

Official Journal

of the European Union

L 312

Volume 49

11 November 2006

English edition

Legislation

Contents

I Acts whose publication is obligatory

- ★ **Council Regulation (EC) No 1667/2006 of 7 November 2006 on glucose and lactose (Codified version)** 1
- Commission Regulation (EC) No 1668/2006 of 10 November 2006 establishing the standard import values for determining the entry price of certain fruit and vegetables 4
- ★ **Commission Regulation (EC) No 1669/2006 of 8 November 2006 laying down detailed rules for the application of Council Regulation (EC) No 1254/1999 as regards the buying-in of beef (Codified version)** 6
- ★ **Commission Regulation (EC) No 1670/2006 of 10 November 2006 laying down certain detailed rules for the application of Council Regulation (EC) No 1784/2003 as regards the fixing and granting of adjusted refunds in respect of cereals exported in the form of certain spirit drinks (Codified version)** 33
- Commission Regulation (EC) No 1671/2006 of 10 November 2006 on the issue of import licences for high-quality fresh, chilled or frozen beef and veal 41
- ★ **Council Directive 2006/91/EC of 7 November 2006 on control of San José Scale (Codified version)** 42

II Acts whose publication is not obligatory

Council

2006/768/EC:

- ★ **Council Decision of 7 November 2006 amending Decision 2003/583/EC on the reallocation of funds received by the European Investment Bank for operations carried out in the Democratic Republic of Congo under the second, third, fourth, fifth and sixth EDFs** 45

Price: EUR 18

(Continued overleaf)



Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other acts are printed in bold type and preceded by an asterisk.

Commission

2006/769/EC:

- ★ **Commission Decision of 31 October 2006 drawing up the list of regions and areas eligible for funding from the European Regional Development Fund under the cross-border and transnational strands of the European territorial cooperation objective for the period 2007 to 2013** (notified under document number C(2006) 5144) 47

2006/770/EC:

- ★ **Commission Decision of 9 November 2006 amending the Annex to Regulation (EC) No 1228/2003 on conditions for access to the network for cross-border exchanges in electricity** ⁽¹⁾ 59

2006/771/EC:

- ★ **Commission Decision of 9 November 2006 on harmonisation of the radio spectrum for use by short-range devices** (notified under document number C(2006) 5304) ⁽¹⁾ 66



⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1667/2006
of 7 November 2006
on glucose and lactose
(Codified version)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 308 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Having regard to the opinion of the European Economic and Social Committee ⁽²⁾,

Whereas:

(1) Council Regulation (EEC) No 2730/75 of 29 October 1975 on glucose and lactose ⁽³⁾ has been substantially amended several times ⁽⁴⁾. In the interests of clarity and rationality the said Regulation should be codified.

(2) In order to avoid technical difficulties as regards customs treatment, Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff ⁽⁵⁾ groups glucose, glucose syrup, lactose and lactose syrup within one heading and chemically pure glucose and lactose within another.

(3) However, glucose falling within subheadings 1702 30 91, 1702 30 99 and 1702 40 90 of the combined nomen-

clature and lactose falling within subheading 1702 19 00 of the combined nomenclature are listed in Annex I to the Treaty and are therefore subject to the system of trade with third countries provided for under the common organisation of the markets to which they belong, while chemically pure glucose and lactose not listed in Annex I of the Treaty are subject to the system of customs duties, the economic incidence of which can be appreciably different.

(4) This situation creates difficulties which are all the greater in that the products in question, whatever their degree of purity, are derived from the same basic products. The criterion for customs classification between those products which are and those which are not chemically pure is a 99 % degree of purity. In addition, products with a slightly higher or slightly lower degree of purity may have the same economic use. Therefore, the application of different systems leads to distortions of competition which are all the greater because of interchangeability.

(5) The only solution to these difficulties is to submit the products to the same economic treatment whatever their degree of purity or, to the extent that this would appear adequate, to harmonise the treatment given to the two groups of products.

(6) The Treaty does not specifically provide the authority needed to take such action. In these circumstances the necessary measures should be taken on the basis of Article 308 of the Treaty. In addition, the most appropriate measures are to extend to chemically pure glucose the treatment given to other glucose under Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals ⁽⁶⁾, and to extend to chemically pure lactose the treatment given to other lactose under Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽⁷⁾,

⁽¹⁾ Opinion of 12 October 2006 (not yet published in the Official Journal).

⁽²⁾ Opinion of 13 September 2006 (not yet published in the Official Journal).

⁽³⁾ OJ L 281, 1.11.1975, p. 20. Regulation as last amended by Commission Regulation (EC) No 2931/95 (OJ L 307, 20.12.1995, p. 10).

⁽⁴⁾ See Annex I.

⁽⁵⁾ OJ L 256, 7.9.1987, p. 1. Regulation as last amended by Commission Regulation (EC) No 996/2006 (OJ L 179, 1.7.2006, p. 26).

⁽⁶⁾ 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).

⁽⁷⁾ OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Regulation (EC) No 1913/2005 (OJ L 307, 25.11.2005, p. 2).

HAS ADOPTED THIS REGULATION:

Article 1

The treatment provided by Regulation (EC) No 1784/2003 and by the provisions adopted for the application of this Regulation for glucose and glucose syrup falling within subheadings 1702 30 91, 1702 30 99 and 1702 40 90 of the combined nomenclature shall be extended to glucose and to glucose syrup falling within subheadings 1702 30 51 and 1702 30 59 of the combined nomenclature.

Article 2

The treatment provided by Regulation (EC) No 1255/1999 and by the provisions adopted for the application of this Regulation for lactose and lactose syrup falling within subheading 1702 19 00 of the combined nomenclature shall be extended to lactose and to lactose syrup falling within subheading 1702 11 00 of the combined nomenclature.

Article 3

When the treatment given to glucose and glucose syrup or to lactose and lactose syrup falling respectively within subheadings

1702 30 91, 1702 30 99, 1702 40 90 and 1702 19 00 of the combined nomenclature is amended pursuant to Article 37 of the Treaty or in accordance with procedures established for the application of that Article, such amendments shall extend as appropriate to glucose and to glucose syrup or to lactose or to lactose syrup falling respectively within subheadings 1702 30 51, 1702 30 59 and 1702 11 00 of the combined nomenclature, unless, in accordance with the same procedures, other measures are taken for the harmonising of the treatment applicable to these products with the treatment applicable to those already mentioned.

Article 4

Regulation (EEC) No 2730/75 is hereby repealed.

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

Article 5

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

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

Done at Brussels, 7 November 2006.

For the Council
The President
E. HEINÄLUOMA

ANNEX I

REPEALED REGULATION WITH ITS SUCCESSIVE AMENDMENTS

Council Regulation (EEC) No 2730/75
(O) L 281, 1.11.1975, p. 20)

Commission Regulation (EEC) No 222/88
(O) L 28, 1.2.1988, p. 1)

only Article 7

Commission Regulation (EC) No 2931/95
(O) L 307, 20.12.1995, p. 10)

only Article 2

—

ANNEX II

CORRELATION TABLE

| Regulation (EEC) No 2730/75 | This Regulation |
|-----------------------------|-----------------|
| Article 1 | Article 1 |
| Article 2 | Article 2 |
| Article 3 | Article 3 |
| Article 4 | — |
| — | Article 4 |
| Article 5 | Article 5 |
| — | Annex I |
| — | Annex II |

COMMISSION REGULATION (EC) No 1668/2006
of 10 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 11 November 2006.

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

Done at Brussels, 10 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 10 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 | 86,5 |
| | 096 | 30,1 |
| | 204 | 44,7 |
| | 999 | 53,8 |
| 0707 00 05 | 052 | 116,3 |
| | 204 | 49,7 |
| | 220 | 155,5 |
| | 628 | 196,3 |
| | 999 | 129,5 |
| 0709 90 70 | 052 | 101,8 |
| | 204 | 147,8 |
| | 999 | 124,8 |
| 0805 20 10 | 204 | 84,0 |
| | 999 | 84,0 |
| 0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90 | 052 | 67,8 |
| | 400 | 84,2 |
| | 528 | 40,7 |
| | 624 | 86,7 |
| | 999 | 69,9 |
| 0805 50 10 | 052 | 63,9 |
| | 388 | 46,8 |
| | 524 | 56,1 |
| | 528 | 39,6 |
| | 999 | 51,6 |
| 0806 10 10 | 052 | 111,3 |
| | 400 | 211,5 |
| | 508 | 268,1 |
| | 999 | 197,0 |
| 0808 10 80 | 388 | 79,1 |
| | 400 | 106,4 |
| | 720 | 73,5 |
| | 800 | 160,8 |
| | 999 | 105,0 |
| 0808 20 50 | 052 | 83,1 |
| | 400 | 216,1 |
| | 720 | 83,9 |
| | 999 | 127,7 |

⁽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 1669/2006**of 8 November 2006****laying down detailed rules for the application of Council Regulation (EC) No 1254/1999 as regards the buying-in of beef****(Codified version)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal ⁽¹⁾, and in particular Article 27(4) and Article 41 thereof,

Whereas:

(1) Commission Regulation (EC) No 562/2000 of 15 March 2000 laying down detailed rules for the application of Council Regulation (EC) No 1254/1999 as regards the buying-in of beef ⁽²⁾ has been substantially amended several times ⁽³⁾. In the interests of clarity and rationality the said Regulation should be codified.

(2) Article 27(1) of Regulation (EC) No 1254/1999 ties the opening of public intervention to the average market price in a Member State or region of a Member State. Rules must accordingly be laid down for calculating the market prices in the Member States, in particular as regards the qualities to be used and weighting, the coefficients to be used for converting them into the reference quality grade R3 and the mechanisms for opening and closing buying-in.

(3) The conditions for eligibility must rule out products that are not representative of national production of the Member State and that do not meet the health and veterinary rules in force and those over a weight normally sought after on the market. The eligibility of beef carcasses of grade O3, which can be bought in Ireland, should also be extended to Northern Ireland in order to prevent deflections of trade that might disturb the beef market in that part of the Community.

(4) Specific rules on identifying eligible carcasses should be laid down requiring the slaughter number to be stamped on the inner side of each quarter. As regards presentation, carcasses should be cut in a uniform manner to facilitate the disposal of the cuts, improve monitoring of boning operations and as a result ensure that the cuts meet the same definition throughout the Community. To that end, carcasses should be straight cut and forequarters and hindquarters should be defined as five-rib and eight-rib respectively in order to reduce to the minimum the number of boneless cuts and trimmings and to make the best use of the products obtained.

(5) In order to prevent speculation that could distort the true market situation, interested parties should each be able to submit only one tender per category in response to each invitation to tender. In order to prevent the use of frontmen, 'interested parties' should be defined as including only the category of operators who are traditionally involved in intervention by virtue of their economic activities.

(6) In view of experience gained in the area of tender submission, provision should also be made for interested parties to take part in invitations to tender, where appropriate, on the basis of contracts concluded with the intervention agencies in accordance with conditions to be stipulated in the specifications.

(7) More precise rules should be laid down on the lodging of securities in cash so that intervention agencies can accept cheque guarantees.

(8) Following the ban on the use of any specified risk material and in order to take into account the resulting increase in costs and fall in income in the beef and veal sector, the increase applicable to the average market price and used to determine the maximum buying-in price should be aligned on the highest amount at the time.

(9) As far as the delivery of the products is concerned, in the light of experience the intervention agencies should be authorised, where applicable, to reduce the time limit for delivery of the products in order to prevent deliveries relating to two successive invitations to tender from overlapping.

⁽¹⁾ OJ L 160, 26.6.1999, p. 21. Regulation as last amended by Regulation (EC) No 1913/2005 (OJ L 307, 25.11.2005, p. 2).

⁽²⁾ OJ L 68, 16.3.2000, p. 22. Regulation as last amended by Regulation (EC) No 1067/2005 (OJ L 174, 7.7.2005, p. 60).

⁽³⁾ See Annex IX.

- (10) The risks of irregularities are particularly high when carcasses bought in are boned systematically. Intervention centres' refrigeration and cutting plants should therefore be required to be independent of the slaughterhouses and the successful tenderers concerned. To deal with any practical difficulties that may arise in certain Member States, derogations from that principle may be allowed, provided that the quantities boned are strictly limited and the checks conducted on takeover enable the boned meat to be traced and manipulations to be ruled out as far as possible. In the light of the latest investigations, greater emphasis must be laid on checks of residues of prohibited substances in meat, and in particular those substances having a hormonal action.
- (11) Only products meeting the quality and presentation requirements laid down by Community regulations may be taken over by intervention agencies. Experience shows that certain detailed rules should be laid down on takeover and checks. Provision should be made in particular for a preliminary inspection to be carried out at the slaughterhouse to eliminate ineligible meat at an early stage. In order to improve the reliability of the procedure for the acceptance of products delivered, qualified officials whose impartiality is guaranteed by their independence from the interested parties concerned and by their periodic rotation should be employed. The points to be covered by inspections should also be specified.
- (12) In view of the events involving bovine spongiform encephalopathy (BSE), requiring all of the meat to be boned could help free up the storage space needed to cope with the large volumes of beef likely to be bought in, and could facilitate subsequent disposal of the meat.
- (13) With a view to improving checks by intervention agencies on takeover of the products, the provisions on the procedure applied, in particular, for defining consignments, for preliminary inspections and for checking the weight of the products bought in should be made clearer. To that end, the provisions on the monitoring of boning of meat bought in and the rejection of products should be stricter. This also applies to inspections of products during storage.
- (14) The provisions applicable to carcasses must stipulate in particular the way they are to be hung and specify any damage or handling liable to affect the commercial quality of the products or to contaminate them that is to be avoided during processing.
- (15) In order to ensure that boning is carried out properly, cutting plants should have one or more blast freezers nearby. Derogations from this requirement should be kept to an absolute minimum. The conditions governing the constant and continuous physical monitoring of boning should be stipulated, in particular by requiring inspectors to be independent and laying down a minimum number of checks to be conducted.
- (16) The rules on the storage of cuts must enable them to be identified easily. To that end, the competent national authorities must in particular take the necessary measures as regards traceability and storage with a view to facilitating the subsequent disposal of products bought in, by taking into account any requirements relating to the veterinary health status of the animals from which the products come. Furthermore, with a view to improving storage of cuts and simplifying identification, packing should be standardised and cuts should be designated by their full names or Community codes.
- (17) The provisions on packing in cartons, pallets and cages should be tightened up to facilitate the identification and improve the preservation of products in storage, to step up the fight against fraud and to improve access to products with a view to their inspection and disposal.
- (18) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

CHAPTER I

SCOPE

Article 1

Scope

This Regulation lays down detailed rules for the buying-in of beef as provided for in Article 27 of Regulation (EC) No 1254/1999.

CHAPTER II

BUYING-IN

SECTION 1

General rules

Article 2

Intervention regions in the United Kingdom

The United Kingdom shall consist of two intervention regions as follows:

— region I: Great Britain,

— region II: Northern Ireland.

Article 3

Opening and closure of buying-in by invitation to tender

Article 27 of Regulation (EC) No 1254/1999 shall apply in accordance with the following rules:

- (a) with a view to ascertaining that the conditions laid down in paragraph 1 of that Article are fulfilled:
- the average market price by eligible category in a Member State or in a region thereof shall take account of the prices for qualities U, R and O, expressed in quality R3 using the coefficients set out in Annex I to this Regulation, in the Member State or region concerned,
 - the average market prices shall be recorded in accordance with the conditions and in respect of the qualities laid down in Commission Regulation (EC) No 295/96 ⁽⁴⁾,
 - the average market price by eligible category in a Member State or a region thereof shall be the average of the market prices for all the qualities referred to in the second indent, weighted by the proportion each represents of total slaughterings in that Member State or region;
- (b) decisions to open buying-in shall be made by category and Member State or region thereof on the basis of the two most recent weekly market prices recorded;
- (c) decisions to close buying-in shall be made by category and Member State or region thereof on the basis of the most recent weekly market prices recorded.

Article 4

Conditions for the eligibility of products

1. The products listed in Annex II to this Regulation and falling within the following categories defined in Article 4(1) of Council Regulation (EC) No 1183/2006 ⁽⁵⁾ may be bought in:

- (a) meat of uncastrated young male animals of less than two years of age (category A);
- (b) meat of castrated male animals (category C).

⁽⁴⁾ OJ L 39, 17.2.1996, p. 1.

⁽⁵⁾ OJ L 214, 4.8.2006, p. 1.

2. Carcasses and half-carcasses may be bought in only where they:

- (a) have obtained the health mark referred to in Chapter III of Section I of Annex I to Regulation (EC) No 854/2004 of the European Parliament and of the Council ⁽⁶⁾;
- (b) have no characteristics rendering the products derived from them unfit for storage or subsequent use;
- (c) do not come from animals slaughtered as a result of emergency measures;
- (d) originate in the Community within the meaning of Article 39 of Commission Regulation (EEC) No 2454/93 ⁽⁷⁾;
- (e) are derived from animals raised in accordance with the prevailing veterinary requirements;
- (f) do not exceed the maximum radioactivity levels permitted under Community regulations. The level of radioactive contamination of the product shall be monitored only if the situation so requires and only for as long as is necessary. The duration and scope of any controls necessary shall be determined in accordance with the procedure referred to in Article 43(2) of Regulation (EC) No 1254/1999;
- (g) come from carcasses not weighing more than 340 kg.

3. Carcasses and half-carcasses may be bought in only where they are:

- (a) presented, where appropriate after cutting into quarters at the expense of the party concerned, in accordance with Annex III to this Regulation. In particular, parts of the carcass must be inspected to assess compliance with the requirements of point 2 of that Annex. The failure to comply with any of those requirements shall result in rejection; where a quarter is rejected for failure to comply with such conditions of presentation and in particular where unsatisfactory presentation cannot be improved during the acceptance procedure, the other quarter of the same half carcass shall also be rejected;

⁽⁶⁾ OJ L 139, 30.4.2004, p. 206.

⁽⁷⁾ OJ L 253, 11.10.1993, p. 1.

- (b) classified in accordance with the Community scale provided for in Regulation (EC) No 1183/2006. The intervention agencies shall reject any products which they do not deem to be classified in conformity with that scale after conducting a detailed inspection of all parts of the carcass;
- (c) identified, first, by markings indicating the category, the conformation class and the degree of fat cover and, secondly, by an identification or slaughter number. Markings indicating the category, conformation class and fat cover must be perfectly legible and shall be stamped using non-toxic, fast, indelible ink in accordance with a procedure approved by the competent national authorities. The letters and figures must be at least 2 cm high. The markings shall be applied to the striploin at the level of the fourth lumbar vertebra on hindquarters and approximately 10 to 30 cm from the cut edge of the sternum on forequarters. The identification or slaughter number shall be marked in the middle of the inner side of each quarter using a stamp or indelible marker authorised by the intervention agency;
- (d) labelled in accordance with the system introduced by European Parliament and Council Regulation (EC) No 1760/2000⁽⁸⁾.

Article 5

Intervention centres

1. The intervention centres shall be selected by the Member States with a view to ensuring the effectiveness of intervention measures.

The facilities at these centres must permit:

- (a) bone-in meat to be taken over;
- (b) freezing of all meat to be preserved without further processing;
- (c) storage of such meat for at least three months under technically satisfactory conditions.
2. Only intervention centres whose cutting plants and refrigeration plants are unconnected with the slaughterhouse and/or the successful tenderer and which are operated, managed and staffed independently of the slaughterhouse and/or the successful tenderer may be selected for bone-in meat intended for boning.

⁽⁸⁾ OJ L 204, 11.8.2000, p. 1.

In case of practical difficulties, Member States may derogate from the first subparagraph, provided that they tighten controls at the time of acceptance in accordance with Article 14(5).

SECTION 2

Tendering and takeover

Article 6

Opening and closure of invitations to tender

1. Notices of invitation to tender, amendments thereto and closure thereof shall be published in the *Official Journal of the European Union* no later than the Saturday before the closing date for the submission of tenders.
2. When invitations to tender are issued, a minimum price below which tenders shall not be admissible may be fixed.

Article 7

Submission and notification of tenders

During the period covered by the invitation to tender, the deadline for the submission of tenders shall be 12 noon (Brussels time) on the second and fourth Tuesdays of each month, with the exception of the second Tuesday of August and the fourth Tuesday of December when no submission of tenders shall take place. If the Tuesday falls on a public holiday, the deadline shall be brought forward by 24 hours. Within 24 hours of the deadline for the submission of tenders, the intervention agencies shall notify the Commission of the tenders they have received.

Article 8

Conditions to be met for tendering

1. Only the following may submit tenders:
- (a) slaughterhouses for bovine animals registered or approved in accordance with Article 4 of Regulation (EC) No 853/2004 of the European Parliament and of the Council⁽⁹⁾, whatever their legal status; and
- (b) livestock or meat traders who have slaughtering undertaken therein on their own account and who are entered in a national VAT register.

⁽⁹⁾ OJ L 139, 30.4.2004, p. 55.

2. In response to invitations to tender, interested parties shall submit their tenders to the intervention agencies of the Member States where they have been issued, either by lodging a written bid against a receipt or by any other written means of communication accepted by the intervention agency, with advice of receipt.

The submission of tenders may be the subject of contracts on terms laid down by the intervention agencies and in accordance with their specifications.

3. Interested parties may submit only one tender per category in response to each invitation to tender.

The Member States shall ensure that tenderers are independent of each other in terms of their management, staffing and operations.

Where there are serious indications to the contrary or that tenders are not in line with economic facts, tenders shall be deemed admissible only where the tenderer presents suitable evidence of compliance with the second subparagraph.

Where it is established that a tenderer has submitted more than one tender, all the tenders from that tenderer shall be deemed inadmissible.

4. Tenders shall state:

- (a) the name and address of the tenderer;
- (b) the quantity tendered, expressed in tonnes, of the products of the categories specified in the notice of invitation to tender;
- (c) the price quoted in accordance with Article 15(3), expressed per 100 kg of products of quality R3 in euro rounded to not more than two decimal places.

5. Tenders shall be valid only if:

- (a) they relate to at least 10 tonnes;
- (b) they are accompanied by a written undertaking from the tenderer to comply with all the provisions relating to the invitation to tender concerned; and
- (c) proof is furnished that by the deadline for the submission of tenders the tenderer has lodged a tendering security as provided for in Article 9 in respect of the invitation to tender concerned.

6. Tenders may not be withdrawn after the expiry of the deadline for submission specified in Article 7.

7. Tenders shall be confidential.

Article 9

Securities

1. The maintenance of tenders after the deadline for the submission of tenders and the delivery of the products to the store designated by the intervention agency within the timelimit laid down in Article 13(2) shall constitute primary requirements, the fulfilment of which shall be ensured by the lodging of a security of EUR 30 per 100 kg.

Securities shall be lodged with the intervention agency in the Member State in which the tender is submitted.

2. Securities shall be lodged only in the form of cash deposits as defined in Article 13 and Article 14(1) and (3) of Commission Regulation (EEC) No 2220/85 ⁽¹⁰⁾.

3. In the case of tenders which are not accepted, securities shall be released as soon as the outcome of the invitation to tender is published.

In the case of tenders which are accepted, securities shall be released on completion of takeover of the products, without prejudice to Article 14(7) of this Regulation.

Article 10

Award

1. In the light of the tenders received in response to each invitation to tender and in accordance with the procedure referred to in Article 43(2) of Regulation (EC) No 1254/1999, a maximum buying-in price relating to quality R3 shall be fixed per category.

Where the particular circumstances so require, a different price may be set by Member State or region thereof to reflect the average market prices recorded.

2. A decision may be taken to make no award.

3. If the total quantities offered at a price equal to or below the maximum price exceed the quantities to be bought in, the quantities awarded may be reduced for each category by applying reducing coefficients, to fall by an amount increasing progressively with the price differential and the quantities covered by the tenders.

⁽¹⁰⁾ OJ L 205, 3.8.1985, p. 5.

Where the particular circumstances so require, such reducing coefficients may vary by Member State or region thereof with a view to ensuring that the intervention mechanisms function properly.

Article 11

Maximum buying-in price

1. Tenders shall not be considered if the price quoted is higher than the average market price recorded by category in each Member State or region thereof, converted into quality R3 using the coefficients set out in Annex I, plus EUR 10 per 100 kg carcass weight.

2. Without prejudice to paragraph 1, tenders shall be rejected if the price quoted is higher than the maximum price as referred to in Article 10 for the invitation to tender concerned.

3. Where the buying-in price awarded to tenderers is higher than the average market price as referred to in paragraph 1, the price awarded shall be adjusted by multiplying it by the coefficient obtained by applying formula A in Annex IV. However, that coefficient may not:

- (a) be greater than 1;
- (b) result in a reduction in the price awarded that is greater than the difference between that price and the average market price.

Should the Member State possess reliable data and have suitable means of verification, it may decide to calculate the coefficient for each tenderer using formula B in Annex IV.

4. Rights and obligations arising under invitations to tender shall not be transferable.

Article 12

Limitation of buying-in

Where the intervention agencies of the Member States are offered meat in quantities greater than they are able to takeover forthwith, they may limit buying-in to the quantities they can takeover in their territory or in one of their intervention regions.

The Member States shall ensure equality of access for all parties concerned in the event of such limitation.

Article 13

Notification of successful tenderers and delivery

1. The intervention agencies shall inform the individual tenderers immediately of the outcome of their tenders.

Intervention agencies shall issue numbered delivery orders forthwith to the successful tenderers, stating:

- (a) the quantity to be delivered;
- (b) the price at which the award is made;
- (c) the timetable for delivery of the products;
- (d) the intervention centre or centres where delivery is to be made.

2. Successful tenderers shall deliver the products not later than 17 calendar days after the first working day following publication of the regulation fixing the maximum buying-in price and the quantities of beef to be bought in.

However, the Commission may, depending on the quantities awarded, extend that period by one week. Deliveries may be split up into more than one consignment. In addition, intervention agencies may, when setting the timetable for deliveries of the products, reduce that period to not less than 14 calendar days.

Article 14

Takeover

1. The intervention agencies shall takeover the meat at the entrance weighing point at the intervention centre's cutting plant.

Products shall be delivered in consignments of a quantity between 10 and 20 tonnes. However, the quantity may be below 10 tonnes only if it is the final balance of the original offer or if the original offer has been scaled back below 10 tonnes.

Products delivered shall be accepted and taken over subject to verification by the intervention agency that they comply with the requirements laid down in this Regulation. Compliance with the requirements laid down in Article 4(2)(e) and in particular the absence of substances prohibited under Article 3 and Article 4(1) of Council Directive 96/22/EC⁽¹⁾ shall be verified by analysis of a sample, the size and sampling of which is laid down in the relevant veterinary legislation.

⁽¹⁾ OJ L 125, 23.5.1996, p. 3.

2. Where no preliminary inspection is conducted immediately before loading at the slaughterhouse loading bay and prior to transport to the intervention centre, half-carasses shall be identified as follows:

- (a) where they are simply marked, the markings must comply with Article 4(3)(c), and a document specifying the identification or slaughter number and the slaughter date relating to the half-carass shall be completed;
- (b) where they are labelled in addition, the labels must comply with Article 1(2), (3) and (4) of Commission Regulation (EEC) No 344/91 ⁽¹²⁾.

Where half-carasses are cut into quarters, the quartering shall be carried out in accordance with Annex III to this Regulation. With a view to acceptance, quarters shall be grouped by carcass or half-carass at the time of takeover. Where half-carasses are not cut into quarters prior to transport to the intervention centre, they shall be cut in accordance with Annex III on their arrival.

At the point of acceptance, each quarter shall be identified by a label complying with Article 1(2), (3) and (4) of Regulation (EEC) No 344/91. The labels shall also show the weight of the quarter and the contract number. The labels shall be affixed directly to shin/shank tendons on the forequarters and hindquarters or neckstrap tendon on the forequarter and hindquarter flank without using metal or plastic ties.

The acceptance procedure shall entail a systematic check of the presentation, classification, weight and labelling of each quarter delivered. The temperature of one hindquarter of each carcass shall also be checked. In particular no carcass shall be accepted where it exceeds the maximum weight laid down in Article 4(2)(g).

3. A preliminary inspection may be conducted immediately before loading at the slaughterhouse loading bay and shall cover the weight, classification, presentation and temperature of half-carasses. In particular no carcass shall be accepted where it exceeds the maximum weight laid down in Article 4(2)(g). Products rejected shall be marked as such and may not be presented again for preliminary inspection or acceptance.

Such inspections shall cover consignments of up to 20 tonnes of half-carasses as laid down by the intervention agency. However, where the offer involves quarters, the intervention agency may allow a consignment of more than 20 tonnes of half-carasses. Where more than 20 % of the total number of

half-carasses in any consignment inspected is rejected, the whole consignment shall be rejected in accordance with paragraph 6.

Before half-carasses are transported to the intervention centre, they shall be cut into quarters in accordance with Annex III. Each quarter shall be systematically weighed and identified by a label complying with Article 1(2), (3) and (4) of Regulation (EEC) No 344/91. The labels shall also show the weight of the quarter and the contract number. The labels shall be affixed directly to shin/shank tendons on the forequarters and hindquarters or neckstrap tendon on the forequarter and hindquarter flank without using metal or plastic ties.

The quarters from each carcass shall then be grouped for the purposes of the acceptance procedure by carcass or half-carass at the time of takeover.

A checklist giving all details of the half-carasses or quarters, including the number of half-carasses or quarters presented and either accepted or rejected, shall accompany each consignment up to the point of acceptance. The checklist shall be handed over to the accepting officer.

A seal shall be affixed to the means of transport before it leaves the slaughterhouse. The number of the seal shall be shown on the health certificate or checklist.

The acceptance procedure shall include checks of the presentation, classification, weight, labelling and temperature of the quarters delivered.

4. Preliminary inspection and acceptance of the products offered for intervention shall be carried out by an official of the intervention agency or a person authorised by the latter who is a qualified classifier, is not involved in classification at the slaughterhouse and is totally independent of the successful tenderer. Such independence shall be ensured in particular by the periodic rotation of such officials between intervention centres.

At the time of takeover, the total weight of the quarters in each consignment shall be recorded and the record kept by the intervention agency.

A document recording full details of the weight and the number of the products presented and either accepted or rejected must be completed by the accepting officer.

⁽¹²⁾ OJ L 41, 14.2.1991, p. 15.

5. The requirements regarding identification, delivery and controls for the takeover of bone-in meat intended for boning in intervention centres which do not meet the requirements laid down in the first subparagraph of Article 5(2) shall include the following:

- (a) at the time of takeover as referred to in paragraph 1, fore-quarters and hindquarters for boning must be identified by the letters 'INT' marked on both inner and outer sides in accordance with the same rules as those laid down in Article 4(3)(c) for marking the category and the slaughter number and the places where such markings are to be made; however, the letters 'INT' shall be marked on the inner side of each quarter at the level of the third or fourth rib of forequarters and of the seventh or eighth rib of hindquarters;
- (b) the codfat must remain attached up to the time of takeover and must be removed before weighing;
- (c) the products delivered shall be sorted into consignments as defined in paragraph 1.

Where carcasses or quarters marked 'INT' are found outside the areas reserved for them, the Member State shall conduct an enquiry, take suitable measures and inform the Commission thereof.

6. Where more than 20 % of a consignment presented is rejected, in terms of number of half-carcasses or quarters presented, the whole consignment shall be rejected and all the products shall be marked as such and may not be presented again for preliminary inspection or acceptance.

7. If the quantity actually delivered and accepted is less than the quantity awarded, the security shall:

- (a) be released in full where the difference is not more than 5 % or 175 kg;
- (b) except in cases of *force majeure*, be forfeited:
 - in part, corresponding to the quantities not delivered or not accepted where the difference is not more than 15 %,
 - in full in other cases, pursuant to Article 1 of Regulation (EEC) No 2220/85.

Article 15

Price to be paid to successful tenderers

1. From the 45th day after completion of takeover of the products to the 65th day thereafter, the intervention agency shall pay successful tenderers the price quoted in their tenders.
2. Only the quantity actually delivered and accepted shall be paid for. However, if the quantity actually delivered and accepted is greater than the quantity awarded, only the quantity awarded shall be paid for.
3. Where qualities other than quality R3 are taken over, the price to be paid to successful tenderers shall be adjusted by applying the coefficient for the quality bought in as set out in Annex I.
4. The buying-in price for meat all of which is intended for boning shall be the price free at the entrance weighing point of the intervention centre's cutting plant.

The costs of unloading shall be borne by the successful tenderer.

Article 16

Exchange rate

The rate to be applied to the amount referred to in Article 11 and the price at which the award was made shall be the exchange rate applicable on the day of entry into force of the regulation fixing the maximum buying-in price and the quantities of beef to be bought in under the invitation to tender concerned.

CHAPTER III

BONING OF MEAT BOUGHT IN BY INTERVENTION AGENCIES

Article 17

Boning requirement

The intervention agencies shall have all the beef bought in boned.

Article 18

General conditions governing boning

1. Boning may only be carried out in cutting plants registered or approved in accordance with Article 4 of Regulation (EC) No 853/2004 and with one or more adjoining blast freezers.

At the request of a Member State, the Commission may grant a derogation for a limited period from the obligations covered by the first subparagraph. When making its decision, the Commission shall take account of current developments in plant and equipment, health and control requirements and the objective of gradual harmonisation in this field.

2. Boned cuts must meet the conditions laid down in Regulation (EC) No 853/2004 and the requirements in Annex V to this Regulation.

3. Boning may not commence before takeover of the consignment concerned has been completed.

4. No other meat may be present in the cutting room when intervention beef is being boned, trimmed or packed.

However, pigmeat may be present in the cutting room at the same time as beef, provided that it is processed on a separate production line.

5. All boning activities shall take place between 7 a.m. and 6 p.m.; boning shall not take place on Saturdays, Sundays or public holidays. Those hours may be extended by up to two hours, provided that the inspection authorities are present.

If boning cannot be completed on the day of takeover, seals shall be affixed by the competent authorities to the refrigeration rooms where the products are stored and may only be broken by the same authorities when boning resumes.

Article 19

Contracts and specifications

1. Boning shall be carried out under contract on terms laid down by the intervention agencies and in accordance with their specifications.

2. The specifications of the intervention agencies shall lay down the requirements to be met by cutting plants, shall specify the plant and equipment required and shall ensure that the Community rules on the preparation of cuts are adhered to.

They shall in particular lay down detailed conditions covering boning, specifying the method of preparation, trimming, packing, freezing and preservation of cuts with a view to their takeover by the intervention agency.

The specifications of the intervention agencies may be obtained by interested parties from the addresses in Annex VI.

Article 20

Monitoring of boning

1. The intervention agencies shall ensure that continuous physical monitoring is carried out of all boning operations.

Such monitoring may be delegated to bodies which are wholly independent of the traders, slaughterers and storers in question. In such cases, the intervention agencies shall ensure that their officials conduct an unannounced inspection of boning of meat covered by each bid. During such inspections, random checks shall be carried out of cartons of cuts before and after freezing and the quantities used shall be compared with the quantities produced on the one hand and with the bones, fat and trimmings on the other hand. Such checks shall cover at least 5 % of cartons filled during the day with a particular cut and, where there are sufficient cartons, a minimum of five cartons per cut.

2. Forequarters and hindquarters must be boned separately. In respect of each day of boning:

(a) a comparison shall be made of the numbers of cuts and of cartons filled;

(b) a form shall be completed showing separately the yields for boning of forequarters and of hindquarters.

Article 21

Special conditions governing boning

1. During boning, trimming and packing prior to freezing, the internal temperature of the beef must at no time rise above + 7 °C. Cuts may not be transported before they have been blastfrozen, except under the derogations provided for in Article 18(1).

2. All labels and foreign matter must be totally removed immediately prior to boning.

3. All bones, tendons, cartilage, neckstrap and backstrap (paddywack) (*ligamentum nuchae*) and coarse connective tissues must be cleanly removed. Trimming of cuts must be confined to the removal of fat, cartilage, tendons, joint capsules and other specified trim. All obvious nervous and lymphatic tissues must be removed.

4. Large blood vessels and clots and soiled areas must be removed carefully with as little trimming as possible.

*Article 22***Packing of cuts**

1. Cuts shall be packed immediately after boning in such a way that no part of the meat comes into direct contact with the carton, in accordance with the requirements laid down in Annex V.

2. Polyethylene used to line cartons and polyethylene sheet or bags used to wrap cuts must be at least 0,05 mm thick and suitable for wrapping foodstuffs.

3. Cartons, pallets and cages used must meet the conditions laid down in Annex VII.

*Article 23***Storage of cuts**

The intervention agencies shall ensure that all boneless beef bought in is stored separately and is easily identifiable by invitation to tender, cut and month of storage.

Cuts obtained shall be stored in cold stores located in the territory of the Member State exercising jurisdiction over the intervention agency.

Save for specific derogations provided for under the procedure referred to in Article 43 (2) of Regulation (EC) No 1254/1999, such cold stores must be capable of holding all boned beef allocated by the intervention agency for at least three months under technically satisfactory conditions.

*Article 24***Costs of boning**

Contracts as referred to in Article 19(1) and payments made thereunder shall cover the operations and costs resulting from the application of this Regulation, and in particular:

- (a) the costs of any transport of bone-in products to the cutting plant after acceptance;
- (b) boning, trimming, packing and blastfreezing;
- (c) the storage, loading and carriage of frozen cuts and their takeover by the intervention agencies at the cold stores designated by them;
- (d) the costs of materials, in particular for packaging;
- (e) the value of any bones, fat and trimmings left at cutting plants by the intervention agencies.

*Article 25***Timelimits**

Boning, trimming and packaging must be completed within 10 calendar days of slaughter. However, the Member States may set shorter timelimits.

Blastfreezing shall be carried out immediately after packing, commencing in any event on the same day; the quantity of meat boned may not exceed the daily capacity of the blast freezers.

The internal temperature of boned meat shall be reduced to or below -7°C within 36 hours during blastfreezing.

*Article 26***Rejection of products**

1. Where the checks specified in Article 20(1) show breaches by the boning plant of Articles 17 to 25 in respect of a particular cut, those checks shall be extended to cover a further 5 % of the cartons filled during the day in question. Where further breaches are discovered, additional samples amounting to 5 % of the total number of cartons of the relevant cut shall be checked. When, at the fourth 5 % check, at least 50 % of the cartons are found to be in breach of those articles, the whole day's production of that cut shall be checked. However, checking of the whole day's production shall not be required once at least 20 % of the cartons of a particular cut has been found to be in breach.

2. When, on the basis of paragraph 1, less than 20 % of the cartons of a particular cut are found to be in breach, the entire contents of those cartons shall be rejected and no payment shall be made in respect of them. The boning plant shall pay the intervention agency an amount equal to the price shown in Annex VIII for the cuts that have been rejected.

If at least 20 % of the cartons of a particular cut are found to be in breach, the whole day's production of that particular cut shall be rejected by the intervention agency and no payment shall be due. The boning plant shall pay the intervention agency an amount equal to the price shown in Annex VIII for the cuts that have been rejected.

If at least 20 % of the cartons of various cuts produced during the day are found to be in breach, the whole day's production shall be rejected by the intervention agency and no payment shall be due. The boning plant shall pay the intervention agency an amount equal to the price to be paid by the agency to the successful tenderer in accordance with Article 15 for the original bone-in products bought in and which, after boning, have been rejected, that price being increased by 20 %.

Where the third subparagraph is applicable, the first and second subparagraphs shall not apply.

3. By way of derogation from paragraphs 1 and 2, where as a result of serious negligence or fraud the boning plant fails to comply with Articles 17 to 25:

- (a) all products obtained after boning during the day for which non-compliance with the above provisions is established shall be rejected by the intervention agency and no payment shall be due,
- (b) the boning plant shall pay the intervention agency an amount equal to the price to be paid by the agency to the successful tenderer in accordance with Article 15 for the original bone-in products bought in and which, after boning, have been rejected in accordance with point (a), that price being increased by 20 %.

CHAPTER IV

CHECKS ON PRODUCTS AND NOTIFICATIONS

Article 27

Storage of and checks on products

1. The intervention agencies shall ensure that meat covered by this Regulation is so placed and kept in storage as to be readily accessible and in conformity with the provisions of the first paragraph of Article 23.
2. The storage temperature may not rise above -17°C .
3. The Member States shall take all measures necessary to ensure satisfactory preservation, in terms of quality and quantity, of the products stored and shall replace damaged packaging immediately. They shall provide for cover against the relevant risks by insurance in the form of either a contractual obligation on storers or comprehensive coverage of the liability borne by the intervention agency. The Member States may also act as their own insurers.
4. During storage, the competent authorities shall conduct regular checks on significant quantities of the products stored following awards under invitations to tender held during the month.

During such checks, any products found not to be in compliance with the requirements as laid down in this Regulation shall be rejected and marked as such. Without prejudice to the application of penalties, the competent authorities shall, if need be, recover payments from the responsible parties.

Such checks shall be conducted by officials who do not receive instructions from the department which buys in the meat.

5. The competent authorities shall take the necessary measures as regards traceability and storage to enable the products stored to be removed from storage and disposed of subsequently as efficiently as possible, having regard in particular to any requirements relating to the veterinary health status of the animals concerned.

Article 28

Notifications

1. The Member States shall notify the Commission without delay of any change in the list of intervention centres and, where possible, of their freezing and storage capacity.
2. Within 10 calendar days of completion of each takeover period, the Member States shall notify the Commission by telex or fax of the quantities delivered and accepted into intervention.
3. By the twenty-first day of each month at the latest, the Member States shall notify the Commission in respect of the preceding month of:
 - (a) the quantities bought in each week and each month, broken down by products and qualities in accordance with the Community scale for the classification of carcasses established by Regulation (EC) No 1183/2006;
 - (b) the quantities of each boned product covered by contracts of sale concluded in the month concerned;
 - (c) the quantities of each boned product covered by withdrawal orders or similar documents issued in the month concerned.
4. By the end of each month at the latest, the Member States shall notify the Commission in respect of the preceding month of:
 - (a) the quantities of each boned product obtained from bone-in beef bought in during the month concerned;
 - (b) the uncommitted stocks and the physical stocks of each boned product at the end of the month concerned, with details of the length of time the uncommitted stocks have been in storage.
5. For the purposes of paragraphs 3 and 4:
 - (a) 'uncommitted stocks' means stocks not yet covered by a contract of sale;

(b) 'physical stocks' means uncommitted stocks plus stocks covered by a contract of sale but not yet taken over.

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

CHAPTER V

GENERAL AND FINAL PROVISIONS

Article 29

Repeal

Regulation (EC) No 562/2000 is repealed.

Article 30

Entry into force

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

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

Done at Brussels, 8 November 2006.

For the Commission

Joaquín ALMUNIA

Member of the Commission

ANNEX I

CONVERSION COEFFICIENTS

| Qualities | Coefficients |
|-----------|--------------|
| U2 | 1,058 |
| U3 | 1,044 |
| U4 | 1,015 |
| R2 | 1,015 |
| R3 | 1,000 |
| R4 | 0,971 |
| O2 | 0,956 |
| O3 | 0,942 |
| O4 | 0,914 |

ANNEX II

Productos admisibles para la intervención — Produkty k interwencji — Produkter, der er kvalificeret til intervention — Interventionsfähige Erzeugnisse — Sekkumiskõlblike toodete loetelu — Προϊόντα επιλέξιμα για την παρέμβαση — Products eligible for intervention — Produits éligibles à l'intervention — Prodotti ammissibili all'intervento — Produkti, kas ir piemēroti interveicijai — Produktai, kuriems taikoma intervencija — Intervencióra alkalmas termékek — Producten die voor interventie in aanmerking komen — Produkty kwalifikujące się do skupu interwencyjnego — Produtos elegíveis para a intervenção — Produkty, ktoré môžu byť predmetom intervencie — Proizvodi, primerni za intervencijo — Interventiokepoiset tuotteet — Produkter som kan bli föremål för intervention

BELGIQUE/BELGIË

Carcasses, demi-carcasses: Hele dieren, halve dieren:

- Catégorie A, classe U2/
- Catégorie A, classe U2
- Catégorie A, classe U3/
- Catégorie A, classe U3
- Catégorie A, classe R2/
- Catégorie A, classe R2
- Catégorie A, classe R3/
- Catégorie A, classe R3

ČESKÁ REPUBLIKA

Jatečně upravená těla, půlky jatečně upravených těl:

- Kategorie A, třída R2
- Kategorie A, třída R3

DANMARK

Hele og halve kroppe:

- Kategori A, klasse R2
- Kategori A, klasse R3

DEUTSCHLAND

Ganze oder halbe Tierkörper:

- Kategorie A, Klasse U2
- Kategorie A, Klasse U3
- Kategorie A, Klasse R2
- Kategorie A, Klasse R3

EESTI

Rümbad, poolrümbad:

- A-kategooria, klass R2
- A-kategooria, klass R3

ΕΛΛΑΔΑ

Ολόκληρα ή μισά σφάγια:

- Κατηγορία Α, κλάση R2
- Κατηγορία Α, κλάση R3

ESPAÑA

Canales o semicanales:

- Categoría A, clase U2
- Categoría A, clase U3
- Categoría A, clase R2
- Categoría A, clase R3

FRANCE

Carcasses, demi-carcasses:

- Catégorie A, classe U2
- Catégorie A, classe U3
- Catégorie A, classe R2/
- Catégorie A, classe R3/
- Catégorie C, classe U2
- Catégorie C, classe U3
- Catégorie C, classe U4
- Catégorie C, classe R3
- Catégorie C, classe R4
- Catégorie C, classe O3

IRELAND

Carcasses, half-carcasses:

- Category C, class U3
- Category C, class U4
- Category C, class R3
- Category C, class R4
- Category C, class O3

ITALIA

Carcasse e mezzene:

- categoria A, classe U2
- categoria A, classe U3
- categoria A, classe R2
- categoria A, classe R3

ΚΥΠΡΟΣ

Ολόκληρα ή μισά σφάγια:

- Κατηγορία Α, κλάση R2

LATVIJA

Liemeņi, pusliemeņi:

- A kategorija, R2 klase
- A kategorija, R3 klase

LIETUVA

Skerdenos ir skerdenų pusės:

- A kategorija, R2 klasė
- A kategorija, R3 klasė

LUXEMBOURG

Carcasses, demi-carcasses:

- Catégorie A, classe R2
- Catégorie C, classe R3
- Catégorie C, classe O3

MAGYARORSZÁG

Hasított test vagy hasított féltest:

- A kategória, R2 osztály
- A kategória, R3 osztály

MALTA

Carcasses, half-carcasses:

- Category A, class R3

NEDERLAND

Hele dieren, halve dieren:

- Catégorie A, klasse R2
- Catégorie A, klasse R3

ÖSTERREICH

Ganze oder halbe Tierkörper:

- Kategorie A, Klasse U2
- Kategorie A, Klasse U3
- Kategorie A, Klasse R2
- Kategorie A, Klasse R3

POLSKA

Tusze, półtusze:

- Kategoria A, klasa R2
- Kategoria A, klasa R3

PORTUGAL

Carcças ou meias-carças:

- Categoria A, classe U2
- Categoria A, classe U3
- Categoria A, classe R2
- Categoria A, classe R3

SLOVENIJA

Trupi, polovice trupov:

- Kategorija A, razred R2
- Kategorija A, razred R3

SLOVENSKO

Jatočné telá, jatočné polovičky:

- Kategória A, akostná trieda R2
- Kategória A, akostná trieda R3

SUOMI/FINLAND

Ruhot, puoliruhot / Slaktkroppar, halva slaktkroppar:

- Kategoria A, luokka R2 / Kategori A, klass R2
- Kategoria A, luokka R3 / Kategori A, klass R3

SVERIGE

Slaktkroppar, halva slaktkroppar:

- Kategori A, klass R2
- Kategori A, klass R3

UNITED KINGDOM

I. Great Britain

Carcasses, half-carcasses:

- Category C, class U3
- Category C, class U4
- Category C, class R3
- Category C, class R4

II. Northern Ireland

Carcasses, half-carcasses:

- Category C, class U3
- Category C, class U4
- Category C, class R3
- Category C, class R4
- Category C, class O3

ANNEX III

PROVISIONS APPLICABLE TO CARCASSES, HALF-CARCASSES AND QUARTERS

1. Carcasses and half-carcasses, fresh or chilled (CN code 0201), of animals slaughtered not more than six days and not less than two days previously.
2. For the purposes of this Regulation, the following definitions apply:
 - (a) carcass: the whole body of the slaughtered animal hung from the slaughterhouse hook by the shank tendon after bleeding, evisceration and skinning, presented:
 - without the head and without the feet; the head must be separated from the carcass at the atlanto-occipital joint and the feet must be severed at the carpometacarpal or tarsometatarsal joints,
 - without the organs contained in the thoracic and abdominal cavities, and without the kidneys, the kidney fat and the pelvic fat,
 - without the sexual organs and the attached muscles,
 - without the thin skirt and the thick skirt,
 - without the tail and the first coccygeal vertebra,
 - without the spinal cord,
 - without the codfat and the adjacent flank fat,
 - without the fascial linea alba of the abdominal muscle,
 - without fat on the inside of topside,
 - without the jugular vein and the adjacent fat,
 - the neck being cut in accordance with veterinary requirements, without removal of the neck muscle,
 - the brisket fat must not be more than 1 cm thick;
 - (b) half-carcass: the product obtained by separating the carcass as referred to in (a) symmetrically through the middle of the cervical, dorsal, lumbar and sacral vertebrae and through the middle of the sternum and the ischiopubic symphysis. During carcass processing, the dorsal and lumbar vertebrae must not be seriously dislocated; associated muscles and tendons must not show any serious damage from saws or knives;
 - (c) forequarters:
 - cut from the carcass after cooling off,
 - five-rib straight cut;
 - (d) hindquarters:
 - cut from the carcass after cooling off,
 - eight-rib straight cut.

3. Products as specified in points 1 and 2 must come from well-bled carcasses, the animal having been properly flayed, the carcass surface in no way peeling, suffused or bruised; superficial fat must not be torn or removed to any significant degree. The pleura must be undamaged except in order to facilitate hanging of the forequarters. Carcasses must not be soiled by any source of contamination, in particular by faecal matter or significant bloodstain.
 4. Products as specified in point 2(c) and (d) must come from carcasses or half-carcasses satisfying the requirements in point 2(a) and (b).
 5. Products as specified in points 1 and 2 must be chilled immediately after slaughter for at least 48 hours so that the internal temperature at the end of the chilling period does not exceed + 7 °C. This temperature must be maintained until they are taken over.
-

ANNEX IV

COEFFICIENTS REFERRED TO IN ARTICLE 11(3)

Formula A

Coefficient $n = (a/b)$

Where:

a = the average of the average market prices recorded in the Member State or region thereof in question for the two or three weeks following that of the award decision,

b = the average market price recorded in the Member State or region thereof in question, as referred to in Article 11(1), applicable to the invitation to tender concerned.

Formula B

Coefficient $n' = (a'/b')$

Where:

a' = the average of the purchase prices paid by the tenderer for animals of the same quality and category as those taken into account for the calculation of the average market price during the two or three weeks following that of the award decision,

b' = the average of the purchase prices paid by the tenderer for animals taken into account for the calculation of the average market price during the two weeks used to determine the average market price applicable to the invitation to tender concerned.

ANNEX V

SPECIFICATIONS FOR INTERVENTION BONING

1. HINDQUARTER CUTS

1.1. Description of cuts

1.1.1. *Intervention shank (code INT 11)*

Cutting and boning: remove by a cut passing through the stifle joint and separating from the topside and the silverside by following the natural seam, leaving the heel muscle attached to the shank. Remove shank bones (tibia and hock).

Trimming: trim sinew tips back to the meat.

Wrapping and packing: these cuts must be individually wrapped in polyethylene before packing in cartons lined with polyethylene.

1.1.2. *Intervention thick flank (code INT 12)*

Cutting and boning: separate from the topside by a straight cut down to and along the line of the femur and from the silverside by continuing the cut down in the line of the natural seam; the cap must be left naturally attached.

Trimming: remove the patella, the joint capsule and tendon; the external fat cover must not exceed one centimetre at any point.

Wrapping and packing: these cuts must be individually wrapped in polyethylene before packing in cartons lined with polyethylene.

1.1.3. *Intervention topside (code INT 13)*

Cutting and boning: separate from the silverside and the shank by a cut following the line of the natural seam and detach from the femur; remove the aitch bone.

Trimming: remove the pizzle butt, the adjacent gristle and the scrotal (superficial inguinal) gland; remove the cartilage and connective tissues associated with the pelvic bone; the external fat cover must not exceed one centimetre at any point.

Wrapping and packing: these cuts must be individually wrapped in polyethylene before packing in cartons lined with polyethylene.

1.1.4. *Intervention silverside (code INT 14)*

Cutting and boning: separate from the topside and the shank by a cut following the line of the natural seam; remove the femur.

Trimming: remove the heavy cartilage adjacent to the bone joint, the popliteal lymph node, attached fat and tendon; the external fat cover must not exceed one centimetre at any point.

Wrapping and packing: these cuts must be individually wrapped in polyethylene before packing in cartons lined with polyethylene.

1.1.5. *Intervention fillet (code INT 15)*

Cutting: remove entire length of fillet by freeing the head (butt end) from the hip bone (ilium) and by tracing along the fillet adjacent to the vertebrae, thereby freeing the fillet from the loin.

Trimming: remove gland and de-fat. Leave the silverskin and chain muscle intact and fully attached. Special care must be taken in cutting, trimming and packing this valuable cut.

Wrapping and packing: fillets must be packed carefully lengthwise, thin ends to thick ends alternatively, silverskin up, and must not be folded. These cuts must be individually wrapped in polyethylene before packing in cartons lined with polyethylene.

1.1.6. *Intervention rump (code INT 16)*

Cutting and boning: separate from the silverside/thick flank by a straight cut from a point approximately five centimetres from the posterior edge of the fifth sacral vertebra, passing approximately five centimetres from the anterior edge of the aitch bone, taking care not to cut through the thick flank.

Separate from the loin by a cut between the last lumbar and first sacral vertebrae, clearing the anterior edge of the pelvic bone. Remove bones and cartilage.

Trimming: remove the pocket of fat on the internal surface below the eye muscle. The external fat cover must not exceed one centimetre at any point. Special care must be taken in cutting, trimming and packing this valuable cut.

Wrapping and packing: these cuts must be individually wrapped in polyethylene before packing in cartons lined with polyethylene.

1.1.7. *Intervention striploin (code INT 17)*

Cutting and boning: separate from the rump by a straight cut between the last lumbar and the first sacral vertebrae. Separate from the fore-rib (five bone) by a straight cut between the eleventh and tenth ribs. Remove the backbones cleanly. Remove the ribs and feather bones by sheeting out.

Trimming: remove any species of cartilage left after boning. The tendon must be removed. The external fat cover must not exceed one centimetre at any point. Special care must be taken in cutting, trimming and packing this valuable cut.

Wrapping and packing: these cuts must be individually wrapped in polyethylene before packing in cartons lined with polyethylene.

1.1.8. *Intervention flank (code INT 18)*

Cutting and boning: remove the full flank from the eight-rib straight-cut hindquarter by a cut from the point where the flank has been laid back, following the natural seam down around the surface of the hind muscles to a point which is horizontal to the middle of the last lumbar vertebra. Continue the cut downwards in a straight line parallel to the fillet, through the thirteenth to the sixth rib inclusive along a line running parallel to the dorsal edge of the vertebral column, so that the entire downward cut is no more than five centimetres from the lateral tip of the eye muscle.

Remove all bones and cartilage by sheeting out. The whole flank must remain in one piece.

Trimming: remove the coarse connective tissue sheath covering the goose skirt, leaving the goose skirt intact. Trim fat so that the overall percentage of visible (external and interstitial) fat does not exceed 30 %.

Wrapping and packing: the full flank may be folded once only for packing. It must not be cut or rolled. When packed, the inner part of the flank and the goose skirt must be clearly visible. Before packing each box must be lined with polyethylene to allow complete wrapping of the cut/s.

1.1.9. *Intervention fore-rib (five bone) (code INT 19)*

Cutting and boning: this cut must be separated from the striploin by a straight cut between the eleventh and tenth ribs and must include the sixth to tenth ribs inclusive. Remove the intercostal muscles and pleura in a thin sheet with rib bones. Remove backbone and cartilage, including the tip of the scapula.

Trimming: remove the backstrap (ligamentum nuchae). The external fat cover must not exceed one centimetre at any point. The cap must be left attached.

Wrapping and packing: these cuts must be individually wrapped in polyethylene before packing in cartons lined with polyethylene.

2. FOREQUARTER CUTS

2.1. Description of cuts

2.1.1. *Intervention shin (code INT 21)*

Cutting and boning: remove by a cut around the joint separating the shinbone (radius) and clod-bone (humerus). Remove the shinbone (radius).

Trimming: trim sinew tips back to the meat.

Wrapping and packing: these cuts must be individually wrapped in polyethylene before packing in cartons lined with polyethylene.

Shins must not be packed with shanks.

2.1.2. *Intervention shoulder (code INT 22)*

Cutting and boning: separate the shoulder from the forequarter by cutting in a line following the natural seam around the edge of the shoulder and the cartilage at the tip of the scapula, continuing around the seam so that the shoulder is lifted from its natural pocket. Remove the scapula. The blade muscle under the scapula must be laid back but left attached so as to allow clean removal of the bone. Remove the clod-bone (humerus).

Trimming: remove cartilage, tendons and joint capsules; trim fat so that the overall percentage of visible (external and interstitial) fat does not exceed 10 %.

Wrapping and packing: these cuts must be individually wrapped in polyethylene before packing in cartons lined with polyethylene.

2.1.3. *Intervention brisket (code INT 23)*

Cutting and boning: separate from the forequarter by cutting in a straight line perpendicular to the middle of the first rib. Remove intercostal muscles and pleura by 'sheeting out', with ribs, breastbone and cartilage. Deckle to be left attached to the brisket. Fat underlying the deckle and the sternum must be removed.

Trimming: trim fat so that the overall percentage of visible (external and interstitial) fat does not exceed 30 %.

Wrapping and packing: each cut must be individually wrapped in polyethylene and packed in a carton lined with polyethylene to allow complete wrapping of the cuts.

2.1.4. *Intervention forequarter (code INT 24)*

Cutting and boning: the cut remaining after removal of the brisket, shoulder and shin is classed as forequarter.

Remove rib bones by sheeting out. Neck bones must be removed cleanly.

The chain muscle must be left attached to this cut.

Trimming: tendons, joint capsules and cartilage to be removed. Trim fat so that the overall percentage of visible (external and interstitial) fat does not exceed 10 %.

Wrapping and packing: these cuts must be individually wrapped in polyethylene before packing in cartons lined with polyethylene.

3. VACUUM-PACKING OF CERTAIN INDIVIDUAL CUTS

Member States may decide to allow vacuum-packing instead of individual wrapping as provided for under point 1 for cuts of codes INT 12, 13, 14, 15, 16, 17 and 19.

ANNEX VI

Direcciones de los organismos de intervención — Adresy intervenčních agentur — Interventionsorganernes adresser — Anschriften der Interventionsstellen — Sekkumisametite addressid — Διευθύνσεις του οργανισμού παρέμβασης — Addresses of the intervention agencies — Adresses des organismes d'intervention — Indirizzi degli organismi d'intervento — Intervencijos agentūru adreses — Intervencinių agentūrų adresai — Az intervenciósi hivatalok címei — Adressen van de interventiebureaus — Adresy agencji interwencyjnych — Endereços dos organismos de intervenção — Adresy intervenčných agentúr — Naslovi intervencijskih agencij — Interventioelinten osoitteet — Interventionsorganens adresser

BELGIQUE/BELGIË

Bureau d'intervention et de restitution belge
Rue de Trèves 82
B-1040 Bruxelles

Belgisch Interventie- en Restitutiebureau
Trierstraat 82
B-1040 Brussel
Tel. (32-2) 287 24 11
Fax (32-2) 230 25 33/280 03 07

ČESKÁ REPUBLIKA

Státní zemědělský intervenční fond (SZIF)
Ve Smečkách 33
110 00 Praha 1
Česká republika
Tel.: (420) 222 871 410
Fax: (420) 222 871 680

DANMARK

Ministeriet for Fødevarer, Landbrug og Fiskeri
Direktoratet for Fødevarerhverv
Nyropsgade 30
DK-1780 København V
Tlf. (45) 33 95 80 00
Fax (45) 33 95 80 34

DEUTSCHLAND

Bundesanstalt für Landwirtschaft und Ernährung (BLE)
Deichmanns Aue 29
D-53179 Bonn
Tel. (49-228) 68 45-37 04/37 50
Fax (49-228) 68 45-39 85/32 76

EESTI

PRIA (Põllumajanduse Registrate ja Informatsiooni Amet)
Narva mnt 3
51009 Tartu
Tel: (+372) 7371 200
Faks: (+372) 7371 201

ΕΛΛΑΔΑ

ΟΠΕΚΕΠΕ (Οργανισμός Πληρωμών και Ελέγχου Κοινοτικών
Επιχορηγήσεων Προσανατολισμού και Εγγυήσεων)
Αχαρνών 241
GR-10446 Αθήνα
Τηλ. (30) 210-228 41 80
Φαξ (30) 210-228 14 79

ESPAÑA

FEGA (Fondo Español de Garantía Agraria)
Beneficencia, 8
E-28005 Madrid
Tel. (34) 913 47 65 00, 913 47 63 10
Fax (34) 915 21 98 32, 915 22 43 87

FRANCE

Office de l'élevage
80, avenue des Terroirs-de-France
F-75607 Paris Cedex 12
Tél. (33-1) 44 68 50 00
Fax (33-1) 44 68 52 33

IRELAND

Department of Agriculture and Food
Johnston Castle Estate
County Wexford
Tel. (353-53) 634 00
Fax (353-53) 428 42

ITALIA

AGEA — Agenzia per le erogazioni in agricoltura
Via Palestro, 81
I-00185 Roma
Tel. (39) 06 44 94 991
Fax (39) 06 44 53 940 / 06 44 41 958

ΚΥΠΡΟΣ

Κυπριακός Οργανισμός Αγροτικών Πληρωμών
Τ.Θ. 16102, CY-2086 Λευκωσία
Οδός Μιχαήλ Κουτσόφτα 20
CY-2000 Λευκωσία
Τηλ. (357) 2255 7777
Φαξ (357) 2255 7755

LATVIJA

Latvijas Republikas Zemkopības ministrija
Lauku atbalsta dienests
Republikas laukums 2
LV-1981 Rīga, Latvija
Tālrs.: (371) 7027542
Fakss: (371) 7027120

LIETUVA

VĮ Lietuvos žemės ūkio ir maisto produktų rinkos
reguliavimo agentūra
L. Stuokos-Gucevičiaus g. 9–12
LT-01122 Vilnius
Tel. (370 5) 268 50 50
Faksas (370 5) 268 50 61

LUXEMBOURG

Service d'économie rurale, section 'cheptel et viande'
113-115, rue de Hollerich
L-1741 Luxembourg
Tél. (352) 47 84 43

HUNGARY

Mezőgazdasági és Vidékfejlesztési Hivatal
H-1095 Budapest, Soroksári út 22-24.
Postacím: H-1385 Budapest. 62., Pf.: 867
Telefon: (+36-1) 219-4517
Fax: (+36-1) 219-6259

MALTA

Ministry for Rural Affairs and the Environment
Barriera Wharf
Valetta CMR02
Malta
Tel. (+356) 22952000, 22952222
Fax (+356) 22952212

NEDERLAND

Ministerie van Landbouw, Natuur en Voedselkwaliteit
Dienst Regelingen
Slachthuisstraat 71
Postbus 965
6040 AZ Roermond
Nederland
Tel. (31-475) 35 54 44
Fax (31-475) 31 89 39

ÖSTERREICH

AMA — Agramarkt Austria
Dresdner Straße 70
A-1201 Wien
Tel. (43-1) 33 15 12 18
Fax (43-1) 33 15 46 24

POLAND

Agencja Rynku Rolnego
ul. Nowy Świat 6/12
00-400 Warszawa
Tel. (48-22) 661 71 09
Faks (48-22) 661 77 56

PORTUGAL

INGA — Instituto Nacional de Intervenção e Garantia
Agrícola
Rua Fernando Curado Ribeiro, n.º 4-G
P-1649-034 Lisboa
Tel.: (+351) 21 751 85 00
Fax: (+351) 21 751 86 00

SLOVENIJA

ARSKTRP – Agencija Republike Slovenije za kmetijske
trge in razvoj podeželja
Dunajska 160
SI-1000 Ljubljana
Tel. (386-1) 478 93 59
Faks (386-1) 478 92 00

SLOVENSKO

Pôdohospodárska platobná agentúra
Dobrovičova 12
815 26 Bratislava
Slovenská republika
Tel.: (421-2) 59 26 61 11, 58 24 33 62
Fax: (421-2) 53 41 26 65

SUOMI/FINLAND

Maa- ja metsätalousministeriö / Jord- och skogsbruks-
ministeriet
Interventioyksikkö/Interventionsenheten
PL/PB 30
FI-00023 VALTIONEUVOSTO/STATSRÅDET
(Toimiston osoite: Malminkatu 16, FI-00100 Helsinki /
Besöksadress: Malmgatan 16, FI-00100 Helsingfors)
Puhelin/Tel. (358-9) 16 001
Faksi/Fax (358-9) 1605 2202

SVERIGE

Jordbruksverket – Swedish Board of Agriculture
Intervention Division
S-551 82 Jönköping
Tfn (46-36) 15 50 00
Fax (46-36) 19 05 46

UNITED KINGDOM

Rural Payments Agency
Lancaster House
Hampshire Court
Newcastle upon Tyne
NE4 7YH
Tel. (44-191) 273 96 96

ANNEX VII

PROVISIONS APPLICABLE TO CARTONS, PALLETS AND CAGES**I. Cartons**

1. Cartons must be of a standard format and weight and strong enough to resist being pallet-stacked.
2. Cartons used may not show the name of the slaughterhouse or cutting plant from which the products come.
3. Cartons must be weighed individually after being filled; cartons filled with a weight fixed in advance are not authorised.
4. The net weight of cuts per carton may not exceed 30 kg.
5. Only cuts of the same designation identified by their full name or by the Community code and coming from the same category of animal may be placed in the same carton; cartons may not contain any pieces of fat or other trimming under any circumstances.
6. Cartons must bear the following seals:
 - intervention agency labels on both ends,
 - official veterinary inspection labels in the middle of front and back, but only on the front in the case of monobloc boxes.Such labels must bear a serial number and be affixed in such a way that they are destroyed when the carton is opened.
7. The intervention agency labels must show the number of the contract, the type and number of cuts, the net weight and the date of packing; the labels must not be less than 20 × 20 cm. The veterinary inspection labels must show the approval number of the cutting plant.
8. The serial numbers on labels referred to in point 6 must be recorded in respect of each contract and it must be possible to compare the number of cartons used and of labels issued.
9. Cartons must be bound with four straps, two lengthwise and two widthwise placed approximately 10 cm from each corner.
10. Labels torn during inspection must be replaced by serially numbered labels, two per carton, issued by the intervention agency to the competent authorities.

II. Pallets and cages

1. Cartons relating to different invitations to tender and containing different cuts must be stored on separate pallets by invitation to tender or by month and by cut. Such pallets must be identified by labels showing the number of the invitation to tender, the type of cut, the net weight of the product, the tare weight and the number of cartons per cut.
 2. The location of pallets and cages must be shown on a storage plan.
-

ANNEX VIII

Individual prices of rejected intervention cuts for the purposes of the first and second subparagraphs of Article 26(2)

(EUR/tonne)

| | |
|--|--------|
| Intervention fillet | 22 000 |
| Intervention striploin | 14 000 |
| Intervention topside Intervention rump | 10 000 |
| Intervention silverside Intervention thick flank Intervention forerib (with five ribs) | 8 000 |
| Intervention shoulder Intervention forequarter | 6 000 |
| Intervention brisket Intervention shank Intervention shin | 5 000 |
| Intervention flank | 4 000 |

ANNEX IX

REPEALED REGULATION WITH ITS SUCCESSIVE AMENDMENTS

| | |
|--|----------------|
| Commission Regulation (EC) No 562/2000 (OJ L 68, 16.3.2000, p. 22) | |
| Commission Regulation (EC) No 2734/2000 (OJ L 316, 15.12.2000, p. 45) | Article 8 only |
| Commission Regulation (EC) No 283/2001 (OJ L 41, 10.2.2001, p. 22) | Article 2 only |
| Commission Regulation (EC) No 503/2001 (OJ L 73, 15.3.2001, p. 16) | |
| Commission Regulation (EC) No 590/2001 (OJ L 86, 27.3.2001, p. 30) | Article 2 only |
| Commission Regulation (EC) No 1082/2001 (OJ L 149, 2.6.2001, p. 19) | Article 1 only |
| Commission Regulation (EC) No 1564/2001 (OJ L 208, 1.8.2001, p. 14) | Article 1 only |
| Commission Regulation (EC) No 1592/2001 (OJ L 210, 3.8.2001, p. 18) | Article 1 only |
| Commission Regulation (EC) No 1067/2005 (OJ L 174, 7.7.2005, p. 60) | |

ANNEXE X

CORRELATION TABLE

| Regulation (EC) No 562/2000 | This Regulation |
|--|--|
| Articles 1 to 5 | Articles 1 to 5 |
| Articles 6, 7 and 8 | — |
| Article 9 | Article 6 |
| Article 10 | Article 7 |
| Article 11 | Article 8 |
| Article 12 | Article 9 |
| Article 13(1), first sentence | Article 10(1), first subparagraph |
| Article 13(1), second sentence | Article 10(1), second subparagraph |
| Article 13(2) and (3) | Article 10(2) and (3) |
| Article 14 | Article 11 |
| Article 15 | Article 12 |
| Article 16 | Article 13 |
| Article 17(1), introductory phrase | Article 14(1) |
| Article 17(1) point (a) | — |
| Article 17(1) point (b), first part of the sentence | — |
| Article 17(1) point (b), second part of the sentence | Article 14(1) |
| Article 17(2), first, second and third subparagraphs | Article 14(2), first, second and third subparagraphs |
| Article 17(2), fourth subparagraph | — |
| Article 17(2), fifth subparagraph | Article 14(2), fourth subparagraph |
| Article 17(3), first, second and third subparagraphs | Article 14(3), first, second and third subparagraphs |
| Article 17(3), fourth subparagraph | — |
| Article 17(3), fifth subparagraph | Article 14(3), fourth subparagraph |
| Article 17(3), sixth subparagraph | Article 14(3), fifth subparagraph |
| Article 17(3), seventh subparagraph | Article 14(3), sixth subparagraph |
| Article 17(3), eighth subparagraph | Article 14(3), seventh subparagraph |
| Article 17(4), first and second subparagraphs | Article 14(4), first and second subparagraphs |
| Article 17(4), third subparagraphs | — |
| Article 17(4), fourth subparagraph | Article 14(4), third subparagraph |
| Article 17(5), (6) and (7) | Article 14(5), (6) and (7) |
| Article 18(1), (2) and (3) | Article 15(1), (2) and (3) |
| Article 18(4), first sentence of first subparagraph | — |
| Article 18(4), second sentence of first subparagraph | Article 15(4), first subparagraph |
| Article 18(4), second subparagraph | Article 15(4), second subparagraph |
| Article 19 | Article 16 |
| Article 20 | Article 17 |
| Article 21(1), first subparagraph | Article 18(1), first subparagraph |
| Article 21(1), first sentence of second subparagraph | Article 18(1), first and second sentences of second subparagraph |

| Regulation (EC) No 562/2000 | This Regulation |
|--|------------------------------------|
| Article 21(1), third sentence of second subparagraph | — |
| Article 21(2) to (5) | Article 18(2) to (5) |
| Article 22 | Article 19 |
| Article 23 | Article 20 |
| Article 24 | Article 21 |
| Article 25 | Article 22 |
| Article 26 | Article 23 |
| Article 27 | Article 24 |
| Article 28 | Article 25 |
| Article 29(1) and (2) | Article 26(1) and (2) |
| Article 29(3), introductory phrase | Article 26(3), introductory phrase |
| Article 29(3), first indent | Article 26(3)(a) |
| Article 29(3), second indent | Article 26(3)(b) |
| Article 30 | Article 27 |
| Article 31(1) and (2) | Article 28(1) and (2) |
| Article 31(3)(a), (b) and (c) | Article 28(3)(a), (b) and (c) |
| Article 31(3)(d) | — |
| Article 31(4) and (5) | Article 28(4) and (5) |
| Articles 32 to 37 | — |
| — | Article 29 |
| Article 38 | Article 30 |
| Annexes I to VI | Annex I to VI |
| Annex VII, part I | Annex VII, part I |
| Annex VII, part II, point 1 | Annex VII, part II, point 1 |
| Annex VII, part II, point 2 | — |
| Annex VII, part II, point 3 | Annex VII, part II, point 2 |
| Annex VIII | Annex VIII |
| Annex IX | — |
| — | Annex IX |
| — | Annex X |

COMMISSION REGULATION (EC) No 1670/2006

of 10 November 2006

laying down certain detailed rules for the application of Council Regulation (EC) No 1784/2003 as regards the fixing and granting of adjusted refunds in respect of cereals exported in the form of certain spirit drinks

(Codified version)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

cereals incorporated in the final product for exportation, all the more so since those spirit drinks are also subject to compulsory ageing of at least three years.

Having regard to the Treaty establishing the European Community,

(3) Difficulties of this nature have been encountered in particular in respect of Scotch whisky, Irish whiskey and Spanish whisky.

Having regard to Council Regulation (EC) 1784/2003 of 29 September 2003 on the common organisation of the market in cereals ⁽¹⁾, and in particular Article 18 thereof,

(4) The usual system of refunds should, as far as possible, be applied on a similar basis. A refund should therefore be paid for cereals meeting the conditions provided for in Article 23(2) of the Treaty used *pro rata* in terms of the quantities of spirit drinks exported. To this end, the quantities of such distilled cereals should be multiplied by an overall, flat-rate coefficient calculated on the basis of national statistics supplied by the Member States concerned. Use of the ratio between the total quantities of spirit drinks concerned which have been exported and the total quantities which have been sold seems to afford a fair and simple basis. It is necessary to define what is meant by 'total quantities exported' and 'total quantities marketed'. For the purpose of determining the quantities of cereals distilled and the coefficient, the quantities subject to inward processing arrangements should be excluded.

Having regard to Council Regulation (EC) No 2799/98 of 15 December 1998 establishing agrimonetary arrangements for the euro ⁽²⁾, and in particular Article 3(2) thereof,

Whereas:

(1) Commission Regulation (EEC) No 2825/93 of 15 October 1993 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards the fixing and granting of adjusted refunds in respect of cereals exported in the form of certain spirit drinks ⁽³⁾ has been substantially amended several times ⁽⁴⁾. In the interests of clarity and rationality the said Regulation should be codified.

(5) It is necessary to make provision for the coefficient to be adjusted in particular to guard against the possibility that payments of the refunds might serve to increase stocks abnormally.

(2) Article 16 of Regulation (EC) No 1784/2003 provides that, in so far as it is necessary to take account of the particular features of the production of certain spirituous beverages obtained from cereals, the criteria for granting export refunds may be adapted to this particular situation. It would appear necessary to provide for such adjustment for certain spirit drinks where, on the one hand, the price of cereals at the moment of export is not linked to the price of cereals at the moment of production and, on the other hand, the final product derives from a mixture of numerous products, so that it has become impossible to monitor the identity of the

(6) Article 13(3) of Regulation (EC) No 1784/2003 provides for the possibility of differentiating the refund according to destination. Therefore, objective criteria should be provided for which would lead to the abolition of the refund for certain destinations.

(7) The day determining the applicable refund rate should be fixed. That day should be linked in the first instance to the time at which the cereals are placed under control and, for the quantities distilled subsequently, to each fiscal distillation period. Before the refund is paid proof must be furnished in the form of a distillation declaration that the cereals have been distilled. Such a declaration must contain the information necessary for the calculation of the refunds. The first day of each fiscal distillation period may also be the operative event for the agricultural conversion rate pursuant to Article 3 of Regulation (EC) No 2799/98.

⁽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 349, 24.12.1998, p. 1.

⁽³⁾ OJ L 258, 16.10.1993, p. 6. Regulation as last amended by Regulation (EC) No 1633/2000 (OJ L 187, 26.7.2000, p. 29).

⁽⁴⁾ See Annex I.

(8) It is necessary for the purposes of this Regulation to record that the products have left the Community and in certain cases to identify their destination as well. It is thus necessary to employ the definition of exportation set out in Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code⁽¹⁾ and to use the evidence provided for in Commission Regulation (EC) No 800/1999 of 15 April 1999 laying down common detailed rules for the application of the system of export refunds on agricultural products⁽²⁾.

(9) In order to establish the coefficient, it should be compulsory to provide proof that the quantities of spirit drinks have been exported. It is appropriate to provide that Article 43 of Commission Regulation (EC) No 1291/2000 of 9 June 2000 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products⁽³⁾, should apply to goods returning to Community territory if the special conditions are met.

(10) The Member States should be required to pass on the necessary information to the Commission.

(11) 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

1. This Regulation lays down detailed rules for fixing and granting export refunds for cereals exported in the form of spirit drinks as referred to in Article 16 of Regulation (EC) No 1784/2003 and for which a compulsory ageing period of at least three years is part of the manufacturing process.

2. Commission Regulation (EC) No 1043/2005⁽⁴⁾ shall not apply to the spirit drinks referred to in paragraph 1, save as otherwise provided in Article 6(1) of this Regulation.

⁽¹⁾ OJ L 302, 19.10.1992, p. 1. Regulation as last amended by Regulation (EC) No 648/2005 of the European Parliament and of the Council (OJ L 117, 4.5.2005, p. 13).

⁽²⁾ OJ L 102, 17.4.1999, p. 11. Regulation as last amended by Regulation (EC) No 671/2004 (OJ L 105, 14.4.2004, p. 5).

⁽³⁾ OJ L 152, 24.6.2000, p. 1. Regulation as last amended by Regulation (EC) No 410/2006 (OJ L 71, 10.3.2006, p. 7).

⁽⁴⁾ OJ L 172, 5.7.2005, p. 24.

Article 2

The refunds referred to in Article 1 may be granted for cereals meeting the conditions laid down in Article 23(2) of the Treaty and used in the production of the spirit drinks falling within CN codes 2208 30 32, 2208 30 38, 2208 30 52, 2208 30 58, 2208 30 72, 2208 30 78, 2208 30 82 and 2208 30 88 manufactured in accordance with Council Regulation (EEC) No 1576/89⁽⁵⁾.

Article 3

For the purposes of this Regulation:

(a) 'given distillation period' means a period corresponding to a distillation period agreed between the beneficiary and the customs authorities or other competent authorities for the purposes of checks on excise duty (fiscal period);

(b) 'total quantities exported' means the quantities of spirit drinks fulfilling the terms of Article 23(2) of the Treaty and exported to a destination for which the refund applies;

(c) 'total quantities marketed' means the quantities of spirit drinks fulfilling the terms of Article 23(2) of the Treaty which have been finally dispatched from production or storage facilities with a view to their sale for human consumption;

(d) 'placed under control' means the placing under a customs control procedure, or under an administrative procedure offering equivalent assurances, of cereals intended for the manufacture of the spirit drinks referred to in Article 2.

Article 4

1. The quantities of cereals eligible for the refund shall be the quantities placed under control and distilled by those entitled to the refund during a given distillation period, weighted by a coefficient to be fixed annually for each Member State concerned and applicable to all eligible parties concerned. The coefficient shall express the average ratio between the total quantities exported and the total quantities marketed of the spirit drinks concerned, on the basis of the trend noted in those quantities during the number of years corresponding to the average ageing period of the spirit drink in question.

For the purpose of determining the quantities of cereals distilled and the coefficient, quantities which have been subject to inward processing arrangements shall be excluded.

⁽⁵⁾ OJ L 160, 12.6.1989, p. 1.

When the coefficient is calculated, account shall also be taken of variations in the stocks of one of the spirit drinks in question.

The coefficient may differ according to the cereal used.

2. The competent bodies shall at regular intervals check on the volume actually exported and on the volume of stocks.

Article 5

The coefficient referred to in Article 4(1) shall be fixed before 1 July each year.

It shall apply from 1 October until 30 September of the following year.

The coefficient shall be fixed in accordance with information supplied by the Member States on the period 1 January to 31 December of the years preceding the year of fixing.

Article 6

1. The rate of the refund applicable shall be that fixed in accordance with the first paragraph of Article 14 of Regulation (EC) No 1043/2005.

2. The rate of the refund and the agricultural conversion rate shall be those applicable on the day on which the cereals are placed under control.

However, as regards the quantities distilled in each of the fiscal distillation periods following that in which the placing under control occurred, those rates shall be those valid on the first day of each fiscal distillation period concerned.

Article 7

1. Where the situation on the world market or the specific requirements of certain markets so dictate, the refund shall be abolished for certain destinations.

2. If the refund is abolished pursuant to paragraph 1, or if it is reintroduced, and if certain markets become ineligible for export refunds pursuant to an Act of Accession or agreements with third countries, the coefficient referred to in Article 4(1) shall be adjusted. That adjustment shall involve as appropriate, the exclusion or inclusion, in the total exported quantities used for calculating that coefficient, of the quantities exported to those markets for which the refund is abolished or reintroduced. The adjusted coefficient shall apply from the first day of the fiscal distillation period following the change in the eligibility of the markets concerned.

Article 8

For the purposes of this Regulation, cereals may be replaced by malt.

In that case the coefficient for calculating the barley equivalent of malt shall be 1,30.

However, where the malt that is placed under control is green malt with a moisture content of between 43 % and 47 %, the coefficient for calculating the equivalent weight of malt with a moisture content of 7 % shall be 0,57.

Article 9

1. Only distillers established in the Community shall be entitled to the refund.

2. The distiller shall communicate to the competent authorities prior to the commencement of each fiscal distillation period a declaration including all the particulars necessary for determining the refund, in particular:

- (a) a description of the cereals or malt in accordance with the nomenclature of the common customs tariff, where necessary broken down by homogeneous lot;
- (b) the net weight of the products and the moisture content, broken down for each lot referred to under (a);
- (c) confirmation that the cereals fulfil the conditions laid down in Article 23(2) of the Treaty;
- (d) the place of storage and distillation.

During the fiscal distillation period the declaration may be updated as the distillation process proceeds in order to take account of the larger or smaller quantities actually being distilled.

3. After each fiscal distillation period the distiller shall lodge with the competent authorities a declaration, hereinafter called a 'distillation declaration', in which he confirms that he has distilled, during the distillation period concerned, the cereals set out in the declaration referred to in paragraph 2, in order to produce one of the spirit drinks in question; he shall indicate the quantity of distilled products obtained. This declaration shall be certified by the authorities carrying out the placing under control.

4. The refund shall be paid once proof has been furnished that the cereals have been placed under control and distilled.

5. The weight of cereals to be taken into consideration for calculation of the payment shall be the net weight, if the moisture content is not more than 15 %. If the moisture content of the cereals used is more than 15 % but not more than 16 %, the weight to be taken into consideration shall be the net weight reduced by 1 %. If the moisture content of the cereals used is more than 16 % but not more than 17 %, the reduction shall be 2 %. If the moisture content of the cereals used is more than 17 % the reduction shall be two percentage points for each percentage point of moisture above 15 %.

The weight of malt other than green malt, as referred to in Article 8, which is to be taken into consideration for calculation of the payment shall be the net weight, if the moisture is not more than 7 %. If the moisture content of the malt used is more than 7 % but not more than 8 %, the weight to be taken into consideration shall be the net weight reduced by 1 %. If the moisture content of the malt used is more than 8 % the reduction shall be two percentage points for each percentage point of moisture above 7 %.

The Community reference method for determining the moisture content of cereals and malt intended for production of the spirit drinks referred to in this Regulation shall be that shown in Annex IV to Commission Regulation (EC) No 824/2000 ⁽¹⁾.

Article 10

Member States shall take the measures necessary to verify the accuracy of the declarations referred to in Article 9 and those relating to the physical control of the cereals, the distillation process and the use of the distilled product obtained.

Article 11

1. The by-products of processing shall be exempt from control if it has been established that they do not exceed the quantity of by-products normally obtained.

2. No refund shall be granted where the cereals or malt are not of sound and fair merchantable quality.

Article 12

1. The refund shall be paid by the Member State in which the declarations referred to in Article 9 are accepted.

2. The refund shall be paid only on written application by the trader. Member States may prescribe a special form to be used for this purpose.

3. Except in cases of *force majeure* the documents required for the granting of the refund must be lodged within 12 months of the day on which the authorities carrying out the placing under control accepted the distillation declaration, otherwise entitlement to the refund shall be lost.

4. Where the coefficient is adjusted pursuant to Article 7(2), refunds incorrectly paid from the date of application of the adjusted coefficient shall be repaid by the beneficiaries.

Article 13

1. For the purposes of Article 4, proof shall be provided that the quantities of spirit drinks which fulfil the conditions laid down in Article 23(2) of the Treaty have been exported.

2. The proof applicable shall be that provided for in Regulation (EC) No 800/1999.

3. For the purposes of this Regulation, 'export' means:

(a) export within the meaning of Articles 161 and 162 of Regulation (EEC) No 2913/92;

and

(b) deliveries to destinations covered by Article 36 of Regulation (EC) No 800/1999.

4. Products having been placed in a victualling warehouse approved pursuant to Article 40 of Regulation (EC) No 800/1999 shall also be considered to have been exported. When products have been placed in such warehouses, Articles 40 to 43 of the abovementioned Regulation shall apply *mutatis mutandis*.

Article 14

1. Spirit drinks shall be deemed to have been exported on the day on which customs export formalities were completed.

2. The declaration submitted when the customs export formalities are completed must contain:

(a) a description of the spirit drinks concerned, in accordance with the combined nomenclature;

(b) the quantities, expressed in litres of pure alcohol, of spirit drinks being exported;

⁽¹⁾ OJ L 100, 20.4.2000, p. 31.

(c) a description of, or other reference to, the composition of the spirit drinks such that the type of cereals used can be determined;

(d) the Member State of production.

3. For the purposes of paragraph 2(c), if the spirit drink is obtained from different types of cereals and it results from a subsequent blending it shall be sufficient to state this in the declaration.

Article 15

1. For a quantity of a spirit drink to be deemed to have been exported, the proof referred to in Article 13 must be submitted to the designated authorities within six months of the date on which the customs export formalities are completed.

2. If proof has not been produced within the prescribed time limit despite the exporter's best endeavours to obtain it within that time limit, extensions to the time limit, not exceeding six months altogether, may be granted.

However, if proof of export is provided outside the time limit which would permit the export operation to be included with exports performed during the same calendar year, the export operation in question shall be aggregated with exports performed during the following calendar year.

Article 16

1. Where the Community transit procedure applies, the drinks referred to in Article 13(1) shall be placed under the Community external transit procedure.

2. For the purposes of Regulation (EEC) No 2913/92, the spirit drinks referred to in Article 13(1) of this Regulation shall be deemed to be goods in respect of which the requisite customs export formalities for the granting of export refunds have been completed. Such drinks may not be placed in free circulation unless an amount corresponding to the export refund paid is reimbursed.

Article 17

Where Article 7 applies, proof must also be provided that the spirit drinks concerned have reached the destination for which the refund was fixed.

In that event, the proof of importation into a third country in respect of which the refund applies shall be the proof provided for in Articles 15 and 16 of Regulation (EC) No 800/1999.

Article 18

1. The Member States concerned shall inform the Commission of the names and addresses of the bodies competent to apply this Regulation.

2. The Member States concerned shall provide the Commission with the following information before 16 July each year:

(a) the quantities of cereals and malt fulfilling the terms of Article 23(2) of the Treaty and distilled in the period from 1 January to 31 December of the preceding year, broken down in accordance with the combined nomenclature;

(b) the quantities of cereals and malt, broken down in accordance with the combined nomenclature, which were the subject of inward processing arrangements during the same period;

(c) the quantities of spirit drinks covered by Article 2, broken down in accordance with the categories given in Article 19, including both quantities exported and quantities marketed during the same period;

(d) the quantities of spirit drinks produced under inward processing arrangements and exported to third countries during the same period, broken down in accordance with the categories given in Article 19;

(e) the quantities of spirit drinks in store on 31 December of the preceding year and the quantities produced during that period.

3. The Member States concerned shall also provide the Commission with the information listed under (a) to (d) for each calendar quarter before 16 October, 16 January and 16 April, where available.

4. At the request of the Commission, the Member States concerned shall also provide the information necessary for adjusting the coefficient referred to in Article 7(2).

Article 19

For the purposes of Article 18:

(a) 'grain whisky' means whisky made from malt and cereals;

(b) 'malt whisky' means whisky made exclusively from malt;

(c) 'Irish whiskey, category A' means whiskey made from malt and cereals, with less than 30 % malt;

Article 20

Regulation (EEC) No 2825/93 is repealed.

(d) 'Irish whiskey, category B' means whiskey made from barley and malt, with at least 30 % malt;

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

(e) the percentages of the various types of cereals used in the manufacture of the spirit drinks referred to in Article 14(3) shall be determined on the basis of the total quantities of the various types of cereals used in manufacturing the spirit drinks referred to in Article 2.

Article 21

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

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

Done at Brussels, 10 November 2006.

For the Commission
The President
José Manuel BARROSO

ANNEX I

Repealed Regulation with its successive amendments

| | |
|---|-------------------------------|
| Commission Regulation (EEC) No 2825/93 | (OJ L 258, 16.10.1993, p. 6) |
| Commission Regulation (EC) No 3098/94 | (OJ L 328, 20.12.1994, p. 12) |
| Commission Regulation (EC) No 1633/2000 | (OJ L 187, 26.7.2000, p. 29) |

ANNEX II

CORRELATION TABLE

| Regulation (EEC) No 2825/93 | This Regulation |
|--------------------------------------|--|
| Article 1 | Article 1 |
| Article 2 | Article 2 |
| Article 3 | Article 3 |
| Article 4(1) | Article 4(1), first and second subparagraphs |
| Article 4(2) | Article 4(1), third subparagraph |
| Article 4(3) | Article 4(1), fourth subparagraph |
| Article 4(4) | Article 4(2) |
| Article 5 | Article 5 |
| Article 6 | Article 6 |
| Article 7 | Article 7 |
| Article 8 | Article 8 |
| Article 9 | Article 9 |
| Article 10 | Article 10 |
| Article 11 | Article 11 |
| Article 12 | Article 12 |
| Article 13(1) and (2) | Article 13(1) and (2) |
| Article 13(3), introductory sentence | Article 13(3), introductory sentence |
| Article 13(3), first indent | Article 13(3)(a) |
| Article 13(3), second indent | Article 13(3)(b) |
| Article 13(4) | Article 13(4) |
| Article 14 | Article 14 |
| Article 15 | Article 15 |
| Article 16 | Article 16 |
| Article 17 | Article 17 |
| Article 18 | Article 18 |
| Article 19 | Article 19 |
| Article 20 | — |
| — | Article 20 |
| Article 21, first paragraph | Article 21 |
| Article 21, second paragraph | — |
| — | Annex I |
| — | Annex II |

COMMISSION REGULATION (EC) No 1671/2006**of 10 November 2006****on the issue of import licences for high-quality fresh, chilled or frozen beef and veal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 936/97 of 27 May 1997 opening and providing for the administration of tariff quotas for high-quality fresh, chilled and frozen beef and for frozen buffalo meat ⁽²⁾,

Whereas:

- (1) Regulation (EC) No 936/97 provides in Articles 4 and 5 the conditions for applications and for the issue of import licences for meat referred to in Article 2(f).
- (2) Article 2(f) of Regulation (EC) No 936/97 fixes the amount of high-quality fresh, chilled or frozen beef and veal meeting the definition laid down therein which may

be imported on special terms for the period 1 July 2006 to 30 June 2007 at 11 500 t.

- (3) It should be recalled that licences issued pursuant to this Regulation will, throughout the period of validity, be open for use only in so far as provisions on health protection in force permit,

HAS ADOPTED THIS REGULATION:

Article 1

1. All applications for import licences from 1 to 5 November 2006 for high-quality fresh, chilled or frozen beef and veal as referred to in Article 2(f) of Regulation (EC) No 936/97 shall be granted in full.

2. Applications for licences may be submitted, in accordance with Article 5 of Regulation (EC) No 936/97, during the first five days of December 2006 for 4 832,45 t.

Article 2

This Regulation shall enter into force on 11 November 2006.

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

Done at Brussels, 10 November 2006.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 160, 26.6.1999, p. 21. Regulation as last amended by Regulation (EC) No 1913/2005 (OJ L 307, 25.11.2005, p. 2).

⁽²⁾ OJ L 137, 28.5.1997, p. 10. Regulation as last amended by Regulation (EC) No 408/2006 (OJ L 71, 10.3.2006, p. 3).

COUNCIL DIRECTIVE 2006/91/EC
of 7 November 2006
on control of San José Scale
(Codified version)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 37 and 94 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Having regard to the opinion of the European Economic and Social Committee ⁽²⁾,

Whereas:

(1) Council Directive 69/466/EEC of 8 December 1969 on control of San José Scale ⁽³⁾ has been substantially amended ⁽⁴⁾. In the interests of clarity and rationality the said Directive should be codified.

(2) The production of woody dicotyledonous plants and their fruit occupies an important place in Community agriculture.

(3) The yield of that production is constantly threatened by harmful organisms.

(4) Through the protection of such plants against such harmful organisms, not only should productive capacity be maintained but also agricultural productivity increased.

(5) Protective measures to prevent the introduction of harmful organisms into individual Member States would have only a limited effect if such organisms were not controlled simultaneously and methodically throughout the Community and were not prevented from spreading.

(6) One of the organisms most harmful to woody dicotyledonous plants is San José Scale (*Quadraspidiotus perniciosus* Comst.).

(7) This pest has occurred in several Member States and there are contaminated areas within the Community.

(8) There is a permanent risk to the cultivation of woody dicotyledonous plants throughout the Community if effective measures are not taken to control this pest and prevent it from spreading.

(9) To eradicate this pest, minimum provisions should be adopted for the Community. Member States should be able to adopt additional or stricter provisions where necessary.

(10) This Directive should be without prejudice to the obligations of the Member States relating to the timelimits for transposition into national law of the Directives set out in Annex I, Part B,

HAS ADOPTED THIS DIRECTIVE:

Article 1

This Directive concerns the minimum measures to be taken within the Member States to control San José Scale (*Quadraspidiotus perniciosus* Comst.) and to prevent it from spreading.

Article 2

For the purposes of this Directive, the following definitions shall apply:

(a) 'plants' means live plants and live parts of plants with the exception of fruit and seeds;

(b) 'contaminated plants or fruit' means plants or fruit on which one or more San José Scale insects are found, unless it is confirmed that they are dead;

(c) 'San José Scale host plants' means plants of the genera *Acer* L., *Cotoneaster* Ehrh., *Crataegus* L., *Cydonia* Mill., *Euonymus* L., *Fagus* L., *Juglans* L., *Ligustrum* L., *Malus* Mill., *Populus* L., *Prunus* L., *Pyrus* L., *Ribes* L., *Rosa* L., *Salix* L., *Sorbus* L., *Syringa* L., *Tilia* L., *Ulmus* L., *Vitis* L.;

(d) 'nurseries' means plantations in which plants intended for transplanting, multiplying or distributing as individually rooted plants are grown.

⁽¹⁾ Opinion delivered on 12 October 2006 (not yet published in the Official Journal).

⁽²⁾ Opinion delivered on 5 July 2006 (not yet published in the Official Journal).

⁽³⁾ OJ L 323, 24.12.1969, p. 5. Directive as amended by Directive 77/93/EEC (OJ L 26, 31.1.1977, p. 20).

⁽⁴⁾ See Annex I, Part A, of this Official Journal.

Article 3

When an occurrence of San José Scale is recorded, Member States shall demarcate the contaminated area and a safety zone large enough to ensure the protection of the surrounding areas.

Article 4

The Member States shall provide that, in contaminated areas and safety zones, San José Scale host plants shall be appropriately treated to control this pest and prevent it from spreading.

Article 5

The Member States shall provide that:

- (a) all contaminated plants in nurseries shall be destroyed;
- (b) all other plants which are contaminated or suspected of being contaminated and which are growing in a contaminated area shall be treated in such a way that those plants and the fresh fruit therefrom are no longer contaminated when moved;
- (c) all rooted San José Scale host plants growing within a contaminated area, and parts of such plants which are intended for multiplication and are produced within that area, may be replanted within the contaminated area or transported away from it only if they have not been found to be contaminated and if they have been treated in such a way that any San José Scale insects which might still be present are destroyed.

Article 6

The Member States shall ensure that in the safety zones San José Scale host plants are subjected to official supervision and are inspected at least once a year in order to detect any occurrence of San José Scale.

Article 7

1. The Member States shall provide that in any batch of plants (other than those that are rooted in the ground) and of fresh fruit within which contamination has been found, the contaminated plants and fruit shall be destroyed and the other plants and fruit in the batch treated or processed in such a way that any San José Scale insects which might still be present are destroyed.

2. Paragraph 1 shall not apply to slightly contaminated batches of fresh fruit.

Article 8

The Member States shall revoke the measures taken to control San José Scale or to prevent it from spreading only if San José Scale is no longer found to be present.

Article 9

The Member States shall prohibit the holding of San José Scale.

Article 10

1. Member States may authorise:

- (a) derogations from the measures referred to in Articles 4 and 5, Article 7(1) and Article 9 for scientific and phytosanitary purposes, tests and selection work;
- (b) by way of derogation from point (b) of Article 5 and Article 7(1), the immediate processing of contaminated fresh fruit;
- (c) by way of derogation from point (b) of Article 5 and Article 7(1), the movement of contaminated fresh fruit within the contaminated area.

2. The Member States shall ensure that the authorisations provided for in paragraph 1 are granted only where adequate controls guarantee that they do not prejudice the control of San José Scale and create no risk of the spread of this pest.

Article 11

Member States may adopt such additional or stricter provisions as may be required to control San José Scale or to prevent it from spreading.

Article 12

Directive 69/466/EEC is hereby repealed, without prejudice to the obligations of the Member States relating to the time limits for transposition into national law of the Directives set out in Annex I, Part B.

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

Article 13

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

Article 14

This Directive is addressed to the Member States.

Done at Brussels, 7 November 2006.

For the Council
The President
E. HEINÄLUOMA

ANNEX I

PART A

Repealed Directive with its amendment

Council Directive 69/466/EEC
(O) L 323, 24.12.1969, p. 5)

Council Directive 77/93/EEC
(O) L 26, 31.1.1977, p. 20)

Article 19 only

PART B

**List of time-limits for transposition into national law
(referred to in Article 12)**

| Directive | Time-limit for transposition |
|--|------------------------------|
| 69/466/EEC ⁽¹⁾ | 9 December 1971 |
| 77/93/EEC ⁽²⁾ ⁽³⁾ ⁽⁴⁾ | 1 May 1980 |

⁽¹⁾ For Ireland and the United Kingdom: 1 July 1973.

⁽²⁾ In accordance with the procedure laid down in Article 16 of Directive 77/93/EEC, Member States may be authorised, on request, to comply with certain of the provisions of this Directive by a date later than 1 May 1980, but not later than 1 January 1981.

⁽³⁾ For Greece: 1 January 1983.

⁽⁴⁾ For Spain and Portugal: 1 March 1987.

ANNEX II

Correlation table

| Directive 69/466/EEC | This Directive |
|----------------------|----------------|
| Articles 1-11 | Articles 1-11 |
| Article 12 | — |
| — | Article 12 |
| — | Article 13 |
| Article 13 | Article 14 |
| — | Annex I |
| — | Annex II |

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 7 November 2006

amending Decision 2003/583/EC on the reallocation of funds received by the European Investment Bank for operations carried out in the Democratic Republic of Congo under the second, third, fourth, fifth and sixth EDFs

(2006/768/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States of the other part, signed in Cotonou on 23 June 2000 ⁽¹⁾,

Having regard to the Internal Agreement of 12 September 2000 between representatives of the Governments of the Member States, meeting within the Council, on the financing and administration of Community aid under the Financial Protocol to the Partnership Agreement between the African, Caribbean and Pacific States and the European Community and its Member States signed in Cotonou (Benin) on 23 June 2000 and the allocation of financial assistance for the overseas countries and territories to which part four of the EC Treaty applies ⁽²⁾, and in particular Article 8(2) thereof,

Having regard to the proposal from the Commission drafted in agreement with the European Investment Bank (EIB),

Whereas:

(1) Council Decision 2003/583/EC ⁽³⁾ indicates that the total additional allocation is made available for a four-year period as of the date on which the account is opened.

⁽¹⁾ OJ L 317, 15.12.2000, p. 3. Agreement as amended by the Agreement signed in Luxembourg on 25 June 2005 (OJ L 287, 28.10.2005, p. 4).

⁽²⁾ OJ L 317, 15.12.2000, p. 355.

⁽³⁾ OJ L 198, 6.8.2003, p. 9.

(2) Decision 2005/446/EC of the Representatives of the Governments of the Member States meeting within the Council ⁽⁴⁾ sets the deadline for committing the funds of the 9th European Development Fund (EDF) at 31 December 2007.

(3) Because the transition in the Democratic Republic of Congo took longer to complete than anticipated in the light of delays in preparations for the electoral process, the deadline for committing the funds of the additional allocation referred to by Decision 2003/583/EC has had to be extended.

(4) Accordingly, the deadline for committing the additional funds provided for in Decision 2003/583/EC should be aligned with the deadline provided for in Decision 2005/446/EC,

HAS ADOPTED THIS DECISION:

Article 1

The third sentence of Article 4 of Decision 2003/583/EC is replaced by the following:

'The deadline for committing the funds deposited on this account shall be 31 December 2007, as per Decision 2005/446/EC. On the completion of all operations funded from the allocation, the bank account will be closed and any remaining funds will be refunded to Member States. The account will be closed no later than 31 December 2011.'

⁽⁴⁾ OJ L 156, 18.6.2005, p. 19.

Article 2

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

Done at Brussels, 7 November 2006.

For the Council
The President
E. HEINÄLUOMA

COMMISSION

COMMISSION DECISION

of 31 October 2006

drawing up the list of regions and areas eligible for funding from the European Regional Development Fund under the cross-border and transnational strands of the European territorial cooperation objective for the period 2007 to 2013

(notified under document number C(2006) 5144)

(2006/769/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1083/2006 of 11 July 2006 laying down general provisions for the European Regional Development Fund, the European Social Fund and the Cohesion Fund ⁽¹⁾, and in particular Article 7 thereof,

After consulting the Coordination Committee of the Funds referred to in Article 103 of Regulation (EC) No 1083/2006,

Whereas:

(1) Pursuant to point (c) of Article 3(2) of Regulation (EC) No 1083/2006 the European territorial cooperation objective aims at strengthening cross-border cooperation through joint local and regional initiatives and transnational cooperation by means of action conducive to integrated territorial development linked to Community priorities.

(2) Pursuant to the first subparagraph of Article 7(1) of Regulation (EC) No 1083/2006 the NUTS level III regions of the Community along all the internal and certain external land borders and all NUTS level III

regions of the Community along the maritime borders separated, as a general rule, by a maximum of 150 kilometres, taking into account potential adjustments needed to ensure the coherence and continuity of the co-operation actions, shall be eligible for financing by the European Regional Development Fund under the European territorial cooperation objective.

(3) Pursuant to Article 7(2) of Regulation (EC) No 1083/2006, transnational areas are also eligible for financing.

(4) It is necessary to establish the lists of eligible regions and areas accordingly.

(5) The measures provided for in this Decision are in accordance with the opinion of the Coordination Committee of the Funds,

HAS ADOPTED THIS DECISION:

Article 1

For the purpose of cross-border cooperation, as referred to in Article 7(1) of Regulation (EC) No 1083/2006, the regions eligible for funding from the European Regional Development Fund under the European territorial cooperation objective shall be those listed in Annex I.

⁽¹⁾ OJ L 210, 31.7.2006, p. 25.

Article 2

For the purpose of transnational cooperation, as referred to in Article 7(2) of Regulation (EC) No 1083/2006, the areas eligible for funding from the European Regional Development Fund under the European territorial cooperation objective shall be those listed in Annex II.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 31 October 2006.

For the Commission
Danuta HÜBNER
Member of the Commission

ANNEX I

List of NUTS level III regions eligible for funding from the European Regional Development Fund under the cross-border strand of the European territorial cooperation objective for the period from 1 January 2007 to 31 December 2013

| | | | |
|-------|--------------------------------------|-------|-------------------------------------|
| BE211 | Arr. Antwerpen | DK007 | Bornholms Regionskommune |
| BE213 | Arr. Turnhout | DK008 | Fyns Amt |
| BE221 | Arr. Hasselt | DK009 | Sønderjyllands Amt |
| BE222 | Arr. Maaseik | DK00A | Ribe Amt |
| BE223 | Arr. Tongeren | DK00D | Århus Amt |
| BE233 | Arr. Eeklo | DK00E | Viborg Amt |
| BE234 | Arr. Gent | DK00F | Nordjyllands Amt |
| BE236 | Arr. Sint-Niklaas | | |
| BE251 | Arr. Brugge | DE121 | Baden-Baden, Stadtkreis |
| BE253 | Arr. Ieper | DE122 | Karlsruhe, Stadtkreis |
| BE254 | Arr. Kortrijk | DE123 | Karlsruhe, Landkreis |
| BE255 | Arr. Oostende | DE124 | Rastatt |
| BE258 | Arr. Veurne | DE131 | Freiburg im Breisgau, Stadtkreis |
| BE321 | Arr. Ath | DE132 | Breisgau-Hochschwarzwald |
| BE323 | Arr. Mons | DE133 | Emmendingen |
| BE324 | Arr. Mouscron | DE134 | Ortenaukreis |
| BE326 | Arr. Thuin | DE136 | Schwarzwald-Baar-Kreis |
| BE327 | Arr. Tournai | DE138 | Konstanz |
| BE332 | Arr. Liège | DE139 | Lörrach |
| BE333 | Arr. Verviers | DE13A | Waldshut |
| BE341 | Arr. Arlon | DE147 | Bodenseekreis |
| BE342 | Arr. Bastogne | DE213 | Rosenheim, Kreisfreie Stadt |
| BE344 | Arr. Neufchâteau | DE214 | Altötting |
| BE345 | Arr. Virton | DE215 | Berchtesgadener Land |
| BE351 | Arr. Dinant | DE216 | Bad Tölz-Wolfratshausen |
| BE353 | Arr. Philippeville | DE21D | Garmisch-Partenkirchen |
| | | DE21F | Miesbach |
| CZ031 | Jihočeský kraj | DE21K | Rosenheim, Landkreis |
| CZ032 | Plzeňský kraj | DE21M | Traunstein |
| CZ041 | Karlovarský kraj | DE222 | Passau, Kreisfreie Stadt |
| CZ042 | Ústecký kraj | DE225 | Freyung-Grafenau |
| CZ051 | Liberecký kraj | DE228 | Passau, Landkreis |
| CZ052 | Královéhradecký kraj | DE229 | Regen |
| CZ053 | Pardubický kraj | DE22A | Rottal-Inn |
| CZ061 | Kraj Vysočina | DE233 | Weiden i. d. OPf., Kreisfreie Stadt |
| CZ062 | Jihomoravský kraj | DE235 | Cham |
| CZ071 | Olomoucký kraj | DE237 | Neustadt a. d. Waldnaab |
| CZ072 | Zlínský kraj | DE239 | Schwandorf |
| CZ080 | Moravskoslezský kraj | DE23A | Tirschenreuth |
| | | DE244 | Hof, Kreisfreie Stadt |
| DK001 | Københavns og Frederiksberg kommuner | DE249 | Hof, Landkreis |
| DK002 | Københavns Amt | DE24D | Wunsiedel i. Fichtelgebirge |
| DK003 | Frederiksborg Amt | DE272 | Kaufbeuren, Kreisfreie Stadt |
| DK004 | Roskilde Amt | DE273 | Kempton (Allgäu), Kreisfreie Stadt |
| DK005 | Vestsjællands Amt | DE27A | Lindau (Bodensee) |
| DK006 | Storstrøms Amt | DE27B | Ostallgäu |

| | | | |
|-------|---------------------------------------|-------|-------------------------------------|
| DE27E | Oberallgäu | DED16 | Freiberg |
| DE411 | Frankfurt (Oder), Kreisfreie Stadt | DED17 | Vogtlandkreis |
| DE412 | Barnim | DED18 | Mittlerer Erzgebirgskreis |
| DE413 | Märkisch-Oderland | DED1B | Aue-Schwarzenberg |
| DE415 | Oder-Spree | DED22 | Görlitz, Kreisfreie Stadt |
| DE418 | Uckermark | DED24 | Bautzen |
| DE422 | Cottbus, Kreisfreie Stadt | DED26 | Niederschlesischer Oberlausitzkreis |
| DE429 | Spree-Neiße | DED28 | Löbau-Zittau |
| DE801 | Greifswald, Kreisfreie Stadt | DED29 | Sächsische Schweiz |
| DE803 | Rostock, Kreisfreie Stadt | DED2A | Weißeritzkreis |
| DE805 | Stralsund, Kreisfreie Stadt | DEF01 | Flensburg, Kreisfreie Stadt |
| DE806 | Wismar, Kreisfreie Stadt | DEF02 | Kiel, Kreisfreie Stadt |
| DE807 | Bad Doberan | DEF03 | Lübeck, Kreisfreie Stadt |
| DE80D | Nordvorpommern | DEF07 | Nordfriesland |
| DE80E | Nordwestmecklenburg | DEF08 | Ostholstein |
| DE80F | Ostvorpommern | DEF09 | Pinneberg (only Helgoland) |
| DE80H | Rügen | DEF0A | Plön |
| DE80I | Uecker-Randow | DEF0B | Rendsburg-Eckernförde |
| DE942 | Emden, Kreisfreie Stadt | DEF0C | Schleswig-Flensburg |
| DE947 | Aurich | | |
| DE949 | Emsland | EE001 | Põhja-Eesti |
| DE94B | Grafschaft Bentheim | EE004 | Lääne-Eesti |
| DE94C | Leer | EE006 | Kesk-Eesti |
| DEA15 | Mönchengladbach, Kreisfreie Stadt | EE007 | Kirde-Eesti |
| DEA1B | Kleve | EE008 | Lõuna-Eesti |
| DEA1E | Viersen | | |
| DEA1F | Wesel | GR111 | Evros |
| DEA14 | Krefeld, Kreisfreie Stadt | GR112 | Xanthi |
| DEA21 | Aachen, Kreisfreie Stadt | GR113 | Rodopi |
| DEA25 | Aachen, Kreis | GR114 | Drama |
| DEA26 | Düren | GR122 | Thessaloniki |
| DEA28 | Euskirchen | GR126 | Serres |
| DEA29 | Heinsberg | GR212 | Thesprotia |
| DEA34 | Borken | GR213 | Ioannina |
| DEA37 | Steinfurt | GR214 | Preveza |
| DEB21 | Trier, Kreisfreie Stadt | GR221 | Zakynthos |
| DEB23 | Bitburg-Prüm | GR222 | Kerkyra |
| DEB24 | Daun | GR223 | Kefallinia |
| DEB25 | Trier-Saarburg | GR224 | Lefkada |
| DEB33 | Landau in der Pfalz, Kreisfreie Stadt | GR231 | Aitolokarmania |
| DEB37 | Pirmasens, Kreisfreie Stadt | GR232 | Achaia |
| DEB3A | Zweibrücken, Kreisfreie Stadt | GR411 | Lesvos |
| DEB3E | Germersheim | GR412 | Samos |
| DEB3H | Südliche Weinstraße | GR413 | Chios |
| DEB3K | Südwestpfalz | GR421 | Dodekanisos |
| DEC01 | Stadtverband Saarbrücken | GR431 | Irakleio |
| DEC02 | Merzig-Wadern | GR432 | Lasithi |
| DEC04 | Saarlouis | GR433 | Rethymni |
| DEC05 | Saarpfalz-Kreis | GR434 | Chania |
| DED12 | Plauen, Kreisfreie Stadt | | |
| DED14 | Annaberg | | |

| | | | |
|-------|-------------------------|-------|------------------------------|
| ES113 | Ourense | IE011 | Border |
| ES114 | Pontevedra | IE021 | Dublin |
| ES212 | Guipúzcoa | IE022 | Mid-East |
| ES220 | Navarra | IE024 | South-East (IE) |
| ES241 | Huesca | | |
| ES415 | Salamanca | ITC11 | Torino |
| ES419 | Zamora | ITC12 | Vercelli |
| ES431 | Badajoz | ITC13 | Biella |
| ES432 | Cáceres | ITC14 | Verbano Cusio Ossola |
| ES512 | Girona | ITC15 | Novara |
| ES513 | Lleida | ITC16 | Cuneo |
| ES612 | Cádiz | ITC20 | Valle d'Aosta/Vallée d'Aoste |
| ES615 | Huelva | ITC31 | Imperia |
| ES630 | Ceuta | ITC32 | Savona |
| | | ITC33 | Genova |
| FR211 | Ardennes | ITC34 | La Spezia |
| FR221 | Aisne | ITC41 | Varese |
| FR223 | Somme | ITC42 | Como |
| FR232 | Seine-Maritime | ITC43 | Lecco |
| FR251 | Calvados | ITC44 | Sondrio |
| FR252 | Manche | ITD10 | Bolzano/Bozen |
| FR301 | Nord | ITD33 | Belluno |
| FR302 | Pas-de-Calais | ITD35 | Venezia |
| FR411 | Meurthe-et-Moselle | ITD36 | Padova |
| FR412 | Meuse | ITD37 | Rovigo |
| FR413 | Moselle | ITD42 | Udine |
| FR421 | Bas-Rhin | ITD43 | Gorizia |
| FR422 | Haut-Rhin | ITD44 | Trieste |
| FR431 | Doubs | ITD56 | Ferrara |
| FR432 | Jura | ITD57 | Ravenna |
| FR434 | Territoire de Belfort | ITE11 | Massa-Carrara |
| FR521 | Côtes-d'Armor | ITE12 | Lucca |
| FR522 | Finistère | ITE16 | Livorno |
| FR523 | Îlle-et-Vilaine | ITE17 | Pisa |
| FR615 | Pyrénées-Atlantiques | ITE1A | Grosseto |
| FR621 | Ariège | ITF42 | Bari |
| FR623 | Haute-Garonne | ITF44 | Brindisi |
| FR626 | Hautes-Pyrénées | ITF45 | Lecce |
| FR711 | Ain | ITG11 | Trapani |
| FR717 | Savoie | ITG14 | Agrigento |
| FR718 | Haute-Savoie | ITG15 | Caltanissetta |
| FR815 | Pyrénées-Orientales | ITG18 | Ragusa |
| FR821 | Alpes-de-Haute-Provence | ITG19 | Siracusa |
| FR822 | Hautes-Alpes | ITG21 | Sassari |
| FR823 | Alpes-Maritimes | ITG22 | Nuoro |
| FR831 | Corse-du-Sud | ITG23 | Oristano |
| FR832 | Haute-Corse | ITG24 | Cagliari |
| FR910 | Guadeloupe | | |
| FR920 | Martinique | | |
| FR930 | Guyane | | |
| FR940 | Réunion | CY000 | Kypros/Kıbrıs |

| | | | |
|-------|-----------------------------------|-------|--------------------------|
| LV003 | Kurzeme | NL421 | Noord-Limburg |
| LV005 | Latgale | NL422 | Midden-Limburg |
| LV006 | Rīga | NL423 | Zuid-Limburg |
| LV007 | Pierīga | | |
| LV008 | Vidzeme | AT111 | Mittelburgenland |
| LV009 | Zemgale | AT112 | Nordburgenland |
| | | AT113 | Südburgenland |
| LT001 | Alytaus | AT124 | Waldviertel |
| LT003 | Klaipėdos | AT125 | Weinviertel |
| LT004 | Marijampolės | AT126 | Wiener Umland/Nordteil |
| LT005 | Panevėžio | AT127 | Wiener Umland/Südteil |
| LT006 | Šiaulių | AT130 | Wien |
| LT008 | Telšių | AT211 | Klagenfurt-Villach |
| LT009 | Utenos | AT212 | Oberkärnten |
| | | AT213 | Unterkärnten |
| LU000 | Luxembourg (Grand-Duché) | AT224 | Oststeiermark |
| | | AT225 | West- und Südsteiermark |
| HU101 | Budapest | AT311 | Innviertel |
| HU102 | Pest | AT313 | Mühlviertel |
| HU212 | Komárom-Esztergom | AT322 | Pinzgau-Pongau |
| HU221 | Győr-Moson-Sopron | AT323 | Salzburg und Umgebung |
| HU222 | Vas | AT331 | Außerfern |
| HU223 | Zala | AT332 | Innsbruck |
| HU311 | Borsod-Abaúj-Zemplén | AT333 | Osttirol |
| HU312 | Heves | AT334 | Tiroler Oberland |
| HU313 | Nógrád | AT335 | Tiroler Unterland |
| HU321 | Hajdú-Bihar | AT341 | Bludenz-Bregenzer Wald |
| HU323 | Szabolcs-Szatmár-Bereg | AT342 | Rheintal-Bodenseegebiet |
| HU332 | Békés | | |
| HU333 | Csongrád | PL212 | Nowosądecki |
| | | PL225 | Bielsko-bialski |
| MT001 | Malta | PL227 | Rybnicko-jastrzębski |
| MT002 | Gozo and Comino/Ghawdex u Kemmuna | PL322 | Krośnieński-przemyski |
| | | PL341 | Białostocko-suwalski |
| NL111 | Oost-Groningen | PL342 | Łomżyński |
| NL112 | Delfzijl en omgeving | PL421 | Szczeciński |
| NL113 | Overig Groningen | PL422 | Koszaliński |
| NL121 | Noord-Friesland | PL431 | Gorzowski |
| NL132 | Zuidoost-Drenthe | PL432 | Zielonogórski |
| NL211 | Noord-Overijssel | PL511 | Jeleniogórsko-wałbrzyski |
| NL213 | Twente | PL520 | Opolski |
| NL222 | Achterhoek | PL623 | Elcki |
| NL223 | Arnhem/Nijmegen | PL631 | Słupski |
| NL333 | Delft en Westland | PL632 | Gdański |
| NL335 | Groot-Rijnmond | PL633 | Gdańsk, Gdynia, Sopot |
| NL341 | Zeeuwsch-Vlaanderen | | |
| NL342 | Overig Zeeland | PT111 | Minho-Lima |
| NL411 | West-Noord-Brabant | PT112 | Cávado |
| NL412 | Midden-Noord-Brabant | PT117 | Douro |
| NL413 | Noordoost-Noord-Brabant | PT118 | Alto Trás-os-Montes |
| NL414 | Zuidoost-Noord-Brabant | PT150 | Algarve |

| | | | |
|-------|----------------------|-------|--|
| PT168 | Beira Interior Norte | SE063 | Gävleborgs län |
| PT169 | Beira Interior Sul | SE071 | Västernorrlands län |
| PT182 | Alto Alentejo | SE072 | Jämtlands län |
| PT183 | Alentejo Central | SE081 | Västerbottens län |
| PT184 | Baixo Alentejo | SE082 | Norrbottnens län |
| | | SE093 | Kalmar län |
| SI001 | Pomurska | SE094 | Gotlands län |
| SI002 | Podravska | SE0A1 | Hallands län |
| SI003 | Koroška | SE0A2 | Västra Götalands län |
| SI004 | Savinjska | | |
| SI009 | Gorenjska | UKH13 | Norfolk |
| SI00B | Goriška | UKH14 | Suffolk |
| SI00C | Obalno-kraška | UKH31 | Southend-on-Sea |
| SI00E | Osrednjeslovenska | UKH32 | Thurrock |
| | | UKH33 | Essex CC |
| SK010 | Bratislavský kraj | UKJ21 | Brighton and Hove |
| SK021 | Trnavský kraj | UKJ22 | East Sussex CC |
| SK022 | Trenčiansky kraj | UKJ24 | West Sussex |
| SK023 | Nitriansky kraj | UKJ31 | Portsmouth |
| SK031 | Žilinský kraj | UKJ32 | Southampton |
| SK032 | Banskobystrický kraj | UKJ33 | Hampshire CC |
| SK041 | Prešovský kraj | UKJ34 | Isle of Wight |
| SK042 | Košický kraj | UKJ41 | Medway |
| | | UKJ42 | Kent CC |
| FI181 | Uusimaa | UKK21 | Bournemouth and Poole |
| FI182 | Itä-Uusimaa | UKK22 | Dorset CC |
| FI183 | Varsinais-Suomi | UKK30 | Cornwall and Isles of Scilly |
| FI186 | Kymenlaakso | UKK41 | Plymouth |
| FI191 | Satakunta | UKK42 | Torbay |
| FI195 | Pohjanmaa | UKK43 | Devon CC |
| FI1A1 | Keski-Pohjanmaa | UKL11 | Isle of Anglesey |
| FI1A2 | Pohjois-Pohjanmaa | UKL12 | Gwynedd |
| FI1A3 | Lappi | UKL13 | Conwy and Denbighshire |
| FI200 | Åland | UKL14 | South West Wales |
| | | UKM32 | Dumfries and Galloway |
| SE010 | Stockholms län | UKM33 | East Ayrshire and North Ayrshire Mainland |
| SE021 | Uppsala län | UKM37 | South Ayrshire |
| SE022 | Södermanlands län | UKM43 | Lochaber, Skye and Lochalsh and Argyll and the Islands |
| SE023 | Östergötlands län | UKN03 | East of Northern Ireland |
| SE041 | Blekinge län | UKN04 | North of Northern Ireland |
| SE044 | Skåne län | UKN05 | West and South of Northern Ireland |
| SE061 | Värmlands län | — | Gibraltar |
| SE062 | Dalarnas län | | |

ANNEX II

List of areas and of NUTS level II regions eligible for funding from the European Regional Development Fund under the transnational strand of the European territorial cooperation objective for the period from 1 January 2007 to 31 December 2013

| | | | |
|---|--|------------|---|
| AZORES-MADEIRA-CANARY ISLANDS (MACARONESIA) | | FR51 | Pays de la Loire |
| ES70 | Canarias | FR52 | Bretagne |
| PT20 | Região Autónoma dos Açores | FR53 | Poitou-Charentes |
| PT30 | Região Autónoma da Madeira | FR61 | Aquitaine |
| ALPINE SPACE | | IE01 | Border, Midland and Western |
| DE13 | Freiburg | IE02 | Southern and Eastern |
| DE14 | Tübingen | PT11 | Norte |
| DE21 | Oberbayern | PT15 | Algarve |
| DE27 | Schwaben | PT16 | Centro (PT) |
| FR42 | Alsace | PT17 | Lisboa |
| FR43 | Franche-Comté | PT18 | Alentejo |
| FR71 | Rhône-Alpes | UKD1 | Cumbria |
| FR82 | Provence-Alpes-Côte d'Azur | UKD2 | Cheshire |
| ITC1 | Piemonte | UKD3 | Greater Manchester |
| ITC2 | Valle d'Aosta/Vallée d'Aoste | UKD4 | Lancashire |
| ITC3 | Liguria | UKD5 | Merseyside |
| ITC4 | Lombardia | UKK1 | Gloucestershire, Wiltshire and North Somerset |
| ITD1 | Provincia autonoma di Bolzano/Bozen | UKK2 | Dorset and Somerset |
| ITD2 | Provincia autonoma di Trento | UKK3 | Cornwall and Isles of Scilly |
| ITD3 | Veneto | UKK4 | Devon |
| ITD4 | Friuli Venezia Giulia | UKL1 | West Wales and The Valleys |
| AT11 | Burgenland | UKL2 | East Wales |
| AT12 | Niederösterreich | UKM3 | South Western Scotland |
| AT13 | Wien | UKM4 | Highlands and Islands |
| AT21 | Kärnten | UKN0 | Northern Ireland |
| AT22 | Steiermark | BALTIC SEA | |
| AT31 | Oberösterreich | DK00 | Danmark |
| AT32 | Salzburg | DE30 | Berlin |
| AT33 | Tirol | DE41 | Brandenburg-Nordost |
| AT34 | Vorarlberg | DE42 | Brandenburg-Südwest |
| SI00 | Slovenija | DE50 | Bremen |
| ATLANTIC COAST | | DE60 | Hamburg |
| ES11 | Galicia | DE80 | Mecklenburg-Vorpommern |
| ES12 | Principado de Asturias | DE93 | Lüneburg |
| ES13 | Cantabria | DEF0 | Schleswig-Holstein |
| ES21 | País Vasco | EE00 | Eesti |
| ES22 | Comunidad Foral de Navarra | LV00 | Latvija |
| ES61 | Andalucía (only the following NUTS3 regions) | LT00 | Lietuva |
| | ES612 Cádiz | PL11 | Łódzkie |
| | ES615 Huelva | PL12 | Mazowieckie |
| | ES618 Sevilla | PL21 | Małopolskie |
| FR23 | Haute-Normandie | PL22 | Śląskie |
| FR25 | Basse-Normandie | PL31 | Lubelskie |
| | | PL32 | Podkarpackie |

| | | | |
|---------------------|---------------------|------|-------------------------------------|
| PL33 | Świętokrzyskie | DE41 | Brandenburg-Nordost |
| PL34 | Podlaskie | DE42 | Brandenburg-Südwest |
| PL41 | Wielkopolskie | DE80 | Mecklenburg-Vorpommern |
| PL42 | Zachodniopomorskie | DED1 | Chemnitz |
| PL43 | Lubuskie | DED2 | Dresden |
| PL51 | Dolnośląskie | DED3 | Leipzig |
| PL52 | Opolskie | DEE1 | Dessau |
| PL61 | Kujawsko-Pomorskie | DEE2 | Halle |
| PL62 | Warmińsko-Mazurskie | DEE3 | Magdeburg |
| PL63 | Pomorskie | DEG0 | Thüringen |
| FI13 | Itä-Suomi | ITC1 | Piemonte |
| FI18 | Etelä-Suomi | ITC2 | Valle d'Aosta/Vallée d'Aoste |
| FI19 | Länsi-Suomi | ITC3 | Liguria |
| FI1A | Pohjois-Suomi | ITC4 | Lombardia |
| FI20 | Åland | ITD1 | Provincia autonoma di Bolzano/Bozen |
| SE01 | Stockholm | ITD2 | Provincia autonoma di Trento |
| SE02 | Östra Mellansverige | ITD3 | Veneto |
| SE04 | Sydsverige | ITD4 | Friuli Venezia Giulia |
| SE06 | Norra Mellansverige | ITD5 | Emilia-Romagna |
| SE07 | Mellersta Norrland | HU10 | Közép-Magyarország |
| SE08 | Övre Norrland | HU21 | Közép-Dunántúl |
| SE09 | Småland med öarna | HU22 | Nyugat-Dunántúl |
| SE0A | Västssverige | HU23 | Dél-Dunántúl |
| | | HU31 | Észak-Magyarország |
| | | HU32 | Észak-Alföld |
| | | HU33 | Dél-Alföld |
| | | AT11 | Burgenland |
| | | AT12 | Niederösterreich |
| | | AT13 | Wien |
| | | AT21 | Kärnten |
| | | AT22 | Steiermark |
| | | AT31 | Oberösterreich |
| | | AT32 | Salzburg |
| | | AT33 | Tirol |
| | | AT34 | Vorarlberg |
| | | PL11 | Łódzkie |
| | | PL12 | Mazowieckie |
| | | PL21 | Małopolskie |
| | | PL22 | Śląskie |
| | | PL31 | Lubelskie |
| | | PL32 | Podkarpackie |
| | | PL33 | Świętokrzyskie |
| | | PL34 | Podlaskie |
| | | PL41 | Wielkopolskie |
| | | PL42 | Zachodniopomorskie |
| | | PL43 | Lubuskie |
| | | PL51 | Dolnośląskie |
| | | PL52 | Opolskie |
| | | PL61 | Kujawsko-Pomorskie |
| | | PL62 | Warmińsko-Mazurskie |
| | | PL63 | Pomorskie |
| CARIBBEAN AREA | | | |
| FR91 | Guadeloupe | | |
| FR92 | Martinique | | |
| FR93 | Guyane | | |
| EAST-CENTRAL EUROPE | | | |
| CZ01 | Praha | | |
| CZ02 | Střední Čechy | | |
| CZ03 | Jihozápad | | |
| CZ04 | Severozápad | | |
| CZ05 | Severovýchod | | |
| CZ06 | Jihovýchod | | |
| CZ07 | Střední Morava | | |
| CZ08 | Moravskoslezsko | | |
| DE11 | Stuttgart | | |
| DE12 | Karlsruhe | | |
| DE13 | Freiburg | | |
| DE14 | Tübingen | | |
| DE21 | Oberbayern | | |
| DE22 | Niederbayern | | |
| DE23 | Oberpfalz | | |
| DE24 | Oberfranken | | |
| DE25 | Mittelfranken | | |
| DE26 | Unterfranken | | |
| DE27 | Schwaben | | |
| DE30 | Berlin | | |

SI00 Slovenija
 SK01 Bratislavský kraj
 SK02 Západné Slovensko
 SK03 Stredné Slovensko
 SK04 Východné Slovensko

INDIAN OCEAN AREA

FR94 Réunion

MEDITERRANEAN (*)

GR11 Anatoliki Makedonia, Thraki
 GR12 Kentriki Makedonia
 GR13 Dytiki Makedonia
 GR14 Thessalia
 GR21 Ipeiros
 GR22 Ionia Nisia
 GR23 Dytiki Ellada
 GR24 Sterea Ellada
 GR25 Peloponnisos
 GR30 Attiki
 GR41 Voreio Aigaio
 GR42 Notio Aigaio
 GR43 Kriti
 ES24 Aragón
 ES51 Cataluña
 ES52 Comunidad Valenciana
 ES53 Illes Balears
 ES61 Andalucía
 ES62 Región de Murcia
 ES63 Ciudad Autónoma de Ceuta
 ES64 Ciudad Autónoma de Melilla
 FR71 Rhône-Alpes
 FR81 Languedoc-Roussillon
 FR82 Provence-Alpes-Côte d'Azur
 FR83 Corse
 ITC1 Piemonte
 ITC3 Liguria
 ITC4 Lombardia
 ITD3 Veneto
 ITD4 Friuli Venezia Giulia
 ITD5 Emilia-Romagna
 ITE1 Toscana
 ITE2 Umbria
 ITE3 Marche
 ITE4 Lazio
 ITF1 Abruzzo
 ITF2 Molise
 ITF3 Campania
 ITF4 Puglia
 ITF5 Basilicata

ITF6 Calabria
 ITG1 Sicilia
 ITG2 Sardegna
 CY00 Kypros/Kypros
 MT00 Malta
 PT15 Algarve
 PT18 Alentejo
 SI00 Slovenija

(*) The area also includes Gibraltar.

NORTH SEA

BE21 Prov. Antwerpen
 BE23 Prov. Oost-Vlaanderen
 BE25 Prov. West-Vlaanderen
 DK00 Danmark
 DE50 Bremen
 DE60 Hamburg
 DE91 Braunschweig
 DE92 Hannover
 DE93 Lüneburg
 DE94 Weser-Ems
 DEF0 Schleswig-Holstein
 NL11 Groningen
 NL12 Friesland
 NL13 Drenthe
 NL21 Overijssel
 NL23 Flevoland
 NL32 Noord-Holland
 NL33 Zuid-Holland
 NL34 Zeeland
 SE04 Sydsverige (only the following NUTS3 region)
 SE044 Skåne län
 SE06 Norra Mellansverige (only the following NUTS3 region)
 SE061 Värmlands län
 SE09 Småland med öarna (only the following NUTS3 region)
 SE092 Kronobergs län
 SE0A Västsverige
 UKC1 Tees Valley and Durham
 UKC2 Northumberland and Tyne and Wear
 UKE1 East Riding and North Lincolnshire
 UKE2 North Yorkshire
 UKE3 South Yorkshire
 UKE4 West Yorkshire
 UKF1 Derbyshire and Nottinghamshire
 UKF2 Leicestershire, Rutland and Northamptonshire
 UKF3 Lincolnshire
 UKH1 East Anglia
 UKH3 Essex
 UKJ4 Kent
 UKM1 North Eastern Scotland

| | | | |
|-------------------|---|------|--|
| UKM2 | Eastern Scotland | FR51 | Pays de la Loire |
| UKM4 | Highlands and Islands (only the following NUTS3 regions) | FR52 | Bretagne |
| | UKM41 <i>Caithness and Sutherland and Ross and Cromarty</i> | IE01 | Border, Midland and Western |
| | UKM42 <i>Inverness and Nairn and Moray, Badenoch and Strathspey</i> | IE02 | Southern and Eastern |
| | UKM45 <i>Orkney Islands</i> | LU00 | Luxembourg (Grand-Duché) |
| | UKM46 <i>Shetland Islands</i> | NL21 | Overijssel |
| | | NL22 | Gelderland |
| | | NL23 | Flevoland |
| | | NL31 | Utrecht |
| | | NL32 | Noord-Holland |
| | | NL33 | Zuid-Holland |
| | | NL34 | Zeeland |
| | | NL41 | Noord-Brabant |
| | | NL42 | Limburg (NL) |
| | | UKC1 | Tees Valley and Durham |
| | | UKC2 | Northumberland and Tyne and Wear |
| | | UKD1 | Cumbria |
| | | UKD2 | Cheshire |
| | | UKD3 | Greater Manchester |
| | | UKD4 | Lancashire |
| | | UKD5 | Merseyside |
| | | UKE1 | East Riding and North Lincolnshire |
| | | UKE2 | North Yorkshire |
| | | UKE3 | South Yorkshire |
| | | UKE4 | West Yorkshire |
| | | UKF1 | Derbyshire and Nottinghamshire |
| | | UKF2 | Leicestershire, Rutland and Northamptonshire |
| | | UKF3 | Lincolnshire |
| | | UKG1 | Herefordshire, Worcestershire and Warwickshire |
| | | UKG2 | Shropshire and Staffordshire |
| | | UKG3 | West Midlands |
| | | UKH1 | East Anglia |
| | | UKH2 | Bedfordshire and Hertfordshire |
| | | UKH3 | Essex |
| | | UKI1 | Inner London |
| | | UKI2 | Outer London |
| | | UKJ1 | Berkshire, Buckinghamshire and Oxfordshire |
| | | UKJ2 | Surrey, East and West Sussex |
| | | UKJ3 | Hampshire and Isle of Wight |
| | | UKJ4 | Kent |
| | | UKK1 | Gloucestershire, Wiltshire and North Somerset |
| | | UKK2 | Dorset and Somerset |
| | | UKK3 | Cornwall and Isles of Scilly |
| | | UKK4 | Devon |
| | | UKL1 | West Wales and The Valleys |
| | | UKL2 | East Wales |
| | | UKM1 | North Eastern Scotland |
| | | UKM2 | Eastern Scotland |
| | | UKM3 | South Western Scotland |
| | | UKM4 | Highlands and Islands |
| | | UKN0 | Northern Ireland |
| NORTH WEST EUROPE | | | |
| BE10 | Région de Bruxelles-Capitale/Brussels Hoofdstedelijk Gewest | | |
| BE21 | Prov. Antwerpen | | |
| BE22 | Prov. Limburg (BE) | | |
| BE23 | Prov. Oost-Vlaanderen | | |
| BE24 | Prov. Vlaams-Brabant | | |
| BE25 | Prov. West-Vlaanderen | | |
| BE31 | Prov. Brabant Wallon | | |
| BE32 | Prov. Hainaut | | |
| BE33 | Prov. Liège | | |
| BE34 | Prov. Luxembourg (BE) | | |
| BE35 | Prov. Namur | | |
| DE11 | Stuttgart | | |
| DE12 | Karlsruhe | | |
| DE13 | Freiburg | | |
| DE14 | Tübingen | | |
| DE24 | Oberfranken | | |
| DE25 | Mittelfranken | | |
| DE26 | Unterfranken | | |
| DE27 | Schwaben | | |
| DE71 | Darmstadt | | |
| DE72 | Gießen | | |
| DE73 | Kassel | | |
| DEA1 | Düsseldorf | | |
| DEA2 | Köln | | |
| DEA3 | Münster | | |
| DEA4 | Detmold | | |
| DEA5 | Arnsberg | | |
| DEB1 | Koblenz | | |
| DEB2 | Trier | | |
| DEB3 | Rhein Hessen-Pfalz | | |
| DEC0 | Saarland | | |
| FR10 | Île de France | | |
| FR21 | Champagne-Ardenne | | |
| FR22 | Picardie | | |
| FR23 | Haute-Normandie | | |
| FR24 | Centre | | |
| FR25 | Basse-Normandie | | |
| FR26 | Bourgogne | | |
| FR30 | Nord-Pas-de-Calais | | |
| FR41 | Lorraine | | |
| FR42 | Alsace | | |
| FR43 | Franche-Comté | | |

NORTHERN PERIPHERY

| | |
|------|---|
| IE01 | Border, Midland and Western |
| IE02 | Southern and Eastern |
| FI13 | Itä-Suomi |
| FI19 | Länsi-Suomi (only the following NUTS3 region) |
| | <i>FI193 Keski-Suomi</i> |
| FI1A | Pohjois-Suomi |
| SE07 | Mellersta Norrland |
| SE08 | Övre Norrland |
| UKM1 | North Eastern Scotland |
| UKM2 | Eastern Scotland |
| UKM3 | South Western Scotland |
| UKM4 | Highlands and Islands |
| UKN0 | Northern Ireland |

| | |
|------|--------------------|
| AT11 | Burgenland |
| AT12 | Niederösterreich |
| AT13 | Wien |
| AT21 | Kärnten |
| AT22 | Steiermark |
| AT31 | Oberösterreich |
| AT32 | Salzburg |
| AT33 | Tirol |
| AT34 | Vorarlberg |
| SI00 | Slovenija |
| SK01 | Bratislavský kraj |
| SK02 | Západné Slovensko |
| SK03 | Stredné Slovensko |
| SK04 | Východné Slovensko |

SOUTH EAST EUROPE

| | |
|------|-------------------------------------|
| GR11 | Anatoliki Makedonia, Thraki |
| GR12 | Kentriki Makedonia |
| GR13 | Dytiki Makedonia |
| GR14 | Thessalia |
| GR21 | Ipeiros |
| GR22 | Ionia Nisia |
| GR23 | Dytiki Ellada |
| GR24 | Stereia Ellada |
| GR25 | Peloponnisos |
| GR30 | Attiki |
| GR41 | Voreio Aigaio |
| GR42 | Notio Aigaio |
| GR43 | Kriti |
| ITC4 | Lombardia |
| ITD1 | Provincia autonoma di Bolzano/Bozen |
| ITD2 | Provincia autonoma di Trento |
| ITD3 | Veneto |
| ITD4 | Friuli Venezia Giulia |
| ITD5 | Emilia-Romagna |
| ITE2 | Umbria |
| ITE3 | Marche |
| ITF1 | Abruzzo |
| ITF2 | Molise |
| ITF4 | Puglia |
| ITF5 | Basilicata |
| HU10 | Közép-Magyarország |
| HU21 | Közép-Dunántúl |
| HU22 | Nyugat-Dunántúl |
| HU23 | Dél-Dunántúl |
| HU31 | Észak-Magyarország |
| HU32 | Észak-Alföld |
| HU33 | Dél-Alföld |

SOUTH WEST EUROPE (*)

| | |
|------|----------------------------|
| ES11 | Galicia |
| ES12 | Principado de Asturias |
| ES13 | Cantabria |
| ES21 | País Vasco |
| ES22 | Comunidad Foral de Navarra |
| ES23 | La Rioja |
| ES24 | Aragón |
| ES30 | Comunidad de Madrid |
| ES41 | Castilla y León |
| ES42 | Castilla-La Mancha |
| ES43 | Extremadura |
| ES51 | Cataluña |
| ES52 | Comunidad Valenciana |
| ES53 | Illes Balears |
| ES61 | Andalucía |
| ES62 | Región de Murcia |
| ES63 | Ciudad Autónoma de Ceuta |
| ES64 | Ciudad Autónoma de Melilla |
| FR53 | Poitou-Charentes |
| FR61 | Aquitaine |
| FR62 | Midi-Pyrénées |
| FR63 | Limousin |
| FR72 | Auvergne |
| FR81 | Languedoc-Roussillon |
| PT11 | Norte |
| PT15 | Algarve |
| PT16 | Centro (PT) |
| PT17 | Lisboa |
| PT18 | Alentejo |

(*) The area also includes Gibraltar.

COMMISSION DECISION**of 9 November 2006****amending the Annex to Regulation (EC) No 1228/2003 on conditions for access to the network for cross-border exchanges in electricity****(Text with EEA relevance)**

(2006/770/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 1228/2003 of the European Parliament and of the Council of 26 June 2003 on conditions for access to the network for cross-border exchanges in electricity ⁽¹⁾, and in particular Article 8(4) thereof,

Whereas:

- (1) Regulation (EC) No 1228/2003 set up guidelines on the management and allocation of available transfer capacity of interconnections between national systems.
- (2) Efficient methods of congestion management should be introduced in these guidelines for cross-border electricity interconnection capacities in order to ensure effective access to transmission systems for the purpose of cross-border transactions.

- (3) The measures provided for in this Decision are in accordance with the opinion of the Committee referred to Article 13(2) of Regulation (EC) No 1228/2003,

HAS DECIDED AS FOLLOWS:

Article 1

The Annex to Regulation (EC) No 1228/2003 is replaced by the Annex to this Decision.

*Article 2*This Decision shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels, 9 November 2006.

For the Commission

Andris PIEBALGS

Member of the Commission

⁽¹⁾ OJ L 176, 15.7.2003, p. 1.

ANNEX

Guidelines on the management and allocation of available transfer capacity of interconnections between national systems**1. General Provisions**

- 1.1. TSOs shall endeavour to accept all commercial transactions, including those involving cross-border-trade.
- 1.2. When there is no congestion, there shall be no restriction of access to the interconnection. Where this is usually the case, there need be no permanent general allocation procedure for access to a cross-border transmission service.
- 1.3. Where scheduled commercial transactions are not compatible with secure network operation, the TSOs shall alleviate congestion in compliance with the requirements of grid operational security while endeavouring to ensure that any associated costs remain at an economically efficient level. Curative redispatching or countertrading shall be envisaged in case lower cost measures cannot be applied.
- 1.4. If structural congestion appears, appropriate congestion management rules and arrangements defined and agreed upon in advance shall be implemented immediately by the TSOs. The Congestion management methods shall ensure that the physical power flows associated with all allocated transmission capacity comply with network security standards.
- 1.5. The methods adopted for congestion management shall give efficient economic signals to market participants and TSOs, promote competition and be suitable for regional and communitywide application.
- 1.6. No transaction-based distinction may be applied in congestion management. A particular request for transmission service shall be denied only when the following conditions are jointly fulfilled:
 - (a) the incremental physical power flows resulting from the acceptance of this request imply that secure operation of the power system may no longer be guaranteed, and
 - (b) the value in monetary amount attached to this request in the congestion management procedure is lower than all other requests intended to be accepted for the same service and conditions.
- 1.7. When defining appropriate network areas in and between which congestion management is to apply, TSOs shall be guided by the principles of cost-effectiveness and minimisation of negative impacts on the Internal Electricity Market. Specifically, TSOs may not limit interconnection capacity in order to solve congestion inside their own control area, except for the above mentioned reasons and reasons of operational security⁽¹⁾. If such a situation occurs, this shall be described and transparently presented to all the users by the TSOs. Such a situation may be tolerated only until a long-term solution is found. The methodology and projects for achieving the long-term solution shall be described and transparently presented to all the users by the TSOs.
- 1.8. When balancing the network inside the control area through operational measures in the network and through redispatching, the TSO shall take into account the effect of these measures on neighbouring control areas.
- 1.9. By not later than 1 January 2008, mechanisms for the intra-day congestion management of interconnector capacity shall be established in a coordinated way and under secure operational conditions, in order to maximise opportunities for trade and to provide for cross-border balancing.
- 1.10. The national Regulatory Authorities shall regularly evaluate the congestion management methods, paying particular attention to compliance with the principles and rules established in the present Regulation and Guidelines and with the terms and conditions set by the Regulatory Authorities themselves under these principles and rules. Such evaluation shall include consultation of all market players and dedicated studies.

⁽¹⁾ Operational security means 'keeping the transmission system within agreed security limits'.

2. Congestion management methods

- 2.1. Congestion management methods shall be market-based in order to facilitate efficient cross-border trade. For this purpose, capacity shall be allocated only by means of explicit (capacity) or implicit (capacity and energy) auctions. Both methods may coexist on the same interconnection. For intra-day trade continuous trading may be used.
- 2.2. Depending on competition conditions, the congestion management mechanisms may need to allow for both long- and short-term transmission capacity allocation.
- 2.3. Each capacity allocation procedure shall allocate a prescribed fraction of the available interconnection capacity plus any remaining capacity not previously allocated and any capacity released by capacity holders from previous allocations.
- 2.4. TSOs shall optimise the degree to which capacity is firm, taking into account the obligations and rights of the TSOs involved and the obligations and rights of market participants, in order to facilitate effective and efficient competition. A reasonable fraction of capacity may be offered to the market at a reduced degree of firmness, but the exact conditions for transport over cross-border lines shall at all times be made known to market participants.
- 2.5. The access rights for long- and medium-term allocations shall be firm transmission capacity rights. They shall be subject to the use-it-or-lose-it or use-it-or-sell-it principles at the time of nomination.
- 2.6. TSOs shall define an appropriate structure for the allocation of capacity between different timeframes. This may include an option for reserving a minimum percentage of interconnection capacity for daily or intra-daily allocation. This allocation structure shall be subject to review by the respective Regulatory Authorities. In drawing up their proposals, the TSOs shall take into account:
 - (a) the characteristics of the markets,
 - (b) the operational conditions, such as the implications of netting firmly declared schedules,
 - (c) the level of harmonisation of the percentages and timeframes adopted for the different capacity allocation mechanisms in place.
- 2.7. Capacity allocation may not discriminate between market participants that wish to use their rights to make use of bilateral supply contracts or to bid into power exchanges. The highest value bids, whether implicit or explicit in a given timeframe, shall be successful.
- 2.8. In regions where forward financial electricity markets are well developed and have shown their efficiency, all interconnection capacity may be allocated through implicit auctioning.
- 2.9. Other than in the case of new interconnectors which benefit from an exemption under Article 7 of the Regulation, establishing reserve prices in capacity allocation methods shall not be allowed.
- 2.10. In principle, all potential market participants shall be permitted to participate in the allocation process without restriction. To avoid creating or aggravating problems related to the potential use of dominant position of any market player, the relevant Regulatory and/or Competition Authorities, where appropriate, may impose restrictions in general or on an individual company on account of market dominance.
- 2.11. Market participants shall firmly nominate their use of the capacity to the TSOs by a defined deadline for each timeframe. The deadline shall be set such that TSOs are able to reassign unused capacity for reallocation in the next relevant timeframe — including intra-day sessions.
- 2.12. Capacity shall be freely tradable on a secondary basis, provided that the TSO is informed sufficiently in advance. Where a TSO refuses any secondary trade (transaction), this must be clearly and transparently communicated and explained to all the market participants by that TSO and notified to the Regulatory Authority.

2.13. The financial consequences of failure to honour obligations associated with the allocation of capacity shall be attributed to those who are responsible for such a failure. Where market participants fail to use the capacity that they have committed to use, or, in the case of explicitly auctioned capacity, fail to trade on a secondary basis or give the capacity back in due time, they shall lose the rights to such capacity and pay a cost-reflective charge. Any cost-reflective charges for the non-use of capacity shall be justified and proportionate. Likewise, if a TSO does not fulfil its obligation, it shall be liable to compensate the market participant for the loss of capacity rights. No consequential losses shall be taken into account for this purpose. The key concepts and methods for the determination of liabilities that accrue upon failure to honour obligations shall be set out in advance in respect of the financial consequences, and shall be subject to review by the relevant national Regulatory Authority or Authorities.

3. Coordination

3.1. Capacity allocation at an interconnection shall be coordinated and implemented using common allocation procedures by the TSOs involved. In cases where commercial exchanges between two countries (TSOs) are expected to significantly affect physical flow conditions in any third country (TSO), congestion management methods shall be coordinated between all the TSOs so affected through a common congestion management procedure. National Regulatory Authorities and TSOs shall ensure that no congestion management procedure with significant effects on physical electric power flows in other networks is devised unilaterally.

3.2. A common coordinated congestion management method and procedure for the allocation of capacity to the market at least yearly, monthly and day-ahead shall be applied by not later than 1 January 2007 between countries in the following regions:

(a) Northern Europe (i.e. Denmark, Sweden, Finland, Germany and Poland),

(b) North-West Europe (i.e. Benelux, Germany and France),

(c) Italy (i.e. Italy, France, Germany, Austria, Slovenia and Greece),

(d) Central Eastern Europe (i.e. Germany, Poland, Czech Republic, Slovakia, Hungary, Austria and Slovenia),

(e) South-West Europe (i.e. Spain, Portugal and France),

(f) UK, Ireland and France,

(g) Baltic states (i.e. Estonia, Latvia and Lithuania).

At an interconnection involving countries belonging to more than one region, the congestion management method applied may differ in order to ensure the compatibility with the methods applied in the other regions to which these countries belong. In this case the relevant TSOs shall propose the method which shall be subject to review by the relevant Regulatory Authorities.

3.3. The regions referred to in 2.8. may allocate all interconnection capacity through day-ahead allocation.

3.4. Compatible congestion management procedures shall be defined in all these seven regions with a view to forming a truly integrated Internal European Electricity Market. Market parties shall not be confronted with incompatible regional systems.

3.5. With a view to promoting fair and efficient competition and cross-border trade, coordination between TSOs within the regions set out in 3.2. above shall include all the steps from capacity calculation and optimisation of allocation to secure operation of the network, with clear assignments of responsibility. Such coordination shall include, in particular:

(a) Use of a common transmission model dealing efficiently with interdependent physical loop-flows and having regard to discrepancies between physical and commercial flows,

(b) Allocation and nomination of capacity to deal efficiently with interdependent physical loop-flows,

- (c) Identical obligations on capacity holders to provide information on their intended use of the capacity, i.e. nomination of capacity (for explicit auctions),
 - (d) Identical timeframes and closing times,
 - (e) Identical structure for the allocation of capacity among different timeframes (e.g. 1 day, 3 hours, 1 week, etc.) and in terms of blocks of capacity sold (amount of power in MW, MWh, etc.),
 - (f) Consistent contractual framework with market participants,
 - (g) Verification of flows to comply with the network security requirements for operational planning and for real-time operation,
 - (h) Accounting and settlement of congestion management actions.
- 3.6. Coordination shall also include the exchange of information between TSOs. The nature, time and frequency of information exchange shall be compatible with the activities in 3.5 and the functioning of the electricity markets. This information exchange shall in particular enable the TSOs to make the best possible forecast of the global grid situation in order to assess the flows in their network and the available interconnection capacities. Any TSO collecting information on behalf of other TSOs shall give back to the participating TSO the results of the collection of data.

4. Timetable for market operations

- 4.1. The allocation of the available transmission capacity shall take place sufficiently in advance. Prior to each allocation, the involved TSOs shall jointly publish the capacity to be allocated, taking into account where appropriate the capacity released from any firm transmission rights and, where relevant, associated netted nominations, along with any time periods during which the capacity will be reduced or not available (for the purpose of maintenance, for example).
- 4.2. Having full regard to network security, the nomination of transmission rights shall take place sufficiently in advance, before the day-ahead sessions of all the relevant organised markets and before the publication of the capacity to be allocated under the day-ahead or intra-day allocation mechanism. Nominations of transmission rights in the opposite direction shall be netted in order to make efficient use of the interconnection.
- 4.3. Successive intra-day allocations of available transmission capacity for day D shall take place on days D-1 and D, after the issuing of the indicated or actual day-ahead production schedules.
- 4.4. When preparing day-ahead grid operation, the TSOs shall exchange information with neighbouring TSOs, including their forecast grid topology, the availability and forecasted production of generation units, and load flows in order to optimise the use of the overall network through operational measures in compliance with the rules for secure grid operation.

5. Transparency

- 5.1. TSOs shall publish all relevant data related to network availability, network access and network use, including a report on where and why congestion exists, the methods applied for managing the congestion and the plans for its future management.
- 5.2. TSOs shall publish a general description of the congestion management method applied under different circumstances for maximising the capacity available to the market, and a general scheme for the calculation of the interconnection capacity for the different timeframes, based upon the electrical and physical realities of the network. Such a scheme shall be subject to review by the Regulatory Authorities of the Member States concerned.

- 5.3. The congestion management and capacity allocation procedures in use, together with the times and procedures for applying for capacity, a description of the products offered and the obligations and rights of both the TSOs and the party obtaining the capacity, including the liabilities that accrue upon failure to honour obligations, shall be described in detail and made transparently available to all potential network users by TSOs.
- 5.4. The operational and planning security standards shall form an integral part of the information that TSOs publish in an open and public document. This document shall also be subject to review of national Regulatory Authorities.
- 5.5. TSOs shall publish all relevant data concerning cross-border trade on the basis of the best possible forecast. In order to fulfil this obligation the market participants concerned shall provide the TSOs with the relevant data. The way in which such information is published shall be subject to review by Regulatory Authorities. TSOs shall publish at least:
- (a) annually: information on the long-term evolution of the transmission infrastructure and its impact on cross-border transmission capacity;
 - (b) monthly: month- and year-ahead forecasts of the transmission capacity available to the market, taking into account all relevant information available to the TSO at the time of the forecast calculation (e.g. impact of summer and winter seasons on the capacity of lines, maintenance on the grid, availability of production units, etc.);
 - (c) weekly: week-ahead forecasts of the transmission capacity available to the market, taking into account all relevant information available to the TSOs at the time of calculation of the forecast, such as the weather forecast, planned maintenance works of the grid, availability of production units, etc.;
 - (d) daily: day-ahead and intra-day transmission capacity available to the market for each market time unit, taking into account all netted day-ahead nominations, day-ahead production schedules, demand forecasts and planned maintenance works of the grid;
 - (e) total capacity already allocated, by market time unit, and all relevant conditions under which this capacity may be used (e.g. auction clearing price, obligations on how to use the capacity, etc.), so as to identify any remaining capacity;
 - (f) allocated capacity as soon as possible after each allocation, as well as an indication of prices paid;
 - (g) total capacity used, by market time unit, immediately after nomination;
 - (h) as closely as possible to real time: aggregated realised commercial and physical flows, by market time unit, including a description of the effects of any corrective actions taken by the TSOs (such as curtailment) for solving network or system problems;
 - (i) ex-ante information on planned outages and ex-post information for the previous day on planned and unplanned outages of generation units larger than 100 MW.
- 5.6. All relevant information shall be available for the market in due time for the negotiation of all transactions (such as the time of negotiation of annual supply contracts for industrial customers or the time when bids have to be sent into organised markets).
- 5.7. The TSO shall publish the relevant information on forecast demand and on generation according to the timeframes referred to in 5.5 and 5.6. The TSO shall also publish the relevant information necessary for the cross-border balancing market.

- 5.8. When forecasts are published, the ex post realised values for the forecast information shall also be published in the time period following that to which the forecast applies or at the latest on the following day (D+1).
- 5.9. All information published by the TSOs shall be made freely available in an easily accessible form. All data shall also be accessible through adequate and standardised means of information exchange, to be defined in close cooperation with market parties. The data shall include information on past time periods with a minimum of two years, so that new market entrants may also have access to such data.
- 5.10. TSOs shall exchange regularly a set of sufficiently accurate network and load flow data in order to enable load flow calculations for each TSO in their relevant area. The same set of data shall be made available to the Regulatory Authorities and to the European Commission upon request. The Regulatory Authorities and the European Commission shall ensure the confidential treatment of this set of data, by themselves and by any consultant carrying out analytical work for them on the basis of these data.

6. Use of congestion income

- 6.1. Congestion management procedures associated with a pre-specified timeframe may generate revenue only in the event of congestion which arises for that timeframe, except in the case of new interconnectors which benefit from an exemption under Article 7 of the Regulation. The procedure for the distribution of these revenues shall be subject to review by the Regulatory Authorities and shall neither distort the allocation process in favour of any party requesting capacity or energy nor provide a disincentive to reduce congestion.
 - 6.2. National Regulatory Authorities shall be transparent regarding the use of revenues resulting from the allocation of interconnection capacity.
 - 6.3. The congestion income shall be shared among the TSOs involved according to criteria agreed between the TSOs involved and reviewed by the respective Regulatory Authorities.
 - 6.4. TSOs shall clearly establish beforehand the use they will make of any congestion income they may obtain and report on the actual use of this income. Regulatory Authorities shall verify that this use complies with the present Regulation and Guidelines and that the total amount of congestion income resulting from the allocation of interconnection capacity is devoted to one or more of the three purposes described in Article 6(6) of Regulation.
 - 6.5. On an annual basis, and by 31 July each year, the Regulatory Authorities shall publish a report setting out the amount of revenue collected for the 12-month period up to 30 June of the same year and the use made of the revenues in question, together with verification that this use complies with the present Regulation and Guidelines and that the total amount of congestion income is devoted to one or more of the three prescribed purposes.
 - 6.6. The use of congestion income for investment to maintain or increase interconnection capacity shall preferably be assigned to specific predefined projects which contribute to relieving the existing associated congestion and which may also be implemented within a reasonable time, particularly as regards the authorisation process.
-

COMMISSION DECISION
of 9 November 2006
on harmonisation of the radio spectrum for use by short-range devices

(notified under document number C(2006) 5304)

(Text with EEA relevance)

(2006/771/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Decision No 676/2002/EC of the European Parliament and of the Council of 7 March 2002 on a regulatory framework for radio spectrum policy in the European Community (Radio Spectrum Decision) ⁽¹⁾, and in particular Article 4(3) thereof,

Whereas:

- (1) Given their pervasive use in the European Community and in the world, short-range devices are playing an increasing role in the economy and in the daily life of citizens, with different types of applications such as alarms, local communications equipment, door openers or medical implants. The development of applications based on short-range devices in the European Community could also contribute to achieving specific Community policy goals, such as completion of the internal market, promotion of innovation and research, and development of the information society.
- (2) Short-range devices are typically massmarket and/or portable products which can easily be taken and used across borders; differences in spectrum access conditions therefore prevent their free movement, increase their production costs and create risks of harmful interference with other radio applications and services. In order to reap the benefits of the internal market for this type of device, to support the competitiveness of EU manufacturing industry by increasing economies of scale and to lower costs for consumers, radio spectrum must therefore be made available in the Community on the basis of harmonised technical conditions.

- (3) As this type of device uses radio spectrum with low emission power and short-range emission capability, its potential to cause interference to other spectrum users is typically limited. Therefore such devices can share frequency bands with other services which are, or are not, subject to authorisation, without causing harmful interference, and can co-exist with other short-range devices. Their use should therefore not be subject to individual authorisation pursuant to the Authorisation Directive 2002/20/EC ⁽²⁾. In addition, radiocommunications services, as defined in the International Telecommunications Union Radio Regulations, have priority over short-range devices and are not required to ensure protection of particular types of short-range devices against interference. Since no protection against interference can therefore be guaranteed to users of short-range devices, it is the responsibility of manufacturers of short-range devices to protect such devices against harmful interference from radiocommunications services as well as from other short-range devices operating in accordance with the applicable Community or national regulations. Pursuant to Directive 1999/5/EC of the European Parliament and of the Council of 9 March 1999 on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity (the R&TTE Directive) ⁽³⁾ manufacturers should ensure, that short-range devices effectively use the radio frequency spectrum so as to avoid harmful interference to other short-range devices.
- (4) A significant number of these devices are already classified, or are likely to be in the future, as 'Class 1' equipment under Commission Decision 2000/299/EC of 6 April 2000 establishing the initial classification of radio equipment and telecommunications terminal equipment and associated identifiers ⁽⁴⁾ adopted pursuant to Article 4(1) of the R&TTE Directive. Decision 2000/299/EC recognises the equivalence of radio interfaces meeting the conditions of 'Class 1' so that radio equipment can be placed on the market and put into service without restriction in the whole Community.
- (5) As the availability of harmonised spectrum and associated conditions of use determine 'Class 1' classification, this Decision will further consolidate the continuity of such classification once achieved.

⁽¹⁾ OJ L 108, 24.4.2002, p. 1.

⁽²⁾ OJ L 108, 24.4.2002, p. 21.

⁽³⁾ OJ L 91, 7.4.1999, p. 10.

⁽⁴⁾ OJ L 97, 19.4.2000, p. 13.

- (6) On 11 March 2004 the Commission therefore issued a mandate ⁽⁵⁾ to the CEPT, pursuant to Article 4(2) of the Radio Spectrum Decision, to harmonise frequency use for short-range devices. In response to that mandate, in its report ⁽⁶⁾ of 15 November 2004 the CEPT established the list of voluntary harmonisation measures which exist in the European Community for short-range devices and stated that a more binding commitment is required from Member States in order to ensure the legal stability of the frequency harmonisation achieved in the CEPT. Therefore, it is necessary to establish a mechanism to make such harmonisation measures legally binding in the European Community.
- (7) Member States may allow, at national level, equipment to operate under more permissive conditions than specified in this Decision. However, in this case such equipment could not operate throughout the Community without restrictions and would therefore be considered as 'Class 2' equipment under the classification in the R&TTE Directive.
- (8) Harmonisation under this Decision does not exclude the possibility for a Member State to apply, where justified, transitional periods or radio spectrum-sharing arrangements pursuant to Article 4(5) of the Radio Spectrum Decision. These should be kept to the minimum, as they would limit the benefits of 'Class 1' classification.
- (9) This general technical harmonisation Decision applies without prejudice to European Community technical harmonisation measures which apply to specific bands and types of devices, such as Commission Decision 2004/545/EC of 8 July 2004 on the harmonisation of radio spectrum in the 79 GHz range for the use of automotive short-range radar equipment in the Community ⁽⁷⁾, Commission Decision 2005/50/EC of 17 January 2005 on the harmonisation of the 24 GHz range radio spectrum band for the time-limited use by automotive short-range radar equipment in the Community ⁽⁸⁾, Commission Decision 2005/513/EC on the harmonised use of radio spectrum in the 5 GHz frequency band for the implementation of wireless access systems including radio local area networks (WAS/RLANs) ⁽⁹⁾ or Commission Decision 2005/928/EC of 20 December 2005 on the harmonisation of the 169,4-169,8125 MHz frequency band in the Community ⁽¹⁰⁾.
- (10) The use of spectrum is subject to the requirements of Community law for public health protection in particular Directive 2004/40/EC of the European Parliament and of the Council ⁽¹¹⁾ and Council Recommendation 1999/519/EC ⁽¹²⁾. Health protection for radio equipment is ensured by conformity of such equipment to the essential requirements pursuant to the R&TTE Directive.
- (11) Due to the rapid changes in technology and societal demands, new applications for short-range devices will emerge, which will require constant scrutiny of spectrum harmonisation conditions, taking into account the economic benefits of new applications and the requirements of industry and users. Member States will have to monitor these evolutions. Regular updates of this Decision will therefore be necessary to respond to new developments in the market and technology. The Annex will be reviewed at least once every year on the basis of the information collected by Member States and provided to the Commission. A review may also be started in cases where appropriate measures will be taken by a Member State pursuant to Article 9 of the R&TTE Directive. If a review reveals the necessity to adapt the Decision, changes will be decided following the procedures specified in the Radio Spectrum Decision for the adoption of implementing measures. The updates could include transition periods to accommodate legacy situations.
- (12) The measures provided for in this Decision are in accordance with the opinion of the Radio Spectrum Committee,

HAS ADOPTED THIS DECISION:

Article 1

The purpose of this Decision is to harmonise the frequency bands and the related technical parameters for the availability and efficient use of radio spectrum for short-range devices so that such devices may benefit from 'Class 1' classification under Commission Decision 2000/299/EC.

Article 2

For the purpose of this Decision:

1. 'short-range device' means radio transmitters which provide either unidirectional or bidirectional communication and which transmit over a short distance at low power;

⁽⁵⁾ Mandate to CEPT to analyse further harmonisation of frequency bands in use for short-range devices.

⁽⁶⁾ Final report by the ECC in response to the EC mandate to the CEPT on short-range devices radio spectrum harmonisation.

⁽⁷⁾ OJ L 241, 13.7.2004, p. 66.

⁽⁸⁾ OJ L 21, 25.1.2005, p. 15.

⁽⁹⁾ OJ L 187, 19.7.2005, p. 22.

⁽¹⁰⁾ OJ L 344, 27.12.2005, p. 47.

⁽¹¹⁾ OJ L 159, 30.4.2004, p. 1, corrected by OJ L 184, 24.5.2004, p. 1.

⁽¹²⁾ OJ L 199, 30.7.1999, p. 59.

2. 'non-interference and non-protected basis' means that no harmful interference may be caused to any radio communications service and that no claim may be made for protection of these devices against harmful interference originating from radio communications services.

Article 3

1. Member States shall designate and make available, on a non-exclusive, non-interference and non-protected basis, the frequency bands for the types of short-range devices, subject to the specific conditions and by the implementation deadline, as laid down in the Annex to this Decision.
2. Notwithstanding paragraph 1, Member States may request transitional periods and/or radio spectrum-sharing arrangements, pursuant to Article 4(5) of the Radio Spectrum Decision.
3. This Decision is without prejudice to the right of Member States to allow the use of the frequency bands under less

restrictive conditions than specified in the Annex to this Decision.

Article 4

Member States shall keep the use of the relevant bands under scrutiny and report their findings to the Commission to allow regular and timely review of the Decision.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 9 November 2006.

For the Commission

Viviane REDING

Member of the Commission

ANNEX

Harmonised frequency bands and technical parameters for short-range devices

| Type of short-range device | Frequency band(s)/ Single frequencies | Maximum power/ field strength | Additional regulatory parameters/Mitigation requirements | Other restrictions | Implementation deadline |
|---|--|--|--|--|----------------------------|
| Non-specific short- range devices ⁽¹⁾ | 26,957-27,283 MHz | 10 mW effective radiated power (e.r.p.), which corresponds to 42 dBµA/m at 10 metres | | Video applications are excluded | 1 June 2007 |
| | 40,660-40,700 MHz | 10 mW e.r.p. | | Video applications are excluded | 1 June 2007 |
| | 433,05-434,79 MHz | 10 mW e.r.p. | Duty cycle (?): up to 10 % | Audio and voice signals, and video applications, are excluded | 1 June 2007 |
| | 868,0-868,6 MHz | 25 mW e.r.p. | Duty cycle (?): up to 1 % | Video applications are excluded | 1 June 2007 |
| | 868,7-869,2 MHz | 25 mW e.r.p. | Duty cycle (?): up to 0,1 % | Video applications are excluded | 1 June 2007 |
| | 869,4-869,65 MHz | 500 mW e.r.p. | Duty cycle (?): up to 10 % Channel spacing: must be 25 kHz, except that the whole band may also be used as one single channel for high-speed data transmission | Video applications are excluded | 1 June 2007 |
| | 869,7-870 MHz | 5 mW e.r.p. | Voice applications allowed with advanced mitigation techniques | Audio and video applications, are excluded | 1 June 2007 |
| | 2 400-2 483,5 MHz | 10 mW equivalent isotropic radiated power (e.i.r.p.) | | | 1 June 2007 |
| | 5 725-5 875 MHz | 25 mW e.i.r.p. | | | 1 June 2007 |
| Alarm systems | 868,6-868,7 MHz | 10 mW e.r.p. | Channel spacing: 25 kHz The whole frequency band may also be used as one single channel for high-speed data trans- mission Duty cycle (?): up to 0,1 % | | 1 June 2007 |
| | 869,25-869,3 MHz | 10 mW e.r.p. | Channel spacing: 25 kHz Duty cycle (?): below to 0,1 % | | 1 June 2007 |
| | 869,65-869,7 MHz | 25 mW e.r.p. | Channel spacing: 25 kHz Duty cycle (?): below to 10 % | | 1 June 2007 |

| Type of short-range device | Frequency band(s)/ Single frequencies | Maximum power/ field strength | Additional regulatory parameters/Mitigation requirements | Other restrictions | Implementation deadline |
|---|--|----------------------------------|---|--------------------|----------------------------|
| Social alarms ⁽³⁾ | 869,20-869,25 MHz | 10 mW e.r.p. | Channel spacing: 25 kHz Duty cycle ⁽²⁾ : below 0,1 % | | 1 June 2007 |
| Inductive appli- cations ⁽⁴⁾ | 20,05-59,75 kHz | 72 dBµA/m at 10 metres | | | 1 June 2007 |
| | 59,75-60,25 kHz | 42 dBµA/m at 10 metres | | | 1 June 2007 |
| | 60,25-70 kHz | 69 dBµA/m at 10 metres | | | 1 June 2007 |
| | 70-119 kHz | 42 dBµA/m at 10 metres | | | 1 June 2007 |
| | 119-127 kHz | 66 dBµA/m at 10 metres | | | 1 June 2007 |
| | 127-135 kHz | 42 dBµA/m at 10 metres | | | 1 June 2007 |
| | 6 765-6 795 kHz | 42 dBµA/m at 10 metres | | | 1 June 2007 |
| | 13,553-13,567 MHz | 42 dBµA/m at 10 metres | | | 1 June 2007 |
| Active medical implants ⁽⁵⁾ | 402-405 MHz | 25 µW e.r.p. | Channel spacing: 25 kHz Other channelling restriction: individual transmitters may combine adjacent channels for increased bandwidth with advanced mitigation techniques | | 1 June 2007 |
| Wireless audio appli- cations ⁽⁶⁾ | 863-865 MHz | 10 mW e.r.p. | | | 1 June 2007 |

⁽¹⁾ This category is available for any type of application which fulfils the technical conditions (typical uses are telemetry, telecommand, alarms, data in general and other similar applications).

⁽²⁾ 'Duty cycle' means the ratio of time during any one-hour period when equipment is actively transmitting.

⁽³⁾ Social alarm devices are used to assist elderly or disabled people living at home when they are in distress.

⁽⁴⁾ This category covers, for example, devices for car immobilisation, animal identification, alarm systems, cable detection, waste management, personal identification, wireless voice links, access control, proximity sensors, anti-theft systems including RF anti-theft induction systems, data transfer to handheld devices, automatic article identification, wireless control systems and automatic road tolling.

⁽⁵⁾ This category covers the radio part of active implantable medical devices, as defined in Council Directive 90/385/EEC of 20 June 1990 on the approximation of the laws of the Member States relating to active implantable medical devices and their peripherals.

⁽⁶⁾ Applications for wireless audio systems, including: cordless loudspeakers; cordless headphones; cordless headphones for portable use, for example portable CD, cassette or radio devices carried on a person; cordless headphones for use in a vehicle, for example for use with a radio or mobile telephone, etc.; in-ear monitoring, for use with concerts or other stage productions.