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### Legislation

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<sup>(1)</sup> Text with EEA relevance

## I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 426/2006****of 9 March 2006****amending Annex I to Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 26 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) In the Combined Nomenclature in Annex I to Council Regulation (EEC) No 2658/87 <sup>(1)</sup>, customs duty is suspended, autonomously and for an indefinite period, on certain goods in Chapter 27 when they are intended for specific processes, provided that certain conditions laid down in Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code <sup>(2)</sup> are met.
- (2) Certain waste oils intended for recycling, classed under CN code 2710 99 00, do not currently enjoy this exemption.
- (3) For environmental reasons connected to the recycling of waste oils, the same tariff treatment should be applied to waste oils and oils from the same group, provided that the legal and technical conditions are met. It is therefore in the interest of the Community to suspend, autonomously and for an indefinite period, customs duty on such products.
- (4) Regulation (EEC) No 2658/87 should therefore be amended accordingly.
- (5) Since the amendment introduced by this Regulation is to be applied from the same date as the Combined Nomenclature for 2006, laid down in Commission Regulation (EC) No 1719/2005 <sup>(3)</sup>, this Regulation should enter into force immediately and apply from 1 January 2006,

HAS ADOPTED THIS REGULATION:

*Article 1*

In Section V, Chapter 27 of Part Two (Schedule of Customs Duties) of Annex I to Regulation (EEC) No 2658/87, in the entry for CN code 2710 99 00, the entry in the third column shall be replaced by the following:

'3,5 (\*)

(\*) Customs duty autonomously suspended, for an indefinite period, on products destined for undergoing a specific process (TARIC code 2710 99 00 10). This suspension of customs duty is subject to the conditions laid down in the relevant Community provisions being met (see Articles 291 to 300 of Commission Regulation (EEC) No 2454/93 (OJ L 253, 11.10.1993, p. 1) and subsequent amendments).'

*Article 2*

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

It shall apply from 1 January 2006.

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

Done at Brussels, 9 March 2006.

For the Council

The President

J. PRÖLL

<sup>(1)</sup> OJ L 256, 7.9.1987, p. 1. Regulation as last amended by Regulation (EC) No 267/2006 (OJ L 47, 17.2.2006, p. 1).

<sup>(2)</sup> OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 215/2006 (OJ L 38, 9.2.2006, p. 11).

<sup>(3)</sup> OJ L 286, 28.10.2005, p. 1.

**COMMISSION REGULATION (EC) No 427/2006****of 15 March 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 <sup>(1)</sup>, 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 16 March 2006.

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

Done at Brussels, 15 March 2006.

*For the Commission*

J. L. DEMARTY

*Director-General for Agriculture and  
Rural Development*

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<sup>(1)</sup> 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 15 March 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 <sup>(1)</sup>	Standard import value
0702 00 00	052	117,9
	204	60,7
	212	102,0
	624	120,2
	999	100,2
0707 00 05	052	120,8
	068	143,9
	204	36,3
	628	169,1
	999	117,5
0709 90 70	052	128,2
	204	55,2
	999	91,7
0805 10 20	052	66,2
	204	41,8
	212	49,7
	220	48,6
	400	60,8
	512	33,1
	624	59,1
	999	51,3
0805 50 10	052	43,6
	624	69,4
	999	56,5
0808 10 80	388	94,2
	400	121,4
	404	90,2
	512	71,7
	524	76,3
	528	78,3
	720	87,3
	999	88,5
0808 20 50	388	83,4
	400	74,8
	512	64,9
	528	56,0
	720	60,4
	999	67,9

<sup>(1)</sup> 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 428/2006****of 15 March 2006****on the issuing of system A3 export licences in the fruit and vegetables sector (tomatoes, oranges, lemons and apples)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables <sup>(1)</sup>, and in particular the third subparagraph of Article 35(3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 292/2006 <sup>(2)</sup> opens an invitation to tender setting the indicative refund rates and indicative quantities for system A3 export licences, which may be issued, other than those tendered for as part of food aid.
- (2) In the light of the tenders submitted, the maximum refund rates and the percentages of quantities to be awarded for tenders quoting those maximum rates should be set.

- (3) In the case of tomatoes, oranges, lemons and apples, the maximum rate necessary to award licences for the indicative quantity up to the quantities tendered for is not more than one-and-a-half times the indicative refund rate,

HAS ADOPTED THIS REGULATION:

*Article 1*

In the case of tomatoes, oranges, lemons and apples, the maximum refund rates and the percentages for reducing the quantities awarded under the invitation to tender opened by Regulation (EC) No 292/2006 shall be fixed in the Annex.

*Article 2*

This Regulation shall enter into force on 16 March 2006.

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

Done at Brussels, 15 March 2006.

*For the Commission*

J. L. DEMARTY

*Director-General for Agriculture and  
Rural Development*

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

<sup>(2)</sup> OJ L 48, 18.2.2006, p. 3.

## ANNEX

**Issuing of system A3 export licences in the fruit and vegetable sector (tomatoes, oranges, lemons and apples)**

Product	Maximum refund rate (EUR/t net)	Percentage awarded of quantities tendered for quoting the maximum refund rate
Tomatoes	40	100 %
Oranges	50	100 %
Lemons	70	100 %
Apples	43	100 %

**COMMISSION REGULATION (EC) No 429/2006****of 15 March 2006****amending Regulation (EC) No 1383/2005 as regards the quantity covered by the standing invitation to tender for the export of barley held by the Polish intervention agency**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals <sup>(1)</sup>, and in particular Article 6 thereof,

Whereas:

- (1) Commission Regulation (EEC) No 2131/93 <sup>(2)</sup> lays down the procedure and conditions for the disposal of cereals held by intervention agencies.
- (2) Commission Regulation (EC) No 1383/2005 <sup>(3)</sup> has opened a standing invitation to tender for the export of 20 000 tonnes of barley held by the Polish intervention agency.
- (3) Poland has informed the Commission of its intervention agency's intention to increase by 44 185 tonnes the quantity put out to tender for export. In view of this request, of the quantity available and of the market situation, the request made by Poland should be granted.
- (4) Regulation (EC) No 1383/2005 should therefore be amended.

- (5) 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*

Article 2 of Regulation (EC) No 1383/2005 is replaced by the following:

*'Article 2*

The invitation to tender shall cover a maximum of 64 185 tonnes of barley for export to third countries with the exception of Albania, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, the former Yugoslav Republic of Macedonia, Liechtenstein, Mexico, Romania, Serbia and Montenegro <sup>(\*)</sup> Switzerland and the United States of America.

<sup>(\*)</sup> Including Kosovo, as defined by UN Security Council Resolution 1244 of 10 June 1999.'

*Article 2*

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

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

Done at Brussels, 15 March 2006.

*For the Commission*

Mariann FISCHER BOEL

*Member of the Commission*

<sup>(1)</sup> 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).

<sup>(2)</sup> OJ L 191, 31.7.1993, p. 76. Regulation as last amended by Regulation (EC) No 749/2005 (OJ L 126, 19.5.2005, p. 10).

<sup>(3)</sup> OJ L 220, 25.8.2005, p. 21.



## COMMISSION REGULATION (EC) No 430/2006

of 15 March 2006

**approving operations to check conformity with the marketing standards applicable to fresh fruit and vegetables carried out in Senegal prior to import into the Community**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables <sup>(1)</sup>, and in particular Article 10 thereof,

Whereas:

(1) Article 7 of Commission Regulation (EC) No 1148/2001 of 12 June 2001 on checks on conformity to the marketing standards applicable to fresh fruit and vegetables <sup>(2)</sup>, lays down the conditions for the approval of checking operations, performed by certain third countries which so request, prior to import into the Community.

(2) The Senegalese authorities sent the Commission a request for the approval of checking operations performed under the responsibility of the Directorate for Plant Protection of the Ministry of Agriculture and Water. The request states that the aforementioned Directorate has the necessary staff, equipment and facilities to carry out checks, that it uses methods equivalent to those referred to in Article 9 of Regulation (EC) No 1148/2001 and that the fresh fruit and vegetables exported from Senegal to the Community must meet the Community marketing standards.

(3) The information sent by the Member States to the Commission shows that, in the period 2001 to 2005, the incidence of non-conformity with marketing standards among imports from Senegal of fresh fruit and vegetables was very low.

(4) Checks on conformity carried out by Senegal should therefore be approved with effect from the date of implementation of the administrative cooperation procedure provided for in Article 7(8) of Regulation (EC) No 1148/2001.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fresh Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

*Article 1*

Checks on conformity with the marketing standards applicable to fresh fruit and vegetables carried out by Senegal prior to import into the Community are hereby approved in accordance with Article 7 of Regulation (EC) No 1148/2001.

*Article 2*

Details of the official authority and inspection body in Senegal, as referred to in the second subparagraph of Article 7(2) of Regulation (EC) No 1148/2001, are given in the Annex to this Regulation.

*Article 3*

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

It shall apply from the date of publication in the C series of the *Official Journal of the European Union* of the notice referred to in Article 7(8) of Regulation (EC) No 1148/2001, relating to the establishment of administrative cooperation between the Community and Senegal.

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

<sup>(2)</sup> OJ L 156, 13.6.2001, p. 9. Regulation as last amended by Regulation (EC) No 408/2003 (OJ L 62, 6.3.2003, p. 8).

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

Done at Brussels, 15 March 2006.

*For the Commission*  
Mariann FISCHER BOEL  
*Member of the Commission*

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ANNEX

Official authority referred to in Article 7(2) of Regulation (EC) No 1148/2001:

Ministère de l'Agriculture et de l'Hydraulique  
Direction de la protection des végétaux  
bp 20054 Thiaroye Dakar  
Senegal  
Tel. (221) 834 03 97  
Fax (221) 834 28 54/834 42 90  
Email: almhanne@hotmail.com  
almhanne@yahoo.fr

Inspection body referred to in Article 7(2) of Regulation (EC) No 1148/2001:

Ministère de l'Agriculture et de l'Hydraulique  
Direction de la protection des végétaux  
Bureau qualité de la Division Législation et Contrôle phytosanitaire  
Tel. (221) 834 03 97  
Fax (221) 834 28 54  
Email: dpv1@sentoosn  
almhanne@yahoo.fr

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## COMMISSION REGULATION (EC) No 431/2006

of 15 March 2006

## approving operations to check conformity to the marketing standards applicable to fresh fruit and vegetables carried out in Kenya prior to import into the Community

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables <sup>(1)</sup>, and in particular Article 10 thereof,

Whereas:

(1) Article 7 of Commission Regulation (EC) No 1148/2001 of 12 June 2001 on checks on conformity to the marketing standards applicable to fresh fruit and vegetables <sup>(2)</sup>, lays down the conditions for the approval of checking operations performed by certain third countries which so request prior to import into the Community.

(2) The Kenya authorities sent the Commission a request for the approval of checking operations performed under the responsibility of the Kenya Plant Health Inspectorate Service (KEPHIS). This request states that the aforementioned inspection bodies have the necessary staff, equipment and facilities to carry out checks, that they use methods equivalent to those referred to in Article 9 of Regulation (EC) No 1148/2001 and that the fresh fruit and vegetables exported from Kenya to the Community meet the Community marketing standards.

(3) The information sent by the Member States to the Commission shows that, in the period 2001 to 2005, the incidence of non-conformity with marketing standards among imports from Kenya of fresh fruit and vegetables was very low.

(4) Checks on conformity carried out by Kenya should therefore be approved with effect from the date of implementation of the administrative cooperation procedure provided for in Article 7(8) of Regulation (EC) No 1148/2001.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fresh Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

*Article 1*

Checks on conformity to the marketing standards applicable to fresh fruit and vegetables carried out by Kenya prior to import into the Community are hereby approved in accordance with Article 7 of Regulation (EC) No 1148/2001.

*Article 2*

Details of the official authority and inspection body in Kenya, as referred to in the second subparagraph of Article 7(2) of Regulation (EC) No 1148/2001, are given in Annex I to this Regulation.

*Article 3*

The certificates referred to in the second subparagraph of Article 7(3) of Regulation (EC) No 1148/2001, issued following the checks referred to in Article 1 of this Regulation, must be drawn up on forms in conformity with the model set out in Annex II to this Regulation.

*Article 4*

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

It shall apply from the date of publication in the C series of the *Official Journal of the European Union* of the notice referred to in Article 7(8) of Regulation (EC) No 1148/2001, relating to the establishment of administrative cooperation between the Community and Kenya.

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

<sup>(2)</sup> OJ L 156, 13.6.2001, p. 9. Regulation as last amended by Regulation (EC) No 408/2003 (OJ L 62, 6.3.2003, p. 8).

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

Done at Brussels, 15 March 2006.

*For the Commission*  
Mariann FISCHER BOEL  
*Member of the Commission*

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ANNEX I

Official authority referred to in Article 7(2) of Regulation (EC) No 1148/2001:


Kenya Plant Health Inspectorate Service  
Kephis Managing Director  
PO Box 49592-00100  
Nairobi  
Tel: (254-20) 88 25 84  
Fax: (254-20) 88 22 65  
e-mail: kephis@nbnet.co.ke

Inspection body referred to in Article 7(2) of Regulation (EC) No 1148/2001:

Kenya Plant Health Inspectorate Service, Kephis  
PO Box 49592-00100  
Nairobi  
Tel: (254-20) 88 45 45/88 23 08/88 29 33  
Fax: (254-20) 88 22 45  
e-mail: kephis@nbnet.co.ke

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## ANNEX II

1. Exporter	2. Certificate No:			
	 <b>MINISTRY OF AGRICULTURE AND RURAL DEVELOPMENT</b> <b>KENYA PLANT HEALTH INSPECTORATE SERVICE (KEPHIS)</b> <b>CERTIFICATE OF CONFORMITY</b> Agricultural Produce (Export) Act Cap 319			
3. Packer identified on packaging (if other than exporter)	4. Identification of Means of transport	5. Country of origin	6. Country of destination	
7. Packages (number and type):	Nature of produce (variety if specified):	Quality class:	8. Total weight in kg	
			Gross	Net
9. Duration of validity: _____ days				
10. Comments				
11. KEPHIS certifies that following inspection by sampling the above consignment conformed with the standards in force				
Name of inspector:		Place of issue:		
(Name in block letters)				
Signature:				
Date:		Official stamp		

No financial liability with respect to this certificate shall attach to KEPHIS or any of its officers or representative.

## COMMISSION REGULATION (EC) No 432/2006

of 15 March 2006

## amending Regulation (EC) No 382/2005 laying down detailed rules for the application of Council Regulation (EC) No 1786/2003 on the common organisation of the market in dried fodder

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1786/2003 of 29 September 2003 on the common organisation of the market in dried fodder <sup>(1)</sup>, and in particular Article 20 thereof,

Having regard to Council Regulation (EC) No 1782/2003 of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and amending Regulations (EEC) No 2019/93, (EC) No 1452/2001, (EC) No 1453/2001, (EC) No 1454/2001, (EC) No 1868/94, (EC) No 1251/1999, (EC) No 1254/1999, (EC) No 1673/2000, (EEC) No 2358/71 and (EC) No 2529/2001 <sup>(2)</sup>, and in particular the second subparagraph of Article 71(2) thereof,

Whereas:

(1) Experience gained from the implementation of Commission Regulation (EC) No 382/2005 <sup>(3)</sup> has shown that the wording of the third subparagraph of Article 9 of that Regulation should be made more precise.

(2) Given that the aid referred to in the second subparagraph of Article 71(2) of Regulation (EC) No 1782/2003 is calculated on the basis of quantities which are potentially eligible for the aid provided for in Article 4 of Regulation (EC) No 1786/2003 for the current marketing year, and that, in accordance with Article 34 of Regulation (EC) No 382/2005, a certain proportion of the dried fodder which has left the undertakings during the 2005/06 marketing year has already been entered in the accounts for the 2004/05 marketing year, the aid for the 2005/06 marketing year would be fixed on the basis of quantities which would not be representative of actual production in the 2005/06 marketing year.

Transitional measures should therefore be laid down for stocks held on 31 March 2006. To avoid any discrimination between operators, these measures should apply to all Member States. Provision should be made for the notification of the stocks benefiting from these measures.

(3) The reference to the ceilings set out in point D of Annex VII to Regulation (EC) No 1782/2003 should be replaced by a reference to the ceilings set out in Annex IV to Commission Regulation (EC) No 118/2005 of 26 January 2005 modifying Annex VIII to Council Regulation (EC) No 1782/2003 and establishing budgetary ceilings for partial or optional implementation of the Single Payment Scheme and annual financial envelopes for Single Area Payment Scheme provided for in that Regulation <sup>(4)</sup>.

(4) A number of improvements should be made to Annex I to Regulation (EC) No 382/2005 in order to obtain a useful overview of energy consumption.

(5) Regulation (EC) No 382/2005 should therefore be amended accordingly.

(6) The measures provided for in this Regulation are in accordance with the opinion of the Joint Management Committee for Cereals and Direct Payments,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 382/2005 is amended as follows:

1. the third subparagraph of Article 9 is replaced by the following:

'Dried fodder leaving a processing undertaking may re-enter it only for the purpose of repackaging, under the supervision of the competent authority and on conditions laid down by it.'

<sup>(1)</sup> OJ L 270, 21.10.2003, p. 114. Regulation as amended by Regulation (EC) No 583/2004 (OJ L 91, 30.3.2004, p. 1).

<sup>(2)</sup> OJ L 270, 21.10.2003, p. 1. Regulation as last amended by Regulation (EC) No 319/2006 (OJ L 58, 28.2.2006, p. 32).

<sup>(3)</sup> OJ L 61, 8.3.2005, p. 4.

<sup>(4)</sup> OJ L 24, 27.1.2005, p. 15. Regulation as amended by Regulation (EC) No 570/2005 (OJ L 97, 15.4.2005, p. 13).

2. Article 33(1) is amended as follows:

(a) the following sentence is added to the first subparagraph:

‘These notifications shall not include the quantities referred to in Articles 34 and 34a.’;

(b) the following sentences are added to the second subparagraph:

‘For the 2005/06 and 2006/07 marketing years, these quantities shall not include the quantities referred to in Articles 34 and 34a. Not later than 31 May 2006, the Member States shall also inform the Commission of the quantities of dried fodder held in the processing undertakings on 31 March 2006 which, in accordance with Article 34a, have been the subject of an application for the aid provided for in Article 4 of Regulation (EC) No 1786/2003 for the 2005/06 marketing year during the 2006/07 marketing year and, where appropriate, the aid referred to in the second subparagraph of Article 71(2) of Regulation (EC) No 1782/2003.’;

3. The following Article 34a is added:

‘Article 34a

**Stocks on 31 March 2006**

1. Dried fodder produced during the 2005/06 marketing year that has not left the processing undertaking or one of the storage places referred to in Article 3(a) of the present regulation by 31 March 2006 at the latest may be eligible for the aid provided for in Article 4 of Regulation (EC) No 1786/2003 for the 2005/06 marketing year during the 2006/07 marketing year and, where appropriate, the aid referred to in the second subparagraph of Article 71(2) of Regulation (EC) No 1782/2003, provided that it:

(a) complies with the terms of Article 3 of this Regulation;

(b) leaves the processing undertaking under the supervision of the competent authority under the conditions laid down in Article 10 and 11 of this Regulation;

(c) is entered in the accounts in the context of the national guaranteed quantities allocated to the Member States concerned for the 2005/06 marketing year;

(d) has been declared and certified during the 2005/06 marketing year.

2. The competent authorities in the Member States shall adopt all the necessary inspection measures to ensure compliance with paragraph 1.’;

4. Article 35 is replaced by the following:

‘Article 35

**Optional transitional period**

1. The Member States which apply an optional transitional period in accordance with Article 71 of Regulation (EC) No 1782/2003 shall pay the processing undertakings, for subsequent transfer to producers, the aid referred to in the second subparagraph of Article 71(2) of Regulation (EC) No 1782/2003, based on the eligible quantities in the 2005/06 marketing year.

This aid shall be fixed on the basis of the potentially eligible quantities and subject to the ceiling in Annex IV to Commission Regulation (EC) No 118/2005 (\*).

“Potentially eligible quantities” means the sum of the quantities recognised as eligible for the aid provided for in Article 4 of Regulation (EC) No 1786/2003 during the 2005/06 marketing year and the quantities produced during the 2005/06 marketing year which have been the subject of an application for that aid for the 2005/06 marketing year in the 2006/07 marketing year, and, where appropriate, the aid referred to in the second subparagraph of Article 71(2) of Regulation (EC) No 1782/2003, in accordance with Article 34a. These potentially eligible quantities shall not include the quantities referred to in Article 34.

2. Where the processing undertaking is supplied with fodder from another Member State, the aid referred to in the second subparagraph of Article 71(2) of Regulation (EC) No 1782/2003 shall be paid to the processing undertakings for transfer to the producer only if that producer is based in a Member State which applies the optional transitional period.

3. The aid referred to in the second subparagraph of Article 71(2) of Regulation (EC) No 1782/2003 shall be fixed in accordance with the procedure referred to in Article 18(2) of Regulation (EC) No 1786/2003.

The aid shall be paid to the processing undertakings within 30 working days of the date on which the Commission publishes the amounts thereof in the *Official Journal of the European Union*. For the quantities recognised as eligible for the aid after this publication date, payment shall be made within 30 working days of the date of recognition of eligibility for the aid.

Processing undertakings shall transfer the aid to the producers within 15 working days of its payment by the Member State.

(\*) OJ L 24, 27.1.2005, p. 15.;

5. Annex I is replaced by the text in the Annex to this Regulation.

#### Article 2

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

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

Done at Brussels, 15 March 2006.

For the Commission  
Mariann FISCHER BOEL  
Member of the Commission

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## ANNEX

## 'ANNEX I

**Record of energy used in the production of dehydrated fodder**

Member State:

Marketing year:

	Subject	Unit	Quantity
a	Production of dehydrated fodder	tonnes of dehydrated fodder	
b	Average humidity on entry	%	
c	Average humidity on leaving	%	
d	Average air temperature on entering the drier	°C	
e	Average specific consumption	megajoules per kg of dehydrated fodder	

*Please complete for each type of fuel used (1):*

Type of fuel:

f	Average specific calorific value	megajoules per tonne of fuel	
g	Quantity used	tonnes of fuel	
h	Energy produced	megajoules	

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(1) Gas, coal, lignite, fuel oil, electricity, biomass, etc.'

**COMMISSION REGULATION (EC) No 433/2006**

**of 15 March 2006**

**amending Regulation (EEC) No 1538/91 as regards the reference laboratories for monitoring water content in poultrymeat**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1906/90 of 26 June 1990 on certain marketing standards for poultrymeat <sup>(1)</sup>, and in particular to Article 9 thereof,

Whereas:

(1) Paragraphs 10, 12 and 12a of Article 14a of Commission Regulation (EEC) No 1538/91 of 5 June 1991 introducing detailed rules for implementing Council Regulation (EEC) No 1906/90 on certain marketing standards for poultrymeat <sup>(2)</sup> provide for detailed guidelines regarding the levels of controls and actions to be undertaken by reference laboratories for monitoring water content in poultrymeat.

(2) The Community Reference Laboratory 'Het Spelderholt' provided for in Article 14a(14) of Regulation (EEC) No 1538/91 is no longer in a position to continue its work.

(3) Experience with the work of the reference laboratories has shown that there is no need for a separate Community Reference Laboratory any more. Instead it appears sufficient to establish a coordinating board for testing activities by national reference laboratories.

(4) The coordinating board should consist of representatives of the Directorate-General Joint Research Centre (JRC) — Institute for Reference Materials and Measurements (IRMM), of the Directorate-General for Agriculture and Rural Development and of three national reference laboratories.

(5) The representative of IRMM should be the chairperson of the board and should appoint the national reference laboratories on rotational basis.

(6) Annex VIII to Regulation (EEC) No 1538/91 contains the names and addresses of all reference laboratories. Several Member States have informed the Commission of a change of their national reference laboratories. Malta has sent the name and address of the Maltese National Reference Laboratory in a neighbouring Member State. It is therefore necessary to update the name and address of certain Reference Laboratories and introduce the name and address of the Maltese Reference Laboratory.

(7) Annex IX to Regulation (EEC) No 1538/91 contains the specific tasks to be performed by the Community Reference Laboratory and by the national reference laboratories. The change in organisational structure of reference laboratories for monitoring water content in poultrymeat should be laid down in Annex IX.

(8) Regulation (EEC) No 1538/91 should be amended accordingly.

(9) 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*

Regulation (EEC) No 1538/91 is amended as follows:

1. Article 14a is amended as follows:

(a) In paragraph 12a, the second subparagraph is replaced by the following:

'The national reference laboratories shall forward these data to the board of experts referred to in paragraph 14 for further evaluation and discussion with national reference laboratories before 1 July each year. The findings shall be presented to the Management Committee for consideration in accordance with Article 18 of Regulation (EEC) No 2777/75.'

<sup>(1)</sup> OJ L 173, 6.7.1990, p. 1. Regulation last amended by Regulation (EC) No 1101/98 (OJ L 157, 30.5.1998, p. 12).

<sup>(2)</sup> OJ L 143, 7.6.1991, p. 11. Regulation last amended by Regulation (EC) No 81/2006 (OJ L 14, 19.1.2006, p. 8).

(b) Paragraph 14 is replaced by the following:

'14. A board of experts in monitoring water content in poultrymeat shall act as a coordinating body for testing activities of national reference laboratories. It shall consist of representatives of the Commission and national reference laboratories. Tasks of the board and of national reference laboratories, as well as the organisational structure of the board are provided for in Annex IX.'

2. Annex VIII is replaced by the text in Annex I to this Regulation.

3. Annex IX is replaced by the text in Annex II to this Regulation.

*Article 2*

This Regulation shall enter into force on the seventh 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, 15 March 2006.

*For the Commission*  
Mariann FISCHER BOEL  
*Member of the Commission*

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## ANNEX I

## ANNEX VIII

## LIST OF NATIONAL REFERENCE LABORATORIES

**Belgium**

Instituut voor Landbouw- en Visserijonderzoek (ILVO)  
Eenheid Technologie en Voeding  
Productkwaliteit en voedselveiligheid  
Brusselsesteenweg 370  
BE-9090 Melle

**Czech Republic**

Státní veterinární ústav Jihlava  
Národní referenční laboratoř pro mikrobiologické,  
chemické a senzorní analýzy masa a masných výrobků  
Rantířovská 93  
CZ-586 05 Jihlava

**Denmark**

Fødevarestyrelsen  
Fødevareregion Øst  
Afdeling for Fødevarekemi  
Søndervang 4  
DK-4100 Ringsted

**Germany**

Bundesforschungsanstalt für Ernährung und Lebensmittel  
Standort Kulmbach  
EC-Baumann-Straße 20  
D-95326 Kulmbach

**Estonia**

Veterinaar- ja Toidulaboratoorium  
Kreutzwaldi 30  
EE-51006 Tartu

**Greece**

Ministry of Rural Development & Food  
Veterinary Laboratory of Larisa  
7th km Larisa-Trikalon st.  
EL-411 10 Larisa

**Spain**

Laboratorio Arbitral Agroalimentario  
Carretera de La Coruña, km 10,700  
ES-28023 Madrid

**France**

Unité hygiène et qualité des produits avicoles  
Laboratoire central de recherches avicoles et porcines  
Centre National d'études vétérinaires et alimentaires  
Beaucemaine — B.P. 53  
FR-22400 Ploufragan

**Ireland**

National Food Centre  
Teagasc  
Dunsinea  
Castleknock  
Dublin 15  
Ireland

**Italy**

Ministero Politiche Agricole e Forestali  
Ispettorato Centrale Repressione Frodi — Laboratorio di  
Modena  
Via Jacopo Cavedone n. 29  
IT-41100 Modena

**Cyprus**

Agricultural Laboratory  
Department of Agriculture  
Loukis Akritas Ave; 14  
CY-Lefcosia (Nicosia)

**Latvia**

Pārtikas un veterinārā dienesta  
Nacionālais diagnostikas centrs  
Lejupes iela 3,  
LV-1076 Rīga

**Lithuania**

Nacionalinė veterinarijos laboratorija  
J. Kairiūkščio g. 10  
LT-2021 Vilnius

**Luxembourg**

Laboratoire National de Santé  
Rue du Laboratoire, 42  
LU-1911 Luxembourg

**Hungary**

Országos Élelmiszervizsgáló Intézet  
Budapest 94. Pf. 1740  
Mester u. 81.  
HU-1465

**Malta**

CE.F.I.T S.r.l.  
Sede Centrale e Laboratori  
Viale Lido 108 A  
IT-96012 Avola (SR)

**Netherlands**

RIKILT — Instituut voor Voedselveiligheid  
Bornsesteeg 45, gebouw 123  
NL-6708 AE Wageningen

**Austria**

Österreichische Agentur für Gesundheit und Ernährungssicherheit GmbH  
Institut für Lebensmitteluntersuchung Wien  
Abteilung 6 — Fleisch und Fleischwaren  
Spargelfeldstraße 191  
AT-1226 Wien

**Poland**

Centralne Laboratorium Głównego Inspektoratu Jakości  
Handlowej Artykułów Rolno-Spożywczych  
ul. Reymonta 11/13  
PL-60-791 Poznań

**Portugal**

Autoridade de Segurança Alimentar e Económica —  
ASAE  
Laboratório Central da Qualidade Alimentar — LCQA  
Av. Conde Valbom, 98  
PT 1050-070 LISBOA

**Slovenia**

Univerza v Ljubljani  
Veterinarska fakulteta  
Nacionalni veterinarski inštitut  
Gerbičeva 60  
SI-1115 Ljubljana

**Slovakia**

Štátny veterinárny a potravinový ústav  
Botanická 15  
SK-842 52 Bratislava

**Finland**

Elintarviketurvallisuusvirasto Evira  
Mustialankatu 3  
FIN-00710 Helsinki

**Sweden**

Livsmedelsverket  
Box 622  
SE-75126 Uppsala

**United Kingdom**

Laboratory of the Government Chemist  
Queens Road  
Teddington  
United Kingdom  
TW11 0LY

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## ANNEX II

## ANNEX IX

**Tasks and organisational structure of the board of experts in monitoring water content in poultrymeat**

The board of experts referred to in Article 14a(14) is responsible for the following tasks:

- (a) supplying information on analytical methods and comparative testing regarding the water content of poultrymeat to the national reference laboratories,
- (b) coordinating the application by the national reference laboratories of the methods referred to in (a), by organising comparative testing, and proficiency testing in particular,
- (c) supporting the national reference laboratories in proficiency testing by providing scientific support for statistical data evaluation and reporting,
- (d) coordinating the development of new analytical methods and informing the national reference laboratories of progress made in this area,
- (e) providing scientific and technical assistance to the Commission, especially in cases where the results of analyses are contested between Member States.

The board of experts referred to in Article 14a(14) shall be organised as follows:

The board of experts in monitoring water content in poultrymeat shall consist of representatives of the Directorate-General Joint Research Centre (JRC) — Institute for Reference Materials and Measurements (IRMM), of the Directorate-General for Agriculture and Rural Development and of three national reference laboratories. The representative of IRMM shall act as the chairperson of the board and shall appoint the national reference laboratories on rotational basis. The Member States' authorities responsible for the national reference laboratory selected shall subsequently appoint individual experts in monitoring water content in food to serve on the board. Through annual rotation, one participating national reference laboratory shall be replaced at a time, so as to ensure a degree of continuity on the board. Expenses incurred by the Member States' experts and/or the national reference laboratories in the exercise of their functions under this paragraph shall be borne by the respective Member States.

**Tasks of national reference laboratories**

The national reference laboratories listed in Annex VIII are responsible for the following tasks:

- (a) coordinating the activities of the national laboratories responsible for analyses of water content in poultrymeat,
  - (b) assisting the competent authority in the Member State to organise the system for monitoring water content in poultrymeat,
  - (c) participating in comparative testing (proficiency testing) between the various national laboratories referred to in (a),
  - (d) ensuring that the information supplied by the board of experts is disseminated to the competent authority in the relevant Member State and to the national laboratories referred to in (a),
  - (e) collaborate with the board of experts and in case of appointment to join the board of experts, to prepare the necessary test samples, including homogeneity testing, and to arrange appropriate shipping.'
-

**COMMISSION REGULATION (EC) No 434/2006****of 15 March 2006****amending Regulation (EC) No 887/2005 opening crisis distillation as provided for in Article 30 of Council Regulation (EC) No 1493/1999 for certain wines in Greece**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine <sup>(1)</sup>, and in particular Article 33(1)(f) thereof,

Whereas:

- (1) Commission Regulation (EC) No 887/2005 <sup>(2)</sup> opened crisis distillation as provided for in Article 30 of Council Regulation (EC) No 1493/1999 for certain wines in Greece.
- (2) As several distillation measures are simultaneously in place, the Greek authorities have found that neither the distilleries nor the supervisory authorities have sufficient capacity to ensure proper distillation performance. In order to ensure the effectiveness of the measure introduced by Regulation (EC) No 887/2005, the period laid down by the Regulation in which the alcohol can be delivered to the intervention agency should be extended to 30 April 2006.

(3) Regulation (EC) No 887/2005 should be amended accordingly.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

In Article 4(1) of Regulation (EEC) No 887/2005 the second sentence is replaced by the following:

‘The alcohol obtained shall be delivered to the intervention agency in accordance with Article 6(1) not later than 30 April 2006.’

*Article 2*

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

It shall apply from 16 March 2006.

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

Done at Brussels, 15 March 2006.

*For the Commission*  
Mariann FISCHER BOEL  
*Member of the Commission*

<sup>(1)</sup> OJ L 179, 14.7.1999, p. 1. Regulation as last amended by Regulation (EC) No 2165/2003 (OJ L 345, 28.12.2005, p. 1).

<sup>(2)</sup> OJ L 148, 11.6.2005, p. 34.

**COMMISSION REGULATION (EC) No 435/2006****of 15 March 2006****fixing the import duties in the cereals sector applicable from 16 March 2006**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

- (1) Article 10 of Regulation (EC) No 1784/2003 provides that the rates of duty in the Common Customs Tariff are to be charged on import of the products referred to in Article 1 of that Regulation. However, in the case of the products referred to in paragraph 2 of that Article, the import duty is to be equal to the intervention price valid for such products on importation and increased by 55 %, minus the cif import price applicable to the consignment in question. However, that duty may not exceed the rate of duty in the Common Customs Tariff.
- (2) Pursuant to Article 10(3) of Regulation (EC) No 1784/2003, the cif import prices are calculated on the basis of the representative prices for the product in question on the world market.

(3) Regulation (EC) No 1249/96 lays down detailed rules for the application of Regulation (EC) No 1784/2003 as regards import duties in the cereals sector.

(4) The import duties are applicable until new duties are fixed and enter into force.

(5) In order to allow the import duty system to function normally, the representative market rates recorded during a reference period should be used for calculating the duties.

(6) Application of Regulation (EC) No 1249/96 results in import duties being fixed as set out in Annex I to this Regulation,

HAS ADOPTED THIS REGULATION:

*Article 1*

The import duties in the cereals sector referred to in Article 10(2) of Regulation (EC) No 1784/2003 shall be those fixed in Annex I to this Regulation on the basis of the information given in Annex II.

*Article 2*

This Regulation shall enter into force on 16 March 2006.

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

Done at Brussels, 15 March 2006.

*For the Commission*

J. L. DEMARTY

*Director-General for Agriculture and  
Rural Development*

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<sup>(1)</sup> 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).

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



## ANNEX I

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

CN code	Description	Import duty <sup>(1)</sup> (EUR/tonne)
1001 10 00	Durum wheat high quality	0,00
	medium quality	0,00
	low quality	0,00
1001 90 91	Common wheat seed	0,00
ex 1001 90 99	Common high quality wheat other than for sowing	0,00
1002 00 00	Rye	40,27
1005 10 90	Maize seed other than hybrid	56,28
1005 90 00	Maize other than seed <sup>(2)</sup>	56,28
1007 00 90	Grain sorghum other than hybrids for sowing	40,27

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

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

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

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

## ANNEX II

**Factors for calculating duties**

period from 1.3.2006-14.3.2006

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

Exchange quotations	Minneapolis	Chicago	Minneapolis	Minneapolis	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2	YC3	HAD2	Medium quality (*)	Low quality (**)	US barley 2
Quotation (EUR/t)	144,25 (***)	74,03	180,00	170,00	150,00	103,52
Gulf premium (EUR/t)	42,52	13,48	—			—
Great Lakes premium (EUR/t)	—	—	—			—

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

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

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

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

Freight/cost: Gulf of Mexico–Rotterdam: 16,81 EUR/t; Great Lakes–Rotterdam: — EUR/t.

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

## II

(Acts whose publication is not obligatory)

## COUNCIL

## COUNCIL DECISION

of 14 March 2006

**amending Decision 1999/70/EC concerning the external auditors of the national central banks, as regards the external auditors of the Österreichische Nationalbank**

(2006/212/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Protocol on the Statute of the European System of Central Banks and of the European Central Bank, annexed to the Treaty establishing the European Community, and in particular to Article 27(1) thereof,

Having regard to Recommendation ECB/2006/1 of the European Central Bank of 1 February 2006 to the Council of the European Union on the external auditors of the Österreichische Nationalbank <sup>(1)</sup>,

Whereas:

(1) The accounts of the European Central Bank (ECB) and of the national central banks of the Eurosystem are to be audited by independent external auditors recommended by the Governing Council of the ECB and approved by the Council of the European Union.

(2) Pursuant to Article 37(1) of the Federal Act on the Österreichische Nationalbank, the General Meeting of the Österreichische Nationalbank (ÖNB) shall elect two auditors and two alternate auditors each year. The alternate auditors will be mandated only in the event that the auditors are not able to perform the audit.

(3) The mandate of the current external auditors of the ÖNB cannot be renewed for a further term of office after the audit for the financial year 2005. It is therefore necessary to appoint external auditors from the financial year 2006.

(4) The ÖNB has selected KPMG Alpen-Treuhand GmbH, TPA Horwath Wirtschaftsprüfung GmbH, Moore Stephens Austria Wirtschaftsprüfungsgesellschaft mbH and BDO Auxilia Treuhand GmbH as its new external auditors in accordance with Community as well as Austrian public procurement legislation, and the ECB considers that they fulfil the necessary requirements for appointment.

(5) The Governing Council of the ECB recommended that the mandate of the external auditors should be renewed on a yearly basis, not exceeding a total term of five years.

(6) It is appropriate to follow the recommendation of the Governing Council of the ECB and to amend Council Decision 1999/70/EC <sup>(2)</sup> accordingly,

HAS DECIDED AS FOLLOWS:

*Article 1*

Article 1(9) of Decision 1999/70/EC shall be replaced by the following:

'9. KPMG Alpen-Treuhand GmbH and TPA Horwath Wirtschaftsprüfung GmbH are hereby approved jointly as the external auditors of the Österreichische Nationalbank (ÖNB) for the financial year 2006.

<sup>(1)</sup> OJ C 34, 10.2.2006, p. 30.

<sup>(2)</sup> OJ L 22, 29.1.1999, p. 69. Decision as last amended by Decision 2005/866/EC (OJ L 318, 6.12.2005, p. 25).

Moore Stephens Austria Wirtschaftsprüfungsgesellschaft mbH and BDO Auxilia Treuhand GmbH are hereby approved jointly as the alternate auditors of the ÖNB for the financial year 2006.

This mandate may be renewed on a yearly basis, not exceeding a total term of five years, ending with the financial year 2010 at the latest.'

*Article 2*

This Decision shall be notified to the European Central Bank.

*Article 3*

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

Done at Brussels, 14 March 2006.

*For the Council*

*The President*

K.-H. GRASSER

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# COMMISSION

## COMMISSION DECISION

of 6 March 2006

### establishing the classes of reaction-to-fire performance for certain construction products as regards wood flooring and solid wood panelling and cladding

(notified under document number C(2006) 655)

(Text with EEA relevance)

(2006/213/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 89/106/EEC of 21 December 1988, on the approximation of laws, regulations and administrative provisions of the Member States relating to construction products <sup>(1)</sup>, and in particular Article 20(2) thereof,

Whereas:

(1) Directive 89/106/EEC envisages that in order to take account of different levels of protection for construction works at national, regional or local level, it may be necessary to establish in the interpretative documents classes corresponding to the performance of products in respect of each essential requirement. Those documents have been published as the 'Communication of the Commission with regard to the interpretative documents of Directive 89/106/EEC' <sup>(2)</sup>.

(2) With respect to the essential requirement of safety in the event of fire, interpretative document No 2 lists a number of interrelated measures which together define the fire safety strategy to be variously developed in the Member States.

(3) Interpretative document No 2 identifies one of those measures as the limitation of the generation and spread of fire and smoke within a given area by limiting the potential of construction products to contribute to the full development of a fire.

(4) The level of that limitation may be expressed only in terms of the different levels of reaction-to-fire performance of the products in their end-use application;

(5) By way of harmonised solution, a system of classes was adopted in Commission Decision 2000/147/EC of 8 February 2000 implementing Council Directive 89/106/EEC as regards the classification of the reaction-to-fire performance of construction products <sup>(3)</sup>.

(6) In the case of wood flooring and solid wood panelling and cladding it is necessary to use the classification established in Decision 2000/147/EC.

(7) The reaction-to-fire performance of many construction products and/or materials, within the classification provided for in Decision 2000/147/EC, is well established and sufficiently well known to fire regulators in Member States that they do not require testing for this particular performance characteristic.

(8) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Construction,

HAS ADOPTED THIS DECISION:

#### Article 1

The construction products and/or materials which satisfy all the requirements of the performance characteristic 'reaction to fire' without need for further testing are set out in the Annex.

#### Article 2

The specific classes to be applied to different construction products and/or materials, within the reaction-to-fire classification adopted in Decision 2000/147/EC, are set out in the Annex to this Decision.

<sup>(1)</sup> OJ L 40, 11.2.1989, p. 12. Directive as last amended by Regulation (EC) No 1882/2003 of the European Parliament and the Council (OJ L 284, 31.10.2003, p. 1).

<sup>(2)</sup> OJ C 62, 28.2.1994, p. 1.

<sup>(3)</sup> OJ L 50 23.2.2000, p. 14. Decision as amended by Decision 2003/632/EC (OJ L 220, 3.9.2003, p. 5).

*Article 3*

Products shall be considered in relation to their end-use application, where relevant.

*Article 4*

This Decision is addressed to the Member States.

Done at Brussels, 6 March 2006.

*For the Commission*  
Günter VERHEUGEN  
*Vice-President*

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## ANNEX

The tables set out in this Annex, list construction products and/or materials which satisfy all of the requirements for the performance characteristic reaction to fire without need for testing.

**Table 1**  
CLASSES OF REACTION TO FIRE PERFORMANCE FOR WOOD FLOORING

Material <sup>(1), (7)</sup>	Product detail <sup>(4)</sup>	Minimum mean density <sup>(5)</sup> (kg/m <sup>3</sup> )	Minimum overall thickness (mm)	End-use condition	Class <sup>(3)</sup> for floorings
Wood flooring and parquet	Solid flooring of oak or beech with surface coating	Beech: 680 Oak: 650	8	Glued to substrate <sup>(6)</sup>	C <sub>fl</sub> - s1
	Solid flooring of oak, beech or spruce and with surface coating	Beech: 680 Oak: 650 Spruce: 450	20	With or without air gap underneath	
	Solid wood flooring with surface coating and not specified above	390	8	Without air gap underneath	D <sub>fl</sub> - s1
20			With or without air gap underneath		
Wood parquet	Multilayer parquet with a top layer of oak of at least 5 mm thickness and with surface coating	650 (top layer)	10	Glued to substrate <sup>(6)</sup>	C <sub>fl</sub> - s1
			14 <sup>(2)</sup>	With or without air gap underneath	
	Multilayer parquet with surface coating and not specified above	500	8	Glued to substrate	D <sub>fl</sub> - s1
			10	Without air gap underneath	
			14 <sup>(2)</sup>	With or without air gap underneath	
	Veneered floor covering	Veneered floor covering with surface coating	800	6 <sup>(2)</sup>	Without air gap underneath

<sup>(1)</sup> Mounted in accordance with EN ISO 9239-1, on a substrate of at least Class D - s2, d0 and with minimum density of 400 kg/m<sup>3</sup> or with an air gap underneath.

<sup>(2)</sup> An interlayer of at least Class E and with maximum thickness 3 mm may be included in applications without an air gap, for parquet products with 14 mm thickness or more and for veneered floor coverings.

<sup>(3)</sup> Class as provided for in Commission Decision 2000/147/EC Annex Table 2.

<sup>(4)</sup> Type and quantity of surface coatings included are acrylic, polyurethane or soap, 50 - 100 g/m<sup>2</sup>, and oil, 20 - 60 g/m<sup>2</sup>.

<sup>(5)</sup> Conditioned according to EN 13238 (50 % RH 23 °C).

<sup>(6)</sup> Substrate at least Class A2 - s1, d0.

<sup>(7)</sup> Applies also to steps of stairs.

Table 2

## CLASSES OF REACTION TO FIRE PERFORMANCE FOR SOLID WOOD PANELLING AND CLADDING

Material <sup>(1)</sup>	Product detail <sup>(2)</sup>	Minimum mean density <sup>(6)</sup> (kg/m <sup>3</sup> )	Minimum thicknesses, total/minimum <sup>(7)</sup> (mm)	End-use condition <sup>(4)</sup>	Class <sup>(3)</sup>
Panelling and cladding <sup>(1)</sup>	Wood pieces with or without tongue and groove and with or without profiled surface	390	9/6	Without air gap or with closed air gap behind	D - s2, d2
			12/8		D - s2, d0
Panelling and cladding <sup>(2)</sup>	Wood pieces with or without tongue and groove and with or without profiled surface	390	9/6	With open air gap ≤ 20 mm behind	D - s2, d0
			18/12	Without air gap or with open air gap behind	
Wood ribbon elements <sup>(8)</sup>	Wood pieces mounted on a support frame <sup>(9)</sup>	390	18	Surrounded by open air on all sides <sup>(10)</sup>	D - s2, d0

<sup>(1)</sup> Mounted mechanically on a wood batten support frame, with the gap closed or filled with a substrate of at least class A2 - s1, d0 with minimum density of 10 kg/m<sup>3</sup> or filled with a substrate of cellulose insulation material of at least class E and with or without a vapour barrier behind. The wood product shall be designed to be mounted without open joints.

<sup>(2)</sup> Mounted mechanically on a wood batten support frame, with or without an open air gap behind. The wood product shall be designed to be mounted without open joints.

<sup>(3)</sup> Class as provided for in Table 1 of the Annex to Commission Decision 2000/147/EC.

<sup>(4)</sup> An open air gap may include possibility for ventilation behind the product, while a closed air gap will exclude such ventilation. The substrate behind the air gap must be of at least class A2 - s1, d0 with a minimum density of 10 kg/m<sup>3</sup>. Behind a closed air gap of maximum 20 mm and with vertical wood pieces, the substrate may be of at least class D - s2, d0.

<sup>(5)</sup> Joints include all types of joints, e.g. butt joints and tongue and groove joints.

<sup>(6)</sup> Conditioned according to EN 13238.

<sup>(7)</sup> As illustrated in Figure a below. Profiled area of the exposed side of the panel not more than 20 % of the plane area, or 25 % if measured at both exposed and unexposed side of the panel. For butt joints, the larger thickness applies at the joint interface.

<sup>(8)</sup> Rectangular wood pieces, with or without rounded corners, mounted horizontally or vertically on a support frame and surrounded by air on all sides, mainly used close to other building elements, both in interior and exterior applications.

<sup>(9)</sup> Maximum exposed area (all sides of rectangular wood pieces and wood support frame) not more than 110 % of the total plane area, see Figure b.

<sup>(10)</sup> Other building elements closer than 100 mm from the wood ribbon element (excluding its support frame) must be of at least class A2 - s1, d0, at distances 100 - 300 mm of at least class B - s1, d0 and at distances more than 300 mm of at least class D - s2, d0.

<sup>(11)</sup> Applies also to stairs.



Figure a

**Profiles for solid wood panelling and cladding**

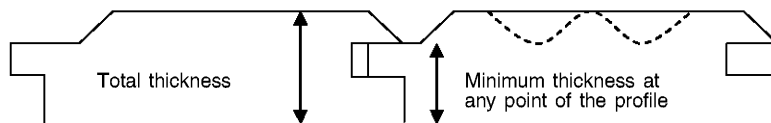
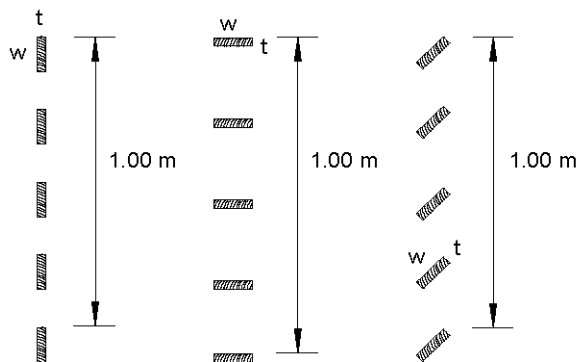


Figure b

**Maximum exposed area of wood ribbon element  $2n(t + w) + a \leq 1,10$**



- n = number of wood pieces per meter
- t = thickness of each wood piece, in meter
- w = width of each wood piece, in meter
- a = exposed area of wood support frame (if any), in m<sup>2</sup>, per m<sup>2</sup> of wood ribbon element

## CORRIGENDA

**Corrigendum to Council Regulation (EC) No 1236/2005 of 27 June 2005 concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment**

(Official Journal of the European Union L 200 of 30 July 2005)

On page 10, Annex I, List of authorities referred to in Articles 8 and 11, point A. Authorities of the Member States, under 'Cyprus', address in Greek language:

*for:* Τμήμα έκδοσης αδειών εισαγωγών/εξαγωγών',

*read:* Μονάδα Έκδοσης Αδειών Εισαγωγών/Εξαγωγών';

*for:* 'E-mail: perm.sec@mcit.gov.cygr',

*read:* 'E-mail: perm.sec@mcit.gov.cy'.

On page 16, in Annex V, 'Export or import authorisation form referred to in Article 9(1)', in the vertical area reading up the page to the left of boxes 1, 2, 5 and 9 insert:

'AUTHORISATION EXPORT/IMPORT TORTURE EQUIPMENT'.

On page 18, 'Explanatory notes to the form', in Box 3, third column:

*for:* 'See Article 2(d) and (e) and Article 17 of the Regulation ...',

*read:* 'See Article 2(d) and (e) and Article 18 of the Regulation...';

and in Boxes 6 and 7, third column:

*for:* 'See Commission Regulation (EC) No 1779/2002 (OJ L 296, 5.10.2002, p. 6)',

*read:* 'See Commission Regulation (EC) No 1779/2002 (OJ L 269, 5.10.2002, p. 6)'.

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