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Legislation

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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 1386/2006
of 21 September 2006
establishing the standard import values for determining the entry price of certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 22 September 2006.

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

Done at Brussels, 21 September 2006.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

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

ANNEX

to Commission Regulation of 21 September 2006 establishing the standard import values for determining the entry price of certain fruit and vegetables

<i>(EUR/100 kg)</i>		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	71,2
	096	23,6
	999	47,4
0707 00 05	052	102,5
	999	102,5
0709 90 70	052	92,7
	999	92,7
0805 50 10	388	58,5
	524	51,1
	528	56,4
	999	55,3
0806 10 10	052	76,2
	220	32,1
	400	151,9
	624	132,1
	999	98,1
0808 10 80	388	89,8
	400	95,6
	508	90,3
	512	90,8
	528	74,1
	720	82,6
	800	162,7
	999	97,1
0808 20 50	052	114,8
	388	90,9
	999	102,9
0809 30 10, 0809 30 90	052	121,2
	999	121,2
0809 40 05	052	110,1
	066	78,8
	098	29,3
	624	134,7
	999	88,2

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

COMMISSION REGULATION (EC) No 1387/2006**of 21 September 2006****determining the extent to which applications lodged in September 2006 for import licences for certain pigmeat products under the regime provided for by the Agreements concluded by the Community with the Republic of Bulgaria and Romania can be accepted**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

comply with all veterinary rules currently in force in the Community,

Having regard to the Treaty establishing the European Community,

HAS ADOPTED THIS REGULATION:

Having regard to Commission Regulation (EC) No 2040/2005 of 14 December 2005 laying down detailed rules for the application in the pigmeat sector of the arrangements provided for by the Agreements concluded by the Community with the Republic of Bulgaria and Romania ⁽¹⁾, and in particular Article 4(1) thereof,

Article 1

1. Applications for import licences for the period 1 October to 31 December 2006 submitted pursuant to Regulation (EC) No 2040/2005 shall be met as referred to in Annex I.

Whereas:

2. For the period 1 January to 31 March 2007, applications may be lodged pursuant to Regulation (EC) No 2040/2005 for import licences for a total quantity as referred to in Annex II.

(1) The applications for import licences lodged for the fourth quarter of 2006 are for quantities less than or equal to the quantities available and can therefore be met in full.

3. Licences may only be used for products which comply with all veterinary rules currently in force in the Community.

(2) The surplus to be added to the quantity available for the following period should be determined.

(3) It is appropriate to draw the attention of operators to the fact that licences may only be used for products which

Article 2

This Regulation shall enter into force on 1 October 2006.

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

Done at Brussels, 21 September 2006.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 328, 15.12.2005, p. 34.

ANNEX I

Order No	Percentage of acceptance of import licences submitted for the period 1 October to 31 December 2006
09.4671	—
09.4752	—
09.4756	—

—: No application for a licence has been sent to the Commission.

ANNEX II

(t)

Order No	Total quantity available for the period 1 January to 31 March 2007
09.4671	3 675,0
09.4752	1 593,75
09.4756	11 718,75

COMMISSION REGULATION (EC) No 1388/2006**of 21 September 2006****determining the extent to which applications lodged in September 2006 for import licences for certain pigmeat sector products pursuant to Regulation (EC) No 1233/2006 can be accepted**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

*Article 1*Having regard to Commission Regulation (EC) No 1233/2006 of 16 August 2006 opening and providing for the administration of an import tariff quota of pigmeat allocated to the United States of America ⁽¹⁾, and in particular Article 5(5) thereof,

1. Applications for import licences for the period 1 October to 31 December 2006 submitted pursuant to Regulation (EC) No 1233/2006 shall be met as referred to in the Annex to this Regulation.

Whereas:

2. Application for import licences for the period 1 January to 31 March 2007 may be lodged pursuant to Regulation (EC) No 1233/2006 for the total quantity as referred to in the Annex to this Regulation.

The applications for import licences lodged for the period 1 October to 31 December 2006 are less than the quantities available and can therefore be fulfilled entirely,

Article 2

This Regulation shall enter into force on 1 October 2006.

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

Done at Brussels, 21 September 2006.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 225, 17.8.2006, p. 14.

ANNEX

Order No	Percentage of acceptance of import licences submitted for the period of 1 October to 31 December 2006	Total quantity available for the period of 1 January to 31 March 2007 (t)
09.4170	100	3 361,5

—: No application for a licence has been sent to the Commission.

COMMISSION REGULATION (EC) No 1389/2006**of 21 September 2006****determining the extent to which applications lodged in September 2006 for import licences under the regime provided for by tariff quotas for certain products in the pigmeat sector for the period 1 October to 31 December 2006 can be accepted**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

*Article 1*Having regard to Commission Regulation (EC) No 1458/2003 of 18 August 2003 opening and providing for the administration of tariff quotas for certain products in the pigmeat sector ⁽¹⁾, and in particular Article 5(6) thereof,

1. Applications for import licences for the period 1 October to 31 December 2006 submitted pursuant to Regulation (EC) No 1458/2003 shall be met as referred to in Annex I.

Whereas:

2. For the period 1 January to 31 March 2007, applications may be lodged pursuant to Regulation (EC) No 1458/2003 for import licences for a total quantity as referred to in Annex II.

(1) The applications for import licences lodged for the fourth quarter of 2006 are for quantities less than the quantities available and can therefore be met in full.

Article 2

(2) The surplus to be added to the quantity available for the following period should be determined,

This Regulation shall enter into force on 1 October 2006.

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

Done at Brussels, 21 September 2006.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 208, 19.8.2003, p. 3. Regulation as amended by Regulation (EC) No 341/2005 (OJ L 53, 26.2.2005, p. 28).

ANNEX I

Order No	Percentage of acceptance of import licences submitted for the period 1 October to 31 December 2006
09.4038	100
09.4039	100
09.4071	—
09.4072	—
09.4073	—
09.4074	100

‘—’: No application for a licence has been sent to the Commission.

ANNEX II

Order No	Total quantity available for the period 1 January to 31 March 2007
09.4038	21 494,498
09.4039	2 780,0
09.4071	2 251,5
09.4072	4 620,75
09.4073	11 300,25
09.4074	3 966,950

(t)

COMMISSION REGULATION (EC) No 1390/2006
of 21 September 2006
amending the import duties in the cereals sector applicable from 22 September 2006

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1249/96 of 28 June 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector ⁽²⁾, and in particular Article 2(1) thereof,

Whereas:

- (1) The import duties in the cereals sector are fixed by Commission Regulation (EC) No 1375/2006 ⁽³⁾.

- (2) Article 2(1) of Regulation (EC) No 1249/96 provides that if during the period of application, the average import duty calculated differs by EUR 5 per tonne from the duty fixed, a corresponding adjustment is to be made. Such a difference has arisen. It is therefore necessary to adjust the import duties fixed in Regulation (EC) No 1375/2006,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to Regulation (EC) No 1375/2006 are hereby replaced by Annexes I and II to this Regulation.

Article 2

This Regulation shall enter into force on 22 September 2006.

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

Done at Brussels, 21 September 2006.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 270, 29.9.2003, p. 78. Regulation as amended by Regulation (EC) No 1154/2005 (OJ L 187, 19.7.2005, p. 11).

⁽²⁾ OJ L 161, 29.6.1996, p. 125. Regulation as last amended by Regulation (EC) No 1110/2003 (OJ L 158, 27.6.2003, p. 12).

⁽³⁾ OJ L 253, 16.9.2006, p. 17.

ANNEX I

**Import duties for the products covered by Article 10(2) of Regulation (EC) No 1784/2003 applicable from
22 September 2006**

CN code	Description	Import duty ⁽¹⁾ (EUR/tonne)
1001 10 00	Durum wheat high quality	0,00
	medium quality	0,00
	low quality	0,00
1001 90 91	Common wheat seed	0,00
ex 1001 90 99	Common high quality wheat other than for sowing	0,00
1002 00 00	Rye	4,82
1005 10 90	Maize seed other than hybrid	44,07
1005 90 00	Maize other than seed ⁽²⁾	44,07
1007 00 90	Grain sorghum other than hybrids for sowing	9,81

⁽¹⁾ For goods arriving in the Community via the Atlantic Ocean or via the Suez Canal (Article 2(4) of Regulation (EC) No 1249/96), the importer may benefit from a reduction in the duty of:

— EUR 3/t, where the port of unloading is on the Mediterranean Sea, or

— EUR 2/t, where the port of unloading is in Ireland, the United Kingdom, Denmark, Estonia, Latvia, Lithuania, Poland, Finland, Sweden or the Atlantic coasts of the Iberian peninsula.

⁽²⁾ The importer may benefit from a flat-rate reduction of EUR 24/t, where the conditions laid down in Article 2(5) of Regulation (EC) No 1249/96 are met.

ANNEX II

Factors for calculating duties

(15.9.2006-20.9.2006)

1. Averages over the reference period referred to in Article 2(2) of Regulation (EC) No 1249/96:

Exchange quotations	Minneapolis	Chicago	Minneapolis	Minneapolis	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2	YC3	HAD2	Medium quality (*)	Low quality (**)	US barley 2
Quotation (EUR/t)	145,41 (***)	73,94	161,96	151,96	131,96	119,50
Gulf premium (EUR/t)	—	18,84	—			—
Great Lakes premium (EUR/t)	13,68	—	—			—

(*) A discount of 10 EUR/t (Article 4(3) of Regulation (EC) No 1249/96).

(**) A discount of 30 EUR/t (Article 4(3) of Regulation (EC) No 1249/96).

(***) Premium of 14 EUR/t incorporated (Article 4(3) of Regulation (EC) No 1249/96).

2. Averages over the reference period referred to in Article 2(2) of Regulation (EC) No 1249/96:

Freight/cost: Gulf of Mexico–Rotterdam: 26,35 EUR/t; Great Lakes–Rotterdam: 32,71 EUR/t.

3. Subsidy within the meaning of the third paragraph of Article 4(2) of Regulation (EC) No 1249/96: 0,00 EUR/t (HRW2)
0,00 EUR/t (SRW2).

COMMISSION REGULATION (EC) No 1391/2006**of 21 September 2006****on the issue of import licences for rice originating in the least developed countries**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to 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 ⁽¹⁾,

Having regard to Commission Regulation (EC) No 1401/2002 of 31 July 2002 laying down detailed rules for the opening and administration of the tariff quotas for rice, originating in the least developed countries, for the marketing years 2002/2003 to 2008/2009 ⁽²⁾, and in particular Article 5(2) thereof,

Whereas:

- (1) Regulation (EC) No 1401/2002 opened a tariff quota for a quantity of 5 062 tonnes of husked rice equivalent for the 2006/2007 marketing year.

- (2) The quantities in respect of which applications have been submitted exceed the quantities available. It is therefore necessary to set a reduction percentage applicable to the quantities applied for,

HAS ADOPTED THIS REGULATION:

Article 1

For applications for import licences for rice originating in the least developed countries referred to in Article 9 of Regulation (EC) No 2501/2001, submitted during the first five working days of September 2006 pursuant to Article 4(3) of Regulation (EC) No 1401/2002 and notified to the Commission in accordance with Article 5(1) of the said Regulation licences shall be issued for the quantities given in the applications submitted multiplied by a reduction percentage of 91,80385 %.

Article 2

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

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

Done at Brussels, 21 September 2006.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 346, 31.12.2001, p. 1. Regulation as last amended by Commission Regulation (EC) No 1828/2004 (OJ L 321, 22.10.2004, p. 23).

⁽²⁾ OJ L 203, 1.8.2003, p. 42.

COMMISSION REGULATION (EC) No 1392/2006**of 21 September 2006****determining the extent to which applications lodged in September 2006 for import licences for certain egg sector products and poultrymeat pursuant to Regulations (EC) No 593/2004 and (EC) No 1251/96 can be accepted**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 593/2004 of 30 March 2004 opening and providing for the administration of the tariff quotas in the egg sector and for egg albumin ⁽¹⁾, and in particular Article 5(5) thereof,

Having regard to Commission Regulation (EC) No 1251/96 of 28 June 1996 opening and providing for the administration of tariff quotas in the poultrymeat sector and albumin ⁽²⁾, and in particular Article 5(5) thereof,

Whereas:

The applications for import licences lodged for the period from 1 October to 31 December 2006 are, in the case of certain products, for quantities less than or equal to the quantities available and can therefore be met in full, but in the case of

other products the said applications are for quantities greater than the quantities available and must therefore be reduced by a fixed percentage to ensure a fair distribution,

HAS ADOPTED THIS REGULATION:

Article 1

1. Applications for import licences for the period 1 October to 31 December 2006 submitted pursuant to Regulations (EC) No 593/2004 and (EC) No 1251/96 shall be met as referred to in the Annex to this Regulation.

2. Applications for import licences for the period 1 January to 31 March 2007, may be lodged pursuant to Regulations (EC) No 593/2004 and (EC) No 1251/96 for the total quantity as referred to in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 October 2006.

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

Done at Brussels, 21 September 2006.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 94, 31.3.2004, p. 10.

⁽²⁾ OJ L 161, 29.6.1996, p. 136. Regulation as last amended by Regulation (EC) No 1179/2006 (OJ L 212, 2.8.2006, p. 7).

ANNEX

Group No	Percentage of acceptance of import licences submitted for the period of 1 October to 31 December 2006	Total quantity available for the period of 1 January to 31 March 2007 (t)
E1	—	108 000,000
E2	29,491068	1 750,000
E3	100,0	8 039,031
P1	99,463044	1 562,250
P2	100,0	5 979,250
P3	1,601205	576,250
P4	38,675862	300,250

—: No application for a licence has been sent to the Commission.

COMMISSION REGULATION (EC) No 1393/2006**of 21 September 2006****determining the extent to which applications lodged in September 2006 for import licences for certain poultrymeat products under the regime provided for in Council Regulation (EC) No 774/94 opening and providing for the administration of certain Community tariff quotas for poultrymeat and certain other agricultural products can be accepted**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1431/94 of 22 June 1994, laying down detailed rules for the application in the poultrymeat sector of the import arrangements provided for in Council Regulation (EC) No 774/94 opening and providing for the administration of certain Community tariff quotas for poultrymeat and certain other agricultural products⁽¹⁾ and in particular Article 4(4) thereof,

Whereas:

The applications for import licences lodged for the period from 1 October to 31 December 2006 are greater than the quantities

available and must therefore be reduced by a fixed percentage to ensure a fair distribution,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for import licences for the period 1 October to 31 December 2006 submitted pursuant to Regulation (EC) No 1431/94 shall be met as referred to in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 October 2006.

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

Done at Brussels, 21 September 2006.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 156, 23.6.1994, p. 9. Regulation as last amended by Regulation (EC) No 1255/2006 (OJ L 228, 22.8.2006, p. 3).

ANNEX

Order No	Percentage of acceptance of import licences submitted for the period of 1 October to 31 December 2006
09.4410	1,038422
09.4411	—
09.4412	1,069518
09.4420	2,222222
09.4421	34,482758
09.4422	3,421727

—: No application for a licence has been sent to the Commission.

COMMISSION REGULATION (EC) No 1394/2006**of 21 September 2006****determining the extent to which applications lodged in September 2006 for import licences for certain poultrymeat sector products pursuant to Regulation (EC) No 1232/2006 can be accepted**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

*Article 1*Having regard to Commission Regulation (EC) No 1232/2006 of 16 August 2006 opening and providing for the administration of an import tariff quota of poultrymeat allocated to the United States of America ⁽¹⁾ and in particular Article 5(5) thereof,

1. Applications for import licences for the period 1 October to 31 December 2006 submitted pursuant to Regulation (EC) No 1232/2006 shall be met as referred to in the Annex to this Regulation.

Whereas:

2. Application for import licences for the period 1 January to 31 March 2007 may be lodged pursuant to Regulation (EC) No 1232/2006 for the total quantity as referred to in the Annex to this Regulation.

The applications for import licences lodged for the period 1 October to 31 December 2006 are less than the quantities available and can therefore be fulfilled entirely,

Article 2

This Regulation shall enter into force on 1 October 2006.

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

Done at Brussels, 21 September 2006.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 225, 17.8.2006, p. 5.

ANNEX

Order No	Percentage of acceptance of import licences submitted for the period of 1 October to 31 December 2006	Total quantity available for the period of 1 January to 31 March 2007 (t)
09.4169	—	12 498,750

—: No application for a licence has been sent to the Commission.

COMMISSION REGULATION (EC) No 1395/2006**of 21 September 2006****determining the extent to which applications lodged in September 2006 for import licences for certain poultrymeat sector products pursuant to Regulation (EC) No 2497/96 can be accepted**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 2497/96 of 18 December 1996 laying down rules for the application in the poultrymeat sector of the system provided for by the Association Agreement and the Interim Agreement between the European Community and the State of Israel⁽¹⁾, and in particular Article 4(5) thereof,

Whereas:

The applications for import licences lodged for the period 1 October to 31 December 2006 are less than the quantities available and can therefore be fulfilled entirely,

Article 1

Applications for import licences for the period 1 October to 31 December 2006 submitted pursuant to Regulation (EC) No 2497/96 shall be met as referred to in the Annex.

Article 2

This Regulation shall enter into force on 1 October 2006.

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

Done at Brussels, 21 September 2006.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 338, 28.12.1996, p. 48. Regulation as last amended by Regulation (EC) No 361/2004 (OJ L 63, 28.2.2004, p. 15).

ANNEX

Group No	Percentage of acceptance of import licences submitted for the period of 1 October to 31 December 2006
I1	100,0
I2	—

—: No application for a licence has been sent to the Commission.

COMMISSION REGULATION (EC) No 1396/2006
of 21 September 2006
fixing production refunds on cereals

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

- (a) EUR/tonne 3,02 for starch from maize, wheat, barley and oats;
- (b) EUR/tonne 0,00 for potato starch.

Article 2

This Regulation shall enter into force on 22 September 2006.

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

Done at Brussels, 21 September 2006.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

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

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

COMMISSION REGULATION (EC) No 1397/2006
of 21 September 2006
concerning tenders notified in response to the invitation to tender for the export of barley issued
in Regulation (EC) No 935/2006

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

the market for cereals ⁽³⁾, and in particular Article 13(3) thereof,

Having regard to the Treaty establishing the European Community,

(3) On the basis of the criteria laid down in Article 1 of Regulation (EC) No 1501/95, a maximum refund should not be fixed.

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

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

Whereas:

HAS ADOPTED THIS REGULATION:

(1) An invitation to tender for the refund for the export of barley to certain third countries was opened pursuant to Commission Regulation (EC) No 935/2006 ⁽²⁾.

Article 1

No action shall be taken on the tenders notified from 15 to 21 September 2006 in response to the invitation to tender for the refund for the export of barley issued in Regulation (EC) No 935/2006.

(2) Article 7 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on

Article 2

This Regulation shall enter into force on 22 September 2006.

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

Done at Brussels, 21 September 2006.

For the Commission
Jean-Luc DEMARTY
Director-General for Agriculture and
Rural Development

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

⁽²⁾ OJ L 172, 24.6.2006, p. 3.

⁽³⁾ OJ L 147, 30.6.1995, p. 7. Regulation as last modified by Regulation (EC) No 777/2004 (OJ L 123, 27.4.2004, p. 50).

COMMISSION REGULATION (EC) No 1398/2006**of 21 September 2006****concerning tenders notified in response to the invitation to tender for the export of oats issued in Regulation (EC) No 1278/2006**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals ⁽¹⁾, and in particular Article 7 thereof,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽²⁾, and in particular Article 7 thereof,

Having regard to Commission Regulation (EC) No 1278/2006 of 25 August 2006 on a special intervention measure for cereals in Finland and Sweden for the 2006/2007 marketing year ⁽³⁾,

Whereas:

- (1) An invitation to tender for the refund for the export of oats produced in Finland and Sweden for export from

Finland and Sweden to all third countries, with the exception of Bulgaria, Norway, Romania and Switzerland was opened pursuant to Regulation (EC) No 1278/2006.

- (2) On the basis of the criteria laid down in Article 1 of Regulation (EC) No 1501/95, a maximum refund should not be fixed.
- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

No action shall be taken on the tenders notified from 15 to 21 September 2006 in response to the invitation to tender for the refund for the export of oats issued in Regulation (EC) No 1278/2006.

Article 2

This Regulation shall enter into force on 22 September 2006.

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

Done at Brussels, 21 September 2006.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

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

⁽²⁾ OJ L 147, 30.6.1995, p. 7. Regulation as last amended by Regulation (EC) No 1431/2003 (OJ L 203, 12.8.2003, p. 16).

⁽³⁾ OJ L 233, 26.8.2006, p. 6.

COMMISSION REGULATION (EC) No 1399/2006**of 21 September 2006****concerning tenders notified in response to the invitation to tender for the export of common wheat issued in Regulation (EC) No 936/2006**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) An invitation to tender for the refund for the export of common wheat to certain third countries was opened pursuant to Commission Regulation (EC) No 936/2006 ⁽²⁾.
- (2) Article 7 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on

the market for cereals ⁽³⁾, and in particular Article 13(3) thereof,

- (3) On the basis of the criteria laid down in Article 1 of Regulation (EC) No 1501/95, a maximum refund should not be fixed.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

No action shall be taken on the tenders notified from 15 to 21 September 2006 in response to the invitation to tender for the refund for the export of common wheat issued in Regulation (EC) No 936/2006.

Article 2

This Regulation shall enter into force on 22 September 2006.

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

Done at Brussels, 21 September 2006.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

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

⁽²⁾ OJ L 172, 24.6.2006, p. 6.

⁽³⁾ OJ L 147, 30.6.1995, p. 7. Regulation as last modified by Regulation (EC) No 777/2004 (OJ L 123, 27.4.2004, p. 50).

COMMISSION REGULATION (EC) No 1400/2006
of 21 September 2006
on the issuing of export licences for wine-sector products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Article 63(7) of Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine⁽²⁾, limits the grant of export refunds for wine-sector products to the volumes and expenditure contained in the Agreement on Agriculture concluded during the Uruguay Round multilateral trade negotiations.
- (2) Article 9 of Regulation (EC) No 883/2001 lays down the conditions under which the Commission may take specific measures to prevent an overrun of the quantity laid down or the budget available under the said Agreement.
- (3) On the basis of information on export licence applications available to the Commission on 20 September 2006, the quantity still available for the period until 15 November 2006, for destination zones (1) Africa,

(3) Eastern Europe and (4) western Europe, referred to in Article 9(5) of Regulation (EC) No 883/2001, could be exceeded unless the issue of export licences with advance fixing of the refund is restricted. Therefore, a single percentage for the acceptance of applications submitted from 16 to 19 September 2006 should be applied and the submission of applications and the issue of licences suspended for this zone until 16 November 2006,

HAS ADOPTED THIS REGULATION:

Article 1

1. Export licences with advance fixing of the refund for wine-sector products for which applications are submitted from 16 to 19 September 2006 under Regulation (EC) No 883/2001 shall be issued in concurrence with 72,07 % of the quantities requested for zone (1) Africa, in concurrence with 34,45 % of the quantities requested for zone (3) eastern Europe and in concurrence with 78,08 % of the quantities requested for zone (4) western Europe.
2. The issue of export licences for wine-sector products referred to in paragraph 1 for which applications are submitted from 20 September 2006 and the submission of export licence applications from 22 September 2006 for destination zone (1) Africa, (3) Eastern Europe and (4) western Europe shall be suspended until 16 November 2006.

Article 2

This Regulation shall enter into force on 22 September 2006.

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

Done at Brussels, 21 September 2006.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

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

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

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 4 April 2006

on the conclusion, by way of signature, of an Agreement for Co-operation in the Peaceful Uses of Nuclear Energy between the European Atomic Energy Community (Euratom) and the Cabinet of Ministers of Ukraine

(2006/635/Euratom)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular the second paragraph of Article 101 thereof,

Having regard to Council Decision of 24 September 2004, approving the conclusion by the Commission of an Agreement for Co-operation in the Peaceful Uses of Nuclear Energy between the European Atomic Energy Community (Euratom) and the Cabinet of Ministers of Ukraine ⁽¹⁾,

Whereas:

- (1) The Agreement for Co-operation in the Peaceful Uses of Nuclear Energy between the European Atomic Energy Community (Euratom) and the Cabinet of Ministers of Ukraine should be concluded.
- (2) The Commission should designate the person authorised to sign the Agreement for Co-operation in the Peaceful Uses of Nuclear Energy for the European Atomic Energy Community,

Article 1

The conclusion of the Agreement for Co-operation in the Peaceful Uses of Nuclear Energy between the European Atomic Energy Community (Euratom) and the Cabinet of Ministers of Ukraine is hereby decided on behalf of the European Atomic Energy Community.

The text of the agreement is attached to this Decision.

Article 2

The Member responsible for Energy, or the person designated by him for this purpose, is hereby authorised to sign on behalf of the European Atomic Energy Community the Agreement for Co-operation in the Peaceful Uses of Nuclear Energy between the European Atomic Energy Community (Euratom) and the Cabinet of Ministers of Ukraine.

Done at Brussels, 4 April 2006.

For the Commission
Andris PIEBALGS
Member of the Commission

⁽¹⁾ Not yet published in the Official Journal.

AGREEMENT**between the European Atomic Energy Community and the Cabinet of Ministers of Ukraine for Co-operation in the Peaceful Uses of Nuclear Energy**

The EUROPEAN ATOMIC ENERGY COMMUNITY (Euratom), hereinafter referred to as 'the Community',

and the CABINET OF MINISTERS OF UKRAINE,

both also generally referred to hereinafter as the 'Party' or 'Parties', as appropriate.

MINDFUL that the Partnership and Co-operation Agreement between the European Communities and their Member States and Ukraine (hereinafter referred to as 'Partnership and Co-operation Agreement'), which entered into force on 1 March 1998, establishes that the Parties shall co-operate in the civil nuclear sector on the basis of specific agreements to be concluded between the Parties,

WHEREAS all Member States of the Community and Ukraine are Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, hereinafter referred to as 'the Non-Proliferation Treaty',

WHEREAS the Community, its Member States and Ukraine are committed to ensuring that the research, development and use of nuclear energy for peaceful purposes are carried out in a manner consistent with the objectives of the Non-Proliferation Treaty,

WHEREAS safeguards are applied in the Community both under Chapter 7 of the Treaty Establishing the European Atomic Energy Community (hereinafter referred to as 'Euratom Treaty') and under safeguards agreements concluded between the Community, its Member States and the International Atomic Energy Agency, hereinafter referred to as 'the IAEA',

WHEREAS safeguards are applied in Ukraine according to the Agreement between Ukraine and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons,

WHEREAS the Community, its Member States and Ukraine reaffirm their support of the IAEA and of its strengthened safeguards system,

WHEREAS it is appropriate to strengthen the basis for co-operation between the Parties in the civil nuclear sector by a framework agreement,

HAVE AGREED AS FOLLOWS:

*Article 1***Definitions**

For the purpose of this Agreement:

- (a) 'nuclear material' means any source material or special fissionable material as those terms are defined in Article XX of the Statute of the International Atomic Energy Agency;
- (b) 'Community' means both:
 - (i) the legal person created by the Treaty establishing the European Atomic Energy Community, Party to this Agreement;
 - (ii) the territories to which this same Treaty applies;
- (c) 'appropriate authorities of the Parties' means:
 - (i) for the Community, the European Commission;
 - (ii) for Ukraine, the Ministry of Fuel and Energy of Ukraine;

or such other authority as the Party concerned may at any time notify to the other Party.

Article 2

Objective

The objective of this Agreement is to provide a framework for co-operation between the Parties in the peaceful uses of nuclear energy with a view to strengthening the overall co-operation relationship between the Community and Ukraine on the basis of mutual benefit and reciprocity and without prejudice to the respective powers of each Party.

Article 3

Scope of co-operation

1. The Parties may co-operate in the way as specified in Articles 4 to 8 of this Agreement below in the peaceful uses of nuclear energy in the following areas:

- (a) nuclear safety (Article 4);
- (b) controlled nuclear fusion (Article 5);
- (c) nuclear research and development in other areas than those foreseen under subparagraph (a) and (b) above (Article 6);
- (d) international transfers, trade in nuclear materials and provision of nuclear fuel cycle services (Article 7);
- (e) prevention of illicit trafficking of nuclear material (Article 8);
- (f) other relevant areas of mutual interest.

2. The co-operation referred to in this Article, as between the Parties, may also take place between persons and undertakings established in the Community and Ukraine.

Article 4

Nuclear safety

The co-operation in the field of nuclear safety shall be implemented according to the Agreement for Co-operation between the European Atomic Energy Community and the Cabinet of Ministers of Ukraine in the Field of Nuclear Safety, which entered into force on 13 November 2002.

Article 5

Controlled nuclear fusion

The co-operation in the field of controlled nuclear fusion shall be implemented according to the Agreement for Co-operation between the European Atomic Energy Community and the Cabinet of Ministers of Ukraine in the Field of Controlled Nuclear Fusion, which entered into force on 13 November 2002.

Article 6

Other areas of nuclear research and development

1. Co-operation shall extend to nuclear research and development activities of mutual interest to the Parties other than those been provided for in Articles 4 and 5 of this Agreement above, as agreed between the Parties, in so far as they are covered by respective research and development activities undertaken by the Parties.

2. On the Community side, the co-operation may include in particular the following areas:

- (a) applications of nuclear energy in the fields of medicine and industry, including generation of electricity;
- (b) environmental impact of nuclear energy;
- (c) areas of co-operation in the civil nuclear sector outlined in paragraph 2 of Article 62 of the Partnership and Co-operation Agreement, as far as they can be implemented under the Euratom Treaty.

3. The co-operation shall be implemented in particular through:

- exchange of technical information by means of reports, visits, seminars, technical meetings, etc,
- exchange of personnel between laboratories and/or bodies involved on both sides, including for training purposes,
- exchange of samples, materials, instruments and apparatus for experimental purposes,
- balanced participation in joint studies and activities.

4. To the extent necessary, the scope, terms and conditions for co-operation in concrete projects will be laid down in implementing arrangements, entered into by the Parties acting through their competent institutions which will proceed according to their respective legislative and regulatory requirements.

5. Such implementing arrangements may, *inter alia*, cover financing provisions, assignment of management responsibilities and detailed provisions on dissemination of information and intellectual property rights.

6. Costs resulting from co-operation activities shall be borne by the Party that incurs them, unless otherwise specifically agreed by the Parties.

Article 7

International transfers, trade in nuclear materials and provision of relevant services

1. Nuclear material transferred between the Parties, whether directly or through a third country, shall become subject to this Agreement upon its entry into the territorial jurisdiction of the receiving Party, provided that the supplying Party has notified the receiving Party in writing prior to, or at the time of, shipment, (in accordance with procedures defined in an Administrative Arrangement to be established by the appropriate authorities of the Parties).

2. Nuclear material referred to in paragraph 1 of this Article shall remain subject to the provisions of this Agreement until:

- it is determined in accordance with the provisions for the termination of safeguards in the relevant agreement referred to in subparagraph (b) of paragraph 6 of this Article below, that it is no longer usable for any nuclear activity relevant from the point of view of safeguards, or has become practically irrecoverable,
- it has been transferred beyond the jurisdiction of the recipient Party in accordance with subparagraph (e) of paragraph 6 of this Article below, or
- the Parties agree that it should no longer be subject to this Agreement.

3. Any nuclear transfers carried out pursuant to the co-operation activities shall be made in accordance with the relevant international and multilateral commitments of the Parties and of the Member States of the European Union in relation to peaceful uses of nuclear energy as listed in paragraph 6 of this Article.

4. Trade in nuclear materials and provision of relevant services between the Parties shall be carried out at market-related prices.

5. The Parties shall try to avoid conflict situations requiring commercial safeguard measures in their mutual trade in nuclear materials. If problems nevertheless arise in their mutual trade in nuclear materials which would seriously jeopardise the viability

of the nuclear industry, including uranium mining, of the Community or Ukraine, either Party may request consultations which shall be held as soon as possible in the framework of an ad hoc Committee.

If no mutually acceptable solution to these problems can be found in the consultations, the Party having requested the consultations may take the appropriate commercial safeguard measures to solve them or mitigate their effects in accordance with its internal legislation and with the relevant principles of international law.

The implementation of the first and second provisions of this paragraph above shall be without prejudice to the Euratom Treaty and secondary legislation thereunder.

6. Transfers of nuclear material shall be subject to the following conditions:

(a) the nuclear material shall be used for peaceful purposes and not for any nuclear explosive device or for research on, or development of, any such device;

(b) the nuclear material shall be subject:

(i) in the Community, to the Euratom safeguards pursuant to the Euratom Treaty and to the IAEA safeguards pursuant to the following safeguards agreements, as relevant, and as they may be revised and replaced, so long as coverage as required by the Non-Proliferation Treaty is provided for:

— the Agreement between the Community's non-nuclear weapon Member States, European Atomic Energy Community and the International Atomic Energy Agency, which entered into force on 21 February 1977 (published as INFCIRC/193),

— the Agreement between France, European Atomic Energy Community and the International Atomic Energy Agency, which entered into force on 12 September 1981 (published as INFCIRC/290),

— the Agreement between the United Kingdom, European Atomic Energy Community and the International Atomic Energy Agency, which entered into force on 14 August 1978 (published as INFCIRC/263),

supplemented by Additional Protocols concluded on 22 September 1998 on the basis of the document published as INFCIRC/540 (Strengthened Safeguards System, Part II).

- (ii) in Ukraine, to the IAEA safeguards pursuant to the Agreement between Ukraine and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons, which entered into force on 22 January 1998 (published as INFCIRC/550); supplemented by an Additional Protocol concluded on 15 August 2000 on the basis of the document published as INFCIRC/540 (Strengthened Safeguards System, Part II) if it is in force.
- (c) In the event of the application of any of the Agreements with the IAEA referred to in subparagraph (b) of this paragraph above being suspended or terminated for any reason within the Community or Ukraine, the relevant Party shall enter into an agreement with the IAEA which provides for effectiveness and coverage equivalent to that provided by the safeguards agreements referred to in provisions (i) or (ii) of subparagraph (b) of this paragraph, or, if that is not possible,
- the Community, as far as it is concerned, shall apply safeguards based on the Euratom safeguards system, which provides for effectiveness and coverage equivalent to that provided by the safeguards agreements referred to in provision (i) of subparagraph (b) of this paragraph or, if that is not possible,
- the Parties shall enter arrangements for the application of safeguards, which provide for effectiveness and coverage equivalent to that provided by the safeguards agreements referred to in provisions (i) or (ii) of subparagraph (b) of this paragraph.
- (d) Application of physical protection measures at levels which satisfy as a minimum the criteria set out in Annex C to IAEA document INFCIRC/254/Rev.5/Part1 (Guidelines for Nuclear Transfers) as it may be revised; supplementary to this document, the Member States of the Community, the European Commission, as appropriate, and Ukraine will refer when applying physical protection measures to the recommendations in IAEA document INFCIRC/225/Rev.4 corrected (Physical Protection of Nuclear Material) as it may be revised. International transport shall be subject to the provisions of the International Convention on the Physical Protection of Nuclear Material (IAEA document INFCIRC/274/Rev.1), as it may be revised and, as soon as possible, to the IAEA Regulations for the Safe Transport of Radioactive Materials (IAEA Safety Standards Series n. ST-1), as they may be revised.
- (e) Retransfers of any items subject to this Article outside the jurisdiction of the Parties shall only be made under the framework of the commitments undertaken by individual Member States of the Community and Ukraine within the group of nuclear supplier countries known as the Nuclear

Suppliers Group. In particular, the Guidelines for Nuclear Transfers, as set out in IAEA document INFCIRC/254/Rev.5/Part1, as it may be revised, shall apply to retransfers of any items subject to this Article.

7. The Parties shall facilitate trade in nuclear materials between themselves or between persons or undertakings established in the respective territories of the Parties in the mutual interest of producers, the nuclear fuel cycle industry, utilities and consumers.

Authorisations, including export and import licences as well as authorisations or consents to third parties, relating to trade, industrial operations or nuclear material movements on the territories of the Parties shall not be used to restrict trade or hinder the commercial interests of either Party on the peaceful use of nuclear energy both internationally and domestically. The relevant authority shall act upon applications for such authorisations as soon as possible after submission and without unreasonable expense. Appropriate administrative provisions shall be in place to ensure respect of this provision.

Provisions of this Agreement shall not be used to impede the free movement of nuclear material within the territory of the Community.

8. Notwithstanding the suspension or termination of this Agreement for any reason, subparagraphs (a) and (b) of paragraph 6 of this Article shall continue to apply so long as any nuclear material subject to these provisions remains under the jurisdiction of either Party or until a determination is made in accordance with paragraph 2 of this Article.

Article 8

Prevention of illicit trafficking of nuclear material

Co-operation in the field of prevention of illicit trafficking of nuclear material shall relate to the promotion of methods and techniques of control of nuclear material.

Article 9

Other areas of mutual interest

1. The Parties may agree within the scope of their respective competencies to co-operation in other activities in the field of nuclear energy.

2. On the Community's side, the activities would have to be covered by relevant programmes of action and correspond to the conditions specified for it, e.g. in areas such as the safe transport of nuclear material, safeguards or industrial co-operation to promote certain aspects of the safety of nuclear installations.

3. The paragraphs 4, 5 and 6 of Article 6 of this Agreement are equally applicable.

Article 10

Applicable law

Co-operation under this Agreement shall be in accordance with the laws and regulations in force within the Community and Ukraine as well as with the international agreements entered into by the Parties. In the case of the Community the applicable law includes the Euratom Treaty and secondary legislation thereunder.

Article 11

Intellectual property

The utilisation and diffusion of information and intellectual property rights, patents and copyrights connected with the co-operation activities under this Agreement shall be in accordance with the Annexes to the Agreements for Co-operation between the European Atomic Energy Community and the Cabinet of Ministers of Ukraine in the Field of Nuclear Safety and Controlled Nuclear Fusion as referred to above in Articles 4 and 5 of this Agreement, respectively.

Article 12

Consultation and arbitration

1. The Parties will hold regular consultations within the framework of the Partnership and Co-operation Agreement to monitor the co-operation under this Agreement unless specific consultation mechanisms are foreseen by the Parties.

2. Any dispute relating to the application or interpretation of this Agreement may be dealt with according to the procedure established by Article 96 of the Partnership and Co-operation Agreement.

Article 13

Entry into force and duration

1. The Agreement shall enter into force on the date the Parties, through an exchange of diplomatic notes, specify its entry into force⁽¹⁾ and shall remain in force for an initial period of five years.

2. Thereafter this Agreement shall be automatically renewed for five-year periods, unless either Party, by written notice, requests the termination or renegotiations of the Agreement not later than six months prior to the expiry date.

3. If either Party or any Member State of the Community violates any of the material provisions of this Agreement, the other Party may, on giving written notice to that effect, suspend or terminate co-operation under this Agreement in whole or in part.

Before either Party takes action to that effect the Parties shall consult with a view to reaching agreement on the corrective measures to be taken and on the time-scale within which such measures shall be taken.

Action under the first provision of this paragraph shall be taken only if there has been failure to take the agreed measures within the agreed time or, in the event of failure to reach agreement as provided in the foregoing paragraph, after the lapse of a reasonable period of time having regard to the nature and gravity of the violation.

This Agreement shall be drawn up in duplicate in the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish, Swedish and Ukrainian languages, each text being equally authentic.

Done at Kiev, 28 April 2005.

For the European Atomic Energy
Community

Andris PIEBALGS

For the Cabinet of Ministers of
Ukraine

Ivan PLACHKOV

⁽¹⁾ 1.9.2006.

COMMISSION DECISION

of 12 September 2006

fixing the annual breakdown by Member State of the amount for Community support to rural development for the period from 1 January 2007 to 31 December 2013

(notified under document number C(2006) 4024)

(2006/636/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1698/2005 of 20 September 2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) ⁽¹⁾, and in particular Article 69(4) thereof,

Whereas:

- (1) Council Decision 2006/493/EC ⁽²⁾ fixed the amount of Community support to rural development for the period from 1 January 2007 to 31 December 2013, its annual breakdown and the minimum amount to be concentrated in regions eligible under the Convergence Objective.
- (2) Point 40 of the Financial Perspectives 2007 to 2013, agreed upon by the European Council of December 2005, fixed the maximum level of transfers from funds supporting Cohesion.
- (3) In accordance with Article 69(4) of Regulation (EC) No 1698/2005 the annual breakdown by Member State of the amounts for Community support to rural development is to be made after deduction of the resources devoted to technical assistance for the Commission and taking into account the amounts reserved for regions eligible under the Convergence Objective, past performance and particular situations and needs based on objective criteria. In accordance with Article 69(3) of Regulation (EC) No 1698/2005, those amounts should be indexed at 2 % per year, while, in accordance with paragraph 5 of that Article, in addition to those amounts, the Member States have to take into account for the purpose of programming the amounts resulting

from modulation as provided for in Article 12(2) of Council Regulation (EC) No 1290/2005 of 21 June 2005 on the financing of the common agricultural policy ⁽³⁾.

- (4) The total transfers from the European Agricultural Guarantee Fund to the EAFRD pursuant to Articles 10(2), 143d and 143e of Council Regulation (EC) No 1782/2003 of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers ⁽⁴⁾ are set by Commission Decision 2006/410/EC ⁽⁵⁾ for the budget years 2007 to 2013. Those amounts should be added to the annual breakdown by Member State for the purpose of rural development programming, according to the methodology established in Article 10(3) and (4) of Regulation (EC) No 1782/2003. The annual breakdown by Member States of the amounts resulting from modulation provided for in Article 10(1) of Regulation (EC) No 1782/2003 have been allocated by Commission Decision 2006/588/EC ⁽⁶⁾.
- (5) The annual breakdown should not include the amounts for Bulgaria and Romania since the Treaty of Accession of those countries has not yet entered into force. Upon the entry into force of the Treaty of Accession of those countries the annual breakdown should be amended accordingly to include allocations for those countries,

HAS ADOPTED THIS DECISION:

Article 1

The annual breakdown by Member State of commitment appropriations for Community support to rural development for the period from 1 January 2007 to 31 December 2013, as referred to in Article 69 of Regulation (EC) No 1698/2005, is set out in the Annex to this Decision.

⁽¹⁾ OJ L 277, 21.10.2005, p. 1.

⁽²⁾ OJ L 195, 15.7.2006, p. 22.

⁽³⁾ OJ L 209, 11.8.2005, p. 1. Regulation as amended by Regulation (EC) No 320/2006 (OJ L 58, 28.2.2006, p. 42).

⁽⁴⁾ OJ L 270, 21.10.2003, p. 1. Regulation as last amended by Commission Regulation (EC) No 1156/2006 (OJ L 208, 29.7.2006, p. 3).

⁽⁵⁾ OJ L 163, 15.6.2006, p. 10.

⁽⁶⁾ OJ L 240, 2.9.2006, p. 6.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 12 September 2006.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

ANNEX

Breakdown by Member State of Community support for rural development 2007 to 2013

	2007	2008	2009	2010	2011	2012	2013	2007-2013 total	(current prices in EUR) of which minimum for regions under the Convergence objective Total
Belgium	63 991 299	63 957 784	60 238 083	59 683 509	59 267 519	56 995 480	54 476 632	418 610 306	40 744 223
Czech Republic	396 623 321	392 638 892	388 036 387	400 932 774	406 640 636	412 672 094	417 962 250	2 815 506 354	1 635 417 906
Denmark	62 592 573	66 344 571	63 771 254	64 334 762	63 431 467	62 597 618	61 588 551	444 660 796	0
Germany	1 184 995 564	1 186 941 705	1 147 425 574	1 156 018 553	1 159 359 200	1 146 661 509	1 131 114 950	8 112 517 055	3 174 037 771
Estonia	95 608 462	95 569 377	95 696 594	100 929 353	104 639 066	108 913 401	113 302 602	714 658 855	387 221 654
Greece	461 376 206	463 470 078	453 393 090	452 018 509	631 768 186	626 030 398	619 247 957	3 707 304 424	1 905 697 195
Spain	1 012 456 383	1 030 880 527	1 006 845 141	1 013 903 294	1 057 772 000	1 050 937 191	1 041 123 263	7 213 917 799	3 178 127 204
France	931 041 833	942 359 146	898 672 939	909 225 155	933 778 147	921 205 557	905 682 332	6 441 965 109	568 263 981
Ireland	373 683 516	355 014 220	329 171 422	333 372 252	324 698 528	316 771 063	307 203 589	2 339 914 590	0
Italy	1 142 143 461	1 135 428 298	1 101 390 921	1 116 626 236	1 271 659 589	1 266 602 382	1 258 158 996	8 292 009 883	3 341 091 825
Cyprus	26 704 860	24 772 842	22 749 762	23 071 507	22 402 714	21 783 947	21 037 942	162 523 574	0
Latvia	152 867 493	147 768 241	142 542 483	147 766 381	148 781 700	150 188 774	151 198 432	1 041 113 504	327 682 815
Lithuania	260 974 835	248 836 020	236 928 998	244 741 536	248 002 433	250 278 098	253 598 173	1 743 360 093	679 189 192
Luxembourg	14 421 997	13 661 411	12 655 487	12 818 190	12 487 289	12 181 368	11 812 084	90 037 826	0
Hungary	570 811 818	537 525 661	498 635 432	509 252 494	547 603 625	563 304 619	578 709 743	3 805 843 392	2 496 094 593
Malta	12 434 359	11 527 788	10 656 597	10 544 212	10 347 884	10 459 190	10 663 325	76 633 355	18 077 067
Netherlands	70 536 869	72 638 338	69 791 337	70 515 293	68 706 648	67 782 449	66 550 233	486 521 167	0
Austria	628 154 610	594 709 669	550 452 057	557 557 505	541 670 574	527 868 629	511 056 948	3 911 469 992	31 938 190
Poland	1 989 717 841	1 932 933 351	1 872 739 817	1 866 782 838	1 860 573 543	1 857 244 519	1 850 046 247	13 230 038 156	6 997 976 121
Portugal	562 210 832	562 491 944	551 196 824	559 018 566	565 142 601	565 192 105	564 072 156	3 929 325 028	2 180 735 857
Slovenia	149 549 387	139 868 094	129 728 049	128 304 946	123 026 091	117 808 866	111 981 296	900 266 729	287 815 759
Slovakia	303 163 265	286 531 906	268 049 256	256 310 239	263 028 387	275 025 447	317 309 578	1 969 418 078	1 106 011 592
Finland	335 121 543	316 143 440	292 385 407	296 367 134	287 790 092	280 508 238	271 617 053	2 079 932 907	0
Sweden	292 133 703	277 225 207	256 996 031	260 397 463	252 975 513	246 760 755	239 159 282	1 825 647 954	0
United Kingdom	263 996 373	283 001 582	274 582 271	276 600 084	273 334 332	270 695 626	267 364 152	1 909 574 420	188 337 515
Total	11 357 312 403	11 182 240 092	10 734 731 213	10 827 092 785	11 238 887 764	11 186 469 323	11 136 037 766	77 662 771 346	28 544 460 460

COMMISSION DECISION

of 13 September 2006

concerning a request from the Republic of Lithuania to apply a reduced rate of VAT to the supply of district heating

(notified under document number C(2006) 4049)

(Only the Lithuanian text is authentic)

(2006/637/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Sixth Council Directive 77/388/EEC of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes — Common system of value added tax: uniform basis of assessment ⁽¹⁾, and in particular Article 12(3)(b) thereof,

Whereas:

- (1) By letter registered at the Commission on 20 June 2006 the Republic of Lithuania informed the Commission of its intention of applying a reduced rate of VAT to the supply of district heating.
- (2) Lithuania intends to apply a reduced rate (5 %) to the supply of district heating, whereas natural gas and electricity will continue to be subject to the standard rate (18 %). This differentiation of rates causes no shift from the consumption of electricity or natural gas for heating to the consumption of district heating. This is mainly due to national rules for the establishment of prices, which are quite different between natural gas, electricity and district heating, and to the fact that, from a technical-technological point of view, those products can be substitute goods only for heating purposes. Moreover, in Lithuania electricity for heating is generally used only by households which do not have any technical possibilities to use gas or to connect to networks of district heating. In this context, those households which currently use electricity will not switch to district heating because they are not connected to the district heating network. Those ones which use gas for heating will unlikely switch to district heating either since, according to the information given by the Lithuanian authorities, the price for district heating, excluding value added tax, is higher than the one for heating by gas. In any case, they could only do so if connections to district heating were provided to them.

- (3) Moreover, as there are in principle no cross-border transactions with district heating, there is no risk of distortion of competition in the meaning of Article 12(3)(b) of the Sixth VAT Directive for either such heating supplied by suppliers in Lithuania to private consumers residing in other Member States or for heating supplied by suppliers from outside Lithuania to private consumers residing in this country.
- (4) The planned measure is a general one applying a reduced rate of VAT to the supply of district heating under Article 12(3)(b) of the Sixth VAT Directive.
- (5) Since the measure is a general one with no provision for exceptions, the risk of distortion of competition must be deemed non-existent. Since the condition laid down by Article 12(3)(b) of the Sixth Directive is thus fulfilled, Lithuania should be able to apply the measure concerned as soon as this Decision is notified,

HAS ADOPTED THIS DECISION:

Article 1

Lithuania may apply the measure notified in its letter on 20 June 2006, applying a reduced rate of VAT to the supply of district heating irrespective of the conditions of production and supply.

Article 2

This Decision is addressed to the Republic of Lithuania.

Done at Brussels, 13 September 2006.

For the Commission
László KOVÁCS
Member of the Commission

⁽¹⁾ OJ L 145, 13.6.1977, p. 1. Directive as last amended by Directive 2006/69/EC (OJ L 221, 12.8.2006, p. 9).