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⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 564/2006**of 6 April 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 7 April 2006.

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

Done at Brussels, 6 April 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 6 April 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	98,8
	204	75,3
	212	129,8
	624	88,4
	999	98,1
0707 00 05	052	141,0
	204	66,3
	999	103,7
0709 90 70	052	117,4
	204	52,0
	999	84,7
0805 10 20	052	39,6
	204	40,4
	212	47,7
	220	40,7
	400	62,7
	624	63,8
	999	49,2
0805 50 10	624	64,7
	999	64,7
0808 10 80	388	73,2
	400	139,6
	404	96,7
	508	83,7
	512	82,6
	524	61,0
	528	82,4
	720	102,7
	804	113,5
	999	92,8
0808 20 50	388	83,6
	512	78,8
	528	62,9
	720	44,1
	999	67,4

⁽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 565/2006**of 6 April 2006****imposing testing and information requirements on the importers or manufacturers of certain priority substances in accordance with Council Regulation (EEC) No 793/93 on the evaluation and control of the risks of existing substances****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 793/93 of 23 March 1993 on the evaluation and control of risks of existing substances ⁽¹⁾, and in particular Articles 10(2) thereof,

Whereas:

- (1) The rapporteurs designated by the Member States in accordance with Article 10(1) of Regulation (EEC) No 793/93 have evaluated the information submitted by the manufacturers and importers in respect of certain priority substances. After consultation of those manufacturers and importers, the rapporteurs have determined that it is necessary for the purposes of the risk evaluation to require those manufacturers and importers to submit further information and carry out further testing.
- (2) The information needed to evaluate the substances in question is not available from former manufacturers or importers. The manufacturers and importers have checked that tests on animals cannot be replaced or limited by using other methods.
- (3) It is therefore appropriate to request manufacturers and importers of priority substances to submit further infor-

mation and carry out further testing of those substances. The protocols submitted by the rapporteurs to the Commission should be used for performing those tests.

- (4) The provisions of this Regulation are in accordance with the opinion of the Committee established pursuant to Article 15 of Regulation (EEC) No 793/93,

HAS ADOPTED THIS REGULATION:

Article 1

The manufacturers and importers of the substances listed in the Annex, who have submitted information in accordance with the requirements of Articles 3, 4, 7 and 9 of Regulation (EEC) No 793/93, shall provide the information and perform the tests indicated in the Annex and shall deliver the results to the relevant rapporteurs.

The tests shall be performed according to the protocols specified by the rapporteurs.

The results shall be delivered within the time limits laid down in the Annex.

Article 2

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, 6 April 2006.

For the Commission

Stavros DIMAS

Member of the Commission

⁽¹⁾ OJ L 84, 5.4.1993, p. 1. Regulation 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

No	Einecs No	CAS No	Substance name	Rapporteur	Testing/Information requirements	Time limit from the date of entry into force of this Regulation
1	214-604-9	1163-19-5	Bis(pentabromophenyl)ether ⁽¹⁾	UK/F	Developmental neurotoxicity study in rats or mice	24 months
					Suitable human bio-monitoring programme, including breast milk and blood, and the need for a trend analysis over a certain period	Annual reporting over a period of 10 years
					Environmental monitoring programme including birds, sewage sludge, sediment, and air to establish time trends for the substance and its more toxic and bioaccumulative degradation products over a period of ten years	Annual reporting over a period of 10 years
2	237-158-7	13674-84-5	Tris(2-chloro-1-methylethyl) phosphate ⁽²⁾	UK/IRL	Data on releases and use pattern of certain life cycle stages	3 months
3	237-159-2	13674-87-8	Tris[2-chloro-1-(chloromethyl) ethyl] phosphate ⁽²⁾	UK/IRL	Data on releases and use pattern of certain life cycle stages	3 months
					Sediment-water <i>Chironomid</i> toxicity test using spiked sediment (OECD 218)	6 months
					Sediment-water <i>Lumbriculus</i> toxicity test using spiked sediment	6 months
					Sediment-water <i>Hyallella</i> toxicity test using spiked sediment	6 months
4	253-760-2	38051-10-4	2,2-Bis(chloromethyl) trimethylene bis (bis(2-chloroethyl) phosphate ⁽²⁾	UK/IRL	Data on releases and use pattern of certain life cycle stages	3 months
5	231-111-4 232-104-9 222-068-2 231-743-0 236-068-5	7440-02-0 7786-81-4 3333-67-3 7718-54-9 13138-45-9	Nickel ⁽³⁾ Nickel sulphate ⁽³⁾ Nickel carbonate ⁽²⁾ Nickel dichloride ⁽²⁾ Nickel dinitrate ⁽²⁾	DK	Information on ecotoxicity and bioavailability of nickel in laboratory studies	3 months
					Information on ecotoxicity, fate and bioavailability from field studies	6 months
					Information on toxicity of nickel in various soil types	6 months
					Development and validation of a chronic Biotic Ligand Model for <i>Rainbow trout</i>	3 months
					Development and validation of a chronic Biotic Ligand Model for algae and invertebrates	3 months
					Exposure information for derivation of PEC _{local} and PEC _{regional}	6 months
					Monitoring data of European surface waters	6 months
	232-104-9	7786-81-4	Nickel sulphate ⁽³⁾		Two-year oral carcinogenicity study with nickel sulphate in rats (OECD 451 — B32)	30 months
	231-111-4	7440-02-0	Nickel ⁽³⁾		Two-year inhalation carcinogenicity study with elemental nickel metal powder in rat (OECD 451 — B32)	30 months

No	Einecs No	CAS No	Substance name	Rapporteur	Testing/Information requirements	Time limit from the date of entry into force of this Regulation
6	221-221-0	3033-77-0	2,3-Epoxypropyltrimethyl ammonium chloride ⁽³⁾	FIN	Simulation test Aerobic sewage treatment, Activated sludge units (OECD 303A)	6 months
					Environmental exposure information	3 months
7	222-048-3	3327-22-8	(3-Chloro-2-hydroxypropyl) trimethyl ammonium chloride ⁽³⁾	FIN	Simulation test Aerobic sewage treatment, Activated sludge units (OECD 303A)	6 months
					Environmental exposure information	3 months
8	202-453-1	95-80-7	4-Methyl-m-phenylene-diamine ⁽¹⁾	D	Sediment-water <i>Lumbriculus</i> toxicity test using spiked sediment	6 months

⁽¹⁾ Substance listed in the Annex to Commission Regulation (EC) No 1179/94 (OJ L 131, 26.5.1994, p. 3; priority list 1).

⁽²⁾ Substance listed in the Annex to Commission Regulation (EC) No 2364/2000 (OJ L 273, 23.10.2000, p. 5; priority list 4).

⁽³⁾ Substance listed in the Annex to Commission Regulation (EC) No 143/97 (OJ L 25, 27.1.1997, p. 13; priority list 3).

COMMISSION REGULATION (EC) No 566/2006

of 6 April 2006

amending and derogating from Regulation (EC) No 2014/2005 on licences under the arrangements for importing bananas into the Community in respect of bananas released into free circulation at the common customs tariff rate of duty and amending Regulation (EC) No 219/2006 opening and providing for the administration of the tariff quota for bananas falling under CN code 0803 00 19 originating in ACP countries for the period 1 March to 31 December 2006

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1964/2005 of 29 November 2005 on the tariff rates for bananas ⁽¹⁾, and in particular Article 2 thereof,

Whereas:

(1) In order to ensure that imports of bananas into the Community are adequately monitored, Article 1(1) of Commission Regulation (EC) No 2014/2005 ⁽²⁾ provides that bananas may be released into free circulation at the common customs tariff rate of duty established by Regulation (EC) No 1964/2005 subject to presentation of an import licence. Article 1(5) of that Regulation fixes the period of validity of such import licences at three months.

(2) In order to quickly obtain information on the quantities released for free circulation in the Community, the period of validity of licences should be shortened. To ensure the relevant information relates to the calendar year, the period of validity of licences should not extend beyond 31 December.

(3) For the same reasons, and notwithstanding Article 35(4) of Commission Regulation (EC) No 1291/2000 of 9 June 2000 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products ⁽³⁾, the period during which operators must supply proof to the competent authority that the licences have been used should be shortened.

(4) In order to have data on the entire period of implementation of the tariff-only arrangements introduced by Regulation (EC) No 1964/2005, the reduction in the period for submission of proof of use of licences should also apply to licences valid from 1 January 2006, the date from which Regulation (EC) No 2014/2005 applies.

(5) Indication of the origin of bananas released into free circulation in the Community is particularly important information for the purposes of monitoring imports under the arrangements introduced by Regulation (EC) No 1964/2005. To make this information available, provision should be made for import licences to be issued for imports of bananas from a specified origin. To that end, a distinction should be made between bananas originating in ACP countries and those originating in other third countries.

(6) To ensure that the market is adequately monitored, it is necessary to define the information on prices and quantities marketed which the Member States must forward to the Commission.

(7) In order to detect and prevent false declarations by operators, Member States should notify to the Commission the list of operators operating under Commission Regulations (EC) No 219/2006 ⁽⁴⁾ and (EC) No 2015/2005 of 9 December 2005 on imports during January and February 2006 of bananas originating in ACP countries under the tariff quota opened by Council Regulation (EC) No 1964/2005 on the tariff rates for bananas ⁽⁵⁾.

(8) Regulation (EC) No 219/2006 repeals Commission Regulation (EC) No 896/2001 ⁽⁶⁾, except for Articles 21, 26 and 27 and the Annex thereto, which it provides are to continue to apply to imports carried out under Regulation (EC) No 219/2006. In the interests of clarity and legal certainty, the content of those provisions should be incorporated into Regulation (EC) No 219/2006.

⁽¹⁾ OJ L 316, 2.12.2005, p. 1.

⁽²⁾ OJ L 324, 10.12.2005, p. 3.

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

⁽⁴⁾ OJ L 38, 9.2.2006, p. 22.

⁽⁵⁾ OJ L 324, 10.12.2005, p. 5.

⁽⁶⁾ OJ L 126, 8.5.2001, p. 6.

(9) Regulations (EC) No 2014/2005 and (EC) No 219/2006 should therefore be amended accordingly.

Regulation (EC) No 3223/94 (*), broken down by country or group of countries of origin;

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

(b) not later than the 15th day of each month, the quantities for which import licences were issued during the previous month;

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2014/2005 is hereby amended as follows:

1. Article 1 is amended as follows:

(a) the following subparagraph is added to paragraph 3:

'Box 8 of licence applications must indicate the group of countries of origin "ACP" or "non-ACP" and the word "Yes" must be marked with a cross.'

(b) The following subparagraph is added to paragraph 4:

'Box 8 of licences must indicate the group of countries of origin "ACP" or "non-ACP" and the word "Yes" must be marked with a cross.'

(c) Paragraph 5 is replaced by the following:

'5. Licences shall be valid from the actual day of issue within the meaning of Article 23(1) of Regulation (EC) No 1291/2000 until the end of the month following their issue. However, no licences shall be valid after 31 December of the year of issue.'

Import licences shall be valid only for imports originating in the group of countries indicated.'

(d) The following paragraph is added:

'6. Notwithstanding the first indent of Article 35(4)(a) of Regulation (EC) No 1291/2000, proof of use of the import licence as referred to in Article 33(1)(a) of that Regulation must be supplied, except in cases of *force majeure*, within 30 days following the date of expiry of the period of validity of the licence.'

2. Article 2 is replaced by the following:

'Article 2

1. Member States shall communicate the following information to the Commission:

(a) every Wednesday: wholesale prices for yellow bananas, broken down by country of origin or group of countries of origin, as recorded the previous week on the representative markets listed in Article 3 of Commission

(c) not later than the 15th day of each month, the quantities covered by licences used and returned to the issuing body during the previous month, broken down by origin;

(d) at the written request of the Commission, forecast production and sales.

2. The information referred to in paragraph 1 shall be sent via by the electronic system indicated by the Commission.

(*) OJ L 337, 24.12.1994, p. 66.'

Article 2

Regulation (EC) No 219/2006 is hereby amended as follows:

1. The second subparagraph of Article 4(3) is replaced by the following:

'The competent authorities in each Member State shall be as listed in the Annex. That list shall be amended by the Commission at the request of the Member States concerned.'

2. Article 6 is amended as follows:

(a) Paragraph 2 is replaced by the following:

'2. Member States shall communicate the following information to the Commission:

(a) from April 2006 to January 2007 inclusive, not later than the 15th day of each month, the quantities of bananas released into free circulation during the previous month, on the basis of the licences issued in accordance with Article 5(3);

(b) as soon as possible and not later than 30 June 2006, the quantities of bananas released into free circulation during January and February 2006, on the basis of the certificates issued in accordance with Article 6(3) of Regulation (EC) No 2015/2005;

The information referred to in the first subparagraph shall be sent via by the electronic system indicated by the Commission.'

(b) The following paragraph is added:

‘3. Member States shall transmit to the Commission, not later than 28 April 2006, the list of operators operating under this Regulation and Regulation (EC) No 2015/2005.

The Commission may communicate these lists to the other Member States.’

3. The following Article is added after Article 6:

‘Article 6a

Formalities for release for free circulation

1. The customs offices at which the import declarations are lodged with a view to the release into free circulation of bananas shall:

(a) keep a copy of each import licence and extract therefrom endorsed on acceptance of a declaration of release into free circulation; and

(b) forward at the end of each fortnight a second copy of each import licence and extract endorsed to their Member State authorities listed in the Annex.

2. The authorities referred to in paragraph 1(b) shall, at the end of each fortnight, forward a copy of the licences and extracts received to the competent authorities of the Member States listed which issued those documents.

3. Where there is doubt as to the authenticity of the licence, the extract, or any information in or signatures on the documents presented, or as to the identity of the operators completing the formalities for release into free circulation or for the account of whom those formalities are completed, and where irregularities are suspected, the customs offices at which those documents were presented

shall immediately inform the competent authorities of their Member State thereof. The latter shall immediately forward that information to the competent authorities of the Member State which issued the documents and to the Commission, for the purposes of a thorough check.

4. On the basis of the information received under paragraphs 1, 2 and 3, the Member States’ competent authorities listed in the Annex shall carry out the additional checks needed to ensure the proper administration of the tariff quota arrangements, in particular verification of the quantities imported under those arrangements, by means of a precise comparison of the licences and extracts issued with the licences and extracts used. To that end, they shall verify in particular the authenticity and conformity of the documents used and that the documents have been used by operators.’

4. The second sentence of Article 8 is deleted.

5. The text in the Annex to this Regulation shall be added in an annex.

Article 3

Notwithstanding Article 2(1)(c) of Regulation (EC) No 2014/2005 as amended by this Regulation, the information relating to the quantities covered by licences used and returned to the issuing body in January and February 2006 shall be sent to the Commission within seven days following the entry into force of this Regulation.

Article 4

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

Article 1(1)(d) shall apply to licences valid from 1 January 2006.

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

Done at Brussels, 6 April 2006.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

ANNEX

'ANNEX

Competent authorities of the Member States:

Belgium

Bureau d'intervention et de restitution belge/Belgisch
Interventie- en Restitutiebureau
Rue de Trèves 82/Trierstraat 82
B-1040 Bruxelles/Brussel

France

Office de développement de l'économie agricole des
départements d'outre-mer (ODEADOM)
46-48, rue de Lagny
F-93104 Montreuil Cedex

Czech Republic

Státní zemědělský intervenční fond
Ve Smečkách 33
CZ-110 00 Praha 1

Ireland

Department of Agriculture & Food
Crops Policy & State Bodies Division
Agriculture House (3W)
Kildare Street
Dublin 2
Ireland

Denmark

Ministeriet for Fødevarer, Landbrug og Fiskeri
Direktoratet for FødevareErhverv; Eksportstøttekontoret
Nyropsgade 30
DK-1780 København V

Italy

Ministero delle Attività produttive
Direzione generale per la Politica commerciale — Div. II
Viale Boston, 25
I-00144 Roma

Germany

Bundesanstalt für Landwirtschaft und Ernährung
Referat 322
Deichmanns Aue 29
D-53179 Bonn

Cyprus

Υπουργείο Εμπορίου, Βιομηχανίας και Τουρισμού
Μονάδα Αδειών Εισαγωγών — Εξαγωγών
CY 1421 Κύπρος

Ministry of Commerce, Industry and Tourism
Import & Export Licensing Unit
CY 1421 Cyprus

Estonia

Põllumajanduse Registrite ja Informatsiooni Amet
Toetuste osakond, kaubandustoetuste büroo
Narva mnt 3
EE-51009 Tartu

Latvia

Zemkopības ministrija
Lauku atbalsta dienests
Tirdzniecības mehānismu departaments
Licenču daļa
Republikas laukums 2
Rīga, LV-1981

Greece

OPEKEPE (ex-GEDIDAGEP)
Directorate Fruits and Vegetables, Wine and Industrial
Products
241, Acharnon Street
GR-104 46 Athens

Lithuania

Nacionalinė mokėjimo agentūra
Užsienio prekybos departamentas
Blindžių g. 17
LT-08111 Vilnius

ΟΠΕΚΕΠΕ Διεύθυνση Οπωροκηπευτικών, Αμπελοοινικών και
Βιομηχανικών Προϊόντων
Αχαρνών 241
Τ.Κ. 104 46 Αθήνα

Luxembourg

Ministère de l'agriculture
Administration des services techniques de l'agriculture
Service de l'horticulture
16, route d'Esch
Boîte postale 1904
L-1014 Luxembourg

Spain

Ministerio de Industria, Turismo y Comercio
Secretaría General de Comercio Exterior
Paseo de la Castellana, 162
E-28046 Madrid

Hungary

Magyar Kereskedelmi Engedélyezési Hivatal
Margit krt. 85.
H-1024 Budapest

Malta

Ministeru għall-Affarijiet Rurali u l-Ambjent
Divizjoni tas-Servizzi Agrikoli u Zvilupp Rurali
Agenzija tal-Pagamenti
Trade Mechanisms
Centru Nazzjonali tas-Servizzi Agrikoli u Zvilupp Rurali
Għammieri Marsa CMR 02 Malta

The Netherlands

Productschap Tuinbouw
Louis Pasteurlaan 6
Postbus 280
2700 AG Zoetermeer
Nederland

Austria

Agrarmarkt Austria
Dresdner Straße 70
A-1200 Wien

Poland

Agencja Rynku Rolnego
Biuro Administrowania Obrotem Towarowym
z Zagranicą
ul. Nowy Świat 6/12
PL-00-400 Warszawa
Polska

Portugal

Ministério das Finanças
Direcção-Geral das Alfândegas e dos Impostos Especiais
sobre o Consumo
Direcção de Serviços de Licenciamento
Rua do Terreiro do Trigo — Edifício da Alfândega
P-1149-060 Lisboa

Slovenia

Agencija RS za kmetijske trge in razvoj podeželja
Oddelek za zunanjo trgovino
Dunajska cesta 160
SI-1000 Ljubljana

Slovakia

Pôdohospodárska platobná agentúra
Dobrovičova 12
SK-815 26 Bratislava

Finland

Maa- ja Metsätalousministeriö
PL 30
FIN-00023 Valtioneuvosto

Sweden

Jordbruksverket
Interventionsenheten
S-551 82 Jönköping

United Kingdom

Rural Payment Agency
External Trade Division
Lancaster House
Hampshire Court
Newcastle Upon Tyne
NE4 7YH
United Kingdom'

COMMISSION REGULATION (EC) No 567/2006**of 6 April 2006****fixing the representative prices and the additional import duties for molasses in the sugar sector
applicable from 7 April 2006**

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 market in sugar ⁽¹⁾, and in particular Article 24(4) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1422/95 of 23 June 1995 laying down detailed rules of application for imports of molasses in the sugar sector and amending Regulation (EEC) No 785/68 ⁽²⁾, stipulates that the cif import price for molasses established in accordance with Commission Regulation (EEC) No 785/68 ⁽³⁾, is to be considered the representative price. That price is fixed for the standard quality defined in Article 1 of Regulation (EEC) No 785/68.
- (2) For the purpose of fixing the representative prices, account must be taken of all the information provided for in Article 3 of Regulation (EEC) No 785/68, except in the cases provided for in Article 4 of that Regulation and those prices should be fixed, where appropriate, in accordance with the method provided for in Article 7 of that Regulation.
- (3) Prices not referring to the standard quality should be adjusted upwards or downwards, according to the

quality of the molasses offered, in accordance with Article 6 of Regulation (EEC) No 785/68.

- (4) Where there is a difference between the trigger price for the product concerned and the representative price, additional import duties should be fixed under the terms laid down in Article 3 of Regulation (EC) No 1422/95. Should the import duties be suspended pursuant to Article 5 of Regulation (EC) No 1422/95, specific amounts for these duties should be fixed.
- (5) The representative prices and additional import duties for the products concerned should be fixed in accordance with Articles 1(2) and 3(1) of Regulation (EC) No 1422/95.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and the additional duties applying to imports of the products referred to in Article 1 of Regulation (EC) No 1422/95 are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 7 April 2006.

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

Done at Brussels, 6 April 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. 12. Regulation as amended by Regulation (EC) No 79/2003 (OJ L 13, 18.1.2003, p. 4).

⁽³⁾ OJ L 145, 27.6.1968, p. 12. Regulation as amended by Regulation (EC) No 1422/95.

ANNEX

Representative prices and additional duties for imports of molasses in the sugar sector applicable from 7 April 2006

(EUR)

CN code	Amount of the representative price in 100 kg net of the product in question	Amount of the additional duty in 100 kg net of the product in question	Amount of the duty to be applied to imports in 100 kg net of the product in question because of suspension as referred to in Article 5 of Regulation (EC) No 1422/95 ⁽¹⁾
1703 10 00 ⁽²⁾	11,42	—	0
1703 90 00 ⁽²⁾	11,42	—	0

⁽¹⁾ This amount replaces, in accordance with Article 5 of Regulation (EC) No 1422/95, the rate of the Common Customs Tariff duty fixed for these products.

⁽²⁾ For the standard quality as defined in Article 1 of amended Regulation (EEC) No 785/68.

COMMISSION REGULATION (EC) No 568/2006**of 6 April 2006****fixing the export refunds on white sugar and raw sugar exported in its unaltered state**

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⁾, and in particular the second subparagraph of Article 27(5) thereof,

Whereas:

- (1) Article 27 of Regulation (EC) No 1260/2001 provides that the difference between quotations or prices on the world market for the products listed in Article 1(1)(a) of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) Regulation (EC) No 1260/2001 provides that when refunds on white and raw sugar, undenatured and exported in its unaltered state, are being fixed account must be taken of the situation on the Community and world markets in sugar and in particular of the price and cost factors set out in Article 28 of that Regulation. The same Article provides that the economic aspect of the proposed exports should also be taken into account.
- (3) The refund on raw sugar must be fixed in respect of the standard quality. The latter is defined in Annex I, point II, to Regulation (EC) No 1260/2001. Furthermore, this refund should be fixed in accordance with Article 28(4) of that Regulation. Candy sugar is defined in Commission Regulation (EC) No 2135/95 of 7 September 1995 laying down detailed rules of application for the grant of export refunds in the sugar sector ⁽²⁾. The refund thus calculated for sugar containing added flavouring or colouring matter must apply to their sucrose content and, accordingly, be fixed per 1 % of the said content.
- (4) In special cases, the amount of the refund may be fixed by other legal instruments.

- (5) The refund must be fixed every two weeks. It may be altered in the intervening period.
- (6) The first subparagraph of Article 27(5) of Regulation (EC) No 1260/2001 provides that refunds on the products referred to in Article 1 of that Regulation may vary according to destination, where the world market situation or the specific requirements of certain markets make this necessary.
- (7) The significant and rapid increase in preferential imports of sugar from the western Balkan countries since the start of 2001 and in exports of sugar to those countries from the Community seems to be highly artificial.
- (8) To prevent any abuse through the re-import into the Community of sugar products in receipt of an export refund, no refund should be set for all the countries of the western Balkans for the products covered by this Regulation.
- (9) In view of the above and of the present situation on the market in sugar, and in particular of the quotations or prices for sugar within the Community and on the world market, refunds should be set at the appropriate amounts.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1)(a) of Regulation (EC) No 1260/2001, undenatured and exported in the natural state, are hereby fixed to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 7 April 2006.

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

Done at Brussels, 6 April 2006.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽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 214, 8.9.1995, p. 16.

ANNEX

**REFUNDS ON WHITE SUGAR AND RAW SUGAR EXPORTED WITHOUT FURTHER PROCESSING
APPLICABLE FROM 7 APRIL 2006 ^(a)**

Product code	Destination	Unit of measurement	Amount of refund
1701 11 90 9100	S00	EUR/100 kg	21,97 ⁽¹⁾
1701 11 90 9910	S00	EUR/100 kg	23,48 ⁽¹⁾
1701 12 90 9100	S00	EUR/100 kg	21,97 ⁽¹⁾
1701 12 90 9910	S00	EUR/100 kg	23,48 ⁽¹⁾
1701 91 00 9000	S00	EUR/1 % of sucrose × 100 kg product net	0,2389
1701 99 10 9100	S00	EUR/100 kg	23,89
1701 99 10 9910	S00	EUR/100 kg	25,52
1701 99 10 9950	S00	EUR/100 kg	25,52
1701 99 90 9100	S00	EUR/1 % of sucrose × 100 kg of net product	0,2389

NB: The product codes and the 'A' series destination codes are set out in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1), as amended.

The numeric destination codes are set out in Commission Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11).

The other destinations are:

S00: all destinations (third countries, other territories, victualling and destinations treated as exports from the Community) with the exception of Albania, Croatia, Bosnia and Herzegovina, Serbia and Montenegro (including Kosovo, as defined in UN Security Council Resolution 1244 of 10 June 1999), the former Yugoslav Republic of Macedonia, save for sugar incorporated in the products referred to in Article 1(2)(b) of Council Regulation (EC) No 2201/96 (OJ L 297, 21.11.1996, p. 29).

^(a) The amounts set out in this Annex are not applicable with effect from 1 February 2005 pursuant to Council Decision 2005/45/EC of 22 December 2004 concerning the conclusion and the provisional application of the Agreement between the European Community and the Swiss Confederation amending the Agreement between the European Economic Community and the Swiss Confederation of 22 July 1972 as regards the provisions applicable to processed agricultural products (OJ L 23, 26.1.2005, p. 17).

⁽¹⁾ This amount is applicable to raw sugar with a yield of 92 %. Where the yield for exported raw sugar differs from 92 %, the refund amount applicable shall be calculated in accordance with Article 28(4) of Regulation (EC) No 1260/2001.

COMMISSION REGULATION (EC) No 569/2006**of 6 April 2006****fixing the maximum export refund for white sugar to certain third countries for the 23rd partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1138/2005**

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⁾ and in particular the second indent of Article 27(5) thereof,

Whereas:

(1) Commission Regulation (EC) No 1138/2005 of 15 July 2005 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar ⁽²⁾, for the 2005/2006 marketing year, requires partial invitations to tender to be issued for the export of this sugar to certain third countries.

(2) Pursuant to Article 9(1) of Regulation (EC) No 1138/2005 a maximum export refund shall be fixed,

as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question.

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 23rd partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1138/2005 the maximum amount of the export refund shall be 28,797 EUR/100 kg.

Article 2

This Regulation shall enter into force on 7 April 2006.

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

Done at Brussels, 6 April 2006.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽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 185, 16.7.2005, p. 3.

COMMISSION REGULATION (EC) No 570/2006**of 6 April 2006****fixing the export refunds on cereals and on wheat or rye flour, groats and meal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals ⁽¹⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) Article 13 of Regulation (EC) No 1784/2003 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products in the Community may be covered by an export refund.
- (2) The refunds must be fixed taking into account the factors referred to in Article 1 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽²⁾.
- (3) As far as wheat and rye flour, groats and meal are concerned, when the refund on these products is being calculated, account must be taken of the quantities of cereals required for their manufacture. These quantities were fixed in Regulation (EC) No 1501/95.

- (4) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination.
- (5) The refund must be fixed once a month. It may be altered in the intervening period.
- (6) It follows from applying the detailed rules set out above to the present situation on the market in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(a), (b) and (c) of Regulation (EC) No 1784/2003, excluding malt, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 7 April 2006.

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

Done at Brussels, 6 April 2006.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽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 147, 30.6.1995, p. 7. Regulation as last amended by Regulation (EC) No 777/2004 (OJ L 123, 27.4.2004, p. 50).

ANNEX

**to the Commission Regulation of 6 April 2006 fixing the export refunds on cereals and on wheat or rye flour,
groats and meal**

Product code	Destination	Unit of measurement	Amount of refunds	Product code	Destination	Unit of measurement	Amount of refunds
1001 10 00 9200	—	EUR/t	—	1101 00 15 9130	C01	EUR/t	5,12
1001 10 00 9400	A00	EUR/t	0	1101 00 15 9150	C01	EUR/t	4,72
1001 90 91 9000	—	EUR/t	—	1101 00 15 9170	C01	EUR/t	4,36
1001 90 99 9000	A00	EUR/t	0	1101 00 15 9180	C01	EUR/t	4,08
1002 00 00 9000	A00	EUR/t	0	1101 00 15 9190	—	EUR/t	—
1003 00 10 9000	—	EUR/t	—	1101 00 90 9000	—	EUR/t	—
1003 00 90 9000	A00	EUR/t	0	1102 10 00 9500	A00	EUR/t	0
1004 00 00 9200	—	EUR/t	—	1102 10 00 9700	A00	EUR/t	0
1004 00 00 9400	A00	EUR/t	0	1102 10 00 9900	—	EUR/t	—
1005 10 90 9000	—	EUR/t	—	1103 11 10 9200	A00	EUR/t	0
1005 90 00 9000	A00	EUR/t	0	1103 11 10 9400	A00	EUR/t	0
1007 00 90 9000	—	EUR/t	—	1103 11 10 9900	—	EUR/t	—
1008 20 00 9000	—	EUR/t	—	1103 11 90 9200	A00	EUR/t	0
1101 00 11 9000	—	EUR/t	—	1103 11 90 9800	—	EUR/t	—
1101 00 15 9100	C01	EUR/t	5,48				

NB: The product codes and the 'A' series destination codes are set out in the Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1), as amended.

C01: All third countries with the exception of Albania, Bulgaria, Romania, Croatia, Bosnia and Herzegovina, Serbia and Montenegro, the former Yugoslav Republic of Macedonia, Lichtenstein and Switzerland.

COMMISSION REGULATION (EC) No 571/2006**of 6 April 2006****concerning tenders notified in response to the invitation to tender for the export of barley issued in Regulation (EC) No 1058/2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

the market for cereals ⁽³⁾, and in particular Article 13(3) thereof,

Having regard to the Treaty establishing the European Community,

(3) On the basis of the criteria laid down in Article 1 of Regulation (EC) No 1501/95, a maximum refund should not be fixed.

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 13(3) thereof,

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

Whereas:

HAS ADOPTED THIS REGULATION:

(1) An invitation to tender for the refund for the export of barley to certain third countries was opened pursuant to Commission Regulation (EC) No 1058/2005 ⁽²⁾.*Article 1*

No action shall be taken on the tenders notified from 31 March to 6 April 2006 in response to the invitation to tender for the refund for the export of barley issued in Regulation (EC) No 1058/2005.

(2) Article 7 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on

Article 2

This Regulation shall enter into force on 7 April 2006.

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

Done at Brussels, 6 April 2006.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽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 174, 7.7.2005, p. 12.

⁽³⁾ OJ L 147, 30.6.1995, p. 7. Regulation as last modified by Regulation (EC) No 777/2004 (OJ L 123, 27.4.2004, p. 50).

COMMISSION REGULATION (EC) No 572/2006**of 6 April 2006****fixing the maximum export refund on common wheat in connection with the invitation to tender issued in Regulation (EC) No 1059/2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals ⁽¹⁾, and in particular Article 13(3) thereof,

Whereas:

(1) An invitation to tender for the refund for the export of common wheat to certain third countries was opened pursuant to Commission Regulation (EC) No 1059/2005 ⁽²⁾.

(2) In accordance with Article 7 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, the Commission may, on the basis of the tenders notified, decide to fix a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No 1501/95.

In that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund.

(3) The application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed.

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

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 31 March to 6 April 2006, pursuant to the invitation to tender issued in Regulation (EC) No 1059/2005, the maximum refund on exportation of common wheat shall be 4,00 EUR/t.

Article 2

This Regulation shall enter into force on 7 April 2006.

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

Done at Brussels, 6 April 2006.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽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 174, 7.7.2005, p. 15.

⁽³⁾ OJ L 147, 30.6.1995, p. 7. Regulation as last amended by Regulation (EC) No 777/2004 (OJ L 123, 27.4.2004, p. 50).

COMMISSION REGULATION (EC) No 573/2006**of 6 April 2006****concerning tenders notified in response to the invitation to tender for the import of sorghum
issued in Regulation (EC) No 2094/2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) An invitation to tender for the maximum reduction from third countries in the duty on sorghum imported into Spain was opened pursuant to Commission Regulation (EC) No 2094/2005 ⁽²⁾.
- (2) Article 7 of Commission Regulation (EC) No 1839/95 ⁽³⁾, allows the Commission to decide, in accordance with the procedure laid down in Article 25 of Regulation (EC) No 1784/2003 and on the basis of the tenders notified to make no award.

(3) On the basis of the criteria laid down in Articles 6 and 7 of Regulation (EC) No 1839/95 a maximum reduction in the duty should not be fixed.

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

HAS ADOPTED THIS REGULATION:

Article 1

No action shall be taken on the tenders notified from 31 March to 6 April 2006 in response to the invitation to tender for the reduction in the duty on imported sorghum issued in Regulation (EC) No 2094/2005.

Article 2

This Regulation shall enter into force on 7 April 2006.

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

Done at Brussels, 6 April 2006.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽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 335, 21.12.2005, p. 4.

⁽³⁾ OJ L 177, 28.7.1995, p. 4. Regulation as last amended by Regulation (EC) No 1558/2005 (OJ L 249, 24.9.2005, p. 6).

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 8 February 2006

State aid C 22/2004 (ex N 648/2001) on tax deductions for professional fishermen (Sweden)

(notified under document number C(2006) 265)

(Only the Swedish version is authentic)

(Text with EEA relevance)

(2006/269/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community and in particular the first paragraph of Article 88(2) thereof,

Having regard to Council Regulation (EC) No 659/1999 of 22 March 1999 laying down detailed rules for the application of Article 93 of the EC Treaty ⁽¹⁾, and in particular Article 14 thereof,

Having invited interested parties to submit their comments, in accordance with the first subparagraph of Article 88(2) of the EC Treaty,

Whereas:

I.

PROCEDURE

- (1) On 4 September 2001 the Swedish authorities notified the Commission of a draft Bill amending the Income Tax Act (1999:1229). The Commission requested further information on the Bill by letters of 10 December 2001, 25 April 2002, 23 July 2002, 4 October 2002, 11 March 2003, 24 July 2003 and 3 February 2004, to which the Swedish authorities replied by letters of 26 February 2002, 7 June 2002, 29 July 2002, 19 December 2002, 19 May 2003, 19 December 2003 and 8 March 2004 respectively.

- (2) The Commission informed Sweden by letter of 16 June 2004 of the decision to initiate, in relation to the draft Bill, the formal investigation procedure provided for in Article 88(2) of the EC Treaty.

- (3) The Commission decision to initiate the formal investigation procedure was published in the *Official Journal of the European Union* on 20 October 2004 ⁽²⁾. The Commission invited any interested parties to provide their observations on the case. The Swedish authorities responded by letter dated 9 November 2004. No other comments were received.

II.

DESCRIPTION

- (4) The notified draft Bill, a Proposal to amend the Law on income tax (1999:1229), is aimed at compensating all licensed fishermen for the costs they incur fishing. It will modify the existing system of tax benefits.

Existing tax system

- (5) In 2002 the Swedish National Tax Board introduced new general advice on tax deductions for professional fishermen that is still applicable and which in principle is the application to the fisheries sector of the general taxation system which also applies to all other sectors. The tax benefits for fishermen existing from that year are therefore not considered to be aid.

⁽¹⁾ OJ L 83, 27.3.1999, p. 1. Regulation as amended by the 2003 Act of Accession.

⁽²⁾ OJ C 258, 20.10.2004, p. 2.

- (6) According to the advice from 2002, for the fisherman to be able to benefit from the tax deductions the fishing trip must have involved spending the night away from home, as a night away from home is a general condition under the general taxation system. Also according to this advice, fishermen can make the same standard tax deductions for increased cost of living as other self-employed persons and with the same amounts. The Swedish authorities note that 99 % of professional fishermen in Sweden are self-employed and thus constitute one-man businesses.
- (7) According to the present rules, when it comes to costs for accommodation the same rules apply for fishermen and self-employed persons. Normally, a standard tax deduction will be made for every night spent away from home. This means that fishermen or others do not have to provide specific proof of the actual expenses they have incurred to be able to make the standard deduction of SEK 95 per day.
- (8) Self-employed persons from other sectors must provide a satisfactory explanation of their increased costs, including information on the dates, purpose and destination of the business trip and the time of the outward and return journeys.
- (9) A similar requirement to provide such an explanation does not exist for fishermen, but a tax deduction can only be made if the fishing trips involve spending the night away from home. To enable the tax authorities to calculate the size of the standard deduction a fisherman is entitled to, the fisherman must provide information on the dates of the fishing trips and their duration. The Swedish authorities have chosen this criterion so as to not complicate the tax system and the application of it, as fishing trips already by nature constitute the business of a fisherman.
- (10) If the increased living costs are considered to be higher than the lump sum amount of SEK 95 per day, both fishermen and self-employed persons can choose the option of proving that their increased cost of living exceeds the standard deduction by producing a report on all assignments/business trips in the taxation year. If this option is chosen it will be applied to the whole year and thus it is not possible to apply a lump sum for some trips and the actual expenses for others within the same taxation year.
- Proposed scheme**
- (11) The new scheme notified to the Commission no longer requires a night to be spent away from home in order to benefit from the tax deduction for increased costs of living. Thus, this scheme, which is only applicable to fishermen, places the fishermen who do not spend the night away from home and those who do on an equal footing from a taxation point of view.
- (12) The aim of the notified scheme is to create neutral conditions for competition between Swedish and Danish and Norwegian fishermen and to offset the imbalance between those fishermen who can benefit from this tax deduction and those who cannot.
- (13) In addition, the administrative burden on the fisherman as well as on the taxation authorities will be reduced, as a deduction made with a certain percentage based on income is thought to be easier to manage and to verify than a deduction which is made on the basis of the number of fishing days.
- (14) The effect of the new scheme will be to enable coastal and lacustrine fishermen to benefit from the system of tax deductions, which they cannot do at present. The new scheme thus benefits these fishermen, without there being any presumption of the fishermen having stayed away from home overnight (and possibly incurred expenses), as the only condition for payment is that the fishermen must have a licence to fish professionally.
- (15) As is the case under the present scheme applicable to all sectors, fishermen who make use of the notified scheme would not be able to make use of other tax deductions for increased cost of living.
- (16) The reduction in each fisherman's tax burden is changed from the SEK 95 per day applicable under the current scheme. It will be calculated on the basis of a percentage of income and may not exceed SEK 40 000 (EUR 4 444) per year. Furthermore, the deduction may not exceed 20 % of the yearly income. For example, this means that the deduction will amount to SEK 20 000 (EUR 2 222) for a yearly income of SEK 100 000 (EUR 11 111) and that the maximum deduction can only be made where the yearly income is SEK 200 000 (EUR 22 222) or more.
- (17) By letter of 4 October 2002 the Commission asked the Swedish authorities if they could provide an estimate of how many of the 2 000 professional fishermen who will be eligible to benefit from the Bill's provisions will be able to benefit from the maximum deduction of SEK 40 000, i.e. fishermen who have a yearly income of at least SEK 200 000.

- (18) By letter of 19 December 2002 the Swedish authorities replied that there are no available statistics on the income of professional fishermen derived just from fishing activity, so an answer to this specific question could not be provided.

Budget

- (19) According to the data provided in the notifications, if the notified scheme were to be applied it would result in a loss to the Swedish Exchequer of SEK 34 400 000 (EUR 3 822 222) per year, that is SEK 18 200 000 (EUR 2 022 222) in national social contributions foregone and a reduction of SEK 16 200 000 (EUR 1 800 000) in the regional tax revenue of each region concerned.
- (20) There are approximately 3 000 professional licensed fishermen in Sweden and of these approximately 2 000 are currently operating. At the time of opening of the formal investigation the Swedish authorities did not have available data which showed how many of the 2 000 operating licensed fishermen undertook fishing trips which involve spending the night away from home. It was therefore not possible to estimate how many fishermen were currently able to take advantage of the existing tax benefits for fishermen.

III.

GROUND FOR OPENING THE FORMAL INVESTIGATION PROCEDURE

- (21) The Commission considered that the existing system of tax deductions applied equally to all sectors of the economy and thus was not a selective advantage for the fisheries sector but a general measure. By allowing the tax deduction without requiring an overnight absence from home by fishermen, the Commission considered that the system would provide a selective advantage for the fisheries sector which was not available to other sectors. This advantage seemed to be granted without imposing any obligation on the part of the recipients. The measures therefore appeared to be intended to improve the situation of undertakings, to increase their business liquidity and to have the effect of improving the recipient's income and thus, as operating aid, were incompatible with the common market.

IV.

COMMENTS FROM THE SWEDISH AUTHORITIES

- (22) According to the Swedish authorities the measure has been proposed in order to offset the imbalance between those fishermen who may benefit from the present tax deduction system (i.e. who spend the night away from home) and those who may not (coastal/la-

custrian fishermen), and to bring the applicable tax regime into line with neighbouring states.

- (23) The Swedish authorities estimate that, of the 2 000 currently operating licensed fishermen, 1 500 currently undertake fishing trips which involve spending the night away from home and therefore 500 fishermen who do not currently receive tax deductions will benefit from the proposed scheme.
- (24) The fishermen can under the present system deduct a fixed amount for meals and small expenses and accommodation. As stated above, the Swedish authorities argue that many professional fishermen in Sweden undertake long fishing trips, which under the present tax deduction system results in a great number of cases for the tax authorities concerning deductions for increased cost of living in connection with fishing trips.
- (25) The Swedish authorities maintain that the scheme should be allowed because it equalises the tax position between professional fishermen who spend the night away from home and those who do not, in that they have similar costs and it is therefore reasonable to treat the two groups in the same way in relation to taxation.
- (26) The Swedish authorities also argue that the special nature of the requirements of professional fishermen justify the special tax provision, and that, as the fishermen generally operate on a small scale, simplifying the deductions will make administration easier for both the tax authorities and the fishermen themselves. The Swedish authorities therefore maintain that the proposed regulation is necessary to the effectiveness of the Swedish tax system and justified by the nature or general scheme of the Swedish tax system.
- (27) With regard to the budget, the Swedish authorities finally argue that the calculation of the loss for the Swedish Exchequer is incorrect and that the effect should be considered marginal. They state that the existing scheme results in a shortfall of SEK 41 100 000 (EUR 4 566 667) and that if all professional fishermen were to make use of the new notified scheme the tax shortfall would only amount to SEK 34 300 000 (EUR 3 811 111). Furthermore, as the scheme would be to the disadvantage of some of the fishermen who currently make use of the present rules, it is believed that around 500 fishermen would not make use of the next scheme and would continue to apply the existing rules.

- (28) On that basis the Swedish authorities have calculated that the impact on public finances for 2005 would be calculated at SEK 49 700 000 (EUR 5 522 222), equivalent to SEK 41 100 000 (EUR 4 566 667) in deductions under the existing scheme and SEK 8 600 000 (EUR 955 556) in deductions under the proposed scheme.

V.

ASSESSMENT**A. Existence of State aid**

- (29) In order for there to be a State aid the measure must first confer on recipients an advantage which relieves them of charges that are normally borne from their budgets. The advantage may be provided through a reduction in the tax burden in various ways, including a reduction in the tax base, which is the case with the present notified scheme.
- (30) Secondly, the advantage must be granted by the State or through State resources. A loss of tax revenue is equivalent to consumption of State resources in the form of fiscal expenditure. This is also the case with the present notified scheme.
- (31) Thirdly, the measure must affect trade between Member States and distort or threaten to distort competition. By favouring a certain sector, aid in any form distorts or threatens to distort competition. The trade between Member States is affected when the sector concerned carries on an economic activity involving trade between those States, which is the case for the fisheries sector.
- (32) The fact that a measure brings charges in the relevant sector more into line with those of its competitors in other Member States does not alter the fact that it is an aid ⁽¹⁾.
- (33) Lastly, the measure must be specific or selective in that it favours certain undertakings or the production of certain goods. However, the selective nature of a measure may be justified by the nature or general scheme of the system. However, it is up to the Member State to provide such justification.
- (34) Firstly, it needs to be made clear that the existing system of tax deductions is applied equally to all sectors of the economy. It is thus not a selective advantage for the fisheries sector, and therefore not a State aid, but a general measure.
- (35) By allowing the tax deduction without requiring an overnight absence from home by fishermen, the notified scheme would provide a selective advantage to the fisheries sector which is not available to other sectors and therefore the scheme constitutes State aid.

B. Compatibility with the common market*Article 87 of the EC Treaty*

- (36) As the notified measure constitutes State aid, it is necessary to determine if such aid is compatible with the common market under the exceptions laid down in Article 87(2) and 87(3).
- (37) None of the exceptions under Article 87(2) EC can be applied in this case, as the reform of the tax system is not aimed at the objectives listed in those provisions.
- (38) Similarly, the exceptions under Article 87(3)(a), (b) or (d) EC do not apply because the aid is not directed at a region where the standard of living is abnormally low or where there is serious underemployment. It is not intended to promote the execution of an important project of common European interest or to remedy a serious disturbance in the economy of Sweden, nor is it intended to promote culture or heritage conservation.
- (39) It is also necessary to examine the measure in the light of the Guidelines for the examination of State aid to fisheries and aquaculture ⁽²⁾. According to point 1(2) of these Guidelines, State aid which is granted without imposing any obligation on the part of the recipients and which is intended to improve the situation of undertakings and increase their business liquidity and which has the effect of improving the recipient's income is, as operating aid, incompatible with the common market.

⁽¹⁾ Case 173/73 *Italy v Commission* [1974] ECR 709, paragraph 17.

⁽²⁾ OJ C 19, 20.1.2001, p. 7.

(40) For the purposes of establishing compatibility with the common market, the Court of Justice has established that the Commission is bound by the guidelines and notices that it issues in the area of supervision of State aid where they do not depart from the rules in the Treaty and are accepted by the Member States⁽¹⁾. Secondly, under Article 253 EC, the Commission must give reasons for its decisions, including decisions refusing to declare aid compatible with the common market under Article 92(3)(c) of the Treaty⁽²⁾. Since Sweden has provided further arguments, the Commission will examine those arguments, in accordance with its obligations under Article 10 of the EC Treaty, in its assessment of the compatibility of the scheme.

Equality in terms of taxation

(41) According to the Swedish authorities the scheme has been proposed to offset the imbalance between those fishermen who may have access to the present tax deduction (i.e. who spend the night away from home) and those who may not (coastal/lacustrian fishermen). Under the scheme the fishermen who spend the night away from home and those who do not will be placed on an equal footing from a taxation point of view. For other sectors the existing rules for the tax for increased cost of living remain the same.

(42) The Swedish authorities consider that fishermen who do not spend the night away from home on their fishing trips do not, generally speaking, have lower costs than those professional fishermen who undertake longer fishing trips involving an overnight stay. Therefore the authorities consider that it is reasonable to treat these two groups of fishermen equally in terms of taxation.

(43) In spite of this being one of the main arguments for the notified scheme, the Swedish authorities were only able to provide a rough estimate of how many of the 2 000 operating licensed fishermen undertake fishing trips which involve spending the night away from home. And more importantly they are unable to provide any data on what kind of costs are involved which would allow a comparison to be made between the costs involved for the two groups of fishermen.

(44) Without data showing that both groups of professional fishermen do in fact incur the same costs, whether or not

their trips include an overnight stay, the proposed system must be considered to adversely affect trading conditions within the Swedish fisheries sector and thus to be incompatible with 87(3)(c) of the EC Treaty.

(45) The argument that the new system would create a neutral competitive situation for Swedish fishermen in relation to Danish and Norwegian fishermen is in this respect irrelevant as the scheme in itself adversely affects trading conditions within the Swedish fisheries sector.

(46) The Swedish authorities' argument that many professional fishermen in Sweden undertake long fishing trips in part because Sweden is a geographically long country with long coastlines both to the North Sea and especially to the Baltic Sea cannot be considered to support the argument that the system offsets the imbalance between sea and lacustrian fishermen as regards access to the tax deduction system. On the contrary, this aspect shows that there is a significant difference in fishing activities between the two groups of fishermen which would justify difference in treatment under the tax regime.

Better use of administrative resources

(47) Finally, the Swedish authorities state that the proposed tax deduction system will provide a better use of administrative resources as it will no longer be necessary to calculate the deductions on the basis of a calculation of the total number of fishing days, but by applying a yearly lump sum calculated on the annual income derived from fishing.

(48) It might indeed be expected that the system involving a lump sum amount for the year will provide a better use of administrative resources than a lump sum amount calculated per day. However, there are no specific rules in place for professional fishermen as regards accounting and bookkeeping and the Swedish authorities have not been able to provide statistics on the income of professional fishermen derived from just fishing. In view of the fact that most fishermen have income from more than one professional activity, it should therefore be considered that the lump sum amount for the year, based on the annual income derived from fisheries, is difficult to establish. In particular, as the number of fishing days is registered in line with the provisions under the Common Fisheries Policy and thus easily accessible, the Commission fails to see the advantage of changing the system to a calculation based on the yearly income.

⁽¹⁾ Case C 313/90 *Comité international de la rayonne et des fibres synthétiques v Commission* [1993] ECR I-1125.

⁽²⁾ Case C 482/99 *France v Commission* [2003] ECR I-1487.

- (49) Furthermore, in the letter of 9 November 2004 the Swedish authorities suggest that for around 1 500 fishermen it might remain more advantageous to apply for deductions of actual costs, as pointed out in point 10. Thus, the new scheme will most likely only be applied to the 500 fishermen who are not entitled to receive these deductions under the existing scheme. Therefore, even though the system applied might be more efficient, it would amount to an increase in overall administrative burden compared to the current situation where such a deduction is not applied for those fishermen.

Conclusion

- (50) With regard to the foregoing the Commission considers the scheme to be State aid incompatible with Article 87 of the EC Treaty.

VI.

CONCLUSION

- (51) In the light of the assessment made in Paragraph IV, the Commission considers that this aid scheme is incompatible with the common market to the extent that it provides certain tax deductions for the increased cost of

living to professional fishermen regardless of whether their fishing activities include nights away from home.

HAS ADOPTED THIS DECISION:

Article 1

The draft Bill amending the Income Tax Act (1999:1229) 'Tax deductions for professional fishermen' as proposed by Sweden, is incompatible with the common market.

Sweden may not implement the aid scheme referred to in the first paragraph.

Article 2

This Decision is addressed to the Kingdom of Sweden.

Done at Brussels, 8 February 2006.

For the Commission

Joe BORG

Member of the Commission

COMMISSION DECISION**of 4 April 2006****amending Decision 92/452/EEC as regards certain embryo collection and production teams in the United States of America***(notified under document number C(2006) 1248)***(Text with EEA relevance)****(2006/270/EC)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 89/556/EEC of 25 September 1989 on animal health conditions governing intra-Community trade in and importation from third countries of embryos of domestic animals of the bovine species ⁽¹⁾, and in particular Article 8 (1) thereof,

Whereas:

- (1) Commission Decision 92/452/EEC of 30 July 1992 establishing lists of embryo collection teams and embryo production teams approved in third countries for export of bovine embryos to the Community ⁽²⁾ provides that Member States are only to import embryos from third countries where they have been collected, processed and stored by embryo collection teams listed in that Decision.
- (2) The United States of America have requested that amendments be made to the entries for that country on those lists as regards certain embryo collection and production teams.
- (3) The United States of America have provided guarantees regarding compliance with the appropriate rules set out in Directive 89/556/EEC and the embryo collection teams concerned have been officially approved for exports to the Community by the veterinary services of that country.

(4) Decision 92/452/EEC should therefore be amended accordingly.

(5) 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

The Annex to Decision 92/452/EEC is amended in accordance with the Annex to this Decision.

Article 2

This Decision shall apply from 10 April 2006.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 4 April 2006.

For the Commission
Markos KYPRIANOU
Member of the Commission

⁽¹⁾ OJ L 302, 19.10.1989, p. 1. Directive as last amended by Decision 2006/60/EC (OJ L 31, 3.2.2006, p. 24).

⁽²⁾ OJ L 250, 29.8.1992, p. 40. Decision as last amended by Decision 2006/85/EC (OJ L 40, 11.2.2006, p. 24).

ANNEX

The Annex to Decision 92/452/EEC is amended as follows:

(a) the following row for United States of America embryo collection teams is deleted:

'US		98ID103 E1127		Pat Richards, DVM 1215 F 2000 S Bliss, ID	Dr Pat Richards'
-----	--	------------------	--	---	------------------

(b) the following row for United States of America is inserted:

'US		05IA120 E608	05IA120 IVF	Trans Ova Genetics 2938 380 th St Sioux Center, IA 51250	Dr Jon Schmidt'
-----	--	-----------------	----------------	--	-----------------

(c) the row for United States of America embryo collection team No 91IA029 is replaced by the following:

'US		91IA029 E544		Westwood Embryo Services 1760 Dakota Ave Waverly, IA 50677	Dr James West'
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(d) the row for United States of America embryo collection team No 96CO084 is replaced by the following:

'US		96CO084 E964		Genetics West 17890 Weld County Road 5 Berthoud, CO 80513	Dr Thomas L. Rea'
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COMMISSION DECISION**of 5 April 2006****amending Decision 2002/613/EC as regards the approved porcine semen collection centres of Canada***(notified under document number C(2006) 1258)***(Text with EEA relevance)****(2006/271/EC)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/429/EEC of 26 June 1990 laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the porcine species⁽¹⁾ and in particular Article 8(1) thereof,

Whereas:

- (1) Commission Decision 2002/613/EC of 19 July 2002 laying down the importation conditions of semen of domestic animals of the porcine species⁽²⁾ establishes a list of third countries, including Canada, from which Member States are to authorise the importation of semen of domestic animals of the porcine species.
- (2) Canada has requested that an amendment be made to the list of semen collection centres approved under Decision 2002/613/EC as regards entries for that country.
- (3) Canada has provided guarantees regarding compliance with the appropriate rules set out in Directive 90/429/EEC and the new centre to be added to the list has been officially approved for exports to the Community by the veterinary services of that country.

(4) Decision 2002/613/EC should therefore be amended accordingly.

(5) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

Annex V to Decision 2002/613/EC is amended in accordance with the Annex to this Decision.

Article 2

This Decision shall apply from 10 April 2006.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 5 April 2006.

For the Commission

Markos KYPRIANOU

Member of the Commission

⁽¹⁾ OJ L 224, 18.8.1990, p. 62. Directive as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

⁽²⁾ OJ L 196, 25.7.2002, p. 45. Decision as last amended by Decision 2004/456/EC (OJ L 156, 30.4.2004, p. 49, corrected by OJ L 202, 7.6.2004, p. 33).

ANNEX

In Annex V to Decision 2002/613/EC, the following row is added to the list for Canada:

'CA	4-AI-29	CIA des Castors 317 Rang Ile aux Castors Ile Dupas Québec J0K 2P0'
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COMMISSION DECISION
of 5 April 2006
amending Decision 2004/453/EC as regards Sweden and the United Kingdom

(notified under document number C(2006) 1259)

(Text with EEA relevance)

(2006/272/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

disease-free status for IPN, laid down in Annex I to that Decision. The continental parts of the territory, however, remain disease-free.

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/67/EEC of 28 January 1991 concerning the animal health conditions governing the placing on the market of aquaculture animals and products ⁽¹⁾, and in particular Article 12(3), and Article 13(3) thereof,

- (4) Those two outbreaks should not prevent Sweden from maintaining its IPN programme in its coastal areas and introducing eradication measures if IPN is diagnosed in farmed or wild fish, in accordance with the programme submitted to the Commission before the adoption of Decision 2004/453/EC.

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market ⁽²⁾, and in particular Article 10 thereof,

- (5) Decision 2004/453/EC requires targeted surveillance to be maintained in the areas declared free from disease in Member States where only parts of the territory are declared disease-free. When adopted, this requirement did not anticipate the special situation where Ireland and Northern Ireland were declared free from the same disease or diseases, while parts of the United Kingdom were not declared free from those diseases.

Whereas:

- (1) Additional guarantees for certain fish diseases were laid down by Commission Decision 2004/453/EC of 29 April 2004 implementing Council Directive 91/67/EEC as regards measures against certain diseases in aquaculture animals ⁽³⁾.
- (2) The whole territory of Sweden was declared free from infectious pancreatic necrosis (IPN), based on the requirements laid down in Annex I to Decision 2004/453/EC.
- (3) Since the adoption of Decision 2004/453/EC, Sweden has notified outbreaks of IPN in coastal areas. One outbreak has been reported in wild fish. Another outbreak has been reported in farmed fish where, according to the epidemiological report, the most likely source of infection is wild fish. Consequently, the coastal areas of Sweden no longer meet the requirements for

- (6) It is appropriate to allow the United Kingdom to discontinue targeted surveillance for certain diseases for which Northern Ireland is declared free, provided Ireland is also declared free from the same diseases.
- (7) Decision 2004/453/EC should therefore be amended accordingly.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee for the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

Annexes I, II and V to Decision 2004/453/EC are amended as follows:

⁽¹⁾ OJ L 46, 19.2.1991, p. 1. Directive as last amended by Regulation 806/2003 (OJ L 122, 16.5.2003 p. 1).

⁽²⁾ OJ L 224, 18.8.1990, p. 29. Directive as last amended by Directive 2002/33/EC of the European Parliament and of the Council (OJ L 315, 19.11.2002, p. 14).

⁽³⁾ OJ L 156, 30.4.2004, p. 5; corrected version in OJ L 202, 7.6.2004, p. 4.

1. In Annex I, Chapter II is replaced by the text in Annex I to this Decision.

2. In Annex II, Chapter II is replaced by the text in Annex II to this Decision.

whole territory of Ireland is declared free from the same diseases in accordance with Annex I, Chapter II.'

3. In Annex V, Point A.5 is replaced by the following:

Article 2

'5. In Member States where only parts of the territory are declared free according to Annex I, Chapter II (rather than the whole territory), targeted surveillance must be maintained in accordance with the provisions of Annex II, Chapter I.4 in the areas declared free.

This Decision is addressed to the Member States.

Done at Brussels, 5 April 2006.

However, the United Kingdom may discontinue targeted surveillance in Northern Ireland for those diseases for which Northern Ireland is declared free, provided the

For the Commission
Markos KYPRIANOU
Member of the Commission

ANNEX I

CHAPTER II

Territories with approved freedom of certain diseases referred to in Column 1, List III of Annex A to Council Directive 91/67/EEC

Disease	Member State	Territory or parts of territory
Spring viraemia of carp (SVC)	Denmark	Whole territory
	Finland	Whole territory; the water catchment area of the Vuoksi should be considered as a buffer zone
	Ireland	Whole territory
	Sweden	Whole territory
	United Kingdom	The territories of Northern Ireland, the Isle of Man, Jersey and Guernsey
Bacterial kidney disease (BKD)	Ireland	Whole territory
	United Kingdom	The territories of Northern Ireland, the Isle of Man and Jersey
Infectious pancreatic necrosis virus (IPN)	Finland	The continental parts of the territory; the water catchment areas of the Vuoksi and the Kemijoki should be considered as buffer zones
	Sweden	The continental parts of the territory
	United Kingdom	The territory of the Isle of Man
Infection with <i>Gyrodactylus salaris</i>	Finland	The water catchment areas of the Tenojoki and Näämönjoki; the water catchment areas of the Paatsjoki, Luttojoki, and Uutuanjoki are considered as buffer zones
	Ireland	The whole territory
	United Kingdom	The territories of Great Britain, Northern Ireland, the Isle of Man, Jersey and Guernsey'

ANNEX II

CHAPTER II

**Territories with approved control and eradication programmes of certain diseases referred to in Column 1,
List III of Annex A to Council Directive 91/67/EEC**

Disease	Member State	Territory or parts of territory
Spring viraemia of carp	United Kingdom	The territories of Great Britain
Bacterial kidney disease	Finland	The continental parts of the territory
	Sweden	The continental parts of the territory
	United Kingdom	The territories of Great Britain
Infectious pancreatic necrosis	Sweden	The coastal parts of the territory'

COMMISSION DECISION
of 6 April 2006
amending Decision 2005/393/EC as regards the restricted zones in relation to bluetongue in Spain
(notified under document number C(2006) 1262)
(Text with EEA relevance)
(2006/273/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2000/75/EC of 20 November 2000 laying down specific provisions for the control and eradication of bluetongue ⁽¹⁾, and in particular Article 8(3)(c) and the third paragraph of Article 19 thereof,

Whereas:

- (1) Directive 2000/75/EC lays down control rules and measures to combat bluetongue in the Community, including the establishment of protection and surveillance zones and a ban on animals leaving those zones.
- (2) Commission Decision 2005/393/EC of 23 May 2005 on protection and surveillance zones in relation to bluetongue and conditions applying to movements from or through these zones ⁽²⁾ provides for the demarcation of the global geographic areas where protection and surveillance zones (the restricted zones) are to be established by the Member States in relation to bluetongue.
- (3) Spain has informed the Commission that no virus has circulated in the Balearic Islands for more than two years.
- (4) Consequently, that geographic area should be considered free of bluetongue and, on the basis of the substantiated request submitted by Spain, deleted from the areas listed for restricted zones.
- (5) Decision 2005/393/EC should therefore be amended accordingly.

- (6) 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

In Annex I to Decision 2005/393/EC, in the part for Zone C,

‘Spain

Islas Baleares (where serotype 16 is absent),

is deleted.

Article 2

This Decision shall apply from the day following that of its publication in the *Official Journal of the European Union*.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 6 April 2006.

For the Commission
Markos KYPRIANOU
Member of the Commission

⁽¹⁾ OJ L 327, 22.12.2000, p. 74.

⁽²⁾ OJ L 130, 24.5.2005, p. 22. Decision as last amended by Decision 2006/828/EC (OJ L 311, 26.11.2005, p. 37).

COMMISSION DECISION**of 6 April 2006****concerning certain protection measures relating to classical swine fever in Germany and repealing
Decision 2006/254/EC***(notified under document number C(2006) 1556)***(Text with EEA relevance)****(2006/274/EC)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the porcine species ⁽⁵⁾.

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market ⁽¹⁾, and in particular Article 10(4) thereof,(6) The animal health conditions and certification requirements for trade in porcine ova and embryos are laid down in Commission Decision 95/483/EC of 9 November 1995 determining the specimen certificate for intra-Community trade in ova and embryos of swine ⁽⁶⁾.

Whereas:

(1) Outbreaks of classical swine fever have occurred in Germany.

(2) In view of the trade in live pigs and certain pig products, those outbreaks are liable to endanger the herds of other Members States.

(3) Commission Decision 2006/254/EC of 28 March 2006 concerning certain interim protection measures relating to Classical Swine Fever in Germany ⁽²⁾ was therefore adopted in order to reinforce the measures taken by Germany pursuant to Council Directive 2001/89/EC of 23 October 2001 on Community measures for the control of classical swine fever ⁽³⁾.(4) The animal health conditions and the certification requirements for trade in live pigs are laid down in Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine ⁽⁴⁾.

(5) The animal health conditions and certification requirements for trade in porcine semen are laid down in Council Directive 90/429/EEC of 26 June 1990 laying

(7) Commission Decision 2002/106/EC of 1 February 2002 approving a Diagnostic Manual establishing diagnostic procedures, sampling methods and criteria for evaluation of the laboratory tests for the confirmation of classical swine fever ⁽⁷⁾ provides for risk adapted surveillance protocols.

(8) Based on the information provided by Germany it is appropriate to maintain protective measures relating to classical swine fever in Germany for a period sufficient to complete the necessary investigations.

(9) It is also necessary to extent the measures so as to minimise contacts to and between pig holdings in certain parts of Germany and to require a regional limitation of certain services related to pigs so as to prevent spread of disease.

(10) Decision 2006/254/EC should be repealed.

(11) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

⁽¹⁾ OJ L 224, 18.8.1990, p. 29. Directive as last amended by Directive 2002/33/EC of the European Parliament and of the Council (OJ L 315, 19.11.2002, p. 14).⁽²⁾ OJ L 91, 29.3.2006, p. 61.⁽³⁾ OJ L 316, 1.12.2001, p. 5. Directive as amended by the 2003 Act of Accession.⁽⁴⁾ OJ L 121, 29.7.1964, p. 1977/64. Directive as last amended by Regulation (EC) No 1/2005 (OJ L 3, 5.1.2005, p. 1).⁽⁵⁾ OJ L 224, 18.8.1990, p. 62. Directive as last amended by Council Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).⁽⁶⁾ OJ L 275, 18.11.1995, p. 30.⁽⁷⁾ OJ L 39, 9.2.2002, p. 71.

HAS ADOPTED THIS DECISION:

Article 1

1. Germany shall ensure that no pigs are dispatched from its territory to other Member States and to third countries.

2. By derogation from paragraph 1, Germany may authorise the direct transport of slaughter pigs to a slaughterhouse outside Germany for immediate slaughter, provided that the pigs have been resident for at least 60 days, or since birth if less than 60 days of age, on a single holding which

(a) is situated outside the areas listed in Annex I, and

(b) has not received live pigs during the 60-day period immediately prior to the date of dispatch of the pigs,

(c) on which the examinations in accordance with Chapter IV (D) (3) of Decision 2002/106/EC have been completed with negative results.

3. The competent veterinary authority of Germany shall ensure that the notification of the dispatch of pigs to other Member States is communicated to the central and local veterinary authorities of the Member State of destination and any Member State of transit at least three days before the date of dispatch.

Article 2

1. Without prejudice to the measures provided for in Directive 2001/89/EC, and in particular Articles 9, 10 and 11 thereof, Germany shall ensure that

(a) no pigs are transported from and to holdings situated within the areas listed in Annex I;

(b) transport of pigs for slaughter coming from holdings situated outside the area listed in Annex I to slaughterhouses located within those areas and transit of pigs through those areas is only allowed:

(i) via major roads or railways; and

(ii) in accordance with the detailed instructions provided for by the competent authority to prevent the pigs in question coming into direct or indirect contact with other pigs during transport.

2. By way of derogation from paragraph 1(a) and not earlier than 10 days after coming into force of this Decision the competent authority may authorise the transport of pigs from a holding situated within the areas listed in Annex I:

(a) directly to a slaughterhouse situated within those areas; or

(b) in exceptional cases, to designated slaughterhouses in Germany located outside those areas, for immediate slaughter, provided the pigs are dispatched from a holding on which the examinations in accordance with Chapter IV (D) (3) of Decision 2002/106/EC have been completed with negative results.

Article 3

Germany shall ensure that no consignments of the following commodities are dispatched to other Member States and to third countries:

(a) porcine semen, unless the semen originates from boars kept at a collection centre referred to in Article 3(a) of Directive 90/429/EEC and situated outside the areas listed in Annex I;

(b) ova and embryos of swine, unless the ova and embryos originate from swine kept at a holding situated outside the areas listed in Annex I.

Article 4

Germany shall ensure that the health certificate provided for in:

(a) Directive 64/432/EEC accompanying pigs dispatched from Germany must be completed by the following:

‘Animals in accordance with Commission Decision 2006/274/EC of 6 April 2006 concerning certain protection measures relating to classical swine fever in Germany’.

(b) Directive 90/429/EEC accompanying semen from boars dispatched from Germany must be completed by the following:

‘Semen in accordance with Commission Decision 2006/274/EC of 6 April 2006 concerning certain protection measures relating to classical swine fever in Germany’.

(c) Decision 95/483/EC accompanying ova and embryos of swine dispatched from Germany must be completed by the following:

‘Ova/Embryos (*delete as appropriate*) in accordance with Commission Decision 2006/274/EC of 6 April 2006 concerning certain protection measures relating to classical swine fever in Germany’.

Article 5

Germany shall ensure that:

1. within the areas listed in Annex I risk based zones are defined by the competent authorities and that at least the services provided by persons in direct contact to pigs or requiring entering the housing areas for pigs and the use of vehicles for transport of feed, manure or dead animals to and from pig holdings situated in the areas listed in Annex I are limited to those compartments and are not shared with other parts of the Community, unless after thorough cleansing and disinfection of the vehicles, equipment and any other fomite and a minimum absence of any contact to pigs or pig holdings of at least 3 days;
2. in the areas listed in Annex I surveillance measures are carried out in accordance with the principles set up in Annex II;
3. preventive disease control measures are applied as necessary, in accordance with Article 4 (3) (a) of Council Directive 2001/89/EC;
4. an appropriate information campaign is addressed to pig farmers.

Article 6

1. Member States shall not send pigs to slaughterhouses in the areas listed in Annex I.
2. Member States shall ensure that:
 - (a) vehicles which have been used for the transport of pigs in Germany or have entered a holding where pigs are kept in

Germany are cleaned and disinfected twice after each operation; and suspended from transport of pigs for not less than 3 days;

- (b) the transporters furnish proof to the competent authority of such disinfection.

Article 7

The Member States shall amend the measures they apply to trade so as to bring them into compliance with this Decision and they shall give immediate appropriate publicity to the measures adopted. They shall immediately inform the Commission thereof.

Article 8

This Decision shall apply until 15 May 2006.

Article 9

Decision 2006/254/EC is repealed.

Article 10

This Decision is addressed to the Member States.

Done at Brussels, 6 April 2006.

For the Commission

Markos KYPRIANOU

Member of the Commission

ANNEX I

Areas in Germany referred to in Articles 1, 2, 3, 5 and 6:

The whole of the territory of North Rhine-Westfalia.

ANNEX II

In accordance with Article 5(2), Germany shall ensure that in the areas listed in Annex I the following surveillance measures are implemented:

- (a) any case of a contagious disease in pig holdings for which a treatment with antibiotic or other antibacterial drugs is indicated, shall be reported to the competent veterinary authorities without delay and before treatment is commenced,
 - (b) in the pig holdings referred to in (a), the clinical examinations and sampling procedures laid down in Chapter IV (A) of the Annex to Commission Decision 2002/106/EC are carried out by a veterinarian without delay.
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