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## Legislation

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## I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 1126/2006**

**of 24 July 2006**

**amending Regulation (EC) No 234/2004 concerning certain restrictive measures in respect of Liberia and repealing Regulation (EC) No 1030/2003, and suspending certain restrictive measures in respect of Liberia**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 60 and 301 thereof,

Having regard to Common Position 2006/31/CFSP of 23 January 2006 renewing the restrictive measures imposed against Liberia <sup>(1)</sup> and Common Position 2006/518/CFSP of 24 July 2006 modifying and renewing certain restrictive measures imposed against Liberia <sup>(2)</sup>,

Having regard to the proposal from the Commission,

Whereas:

(1) In order to implement the measures imposed against Liberia by United Nations Security Council Resolution (UNSCR) 1521 (2003), Common Position 2004/137/CFSP of 10 February 2004 concerning restrictive measures against Liberia <sup>(3)</sup> provided for the implementation of the measures set out in UNSCR 1521 (2003) concerning Liberia, and a ban on the provision to Liberia of financial assistance related to military activities. On 23 January 2006, Common Position 2006/31/CFSP confirmed the restrictive measures of Common Position 2004/137/CFSP for a further period of time, in line with UN Security Council Resolution 1647 (2005).

(2) Council Regulation (EC) No 234/2004 <sup>(4)</sup> prohibits the provision to Liberia of technical and financial assistance related to military activities, the import of rough diamonds from Liberia and the import of round logs and timber products originating in that country.

(3) In the light of the developments in Liberia, the UN Security Council adopted, on 13 June 2006, UNSCR 1683 (2006) introducing some exemptions to the ban on technical assistance related to military activities imposed by paragraph 2(b) of UNSCR 1521 (2003).

(4) On 20 June 2006, the UN Security Council adopted Resolution 1689 (2006). It decided to renew the prohibition against imports of diamonds, but not to renew the prohibition against imports of all round logs and timber products originating in Liberia, which had been imposed by paragraph 10 of UNSCR 1521 (2003) and, after several extensions, expired on 20 June 2006. The Security Council expressed its determination to reinstate that prohibition if, within a period of 90 days, Liberia fails to pass the forestry legislation proposed by the Forest Reform Monitoring Committee created by the Government of Liberia.

(5) Taking these Resolutions and Common Positions 2006/31/CFSP and 2006/518/CFSP into account, it is necessary to suspend the prohibition of imports of round logs and timber products originating in Liberia, set out in Article 6(2) of Regulation (EC) No 234/2004, with effect from 23 June 2006, and to amend Articles 3 and 4 of that Regulation, in particular in order to allow the provision of assistance to the police and security forces of the Government of Liberia under certain conditions with effect from 13 June 2006,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 234/2004 is hereby amended as follows:

1. Article 3 shall be replaced by the following:

*'Article 3*

1. By way of derogation from Article 2, the competent authority, as listed in Annex I, of the Member State where the service provider is established, may authorise the provision of:

<sup>(1)</sup> OJ L 19, 24.1.2006, p. 38.

<sup>(2)</sup> See page 36 of this Official Journal.

<sup>(3)</sup> OJ L 40, 12.2.2004, p. 35. Common Position as amended by Common Position 2004/902/CFSP (OJ L 379, 24.12.2004, p. 113).

<sup>(4)</sup> OJ L 40, 12.2.2004, p. 1. Regulation as last amended by Commission Regulation (EC) No 1452/2005 (OJ L 230, 7.9.2005, p. 11).

(a) technical assistance, financing and financial assistance related to:

(i) arms and related materiel, where such assistance or services are intended solely for support of, and use by, the United Nations Mission in Liberia; or

(ii) weapons and ammunition which both remain in the custody of the Special Security Service for unencumbered operational use and were provided, pursuant to approval of the Committee established by paragraph 21 of UN Security Council Resolution 1521 (2003), to the members of that Service for training purposes before 13 June 2006;

(b) financing and financial assistance related to:

(i) arms and related materiel intended solely for support of, and use in, an international training and reform programme for the Liberian armed forces and police, provided that the Committee established by paragraph 21 of UN Security Council Resolution 1521 (2003) has approved the export, sale, supply or transfer of the arms or related materiel concerned;

(ii) non-lethal military equipment intended solely for humanitarian or protective use, provided that the Committee established by paragraph 21 of UN Security Council Resolution 1521 (2003) has approved the export, sale, supply or transfer of the equipment concerned; or

(iii) weapons and ammunition intended for use by members of the Government of Liberia police and security forces who have been vetted and trained since the inception of the United Nations Mission in Liberia in October 2003, provided that the Committee established by paragraph 21 of UN Security Council Resolution 1521 (2003) has approved the export, sale, supply or transfer of the weapons or ammunition concerned.

2. No authorisations shall be granted for activities that have already taken place.;

2. Article 4 shall be replaced by the following:

#### *Article 4*

1. Where such activities have been approved in advance by the Committee established by paragraph 21 of UN Security Council Resolution 1521 (2003), and by way of derogation from Article 2 of this Regulation, the competent authority, as listed in Annex I, of the Member State where the service provider is established, may authorise the provision of technical assistance related to:

(a) arms and related materiel intended solely for support of, and use in, an international training and reform programme for the Liberian armed forces and police;

(b) non-lethal military equipment intended solely for humanitarian or protective use; or

(c) weapons and ammunition intended for use by members of the Government of Liberia police and security forces who have been vetted and trained since the inception of the United Nations Mission in Liberia in October 2003.

The approval of the Committee established by paragraph 21 of UN Security Council Resolution 1521 (2003) shall be requested through the competent authority, as listed in Annex I, of the Member State where the service provider is established.

The Government of the Member State concerned and the Government of Liberia shall make a joint request for approval of technical assistance related to the weapons and ammunition referred to in point (c), to the Committee established by paragraph 21 of UN Security Council Resolution 1521 (2003).

2. No authorisations shall be granted for activities that have already taken place.'

#### *Article 2*

Article 6(2) of Regulation (EC) No 234/2004 shall be suspended until 18 September 2006.

#### *Article 3*

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

Article 1 shall apply as from 13 June 2006. Article 2 shall apply as from 23 June 2006.

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

Done at Brussels, 24 July 2006.

*For the Council*  
*The President*  
K. RAJAMÄKI

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**COMMISSION REGULATION (EC) No 1127/2006**  
**of 24 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 25 July 2006.

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

Done at Brussels, 24 July 2006.

*For the Commission*  
Jean-Luc 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 24 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	71,2
	096	41,9
	999	56,6
0707 00 05	052	84,9
	388	52,4
	524	46,9
	999	61,4
0709 90 70	052	77,6
	999	77,6
0805 50 10	388	63,3
	524	49,3
	528	56,6
	999	56,4
0806 10 10	052	143,2
	204	153,4
	220	118,2
	388	8,7
	508	96,6
	512	76,2
	624	224,1
	999	117,2
0808 10 80	388	95,3
	400	111,9
	404	125,7
	508	90,8
	512	90,9
	524	48,3
	528	82,3
	720	101,2
	800	153,9
	804	106,6
	999	100,7
0808 20 50	388	106,4
	512	93,1
	528	80,8
	720	29,6
	804	97,1
	999	81,4
0809 10 00	052	133,6
	999	133,6
0809 20 95	052	265,7
	400	401,5
	404	426,8
	999	364,7
0809 30 10, 0809 30 90	052	157,1
	999	157,1
0809 40 05	624	136,5
	999	136,5

<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 1128/2006**  
**of 24 July 2006**  
**on the marketing stage to which the average price for pig carcasses refers**  
**(Codified version)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organisation of the market in pigmeat <sup>(1)</sup>, and in particular Article 4(6) thereof,

Whereas:

(1) Commission Regulation (EEC) No 3537/89 of 27 November 1989 on the marketing stage to which the average price for pig carcasses refers <sup>(2)</sup> has been substantially amended <sup>(3)</sup>. In the interests of clarity and rationality the said Regulation should be codified.

(2) The representative markets comprise, for each country, all the markets listed in Annex I to Commission Regulation (EC) No 908/2006 <sup>(4)</sup>.

(3) Pursuant to Regulation (EEC) No 2759/75, the weighted average price for pig carcasses on the representative markets of the Community must be determined in order to assess whether the market situation warrants intervention measures.

(4) In order to determine such an average price for pig carcasses, comparable Community prices must be available. To that end, a single quality of pig carcasses corresponding to the standard quality referred to in Article 4(1) of Regulation (EEC) No 2759/75 and a

clearly defined marketing stage should be used. Since pig carcasses are generally marketed at the slaughterhouse stage, that stage should be the one adopted.

(5) Quotations for pig carcasses are to be determined throughout the Community using the Community scale for grading pig carcasses as laid down by Council Regulation (EEC) No 3220/84 <sup>(5)</sup>, and the detailed rules for application as laid down in Commission Regulation (EEC) No 2967/85 <sup>(6)</sup>.

(6) A Regulation combining all the rules on the marketing stage to which the average price for pig carcasses refers should be adopted.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

1. The Community market price for pig carcasses referred to in Article 4(2) of Regulation (EEC) No 2759/75 shall be determined on the basis of the prices on entry into the slaughterhouse, excluding value added tax, paid to suppliers of live pigs.

2. The prices referred to in paragraph 1 shall include the value of the unprocessed offal and animal residues and shall be expressed in respect of 100 kg of cold pig carcasses:

— presented in accordance with the reference presentation laid down in Article 2(1) of Regulation (EEC) No 3220/84,

and

— weighed and classified on the slaughterhouse hook, the weight recorded being converted into cold carcass weight in accordance with the methods laid down in Article 2 of Regulation (EEC) No 2967/85.

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

<sup>(2)</sup> OJ L 347, 28.11.1989, p. 20. Regulation as amended by Regulation (EC) No 1572/95 (OJ L 150, 1.7.1995, p. 52).

<sup>(3)</sup> See Annex I.

<sup>(4)</sup> OJ L 168, 21.6.2006, p. 11.

<sup>(5)</sup> OJ L 301, 20.11.1984, p. 1. Regulation as last amended by Regulation (EC) No 3513/93 (OJ L 320, 22.12.1993, p. 5).

<sup>(6)</sup> OJ L 285, 25.10.1985, p. 39. Regulation as amended by Regulation (EC) No 3127/94 (OJ L 330, 21.12.1994, p. 43).



*Article 2*

1. The market price for pig carcasses in a Member State shall be equal to the average of the quotations for pig carcasses recorded on the markets or quotation centres of that Member State listed in Annex I to Regulation (EC) No 908/2006.

2. The price referred to in paragraph 1 shall be determined using the quotations recorded for carcasses weighing:

— 60 to less than 120 kg of grade E,

— 120 to less than 180 kg of grade R.

The choice of weight categories and any weighting thereof shall be left to the Member State concerned; the latter shall inform the Commission thereof.

*Article 3*

Regulation (EEC) No 3537/89 is repealed.

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

*Article 4*

This Regulation shall enter into force on the 20th 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, 24 July 2006.

*For the Commission*  
*The President*  
José Manuel BARROSO

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## ANNEX I

**Repealed Regulation with its amendment**

Commission Regulation (EEC) No 3537/89	(OJ L 347, 28.11.1989, p. 20)
Commission Regulation (EC) No 1572/95	(OJ L 150, 1.7.1995, p. 52)

## ANNEX II

## CORRELATION TABLE

Regulation (EEC) No 3537/89	This Regulation
Article 1	Article 1
Article 2	Article 2
Article 3	—
—	Article 3
Article 4	Article 4
—	Annex I
—	Annex II

**COMMISSION REGULATION (EC) No 1129/2006****of 24 July 2006****determining the percentage of quantities which may be allowed in respect of import licence applications lodged in July 2006 under tariff quotas for beef and veal provided for in Regulation (EC) No 1279/98 for Bulgaria and Romania**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1279/98 of 19 June 1998, laying down rules for the application of the tariff quotas for beef and veal provided for in Council Decisions 2003/286/EC and 2003/18/EC for Bulgaria and Romania <sup>(2)</sup>, and in particular Article 4(4) thereof,

Whereas:

Article 1 of Regulation (EC) No 1279/98 fixes the quantities of certain beef and veal products originating in Romania and

Bulgaria, which may be imported on special terms in respect of the period 1 July 2006 to 30 June 2007. The quantities of certain beef and veal products originating in Romania and Bulgaria covered by import licence applications submitted are such that applications may be accepted in full,

HAS ADOPTED THIS REGULATION:

*Article 1*

The quantities covered by import licence applications submitted in respect of the period 1 July to 31 December 2006 under the quotas referred to in Regulation (EC) No 1279/98 are accepted in full.

*Article 2*

This Regulation shall enter into force on 25 July 2006.

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

Done at Brussels, 24 July 2006.

*For the Commission*

Jean-Luc DEMARTY

*Director-General for Agriculture and  
Rural Development*

<sup>(1)</sup> OJ L 160, 26.6.1999, p. 21. Regulation as last amended by Commission Regulation (EC) No 1899/2004 (OJ L 328, 30.10.2004, p. 67).

<sup>(2)</sup> OJ L 176, 20.6.1998, p. 12. Regulation as last amended by Regulation (EC) No 1240/2005 (OJ L 200, 30.7.2005, p. 34).

**COMMISSION REGULATION (EC) No 1130/2006****of 24 July 2006****determining the extent to which the applications for import licences submitted in July 2006 for certain dairy products under certain tariff quotas opened by Regulation (EC) No 2535/2001 can be accepted**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products <sup>(1)</sup>,Having regard to Commission Regulation (EC) No 2535/2001 of 14 December 2001 laying down detailed rules for applying Council Regulation (EC) No 1255/1999 as regards the import arrangements for milk and milk products and opening tariff quotas <sup>(2)</sup>, and in particular Article 16(2) thereof,

Whereas:

Applications lodged from 1 to 10 July 2006 for certain quotas referred to in Annex I to Regulation (EC) No 2535/2001 concern quantities greater than those

available; therefore, the allocation factors should be fixed for the quantities applied for,

HAS ADOPTED THIS REGULATION:

*Article 1*

The allocation coefficients set out in the Annex to this Regulation shall be applied to the quantities for which import licences have been sought for the period from 1 to 10 July 2006 in respect of products falling within the quotas referred to in parts I.A, I.B, points 1 and 2, and parts I.C, I.D, I.E, I.F, I.G and I.H, of Annex I to Regulation (EC) No 2535/2001.

*Article 2*

This Regulation shall enter into force on 25 July 2006.

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

Done at Brussels, 24 July 2006.

*For the Commission*

Jean-Luc DEMARTY

*Director-General for Agriculture and  
Rural Development*

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

<sup>(2)</sup> OJ L 341, 22.12.2001, p. 29. Regulation as last amended by Regulation (EC) No 926/2006 (OJ L 170, 23.6.2006, p. 8).

## ANNEX I.A

Quota number	Allocation coefficient
09.4590	1,0000
09.4599	0,0174
09.4591	—
09.4592	—
09.4593	1,0000
09.4594	1,0000
09.4595	0,0102
09.4596	1,0000

## ANNEX I.B

## 1. Products originating in Roumania

Quota number	Allocation coefficient
09.4771	1,0000
09.4772	—
09.4758	0,4450

## 2. Products originating in Bulgaria

Quota number	Allocation coefficient
09.4773	—
09.4660	1,0000
09.4675	—

## ANNEX I.C

## Products originating in ACP countries

Quota number	Quantity (t)
09.4026	—
09.4027	—

## ANNEX I.D

## Products originating in Turkey

Quota number	Quantity (t)
09.4101	—

## ANNEX I.E

Products originating from South Africa

Quota number	Quantity (t)
09.4151	—

## ANNEX I.F

Products originating from Switzerland

Quota number	Allocation coefficient
09.4155	1,0000
09.4156	1,0000

## ANNEX I.H

Products originating in Norway

Quota number	Allocation coefficient
09.4781	0,9059
09.4782	0,8611

**COMMISSION REGULATION (EC) No 1131/2006****of 24 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 25 July 2006.

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

Done at Brussels, 24 July 2006.

*For the Commission*

Jean-Luc 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. Regulation as amended by Regulation (EC) No 1101/2006 (OJ L 196, 18.7.2006, p. 11).

## 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 25 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>	29,79	2,35
1701 11 90 <sup>(1)</sup>	29,79	6,64
1701 12 10 <sup>(1)</sup>	29,79	2,21
1701 12 90 <sup>(1)</sup>	29,79	6,21
1701 91 00 <sup>(2)</sup>	35,62	7,42
1701 99 10 <sup>(2)</sup>	35,62	3,65
1701 99 90 <sup>(2)</sup>	35,62	3,65
1702 90 99 <sup>(3)</sup>	0,36	0,31

<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.



## II

(Acts whose publication is not obligatory)

## COUNCIL

## COUNCIL DECISION

of 18 May 2006

**on the conclusion of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions**

(2006/515/EC)

THE COUNCIL OF THE EUROPEAN UNION,

contributes towards ensuring mutual respect and understanding between cultures at world level.

Having regard to the Treaty establishing the European Community, and in particular Articles 133, 151, 181 and 181a in conjunction with the second sentence of the first subparagraph of Article 300(2), and the first subparagraph of Article 300(3), thereof,

(4) The UNESCO Convention should be approved as soon as possible.

Having regard to the proposal from the Commission,

(5) Both the Community and its Member States have competence in the fields covered by the UNESCO Convention. The Community and the Member States should therefore become Contracting Parties to it, so that together they can fulfil the obligations laid down by the UNESCO Convention and exercise the rights invested in them by it, in situations of mixed competence in a coherent manner,

Having regard to the Opinion of the European Parliament <sup>(1)</sup>,

Whereas:

(1) In November 2004, the Council authorised the Commission to participate, on behalf of the Community, in negotiations at the United Nations Educational, Scientific and Cultural Organisation (UNESCO) concerning a Convention on the Protection and Promotion of the Diversity of Cultural Expressions, hereinafter referred to as the 'UNESCO Convention'. The Commission participated in these negotiations, together with the Member States.

HAS DECIDED AS FOLLOWS:

*Article 1*

1. The UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions is hereby approved on behalf of the Community.

(2) The UNESCO Convention was adopted at the General Conference of UNESCO in Paris on 20 October 2005.

2. The text of the UNESCO Convention is contained in Annex 1(a) to this Decision.

(3) The UNESCO Convention constitutes a relevant and effective pillar for promoting cultural diversity and cultural exchanges, to which both the Community, as reflected in Article 151(4) of the Treaty, and its Member States, attach the greatest importance. It

*Article 2*

1. The President of the Council is hereby authorised to designate the person(s) empowered to deposit the instrument of accession, on behalf of the Community, with the Director-General of UNESCO, in accordance with Article 27(4) of the UNESCO Convention.

<sup>(1)</sup> Opinion delivered on 27.4.2006 (not yet published in the Official Journal).

2. The President of the Council is hereby authorised to designate the person(s) empowered to deposit, on behalf of the Community, the declaration of competence contained in Annex 1(b) to this Decision, in accordance with Article 27(3)(c) of the UNESCO Convention.

3. The President of the Council is hereby authorised to designate the person(s) empowered to issue the Unilateral Declaration reproduced in Annex 2 to this Decision at the time of the deposition of the instrument of accession.

*Article 3*

In respect of matters falling within the Community's competence, the Commission shall represent the Community

at meetings of the bodies created by the UNESCO Convention, in particular the Conference of the Parties referred to in Article 22 thereof, and shall negotiate on its behalf concerning questions falling within the remit of those bodies.

*Article 4*

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

Done at Brussels, 18 May 2006.

*For the Council*

*The President*

Franz MORAK

## ANNEX 1(a)

## CONVENTION

**on the protection and promotion of the diversity of cultural expressions**

The General Conference of the United Nations Educational, Scientific and Cultural Organization, meeting in Paris from 3 to 21 October 2005 at its 33rd session,

AFFIRMING that cultural diversity is a defining characteristic of humanity,

CONSCIOUS that cultural diversity forms a common heritage of humanity and should be cherished and preserved for the benefit of all,

BEING AWARE that cultural diversity creates a rich and varied world, which increases the range of choices and nurtures human capacities and values, and therefore is a mainspring for sustainable development for communities, peoples and nations,

RECALLING that cultural diversity, flourishing within a framework of democracy, tolerance, social justice and mutual respect between peoples and cultures, is indispensable for peace and security at the local, national and international levels,

CELEBRATING the importance of cultural diversity for the full realization of human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and other universally recognized instruments,

EMPHASIZING the need to incorporate culture as a strategic element in national and international development policies, as well as in international development cooperation, taking into account also the United Nations Millennium Declaration (2000) with its special emphasis on poverty eradication,

TAKING INTO ACCOUNT that culture takes diverse forms across time and space and that this diversity is embodied in the uniqueness and plurality of the identities and cultural expressions of the peoples and societies making up humanity,

RECOGNIZING the importance of traditional knowledge as a source of intangible and material wealth, and in particular the knowledge systems of indigenous peoples, and its positive contribution to sustainable development, as well as the need for its adequate protection and promotion,

RECOGNIZING the need to take measures to protect the diversity of cultural expressions, including their contents, especially in situations where cultural expressions may be threatened by the possibility of extinction or serious impairment,

EMPHASIZING the importance of culture for social cohesion in general, and in particular its potential for the enhancement of the status and role of women in society,

BEING AWARE that cultural diversity is strengthened by the free flow of ideas, and that it is nurtured by constant exchanges and interaction between cultures,

REAFFIRMING that freedom of thought, expression and information, as well as diversity of the media, enable cultural expressions to flourish within societies,

RECOGNIZING that the diversity of cultural expressions, including traditional cultural expressions, is an important factor that allows individuals and peoples to express and to share with others their ideas and values,

RECALLING that linguistic diversity is a fundamental element of cultural diversity, and REAFFIRMING the fundamental role that education plays in the protection and promotion of cultural expressions,

TAKING INTO ACCOUNT the importance of the vitality of cultures, including for persons belonging to minorities and indigenous peoples, as manifested in their freedom to create, disseminate and distribute their traditional cultural expressions and to have access thereto, so as to benefit them for their own development,

EMPHASIZING the vital role of cultural interaction and creativity, which nurture and renew cultural expressions and enhance the role played by those involved in the development of culture for the progress of society at large,

RECOGNIZING the importance of intellectual property rights in sustaining those involved in cultural creativity,

BEING CONVINCED that cultural activities, goods and services have both an economic and a cultural nature, because they convey identities, values and meanings, and must therefore not be treated as solely having commercial value,

NOTING that while the processes of globalization, which have been facilitated by the rapid development of information and communication technologies, afford unprecedented conditions for enhanced interaction between cultures, they also represent a challenge for cultural diversity, namely in view of risks of imbalances between rich and poor countries,

BEING AWARE of Unesco's specific mandate to ensure respect for the diversity of cultures and to recommend such international agreements as may be necessary to promote the free flow of ideas by word and image,

REFERRING to the provisions of the international instruments adopted by Unesco relating to cultural diversity and the exercise of cultural rights, and in particular the Universal Declaration on Cultural Diversity of 2001,

ADOPTS THIS CONVENTION ON 20 OCTOBER 2005.

## I. OBJECTIVES AND GUIDING PRINCIPLES

### Article 1

#### Objectives

The objectives of this Convention are:

- (a) to protect and promote the diversity of cultural expressions;
- (b) to create the conditions for cultures to flourish and to freely interact in a mutually beneficial manner;
- (c) to encourage dialogue among cultures with a view to ensuring wider and balanced cultural exchanges in the world in favour of intercultural respect and a culture of peace;
- (d) to foster interculturality in order to develop cultural interaction in the spirit of building bridges among peoples;
- (e) to promote respect for the diversity of cultural expressions and raise awareness of its value at the local, national and international levels;
- (f) to reaffirm the importance of the link between culture and development for all countries, particularly for developing countries, and to support actions undertaken nationally and internationally to secure recognition of the true value of this link;

(g) to give recognition to the distinctive nature of cultural activities, goods and services as vehicles of identity, values and meaning;

(h) to reaffirm the sovereign rights of States to maintain, adopt and implement policies and measures that they deem appropriate for the protection and promotion of the diversity of cultural expressions on their territory;

(i) to strengthen international cooperation and solidarity in a spirit of partnership with a view, in particular, to enhancing the capacities of developing countries in order to protect and promote the diversity of cultural expressions.

### Article 2

#### Guiding principles

##### 1. Principle of respect for human rights and fundamental freedoms

Cultural diversity can be protected and promoted only if human rights and fundamental freedoms, such as freedom of expression, information and communication, as well as the ability of individuals to choose cultural expressions, are guaranteed. No one may invoke the provisions of this Convention in order to infringe human rights and fundamental freedoms as enshrined in the Universal Declaration of Human Rights or guaranteed by international law, or to limit the scope thereof.

## 2. Principle of sovereignty

States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to adopt measures and policies to protect and promote the diversity of cultural expressions within their territory.

## 3. Principle of equal dignity of and respect for all cultures

The protection and promotion of the diversity of cultural expressions presuppose the recognition of equal dignity of and respect for all cultures, including the cultures of persons belonging to minorities and indigenous peoples.

## 4. Principle of international solidarity and cooperation

International cooperation and solidarity should be aimed at enabling countries, especially developing countries, to create and strengthen their means of cultural expression, including their cultural industries, whether nascent or established, at the local, national and international levels.

## 5. Principle of the complementarity of economic and cultural aspects of development

Since culture is one of the mainsprings of development, the cultural aspects of development are as important as its economic aspects, which individuals and peoples have the fundamental right to participate in and enjoy.

## 6. Principle of sustainable development

Cultural diversity is a rich asset for individuals and societies. The protection, promotion and maintenance of cultural diversity are an essential requirement for sustainable development for the benefit of present and future generations.

## 7. Principle of equitable access

Equitable access to a rich and diversified range of cultural expressions from all over the world and access of cultures to the means of expressions and dissemination constitute important elements for enhancing cultural diversity and encouraging mutual understanding.

## 8. Principle of openness and balance

When States adopt measures to support the diversity of cultural expressions, they should seek to promote, in an appropriate manner, openness to other cultures of the world and to ensure that these measures are geared to the objectives pursued under the present Convention.

## II. SCOPE OF APPLICATION

### Article 3

#### Scope of application

This Convention shall apply to the policies and measures adopted by the Parties related to the protection and promotion of the diversity of cultural expressions.

## III. DEFINITIONS

### Article 4

#### Definitions

For the purposes of this Convention, it is understood that:

#### 1. Cultural diversity

'Cultural diversity' refers to the manifold ways in which the cultures of groups and societies find expression. These expressions are passed on within and among groups and societies.

Cultural diversity is made manifest not only through the varied ways in which the cultural heritage of humanity is expressed, augmented and transmitted through the variety of cultural expressions, but also through diverse modes of artistic creation, production, dissemination, distribution and enjoyment, whatever the means and technologies used.

#### 2. Cultural content

'Cultural content' refers to the symbolic meaning, artistic dimension and cultural values that originate from or express cultural identities.

#### 3. Cultural expressions

'Cultural expressions' are those expressions that result from the creativity of individuals, groups and societies, and that have cultural content.

#### 4. Cultural activities, goods and services

'Cultural activities, goods and services' refers to those activities, goods and services, which at the time they are considered as a specific attribute, use or purpose, embody or convey cultural expressions, irrespective of the commercial value they may have. Cultural activities may be an end in themselves, or they may contribute to the production of cultural goods and services.

#### 5. Cultural industries

'Cultural industries' refers to industries producing and distributing cultural goods or services as defined in paragraph 4 above.

#### 6. Cultural policies and measures

'Cultural policies and measures' refers to those policies and measures relating to culture, whether at the local, national, regional or international level that are either focused on culture as such or are designed to have a direct effect on cultural expressions of individuals, groups or societies, including on the creation, production, dissemination, distribution of and access to cultural activities, goods and services.

**7. Protection**

'Protection' means the adoption of measures aimed at the preservation, safeguarding and enhancement of the diversity of cultural expressions.

"Protect" means to adopt such measures.

**8. Interculturality**

'Interculturality' refers to the existence and equitable interaction of diverse cultures and the possibility of generating shared cultural expressions through dialogue and mutual respect.

(iii) measures aimed at providing domestic independent cultural industries and activities in the informal sector effective access to the means of production, dissemination and distribution of cultural activities, goods and services;

(iv) measures aimed at providing public financial assistance;

(v) measures aimed at encouraging non-profit organizations, as well as public and private institutions and artists and other cultural professionals, to develop and promote the free exchange and circulation of ideas, cultural expressions and cultural activities, goods and services, and to stimulate both the creative and entrepreneurial spirit in their activities;

(vi) measures aimed at establishing and supporting public institutions, as appropriate;

(vii) measures aimed at nurturing and supporting artists and others involved in the creation of cultural expressions;

(viii) measures aimed at enhancing diversity of the media, including through public service broadcasting.

**IV. RIGHTS AND OBLIGATIONS OF PARTIES***Article 5***General rule regarding rights and obligations**

1. The Parties, in conformity with the Charter of the United Nations, the principles of international law and universally recognized human rights instruments, reaffirm their sovereign right to formulate and implement their cultural policies and to adopt measures to protect and promote the diversity of cultural expressions and to strengthen international cooperation to achieve the purposes of this Convention.

2. When a Party implements policies and takes measures to protect and promote the diversity of cultural expressions within its territory, its policies and measures shall be consistent with the provisions of this Convention.

*Article 6***Rights of parties at the national level**

1. Within the framework of its cultural policies and measures as defined in Article 4.6 and taking into account its own particular circumstances and needs, each Party may adopt measures aimed at protecting and promoting the diversity of cultural expressions within its territory.

2. Such measures may include the following:

(i) regulatory measures aimed at protecting and promoting diversity of cultural expressions;

(ii) measures that, in an appropriate manner, provide opportunities for domestic cultural activities, goods and services among all those available within the national territory for the creation, production, dissemination, distribution and enjoyment of such domestic cultural activities, goods and services, including provisions relating to the language used for such activities, goods and services;

*Article 7***Measures to promote cultural expressions**

1. Parties shall endeavour to create in their territory an environment which encourages individuals and social groups:

(a) to create, produce, disseminate, distribute and have access to their own cultural expressions, paying due attention to the special circumstances and needs of women as well as various social groups, including persons belonging to minorities and indigenous peoples;

(b) to have access to diverse cultural expressions from within their territory as well as from other countries of the world.

2. Parties shall also endeavour to recognize the important contribution of artists, others involved in the creative process, cultural communities, and organizations that support their work, and their central role in nurturing the diversity of cultural expressions.

*Article 8***Measures to protect cultural expressions**

1. Without prejudice to the provisions of Articles 5 and 6, a Party may determine the existence of special situations where cultural expressions on its territory are at risk of extinction, under serious threat, or otherwise in need of urgent safeguarding.

2. Parties may take all appropriate measures to protect and preserve cultural expressions in situations referred to in paragraph 1 in a manner consistent with the provisions of this Convention.

3. Parties shall report to the Intergovernmental Committee referred to in Article 23 all measures taken to meet the exigencies of the situation, and the Committee may make appropriate recommendations.

#### Article 9

##### Information sharing and transparency

Parties shall:

- (a) provide appropriate information in their reports to Unesco every four years on measures taken to protect and promote the diversity of cultural expressions within their territory and at the international level;
- (b) designate a point of contact responsible for information sharing in relation to this Convention;
- (c) share and exchange information relating to the protection and promotion of the diversity of cultural expressions.

#### Article 10

##### Education and public awareness

Parties shall:

- (a) encourage and promote understanding of the importance of the protection and promotion of the diversity of cultural expressions, *inter alia*, through educational and greater public awareness programmes;
- (b) cooperate with other Parties and international and regional organizations in achieving the purpose of this article;
- (c) endeavour to encourage creativity and strengthen production capacities by setting up educational, training and exchange programmes in the field of cultural industries. These measures should be implemented in a manner which does not have a negative impact on traditional forms of production.

#### Article 11

##### Participation of civil society

Parties acknowledge the fundamental role of civil society in protecting and promoting the diversity of cultural expressions. Parties shall encourage the active participation of civil society in their efforts to achieve the objectives of this Convention.

#### Article 12

##### Promotion of international cooperation

Parties shall endeavour to strengthen their bilateral, regional and international cooperation for the creation of conditions conducive to the promotion of the diversity of cultural expressions, taking particular account of the situations referred to in Articles 8 and 17, notably in order to:

- (a) facilitate dialogue among Parties on cultural policy;
- (b) enhance public sector strategic and management capacities in cultural public sector institutions, through professional and international cultural exchanges and sharing of best practices;
- (c) reinforce partnerships with and among civil society, non-governmental organizations and the private sector in fostering and promoting the diversity of cultural expressions;
- (d) promote the use of new technologies, encourage partnerships to enhance information sharing and cultural understanding, and foster the diversity of cultural expressions;
- (e) encourage the conclusion of co-production and co-distribution agreements.

#### Article 13

##### Integration of culture in sustainable development

Parties shall endeavour to integrate culture in their development policies at all levels for the creation of conditions conducive to sustainable development and, within this framework, foster aspects relating to the protection and promotion of the diversity of cultural expressions.

#### Article 14

##### Cooperation for development

Parties shall endeavour to support cooperation for sustainable development and poverty reduction, especially in relation to the specific needs of developing countries, in order to foster the emergence of a dynamic cultural sector by, *inter alia*, the following means:

- (a) the strengthening of the cultural industries in developing countries through:
  - (i) creating and strengthening cultural production and distribution capacities in developing countries;
  - (ii) facilitating wider access to the global market and international distribution networks for their cultural activities, goods and services;

(iii) enabling the emergence of viable local and regional markets;

(iv) adopting, where possible, appropriate measures in developed countries with a view to facilitating access to their territory for the cultural activities, goods and services of developing countries;

(v) providing support for creative work and facilitating the mobility, to the extent possible, of artists from the developing world;

(vi) encouraging appropriate collaboration between developed and developing countries in the areas, *inter alia*, of music and film;

(b) capacity-building through the exchange of information, experience and expertise, as well as the training of human resources in developing countries, in the public and private sector relating to, *inter alia*, strategic and management capacities, policy development and implementation, promotion and distribution of cultural expressions, small-, medium- and micro-enterprise development, the use of technology, and skills development and transfer;

(c) technology transfer through the introduction of appropriate incentive measures for the transfer of technology and know-how, especially in the areas of cultural industries and enterprises;

(d) financial support through:

(i) the establishment of an International Fund for Cultural Diversity as provided in Article 18;

(ii) the provision of official development assistance, as appropriate, including technical assistance, to stimulate and support creativity;

(iii) other forms of financial assistance such as low interest loans, grants and other funding mechanisms.

#### Article 15

##### Collaborative arrangements

Parties shall encourage the development of partnerships, between and within the public and private sectors and non-profit organizations, in order to cooperate with developing countries in the enhancement of their capacities in the protection and promotion of the diversity of cultural expressions. These innovative partnerships shall, according to the practical needs of developing countries, emphasize the further development of infrastructure, human resources and policies, as well as the exchange of cultural activities, goods and services.

#### Article 16

##### Preferential treatment for developing countries

Developed countries shall facilitate cultural exchanges with developing countries by granting, through the appropriate institutional and legal frameworks, preferential treatment to artists and other cultural professionals and practitioners, as well as cultural goods and services from developing countries.

#### Article 17

##### International cooperation in situations of serious threat to cultural expressions

Parties shall cooperate in providing assistance to each other, and, in particular to developing countries, in situations referred to under Article 8.

#### Article 18

##### International Fund for Cultural Diversity

1. An International Fund for Cultural Diversity, hereinafter referred to as 'the Fund', is hereby established.

2. The Fund shall consist of funds-in-trust established in accordance with the Financial Regulations of Unesco.

3. The resources of the Fund shall consist of:

(a) voluntary contributions made by Parties;

(b) funds appropriated for this purpose by the General Conference of Unesco;

(c) contributions, gifts or bequests by other States; organizations and programmes of the United Nations system, other regional or international organizations; and public or private bodies or individuals;

(d) any interest due on resources of the Fund;

(e) funds raised through collections and receipts from events organized for the benefit of the Fund;

(f) any other resources authorized by the Fund's regulations.

4. The use of resources of the Fund shall be decided by the Intergovernmental Committee on the basis of guidelines determined by the Conference of Parties referred to in Article 22.



5. The Intergovernmental Committee may accept contributions and other forms of assistance for general and specific purposes relating to specific projects, provided that those projects have been approved by it.

6. No political, economic or other conditions that are incompatible with the objectives of this Convention may be attached to contributions made to the Fund.

7. Parties shall endeavour to provide voluntary contributions on a regular basis towards the implementation of this Convention.

#### Article 19

##### Exchange, analysis and dissemination of information

1. Parties agree to exchange information and share expertise concerning data collection and statistics on the diversity of cultural expressions as well as on best practices for its protection and promotion.

2. Unesco shall facilitate, through the use of existing mechanisms within the Secretariat, the collection, analysis and dissemination of all relevant information, statistics and best practices.

3. Unesco shall also establish and update a data bank on different sectors and governmental, private and non-profit organizations involved in the area of cultural expressions.

4. To facilitate the collection of data, Unesco shall pay particular attention to capacity-building and the strengthening of expertise for Parties that submit a request for such assistance.

5. The collection of information identified in this Article shall complement the information collected under the provisions of Article 9.

#### V. RELATIONSHIP TO OTHER INSTRUMENTS

#### Article 20

##### Relationship to other treaties: mutual supportiveness, complementarity and non-subordination

1. Parties recognize that they shall perform in good faith their obligations under this Convention and all other treaties to which they are parties. Accordingly, without subordinating this Convention to any other treaty,

(a) they shall foster mutual supportiveness between this Convention and the other treaties to which they are parties; and

(b) when interpreting and applying the other treaties to which they are parties or when entering into other international obligations, Parties shall take into account the relevant provisions of this Convention.

2. Nothing in this Convention shall be interpreted as modifying rights and obligations of the Parties under any other treaties to which they are parties.

#### Article 21

##### International consultation and coordination

Parties undertake to promote the objectives and principles of this Convention in other international forums. For this purpose, Parties shall consult each other, as appropriate, bearing in mind these objectives and principles.

#### VI. ORGANS OF THE CONVENTION

#### Article 22

##### Conference of Parties

1. A Conference of Parties shall be established. The Conference of Parties shall be the plenary and supreme body of this Convention.

2. The Conference of Parties shall meet in ordinary session every two years, as far as possible, in conjunction with the General Conference of Unesco. It may meet in extraordinary session if it so decides or if the Intergovernmental Committee receives a request to that effect from at least one-third of the Parties.

3. The Conference of Parties shall adopt its own rules of procedure.

4. The functions of the Conference of Parties shall be, *inter alia*:

(a) to elect the Members of the Intergovernmental Committee;

(b) to receive and examine reports of the Parties to this Convention transmitted by the Intergovernmental Committee;

(c) to approve the operational guidelines prepared upon its request by the Intergovernmental Committee;

(d) to take whatever other measures it may consider necessary to further the objectives of this Convention.

#### Article 23

##### Intergovernmental Committee

1. An Intergovernmental Committee for the Protection and Promotion of the Diversity of Cultural Expressions, hereinafter referred to as 'the Intergovernmental Committee', shall be established within Unesco. It shall be composed of representatives of 18 States Parties to the Convention, elected for a term of four years by the Conference of Parties upon entry into force of this Convention pursuant to Article 29.

2. The Intergovernmental Committee shall meet annually.
3. The Intergovernmental Committee shall function under the authority and guidance of and be accountable to the Conference of Parties.
4. The Members of the Intergovernmental Committee shall be increased to 24 once the number of Parties to the Convention reaches 50.
5. The election of Members of the Intergovernmental Committee shall be based on the principles of equitable geographical representation as well as rotation.
6. Without prejudice to the other responsibilities conferred upon it by this Convention, the functions of the Intergovernmental Committee shall be:
  - (a) to promote the objectives of this Convention and to encourage and monitor the implementation thereof;
  - (b) to prepare and submit for approval by the Conference of Parties, upon its request, the operational guidelines for the implementation and application of the provisions of the Convention;
  - (c) to transmit to the Conference of Parties reports from Parties to the Convention, together with its comments and a summary of their contents;
  - (d) to make appropriate recommendations to be taken in situations brought to its attention by Parties to the Convention in accordance with relevant provisions of the Convention, in particular Article 8;
  - (e) to establish procedures and other mechanisms for consultation aimed at promoting the objectives and principles of this Convention in other international forums;
  - (f) to perform any other tasks as may be requested by the Conference of Parties.
7. The Intergovernmental Committee, in accordance with its Rules of Procedure, may invite at any time public or private organizations or individuals to participate in its meetings for consultation on specific issues.
8. The Intergovernmental Committee shall prepare and submit to the Conference of Parties, for approval, its own Rules of Procedure.

#### Article 24

#### Unesco Secretariat

1. The organs of the Convention shall be assisted by the Unesco Secretariat.

2. The Secretariat shall prepare the documentation of the Conference of Parties and the Intergovernmental Committee as well as the agenda of their meetings and shall assist in and report on the implementation of their decisions.

### VII. FINAL CLAUSES

#### Article 25

#### Settlement of disputes

1. In the event of a dispute between Parties to this Convention concerning the interpretation or the application of the Convention, the Parties shall seek a solution by negotiation.
2. If the Parties concerned cannot reach agreement by negotiation, they may jointly seek the good offices of, or request mediation by, a third party.
3. If good offices or mediation are not undertaken or if there is no settlement by negotiation, good offices or mediation, a Party may have recourse to conciliation in accordance with the procedure laid down in the Annex of this Convention. The Parties shall consider in good faith the proposal made by the Conciliation Commission for the resolution of the dispute.
4. Each Party may, at the time of ratification, acceptance, approval or accession, declare that it does not recognize the conciliation procedure provided for above. Any Party having made such a declaration may, at any time, withdraw this declaration by notification to the Director-General of Unesco.

#### Article 26

#### Ratification, acceptance, approval or accession by Member States

1. This Convention shall be subject to ratification, acceptance, approval or accession by Member States of Unesco in accordance with their respective constitutional procedures.
2. The instruments of ratification, acceptance, approval or accession shall be deposited with the Director-General of Unesco.

#### Article 27

#### Accession

1. This Convention shall be open to accession by all States not Members of Unesco but members of the United Nations, or of any of its specialized agencies, that are invited by the General Conference of Unesco to accede to it.

2. This Convention shall also be open to accession by territories which enjoy full internal self-government recognized as such by the United Nations, but which have not attained full independence in accordance with General Assembly resolution 1514 (XV), and which have competence over the matters governed by this Convention, including the competence to enter into treaties in respect of such matters.

3. The following provisions apply to regional economic integration organizations:

(a) This Convention shall also be open to accession by any regional economic integration organization, which shall, except as provided below, be fully bound by the provisions of the Convention in the same manner as States Parties;

(b) In the event that one or more Member States of such an organization is also Party to this Convention, the organization and such Member State or States shall decide on their responsibility for the performance of their obligations under this Convention. Such distribution of responsibility shall take effect following completion of the notification procedure described in subparagraph (c). The organization and the Member States shall not be entitled to exercise rights under this Convention concurrently. In addition, regional economic integration organizations, in matters within their competence, shall exercise their rights to vote with a number of votes equal to the number of their Member States that are Parties to this Convention. Such an organization shall not exercise its right to vote if any of its Member States exercises its right, and vice-versa;

(c) A regional economic integration organization and its Member State or States which have agreed on a distribution of responsibilities as provided in subparagraph (b) shall inform the Parties of any such proposed distribution of responsibilities in the following manner:

(i) in their instrument of accession, such organization shall declare with specificity, the distribution of their responsibilities with respect to matters governed by the Convention;

(ii) in the event of any later modification of their respective responsibilities, the regional economic integration organization shall inform the depositary of any such proposed modification of their respective responsibilities; the depositary shall in turn inform the Parties of such modification;

(d) Member States of a regional economic integration organization which become Parties to this Convention shall be presumed to retain competence over all matters in respect of which transfers of competence to the organization have not been specifically declared or informed to the depositary;

(e) 'Regional economic integration organization' means an organization constituted by sovereign States, members of

the United Nations or of any of its specialized agencies, to which those States have transferred competence in respect of matters governed by this Convention and which has been duly authorized, in accordance with its internal procedures, to become a Party to it.

4. The instrument of accession shall be deposited with the Director-General of Unesco.

#### Article 28

##### Point of contact

Upon becoming Parties to this Convention, each Party shall designate a point of contact as referred to in Article 9.

#### Article 29

##### Entry into force

1. This Convention shall enter into force three months after the date of deposit of the thirtieth instrument of ratification, acceptance, approval or accession, but only with respect to those States or regional economic integration organizations that have deposited their respective instruments of ratification, acceptance, approval, or accession on or before that date. It shall enter into force with respect to any other Party three months after the deposit of its instrument of ratification, acceptance, approval or accession.

2. For the purposes of this Article, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by Member States of the organization.

#### Article 30

##### Federal or non-unitary constitutional systems

Recognizing that international agreements are equally binding on Parties regardless of their constitutional systems, the following provisions shall apply to Parties which have a federal or non-unitary constitutional system:

(a) with regard to the provisions of this Convention, the implementation of which comes under the legal jurisdiction of the federal or central legislative power, the obligations of the federal or central government shall be the same as for those Parties which are not federal States;

(b) with regard to the provisions of the Convention, the implementation of which comes under the jurisdiction of individual constituent units such as States, counties, provinces, or cantons which are not obliged by the constitutional system of the federation to take legislative measures, the federal government shall inform, as necessary, the competent authorities of constituent units such as States, counties, provinces or cantons of the said provisions, with its recommendation for their adoption.

*Article 31***Denunciation**

1. Any Party to this Convention may denounce this Convention.
2. The denunciation shall be notified by an instrument in writing deposited with the Director-General of Unesco.
3. The denunciation shall take effect 12 months after the receipt of the instrument of denunciation. It shall in no way affect the financial obligations of the Party denouncing the Convention until the date on which the withdrawal takes effect.

*Article 32***Depositary functions**

The Director-General of Unesco, as the depositary of this Convention, shall inform the Member States of the Organization, the States not members of the Organization and regional economic integration organizations referred to in Article 27, as well as the United Nations, of the deposit of all the instruments of ratification, acceptance, approval or accession provided for in Articles 26 and 27, and of the denunciations provided for in Article 31.

*Article 33***Amendments**

1. A Party to this Convention may, by written communication addressed to the Director-General, propose amendments to this Convention. The Director-General shall circulate such communication to all Parties. If, within six months from the date of dispatch of the communication, no less than one half of the Parties reply favourably to the request, the Director-General shall present such proposal to the next session of the Conference of Parties for discussion and possible adoption.
2. Amendments shall be adopted by a two-thirds majority of Parties present and voting.
3. Once adopted, amendments to this Convention shall be submitted to the Parties for ratification, acceptance, approval or accession.

4. For Parties which have ratified, accepted, approved or acceded to them, amendments to this Convention shall enter into force three months after the deposit of the instruments referred to in paragraph 3 of this Article by two-thirds of the Parties. Thereafter, for each Party that ratifies, accepts, approves or accedes to an amendment, the said amendment shall enter into force three months after the date of deposit by that Party of its instrument of ratification, acceptance, approval or accession.

5. The procedure set out in paragraphs 3 and 4 shall not apply to amendments to Article 23 concerning the number of Members of the Intergovernmental Committee. These amendments shall enter into force at the time they are adopted.

6. A State or a regional economic integration organization referred to in Article 27 which becomes a Party to this Convention after the entry into force of amendments in conformity with paragraph 4 of this Article shall, failing an expression of different intention, be considered to be:

- (a) Party to this Convention as so amended; and
- (b) a Party to the unamended Convention in relation to any Party not bound by the amendments.

*Article 34***Authoritative texts**

This Convention has been drawn up in Arabic, Chinese, English, French, Russian and Spanish, all six texts being equally authoritative.

*Article 35***Registration**

In conformity with Article 102 of the Charter of the United Nations, this Convention shall be registered with the Secretariat of the United Nations at the request of the Director-General of Unesco.

## ANNEX

**CONCILIATION PROCEDURE***Article 1***Conciliation Commission**

A Conciliation Commission shall be created upon the request of one of the Parties to the dispute. The Commission shall, unless the Parties otherwise agree, be composed of five members, two appointed by each Party concerned and a President chosen jointly by those members.

*Article 2***Members of the Commission**

In disputes between more than two Parties, Parties in the same interest shall appoint their members of the Commission jointly by agreement. Where two or more Parties have separate interests or there is a disagreement as to whether they are of the same interest, they shall appoint their members separately.

*Article 3***Appointments**

If any appointments by the Parties are not made within two months of the date of the request to create a Conciliation Commission, the Director-General of Unesco shall, if asked to do so by the Party that made the request, make those appointments within a further two-month period.

*Article 4***President of the Commission**

If a President of the Conciliation Commission has not been chosen within two months of the last of the members of the Commission being appointed, the Director-General of Unesco shall, if asked to do so by a Party, designate a President within a further two-month period.

*Article 5***Decisions**

The Conciliation Commission shall take its decisions by majority vote of its members. It shall, unless the Parties to the dispute otherwise agree, determine its own procedure. It shall render a proposal for resolution of the dispute, which the Parties shall consider in good faith.

*Article 6***Disagreement**

A disagreement as to whether the Conciliation Commission has competence shall be decided by the Commission.

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## ANNEX 1(b)

**Declaration of the European Community in application of Article 27(3)(c) of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions**

The current members of the European Community are the Kingdom of Belgium, the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, the Hellenic Republic, the Kingdom of Spain, the French Republic, Ireland, the Italian Republic, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, the Republic of Hungary, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland.

This Declaration indicates the competences transferred to the Community by the Member States under the Treaties, in the areas covered by the Convention.

The Community has exclusive competence for the common commercial policy (Articles 131-134 of the Treaty), except for the commercial aspects of intellectual property and trade in services in those areas set out in Article 133 (5) and (6) of the Treaty (in particular, in this context, trade in cultural and audiovisual services) where responsibility is shared between the Community and the Member States. It conducts a development cooperation policy (Articles 177-181 of the Treaty) and a policy of cooperation with industrialised countries (Article 181a of the Treaty) without prejudice to the respective competences of the Member States. It has shared competence as regards the free movement of goods, persons, services and capital (Articles 23-31 and 39-60 of the Treaty), competition (Articles 81-89 of the Treaty) and the internal market, including intellectual property (Articles 94-97 of the Treaty). Pursuant to Article 151 of the Treaty, in particular paragraph 4 thereof, the Community takes cultural aspects into account in its action under other provisions of the Treaty, in particular in order to respect and to promote the diversity of its cultures.

The Community Acts listed below illustrate the extent of the area of competence of the Community in accordance with the provisions establishing the European Community.

Council Decision 94/800/EC of 22 December 1994 concerning the conclusion on behalf of the European Community, as regards matters within its competence, of the Agreements reached in the Uruguay Round multilateral negotiations (1986 to 1994) (OJ L 336, 23.12.1994, p. 1).

Council Regulation (EC) No 2501/2001 of 10 December 2001 applying a scheme of generalised tariff preferences for the period from 1 January 2002 to 31 December 2004 — Statements on a Council Regulation applying a scheme of generalised tariff preferences for the period from 1 January 2002 to 31 December 2004 (OJ L 346, 31.12.2001, p. 1).

Council Decision 2005/599/EC of 21 June 2005 concerning the signing, on behalf of the European Community, of the Agreement amending the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States, of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000 (OJ L 209, 11.8.2005, p. 26).

Council Regulation (EC) No 2698/2000 of 27 November 2000 amending Regulation (EC) No 1488/96 on financial and technical measures to accompany the reform of economic and social structures in the framework of the Euro-Mediterranean Partnership (MEDA) (OJ L 311, 12.12.2000, p. 1).

Council Regulation (EEC) No 3906/89 of 18 December 1989 on economic aid to the Republic of Hungary and the Polish People's Republic, and subsequent amendments, still applicable to Bulgaria and Romania (OJ L 375, 23.12.1989, p. 11).

Council Regulation (EC) No 2666/2000 of 5 December 2000 on assistance for Albania, Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia and the Former Yugoslav Republic of Macedonia and repealing Regulation (EC) No 1628/96 and amending Regulations (EEC) No 3906/89 and (EEC) No 1360/90 and Decisions 97/256/EC and 1999/311/EC (OJ L 306, 7.12.2000, p. 1).

Council Regulation (EEC) No 443/92 of 25 February 1992 on financial and technical assistance to, and economic cooperation with, the developing countries in Asia and Latin America (OJ L 52, 27.2.1992, p. 1).

Council Regulation (EC, Euratom) No 99/2000 of 29 December 1999 concerning the provision of assistance to the partner States in Eastern Europe and Central Asia (OJ L 12, 18.1.2000, p. 1).

Decision No 792/2004/EC of the European Parliament and of the Council of 21 April 2004 establishing a Community action programme to promote bodies active at European level in the field of culture (OJ L 138, 30.4.2004, p. 40).

Decision No 508/2000/EC of the European Parliament and the Council of 14 February 2000 establishing the Culture 2000 programme (OJ L 63, 10.3.2000, p. 1).

Decision No 1419/1999/EC of the European Parliament and of the Council of 25 May 1999 establishing a Community action for the European Capital of Culture event for the years 2005 to 2019 (OJ L 166, 1.7.1999, p. 1).

Council Decision of 22 September 1997 regarding the future of European cultural action OJ C 305, 7.10.1997, p. 1

Council Decision of 22 September 1997 on cross-border fixed book prices in European linguistic areas (OJ C 305, 7.10.1997, p. 2

Council Directive 89/552/EEC of 3 October 1989 on the coordination of certain provisions laid down by Law, Regulation or Administrative Action in Member States concerning the pursuit of television broadcasting activities (OJ L 298, 17.10.1989, p. 23). Directive amended by Directive 97/36/EC of the European Parliament and of the Council (OJ L 202, 30.7.1997, p. 60)

Council Decision 2000/821/EC of 20 December 2000 on the implementation of a programme to encourage the development, distribution and promotion of European audiovisual works (MEDIA Plus - Development, Distribution and Promotion) (2001-2005) (OJ L 336, 30.12.2000, p. 82).

Decision No 163/2001/EC of the European Parliament and of the Council of 19 January 2001 on the implementation of a training programme for professionals in the European audiovisual programme industry (MEDIA-Training) (2001-2005) (OJ L 26, 27.1.2001, p. 1).

Council Regulation (EC) No 659/1999 of 22 March 1999 laying down detailed rules for the application of Article 93 of the EC Treaty (OJ L 83, 27.3.1999, p. 1), relating to State aid.

Directive 2004/48/EC of the European Parliament and the Council of 29 April 2004 on the enforcement of intellectual property rights (OJ L 157, 30.4.2004, p. 45).

Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society (OJ L 167, 22.6.2001, p. 10).

Directive 2001/84/EC of the European Parliament and of the Council of 27 September 2001 on the resale right for the benefit of the author of an original work of art (OJ L 272, 13.10.2001, p. 32).

Council Directive 93/83/EEC of 27 September 1993 on the coordination of certain rules concerning copyright and rights related to copyright applicable to satellite broadcasting and cable retransmission (OJ L 248, 6.10.1993, p. 15).

Council Directive 93/98/EEC of 29 October 1993 harmonising the term of protection of copyright and certain related rights (OJ L 290, 24.11.1993, p. 9).

Council Directive 92/100/EEC of 19 November 1992 on rental right and lending right and on certain rights related to copyright in the field of intellectual property (OJ L 346, 27.11.1992, p. 61)

The exercise of Community competence is, by its nature, subject to continuous development. In this respect, therefore, the Community reserves the right to notify other future declarations regarding the distribution of competences between the European Community and the Member States.

## ANNEX 2

**Unilateral declaration on behalf of the community in connection with deposition of the instrument of accession**

'As regards the Community competences described in the Declaration pursuant to Article 27(3)(c) of the Convention, the Community is bound by the Convention and will ensure its due implementation. It follows that the Member States of the Community which are party to the Convention in their mutual relations apply the provisions of the Convention in accordance with the Community's internal rules and without prejudice to appropriate amendments being made to these rules.'

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## COUNCIL DECISION

of 27 June 2006

**on the conclusion, on behalf of the European Community, of the Protocol on Soil Protection, the Protocol on Energy and the Protocol on Tourism to the Alpine Convention**

(2006/516/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 175(1), in conjunction with the first sentence of the first subparagraph of Article 300(2) and the first subparagraph of Article 300(3) thereof,

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament <sup>(1)</sup>,

Whereas:

(1) The Convention on the protection of the Alps (hereinafter 'the Alpine Convention') was concluded on behalf of the European Community by Council Decision 96/191/EC <sup>(2)</sup>.

(2) The Council decided on the signature, on behalf of the European Community, of the Protocol on Soil Protection, the Protocol on Energy and the Protocol on Tourism to the Alpine Convention (hereinafter 'the Protocols') by Council Decision 2005/923/EC <sup>(3)</sup>.

(3) The Protocols are an important step in the implementation of the Alpine Convention, and the European Community is committed to the objectives of this Convention.

(4) Economic, social and ecological cross-border problems of the Alps remain a major challenge to be addressed in this highly sensitive area.

(5) Community Policies, in particular priority areas as defined in Decision No 1600/2002/EC of the European Parliament and of the Council of 22 July 2002 laying down the Sixth Community Environment Action Programme <sup>(4)</sup>, should be promoted and strengthened within the Alpine region.

(6) One of the main goals of the Protocol on Soil Protection is the safeguarding of the multifunctional role of soil based on the concept of sustainable development. Sustainable productivity of soil must be ensured in its natural function, as an archive of natural and cultural history and in order to guarantee its use for agriculture and forestry, urbanism and tourism, other economic uses, transport and infrastructure, and as a source of raw materials.

(7) Any approach to soil protection should take account of the considerable diversity of regional and local conditions that exist in the Alpine region. The Protocol on Soil Protection could help to implement appropriate measures at national and regional level.

(8) Requirements of the Protocol such as soil monitoring, identification of risk zones for erosion, flooding and landslides, an inventory of contaminated sites and the establishment of harmonised databases could be important elements for a Community policy on soil protection, as evidenced by, *inter alia*, Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment <sup>(5)</sup>, Council Directive 86/278/EEC of 12 June 1986 on the protection of the environment, and in particular of the soil, when sewage sludge is used in agriculture <sup>(6)</sup>, Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora <sup>(7)</sup>, Council Directive 99/31/EC of 26 April 1999 on the landfill of waste <sup>(8)</sup>, Council Regulation (EC) No 1257/1999 of 17 May 1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) <sup>(9)</sup> and Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy <sup>(10)</sup>.

<sup>(5)</sup> OJ L 175, 5.7.1985, p. 40. Directive as last amended by Directive 2003/35/EC of the European Parliament and the Council (OJ L 156, 25.6.2003, p. 17).

<sup>(6)</sup> OJ L 181, 4.7.1986, p. 6. Directive as last amended by Regulation (EC) No 807/2003 (OJ L 122, 16.5.2003, p. 36).

<sup>(7)</sup> OJ L 206, 22.7.1992, p. 7. Directive as last amended by Regulation (EC) No 1882/2003 of the European Parliament and the Council (OJ L 284, 31.10.2003, p. 1).

<sup>(8)</sup> OJ L 182, 16.7.1999, p. 1. Directive as amended by Regulation (EC) No 1882/2003.

<sup>(9)</sup> OJ L 160, 26.6.1999, p. 80. Regulation as last amended by Regulation (EC) No 2223/2004 (OJ L 379, 24.12.2004, p. 1).

<sup>(10)</sup> OJ L 327, 22.12.2000, p. 1. Directive as last amended by Decision No 2455/2001/EC (OJ L 331, 15.12.2001, p. 1).

<sup>(1)</sup> Opinion of 13 June 2006 (not yet published in the Official Journal).

<sup>(2)</sup> OJ L 61, 12.3.1996, p. 31.

<sup>(3)</sup> OJ L 337, 22.12.2005, p. 27.

<sup>(4)</sup> OJ L 242, 10.9.2002, p. 1.

- (9) The Protocol on Energy requires appropriate measures to be taken in the field of energy saving, energy production, including the promotion of renewable energy, energy transport, delivery and use of energy to foster conditions for sustainable development.
- (10) The provisions of the Protocol on Energy are in line with the Sixth Community Environment Action Programme to combat climate change as well as to promote sustainable management and use of natural resources. The Protocol's provisions are also in line with the Community's policy on energy, as set out in the White Paper for a 'Community Strategy and Action Plan', the Green Paper 'Towards a European strategy for the security of energy supply', Directive 2001/77/EC of the European Parliament and of the Council of 27 September 2001 on the promotion of electricity produced from renewable energy sources in the internal electricity market<sup>(11)</sup>, Directive 2002/91/EC of the European Parliament and of the Council of 16 December 2002 on the energy performance of buildings<sup>(12)</sup> and Decision No 1230/2003/EC of the European Parliament and of the Council of 26 June 2003 adopting a multi-annual programme for action in the field of energy: 'Intelligent Energy — Europe' (2003-2006)<sup>(13)</sup>.
- (11) The ratification of the Protocol on Energy would strengthen trans-border cooperation with Switzerland, Liechtenstein and Monaco. This would help to ensure that goals of the European Community are shared by regional partners and that such initiatives cover the whole Alpine eco-region.
- (12) Trans European Energy Networks (TEN-E) should be given priority and coordination and implementation measures foreseen in the TEN-E guidelines in Decision No 1229/2003/EC of the European Parliament and of the Council of 26 June 2003 laying down a series of guidelines for trans European energy networks<sup>(14)</sup> should be applied when developing new crossborder connections, in particular high-voltage lines.
- (13) The European Community, its Member States, Switzerland, Liechtenstein and Monaco are Parties to the United Nations Framework Convention on Climate Change (UNFCCC) and the Kyoto Protocol. The UNFCCC and the Kyoto Protocol require that Parties formulate, implement, publish and regularly update national and regional programmes containing measures to mitigate climate change by addressing anthropogenic emissions by sources and providing removals by sinks of all greenhouse gases not controlled by the Montreal Protocol.
- (14) The Protocol on Energy contributes to fulfilling UNFCCC requirements to take measures to facilitate adequate adaptation to climate change.
- (15) Tourism is an economically highly important sector in most parts of the Alps and is intimately linked to and dependant on environmental and social impacts.
- (16) As the mountain region is a unique and ecologically very sensitive area, a balance between economic interests, local population needs and environmental concerns is extremely important for sustainable development of the region.
- (17) Tourism is an increasingly global phenomenon, but at the same time it remains a sphere of primarily local and regional responsibility. As regards the Community, Directive 85/337/EEC, Directive 92/43/EEC, Regulation (EC) No 1980/2000 of the European Parliament and of the Council of 17 July 2000 on a revised Community eco-label award scheme<sup>(15)</sup>, Regulation (EC) No 761/2001 of the European Parliament and of the Council of 19 March 2001 allowing voluntary participation by organisations in a Community eco-management and audit scheme (EMAS)<sup>(16)</sup> and Council Resolution of 21 May 2002 on the future of European tourism<sup>(17)</sup>, *inter alia*, are relevant in this context. The Alpine Convention and its Protocol on Tourism, together with the other Protocols that can have influence on the tourism sector, should represent a framework instrument to stimulate and coordinate the contribution of stakeholders at regional and local level in order to make sustainability a major driver in the improvement of the quality of the Alpine region tourist offer.
- (18) The overall goal of the Protocol on Tourism is to promote sustainable tourism, specifically by ensuring it is developed and managed taking into consideration its impacts on the environment. To this end, it provides specific measures and recommendations that can be used as instruments for reinforcing the environmental side of innovation and research, monitoring and training, management tools and strategies, planning and authorisation procedures linked to tourism and in particular to its qualitative development.

<sup>(11)</sup> OJ L 283, 27.10.2001, p. 33. Directive as last amended by Decision of the EEA Joint Committee No 102/2005 (OJ L 306, 24.11.2005, p. 34).

<sup>(12)</sup> OJ L 1, 4.1.2003, p. 65.

<sup>(13)</sup> OJ L 176, 15.7.2003, p. 29. Decision as last amended by Decision No 787/2004/EC of the European Parliament and the Council (OL L 138, 30.4.2004, p. 12).

<sup>(14)</sup> OJ L 176, 15.7.2003, p. 11.

<sup>(15)</sup> OJ L 237, 21.9.2000, p. 1.

<sup>(16)</sup> OJ L 114, 24.4.2001, p. 1. Regulation as last amended by Commission Regulation (EC) No 196/2006 (OJ L 32, 4.2.2006, p. 4).

<sup>(17)</sup> OJ C 135, 6.6.2002, p. 1.

- (19) Contracting Parties to the three Protocols should promote relevant education and training and, additionally, promote the dissemination of information to the public regarding the objectives, measures and implementation of each of these three Protocols.
- (20) It is appropriate that these Protocols be approved by the European Community,

HAS DECIDED AS FOLLOWS:

*Article 1*

The Protocol on Soil Protection <sup>(18)</sup>, the Protocol on Energy <sup>(19)</sup> and the Protocol on Tourism <sup>(20)</sup> to the Alpine Convention, signed at Salzburg on 7 November 1991, are hereby approved on behalf of the European Community.

*Article 2*

The President of the Council is hereby authorised to designate the person(s) empowered to deposit, on behalf of the

Community, the instrument of approval with the Republic of Austria in accordance with Article 27 of the Protocol on Soil Protection, Article 21 of the Protocol on Energy and Article 28 of the Protocol on Tourism.

At the same time the designated person(s) shall deposit the Declarations related to the Protocols.

*Article 3*

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

Done at Luxembourg, 27 June 2006.

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

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<sup>(18)</sup> OJ L 337, 22.12.2005, p. 29.

<sup>(19)</sup> OJ L 337, 22.12.2005, p. 36.

<sup>(20)</sup> OJ L 337, 22.12.2005, p. 43.

# COMMISSION

## COMMISSION DECISION

of 19 July 2006

**recognising in principle the completeness of the dossiers submitted for detailed examination in view of the possible inclusion of metaflumizone in Annex I to Council Directive 91/414/EEC**

(notified under document number C(2006) 3238)

(Text with EEA relevance)

(2006/517/EC)

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(3) thereof,

Whereas:

- (1) Directive 91/414/EEC provides for the development of a Community list of active substances authorised for incorporation in plant protection products.
- (2) A dossier for the active substance metaflumizone was submitted by BASF Agro S.A.S. to the authorities of the United Kingdom on 29 March 2005 with an application to obtain its inclusion in Annex I to Directive 91/414/EEC.
- (3) The authorities of the United Kingdom have indicated to the Commission that, on preliminary examination, the dossier for the active substance concerned appears to satisfy the data and information requirements set out in Annex II to Directive 91/414/EEC. The dossier submitted appears also to satisfy the data and information requirements set out in Annex III to Directive 91/414/EEC in respect of one plant protection product containing the active substance concerned. In accordance with Article 6(2) of Directive 91/414/EEC, the dossier was subsequently forwarded by the applicant to the

Commission and other Member States, and was referred to the Standing Committee on the Food Chain and Animal Health.

- (4) By this Decision it should be formally confirmed at Community level that the dossier is considered as satisfying in principle the data and information requirements provided for in Annex II and, for at least one plant protection product containing the active substance concerned, the requirements set out in Annex III to Directive 91/414/EEC.
- (5) This Decision should not prejudice the right of the Commission to request the applicant to submit further data or information in order to clarify certain points in the dossier.
- (6) 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

Without prejudice to Article 6(4) of Directive 91/414/EEC, the dossier concerning the active substance identified in the Annex to this Decision, which was submitted to the Commission and the Member States with a view to obtaining the inclusion of that substance in Annex I to that Directive, satisfies in principle the data and information requirements set out in Annex II to that Directive.

The dossier also satisfies the data and information requirements set out in Annex III to that Directive in respect of one plant protection product containing the active substance, taking into account the uses proposed.

<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).

*Article 2*

The rapporteur Member State shall pursue the detailed examination for the dossier concerned and shall report the conclusions of its examination accompanied by any recommendations on the inclusion or non-inclusion of the active substance concerned in Annex I of Directive 91/414/EEC and any conditions related thereto to the European Commission as soon as possible and at the latest within a period of one year from the date of publication of this Decision in the *Official Journal of the European Union*.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 19 July 2006.

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

## ANNEX

**ACTIVE SUBSTANCES CONCERNED BY THIS DECISION**

No	Common name, CIPAC Identification No	Applicant	Date of application	Rapporteur Member State
1	Metaflumizone CIPAC No 779	BASF Agro S.A.S.	29.3.2005	UK

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

**COUNCIL COMMON POSITION 2006/518/CFSP**  
**of 24 July 2006**  
**modifying and renewing certain restrictive measures imposed against Liberia**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 15 thereof,

Whereas:

- (1) On 10 February 2004, the Council adopted Common Position 2004/137/CFSP concerning restrictive measures against Liberia <sup>(1)</sup> in order to implement the measures imposed against Liberia by the United Nations Security Council Resolution (UNSCR) 1521 (2003). These measures were renewed by Council Common Position 2006/31/CFSP <sup>(2)</sup>.
- (2) In the light of the developments in Liberia, the UN Security Council on 13 June 2006 adopted Resolution 1683 (2006) introducing further exemptions to the measures imposed by paragraphs 2(a) and (b) of UNSCR 1521 (2003) concerning the arms embargo.
- (3) On 20 June 2006, the UN Security Council adopted Resolution 1689 (2006), which renews for a further period of 6 months the measures imposed by paragraph 6 of UNSCR 1521 (2003), concerning the prohibition of imports from Liberia of all rough diamonds.
- (4) The UN Security Council also decided not to renew the measures imposed by paragraph 10 of UNSCR 1521 (2003), concerning the prohibition of imports of all round log and timber products originating in Liberia; however, it decided to review that decision after a period of ninety (90) days, with a view to reinstating those measures unless informed within that period that the forestry legislation proposed by the Forest Reform Monitoring Committee (FRMC) has been passed.

(5) The measures imposed by Common Position 2004/137/CFSP and renewed by Common Position 2006/31/CFSP should therefore be modified and, where applicable, renewed in order to give effect to UNSCR 1683 (2006) and UNSCR 1689 (2006).

(6) Action by the Community is needed in order to implement certain of these measures,

HAS ADOPTED THIS COMMON POSITION:

*Article 1*

In addition to the exemptions from application set out in Article 1(2) of Common Position 2004/137/CFSP, the measures imposed pursuant to Article 1(1) of Common Position 2006/31/CFSP shall not be applied to:

- (a) weapons and ammunition already provided to members of the Special Security Service (SSS) for training purposes and remaining in the custody of the SSS for unencumbered operational use, provided that their transfer to the SSS had been approved in advance by the Committee established by paragraph 21 of UNSC 1521 (2003) ('the Committee'), and technical and financial assistance related to such weapons and ammunition;
- (b) weapons and ammunition intended for use by members of the Government of Liberia police and security forces who have been vetted and trained since the inception of the United Nations Mission in Liberia, provided that such supplies have been approved in advance by the Committee, upon a joint request by the Government of Liberia and the exporting State, and technical and financial assistance related to such weapons and ammunition.

*Article 2*

The measures imposed by Article 3 of Common Position 2004/137/CFSP shall be applied for a further period of six months until 22 December 2006, unless the Council decides otherwise in accordance with any future relevant UN Security Council Resolution.

<sup>(1)</sup> OJ L 40, 12.2.2004, p. 35.

<sup>(2)</sup> OJ L 19, 24.1.2006, p. 38.

*Article 3*

This Common Position shall take effect on the date of its adoption.

Article 1 shall apply with effect from 13 June 2006 and Article 2 shall apply with effect from 23 June 2006.

*Article 4*

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

Done at Brussels, 24 July 2006.

*For the Council*  
*The President*  
K. RAJAMÄKI

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