

Official Journal

of the European Union

L 89

English edition

Legislation

Volume 49

28 March 2006

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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 490/2006
of 27 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 28 March 2006.

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

Done at Brussels, 27 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 27 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	89,8
	204	51,3
	212	102,0
	999	81,0
0707 00 05	052	113,1
	628	155,5
	999	134,3
0709 10 00	624	103,6
	999	103,6
0709 90 70	052	87,5
	204	54,3
	999	70,9
0805 10 20	052	45,9
	204	44,2
	212	49,9
	220	41,9
	624	62,2
	999	48,8
0805 50 10	052	42,2
	624	67,6
	999	54,9
0808 10 80	388	76,9
	400	128,5
	404	92,9
	508	67,6
	512	76,5
	524	62,5
	528	81,5
	720	87,7
	999	84,3
0808 20 50	388	85,7
	512	62,0
	524	58,2
	528	66,6
	720	122,5
	999	79,0

⁽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 491/2006**of 27 March 2006****amending Regulation (EC) No 2375/2002 opening and providing for the administration of Community tariff quotas for common wheat of a quality other than high quality from third countries and derogating from Council Regulation (EEC) No 1766/92**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Article 1

Regulation (EC) No 2375/2002 is hereby amended as follows:

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals ⁽¹⁾, and in particular Article 12(1) thereof,

1. In Article 3, paragraph 1 is replaced by the following:

Whereas:

‘1. The overall import tariff quota shall be divided into three subquotas:

(1) In the light of the experience gained in applying Commission Regulation (EC) No 2375/2002 ⁽²⁾, certain provisions of that Regulation should be clarified and simplified. In order to improve monitoring of imports under that tariff quota, it is necessary to allocate a serial number to each subquota. It should also be recalled that import licence applications are to be submitted in accordance with Commission Regulation (EC) No 1291/2000 ⁽³⁾ and that the applicant must therefore lodge a security on the day when the licence application is submitted.

(a) subquota I (order number 09.4123): 572 000 tonnes for the United States;

(b) subquota II (order number 09.4124): 38 000 tonnes for Canada;

(c) subquota III (order number 09.4125): 2 371 600 tonnes for other third countries.’

(2) In order to ensure that the actual quantities being requested by individual traders may be verified, it is necessary to specify that traders must submit only one import licence application per serial number and per weekly period concerned, and to provide for a penalty in the event of a failure to meet this requirement.

2. The following Article 4a is added:

‘Article 4a

Traders may submit only one import licence application per order number and per weekly period concerned under Article 5(1). Where traders submit more than one application, all their applications shall be rejected and the securities lodged when the applications were submitted shall be taken over by the Member State concerned.’

(3) With a view to modernising the management of the system, provision should be made for the information required by the Commission to be transmitted electronically.

3. Article 5 is amended as follows:

(4) In order to permit improved monitoring of imports under the subquota for third countries other than the United States and Canada, import licence applications and import licences themselves should mention only one country of origin.

(a) Paragraph 1 is replaced by the following:

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

‘1. Applications for import licences shall be submitted to the competent authorities of the Member States no later than 13.00, Brussels time, every Monday. Applicants shall submit their licence applications to the competent authorities of the Member State in which they are registered for VAT purposes. They shall lodge a security, in accordance with Article 15(2) of Regulation (EC) No 1291/2000, for the amount specified in Article 10 of this Regulation.

⁽¹⁾ OJ L 270, 21.10.2003, p. 78. Regulation as amended by Commission Regulation (EC) No 1154/2005 (OJ L 187, 19.7.2005, p. 11).

⁽²⁾ OJ L 358, 31.12.2002, p. 88. Regulation as last amended by Regulation (EC) No 777/2004 (OJ L 123, 27.4.2004, p. 50).

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

Each licence application shall indicate a quantity which may not exceed the quantity available per subquota or tranche concerned.

Import licence applications and import licences themselves shall mention a single country of origin.'

(b) In paragraph 2, the words 'by fax' are replaced by the words 'electronically'.

(c) Paragraph 3 is replaced by the following:

'3. If the combined total of the quantities granted since the start of the period and the quantities referred to in paragraph 2 exceeds the relevant subquota or tranche, the Commission shall fix, no later than the third working day after the applications are lodged, the allocation coefficients to be applied to the quantities requested.'

(d) Paragraph 4 is replaced by the following:

'4. After applying, where necessary, the application coefficients fixed in accordance with paragraph 3, the competent authorities of the Member States shall issue, on the fourth working day following the day on which the application is submitted, the import licences corresponding to the applications sent to the Commission in accordance with paragraph 2.

No later than 18.00, Brussels time, on the day the import licences are issued, the competent authorities shall notify the Commission electronically, on the basis of the model annexed hereto, of the total quantity resulting from the sum of the quantities for which import licences have been issued on that same day.'

4. The Annex is replaced by the text set out 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, 27 March 2006.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

ANNEX

'ANNEX

Model of the notification referred to in Article 5(2) and (4)
Import quota for common wheat opened by Regulation (EC) No 2375/2002

Week from ...to ...

Subquota	Serial No	Trader's No	Quantity applied for (t)	Country of origin	Quantity supplied (t) (*)

Total quantities applied for (t):

Total quantities supplied (t) (*):

(*) To be completed only for the purposes of the notification referred to in Article 5(4) of Regulation (EC) No 2375/2002.'

COMMISSION REGULATION (EC) No 492/2006**of 27 March 2006****concerning the provisional and permanent authorisation of certain additives in feedingstuffs****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 70/524/EEC of 23 November 1970 concerning additives in feedingstuffs ⁽¹⁾, and in particular Articles 3, 9d(1) and 9e(1) thereof,

Having regard to Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition ⁽²⁾, and in particular Article 25 thereof,

Whereas:

to the Commission before the date of application of Regulation (EC) No 1831/2003. Those applications are therefore to continue to be treated in accordance with Article 4 of Directive 70/524/EEC.

- (1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition.
- (2) Article 25 of Regulation (EC) No 1831/2003 lays down transitional measures for applications for the authorisation of feed additives submitted in accordance with Directive 70/524/EEC before the date of application of Regulation (EC) No 1831/2003.
- (3) The applications for the authorisation of the additives listed in the Annexes to this Regulation were submitted before the date of application of Regulation (EC) No 1831/2003.
- (4) Initial comments on those applications, as provided for in Article 4(4) of Directive 70/524/EEC, were forwarded

- (5) Data were submitted in support of an application for authorisation of the use of the enzyme preparation of endo-1,3(4)-beta-glucanase produced by *Aspergillus aculeatus* (CBS 589.94) and endo-1,4-beta-xylanase produced by *Aspergillus oryzae* (DSM 10287) for chickens for fattening and for piglets. On 20 July 2005, the European Food Safety Authority (EFSA) delivered an opinion on the use of this preparation which concludes that it does not present a risk for the consumer, the user, the animal category or the environment. The assessment shows that the conditions laid down in Article 9e(1) of Directive 70/524/EEC for an authorisation of that preparation for these uses are satisfied. Accordingly, the uses of that enzyme preparation, as specified in Annex I, should be authorised for four years.

- (6) The use of the micro-organism preparation of *Saccharomyces cerevisiae* (MUCL 39 885) was provisionally authorised for the first time for cattle for fattening by Commission Regulation (EC) No 1411/1999 ⁽³⁾. New data were submitted in support of an application for authorisation without a time-limit of that micro-organism preparation. The assessment shows that the conditions laid down in Article 3a of Directive 70/524/EEC for such authorisation are satisfied. Accordingly, the use of that micro-organism preparation, as specified in Annex II, should be authorised without a time-limit.
- (7) The use of the micro-organism preparation of *Lactobacillus farciminis* (CNCM MA 67/4R) was provisionally authorised for the first time for piglets by Commission Regulation (EC) No 1411/1999. New data were submitted in support of an application for authorisation without a time-limit of that micro-organism preparation. The assessment shows that the conditions laid down in Article 3a of Directive 70/524/EEC for such authorisation are satisfied. Accordingly, the use of that micro-organism preparation, as specified in Annex II, should be authorised without a time-limit.

⁽¹⁾ OJ L 270, 14.12.1970, p. 1. Directive as last amended by Commission Regulation (EC) No 1800/2004 (OJ L 317, 16.10.2004, p. 37).

⁽²⁾ OJ L 268, 18.10.2003, p. 29. Regulation as amended by Commission Regulation (EC) No 378/2005 (OJ L 59, 5.3.2005, p. 8).

⁽³⁾ OJ L 164, 30.6.1999, p. 56.

- (8) Data were submitted in support of an application for authorisation without a time-limit of the use of the substance 'potassium diformate' as feed additive under the category 'Preservatives' for all animal species. The Commission asked EFSA to give an opinion on the efficacy and the safety for humans, animals and environment. EFSA delivered a favourable opinion with regard to the safety and to the efficacy of potassium diformate for all animal species on 8 December 2004. The assessment of potassium diformate showed that the relevant conditions laid down in Article 3a of Directive 70/524/EEC for such authorisation are satisfied. Accordingly, the use of that substance as preservative, as specified in Annex III, should be authorised without a time-limit.
- (9) The assessment of these applications shows that certain procedures should be required to protect workers from exposure to the additives set out in the Annexes. Such protection should be assured by the application of Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work ⁽¹⁾.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

The preparation belonging to the group 'Enzymes', as specified in Annex I, is authorised provisionally for four years as additive in animal nutrition under the conditions laid down in that Annex.

Article 2

The preparations belonging to the group 'Micro-organisms', as specified in Annex II, are authorised without a time-limit as additives in animal nutrition under the conditions laid down in that Annex.

Article 3

The substance belonging to the group 'Preservatives', as specified in Annex III, is authorised without a time-limit as additive in animal nutrition under the conditions laid down in that Annex.

Article 4

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

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

Done at Brussels, 27 March 2006.

For the Commission

Markos KYPRIANOU

Member of the Commission

⁽¹⁾ OJ L 183, 29.6.1989, p. 1. Directive as amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).

ANNEX II

EC No	Additive	Chemical formula, description	Species or category of animal	Maxi- mum age	Minimum content	Maxi- mum content	Other provisions	End of period of authorisation
					CFU/kg of complete feedingstuff			
Micro-organisms								
E 1710	<i>Saccharomyces cerevisiae</i> MUCL 39 885	Preparation of <i>Saccharomyces cerevisiae</i> containing a minimum of: Powder, spheric and oval granulated forms: 1 × 10 ⁹ UFC/g additive	Cattle for fattening		9 × 10 ⁹	9 × 10 ⁹	1. In the directions for use of the additive and premixture, indicate the storage temperature, storage life and stability to pelleting 2. The quantity of <i>Saccharomyces cerevisiae</i> in the daily ration must not exceed 1,6 x 10 ¹⁰ CFU per 100 kg. body weight. Add 3,2 x 10 ⁹ CFU for each additional 100 kg body weight	Without a time-limit
E 1714	<i>Lactobacillus farciminis</i> CNCM MA 67/4R	Preparation of <i>Lactobacillus farciminis</i> containing a minimum of 1 × 10 ⁹ UFC/g additive	Piglets (weaned)	—	1 × 10 ⁹	1 × 10 ¹⁰	1. In the directions for use of the additive and premixture, indicate the storage temperature, storage life and stability to pelleting 2. For use in weaned piglets up to approximately 35 kg	Without a time-limit

ANNEX III

No (or EC No)	Additive	Chemical formula, description	Species or category of animal	Maximum age	Minimum content		Maximum content	Other provisions	Period of authorisation
					mg/kg of complete feedingstuff				
Preservatives									
237a	Potassium diformate	$\text{KH}(\text{COOH})_2$ 50 ± 5 %, H_2O 50 ± 5 %.	All species or categories of animals.	—	—	—	—	1. Only permitted in raw fish for feed use with a maximum content of 9 000 mg potassium diformate as active substance per kg raw fish 2. For pigs' use, the mixture of different sources of potassium diformate must not exceed the permitted maximum level in complete feedingstuff of 18 000 mg per kg complete feedingstuff for weaned piglets and 12 000 mg per complete feedingstuff for sows and pigs for fattening	Without a time-limit

COMMISSION REGULATION (EC) No 493/2006**of 27 March 2006****laying down transitional measures within the framework of the reform of the common organisation of the markets in the sugar sector, and amending Regulations (EC) No 1265/2001 and (EC) No 314/2002**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

the decision to carry forward in order to facilitate the transition between the existing regime and the new regime.

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 318/2006 of 20 February 2006 on the common organisation of the markets in the sugar sector ⁽¹⁾, and in particular Article 44 thereof,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽²⁾, and in particular Articles 7(5), 15(8) and 16(5) thereof,

Whereas:

- (1) The necessary measures should be taken to facilitate the transition in the sugar sector from the rules provided for in Regulation (EC) No 1260/2001 to the new regime established by Regulation (EC) No 318/2006.
- (2) Following the deletion of the obligation to export provided for in Article 13 of Regulation (EC) No 1260/2001, measures should be laid down to manage the quantities of sugar resulting from the disappearance of this obligation and of the C sugar arrangements from 1 July 2006. These measures should comply with the Community's international obligations.
- (3) To improve management of the quantities of sugar produced in excess of the quota attributable to the 2005/2006 marketing year, undertakings should be allowed to carry forward some of these quantities to the 2006/2007 marketing year. To this end, it should be laid down that the carry forward in question is subject to the application of Commission Regulation (EEC) No 65/82 of 13 January 1982 laying down detailed rules for carrying forward sugar to the following marketing year ⁽³⁾, while allowing a certain degree of flexibility on

- (4) The quantity of non-quota sugar in the 2005/2006 marketing year, which may be neither carried over nor exported, should be considered to be non-quota sugar in the 2006/2007 marketing year in order to allow its disposal through the uses provided for in respect of this sugar by Regulation (EC) No 318/2006, as well as, taking into account the exceptional conditions of the transition between those marketing years, its use in animal feed.
- (5) For control purposes and, where applicable, the application of penalties, the proportion of C sugar production in the 2005/2006 marketing year not carried over and not considered to be in excess of the quota in the 2006/2007 marketing year should continue to be subject to the application of Commission Regulation (EEC) No 2670/81 of 14 September 1981 laying down detailed implementing rules in respect of sugar production in excess of the quota ⁽⁴⁾.
- (6) In order to improve the market balance in the Community without creating new stocks of sugar in the 2006/2007 marketing year, provision should be made for a transitional measure to reduce eligible production under quota in respect of that marketing year. A threshold should be fixed above which the production under quota of each undertaking is considered withdrawn within the meaning of Article 19 of Regulation (EC) No 318/2006 or, at the request of the undertaking, as production in excess of the quota within the meaning of Article 12 of that Regulation. In view of the transition between the two regimes, this threshold should be obtained by a combination, in equal parts, of the method laid down in Article 10 of Regulation (EC) No 1260/2001 and that laid down in Article 19 of Regulation (EC) No 318/2006 and take into account the special efforts made by some Member States within the framework of the restructuring fund set up by Council Regulation (EC) No 320/2006 of 20 February 2006 establishing a temporary scheme for the restructuring of the sugar industry in the Community and amending Regulation (EC) No 1290/2005 on the financing of the common agricultural policy ⁽⁵⁾.

⁽¹⁾ OJ L 58, 28.2.2006, p. 1.

⁽²⁾ OJ L 178, 30.6.2001, p. 1. Regulation as last amended by Commission Regulation (EC) No 39/2004 (OJ L 6, 10.1.2004, p. 16).

⁽³⁾ OJ L 9, 14.1.1982, p. 14. Regulation as last amended by Regulation (EC) No 2223/2000 (OJ L 253, 7.10.2000, p. 15).

⁽⁴⁾ OJ L 262, 16.9.1981, p. 14. Regulation as last amended by Regulation (EC) No 95/2002 (OJ L 17, 19.1.2002, p. 37).

⁽⁵⁾ OJ L 58, 28.2.2006, p. 42.

- (7) In order to comply with the marketing conditions for the 2005/2006 marketing year, it should be laid down that the aid for disposal and additional aid for sugar produced in certain regions of the Community in the 2005/2006 marketing year and, within the limits of the quantities set by Commission Regulation (EC) No 180/2006 of 1 February 2006⁽⁶⁾, the refining aid for certain preferential sugars imported and refined in the 2005/2006 delivery period may continue to be paid beyond 30 June 2006. To this end, Commission Regulation (EC) No 1554/2001 of 30 July 2001 laying down detailed rules for the application of Council Regulation (EC) No 1260/2001 as regards marketing sugar produced in the French overseas departments and equalising the price conditions with preferential raw sugar⁽⁷⁾ and Commission Regulation (EC) No 1646/2001 of 13 August 2001 laying down detailed implementing rules for the grant of adjustment aid to the preferential raw sugar refining industry and adjusting both the adjustment aid and additional basic aid for the sugar refining industry⁽⁸⁾ should continue to apply to the granting of these aids. For the sugar concerned the refining of preferential sugars by certain refineries should continue to be limited and the control on presumed maximum supply needs should be maintained, and provision should be made for the continued application of Commission Regulation (EC) No 1460/2003 of 18 August 2003 setting for the 2003/2004 to 2005/2006 marketing years rules of application for Council Regulation (EC) No 1260/2001 as regards the presumed maximum raw sugar supply needs of refineries⁽⁹⁾.
- (8) To carry out the calculation, fixing and collecting of production levies in the 2005/2006 marketing year, certain provisions of Commission Regulation (EC) No 314/2002 of 20 February 2002 laying down detailed rules for the application of the quota system in the sugar sector⁽¹⁰⁾ and of Commission Regulation (EC) No 779/96 of 29 April 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1785/81 as regards communications in the sugar sector⁽¹¹⁾ should continue to apply beyond 30 June 2006. The levies are calculated on the basis of statistical data which are regularly updated. As it is the last time that levies are to be fixed for the entire period between the 2001/2002 marketing year and the 2005/2006 marketing year, without a subsequent possibility, as in previous years, to adjust the calculations on the basis of updated figures, the calculation should be deferred and the levies should be fixed on 15 February 2007 to guarantee the reliability of the calculations and the relevance of the statistical data used.
- (9) In order to ensure the supply to the chemical industry in the context of the transition between the existing regime and the new regime introduced on 1 July 2006, certain provisions of Commission Regulation (EC) No 1265/2001 of 27 June 2001 laying down detailed rules for the application of Council Regulation (EC) No 1260/2001 as regards granting the production refund on certain sugar products used in the chemical industry⁽¹²⁾ should continue to apply beyond 30 June 2006 to the refund certificates issued before that date. Since the new regime allows the use by the chemical industry of non-quota sugar, the period of validity of the export certificates should be reduced and the granting of the refund should be limited to the production under quota in the 2005/2006 marketing year.
- (10) Under Article 1(2) of Regulation (EC) No 318/2006, the period covered by the marketing year begins on 1 October and ends on 30 September of the following year. However, the 2005/2006 marketing year, as laid down by Regulation (EC) No 1260/2001, ends on 30 June 2006. The 2006/2007 marketing year therefore begins on 1 July 2006 and ends on 30 September 2007, and thus extends over 15 months. For the 2006/2007 marketing year, therefore, provision should be made for an increase in the quotas and the traditional refining requirements which previously corresponded to a 12-month period and which will, after this marketing year, again apply to a 12-month period, by taking the extra three months into account so as to ensure an allocation which corresponds to that of the preceding and subsequent marketing years. These transitional quotas should cover sugar production from the start of the 2006/2007 marketing year, from sugar beet sown before 1 January 2006.
- (11) Regulations (EC) No 314/2002 and (EC) No 1265/2001 should therefore be amended accordingly.
- (12) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,
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- ⁽⁶⁾ OJ L 29, 2.2.2006, p. 28.
⁽⁷⁾ OJ L 205, 31.7.2001, p. 18. Regulation as amended by Regulation (EC) No 1442/2002 (OJ L 212, 8.8.2002, p. 5).
⁽⁸⁾ OJ L 219, 14.8.2001, p. 14. Regulation as amended by Regulation (EC) No 1164/2002 (OJ L 170, 29.6.2002, p. 48).
⁽⁹⁾ OJ L 208, 19.8.2003, p. 12.
⁽¹⁰⁾ OJ L 50, 21.2.2002, p. 40. Regulation as last amended by Regulation (EC) No 1665/2005 (OJ L 268, 13.10.2005, p. 3).
⁽¹¹⁾ OJ L 106, 30.4.1996, p. 9. Regulation as last amended by Regulation (EC) No 1159/2003 (OJ L 162, 1.7.2003, p. 25).
⁽¹²⁾ OJ L 178, 30.6.2001, p. 63.

HAS ADOPTED THIS REGULATION:

CHAPTER I

TRANSITIONAL MEASURES

Article 1

Carrying forward of quotas

1. Notwithstanding Article 14 of Regulation (EC) No 1260/2001, and within the limits laid down in the second subparagraph of Article 2(1) of Regulation (EEC) No 65/82, each undertaking may decide by 31 October 2006 on the quantity of C sugar production attributable to the 2005/2006 marketing year that it is to carry forward to the 2006/2007 marketing year, or amend its decision made before the entry into force of this Regulation to carry forward a certain quantity.

2. Undertakings which make a decision to carry forward as referred to in paragraph 1, or which amend their decision, shall:

(a) inform the Member State concerned, before 31 October 2006, of the quantity of sugar carried forward;

(b) undertake to store the quantity carried forward until 31 October 2006.

3. Regulation (EEC) No 65/82 shall apply to B and C sugar from the 2005/2006 marketing year carried forward to the 2006/2007 marketing year.

4. Member States shall inform the Commission, not later than 30 November 2006 and for each undertaking, of the quantity of B and C sugar carried forward from the 2005/2006 marketing year to the 2006/2007 marketing year.

Article 2

C sugar

1. Without prejudice to decisions to carry forward taken in accordance with Article 1 of this Regulation, and to exports under licences issued in accordance with Article 4 of Commission Regulation (EC) No 1464/95⁽¹³⁾, C sugar from the 2005/2006 marketing year shall be considered to be non-quota sugar, as referred to in Article 12 of Regulation (EC) No 318/2006, produced in respect of the 2006/2007 marketing year.

2. Notwithstanding Article 15 of Regulation (EC) No 318/2006, the levy shall not be charged on the quantities of

C sugar referred to in paragraph 1 of this Article which are used in animal feed under the same control conditions as those laid down by the Commission for the industrial sugar referred to in Article 13(2) of Regulation (EC) No 318/2006.

3. Regulation (EEC) No 2670/81 shall apply to C sugar production in the 2005/2006 marketing year, with the exception of the sugar carried forward or considered to be non-quota sugar in the 2006/2007 marketing year as referred to in paragraph 1 of this Article.

The minimum price for A sugar for the 2005/2006 marketing year shall apply to the beet equivalent to the quantity of sugar referred to in Article 3 of Regulation (EEC) No 2670/81.

Article 3

Preventive withdrawal

1. For each undertaking, the share of the production of sugar, isoglucose or inulin syrup in the 2006/2007 marketing year which is produced under the quotas listed in Annex III to Regulation (EC) No 318/2006 and which exceeds the threshold established in accordance with paragraph 2 of this Article shall be considered withdrawn within the meaning of Article 19 of that Regulation or, at the request of the undertaking concerned before 31 January 2007, shall be considered fully or partially to be produced in excess of the quota within the meaning of Article 12 of that Regulation.

2. For each undertaking, the threshold referred to in paragraph 1 shall be established by multiplying the quota allocated to the undertaking under Article 7(2) of Regulation (EC) No 318/2006 by the sum of the following coefficients:

(a) the coefficient fixed for the Member State concerned in Annex I to this Regulation;

(b) the coefficient obtained by dividing the sum of the quotas renounced in the 2006/2007 marketing year in the Member State concerned under Article 3 of Regulation (EC) No 320/2006 by the sum of the quotas fixed for that Member State in Annex III to Regulation (EC) No 318/2006. The Commission shall fix this coefficient not later than 15 October 2006.

⁽¹³⁾ OJ L 144, 28.6.1995, p. 14. Regulation as last amended by Regulation (EC) No 96/2004 (OJ L 15, 22.1.2004, p. 3).

However, where the sum of the coefficients exceeds 1,0000, the threshold shall be equal to the quota referred to in paragraph 1.

3. The minimum price applicable to the quantity of beet equivalent to the sugar production withdrawn in accordance with paragraph 1 shall be that of the 2007/2008 marketing year.

4. The obligation referred to in Article 6(5) of Regulation (EC) No 318/2006 shall concern the quantity of beet equivalent to the threshold referred to in paragraph 1 of this Article.

5. Before 1 July 2006, Member States shall send the Commission an estimate of the quantities of sugar, isoglucose and inulin syrup to be considered withdrawn under this Article.

Article 4

Aid for sugar produced in the French overseas departments

1. Aid for disposal and additional aid shall be granted to sugar produced under quota in the 2005/2006 marketing year in the French overseas departments, refined and/or transported between 1 July 2006 and 31 October 2006.

They shall apply to the quantities of sugar concerned, in replacement for the aids referred to in Articles 7(4) and 38(3) and (4) of Regulation (EC) No 1260/2001.

The aid for disposal shall concern:

- refining in refineries in the European regions of the Community of the sugars produced in the French overseas departments, in particular on the basis of their output,
- the transport of sugar produced in the French overseas departments to the European regions of the Community and, where appropriate, its storage in these departments.

2. Regulations (EC) No 1554/2001 and (EC) No 1646/2001 shall apply to the sugar produced under quota in the 2005/2006 marketing year for the aid for disposal and the additional aid referred to in paragraph 1 of this Article.

3. For the purposes of this Article, 'refinery' means a production unit whose sole activity consists in refining either raw sugar or syrups produced prior to the crystallising stage.

Article 5

Refining aid

1. Adjustment aid shall be granted to the industry refining preferential raw cane sugar imported under Protocol 3 on ACP sugar attached to Annex IV to the ACP-EC Partnership Agreement signed in Cotonou on 23 June 2000⁽¹⁴⁾, and refined in the 2005/2006 delivery period between 1 July 2006 and 30 September 2006.

This aid shall be paid to refineries. It shall apply to the quantities referred to in Regulation (EC) No 180/2006 and not refined by 1 July 2006, as a replacement for the aid referred to in Article 38(1), (2) and (4) of Regulation (EC) No 1260/2001.

2. Regulation (EC) No 1646/2001 shall apply to the preferential sugar refined in the 2005/2006 delivery period.

3. Except in cases of *force majeure*, where the presumed maximum supply needs for a Member State as laid down in Article 39(2) of Regulation (EC) No 1260/2001 are exceeded in the course of the 2005/2006 marketing year, a quantity corresponding to the excess shall be subject to the payment of an amount corresponding to the full rate of import duty in force for the marketing year in question, increased by EUR 115,40 per tonne of white sugar equivalent.

4. Regulation (EC) No 1460/2003 shall apply to control and, where appropriate, the consequences of exceeding the presumed maximum supply needs for the refining industries as referred to in paragraph 3 of this Article.

5. For the purposes of this Article, 'refinery' means a production unit whose sole activity consists in refining either raw sugar or syrups produced prior to the crystallising stage.

Article 6

Levies

Regulation (EC) No 314/2002, as amended by this Regulation, shall apply to the fixing and collecting of production levies in the 2005/2006 marketing year, including the corrections relating to the calculation of the levies in the 2001/2002, 2002/2003, 2003/2004 and 2004/2005 marketing years as laid down in Article 15(2) of Regulation (EC) No 1260/2001.

⁽¹⁴⁾ OJ L 317, 15.12.2000, p. 3.

*Article 7***Production refunds**

Articles 1, 2, 3, 11, 14, 15, 17 18, 19, 20 and 21 of Regulation (EC) No 1265/2001, as amended by this Regulation, shall apply to the refund certificates issued until 30 June 2006.

*Article 8***Notifications**

Regulation (EC) No 779/96 shall apply until 30 September 2006.

*Article 9***Transitional quotas**

1. For the 2006/2007 marketing year, a transitional sugar quota of 497 780 tonnes shall be allocated to the Member States in accordance with the breakdown in part A of Annex II.

The quota referred to in the first subparagraph shall be reserved for sugar produced from beet sown before 1 January 2006. The minimum price of this beet, within the meaning of Article 5 of Regulation (EC) No 318/2006, shall be EUR 47,67 per tonne.

2. For the 2006/2007 marketing year, a transitional isoglucose quota of 126 921 tonnes of dry matter shall be allocated to the Member States in accordance with the breakdown in part B of Annex II.

3. For the 2006/2007 marketing year, a transitional inulin syrup quota of 80 180 tonnes of dry matter, expressed as white sugar/isoglucose equivalent, shall be allocated to the Member States in accordance with the breakdown in part C of Annex II.

4. The transitional quotas laid down in paragraphs 1, 2 and 3:

- (a) shall not be subject to the payment of the temporary restructuring amount provided for in Article 11(2) of Regulation (EC) No 320/2006;
- (b) may not benefit from the payment of the aid provided for in Regulation (EC) No 320/2006.

5. The Member States shall allocate transitional quotas, on the basis of objective criteria and in a manner ensuring equal treatment of producers and to avoid market and competition

distortion, to undertakings producing sugar, isoglucose and inulin syrup established in their territory and approved in accordance with Article 17 of Regulation (EC) No 318/2006.

6. The Member States shall introduce a control system and shall take all the necessary steps to verify the production of the products referred to in paragraphs 1, 2 and 3, and in particular that the sugar corresponds to sugar beet sown before 1 January 2006.

The Member States shall communicate to the Commission, not later than 15 July 2006, the breakdown by undertaking of the transitional quotas allocated under this Article.

The Member States shall notify the Commission, not later than 31 December 2006, of the control measures taken and the results thereof.

*Article 10***Traditional refining requirements**

For the 2006/2007 marketing year, the traditional refining requirements referred to in Article 29(1) of Regulation (EC) No 318/2006 shall be increased by the quantities laid down in Annex III.

CHAPTER II

AMENDMENTS OF REGULATIONS (EC) NO 1265/2001 AND (EC) NO 314/2002*Article 11***Amendment of Regulation (EC) No 1265/2001**

Regulation (EC) No 1265/2001 is hereby amended as follows:

1. The following paragraph is added to Article 11:

‘5. At the request of the interested party, the competent authority of the Member State shall cancel refund certificates which have not been fully used and have not passed their final date of validity. The relevant security shall be released for the amount unused.

Member States shall inform the Commission at the end of each month of the quantity of refund certificates cancelled in the course of the previous month, broken down by month of issue of the refund certificate.’

2. The following paragraph is added to Article 14:

‘3. The refund certificate shall be valid only for the basic products referred to in Article 1 which are produced under quota in the 2005/2006 marketing year or previous marketing years.’

3. The following sentence is added to Article 15:

‘However, the refund certificates shall no longer be valid after 31 August 2006.’

4. The following paragraph is added to Article 17:

‘3. Member States shall take the necessary additional steps to ensure the proper application of the provisions of Article 14(3).’

Article 12

Amendment of Regulation (EC) No 314/2002

Regulation (EC) No 314/2002 is hereby amended as follows:

1. Article 4a(5) is deleted;

2. The following sentence is added to the third subparagraph of Article 4c(1):

‘The notification for the 2005/2006 marketing year shall be made before 1 December 2006.’

3. Article 8 is amended as follows:

(a) The following subparagraph is added to paragraph 1:

‘In respect of the 2005/2006 marketing year, the amounts and the coefficients referred to in points (a) and (b) of the first subparagraph shall be fixed before 15 February 2007.’;

(b) paragraph 2 is amended as follows:

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

‘For the 2005/2006 marketing year, these balances shall be determined before 28 February 2007.’;

(ii) the following sentence is added to the second subparagraph:

‘For the 2005/2006 marketing year, this payment shall be made before 15 April 2007.’

CHAPTER III

FINAL PROVISION

Article 13

Entry into force

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

It shall apply from 1 July 2006. However, Articles 1, 3, 11(3) and 12(1) shall apply from the date of its entry into force.

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

Done at Brussels, 27 March 2006.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

ANNEX I

Coefficients referred to in Article 3(2)(a)

Member State	Coefficients
Belgium	0,8558
Czech Republic	0,9043
Denmark	0,8395
Germany	0,8370
Greece	0,8829
Spain	0,8993
France (mainland)	0,8393
France (French overseas departments)	0,8827
Ireland	0,8845
Italy	0,8621
Latvia	0,9136
Lithuania	0,9141
Hungary	0,9061
Netherlands	0,8475
Austria	0,8522
Poland	0,8960
Portugal (mainland)	0,8852
Portugal (Azores)	0,8845
Slovenia	0,8844
Slovakia	0,8833
Finland	0,8841
Sweden	0,8845
United Kingdom	0,8834

ANNEX II

Part A: Transitional quotas for sugar referred to in Article 9(1)

Member State	Transitional quota for sugar 2006/2007 (tonnes of white sugar)
Spain	324 000
Italy	121 187
Portugal	52 593
Total	497 780

Part B: Transitional quotas for isoglucose referred to in Article 9(2)

Member State	Transitional quota isoglucose 2006/2007 (in tonnes of dry matter)
Belgium	17 898
Germany	8 847
Greece	3 223
Spain	20 645
France	4 962
Italy	5 076
Hungary	34 407
Netherlands	2 275
Poland	6 695
Portugal	2 479
Slovakia	10 637
Finland	2 968
United Kingdom	6 809
Total	126 921

Part C: Transitional quotas for inulin syrup referred to in Article 9(3)

Member State	Transitional quota inulin syrup 2006/2007 (in tonnes of dry matter sugar/isoglucose equivalent)
Belgium	53 812
France	6 130
Netherlands	20 238
Total	80 180

ANNEX III

Transitional traditional refining requirements referred to in Article 10

Member State	Transitional traditional refining requirements 2006/2007 (tonnes of white sugar)
France	74 157
Portugal	72 908
Slovenia	4 896
Finland	14 981
United Kingdom	282 145
Total	479 087

COMMISSION REGULATION (EC) No 494/2006**of 27 March 2006****amending the representative prices and additional duties for the import of certain products in the sugar sector fixed by Regulation (EC) No 1011/2005 for the 2005/2006 marketing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽¹⁾,

Having regard to Commission Regulation (EC) No 1423/95 of 23 June 1995 laying down detailed implementing rules for the import of products in the sugar sector other than molasses ⁽²⁾, and in particular the second sentence of the second subparagraph of Article 1(2), and Article 3(1) thereof,

Whereas:

- (1) The representative prices and additional duties applicable to imports of white sugar, raw sugar and certain syrups for the 2005/2006 marketing year are fixed by

Commission Regulation (EC) No 1011/2005 ⁽³⁾. These prices and duties were last amended by Commission Regulation (EC) No 420/2006 ⁽⁴⁾.

- (2) The data currently available to the Commission indicate that the said amounts should be changed in accordance with the rules and procedures laid down in Regulation (EC) No 1423/95,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and additional duties on imports of the products referred to in Article 1 of Regulation (EC) No 1423/95, as fixed by Regulation (EC) No 1011/2005 for the 2005/2006 marketing year are hereby amended as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 28 March 2006.

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

Done at Brussels, 27 March 2006.

For the Commission

J. L. DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 178, 30.6.2001, p. 1. Regulation as last amended by Commission Regulation (EC) No 39/2004 (OJ L 6, 10.1.2004, p. 16).

⁽²⁾ OJ L 141, 24.6.1995, p. 16. Regulation as last amended by Regulation (EC) No 624/98 (OJ L 85, 20.3.1998, p. 5).

⁽³⁾ OJ L 170, 1.7.2005, p. 35.

⁽⁴⁾ OJ L 72, 11.3.2006, p. 12.

ANNEX

Amended representative prices and additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99 applicable from 28 March 2006

(EUR)

CN code	Representative price per 100 kg of the product concerned	Additional duty per 100 kg of the product concerned
1701 11 10 ⁽¹⁾	35,47	0,65
1701 11 90 ⁽¹⁾	35,47	4,26
1701 12 10 ⁽¹⁾	35,47	0,51
1701 12 90 ⁽¹⁾	35,47	3,97
1701 91 00 ⁽²⁾	37,34	6,56
1701 99 10 ⁽²⁾	37,34	3,14
1701 99 90 ⁽²⁾	37,34	3,14
1702 90 99 ⁽³⁾	0,37	0,30

⁽¹⁾ Fixed for the standard quality defined in Annex I.II to Council Regulation (EC) No 1260/2001 (OJ L 178, 30.6.2001, p. 1).

⁽²⁾ Fixed for the standard quality defined in Annex I.I to Regulation (EC) No 1260/2001.

⁽³⁾ Fixed per 1 % sucrose content.

COMMISSION REGULATION (EC) No 495/2006**of 27 March 2006****determining the extent to which applications lodged in March 2006 for import licences for certain egg sector products and poultrymeat pursuant to Regulations (EC) No 593/2004 and (EC) No 1251/96 can be accepted**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 593/2004 of 30 March 2004 opening and providing for the administration of the tariff quotas in the egg sector and for egg albumin ⁽¹⁾, and in particular Article 5(5) thereof,

Having regard to Commission Regulation (EC) No 1251/96 of 28 June 1996 opening and providing for the administration of tariff quotas in the poultrymeat sector and albumin ⁽²⁾, and in particular Article 5(5) thereof,

Whereas:

The applications for import licences lodged for the period from 1 April to 30 June 2006 are, in the case of certain products, for

quantities less than or equal to the quantities available and can therefore be met in full, but in the case of other products the said applications are for quantities greater than the quantities available and must therefore be reduced by a fixed percentage to ensure a fair distribution,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for import licences for the period 1 April to 30 June 2006 submitted pursuant to Regulations (EC) No 593/2004 and (EC) No 1251/96 shall be met as referred to in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 April 2006.

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

Done at Brussels, 27 March 2006.

For the Commission

J. L. DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 94, 31.3.2004, p. 10.

⁽²⁾ OJ L 161, 29.6.1996, p. 136. Regulation as last amended by Regulation (EC) No 1043/2001 (OJ L 145, 31.5.2001, p. 24).

ANNEX

Group No	Percentage of acceptance of import licences submitted for the period of 1 April to 30 June 2006
E1	—
E2	42,415563
E3	100,00
P1	100,00
P2	100,00
P3	1,389024
P4	—

COMMISSION REGULATION (EC) No 496/2006**of 27 March 2006****determining the extent to which applications lodged in March 2006 for import licences for certain poultrymeat products under the regime provided for in Council Regulation (EC) No 774/94 opening and providing for the administration of certain Community tariff quotas for poultrymeat and certain other agricultural products can be accepted**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Article 1

Having regard to Commission Regulation (EC) No 1431/94 of 22 June 1994, laying down detailed rules for the application in the poultrymeat sector of the import arrangements provided for in Council Regulation (EC) No 774/94 opening and providing for the administration of certain Community tariff quotas for poultrymeat and certain other agricultural products⁽¹⁾ and in particular Article 4(4) thereof,

1. Applications for import licences for the period 1 April to 30 June 2006 submitted pursuant to Regulation (EC) No 1431/94 shall be met as referred to in the Annex to this Regulation.

2. Applications for import licences for the period 1 July to 30 September 2006 may be lodged pursuant to Regulation (EC) No 1431/94 for the total quantity as referred to in the Annex to this Regulation.

Whereas:

The applications for import licences lodged for the period from 1 April to 30 June 2006 are greater than the quantities available and must therefore be reduced by a fixed percentage to ensure a fair distribution,

Article 2

This Regulation shall enter into force on 1 April 2006.

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

Done at Brussels, 27 March 2006.

For the Commission

J. L. DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 156, 23.6.1994, p. 9. Regulation as last amended by Regulation (EC) No 1043/2001 (OJ L 145, 31.5.2001, p. 24).

ANNEX

Group No	Percentage of acceptance of import certificates submitted for the period 1 April to 30 June 2006	Total quantity available for the period 1 July to 30 September 2006 (t)
1	1,044932	1 775,00
2	—	3 825,00
3	1,082251	825,00
4	1,428571	450,00
5	2,096436	175,00

COMMISSION REGULATION (EC) No 497/2006**of 27 March 2006****determining the extent to which applications lodged in March 2006 for import licences for certain poultrymeat sector products pursuant to Regulation (EC) No 2497/96 can be accepted**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Article 1

Having regard to Commission Regulation (EC) No 2497/96 of 18 December 1996 laying down rules for the application in the poultrymeat sector of the system provided for by the Association Agreement and the Interim Agreement between the European Community and the State of Israel⁽¹⁾, and in particular Article 4(5) thereof,

1. Applications for import licences for the period 1 April to 30 June 2006 submitted pursuant to Regulation (EC) No 2497/96 shall be met as referred to in the Annex.

2. Application for import licences for the period 1 July to 30 September 2006 may be lodged pursuant to Regulation (EC) No 2497/96 for the total quantity as referred to in the Annex to this Regulation.

Whereas:

The applications for import licences lodged for the period 1 April to 30 June 2006 are greater than the quantities available and must therefore be reduced by a fixed percentage to ensure a fair distribution,

Article 2

This Regulation shall enter into force on 1 April 2006.

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

Done at Brussels, 27 March 2006.

For the Commission

J. L. DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 338, 28.12.1996, p. 48. Regulation as last amended by Regulation (EC) No 361/2004 (OJ L 63, 28.2.2004, p. 15).

ANNEX

Group No	Percentage of acceptance of import licences submitted for the period of 1 April to 30 June 2006	Total quantity available for the period of 1 July to 30 September 2006 (t)
I1	6,097560	381,50
I2	—	136,25

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 27 February 2006

on the conclusion, on behalf of the European Community and its Member States, of a Protocol to the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons, regarding the participation, as contracting parties, of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic, pursuant to their accession to the European Union

(2006/245/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 310, in conjunction with the second sentence of the first subparagraph of Article 300(2) and the second subparagraph of Article 300(3) thereof,

Having regard to the Act of Accession annexed to the Treaty of Accession of 2003, and in particular Article 6(2) thereof,

Having regard to the proposal from the Commission,

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

Whereas:

- (1) Following the authorisation given to the Commission on 5 May 2003, negotiations with the Swiss Confederation for a Protocol to the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons, regarding the participation, as contracting parties, of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic, pursuant to their accession to the European Union have been concluded.
- (2) According to Council Decision of 26 October 2004, and pending its conclusion at a later date, this Protocol was signed on behalf of the European Community and its Member States on 26 October 2004.
- (3) The Protocol should be approved,

⁽¹⁾ Not yet published in the Official Journal.

HAS DECIDED AS FOLLOWS:

Article 1

The Protocol to the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons, regarding the participation, as contracting parties, of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic, pursuant to their accession to the European Union, is hereby approved on behalf of the European Community and its Member States.

The text of the Protocol is attached to this Decision.

Article 2

The President of the Council shall, on behalf of the Community and its Member States, give the notification provided for in Article 6 of the Protocol ⁽¹⁾.

Done at Brussels, 27 February 2006.

For the Council

The President

U. PLASSNIK

⁽¹⁾ The date of entry into force of the Protocol will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

PROTOCOL

to the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons regarding the participation, as contracting parties, of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic pursuant to their accession to the European Union

THE KINGDOM OF BELGIUM,

THE CZECH REPUBLIC,

THE KINGDOM OF DENMARK,

THE FEDERAL REPUBLIC OF GERMANY,

THE REPUBLIC OF ESTONIA,

THE HELLENIC REPUBLIC,

THE KINGDOM OF SPAIN,

THE FRENCH REPUBLIC,

IRELAND,

THE ITALIAN REPUBLIC,

THE REPUBLIC OF CYPRUS,

THE REPUBLIC OF LATVIA,

THE REPUBLIC OF LITHUANIA,

THE GRAND DUCHY OF LUXEMBOURG,

THE REPUBLIC OF HUNGARY,

THE REPUBLIC OF MALTA,

THE KINGDOM OF THE NETHERLANDS,

THE REPUBLIC OF AUSTRIA,

THE REPUBLIC OF POLAND,

THE PORTUGUESE REPUBLIC,

THE REPUBLIC OF SLOVENIA,

THE SLOVAK REPUBLIC,

THE REPUBLIC OF FINLAND,

THE KINGDOM OF SWEDEN,

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,

hereinafter referred to as 'the Member States', represented by the Council of the European Union, and

THE EUROPEAN COMMUNITY, also represented by the Council of the European Union,

of the one part, and

THE SWISS CONFEDERATION, hereinafter referred to as 'Switzerland',

of the other part,

hereinafter referred to as 'the Contracting Parties',

HAVING REGARD TO the Agreement of 21 June 1999 between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons (hereinafter referred to as 'the Agreement'), which entered into force on 1 June 2002;

HAVING REGARD TO the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic (hereinafter referred to as 'the new Member States') to the European Union on 1 May 2004;

WHEREAS the new Member States are to become Contracting Parties to the Agreement;

CONSIDERING that the Act of Accession grants to the Council of the European Union the power to conclude on behalf of the Member States of the European Union a protocol on the accession of the new Member States to the Agreement,

HAVE AGREED AS FOLLOWS:

Article 1

1. The new Member States hereby become Contracting Parties to the Agreement.

2. From the entry into force of this Protocol, the provisions of the Agreement shall be binding on the new Member States as on the present Contracting Parties of the Agreement under the terms and conditions laid down in this Protocol.

Article 2

In the main body of the Agreement and in Annex I thereto the following adaptations shall be made:

(a) The list of Contracting Parties to the Agreement shall be replaced by the following:

'The European Community,

the Kingdom of Belgium,

the Czech Republic,

the Kingdom of Denmark,

the Federal Republic of Germany,

the Republic of Estonia,

the Hellenic Republic,

the Kingdom of Spain,

the French Republic,

Ireland,

the Italian Republic,

the Republic of Cyprus,

the Republic of Latvia,

the Republic of Lithuania,

the Grand Duchy of Luxembourg,

the Republic of Hungary,

the Republic of Malta,

the Kingdom of the Netherlands,

the Republic of Austria,

the Republic of Poland,

the Portuguese Republic,

the Republic of Slovenia,
 the Slovak Republic,
 the Republic of Finland,
 the Kingdom of Sweden,
 the United Kingdom of Great Britain and Northern Ireland,
 of the one part, and
 the Swiss Confederation,
 of the other part.’

(b) In Article 10 of the Agreement, the following paragraphs shall be inserted:

‘1a. Switzerland may maintain until 31 May 2007 quantitative limits in respect of access by workers employed in Switzerland and for self-employed persons who are nationals of the Czech Republic, the Republic of Estonia, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Poland, the Republic of Slovenia and the Slovak Republic for the following two categories of residence: residence for a period of more than four months and less than one year and residence for a period equal to, or exceeding, one year. There shall be no quantitative restriction on residence for less than four months.

Before the end of the transitional period mentioned above, the Joint Committee shall review the functioning of the transitional period applied to nationals of the new Member States on the basis of a report from Switzerland. Upon completion of the review, and no later than at the end of the period mentioned above, Switzerland shall notify the Joint Committee whether it will continue applying quantitative limits to workers employed in Switzerland. Switzerland may continue to apply such measures until 31 May 2009. In the absence of such notification, the transitional period shall expire on 31 May 2007.

At the end of the transitional period defined in this paragraph, all quantitative limits applicable to nationals of the Czech Republic, the Republic of Estonia, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Poland, the Republic of Slovenia and the Slovak Republic shall be abolished. These Member States are entitled to introduce the same quantitative limitations for Swiss nationals for the same periods.’

‘2a. Switzerland and the Czech Republic, the Republic of Estonia, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Poland, the Republic of Slovenia and the Slovak Republic, may maintain, until 31 May 2007, for workers of one of these Contracting Parties employed in their own territory the controls on the priority of workers integrated into the regular labour market and wage and working conditions applicable to nationals of the Contracting Party concerned. The same controls may be maintained for persons providing services in the following four sectors: Horticultural service activities; Construction, including related branches; Security activities; Industrial cleaning (NACE ⁽¹⁾ codes 01.41; 45.1 to 4; 74.60; 74.70 respectively), referred to in Article 5(1) of the Agreement. Switzerland, shall, during the transitional periods mentioned in paragraphs 1a, 2a, 3a and 4a, give preference to workers who are nationals of the new Member States over workers who are nationals of non-EU and non-EFTA countries as regards access to its labour market. The controls on the priority of workers integrated into the regular labour market shall not apply to providers of services liberalised by a specific agreement between the Contracting Parties concerning the provision of services (including the Agreement on certain aspects of government procurement insofar as it covers the provision of services). For the same period, qualification requirements may be maintained for residence permits of less than four months ⁽²⁾ and to persons providing services in the four sectors mentioned above, referred to in Article 5(1) of the Agreement.

Before 31 May 2007, the Joint Committee shall review the functioning of the transitional measures contained in this paragraph on the basis of a report prepared by each of the Contracting Parties implementing them. Upon completion of the review, and no later than 31 May 2007, the Contracting Party which has implemented the transitional measures contained in this paragraph, and has notified the Joint Committee of its intention to continue applying such transitional measures, may continue to do so until 31 May 2009. In the absence of such notification, the transitional period will expire 31 May 2007.

At the end of the transitional period defined in this paragraph, all restrictions referred to above in this paragraph shall be abolished.

⁽¹⁾ NACE: Council Regulation (EEC) No 3037/90 of 9 October 1990 on the statistical classification of economic activities in the European Community (OJ L 293, 24.10.1990, p. 1), as last amended by Commission Regulation (EC) 29/2002 of 19 December 2001 (OJ L 6, 10.1.2002, p. 3).

⁽²⁾ Workers may apply for short-term residence permits under the quotas mentioned in paragraph 3a even for a period of less than four months.’

'3a. Upon entry into force of the Protocol to this Agreement regarding the participation, as contracting parties, of the new Member States mentioned below and until the end of the period described in paragraph 1a, Switzerland shall reserve on an yearly basis (*pro rata temporis*), within its overall quota for third countries, for workers employed in Switzerland and for self-employed persons who are nationals of the Czech Republic, the Republic of Estonia, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Poland, the Republic of Slovenia and the Slovak Republic a minimum number of new residence permits ⁽¹⁾ according to the following schedule:

Until	Number of permits for a period equal to or exceeding one year	Number of permits for a period of more than four months and less than one year
31 May 2005	900	9 000
31 May 2006	1 300	12 400
31 May 2007	1 700	15 800
31 May 2008	2 200	19 200
31 May 2009	2 600	22 600

⁽¹⁾ These permits will be granted in addition to the quota mentioned in Article 10 of the Agreement which are reserved for employed and self-employed persons who are nationals of the Member States at the time of signature of the Agreement (21 June 1999) or nationals of the Republic of Cyprus or the Republic of Malta. These permits are also in addition to permits granted through existing bilateral trainee exchange agreements.'

'4a. At the end of the period described in paragraph 1a and in this paragraph and up to 12 years after entry into force of the Agreement, the provisions of Article 10(4) of the Agreement shall apply.

In case of serious disturbances of its labour market or threat thereof, Switzerland and any of the new Member States which has implemented transitional measures, shall notify such circumstances to the Joint Committee by 31 May 2009. In this case, the notifying country may continue to apply to workers employed on its own territory, the measures described in paragraphs 1a, 2a and 3a until 30 April 2011. In such a case, the annual number of residence permits referred to in paragraph 1a shall be:

Until	Number of permits for a period equal to or exceeding one year	Number of permits for a period of more than four months and less than one year
31 May 2010	2 800	26 000
30 April 2011	3 000	29 000

4b. When Malta undergoes or foresees disturbances on its labour market which could seriously threaten the standard of living or level of employment in a given region or occupation, and decides to invoke the provisions contained in Section 2 "Freedom of Movement for Persons" of Annex XI to the Act of Accession, the restrictive measures taken by Malta towards the rest of EU Member States could also be applied to Switzerland. In such a case, Switzerland shall be entitled to take equivalent reciprocal measures towards Malta.

Malta and Switzerland may resort to this procedure until 30 April 2011.'

'5a. The transitional provisions of paragraphs 1a, 2a, 3a, 4a and 4b, and in particular those of paragraph 2a concerning the priority of workers integrated into the regular labour market and controls on wage and working conditions, shall not apply to employed and self-employed persons who, at the time of the entry into force of the Protocol to this Agreement regarding the participation, as contracting parties, of the new Member States mentioned in the said paragraphs, are authorised to pursue an economic activity on the territory of the Contracting Parties. Such persons shall in particular enjoy occupational and geographical mobility.

The holders of residence permits valid for less than one year shall be entitled to have their permits renewed; the exhaustion of quantitative limits may not be invoked against them. The holders of residence permits valid for a period equal to, or exceeding, one year shall automatically be entitled to have their permits extended. Such employed and self-employed persons shall therefore enjoy the rights to free movement accorded to established persons in the basic provisions of this Agreement, and in particular Article 7 thereof, from its entry into force.'

- (c) In Article 27(2) of Annex I to the Agreement, the reference to Article 10(2) shall be replaced by Article 10(2, 2a, 4a and 4b).

Article 3

By derogation from Article 25 of Annex I to the Agreement, the transitional periods of Annex I to this Protocol shall apply.

Article 4

This Protocol shall form an integral part of the Agreement.

Article 5

Annexes I, II and III to the Agreement shall be modified in accordance with Annexes I, II and III to this Protocol that shall form an integral part of this Protocol.

Article 6

1. This Protocol shall be ratified or approved by the Council of the European Union, on behalf of the Member States and the European Community, and by the Swiss Confederation in accordance with their own procedures.
2. The Council of the European Union and the Swiss Confederation shall notify each other of the accomplishment of these procedures.

Article 7

This Protocol shall enter into force on the first day of the first month following the date of deposit of the last instrument of approval.

Article 8

This Protocol shall remain in force for the same duration and according to the same modalities as the Agreement.

Article 9

1. This Protocol, as well as the Declarations annexed thereto, shall be drawn up in duplicate in the Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Polish, Portuguese, Slovak, Slovenian, Spanish and Swedish languages, each text being equally authentic.
2. The Maltese language version of this Protocol shall be authenticated by the Contracting Parties on the basis of an Exchange of Letters. It shall also be authentic, in the same way as for the languages referred to in paragraph 1.
3. The Agreement, as well as the Declarations annexed thereto, drawn up in the Czech, Estonian, Hungarian, Latvian, Lithuanian, Maltese, Polish, Slovak and Slovenian languages shall be authenticated by the Contracting Parties on the basis of an Exchange of Letters. These language versions shall also be equally authentic.

Hecho en Luxemburgo, el veintiséis de octubre de dos mil cuatro.

V Lucemburku dne dvacátého šestého října dva tisíce čtyři.

Udfærdiget i Luxembourg den seksogtyvende oktober to tusind og fire.

Geschehen zu Luxemburg am sechszwanzigsten Oktober zweitausendundvier.

Kahe tuhande neljanda aasta oktoobrikuu kahekümne kuuendal päeval Luxembourgis.

Έγινε στο Λουξεμβούργο, στις είκοσι έξι Οκτωβρίου δύο χιλιάδες τέσσερα.

Done at Luxembourg on the twenty-sixth day of October in the year two thousand and four.

Fait à Luxembourg, le vingt-six octobre deux mille quatre.

Fatto a Lussemburgo, addì ventisei ottobre duemilaquattro.

Luksemburgā, divi tūkstoši ceturtdā gada divdesmit sestajā oktobrī.

Priimta du tūkstančiai ketvirtų metų spalio dvidešimt šeštą dieną Liuksemburge.

Kelt Luxembourgban, a kettőezer-negyedik év október havának huszonhatodik napján.

Magħmula fil-Lussemburgu fis-sitta u għoxrin jum ta' Ottubru tas-sena elfejn u erbgha.

Gedaan te Luxemburg, de zesentwintigste oktober tweeduizendvier.

Sporządzono w Luksemburgu, dnia dwudziestego szóstego października roku dwa tysiące czwartego.

Feito no Luxemburgo, em vinte e seis de Outubro de dois mil e quatro.

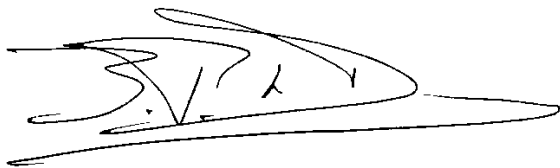
V Luxemburgu dvadsiateho šiesteho oktobra dvetisícštyri.

V Luxembourggu, dne šestindvajsetega oktobra leta dva tisoč štiri.

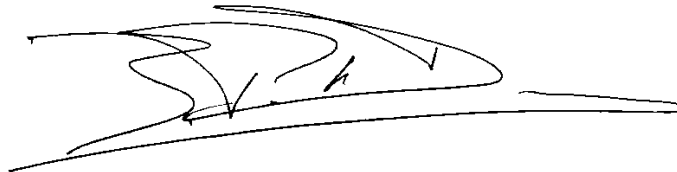
Tehty Luxemburgissa kahdentenäkymmenentenäkuudentena päivänä lokakuuta vuonna kaksituhattaneljä.

Som skedde i Luxemburg den tjugosjätte oktober tjugohundrafyra.

Por los Estados miembros
Za členské státy
For medlemsstaterne
Für die Mitgliedstaaten
Liikmesriikide nimel
Για τα κράτη μέλη
For the Member States
Pour les États membres
Per gli Stati membri
Dalībvalstu vārdā
Valstybių narių vardu
A tagállamok részéről
Għall-Istati Membri
Voor de lidstaten
W imieniu Państw Członkowskich
Pelos Estados-Membros
Za členské štáty
Za države članice
Jäsenvaltioiden puolesta
På medlemsstaternas vägnar



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
Għall-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



Für die Schweizerische Eidgenossenschaft
Pour la Confédération suisse
Per la Confederazione svizzera



ANNEX I

TRANSITIONAL MEASURES ON THE PURCHASE OF LAND AND SECONDARY RESIDENCE

1. The Czech Republic

- (a) The Czech Republic may maintain in force for five years from the date of its accession to the EU the rules laid down in the Foreign Exchange Act No 219/1995 Sb., as amended, on the acquisition of secondary residences by Swiss nationals non-resident in the Czech Republic and by companies formed in accordance with the laws of Switzerland and being neither established nor having a branch or a representative agency in the territory of the Czech Republic.
- (b) The Czech Republic may maintain in force for seven years from the date of accession to the EU the rules laid down in the Foreign Exchange Act No 219/1995 Sb., as amended, Act No 229/1991 Sb., on the arrangement of ownership relations towards land and other agricultural property, and the Act No 95/1999 Sb., on conditions relating to the transfer of agricultural land and forests from the state ownership to ownership of other entities regarding the acquisition of agricultural land and forests by Swiss nationals and by companies formed in accordance with the laws of Switzerland which are neither established nor registered in the Czech Republic. Without prejudice to another provision of this point 1, a Swiss national may in no instance be treated less favourably in respect of the acquisition of agricultural land and forests than at the date of signature of the Protocol or be treated in a more restrictive way than a national of a third country.
- (c) Self-employed farmers who are Swiss nationals and who wish to establish themselves and reside in the Czech Republic shall not be subject to the provisions of (b) or to any procedures other than those to which nationals of the Czech Republic are subject.
- (d) A general review of these transitional measures shall be held in the third year following the date of accession of the Czech Republic to the EU. The Joint Committee may decide to shorten or terminate the transitional period indicated in (a).
- (e) Should the Czech Republic introduce conditions for the acquisition of real estate in the Czech Republic by non-residents during the transitional period, they shall be based on transparent, objective, stable and public criteria. These criteria shall be applied in a non-discriminatory manner and shall not differentiate between nationals of Czech Republic and Swiss nationals.
- (f) If there is sufficient evidence that, upon expiry of the transitional period, there will be serious disturbances or a threat of serious disturbances on the agricultural land market of the Czech Republic, the Joint Committee, at the request of the Czech Republic, shall decide upon the extension of the transitional period for up to a maximum of three years.

2. Estonia

- (a) Estonia may maintain in force for seven years from the date of its accession to the EU, its legislation existing at the time of signature of this Protocol regarding the acquisition of agricultural land and forests by Swiss nationals and by companies formed in accordance with the laws of Switzerland and being neither established nor registered nor having a local branch or agency in Estonia. In no instance may a Swiss national be treated less favourably in respect of the acquisition of agricultural land and forests than at the date of signature of this Protocol or be treated in a more restrictive way than a national of a third country. According to this legislation, Estonia has adopted the *Act on Restrictions on Acquisition of Immovable Property* and the *Amendments to the Land Reform Act*, both from 12 February 2003.
- (b) Swiss nationals who wish to establish themselves as self-employed farmers and reside in Estonia, and who have been legally resident and active in farming in Estonia for at least three years continuously, shall not be subject to the provisions of (a) or to any procedures other than those to which nationals of Estonia are subject.
- (c) A general review of these transitional measures shall be held in the third year following the date of its accession to the EU. To this effect, the Commission of the European Communities (hereinafter referred to as 'the Commission') shall submit a report to the Joint Committee. The Joint Committee may decide to shorten or terminate the transitional period indicated in (a).

- (d) If there is sufficient evidence that, upon expiry of the transitional period, there will be serious disturbances or a threat of serious disturbances on the agricultural land market of Estonia, the Joint Committee, at the request of Estonia, shall decide upon the extension of the transitional period for up to a maximum of three years.

3. Cyprus

Cyprus may maintain for five years from the date of its accession to the EU, its legislation as in force on 31 December 2000 regarding the acquisition of residences for secondary use.

According to the Acquisition of Real Estate (Aliens) Cap 109 and the Amending Laws 52/69, 55/72 and 50/90, the acquisition of real estate in Cyprus by non-Cypriots is subject to the approval by the Council of Ministers. The Council of Ministers has authorised the District Officers to grant approval on its behalf. When the real estate concerned exceeds 2 donums (1 donum = 1 338 m²), approval may be granted only for the following purposes:

- (a) primary or secondary residence not exceeding an area of 3 donums,
- (b) professional or commercial premises,
- (c) industry in sectors deemed beneficial for the Cypriot economy.

The above law has been amended by the 'Acquisition of Real Estate (Aliens) (Amendment) Law of 2003, No 54(I)/2003'. The new Law imposes no restrictions on EU nationals and EU registered companies for the acquisition of real estate linked to primary residence and foreign direct investment or the acquisition of real estate by EU real estate agents and land developers. Regarding the acquisition of residence for secondary use, the Law provides that for a period of five years, following Cyprus's accession to EU, EU nationals not permanently residing in Cyprus and EU registered companies not having their registered office, central administration or principal place of business in Cyprus, may not acquire real estate for the purpose of using it as secondary residence, without prior authorisation by the Council of Ministers, which has delegated its authority to the District Officers, as mentioned above.

4. Latvia

- (a) Latvia may maintain in force for seven years from the date of accession the rules laid down in Law on Amendments to the Law on Privatisation of Land in Rural (in force since 14 April 2003) regarding the acquisition of agricultural land and forests by Swiss nationals and companies formed in accordance with the laws of Switzerland and being neither established nor registered nor having a local branch or agency in Latvia. In no instance may a national of Switzerland be treated less favourably in respect of the acquisition of agricultural land and forests than at the date of signature of this Protocol or be treated in a more restrictive way than a national of a third country.
- (b) A general review of these transitional measures shall be held before the end of the third year following the date of its accession to the EU. To this effect, the Commission shall submit a report to the Joint Committee. The Joint Committee may decide to shorten or terminate the transitional period indicated in (a).
- (c) If there is sufficient evidence that, upon expiry of the transitional period, there will be serious disturbances or a threat of serious disturbances on the agricultural land market of Latvia, the Joint Committee, at the request of Latvia, shall decide upon the extension of the transitional period for up to a maximum of three years.

5. Lithuania

- (a) Lithuania may maintain in force for seven years from the date of its accession to the EU, its legislation existing at the time of signature of this Protocol regarding the acquisition of agricultural land and forests by Swiss nationals and by companies formed in accordance with the Swiss laws and being neither established nor registered nor having a local branch or agency in Lithuania. In no instance may a Swiss national be treated less favourably in respect of the acquisition of agricultural land and forests than at the date of signature of this Protocol or be treated in a more restrictive way than a national of a third country. According to this legislation, Swiss nationals and legal persons, as well as organisations set up in Switzerland without the status of a legal person, but with the civil capacity laid down in the Swiss laws, may not acquire agricultural land and forestry land before the end of the 7-year transitional period defined in the Treaty of Accession of the Republic of Lithuania to the European Union.
- (b) Swiss nationals who wish to establish themselves as self-employed farmers and reside in Lithuania, and who have been legally resident and active in farming in Lithuania for at least three years continuously, shall not be subject to the provisions of (a) or to any procedures other than those to which nationals of Lithuania are subject.

- (c) A general review of these transitional measures shall be held in the third year following the date of its accession to the EU. To this effect, the Commission shall submit a report to the Joint Committee. The Joint Committee may decide to shorten or terminate the transitional period indicated in (a).
- (d) If there is sufficient evidence that, upon expiry of the transitional period, there will be serious disturbances or a threat of serious disturbances on the agricultural land market of Lithuania, the Joint Committee, at the request of Lithuania, shall decide upon the extension of the transitional period for up to a maximum of three years.

6. Hungary

- (a) Hungary may maintain in force for five years from the date of its accession to the EU, its legislation contained in Act LV of 1994 on Agricultural Land as amended regarding the acquisition of secondary residences.
- (b) Swiss nationals who have been legally resident in Hungary at least for four years continuously shall not be subject to the provisions of (a) or to any rules and procedures other than those to which nationals of Hungary are subject. During the transitional period Hungary shall apply authorisation procedures for the acquisition of secondary residences based on objective, stable, transparent and public criteria. These criteria shall be applied in a non-discriminatory manner and shall not differentiate between Swiss nationals residing in Hungary.
- (c) Hungary may maintain in force for seven years from the date of its accession to the EU, the prohibitions contained in Act LV of 1994 on Agricultural Land as amended on the acquisition of agricultural land by natural persons who are non-residents or non nationals of Hungary and by legal persons.
- (d) Swiss nationals who want to establish themselves as self-employed farmers and who have been legally resident and active in farming in Hungary at least for three years continuously, shall not be subject to the provisions of (c) or to any rules and procedures other than those to which nationals of Hungary are subject.
- (e) A general review of these transitional measures shall be held in the third year following the date of its accession to the EU. To this effect, the Commission shall submit a report to the Joint Committee. The Joint Committee may decide to shorten or terminate the transitional period indicated in (c).
- (f) Should Hungary apply authorisation procedures for the acquisition of agricultural land during the transitional period, they shall be based on objective, stable, transparent and public criteria. These criteria shall be applied in a non-discriminatory manner.
- (g) If there is sufficient evidence that, upon expiry of the transitional period, there will be serious disturbances or a threat of serious disturbances on the agricultural land market of Hungary, the Joint Committee, at the request of Hungary, shall decide upon the extension of the transitional period for up to a maximum of three years.

7. Malta

Purchase of property in the Maltese islands is regulated by the Immovable Property (Acquisition by Non-Residents) Act (Cap. 246 of the Laws of Malta). This Act provides that:

- (a) (1) A Swiss national may purchase immovable property in Malta to be used by such person as a residence (not necessarily a primary residence) provided such person does not already own another residence in Malta. Such purchases do not require the person to have a right of residence in Malta although they are subject to a permit which (with a limited number of exceptions specified in the legislation) may not be withheld if the value of the property is higher than an amount determined annually by an index (currently Lm 30 000 for an apartment and Lm 50 000 for a house).
- (2) Swiss nationals may also set up their primary residence in Malta at any time in accordance with the relevant national legislation. Leaving Malta shall not entail any obligation to dispose of any property acquired as a primary residence.
- (b) Swiss nationals who purchase properties in special designated areas established by the Act (usually areas forming part of urban regeneration projects) do not require a permit for such purchases, neither are they limited in the number, use or value of such properties that they may purchase.

8. Poland

- (a) Poland may maintain in force for five years from the date of its accession to the EU, its legislation existing at the time of signature of this Protocol regarding the acquisition of secondary residences. According to this legislation, a Swiss national will have to comply with the requirements laid down in the Act of 24 March 1920 on the Acquisition of Real Estate by Foreigners (Dz.U. 1996, Nr 54, poz. 245 with amendments), as amended.
- (b) Swiss nationals who have been legally resident in Poland for four years continuously shall not, as regards the acquisition of secondary residences, be subject to the provisions of (c) or to any procedures other than those to which nationals of Poland are subject.
- (c) Poland may maintain in force for twelve years from the date of its accession to the EU, its legislation regarding the acquisition of agricultural land and forests. In no instance may Swiss nationals or legal persons formed in accordance with the Swiss laws be treated less favourably in respect of the acquisition of agricultural land and forests than at the date of signature of this Protocol. According to this legislation, a Swiss national will have to comply with the requirements laid down in the Act of 24 March 1920 on the Acquisition of Real Estate by Foreigners (Dz.U. 1996, Nr 54, poz. 245 with amendments), as amended.
- (d) Swiss nationals who want to establish themselves as self-employed farmers and who have been legally resident and leasing land in Poland as a natural or legal person for at least three years continuously, shall not be subject to the provisions of (c) or to any procedures other than those to which nationals of Poland are subject as regards the purchase of agricultural land and forests from the date of accession. In the Warmińsko-Mazurskie, Pomorskie, Kujawsko-Pomorskie, Zachodniopomorskie, Lubuskie, Dolnośląskie, Opolskie and Wielkopolskie voivodships, the residence and leasing period indicated in the preceding sentence shall extend to seven years. The lease period preceding the purchase of land shall be calculated individually for each Swiss national who has been leasing land in Poland from the certified date of the original lease agreement. Self-employed farmers who have been leasing land not as natural but as legal persons can transfer the rights of the legal person under the lease agreement to themselves as natural persons. For calculating the lease period preceding the right to purchase, the lease period of the contracts as legal persons shall be counted. Lease agreements by natural persons can be provided with a certified date retroactively and the entire lease period of the certified contracts will be counted. There shall be no deadlines for self-employed farmers to transform their current lease contracts into contracts as natural persons or into written contracts with a certified date. The procedure to transform lease contracts shall be transparent and shall under no circumstances form a new obstacle.
- (e) A general review of these transitional measures shall be held in the third year following the date of its accession to the EU. To this effect, the Commission shall submit a report to the Joint Committee. The Joint Committee may decide to shorten or terminate the transitional period indicated in (a).
- (f) During the transitional period, Poland shall apply an authorisation procedure laid down by law which will ensure that the grant of authorisations for the acquisition of real estate in Poland is based on transparent, objective, stable and public criteria. These criteria shall be applied in a non-discriminatory manner.

9. Slovenia

- (a) If, until the end of a period of up to a maximum of seven years after the date of Slovenia's accession to the EU, difficulties arise which are serious and liable to persist in real estate market or which could bring about serious deterioration in real estate market of a given area, Slovenia may apply for authorisation to take protective measures in order to rectify the situation in the real estate market.
- (b) Upon request by Slovenia, the Joint Committee shall, by emergency procedure determine the protective measures, which it considers necessary, specifying the conditions and modalities in which they are to be put into effect.
- (c) In the event of serious difficulties in real estate market and at the express request of Slovenia, the Joint Committee shall act within five working days of the receipt of the request accompanied by the relevant background information. The measures thus decided shall be applicable forthwith and shall take account of the interests of all parties concerned.
- (d) The measures authorised under (b) may involve derogations from the rules of this Agreement to such an extent and for such periods as are strictly necessary in order to attain the objectives referred to in (a).

10. Slovakia

- (a) Slovakia may maintain in force for seven years from the date of its accession to the EU, its legislation regarding the acquisition by non-residents of agricultural land and forests. According to this legislation, (a non-resident may acquire ownership rights to real estate located in the Slovak Republic with the exception of the agricultural and forest land. The non resident may not acquire ownership rights to real estate whose acquisition is restricted by special regulation laid down in the Foreign Exchange Act No 202/1995 as amended).
 - (b) In no instance may a Swiss national be treated less favourably in respect of the acquisition of agricultural land and forests than at the date of signature of the present Protocol or be treated in a more restrictive way than a national of a third country.
 - (c) Swiss nationals who want to establish themselves as self-employed farmers and who have been legally resident and active in farming in Slovakia for at least three years continuously, shall not be subject to the provisions of (b) or to any procedures other than those to which nationals of Slovakia are subject.
 - (d) A general review of these transitional measures shall be held before the end of the third year following the date of accession. To this effect, the Commission shall submit a report to the Joint Committee. The Joint Committee may decide to shorten or terminate the transitional period indicated in (a).
 - (e) Should Slovakia introduce authorisation procedures for the acquisition of real estate in Slovakia by non-residents during the transitional period, they shall be based on transparent, objective, stable and public criteria. These criteria shall be applied in a non-discriminatory manner and shall not differentiate between nationals of Slovakia and of Switzerland.
 - (f) If there is sufficient evidence that, upon expiry of the transitional period, there will be serious disturbances or a threat of serious disturbances on the agricultural land market of Slovakia, the Joint Committee, at the request of Slovakia, shall decide upon the extension of the transitional period for up to a maximum of three years.
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ANNEX II

Annex II to the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons is hereby amended as follows:

1. The following shall be inserted under the Title 'Section A: Acts referred to' under point 1 'Regulation (EEC) No 1408/71' after '301 R 1386: Regulation (EC) No 1386/2001 ...':

'12003 TN 02/02/A: Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded, of 16 April 2003.'

2. Under the heading 'For the purposes of this Agreement, the Regulation shall be adapted as follows:', point 1 of Section A of Annex II to the Agreement shall be amended as follows:

- (a) under (i), concerning Annex III, Part A, the following shall be added after the last entry 'Sweden — Switzerland':

'Czech Republic — Switzerland

None.

Estonia — Switzerland

No convention.

Cyprus — Switzerland

None.

Latvia — Switzerland

No convention.

Lithuania — Switzerland

No convention.

Hungary — Switzerland

None.

Malta — Switzerland

No convention.

Poland — Switzerland

No convention.

Slovenia — Switzerland

None.

Slovakia — Switzerland

None.'

- (b) under (j), concerning Annex III, Part B, the following shall be added after the last entry 'Sweden — Switzerland':

'Czech Republic — Switzerland

None.

Estonia — Switzerland

No convention.

Cyprus — Switzerland

None.

Latvia — Switzerland

No convention.

Lithuania — Switzerland

No convention.

Hungary — Switzerland

None.

Malta — Switzerland

No convention.

Poland — Switzerland

No convention.

Slovenia — Switzerland

None.

Slovakia — Switzerland

None.'

(c) letter (o), concerning Annex VI, shall be amended as follows:

(aa) Under point 3 (a) (iv) insert after the word 'Spain' the word 'Hungary'

(bb) Under point 4 insert after the word 'Germany' the word 'Hungary'.

3. The following shall be inserted under the Title 'Section A: Acts referred to' under point 2 'Regulation (EEC) No 574/72' after '302 R 410: Commission Regulation (EC) No 410/2002 ...':

'12003 TN 02/02/A: Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded, of 16 April 2003.'

4. The following shall be inserted under the Title 'Section B: Acts of which the contracting parties shall take due account' under the points '4.18. 383 D 0117: Decision No 117 ...', '4.19. 83 D 1112(02): Decision No 118 ...', '4.27. 388 D 64: Decision No 136 ...' and '4.37. 393 D 825: Decision No 150 ...' respectively after '1 94 N: Act concerning the conditions ...':

'12003 TN 02/02/A: Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded, of 16 April 2003.'

5. For workers who are nationals of the Czech Republic, the Republic of Estonia, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Poland, the Republic of Slovenia and the Slovak Republic, the arrangements contained in paragraph 1 of the section Unemployment Insurance of the Protocol to Annex II shall apply until 30 April 2011.

ANNEX III

Section A of Annex III to the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons is hereby amended as follows:

Acts as modified by the Act of Accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic (OJ L 236, 23.9.2003):

A. GENERAL SYSTEM

1. 392 L 0051: Council Directive 92/51/EEC of 18 June 1992 on a second general system for the recognition of professional education and training to supplement Directive 89/48/EEC (OJ L 209, 24.7.1992, p. 25).

B. LEGAL PROFESSIONS

2. 377 L 0249: Council Directive 77/249/EEC of 22 March 1977 to facilitate the effective exercise by lawyers of freedom to provide services (OJ L 78, 26.3.1977, p. 17).
3. 398 L 0005: Directive 98/5/EC of the European Parliament and of the Council of 16 February 1998 to facilitate practice of the profession of lawyer on a permanent basis in a Member State other than that in which the qualification was obtained (OJ L 77, 14.3.1998, p. 36).

C. MEDICAL ACTIVITIES

Doctors

4. 393 L 0016: Council Directive 93/16/EEC of 5 April 1993 to facilitate the free movement of doctors and the mutual recognition of their diplomas, certificates and other evidence of formal qualifications (OJ L 165, 7.7.1993, p. 1).

Nurses

5. 377 L 0452: Council Directive 77/452/EEC of 27 June 1977 concerning the mutual recognition of diplomas, certificates and other evidence of the formal qualifications of nurses responsible for general care, including measures to facilitate the effective exercise of this right of establishment and freedom to provide services (OJ L 176, 15.7.1977, p. 1).

Dental practitioners

6. 378 L 0686: Council Directive 78/686/EEC of 25 July 1978 concerning the mutual recognition of diplomas, certificates and other evidence of the formal qualifications of practitioners of dentistry, including measures to facilitate the effective exercise of the right of establishment and freedom to provide services (OJ L 233, 24.8.1978, p. 1).
7. 378 L 0687: Council Directive 78/687/EEC of 25 July 1978 concerning the coordination of provisions laid down by Law, Regulation or Administrative Action in respect of the activities of dental practitioners (OJ L 233, 24.8.1978, p. 10).

Veterinary surgeons

8. 378 L 1026: Council Directive 78/1026/EEC of 18 December 1978 concerning the mutual recognition of diplomas, certificates and other evidence of formal qualifications in veterinary medicine, including measures to facilitate the effective exercise of the right of establishment and freedom to provide services (OJ L 362, 23.12.1978, p. 1).

Midwives

9. 380 L 0154: Council Directive 80/154/EEC of 21 January 1980 concerning the mutual recognition of diplomas, certificates and other evidence of formal qualifications in midwifery and including measures to facilitate the effective exercise of the right of establishment and freedom to provide services (OJ L 33, 11.2.1980, p. 1).

Pharmacists

10. 385 L 0433: Council Directive 85/433/EEC of 16 September 1985 concerning the mutual recognition of diplomas, certificates and other evidence of formal qualifications in pharmacy, including measures to facilitate the effective exercise of the right of establishment relating to certain activities in the field of pharmacy (OJ L 253, 24.9.1985, p. 37).

D. ARCHITECTURE

11. 385 L 0384: Council Directive 85/384/EEC of 10 June 1985 on the mutual recognition of diplomas, certificates and other evidence of formal qualifications in architecture, including measures to facilitate the effective exercise of the right of establishment and freedom to provide services (OJ L 223, 21.8.1985, p. 15).

E. TRADE AND DISTRIBUTION OF TOXIC PRODUCTS

12. 374 L 0557: Council Directive 74/557/EEC of 4 June 1974 on the attainment of freedom of establishment and freedom to provide services in respect of activities of self-employed persons and of intermediaries engaging in the trade and distribution of toxic products (OJ L 307, 18.11.1974, p. 5).

Declaration by Switzerland concerning the recognition of diplomas in midwifery and general care

Switzerland reserves the right to recognize holders of diplomas in midwifery and general care, falling under Articles 4(b) and 4(c) of Directive 77/452/EEC and Articles 5(a) and 5(b) of Directive 80/154/EEC on acquired rights, only after examination of the conformity of their qualifications with Directives 77/453/EEC and 80/155/EEC. For this purpose, Switzerland may require the completion of an aptitude test or an adaptation period.

Declaration by Switzerland on autonomous measures as of the date of signature

Switzerland will provide provisional access to its labour market for citizens of the new Member States, based on its national legislation, before the entry into force of the transitional arrangements contained in the Protocol. For this purpose, Switzerland will open specific quotas for short-term, as well as for long-term working permits, as defined in Article 10(1) of the Agreement, in favour of citizens of the new Member States, as of the date of signature of the Protocol. The quotas will be 700 long term permits and 2 500 short-term permits per year. In addition, 5 000 short-term workers per year will be admitted for a stay of less than 4 months.

Declaration by Poland concerning the recognition of diplomas of nurses responsible for general care and midwives

Poland has taken note of Switzerland's declaration pertaining to the recognition of general-care nursing and midwifery diplomas but resolutely expects Switzerland to adhere fully to Article 4(b) of Directive 77/452/EEC and Article 5(b) of Directive 80/154/EEC according to the wording as of the day on which the Protocol to the Agreement between the European Community and its Member States, of the one part and the Swiss Confederation, of the other, on the free movement of persons, pursuant to the enlargement of the European Union, takes effect.

Information relating to the entry into force of the Protocol to the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons, regarding the participation, as Contracting Parties, of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic, pursuant to their accession to the European Union ⁽¹⁾

The procedures necessary for the entry into force of the Protocol to the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons, regarding the participation, as contracting parties, of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic, pursuant to their accession to the European Union, signed in Luxembourg on 26 October 2004, having been completed on 1 March 2006, this Protocol will enter into force, in conformity with its Article 7, on 1 April 2006.

⁽¹⁾ OJ L 89, 28.3.2006, p. 30.

COMMISSION

COMMISSION DECISION

of 21 March 2006

amending Decision 97/245/EC, Euratom laying down the arrangements for the transmission of information to the Commission by the Member States under the Communities' own resources system

(notified under document number C(2006) 845)

(2006/246/EC, Euratom)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Treaty establishing the European Atomic Energy Community,

Having regard to Council Decision 2000/597/EC, Euratom of 29 September 2000 on the system of the European Communities' own resources ⁽¹⁾,

Having regard to Council Regulation (EC, Euratom) No 1150/2000 of 22 May 2000 implementing Council Decision 2000/597/EC, Euratom on the system of the Communities' own resources ⁽²⁾, and in particular the second subparagraph of Article 6(4) thereof,

Having consulted the Advisory Committee on Own Resources,

Whereas:

(1) Commission Decision 97/245/EC, Euratom ⁽³⁾ was adopted to take account of the changes which Regulation (EC, Euratom) No 1355/96 ⁽⁴⁾ had made to Council Regulation (EEC, Euratom) No 1552/89 of 29 May 1989 implementing Decision 88/376/EEC, Euratom on the system of the Communities' own resources ⁽⁵⁾. Decision 97/245/EC, Euratom thus laid down the procedure for the transmission of certain information by the Member States to the Commission under the Communities' own resources system.

(2) Since Regulation (EEC, Euratom) No 1552/89 was consolidated by Regulation (EC, Euratom) No 1150/2000, the references to Regulation (EEC, Euratom) No 1552/89 given in some of the annexes to Decision 97/245/EC, Euratom must be amended for the sake of clarity.

(3) The Treaty establishing the European Coal and Steel Community (ECSC) expired on 23 July 2002. Accordingly, there are no longer any customs duties which have to be entered in the accounts as own resources under this Treaty.

(4) Account must be taken of the changes resulting from Decision 2000/597/EC, Euratom, which replaced Council Decision 94/728/EC, Euratom ⁽⁶⁾, in particular as regards the adjustment of the rate of the deduction to cover the costs involved in collecting 'traditional' own resources. Decision 2000/597/EC, Euratom laid down a new 25% deduction rate, except for amounts which should have been made available before 28 February 2001 for which the Member States will continue to deduct 10%.

(5) Account should be taken of the new reporting obligations inserted in Regulation (EC, Euratom) No 1150/2000 by Regulation (EC, Euratom) No 2028/2004. It is thus laid down that, together with the final quarterly statement for a given year, the Member States must submit an estimate of the total amount of entitlements entered in the separate account at the end of each year for which recovery is unlikely. The Member States are also obliged to mention amounts declared or deemed to be irrecoverable in an annex to the quarterly statement for the separate account.

⁽¹⁾ OJ L 253, 7.10.2000, p. 42.

⁽²⁾ OJ L 130, 31.5.2000, p. 1. Regulation amended by Regulation (EC, Euratom) No 2028/2004 (OJ L 352, 27.11.2004, p. 1).

⁽³⁾ OJ L 97, 12.4.1997, p. 12. Decision amended by Decision 2002/235/EC (OJ L 79, 22.3.2002, p. 61).

⁽⁴⁾ OJ L 175, 13.7.1996, p. 3.

⁽⁵⁾ OJ L 155, 7.6.1989, p. 1.

⁽⁶⁾ OJ L 293, 12.11.1994, p. 9.

- (6) Steps should be taken to capitalise on the experience acquired by the Member States in the transmission of the accounting statements referred to in Article 6(3)(a) and (b) of Regulation (EC, Euratom) No 1150/2000 and to improve the presentation of the forms used to that end.
- (7) Decision 97/245/EC, Euratom should, therefore, be amended accordingly.
- (8) A suitable length of time should be allowed to apply the reporting procedures for the amended statements,

HAS ADOPTED THIS DECISION:

Article 1

Decision 97/245/EC, Euratom is hereby amended as follows:

- (a) Annexes I, II and III shall be replaced by the text contained in Annex I to this Decision.

- (b) Annex IIIa, contained in Annex II to this Decision, shall be inserted after Annex III.

Article 2

The first statements to be produced using the models contained in Annexes I and II shall be the monthly statement for June 2006 and the quarterly statement for the second quarter of 2006.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 21 March 2006.

For the Commission

Dalia GRYBAUSKAITĖ

Member of the Commission

ANNEX I
‘ANNEX I
“A” Account of own resources of the European Communities
Statement of established entitlements (*)

Member State:

Month/year

Nature of resource	Member State's reference (optional)	Accounts established during month ⁽¹⁾	Amounts recovered from separate account (2)	Corrections to earlier establishments ⁽²⁾		Gross amounts (5) = (1) + (2) + (3) - (4)	Net amounts (6)
				+	-		
		(1)	(2)	(3)	(4)		(national currency)
1210 Customs duties (excluding anti-dumping and agriculture)							
1230 Countervailing and anti-dumping duties on products							
1240 Countervailing and anti-dumping duties on services							
12 Customs duties							
1000 Customs duties relating to agricultural sector							
10 Agricultural levies							
1110 Sugar storage levies							
1100 Sugar product levies — A and B quotas							
1120 Isoglucose production levies							
1130 Levies on C sugar, isoglucose and inulin not exported							
1140 Levies on substitute C sugar and isoglucose							
1150 Inulin production levies							
1160 Additional levy							
11 Sugar levies							
Total 12 + 10 + 11							
				- 25 % collection costs - 10 % collection costs ⁽³⁾ Total to be paid to EC			

(1) Including accounting corrections.

(2) Corrections to initial establishments, in particular cases of post-clearance recovery and repayment. For sugar, corrections relating to earlier years must be mentioned.

(3) The 10 % deduction rate is to be applied to amounts which, in accordance with Community rules, should have been made available before 28 February 2001 (Article 10(2)(c) of Decision 2000/597/EC, Euratom of 29.9.2000).

(*) Including entitlements established as a result of inspections and detected cases of fraud and irregularities.

ANNEX II

Annex to the Statement of the “A” account of the own resources of the European Communities

Monitoring of recovery of amounts which relate to cases of irregularities or delays (Article 18(2)(b) of Regulation (EC, Euratom) No 1150/2000)

Month/year	Gross amount of own resources recovered	References to irregularities or delays in the establishment, entry in the accounts and making available of own resource noted as a result of inspections ⁽¹⁾ ⁽²⁾	Comments	Rate of deduction to be applied ⁽³⁾		Amount included under the heading 'Total to be paid to EC' ⁽³⁾	(national currency)
				10 %	25 %		
				Yes	No		
	Total						

⁽¹⁾ If necessary, references to payments pursuant to Article 17(2) are also shown in this column.

⁽²⁾ If necessary, references to Commission letters are also to be mentioned in this column.

⁽³⁾ Mark with an X.

ANNEX III

Own resources of the European Communities — separate account ^(*)

Statement of established entitlements not included in "A" account

Member State:

Quarter/year:

Nature of resource	Outstanding from previous quarter (1)	Established entitlements for current quarter (2)	Corrections of establishments (Article 8) ⁽¹⁾	Amounts which cannot be made available (Article 17(2)) ⁽²⁾	Total (1 + 2) - (3 + 4) (5)	Amounts recovered during quarter ⁽³⁾ (6)	Outstanding at end current quarter (7) = (5) - (6)
1210 Customs duties (excluding anti-dumping and agriculture)							
1230 Countervailing and anti-dumping duties on products							
1240 Countervailing and anti-dumping duties on services							
12 Customs duties							
1000 Customs duties relating to agricultural sector							
10 Agricultural duties							
1110 Sugar storage levies							
1100 Sugar product levies — A and B quotas							
1120 Isoglucose production levies							
1130 Levies on C sugar, isoglucose and inulin not exported							
1140 Levies on substitute C sugar and isoglucose							
1150 Inulin production levies							
1160 Additional levy							
11 Sugar levies							
Total 12 + 10 + 11							
Estimate of amounts established for which recovery is unlikely ⁽⁴⁾							

⁽¹⁾ Correction of establishments should be understood to mean corrections, including cancellations resulting from a revision of the initial establishment arising from previous quarters. They differ by nature from those entered in column 4.

⁽²⁾ All the cases are set out in detail in the Annex to this statement.

⁽³⁾ The total for this column should be the same as the total given in column 2 of the statement of the "A" account for the three months concerned.

⁽⁴⁾ Compulsory for the final quarter of each year.

^(*) "B" account kept pursuant to Article 6(3)(b) of Regulation (EC, Euratom) No 1150/2000, including entitlements established as a result of inspections and detected cases of fraud and irregularities.

ANNEX II
'ANNEX IIIa

Annex to the statement of the separate account of the own resources of the European Communities

List of amounts in the "B" account declared or deemed irrecoverable ⁽¹⁾

Quarter/Year	(national currency)
Gross amount of own resources	Reference to national decision
TOTAL:	

⁽¹⁾ Article 17(2) of Regulation No 1150/2000, as amended by Council Regulation (EC, Euratom) No 2028/2004 of 16.11.2004.

COMMISSION DECISION

of 27 March 2006

concerning certain protection measures regarding imports from Bulgaria in relation to highly pathogenic avian influenza in that third country

(notified under document number C(2006) 890)

(Text with EEA relevance)

(2006/247/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC ⁽¹⁾, and in particular Article 18 thereof,

Having regard to Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries ⁽²⁾, and in particular Article 22 thereof,

Whereas:

(1) Avian influenza is an infectious viral disease in poultry and other birds, causing mortality and disturbance which can quickly take on epizootic proportions liable to present a serious threat to animal and public health and to reduce the profitability of poultry farming sharply. There is a risk that the disease agent might be introduced into the Community via international trade in live poultry and poultry products.

(2) Bulgaria has notified to the Commission the isolation of an influenza A virus of subtype H5N1 Asian strain collected from a clinical case in wild birds.

(3) Bulgaria is included in the list in Part I of Annex I to Commission Decision 96/482/EC of 12 July 1996 laying down animal health conditions and veterinary certificates for the importation of poultry and hatching eggs other than ratites and eggs thereof from third countries including animal health measures to be applied after such importation ⁽³⁾. That list sets out the third countries or parts of third countries which are authorised to use the model certificates A to D as laid down in the Annex to that Decision. Imports of live poultry, hatching eggs and day old chicks from the third countries or parts thereof on the list in Part I of Annex I to that Decision are authorised into the Community.

(4) Bulgaria is included in the list in Annexes I and II to Commission Decision 2000/585/EC of 7 September 2000, drawing up a list of third countries from which the Member States authorise imports of rabbit meat and certain wild and farmed game meat, and laying down the animal and public health and the veterinary certification conditions for such imports ⁽⁴⁾. Therefore, imports into the Community of meat from wild feathered game from Bulgaria is permitted.

(5) In the light of the current epidemiological situation in Bulgaria, it is appropriate to suspend imports of live poultry, ratites and farmed and wild feathered game and hatching eggs of those species coming from the whole territory of Bulgaria.

(6) In addition to that suspension, it is also appropriate to suspend imports of fresh meat of wild feathered game and imports of minced meat, meat preparations and meat products consisting of or containing meat of those species, as well as certain other products of birds coming from Bulgaria.

⁽¹⁾ OJ L 268, 24.9.1991, p. 56. Directive as last amended by the 2003 Act of Accession.

⁽²⁾ OJ L 24, 30.1.1998, p. 9. Directive as last amended by Regulation (EC) No 882/2004 of the European Parliament and of the Council (OJ L 165, 30.4.2004, p. 1); corrected version (OJ L 191, 28.5.2004, p. 1).

⁽³⁾ OJ L 196, 7.8.1996, p. 13. Decision as last amended by Decision 2004/118/EC (OJ L 36, 7.2.2004, p. 34).

⁽⁴⁾ OJ L 251, 6.10.2000, p. 1. Decision as last amended by Decision 2004/413/EC (OJ L 151, 30.4.2004, p. 57).

- (7) Commission Decision 2003/812/EC of 17 November 2003 drawing up lists of third countries from which Member States are to authorise imports of certain products for human consumption subject to Council Directive 92/118/EEC ⁽¹⁾ provides that the list of third countries or parts of third countries from which Member States are to authorise the imports of eggs intended for human consumption are those listed in the Annex to Commission Decision 94/85/EC of 16 February 1994 drawing up a list of third countries from which the Member States authorise imports of fresh poultry meat ⁽²⁾. Taking into account the forthcoming laying season for wild birds, the imports of eggs for human consumption collected from wild birds should also be prohibited from Bulgaria.
- (8) Taking account of the current epidemiology situation in Bulgaria and the fact that that country has applied certain disease control measures and has sent further information on the disease situation to the Commission, it is appropriate to limit the suspension of imports of certain products from birds to those parts of the territory of Bulgaria that are affected and/or at risk from avian influenza.
- (9) Certain products derived from wild feathered game hunted before 1 August 2005 should continue to be authorised from those parts of Bulgaria, taking into account the epidemiology of the disease in those parts of that country.
- (10) Commission Decision 2005/432/EC of 3 June 2005 laying down the animal and public health conditions and model certificates for imports of meat products for human consumption from third countries and repealing Decisions 97/41/EC, 97/221/EC and 97/222/EC ⁽³⁾ lays down the list of third countries or parts thereof from which meat products are authorised for importation into the Community and establishes treatment regimes for meat products considered effective in inactivating certain pathogens.
- (11) In order to prevent the risk of disease transmission via the products covered by Decision 2005/432/EC, appropriate treatment should be applied depending on the health status of the country of origin and the species the product is obtained from. It is therefore appropriate that imports of wild feathered game meat products, originating in Bulgaria and treated to a temperature of at least 70 °C throughout the product, should continue to be authorised for importation into the Community.
- (12) In order to authorise imports of meat products subjected to a heat treatment sufficient to inactivate any possible virus in the meat, it is necessary to specify the required treatment for meat from wild feathered game in the health certificates drawn up in accordance with Annexes III and IV to Decision 2005/432/EC.
- (13) The measures provided for in this Decision shall apply without prejudice to the measures relating to outbreaks of Newcastle Disease in Bulgaria as provided for in Decision 2005/648/EC of 8 September 2005 concerning protection measures in relation to Newcastle disease in Bulgaria ⁽⁴⁾.
- (14) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

Member States shall suspend imports of:

- (a) live poultry, ratites and farmed and wild feathered game, and hatching eggs of these species coming from the part of the territory of Bulgaria referred to in Part A of the Annex;
- (b) the following products coming from the part of the territory of Bulgaria referred to in Part B of the Annex:
 - (i) fresh meat of wild feathered game;
 - (ii) minced meat, meat preparations and meat products consisting of or containing meat of wild feathered game;
 - (iii) raw pet food and unprocessed feed material containing any parts of wild feathered game;

⁽¹⁾ OJ L 305, 22.11.2003, p. 17. Decision as last amended by Decision 2004/19/EC (OJ L 5, 9.1.2004, p. 84).

⁽²⁾ OJ L 44, 17.2.1994, p. 31. Decision as last amended by Decision 2004/118/EC.

⁽³⁾ OJ L 151, 14.6.2005, p. 3.

⁽⁴⁾ OJ L 238, 15.9.2005, p. 16.

- (iv) eggs for human consumption from wild game birds;
- (v) non-treated game trophies from any birds;
- (vi) untreated feathers and parts of feathers;
- (vii) unprocessed manure from poultry or any other birds.

Article 2

1. By way of derogation from Article 1, Member States shall authorise imports of the products referred to in point (b)(i),(ii) and (iii) of that Article, which have been obtained from birds hunted before 1 August 2005.

2. In the veterinary certificates/commercial documents accompanying consignments of the products referred to in Article 1(b)(i),(ii) and (iii), the following words as appropriate to the species shall be included:

'Fresh meat of wild feathered game/meat product consisting of, or containing meat of wild feathered game/meat preparation consisting of, or containing meat of wild feathered game/raw pet food and unprocessed feed material containing any parts of wild feathered game (A) obtained from birds hunted before 1 August 2005.'

(A) Delete as appropriate.'

3. By way of derogation from Article 1(b)(ii), Member States shall authorise imports of meat products consisting of or containing meat of wild feathered game provided that the meat of such species has undergone at least one of the specific treatments referred to in points B, C or D in Part 4 of Annex II to Decision 2005/432/EC.

4. The specific treatment applied in accordance with paragraph 3 of this Article shall be specified in point 9.1 column B in the veterinary certificate drawn up in accordance with the model set out in Annex III to Decision 2005/432/EC, and the following wording shall be added to that certificate:

'Meat products treated in accordance with Commission Decision 2006/247/EC'.

5. The specific treatment applied in accordance with paragraph 3 of this Article shall be certified by adding the following wording to the veterinary certificate drawn up in accordance with the model set out Annex IV to Decision 2005/432/EC:

'Meat products treated in accordance with Commission Decision 2006/247/EC'.

Article 3

Member States shall ensure that for the importation of treated feathers or parts of feathers, the consignment is accompanied by a commercial document stating that the treated feathers or parts thereof have been treated with a steam current or by some other method ensuring that no pathogens remain.

However, that commercial document shall not be required for treated decorative feathers, treated feathers carried by travellers for their private use or consignments of treated feathers sent to private individuals for non-industrial purpose.

Article 4

Member States shall immediately take the necessary measures to comply with this Decision and publish those measures. They shall immediately inform the Commission thereof.

Article 5

This Decision shall apply until 31 May 2006.

Article 6

This Decision is addressed to the Member States.

Done at Brussels, 27 March 2006.

For the Commission
Markos KYPRIANOU
Member of the Commission

ANNEX

Parts of the territory of Bulgaria referred to in Article 1(a) and (b) respectively:

PART A

ISO-country code	Name of country	Description of part of territory
BG	Bulgaria	— Whole of the territory of Bulgaria

PART B

ISO-country code	Name of country	Description of part of territory
BG	Bulgaria	In Bulgaria the the counties of — Vidin — Montana — Vratsa — Pleven — Veliko Tarnovo (the area north of motorway E 771) — Russe — Razgrad — Silistra — Dobrich — Varna — Burgas

EUROPEAN CENTRAL BANK

DECISION OF THE EUROPEAN CENTRAL BANK

of 13 March 2006

amending Decision ECB/2002/11 on the annual accounts of the European Central Bank

(ECB/2006/3)

(2006/248/EC)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular to Article 26.2 thereof,

Whereas:

For reasons of increased transparency, it is necessary to clarify the presentation of the European Central Bank (ECB) pension scheme in the ECB's accounts. Annex II to Decision ECB/2002/11 of 5 December 2002 on the annual accounts of the European Central Bank ⁽¹⁾ should be amended to reflect the inclusion of this item on the liability side of the ECB's balance sheet under item 12 'Other Liabilities',

HAS DECIDED AS FOLLOWS:

Article 1

Amendments

Annex II of Decision ECB/2002/11 is amended in accordance with the Annex to this Decision.

Article 2

Entry into force

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

Done at Frankfurt am Main, 13 March 2006.

The President of the ECB

Jean-Claude TRICHET

⁽¹⁾ OJ L 58, 3.3.2003, p. 38. Decision as amended by Decision ECB/2005/12 (OJ L 311, 26.11.2005, p. 43).

ANNEX

Amendments to Annex II to Decision ECB/2002/11: Composition and valuation rules for the balance sheet

Annex II to Decision ECB/2002/11 is amended as follows:

- (1) In balance sheet item 'Assets, Item 11.3 Other financial assets,' under 'Categorisation of contents of balance sheet items', the following sentence is deleted:

'Investment portfolios related to pension funds and severance schemes'.

- (2) In the first line of balance sheet item 'Liabilities, Item 12.3 Sundry', under 'Categorisation of contents of balance sheet items', the following sentence is inserted:

'Net pension liability'.

- (3) In balance sheet item 'Liabilities, Item 13 Provisions', under 'Categorisation of contents of balance sheet items', the following sentence is deleted:

'For pensions'.
