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⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 1634/2006
of 6 November 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 7 November 2006.

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

Done at Brussels, 6 November 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 6 November 2006 establishing the standard import values for determining the entry price of certain fruit and vegetables

<i>(EUR/100 kg)</i>		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	65,5
	096	40,4
	204	59,9
	999	55,3
0707 00 05	052	94,9
	096	81,8
	204	46,9
	220	155,5
	628	196,3
	999	115,1
0709 90 70	052	94,4
	204	58,5
	999	76,5
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	58,7
	624	86,7
	999	72,7
0805 50 10	052	59,0
	388	48,9
	524	56,1
	528	37,4
	999	50,4
0806 10 10	052	101,9
	400	218,8
	508	240,0
	999	186,9
0808 10 80	388	78,3
	400	101,1
	800	159,6
	804	103,2
	999	110,6
0808 20 50	052	64,3
	400	174,0
	720	71,7
	999	103,3

⁽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 1635/2006

of 6 November 2006

laying down detailed rules for the application of Council Regulation (EEC) No 737/90 on the conditions governing imports of agricultural products originating in third countries following the accident at the Chernobyl nuclear power-station

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 737/90 of 22 March 1990 on the conditions governing imports of agricultural products originating in third countries following the accident at the Chernobyl nuclear power-station ⁽¹⁾, and in particular Article 6 thereof,

Whereas:

- (1) Commission Regulation (EC) No 1661/1999 of 27 July 1999 laying down detailed rules for the application of Council Regulation (EEC) No 737/90 on the conditions governing imports of agricultural products originating in third countries following the accident at the Chernobyl nuclear power-station ⁽²⁾ has been amended several times. Since further amendments are to be made, it should be recast in the interests of clarity, as provided for in the simplification rolling programme annexed to the Communication of the Commission on a strategy for the simplification of the regulatory environment ⁽³⁾.
- (2) The fallout of radiocaesium from the accident at the Chernobyl power station on 26 April 1986 has affected a wide range of third countries. Repeated cases of non compliance with the maximum permitted levels of radioactive contamination have been recorded in consignments of certain types of mushrooms imported from a number of third countries.
- (3) Similar fallout has affected certain parts of the territories of some Member States.
- (4) Forest and wooded areas generally are the natural habitat of uncultivated mushrooms and such ecosystems tend to retain radiocaesium in a cyclic exchange between soil and vegetation.
- (5) As a result, the continuous radiocaesium contamination of uncultivated mushrooms has, in the period since the Chernobyl accident, hardly declined and may well have increased in the case of certain species.
- (6) In 1986, the Commission carried out an assessment, subsequently updated, of possible risks on human health from foodstuffs contaminated by radioactive caesium. That assessment of possible risks is still valid today, taking into account the physical radioactive period of the substance in question, and, in addition, the maximum permitted level conforms in essence to the level recommended by the Codex Alimentarius Commission.
- (7) In accordance with Article 4 of Regulation (EEC) No 737/90, the Member States must carry out checks on products originating in third countries.
- (8) Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety ⁽⁴⁾ set up a rapid alert system for information on a direct or indirect risk to human health deriving from food or feed. That system should apply by analogy to the notification of recorded cases of non-compliance with the provisions on maximum permitted levels under this Regulation.
- (9) The measures *in situ* in the territories of the Member States flow from the legal obligations of those States pursuant to Articles 35 and 36 of the Euratom Treaty, the Community measures already referred to and national measures and controls which, taken together, are, in terms of equivalence of result, equal to those enacted in this Regulation. The Commission is taking all the necessary measures to ensure that the Member States comply effectively with their legal obligations in this respect. In particular, the Commission made a recommendation to the Member States on 14 April 2003 on the protection and information of the public with regard to exposure resulting from the continued radioactive caesium contamination of certain wild food products as a consequence of the accident at the Chernobyl nuclear power station ⁽⁵⁾.

⁽¹⁾ OJ L 82, 29.3.1990, p. 1. Regulation as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1.)

⁽²⁾ OJ L 197, 29.7.1999, p. 17. Regulation as last amended by the 2003 Act of Accession.

⁽³⁾ COM(2005) 535 final.

⁽⁴⁾ OJ L 31, 1.2.2002, p. 1. Regulation as last amended by Commission Regulation (EC) No 575/2006 (OJ L 100, 8.4.2006, p. 3).

⁽⁵⁾ OJ L 99, 17.4.2003, p. 55.

- (10) Even if the provisions for sampling and analysis of various agricultural products merit future consideration, the immediate requirement is to strengthen those provisions with respect to mushrooms.
- (11) In order to allow more efficient controls, it is, as a consequence, necessary to identify a restricted number of customs offices where certain products may be declared for free circulation in the Community.
- (12) The lists of customs offices and of third countries can be reviewed as appropriate, taking into account, *inter alia*, future compliance with the maximum permitted levels and other information allowing the Commission to judge whether there is a need to maintain a third country on the list.
- (13) For the same reason it is appropriate that export certificates, as referred to in Article 4 of Regulation (EEC) No 737/90, be provided for each consignment of such products.
- (14) It is appropriate that the competent authorities of the Member States be authorised, at their discretion, to levy charges for sampling and analysis and for destruction of the product or its return provided that the principle of proportionality is observed in exercising the option of destruction or return and provided also that, in any event, the charges so levied do not exceed the costs incurred.
- (15) The provisions of this Regulation are in accordance with the international obligations of the Community, in particular those resulting from the agreements establishing the World Trade Organisation, taking into account the right of the Community to adopt and apply measures that are necessary to achieve the level of health protection chosen in the territory of its Member States.
- (16) The measures provided for in this Regulation are in accordance with the opinion of the committee referred to in Article 7 of Regulation (EEC) No 737/90,

HAS ADOPTED THIS REGULATION:

Article 1

1. Checks on the radiocaesium content referred to in Article 3 of Regulation (EEC) No 737/90 of products referred to in

Article 1 of the same Regulation, to ensure that the maximum permitted levels laid down by the said Regulation are observed, shall be carried out by the Member States in which the products are released for free circulation and at the latest at that time.

2. Checks shall be carried out by sampling in accordance with the following minimum standards:

(a) without prejudice to paragraph 3(b), the choice of the Member State as to the intensity of controls to be carried out shall be made taking account in particular of the degree of contamination of the country of origin, the characteristics of the products in question, the results of the previous checks and the export certificates referred to in Article 3;

(b) without prejudice to the further measures provided for in Articles 5 and 6 of Regulation (EEC) No 737/90, where a product originating in a third country is recorded as exceeding the maximum permitted levels, checks shall be intensified for all products of the same type originating in the third country in question.

3. Checks on specific products shall be carried out in accordance with the following rules:

(a) for animals for slaughter, the checks shall be carried out without prejudice to the customs rules laid down in Council Regulation (EEC) No 2913/92 ⁽¹⁾ and Commission Regulation (EEC) No 2454/93 ⁽²⁾ and to animal health requirements. Clearance of release for free circulation shall be subject to the presentation of a certificate issued by the competent authorities responsible for controls to the effect that the meat in question has undergone the system of checks and that those checks have shown that the maximum permitted levels have not been exceeded;

(b) for products listed in Annex I, originating in third countries listed in Annex II, documentary checks shall be performed on the basis of the duly completed export certificates referred to in Article 3 accompanying each consignment. Each consignment exceeding 10 kg of fresh product or the equivalent thereof shall be subject to systematic sampling and analysis, taking appropriate account of the information contained in the export certificate. These products may only be declared for free circulation in the Member State of destination in a restricted number of customs offices. The list of customs offices shall be published in the *Official Journal of the European Union*, following notification by the Member States.

⁽¹⁾ OJ L 302, 13.10.1992, p. 1.

⁽²⁾ OJ L 253, 11.10.1993, p. 1.

4. Where failure to comply with the maximum permitted levels is observed in respect of a given product, the competent authorities of the Member State may require the imported product to be destroyed or returned to the country of origin. In the latter case, written evidence that the product has left the territory of the Community will be forwarded to the customs authority which refused the release for free circulation.

5. For the products referred to in paragraph 1 of this Article, the competent authorities may levy charges on the importer for the sampling and analysis of products for compliance with Regulation (EEC) No 737/90. For consignments which exceed the maximum permitted levels, the competent authorities may also recover from their intended importer costs associated with either the destruction of the consignment or its return to the country of origin.

Article 2

1. Each Member State shall by analogy apply Article 50 of Regulation (EC) No 178/2002 to notify the Commission without delay of recorded cases of non-compliance with the provisions on maximum permitted levels, set out in Regulation (EEC) No 737/90, stating the country of origin, the description and degree of contamination of the goods, the means of transport, the exporter and the decision taken in respect of the lots in question.

2. Member States shall inform the Commission of the bodies assigned to implement checks.

3. The Commission shall inform the Member States without delay of recorded cases of non-compliance with the maximum permitted levels through the Community rapid alert system established pursuant to Regulation (EC) No 178/2002.

Article 3

1. The Member States shall ensure that the export certificates issued by the competent authorities of third countries listed in Annex II attest that the products that they accompany comply with the maximum permitted levels laid down in Article 3 of Regulation (EEC) No 737/90. The export certificates shall be compiled using a form printed on white paper in accordance with the specimen in Annex III.

2. The Commission shall communicate to the Member States the details received concerning the authorities authorised in the third countries in question to issue export certificates.

Article 4

Regulation (EC) No 1661/1999 is repealed.

References to the repealed Regulation shall be construed as references to this Regulation.

Article 5

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

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

Done at Brussels, 6 November 2006.

For the Commission

Andris PIEBALGS

Member of the Commission

ANNEX I

List of products for which the provisions of Article 1(3)(b) shall be fulfilled

CN codes:

ex 0709 59	mushrooms, fresh or chilled, other than cultivated mushrooms
ex 0710 80 69	mushrooms (uncooked or cooked by steaming or boiling in water), frozen, other than cultivated mushrooms
ex 0711 59 00	mushrooms provisionally preserved (for example, by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in that state for immediate consumption, other than cultivated mushrooms
ex 0712 39 00	dried mushrooms, whole, cut, sliced, broken or in powder, but not further prepared, other than cultivated mushrooms
ex 2001 90 50	mushrooms prepared or preserved by vinegar or acetic acid other than cultivated mushrooms
ex 2003 90 00	mushrooms, prepared or preserved otherwise than by vinegar or acetic acid, other than cultivated mushrooms

ANNEX II

List of third countries referred to in Article 3

Albania
Belarus
Bosnia and Herzegovina
Bulgaria
Croatia
Liechtenstein
Former Yugoslav Republic of Macedonia
Moldova
Montenegro
Norway
Romania
Russia
Serbia
Switzerland
Turkey
Ukraine

ANNEX III

EXPORT CERTIFICATE FOR AGRICULTURAL PRODUCTS (ONE CERTIFICATE PER SPECIES)

This certificate must be lodged in triplicate with the entry for free circulation and be kept by the customs

Statement by the exporter

1. Exporter (name, full address, country)	5. Country of origin	6. Country of destination
2. Consignee (name, full address, country)	7. Invoice No(s)	
3. Identity of means of transport	8. Number and kind of packages	9. Marks and batch numbers
4. Description of products	10. Gross mass (kg)	11. Net mass (kg)
<p>12. I, the undersigned, responsible for these exports, certify the above information:</p> <p>Date: Place: Name (in block letters):</p> <p>Signature ⁽¹⁾:</p>		

⁽¹⁾ Signatures and stamps must be in a different colour to that of the text.

Certification by the laboratory

13. Number of analysed samples from the above products representatively taken by a person authorised by the competent authorities	15. Identity of the laboratory (name, full address, country)
14. Recorded radioactivity levels for each sample (Bq/kg) (specify the batch No for each sample) Report No: Date: This report must be presented immediately on the demand of the control authorities	16. Accredited by (name and address of the body) 17. Date, name (in block letters), signature and stamp of the laboratory ⁽¹⁾

Certification by the competent authority

18. I, the undersigned, certify that the accumulated radioactivity level in terms of caesium 134 and 137 for the products described above does not exceed: 370 Bq/kg for milk and milk products and for foodstuffs intended for the special feeding of infants, and 600 Bq/kg for all other products listed in the current Commission Regulation relating to Council Regulation (EEC) No 737/90 ⁽²⁾ Place: Date: Name (in capital letters): Signature ⁽¹⁾ : Stamp ⁽¹⁾ :

⁽¹⁾ Signatures and stamps must be in a different colour to that of the text.⁽²⁾ Delete as appropriate.

COMMISSION REGULATION (EC) No 1636/2006
of 6 November 2006
amending Council Regulation (EC) No 2368/2002 implementing the Kimberley Process certification
scheme for the international trade in rough diamonds

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2368/2002 of 20 December 2002 implementing the Kimberley Process certification scheme for the international trade in rough diamonds ⁽¹⁾, and in particular Article 20 thereof,

Whereas:

- (1) Article 20 of Regulation (EC) No 2368/2002 provides for amending the list of participants in the Kimberley Process certification scheme in Annex II.
- (2) The Chair of the Kimberley Process certification scheme, through his Chair's Notice of 20 October 2006, has decided to add Bangladesh to the list of Participants as of 20 October 2006.

(3) Bulgaria has notified the EC that the Ministry of Finance has been designated as the competent authority with responsibility for implementation of the Kimberley Process certification scheme.

(4) Annex II should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex II to Regulation (EC) No 2368/2002 is hereby replaced by the text in the Annex to this Regulation.

Article 2

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

It shall be applicable from 20 October 2006.

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

Done at Brussels, 6 November 2006.

For the Commission

Benita FERRERO-WALDNER

Member of the Commission

⁽¹⁾ OJ L 358, 31.12.2002, p. 28. Regulation as last amended by Commission Regulation (EC) No 1486/2006 (OJ L 278, 10.10.2006).

ANNEX

‘ANNEX II

List of participants in the Kimberley Process certification scheme and their duly appointed competent authorities as referred to in Articles 2, 3, 8, 9, 12, 17, 18, 19 and 20

ANGOLA	1000 Sofia Bulgaria
Ministry of Geology and Mines Rua Hochi Min Luanda Angola	CANADA
ARMENIA	International: Department of Foreign Affairs and International Trade Peace Building and Human Security Division Lester B Pearson Tower B — Room: B4-120 125 Sussex Drive Ottawa, Ontario K1A 0G2 Canada
Department of Gemstones and Jewellery Ministry of Trade and Economic Development Yerevan Armenia	For specimen of the Canadian KP Certificate: Stewardship Division International and Domestic Market Policy Division Mineral and Metal Policy Branch Minerals and Metals Sector Natural Resources Canada 580 Booth Street, 10th Floor, Room: 10A6 Ottawa, Ontario Canada K1A 0E4
AUSTRALIA	General Enquiries: Kimberley Process Office Minerals and Metals Sector (MMS) Natural Resources Canada (NRCan) 10th Floor, Area A-7 580 Booth Street Ottawa, Ontario Canada K1A 0E4
Community Protection Section Australian Customs Section Customs House, 5 Constitution Avenue Canberra ACT 2601 Australia	
Minerals Development Section Department of Industry, Tourism and Resources GPO Box 9839 Canberra ACT 2601 Australia	
BANGLADESH	CENTRAL AFRICAN REPUBLIC
Ministry of Commerce Export Promotion Bureau Dhaka Bangladesh	Independent Diamond Valuators (IDV) Immeuble SOCIM, 2 ^{ème} étage BP 1613 Bangui Central African Republic
BELARUS	CHINA, People's Republic of
Department of Finance Sovetskaja Str., 7 220010 Minsk Republic of Belarus	Department of Inspection and Quarantine Clearance General Administration of Quality Supervision, Inspection and Quarantine (AQSIQ) 9 Madiandonglu Haidian District, Beijing People's Republic of China
BOTSWANA	HONG KONG, Special Administrative Region of the People's Republic of China
Ministry of Minerals, Energy & Water Resources PI Bag 0018 Gaborone Botswana	Department of Trade and Industry Hong Kong Special Administrative Region Peoples Republic of China Room 703, Trade and Industry Tower 700 Nathan Road Kowloon Hong Kong China
BRAZIL	
Ministry of Mines and Energy Esplanada dos Ministérios — Bloco “U” — 3º andar 70065 — 900 Brasília — DF Brazil	
BULGARIA	
Ministry of Economy Multilateral Trade and Economic Policy and Regional Cooperation Directorate 12, Al. Batenberg str.	

CONGO, Democratic Republic of

Centre d'Evaluation, d'Expertise et de Certification (CEEC)
17th floor, BCDC Tower
30th June Avenue
Kinshasa
Democratic Republic of Congo

CÔTE D'IVOIRE

Ministry of Mines and Energy
BP V 91
Abidjan
Côte d'Ivoire

CROATIA

Ministry of Economy
Zagreb
Republic of Croatia

EUROPEAN COMMUNITY

European Commission
DG External Relations/A/2
B-1049 Brussels
Belgium

GHANA

Precious Minerals Marketing Company (Ltd.)
Diamond House,
Kinbu Road,
P.O. Box M. 108
Accra
Ghana

GUINEA

Ministry of Mines and Geology
BP 2696
Conakry
Guinea

GUYANA

Geology and Mines Commission
P O Box 1028
Upper Brickdam
Stabroek
Georgetown
Guyana

INDIA

The Gem & Jewellery Export Promotion Council
Diamond Plaza, 5th Floor 391-A, Fr D.B. Marg
Mumbai 400 004
India

INDONESIA

Directorate-General of Foreign Trade
Ministry of Trade
JI M.I. Ridwan Rais No 5
Blok 1 Iantai 4
Jakarta Pusat Kotak Pos. 10110
Jakarta
Indonesia

ISRAEL

Ministry of Industry and Trade
P.O. Box 3007
52130 Ramat Gan
Israel

JAPAN

United Nations Policy Division
Foreign Policy Bureau
Ministry of Foreign Affairs
2-11-1, Shibakoen Minato-ku
105-8519 Tokyo
Japan

Mineral and Natural Resources Division
Agency for Natural Resources and Energy
Ministry of Economy, Trade and Industry
1-3-1 Kasumigaseki, Chiyoda-ku
100-8901 Tokyo
Japan

KOREA, Republic of

UN Division
Ministry of Foreign Affairs and Trade
Government Complex Building
77 Sejong-ro, Jongro-gu
Seoul
Korea

Trade Policy Division
Ministry of Commerce, Industry and Enterprise
1 Joongang-dong, Kwacheon-City
Kyunggi-do
Korea

LAOS, People's Democratic Republic

Department of Foreign Trade,
Ministry of Commerce
Vientiane
Laos

LEBANON

Ministry of Economy and Trade
Beirut
Lebanon

LESOTHO

Commission of Mines and Geology
P.O. Box 750
Maseru 100
Lesotho

MALAYSIA

Ministry of International Trade and Industry
Blok 10
Komplek Kerajaan Jalan Duta
50622 Kuala Lumpur
Malaysia

MAURITIUS

Ministry of Commerce and Co-operatives
Import Division
2nd Floor, Anglo-Mauritius House
Intendance Street
Port Louis
Mauritius

NAMIBIA

Diamond Commission
Ministry of Mines and Energy
Private Bag 13297
Windhoek
Namibia

NORWAY

Section for Public International Law
Department for Legal Affairs
Royal Ministry of Foreign Affairs
P.O. Box 8114
0032 Oslo
Norway

NEW ZEALAND

Certificate Issuing Authority:
Middle East and Africa Division
Ministry of Foreign Affairs and Trade
Private Bag 18 901
Wellington
New Zealand

Import and Export Authority:
New Zealand Customs Service
PO Box 2218
Wellington
New Zealand

ROMANIA

National Authority for Consumer Protection
Strada Georges Clemenceau Nr. 5, sectorul 1
Bucharest
Romania

RUSSIAN FEDERATION

Gokhran of Russia
14, 1812 Goda St.
121170 Moscow
Russia

SIERRA LEONE

Ministry of Mineral Resources
Youyi Building
Brookfields
Freetown
Sierra Leone

SINGAPORE

Ministry of Trade and Industry
100 High Street
#0901, The Treasury,
Singapore 179434

SOUTH AFRICA

South African Diamond Board
240 Commissioner Street
Johannesburg
South Africa

SRI LANKA

Trade Information Service
Sri Lanka Export Development Board
42 Nawam Mawatha
Colombo 2
Sri Lanka

SWITZERLAND

State Secretariat for Economic Affairs
Export Control Policy and Sanctions
Effingerstrasse 1
3003 Berne
Switzerland

TAIWAN, PENGHU, KINMEN AND MATSU, Separate Customs
Territory

Export/Import Administration Division
Bureau of Foreign Trade
Ministry of Economic Affairs
Taiwan

TANZANIA

Commission for Minerals
Ministry of Energy and Minerals
PO Box 2000
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Tanzania

THAILAND

Ministry of Commerce
Department of Foreign Trade
44/100 Thanon Sanam Bin Nam-Nonthaburi
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Nonthaburi 11000
Thailand

TOGO

Directorate General — Mines and Geology
B.P. 356
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Togo

UKRAINE

Ministry of Finance
State Gemological Center
Degtyarivska St. 38-44
Kiev
04119 Ukraine

International Department
Diamond Factory "Kristall"
600 Letiya Street 21
21100 Vinnitsa
Ukraine

UNITED ARAB EMIRATES

Dubai Metals and Commodities Centre
PO Box 63
Dubai
United Arab Emirates

UNITED STATES OF AMERICA

U.S. Department of State
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Washington D.C.
United States of America

VENEZUELA

Ministry of Energy and Mines
Apartado Postal No 61536 Chacao
Caracas 1006
Av. Libertadores, Edif. PDVSA, Pent House B

La Campina — Caracas
Venezuela

VIETNAM

Export-Import Management Department
Ministry of Trade of Vietnam
31 Trang Tien
Hanoi 10.000
Vietnam

ZIMBABWE

Principal Minerals Development Office
Ministry of Mines and Mining Development
Private Bag 7709, Causeway
Harare
Zimbabwe'.

REGULATION (EC) No 1637/2006 OF THE EUROPEAN CENTRAL BANK**of 2 November 2006****concerning transitional provisions for the application of minimum reserves by the European Central Bank following the introduction of the euro in Slovenia****(ECB/2006/15)**

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank and in particular to Article 19(1) and the first indent of Article 47(2) thereof,

Having regard to Council Regulation (EC) No 2531/98 of 23 November 1998 concerning the application of minimum reserves by the European Central Bank ⁽¹⁾,

Having regard to Regulation (EC) No 1745/2003 (ECB/2003/9) of 12 September 2003 on the application of minimum reserves ⁽²⁾,

Having regard to Council Regulation (EC) No 2532/98 of 23 November 1998 concerning the powers of the European Central Bank to impose sanctions ⁽³⁾,

Having regard to Council Regulation (EC) No 2533/98 of 23 November 1998 concerning the collection of statistical information by the European Central Bank ⁽⁴⁾, and in particular to Articles 5(1) and 6(4) thereof,

Having regard to Regulation (EC) No 2423/2001 (ECB/2001/13) of 22 November 2001 concerning the consolidated balance sheet of the monetary financial institutions sector ⁽⁵⁾

Whereas:

- (1) The introduction of the euro by Slovenia on 1 January 2007 means that credit institutions and branches of credit institutions located in Slovenia will be subject to reserve requirements from that date.
- (2) The integration of these entities into the minimum reserve system of the European Central Bank (ECB)

⁽¹⁾ OJ L 318, 27.11.1998, p. 1. Regulation as amended by Regulation (EC) No 134/2002 (OJ L 24, 26.1.2002, p. 1).

⁽²⁾ OJ L 250, 2.10.2003, p. 10.

⁽³⁾ OJ L 318, 27.11.1998, p. 4.

⁽⁴⁾ OJ L 318, 27.11.1998, p. 8.

⁽⁵⁾ OJ L 333, 17.12.2001, p. 1. Regulation as last amended by Regulation (EC) No 2181/2004 (ECB/2004/21) (OJ L 371, 18.12.2004, p. 42).

requires the adoption of transitional provisions in order to ensure smooth integration without creating a disproportionate burden for credit institutions in participating Member States, including Slovenia.

- (3) Article 5 of the Statute in conjunction with Article 10 of the Treaty establishing the European Community implies an obligation for Member States to design and implement at national level all the appropriate measures to collect the statistical information needed to fulfil the statistical reporting requirements of the ECB and to ensure timely preparation in the field of statistics to adopt the euro,

HAS ADOPTED THIS REGULATION:

*Article 1***Definitions**

For the purposes of this Regulation, the terms 'institution', 'reserve requirement', 'maintenance period', 'reserve base', and 'participating Member State' have the same meaning as in Regulation (EC) No 1745/2003 (ECB/2003/9).

*Article 2***Transitional provisions for institutions located in Slovenia**

1. In derogation from Article 7 of Regulation (EC) No 1745/2003 (ECB/2003/9), a transitional maintenance period shall run from 1 to 16 January 2007 for institutions located in Slovenia.

2. The reserve base of each institution located in Slovenia for the transitional maintenance period shall be defined in relation to elements of its balance sheet as at 31 October 2006. Institutions located in Slovenia shall report their reserve base to Banka Slovenije in accordance with the ECB's reporting framework for money and banking statistics, as laid down in Regulation (EC) No 2423/2001 (ECB/2001/13). Institutions located in Slovenia that benefit from the derogation under Article 2(2) of Regulation (EC) No 2423/2001 (ECB/2001/13) shall calculate a reserve base for the transitional maintenance period on the basis of their balance sheet as at 30 September 2006.

3. In respect of the transitional maintenance period, either an institution located in Slovenia or Banka Slovenije shall calculate such institution's minimum reserves. The party that calculates the minimum reserves shall submit its calculation to the other party allowing sufficient time for the latter to verify it and submit revisions, at the latest by 11 December 2006. The calculated minimum reserves, including any revisions thereof, if applicable, shall be confirmed by the two parties at the latest on 12 December 2006. If the notified party does not confirm the amount of minimum reserves by 12 December 2006, it shall be deemed to have acknowledged that the calculated amount applies for the transitional maintenance period.

Article 3

Transitional provisions for institutions located in other participating Member States

1. The maintenance period applicable to institutions located in other participating Member States pursuant to Article 7 of Regulation (EC) No 1745/2003 (ECB/2003/9) shall remain unaffected by the existence of a transitional maintenance period for institutions located in Slovenia.

2. Institutions located in other participating Member States may decide to deduct from their reserve base for the maintenance periods from 13 December 2006 to 16 January 2007 and from 17 January to 13 February 2007 any liabilities owed to institutions located in Slovenia, even though at the time the minimum reserves are calculated such institutions will not appear on the list of institutions subject to reserve requirements mentioned in Article 2(3) of Regulation (EC) No 1745/2003 (ECB/2003/9).

3. Institutions located in other participating Member States that wish to deduct liabilities owed to institutions located in Slovenia shall, for the maintenance periods from 13 December 2006 to 16 January 2007 and from 17 January to 13 February 2007, calculate their minimum reserves on the basis of their balance sheet as at 31 October 2006 and 30 November 2006 respectively and report a table in accordance with footnote 5 of Table 1 of Annex I to Regulation (EC) No 2423/2001 (ECB/2001/13) showing institutions located in Slovenia as already subject to the ECB's minimum reserve system.

This shall be without prejudice to the obligation for institutions to report statistical information for the periods concerned in accordance with Table 1 of Annex I to Regulation (EC)

No 2423/2001 (ECB/2001/13), still showing institutions located in Slovenia as being banks located in the 'Rest of the world'.

The tables shall be reported in accordance with the time limits and procedures laid down in Regulation (EC) No 2423/2001 (ECB/2001/13).

4. For the maintenance periods starting in December 2006, January and February 2007, institutions located in other participating Member States that benefit from the derogation under Article 2(2) of Regulation (EC) No 2423/2001 (ECB/2001/13) and wish to deduct liabilities owed to institutions located in Slovenia, shall calculate their minimum reserves on the basis of their balance sheet as at 30 September 2006 and report a table in accordance with footnote 5 of Table 1 of Annex I to Regulation (EC) No 2423/2001 (ECB/2001/13) showing institutions located in Slovenia as already subject to the ECB's minimum reserve system.

This shall be without prejudice to the obligation for institutions to report statistical information for the periods concerned in accordance with Table 1 of Annex I to Regulation (EC) No 2423/2001 (ECB/2001/13), still showing institutions located in Slovenia as being banks located in the 'Rest of the world'.

The tables shall be reported in accordance with the time limits and procedures laid down in Regulation (EC) No 2423/2001 (ECB/2001/13).

Article 4

Entry into force and application

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

2. In the absence of specific provisions in this Regulation, the provisions of Regulations (EC) No 1745/2003 (ECB/2003/9) and (EC) No 2423/2001 (ECB/2001/13) shall apply.

Done at Frankfurt am Main, 2 November 2006.

For the Governing Council of the ECB
The President of the ECB
Jean-Claude TRICHET

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 6 November 2006

amending Decision 2006/601/EC on emergency measures regarding the non-authorised genetically modified organism 'LL RICE 601' in rice products

(notified under document number C(2006) 5266)

(Text with EEA relevance)

(2006/754/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety⁽¹⁾, and in particular Article 53(1) thereof,

Whereas:

(1) Article 4(2) and Article 16(2) of Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed⁽²⁾ provide that no genetically modified food or feed is to be placed on the Community market unless it is covered by an authorisation granted in accordance with that Regulation. Article 4(3) and Article 16(3) of the same Regulation lay down that no genetically modified food and feed may be authorised unless it has been adequately and sufficiently demonstrated that it does not have adverse effects on human health, animal health or the environment, that it does not mislead the consumer or the user, and that it does not differ from the food or feed it is intended to replace to such an extent that its normal consumption would be nutritionally disadvantageous for humans or animals.

(2) Article 53 of Regulation (EC) No 178/2002 provides for the possibility to adopt appropriate Community emergency measures for food and feed imported from a third country in order to protect human health, animal health or the environment, where the risk cannot be contained satisfactorily by means of measures taken by the Member States concerned.

(3) On 18 August 2006, the authorities of the United States of America informed the Commission that rice products contaminated with the genetically modified rice 'LL RICE 601' ('the contaminated products'), which have not been authorised for placing on the market in the Community, had been found in rice samples taken on the US market from commercial long-grain rice from the 2005 crop.

(4) In view of the presumption of risk on products not authorised according to Regulation (EC) No 1829/2003, Commission Decision 2006/578/EC of 23 August 2006 on emergency measures regarding the non-authorised genetically modified organism 'LL RICE 601' in rice products⁽³⁾ provisionally banned the placing on the market of the contaminated products. Those emergency measures were confirmed by Commission Decision 2006/601/EC⁽⁴⁾ which repealed and replaced Decision 2006/578/EC and required Member States not to allow the placing on the market of certain rice products originating from the United States unless the consignment is accompanied by an original analytical report issued by an accredited laboratory attesting that the product does not contain genetically modified rice 'LL RICE 601'.

⁽¹⁾ OJ L 31, 1.2.2002, p. 1. Regulation as last amended by Commission Regulation (EC) No 575/2006 (OJ L 100, 8.4.2006, p. 3).

⁽²⁾ OJ L 268, 18.10.2003, p. 1.

⁽³⁾ OJ L 230, 24.8.2006, p. 8.

⁽⁴⁾ OJ L 244, 7.9.2006, p. 27.

- (5) The European Food Safety Authority, requested for scientific support on the issue, issued a statement on 14 September 2006 concluding that although it can be considered that the consumption of imported long grain rice containing trace levels of 'LL RICE 601' is not likely to pose an imminent safety concern to humans or animals the available data are insufficient to enable a full safety assessment of the genetically modified rice 'LL RICE 601' in accordance with the EFSA guidance for risk assessment.
- (6) Checks carried out in the Member States have shown that in addition to the rice products currently referred to in Decision 2006/601/EC other rice products may be contaminated with the genetically modified rice 'LL RICE 601'. Such products should therefore be included in the scope of Decision 2006/601/EC.
- (7) Checks carried out by Member States have also revealed the presence of genetically modified rice 'LL RICE 601' in some consignments despite being accompanied by an original analytical report as requested by Decision 2006/601/EC. Contacts initiated thereafter with the US authorities in order to eliminate the risk of presence of unauthorised GM rice have not been successful. In those circumstances, in order to ensure that no contaminated product is placed on the market and in order to guarantee the high level of health protection required in the Community, without imposing restrictions to trade which go beyond what it is necessary, it appears necessary, while maintaining the obligation to issue an analytical report as requested by Decision 2006/601/EC, to provisionally carry out systematic official sampling and analysis of each consignment of specific products originating from the United States before their placing on the market.
- (8) Sampling methodologies play a crucial role in obtaining representative and comparable results; it is therefore appropriate to define a common protocol for sampling and analysis for the control of the absence of the genetically modified rice 'LL RICE 601'.
- (9) Since the measures provided for in this Decision have an impact on the control resources of the Member States it is appropriate to require that all costs resulting from sampling, analysis and storage and all costs resulting from official measures taken as regards non-compliant consignments are to be borne by the importers or food business operators concerned.
- (10) Those measures should be reviewed within two months in order to assess whether they are still necessary, in the light of their impact and of the practical experience gained on the existing testing requirements.
- (11) Decision 2006/601/EC should therefore be amended accordingly.
- (12) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2006/601/EC is amended as follows:

1. Article 1 is replaced by the following:

'Article 1

Scope

This Decision applies to the following products originating from the United States of America:

Product	CN Code
rice in the husk, parboiled Long A	1006 10 25
rice in the husk parboiled Long B	1006 10 27
rice in the husk other than parboiled Long A	1006 10 96
rice in the husk other than parboiled Long B	1006 10 98
husked (brown) rice Parboiled Long A	1006 20 15
husked (brown) rice Parboiled Long B	1006 20 17
husked (brown) rice Long A	1006 20 96
husked (brown) rice Long B	1006 20 98
semi-milled Parboiled rice Long A	1006 30 25
semi-milled Parboiled rice Long B	1006 30 27
semi-milled rice Long A	1006 30 46
semi-milled rice Long B	1006 30 48
wholly milled Parboiled rice Long A	1006 30 65
wholly milled Parboiled rice Long B	1006 30 67
wholly milled rice Long A	1006 30 96
wholly milled rice Long B	1006 30 98
broken rice (unless it is certified as not obtained from Long-grain)	1006 40 00'

2. Article 2 is replaced by the following:

'Article 2

Conditions for first placing on the market

1. Member States shall allow the first placing on the market of the products referred to in Article 1 only if the consignment of those products is accompanied by the original of an analytical report confirming that the products do not contain the genetically modified rice "LL RICE 601". That report shall be issued by an accredited laboratory and based on a suitable and validated method for detection of genetically modified rice "LL RICE 601".

2. Member States shall ensure that, at the point of entry into the Community, official sampling and analysis of each consignment of products referred to in Article 1 is carried out before they are placed on the Community market to demonstrate that it does not contain genetically modified rice "LL RICE 601". For that purpose official sampling and analysis shall be carried out in accordance with the methods described in the Annex and within a maximum period of 15 working days.

3. The competent authorities of the Member States referred to in paragraph 2 shall issue an official accompanying document indicating that the consignment has been subject to official sampling and analysis and setting out the result of the analysis.

4. If a consignment is split, copies of the original analytical report as referred to in paragraph 1 and of the official accompanying document as referred to in paragraph 3 shall accompany each part of the split consignment up to and including the wholesale stage. Those copies shall be certified by the competent authority of the Member State on whose territory the splitting has taken place.

5. Any presence of genetically modified rice "LL RICE 601" detected by the controls provided for in paragraph 2 shall be reported to the Commission and the Member States through the Rapid Alert System for food and feed established by Article 50 of Regulation (EC) No 178/2002.

6. Member States shall by 31 December 2006 at the latest submit to the Commission a report of all analytical results of official controls on consignments of products referred to in Article 1.'

3. Article 3 is replaced by the following:

'Article 3

Other control measures

Member States shall take appropriate measures, including random sampling and analysis carried out in accordance with the Annex, concerning the products referred to in Article 1 already on the market in order to verify the absence of genetically modified rice "LL RICE 601". They shall inform the Commission of positive (unfavourable) results through the Rapid Alert System for food and feed.'

4. Article 5 is replaced by the following:

'Article 5

Recovery of costs

1. All costs resulting from sampling, analysis, storage and issuing of official accompanying documents and of copies of analytical reports and accompanying documents pursuant to Article 2(1) to (4) shall be borne by the food business operator responsible for the consignment or its representative.

2. All costs related to official measures taken by the competent authorities as regards non-compliant consignments shall be borne by the food business operator responsible for the consignment or its representative.'

5. Article 6 is replaced by the following:

'Article 6

Review of the measures

The measures provided for in this Decision shall be reviewed by 15 January 2007 at the latest.'

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 6 November 2006

For the Commission
Markos KYPRIANOU
Member of the Commission

ANNEX

**Methods of sampling and analysis for official control regarding the non-authorised genetically modified organism
LL RICE 601 in rice products**

1. Purpose and scope

The present annex is based on Recommendation 2004/787/EC ⁽¹⁾. It takes in particular into account that the currently available methods are qualitative and that it addresses the detection of a non-authorised GMO for which there is no tolerance threshold. Samples intended for the official control for the absence of LL RICE 601 in rice products shall be taken according to the methods described below. The bulk samples thus obtained shall be considered as representative of the lots from which they are taken.

2. Definitions

For the purpose of the current annex, definitions of Recommendation 2004/787/EC apply.

3. Sampling lots of bulk commodities and preparation of the analytical samples

The number of incremental samples for the constitution of the bulk sample and the preparation of the analytical samples shall be made in accordance with Recommendation 2004/787/EC. The size of the laboratory sample shall be 2,5 kg. For the purpose of Article 11(5) of Regulation (EC) 882/2004 ⁽²⁾, a second laboratory sample shall be constituted.

4. Analysis of the laboratory sample

The control laboratory shall take from the homogenised laboratory sample four analytical samples of 240 grams. The four analytical samples have to be ground and further analysed separately.

The PCR method to be used is the construct-specific method 'P35S:BAR' that has been developed by Bayer CropScience and verified by the USDA and the JRC in its quality of Community reference laboratory for GM Food and Feed. In case of positive results, the presence of LL RICE 601 shall be confirmed by the event-specific method.

The lot shall be considered to be positive when one of the four analytical samples is positive.

⁽¹⁾ OJ L 348, 24.11.2004, p. 18.

⁽²⁾ OJ L 191, 28.5.2004, p. 1.