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<sup>(1)</sup> Text with EEA relevance

## I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 1038/2006**  
**of 7 July 2006**  
**establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 8 July 2006.

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

Done at Brussels, 7 July 2006.

*For the Commission*

J. L. DEMARTY

*Director-General for Agriculture and  
Rural Development*

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

## ANNEX

**to Commission Regulation of 7 July 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 <sup>(1)</sup>	Standard import value
0702 00 00	052	56,5
	204	28,7
	999	42,6
0707 00 05	052	105,9
	999	105,9
0709 90 70	052	85,1
	999	85,1
0805 50 10	388	56,2
	528	54,9
	999	55,6
0808 10 80	388	91,6
	400	99,8
	404	94,7
	508	84,5
	512	78,0
	524	54,1
	528	67,4
	720	116,2
	800	145,8
	804	96,9
	999	92,9
0808 20 50	388	107,4
	512	95,8
	528	88,8
	720	32,4
	999	81,1
0809 10 00	052	182,4
	999	182,4
0809 20 95	052	318,7
	068	95,0
	608	218,2
	999	210,6
0809 40 05	624	146,3
	999	146,3

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

## COMMISSION REGULATION (EC) No 1039/2006

of 7 July 2006

**opening a standing invitation to tender for the resale on the Community market of sugar held by the intervention agencies of Belgium, the Czech Republic, Germany, Spain, Ireland, Italy, Hungary, Poland, Slovenia, Slovakia and Sweden**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 318/2006 of 20 February 2006 on the common organisation of the market in the sugar sector <sup>(1)</sup>, and in particular Article 40(2)(d) thereof,

Whereas:

- (1) Article 39(1) of Commission Regulation (EC) No 952/2006 of 29 June 2006 on the management of the internal sugar market and the quota regime <sup>(2)</sup>, and in particular Article 40(2)(d) thereof,
- (2) Belgium, the Czech Republic, Germany, Spain, Ireland, Italy, Hungary, Poland, Slovenia, Slovakia and Sweden have intervention stocks of sugar. In order to respond to market needs, it is appropriate to make these stocks available on the internal market.
- (3) To take account of the situation on the Community market, provision should be made for the Commission to fix a minimum selling price for each partial invitation to tender.
- (4) The intervention agencies of Belgium, the Czech Republic, Germany, Spain, Ireland, Italy, Hungary, Poland, Slovenia, Slovakia and Sweden should communicate the tenders to the Commission. The tenderers should remain anonymous.
- (5) The second paragraph of Article 59 of Regulation (EC) No 952/2006 provides that Commission Regulation (EC) No 1262/2001 of 27 June 2001 laying down detailed rules for implementing Council Regulation (EC) No 1260/2001 as regards the buying in and sale of sugar by intervention agencies <sup>(3)</sup> continues to apply to sugar accepted into intervention before 10 February 2006. However, for the resale of intervention sugar, this distinction is unnecessary and its implementation

would create administrative difficulties for the Member States. It is therefore appropriate to exclude the application of Regulation (EC) No 1262/2001 to the resale of intervention sugar.

- (6) 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 intervention agencies of Belgium, the Czech Republic, Germany, Spain, Ireland, Italy, Hungary, Poland, Slovenia, Slovakia and Sweden shall offer for sale by standing invitation to tender on the Community internal market a total quantity of 1 370 636,672 tonnes of sugar accepted into intervention and available for sale on the internal market. The quantities involved per Member State are set out in Annex I.

*Article 2*

1. The period during which tenders may be submitted in response to the first partial invitation to tender shall begin on 19 July 2006 and shall end on 26 July 2006 at 15.00, Brussels time.

The periods during which tenders may be submitted in response to the second and subsequent partial invitations shall begin on the first working day following the end of the preceding period. They shall end at 15.00, Brussels time:

- on 9 and 30 August 2006,
- on 13 and 27 September 2006,
- on 4 and 18 October 2006,
- on 8 and 22 November 2006,

<sup>(1)</sup> OJ L 58, 28.2.2006, p. 1.

<sup>(2)</sup> OJ L 178, 1.7.2006, p. 39.

<sup>(3)</sup> OJ L 178, 30.6.2001, p. 48. Regulation repealed by Regulation (EC) No 952/2006.

- on 6 and 20 December 2006,
- on 10 and 24 January 2007,
- on 7 and 21 February 2007,
- on 7 and 28 March 2007,
- on 18 and 25 April 2007,
- on 9 and 23 May 2007,
- on 13 and 27 June 2007,
- on 11 and 18 July 2007,
- on 8 and 29 August 2007,
- on 12 and 26 September 2007.

2. Tenders shall be lodged with the intervention agency holding the sugar as set out in Annex I.

#### *Article 3*

The intervention agencies concerned shall communicate to the Commission tenders submitted within two hours after the expiry of the deadline for the submissions laid down in Article 2(1).

The tenderers shall not be identified.

Tenders submitted shall be communicated in electronic form according to be the model laid down in the Annex II.

When no tenders are submitted, the Member State shall communicate this to the Commission within the same time limit.

#### *Article 4*

1. The Commission shall fix per Member State concerned the minimum sale price or decide not to accept the tenders in accordance with the procedure referred to in Article 39(2) of Regulation (EC) No 318/2006.

2. Where an award at a minimum price set pursuant to paragraph 1 would result in the available quantity for the Member State concerned being exceeded, that award shall be limited to such quantity as is still available.

Where awards for a Member State to all tenderers offering the same price would result in the quantity for that Member State being exceeded, then the quantity available shall be awarded as follows:

- (a) by division among the tenderers concerned in proportion of the total quantities in each of their tenders; or
- (b) by apportionment among the tenderers concerned by reference to a maximum tonnage fixed for each of them; or
- (c) by drawing of lots.

#### *Article 5*

By way of derogation from the second paragraph of Article 59 of Regulation (EC) No 952/2006, that Regulation shall apply to the resale, as referred to in Article 1 of this Regulation, of sugar accepted into intervention before 10 February 2006.

#### *Article 6*

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

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

Done at Brussels, 7 July 2006.

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

## ANNEX I

## Member States holding intervention sugar

Member State	Intervention Agency	Quantities held by the intervention agency and available for the sale on internal market (in tonnes)
Belgium	Bureau d'intervention et de restitution belge, rue de Trèves, 82 B-1040 Bruxelles  Tel. (32-2) 287 24 11 Fax (32-2) 287 25 24	30 648,00
Czech Republic	Státní zemědělský intervenční fond oddělení pro cukr a škrob Ve Smečkách 33 CZ-11000 Praha 1  Tel. (420) 222 87 14 27 Fax (420) 222 87 18 75	48 937,72
Germany	Bundesanstalt für Landwirtschaft und Ernährung Deichmanns Aue 29 D-53179 Bonn  Tel. (49-228) 68 45-35 12/38 50 Fax (49-228) 68 45 36 24	17 500,00
Spain	Fondo Español de Garantía Agraria C/ Beneficencia, 8 E-28004 Madrid  Tel. (34) 913 47 64 66 Fax (34) 913 47 63 97	110 800,00
Ireland	Intervention Section On- Farm Investment Subsidies & Storage Division Department of Agriculture & Food Johnstown Castle Estate Wexford  Tel. (353) 536 34 37 Fax (353) 914 28 43	12 000,00
Italy	AGEA — Agenzia per le Erogazioni in Agricoltura Ufficio ammassi pubblici e privati e alcool Via Torino, 45 I-00184 Roma  Tel. (39) 06 49 499 558 Fax (39) 06 49 499 761	636 648,70
Hungary	Mezőgazdasági és Vidékfejlesztési Hivatal (MVH), Budapest (Agricultural and Rural Development Agency) Soroksári út 22-24. HU-1095 Budapest  Tel. 36/1/219-6213 Fax 36/1/219-8905 or 36/1/219-6259	224 037,90
Poland	Agencja Rynku Rolnego Biuro Cukru Dział Dopłat i Interwencji Nowy Świat 6/12 00-400 Warszawa  Tel. +48 22 661 71 30 Fax +48 22 661 72 77	172 326,26

Member State	Intervention Agency	Quantities held by the intervention agency and available for the sale on internal market (in tonnes)
Slovenia	Agencija RS za kmetijske trge in razvoj podeželja; Dunajska 160 1000 Ljubljana Tel. +386 1 580 77 92 Fax +386 1 478 920	9 700,00
Slovakia	Pôdohospodarská platobná agentúra Oddelenie cukru a ostatných komodít Dobrovičova 12 815 26 Bratislava Slovenská republika Tel. (421-2) 58 24 32 55 Fax (421-2) 53 41 26 65	49 000,00
Sweden	Statens jordbruksverk Vallgatan 8 S-55182 Jönköping Tel. (46-36) 15 50 00 Fax (46-36) 19 05 46	59 038,00

## ANNEX II

**Model for the communication to the Commission as referred to in Article 3**

Form (\*)

Standing invitation to tender for the resale of sugar held by the intervention agencies

Regulation (EC) No 1039/2006

1	2	3	4	5
Member State selling intervention sugar	Numbering of tenderers	Lot No	Quantity (t)	Tender price EUR/100 kg
	1			
	2			
	3			
	etc.			

(\*) To be faxed to the following number: (32-2) 292 10 34.

**COMMISSION REGULATION (EC) No 1040/2006**

**of 7 July 2006**

**amending Regulations (EC) No 2204/2002, (EC) No 70/2001 and (EC) No 68/2001 as regards period of application**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 994/98 of 7 May 1998 on the application of Articles 92 and 93 of the Treaty establishing the European Community to certain categories of horizontal State aid<sup>(1)</sup>, and in particular points (a)(i), (ii), (iv) and b) of Article 1(1) thereof,

Having published a draft of this Regulation,

After consulting the Advisory Committee on State Aid,

Whereas:

(1) Commission Regulation (EC) No 2204/2002 of 12 December 2002 on the application of Articles 87 and 88 of the EC Treaty to State aid for employment<sup>(2)</sup>, Commission Regulation (EC) No 70/2001 of 12 January 2001 on the application of Articles 87 and 88 of the EC Treaty to state aid for small and medium-sized enterprises<sup>(3)</sup> and Commission Regulation (EC) No 68/2001 of 12 January 2001 on the application of Articles 87 and 88 of the EC Treaty to training aid<sup>(4)</sup> will expire on 31 December 2006. In its State Aid Action Plan<sup>(5)</sup> the Commission has proposed to regroup these Regulations, in one single block exemption Regulation and possibly add other areas mentioned in Article 1 and 2 of Regulation (EC) No 994/98.

(2) The contents of the future block exemption Regulation depends in particular on the results of the public consultations initiated by the State Aid Action Plan and by the Commission consultation document on State aid and Innovation<sup>(6)</sup>. Discussions with representatives of Member States are also necessary in order to define the

categories of aid which might be considered compatible with the Treaty. In order to proceed with the current consultations and the analysis of their results, it is appropriate to extend the validity of Regulations (EC) No 2204/2002, (EC) No 70/2001 and (EC) No 68/2001 until the end of 2007.

(3) Regulations (EC) No 2204/2002, (EC) No 68/2001 and (EC) No 70/2001 should therefore be amended accordingly.

(4) The measures provided for in this Regulation are in accordance with the opinion of the Advisory Committee on State Aids,

HAS ADOPTED THIS REGULATION:

*Article 1*

The second sentence of Article 8(1) of Regulation (EC) No 68/2001 is replaced by:

'It shall apply until 31 December 2007.'

*Article 2*

The second sentence of Article 10(1) of Regulation (EC) No 70/2001 is replaced by:

'It shall apply until 31 December 2007.'

*Article 3*

The second sentence of Article 11(1) of Regulation (EC) No 2204/2002 is replaced by:

'It shall apply until 31 December 2007.'

*Article 4*

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

<sup>(1)</sup> OJ L 142, 14.5.1998, p. 1.

<sup>(2)</sup> OJ L 337, 13.12.2002, p. 3.

<sup>(3)</sup> OJ L 10, 13.1.2001, p. 33. Regulation as amended by Regulation (EC) No 364/2004 (OJ L 63, 28.2.2004, p. 22).

<sup>(4)</sup> OJ L 10, 13.1.2001, p. 20. Regulation as amended by Regulation (EC) No 364/2004 (OJ L 63, 28.2.2004, p. 20).

<sup>(5)</sup> COM(2005) 107 final.

<sup>(6)</sup> COM(2005) 436 final.

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

Done at Brussels, 7 July 2006.

*For the Commission*  
Neelie KROES  
*Member of the Commission*

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**COMMISSION REGULATION (EC) No 1041/2006****of 7 July 2006****amending Annex III to Regulation (EC) No 999/2001 of the European Parliament and of the Council  
as regards monitoring of transmissible spongiform encephalopathies in ovine animals****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies <sup>(1)</sup>, and in particular the first paragraph of Article 23 thereof,

Whereas:

- (1) Regulation (EC) No 999/2001 lays down rules for the monitoring of transmissible spongiform encephalopathies (TSE) in ovine animals.
- (2) On 8 March 2006, a panel of experts on TSEs in small ruminants, chaired by the Community Reference Laboratory for TSEs (CRL), confirmed that bovine spongiform encephalopathy (BSE) in those animals cannot be excluded following the results of the second stage of discriminatory testing of brain samples of two sheep from France and one sheep from Cyprus. Further testing is required in order to exclude the presence of BSE in such animals.
- (3) In April 2002, the former Scientific Steering Committee of the European Commission (SSC) adopted an opinion on safe sourcing of small ruminant materials should BSE become likely in small ruminants. In its opinion of November 2003, the Scientific Panel on Biological Hazards of the European Food Safety Authority (EFSA) endorsed the recommendations of the SSC opinion with regard to the TSE-related safety of certain small ruminant products.
- (4) The significance of those TSE cases in France and Cyprus, where the presence of BSE cannot be excluded should be assessed. In order to do so, the results of an increased monitoring of TSEs in sheep is essential. Therefore, and

in line with the SSC and EFSA opinions, the monitoring of sheep should be extended in order to improve the Community eradication programmes. Those programmes also increase the level of consumer protection, in addition to the safe sourcing of sheep products assured by the current measures, in particular the provisions on the removal of specified risk materials, in Regulation (EC) No 999/2001.

- (5) The extended monitoring should be based on a statistically valid survey in order to determine the likely prevalence of BSE in sheep as soon as possible and to improve knowledge of the geographical distribution of the disease.
- (6) In view of the high level of TSEs in the ovine and caprine population in Cyprus the extended monitoring of ovine animals can be limited to non-infected flocks.
- (7) The monitoring programme in ovine animals should be reviewed after at least six months of effective monitoring.
- (8) Regulation (EC) No 999/2001 should therefore be amended accordingly.
- (9) In order to ensure the highest possible level of consumer protection by assessing the possible prevalence of BSE in ovine animals, the amendments made by this Regulation should enter into force without delay.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee of the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

*Article 1*

Annex III to Regulation (EC) No 999/2001 is amended in accordance with the Annex to this Regulation.

<sup>(1)</sup> OJ L 147, 31.5.2001, p. 1. Regulation as last amended by Commission Regulation (EC) No 688/2006 (OJ L 120, 5.5.2006, p. 10).

*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, 7 July 2006.

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

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## ANNEX

In Part II of Annex III to Regulation (EC) No 999/2001 points 2 and 3 of Chapter A are replaced by the following:

**2. Monitoring in ovine and caprine animals slaughtered for human consumption**

(a) *Ovine animals*

Member States shall test healthy slaughtered ovine animals in accordance with the minimum sample sizes listed in Table A of this point and the sampling rules set out in point 4.

Table A

Member State	Minimum sample size in healthy slaughtered ovine animals <sup>(1)</sup>
Germany	37 500
Greece	23 000
Spain	41 800
France	42 400
Ireland	40 500
Italy	43 700
the Netherlands	23 300
Austria	14 300
Poland	23 300
Portugal	14 300
United Kingdom	44 000
Other Member States	all

<sup>(1)</sup> Minimum sample sizes are set to take account of the size of the number of healthy slaughtered ovine animals and are intended to provide achievable targets. The minimum sample sizes above 30 000 allow the detection of a prevalence of 0,003 % with a 95 % confidence.

By way of derogation from the minimum sample sizes listed in Table A Cyprus may decide to test only a minimum of two ovine animals sent for slaughter for human consumption from every flock where no TSE cases have been registered.

(b) *Caprine animals*

Member States shall test healthy slaughtered caprine animals in accordance with the minimum sample sizes listed in Table B of this point and the sampling rules set out in point 4.

Table B

Member State	Minimum sample size in healthy slaughtered caprine animals <sup>(1)</sup>
Greece	20 000
Spain	125 500
France	93 000
Italy	60 000
Cyprus	5 000
Austria	5 000
Other Member States	all

<sup>(1)</sup> Minimum sample sizes are set to take account of the size of the number of healthy slaughtered caprine animals and the prevalence of BSE in the individual Member State. They are also intended to provide achievable targets. The minimum sample sizes above 60 000 allow the detection of a prevalence of 0,0017 % with a 95 % confidence.

(c) Where a Member State experiences difficulty in collecting sufficient numbers of healthy slaughtered ovine or caprine animals to reach its allotted minimum sample size established in points (a) and (b), it may choose to replace a maximum of 50 % of its minimum sample size by testing dead ovine or caprine animals over the age of 18 months at the ratio of one to one and in addition to the minimum sample size set out in point 3. In addition a Member State may choose to replace a maximum of 10 % of its minimum sample size by testing ovine or caprine animals killed in the framework of a disease eradication campaign over the age of 18 months at the ratio of one to one.

### 3. Monitoring in ovine and caprine animals not slaughtered for human consumption

Member States shall test in accordance with the sampling rules set out in point 4 and the minimum sample sizes indicated in Table C and Table D, ovine and caprine animals which have died or been killed, but which were not:

- killed in the framework of a disease eradication campaign, or
- slaughtered for human consumption.

Table C

Member State population of ewes and ewe lambs put to the ram	Minimum sample size of dead ovine animals <sup>(1)</sup>
> 750 000	20 000
100 000-750 000	3 000
40 000-100 000	100 % up to 1 000
< 40 000	100 % up to 200

<sup>(1)</sup> Minimum sample sizes are set to take account of the size of the ovine and caprine populations in the individual Member States and are intended to provide achievable targets.

Table D

Member State population of goats which have already kidded and goats mated	Minimum sample size of dead caprine animals <sup>(1)</sup>
> 750 000	10 000
250 000-750 000	3 000
40 000-250 000	100 % up to 1 000
< 40 000	100 % up to 200

<sup>(1)</sup> Minimum sample sizes are set to take account of the size of the ovine and caprine populations in the individual Member States and are intended to provide achievable targets.

**COMMISSION REGULATION (EC) No 1042/2006****of 7 July 2006****laying down detailed rules for the implementation of Article 28(3) and (4) of Council Regulation (EC) No 2371/2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy <sup>(1)</sup>, and in particular Article 28(6) thereof,

Whereas:

- (1) Article 28(6) of Regulation (EC) No 2371/2002 provides that detailed rules are to be adopted for the implementation of Article 28(3) and (4) of that Regulation.
- (2) It is necessary to specify the conditions under which Member States may carry out inspections of fishing vessels in all Community waters outside waters under their sovereignty and in international waters, as provided for in Article 28(3) of Regulation (EC) No 2371/2002.
- (3) Article 28(4) of Regulation (EC) No 2371/2002 provides that the Commission is to establish a list of Community inspectors, inspection vessels and inspection aircraft and other means of inspection authorised to carry out inspections pursuant to Chapter V of that Regulation in Community waters and on Community fishing vessels. It is appropriate that those Community inspectors may be assigned for the implementation of the specific control and inspection programmes adopted in accordance with Article 34c of Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the Common Fisheries Policy <sup>(2)</sup>.
- (4) It is necessary to specify the conditions under which Community inspectors may carry out inspections in Community waters and on Community fishing vessels in accordance with Article 28(4) of Regulation (EC) No 2371/2002.

- (5) The measures provided for in this Regulation are in accordance with the opinion of the Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS REGULATION:

## CHAPTER I

**MEMBER STATE INSPECTIONS***Article 1***Inspections of vessels flying the flag of the inspecting Member State**

1. A Member State which intends to inspect Community fishing vessels flying its flag (inspecting Member State) in Community waters under the jurisdiction of another Member State (coastal Member State), in accordance with the first subparagraph of Article 28(3) of Regulation (EC) No 2371/2002, shall notify the coastal Member State concerned of its intention.

2. The prior notification provided for in paragraph 1 shall include the following information:

- (a) the name and call sign of the inspection vessel;
- (b) the estimated point and time of entry into the waters under the jurisdiction of the coastal Member State.

3. Upon the prior notification provided for in paragraph 1, the coastal Member State shall, for the purpose of operational coordination, inform the inspecting Member State of any inspection activity currently carried out in the relevant area.

*Article 2***Inspections of vessels flying the flag of another Member State or a third country**

1. A Member State, which intends to inspect fishing vessels flying the flag of another Member State or of a third country in Community waters under the jurisdiction of another Member State, in accordance with point (a) of the second subparagraph of Article 28(3) of Regulation (EC) No 2371/2002, shall request the coastal Member State concerned for authorisation. That request shall include the information listed in Article 1(2) of this Regulation.

<sup>(1)</sup> OJ L 358, 31.12.2002, p. 59.

<sup>(2)</sup> OJ L 261, 20.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 768/2005 (OJ L 128, 21.5.2005, p. 1).

2. The coastal Member State concerned shall decide whether to authorise the inspection within 24 hours of the time of the request and inform the inspecting Member State forthwith. Decisions shall also be communicated to the Commission or to the body that the Commission shall have designated for that purpose.

3. The conditions under which a Member State may inspect fishing vessels flying the flag of another Member State or a third country in Community waters under the jurisdiction of another Member State, in accordance with point (b) of the second subparagraph of Article 28(3) of Regulation (EC) No 2371/2002, shall be defined in the rules adopting the specific control and inspection programme concerned.

#### Article 3

##### Contact points

1. Member States shall designate the competent authority which shall act as the contact point for the following purposes:

- (a) issuing and receiving prior notifications in accordance with Article 1;
- (b) issuing and receiving requests and decisions in accordance with Article 2.

2. The contact point referred to in paragraph 1 shall be available 24 hours a day.

3. The contact details of the designated competent authority shall be notified to the Commission and to the other Member States.

4. The Commission shall designate its contact point for the purpose of communication pursuant to this Regulation.

#### Article 4

##### Reporting obligation

1. Following inspections carried out by a Member State in Community waters under the jurisdiction of another Member State, in accordance with Articles 1 and 2, the inspecting Member State shall submit a daily report on its activities to the coastal Member State concerned.

2. If an infringement has been detected as a result of an inspection carried out in accordance with Articles 1 and 2,

the inspecting Member State shall immediately submit a summarised inspection report to the coastal Member State. A full inspection report shall be submitted to the coastal and to the flag Member State within seven days from the time of inspection.

3. An inspection report drawn up after the inspection of a Community fishing vessel in international waters in accordance with the third subparagraph of Article 28(3) of Regulation (EC) No 2371/2002, shall be submitted to the flag Member State of that vessel within seven days from the date of the inspection. If an infringement has been detected as a result of the inspection, the inspecting Member State shall immediately submit a summarised inspection report to the flag Member State of the inspected vessel.

4. Paragraph 3 shall be without prejudice to rules laid down by international fisheries agreements.

5. Daily reports referred to in paragraph 1 and inspection reports referred to in paragraphs 2 and 3 shall be submitted, upon request, to the Commission or to the body that the Commission shall have designated for that purpose.

#### CHAPTER II

##### COMMUNITY INSPECTORS AND INSPECTION MEANS

#### Article 5

##### Nomination of Community inspectors and inspection means

1. Member States shall nominate Community inspectors, inspection vessels and inspection aircraft and other means of inspection to be included in the list established by the Commission in accordance with Article 28(4) of Regulation (EC) No 2371/2002.

2. Member States shall ensure that the Community inspectors nominated:

- (a) are fisheries inspectors in the Member State;
- (b) have a thorough experience in the field of fisheries control and inspection;
- (c) have an in-depth knowledge of Community fisheries legislation;

- (d) have a thorough knowledge of one of the official languages of the Community and a satisfactory knowledge of a second;
- (e) are physically fit to perform their duties;
- (f) have received the necessary training with regard to safety at sea.

#### Article 6

##### **List of Community inspectors and inspection means**

1. Member States shall notify the Commission electronically by 31 October 2006 of the names of the inspectors, inspection vessels, inspection aircraft and other means of inspection which they have nominated.
2. On the basis of the notifications from Member States the Commission shall adopt by 31 December 2006 a list of Community inspectors, inspection vessels, inspection aircraft and other means of inspection authorised to carry out inspections in accordance with Article 28(4) of Regulation (EC) No 2371/2002.
3. After the establishment of the initial list, Member States shall notify to the Commission by 31 October each year any modification to the list which they wish to introduce for the following calendar year. The Commission shall amend the list accordingly by 31 December each year.
4. The list and modifications thereto shall be published on the official website of the Commission or of the body that the Commission shall have designated for that purpose.

#### Article 7

##### **Tasks of Community inspectors**

1. Without prejudice to the primary responsibility of the coastal Member States, Community inspectors shall carry out inspections pursuant to Chapter V of Regulation (EC) No 2371/2002 in Community waters and on Community fishing vessels.
2. The Community inspectors may be assigned for:
  - (a) the implementation of the specific control and inspection programmes adopted in accordance with Article 34c of Regulation (EEC) No 2847/93;

- (b) international fisheries control and inspection programmes, where the Community is under an obligation to provide for inspections and controls; or
- (c) inspection programmes developed between Member States pursuant to Article 34b(2) of Regulation (EEC) No 2847/93.

#### Article 8

##### **Powers and obligations of Community inspectors**

1. For the accomplishment of their tasks and subject to paragraph 2, Community inspectors shall have the same powers as those of the fisheries inspectors of the Member State in which the inspection takes place, in particular as regards access to all areas on board Community fishing vessels and any other vessels carrying out activities relating to the common fisheries policy.
2. Community inspectors shall have no police and enforcement powers beyond the territory or outside the Community waters under the sovereignty and jurisdiction of their Member State of origin.
3. Community inspectors shall produce written authority. For this purpose they shall be provided with an identification document, issued by the Commission or the body that the Commission shall have designated for that purpose, stating their identity and capacity.
4. Member States shall afford the Community inspectors such assistance as they need to fulfil their tasks.

#### Article 9

##### **Inspection and surveillance reports**

1. Community inspectors shall submit a daily report on their activities, including the name and identification number of each vessel inspected and the type of inspection carried out, to the coastal Member State concerned.
2. If Community inspectors detect an infringement as a result of their inspection, they shall immediately submit a summarised inspection report to the coastal Member State or, where the inspection was carried out outside Community waters, to the flag State of the inspected vessel. They shall submit a full inspection report within seven days from the date of inspection.
3. Community inspectors shall submit a copy of the full inspection report to the flag State of the inspected vessel within seven days from the date of inspection.

4. Daily and inspection reports referred to in paragraphs 1 and 2 shall be transmitted, upon request, to the Commission or the body that the Commission shall have designated for that purpose.

*Article 10*

**Follow up of the reports**

1. Member States shall consider and act on reports submitted by the Community inspectors in accordance with Article 9(2) in the same way as they consider and act on reports from their own inspectors.

2. The Member State of origin of the Community inspector shall cooperate with the Member State acting on a report submitted by the Community inspector in order to facilitate judicial or administrative proceedings.

3. On request, a Community inspector shall assist and give evidence in infringement proceedings undertaken by any Member State.

CHAPTER III

**ACCESS TO INFORMATION**

*Article 11*

**Access to information**

1. In the framework of inspections carried out under Article 28(3) and (4) of Regulation (EC) No 2371/2002, Member State

inspectors and Community inspectors shall have access without delay to all information and documents, in particular to surveillance data including data generated by the system for satellite-based monitoring, which are needed to fulfil their tasks, to the same extent and under the same conditions as inspectors of the Member State in which the inspection takes place.

2. Access to information as provided for in paragraph 1 shall be limited to the purpose, period and geographic area of the inspection concerned.

3. The data received in the framework of this Article shall be treated in a confidential manner and may be used solely for the purposes for which they are provided.

CHAPTER IV

**FINAL PROVISIONS**

*Article 12*

**Entry into force**

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

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

Done at Brussels, 7 July 2006.

*For the Commission*

Joe BORG

*Member of the Commission*

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## COMMISSION REGULATION (EC) No 1043/2006

of 7 July 2006

## setting the actual production of olive oil and the unit amount of the production aid for the 2004/2005 marketing year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organisation of the market in oils and fats <sup>(1)</sup>, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 2261/84 of 17 July 1984 laying down general rules on the granting of aid for the production of olive oil and of aid to olive oil producer organisations <sup>(2)</sup>, and in particular Article 17a(2) thereof,

Whereas:

- (1) Under Article 5 of Regulation No 136/66/EEC, the unit production aid must be adjusted in each Member State where actual production exceeds the guaranteed national quantity referred to in paragraph 3 of that Article. With a view to assessing the extent of the overrun in Greece, Spain, France, Italy and Portugal, account should be taken of the estimates for the production of table olives, expressed as olive-oil equivalent using the relevant coefficients referred to, in the case of Greece, in Commission Decision 2001/649/EC <sup>(3)</sup>, in the case of Spain, in Commission Decision 2001/650/EC <sup>(4)</sup>, in the case of France, in Commission Decision 2001/648/EC <sup>(5)</sup>, in the case of Italy, in Commission Decision 2001/658/EC <sup>(6)</sup> and in the case of Portugal, in Commission Decision 2001/670/EC <sup>(7)</sup>.
- (2) Article 17a(1) of Regulation (EEC) No 2261/84 provides that, in order to determine the unit amount of the

production aid for olive oil that can be paid in advance, the estimated production for the marketing year concerned should be determined. That amount must be set at a level that rules out any risk of undue payment to olive growers. The amount also applies to table olives, expressed as olive-oil equivalent. For the 2004/05 marketing year, the estimated production and the unit amount of the production aid that can be paid in advance were laid down in Commission Regulation (EC) No 1709/2005 <sup>(8)</sup>.

- (3) In order to determine the actual production for which entitlement to aid is recognised, the individual Member States concerned must inform the Commission no later than 15 May following each marketing year of the quantity on which the aid is payable in that Member State, in accordance with Article 14(4) of Commission Regulation (EC) No 2366/98 <sup>(9)</sup>. According to that information, the quantity on which the aid is payable for the 2004/05 marketing year is 484 598 tonnes for Greece, 1 107 906 tonnes for Spain, 3 107 tonnes for France, 951 528 tonnes for Italy, 45 296 tonnes for Portugal and 26 tonnes for Slovenia.
- (4) Confirmation by the Member States that aid is payable on those quantities implies that the controls referred to in Regulations (EEC) No 2261/84 and (EC) No 2366/98 have been carried out. However, setting actual production on the basis of information from the Member States on the quantities on which aid is payable does not prejudice the conclusions that may be drawn from verification of the accuracy of that information under the accounts clearance procedure.
- (5) Taking account of the actual production figures, the unit amount of the production aid provided for in Article 5(1) of Regulation No 136/66/EEC payable on the eligible quantities of actual production should also be set.
- (6) For Slovenia, the unit amount of production aid set by this Regulation results from the application in 2005 of the percentage referred to in Article 143a of Council Regulation (EC) No 1782/2003 <sup>(10)</sup>, which established common rules for direct support schemes under the common agricultural policy and certain support schemes for farmers.

<sup>(1)</sup> OJ L 172, 30.9.1966, p. 3025/66. Regulation as last amended by Regulation (EC) No 865/2004 (OJ L 161, 30.4.2004, p. 97). Corrected by OJ L 206, 9.6.2004, p. 37.

<sup>(2)</sup> OJ L 208, 3.8.1984, p. 3. Regulation as last amended by Regulation (EC) No 1639/1998 (OJ L 210, 28.7.1998, p. 38).

<sup>(3)</sup> OJ L 229, 25.8.2001, p. 16. Decision as last amended by Decision 2004/607/EC (OJ L 274, 24.8.2004, p. 13).

<sup>(4)</sup> OJ L 229, 25.8.2001, p. 20. Decision as last amended by Decision 2004/607/EC.

<sup>(5)</sup> OJ L 229, 25.8.2001, p. 12. Decision as last amended by Decision 2004/607/EC.

<sup>(6)</sup> OJ L 231, 29.8.2001, p. 16. Decision as last amended by Decision 2004/607/EC.

<sup>(7)</sup> OJ L 235, 4.9.2001, p. 16. Decision as last amended by Decision 2004/607/EC.

<sup>(8)</sup> OJ L 274, 20.10.2005, p. 11.

<sup>(9)</sup> OJ L 293, 31.10.1998, p. 50. Regulation as last amended by Regulation (EC) No 1795/2005 (OJ L 288, 29.10.2005, p. 40).

<sup>(10)</sup> OJ L 270, 21.10.2003, p. 1. Regulation as last amended by Regulation (EC) No 319/2006 (OJ L 58, 28.2.2006, p. 32).

(7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Olive Oil and Table Olives,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. For the 2004/2005 marketing year, the actual production to be used to calculate the aid for olive oil as referred to in Article 5 of Regulation No 136/66/EEC shall be:

- 484 598 tonnes for Greece,
- 1 107 906 tonnes for Spain,
- 3 107 tonnes for France,
- 951 528 tonnes for Italy,
- 45 296 tonnes for Portugal,
- 26 tonnes for Slovenia.

2. For the 2004/2005 marketing year, the unit amount of the production aid referred to in Article 5 of Regulation No 136/66/EEC payable on the eligible quantities of actual production shall be:

- 130,27 EUR/100 kg for Greece,
- 90,53 EUR/100 kg for Spain,
- 132,25 EUR/100 kg for France,
- 73,93 EUR/100 kg for Italy,
- 132,25 EUR/100 kg for Portugal,
- 39,68 EUR/100 kg for Slovenia.

*Article 2*

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

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

Done at Brussels, 7 July 2006.

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

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**COMMISSION REGULATION (EC) No 1044/2006**  
**of 7 July 2006**  
**amending Regulation (EC) No 1019/2002 on marketing standards for olive oil**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 865/2004 of 29 April 2004 on the common organisation of the market in olive oil and table olives and amending Regulation (EEC) No 827/68 <sup>(1)</sup>, and in particular Article 5(3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1019/2002 <sup>(2)</sup> provides for a system designating certain optional references for olive oils. Under Article 5(c) of that Regulation, indications of the organoleptic properties of virgin olive oils may appear on the labelling only if they are based on the results of a method of analysis provided for in Commission Regulation (EEC) No 2568/91 of 11 July 1991 on the characteristics of olive oil and olive-residue oil and on the relevant methods of analysis <sup>(3)</sup>.
- (2) Under the tenth indent of Article 2(1) of Regulation (EEC) No 2568/91, organoleptic characteristics are to be evaluated in accordance with the method set out in Annex XII to that Regulation. Only the positive attributes listed in that Annex may be used. However, because of the very small number of organoleptic attributes listed in that Annex, traders are experiencing difficulties in describing the organoleptic characteristics of their virgin olive oils on labels.
- (3) The International Olive Oil Council's work to find new organoleptic evaluation methods that expand the range of positive attributes of virgin olive oils has now been concluded for extra virgin olive oils enjoying protected designation of origin status. Work is still continuing for

virgin olive oils without protected designation of origin status.

- (4) In order to allow the more exhaustive vocabulary necessary for better describing the wide range of varieties and tastes of virgin olive oils without protected designation of origin status, a new deadline should be laid down that is sufficient to permit the implementation of an organoleptic evaluation method that expands the range of positive attributes of virgin olive oils, with the exception of those with protected designation of origin status.
- (5) The date of application of Article 5(c) of Regulation (EC) No 1019/2002 should therefore be postponed to the date on which the 2008/09 marketing year commences.
- (6) Regulation (EC) No 1019/2002 should therefore be amended.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Olive Oil and Table Olives,

HAS ADOPTED THIS REGULATION:

*Article 1*

The third subparagraph of Article 12(2) of Regulation (EC) No 1019/2002 is replaced by:

'Article 5(c) shall apply from 1 July 2008.'

*Article 2*

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

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

Done at Brussels, 7 July 2006.

*For the Commission*

Mariann FISCHER BOEL

*Member of the Commission*

<sup>(1)</sup> OJ L 161, 30.4.2004, p. 97, corrected by OJ L 206, 9.6.2004, p. 37.

<sup>(2)</sup> OJ L 155, 14.6.2002, p. 27. Regulation as last amended by Regulation (EC) No 1750/2004 (OJ L 312, 9.10.2004, p. 7).

<sup>(3)</sup> OJ L 248, 5.9.1991, p. 1. Regulation as last amended by Regulation (EC) No 1989/2003 (OJ L 295, 13.11.2003, p. 57).

**COMMISSION REGULATION (EC) No 1045/2006****of 7 July 2006****amending the representative prices and additional duties for the import of certain products in the sugar sector fixed by Regulation (EC) No 1002/2006 for the 2006/2007 marketing year**

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 <sup>(1)</sup>,

Having regard to Commission Regulation (EC) No 951/2006 of 30 June 2006 laying down detailed rules for the implementation of Council Regulation (EC) No 318/2006 as regards trade with third countries in the sugar sector <sup>(2)</sup>, and in particular of the Article 36,

Whereas:

- (1) The representative prices and additional duties applicable to imports of white sugar, raw sugar and certain syrups

for the 2006/2007 marketing year are fixed by Commission Regulation (EC) No 1002/2006 <sup>(3)</sup>.

- (2) The data currently available to the Commission indicate that the said amounts should be changed in accordance with the rules and procedures laid down in Regulation (EC) No 951/2006,

HAS ADOPTED THIS REGULATION:

*Article 1*

The representative prices and additional duties on imports of the products referred to in Article 1 of Regulation (EC) No 951/2006, as fixed by Regulation (EC) No 1002/2006 for the 2006/2007 marketing year are hereby amended as set out in the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on 8 July 2006.

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

Done at Brussels, 7 July 2006.

*For the Commission*

J. L. DEMARTY

*Director-General for Agriculture and  
Rural Development*

<sup>(1)</sup> OJ L 55, 28.2.2006, p. 1.

<sup>(2)</sup> OJ L 178, 1.7.2006, p. 24.

<sup>(3)</sup> OJ L 178, 1.7.2006, p. 36.

## ANNEX

**Amended representative prices and additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99 applicable from 8 July 2006**

(EUR)

CN code	Representative price per 100 kg of the product concerned	Additional duty per 100 kg of the product concerned
1701 11 10 <sup>(1)</sup>	32,97	1,40
1701 11 90 <sup>(1)</sup>	32,97	5,05
1701 12 10 <sup>(1)</sup>	32,97	1,26
1701 12 90 <sup>(1)</sup>	32,97	4,72
1701 91 00 <sup>(2)</sup>	38,36	6,05
1701 99 10 <sup>(2)</sup>	38,36	2,83
1701 99 90 <sup>(2)</sup>	38,36	2,83
1702 90 99 <sup>(3)</sup>	0,38	0,29

<sup>(1)</sup> Fixed for the standard quality defined in Annex I.III to Council Regulation (EC) No 318/2006 (OJ L 58, 28.2.2006, p. 1).

<sup>(2)</sup> Fixed for the standard quality defined in Annex I.II to Regulation (EC) No 318/2006.

<sup>(3)</sup> Fixed per 1 % sucrose content.

**COMMISSION REGULATION (EC) No 1046/2006**  
**of 7 July 2006**  
**on the issuing of export licences for wine-sector products**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 883/2001 of 24 April 2001, laying down detailed rules for implementing Council Regulation (EC) No 1493/1999 as regards trade with third countries in products in the wine sector<sup>(1)</sup>, and in particular Article 7 and Article 9(3) thereof,

Whereas:

- (1) Article 63(7) of Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine<sup>(2)</sup>, limits the grant of export refunds for wine-sector products to the volumes and expenditure contained in the Agreement on Agriculture concluded during the Uruguay Round multilateral trade negotiations.
- (2) Article 9 of Regulation (EC) No 883/2001 lays down the conditions under which the Commission may take specific measures to prevent an overrun of the quantity laid down or the budget available under the said Agreement.
- (3) On the basis of information on export licence applications available to the Commission on 5 July 2006, the quantity still available for the period until 31 August 2006, for destination zones (1) Africa, (2) Asia, (3) Eastern Europe and (4) western Europe,

referred to in Article 9(5) of Regulation (EC) No 883/2001, could be exceeded unless the issue of export licences with advance fixing of the refund is restricted. Therefore, a single percentage for the acceptance of applications submitted from 1 to 4 July 2006 should be applied and the submission of applications and the issue of licences suspended for this zone until 16 September 2006,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. Export licences with advance fixing of the refund for wine-sector products for which applications are submitted from 1 to 4 July 2006 under Regulation (EC) No 883/2001 shall be issued in concurrence with 9,19 % of the quantities requested for zone (1) Africa, in concurrence with 12,52 % of the quantities requested for zone (2) Asia, in concurrence with 13,48 % of the quantities requested for zone (3) eastern Europe and in concurrence with 8,76 % of the quantities requested for zone (4) western Europe.

2. The issue of export licences for wine-sector products referred to in paragraph 1 for which applications are submitted from 5 July 2006 and the submission of export licence applications from 8 July 2006 for destination zone (1) Africa, (2) Asia, (3) Eastern Europe and (4) western Europe shall be suspended until 16 September 2006.

*Article 2*

This Regulation shall enter into force on 8 July 2006.

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

Done at Brussels, 7 July 2006.

*For the Commission*

J. L. DEMARTY

*Director-General for Agriculture and  
Rural Development*

<sup>(1)</sup> OJ L 128, 10.5.2001, p. 1. Regulation as last amended by Regulation (EC) No 2079/2005 (OJ L 333, 20.12.2005, p. 6).

<sup>(2)</sup> OJ L 179, 14.7.1999, p. 1. Regulation as last amended by Regulation (EC) No 2165/2005 (OJ L 345, 28.12.2005, p. 1).

**COMMISSION DIRECTIVE 2006/41/EC****of 7 July 2006****amending Council Directive 91/414/EEC to include clothianidin and pethoxamid as active substances****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market <sup>(1)</sup>, and in particular Article 6(1) thereof,

Whereas:

(1) Pursuant to Article 6(2) of Directive 91/414/EEC Belgium received, on 26 September 2001, an application from Sumitomo Chemical Takeda Agro Company Ltd, London, for the inclusion of the active substance clothianidin in Annex I to Directive 91/414/EEC. Commission Decision 2002/305/EC <sup>(2)</sup> confirmed that the dossier was 'complete' in the sense that it could be considered as satisfying, in principle, the data and information requirements of Annexes II and III to Directive 91/414/EEC.

(2) Germany received an application pursuant to Article 6(2) of Directive 91/414/EEC on 16 October 2000 from Stähler Agrochemie GmbH & Co., KG (now Stähler International GmbH & Co., KG) (on behalf of the Taskforce Stähler Agrochemie GmbH & Co. KG, Tokuyama Europe GmbH and Tomen France SA) for the inclusion of the active substance pethoxamid in Annex I to Directive 91/414/EEC. Commission Decision 2001/626/EC <sup>(3)</sup> confirmed that the dossier was 'complete' in the sense that it could be considered as satisfying, in principle, the data and information requirements of Annexes II and III to Directive 91/414/EEC.

(3) For those active substances, the effects on human health and the environment have been assessed, in accordance with the provisions of Article 6(2) and (4) of Directive 91/414/EEC, for the uses proposed by the applicants. The designated rapporteur Member States submitted draft assessment reports concerning the substances to the Commission on 4 June 2003 (clothianidin) and 27 August 2002 (pethoxamid), respectively.

(4) The draft assessment reports have been reviewed by the Member States and the Commission within the Standing Committee on the Food Chain and Animal Health. The review was finalised on 27 January 2006 in the format of the Commission review reports for clothianidin and pethoxamid.

(5) The review of clothianidin and pethoxamid did not reveal any open questions or concerns, which would have required a consultation of the Scientific Committee on Plants or of the European Food Safety Authority which has taken over the role of that Committee.

(6) It has appeared from the various examinations made that plant protection products containing the active substances concerned may be expected to satisfy, in general, the requirements laid down in Article 5(1) (a) and (b) and Article 5(3) of Directive 91/414/EEC, in particular with regard to the uses which were examined and detailed in the Commission review reports. It is therefore appropriate to include clothianidin and pethoxamid in Annex I to that Directive, in order to ensure that in all Member States the authorisations of plant protection products containing these active substances may be granted in accordance with the provisions of that Directive.

(7) Without prejudice to the obligations defined by Directive 91/414/EEC as a consequence of including an active substance in Annex I, Member States should be allowed a period of six months after inclusion to review existing provisional authorisations of plant protection products containing clothianidin or pethoxamid to ensure that the requirements laid down by Directive 91/414/EEC, in particular in its Article 13 and the relevant conditions set out in Annex I, are satisfied. Member States should transform existing provisional authorisations into full authorisations, amend them or withdraw them in accordance with the provisions of Directive 91/414/EEC. By derogation from the above deadline, a longer period should be provided for the submission and assessment of the complete Annex III dossier of each plant protection product for each intended use in accordance with the uniform principles laid down in Directive 91/414/EEC.

<sup>(1)</sup> OJ L 230, 19.8.1991, p. 1. Directive as last amended by Commission Directive 2006/45/EC (OJ L 130, 18.5.2006, p. 27).

<sup>(2)</sup> OJ L 104, 20.4.2002, p. 42.

<sup>(3)</sup> OJ L 217, 11.8.2001, p. 14.

(8) It is therefore appropriate to amend Directive 91/414/EEC accordingly.

- (9) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DIRECTIVE:

*Article 1*

Annex I to Directive 91/414/EEC is amended as set out in the Annex to this Directive.

*Article 2*

1. Member States shall adopt and publish by 31 January 2007 at the latest the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

They shall apply those provisions from 1 February 2007.

When Member States adopt those provisions, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

*Article 3*

1. Member States shall in accordance with Directive 91/414/EEC, where necessary, amend or withdraw existing authorisations for plant protection products containing clothianidin or pethoxamid as active substances by 31 January 2007. By that date, they shall in particular verify that the conditions in Annex I to that Directive relating to clothianidin or pethoxamid, respectively, are met, with the exception of those identified in part B of the entry concerning those active substances, and that the holder of the authorisation has, or has access to, a dossier satisfying the requirements of Annex II to that Directive in accordance with the conditions of Article 13.

2. By way of derogation from paragraph 1, for each authorised plant protection product containing clothianidin or pethoxamid as either the only active substance or as one of several active substances all of which were listed in Annex I to Directive 91/414/EEC by 31 July 2006 at the latest, Member States shall re-evaluate the product in accordance with the uniform principles provided for in Annex VI to Directive 91/414/EEC, on the basis of a dossier satisfying the requirements of Annex III to that Directive and taking into account part B of the entry in Annex I to that Directive concerning clothianidin or pethoxamid. On the basis of that evaluation, they shall determine whether the product satisfies the conditions set out in Article 4(1)(b), (c), (d) and (e) of Directive 91/414/EEC.

Following that determination Member States shall:

- (a) in the case of a product containing clothianidin or pethoxamid as the only active substance, where necessary, amend or withdraw the authorisation by 31 January 2008 at the latest; or
- (b) in the case of a product containing clothianidin or pethoxamid as one of several active substances, where necessary, amend or withdraw the authorisation by 31 January 2008 or by the date fixed for such an amendment or withdrawal in the respective Directive or Directives which added the relevant substance or substances to Annex I to Directive 91/414/EEC, whichever is the latest.

*Article 4*

This Directive shall enter into force on 1 August 2006.

*Article 5*

This Directive is addressed to the Member States.

Done at Brussels, 7 July 2006.

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

## ANNEX

In Annex I to Directive 91/414/EEC the following rows are added at the end of the table:

No	Common name, identification numbers	IUPAC name	Purity (%)	Entry into force	Expiration of inclusion	Specific provisions
123	Clothianidin CAS No 210880-92-5 CIPAC No 738	(E)-1-(2-chloro-1,3-thiazol-5-ylmethyl)-3-methyl-2-nitroguanidine	≥ 960 g/kg	1 August 2006	31 July 2016	<p>PART A</p> <p>Only uses as insecticide may be authorised.</p> <p>PART B</p> <p>For the implementation of the uniform principles of Annex VI, the conclusions of the review report on clothianidin, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 27 January 2006 shall be taken into account.</p> <p>In this overall assessment Member States</p> <ul style="list-style-type: none"> <li>— must pay particular attention to the protection of groundwater, when the active substance is applied in regions with vulnerable soil and/or climate conditions,</li> <li>— must pay particular attention to the risk to granivorous birds and mammals when the substance is used as a seed dressing.</li> </ul> <p>Conditions of use shall include risk mitigation measures, where appropriate.</p>

No	Common name, identification numbers	IUPAC name	Purity <sup>(1)</sup>	Entry into force	Expiration of inclusion	Specific provisions
124	Pethoxamid CAS No 106700-29-2 CIPAC No 655	2-chloro-N-(2-ethoxyethyl)-N-(2-methyl-1-phenylprop-1-enyl)acetamide	≥ 940 g/kg	1 August 2006	31 July 2016	<p>PART A</p> <p>Only uses as insecticide may be authorised.</p> <p>PART B</p> <p>For the implementation of the uniform principles of Annex VI, the conclusions of the review report on pethoxamid, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 27 January 2006 shall be taken into account.</p> <p>In this overall assessment Member States</p> <ul style="list-style-type: none"> <li>— must pay particular attention to the protection of groundwater, when the active substance is applied in regions with vulnerable soil and/or climate conditions,</li> <li>— must pay particular attention to the protection of the aquatic environment, in particular higher aquatic plants.</li> </ul> <p>Conditions of use shall include risk mitigation measures, where appropriate.</p> <p>The Member States shall inform the Commission in accordance with Article 13(5) on the specification of the technical material as commercially manufactured.</p>

<sup>(1)</sup> Further details on identity and specification of active substances are provided in the review report.

## II

(Acts whose publication is not obligatory)

## COUNCIL

## COUNCIL DECISION

of 29 May 2006

**concerning the conclusion of consultations with the Islamic Republic of Mauritania under Article 96 of the revised Cotonou Agreement**

(2006/470/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the ACP-EC Partnership Agreement signed in Cotonou on 23 June 2000 <sup>(1)</sup> (hereinafter referred to as the ACP-EC Agreement), as amended by the Agreement signed in Luxembourg on 25 June 2005 <sup>(2)</sup>, and in particular Article 96 thereof,

Having regard to the Internal Agreement on measures to be taken and procedures to be followed for the implementation of the ACP-EC Agreement <sup>(3)</sup>, and in particular Article 3 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) The essential elements referred to in Article 9 of the ACP-EC Agreement have been violated.
- (2) On 30 November 2005, pursuant to Article 96 of the ACP-EC Agreement, consultations started with the ACP countries and the Islamic Republic of Mauritania during which the Mauritanian authorities gave specific undertakings designed to remedy problems identified by the European Union and to implement those undertakings during a period of intensive dialogue lasting 120 days.
- (3) At the conclusion of this period some substantive initiatives have been taken in respect of some of the undertakings referred to above, and other undertakings have been fulfilled. Nevertheless several important

measures concerning essential elements of the ACP-EC Agreement still have to be implemented,

HAS DECIDED AS FOLLOWS:

*Article 1*

Consultations with the Islamic Republic of Mauritania under Article 96 of the ACP-EC Agreement are hereby concluded.

*Article 2*

The measures set out in the annexed letter are hereby adopted as appropriate measures under Article 96(2)(c) of the ACP-EC Agreement.

*Article 3*

This Decision shall enter into force on the day of its adoption.

This Decision shall expire on 29 November 2007. It shall be reviewed regularly at least once every six months.

*Article 4*

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

Done at Brussels, 29 May 2006.

*For the Council*  
*The President*  
M. BARTENSTEIN

<sup>(1)</sup> OJ L 317, 15.12.2000, p. 3.

<sup>(2)</sup> OJ L 209, 11.8.2005, p. 27.

<sup>(3)</sup> OJ L 317, 15.12.2000, p. 376.

## ANNEX

Dear Prime Minister,

The European Union (EU) attaches great importance to the provisions of Article 9 of the revised Cotonou Agreement. The ACP-EU partnership is founded on respect for human rights, democratic principles and the rule of law; these are essential elements of the Agreement and thus form the basis for relations between us.

In its statement of 3 August 2005 on the coup in Mauritania, the EU reiterated its condemnation of all attempts to seize power by force, and called for respect for democracy and a return to constitutional order.

Under Article 96 of the revised Cotonou Agreement, and considering that the *coup d'État* that took place on 3 August 2005 constituted a violation of certain essential elements listed in that Article, the EU invited Mauritania to consultations in order, as provided for in the Agreement, to study the situation in depth and, where necessary, take steps to remedy it.

These consultations began in Brussels on 30 November 2005. Mauritania gave a presentation based on a memorandum dated 24 November 2005 on developments in the country's situation since the coup of 3 August, and on the authorities' programme for the transitional period.

For its part, the EU was pleased to note that Mauritania had already confirmed a number of undertakings it had previously given, and had proposed positive steps regarding their implementation.

As noted below, Mauritania gave 23 specific undertakings at the meeting, in the areas of respect for democratic principles, fundamental freedoms and rights, the rule of law and good governance. The country also promised to provide the EU with a report on the implementation of these undertakings by mid-January 2006, to be followed by regular quarterly reports on developments in the situation.

The report submitted in mid-January allowed the EU to conclude that steady progress had been made. In addition to the progress already noted at the opening of consultations, a number of changes have been observed, particularly regarding:

- defining the procedures for the administrative survey for electoral purposes, to compile electoral rolls that are reliable and transparent,
- the adoption by the Council of Ministers of the draft law on Constitutional amendments to be submitted to a referendum,
- the appointment of new *Walīs* (regional governors) and *Hakems* (prefects), and a circular sent to local and regional authorities when they take office about the neutrality of the central and territorial administration,
- the development of a programme to raise awareness of civic issues and instil civic values, and the launch of a civic awareness campaign attended by the government authorities, the National Independent Electoral Commission, political parties, civil society organisations and the press,
- the creation of a working party under the Justice Minister to verify the constitutionality of texts on democratic freedoms and rights, and to make any proposals necessary,
- the establishing by decree and the setting up of a National Consultative Commission for the reform of the press and the audiovisual sector,
- the organisation of a workshop on the creation of a National Independent Human Rights Commission,

- circulars sent by the Justice Ministry and the Ministry of the Interior to the prosecution service and the territorial administration authorities asking them to seek, detect and prosecute any cases that might involve the direct or indirect exploitation of persons,
- the adoption by the Council of Ministers of draft ordinances authorising accession to the UN Convention against Corruption, and authorising the ratification of the African Convention against Corruption,
- the creation of a temporary committee to monitor the application of the Extractive Industries Transparency Initiative (EITI), and the adoption of a draft decree on the creation, organisation and workings of the National EITI Committee.

The initiatives introduced by the transitional authorities will undoubtedly help strengthen the respect for democratic principles, fundamental freedoms and rights, the rule of law and good governance in your country. However, most of the undertakings made at the outset of the consultations will be implemented over an extended period, and it will be necessary to monitor their implementation over time.

In this connection, the EU is anxious that the implementation of substantive measures should continue, in particular through,

- the organisation and holding of free and transparent elections using electoral rolls that are reliable and complete, using electoral systems and constituency weightings that are fair and agreed with the political parties,
- respect for pluralism in the audiovisual sector, and, in particular, the creation of free radio stations outside cities, and the revision of the press law,
- promoting human rights, especially through continued efforts to create a national independent human rights commission, the return of refugees and the restoration of their rights,
- application of the laws banning slavery and promising appropriate treatment for all problems arising from this evil,
- reform of the justice system,
- continued improvements in governance, including the publication of updated economic and budgetary statistical data,
- effective implementation of the Extractive Industries Transparency Initiative in the mining and hydrocarbon sectors and the application of the same good governance principles in the other natural resource sectors, in particular, as regards fisheries.

In the spirit of partnership that underlies the Cotonou Agreement, the EU expressed its readiness to support implementation of Mauritania's undertakings. In follow-up to the consultations, and in view of the undertakings given thus far and the measures still to be put in hand, it has been decided to adopt the following appropriate measures under Article 96(2)(c) of the revised Cotonou Agreement:

- cooperation activities under way under the Ninth European Development Fund (EDF) and its predecessors will continue, on condition that the special conditions of the Financing Agreements are observed,
- preparation and implementation of the institutional support projects bolstering the transition process, whose launch was decided when the consultations opened, will continue,
- preparation and implementation of the measures envisaged under the Ninth EDF and its predecessors in other areas of Community cooperation will also continue,
- programming activities for the 10th EDF will be launched in accordance with the timetable drawn up by the relevant Commission departments. Closure of the different stages in the programming process will be conditional on the holding of the referendum on the constitution and the planned elections under satisfactory conditions and within the time-scale fixed by the transitional authorities,

— the 10th EDF Country Strategy Paper for Mauritania cannot be signed before confirmation that the country has effectively returned to a constitutional order after free and transparent presidential and parliamentary elections have led to new democratically elected bodies taking office.

The EU Presidency and the European Commission will carry out regular joint reviews, the first of which will take place within the next six months.

The EU will continue to follow closely the situation in Mauritania. Under Article 8 of the Cotonou Agreement, an enhanced political dialogue will be conducted with your government over an 18-month monitoring period to ensure the restoration of democracy and the rule of law, notably through the holding of free and transparent local, parliamentary, senatorial and presidential elections, and a strengthening of respect for human rights and fundamental freedoms.

If implementation of the Mauritanian authorities' undertakings speeds up, or on the contrary breaks down, the EU reserves the right to adjust the appropriate measures.

I have the honour to be, Sir, yours faithfully,

Done at Brussels,

*For the Commission*

*For the Council*

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## COUNCIL DECISION

of 27 June 2006

## adjusting the allowances provided for in Decision 2003/479/EC concerning the rules applicable to national experts and military staff on secondment to the General Secretariat of the Council

(2006/471/EC)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

*Article 1*

Having regard to the Treaty on European Union, and in particular Article 28(1) thereof,

1. In Article 15(1) of Decision 2003/479/EC, EUR 28,16 and EUR 112,61 shall be replaced by EUR 28,78 and EUR 115,09 respectively.

Having regard to the Treaty establishing the European Community, and in particular Article 207(2) thereof,

2. In Article 15(2) the table shall be replaced by the following:

Having regard to Council Decision 2003/479/EC <sup>(1)</sup>, and in particular Article 15 thereof,

Distance between place of recruitment and place of secondment (in km)	Amount in EUR
0-150	0
> 150	73,98
> 300	131,52
> 500	213,73
> 800	345,26
> 1 300	542,55
> 2 000	649,43'

Whereas:

3. In Article 15(4), EUR 28,16 shall be replaced by EUR 28,78.

(1) Article 15(7) of Decision 2003/479/EC provides that the daily and monthly allowances applicable to national experts and military staff seconded to the General Secretariat of the Council are to be adjusted each year without retroactive effect on the basis of the adaptation of the basic salaries of Community officials in Brussels and Luxembourg.

*Article 2*

(2) The last adjustment of those allowances was provided for in Decision 2005/442/EC and took effect on 1 June 2005.

This Decision shall take effect on the first day of the month following its adoption.

(3) The Council, through Regulation (EC, Euratom) No 2104/2005 of 20 December 2005 adjusting, with effect from 1 July 2005, the remuneration and pensions of officials and other servants of the European Communities and the correction coefficients applied thereto <sup>(2)</sup>, adopted an adjustment of 2,2 % to the remuneration and pensions of Community officials,

Done at Luxembourg, 27 June 2006.

For the Council  
The President  
J. PRÖLL

<sup>(1)</sup> OJ L 160, 28.6.2003, p. 72. Decision as last amended by Decision 2005/442/EC (OJ L 153, 16.6.2005, p. 32).

<sup>(2)</sup> OJ L 337, 22.12.2005, p. 7.

# COMMISSION

## COMMISSION DECISION

of 4 July 2006

**definitively allocating between the Member States for 2006 Community Tobacco Fund resources for financing the measures indicated in Articles 13 and 14 of Regulation (EC) No 2182/2002**

(notified under document number C(2006) 3030)

**(Only the Dutch, French, German, Greek, Italian, Portuguese and Spanish versions are authentic)**

(2006/472/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2075/92 of 30 June 1992 on the common organisation of the market in raw tobacco <sup>(1)</sup>, and in particular Article 14a thereof,

Whereas:

- (1) Articles 13 and 14 of Commission Regulation (EC) No 2182/2002 of 6 December 2002 laying down detailed rules for the application of Council Regulation (EEC) No 2075/92 with regard to the Community Tobacco Fund <sup>(2)</sup> specify measures to promote switching of production. These are to be financed from the Community Tobacco Fund set up under Article 13 of Regulation (EEC) No 2075/92.
- (2) Total resources available from the Community Tobacco Fund for 2006 amount to EUR 29,2 million, slightly different from the amount indicated before, 50 % of which is to be allocated to specific measures relating to switching by tobacco growers to other crops or other economic activities generating employment, and to studies on these topics.
- (3) Under Article 17(4) of Regulation (EC) No 2182/2002, the amount available for 2006 should therefore be allocated between the Member States before 30 June

2006 on the basis of the provisional plans notified by them for funding the measures in the applications for aid.

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

HAS ADOPTED THIS DECISION:

### Article 1

The definitive allocation for 2006 between the Member States of the Community Tobacco Fund resources for financing the measures indicated in Articles 13 and 14 of Regulation (EC) No 2182/2002 is annexed hereto.

### Article 2

This Decision is addressed to the Kingdom of Belgium, the Federal Republic of Germany, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Italian Republic, the Republic of Austria and the Portuguese Republic.

Done at Brussels, 4 July 2006.

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

<sup>(1)</sup> OJ L 215, 30.7.1992, p. 70. Regulation last amended by Regulation (EC) No 1679/2005 (OJ L 271, 15.10.2005, p. 1).

<sup>(2)</sup> OJ L 331, 7.12.2002, p. 16. Regulation amended by Regulation (EC) No 1881/2005 (OJ L 301, 18.11.2005, p. 3).

## ANNEX

**Definitive allocation for 2006 between Member States of the Community Tobacco Fund resources for financing the measures indicated in Articles 13 and 14 of Regulation (EC) No 2182/2002***(EUR)*

	Definitive allocation
Basis	100 % of the national guarantee threshold
	Value
Belgium	62 350
Germany	499 597
Greece	5 255 417
Spain	1 853 806
France	1 127 090
Italy	5 542 586
Austria	0
Portugal	259 154
Total	14 600 000

## COMMISSION DECISION

of 5 July 2006

recognising certain third countries and certain areas of third countries as being free from *Xanthomonas campestris* (all strains pathogenic to Citrus), *Cercospora angolensis* Carv. et Mendes and *Guignardia citricarpa* Kiely (all strains pathogenic to Citrus)

(notified under document number C(2006) 3024)

(2006/000/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

therefore be recognised as being free from this harmful organism.

Having regard to the Treaty establishing the European Community,

(5) Australia has submitted information indicating that Queensland is no longer free from *Xanthomonas campestris*. Queensland should therefore no longer be recognised as being free from that harmful organism.

Having regard to Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community<sup>(1)</sup>, and in particular points 16.2, 16.3 and 16.4 of Section I of Part A of Annex IV thereof,

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

Whereas:

HAS ADOPTED THIS DECISION:

(1) In order to permit the introduction of fruits of *Citrus* L., *Fortunella* Swingle, *Poncirus* Raf., and their hybrids from third countries into the Community or their movement within the Community under Directive 2000/29/EC, Commission Decision 98/83/EC of 8 January 1998 recognising certain third countries and certain areas of third countries as being free of *Xanthomonas campestris* (all strains pathogenic to Citrus), *Cercospora angolensis* Carv. et Mendes and *Guignardia citricarpa* Kiely (all strains pathogenic to Citrus)<sup>(2)</sup> recognised certain third countries and certain areas of third countries as being free from those harmful organisms.

## Article 1

1. For the purposes of point 16.2 of Section I of Part A of Annex IV, the following third countries are recognised as being free from all strains of *Xanthomonas campestris* pathogenic to Citrus:

(2) Since its adoption, Decision 98/83/EC has been amended several times. In the interest of clarity and rationality Decision 98/83/EC should, therefore, be repealed and replaced.

(a) all citrus-growing third countries in Europe, Algeria, Egypt, Israel, Libya, Morocco, Tunisia and Turkey;

(3) New Zealand has submitted official information showing that its territory is free from *Xanthomonas campestris* and *Guignardia citricarpa*. New Zealand should therefore be recognised as being free from those harmful organisms.

(b) Africa: South Africa, Gambia, Ghana, Guinea, Kenya, Sudan, Swaziland and Zimbabwe;

(4) South Africa has submitted official information showing that the magisterial districts of Hartswater and Warrenton in Northern Cape are free from *Guignardia citricarpa*. These districts of South Africa should

(c) Central and South America and the Caribbean: the Bahamas, Belize, Chile, Colombia, Costa Rica, Cuba, Ecuador, Honduras, Jamaica, Mexico, Nicaragua, Peru, the Dominican Republic, Saint Lucia, El Salvador, Surinam and Venezuela;

(d) Oceania: New Zealand.

2. For the purposes of point 16.2 of Section I of Part A of Annex IV, the following areas are recognised as being free from all strains of *Xanthomonas campestris* pathogenic to Citrus:

<sup>(1)</sup> OJ L 169, 10.7.2000, p. 1. Directive as last amended by Commission Directive 2006/35/EC (OJ L 88, 25.3.2006, p. 9).

<sup>(2)</sup> OJ L 15, 21.1.1998, p. 41. Decision as last amended by Decision 2003/129/EC (OJ L 51, 26.2.2003, p. 21).

(a) Australia: New South Wales, South Australia and Victoria;

- (b) Brazil, except the States of Rio Grande do Sul, Santa Catarina, Paraná, São Paulo, Minas Gerais and Mato Grosso do Sul;
- (c) United States: Arizona, California, Guam, Hawaii, Louisiana, Northern Mariana Islands, Puerto Rico, American Samoa, Texas and the United States Virgin Islands;
- (d) Uruguay, except the Departments of Salto, Rivera and Paysandu — north of River Chapicuy.

#### Article 2

For the purposes of point 16.3 of Section I of Part A of Annex IV, the following third countries are recognised as being free from *Cercospora angolensis* Carv. et Mendes:

- (a) all citrus-growing third countries in North, Central and South America, the Caribbean, Asia, except Yemen, Europe and Oceania;
- (b) all citrus-growing third countries in Africa, except Angola, Cameroon, Central African Republic, Democratic Republic of Congo, Gabon, Guinea, Kenya, Mozambique, Nigeria, Uganda, Zambia and Zimbabwe.

#### Article 3

1. For the purposes of point 16.4 of Section I of Part A of Annex IV, the following third countries are recognised as being free from all strains of *Guignardia citricarpa* Kiely pathogenic to Citrus:

- (a) all citrus-growing third countries in North, Central and South America, except Argentina and Brazil, the Caribbean and Europe;
- (b) all citrus-growing third countries in Asia, except Bhutan, China, Indonesia, Philippines and Taiwan;

(c) all citrus-growing third countries in Africa, except South Africa, Kenya, Mozambique, Swaziland, Zambia and Zimbabwe;

(d) all citrus-growing third countries in Oceania, except Australia and Vanuatu.

2. For the purposes of point 16.4 of Section I of Part A of Annex IV, the following areas are recognised as being free from all strains of *Guignardia citricarpa* Kiely pathogenic to Citrus:

- (a) South Africa: Western Cape; Northern Cape: magisterial districts of Hartswater and Warrenton;
- (b) Australia: South Australia, Western Australia and Northern Territory;
- (c) China: all areas, except Sichuan, Yunnan, Guangdong, Fujian and Zhejiang;
- (d) Brazil: all areas, except the States of Rio de Janeiro, São Paulo and Rio Grande do Sul.

#### Article 4

Decision 98/83/EC shall be repealed.

#### Article 5

This Decision is addressed to the Member States.

Done at Brussels, 5 July 2006.

For the Commission  
Markos KYPRIANOU  
Member of the Commission

## COMMISSION DECISION

of 6 July 2006

**concerning measures to prevent the spread of highly pathogenic avian influenza caused by influenza A virus of subtype H5N1 to birds kept in zoos and approved bodies, institutes and centres in the Member States and repealing Decision 2005/744/EC**

(notified under document number C(2006) 3054)

(Text with EEA relevance)

(2006/474/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market <sup>(1)</sup>, and in particular Article 10(4) thereof,

Having regard to Council Directive 2005/94/EC of 20 December 2005 on Community measures for the control of avian influenza and repealing Directive 92/40/EEC <sup>(2)</sup>, and in particular Articles 56(3), 57(2), 63(3) and 66(2) thereof,

Whereas:

- (1) Avian influenza is an infectious viral disease in poultry and birds, causing mortality and disturbances which can quickly take epizootic proportions liable to present a serious threat to animal and public health and to reduce sharply the profitability of poultry farming.
- (2) Certain requirements in relation to biosecurity and vaccination of zoo birds, in the light of the risk posed by highly pathogenic avian influenza A virus of subtype H5N1 have been adopted by Commission Decision 2005/744/EC of 21 October 2005 laying down the requirements for the prevention of highly pathogenic avian influenza caused by influenza A virus of subtype H5N1 in birds kept in zoos in the Member States <sup>(3)</sup>. That Decision also provides for the submission by the Member States to the Commission of their plans for the vaccination of birds kept in zoos.
- (3) Directive 2005/94/EC lays down rules for the introduction of preventive vaccination against avian influenza, *inter alia*, of captive birds, such as birds kept in zoos and provides for detailed rules thereof to be

established by the Commission. That Directive also provides for the submission by the Member States to the Commission for approval of their preventive vaccination plans for poultry or other captive birds.

- (4) Council Directive 1999/22/EC of 29 March 1999 relating to the keeping of wild animals in zoos <sup>(4)</sup>, defines zoos which are covered by that Directive. That definition should be taken into account for the purposes of this Decision.
- (5) Council Directive 92/65/EEC of 13 July 1992 laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A(I) to Directive 90/425/EEC <sup>(5)</sup>, provides for rules concerning animals traded between approved bodies, institutes or centres.
- (6) Given that, due to their confinement, birds kept in zoos and approved bodies, institutes or centres cannot normally come into contact with poultry or other captive birds and do therefore not pose any risk of contamination for poultry or other captive birds and given the value of birds kept in zoos, preventive vaccination of such birds may constitute an appropriate additional preventative measure. It is therefore appropriate to lay down at Community level detailed rules concerning preventive vaccination of birds kept in zoos and approved bodies, institutes and centres that the Member States should follow, if they consider it appropriate to vaccinate such birds.
- (7) It is also appropriate to lay down at Community level detailed rules on bio-security measures for the prevention of highly pathogenic avian influenza caused by influenza A virus of subtype H5N1 in birds kept in zoos and in approved bodies, institutes and centres in the Member State to protect wild fauna and to conserve bio-diversity.
- (8) It is appropriate to provide for the approval of the vaccination plans which have been submitted by the Member States in accordance with Decision 2005/744/EC and Directive 2005/94/EC.

<sup>(1)</sup> OJ L 224, 18.8.1990, p. 29. Directive as last amended by Directive 2002/33/EC of the European Parliament and of the Council (OJ L 315, 19.11.2002, p. 14).

<sup>(2)</sup> OJ L 10, 14.1.2006, p. 16.

<sup>(3)</sup> OJ L 279, 22.10.2005, p. 75.

<sup>(4)</sup> OJ L 94, 9.4.1999, p. 24.

<sup>(5)</sup> OJ L 268, 14.9.1992, p. 52. Directive as last amended by Directive 2004/68/EC (OJ L 226, 25.6.2004, p. 128).

- (9) For the sake of clarity it is appropriate to repeal Decision 2005/744/EC and replace it by this Decision.
- (10) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

*Article 1*

1. This Decision lays down detailed rules:

- (a) to be applied in order to prevent the spread of avian influenza caused by highly pathogenic influenza A virus of subtype H5N1 ('HPAI H5N1') from birds living in the wild to birds kept in zoos and approved bodies, institutes or centres;
- (b) for the vaccination of birds kept in zoos and approved bodies, institutes or centres.

2. This Decision approves certain plans on the vaccination of birds kept in zoos and approved bodies, institutes or centres submitted to the Commission pursuant to Article 5(1) of Decision 2005/744/EC and preventive vaccination plans pursuant to Article 56(2) of Directive 2005/94/EC.

*Article 2*

For the purposes of this Decision, the definitions laid down in Directive 2005/94/EC shall apply.

In addition, the definition of zoos in Article 2 of Directive 1999/22/EC and the definition for approved bodies, institutes and centres of Article 2(1)(c) of Directive 92/65/EEC shall apply.

*Article 3*

Member States shall take appropriate and practicable measures to reduce the risk of transmission of 'HPAI H5N1' from birds living in the wild to birds kept in zoos and approved bodies, institutes and centres, taking into account the criteria and risk factors set out in Annex I.

In particular, depending on the specific epidemiological situation, those measures shall be directed at preventing direct and indirect contact between birds living in the wild, especially waterfowl, and birds kept in zoos and approved bodies, institutes and centres.

*Article 4*

Preventive vaccination plans against 'HPAI H5N1', submitted in accordance with Article 56(2) of Directive 2005/94/EC, shall, based on a risk assessment, be targeted at birds kept in zoos and approved bodies, institutes and centres.

Where Member States submit preventive vaccination plans against 'HPAI H5N1' in accordance with Article 56(2) of Directive 2005/94/EC, which are targeted at birds kept in zoos and approved bodies, institutes and centres, those plans shall:

- (a) be drawn up in accordance with the requirements set out in Annex II to this Decision; and
- (b) in addition to the information provided for Article 56(2) of Directive 2005/94/EC, contain the exact address and location of the zoos and approved bodies, institutes and centres where the preventive vaccination is to be carried out.

*Article 5*

1. The preventive vaccination plans, submitted by the Member States in accordance with Article 56(2) of Directive 2005/94/EC and listed in Annex III to this Decision, are approved.

2. The plans on the vaccination of birds kept in zoos and approved bodies, institutes and centres submitted by the Member States in accordance with Decision 2005/744/EC and listed in Annex III to this Decision shall be considered as being approved in the sense of paragraph 1 of this Article.

3. The Commission shall publish the preventive vaccination plans on the vaccination of birds kept in zoos and approved bodies, institutes and centres listed in Annex III.

*Article 6*

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

*Article 7*

Decision 2005/744/EC is repealed.

*Article 8*

This Decision is addressed to the Member States.

Done at Brussels, 6 July 2006.

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

## ANNEX I

**Criteria and risk factors to be considered when applying the measures set out in Article 3 in individual zoos or approved bodies, institutes and centres**

1. Location of the zoo or approved body, institute and centre along migratory flyways of birds, in particular if proceeding from Africa, central and eastern Asia, the Caspian Sea and the Black Sea areas;
  2. Distance of the zoo, approved body, institute and centre from wet areas such as ponds, swamps, lakes or rivers where migratory waterfowl may gather;
  3. Location of the zoo, approved bodies, institutes and centres in areas of a high density of migratory birds, particularly waterfowl.
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## ANNEX II

**Requirements for the use of preventive vaccination**

1.	Extent of the vaccination to be carried out	The vaccination shall only take place on birds in a zoo or in approved bodies, institutes and centres.
2.	Species of the birds to be vaccinated	A list of all the birds to be vaccinated together with the individual identification shall be laid down and kept for at least 10 years from the date of the vaccination.
3.	Duration of the vaccination	All birds to be vaccinated in a zoo or approved bodies, institutes and centres shall be vaccinated as quickly as possible. In any case, each vaccination in a zoo shall be completed as soon as possible within one week.
4.	Specific standstill of vaccinated birds and products of vaccinated birds	<p>Movements of vaccinated birds in the same Member State or to other Member States between approved bodies, centres and institutes as defined in Directive 92/65/EEC shall be allowed provided the birds come from a zoo or an approved body, institute or centre located in an area for which no animal health restrictions in relation to HPAI are in place. The following words shall be added to the health certificate provided for in Annex E, Part 3 to Directive 92/65/EEC:</p> <p><i>'birds conform to Decision 2006/474/EC vaccinated against AI on ..... Vaccine .....</i></p> <p>When those conditions are not met, vaccinated birds may be traded or moved under official supervision between zoos in the same Member State, or after specific authorisation of another Member State.</p> <p>Any movement of vaccinated birds between Member States shall be notified by the competent authority of the place of origin to the competent authority of the place of destination with TRACES.</p> <p>Bird products from such birds shall not enter the food chain.</p>
5.	Special identification and special registration of the vaccinated birds	Vaccinated birds must be individually identifiable and the identity records of these birds must be clearly annotated accordingly. An indelible identification indicating the birds that have been vaccinated shall be applied at the time of vaccination wherever possible.
6.	Execution of the vaccination campaign	<p>Vaccination shall be carried out under the supervision of an official veterinarian of the competent authorities. Necessary measures must be in place to avoid possible spread of virus. Any residual quantities of vaccine shall be returned to the point of vaccine distribution with a written record on number of birds vaccinated and the number of doses used.</p> <p>Wherever possible blood samples shall be taken prior to and at least 30 days after vaccination for serological testing for avian influenza. A record of the test results must be kept for at least 10 years.</p>
7.	Vaccine to be used	The inactivated vaccine to be used shall be suitably formulated and be effective against the virus type circulating. It shall be used in accordance with the instructions of the manufacturer and/or the veterinary authorities.
8.	Information on implementation of this plan to the Commission	A detailed report on the execution of the plan including the results of testing carried out shall be provided to the Commission and the Member States in the framework of the Standing Committee on the Food Chain and Animal Health.

## ANNEX III

**List of approved preventive vaccination plans for birds kept in zoos and approved bodies, institutes and centres in Member States**

Code	Member State	Date of submission of plan
AT	Austria	21 April 2006
BE	Belgium	10 February 2006
CZ	Czech Republic	21 March 2006
DE	Germany	31 March 2006
DK	Denmark	20 February 2006
EE	Estonia	6 March 2006
ES	Spain	27 February 2006
FR	France	20 February 2006
HU	Hungary	1 March 2006
IE	Ireland	6 March 2006
IT	Italy	6 March 2006
LT	Lithuania	6 March 2006
LV	Latvia	28 February 2006
NL	The Netherlands	16 November 2005
PT	Portugal	29 November 2005
SE	Sweden	28 February 2006
UK	United Kingdom	4 April 2006

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

**COUNCIL DECISION 2006/475/CFSP**

**of 12 June 2006**

**concerning the conclusion of the Agreement between the European Union and the Gabonese Republic on the status of the European Union-led forces in the Gabonese Republic**

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 25 April 2006, the United Nations Security Council adopted Resolution 1671 (2006), authorising the temporary deployment of a European Union force (EUFOR RD Congo) to support MONUC during the period encompassing the elections in the Democratic Republic of the Congo. The United Nations Security Council further requested all United Nations Member States, in particular those in the vicinity of the Democratic Republic of the Congo, to provide all necessary support to facilitate the swift deployment of EUFOR RD Congo and, in particular, to ensure the free, unhindered and expeditious movement to the Democratic Republic of the Congo of its personnel, as well as equipment, provisions, supplies and other goods, including vehicles and spare parts, which are for its exclusive and official use.
- (2) On 27 April 2006, the Council adopted Joint Action 2006/319/CFSP on the European Union military operation in support of the United Nations Organisation Mission in the Democratic Republic of the Congo (MONUC) during the election process<sup>(1)</sup> (Operation EUFOR RD Congo).
- (3) Following a request by the Secretary-General/High Representative (SG/HR) of 27 April 2006, the Government of the Gabonese Republic in a letter of 18 May 2006 stated its agreement to the stationing of European Union-led forces on the territory of the Gabonese Republic for the purposes of the operation.

- (4) Following authorisation by the Council on 23 May 2005, in accordance with Article 24 of the Treaty on European Union, the Presidency, assisted by the SG/HR, negotiated an Agreement between the European Union and the Gabonese Republic on the status of the European Union-led forces in the Gabonese Republic.

- (5) The Agreement should be approved,

HAS DECIDED AS FOLLOWS:

*Article 1*

The Agreement between the European Union and the Gabonese Republic on the status of the European Union-led forces in the Gabonese Republic is hereby approved on behalf of the European Union.

The text of the Agreement is attached to this Decision.

*Article 2*

The President of the Council is hereby authorised to designate the person empowered to sign the Agreement in order to bind the European Union.

*Article 3*

This Decision shall take effect on the day of its adoption.

*Article 4*

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

Done at Luxembourg, 12 June 2006.

*For the Council*  
*The President*  
J. PRÖLL

<sup>(1)</sup> OJ L 116, 29.4.2006, p. 98.

## TRANSLATION

## AGREEMENT

**between the European Union and the Gabonese Republic on the status of the European Union-led forces in the Gabonese Republic**

THE EUROPEAN UNION (EU),

of the one part, and

THE GABONESE REPUBLIC, hereinafter referred to as 'the Host State',

of the other part,

Together hereinafter referred to as the 'Parties',

TAKING INTO ACCOUNT:

- United Nations Security Council Resolution 1671 (2006) of 25 April 2006,
- Council Joint Action 2006/319/CFSP of 27 April 2006 on the European Union military operation in support of the United Nations Organisation Mission in the Democratic Republic of the Congo (MONUC) during the election process <sup>(1)</sup> (EUFOR RD Congo),
- that this Agreement will not affect the Parties' rights and obligations under international agreements and other instruments establishing international courts and tribunals, including the Statute of the International Criminal Court,

HAVE AGREED AS FOLLOWS:

*Article 1***Scope and definitions**

1. This Agreement shall apply to the European Union-led Forces and to their personnel.

2. This Agreement shall apply only within the territory of the Host State.

3. For the purpose of this Agreement:

(a) 'European Union-led Forces (EUFOR)' shall mean EU military headquarters and national contingents contributing to the operation, their equipment and their means of transport;

(b) 'operation' shall mean the preparation, establishment, execution and support of the military mission further to the mandate arising out of United Nations Security Council Resolution 1671 (2006) of 25 April 2006;

(c) 'EU Force Commander' shall mean the Commander in the theatre of operations or in the Host State;

(d) 'EU military headquarters' shall mean the military headquarters and elements thereof in the cantonments under

the authority of EU military commanders exercising the military command or control of the operation;

(e) 'national contingents' shall mean units and elements belonging to the Member States of the European Union and to other States participating in the operation;

(f) 'EUFOR personnel' shall mean the civilian and military personnel assigned to EUFOR as well as personnel deployed for the preparation of the operation and personnel on mission for a Sending State or an EU institution in the framework of the operation, present, except as otherwise provided in this Agreement, within the territory of the Host State, with the exception of personnel employed locally and personnel employed by international commercial contractors;

(g) 'personnel employed locally' shall mean personnel who are nationals of or permanently resident in the Host State;

(h) 'facilities' shall mean all premises, accommodation and land required for EUFOR and EUFOR personnel;

(i) 'Sending State' shall mean a State providing a national contingent for EUFOR.

<sup>(1)</sup> OJ L 116, 29.4.2006, p. 98.

*Article 2***General provisions**

1. EUFOR and EUFOR personnel shall respect the laws and regulations of the Host State and shall refrain from any action or activity incompatible with the objectives of the operation.
2. EUFOR shall regularly inform the government of the Host State of the number of EUFOR personnel stationed within the Host State's territory.

*Article 3***Identification**

1. EUFOR personnel must carry passports or military identity cards with them at all times.
2. EUFOR vehicles, aircraft, vessels and other means of transport shall carry distinctive EUFOR identification markings and/or registration plates, of which the relevant Host State authorities shall be notified.
3. EUFOR shall have the right to display the flag of the European Union and markings such as military insignia, titles and official symbols, on its facilities, vehicles and other means of transport. The uniforms of EUFOR personnel shall carry a distinctive EUFOR emblem. National flags or insignia of the constituent national contingents of the operation may be displayed on the EUFOR facilities, vehicles and other means of transport and uniforms, as decided by the EU Force Commander.

*Article 4***Border crossing and movement within the Host State's territory**

1. EUFOR personnel shall enter the Host State's territory only on presentation of the documents provided for in Article 3(1) or, in the case of first entry, of an individual or collective movement order issued by EUFOR. They shall be exempt from passport and visa regulations, immigration inspections and customs control thereafter on entering, leaving or within the Host State's territory.
2. EUFOR personnel shall be exempt from the Host State's regulations on the registration and control of aliens, but shall not acquire any right to permanent residence or domicile within the Host State's territory.
3. EUFOR assets and means of transport entering, transiting or exiting the Host State's territory in support of the operation shall be exempt from any requirement to produce inventories or other customs documentation, and from any inspection.

4. EUFOR personnel may drive motor vehicles, navigate vessels and operate aircraft within the Host State's territory provided they have valid national, international or military driving licences, ship master's certificates or pilot licences, as appropriate.

5. For the purpose of the operation, the Host State shall grant EUFOR and EUFOR personnel freedom of movement and freedom to travel within its territory, including its territorial sea and its air space. Freedom of movement within the territorial sea of the Host State shall include stopping and anchoring under any circumstances.

6. For the purpose of the operation, EUFOR may carry out within the Host State territory, including its territorial sea and its air space, any exercise or practice with weapons as well as the launching, landing or taking on board of any aircraft or military device.

7. For the purpose of the operation, EUFOR submarines are not required to navigate on surface and to show their flag in the territorial sea of the Host State.

8. For the purpose of the operation, EUFOR may use public roads, bridges, ferries, airports and ports without the payment of duties, fees, tolls, taxes and similar charges. EUFOR shall not be exempt from reasonable charges for services requested and received.

*Article 5***Privileges and immunities of EUFOR granted by the Host State**

1. EUFOR's facilities shall be inviolable. The Host State's agents shall not enter them without the consent of the EU Force Commander.
2. EUFOR's facilities, their furnishings and other assets therein as well as its means of transport shall be immune from search, requisition, attachment or execution.
3. EUFOR, its property and assets, wherever located and by whomsoever held, shall enjoy immunity from every form of legal process.
4. EUFOR's archives and documents shall be inviolable at any time, wherever they may be.
5. The official correspondence of EUFOR shall be inviolable. Official correspondence means all correspondence relating to the operation and its functions.

6. In respect of purchased and imported goods, services provided and facilities used by it for the purposes of the operation, EUFOR shall be exempt from all national, regional and communal dues, taxes and charges of similar nature. EUFOR shall not be exempt from dues, taxes or charges that represent payment for services rendered.

7. The Host State shall permit the entry of articles for the operation and grant them exemption from all custom duties, fees, tolls, taxes and similar charges other than charges for storage, cartage and other services rendered.

#### Article 6

### Privileges and immunities of EUFOR personnel granted by the Host State

1. EUFOR personnel shall not be liable to any form of arrest or detention.

2. Papers, correspondence and property of EUFOR personnel, shall enjoy inviolability, except in case of measures of execution which are permitted pursuant to paragraph 6.

3. EUFOR personnel shall enjoy immunity from the criminal jurisdiction of the Host State under all circumstances.

The immunity from criminal jurisdiction of EUFOR personnel may be waived by the Sending State or EU institution concerned, as the case may be. Such waiver must always be express.

4. EUFOR personnel shall enjoy immunity from the civil and administrative jurisdiction of the Host State in respect of words spoken or written and all acts performed by them in the exercise of their official functions. If any civil proceeding is instituted against EUFOR personnel before any Host State court, the EU Force Commander and the competent authority of the Sending State or EU institution shall be notified immediately. Prior to initiation of the proceeding before the court, the EU Force Commander and the competent authority of the Sending State or EU institution shall certify to the court whether the act in question was committed by EUFOR personnel in the exercise of their official functions.

If the act was committed in the exercise of official functions, the proceeding shall not be initiated and the provisions of Article 15 shall apply. If the act was not committed in the exercise of official functions, the proceeding may continue. The certification by the EU Force Commander and the competent authority of the Sending State or EU institution is binding upon the jurisdiction of the Host State which may not contest it.

The initiation of proceedings by EUFOR personnel shall preclude them from invoking immunity from jurisdiction in

respect of any counter-claim directly connected with the principal claim.

5. EUFOR personnel are not obliged to give evidence as witnesses.

6. No measures of execution may be taken in respect of EUFOR personnel, except in the case where a civil proceeding not related to their official functions is instituted against them. Property of EUFOR personnel, which is certified by the EU Force Commander to be necessary for the fulfilment of their official functions, shall be free from seizure for the satisfaction of a judgement, decision or order. In civil proceedings EUFOR personnel shall not be subject to any restrictions on their personal liberty or to any other measures of constraint.

7. The immunity of EUFOR personnel from the jurisdiction of the Host State does not exempt them from the jurisdictions of the respective Sending States.

8. EUFOR personnel shall with respect to services rendered for EUFOR be exempt from social security provisions which may be in force in the Host State.

9. EUFOR personnel shall be exempt from any form of taxation in the Host State on the salary and emoluments paid to them by EUFOR or the Sending States, as well as on any income received from outside the Host State.

10. The Host State shall, in accordance with such laws and regulations as it may adopt, permit entry of and grant exemption from all customs duties, taxes, and related charges other than charges for storage, cartage and similar services, on articles for the personal use of EUFOR personnel.

The personal baggage of EUFOR personnel shall be exempt from inspection, unless there are serious grounds for presuming that it contains articles that are not for the personal use of EUFOR personnel, or articles the import or export of which is prohibited by the law or controlled by the quarantine regulations of the Host State. Such inspection shall be conducted only in the presence of the concerned EUFOR personnel or of an authorised representative of EUFOR.

#### Article 7

### Personnel employed locally

Personnel employed locally shall enjoy privileges and immunities only to the extent admitted by the Host State. However, the Host State shall exercise its jurisdiction over that personnel in such a manner as not to interfere unduly with the performance of the functions of the operation.

*Article 8***Criminal jurisdiction**

The competent authorities of a Sending State shall have the right to exercise on the territory of the Host State all the criminal jurisdiction and disciplinary powers conferred on them by the law of the Sending State with regard to all EUFOR personnel subject to the relevant law of the Sending State.

*Article 9***Uniform and arms**

1. The wearing of uniform shall be subject to rules adopted by the EU Force Commander.
2. EUFOR military personnel may carry arms and ammunition on condition that they are authorised to do so by their orders.

*Article 10***Host State support and contracting**

1. The Host State agrees, if requested, to assist EUFOR in finding suitable facilities.
2. The Host State shall, as far as it is able to, provide, free of charge, facilities of which it is the owner, insofar as such facilities are requested for the conduct of administrative and operational activities of EUFOR.
3. Within its means and capabilities, the Host State shall assist in the preparation, establishment, and execution of and support for the operation.
4. The law applicable to contracts concluded by EUFOR in the Host State shall be determined by the contract.
5. The contract may stipulate that the dispute settlement procedure referred to in Article 15(3) and (4) shall be applicable to disputes arising from the application of the contract.

*Article 11***Change to facilities**

1. EUFOR shall be authorised to construct, alter or otherwise modify facilities as requested for its operational requirements.
2. No compensation shall be requested from EUFOR by the Host State for those constructions, alterations or modification.

*Article 12***Deceased EUFOR personnel**

1. The EU Force Commander shall have the right to take charge of and make suitable arrangements for the repatriation of any deceased EUFOR personnel, as well as that of their personal property.
2. No autopsy shall be performed on any deceased member of EUFOR without the agreement of the State concerned and the presence of a representative of EUFOR and/or the State concerned.
3. The Host State and EUFOR shall cooperate to the fullest extent possible with a view to early repatriation of deceased EUFOR personnel.

*Article 13***Security of EUFOR and military police**

1. EUFOR is hereby authorised to take the measures necessary to protect its installations, including those used for its training, against any external attack or intrusion.
2. The EU Force Commander may establish a military police unit in order to maintain order in EUFOR facilities.
3. The military police unit may also, in consultation and cooperation with the military police or the police of the Host State, act outside those facilities to ensure the maintenance of good order and discipline among EUFOR personnel.

*Article 14***Communications**

1. EUFOR may install and operate radio sending and receiving stations, as well as satellite systems. It shall cooperate with the Host State's competent authorities with a view to avoiding conflicts in the use of appropriate frequencies. The Host State shall grant access to the frequency spectrum free of charge.
2. EUFOR shall enjoy the right to unrestricted communication by radio (including satellite, mobile and hand-held radio), telephone, telegraph, facsimile and other means, as well as the right to install the equipment necessary for the maintenance of such communications within and between EUFOR facilities, including the laying of cables and land lines for the purpose of the operation.
3. Within its own facilities EUFOR may make the arrangements necessary for the conveyance of mail addressed to and from EUFOR and/or EUFOR personnel.

*Article 15***Claims for death, injury, damage and loss**

1. EUFOR and EUFOR personnel shall not be liable for any damage to or loss of civilian or government property which are caused by activities related to the protection of EUFOR.

2. With a view to reaching an amicable settlement, claims for damage to or loss of civilian or government property not covered by paragraph 1, as well as claims for death of or injury to persons and for damage to or loss of EUFOR property, shall be forwarded to EUFOR via the competent authorities of the Host State, as far as claims brought by legal or natural persons from the Host State are concerned, or to the competent authorities of the Host State, as far as claims brought by EUFOR are concerned.

3. Where no amicable settlement can be found, the claim shall be submitted to a claims commission composed on an equal basis of representatives of EUFOR and representatives of the Host State. Settlement of claims shall be reached by common agreement.

4. Where no settlement can be reached within the claims commission, the dispute shall:

(a) for claims up to and including EUR 40 000, be settled by diplomatic means between the Host State and EU representatives;

(b) for claims above the amount referred to in point (a), be submitted to an arbitration tribunal, the decisions of which shall be binding.

5. The arbitration tribunal shall be composed of three arbitrators, one arbitrator being appointed by the Host State, one arbitrator being appointed by EUFOR and the third one being appointed jointly by the Host State and EUFOR. Where one of the parties does not appoint an arbitrator within two months or where no agreement can be found between the Host State and EUFOR on the appointment of the third arbitrator, the arbitrator in question shall be appointed by the President of the Court of Justice of the European Communities.

6. An administrative arrangement shall be concluded between EUFOR and the administrative authorities of the Host State in order to determine the terms of reference of the claims commission and the tribunal, the procedure applicable within these bodies and the conditions under which claims are to be lodged.

*Article 16***Liaison and disputes**

1. All issues arising in connection with the application of this Agreement shall be examined jointly by representatives of EUFOR and the Host State's competent authorities.

2. Failing any prior settlement, disputes concerning the interpretation or application of this Agreement shall be settled exclusively by diplomatic means between the Host State and EU representatives.

*Article 17***Other provisions**

1. Whenever this Agreement refers to the privileges, immunities and rights of EUFOR and of EUFOR personnel, the Government of the Host State shall be responsible for their implementation and for compliance with them on the part of the appropriate Host State local authorities.

2. Nothing in this Agreement is intended or may be construed to derogate from any rights that may attach to an EU Member State or to any other State contributing to EUFOR under other agreements.

*Article 18***Implementing arrangements**

For purposes of the application of this Agreement, operational, administrative and technical matters may be the subject of separate arrangements to be concluded between the EU Force Commander and the Host State's administrative authorities.

*Article 19***Entry into force and termination**

1. This Agreement shall enter into force on the day on which it is signed and shall remain in force until the date of departure of the last EUFOR element and of the last EUFOR personnel, as notified by EUFOR.

2. Notwithstanding paragraph 1, the provisions contained in Articles 4(8), 5(1-3), 5(6), 5(7), 6(1), 6(3), 6(4), 6(6), 6(8-10), 10(2), 11 and 15 shall be deemed to have applied from the date on which the first EUFOR personnel were deployed if that date was earlier than the date of entry into force of this Agreement.

3. This Agreement may be amended by written agreement between the Parties.
4. Termination of this Agreement shall not affect any rights or obligations arising out of the execution of this Agreement before such termination.

Done at Libreville, on 16 June 2006 in four original copies in French,

*For the European Union*

*For the Host State*

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