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⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1562/2006**of 5 October 2006****concerning the conclusion of the Fisheries Partnership Agreement between the European Community and the Republic of Seychelles**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 in conjunction with 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 ⁽¹⁾,

Whereas:

- (1) By Council Regulation (EEC) No 1708/87 the Community approved an Agreement with the Republic of Seychelles on fishing off Seychelles ⁽²⁾. The Parties conducted negotiations to replace that Agreement by a Fisheries Partnership Agreement.
- (2) Following those negotiations, a Fisheries Partnership Agreement was initialled in March 2005.
- (3) The Fisheries Partnership Agreement provides for improved economic, financial, technical and scientific cooperation in the fisheries sector with a view to guaranteeing the conservation and sustainable exploitation of resources, as well as partnerships between undertakings aimed at developing economic activities in the fisheries sector and related activities in the common interest.
- (4) That Agreement should be approved.

- (5) As a consequence of the entry into force of the new Agreement, Regulation (EEC) No 1708/87 will become obsolete. For reasons of clarity, it should therefore be repealed,

HAS ADOPTED THIS REGULATION:

Article 1

The Fisheries Partnership Agreement between the European Community and the Republic of Seychelles (hereafter referred to as the Agreement) is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Regulation.

Article 2

The President of the Council is hereby authorised to designate the persons empowered to sign the Agreement in order to bind the Community.

Article 3

Regulation (EEC) No 1708/87 is hereby repealed

Article 4

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

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

Done at Luxembourg, 5 October 2006.

For the Council

The President

K. RAJAMÄKI

⁽¹⁾ Opinion delivered on 6 September 2006. Not yet published in the Official Journal.

⁽²⁾ OJ L 160, 20.6.1987, p. 1.

FISHERIES PARTNERSHIP AGREEMENT
between the European Community and the Republic of the Seychelles

THE EUROPEAN COMMUNITY,

hereinafter referred to as 'the Community',

and

THE REPUBLIC OF THE SEYCHELLES,

hereinafter referred to as 'Seychelles',

hereinafter referred to as the 'Parties',

CONSIDERING the close working relationship between the Community and Seychelles, particularly in the context of the Cotonou Agreement, and their mutual desire to intensify that relationship,

HAVING REGARD TO the United Nations Convention on the Law of the Sea,

AWARE of the importance of the principles established by the code of conduct for responsible fisheries adopted at the FAO Conference in 1995,

DETERMINED to cooperate, in their mutual interest, in promoting the introduction of responsible fisheries to ensure the long-term conservation and sustainable exploitation of marine living resources,

CONVINCED that such cooperation must take the form of initiatives and measures which, whether taken jointly or separately, are complementary, consistent with policy and ensure synergy of effort,

INTENDING, to these ends, to commence a dialogue with a view to defining a sectoral fisheries policy in Seychelles and identifying the appropriate means of ensuring that this policy is effectively implemented and that economic operators and civil society are involved in the process,

DESIROUS of establishing terms and conditions governing the fishing activities of Community vessels in the waters of Seychelles and Community support for the introduction of responsible fishing in those waters,

RESOLVED to pursue closer economic cooperation in the fishing industry and related activities through the setting up and development of joint enterprises involving companies from both Parties,

HEREBY AGREE AS FOLLOWS:

Article 1

Scope

This Agreement establishes the principles, rules and procedures governing:

— economic, financial, technical and scientific cooperation in the fisheries sector with a view to introducing responsible fishing in the waters of Seychelles to guarantee the conser-

vation and sustainable exploitation of fisheries resources, and developing the Seychelles fisheries sector,

— the conditions governing access by Community fishing vessels to Seychelles' waters,

— the arrangements for policing fisheries in Seychelles waters with a view to ensuring that the above rules and conditions are complied with, the measures for the conservation and management of fish stocks are effective and illegal, unreported and unregulated fishing is prevented,

— partnerships between companies aimed at developing economic activities in the fisheries sector and related activities, in the common interest.

Article 2

Definitions

For the purposes of this Agreement:

- (a) 'Seychelles authorities', means the Seychelles Fishing Authority;
- (b) 'Community authorities' means the European Commission;
- (c) 'Community vessel' means a fishing vessel flying the flag of a Member State of the Community and registered in the Community;
- (d) 'joint enterprise' means a commercial company set up in Seychelles by vessel owners or national enterprises from the Parties in order to engage in fishing or related activities;
- (e) 'Joint Committee' means a committee made up of representatives of the Community and Seychelles whose functions are described in Article 9 of this Agreement.

Article 3

Principles and objectives underlying the implementation of this Agreement

1. The Parties hereby undertake to promote responsible fishing in the waters of Seychelles based on the principle of non-discrimination between the different fleets fishing in those waters, without prejudice to the agreements concluded between developing countries within a geographical region, including reciprocal fisheries agreements.
2. The Parties shall cooperate with a view to defining and implementing a sectoral fisheries policy in Seychelles' waters and shall to that end initiate a policy dialogue on the necessary reforms. They hereby undertake not to adopt measures in this area without first consulting each other.
3. The Parties shall also cooperate on carrying out *ex-ante*, ongoing and *ex-post* evaluations, both jointly and unilaterally, of measures, programmes and actions implemented on the basis of this Agreement.
4. The Parties hereby undertake to ensure that this Agreement is implemented in accordance with the principles of good economic and social governance.

5. In particular, the employment of Seychelles seamen on board of Community vessels shall be governed by the International Labour Organisation (ILO) Declaration on Fundamental Principles and Rights at Work, which shall apply as of right to the corresponding contracts and general terms of employment. This concerns in particular the freedom of association and the effective recognition of the right to collective bargaining, and the elimination of discrimination in respect of employment and occupation.

Article 4

Statistical cooperation

1. During the period covered by this Agreement, the Community and Seychelles shall monitor the evolution of resources in Seychelles' fishing zone; a joint scientific meeting shall be held annually to that end, alternately in the Community and in Seychelles.
2. Based on the conclusions of the annual scientific meeting and the best available scientific advice, the Parties shall consult each other within the Joint Committee provided for in Article 9 and, where necessary and by mutual agreement, take measures to ensure the sustainable management of fisheries resources.
3. The Parties hereby undertake to consult each other, either directly or within the Indian Ocean Tuna Commission (IOTC), to ensure the management and conservation of living resources in the Indian Ocean and to cooperate in the relevant scientific research.

Article 5

Access by Community vessels to the fisheries in Seychelles' waters

1. Seychelles hereby undertakes to authorise Community vessels to engage in fishing activities in its fishing zone in accordance with this Agreement, including the Protocol and Annex thereto.
2. The fishing activities governed by this Agreement shall be subject to the laws and regulations in force in Seychelles. The Seychelles authorities shall notify the Commission of any amendments to that legislation.
3. Seychelles shall assume responsibility for the effective application of the fisheries monitoring provisions in the Protocol. Community vessels shall cooperate with the Seychelles authorities responsible for carrying out such monitoring.

4. The Community hereby undertakes to take all the appropriate steps required to ensure that its vessels comply with this Agreement and the legislation governing fisheries in the waters over which Seychelles has jurisdiction.

Article 6

Licenses

1. Community vessels may fish in Seychelles' fishing zone only if they are in possession of a fishing licence issued under this Agreement.

2. The procedure for obtaining a fishing licence for a vessel, the taxes applicable and the method of payment to be used by ship-owners shall be as set out in the Annex to the Protocol.

Article 7

Financial contribution

1. The Community shall pay Seychelles a financial contribution in accordance with the terms and conditions laid down in the Protocol and Annexes. This single contribution shall be composed of two related elements, namely:

- (a) access by Community vessels to the Seychelles' fisheries; and
- (b) the Community's financial support for introducing responsible fishing and the sustainable exploitation of fisheries resources in Seychelles' waters.

2. The component of the financial contribution referred to in point (a) of paragraph 1 shall be determined and managed in the light of objectives identified by common accord between the Parties in accordance with the Protocol, to be achieved in the context of the sectoral fisheries policy in Seychelles and an annual and multi-annual programme for its implementation.

3. The financial contribution granted by the Community shall be paid each year in accordance with the Protocol and subject to this Agreement and the Protocol in the event of any change to the amount of the contribution as a result of:

- (a) serious circumstances, other than natural phenomena, preventing fishing activities in Seychelles' waters;
- (b) a reduction in the fishing opportunities granted to Community vessels, made by mutual agreement between the Parties for the purposes of managing the stocks concerned, where this is considered necessary for the conservation and sustainable exploitation of resources on the basis of the best available scientific advice;

(c) an increase in the fishing opportunities granted to Community vessels, made by mutual agreement between the Parties where the best available scientific advice concurs that the state of resources so permits;

(d) a reassessment of the terms of Community financial support for implementing a sectoral fisheries policy in Seychelles, where this is warranted by the results of the annual and multi-annual programming observed by both Parties;

(e) termination of this Agreement under Article 12;

(f) suspension of the application of this Agreement under Article 13.

Article 8

Promoting cooperation among economic operators and in civil society

1. The Parties shall encourage economic, commercial, scientific and technical cooperation in the fisheries sector and related sectors. They shall consult one another with a view to coordinating the different measures that might be taken to this end.

2. The Parties shall encourage exchanges of information on fishing techniques and gear, preservation methods and the industrial processing of fisheries products.

3. The Parties shall endeavour to create conditions favourable to the promotion of relations between enterprises from the Parties in the technical, economic and commercial spheres, by encouraging the establishment of an environment favourable to the development of business and investment.

4. The Parties shall encourage, in particular, the setting-up of joint enterprises in their mutual interest. The creation of joint enterprises in Seychelles and the transfer of Community vessels to joint enterprises shall systematically comply with the Seychelles and the Community legislation.

Article 9

Joint Committee

1. A Joint Committee shall be set up to monitor the application of this Agreement. The Joint Committee shall perform the following functions:

- (a) monitoring the performance, interpretation and application of the Agreement and, in particular, the definition of the annual and multi-annual programming referred to in Article 7(2) and evaluation of its implementation;

- (b) providing the necessary liaison for matters of mutual interest relating to fisheries;
- (c) acting as a forum for the amicable settlement of any disputes regarding the interpretation or application of the Agreement;
- (d) reassessing, where necessary, the level of fishing opportunities and, consequently, of the financial contribution;
- (e) any other function which the Parties decide on by mutual agreement.

2. The Joint Committee shall meet at least once a year, alternately in the Community and in Seychelles, and shall be chaired by the Party hosting the meeting. It shall hold a special meeting at the request of either of the Parties.

Article 10

Geographical area to which the Agreement applies

This Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Community applies, under the conditions laid down in that Treaty and, on the other, to the territory of Seychelles.

Article 11

Duration

This Agreement shall apply for six years from the date of its entry into force; it shall be renewable for additional periods of six years, unless notice of termination is given in accordance with Article 12.

Article 12

Termination

1. This Agreement may be terminated by either Party in the event of serious circumstances such as the degradation of the stocks concerned, the discovery of a reduced level of exploitation of the fishing opportunities granted to Community vessels, or failure to comply with undertakings made by the Parties with regard to combating illegal, unreported and unregulated fishing.

2. The Party concerned shall notify the other Party of its intention to withdraw from the Agreement in writing at least six months before the date of expiry of the initial period or each additional period.

3. Dispatch of the notification referred to in the previous paragraph shall open consultations by the Parties.

4. Payment of the financial contribution referred to in Article 7 for the year in which the termination takes effect shall be reduced proportionately and pro rata temporis.

Article 13

Suspension

1. Application of this Agreement may be suspended at the initiative of one of the Parties in the event of a serious disagreement as to the application of provisions laid down in the Agreement. Such suspension shall require the Party concerned to notify its intention in writing at least three months before the date on which suspension is due to take effect. On receipt of this notification, the Parties shall enter into consultations with a view to resolving their differences amicably.

2. Payment of the financial contribution referred to in Article 7 shall be reduced proportionately and pro rata temporis, according to the duration of the suspension.

Article 14

Protocol and Annex

The Protocol and the Annex shall form an integral part of this Agreement.

Article 15

Abrogation and transitory provisions

1. This Agreement repeals and replaces the Agreement between the European Economic Community and the Republic of Seychelles on fishing off Seychelles of 1987 by the date of its entry into force.

2. However, the Protocol defining for the period from 18 January 2005 to 17 January 2011 the fishing possibilities and the financial contribution provided for by the Agreement between the European Economic Community and the Republic of Seychelles on fishing off Seychelles remains into force during the period indicated in its Article 1 and becomes and integral part of this Agreement.

Article 16

Entry into force

This Agreement, drawn up in duplicate in the Czech, Estonian, Danish, Dutch, English, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Slovak, Slovenian, Spanish and Swedish languages, each of these texts being equally authentic, shall enter into force on the date on which the Parties notify one other that their adoption procedures have been completed.

COUNCIL REGULATION (EC) No 1563/2006**of 5 October 2006****concerning the conclusion of the Partnership Agreement in the fisheries sector between the European Community and the Union of the Comoros**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37, in conjunction with 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 ⁽¹⁾,

Whereas:

- (1) By Regulation (EEC) No 1494/88 ⁽²⁾, the Council approved, on behalf of the European Economic Community, an Agreement with the Islamic Federal Republic of the Comoros on fishing off Comoros. The two parties began negotiations to replace that Agreement, in accordance with the provisions thereof, with a new fisheries Partnership Agreement.
- (2) As a result of those negotiations, a new Agreement was initialled on 24 November 2004.
- (3) The Partnership Agreement provides for the strengthening of economic, financial, technical and scientific cooperation in the fisheries sector with a view to ensuring the conservation and sustainable exploitation of resources, together with partnerships between undertakings aimed at developing, in the common interest, economic activities in the fisheries and related sectors.

(4) That Agreement should be approved.

(5) Following the entry into force of the new Agreement, Regulation (EEC) No 1494/88 will become obsolete and must therefore be repealed for reasons of clarity,

HAS ADOPTED THIS REGULATION:

Article 1

The Fisheries Partnership Agreement between the European Community and the Union of the Comoros is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Regulation.

Article 2

The President of the Council is hereby authorised to designate the persons empowered to sign the Agreement in order to bind the Community.

Article 3

Regulation (EEC) No 1494/88 is hereby repealed.

Article 4

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

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

Done at Luxembourg, 5 October 2006.

For the Council
The President
K. RAJAMÄKI

⁽¹⁾ Opinion delivered on 6.9.2006 (not yet published in the Official Journal).

⁽²⁾ OJ L 137, 2.6.1988, p. 18.

PARTNERSHIP AGREEMENT
in the fisheries sector between the European Community and the Union of the Comoros

THE EUROPEAN COMMUNITY,

hereinafter referred to as 'the Community',

and

THE UNION OF THE COMOROS,

hereinafter referred to as 'the Comoros',

hereinafter referred to as 'the Parties',

CONSIDERING the close working relationship between the Community and the Comoros, particularly in the context of the Cotonou Agreement, and their mutual desire to intensify that relationship,

HAVING REGARD TO the United Nations Convention on the Law of the Sea,

AWARE OF the importance of the principles established by the Code of conduct for responsible fisheries adopted at the FAO Conference in 1995,

DETERMINED to cooperate, in their mutual interest, in promoting the introduction of responsible fisheries to ensure the long-term conservation and sustainable exploitation of marine living resources,

PERSUADED that such cooperation must take the form of complementary initiatives and measures which, whether taken jointly or separately, follow consistent policies and ensure synergy,

DECIDED, to those ends, to establish a dialogue with a view to defining a sectoral fisheries policy in the Comoros and identifying the appropriate means of ensuring that this policy is effectively implemented and that economic operators and civil society are involved in the process,

DESIROUS of establishing terms and conditions governing the fishing activities of Community vessels in Comorian waters and Community support for the introduction of responsible fishing in those waters,

RESOLVED to pursue closer economic cooperation in the fishing industry and in related activities through the setting up and development of joint enterprises involving undertakings from both Parties,

HEREBY AGREE AS FOLLOWS:

Article 1

Object

This Agreement establishes the principles, rules and procedures governing:

— economic, financial, technical and scientific cooperation in the fisheries sector with a view to introducing responsible fishing in Comorian waters to guarantee the conservation and sustainable exploitation of fisheries resources, and developing the Comorian fisheries sector,

— the conditions governing access for Community fishing vessels to Comorian waters,

— the arrangements for policing fisheries in Comorian waters with a view to ensuring that the above rules and conditions are complied with, the measures for the conservation and management of fish stocks are effective, and illegal, undeclared or unregulated fishing is prevented,

— partnerships between undertakings aimed at developing, in the common interest, economic and related activities in the fisheries sector.

Article 2

Definitions

For the purposes of this Agreement:

- (a) 'Comorian authorities' means the Ministry with responsibility for fisheries in the Comoros;
- (b) 'Community authorities' means the European Commission;
- (c) 'Community vessel' means a fishing vessel flying the flag of a Community Member State and registered in the Community;
- (d) 'joint enterprise' means a commercial company set up in the Comoros by vessel owners or national enterprises from the Parties to carry on fishing or related activities;
- (e) 'Joint Committee' means a committee made up of representatives of the Community and the Comoros whose functions are described in Article 9 of this Agreement.

Article 3

Principles and objectives underlying the implementation of this Agreement

1. The Parties hereby undertake to promote responsible fishing in Comorian waters based on the principle of non-discrimination between the different fleets fishing in those waters, without prejudice to the agreements concluded between developing countries within a geographical region, including reciprocal fisheries agreements.
2. Without prejudice to Comorian sovereignty, the Parties shall cooperate with a view to defining and implementing a sectoral fisheries policy in Comorian waters and shall to that end initiate a policy dialogue on the necessary reforms. They hereby undertake not to adopt measures in this area without first consulting one another.
3. The Parties shall also cooperate in carrying out *ex-ante*, ongoing and *ex-post* evaluations, both jointly and unilaterally, of measures, programmes and actions implemented on the basis of this Agreement.
4. The Parties hereby undertake to ensure that this Agreement is implemented in accordance with the principles of good economic and social governance.
5. In particular, the employment of Comorian seamen on board Community vessels shall be governed by the International

Labour Organisation (ILO) Declaration on Fundamental Principles and Rights at Work, which shall apply automatically to the corresponding contracts and general terms of employment, in particular as regards freedom of association and the effective recognition of the right to collective bargaining, and the elimination of discrimination in respect of employment and occupation.

Article 4

Scientific cooperation

1. During the period covered by the Agreement, the Parties shall endeavour to monitor the state of resources in Comorian waters.
2. Based on the recommendations and resolutions adopted within the Indian Ocean Tuna Commission (IOTC) and the best available scientific advice, the Parties shall consult one another within the Joint Committee provided for in Article 9 and, where necessary and by mutual agreement, take measures to ensure the sustainable management of fisheries resources.
3. The Parties hereby undertake to consult each other, either directly or within the IOTC, to ensure the management and conservation of living resources in the Indian Ocean, and to cooperate in the relevant scientific research.

Article 5

Access for Community vessels to Comorian fisheries

1. The Comoros undertakes to authorise Community vessels to carry on fishing activities in its fishing zone in accordance with this Agreement, including the Protocol and Annex.
2. The fishing activities governed by this Agreement shall be subject to the laws and regulations in force in the Comoros. The Comorian authorities shall notify the Commission of any amendments to that legislation.
3. The Parties shall assume responsibility for the effective application of the fisheries monitoring provisions in the Protocol. Community vessels shall cooperate with the Comorian authorities responsible for carrying out such monitoring.
4. The Community undertakes to take all the appropriate steps required to ensure that its vessels comply with this Agreement and the legislation governing fisheries in the waters over which the Comoros has jurisdiction.

*Article 6***Licences**

1. Community vessels may fish in Comorian waters only if they are in possession of a fishing licence issued under this Agreement.
2. The procedure for obtaining a fishing licence for a vessel, the taxes applicable and the method of payment to be used by shipowners shall be as set out in the Annex to the Protocol.

*Article 7***Financial contribution**

The Community shall grant the Comoros a financial contribution in accordance with the terms and conditions laid down in the Protocol and Annexes. This single contribution shall be composed of two related elements, namely:

- (a) access for Community vessels to Comorian fisheries; and
- (b) the Community's financial support for introducing responsible fishing and the sustainable exploitation of fisheries resources in Comorian waters;
- (c) the component of the financial contribution referred to in point (a) of paragraph 1 shall be determined and managed in the light of objectives identified by common accord between the Parties in accordance with the Protocol, to be achieved in the context of the sectoral fisheries policy in the Comoros and an annual and multiannual programme for its implementation.

*Article 8***Promoting cooperation among economic operators and in civil society**

1. The Parties shall encourage economic, scientific and technical cooperation in the fisheries and related sectors. They shall consult one another with a view to coordinating the different measures that may be taken to this end.
2. The Parties shall encourage exchanges of information on fishing techniques and gear, preservation methods and the industrial processing of fisheries products.
3. The Parties shall endeavour to create conditions favourable to the promotion of relations between enterprises from the Parties in the technical, economic and commercial spheres, by encouraging the establishment of an environment favourable to the development of business and investment.
4. The Parties shall encourage, in particular, the setting-up of joint enterprises in their mutual interest. The transfer of Community vessels to joint enterprises and the creation of joint enterprises in the Comoros shall be carried out in such

a way as to comply systematically with the Comorian and Community legislation in force.

*Article 9***Joint Committee**

1. A Joint Committee shall be set up to monitor the implementation of this Agreement. The Joint Committee shall:
 - (a) monitor the performance, interpretation and application of the Agreement and, in particular, the definition of the annual and multiannual programming referred to in Article 7(b) and the evaluation of its implementation;
 - (b) provide the necessary liaison for matters of mutual interest relating to fisheries;
 - (c) act as a forum for the amicable settlement of any disputes regarding the interpretation or application of the Agreement;
 - (d) reassess, where necessary, the level of fishing opportunities and, consequently, of the financial contribution;
 - (e) perform any other function which the Parties decide on by mutual agreement.
2. The Joint Committee shall meet at least once a year, alternately in the Comoros and in the Community, and shall be chaired by the Party hosting the meeting. It shall hold a special meeting at the request of either of the Parties.

In particular, it shall meet not later than three months after the entry into force of each Protocol in order to lay down detailed rules for the implementation of this Agreement. It shall draw up for that purpose an action plan defining expressly the activities to be developed, followed by a detailed timetable covering the period of each Protocol.

*Article 10***Geographical area to which the Agreement applies**

This Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Community applies, under the conditions laid down in that Treaty and, on the other, to the territory of the Union of the Comoros.

*Article 11***Duration**

This Agreement shall apply for seven years from the date of its entry into force; it shall be renewable for additional periods of seven years, unless notice of termination is given in accordance with Article 12.

*Article 12***Termination**

1. This Agreement may be terminated by either Party in the event of serious circumstances such as the deterioration of the stocks concerned, the discovery of a reduced level of exploitation of the fishing opportunities granted to Community vessels, or failure to comply with undertakings made by the Parties with regard to combating illegal, undeclared and unregulated fishing.
2. The Party concerned shall notify the other Party of its intention to withdraw from the Agreement in writing at least six months before the date of expiry of the initial period or each additional period.
3. Dispatch of the notification referred to in the previous paragraph shall open consultations by the Parties.
4. Payment of the financial contribution referred to in Article 7 for the year in which the termination takes effect shall be reduced proportionately and *pro rata temporis*.

*Article 13***Suspension**

1. Application of this Agreement may be suspended at the initiative of one of the Parties in the event of a serious disagreement as to the application of provisions laid down in the Agreement. Such suspension shall require the Party concerned to notify its intention in writing at least three months before the date on which suspension is due to take effect. On receipt of this notification, the Parties shall enter into consultations with a view to resolving their differences amicably.

2. Payment of the financial contribution referred to in Article 7 shall be reduced proportionately and *pro rata temporis*, according to the duration of the suspension.

Article 14

The Protocol and the Annex shall form an integral part of this Agreement.

*Article 15***Repeal and transitional provisions**

This Agreement shall repeal and replace on the date of its entry into force the fisheries agreement between the European Economic Community and the Islamic Federal Republic of the Comoros on fishing off the Comoros which entered into force on 20 July 1988.

However, the Protocol fixing for the period from 1 January 2005 to 31 December 2010 the fishing possibilities and financial contribution provided for in the fisheries agreement between the European Economic Community and the Islamic Federal Republic of the Comoros on fishing off the Comoros shall continue to apply during the period referred to in Article 1(1) thereof and shall become an integral part of this Agreement.

*Article 16***Entry into force**

This Agreement, drawn up in duplicate in the Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Slovak, Slovene, Spanish, Swedish and Arabic languages, each of these texts being equally authentic, shall enter into force on the date on which the Parties notify each other that their adoption procedures have been completed.

COMMISSION REGULATION (EC) No 1564/2006**of 19 October 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 20 October 2006.

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

Done at Brussels, 19 October 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 19 October 2006 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	70,9
	096	36,7
	204	41,3
	999	49,6
0707 00 05	052	111,8
	096	30,8
	999	71,3
0709 90 70	052	100,9
	204	51,8
	999	76,4
0805 50 10	052	63,6
	388	66,0
	524	57,9
	528	58,6
	999	61,5
0806 10 10	052	95,7
	066	54,3
	400	172,2
	999	107,4
0808 10 80	388	82,4
	400	104,0
	404	100,0
	800	148,2
	804	140,1
	999	114,9
0808 20 50	052	114,0
	388	102,9
	720	57,7
	999	91,5

⁽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 1565/2006**of 19 October 2006****on the issue of import licences for rice originating in the ACP States and the overseas countries and territories against applications submitted in the first five working days of October 2006 pursuant to Regulation (EC) No 638/2003**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1785/2003 of 29 September 2003 on the common organisation of the market in rice ⁽¹⁾,

Having regard to Council Regulation (EC) No 2286/2002 of 10 December 2002 on the arrangements applicable to agricultural products and goods resulting from the processing of such agricultural products originating in the African, Caribbean and Pacific States (ACP States) and repealing Regulation (EC) No 1706/98 ⁽²⁾,

Having regard to Council Decision 2001/822/EC of 27 November 2001 on the association of the overseas countries and territories with the European Community (Overseas Association Decision) ⁽³⁾,

Having regard to Commission Regulation (EC) No 638/2003 of 9 April 2003 laying down detailed rules for applying Council Regulation (EC) No 2286/2002 and Council Decision 2001/822/EC as regards the arrangements applicable to imports of rice originating in the African, Caribbean and Pacific States (ACP States) and the overseas countries and territories (OCT) ⁽⁴⁾, and in particular Article 17(2) thereof,

Whereas:

(1) In accordance with Article 17(2)(a) of Regulation (EC) No 638/2003, the Commission shall decide to what extent applications for import licences may be accepted.

(2) Examination of the quantities for which import licence applications for rice have been submitted for the October 2006 tranche shows that licences should be issued for the quantities applied for multiplied, where appropriate, by a reduction percentage, and the final percentage take-up of each quota in 2006 should be communicated,

HAS ADOPTED THIS REGULATION:

Article 1

1. Import licences for rice against applications submitted during the first five working days of October 2006 pursuant to Regulation (EC) No 638/2003 and notified to the Commission shall be issued for the quantities applied for multiplied, where appropriate, by the reduction percentages stipulated in the Annex to this Regulation.

2. The final percentage take-up of each quota concerned for 2006 is set out in the Annex.

Article 2

This Regulation shall enter into force on 20 October 2006.

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

Done at Brussels, 19 October 2006.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

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

⁽²⁾ OJ L 348, 21.12.2002, p. 5.

⁽³⁾ OJ L 314, 30.11.2001, p. 1.

⁽⁴⁾ OJ L 93, 10.4.2003, p. 3. Regulation as last amended by Regulation (EC) No 2120/2005 (OJ L 340, 23.12.2005, p. 22).

ANNEX

Reduction percentages by tariff quota for rice opened by Regulation (EC) No 638/2003 to be applied to quantities applied for under the tranche for October 2006 and the final percentage take-up for 2006

Origin/product	Order No	Reduction percentage	Final percentage take-up of the quota for 2006
ACP [Article 3(1) of Regulation (EC) No 638/2003] — CN codes 1006 10 21 to 1006 10 98, 1006 20 and 1006 30	09.4187	0 ⁽¹⁾	80,35
ACP [Article 5(1) of Regulation (EC) No 638/2003] — CN code 1006 40 00	09.4188	0 ⁽¹⁾	22,76
OCTs [Article 10(1)(a) and (b) of Regulation (EC) No 638/2003] — CN code 1006			
a) Netherlands Antilles and Aruba:	09.4189	0 ⁽¹⁾	40,32
b) Least-developed OCTs:	09.4190	0 ⁽¹⁾	0
ACP + OCTs (Article 13 of Regulation (EC) No 638/2003) — CN code 1006 (OCTs) — CN codes 1006 10 21, 1006 10 23, 1006 10 25, 1006 10 27, 1006 10 92, 1006 10 94, 1006 10 96, 1006 10 98, 1006 20 and 1006 30	09.4191	0 ⁽¹⁾	26,72

⁽¹⁾ To be issued for the quantity stated in the application.

COMMISSION REGULATION (EC) No 1566/2006**of 19 October 2006****fixing the export refunds on white and raw sugar exported without further processing**

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 market in the sugar sector⁽¹⁾, and in particular the second subparagraph of Article 33(2) thereof,

Whereas:

- (1) Article 32 of Regulation (EC) No 318/2006 provides that the difference between prices on the world market for the products listed in Article 1(1)(b) of that Regulation and prices for those products on the Community market may be covered by an export refund.
- (2) Given the present situation on the sugar market, export refunds should therefore be fixed in accordance with the rules and certain criteria provided for in Articles 32 and 33 of Regulation (EC) No 318/2006.
- (3) The first subparagraph of Article 33(2) of Regulation (EC) No 318/2006 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund according to destination.

- (4) Refunds should be granted only on products that are allowed to move freely in the Community and that comply with the requirements of Regulation (EC) No 318/2006.

- (5) The negotiations within the framework of the Europe Agreements between the European Community and Romania and Bulgaria aim in particular to liberalise trade in products covered by the common organisation of the market concerned. For those two countries export refunds should therefore be abolished.

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

HAS ADOPTED THIS REGULATION:

Article 1

Export refunds as provided for in Article 32 of Regulation (EC) No 318/2006 shall be granted on the products and for the amounts set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 20 October 2006.

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

Done at Brussels, 19 October 2006.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 58, 28.2.2006, p. 1.

ANNEX

**Export refunds on white and raw sugar exported without further processing applicable from
20 October 2006 ^(e)**

Product code	Destination	Unit of measurement	Amount of refund
1701 11 90 9100	S00	EUR/100 kg	21,67 ^(f)
1701 11 90 9910	S00	EUR/100 kg	21,67 ^(f)
1701 12 90 9100	S00	EUR/100 kg	21,67 ^(f)
1701 12 90 9910	S00	EUR/100 kg	21,67 ^(f)
1701 91 00 9000	S00	EUR/1 % sucrose × 100 kg of net product	0,2356
1701 99 10 9100	S00	EUR/100 kg	23,56
1701 99 10 9910	S00	EUR/100 kg	23,56
1701 99 10 9950	S00	EUR/100 kg	23,56
1701 99 90 9100	S00	EUR/1 % sucrose × 100 kg of net product	0,2356

NB: The destinations are defined as follows:

S00: all destinations except Albania, Croatia, Bosnia and Herzegovina, Bulgaria, Romania, Serbia, Montenegro, Kosovo, the former Yugoslav Republic of Macedonia.

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

^(f) This amount is applicable to raw sugar with a yield of 92 %. Where the yield for exported raw sugar differs from 92 % the refund amount applicable shall be multiplied, for each exporting operation concerned, by a conversion factor obtained by dividing by 92 the yield of the raw sugar exported, calculated in accordance with paragraph 3 of Point III of the Annex I of Regulation (EC) No 318/2006.

COMMISSION REGULATION (EC) No 1567/2006**of 19 October 2006****fixing the export refunds on syrups and certain other sugar products exported without further processing**

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 market in the sugar sector⁽¹⁾, and in particular the second subparagraph of Article 33(2) thereof,

Whereas:

- (1) Article 32 of Regulation (EC) No 318/2006 provides that the difference between prices on the world market for the products listed in Article 1(1)(c), (d) and (g) of that Regulation and prices for those products on the Community market may be covered by an export refund.
- (2) Given the present situation on the sugar market, export refunds should therefore be fixed in accordance with the rules and certain criteria provided for in Articles 32 and 33 of Regulation (EC) No 318/2006.
- (3) The first subparagraph of Article 33(2) of Regulation (EC) No 318/2006 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund according to destination.
- (4) Refunds should be granted only on products that are allowed to move freely in the Community and that comply with the requirements of Commission Regulation

(EC) No 951/2006 of 30 June 2006 laying down detailed rules for the implementation of Regulation (EC) No 318/2006 as regards trade with third countries in the sugar sector⁽²⁾.

- (5) The negotiations within the framework of the Europe Agreements between the European Community and Romania and Bulgaria aim in particular to liberalise trade in products covered by the common organisation of the market concerned. For those two countries export refunds should therefore be abolished.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

1. Export refunds as provided for in Article 32 of Regulation (EC) No 318/2006 shall be granted on the products and for the amounts set out in the Annex to this Regulation subject to the conditions provided for in paragraph 2 of this Article.
2. To be eligible for a refund under paragraph 1 products must meet the relevant requirements laid down in Articles 3 and 4 of Regulation (EC) No 951/2006.

Article 2

This Regulation shall enter into force on 20 October 2006.

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

Done at Brussels, 19 October 2006.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 58, 28.2.2006, p. 1.

⁽²⁾ OJ L 178, 1.7.2006, p. 24.

ANNEX

Export refunds on syrups and certain other sugar products exported without further processing applicable from 20 October 2006 ^(e)

Product code	Destination	Unit of measurement	Amount of refund
1702 40 10 9100	S00	EUR/100 kg dry matter	23,56
1702 60 10 9000	S00	EUR/100 kg dry matter	23,56
1702 60 95 9000	S00	EUR/1 % sucrose × 100 kg of net product	0,2356
1702 90 30 9000	S00	EUR/100 kg dry matter	23,56
1702 90 60 9000	S00	EUR/1 % sucrose × 100 kg of net product	0,2356
1702 90 71 9000	S00	EUR/1 % sucrose × 100 kg of net product	0,2356
1702 90 99 9900	S00	EUR/1 % sucrose × 100 kg of net product	0,2356 ⁽¹⁾
2106 90 30 9000	S00	EUR/100 kg dry matter	23,56
2106 90 59 9000	S00	EUR/1 % sucrose × 100 kg of net product	0,2356

NB: The destinations are defined as follows:

S00: all destinations except Albania, Croatia, Bosnia and Herzegovina, Bulgaria, Romania, Serbia, Montenegro, Kosovo and the former Yugoslav Republic of Macedonia.

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

⁽¹⁾ The basic amount is not applicable to the product defined under point 2 of the Annex to Commission Regulation (EEC) No 3513/92 (OJ L 355, 5.12.1992, p. 12).

COMMISSION REGULATION (EC) No 1568/2006**of 19 October 2006****fixing the maximum export refund for white sugar in the framework of the standing invitation to tender provided for in Regulation (EC) No 958/2006**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 318/2006 of 20 February 2006 on the common organisation of the markets in the sugar sector ⁽¹⁾, and in particular the second subparagraph and point (b) of the third subparagraph of Article 33(2) thereof,

Whereas:

(1) Commission Regulation (EC) No 958/2006 of 28 June 2006 on a standing invitation to tender to determine refunds on exports of white sugar for the 2006/2007 marketing year ⁽²⁾ requires the issuing of partial invitations to tender.

(2) Pursuant to Article 8(1) of Regulation (EC) No 958/2006 and following an examination of the tenders submitted

in response to the partial invitation to tender ending on 19 October 2006, it is appropriate to fix a maximum export refund for that partial invitation to tender.

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

HAS ADOPTED THIS REGULATION:

Article 1

For the partial invitation to tender ending on 19 October 2006, the maximum export refund for the product referred to in Article 1(1) of Regulation (EC) No 958/2006 shall be 28,558 EUR/100 kg.

Article 2

This Regulation shall enter into force on 20 October 2006.

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

Done at Brussels, 19 October 2006.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 58, 28.2.2006, p. 1.

⁽²⁾ OJ L 175, 29.6.2006, p. 49.

COMMISSION REGULATION (EC) No 1569/2006

of 19 October 2006

fixing the export refunds on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

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

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

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

⁽²⁾ OJ L 270, 21.10.2003, p. 96. Regulation as last amended by Commission Regulation (EC) No 1549/2004 (OJ L 280, 31.8.2004, p. 13).

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

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 20 October 2006.

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

Done at Brussels, 19 October 2006.

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

ANNEX

to Commission Regulation of 19 October 2006 fixing the export refunds on products processed from cereals and rice

Product code	Destination	Unit of measurement	Refunds	Product code	Destination	Unit of measurement	Refunds
1102 20 10 9200 ⁽¹⁾	C13	EUR/t	5,63	1104 23 10 9300	C13	EUR/t	4,62
1102 20 10 9400 ⁽¹⁾	C13	EUR/t	4,82	1104 29 11 9000	C13	EUR/t	0,00
1102 20 90 9200 ⁽¹⁾	C13	EUR/t	4,82	1104 29 51 9000	C13	EUR/t	0,00
1102 90 10 9100	C13	EUR/t	0,00	1104 29 55 9000	C13	EUR/t	0,00
1102 90 10 9900	C13	EUR/t	0,00	1104 30 10 9000	C13	EUR/t	0,00
1102 90 30 9100	C13	EUR/t	0,00	1104 30 90 9000	C13	EUR/t	1,01
1103 19 40 9100	C13	EUR/t	0,00	1107 10 11 9000	C13	EUR/t	0,00
1103 13 10 9100 ⁽¹⁾	C13	EUR/t	7,24	1107 10 91 9000	C13	EUR/t	0,00
1103 13 10 9300 ⁽¹⁾	C13	EUR/t	5,63	1108 11 00 9200	C13	EUR/t	0,00
1103 13 10 9500 ⁽¹⁾	C13	EUR/t	4,82	1108 11 00 9300	C13	EUR/t	0,00
1103 13 90 9100 ⁽¹⁾	C13	EUR/t	4,82	1108 12 00 9200	C13	EUR/t	6,43
1103 19 10 9000	C13	EUR/t	0,00	1108 12 00 9300	C13	EUR/t	6,43
1103 19 30 9100	C13	EUR/t	0,00	1108 13 00 9200	C13	EUR/t	6,43
1103 20 60 9000	C13	EUR/t	0,00	1108 13 00 9300	C13	EUR/t	6,43
1103 20 20 9000	C13	EUR/t	0,00	1108 13 00 9200	C13	EUR/t	0,00
1104 19 69 9100	C13	EUR/t	0,00	1108 19 10 9300	C13	EUR/t	0,00
1104 12 90 9100	C13	EUR/t	0,00	1109 00 00 9100	C13	EUR/t	0,00
1104 12 90 9300	C13	EUR/t	0,00	1702 30 51 9000 ⁽²⁾	C13	EUR/t	6,30
1104 19 10 9000	C13	EUR/t	0,00	1702 30 59 9000 ⁽²⁾	C13	EUR/t	4,82
1104 19 50 9110	C13	EUR/t	6,43	1702 30 91 9000	C13	EUR/t	6,30
1104 19 50 9130	C13	EUR/t	5,23	1702 30 99 9000	C13	EUR/t	4,82
1104 29 01 9100	C13	EUR/t	0,00	1702 40 90 9000	C13	EUR/t	4,82
1104 29 03 9100	C13	EUR/t	0,00	1702 90 50 9100	C13	EUR/t	6,30
1104 29 05 9100	C13	EUR/t	0,00	1702 90 50 9900	C13	EUR/t	4,82
1104 29 05 9300	C13	EUR/t	0,00	1702 90 75 9000	C13	EUR/t	6,60
1104 22 20 9100	C13	EUR/t	0,00	1702 90 79 9000	C13	EUR/t	4,58
1104 22 30 9100	C13	EUR/t	0,00	2106 90 55 9000	C14	EUR/t	4,82
1104 23 10 9100	C13	EUR/t	6,03				

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

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

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

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

The other destinations are as follows:

C10: All destinations

C11: All destinations except for Bulgaria

C12: All destinations except for Romania

C13: All destinations except for Bulgaria and Romania

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

COMMISSION REGULATION (EC) No 1570/2006

of 19 October 2006

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 20 October 2006.

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

⁽²⁾ OJ L 270, 21.10.2003, p. 96. Regulation as last amended by Commission Regulation (EC) No 797/2006 (OJ L 144, 31.5.2006, p. 1).

⁽³⁾ OJ L 172, 5.7.2005, p. 24. Regulation as last amended by Regulation (EC) No 544/2006 (OJ L 94, 1.4.2006, p. 24).

⁽⁴⁾ OJ L 275, 29.9.1987, p. 36.

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

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

Done at Brussels, 19 October 2006.

For the Commission
Günter VERHEUGEN
Vice-President

ANNEX

Rates of the refunds applicable from 20 October 2006 to certain cereals and rice products exported in the form of goods not covered by Annex I to the Treaty (*)

CN code	Description of products (1)	Rate of refund per 100 kg of basic product (EUR/100 kg)	
		In case of advance fixing of refunds	Other
1001 10 00	Durum wheat:		
	– on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	—	—
	– in other cases	—	—
1001 90 99	Common wheat and meslin:		
	– on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	—	—
	– in other cases:		
	– – where Article 15(3) of Regulation (EC) No 1043/2005 applies (2)	—	—
	– – where goods falling within subheading 2208 (3) are exported	—	—
	– – in other cases	—	—
1002 00 00	Rye	—	—
1003 00 90	Barley		
	– where goods falling within subheading 2208 (3) are exported	—	—
	– in other cases	—	—
1004 00 00	Oats	—	—
1005 90 00	Maize (corn) used in the form of:		
	– starch:		
	– – where Article 15(3) of Regulation (EC) No 1043/2005 applies (2)	0,308	0,308
	– – where goods falling within subheading 2208 (3) are exported	—	—
	– – in other cases	0,402	0,402
	– glucose, glucose syrup, maltodextrine, maltodextrine syrup of CN codes 1702 30 51, 1702 30 59, 1702 30 91, 1702 30 99, 1702 40 90, 1702 90 50, 1702 90 75, 1702 90 79, 2106 90 55 (4):		
	– – where Article 15(3) of Regulation (EC) No 1043/2005 applies (2)	0,207	0,207
	– – where goods falling within subheading 2208 (3) are exported	—	—
	– – in other cases	0,302	0,302
	– where goods falling within subheading 2208 (3) are exported	—	—
	– other (including unprocessed)	0,402	0,402
	Potato starch of CN code 1108 13 00 similar to a product obtained from processed maize:		
	– where Article 15(3) of Regulation (EC) No 1043/2005 applies (2)	0,402	0,402
	– where goods falling within subheading 2208 (3) are exported	—	—
	– in other cases	0,402	0,402

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

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

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

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

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

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

COMMISSION REGULATION (EC) No 1571/2006**of 19 October 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 ⁽¹⁾,

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 ⁽²⁾, 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 ⁽³⁾. These prices and duties have been last amended by Commission Regulation (EC) No 1560/2006 ⁽⁴⁾.

(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 36 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 20 October 2006.

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

Done at Brussels, 19 October 2006.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 55, 28.2.2006, p. 1.
⁽²⁾ OJ L 178, 1.7.2006, p. 24.

⁽³⁾ OJ L 179, 1.7.2006, p. 36.
⁽⁴⁾ OJ L 288, 19.10.2006, p. 26.

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 20 October 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 ⁽¹⁾	23,66	4,47
1701 11 90 ⁽¹⁾	23,66	9,70
1701 12 10 ⁽¹⁾	23,66	4,28
1701 12 90 ⁽¹⁾	23,66	9,27
1701 91 00 ⁽²⁾	32,66	8,90
1701 99 10 ⁽²⁾	32,66	4,54
1701 99 90 ⁽²⁾	32,66	4,54
1702 90 99 ⁽³⁾	0,33	0,33

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

⁽²⁾ Fixed for the standard quality defined in Annex LII to Regulation (EC) No 318/2006.

⁽³⁾ Fixed per 1 % sucrose content.

COMMISSION REGULATION (EC) No 1572/2006

of 18 October 2006

amending Regulation (EC) No 824/2000 establishing procedures for the taking-over of cereals by intervention agencies and laying down methods of analysis for determining the quality of cereals

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

minimum weight criterion should be laid down for maize.

Having regard to the Treaty establishing the European Community,

- (4) The level of price increases and reductions applicable to maize and sorghum set out in Tables I, II and III of Annex VII to Regulation (EC) No 824/2000 should also be amended accordingly.

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 6 and the second paragraph of Article 24(2) thereof,

- (5) Details should be given of the information that Member States must forward to the Commission so that a fortnightly statistical report on the state of intervention stocks of cereals can be compiled.

Whereas:

(1) The conditions under which cereals are offered to and taken over by the intervention agencies must be as uniform as possible throughout the Community in order to avoid any discrimination between producers. Commission Regulation (EC) No 824/2000⁽²⁾ does not explicitly specify the deadline for taking over cereals offered into intervention. This deadline should be specified in order to avoid any ambiguity.

- (6) Specific information should be obtained and listed on a standard regional basis, in the interests of sound management of the cereals intervention scheme. To this end, the regional levels set out in Council Regulation (EEC) No 837/90 of 26 March 1990 concerning statistical information to be supplied by the Member States on cereals production⁽³⁾ should be used, and Member States should be asked to forward this information to the Commission.

(2) Cereals of inadequate quality for use or storage should not be accepted into intervention. To this end, account should be taken of the new situation regarding intervention, in particular the long-term storage of certain cereals and its effects on product quality.

- (7) In the interests of sound management of the system, the information required by the Commission should be sent by electronic means.

(3) Therefore, in order to protect intervention products from deterioration and to maintain their suitability for subsequent use, the quality criteria for maize set out in Annex I to Regulation (EC) No 824/2000 should be upgraded. To this end, the maximum moisture content and the maximum percentage of broken grains and grains overheated during drying should be reduced. Given the agronomic similarities of sorghum and maize, and in the interests of consistency, the same measures should be laid down for sorghum. Moreover, in the interests of consistency with the other cereals that are eligible for the intervention scheme, a new specific

- (8) Regulation (EC) No 824/2000 should therefore be amended accordingly.

- (9) The amendments provided for in this Regulation should apply to cereals offered into intervention as from 1 November 2006. This Regulation should therefore enter into force on the date of its publication in the *Official Journal of the European Union*.

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

⁽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 100, 20.4.2000, p. 31. Regulation as last amended by Regulation (EC) No 1068/2005 (OJ L 174, 7.7.2005, p. 65).

⁽³⁾ OJ L 88, 3.4.1990, p. 1. Regulation as last amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 824/2000 is hereby amended as follows:

1. In Article 3, point 3.9 is replaced by the following:

‘3.9. the standard method for determining the specific weight shall comply with ISO 7971/2:1995 and, in the case of maize, with the traditional methods applied.’

2. In Article 5, the following paragraph 6 is added:

‘6. The last take-over shall take place at the latest at the end of the second month following the month of the final delivery referred to in the third subparagraph of Article 4(3), and in any event not later than 31 July in Spain, Greece, Italy and Portugal and 31 August in the other Member States.’

3. In Article 9, points (a) and (b) are replaced by the following:

‘(a) where the moisture content of cereals offered for intervention is less than 13 % for maize and sorghum and 14 % for other cereals, the price increases to be applied shall be those listed in Table I of Annex VII. Where the moisture content of these cereals offered for intervention is higher than 13 % and 14 % respectively, the price reductions to be applied shall be those listed in Table II of Annex VII;

(b) where the specific weight of cereals offered for intervention differs from the weight/volume ratio of 76 kg/hl for common wheat, 73 kg/hl for maize and 64 kg/hl for barley, the reductions to be applied shall be those listed in Table III of Annex VII.’

4. The following Article 11a is inserted:

‘Article 11a

Each Member State shall forward by electronic means, for every cereal listed in Article 5(1) of Regulation (EC) No 1784/2003:

(a) information on the state of intervention stocks by 12.00 (Brussels time) every Wednesday, in particular concerning:

(i) the quantities offered into intervention during the previous week, in accordance with Article 2 of this Regulation;

(ii) the quantities offered, where the tender is withdrawn by the tenderer after the start of the intervention period;

(iii) the total quantities offered for intervention after the start of the intervention period, net of the quantities referred to in point (ii);

(iv) the total quantity taken over since the start of the intervention period, in accordance with Article 5 of this Regulation;

(b) the quantities put up for tender in accordance with Article 2(2) of Commission Regulation (EEC) No 2131/93 (*) on the Wednesday following the publication of the invitation to tender;

(c) the quantities intended for distribution free of charge to the most deprived persons in the Community in accordance with Council Regulation (EEC) No 3730/87 (**) on the Wednesday following the date on which the member state defines the lots concerned;

(d) the average results of specific weight, moisture content, percentage of broken grains and protein content recorded for the lots of cereals taken over, by region set out in Annex III to Council Regulation (EEC) No 837/90 (***), by the end of the month following the take-over deadline referred to in Article 5(6) of this Regulation.

(*) OJ L 191, 31.7.1993, p. 76.

(**) OJ L 352, 15.12.1987, p. 1.

(***) OJ L 88, 3.4.1990, p. 1.’

5. Annexes I and VII are hereby amended in accordance with the Annex to this Regulation.

Article 2

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

It shall apply from 1 November 2006.

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

Done at Brussels, 18 October 2006.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

ANNEX

Annexes I and VII are hereby amended as follows:

1. Annex I is replaced by the following:

'ANNEX I

	Durum wheat	Common wheat	Barley	Maize	Sorghum
A. Maximum moisture content	14,5 %	14,5 %	14,5 %	13,5 %	13,5 %
B. Maximum percentage of matter which is not basic cereal of unimpaired quality:	12 %	12 %	12 %	12 %	12 %
1. Broken grains	6 %	5 %	5 %	5 %	5 %
2. Impurities consisting of grains (other than indicated at 3)	5 %	7 %	12 %	5 %	5 %
of which:					
(a) shrivelled grains				—	—
(b) other cereals	3 %		5 %	—	—
(c) grains damaged by pests					
(d) grains in which the germ is discoloured			—	—	—
(e) grains overheated during drying	0,50 %	0,50 %	3 %	0,50 %	0,50 %
3. Mottled grains and/or grains affected with fusariosis,	5 %	—	—	—	—
of which:					
— grains affected with fusariosis	1,5 %	—	—	—	—
4. Sprouted grains	4 %	4 %	6 %	6 %	6 %
5. Miscellaneous impurities (Schwarzbesatz),	3 %	3 %	3 %	3 %	3 %
of which:					
(a) extraneous seeds:					
— noxious	0,10 %	0,10 %	0,10 %	0,10 %	0,10 %
— other					
(b) damaged grains:					
— grains damaged by spontaneous heating or too extreme heating during drying	0,05 %	0,05 %			
— other					
(c) extraneous matter					
(d) husks					
(e) ergot	0,05 %	0,05 %	—	—	—
(f) decayed grains			—	—	—
(g) dead insects and fragments of insects					
C. Maximum percentage of wholly or partially piebald grains	27 %	—	—	—	—

	Durum wheat	Common wheat	Barley	Maize	Sorghum
D. Maximum tannin content (1)	—	—	—	—	1 %
E. Minimum specific weight (kg/hl)	78	73	62	71	—
F. Minimum protein content (1):					
— 2000/01 marketing year	11,5 %	10 %	—	—	—
— 2001/02 marketing year	11,5 %	10,3 %	—	—	—
— 2002/03 marketing year and onwards	11,5 %	10,5 %			
G. Hagberg falling number (seconds)	220	220			
H. Minimum Zeleny index (ml)	—	22	—	—	—

(1) As % of dry matter.

2. In Annex VII, Tables I, II and III are replaced by the following:

TABLE I
Price increases for moisture content

Maize and sorghum		Other cereals	
Moisture content (%)	Increases (EUR/tonne)	Moisture content (%)	Increases (EUR/tonne)
—	—	13,4	0,1
—	—	13,3	0,2
—	—	13,2	0,3
—	—	13,1	0,4
—	—	13,0	0,5
—	—	12,9	0,6
—	—	12,8	0,7
—	—	12,7	0,8
—	—	12,6	0,9
—	—	12,5	1,0
12,4	0,1	12,4	1,1
12,3	0,2	12,3	1,2
12,2	0,3	12,2	1,3
12,1	0,4	12,1	1,4
12,0	0,5	12,0	1,5
11,9	0,6	11,9	1,6
11,8	0,7	11,8	1,7
11,7	0,8	11,7	1,8
11,6	0,9	11,6	1,9
11,5	1	11,5	2,0

Maize and sorghum		Other cereals	
Moisture content (%)	Increases (EUR/tonne)	Moisture content (%)	Increases (EUR/tonne)
11,4	1,1	11,4	2,1
11,3	1,2	11,3	2,2
11,2	1,3	11,2	2,3
11,1	1,4	11,1	2,4
11,0	1,5	11,0	2,5
10,9	1,6	10,9	2,6
10,8	1,7	10,8	2,7
10,7	1,8	10,7	2,8
10,6	1,9	10,6	2,9
10,5	2,0	10,5	3,0
10,4	2,1	10,4	3,1
10,3	2,2	10,3	3,2
10,2	2,3	10,2	3,3
10,1	2,4	10,1	3,4
10,0	2,5	10,0	3,5

TABLE II

Price reductions for moisture content

Maize and sorghum		Other cereals	
Moisture content (%)	Reduction (EUR/tonne)	Moisture content (%)	Reduction (EUR/tonne)
13,5	1,0	14,5	1,0
13,4	0,8	14,4	0,8
13,3	0,6	14,3	0,6
13,2	0,4	14,2	0,4
13,1	0,2	14,1	0,2

TABLE III

Price reductions for specific weight

Cereal	Specific weight (kg/hl)	Price reduction (EUR/tonne)
Common wheat	Less than 76 to 75	0,5
	Less than 75 to 74	1,0
	Less than 74 to 73	1,5
Maize	Less than 73 to 72	0,5
	Less than 72 to 71	1,0
Barley	Less than 64 to 62	1,0'

COMMISSION REGULATION (EC) No 1573/2006**of 19 October 2006****fixing the rates of refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex I to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 318/2006 of 20 February 2006 on the common organisation of the market in the sugar sector ⁽¹⁾, and in particular Article 33(2)(a) and (4) thereof,

Whereas:

- (1) Article 32(1) and (2) of Regulation (EC) No 318/2006 provides that the differences between the prices in international trade for the products listed in Article 1(1)(b), (c), (d) and (g) of that Regulation and prices within the Community may be covered by an export refund where these products are exported in the form of goods listed in Annex VII to that Regulation.
- (2) Commission Regulation (EC) No 1043/2005 of 30 June 2005 implementing Council Regulation (EC) No 3448/93 as regards the system of granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds, and the criteria for fixing the amount of such refunds ⁽²⁾, specifies the products for which a rate of refund is to be fixed, to be applied where these products are exported in the form of goods listed in Annex VII to Regulation (EC) No 318/2006.
- (3) In accordance with the first paragraph of Article 14 of Regulation (EC) No 1043/2005, the rate of the refund per 100 kilograms for each of the basic products in question is to be fixed each month.

- (4) Article 32(4) of Regulation (EC) No 318/2006 lays down that the export refund for a product contained in goods may not exceed the refund applicable to that product when exported without further processing.
- (5) The refunds fixed under this Regulation may be fixed in advance as the market situation over the next few months cannot be established at the moment.
- (6) The commitments entered into with regard to refunds which may be granted for the export of agricultural products contained in goods not covered by Annex I to the Treaty may be jeopardised by the fixing in advance of high refund rates. It is therefore necessary to take precautionary measures in such situations without, however, preventing the conclusion of long-term contracts. The fixing of a specific refund rate for the advance fixing of refunds is a measure which enables these various objectives to be met.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of the refunds applicable to the basic products listed in Annex I to Regulation (EC) No 1043/2005 and in Article 1(1) and in point (1) of Article 2 of Regulation (EC) No 318/2006, and exported in the form of goods listed in Annex VII to Regulation (EC) No 318/2006, shall be fixed as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 20 October 2006.

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

Done at Brussels, 19 October 2006.

For the Commission

Günter VERHEUGEN

Vice-President

⁽¹⁾ OJ L 58, 28.2.2006, p. 1.

⁽²⁾ OJ L 172, 5.7.2005, p. 24. Regulation as last amended by Regulation (EC) No 544/2006 (OJ L 94, 1.4.2006, p. 24).

ANNEX

Rates of refunds applicable from 20 October 2006 to certain products from the sugar sector exported in the form of goods not covered by Annex I to the Treaty ⁽¹⁾

CN code	Description	Rate of refund in EUR/100 kg	
		In case of advance fixing of refunds	Other
1701 99 10	White sugar	23,56	23,56

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

COMMISSION REGULATION (EC) No 1574/2006**of 19 October 2006****on the issue of licences for the import of garlic in the quarter from 1 December 2006 to 28 February 2007**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables ⁽¹⁾,Having regard to Commission Regulation (EC) No 1870/2005 of 16 November 2005 opening and providing for the administration of tariff quotas and introducing a system of import licences and certificates of origin for garlic imported from third countries ⁽²⁾, and in particular Article 10(2) thereof,

Whereas:

- (1) The quantities for which licence applications have been lodged by traditional importers and by new importers during the first five working days of October 2006, pursuant to Article 8(3) of Regulation (EC) No 1870/2005 exceed the quantities available for products originating in China, Argentina and all third countries other than China and Argentina.
- (2) It is now necessary to establish the extent to which the licence applications sent to the Commission by

16 October 2006 can be met and to fix, for each category of importer and product origin, the dates until which the issue of certificates should be suspended,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for import licences lodged pursuant to Article 4(1) of Regulation (EC) No 1870/2005, during the first five working days of October 2006 and sent to the Commission by 16 October 2006, shall be met at a percentage rate of the quantities applied for as set out in Annex I to this Regulation.

Article 2

For each category of importer and the origin involved, applications for import licences pursuant to Article 4(1) of Regulation (EC) No 1870/2005 relating to the quarter from 1 December 2006 to 28 February 2007 and lodged after the first five working days of October 2006 but before the date in Annex II to this Regulation, shall be rejected.

Article 3

This Regulation shall enter into force on 20 October 2006.

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

Done at Brussels, 19 October 2006.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 297, 21.11.1996, p. 1. Regulation as last amended by Commission Regulation (EC) No 47/2003 (OJ L 7, 11.1.2003, p. 64).

⁽²⁾ OJ L 300, 17.11.2005, p. 19.

ANNEX I

Origin of the products	Percentage allocations		
	China	Third countries other than China or Argentina	Argentina
— traditional importers (Article 3(1) and (3)(a) of Regulation (EC) No 1870/2005)	30,890 %	100 %	50,926 %
— new importers (Article 3(2) and (3)(b) of Regulation (EC) No 1870/2005)	0,958 %	100 %	3,113 %

'X': No quota for this origin for the quarter in question.

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

ANNEX II

Origin of the products	Dates		
	China	Third countries other than China or Argentina	Argentina
— traditional importers (Article 3(a) of Regulation (EC) No 1870/2005)	28.2.2007	28.2.2007	28.2.2007
— new importers (Article 3(2) and (3)(b) of Regu- lation (EC) No 1870/2005)	28.2.2007	28.2.2007	28.2.2007

COMMISSION REGULATION (EC) No 1575/2006**of 19 October 2006****concerning tenders notified in response to the invitation to tender for the import of maize issued in Regulation (EC) No 1421/2006**

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 12(1) thereof,

Whereas:

- (1) An invitation to tender for the maximum reduction in the duty on maize imported into Spain from third countries was opened pursuant to Commission Regulation (EC) No 1421/2006 ⁽²⁾.
- (2) Article 7 of Commission Regulation (EC) No 1839/95 ⁽³⁾, allows the Commission to decide, in accordance with the procedure laid down in Article 25 of Regulation (EC) No 1784/2003 and on the basis of the tenders notified, to make no award.

(3) On the basis of the criteria laid down in Articles 6 and 7 of Regulation (EC) No 1839/95 a maximum reduction in the duty 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 13 October to 19 October 2006 in response to the invitation to tender for the reduction in the duty on imported maize issued in Regulation (EC) No 1421/2006.

Article 2

This Regulation shall enter into force on 20 October 2006.

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

Done at Brussels, 19 October 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 269, 28.9.2006, p. 6.

⁽³⁾ OJ L 177, 28.7.1995, p. 4. Regulation as last amended by Regulation (EC) No 1558/2005 (OJ L 249, 24.9.2005, p. 6).

COMMISSION REGULATION (EC) No 1576/2006**of 19 October 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 13 to 19 October 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 20 October 2006.

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

Done at Brussels, 19 October 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).

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 19 October 2006

fixing, for the 2006/2007 marketing year and in respect of a certain number of hectares, an indicative financial allocation by Member State for the restructuring and conversion of vineyards under Council Regulation (EC) No 1493/1999

(notified under document number C(2006) 4884)

(Only the Spanish, Czech, German, English, Greek, French, Italian, Hungarian, Portuguese, Slovak and Slovenian texts are authentic)

(Text with EEA relevance)

(2006/701/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine ⁽¹⁾, and in particular Article 14(1) thereof,

Whereas:

(1) The rules for the restructuring and conversion of vineyards are laid down in Regulation (EC) No 1493/1999 and Commission Regulation (EC) No 1227/2000 of 31 May 2000 laying down detailed rules for the application of Council Regulation (EC) No 1493/1999 on the common organisation of the market in wine, as regards production potential ⁽²⁾.

(2) The detailed rules on financial planning and participation in financing the restructuring and conversion scheme laid

down in Regulation (EC) No 1227/2000 stipulate that the references to a given financial year refer to the payments actually made by the Member States between 16 October and the following 15 October.

(3) In accordance with Article 14(3) of Regulation (EC) No 1493/1999, the financial allocation between Member States must take due account of the proportion of the Community vineyard area in the Member State concerned.

(4) For the purposes of implementing Article 14(4) of Regulation (EC) No 1493/1999, the financial allocations should be made in respect of a certain number of hectares.

(5) Under Article 13(3) of Regulation (EC) No 1493/1999, the Community contribution to the costs of restructuring and conversion is higher in regions classified as Objective 1 in accordance with Council Regulation (EC) No 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds ⁽³⁾.

(6) Account must be taken of the compensation for the loss of income incurred by the wine growers during the period when the vineyard is not yet in production.

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

⁽²⁾ OJ L 143, 16.6.2000, p. 1. Regulation as last amended by Regulation (EC) No 1216/2005 (OJ L 199, 29.7.2005, p. 32).

⁽³⁾ OJ L 161, 26.6.1999, p. 1. Regulation as last amended by Regulation (EC) No 173/2005 (OJ L 29, 2.2.2005, p. 3).

- (7) In accordance with Article 17(5) of Regulation (EC) No 1227/2000, where expenditure actually incurred by a Member State in a given financial year is less than 75 % of the initial allocation, the expenditure to be recognised for the following financial year, and the corresponding total area, are to be reduced by a third of the difference between this threshold and the actual expenditure incurred during the financial year in question. This provision applies in the 2006/2007 wine year to Hungary, whose expenditure in respect of 2006 amounts to 34 % of its initial allocation, to Slovakia, whose expenditure in respect of 2006 amounts to 15 % of its initial allocation and to the Czech Republic, whose expenditure amounts to EUR 0.
- (8) In accordance with Article 14(2) of Regulation (EC) No 1493/1999, the initial allocation is adapted in view of real expenditure and on the basis of revised expenditure forecasts submitted by the Member States, taking account of the objective of the scheme and subject to the funds available,

HAS ADOPTED THIS DECISION:

Article 1

The financial allocations by Member State, in respect of a certain number of hectares, for the restructuring and conversion

of vineyards under Regulation (EC) No 1493/1999 for the 2006/2007 marketing year shall be as set out in the Annex hereto.

Article 2

This Decision is addressed to the Czech Republic, the Federal Republic of Germany, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Italian Republic, the Republic of Cyprus, the Grand Duchy of Luxembourg, the Republic of Hungary, the Republic of Malta, the Republic of Austria, the Portuguese Republic, the Republic of Slovenia and the Slovak Republic.

Done at Brussels, 19 October 2006.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

ANNEX

Indicative financial allocations for 2006/2007

Member State	Area (ha)	Financial allocation (EUR)
Czech Republic	1 214	2 869 670
Germany	1 906	12 690 042
Greece	1 118	8 725 230
Spain	19 567	159 524 473
France	12 734	110 973 729
Italy	13 056	99 825 428
Cyprus	150	2 033 953
Luxembourg	11	84 000
Hungary	1 211	9 688 862
Malta	16	107 545
Austria	1 066	6 449 988
Portugal	3 918	32 626 123
Slovenia	122	2 400 955
Slovakia	400	2 000 000
Total	56 489	450 000 000