, 23.12.1995, p. 25).

(4) The refund to be granted in respect of certain processed products should be graduated on the basis of the ash, crude fibre, tegument, protein, fat and starch content of the individual product concerned, this content being a particularly good indicator of the quantity of basic product actually incorporated in the processed product.

(5) There is no need at present to fix an export refund for manioc, other tropical roots and tubers or flours obtained therefrom, given the economic aspect of potential exports and in particular the nature and origin of these products. For certain products processed from cereals, the insignificance of Community participation in world trade makes it unnecessary to fix an export refund at the present time.

(6) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination.

(7) The refund must be fixed once a month. It may be altered in the intervening period.

(8) Certain processed maize products may undergo a heat treatment following which a refund might be granted that does not correspond to the quality of the product; whereas it should therefore be specified that on these products, containing pregelatinised starch, no export refund is to be granted.

(9) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 of Regulation (EC) No 1518/95 are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 30 June 2006.

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

Done at Brussels, 29 June 2006.

For the Commission

J. L. DEMARTY

*Director-General for Agriculture and
Rural Development*

ANNEX

to Commission Regulation of 29 June 2006 fixing the export refunds on products processed from cereals and rice

Product code	Destination	Unit of measurement	Refunds	Product code	Destination	Unit of measurement	Refunds
1102 20 10 9200 ⁽¹⁾	C13	EUR/t	54,64	1104 23 10 9300	C13	EUR/t	44,88
1102 20 10 9400 ⁽¹⁾	C13	EUR/t	46,84	1104 29 11 9000	C13	EUR/t	0,00
1102 20 90 9200 ⁽¹⁾	C13	EUR/t	46,84	1104 29 51 9000	C13	EUR/t	0,00
1102 90 10 9100	C13	EUR/t	0,00	1104 29 55 9000	C13	EUR/t	0,00
1102 90 10 9900	C13	EUR/t	0,00	1104 30 10 9000	C13	EUR/t	0,00
1102 90 30 9100	C13	EUR/t	0,00	1104 30 90 9000	C13	EUR/t	9,76
1103 19 40 9100	C13	EUR/t	0,00	1107 10 11 9000	C13	EUR/t	0,00
1103 13 10 9100 ⁽¹⁾	C13	EUR/t	70,25	1107 10 91 9000	C13	EUR/t	0,00
1103 13 10 9300 ⁽¹⁾	C13	EUR/t	54,64	1108 11 00 9200	C13	EUR/t	0,00
1103 13 10 9500 ⁽¹⁾	C13	EUR/t	46,84	1108 11 00 9300	C13	EUR/t	0,00
1103 13 90 9100 ⁽¹⁾	C13	EUR/t	46,84	1108 12 00 9200	C13	EUR/t	62,45
1103 19 10 9000	C13	EUR/t	0,00	1108 12 00 9300	C13	EUR/t	62,45
1103 19 30 9100	C13	EUR/t	0,00	1108 13 00 9200	C13	EUR/t	62,45
1103 20 60 9000	C13	EUR/t	0,00	1108 13 00 9300	C13	EUR/t	62,45
1103 20 20 9000	C13	EUR/t	0,00	1108 19 10 9200	C13	EUR/t	0,00
1104 19 69 9100	C13	EUR/t	0,00	1108 19 10 9300	C13	EUR/t	0,00
1104 12 90 9100	C13	EUR/t	0,00	1109 00 00 9100	C13	EUR/t	0,00
1104 12 90 9300	C13	EUR/t	0,00	1702 30 51 9000 ⁽²⁾	C13	EUR/t	61,18
1104 19 10 9000	C13	EUR/t	0,00	1702 30 59 9000 ⁽²⁾	C13	EUR/t	46,84
1104 19 50 9110	C13	EUR/t	62,45	1702 30 91 9000	C13	EUR/t	61,18
1104 19 50 9130	C13	EUR/t	50,74	1702 30 99 9000	C13	EUR/t	46,84
1104 29 01 9100	C13	EUR/t	0,00	1702 40 90 9000	C13	EUR/t	46,84
1104 29 03 9100	C13	EUR/t	0,00	1702 90 50 9100	C13	EUR/t	61,18
1104 29 05 9100	C13	EUR/t	0,00	1702 90 50 9900	C13	EUR/t	46,84
1104 29 05 9300	C13	EUR/t	0,00	1702 90 75 9000	C13	EUR/t	64,11
1104 22 20 9100	C13	EUR/t	0,00	1702 90 79 9000	C13	EUR/t	44,49
1104 22 30 9100	C13	EUR/t	0,00	2106 90 55 9000	C14	EUR/t	46,84
1104 23 10 9100	C13	EUR/t	58,55				

⁽¹⁾ No refund shall be granted on products given a heat treatment resulting in pregelatinisation of the starch.

⁽²⁾ Refunds are granted in accordance with Council Regulation (EEC) No 2730/75 (OJ L 281, 1.11.1975, p. 20), as amended.

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

The numeric destination codes are set out in Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11).

The other destinations are as follows:

C10: All destinations

C11: All destinations except for Bulgaria

C12: All destinations except for Romania

C13: All destinations except for Bulgaria and Romania

C14: All destinations except for Switzerland, Liechtenstein, Bulgaria and Romania.

COMMISSION REGULATION (EC) No 986/2006
of 29 June 2006
fixing the export refunds on cereal-based compound feedingstuffs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Article 13 of Regulation (EC) No 1784/2003 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) Commission Regulation (EC) No 1517/95 of 29 June 1995 laying down detailed rules for the application of Regulation (EC) No 1784/2003 as regards the arrangements for the export and import of compound feedingstuffs based on cereals and amending Regulation (EC) No 1162/95 laying down special detailed rules for the application of the system of import and export licences for cereals and rice ⁽²⁾ in Article 2 lays down general rules for fixing the amount of such refunds.
- (3) That calculation must also take account of the cereal products content. In the interest of simplification, the refund should be paid in respect of two categories of 'cereal products', namely for maize, the most commonly used cereal in exported compound feeds

and maize products, and for 'other cereals', these being eligible cereal products excluding maize and maize products. A refund should be granted in respect of the quantity of cereal products present in the compound feedingstuff.

- (4) Furthermore, the amount of the refund must also take into account the possibilities and conditions for the sale of those products on the world market, the need to avoid disturbances on the Community market and the economic aspect of the export.
- (5) The current situation on the cereals market and, in particular, the supply prospects mean that the export refunds should be abolished.
- (6) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the compound feedingstuffs covered by Regulation (EC) No 1784/2003 and subject to Regulation (EC) No 1517/95 are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 30 June 2006.

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

Done at Brussels, 29 June 2006.

For the Commission

J. L. DEMARTY

*Director-General for Agriculture and
Rural Development*

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

⁽²⁾ OJ L 147, 30.6.1995, p. 51.

ANNEX

to the Commission Regulation of 29 June 2006 fixing the export refunds on cereal-based compound feedingstuffs

Product codes benefiting from export refund:

2309 10 11 9000, 2309 10 13 9000, 2309 10 31 9000,
 2309 10 33 9000, 2309 10 51 9000, 2309 10 53 9000,
 2309 90 31 9000, 2309 90 33 9000, 2309 90 41 9000,
 2309 90 43 9000, 2309 90 51 9000, 2309 90 53 9000.

Cereal products	Destination	Unit of measurement	Amount of refunds
Maize and maize products: CN codes 0709 90 60, 0712 90 19, 1005, 1102 20, 1103 13, 1103 29 40, 1104 19 50, 1104 23, 1904 10 10	C10	EUR/t	0,00
Cereal products excluding maize and maize products	C10	EUR/t	0,00

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

C10: All destinations.

COMMISSION REGULATION (EC) No 987/2006
of 29 June 2006
fixing production refunds on cereals

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003, on the common organisation of the market in cereals⁽¹⁾, and in particular Article 8(2) thereof,

Whereas:

- (1) Commission Regulation (EEC) No 1722/93 of 30 June 1993 laying down detailed rules for the application of Council Regulations (EEC) No 1766/92 and (EEC) No 1418/76 concerning production refunds in the cereals and rice sectors respectively⁽²⁾ lays down the conditions for granting production refunds. The basis for calculating the refund is laid down in Article 3 of that Regulation. The refund thus calculated, differentiated where necessary for potato starch, must be fixed once a month and may be amended if the price of maize and/or wheat changes significantly.

- (2) The production refunds fixed in this Regulation should be adjusted by the coefficients listed in the Annex II to Regulation (EEC) No 1722/93 to establish the exact amount to be paid.
- (3) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The refund per tonne of starch referred to in Article 3(2) of Regulation (EEC) No 1722/93, is hereby fixed at:

- (a) EUR/tonne 15,82 for starch from maize, wheat, barley and oats;
- (b) EUR/tonne 22,08 for potato starch.

Article 2

This Regulation shall enter into force on 30 June 2006.

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

Done at Brussels, 29 June 2006.

For the Commission

J. L. DEMARTY

*Director-General for Agriculture and
Rural Development*

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

⁽²⁾ OJ L 159, 1.7.1993, p. 112. Regulation as last amended by Regulation (EC) No 1548/2004 (OJ L 280, 31.8.2004, p. 11).

COMMISSION REGULATION (EC) No 988/2006**of 29 June 2006****limiting the term of validity of export licences for certain products processed from cereals**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals ⁽¹⁾, and in particular Article 9 thereof,

Having regard to Commission Regulation (EC) No 1342/2003 of 28 July 2003 laying down special detailed rules for the application of the system of import and export licences for cereals and rice ⁽²⁾, and in particular Article 7(1) thereof,

Whereas:

- (1) Article 7(1) of Regulation (EC) No 1342/2003 fixes the term of validity of export licences, in particular for products processed from maize. That term of validity extends to the end of the fourth month following that of issue of the licence. The term of validity is fixed in accordance with market requirements and the need for sound management.
- (2) The current situation on the maize market makes it desirable to limit the issuing of licences in order to avoid committing quantities from the new marketing year. Licences to be issued in forthcoming months must be reserved for exports before 8 September 2006. To that end, the term of validity of export licences to be issued for execution up to 7 September 2006 must be limited. A temporary derogation should accordingly be introduced to Article 7(1) of Regulation (EC) No 1342/2003.
- (3) In order to ensure sound management of the market and to prevent speculation, provision should be made for customs export formalities for export licences for products processed from maize to be completed by 7 September 2006 at the latest either as direct exports or exports under the arrangements laid down in Articles 4 and 5 of Council Regulation (EEC) No 565/80 of

4 March 1980 on the advance payment of export refunds in respect of agricultural products ⁽³⁾. Such limiting of the term of validity of export licences entails a derogation from Articles 28(6) and 29(5) of Commission Regulation (EC) No 800/1999 of 15 April 1999 laying down common detailed rules for the application of the system of export refunds on agricultural products ⁽⁴⁾.

- (4) The application of the measures provided for in this Regulation must coincide with its entry into force in order to avoid potential market disturbance.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

1. Notwithstanding Article 7(1) of Regulation (EC) No 1342/2003, export licences for products referred to in Annex I applied for from the date of entry into force of this Regulation to 31 August 2006 shall be valid until 7 September 2006 only.

2. Customs export formalities for the above licences must be completed by 7 September 2006 at the latest.

That deadline shall also apply to the formalities referred to in Article 32 of Regulation (EC) No 800/1999 in respect of products placed under the arrangements referred to in Regulation (EEC) No 565/80 under cover of such licences.

One of the indications in Annex II shall be entered in Section 22 of the licences.

Article 2

This Regulation shall enter into force on 30 June 2006.

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

Done at Brussels, 29 June 2006.

For the Commission

J. L. DEMARTY

*Director-General for Agriculture and
Rural Development*

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

⁽²⁾ OJ L 189, 29.7.2003, p. 12. Regulation as last amended by Regulation (EC) No 1092/2004 (OJ L 209, 11.6.2004, p. 9).

⁽³⁾ OJ L 62, 7.3.1980, p. 5. Regulation as last amended by Regulation (EC) No 444/2003 (OJ L 67, 12.3.2003, p. 3).

⁽⁴⁾ OJ L 102, 17.4.1999, p. 11. Regulation as last amended by Regulation (EC) No 671/2004 (OJ L 105, 14.4.2004, p. 5).

ANNEX I

to Commission Regulation of 29 June 2006 limiting the term of validity of export licences for certain products processed from cereals

CN code	Description
	Products derived from maize, consisting of the following subheadings:
1102 20	Maize flour
1103 13	Maize groats
1103 29 40	Maize pellets
1104 19 50	Rolled or flaked maize
1104 23	Hulled maize
1108 12 00	Maize starch
1108 13 00	Potato starch

ANNEX II

Indications referred to in Article 1(2)

- *in Spanish:* Limitación establecida en el apartado 2 del artículo 1 del Reglamento (CE) n.º 988/2006
- *in Czech:* Omezení stanovené na základě čl. 1 ods. 2 nařízení (ES) č. 988/2006
- *in Danish:* Begrænsning, jf. artikel 1, stk. 2, i forordning (EF) nr. 988/2006
- *in German:* Kürzung der Gültigkeitsdauer gemäß Artikel 1 Absatz 2 der Verordnung (EG) Nr. 988/2006
- *in Estonian:* Piirang on ette nähtud määruse (EÜ) nr 988/2006 artikli 1 lõike 2 alusel
- *in Greek:* Περιορισμός που προβλέπεται στο άρθρο 1 παράγραφος 2 του κανονισμού (ΕΚ) αριθ. 988/2006
- *in English:* Limitation provided for in Article 1(2) of Regulation (EC) No 988/2006
- *in French:* Limitation prévue à l'article 1^{er}, paragraphe 2, du règlement (CE) n.º 988/2006
- *in Italian:* Limitazione prevista all'articolo 1, paragrafo 2 del regolamento (CE) n. 988/2006
- *in Latvian:* Ierobežojums paredzēts Regulas (EK) Nr. 988/2006 1. panta 2. punktā
- *in Lithuanian:* Apribojimas numatytas Reglamento (EB) Nr. 988/2006 1 straipsnio 2 dalyje
- *in Hungarian:* Korlátozott érvényességi időtartam a 988/2006/EK rendelet 1. cikk (2) bekezdésének megfelelően
- *in Dutch:* Bepanking als bepaald in artikel 1, lid 2, van Verordening (EG) nr. 988/2006
- *in Polish:* Ograniczenie przewidziane w art. 1 ust. 2 rozporządzenia (WE) nr 988/2006
- *in Portuguese:* Limitação estabelecida n.º 2 do artigo 1.º do Regulamento (CE) n.º 988/2006
- *in Slovak:* Obmedzenie stanovené článkom 1 ods. 2 nariadenia (ES) č. 988/2006
- *in Slovene:* Omejitev določena v členu 1(2) Uredbe (ES) št. 988/2006
- *in Finnish:* Asetuksen (EY) N:o 988/2006 1 artiklan 2 kohdassa säädetty rajoitus
- *in Swedish:* Begränsning enligt artikel 1.2 i förordning (EG) nr 988/2006.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 22 May 2006

on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu 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

(2006/445/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 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 Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu pursuant to Article XXIV:6 and Article XXVIII of the GATT 1994. The said Agreement should therefore be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of an Exchange of Letters between the European Community and the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu pursuant to Article XXIV:6 and Article XXVIII of the 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, with respect to the withdrawal of specific concessions in relation to the withdrawal 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, 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.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement in order to bind the Community ⁽¹⁾.

Done at Brussels, 22 May 2006.

For the Council
The President
J. PRÖLL

⁽¹⁾ 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 Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu 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

Sir,

Following the initiation of negotiations between the European Communities (EC) and the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu under Article XXIV:6 and Article XXVIII of GATT 1994 for the modification of concessions in the Schedules of 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 EC, the following is agreed between the EC and the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu in order to conclude the negotiations initiated following the EC's notification of 19 January 2004 to the WTO pursuant to Article XXIV:6 of GATT 1994.

The EC agrees to incorporate in its Schedule for the customs territory of EC 25, the concessions that were included in its previous schedule of EC 15.

The EC agrees that it will incorporate in its schedule for the EC 25 the following concession:

8712 00 30 (bicycles not motorised): A lowering of the current bound EC duty of 15 % to 14,0 %.

This Agreement shall enter into force upon the Exchange of Letters of agreement, following consideration by the parties in accordance with their own procedures. The EC shall use its best endeavours to put in place the appropriate implementing measures before 1 March 2006 and under no circumstances later than 1 July 2006.

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

On behalf of the European Community



B. *Letter from the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu*

Sir,

Reference is made to your letter stating:

'Following the initiation of negotiations between the European Communities (EC) and the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu under Article XXIV:6 and Article XXVIII of GATT 1994 for the modification of concessions in the Schedules of 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 EC, the following is agreed between the EC and the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu in order to conclude the negotiations initiated following the EC's notification of 19 January 2004 to the WTO pursuant to Article XXIV:6 of GATT 1994.

The EC agrees to incorporate in its Schedule for the customs territory of EC 25, the concessions that were included in its previous schedule of EC 15.

The EC agrees that it will incorporate in its schedule for the EC 25 the following concession:

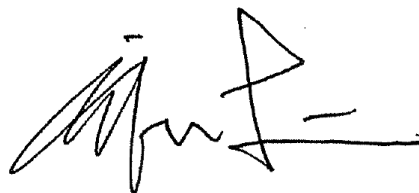
8712 00 30 (bicycles not motorised): A lowering of the current bound EC duty of 15 % to 14,0 %.

This Agreement shall enter into force upon the Exchange of Letters of agreement, following consideration by the parties in accordance with their own procedures. The EC shall use its best endeavours to put in place the appropriate implementing measures before 1 March 2006 and under no circumstances later than 1 July 2006.'

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

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

On behalf of the Separate Customs Territory
of Taiwan, Penghu, Kinmen and Matsu

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end, positioned below the text 'On behalf of the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu'.

COMMISSION

COMMISSION DECISION

of 12 April 2006

relating to a proceeding pursuant to Article 81 of the EC Treaty

(Case COMP/B-1/38.348 — Repsol CPP)

(notified under document number C(2006) 1548)

(Only the Spanish text is authentic)

(Text with EEA relevance)

(2006/446/EC)

On 12 April 2006 the Commission adopted a decision pursuant to Article 9(1) of Council Regulation (EC) No 1/2003 ⁽¹⁾. A non-confidential version of the integral text of the decision in the authentic language as well as the working languages of the Commission is available on the Competition Directorate-General website at the following address: http://europa.eu.int/comm/competition/antitrust/cases/index/by_nr_76.html#i38_348

- (1) This decision is addressed to Repsol Comercial de Productos Petroliferos, incorporated in Madrid, Spain (hereafter Repsol CPP), a company belonging to the Repsol-YPF oil group. The subject matter of the procedure is the supply of fuel to service stations in Spain and the conclusion, by Repsol CPP, of long-term exclusive supply agreements with service stations. In its preliminary assessment, the Commission considered that the non-compete clauses in the agreements notified by Repsol CPP, and in particular in the agreements of the DODO ⁽²⁾, tenancy and usufruct type, raised concerns under Article 81 of the EC Treaty insofar as they might create a significant foreclosure effect on the fuel retail market in Spain.
- (2) The Commission considers that the commitments offered by Repsol CPP are sufficient to address the identified competition concerns. In particular, Repsol CPP undertakes to offer to service stations concerned a concrete financial incentive to terminate the existing long-term supply agreements and to refrain from concluding further long-term exclusivity agreements. Further, Repsol CPP undertakes to refrain from buying independent DODO stations that it is not supplying. Accordingly, wholesale supply to a large number of service stations will be opened to competition.
- (3) The decision finds, in view of the commitments made binding on Repsol CPP, that there are no longer grounds for action by the Commission.
- (4) The Advisory Committee on Restrictive Practices and Dominant Positions issued a favourable opinion on 27 March 2006.

⁽¹⁾ OJ L 1, 4.1.2003, p. 1. Regulation as amended by Regulation (EC) No 411/2004 (OJ L 68, 8.3.2004, p. 1).

⁽²⁾ DODO = Distributor owned, distributor operated.

COMMISSION DECISION

of 31 May 2006

amending Decision 2005/436/EC as regards the Community financial contribution to Trust Fund 911100MTF/INT/003/EEC (TFEU 970089129)

(notified under document number C(2006) 2076)

(2006/447/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

with the European Commission for the Control of Foot-and-Mouth Disease (EUFMD) and by using the Trust Fund, must prepare for disease control measures, including emergency vaccination campaigns in neighbouring countries.

Having regard to the Treaty establishing the European Community,

(4) The Community contribution to the Trust Fund should therefore be increased by EUR 3 500 000 from EUR 4 500 000 to EUR 8 000 000 for a period of four years.

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field ⁽¹⁾, and in particular Articles 12 and 13 thereof,

(5) Provision should be made for the adoption of amendments to the Implementing Agreement necessary to take account of adjustment to this amount.

Whereas:

(6) It is necessary for this Decision to have retroactive effect as from 1 January 2005 to enable the Community to comply with its obligations for a period of four years from that date.

(1) By Commission Decision 2005/436/EC of 13 June 2005 on Community cooperation with the Food and Agriculture Organisation with particular regard to activities carried out by the European Commission for the Control of Foot-and-Mouth Disease ⁽²⁾ the Community financial obligation to Trust Fund 911100MTF/INT/003/EEC (TFEU 970089129), 'the Trust Fund', was set at a maximum of EUR 4 500 000 for a period of four years.

(7) Decision 2005/436/EC should therefore be amended accordingly.

(2) In accordance with Decision 2005/436/EC the Commission of the European Communities and the Food and Agriculture Organisation of the United Nations Organisation concluded an Implementing Agreement on the use and operation of that Trust Fund on 1 September 2005.

(8) 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 DECIDED AS FOLLOWS:

Sole Article

Decision 2005/436/EC is amended as follows:

(3) In the light of the emergence of new virus topotypes and virus strains and the regional deterioration of control measures, exacerbated by the simultaneous occurrence of avian influenza, the Community, in close cooperation

1. In Article 1, paragraph 2 is replaced by the following:

'2. As from 1 January 2005 the Community financial contribution to the Fund referred to in paragraph 1 shall be set at a maximum of EUR 8 000 000 for a period of four years.'

⁽¹⁾ OJ L 224, 18.8.1990, p. 19. Decision as last amended by Decision 2006/53/EC (OJ L 29, 2.2.2006, p. 37).

⁽²⁾ OJ L 151, 14.6.2005, p. 26.

2. In Article 2(1), the following second subparagraph is added:

'Any amendment to the Implementing Agreement necessary to take account of adjustment to the amount set out in Article 1(2) shall be agreed between the Commission of the European Communities and the Food and Agriculture Organization of the United Nations Organization.'

Done at Brussels, 31 May 2006.

For the Commission
Markos KYPRIANOU
Member of the Commission

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

COUNCIL DECISION 2006/448/CFSP

of 7 June 2006

concerning the extension of the Agreement in the form of an Exchange of Letters between the European Union and the Government of Indonesia on the tasks, status, privileges and immunities of the European Union Monitoring Mission in Aceh (Indonesia) (Aceh Monitoring Mission — AMM) and its personnel

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 24 thereof,

Having regard to the recommendation from the Presidency,

Whereas:

- (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.
- (2) On that date the Council also adopted Decision 2006/201/CFSP ⁽²⁾ concerning the extension for 3 months of the Agreement between the European Union and the Government of Indonesia on the tasks, status, privileges and immunities of the European Union Monitoring Mission in Aceh (Indonesia) (Aceh Monitoring Mission — AMM) and its personnel.
- (3) On 5 May 2006 the Government of Indonesia invited the European Union to extend the mandate of the Aceh Monitoring Mission for a further period of three months.
- (4) As stated in the letter of 14 September 2005 and its annexes from the Minister of Foreign Affairs of the Government of Indonesia regarding the tasks, status, privileges and immunities of the Aceh Monitoring Mission (AMM) and its personnel and the reply from the Secretary General/High Representative of 3 October 2005, the Agreement may be extended for a period of up to six months by mutual consent ⁽³⁾.
- (5) The extension of the Agreement in the form of an Exchange of Letters for a period of three months until 15 September 2006 should be approved on behalf of the European Union,

HAS DECIDED AS FOLLOWS:

Article 1

The extension of the Agreement in the form of an Exchange of Letters between the European Union and the Government of Indonesia on the tasks, status, privileges and immunities of the European Union Monitoring Mission in Aceh (Indonesia) (Aceh Monitoring Mission — AMM) and its personnel for a period of 3 months until 15 September 2006, is hereby approved on behalf of the European Union.

The text of the Exchange of Letters agreeing to the extension is attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Exchange of Letters in order to bind the European Union ⁽⁴⁾.

Article 3

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

Article 4

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

Done at Luxembourg, 7 June 2006.

For the Council
The President
K.-H. GRASSER

⁽¹⁾ OJ L 71, 10.3.2006, p. 57.

⁽²⁾ OJ L 71, 10.3.2006, p. 53.

⁽³⁾ OJ L 288, 29.10.2005, p. 60.

⁽⁴⁾ The date of entry into force of the Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

EXCHANGE OF LETTERS**concerning the extension of the Agreement in the form of an Exchange of Letters between the European Union and the Government of Indonesia on the tasks, status, privileges and immunities of the European Union Monitoring Mission in Aceh (Indonesia) (Aceh Monitoring Mission — AMM) and its personnel***A. Letter from the Government of the Republic of Indonesia*

Jakarta, 5 May 2006

Dear Excellency,

On behalf of the Government of the Republic of Indonesia, I would like to express my appreciation to the European Union for its participation in the Aceh Monitoring Mission (AMM) and for its remarkable works that have been carried out since its deployment in the Province of Nanggroe Aceh Darussalam (NAD).

At this juncture, I have the honour to refer to the letter and its Annexes of the Minister for Foreign Affairs of the Republic of Indonesia *ad interim* dated 14 September 2005 and your letter and its Annexes dated 3 October 2005 regarding the tasks, status, privileges and immunities of the Aceh Monitoring Mission (AMM) and the letter of the Minister for Foreign Affairs of the Republic of Indonesia dated 13 February 2006 and your reply dated 28 February 2006 regarding the extension of the European Union's presence in NAD until 15 June 2006.

In that regard, I have the honour to convey to you the decision of the Government of the Republic of Indonesia to another time invite the European Union to extend its presence in NAD for a period from 16 June 2006 until 15 September 2006.

The status, privileges and immunities of the AMM will be identical to those stipulated in our exchange of letters respectively dated 14 September 2005 and 3 October 2005 constituting legally binding instrument between the Government of the Republic of Indonesia and the European Union.

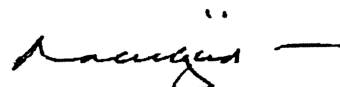
The works of the AMM during this period will include the tasks of AMM as stipulated in Article 5.2 of the Memorandum of Understanding Between the Government of the Republic of Indonesia and the Free Aceh Movement 15 August 2005, except tasks (a) and (b) that have been completed.

If the foregoing proposal is acceptable to the European Union, I have further the honour to propose that this letter as well as your affirmative letter in reply together constitute a legally binding instrument between the Government of the Republic of Indonesia and the European Union. This instrument shall enter into force on 16 June 2006 and be terminated on 15 September 2006. For the Government of the Republic of Indonesia this legal framework is based on Indonesian Law No 2 of 1982 dated 25 January 1982 concerning the Ratification of Convention on Special Mission, 1969.

I believe that the constructive cooperation that has been established, with a view to providing a peaceful, comprehensive and sustainable solution to the challenges facing Aceh, within the framework of the Unitary State of the Republic of Indonesia, can be further sustained and strengthened.

I look forward to your positive consideration.

Yours sincerely,



Dr. N. Hassan Wirajuda

B. Letter from the European Union

Brussels, 14-06-2006

Dear Excellency,

I have the honour to refer to your letter of 5 May 2006 in which you convey to us the decision of the Government of the Republic of Indonesia to invite the European Union to extend its presence in the Province of Nanggroe Aceh Darussalam (NAD) for a period of three months from 16 June 2006 until 15 September 2006.

I am pleased to confirm to you that the European Union has agreed to respond positively to this invitation.

I confirm that, in accordance with the terms of our exchange of letters respectively dated 14 September 2005 and 3 October 2005 constituting a legally binding instrument between the Government of the Republic of Indonesia and the European Union, this instrument will be extended until 15 September 2006.

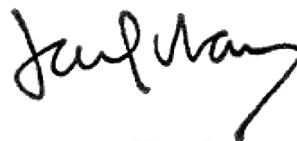
The work of the AMM during this period will include the tasks of the AMM as stipulated in Article 5.2 of the Memorandum of Understanding Between the Government of Indonesia and the Free Aceh Movement of 15 August 2005, except tasks (a) and (b) which have been completed.

I have further the honour to confirm that your letter and this letter in reply constitute a legally binding instrument between the Government of the Republic of Indonesia and the European Union. This instrument shall enter into force on 16 June 2006 and be terminated on 15 September 2006.

May I once more take this opportunity to record the EU's appreciation of the progress made in the Aceh peace process and to reaffirm the European Union's continued commitment to supporting the development of a peaceful, comprehensive and sustainable solution to the challenges facing Aceh.

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

Yours sincerely,



Javier Solana

Information of the entry into force of the Agreement in the form of an Exchange of Letters between the European Community and the Republic of Chile concerning amendments to the Agreement on Trade in Wines annexed to the Agreement establishing an Association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part

The Republic of Chile has notified its approval of the adoption of the Agreement in the form of an Exchange of Letters between the European Community and the Republic of Chile concerning amendments to the Agreement on Trade in Wines annexed to the Agreement establishing an Association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part.

This Agreement therefore enters into force on 24 April 2006 ⁽¹⁾.

⁽¹⁾ OJ L 54, 24.2.2006, p. 24.

Information of the entry into force of the Agreement in the form of an Exchange of Letters between the European Community and the Republic of Chile concerning amendments to the Agreement on Trade in Spirit Drinks and Aromatised Drinks annexed to the Agreement establishing an Association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part

The Republic of Chile has notified its approval of the adoption of the Agreement in the form of an Exchange of Letters between the European Community and the Republic of Chile concerning amendments to the Agreement on Trade in Spirit Drinks and Aromatised Drinks annexed to the Agreement establishing an Association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part.

This Agreement therefore enters into force on 24 April 2006 ⁽¹⁾.

⁽¹⁾ OJ L 54, 24.2.2006, p. 29.

POLITICAL AND SECURITY COMMITTEE DECISION EUJUST LEX/1/2006**of 13 June 2006****extending the mandate of the Head of Mission for the European Union Integrated Rule of Law Mission for Iraq, EUJUST LEX**

(2006/449/CFSP)

THE POLITICAL AND SECURITY COMMITTEE,

Having regard to the Treaty on European Union and in particular the third paragraph of Article 25 thereof,

Having regard to Council Joint Action 2005/190/CFSP of 7 March 2005 on the European Union Integrated Rule of Law Mission for Iraq, EUJUST LEX ⁽¹⁾, and in particular Article 11(2) thereof,

Whereas:

- (1) Article 9(1) of Joint Action 2005/190/CFSP provides that the Council authorises the Political and Security Committee to take the relevant decisions in accordance with Article 25 of the Treaty, including the decision to appoint, upon a proposal by the Secretary-General/High Representative, a Head of Mission.
- (2) On 8 March 2005, the Political and Security Committee adopted Decision EUJUST LEX 1/2005 ⁽²⁾ appointing Mr Stephen WHITE as Head of Mission of the Integrated Rule of Law Mission for Iraq, EUJUST LEX. That Decision expires on 30 June 2006.
- (3) On 12 June 2006, the Council adopted Joint Action 2006/413/CFSP, extending the Integrated Rule of Law Mission for Iraq, EUJUST LEX, for a further period of 18 months.

(4) The Secretary-General/High Representative has proposed the extension of the mandate of Mr Stephen WHITE as Head of Mission of the Integrated Rule of Law Mission for Iraq, EUJUST LEX, until the end of the Mission.

(5) The mandate of Mr Stephen WHITE as Head of Mission of the Integrated Rule of Law Mission for Iraq, EUJUST LEX, should therefore be extended until the end of the Mission,

HAS DECIDED AS FOLLOWS:

Article 1

The mandate of Mr Stephen WHITE as Head of Mission of the European Union Integrated Rule of Law Mission for Iraq, EUJUST LEX, is hereby extended until the end of the Mission.

Article 2

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

It shall apply until the end of the European Union Integrated Rule of Law Mission for Iraq, EUJUST LEX.

Done at Brussels, 13 June 2006.

For the Political and Security Committee

The President

F. J. KUGLITSCH

⁽¹⁾ OJ L 62, 9.3.2005, p. 37. Joint Action as amended and extended by Joint Action 2006/413/CFSP (OJ L 163, 15.6.2006, p. 17).

⁽²⁾ OJ L 72, 18.3.2005, p. 29.