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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 1721/2006
of 21 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 22 November 2006.

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

Done at Brussels, 21 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 21 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	71,7
	204	28,5
	999	50,1
0707 00 05	052	144,7
	204	66,2
	628	171,8
	999	127,6
0709 90 70	052	148,5
	204	135,1
	999	141,8
0805 20 10	204	67,5
	999	67,5
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	73,3
	400	77,8
	999	75,6
0805 50 10	052	45,9
	388	46,4
	528	25,4
	999	39,2
0808 10 80	388	93,6
	400	103,6
	404	99,2
	720	66,8
	800	152,5
	999	103,1
0808 20 50	052	106,4
	720	54,8
	999	80,6

⁽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 1722/2006**of 21 November 2006****amending Regulations (EC) Nos 1431/94, 2497/96, 1396/98, 701/2003 and 593/2004 as regards the lodging of import licence applications in the poultrymeat and eggs sectors for the first quarter of 2007**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organisation of the market in eggs ⁽¹⁾, and in particular Article 6(1) thereof,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organisation of the market in poultrymeat ⁽²⁾, and in particular Article 6(1) thereof,

Having regard to Council Regulation (EC) No 774/94 of 29 March 1994 opening and providing for the administration of certain Community tariff quotas for high quality beef, and for pigmeat, poultrymeat, wheat and meslin, and brans, sharps and other residues ⁽³⁾, and in particular Article 7 thereof,

Having regard to Council Regulation (EEC) No 2783/75 of 29 October 1975 on the common system of trade for ovalbumin and lactalbumin ⁽⁴⁾, and in particular Article 4(1) thereof,

Having regard to Council Regulation (EC) No 2286/2002 of 10 December 2002 on the arrangements applicable to agricultural products and goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP States) and repealing Regulation (EC) No 1706/98 ⁽⁵⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EC) No 2398/96 of 12 December 1996 opening the tariff quota for turkey meat from Israel provided for in the Association Agreement and the Interim Agreement between the European Community and the State of Israel ⁽⁶⁾, and in particular Article 2 thereof,

Having regard to Council Regulation (EC) No 779/98 of 7 April 1998 on the import into the Community of agricultural products originating in Turkey, repealing Regulation (EEC) No 4115/86 and amending Regulation (EC) No 3010/95 ⁽⁷⁾, and in particular Article 1 thereof,

Whereas:

- (1) Commission Regulation (EC) No 2497/96 ⁽⁸⁾ lays down procedures for applying in the poultrymeat sector the arrangements provided for in the Association Agreement and the Interim Agreement between the European Community and the State of Israel.
- (2) Commission Regulation (EC) No 1396/98 ⁽⁹⁾ lays down procedures for the application in the poultrymeat sector of Regulation (EC) No 779/98.
- (3) Commission Regulation (EC) No 701/2003 ⁽¹⁰⁾ lays down detailed rules for the application of Regulation (EC) No 2286/2002 as regards the arrangements applicable to imports of certain poultrymeat and egg products originating in the African, Caribbean and Pacific States (ACP States).
- (4) Commission Regulation (EC) No 593/2004 ⁽¹¹⁾ opens and provides for the administration of the tariff quotas in the egg sector and for egg albumin.
- (5) All of these Regulations lay down that applications for import licences may be lodged only in the course of the first seven days of the month preceding each specific quota period. In view of the accession of Bulgaria and Romania to the European Union as from 1 January 2007, a different period should be laid down for the lodging of applications for licences for the first quarter of 2007.

⁽¹⁾ OJ L 282, 1.11.1975, p. 49. Regulation as last amended by Regulation (EC) No 679/2006 (OJ L 119, 4.5.2006, p. 1).

⁽²⁾ OJ L 282, 1.11.1975, p. 77. Regulation as last amended by Regulation (EC) No 679/2006.

⁽³⁾ OJ L 91, 8.4.1994, p. 1. Regulation as amended by Commission Regulation (EC) No 2198/95 (OJ L 221, 19.9.1995, p. 3).

⁽⁴⁾ OJ L 282, 1.11.1975, p. 104. Regulation as last amended by Commission Regulation (EC) No 2916/95 (OJ L 305, 19.12.1995, p. 49).

⁽⁵⁾ OJ L 348, 21.12.2002, p. 5.

⁽⁶⁾ OJ L 327, 18.12.1996, p. 7.

⁽⁷⁾ OJ L 113, 15.4.1998, p. 1.

⁽⁸⁾ OJ L 338, 28.12.1996, p. 48. Regulation as last amended by Regulation (EC) No 361/2004 (OJ L 63, 28.2.2004, p. 15).

⁽⁹⁾ OJ L 187, 1.7.1998, p. 41. Regulation as last amended by Regulation (EC) No 1043/2001 (OJ L 145, 31.5.2001, p. 24).

⁽¹⁰⁾ OJ L 99, 17.4.2003, p. 32.

⁽¹¹⁾ OJ L 94, 31.3.2004, p. 10.

- (6) Commission Regulation (EC) No 1431/94 of 22 June 1994 laying down detailed rules for the application in the poultrymeat sector of the import arrangements provided for in Council Regulation (EC) No 774/94 opening and providing for the administration of certain Community tariff quotas for poultrymeat and certain other agricultural products⁽¹²⁾ has already been amended with a view to the accession of Bulgaria and Romania to the European Union as from 1 January 2007. Under the second subparagraph of Article 4(1) of that Regulation, for the period from 1 January to 31 March 2007 licence applications are to be lodged during the first seven working days of January 2007. For administrative reasons this period should be extended to the first 15 days of January 2007. In the interests of harmonisation with other import quotas in the same sector, the same period should be laid down for the lodging of applications for the first quarter of 2007.
- (7) Regulations (EC) Nos 1431/94, 2497/96, 1396/98, 701/2003 and 593/2004 should therefore be amended accordingly.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Poultrymeat and Eggs,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 4(1) of Regulation (EC) No 1431/94, the second subparagraph is replaced by the following:

'However, for the period from 1 January to 31 March 2007, licence applications shall be lodged during the first 15 days of January 2007.'

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

Done at Brussels, 21 November 2006.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

Article 2

In Article 4(1) of Regulation (EC) No 2497/96, the second subparagraph is replaced by the following:

'However, for the period from 1 January to 31 March 2007, licence applications shall be lodged during the first 15 days of January 2007.'

Article 3

In Article 4(1) of Regulation (EC) No 1396/98, the following subparagraph is added:

'However, for the period from 1 January to 31 March 2007, licence applications shall be lodged during the first 15 days of January 2007.'

Article 4

The following subparagraph is added to Article 5(1) of Regulation (EC) No 701/2003:

'However, for the period from 1 January to 30 June 2007, licence applications shall be lodged during the first 15 days of January 2007.'

Article 5

The following subparagraph is added to Article 5(1) of Regulation (EC) No 593/2004:

'However, for the period from 1 January to 31 March 2007, licence applications shall be lodged during the first 15 days of January 2007.'

Article 6

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

⁽¹²⁾ OJ L 156, 23.6.1994, p. 9. Regulation as last amended by Regulation (EC) No 1255/2006 (OJ L 228, 22.8.2006, p. 3).

II

(Acts whose publication is not obligatory)

COUNCIL

**DECISION No 2/2006 OF THE EU-CHILE ASSOCIATION COUNCIL
of 16 October 2006**

on the amendment of Annex I to the Agreement establishing an association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part, to take into account the consolidation of the tariff preferences granted to Chile by the Community scheme of generalised tariff preferences (GSP)

(2006/792/EC)

THE ASSOCIATION COUNCIL,

HAS DECIDED AS FOLLOWS:

Having regard to the Agreement establishing an association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part, signed in Brussels on 18 November 2002 (hereinafter referred to as the Association Agreement), and in particular Article 60(5) thereof,

Article 1

Annex I to the Association Agreement is hereby amended in accordance with the provisions set out in the Annex to this Decision.

Whereas:

Article 2

This Decision shall supersede the terms laid down in Articles 65, 68 and 71 of the Association Agreement with respect to imports into the Community of the products concerned.

(1) In order to ensure clarity, long term economic predictability and legal certainty for economic operators, the parties have agreed to consolidate into their bilateral free trade agreement the remaining tariff preferences granted to Chile by the Community scheme of generalised tariff preferences (GSP) and not yet provided for by the Community tariff concessions listed in Annex I to the Association Agreement.

Article 3

Proofs of origin properly issued in Chile in the framework of the Community scheme of generalised tariff preferences (GSP) shall be accepted in the European Community as valid proofs of origin under the preferential bilateral trade regime established by the Association Agreement, provided that:

(2) Article 60(5) of the Association Agreement empowers the Association Council to take decisions in order to accelerate the reduction of customs duties more rapidly than is provided for in Articles 65, 68 and 71, or otherwise improve the conditions of access under those Articles.

(i) the proof of origin is submitted within four months of the date of entry into force of this Decision;

(3) This Decision supersedes the terms laid down in Articles 65, 68 and 71 for the products concerned.

(ii) the proof of origin and the transport documents were issued no later than the day before the date of entry into force of this Decision;

(4) It is desirable to ensure smooth transition from the GSP to the preferential bilateral trade regime established by the Association Agreement by allowing GSP proofs of origin (certificate of origin Form A or invoice declaration) to be submitted for a certain period of time,

(iii) the proof of origin is presented at import into the European Community for the benefit of tariff preferences previously granted under the GSP which are consolidated by this Decision.

Article 4

This Decision shall enter into force on 1 January 2006, or the day of its adoption if the adoption takes place after the 1 January 2006.

Done at Brussels, 16 October 2006.

For the Association Council

The President

A. FOXLEY

ANNEX

COMMUNITY'S TARIFF ELIMINATION SCHEDULE
(Referred to in Articles 60, 65, and 71 of the Association Agreement)

HS heading	Description	Base	Category
0302	Fish, fresh or chilled, excluding fish fillets and other fish meat of heading 0304 - Salmonidae, excluding livers and roes		
0302 69	-- Other --- Saltwater fish ---- Hake (<i>Merluccius</i> spp., <i>Urophycis</i> spp.) ----- Hake of the genus <i>Merluccius</i>		
0302 69 66	----- Cape hake (shallow-water hake) (<i>Merluccius capensis</i>) and deepwater hake (deepwater Cape hake) (<i>Merluccius paradoxus</i>)	11,50 % (1) (11)	— TQ (4a)
0302 69 67	----- Southern hake (<i>Merluccius australis</i>)	11,50 % (1) (11)	— TQ (4a)
0302 69 68	----- Other	11,50 % (1) (11)	— TQ (4a)
0302 69 69	----- Hake of the genus <i>Urophycis</i>	11,50 % (1) (11)	— TQ (4a)
0305	Fish, dried, salted or in brine; smoked fish, whether or not cooked before or during the smoking process; flours, meals and pellets of fish, fit for human consumption		
0305 30	- Fish fillets, dried, salted or in brine, but not smoked		
0305 30 30	-- Of Pacific salmon (<i>Oncorhynchus nerka</i> , <i>Oncorhynchus gorbuscha</i> , <i>Oncorhynchus keta</i> , <i>Oncorhynchus tshawytscha</i> , <i>Oncorhynchus kisutch</i> , <i>Oncorhynchus masou</i> and <i>Oncorhynchus rhodurus</i>), Atlantic salmon (<i>Salmo salar</i>), and Danube salmon (<i>Hucho hucho</i>), salted or in brine	11,50 % (1) (11)	— TQ (4b)
	- Smoked fish, including fillets		
0305 41 00	-- Pacific salmon (<i>Oncorhynchus nerka</i> , <i>Oncorhynchus gorbuscha</i> , <i>Oncorhynchus keta</i> , <i>Oncorhynchus tshawytscha</i> , <i>Oncorhynchus kisutch</i> , <i>Oncorhynchus masou</i> and <i>Oncorhynchus rhodurus</i>), Atlantic salmon (<i>Salmo salar</i>) and Danube salmon (<i>Hucho hucho</i>)	9,50 % (1) (11)	— TQ (4b)
0704	Cabbages, cauliflowers, kohlrabi, kale and similar edible brassicas, fresh or chilled		
ex 0704 10 00	- Cauliflowers and headed broccoli (1.12 to 14.4)	6,1 % (1)	
ex 0704 10 00	- Cauliflowers and headed broccoli (15.4 to 30.11)	10,1 % (1)	
0704 90	- Other		
0704 90 10	-- White cabbages and red cabbages	8,5 % (1)	

HS heading	Description	Base	Category
0705	Lettuce (<i>Lactuca sativa</i>) and chicory (<i>Cichorium</i> spp.), fresh or chilled – Lettuce		
ex 0705 11 00	-- Cabbage lettuce (head lettuce) (1.12 to 31.3)	6,9 % (!)	
ex 0705 11 00	-- Cabbage lettuce (head lettuce) (1.4 to 30.11)	8,5 % (!)	
0708	Leguminous vegetables, shelled or unshelled, fresh or chilled		
ex 0708 20 00	– Beans (<i>Vigna</i> spp., <i>Phaseolus</i> spp.) (1.10 to 30.6)	6,9 % (!)	
ex 0708 20 00	– Beans (<i>Vigna</i> spp., <i>Phaseolus</i> spp.) (1.7 to 30.9)	10,1 % (!)	
0710	Vegetables (uncooked or cooked by steaming or boiling in water), frozen		
0710 40 00	– Sweetcorn	1,6 % + 9,4 EUR/ 100 kg/net eda (!)	
0711	Vegetables provisionally preserved (for example, by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in that state for immediate consumption – Mushrooms and truffles		
0711 51 00	-- Mushrooms of the genus <i>Agaricus</i>	6,1 % + 191 EUR/ 100 kg/net eda (!)	
0711 90	– Other vegetables; mixtures of vegetables -- Vegetables		
0711 90 30	--- Sweetcorn	1,6 % + 9,4 EUR/ 100 kg/net eda (!)	
0714	Manioc, arrowroot, salep, Jerusalem artichokes, sweet potatoes and similar roots and tubers with high starch or inulin content, fresh, chilled, frozen or dried, whether or not sliced or in the form of pellets; sago pith		
0714 20	– Sweet potatoes		
0714 20 90	-- Other	4,4 EUR/100 kg/ net (!)	
0811	Fruit and nuts, uncooked or cooked by steaming or boiling in water, frozen, whether or not containing added sugar or other sweetening matter		
0811 20	– Raspberries, blackberries, mulberries, loganberries, black-, white- or redcurrants and gooseberries -- Containing added sugar or other sweetening matter		
0811 20 11	--- With a sugar content exceeding 13 % by weight	17,3 % + 8,4 EUR/ 100 kg (!)	
0811 90	– Other -- Containing added sugar or other sweetening matter --- With a sugar content exceeding 13 % by weight		
0811 90 11	---- Tropical fruit and tropical nuts	9,5 % + 5,3 EUR/ 100 kg (!)	

HS heading	Description	Base	Category
0811 90 19	---- Other	17,3 % + 8,4 EUR/ 100 kg ⁽¹⁾	
1008	Buckwheat, millet and canary seed; other cereals		
1008 90	- Other cereals		
ex 1008 90 90	-- Quinoa	25,9 EUR/ 1 000 kg ⁽¹⁾	
1604	Prepared or preserved fish; caviar and caviar substitutes prepared from fish eggs - Fish, whole or in pieces, but not minced		
1604 14	-- Tunas, skipjack and bonito (<i>Sarda</i> spp.) --- Tunas and skipjack		
1604 14 11	---- In vegetable oil	20,5 % ⁽¹⁾ ⁽¹¹⁾	— TQ(5)
	---- Other		
1604 14 16	----- Fillets known as 'loins'	20,5 % ⁽¹⁾	
1604 14 18	----- Other	20,5 % ⁽¹⁾ ⁽¹¹⁾	— TQ(5)
1604 19	-- Other --- Fish of the genus <i>Euthynnus</i> , other than skipjack (<i>Euthynnus</i> (<i>Katsuwonus</i>) <i>pelamis</i>)		
1604 19 31	---- Fillets known as 'loins'	20,5 % ⁽¹⁾	—
1604 19 39	---- Other	20,5 % ⁽¹⁾ ⁽¹¹⁾	— TQ(5)
1604 20	- Other prepared or preserved fish -- Other		
1604 20 70	--- Of tunas, skipjack or other fish of the genus <i>Euthynnus</i>	20,5 % ⁽¹⁾ ⁽¹¹⁾	— TQ(5)
1702	Other sugars, including chemically pure lactose, maltose, glucose and fructose, in solid form; sugar syrups not containing added flavouring or colouring matter; artificial honey, whether or not mixed with natural honey; caramel		
1702 50 00	- Chemically pure fructose	12,5 % + 50,7 EUR/100 kg/ net mas ⁽¹⁾	
1702 90	- Other, including invert sugar and other sugar and sugar syrup blends containing in the dry state 50 % by weight of fructose		
1702 90 10	-- Chemically pure maltose	8,9 % ⁽¹⁾	
1902	Pasta, whether or not cooked or stuffed (with meat or other substances) or otherwise prepared, such as spaghetti, macaroni, noodles, lasagne, gnocchi, ravioli, cannelloni; couscous, whether or not prepared		
1902 20	- Stuffed pasta, whether or not cooked or otherwise prepared		

HS heading	Description	Base	Category
1902 20 30	-- Containing more than 20 % by weight of sausages and the like, of meat and meat offal of any kind, including fats of any kind or origin	38 EUR/100 kg (1)	
2001	Vegetables, fruit, nuts and other edible parts of plants, prepared or preserved by vinegar or acetic acid		
2001 90	- Other		
2001 90 30	-- Sweetcorn (<i>Zea mays</i> var. <i>saccharata</i>)	1,6 % + 9,4 EUR/100 kg/net eda (1)	
2003	Mushrooms and truffles, prepared or preserved otherwise than by vinegar or acetic acid		
2003 10	- Mushrooms of the genus <i>Agaricus</i>		
2003 10 20	-- Provisionally preserved, completely cooked	14,9 % + 191 EUR/100 kg/net eda (1) (11)	TQ (2d)
2003 10 30	-- Other	14,9 % + 222 EUR/100 kg/net eda (1) (11)	TQ (2d)
2004	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, frozen, other than products of heading 2006		
2004 90	- Other vegetables and mixtures of vegetables		
2004 90 10	-- Sweetcorn (<i>Zea mays</i> var. <i>saccharata</i>)	1,6 % + 9,4 EUR/100 kg/net eda (1)	
2006 00	Vegetables, fruit, nuts, fruit-peel and other parts of plants, preserved by sugar (drained, glacé or crystallised) - Other -- With a sugar content exceeding 13 % by weight		
2006 00 31	--- Cherries	16,5 % + 23,9 EUR/100 kg (1)	
2006 00 35	--- Tropical fruit and tropical nuts	9 % + 15 EUR/100 kg (1)	
2006 00 38	--- Other	16,5 % + 23,9 EUR/100 kg (1)	
2007	Jams, fruit jellies, marmalades, fruit or nut purée and fruit or nut pastes, obtained by cooking, whether or not containing added sugar or other sweetening matter		
2007 10	- Homogenised preparations		
2007 10 10	-- With a sugar content exceeding 13 % by weight	20,4 % + 4,2 EUR/100 kg (1)	
2007 91	- Other -- Citrus fruit		
2007 91 10	--- With a sugar content exceeding 30 % by weight	16,5 % + 23 EUR/100 kg (1)	

HS heading	Description	Base	Category
2007 91 30	--- With a sugar content exceeding 13 % but not exceeding 30 % by weight	16,5 % + 4,2 EUR/100 kg (1)	
2007 99	-- Other --- With a sugar content exceeding 30 % by weight		
2007 99 20	---- Chestnut purée and paste	20,5 % + 19,7 EUR/100 kg (1)	
	---- Other		
2007 99 31	----- Of cherries	20,5 % + 23 EUR/100 kg (1)	
2007 99 33	----- Of strawberries	20,5 % + 23 EUR/100 kg (1)	
2007 99 35	----- Of raspberries	20,5 % + 23 EUR/100 kg (1)	
2007 99 39	----- Other	20,5 % + 23 EUR/100 kg (1)	
	--- With a sugar content exceeding 13 % but not exceeding 30 % by weight		
2007 99 55	---- Apple purée, including compotes	20,5 % + 4,2 EUR/100 kg (1)	
2007 99 57	---- Other	20,5 % + 4,2 EUR/100 kg (1)	
2008	Fruit, nuts and other edible parts of plants, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included		
2008 20	- Pineapples -- Containing added spirit --- In immediate packings of a net content exceeding 1 kg		
2008 20 11	---- With a sugar content exceeding 17 % by weight	22,1 % + 2,5 EUR/100 kg (1)	
	--- In immediate packings of a net content not exceeding 1 kg		
2008 20 31	---- With a sugar content exceeding 19 % by weight	22,1 % + 2,5 EUR/100 kg (1)	
2008 30	- Citrus fruit -- Containing added spirit --- With a sugar content exceeding 9 % by weight		
2008 30 19	---- Other	22,1 % + 4,2 EUR/100 kg (1)	
2008 50	- Apricots -- Containing added spirit --- In immediate packings of a net content exceeding 1 kg ---- With a sugar content exceeding 13 % by weight		

HS heading	Description	Base	Category
2008 50 19	----- Other	22,1 % + 4,2 EUR/ 100 kg (1)	
	--- In immediate packings of a net content not exceeding 1 kg		
2008 50 51	---- With a sugar content exceeding 15 % by weight	22,1 % + 4,2 EUR/ 100 kg (1)	
2008 60	- Cherries -- Containing added spirit --- With a sugar content exceeding 9 % by weight		
2008 60 19	---- Other	22,1 % + 4,2 EUR/ 100 kg (1) (4)	TQ (2e)
2008 80	- Strawberries -- Containing added spirit --- With a sugar content exceeding 9 % by weight		
2008 80 19	---- Other	22,1 % + 4,2 EUR/ 100 kg (1)	
2008 92	- Other, including mixtures other than those of subheading 2008 19 -- Mixtures --- Containing added spirit ---- With a sugar content exceeding 9 % by weight ----- Other		
2008 92 16	----- Of tropical fruit (including mixtures containing 50 % or more by weight of tropical nuts and tropical fruit)	12,5 % + 2,6 EUR/ 100 kg (1)	
2008 92 18	----- Other	22,1 % + 4,2 EUR/ 100 kg (1)	
2008 99	-- Other --- Containing added spirit ---- Grapes		
2008 99 21	----- With a sugar content exceeding 13 % by weight	22,1 % + 3,8 EUR/ 100 kg (1)	
	---- Other ----- With a sugar content exceeding 9 % by weight ----- Other		
2008 99 32	----- Passion fruit and guavas	12,5 % + 2,6 EUR/ 100 kg (1)	
2008 99 33	----- Mangoes, mangosteens, papaws (papayas), tamarinds, cashew apples, lychees, jackfruit, sapodillo plums, carambola and pitahaya	12,5 % + 2,6 EUR/ 100 kg (1)	
2008 99 34	----- Other	22,1 % + 4,2 EUR/ 100 kg (1)	

HS heading	Description	Base	Category
2009	Fruit juices (including grape must) and vegetable juices, unfermented and not containing added spirit, whether or not containing added sugar or other sweetening matter - Orange juice		
2009 11	-- Frozen --- Of a Brix value exceeding 67		
2009 11 11	---- Of a value not exceeding EUR 30 per 100 kg net weight	30,1 % + 20,6 EUR/ 100 kg (1)	
	--- Of a Brix value not exceeding 67		
2009 11 91	---- Of a value not exceeding EUR 30 per 100 kg net weight and with an added sugar content exceeding 30 % by weight	11,7 % + 20,6 EUR/ 100 kg (1)	
2009 19	-- Other --- Of a Brix value exceeding 67		
2009 19 11	---- Of a value not exceeding EUR 30 per 100 kg net weight	30,1 % + 20,6 EUR/ 100 kg (1)	
	--- Of a Brix value exceeding 20 but not exceeding 67		
2009 19 91	---- Of a value not exceeding EUR 30 per 100 kg net weight and with an added sugar content exceeding 30 % by weight	11,7 % + 20,6 EUR/ 100 kg (1)	
2009 29	-- Other: --- Of a Brix value exceeding 67		
2009 29 11	---- Of a value not exceeding EUR 30 per 100 kg net weight	30,1 % + 20,6 EUR/ 100 kg (1)	
	--- Of a Brix value exceeding 20 but not exceeding 67		
2009 29 91	---- Of a value not exceeding EUR 30 per 100 kg net weight and with an added sugar content exceeding 30 % by weight	8,5 % + 20,6 EUR/ 100 kg (1)	
2009 39	-- Other --- Of a Brix value exceeding 67		
2009 39 11	---- Of a value not exceeding EUR 30 per 100 kg net weight	30,1 % + 20,6 EUR/ 100 kg (1)	
	--- Of a Brix value exceeding 20 but not exceeding 67 ---- Of a value not exceeding EUR 30 per 100 kg net weight ----- Lemon juice		
2009 39 51	----- With an added sugar content exceeding 30 % by weight	10,9 % + 20,6 EUR/ 100 kg (1)	

HS heading	Description	Base	Category
	----- Other citrus fruit juices		
2009 39 91	----- With an added sugar content exceeding 30 % by weight	10,9 % + 20,6 EUR/ 100 kg (1)	
2009 49	- Pineapple juice -- Other --- Of a Brix value exceeding 67		
2009 49 11	---- Of a value not exceeding EUR 30 per 100 kg net weight	30,1 % + 20,6 EUR/ 100 kg (1)	
	--- Of a Brix value exceeding 20 but not exceeding 67 ---- Other		
2009 49 91	----- With an added sugar content exceeding 30 % by weight	11,7 % + 20,6 EUR/ 100 kg (1)	
2009 61	- Grape juice (including grape must) -- Of a Brix value not exceeding 30		
2009 61 90	--- Of a value not exceeding EUR 18 per 100 kg net weight	18,9 % + 27 EUR/hl (1)	
2009 69	-- Other --- Of a Brix value exceeding 67		
2009 69 11	---- Of a value not exceeding EUR 22 per 100 kg net weight	36,5 % + 121 EUR/hl + 20,6 EUR/ 100 kg (1)	
	--- Of a Brix value exceeding 30 but not exceeding 67 ---- Of a value not exceeding EUR 18 per 100 kg net weight ----- With an added sugar content exceeding 30 % by weight		
2009 69 71	----- Concentrated	18,9 % + 131 EUR/hl + 20,6 EUR/ 100 kg (1)	
2009 69 79	----- Other	18,9 % + 27 EUR/ hl + 20,6 EUR/ 100 kg (1)	
2009 69 90	----- Other	18,9 % + 27 EUR/hl (1)	
2009 79	-- Other --- Of a Brix value exceeding 67		
2009 79 11	---- Of a value not exceeding EUR 22 per 100 kg net weight	26,5 % + 18,4 EUR/ 100 kg (1)	

HS heading	Description	Base	Category
	--- Of a Brix value exceeding 20 but not exceeding 67 ---- Other		
2009 79 91	----- With an added sugar content exceeding 30 % by weight	14,5 % + 19,3 EUR/ 100 kg (1)	
2009 80	- Juice of any other single fruit or vegetable -- Of a Brix value exceeding 67 --- Pear juice		
2009 80 11	---- Of a value not exceeding EUR 22 per 100 kg net weight	30,1 % + 20,6 EUR/ 100 kg (1)	
	--- Other ---- Of a value not exceeding EUR 30 per 100 kg net weight		
2009 80 32	----- Juices of passion fruit and guavas	17,5 % + 12,9 EUR/ 100 kg (1)	
2009 80 33	----- Juices of mangoes, mangosteens, papaws (papayas), tamarinds, cashew apples, lychees, jackfruit, sapodillo plums, carambola and pitahaya	17,5 % + 12,9 EUR/ 100 kg (1)	
2009 80 35	----- Other	30,1 % + 20,6 EUR/ 100 kg (1)	
	-- Of a Brix value not exceeding 67 --- Pear juice ---- Other		
2009 80 61	----- With an added sugar content exceeding 30 % by weight	15,7 % + 20,6 EUR/ 100 kg (1)	
	--- Other ---- Other ----- With an added sugar content exceeding 30 % by weight		
2009 80 83	----- Juices of passion fruit and guavas	7 % + 12,9 EUR/ 100 kg (1)	
2009 80 84	----- Juices of mangoes, mangosteens, papaws (papayas), tamarinds, cashew apples, lychees, jackfruit, sapodillo plums, carambola and pitahaya	7 % + 12,9 EUR/ 100 kg (1)	
2009 80 86	----- Other	13,3 % + 20,6 EUR/ 100 kg (1)	
2009 90	- Mixtures of juices -- Of a Brix value exceeding 67 --- Mixtures of apple and pear juice		
2009 90 11	---- Of a value not exceeding EUR 22 per 100 kg net weight	30,1 % + 20,6 EUR/ 100 kg (1)	

HS heading	Description	Base	Category
	--- Other		
2009 90 21	---- Of a value not exceeding EUR 30 per 100 kg net weight	30,1 % + 20,6 EUR/ 100 kg (1)	
	-- Of a Brix value not exceeding 67 --- Mixtures of apple and pear juice		
2009 90 31	---- Of a value not exceeding EUR 18 per 100 kg net weight and with an added sugar content exceeding 30 % by weight	16,5 % + 20,6 EUR/ 100 kg (1)	
	--- Other ---- Of a value not exceeding EUR 30 per 100 kg net weight ----- Mixtures of citrus fruit juices and pineapple juice		
2009 90 71	----- With an added sugar content exceeding 30 % by weight	11,7 % + 20,6 EUR/ 100 kg (1)	
	----- Other ----- With an added sugar content exceeding 30 % by weight		
2009 90 92	----- Mixtures of juices of tropical fruit	7 % + 12,9 EUR/ 100 kg (1)	
2009 90 94	----- Other	13,3 % + 20,6 EUR/ 100 kg (1)	
2102	Yeasts (active or inactive); other single-cell micro-organisms, dead (but not including vaccines of heading 3002); prepared baking powders		
2102 10	- Active yeasts		
2102 10 10	-- Culture yeast	7,4 % (1)	
	-- Bakers' yeast		
2102 10 31	--- Dried	8,5 % (1)	
2106	Food preparations not elsewhere specified or included		
2106 90	- Other		
2106 90 10	-- Cheese fondues	24,5 EUR/ 100 kg (1)	
2106 90 20	-- Compound alcoholic preparations, other than those based on odoriferous substances, of a kind used for the manufacture of beverages	12,1 % (1)	
	-- Other		
2106 90 92	--- Containing no milkfats, sucrose, isoglucose, glucose or starch or containing, by weight, less than 1,5 % milkfat, 5 % sucrose or isoglucose, 5 % glucose or starch	8,9 % (1)	

HS heading	Description	Base	Category
2106 90 98	--- Other	5,5 % + EA (1)	
2205	Vermouth and other wine of fresh grapes flavoured with plants or aromatic substances		
2205 10	- In containers holding 2 litres or less		
2205 10 10	-- Of an actual alcoholic strength by volume of 18 % vol or less	7,6 EUR/hl (1)	
2205 10 90	-- Of an actual alcoholic strength by volume exceeding 18 % vol	0 EUR/% vol/hl + 4,4 EUR/hl (1)	
2205 90	- Other		
2205 90 10	-- Of an actual alcoholic strength by volume of 18 % vol or less	6,3 EUR/hl (1)	
2205 90 90	-- Of an actual alcoholic strength by volume exceeding 18 % vol	0 EUR/% vol/hl (1)	
2206 00	Other fermented beverages (for example, cider, perry, mead); mixtures of fermented beverages and mixtures of fermented beverages and non-alcoholic beverages, not elsewhere specified or included		
2206 00 10	- Piquette	0 % (1)	
	- Other		
	-- Sparkling		
2206 00 31	--- Cider and perry	13,4 EUR/hl (1)	
2206 00 39	--- Other	13,4 EUR/hl (1)	
	-- Still, in containers holding		
	--- 2 litres or less		
2206 00 51	---- Cider and perry	5,3 EUR/hl (1)	
2206 00 59	---- Other	5,3 EUR/hl (1)	
	--- More than 2 litres		
2206 00 81	---- Cider and perry	4 EUR/hl (1)	
2206 00 89	---- Other	4 EUR/hl (1)	
2208	Undenatured ethyl alcohol of an alcoholic strength by volume of less than 80 % vol; spirits, liqueurs and other spirituous beverages		
2208 90	- Other		
	-- Undenatured ethyl alcohol of an alcoholic strength by volume of less than 80 % vol, in containers holding		
2208 90 91	--- 2 litres or less	0,7 EUR/% vol/hl + 4,4 EUR/hl (1)	
2208 90 99	--- More than 2 litres	0,7 EUR/% vol/hl (1)	

HS heading	Description	Base	Category
2209 00	Vinegar and substitutes for vinegar obtained from acetic acid - Wine vinegar, in containers holding		
2209 00 11	-- 2 litres or less	4,4 EUR/hl (1)	
2209 00 19	-- More than 2 litres	3,3 EUR/hl (1)	
	- Other, in containers holding		
2209 00 91	-- 2 litres or less	3,5 EUR/hl (1)	
2209 00 99	-- More than 2 litres	2,6 EUR/hl (1)	
2307 00	Wine lees; argol - Wine lees		
2307 00 19	-- Other	0,0 % (1)	
2308 00	Vegetable materials and vegetable waste, vegetable residues and by-products, whether or not in the form of pellets, of a kind used in animal feeding, not elsewhere specified or included - Grape marc		
2308 00 19	-- Other	0,0 % (1)	
2401	Unmanufactured tobacco; tobacco refuse		
2401 10	- Tobacco, not stemmed/stripped -- Flue-cured Virginia type and light air-cured Burley type tobacco (including Burley hybrids); light air-cured Maryland type and fire-cured tobacco		
2401 10 10	--- Flue-cured Virginia type	14,9 % MAX 24 EUR/100 kg (1)	
2401 10 20	--- Light air-cured Burley type (including Burley hybrids)	14,9 % MAX 24 EUR/100 kg (1)	
2401 10 30	--- Light air-cured Maryland type	6,4 % MAX 24 EUR/100 kg (1)	
	--- Fire-cured tobacco		
2401 10 41	---- Kentucky type	14,9 % MAX 24 EUR/100 kg (1)	
2401 10 49	---- Other	6,4 % MAX 24 EUR/100 kg (1)	
	-- Other		
2401 10 50	--- Light air-cured tobacco	3,9 % MAX 56 EUR/100 kg (1)	
2401 10 60	--- Sun-cured Oriental type tobacco	7,7 % MAX 56 EUR/100 kg (1)	
2401 10 70	--- Dark air-cured tobacco	7,7 % MAX 56 EUR/100 kg (1)	

HS heading	Description	Base	Category
2401 10 80	--- Flue-cured tobacco	3,9 % MAX 56 EUR/100 kg ^(l)	
2401 10 90	--- Other tobacco	3,9 % MAX 56 EUR/100 kg ^(l)	
2401 20	- Tobacco, partly or wholly stemmed/stripped -- Flue-cured Virginia type and light air-cured Burley type tobacco (including Burley hybrids); light air-cured Maryland type and fire-cured tobacco		
2401 20 10	--- Flue-cured Virginia type	14,9 % MAX 24 EUR/100 kg ^(l)	
2401 20 20	--- Light air-cured Burley type (including Burley hybrids)	14,9 % MAX 24 EUR/100 kg ^(l)	
2401 20 30	--- Light air-cured Maryland type	6,4 % MAX 24 EUR/100 kg ^(l)	
	--- Fire-cured tobacco		
2401 20 41	---- Kentucky type	14,9 % MAX 24 EUR/100 kg ^(l)	
2401 20 49	---- Other	6,4 % MAX 24 EUR/100 kg ^(l)	
	-- Other		
2401 20 50	--- Light air-cured tobacco	3,9 % MAX 56 EUR/100 kg ^(l)	
2401 20 60	--- Sun-cured Oriental type tobacco	7,7 % MAX 56 EUR/100 kg ^(l)	
2401 20 70	--- Dark air-cured tobacco	7,7 % MAX 56 EUR/100 kg ^(l)	
2401 20 80	--- Flue-cured tobacco	3,9 % MAX 56 EUR/100 kg ^(l)	
2401 20 90	--- Other tobacco	3,9 % MAX 56 EUR/100 kg ^(l)	
2401 30 00	- Tobacco refuse	3,9 % MAX 56 EUR/100 kg ^(l)	
3823	Industrial monocarboxylic fatty acids; acid oils from refining; industrial fatty alcohols		
3823 70 00	- Industrial fatty alcohols	0 % ^(l)	

^(l) Applied customs duty on import into the Community of products originating in Chile. This duty results from the consolidation in the Association Agreement of the GSP duty applied to Chile.

^(l) This customs duty applies only to ex quota products.

COMMISSION

COMMISSION DECISION

of 31 May 2006

relating to a proceeding under Article 81 of the Treaty establishing the European Community and Article 53 of the EEA Agreement

(Case No COMP/F/38.645 — Methacrylates)

(notified under document number C(2006) 2098)

(Only the English and French texts are authentic)

(Text with EEA relevance)

(2006/793/EC)

SUMMARY OF THE INFRINGEMENT

- (1) This Decision was addressed to Degussa AG, Röhm GmbH & Co. KG, Para-Chemie GmbH, Altuglas International SA, Altumax Europe SAS, Arkema SA, Elf Aquitaine SA, Total SA, ICI PLC, Lucite International Ltd and Lucite International UK Ltd, Quinn Barlo Ltd, Quinn Plastics NV and Quinn Plastics GmbH.
- (2) The above 14 legal entities (belonging to five undertakings, with some legal entities held liable as parent companies) infringed Article 81 of the EC Treaty and Article 53 of the EEA Agreement by participating in a single and continuous infringement between 23 January 1997 and 12 September 2002 in the methacrylates industry in the EEA involving three products:

- Polymethyl-methacrylate (PMMA)-moulding compounds;
- Polymethyl-methacrylate (PMMA)-solid sheet; and
- Polymethyl-methacrylate (PMMA)-sanitaryware.

- (3) The infringement's main features included: competitors discussing prices, agreeing, implementing and monitoring price agreements either in the form of price increases or at least stabilisation of the existing prices; discussing the passing on of additional service costs to customers; exchange of commercially important and confidential market and/or company relevant information; participating in regular meetings and having other contacts to agree to the above restrictions and monitor implementation within the EEA.

THE METHACRYLATES INDUSTRY

- (4) PMMA-moulding compounds, PMMA-solid sheet and PMMA-sanitaryware are part of a production chain with Methacrylate-Monomers (MMA) being the starting point and main raw material of the three PMMA-products. Although these three PMMA-products are all both physically and chemically distinct, they can be considered as one homogenous product group due to a common rawmaterial input.
- (5) The investigation showed that the cartel covered the whole of the EEA. The 2000 EEA market value for all three PMMA-products was ca EUR 665 million for ca 255 000 tons.

PROCEDURE

- (6) In December 2002, the German company Degussa AG informed the Commission of the existence of a cartel in the Methacrylates industry and expressed the wish to cooperate with the Commission under the 2002 Leniency Notice. Degussa provided the Commission with evidence that enabled the carrying out of inspections in March 2003 at the premises of Atofina, Barlo, Lucite and Degussa.
- (7) After the inspections Atofina, Lucite and ICI submitted applications for reduction of fines. Atofina and Lucite were granted a reduction of fines. In addition, Lucite was granted immunity for part of the duration of its involvement in the cartel. ICI's application was rejected as it did not bring significant added value,
- (8) The Statement of Objections was addressed to 20 legal entities belonging to seven undertakings. The Oral Hearing, which all the addressees attended, was held on 15 and 16 December 2005.

FUNCTIONING OF THE CARTEL

- (9) Whilst there are indications that first anti-competitive contacts between producers of the three PMMA-products occurred already in the mid 80s, the Commission sets the starting date with the meeting of 23 January 1997, as this is the first anti-competitive meeting for which the Commission has confirmation from more than one of the participants. At this summit meeting representatives of Atofina, Degussa and ICI discussed the disappointing profit situation relating to PMMA-moulding compounds and PMMA-solid sheet and the possibilities for a further coordination of market behaviour by the competitors, sales managers were to be disciplined to comply more strictly with previous concluded agreements
- (10) The overall structure of the anti-competitive arrangements for the three PMMA-products shows that they can be considered as one single infringement whereby competitors discussed prices, agreed, implemented and monitored price agreements, discussed the passing on of additional service costs to customers and exchanged commercially important and confidential market and/or company relevant information.

FINES

Basic amount

Gravity

- (11) Regarding the gravity of the infringement, impact on the market and its geographic scope, the infringement must be qualified as very serious.

Differential treatment

- (12) As there was considerable disparity between each undertaking's weighting in terms of turnover in the cartelised industry, we have applied differential treatment (groupings) to take account of each undertaking's weighting: this approach seeks to differentiate how each undertaking's weighting damaged competition.

- (13) The undertakings have been divided into three categories according to their 2000 EEA combined turnover in the three PMMA products in 2000, the most recent year of the infringement in which most undertakings to which this Decision is addressed were active in the cartel.

- (14) Degussa and Atofina of EUR 216 and 188 million respectively are placed in the first category. Lucite with EUR 105,98 million is the third largest producer and has been placed in the second category. ICI, which has been unable to provide turnover figures for its business unit ICI Acrylics, is placed in the second category with Lucite given that the sale of the former to the latter permits an

equitable comparison with Lucite's figures in terms of ICI Acrylics' turnover. Quinn Barlo with EUR 66,37 million in PMMA-solid sheet alone has been placed in the third category. It is not proven that Barlo took part in any collusive contacts concerning PMMA-moulding compounds or PMMA-sanitaryware as it was not aware or could not necessarily have knowledge of the overall scheme of the anti-competitive arrangements. Consequently, given the facts of this case, a reduction of 25 % was applied to the basic amount of the fine calculated for Barlo.

Sufficient deterrence

- (15) In order to set the amount of the fine at a level which ensures that it has sufficient deterrent effect the Commission considers it appropriate to apply a multiplication factor to the fines imposed. The Commission notes that in 2005, the most recent financial year preceding this Decision, the total turnovers of the undertakings were as follows: Degussa AG: EUR 11,75 million; Total SA: EUR 143,168 million and ICI PLC: EUR 8,49 million.

- (16) Accordingly and in line with previous decisions, the Commission considers it appropriate to multiply the fine for Total/Atofina, Degussa and ICI.

Duration

- (17) Individual multiplying factors were also applied according to the duration of the infringement by each legal entity.

AGGRAVATING CIRCUMSTANCES

Repeated infringements

- (18) At the time the infringement took place, Degussa, Atofina and ICI had already been subject to previous Commission prohibition decisions for cartel activities⁽¹⁾. This justifies an increase in the basic amount of the fine to be imposed on these undertakings.

⁽¹⁾ Such decisions include:

As regards *Degussa*: Commission decision of 23 November 1984 relating to a proceeding under Article 85 of the EEC Treaty (IV/30.907 — *Peroxygen products*, OJ L 35 of 7.2.1985, p. 1); Commission decision of 23 April 1986 relating to a proceeding under Article 85 of the EEC Treaty (IV/31.149 — *Polypropylene*, OJ L 230 of 18.8.1986, p. 1).

As regards *Atofina*: Commission decision of 23 November 1984 relating to a proceeding under Article 85 of the EEC Treaty (IV/30.907 — *Peroxygen products*, OJ L 35 of 7.2.1985, p. 1); Commission decision of 23 April 1986 relating to a proceeding under Article 85 of the EEC Treaty (IV/31.149 — *Polypropylene*, OJ L 230 of 18.8.1986, p. 1) and Commission decision of 27 July 1994 relating to a proceeding under Article 85 of the EEC Treaty (IV/31.865 — *PVC II*, OJ L 239 of 14.9.1994, p. 14).

As regards *ICI*: Commission decision of 23 April 1986 relating to a proceeding under Article 85 of the EEC Treaty (IV/31.149 — *Polypropylene*, OJ L 230 of 18.8.1986, p. 1); Commission decision of 27 July 1994 relating to a proceeding under Article 85 of the EEC Treaty (IV/31.865 — *PVC II*, OJ L 239 of 14.9.1994, p. 14).

ATTENUATING CIRCUMSTANCES

- (19) Several undertakings claimed some or all of the following attenuating circumstances: early termination of the infringement, a minor/passive role, the absence of an effective implementation of the practices, the implementation of compliance programs, absence of benefit, crisis in the MMA industry. These claims are all rejected as being unfounded apart from the minor/passive role claimed by Quinn Barlo. The basic amount for Quinn Barlo was therefore reduced by 50 %.
- (20) Claims for an attenuating circumstance based on cooperation outside the 2002 Leniency Notice have been rejected, since no particular circumstances have occurred which would justify such a measure. Indeed, all cooperation by the companies has been exclusively evaluated under the 2002 Leniency Notice.

APPLICATION OF THE 2002 LENIENCY NOTICE*Immunity — Point 8a*

- (21) Degussa was the first to inform the Commission of the existence of a cartel on 20 December 2002. On 27 January 2003 the Commission granted Degussa conditional immunity from fines in accordance with point 15 of the Leniency Notice. Degussa has co-operated fully, on a continuous basis and expeditiously throughout the Commission's administrative procedure and provided the Commission with all evidence available to it relating to the suspected infringement. Degussa ended its involvement in the suspected infringement no later than the time at which it submitted evidence under the Leniency Notice and did not take steps to coerce other undertakings to participate in the infringement. Hence, Degussa qualified for a full immunity from fines.

Reduction of fine — Point 23 (b), first indent (reduction of 30-50 %)

- (22) Atofina was the first undertaking to meet the requirements of point 21 of the Leniency Notice, as it provided the Commission with evidence which represents significant added value with respect to the evidence already in the Commission's possession at the time of its submission and, to the Commission's knowledge, Atofina terminated its involvement in the infringement no later than the time at which it submitted the evidence and its involvement has remained terminated. It qualified therefore, under point 23 (b), first indent, for a reduction of 30 %-50 % of the fine that would otherwise have been imposed. Atofina was awarded a reduction of 40 % of the fine

Point 23 (b), second indent (reduction of 20-30 %)

- (23) Lucite was the second undertaking to meet the requirements of point 21 of the Leniency Notice as mentioned above and qualified, therefore, under point 23 (b), second indent of the Leniency Notice, for a reduction of between 20 %-30 % of the fine. Lucite was awarded a reduction of 30 % of the fine.

Immunity under point 23

- (24) Lucite's evidence enabled the Commission to extend the cartel from 28 February 2001 until 12 September 2002. In accordance with point 23 of the Leniency Notice, this period of the infringement related to facts previously unknown to the Commission which had a direct bearing on the duration of the suspected cartel. Lucite's evidence for this period was therefore not used against it for the purposes of setting the amount of the fine.

Point 23 (b), third indent (reduction of up to 20 %)

- (25) ICI applied for leniency on 18 October 2004, after the Commission had received leniency submissions from Degussa (20 December 2002), Atofina (3 April 2003) and Lucite (11 July 2003).
- (26) Pursuant to the Leniency Notice, the Commission examined ICI's submission in the chronological order in which submissions have been made to evaluate whether it constitutes significant added value within the meaning of point 21. Based on these criteria the Commission informed ICI that the evidence submitted by ICI did not represent significant added value within the meaning of the Leniency Notice.

CLOSURE OF PROCEEDINGS

- (27) In view of the elements brought forward by the undertakings in their replies to the Statement of Objections and at the Oral Hearing, the Commission decided firstly to drop objections against all undertakings in relation to the MMA part of the infringement, secondly to drop objections against BASF AG, Repsol YPF SA, Repsol Quimica SA, Repsol Brønderslev A/S and Repsol Polivar SpA also in relation to PMMA-moulding compounds, PMMA-solid sheet and PMMA-sanitaryware, thirdly to drop objections against Quinn Barlo Ltd, Quinn Plastics NV, Quinn Plastics GmbH, Quinn Plastics SA in relation to PMMA-moulding compounds and lastly to drop objections against Quinn Plastics SA in relation to PMMA-solid sheet.

DECISION

- (28) The addressees of the Decision and the duration of their involvement were as follows:
- (a) Degussa AG, Röhm GmbH & Co. KG (the former Agomer GmbH and Röhm GmbH) and Para-Chemie GmbH, from 23 January 1997 until 12 September 2002;
 - (b) Altuglas International SA, Altumax Europe SAS, Arkema SA (formerly Atofina SA) and Elf Aquitaine SA, from 23 January 1997 until 12 September 2002 and Total SA from 1 May 2000 until 12 September 2002;
 - (c) ICI PLC from 23 January 1997 until 1 November 1999;
 - (d) Lucite International Ltd and Lucite International UK Ltd from 2 November 1999 until 12 September 2002; and
 - (e) Quinn Barlo Ltd (formerly Barlo Group plc), Quinn Plastics NV (formerly Barlo Plastics NV) and Quinn Plastics GmbH (formerly Barlo Plastics GmbH) from 30 April 1998 until 21 August 2000.
- (29) Following the above recitals, the following fines were imposed:
- (a) Degussa AG, Röhm GmbH & Co. KG and Para-Chemie GmbH: EUR 0;
 - (b) Arkema SA, Altuglas International SA and Altumax Europe SAS, jointly and severally liable: EUR 219,13125 million; of this amount Total SA is jointly and severally liable for EUR 140,4 million and Elf Aquitaine SA is jointly and severally liable for EUR 181,35 million;
 - (c) ICI PLC: EUR 91,40625 million;
 - (d) Lucite International Ltd and Lucite International UK Ltd, jointly and severally liable : EUR 25,025 million; and
 - (e) Quinn Barlo Ltd, Quinn Plastics NV and Quinn Plastics GmbH, jointly and severally liable: EUR 9 million.
- (30) The undertakings listed above were ordered to bring to an end immediately the infringement referred to in recital 3, insofar as they had not already done so and to refrain from repeating any act or conduct described in recital 3, and from any act or conduct having an identical or similar object or effect.
-

COMMISSION RECOMMENDATION**of 16 November 2006****on the monitoring of background levels of dioxins, dioxin-like PCBs and non-dioxin-like PCBs in foodstuffs***(notified under document number C(2006) 5425)***(Text with EEA relevance)****(2006/794/EC)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular the second indent of Article 211 thereof,

Whereas,

- (1) Commission Regulation (EC) No 466/2001 of 8 March 2001 setting maximum levels for certain contaminants in foodstuffs⁽¹⁾ establishes maximum levels for dioxins and for the sum of dioxins and dioxin-like Polychlorinated Biphenyls (PCBs) in foodstuffs.
- (2) It is necessary to generate reliable data across the European Community on the presence of dioxins, furans and dioxin-like PCBs in the widest range of foodstuffs in order to have a clear picture of the time trends in background presence of these substances in foodstuffs.
- (3) Commission Recommendation 2006/88/EC of 6 February 2006 on the reduction of the presence of dioxins, furans and PCBs in feedingstuffs and foodstuffs⁽²⁾ recommends that Member States perform random monitoring of the presence of dioxins, dioxin-like PCBs and, if possible, non-dioxin-like PCBs in foodstuffs according to Commission Recommendation 2004/705/EC⁽³⁾.
- (4) Recommendation 2004/705/EC recommends to the Member States minimum frequency of samples to be analysed yearly for the different categories of foodstuffs as well the format of reporting of the results for the monitoring of the background presence of dioxins, furans and dioxin-like PCBs in foodstuffs. For the new Member States joining the European Community on 1 May 2004 a transitional arrangement was provided.
- (5) It is appropriate to amend the current monitoring programme by taking into account the experiences gained. Recommendation 2004/705/EC should therefore be replaced by a new Recommendation.

- (6) It is important that data gathered under this Recommendation are reported on a regular basis to the Commission. The Commission will ensure the compilation of those data into a database. Data from recent years obtained by making use of a method of analysis complying with the requirements laid down by Commission Directive 2002/69/EC of 30 July 2002 laying down the sampling methods and the methods of analysis for the official control of dioxins and the determination of dioxin-like PCBs in foodstuffs⁽⁴⁾ and reflecting background levels should also be provided,

HEREBY RECOMMENDS:

1. That Member States perform from the year 2007 onwards until 31 December 2008 the monitoring of the background presence of dioxins, furans and dioxin-like polychlorinated biphenyls (PCBs) in foodstuffs using the recommended minimum frequency of samples to be analysed yearly, as foreseen in the table of Annex I as guidance.
2. That Member States, if possible, also perform the analysis on non dioxin-like PCBs in the same samples.
3. That Member States provide on a regular basis to the Commission the monitoring data with the information and in the format as foreseen in Annex II for compilation into one database. Data from recent years obtained by making use of a method of analysis complying with the requirements, laid down by Directive 2002/69/EC and reflecting background levels should also be provided.

Recommendation 2004/705/EC is hereby repealed. References to the repealed Recommendation shall be construed as references to this Recommendation.

Done at Brussels, 16 November 2006.

For the Commission
Markos KYPRIANOU
Member of the Commission

⁽¹⁾ OJ L 77, 16.3.2001, p. 1. Regulation as last amended by Regulation (EC) No 199/2006 (OJ L 32, 4.2.2006, p. 34).

⁽²⁾ OJ L 42, 14.2.2006, p. 26.

⁽³⁾ OJ L 321, 22.10.2004, p. 45.

⁽⁴⁾ OJ L 209, 6.8.2002, p. 5. Directive as amended by Directive 2004/44/EC (OJ L 113, 20.4.2004, p. 17).

ANNEX I

Table: Overview of the recommended minimum number of food samples to analyse yearly. Distribution of samples is based on production in each country. Particular attention is paid to foodstuffs expected to have a large variation in background levels of dioxins, furans and dioxin-like PCBs. This is particularly the case for fish.

Product, including also derived products	Aquaculture (*)	Wild caught fish (**)	Meat (***)	Milk (****)	Eggs (*****)	Other (*****)	Total
No of samples	250	483	500	250	250	267	2 000
Belgium	4	8	18	8	7	7	52
Denmark	4	20	14	7	4	6	55
Germany	16	28	55	34	25	36	194
Greece	6	8	14	8	4	7	47
Spain	26	36	36	13	24	21	156
France	25	30	55	28	28	27	193
Ireland	8	15	15	7	5	4	54
Italy	22	24	46	20	26	26	164
Luxembourg	2	3	6	3	3	3	20
Netherlands	7	18	26	13	20	8	92
Austria	3	3	15	8	6	7	43
Portugal	4	12	12	6	5	6	45
Finland	4	10	10	6	4	6	40
Sweden	4	12	10	6	4	6	42
United Kingdom	15	30	40	19	20	20	144
Czech republic	6	3	11	5	5	5	35
Estonia	2	6	7	3	2	4	24
Cyprus	2	6	4	3	2	3	20
Latvia	2	6	7	3	2	4	24
Lithuania	2	6	7	3	2	4	24
Hungary	3	3	11	5	10	5	37
Malta	2	3	4	3	2	3	17
Poland	10	18	25	13	16	20	102
Slovenia	2	3	7	3	2	4	21
Slovakia	2	3	7	3	2	4	21
Bulgaria	4	3	9	5	5	4	30
Romania	6	3	11	9	9	10	48
Iceland	3	69	7	3	2	3	87
Norway	54	94	11	3	4	4	170
Total	250	483	500	250	250	267	2 000

Remarks on the Table

The figures mentioned in the table are minimum figures. Member States are invited to take more samples.

(*) *Aquaculture*: The samples for aquaculture should be divided over the fish species proportionate to the production. As guidance, the species specific data on production of fish and fishery products 'Facts and Figures on the CFP — basic data on the Common Fisheries Policy' ⁽¹⁾, European Communities, 2006 and the map 'Aquaculture in the European Union' ⁽²⁾, can be used. Special attention should be paid to oysters, mussels and eel.

⁽¹⁾ http://ec.europa.eu/fisheries/publications/facts/pcp06_en.pdf

⁽²⁾ http://ec.europa.eu/fisheries/publications/aquaculture05_en.pdf

- (**) *Wild caught fish*: The samples for wild caught fish should be divided over the fish species proportionate to the catch. As guidance, the species specific data on production of fish and fishery products 'Facts and Figures on the CFP — basic data on the Common Fisheries Policy', European Communities, Edition 2006. Special attention should be paid to wild caught eel.
- (***) *Meat*: In addition to meat and meat products originating from beef cattle, pigs, poultry and sheep, significant number of samples should be taken from horsemeat, reindeer meat, goat meat, rabbit meat, venison and game.
- (****) *Milk*: A large proportion of the milk samples should be taken from farm milk (mainly cow's milk). It is also appropriate to take samples of milk and milk products other than cow's milk (goat milk, etc...).
- (*****) *Eggs*: Particular attention should be paid to free-range hen eggs and eggs of ducks, geese and quails should also be sampled.
- (*****) *Other*: In this category particular attention should be paid to:
- food supplements (particular those ones based on marine oil),
 - food for infants and young children,
 - food products originating from regions where due to e.g. climatic conditions resulting in floods, changes have happened in the production conditions which could possibly affect the dioxin and dioxin-like PCB concentration of the food products in the region.
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ANNEX II

A. Explanatory notes to the form for analytical results of dioxins, furans and dioxin-like PCBs and other PCBs in food1. *General information about the samples analysed*

Sample code: identification code of the sample.

Country: name of the Member State where the monitoring has been carried out.

Year: the year the monitoring was carried out.

Product: food item analysed — describe the food item as precisely as possible.

Stage of marketing: place where the product (sample) was collected.

Tissue: part of product analysed.

Expression of results: The results are to be expressed on the basis on which the maximum levels have been established. In case of the analysis of non-dioxin-like PCBs, it is highly recommended to express the levels on the same basis.

Type of sampling: random sampling — analytical results from targeted sampling can also be reported but it must be clearly indicated that the sampling was targeted and does not necessarily reflect normal background levels.

Number of subsamples: if the analysed sample is a pooled sample, the number of subsamples (number of individuals) should be notified. If the analytical result is just based on one sample, one should be notified. Number of subsamples in a pooled sample could vary, so please specify this for every sample.

Method of production: conventional/organic (as detailed as possible).

Area: insofar relevant, district or region where the sample was collected, if possible with indication if it concerns rural area, urban area, industrial zone, harbour, open sea, etc., e.g. *Brussels — urban area, Mediterranean — open sea*.

It is of particular importance to clearly indicate the area in case the sample has been collected from food produced in regions which have been flooded.

Fat content (%): the percentage of fat content in the sample.

Moisture content (%): the percentage of moisture content in the sample (if available).

2. *General information on the method of analysis used*

Method of analysis: refer to the method used.

Accreditation status: specify if the analytical method is accredited or not.

Uncertainty: the decision limit or the percentage of the expanded measurement uncertainty embodied in the analytical method.

Lipid extraction method: specify the lipid extraction method used to determine the fat content of the sample.

3. *Analytical results*

Dioxins, furans, dioxin-like PCBs: results of every congener should be reported in ppt — picogram/gram (pg/g).

Non-dioxin-like PCBs: results of every congener should be reported in ppb — nanogram/gram or microgram/kilo (ng/g or µg/kg).

LOQ: Limit of quantification in pg/g (for dioxins, furans and dioxin-like PCBs) or µg/kg — ng/g (for non-dioxin-like PCBs)

For congeners determined but being below LOQ (limit of quantification) the case should be filled in as < LOQ (the LOQ should be reported as a value).

For PCB congeners analysed in addition to the PCB-6 and dioxin-like PCBs the number of the PCB congener needs to be added to the form, e.g. 31, 99, 110, etc. If the sample is analysed for more PCB congeners than there are marked rows, just add new rows at the bottom of the form.

4. General remarks to the table

— Reporting of the recovery rate

— The reporting of the recovery rate is optional if the recovery rate for the individual congeners falls within the range of 60-120 %. In case the recovery rate for some individual congeners falls outside that range, the reporting of the recovery rate is obligatory.

— Reporting of the LOQ

— The reporting of the LOQ is not required but in the column of results, the non-quantified congeners have to be reported as < LOQ (effective figure).

— Reporting of the TEQ value for individual congeners

— The column for TEQ values for the individual congeners is optional.

B. Form for reporting of congener-specific analytical results of dioxins, furans, dioxin-like PCBs and other PCBs in food

Country
Year
Product
Stage of marketing
Tissue
Expression of results
Type of sampling
Sample No
Production method
Area
Number of subsamples
Fat content (%)
Moisture content (%)

Remarks
Information on: Method of analysis Accreditation status Uncertainty (decision limit or confidence interval) Lipid extraction method

1	Dioxins and furans (pg/g)	Congeners	TEF	LOQ (see remarks)	Recovery (%) (see remarks)	Results	TEQ (see remarks)
		2,3,7,8 - TCDD	1				
		1,2,3,7,8 - PeCDD	1				
		1,2,3,4,7,8 - HxCDD	0,1				
		1,2,3,6,7,8 - HxCDD	0,1				
		1,2,3,7,8,9 - HxCDD	0,1				
		1,2,3,4,6,7,8 - HpCDD	0,01				
		OCDD	0,0001				
		2,3,7,8 - TCDF	0,1				
		1,2,3,7,8 - PeCDF	0,05				
		2,3,4,7,8 - PeCDF	0,5				
		1,2,3,4,7,8 - HxCDF	0,1				
		1,2,3,6,7,8 - HxCDF	0,1				
		1,2,3,7,8,9 - HxCDF	0,1				
		2,3,4,6,7,8 - HxCDF	0,1				
		1,2,3,4,6,7,8 - HpCDF	0,01				
		1,2,3,4,7,8,9 - HpCDF	0,01				
		OCDF	0,0001				
2	Non-ortho PCBs (pg/g)	PCB congeners	TEF	LOQ	Recovery (%) (see remarks)	Results	TEQ (see remarks)
		PCB-77	0,0001				
		PCB-81	0,0001				
		PCB-126	0,1				
		PCB-169	0,01				

Total TEQ-PCDD/PCDF
Upper bound
Medium bound
Lower bound

3	Mono-ortho PCBs (pg/g)	PCB congeners	TEF	LOQ	Recovery (%) (see remarks)	Results	TEQ (see remarks)
		PCB-105	0,0001				
		PCB-114	0,0005				
		PCB-118	0,0001				
		PCB-123	0,0001				
		PCB-156	0,0005				
		PCB-157	0,0005				
		PCB-167	0,00001				
		PCB-189	0,0001				

Total TEQ-PCB
Upper bound
Medium bound
Lower bound

NON-DIOXIN-LIKE PCBs

4	PCB-6 (µg/kg or ppb)	PCB congeners	LOQ	Results
Information on: Method of analysis Accreditation status Uncertainty (decision limit or confidence interval)		PCB-	28	
		PCB-	52	
		PCB-	101	
		PCB-	138	
		PCB-	153	
		PCB-	180	
		Total PCB-6	—	

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

COUNCIL COMMON POSITION 2006/795/CFSP
of 20 November 2006
concerning restrictive measures against the Democratic People's Republic of Korea

THE COUNCIL OF THE EUROPEAN UNION,

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

Whereas:

conventional weapons as defined for the purpose of the UN register on Conventional Arms, or related materiel including spare parts, or items as determined by the UN Security Council or the Committee established pursuant to paragraph 12 of UNSCR 1718 (2006) ('the Committee'). The Council considers it appropriate also to cover other conventional weapons, including at least all goods and technology on the EU Common List of Military Equipment.

- (1) On 15 July 2006, the United Nations Security Council adopted Resolution 1695 (2006) ('UNSCR 1695 (2006)') in which it condemned the multiple launches by the Democratic People's Republic of Korea ('DPRK') of ballistic missiles on 5 July 2006.
- (2) On 14 October 2006 the United Nations Security Council adopted Resolution 1718 (2006), ('UNSCR 1718 (2006)') in which it condemned the nuclear test proclaimed by the DPRK on 9 October 2006, and expressed its gravest concern at the challenge such a test constituted to the Treaty on the Non-Proliferation of Nuclear Weapons and to international efforts aimed at strengthening the global regime of non-proliferation of nuclear weapons, and the danger it posed to peace and stability in the region and beyond. The UN Security Council determined therefore a clear threat to international peace and security.
- (3) On 17 October 2006, the Council of the European Union strongly condemned the test of a nuclear explosive device by the DPRK and urged the DPRK to return immediately to the Six-Party talks, to abandon all nuclear weapons and existing nuclear programmes, and to comply with its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons, including submitting all its nuclear activities to International Atomic Energy Agency verification. The Council also stated that it would fully implement the provisions of all relevant UNSC Resolutions and notably those of UNSCR 1695 (2006) and UNSCR 1718 (2006).
- (4) UNSCR 1718 (2006) prohibits the direct or indirect supply, sale or transfer to the DPRK by nationals of Member States or from the territories of Member States, or using their flag vessels or aircraft, of certain
- (5) UNSCR 1718 (2006) also prohibits the direct or indirect supply, sale or transfer to the DPRK by nationals of Member States or from the territories of Member States, or using their flag vessels or aircraft, of items as listed in the relevant UN documents, which notably comprise the items contained in the Nuclear Suppliers Group and Missile Technology Control Regime lists; and of other materials, equipment, goods and technology related to nuclear, ballistic missile or other weapons of mass destruction programmes.
- (6) UNSCR 1718 (2006) also prohibits the provision of technical training, services and assistance in relation to the items referred to in recitals (4) and (5), the prohibition of which should also cover financing or financial assistance.
- (7) UNSCR 1718 (2006) also prohibits the procurement of the items referred to in recitals (4) and (5) from the DPRK.
- (8) UNSCR 1718 (2006) also prohibits the supply, sale or transfer of luxury goods to the DPRK.
- (9) UNSCR 1718 (2006) also imposes measures to prevent the entry into, or transit through their territories of the persons designated by the Committee or by the UN Security Council as being responsible for, including through supporting or promoting, DPRK policies in relation to DPRK's nuclear-related, ballistic missile-related and other weapons of mass destruction-related programmes, together with their family members.

- (10) UNSCR 1718 (2006) furthermore imposes a freeze of funds, other financial assets and economic resources, owned or controlled directly or indirectly by the persons or entities designated by the Committee or by the UN Security Council as being engaged in or providing support for, including through other illicit means, DPRK's nuclear-related, other weapons of mass destruction-related and ballistic missiles-related programmes, or by persons or entities acting on their behalf or at their direction; and an obligation that no funds, financial assets or economic resources are made available to or for the benefit of such persons or entities.
- (11) This Common Position may be amended if the Council deems it appropriate to apply the restrictive measures to additional persons, entities or items, or to other categories of persons, entities or items.
- (12) Action by the Community is needed in order to implement certain measures,

HAS ADOPTED THIS COMMON POSITION:

Article 1

1. The direct or indirect supply, sale or transfer of the following items and technology, including software, to the DPRK by nationals of Member States or through or from the territories of Member States, or using their flag vessels or aircraft, shall be prohibited whether or not originating in their territories:

- (a) arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts for the aforementioned, with the exception of non-combat vehicles which have been manufactured or fitted with materials to provide ballistic protection, intended solely for protective use of personnel of the EU and its Member States in the DPRK;
- (b) all items, materials, equipment, goods and technology as determined by the UN Security Council or the Committee in accordance with paragraph 8(a)(ii) of UNSCR 1718 (2006), which could contribute to DPRK's nuclear-related, ballistic missile-related or other weapons of mass destruction-related programmes.

2. It shall also be prohibited to:

- (a) provide technical training, advice, services, assistance or brokering services, related to items and technology set out

in paragraph 1 and to the provision, manufacture, maintenance and use of these items, directly or indirectly to any person, entity or body in, or for use in the DPRK;

- (b) provide financing or financial assistance related to items and technology referred to in paragraph 1, including, in particular, grants, loans and export credit insurance, for any sale, supply, transfer or export of these items, or for the provision of related technical training, advice, services, assistance, or brokering services, directly or indirectly to any person, entity or body in, or for use in the DPRK;

- (c) to participate, knowingly or intentionally, in activities the object or effect of which is to circumvent the prohibition referred to in points (a) and (b).

3. The procurement by nationals of Member States, or using their flag vessels or aircraft, of items and technology referred to in paragraph 1 from the DPRK shall also be prohibited, whether or not originating in the territory of the DPRK.

Article 2

The direct or indirect supply, sale or transfer of luxury goods to the DPRK by nationals of Member States or through or from the territories of member states, or using their flag vessels or aircraft, shall be prohibited whether originating or not in their territories.

Article 3

1. Member States shall take the necessary measures to prevent the entry into, or transit through, their territories of the persons designated by the Committee or by the UN Security Council as being responsible for, including through supporting or promoting, DPRK policies in relation to DPRK's nuclear-related, ballistic missile-related and other weapons of mass destruction-related programmes, together with their family members, as listed in the Annex.

2. Paragraph 1 will not oblige a Member State to refuse its own nationals entry into its territory.

3. Paragraph 1 shall not apply where the Committee determines on a case-by-case basis that such travel is justified on the grounds of humanitarian need, including religious obligations, or where the Committee concludes that an exemption would otherwise further the objectives of UNSCR 1718 (2006).

4. In cases where pursuant to paragraph 3, a Member State authorises the entry into, or transit through, its territory of persons listed in the Annex, the authorisation shall be limited to the purpose for which it is given and to the persons concerned thereby.

Article 4

1. All funds and economic resources belonging to, owned, held or controlled, directly or indirectly, by the persons and entities designated by the Committee or by the UN Security Council as being engaged in or providing support for, including through illicit means, DPRK's nuclear-related, other weapons of mass destruction-related and ballistic missiles-related programmes, or by persons or entities acting on their behalf or at their direction shall be frozen.

2. No funds or economic resources shall be made available, directly or indirectly, to or for the benefit of persons and entities referred to in paragraph 1.

3. Exemptions may be made for funds and economic resources which are:

- (a) necessary to satisfy basic needs, including payment for food-stuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges;
- (b) intended exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services; or
- (c) intended exclusively for payment of fees or service charges, in accordance with national laws, for routine holding or maintenance of frozen funds and economic resources,

after notification by the Member State concerned to the Committee of the intention to authorise, where appropriate, access to such funds, other financial assets and economic resources and in the absence of a negative decision by the Committee within five working days of such notification.

4. Exemptions may also be made for funds and economic resources which are:

- (a) necessary for extraordinary expenses, after notification by the Member State concerned to and approval by the Committee; or
- (b) the subject of a judicial, administrative or arbitral lien or judgment, in which case the funds and economic resources may be used to satisfy that lien or judgment, provided that the lien or judgment was entered prior to the date of UNSCR 1718 (2006), and is not for the benefit of a person or entity referred to in paragraph 1, after notification by the Member State concerned to the Committee.

5. Paragraph 2 shall not apply to the addition to frozen accounts of:

- (a) interest or other earnings on those accounts; or
- (b) payments due under contracts, agreements or obligations that were concluded or arose prior to 14 October 2006,

provided that any such interest, other earnings and payments continue to be subject to paragraph 1.

Article 5

Member States shall, in accordance with their national authorities and legislation, and consistent with international law, take cooperative action, including through inspection of cargo to and from the DPRK as necessary, in order to prevent illicit trafficking in nuclear, chemical or biological weapons, ballistic missiles, their means of delivery, related materials and technology. In this respect available non-proliferation mechanisms could be used to assure effective sea, air and land cargo inspections.

Article 6

The Council shall establish the list contained in the Annex and implement any modifications thereto on the basis of the determinations made by the Committee or the UN Security Council.

Article 7

This Common Position shall be reviewed, and, if necessary, amended, notably as regards the categories of persons, entities or items or additional persons, entities or items to be covered by the restrictive measures, or taking into account relevant UNSC resolutions.

Article 8

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

Article 9

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

Done at Brussels, 20 November 2006.

For the Council
The President
J. KORKEAOJA

ANNEX

List of persons referred to in Article 3
