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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 456/2006

of 20 March 2006

correcting Regulation (EC) No 1786/2003 on the common organisation of the market in dried fodder

THE COUNCIL OF THE EUROPEAN UNION,

the date of application of Regulation (EC) No 1786/2003,

Having regard to the Treaty establishing the European Community, and in particular Article 36 and the third subparagraph of Article 37(2) thereof,

HAS ADOPTED THIS REGULATION:

Having regard to the proposal from the Commission,

Article 1

Regulation (EC) No 1786/2003 is hereby corrected as follows:

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

Whereas:

1. In point (a) of the first column of the table in Article 1, CN codes 'ex 1214 90 91 and ex 1214 90 99' shall be replaced by CN code 'ex 1214 90 90'.

(1) The text of Regulation (EC) No 1786/2003 ⁽²⁾ contains a number of errors.

2. In Article 5(1), the maximum guaranteed quantity of '4 855 900' tonnes shall be replaced by the maximum guaranteed quantity of '4 960 723' tonnes.

(2) In Article 1 of the said Regulation, CN codes ex 1214 90 91 and ex 1214 90 99 should be replaced by CN code ex 1214 90 90 following an amendment to the combined nomenclature.

3. Article 6 shall be replaced as follows:

(3) In Article 5(1) of the said Regulation, the maximum guaranteed quantity of 4 855 900 tonnes should be replaced by the maximum guaranteed quantity of 4 960 723 tonnes, the sum of the guaranteed national quantities listed in paragraph 2 of that Article.

'Article 6

Where during a marketing year the volume of dried fodder for which aid as provided for in Article 4(2) is claimed exceeds the maximum guaranteed quantity set out in Article 5(1), the aid shall be reduced in each Member State in which production exceeds the guaranteed national quantity by reducing expenditure as a function of the percentage of the sum of the overruns represented by the overrun of that Member State.

(4) The first subparagraph of Article 6 of the said Regulation should be reworded in order to describe correctly the method of decreasing the aid, should the maximum guaranteed quantity be overrun. In the second subparagraph of the same Article, all linguistic versions should be aligned in order to use the same terminology when expressing the principle that no increase in budget expenditure is possible in the event of an overrun of the maximum guaranteed quantity.

The reduction shall be set, in accordance with the procedure referred to in Article 18(2), at a level ensuring that budget expenditure expressed in euro does not exceed that which would have been attained had the maximum guaranteed quantity not been exceeded.'

(5) Regulation (EC) No 1786/2003 should therefore be corrected accordingly.

Article 2

(6) Given that the corrections have no negative effect on economic operators, this Regulation should apply from

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

⁽¹⁾ Not yet published in the Official Journal.

⁽²⁾ 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).

It shall apply from 1 April 2005.

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

Done at Brussels, 20 March 2006.

For the Council
The President
J. PRÖLL

COMMISSION REGULATION (EC) No 457/2006**of 20 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 ⁽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 21 March 2006.

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

Done at Brussels, 20 March 2006.

For the Commission

J. L. 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 20 March 2006 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	110,3
	204	54,2
	212	102,0
	624	101,8
	999	92,1
0707 00 05	052	139,2
	999	139,2
0709 90 70	052	131,7
	204	50,4
	999	91,1
0805 10 20	052	68,9
	204	43,6
	212	53,1
	220	45,2
	400	60,8
	448	37,8
	624	61,8
	999	53,0
0805 50 10	052	65,0
	624	67,8
	999	66,4
0808 10 80	388	101,4
	400	114,1
	404	102,5
	508	82,7
	512	79,2
	524	78,8
	528	77,8
	720	92,1
	999	91,1
0808 20 50	388	81,5
	512	73,2
	528	73,4
	720	48,1
	999	69,1

⁽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 458/2006

of 20 March 2006

on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to 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 ⁽²⁾,

Having regard to Commission Regulation (EC) No 2247/2003 of 19 December 2003 laying down detailed rules for the application in the beef and veal sector of Council Regulation (EC) No 2286/2002 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP States) ⁽³⁾, and in particular Article 5 thereof,

Whereas:

(1) Article 1 of Regulation (EC) No 2247/2003 provides for the possibility of issuing import licences for beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia. However, imports must take place within the limits of the quantities specified for each of these exporting non-member countries.

(2) The applications for import licences submitted between 1 to 10 March 2006, expressed in terms of boned meat, in accordance with Regulation (EC) No 2247/2003, do not exceed, in respect of products originating from Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia, the quantities available from those States. It is therefore possible to issue import licences in respect of the quantities applied for.

(3) The quantities in respect of which licences may be applied for from 1 April 2006 should be fixed within the scope of the total quantity of 52 100 t.

(4) This Regulation is without prejudice to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries ⁽⁴⁾,

HAS ADOPTED THIS REGULATION:

Article 1

The following Member States shall issue on 21 March 2006 import licences for beef and veal products, expressed as boned meat, originating in certain African, Caribbean and Pacific States, in respect of the following quantities and countries of origin:

Germany:

- 60 t originating in Botswana,
- 150 t originating in Namibia;

United Kingdom:

- 100 t originating in Botswana,
- 500 t originating in Namibia.

Article 2

Licence applications may be submitted, pursuant to Article 4(2) of Regulation (EC) No 2247/2003, during the first 10 days of April 2006 for the following quantities of boned beef and veal:

Botswana:	17 936 t,
Kenya:	142 t,
Madagascar:	7 579 t,
Swaziland:	3 363 t,
Zimbabwe:	9 100 t,
Namibia:	11 600 t.

Article 3

This Regulation shall enter into force on 21 March 2006.

⁽¹⁾ OJ L 160, 26.6.1999, p. 21. Regulation as last amended by Commission Regulation (EC) No 1899/2004 (OJ L 328, 30.10.2004, p. 67).

⁽²⁾ OJ L 348, 21.12.2002, p. 5.

⁽³⁾ OJ L 333, 20.12.2003, p. 37. Regulation as last amended by Regulation (EC) No 1118/2004 (OJ L 217, 17.6.2004, p. 10).

⁽⁴⁾ OJ L 302, 31.12.1972, p. 28. Directive as last amended by Regulation (EC) No 807/2003 (OJ L 122, 16.5.2003, p. 36).

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

Done at Brussels, 20 March 2006.

For the Commission
J. L. DEMARTY
*Director-General for Agriculture and
Rural Development*

COMMISSION REGULATION (EC) No 459/2006
of 20 March 2006
determining the world market price for unginne

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Protocol 4 on cotton, annexed to the Act of Accession of Greece, as last amended by Council Regulation (EC) No 1050/2001 ⁽¹⁾,

Having regard to Council Regulation (EC) No 1051/2001 of 22 May 2001 on production aid for cotton ⁽²⁾, and in particular Article 4 thereof,

Whereas:

- (1) In accordance with Article 4 of Regulation (EC) No 1051/2001, a world market price for unginne cotton is to be determined periodically from the price for ginne cotton recorded on the world market and by reference to the historical relationship between the price recorded for ginne cotton and that calculated for unginne cotton. That historical relationship has been established in Article 2(2) of Commission Regulation (EC) No 1591/2001 of 2 August 2001 laying down detailed rules for applying the cotton aid scheme ⁽³⁾. Where the world market price cannot be determined in this way, it is to be based on the most recent price determined.
- (2) In accordance with Article 5 of Regulation (EC) No 1051/2001, the world market price for unginne

cotton is to be determined in respect of a product of specific characteristics and by reference to the most favourable offers and quotations on the world market among those considered representative of the real market trend. To that end, an average is to be calculated of offers and quotations recorded on one or more European exchanges for a product delivered cif to a port in the Community and coming from the various supplier countries considered the most representative in terms of international trade. However, there is provision for adjusting the criteria for determining the world market price for ginne cotton to reflect differences justified by the quality of the product delivered and the offers and quotations concerned. Those adjustments are specified in Article 3(2) of Regulation (EC) No 1591/2001.

- (3) The application of the above criteria gives the world market price for unginne cotton determined hereinafter,

HAS ADOPTED THIS REGULATION:

Article 1

The world price for unginne cotton as referred to in Article 4 of Regulation (EC) No 1051/2001 is hereby determined as equalling 21,897 EUR/100 kg.

Article 2

This Regulation shall enter into force on 21 March 2006.

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

Done at Brussels, 20 March 2006.

For the Commission

J. L. DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 148, 1.6.2001, p. 1.

⁽²⁾ OJ L 148, 1.6.2001, p. 3.

⁽³⁾ OJ L 210, 3.8.2001, p. 10. Regulation as amended by Regulation (EC) No 1486/2002 (OJ L 223, 20.8.2002, p. 3).

COMMISSION REGULATION (EC) No 460/2006**of 20 March 2006****on the issue of import licences for garlic imported under the autonomous tariff quota opened by Regulation (EC) No 393/2006**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 393/2006 of 6 March 2006 opening and providing for the administration of an autonomous tariff quota for garlic ⁽¹⁾, and in particular Article 6(3) thereof,

Whereas:

Licence applications submitted by traditional and new importers to the competent authorities of the Member States pursuant to Article 4(1) of Regulation (EC) No 393/2006, exceed the available quantities. The extent to which licences may be issued should therefore be determined,

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

Done at Brussels, 20 March 2006.

Article 1

1. Applications for import licences made by traditional importers pursuant to Article 4(1) of Regulation (EC) No 393/2006 and submitted to the Commission by the Member States on 16 March 2006 shall be issued for 2,319 % of the quantity applied for.

2. Applications for import licences made by new importers pursuant to Article 4(1) of Regulation (EC) No 393/2006 and submitted to the Commission by the Member States on 16 March 2006 shall be issued for 0,857 % of the quantity applied for.

Article 2

This Regulation shall enter into force on 21 March 2006.

It shall apply until 30 June 2006.

For the Commission

J. L. DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 65, 7.3.2006, p. 18.

COMMISSION REGULATION (EC) No 461/2006**of 20 March 2006****on the issue of import licences for certain preserved mushrooms imported under the autonomous tariff quota opened by Regulation (EC) No 392/2006**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 392/2006 of 6 March 2006 opening and providing for the administration of an autonomous tariff quota for preserved mushrooms ⁽¹⁾, and in particular Article 6(3) thereof,

Whereas:

Licence applications submitted by traditional and new importers to the competent authorities of the Member States under Article 4(1) of Regulation (EC) No 392/2006 exceed the available quantities. The extent to which licences may be issued should therefore be determined,

Article 1

1. Import licences applied for by traditional importers pursuant to Article 4(1) of Regulation (EC) No 392/2006 and submitted to the Commission on 16 March 2006 shall be issued for 8,587 % of the quantity applied for.

2. Import licences applied for by new importers pursuant to Article 4(1) of Regulation (EC) No 392/2006 and submitted to the Commission on 16 March 2006 shall be issued for 17,391 % of the quantity applied for.

Article 2

This Regulation shall enter into force on 21 March 2006.

It shall apply until 30 June 2006.

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

Done at Brussels, 20 March 2006.

For the Commission

J. L. DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 65, 7.3.2006, p. 14.

COMMISSION DIRECTIVE 2006/33/EC
of 20 March 2006
amending Directive 95/45/EC as regards sunset yellow FCF (E 110) and titanium dioxide (E 171)
 (Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 89/107/EEC of 21 December 1988 on the approximation of the laws of the Member States concerning food additives authorised for use in foodstuffs intended for human consumption⁽¹⁾, and in particular Article 3(3)(a) thereof,

After consulting the European Food Safety Authority,

Whereas:

- (1) Commission Directive 95/45/EC of 26 July 1995 laying down specific purity criteria concerning colours for use in foodstuffs⁽²⁾, sets out the purity criteria for the colours mentioned in Directive 94/36/EC of the European Parliament and of the Council of 30 June 1994 on colours for use in foodstuffs⁽³⁾.
- (2) Sunset yellow FCF (E 110) is authorised under Directive 94/36/EC as a colour for use in certain foodstuffs. There is scientific evidence that under certain circumstances, Sudan I (1-(phenylazo)-2-naphthalenol) may be formed as an impurity during the production of sunset yellow. Sudan I is an unauthorised colour and an undesired substance in food. Its presence in sunset yellow should therefore be restricted to an amount below the limit of detection, i.e. 0,5 mg/kg. The purity criteria for sunset yellow FCF (E 110) should therefore be amended accordingly.
- (3) Account should be taken of the specifications and analytical techniques for additives set out in the Codex Alimentarius as drafted by the Joint FAO/WHO Expert

Committee on Food Additives (JECFA). JECFA began the implementation of a systematic programme to replace the test for heavy metals (as lead) in all existing food additive specifications with appropriate limits for individual metals of concern. These limits for sunset yellow FCF (E 110) should therefore be amended accordingly.

- (4) Titanium dioxide (E 171) is authorised under Directive 94/36/EC as a colour for use in certain foodstuffs. Titanium dioxide can be manufactured to obtain crystals in the anatase or in the rutile form. The platelet form of rutile titanium dioxide differs from the anatase form in structure and optical properties (pearlescence). There is a technological need for the use of the platelet form of rutile titanium dioxide as a colour in foodstuffs and in film coatings for food supplement tablets. On 7 December 2004 the European Food Safety Authority stated that the use of rutile titanium dioxide in the platelet or amorphous forms would not pose any safety concerns. The purity criteria for titanium dioxide (E 171) should therefore be amended in order to include both the anatase and the rutile form of the substance.
- (5) Directive 95/45/EC should therefore be amended accordingly.
- (6) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DIRECTIVE:

Article 1

The Annex to Directive 95/45/EC is amended in accordance with the Annex to this Directive.

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 10 April 2007 at the latest. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

⁽¹⁾ OJ L 40, 11.2.1989, p. 27. Directive as last amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).

⁽²⁾ OJ L 226, 22.9.1995, p. 1. Directive as last amended by Directive 2004/47/EC (OJ L 113, 20.4.2004, p. 24).

⁽³⁾ OJ L 237, 10.9.1994, p. 13. Directive as amended by Regulation (EC) No 1882/2003.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 20 March 2006.

For the Commission
Markos KYPRIANOU
Member of the Commission

ANNEX

In the Annex to Directive 95/45/EC, Part B is amended as follows:

(1) The text concerning sunset yellow FCF (E 110) is replaced by the following:

'E 110 SUNSET YELLOW FCF'

Synonyms	CI Food Yellow 3, Orange Yellow S
Definition	Sunset Yellow FCF consists essentially of disodium 2-hydroxy-1-(4-sulfonatophenylazo) naphthalene-6-sulfonate and subsidiary colouring matters together with sodium chloride and/or sodium sulfate as the principal uncoloured components. Sunset Yellow FCF is described as the sodium salt. The calcium and the potassium salt are also permitted.
Class	Monoazo
Colour Index No	15985
EINECS	220-491-7
Chemical names	Disodium 2-hydroxy-1-(4-sulfonatophenylazo)naphthalene-6-sulfonate
Chemical formula	$C_{16}H_{10}N_2Na_2O_7S_2$
Molecular weight	452,37
Assay	Content not less than 85 % total colouring matters calculated as the sodium salt $E_{1\text{ cm}}^{1\%}$ 555 at ca 485 nm in aqueous solution at pH 7
Description	Orange-red powder or granules
Identification	
A. Spectrometry	Maximum in water at ca 485 nm at pH 7
B. Orange solution in water	
Purity	
Water insoluble matter	Not more than 0,2 %
Subsidiary colouring matters	Not more than 5,0 %
1-(Phenylazo)-2-naphthalenol (Sudan I)	Not more than 0,5 mg/kg
Organic compounds other than colouring matters:	
4-aminobenzene-1-sulfonic acid	} Total not more than 0,5 %
3-hydroxynaphthalene-2,7-disulfonic acid	
6-hydroxynaphthalene-2-sulfonic acid	
7-hydroxynaphthalene-1,3-disulfonic acid	
4,4'-diazoaminodi(benzene sulfonic acid)	
6,6'-oxydi(naphthalene-2-sulfonic acid)	
Unsulfonylated primary aromatic amines	Not more than 0,01 % (calculated as aniline)
Ether extractable matter	Not more than 0,2 % under neutral conditions
Arsenic	Not more than 3 mg/kg
Lead	Not more than 2 mg/kg
Mercury	Not more than 1 mg/kg
Cadmium	Not more than 1 mg/kg'

(2) The text concerning titanium dioxide (E 171) is replaced by the following:

'E 171 TITANIUM DIOXIDE

Synonyms	CI Pigment White 6
Definition	Titanium dioxide consists essentially of pure anatase and/or rutile titanium dioxide which may be coated with small amounts of alumina and/or silica to improve the technological properties of the product.
Class	Inorganic
Colour Index No	77891
EINECS	236-675-5
Chemical names	Titanium dioxide
Chemical formula	TiO ₂
Molecular weight	79,88
Assay	Content not less than 99 % on an alumina and silica-free basis
Description	White to slightly coloured powder
Identification	
Solubility	Insoluble in water and organic solvents. Dissolves slowly in hydrofluoric acid and in hot concentrated sulfuric acid.
Purity	
Loss on Drying	Not more than 0,5 % (105 °C, 3 hours)
Loss on Ignition	Not more than 1,0 % on a volatile matter free basis (800 °C)
Aluminum oxide and/or silicon dioxide	Total not more than 2,0 %
Matter soluble in 0,5 N HCl	Not more than 0,5 % on an alumina and silica-free basis and, in addition, for products containing alumina and/or silica, not more than 1,5 % on the basis of the product as sold.
Water soluble matter	Not more than 0,5 %
Cadmium	Not more than 1 mg/kg
Antimony	Not more than 50 mg/kg by total dissolution
Arsenic	Not more than 3 mg/kg by total dissolution
Lead	Not more than 10 mg/kg by total dissolution
Mercury	Not more than 1 mg/kg by total dissolution
Zinc	Not more than 50 mg/kg by total dissolution.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 18 July 2005

on the conclusion of an Agreement between the European Community and the Government of Canada on the processing of API/PNR data

(2006/230/EC)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Community, and in particular Article 95 thereof, in conjunction with the first sentence of the first subparagraph of Article 300(2) and the first subparagraph of Article 300(3) thereof,

Article 1
The Agreement between the European Community and the Government of Canada on the processing of API/PNR data is hereby approved on behalf of the Community.

Having regard to the proposal from the Commission,

The text of the Agreement is attached to this Decision.

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

Article 2
The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement on behalf of the European Community in order to bind the Community ⁽²⁾.

Whereas:

Article 3
This Decision shall be published in the *Official Journal of the European Union*.

(1) On 7 March 2005 the Council authorised the Commission to negotiate on behalf of the Community an Agreement with Canada on the processing and transfer of Advance Passenger Information (API) and Passenger Name Record (PNR) data by air carriers to the Canada Border Services Agency (CBSA).

Done at Brussels, 18 July 2005.

(2) The Agreement should be approved,

For the Council
The President
J. STRAW

⁽¹⁾ Not yet published in the Official Journal.

⁽²⁾ The date of entry into force of the Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

AGREEMENT

between the European Community and the Government of Canada on the processing of Advance Passenger Information and Passenger Name Record data

THE EUROPEAN COMMUNITY AND THE GOVERNMENT OF CANADA, hereinafter referred to as the 'Parties':

RECOGNISING the importance of respecting fundamental rights and freedoms, notably the right to privacy, and the importance of respecting these values while preventing and combating terrorism and related crimes and other serious crimes that are transnational in nature, including organised crime;

HAVING REGARD to the Government of Canada requirement of air carriers carrying persons to Canada to provide Advance Passenger Information and Passenger Name Record (hereinafter API/PNR) data to the competent Canadian authorities, to the extent it is collected and contained in carriers' automated reservation systems and departure control systems (DCS);

HAVING REGARD to Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, and in particular Article 7(c) thereof;

HAVING REGARD to the Commitments made by the relevant competent authority with regard to the way in which it will process API/PNR data received from air carriers (hereinafter the Commitments);

HAVING REGARD to the relevant Commission Decision, pursuant to Article 25(6) of Directive 95/46/EC, (hereinafter the Decision), whereby the relevant Canadian competent authority is considered as providing an adequate level of protection for API/PNR data transferred from the European Community (hereinafter the Community) concerning passenger flights to Canada, in accordance with the relevant Commitments, which are annexed to the respective Decision;

HAVING REGARD to the Revised Guidelines on API adopted by the World Customs Organisation (WCO), the International Air Transport Association (IATA) and the International Civil Aviation Organisation (ICAO);

COMMITTED to work together to assist the ICAO in the development of a multilateral standard for the transmission of PNR data obtained from commercial airlines;

HAVING REGARD to the possibility of effecting modifications to Annex I to this Agreement in the future by simplified procedures, particularly with regard to ensuring reciprocity between the Parties,

HAVE AGREED AS FOLLOWS:

Article 1

Purpose

1. The purpose of this Agreement is to ensure that API/PNR data of persons on eligible journeys is provided in full respect of fundamental rights and freedoms, in particular the right to privacy.

2. An eligible journey is a passage by an air carrier from the territory of one Party to the territory of the requesting Party.

Article 2

Competent authorities

A competent authority of a requesting Party is an authority responsible in Canada or in the European Union for processing API/PNR data of persons on eligible journeys as specified in Annex I to this Agreement, which forms an integral part thereof.

Article 3

Processing of API/PNR data

1. The Parties agree that API/PNR data of persons on eligible journeys will be processed as outlined in the Commitments made by the competent authority obtaining the API/PNR data.

2. The Commitments set forth the rules and procedures for the transmission and protection of API/PNR data of persons on eligible journeys provided to a competent authority.

3. The competent authority shall process API/PNR data received and treat persons on eligible journeys to which the API/PNR data relates in accordance with applicable laws and constitutional requirements, without discrimination, in particular on the basis of nationality and/or country of residence.

*Article 4***Access, correction and notation**

1. A competent authority shall afford to a person who is not present in the territory in which that authority exercises jurisdiction, to whom the API/PNR data processed pursuant to this Agreement relates, access to the data as well as the opportunity to seek correction if it is erroneous or add a notation to indicate a correction request was made.
2. The opportunity provided by the competent authority for access, correction and notation with respect to such data shall be afforded in circumstances similar to those where it would be available to persons present in the territory in which that authority exercises jurisdiction.

*Article 5***Obligation to process API/PNR data**

1. In relation to the application of this Agreement within the Community, as it relates to the processing of personal data, air carriers operating eligible journeys from the Community to Canada shall process API/PNR data contained in their automated reservation systems and DCS as required by the competent Canadian authorities pursuant to Canadian law. The list of PNR data elements that air carriers operating eligible journeys shall transfer to the Canadian competent authority is contained in Annex II to this Agreement, which forms an integral part thereof.
2. The obligation set forth in paragraph 1 shall only apply for as long as the Decision is applicable, ceasing to have effect on the date that the Decision is repealed, suspended or expires without being renewed.

*Article 6***Joint Committee**

1. A Joint Committee is hereby established, consisting of representatives of each Party, who will be notified to the other Party through diplomatic channels. The Joint Committee shall meet at a place, on a date and with an agenda fixed by mutual consent. The first meeting shall take place within six months of entry into force of this Agreement.
2. The Joint Committee shall, *inter alia*:
 - (a) act as a channel of communication with regard to the implementation of this Agreement and any matters related thereto;
 - (b) resolve, to the extent possible, any dispute which may arise with respect to the implementation of this Agreement and any matters related thereto;
 - (c) organise the Joint Reviews referred to in Article 8 and determine the detailed modalities of the joint review;
 - (d) adopt its rules of procedure.

3. The Parties represented in the Joint Committee may agree modifications to Annex I to this Agreement, which will apply as from the date of such agreement.

*Article 7***Settlement of disputes**

The Parties shall consult promptly at the request of either concerning any dispute, which has not been resolved by the Joint Committee.

*Article 8***Joint reviews**

In accordance with Annex III to this Agreement, which forms an integral part thereof, the Parties shall conduct on an annual basis, or as otherwise agreed, a Joint Review of the implementation of this Agreement and any matters related thereto, including developments such as the definition by the ICAO of relevant PNR guidelines.

*Article 9***Entry into force, amendments to and termination of the Agreement**

1. This Agreement shall enter into force following an exchange of notifications between the Parties advising that the procedures required for entry into force thereof have been completed. This Agreement shall come into force on the date of the second notification.
2. Without prejudice to Article 6(3), this Agreement may be amended by an Agreement between the Parties. Such amendment shall enter into force 90 days after the Parties have exchanged notifications of completion of the relevant internal procedures.
3. This Agreement may be terminated by either Party at any time following written notification not less than 90 days in advance of the proposed termination date.

Article 10

This Agreement is not intended to derogate from or amend legislation of the Parties.

IN WITNESS WHEREOF the undersigned, being duly authorised thereto, have signed this Agreement.

DONE, in duplicate, in Luxembourg, this third day of October two thousand and five, in the Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Slovak, Slovenian, Spanish and Swedish languages, each version being equally authentic. In case of divergence the English and French versions shall prevail.

Por la Comunidad Europea
 Za Evropské společenství
 For Det Europæiske Fællesskab
 Für die Europäische Gemeinschaft
 Euroopa Ühenduse nimel
 Για την Ευρωπαϊκή Κοινότητα
 For the European Community
 Pour la Communauté européenne
 Per la Comunità europea
 Eiropas Kopienas vārdā
 Europos bendrijos vardu
 az Európai Közösség részéről
 Ghall-Komunità Ewropea
 Voor de Europese Gemeenschap
 W imieniu Wspólnoty Europejskiej
 Pela Comunidade Europeia
 Za Európske spoločenstvo
 za Evropsko skupnost
 Euroopan yhteisön puolesta
 På Europeiska gemenskapens vägnar

John Gull
Junta Feuerschutz

Por el Gobierno de Canadá
 Za vládu Kanady
 For Canadas regering
 Für die Regierung Kanadas
 Kanada valitsuse nimel
 Για την Κυβέρνηση του Καναδά
 For the Government of Canada
 Pour le gouvernement du Canada
 Per il governo del Canada
 Kanādas Valdības vārdā
 Kanados Vyriausybės vardu
 Kanada kormánya részéről
 Ghall-Gvern tal-Kanada
 Voor de Regering van Canada
 W imieniu rządu Kanady
 Pelo Governo do Canadá
 Za vládu Kanady
 Za Vlado Kanade
 Kanadan hallituksen puolesta
 På Canadas regerings vägnar

Kristian
Ambassador of
Canada

ANNEX I

Competent authorities

For the purpose of Article 3, the competent authority for Canada is the Canada Border Services Agency (CBSA).

ANNEX II

PNR data elements to be collected

1. PNR record locator
 2. Date of reservation
 3. Date(s) of intended travel
 4. Name
 5. Other names on PNR
 6. All forms of payment information
 7. Billing address
 8. Contact telephone numbers
 9. All travel itinerary for specific PNR
 10. Frequent flyer information (limited to miles flown and address(es))
 11. Travel agency
 12. Travel agent
 13. Split/divided PNR information
 14. Ticketing field information
 15. Ticket number
 16. Seat number
 17. Date of ticket issuance
 18. No show history
 19. Bag tag numbers
 20. Go show information
 21. Seat information
 22. One-way tickets
 23. Any collected APIS information
 24. Standby
 25. Order at check in
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*ANNEX III***Joint review**

The Parties will communicate to each other in advance of the joint review the composition of their respective teams, which may include appropriate authorities concerned with privacy/data protection, customs, immigration, enforcement, intelligence and interdiction, and other forms of law enforcement, border security and/or aviation security, including experts from Member States of the European Union.

Subject to applicable laws, any participants in the review will be required to respect the confidentiality of the discussions and have appropriate security clearances. Confidentiality will not however be an obstacle to each Party making an appropriate report on the results of the joint review to their respective competent bodies, including the Parliament of Canada and the European Parliament.

The Parties will jointly determine the detailed modalities of the joint review.

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

COUNCIL COMMON POSITION 2006/231/CFSP
of 20 March 2006
updating Common Position 2001/931/CFSP on the application of specific measures to combat terrorism and repealing Common Position 2005/936/CFSP

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS COMMON POSITION:

Having regard to the Treaty on European Union, and in particular Articles 15 and 34 thereof,

Article 1

The list of persons, groups and entities to which Common Position 2001/931/CFSP applies is contained in the Annex hereto.

Whereas:

Article 2

Common Position 2005/936/CFSP is hereby repealed.

(1) On 27 December 2001, the Council adopted Common Position 2001/931/CFSP on the application of specific measures to combat terrorism ⁽¹⁾.

Article 3

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

(2) On 21 December 2005, the Council adopted Common Position 2005/936/CFSP updating Common Position 2001/931/CFSP ⁽²⁾.

Article 4

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

(3) Common Position 2001/931/CFSP provides for a review at regular intervals.

(4) It has been decided to update the Annex to Common Position 2001/931/CFSP and to repeal Common Position 2005/936/CFSP.

Done at Brussels, 20 March 2006.

(5) A list has been elaborated in compliance with the criteria laid down in Article 1(4) of Common Position 2001/931/CFSP,

For the Council
The President
U. PLASSNIK

⁽¹⁾ OJ L 344, 28.12.2001, p. 93.

⁽²⁾ OJ L 340, 23.12.2005, p. 80.

ANNEX

List of persons, groups and entities referred to in Article 1 ⁽¹⁾

1. PERSONS

1. ABOU, Rabah Naami (a.k.a. Naami Hamza; a.k.a. Mihoubi Faycal; a.k.a. Fellah Ahmed; a.k.a. Dafri Rème Lahdi) born 1.2.1966 in Algiers (Algeria) (Member of al-Takfir and al-Hijra)
2. ABOUD, Maisi (a.k.a. The Swiss Abderrahmane) born 17.10.1964 in Algiers (Algeria) (Member of al-Takfir and al-Hijra)
3. * ALBERDI URANGA, Itziar (E.T.A. Activist) born 7.10.1963 in Durango (Biscay), identity card No 78.865.693
4. * ALBISU IRIARTE, Miguel (E.T.A. Activist; Member of Gestoras Pro-amnistía) born 7.6.1961 in San Sebastián (Guipúzcoa), identity card No 15.954.596
5. AL-MUGHASSIL, Ahmad Ibrahim (a.k.a. ABU OMRAN; a.k.a. AL-MUGHASSIL, Ahmed Ibrahim) born 26.6.1967 in Qatif-Bab al Shamal, Saudi Arabia; citizen of Saudi Arabia
6. AL-NASSER, Abdelkarim Hussein Mohamed, born in Al Ihsa, Saudi Arabia; citizen of Saudi Arabia
7. AL YACCOUB, Ibrahim Salih Mohammed, born 16.10.1966 in Tarut, Saudi Arabia; citizen of Saudi Arabia
8. * APAOLAZA SANCHO, Iván (E.T.A. Activist; Member of K. Madrid) born 10.11.1971 in Beasain (Guipúzcoa), identity card No 44.129.178
9. ARIOUA, Azzedine born 20.11.1960 in Constantine (Algeria) (Member of al-Takfir and al-Hijra)
10. ARIOUA, Kamel (a.k.a. Lamine Kamel) born 18.8.1969 in Constantine (Algeria) (Member of al-Takfir and al-Hijra)
11. ASLI, Mohamed (a.k.a. Dahmane Mohamed) born 13.5.1975 in Ain Taya (Algeria) (Member of al-Takfir and al-Hijra)
12. ASLI, Rabah born 13.5.1975 in Ain Taya (Algeria) (Member of al-Takfir and al-Hijra)
13. * ARZALLUS TAPIA, Eusebio (E.T.A. Activist) born 8.11.1957 in Regil (Guipúzcoa), identity card No 15.927.207
14. ATWA, Ali (a.k.a. BOUSLIM, Ammar Mansour; a.k.a. SALIM, Hassan Rostom), Lebanon, born 1960 in Lebanon; citizen of Lebanon
15. DARIB, Noureddine (a.k.a. Carreto; a.k.a. Zitoun Mourad) born 1.2.1972 in Algeria (Member of al-Takfir and al-Hijra)
16. DJABALI, Abderrahmane (a.k.a. Touil) born 1.6.1970 in Algeria (Member of al-Takfir and al-Hijra)
17. * ECHEBERRIA SIMARRO, Leire (E.T.A. Activist) born 20.12.1977 in Basauri (Bizcay), identity card No 45.625.646
18. * ECHEGARAY ACHIRICA, Alfonso (E.T.A. Activist) born 10.1.1958 in Plencia (Bizcay), identity card No 16.027.051
19. EL-HOORIE, Ali Saed Bin Ali (a.k.a. AL-HOURI, Ali Saed Bin Ali; a.k.a. EL-HOURI, Ali Saed Bin Ali) born 10.7.1965 alt. 11.7.1965 in El Dibabiya, Saudi Arabia; citizen of Saudi Arabia
20. FAHAS, Sofiane Yacine born 10.9.1971 in Algiers (Algeria) (Member of al-Takfir and al-Hijra)
21. * GOGEOASCOECHEA ARRONATEGUI, Eneko (E.T.A. Activist), born 29.4.1967 in Guernica (Biscay), identity card No 44.556.097
22. * IPARRAGUIRRE GUENECHEA, Ma Soledad (E.T.A. Activist) born 25.4.1961 in Escoriaza (Navarra), identity card No 16.255.819

⁽¹⁾ Persons, groups and entities marked with an * shall be the subject of Article 4 of Common Position 2001/931/CFSP only.

23. * IZTUETA BARANDICA, Enrique (E.T.A. Activist) born 30.7.1955 in Santurce (Biscay), identity card No 14.929.950
24. IZZ-AL-DIN, Hasan (a.k.a. GARBAYA, Ahmed; a.k.a. SA-ID; a.k.a. SALWWAN, Samir), Lebanon, born 1963 in Lebanon, citizen of Lebanon
25. LASSASSI, Saber (a.k.a. Mimiche) born 30.11.1970 in Constantine (Algeria) (Member of al-Takfir and al-Hijra)
26. MOHAMMED, Khalid Shaikh (a.k.a. ALI, Salem; a.k.a. BIN KHALID, Fahd Bin Adballah; a.k.a. HENIN, Ashraf Refaat Nabith; a.k.a. WADOOD, Khalid Adbul) born 14.4.1965 alt. 1.3.1964 in Pakistan, passport No 488555
27. MOKTARI, Fateh (a.k.a. Ferdi Omar) born 26.12.1974 in Hussein Dey (Algeria) (Member of al-Takfir and al-Hijra)
28. * MORCILLO TORRES, Gracia (E.T.A. Activist; Member of Kas/Ekin) born 15.3.1967 in San Sebastián (Guipúzcoa), identity card No 72.439.052
29. MUGHNIYAH, Imad Fa'iz (a.k.a. MUGHNIYAH, Imad Fayiz), Senior Intelligence Officer of HIZBALLAH, born 7.12.1962 in Tayr Dibba, Lebanon, passport No 432298 (Lebanon)
30. * NARVÁEZ GOÑI, Juan Jesús (E.T.A. Activist) born 23.2.1961 in Pamplona (Navarra), identity card No 15.841.101
31. NOUARA, Farid born 25.11.1973 in Algiers (Algeria) (Member of al-Takfir and al-Hijra)
32. * ORBE SEVILLANO, Zigor (E.T.A. Activist; Member of Jarrai/Haika/Segi) born 22.9.1975 in Basauri (Biscay), identity card No 45.622.851
33. * PALACIOS ALDAY, Gorka (E.T.A. Activist; Member of K. Madrid), born 17.10.1974 in Baracaldo (Biscay), identity card No 30.654.356
34. * PEREZ ARAMBURU, Jon Iñaki (E.T.A. Activist; Member of Jarrai/Haika/Segi) born 18.9.1964 in San Sebastián (Guipúzcoa), identity card No 15.976.521
35. * QUINTANA ZORROZUA, Asier (E.T.A. Activist; Member of K. Madrid), born 27.2.1968 in Bilbao (Biscay), identity card No 30.609.430
36. RESSOUS, Hoari (a.k.a. Hallasa Farid) born 11.9.1968 in Algiers (Algeria) (Member of al-Takfir and al-Hijra)
37. * RUBENACH ROIG, Juan Luis (E.T.A. Activist; Member of K. Madrid), born 18.9.1963 in Bilbao (Biscay), identity card No 18.197.545
38. SEDKAOUI, Noureddine (a.k.a. Nounou) born 23.6.1963 in Algiers (Algeria) (Member of al-Takfir and al-Hijra)
39. SELMANI, Abdelghani (a.k.a. Gano) born 14.6.1974 in Algiers (Algeria) (Member of al-Takfir and al-Hijra)
40. SENOUCI, Sofiane born 15.4.1971 in Hussein Dey (Algeria) (Member of al-Takfir and al-Hijra)
41. SISON, Jose Maria (a.k.a. Armando Liwanag, a.k.a. Joma, in charge of the Communist Party of the Philippines including NPA) born 8.2.1939 in Cagayan, Philippines
42. TINGUALI, Mohammed (a.k.a. Mouh di Kouba) born 21.4.1964 in Blida (Algeria) (Member of al-Takfir and al-Hijra)
43. * URANGA ARTOLA, Kemen (E.T.A. Activist; Member of Herri Batasuna/E.H/Batasuna) born 25.5.1969 in Ondarroa (Biscay), identity card No 30.627.290
44. * VALLEJO FRANCO, Iñigo (E.T.A. Activist) born 21.5.1976 in Bilbao (Biscay), identity card No 29.036.694
45. * VILA MICHELENA, Fermín (E.T.A. Activist; Member of Kas/Ekin) born 12.3.1970 in Irún (Guipúzcoa), identity card No 15.254.214

2. GROUPS AND ENTITIES

1. Abu Nidal Organisation (ANO), (a.k.a. Fatah Revolutionary Council, Arab Revolutionary Brigades, Black September, and Revolutionary Organisation of Socialist Muslims)
2. Al-Aqsa Martyr's Brigade
3. Al-Aqsa e.V.
4. Al-Takfir and Al-Hijra
5. * Nuclei Territoriali Antimperialisti (Anti-Imperialist Territorial Units)
6. * Cooperativa Artigiana Fuoco ed Affini — Occasionalmente Spettacolare (Artisans' Cooperative Fire and Similar — Occasionally Spectacular)
7. * Nuclei Armati per il Comunismo (Armed Units for Communism)
8. Aum Shinrikyo (a.k.a. AUM, a.k.a. Aum Supreme Truth, a.k.a. Aleph)
9. Babbar Khalsa
10. * CCCCC – Cellula Contro Capitale, Carcere i suoi Carcerieri e le sue Celle (Cell Against Capital, Prison, Prison Warders and Prison Cells)
11. Communist Party of the Philippines, including New Peoples Army (NPA), Philippines, linked to Sison Jose Maria C. (a.k.a. Armando Liwanag, a.k.a. Joma, in charge of the Communist Party of the Philippines, including NPA)
12. * Continuity Irish Republican Army (CIRA)
13. * Euskadi Ta Askatasuna/Tierra Vasca y Libertad/Basque Fatherland and Liberty (E.T.A.) (The following organisations are part of the terrorist group E.T.A.: K.a.s., Xaki, Ekin, Jarrai-Haika-Segi, Gestoras pro-amnistia, Askatasuna, Batasuna (a.k.a. Herri Batasuna, a.k.a. Euskal Herritarrok)
14. Gama'a al-Islamiyya (Islamic Group), (a.k.a. Al-Gama'a al-Islamiyya, IG)
15. Great Islamic Eastern Warriors Front (IBDA-C)
16. * Grupos de Resistencia Antifascista Primero de Octubre/Antifascist Resistance Groups First of October (G.R.A.P.O.)
17. Hamas (including Hamas-Izz al-Din al-Qassem)
18. Hizbul Mujahideen (HM)
19. Holy Land Foundation for Relief and Development
20. International Sikh Youth Federation (ISYF)
21. * Solidarietà Internazionale (International Solidarity)
22. Kahane Chai (Kach)
23. Khalistan Zindabad Force (KZF)
24. Kurdistan Workers' Party (PKK), (a.k.a. KADEK; a.k.a. KONGRA-GEL)
25. * Loyalist Volunteer Force (LVF)
26. Mujahedin-e Khalq Organisation (MEK or MKO) [minus the 'National Council of Resistance of Iran' (NCRI)] (a.k.a. The National Liberation Army of Iran (NLA, the militant wing of the MEK), the People's Mujahidin of Iran (PMOI), Muslim Iranian Student's Society)
27. National Liberation Army (Ejército de Liberación Nacional)

28. * Orange Volunteers (OV)
 29. Palestine Liberation Front (PLF)
 30. Palestinian Islamic Jihad (PIJ)
 31. Popular Front for the Liberation of Palestine (PFLP)
 32. Popular Front for the Liberation of Palestine-General Command, (a.k.a. PFLP-General Command)
 33. * Real IRA
 34. * Brigate Rosse per la Costruzione del Partito Comunista Combattente (Red Brigades for the Construction of the Fighting Communist Party)
 35. * Red Hand Defenders (RHD)
 36. Revolutionary Armed Forces of Colombia (FARC)
 37. * Revolutionary Nuclei/Epanastatiki Pirines
 38. * Revolutionary Organisation 17 November/Dekati Evdomi Noemvri
 39. Revolutionary People's Liberation Army/Front/Party (DHKP/C), (a.k.a. Devrimci Sol (Revolutionary Left), Dev Sol)
 40. Shining Path (SL) (Sendero Luminoso)
 41. Stichting Al Aqsa (a.k.a. Stichting Al Aqsa Nederland, a.k.a. Al Aqsa Nederland)
 42. * Brigata XX Luglio (Twentieth of July Brigade)
 43. * Ulster Defence Association/Ulster Freedom Fighters (UDA/UFF)
 44. United Self-Defense Forces/Group of Colombia (AUC) (Autodefensas Unidas de Colombia)
 45. * Nucleo di Iniziativa Proletaria Rivoluzionaria (Unit for Revolutionary Proletarian Initiative)
 46. * Nuclei di Iniziativa Proletaria (Units for Proletarian Initiative)
 47. * F.A.I. — Federazione Anarchica Informale (Unofficial Anarchist Federation)
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